BOUSFIELDS INC.

Planning & Urban Design Rationale



2076 Old Lakeshore Road

City of Burlington

Prepared For

1959025 Ontario Inc.

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Job Number
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This Planning and Urban Design Rationale report has been prepared in support of an application by 1959025 Ontario Inc. to amend the 1997 City of Burlington Official Plan and Zoning By-law 2020, as amended, to permit the redevelopment of a 0.22 hectare (0.54 acre) site on the south side of Old Lakeshore Road and along Lake Ontario, known municipally as 2076 Old Lakeshore Road in the City of Burlington.

The Official Plan and zoning by-law amendments will permit the redevelopment of the subject site for a 23-storey mixed use building accommodating a hotel with associated amenity and restaurant spaces, and residential apartment units.



1 Introduction

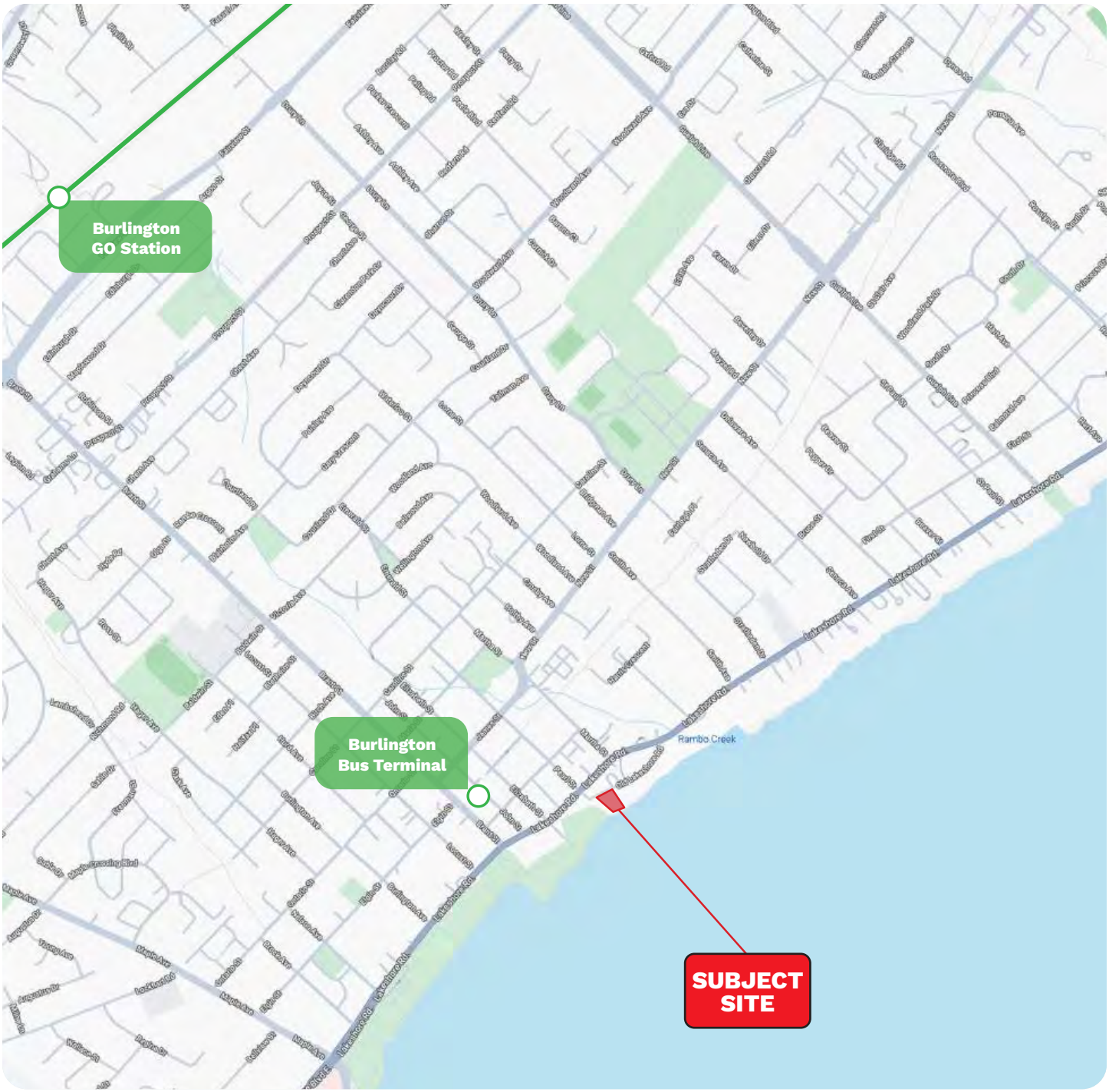


Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of an application by 1959025 Ontario Inc. (the "Owner") to amend the 1997 City of Burlington Official Plan (the "Official Plan") and Zoning By-law 2020, as amended, to permit the redevelopment of a 0.22 hectare (0.54 acre) site on the south side of Old Lakeshore Road and along Lake Ontario, known municipally as 2076 Old Lakeshore Road in the City of Burlington ("the subject site").

The Official Plan and zoning by-law amendments will permit the redevelopment of the subject site for a 23-storey mixed use building accommodating a hotel with associated amenity and restaurant spaces, and residential apartment units. In total the proposal will accommodate 154 hotel suites on floors 1 to 14, and 50 residential units on floors 15 to 23. The proposal will also include a large public land dedication along the waterfront to accommodate an extension of the waterfront trail, contributing to a key policy objective of the City of Burlington and enhancing public access to the City's waterfront.

The proposal presents an exciting opportunity in City-building to replace an existing motel with a modern multi-storey hotel, introduce new housing units, and extend the waterfront trail to enhance public access to Lake Ontario, all within an area where growth is directed. The proposal is also supportive of active modes of transportation and will activate the public realm through the inclusion of active uses including a spill-out café / amenity area for the hotel under a covered colonnade, upgrade the public realm along the City's waterfront, and create an attractive building design which is responsive to its context.

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

From a built form and urban design perspective, the proposal is contextually appropriate and will represent a high-quality architectural addition to the area. The 23-storey (plus mechanical penthouse) building will fit harmoniously with the existing and planned built form context and will be compatible with the height and massing of existing and approved development in this part of the Downtown area, particularly within the Old Lakeshore Mixed Use Precinct. The proposal will provide an appropriate street wall condition along Old Lakeshore Road and will contribute to an improved pedestrian environment at grade through the provision of grade-related commercial and residential uses and an improved public realm along the street and waterfront trail. The proposal conforms with the general intent of the Official Plan and is generally in keeping with the relevant urban design guidelines, however, a site-specific amendment to the Official Plan is required to increase the maximum height and density that applies to the subject site and to more closely align with changes to Provincial and Regional Policy which have occurred following the approval of the Official Plan, as well as a significantly evolved built form context within Downtown Burlington, including the Old Lakeshore Mixed Use Precinct, since the time of approval of the Official Plan.

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



2 Site & Surroundings

2.1 Subject Site

The subject site ("site"), a single parcel municipally addressed as 2076 Old Lakeshore Road, is located south[1]-centrally within Ward 2 of the City of Burlington, along the Lake Ontario shoreline, within the Old Lakeshore Precinct of the City's Downtown (see **Figure 2 - Site Location Map**). The site consists of approximately 0.22 hectares (0.54 acres) of land on the south side of Old Lakeshore Road, between Pearl and Martha Streets.

The subject site is generally rectangular in shape, with 47.34 metres of frontage onto Old Lakeshore Road along its north lot line, 61.79 metres of frontage onto the waterfront trail along its west lot line, and approximately 27 metres of frontage onto Lake Ontario along it's south lot line. The site's location on Lake Ontario represents an opportunity to develop an exciting new mixed use development which assists the city in achieving a wide range of policy objectives.

Currently, the subject site is occupied by a 1-2 storey motel building and surface parking area, operating as the "Marquis Lakeside Inn". The site currently includes one driveway access approximately in the centre of the Old Lakeshore Road frontage, with a wire fence separating the site from the waterfront trail. Along Lake Ontario, a significant stone revetment has been constructed to reinforce and protect the site from erosion along an approximate 6.5 metre grade change from the top of slope to Lake Ontario. While there are no significant trees on the subject site, several large mature trees are located along the west lot line adjacent to the waterfront trail.



Figure 2 - Site Location Map

1 References in this report to cardinal directions have been modified to align with the local street grid within the City of Burlington for convenience purposes, with Brant Street generally representing the north-south axis.



The existing Marquis Lakeside Inn on the subject site, looking southwest

2.2 Surroundings

The subject site is located within the City of Burlington's Downtown, an area identified as the City's centre for a variety of social, civic, and commercial activities and which is where a significant portion of the City's future growth is directed to occur, as shown on **Figure 3**. The Downtown has evolved over time and the Official Plan, as amended by Official Plan Amendment 55 in 2006, established a policy framework promoting the evolution of the Downtown into a higher density and transit supportive centre in order to, among other things, promote economic growth, meet provincial growth objectives and to support an increase in transit use. In this regard, the Official Plan establishes eight (8) precincts that includes public lands along the city's waterfront, a major institutional precinct (Hospital lands), low-rise neighbourhood precincts, a Downtown residential precinct, and three precincts that are planned for higher-density mixed use development (Old Lakeshore Road, Downtown Core, and Wellington Square). The subject site is located within one of these precincts, the Old Lakeshore Road Mixed Use Precinct.

The wider Downtown Burlington area includes a variety of high-density mixed uses, including commercial, retail, residential, hotel, and office uses. Downtown Burlington has a character of dense, pedestrian oriented development with high levels of walkability and strong transit access through the Downtown Bus Terminal, located approximately 250 metres to the northwest of the subject site. This area generally consists of mid to high-rise residential and mixed-use buildings, and low-rise commercial buildings along Brant Street from Victoria Avenue/Baldwin Street to Lakeshore Road with more commercial establishments along Lakeshore Road extending mostly from Maple Avenue in the west to Torrance Street to the east. Taller residential apartment buildings and approved developments are located throughout the Downtown Area, with the largest buildings focused along Lakeshore Road between Brant Street and Martha Street immediately surrounding the subject site.

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

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

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

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

Table 1 - Development Activity

Address	Max. Bldg. Height (Storeys)	Precinct	Application Status
Proposed			
2020 Lakeshore Road	35	Wellington Square	Refused at the Ontario Land Tribunal. Waiting for revised application.
2030 Caroline Street	28	Downtown Core	Pre-Application Submission
2072 Lakeshore Road	23	Old Lakeshore	Approved
Approved			
2083 Lakeshore Road	26	Old Lakeshore	Approved
2083 Old Lakeshore	27	Downtown Core	OLT Approved
401,403,405,409,411 & 413 Brant Street 444,448 and 450 John Street 2002 and 2012 James Street	18	Downtown Core	Approved
2085 Pine Street	9	Downtown Core	OLT Approved
441 Maple Avenue	11	Downtown Residential	Approved

Address	Max. Bldg. Height (Storeys)	Precinct	Application Status
2107 Old Lakeshore Road, 2119 Lakeshore Road	27	Old Lakeshore	OLT Approved
2093, 2097 and 2101 Old Lakeshore Road, 2096 and 2100 Lakeshore Road	27	Old Lakeshore	OLT Approved
401-407 Martha Street	14	Downtown Residential	OLT Approved
2082-2090 James Street	13	Downtown Residential	OLT Approved

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

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

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

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

More specifically, the subject site is located on Burlington's waterfront in an area of the Downtown referred to as "Downtown Old Lakeshore". This area is currently comprised of primarily lower scale commercial and residential buildings focused along Old Lakeshore Road. The Old Lakeshore Road Precinct is specifically envisioned for significant intensification within the Official Plan, and as a result a variety of high-density mixed-use developments have been approved and are under construction in the immediate context surrounding the subject site. Because of these developments, the Old Lakeshore Road Precinct is currently in a state of transition, as taller built forms and higher densities are being introduced (**see Figure 3 - Area Context Map** and **Figure 4 - Height Map**). Details regarding the surrounding development applications are provided in Section 2.2 of this report.

Specifically within the Old Lakeshore Precinct, the subject site is located along the waterfront, south of what is referred to as the "Old Lakeshore Football", a city block bounded by Lakeshore Road to the north and Old Lakeshore Road to the south, with Old Lakeshore Road connecting to Lakeshore Road to the east and west of the subject site, creating a "football" shaped city block. The "football" block is proposed and approved to be developed with four new mixed use buildings with approximately 870 residential units, at-grade commercial uses, as well as new open spaces and an enhanced public realm. East of the site includes the heritage designated Estaminet hotel building at 2084 Old Lakeshore Road (formerly "Emma's Back Porch"), as well as a surface parking lot and other low-rise commercial and residential uses lining lake Ontario further east.

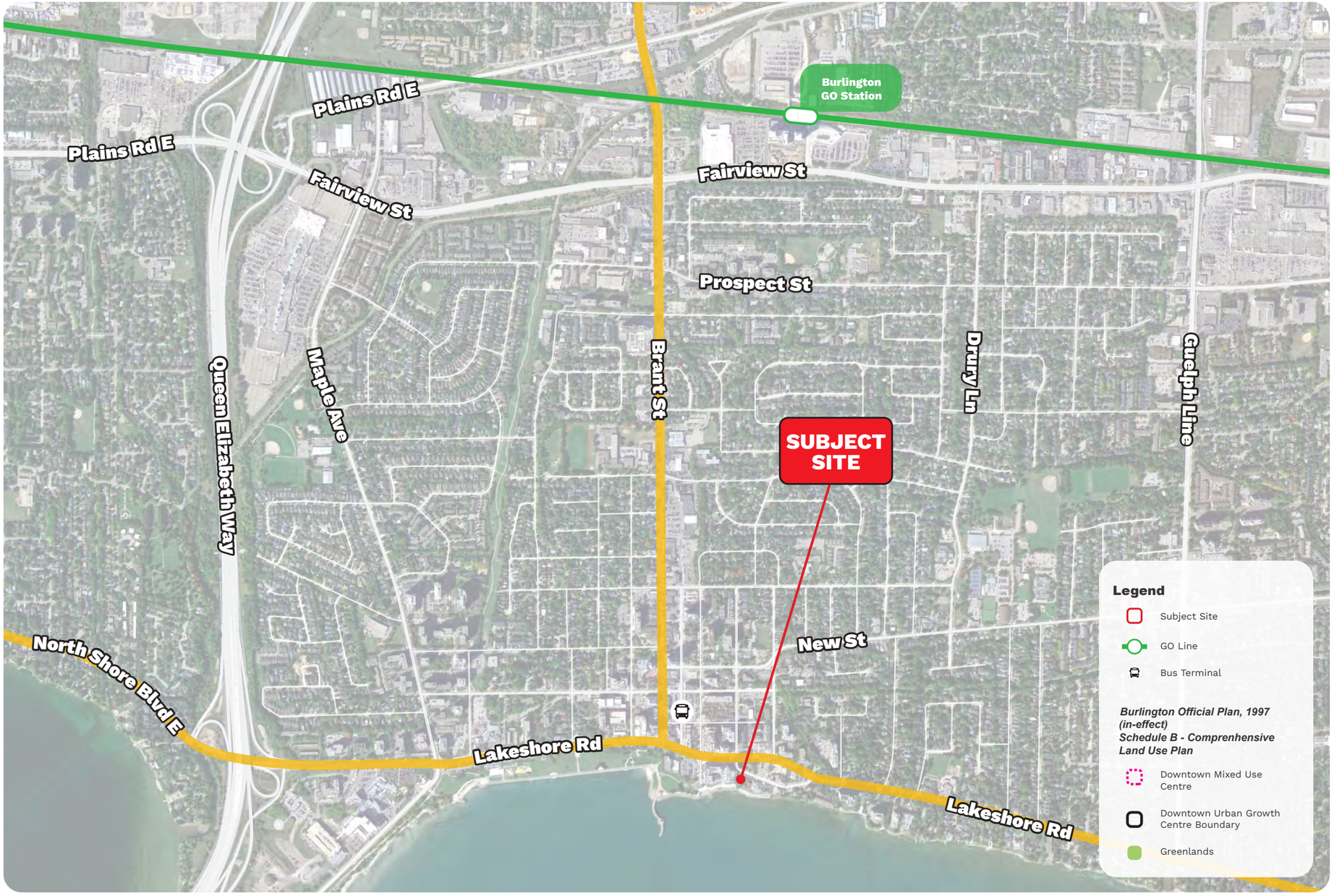


Figure 3 - Area Context Map

Subject Site

\# Height in storeys

* Under Construction

** Approved/Not yet built

*** Proposed

1 - 4 storeys

5 - 8 storeys

9 - 12 storeys

13 - 30 storeys

31+ storeys

Parks



Figure 4 - Height Map

2.3 Immediate Surroundings

To the immediate north of the subject site is Old Lakeshore Road. Old Lakeshore Road, a 2-lane local street with curbside parking along the south side of the street, sidewalks on both sides, and a right-of-way width of 20 metres. The north side of Old Lakeshore Road is the location of a currently vacant 2-storey commercial building and surface parking lot at 2072 Lakeshore Road, currently the location of a recently approved planning application to construct a new 23-storey mixed use building. 2072 Lakeshore Road fronts onto Lakeshore Road to the north, an east-west arterial road with 2 lanes of vehicular traffic, a centre turn lane, and planned cycling facilities.

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

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

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

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

Directly to the west of the subject site is the waterfront trail connection, a publicly owned parcel which provides a pedestrian path down a significant grade from Old Lakeshore Road to the waterfront trail terminus. The access, approximately 25 metres wide, includes a variety of mature trees along the subject site's west frontage, as well as various retaining wall systems to manage grade changes between the subject site, Old Lakeshore Road, and the waterfront trail. The waterfront trail also lies west of the site along Lake Ontario, terminating at the subject site's frontage. The trail includes a wide public promenade space split into two tiers of pathways.



The site is located in an evolving high-density context, looking east along Lakeshore Road

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

Further west is a large surface parking lot and 6-storey hotel building at 2020 Lakeshore Road, which is subject to a recent development application for mixed-use buildings of up to 35 storeys in height. While the application was recently refused at the Ontario Land Tribunal, a revised application is expected to be brought forward. Beyond 2020 Lakeshore Road is Spencer Smith Park, a large regional park along the shores of Lake Ontario.

Directly to the south of the subject site is Lake Ontario. The subject site extends southwards to Lake Ontario across a significant stone embankment and riprap.

Directly east of the subject site is 2084 Old Lakeshore Road, a large, 2-storey restaurant formerly occupied by "Emma's Back Porch", and which is currently being renovated for a new commercial tenant. 2084 Old Lakeshore Road is a designated heritage property, with the heritage component (the "Estaminet Hotel") consisting of a small portion of the building along Old Lakeshore Road. The remainder of the structure is a more modern addition which does not have heritage status. Details of the heritage attributes of the structure have been provided in the submitted Heritage Impact Study, prepared by ERA Architects and dated September 5, 2025.



The Waterfront Trail terminates at the subject site with a significant grade difference.



Looking west towards the subject site along Lake Ontario. A significant riprap and grade change separates the subject site from Lake Ontario.



The waterfront Trail terminates and runs up a slope to Old Lakeshore Road west of the subject site.

To the east of 2084 Old Lakeshore Road is a surface parking area at 2092 Old Lakeshore Road and which is also owned by the applicant, and a 2-storey heritage office and commercial building. Further east along the south side of Old Lakeshore Road is a series of 2-3 storey commercial and residential buildings which front directly onto Lake Ontario and have associated surface parking areas.

To the northeast of the subject site, on the north side of Old Lakeshore Road, is 2083 Old Lakeshore Road, a surface parking lot. The lot was recently approved for redevelopment with a 27-storey mixed use building which would include a covered porte-cochere along Old Lakeshore Road, below a 2-storey podium. The existing parking area is currently being used for construction staging for nearby developments.

East of 2083 Old Lakeshore Road is 2093 Old Lakeshore Road, the site of an approved development application for the construction of a 27-storey residential apartment building with a 6-storey podium and commercial uses at grade along Lakeshore and Old Lakeshore Roads. The approved development notably includes a large urban plaza, secured as a "Privately Owned Public Space" along the west side of the property. 2093 Old Lakeshore will also retain a heritage-designated, 2-storey, red brick dwelling along Old Lakeshore Road at the southeast corner of its site.

East of 2093 Old Lakeshore Road is a third approved 27-storey residential apartment building application, also with commercial uses at grade at 2107 Lakeshore Road. 2107 Lakeshore Road will consist of a 27-storey tower atop a single-storey podium building. The building will generally be triangular in shape, framing the intersection of Lakeshore Road and Old Lakeshore Road to the east, and rounding out the Old Lakeshore "football".

