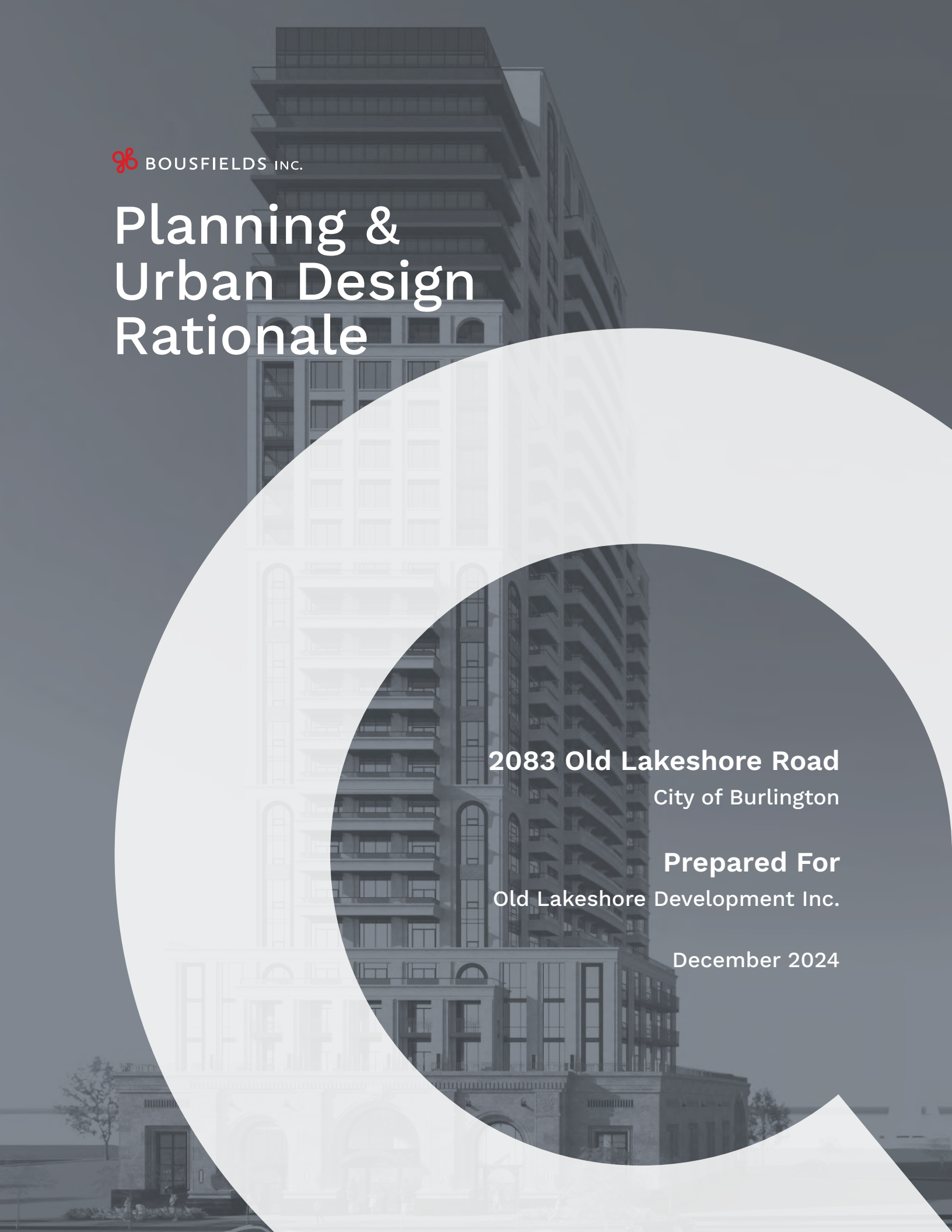
BOUSFIELDS INC.

Planning & Urban Design Rationale



2083 Old Lakeshore Road

City of Burlington

Prepared For

Old Lakeshore Development Inc.

December 2024

BOUSFIELDS INC.

Job Number
22239

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This Planning and Urban Design Rationale report has been prepared in support of an application by Old Lakeshore Development Inc. to amend the 1997 City of Burlington Official Plan and Zoning By-law 2020, as amended, to permit the redevelopment of a 0.20 hectare (0.49 acre) site, known municipally as 2083 Old Lakeshore Road in the City of Burlington.



1 Introduction

This Planning and Urban Design Rationale report has been prepared in support of an application by Old Lakeshore Development Inc. (the "Owner") to amend the 1997 City of Burlington Official Plan (the "Official Plan") and Zoning By-law 2020, as amended, to permit the redevelopment of a 0.20 hectare (0.49 acre) site, known municipally as 2083 Old Lakeshore Road in the City of Burlington ("the subject site").

The Official Plan and zoning by-law amendments will permit the redevelopment of the subject site for a 27-storey (plus mechanical penthouse) mixed use building with 418 square metres of commercial uses at the ground level of the building and 196 residential units on levels 4-27.

The application, in our opinion, presents an exciting opportunity in City-building to introduce new housing units within an area where growth is directed and which is supportive of active modes of transportation, activate the public realm through the inclusion of commercial retail space, upgrade the public realm along the City's waterfront, and create an attractive building design which is responsive to its context.

From a land use perspective, the proposal will contribute to the achievement of numerous policy objectives that promote intensification and a range of housing choices within built up areas, particularly in locations such as the subject site, which afford the opportunity for use of active transportation modes and are well served by municipal infrastructure, including public transit. Specifically, the proposed development is in keeping with the policy directions associated with the identification of Downtown Burlington as a Strategic Growth Area ("SGA") and Secondary Regional Node where growth and development is directed in a form that is compatible with the surrounding tall building downtown context. In our opinion, the requested official plan and zoning by-law amendments are consistent with the Provincial Planning Statement (the "PPS"), in particular the policies promoting the efficient use of land and infrastructure, services and facilities and accommodating growth and intensification within SGAs, and especially the intensification of underutilized surface parking lots into transit-supportive developments. Additionally, the proposed development is in keeping with the Old Lakeshore Mixed Use Precinct, which envisions urban intensification of the subject site and surrounding precinct in the form of tall buildings.

From a built form and urban design perspective, the proposal is contextually appropriate and will represent a high-quality architectural addition to the area. The 27-storey (plus mechanical penthouse) building will fit harmoniously with the existing and planned built form context and will be compatible with the height and massing of existing and approved development in this part of the Downtown area, particularly within the Old Lakeshore Mixed Use Precinct. The proposal will provide an appropriate street wall condition along it's two street frontages and contribute to an improved pedestrian environment at grade through the provision of grade-related commercial uses and an improved public realm. The proposal conforms with the general intent of the Official Plan and is generally in keeping with the relevant urban design guidelines, however, a site-specific amendment to the Official Plan is needed to increase the maximum height and density that applies to the subject site and to more closely align with changes to Provincial and Regional Policy which have occurred following the approval of the Official Plan, as well as a significantly evolved built form context within Downtown Burlington, including the Old Lakeshore Mixed Use Precinct, since the time of approval of the Official Plan.

Based on the foregoing, this Planning and Urban Design Rationale report concludes that the proposal is appropriate and desirable in land use planning and urban design terms and, accordingly, we recommend approval of the requested official plan amendment and rezoning.



2 Site & Surroundings

2.1 Subject Site

The subject site, a single parcel municipally addressed as 2083 Old Lakeshore Road, is located south-centrally within Ward 2 of the City of Burlington, close to the Lake Ontario Shoreline, within the Old Lakeshore Precinct of the City's Downtown (see **Figure 1** - Site Location Map). The site consists of approximately 0.199 hectares (0.49 acres) of land on the south side of Lakeshore Road, between Pearl and Martha Streets.

The subject site is generally rectangular in shape, with 41.15 metres of frontage onto Lakeshore Road along its north lot line. The subject site also has 41.86 metres of frontage along Old Lakeshore Road along it's south lot line, creating a "through lot" condition.

Currently, the subject site is occupied by a surface parking area, with no existing structures. The parking area is accessed from two curb cuts along Old Lakeshore Road. A single curb cut along Lakeshore Road appears to have been closed with temporary parking curbs located along the lot line blocking access. Several mature trees are located along the east lot line.



Looking North towards the subject site, currently used for construction staging

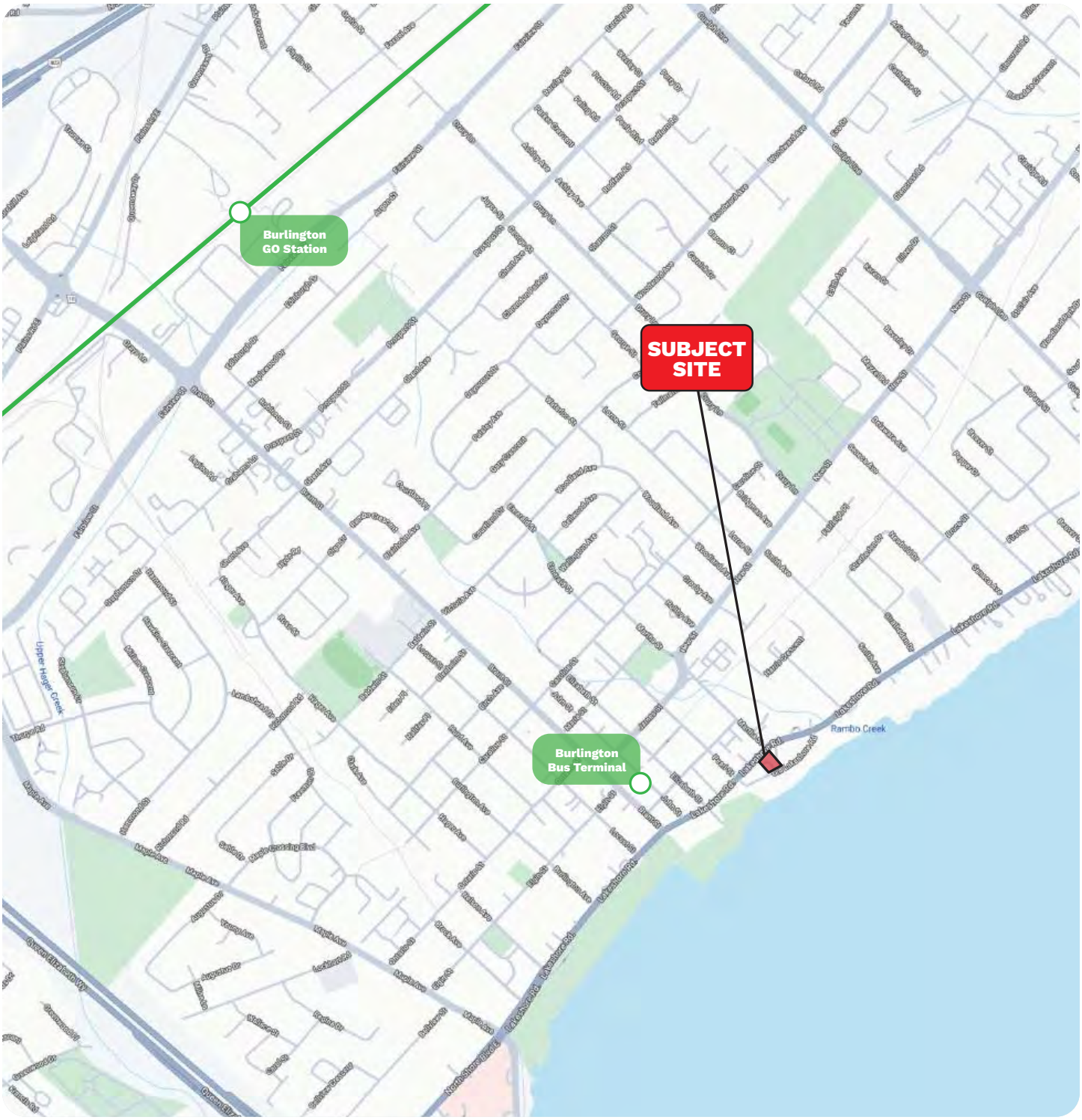


Figure 1 - Site Location Map

2.2 Surroundings

The subject site is located within the City of Burlington's Downtown, an area identified as the City's centre for a variety of social, civic, and commercial activities and which is where a significant portion of the City's future growth is directed to occur, as shown on **Figure 2**. The Downtown has evolved over time and the Official Plan, as amended by Official Plan Amendment 55 in 2006, established a policy framework promoting the evolution of the Downtown into a higher density and transit supportive centre in order to, among other things, promote economic growth, meet provincial growth objectives and to support an increase in transit use. In this regard, the Official Plan establishes eight (8) precincts that includes public lands along the city's waterfront, a major institutional precinct (Hospital lands), low-rise neighbourhood precincts, a Downtown residential precinct, and three precincts that are planned for higher-density mixed use development (Old Lakeshore Road, Downtown Core, and Wellington Square). The subject site is located within one of these precincts, the Old Lakeshore Road Mixed Use Precinct.

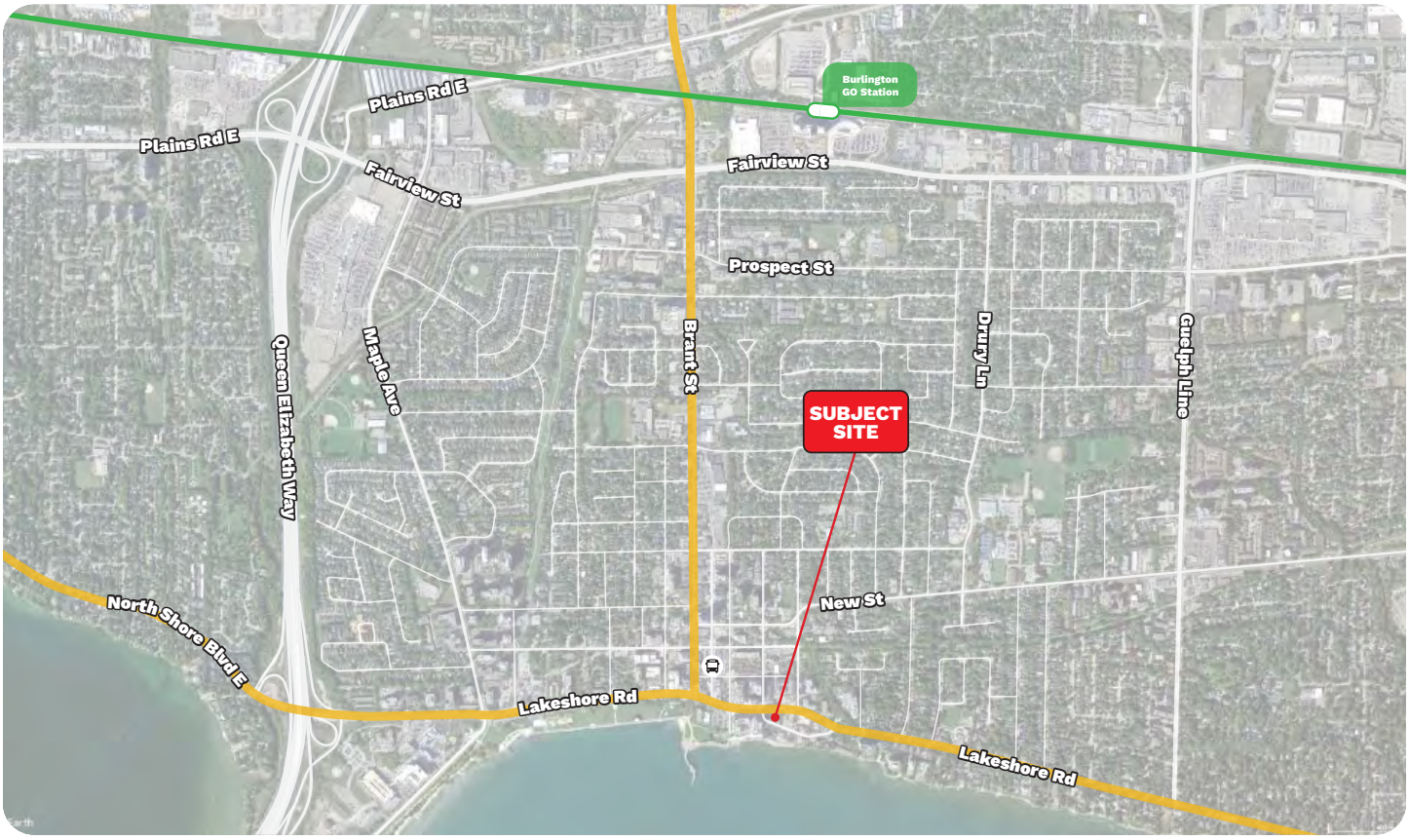


Figure 2 - Area Context Map

The wider Downtown Burlington area includes a variety of high-density mixed uses, including commercial, retail, residential, hotel, and office uses. Downtown Burlington has a character of dense, pedestrian oriented development with high levels of walkability and strong transit access through the Downtown Bus Terminal, located approximately 350 metres to the northwest of the subject site. This area generally consists of mid to high-rise residential and mixed-use buildings, and low-rise commercial buildings along Brant Street from Victoria Avenue/Baldwin Street to Lakeshore Road with more commercial establishments along Lakeshore Road extending mostly from Maple Avenue in the west to Torrance Street to the east. Taller residential apartment buildings and approved developments are located throughout the Downtown Area, with the largest buildings focused along Lakeshore Road between Brant Street and Martha Street immediately surrounding the subject site.

Further beyond Downtown Burlington, Burlington GO Station is located approximately 2 kilometres to the north of the subject site. The QEW, a major provincial freeway, runs through the City of Burlington, looping around Downtown Burlington from Hamilton and Niagara in the southwest towards Oakville and Toronto in the northeast, approximately 1.5 kilometres to the west and 3 kilometres to the north.

Downtown Burlington is generally located in an area with excellent access to commercial amenities, employment uses, and cultural and entertainment facilities. Joseph Brant Hospital is located approximately 1 kilometre to the west along Lakeshore Road. Central Park, which includes a variety of community amenities including a recreation centre, tennis club, curling club, public library, and other services, is located approximately 800 metres to the north. The Central Public School and Burlington Central Secondary School are also located approximately 1 kilometre to the northwest of the subject site. Many more amenities are located within easy access of the subject site.

Spencer Smith Park, which is located just to the southwest the subject site, provides for a linear public park along the Burlington waterfront and includes features such as the Waterfront Trail, the Naval Ships Memorial Monument, the Brant Street Pier, and the Dofasco Waterjet Plaza (splash park), among others. Spencer Smith Park is also home to multiple cultural attractions and activities in the City including the Burlington Sound of Music Festival and Burlington Ribfest, held annually each summer.

The majority of the change that has occurred in the Downtown since the implementation of Official Plan Amendment 55 has happened in the three precincts identified for higher-density mixed use. These three precincts have been the subject of numerous intensification projects, many of which are either built or under construction, as well as the following approved and proposed projects as identified in **Table 1**:

Table 1 - Surrounding Development Activity

Address	Max. Bldg. Height (Storeys)	Precinct	Application Status
Proposed			
2020 Lakeshore Road	35	Wellington Square	Under Appeal, awaiting final decision.
2030 Caroline Street	28	Downtown Core	Under Appeal
2072 Lakeshore Road	19	Old Lakeshore	Under Review
Approved			
535-551 Brant Street	27	Downtown Core	OLT Approved
401,403,405,409,411 & 413 Brant Street 444,448 and 450 John Street 2002 and 2012 James Street	18	Downtown Core	Approved
2085 Pine Street	9	Downtown Core	OLT Approved
441 Maple Avenue	11	Downtown Residential	Approved
2107 Old Lakeshore Road, 2119 Lakeshore Road	27	Old Lakeshore	OLT Approved
2093, 2097 and 2101 Old Lakeshore Road, 2096 and 2100 Lakeshore Road	27	Old Lakeshore	OLT Approved
401-407 Martha Street	14	Downtown Residential	OLT Approved
2082-2090 James Street	13	Downtown Residential	OLT Approved

In addition to the proposed and approved developments identified in **Table 1**, there are a number of existing and under construction mid-rise and tall buildings located throughout the Downtown with heights of up to 29-storeys (under construction). This reinforces our observation that the Downtown is evolving into a more dense and taller built form context and aligns with the applicable planning framework at the provincial, regional and local levels that seek to transition SGAs to transit supportive and complete communities.

In our opinion, the Downtown meets the definition of *complete communities*, which is defined by the PPS as:

> *"means places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations."*

In our opinion, the Downtown meets this definition as it is a mixed use area with a full range of amenities with convenient access to necessities for daily living, including employment uses such as offices and the hospital, commercial facilities including a supermarket, retail stores, restaurants, and personal services, a full range of housing, transportation options including public bus transit, active transportation infrastructure, public streets for personal vehicles, and a significant amount of public service facilities including a Regional Waterfront Park, neighbourhood parks, trails, City Hall and others. In addition, there are a number of cultural and entertainment facilities including the Burlington Art Gallery, The Burlington Performing Arts Centre, etc.

More specifically, the subject site is located at Burlington's waterfront in an area of the Downtown referred to as "Downtown Old Lakeshore". This area is currently comprised of primarily lower scale commercial and residential buildings focused along Old Lakeshore Road. The Old Lakeshore Road Precinct is specifically envisioned for significant intensification within the Official Plan, and as a result a variety of high-density mixed-use developments have been approved and are under construction in the immediate context surrounding the subject site. Because of these developments, the Old Lakeshore Road Precinct is currently in a state of transition, as taller built forms and higher densities are being introduced (**see Figure 2 - Area Context Map** and **Figure 3 – Height Map**). Details regarding the surrounding development applications are provided in section 2.4 of this report.

Specifically, within the Old Lakeshore Precinct, the subject site is located within what is colloquially referred to as the "Old Lakeshore Football", a city block bounded by Lakeshore Road to the north and Old Lakeshore Road to the south, with Old Lakeshore Road connecting to Lakeshore Road to the east and west of the subject site, creating a "football" shaped city block. The "football" block consists of several parcels of land, including the subject site, which sits in the approximate middle of the block. East of the subject site within the block are two approved development applications for two 27-storey residential apartment buildings with retail at grade along Lakeshore Road, and to the west, a current 2-storey commercial building which is subject to an active development application for another mixed-use building with grade-related commercial uses.



Figure 3 - Height Map

2.3 Immediate Surroundings

To the immediate north of the subject site is Lakeshore Road, a minor arterial road. Adjacent to the subject site, Lakeshore Road has one eastbound lane, a central turn lane, one westbound lanes, and sidewalks on both sides of the street.

The north side of Lakeshore Road is currently occupied by two separate construction sites. The eastern construction site, 374 Martha Street, upon completion, will consist of a 26-storey residential apartment building with retail uses at grade along Lakeshore Road. Immediately to the west is 2075 Lakeshore Road, a currently under construction 29-storey residential apartment building with retail uses at grade along Lakeshore Road.

North of these two active construction sites is a complex of 3-storey live-work townhouse blocks. The live-work units feature small retail units along Pearl, Martha, and Pine Streets with residential units above. Beyond lies various commercial, community, and residential uses, including an approved 9-storey residential apartment development at 2085 Pine Street.



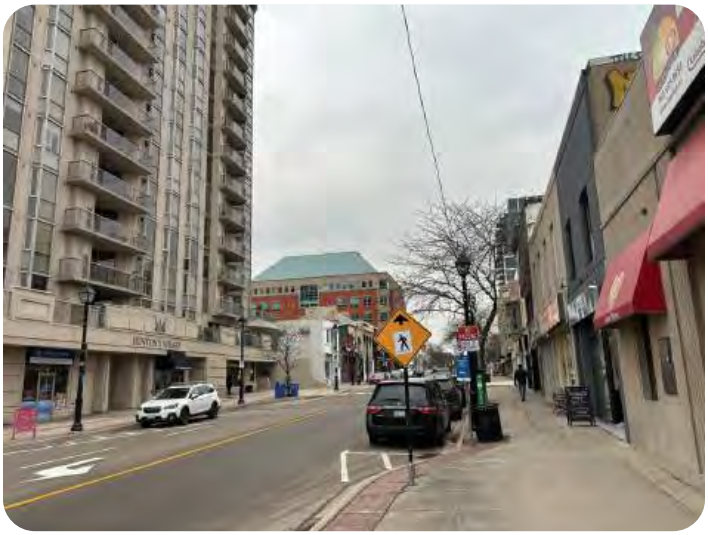
Looking northwest towards the intersection of Lakeshore Road and Martha Street



Looking northeast towards the two under-construction developments on the north side of Lakeshore Road



Looking northwest towards the intersection of Lakeshore Road and Pearl Street



Looking north along Brant Street – the primary commercial street in Downtown Burlington

To the northwest of the subject site, further west along Lakeshore Road, is a series of high-density residential apartment buildings with commercial uses at grade. Specifically, 360 Pine Street is an 18-storey condominium building with retail along Lakeshore Drive at the northwest corner of Pearl Street and Lakeshore Road; 390 Pearl Street is a 14-storey retirement residence with commercial uses at grade along Pearl and Pine Streets, and 399 Elizabeth Street is a 12-storey condominium apartment building with commercial uses at grade along Elizabeth Street. North of these buildings, along the north side of Pine Street, is the Village Square, a collection of 1-3 storey commercial buildings focused around a narrow pedestrian-only area.

Brant Street, the primary commercial street in Downtown Burlington, is located further to the northwest of the subject site and provides a variety of commercial amenities within a short walking distance of the subject site.

To the northeast of the subject site, at the northeast corner of Lakeshore Road and Martha Street, is a 5-storey residential apartment building which frames the intersection. Beyond lies a variety of further residential apartment buildings of up to 15 storeys (360 Torrance Street).

Directly to the west of the subject site is a currently vacant single-storey commercial building at 2072 Lakeshore Road. Bousfields also represents this landowner, who plans to bring forward a separate application for the development of a high-rise residential building with commercial uses at grade. The subject application and 2072 Lakeshore Road application have been coordinated to ensure that building podiums and driveway locations do not conflict between the two properties. West of 2072 Lakeshore is Old Lakeshore Road, which wraps from the south side of the subject site up to meet Lakeshore Road at a signalized intersection shared with Pearl Street to the north.

The west side of Old Lakeshore Road is occupied by a recently completed 22-storey apartment building at 2060 Lakeshore Road, part of a wider mixed-use development which includes hotel, banquet, restaurant, and retail uses in addition to a large public plaza. A 9-storey hotel and residential building is located further east as a part of this development along the south side of Lakeshore Road, framing the public plaza which faces south towards Lake Ontario. Both buildings feature a 2-storey podium along Lakeshore and Old Lakeshore Roads, with 2060 Lakeshore's podium being simulated through the use of balconies which have similar cladding materials to the podium of the western block of the development.

Further west is a large surface parking lot and 6-storey hotel building at 2020 Lakeshore Road, which is subject to an active development application. The application was appealed to the Ontario Land Tribunal, where it is awaiting its final decision. This application proposes a mixed use development of 31- and 36-storeys in height with hotel and retail uses in the podium and at grade along Lakeshore Road. Beyond 2020 Lakeshore Road is Spencer Smith Park, a large regional park along the shores of Lake Ontario.



Looking southeast towards 2072 Lakeshore Road, located immediately to the west of the subject site



Looking west along Lakeshore Road from Pearl Street



Looking southwest at the 2020 Lakeshore Road hotel and parking area

Directly to the south of the subject site is Old Lakeshore Road, a 2-lane local street with curbside parking along the south side of the street, sidewalks on both sides, and a right-of-way width of 20 metres. The south side of the street, at 2076 Old Lakeshore Road, is a 1-2 storey motel with surface parking areas. East of 2076 Old Lakeshore Road and directly south of the subject site, at 2084 Old Lakeshore Road, is a large, 2-storey restaurant formerly occupied by "Emma's Back Porch", and which is currently being renovated for a new commercial tenant. 2084 Old Lakeshore Road is a designated heritage property.

To the east of 2084 Old Lakeshore Road is a surface parking area and a 2-storey heritage office and commercial building. Further east along the south side of Old Lakeshore Road is a series of 2-3 storey commercial and residential buildings which front directly onto Lake Ontario and have associated surface parking areas.

Southwest of the subject site, west of the motel and at the terminus of Pearl Street. is a public pedestrian connection to Spencer Smith Park and Lake Ontario.



Looking south at the pedestrian connection to Spencer Smith Park



Looking south at the existing uses on the south side of Old Lakeshore Road



Looking west along Old Lakeshore Road towards the subject site. 2084 Old Lakeshore Road is to the left

Directly to the east of the subject site is 2096 Lakeshore Road, the site of an approved development application for the construction of a 27-storey residential apartment building with a 6-storey podium and commercial uses at grade along Lakeshore and Old Lakeshore Roads. The approved development notably includes a large urban plaza, secured as a "Privately Owned Public Space" along the subject site's east lot line, directly fronting onto the subject site. 2096 Lakeshore will also retain a heritage-designated, 2-storey, red brick dwelling along Old Lakeshore Road at the southeast corner of its site. Vehicular access is proposed from Lakeshore Road at the northeast corner of the site.

East of 2096 Lakeshore is a second approved 27-storey residential apartment building application, also with commercial uses at grade at 2107 Lakeshore Road. 2107 Lakeshore Road will consist of a 27-storey tower atop a single-storey podium building. The building will generally be triangular in shape, framing the intersection of Lakeshore Road and Old Lakeshore Road to the east, and rounding out the Old Lakeshore "football".

Further east, Lakeshore Road transitions from a dense, urban character to a more residential character with large residential homes and apartment buildings well set back from the street defining the character of the area. Larger apartment buildings of up to 18 storeys in height (2160 Lakeshore Road) line the south side of the street along the shore of Lake Ontario, mixed with low-scale townhouse blocks and detached dwellings, with detached dwellings generally lining the north side of the street.



Looking east towards the adjacent development site at 2096 Lakeshore Road. The development will integrate the existing heritage building and include a POPs space beside the subject site

2.4 Transportation Network

Road Network

The subject site is located along Lakeshore Road, which is identified as a Minor Arterial Road on *Schedule K – Classification of Transportation Facilities (Downtown Area)* in the City's in-force Official Plan (the "Official Plan"). This portion of Lakeshore Road provides a general east-west vehicular connection to other major road corridors, including Brant Street, Maple Avenue, and the Queen Elizabeth Way. Along this portion of Lakeshore Road, the right-of-way consists of one travel lane in both directions and one central turning lane. Sidewalks are located on both sides of the street. It is our understanding that the City of Burlington plans to reconstruct Lakeshore Road in the coming years with new cycling facilities.

Appendix A – Schedule 1 – Long Term Transit Service Network of the City's Official Plan identifies Lakeshore Road as a Primary Bus Service Route. *Appendix A – Schedule 2 – Long Term Cycling Master Plan* in the City's Official Plan also identifies a bike lane along Lakeshore Road (**see Figures 4** and **5**).

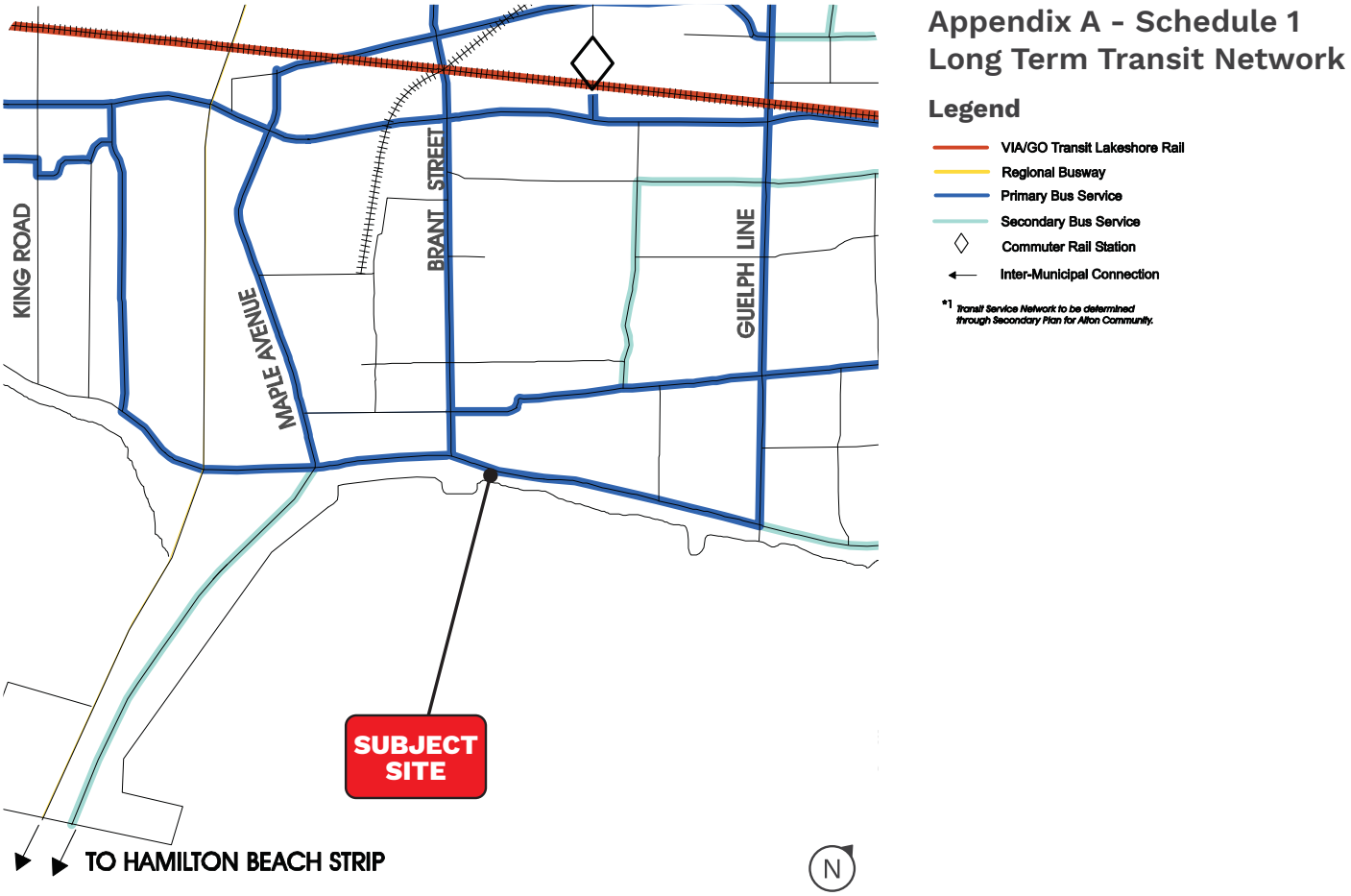


Figure 4 - Burlington Official Plan: Appendix A – Schedule 1 – Long Term Transit Service Network

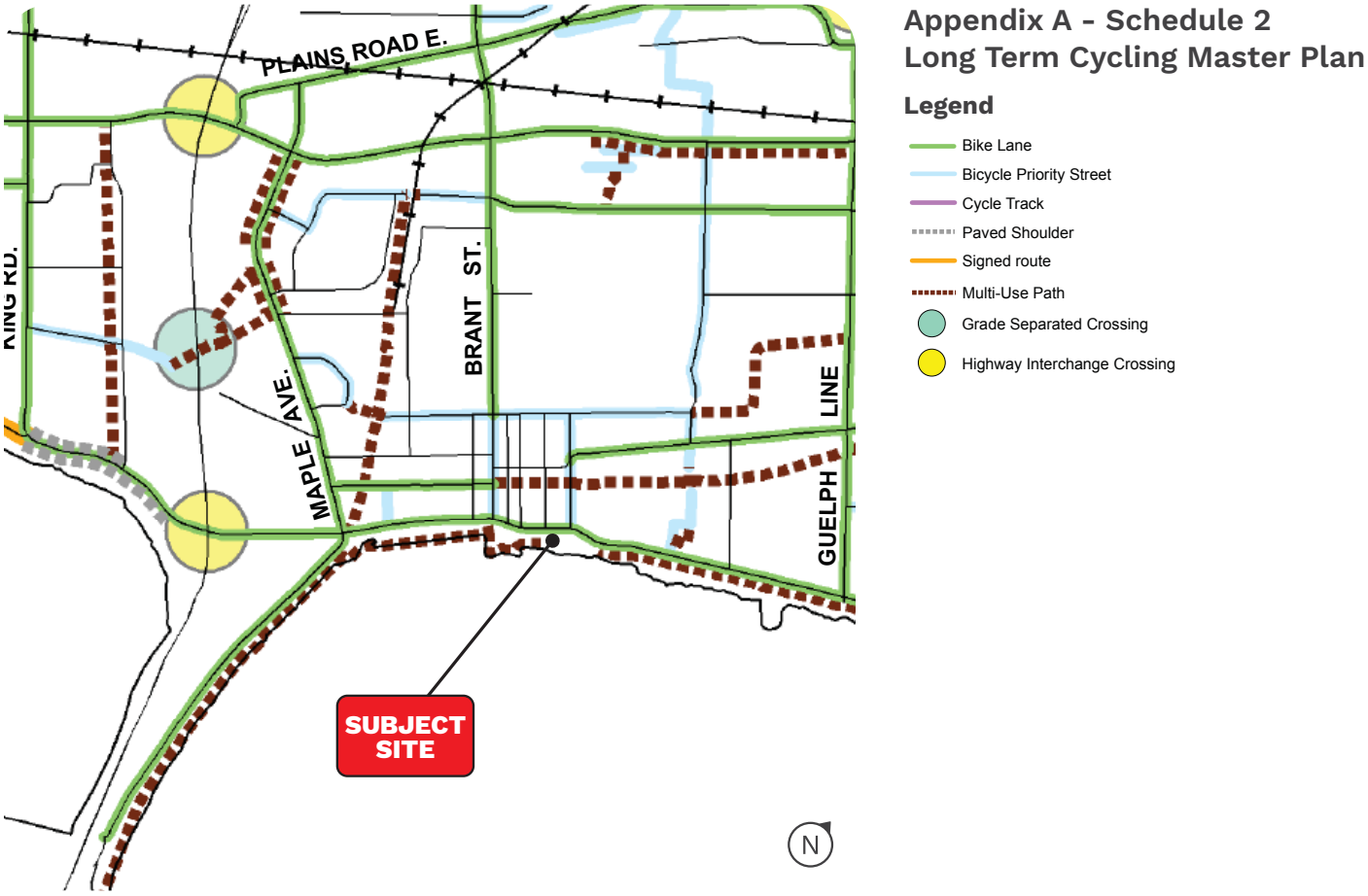


Figure 5 - Burlington Official Plan: Appendix A – Schedule 2 – Long Term Cycling Master Plan

Table 2 – Road Allowance Widths in Part VII (Schedules and Tables) of the City's Official Plan indicates the planned right-of-way ("ROW") width for the entire length of Lakeshore Road is 30 metres. This exceeds the existing right-of-way width of Lakeshore Road, though it has been confirmed through discussions with City Staff that only a 2-metre road widening will be required on the subject site.

