

SEPTEMBER 2022

PLANNING JUSTIFICATION REPORT

OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT
789 - 795 BRANT STREET, BURLINGTON

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE



Date:
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ABBREVIATIONS

BUD	Burlington Urban Design Advisory Panel
FSR	Functional Servicing Report
MTSA	Major Transit Station Area
LOS	Level of Service
OP	Official Plan
OPA	Official Plan Amendment
PJR	Planning Justification Report
PPS	Provincial Policy Statement (2020)
ROP	Halton Region Official Plan
ROW	Right-of-way
SWM	Stormwater Management
TDM	Transportation Demand Management
TIS	Traffic Impact Study
UDB	Urban Design Brief
uph	Units per hectare
ZBA	Zoning By-law Amendment

EXECUTIVE SUMMARY

This Planning Justification Report ('PJR'), and the accompanying technical reports, support the proposed amendments to the City of Burlington's Official Plan and Zoning By-law for the redevelopment of 785-795 Brant Street in the City of Burlington (the "Subject Lands"). The proposed development includes a high rise mixed use building with a height of 31 storeys. The development includes a total of 356 new residential units and 485 square metres of retail at grade.

In considering proposed redevelopment in any area, careful consideration must be given to the existing and evolving physical context of the area, the policy and regulatory framework that directs and guides development, as well as planning principles which encompass social, economic and environmental objectives.

This PJR provides a description of the proposal, the existing and evolving surrounding physical context, a summary of the supporting studies, and a comprehensive planning analysis of the applicable policy and regulator framework.

The Subject Lands are situated on the southeast corner of the intersection of Brant Street and Prospect Street. The Subject Lands include two land parcels having a total area of approximately 0.22 hectares (0.55 acres). The immediate area consists of retail/commercial, employment and residential uses along Brant Street and Prospect Street.

The Subject Lands are designated 'Mixed Use Activity Areas', specifically 'Mixed Use Corridor – General' and as part of 'Downtown Urban Growth Centre Boundary' and within the defined Burlington GO Major Transit Station Area (MTSA) in the City of Burlington Official Plan. The Subject Lands are zoned 'Mixed Use Corridor' (MXG) under the City of Burlington Zoning By-law. A detailed planning analysis of the provincial and municipal policy and regulatory framework, including applicable design guidelines, is provided in this report which supports and justifies the proposed development and proposed amendments to the Official Plan and Zoning By-law to facilitate the proposed development.

The proposal is supported by a series of plans and studies related to functional servicing, stormwater management, parking, urban design, noise/wind impacts, heritage impact assessment, and tree preservation. All of these studies have been undertaken in accordance with the City and Region's requirements and provide a full assessment and justification for the proposed development.

The proposed development represents an intensification of the Subject Lands within an MTSA as directed by the Growth Plan, delivering much needed housing to the area. The Burlington GO Station is within one kilometer of the Subject Lands, equivalent to a 12 minute walk or 4 minute drive.

Based on the physical context, planning policy and regulatory framework analysis, the proposed development and proposed Official Plan Amendment and Zoning By-law Amendment are consistent and conform to Provincial, Regional and City polices, represent good planning and are in the public interest.



Source: WestonWilliamson + Partners

1.0

INTRODUCTION

1.0 INTRODUCTION

MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") has been retained by Camarro Group (the "Applicant"), to assist with planning applications to redevelop the property municipally known as 789-798 Brant Street in the City of Burlington (the "Subject Lands").

This Planning Justification Report has been prepared in support of the proposed Official Plan and Zoning By-law Amendments to the City of Burlington Official Plan and Zoning By-law to facilitate the redevelopment and intensification of the Subject Lands with a mixed-use building with one residential tower with a height of 31 storeys, located on top of a seven storey podium. The proposed development has a total of 356 residential units and 485 square metres of retail/commercial space at grade.

This Planning Justification Report (PJR) provides the following:

- A general description of the Subject Lands and surrounding uses as well as the current physical conditions to provide an understanding of the locational context;
- A description of the proposed development and its design elements;
- A description of the proposed planning instruments to amend the Official Plan and Zoning By-law to implement the proposed development;
- A summary of the key technical reports prepared to support the proposal;
- A review of the existing and evolving policy and regulatory framework and an assessment of the proposed development's consistency and conformity with Provincial, Regional and City policies and regulations;
- An assessment of the redevelopment in terms of compatibility, benefits, and impacts; and
- A summary of key conclusions and recommendations related to the proposed development.

1.1 PRE-CONSULTATION

The required pre-consultation meeting to discuss the proposed development was held on March 24, 2021. City of Burlington, Halton Region and Conservation Halton staff were in attendance. A record of the pre-consultation minutes is attached to this report as **Appendix A**. A second pre-consultation meeting was required by the City and occurred on July 27, 2022 as the first pre-consultation meeting minutes expired. A record of the second pre-consultation meeting minutes is attached to this report as **Appendix B** .

The following reports and materials were identified as required for a 'complete application' and are included as part of this application submission:

1. Planning Justifiation Report, including the Draft Official Plan Amendment and Zoning By-law Amendment, prepared by MHBC dated September 2022;
2. Architectural Drawing Set prepared by RAW Design dated August 26, 2022;
3. Functional Servicing and Stormwater Management Report prepared by S. Llewellyn and Associated dated September 2022;
4. Grading and Servicing Plans prepared by S. Llewellyn and Associated dated September 9, 2022;
5. Tree Inventory and Preservation Plan prepared by MHBC dated September 2, 2022;
6. Arborist Report prepared by MHBC dated August 5, 2022;
7. Landscape Concept Plans prepared by MHBC dated September 2, 2022;
8. Traffic Impact Study prepared by Crozier Engineering dated September 2022;
9. Noise and Vibration Impact Study prepared by RWDI dated August 12, 2022;
10. Shadow Analysis prepared by RAW Design dated August 22, 2022;
11. Environmental Site Screening Checklist prepared by MHBC Planning dated September 2022;
12. Phase I Environmental Site Assessment prepared by B.I.G. Consulting dated July 12, 2021;
13. Phase II Environmental Site Assessment prepared by B.I.G. Consulting dated April 29, 2022;
14. Height Survey of Adjacent Buildings prepared by RAW Design dated September 12, 2022;
15. Pedestrian Wind Study prepared by RWDI dated August 18, 2022;
16. Urban Design Brief including the Urban Design Advisory Panel Meeting Minutes, prepared by MHBC dated September 2022;
17. Geotechnical Study (including Groundwater) prepared by B.I.G. Consulting dated July 29, 202;
18. Construction & Mobility Management Plan prepared by Lanhack Consultants dated September 2022;
19. Waste Management Plan prepared by RAW Design dated August 26, 2022;
20. Reference Plan and PIN Report;
21. 3D Model of Proposed Building(s) prepared by RAW Design dated September 12, 2022; and
22. Housing Impact Statement prepared by MHBC dated September 2022.

Together, these reports and studies provide for the comprehensive assessment and justification for the development of the Subject Lands. This Report provides justification for relevant planning policy and regulations applicable to the proposal in support of the Official Plan Amendments and Zoning By-law Amendment applications to permit the proposed redevelopment.

Source: WestonWilliamson + Partners





2.0

SITE DESCRIPTION AND SURROUNDING USES

2.1 SITE DESCRIPTION

The Subject Lands are located on the southeast corner of the intersection of Brant Street and Prospect Street and is addressed as 785-795 Brant Street. The Subject Lands are legally described as Part of Lot 85, City of Burlington. The Subject Lands include two parcels having a total area of approximately 0.22 hectares (0.55 acres). 795 Brant Street is approximately 0.13 hectares (0.33 acres) with a frontage of approximately 28.35 metres and a depth of approximately 76.7 metres. 789 Brant Street is approximately 0.089 hectares (0.22 acres) with a frontage of approximately 22.2 metres and a depth of approximately 43.1 metres.

The Subject Lands are currently accessed via Brant Street and Prospect Street. The Subject Lands are currently occupied by two-storey buildings that contain commercial units including, The Studio Hair Design at 795 Brant Street and Edward Jones Financial at 789 Brant Street. 795 Brant Street has access from Prospect Street with parking provided at the rear of the building. 789 Brant Street has access directly from Brant Street with parking also provided at the rear of the building. The Subject Lands are generally flat in nature with street trees located along the street frontages of both properties.

795 Brant Street, part of the Subject Lands, is listed under the City of Burlington's Municipal Heritage Register. The proposal will ensure appropriate commemoration of the 795 Brant Street building, as discussed in detail in the Heritage Impact Assessment.

A location map which identifies the Subject Lands within the context of the City of Burlington is included in this report as **Figure 1**.



Figure 1. Location Map of the Subject Lands

2.2 SURROUNDING USES

An aerial image showing the Subject Lands and the surrounding land uses is included in this report as **Figure 2**. The general surrounding context is described further in this section. The surrounding uses are also described as follows:

NORTH: Immediately to the north of the Subject Lands is a Medical office building. Further to the northeast across Fairview Street is the Burlington GO Station and surface parking lot.

EAST: To the east of the Subject Lands is a residential area with a mix of residential uses including high, medium and low density buildings. Residential uses to the immediate east include an eight storey apartment building, three storey apartment building, and duplex dwellings. Further east down Prospect Street is Optimist Park.

SOUTH: To the south of the Subject Lands is a one-storey retail commercial unit in a single-detached house along a mixed use corridor. Also to the south is Burlington Square Plaza which includes high density residential uses.

WEST: To the west of the Subject Lands is a mixed use corridor with retail commercial units and mixed use three storey buildings.

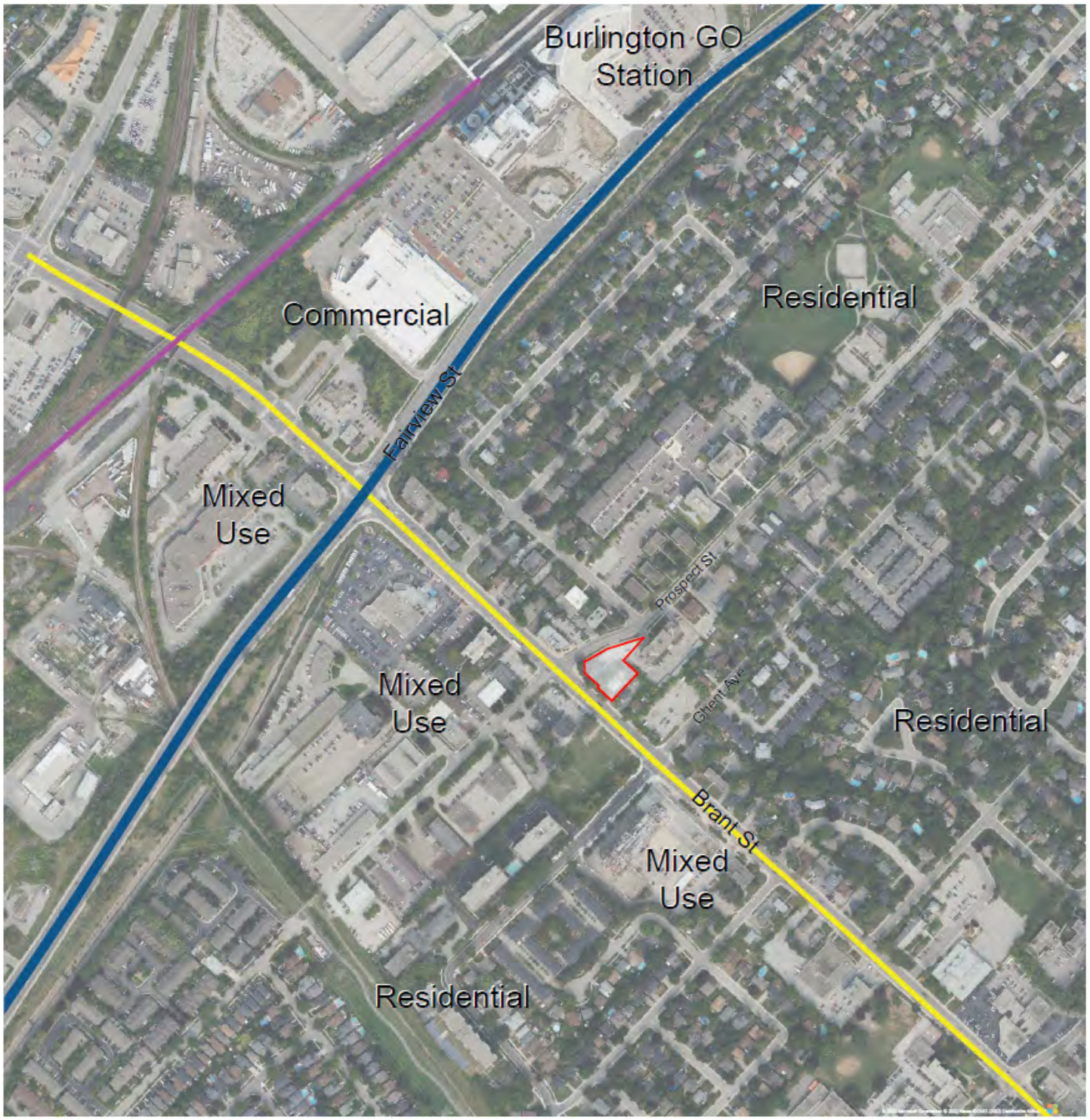


Figure 2. Surrounding Uses

Street View Images 1-8 provide further visual reference of the site and surrounding uses:



Image 1. North-east view of Subject Lands from Brant Street



Image 2. South-west view of Subject Lands from Prospect Street



Image 3. View of properties across from Subject Lands along Brant Street



Image 4. View of the surrounding properties along Cooke Boulevard to the north-west

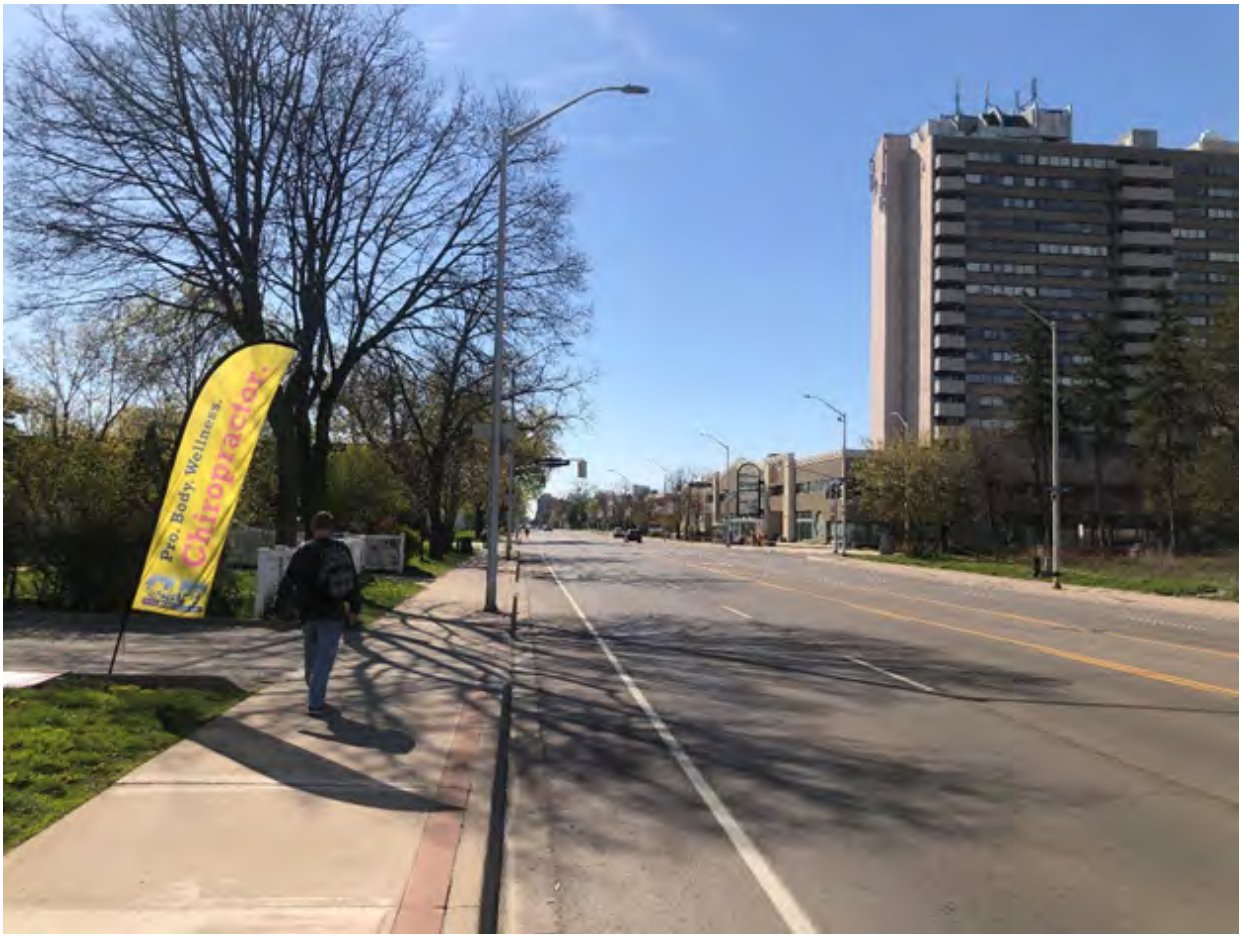


Image 5. Subject Lands to the south-east of Brant Street and Ghent Avenue intersection.



Image 6. Subject Lands to the east from Brant Street and Grahams Lane intersection.



Image 7. View of Prospect Street Apartments, east of Subject Lands



Image 8. View of Prospect Street, north-east of Subject Lands

2.3 NEIGHBOURHOOD CONTEXT

The Subject Lands are located within Downtown Burlington, in a predominantly mixed-use area that consists primarily of residential uses with retail commercial uses typically located within the podium (ground floor level) of buildings or in 1-2 storey standalone buildings. The Subject Lands are immediately surrounded by a mix of mid-rise and tall buildings situated along Prospect Street and Brant Street. Low-rise residential buildings and commercial/mixed use buildings are also situated in the surrounding area.

The Subject Lands are located within a 10 minute walk from Burlington Square Plaza, schools, and Optimist Park. The Subject Lands are located within a 12 minute walk from Burlington GO Station. The surrounding area amenities and services and their proximity to the Subject Lands are described in detail in Table 1. The Subject Lands are well located in relation to available services and facilities.

Table 1: Proximity to Nearby Destinations

Destination	Travel Distance (km)	Travel Time (minutes)*		
		Walk	Cycle	Car
Burlington Square Plaza	0.3	4	2	1
Optimist Park	0.5	6	2	2
Tom Thomson Public School	0.6	8	3	2
St. John Catholic Elementary School	0.6	8	3	2
Central Public School	0.9	12	4	3
Burlington Central High School	0.95	12	4	3
Wal-Mart Supercentre	1.0	10	4	4
Burlington GO Station (Fairview Street)	1.0	12	5	4
Halton Catholic District School Board	1.2	15	4	3
Wellington Park	1.3	15	5	3
Burlington City Hall	1.4	17	5	4
Knox Presbyterian Church	1.5	19	6	5
St. Luke's Anglican Church	1.8	21	6	5
Spencer Smith Park	2.1	26	8	5

*Note: Distances and times are approximate.

2.4 TRANSIT & TRANSPORTATION

The area surrounding the Subject Lands is well serviced by retail, food, commercial, and recreational activities, all accessible through various transit and transportation options.



Local Public Transit

The Subject Lands are directly serviced by existing bus Route 2 and 80. Route 2 has a current frequency of 20-30 minutes. The Subject Lands are within a 12-minute walk to the Burlington GO Station which provides connections to Routes 6, 10, 12, 50, 51, 52, 81, 87. Burlington GO provides additional connections to Hamilton via Hamilton Street Railway Route 1/101 and surrounding Greater Toronto Area Municipalities via the Lakeshore West GO Train Line (**Figure 3**).

Appendix A Schedule 1 - Long Term Transit Service Network of the in-force Official Plan identifies Primary Bus Service on Brant Street.

While not in full force and effect, Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors of the Council-adopted Official Plan identifies Brant Street as a Frequent Transit Corridor and MTSA Primary Connector.



Regional Public Transit

The Subject Lands are located 1.0 km from the Burlington GO Station located on Fairview Street. The Subject Lands are located within a 12-minute walk to the Burlington GO Station which connects to Aldershot GO Station to the west and Appleby GO Station to the east. The Burlington GO Station is on the Lakeshore West line providing service to Union Station in Toronto approximately every 30 minutes.



Road Network

From Lakeshore Road up until Fairview Street, Brant Street is classified as a Minor Arterial where the Subject Lands are located in the City of Burlington Official Plan (Schedule J - Classification of Transportation Facilities South of No. 1 Side Road). From Fairview Street until Highway 403 Brant Street is classified as a Multi-Purpose Arterial.



Cycling

There are bike lanes along Brant Street as identified on the Long Term Cycling Master Plan in the City of Burlington Official Plan (Appendix A – Schedule 2).



Pedestrian

Pedestrian infrastructure is provided in the surrounding area via sidewalks on both sides of the street along Brant Street and Prospect Street.

The Subject Lands are well serviced by various modes of transportation including transit.



Figure 3. Surrounding Transportation Context



2.5 SURROUNDING DEVELOPMENT APPLICATIONS

There are several active development applications with heights ranging from 6-27 storeys within close proximity to the Subject Lands that form part of the evolving built form context within the Downtown. **Figure 4** provides the location of the neighbouring developments on a map for reference. **Table 2** provides a detailed list of the development applications in and around the Subject Lands and their status.

Table 2: Surrounding Development Applications

#	Address/Applicant	Status	Description
1	Brant Street and Ghent Avenue Molinaro Group	- Review phase - Community meeting held. - Application for OPA and ZBA received - First application in 2020	Phase 1 – 774,778,782 Brant Street; • Two 25-storey residential mixed use buildings with 426 units and 420 square metres of retail space at grade Phase 2 – 769,779,783 Brant Street and 2023, 2027, 2031-2033 Ghent Avenue; • One 25-storey residential mixed use building with 316 units, 405 square metres of retail space at grade and 7 separate townhouse units Phase 3 – 747, 761 Brant Street; • A 6 –storey residential mixed use building with 108 units and 997 square metres of retail space at grade
2	535-551 Brant Street Renimmob Properties Lt.	- Appealed - First application in 2020	- 25-storey mixed use building - 248 residential units, including a mix of one, two and three bedroom units - Ground floor commercial
3	2030 Caroline Street, 510 Elizabeth Street, and 2025 Maria Street Carriage Gate	-Applications to amend the Zoning By-law was approved July 5, 2010. -Site Plan application approved October 3, 2016. - Currently under construction	- 8-storey office building adjacent to Caroline Street - 17-storey apartment building adjacent to Maria Street - 6-storey parking garage in the centre
4	421, 425, 427, 429, and 431 Brant Street 421 Brant Street Inc.	- Applications to amend the Official Plan and Zoning By-law approved - Under Construction - First application in 2017	- 27-storey (including a 1-storey rooftop amenity area) mixed-use building with 183 residential units, 1,327 square metres of office space and 966 square metres of commercial retail space - Commercial/retail units with front windows facing on to Brant Street and James Street
5	409 Brant Street Reserve Properties Ltd.	- Approved - Applications to amend the Official Plan and Zoning By-law approved	- 24 storey building, including 1 storey ground floor commercial, 22 stories of residential and a one storey roof top amenity area. - Five levels of underground parking - Commercial units facing onto Brant Street, James Street and John Street
6	2087-2103 Prospect Street Children's Financial Group Inc.	- Applications to amend the Official Plan and Zoning By-law. Approved	- Two blocks of stacked townhouses, each containing 25 rental housing units. - The two existing fourplex buildings (eight housing units) will be demolished. - The eight-storey apartment building will remain
7	2243, 2269 Fairview St. and 864 Drury Lane Fairview LP	-Site Plan Application - Currently under review by City of Burlington	- Seven (7) residential towers on top of four (4) mixed use podiums. - Overall heights ranging between 29 and 37 storeys. - A total of 2,494 residential units of mixed type and tenure. - 3993 m2 of commercial space.
8	2089 Fairview Street Molinaro Group	-Site Plan Application - Currently under review by City of Burlington	- Two (2), eighteen (18) storey residential towers with commercial uses at grade. - A total of 364 residential units - 1,744 m2 of commercial space. - Pedestrian connections to the surrounding neighbourhood and Burlington GO Station.

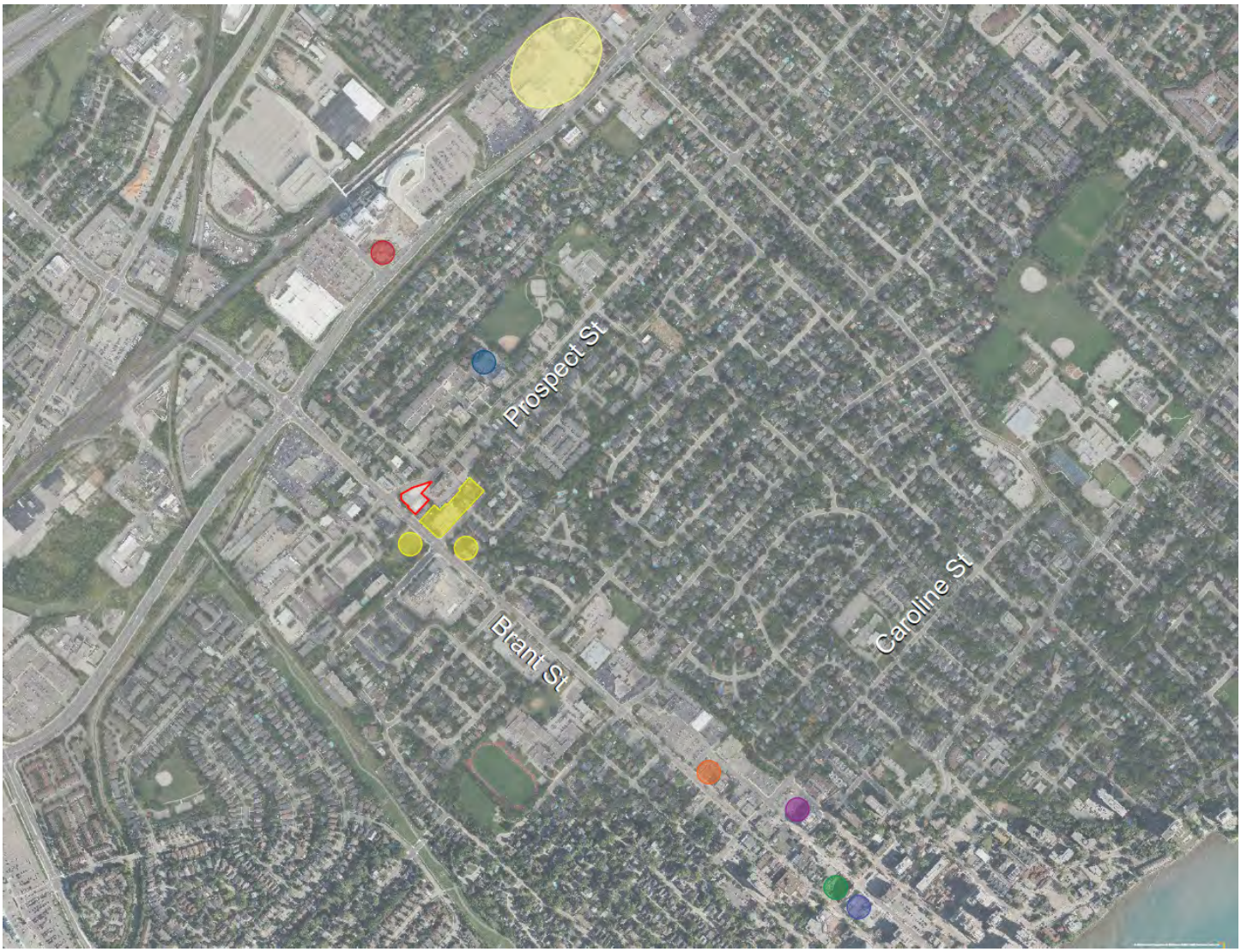
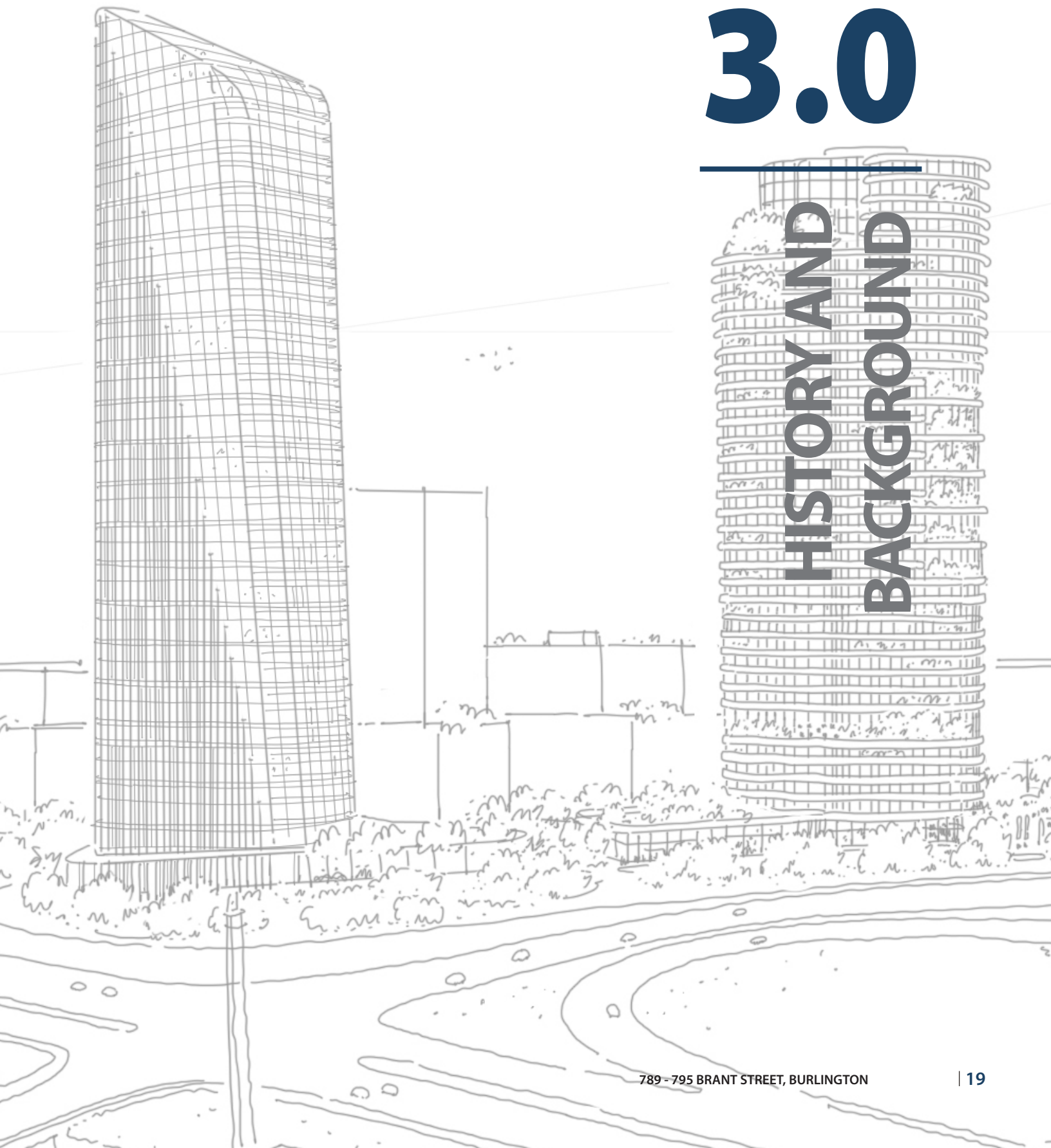


Figure 4. Surrounding Development Applications

LEGEND

- Subject Lands
- **Brant Street & Ghent Avenue:**
  - Phase 1:
    - 774, 778, 782 Brant St
  - Phase 2:
    - 769, 779, 783 Brant St
    - 2023, 2027, 2031-2033 Ghent Ave
  - Phase 3:
    - 747, 761 Brant St
- 535-551 Brant Street
- 2030 Caroline St, 510 Elizabeth St, 2025 Maria Street
- 421, 425, 427, 429, 431 Brant St
- 409 Brant St
- 2087-2103 Prospect St
- 2089 Fairview St
- 2243, 2269 Fairview St. and 864 Drury Lane

Source: WestonWilliamson + Partners



3.0

HISTORY AND BACKGROUND

3.0 HISTORY AND BACKGROUND

As discussed in detail in the Heritage Impact Assessment, 795 Brant Street is located within "Brant's Block" at the northeast corner. The land was originally owned by the first nation Mississauga. In 1797, the Crown purchased the area known as Brant's Block east of Hamilton and East of the sand bar that forms Burlington Bay at the Head of the Lake, from the Mississauga's. This formed Brant Tract Treaty No. 8.

Joseph Brant surveyed and sold portions of land over time. In 1807, upon Joseph Brant's death, the properties were transferred to his wife Catherine Brant. The lot where the subject property is located was sold in 1810 to James Gage. James Gage owned 338.5 acres of land east of Augustus Bates' 212 acres.

The construction of the original Georgian style house dates from the period of Jabez Bent's ownership in 1855. Jabez and his brothers were involved in the local building trade. The house has been associated with William Ghent who ran a successful farm on the site for approximately 13 years (1896 to 1909) but he owned it for a relatively short time compared to the previous owners, the Bray family (1859 to 1896).

Historically, settlement in Burlington's planning area occurred in small communities along Lake Ontario and Burlington Bay and in a few northern areas. The Town of Burlington, created in 1873 from the villages of Wellington Square and Port Nelson, developed as a prime residential area through the early 1900s. In 1958, Burlington, Aldershot and Nelson Township were amalgamated and in 1973, the present planning area boundaries were established through the Regional Municipality of Halton Act.

Since the 1950s, Burlington has experienced constant growth and expansion of its urban area generally from Lake Ontario north to the Queen Elizabeth Way. The period from 1958 to 1979 comprised the most extensive period of development, with construction activities occurring north of the Queen Elizabeth Way.

The current Burlington GO Station opened in 1980 and major construction occurred on the GO Station in 2012 and was completed in 2017. As discussed in greater detail in Section 5.0, the area around the Burlington GO Station is considered a Major Transit Station Area (MTSA) and a Mobility Hub by a number of Provincial, Regional and local planning documents. These designations recognize the higher level of existing and planned transit service provided to the station and indicate that the area around the station is intended to grow into a high density, pedestrian friendly, mixed use environment where public transit, cycling and walking are prioritized. The Burlington GO MTSA is within a Regional Intensification Corridor, identified as a primary area for growth and intensification within the Region, where increased unit densities are to occur to accommodate population growth, employment growth, and a mix of housing. The importance of these policy and vision shifts to the urban structure of the City and the Subject Lands are discussed throughout Section 5.0 of this report.

It is intended that the City of Burlington will grow by 22,000 and reach a population of 193,000 by 2031 with additional planned growth required to meet the Growth Plan 2051 growth requirements. In order to meet these growth targets, the City of Burlington, in accordance with the Region, will focus all growth and development within the built boundary through intensification. Burlington is built out with limited room for expansion, requiring the growth needs to be met through density.

Source: WestonWilliamson + Partners



4.0 PROPOSED DEVELOPMENT

4.1 DESCRIPTION OF PROPOSAL

Overview

The current development proposal is the result of careful planning and design work undertaken by the design team in collaboration with technical experts and input from City staff and the community. In preparing the redevelopment proposal, Provincial and Regional policies for managing and directing growth were taken into account as well as the local land use policy context and the City's emerging Downtown built form and physical context.

The proposed development represents an intensification of the Subject Lands within the Burlington GO MTSA area and Urban Growth Centre. The Subject Lands have an area of approximately 0.22 hectares and currently contain two two-storey buildings with commercial units including, The Studio Hair Design and Edward Jones Financial. Both of these businesses are closed and have been vacant for a number of years.

The proposal is to facilitate the redevelopment of the Subject Lands with a mixed use building with a height of 31 storeys. The tower portion of the building is on top of a 7 storey podium with 485 square metres of retail on the ground floor fronting Brant Street. The proposal has a total of 356 residential units ranging from one to three bedroom units as well as indoor amenities in the form of private indoor spaces, and outdoor amenity spaces in the form of green roofs and roof terraces. A total gross floor area of 24,279 square metres is proposed with a residential Floor Area Ratio of 11.55.

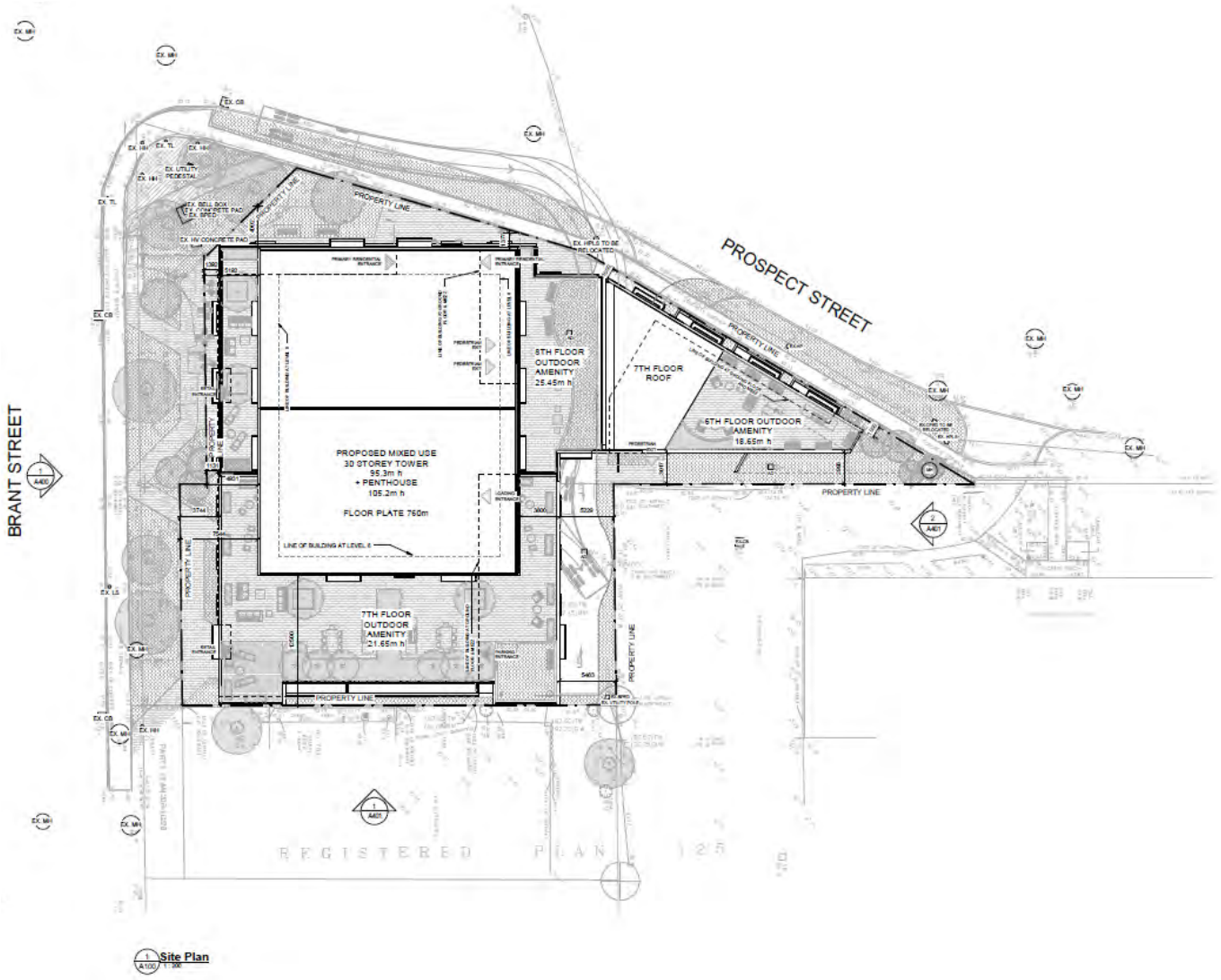


Figure 5. Proposed Site Plan

Land Use

The proposed redevelopment provides both residential and commercial uses. There are retail units proposed at grade within the ground floor of the podium fronting onto Brant Street with a total area of 485 square metres. The retail units will have direct at-grade access to Brant street for pedestrians. As the proposal is currently designed, the 485 square metres of retail space has not been demarcated to allow for future demarcation pending the securement of future tenants.

Pedestrian access is provided for residents via an entrance along the northern limits of the site fronting both Brant Street and Prospect Street.

The residential units are located on floors 2 to 30 and include a total of 356 units with a breakdown of 43% 1 bedroom units, 11% 1 bedroom plus den units, 37% 2 bedroom units and 9% 3 bedroom units as demonstrated in **Table 3**. A summary of the site statistics for the proposed development is provided in **Table 4**.

Table 3: Proposed Unit Breakdown

Description	Units	%
Residential – 1 Bedroom	154	43%
Residential – 1 Bedroom + Den	39	11%
Residential – 2 Bedroom	130	37%
Residential – 3 Bedroom	31	9%
Total	**356**	**100%**

Table 4: Proposed Site Statistics

Site Area	0.22 ha
Total Residential GCA	27, 990 sq. m.
Retail GCA	485 sq. m.
Total GCA	38,960 sq. m.
Indoor Amenity Space	583 sq. m.
Outdoor Amenity Space	2,704 sq. m.
Total Amenity Space	3,287 sq. m. (9.2 sq. m./unit)
Total FAR	11.55
Resident Parking	226 (0.64 spaces/unit)
Visitor/Retail Parking	53 (0.15 spaces/unit)
Total Parking	279 (0.79 spaces/unit)
Long-Term Bicycle Parking	178
Short-Term Bicycle Parking	18
Total Bicycle Parking	196

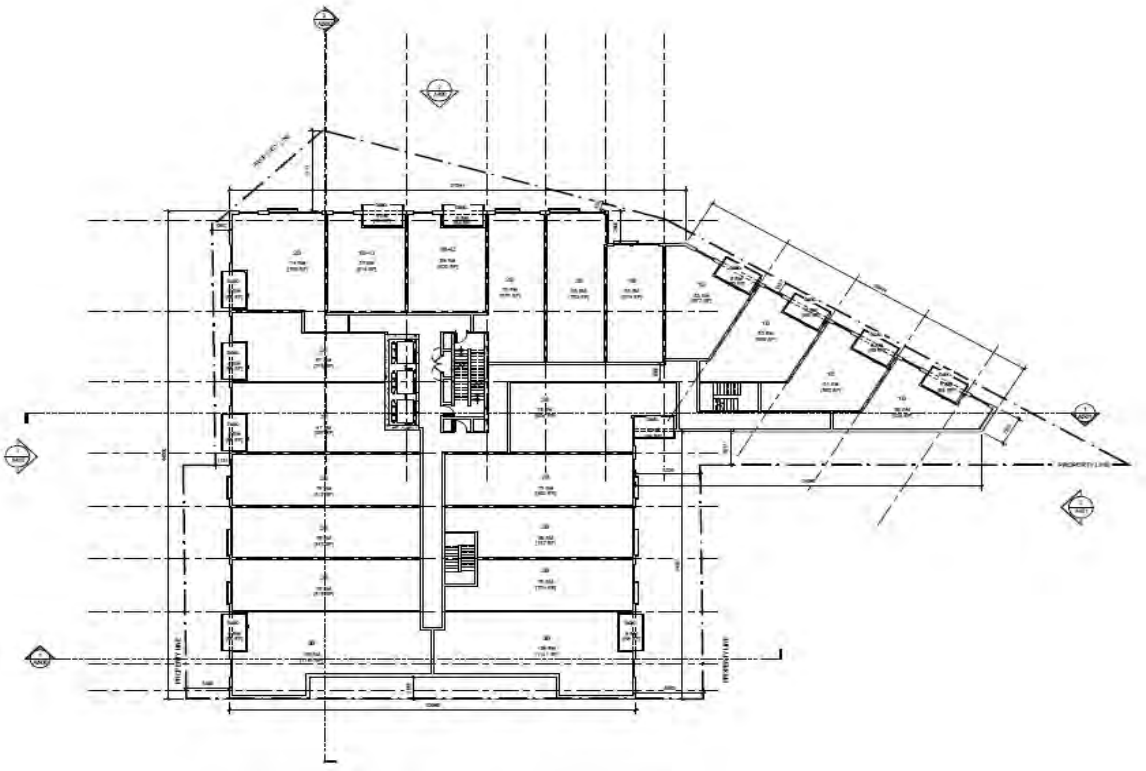


Figure 6. Second to Fifth Floor Plan

Public Realm, Design and Massing

The proposed development has been designed as a comprehensive redevelopment of the two parcels to integrate high quality public realm improvements across the site, specifically fronting the public boulevards along Brant Street and Prospect Street.

Recognizing the importance of Brant Street as Mixed-Use Street and MTSA Primary Connector, the public realm has been designed with appropriate landscaping to animate the streetscape including multiple connections to the pedestrian sidewalk designed as unique pedestrian pathways with significant planting as well as a patio area at the corner of Brant Street and Prospect Street.

The development's architectural design climbing the southeast corner of the intersection will contribute to the evolving urban nature of development along Brant Street and near Burlington GO Station in Burlington's Downtown Area and will promote the site as a focal point in the Downtown Urban Growth Centre. The building will be articulated with high-quality design and material to support the surrounding public streets and public realm network as well as the UGC skyline. The podium design featuring active uses on the ground floor contributes to the pedestrian-oriented and engaging streetscape. The generous setback and high-quality landscaping will support walkability, social interaction, strong retail visibility and space for retail display in the interface between the building and sidewalk.

The podium along the east side of the development, that extends along Prospect Street, includes the residential lobby and residential units and will play a key role in animating Prospect Street as a neighbourhood connector while promoting quality and safety of the surrounding public realm.

The proposed development has been thoughtfully designed to ensure appropriate setbacks and stepbacks in the built form in order to provide an attractive pedestrian environment along Brant Street and Prospect Street. The building is oriented to the street, with appropriate set backs, to provide a sense of human comfort and interest. The podium helps to mass a consistent elevation along the property line where it meets Brant Street to establish a continuous, pedestrian scale, and engaging streetwall that frames the public realm on both respective streets. Once at the corner, the building sets back from the property line to avoid visual obstruction and allow for a barrier-free pedestrian sidewalk and uninterrupted public realm.

The height of the podium in relation to the adjacent right of ways' maintains a human scale development and creates a pleasant and comfortable pedestrian experience on the ground floor.

The tower is articulated using material such as pre-framed metal and vision glass to incorporate a light appearance and balconies are designed using light transparent materials to not excessively add to the massing. The podium will use heavier material such as brick and precast concrete to highlight the development frontage but will be broken up into smaller perceivable pockets using window fenestration and material change.

The relatively small footprint and slender rectangular built form of the tower, with a floor plate of 760 square metres, will minimize shadow impacts on neighboring properties. A tower setback of 12.5 metres is provided to the property to the south in accordance with the City's Urban Design Guidelines. The Shadow Impact Study prepared by RAW design provides further analysis on anticipated impacts of the proposed development and shows that minimal shadow impacts are expected on adjacent low-density development as a result of the proposal. The orientation and location of the tower will maximize privacy and skyview and allow for a shared outdoor amenity to emerge on top of the podium (7th floor). This amenity space overlooking public streets will help reduce possible visual impact on the residential uses to the east and enhance public realm quality.

An analysis of how the proposed development meets the City's Urban Design Guidelines is provided in the Urban Design Brief under separate cover.



Figure 7. East View



Figure 8. Landscape Plan

Amenity

The proposed development incorporates both indoor and outdoor amenity areas. Outdoor amenity area is provided on the sixth, seventh and eighth floors in outdoor terrace areas which will include barbeque areas, outdoor seating and landscaping. Private balconies are also proposed for the majority of units. Indoor amenity space is provided on the seventh and eighth floors. A total of 3,287 sq. m. of amenity space is provided for future residents with 583 sq. m. of indoor amenity space and 2,704 sq. m. of outdoor amenity space. Amenity space is provided at a total rate of 9.2 sq. m. per unit.

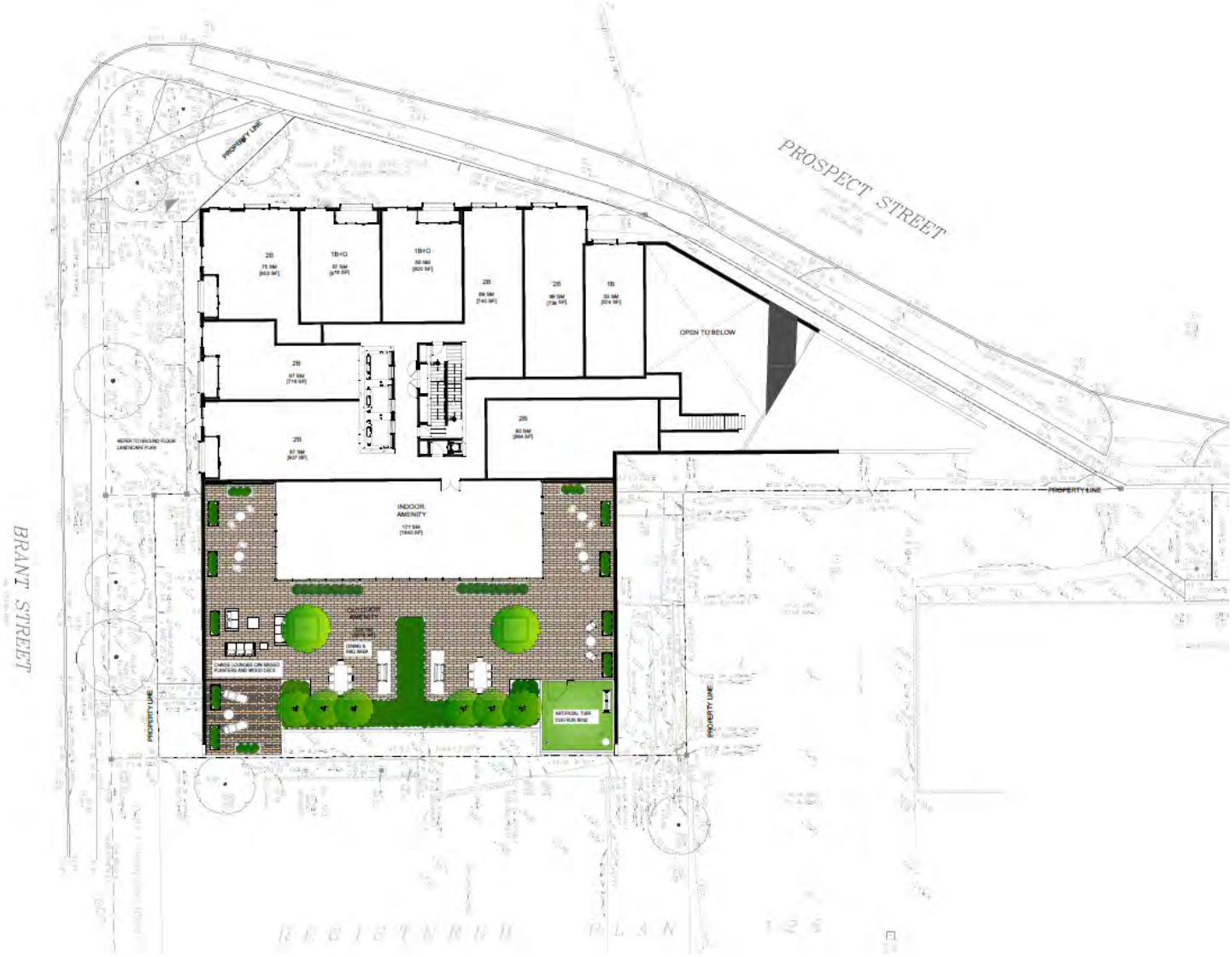


Figure 9. Level 7 Outdoor Amenity Plan

Vehicular Parking and Circulation

Main vehicular and pedestrian entrances are located along the Prospect Street which is a collector street, and are clearly defined and distinguished through setback, heights and architectural treatments. The parking ramp, servicing, and loading areas are consolidated in a single spot and accessed through a shared driveway to avoid extra curb cut and vehicular-pedestrian conflict on the primary frontage. Parking, servicing, and loading areas are contained within the podium and screened from the surrounding public streets. A pick-up and drop-off area is provided at the entrance to the development in close proximity to the pedestrian access to the building.

A total of 53 retail/visitor spaces will be provided with 226 residential parking spaces, for a site total of 279 parking spaces. Parking is provided at a rate of 0.64 spaces per unit for residents and 0.15 spaces per unit for visitors and retail for an overall rate of 0.79 spaces per unit. Parking will be provided in five-levels of underground parking.

A total of 178 bicycle long-term bicycle parking spots will be provided on-site and 18 short-term.

A summary of the parking statistics for the proposal is provided in **Table 4** above.

Garbage storage is located on the ground floor for both the retail units and residential units.

Servicing

The Subject Lands will be serviced by a 200mm diameter sanitary sewer, designed and constructed in accordance with City of Burlington and Region of Halton standards. Drainage from this sewer will discharge to the existing 450mm diameter sanitary sewer fronting the site along Brant Street.

Proposed water servicing for the site consists of connecting two 150mm diameter watermains to the existing 350mm diameter watermain on Prospect Street. One of the 150mm diameter watermains will split at property line to provide two 150mm diameter fire water services and a 100mm diameter domestic water service for the proposed building. All proposed water services will be designed and constructed in accordance with City of Burlington and Region of Halton standards.

In terms of stormwater management, it is proposed to service the site with a 300mm diameter storm sewer, designed and constructed in accordance with the City of Burlington standards. Two (2) catchment areas have been identified in the proposed condition, with one including controlled drainage from the site, which will be captured by the roof and proposed area drains and discharged to the existing 900mm diameter storm sewer along Prospect Street and the other representing uncontrolled drainage from the site which will sheet drain to Prospect Street and Brant Street. Stormwater quantity control measures are proposed and include a 100mm diameter orifice pipe and a concrete storage tank within the underground parking. Stormwater quality control measures and sediment and erosion control measures are discussed in detail in the Functional Servicing Report

4.2 PUBLIC CONSULTATION AND BUD REVIEW

Prior to the finalization and submission of the Applications, a public open house meeting was held on October 21, 2021. Notice of the meeting was circulated to all property owners within 120 metres of the Subject Lands by the City of Burlington.

Representatives from MHBC Planning, RAW Design, Camarro Group, and the City of Burlington were present at the open house to answer questions. The event was organized by the project team and intended to provide an overview of the proposal to the public in an open house format.

A total of 16 people were in attendance. The following themes were expressed at the meeting:

- Clarification on parking design (i.e. spaces for deliveries, first floor commercial uses);
- Clarification on the design of the townhouse units (these were provided in the original design) and if the placement is too close to the neighbouring property on Prospect Street;
- Clarification on the size of each of the storeys.
- Clarification on the landscape buffers proposed; and,
- Clarification on the overall density of the entire proposal.

The above noted public input was considered, in addition to input from the pre-consultation process and feedback from the Burlington Urban Design review panel (BUD) meeting held on September 16, 2021. Several changes to the design, including the removal of the townhouse units, were made to address the pre-submission and public comments. Further discussion on the revisions related to the BUD panel comments is included in the Urban Design Brief. A copy of the minutes of the BUD meeting can be found at **Appendix C**.

Once the application has been submitted, further public consultation will be undertaken pursuant to the requirements of the Planning Act. The submission materials will also be posted to the City's website and available to the public for review and comment.

4.3 SUMMARY OF SUPPORTING DOCUMENTS/TECHNICAL STUDIES

The following section provides a summary of the reports and documents prepared in support of the applications.