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



2084 Old Lakeshore Road is a designated heritage structure west of the subject site.



Old Lakeshore Road, looking East from the subject site.

2.4 Transportation Network

Road Network

The subject site is located along Old Lakeshore Road, which is identified as a local street on *Schedule K – Classification of Transportation Facilities (Downtown Area)* in the City's in-force Official Plan (the "Official Plan"). This portion of Old Lakeshore Road provides a general east-west vehicular connection to local properties along the street. Old Lakeshore Road connects to Lakeshore Road through a signalized intersection to the northwest, as well as with an unsignalized intersection to the east. Along this portion of Lakeshore Road, the right-of-way consists of one travel lane in both directions, curbside parking along the south side of the street, landscaped boulevards, and sidewalks on both sides of the street. *Table 2 – Road Allowance Widths* in Part VII (Schedules and Tables) of the City's Official Plan indicates the planned right-of-way ("ROW") width for the entire length of Old Lakeshore Road is 20 metres, which aligns with its existing width. As such, no road widening is required.

Appendix A – Schedule 1 – Long Term Transit Service Network of the City's Official Plan identifies Lakeshore Road, approximately 40 metres north of the subject site, as a Primary Bus Service Route. *Appendix A – Schedule 2 – Long Term Cycling Master Plan* in the City's Official Plan also identifies a bike lane along Lakeshore Road (**see Figures 5 and 6**).

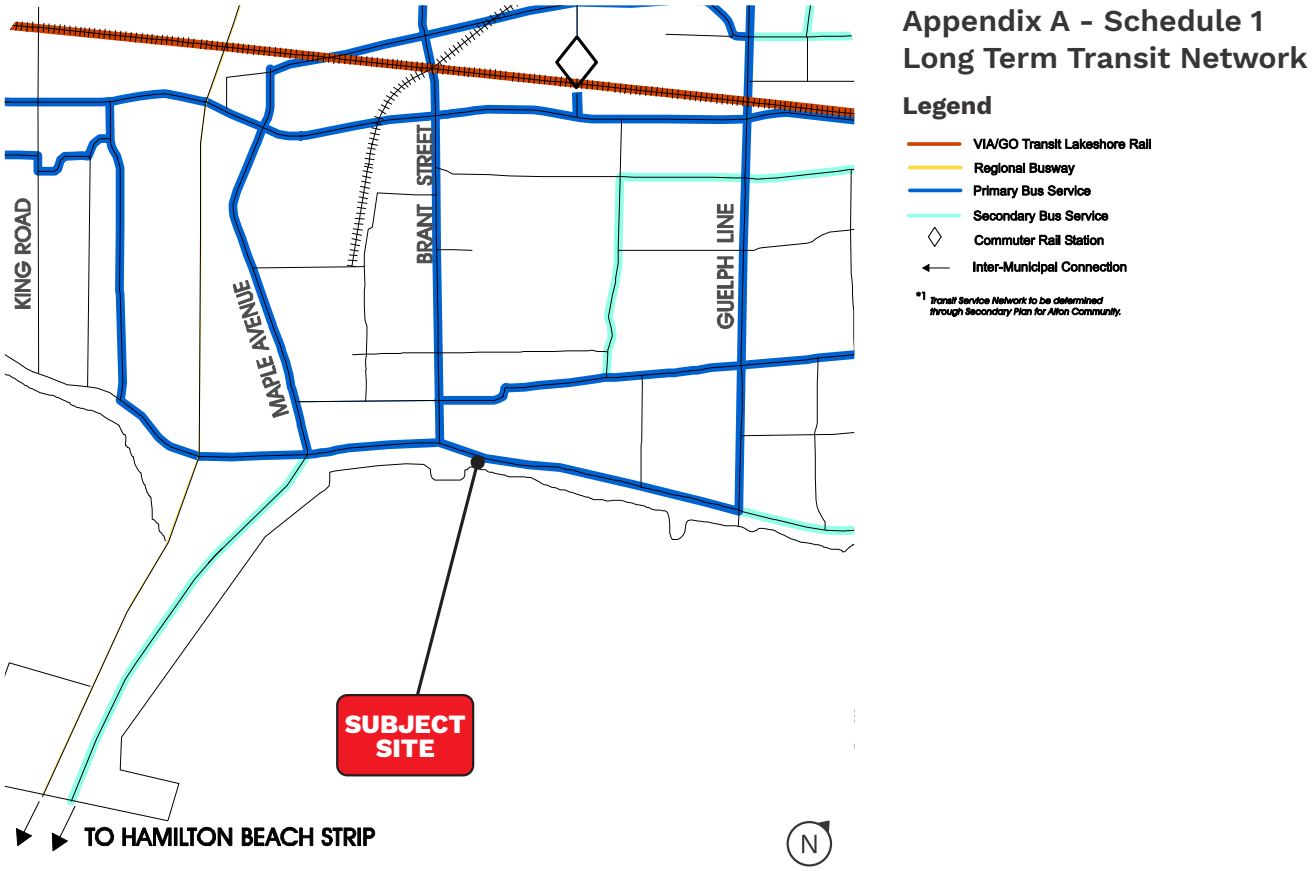


Figure 5 - Appendix A – Schedule 1 – Long Term Transit Service Network

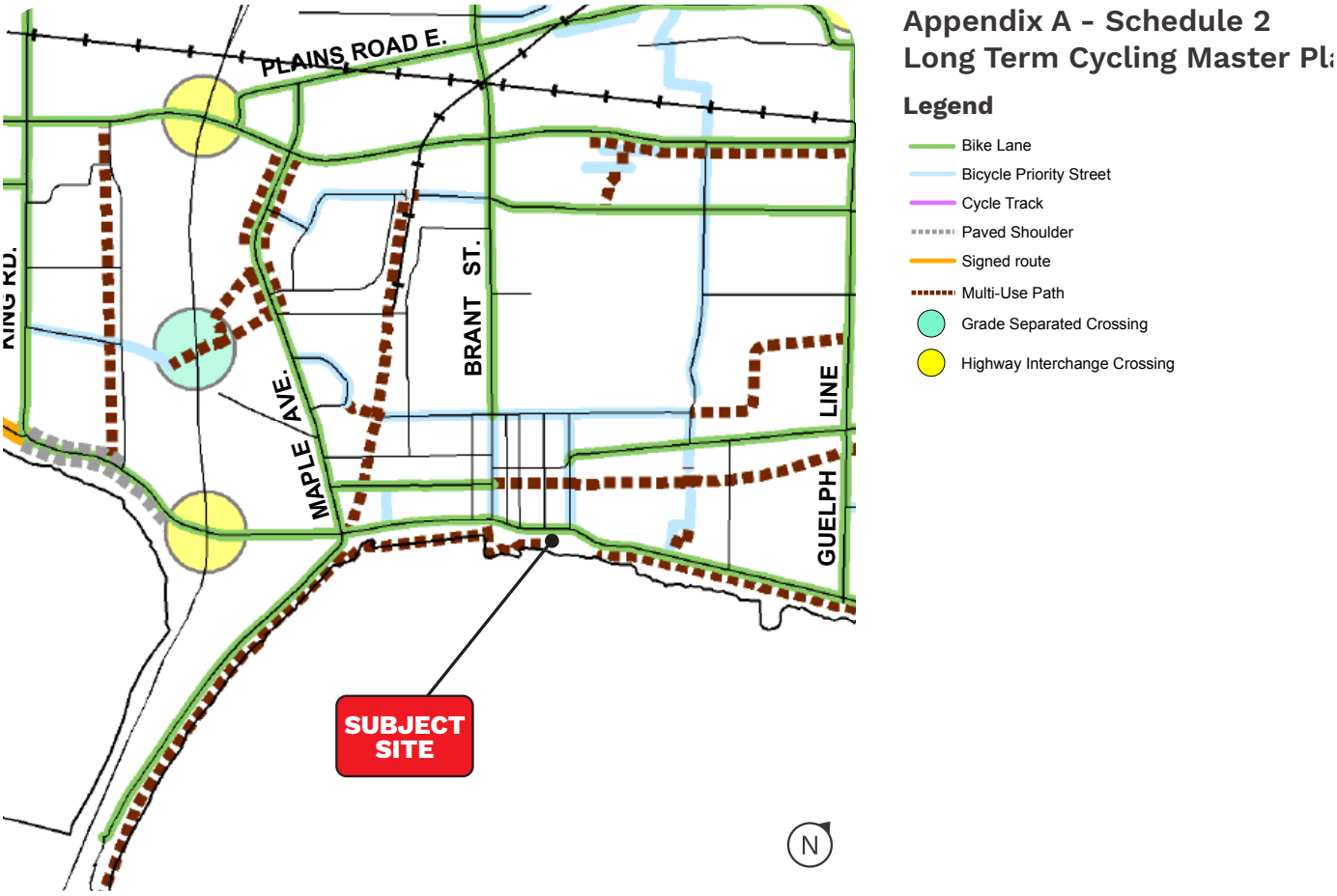


Figure 6 - Appendix A – Schedule 2 – Long Term Cycling Master Plan

Transit Network

The subject site is well serviced with public transit with bus stops along Lakeshore Road just to the north of the subject site at the corner of Martha Street and Lakeshore Road (Burlington Transit Bus Route 3), and on both sides of the street at the corner of Brant Street and Lakeshore Road (Burlington Transit Bus Routes 4, 10, and 50), approximately 250 metres to the west of the site. The City has preliminary plans to reconfigure the bus stop locations along this part of Brant Street, locating a new bus stop at the intersection of Pearl Street and Lakeshore Road, approximately 40 metres north of the subject site.

The subject site is also located approximately 400 metres (a 5-minute walk) from the Downtown Burlington Bus Depot on John Street. Burlington Transit bus routes 2, 3, 4, and 10, as well as Hamilton Street Railway Route 11 all have bus stops at the Downtown Burlington Bus Depot which provides services Monday through Friday as well as weekends and Holidays:

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



Figure 7 - Burlington Transit Map

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

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

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

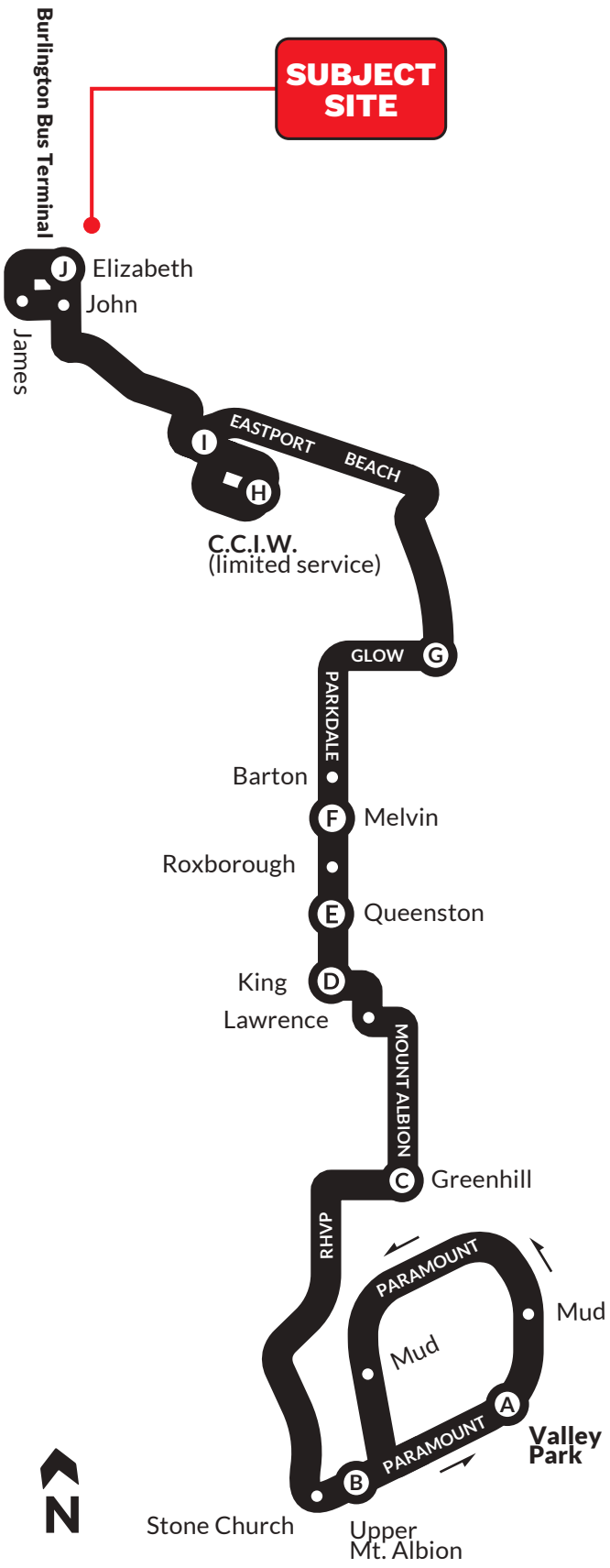


Figure 8 - HSR Bus Route 11 – Valley Park/Parkdale Route Map



3 Proposal

3.1 Description of Proposal

The proposed development will create a distinctive mixed use waterfront development which truly leverages its location to generate significant improvements to the public realm and activate the space with active uses which are designed to take advantage of the waterfront location. Critically, the proposed development would provide an extension of the Waterfront Trail across it's entire Lake Ontario frontage to improve public access to the water, would provide a significant new commercial use and amenity to provide additional employment and drive business growth in the downtown, and would provide for an upgraded public realm and interface with the adjacent waterfront trail connection and Old Lakeshore Road. The proposed 23-storey building would replace the existing motel with a 154 new hotel rooms and 50 new residential units to Downtown Burlington in a compact built form and with a high quality, attractive architectural expression. Further, the development is of a scale and design that fits well with the existing and planned built form context, is a transit supportive density and designed to support active modes of transit.

The proposal would involve the construction of a 23-storey (plus rooftop mechanical penthouse) mixed-use building accommodating 50 residential units and 154 hotel suites, with a total gross floor area of 13,914 square metres (see **Figure 9**), and a total gross building floor area of 13,914 square metres. The resulting density is approximately 6.37 Floor Area Ratio (FAR) before the land dedication and 8.95 after. The proposed building height is 74.8 metres to the roof of the building, and 79.35 metres to the top of the mechanical penthouse.

The proposal would include four levels of underground parking, with 82 parking spaces accessed via two car elevators which would be serviced by a full-time valet, providing services to both hotel guests and building residents. At grade, the parking will be accessed via a driveway on the east side of the site from Old Lakeshore Road, with a dedicated loading space immediately to the west of the parking access. Pedestrian entrances to the hotel are provided towards the northwest corner of the building into a large open lobby space with views through to Lake Ontario, and a small residential lobby is provided in the centre of the building for residents. A short term curbside drop-off and loading area is proposed along Old Lakeshore Road to allow hotel guests to arrive and depart and to enable operations of the valet service.

The overall massing of the building would include a 3-storey podium. The podium has been designed to visually tie with the existing and planned built form context, which includes podiums of generally similar heights. Datum lines and architectural features of the adjacent heritage building at 2084 Old Lakeshore Road have been brought into the design of the podium to relate and integrate the surrounding heritage context. Above the podium, the proposed tower rises an additional 20 storeys after being set back 3 metres from Old Lakeshore Road to effectively separate the two massings.

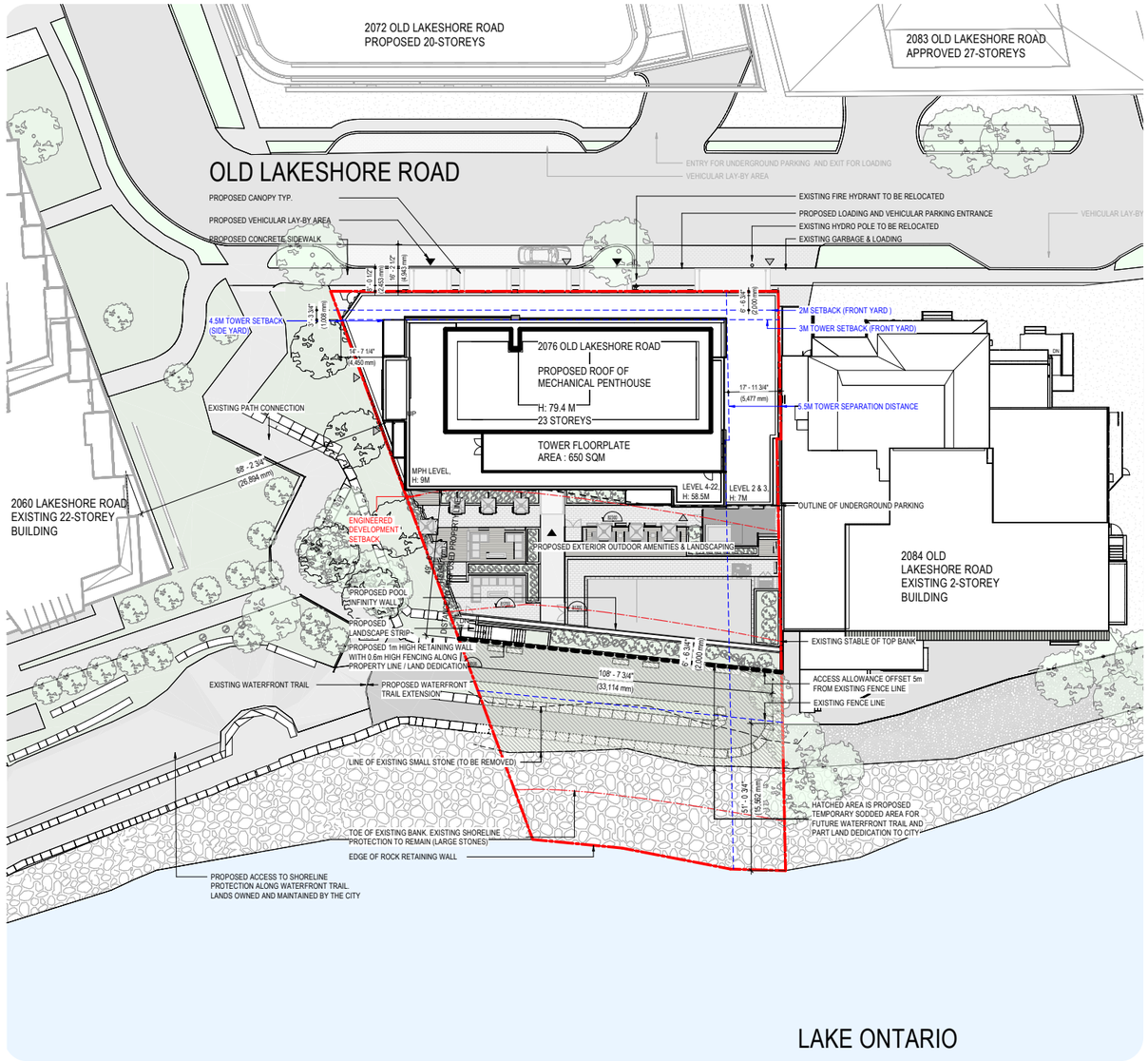


Figure 9 - Site Plan (Provided by NEUF Architects)

Base Building

The base building consists of a 3-storey podium that contains supportive functions of the hotel use. On the ground floor, a large lobby will welcome guests from Old Lakeshore Road with an active café space, and large lounge area with views through to Lake Ontario. The design of the ground floor has been thoughtfully configured to maximize views to the lake, with the lake expected to be visible from Old Lakeshore Road through the building due to highly translucent glass cladding surrounding the lobby space. The eastern half of the ground floor includes the aforementioned core functions of the building including loading, waste management, vehicular access to the parking garage, and other functions.