The south lot line of the subject site also fronts onto Old Lakeshore Road, identified as a local street on *Schedule K – Classification of Transportation Facilities (Downtown Area)*. Old Lakeshore Road has two lanes of traffic, one in each direction, curbside parking along the south side of the street, and sidewalks on both sides. *Table 2 – Road Allowance Widths* in Part VII (Schedules and Tables) of the City's Official Plan indicates the planned right-of-way ("ROW") width for the entire length of Old Lakeshore Road is 20 metres, which aligns with its existing width. As such, no road widening is required.

Transit Network

The subject site is well serviced with public transit with bus stops along Lakeshore Road in front of the subject site at the corner of Martha Street and Lakeshore Road (Burlington Transit Bus Route 3), and on both sides of the street at the corner of Brant Street and Lakeshore Road (Burlington Transit Bus Routes 4, 10, and 50) to the west of the site. The subject site is also located approximately 400 metres (a 5-minute walk) from the Downtown Burlington Bus Depot on John Street. Burlington Transit bus routes 2, 3, 4, and 10, as well as Hamilton Street Railway Route 11 all have bus stops at the Downtown Burlington Bus Depot which provides services Monday through Friday as well as weekends and Holidays:

- **2 Brant**: Operates every 20 minutes in a north-south direction to the 407 GO Station.
- **3 Guelph-Downtown**: Operates every 20 minutes in northwest and southeast along Guelph Line from John Street (Downtown Terminal) along Lakeshore Road to Dundas Street and the Highway 407 GO Station.
- **4 Central**: Operates every 30 minutes generally east and west between the Aldershot GO Station on Waterdown Road and the Appleby GO Station off of Fairview Street, with the Downtown Terminal acting as the hub along the route.
- **10 Maple**: Operates every 15 minutes east and west along New Street from the Appleby GO Station off of Fairview Street to the Burlington GO Station also off of Fairview Street, with stops at the Downtown Terminal along the way.
- **Hamilton Street Railway 11 Parkdale**: Operates every 30 minutes and provides connections to the City of Hamilton along Beach Boulevard.

These bus routes provide travel in north, east, south, and west directions and provide connections to multiple GO Stations including Aldershot, Burlington, and Appleby GO as well as the 407 GO carpool parking lot. Further to the bus routes provided at the Downtown Bus Terminal, Burlington Transit provides additional bus route connections at all GO Stations that provide more local transit options as well as offers regional train and bus services south to Niagara Falls and east to Toronto's Union Station.

The Provincial Planning Statement defines "frequent transit" as "a public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week". In this respect, the site is located in proximity to both a variety of bus routes with connections to 3 GO Stations, each of which offer service every 15-30 minutes every day.

In addition to the foregoing, Section 5.5.15 of Part III of the Official Plan provides transit policies for the Downtown. These policies promote the use of transit in order to reduce traffic, parking, congestion and air pollution by providing increased levels of service and encouraging transit-supportive land use planning (5.5.15 a). They also seek to direct Council to pursue methods to increase the modal split for transit in the Downtown (5.5.15 b), require development applications in the Downtown to support and encourage the efficient and effective use of transit services (5.5.15 c), support the Downtown Bus terminal as a hub of the City's Transit Network (5.5.15 d), and require Council to explore increased service coordination and integration within the Downtown and between the Downtown Bus Terminal and other commuter rail stations (5.5.15 e). In this regard, it is our opinion that there is clear Official Plan policy direction to develop the Downtown in a transit supportive form to increase the modal split for transit and improve transit connectivity to the Downtown Bus Terminal.



Routes

1	Plains	11	Sutton - Alton
101	Plains Express	12	Upper Middle
2	Brant	25	Walkers
3	Guelph - Downtown	48	Millcroft
4	Central	80	Harvester
6	Headon - Haber	81	North Service
10	New - Maple	87	North Service - Aldershot

Figure 6 - Burlington Transit Map

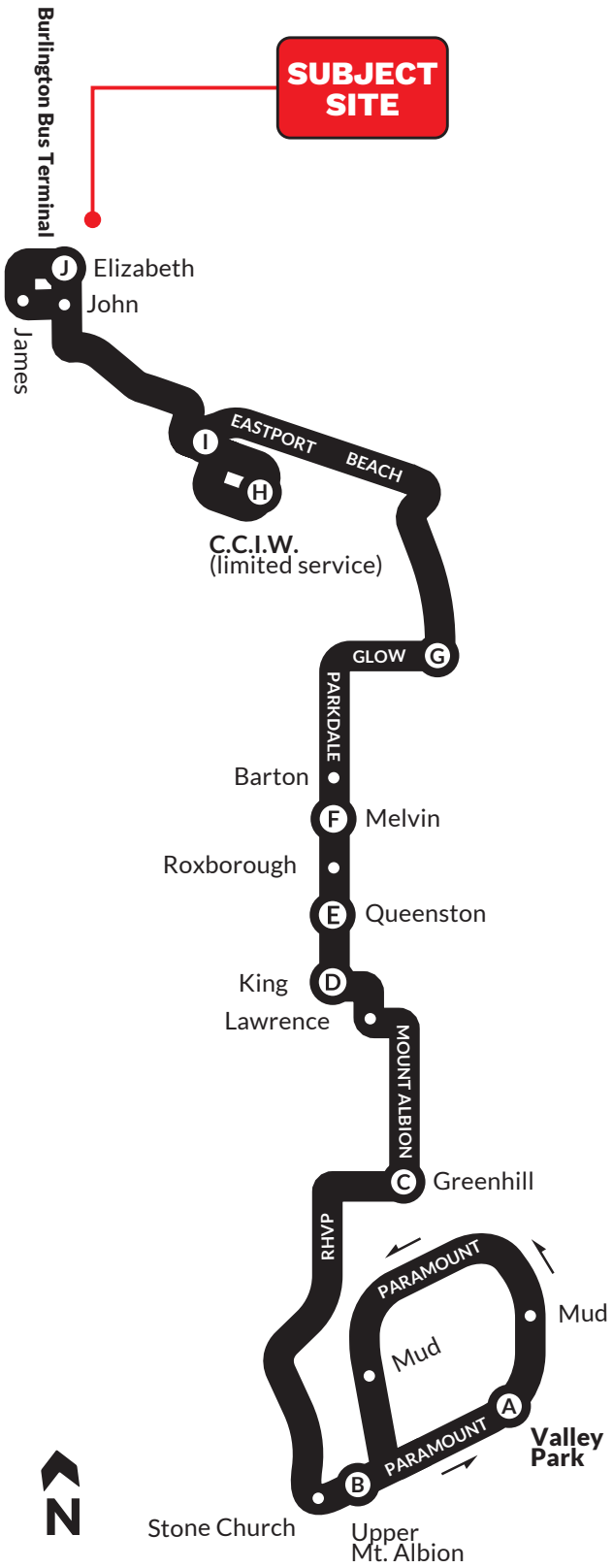


Figure 7 - HSR Bus Route 11 – Valley Park/Parkdale Route Map



3 Proposal

3.1 Description of Proposal

The proposed development will create a distinctive new 27-storey building with a strong, classical architectural expression. The proposed building would feature commercial uses fronting onto the adjacent approved "Privately Owned Public Space" ("POPS"), enhance the public realm along Lakeshore Road with new commercial retail units, and create an attractive, architecturally appealing drop off area along Old Lakeshore road which appropriately accommodates off-street loading and drop-off activities for the building. At the proposed heights and densities, the building would also provide a compact built form that is transit supportive and pedestrian oriented and which fits within the existing and approved context, which ranges from low-rise/low density to high-rise/high-density.

The proposal would involve the construction of a 27-storey (plus rooftop mechanical penthouse) mixed-use building accommodating 196 residential units, with a total gross floor area of 21,367.53 square metres (see **Figure 8**). On the ground floor of the building, 418.27 square metres of commercial space is proposed. The resulting density is approximately 10.93 Floor Area Ratio (FAR). The proposed building height is 88.15 metres to the roof of the building, and 93.15 metres to the top of the mechanical penthouse.

The proposal would include 5-levels of underground parking, with 210 residential parking spaces, an effective ratio of 1.07 spaces per residential unit. At grade, the parking will be accessed via a ramp accessed from Old Lakeshore Road. A single loading space is also proposed immediately adjacent to the parking garage ramp, accessed from Old Lakeshore Road, as well as a covered porte-cochere drop off facility. Pedestrian entrances to the retail unit(s) are proposed from Lakeshore and Old Lakeshore Roads, while the residential lobby is accessed from both Lakeshore and Lakeshore Roads.

The overall massing of the building would include a 2-storey lower podium, a 3-storey upper podium, and a 22-storey tower element for a total height of 27-storeys plus mechanical penthouse.

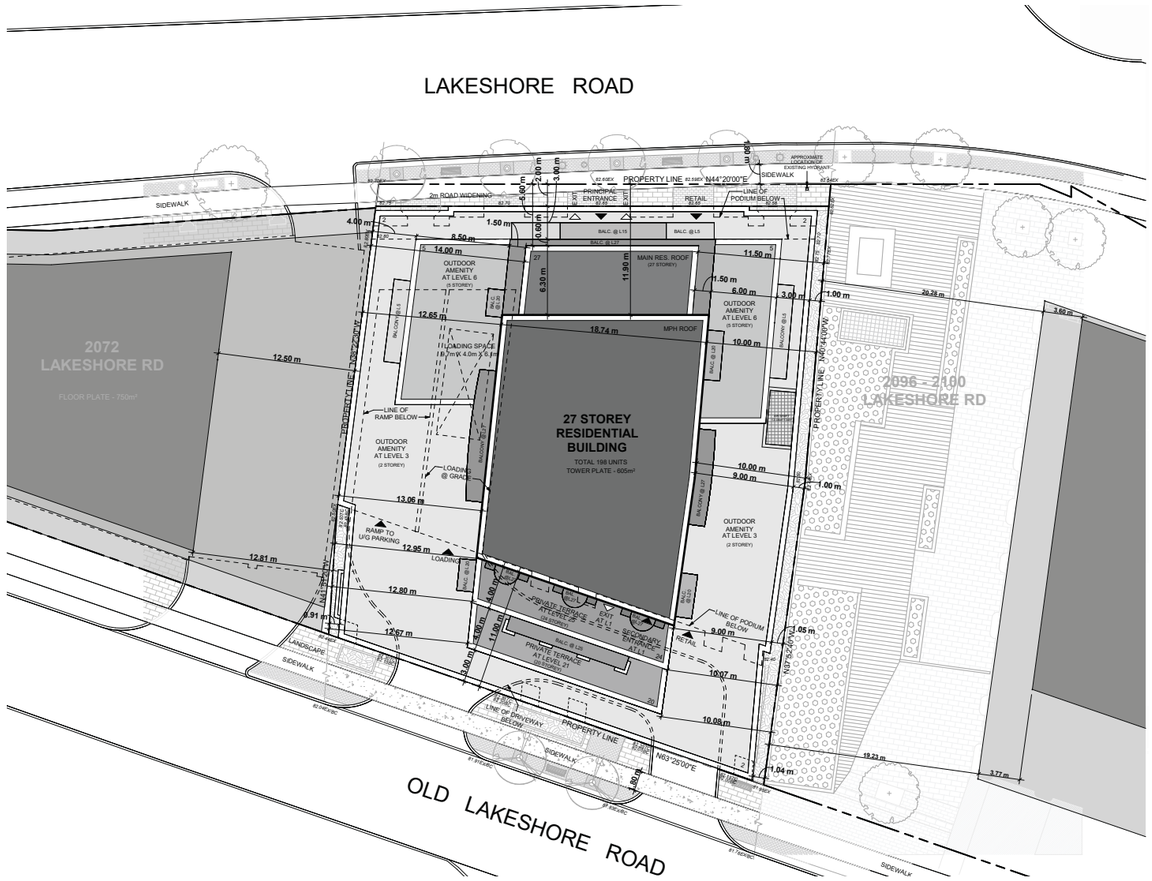


Figure 8 - Site Plan (Prepared by Kirkor Architects and Planners)

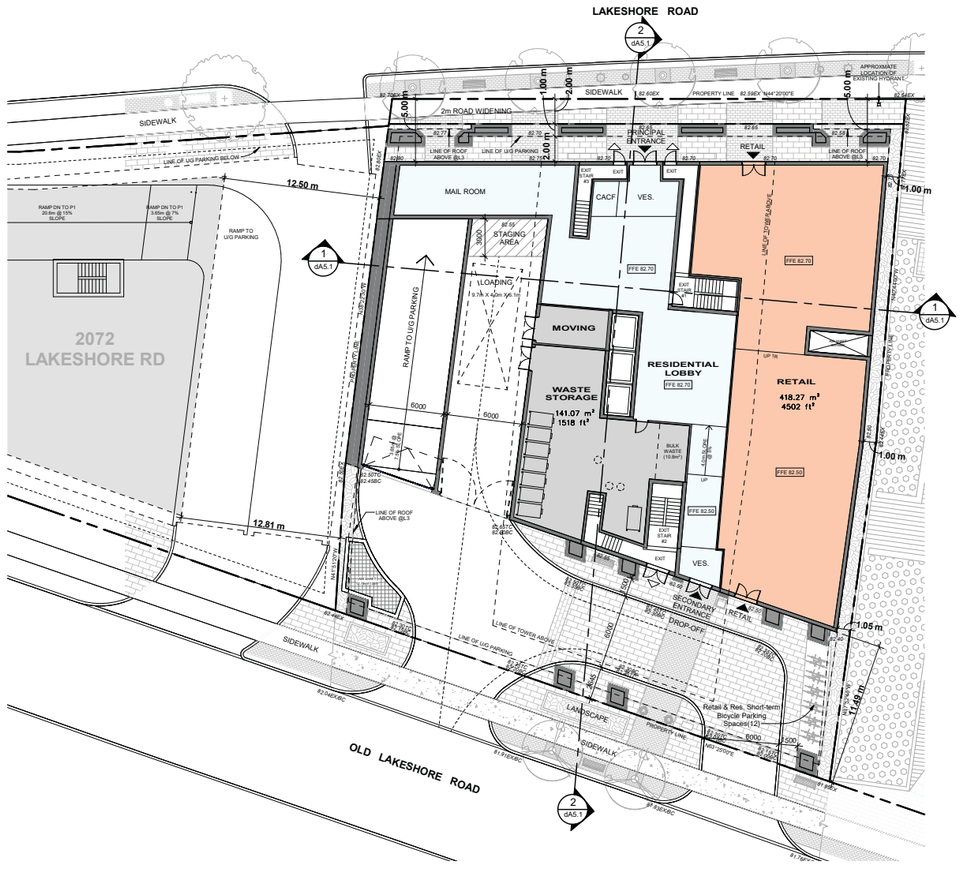


Figure 9 - Ground Floor Plan (Prepared by Kirkor Architects and Planners)

Base Building

The base building consists of a 2-storey lower podium that includes commercial space on the ground floor and storage lockers on the second floor. The ground floor includes a large commercial retail space that occupies the eastern half of the ground floor with active frontage at the corner of Lakeshore Road and the approved POPS to the east. The residential lobby is located in the centre of the ground floor and is accessed from both Lakeshore and Old Lakeshore Roads. The remainder of the ground floor is utilized for the building's operational requirements (elevators, stairs, loading, garbage, mail, short term bicycle storage, etc.) and vehicular and loading access, which are fully enclosed.

The lower podium includes a covered colonnade along Lakeshore Road, with the colonnade set back 0 metres from a provided 2.0 metre road widening Within the colonnade, the building is proposed to be set back 3 metres from the lot line. Along the east lot line, the podium is generally set back 1 metre to provide a landscaped area between the proposed development and the adjacent POPS space. Along Old Lakeshore Road, the proposed porte-cochere extends right to the property line, with the proposed architectural articulation creating a sheltered experience within the porte-cochere and which effectively simulates a street wall along the street. The west lot line features a 0-metre setback to create an urban street frontage and create a continuous street wall between the subject site and 2072 Lakeshore Road.

On level 3, interior amenity space is proposed across the entire floor plate. The third level features significant step backs from the two levels below, including a minimum step back of 3 metres along both Lakeshore and Old Lakeshore Roads. A 4-metre setback is proposed from the west, ensuring a minimum separation distance of 16.5 metres from the adjacent tower floorplate of 2072 Lakeshore Road, as well as a 3 metre step back along the east lot line. Along Lakeshore Road, the floorplate forms a "T" shape to provide a taller podium element along the street, which extends up to the 5th floor. These step backs create the opportunity for a significant amount of outdoor amenity area atop the lower podium and serves to transition podium heights from 1-2 storeys to the west to the 6 storeys approved to the east. Levels 4 and 5 round out the upper podium element, including 11 residential units on each floor.

Tower

The tower component of the proposal includes a 22-storey tower component above the 5-storey base building. The tower is generally rectangular in shape and features various step backs on its uppermost level to reduce the visual impact of the tower element and creating a distinctive architectural design. The tower would be set back a minimum of 3 metres from the podium (including the porte-cochere and colonnade) along both Lakeshore and Old Lakeshore Roads, as well as feature a minimum setback of 12.5 metres along the west lot line and 10 metres along the east lot line. A minimum tower separation distance of 25 metres from 2072 Lakeshore Road and 33.88 metres from 2096 Lakeshore Road is provided.

Building Top

The proposed building tower introduces several building step backs on the uppermost levels to reduce the building mass and create a recognizable, architecturally attractive building top. This includes a 4 metre step back along the south elevation above the 20th storey as well as an additional 4 metre step back above the 24th storey, creating a net 8 metre step back from the podium for levels 25-27 and the mechanical penthouse. Along Lakeshore Road, a 0.6 metre step back is proposed for the 27th storey, which wraps around to the east and west elevations with 1.55 metre step backs, extending southwards 9.9 metres. This step back meets the 27th level at this point, whereby the mechanical penthouse extends above, creating a multi-stepped massing

along the northern portion of the tower. The mechanical penthouse then extends 5 metres above the 27th floor, with a differentiated architectural expression, creating an attractive and fully enclosed mechanical space.

Unit Distribution And Amenity Space

The development proposes a total of 196 residential units with a mix of unit types including: 40 one-bedroom units (20%), 36 one- bedroom plus den units (18%), and 120 two- bedroom units (61%).

In addition, the proposal provides 1,236 square metres of communal indoor amenity space on the third and sixth levels of the building. Both floors would have access to a combined 951 square metres of outdoor amenity space on the podium rooftops, as identified in **Table 2** below. In addition to the communal amenity areas, 872 square metres of private balcony and terrace spaces are proposed for residents, resulting in a total amenity area of 4,080 square metres for the entire building, or a ratio of 20.81 square metres per unit, exceeding the requirements of the Zoning By-law.

Table 2 - Amenity Areas

Amenity Type	Area
Indoor Amenity	
Third Floor	*894.55 m²*
Sixth Floor	*341.51 m²*
Total	1236.06 m²
Outdoor Amenity	
Third Floor	*748.58 m²*
Sixth Floor	*202.73 m²*
Total	951.31 m²
Private Terraces	176.80 m²
Private Balconies	695.55 m²
Total	**4,080.63 m²**

Access, Parking, And Loading

A total of 210 parking spaces are proposed for the development which will be provided through 5 levels of underground parking. 196 spaces would be provided for building residents (1.0 spaces/unit), while 14 spaces (0.07 spaces/unit) would be provided for visitors. In addition, 112 bicycle parking spaces are proposed, including 100 long-term residential spaces within parking levels P2 and P3, and 12 short term residential spaces on the ground level, 2 for the commercial component of the development, and the remaining 10 for the residential component.

Access to the below-ground parking levels would be provided via a parking ramp from Old Lakeshore Road along the western lot line. Immediately adjacent to the parking ramp is the proposed dedicated loading space, which would also be accessed from Old Lakeshore Road. To the east of these two areas, a proposed vehicular drop-off area is proposed underneath the porte-cochere, accessed via second curb cut on the eastern side of the site and connecting to the driveway to the loading area and parking ramp.

At grade, the proposal also includes streetscape improvements along the sites two street frontages, including an enhanced marketing zone within the ground floor setback area within the colonnade along Lakeshore Road, a clear path walkway zone, and a furniture and edge zone that will include street trees, enhanced plantings and furniture.

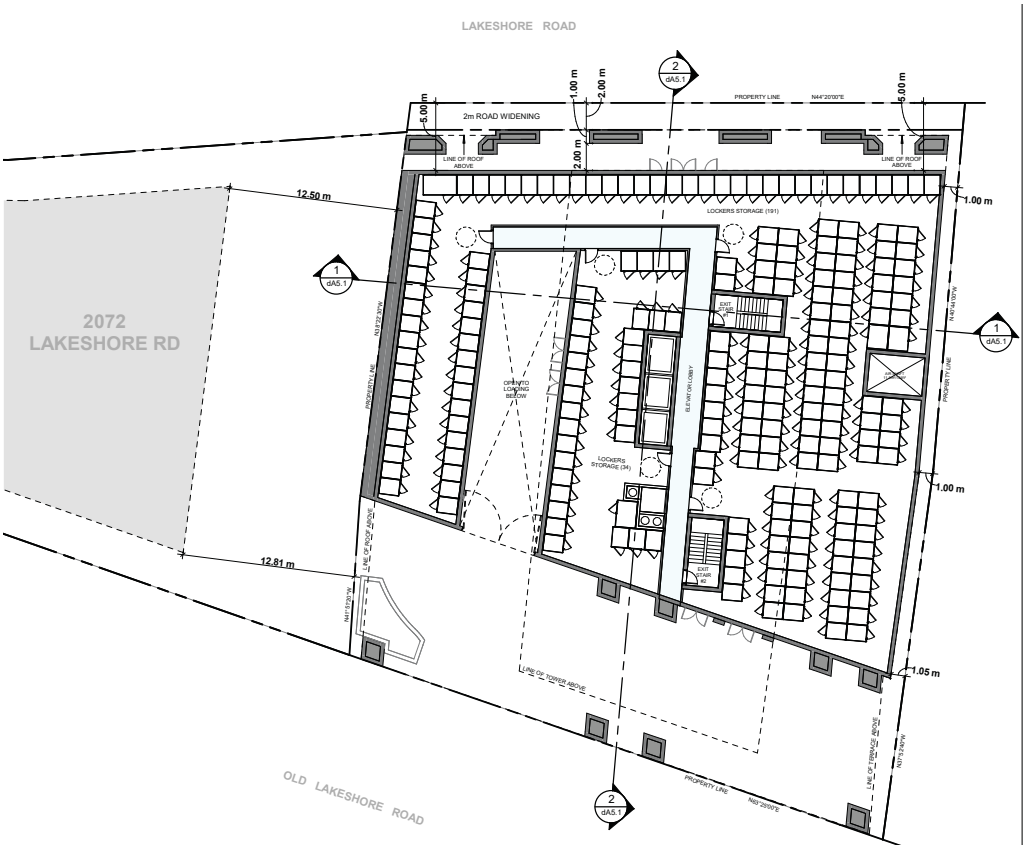


Figure 10 - Level 2 (Prepared by Kirkor Architects and Planners)

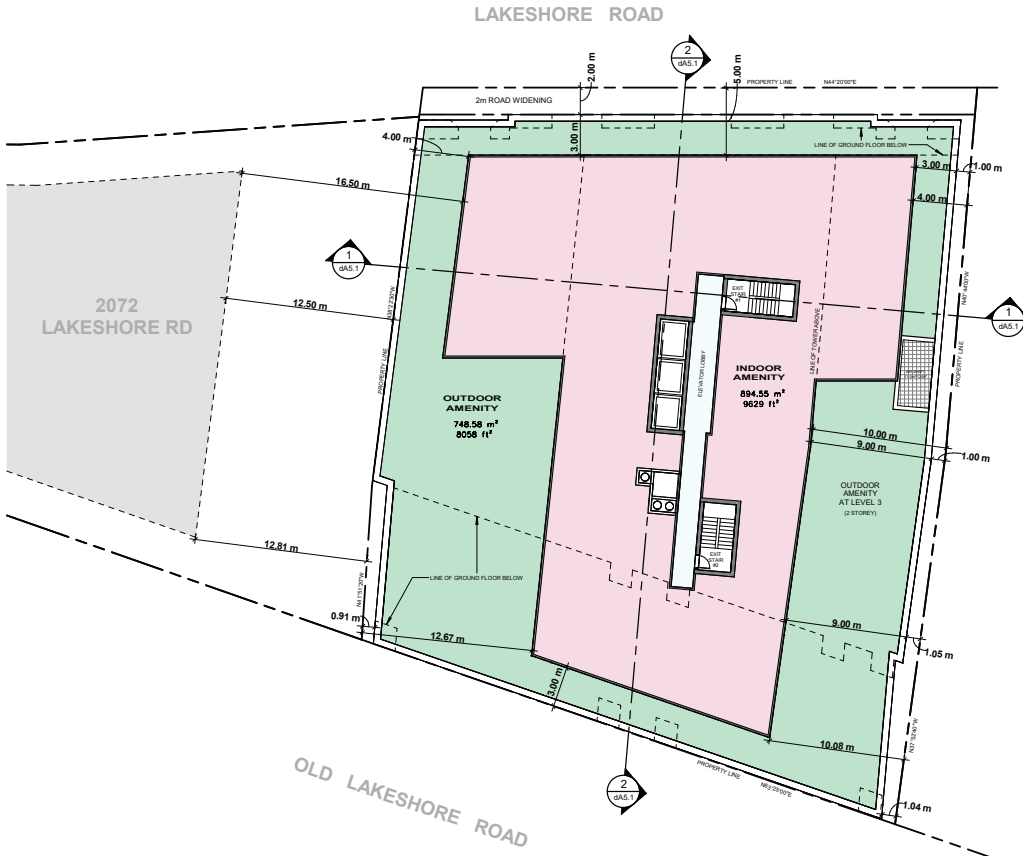


Figure 11 - Level 3 (Prepared by Kirkor Architects and Planners)



Figure 12 - Level 4-5 (Prepared by Kirkor Architects and Planners)

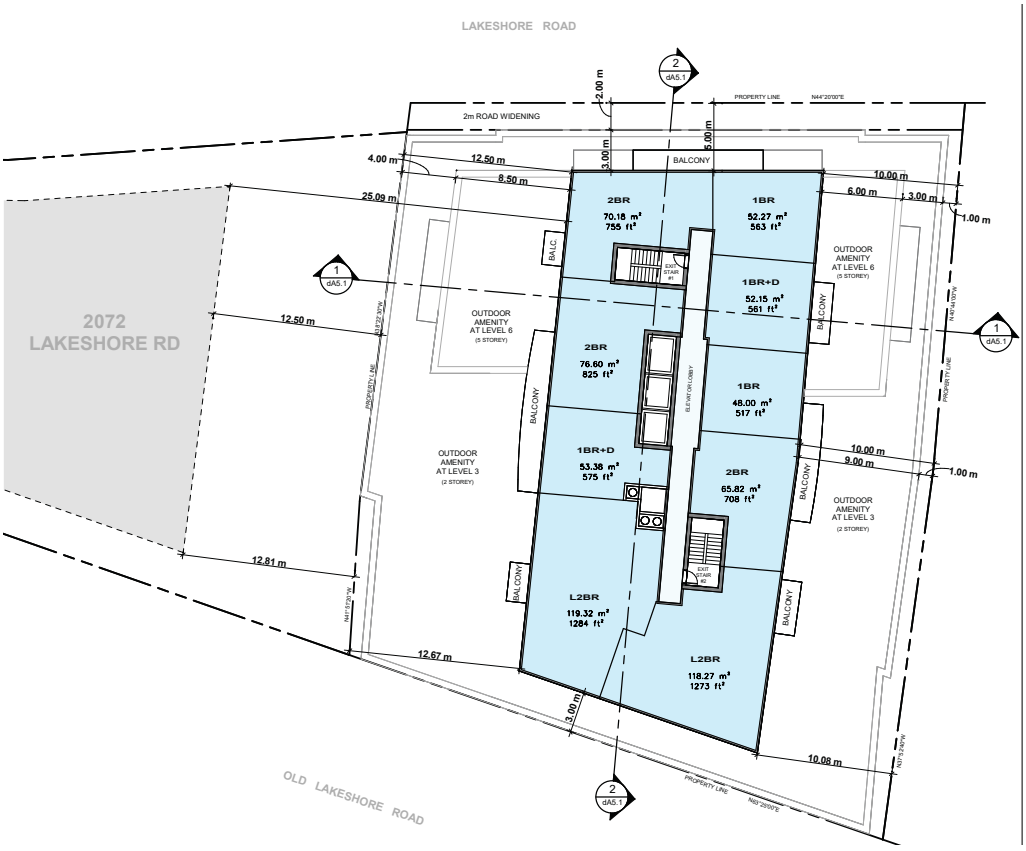


Figure 13 - Typical Tower Floorplan (Prepared by Kirkor Architects and Planners)

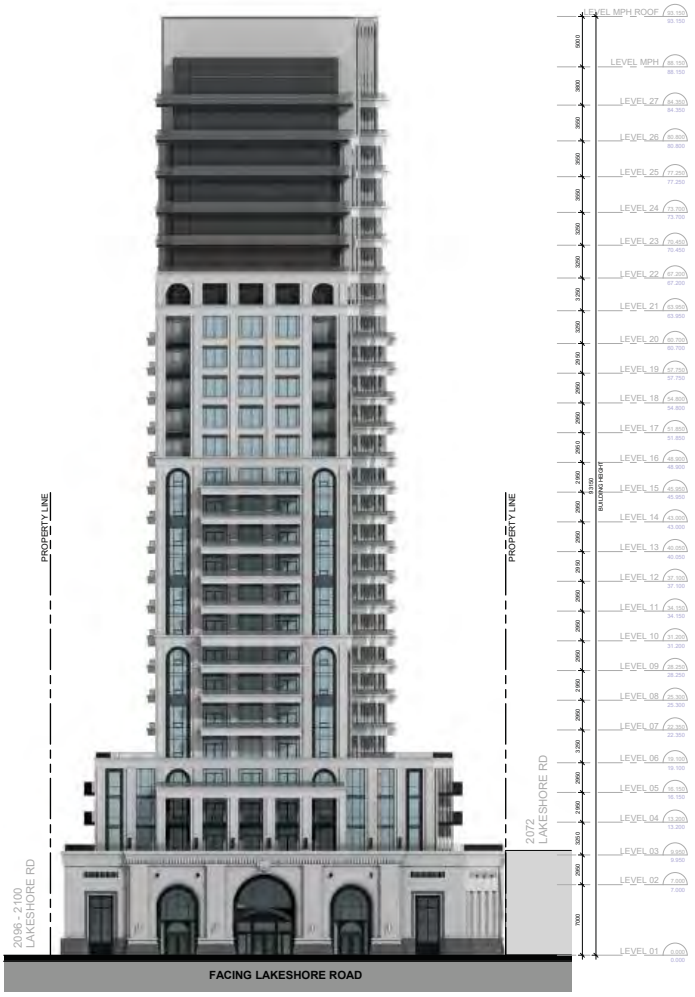
Figure 14 - Elevations (Prepared by Kirkor Architects and Planners)



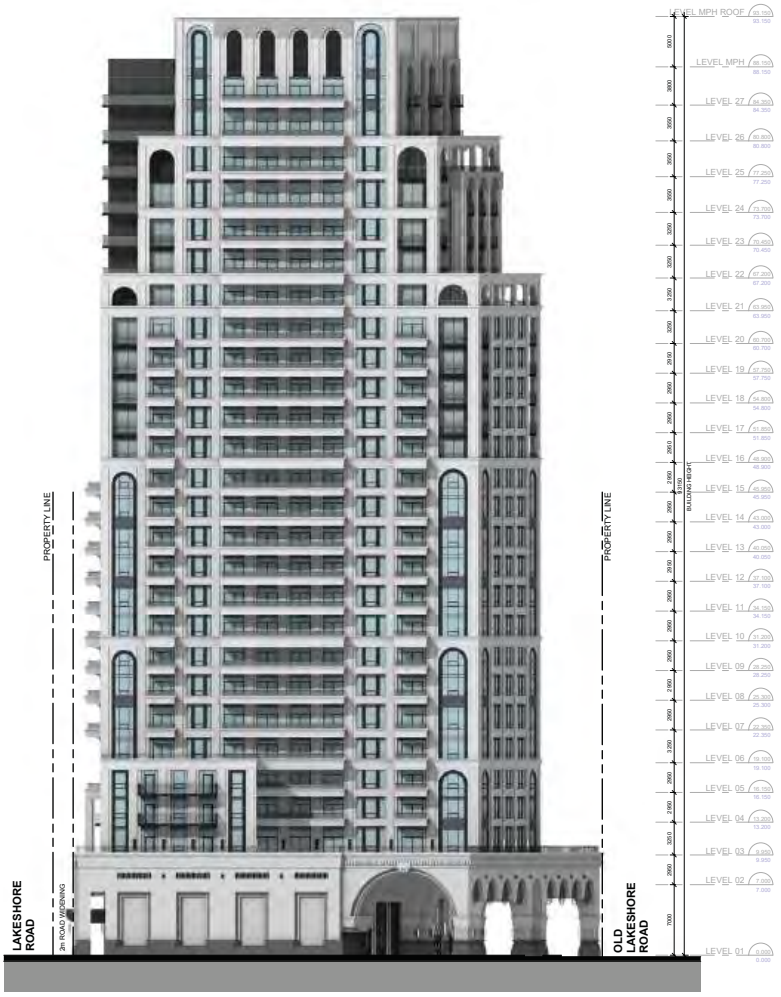
1 South Elevation
Scale: 1 : 200



2 East Elevation
Scale: 1 : 200



1 North Elevation
Scale: 1 : 200



2 West Elevation
Scale: 1 : 200

3.2 Key Statistics

Site Area	1,994 square metres (0.20 ha)
Total GFA	21,367.53 square metres
FAR (Floor Area Ratio)	10.93
Building Height *Including mechanical penthouse*	88.15 metres *93.15 metres*
Residential Units *1-Bedroom* *1-Bedroom+Den* *2-Bedroom*	196 *40 (20%)* *36 (18%)* *120 (61%)*
Units Per Hectare	983
Amenity Space	4,080 sq. m. (including balconies and terraces) 20.81 sq. m. per unit
Vehicle/Bicycle Parking	196 resident vehicle parking spaces 14 visitor vehicle parking spaces 112 bicycle parking spaces

3.3 Required Approvals

In our opinion, the proposed development is consistent with the Provincial Planning Statement and Region of Halton Official Plan, particularly the policies that provide strong support for intensification in Strategic Growth Areas ("**SGA**"s). It is also our opinion that the proposal conforms with and maintains the intent of the Official Plan, with the exception of Policy 5.5.7.2 c), which sets out maximum heights and densities for the subject site. Accordingly, the proposal requires a site-specific amendment to the Official Plan to accommodate the increased height and density of the proposal over that which is currently permitted.