Transportation Impact Study

The Transportation Impact Study report was prepared by C.F. Crozier & Associates Inc. The Report completed an analysis of the surrounding intersections. Under 2022 existing conditions, the study intersections operate with a Level of Service "B" or better with the exception of the intersection of Brant Street and Fairview Street operating with a Level of Service "C" and "D" for A.M. and P.M. peak hours respectively. The eastbound through movement operates near capacity during the A.M. peak hour with eastbound left-turn movement and northbound through movement operating near capacity during P.M. peak hour. The westbound through lane is expected to exceed the capacity during P.M. peak hour. A lost time adjustment of 4.0 seconds is incurred for the westbound through movements to reflect existing operating conditions.

For the intersection of Brant Street and Fairview Street, the 95th percentile queue length for the eastbound left-turn movements exceed the available storage during both A.M. and P.M. peak and northbound left-turn lane exceeds storage only during the P.M. peak hour.

Under 2027 future background traffic, the study intersections operate with a Level of Service "B" with the exception of the intersection of Brant Street and Fairview Street operating with a Level of Service "C" and "D" for A.M. and P.M. peak hours, respectively. The movements are expected to operate similarly to the 2022 existing conditions with an addition of southbound through lane forecasted to operate near capacity during the P.M. peak period. Additionally, the eastbound leftturn lane and westbound left-turn lane 95th percentile queue lengths at the intersection of Brant Street and Prospect Street/Grahams Lane are forecasted to exceed the available storage during the P.M. peak hour.

The proposed mixed-use development is forecasted to generate approximately 97 two-way trips (33 inbound and 64 outbound) during the weekday A.M. peak hour, and 115 two-way trips (64 inbound and 51 outbound) during the P.M. peak hour.

The future total operations at the study intersections are anticipated to be very similar to that of the future background operations forecasted for the 2027 horizon year except for the intersection of Brant Street and Fairview Street as the Level of Service degraded to "E" by a 1.0 second small increase in average delay and the northbound left movement expecting to operate over capacity in the P.M. peak hour. It is noted that the site access is expected to anticipate operating well under capacity with a Level of Service "B" or better.

The sightlines at the proposed accesses on Prospect Street were reviewed and no sightline issues were noted. Corner clearance and access spacing were also verified at each access and are expected to be sufficient. A vehicle maneuvering analysis was undertaken for the site and no issues were noted for the fire, waste, loading or passenger vehicle movements on the ground floor. However, in the underground parking garage some parking spaces are designated as small car spaces since they would not be able to accommodate large passenger vehicles such as pick-up trucks.

The proposed parking supply at the site is below the City's By-Law requirements but can be supported based on the prepared Parking Justification, which reviewed the recent development precedent within Burlington. Additionally, Transportation Demand Management measures have been recommended to support the reduced parking supply and promote the use of transit.

Functional Servicing Report

The Functional Servicing Report was prepared by S. Llewellyn & Associates Limited. The Subject Lands will be serviced by a 200mm diameter sanitary sewer, designed and constructed in accordance with City of Burlington and Region of Halton standards. Drainage from this sewer will discharge to the existing 450mm diameter sanitary sewer fronting the site along Brant Street.

Proposed water servicing for the site consists of connecting two 150mm diameter watermains to the existing 350mm diameter watermain on Prospect Street. One of the 150mm diameter watermains will split at property line to provide two

150mm diameter fire water services and a 100mm diameter domestic water service for the proposed building. All proposed water services will be designed and constructed in accordance with City of Burlington and Region of Halton standards.

In terms of stormwater management, it is proposed to service the site with a 300mm diameter storm sewer, designed and constructed in accordance with the City of Burlington standards. Two (2) catchment areas have been identified in the proposed condition, with one including controlled drainage from the site, which will be captured by the roof and proposed area drains and discharged to the existing 900mm diameter storm sewer along Prospect Street and the other representing uncontrolled drainage from the site which will sheet drain to Prospect Street and Brant Street. Stormwater quantity control measures are proposed and include a 100mm diameter orifice pipe and a concrete storage tank within the underground parking. Stormwater quality control measures and sediment and erosion control measures are discussed in detail in the Functional Servicing Report.

Urban Design Brief

The Urban Design Brief was undertaken by MHBC to address the design requirements and illustrate the proposal. Based on the review, the proposal adheres to the vision and design direction for the area. The proposal provides high-quality design and architecture and promotes visual interest and a well-defined pedestrian-friendly streetscape along both Brant Street and Prospect Street.

The development also assists with the quality, accessibility, and connectivity of the surrounding streets to the existing transit services and future trails and encourages the use of sustainable transportation modes. The proposal carefully considers building articulation, orientation, and massing to ensure the development is well-integrated into the context.

The development uses enhanced landscaping and high quality architectural design to create visually appealing frontages scaled and oriented to develop a low-rise feeling and define the street edges to embrace people passing by and visitors. The building's articulation and use of materials will help establish a wayfinding and landmark feature on the southeast corner of Brant Street and Prospect Street intersection.

The proposal enhances natural features on-site by maintaining existing trees, planting deciduous and ornamental trees, and contemplating landscape beds within the setback from the municipal sidewalk that define the street edge and create space for pedestrian gathering, passive recreation, and stormwater management/ infiltration.

The Report finds that overall, the proposal represents a high-quality design that promotes intensification and revitalization and will provide a sensitive transition to the surrounding neighbourhoods while contributing to placemaking in the community.

Heritage Impact Assessment

ATA Architects undertook the Heritage Impact Assessment. The Subject Lands are listed (non-designated) on the Municipal Heritage Register of Cultural Heritage Resources within the City of Burlington. The findings of the assessment determined that the site does hold some historical, architectural, and contextual value. However, due to the substantial, cumulative changes and the loss of heritage attributes, significant harm has been caused to the heritage integrity of the structure. The remaining heritage attributes alone do not warrant designation, which is based on the evaluation under the prescribed Ontario Regulation 9/06 completed in Heritage Impact Assessment.

The Report provides detailed recommendations to ensure that the heritage attributes of the Subject Lands will be conserved. The Report states that due to the substantial, cumulative changes and the loss of heritage attributes, significant harm has been caused to the heritage integrity of the structure. Even though the proposed development has a negative impact from the removal of the building, it is concluded that the Subject Lands should be developed as proposed only if further investigations find that the brick cannot be conserved. The recommended mitigation measures for the final scenarios are to be implemented through the site plan control process following approval of the proposal.

Noise and Vibration Impact Study

The Noise and Vibration Impact Study was undertaken by RWDI to identify and recommend noise control measures for the proposed development. The following measures were recommended:

1. Installation of central air-conditioning so that all suites' windows can remain closed.
2. The inclusion of noise warning clauses related to:
   a. Transportation sound levels in the outdoor amenity areas
   b. Proximity to commercial/industrial land-use
3. Minimum sound isolation performance:
   a. Suite bedroom window glazing with minimum sound isolation performance of STC-29
4. Construction of perimeter noise barriers along the outdoor amenity areas if feasible, with the applicable warning clause.

The noise levels are created by the development itself and its surroundings could not be statistically quantified at this point in the design process. However, it is anticipated that the impact on the building and its surroundings will be manageable in order to satisfy the relevant requirements. It is feasible for the proposed development to meet the applicable sound and vibration criteria.

Pedestrian Wind Study

The Pedestrian Wind Study report was prepared by RWDI based on the wind-tunnel testing conducted for the proposed development site.

The predicted wind conditions are summarized as follows:

- Wind conditions meet the safety criterion at all locations in the existing configuration throughout the year.
- The proposed development increases wind speeds on and around the site, conditions remaining appropriate for the intended use at all areas in the summer. In the winter, wind speeds increase from those in the summer months due to seasonally stronger winds. As a result, higher-than-desired wind speeds are predicted.
- The proposed development would increase wind speeds on and around the site, although summertime conditions would still be suitable for all areas of the site. However, due to the fact that the winds are typically stronger in the winter, wind speeds are higher than they are in the summer. Consequently, higher-than-desired wind speeds are expected.
- Uncomfortable wind conditions occur at several locations around the building, and at localized areas on the sidewalks of Prospect Street and Brant Street.
- The report examines various wind control measures, such as landscaping, wind screens, canopies, trellises/pergolas, and tall guardrails, to help achieve satisfactory wind speeds around the proposed structure and in the outdoor amenity spaces.

Phase One Environmental Site Assessment

The Phase One Environmental Site Assessment report was prepared by B.I.G Consulting Inc. to support the filing of a Record of Site Condition. It was determined that there were areas of potential environment concern and a Phase Two ESA was required to assess the soil and groundwater conditions at the site prior to submitting a record of site condition (RSC).

Phase Two Environmental Site Assessment

The Phase Two Environmental Site Assessment report was prepared by B.I.G Consulting Inc. to assess the areas of potential environmental concerns identified in the Phase One ESA, and to obtain soil and groundwater data to characterize the site. As a result of the Phase 2 Assessment, it was determined that no contaminants of concern were identified in soil or groundwater at the site, and that a RSC can be filed.

Hydrogeological

The Hydrogeological Investigation report was prepared by B.I.G Consulting Inc. to address the hydrogeological aspects of the proposed development and assess the ground water conditions and dewatering requirements for the proposed construction activities on the Subject Lands. The estimated cumulative contribution the foundation drains is 113,000 L/day. The predicted dewatering volume will exceed the 50,000 L/day limit and therefore a Permit to Take Water (PTTW) and an Environmental Activity and Sector Registry (EASR) will be required. Consultation with the City of Burlington is required prior to discharge of any water to the sewer system.

Geotechnical Investigation

The Geotechnical Investigation report was prepared by B.I.G Consulting Inc. to obtain the information on the subsurface soil and groundwater conditions at the Subject Lands by means of advancing a limited number of boreholes, in-situ tests as well as laboratory tests of selected soil samples to provide geotechnical recommendations on the preliminary design and construction of the proposed development. The Report found that the soil profile generally consisted of ground surface cover (topsoil and asphalt pavement) overlying existing fills underlain by native clayey silt till, silty sand till, clayey silt till and Shale bedrock.

The Report provides detailed information with respect to the subsurface conditions and provides recommendations on grading and site preparation, foundation options, floor slab construction, permanent perimeter and under-floor drainage, lateral pressure, frost protection, earthquake consideration, excavation and temporary groundwater control, reuse of on-site soils, underground services, shoring considerations and pavement construction recommendations.

Arborist Report

The Arborist Report was prepared by MHBC and concludes that ten trees will need to be removed due to condition, or to accommodate the proposed development. No tree shall be harmed or removed prior to applying for and receiving the requisite permits from the City of Burlington.

Trees which are to remain shall be protected according to the tree protection details and the required protection hoarding shall be installed, inspected and approved prior to the commencement of any construction activities.

The trees slated for retention can be successfully retained by following the recommendations set out in the report.

4.4 PROPOSED OFFICIAL PLAN AMENDMENT

The proposed Official Plan Amendment seeks to amend the existing policies that apply to the Subject Lands to permit the redevelopment. As demonstrated in the following sections of this report, the proposed Official Plan Amendment is appropriate for the Subject Lands and is required to allow for the optimization of underutilized lands and a redevelopment which conforms with and implements the Growth Plan, Provincial Policy Statement, and the Regional Official Plan.

With the new Official Plan under appeal, the Official Plan Amendment will seek to amend the in-effect Official Plan designation and associated policy framework as follows:

- The text of the Official Plan of the Burlington Planning Area is amended by adding the following clause to Part III, Section 5.3 Mixed Use Corridors, Subsection 5.3.2 which reads as follows:

  "u) For the lands located at 789-795 Brant Street:
  i. Notwithstanding Policy 5.3.2d)(i) a maximum floor area ratio of 11.55:1 shall be permitted.
  ii. Notwithstanding Policy 5.3.2d)(ii) the maximum building height shall be 31 storeys plus a mechanical penthouse."

A copy of the proposed Official Plan Amendment is included in this report as **Appendix D**.

4.5 PROPOSED ZONING BY-LAW AMENDMENT

A Zoning By-law Amendment is required to apply site-specific provisions to the existing Mixed Use Corridor - General (MXG) zone in order to facilitate the proposal. Site-specific provisions are required to address an increase in Floor Area Ratio and building height, site-specific setbacks and landscaped areas, reduced parking, reduced amenity space and reduced parking space dimensions.

A copy of the proposed Zoning By-law Amendment is included in this report as **Appendix E**.



Source: WestonWilliamson + Partners

5.0

POLICY CONTEXT AND ANALYSIS

The following section of the Planning Justification Report provides a review and assessment of the land use policy and regulatory framework related to the Subject Lands and the proposed development. Each subsection describes the applicable policies and regulations and identifies how the proposed development as well as the proposed changes to the City's current Official Plan and Zoning By-law are consistent, conform to and implement Provincial and Regional policy. The following sections summarize the relevant policies and how they are addressed through the proposed development with a detailed analysis of each policy document provided in **Appendices F1 to F6**.

5.1 PLANNING ACT, R.S.O. 1990, c.P13

The Ontario Planning Act, R.S.O. 1990 (the Planning Act) is the primary legislation governing land use planning in the Province of Ontario. The Planning Act provides the basis for consideration of provincial interests in managing land and natural resources, preparing official plans and planning policies, establishing planning processes, regulating land uses through zoning by-laws and other measures, ensuring public notice and appeal rights, and other matters of provincial interest. Several other Provincial policies are created from the authority of the Planning Act, including the Provincial Policy Statement.

Section 2 of the Planning Act sets out the matters of provincial interest which the Minister, the council of a municipality, a local board, a planning board, and the Tribunal shall have regard to when carrying out their responsibilities under the Act. Matters of provincial interest relevant to the proposal include:

- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- the adequate provision and efficient use of transportation and municipal services;
- the protection of the financial well-being of the Province and its municipalities;
- the orderly development of communities; the adequate provision of a full range of housing and employment opportunities;
- the promotion of well-designed built form that encourages a sense of place and provides high quality public space;
- the promotion of development that is designed to be sustainable and to support transit and be pedestrian-oriented;
- the mitigation of greenhouse gas emissions; and,
- the appropriate location of growth and development.

Summary/Conformity Statement

A detailed analysis of the relevant matters of Provincial Interest in relation to the proposed development and amendments can be found in **Appendix F1**. In summary:

1. The proposed Official Plan Amendment and Zoning By-law Amendment allow for intensification within the built boundary on existing municipal services and will make efficient use of the existing services and public transit infrastructure in the area. This will contribute to the financial and economic well-being of the municipality.
2. The proposal represents orderly development through intensification located near the Burlington GO Station and at the periphery of an existing low density neighbourhood to the east. The proposed development will provide much needed housing through a range of unit sizes and diversify the housing options available in the area. The proposal embodies a high quality design with careful consideration given to the site's locational context. Elements of the design provide a compatible use and built form that are well integrated into the community through appropriate massing to frame the street and siting of the residential tower and podium. The design has also been refined using feedback received from the public and the Burlington Urban Design Review Panel.
3. The Subject Lands are located in close proximity to the Burlington GO Station, a Frequent Transit Corridor and MTSA Primary Connector, and a number of other commercial and employment uses. As such, future residents will have convenient options to utilize public transit or active transportation as an alternative to the car, thereby helping achieve reductions in greenhouse gas emissions.
4. The proposal is located within the built boundary and within the Burlington GO MTSA. The highest level of intensification is to occur in MTSAs and, the Subject Lands therefore represent an appropriate location for transit-oriented growth and development.
5. The proposal will ensure appropriate commemoration of the 795 Brant building listed on the City of Burlington's Municipal Heritage Register as discussed in detail in the Heritage Impact Assessment.

The proposal has regard for all applicable matters of provincial interest as outlined in Section 2 of the Planning Act.

5.2 PROVINCIAL POLICY STATEMENT (2020)

The Provincial Policy Statement (2020) (the "PPS") was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. The PPS establishes the policy foundation for regulating the development and use of land in Ontario and provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure.

The PPS strongly encourages development that will provide long term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth. Land use planning decisions, including those made on applications for Official Plan Amendments and Zoning By-law Amendments, must be consistent with the PPS. In assessing the redevelopment proposal and the proposed amendments for the Subject Lands, this report further identifies how the proposal advances and implements the policies of the PPS beyond the current City of Burlington Official Plan policies.

An analysis of the policies contained in the 2020 PPS, and how the proposed amendments are consistent with these policies is provided below and provided in detail in **Appendix F2**.

Section 1.0 of the PPS on Building Strong Healthy Communities provides direction for the management and promotion of efficient development and land use patterns for accommodating an appropriate mix of residential, employment, institutional, recreation, park and open space uses and improving accessibility by removing land use barriers in order to create livable communities.

Section 1.1 on Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns includes policies that support the promotion of healthy, livable and safe communities through such matters as, intensification, land use compatibility, provision of housing, and the efficient use of public services and infrastructure.

Section 1.4 on Housing supports providing for an appropriate range and mix of housing types and densities that are compatible and required to meet projected requirements of current and future residents.



Section 1.5 on Public Spaces, Recreation, Parks, Trails and Open Space promotes healthy, active communities by providing a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities parkland, public spaces, open space areas, trails and linkages. Furthermore, by providing safe public streets, spaces and facilities that meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

Section 1.6 on Infrastructure and Public Service Facilities provides policy direction that addresses the efficient use of existing water, storm water, sanitary sewer, and transportation infrastructure. New developments are encouraged to utilize and support existing municipal infrastructure and support and enhance existing and planned transportation networks and corridors.

Section 1.7 on Long-Term Economic Prosperity focuses on how to achieve and support long-term economic prosperity. The policies recognize that promoting redevelopment on underutilized lands can optimize the use of land, resources and infrastructure and that the viability and vitality of main streets is to be maintained and where possible enhanced.

Section 1.8 on Energy Conservation, Air Quality and Climate Change provides policy directions to support energy conservation through appropriate land use and development patterns.

Section 2.6 on Cultural Heritage and Archaeology provides that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it is demonstrated that the heritage attributes of the protected heritage property will be conserved.

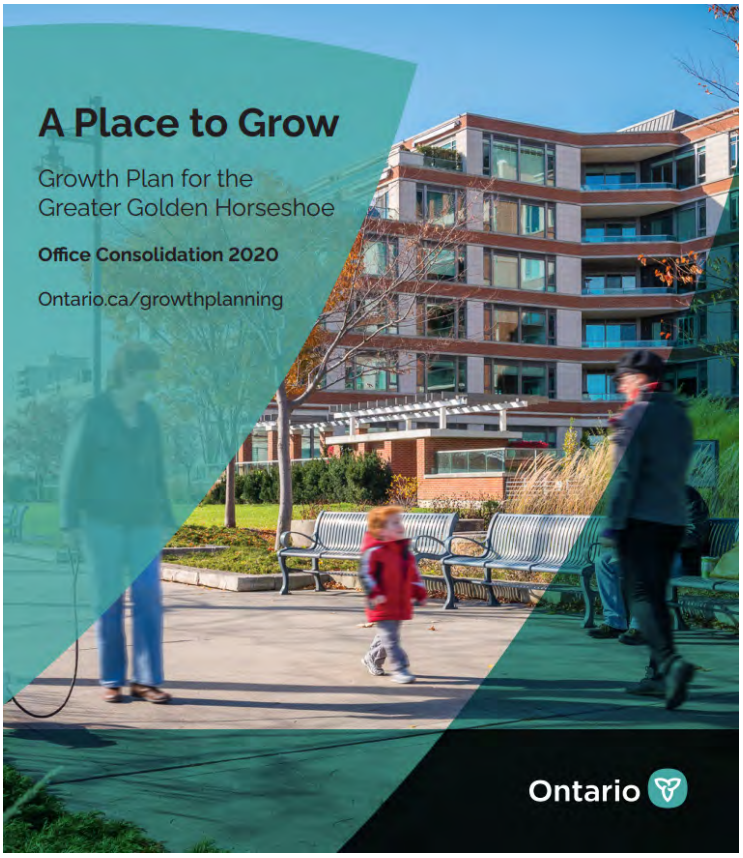
Summary/Conformity Statement

A full analysis of the relevant Provincial Policy Statements in relation to the proposed amendments can be found in **Appendix F2**. In summary:

1. The proposed Official Plan Amendment and Zoning By-law Amendment will allow for the efficient development of underutilized lands within the existing urban area, on full municipal services, in the City of Burlington.
2. The requested amendments will provide an opportunity for redevelopment and intensification within the built up area and will allow for the addition of 356 residential units to the City's housing stock and will assist the City in providing a mixture of housing types and unit sizes. It will also diversify the range of housing forms specifically in Downtown Burlington by adding apartment units of varying sizes to the local housing stock.
3. The proposed Official Plan Amendment and Zoning By-law Amendment will allow for compact built-form within the Burlington GO MTSA and Downtown Burlington Urban Growth Centre and will efficiently use land through increased density to optimize the use of existing infrastructure.
4. The Subject Lands are located in an appropriate location for intensification being in close proximity to the Burlington GO Station, Frequent Transit Corridor and MTSA Primary Connector, a bus route along Brant Street and are within walking distance of a number of commercial and employment uses in addition to a number of parks and community facilities. As such, future residents will have a range of opportunities to complete daily tasks using active transportation or public transportation.
5. The proposed development permitted by the Official Plan Amendment and Zoning By-law Amendment does not cause undue environmental or public health and safety concerns, and further contributes to a healthy walkable community that is compatible with the existing and proposed uses.
6. The proposed development can be adequately serviced by municipal infrastructure and will ensure the efficient use of existing water, storm water, sanitary sewer, and transportation infrastructure.
7. The proposal consists of a compact built form and has been designed to minimize impacts and achieve compatibility using a number of design measures which recognize its critical location within the Burlington GO MTSA and Downtown Burlington Urban Growth Centre.
8. The ability to optimize development opportunities and provide transit-oriented development that better achieve provincial policy objectives should be considered through changes to the City's existing Official Plan. The proposal represents intensification within an area that is within walking distance of a GO Station. The proposed planning instruments better-implement the policies of the PPS which seek to optimize underutilized lands within close to public transit.
9. The proposal will ensure appropriate commemoration of the 795 Brant building listed on the City of Burlington's Municipal Heritage Register as discussed in detail in the Heritage Impact Assessment.

The proposed development and related Official Plan and Zoning By-law Amendments are consistent with the policies of the PPS.

5.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2020)



A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') was prepared and approved under the Places to Grow Act, 2005 and updated on August 28, 2020. The Growth Plan establishes a long-term framework for growth and development in the Greater Golden Horseshoe ('GGH') region which encourages the efficient use of land through the development of complete communities that are compact, transit supportive, and provide a range of housing and employment opportunities. The Growth Plan utilizes a land use planning horizon to 2051.

The Growth Plan builds upon the policy foundations of the PPS, and previous plans and responds to key challenges in the GGH region by providing enhanced policy directions designed to achieve complete communities that are compact, transit-supportive and make efficient use of investments in infrastructure and public service facilities while ensuring the protection of agricultural and natural areas and supporting climate change mitigation and adaptation. Guiding principles of the Growth Plan are established to support the achievement of complete communities; prioritize intensification and higher densities to make efficient use of land and infrastructure; provide flexibility to capitalize on economic and employment opportunities; support a mix of housing options; improve the integration of land use planning with planning and investment in infrastructure; protect and enhance the natural environment; conserve and promote cultural heritage; and, integrate climate change considerations into planning and growth management.

The Growth Plan provides policies for where and how to grow, stating that population and employment growth is to be directed to urban areas and rural settlement areas. Within these areas, the Growth Plan distinguishes between two different areas of growth: the Built-Up Area, where growth is to be directed and accommodated through intensification; and, Designated Greenfield Areas, which are generally undeveloped, vacant land, where growth and development should achieve a compact urban form. The Growth Plan also promotes intensification in strategic growth areas (including MTSAs), transit-supportive densities, a diverse mix of land uses, a range and mix of employment and housing

types, affordable housing, high quality public open space and easy access to local stores and services. Changes to local Official Plans which better conform to these objectives and policies by providing large sites which contribute to complete communities also meet the Growth Plan's goal of optimizing the use of the existing urban land supply.

Section 2.2.1 on Managing Growth provides policy direction that addresses the management of growth to accommodate a greater number of people and jobs in order to build complete, compact and transit-oriented communities through the better use of land and infrastructure. Policies within the Growth Plan direct the vast majority of growth within settlement areas, specifically to delineated built boundaries including strategic growth areas with existing or planned priority or higher order transit and with existing or planned public service facilities. Policies within the Growth Plan also require development to support and achieve complete communities with compact built form, vibrant public realm, and a diverse mix of land uses and housing options with convenient access to active transportation options.

Section 2.2.2 on Delineated Built-up Areas provides that 50% of all residential development within Halton Region will be directed to the delineated built-up area. Municipalities will develop a strategy to achieve this minimum intensification target through:

- identifying Strategic Growth Areas;
- identifying the appropriate type and scale of development in Strategic Growth Areas and transition of built form to adjacent areas;
- ensuring lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- prioritizing planning and investment in infrastructure and public service facilities to support intensification; and,
- implementing official plan policies and designations, including updated zoning to implement these directions.

The Growth Plan identifies the Burlington GO Station as a Major Transit Station Area located on a Priority Transit Corridor with Existing Higher Order Transit Corridor (the GO rail network). The area surrounding the Burlington GO Station is also designated as an Urban Growth Centre. Higher order transit is defined as transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit (i.e. heavy rail, light rail and buses in dedicated lanes). A Major Transit Station Area is defined as an area within an approximate 500 metre to 800 metre radius of a transit station, representing about a 10 minute walk.

Policies within Section 2.2.3 on Urban Growth Centres provide that urban growth centres will be planned to accommodate significant population and employment growth. Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare for Downtown Burlington.

Policies within Section 2.2.4 on Transit Corridors and Station Areas require Priority Transit Corridors and Major Transit Station Areas to be planned for a minimum density target and a diverse mix of uses that are transit-supportive. Major Transit Station Areas on priority transit corridors will be planned for a minimum density target of 150 residents and jobs per hectare for those that are served by the GO Transit rail network.

Policies on Housing in Section 2.2.6 require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Section 3.2.6 includes policies on Water and Wastewater Systems stating that municipal water and wastewater systems will serve growth in a manner that supports achievement of the minimum intensification and density targets.

Policies for Protecting What is Valuable in Section 4.2 address cultural heritage resources stating that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. Municipalities will work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.

Summary/Conformity Statement

A full analysis of the relevant Growth Plan policies in relation to the proposed amendments can be found in **Appendix F3**, in summary:

1. The proposal constitutes an intensification project within the built boundary of a settlement area on existing municipal services. The site is also within a Strategic Growth Area associated with the Burlington GO Station, defined as a Major Transit Station Area located on a Priority Transit Corridor. There are a number of shopping and employment uses existing on Brant Street which future residents will be able to utilize, contributing to a mixed use environment and the achievement of a complete community.
2. The proposal diversifies the housing options available in the immediate vicinity by providing apartment units of various sizes ranging from one bedroom units to larger three bedroom units to accommodate the needs of a variety of household types and sizes including families. The added density is intended to contribute to transit ridership and support existing public transit as well as future service improvements. Retail/commercial space is provided at-grade, which will contribute to a vibrant public realm and provide a mix of uses on the site for future residents and the broader community. Overall, the proposed development will contribute to the provision of a high quality built form by making efficient use of space through the provision of new residential units and retail/commercial space in a compact high-density urban form.
3. The proposed development contributes to the minimum density targets and is consistent with the desired urban structure of the Halton Region Official Plan and the Council-adopted Official Plan which identify the Burlington GO Station MTSA and Downtown Burlington Urban Growth Centre as an intensification area. The proposed Official Plan Amendment and Zoning By-law Amendment update the land use designation and zoning applicable to the Subject Lands and implement the policies of the Growth Plan and the Regional Official Plan. The proposal reflects a level of intensification appropriate within the City's physical site context, and is consistent with the goals of the Growth Plan to encourage and support intensification within Urban Growth Centres.
4. The Subject Lands are located within a Major Transit Station Area. The Subject Lands are also located on a designated Frequent Transit Corridor and MTSA Primary Connector along Brant Street. The proposal constitutes a mixed-use development with a compact built form which is transit supportive.
5. The proposal includes a mix of unit sizes ranging from 1-bedroom units to 3-bedroom units which can accommodate different household sizes and incomes.
6. The proposal contributes to the efficient utilization of the existing municipal services available within the built up area. The accompanying FSR proposes a servicing scheme for the Subject Lands which confirms that there is existing water and sewer capacity to accommodate the proposed development.
7. The proposal will ensure appropriate commemoration of the 795 Brant building listed on the City of Burlington's Municipal Heritage Register as discussed in detail in the Heritage Impact Assessment.

The development proposal and corresponding Official Plan Amendment and Zoning By-law Amendment are required to provide conformity with and implement the applicable policies of the Growth Plan.

5.4 METROLINX 2041 REGIONAL TRANSPORTATION PLAN

In March 2018, Metrolinx adopted an update to the 2008 Regional Transportation Plan (RTP) entitled "2041 Regional Transportation Plan." The RTP intends to build an integrated transportation system for the GTHA that is comprehensive, connected, accessible, sustainable, and focused on people. The 2041 RTP is an update to The Big Move, and intends to build upon the framework established in the previous RTP, while also supporting the 2017 Growth Plan for the Greater Golden Horseshoe. The RTP intends to provide detailed strategies and actions for addressing transportation challenges in the GTHA.

The 2041 RTP identifies a comprehensive transportation development plan for the Region, consisting of 1800 kilometres of rapid transit, 1000 kilometres of cycling infrastructure, and 1000 lane kilometers of high occupancy vehicle and transit lanes. **Strategy 4** identifies the creation of a system of connected Mobility Hubs and Major Transit Station Areas at key points in the regional transportation network that provide travelers with access to the system, support high density developments, and integrate various modes of transportation with an intensive concentration of places to live, work, shop, and play.

A Mobility Hub is defined as:

"Major Transit Station Areas at the intersection of two or more Frequent Rapid Transit Network routes, designed to support a high number of boardings and alightings, and facilitate seamless, efficient transfers between modes. They have and/or are planned to have a high density mix of jobs, residences, public services, and other land uses that encourage and support transit use and active transportation, or the potential to develop into areas with a high-density mix of land uses."



The definition of Major Transit Station Area is the same as the Growth Plan noted above. Frequent Rapid Transit Network is defined as:

"A seamless and reliable network of transit services running at least every 10-15 minutes all-day, every day. The Frequent Rapid Transit Network will consist of transit routes and corridors that ensure fast and reliable service through the use of dedicated infrastructure, design elements, and other supporting investments as required (e.g., full grade separation, exclusive right-of- way, HOV lanes, queue jump lanes, wider stop spacing than conventional transit routes, signal priority, or other transportation systems management measures). The Frequent Rapid Transit Network proposed will allow transit users to make efficient transfers between routes on the network, which includes subways, bus rapid transit, light rail transit, frequent (15-minute) two-way all-day GO rail, Priority Bus corridors, and Frequent Regional Express Bus."

Burlington GO Station is a Major Transit Station Area as noted in the Growth Plan section above. Map 6: Complete Frequent Rapid Transit Network in the RTP shows the following three Frequent Rapid Transit routes in the vicinity of the Burlington GO Station:

- GO Rail – 15 minute, Two-Way, All-Day
- Priority Bus Route (Dundas Street/Brant Street)
- Priority Bus Route (Harvester/Speers/Cornwall)

As such, the Subject Lands are located within a Mobility Hub. The RTP states that "Mobility Hubs present a vital opportunity to maximize the benefits of transit investments, establish a well-connected regional transit network, and foster transit-oriented development through collaboration by public and private sectors."

Supporting actions and supporting policies developed to achieve **Strategy 4** are of relevance to the proposed development. Key policies to be considered include:

- **Policy 4.3**, which states that development is to be focused at Mobility Hubs and Major Transit Station Areas along Priority Corridors identified in the Growth Plan; and,
- **Policy 4.5**, which intends to plan and design communities, including development and redevelopment sites and public rights-of-way, to support and promote the greatest possible shift in travel behavior consistent with Ontario's passenger transportation hierarchy.

Summary/Conformity Statement

Based on the above, the proposed development is positioned to assist in the implementation of the policy objectives of the 2041 Regional Transportation Plan, including redevelopment that promotes a shift in travel behaviours through the provision of higher density development and implementation of TDM measures such as reduced parking and unbundled parking which will support alternate modes of transportation. The proposal represents transit-oriented intensification within the Burlington GO Mobility Hub, which will assist in implementing and achieving the vision of the 2041 RTP.

5.5 HALTON REGION OFFICIAL PLAN (NOVEMBER 10, 2021 OFFICE CONSOLIDATION)

The Region of Halton Regional Official Plan (ROP) serves as Halton's guiding document for land use planning and is intended to manage growth across the Region's four municipalities. It contains the goals, objectives, and policies that manage growth and direct physical change and its effects on the social, economic, and natural environment of Halton Region. The Halton Region Official Plan (Regional Official Plan) was recently amended through the first of several amendments to implement its Municipal Comprehensive Review and Official Plan Review, referred to as the Integrated Growth Management Strategy to plan for growth to 2051. The first amendment, ROPA 48, was approved by the Minister of Municipal Affairs and Housing on November 10, 2021.

ROPA 48 has been consolidated into the ROP, updating the Regional Urban Structure to establish a hierarchy of Strategic Growth Areas in the ROP. Key policy changes made through ROPA 48 include the following:

- An update to Table 1 to include the 2051 population and employment forecasts for Halton Region at large with the distribution among Local Municipalities to be determined through ROPA 49 as discussed in Section 5.6 below;
- A new Table 2b added to include minimum density targets of jobs and residents for Strategic Growth Areas;
- Adjustments to Urban Growth Centre boundaries, including the Urban Growth Centre for the City of Burlington relocated to the Burlington GO MTSA;
- Boundary delineation for the MTSAs and updated policies for MTSAs;
- Updated Regional Nodes or regionally-significant growth areas identified including Primary Nodes and Secondary Nodes; and,
- Employment Area conversions.

The current ROP as amended by ROPA 48 lays out a broad set of land use designations as part of the Regional Urban Structure, which are intended to guide growth and development while allowing individual municipalities flexibility to further define specific land uses within the broader designation. The ROP also provides general guidance for redevelopment, creation of complete communities and intensification. The Planning Act requires that the OPs and Zoning By-laws of local municipalities conform to the ROP.

The Regional Structure is accompanied by a growth strategy for Halton based on population and employment forecasts for the planning horizon year of 2051. Overall, the Region is expected to reach a population of 780,000 by 2031 and a population of 1,100,000 by 2051. Of the regional total, it is intended that the City of Burlington will grow by 22,000 and reach a population of 193,000 by 2031 (Halton ROP, Table 1). The Region has not yet assigned/distributed the 2051 population and employment to the local municipalities, which will replace the 2031 forecasts. The 2051 distribution will be determined through the municipal comprehensive review. Burlington is currently required to accommodate at least 8,300 new housing units within its Built-Up Area between 2015 and 2031 to achieve the Regional target (Halton ROP, Table 2). The Regional population and employment forecasts and density targets have recently been amended by ROPA 49 as discussed further in Section 5.6 below which are awaiting Ministerial approval.

The proposed redevelopment contributes to the Region's growth targets, and specifically provides new housing units in a multiple dwelling form while also providing for at-grade retail/commercial space. \The intensification of the Subject Lands within the Burlington GO MTSA, will help the city achieve these targets. This form of development conforms to the policy direction of the Regional Official Plan related to housing supply.



Figure 10. Halton Region Official Plan Map 1H: Regional Structure



Figure 11. Map 6B Downtown Burlington UGC/Burlington GO MTSA

The Subject Lands are located within the Region's built boundary and are designated an "Urban Area" within the Burlington GO MTSA and Urban Growth Centre in Map 1H-Regional Urban Structure of the ROP (Figure 7). The Subject Lands location within the Burlington GO MTSA is more clearly defined in Map 6D – Downtown Burlington UGC/Burlington GO MTSA (Figure 8).

Section 72, Urban Area, provides that urban areas will support a form of growth that is compact and supportive of transit usage, directing growth to Strategic Growth Areas through promoting intensification and increased densities.

Section 79, Strategic Growth Areas, which include Urban Growth Centres and Major Transit Station Areas identified on Map 1H and Map 6, states that these areas will provide an urban form that economically uses space, promotes live-work relationships, fosters social interaction, promotes active transportation and is environmentally more sustainable in order to promote the development of complete communities. Development within Strategic Growth Areas will provide opportunities for more cost-efficient and innovation urban design, a diverse mix of land uses, a vibrant pedestrian-oriented environment, and higher densities than the surrounding areas. An appropriate transition of built form to adjacent areas will also be provided. Local Municipalities are required to include Official Plan policies and Zoning By-laws to meet intensification and mixed-use objectives with prescribed minimum development densities for Strategic Growth Areas to support existing and planned transit services.

Section 80, Urban Growth Centres, states that these areas serve as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses. Urban Growth Centres will accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit. Urban Growth Centres serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses. They will also function as the primary Strategic Growth Areas of the Regional Urban Structure hierarchy where a significant share of population and employment growth will be accommodated.

Section 81, Major Transit Station Areas, states that the objectives of MTSAs are to leverage infrastructure investments to support a significant share of growth and to achieve transit supportive densities. MTSAs will provide a range and mix of transit-supportive uses in a pedestrian-oriented environment. MTSAs will achieve multimodal access to stations and support complete communities. A diverse mix of uses, including additional residential units will be provided to maximize the number of potential transit users within walking distance of a station. Intensification opportunities will be contextually appropriate in order to ensure the protection of neighbourhood character within stable residential neighbourhoods, to be determined the Area Specific Plans.

Section 81.1, Protected Major Transit Station Areas (PMTSAs), identifies Protected Major Transit Stations as the Major Transit Station Areas (including the Major Transit Station Areas that are also Urban Growth Centres), with minimum density targets as identified on Table 2b, and as delineated on Map 1H and Map 6. Development with higher densities and mixed uses are directed to these areas.

Section 84, Housing, contains policies that state the goal for housing is to supply an adequate mix and variety of housing to satisfy differing physical, social and economic needs. Policies also address the need to make more efficient use of existing developed lands to increase the supply of housing while maintaining the physical character of neighbourhoods, directing that at least 50 percent of new housing will be townhouses or multi-storey buildings.

Part IV, Healthy Communities, provides policies on healthy communities with a goal to achieve a high-quality environment for future generations that will sustain life, maintain health and improve the quality of living (**Policy 140**). All development proponents will have regard for the Healthy Communities Guidelines in considering and providing physical design features that promote safety and security (**Policy 156(1)**).

Section 165, Cultural Heritage Resources, states that the goal for Cultural Heritage Resources is to protect the material, cultural and built heritage of Halton for present and future generations. Development proposals on adjacent lands to protected Cultural Heritage Resources are required to (**Policy 167(3)**):

- study and consider the preservation, relocation and/or adaptive re-use of historic buildings and structures based on both social and economic costs and benefits;
- incorporate in any reconstruction or alterations, design features that are in harmony with the area's character and existing buildings in mass, height, setback and architectural details; and
- express the Cultural Heritage Resources in some way, including: display of building fragments, marking the traces of former locations, exhibiting descriptions of former uses, and reflecting the former architecture and uses.

Section 172, Transportation, provides policies to ensure development is designed to support active transportation and public transit while promoting land use patterns and densities that foster strong live-work relationships and can be easily served by public transit and active transportation.

Summary/Conformity Statement

A full analysis of the relevant Halton Region Official Plan policies in relation to the proposed development can be found in **Appendix F4**. In summary:

1. The proposal conforms with the objectives of the ROP. The Subject Lands are located within the Burlington GO MTSA and Downtown Burlington Urban Growth Centre which allows for the proposal to support local and regional transit and thereby decrease dependence on the car. The varying unit sizes will help diversify the housing choices in the immediate area, contributing the creation of a more complete community with more affordable and attainable housing. Intensification within the UGC and MTSA is a Provincial and Regional objective and the proposal reflects an appropriate level of intensification given its locational context.
2. The Subject Lands are located in close proximity to the Burlington GO Station terminal which is identified as part of a Strategic Growth Area, specifically a Major Transit Station, in the ROP. The proposal will provide an urban form that will use space more economically through a tower design. The proposal will assist in the creation of a complete community in the Burlington GO MTSA/UGC through providing a range of unit sizes to diversify the housing options for residents.
3. The proposal is consistent with the policies requiring higher densities to be located within Strategic Growth Areas that are transit supportive. The proposed site plan contains appropriate landscaping and buffer areas to provide screening which allows for a built form transition to the surrounding neighbourhood.
4. The proposal recognizes the critical location of the Subject Lands within the PMTSA (MTSA and UGC) and seeks to optimize the use of the land. The associated planning instruments facilitate the proposal and implement the intensification policies of the ROP, allowing for increased density that will support transit and active transportation.
5. The proposal is located within a Major Transit Station Area as defined with the ROP and will provide a range and mix of transit-supportive uses including high density residential with at-grade retail to serve future residents. The proposal represents contextually appropriate intensification on the Subject Lands and will maximize the number of potential transit users within walking distance to the Burlington GO Station.
6. The proposal for a mixed-use development with a 30 storey residential tower is contextually appropriate within Downtown Burlington given its proximity and walking distance to the Burlington GO Station as well as the separation distance from the existing residential to the east. The proposal will increase the mix of housing by density, type and affordability in the immediate geographic area. It will make for more efficient use of developed lands through the intensification of an existing site. The character of the surrounding neighbourhood will be maintained through the appropriate siting of increased densities along Brant Street, appropriately distanced and transitioned from the residential neighbourhood to minimize adverse impacts while fulfilling the objectives for intensification within the MTSA/UGC.
7. The proposed development will be located within a 12 minute walk of regional and local transit which will encourage residents to take advantage of those modes of transportation to accomplish their daily tasks. This will contribute to the Region's modal split target. The proposed development is in close proximity to a number of services and recreation uses, encouraging active transportation.
8. The proposal will ensure appropriate commemoration of the 795 Brant building listed on the City of Burlington's Municipal Heritage Register as discussed in detail in the Heritage Impact Assessment.

Through the provision of additional height and density to provide for an appropriate mix of residential dwelling units to meet the needs of the current and future population, the proposed development contributes to the achievement of the Regional objectives for Urban Areas, Strategic Growth Areas, MTSAs, Urban Growth Centres, growth management, intensification, and housing. The proposal optimizes the use of a site with close proximity to the Burlington GO MTSA and Downtown Burlington Urban Growth Centre. The proposed buildings increased residential density in the area which supports transit while maintaining appropriate built form. The proposed development and associated Zoning By-law Amendment and Official Plan Amendment conforms with the Halton Region Official Plan.

5.6 REGION OF HALTON ROPA 49

Halton Region Official Plan Amendment 49 (ROPA 49) is the second amendment to be considered as part of the Regional Official Plan Review and builds on the Regional Urban Structure defined by ROPA 48. The purpose of this Amendment is to implement the results of the Region's Integrated Growth Management Strategy (IGMS). This strategy considers how to accommodate growth in Halton to the year 2051 as part of the Municipal Comprehensive Review process. The Amendment implements Regional Council's direction to:

- accommodate population and employment growth within Halton's existing Regional Urban Boundary to 2041; and
- develop a framework for planning for growth from 2041 to 2051.

The Amendment also provides changes to achieve conformity with the Provincial Growth Plan for the Greater Golden Horseshoe. Among other things, this includes updates to policies and mapping related to existing Settlement Area boundaries, the Regional Urban Structure, Strategic Growth Areas and Employment Areas. It also includes updated forecasts and targets for population and employment growth, intensification, density and Regional phasing.

On June 15, 2022, Regional Council adopted Regional Official Plan Amendment No. 49 (ROPA 49) as part of the Municipal Comprehensive Review. ROPA 49 is now with the Minister of Municipal Affairs and Housing for a decision.

ROPA 49 updates policies for Strategic Growth Areas and renames them Regional Intensification Corridors. These updates support the corridors' role in accommodating growth in the Urban Area along routes connecting Regional Nodes, Major Transit Station Areas and Urban Growth Centres. Specific density targets are not set for these areas, rather, the Regional Plan contains new policies requiring these areas to be planned locally to accommodate growth at a scale appropriate for their context and existing and planned transit service.

Overall, the Region is expected to reach a population of 931,000 by 2041 and 1,100,000 by 2051. Burlington is planned to reach a population of 240,500 by 2041. The 2051 planned population forecasts by municipality have not yet been identified to 2051 (ROPA 49, Table 1) as required by the Growth Plan.

The Region has assigned growth to the local municipalities in order to achieve this target. Based on this approach, Burlington is required to accommodate at least 20,500 new housing units within its Built-Up Area between 2022 and 2041 to achieve the Regional target (ROPA 49, Table 2). This is further broken down by unit type with unit targets provided to each municipality for 5 year increments, with Burlington's being as follows within the Built-Up Area (ROPA 49, Table 2A):

- 2022-2026 – 4,790 units
- 2027-2031 – 5,090 units
- 2032-2036 – 5,170 units
- 2037-2041 – 5,270 units

Summary/Conformity Statement

Based on an assessment of the ROPA 49 policies, while not determinative, they are informative; the proposed development conforms with the Regional Official Plan Amendment as it aligns with the policies related to Regional Intensification Corridors. The proposed development represents an appropriate level of intensification that is an efficient use of land that is serviced by existing infrastructure. Overall, the proposed development and Official Plan and Zoning By-law Amendments conforms to ROPA 49 through providing 356 new residential units within the City of Burlington to assist the Region in meeting its planned target for new housing units and planned population targets to 2041.

5.7 CITY OF BURLINGTON OFFICIAL PLAN (IN-FORCE)

The City of Burlington Official Plan (the "current" or "in-force" Official Plan) was approved by the Ontario Municipal Board on October 24, 2008. The Official Plan text and maps were updated in the October 2017 office consolidation. Official Plan Amendment (OPA) 55 was adopted in order to bring the in-force Official Plan into conformity to the 2006 Growth Plan and to provide for growth to 2021. The current Official Plan forms the majority of the policy review with respect to the local land use policy framework.

The Subject Lands are identified on Schedule A – Settlement Patterns as 'Mixed Use Activity Areas' (**Figure 8**). They are further designated 'Mixed Use Corridor – General' and as part of 'Downtown Urban Growth Centre Boundary' per Schedule B – Comprehensive Land Use Plan – Urban Planning Area under the City of Burlington's in-force Official Plan 2019 Office Consolidation (**Figure 9**). Brant Street is identified as a 'Minor Arterial Road,' and Prospect Street identified as a 'Collector Street' per Schedule J – Classification of Transportation Facilities.

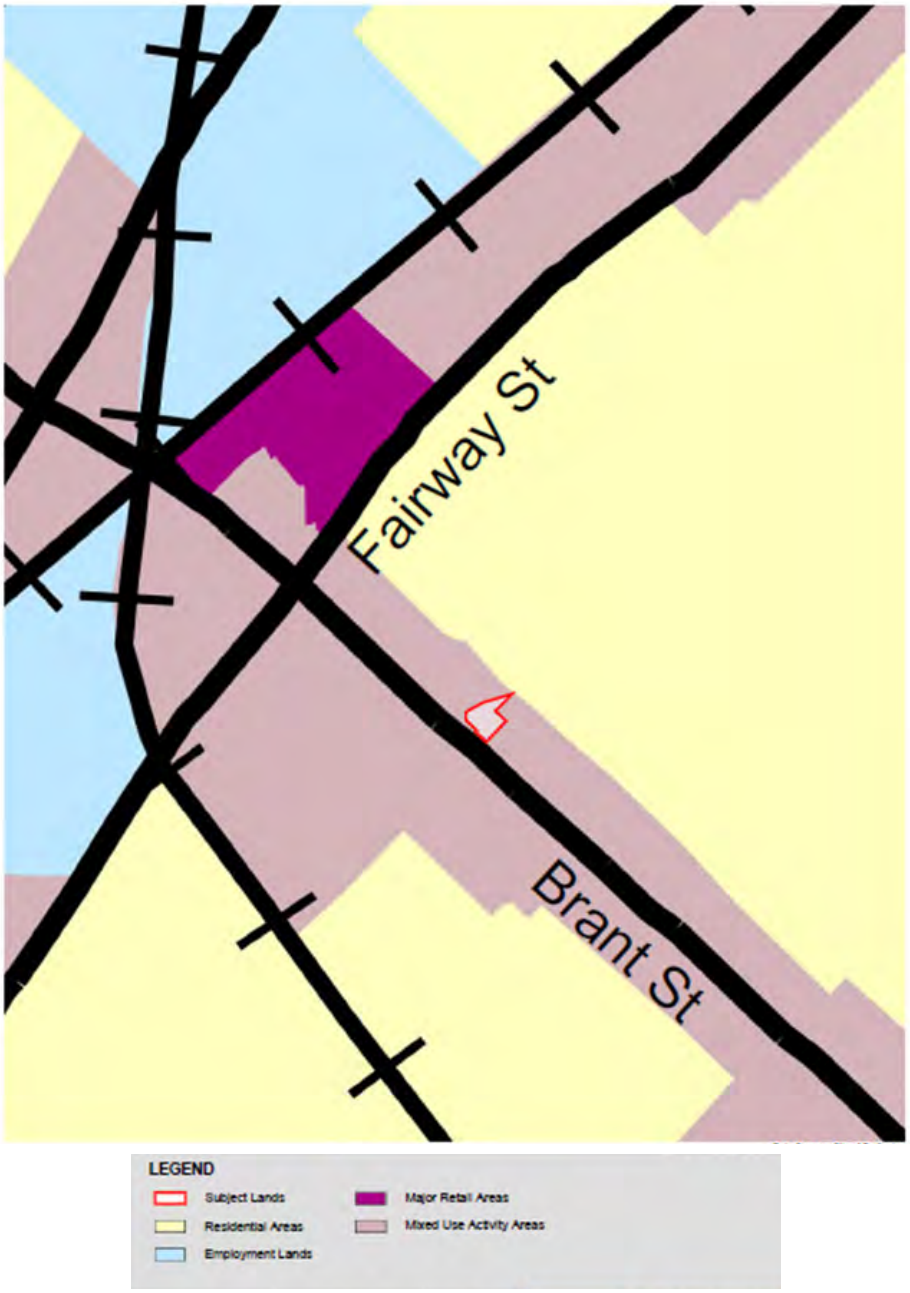


Figure 12. City of Burlington Official Plan - Schedule A: Settlement Pattern

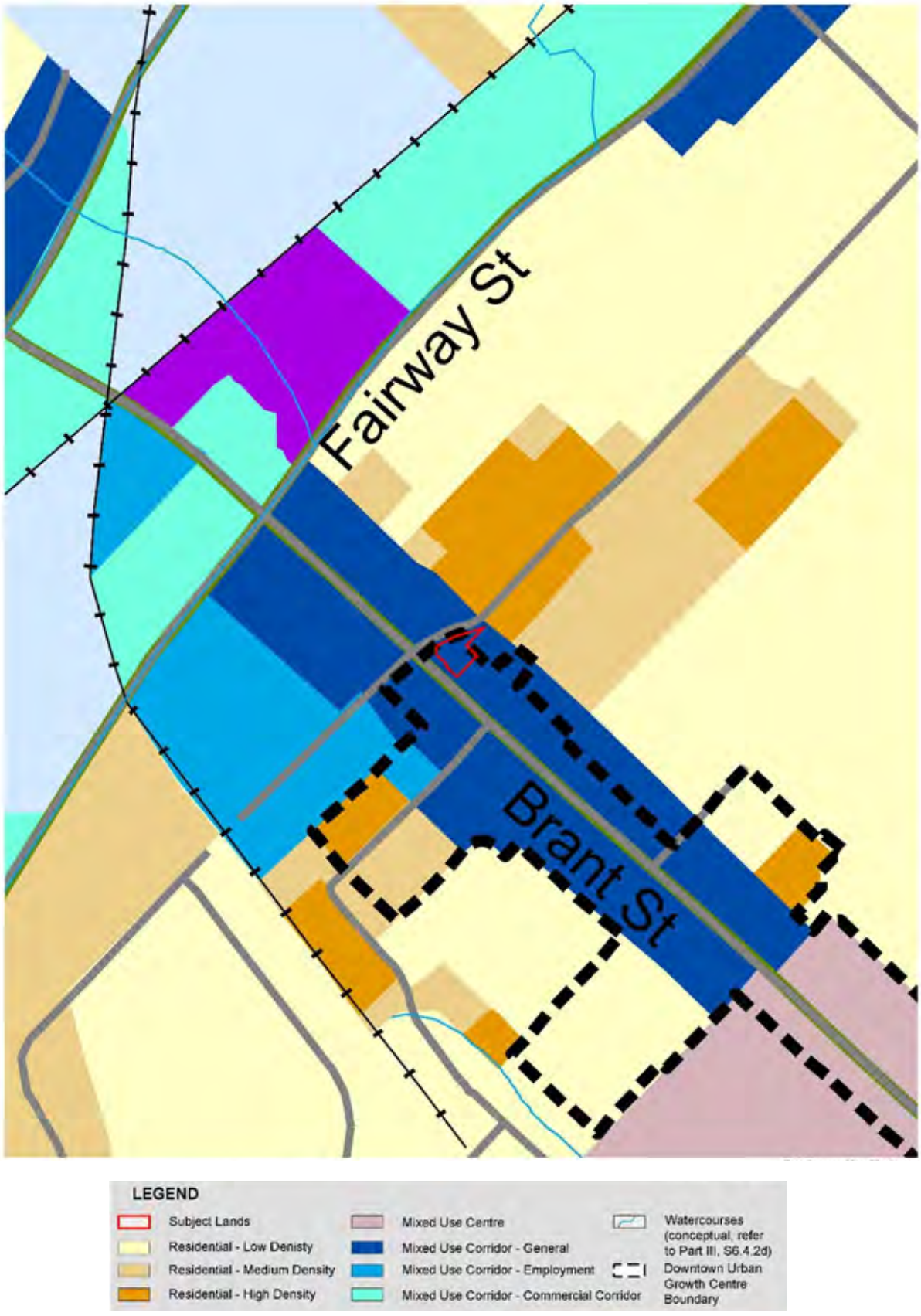


Figure 13. City of Burlington Official Plan - Schedule B: Land Use Plan

The following is a summary of the relevant OP policies and an analysis of how the proposed development conforms to the general direction and policies of the OP and how the proposed site specific OPA provides conformity to the Growth Plan and is consistent with the PPS.

Part I: Policy Framework

The OP sets out Guiding Principles in Section 3.0 of Part I that are applicable to all development. While these policies are high level and apply to the City's Plan as a whole, they are an important consideration when evaluating intensification within MTSAs. Consistent with the Growth Plan and ROP, the OP identifies MTSAs as areas within 500 m of a higher order transit station, which includes the Aldershot GO Station. Guiding principles for the urban and rural environment include:

- Provide for a community plan and growth strategy aimed at creating an attractive, liveable community that offers a wide range of housing, employment, transportation, and leisure opportunities.
- Support a healthy, clean and sustainable community based on an ecosystem approach and the implementation of the principles of Sustainable Development, by ensuring that environmental integrity and diversity, social and economic factors, and compatibility are considered in land use decisions.
- Ensure that the City's infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.
- Foster a unique, vibrant and strong community identity.
- Create a community development pattern that supports the existing business community and promotes new business development opportunities, by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.
- Promote safety and health in the community as well as fair access to housing, municipal services, community facilities, education facilities and economic opportunity.
- Promote the efficient use of land through intensification within appropriate areas of the City, in accordance with provincial growth management objectives, while recognizing the need for balancing this objective with other planning considerations.

The proposal has carefully considered these guiding principles in its design. The development provides for intensification at an appropriate location in the City. It advances the Province's growth objectives while balancing other objectives of the current Plan. It will contribute to the achievement of an attractive and livable community providing access to housing within close proximity to parks, shopping, professional services, medical services, and community facilities.