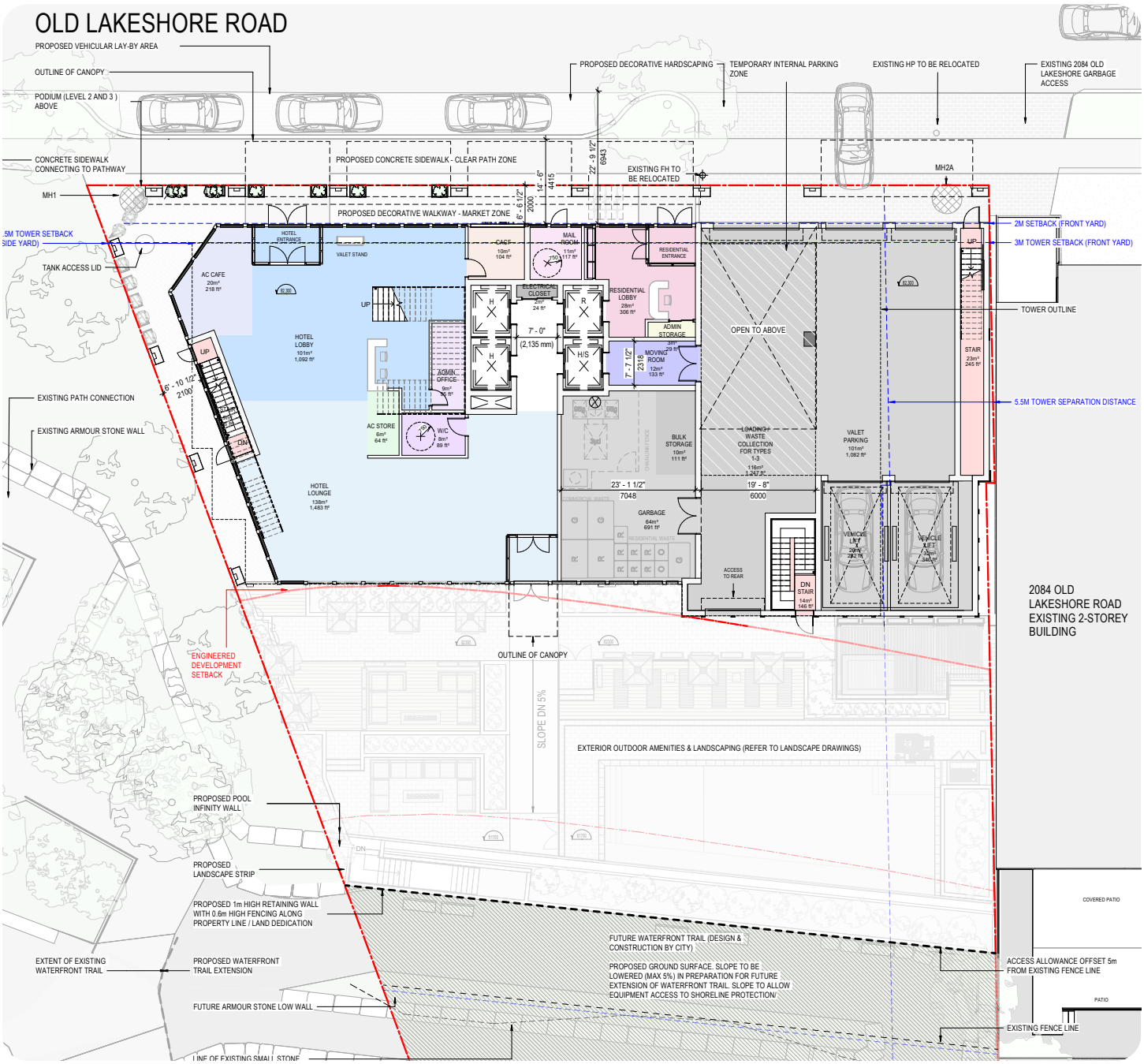


Figure 10 - Site Plan (Provided by NEUF Architects)

A 2 metre deep colonnade is proposed to wrap around the ground floor on the north and west sides of the building, providing protected outdoor space for the public and to create a more active, attractive interface with the adjacent public realm both along Old Lakeshore Road and to the adjacent waterfront trail access.

On the upper levels of the podium, various hotel functions are proposed including the hotel kitchen and restaurant, which would be exclusive to hotel patrons, amenity areas, and meeting rooms.

Outdoor Amenity and Public Realm

The south side of the hotel lobby is proposed to open to a large 547 square metre outdoor amenity area for building residents and hotel guests. The outdoor amenity area is proposed to include a variety of active spaces including lounge areas, an infinity pool overlooking Lake Ontario, and a direct access to the waterfront trail to the south.

The waterfront trail is proposed to be extended across the subject site's frontage on Lake Ontario, representing a significant contribution to the City's public realm and improving public access to Lake Ontario over the existing entirely private frontage on the lake. The trail has been designed in consultation with Conservation Halton to ensure that it meets the required standards for maintenance access to the adjacent lake revetment. The trail would include a minimum 5-metre wide upper trail and an additional lower trail closer to the lake. A 631 square metre land dedication would be provided to the City of Burlington to accommodate the proposed extension of the waterfront trail.

With regards to grades, the private amenity space and two levels of waterfront trail would include tiered grades, with the outdoor amenity area being at a generally similar elevation to Old Lakeshore Road and the waterfront trail being placed at a lower grade closer to Lake Ontario. This grade difference would ensure appropriate privacy for the outdoor amenity space and minimize overlook conditions between the two spaces and would be decoratively landscaped with a landscape buffer along the proposed retaining wall separating the two spaces. This grade difference would also generally align with the existing grades of the adjacent waterfront trail access to the west, preventing the need for any retaining walls or support structures along the west elevation and creating a seamless interface between the proposed building and adjacent public realm.

Tower

The tower component of the proposal includes a 20-storey tower component above the 3-storey base building. The tower would be generally rectangular in shape, with a narrow 18-metre depth from Old Lakeshore Road and 36 metre width, resulting in a total floor plate of 635 square metres, well below City of Burlington Tall Building Guidelines. The tower would be stepped back 5.5 metres from the east lot line, 3 metres along Old Lakeshore Road, and between 0 and 4.45 metres along the west lot line. The tower, in our opinion and as further detailed in section 5.5 of this report, provides adequate tower separation distances from adjacent buildings and properties to ensure adequate access to light, view, and privacy.

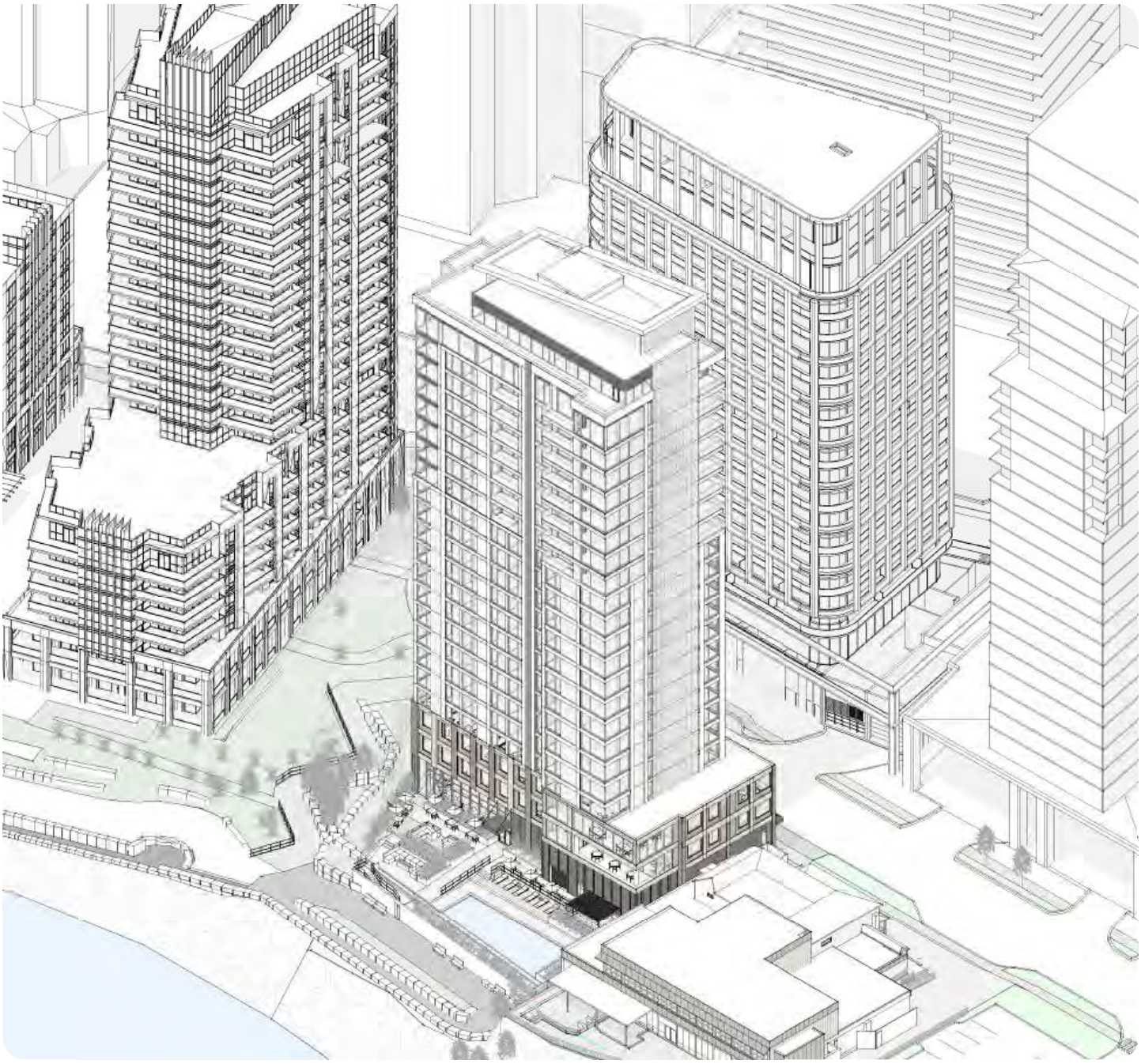


Figure 11 - Southeast Axonometric View (Provided by NEUF Architects)

Building Top

The mechanical penthouse has been deliberately situated in the middle of the tower floorplate, set back from the residential floors below, to provide for adequate screening from the pedestrian realm and minimize visual impacts. Several residential units are proposed on the mechanical penthouse level, forming the 23rd floor of the building.

Unit Distribution And Amenity Space

The development proposes a total of 50 residential units with a mix of unit types including: 24 one-bedroom units (48%), 7 one- bedroom plus den units (14%), 11 two- bedroom units (22%), and 8 three-bedroom units (16%).

In addition, the proposal provides a significant amount of amenity space to be shared between building residents and hotel guests. Specifically, 666 square metres of indoor amenity area would be accessible to building residents as well as 547 square metres of common outdoor amenity area. 488 square metres of private residential amenity space, in the form of private balconies and terraces, is also proposed, resulting in a total amenity area of 1,701 square metres. This represents a ratio of 34.02 square metres of amenity space per unit, well in excess of the City's minimum requirement of 20 square metres of amenity space per unit.

Access, Parking, and Loading

A total of 82 parking spaces are proposed for the development which will be provided through four levels of underground parking. These spaces would be accessed through two car elevators operated by a full-time valet service. It is proposed that 50 spaces would be provided for building residents, a parking ratio of 1.0 space per unit, with an additional 32 spaces provided for residential visitors and hotel guests. In addition, 35 bicycle parking spaces are proposed, including 32 long-term residential spaces on the second floor of the building with a dedicated bicycle repair station and 3 short term spaces at grade along Old Lakeshore Road.

Immediately adjacent to the parking elevators is the proposed dedicated loading space, which would be accessed by vehicles through reversing into the space from Old Lakeshore Road. We note that as identified in the submitted waste management plan, the building would be privately serviced, with the loading area similar in design to other recent developments within the downtown.

At grade, the proposal also includes streetscape improvements along the sites street frontage, including an enhanced marketing zone within the ground floor setback area, a covered colonnade, and proposed canopies providing an intimate, covered, pedestrian-scaled space. Short term layby parking and loading space is proposed along the subject site's Old Lakeshore frontage, which will accommodate three short term parking spaces that can be utilized for valet operations, hotel guest arrival and departures, and short-term drop offs for building residents. Additionally, there is space for the staging of up to four vehicles within the driveway access to the proposed parking elevators for valet operations, as well as the proposed ability to use the building's loading area for an additional four spaces of overflow valet staging spaces during peak periods.

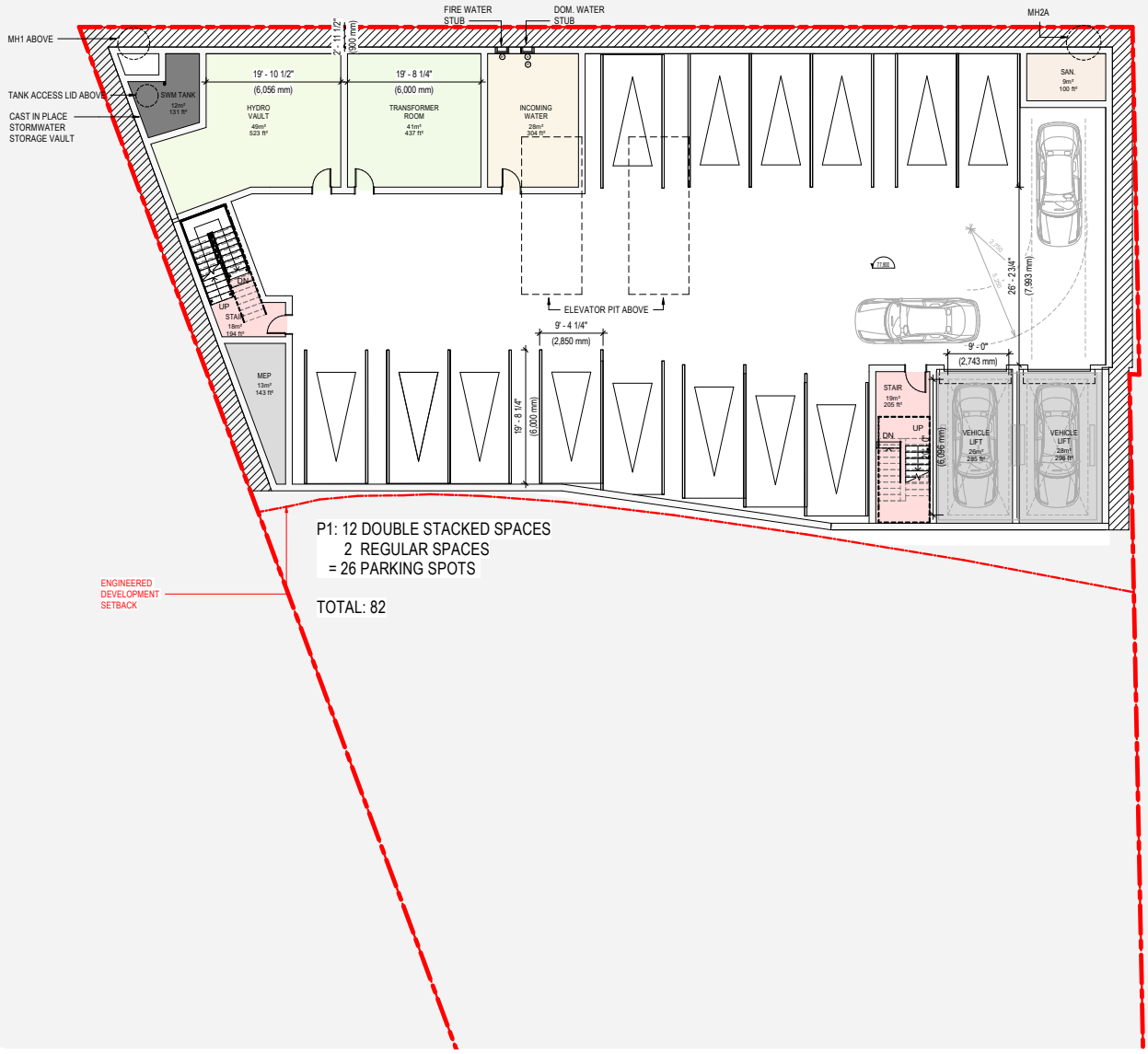


Figure 12 - P1 Plan (Provided by NEUF Architects)

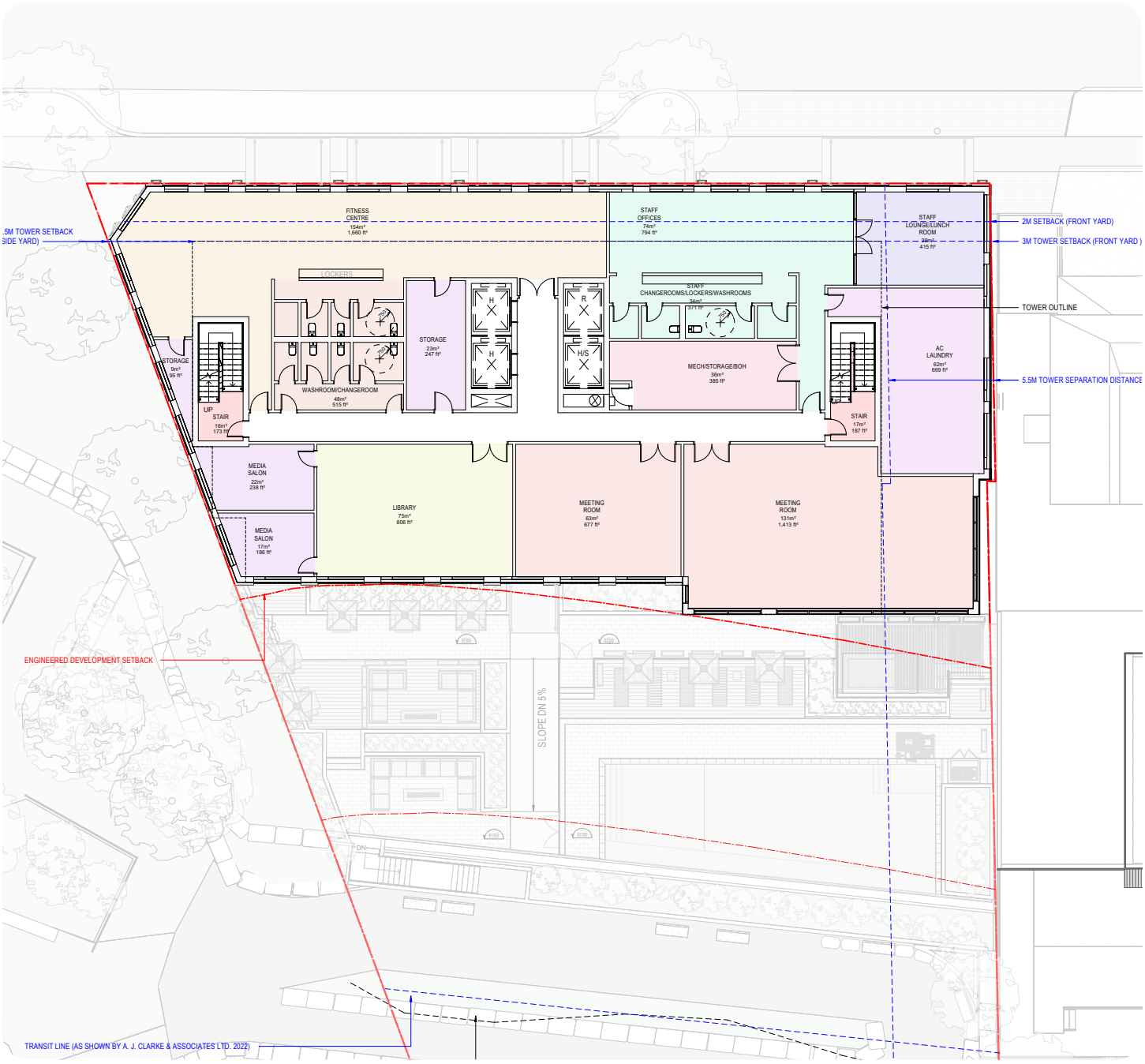


Figure 13 - Level 2 Plan (Provided by NEUF Architects)