A site-specific amendment is also required to the City of Burlington Zoning By-law 2020, as amended, to accommodate the proposed height and density and to revise other development standards as necessary in order to accommodate the proposal.



4 Policy Context

4.1 Overview

As set out below, the redevelopment proposal is supportive of numerous policy directions set out in the Provincial Planning Statement, Region of Halton Official Plan, and the Official Plan, all of which promote the efficient use of land and infrastructure within built-up areas, especially in SGAs and Downtown Burlington.

4.2 Provincial Planning Statement (2024)

On August 20, 2024, the Ministry of Municipal Affairs and Housing released the Provincial Planning Statement (the "PPS"), which came into effect on October 20, 2024. The PPS replaces the Provincial Policy Statement (2020) as well as the Growth Plan for the Greater Golden Horseshoe (2019).

The PPS provides policy direction on matters of Provincial interest related to land use planning and development and applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024. In accordance with Section 3(5) of the *Planning Act*, all decisions that affect a planning matter are required to be consistent with the PPS. In this regard, Policy 6.1 provides that the PPS "shall be read in its entirety and all relevant policies are to be applied to each situation".

As compared with the Provincial Policy Statement (2020) and Growth Plan for the Greater Golden Horseshoe (2019), the PPS is intended to reduce and streamline planning rules, simplify approvals to build homes and eliminate duplication between planning documents. It emphasizes flexibility, with the intent of helping get more homes built across the province, while continuing to protect agricultural lands, cultural heritage and natural areas.

Chapter 1 of the PPS sets out the Province's current vision for Ontario, emphasizing the importance of building housing to serve a fast-growing province:

> *"More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031. Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come."*

Chapter 1 goes on to describe Ontario's land use planning framework, stating that this framework and the decisions that are made within it:

> *"...shape how our communities grow and prosper. Prioritizing compact and transit-supportive design, where locally appropriate, and optimizing investments in infrastructure and public service facilities will support convenient access to housing, quality employment, services and recreation for all Ontarians." (our emphasis)*

One of the key policy directions that continues to be expressed in the PPS is to build complete communities with a mix of housing options and promoting efficient development and land use patterns.

With regards to population projections, Policy 2.1.1 of the PPS identifies that planning authorities shall base population and growth forecasts on projections published by the Ministry of Finance, and may modify, as appropriate. To that end, the Ministry of Finance projects that the Region of Halton will reach a population of 735,000 in 2031

and 980,000 in 2051. This represents a slight decrease over the projections previously required by the Province for the Region of Halton to plan for as set out in the Growth Plan for the Greater Golden Horseshoe, which projected a population of 1.1 million by 2051. Even with the slight reduction in overall growth anticipated for the Region of Halton however, when compared to the 2023 population estimate of 642,000, the updated projections represent a substantial increase in population for the region of over 52% over the next 28 years, among the fastest growing regions in the province.

Policy 2.1.6 of the PPS provides that planning authorities should support the achievement of complete communities by, among other things, accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses, recreation, parks and open space, and other uses to meet long-term needs.

With respect to housing, Policy 2.2.1(a) provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households.

Policy 2.2.1(b) provides that this should also be done by permitting and facilitating all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, and all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with Policy 2.3.1.3 (see below).

Further, Policy 2.2.1 (i) and (d) direct that an appropriate range and mix of housing options and densities is provided by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation, and by requiring transit-supportive development and prioritizing intensification in proximity to transit.

Section 2.3 contains policies related to Settlement Areas. As it relates to the subject site, Policy 2.3.1.1 directs that settlement areas shall be the focus of growth and development, and that within settlement areas, growth should be focused in, where applicable, "strategic growth areas", including "major transit station areas". While the subject site is not within a delineated "major transit station area", it would meet the definition of a "strategic growth area" as discussed below. Policy 2.3.1.2 goes on to state that land use patterns within settlement areas should be based on densities and a mix of land uses which: efficiently use land and resources; optimize existing and planned infrastructure and public service facilities; support active transportation; are transit-supportive, as appropriate; and are freight-supportive.

Policy 2.3.1.3 directs planning authorities to support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

Section 2.4 includes policies related to "strategic growth areas", which are relevant to the subject site. With respect to strategic growth areas, these are defined as nodes, corridors, and other areas within settlement areas that have been identified by municipalities to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include, among other things, major transit station areas, existing and emerging downtowns, and other

areas where growth or development will be focused. In the case of the subject site, it is located within Downtown Burlington, the existing downtown for the City and an area identified in both the City of Burlington and Region of Halton Official Plans as a location for intensification and growth.

Policy 2.4.1.1 encourages planning authorities to identify and focus growth and development in strategic growth areas. Policy 2.4.1.2 directs that, to support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned: to accommodate significant population and employment growth; as focal areas for education, commercial, recreational, and cultural uses; to accommodate and support the transit network and provide connection points for inter-and intra-regional transit; and to support affordable, accessible, and equitable housing.

Policy 2.4.1.3 provides that planning authorities should, among other things, identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas, and permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form.

Section 2.9 of the PPS addresses energy conservation, air quality and climate change. Policy 2.9.1 directs planning authorities to plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that: support the achievement of compact, transit-supportive, and complete communities; incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities; support energy conservation and efficiency; promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

Chapter 3 includes policies related to infrastructure and facilities. Generally, the infrastructure policies set out in Chapter 3, like those in Chapter 3 of the Growth Plan, place emphasis on the need to integrate land use planning and investment in both infrastructure and transportation.

Policy 3.1.1 provides that infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs, and that planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are financially viable over their life cycle, leverage the capacity of development proponents, where appropriate, and are available to meet current and projected needs.

The need to make good use of existing infrastructure is emphasized by Policy 3.1.2, which provides that, before consideration is given to developing new infrastructure and public service facilities, the use of existing infrastructure and public service facilities should be optimized, and opportunities for adaptive re-use should be considered, wherever feasible.

With respect to implementation, Policy 6.1.6 requires that planning authorities keep their zoning by-laws up-to-date with their official plans and the PPS by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development. Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the PPS, or before other applicable planning instruments have been updated accordingly, Policy 6.1.7 directs that it must still make a decision that is consistent with the PPS.

For the reasons set out in Section 5 of this report, it is our opinion that the proposed development and the requested Official Plan Amendment and Zoning By-law Amendment are consistent with the PPS, specifically the policies relating to residential intensification and the efficient use of land and infrastructure.

4.3 Halton Regional Official Plan (May 2024 Office Consolidation)

The Halton Region Official Plan ("ROP") was adopted by Regional Council on March 30, 1994, and approved, with modifications, by the Minister of Municipal Affairs and Housing ("MMAH") on November 27, 1995. Between 2006 and 2009, the Region undertook a planning exercise called Sustainable Halton which resulted in the adoption of Regional Official Plan Amendment 38 on December 16, 2009. Regional Council subsequently adopted Regional Official Plan Amendment 48 ("ROPA 48") on July 7, 2021, which was approved by the MMAH on November 10, 2021, further updating the plan to identify a hierarchy of SGAs in the Regional Official Plan to accommodate population and job growth to 2051, as required by the Growth Plan. An additional amendment, Regional Official Plan Amendment 49 ("ROPA 49"), which was modified and brought into full force and effect on November 4, 2022 by the MMAH, brought further changes to the ROP with regards to accommodating growth to 2051.

Following the approval of ROPA 49 in November of 2022, the MMAH introduced the *Official Plan Adjustments Act, 2023* and subsequently the *Get it Done Act, 2024*. The two acts modified the approval of ROPA 49 as of November 4, 2022, rolling back many of the modifications made by the MMAH as a part of the approval in a manner so as the modifications are deemed to never have occurred. Several adjustments made by the MMAH remain within ROPA 49, and the revisions to the ROP which occurred as a part of the *Official Plan Amendments Act, 2023* and *Get it Done Act, 2024* do not result in substantial revisions to policies which relate to the subject site and proposed development.

On July 1, 2024, through changes to the *Planning Act*, the MMAH identified the Region of Halton as an "upper-tier municipality without planning responsibilities". As a result, the ROP is no longer an official plan for the Regional Municipality of Halton. Instead, it has been deemed an official plan of each of the lower-tier municipalities in Halton, until it is revoked or amended by the respective municipality. As such, the ROP continues to be in-force policy but has transferred its administration to the City of Burlington. It is anticipated that the policies of the plan will eventually be integrated in the City of Burlington Official Plan through the City's Official Plan review process.

Part II, Policy 31 provides Halton's planning vision for a healthy community. Policy 31(3) states that a healthy community is one that is physically designed to minimize the stress of daily living and meet the life-long needs of its residents; (4) where a full range of housing, employment, social, health, educational, recreational and cultural opportunities are accessible for all segments of the community; and, (5) where mobility is provided primarily through an affordable, convenient, safe and efficient public transportation system and non-motorized travel modes.

Map 1 (Regional Structure) of the ROP identifies the subject site as within the Urban Area and Built Boundary (see **Figure 15**). Policy 72 of Part III of the ROP sets out a series of objectives for the Urban Area, including:

- 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 (1);
- 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 (2);
- 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 (3);
- 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 (5);
- 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 (7); and
- to facilitate and promote intensification and increased densities (9).

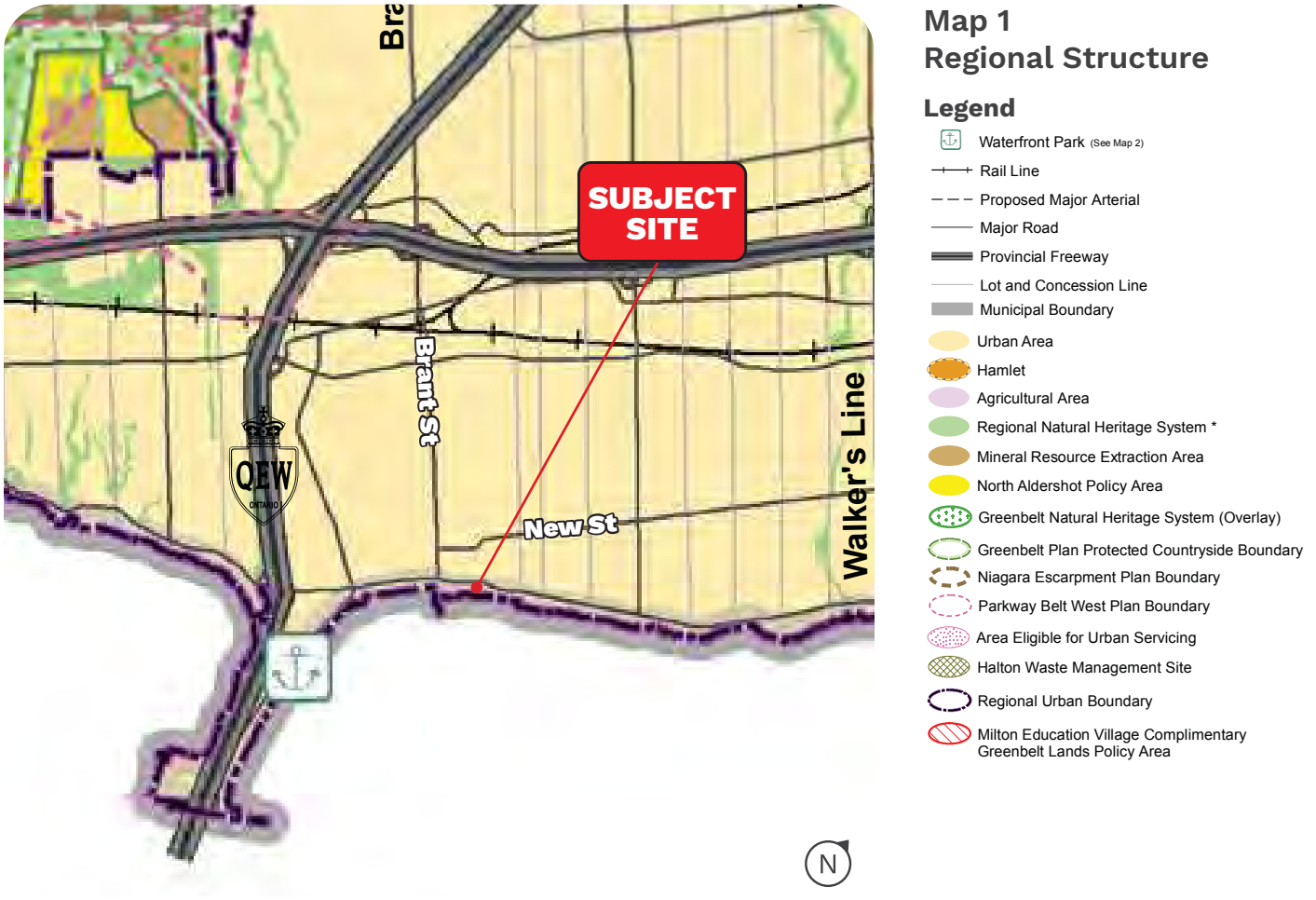


Figure 15 - Map 1, Regional Structure

Policy 75 of Part III of the ROP provides that the Urban Area is to be planned to accommodate the distribution of population and employment as set out in Table 1 of the ROP, which identifies the City of Burlington is planned to have a population of 265,160 persons by 2051. Table 2, Intensification and Density Targets, provides that the City of Burlington is to add a minimum of 20,500 new housing units in the built-up area by 2051. Further, Policy 77(2.1) provides that a minimum of 45 per cent of new residential development occurring annually within Halton Region shall be directed to the built-up area. We note that these population projections are significantly above that which has been modelled in both the in-force and under-appeal Official Plans, as discussed in sections 4.4 and 4.5 of this report.

As the subject site is within the Downtown Burlington Urban Growth Centre ("UGC") in the Burlington Official Plan (discussed below) and is a designated Secondary Regional Node in the ROP, it is considered an *Intensification Area* for the purposes of the ROP. Within the urban structure, these areas are intended to accommodate intensification and transit-supportive development to support population and employment growth. *Intensification Areas* are further described as having a pedestrian-oriented urban environment with high-quality public realm elements at higher densities than surrounding areas.

Further, Map 1h, Regional Urban Structure of the ROP shows the subject site as being within a Secondary Regional Node (see **Figure 16**). This Secondary Regional Node, identified as the "Burlington Downtown Urban Centre" in Policy 82.1 (2) of the ROP, generally aligns with the location of the Downtown Burlington UGC in the Burlington Official Plan. As the subject site is within the Downtown Burlington UGC in the Burlington Official Plan, we can determine that the Secondary Regional Node policies apply to the subject site. We note that as the Burlington Official Plan has not been updated to reflect the changes in regional and provincial policy which removed the Urban Growth Centre designation, we rely on the former UGC boundaries within the Burlington OP to determine the subject site's location within the Secondary Regional Node, which is intended to be delineated within local OPs.

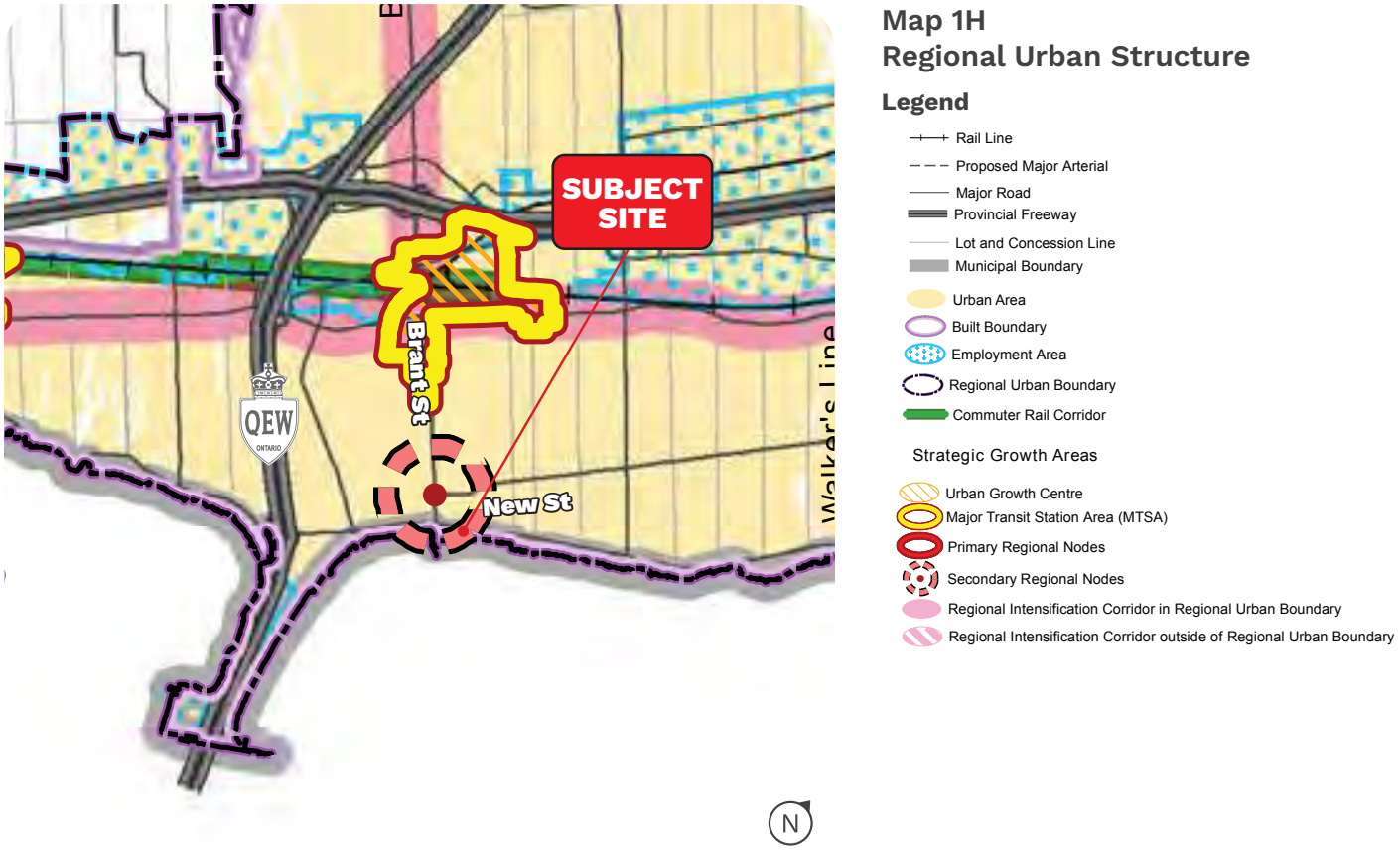


Figure 16 - Map 1h, Regional Urban Structure

Policy 79.1 of Part III of the ROP provides that SGAs are integral to the regional urban structure within the urban area, and that Secondary Regional Nodes have a concentration of residential and employment uses with development densities and patterns supportive of active transportation and public transit.

Policy 82 of Part III of the ROP directs that regional nodes such as the Burlington Downtown Urban Centre have the objective of leveraging infrastructure investments and the development of public service facilities to support forecasted growth, provide for a range and mix of transit-supportive uses, such as residential, retail, office, and public uses that support the area in a pedestrian-oriented urban environment, and to reflect and reinforce the urban structure as defined by the local municipality in an approved Official Plan.

Policy 82.1 of Part III of the ROP sets out that Secondary Regional Nodes that are historic downtown areas or villages, including the Burlington Downtown Urban Centre, will be a focus for growth through mixed use intensification at an appropriate scale considering their context.

Policy 84 of Part III of the ROP states that 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.

Policy 86.6 a) of Part III of the ROP provides the housing targets that at least 65 per cent of new housing units produced annually to 2031 and 75 per cent thereafter in Halton be in the form of townhouses or multi-storey buildings, and Policy 86.6 b) provides that at least 30 per cent of new housing units produced annually in Halton Region be *Affordable* or *Assisted Housing*.

Policy 86.11 of Part III of the ROP permits intensification of land use for residential purposes through infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

Map 3, Functional Plan of Major Transportation Facilities (see **Figure 17**), identifies Lakeshore Road as a *Minor Arterial*, and Map 4, Right-of-way Requirements of Arterial Roads (See **Figure 18**), provides that the Right of Way requirement for the street is identified within the Town of Oakville Official Plan. *Minor Arterials* are listed in Table 3 of the ROP and described as serving mainly local travel demands, accommodating active transportation, providing an intermediate degree of access control and pedestrian infrastructure as well as on and/or off-road cycling facilities where possible, and carries moderate to high volumes of traffic.

Policy 152 in Part IV, Healthy Communities, provides that it is the policy of the Region to develop and adopt healthy communities Guidelines which include (a) a description of general characteristics of a healthy community, (b) a desirable mix of land uses within the community, (c) community design features that will promote integration of the community and accessibility by residents to services within and outside the community through active transportation and public transit (among others).



Map 3 Functional Plan of Major Transportation Facilities

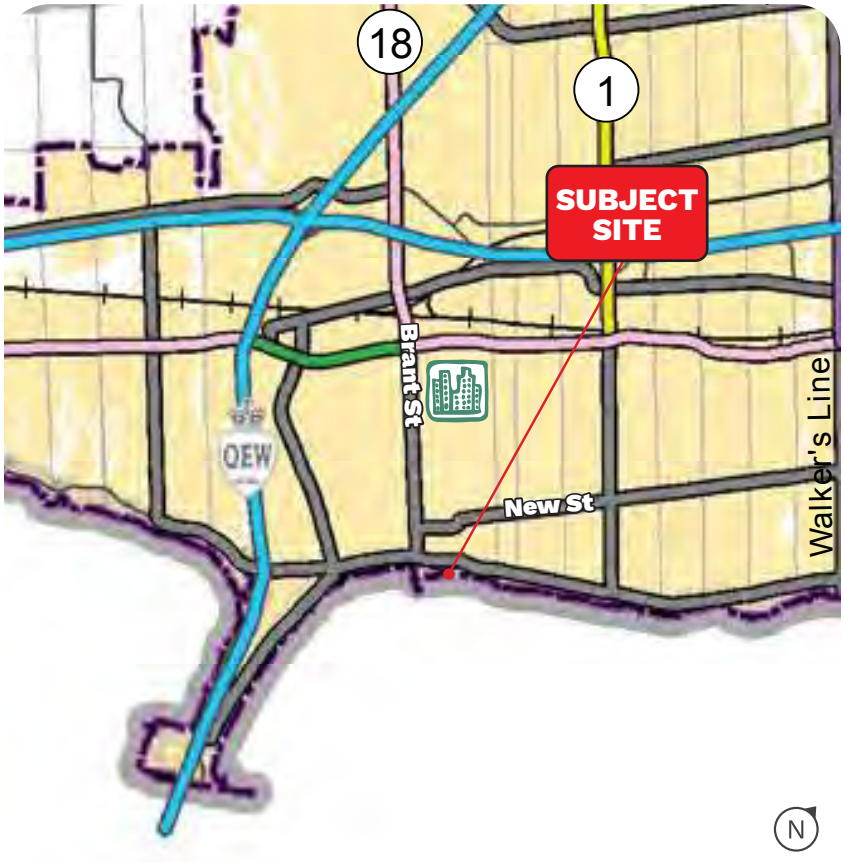
Legend

- Urban Growth Centre
- Major Transit Station Area
- Proposed Major Transit Station
- Airport
- Rail Line
- Major Road
- Lot and Concession Line
- Municipal Boundary

Highway 413 & Northwest GTA Transmission Corridor

- Corridor Protection Area
- Hamlet Area
- Urban Area
- Higher Order Transit Corridor
- Commuter Rail Corridor
- Priority Transit Corridor
- Regional Urban Boundary
- HPBATS Corridor Protection Area
- Provincial Highway
- Major Arterial
- Multi-Purpose Arterial
- Minor Arterial
- Provincial Freeway
- Proposed Major Arterial

Figure 17 - Functional Plan of Major Transportation Facilities



Map 4 Right-of-Way Requirements of Arterial Roads

Legend

- Urban Growth Centre
- Airport
- Urban Area
- Regional Urban Boundary
- Provincial Freeway / Highway
- Rail Line
- Major Road
- Lot and Concession Line
- Municipal Boundary
- 50m
- 47m
- 42m
- 40m
- 36m
- 35m
- 30m
- 26m
- 24m
- 20m
- ROW Shown on Local Official Plans
- Proposed Major Arterial
- Proposed Minor Arterial

Figure 18 - Right-of-way Requirements of Arterial Roads

4.4 City of Burlington Official Plan

The Official Plan was adopted by Burlington City Council on July 11, 1994 and was approved, with modifications, by the Regional Municipality of Halton on March 5, 1997. A Five-Year Review of the Official Plan was initiated in March 2002, and amendments to the Plan were approved by City Council in October 2006. The Five-Year Municipal Comprehensive Review culminated in Official Plan Amendment 55 (the "OPA 55"), which was approved by the Region of Halton in January 2008 and by the Ontario Municipal Board in October 2008.

Although OPA 55 updated the Official Plan to address provincial policy changes, including consistency with the 2005 PPS and 2006 Growth Plan, it has not been updated to address to the new PPS and updates to the ROP, including ROPA's 48 and 49. However, the City has initiated a process to develop a New Official Plan, which is discussed in more detail in Section 4.5 of this report. Based on the foregoing, it is our opinion that the Official Plan is outdated and has several issues with consistency and conformity with higher-level policy documents, but it remains as the City's only guiding local planning policy document to direct and accommodate the City's long-range land-use strategy.

Part I, Section 2.0 of the Official Plan provides that the planning horizon for the Plan extends to the year 2021 and anticipates that the population of the City will not exceed approximately 182,000 people within approximately 73,600 households, by the end of the planning period. Further, it is also expected that the employment level in the City will be approximately 108,000 in the year 2021. We note that these projections are for a date which has already passed and identify a planning timeframe and population and employment level which does not adequately address the requirements set out in the PPS and ROP. As growth projections form the basis for the built form framework for anticipated growth within the Official Plan, it can reasonably be expected that the built form and density policies set out in the Official Plan face similar issues with consistency and conformity with upper level policy documents. Additional analysis on this issue are provided in Sections 5.2 and 5.5 of this report.

The Official Plan also provides background information and trends, which describes the setting in which the Plan was written in 1994 (and updated in 2006) and states:

- Burlington's population profile is aging, which is the result of an increasing elderly population and decreasing birth rate.
- Approximately 25 percent of dwellings are rented.
- Burlington's housing mix has remained relatively table with single-detached housing as the main housing form. The existing supply of housing is relatively new, with only 20% over 40 years old and approximately 36% less than 20 years old.
- The period of rapid growth in Burlington is described as follows:
  - Since the 1950s, Burlington has experienced constant growth and expansion of its urban area.
  - The period from 1958 to 1979 comprised the most extensive period of development, with construction activities occurring north of the Queen Elizabeth Way. Burlington's growth during this period resulted primarily from Hamilton's suburban expansion.
  - The period from 1980 to 1990 contained significant residential development in Burlington's northern communities of Brant Hills, Headon and Rose and some infill development in the South Aldershot, Maple and Tyandaga communities.
  - Since 1991, significant growth has continued in north-east Burlington in the Tansley, Uptown, Rose (Millcroft) and Orchard communities.

The guiding principles of the Official Plan are provided in Part I, Section 3.0 and include:

"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.

f) Support a vigorous local economy.

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."

Of particular note is guiding principal h), which when describing the guiding principle states it is anticipated that much of the residential and employment intensification will occur within the boundary of Downtown Burlington, which at the time, was identified as the UGC.

Part I, Section 4.2 of the Official Plan identifies that the City has undergone a major shift in the values, attitudes, demographics and land use planning approaches away from unlimited sprawl towards a growth approach that favours intensification and re-development within the existing built boundary. The Official Plan recognizes that the challenge will be to accommodate the demand for land while maintaining stability and compatibility.

The Official Plan defines compatible as:

"***Compatible*** *– Development or re-development that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health. Compatibility should be evaluated in accordance with measurable/ objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals."*

Part I, Section 4.0 of the Official Plan describes the land use vision and states that the City is a typical suburban community composed mainly of residential neighbourhoods containing detached dwellings, separated from employment and shopping areas, and that much of this development occurred in the 40 years following the end of the Second World War in a time of increasing family size, increasing personal affluence and economic growth. It also states that a major shift has occurred in values and attitudes, demographics, and land use planning approaches as the City approaches a mature state.

The policy framework in Part I, Section 4.3 provides a number of policy directions, which encourage a greater diversity of housing types to meet changing needs of the population, the development of a more self-contained city by encouraging greater live-work relationships, the focusing of more intense land uses into specified mixed-use centres and along certain roads, and to direct population growth towards underutilized or vacant parcels in existing communities, specifically to the downtown mixed use centres. Section 4.3 also provides: that new residential growth will be mainly in the form of more compact housing to meet the needs of the changing population; encouraging a broader mix of residential dwellings in terms of type, cost, and size; that new residential development will be planned considering all forms of travel and be supportive of safe pedestrian and vehicle movement; to provide commercial development within Mixed Use Centres and Mixed Use Corridor locations; and, in respect to the Downtown, to encourage retail and office development along the core streets, particularly Brant Street and maintaining good housing stock, encouraging residential development, re-development, and intensification and providing a stronger link to the waterfront.

Part II, Section 2.7 of the Official Plan provides the City's policies related to Sustainable Design and Compatibility. In this regard, the following is the definition of Sustainable Development:

> ***Sustainable Development*** *- Development that meets the needs of the present without compromising the ability of future generations to meet their own needs*

Part II, Policy 3.3.2(b) of the Official Plan speaks to road extensions and widenings. Policy 3.3.2(c) further establishes that existing roads shall be widened equally on both sides of the road, where feasible. Policy 3.2.2.d) states that upon receipt of a development application, the City will confirm whether a road widening is required as per the Official Plan and whether property for the widening has already been dedicated to the City.

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relying on the automobile. Policy 3.2.2 j) states that parking ratios and/or standards and/or on-street parking ratios and/or standards may be permitted subject to evaluation and appropriateness through development applications or other City initiatives.

Section 6.0 of Part II provides the design policies and Policy 6.1 provides the design principles for the City, which is that the tangible elements of the urban form (built form environment and open space) shall be designed in an efficient, attractive and compact manner to enhance the well-being of the residents of the community and to reflect the vision of the OP. Policy 6.2 of Part II outlines the design objectives, which include:

- 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.
- To achieve a high quality of design within the public realm.
- To ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression.
- To ensure that the principles of sustainable development are considered in the design of the built environment.

Policy 6.3 e) of Part II states that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit. Policy 6.4 e) states that improvements to existing streetscapes shall be encouraged as part of any reconstruction. Policy 6.5 of Part II, provides the design guidelines policies, which include:

- The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.
- The compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing.
- The design of all buildings 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 and harmonious streetscape environment shall be encouraged with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings.
- All developments shall be designed having regard for public transit accessibility and access and parking for the physically challenged.
- The location, amount, position, and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact.
- The streetscape appearance of major, multi-purpose and minor arterial roads and collector streets shall be enhanced by encouraging buildings to present their main building facades to these roads or to enhance their treatment to avoid the appearance of blank buildings at service entrances.
- Building setbacks from the street are to be minimized along pedestrian and transit-oriented streets.
- The functional and visual impact of site servicing, loading, air conditioning and ventilation equipment and waste handling facilities shall be minimized.
- All development shall be designed having regard for sustainable development considerations.

Mixed Use Activity Areas Policy

As per Schedule A – Settlement Pattern in the Official Plan (**Figure 19**), the subject site is designated Mixed Use Activity Areas. Part III, Section 5.0 of the Official Plan states that lands identified as Mixed Use Activity Areas will provide locations where employment, shopping and residential uses will be developed in a compact urban form at higher development densities and will be pedestrian-oriented and highly accessible by public transit. One of the main land use designations that applies to the Mixed Use Activity Areas and the subject site is Mixed Use Centre, as shown on Schedule B – Comprehensive Land Use Planning – Urban Planning Area (**Figure 20**).