The proposal represents an efficient use of serviced land that will add new housing opportunities in the Downtown area. The increased growth and density will support local businesses and public transit while future residents will be able to take advantage of a number of recreational and community facilities located in the area. The Burlington GO MTSA is an appropriate location for intensification due to the higher levels of existing and planned transit service. The proposed development helps achieve the City's intensification targets.

Land Use Vision

Part 1, Section 4.0 of the OP on the Land Use Vision provides general policies related to the land use vision for the entire City. Sections 4.2 and 4.3 identify that the existing built form and environment in Burlington is going to change from the current suburban community to one which provides for future growth in the form of intensification and redevelopment in a new built forms.

Section 4.2, The Present Built Form and Natural Environment *D53, notes that the historical built form of the City reflected the belief that there were future limits to growth and reflected the abundant supply of developable land available at that time. This section acknowledges that a shift has occurred since this time and the vision has been modified to reflect this and, identifies that as the City approaches a mature state, a significant amount of its future growth will be in the form of intensification and redevelopment within the existing urban boundary. The Plan notes that, with fixed urban boundaries, the challenge will be to accommodate the various demands for land while maintaining stability and compatibility.

Section 4.3, The Future Built Form and Natural Environment, identifies key changes encouraged by the Plan, which are: the development of a greater diversity of housing types to meet the changing needs of the population; the development of a more self-contained City by encouraging a greater live-work relationship; focusing more intense land uses into specified mixed use centres; a move toward a more balanced transportation system; and, a greater emphasis on the long-term preservation and conservation of significant natural features with greater public access. With respect to population growth, the Plan directs it toward underutilized or

vacant parcels in existing communities where new residential growth will be mainly in the form of more compact housing that is served by various modes of transportation and in closer proximity to jobs, shopping and leisure areas. While infill development is encouraged, the Plan provides that preservation and enhancement of the quality of life features of neighbourhoods must be considered in the review of any new and/or intensified development proposals. With respect to the Downtown, Section 4.3 identifies that this area is to maintain its role as the City centre, encouraging residential development, redevelopment, and intensification in areas where appropriate.

The proposal is consistent with the City's land use vision. It will provide for intensification on a site that is in close proximity of a GO Station while respecting the existing low density neighbourhood to the east through a compatible design. The proposed compact built form will diversify housing opportunities and reflects the changing needs of smaller households and an aging population who are seeking smaller and more affordable housing options close to transit. The height, form, and density of the development is consistent and compatible with other approved developments in the area as noted in Table 2 of this report.

Part II Functional Policies

Part II of the OP contains a number of policies related to functional elements of growth and development including policies on servicing, sustainability and transportation.

Section 2.7 of Part II of the OP provides applicable policies on Sustainable Design and Compatibility that address how development will be reviewed to ensure efficiency of land use in terms of energy, travel time, intensity and density. Development that provides choices in housing, shopping, employment and transportation will be encouraged. Transportation Demand Management strategies will be used to encourage increased transit ridership, walking and bicycling.

The proposed development conforms to the sustainable development direction and policies. The proposal is within walking distance to local and regional public transit as well as a number of community and recreational facilities, as shown in Table 1 of the report. The proposal represents an efficient use of serviced land located within the built boundary and in proximately to existing housing, commercial areas, employment opportunities and transportation networks, making the area accessible to future residents by providing opportunities for active transportation, including walking, cycling and public transit.

Section 3 of Part II contains Transportation policies that state that Council shall promote the development of cost-effective transit services through transit-supportive land uses and transportation plans in areas of development including mixed use corridors and centres. Development applications shall be reviewed to ensure that, where feasible, proposed land developments encourage the efficient and effective use of transit services.

The development achieves the noted transportation objectives and conforms to the policies as it provides for an intensified use of the site which allows future residents to pursue alternate travel opportunities. The proposal's location within walking distance to the Burlington GO Station, on a primary bus transit route, and surrounded by walkable and safe streets for cyclists and pedestrians, maximizes the effectiveness and coordination of local transit with Provincial and Regional initiatives.

Section 3.3 of Part II of the OP contains policies for Roads. Brant Street is designated as a Minor Arterial Road in the OP. Minor Arterial Roads serve mainly local travel demands connecting communities and inter-connect Major and Multi-Purpose Arterials. They are intended to carry moderate to high volumes of traffic. Development of property adjacent to Minor Arterial Roads should be designed with consolidated access points onto the site which would minimize the impact on the road, and promote transit supportive lands uses along right-of-ways in Urban Areas. Per section 3.3.2 of functional policies, daylight triangles are required from Collector Street to Minor Arterial and shall be 7 metres by 7 metres. It should also be noted that due to this road designation and proposed residential use, policies of this section require a noise study be undertook to provide appropriate noise mitigation measures.

The proposed development has been designed with one access point from Prospect Street to consolidate vehicular access via one access point to delineate pedestrian access and to ensure a high quality and safe pedestrian realm. A Noise Study has also been prepared in support of the proposal which provides detailed recommendations for noise mitigation measures required for the proposal, including central air condition and acoustic/noise barriers for the outdoor amenity areas.

General Urban Design policies are set out in Section 6 of Part II of the OP. Policies provide that the density, form, bulk, height, setbacks, spacing and materials are to be compatible with the surrounding area with appropriate site design and buffering measures encouraged to ensure compatibility. Tall building design must recognize pedestrian scale, safety and the perception of safety and access and the preservation of public vistas and views. The creation of a continuous streetscape environment shall be encouraged with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings. The location and amount of parking areas shall be reviewed to minimize impacts on the public streetscape.

The proposal provides for efficient, attractive and compact design that is integrated with the public realm. The proposal balances the need for higher density and more compact built forms while maintaining compatibility with the surrounding neighbourhood and evolving context for increased densities within the MTSA. The proposed built form achieves this balance by efficiently utilizing the site through the incorporation of underground parking, landscaping and minimizing the front yard setback.

The urban design features of the proposal are discussed in greater detail in the accompanying UDB which provides a detailed assessment of the proposal's design merits in relation to the physical context.

Part II, Section 8.0 of the OP addresses policies relating to Cultural Heritage Resources and in Section 8.4 states that all development shall consider cultural heritage resources and incorporate them into development plans in a way that conserves the character defining elements of the cultural heritage resource, and that the completion of a heritage impact statement shall be required prior to any approvals.

A Heritage Impact Assessment has been prepared in support of the proposed development which identifies means to commemorate 795 Brant Street which is currently listed on the City of Burlington's Municipal Heritage Register.

Part III: Land Use Policies

Part III of the OP provides Land Use Policies for the City's urban areas. The Subject Lands are designated Mixed Use Activity Area, specifically, Mixed Use Corridor – General. Section 5.0 contains policies for Mixed Use Activity Areas. Mixed Use Activity areas provide locations for employment, shopping and residential uses. These uses are to be integrated in a compact urban form, at higher development intensities and be pedestrian-oriented and highly accessible by public transit. Mixed Use Activity areas will foster community interaction by providing focus on community facilities. These areas are to occur in linear and nodal forms based on specific land use designations.

The objectives for Mixed Use Activity Areas (Policy 5.2.1) include encouraging comprehensively planned mixed use employment, shopping and residential areas that provide for the integration of uses in a compact urban form, while retaining compatibility with nearby land uses. Mixed Use Activity Areas are to be pedestrian-oriented and highly accessible by public transit, and foster community interaction.

Mixed Use Activity Areas policies (Policy 5.2.2) provide that the design and development of these areas shall promote them as focal points for community activities characterized by a compact form, higher intensity development, pedestrian-orientation with greater accessibility to public transit. Mixed Use Activity Areas are identified as priority locations for land assembly at strategic locations and higher levels of transit service. Mixed Use Activity Areas shall be subject to a high quality of urban design.

The development proposal maintains the planned function of Mixed Use Activity Areas as it provides an alternative to low density development that makes efficient use of land and existing resources. It directly responds to and addresses the demand for higher intensity residential uses within the City in an area so identified as appropriate for such a use. The compact mixed-use urban form meets the objectives for Mixed Use Activity Areas and will contribute to the provision of an accessible public realm and enhanced streetscape to foster community interaction through the provision of retail uses at grade along Brant Street.

The Subject Lands are specifically designated Mixed Use Corridor - General. Objectives and policies are addressed in Section 5.3. The objective for Mixed Use Corridor - General areas is to provide locations along multi-purpose arterial or major arterial roads that will serve as areas of concentration for mixed use developments with high density residential, retail, service commercial, office, entertainment, community facilities and institutions, and open space uses (Policy 5.3.1).

The Mixed Use Corridor – General designation permits the following uses (Policy 5.3.2(a)):

- A wide 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 small scale motor vehicle dealerships;
- High density residential uses and a full range of office uses. Townhouses may only be permitted as a component of an overall development of mixed residential or residential/commercial building forms, where the townhouse portion of the mixed development does not abut the multi-purpose arterial or major arterial road and where the development of the townhouse component does not compromise the long-term objectives for the Mixed Use Corridor designation with respect to such matters as mix of uses, building form and intensity; and
- Development and redevelopment of lands within a major transit station area, such as a GO transit commuter rail station, shall achieve a higher intensity of re-development and consist of transit supportive uses, as called for and defined in the Growth Plan for the Greater Golden Horseshoe. Notwithstanding Part III, Subsection 5.3.3 b) and e), those lands designated Mixed Use Corridor subject to the Commercial Corridor Policies of Subsection 5.3.3 and located within a major transit station area, shall permit only transit supportive uses, as defined in the Growth Plan for the Greater Golden Horseshoe, have a minimum floor space index of 0.5 and a minimum building height of two storeys.

Policies related to Mixed Use Corridor - General lands include the following (Policy 5.3.2.b, c, f, h, l, k):

- Mixed Use Corridor lands are intended to provide for the day-to-day and weekly shopping needs of residents within and in close proximity to the Corridor.
- Retail and service commercial uses are to be located at street level in office or residential buildings.
- Higher density land uses and taller buildings shall be permitted at locations where Mixed Use Corridor areas intersect with multi-purpose arterial roads, major arterial roads or provincial freeways; or existing areas of development concentration, subject to the criteria outlined in Part III, Subsection 5.3.2, d) (i).
- Transit-supportive and pedestrian-oriented urban design shall be required in the development of Mixed Use Corridor sites.
- The design and development of Mixed Use Corridors shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the automobile and shall maximize personal safety by encouraging site plan features such as:
    - buildings should be oriented to the street and transit services, and buildings should be located so as to be in proximity to, and face the street, to provide a sense of human comfort and pedestrian scale and interest ;
    - safe and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas, and other buildings and facilities; and
    - roads shall be designed for automobile use, efficient transit services as well as pedestrian and bicycle travel.
- Retail, service commercial and other pedestrian-oriented use shall be encouraged at the street level.

The proposal implements high density transit supportive and pedestrian-oriented mixed use development which is permitted along Mixed Use Corridors, including lands in the vicinity of a MTSA, while retaining compatibility with nearby land uses. The proposed development will also implement retail at-grade along Brant Street to help to support the day-to-day shopping needs of residents. In terms of design, the proposed development is oriented to the street with an appropriately sized podium to provide a sense of human comfort and scale for pedestrians. The proposed development provides connections from the building entrances and retail entrances directly to the pedestrian sidewalk to serve residents and visitors.

Summary/Conformity Statement

A detailed analysis of the proposal's conformity with the Burlington In-Force Official Plan is provided in **Appendix F5.** In summary:

- The proposed development represents an appropriate and high quality development that seeks to amend the In-Force Official Plan through an Official Plan Amendment to implement a high density development within a MTSA and UGC, achieving all of the policy objectives of the Provincial Policy Statement and Growth Plan.
- The proposed development conforms to the general objectives of the Burlington Official Plan through providing for intensification at an appropriate location in the City and will contribute to the achievement of an attractive and livable community providing access to housing within close proximity to parks, shopping, professional services, medical services, and community facilities.
- The Burlington GO MTSA/Downtown Burlington UGC is an appropriate location for intensification due to the higher levels of existing and planned transit service and therefore will increase transit use and encourage active transportation. The proposal is located within walking distance to the Burlington GO Station, as well as on a primary bus service route on Brant Street. The proposal will encourage the use of transit services surrounding the Subject Lands.
- The proposal is consistent with the City's land use vision. It will provide for intensification on a site that is in close proximity of a GO Station near an existing low density neighbourhood to the east. The proposed compact built form will diversify housing opportunities while ensuring no adverse impacts on adjacent land uses. It reflects the changing needs of smaller households and an aging population who are seeking smaller and more affordable housing options close to transit. The height, form, and density of the development is consistent and compatible with other approved developments in the area.
- The development proposal maintains the planned function of Mixed Use Activity Areas as it provides an alternative to low density development that makes efficient use of land and existing resources. It directly responds to and addresses the demand for higher intensity residential uses within the City in an area so identified as appropriate for such a use.
- The proposal will provide a mix of residential and commercial uses, with approximately 485 square metres of retail proposed at street level to animate the street and to satisfy the day-to-day needs of future residents for retail and service commercial uses. The proposed development is oriented to the street with an appropriately sized podium to provide a sense of human comfort and scale for pedestrians.
- The proposed development can be adequately serviced by municipal services and the transportation network as discussed in the supporting technical studies.
- As detailed in the Heritage Impact Assessment, the proposed development will ensure proper commemoration of the listed heritage building located at 795 Brant Street.

The development proposal and corresponding Official Plan Amendment and Zoning By-law Amendment conform with the general policies of the Burlington Official Plan and the amendments are required to provide conformity with and implement the applicable policies of the Provincial Policy Statement, Growth Plan and Halton Region Official Plan to ensure a transit supportive, high density mixed-use development.

5.8 NEW CITY OF BURLINGTON OFFICIAL PLAN (UNDER APPEAL)

Over the past several years, the City has been working towards a new Official Plan. The City of Burlington's new Official Plan was originally adopted by City Council on April 26, 2018. The Region of Halton identified a number of areas of non-conformity through its review and the City undertook a re-examination of the Official Plan with a focus on Downtown Burlington. The updated new Official plan was approved, with modifications, by Halton Region on November 30, 2020. Significant portions of the Official Plan were appealed and remain under appeal including the policies that would apply to the Subject Lands. While these policies remain under appeal, they are assessed for the purposes of being informative of Council's direction but are not determinative.

The following is a summary of the OP policies relevant to the proposed development and an analysis of how the redevelopment meets the City's planning objectives of the OP and serves to achieve conformity/ consistency with these higher order planning instruments.

In the City's new Official Plan, the Subject Lands are designated as:

- **Urban Area** – Schedule A – City System
- **Urban Centres** and also within 500 metres of Major Transit Station Area – Schedule B – Urban Structure;
- **Primary Growth Area** – Schedule B-1 – Growth Framework;
- **Located on a MTSA Primary Connector and Frequent Transit Corridor (Brant Street)** – Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors;
- **Urban Centres in Mixed Use Intensification Areas** – Schedule C – Land Use – Urban Area;
- **Upper Brant Precinct** – Schedule D – Land Use – Downtown Urban Centre;
- **Mixed Use Street** – Schedule D-1 – Downtown Urban Centre Retail Streets;
- **Max. Height of 25 Storeys** – Schedule D-2 – Maximum Building Heights.

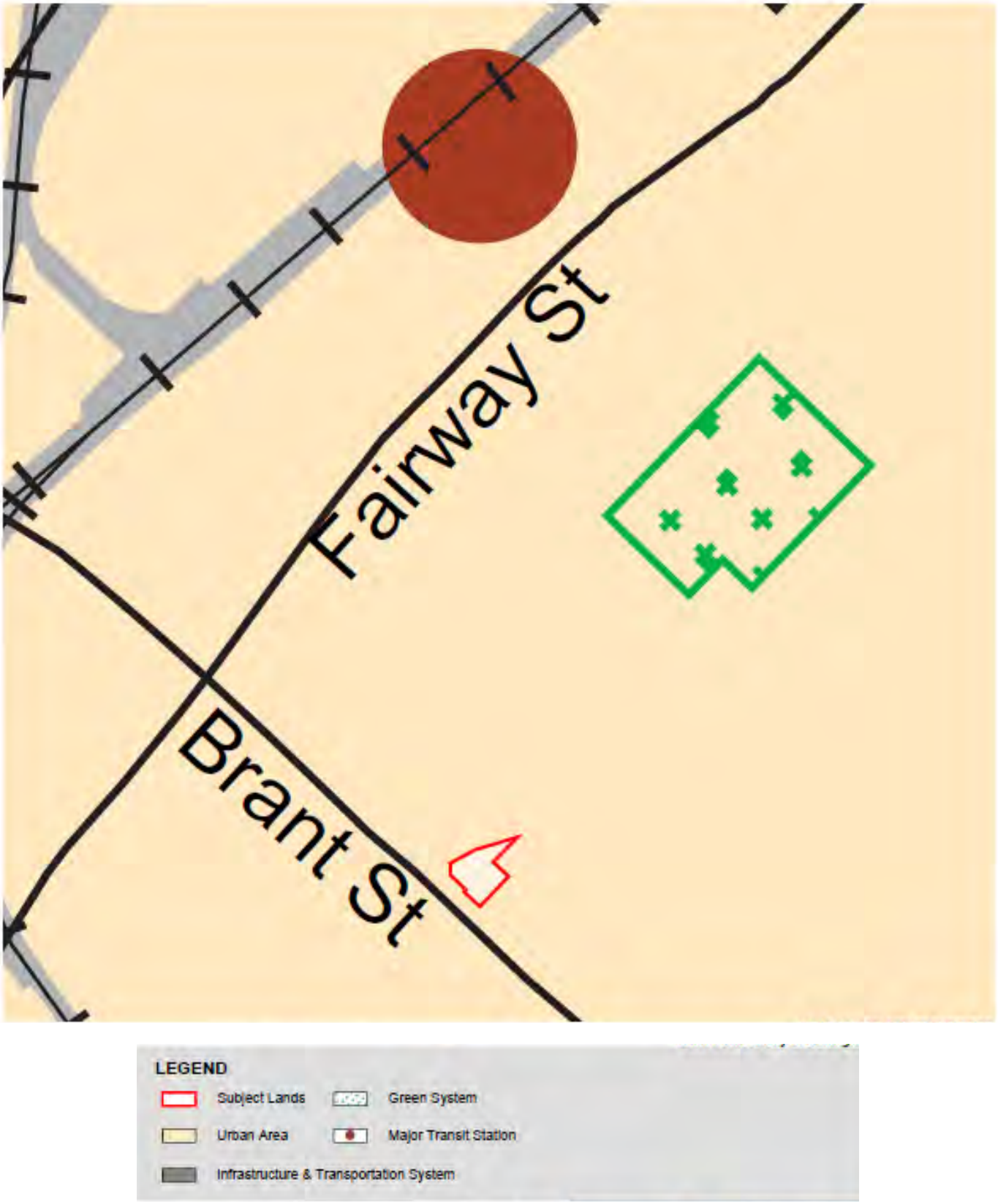


Figure 14. Schedule A - City System



Figure 15. Schedule B - Urban Structure





Figure 16. Schedule B-1 - Growth Framework

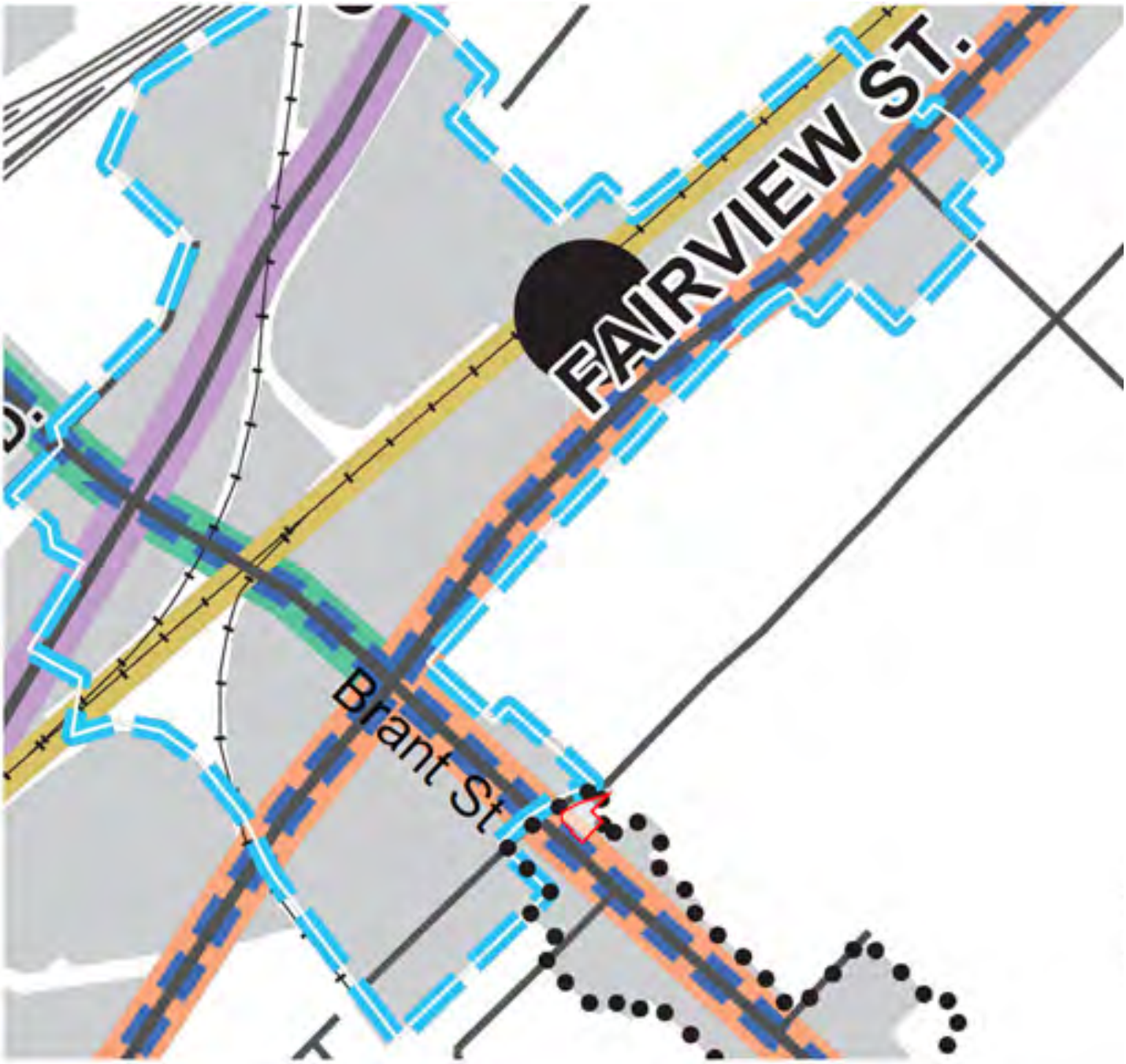


Figure 17. Schedule B2 - Growth Framework

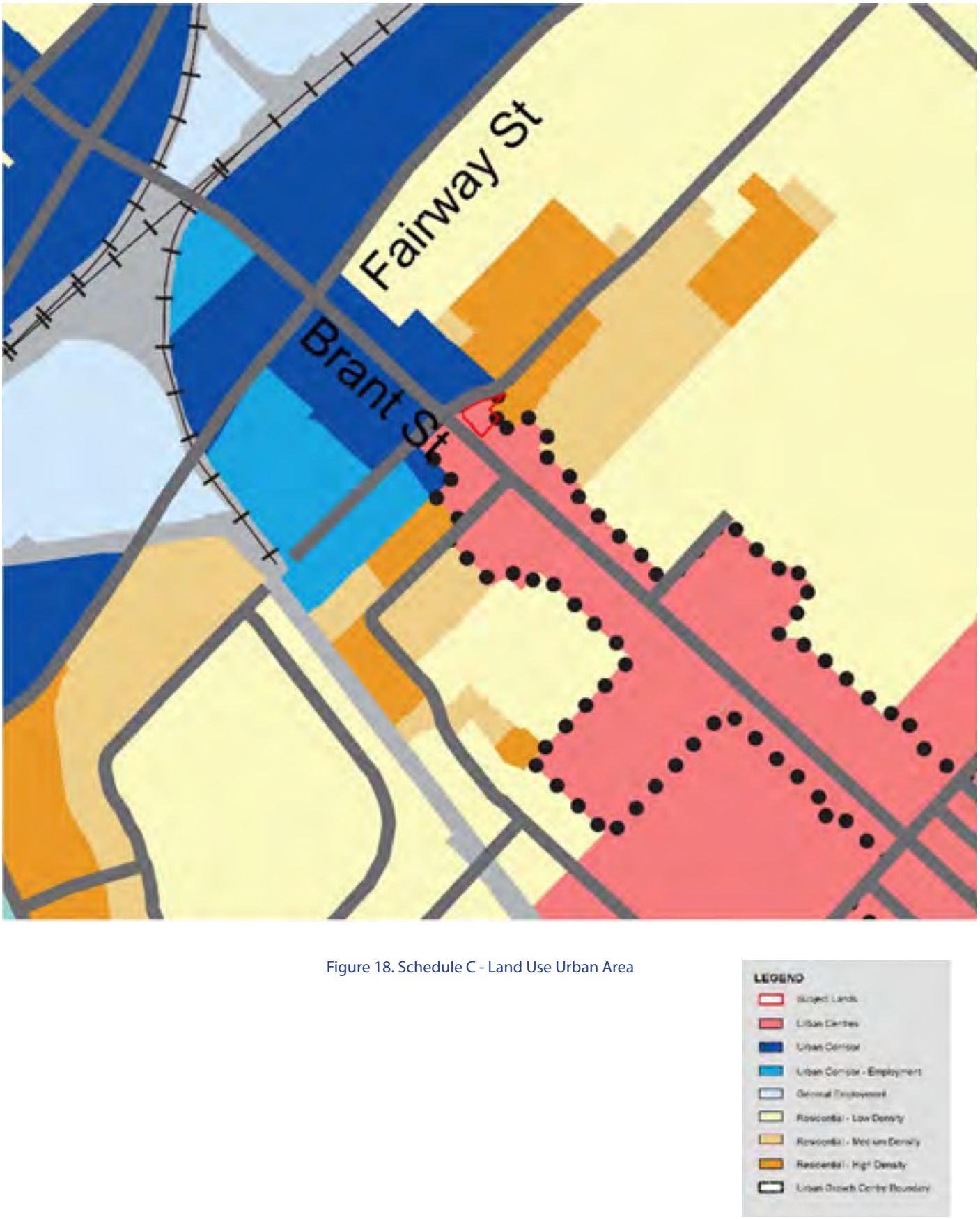


Figure 18. Schedule C - Land Use Urban Area

The new Official Plan has been appealed by Camarro Developments as it relates to the Subject Lands, specifically with regards to the policies for Urban Corridor lands, Urban Corridor General lands and the Upper Brant Precinct.

Mixed Use Intensification Areas – Urban Centres

Mixed Use Intensification Areas are described in Section 8.1 and are intended to include a broad range of employment, shopping public service facilities, residential and complementary uses such as open space, institutional, and cultural uses. Mixed use Intensification areas are divided into four land use designations: Urban Centres, MTSA Special Planning Areas, and Mixed Use Nodes and Intensification Corridors. Policies within Mixed Use Intensification Areas also provide land use designations and policies for the Downtown Urban Centre, including the Upper Brant Precinct. Urban Centres shall be promoted as city-wide destinations and be a focal point for a wide variety of land uses, building types and densities that are designed and oriented to support and facilitate transit and active transportation.

The following are the general policies that apply to Urban Centres (Policy 8.1.1(2)):

- The design and development of Urban Centres shall promote these areas as multi-functional activity centres and focal points for a variety of activities that are characterized by a mixed use and compact built form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.
- The design and development of Urban Centres shall ensure compatibility between the Urban Centre uses and surrounding areas.
- The construction and expansion of municipal infrastructure and public service facilities shall provide for the development of Urban Centres in an orderly and cost effective fashion.
- Urban Centres will be priority locations for the following, not limited to:
    - Land assembly;
    - Infrastructure and public service facilities improvements;
    - Creation and application of financial, regulatory and other incentives;
    - New public service facilities;
    - Creation and application of brownfield and greyfield development strategies;
    - Preparation of comprehensive traffic, transportation demand management and parking studies and strategies; and
    - Frequent transit corridors.
- Zoning By-law regulations affecting Urban Centres shall be based on the general policies for Urban Centres, contained in Subsection 8.1.1(2), and the specific policies for individual Urban Centres, contained in Subsections 8.1.1(3) and 8.1.1(4), or the policies contained in an area-specific plan.
- Multi-unit residential developments in Urban Centres should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.
- Transportation demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed developments within Primary Growth Areas in Urban Centres, subject to the policies of Subsection 6.2.10 of this Plan.
- Urban Centres shall be served by frequent transit corridors.

The Subject Lands are located within the Urban Centre which is an area identified for mixed-uses, compact built form, pedestrian-orientation, greater accessibility to public transit and higher intensity development. The proposal conforms to the general policies for Urban Centres through providing for a mixed-use building with a compact built form and higher intensity of development. The proposed development has been designed to ensure compatibility with surrounding areas through appropriately sited built form with setbacks and a tower profile that has been designed to ensure minimized shadow impacts on the surrounding area.

The proposal can be adequately serviced by municipal infrastructure in accordance with the Functional Servicing Report and Traffic Impact Study prepared in support of the proposal.

The proposal incorporates a mix of unit sizes to accommodate a diverse range of household sizes and incomes, ranging from one bedroom to three bedroom units.

Downtown Urban Centre

The Downtown Urban Centre is defined as a lively, vibrant "people place", with a wide variety of employment, shopping, leisure, residential, recreational and tourism opportunities. A large portion of the Downtown Urban Centre is within the Urban Growth Centre boundary; an area referred to in the Provincial Growth Plan as an area that shall accommodate significant population and employment growth. The Downtown Urban Growth Centre will be a focal area for investment in regional public service facilities, such as the hospital, as well as commercial, recreational, cultural and entertainment uses and will serve as a high density major employment centre. New development will maintain and

enhance the Downtown's image as an enjoyable, safe, walkable and cycling-friendly place, and complement the pedestrian activity of the area. New development will also be compatible with the physical character within each precinct and designation and provide a compatible transition to adjacent low-rise neighbourhoods.

Section 8.1.1(3.1) provides General Objectives for the Downtown Urban Centre, including the following:

- To establish the Downtown as a major centre for office, retail, service commercial, residential, culture, and public service facilities, including educational and institutional uses that contribute towards the Downtown's role as a unique destination and important source of identity for the city, consistent with Chapter 5: Economic Activity, of this Plan.
- To establish minimum density targets for the Urban Growth Centre contained within the Downtown in terms of residents and jobs, in accordance with the Provincial Growth Plan.
- To establish a precinct system that recognizes areas with distinct character and sets policies for differences in land uses, height and built form, informed by historical development patterns and the planned function of each precinct.
- To ensure development incorporates effective transitions with adjacent development and surrounding areas.
- To provide space for retail and service commercial activities that serve the general needs of Downtown residents and employees as well as specialized functions for the entire city.
- To conserve cultural heritage resources and maintain character defining areas significant to the Downtown and the city.
- To provide a continuous, harmonious, safe, active and attractive pedestrian oriented environment along Retail Main Streets.
- To enhance Downtown streetscapes with street trees and other greenery/landscaping where appropriate.
- To achieve urban design and architectural excellence in new developments.
- To retain and expand cultural resources including public art.
- To permit building heights and intensities that support the designation of the Downtown as an Urban Growth Centre while protecting the predominant low-rise character of Brant Street and providing a transition to adjacent low-rise neighbourhoods.
- To require a mix of uses throughout the Downtown that reinforces the Downtown's role as a complete community.
- To concentrate the tallest development in those parts of the Urban Growth Centre that have the greatest proximity to higher-order transit.
- To encourage the integration of a wide range of housing types and tenures within the Downtown, including assisted and special needs housing, and rental housing.
- To ensure the Downtown has adequate infrastructure to support new development.

General Policies for the Downtown Urban Centre are addressed in Section 8.1.1(3.2) include the following:

- In addition to the objectives and policies of Subsection 8.1.1(3), Downtown Urban Centre, the objectives and policies of Subsection 8.1.2, Major Transit Station Areas, of this Plan, shall apply within the Downtown Urban Centre.
- Within the Urban Growth Centre Boundary as delineated on Schedule B: Urban Structure, and Schedule D: Land Use - Downtown Urban Centre, of this Plan, a minimum density target of 200 residents and jobs combined per hectare by 2031 or earlier is established, in accordance with the Provincial Growth Plan.
- The residents and jobs associated with development in the Downtown Burlington MTSA shall contribute towards meeting the minimum density target of the Urban Growth Centre.
- The Urban Growth Centre target of a minimum 200 people and jobs per shall not be applied on a site-specific basis, and shall only be applied to the entire geography to which the target applies.
- The full extent of maximum development permissions stated within all Downtown Urban Centre precincts may not be achievable on every site within a precinct, due to site-specific factors including, but not limited to, design excellence, compatibility and transition to adjacent development, negative environmental impacts, hazardous lands, transportation, stormwater management, cultural heritage resources and/or infrastructure capacity.
- Development will support and enhance the Downtown as a lively, vibrant and people-oriented place.
- Development will respect and be compatible with the existing built form character of adjacent development and provide appropriate built form transition.
- Development will support the achievement of the vision and function of the precinct within which it is located.

The proposed development has been designed in accordance with the objectives and policies of the Downtown Urban Centre through implementing a high density use that has been designed to be compatible with the surrounding neighbourhood through appropriate

design and transition to the low-rise neighbourhood to the east. The proposal provides retail at grade along Brant Street to animate the streetscape and to provide a pedestrian-oriented environment with appropriate landscaping. The proposal seeks to implement a mixed-use development to assist in the creation of a complete community within the Downtown Urban Centre and seeks to locate a tall building along Brant Street in close proximity to the Burlington GO Station. The proposal will also contribute to the minimum intensification targets identified for the Urban Growth Centre.

Upper Brant Precinct

The Upper Brant Precinct will accommodate developments with a variety of building heights proportional to parcel depth along Brant Street between Prospect Street and Blairholm Avenue, with the tallest developments in the Downtown located along and north of Ghent Avenue. Development will generally achieve a height and density that reflects the precinct's walking distance to higher-order transit at the Burlington GO Station and contributes to the creation of a transit, pedestrian and cycling oriented area while also achieving compatibility with adjacent Residential-low density areas shown on Schedule C: Land Use – Urban Area, of this Plan. A low-rise feel will be maintained for pedestrians along Brant Street through setbacks above the third storey for buildings abutting Brant Street. However, to balance the objectives of providing increased density within walking distance to the Burlington GO Station, providing for a transition to adjacent established low-rise residential areas and to provide for a setback along Brant Street above the third storey, flexibility may be considered in the depth of the setback from Brant Street above the third storey.

The following policies apply to the Upper Brant Precinct (Policy 8.1.1(3.8.1)).

- The following uses may be permitted within the Upper Brant Precinct:
    - residential uses with the exception of single detached dwellings, semidetached dwellings and other forms of stand-alone ground-oriented dwellings;
    - office uses;
    - retail and service commercial uses;
    - hotel uses;
    - entertainment uses; and
    - recreation uses.
- Development abutting Brant Street shall contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.8.1) a) of this Plan and should contain three permitted uses, where feasible.
- Notwithstanding the permitted uses in Subsection 8.1.1(3.8.1 a), residential uses shall not be permitted on the ground floor facing Mixed Use Streets as shown on Schedule D-1: Downtown Urban Centre Retail Streets, of this Plan. Residential lobbies/access should be located on side streets or at the rear of the building where feasible.
- New development shall generally be comprised of tall buildings at the northern end of the Precinct and mid-rise buildings at the south according to the maximum heights set out in Schedule D-2: Downtown Urban Centre Heights, of this Plan.
- Buildings abutting Brant Street shall incorporate a setback above the third storey to provide a low-rise feel for pedestrians along Brant Street. The setback should be similar to the 20 m setback in the Brant Main Street and Mid Brant Precincts, but flexibility in the setback may be considered through the review of development applications due to the wider Brant Street right-of-way in this precinct and in order to provide a transition to the adjacent Residential-Low Density designations, shown on Schedule C: Land Use – Urban Area, of this Plan, as required in 8.1.1(3.8.1) g). Direction on the form of the step-back will be provided in the Downtown Placemaking and Urban Design Guidelines.
- Adjacent to areas designated Residential-Low Density on Schedule C: Land Use- Urban Area, of this Plan, mid-rise and tall buildings shall achieve a terraced built form with building height oriented away from the Residential-Low Density designations. Terracing shall be in accordance with a forty-five (45) degree angular plane measured from a property line shared with a property designated Residential-Low Density on Schedule C: Land Use-Urban Area of this Plan.
- Ground-oriented dwellings with a maximum height in accordance with Subsection 8.1.1(3.8.1) f) of this Plan should be provided adjacent to a property line shared with a property designated Residential Low-Density on 'Schedule C: Land Use – Urban Area' of this Plan. Alternatively ground-oriented dwelling units could be incorporated into a podium of a mid-rise or tall building provided the podium meets the angular plane requirements of Policy 8.1.1(3.8.1) f).
- Additional park space shall be provided in the precinct through one or more public urban squares and/or Privately Owned Publicly Accessible Open Spaces (POPS), that will create leisure opportunities for the residents of the precinct and surrounding areas, in accordance with the policies and objectives in Sections 3.3 and 8.1.1(3.14) of this Plan. Development applications on site larger than 0.4 ha shall provide a park concept plan to illustrate how a public urban square and/or POPS could be provided and function on the site."

The proposal implements high density development north of Ghent Street on Brant Street where the tallest buildings in the Downtown are directed. The podium has been designed to ensure appropriate setbacks to maintain a comfortable pedestrian realm along Brant Street and Prospect Street. The proposal incorporates high density tall building at the northern end of the Precinct with retail uses proposed at grade. No residential uses are proposed on the ground floor facing Brant Street with the residential lobby/access proposed from Prospect Street.

The proposal has been designed with appropriate setbacks and massing to ensure an attractive pedestrian environment is maintained along Brant Street and Prospect Street. The seven storey podium has been designed to frame Brant Street and Prospect Street. The tower is designed with slender profile having a total height of 31 storeys with a 5 metre setback of the tower provided from the podium frontage along Brant Street. As discussed in detail in the accompanying Urban Design Brief, these setbacks and proposed transitions are appropriate in the context of the proposed development.

Tall Buildings

In addition to the above land use policies, Section 8.1.1(3.19.3) provides policies on the built form of Tall Buildings, the relevant policies have been included below:

- Within the downtown, tall buildings are defined as 12 storeys in height or taller.
- Tall buildings shall consist of a base building (podium), a middle (tower), and a tower top, which should be designed as an integrated whole.
- Tall buildings, within the downtown, shall be designed to:
    - Provide a minimum separation distance of thirty (30) m from another tall building, measured above the podium and excluding balconies;
    - Not exceed a maximum floor plate of 750 sq. m. for the tower portion above the podium, excluding balconies;
    - Provide outdoor amenity space on site;
    - Articulate tall building towers with high-quality, sustainable building materials and finishes to promote design excellence, innovation and building life;
    - Provide a minimum tower stepback of three (3) m from the podium facing all street, park and open space frontages, except where more specific guidance on stepbacks are provided in this plan. Tower stepbacks of greater than three (3) m are encouraged and may be required for tall building to fit harmoniously within the surrounding physical character, including sites that contain or are adjacent to cultural heritage resources; and
    - Provide a podium no higher than 3 storeys.
- The design of balconies should maximize usability, comfort, and building performance, while minimizing negative impacts on the buildings mass, public realm, and natural environment by:
    - Avoiding placement that significantly increases the physical and apparent massing of the building; and
    - Providing for appropriate minimum depths that offer privacy and comfort.
- Sites that cannot provide the minimum tower separation distance of thirty (30) m or greater may not be appropriate for tall buildings.
- In order to achieve an appropriate transition as described in Section 8.1.1(3.19.4), a tall building may need to have lower heights than the maximum permitted.

The proposed development has been designed with an integrated base, middle and top as discussed in detail in the Urban Design Brief. Appropriate separation distance has been provided to the proposed residential towers to the immediate south of the site, with 12.5 metres proposed from the tower to the property line to ensure a minimum of 25 metre tower separation can be provided in accordance with the Urban Design Guidelines. The proposed tower floor plate has an area of 760 square metres, still generally in compliance. Outdoor amenity space is provided on the rooftop terraces on the seventh storey podium. The podium has been designed with a height of seven storeys and has been designed to ensure proper framing of the street as discussed in detail in the Urban Design Brief. The proposed balconies have been designed using light transparent materials to not excessively add to the massing. They are also extended continuously as strips around the buildings delineating each floor area and adding to the horizontal emphasis and visual interest.

Per the New Official Plan designation, the Subject Lands are favourable for a high density residential and mixed-use building. Further modifications to permit the increase in height and to address reduced separation distance would be needed This minor increase in height is appropriate for the Subject Lands given their location within Burlington GO MTSA/Downtown Burlington UGC as well as their prominent location at the intersection

of Brant and Prospect Street where appropriate design has been implemented to ensure no adverse impacts on surrounding low density residential. Further, the separation distance proposed is in keeping with the Tall Building Urban Design Guidelines which is considered appropriate for the Subject Lands and is considered an industry standard for residential intensification areas.

Mixed Use Streets – Retail Streets

Retail Streets are intended to cater to pedestrians and create a vibrant street life for leisure and shopping within the Downtown Urban Centre which includes both Retail Main Streets and Mixed Use Streets. Policies for retail streets are included in Section 8.1.1(3.21.1) and are as follows:

- Retail, service commercial and office uses at-grade may be developed in the Downtown Urban Centre in accordance with Schedule D-1: Downtown Retail Streets, of this Plan, and in accordance with the following:
    - along Mixed Use Streets, retail, service commercial or office uses shall be permitted and may be required in the zoning By-law continuously at grade in buildings having frontage on to public streets.
- The Zoning By-law shall establish a minimum floor-to-floor height at the ground floor, to support retail and service commercial uses at grade and to facilitate land use flexibility and adaptability over time.
- The Zoning By-law shall also establish a minimum floor area at grade for new individual retail and service commercial units to ensure the unit size is viable for a range of retail and service commercial uses.
- Retail buildings and the ground floor of mixed-use buildings should be designed to:
    - Emulate the eclectic, small-shop look and feel, especially along Retail Main Streets through distinct design of each individual retail and service commercial unit;
    - Maintain a fine grain of entrances along the street edge that reflects the character and rhythm of the street;
    - Contain clear glazing on windows and doors along front facades to ensure active store frontages;
    - Increase setbacks adjacent to the street in order to expand the pedestrian realm and provide opportunities for patios and pedestrian amenities;
    - Restrict, where possible, residential lobbies along Retail Main Street frontages and direct them to side streets or rear entrances;
    - Provide servicing, loading and parking access from a rear public lane, shared private lane and/or shared driveways where possible and not from the Retail Main Street frontage;
    - Support walkability, social interaction strong retail visibility and space for retail display in the interface between the building and sidewalk;
    - Articulate storefront window treatments;
    - Provide articulation with awnings, arches, canopies and colonnades where appropriate; and
    - Accommodate different space needs of changing retail and service commercial tenants including restaurants with minimal reconstruction.

The proposed development includes retail frontage along the ground floor facing Brant Street to provide an animated pedestrian realm. As the proposal is currently designed, the 485 square metres of retail space has not been demarcated to allow for future demarcation pending the securement of future tenants. The residential lobby is proposed from Prospect Street to ensure the retail frontage along Brant Street is maintained as an active frontage. Vehicular access to the site is also provided from Prospect Street where servicing, loading and parking access will all be consolidated to maintain the retail frontage and to delineate between the pedestrian and vehicular realms.

Major Transit Station Areas

The Subject Lands are within the Burlington Go Major Transit Station Areas (MTSA) Special Planning Area as identified in Schedule B and is subject to the Major Transit Station Area policies of Section 8.1.2.

MTSAs will exhibit a wide variety of land uses and building types, and densities that will be oriented to support and facilitate transit and active transportation. MTSAs are focal points for higher intensity and mixed use development that will accommodate a significant share of the City's future population and employment growth to 2031 and beyond.

The Burlington GO MTSA is located on a Priority Transit Corridor, as identified in the Growth Plan. MTSAs on Priority Transit Corridors are important due to their relationship and position along a higher order transit route with planned frequent transit service by way of Regional Express Rail (RER) within the Greater Toronto and Hamilton Area.

It is anticipated that the majority of growth within the City's four MTSAs will occur in the three MTSAs located along higher order transit routes and with planned frequent transit service by way of RER. The Region of Halton's municipal

comprehensive review will confirm specific growth targets and MTSA boundaries. Further, area-specific plans will be prepared for these areas to establish a comprehensive vision for future transit-supportive development in each MTSA on the RER.

Section 8.1.2(2) outlines policies for the MTSA areas, providing that the City shall complete area-specific plans to ensure MTSAs are planned to implement mixed use transit-supportive development including employment uses, while ensuring compatibility with the surrounding area. In advance of the completion of area-specific plans and the approval of the implementing Official Plan amendments for the Major Transit Station Areas, the policies contained in Subsection 8.1.2, shall apply to development applications in the MTSA Special Planning Areas and Urban Growth Centre, as shown on Schedule B. These considerations include the following:

- Development applications preceding the completion of an area-specific plan and the approval of the implementing Official Plan amendments shall have regard for the Province's Mobility Hubs and Transit Supportive Guidelines, shall implement Regional and Provincial major transit station area policies and shall be consistent with the goals and objectives of the existing land use designation as contained in the Official Plan.
- Development in MTSAs should be planned to achieve transit-supportive densities in accordance with the Province's Transit Supportive Guidelines and the existing and planned level and type of transit service. The full extent of maximum development permissions on lands located in each MTSA may not be achievable on every site, due to site-specific constraints such as compatibility, transportation issues, cultural heritage resources and/or infrastructure capacity.
- Development within MTSAs shall contain a mix of land uses and transit supportive development that supports the achievement of complete communities through a more compact built form, while ensuring compatibility with surrounding areas is achieved.
- Multi-unit residential developments should incorporate a mix of unit sizes and types to accommodate a diverse range of household sizes and incomes.
- Transportation demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed development, subject to the policies of Subsection 6.2.10, Transportation Demand Management.
- Development applications shall incorporate minimal parking at grade or above grade through the provision of underground parking, except in areas immediately adjacent to a rail line or other areas where a buffer is required, where applicable.
- New green spaces such as trees and landscape areas, parks and open spaces shall be provided as part of development applications, which may include, but are not limited to, dedication of parkland, Privately-Owned Publicly Accessible Spaces (POPS) and/or trees and landscape areas located between a public right-of-way and a building, to be provided to the satisfaction of the City.
- Privately-Owned Publicly Accessible Spaces (POPS) may be used to augment public space but shall not be used as a replacement to public parkland dedication.
- Development patterns shall have regard for optimization of land, resources and public investment in infrastructure and public services. For clarity, the concept of optimization shall be applied to development patterns over the entirety of the MTSAs.
- In addition to the development criteria in Subsection 12.1.2 (2.2) c), the following development criterion shall be satisfied when evaluating all development applications within each MTSA: the development shall be consistent with the vision and intent of the MTSA typology and policies contained in Subsection 8.1.2, Major Transit Station Areas, and maintain the land use vision established in the land use designations of the OP.

Additionally, Section 8.1.2(3) on Development Applications Preceding an Area-Specific Plan provides that these applications are subject to the following policies:

- Applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within MTSA Special Planning Areas preceding the completion of an area-specific plan shall have regard for Provincial guidelines for mobility hubs and transit, and shall implement Regional and Provincial major transit station area policies. In addition, applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within the Burlington GO, Aldershot GO and Appleby GO MTSA Special Planning Areas, shall have regard for the Mobility Hub Opportunities and Constraints Study (2014).
- Multi-unit residential developments in MTSAs should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.
- All development proposals requiring a Transportation Impact Study shall address all modes of transportation, giving priority to active transportation and transit considerations, including frequent transit corridors
- Transportation demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed development within MTSAs, subject to the

policies of Subsection 6.2.10, Transportation Demand Management, of this Plan.
- Applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within MTSAs shall submit and implement, to the satisfaction of the City, an urban design brief prepared by a qualified person. The brief shall demonstrate how the proposed development contributes towards achieving MTSA objectives for design and how the development is consistent with the policies contained in Chapter 7: Design Excellence, of this Plan, and any applicable design guidelines.
- All development within MTSAs shall consider opportunities to provide improved walking and cycling connections.
- Established Neighbourhood Areas within MTSAs are subject to the policies contained in Subsection 2.4.2(3) of this Plan.
- Development within MTSAs preceding the completion of an area-specific plan shall be subject to the applicable policies of Subsection 7.3.2 of this Plan.

If in force and effect, the proposal and associated Official Plan Amendment and Zoning By-law Amendment would be seeking approvals prior to the adoption of the Area-Specific Plan for the Burlington GO MTSA in the new Official Plan. The proposal is consistent with Provincial and Regional policies for MTSAs as discussed above. A mix of unit sizes is provided in the proposal to accommodate a diverse range of household sizes and incomes, ranging from one to three bedroom units. The supporting Transportation Study addresses all modes of transportation and demonstrates how the proposal will support active transportation. It also includes TDM measures and proposes and justifies reduced parking rates to further facilitate independence from the automobile. An Urban Design Brief has been prepared in support of the proposal to demonstrate how the proposal development contributes to achieving MTSA objectives for design excellence.

Section 8.1.2(4.2) contains specific policies for the Burlington GO Major Transit Station Area including the following:
- Design plans for development applications located in the Burlington GO MTSA shall identify active transportation connections to the Burlington GO Station.
- Development applications shall incorporate a variety of built forms, including mid-rise, and building podiums to provide a human scale experience at the street level.
- Development in the Burlington GO MTSA shall support the achievement of a complete community through a more compact built form that is supported by mix of uses, parks, green spaces, public service facilities, offices, other employment uses, including existing industrial, and institutions.
- Development in the Burlington GO MTSA shall incorporate private pathways and complete streets elements that make development more accessible for pedestrians, cyclists and transit users and includes a fine grained, grid oriented and permeable active transportation network with multi-modal access to the GO Station.

The proposed development has been designed to be pedestrian-oriented with convenient access provided for residents and visitors to the City's existing active transportation network. The proposal will provide for a variety of built form within the Burlington GO MTSA area through implementing a tall building that has been designed with a compact built form with retail at-grade and an appropriate human scale experience at the street level.

Cultural Heritage Resources

Section 3.5 addresses Cultural Heritage Resources, with policy stating the cultural heritage resources shall be protected and conserved and that the City shall use criteria established by the Province in the Ontario Heritage At for determining cultural heritage value or interest and for identifying and evaluating properties for listing on the Municipal Register and for designation. Completion of a Heritage Impact Study is required prior to the City recognizing a complete application for an Official Plan Amendment and Zoning By-law amendment application where the proposal involves the demolition of a building identified as a cultural heritage resource (Policy 3.5.2.(5)d).

The Heritage Impact Assessment prepared in support of the proposed development identifies how the listed building at 795 Brant Street will be commemorated as part of the development proposal.

Summary/Conformity Statement

A detailed analysis of the proposal's conformity with the New Burlington Official Plan is provided in **Appendix F6**. In summary:

- The proposed development represents an appropriate and high quality development that seeks to amend the In-Force Official Plan through an Official Plan Amendment to implement a high density development within a MTSA and UGC, achieving all of the policy objectives of the Provincial Policy Statement and Growth Plan which would be consistent with the new Official Plan direction
- The Burlington GO MTSA/Downtown Burlington UGC in the new Official Plan is an appropriate location for intensification due the higher levels of existing and planned transit service and therefore will increase transit use and encourage active transportation.
- The proposed development seeks to implement a high density use within the Burlington GO MTSA/ Urban Growth Centre where compact built form and intensification are directed. The increased population at this area will help to maximize the usage of existing transit services while also generating demand for future system expansions.
- The proposal conforms to the general policies for Urban Centres through providing for a mixed-use building with a compact built form and higher intensity of development. The proposed development has been designed to ensure compatibility with surrounding areas through appropriately sited built form with setbacks and a tower profile that has been designed to ensure minimized shadow impacts on the surrounding area.
- The proposal incorporates a mix of unit sizes to accommodate a diverse range of household sizes and incomes, ranging from one bedroom to three bedroom units.
- The proposal implements high density development north of Ghent Street on Brant Street where the tallest buildings in the Downtown are directed. The podium has been designed to ensure appropriate setbacks to maintain a comfortable pedestrian realm along Brant Street and Prospect Street.
- The proposal has been designed with appropriate setbacks and massing to ensure an attractive pedestrian environment is maintained along Brant Street and Prospect Street.
- The Official Plan amendment to address site-specific provisions for increased height is appropriate in this context given the Subject Lands located within the Burlington GO MTSA/Downtown Burlington UGC as well as their prominent location at the intersection of Brant and Prospect Street where appropriate design has been implemented to ensure no adverse impacts on surrounding low density residential.
- The proposed development includes retail uses along the ground floor facing Brant Street to provide an animated pedestrian realm with the residential lobby and vehicular access proposed from Prospect Street to ensure an active streetscape is maintained along Brant Street and to ensure an appropriate delineation between the pedestrian and vehicular realms.
- The proposed development can be adequately serviced by municipal services and the transportation network as discussed in the supporting technical studies.

Significant portions of the Official Plan were appealed and remain under appeal including the policies that would apply to the Subject Lands. While these policies remain under appeal, they are assessed for the purposes of being informative of Council's direction but are not determinative. The development proposal and corresponding Official Plan Amendment and Zoning By-law Amendment are required to provide conformity with and implement the applicable policies of the Provincial Policy Statement, Growth Plan and Halton Region Official Plan.

5.9 DOWNTOWN UGC/BURLINGTON GO MAJOR TRANSIT STATION AREA-SPECIFIC PLAN STUDY

In 2014, through the Official Plan Review process, the City completed the Mobility Hubs Opportunities and Constraints Study, which provided a high-level analysis of each of the City's Mobility Hubs and informed the development of the study areas for future Area Specific Planning work to be done in each of the Mobility Hubs. The creation for Area Specific Plans (ASPs) for each of Burlington's four Mobility Hubs was identified as a key priority for City Council through the development of Burlington's 2015-2040 Strategic Plan.

In July 2016, Burlington City Council approved Staff Report PB-48-16 which outlined a work plan to develop four ASPs, one for each of Burlington's Mobility Hubs. The project was approved to commence by City Council. It then commenced in April 2017.

On September 28, 2017, staff brought forward Report PB-68-17, which presented preferred concepts and supporting technical memos for the Downtown Mobility Hub for community and Council feedback and discussion. The preferred concepts were based upon public and stakeholder feedback and were intended to prompt discussion regarding the emerging vision for each of the hubs. These were later incorporated into the new Official Plan.

Following the release of the proposed new Official Plan in November of 2017, the City held additional public consultation with a statutory public meeting held on November 30, 2017. As a result of these meetings, staff provided a supplementary information report PB-11-18 which provided direction on the Proposed Downtown Mobility Hub Precinct Plan and Proposed Official Plan Policies.

On April 26, 2018, Burlington City Council adopted Grow Bold: Burlington Official Plan which contained the new Downtown Precinct Plan and associated polices.

Through the Region of Halton's approval process several areas of non-conformity were identified in the City's adopted Official Plan (2018). Given the pause initiated by the Region, in February 2019, City Council identified an opportunity to re-examine the policies of the adopted Official Plan that currently rest with the Region for approval. At the March 18, 2019 Committee of the Whole Workshop Meeting, Council confirmed that while they support many of these policies, it was identified that the targeted Downtown Precinct Plan required further re-examination.

