NOVEMBER

2020

BOUSFIELDS INC.

PLANNING | DESIGN | ENGAGEMENT

PLANNING & URBAN DESIGN RATIONALE

535-551 BRANT STREET

CITY OF BURLINGTON

PREPARED FOR:

RENIMMOB PROPERTIES LIMITED



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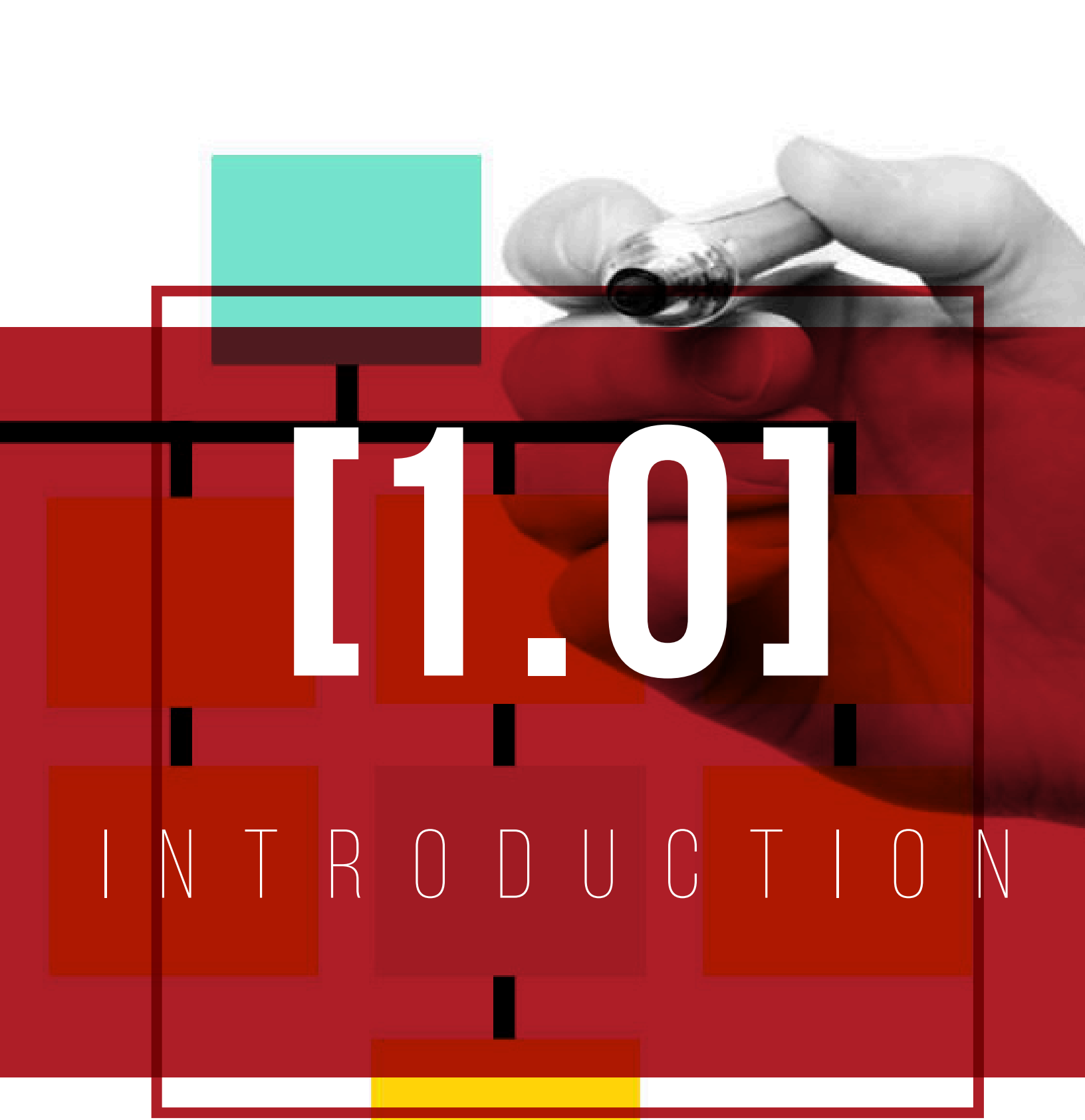
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INTRODUCTION



Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of an application by Renimmob Properties Limited to amend the in-force City of Burlington Official Plan and Zoning By-law 2020, as amended, to permit the redevelopment of a 0.28 hectare (0.69 acre) site, known municipally as 535-551 Brant Street ("the subject site")(see **Figure 1**).

The official plan amendment and rezoning will permit the redevelopment of the subject site for a 25-storey (plus mechanical and rooftop outdoor amenity space) mixed use building with 1,068 square metres of ground floor commercial uses and a total of 248 residential units.

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 this 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 an urban growth centre and the City's primary intensification area. In our opinion, the requested official plan and zoning amendments are consistent with the Provincial Policy Statement and conforms with the Growth Plan, in particular the policies promoting the efficient use of land and infrastructure, services and facilities and accommodating growth and intensification within "urban growth centres" and "major transit station areas."

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 25-storey (plus mechanical and outdoor rooftop amenity space) 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. It will provide an appropriate street wall condition along Brant Street and contribute to an improved pedestrian environment at grade. The proposal conforms with the general intent of the in-force 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 height and density policies that apply to the subject site.

Based on the foregoing, this Planning and Urban Design Rational 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.



[2.0]

SITE & SURROUNDINGS

2.1 Subject Site

For the purposes of this report, Brant Street will be used to orient the subject site in a north-south direction. The subject site ("site") is a through-lot and located on the east side of Brant Street mid-block between Victoria Street to the north and Caroline Street to the south (see **Figure 2**). The site is generally rectangular in shape with an overall area of approximately 0.21 hectares (0.52 acres) and has frontage of 54.2 metres (177.8 feet) along Brant Street and 54.0 metres (177.1 feet) along John Street and a depth of 51.2 metres (167.9 feet).



Subject site



Subject site looking east along lot line



Figure 2 - Aerial Photo



Subject site looking north along Brant Street



Subject site looking south along Brant Street

The subject site is currently occupied by a one and two storey multi-tenant commercial plaza with surface parking provided along the rear and northwest side of the property. Access to the property is provided either from the rear along John Street or from a shared access driveway with adjoining property to the north along Brant Street. The entire commercial plaza will be demolished in order to accommodate the re-development of the subject site. There is an existing 6.0 metre (approximately) boulevard along Brant Street consisting of a paved surface with municipal sidewalk and light fixtures, while the rear of the site along the John Street frontage has no sidewalk or curb condition provided to define the right-of-way. There is no vegetation on the site with exception of a small patch of grass at the southwest corner. Topographically, the site is flat with a slight slope (approximately 0.2 metres) from west to east.



Subject site looking west

2.2 Surroundings

The subject site is located within the City of Burlington's Downtown and only Urban Growth Center, identified in Schedule B of the in-force Official Plan. This area has generally consisted of low-rise commercial buildings along Brant Street from Victoria Avenue to Lakeshore Road with more commercial establishments along Lakeshore Road extending mostly from Maple Avenue to the west to Torrance Street to the east and taller residential apartment buildings clustered around the Brant Street and Lakeshore Road intersection with new or recently approved tall buildings being approved further north along Brant Street (see **Figure 3**).

Despite the low-rise oriented commercial establishments that front along Brant Street, the 1997 Burlington Official Plan developed a policy framework that would see the portion of Brant Street from Victoria Avenue to Lakeshore Road change into a higher density form of development that would be the major spine of the Downtown Mixed Use Centre and to meet provincial growth objectives and to help support an increase in transit use. As a result, mid- and high- residential and mixed use (commercial and residential) buildings have been developed, proposed, or approved along or adjacent to Brant Street, exchanging the existing underutilized low-rise commercial and low-rise residential uses for a more appropriate higher density land use, consistent with the developed policy framework for the Downtown core. Development applications have been approved for 2025 Maria Street, 510 Elizabeth Street, and 2030 Caroline Street (17- storey mixed-use apartment building already constructed with adjoining 8- storey office building and 6- storey parking garage), 421-431 Brant Street (23- storey mixed use apartment building), 364 Martha Street (26-storey mixed use residential building), and 2042, 2048, and 2054 Lakeshore Road (22- storey mixed-use residential apartment and a 7- storey mixed-use residential apartment with an 8-

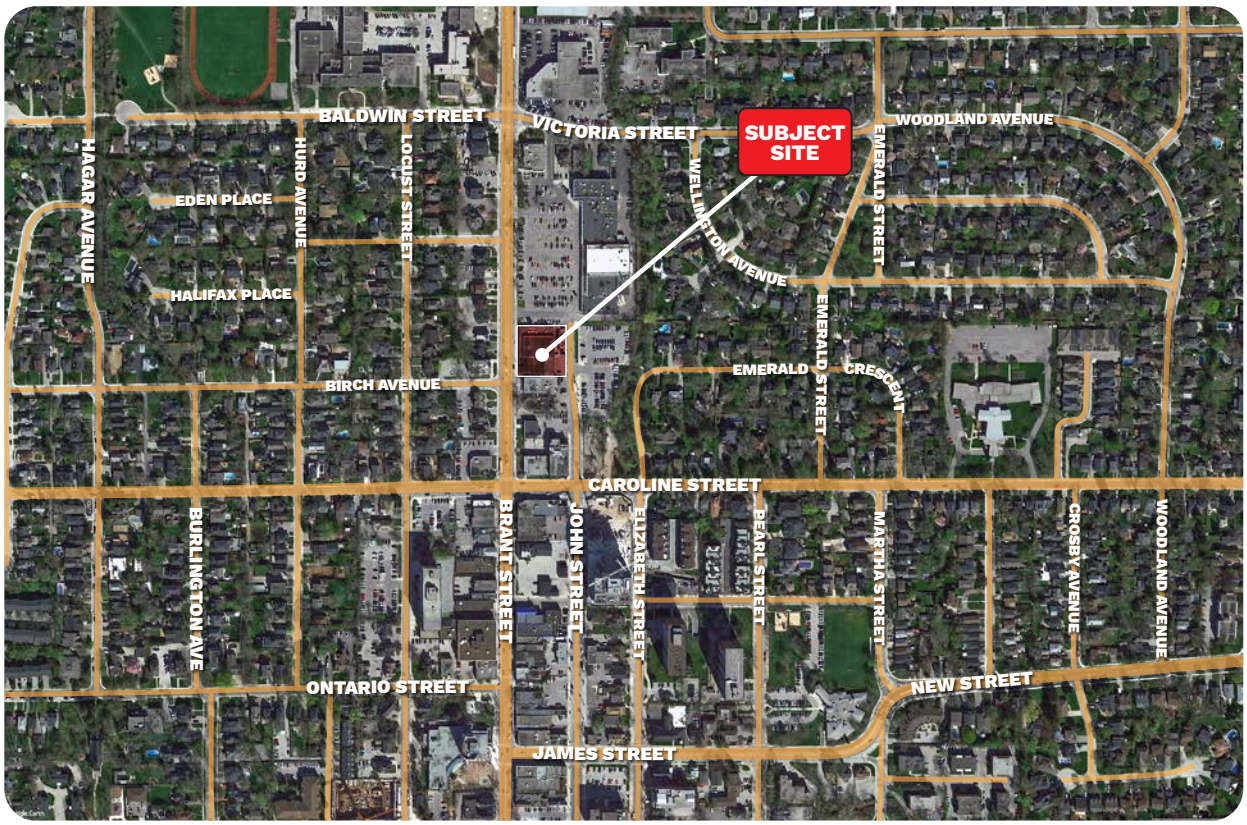


Figure 3 - Aerial - Immediate Surroundings



415 Locust Street and 1455 and 1477 Lakeshore Road



390 Pearl Street

storey hotel under construction). In addition to the already approved and/or under construction developments, recent developments that have been proposed include a 24- storey mixed use building located at 409 Brant Street has been proposed, a 29- storey mixed use building located at 2069-2079 Lakeshore and 383-385 Pearl, and a 27- storey mixed use residential building located at 2096 Lakeshore Road and a 27- storey proposal at 2107 Old Lakeshore Road. These buildings would be accompanied by a number of already existing mid- to high- rise buildings located within the Downtown Urban Growth Centre. The subject site is also located approximately 1.8 kilometers from the Burlington GO station and 550 metres (7-minute walk) from the Downtown bus terminal. As "greenfield development" is no longer an alternative in the City of Burlington, new growth is targeted to the Downtown Urban Growth centre and a number of nodes near existing GO train stations. Based on the foregoing and our assessment of the surrounding land uses, it is our opinion that the subject site is located within an area of transition and one that is suited for increased density.



Downtown Built Form

2.3 Immediate Surroundings

The immediate surroundings include the following:

To the immediate north of the subject site is a substantial commercial plaza, located at 561-603 Brant Street, that accommodates a grocery store, bank, and a number of retail, service commercial uses and restaurants, a pharmacy and a limited amount of office space. The building in the centre and southern portions of the site has a considerable setback from the street and includes a large front yard parking lot. A Tim Horton's restaurant is located at the northwest corner of the site (southeast corner of Brant Street and Victoria Avenue), which forms part of the commercial plaza site.



Burlington Square Plaza



Vehicle dealership



Low Rise Residential neighbourhood



Burlington Central High School



559 Brant Street



Commercial uses along Brant Street



Commercial uses along Brant Street



Commercial uses along Brant Street

Further north is a motor vehicle dealership, church and low rise residential uses. Further north, the Brant Street corridor (between the Queen Elizabeth Way and Victoria Avenue) is mixed with a variety of land uses and built forms, which includes low to mid rise commercial and motor vehicle uses with surface parking lots near the highway, interspersed residential and commercial uses in low-rise house-form buildings, a tall building at 760 Brant Street accommodating residential apartments and a commercial base, and interspersed walk-up residential buildings.



672 Brant Street

To the immediate east of the subject site on the opposite side of John Street, is a municipal surface parking lot known as John Street North Lot #3. East of the parking lot is Rambo Creek, which generally runs parallel to Brant Street. East of the creek is an established low-rise residential neighbourhood predominantly made up of 1- and 2- storey single detached dwellings.



Municipal Parking lot

To the immediate west of the subject site on the west side of Brant Street are a variety of one to two- storey house-form buildings which are occupied by commercial uses, with associated surface parking in the front and rear yards. On the northwest corner of Brant Street and Birch Avenue, at 534 Brant Street, is a 2-storey concrete commercial building with associated surface parking located in the rear yard. West of the commercial properties that front on Brant Street is an established low rise residential neighbourhood made up of 1- and 2- storey single detached dwellings that extends west to the hydro corridor. Integrated within the residential neighbourhood is Wellington and Thorpe Park. Further northwest continuing along Brant Street is Central Public School located at 638 Brant Street and Burlington Central High School located at 1433 Baldwin Street. To the southwest of the subject site is an 11- storey apartment building located at 505 Locust Street.



Low Rise Residential Neighbourhood



Low Rise Residential Neighbourhood



534 Brant Street



Low Rise Residential Neighbourhood



Local Commercial along Brant Street



Local Commercial along Brant Street



505 Locust Street



507 Brant Street



519 Brant Street

To the immediate south of the subject site, located at 531 Brant Street, is a 1- storey commercial building occupied by a restaurant. Continuing south along Brant Street, on the east side, is another 1- storey restaurant, a 1- storey building occupied by a bank, followed by a 1- and 2- storey building occupied by a telecommunications company at the northeast corner of Brant Street and Caroline Street. South of Caroline Street, Brant Street transitions into a commercial mainstreet with buildings pulled close to the street line and no gaps between buildings, except for driveways.



527 Brant Street



531 Brant Street

Further along Brant Street, southwest of the subject site is a mid-rise commercial building located at 390 Brant Street. Southeast of the subject site is a cluster of tall buildings, including the recently built 17- storey mixed use building at 2025 Maria Street also known as "The Berkeley Condominiums". The 2nd phase of this approved development is planned to include an 8- storey office building adjacent to Caroline Street and a 6-storey parking garage in the centre. Furthermore, existing 15- and 18- storey slab -style residential buildings are located at 477 Elizabeth Street and 478 Pearl Street respectively. At the southeast corner of Caroline Street and Elizabeth Street is a recently built 3- storey townhouse development at 509 Elizabeth Street. Further southeast is Lions Park, which includes a soccer field, children's playground and the Burlington Lions Club.

In light of all of the new buildings, approved projects, and planned function and intensification of the Downtown Urban Growth Centre, it is our opinion that the subject site's neighbourhood is transitioning to a more urban form of development, as envisioned by the applicable planning policy framework.



447 Elizabeth and 478 Pearl Street



The Berkeley Condominiums



509 Elizabeth Street



390 Brant Street

2.4 Transportation Network

Road Network

Schedule K- Classification of Transportation Facilities Downtown Area in the Official Plan identifies Brant Street as a minor arterial road which provides a general northwest/southeast vehicular connection to other major road corridors including Lakeshore Road, Fairview Street, Plains Road, and the Queen Elizabeth Way. Along this portion of Brant Street, the right-of-way consists of one travel lane in each direction, municipal sidewalks and bike lanes on both sides of the street and a central turning lane. *Appendix A – Schedule 1 – Long Term Transit Service Network* of the Official Plan identifies Brant Street as a Primary Bus Service Route as well as a Bicycle Priority Street on *Appendix A – Schedule 2 – Long Term Cycling Master Plan*. Table 2 – Road Allowance Widths in the Official Plan indicates the planned right-of-way width for Brant Street is 26 metres from Caroline Street to Olga Drive, therefore no additional right-of-way dedication would be needed.

Immediately adjacent to the site is a strip of land that is currently used as a road (commonly called John Street extension). It runs from Caroline Street, north to the southerly limit of the No Frills plaza. This is not an opened road allowance, nor has it been dedicated as such.

Transit Network

The subject site is well serviced with public transit (see **Figure 4**) and is approximately 450 metres (5- minute walk) to the Downtown John Street Bus Terminal. Burlington Transit bus routes 3, 4, and 10 all have bus stops at the John Street bus terminal which provides services Monday through Friday as well as weekends and Holidays:

- 3 Guelph-Downtown operating northwest and southeast along Guelph Line from Lakeshore Road to Dundas Street and the Highway 407 GO Station.
- 4 Central operating generally east and west from John Street to Appleby GO Station.
- 10 New-Maple operating east and west along New Street from Appleby GO Station to Burlington GO Station.
- 50 Burlington South operating east and west along North Shore Boulevard and Plans Road East from Burloak Drive to Maple Avenue.
- 52 Burlington Northwest which provides north-south service along Brant Street and Guelph Line from Dundas Street in the north to New Street in the south.

These bus routes provide travel in west, east, and north 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 John Street terminal, Burlington Transit provides additional bus route stops at all GO Station terminals that provide more local transit options. In addition to these bus routes, the subject site is located approximately 1.8 kilometres away from the Burlington GO Station which offers regional train and bus services south to Niagara Falls and east to Toronto's Union Station. There is also bus service on routes 1 from the Appleby GO station and route 101 from the Burlington GO station to the City of Hamilton. Route 1 provides weekday, weekend and holiday service while route 101 provides weekday services to Hamilton.



Figure 4 - Burlington Transit Map



[3.0]

PROPOSAL

3.1 Description of Proposal

The proposed development will significantly improve the built form relationship and the streetscape along Brant Street, contributing to its function as the principal street of the Downtown and a primary retail and pedestrian corridor. The proposal will improve the interface with the public realm and provide a compact built form that is transit supportive and pedestrian oriented that fits within the existing and approved surrounding uses which range from high-rise/high-density to low-rise/low density.

The proposal involves the demolition of the existing one and two storey multi-tenant commercial plaza and the development of a 25-storey (plus mechanical penthouse) mixed-use residential and commercial building accommodating 248 units with a total gross floor area of 21,003.9 square metres (see Figure 5). The resulting density is approximately 7.56 Floor Area Ratio (FAR). The proposed building height is 85.75 metres to the top of the mechanical penthouse.

The overall massing of the proposed development is articulated with a base building (podium), a building middle (tower), and a building top (mechanical penthouse and outdoor amenity area).