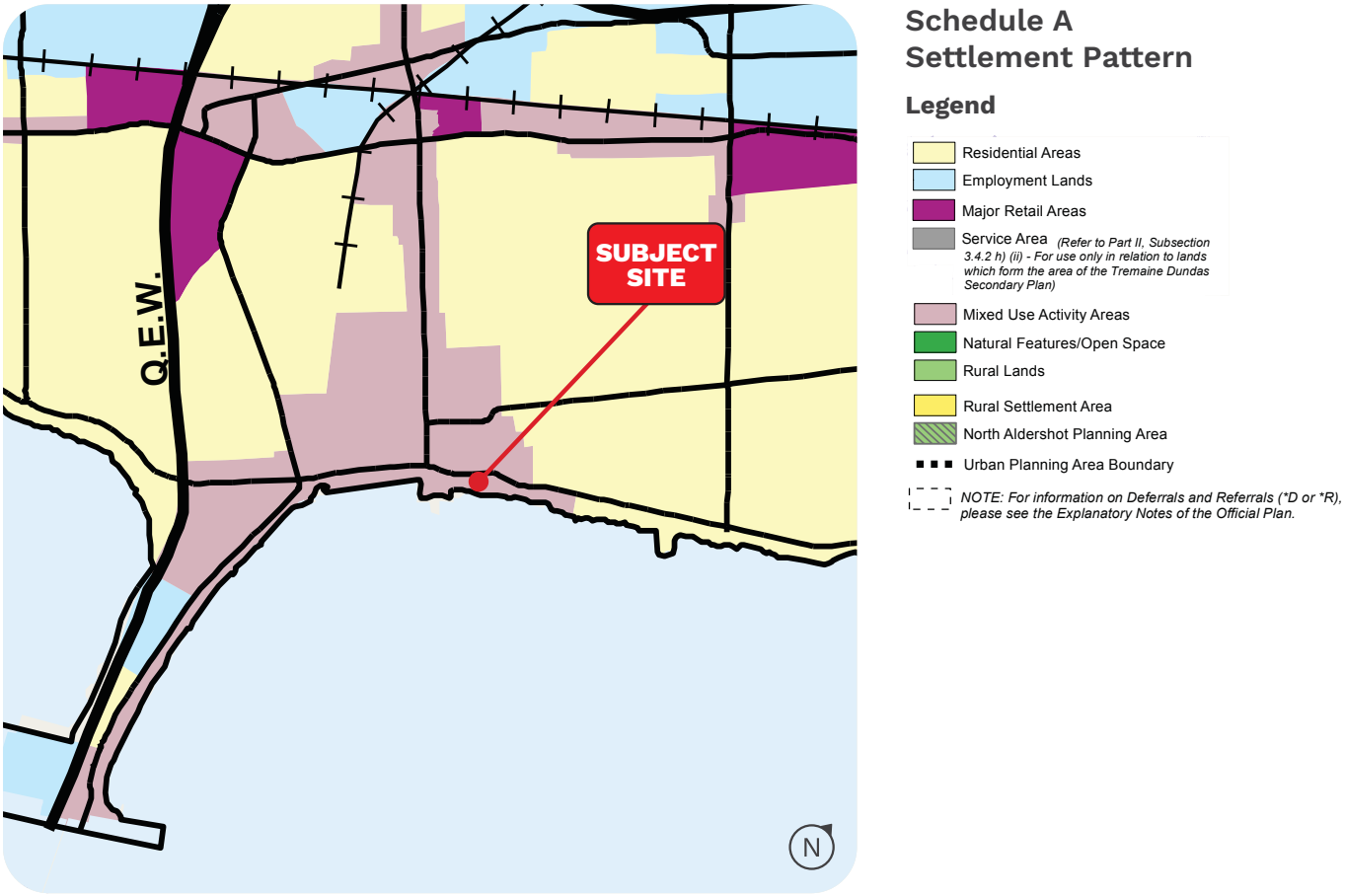


Figure 19 - Schedule A - Settlement Pattern

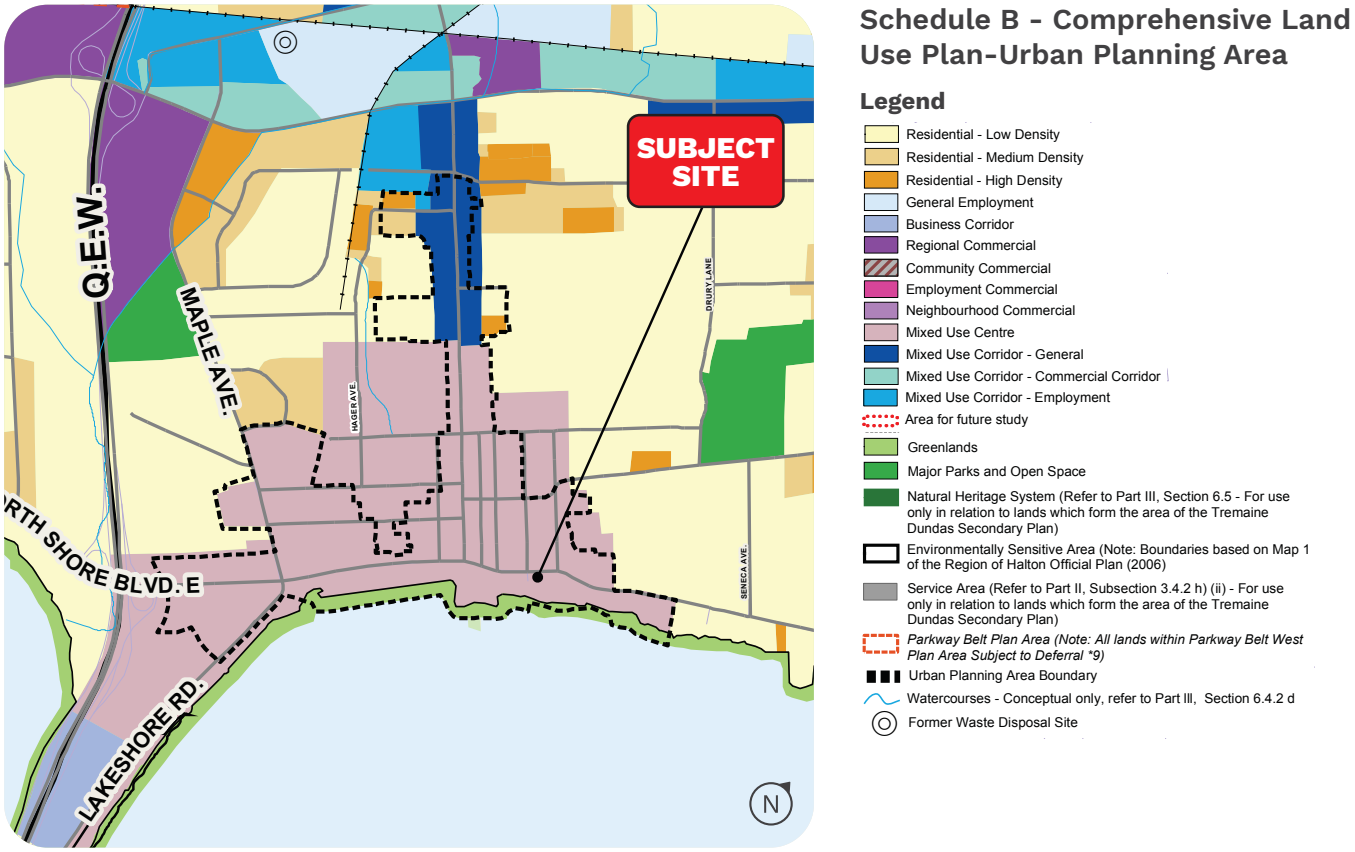


Figure 20 - Schedule B - Comprehensive Land Use Plan - Urban Planning Area

Part III, Policy 5.1(a) of the Official Plan states that Mixed Use Activity Areas provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services while Part III, Policy 5.1(c) speaks to demand and states that Mixed Use Activity Areas address the demand for higher intensity employment, shopping, and residential areas within the City. Policy 5.2.1 provides general objectives that are associated with Mixed Use Activity Areas that include encouraging comprehensively planned mixed use employment, shopping, and residential areas that provide integration of uses, and ensuring Mixed Use Activity Areas are developed in a compact urban form, pedestrian-oriented, and highly accessible by public transit that fosters community interaction. Part III, Section 5.2.2 further provides policies related to Mixed Use Activity Areas, including amongst others, that lands designated Mixed Use Centre on Schedule B of this Plan shall be subject to policies contained in Part III, Section 5.4 to 5.6; 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-oriented, greater accessibility to public transit, and higher intensity development; be areas that are subject to a high quality of urban design; and to allow the City to consider the use of reduced parking standards to encourage greater reliance on non-automobile forms of transportation.

Mixed Use Centre Policies

Part III, Section 5.4 of the OP provides the policy framework relating to lands designated Mixed Use Centre. Part III, Policy 5.4.1 states the objectives which relate to the Mixed Use Centre designation. These objectives include, amongst others, to provide locations at inter-municipal transit stations and the downtown that will serve as areas for mixed use developments consisting of medium and high density residential, retail, service commercial, office, entertainment, community facilities, and open space uses (Part III, 5.4.1(a)); to encourage higher intensity, transit-supportive, and pedestrian-oriented development within Mixed Use Centres while retaining compatibility with nearby land uses (Part III, 5.4.1(b)); and to permit mixed use developments on individual sites where residential, retail, office and other uses are located (Part III, 5.4.1(c)).

Part III, Policy 5.4.2(a) provides the uses which may be permitted in Mixed Use Centres, which include a wide range of retail, commercial and personal service uses and medium and high-density residential uses. Part III, Policy 5.4.2(b) also provides that zoning by-law regulations affecting Mixed Use Centres shall be based on the general policies for Mixed Use Centres contained in Part III Section 5.4 and the specific policies for individual Mixed Use Centres, prepared as part of the secondary planning study for each Mixed Use Centre as per Part III Sections 5.5 and 5.6. Further policies include, among others, a range of development intensities shall be permitted (Part III, 5.4.2(c)); a range of building heights shall be permitted (Part III, 5.4.2(d)); open space and parkland shall be provided in Mixed Use Centres (Part III, 5.4.2(e)); and the zoning of individual sites may not allow for the full range of permitted or the full extent of the development intensity at every location based on site specific factors (Part III, 5.4.2(f)). Part III, Policy 5.4.2(g) provides site plan considerations that shall be considered in reviewing proposals for new and/or expanding Mixed Use Centre uses which include:

i. Building should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services wherever feasible;

ii. The site plan for individual sites includes features to integrate the new development with surrounding uses;

iii. The site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the side and adjacent uses, and to and from transit stops;

iv. Off-street parking areas, loading areas, and service areas shall be screened and landscaped;

v. The site plan promotes convenient access to public transit services;

viii. Off-street parking areas shall be located in the side and rear yards;

i. loading areas and service areas are located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas.

Part III, Policy 5.4.2(h) provides that the design and development of Mixed Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car and shall maximize personal safety by incorporating the following features: buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and safe and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas, and other building facilities. In addition, Part III, Policy 5.4.2(j) says that retail, service commercial, and other pedestrian-oriented uses shall be encouraged in designations in addition to Downtown Mixed Use Centres. Furthermore, Part III, Policy 5.4.2(m) provides that reduced parking standards, shared parking and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and the accessibility by transit and other modes of travel.

Part III, Policy 5.4.2(k) states that proposals for residential intensification shall be evaluated on the basis of the objectives and policies of Part III, Section 2.5. As such, those criteria are as follows:

i. Adequate municipal services to accommodate the increased demands are provided;

ii. Off-street parking is adequate;

iii. Capacity of the municipal transportation system can accommodate any increased traffic flows, ingress and egress, and potential increased traffic volumes to multi-purpose, minor and major arterial roads, and collector streets;

iv. The proposal is in proximity to existing or future transit facilities

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

vi. Effects on existing vegetation are minimized;

vii. Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level; capability exists to provide adequate buffering and other measures to minimize any identified impacts;

x. Where intensification potential exists on more than one adjacent property, any re- development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised and;

xiii. proposals for non-ground-oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicle access to major arterial, minor arterial, or multi-purpose arterial roads.

Housing Intensification Policies

Part III, Policy 5.4.2 (k) of the Official Plan states that proposals for residential intensification shall be evaluated on the basis of the objectives and policies of Part III, Section 2.5. These objectives and policies are as follows below.

Part III, Policy 2.5.1(a) encourages residential intensification as a means of increasing the amount of available housing stock, including infill and re-development provided that the housing is compatible with the scale, urban design, and community features of the neighbourhood.

Part III, Policy 2.5.2(a) further provides criteria that shall be considered when evaluating proposals for housing intensification within established neighbourhoods. These criteria include,

i. Adequate municipal services to accommodate the increased demands are provided;

ii. Off-street parking is adequate;

iii. Capacity of the municipal transportation system can accommodate any increased traffic flows, ingress and egress, and potential increased traffic volumes to multi-purpose, minor and major arterial roads, and collector streets;

iv. The proposal is in proximity to existing or future transit facilities

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

vi. Effects on existing vegetation are minimized;

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

ix. capability exists to provide adequate buffering and other measures to minimize any identified impacts;

x. Where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised and;

xiii. proposals for non-ground-oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicle access to major arterial, minor arterial, or multi-purpose arterial roads.

Further policies related to housing intensification include, among others, that Council may adopt guidelines for maximum building heights to be used in the consideration of applications for residential intensification, in order to ensure compatibility of proposed building heights with the heights of existing buildings (Part III, 2.5.2(d)). Part III, Section 2.4.5 speaks to infill development, specifically, Part III, Policy 2.5.4(b) in which new infill development shall be compatible with the surrounding development in terms of height, scale, sitting, setbacks, and coverage.

Downtown Mixed Use Centre Policy

Part III, Section 5.5.1 a) of the Plan provides that in keeping with the Growth Plan for the Greater Golden Horseshoe, 2006, the boundary for the Downtown Burlington Urban Growth Centre is shown on Schedule B – Comprehensive Land Use Plan – Urban Planning Area and on Schedule E, Downtown Mixed Use Centre. We note that the Growth Plan has since been replaced by the Provincial Planning Statement and the Urban Growth Centre has been shifted to the Burlington GO Station, however the policies of the OP relating to the Downtown Burlington Urban Growth Centre remain in full force and effect.

The two principles of the Downtown Burlington Growth Centre are as follows:

i. this area shall accommodate a significant share of population and employment growth within the City; and

ii. this area shall accommodate high density employment.

Part III, Policy 5.5.2 provides objectives for the Downtown Mixed Use Centre which include, amongst others, to establish the Downtown as a Mixed Use Centre composed of retail, service, office, public and residential; to establish minimum density targets for residents and jobs in accordance with the Growth Plan; to establish a unique role for the Downtown so that it provides for certain uses such as offices and residential; to create a compact Downtown city core with a mix of residential, commercial, and other uses as an alternative to the car oriented shopping plazas, malls, and business corridors; to increase the resident population and provide a variety of housing types mainly at medium and high densities that will strengthen the live/work relationship, ensure Downtown is used after business hours, and create a local market for convenience and service goods; to provide commercial activity that serves the general needs of Downtown residents; to create a continuous, harmonious, safe and attractive environment through streetscapes, building façade and design of new buildings; to ensure that the density, form, height, and spacing is compatible with the surrounding area, and to provide a balanced approach to transportation by increasing transit use and the pedestrian orientation.

Part III, Policy 5.5.3(a) provides that development shall be permitted in accordance with the land use designations of Schedule E – Land Use Plan – Downtown Mixed Use Centre, of which the subject site is designated 'Downtown Residential – Medium and/or High Density Precinct". Part III, Policy 5.5.3(b) states that within the Urban Growth Centre Boundary, as shown in Schedule B, the target is established of a minimum gross density of 200 residents and jobs per hectare. Higher densities and intensities will be encouraged within certain precincts of the Downtown Mixed Use Centre and the provision of community benefits may be considered for developments proposing residential and business intensification as per Part III, Policy 5.5.3(c). Part III, Policy 5.5.3(h) further speaks to the integration of uses and that retail, offices, hotel, institutional and entertainment uses shall be integrated with residential uses.

Old Lakeshore Road Mixed Use Precinct Policy

As per Schedule E – Downtown Mixed Use Centre Land Use Plan in the OP (**Figure 21**), the subject site is designated "Old Lakeshore Road Precinct A". Part III, Section 5.5.7 of the Official Plan provides policy direction with respect to lands designated as Old Lakeshore Mixed-Use Precinct. The City has established four objectives for the Old Lakeshore Mixed-Use Precinct, which focus on high density and a high standard of design, and are as follows:

a. To provide an area in the Downtown for high intensity, mixed use development that is pedestrian-oriented and transit-supportive, which helps meet Provincial Growth objectives and provides for a transition from the highest density mixed-use area (Wellington Square Mixed Use Precinct) to the more residential areas to the east.

b. To provide an area that is intended for mixed use development consisting primarily of residential uses in conjunction with specialty retail and service commercial uses and entertainment uses to serve the Downtown residents, employees and visitors.

c. To require a high standard of design that has a sense of pedestrian scale and comfort that is compatible with existing development and reflects the unique history and character of the precinct.

d. To establish East, West & South Sectors that will be subject to specific land use policies. Schedule E identifies the general limits of the Sectors with Area 'A' being the West Sector, Area 'B' being the East Sector and Area 'C' being the South Sector.

The Old Lakeshore Mixed-Use Precinct permits a wide variety of uses including commercial uses (local service, retail, office, and administration), high-density residential apartment buildings, cultural uses, recreation and hospitality uses, entertainment uses, and community facilities.

The Old Lakeshore Mixed-Use Precinct is split into two sections, which have separate policies addressing each. As identified on Schedule E of the Official Plan, the subject site is located within the *West Sector*, identified as "A" On Schedule E.

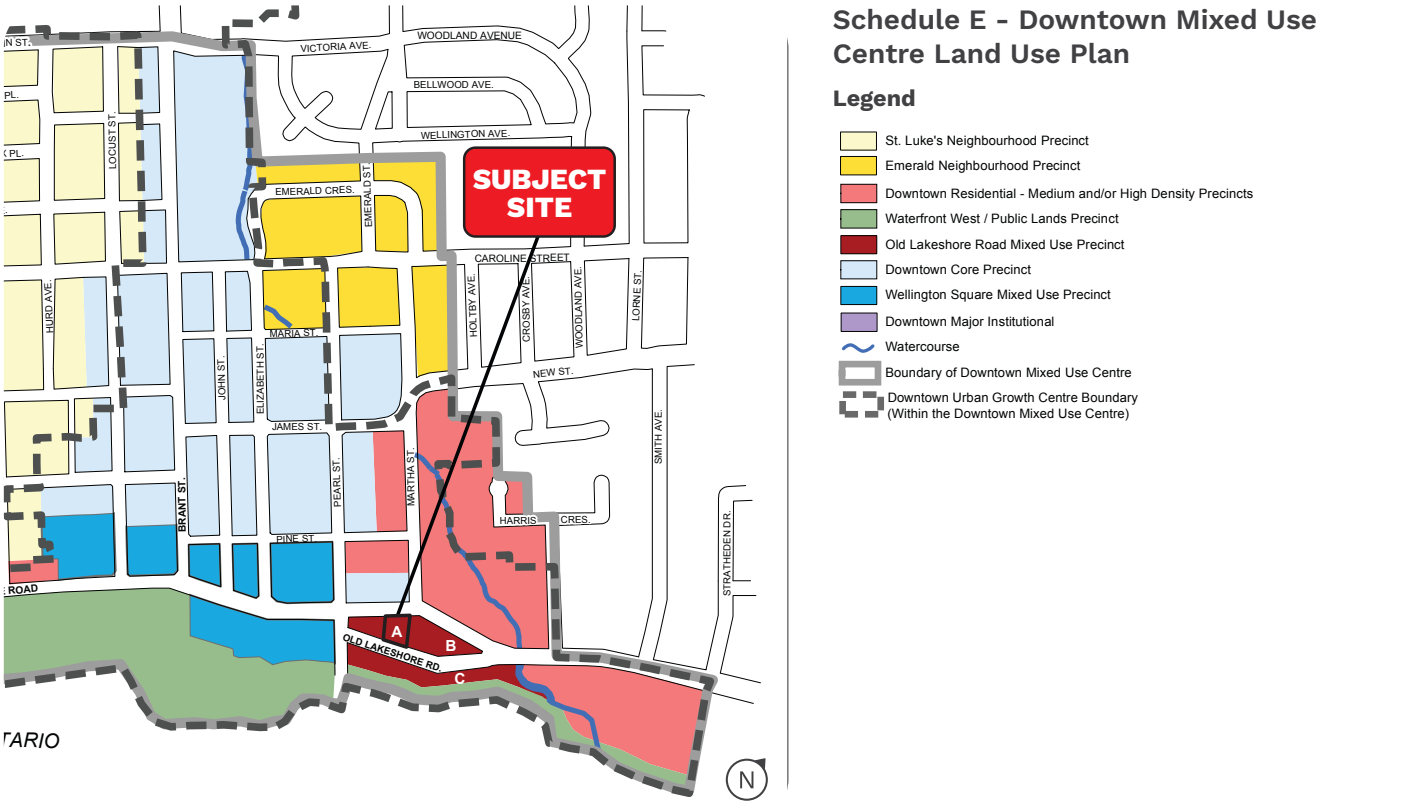


Figure 21 - Schedule E – Burlington Official Plan Downtown Mixed Use Sector

Part III, Policy 5.5.7.2(b) permits a minimum residential density of 51 units per net hectare, a minimum building height of 2 storeys and a maximum height of 10 storeys (31.5 metres) for the West Sector of the Old Lakeshore Mixed-Use Precinct. Part III, Policy 5.5.7.2(c) goes on to provide that taller buildings may be permitted in the West Sector, up to a maximum height of 15 storeys and 47 metres, where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of building design incorporating a ground level, street-oriented podium, and subject to the community benefits provisions of Part VI, Section 2.4 of the Official Plan and the following details, subject to the satisfaction of City Council:

i. assembly of lands from the Martha Street alignment to Waterfront East consisting of lands within Area 'A', including the Old Lakeshore Road road allowance, and the westerly portion of Area 'C';

ii. continuation of the Martha Street alignment to meet Old Lakeshore Road;

iii. construction of and dedication to a public authority, a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension, in accordance with Part III, Subsection 5.5.7.2 (i);

iv. closure of a portion of Old Lakeshore Road to achieve redevelopment and intensification;

v. provision of a view corridor from Martha Street to Lake Ontario;

vi. provision of enhanced public spaces;

vii. preservation or relocation of significant cultural heritage resources within the precinct;

viii. submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

Section 2.4 of Part VI of the Official Plan provides for community benefits in the Official Plan, with an objective of permitting increases in height and density in return for the provision of facilities, services or other matters. Policy 2.4.a of Part VI of the Official Plan provides a full list of community benefit matters which may be encouraged, including assisted or low income housing, parkland and the protection of natural features above the requirements of the Planning Act, improved access to public transit, new public areas, crosswalks, walkways, and connections, public parking, provision of community and open space facilities such as small parks, day care centres, schools, community centres, cultural facilities, firehalls, and libraries, conservation of cultural heritage features, protection or enhancement of significant views, provisions of affordable housing, provision of public art, provision of green technology and sustainable architecture, provision of streetscape improvements, and other local improvements identified in community design plans, community improvement plans, capital budgets, or other implementing plans. Policy 2.4.b of Part VI of the Official Plan further provides that Community benefits provisions shall be considered where the increased height and density conforms with the intent of the plan and the increase in height and density is compatible with adjacent existing or proposed development.

Part III, Policy 5.5.7.2 additionally provides that retail or service commercial uses are required continuously at grade along public streets in residential or office buildings (Part III, 5.5.7.2(f)), that buildings shall be constructed close to the street line with no surface parking permitted, except for loading and emergency vehicles (Part III, 5.5.7.2(g)), that significant cultural heritage resources should be preserved and integrated into new development (Part III, 5.5.7.2(h)), and that a holding zone may be used to specify the conditions of development that must be completed to achieve higher density development (Part III, 5.5.7.2(i)).

Due to Policies 5.5.7.2(b) in Part III of the Official Plan, an Official Plan Amendment is required in order to create a new site-specific policy to permit the proposed building height.

Urban Design Policies

Part III, Section 5.5.12 speaks to the Urban Design policy framework related to the subject site. Relevant policy includes, among others:

The City shall prepare and adopt Urban Design Guidelines for the Downtown which shall be specific to each neighbourhood and precinct, reflecting the vision and characteristics of that neighbourhood and precinct (Part III, 5.5.12(a));

- Continuous pedestrian walkways shall be established between retail areas in the Downtown, e.g., Brant Street, Lakeshore Road, Village Square and Pearl Street, and between the commercial areas and the waterfront (Part III, 5.5.12(b));
- The continuity of grade-related activity areas both inside and outside of buildings shall be maintained (Part III, 5.5.12(c));
- Buildings and public areas shall be designed to consider pedestrian scale, comfort, safety and access (Part III, 5.5.12(d));
- The design of new buildings shall ensure views to the lake are preserved and orientation of the building is toward the Lake where feasible (Part III, 5.5.12(e));
- Site-specific urban design studies may be required as part of a development proposal to investigate and recommend a design for compatibility with surrounding uses, micro-climate effects, pedestrian safety, and issues of human scale and views (Part III, 5.5.12(f));
- The decorative use of water shall be encouraged throughout the Downtown in order to strengthen the link between the waterfront and the Downtown (Part III, 5.5.12(g));
- Outdoor public areas shall be designed to complement the interior uses of local buildings (Part III, 5.5.12(m));
- All development along pedestrian walkways shall encourage pedestrian activity including designing attractive store fronts, open space and parking lots (Part III, 5.5.12(n));
- The construction of new buildings compatible with cultural heritage resources shall be encouraged in the Downtown to blend new development with existing streetscapes and add to the area's character (Part III, 5.5.12(q)); and
- Indoor and outdoor public spaces shall be planned that have symbolic meaning and ceremonial and cultural purposes (Part III, 5.5.12(r)).

Transportation And Parking Policies

Part III, Section 5.5.14, in particular, Policy (c) provides that the Downtown will continue to be served by high levels of transit, linking it to all other parts of the Urban Planning Area while Policy (d) provides that streets such as Lakeshore Road shall become more pedestrian-oriented through the use of traffic calming and other measures. Part III, Section 5.5.14, Policy (e) provides that all development shall be required to provide parking in accordance with the zoning bylaw and that parking may be permitted on a reduced basis in combination with cash-in-lieu of parking and/or the establishment of a travel demand management plan in consideration of improving the transit modal split as well as other transportation alternatives to the car.

Transit Policies

Part III, Section 5.5.15 speaks to transit policies in the Downtown and in particular, Policy 5.5.15 (a) provides that the use of transit shall be promoted in the Downtown to reduce traffic and parking demands and traffic congestion, among other things, and by introducing appropriate "transit priority" and Travel Demand Management (TDM) measures. Policy 5.5.15 (c) provides that development applications in the Downtown shall be reviewed to ensure that proposed land development supports and encourages the efficient and effective use of transit services.

Although the proposed development requires an amendment to the Official Plan to increase the permitted building height and density beyond what is permitted in the Old Lakeshore Mixed-Use Precinct, the subject applications are in keeping with the overall policy direction included in the Official Plan. In particular, the proposal conforms to the policy directions that seek to direct growth and development at transit supportive densities to the Downtown in order to:

- Continue the evolution of the City to a mature and urbanized City.
- Accommodate much of the residential and employment intensification within the Downtown.
- Provide new development that is compatible with existing development.
- Expand the range of housing options to meet the changing needs of the population.
- Accommodate compact mixed-use development in the Downtown.
- Ensure that new development meets the definition of sustainable development.
- Address potential noise impacts, including transportation related noise.
- Encourage alternative modes of transportation, especially public transit.
- Ensure that the design of the built environment strengthens and enhances the character of the location and neighbourhoods.
- Develop the Downtown as a mixed-use urbanized centre where a significant share of population and employment growth will occur within the City.
- Meet the objectives of the Downtown Core Precinct, which includes designating the inner core area of the Downtown for higher density development to help support increased transit and a high standard of design.

4.5 New City of Burlington Official Plan (Partially in Force)

Consistent with the Planning Act's requirement to review the Official Plan every five years, the City of Burlington began their review of the Official Plan in 2011. Concurrent with this Official Plan Review, the City of Burlington prepared a Strategic Plan in 2016, which was adopted by Council and brought forward new priorities and significant changes to Burlington's rural and urban areas.

Through this process the City determined that the Official Plan did not align with its new policy directions and therefore prepared a new Official Plan which will reflect and which aims to guide its civic priorities to 2031 as it transitions from a suburban to an urban community.

On April 26, 2018, Burlington City Council adopted a new Official Plan (the "New OP"), which was subject to review and approval by Halton Region. On December 4, 2018, the City of Burlington received notice from Halton Region regarding the New OP advising that it does not conform with the Regional Official Plan in a number of respects related to policies and mapping in the areas of:

- proposed employment land conversions and permitted uses within the employment areas and lands;
- the identification of and permitted uses within agricultural lands;
- the identification of and permitted uses within the Natural Heritage System; and
- transportation matters, including road classifications.

On November 30, 2020, Halton Region approved the new Burlington Official Plan, and a twenty-day appeal period ran from November 30 to December 21, 2020. In total, 48 appeals to the New OP were received by the Region. Following the Appeal of the New OP, the Ontario Land Tribunal approved some sections of the New OP on January 4, 2023, bringing them into full force and effect. As a result, some sections of the New OP are now in full force and effect and considered determinative for the subject application. The policies which were brought into force are primarily related to the overall objectives of the New OP and population projections, with more specific policies such as land use designations remaining under appeal. The Official Plan continues to apply as the only local municipal planning policy document that applies to the redevelopment of the subject site.

As the New OP is partially in force, this review will identify which parts of the plan are in-force for the subject applications and which remain under appeal and are therefor presented only for consideration of more recent council direction with regards to development on the subject site.

Additionally, we note that the New OP, as approved by Council, is now over 6 years old and is not reflective of many changes to Provincial and Regional policies, particularly relating to changes to the ROP with regards to the urban structure and increased growth and intensification targets which were implemented through ROPA's 48 and 49 and a planning horizon extending to 2051, and the implementation of the Provincial Planning Statement. Additionally, the ROP is now locally administered by the City of Burlington, and thus needs to be integrated into the Burlington OP. As such, we anticipate that the under-appeal policies will require substantial revisions to be in conformity with the revised Provincial and Regional policy framework. Thus, the under-appeal policies of the New OP have been reviewed only on an informative, not determinative basis, in the review of the proposed development on the subject site. Only the policies which have been brought into force are determinative at this time.

As a result of these upper-level policy changes, the City of Burlington is currently in the process of revising the New OP to address Provincial and Regional policy changes which have occurred since its approval in 2020. On July 22, 2022, Burlington City Council approved amendments to the New OP to address conformity issues with ROPA 48, as detailed in section 4.4 of this report. City Staff are further reviewing the Official Plan at this time to address ROPA 49, the Provincial Housing Pledge, the new PPS, and the upcoming integration of the ROP with the Official Plan. These updated policies, through a "Targeted Realignment" review process, are anticipated to be presented to City Council for approval in 2025. As the New OP has such a considerable degree of uncertainty on the future of the policies within it which remain under appeal, we believe that the under-appeal policies should not be given a particular amount of weight in this review. Regardless, we have presented the policies as a part of this analysis as they continue to represent the most recent policy direction from the City.

In Force Policies

A small number of policies within the New OP are currently in full force and effect. Specifically, with relation to the subject site, Section 1 of the New OP is in force, as well as the population and employment distribution projections contained in Policy 2.2.4.

Section 1 of the New OP serves as the introduction to the document, setting out high level direction for the City of Burlington. Section 1.4 of the New OP sets out several specific strategic directions for the city, including:

- The City of Burlington attracts talent, good jobs and economic opportunity while having achieved intensification and balanced, targeted population growth for youth, families, newcomers and seniors;
- People and goods move throughout the city more efficiently and safely. A variety of convenient, affordable and green forms of transportation that align with regional patterns are the norm. Walkability within new/transitioning neighbourhoods and the downtown are a reality;
- The City of Burlington is a leader in the stewardship of the environment while encouraging healthy lifestyles; and
- Community members are engaged, empowered, welcomed and well-served by their City. Culture and community activities thrive, creating a positive sense of place, inclusivity and community.

These strategic directions are specifically broken down into several principles in Policies 1.4.2 through 1.4.5. Policy 1.4.2 principles including, among others: Co-ordinates land use and infrastructure to achieve complete, diverse, adaptable and sustainable communities that are attractive and livable (a); Maintains the urban boundary and recognizes the distinct role and function of the Urban Area, Rural Area and North Aldershot (b); Accommodates population and employment growth through development and intensification within targeted locations of the city's Urban Area (c); and Promotes design excellence at every scale to create safe, accessible, attractive, vibrant and sociable places that people are drawn to (e).

Section 1.4.3 provides principles including: Integrates and prioritizes land use planning and transportation decision making to provide a range of multi-modal and sustainable transportation choices connecting people, goods and places (a); and achieves land use patterns, densities and quality urban design that supports travel by walking, cycling and transit.

Section 1.4.4 provides principles including, among others: Promotes development measures and patterns to achieve a low carbon, energy secure and climate resilient community, protect life and property from natural hazards, and achieve sustainable community and building design (f); Promotes health, safety and social well-being in the community through equitable access to a wide range of choices in housing, jobs, transportation, health care and recreation facilities, parks, green spaces and other public spaces and facilities, and amenities for all ages and abilities (g); and Maintains and grows healthy urban greenspace through the provision of green infrastructure.

Finally, Section 1.4.5 provides principles including, among others: Involves citizens to enhance land use decision making and maintain active and engaged neighbourhoods (a); recognizes the important role that culture, arts and design excellence play in creating a liveable community, as shaped through engagement with citizens (b); fosters the evolving urban nature and community identity of key areas of the city, including the Downtown and Uptown Urban Centres, Major Transit Station Areas and identified Intensification Areas (c); and seeks partnership, collaboration and participation with other agencies, stakeholders and community groups to achieve the long term vision of the New OP (d).

Section 1.5 provides that the New OP will manage and direct the development and planning of land uses for a period extending to the year 2031, and that it is the intent of the New OP to accommodate and to plan for the growth associated with the underlying housing, population and employment projections set out in Policy 2.4.2. Additionally, the policy provides that the New OP should not be regarded as a static or inflexible document that is resistant to the pressures of economic, social or environmental change during the planning period. As we have already noted, the ROP through ROPA 49 has extended the planning horizon to 2051, and thus while Section 1.5 of the New OP is now in force, it is not representative on the most recent planning direction on this matter.