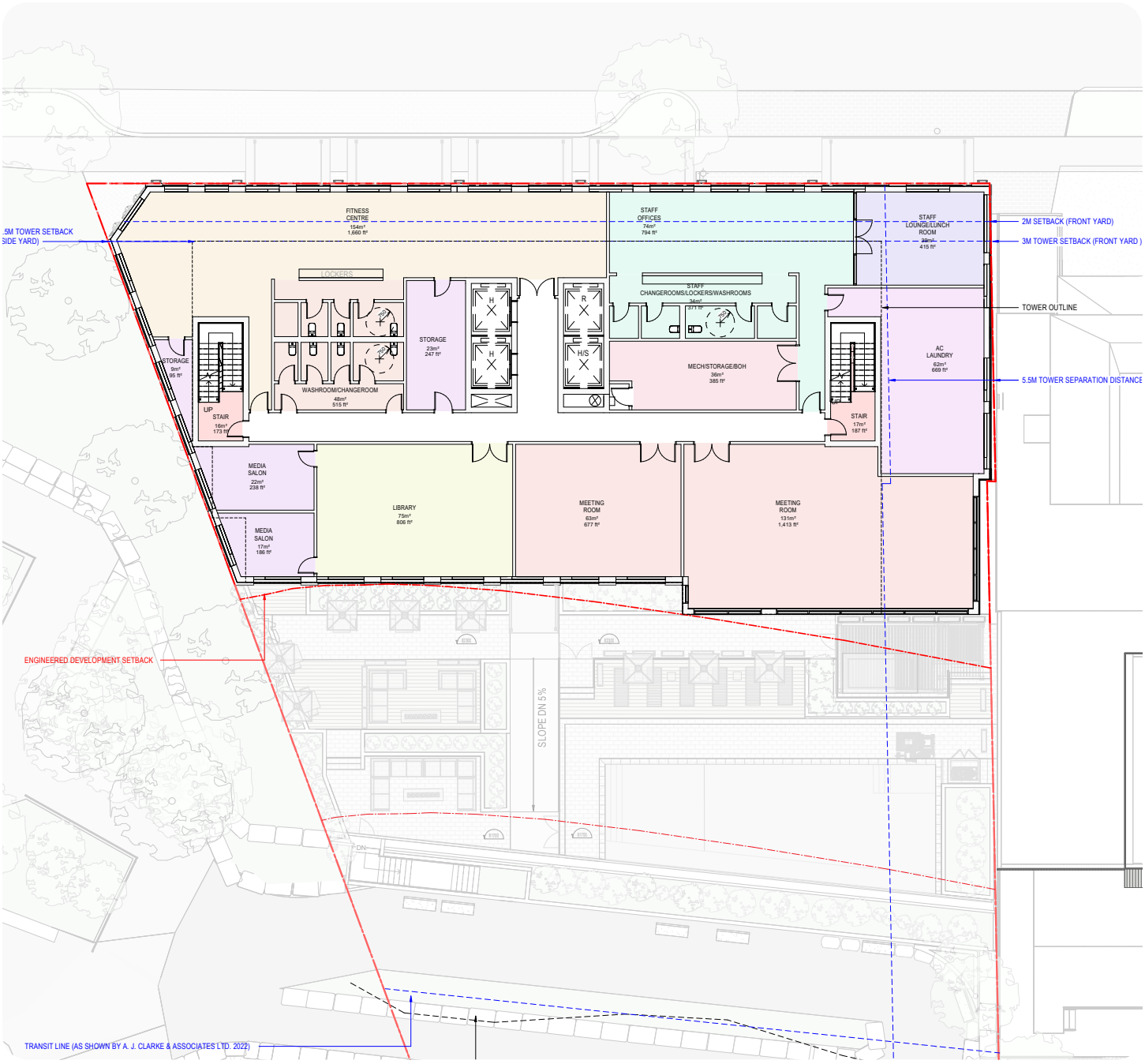


Figure 14 - Level 3 Plan (Provided by NEUF Architects)



Figure 15 - Levels 4-14 Plan (Provided by NEUF Architects)

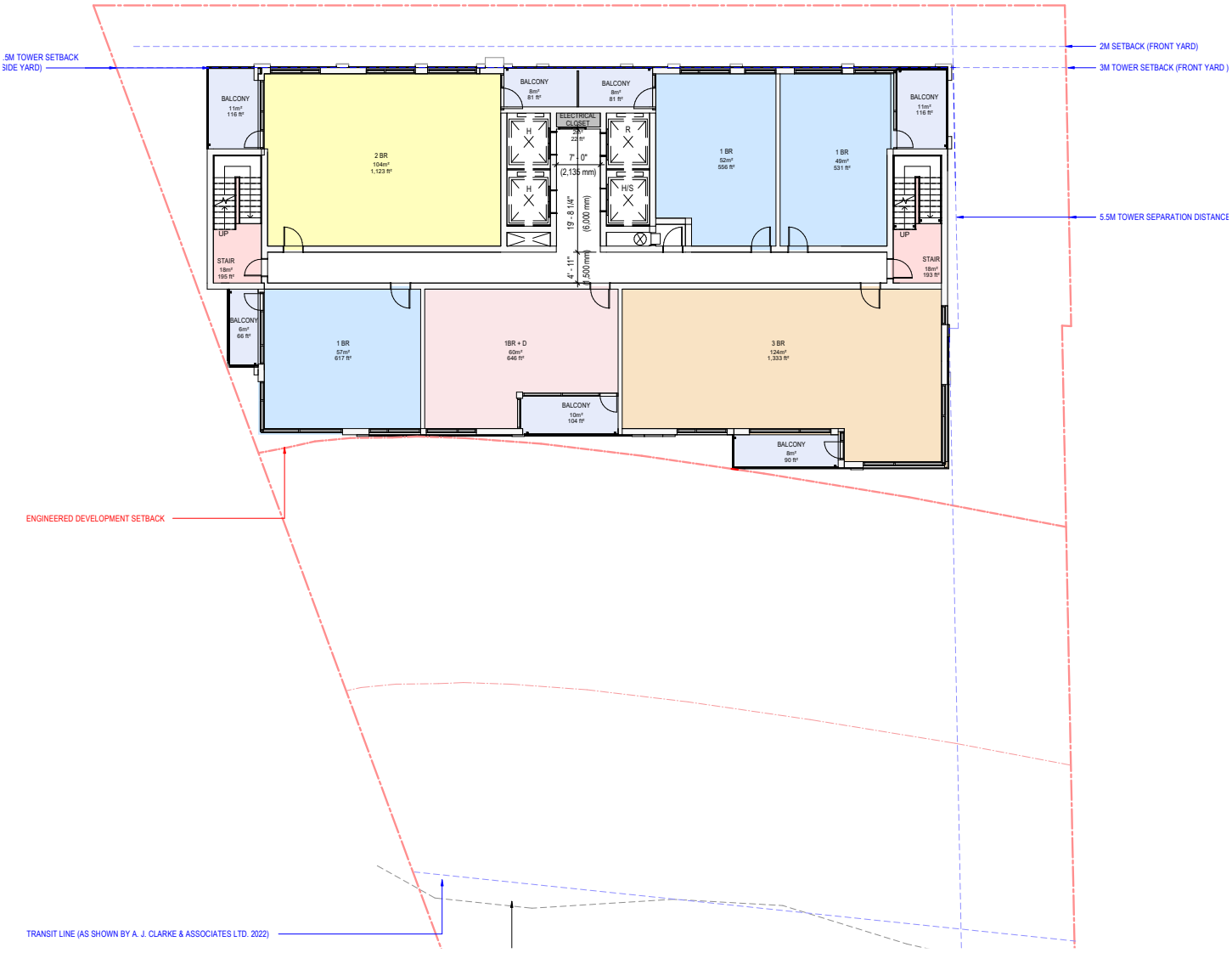


Figure 16 - Levels 15-21 Plan (Provided by NEUF Architects)

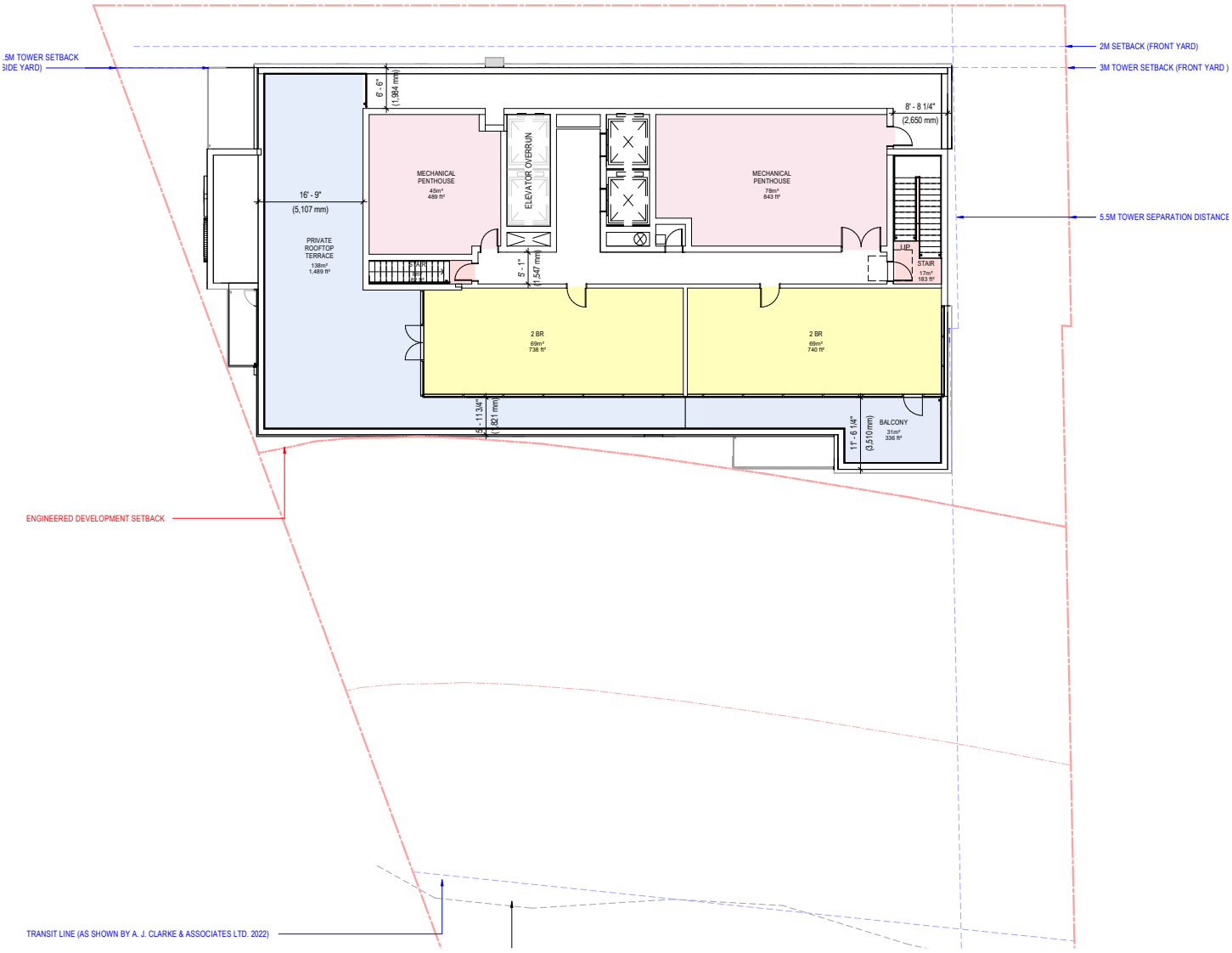


Figure 17 - Level 23 Plan (Provided by NEUF Architects)



Figure 18 - North Elevation (Provided by NEUF Architects)



Figure 19 - South Elevation (Provided by NEUF Architects)

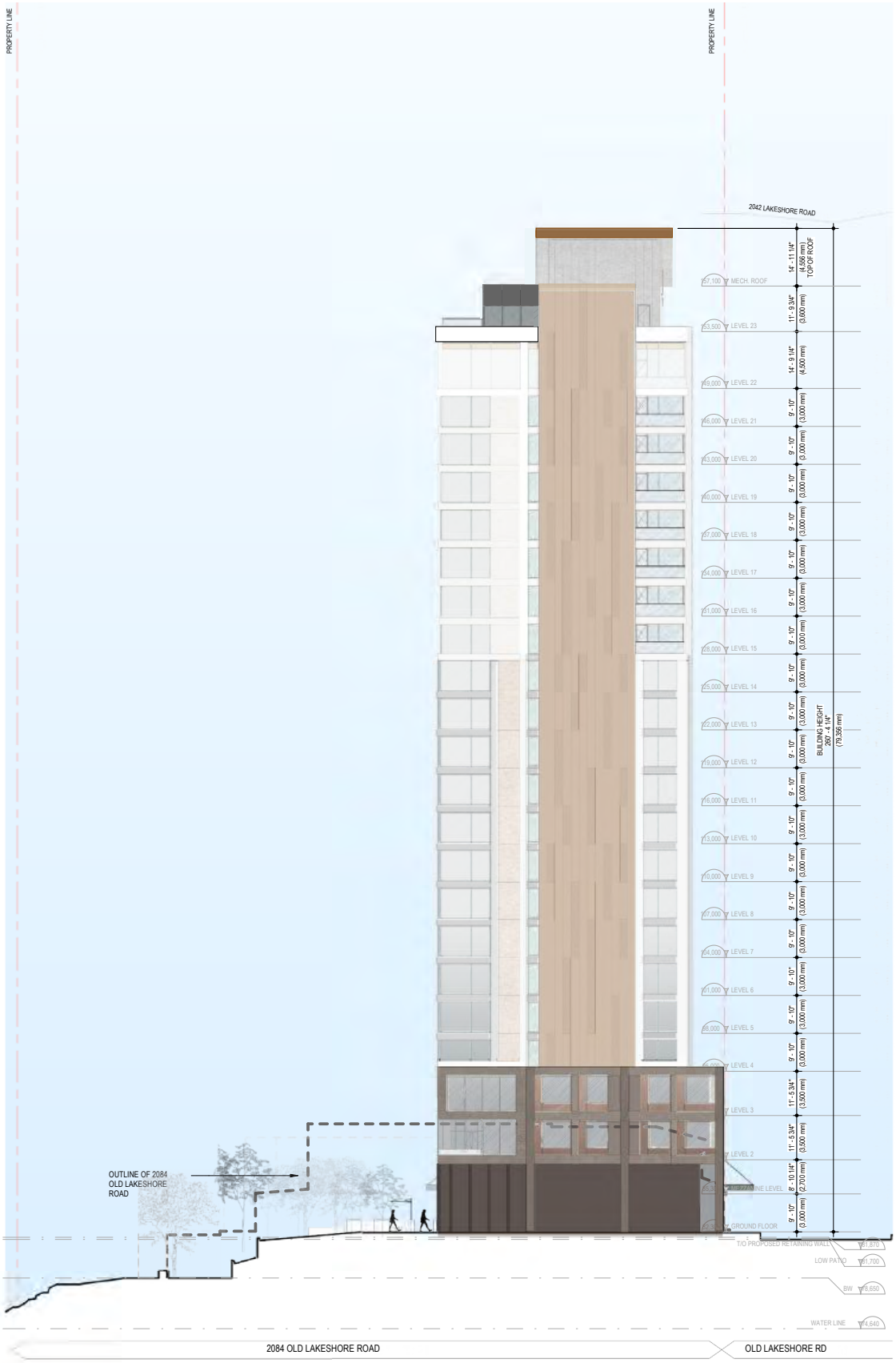


Figure 20 - East Elevation (Provided by NEUF Architects)



Figure 21 - West Elevation (Provided by NEUF Architects)

3.2 Key Statistics

Site Area Gross Net	 2,186 square metres 1,555 square metres
Total GFA	13,914 square metres
Net FAR (Floor Area Ratio)	8.95
Building Height Including mechanical penthouse	**74.8 metres** 79.4 metres
Residential Units 1-Bedroom 1-Bedroom+Den 2-Bedroom 3-Bedroom	**50** 24 (48%) 7 (14%) 11 (22%) 8 (16%)
Net Units Per Hectare	432
Amenity Space	1,701 sq. m. (including balcony and terraces) 36.98 sq. m. per unit
Vehicle/Bicycle Parking	**82 vehicle parking spaces** 50 resident vehicle parking spaces 32 hotel and visitor vehicle parking spaces **35 bicycle parking spaces** 32 long term resident spaces 3 short term resident spaces

3.3 Required Approvals

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

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



4 Policy Context

4.1 Overview

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

4.2 Provincial Planning Statement (2024)

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

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

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

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

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

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

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

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

With regards to population projections, Policy 2.1.1 of the PPS identifies that planning authorities shall base population and growth forecasts on projections published by the Ministry of Finance, and may modify, as appropriate. To that end, the Ministry of Finance projects that the Region of Halton will reach a population of 735,000 in 2031 and 980,000 in 2051. This represents a slight decrease over the projections previously required by the Province for the Region of Halton to plan for as set out in the Growth Plan for the Greater Golden Horseshoe, which projected a population of 1.1 million by 2051. Even with the slight reduction in overall growth anticipated for the Region of Halton however, when compared to the 2023 population estimate of 642,000, the updated projections represent a substantial increase in population for the region of over 52% over the next 28 years, among the fastest growing regions in the province.

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

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

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

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

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

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

Section 2.4 includes policies related to "strategic growth areas", which are relevant to the subject site. With respect to strategic growth areas, these are defined as nodes, corridors, and other areas within settlement areas that have been identified by municipalities to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include, among other things, major transit station areas, existing and emerging downtowns, and other areas where growth or development will be focused. In the case of the subject site, it is located within Downtown Burlington, the existing downtown for the City and an area identified in both the City of Burlington and Region of Halton Official Plans as a location for intensification and growth.

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

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

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

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

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

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

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

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

4.3 Halton Regional Official Plan (May 2024 Office Consolidation)

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

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

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

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

Map 1 (Regional Structure) of the ROP identifies the subject site as within the Urban Area and Built Boundary (see **Figure 22**). Policy 72 of Part III of the ROP sets out a series of objectives for the Urban Area, including:-

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

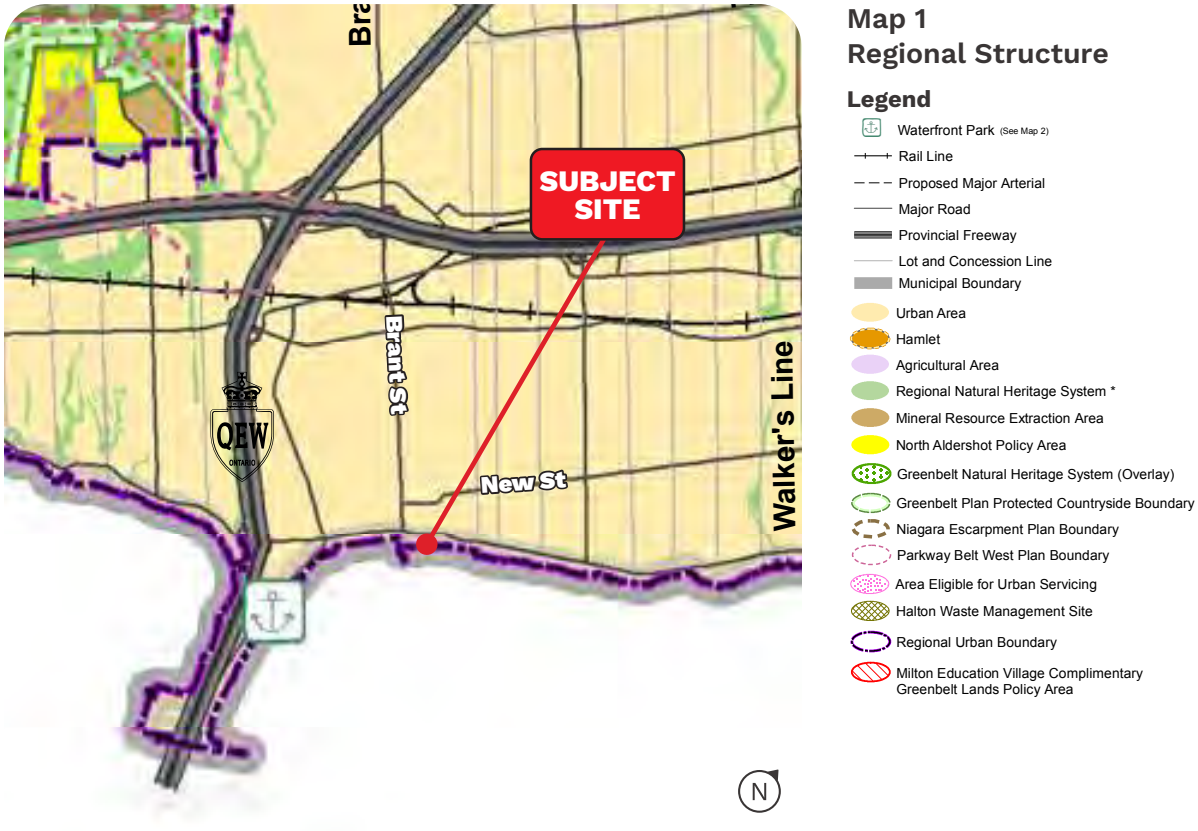


Figure 22 - Map 1, Regional Structure

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

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

Further, Map 1h, Regional Urban Structure of the ROP shows the subject site as being within a Secondary Regional Node (see **Figure 23**). This Secondary Regional Node, identified as the "Burlington Downtown Urban Centre" in Policy 82.1 (2) of the ROP, generally aligns with the location of the Downtown Burlington UGC in the Burlington Official Plan. As the subject site is within the Downtown Burlington UGC in the Burlington Official Plan, we can determine that the Secondary Regional Node policies apply to the subject site. We note that as the Burlington Official Plan has not been updated to reflect the changes in regional and provincial policy which removed the Urban Growth Centre designation, we rely on the former UGC boundaries within the Burlington OP to determine the subject site's location within the Secondary Regional Node, which is intended to be delineated within local OPs.