The scope, timing and work plan related to the re-examination of the adopted Official Plan was the subject of a discussion at a Council Workshop in March 2019 and confirmed through the development of PB-47-19 titled: Work Plan for the Scoped Re-Examination of the adopted Official Plan in May of 2019. In June SGL Planning and Design Inc. (SGL) were retained to deliver the terms of reference presented in the Work Plan report.

The preliminary preferred concept was presented through staff report PL-02-20, which was released on January 9, 2020, considered by Community Planning, Regulation, and Mobility Committee on January 16, 2020, and subsequently considered by Council on January 27, 2020. **The Subject Lands were identified as within the Upper Brant Precinct and applicable policies relating to this precinct have been summarized above as identified through Section 8.1.1.(3.8) of the new Official Plan.**

On October 7, 2020 a Recommendation Report was brought forward to Council with the Final Report on Taking a Closer Look at the Downtown which included the recommended policy modifications to the adopted Official Plan. The Draft Downtown Burlington Placemaking and Urban Design Guidelines were also presented to Council to be received but are still subject to public consultation which has not taken place.

As noted above, on October 7, 2020, City Council endorsed modifications to the adopted Official Plan policies for Downtown and Neighbourhood Centres. These endorsed modifications were sent to Halton Region for inclusion in the adopted Official Plan. Halton Region issued its Notice of Decision on the new Official Plan on November 30, 2020.
In June 2022, the 'Area-Specific Plan (ASP) Planning Study Final Report', written by Dillon Consulting, were published as a part of a community planning staff report. "This study contains policy directions and policies for the Downtown Burlington Urban Growth Centre/Burlington GO Major Transit Station Area (MTSA) and Aldershot GO MTSA. These are meant to inform the future Area-Specific Plans and Official Plan policies for the MTSAs."

There has been no formal public consultation on the current Area Specific Plan commenced in 2017 as a priority of Council and the Study timeline has not progressed significantly, with a lack of commitment by the City to finalize the planning process for these important intensification areas. The following is a general summary of the report's recommendations at the time to inform this PJR.

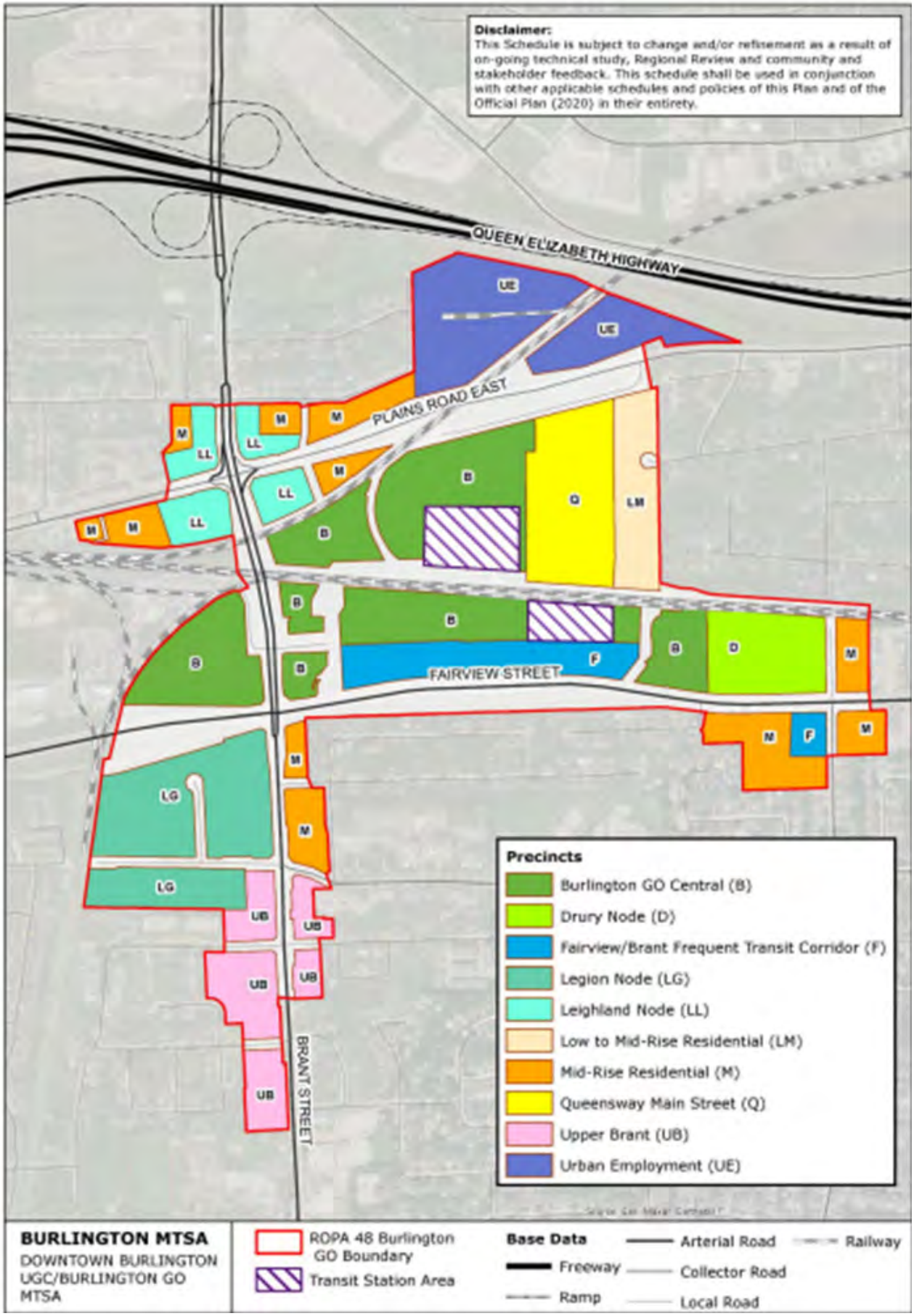


Figure 19. Burlington UGC/Burlington GO MTSA Boundary and Designations

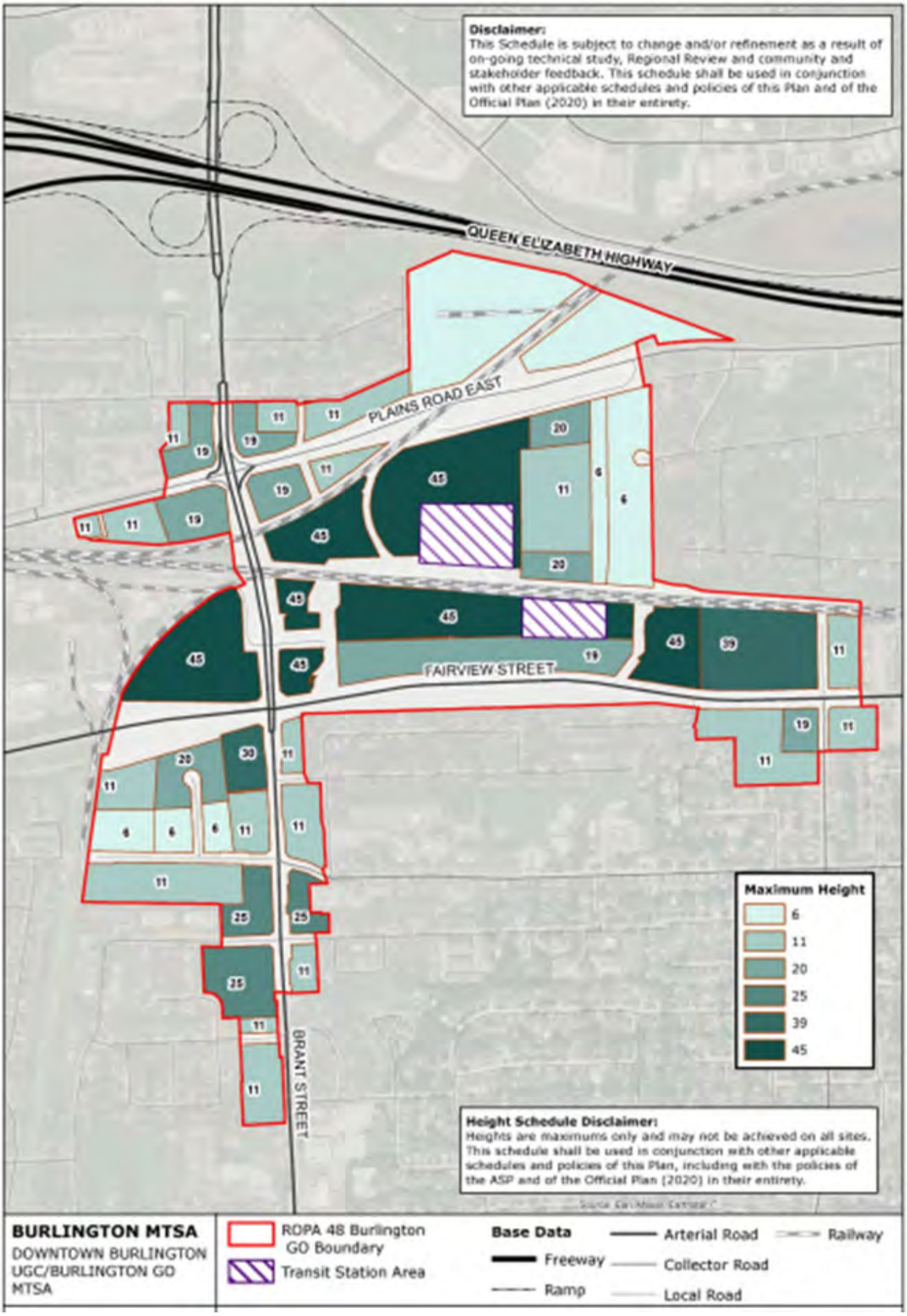


Figure 20. Burlington UGC/Burlington GO Maximum Heights

The Subjects Lands are identified as Upper Brant. "The Upper Brant Precinct is the connection between the Downtown Burlington UGC and the Burlington GO MTSA. The Upper Brant Precinct will accommodate developments with a variety of building heights proportional to parcel depth along Brant Street". Development in this area will aim to achieve density and height that are representative of the close proximity to the Burlington GO Station, a higher-order transit, which contributes to complete communities.

Section 4.4.8.1 contains Draft policies for the Upper Brant Precinct as follows:

- The following uses may be permitted within the Upper Brant Precinct:
    - residential uses with the exception of single detached dwellings, semi-detached dwellings and other forms of stand-alone ground- oriented dwellings;
    - office uses (on the bottom two floors only);
    - retail and service commercial uses (on the bottom two floors only);
    - hotel uses;
    - recreation uses (on the bottom two floors only); and,
    - entertainment uses (on the bottom two floors only).
- The minimum building height is eleven (11) storeys and the maximum building height shall not exceed twenty-five (25) storeys. To ensure compatibility with adjacent residential areas the Zoning By-law may establish maximum building heights lower than twenty-five (25) storeys on sites that are small in size, have insufficient depth, and are adjacent to areas designated Residential- Low Density, or front local streets.
- Notwithstanding the permitted uses above, residential uses shall not be permitted on the ground floor facing Mixed Use Streets as identified in Figure 3.7. Primary public entrances for residential lobbies/access should be located on side streets or at the rear of the building where feasible.
- New development shall generally be comprised of tall buildings at the northern end of the Precinct and mid-rise buildings at the south according to the maximum heights set out in policies above.
- Buildings abutting Brant Street shall incorporate a setback above the third storey to provide a low-rise feel for pedestrians along Brant Street. The setback should be similar to the 20 m setback in the Brant Main Street and Mid Brant precincts of the Downtown Urban Centre, but flexibility in the setback may be considered through the review of development applications due to the wider Brant Street right- of-way in this precinct and in order to provide a transition to the adjacent Residential-Low Density designations.

While there is no clear justification for the range of heights proposed, the proposed development for a mixed-use 30 storey building plus penthouse is generally in keeping with the planned vision for the Subject Lands through implementing residential density and ground floor retail use within an identified intensification area of the Burlington GO MTSA/UGC. The proposal will help to build a complete community in close proximity to higher order transit.

5.10 INTERIM CONTROL BY-LAW

Up until November 2021, The Growth Plan for the Greater Golden Horseshoe established downtown Burlington as an Urban Growth Centre (UGC) and an MTSA as a result of the presence of the John Street bus terminal within the UGC. The UGC boundary and MTSA designation were changed as a result of the following.

On March 5, 2019, City Council implemented an Interim Control By-law (ICBL) in order to undertake a land use study to:

- Assess the role and function of the downtown bus terminal and the Burlington GO Station on Fairview Street as Major Transit Station Areas;
- Examine the planning structure, land use mix, and intensity for the lands identified in the study area; and
- Update the Official Plan and Zoning By-law regulations as needed for the lands identified in the study area.

Staff report PB-36-19 included a recommendation to implement an ICBL in response to two primary concerns:

1. Growth pressures that continue to emerge for the lands in the study area; and
2. The role and function of the John Street Bus Terminal as a Major Transit Station Area.

The findings of the Interim Control By-Law Land Use Study contributed to the development of Official Plan Amendment 119 (OPA 119), which is an amendment to the in-effect Official Plan (1994, as amended), and Zoning By-Law Amendment 2020.418 (ZBLA 2020.418).

Broadly the effect of OPA 119 and ZBLA 2020.418 was to:

- strengthen the relationship between land use and transit in the Official Plan;
- strengthen the concept of Major Transit Station Areas in the Official Plan;
- establish a Major Transit Station Area typology within Burlington's Official Plan policy framework;
- provide development criteria to evaluate development applications within the special planning area in advance of the completion of secondary plans or major planning studies; and
- provide policy guidance to encourage transit-supportive development around the Burlington GO Station while also ensuring that development is appropriate and compatible given the context of the surrounding area.

The report prepared by Dillon Consulting concluded that the Downtown bus terminal is not currently functioning as a major bus depot based on common characteristics of typical major bus depots. This is based on Dillon's evaluation of the current function of the Downtown John Street Bus Terminal and its role as an MTSA that is not supported by planned Regional Express Rail. The narrow rights-of-way downtown and the absence of Regional Express Rail or dedicated rights-of-way limit the transit service level that is available in the Downtown Major Transit Station Area and therefore the Downtown Major Transit Station Area should be differentiated from the other Major Transit Station Areas located along the GO rail line through a policy framework in the Official Plan. The residents and jobs associated with development in the Downtown Burlington MTSA will contribute towards meeting the Urban Growth Centre (UGC) target of a minimum of 200 residents and jobs combined per hectare, as identified in the Growth Plan. Given the limited function of the Downtown Bus Terminal, the Downtown MTSA is not expected to be a significant driver for intensification beyond that which is required by the Downtown Urban Growth Centre.

On June 15, 2021, the provincial Ministry of Municipal Affairs and Housing announced that Burlington was able to adjust the boundary of its existing Urban Growth Centre (UGC) align with the lands in proximity to Burlington GO Station instead of Downtown. On Nov. 10, 2021, the City of Burlington received official notification that the boundary adjustment had been approved; the Minister also confirmed the removal of the Major Transit Station Area (MTSA) designation from the John Street Bus Terminal.

In accordance with policy 5.2.2.1.b) of the Growth Plan, the Minister has the authority to update the size and location of the UGCs. By way of the Region's MCR, adjusting the boundary of the UGC around the Burlington GO Station did not require an amendment to the Growth Plan. Instead, only an update to the map of the UGC in the document titled "Size and Location of Urban Growth Centres in the Greater Golden Horseshoe" was required. The updated map is shown below in **Figure 15. The Subject Lands still fall within the updated Burlington Urban Growth Centre.**

Appeals to OPA 119 and the ICBL Zoning By-law remain in effect. The ICBL zoning does not include the Subject Lands. It is our understanding that the appeals to OPA 199 have been consolidated with the hearing of appeals on the new OP, as . the Region modified the new OP to include all of the amendments to the policies provided in OPA 119.

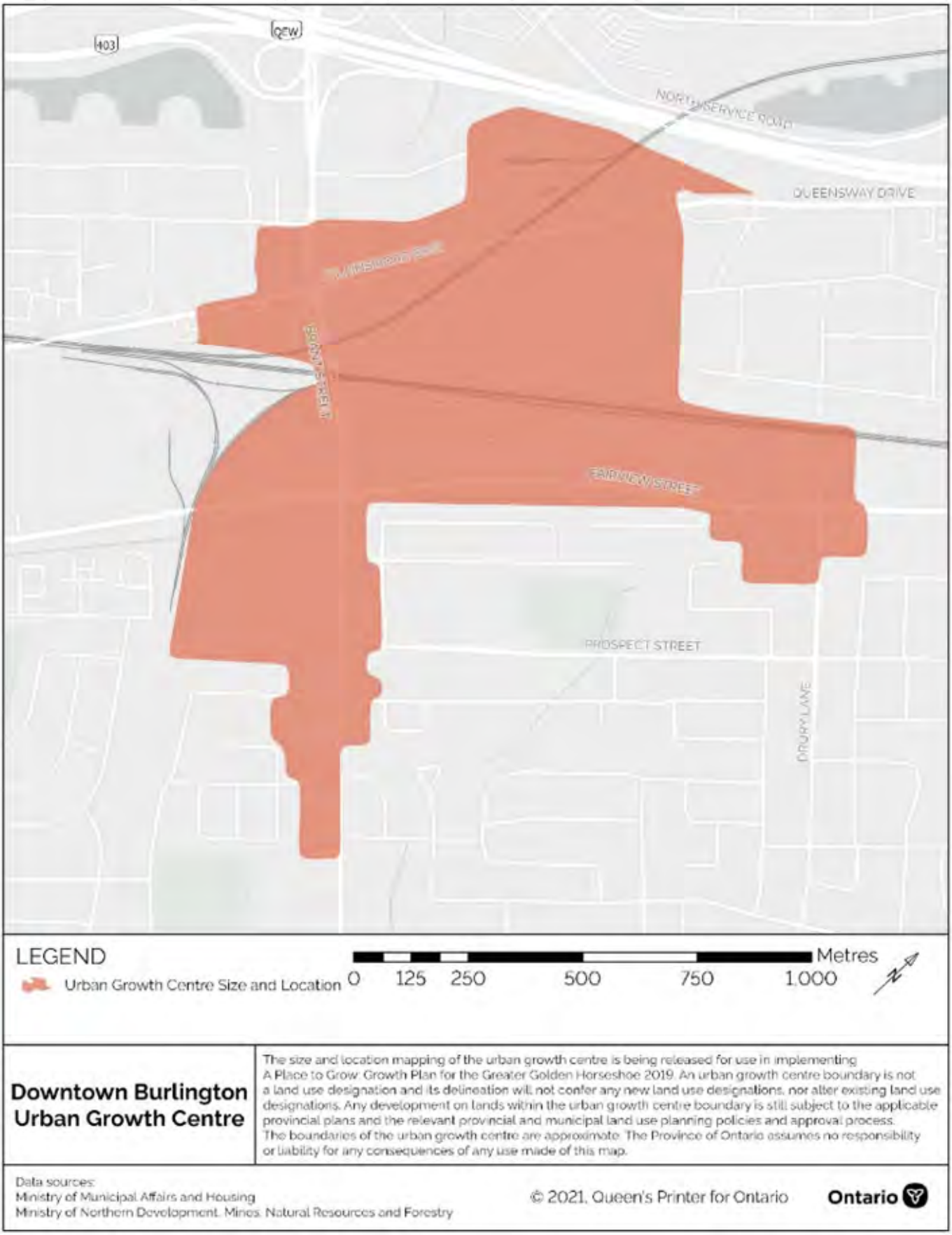


Figure 21. Burlington Urban Growth Centre Updated Boundary

5.11 CITY OF BURLINGTON ZONING BY-LAW 2020

Zoning By-law 2020 is the comprehensive zoning by-law for the City of Burlington and is the most recent consolidated version. There have been no recent updates implemented to the zoning by-law as a result of the new Official Plan.

The Subject Lands are currently zoned Mixed Use Corridor – General (MXG). The MXG zone permits a variety of uses, including retail, service commercial, community, office, hospitality, entertainment, and recreation. Dwelling units are also permitted, but the ground floor of any building within 15 metres of a public street is required to provide only retail or service commercial uses.

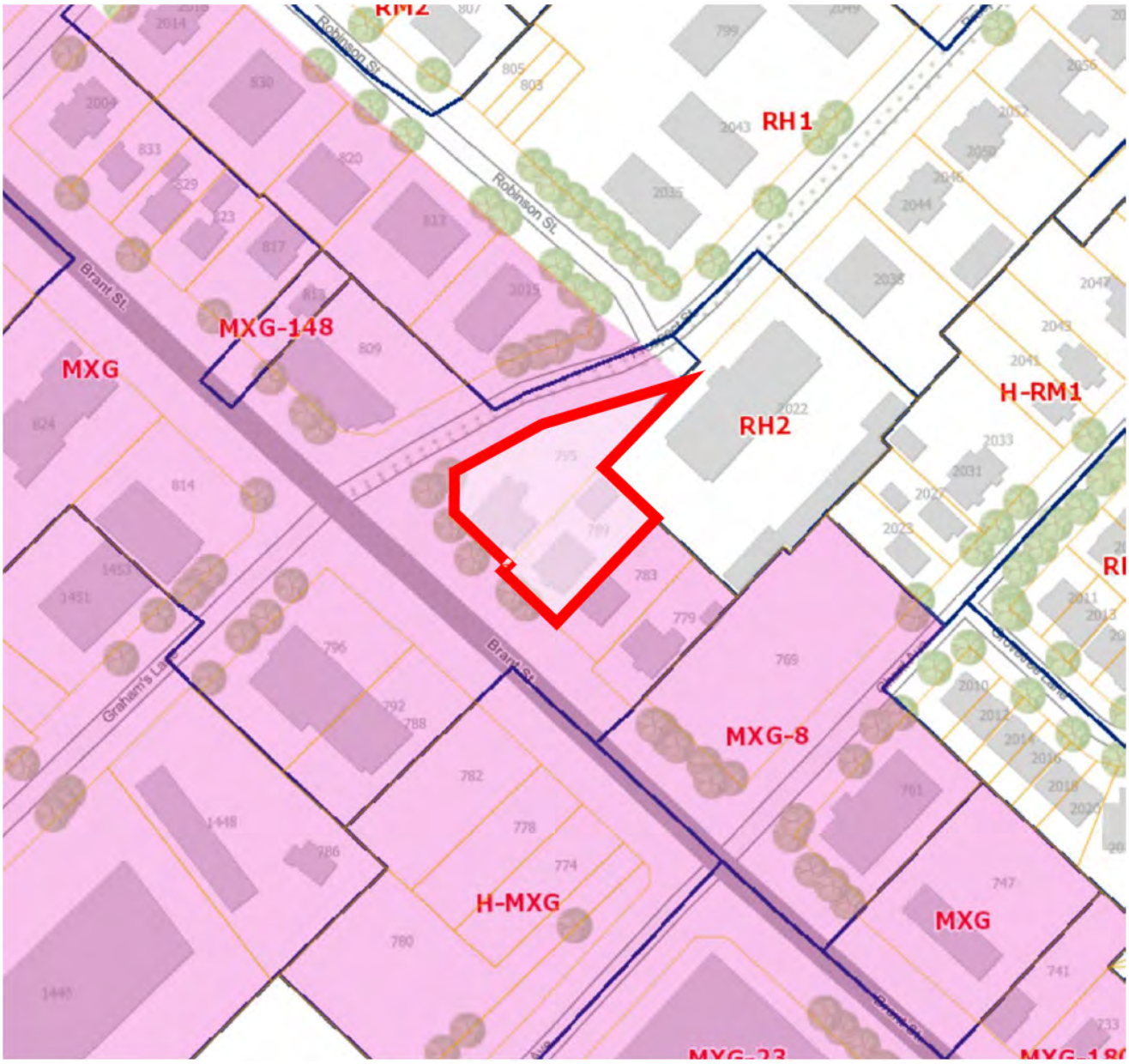


Figure 22. City of Burlington Zoning By-law Map for 789 - 795 Brant Street

LEGEND

- Subject Lands
- Zoning By-law Amendment Interim Control 10_2019

Mixed Use Corridor General (MXG)

The following uses are permitted in the MXG Zone:

- Convenience/Specialty Food Store (a)
- Motor Vehicle Service Station per Part 1, Section 2.10 (c)
- Other Retail Stores (a)
- Motor Vehicle Sales, Leasing, Rental and Service (e)(f)
- Standard Restaurant
- Recreational Establishment
- Fast Food Restaurant
- Entertainment Establishment
- Convenience Restaurant
- Night Club (b)(c)(h)
- Dry Cleaning Depot, Laundromat, Laundry Service (a)
- Apartment Building
- Veterinary Services (d)
- Retirement Home
- Elevated Parking Facility (i)
- Dwelling Units in a commercial/office building
- Other Service Commercial Uses (a)
- Stacked Townhouse (n)
- Community Institution
- Back to Back Townhouse (o)
- All Office Uses
- Townhouse (p)
- Car Wash per Part 1, Section 2.9 (b)(c)

Special Provisions for Permitted Uses:

a. Retail or service commercial uses permitted on the ground floor only
b. Not permitted on a lot abutting a residential zone.
c. Not permitted on a lot containing residential dwelling units.
d. Facilities for the keeping of animals outside are not permitted.
e. Not permitted on a lot exceeding 0.2 hectares or on a lot containing residential dwelling units.
f. Service bay doors shall be restricted to a maximum of two and are not permitted in a building elevation facing a residential zone.
g. Maximum capacity shall not exceed 500 persons
h. Excluding a driveway entrance, the ground floor area of all parking structures within 15 metres of a public street shall be used for retail, service commercial, entertainment or recreation uses.

Additional Regulations for the MXT zone:

i. Buildings containing stacked townhouse units are not permitted within 25 metres of a public street having a deemed width of 26 m or greater.
j. Buildings containing back to back townhouse units are not permitted within 25 metres of a public street having a deemed width of 26 m or greater.
k. Buildings containing townhouse units are not permitted within 55 metres of a public street having a deemed width of 26 m or greater.

The following is a summary of the zone regulations for the MXG zone and the proposed site-specific provisions.

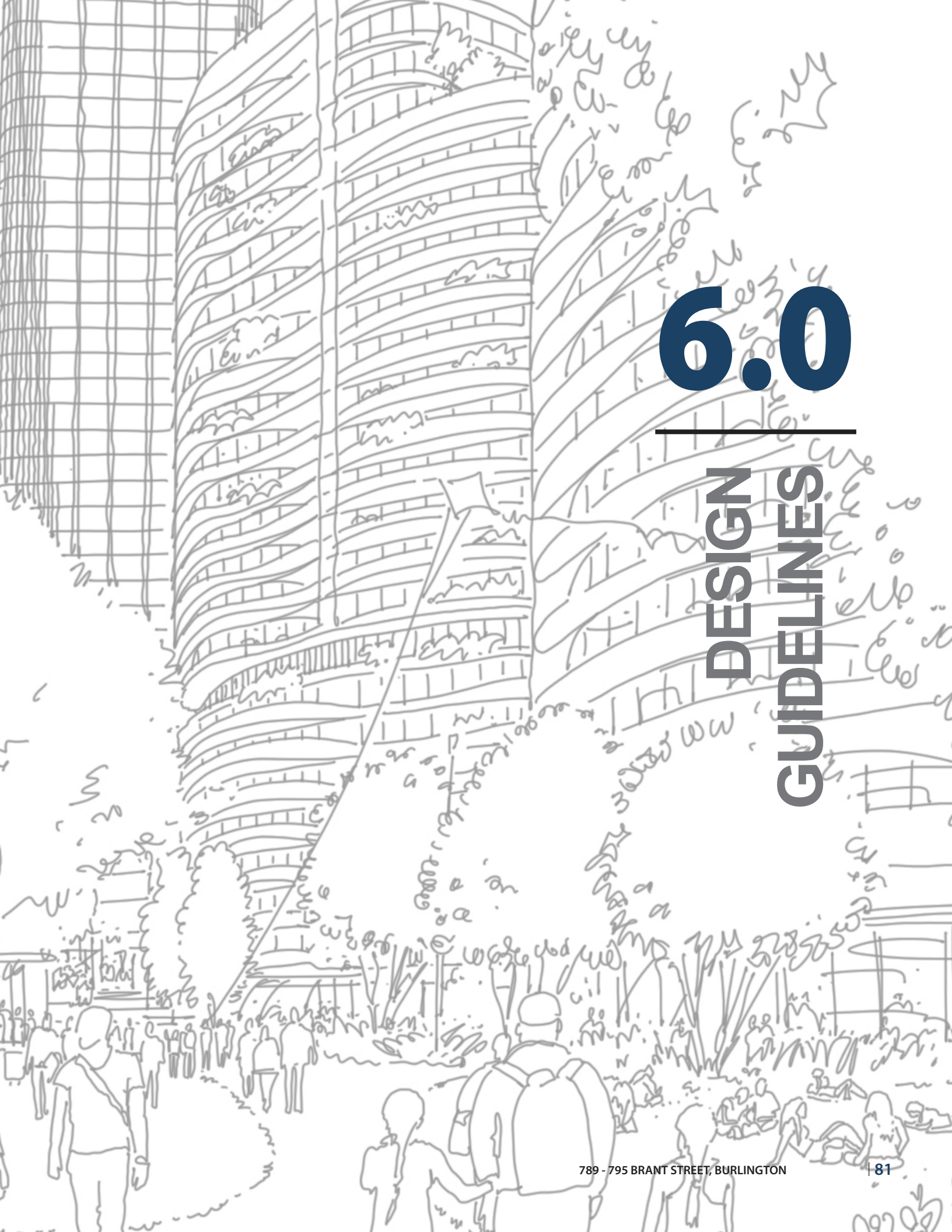
Regulation	Requirement	Proposed
MXG, MXC, MXE, MXT Zone Regulations		
Lot Width	25 m	> 25 m
Lot Area	1000 sq. m.	2200 sq. m.
Yard abutting any street	3 m minimum; 4.5 m maximum (a) a) Maximum yard shall apply on to buildings located within 60 metres of a public street.	1.1 metres abutting Brant Street 2.2 metres abutting Prospect Street
Side Yard	No min.	0.8 m
Rear Yard	3 m	3 m
Yard abutting a Residential Zone	Floors 1 to 3: 12 m Floors 4 and 5: 15 m Floor 6: 18 m	N/A
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.	N/A
Landscape Area	Abutting a street: 3 m An outdoor patio may encroach into a required landscape area abutting a street. Landscape Buffer - Abutting a residential zone: 6 m	1.1 metres abutting Brant Street 2.2 metres abutting Prospect Street
MXG Zone Regulations		
Maximum Floor Area Ratio For: Entertainment or Recreation Buildings: Other Buildings:	 0.5:1 1.5:1	12.27 for residential 0.20 for retail 12.47 total
Maximum Floor Area Per Retail Use or Service Commercial Use:	1800 sq. m.	491 sq. m. for retail
Minimum Density in a Residential Building	30 units/ha	1609 units/ha
Building Height	Automotive Uses: 2 storey maximum Other Uses: 2 storey minimum, 6 storey maximum	31 storeys
Parking Provisions		
Parking Rate	Apartment Building 1 occupant space per one-bedroom unit 1.25 occupant spaces per two-bedroom unit 1.5 occupant spaces per three or more bedroom unit 0.25 visitor spaces per unit 1 additional space per 75 units for the use of maintenance vehicles servicing the site	0.64 spaces/unit 0.15 spaces/unit for visitor 0.79 combined ratio per unit 226 spaces for residents 53 spaces for visitors 279 spaces total
Parking Size Requirements	Minimum width of 2.75 m and a minimum area of 16.5 sq m	

Regulation	Requirement	Proposed
Parking Provisions		
Parking Structures	i) Any part of an enclosed parking structure that projects 1.6m or more above grade shall be subject to the yard requirements of the zone designation. Ii) Entrance and exit ramps to below-grade and above-grade parking structures or building shall be set back 7.5 m from a street line. iii) Below-grade parking structures shall not extend into a required landscape buffer and shall be set back 3 m from all other property lines and street lines.	
Accessible Parking Spaces	5 to 50 spaces: 1 designated accessible parking space 51 to 90 spaces: 2 designated accessible parking spaces Over 90 spaces: 3% of required parking	3% of proposed rate 8 spaces required 8 spaces provided
Bicycle Parking	Bicycle parking spaces shall be provided in conjunction with office, retail, and service commercial, industrial and institutional developments, in accordance with Table 1.2.8 and (10)(a): Retail, Retail Centre, Service Commercial, Office, Institutional: 2 spaces plus 1 space/1000 sq m GFA Industrial: 2 spaces plus 0.25 spaces/1000 sq m GFA Elementary & Secondary School: 1 space/10 students & 1 space/35 employees Post-Secondary School: 1 space/20 students (a) Each bicycle parking space shall be 60cm x 1.8m in size" Part 1, Table 1.2.6 Off-Street Parking Standards	178 long-term bicycle parking spaces 18 short-term bicycle parking spaces
Loading and Unloading	i) Any part of an enclosed parking structure that projects 1.6 m or more above grade shall be subject to the yard requirements of the zone designation. ii) Entrance and exit ramps to below-grade and above-grade parking structures or buildings shall be set back.	
Amenity Area		
Amenity Area Requirement	15 sq m per efficiency dwelling unit 20 sq m per one-bedroom dwelling unit 35 sq m per two or more bedroom dwelling unit Back-to-back townhouse: 25 sq m per dwelling unit	9.2 sq. m. per unit

The various exceptions proposed in the zoning table above are appropriate for the Subject Lands.The amenity requirements of the City of Burlington are significant and not in keeping with other municipalities requirements for apartment buildings. The reduced amenity area is appropriate given the site's situational context in close proximity to nearby parks in walking distance, such as Optimist Park and Wellington Park. The building has been designed in a way to balance the need to provide amenity space and efficient design. The reduction in parking has been determined to be appropriate as justified in detail in the accompanying TIS. The proposed site-specific exceptions to the height and FAR are appropriate, as the development is located within an MTSA and the Burlington Downtown Area where the highest level of intensification is directed. The proposal has also been thoughtfully designed to ensure appropriate integration into the surrounding neighbourhood in the context of planned development while also ensuring minimized impacts on surrounding properties. The proposal will provide a range and mix of transit-supportive uses including high density residential with at-grade retail to serve future residents that will help maximize the number of potential transit users within walking distance to the Burlington GO station.

Summary/Conformity Statement

As noted in previous sections of this report, a Zoning By-law Amendment is required to implement the direction of the PPS, Growth Plan and ROP to ensure efficient, compact and transit-supportive development on the Subject Lands. The proposed Zoning by-law Amendment will allow for site specific provisions to address an increase in Floor Area Ratio and building height, site-specific setbacks and landscaped areas, reduced parking, reduced amenity space and reduced parking space dimensions. A Draft Zoning By-law Amendment can be found appended.



6.0

DESIGN GUIDELINES

6.1 TALL BUILDING DESIGN GUIDELINES (2017)

The City of Burlington Tall Building Design Guidelines (2017) will be considered in preparation of development applications as they provide direction on buildings over 11 storeys. The Design Guidelines provide direction for podium design, site design, open space and streetscaping, tower design and rooftop design.

The analysis of these guidelines and how the proposal implements these guidelines has been explored in depth in the Urban Design Brief.





7.0

SUMMARY & CONCLUSIONS

7.1 PLANNING JUSTIFICATION SUMMARY

As discussed in detail throughout this Report, the current municipal policy framework for the Subject Lands is out of date in the context of Provincial and Regional policy that plans for intensification within Major Transit Station Areas. The proposed Official Plan and Zoning By-law amendments will facilitate development of the Subject Lands that allows for the appropriate intensification of the Subject Lands to support density targets, provides an appropriate mix of land uses within the MTSA and Urban Growth Centre, will implement an appropriate level of transit-oriented development to support transit usage, will provide a high quality urban design and built form and can be adequately serviced by municipal infrastructure.

Appropriate Intensification to Support Density Targets

The proposed Official Plan Amendment and Zoning By-law Amendment will facilitate development on the Subject Lands that allows for their appropriate intensification with a mix of uses and an enhanced public realm while providing for increased housing options to meet Provincial and Regional intensification and density targets.

The proposal will provide for 356 residential units in the City of Burlington to support the population growth needs in Burlington expected to be 193,000 people by 2031 and will also contribute towards the Regional housing target of 8,300 homes by 2031.

The proposal provides for appropriate intensification within a MTSA planned to achieve a density target of 150 people and jobs per hectare and Urban Growth Centre planned to achieve a density target of 200 people and jobs per hectare.

A Mix of Land Uses

The proposal will provide a mix of residential and commercial uses, with retail units proposed at street level to animate the streetscape and public realm and to satisfy the day-to-day needs of future residents for retail and service commercial uses.

Appropriate Transit-Oriented and Transit-Supportive Development

The proposal is located within a Major Transit Station Area and will provide a range and mix of transit-supportive uses including high density residential with at-grade retail to serve future residents. The proposal represents contextually appropriate intensification on the Subject Lands and will maximize the number of potential transit users within walking distance to the Burlington GO Station and to Downtown Burlington's amenities and services including the hospital. As such, the proposal is intended to increase transit use and will contribute to enhancing and encourage the efficient and effective use of transit services, including the GO Station and local transit routes.

High Quality Urban Design and Built Form

The proposed development has been designed as a comprehensive redevelopment of the two parcels to integrate high quality public realm improvements across the site, specifically fronting the public boulevards along Brant Street and Prospect Street. The proposed development has been thoughtfully designed to ensure appropriate setbacks and stepbacks in the built form in order to provide an attractive pedestrian environment along Brant Street and Prospect Street.

Adequate Servicing to Support Intensification

As demonstrated in the supporting Transportation Impact Study and Functional Servicing Report, the proposed development can be adequately serviced by municipal infrastructure.

7.3 CONCLUSION

As outlined in this report, together with the supporting technical reports, the proposed development and associated Official Plan and Zoning By-law Amendments represent an appropriate intensification of the Subject Lands.

Based on the existing physical context and surrounding neighbourhood, the technical assessment of the proposal and our analysis of the proposal within the current and proposed policy and regulatory context:

1. The proposed development and associated Official Plan Amendment and Zoning By-law Amendment represent an appropriate development of the Subject Lands given the existing use of the site and surrounding context;
2. The proposed development and associated Official Plan Amendment and Zoning By-law Amendment has regard for the Planning Act, is consistent with the Provincial Policy Statement (2020), and conforms to the Growth Plan for the greater Golden Horseshoe (2020);
3. The proposed development conforms with the Halton Region Official Plan;
4. The proposed development conforms with the in-force City of Burlington Official Plan, except for those sections proposed to be amended which, once amended, provide consistency and conformity with Provincial and Regional policies and plans;
5. While not determinative, the proposal aligns with the direction and policies of the new OP and the City's recent work on the Area Specific Plan;
6. The proposed development aligns with the Metrolinx Regional Transportation Plan, with the Subject Lands within close proximity to the Burlington GO Station;
7. The proposal can be adequately serviced and does not create any impacts to municipal servicing;
8. The proposal is well-served by existing community infrastructure including public transit, bike lanes, parks, schools, places of worship and recreational amenities;
9. The proposal enhances the public realm and pedestrian environment within the site and along the exterior street frontages; and,
10. The proposal is compatible and does not create adverse impacts.

The proposed development is appropriate for the Subject Lands and represents good planning and is in the public interest. Based on these conclusions, it is recommended that the proposed Official Plan and Zoning By-law Amendments be approved.

Respectfully submitted,
MHBC





Dana Anderson, MA, FCIP, RPP
Partner

Melinda MacRory, M.Pl., MCIP, RPP
Associate

Appendix A

PRE-CONSULTATION MEETING MINUTES (MARCH 24, 2021)

DEVELOPMENT APPLICATION PRE-CONSULTATION FORM

Meeting Date: March 24, 2021	**Site Address:** 789-795 Brant Street
Property Owner: Camarro Development Inc.	**Applicant / Address / Phone / Email** Camarro Development Inc. c/o Kyle Camarro, CEO and President 25 Main Street West, unit 1702, Hamilton ON, L8P 1H1 (905) 928-1033, kyle@camarrogroup.com
Site Area: 0.22 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:**
Mixed-use development comprising ground-level retail on Brant Street, three ground-level townhouse units on Prospect; residential apartments on storeys 2-31.
   - 31 storeys plus mechanical penthouse, with 7-storey podium
   - Total 307 residential units, 500m2 retail
   - 5 levels of underground parking. 275 parking spaces (229 resident, 46 visitor) (resident: 0.9 spaces per unit, visitor: 0.15 spaces per unit).
   - Bicycle parking 110 spaces for residents and 8 for visitors.
   - 580 m2 of indoor amenity, 289 m2 of outdoor amenity (6th floor)

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. **Existing Official Plan (1997) Designation:** Mixed Use Corridor – General
Conformity with City Official Plan land use designation? YES _____ NO X
If 'NO' what is the nature of the OP amendment needed? Height, density

Existing Official Plan (2020) Designation: Downtown Urban Centre – Upper Brant Precinct
Conformity with City Official Plan land use designation? YES _____ NO X
If 'NO' what is the nature of the OP amendment needed? Built form

4. **Existing Zoning:** MXG
Conformity with existing zoning? YES _____ NO X
If 'NO' what is the nature of the zoning amendment needed? Height, density, FAR,technical amendments

5. Design Guidelines in effect? YES X NO

Name of Design Guidelines Tall Building Guidelines (2017), Shadow Study Guidelines and Terms of Reference (2020), Pedestrian Level Wind Study Guidelines and Terms of Reference (2020), Sustainable Building and Development Guidelines (2018), Stormwater Management Design Guidelines (2020)

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

YES NO X

7. Fees Required at Time of Application

APPLICATION	CITY	REGION	CONSERVATION HALTON
Official Plan Amendment:	$22,300.00	$8,717.57	TBD
Rezoning - Base Fee: (70% if combined) Rezoning - Variable Fee:	$14,714.00 $122,935.00	$1,028.39	TBD
Subdivision - Base Fee: Subdivision - Variable Fee:	-	-	-
TOTAL	$159,949.00	$9,745.96	TBD

Separate cheques are payable to City, Region and Conservation Halton

8. Additional Agencies to be contacted: Burlington Hydro, Union Gas

9. 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 applicant 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.*

10. Community Benefits

Is this an application for increased height and/or density? YES X NO

If "YES" Community Benefits **may be** required.

11. Required Information for Complete Application

Reports, Studies, Plans **All identified reports must be submitted in Accessible PDF format with contents as outlined in the Appendix and attached notes before an application is deemed complete.**		Number of Paper Copies (plus three in accessible electronic PDF form) If Study is Required	Required Study (Yes/No)
6.1	Planning Justification Report	7	Y
6.2	Conceptual Site Plan Layout & Site Survey	11	Y
6.3	Draft Plan of Subdivision	11	N
6.4	Stormwater Management Report	6	Y
6.5	Functional Servicing Report (Including Water & Wastewater)	6	Y
6.6	Tree Inventory and Preservation Plan Arborist Report Landscape Concept Plan	7 7	Y Y Y
6.7	Traffic Impact Study	5	Y
6.8	Top-of-Bank Demarcation	5	N
6.9	Environmental Evaluation Report	6	N
6.10	Noise and/or Vibration Feasibility Study	4	Y
6.11	Shadow Study	3	Y
6.12	Environmental Site Screening Checklist	4	Y
6.13	Phase One or Two Environmental Site Assessment/ Record of Site Condition Report	4	Y Y
6.14	Land Assembly Documents	2	Y
6.15	Height Survey of adjacent buildings	2	Y
6.16	Heritage Impact Statement	3	N
6.17	Archaeological Report	3	N
6.18	Quantitative Pedestrian Level Wind Study	3	Y
6.19	Sensitive Land Use (Risk Assessment) Report	4	N
6.20	Urban Design Advisory Panel Meeting Minutes	4	Y
6.21	Hydrogeological Assessment	5	TBD
6.22	Other (specify) Urban Design Brief Grading & Servicing Plans Geotechnical Study (including Groundwater) Draft Zoning By-law and Draft OPA	 5 10 4 2	 Y Y Y Y

	3D Model of Proposed Building(s)		Y
	Construction & Mobility Management Plan	1	Y
	Pre-Application Public Consultation Meeting Minutes	4	Y
	Reference Plan and PIN Report	4	Y
	Waste Management Plan	3	Y
	Housing Impact Statement	2	Y
	Comprehensive/Large-Scale Floodplain Analysis		Y
	Topographic Survey delineating Flood Hazards		Y

12. 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. **The City may require the peer review of a technical report 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.**

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

7. **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.**

8. **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.**

9. **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.**

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

11. **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.**

12. **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.**

13. 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 Signatures:

In signing this agreement, I acknowledge that the drawings, reports and other requirements indicated above must be completed in accordance with the direction in this Preconsultation Form, the attached notes and the attached Pre-Submission Checklist, and submitted, along with a completed application form, any information or materials required by statute, the required application fees and a copy of this agreement in order for the planning application to be considered complete. In addition, I have read and agreed to the Notes listed above.

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

6.1 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 principles, 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: describe the site context; address applicable provincial and regional policy; describe the proposal in detail including preliminary site plan details if applicable; address applicable local Official Plan policies (e.g. policies relating to compatibility, intensification, redesignation criteria and conversion policies); describe how the proposal meets Council approved Design Guidelines, discuss findings of the technical studies in the context of the Part II Functional Policies of the Official Plan; and other Council policy.

6.2 Conceptual Site Plan Layout & Site Survey

General plan required showing proposed building envelopes, driveways, parking and landscape areas. Survey of site showing PINs, easements, property boundaries etc.

6.3 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.

6.4 Stormwater Management Report

Required in accordance with Part II, Section 2.11.3 subsections a) & d) of the Official Plan.

6.5 Functional Servicing Report

Required in accordance with Part II, Section 2.11.3 subsection e) of the Burlington Official Plan. 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 Region of Halton.

6.6 Tree Inventory and Protection Plan

Required when a property under application contains woodlots, tree stands or hedgerows, in accordance with Part II, Section 6.0 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.

Conceptual Landscape Plan:

Required in accordance with Part II, Section 6.0 of the City's Official Plan. The Conceptual Landscape 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. Minimum required soil volumes must be identified for proposed planting areas."

6.7 Traffic Impact Study

Required for applications as set out in Part II, Subsection 3.2.2 d) of the City's Official Plan and Part IV, Sections 171-173 of the Regional Official Plan. Contact City Transportation Planning staff (City roads) or Regional Public Works staff (Regional roads) for background information and to discuss TIS assumptions. For Regional roads, applicants are referred to the "Guidelines for the Preparation of Traffic Impact Studies". MTO must be contacted for lands near provincial highways

6.8 Top-of-Bank Demarcation

Required for applications on any property containing, or abutting a creek or valley feature, Lake Ontario or Burlington Bay shoreline, in accordance with Part II, Section 9.2.2 subsection b) and Part III, Section 6.4.2, subsections d) and e) of the City's Official Plan. Applicant's surveyor must meet on-site with representatives of the City Capital Works Department and Conservation Halton to survey the top of bank and/or floodline, and this surveyed line shall be incorporated into the applicant's subdivision or site plan. A geotechnical report may be required to identify stable top-of-bank.

6.9 Environmental Evaluation Report

Required for applications as set out in Part II, Section 2.5 of the City's Official Plan, the Regional Official Plan and the Region's Environmental Impact Assessment guidelines. These assessments will be reviewed by the Halton Ecological and Environmental Advisory Committee (EEAC).

6.10 Noise and/or Vibration Feasibility Study

Required for applications as set out in Part II, Section 3.3.2, subsections r), s) and t), and Part II, Section 3.7.2, subsections d), e) and f) of the City's 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 the Region's "Noise Attenuation Policy for Regional Roads," dated October 2000.

6.11 Shadow Study
May be required to demonstrate the potential shadow impacts of a proposed development on its surrounding context, in compliance with the City's Shadow Study Guidelines and Terms of Reference.

6.12 Environmental Site Screening Checklist
Required for all applications as set out in the "Protocol for Reviewing Development Applications with respect to Contaminated Sites," dated March 2003. Applicants should contact the Region of Halton for historical data and any environmental records.

6.13 Phase One or Two Environmental Site Assessment/Record of Site Condition Report
Required to assess site contamination in accordance with Part II, Section 2.4, subsections i) and j) of the City's Official Plan. 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.

6.14 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.

6.15 Height Survey of adjacent buildings
Required for all residential infill and intensification rezoning applications, in accordance with City Council policy. 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.

6.16 Heritage Impact Statement
Required as determined by Planning staff for any property designated pursuant to the Ontario Heritage Act, identified on the City's Inventory of Heritage Resources, or for any property located adjacent to a designated or otherwise inventoried property.

6.17 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 and the Regional Archaeological Master Plan.

6.18 Pedestrian Level Wind 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 compliance with the City's Pedestrian Level Wind Guidelines and Terms of Reference.

6.19 Sensitive Land Use (Risk Assessment) Report
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 Part II, Section 2.7.3 subsections n) & o) and Part II, Section 4.3 subsection d) of the City's Official Plan, Part IV, Sections 146-147 of the Regional Official Plan, and the Ministry of the Environment D-6 series guidelines.

6.20 Agricultural Impact Assessment Report
Required for applications as set out in Part II, Subsection 13.3 e) of the City's Official Plan and for certain proposals in certain designations in the Regional Official Plan. Guidelines for these assessments are available from the Region of Halton, and these assessments will be reviewed by the Halton Agricultural Advisory Committee (HAAC).

6.20 Burlington Urban Design Advisory Panel Meeting Minutes
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.

6.21 Hydrogeological Assessment
Required for all applications in areas subject to private water and septic services, as set out in Part IV, Subsection 2.1.3 b) and Part IV, Subsection 3.3 d) of the City's Official Plan, the Regional Official Plan and the Region's "Guidelines for Hydrogeological Studies and Standards for Private Services, revised June 2000. Applicants should contact the Halton Health Department for more details regarding site-specific studies, which must be approved by the Region following a peer review.

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

Preconsultation Meeting Notes

789-795 Brant St - March 24, 2021

Attendees:
Kyle Camarro (Camarro)
Roland Rom Colthoff (Raw Design)
Melinda MacRory (MHBC)
Kyle Plas, Thomas Douglas, Samantha Romlewski, Annette Simpson (City of Burlington)
Adam Huycke, James Yun, John Kisneris, Alex Hilder (Halton Region)
Ola Panczyk (Conservation Halton)

Description of Development Concept:

Mixed-use development comprising ground-level retail on Brant Street, three ground-level townhouse units on Prospect; residential apartments on storeys 2-31.

- 31 storeys plus mechanical penthouse
- 7-storey podium
- Total 307 residential units, 500m2 retail
- 5 levels of underground parking.
- 275 parking spaces (229 resident, 46 visitor) (resident: 0.9 spaces per unit, visitor: 0.15 spaces per unit).
- Bicycle parking 110 spaces for residents and 8 for visitors.
- 580 m2 of indoor amenity, 289 m2 of outdoor amenity (6th floor)

Planning Comments:

Official Plan (1997, as amended)

- The property is designated Mixed Use Corridor – General. This designation permits mixed development including retail, office and high-density residential uses (Part III, 5.3.2a)
- The maximum building height is 6 storeys and maximum FAR is 1.5:1. Council may consider a higher FAR through a rezoning subject to consideration of factors such as adequacy of services and infrastructure, and compatibility with adjacent uses (Part III, 5.3.2d)
- High Density Residential uses are defined in the Official Plan as having a density range between 51 and 185 units per hectare.
- Mixed Use Activity Areas shall be priority locations for land assembly at strategic locations. (Part III, 5.2.2h)
- Mixed Use Activity Areas shall be subject to a high quality of urban design (Part III, 5.2.2i)
- The residential land use policies in Part III, section 2 of the Official Plan are also applicable to residential uses that are proposed in non-residential designations. This includes the Intensification Criteria in Part III, section 2.5

Status of New Official Plan (2020)

- On Nov. 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being Dec. 22, 2020 for the new Burlington Official Plan. The appeal record submitted to the Local Planning Appeal Tribunal (LPAT) by the Region of Halton indicates that a total of 48 appeals to various parts of the new Burlington Official Plan were received during the appeal period.

It is the LPAT that will issue Orders throughout the appeal process to establish and confirm which portions of the Plan remain subject to appeal, and which portions are in effect. The City anticipates that the first of these Orders will be issued by the LPAT following the initial case management conference in this matter, which has yet to be scheduled. At the appropriate time, City staff will also bring forward a repeal by-law(s) for the former Burlington Official Plan (1997, as amended).

As the LPAT process advances, the working version of the Burlington Official Plan, 2020 is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the policies. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the LPAT process, the Burlington Official Plan, 2020 and the Burlington Official Plan, 1997:
https://www.burlington.ca/en/services-for-you/Official-Plan-Review.asp

New Official Plan (2020)

- The subject lands are within a Primary Growth Area as identified on Schedule B-1 "Growth Framework" of the new OP
    - Refer to policies in Section 2.4 of the new OP
    - Primary Growth Areas are also subject to the urban design policies in Section 7.3.2(1)
- This section of Brant Street is a Frequent Transit Corridor and MTSA Primary Connector as identified on Schedule B-2 "Growth Framework and Long Term Frequent Transit Corridors" of the new OP
    - Refer to Multimodal Transportation policies in Section 6.2 of new OP
- The subject lands are within the Downtown Urban Centre and Downtown Urban Growth Centre as identified on Schedule B "Urban Structure" and Schedule C "Land Use – Urban Area" of the new OP
    - Refer to Downtown Urban Centre policies in section 8.1.1(3) of the new OP
    - The full extent of maximum development permissions stated within all Downtown Urban Centre precincts may not be achievable on every site within a precinct, due to site-specific factors including, but not limited to, design excellence, compatibility and transition to adjacent development, negative environmental impacts, hazardous lands, transportation, stormwater management, cultural heritage resources, and/or infrastructure capacity (8.1.1.3.2.e)
    - See also:
        - 8.1.1(3.8) Upper Brant Precinct
        - 8.1.1(3.17) Downtown Urban Design
        - 8.1.1(3.18) The Public Realm
        - 8.1.1(3.19) Built Form
        - 8.1.1(3.21) Retail Streets
        - 8.1.1(3.22) Downtown Mobility
        - 8.1.1(3.24) Community Benefits
        - 8.1.2 Major Transit Station Areas
- The subject lands are within the Upper Brant Precinct as shown on Schedule D "Land Use – Downtown Urban Centre" of the new OP
    - Policies specific to Upper Brant Precinct are found in 8.1.1(3.8)
    - Permitted uses include residential, office, retail and service commercial, hotel, entertainment, and recreation. Development abutting Brant Street shall contain a minimum of two permitted uses and should contain three permitted uses where feasible.
    - Buildings abutting Brant Street shall incorporate a setback above the third storey. The setback should be similar to the 20m setback in the Brant Main Street and Mid Brant

Precincts, but flexibility in this setback may be considered due to the wider Brant Street right-of-way in this location

- This section of Brant Street is a Mixed Use Street as shown on Schedule D-1 "Downtown Urban Centre Retail Streets" of the new OP
    - Residential uses are not permitted on the ground floor facing a Mixed Use Street. Residential lobbies/access should be located on side streets or at the rear of the building where feasible (8.1.1.3.8c)
    - Refer to policies for Mixed Use Streets in section 8.1.1(3.21)
- The subject lands are permitted a maximum height of 25 storeys as shown on Schedule D-2 "Maximum Building Heights" of the new OP
    - Refer to Tall Building policies in 8.1.1(3.19.3), which set out requirements for buildings of 12 storeys or taller, including:
        - shall provide a minimum tower separation of 30 m;
        - shall not exceed a maximum tower floor plate of 750 m2, excluding balconies;
        - shall provide outdoor amenity space on site;
        - shall articulate towers to promote design excellence;
        - shall provide a minimum tower stepback of 3m from the podium facing all street frontages;
        - shall provide a podium no higher than 3 storeys.
- The lands are located just outside of (across the street from) the Burlington GO MTSA Special Planning Area as shown on Schedule F "Burlington GO MTSA Special Planning Area" of the new OP
    - The City will be resuming the Area-Specific Planning exercise for the Burlington GO MTSA (formerly Mobility Hub) in 2021. The property owner is encouraged to participate in this process.
- Prospect Street is a Neighbourhood Connector and this section of Brant Street is a Main Street as shown on Schedules O-1 and O-3 of the new OP
    - Refer to classification descriptions in Table 1 "Classification of Transportation Facilities" of new OP
- **The subject lands are located within "Additional Flood Hazard" lands as shown on Appendix E-14 of the new OP. Applicant should contact Conservation Halton regarding implications of flood hazards.**
- Subsection 12.1.2 of the new OP contains policies related to process requirements for development applications and criteria for the evaluation of development applications. These criteria include the achievement of land use compatibility, built form compatibility and a high quality of urban design; availability of infrastructure and public service facilities to support the development; preservation and protection of trees; adequacy of buffering and other measures to minimize impacts; design facilitates future pedestrian, cycling and/or private street connections, where such opportunities exist; the degree to which public service facilities and other neighbourhood conveniences are located within walking distance or accessible by transit; the development considers the relationship to existing or planned transit facilities; and the development complements and connects with the public realm, including walking and cycling facilities.