Finally, Policy 2.4.2 of the New OP sets out the planned population and employment projections for the City of Burlington through to 2031, providing a total population of 193,000 and 106,000 jobs by that date. The policy additionally directs that the distribution of population and employment shall be in accordance with the ROP, as discussed in section 4.4 of this report. We note that the ROP has now been updated through ROPA 49, increasing the projections for the City to 265,160 residents and 124,390 jobs by 2051, and notably, 195,000 residents and 98,340 jobs in 2021 — a higher residential population than what the New OP projects for 2031. This represents a significant increase in population growth projections for the City over the growth projections set out in the New OP. As Policy 2.4.2 directs that the distribution shall be in accordance with the ROP and the ROP provides for significantly higher population projections, we consider this policy, while technically in force, to be outdated and not accurate with regards to the level of growth for which the City of Burlington is expected to experience in the coming years. We instead rely on the ROP, as detailed in section 4.4 of the report, to provide the most recent and relevant direction regarding employment and population forecasts for the City. We note that we anticipate the ROP's projections to be modified following the implementation of the new Provincial Planning Statement, which rely on marginally lower population growth rates than that of the ROP, though still substantially higher than that contemplated in Policy 2.4.2 of the New OP.

Further, due to this significant imbalance between the population projections within the New OP and the more recent, significantly higher population projections contained within the ROP, we are of the opinion that much of the remaining portions of the New OP are now outdated and do not accurately reflect the scale of growth required to meet the population projections for the city within the ROP. As such, particularly given that the remaining policies remain under appeal, we are not of the opinion that the densities, heights, and other directions provided within the New OP are to be relied on in the review of the subject applications.

Under Appeal Policies

All other policies discussed below with regards to the New OP remain under appeal at the Ontario Land Tribunal, and thus are not in force. These policies have been reviewed as they represent the most recent council direction with regards to planning matters for the subject site but should not be viewed as policies which are determinative.

New Op Mapping

The New OP identifies and designates the subject site within a new mapping framework, as follows:

Schedule B – Urban Structure

The subject site is shown within the City's urban area boundary and maintains the Downtown Urban Growth Centre designation as it exists in the OP and prior to the approval of ROPA 48. This designation is no longer conformity with Provincial and Regional policy, following changes to the Growth Plan and subsequently implementation of the new PPS as identified in section 4.2 of this report, and compounds the issues identified with the New OP which have already been discussed. The mapping in the New OP shows the subject site designated as "Urban Centres", a mixed-use intensification area designation located within walking distance of a Major Transit Station (**see Figure 22**).

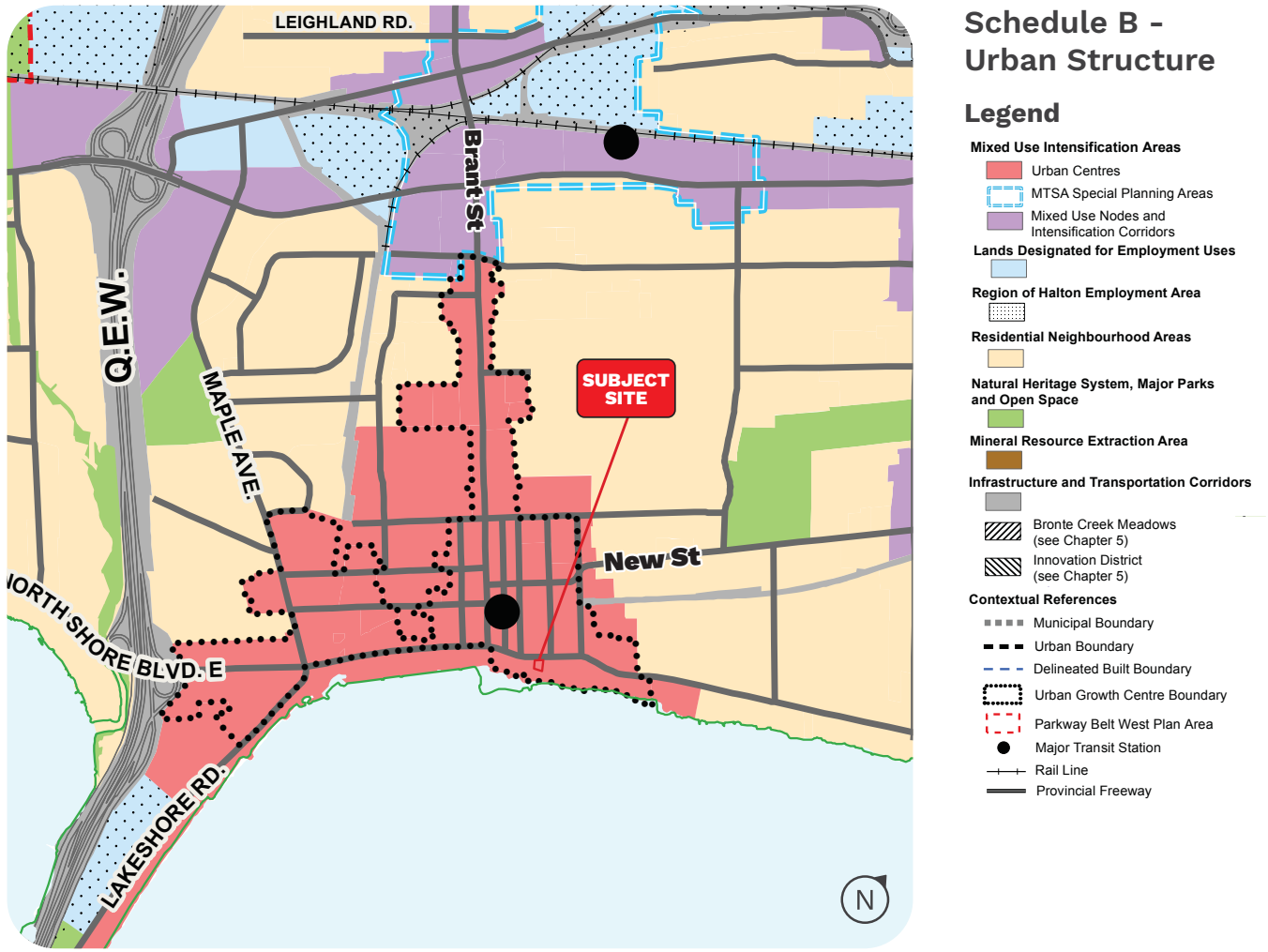


Figure 22 - New Burlington OP Schedule B – Urban Structure

Schedule B-1 – Growth Framework

The subject site is designated as a "Primary Growth Area" and "Downtown Urban Growth Centre" on Schedule B-1 of the New OP. We note that the "Urban Growth Centre" designation in the Growth Plan has since been shifted north to the Burlington GO Station since the New OP was initially approved by City Council in 2020. (**see Figure 23**). As the New OP has not been substantially updated to reflect changes in Provincial and Regional Policy, the UGC designation has not yet been shifted and any related policies would not be approved by the Tribunal at the conclusion of the appeals due to lack of conformity with Provincial and Regional Policy.

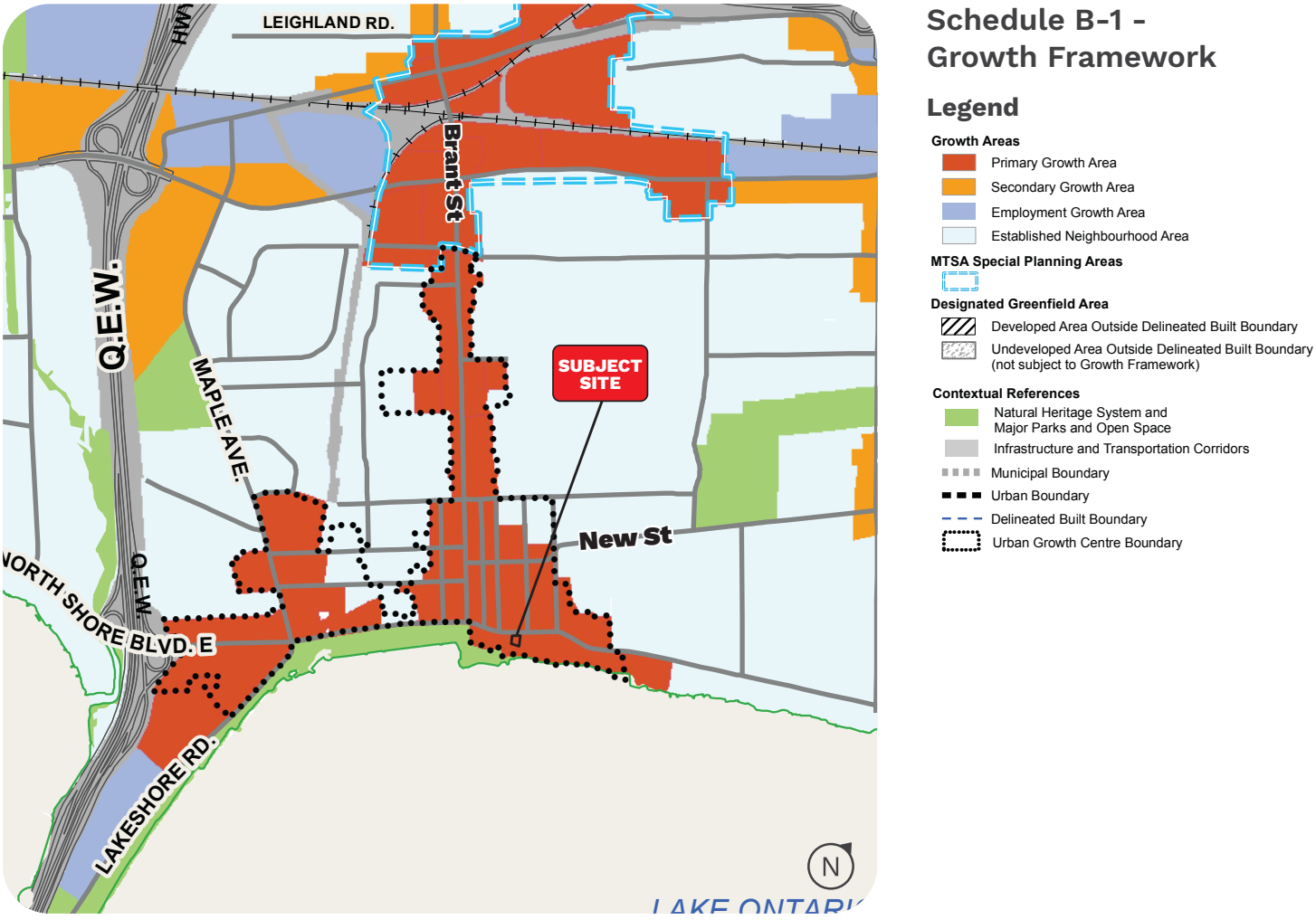


Figure 23 - New Burlington OP Schedule B-1 – Growth Framework

Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors

The subject site is located within a Primary Growth Area (referencing Schedule B-1) and is in easy walking distance of a 'Frequent Transit Corridor' with connections from the northwest corner Brant Street and Lakeshore Road to both a Primary and Secondary Major Transit Station Area Connector. Furthermore, the subject site is again identified as being within walking distance to a Major Transit Station (i.e. the Downtown Burlington Bus Depot). Please refer to **Figure 24**.

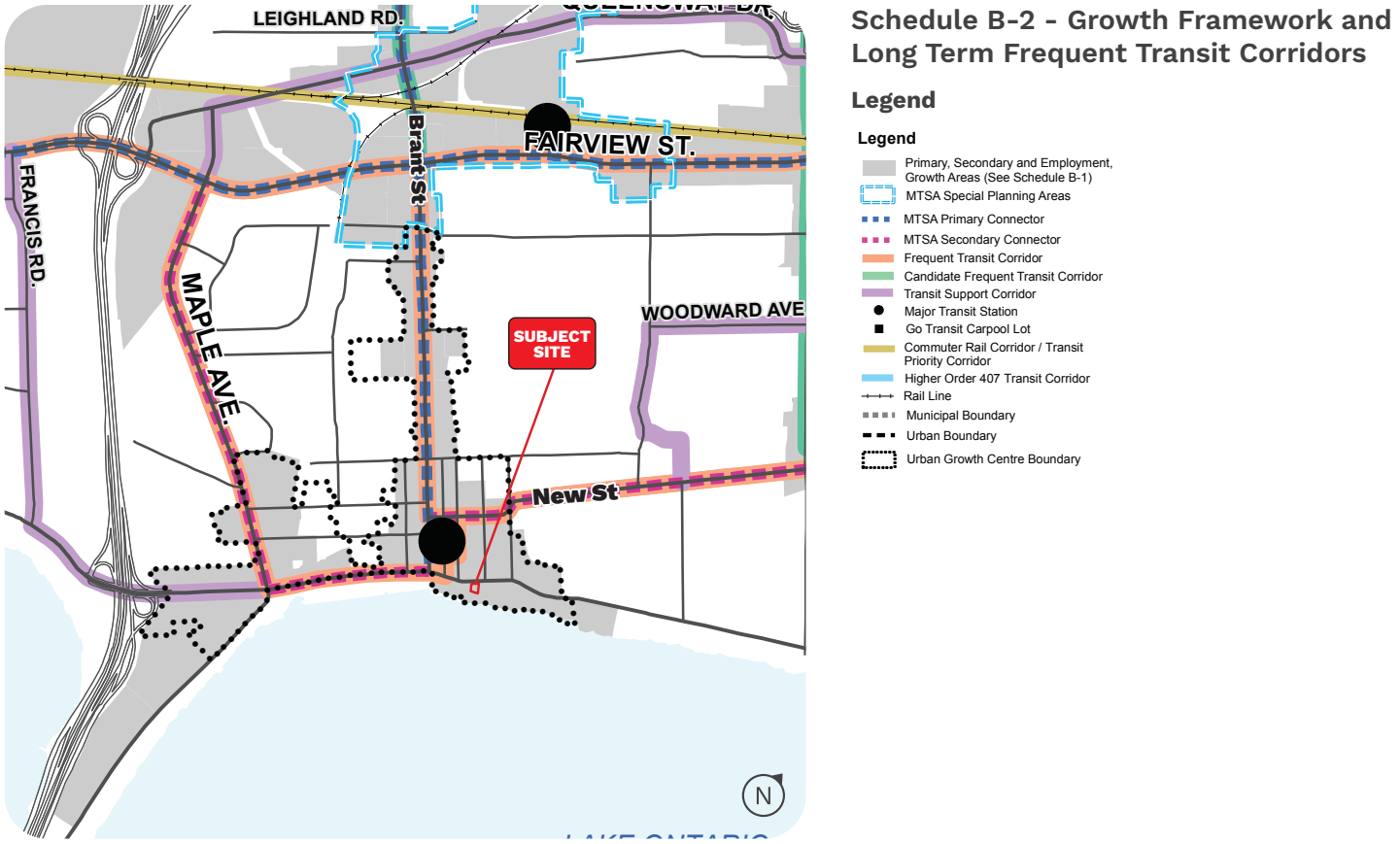


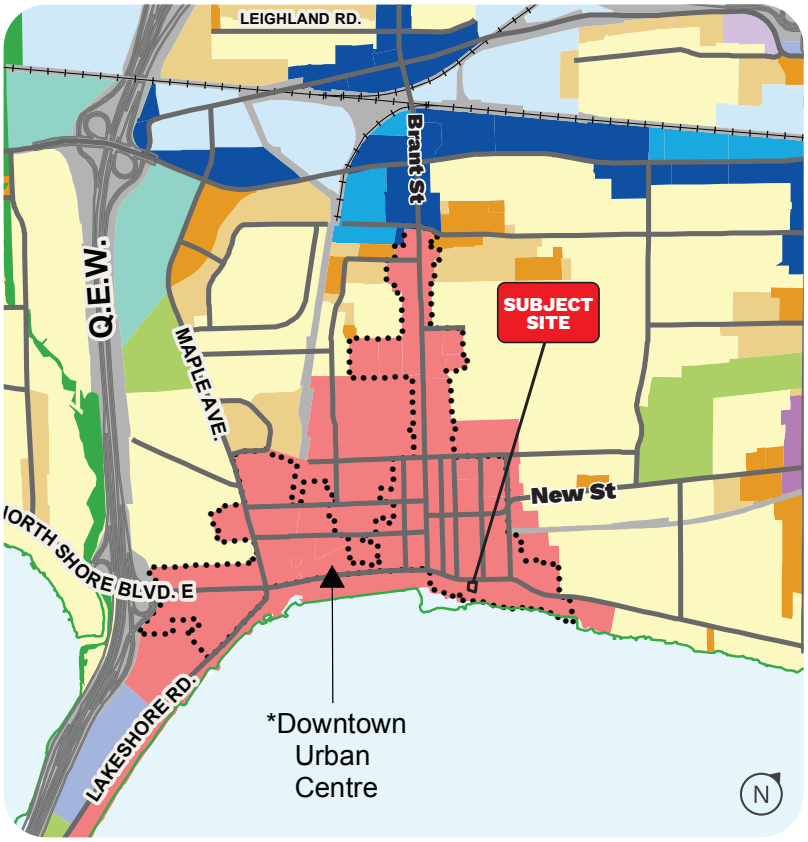
Figure 24 - New Burlington OP Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors

Schedule C – Urban Area Land Use Plan

The subject site is designated as 'Downtown Urban Centre' within the Downtown Urban Growth Centre boundary (**see Figure 25**).

Schedule D – Downtown Urban Centre Land Use Plan

The subject site is designated 'Old Lakeshore Road Precinct', 'West Sector' (**see Figure 26**).



Schedule C - Land Use - Urban Areas

Legend

MIXED USE INTENSIFICATION AREAS
- Urban Centres
- Mixed Use Nodes and Intensification Corridors
  - Mixed Use Commercial Centre
  - Neighbourhood Centre
  - Local Centre
  - Employment Commercial Centre
  - Urban Corridor
  - Urban Corridor - Employment

RESIDENTIAL NEIGHBOURHOOD AREAS
- Residential - Low Density
- Residential - Medium Density
- Residential - High Density

EMPLOYMENT LANDS
- General Employment
- Business Corridor

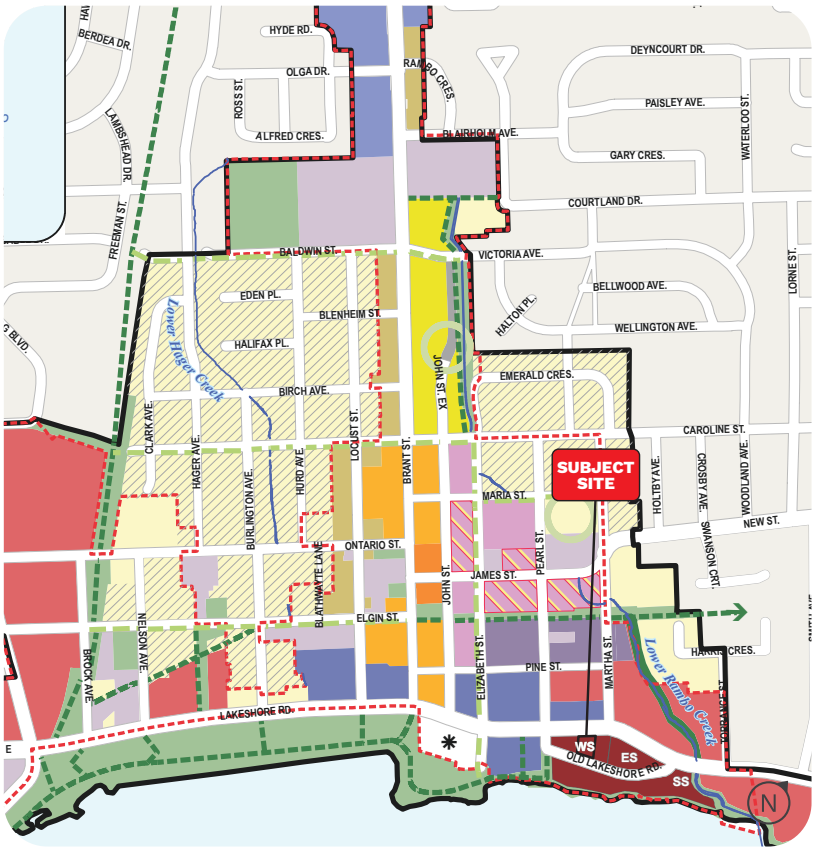
NATURAL HERITAGE SYSTEM AND MAJOR PARKS AND OPEN SPACE
- City's Natural Heritage System
- Major Parks and Open Space

MINERAL RESOURCE EXTRACTION AREA

INFRASTRUCTURE AND TRANSPORTATION CORRIDORS

CONTEXTUAL REFERENCES
- Municipal Boundary
- Urban Boundary
- Urban Growth Centre Boundary
- Special Street (Tremaine Dundas Secondary Plan)

Figure 25 - New Burlington OP Schedule C – Urban Area Land Use Plan



Schedule D - Land Use - Downtown Urban Centre

Legend

- Brant Main Street Precinct
- James Street Node
- Lakeshore Precinct
- Old Lakeshore Road Precinct
- Mid Brant Precinct
- Upper Brant Precinct
- Downtown East Precinct
- Village Square Precinct
- Neighbourhood Mixed Use Precinct
- Apartment Neighbourhoods Precinct
- Low-Rise Neighbourhood Precincts
- St. Luke's and Emerald Neighbourhoods
- Parks and Promenades designation
- Downtown Public Service designation
- Downtown Watercourse and NHS designation
- Downtown East Cultural Heritage Study Area
- Downtown Watercourse
- New Public Park
- Green Connector Streets
- Off-Street Trails/Promenades
- Future Transportation Connection
- Downtown Waterfront Hotel Planning Study (See Chapter 12, Subsection 12.1.4 (3))
- Urban Growth Centre Boundary
- Downtown Urban Centre Boundary

This schedule shall be used in conjunction with other applicable schedules and policies of this Plan.

Figure 26 - New Burlington OP Schedule D – Downtown Urban Centre Land Use Plan

Schedule D-1 – Downtown Urban Centre Retail Streets

The subject site is identified within the Downtown Urban Growth Centre along a 'Retail Main Street" (Lakeshore Road) and 'Mixed Use Street' (Old Lakeshore Road) (**see Figure 27**).

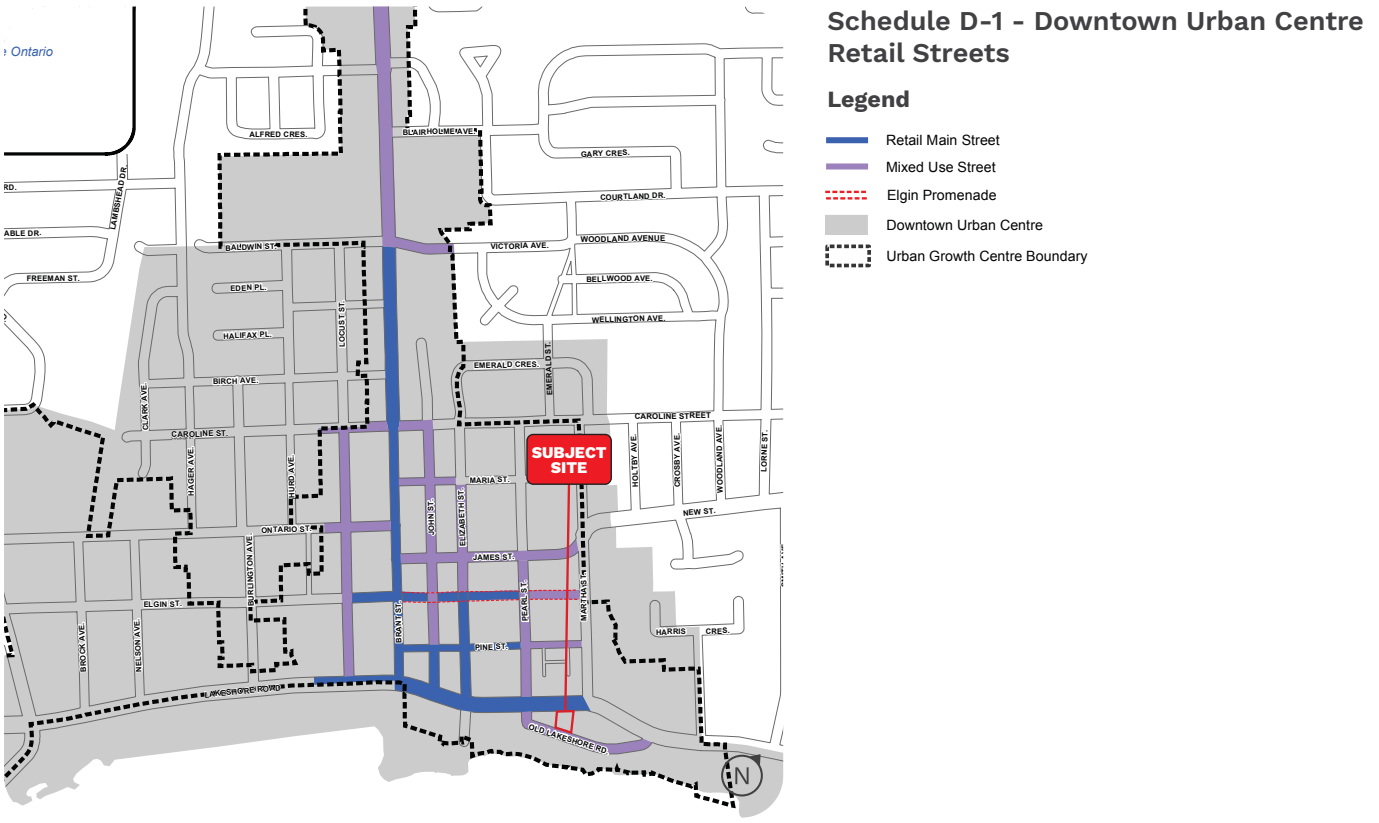


Figure 27 - New Burlington OP Schedule D-1 – Downtown Urban Centre Retail Streets

Schedule D-2 – Maximum Building Heights

The subject site is identified as being subject to the Built Form Policies in 8.1.1 (3.6.1). (**see Figure 28**). To the north of the subject site are two site-specific height permissions which permit 26 and 29 storeys, and 22 storeys is permitted to the west.

We note that the height map seems arbitrary, with no clear pattern or height hierarchy. The schedule provides a maximum height on many parcels which simply implement the existing or approved condition on the lands (some of which were approved via decision by the Ontario Land Tribunal), and the remaining distribution and height allocations are mixed from 3 storeys up to 22 storeys with no pattern of continuation or clearly identifiable transition areas.

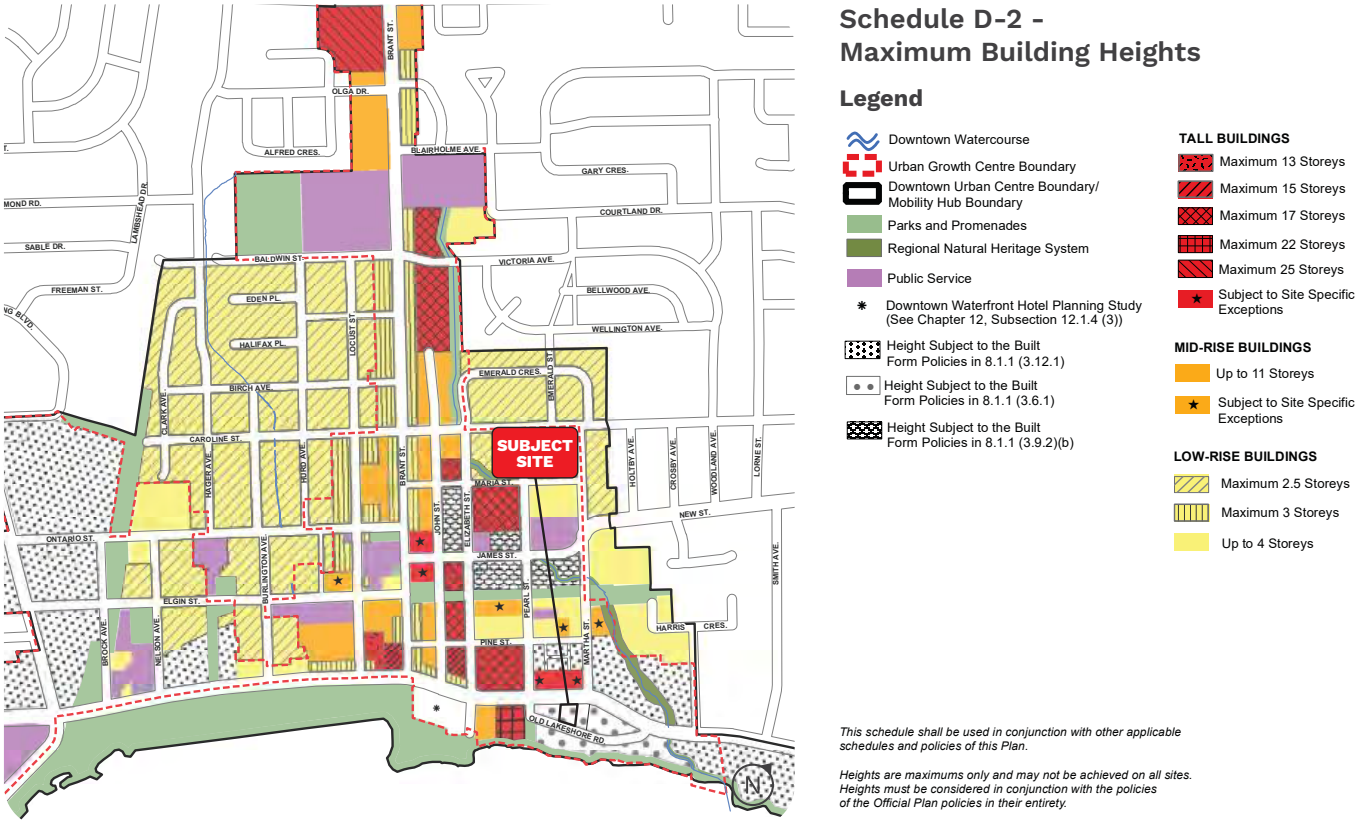


Figure 28 - New Burlington OP Schedule D-2 – Maximum Building Heights

Land Use Vision

Section 2.1 provides a vision for land use within the City of Burlington and describes a at a high level that new development is desired to be focused within the Urban Area to protect Burlington's natural heritage and Rural Area; to build compact, vibrant, sustainable, transit-supportive, healthy, and complete communities, as well as to optimize existing and future infrastructure and services, support active transportation, and to reduce greenhouse gas emissions and support a strong competitive economy.

A primary area for intensification will be directed to 'intensification areas', which include areas around the city's GO Stations, the Downtown, and the Uptown Urban Centre. Development in these areas will promote connected, walkable, transit-oriented communities that offer convenient access to employment opportunities, a range of housing types, public services including schools and parks, and various daily needs such as shopping and services.

The Urban Structure Policies

The City's Urban Structure establishes a vision for the Urban Area which is further refined in the Land Use Policies – Urban Area in Chapter 8 of this Plan. As noted in Section 2.3 of the Official Plan, the Urban Structure is composed of seven major components, including Mixed-use Intensification Areas such as the subject site. Section 2.3.1 provides the policy framework for the Mixed-use Intensification Areas, which include the urban centres and mobility hubs both of which the subject site falls within as per Schedule B – Urban Structure (see **Figure 22**). Policy 2.3.1(a) provides that lands identified as Mixed-use Intensification Areas provide locations where a range and intensity of employment, shopping, public service facilities, and residential uses will be developed with transit supportive densities in a compact built form where walking, biking, and transit will be prioritized.

Policy 2.3.1(d & e) speaks to the city's Urban Centres which includes the Downtown Urban Centre and those lands identified as Urban Centres are to provide for a broad range and mix of uses in areas of higher intensity in relation to the surrounding neighbourhoods. Urban Centres would bring a variety of public service facilities and a mix of other uses such as retail uses to support residents and employees. Policy 2.3.1(f) states that the Downtown Urban Centre will continue to develop as the city's centre, taking advantage of the unique qualities that contributes to its identity while Policy 2.3.1(h) provides that Urban Centres will exhibit a wide variety of land uses and intensities designed in a compact built form, oriented to support transit and facilitate active transportation.

As noted above, the subject site falls within the Downtown Burlington Mobility Hub as identified on Schedule D-2 (**Figure 28**), one that has been identified by Metrolinx and included in the Halton Regional Official Plan. Policy 2.3.1(i) states that Mobility Hubs consist of areas located within walking distance to a major transit station area, including the Downtown Burlington Bus Depot or GO Rail Stations which are currently or planned to be serviced by frequent transit corridors and GO Transit. The high level of existing or planned transit service within these areas provides an environment where significant residential and employment growth can be supported, specifically in the form of compact, mixed-use, and pedestrian-friendly areas. The New OP directs that Mobility Hubs are emerging areas within the Urban Structure that represent opportunities to intensity and develop complete communities.

Primary Growth Area Policies

Schedule B-1: Growth Framework (**Figure 23**) of the New OP identifies the subject site as a Primary Growth Area. Policy 2.4.1(b) sets out an objective that Primary Growth Areas are to be identified as the areas where the City is planning to accommodate significant population and employment growth and higher intensity mixed-uses. Policy 2.4.2(1)(ii) states that Primary Growth Areas shall be recognized as a distinct area within the City's Urban Area accommodating the majority of the City's forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change. Policy 2.4.2(1)(iii) further provides that Primary Growth Areas shall be regarded as the most appropriate and predominant location for tall buildings in accordance with the underlying land use policies while Policy 2.4.2(1)(v) states that they shall support the frequent transit corridors, such as Brant Street and New Street into the Downtown, and accommodate development that is compact, mixed-use, and pedestrian oriented in nature.

Housing Policy

Chapter 3 of the New OP speaks to the policy framework regarding housing and the importance on creating complete communities that meet people's needs for daily living by providing an appropriate mix of jobs, services, full range of housing, and convenient access to public transportation and options for active transportation. Section 3.1 states that the City will promote an appropriate and adequate range of housing choices by type, tenure, and affordability.

Section 3.1.1(1) states objectives regarding housing which include, among others: that a sufficient supply of suitable designated and serviced land is available to accommodate residential growth to meet the existing and future housing needs; to promote a land use pattern that mixes and disperses a full range and mix of housing types and tenures; and to make more efficient use of existing developed lands, housing stock, and available services to increase the supply of housing.

Section 3.1.1(2) provides policies regarding housing, which include, amongst others: that the City will support housing initiatives that facilitate revitalization, particularly the identification and remediation of greyfields, compact built form, and increased variety of the housing stock; and encourage a mix of housing forms, however the city's existing areas of Residential-Low Density shall be considered sufficient to contribute towards the component of the mix.

Climate Change And Air Quality

Section 4.1 of the New OP speaks to climate change and air quality and that to achieve a sustainable community, climate change and air pollution must be addressed. Section 4.1 further provides that climate change and air pollution impacts are caused primarily by burning fossil fuels, resulting in greenhouse gas emissions and that these impacts can be reduced through sustainable, effective, and efficient land use and transportation policies.