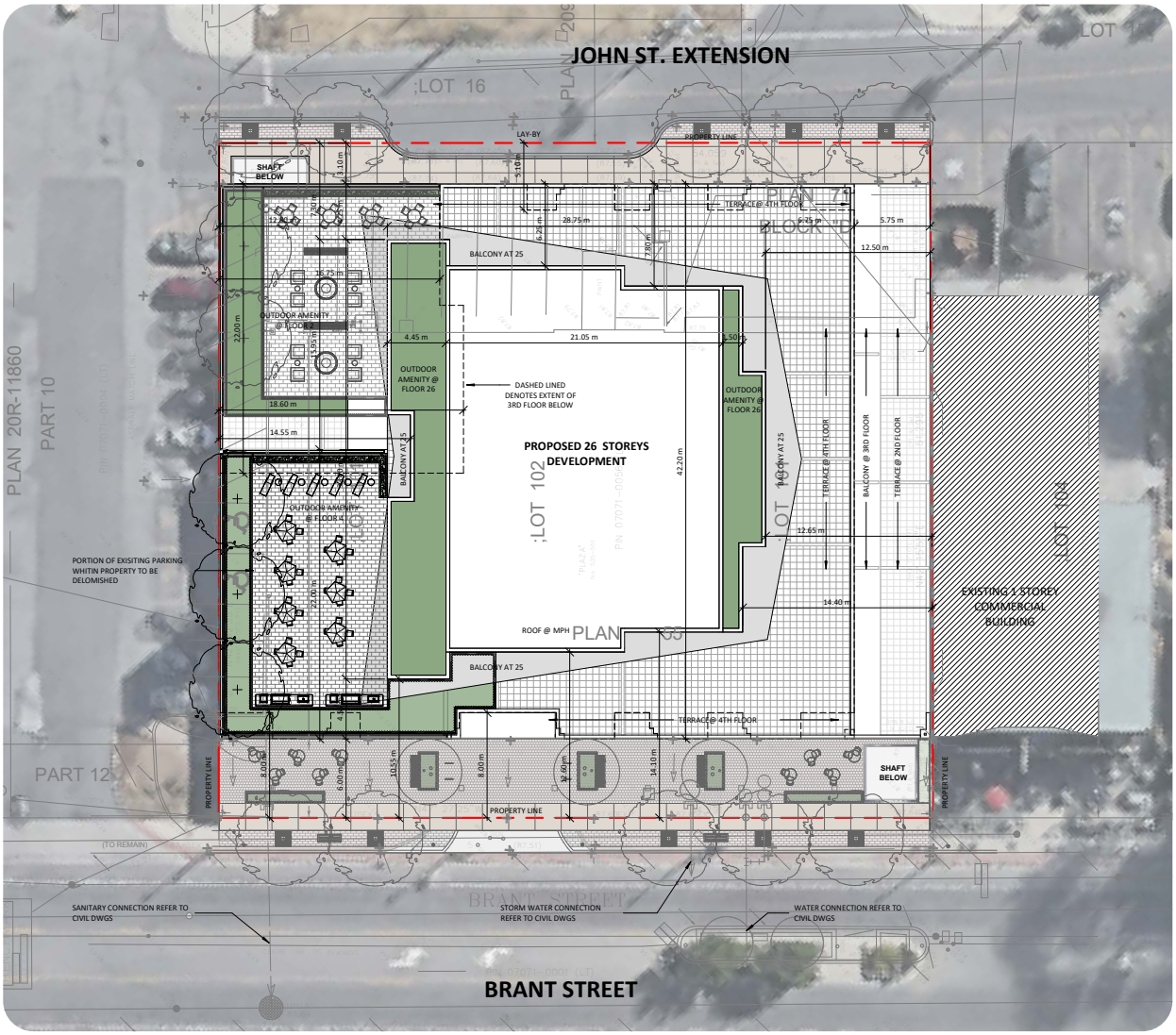


Figure 5 - Site Plan - Prepared by Turner Fleischer

Base Building

The base building consists of a 3- storey podium that includes at-grade related retail units along Brant Street that totals approximately 1,068.0 square metres of gross floor area. The height of the podium is 13.75 metres comprised of 5.5 metres for the 1st floor, 4.0 metres for the 2nd floor, and 4.25 metres for the 3rd floor. The podium is contextually and architecturally appropriate as its height is consistent with the approved podium height of 13.7 metres at 421-431 Brant Street.

In addition to the at-grade retail units, the ground floor of the podium will also include the building lobby and waste facilities as well as retail service space. The proposed retail units and lobby entrance will have frontage along Brant Street which will provide for an enhanced streetscape. The 2nd floor of the podium will consist of 14 residential units totaling 1,428.9 square metres as well as 315.6 square metres of outdoor amenity area and 48.4 square metres of indoor amenity area while the 3rd storey will contain 16 residential units totaling 1,515.6 square metres. The residential units will range in size and layout and will be accessed through a common corridor. The roof of the 3rd storey podium also consists of 323.6 square metres of outdoor amenity space that is accessed by the indoor amenity space located within the 4th floor. The 2nd floor of the podium provides 354.9 square metres of terraces while the 3rd floor provides 209.7 square metres of balcony space for individual amenity space for units.

Tower

The tower component is a well-articulated slender tower of 22- storeys above the 3- storey base building that will visually distinguish the Brant Street corridor. Above the podium level, the tower floor plate is reduced to 728.5-752.5 square meters between the 4th-25th floor. This consists of 8 residential units totaling 607.1 square metres and 121.3 square metres of indoor amenity area on the 4th floor. On the 5th-25th floors, the tower floor plate is 752.5 square metres and all contain the same floor layout that consists of 10 residential units ranging in size and layout with associated balconies (See **Figure 6**). The tower is well articulated with vertical and horizontal elements, the use of lighter and darker building materials and a high degree of glazing. All sides of the tower also provide personal and communal space consisting of terraces on the 4th floor and projecting balconies for floors 5-25.

The tower floor plate will allow for a wider unit range as well as larger unit sizes ranging from 57.6 square metres to 87.6 square metres which will be able to accommodate more efficient and contemporary unit layouts and family composition. The wide range of unit sizes will also accommodate a wider range of customers with varying financial circumstances.

In our opinion, the size of the tower floorplate is appropriate for a number of reasons. The general intent and purpose of the maximum 750 square metre tower floor plate size guideline in the City's Tall Building Guidelines is to provide a slender tower that limits shadow impacts on surrounding streets, parks, open space, and properties by casting smaller, faster moving shadows, improving access to sky views, permitting better views between buildings and through sites, and contributing to a more attractive skyline. In our opinion, the proposed sized of the tower is generally consistent with the intent of the City's Tall Building Guidelines. There is no significant difference between the recommended maximum 750 square metre tower floor plate as outlined in the Tall Building Guidelines and the proposed tower floor plate size (approximately 752.5 square metres). At 752 square metres there are no increased shadow and wind impacts and Light, View, and Privacy (LVP) to surrounding streets, parks, open spaces, properties and built form impacts are acceptable.

Building Top

The mechanical penthouse has been deliberately situated in the middle of the building to provide for adequate screening from the pedestrian realm and minimize visual impacts. The floor plate for the mechanical penthouse has been reduced from the tower floor plate to 595.1 square metres in response to comments received through the pre-submission consultation process established by the City of Burlington. In addition, the design includes 201 square metres of outdoor amenity space at this level. The outdoor amenity space on the rooftop will provide generous outdoor amenity space for the residents and their guests.

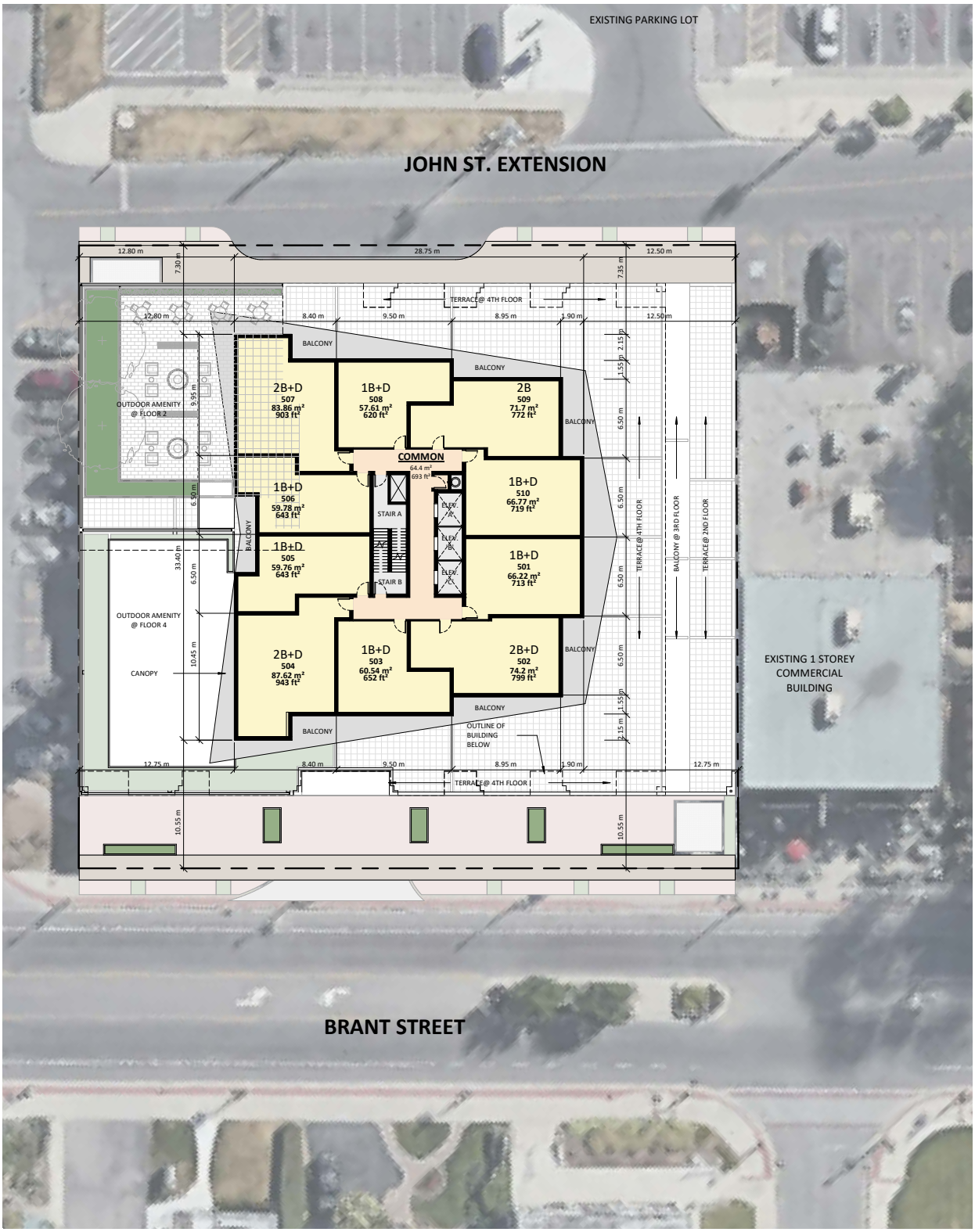


Figure 6 - Floors 5-25 - Prepared by Turner Fleischer

Unit Distribution and Amenity Space

The development proposes a total of 248 residential units with a mix of unit types including: 1 1- bedroom unit, 135 1- bedroom plus den units, 35 2- bedroom units, 72 2- bedroom plus den units, and 5 3- bedroom units.

In addition, the proposal provides 169.8 square metres of indoor amenity space split between the 2nd and 4th floors respectively - 169.8 square metres of indoor amenity area located on the 2nd and 4th floor and 841 square metres of outdoor amenity area on the 2nd,4th, and penthouse floors. An additional 5,114.1 square metres of terrace/balconies are being provided as personal outdoor amenity area split between the 2nd-25th floors. The City's minimum requirement of 20 square metres of amenity space for each unit is exceeded.

Access, Parking, and Loading

A total of 253 parking spaces are proposed for the development which consists of 4 levels of underground parking. The 4 levels of underground parking will consist of both spaces for residents and for visitors. Eight of the proposed parking spaces will consist of accessible parking split between all 4 levels of underground parking. In addition, 36 bicycle parking stalls are being proposed split between 28 long term residential spaces underground and 4 short term residential spaces and 4 short term commercial spaces on level 1.

One access to the underground parking ramp and load area will be provided from Brant Street and is located in the centre of the subject site. The access to the site was unable to be aligned with Birch Avenue due to the adjoining property to the south not being part of the development. The loading spaces are provided at-grade and are for the purpose of moving-in/moving-out, garbage pick-up, and retail deliveries.

3.2 Key Statistics

Site Area	2,779.3 square metres (0.27 ha)
Total GFA	21,003.9 square metres
FAR (Floor Area Ratio)	7.56
Building Height	85.75 metres
Residential Units	1 Bedroom – 1 1 Bedroom + Den – 135 2 Bedroom – 35 2 Bedroom + Den - 72 3 Bedroom – 5 **TOTAL - 248**
Amenity Space	6,124.9 (including balcony and terraces) 24.7 sq. m. per unit
Vehicle Parking ***Bicycle Parking***	253 vehicle parking spaces 36 bicycle parking spaces

3.3 Required Approvals

In our opinion, the proposed development conforms with applicable provincial policies in particular the Built-up Area designation of the Growth Plan and the Urban Area policies of the Regional Official Plan. However, the proposal requires a site-specific amendment to the in-force City of Burlington Official Plan in order to accommodate the increased the height and density of the proposal.

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 to accommodate the proposal.



4.01

POLICY & REGULATORY CONTEXT

4.1 Overview

As set out below, the re-development proposal is supportive of numerous policy directions set out in the Provincial Policy Statement, A Place to Grow: the Growth Plan for the Greater Golden Horseshoe, the Region of Halton Official Plan, and the in-force City of Burlington Official Plan, all of which promote the efficient use of land and infrastructure within built-up areas, specifically in Urban Growth Centres ("UGCs") and areas with close proximity to transit.

4.2 Provincial Policy Statement (2020)

On February 28, 2020, the Province released the new final approved Provincial Policy Statement which replaces the PPS issued on April 30, 2014. The PPS, 2020 came into effect on May 1, 2020. While much of the PPS remains the same, key changes to the policy framework include:

- Adding further references to support a changing climate and green infrastructure;
- Policy direction that is responsive to the recommendations of the province's Special Advisor on Flooding.
- Increasing the minimum requirement for housing land supply to 15 years
- Clarifying the policies related to market-based housing by adding a reference to affordable housing
- Providing flexibility for municipalities to consider residential development on rural lands that is locally appropriate, including lot creation
- Enhancing land use compatibility policies for sensitive land uses

One of the main policy directions continually expressed in the PPS is the need to build strong communities by promoting efficient development and land use patterns. To that end, the PPS contains a number of policies promoting intensification, redevelopment, and a compact built form, particularly in areas well served by public transit and infrastructure, services, and facilities.

Policy 1.1.1 of the PPS provides that healthy, livable, and safe communities are sustained by promoting an efficient development and land use pattern to sustain an appropriate range and mix of residential dwellings, employment (including industrial and commercial), institutional, recreation, park and open space and other uses. Policy 1.1.3.1 of the PPS states that settlement areas shall be the focus of growth and development. Furthermore, Policy 1.1.3.2 of the plan states that land use patterns within settlement areas shall be based on densities and a mix of land uses that promotes efficient land uses, infrastructure and public service facilities and are transit-supportive, where transit is planned, exists, or may be developed.

Policy 1.1.3.3 requires planning authorities to identify and promote opportunities for transit-transit supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment, where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities. 1.1.3.6 of the plan states that new development taking place in designated growth areas should have a compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities.

With regard to employment, Policy 1.3.1 requires planning authorities to promote economic development and competitiveness by providing an appropriate mix and range of employment and broader mixed uses to meet long term needs, and to encourage compact, mixed-use development that incorporates compatible employment uses that support livable and resilient communities while ensuring necessary infrastructure is provided to support current and projected needs.

In terms of housing, section 1.4.3 requires planning authorities to provide an appropriate range and mix of housing options and densities to meet projected market-base and affordable housing needs of current and future residents by, among others, permitting and facilitating all types of residential intensification required to meet the social, heath, economic, and well-being requirements of all residents, directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be, promoting densities for new housing which efficiently

use land, resources, infrastructure and public services, as well as requiring transit-supportive development and prioritizing intensification in proximity to transit including corridors and stations.

The efficient use of infrastructure, particularly public transit, is a key element of the Provincial Policy Statement found in Sections 1.6. Section 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities. With respect to transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation.

Section 1.7.1 of the PPS speaks to long-term economic prosperity and that it should be supported by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce, optimizing the availability and use of land, resources, infrastructure, and public service facilities, and encouraging a sense of place by promoting well-designed built form and cultural planning.

1.8.1 of the PPS speaks to how planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through the land use and development patterns which promote compact form and a structure of nodes and corridors, promote the use of active transportation and transit in and between residential, employment (including commercial) and institutional uses, and to encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

For the reasons set out in Section 5.2 of this report, it is our opinion that the proposal is consistent with the Provincial Policy Statement and, in particular, the policies relating to residential intensification and the efficient use of land and infrastructure.

4.3 Growth Plan for the Greater Golden Horseshoe (2019)

On May 16, 2019, the Growth Plan (A Place to Grow: The Growth Plan for the Greater Golden Horseshoe) came into effect, replacing the Growth Plan for the Greater Golden Horseshoe, 2017. Furthermore, Amendment 1 (2020) to the Growth Plan (2019) (the "Growth Plan") was approved and came into effect on August 28, 2020. All decisions made on or after this date in respect of the exercise of any authority that affects a planning matter are required to conform with the 2019 Growth Plan, subject to any legislative or regulatory provisions providing otherwise. Section 1.2.3 provides that the Growth Plan is to be read in its entirety and the relevant policies are to be appropriately applied.

While many policies in the 2019 Growth Plan are unchanged from the 2017 Growth Plan, modifications were made to policies related to employment areas, settlement area boundary expansions, agricultural and natural heritage systems, intensification and density targets, and major transit station areas.

The Guiding Principles which are important for the successful realization of the Growth Plan are set out in Section 1.2.1. Key principles relevant to the proposal include:

- Supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability;
- Support a range and mix of housing options to serve all sizes, incomes, and ages of households and;
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure. It includes objectives that support the development of complete communities and promotes transit supportive development in proximity to higher order transit. As noted in Section 2.1 of the Plan:

> *"Building compact and complete communities, will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change…To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options… It is important that we maximize the benefits of land use planning as well as existing and future investments in infrastructure so that our communities are well-positioned to leverage economic change."*

Section 2.1 of the Growth Plan goes on to further emphasize the importance of optimizing land use in urban areas:

> *"This Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area."*

The subject site is located within the City's Urban Growth Centre and is thus defined as a "strategic growth area" as defined by the Growth Plan (i.e. a focus for accommodating intensification and higher-density mixed uses in a more compact built form). "Strategic growth areas" include urban growth centres, major transit station areas and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields, as well as lands along major roads, arterials or other areas with existing or planned frequent transit service.

In this regard, the subject site falls within a "urban growth centre, major transit station areas, and major opportunities for development". The planned density targets for "major transit station areas" are similar to those in the 2017 Growth Plan. However, in the 2019 Growth Plan, "major transit station areas" have been redefined as the area within an approximate 500 to 800 metre radius of a major bus depot, as opposed to approximately 500 metres in the 2017 Plan. The subject site is approximately 550 metres away from the Downtown Burlington Bus Station. The City of Burlington is currently in the process of reviewing the appropriateness of the existing MTSA designation for the Downtown Burlington Bus station with the Regional Municipality of Halton. However, the existing MTSA designation is currently in place and has not been changed.

Policy 2.2.1(2)(c) states that within settlement areas, growth will be focused in delineated built up areas, strategic growth areas, and locations with existing or planned transit (with a priority on higher order transit where it exists or is planned). Policy 2.2.1(3)(c) goes to on to state that municipalities shall undertake integrated planning to manage forested growth to the horizon of this Plan, which will, among others, provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors to support the achievement of complete communities through a more compact built form.