Current Zoning

- The property is zoned MXG.
- This zone permits a range of residential, office and retail uses. Stand-alone retail uses are not permitted.
- The MXG zone has a maximum height of 6 storeys and a maximum FAR of 1.5:1.
- Parking requirements are in Part 1, section 2.25 and Part 5, section 4.6 of the Zoning By-law.

- New residential parking rates were approved and are under appeal; refer to www.burlington.ca/parkingreview.

Interim Control By-law

- The subject property is within the Interim Control By-law (ICBL) study area. The ICBL was approved by Council on March 5, 2019 to temporarily restrict development within the study area so that a land use study can be completed. On January 30, 2020, based on the recommendations of the ICBL study, Council approved amendments to the Official Plan (1997 as amended) and Zoning By-law 2020: Official Plan Amendment (OPA) 119 and Zoning By-law Amendment (ZBA) 2020.418.
- The City has received appeals for both OPA 119 and ZBA 2020.418. As a result, the amendments are currently not in effect. Also, the ICBL remains in effect until the Local Planning Appeal Tribunal (LPAT) has issued a final decision on each appeal of ZBA 2020.418. While the City awaits the conclusion of the LPAT process, new applications will be circulated for technical and public comment and statutory public meetings will be held. Following the statutory public meeting, the applications will be held in abeyance until the ICBL is no longer in effect.

Urban Design Guidelines

- The following design guidelines are applicable:
    - Tall Building Guidelines (May 2017)
    - Shadow Study Guidelines and Terms of Reference (June 2020)
    - Pedestrian Level Wind Study Guidelines and Terms of Reference (June 2020)
    - Sustainable Building and Development Guidelines (April 2018)
    - Stormwater Management Design Guidelines (June 2020)
- Draft Downtown Burlington Placemaking and Urban Design Guidelines were released in September 2020. The applicant is encouraged to participate in the process as the City continues to develop these guidelines.
    - The City will seek public and stakeholder feedback on the Draft Downtown Burlington Placemaking and Urban Design Guidelines and present the final version for Council approval. At this time the City anticipates Q4 2021 for the delivery of the Downtown Urban Design Guidelines.
- Downtown Streetscape Guidelines (2019) apply south of the subject site. Refer to these guidelines for planned neighbouring streetscape context.

Preliminary Review of Redevelopment Concept:

- **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. Section 22(2.2) outlines an exception where a council has declared by resolution that such a request is permitted.** In accordance with section 22(2.1) of the Planning Act, submission of a development application may be premature prior to the 2nd anniversary of the coming into effect of sections of the City's new Official Plan.
- **The subject lands are located within "Additional Flood Hazard" lands as shown on Appendix E-14 of the new OP.**
    - The City will be completing a Phase 2 Flood Study for this area. At this time, the Phase 2 Flood Study work is being scoped through discussions with Conservation Halton staff with the start date to be determined. The findings of the Phase 2 study will inform the development of a Burlington GO MTSA area-specific plan.
    - **The proponent should consider the advantages of waiting until the Phase 2 Flood study is completed prior to submitting an application.**
    - Refer to Conservation Halton comments, Region of Halton comments, and Site Engineering comments for additional information related to flood hazards.

- The Area Specific Planning process will establish a future vision for growth in MTSAs and include further engagement with the public, development industry and other stakeholder groups. Staff hope to bring a workplan to Council in Q2 of this year, based on a resumption of work in 2021. You may wish to subscribe to the Burlington GO Mobility Hub webpage to be advised of updates when the study resumes. You can subscribe by clicking the "Subscribe to this page..." button at the top right of the webpage.
- The subject parcel is quite small and its irregular shape is challenging. A 31 storey building may not be achievable without further land assembly to the south. The concept is not supported in its current form.
- If feasible, consider acquisition of additional lands to increase parcel size and avoid impacts to development potential of neighbouring sites. Note that intensification criteria of the Official Plan (1997 as amended) include Part III, section 2.5.2 (a) (x) "Where intensification potential exists on more than one adjacent property, any redevelopment proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised"
- The proposed building does not comply with the built form and transition guidance of the Tall Building Guidelines or the new Official Plan. Tower floorplate should not exceed 750m2 and podium height should be reduced in accordance with the guidelines and applicable policies.
- Appropriate building separations are required between the proposed building and nearby tall buildings or mid-rise buildings, in accordance with the Tall Building Guidelines and Official Plan policies.
  The submitted drawings appear to show a 0-metre setback for storeys 1-7 on the south side adjacent to 783 Brant Street. This should be revised to provide appropriate setbacks, building separation, and transition.
- Sufficient underground setbacks must be provided to ensure that shoring does not encroach into the City right-of-way. Underground and above-ground setbacks should provide space for the planting of trees.
- Building design should consider how the building will be viewed from multiple angles, including its appearance as a terminal viewpoint from a vantage point facing west from further east on Prospect Street.
- It is acknowledged that the submitted drawings show the provision of bicycle parking at grade, which is a desirable feature to support active transportation.
- The applicant is advised that Halton Region recently released a draft Regional Official Plan Amendment (ROPA 48) with implications for the Urban Growth Centre and Major Transit Station Areas. The applicant is encouraged to get involved with Halton Region's engagement on this ROPA.

Application Requirements

- An Official Plan Amendment is required
- A Zoning By-law Amendment is required
- Prior to submitting the application, a Pre-Submission Neighbourhood Meeting is required. Please refer to the provided Applicant's Guide to Pre-Submission Neighbourhood Meetings.
  - The neighbourhood meeting is to be organized by the applicant 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 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 Councillor, 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. Due to the current COVID-19 situation, the meeting may be held virtually. Please contact Kyle Plas, Coordinator of Development Review, for further instructions on hosting a virtual meeting. kyle.plas@burlington.ca.
  - 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.
- Prior to submitting the application, consultation with the Burlington Urban Design Panel (BUD) will be required.
    - An Urban Design Brief will be required to explain how the City's Urban Design Guidelines have been addressed and how the comments of BUD have been taken into account.
    - A copy of the BUD meeting minutes must be submitted with the application. BUD Terms of Reference are provided.
- A Shadow Study will be required to show how the proposed building and site designs will impact the public realm, proposed outdoor amenity areas, and surrounding private outdoor amenity areas. Please refer to the City's Shadow Study Guidelines and Terms of Reference when preparing the Shadow Study. The study should show how height, setbacks, terracing, and massing have been considered to reduce impact on the existing low-rise and mid-rise surroundings, and the public realm. A height survey of adjacent buildings should also be provided.
- A quantitative wind impact study will be required to show how the proposed building and site design will impact pedestrian comfort on the street and surrounding public and private open space areas. Please refer to the City's Pedestrian Level Wind Study Guidelines and Terms of Reference.
- Please consider sustainable building design in your proposed development. An introductory letter from the Burlington Sustainable Development Committee and a copy of the Burlington Sustainable Building and Development Guidelines are provided under separate cover.
- A Planning Justification Report is required:
    - to discuss the impact of Provincial, Regional, and local planning policy on the proposed development;
    - to explain why the requested change of land use and increase in height, density, and floor area ratio is desirable and represents good planning;
    - to discuss how the results of the required technical studies have been used to refine the redevelopment proposal;
    - to explain how input received at the pre-submission neighbourhood meeting has been used to refine the proposal;
    - to explain how input received from the Burlington Urban Design Review Panel has been used to refine the proposal;
    - to explain how the proposed development is compatible with surrounding land uses, including heights, setbacks, massing and design and community features, and maintains the Official Plan's intent for these lands.
- A Housing Impact Statement is required in accordance with section 3.1.1(2) of the new Official Plan
- An Urban Design Brief is required
- A 3-D model of the proposed development is required as part of a complete application
- Section 37 Benefits may be required.
- Staff contact: Thomas Douglas, Senior Planner, Thomas.douglas@burlington.ca, (905) 335-7600 ext. 7811

Region of Halton Planning Comments:

REGIONAL OFFICIAL PLAN, 2009

Designation: Urban Area (Built Boundary), Urban Growth Centre

Urban Area

- The Urban Area (Section 72) policies of the Regional Official Plan (ROP) support a compact form of growth that is supportive of transit and non-motorized forms of transportation. It promotes intensification and increased densities. Development within the Urban Area shall be in accordance with the Local Official Plan and a subject to policies of the ROP.

- The subject lands are located within an *Urban Growth Centre* as outlined in Map 1 of the ROP. *Urban Growth Centres* are parts of *Intensification Areas* and are subject to policies of both the *Intensification Areas* and Urban Area of the ROP. *Intensification Areas* shall provide for a diverse and compatible mix of land uses, including residential and employment uses, to support neighbourhoods while achieving generally higher densities than the surrounding areas.
- The ROP supports and directs growth and intensification of uses to Urban Growth Centres and Intensification Areas and further supports Local planning and policy direction that supports the development of Intensification Areas, and the Burlington Urban Growth Centre.
- Section 84 of the ROP speaks to the goal of housing to supply the Region with an adequate mix of housing types. 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.
- Section 89 of the Regional Official Plan require that approvals for all new development within the Urban Area be on the basis of connection to the Region's municipal water and wastewater systems, unless otherwise exempt by other policies of this Plan.

Regional Transportation

- A Transportation Impact Study (TIS) must be completed by a qualified Transportation consultant for the proposed development. The study must be completed as per Halton's Traffic Impact Study Guidelines. The final study, its assumptions & recommendations must be to the satisfaction of Transportation Planning and approved by Halton Region. The TIS Guidelines are available on-line at: https://www.halton.ca/Repository/Transportation-Impact-Study-Guidelines
- A Scope of Work for the TIS is required for review and approval prior to the start of the study.
- The subject lands fall within the south extents of the Study Area for the ongoing QEW Prosperity Corridor Study. The details of the Study may be reviewed with the City of Burlington, as the lead project manager, for the tri-party Study (City of Burlington, MTO, and Halton Region.)

Regional Natural Heritage System

- According to comments provided by Conservation Halton, portions of the subject lands may be susceptible to a spill (flood hazard) under a Regulatory storm event. Any portion of these lands that is determined to be Regulated by CH, will form part of the Region's Natural Heritage System.
- Conservation Halton staff provide technical review services to the Region with respect to the delineation and protection of watercourses, wetlands, fish habitat, natural hazards and related concerns. The applicant should have regard to any comments/concerns provided by Conservation Halton staff relating to these matters as conformity with CH Regulations and PPS policy direction will need to be addressed.
- All lands identified as forming part of the Regional Natural Heritage System are to be properly designated and zoned, and should be dedicated at the appropriate stage of development approval.

Potential for Site Contamination

- In accordance with S.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 in addition to a Phase 1 (at minimum) (to O. Reg 153/04 standards and with a Letter of Reliance). Additional Environmental Site Assessments may be required depending upon the recommendation(s) of the Phase 1 ESA. A Record of Site Condition filing may be required as the proposal would result in a change in land use to a more sensitive land use.

Waste Management:

- A Waste Management Plan is required to address waste collection for the proposed development. Please reference the Region's Development Design Guidelines for Source Separation of Solid Waste for site design requirements/dimensions. Regional Staff recommends that the proponent design the development to accommodate Regional collection.

Municipal Servicing:

- Detailed technical comments provided under separate cover.

Submission Requirements:

- All submission materials on a USB
- Applicable Regional Fee(s)
- Complete Application forms

- Planning Justification Report
- Concept Plans
- Environmental Site Screening Questionnaire, Phase 1 Environmental Site Assessment (ESA) in addition to any recommended ESA (O.Reg 153/04 standards and with a Letter of Reliance), RSC as determined by the QP
- Transportation Impact Study
- Functional Servicing Report
- Waste Management Plan

Region of Halton Servicing Comments:

- There are Halton Region local watermains within Brant Street and Prospect Street adjacent to the proposed development. There is a Halton Region trunk watermain within Brant Street adjacent to the proposed development. No trunk watermain service connection laterals will be permitted.
- There are Halton Region local wastewater mains (sanitary sewers) within Brant Street and Prospect Street adjacent to the proposed development. There is a Halton Region trunk wastewater main (sanitary sewer) within Brant Street adjacent to the proposed development. No trunk wastewater main service connection laterals will be permitted.
- The developer should undertake to locate the size and location of all watermains, water services, water meters, wastewater mains (sanitary sewers), wastewater (sanitary) services, 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.
- A Functional Servicing Report is required to be prepared by the developer's civil engineering consultant (watermains, water services, fire hydrants, sanitary sewer mains, sanitary sewer services, 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 other developments properties in the drainage area in their analysis of the local sewers (if any). 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. The proposed development (FSR) will have to align with any Area Servicing Plan/Master Servicing Plan that is required for the area, City and Region.
- 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 north and west of the property within Prospect Street and Brant Street. The developer's Professional Engineer that is preparing the FSR must consult with the Region regarding the proximity of the proposed development to the watermains and wastewater mains (sanitary sewers), and the Region's approved set-back of the development from the watermains and wastewater mains. There shall be no impact from the development on the Region's watermains and wastewater mains. The Engineer shall prepare a number of cross-section engineering drawings along the north and west 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.
- At the Site Plan application stage the proposed street tree planting and proposed street furniture will have to be reviewed closely in order to avoid tree planting/street furniture conflicts with the Region's watermains and wastewater mains (sanitary sewers) located within the Prospect Street and Brant Street southerly and easterly boulevards, to the satisfaction of the City and the Region.
- 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.
- 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 Region has initiated a Burlington Water Servicing Strategy Review and it is forecast to be completed this year. Please feel free to contact the Region at any time regarding the status of the review.
- The property appears to be located within a City of Burlington Downtown Urban Growth Centre. The property is located within a City of Burlington Mixed Use Node and Intensification Area (Urban Centre), and Primary Growth Area, within the city. Halton has initiated a Regional Municipal Comprehensive review process, ie. the Halton Region Official Plan review for the Region. Halton Region has also initiated a Water and Wastewater Master

Servicing 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.
- The developer should prepare a Solid Waste Management Plan to the satisfaction of the Region. The Plan shall have regard for the Region's Solid Waste Management Guidelines. The Solid Waste Management Guidelines are available on-line at http://www.halton.ca , Regional Official Plan (ROP) Guidelines, Development Design Guidelines for Source Separation of Solid Waste.
- The developer will inform the City, and the Region, whether they will be submitting a Site Plan application at the same time as the LOPA and ReZoning applications for timing purposes and issues identification and resolution purposes.

Conservation Halton Comments:

Ontario Regulation 162/06 – Conservation Halton

Based on materials developed in support of the City of Burlington's Official Plan/Scoped Re-examination of the Downtown, the subject lands are susceptible to flood hazards (spill) associated with Hager and Rambo Creeks during the regulatory storm. The supporting materials are available on the City's website, including the *Flood Hazard and Scoped Stormwater Management Assessment: Burlington GO Mobility Hub and Downtown Burlington,* prepared by Wood, dated June 1, 2020 (https://www.getinvolvedburlington.ca/official-plan-2019/widgets/36046/documents). The City intends to undertake Phase 2 of the Assessment which will refine initial findings of the study.

Under *Ontario Regulation 162/06*, CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. Not all regulated areas are mapped, but natural hazards, whether mapped or not, are considered regulated. The subject properties are regulated by CH as they are located within a flood hazard (spill) associated with the Hager-Rambo Diversion Channel (watercourse).

Spills are flood hazards/hazard lands under the *Conservation Authorities Act* and *Ontario Regulation 162/06*. A spill occurs when floodwaters leave a watercourse and its valley and spills overland, rejoining the same watercourse at a distance downstream or moving into another watershed.

Ontario Regulation 162/06 requires that a permit be obtained from CH prior to development, interference with wetlands or alterations to shorelines and watercourses. Please note, development within CH's regulated area can be restricted and, in some cases, not permitted. Development is defined in the *Conservation Authorities Act*, a copy of which can be found at www.elaws.gov.on.ca. Please visit www.conservationhalton.ca for a copy of *Ontario Regulation 162/06* and the related policy document.

An interim policy to describe how CH will address defined spill areas was approved by the Board on March 26, 2020 (CHBD Report 04 20 17). CH's spill policy states:

> *Development and redevelopment in spill areas will be considered on a case-by-case basis. Permission may only be granted where the site is subject to low risk and, where appropriate, mitigation measures can be implemented to reduce potential impacts to the satisfaction of Conservation Halton (e.g., flood proofing).*

This is an interim policy until such time that the spill is mitigated, new provincial regulations or direction on spills is issued, or new CH spill policies are approved by the CH Board of Directors, after consultation with municipalities and the public.

Feedback on Pre-Consultation Proposal

As the findings from the City's recently completed study identifies that the properties are within a spill area, additional study is required to confirm regulatory flood hazard limits and the property's development potential.

Staff understands that the City will be completing Phase 2 of the Flood Hazard and Stormwater Assessment, which is expected to refine flood hazard limits and provide detailed mapping of spill areas, as well as discuss policy and mitigation measures in this area. The proponent may wish to consider the advantages of waiting until this study is completed. If the proponent wishes to proceed prior to completion of the Phase 2 study, the proponent will be expected to refine the hydrologic and hydraulic models (1D and 2D) for the relevant watershed area and delineate flood hazards. In this case, further consultation with the City and CH would be required to determine study requirements for the applications.

Ultimately, the delineation of the regulatory flood hazard affecting this property will be required as part of any future application. Hazards will need to be delineated on a topographic survey prepared by an OLS or P.ENG, and safe access and egress routes will need to be identified, as required by the Provincial Policy Statement (2020). While spill areas are being managed on a case-by-case basis, CH recently developed general guiding parameters that may be used to further inform the implementation of spill policies for proposals submitted at this time. Staff would be happy to meet to discuss these general parameters, however the delineation of the regulatory flood hazard as outlined above is required to confirm direction for this site.

Memorandum of Understanding (MOU)

Should this application move forward, CH may provide review of stormwater management under the MOU.

Fees/Circulation

CH should be circulated the full application in digital format.

CH will confirm applicable review fees once additional details are provided. Fees will apply based on the applicable fee schedule at the time of submission. CH's 2021 fee schedule is available online: https://conservationhalton.ca/plan-review-fees

Summary of Submission Requirements

- Comprehensive/Large-Scale Floodplain Analysis
- Topographic Survey delineating Flood Hazards
- Grading & Servicing Plans
- Stormwater Management Report

Site Engineering Comments:

Right of Way:

1. Brant Street is a City of Burlington owned road, the deemed right of way is 30m, the actual width varies but meets the deemed, no widening required
2. Prospect Street is a City of Burlington owned road, the deemed right of way is 20m, the actual width meets the deemed, no widening required
3. Site Engineering defers to Transportation Staff to confirm if the existing daylight/ visibility triangles are acceptable.
4. Enhanced street scaping may be required on municipal road frontages, site engineering defers to the Capital Works landscape technician to confirm streetscaping requirements.

General Comments:

1. From our GIS mapping the property appears to be outside the Conservation Halton regulated area, however we would defer to Conservation Halton and Planning Staff to confirm.
2. Please preconsult with Union Gas, regarding servicing the site.
3. Please preconsult Burlington Hydro, typically all hydro servicing for new development is to be underground, however, we defer to Burlington Hydro to confirm their requirements regarding the existing overhead lines fronting the site, as well as the Planning Department to confirm their policy.
4. When designing utility metering/piping locations, please do not place at the Brant or Prospect sides of the building or near the entrances.
5. The underground parking structure preliminary drawing looks to extend to or very close to the property line on all sides, is it feasible to construct from within the property limits? This will need to be clearly demonstrated by provision of typical details, additional information is provided under the CMMP comments.
6. All elements of the underground parking structure (i.e. walls, foundation drains, shoring, etc.) are required to be within the limits of the subject property. Details, min. one for each side of the underground structure will be required to be submitted to demonstrate. If elements of the underground parking or for construction of underground parking, either permanent or temporary, encroach onto municipal or private neighboring property then we would require written confirmation from the property owner that they have no objection to make the application complete, confirmation of a formal agreement may be required during the process. There appears to be zero (or close to) lot lines for the underground parking on all sides of the building, this may prove to be a challenge for construction, the details will need to clearly demonstrate that the site is constructible. Generally speaking zero lot lines are difficult to construct, maintain the underground parking structure in the future and are strongly discouraged.
7. Please consider pedestrian connections from Brant and Prospect to the main entrances
8. Please ensure the grading of the site is clearly demonstrated, if retaining walls are needed they need to be shown at this stage. Grading sections will be required to be submitted with the application.
9. When the accessible parking spaces are designed in the underground parking please locate them closest to the elevators and ensure there is a clear route for access to the elevator lobby. Please reach out to the City's Accessibility Coordinator Judi Lytle to confirm the number and type of barrier free parking spaces required as well as appropriate location, and any other accessible features that should be considered for the development. Judi can be emailed at judi.lytle@burlington.ca

10. Please consider incorporating bicycle parking at grade and in the underground parking for residents and visitors
11. Please incorporate electric vehicle charging stations in the underground parking as per OBC
12. Please consider incorporating ductwork for future electric vehicle charging at individual spaces
13. Please ensure there is space for a safe area for pedestrians to enter and exit the elevator and stair areas (i.e. doors don't open to the travelled lane or a parking space) the concept plan looks to have the elevator vestibule open directly to the travelled path, it should be inset to allow for the door to open and pedestrians to step out without being in the travel lanes
14. We defer to Transportation staff to comment on parking layout and sizes.
15. Advisory - Precondition survey of area buildings prior to start of excavation and vibration monitoring for the duration of construction, will be required, limits of study area to be determined by the acoustical consultant/geotechnical engineer. As part of the application, we will need the consultants preliminary estimates on radius of study area, etc. , further clarification is under noise and geotechnical comments below.
16. Walkways along walls with doors must be a min. 1.8m wide as per the Site Plan guidelines, however, if possible, however, we would also ask that you consider widening the walkway at the entrances to allow for benches/planters/etc. as this area will likely be heavily used by residents, please look at pedestrian movements at the at-grade parking at the rear of the building and connections to the back lobby door, most of the at-grade spaces are barrier free, so it is important to provide clear accessible paths to the lobby.
17. Please consider the existing light standards, hydro poles (if to remain) when determining the entrance location. Please consult with the City's Forestry Department and/or the City's Landscape Technician with regard to minimum construction setbacks from City Trees.

Environmental Site Assessment

1. The proposed development would be considered a change of use, from existing commercial use to proposed residential use, therefore a Record of Site Condition is mandatory under O. Reg. 153/04. To deem the application complete we will require a Phase One Environmental Site Assessment (ESA), if the Phase One ESA indicates a Phase Two ESA is required then the Phase Two ESA must be submitted with the application for it to be deemed complete. All reports must be completed in accordance with O. Reg. 153/04 including a Letter of Reliance confirming the City (and Region) may rely on the information provided in the reports. If the Phase Two ESA is required and indicates remedial works are required to the site, the remediation plan is required to be submitted with the application to make the application complete. Please be advised that if the reports are not in accordance with O. Reg. 153/04 the application will be deemed incomplete.

Geotechnical Report:

1. Geotechnical Investigation (Stamped and certified by a P. Eng.) is required to make the application complete.
2. The Geotechnical investigation shall also address any concerns with groundwater that may require special consideration, i.e. provide an estimated seasonally high groundwater elevation, discuss foundation drainage, etc., additionally, the chemical analysis of the groundwater is to be included in the report, to confirm if it can be outlet to the municipal storm system, i.e. does it meet municipal discharge criteria? Please share estimated

seasonally high elevation and estimated flows of groundwater to be managed in the storm system with the Civil Engineer, and/or provide recommendations on foundation waterproofing, etc., please be advised that the City will not accept filtered groundwater on a permanent basis into the city's storm sewer.

3. We would recommend that (if necessary) groundwater monitoring wells be installed as soon as possible so that readings can be taken in all seasons and detailed in the geotechnical report, specifically, seasonally high groundwater levels and flows must be detailed.
4. Also, in support of any LID techniques that may be implemented, i.e. infiltration.
5. A Hydrogeologist may need to be consulted, we ask that the Geotechnical Engineer provide direction on further or more detailed study requirements.
6. Conservation Halton may have additional requirements regarding groundwater/Hydrogeological Investigation if it is determined the site is regulated.
7. The Geotechnical Engineer may need to provide comment/recommendations on precondition survey and vibration monitoring during construction and/or the Acoustical Consultant may also provide recommendations. The actual precondition survey wouldn't be required until the site plan stage, but at this stage we require a general area of study be advised.

***Construction Management and Mobility Plan*:**

1. Construction Management and Mobility Plan (CMMP) is required for the application to be complete. Both Transportation and Site Engineering Departments review the CMMP. A detailed CCMP is required to ensure that the development works can be completed in a manner that is to the satisfaction of the Director of Engineering Services and the Director of Transportation Services, as the use of the City's road allowance for construction staging has not been approved and in order to minimize the impact to residents, vehicles, pedestrians and local businesses the following is required:
    a. CMMP, plotted to scale on 24" x 36" sheet
    b. Proposed limits of construction
    c. Proposed construction staging areas, including any staging areas required on the City's road allowance for concrete pours, material deliveries, site servicing, etc. and written justification for any construction staging areas on the city's road allowance
    d. Proposed temporary/permanent encroachments on the City's road allowance and written justification of any required encroachment on the City's road allowance
    e. Proposed truck haulage routes and location of truck stacking
    f. Proposed location of mud mat and vehicle wash down area
    g. Proposed location of crane assembly and swing radius
    h. Proposed traffic control measures, specifically addressing signage and/or any lane closures/restrictions
    i. Pedestrian control measures, specifically addressing signage and pedestrian routing
    j. A phasing plan (if the project is to be phased) and separate plans for each phase of construction will be required.

k. Sections for foundation/basement, min. one for each side through each adjoining property including the municipal right of way, including shoring, tiebacks, foundation, foundation drainage, etc., and dimensions from property lines. Please note that if there are temporary or permanent encroachments into adjacent lands then written confirmation from the land owner that they have no objection to the encroachments will also be required to be submitted with the CMMP.

l. Staff will not support a request for sidewalk or lane closures and that our recommendation would be to setback the structure(s)/construction to a distance that permits construction without a ROW compromise.

m. A copy of the City's CMMP policy can be provided if needed, please contact annette.simpson@burlington.ca

Noise & Vibration Feasibility Study (prepared by a P. Eng.)

1. Noise & Vibration Feasibility Study (stamped and certified by a P.Eng.) is required for the application to be complete. The Noise & Vibration Feasibility Study shall be completed in accordance with MECP's Environmental Noise guideline Publication NPC-300. The Noise & Vibration Feasibility Study shall also take into consideration and provide discussion in the report:
    a. Considered a Class 1 property
    b. We would ask that the acoustical consultant provide recommendations to the architect/structural/mechanical engineers regarding optimal placement of outdoor amenity areas, mechanical HVAC equipment, underground parking vents/fans/etc., emergency generators, etc., before detailed design is undertaken.
    c. Impact of environmental noise on the proposed development, i.e. identify adjacent existing (or future) mechanical equipment that may impact the proposed development, if mitigation is required, provide details, including written confirmation from adjacent property owners of their agreement to mitigating measures, to make the application complete. Confirmation of a formal agreement may be required.
    d. Impact of the proposed development on neighboring noise sensitive receptors and spaces
    e. Impact of the proposed development on proposed development's noise sensitive receptors and spaces
    f. Impact of construction related vibration on neighboring dwellings. Please note precondition surveys of surrounding buildings will be required (with owner consent) prior to construction as a condition of the Site Plan Application. Furthermore, vibration monitoring will be required for the duration of construction as a condition of the Site Plan Application. The detailed limits of the precondition surveys and vibration monitoring would be confirmed by a Professional Engineer specializing in vibration as a condition of the future Site Plan Application. The Geotechnical Engineer may need to be consulted in this regard. We require the consultant advise at this stage the (Estimated) study limits.
    g. Copy of the concept site plan to be included in the report to ensure the Noise & Vibration Feasibility Study is based on an up to date Site Plan design

h. Please also advise the noise consultant that although NPC-300 tables indicate 60dBA in the OLA (both at ground and upper levels) with warning clauses, it is not acceptable to the City, we request that all possible measures be taken to control the noise in the OLA to 55dBA or less, if not feasible, then we request calculations to confirm what levels could be achieved, i.e. 60dBA would require a 3m noise barrier, 59 a 3.5m, 58dBA a 4.0m, etc. all the way to 55dBA. Please have the architect consult with the noise consultant as to the optimal placement of outdoor living areas (including upper level OLA's) for residents, shielded from sources of noise.
i. Report to address vibration from rail lines within 500m of the site on the development (or confirm if it's not a concern)
j. Applicant's consultant to use capacity volume or volumes provided by the City Traffic Department or Region Traffic Department, of roads for STAMSON (or other model) calculations; contact the City/Region Traffic Department for volumes, and include correspondence in the appendix
k. Please advise the noise consultant that reflective surface should be used in Stamson (or alternate model) calculations
l. All STAMSON (or other model) calculations to be included in the report
m. All mitigating measures calculations are required to be included in the report, i.e. window glazing, façade requirements, etc.
n. Actual noise measurements to be included in the report
o. Copies of correspondence from the City of Burlington, and any other vested agency, confirming traffic/train counts must be included in the report's appendix (if applicable).
p. Key plan showing points of reception to be included & a chart referencing the key plan, detailing the estimated noise levels, allowable levels, and mitigated noise levels
q. Receptors for each floor of each side of each building is required, and for any outdoor living areas. Receptors for surrounding residential is also required.
r. A table clearly outlining the receptor ID, allowable Nosie level under NPC-300, estimated noise level, and mitigated noise level is required.
s. Area context plan to be included showing potential sources of noise
t. Provide warning clause recommendations
u. Provide a summary/drawing of mitigation measures to be implemented
v. Please note that although NPC-300 indicates private terraces/balconies less than 4.0m deep do not require mitigation, if private terraces/balconies are proposed, the City will require a warning clause, something along the lines of : "*Purchasers/tenants are advised that the private terraces of each unit are less than 4.0m deep and therefore are not required to have mitigation measures installed for noise as per NPC-300. Sound levels due to road/train traffic, increasing road/train traffic and no mitigation measures may interfere with some activities of the dwelling occupants use of their private terrace"*

Stormwater Management Report :

1. As noted above, please confirm with Conservation Halton if the development property regulated, if so, they would also review the stormwater management for the site. In case of

differing requirements, the most stringent criteria would apply. Our understanding is that the area may be prone to spills from the diversion channel. The spills will have to be mapped and managed to protect the proposed development from flooding. The spills are regulated by Conservation Halton, who will review the spill mapping and flood protection strategies.

2. Please refer to and reference in the report, the City of Burlington Stormwater Management Design Guidelines, approved by City Council on June 22, 2020, please also be advised of new IDF curves for the City of Burlington: https://www.burlington.ca/en/services-for-you/Stormwater.asp
3. The City's Stormwater Engineer has provided the following SWM criteria, please note that depending on environmental requirements and spill/flood plain mapping for the site, the SWM criteria may change:
    a. Enhanced **Quality Control** achieving 80% Total Suspended Solids Removal. We ask that a treatment train approach be considered, to incorporate Low Impact Development techniques. OGS may only be credited at 50%. Please note that the City considers roof water as clean, only the runoff from exposed parking/laneways would need quality treatment.
    b. **Quantity Control:** 100 year post development Flows controlled to 5 year pre-development flow rates by providing on-site storage for all City of Burlington design storm events up to and including the 100 year. Overland Flow Route to be directed to Brant Street.
    c. **Erosion control** – Not required
    d. **Drainage Patterns** – existing drainage directions and patterns should be maintained. Entire runoff from the site should be captured and directed towards the site collection systems.
    e. **Overland Flow Route:** An emergency overland flow route to be shown on the plans.
    f. **External Flows** – engineer to confirm any external flows entering the site under the existing conditions. All identified external flows must be routed safely under the developed conditions without causing any flooding or ponding
    g. **Existing infrastructure** – there is an existing 900mm storm sewer fronting the property in Prospect and 1500mm storm fronting the property in Brant Street.
4. Provide storage details and location
5. Report to include full/scalable, signed/stamped pre-development, post-development, servicing & grading plans, please ensure regulated and spill areas and elevations are clearly identified and labeled on the drawings.
6. Storm sewer pipes cannot be located under buildings (internal mechanical piping excepted).
7. Please note that there should be no surface ponding in (surface) accessible parking spaces, and no surface ponding in a 5-year storm in any other parking area.
8. Please clearly show the overland flow route for this address and neighboring properties to ensure existing drainage patterns are maintained.
9. Areas overtop of underground parking structures will be considered impermeable, i.e. 0.9 Runoff Coefficient
10. Quantity controls must use an orifice tube (not plates).
11. Need to confirm capacity of receiving system
12. Need to confirm condition of receiving system (i.e. video inspection)
13. Rooftop storage will not count towards the stormwater storage requirements (although allowed for other purposes, i.e. grey water for flushing toilets, irrigation for landscaping, etc.), unless the requirements outlined in the City of Burlington Stormwater Management Design Guidelines is met.
14. Control structures and their location with cross sectional details

15. Storm sewer design sheet, at minimum the 5 year storm shall be contained underground
16. Include groundwater discussion, clearly outline if groundwater is present, and if so, seasonally estimated high elevation/flow/etc., and confirm if it is to be managed in the stormwater management system/foundation drainage for the property. If so, provide confirmation that the groundwater meets the City of Burlington municipal discharge criteria, if not, the site would need to have a waterproof foundation, as the City will not accept filtering of groundwater on a permanent basis, to outlet to the storm sewer. Temporary filtering of groundwater to accommodate foundation construction will be permitted subject to the terms and conditions acceptable to the City's Engineer. Type of foundation/groundwater management needs to be clearly outlined in the SWM report and noted on the civil/mechanical/architectural drawings. Notwithstanding the quality of groundwater, the quantity of anticipated groundwater discharged into the City's storm sewer system shall be also be outlined in the SWM report and be managed to levels acceptable to the City's Engineer.
17. We ask that the Civil Consultant confirm the location of the underground stormwater storage tank with the Architect/Structural Engineer, typically we see storage tanks in underground parking structures as having emergency overflows, the emergency overflow should have safe conveyance to the municipal overland flow route.
18. If there are any questions regarding SWM criteria please contact us, we are happy to preconsult with the Civil Engineer if they have any questions, (**umar.malik@burlington.ca** or **annette.simpson@burlington.ca**)
19. We encourage Low Impact Development Stormwater Management techniques, such as rainwater harvesting for irrigation, use of treatment train approach of quality control by using bio and infiltration swales, etc., currently we look to the CVC/TRCA LID guidelines and/or in the future MOECC guidelines.

Detailed Engineering Plans:

1. All drawings across all disciplines to coordinate, i.e. use same base layer
2. Please reference the Site Plan Guidelines (https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/development_Applications/SitePlanGuidelinesason-2014-nc.pdf) and the Capital Works design standard drawings (https://www.burlington.ca/en/modules/document/document.aspx?param=2Z3nvEAH3UVGGP5lA5HbUqeKsQeQuAleQuAl), the information below is not intended to be considered comprehensive, just some of the main items to be shown on the drawings.
3. All Drawings:
    a. Please ensure there is enough room (required at the site plan stage) for exterior lighting poles, utility meters, pedestals, transformers, etc. Utilities for private developments must be located on private lands.
    b. Please ensure there is enough room for snow storage (required at the site plan stage)
4. Servicing Plan:
    a. The City defers to the Region of Halton and the City's Building Department (for OBC) to comment on water and waste water servicing
    b. Show all proposed and existing servicing, and what is to happen to existing servicing, i.e. reuse, remove, if reuse, the infrastructure will need to be certified by the P. Eng. as in good working condition. Also, storm sewers cannot cross lot lines. Our understanding is that the Region has the same requirements for sanitary sewers and watermain.

c. Maintenance holes, catch basins, etc., slopes, material, length, inverts, obverts, crossing information, etc. for proposed infrastructure. Include detail for each referenced specification, a separate sheet may be required.
d. Actual locations of buried infrastructure is required, i.e. daylighting. Engineering drawings must contain accurate locations and inverts for connections and crossings, so that it can be confirmed the development is feasible. This must be completed and shown on the plans before they are submitted as part of a development application.
e. City Trees (if any) and bordering city trees to be shown on drawing and boundary trees over 100mm in diameter within 3m of the property line), indicate which trees are proposed to be removed. Forestry will provide comment on Trees, we ask that their comments be reflected on the Civil drawings.
f. Utility furniture (meters, pedestals, boxes, etc.) for private developments cannot be located within the municipal right of way, please ensure there is enough room on site for servicing
g. Catch basins in landscape areas shall be sumpless

5. Detailed grading plan:
    a. FFE, TFW, UFE, openings in foundation, etc.
    b. We will require sections, min. one for each side to show how the proposed development will interface with adjacent properties and the municipal right of way. Sections to include above and below ground as well as any permanent or temporary shoring/tiebacks/municipal infrastructure/utilities/etc. (it is expected that daylighting will be completed in the area of the proposed servicing connections and the information shown on the sections)
    c. Curb depressions
    d. Accessible ramps
    e. Advisory for future site plan - Grades of barrier free parking spaces, max. 1.5% running slope, max. 1.0% cross slope
    f. Top of retaining wall and bottom of retaining wall elevations for both proposed and existing (if applicable), grading will be looked at carefully, we need to clearly see how the proposed development will interface with the neighboring properties.
    g. Advisory for future site plan – show top of curb and bottom of curb elevations
    h. Overland flow route
    i. Show proposed fencing, please ensure that if there is existing fencing, that it be noted to be removed (if necessary, with adjacent property owner's written permission) to avoid "fence on fence" which poses a maintenance issue.
    j. Need to include grades on adjacent properties enough to determine existing drainage patterns. The plan will clearly need to show how drainage will be contained in the development, and not cut off surrounding properties drainage.

Other items needed for a Complete submission:

1. **Applicant to provide a reference plan** showing all existing property lines/blocks/easements/etc.
2. **Applicant to provide Title Search/PIN reports for the properties**, to verify any agreements on title, as well as copies of agreements on title for the properties.
3. **Applicant to provide a draft reference plan** if there are Conservation Halton regulated hazard and setback lines/ lands to be dedicated as part of the application.
4. As mentioned in the comments above, actual locations and inverts of all buried (and above ground) infrastructure in locations of proposed connections will be required (i.e. daylighting) with the RZ/OPA submission package to confirm servicing is feasible, the civil engineer will

need to confirm they have incorporated the actual locations/inverts into their design. A Municipal Consent Permit will be needed for any excavation (including daylighting) in the municipal ROW, a Road Occupancy Permit may also be needed if lanes are needed to be blocked off. Contact me, annette.simpson@burlington.ca, to assist with arrangements/contacts for these permits.

5. Advisory: Applicant is advised that a new Standard is in effect as of July 12, 2017, S-114-B, requiring any disturbance to the ROW asphalt to be restored curb to curb for the entire frontage of the property, it may also mean that a City contractor will complete the works, and the costs borne by the Applicant.

Urban Forestry & Landscape Comments:

Re: Existing Trees

1. A Tree Inventory and Preservation Plan and Arborist Report is required for all existing trees greater than 10cm DBH on site and on adjacent properties within 3m of the property lines, and trees of any size on city property. See the City of Burlington: Pre-Submission Checklist for requirements.
2. There are city trees along the Brant Street and Prospect Street right-of-ways. Removal of city trees will require council approval. Removal of city trees should be avoided where possible, and proposal for removal will require an arborist's assessment of health and structural condition prior to the request being accepted. Additionally, alternate layouts and construction measures should be considered to preserve healthy city trees and discussed in the Arborist's Report, and in the absence of alternatives, justification provided for any requested removals.
3. Any existing trees on the subject site should be considered for preservation. Trees that are injured or removed under the provisions of a private tree permit will need to be replaced using the City's method of calculation. The tree's size, as well as the overall condition rating will impact the total number of cm's required to be replaced. Generally, one replacement tree is required for every 10 cm diameter removed. It is recommended that the replacement trees are replanted on the subject site. If there is no room on site for the replacement trees, there will be a charge of $400 per replacement tree. This information and calculations should be included in the submitted Arborist Report and Tree Preservation Plan.
4. Removal or damage to trees on neighboring properties within 3.0m of the property line and boundary trees (which are protected under the Provincial Forestry Act (RSO 1990) Section 10) will require:

    - The adjacent property owners shall be consulted and made aware of the proposed development and potential impacts to their trees and boundary trees and requested to submit in writing that there are no concerns with proposed treatment of the existing trees.

    OR

    - A qualified professional (as defined in Pre-Submission Checklist) shall be retained to address the potential impacts on the neighbor's trees and/or boundary trees and provide a letter or report confirming in their opinion regarding impacts to the boundary trees from proposed construction. The arborist letter or 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.

5. **If** trees on private property are proposed to be removed prior to Site Plan approval, a Tree Permit is required for removal or injury of trees on private property within the Urban Planning Area Boundary of the City of Burlington, in accordance with the Private Tree Bylaw 20-2020, including the payment of the Tree Permit fee and compensation for trees required to be removed. A Private Tree Permit application should be applied for through the online application system: https://webforms.burlington.ca/Roads-and-Parks-Maintenance/Private-Tree-Permit-Application.
6. All existing public and private trees to be retained require tree protection fencing. Please see the City of Burlington Tree Preservation and Protection Specification SS12A for further tree protection details. Minimum Tree Protection Zones (MTPZ) and Critical Root Zones (CRZ) should be clearly shown and labeled on the Tree Inventory and Preservation Plan, in addition to tree protection fencing. Any encroachments into the MTPZ of existing trees to retain should be discussed in the Arborist Report.
7. Show existing trees to be preserved and tree preservation fencing on the Construction Management and Mobility Plan.
8. A qualified professional (as defined in the City of Burlington's Pre-submission Checklist) may be required to be retained to address potential impact on the existing trees on site during excavation operations to ensure no damage to the protected trees or their root systems. Requirement to be determined at the Site Plan stage.
9. **Do not remove any trees from the site until after the Rezoning and Official Plan Amendment applications have been approved.**

Re: Landscape

1. A Landscape Concept Plan will be required, showing the general layout and intent of what is proposed for landscaped area and buffer planting, outdoor amenity areas, fence location and types and pedestrian circulation. See the Pre-Submission Checklist for requirements.
2. Clearly show the limits of the underground parking on the Landscape Concept Plan and ensure there is sufficient soil volume for full sized large canopy trees.
    - Minimum required soil volumes range from $15m^3$ to $30m^3$, depending on the tree species and planting layout (e.g. soil volume share in a continuous trench for multiple trees, use of structural soil cells or engineered structural soil.)
    - The draft City Tree Planting Guidelines specify $30m^3$ 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. Smaller rooting volume (minimum 15-$20m^3$) may be proposed for smaller trees.
    - Enough space between the property line and the limit of underground parking should be provided to grow large canopy trees that will not need to be removed when the underground parking garage requires repairs (i.e. trees planted on the roof slab of the underground parking garage). The concept submitted shows underground parking almost to the limits of the north, south and west property lines, which would not be not be supported.
3. 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.

Locate the barrier free parking spaces closest to the elevator lobby and not crossing vehicular traffic in the underground parking garage.

Contact the city's Accessibility Coordinator if you have any questions: Judi Lytle, 905-335-7600, ext. 7865, judi.lytle@burlington.ca.

4. Show bicycle parking and snow storage locations.
5. Show and dimension pedestrian walkways and connections to the city sidewalks (1500mm minimum width, 1800mm recommended) and the city sidewalk across the Ironstone Drive frontage. Consider the width of the pedestrian walkways minus the doors that open out to ensure pedestrians don't need to walk on vehicular driveways.
6. Show the location of air vents/shafts.
7. Show conceptually the proposed layout and use of outdoor amenity areas.
8. Provide enhanced streetscaping along the Brant Street and Prospect Street frontages and areas to support the retail uses (e.g. space for outdoor seating).

If the applicant has any questions they can contact me at Tania.Dowhaniuk@burlington.ca.

Parks & Open Space Comments:

- Park dedication will be a requirement of this development.
- Park Dedication will be taken as Cash in Lieu of Parkland dedication in accordance with the current Park dedication by-law.

Transportation Services Comments:

- Please refer to our Burlington Citywide Parking Standards Review for applicable parking rates for this proposal - see the following URL: https://www.burlington.ca/en/services-for-you/city-wide-parking-standards-review.asp
- Please refer to our Site Plan Guidelines for applicable design standards for structured parking and site circulation.
- This site will require a Traffic Impact Study, please consult with the City of Burlington Staff to determine scope of work.
- Please include truck and vehicle turning templates as part of your TIS to demonstrate safe site circulation.
- Please ensure that existing sidewalks are included as part of the site design.

City of Burlington: Pre-Submission Checklist
789-795 Brant Street
March 24, 2021

NOTE: This checklist will be used to ensure that the materials and technical studies submitted in support of a redevelopment application meet minimum standards. If these standards are not met, the materials will be returned and a redevelopment file will not be opened.

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 Consultation Meeting Notes
- ☐ Burlington Urban Design Panel (BUD) Meeting Minutes
- ☐ Land assembly documents
- ☐ Reference plan and PIN report
- ☐ Height survey of adjacent buildings
- ☐ 3-D model of proposed buildings

2) **Conceptual Site Plan**

- ☐ Legible, metric scale drawing on 24x36 inch paper

- ☐ Clearly identifies all development constraints including easements, MTO setbacks, floodlines & hazard lands, natural heritage buffers etc.

3) 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 the applicable policies of the Provincial Greenbelt Plan.
- ☐ Contains a review of the applicable policies of the Niagara Escarpment Plan.
- ☐ Contains a review of the applicable policies of the Parkway Belt West 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).
- ☐ 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 an explanation of how the proposed development is compatible with surrounding land uses including height, setbacks, massing and design.
- ☐ Contains a comprehensive justification for any rental conversion or demolition of rental units which includes reference to the Region's State of Housing Report and a plan for relocation of existing tenants.
- ☐ Draft Zoning By-law
- ☐ Draft Official Plan Amendment
- ☐ Contains a robust justification of any removal or conversion of employment lands.
- ☐ 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.

4) 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.

5) Pedestrian Level Wind Study

- ☐ Quantitative 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

7) 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.

8) 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.

9) 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.

10) 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

11) 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.

12) Geotechnical Study (including Groundwater)

- ☐ Is prepared, signed and stamped by a Professional Engineer.
- ☐ Contains legible drawings
- ☐ Includes digital copies of models
- ☐ Includes all dimensions in metric, to scale, and on a consistent base map layer.
- ☐ Includes groundwater information (for example: dewatering during construction vs. permanent dewatering to be accommodated in a stormpond). Includes estimated volumes of groundwater to be permanently managed.
- ☐ Indicates if a Permit to Take Water would be required either during construction or permanently.
- ☐ Includes testing of groundwater to ensure it meets municipal stormwater discharge criteria. (City and Regional staff have been contacted if groundwater does not meet discharge criteria.)
- ☐ Contains sufficient quantity and distribution of boreholes to map soil and groundwater conditions for the soil type.
- ☐ Provides sufficient monitoring data to address groundwater level seasonality.
- ☐ Contains results of any geotechnical test completed.
- ☐ Discusses infiltration capabilities if Low Impact Development is proposed.
- ☐ Contains shoring and excavation details (for example: tiebacks, caissons, foundations, forming, piles) if underground parking or encroachments are proposed.
- ☐ Includes cross-sections, and dimensions from property lines and details of over-digging.
- ☐ Includes a stable slope assessment if required at the preconsultation stage. This study refers to the Ministry of Natural Resources and Forestry Technical Guidelines “Natural Hazards Manual Technical Guide – River and Stream Systems: Erosion Hazard Limit” and final topographical survey drawings with stable top of bank delineation signed and stamped by a Professional Engineer.
- ☐ Contains confirmation of the need for pre-construction surveys of surrounding buildings, to an extent determined by a Professional Engineer specializing in vibration, OR confirmation that pre-construction surveys are not warranted.

13) 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

14) Hydrogeological Assessment (if needed based on Geotechnical Study)

- ☐ Is prepared, signed and stamped by a qualified person (Professional Geoscientist or Professional Engineer)
- ☐ Follows the requirements for Completion of Hydrogeological Studies to Facilitate Conservation Halton's reviews (www.conservationhalton.ca/policies-and-guideline)
- ☐ Follows the terms of reference agreed upon by Conservation Halton, Regional and City staff in advance of study commencement. Includes a copy of this approved Terms of Reference as an Appendix.
- ☐ Contains legible drawings
- ☐ Includes digital copies of models
- ☐ Includes all dimensions in metric, to scale, and on a consistent base map layer.

15) Comprehensive/Large-Scale Floodplain Analysis

- ☐ Has been completed in consultation with Conservation Halton and City of Burlington Engineering Services Department

16) Topographic Survey delineating Flood hazards

- ☐ Has been completed in consultation with Conservation Halton and City of Burlington Engineering Services Department
- ☐ Hazards will need to be delineated on a topographic survey prepared by an OLS or P.ENG, and safe access and egress routes will need to be identified, as required by the Provincial Policy Statement (2020)

17) Tree Inventory and Preservation Plan and Arborist Report

- ☐ Is prepared by a qualified professional (e.g. 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.)
- ☐ Contains legible drawings on 24x36
- ☐ Includes all dimensions in metric, to scale, and on a consistent base map layer
- ☐ Includes bar scale
- ☐ Shows 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, Grading and Servicing drawings
- ☐ Arborist Report should describe the scope and methodology of proposed construction works and the tree preservation measures
- ☐ Identifies all existing trees (over 10cm diameter at breast height (DBH) measured at 1.4m above the ground) on site and within 3m of the property lines, and trees of any size on city property, their common and botanical name, size (DBH and height), structural and physiological condition, ownership, comments and notes, recommendations, and photos (particularly those requested for removal)
- ☐ Identifies trees proposed to be removed and retained, and the methods to be used to ensure preservation and protection of trees to be retained, including location and detail of tree protection fencing in accordance with the City of Burlington's Tree Protection and Preservation Specification SS12A: https://www.burlington.ca/en/services-for-you/resources/Forestry%20Operations/Tree_Protection_and_Preservation/City-of-Burlington-Standard-Specification-for-Tree-Protection-and-Preservation.pdf
- ☐ Minimum Tree Protection Zones and Critical Root Zones clearly shown and labeled in addition to tree protection fencing
- ☐ Percentage of injury should be clearly shown on the plan and noted in the Arborist Report, and impacts and damage mitigation methods outlined
- ☐ Clearly show the excavation limits on the plan (e.g. foundations or footings, trenching, etc.) and discuss damage mitigation measures (e.g. root pruning) in the Arborist Report
- ☐ Alternate layouts and construction measures should be considered and discussed in the Arborist Report to ensure any proposed removals are necessary and justified (i.e. there are no alternatives to the removal)
- ☐ Abbreviations should be defined and industry standard terminology used
- ☐ If removal or damage to trees on neighboring properties or boundary trees is required, provide either: 1) letter of consent from adjacent property owners that they are aware of the proposed development and potential impact to their trees or boundary trees and have no objections, OR 2) the Arborist Report should include

preservation methods that can be implemented to mitigate damage to neighboring or boundary trees

- ☐ Arborist Report should describe compensatory tree planting if trees are proposed to be removed (layout to be shown on the Landscape Concept Plan)

18) Landscape Concept Plan

- ☐ 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
- ☐ Identifies minimum required soil volumes, and location of any structural soil cell installation areas to achieve minimum soil volumes (30m3 of soil per tree in a single tree pit, 15m3 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

19) Waste Management Plan

- ☐ 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.

20) Site Survey

- ☐ Prepared and signed by an OLS Surveyor
- ☐ Shows any required right-of-way widenings, daylight triangles and any easements, etc.

21) Housing Impact Statement

- ☐ In accordance with new Official Plan (2020) section 3.1.1(2)

22) 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 and vegetation to be retained, 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.
- ☐ Existing trees to be preserved and tree preservation fencing

Appendix B

PRE-CONSULTATION MEETING MINUTES (JULY 27, 2022)

DEVELOPMENT APPLICATION PRE-CONSULTATION FORM

Meeting Date: July 27, 2022	**Site Address:** 789-795 Brant Street
Property Owner: Camarro Development Inc. **Site Area:** 0.22 ha	**Applicant / Address / Phone / Email** Camarro Development Inc. c/o Kyle Camarro, CEO and President 25 Main Street West, Unit 1702 Hamilton, ON L8P 1H1 905-928-1033 kyle@camarrogroup.com

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:**
Mixed-use development comprising ground-level retail on Brant Street, three ground-level townhouse units on Prospect; residential apartments on storeys 2-31.
   - 31 storeys plus mechanical penthouse
   - 7-storey podium
   - Total 307 residential units, 500m2 retail
   - 5 levels of underground parking.
   - 275 parking spaces (229 resident, 46 visitor) (resident: 0.9 spaces per unit, visitor: 0.15 spaces per unit).
   - Bicycle parking 110 spaces for residents and 8 for visitors.
   - 823 m2 of indoor amenity, 959 m2 of outdoor amenity (6th floor)

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 - General
Conformity with 1997 Official Plan land use designation? YES _____ NO X
If 'NO' what is the nature of the OP amendment needed? Built form

4. **2020 Official Plan Designation:** Downtown Urban Centre – Upper Brant Precinct
Conformity with 2020 Official Plan land use designation? YES _____ NO X
If 'NO' what is the nature of the OP amendment needed? Built form

4. **Existing Zoning:** MXG
Conformity with existing zoning? YES _____ NO X

If 'NO' what is the nature of the zoning amendment needed? Height, density, FAR, technical amendments

5. Design Guidelines in effect? YES X NO

Name of Design Guidelines: Tall Building Guidelines (2017), Shadow Study Guidelines and Terms of Reference (2020), Pedestrian Level Wind Study Guidelines and Terms of Reference (2020), Sustainable Building and Development Guidelines (2021), Stormwater Management Design Guidelines (2020)

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

YES X NO

7. Fees Required at Time of Application

APPLICATION	CITY	REGION	CONSERVATION HALTON
Official Plan Amendment:	$85,944.00	$8,892.87	TBC
Rezoning - Base Fee: Rezoning - Variable Fee:	$22,690.00 $80,420.00	$1,048.96 n/a	TBC
Subdivision - Base Fee: Subdivision - Variable Fee:	n/a	n/a	n/a
TOTAL	$189,054.00	$9,941.83	TBC

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

8. Additional Agencies to be contacted: Burlington Hydro, Union Gas

9. 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.*

10. Community Benefits

Is this an application for increased height and/or density? YES X NO

If "YES" Community Benefits **may be** required.