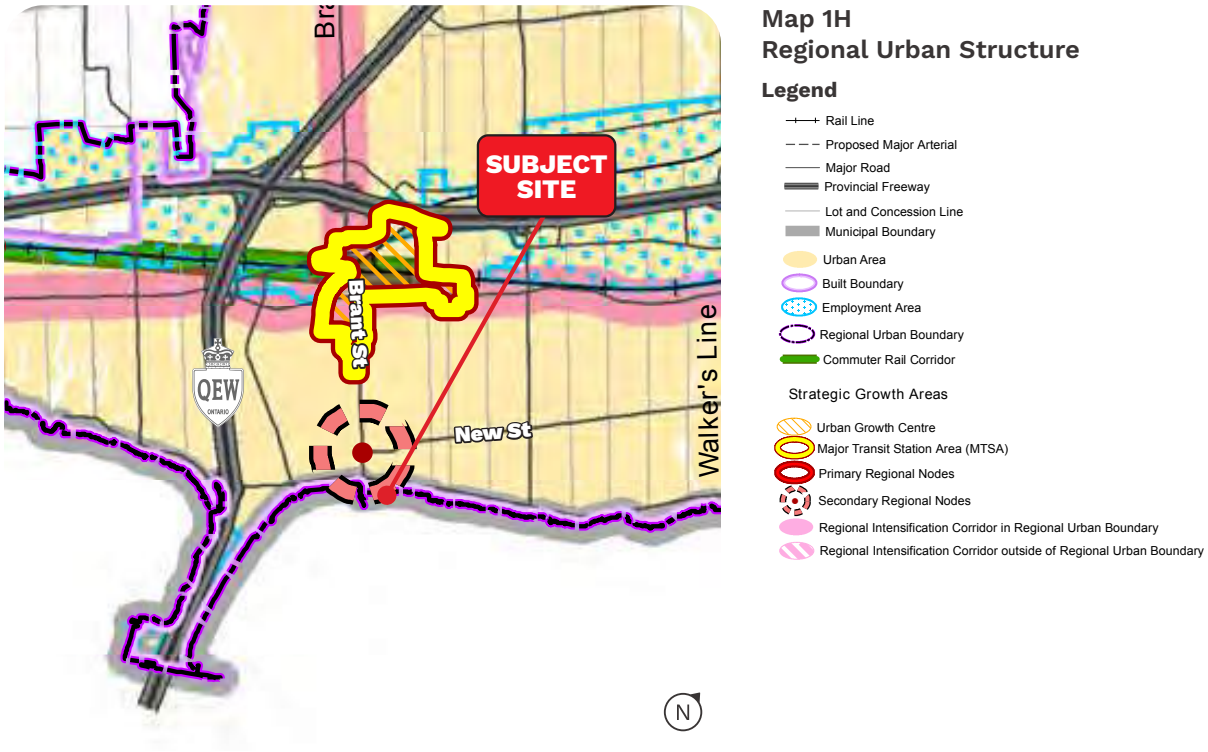


Figure 23 - Map 1h, Regional Urban Structure

Policies 79.1 and 79.2 of Part III of the ROP provides that SGAs are integral to the regional urban structure within the urban area, and that Secondary Regional Nodes have a concentration of residential and employment uses with development densities and patterns supportive of active transportation and public transit.

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

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

Policy 84 of Part III of the ROP states that the goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.

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

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

Map 3, Functional Plan of Major Transportation Facilities (see **Figure 24**), identifies Lakeshore Road as a *Minor Arterial*, and Map 4, Right-of-way Requirements of Arterial Roads (See **Figure 25**, provides that the Right of Way requirement for the street is identified within the Town of Oakville Official Plan. *Minor Arterials* are listed in Table 3 of the ROP and described as serving mainly local travel demands, accommodating active transportation, providing an intermediate degree of access control and pedestrian infrastructure as well as on and/or off-road cycling facilities where possible, and carries moderate to high volumes of traffic.

Section 89 of Part III of the ROP requires all new development approvals within the Urban Area be the basis of connection to Halton's municipal water and wastewater systems, unless otherwise exempt by other policies.



Map 3 Functional Plan of Major Transportation Facilities

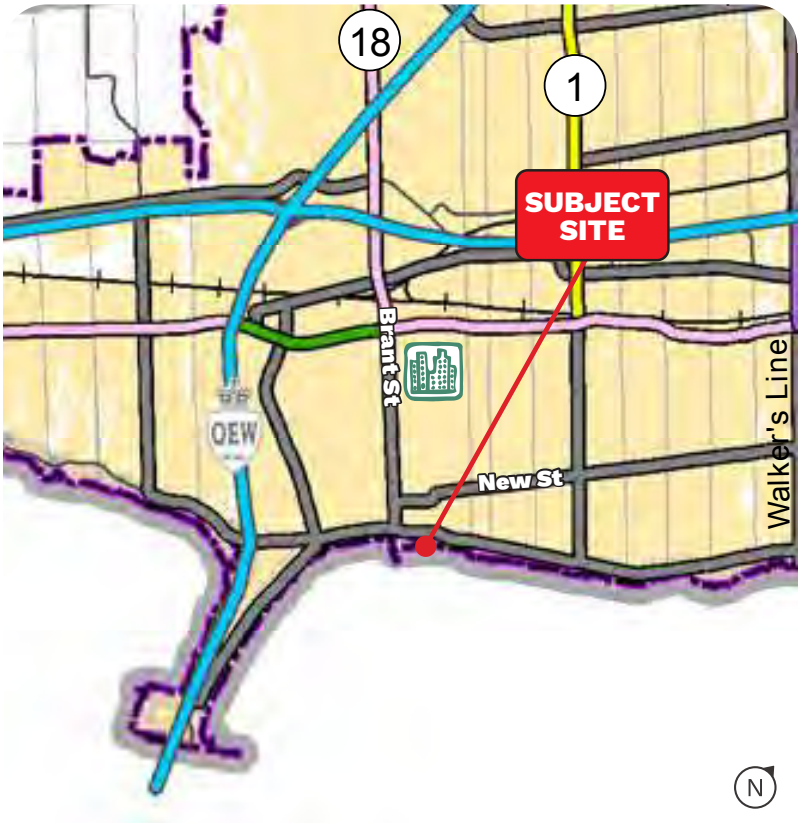
Legend

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

Highway 413 & Northwest GTA Transmission Corridor

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

Figure 24 - Functional Plan of Major Transportation Facilities



Map 4 Right-of-Way Requirements of Arterial Roads

Legend

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

Figure 25 - Right-of-way Requirements of Arterial Roads

Section 115 of Part VI of ROP provides policies direction for Regional Natural Heritage Systems. The Regional Natural Heritage System consists of (1) area designated on Map 1, (2) the shoreline along Lake Ontario and Burlington Bay, and (3) significant habitats of endangered species and threatened species not included in the designation on Map 1. Policy 118 (3.1)(C) states all development wholly or partially inside or within 120 m of a Regional Natural Heritage System requires an Environmental Impact Assessment. Further, Policy 118(15) requires properties immediately adjacent to Lake Ontario the following conditions:

a. Require, as a condition of approval, the proponent to investigate and implement as necessary shoreline erosion protection measures to the satisfaction of Conservation Halton, and the Local Municipality.

b. Require the Local Municipality to establish, in consultation with Conservation Halton, building setbacks sufficient to assure the long term safety of the structure(s).

c. Encourage the Local Municipality to obtain, through dedication, agreement or purchase, suitable waterfront property along Lake Ontario or Burlington Bay, for public access and as part of a continuous trail system along or adjacent to the waterfront.

d. Require, where the siting or size of a development warrants, that the proponent minimize any adverse effect on on-shore lake breezes and views of Lake Ontario or Burlington Bay f*rom public places such as roads, parks and trails*.

To address this policy, a Shoreline Hazards Review, completed by Shoreplan Engineering Limited in consultation with Conservation Halton, has been submitted as a part of the subject application.

Policy 147(17) of Park VI of ROP requires a property to be free of contamination property to any development and/or change of use to take place. A Regional Environmental Site Screening Questionnaire has been prepared and Record of Site Condition submitted to the Ministry of Environment that confirms this for the subject site.

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

4.4 City of Burlington Official Plan

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

Although OPA 55 updated the Official Plan to address provincial policy changes, including consistency with the 2005 PPS and 2006 Growth Plan, it has not been updated to address to the new PPS and updates to the ROP, including ROPAs 48 and 49. However, the City has initiated a process to develop a New Official Plan, which is discussed in more detail in Section 4.5 of this report. Based

on the foregoing, it is our opinion that the Official Plan is outdated and has several issues with consistency and conformity with higher-level policy documents, but it remains as the City's only guiding local planning policy document to direct and accommodate the City's long-range land-use strategy.

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

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

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

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

> *"a) Provide a community plan and growth strategy aimed at creating an attractive, liveable community that offers a wide range of housing, employment, transportation, and leisure opportunities for all its citizens.*
>
> *b) Support a healthy, clean and sustainable community based on an ecosystem approach and the implementation of the principles of Sustainable Development, by ensuring that environmental integrity and diversity, social and economic factors, and compatibility are considered in land use decisions.*
>
> *c) Ensure that the City's infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.*
>
> *d) Foster a unique, vibrant and strong community identity.*

e) Create a community development pattern that supports the existing business community and promotes new business development opportunities, by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.

f) Support a vigorous local economy.

g) Promote safety and health in the community as well as fair access to housing, municipal services, community facilities, education facilities and economic opportunity.

h) Promote the efficient use of land through intensification within appropriate areas of the City, in accordance with Provincial growth management objectives, while recognizing the need for balancing this objective with other planning considerations."

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

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

The Official Plan defines compatible as:

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

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

The policy framework in Part I, Section 4.3 provides a number of policy directions, which encourage a greater diversity of housing types to meet changing needs of the population, the development of a more self-contained city by encouraging greater live-work relationships, the focusing of more intense land uses into specified mixed-use centres and along certain roads, and to direct population growth towards underutilized or vacant parcels in existing communities, specifically to the downtown mixed use centres. Section 4.3 also provides: that new

residential growth will be mainly in the form of more compact housing to meet the needs of the changing population; encouraging a broader mix of residential dwellings in terms of type, cost, and size; that new residential development will be planned considering all forms of travel and be supportive of safe pedestrian and vehicle movement; to provide commercial development within Mixed Use Centres and Mixed Use Corridor locations; and, in respect to the Downtown, to encourage retail and office development along the core streets, particularly Brant Street and maintaining good housing stock, encouraging residential development, re-development, and intensification and providing a stronger link to the waterfront.

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

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

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

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, maintaining good housing stock, encouraging residential development, re-development, and intensification and providing a stronger link to the waterfront.

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

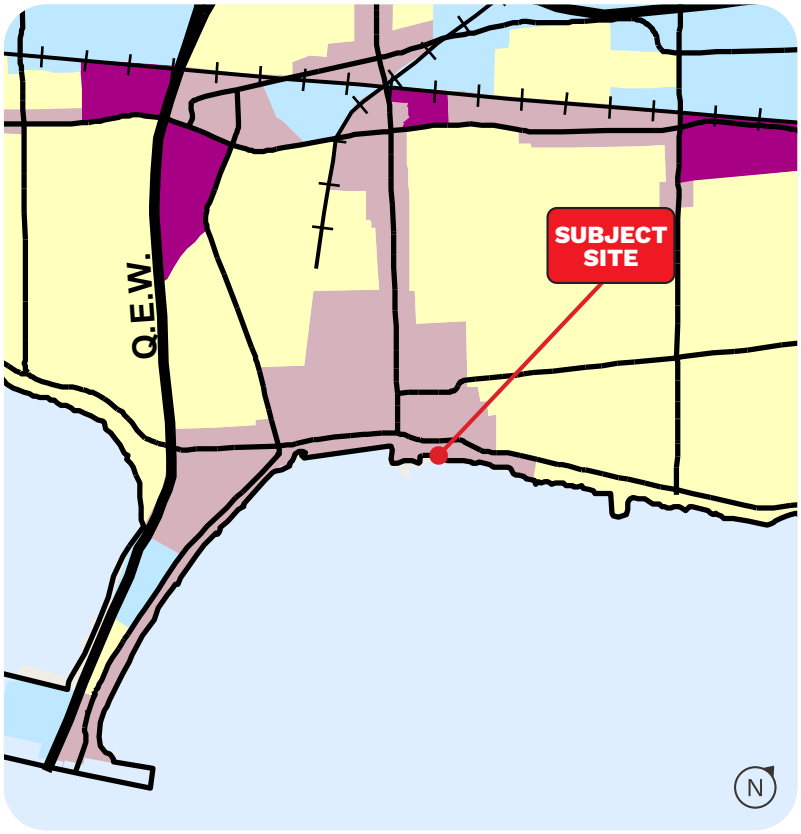
- To ensure that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character.
- To achieve a high quality of design within the public realm.
- To ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression.
- To ensure that the principles of sustainable development are considered in the design of the built environment.

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

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

Mixed Use Activity Areas Policies

As per Schedule A – Settlement Pattern in the Official Plan (**Figure 26**), the subject site is designated Mixed Use Activity Areas. Part III, Section 5.0 of the Official Plan states that lands identified as Mixed Use Activity Areas will provide locations where employment, shopping and residential uses will be developed in a compact urban form at higher development densities and will be pedestrian-oriented and highly accessible by public transit. One of the main land use designations that applies to the Mixed Use Activity Areas and the subject site is Mixed Use Centre, as shown on Schedule B – Comprehensive Land Use Planning – Urban Planning Area (**Figure 27**).

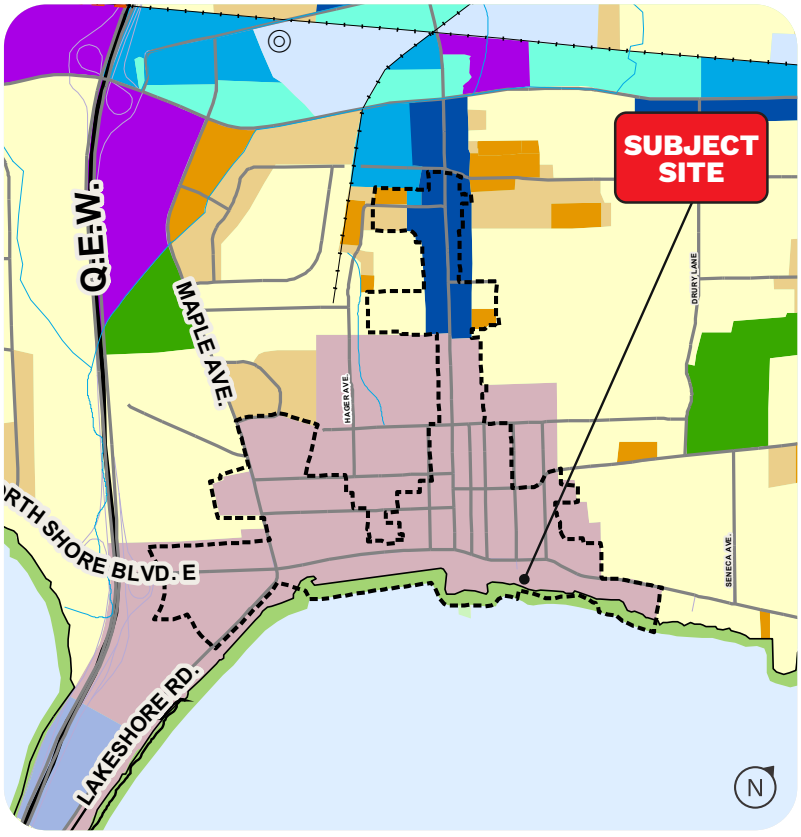


Schedule A
Settlement Pattern

Legend

- Residential Areas
- Employment Lands
- Major Retail Areas
- Service Area *(Refer to Part II, Subsection 3.4.2 h) (ii) - For use only in relation to lands which form the area of the Tremaine Dundas Secondary Plan)*
- Mixed Use Activity Areas
- Natural Features/Open Space
- Rural Lands
- Rural Settlement Area
- North Aldershot Planning Area
- Urban Planning Area Boundary
- *NOTE: For information on Deferrals and Referrals (*D or *R), please see the Explanatory Notes of the Official Plan.*

Figure 26 - Schedule A



Schedule B - Comprehensive Land Use Plan-Urban Planning Area

Legend

- Residential - Low Density
- Residential - Medium Density
- Residential - High Density
- General Employment
- Business Corridor
- Regional Commercial
- Community Commercial
- Employment Commercial
- Neighbourhood Commercial
- Mixed Use Centre
- Mixed Use Corridor - General
- Mixed Use Corridor - Commercial Corridor
- Mixed Use Corridor - Employment
- Area for future study
- Greenlands
- Major Parks and Open Space
- Natural Heritage System (Refer to Part III, Section 6.5 - For use only in relation to lands which form the area of the Tremaine Dundas Secondary Plan)
- Environmentally Sensitive Area (Note: Boundaries based on Map 1 of the Region of Halton Official Plan (2006)
- Service Area (Refer to Part II, Subsection 3.4.2 h) (ii) - For use only in relation to lands which form the area of the Tremaine Dundas Secondary Plan)
- *Parkway Belt Plan Area (Note: All lands within Parkway Belt West Plan Area Subject to Deferral *9)*
- Urban Planning Area Boundary
- Watercourses - Conceptual only, refer to Part III, Section 6.4.2 d
- Former Waste Disposal Site

Figure 27 - Schedule B

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

Mixed Use Centre Policies

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

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

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

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

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

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

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

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.

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

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

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

ii. Off-street parking is adequate;

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

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

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

vi. Effects on existing vegetation are minimized;

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

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

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

Housing Intensification Policies

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

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

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

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;

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

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

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

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

Downtown Mixed Use Centre Policies

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

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

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

ii. this area shall accommodate high density employment.

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

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

Waterfront West/Public Lands Precinct Policies

As per Schedule E – Downtown Mixed Use Centre Land Use Plan in the OP (**Figure 28**), a portion of the subject site is designated "Waterfront West/Public Lands Precinct". Part III, Section 5.5.6 of the Official Plan provides policy direction with respect to lands designated as Waterfront West/Public Lands Precinct. The City has established two objectives which focus on maintaining and attempting to increase public accessibility to the Lake Ontario waterfront and to integrate and provide linkages between the waterfront and other designations within the Downtown Mixed Use Centre.

The Waterfront West/Public Lands Precinct permits existing uses and government and institutional uses, including hospitals and long-term care facilities. Opportunities for lands designated for parks and open space uses shall provide recreational opportunities that may include festive, cultural and ceremonial activities.

Part III, Policy 5.5.6.2(c) informs the designation of privately owned properties within the Waterfront West/ Public Lands Precinct are not available or open to public use. Rather, it is the long-term intent of the Official Plan that those lands become public ownership through applications for redevelop, in accordance with the policies of Part II, Section 9.4.2.

Part III, Policy 5.5.6.2(d) requires private and public open spaces to be provided at street level in the design of new development, highlighting the importance of creating gatherings, passive leisure and pedestrian movement along the waterfront.