In this respect, Schedule 3 of the Growth Plan forecasts a population of 1,100,000 and 500,000 jobs for the Region of Halton by 2051. The 2016 Census indicates that population growth in Halton is continuing to fall short of the Growth Plan forecasts. The 2006 Growth Plan forecasted a population of 520,000 for 2011, while its actual population in 2011 was 501,674. At a point that is now midway through the 2001-2031 forecast period, the 2016 population of 563,791 is only 51.3% of the way toward achieving the population forecast of 1,100,000 by 2051.

Policy 2.2.1(4) provides that applying the policies of this Plan will support the achievement of complete communities that will feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities, improve social equity and overall quality of life, including human health, for people of all ages, abilities and incomes, provide a diverse range and mix of housing options, expand convenient access to a range of public transit options, provide a more compact built form and vibrant public realm, and to mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability. Policy 2.2.2(1) of the Plan states that by the next municipal comprehensive review is approved and in effect, a minimum intensification target of 50 per cent of all residential development occurring within Halton shall be within the delineated built-up area. Policy 2.2.2(3) further provides that all municipalities are required to develop a strategy to achieve the minimum intensification targets that will include, among other things, identifying strategic growth areas to support achievement of the intensification target, identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas, encourage intensification throughout the delineated built-up area, and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

Section 2.2.3(1) speaks to Urban Growth Centres and how they will be planned, which include, among others, to accommodate significant population and employment growth. 2.2.3(2) provides that urban growth centres are planned to achieve by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare for Downtown Burlington.

Planning for major transit station areas is addressed in Section 2.2.4 of the Growth Plan. Policy 2.2.4(1) states that priority transit corridors shown on Schedule 5 will be identifies in official plans and that planning will be prioritized for 'major transit station areas' on 'priority transit corridors' including zoning in a manner that implements the policies of this Plan. Policy 2.2.4(2) requires the City of Burlington to delineate the boundary of major transit station areas in a transit-supportive manner that maximizes the size of the area and number of potential transit users that are within a walking distance. As stated in policy 2.2.4(3) major transit station areas on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by bus rapid transit and 150 residents and jobs combined per net hectare for those that area served by the GO Transit rail network. Policy 2.2.4(6) goes on to further state that within 'major transit station areas' land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited.

2.2.4(9) provides that within all 'major transit station areas' development will be supported, where appropriate, by planning for a diverse mix of uses, providing alternative development standards such as reduced parking standards, and by prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities. The Plan further goes on to say in policy 2.2.4(10) that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.

Section 2.2.6 of the Growth Plan speaks to housing. Policy 2.2.6(1) states that the City shall support housing choices through the achievement of the minimum intensification and density targets in this Plan by, among others, identifying a diverse range and mix of housing options and densities to meet projected

needs of current and future residents as well as establishing targets for affordable ownership housing and rental housing. Notwithstanding policy 1.4.1 of the PPS, policy 2.2.6(2) states that by implementing policy 2.2.6(1) of this Plan, municipalities will support the achievement of complete communities through planning to accommodate forecasted growth to the horizon of this plan, planning to achieve the minimum intensification and density targets in this Plan, considering the range and mix of housing options and densities of the existing housing stock, and by planning to diversity their overall housing stock across the municipality.

Generally, the infrastructure policies set out in Chapter 3 place an emphasis on the need to integrate land use planning and investment in both infrastructure and transportation. The introductory text in Section 3.1 states that:

> *"The infrastructure framework in this Plan requires that municipalities undertake an integrated approach to land use planning, infrastructure investments, and environmental protection to achieve the outcomes of the Plan. Co-ordination of these different dimensions of planning allows municipalities to identify the most cost-effective options for sustainably accommodating forecasted growth to the horizon of this Plan to support the achievement of complete communities. It is estimated that over 30 per cent of infrastructure capital costs, and 15 per cent of operating costs, could be saved by moving from unmanaged growth to a more compact built form. This Plan is aligned with the Province's approach to long-term infrastructure planning as enshrined in the Infrastructure for Jobs and Prosperity Act, 2015, which established mechanisms to encourage principled, evidence-based and strategic long-term infrastructure planning."*

Policy 3.2.3(1) states that public transit will be the first priority for transportation infrastructure planning and major transportation investments. Policy 3.2.3(2) further says that all decisions on transit planning and investment will be made according to the following; prioritize areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency of planned transit services, increase the capacity of existing transit to support 'strategic growth areas', expanding transit service to areas that have achieved, or will be planned to achieve, transit-supportive densities and provide a mix of residential, office, institutional, and commercial development wherever possible, and by contributing towards the provincial greenhouse gas emissions reduction targets, amongst others.

Section 4.2.10 of the Growth Plan speaks to climate change and provides policy framework that municipalities shall follow to help reduce greenhouse gas emissions and address climate change adaption goals. Policy 4.2.10(1) states that these policies will include, among others, supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan, reducing the dependency on the automobile and supporting existing and planned transit and active transportation. In planning to reduce greenhouse gas emissions and address the impacts of climate change, policy 4.2.10(2) states that municipalities are encouraged to develop strategies to reduce greenhouse gas emissions and improve resilience through land use planning and planning for infrastructure.

Policy 5.2.5(6) provides that in planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high-quality public realm and compact built form.

For the reasons set out in Section 5.1 of this report, it is our opinion that the proposed development conforms with the 2019 Growth Plan and, in particular, the policies that seek to optimize the use of land and infrastructure and to encourage growth and intensification in "strategic growth areas", including "urban growth centres".

4.4 Halton Regional Official Plan (2018 Office Consolidation)

The Halton Regional Official Plan (ROP) is Halton's guiding document for land use planning and was adopted by Regional Council as Regional Official Plan Amendment No. 28 (ROPA 38) on December 16, 2009 following the review of the former Halton Regional Official Plan, 2006. In 2011, the Province modified and approved ROPA 38, which was subsequently appealed in its entirety to the Ontario Municipal Board (OMB) from 2012-2017, with certain site-specific appeals outstanding.

Policy 31 of ROP sets a vision for planning Halton's future by building "healthy communities" and through defining a "healthy community" as one: where a full range of housing, employment, social, health, educational, recreational and cultural opportunities are accessible for all segments of the community (Policy 31(4)); and, where mobility is provided primarily through an affordable, convenient, safe and efficient public transportation system and non-motorized travel modes (Policy 31(5)), among others.

Policy 50.2 of the ROP discusses Halton's Regional Structure which implements Halton's planning vision for its future landscape by organizing land uses into three broad categories, one of which encompasses the subject site, as describes in Policy 50.2(1) with regard to Settlement Areas, consisting of the Urban Area use designation. Policy 51(1) describes the Urban Area where urban services are provided to accommodate concentrations of existing and future development. The applicable land use designation is also depicted on Map-1 Regional Structure of the Official Plan (see **Figure 7**.)

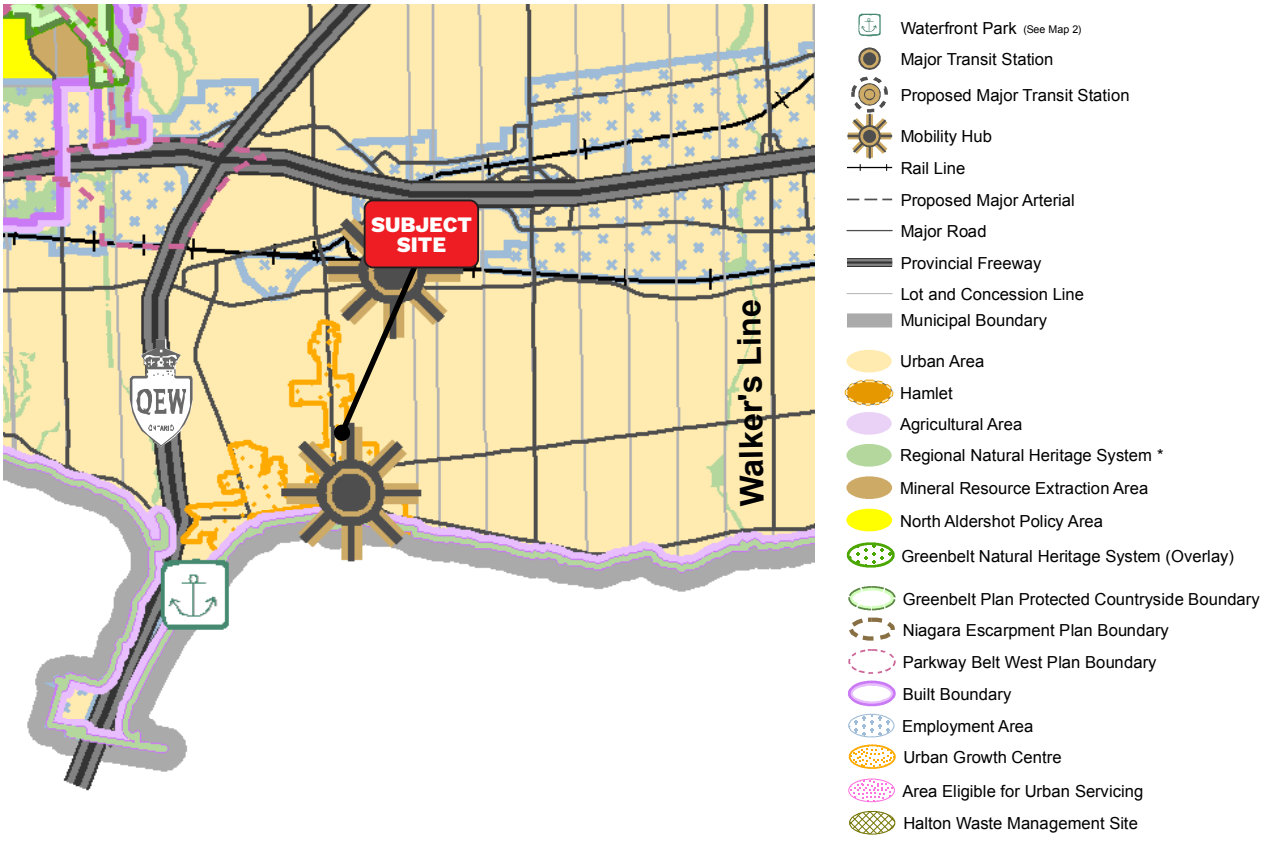


Figure 7 - Halton Official Plan - Map 1, Regional Structure

Policy 55 of the ROP describes that the Regional Structure is accompanied by a growth strategy for Halton based on the distribution of population and employment for the planning horizon year of 2031, as contained in Table 1 of the ROP. Table 1 identifies a 2006 population of 171,000 for the City of Burlington with an increase to 193,000 by the horizon year of 2031 representing a 12% increase. Similar to population forecasts, the Region anticipates that the City of Burlington will increase their employment forecasts by 88,000 in 2006 to 106,000 in the horizon year of 2031 representing a 17% increase. Further, as per Table 2 of the ROP, the Region anticipates that the City of Burlington will increase their total number of new housing units in the Built-Up Area to 8,300 units between 2015 to 2031. These forecasts are further expanded in Table 2A – Regional Phasing with the City of Burlington being expected to contribute 2,758 dwelling units and 4,136 jobs in the 2017-2021 planning window.

Land Use Designation Policies

Policy 72 of the ROP provides the objectives of the Urban Area, which are, amongst others, 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 while fostering a strong and competitive economy (72(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 (72(3)); to identify an urban structure that supports the development of Intensification Areas (72(6)); to plan and invest for a balance of jobs and housing in communities across the Region to reduce the need for long distance commuting (72(7)); to promote the adaptive re-use of greyfields (72(8)); to facilitate and promote intensification and increased densities (72(9)); and to provide for an appropriate range and balance of employment uses including office and retail to meet long term needs (72(10)). Policy 74 states that within the Urban Area, Urban Growth Centres, which encompasses the subject site, are identified on Map 1 and for which specific policies apply. The ROP further provides in Policy 75 that the Urban Area is planned to accommodate the distribution of population and employment for the Region and the local municipalities shown in Table 1 and Table 2a. Policy 76 states that the range of permitted uses will be in accordance with local Official Plans and Zoning By-laws.

Policy 77(2.1) provides that a minimum of 40% of new residential development occurring annually within Halton in 2015 and every year thereafter shall be directed to the Built-Up Area.

Intensification Area Policies

Policy 80 of the ROP refers to Intensification Areas as part of the Urban Area and consists of Urban Growth Centres, Major Transit Station Areas, Intensification Corridors, and Mixed-Use Nodes. In this regard, the subject site would fall within each part of an Intensification Area as defined by the ROP.

Policy 78 of the ROP provides the objectives of Intensification Areas, which are, amongst others, to provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable (78(1)); to provide a range of employment opportunities, facilities and services in centralized locations that are readily accessible by public transit (78(3)); to provide a diverse and compatible mix of land uses, including residential and employment uses to support neighbourhoods (78(4)); to create a vibrant, diverse and pedestrian-oriented urban environment (78(5)); to cumulatively attract a significant portion of population and employment growth (78(6)); to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places (78(7)); to support transit and active transportation for everyday activities (78(8)); to generally achieve higher densities than surrounding areas (78(9)); and to achieve an appropriate transition of built form to adjacent areas (78(10)). For Major Transit Station Areas and Intensification Corridors policy 78 further provides that their objectives are to achieve and increased residential and employment densities in order to ensure viability of existing and planned transit infrastructure and service (78(11)(a)); to

achieve a mix of residential, office, institutional, and commercial development, where appropriate (78(11)(b)); for Major Transit Station Areas, to provide access from various transportation modes to the transit facility, including but not limited to pedestrians, bicycle routes and bicycle parking (78(c)); and for Intensification Corridors, to accommodate local services, including recreational, cultural, and entertainment uses (78(d)).

With respect to policy, the ROP states that the Region is to, amongst others, direct development with higher densities and mixed uses to Intensification Areas (81(1)); require local Official Plans to identify Intensification Areas with detailed boundaries in accordance with the objectives and policies of this Plan (81(2)); require local municipalities to prepare detailed official plan policies or an area-specific plan for the redevelopment of an existing Intensification Area (81(3)); require area-specific plans or policies for Intensification Areas which include a transportation network designed to integrate active transportation, local transit services and inter-municipal/inter-regional higher order transit services, and urban design guidelines to promote active transportation and transit-supportive land uses (81(4)); and adopt alternative design standards for Arterial Roads through Intensification Areas to promote active transportation, pedestrian-oriented development and transit-friendly facilities (81(5)). Policy 81(7) goes to further state that the Region requires the local municipality to:

a. Include Official Plan policies and adopt Zoning By-laws to meet intensification and mixed-use objectives for Intensification Areas
b. Prescribe in Official Plans and Zoning By-laws minimum development densities for lands within Intensification Areas
d. promote development densities that will support existing and planned transit services.

Policy 81 additionally states the Region should consider intensification and development of Intensification Areas as the highest priority of urban development within the Region (81(7.2)); and encourage local municipalities to adopt parking standards and policies within Intensification Areas to promote the use of active transportation and public transit (81(8)).

Urban Growth Centres

Policy 81.1 speaks to the objectives of the Urban Growth Centres, which are to serve as focal areas for investment in commercial, recreational, cultural, and entertainment uses (81.1(1)); to accommodate and support major transit infrastructure (81.1)(2)); to serve as high density major employment centres that will attract provincially, nationally, or internationally significant employment uses (81.1(3)); and to accommodate a significant share of population and employment growth (81.1(4)). Policy 81.3 of the ROP states that it is the policy of the Region to require Urban Growth Centres to achieve a minimum development density target of 200 residents and jobs combined per gross hectare by 2031 or earlier (81.3(1)).

Housing Policies

In terms of housing, Policy 84 provides 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. The objectives for housing are provided in Policy 85 and include, amongst others, to make more efficient use of existing developed land, housing stock, and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods (85(4)) and to promote residential intensification through the development or redevelopment of brownfield and greyfield sites (85(13)).

Policy 86 further provides the policies of the Region, including to adopt the housing targets that at least 50 percent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings (86(6)(a)); permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of structures provided that the physical character of the existing neighbourhoods can be maintained (86(11)); and require local Official Plans to provide an appropriate mix of housing by density, type, and affordability in each geographic area, consistent with current and projected demands (86(21)).

Environmental Quality Policies

Section 140 of the ROP provides that the goal for environmental quality is to achieve a high-quality environment, for this and future generations, that will sustain life, maintain health, and improve the quality of living. In respect to air and ambience, Policy 142 states that the objectives of the Region are to, amongst others, to improve air quality and to address the impact of climate change (142(2)); to contribute to the overall improvement of air quality in Halton's airshed through facility management, land use planning, and transportation management (142(4)); to support urban forms that will reduce long distance trip-making and the use of the private automobile (142(5)); and to promote trips made by active transportation and public transit (142(6)). Policy 143 further says that it is the policy of the Region to promote walking, cycling, and public transit over other modes of transportation, amongst others (143(4)).

Transportation

One main objective for the Region in respect to transportation is to develop a balanced transportation system that reduces the dependency on automobile use, includes a safe, convenient, accessible, affordable, and efficient public transit system that is competitive with the private automobile, and promotes active transportation (172(2)). Policy 172(6) provides that it is also an objective of the Region to provide seamless public transit services which provide a high level of service within Halton, are connected to a higher order transit network throughout the GTA and Hamilton, and are complemented and supported by a network of active transportation facilities. In addition, further objectives for the Region include to achieve a level of public transit usage that averages at least 20 percent of all daily trips made by Halton residents by year 2031 (172(8)); to ensure development is designed to support active transportation and public transit (172(9.1)); to integrate transportation planning, land use planning, and investment in infrastructure (172(9.2)); and to promote land use patterns and densities that foster strong live-work relationships and can easily and effectively served by public transit and active transportation (172(10)).

For the reasons set out in Section 5 of this report, it is our opinion that the proposal conforms with the Halton Regional Official Plan.

4.5 Halton Region Official Plan Review (ROPR)

The Region of Halton is currently in the process of reviewing their Official Plan as part of the mandatory Planning Act review, that requires regional and municipal governments to undertake a review of their Official Plans every five years. The process began in 2014 leading to Council's adoption of the Phase 1: Directions Report in fall 2016. A phased review, the process will involve three-phases which includes the Phase 1 Directions Report identifying key land use matters, Phase 2 involving an in-depth analysis of data and land use policies documented in a series of discussion papers, and Phase 3 involving the drafting and adoption of land use policy changes through a comprehensive amendment to the Region of Halton Official Plan. Phase 2 is expected to conclude in 2020.

4.6 City of Burlington Official Plan

The City of Burlington Official Plan (the OP), office consolidation October 2017, was approved by the Ontario Municipal Board (OMB) on October 24th, 2008. The OP was originally approved in 1997 and has been amended many times over the years in an effort to keep it generally up-to-date with emerging provincial and regional policy. However, both the City of Burlington and the Region of Halton have identified that the existing OP is out of date and a City-initiated process has been ongoing to develop a new Official Plan. The OP remains as the City's guiding policy document to direct and accommodate the City's long-range land-use strategy and is intended to ensure that future planning and development within the City will also meet the specific needs of the community.

Part I, Section 2.0 of the OP 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. Part I, Section 3.0(h) of the Official Plan promotes intensification of residential and other land uses in the Urban Planning Area, among others, to fulfill Provincial Growth management objectives.

The policy framework in Part I, Section 4.3 provides for a number of policy directions, which encourages 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 relationship, 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, Policy 3.3.2(b) of the OP 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. Policy 3.2 provides the general transportation policies, which includes the objective to encourage alternative travel by creating an urban environment that encourages walking, cycling, and transit use and increases opportunities to live close to work and satisfy day-to-day needs locally without relying on the automobile.

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 principle 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 I 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 OP (see **Figure 8**), 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 ((see **Figure 9**).