11. 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	Y
ii.	Land Assembly Documents	Y
iii.	Survey and Severance Sketch, prepared by an Ontario Land Surveyor	Y
iv.	Land Use Compatibility Study	N
v.	Retail and Service Commercial Needs Assessment	N
vi.	Financial Impact Study	N
vii.	Housing Impact Statement	Y
viii.	Park Concept Plan	N
ix.	Agricultural Impact Assessment	N
x.	Social Impact Assessment	N
xi.	Archeological Report	N
xii.	Heritage Impact Assessment	Y
xiii.	Cultural Heritage Landscape Impact Assessment	N
xiv.	Conceptual Site Plan Layout	Y
xv.	Architectural Plans	Y
xvi.	3-D Model of Proposed Buildings	Y
xvii.	Burlington Urban Design Advisory Panel (BUD) Comments	Y
xviii.	Height Survey of Adjacent Buildings	Y
xix.	Angular Plane Study	N
xx.	Shadow Analysis Plan	Y
xxi.	Quantitative Wind Impact Study	Y
xxii.	Arborist's Report	Y
xxiii.	Tree Inventory and Preservation Plan	Y
xxiv.	Landscape Plan	Y
xxv.	Water & Wastewater Functional Servicing Report	Y
xxvi.	Hydrogeology Study / Water Budget & Hydrology Study	Y

xxvii.	Source Protection Disclosure Report	N
xxviii.	Noise Feasibility Study / Vibration Study	Y
xxix.	Transportation Impact Study	Y
xxx.	Transportation Demand Management Plan and Implementation Strategy	Y
xxxi.	Parking Justification Report	Y
xxxii.	Storm Water Management Report / Functional Drainage Report, Storm Services Plan and Flooding Hazard Delineation and/or Grading and Drainage Plans	Y
xxxiii.	Environmental Impact Assessment	N
xxxiv.	Top-of-bank Demarcation / Slope Stability Assessment / Creek Erosion Assessment / Geomorphic Study	N
xxxv.	Shoreline Hazardous Land Studies	N
xxxvi.	Geotechnical Report (including groundwater)	Y
xxxvii.	Phase One Environmental Assessment	Y
xxxviii.	Phase Two Environmental Assessment Record of Site Condition	Yes (if recommended by Phase One) Yes (during process)
xxxix.	Landfill Assessment	N
xl.	Sustainable Building and Development Guidelines Checklist	Y
xli.	Phasing Strategy for Development of Retail and Service Commercial Uses	N
xlii.	Public Consultation Strategy	N
xliii.	Response to Comments Received at a Community Meeting Held in Advance of a Formal Development Application	Y
xliv.	Comprehensive Block Plan	N
xlv.	Urban Design Brief	Y
xlvi.	Tenant Relocation and Assistance Plan	N
xlvii.	**Other** Environmental Site Screening Checklist Draft Official Plan Amendment / Draft Zoning By-law Amendment Construction & Mobility Management Plan (CMMP) Waste Management Report Reference Plan and PIN Report Comprehensive/Large-Scale Floodplain Analysis Topographic Survey delineating Flood Hazards Grading and Servicing Plans	 Y Y Y Y Y Y Y Y

12. 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

789-795 Brant St - July 27, 2022

Attendees:
Melinda MacRory, MHBC
Roland Rom Colthoff, Lilly-Morgan Lecointe, RAW Design
Thomas Douglas, Karyn Poad, John O'Reilly, Trevor Clark, Zelaikha Shareqi, City of Burlington
Adam Huycke, Kayleigh Arnott, Region of Halton
Kevin Nunn, Ola Panczyk, Conservation Halton

Description of Development Concept:
Mixed-use development comprising ground-level retail on Brant Street, three ground-level townhouse units on Prospect; residential apartments on storeys 2-31.

- 31 storeys plus mechanical penthouse
- 7-storey podium
- Total 307 residential units, 526m2 retail
- 5 levels of underground parking.
- 275 parking spaces (229 resident, 46 visitor) (resident: 0.75 spaces per unit, visitor: 0.15 spaces per unit).
- Bicycle parking 110 spaces for residents and 8 for visitors.
- 823 m2 of indoor amenity, 959 m2 of outdoor amenity (6th floor)

Planning Comments:
Official Plan (1997, as amended)

- The property is designated Mixed Use Corridor – General. This designation permits mixed development including retail, office and high-density residential uses (Part III, 5.3.2a)
- The maximum building height is 6 storeys and maximum FAR is 1.5:1. Council may consider a higher FAR through a rezoning subject to consideration of factors such as adequacy of services and infrastructure, and compatibility with adjacent uses (Part III, 5.3.2d)
- High Density Residential uses are defined in the Official Plan as having a density range between 51 and 185 units per hectare.
- Mixed Use Activity Areas shall be priority locations for land assembly at strategic locations. (Part III, 5.2.2h)
- Mixed Use Activity Areas shall be subject to a high quality of urban design (Part III, 5.2.2i)
- The residential land use policies in Part III, section 2 of the Official Plan are also applicable to residential uses that are proposed in non-residential designations. This includes the Intensification Criteria in Part III, section 2.5

Status of New Official Plan (2020)

- On Nov. 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being Dec. 22, 2020 for the new Burlington Official Plan. The appeal record submitted to the Ontario Land Tribunal (OLT) by the Region of Halton indicates that a total of 48 appeals to various parts of the new Burlington Official Plan were received during the appeal period.
  It is the OLT that will issue Orders throughout the appeal process to establish and confirm which portions of the Plan remain subject to appeal, and which portions are in effect. At the

appropriate time, City staff will also bring forward a repeal by-law(s) for the former Burlington Official Plan (1997, as amended).
As the OLT process advances, the working version of the Burlington Official Plan, 2020 is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the policies. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the OLT process, the Burlington Official Plan, 2020 and the Burlington Official Plan, 1997:
www.burlington.ca/officialplan

New Official Plan (2020)

- The subject lands are within a Primary Growth Area as identified on Schedule B-1 "Growth Framework" of the new OP
    - Refer to policies in Section 2.4 of the new OP
    - Primary Growth Areas are also subject to the urban design policies in Section 7.3.2(1)
- This section of Brant Street is a Frequent Transit Corridor and MTSA Primary Connector as identified on Schedule B-2 "Growth Framework and Long Term Frequent Transit Corridors" of the new OP
    - Refer to Multimodal Transportation policies in Section 6.2 of new OP
- The subject lands are within the Downtown Urban Centre and Downtown Urban Growth Centre as identified on Schedule B "Urban Structure" and Schedule C "Land Use – Urban Area" of the new OP
    - Refer to Downtown Urban Centre policies in section 8.1.1(3) of the new OP
    - The full extent of maximum development permissions stated within all Downtown Urban Centre precincts may not be achievable on every site within a precinct, due to site-specific factors including, but not limited to, design excellence, compatibility and transition to adjacent development, negative environmental impacts, hazardous lands, transportation, stormwater management, cultural heritage resources, and/or infrastructure capacity (8.1.1.3.2.e)
    - See also:
        - 8.1.1(3.8) Upper Brant Precinct
        - 8.1.1(3.17) Downtown Urban Design
        - 8.1.1(3.18) The Public Realm
        - 8.1.1(3.19) Built Form
        - 8.1.1(3.21) Retail Streets
        - 8.1.1(3.22) Downtown Mobility
        - 8.1.1(3.24) Community Benefits
        - 8.1.2 Major Transit Station Areas
- The subject lands are within the Upper Brant Precinct as shown on Schedule D "Land Use – Downtown Urban Centre" of the new OP
    - Policies specific to Upper Brant Precinct are found in 8.1.1(3.8)
    - Permitted uses include residential, office, retail and service commercial, hotel, entertainment, and recreation. Development abutting Brant Street shall contain a minimum of two permitted uses and should contain three permitted uses where feasible.
    - Buildings abutting Brant Street shall incorporate a setback above the third storey. The setback should be similar to the 20m setback in the Brant Main Street and Mid Brant Precincts, but flexibility in this setback may be considered due to the wider Brant Street right-of-way in this location
- This section of Brant Street is a Mixed Use Street as shown on Schedule D-1 "Downtown Urban Centre Retail Streets" of the new OP

    - Residential uses are not permitted on the ground floor facing a Mixed Use Street. Residential lobbies/access should be located on side streets or at the rear of the building where feasible (8.1.1.3.8c)
    - Refer to policies for Mixed Use Streets in section 8.1.1(3.21)
- The subject lands are permitted a maximum height of 25 storeys as shown on Schedule D-2 "Maximum Building Heights" of the new OP
    - Refer to Tall Building policies in 8.1.1(3.19.3), which set out requirements for buildings of 12 storeys or taller, including:
        - shall provide a minimum tower separation of 30 m;
        - shall not exceed a maximum tower floor plate of 750 m2, excluding balconies;
        - shall provide outdoor amenity space on site;
        - shall articulate towers to promote design excellence;
        - shall provide a minimum tower stepback of 3m from the podium facing all street frontages;
        - shall provide a podium no higher than 3 storeys.
- The lands are located within the Downtown Burlington UGC/Burlington GO MTSA, as delineated through Regional Official Plan Amendment 48 (ROPA 48)
    - The City resumed the Area-Specific Planning exercise for the Burlington GO MTSA (formerly Mobility Hub) in 2021. The property owner is encouraged to participate in this process.
- Prospect Street is a Neighbourhood Connector and this section of Brant Street is a Main Street as shown on Schedules O-1 and O-3 of the new OP
    - Refer to classification descriptions in Table 1 "Classification of Transportation Facilities" of new OP
- **The subject lands are located within "Additional Flood Hazard" lands as shown on Appendix E-14 of the new OP. Applicant should contact Conservation Halton regarding implications of flood hazards.**
- Subsection 12.1.2 of the new OP contains policies related to process requirements for development applications and criteria for the evaluation of development applications. These criteria include the achievement of land use compatibility, built form compatibility and a high quality of urban design; availability of infrastructure and public service facilities to support the development; preservation and protection of trees; adequacy of buffering and other measures to minimize impacts; design facilitates future pedestrian, cycling and/or private street connections, where such opportunities exist; the degree to which public service facilities and other neighbourhood conveniences are located within walking distance or accessible by transit; the development considers the relationship to existing or planned transit facilities; and the development complements and connects with the public realm, including walking and cycling facilities.

Current Zoning

- The property is zoned MXG.
- This zone permits a range of residential, office and retail uses. Stand-alone retail uses are not permitted.
- The MXG zone has a maximum height of 6 storeys and a maximum FAR of 1.5:1.
- Parking requirements are in Part 1, section 2.25 and Part 5, section 4.6 of the Zoning By-law.

Urban Design Guidelines

- The following design guidelines are applicable:
    - Tall Building Guidelines (May 2017)
    - Shadow Study Guidelines and Terms of Reference (June 2020)

    - Pedestrian Level Wind Study Guidelines and Terms of Reference (June 2020)
    - Sustainable Building and Development Guidelines (2021)
    - Stormwater Management Design Guidelines (June 2020)
- Draft Downtown Burlington Placemaking and Urban Design Guidelines were released in September 2020.
    - City staff continue to engage stakeholders and experts on the development of these guidelines. Additional online public engagement is envisioned in the near future.
- Downtown Streetscape Guidelines (2019) apply south of the subject site. Refer to these guidelines for planned neighbouring streetscape context.

Area-Specific Plan for the Burlington GO MTSA/ Burling GO Special Planning Area (Burlington Junction)

- In 2021, the City resumed Area-Specific Planning work for the City's Major Transit Station Areas (MTSAs) as a continuation of the work done through the Mobility Hubs project in 2017-2018.
- At the January 11th, 2022 Community Planning, Regulation and Mobility Committee Meeting staff report PL-02-22 (released on January 4th with the CPRM agenda), Council endorsed in principle the Recommended Preferred Precinct Plans for Burlington's Major Transit Station Areas. Council's endorsement represents a critical check point in the project that has enabled staff to move forward to the next stage of the project which involves the creation of area-specific plans and supporting Official Plan Amendments for each of the MTSAs.
- The Recommended Preferred Precinct Plan for the Downtown Burlington UGC/ Burlington GO MTSA shows 789-795 Brant Street as being located in the Upper Brant Precinct.
- The Upper Brant Precinct is envisioned as a mixed-use area, with tall, mid-rise residential and stacked townhomes. Additionally, a low-rise feel will be maintained along Brant Street for pedestrians with 3rd storey setbacks.
- 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.
- Additional height direction for the Upper Brant Precinct includes:
    - The Upper Brant Precinct is a connecting point between the Burlington Junction UGC/MTSA and the Downtown area. A diverse built form could be found in this area to respond to the different characters of the surrounding context. The following built-form considerations are required:
        - 1. Tall buildings are to be located in the northern portion of the precinct.
        - 2. Maximum 25-storey building height, with heights gradually decreasing to a maximum 11-storey building height toward the south part of the precinct.
        - 3. Setbacks above the 3rd floor of a building abutting Brant Street are required to preserve the village feel and pedestrian scale along Brant Street.
        - 4. Appropriate transitions should be provided when new development abuts existing low-rise neighborhoods.
        - 5. Minimum 7.5-metres rear yard setback from the neighbourhood property line.
        - 6. The built form needs to fit within a 45-degree angular plane, projected from the neighbourhood property line.

        - 7. Provide shadow analysis to demonstrate the proposed development meets the City of Burlington's Shadow Study Guidelines.
        - 8. 3-storey building base will be required when new development is adjacent to the potential new park.
- Additionally, on July 12, 2022, City Council discussed staff report PL-10-22. This provided an update on the MTSA ASP Planning Study and presented the Major Transit Station Area Area-Specific Planning Study Final Report that will inform the creation of Official Plan policies for the Downtown Burlington UGC /Burlington GO MTSA and the Aldershot GO MTSA. Please note that the staff report and MTSA ASP Planning Study Final Report provide a revised precinct plan and policy directions for discussion only.
- 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.

Cultural Heritage Resources

- On June 07, 2022, the Community Planning, Regulation & Mobility Committee voted to add 795 Brant Street to the City's Municipal Register of Cultural Heritage Resources. On June 21, 2022, City Council ratified the CPRM motion. The full text of the motion is below:

    Direct the Director of Community Planning to add 795 Brant Street to the Municipal Heritage Register and provide notice to the owner of the property within 30 days, pursuant to section 27(5) of the Ontario Heritage Act, R.S.O. 1990, c. O.18; and
    Authorize the City Clerk to take necessary action if there are any objections in accordance with Section 27(7) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18; and
    Direct the Director of Community Planning to contact the property owner to discuss the conservation of the original portions of the 2-storey masonry building on the property as part of a future development; and
    Direct the Director of Community Planning to retain a qualified heritage consultant to complete a third-party heritage evaluation and a statement of significance of 795 Brant Street.
- Part of the motion directs staff to discuss the conservation of the original 1854 portions of the building, which staff believe is the front section of the building facing Brant Street, although this should be confirmed through the Heritage Impact Assessment (HIA). The front section has a footprint of approximately 900 square feet, which is approximately 3.5% of the site area
- The City of Burlington Official Plan (1997) (the "Official Plan") requires development proposals to consider cultural heritage resources and the incorporation of those resources into development concepts in a way that conserves the character-defining elements of the resource, wherever feasible (Part II 8.4.1a). Similar policies are found in Regional and Provincial level planning documents:
    - Provincial Policy Statement, Policy 2.6.1 & 2.6.3
    - Growth Plan for the Greater Golden Horseshoe (2020), Policy 4.2.7.1
    - Halton Region Official Plan, Policy 167(3)
- An HIA will be required for this application, since the City foresees the development having adverse impacts on the attributes of the property. An HIA is required prior to any approvals for proposed developments where staff foresee impacts to a property worthy of heritage designation (Official Plan, Part II 8.4.1b)
- The HIA should follow the scope outlined in the "Ontario Heritage Toolkit: Heritage Resources in the Land Use Planning Process, Info Sheet #5", and the scope contained in the City's current Official Plan, Part II, section 8.4.1(b)(i-vi), including a description of the proposal, physical condition of the resource, description of impacts and identification of several conservation options for the building. The advantages and disadvantages of each

option will be identified, as will a preferred option. The HIA should also include a description of actions necessary to prevent, change, mitigate or remedy any expected impacts on the cultural heritage resource.

- The City of Burlington's Downtown Urban Design Guidelines address cultural heritage resources in section 5.5. and discourage the retention of heritage building facades only, stating that "retaining the facade is not an acceptable substitute to the retention of the whole structure". The guidelines also state that new development adjacent to heritage buildings should not mimic the heritage structure but should use sympathetic massing, height, alignment of windows, roofline, location of entrances, treatment of the ground floor, and materials. An HIA should include justification of any proposal to conserve less than the structure of the building, and should also address how the surrounding proposed development will be sympathetic in design.
- Landscaping could be used to complement and highlight the William Ghent/Jabez Bent House and provide some visual relief to the side elevations
- The location of the William Ghent/Jabez Bent House on site is considered important, since it gives the building prominence on Brant Street and contributes to the building's landmark value
- The applicant is encouraged to explore other comparable examples of developments that have re-integrated a small heritage building into a larger development. Examples include 42 Lakeshore Road and 2460 Olde Bronte Road in Oakville

Preliminary Review of Redevelopment Concept:

- **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. Section 22(2.2) outlines an exception where a council has declared by resolution that such a request is permitted.** In accordance with section 22(2.1) of the Planning Act, submission of a development application may be premature prior to the 2nd anniversary of the coming into effect of sections of the City's new Official Plan.
- **The subject lands are located within "Additional Flood Hazard" lands as shown on Appendix E-14 of the new OP.**
    - The City will be completing a Phase 2 Flood Study for this area. At this time, the Phase 2 Flood Study work is underway. The findings of the Phase 2 study will inform the development of a Burlington GO MTSA area-specific plan.
    - **The proponent should consider the advantages of waiting until the Phase 2 Flood study is completed prior to submitting an application.**
    - Refer to Conservation Halton comments, Region of Halton comments, and Site Engineering comments for additional information related to flood hazards.
    - The emerging vision for this part of the Burlington GO MTSA emphasizes the importance of maintaining a low-rise feel for pedestrians on Brant Street through setbacks above the third storey for buildings abutting Brant Street.
- The subject parcel is quite small and its irregular shape is challenging. A 31 storey building may not be achievable without further land assembly to the south.
- If feasible, consider acquisition of additional lands to increase parcel size and avoid impacts to development potential of neighbouring sites. Note that intensification criteria of the Official Plan (1997 as amended) include Part III, section 2.5.2 (a) (x) "Where intensification potential exists on more than one adjacent property, any redevelopment proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised"

- The proposed building does not comply with the built form and transition guidance of the Tall Building Guidelines or the new Official Plan. Tower floorplate should not exceed 750m2 and podium height should be reduced in accordance with the guidelines and applicable policies.
- The proposal should be revised to reflect appropriate conservation of the cultural heritage resources based on the recommendations of a Heritage Impact Study and the applicable policy framework for cultural heritage resources
- The proposal should be revised to respond to feedback from the Burlington Urban Design (BUD) Panel meeting of Sept. 16, 2021.
- The proposal should be revised to respond to feedback from the Pre-Application Community Meeting of October 21, 2021
- Appropriate building separations are required between the proposed building and nearby tall buildings or mid-rise buildings, in accordance with the Tall Building Guidelines and Official Plan policies.
  The submitted drawings appear to show a 0-metre setback for storeys 1-7 on the south side adjacent to 783 Brant Street. This should be revised to provide appropriate setbacks, building separation, and transition.
- There is an active development application for the adjacent lands to the south. For more information, visit www.burlington.ca/brantandghent.
- Effort should be made to coordinate with the neighbours to the south to ensure that the podium heights of the two proposed developments will create a consistent streetwall with appropriate podium height and massing for this section of Brant Street.
- Sufficient underground setbacks must be provided to ensure that shoring does not encroach into the City right-of-way. Underground and above-ground setbacks should provide space for the planting of trees.
- Building design should consider how the building will be viewed from multiple angles, including its appearance as a terminal viewpoint from a vantage point facing west from further east on Prospect Street.
- It is acknowledged that the submitted drawings show the provision of bicycle parking at grade, which is a desirable feature to support active transportation.
- Additional information is required to understand how cars will turn around in order to exit the site after picking up or dropping off in the on-site layby space, particularly when the loading bay is occupied or when multiple vehicles are picking up/dropping off on site.

Application Requirements

- An Official Plan Amendment is required
- A Zoning By-law Amendment is required
- As part of a complete application, the applicant must provide neighbourhood meeting minutes which include a written summary of public input received at a Pre-Application Community meeting held Oct. 21, 2021. As part of the Planning Justification Report, the applicant must explain how this public input was used to modify the development proposal.
- A complete application must include submission of Meeting Minutes from the Burlington Urban Design (BUD) Advisory Panel, accompanied by explanation of how the panel's comments have been addressed and taken into account in the proposed development.
- A Planning Justification Report is required:
  - to discuss the impact of Provincial, Regional, and local planning policy on the proposed development;
  - to explain why the requested change of land use and increase in height, density, and floor area ratio is desirable and represents good planning;
  - to discuss how the results of the required technical studies have been used to refine the redevelopment proposal;
  - to explain how input received at the pre-submission neighbourhood meeting has been used to refine the proposal;

    - to explain how input received from the Burlington Urban Design Review Panel has been used to refine the proposal;
    - to explain how the proposed development is compatible with surrounding land uses, including heights, setbacks, massing and design and community features, and maintains the Official Plan's intent for these lands.
- A Heritage Impact Assessment is required in accordance with scope described under Cultural Heritage Resource comments provided above. For questions about scope of work, contact heritage@burlington.ca.
- A Shadow Study will be required to show how the proposed building and site designs will impact the public realm, proposed outdoor amenity areas, and surrounding private outdoor amenity areas. Please refer to the City's Shadow Study Guidelines and Terms of Reference when preparing the Shadow Study. The study should show how height, setbacks, terracing, and massing have been considered to reduce impact on the existing low-rise and mid-rise surroundings, and the public realm. A height survey of adjacent buildings should also be provided.
- A quantitative wind impact study will be required to show how the proposed building and site design will impact pedestrian comfort on the street and surrounding public and private open space areas. Please refer to the City's Pedestrian Level Wind Study Guidelines and Terms of Reference.
- Please consider sustainable building design in your proposed development. An introductory letter from the Burlington Sustainable Development Committee and a copy of the Burlington Sustainable Building and Development Guidelines are provided under separate cover.
- A Housing Impact Statement is required in accordance with section 3.1.1(2) of the new Official Plan
- An Urban Design Brief is required
- A 3-D model of the proposed development is required as part of a complete application
- Section 37 Benefits may be required.
- Staff contact: Thomas Douglas, Senior Planner, Thomas.douglas@burlington.ca, (905) 335-7600 ext. 7811

Region of Halton Planning Comments:
REGIONAL OFFICIAL PLAN, 2009

Designation: Urban Area (Built Boundary), Urban Growth Centre, Major Transit Station Area (MTSA) on a Priority Transit Corridor

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 has not yet issued a decision. The proposed development has been reviewed against the in-force Regional Official Plan, but with regard to the policies in ROPA 49, as adopted by Regional Council.

Urban Area, as amended by ROPA 48

- 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,* discussed further below.
- Section 84 of the ROP speaks to the goal of housing to supply the Region with an adequate mix of housing types. 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 and tenures.
- Section 89 (3) of the Regional Official Plan require that approvals for all new development within the Urban Area be on the basis of connection to the Region's municipal water and wastewater systems, unless otherwise exempt by other policies of this Plan.

Strategic Growth Area Policies

- Consistent with the 2019 Growth Plan, the ROP identifies a hierarchy of areas within settlement areas where growth and development is to occur.
- Through ROPA 48, 789-795 Brant Street are located within the Urban Area (Map 1), within the Built Boundary (Map 1), and within the 'Urban Growth Centres/ Major Transit Station Areas on a Priority Transit Corridor' 'Strategic Growth Area'. The ROP identifies a minimum growth target of 200 persons and jobs per hectare for this growth area, and further identifies a growth target of 65%:35% (residents to jobs) ratio for this growth area.
- 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.
- 789-795 Brant Street are located within a Strategic Growth Area where growth and redevelopment are to be focused, 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 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.
- Matters to be addressed 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.
    - 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;
    - Comprehensive evaluation of traffic impacts for the area and the proposed development (also subject to City of Burlington input).
    - Comprehensive analysis of flooding, floodplains and Regional Natural Heritage System impacts in conjunction with Conservation Halton.
- Section 77(22) of the ROP: The proposed development would result in the loss/demolition of existing employment lands or uses, which would result in the loss of jobs. In accordance ROP policy, as part of the redevelopment of employment lands outside of employment areas, development criteria for the retention of similar space for a similar number of jobs to remain accommodated on-site is required. Therefore, the development concept should be amended to demonstrate how the loss of employment space and jobs is being addressed as part of the redevelopment of these lands.

Regional Transportation

- A Transportation Impact Study (TIS) must be completed by a qualified Transportation consultant for the proposed development. The study must be completed as per Halton's Traffic Impact Study Guidelines. The final study, its assumptions & recommendations must be to the satisfaction of Transportation Planning and approved by Halton Region. The TIS Guidelines are available on-line at: https://www.halton.ca/Repository/Transportation-Impact-Study-Guidelines
- A Scope of Work for the TIS is required for review and approval prior to the start of the study.
- The subject lands fall within the south extents of the Study Area for the ongoing QEW Prosperity Corridor Study. The details of the Study may be reviewed with the City of Burlington, as the lead project manager, for the tri-party Study (City of Burlington, MTO, and Halton Region.)

Regional Natural Heritage System

- According to comments provided by Conservation Halton, portions of the subject lands may be susceptible to a spill (flood hazard) under a Regulatory storm event. Any portion of these lands that is determined to be Regulated by CH, will form part of the Region's Natural Heritage System.
- Conservation Halton staff provide technical review services to the Region with respect to the delineation and protection of watercourses, wetlands, fish habitat, natural hazards and related concerns. The applicant should have regard to any comments/concerns provided by Conservation Halton staff relating to these matters as conformity with CH Regulations and PPS policy direction will need to be addressed.
- All lands identified as forming part of the Regional Natural Heritage System are to be properly designated and zoned, and should be dedicated at the appropriate stage of development approval.

Potential for Site Contamination

- In accordance with S.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 in addition to a Phase 1 (at minimum) (to O. Reg 153/04 standards and with a Letter of Reliance). Additional Environmental Site Assessments may be required depending

upon the recommendation(s) of the Phase 1 ESA. A Record of Site Condition filing may be required as the proposal appears to result in a change in land use to a more sensitive land use.

Waste Management:

- A Waste Management Plan is required to address waste collection for the proposed development. Please reference the Region's Development Design Guidelines for Source Separation of Solid Waste for site design requirements/dimensions. Regional Staff recommends that the proponent design the development to accommodate Regional collection.
- Regional Staff strongly recommend that the proposed built form/site layout be designed to accommodate Regional Waste collection.

Municipal Servicing:

- Detailed technical comments provided under separate cover.

Submission Requirements:

- All submission materials in digital format
- Applicable Regional Fee(s)
- Complete Application forms
- Planning Justification Report *(including analysis and discussion of ROPA 48)*
- Concept Plans
- Environmental Site Screening Questionnaire, Phase 1 Environmental Site Assessment (ESA) in addition to any recommended ESA (O.Reg 153/04 standards and with a Letter of Reliance), RSC as determined by the QP
- Transportation Impact Study (with an approved ToR)
- Functional Servicing Report
- Waste Management Plan

Region of Halton Servicing Comments:

- There are Halton Region local watermains within Brant Street and Prospect Street adjacent to the proposed development. There is a Halton Region trunk watermain within Brant Street adjacent to the proposed development. No trunk watermain service connection laterals will be permitted.
- There are Halton Region local wastewater mains (sanitary sewers) within Brant Street and Prospect Street adjacent to the proposed development. There is a Halton Region trunk wastewater main (sanitary sewer) within Brant Street adjacent to the proposed development. No trunk wastewater main service connection laterals will be permitted.
- The developer should undertake to locate the size and location of all watermains, water services, water meters, wastewater mains (sanitary sewers), wastewater (sanitary) services, 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.
- A Functional Servicing Report is required to be prepared by the developer's civil engineering consultant (watermains, water services, fire hydrants, sanitary sewer mains, sanitary sewer services, 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 other developments properties in the drainage area in their analysis of the local sewers (if any). 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. The proposed development (FSR) will have to align with any Area Servicing Plan/Master Servicing Plan that is required for the area, City and Region.

- 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 north and west of the property within Prospect Street and Brant Street. The developer's Professional Engineer that is preparing the FSR must consult with the Region regarding the proximity of the proposed development to the watermains and wastewater mains (sanitary sewers), and the Region's approved set-back of the development from the watermains and wastewater mains. There shall be no impact from the development on the Region's watermains and wastewater mains. The Engineer shall prepare a number of cross-section engineering drawings along the north and west 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.
- At the Site Plan application stage the proposed street tree planting and proposed street furniture will have to be reviewed closely in order to avoid tree planting/street furniture conflicts with the Region's watermains and wastewater mains (sanitary sewers) located within the Prospect Street and Brant Street southerly and easterly boulevards, to the satisfaction of the City and the Region.
- 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.

- 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 Urban Area of the City of Burlington. Halton has initiated a Regional Municipal Comprehensive review process, ie. the Halton Region Official Plan review for the Region. Halton Region has also initiated a Water and Wastewater Master Servicing 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.
- The developer should prepare a Solid Waste Management Plan to the satisfaction of the Region. The Plan shall have regard for the Region's Solid Waste Management Guidelines. The Solid Waste Management Guidelines are available on-line at http://www.halton.ca , Regional Official Plan (ROP) Guidelines, Development Design Guidelines for Source Separation of Solid Waste.
- The developer will inform the City, and the Region, whether they will be submitting a Site Plan application at the same time as the LOPA and ReZoning applications for timing purposes and issues identification and resolution purposes.

Conservation Halton Comments:

Conservation Halton (CH) staff has reviewed the above-noted pre-consultation application as per our responsibilities under Ontario Regulation 162/06; the Provincial Policy Statement (PPS) (delegated responsibility for comments relating to provincial interests under Sections 3.1.1-3.1.7 inclusive); the Memorandum of Understanding (MOU, 1999) and Interim Ecological Services Agreement (IESA) with Halton Region, and as a public body under the *Planning Act*.

Proposed Use: The applicant proposes to construct a mixed use multiple dwelling with 307 residential units, with ground floor commercial uses. A five level underground parking structure is proposed.

Type of Application Required: Official Plan Amendment, Zoning By-law Amendment

Flood Hazard and Scoped Stormwater Management Assessment
The subject properties 789-795 Brant Street, are within an area recently studied by the City of Burlington through a Flood Hazard and Scoped Stormwater Management Assessment. This Assessment was endorsed by the City in October 2020, as part of a Downtown Re-examination Study. The Flood Hazard and Scoped Stormwater Management Assessment identifies flood hazards within the Rambo Creek watershed that may impact this property. The City is undertaking Phase 2 of the Assessment which will refine initial findings of the study. Completion is expected in the coming month(s).

Ontario Regulation 162/06
CH regulates all watercourses, valleylands, wetlands, Lake Ontario and Hamilton Harbour shoreline and hazardous lands, as well as lands adjacent to these features. Not all regulated areas are mapped, but natural hazards, whether mapped or not, are considered regulated. When a flood hazard is identified and/or mapped through technical studies, CH assesses risk and advises landowners of CH's regulatory requirements when development is contemplated in hazardous areas. The subject properties areregulated by CH as they are located within a flood hazard (spill) associated with the Hager-Rambo Diversion Channel (watercourse).

Spills are flood hazards/hazard lands under the *Conservation Authorities Act* and *Ontario Regulation 162/06*. A spill occurs when floodwaters leave a watercourse and its valley and spills overland, rejoining the same watercourse at a distance downstream or moving into another watershed.

Ontario Regulation 162/06 requires that a permit be obtained from CH prior to development, interference with wetlands or alterations to shorelines and watercourses. Please note, development within CH's regulated area can be restricted and, in some cases, not permitted. Development is defined in the *Conservation Authorities Act*, a copy of which can be found at www.elaws.gov.on.ca. Please visit www.conservationhalton.ca for a copy of *Ontario Regulation 162/06* and the related policy document.

An interim policy to describe how CH will address defined spill areas was approved by the Board on March 26, 2020 (CHBD Report 04 20 17). CH's spill policy states:

> *Development and redevelopment in spill areas will be considered on a case-by-case basis. Permission may only be granted where the site is subject to low risk and, where appropriate, mitigation measures can be implemented to reduce potential impacts to the satisfaction of Conservation Halton (e.g., flood proofing).*

This is an interim policy until such time that the spill is mitigated, new provincial regulations or direction on spills is issued, or new CH spill policies are approved by the CH Board of Directors, after consultation with municipalities and the public.

As the findings from the City's recently completed study identify that the properties are within a spill area, additional study is required to confirm the extent and severity of the flood hazard at this site.

Key Comments/Requirements

CH requires additional information about the flooding hazards and to confirm regulated limits. This includes the following:

- Additional study of the flood hazard is required including delineation of spills, to confirm the limit of the flooding hazard and development limits on site. CH recommends that the proponent consider the advantages of waiting until the City has completed the Phase 2 Study over the coming months. If the proponent wishes to proceed prior to completion of the Phase 2 study, the proponent will need to work with CH staff on the scoping of a TOR for a flood hazard type assessment which incorporates any missing information from the ongoing Phase 2 study. In this case, further consultation with the City and CH would be required to determine study requirements for the application.
- Topographic survey delineating flood hazards
- Safe access and egress routes will need to be identified, as required by the Provincial Policy Statement (2020).
- Grading and servicing plans
- CH may provide review of stormwater management under the MOU

Further requirements may be identified once more information is known about the flooding hazard.

Fees/Circulation

CH should be circulated the full application in digital format.
CH will confirm applicable review fees once additional details are provided. Fees will apply based on the applicable fee schedule at the time of submission. CH's 2022 fee schedule is available online: https://conservationhalton.ca/plan-review-fees

Site Engineering Comments:
Right of Way:

1. Brant Street is a City of Burlington owned road, the deemed right of way is 30m, the actual width varies but meets the deemed, no widening required
2. Prospect Street is a City of Burlington owned road, the deemed right of way is 20m, the actual width meets the deemed, no widening required
3. Site Engineering defers to Transportation Staff to confirm if the existing daylight/ visibility triangles are acceptable.
4. Enhanced street scaping may be required on municipal road frontages, site engineering defers to the Capital Works landscape technician to confirm streetscaping requirements.
5. The Capital Budget and Forecast indicates renewal of Prospect Ave. fronting this property scheduled for 2025, the forecast is subject to change.

General Comments:

1. Please confirm regulated hazards and setbacks with Conservation Halton, and if the Phase 2 flood study associated with the major transit area study is finalized, this information is needed to determine if there is spill on the subject site. Please ensure that any regulated/hazard areas/setbacks are clearly identified on all drawings. It is our understanding that hazard and setback lands are to be dedicated to public ownership, we defer to Conservation Halton and Planning Staff to confirm.

2. Please preconsult with Union Gas, regarding servicing the site.
3. Please preconsult Burlington Hydro, typically all hydro servicing for new development is to be underground, however, we defer to Burlington Hydro to confirm their requirements regarding the existing overhead lines fronting the site, as well as the Planning Department to confirm their policy.
4. When designing utility metering/piping locations, please ensure there is enough room within the subject property to accommodate all necessary servicing and do not place at the Brant or Prospect sides of the building or near the entrances.
5. The underground parking structure preliminary drawing looks to extend to or very close to the property line on all sides, is it feasible to construct from within the property limits? This will need to be clearly demonstrated by provision of typical details, additional information is provided under the CMMP comments.
6. All elements of the underground parking structure (i.e. walls, foundation drains, shoring, etc.) are required to be within the limits of the subject property. Details, min. one for each side of the underground structure will be required to be submitted to demonstrate. If elements of the underground parking or for construction of underground parking, either permanent or temporary, encroach onto municipal or private neighboring property then we would require written confirmation from the property owner that they have no objection to make the application complete, confirmation of a formal agreement may be required during the process. There appears to be zero (or close to) lot lines for some of the underground parking, this may prove to be a challenge for construction, the details will need to clearly demonstrate that the site is constructible. Generally speaking zero lot lines are difficult to construct, maintain the underground parking structure in the future and are strongly discouraged.
7. Please consider pedestrian connections from Brant and Prospect to the main entrances
8. Please incorporate the bus stop into the design and reach out to Burlington Transit to discuss any requirements they may have, i.e. bus shelter, benches, etc.
9. Please ensure the grading of the site is clearly demonstrated, if retaining walls are needed they need to be shown at this stage. Grading sections will be required to be submitted with the application.
10. When the accessible parking spaces are designed in the underground parking please locate them closest to the elevators and ensure there is a clear route for access to the elevator lobby. Please reach out to the City's Accessibility Coordinator Judi Lytle to confirm the number and type of barrier free parking spaces required as well as appropriate location, and any other accessible features that should be considered for the development. Judi can be emailed at judi.lytle@burlington.ca
11. Please ensure there is space for a safe area for pedestrians to enter and exit the elevator and stair areas (i.e. doors don't open to the travelled lane or a parking space) the concept plan looks to have the elevator vestibule open directly to the travelled path, it should be inset to allow for the door to open and pedestrians to step out without being in the travel lanes
12. We defer to Transportation staff to comment on parking layout and sizes.
13. Walkways along walls with doors must be a min. 1.8m wide as per the Site Plan guidelines, however, if possible, however, we would also ask that you consider widening the walkway at the entrances to allow for benches/planters/etc. as this area will likely be heavily used by residents, please look at pedestrian movements at the at-grade parking at the rear of the building and connections to the back lobby door, most of the at-grade spaces are barrier free, so it is important to provide clear accessible paths to the lobby.

14. Please consider the existing light standards, hydro poles (if to remain) when determining the entrance location. Please consult with the City's Forestry Department and/or the City's Landscape Technician with regard to minimum construction setbacks from City Trees.
15. The City of Burlington has a new self-serve section of our open data portal, Navigate Burlington, for road allowance drawing requests. Should your consultants be looking for plans and profile drawings for a road, they can be directed to https://navburl-burlington.opendata.arcgis.com/pages/selfserve and the Infrastructure Information Retrieval web map. On this map, a user can turn on layers for streetlights, storm sewers and traffic signals and then zoom to the subject area and download drawings, if available.

Environmental Site Assessment

1. The proposed development is a change of use, from commercial to proposed residential use, therefore a Record of Site Condition is mandatory under O. Reg. 153/04 (as amended). To deem the application complete we will require at minimum a current (less than 18 months old) Phase One Environmental Site Assessment (ESA), if the Phase One ESA indicates a Phase Two ESA is required then it must also be submitted to be deemed the application complete. All reports must be completed in accordance with O. Reg. 153/04 (as amended), including a Letter of Reliance confirming the City (and Region) may rely on the information provided in the reports. If the Phase Two ESA indicates remedial works are required to the site, the remediation plan is required to be submitted with the application to make the application complete. Please be advised that if the reports are not in accordance with O. Reg. 153/04 (as amended) the application will be deemed incomplete. Additionally, the City will require electronic copies of all the reports listed in the RSC when it is acknowledged by the MECP.

Geotechnical Report:

1. Geotechnical Investigation (Stamped and certified by a P. Eng.) is required to make the application complete.
2. The Geotechnical investigation shall address any concerns with groundwater that may require special consideration, i.e. estimated seasonally high groundwater elevations, zone of influence for either temporary or permanent pumping of groundwater, chemical analysis, and comparison to the municipal storm sewer discharge criteria, PTTW requirements, recommendations for construction, i.e. watertight foundation without a foundation drainage collection system recommended.
3. We would recommend that (if necessary) groundwater monitoring wells be installed as soon as possible so that readings can be taken in all seasons and detailed in the geotechnical report.
4. Also, in support of any LID techniques that may be implemented, i.e. infiltration.
5. A Hydrogeologist may need to be consulted, we ask that the Geotechnical Engineer provide direction on further or more detailed study requirements, and/or confirm that further study is not required, i.e. the Geotechnical Engineer is able to provide estimated seasonally high ground water levels, zone of influence for dewatering, flow estimates to be accommodated in the SWM for the site, chemical analysis, etc.

6. The Geotechnical Engineer may need to provide comment/recommendations on precondition survey and vibration monitoring during construction and/or the Acoustical Consultant may also provide recommendations. The actual precondition survey wouldn't be required until the site plan stage, but at this stage we ask that a general area of study/zone of influence, and general recommendations be advised.

***Construction and Mobility Management Plan (CMMP)*:**

1. A detailed CMMP, completed in accordance with the City's Construction and Mobility Management Policy, is required to ensure that the development works can be completed in a manner that is to the satisfaction of the Director of Engineering Services and the Director of Transportation Services, as the use of the City's road allowance for construction staging has not been approved and in order to minimize the impact to residents, vehicles, pedestrians and local businesses the following is required:

    a. CMMP, plotted to scale on 24" x 36" sheet
    b. Proposed limits of construction
    c. Proposed construction staging areas, including any staging areas required on the City's road allowance for concrete pours, material deliveries, site servicing, etc. and written justification for any construction staging areas on the city's road allowance
    d. Proposed temporary/permanent encroachments on the City's road allowance and written justification of any required encroachment on the City's road allowance
    e. Proposed truck haulage routes and location of truck stacking
    f. Proposed location of mud mat and vehicle wash down area
    g. Proposed location of crane assembly and swing radius (if there is a crane)
    h. Proposed traffic control measures, specifically addressing signage and/or any lane closures/restrictions
    i. Pedestrian control measures, specifically addressing signage and pedestrian routing
    j. A phasing plan (if the project is to be phased) and separate plans for each phase of construction will be required.
    k. Sections for foundation/basement, min. one for each side through each adjoining property including the municipal right of way, including shoring, tiebacks, foundation, foundation drainage, etc., and dimensions from property lines. (not necessary for a townhome development if no underground parking)
    l. Staff will not support a request for lane or sidewalk closures and our recommendation would be to setback the structure(s)/construction to a distance that permits construction without a ROW compromise.

Noise & Vibration Feasibility Study (prepared by a P. Eng.)

1. Noise & Vibration Feasibility Study (stamped and certified by a P.Eng.) is required for the application to be complete. The Noise & Vibration Feasibility Study shall be completed in accordance with MECP's Environmental Noise guideline Publication NPC-300. The Noise & Vibration Feasibility Study shall also take into consideration and provide discussion in the report:
    a. **Considered a Class 1 property.**
    b. We would ask that the acoustical consultant provide recommendations to the architect/structural/mechanical engineers regarding optimal placement of outdoor

amenity areas, mechanical HVAC equipment, underground parking vents/fans/etc., emergency generators, etc., before detailed design is undertaken.

c. Impact of environmental noise on the proposed development, i.e. identify adjacent existing (or future) mechanical equipment that may impact the proposed development, if mitigation is required, provide details, including written confirmation from adjacent property owners of their agreement to mitigating measures, to make the application complete. Confirmation of a formal agreement may be required.
d. Impact of the proposed development on neighboring noise sensitive receptors and spaces
e. Impact of the proposed development on proposed development's noise sensitive receptors and spaces
f. Impact of construction related vibration on neighboring dwellings. Please note precondition surveys of surrounding buildings will be required (with owner consent) prior to construction as a condition of the Site Plan Application. Furthermore, vibration monitoring will be required for the duration of construction as a condition of the Site Plan Application. The detailed limits of the precondition surveys and vibration monitoring would be confirmed by a Professional Engineer specializing in vibration as a condition of the future Site Plan Application. The Geotechnical Engineer may need to be consulted in this regard. We would ask that the consultant advise at this stage the (Estimated) study limits/zone of influence and general recommendations.
g. Copy of the concept site plan to be included in the report to ensure the Noise & Vibration Feasibility Study is based on an up to date Site Plan design
h. Please also advise the noise consultant that although NPC-300 tables indicate 60dBA in the OLA (both at ground and upper levels) with warning clauses, it is not acceptable to the City, we request that all possible measures be taken to control the noise in the OLA to 55dBA or less, if not feasible, then we request calculations to confirm what levels could be achieved, i.e. 60dBA would require a 3m noise barrier, 59 a 3.5m, 58dBA a 4.0m, etc. all the way to 55dBA. Please have the architect consult with the noise consultant as to the optimal placement of outdoor living areas (including upper level OLA's) for residents, shielded from sources of noise.
i. Report to address vibration from rail lines within 500m of the site on the development (or confirm if it's not a concern)
j. Applicant's consultant to use capacity volume or volumes provided by the City's Traffic Department for roads for STAMSON (or other model) calculations; and include correspondence in the appendix
k. Please advise the noise consultant that reflective surface should be used in Stamson (or alternate model) calculations
l. All STAMSON (or other model) calculations to be included in the report
m. All mitigating measures calculations are required to be included in the report, i.e. window glazing, façade requirements, etc.
n. Actual noise measurements to be included in the report
o. Copies of correspondence from vested agencies, confirming traffic/train counts must be included in the report's appendix.
p. Key plan showing points of reception to be included & a chart referencing the key plan, detailing the estimated noise levels, allowable levels, and mitigated noise levels
q. Receptors for each floor of each side of each building is required, and for any outdoor living areas. Receptors for surrounding residential is also required.

r. A table clearly outlining the receptor ID, allowable Nosie level under NPC-300, estimated noise level, and mitigated noise level is required.
s. Area context plan to be included showing potential sources of noise
t. Provide warning clause recommendations
u. Provide a summary/drawing of mitigation measures to be implemented
v. Please note that although NPC-300 indicates private terraces/balconies less than 4.0m deep do not require mitigation, if private terraces/balconies are proposed, the City will require a warning clause, something along the lines of : "*Purchasers/tenants are advised that the private terraces of each unit are less than 4.0m deep and therefore are not required to have mitigation measures installed for noise as per NPC-300. Sound levels due to road/train traffic, increasing road/train traffic and no mitigation measures may interfere with some activities of the dwelling occupants use of their private terrace"*

Stormwater Management Report :

1. As noted above, please confirm with Conservation Halton if the development property regulated, if so, they would also review the stormwater management for the site. In case of differing requirements, the most stringent criteria would apply. Our understanding is that the area may be prone to spills from the diversion channel. The spills will have to be mapped and managed to protect the proposed development from flooding. The spills are regulated by Conservation Halton, who will review the spill mapping and flood protection strategies.
2. Please refer to and reference in the report, the City of Burlington Stormwater Management Design Guidelines, approved by City Council on June 22, 2020, please also be advised of new IDF curves for the City of Burlington: https://www.burlington.ca/en/services-for-you/Stormwater.asp
3. The City's Stormwater Engineer has provided the following SWM criteria:
    a. Enhanced **Quality Control** achieving 80% Total Suspended Solids Removal. A treatment train approach to quality control is required as per section 6.1.4.1 of the City's Stormwater Management Design Guidelines, OGS shall be credited at 50%. Please note that the City considers roof water as clean, only the runoff from exposed parking/laneways would need quality treatment.
    b. **Quantity Control:** As per Section 6.1.1.1 of the City's Stormwater Management Design Guidelines, 100 year return period (or Regional Storm, whatever is greater) post-development shall be controlled to the 5 year return period pre-development, a max. predevelopment imperviousness of 36% (C=0.50) is to be used for pre-development calculations.
    c. **Erosion control** – not required
    d. **Water Budget** - strongly recommend the first 5mm of rainfall which lands on the site is retained and infiltrated on site, i.e. zero runoff for the first 5mm of rainfall
    a. **Groundwater** – need confirmation of seasonally high estimated groundwater elevation, if there is a foundation drainage collection system, flows must be accommodated in the quantity control for the site, and discharge must meet the City's Storm Sewer Discharge By-Law criteria (which can be found online https://burlingtonpublishing.escribemeetings.com/filestream.ashx?DocumentId=62468), specifically Table 1 of the bylaw needs to be met. Additionally, stormwater quantity control facilities must maintain a minimum 1m separation from the estimated seasonally high groundwater elevation. The Geotechnical Engineer will have to provide direction to the Civil Engineer.

b. **External Flows** – engineer to confirm any external flows entering the site under the existing conditions. All identified external flows must be routed safely under the developed conditions without causing any flooding or ponding
c. **Existing infrastructure** – there is an existing 900mm storm sewer fronting the property in Prospect and 1500mm storm fronting the property in Brant Street.
d. **Drainage Patterns** – existing drainage directions and patterns should be maintained. Entire runoff from the developed site should be captured and directed towards the site collection systems.
e. **Overland Flow Route:** An overland flow route to be shown on the plans.

4. Provide storage details and location, it is important to determine storage requirements at this stage to ensure additional space (i.e. parking spaces) aren't required for stormwater storage at the site plan stage.
5. Landscape areas over an underground parking structure are considered impervious.
6. Please clearly identify the overland flow routes, and provide the 100year (or if applicable, Regional) storm elevation, and ensure openings to the building (i.e. underground parking ramp) have a min. 0.3m freeboard between the maximum ponding elevation and the spill point elevation.
7. Report to include full/scalable, signed/stamped pre-development, post-development, servicing & grading plans, please ensure spill areas and elevations are clearly identified and labeled on the drawings.
8. Storm sewer pipes cannot be located under buildings.
9. If POTL or freehold development is proposed, each unit would need its own sump system
10. Please note that there should be no surface ponding on residential developments.
11. Please clearly show the overland flow route for this address and neighboring properties to ensure existing drainage patterns are maintained.
12. Quantity controls must use an orifice tube (not plates).
13. Need to confirm capacity of receiving system
14. Need to confirm condition of receiving system (i.e. video inspection)
15. Rooftop storage will not count towards the stormwater storage requirements (although allowed for other purposes, i.e. grey water for flushing toilets, irrigation for landscaping, etc.), unless the requirements outlined in the City of Burlington Stormwater Management Design Guidelines is met and approved.
16. Control structures and their location with cross sectional details
17. Storm sewer design sheet
18. If there are any questions please contact us, we are happy to preconsult with the Civil Engineer if they have any questions, (**umar.malik@burlington.ca** or **annette.simpson@burlington.ca**)
19. We encourage Low Impact Development Stormwater Management techniques, such as rainwater harvesting for irrigation, use of treatment train approach of quality control by using bio and infiltration swales, etc., currently we look to the CVC/TRCA LID guidelines and/or in the future MOECC guidelines.

Detailed Engineering Plans:

1. All drawings across all disciplines to coordinate, i.e. use same base layer
2. Please reference the Site Plan Guidelines for site design guidance (https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/development_Applications/SitePlanGuidelinesason-2014-nc.pdf) and the Capital Works design standard drawings (https://www.burlington.ca/en/modules/document/document.aspx?param=2Z3nvEAH3UV

GGP5lA5HbUqeKsQeQuAleQuAl), the information below is not intended to be considered comprehensive, just some of the main items to be shown on the drawings.

3. Please also refer to the Site Plan Application Guidelines for general guidance on site layout https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/development_Applications/SitePlanGuidelinesason-2014-nc.pdf
4. All Drawings:
    a. Please clearly identify any Conservation Halton regulated hazards and setbacks
    b. Please clearly identify any existing or future easements, and land dedications
    c. Please ensure there is enough room (required at the site plan stage) for exterior lighting poles, utility meters, pedestals, transformers, etc. Utilities for private developments must be located on private lands.
    d. Please ensure there is enough room for snow storage (required at the site plan stage), simply stating that snow is to be removed from site would not be acceptable at the site plan stage.
5. Servicing Plan:
    a. The City defers to the Region of Halton and the City's Building Department (for OBC) to comment on water and waste water servicing
    b. Show all proposed and existing servicing, and what is to happen to existing servicing, i.e. reuse, remove, if reuse, the infrastructure will need to be certified by the P. Eng. as in good working condition.
    c. Maintenance holes, catch basins, etc., slopes, material, length, inverts, obverts, crossing information, etc. for proposed infrastructure.
    d. Clearly identify stormwater management storage facilities
    e. Actual locations of buried infrastructure is required, i.e. daylighting. Engineering drawings must contain accurate locations and inverts for connections and crossings, so that it can be confirmed the development is feasible. This must be completed and shown on the plans before they are submitted as part of a development application.
    f. City Trees (if any) and bordering city trees to be shown on drawing and boundary trees over 100mm in diameter within 3m of the property line), indicate which trees are proposed to be removed. We ask that tree information (removal/preserve) be reflected on the Civil drawings.
    g. Utility furniture (meters, pedestals, boxes, etc.) for private developments cannot be located within the municipal right of way, please ensure there is enough room on site for servicing
    h. Catch basins in landscape areas shall be sumpless
6. Detailed grading plan:
    a. FFE, TFW, UFE, openings in foundation, etc. As per Section 6.1.1.3 Underground parking ramps shall be designed to ensure a minimum of 0.3 m freeboard between the maximum ponding elevation and the spill point elevation, to limit the potential for overflow flooding.
    b. Curb depressions
    c. Accessible ramps
    d. Advisory for future site plan - Grades of barrier free parking spaces, max. 1.5% running slope, max. 1.0% cross slope
    e. Top of retaining wall and bottom of retaining wall elevations for both proposed and existing
    f. Overland flow route

g. Show proposed fencing, please ensure that if there is existing fencing, that it be noted to be removed (if necessary, with adjacent property owner's written permission) to avoid "fence on fence" which poses a maintenance issue.
h. Need to include grades on adjacent lands

7. Sections Plan:
    a. Please provide min. 4 sections, one for each side of the development, showing the above and below ground structure, foundations, foundation drainage, retaining walls, swales, buildings, curbs, pavement, buried utilities/infrastructure, overhead utilities/infrastructure, etc. to demonstrate how the proposed development will interface with adjacent properties/ROW. The sections are required for the CMMP.

Other items needed for a Complete submission:

1. **Applicant to provide Title Search/PIN reports for the properties and existing reference plan**, to verify any agreements on title, as well as copies of agreements on title for the properties.
2. If there are land dedications or easement conveyances required, please provide a draft reference plan and also ensure they are reflected on the drawings.
3. As mentioned in the comments above, actual locations and inverts of all buried (and above ground) infrastructure in locations of proposed connections will be required (i.e. daylighting) with the RZ/OPA submission package to confirm servicing is feasible, the civil engineer will need to confirm they have incorporated the actual locations/inverts into their design. A Municipal Consent Permit will be needed for any excavation (including daylighting) in the municipal ROW, a Road Occupancy Permit may also be needed if lanes are needed to be blocked off, contact engpermitrequests@burlington.ca

Urban Forestry & Landscape Comments:

Re: Existing Trees

1. A Tree Inventory and Preservation Plan and Arborist Report is required for all existing trees greater than 10cm DBH on site and on adjacent properties within 6m of the property lines, and trees of any size on city property. Please see tree inventory requirements at the end of this comment. Also see the City of Burlington: Pre-Submission Checklist for requirements.

Tree Inventory Table Requirements

- Please identify the tree id number to corresponding tree protection plan
- Please identify the botanical name and common name
- Please identify the DBH measurement and include all individual sized stems where co-dominant or multi-stems are present.
- Please confirm the structural and health rating as a percentage %
- Please confirm ownership of trees (e.g., public, private, boundary, neighbor). Where multiple types of public property are identified please further clarify the public property (e.g., public row, public parkland, public creek corridor or creek block) so it is clear.
- Please identify the subject property where the tree resides (e.g., if it is a neighboring tree please identify the address)
- Please include the critical root zone as identified in the City's specification document
- Please include percentage of impact in MTPZ and that of the CRZ
- Please identify the proposed recommendation (e.g., preserve, injury, destruction (removal).