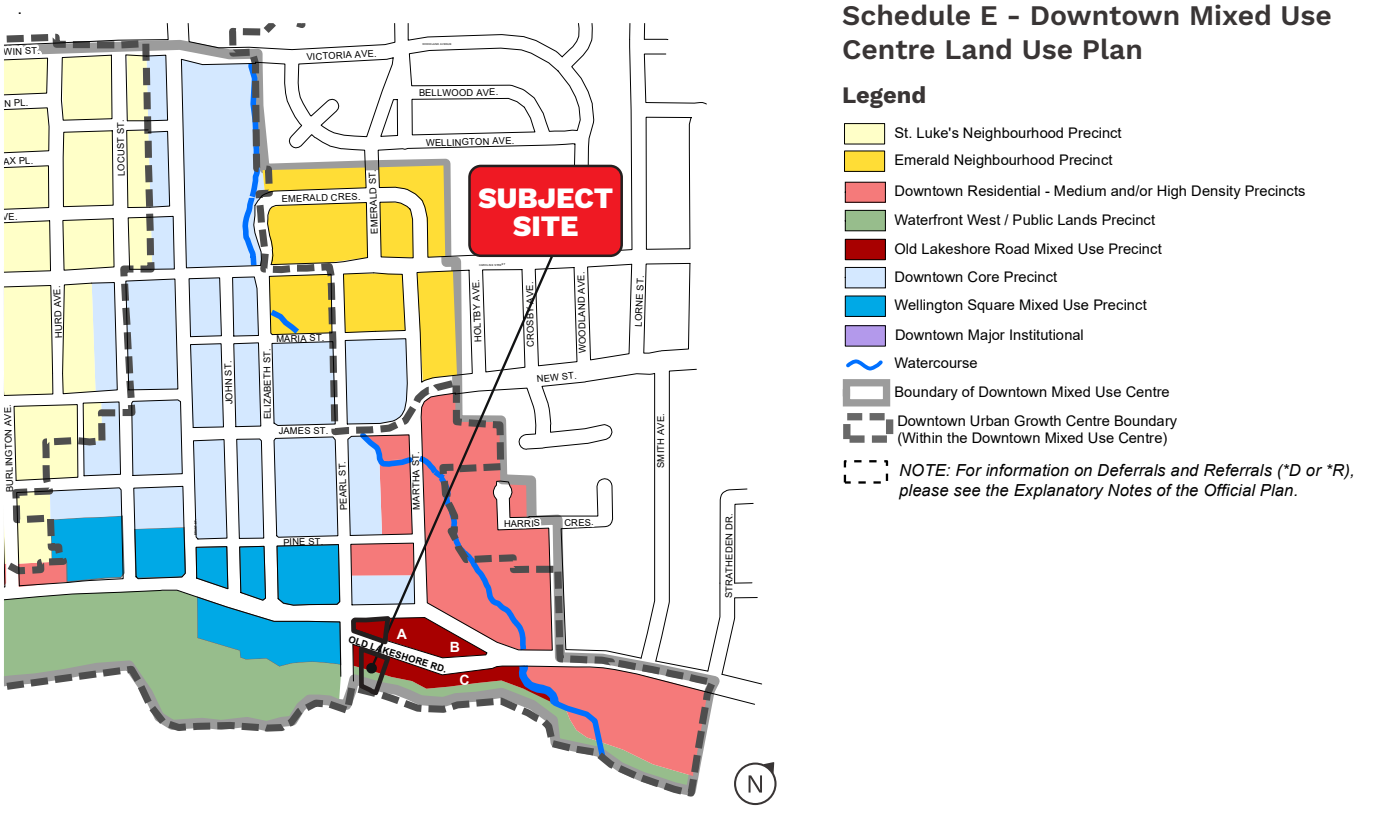


Figure 28 - Burlington Official Plan Downtown Mixed Use Centre Land Use Plan

Old Lakeshore Road Mixed Use Precinct Policies

As per Schedule E — Downtown Mixed Use Centre Land Use Plan in the OP (**Figure 28**), a portion of the subject site is designated "Old Lakeshore Road Precinct C". Part III, Section 5.5.7 of the Official Plan provides policy direction with respect to lands designated as Old Lakeshore Mixed-Use Precinct. The City has established four objectives for the Old Lakeshore Mixed-Use Precinct, which focus on high density and a high standard of design, and are as follows:

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

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

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

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

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

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

Part III, Policy 5.5.7.2(e) development within lands on the south side of Old Lakeshore Road is constrained due to the waterfront setback legislation that is administered by Conservation Halton. Notwithstanding setback legislation administered by Conservation Halton, lands located west of Martha Street extension, including the subject site, shall be subject to West Sector policies contained in Part III, Subsection 5.5.7.2.

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

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

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

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

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

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

vi. provision of enhanced public spaces;

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

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

Section 2.4 of Part VI of the Official Plan provides for community benefits in the Official Plan, with an objective of permitting increases in height and density in return for the provision of facilities, services or other matters. Policy 2.4.a of Part VI of the Official Plan provides a full list of community benefit matters which may be encouraged, including assisted or low income housing, parkland and the protection of natural features above the requirements of the Planning Act, improved access to public transit, new public areas, crosswalks, walkways, and connections, public parking, provision of community and open space facilities such as small parks, day care centres, schools, community centres, cultural facilities, firehalls, and libraries, conservation of cultural heritage features, protection or enhancement of significant views, provisions of affordable housing, provision of public art, provision of green technology and sustainable architecture, provision of streetscape improvements, and other local improvements identified in community design plans, community improvement plans, capital budgets, or other implementing plans. Policy 2.4.b of Part VI of the Official Plan further provides that Community benefits provisions shall be considered where the increased height and density conforms with the intent of the plan and the increase in height and density is compatible with adjacent existing or proposed development. We note that the Planning Act has since been amended to modify the provisions of community benefits to a more standardized "Community Benefits Charge" from the previous "Section 37" bonusing provisions which applied at the time of approval of the Official Plan.

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

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

Urban Design Policies

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

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

Transportation and Parking Policies

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

Transit Policies

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

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

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

Waterfront Policies

Part II, Section 9.0 provides policy direction for development within the Waterfront to promote and maintain the integrity of the waterfront. The Waterfront policy principles are provided in Part II, Section 9.1, which includes: public accessibility waterfront areas, the waterfront is to be a major source of community pride, development surrounding the waterfront should be healthy and sustainable, and the waterfront environment and ecosystem should be protected and enhanced.

Section 9.2 speaks to specific policies for the Natural Environment, specifically policies 9.2.2 (b) development within hazardous lands associated with the shoreline shall only be permitted subject to a permit from Conservation Halton and, if City Council considers the development to be consistent with the waterfront objectives and policies of this Plan and Policy 9.2.2 (c) development shall be set back from the stable top of bank, at a distance which is acceptable to the Conservation Halton and the City of Burlington.

Section 9.3.2 policies for public access and use ensure that a continuous Waterfront Trail will be implemented through development and/or redevelopment along Lake Ontario. Specifically, Policy 9.4.2 which outlines policy direction for development along the waterfront, states:

a. Development proposals along the waterfront shall provide for public open space and Waterfront Trail use, where feasible.

b. Development along the waterfront shall preserve or complement public views of Lake Ontario and Burlington Bay from public streets and trails.

c. The hazardous lands associated with the Lake Ontario and Burlington Bay shorelines and lands proposed for public open space use of the waterfront, including the Waterfront Trail, shall not be considered in calculating lot area or densities in plans for development and redevelopment.

d. A minimum 15 m wide strip of land from the stable top of bank along the shoreline and where appropriate, near shoreline links will be dedicated to City as part of the fulfillment of parkland dedication.

f. The design of waterfront development to include the imagery of water, through fountains, sculpture and colour, and create a thematic link between the waterfront and adjacent development shall be encouraged.

g. Development proposals along the waterfront shall identify opportunities to integrate public art or other cultural elements.

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

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

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

On April 26, 2018, Burlington City Council adopted a new Official Plan (the "New OP"), which was subject to review and approval by Halton Region. On December 4, 2018, the City of Burlington received notice from Halton Region regarding the New OP advising that it did not conform with the Regional Official Plan in a number of respects. On November 30, 2020, Halton Region approved the new Burlington Official Plan with revisions required to address the non-conformity issues, and a twenty-day appeal period ran from November 30 to December 21, 2020. In total, 48 appeals to the New OP were received by the Region. Following the Appeal of the New OP, the Ontario Land Tribunal approved some sections of the New OP on January 4, 2023, bringing them into full force and effect. As a result, some sections of the New OP are now in full force and effect and considered determinative for the subject application. The policies which were brought into force are primarily related to the overall objectives of the New OP and population projections, with more specific policies such as land use designations remaining under appeal. The 1997 Official Plan continues to be the primary local municipal planning policy document that applies to the redevelopment of the subject site.

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

Additionally, we note that the New OP, as approved by Council, is now nearly 7 years old and is not reflective of many changes to Provincial and Regional policies, particularly relating to changes to the ROP with regards to the urban structure and increased growth and intensification targets which were implemented through ROPA's 48 and 49 and a planning horizon extending to 2051, and the implementation of the Provincial Planning Statement. Additionally, the ROP is now locally administered by the City of Burlington, and thus needs to be integrated into the Burlington OP. As such, we anticipate that the under-appeal policies will require substantial revisions to be in conformity with the revised Provincial and Regional policy framework. Thus, the under-appeal policies of the New OP have been reviewed only on an informative, not determinative basis, in the review of the proposed development on the subject site. Only the policies which have been brought into force are determinative at this time.

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

In Force Policies

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

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

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

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

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

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

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

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

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

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

Section 4.5 of the New OP provides direction for Burlington's Waterfront, specifically all future development surrounding the waterfront should be clean, open, connected, green, accessible, useable, diverse, attractive and environmentally sustainable. Within Section 4.5 policies for Natural Environment (4.5.1) are in force and provide direction on maintaining, enhancing and restoring the shoreline. Policy 4.5.1(b) states development within the shoreline hazardous lands regulated by Conservation Halton shall only be permitted subject to a permit from Conservation Halton and, if the City considers the development to be consistent with the waterfront objectives and policies of this Plan. Further, Policy 4.5.1(c) states development shall be set back from the shoreline hazardous lands at a distance which is acceptable to Conservation Halton and the City. Per Policy 4.5.1(f) an unobstructed access allowance of at least 5 metres shall be provided for maintenance and repair of the shoreline.

Under Appeal Policies

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

New OP Mapping

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

Schedule B – Urban Structure

The subject site is shown within the City's urban area boundary and maintains the Downtown Urban Growth Centre designation as it exists in the OP and prior to the approval of ROPA 48. This designation is no longer conformity with Provincial and Regional policy, following changes to the Growth Plan and subsequently implementation of the new PPS as identified in section 4.2 of this report, and compounds the issues identified with the New OP which have already been discussed. The mapping in the New OP shows the subject site designated as "Urban Centres", a mixed-use intensification area designation located within walking distance of a Major Transit Station (**see Figure 29**).

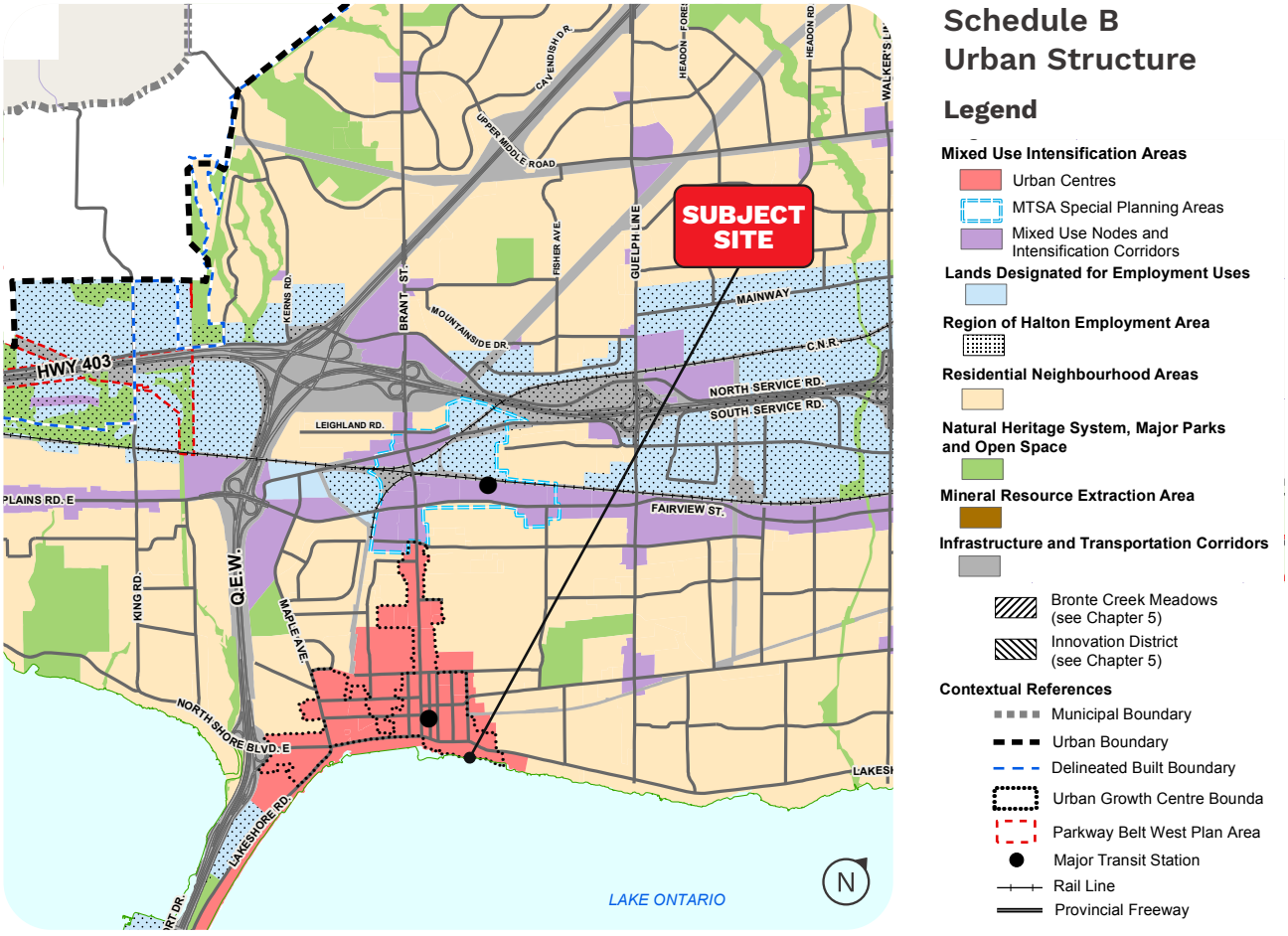


Figure 29 - New Burlington OP Schedule B – Urban Structure

Schedule B-1 – Growth Framework

The subject site is designated as a "Primary Growth Area" and "Downtown Urban Growth Centre" on Schedule B-1 of the New OP. We note that the "Urban Growth Centre" designation in provincial policy was moved to the Burlington GO station and subsequently removed entirely through the new PPS in 2024. (**see Figure 30**). As the New OP has not been substantially updated to reflect changes in Provincial and Regional Policy, the UGC designation has not yet been shifted and any related policies would not be approved by the Tribunal at the conclusion of the appeals for the New OP due to lack of conformity with Provincial and Regional Policy.

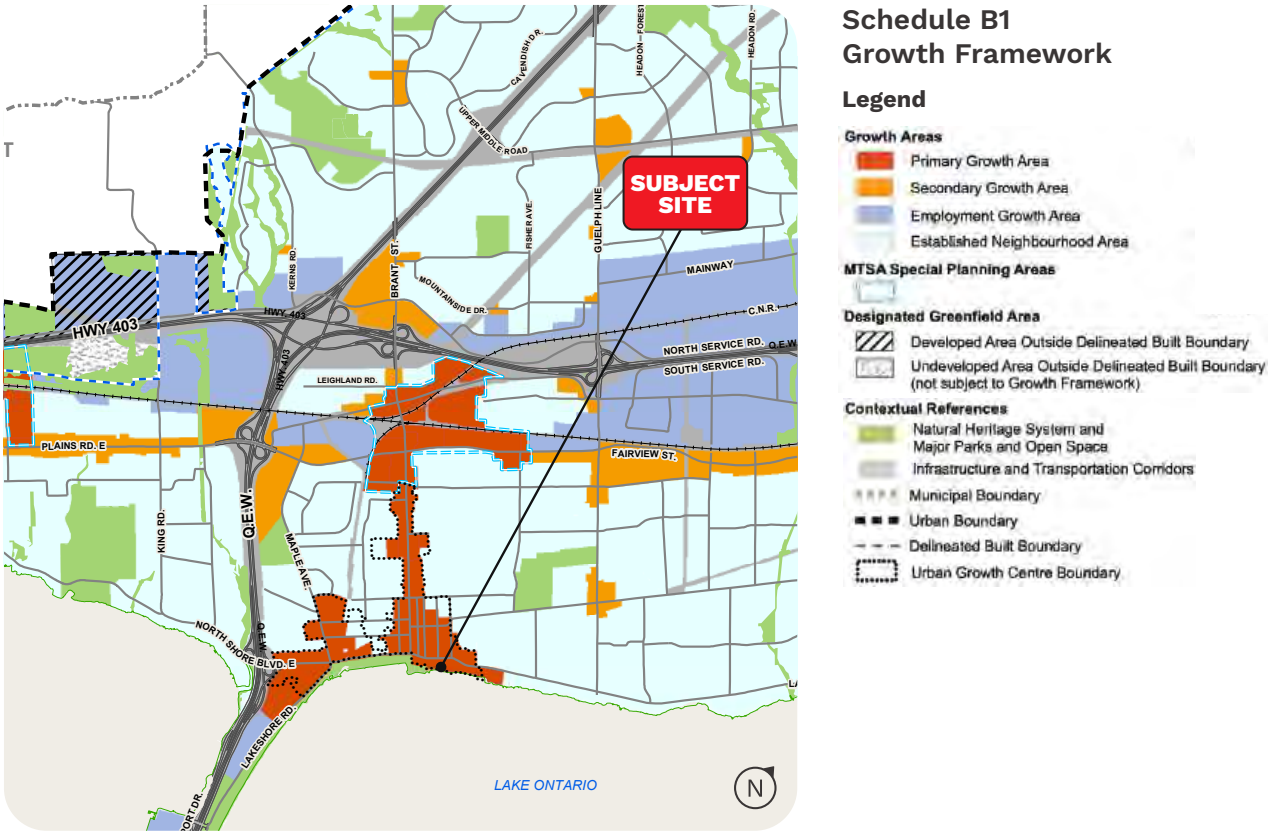


Figure 30 - New Burlington OP Schedule B-1 – Growth Framework

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

The subject site is located within a Primary Growth Area (referencing Schedule B-1) and is in easy walking distance of a 'Frequent Transit Corridor' with connections from the northwest corner Brant Street and Lakeshore Road to both a Primary and Secondary Major Transit Station Area Connector. Furthermore, the subject site is again identified as being within walking distance to a Major Transit Station (i.e. the Downtown Burlington Bus Depot). Please refer to **Figure 31**.

Schedule C – Urban Area Land Use Plan

The subject site is designated as 'Downtown Urban Centre' within the Downtown Urban Growth Centre boundary (**see Figure 32**).



Schedule B2
Growth Framework and Long Term Frequent Transit Corridors

Legend

- Primary, Secondary and Employment, Growth Areas (See Schedule B-1)
- MTSA Special Planning Areas
- MTSA Primary Connector
- MTSA Secondary Connector
- Frequent Transit Corridor
- Candidate Frequent Transit Corridor
- Transit Support Corridor
- Major Transit Station
- Go Transit Carpool Lot
- Commuter Rail Corridor / Transit Priority Corridor
- Higher Order 407 Transit Corridor
- Rail Line
- Municipal Boundary
- Urban Boundary
- Urban Growth Centre Boundary

Figure 31 - New Burlington OP Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors



Schedule C
Land Use - Urban Area

Legend

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

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

EMPLOYMENT LANDS
- General Employment
- Business Corridor

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

MINERAL RESOURCE EXTRACTION AREA

INFRASTRUCTURE AND TRANSPORTATION CORRIDORS

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

Figure 32 - New Burlington OP Schedule C – Urban Area Land Use Plan

Schedule D – Downtown Urban Centre Land Use Plan

The subject site is designated 'Old Lakeshore Road Precinct', 'South Sector' and 'Parks and Promenades designation'. (**see Figure 33**).