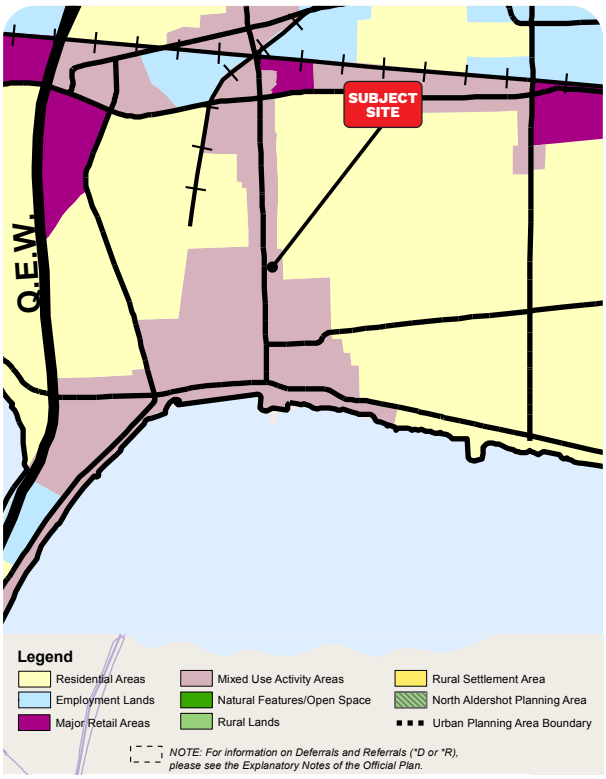


Figure 8 - City of Burlington Official Plan - Schedule A, Settlement Parttern

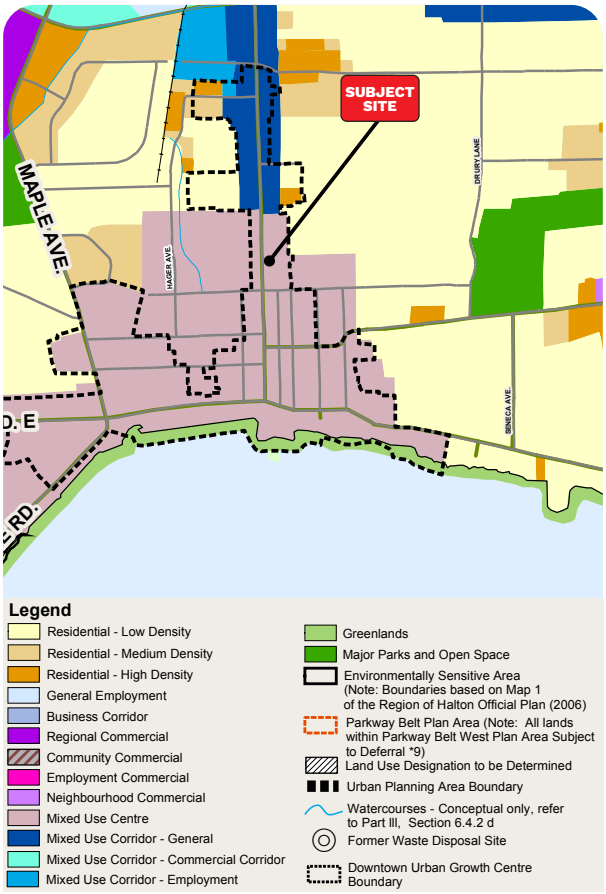


Figure 9 - City of Burlington Official Plan - Schedule B, Urban Planning Area

Policy 5.1(a) of the OP 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 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. 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

Section 5.4 of the OP provides the policy framework relating to lands designated Mixed Use Centre. 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 (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 (5.4.1(b)); and to permit mixed use developments on individual sites where residential, retail, office and other uses are located (5.4.1(c)).

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. 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 (5.4.2(c)); a range of building heights shall be permitted (5.4.2(d)); open space and parkland shall be provided in Mixed Use Centres (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 (5.4.2(f)). 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;
vii. 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.

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, 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, 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.

i. 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:
ii. Adequate municipal services to accommodate the increased demands are provided;
iii. Off-street parking is adequate;
iv. 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;
v. The proposal is in proximity to existing or future transit facilities
vi. 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;
vii. Effects on existing vegetation are minimized;
viii. 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

Policy 5.4.2 (k) of the Plan states that proposal 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.

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.

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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 (2.5.2(d)). Section 2.4.5 speaks to infill development, specifically, 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

Section 5.5.1 a) of the Plan provides that in keeping with the Growth Plan for the Greater Golden Horseshoe, 2006 (now updated 2019 version), 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. 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.

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.

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". 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 Policy 5.5.3(c). 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.

Downtown Core Precinct Policy

As per Schedule E – Downtown Mixed Use Centre Land Use Plan in the OP (see **Figure 10**), the subject site is designated "Downtown Core Precinct". Policy 5.5.8.1, Part III, states the objectives of the Precinct, which include: to designate the inner core area of the Downtown for higher density development consistent with the role of Brant Street as a major spine of the Downtown Mixed Use Centre, to meet Provincial Growth objectives, to help support increased transit, to require a high standard of design for new buildings in order to provide a sense of place, compatibility with existing development and a sense of pedestrian scale and comfort. Policy 5.5.8.1 b) of Part III requires a minimum density of 51 units per net hectare for residential buildings and a minimum height of two storeys for all buildings. It also provides a maximum height of four storeys and states that taller buildings, up to eight storeys in height (29 metres) may be permitted where they provide compatibility with the surrounding land uses. Policy 5.5.8.1 c) states that the maximum floor area ratio for any individual site shall be 4.0:1, except higher floor area ratios may be considered for taller buildings contemplated in b). Policy 5.5.8.1 includes the following policies:

- retail or service commercial uses are required continuously at grade along public streets, except where bordering residential precincts.
- Building shall be required to be constructed to the street line with no front yard parking, except for loading and emergency vehicles.
- On-site parking is not required for non-residential uses.
- Lands on the west side of Brant Street between Baldwin Street and Caroline (across from the subject site) shall be subject to site specific zoning regulations designed to preserve the existing low-rise residential appearance and character of the area to ensure compatibility with the abutting residential neighbourhood to the west.

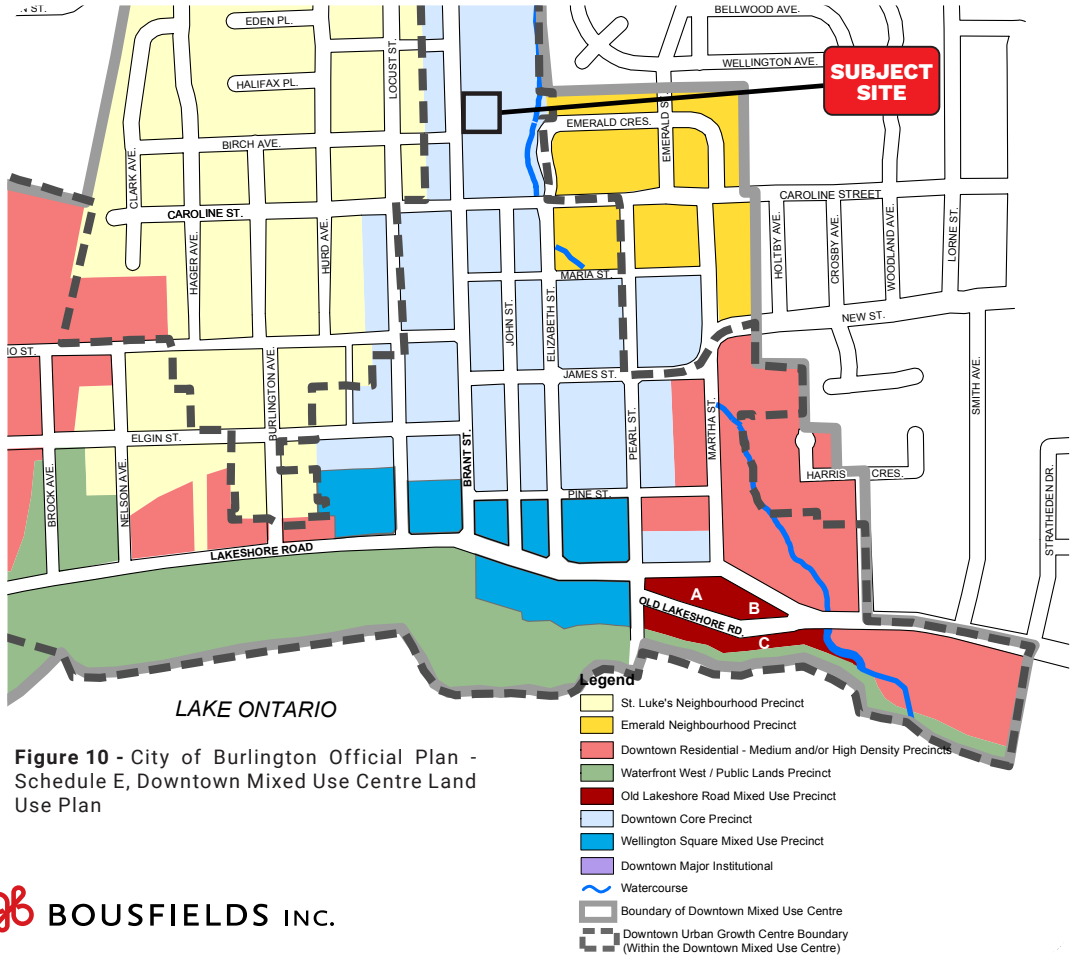


Figure 10 - City of Burlington Official Plan - Schedule E, Downtown Mixed Use Centre Land Use Plan

- Applications for increased building heights for mid to high rise buildings in the Downtown Core Precinct may be required to provide an angular plane study, identifying the visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.

Further to the above noted policy regarding road widenings, it is our understanding that the requirement for a road widening is always subject to review and justification through the development application process. Through the Pre-Consultation process, City Staff have requested a 3.545 metre road widening along Brant Street. As per Official Plan policy, the municipality may take the widening to the maximum as set out in the Plan where feasible and deemed required. Our analysis in this report relies on the reports and studies prepared by Paradigm Transportation Solutions found in Section 5.7 below and as submitted. Their analysis concludes that there are no current or projected capacity deficiencies along Brant Street.

Additionally, as noted above in Section 2.4, the future right-of-way width of Brant Street that fronts the subject site is to be 26 metres as per Table 2 – Road Allowance Widths in the Official Plan. The current right-of-way of Brant Street fronting the subject site is approximately 26.0 metres. In our opinion, it is unclear as to why the review and consideration of the widening would not be part of further review and discussion through the application process, and furthermore, why such a requirement would be required since the existing right-of-way is currently 26.0 metres.

We have also reviewed all related studies and plans that have been prepared in support of the Official Plan and Zoning By-law Amendment application, including the Functional Servicing Report, TIS, and Construction and Mobility Plan and note that all reports and plans support the proposal.

4.7 Interim Control By-law

On March 5th, 2019, Council for the City of Burlington passed By-law 10-2019 creating an interim control by-law (the "ICBL") that restricts the development within a study area, of generally the City's Downtown Urban Growth Centre boundary and lands in proximity to the Burlington GO station, for a period of one year with a maximum extension of a second year (see. **Figure 11**).

During the one-year "freeze" on development within the study area, the City has noted that they are to complete a land-use study for the following:

- Assess the role and function of the downtown bus terminal and the Burlington GO station on Fairview Street as Major Transit Station Areas
- Examine the planning structure, land use mix and intensity for the lands identified in the study area

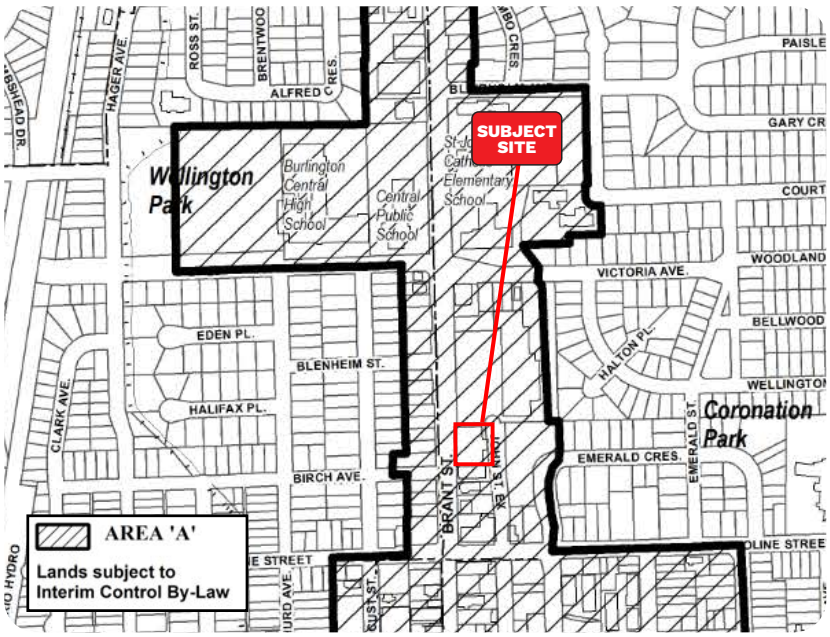


Figure 11 - Interim Control By-law Map

- Update the Official Plan and Zoning bylaw regulations as needed for the lands identified in the study area.

On April 25, 2019, Council for the City of Burlington passed By-law 21-2019, which amends the ICBL in order to exempt certain sites which are in the site plan process from the restrictions of the ICBL. The subject site falls within the ICBL boundaries and is not one of the identified exempted properties, and as such, the subject site is included in the ICBL.

On January 14th, 2020, a Statutory Public Meeting was held for members of the public to ask questions and provide comments on proposed Official Plan Amendments to the city's in-force and-effect OP, and Zoning By-law Amendments that are a result of the findings of the ICBL Land Use Study. The purpose of this meeting was to provide the public an opportunity to provide comments to City Council and for Council to consider the feedback prior to making a decision on the proposed amendments.

At the January 30th, 2020 Special Council Meeting, Council approved the revised recommendations from the findings of the ICBL Land Use Study. The ICBL Land Use Study included all submissions provided at and following the January 14th statutory public meeting. The revised recommendations were based on the land-use study that was undertaken as a result of the ICBL and included amendments to Burlington's current in-force-and-effect Official Plan and Zoning By-law. The City has since received appeals to the Local Planning Appeal Tribunal (LPAT) for both Official Plan Amendment 119 (the "OPA 119") and Zoning By-law Amendment 2020.418 (the "By-law 2020.418").

As a result, the ICBL did not expire on March 5th, 2020 and will remain in effect until the LPAT has issued a final decision on each appeal of Zoning By-law Amendment 2020.418.

4.8 Official Plan Amendment 119

OPA 119, which is under appeal, proposes to reduce the size of the Downtown Urban Growth Centre Boundary (the "UGC") and the establishment of a new Major Transit Station Area (the "MTSA") Special Planning Area for significant portions of the downtown. In this regard, the subject site continues to fall within the UGC and is within the area identified as part of the proposed MTSA Planning Area.

MTSA

OPA 119 adds a new policy framework regarding MTSA's, which includes the following:

- MTSA's are an important component of the City's Urban Planning Area, intended to serve as city-wide destinations and focal points for the provision of transit, exhibiting a wide variety of land uses, building types, and densities that will be oriented to support and facilitate transit and active transportation.
- MTSA's are in key areas served by the regional and local transit networks.
- MTSAs are focal points for higher intensity and mixed-use, transit-supportive development that will accommodate a significant share of the city's future population and employment growth.
- It is anticipated that the majority of growth within the City's four MTSAs will occur in the three MTSAs located along higher order transit routes and with planned frequent transit service by way of Regional Express Rail.
- The final delineation of the MTSAs boundaries and the identification of minimum density targets, will be established by the Region of Halton through the Municipal Comprehensive Review and will be implemented through a future Official Plan Amendment.
- A new Section 7.0 in Part III that states the following:
    - It distinguished between MTSA's on Regional Express Rail lines and not on them, specifically identifying the Downtown MTSA as not being located on a priority transit corridor and not supported by higher order transit or frequent transit within a dedicated right-of-way. In this regard, it describes the Downtown MTSA as "anchored by the downtown Burlington bus terminal, which functions as an intercity bus transfer point" and "it currently does not function as a major bus depot" and "given the limited function of the Downtown Bus Terminal, the MTSA is not expected to be a significant driver for intensification beyond that which is required by the Downtown UGC".

- Policies 7.1.1 and 7.1.2 state that secondary plans and/or major planning studies will provide long term development policies for the MTSAs and will implement mixed use transit-supportive development. Policy 7.1.2 b) states that the policies in 7.2 shall apply to development applications submitted in advance of the completion of secondary plans or major planning studies.
- Policy 7.2.1 b) provides the objectives of the MTSA Special Planning Area, which include:
    - To direct appropriate scale and intensity of transit-supportive development at each MTSA consistent with the OP and the Province's Transit Supportive Guidelines and Mobility Hub Guidelines.
    - To encourage transit supportive, pedestrian oriented and cycle friendly development in a compact built form that is compatible with the surround area.
    - To ensure there is appropriate transition in scale, intensity, height, massing and spacing of development, including appropriate transitions between various land uses and built forms.
    - To ensure development establishes a high-quality public realm.
    - To support the retention and expansion of existing employment functions and encourage new employment functions.
    - To require a mix of uses within development and throughout the MTSA Special Planning Area that will strengthen the live/work/shop relationship and the creation of complete communities.
    - To promote the accommodation of a diverse range and mix of household sizes, incomes, and tenure.
    - To plan for and provide public service facilities that support future population and job growth.
- Policy 7.2.2 b) states that development applications preceding the completion of a secondary plan or major planning study shall have regard for the Province's Mobility Hubs and Transit-Supportive Guidelines and shall implement Regional and Provincial major transit station area policies.
- Policies 7.2.2 d), e) and f) state that the MTSA's shall be promoted as multi-functional activity centres, development shall contain a mix of uses and transit supportive development, and MTSAs will be priority locations for land assembly, infrastructure and public service facilities improvements, new public service facilities, and the preparation of comprehensive traffic, TDM, and parking studies/strategies.
- Policy 7.2.2 g) states that multi-unit residential development should incorporate a mix of unit sizes and types to accommodate a diverse range of household sizes and incomes.
- Policies 7.2.2 o) and p) state that the growth targets are intended to apply at a city-wide level and cannot be applied on a site-specific basis as rationale for approving or refusing development. Similarly, the concept of optimization shall be applied to development patterns over the entirety of the MTSAs.
- Policy 7.2.2 q) includes the following development criteria that is to be satisfied when evaluating all development applications within the MTSA Special Planning Area, which includes:
    - the development *shall* be *compatible* with adjacent land uses.
    - the *development* achieves built form compatibility.
    - the *development shall* be consistent with the vision and intent of the *MTSA* typology, policies, and vision.
    - the *development* achieves a high quality of urban design.
    - the *development* can be supported by available *infrastructure* and *public service facilities*.
    - the *development* preserves and protects trees.
    - The incorporation of TDM measures.
    - the *development shall* consider opportunities for the sharing of parking between *compatible* uses where feasible.

- the *development* provides stormwater management and addresses natural hazards.
- the *development* considers the relationship to existing or planned transit facilities.
- the *development* complements and connects with the *public realm*.
- the *development shall* consider all other relevant principles, objectives, and policies of this Plan.

- Policy 7.2.2 r) states that an OP amendment proposing residential uses in the MTSA Special Planning Area shall provide community planning objectives including: affordable rental housing, residential units provided in partnership with a municipal housing provider or charitable not for profit organization, and the co-location of community space or public service facilities and additional sustainable building design measures that contribute significantly toward the goals of the City's Strategic Plan and/or climate change and energy plans.
- Section 7.2.4 provides the Downtown MTSA policies. Policy 7.2.4.2 a) states that the City shall undertake a major planning study to implement mixed use transit-supportive development over the long term, while ensuring compatibility with surrounding areas. Policy 7.2.4.2b) states that the UGC target shall not be applied on a site-specific basis and only to the entire geography of the UGC. Policy 7.2.4.2 c) states that the residents and jobs associated with development shall contribute towards meeting the minimum density target of the UGC.