- Please identify any tree related commentary such as evidence of pests and diseases or structural issues (e.g., EAB).
- Please provide this table in excel format with the next submission in addition to including it in the report.

2. There are public trees in the right-of-way along Brant Street and Prospect Street. Removal of city trees in the right-of-way will require council approval. Removal of city trees should be avoided where possible, and proposal for removal will require an arborist's assessment of health and structural condition prior to the request being accepted. Additionally, alternate layouts and construction measures should be considered to preserve healthy city trees and discussed in the Arborist's Report, and in the absence of alternatives, justification provided for any requested removals.
3. The Public Tree By-Law 68-2013 is applicable to this site and a tree permit is required for all works around city trees. This includes the payment of the Tree Permit fee and securities for trees to be retained. Removal of city trees will require council approval.
4. Any existing trees on the subject site should be considered for preservation. Trees that are injured or removed under the provisions of a private tree permit will need to be replaced using the City's method of calculation. The tree's size, as well as the overall condition rating will impact the total number of cm's required to be replaced. Generally, one replacement tree is required for every 10 cm diameter removed. It is recommended that the replacement trees are replanted on the subject site. If there is no room on site for the replacement trees, there will be a charge of $400 per replacement tree. This information and calculations should be included in the submitted Arborist Report and Tree Preservation Plan.
5. The Private Tree By-law is applicable to subject properties within the Urban Planning Boundary and the City Public Tree By-law is applicable City-wide. Private trees that are regulated and require removal or injury to facilitate projects works may require a tree permit depending on the timing of project works relative to planning application(s). Please consult with the City at all stages of your project (e.g., demolition) to ensure compliance.
6. Removal or damage to trees on neighboring properties within 6.0m of the property line and boundary trees (which are protected under the Provincial Forestry Act (RSO 1990) Section 10) will require:
    - The adjacent property owners shall be consulted and made aware of the proposed development and potential impacts to their trees and boundary trees and requested to submit in writing that there are no concerns with proposed treatment of the existing trees.

      OR

    - A qualified professional (as defined in Pre-Submission Checklist) shall be retained to address the potential impacts on the neighbor's trees and/or boundary trees and provide a letter or report confirming in their opinion regarding impacts to the boundary trees from proposed construction. The arborist letter or 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.
7. All existing public and private trees to be retained require tree protection fencing. Please see the City of Burlington Tree Preservation and Protection Specification SS12A for further tree protection details. Minimum Tree Protection Zones (MTPZ) and Critical Root Zones (CRZ) should be clearly shown and labeled on the Tree Inventory and

Preservation Plan, in addition to tree protection fencing. Any encroachments into the MTPZ of existing trees to retain should be discussed in the Arborist Report.

8. A qualified professional (as defined in the City of Burlington's Pre-submission Checklist) may be required to be retained to address potential impact on the existing trees on site during excavation operations to ensure no damage to the protected trees or their root systems. Requirement to be determined at the Site Plan stage.

Re: Landscape

1. A Landscape Concept 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. 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. Show conceptually the proposed layout and use of any outdoor amenity areas.
4. Please show all regulated limits/hazard lines on the landscape concept plan.
5. Show the location of air vents/shafts and coordinate with landscape concept (e.g. do not locate vents in walkways and coordinate with proposed planting locations).
6. Show bicycle parking and snow storage locations.
7. Proposed tree plantings should 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 https://esasafe.com/assets/files/esasafe/pdf/Electrical_Safety_Products/Guidelines/Tree-Planting%20AODA%20Final%20Tagged.pdf).
8. Any recommendations or issues of compatibility (e.g., noise, light, uncomfortable wind conditions) noted in the Planning Justification Report, Noise Report and Wind Study should be addressed and reflected on the Landscape Concept Plan, for example with buffer planting, screens and fencing, trellises or awnings for outdoor areas including pedestrian walkways and amenity areas.
9. Where required, landscape buffers should provide separation and to partially obstruct the views to adjacent properties should be provided 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.
10. Please review and apply the Sustainable Building and Development Guidelines available through this link: https://www.burlington.ca/en/services-for-you/Design-Guidelines.asp
11. Clearly show the limits of the underground parking on the Landscape Concept Plan and ensure there is sufficient soil volume for full sized large canopy trees.
    - Minimum required soil volumes are $30m^3$ 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. Smaller rooting volume (minimum 15-$20m^3$) may be proposed for smaller trees.

- Enough space between the property line and the limit of underground parking should be provided to grow large canopy trees that will not need to be removed when the underground parking garage requires repairs (i.e., trees planted on the roof slab of the underground parking garage). Proposing underground parking to the limits of the property lines would not be supported.

12. 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.

    Locate the barrier free parking spaces closest to the elevator lobby or main entrances and not crossing vehicular traffic.

    Contact the city's Accessibility Coordinator if you have any questions: Judi Lytle, 905-335-7600, ext. 7865, judi.lytle@burlington.ca.

Thank you, if you have any questions, don't hesitate to contact me, my information is as follows:

Zelaikha Shareqi
Intermediate Technician - Landscaping
Engineering Services Department
E. zelaikha.shareqi@burlington.ca
Address 426 Brant Street, Burlington, Ontario, L7R 3Z6
City of Burlington | www.burlington.ca

Parks Design & Construction Comments:

1. Park dedication will be a requirement of this development.

2. Parkland dedication will be in the form of in Cash-in-Lieu of land and charged at the rate in effect at the time building permit issuance.

Transportation Services Comments:

- Please refer to our Burlington Citywide Parking Standards Review for applicable vehicle and bicycle parking rates for this proposal - see the following URL: https://www.burlington.ca/en/services-for-you/city-wide-parking-standards-review.asp
    - Lower proposed parking rates should be accompanied by a parking justification report.
- Please refer to our Site Plan Guidelines for applicable design standards for structured parking and site circulation and please provide all dimensions of parking areas.
- This site will require a Traffic Impact Study, please refer to the Region of Halton's Traffic Impact Study Guidelines for the scope and confirm with City staff.
- Please include both truck and vehicle turning templates as part of your TIS to demonstrate safe site circulation and functionality of entrances and loading spaces.
- Please ensure that existing sidewalks are included as part of the site design and that there is a connection to the pedestrian entrances of the building.
- Please submit a CMMP as part of this application.

City of Burlington: Pre-Submission Document Terms of Reference
789-795 Brant Street
July 27, 2022

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
- 3-d model in accordance with specifications provided by City
- Height survey of adjacent buildings

- Environmental Site Screening Checklist
- Reference Plan and PIN Report

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 the applicable policies of the Provincial Greenbelt Plan.
- Contains a review of the applicable policies of the Niagara Escarpment Plan.
- Contains a review of the applicable policies of the Parkway Belt West 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 an explanation of how the proposed development is compatible with surrounding land uses including height, setbacks, massing and design.
- Contains a comprehensive justification for any rental conversion or demolition of rental units which includes reference to the Region's State of Housing Report and a plan for relocation of existing tenants.
- Draft Official Plan Amendment and/or Amending Zoning By-law.
- Contains a robust justification of any removal or conversion of employment lands.
- 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) Land Assembly Documents

- Documentation which demonstrates that a reasonable, bona fide offer has been made to acquire lands to facilitate the orderly development of an area.

4) **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.

5) **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;

6) **Heritage Impact Assessment**

- The HIA should follow the scope outlined in the "Ontario Heritage Toolkit: Heritage Resources in the Land Use Planning Process, Info Sheet #5", and the scope contained in the City's current Official Plan, Part II, section 8.4.1(b)(i-vi), including a description of the proposal, physical condition of the resource, description of impacts and identification of several conservation options for the building. The advantages and disadvantages of each option will be identified, as will a preferred option. The HIA should also include a description of actions necessary to prevent, change, mitigate or remedy any expected impacts on the cultural heritage resource.

7) **Shadow Study:**

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

8) **Quantitative Pedestrian Level Wind Study**

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

9) **Arborist Report and Tree Preservation Plan**

- Is prepared by a qualified professional (e.g. 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.)
- Contains legible drawings on 24x36
- Includes all dimensions in metric, to scale, and on a consistent base map layer
- Includes bar scale
- Shows 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, Grading and Servicing drawings
- Arborist Report should describe the scope and methodology of proposed construction works and the tree preservation measures
- Identifies all existing trees (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, their common and botanical name, size (DBH and height), structural and physiological condition, ownership, comments and notes, recommendations, and photos (particularly those requested for removal)
- Identifies trees proposed to be removed and retained, and the methods to be used to ensure preservation and protection of trees to be retained, including location and detail of tree protection fencing in accordance with the City of Burlington's Tree Protection and Preservation Specification SS12A: https://www.burlington.ca/en/services-for-you/resources/Forestry%20Operations/Tree_Protection_and_Preservation/City-of-Burlington-Standard-Specification-for-Tree-Protection-and-Preservation.pdf
- Minimum Tree Protection Zones and Critical Root Zones clearly shown and labeled in addition to tree protection fencing
- Percentage of injury should be clearly shown on the plan and noted in the Arborist Report, and impacts and damage mitigation methods outlined
- Clearly show the excavation limits on the plan (e.g. foundations or footings, trenching, etc.) and discuss damage mitigation measures (e.g. root pruning) in the Arborist Report
- Alternate layouts and construction measures should be considered and discussed in the Arborist Report to ensure any proposed removals are necessary and justified (i.e. there are no alternatives to the removal)
- Abbreviations should be defined and industry standard terminology used
- If removal or damage to trees on neighboring properties or boundary trees is required, provide either: 1) letter of consent from adjacent property owners that they are aware of the proposed development and potential impact to their trees or boundary trees and have no objections, OR 2) the Arborist Report should include preservation methods that can be implemented to mitigate damage to neighboring or boundary trees
- Arborist Report should describe compensatory tree planting if trees are proposed to be removed (layout to be shown on the Landscape Concept Plan)

10) Landscape Concept Plan

- 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 Co

11) 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.

12) Hydrogeological Assessment

- Is prepared, signed and stamped by a qualified person (Professional Geoscientist or Professional Engineer)
- Follows the requirements for Completion of Hydrogeological Studies to Facilitate Conservation Halton's reviews (www.conservationhalton.ca/policies-and-guideline)
- Follows the terms of reference agreed upon by Conservation Halton, Regional and City staff in advance of study commencement. Includes a copy of this approved Terms of Reference as an Appendix.
- Contains legible drawings
- Includes digital copies of models
- Includes all dimensions in metric, to scale, and on a consistent base map layer.

13) 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.

14) Traffic Impact Study, Transportation Demand Management Plan and Implementation Strategy, and Parking Justification Report

- 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

15) 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.

16) 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

17) Geotechnical Study (including Groundwater)

- Is prepared, signed and stamped by a Professional Engineer.
- Contains legible drawings
- Includes digital copies of models
- Includes all dimensions in metric, to scale, and on a consistent base map layer.
- Includes groundwater information (for example: dewatering during construction vs. permanent dewatering to be accommodated in a stormpond). Includes estimated volumes of groundwater to be permanently managed.
- Indicates if a Permit to Take Water would be required either during construction or permanently.
- Includes testing of groundwater to ensure it meets municipal stormwater discharge criteria. (City and Regional staff have been contacted if groundwater does not meet discharge criteria.)

- Contains sufficient quantity and distribution of boreholes to map soil and groundwater conditions for the soil type.
- Provides sufficient monitoring data to address groundwater level seasonality.
- Contains results of any geotechnical test completed.
- Discusses infiltration capabilities if Low Impact Development is proposed.
- Contains shoring and excavation details (for example: tiebacks, caissons, foundations, forming, piles) if underground parking or encroachments are proposed.
- Includes cross-sections, and dimensions from property lines and details of over-digging.
- Includes a stable slope assessment if required at the preconsultation stage. This study refers to the Ministry of Natural Resources and Forestry Technical Guidelines "Natural Hazards Manual Technical Guide – River and Stream Systems: Erosion Hazard Limit" and final topographical survey drawings with stable top of bank delineation signed and stamped by a Professional Engineer.
- Contains confirmation of the need for pre-construction surveys of surrounding buildings, to an extent determined by a Professional Engineer specializing in vibration, OR confirmation that pre-construction surveys are not warranted.

18) 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.

19) Sustainable Building and Development Guidelines Checklist

- Demonstrates which guidelines have been implemented in the proposed design, and how

20) 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.

21) 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.

22) 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.

23) Comprehensive/Large-scale Floodplain Analysis

- In accordance with Terms of Reference approved by Conservation Halton, Region of Halton, and City of Burlington

24) Topographic survey delineating Flood Hazards

- In accordance with Terms of Reference approved by Conservation Halton, Region of Halton, and City of Burlington

Appendix C

BURLINGTON URBAN DESIGN PANEL COMMENTS

Community Planning Department
Burlington Urban Design Advisory Panel (BUD)

MINUTES

September 16, 3:40 pm
Virtual (Online) Meeting

Members of BUD

	present	absent / regrets
Ken Coit (Chair)	✓	
Jana Kelemen (Vice Chair)	✓	
Alexandru Taranu		regrets
Jackie VanderVelde	✓	
Jessica Hawes	✓	
LeAnn Seely	✓	
Matt Reid	✓	
Michael Barker		regrets
Nigel Tai	✓	

Item #3: 789-795 Brant Street

Design Review: First Review

Application: Official Plan Amendment and Rezoning

Presentations:

City Staff: Thomas Douglas, Community Planning

Design Team: Roland Rom Colthoff, RAW Design



Disclosure of conflict-of-interest

None.

City Staff Overview

City staff outlined the project details, planning framework and existing and future context. Staff are seeking the Panel's advice on the following key issues:

1. **Response to Context**
   Please comment on the interface with, and transition to, neighbouring properties to the east and south, with consideration for the existing and planned context.

2. **Built Form (Massing and Articulation)**
   Please comment on the scale, massing, and design of the podium and tower, with consideration for how the building will appear from multiple angles, including as a terminating view for public views looking west along Prospect Street toward Brant Street.

3. **Landscape and Public Realm Design**
   Please comment on streetscape, landscaping, and amenity spaces.

Design Team Presentation

The Project Architect provided an overview of the proposal. A tower podium concept is proposed. A 6-storey podium, with indoor amenity space and staggered outdoor rooftop amenity and green roofs, is proposed. The east side of the podium, east of the proposed vehicular driveway and facing Prospect Street, will contain townhouses. A residential tower is proposed above the podium amenity space.

The principle building entrance and vehicular access are proposed off Prospect Street. Along Brant Street, 100% of the uses at the street level will be retail. A mix of hard and soft surfaces are proposed along Brant.

A strong masonry form with inset balconies and a unique oblique shape is proposed for the podium. Canoe Landing in Toronto was cited as a precedent. The proposed podium is shaped to be tallest at the corner of Prospect and Brant, and taper down towards the south and east. A carriage way is proposed in the podium to bring vehicles into the building from Prospect Street. The amenity area will appear as a glazed recess.

The tower and podium are intended to share the same design language but utilize different materials. The tower is planned to read as a solid form, with brick or precast materials.

The Project Architect walked the Panel through the shadow drawings and noted that the building will cast shadows to the established low-rise residential neighbourhood to the east of the site late in the day.

Panel Questions:

The Panel asked the following questions of clarification:

- What is the setback of the tower from the south property line?
  - 12.5 m. The neighbour to the west is assumed to provide a 12.5m setback as well.
- Is 1.2 m an acceptable sidewalk width along Prospect Street?

    - Once the application is formally submitted, the width of the sidewalk will be reviewed for its appropriateness from the perspectives of a high-quality, walkable and accessible public realm sidewalk.
- Some of the massing studies show balconies on the south side of the building, but the podium looks to be on the property line - coordination of separation distances with neighbouring property to the south is needed.
    - There will be a recess in the south podium façade to provide east and west facing windows to let light into units. South facing windows are not proposed.
- Are any affordable or family sized units planned?
    - Discussions about affordable or family sized units or sustainability features have not yet been held with client.
- Have special stormwater features been considered yet, considering the amount of building coverage proposed?
    - No.

Panel Advice:

Question #1: Response to Context – *Please comment on the interface with, and transition to, neighbouring properties to the east and south, with consideration for the existing and planned context.*

The Panel commented that the architectural design of the building is well done, but the building is too large for its context. The afternoon shadows that will be cast on the surrounding residential neighbourhoods are not insignificant and are indicative of massing that is too much for the site. It was also noted that existing apartment buildings surrounding the site have large setbacks and greenspace around them. A similar approach should be considered here by providing greater setbacks and reducing the overall size of the building. Also, more information is needed to justify why the Prospect/Brant intersection is considered a major intersection that warrants the proposed height, compared to other intersections in the area.

Specifically, regarding transitions to the east, the height and scale of the townhouse section of the podium could be reduced or stepped down with green roofs and greenspace. Also, the Panel noted that due to the bend in Prospect Street, light trespass from vehicle headlights may be a concern for units in this section of the podium. A direct view down Prospect should be provided in the formal submission to illustrate how the building transitions down Prospect.

Regarding transitions to the south, the Panel noted that the success of the building depends largely on what will happen on the adjacent property. As the context to the south is still being defined, effort should be made to coordinate with the neighbours to the south to ensure that the podium heights will create a consistent streetwall. The Panel advised that the podium is currently too tall but also cautioned that the effectiveness of the podium shape may be reduced if the podium becomes too short.

It was also noted that careful attention should be paid to ensure that appropriate separation distances are provided to the adjacent property to the south. The Panel was concerned that the Urban Design Brief refers to a 12 m separation between the subject building and proposed building to the south but were pleased to hear clarification from the Project Architect that the separation will be 12.5 m from the lot line. The Panel commented that a 12.5 m tower setback from the south property line should be provided.

Question #2: Built Form (Massing and Articulation) – *Please comment on the scale, massing, and design of the podium and tower, with consideration for how the building will appear from multiple angles, including as a terminating view for public views looking west along Prospect Street toward Brant Street.*

The Panel reiterated that the building is large for the context and should be reduced. However, in terms of design, the Panel commented that the building is elegant and attractive and complimented the material selection and punch window pattern.

The Panel suggested exploring opportunities to further emphasize and give presence to the corner. For example, consider providing more dramatic angles down towards the south and west sides of the podium and incorporating a double height glass feature in the corner. Detailing at the street level could also be explored further, along with a reduction in the tower height.

The depth of the podium was noted as being quite deep, with some units being approximately 13 m deep. Trimming that portion of the podium may be necessary.

It was also suggested that more windows could be provided facing Brant Street, as currently there are several blind walls proposed.

Lastly, the Panel noted that the way the tower hits the podium via the glazed amenity area is a very successful part of the design and should be retained in the future. The slope of the white shape and materials were also commended and could be further enhanced by sloping the ceiling and illuminating the soffit of the amenity area at night.

Question #3: Landscape and Public Realm Design – *Please comment on streetscape, landscaping, and amenity spaces.*

The proposed 1.2 m sidewalk should be made wider. Opportunities to incorporate patios and provide a sidewalk/flex space should also be explored.

Also, a more regular rhythm of street trees should be provided. The landscape plan and design of the walkways along Brant could be adjusted to provide a more standard spacing of street trees along this frontage.

It was noted that the proposed streetscape is appropriately urban given the amount of space proposed in front of the retail units. However, consider providing a continuous walkway at-grade adjacent to Brant Street rather than the zigzag shown on the landscape plan to provide more efficient travel routes. A continuous walkway would also allow for a more standard rhythm of street trees.

Lastly, the Panel noted that the servicing is well hidden on site and is successfully designed.

End...Item #3

Meeting Adjourned

Appendix D

PROPOSED OFFICIAL PLAN AMENDMENT

AMENDMENT NO. XXX TO THE OFFICIAL PLAN OF 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 Burlington Official Plan.

PART A – PREAMBLE

1. PURPOSE OF THIS AMENDMENT

   The purpose of this Amendment is to introduce site-specific provisions to permit a maximum FAR of 11.55:1 and height of 31 storeys on the Subject Lands. The Amendment facilitates the development of a mixed-use building with ground floor retail on Brant Street with one residential tower at 31 storeys with a 7-storey podium.

2. SITE AND LOCATION

   The Subject Lands consist of two separate parcels municipally addressed as 789 and 795 Brant Street located at the southeast corner of Brant Street and Prospect Street. The Subject Lands have a combined total area of 0.22 hectares.

3. BASIS FOR THE AMENDMENT

   a) The proposed Amendment is consistent with the Provincial Policy Statement (PPS) and conforms with the Growth Plan for the Greater Golden Horseshoe (Growth Plan).
   b) The proposal conforms to the Halton Region Official Plan and the Official Plan for the Burlington Planning Area, upon finalization of this Amendment;
   c) The proposal generally conforms to the City of Burlington's Tall Building Urban Design Guidelines;
   d) The proposal can be adequately serviced;
   e) The proposal is well-served by existing community infrastructure including public transit, parks, schools, and recreation facilities;
   f) The proposal is compatible with the surrounding area and impacts from the development are minimized.
   g) The proposal enhances the pedestrian environment along Brant Street and Prospect Street; and,
   h) The proposal represents appropriate intensification within a Major Transit Station Area.

DRAFT

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

   The text of the Official Plan of the Burlington Planning Area is amended by adding the following clause to Part III, Section 5.3 Mixed Use Corridors, Subsection 5.3.2 which reads as follows:

   "u) For the lands located at 789-795 Brant Street:

   i. Notwithstanding Policy 5.3.2d)(i) a maximum floor area ratio of 11.55:1 shall be permitted.
   ii. Notwithstanding Policy 5.3.2d)(ii) the maximum building height shall be 31 storeys.

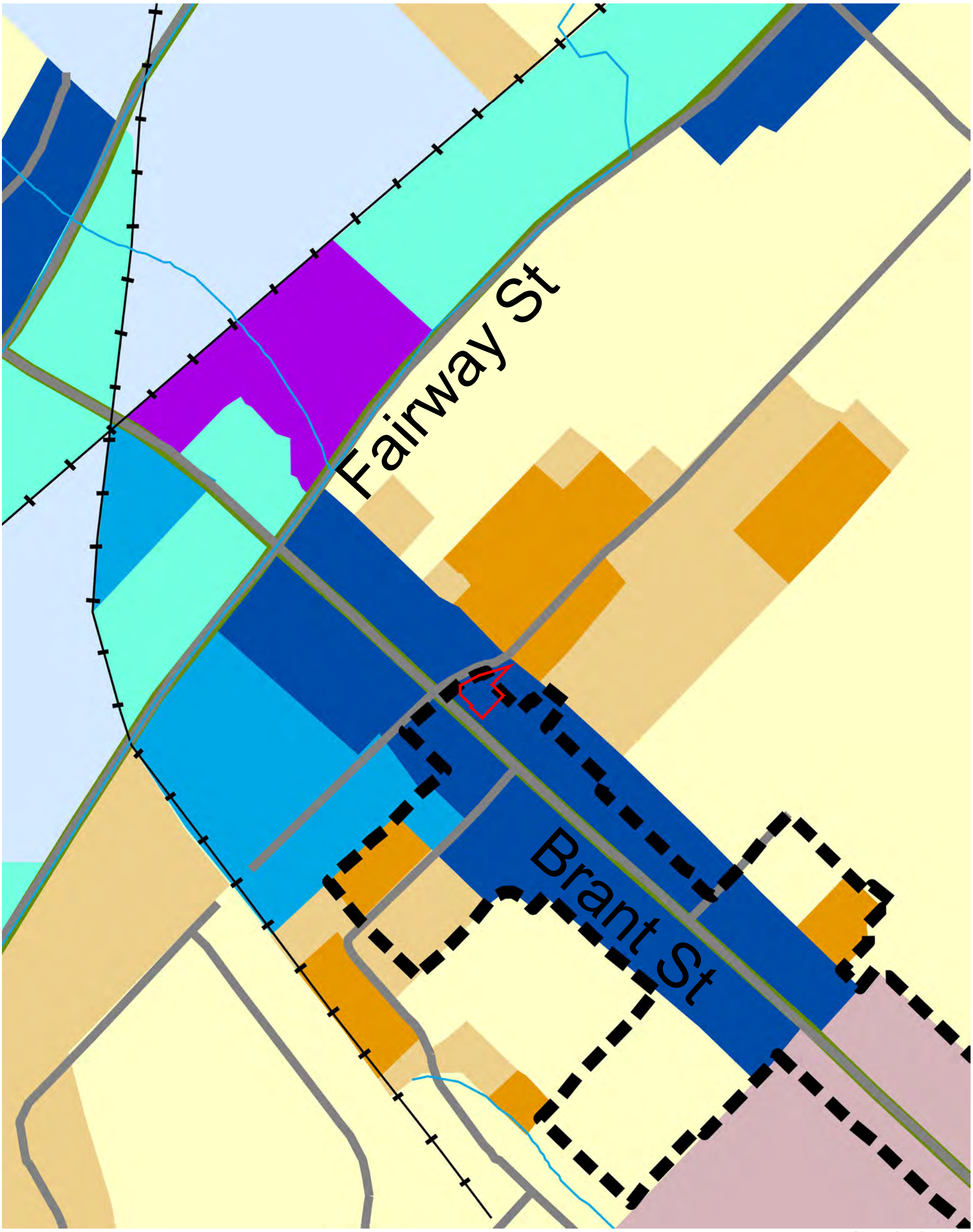
2. INTERPRETATION

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

3. IMPLEMENTATION

   The Official Plan Amendment will be implemented in accordance with the "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.

DRAFT



Data Source: City of Burlington

Schedule 1 - Official Plan Amendent

City of Burlington

In-Effect Official Plan

789-795 Brant St, Burlington, Ontario

LEGEND

- Subject Lands subject to site-specific provision
- Residential - Low Denisty
- Residential - Medium Density
- Residential - High Density
- Mixed Use Centre
- Mixed Use Corridor - General
- Mixed Use Corridor - Employment
- Mixed Use Corridor - Commercial Corridor
- Watercourses (conceptual, refer to Part III, S6.4.2d)
- Downtown Urban Growth Centre Boundary

DATE: September 2022

SCALE: N.T.S.

north

N:\20329\C – 795 Brant Street\1 – MHBC Documents\PJR\Figures\Drawings\Figure 10 – Comprehensive Land Use Planning Area.dwg

MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
204-442 BRANT STREET BURLINGTON, ON, L7R 2G4
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Appendix E

PROPOSED ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

Being a By-law to amend By-law 2020, as amended; for 789 and 795 Brant Street, for the purpose of facilitating a mixed-use development with one residential tower with a height of 30 storeys with a mechanical penthouse and a 7 storey podium.

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.

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

1. Zoning Map Number XX 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 identified on Schedule "A" attached hereto are hereby rezoned from "Mixed Use General" to "Mixed Use General Site Specific XX (MXG-XX)".

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

Exception	Zone	Map	Amendment	Enacted
XXX	MXG	XX	2020.XXX	XXX

Regulation	Requirement
Maximum Floor Area Ratio	11.55:1
Building Height – Maximum	31 storeys
Parking	0.79 per unit consisting of: 0.64 for residents 0.15 for visitors and retail
Accessible Parking	3% of the required parking
Amenity Area – Minimum	9.2 sq. m. per dwelling unit
Setbacks for underground parking structure less than 1.6 metres above grade	0.8 metres abutting north property line 0.8 metres abutting east property line
Minimum Setbacks	1.1 metres abutting Brant Street 2.2 metres abutting Prospect Street 0.8 metres abutting south property line 3 metres abutting rear property line
Landscape Areas	1.1 metres abutting Brant Street

	2.2 metres abutting Prospect Street
Parking Space Dimensions	Minimum width of 2.6 m and a minimum area of 14.5 sq m

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

When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed;

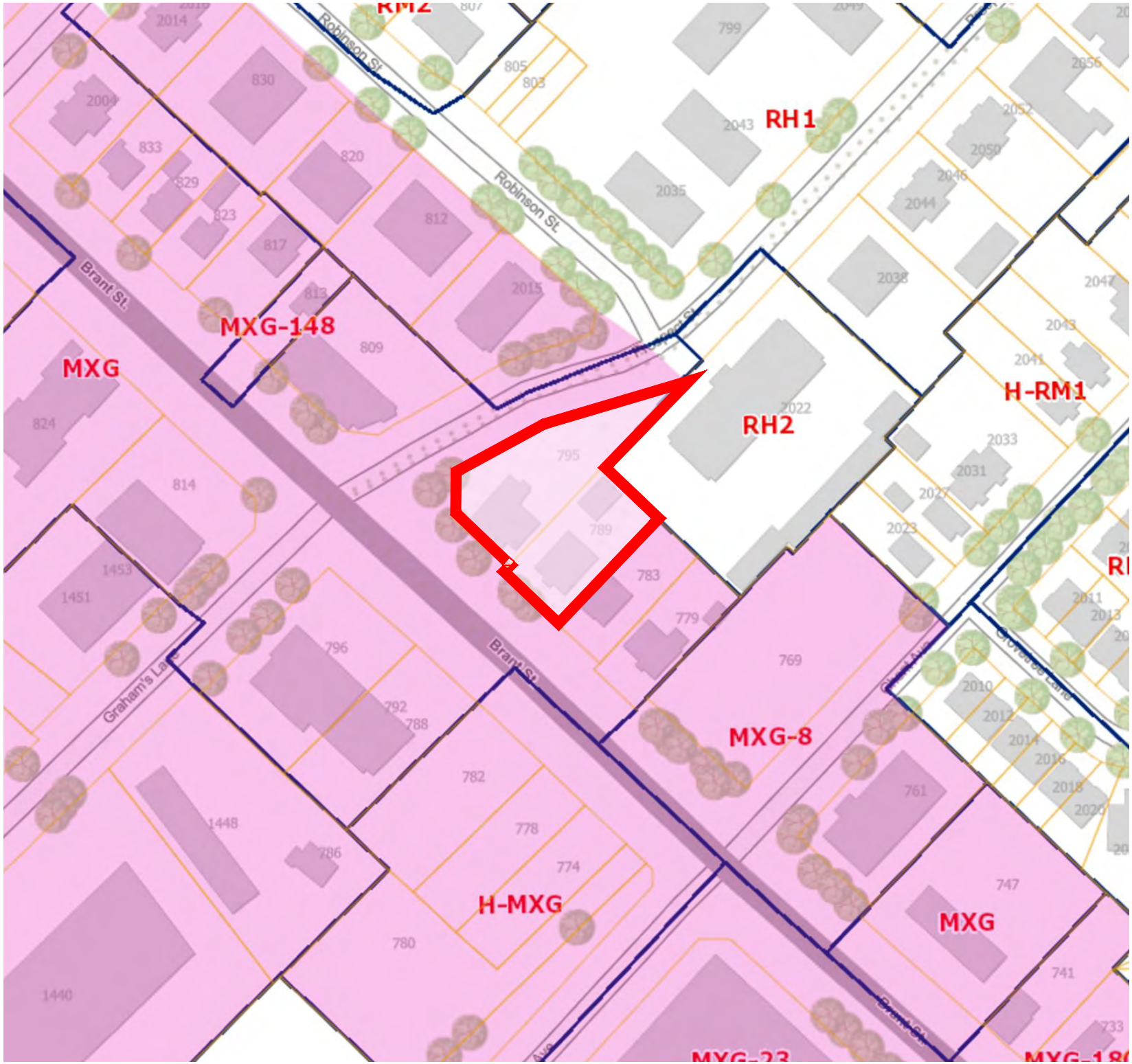
If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeals Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……..day of ..... 2022.

_____MAYOR

_____CITY CLERK

DRAFT



Schedule A - Zoning By-law Amendment

City of Burlington Zoning By-law 2020

789-795 Brant St, Burlington, Ontario

LEGEND

Subject Lands to be rezoned from MXG (Mixed Use General) to MXG-XX (Mixed Use General Site-Specific)

Zoning By-law Amendment Interim Control 10_2019

DATE: September 2022

SCALE: 1:1500

N:\20329\C - 795 Brant Street\MHBC Documents\Figures\Drawings\Figure 20 - Zoning By-Law.dwg

Data Source: Esri Canada | City of Burlington

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Appendix F

POLICY ANALYSIS

Appendix F1: Planning Act Analysis

Section 2 of the Planning Act sets out the matters of provincial interest which the Minister, the council of a municipality, a local board, a planning board, and the Tribunal shall have regard to when carrying out their responsibilities under the Act. The following matters of provincial interest are of relevance and applicable to the analysis of this development proposal:

"(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
(l) the protection of the financial and economic well-being of the Province and its municipalities;"

The proposal is for an intensification project located within the built boundary on existing municipal services. The proposed development will make efficient use of the already existing municipal services and public transit infrastructure in the area which contributes to the financial and economic well-being of the municipality.

"(h) the orderly development of safe and healthy communities;
(j) the adequate provision of a full range of housing, including affordable housing;
(k) the adequate provision of employment opportunities;
(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;"

The proposal represents orderly development through intensification located near the Burlington GO Station. The proposed development will provide a range of unit sizes and diversify the housing options available in the area. The proposal will also provide retail uses which will create employment opportunities for area residents. The proposal embodies a high quality design. Careful consideration has been given to the site's locational context. Elements of the design provide a compatible use and built form that are well integrated into the community. The design has also been refined using feedback received from the public and the Burlington Urban Design Review Panel.

"(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate."

The Subject Lands are located in close proximity to the Burlington GO Station, a frequent transit route, and a number of other commercial and employment uses. As such, future residents will have convenient options to utilize public transit or active transportation as an alternative to the car, thereby helping achieve reductions in greenhouse gas emissions.

"(p) the appropriate location of growth and development;"

The proposal is located within the built boundary and the Burlington GO UGC/MTSA. The highest level of intensification is to occur in UGCs/MTSAs, therefore, the Subject Lands represent an appropriate location for growth and development.

Appendix F2: Provincial Policy Statement Analysis

Section 1.0 - Building Strong Healthy Communities

The following policies of Section 1.1 of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns apply to the proposal:

> *"1.1.1 Healthy, liveable and safe communities are sustained by:*
>
> *a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
> *b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
> *e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs;*
> *g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs"*

The Subject Lands are located within a settlement area, as identified in the PPS. The proposed redevelopment will take advantage of existing infrastructure available to the Subject Lands. The proposed redevelopment will facilitate the compact redevelopment of the Subject Lands, adding residential density in the area to support alternative forms of transportation to reduce the environmental impact of the redevelopment.

Additional policies in Section 1.1 include:

> *"1.1.3.1 Settlement areas shall be the focus of growth and development"*

As indicated above, the Subject Lands are located within the Settlement Area of the City of Burlington, and therefore the proposed development will provide for growth at the site within a Settlement Area as supported by this policy objective.

> *"1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
> *a) efficiently use land and resources;*
> *b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
> *c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
> *d) prepare for the impacts of a changing climate;*

e) support active transportation;
f) are transit-supportive, where transit is planned, exists or may be developed; and
g) are freight-supportive."

The proposed development will provide for the efficient use of land and resources through the redevelopment of the site to facilitate residential intensification that makes use of existing water, wastewater, and stormwater infrastructure. The proposed density and site layout is supportive of existing transit through existing bus routes along Brant Street, its proximity to the Burlington Go Station, parks and open space to encourage active transportation. It will assist the City in meeting the long term and annual housing needs of residents.

1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

The proposed development will provide access to the existing public transportation network and is supportive of active transportation due to its proximity to existing bus routes, the Burlington Go Station, parks, and open space.

1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

The proposal represents intensification within a compact built form. The proposed development represents an efficient infill redevelopment of the Subject Lands that will not result in public health and safety issues. The proposed compact built form and site layout are intended to facilitate transit and active transportation use, which will improve public health, reduce emissions, and lead to a healthier lifestyle for future residents.

1.1.3.5 *Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.*

The Subject Lands are located in close proximity to the Burlington GO Station, a bus transit route long Brant Street and is within walking distance to a number of commercial and employment uses. The accompanying TIS demonstrates that there is adequate capacity in the surrounding transportation network to accommodate the redevelopment. The proposal is intended to contribute to ridership on existing public routes which serve the area.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities."

The proposed development is located within the existing built-up area of the City of Burlington and provides for a compact form and density consistent with the direction of the Provincial Policy Statement. The proposal represents an intensification opportunity that proposes a compact built form with a mix of uses and density that efficiently uses land and infrastructure.

Section 1.4 - Housing

"1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) Permitting and facilitating:

i. All housing options required to meet the social, health and well-being required of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

ii. All types of residential intensification, including additional residential units and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety."

The proposed development represents a form of residential intensification in an area where appropriate levels of infrastructure and public services exist. It will efficiently utilize land and infrastructure by providing 356 dwelling units in a compact urban built form on a site which currently consists of a two-storey building that contains vaant commercial units.

The proposed development provides a variety of unit types (one, one plus den, two and three bedroom units) in order to ensure housing needs are met for a wide variety of occupants at various stages in their lifecycle, including families. The development will also assist with achieving a transit-supportive density within the area and support the use of active transportation due to the proximity to trails, parks, walking paths, and convenient access to public transit. The development has been

designed to integrate with the surrounding community and will contribute to the range and mix of housing types in the neighbourhood to meet the current and future needs of residents.

Section 1.5 – Public Spaces, Recreation, Parks, Trails and Open Space

"1.5.1 Healthy, active communities should be promoted by:

a) *planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
b) *planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; "*

The proposed redevelopment supports a healthy and active community. The Subject Lands are well situated in an area well served by existing public facilities and park spaces as promoted by PPS.

Section 1.6 - Infrastructure and Public Service Facilities and Transportation

Section 1.6, Infrastructure and Public Service Facilities, provides polices to address the supportive infrastructure required to facilities development as follows:

"1.6.3 Before consideration is given to developing new infrastructure and public service facilities:

a) the use of existing infrastructure and public service facilities should be optimized; and,
b) opportunities for adaptive re-use should be considered, wherever feasible. "

1.6.6.1 Planning for sewage and water services shall:

a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
1. municipal sewage services and municipal water services;
b) ensure that these systems can be provided in a manner that:
1. can be sustained by the water resources upon which services rely;
2. prepares for the impacts of a changing climate;
3. is feasible and financially viable over their lifecycle;

Given that the Subject Lands are presently serviced, the proposed redevelopment of the Subject Lands provides an opportunity to make more efficient use of the available municipal infrastructure and services. The accompanying Functional Servicing Report demonstrates how the proposed development can be adequately serviced and sustained, and provides for protection of human health and safety, and the natural environment.

"1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and

municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services."

The proposed development intends to connect to the existing municipal water and sewer services along Brant Street and Prospect Street and will not require the establishment of new, unplanned municipal services.

"1.6.6.7 Planning for stormwater management shall:

a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;

b) minimize, or, where possible, prevent increases in contaminant loads;

c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater,including the use of green infrastructure;

d) mitigate risks to human health, safety, property and the environment;

e) maximize the extent and function of vegetative and pervious surfaces; and

f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development."

The proposal constitutes an intensification project within the built boundary of a settlement area on existing municipal services. The proposal will contribute to the optimization of existing municipal services. The accompanying FSR proposes a servicing scheme for the Subject Lands which confirms that there is existing water and sewer capacity to accommodate the proposed development. The proposed stormwater management approach has been designed in accordance with all Regional and municipal requirements.

"1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible."

"1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation."

The Subject Lands are located in close proximity to the Burlington GO Station, bus transit on Brant Street and within walking distance of a number of commercial and employment uses. Future residents are able to make use of the transit options available as well as take part in active transportation.

<u>Section 1.8 – Energy Conservation, Air Quality and Climate Change</u>

"Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

a) promote compact form and a structure of nodes and corridors;
b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;"

As noted above, given the proximity to the Subject Lands to the Burlington GO Station, the proposal will promote the use of public transit and active transportation. The proposed development represents compact built form located within a MTSA which is a node for activity and transportation connections.

Section 2.6 – Cultural Heritage and Archaeology

"2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved."

"2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

The proposal will ensure appropriate commemoration of the 795 Brant building listed on the City of Burlington's Municipal Heritage Register as discussed in detail in the Heritage Impact Assessment.

Section 4.0 – Implementation and Interpretation

"4.6 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The ability to optimize development opportunities that better achieve provincial policy objectives should be considered through changes to the City's existing Official Plan. The proposal represents intensification within a neighbourhood that is within walking distance of a GO Station. The proposed planning instruments better-implement the policies of the PPS which seek to optimize underutilized lands within close to public transit.

Appendix F3: Growth Plan for the Greater Golden Horseshoe

Section 2.2 – Policies for Where and How to Grow

Section 2.2 sets out the policy framework for how forecasted growth can be managed to the horizon of the Growth Plan. The following policies apply to redevelopment of the Subject Lands.

"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the vast majority of growth will be directed to settlement areas that:
- *i. have a delineated built boundary;*
- *ii. have existing or planned municipal water and wastewater systems; and*
- *iii. can support the achievement of complete communities;*

c) within settlement areas, growth will be focused in:
- *i. delineated built-up areas;*
- *ii. strategic growth areas;*
- *iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
- *iv. areas with existing or planned public service facilities*

The Subject Lands are located within a delineated built boundary, and provincially recognized Urban Growth Centre and Major Transit Station Area where growth is to be directed and achieved. Full municipal services are available, and intensification is to be promoted. The proposal provides for an appropriate level of intensification. Further, the Subject Lands are in close proximity to transit and are located along a bus route. The redevelopment of the Subject Lands contributes to the achievement of complete communities by providing new residential uses and retail with a mix of uses and unit types.

"2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

d) expand convenient access to:

- *i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*

e) provide for a more compact built form and a vibrant public realm, including public open spaces"

The Subject Lands are within an area identified for intensification by the Province, Region of Halton and City of Burlington, where convenient access to amenities that provide for a complete community are available to residents. These amenities which are identified in Table 1 include local stores, places of worship, schools, public facilities, open space, and public transit (both municipal and inter-municipal). Retail/commercial space will be provided at-grade, which will contribute to a vibrant public realm and provide a mix of uses on the site for future residents and the broader community. The proposed development will contribute to the provision of a high quality built form by making efficient use of space through the provision of new residential units and retail/ commercial space in a compact high-density urban form. The proposal will also assist in providing a diverse range of housing options, ranging from one to three bedroom units to accommodate the needs of a variety of household types and sizes including families.

2.2.2 – Delineated Built-Up Areas

The Subject Lands are located within Burlington's built-up area. The following policies apply:

"2.2.2.1 By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:

a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and

2.2.2.3 All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;

b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;

c) encourage intensification generally throughout the delineated builtup area;

d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;

e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and

f) be implemented through official plan policies and designations, updated zoning and other supporting documents."

The proposed development provides required residential and retail/commercial uses for the area, all of which will contribute to the achievement of the growth targets for people and jobs as required

by the Growth Plan. The development proposal represents an intensification opportunity that will assist the City and Region in achieving the intensification targets set out in the Official Plan and each year thereafter. The proposal reflects a level of intensification appropriate within the City's policy and physical site context, and is consistent with the goals of the Growth Plan to encourage and support intensification within the built up area.

2.2.4 – Transit Corridors and Station Areas

"2.2.4.9 Within all major transit station areas, development will be supported, where appropriate, by:

a) planning for a diverse mix of uses, including second units and affordable housing, to support existing and planned transit service levels;
c) providing alternative development standards, such as reduced parking standards; and
d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.

2.2.4.10 Lands adjacent to or near to existing and planned frequent transit should be planned to be transit supportive and supportive of active transportation and a range and mix of uses and activities."

2.2.4.11 In planning lands adjacent to or near higher order transit corridors and facilities, municipalities will identify and protect lands that may be needed for future enhancement or expansion of transit infrastructure, in consultation with Metrolinx, as appropriate."

The Growth Plan defines Major Transit Station Areas as:

"The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk."

The Subject Lands are located adjacent to Brant Street, which is directly served by one (1) bus route with connections to both inter and intra-municipal transit and higher order transit via the nearby Go Station. The addition of 356 new residential units and 485 square metres of retail/commercial space will support the viability of transit network and provide a level of intensification appropriate for an Urban Growth Centre.

2.2.6 – Housing

"2.2.6.3 To support the achievement of complete communities, municipalities will consider the use of available tools to require multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes."

The proposal includes a mix of unit sizes ranging from one to 3-bedroom units which can accommodate different household sizes and incomes.

Section 3 – Infrastructure to Support Growth

"3.2.6.1 Municipalities should generate sufficient revenue to recover the full cost of providing and maintaining municipal water and wastewater systems.

3.2.6.2 Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:

> *b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;"*

The proposed development assists the City, Region and Province in achieving the intent of the infrastructure and transportation policies of the Growth Plan by providing for a more compact built form on a site that is within close proximity to amenities, services, and public transit. The development will contribute to the prioritization of public transit and the achievement of transit supportive densities within the Downtown Burlington Urban Growth Centre through a reduced parking ratio. The introduction of residential and retail/commercial uses on the site will contribute to a vibrant street and support the economic viability of the Downtown and community infrastructure services, resulting in a more efficient and cost effective use of existing public resources.

The proposal contributes to the efficient utilization of the existing municipal services available within the built up area. The accompanying FSR proposes a servicing scheme for the Subject Lands which confirms that there is existing water and sewer capacity to accommodate the proposed development.

Section 4 – Protecting What is Valuable

"4.2.7 Cultural Heritage Resources

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.

3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision nmaking."

The proposal will ensure appropriate commemoration of the 795 Brant building listed on the City of Burlington's Municipal Heritage Register as discussed in detail in the Heritage Impact Assessment.

Appendix F4: Halton Region Official Plan (November 10, 2021 Office Consolidation)

Urban Area

The Subject Lands are located within the Region's built boundary and are designated an "Urban Area" in accordance with Map 1- Regional Structure of the ROP and also within the Major Transit Station Area surrounding the Burlington Go Station as well as the Urban Growth Centre for Downtown Burlington (Map 1h – Regional Urban Structure).

Objectives for Urban Areas are identified in Section 72:

> *"72.1(1) To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.*
>
> *72.1(2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.*
>
> *72.1(3) To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.*
>
> *72.1(5) To establish a rate and phasing of growth that ensures the logical and orderly progression of development, supports sustainable and cost-effective growth, encourages complete communities, and is consistent with the policies of this Plan*
>
> *72.1(6) To identify a Regional Urban Structure that directs growth to Strategic Growth Areas and protects Regional Employment Areas*
>
> *72.1(7) To plan and invest for a balance of jobs and housing in communities across the Region to reduce the need for long distance commuting and to increase the modal share for transit and active transportation.*
>
> *72.1(9) To facilitate and promote intensification and increased densities."*

As discussed in detail in the policy review below, the proposal conforms with the objectives of the ROP. The proposal conforms to the objectives of the ROP. The Subject Lands are within the Burlington GO MTSA, which allows for the proposal to support local and regional transit therefore, reducing the dependence on automobiles. The varying unit sizes will help diversify the housing choices in the immediate area, contributing the creation of a more complete community.

Intensification within the MTSA, a Strategic Growth Area, is a provincial and regional objective and direction and the proposal reflects an appropriate level of intensification

The ROP identifies permitted uses through the following policy:

> *"76. The range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of this Plan."*

An OPA and ZBA are required to implement the proposal. This PJR demonstrates that the proposal and its associated planning instruments implement the provincial and regional direction for intensification within MTSAs.

Strategic Growth Areas

Objectives for Strategic Growth Areas are identified in Section 79 of the ROP.

> *"79(1) To provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable in order to promote the development of complete communities .*
>
> *79(2) To provide opportunities for more cost-efficient and innovative urban design.*
>
> *79(4) Tor provide a diverse and compatible mix of land uses, including residential and employment uses, to support neighbourhoods.*
>
> *79(5) To create a vibrant, diverse and pedestrian-oriented urban environment.*
>
> *79(8) To support transit and active transportation for everyday activities.*
>
> *79 (9) To generally achieve higher densities than the surrounding areas.*
>
> *79(10) To achieve an appropriate transition of built form to adjacent areas*
>
> *"79.1 Strategic Growth Areas are integral to the Regional Urban Structure within the Urban Area and consist of:*
>
> *(2) Major Transit Station Areas as delineated on Map 1H and Map 6 and identified by symbol on Map 3, which generally consist of areas within 500 m to 800 m of the Major Transit Station, subject to specific policies in Section 81, in addition to those for Strategic Growth Areas,"*

The Subject Lands are located in close proximity to the Burlington GO Station, a Major Transit Station Area in the ROP. The increased density is intended to promote transit and active transportation for everyday activities. The availability of transportation offered around the Subject Lands will reduce travel by private automobiles. The proposal will provide an urban form that will use space more economically through a high-rise building design. The proposal will assist in the creation of a complete community in the Burlington GO MTSA area through providing a range of unit sizes to accommodate various family sizes and price ranges.

"79.3(1) Direct development with higher densities and mixed uses to Strategic Growth Areas.

79.3(6) Require the Local Municipalities to ensure the proper integration of Strategic Growth Areas with surrounding neighbourhoods through pedestrian walkways, cycling paths and transit routes, and the protection of the physical character of these neighbourhoods through urban design."

The proposal is consistent with the policies required within Strategic Growth Areas and the physical character of the neighbourhood will not be negatively impacted. The proposed site plan contains appropriate landscaping and buffer areas to provide screening which allows for a smooth built form transition to the existing to the surrounding neighbourhood. Thus the physical character of the neighbourhood will not be negatively impacted.

"79.3(7) Require the Local Municipalities to:

a) include Official Plan policies and adopt Zoning By-laws to meet intensification and mixed-use objectives for Intensification Areas;

b) prescribe in Official Plans and Zoning By-laws minimum development densities for lands within Intensification Areas;

d) promote development densities that will support existing and planned transit services.

The above-noted policies underscore the importance that the Region places on promoting intensification and development with intensification areas. As such, it is critical that appropriate OP designations and zoning are applied to lands within intensification areas. The proposed OPA and ZBA implement this direction.

Urban Growth Centres

The ROP contains the following objectives with respect to Urban Growth Centres:

80. (1) To serve as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses;

80. (2) To accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit;

80. (3) To serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses; and

80. (4) To function as the primary Strategic Growth Areas of the Regional Urban Structure hierarchy where a significant share of population and employment growth will be accommodated.

The Subject Lands are located within the Downtown Burlington UGC. The increased density is intended to promote transit and active transportation for everyday activities. The inclusion of ground floor retail space also promotes investment and economic growth in the area.

Major Transit Station Areas

The ROP contains the following objectives with respect to Major Transit Station Areas:

"81. The objectives of the Major Transit Station Areas, as delineated on Map 1H and Map 6, are:

(1) To leverage infrastructure investments and the development of public service facilities to support a significant share of growth, and achieve transit support densities through existing or planned frequent transit service.

(2) To provide a range and mix of transit-supportive uses, such as residential, retail, office and public uses, as well as public service facilities and parks and open spaces that support the area in a pedestrian-oriented urban environment.

(3) To function as an important Strategic Growth Area component of the Regional Urban Structure and leverage infrastructure investment and frequent transit service to accommodate increased densities and transit-supportive growth.

(4) To achieve multimodal access to stations and support complete communities.

(5) To plan for a diverse mix of uses, including additional residential units and Affordable Housing, where appropriate.

(6) To protect existing employment uses within Major Transit Station Areas by ensuring land use compatibility with adjacent new development is achieved.

(7) To maximize the number of potential transit users within walking distance of a station, while considering contextually appropriate intensification opportunities within stable residential neighbourhoods to ensure the protection of neighbourhood character, to be determined through the preparation of Area Specific Plans."

The proposal is located within a Major Transit Station Area as defined with the ROP and will provide a range and mix of transit-supportive uses including high density residential with at-grade retail to serve future residents. The proposal represents contextually appropriate intensification on the Subject Lands and will maximize the number of potential transit users within walking distance to the Burlington Go Station.

Protected Major Transit Station Area

> *81.1 The Major Transit Station Areas (including the Major Transit Station Areas that are also Urban Growth Centres), with minimum density targets as identified on Table 2b, and as delineated on Map 1H and Map 6, are identified as Protected Major Transit Station Areas in accordance with Section 16(16) of the Planning Act.*
>
> *81.2 (1) Direct development with higher densities and mixed uses to Major Transit Station Areas in accordance with the hierarchy of Strategic Growth Areas identified in Section 79.2 of this Plan.*

Burlington GO is defined as a PMTSA within the Regional Official Plan. As such, it is an appropriate location for higher density developments and mixed-use developments. The proposed development can help achieve this policy direction.

Housing

The ROP contains the following policies and objectives with respect to housing:

> *"84 The goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.*
>
> *85(4) To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods.*
>
> *86(6a) At least 50 percent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings.*
>
> *86(11) Permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.*
>
> *86(21) Require local Official Plans to provide an appropriate mix of housing by density, type and affordability in each geographic area, consistent with current and project demands reflecting socio-economic and demographic trends."*

The proposal will increase the mix of housing by density, type and affordability in the immediate geographic area. The new development will provide residential units of varying sizes ranging from one to three bedroom to accommodate a variety of housing options for future residents. The increased residential density and high rise built form will more efficiently use the lands and increase the overall supply of housing in the area while maintaining the physical character of the neighbourhood. The high quality design provides for a sustainable form of development built in accordance with sound engineering and planning principles. The character of the surrounding neighbourhood will be maintained through the use of landscaping and buffer areas as well as appropriate siting of increased densities along Brant Street, appropriately distanced from the residential neighbourhood to the east to minimize adverse impacts while fulfilling the objectives for intensification within the MTSA.

Healthy Communities

Part IV of the Regional Official Plan contains policies with respect to creating healthy communities.

> *"140. The goal for environmental quality is to achieve a high-quality environment, for this and future generations, that will sustain life, maintain health and improve the quality of living."*
>
> *"156. It is the policy of the Region to:*
>
> > *(1) Require all proponents of development to have regard for the Healthy Communities Guidelines in considering and providing physical design features that promote safety and security."*

These policies are evaluated in the context of the Healthy Community Guidelines in the table below. The Guidelines note that healthy communities encourage seven attributes which are presented as headings.

Built Environment	
Contribution to healthy community:	**Elements:**
• Compact mixed use development, walkable and connected communities; • A range of densities and housing opportunities, choices and accessibility for all income levels and needs; • Redevelopment/regeneration areas; • Welcoming pedestrian-scaled environments; • A range of densities that will support public transit and amenities; and, • Community infrastructure.	• Compact Development • Community Structure • Diversity of Uses • Walkable & Connected Communities • Diversity of Housing • Complete Streets • Schools • Redevelopment / Regeneration Areas • Mixed Use Opportunities • Urban Forest • Streetscapes and the Pedestrian Environment
Compliance of proposed development:	

The proposal is for the redevelopment of an existing parcel of land with a compact built form at a higher density than the surrounding uses. The proposal is designed to integrate into the surrounding community without adverse impact. This will provide a greater range of housing options in the immediate vicinity, contributing to the diversity of local housing stock. The Subject Lands are in proximity to commercial areas and a number of community parks and facilities.

Mobility	
Contribution to healthy community:	**Elements:**
• Encouraging physical activity; • Facilitating active transportation and public transit; • Providing access to services and amenities for vulnerable population groups including children, the elderly, persons with disabilities and low income individuals; • Providing safe, convenient and accessible environment for walking and cycling through Transportation Master Plans and Active Transportation Plans; • Reducing dependency on single occupant vehicles and improving access to transit; • Promoting integration within transit systems inter-regionally; and, • Providing connected street networks that are accessible to all modes of transportation.	• Universal Accessibility • Street Network • Active Transportation • Transit Accessibility • Transit-supportive Density • Major Transit Stations • Pedestrian & Cycling Routes • Parking

Compliance of proposed development:

The proposed development is within walking distance and cycling distance of a number of community facilities. Residents will be able to meet many of their day to day needs within the immediate neighbourhood without the need to use an automobile. The additional residential density will support the variety of commercial uses within walking distance, including the many commercial uses located within Downtown Burlington. The close proximity to existing transit routes and the Burlington GO Station will be supported by the increased residential density and will provide residents with increased accessibility to destinations located within and outside the region. Further, the site is optimally located to provide excellent pedestrian connections to the surrounding area. Careful consideration has been given to the building design to ensure that it is safe and accessible to pedestrians and well connected to the public realm.