Section 4.1.2 of the New OP outlines policies that relate to mitigating climate change and air pollution, which include working to improve air quality and energy efficiency to reduce greenhouse gas and fuel emissions, and mitigating and adapting to climate change through land use and transportation policies related to, among other matters:

i. maintaining the urban boundary and seeking a compact built form in Mixed Use Intensification Areas;

ii. achieving mixed use development to encourage walking, cycling and transit;

iii. locating intensification in areas which are well served by existing or planned transit;

iv. promoting and encouraging modal shift towards transit and active transportation, using tools such as transportation demand management;

v. addressing parking management, primarily through the Zoning Bylaw, that does not undermine transit and active modes of transportation; and [...]

ix. encouraging sustainable, energy efficient and low carbon buildings [...].

Policy 5.4.5 refers to the Downtown Urban Centre, which includes the Downtown Burlington Mobility Hub, which is planned to continue to contribute to accommodating jobs and will significantly contribute to accommodating employment and meeting the City's economic objectives.

Multimodal Transportation Policies

Section 6.2 describes policies relating to multimodal transportation in the City of Burlington. Section 6.2.1.(2), Policy (b) provides those public rights-of-way widths in Chapter 14, Table 2: Public Right-of-Way Widths shall be protected and secured through the processing of development applications, unless waived by the City in accordance with Subsection 6.2.7.(2) of the New OP.

With respect to transit, Policy 6.2.3(2)(b) provides that long range transit planning will support the city's Intensification Areas with long-term frequent transit corridors and priority being placed on providing the highest level of transit service in the city's Primary Growth Areas.

In regard to public right-of-way allowances, Policy 6.2.7.(2)(d) states that public right-of-way widths not identified in Chapter 14, Table 2: Public Right-of -Way Widths, of this Plan shall be the actual width as it existed on the date of approval of the Official Plan.

Design Excellence Policies

The preamble in Chapter 7 of the New OP outlines the role that urban design plays in promoting a sense of place and community and by inviting people to share a collective vision for where they want to live, work, visit, and enjoy. Section 7.1.2 provides policy framework that is related to design, which include among others; the design policies contained in this section shall be considered in the review and approval of all development applications (a); design guidelines may be developed for certain types of building forms, land uses, streetscapes, streets, and roads or specific areas in the city and that council approved design guidelines will be utilized in the review and evaluation of development applications (d); and development proponents may be required to prepare and implement an urban design brief to the satisfaction of the City that demonstrates how the proposed development meets the policies of this Plan and addresses the relevant design guidelines (e).

Public Realm Policies

Policy 7.2(a) of the New OP provides that the design of the public realm shall address considerations such as, but not limited to, the following:

i. Improving the quality of public spaces;

ii. Providing appropriate and consistent treatments for streetscape elements such as sidewalks, pedestrian crossing, lighting, street furniture, street trees, and landscaping;

iii. Improving the quality and convenience of active transportation;

iv. Creating an attractive and comfortable environment for pedestrian movement;

v. Implementing AODA design measures;

vi. vii) Improve multi-modal transportation and public space needs in design of streets and roads;

viii. Improving quality of streets, sidewalks, and cycling facilities to provide more direct active transportation; and

xiv. Implementing CPTED design standards.

Urban Design And Built Form Policies

Policy 7.3.2 of the New OP states that in areas identified on Schedule B-1: Growth Framework, and subject to the policies of Subsection 2.4 of this Plan, development shall address considerations such as, but not limited to the following: ensuring site and building design are compatible with the surrounding area; providing appropriate built form transition in scale between buildings, public realm, and abutting development through design methods such as angular planes, step backs, and building orientation; provide appropriate screening, landscape buffering, and other design measures to minimize impacts; provide pedestrian comfort and human scale at the street level reflecting the established and

planned streetscape to frame the public realm, through various design methods including the use of podiums in tall buildings; provide façade articulation that achieves a scale of development that is attractive to pedestrians and avoids the use of blank walls; designing and orienting development that face public open spaces to contribute to the public realm and pedestrian environment; and implementing measures that adequately limit any resulting shadowing, uncomfortable wind conditions on the streetscape, neighbouring properties, and parks and open spaces.

Furthermore, Policy 7.3.2(1)(a) of the New OP states that in Primary Growth Areas as shown on Schedule B-1: Growth Framework (**Figure 23**), development shall promote a transit-supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses. Policy 7.3.2(1)(a)(i) provides that the design of development in Primary Growth Areas shall address the policies of Subsection 7.3.2(a) as noted above, but also have additional consideration such as, amongst others:

- locating buildings generally parallel to the public street to define the street edge and in close proximity to the street and transit services;
- providing appropriate transitions to adjacent land uses; massing new buildings to frame adjacent streets in a way that respects the existing and planned street width and also provides a pedestrian-scale environment;
- locating building primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk;
- including direct pedestrian access including barrier free access from grade level to the primary public entrances located on the building façade;
- screening or integrating roof top mechanical equipment within the overall composition of the building;
- creating an attractive and connected interface between the private and public realms; creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of the buildings; and
- providing appropriate outdoor amenity areas and open space.

Policy 7.3.2(1)(a)(ii) of the New OP further provides that development is Primary Growth Areas should locate and organize parking, access, and service areas to minimize their impact on surrounding properties and the public realms. The design of vehicle parking, access, and service areas shall address considerations such as, but not limited to:

a. Locating off-street parking in the side and/or rear yards, in underground or structured parking where appropriate, away from the street edge and adjacent residential uses;
b. Integrating parking areas located at or above grade within the built form of the building and away from the street frontage, where appropriate;
c. Limiting the number and location of vehicular access points to minimize disruption to traffic flows, and to minimize the impact on local streets, pedestrian travel along sidewalks, or cyclists traveling along bikeways;
d. Screening and buffering of off-street parking areas from public view through the use of setbacks and landscaping;
e. Locating loading areas and service areas to avoid conflict between pedestrian and vehicular traffic and away from adjacent residential uses and adjoining streets; and
g. Incorporating fencing and/or screening of service facilities, such as loading bays or outdoor storage areas, in a manner which enhances screening from adjacent land uses and the public right-of-way and improves the aesthetic quality of the development.

Section 7.4 of the New OP provides policy framework regarding sustainable design. In particular, Policy 7.4.1(a) states that Official Plan Amendments, Zoning By-law Amendments, and Site Plan applications for high and medium density residential and mixed-use developments shall address the following sustainable design measures, which include, among others:

- safe and direct on-site connections to public transit where available;
- on-site bicycle facilities;
- identification of appropriate snow storage areas to reduce the adverse impacts of salt and de-icing practices;
- a waste management plan with appropriate facilities; and
- bird-friendly design measures for glass buildings.

Land Use Policies – Urban Area

The subject site is identified in the New OP as Mixed-use Intensification Areas and designated 'Urban Centres' as shown within Schedule C – Land Use – Urban Area of this Plan (**Figure 25**).

As described in Section 8.1 of the New OP, lands identified as Mixed-use Intensification Areas will achieve a multitude of planning objectives by combining a broad range of intensities of employment, commercial, and residential uses, among others. These areas will provide people an opportunity to depend less on their automobiles while creating distinguishable places along transit routes that are animated, attractive, and safe.

Policy 8.1.1 of the New OP states that Urban Centres will intensity and accommodate a significant portion of the demand for higher intensity employment, commercial, and residential development within the city.

Urban Centre objectives provided in Policy 8.1.1(1) of the New OP are to, among others: provide locations in the city that will serve as for higher intensity mixed-use development, consisting of residential, retail, service commercial, office, employment uses (a); to encourage higher intensity, transit-supportive and pedestrian oriented development within Urban Centres while ensuring compatibility with the surrounding area is achieved (b); to permit mixed-use developments on individual sites where residential, retail, service commercial, office and other uses are located (c); to ensure Urban Centres are developed in a compact built form (d); to ensure that development in Urban Centres is compatible with the surrounding area (e); to encourage the accommodation of a diverse range of household sizes and incomes (f); to promote a more diversified and integrated multi-modal transportation system in Urban Centres (i); and to ensure Urban Centres are highly accessible by transit.

Section 8.1.1(2) of the New OP provides general policies for the Urban Centres, which include, among others: the design and development of Urban Centres shall promote these areas as multi-functional activity centres which are characterized by a mixed-use and compact built form of development, pedestrian-orientation, accessibility to public transit and higher intensity development (b); the design and development of Urban Centres shall ensure compatibility between Urban Centre uses and surrounding areas (c); Zoning By-law regulations affecting Urban Centres shall be based on the general policies for Urban Centres contained in Subsection 8.1.2(2) of the New OP and the specific policies for individual Urban Centres, contained in Subsection 8.1.1(3) and 8.1.1(4) the New OP (f); multi-unit residential developments in Urban Centres should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (g); and Urban Centres shall be served by frequent transit corridors (k).

Section 8.1.1(3) of the New OP further describes the Downtown Urban Centre in which the subject site falls within. It goes on to provide that the Downtown will continue to be an area where retail, entertainment, offices, and residential uses, amongst others, shall be developed. The development within the Downtown will make best use of the existing infrastructure and crease a sustainable and compact community with a wide range of land uses and built forms. The New OP further adds that new development will be of high-quality design and enhance the Downtowns image as an enjoyable, safe, bikeable, walkable, and transit-supportive place, and built to be compatible with buildings and neighbourhoods.

Section 8.1.1(3.1) of the New OP speaks to the general objectives of the Downtown Urban Centre, which include amongst others; to establish minimum density targets for the Urban Growth Centre contained in the Downtown in terms of residents and jobs in accordance to the Growth Plan (b); to provide a continuous, harmonious, and safe and attractive pedestrian-oriented environment through high-quality streetscapes including enhanced greenery/landscape, and new developments which achieve urban design excellence (k); to permit building heights and intensities within the Urban Growth Centre that will support and enhance the City, Regional, and Provincial significance of the Downtown and its role as a mobility hub (l); to require a mix of uses within developments throughout the Downtown that reinforces the Downtown's role as a complete community (m); to ensure Downtown continues to have a strong employment base that will attract new business, services, and amenities to support the long-term success of Downtown (n); to concentrate the tallest development in those parts of the Urban Growth Centre that have the greatest access to higher order transit and which are located away from the Lake Ontario waterfront.

Section 8.1.1(3.2) of the New OP provides the general policies for the Downtown Urban Centre, which include; development along General Mixed-use Streets may be required to provide a minimum floor-to-floor height, as established in the Downtown Area-Specific Plan and/or Zoning By-law and that height, density, and or intensity permissions stated within all Downtown Urban Centre precincts, with exception of two, shall be inclusive of the provision of any and all community benefits which may be required as part of the approval of a development to the satisfaction of the City.

Old Lakeshore Road Precinct

Schedule D – Land Use – Downtown Urban Centre of the New OP further identifies the subject site as being located within the 'Old Lakeshore Road Precinct – West Sector'. The policies relating to this designation are contained within Section 8.1.1(3.6) of the New OP. Specifically, Policy 8.1.1(3.6) provides that the Old Lakeshore Road Precinct will provide for mixed-use mid-rise buildings consisting primarily of residential uses which are pedestrian-oriented and transit-supportive while also achieving a high standard of design. Modest tall buildings which transition downward from the adjacent Lakeshore Precinct towards the waterfront may be accommodated where such development achieves strategic public and city building objectives, including the provision of public waterfront access and the creation of new uninterrupted view corridors to Lake Ontario, among others.

Policy 8.1.1(3.6.1) a) of the New OP provides a list of permitted uses in the Precinct, including residential uses other than ground-oriented dwellings, office uses, retail and service commercial uses, hotel uses, entertainment uses, and recreation uses. Policy 8.1.1(3.6.1) b) additionally provides that a minimum of two permitted uses shall be contained within new development.

With regards to heights and densities, Policy 8.1.1(3.6.1) c) of the New OP provides that development shall achieve a minimum building height of two storeys and not exceed a height of 10 storeys or 31.5 metres (i). Additional height of up to 15 storeys and 47 metres may be permitted, subject to the provision of the following to the satisfaction of the city:

a. assembly of lands within the Old Lakeshore Road Precinct between Pearl Street and the future Martha Street alignment and view corridor to the Waterfront (including all lands within the West Sector (Area 'WS'), portions of the westerly portion of the existing Old Lakeshore Road public right-of-way and the westerly portion of the South Sector (Area 'SS') lands contained within the described area);
b. continuation of the Martha Street alignment to meet Old Lakeshore Road;
c. construction, and dedication to a public authority, of a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension, in accordance with Subsection 8.1.1(3.6.1) c) (ii) of this Plan;
d. closure of the portion of Old Lakeshore Road identified in Subsection 8.1.1(3.6.1) c) (ii) a. of this Plan;
e. provision of a view corridor from Martha Street to Lake Ontario;
f. provision of enhanced public spaces;
g. conservation or re-location of significant cultural heritage resources within the precinct;
h. submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how any adverse impacts can be mitigated to acceptable levels; and
i. community benefits.

Policy 8.1.1(3.6.1) h) of the New OP provides that a holding zone may be used to specify the conditions of development that must be completed to achieve the higher density development outlined above.

Policy 8.1.1(3.6.1) j) of the New OP provides that the City will consider undertaking an area-specific plan for lands within the Old Lakeshore Road Precinct with respect to the review of existing height and density permissions and conditions for development as stated within the New OP, as well as other matters as determined by the City. The area-specific plan shall undertake such a review in terms of achieving key city building objectives including, but not limited to, the following: the creation of new public pedestrian connections and park spaces along the waterfront, including any potential linkages with adjacent development as well as areas designated Downtown Parks and Promenades within this Plan; the creation of a new view corridor from Martha Street at Lakeshore Road to Lake Ontario including the establishment of any potential associated pedestrian connections; and the undertaking of a detailed shoreline study to assess potential impacts on development potential within the precinct, to be undertaken in consultation with Conservation Halton.

Policy 8.1.1(3.6.1) k) of the New OP expands upon this, providing that in the case of a development application preceding an Area Specific Plan for the lands within the Old Lakeshore Road Precinct, a special study for the entire Old Lakeshore Road Precinct shall be submitted and implemented based on a terms of reference completed to the satisfaction of the City. The special study shall demonstrate how the proposed development contributes towards, or does not impede the achievement of, the policy objectives for the Old Lakeshore Road Precinct identified in Policy 8.1.1 (3.6.1) a) through j). The special study will also demonstrate how the development is consistent with all applicable Official Plan policies and design guidelines.

Mobility Hub Policy

Mobility hubs as mentioned in Section 8.1.2 of the New OP are an important component of the city's Urban Structure, Growth Framework, and transportation network. The policies within this section of the Plan are applied to Mobility Hubs as shown on Schedule D: Downtown Urban Centres, for which the subject site is within.

Section 8.1.2(1) of the New OP provides objectives related to Mobility Hubs which include, but not limited to: to develop the mobility hubs into compact, pedestrian, environmentally sustainable and transit-supportive places (b); to promote intensification in order to achieve transit-supportive residential and employment density targets (c); to establish the mobility hubs as areas largely characterized by mixed-use development that will strengthen the shop/live/work relationship and facilitate vibrancy day and night (d); to provide a network of complete streets which provide for the efficient, accessible, and safe movement of goods and people which prioritize pedestrian, bicycle, and transit activities (e); to develop mobility hubs into effective multi-modal transit station areas that provide seamless connections between different modes of transportation including frequent transit corridors (f); to ensure mobility hubs have strong and integrated multi-modal connections with adjoining areas (g); to prioritize the development and intensification of underutilized lands and buildings (h); to provide mid-rise and tall-building forms, where appropriate, that support a variety of demographics (j); to provide opportunities for a range of small and medium scale retail and service commercial uses that serve the needs of residents and employees (k); to encourage a diverse range of household sizes (l); and to ensure appropriate transition in scale, intensity, height and massing (n).

Section 8.1.2(2) of the New OP further states that for the Downtown Mobility Hub, 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, Mobility Hubs contained in this Subsection 8.1.2 of this Plan, and any other applicable policies of this Plan, shall apply.

4.6 City of Burlington Zoning By-law 2020

Pursuant to Zoning By-law 2020, the subject site is zoned Downtown Old Lakeshore Road - A (DL-A) as shown on the City's interactive zoning map (**see Figure 29**).

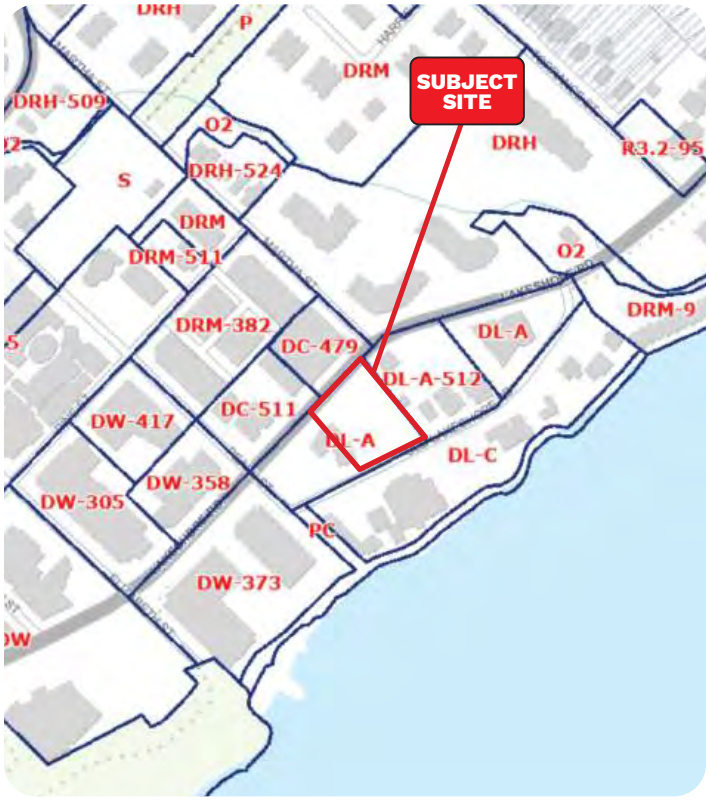


Figure 29 - Zoning By-law 2020

Permitted uses in the DL-A zone include retail commercial uses (convenience stores and retail stores), service commercial uses (e.g. restaurants, other retail stores, terrace patios, veterinary services, etc.), community uses, offices, hospitality uses (e.g. hotels, convention centres, etc.), entertainment and recreational uses (e.g. night clubs), and residential uses including apartment buildings.

Therefore, the proposed development for a new mixed-use commercial / community / residential building is permitted in the current DL-A zoning category.

The maximum permitted height in the DL-A zone is 10 storeys and 31.5 metres while the maximum floor area ratio is 4.5:1. This corresponds to and implements the City's Official Plan, which in our opinion, is out of date, and does not adequately reflect the current Provincial and Regional planning policy framework, or account for things such as land use compatibility, good urban design, and the City of Burlington's Housing Pledge to build 29,000 homes by 2031.

Other standards apply for new development, including the prohibition of parking areas and driveways between buildings and a street. With regards to setbacks, a 2-metre setback is required along Lakeshore Road and a 1 metre setback is required along Old Lakeshore Road. The maximum setback is no more than 1 additional metre beyond these requirements.

From the 3rd to 8th storey, a 2-metre step back is required on both frontages from the minimum setback.

In addition, the subject site is located within the City's "Downtown Parking Exemption Area" according to the Zoning By-law, which recognizes the high-density, mixed-use development of the area (see **Figure 30**). Parking requirements within this area have been updated to require only residential parking, with parking requirements for all other uses removed. Residential parking is to be provided at a rate of 1.25 spaces per unit.

The proposed development requires an amendment to the City's Zoning By-law in order to permit the proposed height, density, and to create new site-specific exceptions to regulate the built form and site design as proposed.

For reasons outlined in Section 5 of this report, it is our opinion that permitted regulations set out in Zoning By-law 2020 are not consistent with the Provincial Planning Statement and do not conform with the evolving regional and local official plans. The zoning is outdated and has not been updated to reflect the more recent planning policy documents and the contemporary zoning standards required to facilitate the type of redevelopment intended by provincial and regional planning policies. As a result, a Zoning By-law Amendment is being submitted to allow for the proposed height and density, as well as other site-specific zoning regulations in support of the redevelopment proposal.

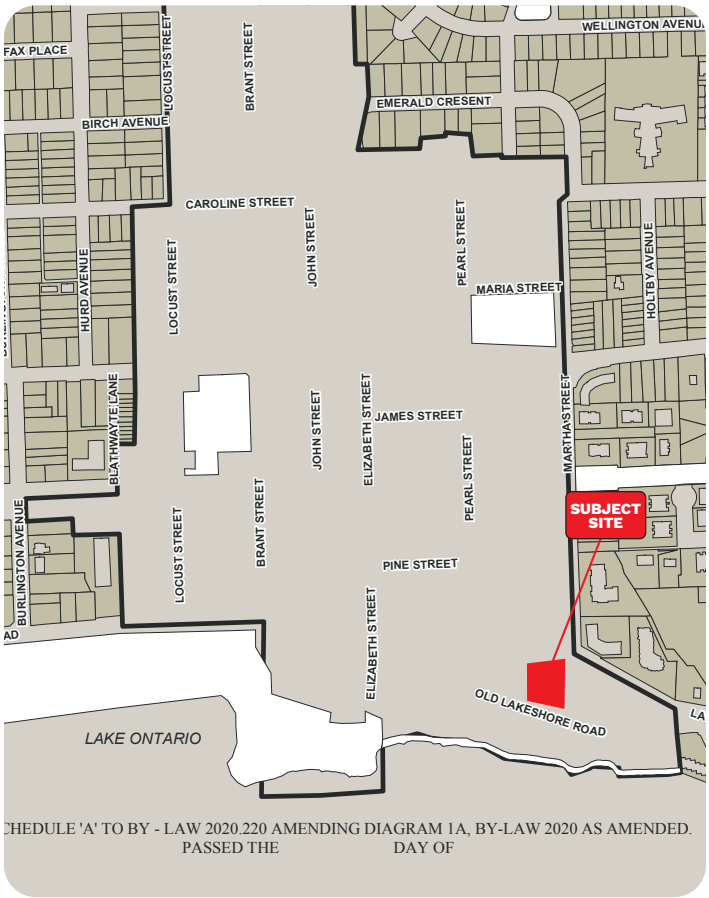


Figure 30 - Downtown Parking Exemption Area

4.7 Downtown Urban Design Guidelines (October 2006)

The City of Burlington Downtown Urban Design Guidelines were prepared by Brook McIlroy Planning and Urban Design and approved by Burlington Council October 10, 2006. The guidelines were prepared as result of growing development activity in Downtown Burlington, particularly in the form of condominium buildings and ongoing improvements to the Burlington Waterfront. The Burlington Downtown Urban Design Guidelines (UDGs) are intended to supplement the Official Plan and Zoning By-law by providing property Owners, developers, and City staff with additional detail on what constitutes desirable built form in the Downtown.

As UDGs are not themselves part of the Official Plan or Zoning By-law, they must be understood as a guiding document only without the force of policy. As provided by Section 1.3 – Existing Character of the UDGs, the intent of the guidelines is not to prevent all development, restrict development to low-rise buildings or make any new building adopt a "heritage style". Instead, the guidelines provide a set of recommendations to ensure that new development protects the most crucial aspects of Downtown Burlington's existing character including: the relationship of buildings to streets and open spaces; the articulation of facades; the relationships of buildings to one another; the protection of important views; the fine-grained pedestrian network with its shortcuts and urban paths; and the palette of materials.

The subject site is located within the Downtown Core Precinct, which is identified in the Downtown Urban Design Guidelines as the largest and most diverse precinct. the Downtown Core Precinct encompasses many of the uses that make Downtown Burlington an important destination for all Burlington residents. The Guidelines direct that development in the Downtown Core Precinct should respect the character of the existing built form to ensure that this area retains its attractiveness. New development should also be designed sensitively to ensure proper transitions to surrounding stable low-density neighbourhoods. Transportation and access, both pedestrian and vehicular, are important issues in this precinct to achieve a balance between accessibility and local quality of life.

The Urban Design Brief Prepared by Bousfields and submitted under separate cover as a part of this application provides a detailed review and analysis of the proposed development against the applicable guidelines contained within the Downtown Urban Design Guidelines.

For the reasons set out below in Section 5.0 of this report and the Urban Design Brief, we are of the opinion that the proposed development is in keeping with the 2006 Downtown Urban Design Guidelines.

4.8 Tall Building Design Guidelines (May 2017)

The City of Burlington, in conjunction with Brook McIlroy, prepared the Tall Building Design Guidelines (the "TBG"), dated August 2016, and approved by Council on October 3, 2016, as "interim guidelines". The purpose for the "interim" status was to accommodate further consultation with the public and development industry and to facilitate revisions, as needed, prior to enacting the guidelines on a permanent basis.

Following public and industry workshops in January 2017, revised Tall Building Guidelines were prepared in April 2017. A final roundtable discussion was organized by City staff with the development industry on May 15, 2017, which led to the preparation of the final Tall Building Design Guidelines, dated May 2017, and approved by City Council on July 10, 2017.

The intent of the Tall Building Guidelines is to provide guidance for developers and architects designing tall buildings in the City of Burlington and will be used by City staff as one tool in evaluating development applications and mobility hub planning. The guidelines are applicable to all tall buildings (over 11-storeys) across the entire City and are broken down by the components of a tall building which include: building base (podium); building middle (tower); and building top.

Building Base

Section 2.0 of the TBG provides design direction with respect to podiums of tall buildings, providing that the podium of a tall building anchors the tower and defines the pedestrian experience at the street. Its location and height should frame and create a positive relationship to the street. Specifically, tower bases should be carefully designed, including a mix of horizontal

and vertical elements, to reinforce a human scale. Clear glazing, and the arrangement of internal uses, should create a visual connection between the public and private realm, while promoting vibrancy and activity throughout the day.

Podium Location

a. Located to frame the street, and on corner lots, located to frame both streets.
b. On retail streets (i.e. Brant Street), and other streets where a strong streetwall exists, should reinforce the established streetwall.
c. Where no streetwall has been established, should be set back at grade to create wide boulevards that accommodate pedestrians, street trees and landscaping, and active at-grade uses. A 6.0 metre boulevard measured from curb is preferred, except where existing conditions preclude. The intent is that a road widening will not be required to specifically achieve this guideline.
d. On sites with multiple towers, mid-block pedestrian connections should be provided through the podium to enhance permeability, break-up the podium, and create additional corner conditions.
e. Where windows are proposed within the podium, an 11-metre separation distance shall be provided between adjacent buildings. Where no adjacent buildings exist, a 5.5 metre setback is appropriate. Where a continuous streetwall is desirable, no side-yard setbacks are necessary. Continuous street walls are generally desirable, except where special site or block conditions require breaks to access mid-block connections, public courtyards, or other open spaces.
f. Buildings can cantilever over side yard setbacks to create a weather protected mid-block connection, public courtyard, or other public open space. Buildings can cantilever above: a) a grade level height of 4.5 m or more; or b) above the second floor where the grade level height is less than 4.5 m.

Podium Height and Massing

a. The height of the podium, and the tower stepbacks above, should generally reflect the established and planned streetwall subject to the guidelines below. Small variations are encouraged to create a varied streetscape.
b. Where no established streetwall exists, the minimum height of the podium shall be 10.5 metres (3-storeys) to frame the streetscape and reinforce a human-scale.
c. The maximum height of the podium shall be 80% of the adjacent right-of-way width. A maximum height of 20 metres is recommended to maintain a human-scale.
d. The floor-to-ceiling height of the ground floor should be a minimum of 4.5 metres to accommodate internal servicing and loading, and active commercial uses (where permitted).

Shadows/Sky Views

a. Height and massing of buildings should ensure adequate access to sunlight in surrounding areas in compliance with the Shadow Study Guidelines and Terms of Reference.

Podium Design and Articulation

a. Sides constructed with highest quality architectural design and materials.
b. Materials to reflect intended use and should not mimic other materials, should complement the established character of the street where appropriate.
c. The use of 'heavy' materials (i.e. brick, stone, or metal) used to anchor building.
d. Portions of the podium roof that are not occupied by a tower should be used as outdoor amenity space to provide casual surveillance and interesting views from the street.
e. Large podiums to be visually broken into smaller components. Mixed-use podiums shall reflect multiple retail units, while residential buildings shall provide individual entrances for ground floor units. In the downtown, podiums shall reflect the traditional 7-10 metre lot width.
f. At grade residential units should be set back a minimum of 3.0 metres from street wall. Front yards should incorporate landscaping and enclosure to provide privacy to individual units.
g. Main building entrances clearly demarcated and provide focal point for building design.
h. Architectural elements and expressions, including entrances, windows, canopies, steps, and recesses and projections, should highlight individual units and reinforce a variety of scales and textures within the podium.
i. Within a retail podium, the ground floor shall be predominantly clear glazed to provide visual connections between public and private realm and enhance safety. Similarly, public elements of a residential podium (i.e. lobby, amenity space) shall be predominantly clear glazed.
j. On corner lots, articulation of the podium should acknowledge its important location through corner entrances, chamfering (and associated public space), and/or other architectural features.
k. Mixed-use buildings with retail at grade should incorporate vestibules, frequent building entrances, canopies, and structural overhangs to provide weather protection for the length of the street.
l. Weather protective design should be provided at grade and at the podium level through canopies, arcades, and cantilevers. Canopies located on the ground floor should be at least 1.5 metres deep. Weather-protection elements may encroach in building setbacks and should not encroach into the public right-of-way.
m. Projecting balconies should not be provided in podiums. Inset and/or Juliette balconies are appropriate within the podium.

Site Design, Open Space and Streetscaping

a. Parking, servicing, and loading accommodated internally within podium and screened from the street.
b. Access to parking, servicing, and loading provided from the rear of the building, or a laneway where possible. On corner sites, access may be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.
c. Publicly accessible privately owned open spaces ("POPS"), including courtyards, plazas, and parkettes should be encouraged where appropriate.
d. POPS designed and located to encourage public use, provide connections to the broader open space network, and/or highlight important site characteristics.
e. POPS should be used to provide mid-block pedestrian connections through the site and create short block lengths (80-120 metres).
f. Public art encouraged within tall building sites where appropriate through applicable planning tools. Selection and location of public art should reinforce objectives of City's Public Art Master Plan.

Building Middle (Tower)

Section 3.0 of the TBG provides design direction with respect to the tower component of tall buildings, providing that the middle of a tall building is the most substantial and impactful component. Specifically, the tower section enhances the City's skyline and provides a defining landmark. The design and massing of the tower should recognize and reflect this important role and should designed to minimize impacts on adjacent neighbourhoods, parks, and open spaces. The tower should maximize sky views and access to sunlight through slender floorplates and spacious setbacks between towers.

Tower Location

a. Where multiple towers are proposed on a site, they must be arranged to provide a gradual and appropriate transition in height to the adjacent established or planned context.
b. A minimum separation distance of 25 metres should be provided between towers to maximize privacy and sky views, and to minimize cumulative shadow and pedestrian level wind impacts of multiple tall buildings. Balconies may be provided within this separation distance provided they do not excessively contribute to a building's massing.
c. Where no towers currently exist, proposed towers should be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).
d. The tower should be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure usable outdoor amenity space (i.e. patios).
e. For design flexibility, a portion of the tower (i.e. up to 20%) may extend to the edge of the podium without a step back provided it can be demonstrated that there are no adverse wind and shadow impacts.

Tower Height and Massing

a. Provide a gradual and appropriate transition in height to help mitigate potential impacts on the adjacent established or planned context. Where multiple towers exist on a site, this transition shall be reflected across the entire site.
b. The tower portion of a tall building should be slender and should not exceed 750 square metres, excluding balconies.
c. The massing of the tower, and its relationship to the building base, must not result in adverse wind effects at the street level.

Shadow/Sky Views

a. The design and placement carefully considered to minimize size of shadows on the opposite streetscape.
b. The design, height, and placement must be compatible with adjacent established residential neighbourhoods, parks, open spaces, or natural areas; or those stated in the Shadow and Pedestrian Level Wind Study Guidelines and Terms of References.
c. The widest edge of the tower generally oriented to minimize the impacts of shadows.
d. A shadow study must be provided with tall building application.

Tower Design and Articulation

a. Articulate the tower, both vertically and horizontally, to create visual interest and encourage unique designs.
b. All sides constructed with highest quality architectural design and materials.
c. Lighter materials, such as glass, are encouraged in the design to minimize perceived mass.
d. Heavier materials, such as metal, brick, or stone should be used to define unique components within the tower and/or to create vertical and horizontal articulation.
e. Balconies are encouraged within the tower to provide amenity space and additional articulation. They may be inset or extruding but should be a minimum of 1.5 metres to provide usable outdoor amenity space.

Building Top

Section 4.0 of the TBG provides design direction with respect to the tops of tall buildings and provides that the top of tall buildings defines the tower and helps distinguish a unique and interesting skyline. Specifically, a variety of elements, including step backs, material variations, lighting, and other architectural elements can be used to reinforce a strong presence at the top of the building. Where possible, rooftop amenity space is recommended to create activity at the upper levels of the building. Structural elements, such as the mechanical penthouse and elevator shafts should not be visible from ground level.

Rooftop Design and Articulation

a. Design upper floors to clearly distinguish top of building from tower to further reduce the building profile, and to achieve distinct skyline.
b. Where the design of the tower itself is unique, and creates an interesting and varied skyline, a clearly distinguishable top may not be required.
c. Where located at a gateway intersection or terminating view, the tower top is encouraged to act as a recognizable landmark with signature features defining its importance.
d. Where possible, outdoor amenity space should be included within the top of the building, including balconies and patios, terraces, rooftop gardens, pools, etc.
e. Decorative lighting could be included within the tower design but over lighting or up lighting should be avoided.

Mechanical Penthouse

a. Rooftop mechanical equipment sized, located, and screened from view.
b. Where possible, rooftop mechanical equipment wrapped by residential units, or other occupiable space (i.e. amenity areas).
c. Rooftop mechanical equipment should be stepped back on all sides, no less than 3 metres from the edge of the floor below. Equipment should be screened from view.

For the reasons set out below in Section 5 of this report and within the Urban Design Brief submitted under separate cover, we are of the opinion that the proposed development is in keeping with the City's Tall Building Design Guidelines.

4.9 Sustainable Building and Development Guidelines (April 2019)

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through *Planning Act* applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040.

The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication. The guidelines serve as a comprehensive checklist of various sustainable design, construction, and operation approaches, while the checklist is enabled by the Sustainable Design policies of the Official Plan and is meant to be a tool to encourage voluntary sustainable development practices and to highlight required sustainability measures as identified in the Official Plan, Zoning By-law, and other city by-laws.

Of the required sustainability measures outlined in the Sustainable Building and Development Guidelines, only 5 pertain to Official Plan and Zoning By-law Amendment applications. Those measures consist of site connections; bicycle storage (provided in accordance with Zoning By-law policy); stormwater quality with respect to stormwater runoff; urban heat islands which requires vegetated landscape areas in hard surface areas; and waste management plans to provide and implement waste management practices in accordance with Regional requirements. It is anticipated that the proposed development will meet all required sustainability measures outlined above.

4.10 Downtown Streetscape Guidelines (September 2019)

The 2019 Downtown Burlington Streetscape Guidelines (the "DSG") were established to replace the previous Downtown streetscape guidelines that were adopted by Council in 1982. The new guidelines, which take into account the ever-changing Burlington streetscape, establish a new vision, framework, and set of design principles and strategies which will provide for the consistent application and renewal of the various Downtown streetscapes.