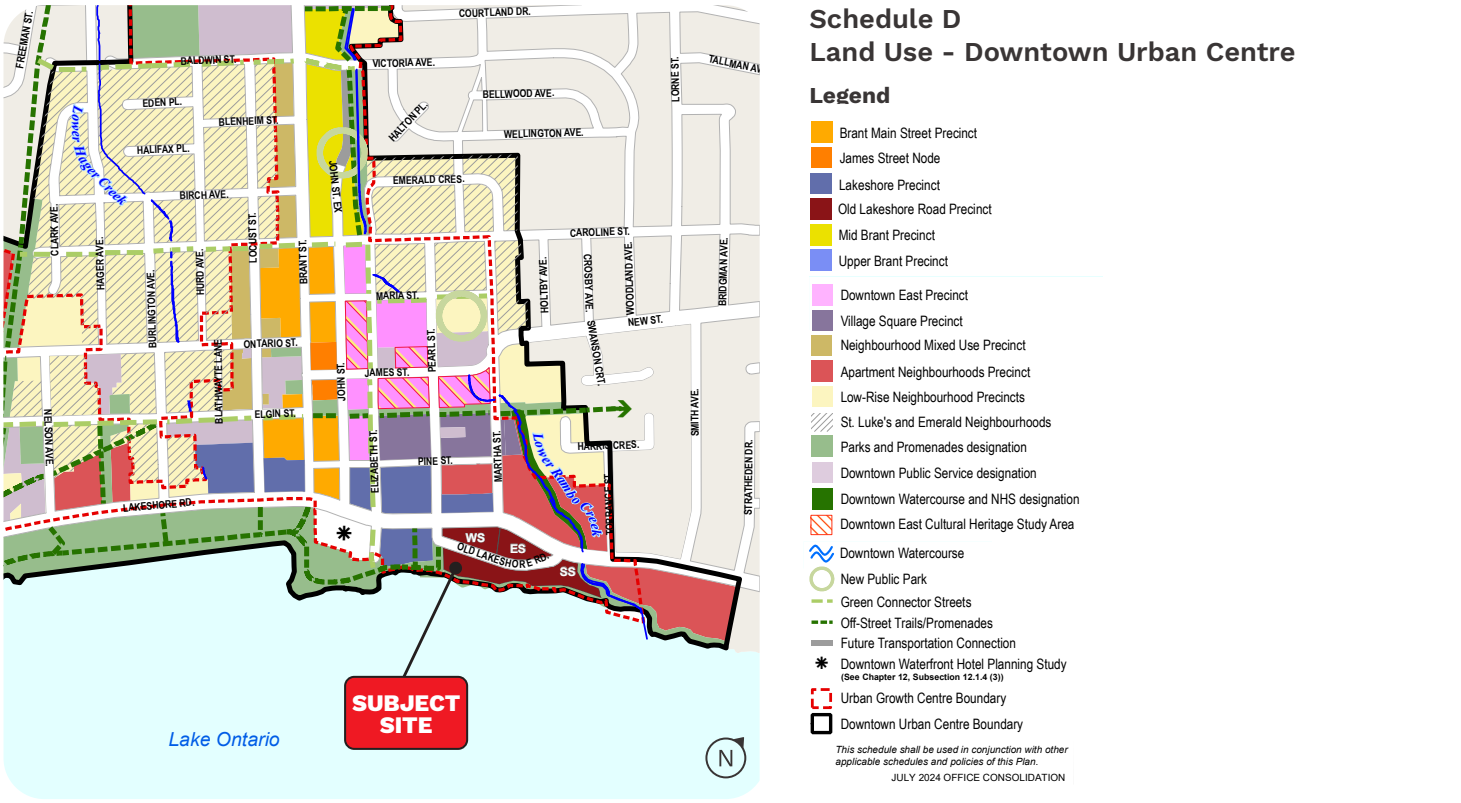


Figure 33 - New Burlington OP Schedule D – Downtown Urban Centre Land Use Plan

Schedule D-1 – Downtown Urban Centre Retail Streets

The subject site is identified within the Downtown Urban Growth Centre along a 'Mixed Use Street' (Old Lakeshore Road) (**see Figure 34**).

Schedule D-2 – Maximum Building Heights

A portion of the subject site is identified as being subject to the Built Form Policies in 8.1.1 (3.6.1). (**see Figure 35**). To the north of the subject site are two site-specific height permissions which permit 26 and 29 storeys, and 22 storeys is permitted to the west.

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

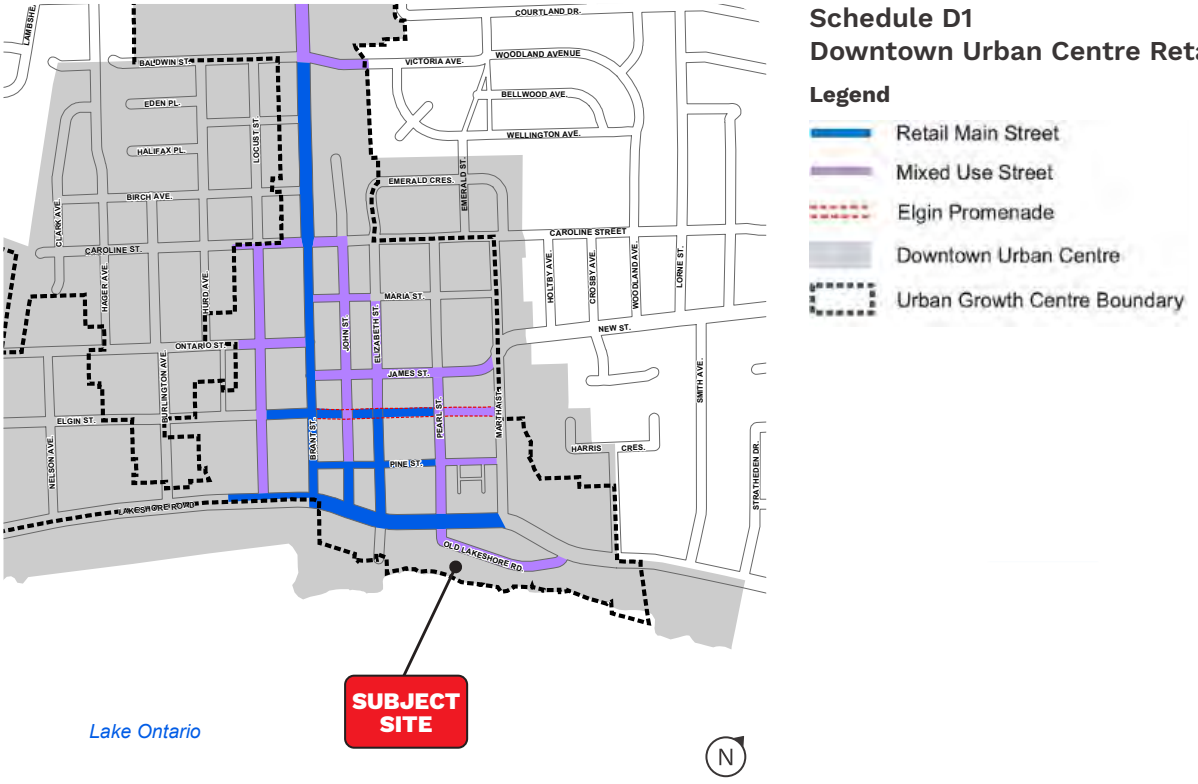


Figure 34 - New Burlington OP Schedule D-1 – Downtown Urban Centre Land Use Plan

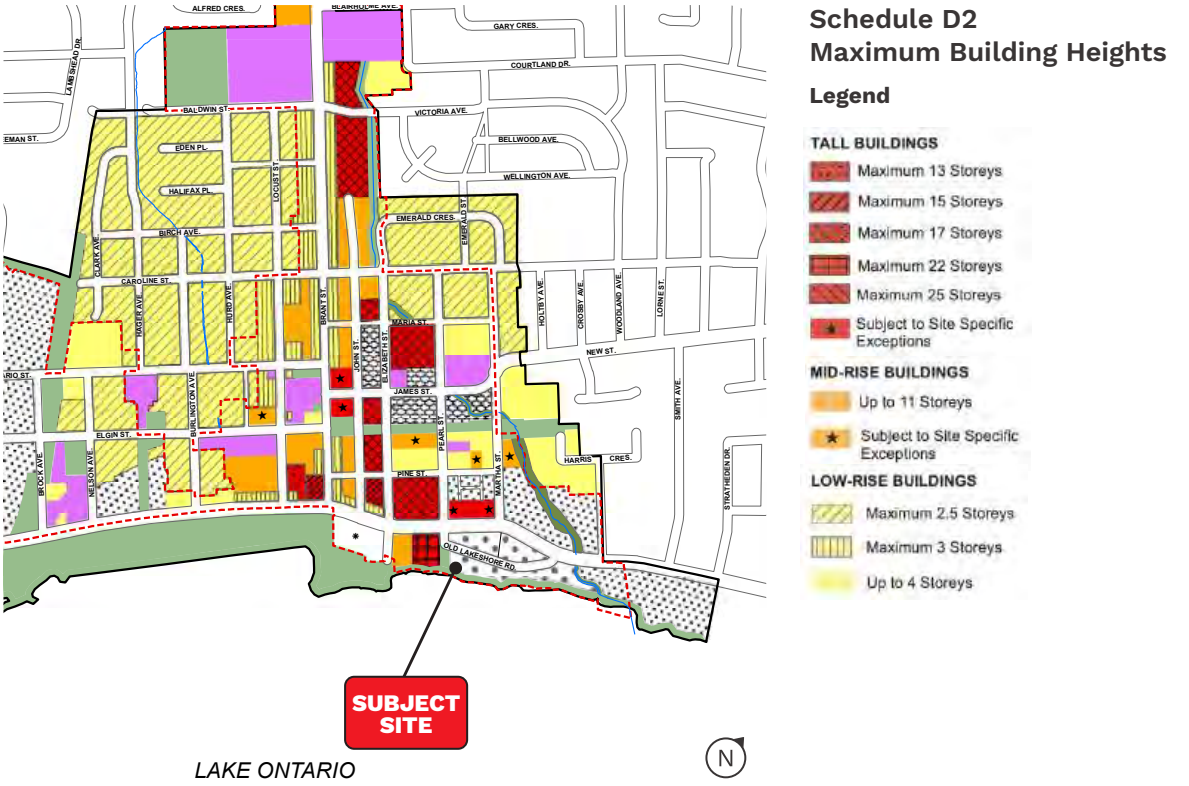


Figure 35 - New Burlington OP Schedule D-2 – Downtown Urban Centre Retail Streets

Land Use Vision Policies

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

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

The Urban Structure Policies

The City's Urban Structure establishes a vision for the Urban Area which is further refined in the Land Use Policies – Urban Area in Chapter 8 of this Plan. As noted in Section 2.3 of the Official Plan, the Urban Structure is composed of seven major components, including Mixed-use Intensification Areas such as the subject site. Section 2.3.1 provides the policy framework for the Mixed-use Intensification Areas, which include the urban centres and mobility hubs both of which the subject site falls within as per Schedule B – Urban Structure (see **Figure 29**). Policy 2.3.1(a) provides that lands identified as Mixed-use Intensification Areas provide locations where a range and intensity of employment, shopping, public service facilities, and residential uses will be developed with transit supportive densities in a compact built form where walking, biking, and transit will be prioritized.

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

As noted above, the subject site falls within the Downtown Burlington Mobility Hub as identified on Schedule D-2 (**Figure 35**), one that has been identified by Metrolinx and included in the Halton Regional Official Plan. Policy 2.3.1(i) states that Mobility Hubs consist of areas located within walking distance to a major transit station area, including the Downtown Burlington Bus Depot or GO Rail Stations which are currently or planned to be serviced by frequent transit corridors and GO Transit. The high level of existing or planned transit service within these areas provides an environment where significant residential and employment growth can be supported, specifically in the form of compact, mixed-use, and pedestrian-friendly areas. The New OP directs that Mobility Hubs are emerging areas within the Urban Structure that represent opportunities to intensity and develop complete communities.

Primary Growth Area

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

Housing Policies

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

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

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

Climate Change and Air Quality Policies

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

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

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

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

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

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

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

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

Waterfront Policies

Within Section 4.5 of the New OP policies for Public Access and Use (4.5.2) and Development (4.5.3) are under appeal. Policies within Section 4.5.2 for Public Access and Use, have the objectives to provide a visible, interconnected and publicly accessible waterfront. Specifically, Policy 4.5.2(f) states a continuous Waterfront Trail shall be implemented through development along Lake Ontario and Burlington Bay/Hamilton Harbour. To that, polices within Section 4.5.3 Development set out policy direction to encourage a balance of mix of land uses and development that is compatible with the waterfront. Policy 4.5.2(2) provides detailed policies for development along the waterfront:

a. Development proposals along the waterfront shall provide for public open space and Waterfront Trail use, where feasible.

b. Development along the waterfront shall preserve or complement public views of Lake Ontario or Burlington Bay/Hamilton Harbour from public streets and trails.

c. Development along the waterfront shall animate the waterfront and connect to the downtown and key cultural facilities.

d. The shoreline hazardous lands associated with the Lake Ontario and Burlington Bay/Hamilton Harbour shorelines, and lands proposed for public open space use of the waterfront through parkland dedication (such as the Waterfront Trail), as determined by the City and Conservation Halton, shall not be considered in calculating net areas or densities in plans for development.

e. Along the waterfront where the distance between the water and the public roadway will accommodate both some form of development and the Waterfront Trail and/or Windows to the Lake or other waterfront open space, the proponent of an Official Plan Amendment, Zoning By-law Amendment or plan of subdivision, shall, to the satisfaction of the City:

i. dedicate to the City the shoreline hazardous lands as determined by the City and Conservation Halton, as a condition of development;

ii. dedicate to the City as part of parkland dedication, a minimum fifteen (15) m wide strip of land along the shoreline as determined by the City and Conservation Halton. If the value of this dedication exceeds normal park land dedication requirements of the city, the proponent shall receive compensation for the difference (i.e. either payment or considered as a contribution towards community benefits) as a condition of development approval;

iii. dedicate to the City as part of parkland dedication, where appropriate, links to adjacent public open space, roadways and other properties. If the value of this dedication exceeds the normal park dedication, the proponent shall receive compensation for the difference (i.e. either payment or considered as a contribution towards community benefits) as a condition of development approval; and

iv. carry out a survey, shoreline protection, and basic grading of the Waterfront Trail and any required fencing as a condition of development approval. The City will be responsible for detailed trail design and finished construction.

f. The City may also apply the policies in Subsection 4.5.3(2) e) of this Plan to site plan applications and consents to sever land, where appropriate.

g. Shoreline hazardous lands, public open space and Waterfront Trail lands dedicated to the City will be retained by the City and the City will be responsible for the liability and maintenance of the lands.

h. The City will encourage that the design of waterfront development include the imagery of water, through fountains, sculpture and colour, and create a thematic link between the waterfront and adjacent development.

i. Development proposals along the waterfront in the downtown or on publicly owned lands should integrate public art and/or other cultural elements.

j. Development of publicly owned waterfront open space will be in accordance with City or Regional approved Park Master Plans or Park Development Plans.

Multimodal Transportation Policies

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

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

In regard to public right-of-way allowances, Policy 6.2.7.(2)(d) states that public right-of-way widths not identified in Chapter 14, Table 2: Public Right-of-Way Widths, of this Plan shall be the actual width as it existed on the date of approval of the Official Plan. As such, Old Lakeshore Road, having not been identified on Table 2, is expected to continue to operate under it's existing road width and no road widenings are required from the subject site.

Design Excellence Policies

The preamble in Chapter 7 of the New OP outlines the role that urban design plays in promoting a sense of place and community and by inviting people to share a collective vision for where they want to live, work, visit, and enjoy. Section 7.1.2 provides policy framework that is related to design, which include among others; the design policies contained in this section shall be considered in the review and approval of all development applications (a); design guidelines may be developed for certain types of building forms, land uses, streetscapes,

streets, and roads or specific areas in the city and that council approved design guidelines will be utilized in the review and evaluation of development applications (d); and development proponents may be required to prepare and implement an urban design brief to the satisfaction of the City that demonstrates how the proposed development meets the policies of this Plan and addresses the relevant design guidelines (e).

Public Realm Policies

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

i. Improving the quality of public spaces;

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

iii. Improving the quality and convenience of active transportation;

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

v. Implementing AODA design measures;

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

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

xiv. Implementing CPTED design standards.

Urban Design and Built Form Policies

Policy 7.3.2 of the New OP states that in areas identified on Schedule B-1: Growth Framework, and subject to the policies of Subsection 2.4 of the New OP, development shall address considerations such as, but not limited to: ensuring site and building design are compatible with the surrounding area; providing appropriate built form transition in scale between buildings, public realm, and abutting development through design methods such as angular planes, step backs, and building orientation; provide appropriate screening, landscape buffering, and other design measures to minimize impacts; provide pedestrian comfort and human scale at the street level reflecting the established and planned streetscape to frame the public realm, through various design methods including the use of podiums in tall buildings; provide façade articulation that achieves a scale of development that is attractive to pedestrians and avoids the use of blank walls; designing and orienting development that face public open spaces to contribute to the public realm and pedestrian environment; and implementing measures that adequately limit any resulting shadowing, uncomfortable wind conditions on the streetscape, neighbouring properties, and parks and open spaces.

Furthermore, Policy 7.3.2(1)(a) of the New OP states that in Primary Growth Areas as shown on Schedule B-1: Growth Framework (**Figure 30**), development shall promote a transit-supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses. Policy 7.3.2(1)(a)(i) provides that the design of development in Primary Growth Areas shall address the policies of Subsection 7.3.2(a) as noted above, but also have additional consideration such as, amongst others:

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

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

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

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

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

Land Use – Urban Area Policies

The subject site is identified in the New OP as Mixed-use Intensification Areas and designated 'Urban Centres' as shown within Schedule C – Land Use – Urban Area of this Plan (**Figure 32**).

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

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

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

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

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

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

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

Old Lakeshore Road Precinct Policies

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

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

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

a. assembly of lands within the Old Lakeshore Road Precinct between Pearl Street and the future Martha Street alignment and view corridor to the Waterfront (including all lands within the West Sector (Area 'WS'), portions of the westerly portion of the existing Old Lakeshore Road public right-of-way and the westerly portion of the South Sector (Area 'SS') lands contained within the described area);

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

c. construction, and dedication to a public authority, of a public waterfront access that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension, in accordance with Subsection 8.1.1(3.6.1) c) (ii) of this Plan;

d. closure of the portion of Old Lakeshore Road identified in Subsection 8.1.1(3.6.1) c) (ii) a. of this Plan;

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

f. provision of enhanced public spaces;

g. conservation or re-location of significant cultural heritage resources within the precinct;

h. submission of an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how any adverse impacts can be mitigated to acceptable levels; and

i. community benefits.

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

Notwithstanding section 4.5.3 of this New OP, specific to development adjacent to the waterfront tail, Policy 8.1.1(3.6.1) i), states the distance between the water and the public right-of- way will need to accommodate both the development and the Waterfront Trail. A minimum fifteen (15) metre wide strip of land above the stable top of bank should be dedicated to the City as park land dedication.

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

Policy 8.1.1(3.6.1) k) of the New OP expands upon this, providing that in the case of a development application preceding an Area Specific Plan for the lands within the Old Lakeshore Road Precinct, a special study for the entire Old Lakeshore Road Precinct shall be submitted and implemented based on a terms of reference completed to the

satisfaction of the City. The special study shall demonstrate how the proposed development contributes towards, or does not impede the achievement of, the policy objectives for the Old Lakeshore Road Precinct identified in Policy 8.1.1 (3.6.1) a) through j). The special study will also demonstrate how the development is consistent with all applicable Official Plan policies and design guidelines.

Downtown Parks & Promenades Designation Policies

As shown on Schedule D — Downtown Urban Centre Land Use Plan, a portion of the subject site is designated 'Parks and Promenades designation'. Section 8.1.1(3.14) of the New OP provides that the objective of the Parks and Promenades designation is to identify current and future parks, promenades and green spaces within the Downtown, including key linkages between parks and the waterfront. Policy 8.1.1(3.14.1)(a) states permitted uses within the Parks and Promenades designation as follows:

i. existing uses;

ii. municipal parks and related facilities;

iii. outdoor recreation uses;

iv. non-intensive recreation uses;

v. temporary retail and service commercial kiosks;

vi. outdoor entertainment facilities; and

vii. specifical events including festive, cultural and ceremonial activities.

Policy 8.1.1(3.14.1)(g) states privately-owned publicly accessible open spaces (POPS) may be used to augment public space but shall not be used as a replacement to public parkland dedication.

Policy 8.1.1(3.14.1)(s) provides policy direction that a continuous waterfront promenade shall be developed along the entire Lake Ontario frontage within the Downtown Urban Centre. The promenade may be achieved in conjunction with the necessary shoreline protection. Further, Policy 8.1.1(3.14.1)(s) states public access shall be provided to the Lake Ontario waterfront within the Downtown, where feasible.

Lastly, all lands adjacent to the Lake Ontario Waterfront shall be subject to the policies of Section 4.5 Waterfront, of the New OP (Policy 8.1.1(3.14.1)(u)), as noted above.