It also provides the following new definition for MTSA:

"Major Transit Station Area – The area including and around any existing or planned *higher order transit* station or stop within a settlement area; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate five hundred (500) m to eight hundred (800) m radius of a transit station, representing about a ten (10)-minute walk.

In keeping with the policies of the Growth Plan, the final delineation of the *Major Transit Station Area* boundaries and the identification of minimum density targets, will be established by the Region of Halton through the Municipal Comprehensive Review and will be implemented through a future Official Plan Amendment.

Transit Supportive Development

OPA 119 also adds policies related to transit supportive development, which include:

- The objectives to recognize the relationship between land use and transit and promote the elements of transit-supportive development, to facilitate transit supportive development, while ensuring compatibility with the surrounding area, to encourage the use of public transit and active transportation modes, and to manage travel demand.
- Policy 3.11.2a) states that transit supportive development shall consist of compact, mixed-use development that has a high level of employment and residential densities to support transit service.
- Policies 3.11.2 b) - e) states that transit supportive development should include street design measures that increase transit accessibility and a human scale built form at grade, where feasible, and shall include safe and accessible active transportation infrastructure and connections, as well as achieve a high quality of urban design.

It also provides the following new definition for Transit Supportive Development:

> ***"Transit-Supportive or Transit-Supportive Land Use*** *- Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Transit-supportive development will be consistent with Ontario's Transit Supportive Guidelines."*
>
> *Policy 6.3 e) states that "New community design should contain compact built forms of development that support higher densities, are pedestrian, cycling and transit oriented, particularly along transit and transportation corridors, support the achievement of complete communities with high-quality public realm elements and encourage increased use of public transit".*

4.9 City of Burlington New Official Plan Project (Draft April 2018)

The Planning Act requires municipalities to review their Official Plan every five years. The City of Burlington began its review of the OP 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 OP did not align with its new policy directions and have therefore prepared a new OP which will reflect and 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.

Although the New OP, adopted on April 26, 2018, is not currently in effect and not determinative, the following policies are relevant:

Land Use Vision Policies

Section 2.1 provides that growth will be focused in 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 in the city and the Downtown (Mobility Hubs) and 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 in which the subject site falls within. 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 fall within as per Schedule B – Urban Structure (see **Figure 12**). 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 that 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. These lands 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 (insert mobility hub figure), 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 Bus Terminal 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. 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 (see **Figure 13**) of this Plan identifies the subject site as a Primary Growth Area. Policy 2.4.1(b) identifies that Primary Growth Areas 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 and accommodate development that is compact, mixed-use, and pedestrian oriented in nature.

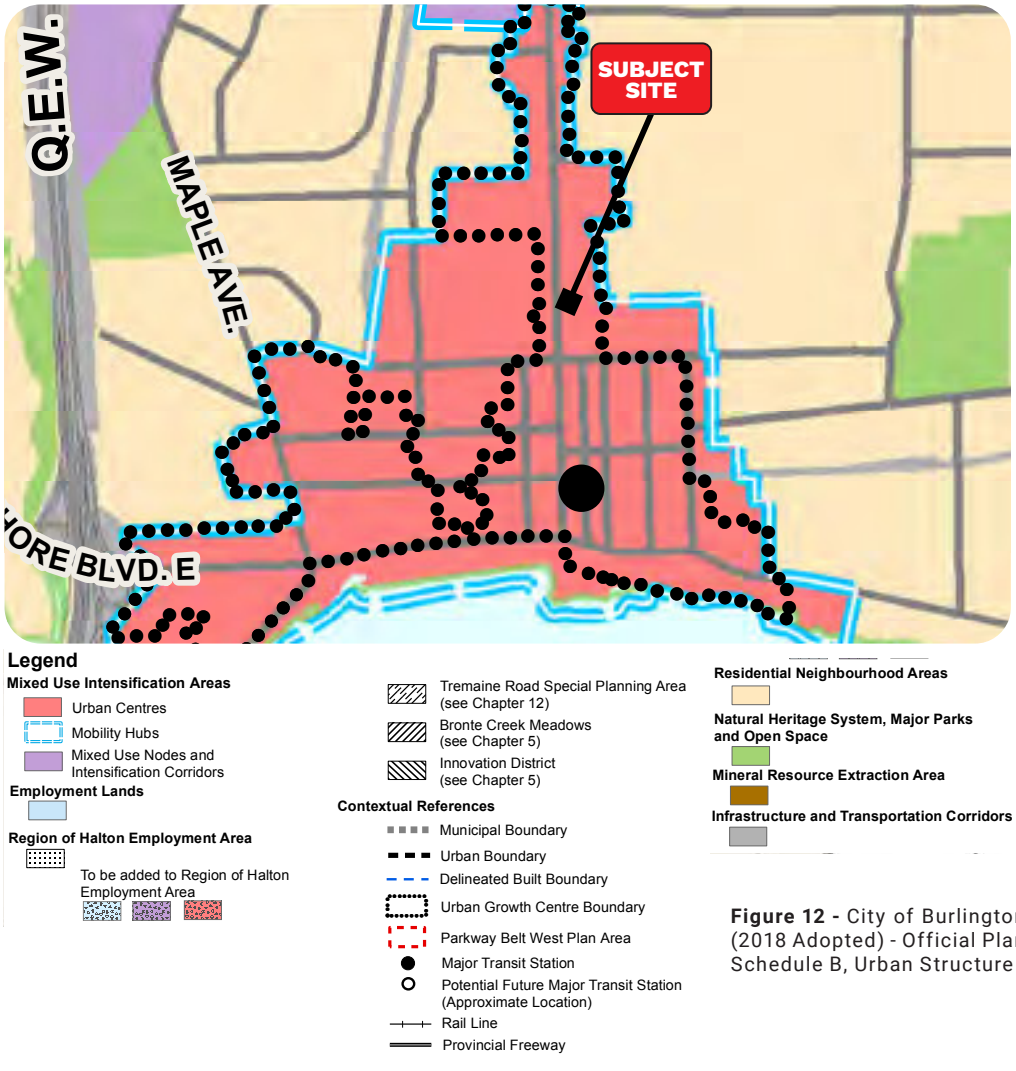
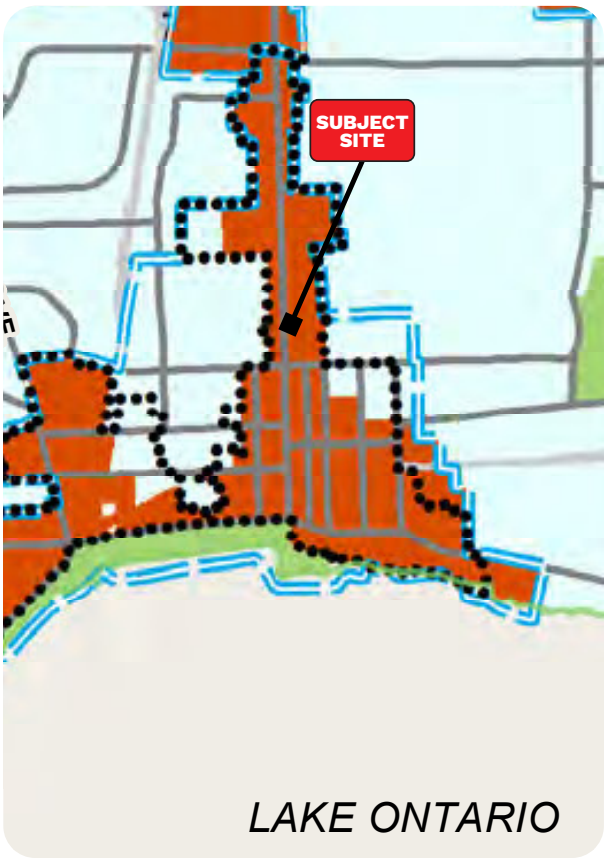


Figure 12 - City of Burlington (2018 Adopted) - Official Plan Schedule B, Urban Structure



Legend

Growth Areas

- Primary Growth Area
- Secondary Growth Area
- Employment Growth Area
- Established Neighbourhood Area

Mobility Hubs

Designated Greenfield Area

- Developed Area Outside Delineated Built Boundary
- Undeveloped Area Outside Delineated Built Boundary (not subject to Intensification Framework)

Contextual References

- Natural Heritage System and Major Parks and Open Space
- Infrastructure and Transportation Corridors
- Municipal Boundary
- Urban Boundary
- Delineated Built Boundary
- Urban Growth Centre Boundary

Figure 13 - City of Burlington (2018 Adopted) - Official Plan Schedule B-1, Growth Framework

Housing Policy

Chapter 3 of this Plan 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 this Plan 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 Plan outlines policies that relate to mitigating climate change and air pollution, which include:

a. the City will work to improve air quality and energy efficiency to reduce greenhouse gas and fuel emissions, to mitigate and adapt to climate change through land use and transportation policies related to:
    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; and
    iv. promoting and encouraging modal shift towards transit and active transportation
    v. addressing parking management, primarily through the Zoning By-law that does not undermine transit and active modes of transportation;

Policy 5.4.5 refers to the Downtown Urban Centre, which includes the Downtown Burlington Mobility Hub, will 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 that 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 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 this Plan.

Design Excellence Policies

The preamble in Chapter 7 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) 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;
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 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, stepbacks, 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) states that in Primary Growth Areas as shown on Schedule B-1: Growth Framework, 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) 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;
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 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 as a Mixed Use Intensification Areas and designated 'Urban Centres' as shown within Schedule C – Land Use – Urban Area of this Plan (see **Figure 14**).

As describes in Section 8.1 of the Plan, 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 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 8.1.1(1) of this Plan 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.

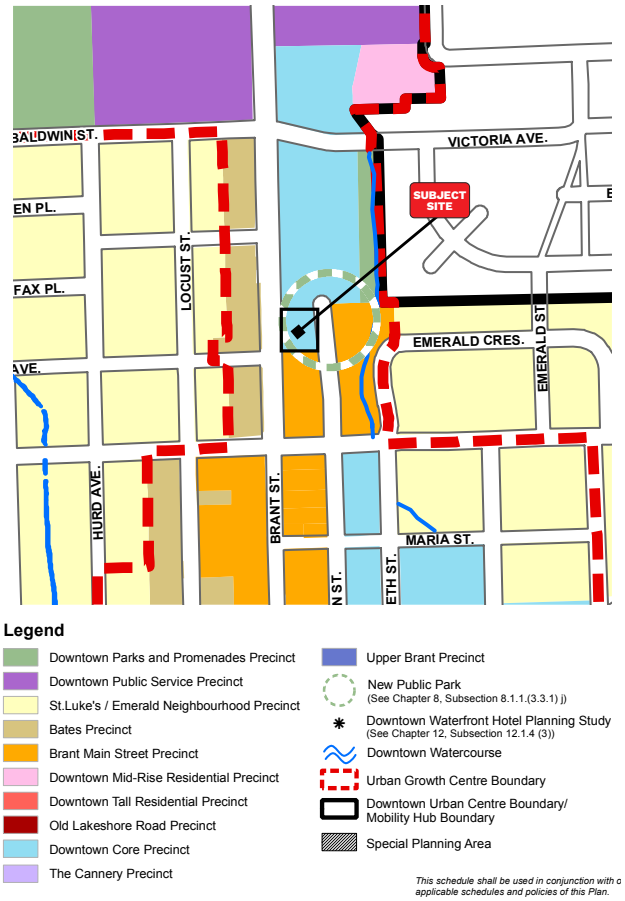


Figure 14 - City of Burlington (2018 Adopted) - Official Plan Schedule D, Land Use - Downtown Urban Area

8.1.1(2) 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 this Plan, and the specific policies for individual Urban Centres, contained in Subsection 8.1.1(3) and 8.1.1(4) of this Plan (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) 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 Plan 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.

8.1.1(3.1) 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.

8.1.1(3.2) 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.

Schedule D – Land Use – Downtown Urban Centre further designates the subject site as 'Brant Main Street Precinct' (see **Figure 15**). Policy 8.1.1 (3.7) states the Brant Main Street precinct will continue to serve as a unique retain destination within the Downtown and city-wide, development will maintain and enhance the existing traditional main street physical character, generally between Caroline and Pine Streets, and development will achieve a low-rise form on Brant Street, which could also form the podium to a mid-rise development. Policy 8.1.1 (3.7.1) outlines the range of permitted uses, which include residential uses (except ground-oriented residential dwellings), office, retail/service commercial, hotel, entertainment and recreation uses. Policy 8.11(3.7.1) c) state that development shall be in the form of low- or mid-rise buildings with a height that does not exceed 3-storeys immediately adjacent to Brant Street, 11-storeys adjacent to John or Locusts Streets, and a terraced built form enjoys an angular plane from the centre of Brant Street to John/Locust Streets.

Mobility Hub Policy

Mobility hubs as mentioned in Section 8.1.2 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.

8.1.2(1) 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).

Policy 8.1.2(2) 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.

4.10 Re-Examining the New Burlington Official Plan

On February 7, 2019, Burlington City Council voted to re-examine the policies of the Official Plan adopted April 26, 2018 in their entirety related to matters of height and intensity and conformity with provincial density targets. On March 18, 2019, City Council identified the downtown policies in the adopted Official Plan would be the focus of the re-examination as well.

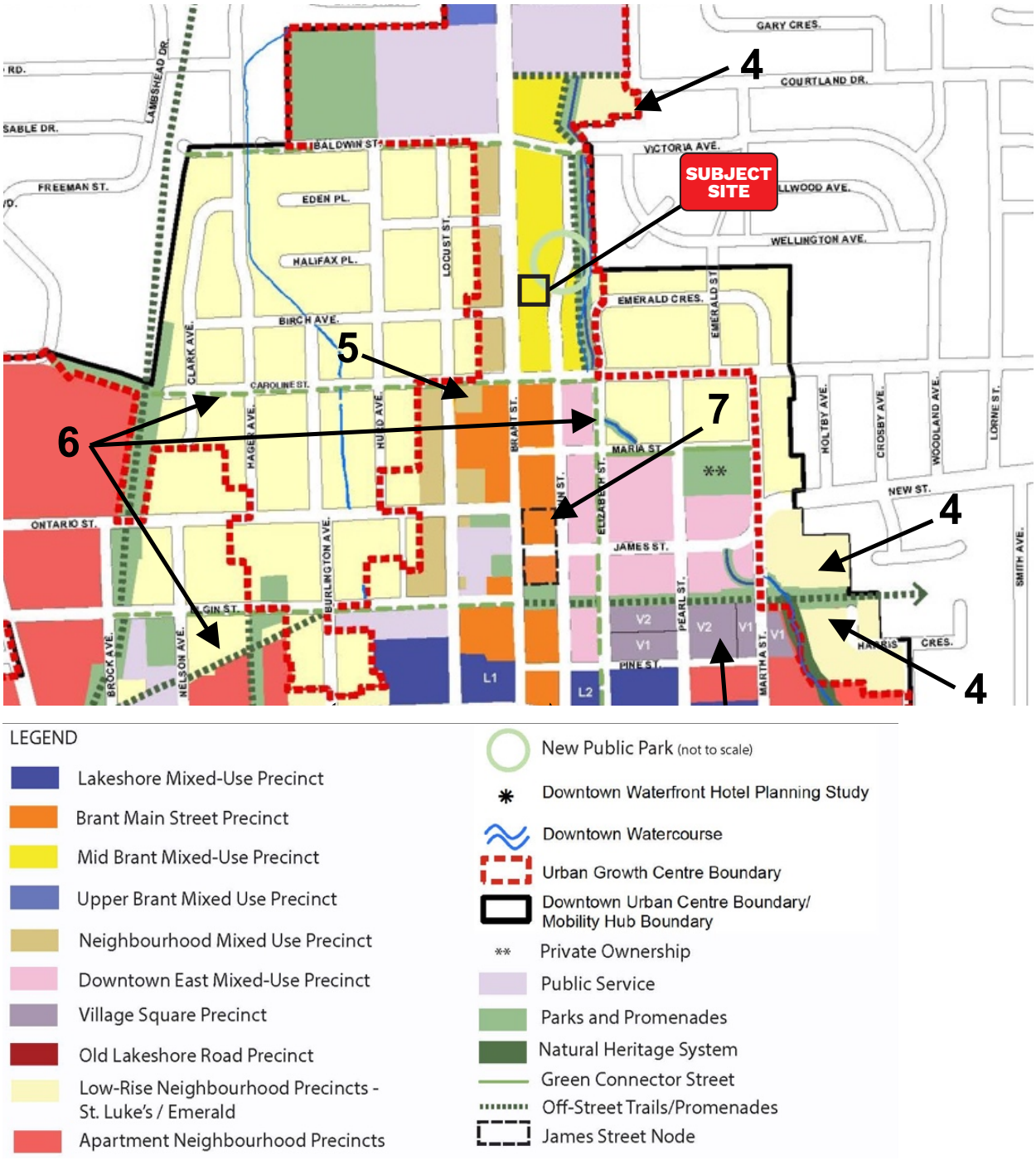
On January 16, 2020, City staff presented report PL-02-20 to the Community Planning, Regulation, and Mobility Committee of Council. Report PL-02-20 recommended that Council endorse a land use vision and built form concept for downtown Burlington as discussed in the report and in the report titled "Taking a Closer Look at the Downtown: Preliminary Preferred Concept, January 2020" Appendix A, which was formulated by several inputs which included public feedback, technical studies, and the analysis of existing and approved developments within the downtown.

On January 27, 2020, City Council endorsed the preliminary land use vision and built form concept put forward in report PL-02-20 that maintains the UGC designation in the downtown, subject to some elements of the concept that Council directed staff to further consider. The preliminary preferred concept identifies the subject site as "Brant Main Street" (see **Figure 16**).

The preliminary concept includes the same maximum height parameters of the New OP and the following vision elements:

- The Brant Main Street Precinct will serve as a unique destination within the Downtown and City-wide. It will be enhanced as a priority retail main street where the character of small retail shops lining the street is maintained.
- Permitted uses are primarily retail and service commercial uses on the ground floor with residential uses above. A maximum storefront size will be implemented.
- To reduce the massing of the mid-rise buildings along John Street, buildings should be set back above the 5th storey on a 45-degree angular plane, which means each floor is setback approximately 3 metres from the floor below.
- To ensure a vibrant retail streetscape with varied small retail shops, the Official Plan set out a maximum width of a retail store front. Brant Street is identified as a Pedestrian Priority Street. New buildings should have a 6 m. setback from the curb to create enhanced public sidewalk space.
- Where possible the pavement width of Brant Street should be minimized, and the sidewalk/boulevard space maximized to create a safe, comfortable, and animated pedestrian environment with Clear Path Zones and bump outs to narrow the distance to cross at key intersections. Consideration should be given to converting Brant Street to a flex street south of Caroline Street.
- Only those buildings designated under the Heritage Act are currently protected from demolition.

The study and report did not provide any analyses indicating how the preliminary preferred concept was derived. The report indicates that the concept endorsed by City Council will inform the



LEGEND

- Lakeshore Mixed-Use Precinct
- Brant Main Street Precinct
- Mid Brant Mixed-Use Precinct
- Upper Brant Mixed Use Precinct
- Neighbourhood Mixed Use Precinct
- Downtown East Mixed-Use Precinct
- Village Square Precinct
- Old Lakeshore Road Precinct
- Low-Rise Neighbourhood Precincts - St. Luke's / Emerald
- Apartment Neighbourhood Precincts
- New Public Park (not to scale)
- * Downtown Waterfront Hotel Planning Study
- Downtown Watercourse
- Urban Growth Centre Boundary
- Downtown Urban Centre Boundary/ Mobility Hub Boundary
- ** Private Ownership
- Public Service
- Parks and Promenades
- Natural Heritage System
- Green Connector Street
- Off-Street Trails/Promenades
- James Street Node

Figure 16 - SGL Preloncept Interim Report PL-02-20, Appendix A

basis for the new Official Plan policies. City staff have indicated that the draft policies are intended to be released for public review in June 2020 and will be considered by City Council this fall. These policies have not yet been adopted.