The DSG is intended to assist staff, landowners, developers, and the public by providing both general and area-specific design direction for all Downtown Burlington. Section 2.2 of the DSG provides the design principles that will guide and support the creation of an accessible, walkable, and attractive public realm. These principles include; Pedestrian-First Focus; Green and Sustainable; Easy to Use and Equitable; Long Lasting; Connect and Integrate.

Furthermore, Section 2.3 speaks to Character Areas, and characterizes the Downtown into specific streets and areas. The DSG identifies the subject site as being located within the Downtown BIA District, and with all street frontages on the subject site being identified as 'Mixed-Use Commercial' streets.

The proposed development is intended to compliment the priorities of the DSG through a design which prioritizes pedestrians, maximizes opportunities for street trees, support lively sidewalks, and provide balanced space for people and trees. For the reasons outlined below in Section 5 of this report and in our Urban Design Brief submitted under separate cover, in our opinion, the proposed development does compliment the priorities as outlined in the DSG.

4.11 Shadow and Pedestrian Level Wind Study Guidelines (June 2020)

The City of Burlington retained Brook McIlroy Inc. to assist with the creation of the Shadow and Wind Studies. The Community Planning, Regulation and Mobility Committee approved the Shadow and Pedestrian Level Wind Study Guidelines and Terms of Reference (PL-08-20) and was given final approval by Council on June 22, 2020.

The purpose of the Shadow Study Guidelines (the "SSG") is to provide a best practices approach to Shadow Studies in order to promote high-quality development proposals that ensure adequate access to sunlight is maintained for the enjoyment of public and private spaces. The SSG states that the document should be used by the development community to inform development proposals within the City of Burlington and that the document is a tool for City Staff to be used in the review and evaluation of development applications.

Shadow Study Guidelines

Section 2.0 of the SSG states that shadow studies are generally required for development proposals with building heights of 5- storeys or more. Section 3.0 speaks to the methodology for the Shadow Study and provides that the required dates and times for the studies will vary depending on the specific Shadow Impact Criteria. Section 3.0 further provides study date times which include the solstices, June 21, and December 21 as well as the equinoxes, March 21, and September 21; study test times, ranging every hour on the hour from 8:00 to 19:00; and the time zone, which states that all studies must be in the eastern time zone, with criteria for Standard and Daylight-Saving Time.

Section 4.0 of the SSG provides the shadow impact criteria related to the studies. It notes that the criteria cannot be applied universally due to unique site specific and surrounding built form and land use attributes. Five unique Shadow Impact Criteria have been developed to respond to desired uses, and, as such, each area will include unique evaluation criteria with different times, dates and standards as noted in the SSG.

Key Civic and Cultural Spaces

Proposed developments should not cast any net new shadows on Key Civic and Cultural Spaces between 10:00 and 16:00 on the following dates:

- March 21; and.
- September 21.

Key Civic and Cultural Spaces include but are not limited to:

- Civic Square (426 Brant Street)
- Elgin Promenade Square (391 Brant Street)
- Spencer Smith Park (1340 and 1400 Lakeshore Road)

The purpose of this criteria is to protect Key Civic and Cultural Spaces from new shadowing that would impede their use and enjoyment and recognize the importance of maximum sunlight on these identified landmark sites in Burlington.

Private Outdoor Amenity Spaces

To maximize the usability of private outdoor amenity areas such as rear yards, decks, and (rooftop) patios, including common outdoor amenity areas, shadows from proposed developments should not exceed 2 hours in duration, between 09:00 and 18:00 on March 21.

Where existing shadows limit access to sun during the times above, net new shadows resulting from proposed buildings should allow a minimum amount of sunlight to reach nearby private residential outdoor amenity areas, including common outdoor amenity areas, between the hours of 9:00 and 18:00 on the specified day. The criterion is met if the Sun Access Factor is at least 0.22 on each of the test dates

Parks and Open Spaces

Shadows cast by all existing buildings and proposed developments onto lands designated or used for Parks and Open Spaces must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during the specified periods.

- March 21st (09:00 to 18:00);
- September 21st (09:00 to 18:00); and,
- December 21st (11:00 to 15:00).

The purpose of this criterion is to ensure adequate access to sunlight at all times of the year. December 21st is included to encourage the use of lands designated or used for Parks and Open Spaces during the winter season. The criterion is met if the Sun Access Factor is at least 0.50 on each of the three test dates.

Places Where Children Play

On the following dates, shadows cast by all existing buildings and proposed developments onto places where children play including but not limited to school yards, playgrounds, and park features such as wading pools or other outdoor shadow-sensitive activity areas as identified by the City of Burlington, must allow for either a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during the specified periods.

- March 21st (09:00 to 18:00);
- September 21st (09:00 to 18:00); and,
- December 21st (11:00 to 15:00) - applies to school yards and playground areas only.

The criterion is met if the Sun Access Factor is at least 0.50 on each of the three test dates.

Public Realm and Sidewalks

On the following date, shadows cast by all existing buildings and proposed developments onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way, must allow for either a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times between 09:00 and 18:00 on March 21st.

The criterion is met if the Sun Access Factor is at least 0.50 for the specified date

Section 5.0 of the SSG further provides mitigation measures for when shadow impacts are considered unacceptable. These measures include:

- Lot assembly;
- Reducing building footprint;
- Building massing adjustments;
- Reduction in building height; and.
- Building placement and orientation.

In support of the subject proposal, we have submitted a Shadow Study that provides a review and analysis of the proposal against the SSG and concludes that the proposed building achieves the intent and purpose of these guidelines. A summary of the results of that study is included in Section 5.5 of this report.

Pedestrian Level Wind Study Guidelines

The purpose for a Pedestrian Level Wind Study (the "PLWS") is 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. Section 1.2 of the PLWS provides that this document should be used by the development community to inform development proposals within the City of Burlington and that this document is a tool for City Staff to be used in the review and evaluation of development applications.

Section 2.0 of the PLWS provides the triggers for a wind study and include; building height; number of buildings; site location; and site area. Section 3.0 of the PLWS speaks to the methodology of the study and includes wind data collection; qualitative assessment; and quantitative assessment.

Section 4.0 speaks to wind impact criteria and states that "to evaluate wind impacts, the public realm context surrounding a proposed development is evaluated based on various intended uses in outdoor spaces within the boundaries of, and in proximity to the proposed development."

Section 4.2 of the PLWS provides five comfort criteria that are used when analyzing the proposed development and include: Sitting; Standing; Leisurely Walking; Fast Walking; and, Uncomfortable. Descriptions used in the Pedestrian Wind Comfort Criteria are to be applied to specific locations on and around a proposed development site, based on the intended use of each space.

Section 5.0 of the PLWS provides mitigation measures that can be used when wind conditions are considered unacceptable. These wind control measures may include:

Building massing adjustments or alternative designs that are more responsive to the local wind climate;

Incorporating podiums, tower setbacks, notches and/or colonnades;

Strategic implementation of canopies, wind screens, façade elements, landscaping, planters, public art and/or other features that prove to be effective for mitigating problematic wind conditions; and,

Modifications to the proposed function of an area.

In support of the subject proposal, we have submitted a Pedestrian Wind Level Study that provides a review and analysis of the proposal against the guidelines and concludes that the proposed building passed the wind safety for both the existing and proposed configurations at all locations. A summary of the Pedestrian Wind Level Study is included within Section 5.5 of this report.

4.12 Municipal Housing Pledge

On March 21, 2023, the City of Burlington unanimously endorsed the Municipal Housing Pledge, a provincial directive to construct 1,500,000 homes by 2031 throughout the Province of Ontario. With regards to the City of Burlington, the Pledge targets 29,000 new homes within the municipality during a 10-year period, or 2,900 units a year. This number of housing units is significantly above the historic rate of construction in the City of Burlington, which according to Census data saw the number of dwellings within the City increase by only 471 units per year between 2016 and 2021. Additionally, we note that the City achieved only 27% of it's housing target in 2023 under the Municipal Housing Pledge, starting construction on only 584 of the 2,127-unit target for the year. Further, as of October 2024, it has achieved only 31% of it's target for the year. Although the pledge is not planning policy or legislation, the direction it represents warrants a review of the in-force planning policy framework with a lens of facilitating housing construction, particularly given the City's current limited progress on achieving the pledge.



5 Planning & Urban Design Analysis

5.1 Pre- Application Consultation

The applicant consulted with the community and the Burlington Urban Design Advisory Panel (BUD) as part of the pre-application consultation.

Community Consultation

On November 25, 2024, a virtual pre-application community meeting took place through the ZOOM virtual meeting platform. As part of the community meeting, City staff outlined the planning process, while the applicant's consultant team presented a conceptual proposal for the site. The proposed development presented to the community was substantially similar to the application subject to this rationale, consisting of a 27-storey mixed-use building with commercial uses at grade and commercial and community uses on the second level. The meeting was well attended, with 14 residents logging in to the online platform to listen to the applicant's presentation and provide feedback.

The community meeting raised several important concerns regarding the proposed development's **design and massing**. A central issue was the development's scope, with confusion about whether the application involved four 27-storey buildings, but it was clarified that only one such building is proposed, with other nearby projects being separate. The development's design received positive feedback, particularly its architectural features and setbacks, although some suggesting reducing the building height. The applicant's team responded explaining their opinion that the site was appropriate for taller structures due to evolving city policies aimed at addressing the housing crisis.

A significant theme revolved around **traffic and parking**. Attendees expressed concerns about the increased traffic the development could generate, particularly with other nearby developments. It was identified that a traffic study will be required as a part of the application, which will assess the cumulative impact of all developments in the area, including road capacities and intersections. A discussion regarding the city's traffic model also took place, which has not been updated recently, and some residents questioned its accuracy in addressing future traffic patterns. Parking was also a major concern, particularly visitor parking, with some questioning why on-site parking was not being provided. The applicant's team responded by acknowledging the parking issue and encouraging participation in the City's downtown parking study to find long-term solutions. The applicant's team acknowledged the balancing act required between providing sufficient parking for commercial businesses and maintaining a walkable downtown character. The city's policy does not mandate parking for commercial spaces, though businesses must contribute to a shared parking levy. As a response to these concerns, 14 visitor parking spaces have been provided as a part of the development. Additionally, parking in underutilized downtown lots might be an option or any other visitor or retail parking needs for the development.

The development's impact on the **community and environment** was another focus of discussion. Noise levels were a concern, and it was confirmed that a noise study would be conducted to ensure compliance with provincial standards. The development's effect on the unique character of Old Lakeshore Road was raised, with residents hoping that the area's charm would be preserved. The applicant's team emphasized that they are committed to enhancing the area while balancing modern needs for housing and intensification. Flooding concerns related to the water table near Lake Ontario, especially for the underground parking garage, were addressed with a promise for the submission of a hydrogeological report. The applicant's team also noted in response to a concern about unit sizes that 60% of the proposed units would be two-bedroom apartments, accommodating families as well as single residents.

Retail opportunities in the development were another point of discussion, with some attendees expressing a desire for more vibrant stores in downtown. While the applicant's team could not yet confirm specific tenants, they acknowledged this concern and committed to attracting businesses that would complement the neighborhood. The possibility of including a grocery store on-site was also explored, though the developers noted that the size of the site made this challenging.

Overall, the meeting highlighted the community's concerns regarding the balance between growth and maintaining the area's character, with a particular focus on traffic, parking, environmental impact, and retail vitality. The applicant's team assured attendees that all concerns would be considered as part of the review process, with the final decision dependent on thorough analysis by city staff.

Burlington Urban Design Advisory Panel Meeting

On October 24, 2024, the applicant's consultant team presented a conceptual proposal for the subject site to the Burlington Urban Design Advisory Panel. The proposal was for a 27-story mixed-use development with retail at grade and a porte-cochere along Old Lakeshore Road. As presented to the Panel, the design featured a podium and tower configuration, transitioning from 5 stories along Lakeshore Road to 2 stories along Old Lakeshore Road, aiming to reflect the pedestrian scale and neighboring developments. Key highlights included underground parking, retail frontage, and residential amenities.

The Panel raised concerns regarding the architectural style's fit with the local context, the building's vehicular-focused layout, and the lack of activation along Old Lakeshore Road. Recommendations included re-evaluating building massing and height, improving the public realm connection, and exploring sustainable materials and design strategies. Specific questions asked by the panel are summarized below:

- **Drop-off Access:** What is the rationale behind placing the vehicular drop-off access on Old Lakeshore Road instead of Lakeshore Road? Panelists questioned whether prioritizing a pedestrian-friendly environment on Lakeshore Road was the only factor influencing this decision and whether other solutions were evaluated.
- **Traffic Study:** Was a traffic study conducted to assess the cumulative impact of nearby developments, including multiple 27-story towers, on the local road network? How will the area handle the potential increase in vehicular volume from up to 800—1000 new vehicles?
- **Alternative Transportation:** Considering limited public transit in the area, what alternative modes of transportation are being supported? Specifically, does the design include secure, easily accessible bike parking or other facilities to encourage non-vehicular travel?

- **Setbacks:** Why are 1-meter setbacks proposed on the east and west property lines? Could alternative designs reduce the potential safety risks and optimize the use of space, such as eliminating narrow, underutilized areas?
- **Air Vents:** Have alternative locations been considered for the air vents, currently situated in the middle of the retail store and facing the public realm? Could these be relocated to minimize disruption to the retail experience and enhance the streetscape?
- **Podium Heights:** What informed the variation in podium heights—5 stories along Lakeshore Road and 2 stories along Old Lakeshore Road? Could a more cohesive podium design better address both pedestrian scale and internal space utilization?
- **Porte-cochere:** What drove the decision to include a porte-cochere drop-off area? Were other configurations, such as street-front drop-offs or shared spaces, evaluated to minimize vehicular dominance and better integrate with the public realm?

In addition to these questions, the Panel concluded with advice to the applicant team:

- The Panel noted that while the height of the building on its own does not raise a concern, the Panel encourages the team to consider the proposed development within its context, which may result in adjustments to the overall building massing.
- The Panel recommended that the team consider variation in height as all the buildings within the surrounding context are at the same height.
- The Panel recommends the team consider the context, character, and frontage of Old Lakeshore Road and explore opportunities to better connect with the adjacent properties from a built form, land use and public realm perspective.
- The Panel highlighted that the proposal is vehicular heavy with multiple curb cuts and recommends that the team consider opportunities to consolidate curb cuts and reconsider the layout of ground floor uses to create a stronger connection to Old Lakeshore Road.
- The Panel commented that the proposed porte-cochere's treatment results in missed opportunities to connect the building with the public realm and frame the street.

In response to the comments received from the Community Consultation Meeting and BUD Panel, the following is a summary of some of the key changes to the proposal:

- The side yard setback on the west side of the proposed building was reduced to create a continuous urban street wall;
- The design of the ground floor was reconfigured to provide continuous retail frontage along the adjacent POPS space and reduce the scale and overall space provided to vehicular circulation on the site;
- The porte-cochere was adjusted to improve its visual impact on the street;
- Air vents for the underground parking garage were shifted to reduce their impact on the public realm; and
- The podium was adjusted to better relate to surrounding podium heights and setbacks, including the introduction of a colonnade along Lakeshore Road to align with the adjacent building design at 2072 Lakeshore Road.

5.2 Intensification

Residential intensification on the subject site is appropriate and desirable and is in keeping with the policy framework set out in the PPS, the ROP and the Official Plan. Each of the noted policy frameworks promote intensification, redevelopment of underutilized lands, and direct a compact built form at transit supportive densities within SGAs. Furthermore, these policies direct intensification towards areas that are appropriately serviced by existing infrastructure, more specifically public transit. In our opinion, the proposed development will help achieve the policies laid out in the PPS, ROP, and Official Plan.

Following the above noted policy framework, it is important to ensure that lands which are well suited for intensification are utilized to their highest and best use. The subject site is located in an area where it will be able to implement policies set out forth in the PPS, which include intensification, redevelopment, and creating a heathy community. Policy 2.3.1.1 and 2.3.1.2 of the PPS indicate that Settlement Areas are to be the focus of growth and development as well as promoting densities and land uses that efficiently use land, resources and infrastructure. In addition, Policy 2.4.1.3 of the PPS identifies that planning authorities, among other matters, should permit development and intensification in strategic growth areas such as Downtown Burlington to support the achievement of complete communities and a compact built form, and support the redevelopment of underutilized retail and commercial sites such as the subject site.

The proposal is also consistent with polices in the PPS relating to SGAs including policy that directs growth and intensification to SGAs such as Downtown Burlington. In our opinion the Downtown Burlington Secondary Growth Node, as identified in the ROP, meets the definition of a Major Transit Station Area under the PPS and is a designated SGA. The proposal is consistent with PPS policies supporting intensification within SGAs to accommodate significant population and employment growth in support of the transit network and complete communities.

With regards to the ROP, it sets out a series of objectives for urban areas. These objectives include the facilitation and support of compact growth and intensification which is supportive of transit and non-automobile modes of travel. The subject site and proposed development, being located within Downtown Burlington, a Secondary Regional Node and SGA, would be supportive of these objectives through the construction of 196 new residential units in an area with a high degree of walkability and which is in close proximity to transit. It would also add new housing to an already complete community, providing access to commercial amenities and employment, recreation, entertainment, and cultural uses as well as public service facilities.

The 196 residential units would additionally contribute to the Region of Halton's population targets and housing construction targets set out through tables 1 and 2A of the ROP, which identify that the City of Burlington is to grow to a population of 265,160 persons by 2051 and construct a minimum of 20,500 new housing units within the built-up area by that same time. Additionally, we note that the City of Burlington Municipal Housing Pledge introduces an even higher target of 29,000 housing units in the City of Burlington by 2031.

Intensification of the subject site would also be supportive of the ROP's direction for growth and intensification to be directed to SGAs such as the Downtown Burlington Secondary Regional Node, where the ROP directs higher densities and intensification within the Region.

Various other policies within the ROP additionally support intensification, particularly in SGAs and Secondary Regional Nodes, which include the subject site. Particularly, Policy 86.11 directs that the ROP permits intensification of land use for residential purposes through infill and redevelopment provided that the physical character of the existing neighbourhoods can be maintained. As discussed through Section 5.5 of this report, the proposed development facilitates residential intensification in a form which is consistent with the surrounding built form context, which includes multiple approved and under construction high-rise buildings of up to 29 storeys in the immediate context, and accordingly, in our opinion maintains the character of existing neighbourhoods.

The Official Plan also provides similar direction to that of Provincial and Regional Policy with regards to intensification. Part 1, Section 4.3 provides specific directions, including that new residential growth will mainly be in the form of more compact housing. The proposed development would facilitate this goal through the provision of 196 new residential dwelling units in a high-density, compact development within a designated SGA.

Intensification is supported throughout the Official Plan, particularly in Policy 6.3 e) of Part II, as well as Section 5.0 of Part III, which direct compact forms of development and at higher densities that are pedestrian oriented and encourage increased use of public transit on the subject site, given its location within the Downtown SGA. In our opinion, the proposed development conforms to and helps implement these goals through the intensification of the subject site. Policy 5.4.1, regarding Mixed Use Centres, additionally directs that the downtown will serve as an area for developments consisting of high density residential uses, among others, and encourages higher intensity, transit and pedestrian-supportive development. In our opinion, the proposal conforms to Policy 5.4.1 of Part III of the Official Plan, since it intensifies an underutilized site in the Downtown SGA, which is where growth and intensification are directed.

Within Mixed Use Centres, Policy 5.4.2(k) directs that proposals for residential intensification shall be evaluated on the basis of the housing intensification objectives and policies of Part III, Section 2.5. In our opinion, the proposed development would directly achieve the objectives set out in Section 2.5 of the Official Plan by increasing the amount of available housing stock through a form of redevelopment which is compatible with the scale, urban design, and community features of the neighbourhood.

Intensification of the subject site is also supported through the policies relating to the Downtown Mixed-Use Centre as identified in Section 5.5 of Part III of the Official Plan. Policy 5.5.1 a), which directs for Downtown Burlington to accommodate a significant share of population and employment growth within the City, and to accommodate high density development. The proposed development would provide a high-density development which contributes to the goal of providing a significant share of population growth within the Downtown. The proposed development would also be supportive of Policy 5.5.1 h), which directs for the Downtown to be redeveloped through the intensification of under-utilized lands and buildings. The subject site, currently being occupied by a surface parking lot, is a prime candidate for intensification within the Downtown. The objectives set out for the Downtown Mixed Use Centre set out in Policy 5.5.2 of Part III of the Official Plan also include direction to create a compact downtown core and to increase the resident population and provide a variety of housing types, mainly at medium and high-densities.

With regards to the policies applying to the Downtown Lakeshore Mixed Use Precinct, the proposed development exceeds the minimum density set out for the Precinct of 51 units per hectare. While the development also exceeds the maximum height of 15 storeys identified for the subject site, we believe these are appropriate modifications to respond to more recent policy directions from the ROP and provincial policies for greater levels of intensification, particularly in SGAs and Downtown Burlington, which has evolved into a taller built form context with building heights of up to 29-storeys. Specifically, we note that the Province and Region have both significantly increased intensification targets within the City of Burlington following the approval of the Official Plan and the New OP, directing for rates of intensification which significantly exceed that which has historically occurred in the City of Burlington. The proposed development and its increased height and density will allow for the provision of a larger number of residential dwellings in a location for which growth is directed in Provincial, Regional, and Municipal policy, and do so in a manner which otherwise meets the policies of the Official Plan with regards to transition, built form, and urban design, as identified in section 5.5 of this report.

The New OP, while under appeal for the majority of policies which apply to the subject site, is additionally supportive of intensification. Similar to the in-force Official Plan, the New OP directs the majority of growth and intensification to areas including Downtown Burlington, which is a designated Mixed Use Intensification Area and Primary Growth Area. The New OP additionally directs that growth to be developed with transit supportive densities in a compact built form where walking, biking, and transit will be prioritized. The subject site and proposed development would be supportive of this direction through the creation of a 196 unit mixed use building in close proximity to existing services and public transportation and in an area of the City of Burlington which provides the greatest ability to support active transportation due to the high quality pedestrian infrastructure and proximity of a wide variety of services within easy walking distance of the subject site.

Additionally, it is noted that between 2016 and 2021, the number of dwelling units within the entire City of Burlington grew by just 2,356[1]. This rate of growth is roughly ½ of that required for the 2022 to 2028 period as identified in the ROP, and roughly 1/6 the rate required to meet the Municipal Housing Pledge. As such, it can be inferred that the City of Burlington's existing Official Plan framework, first approved in 1997, has not been designed to sufficiently accommodate growth within the City, particularly in areas such as Downtown Burlington where Provincial, Regional, and Municipal policy directs significant amounts of growth. While the City of Burlington is currently reviewing its Official Plan to respond to the new growth targets and urban structure set out in the ROP and the Municipal Housing Pledge, it can be anticipated that new development in areas such as Downtown Burlington will be appropriate locations to increase densities and heights to levels above what has previously been envisioned within the Official Plan. This increase would assist in better achieving these targets given the direction provided in the ROP for high-density intensification to be directed to these areas.

1 According to 2016 and 2021 Census data provided by Statistics Canada.

5.3 Urban Structure

The ROP, as amended by ROPA's 48 and 49, establishes a hierarchy of SGAs which identifies the subject site as being located within a Secondary Regional Node. However, it does not include any maximum density or height restrictions in any of its SGAs. In our opinion, the ROP is clear that the purpose of the Region's urban structure is to establish a growth management strategy and to "provide a structure and a hierarchy in which to direct population and employment growth within the Urban Area to the planning horizon" (Policy 78.1(1) of the ROP) and to "focus a significant proportion of population and certain types of employment growth withing Strategic Growth Areas through mixed use intensification supportive of the local role and function and reflective of its place in the hierarchy of Strategic Growth Areas" (Policy 78.1(2) of the ROP). In our opinion, there is no intent to preclude or limit intensification opportunities in any way, since doing so would not conform to the PPS, which seeks to prioritize and optimize opportunities for intensification, especially in SGAs.

Even if intensification was to be focused on the ROP hierarchy including proximity to higher order transit and concluded that those locations are the only appropriate location for the tallest buildings in the City, the approval of the subject applications would not be inconsistent with such a pattern in Burlington. The City has approved (or supported) significantly taller buildings in proximity to the new Urban Growth Centre in the range of 37 storeys and the draft Area Specific Plans for the MTSA's, prepared by City Staff, are recommending heights of up to 45-storeys for large portions of the new Urban Growth Centre/Burlington GO MTSA. In our opinion, the proposed building height of 27-storeys is significantly lower than the planned heights in the Urban Growth Centre and not materially different, and indeed lower, than the heights of other approved buildings in the immediate vicinity, which include buildings with heights of up to 29-storeys.

The ROP relies on local municipalities to establish a land use vision for its SGAs. The City has not updated its "vision" and Official Plan to conform to the ROP, as amended by ROPA's 48 and 49. In this regard, the City will need to permit a significant amount of intensification to accommodate planned growth to 2051. In the absence of a new "vision", it is our opinion that we can rely on the Official Plan as a general guiding document for this intensification, as it remains the sole in-force local policy document. The Official Plan directs a significant proportion of growth to the Downtown SGA. In our opinion, this will not change following the City's planned updates to the Official Plan, especially given that much of the identified growth will need to occur outside of the City's Urban Growth Centre and MTSA's. The Official Plan also provides for an urban structure within the Downtown, with a mix of densities throughout the Downtown. High density developments are directed to three limited precincts within the Downtown (Old Lakeshore Road, Downtown Core, and Wellington Square), which includes the subject site. This more limited built form and urban structure, with limited areas of high densities, is different from the City's Urban Growth Centre and MTSAs structure which directs higher density development at taller heights to the majority of and large areas of these SGAs.

In our opinion, the proposed development conforms to the urban structure policies of the ROP and Official Plan and aligns with the bult form structure in the Downtown SGA.

5.4 Land Use

In our opinion, the proposed mixed-use building is appropriate and desirable and conforms to the overarching policies found in the PPS, ROP, and both the in-force and New OPs, which seek to utilize and optimize the use of land and infrastructure in a transit-supportive way. However, a site specific amendment to the OP land designation "Old Lakeshore Mixed Use Precinct" is required to increase the height and density permitted on the subject site to facilitate the proposal.

The proposal conforms to the policies laid out in the PPS as per Section 4.2 above. Policy 2.4.1.2 identifies that SGAs such as Downtown Burlington should be planned to support the achievement of complete communities, including a range and mix of housing options and mixed use development. SGAs are to be focal areas for education, commercial, recreational, and cultural uses, and accommodate significant population and employment growth. The proposed development, which includes at-grade commercial uses, is consistent with this direction by providing a mixed-use development which expands the range and mix of housing options within Downtown Burlington while contributing to its role as a focal area for commercial uses with the addition of new retail space at-grade along Lakeshore and Old Lakeshore Roads.

The proposed mixed-use building conforms to the land use policies found in the Region of Halton's Official Plan Regional Structure, more specifically, the Urban Area land designation. As mentioned in Section 4 of this report, Policy 72 of the ROP provides that Urban Areas are to support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduce the dependence on the automobile, make efficient use of space and services, to provide a range of complete communities of various sizes, types, and character, to promote the adaptive re-use of greyfields, and to facilitate and promote intensification and increased densities. The proposal meets these policy directions by providing a built form with increased density which allows for stronger transit support with a higher concentration of people in one area, which will help reduce the dependency on the automobile. The proposal also helps to create a complete community by providing additional housing types in the form of a compact residential building ranging in unit sizes for different lifestyles, as well as new commercial uses at grade to supplement the already wide variety of commercial amenities in the downtown which will be in walking distance of a wide number of residents in the immediate vicinity.

The Official Plan outlines in Policy 5.4.1 of Part III that the objectives related to the Mixed-use Centre designation is to provide locations at inter-municipal transit stations and the downtown that will serve as areas for mixed use developments consisting of high density residential, retail and commercial uses, to encourage higher intensity, transit-supportive, and pedestrian-oriented development, and to permit mixed use developments on individual sites where residential, retail, office and other uses are located. Part III, Policy 5.4.2(h) further provides that the design and development of Mixed Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car, and Part III, Policy 5.4.2(m) provides that reduced parking standards, shared parking and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and the accessibility by transit and other modes of travel. The proposal is providing a mixed-use development that is transit-supportive and pedestrian-oriented, within close proximity to the commercial, employment, entertainment and outdoor amenities in the Downtown core. The proposal will add to the commercial amenities in the Downtown core and encourage public transit and pedestrian and bicycle travel as an alternative to the car by offering a compact built form and high concentration of people near multiple transit options in an activity

area. The proposal conforms to the Downtown Mixed Use Centre objectives (Part III, Policy 5.5.2), since it provides residential and commercial uses in a compact urban form that provides new housing options and increases the residential population in the precinct, better supporting existing commercial operations within the proximity and providing space for new commercial retail space at grade along both Lakeshore and Old Lakeshore Roads. The proposed ground floor commercial uses and lobby create an active streetscape along the adjacent streetscapes. Further, the proposed development proposes a built-form, as detailed in Section 5.5 of this report, which is compatible with its surroundings and appropriately transitions to adjacent uses.

The subject site is designated "Old Lakeshore Mixed Use Precinct" on Schedule E – Downtown Mixed Use Centre Land Use Plan. The proposal conforms to the objectives of the Old Lakeshore Mixed Use Precinct (Policy 5.5.7 of Part III), by providing high intensity, mixed use development that is pedestrian-oriented and transit-supportive. The proposed height, at 27-storeys (plus mechanical penthouse), although taller than the maximum building height of 15 storeys, would meet policy 8.2.1 (2) of ROP, since it would be at a scale appropriate for its context and in line with the density and building heights in the surrounding area.

The proposal conforms with Part III, Policy 5.5.7.2 f) requiring the provision of retail or commercial uses at grade by providing commercial uses on all street frontages. The 418.27 square metres of commercial space on the ground floor will create a mixed-use development with a vibrant public realm and expand the commercial retail amenities within the wider Downtown.

The proposal conforms with the remaining Old Lakeshore Precinct policies in Part III, Section 5.5.7.2 relating to land use, since:

- The proposed development includes high-density residential apartment uses, which are a permitted use within the Precinct;
- The proposed building is constructed close the street line with all parking and loading within the building and below grade; and
- The massing and built form of the proposed building is appropriate and the visual, sun shadow and wind impacts are at an acceptable level as demonstrated by the submitted Urban Design Brief.

The Official Plan recognizes that additional height and density are appropriate within the Old Lakeshore Mixed Use Precinct provided the proposal is compatible with the existing character of the precinct, explicitly permitting increases in height and density with the provision of community benefits. This is reinforced by Part III, Policy 5.5.7.2 c), which also states that applications for increased heights buildings within the precinct may be permitted where they provide compatibility with surrounding land uses and a sense of pedestrian scale by the use of building design incorporating a ground level, street-oriented podium and subject to the aforementioned community benefits. Furthermore, various site-specific increases in maximum height and density have been permitted on an adjacent site through Part III, Policy 5.5.7.2 k). In our opinion, as described in the following sections (5.5 and 5.6) as well as the submitted Urban Design Brief, the proposal is appropriate and the built form impacts have been appropriately mitigated to an acceptable level.

In addition, the New OP designates the subject site "Urban Centres", "Primary Growth Area", and "Old Lakeshore Precinct'". In our opinion, the New OP recognizes the subject site's strategic location within the Downtown Strategic Growth Centre as well as its development potential within the downtown core, acknowledging that additional height (beyond that permitted the OP) is appropriate.

Based on the foregoing, it is our opinion that a site-specific amendment to the Official Plan to permit the proposed development is appropriate and desirable for the following reasons:

- It is consistent with the PPS and conforms to the ROP, particularly relating to policies encouraging intensification within SGAs;
- It conforms to the overreaching policies of both the OP and New OP that call for higher density mixed-use intensification in a compact transit supportive built form within the Downtown Urban Growth Centre and Mixed Use Centre;
- It meets the evaluation criteria laid out in Part III, Policy 2.5.2(a) of the Official Plan;
- It appropriately transitions to and addresses adjacent residential uses, in the context of being located within a SGA which is expected to accommodate a significant portion of growth within the City of Burlington and given the immediate context of high-density development of similar scales immediately to the north, east, and west of the site;
- It represents a logical continuation of existing, approved, and proposed developments within the Downtown Burlington that provide for a higher form of mixed-use intensification on underutilized lands; and,
- It represents good planning practice and will promote the continued evolution of the Old Lakeshore Precinct and the wider Downtown from a previous low-rise automobile-oriented area to a high-density transit supportive area.

5.5 Height, Massing, and Density

In our opinion, as noted in Sections 5.3 and 5.4 above, the site is an appropriate location for mixed-use intensification in land use policy terms. From a built form perspective, it is our opinion that the subject site is a contextually appropriate location for a 27- storey building given its location within the Old Lakeshore Road Mixed Use Precinct of the Downtown SGA, and the existing and planned built form in the immediate area surrounding the subject site which is generally similar in scale.

From an urban structure perspective, Downtown Burlington is identified as an intensification area where mid-rise and tall buildings exist, have been approved and are under construction, or have been proposed. The Downtown Mixed-Use Centre as identified on Schedule E of Official Plan also includes many mid to tall buildings that are existing, approved and under construction. Within this context, the Official Plan describes eight precincts within the Downtown Mixed-Use Centre. The subject site falls within the "Old Lakeshore Mixed Use Precinct". The "Old Lakeshore Mixed Use Precinct" is identified in Part III, Policy 5.5.7.1 a) of the Official Plan as an area in the downtown for high intensity, mixed use development that is pedestrian oriented and transit supportive and which helps meet provincial growth objectives. Particularly, the policy identifies that the area should provide for a transition from the highest density mixed use area to the west to the more residential areas to the east. In that manner, the proposed development at 27 storeys represents a step-down in height from the 29- storey building under construction to the northwest and is equal in height to the 27 storey buildings approved to the east.

On this basis, in our opinion, the proposed 27-storey (plus mechanical penthouse) building will fit harmoniously with other existing, under construction, approved and proposed mid-rise and tall-buildings within the Downtown Mixed-Use Centre boundary and Old Lakeshore Mixed Use Precinct as shown on **Figure 31** and in **Table 3** below.