Natural Environment and Open Space

Contribution to healthy community:	Elements:
• Preserving and enhancing the natural heritage system; • Supporting recreational and cultural opportunities; • Providing access to a range of open spaces, parks and recreational facilities, pathways and trails; and, • Providing interconnected green space and urban forests within the urban boundary.	• Natural Heritage System • Parks & Public Spaces • Pathways & Trails
Compliance of proposed development:	
No elements of the natural heritage system are present on site. The Subject Lands are located within close proximity to trails, parks and the waterfront as well as cultural facilities, providing future residents with opportunities to participate in local activities. Connections to the public sidewalk will also be provided.	
Human Services	
Contribution to healthy community:	**Elements:**
• Integrating and co-locating providing social infrastructure to meet the current needs of all residents; • Providing social, cultural and recreational services such as Places of Worship, Community Centers, Libraries, social housing, youth centres, long term care homes and seniors centres; and, • Providing access to health care and ensuring public safety through design (CPTED);	• Co-location & Integration of Services • Social, Community, Cultural, and Recreational Services • Health & Public Safety • Education
Compliance of proposed development:	
The site is located in proximity to a number of community facilities including schools, places of worship, parks, trails, government buildings, and hospitals.	
Sustainable Design	
Contribution to healthy community:	**Elements:**

• Designing new buildings, communities, and neighbourhoods to reduce water, waste, and energy use; • Promoting energy conservation and alternative energy sources; • Implementing Low Impact Design Standards in both new developments and established areas; • Improving air quality through addressing the impact of climate change; and, • Encouraging the design and construction of energy efficient green buildings.	• Energy • Water • Materials and Solid Waste • Air Quality • Green Buildings • Cool/Green Roof
Compliance of proposed development:	
The proposed development includes a compact building design in a MTSA. Availability of public transit, as well as the site's close proximity to community facilities and commercial land uses, increases the potential for a shift in mode share away from the single-occupant automobile. This allows for efficient use of land within the existing urban boundary on existing municipal services.	
Economy	
Contribution to healthy community:	**Elements:**
• Providing a balanced community between employment and residential areas; • Promoting a diversity of employment opportunities and densities at appropriate locations where transit is available; and, • Promoting the efficient movement of goods.	• Population and Jobs • Employment Lands • Retail / Commercial / Service • Mixed Use / Live Work Opportunities • Neighbourhood Jobs
Compliance of proposed development:	
The development is within close proximity to a variety of retail stores and community facilities which will provide residents with easy access to goods and services without having to rely on the automobile. The Subject Lands are located within close proximity employment uses along Brant Street and to the Burlington GO Station which provides access to a diverse job market throughout the Greater Toronto and Hamilton Area.	
Community Food Supply	
Contribution to healthy community:	**Elements:**

• Encouraging accessibility to healthy food; and, • Promoting locally grown food and farmers markets.	• Encouraging accessibility to healthy food; and, • Promoting locally grown food and farmers markets.
Compliance of proposed development:	
The Subject Lands are located within close proximity to a food store which will provide residents with access to healthy food.	

Transportation

The ROP contains the following transportation-related policies:

> *"172(5) To increase accessibility to major areas of employment, shopping, government services, culture and recreation.*
>
> *172(8) To achieve a level of public transit usage that averages at least 20 percent of all daily trips made by Halton residents by year 2031.*
>
> *172(9.1) To ensure development is designed to support active transportation and public transit.*
>
> *172(12) To support the provision of public transit service, within reasonable walking distance and at a reasonable cost, to all sectors of the public, including persons with a physical disability.*

The proposed development is in close proximity to regional and local transit which will encourage residents to take advantage of those modes of transportation to accomplish their daily tasks. This will contribute to the Region's modal split target. As noted, the proposed development is in close proximity to a number of services and recreation uses, encouraging active transportation.

Appendix F5: City of Burlington Official Plan (In-Force)

Part I: Policy Framework

"3.0 GUIDING PRINCIPLES

The urban and rural environment that is desired for the City of Burlington is summarized as follows:

"a) Provide a community plan and growth strategy aimed at creating an attractive, liveable community that offers a wide range of housing, employment, transportation, and leisure opportunities for all its citizens.
b) Support a healthy, clean and sustainable community based on an ecosystem approach and the implementation of the principles of Sustainable Development, by ensuring that environmental integrity and diversity, social and economic factors, and compatibility are considered in land use decisions.
c) Ensure that the City's infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.
d) Foster a unique, vibrant and strong community identity.
e) Create a community development pattern that supports the existing business community and promotes new business development opportunities, by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.
g) Promote safety and health in the community as well as fair access to housing, municipal services, community facilities, education facilities and economic opportunity.
h) Promote the efficient use of land through intensification within appropriate areas of the City, in accordance with Provincial growth management objectives, while recognizing the need for balancing this objective with other planning considerations."

The proposal has carefully considered these guiding principles in its design. The development provides for intensification at an appropriate location in the City. It advances the Province's growth objectives while balancing other objectives of the current Plan. It will contribute to the achievement of an attractive and livable community providing access to housing within close proximity to parks, shopping, professional services, medical services, and community facilities.

The proposal represents an efficient use of serviced land that will add new housing opportunities in the Downtown area. The increased growth and density will support local businesses and public transit while future residents will be able to take advantage of a number of recreational and community facilities located in the area. The Burlington GO MTSA is an appropriate location for intensification due to the higher levels of existing and planned transit service. The proposed development helps achieve the City's intensification targets.

Land Use Vision

Part 1, Section 4.0 of the OP provides general policies related to the land use vision for the entire City. Sections 4.2 and 4.3 identify that the existing built form and environment in Burlington is going to change from the current suburban community to one which provides for future growth in the form of intensification and redevelopment in a new built forms.

Section 4.2 notes that the historical built form of the City reflected the belief that there were future limits to growth and reflected the abundant supply of developable land available at that time.

> *"The existing City structure is a typical suburban community. Burlington is composed mainly of residential neighbourhoods containing detached dwellings, separated from employment and shopping areas, and designed primarily around a transportation system based on automobile travel."*

This section acknowledges that a shift has occurred since this time and the vision has been modified to reflect this:

> *"A major shift has occurred in values and attitudes, demographics, and land use planning approaches, as the City approaches a mature state. Burlington residents are now more aware of environmental concerns, and limited resources."*
>
> *"As Burlington approaches a mature state, a significant amount of its future growth will be in the form of intensification and re-development within the existing urban boundary. With fixed urban boundaries as confirmed by the Provincial Greenbelt Plan, the challenge will be to accommodate the various demands for land while maintaining stability and compatibility."*

Section 4.3, The Future Built Form and Natural Environment, identifies key changes encouraged by the Plan.

> *"Changes that are encouraged by this Plan are:*
>
> *i) the development of a greater diversity of housing types to meet the changing needs of the population;*
>
> *ii) the development of a more self-contained city by encouraging a greater live-work relationship and supporting designation of lands for a wide variety of employment uses;*
>
> *iii) the focusing of more intense land uses into specified mixed use centres and along certain roads;*
>
> *iv) a move towards a more balanced transportation system; and*
>
> *v) a greater emphasis on the long term preservation and conservation of significant natural features with greater public access particularly to the waterfront and reasonable and responsible access to other areas."*

With respect to population growth,

> *"The Plan directs population growth towards underutilized or vacant parcels in existing communities … new residential growth will be mainly in the form of more compact housing. This development will be served by various modes of transportation and located in closer proximity to jobs, shopping and leisure*

areas."

The proposal is consistent with the City's land use vision. It will provide for intensification on a site that is in close proximity of a GO Station while respecting the existing low density neighbourhood to the east through a compatible design. The proposed compact built form will diversify housing opportunities and reflects the changing needs of smaller households and an aging population who are seeking smaller and more affordable housing options close to transit. The height, form, and density of the development is consistent and compatible with other approved developments in the area as noted in Table 2 of this report.

Part II Functional Policies

Sustainable Design and Compatibility

Section 2.7 of Part II of the OP provides applicable policies on Sustainable Design and Compatibility as follows:

"2.7.2 Objectives

a) To ensure through the site planning process that building layout and urban form is consistent with Sustainable Development principles so that new development is efficient, safe, accessible, affordable and energy efficient.
b) To encourage, wherever possible, development to be accessible by pedestrians, cyclists and public transit.

2.7.3 Policies

c) Development will be reviewed to ensure efficiency of land use in the urban community in terms of energy, travel time, intensity and diversity.
e) The City will encourage development that provides choices in housing, shopping, employment, and transportation.
f) Energy conservation shall be encouraged through community and site planning, design, and the use of energy-efficient materials and landscaping. When development applications are reviewed, consideration shall be given to energy conservation measures such as solar orientation of streets and buildings, increased densities, walkability and decreased automobile dependency, and the use of landscaping and building materials.
k) Transportation Demand Management strategies will be used to encourage increased transit ridership, walking and bicycling in the City.
l) Where noise abatement is required along roads, design features such as the orientation of buildings, vegetative buffers and other innovative methods shall be preferred over the use of acoustical walls."

The proposed development conforms to the sustainable development direction and policies. The proposal is within walking distance to local and regional public transit as well as a number of community and recreational facilities, as shown in Table 1 of the report. The proposal represents an efficient use of serviced land located within the built boundary and in proximately to existing housing, commercial areas, employment opportunities and transportation networks, making the area accessible to future residents by providing opportunities for active transportation, including walking, cycling and public transit.

Transportation

Objectives and policies pertaining to transportation are included within **Section 3** of Part II.

"3.2.1 Objectives

d) To encourage alternative travel by creating an urban environment that encourages walking, cycling and transit use and increases opportunities to live close to work and satisfy day-to-day needs locally without relying on the automobile. Infrastructure

e) To maximize existing infrastructure to ensure that optimal benefit is obtained from the transportation system

g) To maximize the effectiveness of City transportation plans and programs by co-ordinating local plans with Provincial and Regional initiatives and those of adjoining municipalities.

The development achieves the noted transportation objectives and conforms to the policies as it provides for an intensified use of the site which allows future residents to pursue alternate travel opportunities. The proposal's location within walking distance to the Burlington GO Station, on a primary bus transit route, and surrounded by walkable and safe streets for cyclists and pedestrians, maximizes the effectiveness and coordination of local transit with Provincial and Regional initiatives.

Policies specific to roads are addressed in Section 3.3.2 as follows:

"3.3.2 Policies

a) The rights-of-way identified in Schedule J, Classification of Transportation Facilities - South of No. 1 Side Road; Schedule K, Classification of Transportation Facilities - Downtown Area and Schedule L, Classification of Transportation Facilities - No. 1 Side Road to Derry Road and Table 2 - Road Allowance Widths shall be protected and secured through the development process of the approval for plans of subdivision and condominium, part-lot control applications, consents, rezonings, site plan agreements, minor variances, and Parkway Belt applications and Niagara Escarpment Plan Amendment applications. Further, any right-of-way identified in a detailed engineering study or class environmental assessment study shall be secured and protected in the same way through the development process.

e) Land requirements for daylight triangles, on routes under the City's jurisdiction shall be based on the following:
(iv) 7 m x 7 m: Collector Street to Minor Arterial, Multi-Purpose Arterial Road;

r) The proponent of residential development and other sensitive land uses within 50 m of a provincial freeway, highway right-of-way, or major arterial, multi-purpose arterial or minor arterial road, or a greater distance at the discretion of the City or the Region of Halton, will be required to undertake noise studies by a qualified acoustical consultant in accordance with Provincial policy to the satisfaction of the City and any other authorized review authority and shall undertake appropriate measures to mitigate any adverse effects from the noise identified."

The proposed development has been designed with one access point from Prospect Street to consolidate vehicular access via one access point to delineate pedestrian access and to ensure a high quality and safe pedestrian realm. A Noise Study has also been prepared in support of the proposal which provides detailed recommendations for noise mitigation measures required for the proposal, including central air condition and acoustic/noise barriers for the outdoor amenity areas.

Design

The general design intentions for the City are provided in **Section 6** of Part II.

6.2 Objectives

c) To ensure that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character.

e) To achieve a high quality of design within the public realm.

f) To ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression."

The proposal provides for efficient, attractive and compact design that is integrated with the public realm. The proposal balances the need for higher density and more compact built forms while maintaining compatibility with the surrounding neighbourhood and evolving context for increased densities within the MTSA. The proposed built form achieves this balance by efficiently utilizing the site through the incorporation of underground parking, landscaping and minimizing the front yard setback.

The urban design features of the proposal are discussed in greater detail in the accompanying UDB which provides a detailed assessment of the proposal's design merits in relation to the physical context.

Cultural Heritage Resources

*"8.3 General Policies *D53*

8.3.1 Use and Treatment of Cultural Heritage Resources

a) The City shall protect, improve and manage its cultural heritage resources in a manner that furthers the heritage objectives of this Plan and sets an example of leadership for the community in the conservation of cultural heritage resources. Cultural heritage conservation planning shall be an integral part of the land use planning process in the City of Burlington.

b) Council shall consult its municipal heritage committee (Heritage Burlington) with regard to the use and treatment of cultural heritage resources. Landscapes, cemeteries & views

c) Cultural heritage landscapes, historic cemeteries and significant views associated with a cultural heritage resource shall be inventoried and conserved.

d) The City recognizes the role of the Regional Municipality of Halton in maintaining and implementing the Archaeological Master Plan. The Archaeological Master Plan shall be referenced as an important planning tool and implemented within the boundaries of the City of Burlington.

e) The City may develop and implement a cultural heritage conservation strategy that will further the cultural heritage objectives of this Plan and may involve the implementation of a range of conservation tools to complement land use planning initiatives. City Council may use government and/or non-government funding, including the Burlington Community Heritage Fund, to assist in the implementation of heritage conservation objectives."

*"8.4 Development/Re-development Policies *D53*

8.4.1 Use and Treatment

a) All development shall consider cultural heritage resources and wherever feasible, incorporate these resources into any development plans in a way that conserves the character-defining elements of the cultural heritage resource.

b) Completion of a heritage impact statement shall be required prior to any approvals for proposed development where the City foresees potential adverse impacts on the cultural heritage attributes (including important vistas and streetscape) of a property designated pursuant to The Ontario Heritage Act, or on a property worthy of designation. Completion of a heritage impact statement may be required prior to any approvals for proposed development where the City foresees potential adverse impacts on the cultural heritage attributes of any other property identified on the City's Inventory of Cultural Heritage Resources. The content of a heritage impact statement may include, but is not limited to, the following:

(i) an assessment of the cultural heritage value of the resource;

(ii) a description of the proposal, including a location map showing proposed buildings, existing land uses and buildings, and existing cultural heritage landscape features;
(iii) the physical condition of the resource (including that of any adjacent resource that may be directly or indirectly affected by the proposal);
(iv) a description of the impacts that may be reasonably caused to the cultural heritage resource;
(v) identification of several conservation options taking into consideration the significance of the cultural heritage resource itself, the context of the resource and all applicable municipal, provincial or federal heritage conservation principles. The advantages and disadvantages of each option will be identified, as will a preferred option;
(vi) a description of the actions necessary to prevent, change, mitigate or remedy any expected impacts upon the cultural heritage resource. Conditions of approval

c) Approval of development on lands with significant cultural heritage resources may be subject to conservation of the cultural heritage resources. Should Council, in consultation with its municipal heritage committee (Heritage Burlington), determine that the proposal to alter, demolish or erect a structure that would detract from, or indirectly impair the character, quality, heritage attributes or stability of a cultural heritage resource, the proposal shall be subject to the recommendations of a heritage impact statement. Record for archives

d) Cultural heritage resources that are to be significantly altered, removed or demolished shall be recorded for archival purposes with a history, photographic record and measured drawings before alteration, removal or demolition.

e) Local utility companies shall be encouraged to locate equipment and devices so that they do not detract from the visual character of built heritage resources."

A Heritage Impact Assessment has been prepared in support of the proposed development which identifies means to commemorate 795 Brant Street which is currently listed on the City of Burlington's Municipal Heritage Register.

Part III Land Use Policies – Urban Planning Area

Part III: Land Use Policies - Urban Planning Area
Part III of the Plan presents the principles for objectives and policies for the land use designations identified on the Plan's mapping schedules for the Urban Planning Area.

"5.1 Principles

a) Mixed Use Activity Areas provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services.

c) Mixed Use Activity Areas address the demand for higher intensity employment, shopping and residential areas within the City.

5.2.1 Objectives

a) *To encourage comprehensively planned mixed use employment, shopping and residential areas that provide for the integration of uses such as retail stores, offices, hotels, institutional and entertainment uses with residential uses, community facilities, cultural facilities, institutions and open space in a compact urban form, while retaining compatibility with nearby land uses.*

b) *To ensure Mixed Use Activity Areas are developed in a compact urban form, are pedestrian-oriented and highly accessible by public transit, and foster community interaction.*

c) *To direct the phasing and/or expansion of municipal infrastructure and services to ensure the timely and orderly development of Mixed Use Activity Areas.*

5.2.2 Policies

"a) Mixed Use Activity Areas identified on Schedule A, Settlement Pattern shall be designated as either Mixed Use Corridor-General, Mixed Use Corridor-Employment, Mixed Use Corridor-Commercial Corridor or Mixed Use Centre on Schedule B, Comprehensive Land Use Plan - Urban Planning Area.

b) Lands designated as Mixed Use Corridor-General, Mixed Use Corridor Employment, and Mixed Use Corridor - Commercial Corridor on Schedule B, Comprehensive Land Use Plan - Urban Planning Area shall be subject to the policies contained in Part III, Section 5.3.

c) Lands designated as Mixed Use Centre on Schedule B, Comprehensive Land Use Plan - Urban Planning Area shall be subject to the policies contained in Part III, Sections 5.4 to 5.6.

d) The design and development of Mixed Use Activity Areas shall promote these areas as focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.

e) The construction and expansion of municipal services shall provide for the development of Mixed Use Activity Areas in an orderly and cost effective fashion.

f) The City shall consult with the Region of Halton and adjacent municipalities where Official Plan and rezoning applications for new retail development involve primary trade areas extending outside of the City.

g) Home occupations and cottage industries shall be permitted in Mixed Use Corridors and Mixed Use Centres subject to the policies of Part III, Section 2.7.

h) Mixed Use Activity Areas shall be priority locations for:
(i) land assembly at strategic locations;
(ii) infrastructure/public facility improvements;

(iii) creation and application of financial, regulatory and other incentives;
(iv) new municipal facilities and services;
(v) creation and application of brownfield re-development strategies;
(vi) preparation of comprehensive traffic and parking studies and strategies;
(vii) provision of higher levels of transit service compared with other areas of the City.

i) It is the general intent of this Plan that Mixed Use Activity Areas shall be subject to a high quality of urban design. City Council may require the preparation of Urban Design Guidelines for specific Mixed Use Activity Areas or the preparation of site-specific Corridor Studies for Mixed Use Corridor Areas, which may include such design guidelines as a component of the Corridor Study. These guidelines shall be referenced in an appendix to this Plan and be used in the evaluation of all development proposals within the Mixed Use Activity or Corridor Area.

j) In order to balance pedestrian and vehicular movements in a safe and efficient manner, various approaches may be considered, including shared parking facilities in central locations, and/or on-street parking where deemed appropriate by detailed studies.
k) The City may ensure the proper integration of Mixed Use Activity Areas with surrounding neighbourhoods through measures such as pedestrian walkways, cycling paths and transit routes, and the protection of the physical character of these neighbourhoods through urban design.

l) The City may consider the use of reduced parking standards in Mixed Use Activity Areas in order to encourage greater reliance on nonautomobile forms of transportation.

m) The City may, in consultation with the Region, monitor the performance of Mixed Use Activity Areas in achieving the goals and objectives of this Plan."

The development proposal maintains the planned function of Mixed Use Activity Areas as it provides an alternative to low density development that makes efficient use of land and existing resources. It directly responds to and addresses the demand for higher intensity residential uses within the City in an area so identified as appropriate for such a use. The compact mixed-use urban form meets the objectives for Mixed Use Activity Areas and will contribute to the provision of an accessible public realm and enhanced streetscape to foster community interaction through the provision of retail uses at grade along Brant Street.

<u>5.3 Mixed Use Activity Areas – Mixed Use Corridor (General)</u>

"5.3.1 Objectives

a) To provide locations along multi-purpose arterial or major arterial roads that will serve as areas of concentration for mixed use developments with high density residential, retail, service commercial, office, entertainment, community facilities and institutions, and open space uses.

*b) To encourage higher intensity, transit-supportive and pedestrian-oriented mixed use development, including land in the vicinity of a major transit station area, such as a GO Transit station, in a compact urban form, while retaining compatibility with nearby land uses. *R16*

c) To permit mixed use developments on individual sites where various combinations of residential, retail, office and other uses are located, or on different sites where residential, retail, office and other uses are located next to one another.

5.3.2(a) The following uses may be permitted within the Mixed Use Corridor – General, Mixed Use Corridor-Employment and Mixed Use Corridor – Commercial Corridor designations:

(i) A wide 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 small scale motor vehicle dealerships;

(ii) High density residential uses and a full range of office uses. Townhouses may only be permitted as a component of an overall development of mixed residential or residential/commercial building forms, where the townhouse portion of the mixed development does not abut the multi-purpose arterial or major arterial road and where the development of the townhouse component does not compromise the long-term objectives for the Mixed Use Corridor designation with respect to such matters as mix of uses, building form and intensity; and

(iii) Development and redevelopment of lands within a major transit station area, such as a GO transit commuter rail station, shall achieve a higher intensity of re-development and consist of transit supportive uses, as called for and defined in the Growth Plan for the Greater Golden Horseshoe. Notwithstanding Part III, Subsection 5.3.3 b) and e), those lands designated Mixed Use Corridor subject to the Commercial Corridor Policies of Subsection 5.3.3 and located within a major transit station area, shall permit only transit supportive uses, as defined in the Growth Plan for the Greater Golden Horseshoe, have a minimum floor space index of 0.5 and a minimum building height of two storeys.

5.3.2(b) Mixed Use Corridor lands are intended to provide for the day-to-day and weekly shopping needs of residents within and in close proximity to the Corridor.

5.3.2(c) Retail and service commercial uses are to be located at street level in office or residential buildings.

5.3.2(d) Zoning By-law regulations affecting Mixed Use Corridors shall be based on the following factors:

(i) the maximum floor area ratio of development at any site 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 and the provision of compatibility with adjacent uses through measures such as terracing, a high quality of building design, landscaping and streetscaping, and the provision of underground parking;

(ii) the minimum building height shall be two storeys and the maximum building height shall be six storeys. Where required to ensure compatibility, four to six storey buildings may be required to be terraced back from adjacent residential areas and/or the street;

(iii) the implementing zoning by-law shall identify a minimum portion of all buildings abutting the corridor street to be located in close proximity to the corridor street. These setbacks may be modified for specific corridors following the completion of Council approved Corridor studies;

(iv) all buildings shall be required to have a building entrance from the building façade closest to the corridor street;

(v) off-street parking needs may be reduced for sites with transitsupportive designs or shared parking arrangements.

5.3.2(f) *Higher density land uses and taller buildings shall be permitted at locations where Mixed Use Corridor areas intersect with multi-purpose arterial roads, major arterial roads or provincial freeways; or existing areas of development concentration, subject to the criteria outlined in Part III, Subsection 5.3.2, d) (i).*

5.3.2(h) *Transit-supportive and pedestrian-oriented urban design shall be required in the development of Mixed Use Corridor sites.*

5.3.2(i) *The design and development of Mixed Use Corridors shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the automobile and shall maximize personal safety by encouraging site plan features such as:*

(i) buildings should be oriented to the street and transit services, and buildings should be located so as to be in proximity to, and face the street, to provide a sense of human comfort and pedestrian scale and interest ;

(ii) safe and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas, and other buildings and facilities; and

(iii) roads shall be designed for automobile use, efficient transit services as well as pedestrian and bicycle travel.

5.3.2(k) *Retail, service commercial and other pedestrian-oriented use shall be encouraged at the street level."*

The proposal implements high density transit supportive and pedestrian-oriented mixed use development which is permitted along Mixed Use Corridors, including lands in the vicinity of a MTSA, while retaining compatibility with nearby land uses. The proposed development will also

implement retail at-grade along Brant Street to help to support the day-to-day shopping needs of residents. In terms of design, the proposed development is oriented to the street with an appropriately sized podium to provide a sense of human comfort and scale for pedestrians. The proposed development provides connections from the building entrances and retail entrances directly to the pedestrian sidewalk to serve residents and visitors.

Appendix F6: New City of Burlington Official Plan (Under Appeal)

Mixed Use Intensification Areas – Urban Centres

Mixed Use Intensification Areas are described in Section 8.1 and are intended to *"provide locations where mixed commercial, residential and employment uses will be developed and integrated in a compact built form and at greater development intensities, encouraging the efficient use of physical resources and municipal infrastructure".*

"The Mixed-Use Nodes are organized into four land use designations: Mixed-Use Commercial Centres, Neighbourhood Centres, Local Centres, and Employment Commercial Centres." Policies within Mixed Use Intensification Areas also provide land use designations and policies for the Downtown Urban Centre, including the Upper Brant Precinct.

The following are the general policies that apply to Urban Centres:

Policy 8.1.1 (2)

a) *Urban Centres identified on Schedule B: Urban Structure of this Plan, shall be designated as the Downtown Urban Centre and the Uptown Urban Centre on Schedule C: Land Use – Urban Area, of this plan.*
b) *The design and development of Urban Centres shall promote these areas as multi-functional activity centres and focal points for a variety of activities that are characterized by a mixed use and compact built form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.*
c) *The design and development of Urban Centres shall ensure compatibility between the Urban Centre uses and surrounding areas.*
d) *The construction and expansion of municipal infrastructure and public service facilities shall provide for the development of Urban Centres in an orderly and cost effective fashion.*
e) *Urban Centres will be priority locations for the following, not limited to:*
    i. *Land assembly;*
    ii. *Infrastructure and public service facilities improvements;*
    iii. *Creation and application of financial, regulatory and other incentives;*
    iv. *New public service facilities;*
    v. *Creation and application of brownfield and greyfield development strategies;*
    vi. *Preparation of comprehensive traffic, transportation demand management and parking studies and strategies; and*
    vii. *Frequent transit corridors.*
f) *Zoning By-law regulations affecting Urban Centres shall be based on the general policies for Urban Centres, contained in Subsection 8.1.1(2) of this Plan, and the specific policies for individual Urban Centres, contained in Subsections 8.1.1(3) and 8.1.1(4) of this Plan, or the policies contained in an area-specific plan.*
g) *Multi-unit residential developments in Urban Centres should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

h) *Home occupations and cottage industries may be permitted in Urban Centres, subject to the policies of Subsection 8.3.7 of this Plan.*
i) *Transportation demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed developments within Primary Growth Areas in Urban Centres, subject to the policies of Subsection 6.2.10 of this Plan.*
j) *The City will ensure that an appropriate amount of open space is provided in Urban Centres.*
k) *Urban Centres shall be served by frequent transit corridors.*
l) *In Urban Centres, development proponents considering the development of a site that contains an existing food store should retain the food store function as part of the overall development, to ensure the appropriate provision of day-to-day and weekly needs to current and future residents and employees in the surrounding area.*

The Subject Lands are located within the Urban Centre which is an area identified for mixed-uses, compact built form, pedestrian-orientation, greater accessibility to public transit and higher intensity development. The proposal conforms to the general policies for Urban Centres through providing for a mixed-use building with a compact built form and higher intensity of development. The proposed development has been designed to ensure compatibility with surrounding areas through appropriately sited built form with setbacks and a tower profile that has been designed to ensure minimized shadow impacts on the surrounding area.

The proposal can be adequately serviced by municipal infrastructure in accordance with the Functional Servicing Report and Traffic Impact Study prepared in support of the proposal.

The proposal incorporates a mix of unit sizes to accommodate a diverse range of household sizes and incomes, ranging from one bedroom to three bedroom units.

<u>Downtown Urban Centre</u>

"8.1.1(3.1) GENERAL OBJECTIVES

a) To establish the Downtown as a major centre for office, retail, service commercial, residential, culture, and public service facilities, including educational and institutional uses that contribute towards the Downtown's role as a unique destination and important source of identity for the city, consistent with Chapter 5: Economic Activity, of this Plan.

b) To establish minimum density targets for the Urban Growth Centre contained within the Downtown in terms of residents and jobs, in accordance with the Provincial Growth Plan.

c) To establish a precinct system that recognizes areas with distinct character and sets policies for differences in land uses, height and built form, informed by historical development patterns and the planned function of each precinct.

d) To ensure development incorporates effective transitions with adjacent development and surrounding areas.

e) To maintain and where feasible enhance view corridors along public streets to Lake Ontario, the Brant Street Pier, City Hall/Civic Square and other landmarks.

f) To provide space for retail and service commercial activities that serve the general needs of Downtown residents and employees as well as specialized functions for the entire city.

g) To ensure that residents, employees and visitors of the Downtown have access to a range of public parks and open spaces including parkettes, urban plazas, playgrounds, promenades, trails and Privately-Owned Publicly Accessible Spaces (POPS) that allow for both passive and active recreational and social activities.

h) To recognize the Lake Ontario waterfront as a major asset and local and regional destination within the Downtown for recreational, cultural and leisure activities.

i) To expand public access to parks, open spaces and the Lake Ontario waterfront within the Downtown, where possible.

j) To conserve cultural heritage resources and maintain character defining areas significant to the Downtown and the city.

k) To provide a continuous, harmonious, safe, active and attractive pedestrianoriented environment along Retail Main Streets.

l) To enhance Downtown streetscapes with street trees and other greenery/landscaping where appropriate.

m) To achieve urban design and architectural excellence in new developments.

n) To retain and expand cultural resources including public art.

o) To permit building heights and intensities that support the designation of the Downtown as an Urban Growth Centre while protecting the predominant low-rise character of Brant Street and providing a transition to adjacent lowrise neighbourhoods.

p) To require a mix of uses throughout the Downtown that reinforces the Downtown's role as a complete community.

q) To ensure Downtown continues to have a strong employment base that will attract new businesses, services and amenities to support the long-term success of the Downtown.

r) To concentrate the tallest development in those parts of the Urban Growth Centre that have the greatest proximity to higher-order transit.

s) To encourage office development through permission for tall buildings in specific areas of the Downtown.

t) To increase affordability and attract a wide range of demographics and income levels to the Downtown.

u) To encourage the integration of a wide range of housing types and tenures within the Downtown, including assisted and special needs housing, and rental housing.

v) To mitigate future traffic congestion associated with growth through transportation demand management (TDM) measures and the provision of transit and active transportation.

w) To support the creation of new and expanded pedestrian and cycling corridors.

x) To encourage active and supporting uses at grade along Retail Main Streets.

y) To ensure adequate public service facilities and institutional uses to support and serve current and future residents and employees.

z) To ensure the Downtown has adequate infrastructure to support new development.

aa) To maintain, restore and where possible enhance the long term ecological integrity and biodiversity of the Natural Heritage System and its ecological and hydrologic functions within the Downtown.

bb) To protect life and property from natural hazards."

"8.1.1(3.2) GENERAL POLICIES

a) In addition to the objectives and policies of Subsection 8.1.1(3), Downtown Urban Centre, the objectives and policies of Subsection 8.1.2, Major Transit Station Areas, of this Plan, shall apply within the Downtown Urban Centre.

b) Within the Urban Growth Centre Boundary as delineated on Schedule B: Urban Structure, and Schedule D: Land Use - Downtown Urban Centre, of this Plan, a minimum density target of 200 residents and jobs combined per hectare by 2031 or earlier is established, in accordance with the Provincial Growth Plan.

c) The residents and jobs associated with development in the Downtown Burlington MTSA shall contribute towards meeting the minimum density target of the Urban Growth Centre.

d) The Urban Growth Centre target of a minimum 200 people and jobs per shall not be applied on a site-specific basis, and shall only be applied to the entire geography to which the target applies.

e) The full extent of maximum development permissions stated within all Downtown Urban Centre precincts may not be achievable on every site within a precinct, due to site-specific factors including, but not limited to, design excellence, compatibility and transition to adjacent development, negative environmental impacts, hazardous lands, transportation, stormwater management, cultural heritage resources and/or infrastructure capacity.

f) Major entertainment, major office, cultural, institutional uses and public service facilities including educational uses, should be directed to and encouraged to locate within the Downtown Urban Centre.

g) Development will support and enhance the Downtown as a lively, vibrant and people-oriented place.

h) Development will respect and be compatible with the existing built form character of adjacent development and provide appropriate built form transition.

i) Development will support the achievement of the vision and function of the precinct within which it is located."

The proposed development has been designed in accordance with the objectives and policies of the Downtown Urban Centre through implementing a high density use that has been designed to be compatible with the surrounding neighbourhood through appropriate design and transition to the low-rise neighbourhood to the east. The proposal provides retail at grade along Brant Street to animate the streetscape and to provide a pedestrian-oriented environment with appropriate landscaping. The proposal seeks to implement a mixed-use development to assist in the creation of a complete community within the Downtown Urban Centre and seeks to locate a tall building along Brant Street in close proximity to the Burlington GO Station. The proposal will also contribute to the minimum intensification targets identified for the Urban Growth Centre.

Upper Brant Precinct

"The Upper Brant Precinct will accommodate developments with a variety of building heights proportional to parcel depth along Brant Street between Prospect Street and Blairholm Avenue, with the tallest developments in the Downtown located along and north of Ghent Avenue. Development will generally achieve a height and density that reflects the precinct's walking distance to higher-order transit at the Burlington GO Station and contributes to the creation of a transit, pedestrian and cycling oriented area while also achieving compatibility with adjacent Residential-low density areas shown on Schedule C: Land Use – Urban Area, of this Plan."

"A low-rise feel will be maintained for pedestrians along Brant Street through setbacks above the third storey for buildings abutting Brant Street. However, to balance the objectives of providing increased density within walking distance to the Burlington GO Station, providing for a transition to adjacent established low-rise residential areas and to provide for a setback along Brant Street above the third storey, flexibility may be considered in the depth of the setback from Brant Street above the third storey."

The following policies apply to the Upper Brant Precinct (Policy 8.1.1(3.8.1)).

a) *"The following uses may be permitted within the Upper Brant Precinct:*
   i. *residential uses with the exception of single detached dwellings, semidetached dwellings and other forms of stand-alone ground-oriented dwellings;*
   ii. *office uses;*
   iii. *retail and service commercial uses;*
   iv. *hotel uses;*
   v. *entertainment uses; and*
   vi. *recreation uses.*

b) *Development abutting Brant Street shall contain a minimum of two permitted uses, as identified in Subsection 8.1.1(3.8.1) a) of this Plan and should contain three permitted uses, where feasible.*

c) *Notwithstanding the permitted uses in Subsection 8.1.1(3.8.1 a), residential uses shall not be permitted on the ground floor facing Mixed Use Streets as shown on Schedule D-1: Downtown Urban Centre Retail Streets, of this Plan. Residential lobbies/access should be located on side streets or at the rear of the building where feasible.*

d) *New development shall generally be comprised of tall buildings at the northern end of the Precinct and mid-rise buildings at the south according to the maximum heights set out in Schedule D-2: Downtown Urban Centre Heights, of this Plan.*

e) *Buildings abutting Brant Street shall incorporate a setback above the third storey to provide a low-rise feel for pedestrians along Brant Street. The setback should be similar to the 20 m setback in the Brant Main Street and Mid Brant Precincts, but flexibility in the setback may be considered through the review of development applications due to the wider Brant Street right-of-way in this precinct and in order to provide a transition to the adjacent Residential-Low Density designations, shown on Schedule C: Land Use – Urban Area, of this Plan, as required in 8.1.1(3.8.1) g). Direction on the form of the step-back will be provided in the Downtown Placemaking and Urban Design Guidelines.*

f) *Adjacent to areas designated Residential-Low Density on Schedule C: Land Use- Urban Area, of this Plan, mid-rise and tall buildings shall achieve a terraced built form with building height oriented away from the Residential-Low Density designations. Terracing shall be in accordance with a forty-five (45) degree angular plane measured from a property line shared with a property designated Residential-Low Density on Schedule C: Land Use-Urban Area of this Plan.*

g) *Ground-oriented dwellings with a maximum height in accordance with Subsection 8.1.1(3.8.1) f) of this Plan should be provided adjacent to a property line shared with a property designated Residential Low-Density on 'Schedule C: Land Use – Urban Area' of this Plan. Alternatively ground-oriented dwelling units could be incorporated into a podium of a mid-rise or tall building provided the podium meets the angular plane requirements of Policy 8.1.1(3.8.1) f).*

h) *Additional park space shall be provided in the precinct through one or more public urban squares and/or Privately Owned Publicly Accessible Open Spaces (POPS), that will create leisure opportunities for the residents of the precinct and surrounding areas, in accordance with the policies and objectives in Sections 3.3 and 8.1.1(3.14) of this Plan. Development applications on site larger than 0.4 ha shall provide a park concept plan to illustrate how a public urban square and/or POPS could be provided and function on the site."*

The proposal implements high density development north of Ghent Street on Brant Street where the tallest buildings in the Downtown are directed. The podium has been designed to ensure appropriate setbacks to maintain a comfortable pedestrian realm along Brant Street and Prospect Street. The proposal incorporates high density tall building at the northern end of the Precinct with retail uses proposed at grade. No residential uses are proposed on the ground floor facing Brant Street with the residential lobby/access proposed from Prospect Street.

The proposal has been designed with appropriate setbacks and massing to ensure an attractive pedestrian environment is maintained along Brant Street and Prospect Street. The seven storey podium has been designed to frame Brant Street and Prospect Street. The tower is designed with slender profile having a total height of 31 storeys with a 5 metre setback of the tower provided from the podium frontage along Brant Street. As discussed in detail in the accompanying Urban Design Brief, these setbacks and proposed transitions are appropriate in the context of the proposed development.

Tall Buildings

In addition to the above land use policies, section 8.1.1(3.19.3) provides policies on the built form of Tall Buildings, the relevant policies have been included below:

a) *Within the downtown, tall buildings are defined as 12 storeys in height or taller.*

b) *Tall buildings shall consist of a base building (podium), a middle (tower), and a tower top, which should be designed as an integrated whole.*

c) *Tall buildings, within the downtown, shall be designed to:*
   i. *Provide a minimum separation distance of thirty (30) m from another tall building, measured above the podium and excluding balconies;*
   ii. *Not exceed a maximum floor plate of 750 sq. m. for the tower portion above the podium, excluding balconies;*
   iii. *Provide outdoor amenity space on site;*
   iv. *Articulate tall building towers with high-quality, sustainable building materials and finishes to promote design excellence, innovation and building life;*
   v. *Provide a minimum tower stepback of three (3) m from the podium facing all street, park and open space frontages, except where more specific guidance on stepbacks are provided in this plan. Tower stepbacks of greater than three (3) m are encouraged and may be required for tall*

building to fit harmoniously within the surrounding physical character, including sites that contain or are adjacent to cultural heritage resources; and

vi. *Provide a podium no higher than 3 storeys.*

d) *The design of balconies should maximize usability, comfort, and building performance, while minimizing negative impacts on the buildings mass, public realm, and natural environment by:*
   i. *Avoiding placement that significantly increases the physical and apparent massing of the building; and*
   ii. *Providing for appropriate minimum depths that offer privacy and comfort.*

e) *Sites that cannot provide the minimum tower separation distance of thirty (30) m or greater may not be appropriate for tall buildings.*

g) *In order to achieve an appropriate transition as described in Section 8.1.1(3.19.4), a tall building may need to have lower heights than the maximum permitted.*

The proposed development has been designed with an integrated base, middle and top as discussed in detail in the Urban Design Brief. Appropriate separation distance has been provided to the proposed residential towers to the immediate south of the site, with 12.5 metres proposed from the tower to the property line to ensure a minimum of 25 metre tower separation can be provided in accordance with the Urban Design Guidelines. The proposed tower floor plate has an area of 760 square metres, still generally in compliance. Outdoor amenity space is provided on the rooftop terraces on the seventh storey podium. The podium has been designed with a height of seven storeys and has been designed to ensure proper framing of the street as discussed in detail in the Urban Design Brief. The proposed balconies have been designed using light transparent materials to not excessively add to the massing. They are also extended continuously as strips around the buildings delineating each floor area and adding to the horizontal emphasis and visual interest.

Per the New Official Plan designation, the Subject Lands are favourable for a high density residential and mixed-use building. Further modifications to permit the increase in height and to address reduced separation distance would be needed This minor increase in height is appropriate for the Subject Lands given their location within Burlington GO MTSA/Downtown Burlington UGC as well as their prominent location at the intersection of Brant and Prospect Street where appropriate design has been implemented to ensure no adverse impacts on surrounding low density residential. Further, the separation distance proposed is in keeping with the Tall Building Urban Design Guidelines which is considered appropriate for the Subject Lands and is considered an industry standard for residential intensification areas.

Mixed Use Streets – Retail Streets

Policies for retail streets are included in section 8.1.1(3.21.1) and are as follows:

a) *Retail, service commercial and office uses at-grade may be developed in the Downtown Urban Centre in accordance with Schedule D-1: Downtown Retail Streets, of this Plan, and in accordance with the following:*

   ii. *along Mixed Use Streets, retail, service commercial or office uses shall be permitted and may be required in the zoning By-law continuously at grade in buildings having frontage on to public streets.*

b) *The Zoning By-law shall establish a minimum floor-to-floor height at the ground floor, to support retail and service commercial uses at grade and to facilitate land use flexibility and adaptability over time.*

d) *The Zoning By-law shall also establish a minimum floor area at grade for new individual retail and service commercial units to ensure the unit size is viable for a range of retail and service commercial uses.*

f) *Retail buildings and the ground floor of mixed-use buildings should be designed to:*

   i. *Emulate the eclectic, small-shop look and feel, especially along Retail Main Streets through distinct design of each individual retail and service commercial unit;*
   ii. *Maintain a fine grain of entrances along the street edge that reflects the character and rhythm of the street;*
   iii. *Contain clear glazing on windows and doors along front facades to ensure active store frontages;*
   iv. *Increase setbacks adjacent to the street in order to expand the pedestrian realm and provide opportunities for patios and pedestrian amenities;*
   v. *Restrict, where possible, residential lobbies along Retail Main Street frontages and direct them to side streets or rear entrances;*
   vi. *Provide servicing, loading and parking access from a rear public lane, shared private lane and/or shared driveways where possible and not from the Retail Main Street frontage;*
   vii. *Support walkability, social interaction strong retail visibility and space for retail display in the interface between the building and sidewalk;*
   viii. *Articulate storefront window treatments;*
   ix. *Provide articulation with awnings, arches, canopies and colonnades where appropriate; and*
   x. *Accommodate different space needs of changing retail and service commercial tenants including restaurants with minimal reconstruction.*

The proposed development includes retail frontage along the ground floor facing Brant Street to provide an animated pedestrian realm. As the proposal is currently designed, the 485 square metres of retail space has not been demarcated to allow for future demarcation pending the securement of future tenants. The residential lobby is proposed from Prospect Street to ensure the retail frontage along Brant Street is maintained as an active frontage. Vehicular access to the site is also provided from Prospect Street where servicing, loading and parking access will all be consolidated to maintain the retail frontage and to delineate between the pedestrian and vehicular realms.

<u>Major Transit Station Areas</u>

"8.1.2(2) POLICIES

a) The City shall complete area-specific plans or major planning studies to ensure that all Major Transit Station Areas are planned to implement mixed use transit-supportive development including employment uses, while ensuring compatibility with surrounding areas is achieved.

b) In advance of the completion of area-specific plans or major planning studies and the approval of the implementing Official Plan amendments for the Major Transit Station Areas, the policies contained in Subsection 8.1.2 of this Plan, shall apply to development applications in the MTSA Special Planning Areas and Urban Growth Centre, as shown on Schedule B, of this Plan.

c) Development applications shall be consistent with the overall role and function of the MTSA in which they are located, in accordance with the typology identified in Section 8.1.2.

d) Development applications preceding the completion of an area-specific plan or major planning study and the approval of the implementing Official Plan amendments shall have regard for the Province's Mobility Hubs and TransitSupportive Guidelines, shall implement Regional and Provincial major transit station area policies and shall be consistent with the goals and objectives of the existing land use designation as contained in this Plan.

e) Development in MTSAs should be planned to achieve transit-supportive densities in accordance with the Province's Transit Supportive Guidelines and the existing and planned level and type of transit service. The full extent of maximum development permissions on lands located in each MTSA may not be achievable on every site, due to site-specific factors including, but not limited to, compatibility, environmental impacts, hazard lands, transportation issues, cultural heritage resources and/or infrastructure capacity.

f) The design and development of MTSAs shall promote these areas as multifunctional activity centres and focal points for a variety of activities that are characterized by a mixed use and compact built form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.

g) Development shall contain a mix of land uses and transit supportive development that supports the achievement of complete communities through a more compact built form, while ensuring compatibility with surrounding areas is achieved.

h) MTSAs will be priority locations for the following, but not limited to:

- *(i) land assembly;*
- *(ii) infrastructure and public service facility improvements;*
- *(iii) creation and application of financial, regulatory and other incentives;*
- *(iv) new public service facilities;*
- *(v) creation and application of brownfield and greyfield development strategies;*
- *(vi) preparation of comprehensive traffic, transportation demand management and parking studies and strategies.*

i) Multi-unit residential developments should incorporate a mix of unit sizes and types to accommodate a diverse range of household sizes and incomes

j) Transportation demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed development, subject to the policies of Subsection 6.2.10, Transportation Demand Management.

k) Development applications shall incorporate minimal parking at grade or above grade through the provision of underground parking, except in areas immediately adjacent to a rail line or other areas where a buffer is required, where applicable.

l) New green spaces such as trees and landscape areas, parks and open spaces shall be provided as part of development applications, which may include, but are not limited to, dedication of parkland, Privately-Owned Publicly Accessible Spaces (POPS) and/or trees and landscape areas located between a public right-of-way and a building, to be provided to the satisfaction of the City.

m) Privately-Owned Publicly Accessible Spaces (POPS) may be used to augment public space but shall not be used as a replacement to public parkland dedication.

n) Major office, cultural and institutional uses should be located within each MTSA.

o) The City will encourage the development of food stores in MTSAs, which are essential to serve the day-to-day shopping needs of current and future residents and employees and support the long-term success of the MTSAs as complete communities.

p) In addition to the policies contained in Subsection 6.2.3, Transit, the City will consider strengthening the connection and supporting increased transit use between the Burlington GO MTSA and the Downtown Burlington MTSA, through the following measures/opportunities:

(i) Providing transit signal priority on Brant Street north of the Downtown to improve transit reliability and travel times;
(ii) Exploring the potential for dedicated HOV and queue jump lands, when approaching the Burlington GO station along Fairview Street, and;
(iii) Introducing additional transit and comfort shelters.

q) Development patterns shall have regard for optimization of land, resources and public investment in infrastructure and public services. For clarity, the concept of optimization shall be applied to development patterns over the entirety of the MTSAs.

r) In addition to the development criteria in Subsection 12.1.2 (2.2) c), the following development criterion shall be satisfied when evaluating all development applications within each MTSA:

(i) the development shall be consistent with the vision and intent of the MTSA typology and policies contained in Subsection 8.1.2, Major Transit Station Areas, and maintain the land use vision established in the land use designations of this Plan."

"8.1.2(3) DEVELOPMENT APPLICATIONS PRECEDING AN AREA-SPECIFIC PLAN

a) For the Downtown, as identified on Schedule D: Downtown Urban Centre, of this Plan, the objectives and policies of Urban Centres contained in Subsection 8.1.1 of this Plan, the Downtown Urban Centre contained in Subsection 8.1.1(3) of this Plan, MTSAs contained in this Subsection 8.1.2 of this Plan, and any other applicable policies of this Plan, shall apply.

b) For the Burlington GO, Aldershot GO and Appleby GO MTSA Special Planning Areas, as identified on Schedule F: Burlington GO MTSA Special Planning Area; Schedule G: Aldershot GO MTSA Special Planning Area; and Schedule H: Appleby GO MTSA Special Planning Area, of this Plan, the applicable objectives and policies for the underlying land use designations on Schedule C: Land Use-Urban Area, the objectives and policies for MTSAs in Subsection 8.1.2 of this Plan, and any other applicable policies of this Plan, shall apply.

c) Applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within MTSA Special Planning Areas preceding the completion of an area-specific plan shall have regard for Provincial guidelines for mobility hubs and transit, and shall implement Regional and Provincial major transit station area policies. In addition, applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within the Burlington GO, Aldershot GO and Appleby GO MTSA Special Planning Areas, shall have regard for the Mobility Hub Opportunities and Constraints Study (2014).

d) Multi unit residential developments in MTSAs should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

e) All development proposals requiring a Transportation Impact Study shall address all modes of transportation, giving priority to active transportation and transit considerations, including frequent transit corridors.

f) Transportation demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed development within MTSAs, subject to the policies of Subsection 6.2.10, Transportation Demand Management, of this Plan.

g) Applications for Official Plan Amendments, Zoning By-law Amendments and site plan approvals within MTSAs shall submit and implement, to the satisfaction of the City, an urban design brief prepared by a qualified person. The brief shall demonstrate how the proposed development contributes towards achieving MTSA objectives for design and how the development is consistent with the policies contained in Chapter 7: Design Excellence, of this Plan, and any applicable design guidelines.

h) All development within MTSAs shall consider opportunities to provide improved walking and cycling connections.

i) Established Neighbourhood Areas within MTSAs are subject to the policies contained in Subsection 2.4.2(3) of this Plan.

j) Development within MTSAs preceding the completion of an area-specific plan shall be subject to the applicable policies of Subsection 7.3.2 of this Plan."

If in force and effect, the proposal and associated Official Plan Amendment and Zoning By-law Amendment would be seeking approvals prior to the adoption of the Area-Specific Plan for the Burlington GO MTSA in the new Official Plan. The proposal is consistent with Provincial and Regional policies for MTSAs as discussed above. A mix of unit sizes is provided in the proposal to accommodate a diverse range of household sizes and incomes, ranging from one to three bedroom units. The supporting Transportation Study addresses all modes of transportation and demonstrates how the proposal will support active transportation. It also includes TDM measures and proposes and justifies reduced parking rates to further facilitate independence from the automobile. An Urban Design Brief has been prepared in support of the proposal to demonstrate how the proposal development contributes to achieving MTSA objectives for design excellence.

"8.1.2(4.2) BURLINGTON GO MAJOR TRANSIT STATION AREA POLICIES

a) In addition to the policies contained in Subsection 7.3.2 a) (v), Existing Community Areas, design plans for development applications located in the Burlington GO MTSA shall identify active transportation connections to the Burlington GO Station.

b) Development applications shall incorporate a variety of built forms, including mid-rise, and building podiums to provide a human scale experience at the street level.

c) Development in the Burlington GO MTSA shall support the achievement of a complete community through a more compact built form that is supported by mix of uses, parks, green spaces, public service facilities, offices, other employment uses, including existing industrial, and institutions.

d) Development in the Burlington GO MTSA shall incorporate private pathways and complete streets elements that make development more accessible for pedestrians, cyclists and transit users and includes a fine grained, gridoriented and permeable active transportation network with multi-modal access to the GO Station.

e) Notwithstanding Subsection 8.1.3 (7.2) Urban Corridor, large-scale standalone retail and service commercial buildings shall not be permitted within the Burlington GO MTSA.

f) Notwithstanding the policies contained in Subsection 8.1.3 (8) Urban Corridor-Employment Lands, ancillary retail and service commercial uses shall be permitted in multi-storey office buildings."

The proposed development has been designed to be pedestrian-oriented with convenient access provided for residents and visitors to the City's existing active transportation network. The proposal will provide for a variety of built form within the Burlington GO MTSA area through implementing a tall building that has been designed with a compact built form with retail at-grade and an appropriate human scale experience at the street level.

Cultural Heritage Resources

"3.5.2(5) DEVELOPMENT POLICIES

a) All development shall consider cultural heritage resources and, wherever feasible, incorporate these resources into any development plans in a way that conserves the heritage attributes of the cultural heritage resource.

b) If development is proposed on any property that in the opinion of the City has the potential to meet eligibility criteria for designation under The Ontario Heritage Act, the property, or portions of the property, may be considered for heritage designation or the entering into of a heritage conservation easement agreement, to secure conservation of cultural heritage resources.

c) All options for the retention of cultural heritage resources in their original location should be exhausted before resorting to re-location. The following alternatives shall be given due consideration in order of priority:

(i) on-site retention in the original use and location and integration with the surrounding or new development;

(ii) on-site retention in an adaptive re-use; (iii) re-location to another site within the same development; and (iv) re-location to a sympathetic site within the city. The City will consider other conservation solutions as appropriate.

d) Completion of a Heritage Impact Study by a qualified person shall be required prior to the City recognizing a complete application for proposed development, where the City foresees potential unacceptable impacts on the heritage attributes(including important landscapes, vistas and streetscape) 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. Completion of a Heritage Impact Study may be required prior to any approvals for proposed development where the City foresees potential unacceptable adverse impacts on the cultural heritage attributes of any other property identified on the City's Municipal Register. The applicant shall submit a Heritage Impact Statement when:

(i) the proposal requires an Official Plan Amendment, a zoning by-law amendment, a plan of subdivision, a plan of condominium, a site plan application, or where necessary, a consent or minor variance application;

(ii) the proposal involves the demolition of a building or the removal of a building or landscape feature or part thereof of a cultural heritage resource; and/or
(iii) there is potential for unacceptable adverse impacts to a cultural heritage resource from the proposed development.

e) If a development proposal substantially changes in scope and/or design from that described in the Heritage Impact Statement, the City shall require that the applicant submit additional information, which may include a revised Heritage Impact Statement, as needed in the opinion of the City.

f) Approval of development on lands containing cultural heritage resources and/or within a cultural heritage landscape may be subject to conservation of the cultural heritage resource. Should the City, in consultation with its municipal heritage committee, determine that the proposal to alter, demolish or erect a structure that would detract from, or indirectly impair the character, quality, heritage attributes or stability of a significant cultural heritage resource, the proposal shall be subject to the recommendations of a Heritage Impact Statement.

g) Cultural heritage resources that are to be removed, demolished, or significantly altered with the appropriate approvals from the City, shall be recorded for archival purposes with a history, photographic record and measured drawings, as appropriate, before alteration, removal or demolition. Such documentation shall be provided to the City for archival purposes.

h) Local utility companies and public works projects shall design and locate infrastructure, equipment and devices and conduct work in such a manner so that they do not detract from the visual character of the heritage attributes of cultural heritage resources.

i) Trees and other vegetation and/or landscape features identified as contributing to the cultural heritage value or interest of a cultural heritage resource should be preserved, and considered in the design of any development. Where removal of trees or other vegetation and/or landscape features identified as contributing to the cultural heritage value or interest of a cultural heritage resource is proposed, the City may require the applicant to revise the proposal such that these features are retained.

j) The City may require a letter of credit or other financial security satisfactory to the City, from the owner of property containing a cultural heritage resource or of property within a cultural heritage landscape, to secure:
(i) protection of the resource during development and/or re-location; and/or
(ii) implementation of measures to conserve the cultural heritage resource approved by the City.

k) For the purpose of assessing the impacts of development or site alteration on adjacent lands to protected heritage property, adjacent lands include lands that directly abut the protected heritage property; lands located on any corner of an intersection where a protected heritage property occupies one of the corners; and lands located directly across a public or private street from a protected heritage property.

l) Development and site alteration shall not be permitted on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

The Heritage Impact Assessment prepared in support of the proposed development identifies how the listed building at 795 Brant Street will be commemorated as part of the development proposal.

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