On June 8, 2020, the City of Burlington released the recommended modifications to the downtown policies in the New OP. On September 30th, 2020, staff presented their recommendations for consideration at a public meeting of the Community Planning, Regulatory and Mobility Committee of Council. Report PL-16-20 recommended new policies and mapping for the Downtown.

On September 30th, Committee made 10 amendments to staff's recommendations for Downtown (PL-16-20), and on October 7th, 2020, City Council endorsed those recommendations of report PL-16-20, as amended. Council has now directed staff to submit the endorsed policy modifications to Halton Region for inclusion in the Region's approval of the adopted Official Plan.

The following provides a summary of the endorsed policies that would apply to the subject site:

The subject site is designated "Primary Growth Area" and within the "Urban Growth Centre Boundary" on Schedule B-1, Growth Framework. Brant Street is identified as a "Primary Mobility Hub Connector" and "Frequent Transit Corridor" on Schedule B-2, Growth Framework and Long-Term Frequent Transit Corridors. The subject site is designated "Mid Brant Precinct" on Schedule D, Land Use – Downtown Urban Centre. Brant Street is identified as a "Retail Main Street" on Schedule D-1, Downtown Urban Centre Retail Streets. The subject site is identified as "Maximum 3 Storeys" (along Brant Street) and "Up to 11 Storeys" on Schedule D-2, Maximum Building Heights. Brant Street is identified as a "Main Street" on Schedule O-3, Classification of Transportation Facilities Downtown Urban Centre.

The proposed modifications create a new Mid Brant Precinct, the policies of which are contained in Section 8.1.1(3.7), which state that the precinct will serve as a northerly extension of the low-rise, retail main street character along Brant Street; it will also serve as a mixed-use precinct with a significant amount of retail space and the retention of a food store function; development adjacent to Brant Street will achieve a low-rise built form, which could be in the form of individual low-rise buildings or in the form of a podium to a mid-rise or tall development, where the mid-rise or tall building height is set back from Brant Street 20 metres and terraced along Rambo Creek. Also, Policy 8.1.1(3.7) states that it is intended that future development will result in the redevelopment of surface parking lots/ commercial plaza and result in the creation of a walkable precinct.

Policy 8.1.1(3.7.1) provides the permitted uses within the Mid Brant Precinct, which includes:

- Residential uses, excluding stand-alone ground oriented units
- Office uses
- Retail and service commercial uses at grade
- Hotel uses
- Entertainment uses
- Recreation uses

Policy 8.1.1(3.7.1) b) states that development shall contain a minimum of two permitted uses and three where feasible. Policy 8.1.1(3.7.1) e) states that development shall:

- Not exceed 3 storeys within 20 metres of Brant Street;
- Not exceed 11 storeys beyond 20 metres of Brant Street;
- Not exceed 17 storeys in other parts of the precinct;
- Create appropriate height transition to the neighbourhoods to the east and open space block along Rambo Creek through the use of a 45 degree angular plane.

Policy 8.1.1(3.7.1) f) requires a comprehensive block plan prior to any development being approved between Caroline and Victoria Avenue and the block plan shall provide for:

- Transportation connection from John Street to Victoria Avenue;
- Increased creek block along Rambo Creek;
- An assessment of the need for east-west pedestrian connections;
- A transition to the adjacent Low Density or Low-Rise Neighbourhood Precinct;

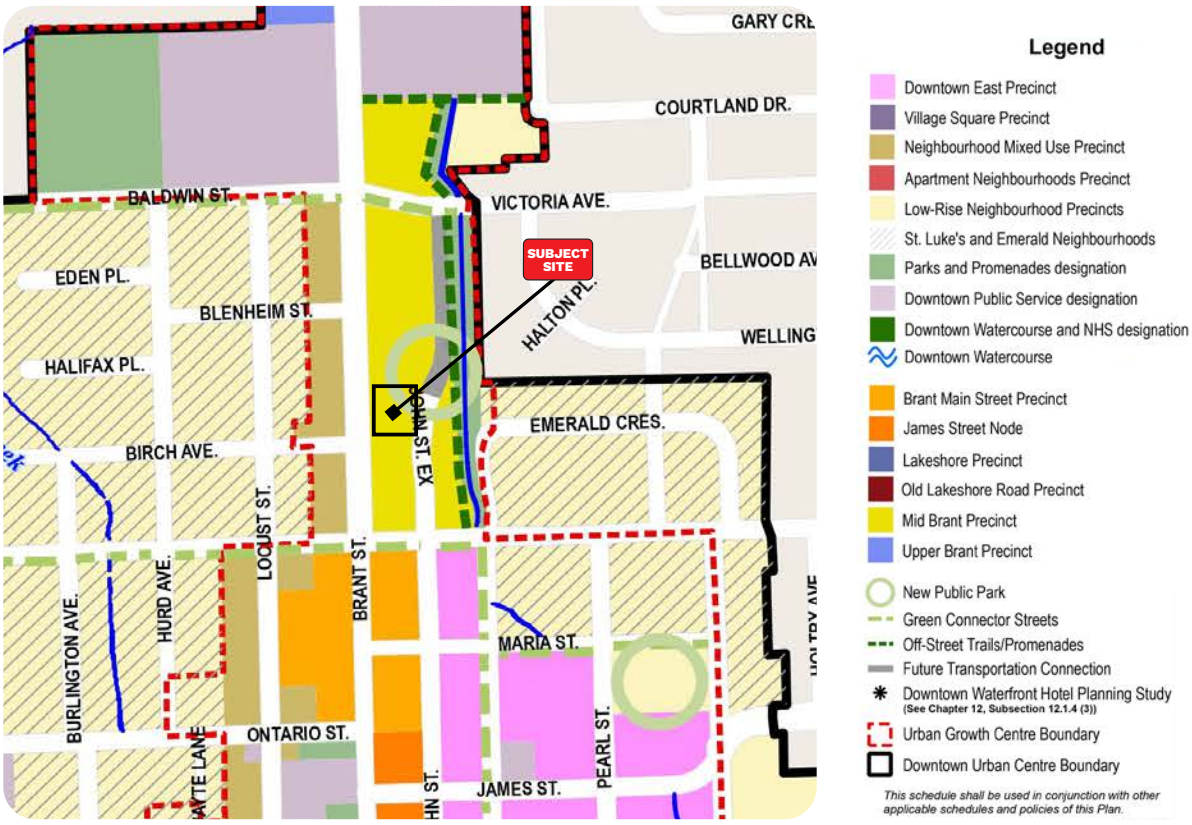


Figure 17 - Schedule D

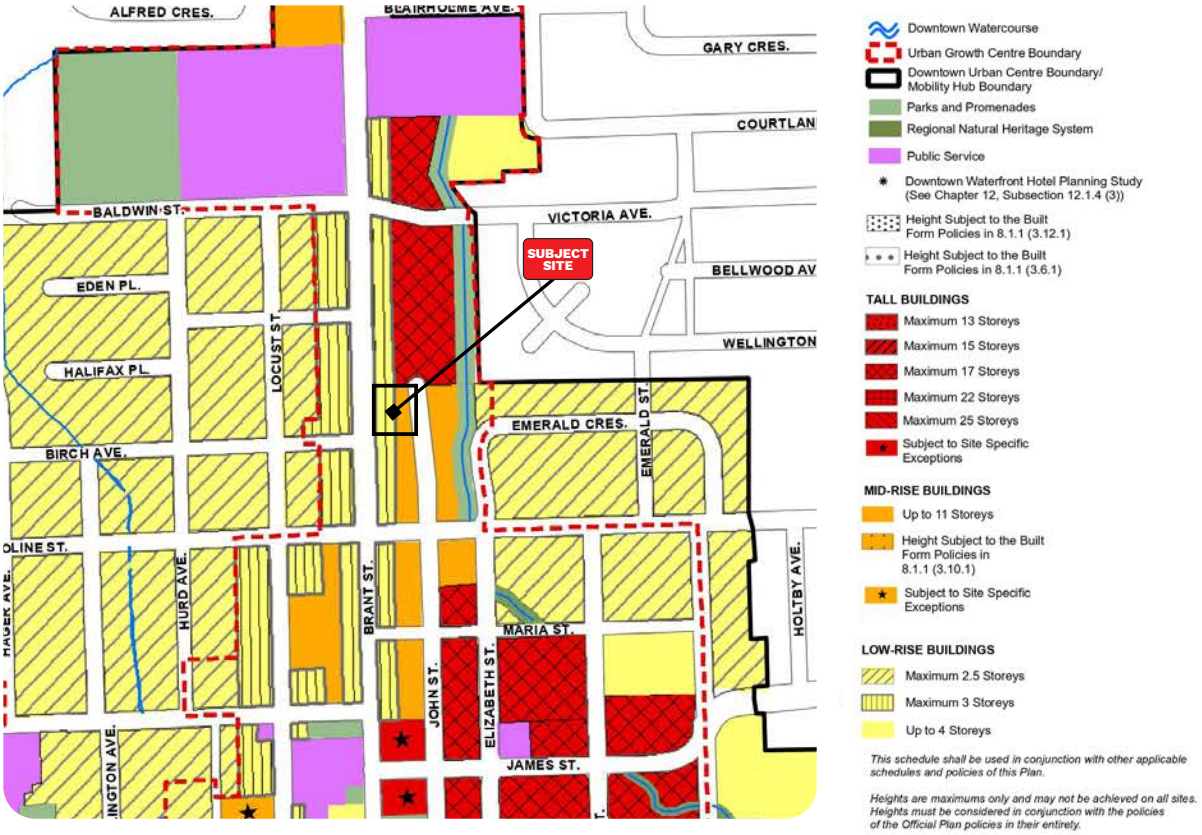


Figure 18 - Schedule D-2, Maximum Building Heights.

- A new public urban park within the precinct; and,
- The location and configuration of the retail and service commercial floor area.

Policy 8.1.1(3.7.1) g) states that where a key natural feature or watercourse separates a proposed mid-rise or tall building from the adjacent low rise neighbourhood, the 45 degree angular plane shall be measured from the original western boundary of the key natural feature or watercourse. Policy 8.1.1(3.7.1) h) requires that any redevelopment of the properties at 535, 559 and 601 Brant Street is to retain the planned function as a major retail centre that serves the day-to-day and weekly shopping needs of Downtown residents and employees including providing, at minimum, 50,000 square metres of retail and service commercial floor area and retaining a food store function as part of the minimum floor area.

Section 8.1.1(3.17) provides a new set of policies related to Downtown Urban Design. Policy 8.1.1(3.17.1) a) states that the City's Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings and the Tall Building Guidelines shall not apply in the Downtown. Policy 8.1.1(3.17.1) b) sets out the urban design objectives for the Downtown, which include:

- Vibrant people places that support the sense of identity in the Downtown through placemaking;
- Pedestrian-friendly streets; and,
- High-quality building design and compatible built form.

Section 8.1.1(3.19) provides a new set of policies related to built form, which include:

- Buildings shall be designed and placed on a site to be compatible with adjacent development, cultural heritage resource, parks and open spaces and abutting streetscapes and provide for:
  - Transitions in height and massing;
  - Adequate setbacks between buildings, the public realm and adjacent/abutting development;
  - Comfortable microclimatic conditions;
  - Public safety and adequate privacy conditions for residential buildings/ outdoor amenity areas;
  - Reduce light pollution through the implementation of dark-sky principles; and,
  - Safe connections to pedestrian and cycling routes and convenient access to public transit.
- Development should be designed to:
  - Incorporate architectural detailing to increase comfort, add interest and achieve a strong relationship with the street and adjacent development;
  - Orient primary facades to face the public street;
  - Encourage human interaction and activity at the street level;
  - Allow space for activities along commercial frontages;
  - Provide security and privacy for residential units at street level;
  - Minimize the appearance of parking garage entrances;
  - Provide screening of service areas;
  - oProvide design elements and treatments to minimize bird strikes; and,
  - Minimize appearance of rooftop mechanical equipment.

Policy 8.1.1 (3.19.3) provides policies related to tall buildings, which includes:

- Within the downtown, tall buildings are defined as 12 storeys in height or taller.
- Tall buildings shall consist of a base building (podium) a middle (tower), and a a tower top, which should be designed as an integrated whole.
- Tall buildings within downtown shall be designed to:
  - Provide a minimum separation distance of 30 metres form another tall building (measured above the podium and excluding balconies);
  - Not exceed a maximum floor plate of 750 square metres (excluding balconies);
  - Provide outdoor amenity space on site;
  - Articulate tall building towers with high-quality, sustainable building materials and finishes to promote design excellence, innovation and building life;

- Provide a minimum tower stepback of 3 metres from the podium facing all street, park and open spaces frontages, except where more specific guidance is provided; and,
- Provide a podium no higher than 3 storeys.

- The design of balconies should maximize usability, comfort and building performance will minimizing negative impacts.
- Sites that cannot provide the minimum tower separation distance may not be appropriate for tall buildings.
- In order to achieve an appropriate transition, a tall building may need to have lower heights than the maximum permitted.

The transition policies are provided in Section 8.1.1 (3.19.4), which state:

- Where a tall or mid-rise building is proposed adjacent to a lot in a residential low-density designation a transition is required to reduce the potential for shadowing, pedestrian-level wind impacts and overlook on neighbouring properties. The transition shall entail a 45-degree angular plane from the rear property line of abutting low rise neighbourhoods.
- Where a 45-degree angular plane is applied, no portion of the building shall extend into the angular plane, and new development shall utilize setbacks and step-backs to ensure any impacts are mitigated.
- Where a tall or mid-rise building is separated by a public road from a low rise neighbourhood precinct, a transition shall also be required.
- Transitions may take the form of setbacks, step backs, reduced overall building heights from the maximum permitted, intervening built form, smaller building and tower floor plates, separation distance, placement and orientation on a lot, or through varying building heights and terracing. In some circumstances, assembly of additional properties may be needed.
- Where transition is a transition from a tall building to a mid-rise building, adequate separation should be provided between the tower component of a tall building to the nearest part of the mid-rise building to minimize overlook, shadowing and pedestrian level wind impacts.
- The Zoning By-law shall establish appropriate regulations to guide development, which:
  - Considers physical character including site orientation, building design and building height; and,
  - Ensures a consistent and compatible separation distance is maintained between a development and lands within a low-rise neighbourhood.

Section 8.1.1(3.20) provides the policies for comprehensive block plans and Section 8.1.1(3.21) provides the policies related to retail streets.

The proposed policy modifications and technical studies provided in support of the proposed modifications did not provide any analyses indicating how the new precinct and height recommendations were derived. For example, portions of the Mid Brant Precinct, directly north of the subject site, are identified as having a maximum building height of 17 storeys. These areas have a similar context and relationship with "Low-Rise Neighbourhood Precincts" to the subject site, yet the subject site has been identified with a building height of up to 11 storeys.

It is anticipated that on Wednesday November 18th, 2020, the Region will issue a draft Notice of Decision, which will include modifications to the City's plan, and on Thursday November 26th, 2020, City Council will decide if they will endorse the Regional modifications to the adopted Official Plan.

4.11 City of Burlington By-law 2020

Pursuant to Zoning By-law 2020, the subject site is zoned DC (Downtown Commercial Zone) as shown on the City's interactive map (see **Figure 19**).

The DC zone does permit dwelling units in a commercial or office building and an apartment building but does not allow for the density and height being proposed. The maximum permitted height in the DC zone is 4 storeys and 15 metres while the maximum floor area ratio is 4.0:1.

For reasons outlined in Section 5.0 of this report, it is our opinion that permitted regulations set out in Zoning By-law 2020 are not consistent with the

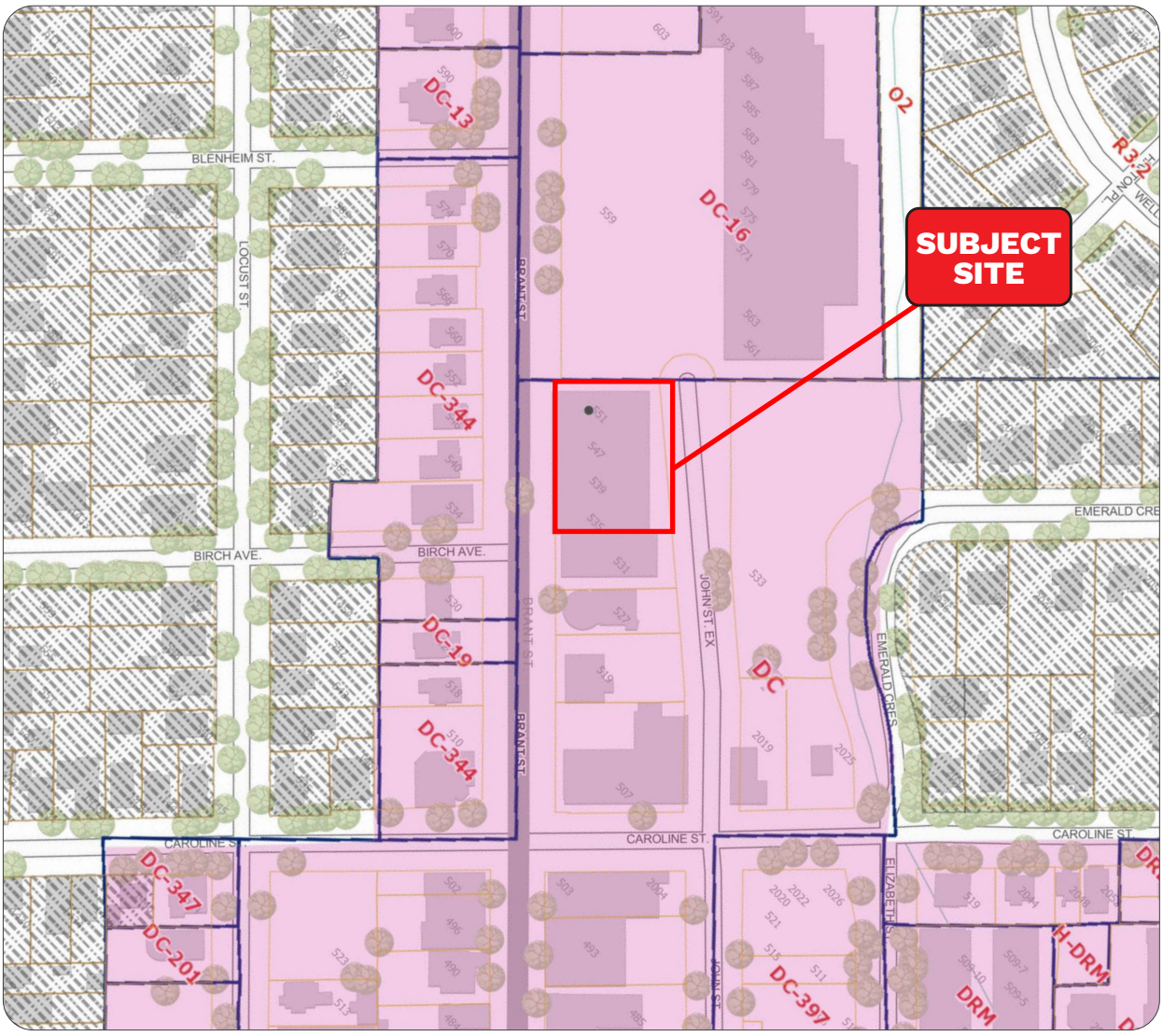


Figure 19 - Zoning By-law 2020

Provincial Policy Statement and do not conform with the Growth Plan (2019) and 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.

4.12 Tall Building Design Guidelines (May 2017)

The City of Burlington, in conjunction with Brook McIlroy, prepared the Tall Building Design Guidelines (the "Tall Building Guidelines"), 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.

In support of the subject proposal, we have prepared a corresponding Urban Design Brief, dated April 2020 (the "Urban Design Brief") that provides a review and analysis of the proposal against the Tall Building Guidelines and concludes that the proposed building achieves the intent and purpose of the Tall Building Guidelines.

4.13 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.

4.14 Shadow and Pedestrian Level Wind Study Guidelines

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.

SHADOW STUDY GUIDELINES

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.