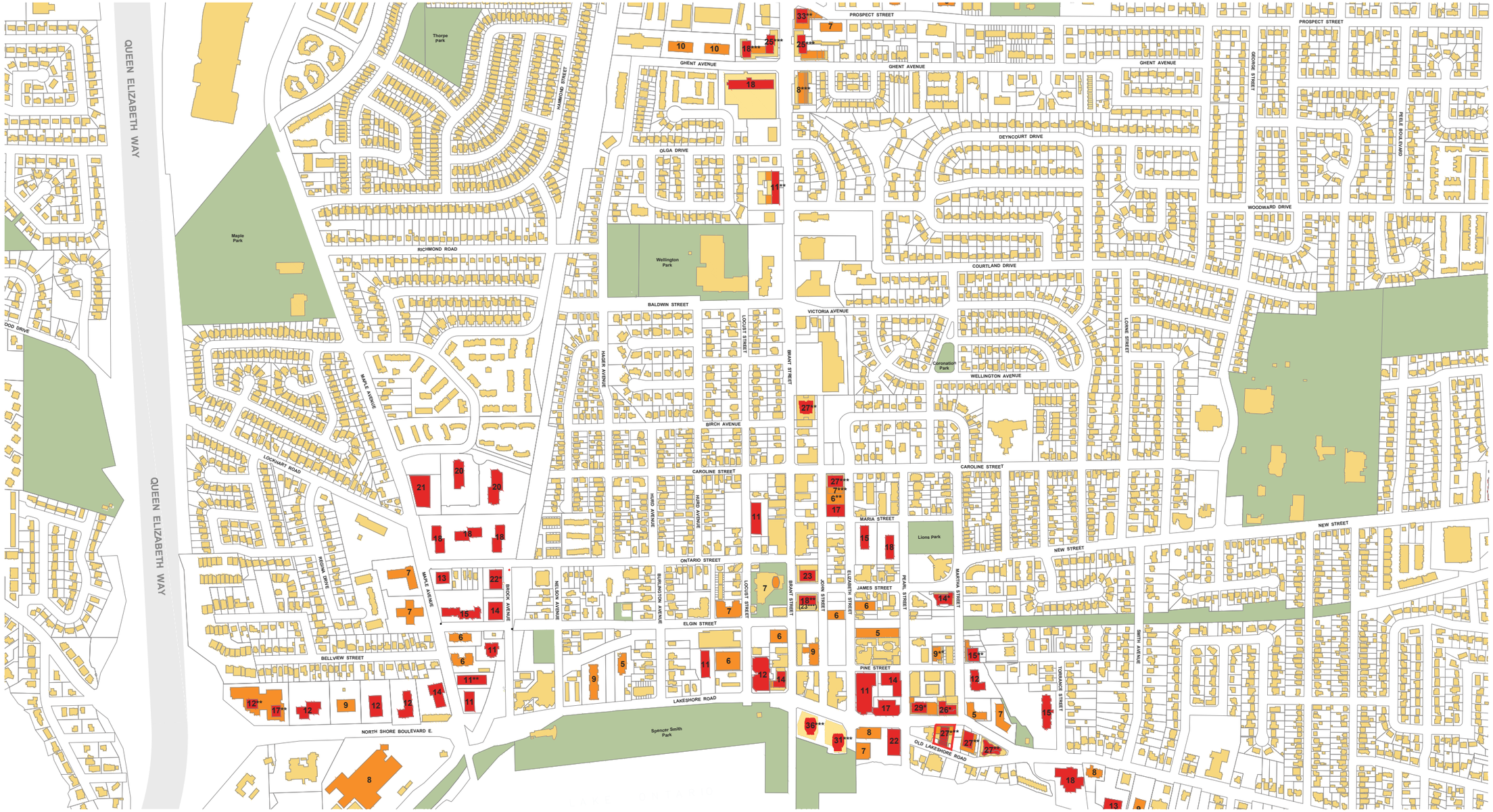


Figure 31 - Height Map (Downtown Context)

Table 3 - Surrounding Development Applications

Address	Max Height (Storeys)	Description	Application Status
		Proposed	
2072 Lakeshore Road	20	OPA and ZBA for a mixed-use development comprised of a 20-storey tower with 165 residential units and commercial uses at grade.	Under Review
774, 778, 780 and 782 Brant Street (Parcel A); 769, 779, 783 Brant Street & 2023, 2027, 2031-2033 Ghent Avenue (Parcel B); and 747 and 761 Brant Street (Parcel C)	25	OPA and ZBA for a multi-phase, mixed use development comprised of a 25-storey tower and an 18-storey tower (with ground floor commercial area) and 444 residential units (Parcel A); a 25-storey tower (with ground floor commercial area) and 283 residential units (Parcel B); and an 8-storey mid-rise building (with ground floor commercial area) with 120 residential units (Parcel C).	Under Review
2030 Caroline Street	27	OPA and ZBA application to permit a 27-storey mixed use building with 302 residential units and a 6-storey above grade parking structure with a green roof	Under Appeal
2020 Lakeshore Road	35	OPA and ZBA for two towers of 30 and 35 storeys in height with 4,445 square metres of commercial space, 4,348 square metres of office space, 557 residential units, and 122 hotel rooms.	Under Appeal and awaiting final decision.
		Approved	
789-795 Brant Street	33	OPA and ZBA to allow a 33-storey mixed use building which includes a 7-storey podium with 485m² of retail on the ground floor, as well as 329 residential units.	OLT Approved
688-698 Brant Street	11	OPA and ZBA to allow an 11-storey mixed use building as well as 12 2-storey townhouse units on the subject property. The proposed development includes 1,592m² of retail on the ground floor.	Approved

Address	Max Height (Storeys)	Description	Application Status
535-551 Brant Street	27	OPA and ZBA for a mixed use development, including a 27-storey mixed use building (inclusive of a mechanical penthouse and elevator machine room) and a maximum of 259 residential units.	OLT Approved
401,403,405,409,411 & 413 Brant Street 444,448 and 450 John Street 2002 and 2012 James Street	18	OPA and ZBA to permit a 18 storey building, including 1 storey of ground floor commercial, with 597 square metres of ground floor commercial and 201 units.	Approved
2087-2103 Prospect Street	3	OPA and ZBA for two blocks of 3-storey stacked townhouses, each containing 25 rental housing units (50 housing units). The two existing fourplex buildings (eight housing units) will be demolished. The eight-storey apartment building will remain.	Approved
2085 Pine Street	9	OPA and ZBA for a 9-storey residential building which includes 38 residential units.	OLT Approved
441 Maple Avenue	11	OPA and ZBA for an 11-storey residential retirement building consisting of 140 units.	Approved
418 and 422 Guelph Line	11	OPA and ZBA for an 11-storey mixed-use building which includes 170 residential units; 324 square metres of commercial space on the ground floor and 122 square metres of office and business centre space on the second floor.	OLT Approved
2107 Old Lakeshore Road, 2119 Lakeshore Road	27	OPA and ZBA for a 27-storey, 196 unit mixed-use development with retail / commercial space at grade with residential units above.	OLT Approved
2093, 2097 and 2101 Old Lakeshore Road, 2096 and 2100 Lakeshore Road	27	OPA and ZBA for a 27-storey, 310 unit mixed use building with commercial at grade and residential units above.	OLT Approved

Address	Max Height (Storeys)	Description	Application Status
2421-2431 New Street	11	OPA and ZBA for two joined 11 storey buildings with retirement home units in one building, and residential units in the second building. A total of 197 retirement units (including 33 memory care units), 145 apartment units, total of 342 units.	Approved
407 Martha Street	15	OPA and ZBA for an 15-storey residential building consisting of 111 units.	OLT Approved
Under Construction			
374 Martha Street	26	OPA and ZBA to permit a 26-storey condominium building with 240 units and 423 m^2 commercial space.	OLT Approved – Under Construction
2069-2079 Lakeshore Road and 383-385 Pearl Street	29	OPA and ZBA for a 29-storey (with 2 additional levels for rooftop mechanical equipment), 318 unit mixed-use building with retail / commercial space at grade and residential units above.	OLT Approved – Under Construction
421-431 Brant Street	23	OPA and ZBA for a 23-storey mixed-use commercial residential condominium building.	OLT Approved – Under Construction
2082, 2086 and 2090 James Street	14	OPA and ZBA for an 18-storey condominium apartment building consisting of 164 residential units.	OLT Approved – Under Construction
Existing			
2025 Maria Street	17	17-storey apartment building.	Existing
477 Elizabeth Street	15	Existing mid-century apartment building.	Existing
478 Pearl Street	18	Existing mid-century apartment building.	Existing
2042, 2048, and 2054 Lakeshore Road	7, 8, & 22	Existing “Bridgewater” complex including 8-storey hotel and 22-storey residential building with retail at grade.	Existing

From a height structure perspective, the Old Lakeshore Mixed Use Precinct identifies that heights should step down towards the east end of the Precinct. The subject site sits at the approximate centre of the precinct, and as such should be anticipated to be taller than the buildings to the east. The proposed development, at 27-storeys in height, is equal in height to the two approved developments within the precinct to the east at 2107 and 2093 Old Lakeshore Road. Additionally, the development is shorter than what is approved to the northwest. The subject site was also identified as a location for a building of up to 15 storeys, in accordance with Policy 5.5.7.1 c) of Part III of the Official Plan, which predates many changes in provincial and regional policy directing for higher levels of intensification. As a result of these changes, it can reasonably be interpreted that increased heights may be appropriate to accommodate these increased growth and intensification targets. In our opinion, the proposed height will conform to the intent of stepping heights to the east and is compatible with the heights of the buildings immediately surrounding the subject site.

Within the current Official Plan policy framework, additional height and density can be permitted where it can be demonstrated to be compatible with surrounding land uses. The respective shadow, wind and Urban Design Brief studies submitted with this application demonstrate that the increased height of the building and its impacts on the surrounding public spaces and properties are mitigated to an appropriate level.

As is demonstrated in the Urban Design Brief, the overall building mass will be reduced through its articulated design and its setback and step backs from the street. Further, the overall massing does not create any unacceptable light, view, or privacy impacts by providing a 756 square metre tower floor plate, reducing in size from floors 20 to 27, in general alignment with applicable Urban Design Guidelines and which minimizes impacts to views and sunlight. Additionally, the tower provides a minimum separation distance of 12.5 metres between the proposed tower and adjacent development to the west, as well as a minimum separation of 33.88 metres from the approved tower to the east, ensuring adequate access to light, view and privacy will be maintained between the subject site and adjacent developments.

In our opinion, the proposed massing would represent a desirable and appropriate built form for the subject site. The existing parking lot on the subject site represents a significant underutilization of land along a major arterial road within a Secondary Regional Node and the City's Downtown.

In contrast, the proposed mixed-use building would contribute to the continued urbanization of a compact, transit supportive Downtown neighbourhood with a 27-storey mixed-use building that includes a 2-storey lower podium and 5-storey upper podium that is oriented and focused on the street with grade-related active commercial uses on the ground floor. The 2-storey base is massed and scaled to reinforce and enhance the existing street-related character of the area, which includes 2-storey podiums to the west (Bridgewater Residences) and low-rise buildings to the south. The 5-storey upper podium serves to transition podium heights from the 2-storey scale to the west to the approved 6-storey podium for 2096 Lakeshore Road to the east. The upper levels are designed in a slender point tower form that is pulled away from the street line with an appropriate 3-metre step back from the lower podium to create a distinct tower and podium form, in alignment with the intent of the City's Tall Building Guidelines.

Overall, the proposed building will contribute to the sustained urbanization of the Downtown Urban Growth Centre and Mixed-Use Centre as outlined in the Official Plan with a built form and design that is contextually appropriate and will reflect the evolving neighbourhood character as a high-density mixed use area, as well as the Provincial and Regional policy framework. The proposal will enhance the streetscape along this portion of Lakeshore Road and Old Lakeshore Road and is compatible with the evolving neighbourhood context.

Regarding density, it is our opinion that the proposed density of 10.93 FAR is appropriate and desirable for the subject site. It is desirable from a planning perspective to optimize land use and infrastructure on the subject site given its location within the Downtown SGA and Secondary Regional Node as well as it's transit support and proximity to public transit. As already discussed, the Official Plan pre-dates the current provincial policy framework including the new PPS (2024), two previous Provincial Policy Statements (2014 and 2020), and the 2019 Growth Plan, as well as its previous amendments in 2012 and 2013. Additionally, it precedes more recent direction from the ROP to direct intensification to areas such as Secondary Regional Nodes, which includes Downtown Burlington. These updated planning policy documents emphasize the need to optimize land use and density on the subject site and surrounding areas, given its location within a SGA. This provides part of the rationale for increasing the height, and therefore total density, beyond the permitted maximum in the Official Plan and the maximum density of 4.5:1 FAR identified in the zoning by-law. Furthermore, we note that the two approved developments to the east of the subject site have received site-specific policies within the Official Plan to increase the maximum building height on their lands. The proposed development is in keeping with existing developments in the downtown, representing how it's density and built form conforms with the neighbourhood character of its surroundings as required in the Official Plan.

Based on the foregoing, it is our opinion that the proposed height, massing, and density are appropriate and desirable in land use planning terms.

5.6 Built Form Impacts

The housing intensification policies of the Official Plan require new development and redevelopment to be compatible with the scale, urban design and community features of the neighbourhood (Part III, Policy 2.5.1 a) and compatibility is achieved with the existing neighbourhood in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided (Part III, Policy 2.5.2). Policy 5.5.5 c) of Part III of the Official Plan requires that all development and redevelopment shall be compatible with the existing character of the precinct with such matters as heights, setbacks, massing, design and community features.

In this regard, the subject site is largely surrounded by other high-density, mixed-use development. The 22-storey Bridgewater development and proposed 20-storey 2072 Lakeshore Road sits to the west, 29 and 26-storey mixed-use developments are under construction directly to the north, and two approved developments of 27 storeys are approved to the east. It is this rapidly evolving high-density context in which the subject site must be evaluated against. The proposed height of 27-storeys is in keeping with the heights of the immediate context, and the proposed development provides adequate setbacks and step backs to ensure appropriate tower separation from the property to the east.

Regarding the integration of the proposed development with the surrounding public realm, the proposed setbacks of the 2-storey podium create an appropriately scaled, urban streetscape in alignment with this existing, high-density context, and either meet or exceed the minimum setbacks identified in the zoning by-law. The 2-storey podium ensures a pedestrian-scale is maintained and aligns with podium heights proposed to the west of the site and meets the intent of the zoning by-law. The 5-storey upper podium element also serves as a transition of podium heights to the west to the approved podium heights to the east of 6 storeys. We note that while the proposed podium is

2-storeys in height, it's mixed-use nature results in taller floor-to-floor heights than a typical residential building. The total proposed podium height of 9.95 metres is roughly equivalent to a 3 storey residential building, in alignment with the intended podium and street wall scale identified in the urban design guidelines and zoning by-law which apply to the subject site.

The review of the proposed increase in tower height to 27-storeys is also required to be tested against Policy 5.5.7.2 c) of Part III of the Official Plan, which identifies that taller buildings may be permitted in the west district of the Old Lakeshore Mixed Use Precinct, subject to several criteria. Specifically, the policy requires that the building provide compatibility with surrounding uses and a sense of pedestrian scale by the use of building design incorporating a ground, level, street-oriented podium, which has been discussed in response to Part III, Policy 2.5.1 a) above.

Additionally, the policy identifies the need for the provision of Community Benefits in accordance with Section 2,3 of Part VI of the plan. As a response to this requirement and recognizing the legislative changes regarding the provision of community benefits following the approval of the Official Plan, the proposed development is subject to the City's Community Benefits Charges By-law, which will ensure an appropriate community benefits contribution.

Finally, the policy identifies several additional criteria for which a development with increased height must respond to. We have responded to the criteria relevant to the subject site below:

iv. Closure of a portion of Old Lakeshore Road to achieve re-development and intensification.

The wider Old Lakeshore Mixed Use Precinct has several approved developments which continue to rely on Old Lakeshore Road to provide access. Old Lakeshore Road additionally provides opportunities for access through the precinct for the general public, and the Owner has been unable to assemble the required properties which would enable a closure of the right of way. As such, Old Lakeshore Road is now anticipated to continue to operate as a public street for the foreseeable future.

v. provision of a view corridor from Martha Street to Lake Ontario;

The subject site sits generally to the west of the Martha Street view corridor. Nonetheless, the proposed upper podium and tower is set back 4 and 10 metres, respectively, from the east lot line above the second storey to shift the building mass away from the corridor and to ensure that the proposed building minimizes its impact on the corridor.

vi. provision of enhanced public spaces;

The proposed development is set back 3 metres along Lakeshore Road to create a covered colonnade which expands the public realm and will include a 2-metre road widening to provide larger sidewalks along the subject site's frontage. Additionally, the building is set back 1 metre from the adjacent POPS space to provide additional landscaping and to enhance the perceived scale of the space. All street frontages at grade and would include upgraded streetscape treatments which are in alignment with the Downtown Streetscape Guidelines, representing a significant enhancement over the existing public space surrounding the subject site.

vii. preservation or relocation of significant cultural heritage resources within the precinct;

There are no existing structures on the subject site, and thus the proposed development will not directly impact existing heritage resources.

viii. submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

An angular plane study has been completed and submitted as a part of this application.

Shadow Impact

A Shadow Study was completed by Kirkor Architects to analyze the incremental shadows cast by the proposed development. Kirkor Architects prepared the Shadow Study report in accordance with the City of Burlington Shadow Study Guidelines and Terms of Reference (June 2020).

The study found that the proposed development meets all the applicable shadow impact criteria for key civic and cultural spaces, private outdoor amenity spaces, parks and open spaces, and places where children play. Specifically, the Sun Access Factor for surrounding private amenity areas, at of between 0.18 and 0.39, only slightly falls below the standard of 0.22. We note that the vast majority of shadows impacting this calculation are from already approved developments, not the subject site. Additionally, the Sun Access Factor for adjacent public spaces is 0.62, greater than the minimum standard of 0.50.

With regards to the shadow impact on the adjacent POPS space, the shadow study identifies a Sun Access Factor of 0.53, which exceeds the minimum standard of 0.50. As such, the building meets the minimum standard for public spaces.

Based on the findings of the Study, it is our opinion that the shadow impacts and resulting Sun Access Factors of the proposed development are relatively limited and acceptable based on the applicable Official Plan policies.

As a result, it is our opinion that the shadow impact is appropriate given the site's location within Downtown Burlington and it's evolving high-density context. From a built form and urban design perspective, the proposed development's base building appropriately frames the Subject Site's Lakeshore Road, Old Lakeshore Road and Pearl Street frontages while simultaneously incorporating mitigative measures to ensure any adverse shadow impacts are minimized. Such measures include a slender tower, tower step backs on the upper floors to reduce overall shadow impacts, and a 2-storey lower podium to minimize shadow impacts from the podium elements. The proposal conforms with the built form and massing policies of the Official Plan and is generally in keeping with the relevant urban design guidelines. The proposed development has ensured that continued provision of adequate sunlight, when possible, in the key areas specified in the SSG.

Based on our analysis, it is our opinion that there is no significant sun-shadowing for extended periods and the net shadow impact of the proposed development is at an acceptable level. A detailed analysis of the proposed development's shadow impact is provided in the submitted shadow study.

Wind Impact

RWDI was retained to conduct a pedestrian wind assessment for the proposed development. The assessment was based on wind tunnel testing for the proposed development under the Existing, Proposed and Future Configurations. In accordance with the Pedestrian Level Wind Study Guidelines and Terms of References (March 2020) (the Guidelines) published by the City of Burlington, the wind tunnel test results were analyzed using wind climate records from Hamilton International Airport and evaluated against the Wind Comfort and Safety Criteria specified in the Guidelines. The results of the assessment are summarized as follows:

- Wind speeds that meet the Wind Safety Criterion are anticipated at all assessed locations in the Existing, Proposed and Future Configurations.
- The overall wind conditions in the Existing Configuration are comfortable for the intended pedestrian usage year-round. Slightly elevated wind conditions in the winter result in uncomfortable wind conditions at an isolated area to the south of the intersection of Lakeshore Road and Martha Street.
- With the proposed building in place, wind conditions at all assessed locations on and around the proposed site are expected to be similar to those in the Existing Configuration throughout the year, with reduced wind activity in the area previously identified with uncomfortable wind conditions.
- Wind conditions at the main entrances are predicted to be suitable for pedestrians to linger year round.
- Wind speeds in outdoor amenity areas on Levels 3 and 6 are expected to be generally comfortable for passive and relaxing activities, especially in the summer.
- The addition of the known future developments around the site is expected to create similar or slightly improved wind conditions on and around the proposed development at grade, and slightly increased speeds in outdoor amenity areas on Levels 3 and 6.

Based on RWDI's analysis, we are of the opinion that the wind impacts resulting from the development are generally acceptable. While one location in proximity to the site is identified as being "uncomfortable", the conditions is present regardless of the proposed development and it is identified that the proposed development actually improves the overall condition.

5.7 Urban Design

From an urban design perspective, the proposed development will result in an appropriately scaled building that will be compatible with adjacent uses while creating a pedestrian-oriented public realm along the site's three street frontages.

In our opinion, the proposed building design and site organization conforms with the applicable built form and urban design policies of the Official Plan, in particular policies Part I – 4.3, Part II – 6.5, and Part III – 2.5.2 a), 2.5.4 b) and c, 5.5.1 g), 5.5.2 l) and o), 5.5.5 c), and 5.5.12, since:

- The proposal provides an opportunity to focus intensification in the Downtown SGA and Downtown Mixed-Use Centre and at an appropriate location.
- The proposal will provide a higher density form of development that is pedestrian-oriented and encourages the increased usage of public transit;
- The proposed built form is compatible with the surrounding land uses and adequately limits any potential built form impacts;
- The height of the base building is within the range of street wall heights along the respective street frontages and aligns with the approved intent of the zoning on the subject site;
- The at-grade commercial uses, and residential lobby provide grade-related activity both inside and outside of the proposed building.
- The proposed porte-cochere simulates a street wall along Old Lakeshore Road while providing a safe, off-street pick up and drop off area and creating an attractive entrance to the building;
- Servicing and vehicular parking will be internalized;
- The building will be sited parallel and oriented to its street frontages.
- The mechanical penthouse will be incorporated into the design of the top of the building;

- The proposed building is compatible with the existing and evolving neighbourhood character in terms of scale, massing, height, siting, and setbacks;
- Adequate setbacks and step backs are provided to limit any potential built form impacts.
- The proposed building is of high-quality architectural design that will enhance the Old Lakeshore Mixed Use Precinct and Downtown Mixed-Use Centre; and
- The proposal has considered, and it meets the intent and purpose of the City's Tall Building Guidelines as part of the subject proposal.

A fulsome review and analysis of the proposal against the City's Tall Building Guidelines is provided in the Urban Design Brief, which concludes the proposal conforms to the intent of the Tall Buildings Guidelines and is reflective of the broad aims of the OP urban design policies, and the public realm elements of the Downtown Urban Design Guidelines.

5.8 Housing Issues Statement

Through the pre-consultation process, the City of Burlington identified the need for a "Housing Issues Report" which addresses Policy 3.1.1(2) h) of the New OP. As we noted in Section 4.6 of this report, the majority of the new OP remains under appeal, including Policy 3.1.1(2) h), and thus is in not in full force and effect. Nonetheless, we have reviewed the proposed development against the policy as set out in the Terms of Reference for a Housing Issues Report in order to satisfy the requirement set out by the City of Burlington through the lens that the proposed development is not required to conform to Policy 3.1.1(2) h).

Policy 3.1.1(2) h) of the New OP sets out that the City shall require the submission of a housing impact statement for developments with more than 100 dwelling units identifying various criteria. We have specifically responded to each criterion below:

i. how the proposal contributes to achieving the Region of Halton housing targets, including identification of any proposed new affordable or assisted housing units;

The proposed development would provide 196 new market rate apartment dwelling units. We note that the exact tenure and sale or rental price of these units has not been determined at this time. The proposal includes 76 one-bedroom and one-bedroom plus dens and 120 two-bedroom units, including 60 large two-bedroom units, which would add a significant amount of large family sized units to the neighbourhood. The proposed development would assist the Region in achieving its target of 65% of units being townhouses or multi-storey buildings by 2031, as set out in Policy 86(6) of the ROP.

As the final sale or rental prices for the proposed development have not been finalized, we cannot identify definitively the number of units which could contribute to the supply of affordable housing within Halton Region by being sold below the maximum sale threshold for all households identified in the Region of Halton's State of Housing Report. We do however note that the targets set out in the ROP are region-wide targets for all development throughout the Region of Halton and are not specific targets for individual developments.

ii. how the estimated rents and/or initial sales prices of the development are at or below the affordable housing thresholds by type;

The sales prices and/or estimated rents for the proposed development have not been determined at this time and will be determined by market rates at the time the development enters to the sales and/or rental market. As such, we cannot determine how many units of the development would be at or below the affordable housing thresholds. Additionally, we note that Policy 3.1.1(2) h) remains under appeal and that the proposed development should not be held to any such requirements.

iii. where construction of the units is expected to occur in phases, information regarding the number of affordable housing units to be provided per phase, where applicable;

The proposed development is expected to be constructed in a single phase.

iv. the proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long term affordability of units, where applicable.

As no below-market housing units are proposed within the development, no legal and/or financial mechanisms are proposed.

5.9 Transportation and Servicing

Paradigm Transportation Solutions Ltd. prepared a Transportation Impact Study (TIS) for the proposed mixed-use development. A copy of this report has been submitted as a part of this application. A summary of the report's conclusions include:

- The subject site is estimated to generate approximately 79 AM peak hour trips and 118 PM new peak hour trips;
- No conflicts with the proposed onsite geometry are noted;
- Under total traffic conditions, operations at the study area intersections are similar to the base year and background conditions. The addition of site generated traffic is not anticipated to generate any new critical movements;
- Overall, a parking supply rate of 1.07 spaces per residential dwelling unit, which is inclusive of parking to be shared between the mixed-use non-residential uses and visitor parking is appropriate and supportable for the proposed development; and
- A variety of Transportation Demand Management measures are proposed.

5.10 Noise Emissions

RWDI was retained to prepare a Noise Impact Study for the proposed development. The study concludes by recommending the following noise control measures for the proposed development:

1. Installation of central air-conditioning so that all suites' windows can remain closed.
2. The inclusion of noise warning clauses related to:
3. Transportation sound levels at the building façade and in the outdoor amenity areas
4. Minimum sound isolation performance:
   a. In the most impacted areas of the building facing Lakeshore Road, suite window glazing with sound isolation performance of STC-32 is required
   b. Suite exterior balcony door with sound isolation performance ranging from STC-25 to STC-28
3. Construction of noise barriers along the outdoor amenity areas if feasible, with the applicable warning clause.

The potential for elevated noise levels from stationary sources of sound were evaluated. The surrounding area consists of multiple future developments for which detailed information is not available regarding their rooftop mechanical equipment. This assessment assumes that each residential building has been designed such that it will comply with the NPC-300 Class 1 exclusion limits at itself and surrounding buildings. Based on the noise modeling results, some minor exceedances of the NPC-300 Class 1 limits may be experienced along the top floors of the proposed development due to cumulative sound levels from the surrounding residential building mechanical equipment. However, the noise modelling should be refined once more information is available regarding source types and locations for the surrounding developments. Despite minor predicted exceedances, the proposed development is feasible with respect to stationary source noise.

At this stage in design, study concludes that the noise levels produced by the development on itself and its surroundings could not be quantitatively assessed. However, the effect on both the building itself and its surroundings is expected to be feasible to meet the applicable criteria. We recommend that the building design is evaluated prior to the building permit to ensure that the acoustical design is adequately implemented in order to meet the applicable criteria.

Based on the results of the analysis, including the implementation of the recommendations presented in this report, the report concludes that the proposed development is feasible with respect to noise.

5.11 Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report dated December 2024 has been prepared by Lithos Group Inc. to demonstrate that adequate municipal servicing capacity exists on the subject site, and to outline the servicing and stormwater management strategy for the proposed development.

The following is a summary of the report's conclusions:

Storm Drainage

The property's existing drainage pattern is separated into two drainage areas (one flowing north towards Lakeshore Road and one flowing south towards Old Lakeshore Road). Following that fact, the Lithos analysis assumes that the drainage pattern is maintained under post-development conditions. Therefore, the site stormwater discharge will be controlled to the 2-year pre-development flows. The proposed storm lateral connection will be connected to the existing 450 mm diameter storm sewer on Old Lakeshore Road, through a 200mm diameter storm lateral connection, with a minimum grade of 2.0% (or equivalent size). In order to attain the target flows and meet the City's Wet Weather Flow Management Guidelines (WWFMG), quantity controls will be utilized and up to 42.3 m3 of underground storage will be required for the subject site. The stormwater management (SWM) system will be designed to provide enhanced level (Level 1) protection as specified by the Ministry of the Environment, Conservation and Parks (MECP) in order to achieve a minimum total suspended solids (TSS) removal of 80%.

Sanitary Sewers

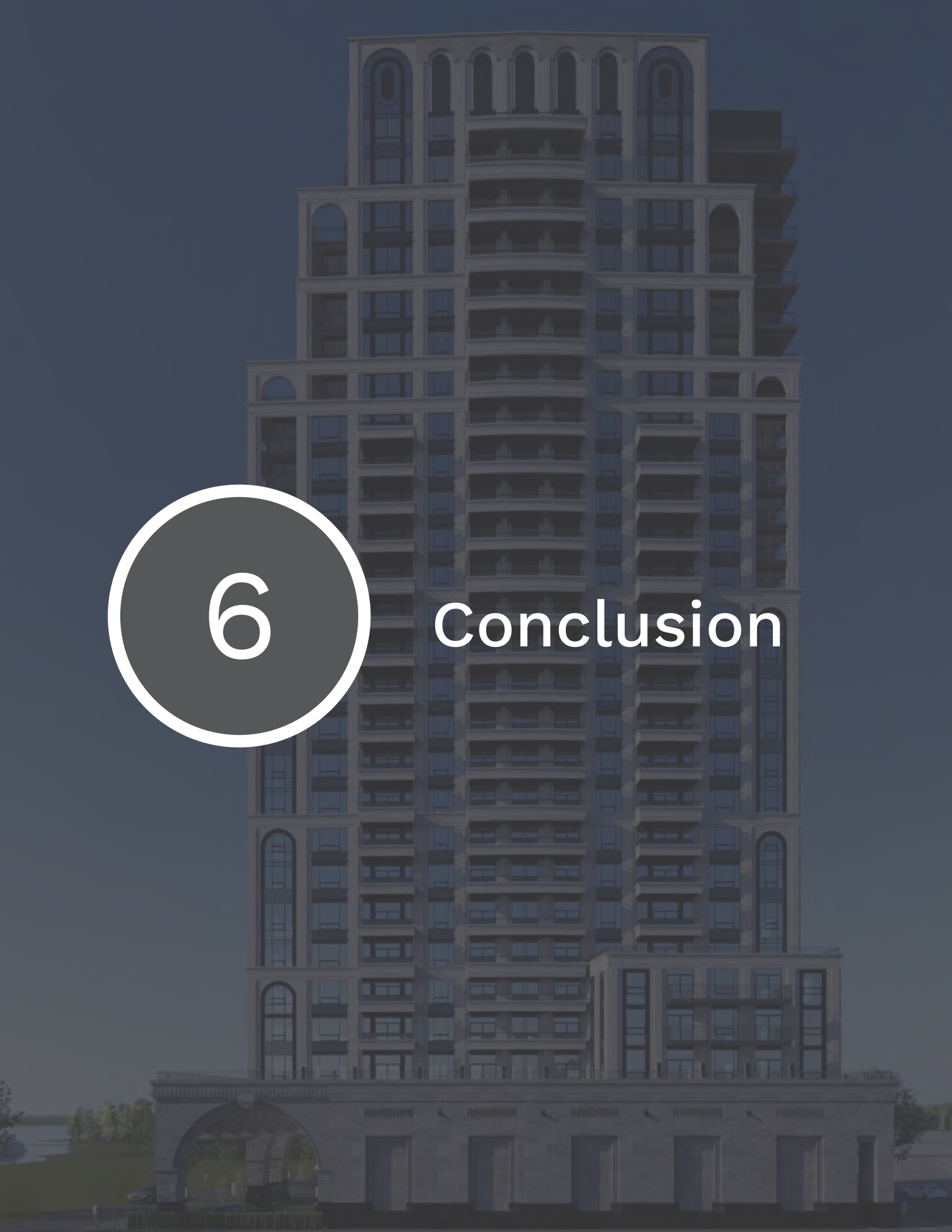
The development will be connected to the Old Lakeshore Road, through a 200mm diameter sanitary sewer lateral connection, with a minimum grade of 2.00% (or equivalent pipe design). During predevelopment conditions, the site discharges 0.05 L/s into the City's sanitary sewer network. Under post development conditions, the site discharges 4.99 L/s. Therefore, under post-development conditions the additional net discharge flow from the proposed development, is anticipated at approximately 4.94 L/s.

Water Supply

Water supply for the site will be from the existing 300 mm diameter watermain on Old Lakeshore Road. It is anticipated that a total design flow of 86.55 L/s will be required to support the proposed development. Upon receipt of the fire hydrant test results, an addendum to this report will be prepared and submitted to the City on the Owner's behalf.

Site Grading

The proposed grades will improve the existing drainage conditions to meet the City's/Regional requirements. Grades will be maintained along the property line wherever feasible, and emergency overland flow will be gravity driven to the adjacent right-of-way's (ROW)



6 Conclusion

For the reasons set out in this report, it is our opinion that the proposed development will appropriately intensify an underutilized site, improve the streetscape along Lakeshore Road and Old Lakeshore Road and provide new mixed-use development that would fit harmoniously with the existing and planned built form context. The proposed development also will be compatible with the height and massing of existing and approved development in the Old Lakeshore Road Mixed Use Precinct.

From a planning policy perspective, the subject site is an appropriate location for residential intensification, given its location within the Downtown SGA and Secondary Regional Node and its proximity to transit, including the Downtown Bus terminal, which is located approximately 350 metres from the site, and the Burlington GO station, which is located approximately 2 kilometres away. The proposal conforms with the ROP, particularly the land use, intensification, and SGA policies. The proposed commercial uses within the building's podium will create and active street frontage and improve amenities for both building and area residents. The proposal conforms with the intensification, housing, and mixed-use centre, and downtown mixed-use centre policies of the Official Plan, which envision an urbanization of the city, especially in the Downtown. However, a site-specific amendment to the Old Lakeshore Mixed Use Precinct policies of the Official Plan is required in order to increase the height of the subject site beyond the maximum 15 storeys and density of 51 units per net hectare. In our opinion, the proposed density is appropriate and desirable for the subject site and adheres to the criteria set out in the OP for increases to height and density on the site. Furthermore, it is our opinion that the requested Zoning Bylaw and Official Plan Amendments are consistent with the PPS, in particular the policies promoting the efficient use of land and infrastructure, and intensification within SGAs.

From a built form and urban design perspective, the proposed base building will appropriately frame the public realm and contribute to an improved pedestrian environment along it's two street frontages. The upper building is slender and pulled back away from the street to minimize built form impacts and further define the base building. The proposed height will fit into the broader urban structure and is in keeping with range of heights in the surrounding area. The proposal conforms with the built form and massing policies of the Official Plan and is in keeping with the relevant urban design guidelines.

From a wider city-building perspective, we believe that the proposed commercial uses, streetscape improvements, and attractive architectural design would provide an excellent new development to the City's downtown which would provide a significant contribution to the City's goals of increasing housing supply, minimizing the use of the automobile, and creating complete communities.

Accordingly, it is our opinion that the Official Plan and Zoning Bylaw Amendment applications are appropriate and desirable in planning and urban design terms and should be approved.

Respectfully Submitted,

Bousfields Inc.



David Falletta, MCIP, RPP



BOUSFIELDS INC.

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