Section 2.0 of the SSG states that shadow studies are generally required for development proposals with building heights of 5- storeys of 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.

4.15 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.

4.16 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

4.17 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.

4.18 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.

4.19 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 the these guidelines.

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."

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.



[5.0]

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 October 26th, 2020, a virtual pre-application community meeting took place for the subject proposal. As part of the community meeting, City staff outlined the process and existing planning framework, while the applicant's consultant team presented a conceptual proposal for the site. The proposal was for a 26- storey mixed use residential and commercial building with 248 residential units and ground floor retail space. The following is a summary of the comments and concerns that were raised by the public:

Building Height and Built Form Impacts:

- Several comments were received regarding the proposed 26-storey building height, indicating that it was too tall for the area and the public expressed that the proposal should respect the current height provided in the recently Council Adopted Official Plan (being 11-storeys).
- The public raised concerns that the proposal does not suit the character of the neighbourhood.
- Residents wanted to know how compatibility was determined and how the proposed building would impact sun access and sky view of the surrounding neighbourhood.
- Compatibility with the residential neighbourhood to the east was raised as an issue.

Existing Commercial Uses:

- Concerns were raised over losing the existing commercial uses and if they would be included in the redevelopment plans.
- Comments regarding the replacement of the existing commercial gross floor area in the redevelopment.
- Residents did not want to lose local businesses.

Traffic and Parking

- Concern regarding lack of parking downtown, proposal would further create parking to be less sufficient, especially during special events.
- Concerns were raised over the traffic flow that the proposal will yield.

Timing of Construction & Construction Management

- Questions regarding the timing of construction and the organization of the site and existing tenants during construction were raised.
- Adjacent commercial land owners were concerned about potential loss of business during construction.

BUD Meeting

On June 23, 2020, 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 26-storey mixed use building with a 3-storey base building and a tower above. City Staff sought the Panel's advice on three main themes. The following is a summary of Staff's three questions and the Panel's advice:

Built Form

Does the tower shape do enough to visually reduce the building massing and respond to its existing and planned context including the immediate streetscape character on the west side of Brant Street, the 'potential park' to the east, and neighboring established low-rise residential areas?

The Panel agreed that the proposed height of the building is an issue. Aside from height, the Panel provided the following comments with respect to the overall mass of the tower:

- Based on the renderings, the tower feels very repetitive on all sides – there is not much to differentiate one floor from the other for all 21-storeys of the tower on all four sides;
- The use of materials and shaping of the tower does not do enough to mitigate the massing;
- The Panel is not convinced that the shaping of the building will do enough to reduce the impacts of the repetition of the floors being all the same;

- More interest is needed for a tower in this location;
- The floor plate exceeds the maximum area and it seems to be bulkier than necessary for this area due to the angles from the north;
- The unique shape of the building, how it is pinched does help to mitigate the massing, apart from the height;
- Having the tower setback and angled away helps to add some interest;
- The submission of a Block Plan is much appreciated, but a strong design argument for a tall building on this site is lacking (e.g. being within an MTSA, at a major intersection, or a landmark);
- Concerned with the relationship to the street and creating a disbalanced street considering that the 2- to 3-storey built form on the west side of Brant Street will likely stay that way for quite some time due to the smaller lots with shallower depths on that side of the street.
- Although having the angled façade is helpful at grade, it also means that the north side of the façade coming down Brant Street will read larger than it may have to.

Additionally, with respect to the podium design the Panel commented that the treatment of the podium against Brant Street is successful architecturally. The Panel agreed with the choice of brick in the base, as it ties in with the nature of the architecture across the street on Brant Pulling that downtown feel that is further south on Brant Street and pulling it up north to this area will improve the currently tired looking and inconsistent streetscape.

From a design perspective the Panel was uncomfortable with the height and the justification for the tower. They agreed that the tower is not developed enough, and although the shape is interesting, they felt it is too far away from the lake and noted that there is another tower proposed in the Block Plan between the proposal and the lake that would disrupt some of the views. Given the comments noted above, the Panel recommended that the proposal apply a 45-degree angular plane from (at a minimum) the eastern property lines of the established residential properties that front onto Locust Street to respond appropriately in terms of scale and context. In terms of the proposal's relationship to the west side of Brant Street, it was recommended that a visual impact analysis be done.

Public Realm

Please comment on the public boundary treatments, particularly the design of the north edge of the development should the future condition be a publicly accessible open space (i.e. a 'potential pedestrian connection)?

The Panel understands that the applicant's intent is to provide pedestrian access along the north side of the building. However, the Panel suggested that both the north and east edges of the development need to do more. Recognizing that the way the building meets the public realm is a bit of a challenge with the glass (i.e. false windows), the Panel felt that this is an area where the design can be improved to enhance the public realm. The Panel agreed that the way the building fronts on the future publicly accessible open spaces, particularly the 'potential park', is critical and they suggested that an enhanced façade and public realm treatment should be employed including streetscape improvements such as paving treatments.

Additionally, the Panel commented that they appreciate the setback and marketing zone along Brant Street, which helps to animate the street. However, the raised planters shown in the landscape design traditionally play the role of protecting the safety of people when the sidewalk is interrupted by vehicular traffic. In this case, the Panel is concerned that the planters sever the space and may not support the long-term success of the trees planted in them. If there is a future park opposite the John Street frontage, then this frontage would benefit from the addition of a marketing zone as well. It was also noted that the 'proposed pedestrian connection' along the north is critical to pull people along that edge to John Street, and therefore both the north and east sides of the development should be animated at the street level.

Site Access

Please comment on the location and design of the proposed site access from Brant Street versus John Street or the existing shared access to the site from the north?

The Panel agreed that a vehicular access from the John Street Extension is much preferred over Brant Street, to support a better pedestrian environment on Brant Street. The Panel commented that the proposed site access from Brant Street is problematic and would drastically negate all the positive aspects of the proposed Brant Street streetscape as it interrupts the public realm with a driveway.

The Panel understood from the applicant's perspective that the John Street Extension is challenging because the nature of its ownership and future design is currently unclear Accordingly, the Panel recommended encouraging the City to formalize the John Street Extension to allow the applicant to make it the primary vehicular access to the site to facilitate a quality pedestrian environment along Brant Street.

Furthermore, the Panel commented that once the vehicular access is removed from Brant Street (in favor of the John Street Extension) there is an opportunity to put continuous retail along Brant Street, consistent with the vision that the City is bringing forward. It was also suggested that providing a continuous retail function along Brant Street provides the potential to locate the residential lobby on the north side of the building.

Notwithstanding the site access off Brant Street, the Panel agreed that what the podium design can do for the public realm is quite well done. The Panel agreed that the material choice is great and that the inset balconies – creating depth – is fantastic and will provide adequate privacy for the residents when they are so close to the street.

The Panel questioned why the internal driveway is designed the way it is, noting that it takes up a lot of area on the ground floor, and asked if it can be eliminated. If the access is moved to the John Street Extension and the proposed internal T-shaped driveway is reversed to face Brant Street, the Panel is concerned that this could negatively impact the ability to achieve the continuous retail function along Brant Street and thus an active frontage.

The Panel reiterated that the podium on Brant Street is architecturally very well done and they recommended keeping the continuous retail façade along Brant Street without the vehicular driveway/entrance.

Response

Based on the comments received from the pre-application community and BUD meeting, we note the following:

Built Form and Height:

In our opinion, the subject site is in an area that is planned for intensification and change. As described in Section 5.4 of this report, it is our opinion that the proposed 25-storey height is appropriate and aligns with the in-force Official Plan's vision of a high density, compact, and transit supportive Downtown. Furthermore, the 11-storey height as proposed in the new Official Plan is, in our opinion, an arbitrary height that has changed several times through the project and not based on a comprehensive Downtown built form structure evaluation that considers development on individual properties. We recognize that it in not intended that a broad-ranging planning document like an official plan reviews the detailed redevelopment characteristics and capabilities of each and every site within the planning area.

The proposal has been designed and analyzed in detail by a multi-faceted profession team. Further to the completion of the detailed analysis that has been completed, we are satisfied that the proposed development is appropriate, does not create unacceptable adverse impacts and is compatible with the surrounding existing and planned context. This is discussed in more detail in the following sections of this report and the supporting Urban Design Brief. In response to the comments from the BUD, the tower floor plate has been reduced to be generally consistent with the City's Tall Building Guidelines, additional articulation was applied to the Tower, and additional animation was provided to the north and east facades along the ground plane.

Existing Commercial Uses:

The existing buildings on site accommodate a bank, convenience store, automobile repair shop and nail salon with a total gross floor area (the "GFA") of approximately 1,670 square metres. The

proposal includes 1,068 square metres of new commercial GFA on the ground floor, representing approximately 64 percent of the existing commercial GFA. All of the ground floor, with the exception of the residential entrance lobby and vehicular access are proposed as commercial space. The Owners are working with the existing commercial tenant to establish a process and schedule, which includes notification on development application process and timing as well as future construction plans and associated timing. A construction management plan has been submitted as part of the subject application, which provides details of the pedestrian and vehicular access to and from the site during the construction stage. As well, a comprehensive notification system with contact information will be established as part of the future required site plan application, which will provide support should issues arise during the construction phase.

Public Realm:

In our opinion, the proposal appropriately responds to the public realm, namely Brant Street and the future extension of John Street. In this regard, a 6.0 metre setback is provided along Brant Street that will include enhanced streetscaping elements and space for potential patios as well as a 3-storey base building that frames the street with active uses. A 3.0 metre setback is provided along the future extension of John Street that will provide space for a wide walkway as well as accommodate a proposed layby for parking. Given the vehicular access restrictions on the subject site, the preference to enclose all loading and vehicular parking, and the preference to animate Brant Street with active commercial uses, the ground floor portion of the building fronting the future extension of John Street is utilized for vehicular maneuvering and does not provide an animated frontage.

Traffic and Parking

Access to the subject site is constrained to Brant Street, although the preference is to provide vehicular access from the future extension of John Street. The architectural design of the base building maintains the elements that were supported by the BUD.

In response to the concerns raised regarding traffic and parking, a TIS/Parking Study was prepared by Paradigm Transportation Solutions Ltd. The report concluded that the redevelopment traffic volumes will only result in a minor increase to the traffic at the surrounding study area intersections under peak conditions.

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 Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Halton Regional Official Plan and the OP. Each of the noted policy frameworks promote intensification, redevelopment of underutilized lands, and a compact built form. Furthermore, these policies direct intensification towards areas that are appropriately serviced by existing infrastructure, more specifically public transit. The proposed tall building will help achieve the policies laid out in the Growth Plan, Regional Official Plan, and the evolving OP.

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 1.1.3.1 and 1.1.3.2 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 1.1.3.6 of the PPS states that new development taking place in designated growth areas shall have a compact form, a mix of uses and densities that allow for the efficient use of the land.

The proposal conforms to the Growth Plan policies, specifically intensification policy that directs growth and intensification to settlement areas that consist of built-up areas, strategic growth areas such as the Downtown Urban Growth Centre, and locations with existing or planned transit, with priority on higher order transit. Furthermore, with the subject site being

located within the delineated built-up area, the Growth Plan policy states that this is the area where 50 percent of residential development shall occur. The proposal will assist in implementing this policy by providing residential development within the City of Burlington's built-up area. Policy 2.2.3(1) of the Growth Plan also speaks to Urban Growth Centres and how they shall be planned to accommodate significant population and employment growth. The proposal allows for an increase in the housing stock which will help accommodate the added population within the Urban Growth Centre. Additionally, Halton Region is not achieving the population targets that were established in the Growth Plan and the proposed intensification will help the City and Region achieve the target within a strategic growth area, being an urban growth centre, as well as a major transit station area.

The proposed development is also supportive of many policies stated within the ROP relating to mixed-use intensification. Policy 80 of the ROP refers to intensification areas as part of the Urban Area which consists of Urban Growth Centres, Major Transit Station Areas, Intensification Corridors and Mixed-Use Nodes. The subject site is within the Urban Growth Centre and a major transit station area. Policy 81(1) of the ROP further provides that it is the policy of the Region to direct development with higher densities and mixed uses to Intensification Areas, such as Urban Growth Centres. The proposal adheres to this policy by providing a higher density form of mixed-use development to an area which can support it.

The ROP goes on to further provide policies explaining that intensification areas are to provide an urban form, promote live-work relationships, foster social interaction, reduce travel by private automobile and promote active transportation, and to be more environmentally sustainable. The proposal implements these policies in a number of ways, specifically by creating a compact urban form of development, consistent with approved and proposed developments within the surrounding area and creates social interactions by increasing densities which encourages community involvement. The proposal also provides a more environmentally sustainable form of development by increasing the density, meeting provincial intensification targets and redeveloping already developed underutilized lands which limits the need for urban sprawl. The proposal would further promote the use of active transportation and the reduction of travel by private automobile by providing a higher concentration of people in a mixed use area with nearby amenities that will help utilize the existing transit options in an area that can accommodate such.

In addition to the above-mentioned policies, policy 78(4) of the ROP provides that a diverse and compatible mix of land uses, including residential and employment are to be provided to support neighbourhoods and policy 78(9) to achieve higher densities than the surrounding areas. The proposal meets these policy directions by providing a new mixed use building, which will provide at-grade retail and service commercial uses and new residential apartments in an intensification area and in a development form that is compatible with the surrounding context.

As mentioned previously, the subject site falls within a defined strategic growth area, since it is located within the Downtown Urban Growth Centre and the downtown. Therefore, it is our opinion that the subject site is well situated and planned to accommodate a higher density development and intensification. In addition, the subject site is located within a major transit station area and within close proximity to the Burlington GO train station, providing the transit infrastructure support.

Although the OP is outdated and has not been updated to reflect the current or previous Growth Plan documents, it does have a policy framework that encourages residential intensification. The policy framework directs growth to underutilized parcels of land in existing communities, specifically to the downtown mixed use centre, and encourages a broader mix of residential dwellings, development that is planned with consideration of all forms of travel, to be supportive of safe pedestrian and vehicle movement, and to encourage infill re-development. The housing intensification policies encourages residential intensification and provides criteria (Policy 2.5.2(a)) that are to be considered when evaluating intensification within the established neighbourhoods, which includes:

"(i) adequate municipal services to accommodate the increased demands are provided, including services as water, wastewater and storm sewers, school accommodation and parkland;

- **Response:** A Functional Servicing and Stormwater Management report was prepared by S. Llewellyn & Associates Limited in August of 2020. The report concludes that the proposed development can be constructed to meet the requirements of the City of Burlington and Halton Region. School accommodation parkland will be reviewed through the circulation of the subject applications to the relevant school boards and city departments.

(ii) off street parking is adequate;

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

- **Response:** Paradigm Transportation Solutions Limited prepared a Transportation Impact Study, dated September 2020, which concludes that the proposed development provides sufficient off-street parking and that the existing transportation infrastructure in the area can adequately accommodate the traffic volumes projected to be generated by the proposed development.

(iv) the proposal is in proximity to existing or future transit facilities;

- **Response:** The proposed development is within walking distance to the John Street Bus terminal (approximately 450 metres) and approximately 1.8 kilometers to the Burlington GO Station as well as well served by Burlington Transit.

(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;

- **Response:** As discussed further in this report, it is our opinion that the proposal is compatible and harmonius with the existing neighbourhood character.

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

- **Response:** There is no existing vegetation on or abutting the subject site and the proposed development will include new streetscaping.

(vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas are at an acceptable level;

- **Response:** As discussed further in this report and the Urban Design Brief, it is our opinion that the sun-shadowing created by the subject proposal on adjacent properties and their outdoor amenity areas is at an acceptable level.

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

- **Response:** As discussed further in this report and the Urban Design Brief, it is our opinion that the proposal is compatible and fits harmoniously with the existing neighbourhood character and any built form impacts have been adequately addressed.

In our opinion, the subject site is underutilized in its current form. Residential intensification on the subject site will more efficiently utilize and optimize the use of land and infrastructure by providing new housing in a transit-supportive and compact built form, directly supporting the policy framework laid out in the PPS, Growth Plan, ROP and in-force Official Plan, all of which seek to integrate land use and transportation planning in identified intensification areas. The optimization of density on the subject site is consistent with both good planning practice and overarching Provincial, Regional, and City policy direction, subject to achieving appropriate built form relationships.

5.3 Land Use

The proposed residential building is appropriate and desirable and conforms to the overreaching policies found in the PPS, Growth Plan, Regional Official Plan, and the OP, which seek to utilize and optimize the use of land and infrastructure in a transit-supportive way. However, site

specific amendments to the OP land designation "Downtown Core 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 Growth Plan as per Section 4.3 above. Policy 2.2.1(3)(c) directs municipalities to manage forecasted growth in a manner that provides an urban form that will optimize infrastructure, more specifically along transit and transportation corridors and to support complete communities. The proposed development will contribute to this policy by providing an urban built form that will optimize the existing infrastructure in an area that is within a mobility hub and walking distance to transportation corridors and the Downtown Bust Terminal, contributing in creating a complete community. Policy 2.2.1(4) further provides that applying the policies of the Growth Plan will support the achievement of complete communities that will feature a diverse mix of land uses, including residential and convenient access to local stores, services, and public facilities, and provides a diverse range and mix of housing options to accommodate people of all ages. The proposal meets this policy direction by providing the community with a range of different housing styles in a compact built form on land that is appropriate for the use. The proposal further implements the policy by providing convenient access to local stores, services, and public facilities by providing a form of housing that is compact and close to existing establishments and multiple transportation options.

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., 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 is helping 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.

The in-force Burlington OP 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. 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 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 subject site is situated within the City's Downtown Urban Growth Centre as well as in a major transit station area. The proposal is providing 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 and Urban Growth Centre. 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 (Policy 5.5.2), since it provides commercial and service commercial uses on the ground level with residential uses above in a compact urban form that provides new housing options and increases the resident population in the precinct. Also, the ground floor commercial and residential lobby maintains an active streetscape, along an already active Brant Street streetscape, and proposes a built form that is compatible with the surrounding area.

The subject site is designated "Downtown Core Precinct" on Schedule E – Downtown Mixed Use Centre Land Use Plan. The proposal conforms to the objectives of the Downtown Core Precinct (Policy 5.5.8.1 of Part III), since it reinforces Brant Street as a major spine of the Downtown Mixed Use Centre with an architecturally significant building that reinforces and animates the public realm along Brant Street and provides a built form and massing that is compatible with the existing and evolving built form context of the neighbourhood. The proposal conforms with the Downtown Core Precinct policies in 5.5.8.1, since:

- Retail/service commercial uses are provided at grade along Brant Street.
- The proposed building is at the street line with all parking and loading within the building and below grade.
- 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 Urban Design Brief.

The OP recognizes that additional height and density are appropriate within the "Downtown Core Precinct" provided the proposal is compatible with the existing character of the precinct. This is reinforced by policy 5.5.8.2 i), which states that applications for increased heights for mid to high rise buildings within the precinct may be required to demonstrate how impacts can be mitigated. Furthermore, Policies 5.5.8.2 j), k), l), m) and n) are site specific instances where the height and density in policy 5.5.8.2 b) has been exceeded. In our opinion, as described in the following sections (5.4 and 5.5) as well as the Urban Design Brief, the proposal is appropriate and the built form impacts have been appropriately mitigated to an acceptable level.

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

Based on the foregoing, it is our opinion that the site-specific amendment to the subject site is appropriate and desirable for the following reasons:

- It is consistent with the PPS and conforms to the Growth Plan and Halton Region Official Plan;
- It conforms to the overreaching policies of the 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 Policy 2.5.2(a) of the Plan;
- It will enhance the Brant Street with an architecturally significant building that includes active uses along the street;
- 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 Brant Street corridor and the Downtown Urban Growth Centre and Core Precinct from a previous low-rise automobile-oriented area to a high-density transit supportive area.

5.4 Height, Massing, and Density

In our opinion, as noted in Section 5.3 above, the site is an appropriate location for residential 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 25- storey building given its location within the Downtown Urban Growth Centre and Major Transit Station Area and the existing and planned intensification of the Downtown Core Precinct.

From an urban structure perspective, the Urban Growth Centre 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 OP also includes many mid to tall buildings that are existing, approved and under construction. Within this context, the OP describes eight precincts within the Downtown Mixed Use Centre.

The subject site falls within the "Downtown Core Precinct", which is generally centrally located within the Downtown Urban Growth Centre and Mixed Use Centre and along Brant Street from Victoria Avenue to Pine Street. The "Downtown Core Precinct" is where the main employment and commercial amenities are located and includes a number of mid-rise and tall residential and mixed use buildings.

In our opinion, the proposed 25- storey (80.55 metres) plus mechanical and outdoor rooftop amenity, will fit harmoniously with other existing, under construction, approved and proposed mid-rise and tall-buildings within the Downtown Mixed-Use Centre boundary and Downtown Core Precinct as shown on **Figure 20**, Height Map, and in the table below.

Address	Height
395 Martha Street *	12- storeys (exiting)
360 Torrance Street *	15- storeys (existing)
2030 Caroline Street, 510 Elizabeth Street, 2025 Maria Street	17- storeys (existing)
477 Elizabeth Street and 478 Pearl Street	15- and 18- storeys (existing)
2082, 2086 and 2090 James St.	18-storeys (proposed)
409 Brant St., 440 John St., 2002 and 2012 James St.	18-storeys (proposed & appealed to LPAT)
2042, 2048, and 2054 Lakeshore Road	22- storeys, 7- storeys, 8- storey hotel (under construction)
521-431 Brant Street	23-storeys (under construction)
374 Martha Street	26- storeys (approved)
2096 Lakeshore Road	27- storeys (proposed)
2107 Old Lakeshore Rd., 2119 Lakeshore Rd.	27-storeys (proposed)
2093, 2097, 2101 Old Lakeshore Road, 2096, 2100 Lakeshore Road	27-storeys (proposed)
2069-2079 Lakeshore Road	29- storeys (proposed)

From a height structure perspective, the Brant Street corridor is identified as a major spine within the Downtown where tall buildings currently exist, have been approved and are under construction. In this regard, a tall building approved and under construction to the southeast of the subject site (23- storeys) and proposed (24- storeys) have been designed in a similar manner with the use of wide boulevards and stepped back towers providing an urban compact streetscape form, specifically called for in the OP policy framework. The existing, approved, and proposed buildings along the Brant Street corridor are continuing to evolve into an urban corridor with tall buildings framing the street with active uses at-grade. The subject site is a contextually appropriate location for a tall building given its location within the existing and planned intensification of the Downtown Core Precinct and more specifically, the Brant Street corridor. The proposed 25-storey building is compatible with other completed, under construction, and approved tall-buildings along Brant Street and the Downtown Mixed-Use Centre boundary as shown on **Figure 20**, Height Map.

Within the current OP 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 demonstrate that the increased height of the building and its impacts on the surrounding public spaces and properties are mitigated to an appropriate level. In addition to the in-force policy, the Adopted OP permits development up to 12- storeys or up to 17- storeys (tall buildings), subject to a site-specific Zoning By-law Amendment, where additional criteria have been met. This further acknowledges that the City has recognized that additional height and density could be accommodated and may be achievable within the Downtown Core Precinct.

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 mass does not create any unacceptable light, view, or privacy impacts by providing a floor plate with a geometry that staggers units to maximize their access to views and sunlight. Additionally, the tower is setback a minimum of 12.5 metres from the side lot lines in order to protect access to light, view and privacy should the adjacent lands redevelop in the future.

In our opinion, the proposed massing would represent an improvement in the quality of built form on the subject site, especially the Brant Street corridor, the major spine within the Downtown Urban Growth Centre. The existing low rise commercial buildings on the subject site represent a significant underutilization of land along a minor arterial road within an Urban Growth Centre, Major Transit Station Area and Downtown neighbourhood. In contrast, the proposed mixed use building would contribute to the continued urbanization to a compact transit supportive Downtown neighbourhood with a 25-storey mixed-use building that includes a 3- storey base that is oriented and focused on the street with grade-related active commercial uses. The 3-storey base is massed and scaled to reinforce and enhance the existing street-related character of Brant Street, while the upper levels are designed in a slender point tower form that is pulled away from the street line with a generous setback.

Overall, the proposed building will contribute to the sustained urbanization of the Downtown Urban Growth Centre and Mixed-Use Centre, in particular Brant Street with a built form and design that is contextually appropriate and will reflect the evolving neighbourhood character as well as the Provincial and Regional policy framework. The proposal will enhance the streetscape along this portion of Brant Street and is compatible with the evolving neighbourhood context.

Regarding density, it is our opinion that the proposed density of 7.6:1 FAR is appropriate and desirable for the subject site. It is crucial and desirable from a planning perspective to optimize land use and infrastructure on the subject site given its location within the Downtown Urban Growth Centre and Major Transit Station Area as well as its transit support and proximity to higher order transit. As already discussed, the OP pre-dates the current provincial policy framework including the current and previous PPS (2014 and 2020), current Growth Plan (2019), as well as its previous amendments in 2012 and 2013. These updated planning policy documents emphasize the need to optimize land use and density on

Building Height Study

Downtown Core
City of Burlington

- Low-Rise Building (<5 Storeys)
- Mid-Rise Building (5-10 Storeys)
- Tall Building (>11 Storeys)

Figure 20 - Height Map

the subject site and surrounding areas, given its location within a strategic growth area within the Downtown Urban Growth Centre and within a Major Transit Station Area. This provides part of the rationale for increasing the height and density beyond the permitted maximum of 4.0:1 FAR. Furthermore, the OP recognizes five sites within the Downtown Core Precinct that exceed the maximum density, as described in Policies 5.5.8.2 j), k), l), m) and n). The densest of which is the north-west corner of Lakeshore Road and Martha Street with a maximum density of 13.3:1 FAR.

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

5.5 Built Form Impacts

The housing intensification policies of the OP require new development and redevelopment to be compatible with the scale, urban design and community features of the neighbourhood (Chapter 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 (Chapter III, Policy 2.5.2). Policy 5.5.5 c) of Chapter III of the OP 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 functions as a through lot with frontages on Brant Street and the John Street extension and the abutting uses include low rise commercial uses to the north, west (across Brant Street) and south and a commercial parking lot to the east. The nearest low rise residential neighbourhood is located east of the subject site, on the east side of Rambo Creek. The proposed building includes a base that reinforces the low-rise commercial built form along Brant Street and the upper portions of the building are pulled back from the street line and north and south property lines in order to strengthen and enhance the low rise commercial structure and limit impacts. As is illustrated and discussed in the Urban Design Brief, the proposed building has been massed and scaled such that it fits beneath the 45-degree angular plane taken from the property line of the nearest low-rise residential properties to the east. In our opinion, the proposed building provides an appropriate transition in scale to the surrounding built form context.

Light, View, and Privacy (LVP) impacts are generally dealt with through a combination of spatial separation, orientation, and mitigating measures between buildings. In our opinion, the proposed building has been carefully considered to reduce the impacts on the surrounding streetscape, commercial uses and low-rise residential neighbourhood

Sky View

The proposed building will result in no unacceptable sky view impacts, given the surrounding built form context. When viewed from the Brant Street Corridor, the proposed building will not create an enclosure that will limit sky views in any way, given the proposed slender tower floor plates, the width of Brant Street, the 6.0 metre setback from the podium and the step back of the tower from the podium, and the existing low-rise building on the south side of the street. In addition, the street wall portion of the podium is setback 6.0 metres from the property line along Brant Street which reduces any potential sky view impacts. The tower portion of the building is pulled back 10.55 metres from the front lot line and 7.25 metres from the rear lot line, allowing for sky views to be seen from Brant Street as well as the rear of the subject site and future John Street extension. The proposal also provides adequate distance separation between the tower and the adjacent lot lines for future development proposals as recommended in the Tall Building Guidelines. The tower on the west side of the subject site provides a 12.75 metre setback while on the east side, the tower is setback 12.5 metres, preserving sky views and sunlight for the future.

Shadow Impact

In order to assess shadow impacts for the proposed development, a shadow study was prepared by Ralph Bouwmeester, P. Eng., dated September 11, 2020, as per the City of Burlington's new Sun Shadow Guidelines, June 2020. The study illustrates the shadows generated from the

proposed development hourly from 9:00 AM to 6:00 PM in March and September, 8:00 AM to 7:00 PM in June, and 11:00 AM to 3:00 PM in December.

Section 10 of the Sun/Shadow Study provides a review of the proposed shadow impacts against the shadow criteria set out in the new Sun Shadow Guidelines, June 2020. The results are as follows:

Criteria 4.2: No key civic or cultural spaces were located within the shadow reach of the proposal.

Criteria 4.3: The proposed development shadows do not exceed 2 hours in duration on existing nearby private residential outdoor amenity areas, including any common outdoor amenity areas.

Criteria 4.4: While no existing parks are within the shadow reach of the proposal, the sun shadow study evaluated the shadowing on a potential future park that has been identified by the City on the east side of John Street, immediately east of the site. The Sun Access Factor that was produced exceeded 0.50 as required on each of the three test dates as set out in the Sun Shadow Guideline criteria 4.4, as shown in Table 1 and drawings 4.4-1 to 4.4-13 of the Sun Shadow Study.

Further analysis has also been provided with potential future conditions including two towers immediately to the north and south of the subject site. With additional shadowing from these two potential future towers, the Sun Access Factors will still exceed 0.50 as required on each of the three test dates.

Criteria 4.5: The study identified no places where children play (as defined by the Guidelines) within the shadow reach of the proposal.

Criteria 4.6: The study found that shadows reach the opposite sidewalk and boulevard of John Street in the afternoon. As such, the analysis determined that the Sun Access Factor exceeds 0.5 on the east sidewalk and boulevard of John Street as required on March 21. The analysis also notes that the shadows do not reach the opposite side of Brant Street (as defined by the Guidelines), as shown in Table 2 and drawings 4.6-1 to 4.6-5.

Section 11 of the Sun/Shadow Study shows determines that there are no locations not meeting the Sun Impact Criteria created by the proposed development.

In summary, the proposed development meets the Shadow Impact Criteria of the City of Burlington as set out in their Shadow Study Guidelines and Terms of Reference.

From a policy perspective, Policy 2.5.2 (a) (vii) of Part III of OP states that when evaluating proposals for housing intensification within established neighbourhoods, significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.

With respect to the existing low rise residential neighbourhoods to the west (west of the Brant Street corridor) and to the east (east of Rambo Creek), the study indicates that there would be no unacceptable shadow impacts throughout the year to the low-rise residential neighbourhoods with only minor incremental shadow impacts on the low rise residential neighbourhoods limited to late afternoon in the spring and fall equinoxes generally at the boundary of the neighbourhood. There are no shadow impacts on the low-rise commercial lands to the south. The shadow impacts on the low-rise commercial lands to the north are limited to the morning hours during the during the spring and fall equinoxes and are quickly moving given the slender point tower form. There is also very minimal shadowing to the commercial lands to the north during the morning of June 21, but by the afternoon, have receded from the property.

Based on the foregoing analysis, it is our opinion that the shadows created from the proposed development are adequately limited and at an acceptable level.

Wind Impact

A Pedestrian Wind Study was prepared by SLR Consulting to investigate pedestrian wind comfort and safety within and surrounding the subject site, and to identify any areas where wind conditions may interfere with certain pedestrian activities so that mitigation measures may be considered. The pedestrian wind conditions for the proposal have been assessed through wind tunnel modeling techniques and based on the results, have concluded and recommend the following:

- All locations passed the wind safety for both the existing and proposed configurations;
- Wind conditions around the proposed development, including the main entrance, are generally suitable for the intended use;
- Wind conditions on the outdoor amenity terraces of the building are slightly windier than desired for the intended summer usage and that wind mitigation measures are suggested in specific areas to improve conditions; and,
- Wind conditions on the surrounding sidewalks and nearby transit stops generally remain suitable for the intended usage with the proposed development in place.

5.6 Urban Design

From an urban design perspective, the proposed development will result in an appropriately scaled building that will complement the surrounding built form character, while creating an animated street frontage along Brant Street with grade related commercial uses the residential lobby.

In our opinion, the proposed building design and site organization conforms with the applicable built form and urban design policies of the OP, 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 Urban Growth Centre 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 increase 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 Brant Street providing and the tower portion maintains a 45-degree angular plane from the low rise residential neighbourhood to the east.
- The at-grade commercial uses, and residential lobby provide grade-related activity both inside and outside of the proposed building.
- Servicing and vehicular parking will be internalized and accessed from one access point.
- The building will be sited parallel and oriented to Brant Street.
- The mechanical penthouse will be incorporated into the design of the top of the building; The proposed building is compatible with the existing 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 Brant Street streetscape, downtown residential precinct, Downtown Mixed Use Centre, and Downtown Urban Growth Centre.
- 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 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.

5.7 Transportation and Servicing

The subject site is located within the Downtown Burlington Urban Growth Centre, and, accordingly, is well serviced by existing municipal infrastructure, including public transit.

A Traffic Impact Study, Parking Study, and Transportation Demand Management Study have been prepared by Paradigm Transportation Solutions Limited to assess existing traffic conditions in the area, provide traffic forecasts, a parking demand analysis, as well as to outline recommendations to improve future traffic conditions and strategies to reduce dependency on single occupancy vehicle travel to and from the subject site.

The Traffic Impact Study concludes that the full-build out of the redevelopment is projected to generate approximately 75 new vehicle trips during the weekday AM peak hour and 92 new vehicle trips during the weekday PM peak hour. The traffic analysis conducted indicated that the redevelopment traffic volumes will only result in a minor increase to the traffic at the surrounding study area intersections under peak conditions.

The analysis further concludes that the existing transportation infrastructure and planned improvements to the John Street at Caroline Street intersection is adequate for accommodating additional traffic associated with the proposed redevelopment. Additionally, a southbound left-turn lane with 25-metres of storage on Brant Street at the site driveway is needed under the 2025 total traffic volumes, which can be accommodated within the existing two-way centre left-turn lane on Brant Street.

The Traffic Impact Study further provides that an analysis of off-peak traffic conditions indicates that the site driveway connection to Brant Street will operate with acceptable levels of service and queues are not expected to cause internal conflicts.

Furthermore, the Traffic Impact Study states that a site driveway on John Street as a possible replacement for the Brant Street driveway indicates that the study area intersections under total traffic conditions are forecast to operate with similar levels of service to the operations with a site driveway on Brant Street, noting there are less potential motor vehicle and pedestrian conflicts with a driveway on John Street. However, due to John Street north of Caroline Street not being a municipal road, a driveway connection is currently not feasible.

With respect to the Parking Study, it concludes that the proposed supply of 1.02 parking spaces per unit (253 parking spaces) will exceed the parking demand for multiple reasons, including;

- The redevelopment conforms to the Burlington Official Plan and the Mixed-Use Activity Areas that encourages greater reliance on non-automotive forms of transportation;
- The redevelopment is located within 500 metres from the Downtown Burlington Mobility Hub;
- Based on 2016 Transportation Tomorrow Survey (TTS_ data, approximately 73 percent of residents within apartment buildings in the surrounding area use auto as their primary mode of travel. The proposed parking supply would accommodate parking for all of the units in the building which exceeds the anticipated proportion of residents who would choose to drive;
- A review of other municipalities, ITE rates, auto ownership and the City of Burlington's City-Wide Parking Standards Review shows a trend towards lower parking standards within major urban and intensification areas. The proposed development generally satisfies many of these criteria and the proposed parking rate of 1.02 is noted to be acceptable;
- Parking utilization surveys were undertaken at two different sites with similar land uses to the proposed redevelopment, indicating a rate between 0.76 and 0.8 spaces per unit;
- Visitor parking can be accommodate through publicly accessible parking lots located within the downtown area and on-street parking spaces located within 800 metres of the subject site; and.
- Based on the parking study conducted by MMM in September 2011 and Paradigm in 2015, capacity within the Brant Street and Elizabeth Street lots peaked during the evening hours whereas the remaining lots within the Downtown noted to experience limited use in the evening. Visitors can access available parking in facilities within less than a 100 metre walking distance.

The Transportation Demand Management Study prepared by Paradigm outlines a number of proposed strategies that are aimed at reducing the number of car trips to the site. The TDM outlined measures that could be taken to reduce the dependency of vehicles, including the walkable environment of the surrounding area; cycling, which has been promoted with the proposed 36 bicycle parking spaces for the development as well as existing bike lanes provided on Brant Street; as well as the transit provided in the surrounding area, including the well-established bus lines Route 2 and 52. These routes provide access within the City of Burlington, the Burlington GO station and to the downtown terminal.

The TDM also provides alternative strategies in reducing the need for single occupancy vehicles and parking demand including, delegating a TDM coordinator to support all-on site TDM programs; a car share space located in a nearby municipal lot to support those who do not own a car; ride share programs where two or more people share a vehicle for a trip; and having personalized travel information to be provided for residence and visitors to the site.

A Functional Servicing Report was prepared by S. Llewellyn & Associated Limited in support of the Official Plan and Zoning By-law Amendment applications. It concludes that the proposed development can be constructed to meet the requirements of the City of Burlington and Halton Region and provide the following recommendations:

- That the development be graded and serviced in accordance with the Grading and Erosion Control Plan and the Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- Installation of a 5.5m-100mm orifice pipe at 1.0% as per the Site Servicing Plan and this report to provide adequate quality control;
- No quality control measures will be implemented as the site is predominately covered by roof and is considered "clean runoff";
- Erosion and sediment controls to be installed as described in this report to meet City of Burlington requirements; and,
- The proposed sanitary and water servicing system be installed as per this report and Site Servicing Plan to adequately service the proposed development.

5.8 Noise Emissions

An Environmental Noise Assessment was prepared by SLR Consulting Limited, which provides an assessment of noise impacts and noise mitigation measures on the site, including warning clauses for the proposed development. Based on the results of the study, the following conclusions were reached:

Transportation Noise:

- Mandatory central air-conditioning, as well as a Type D warning clause are recommended for all units.

Stationary Noise Impacts:

- It is recommended that a Class 4 area designation for the development be obtained from the City. With a Class 4 designation no source based noise mitigation is required to address surrounding stationary noise impacts

Overall Assessment

- Impacts of the environment on the proposed development can be adequately controlled through the feasible mitigation measures, façade designs, and warning clauses detailed in Part 1 of this report.
- Impacts of the proposed development on the surrounding area are anticipated to be negligible and can be adequately controlled by following the design guidance outlined in Part 2 of the report.
- Impacts of the proposed development on itself are anticipated to be negligible and can be adequately controlled by following the design guidance outlined in Part 3 of this report.
- As the mechanical systems for the proposed development have not been designed at the time of this assessment, the acoustical requirements above should be confirmed by an Acoustical Consultant as part of the final building design.



[6.0]

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 Brant Street and provide new mixed use development that would 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 the Downtown Core precinct.

From a planning policy perspective, the subject site is an appropriate location for residential intensification, given its location within the Downtown Burlington Urban Growth Centre and within a major transit station area associated with the John Street Bus terminal, which is located approximately 550 metres from the site. It is also located approximately 1.8 kilometers from the Burlington GO station, a priority transit corridor. The proposal conforms with the Halton Region Official Plan, particularly the land use, intensification, and urban growth centre policies. The proposal conforms with the intensification, housing, and mixed-use centre, and downtown mixed-use centre policies of the OP, which envision an urbanization of the city, especially in the Downtown Urban Growth Centre. However, a site-specific amendment to the Downtown Core Precinct policies of the OP is required in order to increase the height and density of the subject site beyond the maximum 8 storeys and 4.0:1 Floor Area Ratio. In our opinion, the proposed density is appropriate and desirable for the subject site. Furthermore, it is our opinion that the requested zoning is consistent with the Provincial Policy Statement and conforms with the Growth Plan, in particular the policies promoting the efficient use of land and infrastructure, and intensification within "urban growth centres".

From a built form and urban design perspective, the proposed base building will appropriately frame the Brant Street edge and contribute to an improved pedestrian environment along Brant Street. 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 OP and is in keeping with the relevant urban design guidelines.

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.