Mobility Hub Policies

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

Section 8.1.2(1) of the New OP provides objectives related to Mobility Hubs which include, but not limited to: to develop the mobility hubs into compact, pedestrian, environmentally sustainable and transit-supportive places (b); to promote intensification in order to achieve transit-supportive residential and employment density targets (c); to establish the mobility hubs as areas largely characterized by mixed-use development that will strengthen the shop/live/work relationship and facilitate vibrancy day and night (d); to provide a network of complete streets which provide for the efficient, accessible, and safe movement of goods and people which prioritize pedestrian, bicycle, and transit activities (e); to develop mobility hubs into effective multi-modal transit station areas that provide seamless connections between different modes of transportation including frequent transit

corridors (f); to ensure mobility hubs have strong and integrated multi-modal connections with adjoining areas (g); to prioritize the development and intensification of underutilized lands and buildings (h); to provide mid-rise and tall-building forms, where appropriate, that support a variety of demographics (j); to provide opportunities for a range of small and medium scale retail and service commercial uses that serve the needs of residents and employees (k); to encourage a diverse range of household sizes (l); and to ensure appropriate transition in scale, intensity, height and massing (n).

Section 8.1.2(2) of the New OP further states that for the Downtown Mobility Hub, as identified on Schedule D: Downtown Urban Centre, of this Plan, the objectives and policies of Urban Centres contained in Subsection 8.1.1 of this Plan, the Downtown Urban Centre contained in Subsection 8.1.1(3) of this Plan, Mobility Hubs contained in this Subsection 8.1.2 of this Plan, and any other applicable policies of this Plan, shall apply.

As previously identified, it is our opinion that the under appeal policies of the New OP are not relevant with regards to the review of the proposed development. Much of the New OP as approved by Burlington City Council has significant issues of conformity with the latest policy directions in Provincial and Regional policy documents, and the vast majority of the New OP remains under appeal, including on a site-specific basis by the applicant. This issue of conformity has additionally been identified by City Staff, who are currently working to update the New OP to respond to these changes in policy direction. As such, we believe that the New OP should not be given significant weight in the review of the subject applications and instead the focus should be placed on the in-force policies of the New OP which do not have issues of conformity Provincial and Regional Policy documents. Through this lens, it is our opinion that the subject applications have appropriate regard New OP.

4.6 City of Burlington Zoning By-law 2020

Pursuant to Zoning By-law 2020, the subject site is zoned Downtown Old Lakeshore Road - C (DL-C) as shown on the City's interactive zoning map (**see Figure 36 - Zoning By-law 2020**). Additionally, a narrow portion of the site along Lake Ontario is designated Community Park (PC).

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

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

In the DL-C zone, the subject site is subject to Part 1, Section 2.30 and DL-A zone regulations.

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

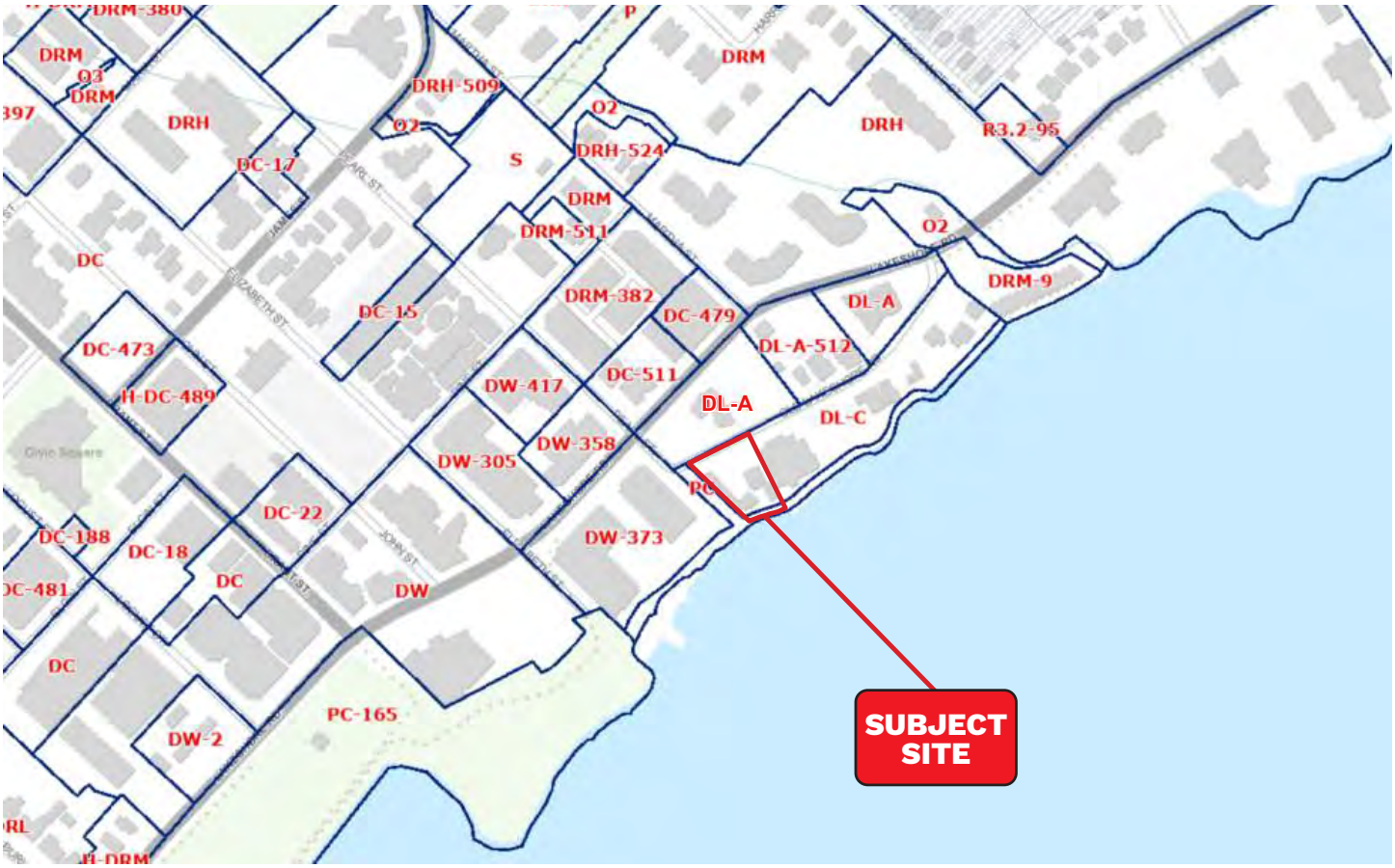


Figure 36 - Zoning Map

The PC zone permits limited community and park related uses, including City and community parks, recreation facilities, cultural heritage resources and facilities, and festive, cultural and ceremonial uses.

In addition, the subject site is located within the City's "Downtown Parking Exemption Area" according to the Zoning By-law, which recognizes the high-density, mixed-use development of the area (see **Figure 37 - Downtown Parking Exemption Area**). Parking requirements within this area have been updated to require only residential parking, with parking requirements for all other uses, including hotel uses, removed. Residential parking is to be provided at a rate of 1.25 spaces per unit.

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

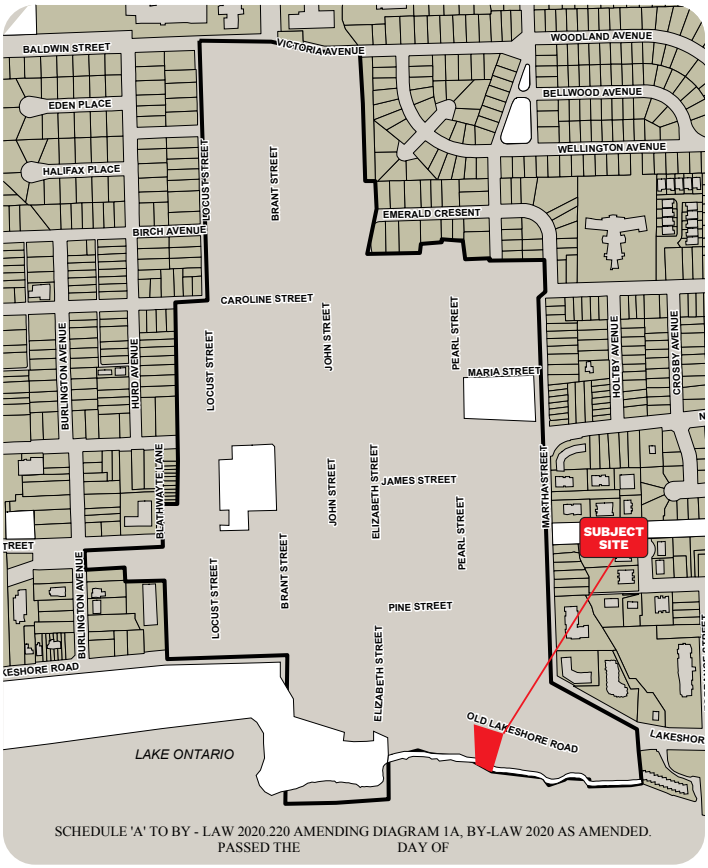


Figure 37 - Downtown Parking Exemption Area

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

4.7 Downtown Urban Design Guidelines (October 2006) & Phase II: Old Lakeshore Road Precinct Urban Design Guidelines (2009)

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

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

The subject site is located within the Old Lakeshore Road Precinct Special Study Area within the Downtown UDGs.

In 2006, after the adoption of the Design Guidelines, Council directed staff to undertake a detailed land use study of the Old Lakeshore Road Precinct recognizing its unique context and distinction from other areas in the Downtown. The document details the existing condition of the precinct, provides recommended development options to guide height and massing and sets out guidelines related to the treatment of the public and private realm.

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

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

4.8 Tall Building Design Guidelines (May 2017)

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

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

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

Building Base

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

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

Podium Location

a. Located to frame the street, and on corner lots, located to frame both streets.

b. On retail streets (i.e. Brant Street), and other streets where a strong streetwall exists, should reinforce the established streetwall.

c. Where no streetwall has been established, should be set back at grade to create wide boulevards that accommodate pedestrians, street trees and landscaping, and active at-grade uses. A 6.0 metre boulevard measured from curb is preferred, except where existing conditions preclude. The intent is that a road widening will not be required to specifically achieve this guideline.

d. On sites with multiple towers, mid-block pedestrian connections should be provided through the podium to enhance permeability, break-up the podium, and create additional corner conditions.

e. Where windows are proposed within the podium, an 11-metre separation distance shall be provided between adjacent buildings. Where no adjacent buildings exist, a 5.5 metre setback is appropriate. Where a continuous streetwall is desirable, no side-yard setbacks are necessary. Continuous street walls are generally desirable, except where special site or block conditions require breaks to access mid-block connections, public courtyards, or other open spaces.

f. Buildings can cantilever over side yard setbacks to create a weather protected mid-block connection, public courtyard, or other public open space. Buildings can cantilever above: a) a grade level height of 4.5 m or more; or b) above the second floor where the grade level height is less than 4.5 m.

Podium Height and Massing

a. The height of the podium, and the tower stepbacks above, should generally reflect the established and planned streetwall subject to the guidelines below. Small variations are encouraged to create a varied streetscape.

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

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

d. The floor-to-ceiling height of the ground floor should be a minimum of 4.5 metres to accommodate internal servicing and loading, and active commercial uses (where permitted).

Shadows/Sky Views

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

Podium Design and Articulation

a. Sides constructed with highest quality architectural design and materials.

b. Materials to reflect intended use and should not mimic other materials, should complement the established character of the street where appropriate.

c. The use of 'heavy' materials (i.e. brick, stone, or metal) used to anchor building.

d. Portions of the podium roof that are not occupied by a tower should be used as outdoor amenity space to provide casual surveillance and interesting views from the street.

e. Large podiums to be visually broken into smaller components. Mixed-use podiums shall reflect multiple retail units, while residential buildings shall provide individual entrances for ground floor units. In the downtown, podiums shall reflect the traditional 7-10 metre lot width.

f. At grade residential units should be set back a minimum of 3.0 metres from street wall. Front yards should incorporate landscaping and enclosure to provide privacy to individual units.

g. Main building entrances clearly demarcated and provide focal point for building design.

h. Architectural elements and expressions, including entrances, windows, canopies, steps, and recesses and projections, should highlight individual units and reinforce a variety of scales and textures within the podium.

i. Within a retail podium, the ground floor shall be predominantly clear glazed to provide visual connections between public and private realm and enhance safety. Similarly, public elements of a residential podium (i.e. lobby, amenity space) shall be predominantly clear glazed.

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

k. Mixed-use buildings with retail at grade should incorporate vestibules, frequent building entrances, canopies, and structural overhangs to provide weather protection for the length of the street.

l. Weather protective design should be provided at grade and at the podium level through canopies, arcades, and cantilevers. Canopies located on the ground floor should be at least 1.5 metres deep. Weather-protection elements may encroach in building setbacks and should not encroach into the public right-of-way.

m. Projecting balconies should not be provided in podiums. Inset and/or Juliette balconies are appropriate within the podium.

Site Design, Open Space and Streetscaping

a. Parking, servicing, and loading accommodated internally within podium and screened from the street.

b. Access to parking, servicing, and loading provided from the rear of the building, or a laneway where possible. On corner sites, access may be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.

c. Publicly accessible privately owned open spaces ("POPS"), including courtyards, plazas, and parkettes should be encouraged where appropriate.

d. POPS designed and located to encourage public use, provide connections to the broader open space network, and/or highlight important site characteristics.

e. POPS should be used to provide mid-block pedestrian connections through the site and create short block lengths (80-120 metres).

f. Public art encouraged within tall building sites where appropriate through applicable planning tools. Selection and location of public art should reinforce objectives of City's Public Art Master Plan.

Building Middle (Tower)

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

Tower Location

a. Where multiple towers are proposed on a site, they must be arranged to provide a gradual and appropriate transition in height to the adjacent established or planned context.

b. A minimum separation distance of 25 metres should be provided between towers to maximize privacy and sky views, and to minimize cumulative shadow and pedestrian level wind impacts of multiple tall buildings. Balconies may be provided within this separation distance provided they do not excessively contribute to a building's massing.

c. Where no towers currently exist, proposed towers should be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).

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

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

Tower Height and Massing

a. Provide a gradual and appropriate transition in height to help mitigate potential impacts on the adjacent established or planned context. Where multiple towers exist on a site, this transition shall be reflected across the entire site.

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

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

Shadow/Sky Views

a. The design and placement carefully considered to minimize size of shadows on the opposite streetscape.

b. The design, height, and placement must be compatible with adjacent established residential neighbourhoods, parks, open spaces, or natural areas; or those stated in the Shadow and Pedestrian Level Wind Study Guidelines and Terms of References.

c. The widest edge of the tower generally oriented to minimize the impacts of shadows.

d. A shadow study must be provided with tall building application.

Tower Design and Articulation

a. Articulate the tower, both vertically and horizontally, to create visual interest and encourage unique designs.

b. All sides constructed with highest quality architectural design and materials.

c. Lighter materials, such as glass, are encouraged in the design to minimize perceived mass.

d. Heavier materials, such as metal, brick, or stone should be used to define unique components within the tower and/or to create vertical and horizontal articulation.

e. Balconies are encouraged within the tower to provide amenity space and additional articulation. They may be inset or extruding but should be a minimum of 1.5 metres to provide usable outdoor amenity space.

Building Top

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

Rooftop Design and Articulation

a. Design upper floors to clearly distinguish top of building from tower to further reduce the building profile, and to achieve distinct skyline.

b. Where the design of the tower itself is unique, and creates an interesting and varied skyline, a clearly distinguishable top may not be required.

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

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

e. Decorative lighting could be included within the tower design but over lighting or up lighting should be avoided.

Mechanical Penthouse

a. Rooftop mechanical equipment sized, located, and screened from view.

b. Where possible, rooftop mechanical equipment wrapped by residential units, or other occupiable space (i.e. amenity areas).

c. Rooftop mechanical equipment should be stepped back on all sides, no less than 3 metres from the edge of the floor below. Equipment should be screened from view.

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

4.9 Sustainable Building and Development Guidelines (April 2019)

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

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

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

4.10 Downtown Streetscape Guidelines (September 2019)

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

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

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

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

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

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

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

Shadow Study Guidelines

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

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

Key Civic and Cultural Spaces

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

- March 21; and.
- September 21.

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

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

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

Private Outdoor Amenity Spaces

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

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

Parks and Open Spaces

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

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

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

Places Where Children Play

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

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

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

Public Realm and Sidewalks

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

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

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

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

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

Pedestrian Level Wind Study Guidelines

The purpose for a Pedestrian Level Wind Study (the "PLWS") is to predict and assess the wind impacts of proposed buildings and site designs on surrounding public and private spaces in addition to on-site wind conditions. Section 1.2 of the PLWS provides that this document should be used by the development community to inform development proposals within the City of Burlington and that this document is a tool for City Staff to be used in the review and evaluation of development applications.

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

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

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

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

- Building massing adjustments or alternative designs that are more responsive to the local wind climate;
- Incorporating podiums, tower setbacks, notches and/or colonnades;
- Strategic implementation of canopies, wind screens, façade elements, landscaping, planters, public art and/or other features that prove to be effective for mitigating problematic wind conditions; and,
- Modifications to the proposed function of an area.

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

4.12 Municipal Housing Pledge

On March 21, 2023, the City of Burlington unanimously endorsed the Municipal Housing Pledge, a provincial directive to construct 1,500,000 homes by 2031 throughout the Province of Ontario. With regards to the City of Burlington, the Pledge targets 29,000 new homes within the municipality during a 10-year period, or 2,900 units a year. This number of housing units is significantly above the historic rate of construction in the City of Burlington, which according to Census data saw the number of dwellings within the City increase by only 471 units per year between 2016 and 2021. Additionally, we note that the City achieved only 49% of it's housing target in 2024 under the Municipal Housing Pledge, starting construction on only 1,185 of the 2,417-unit target for the year. Although the pledge is not planning policy or legislation, the direction it represents warrants a review of the in-force planning policy framework with a lens of facilitating housing construction, particularly given the City's current limited progress on achieving the pledge.



5 Planning & Urban Design Analysis

5.1 Pre- Application Consultation

As identified through the pre-application consultation with the City of Burlington, the applicant consulted with the community through a pre-application community meeting and the Burlington Urban Design Advisory Panel (BUD) in advance of application submission.

Community Consultation

On July 15, 2025, a virtual pre-application community meeting took place for the subject proposal. As part of the community meeting, City staff outlined the planning process and existing planning framework, while the applicant's consultant team presented a conceptual proposal for the site. The proposed development presented to the community was substantially similar to the application subject to this rationale, consisting of a 23-storey mixed-use building with hotel and residential uses. The following is a summary of the comments and concerns that were raised by the public:

Public Realm

- Concern was identified regarding the size of the proposed public realm and waterfront trail extension space;

Building Height and Scale

- Concerns were expressed by members of the public regarding the proposed building height. A preference for 8-storeys was identified.

Proposed Use

- Concerns were raised regarding the disruption from hotel guests towards residents of the building.
- Questions were raised about the need for a hotel use on the site given several hotels are already in the area and whether a mix of both residential and hotel uses was necessary.
- Some residents questioned what hotel brand would be in the building and what the hotel's price point would be.

Transportation

- Concerns were raised about the amount of proposed parking, specifically the number of spaces for visitors and the hotel. Some residents expressed that there is a shortage of parking in the area already for commercial uses.
- Multiple residents expressed concerns about the traffic impacts of the development, particularly when combined with impacts from other approved developments in the immediate area.
- Concerns were raised about the driveway location and if it conflicts with other approvals in the area or pedestrians.
- Questions about the ability for the proposed parking elevator system to accommodate all vehicle sizes were raised.

Infrastructure

- Concerns were identified about pedestrian safety in the area given vehicular movements and the higher pedestrian volumes from the development and surrounding approvals.
- Concerns were expressed about overall infrastructure capacity for the proposed development and other approvals in the area, especially on a cumulative basis.

BUD Meeting

On July 24, 2025, the applicant's consultant team presented a conceptual proposal for the subject site to the Burlington Urban Design Advisory Panel. The proposed development presented to the panel was substantially similar to the application subject to this rationale, consisting of a 23-storey mixed-use building with hotel and residential uses. 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:

Q1 – Context and Public Realm

How does the proposal respond to the surrounding context and public realm, including adjacent waterfront and the broader neighbourhood? What improvements could assist in integrating the proposal into the surrounding urban fabric?

Nigel Tai: I think you should look at traffic and capacity in the area and look at the area considering all of the proposed developments on the block. Overall I think the design with the tiered realms along the waterfront, the café, the waterfront trail extension, is very well done. I appreciate minimizing the loading spaces and minimizing vehicle impacts typical with a hotel.

Timmithea Chan: I am excited by this project and opportunity. I think this project is a really great opportunity and will be great for the city. The City needs something like this along it's waterfront. I would like to see the architectural expression pushed even further, the built form is a bit more "basic" and I would like to challenge the team for a more memorable architectural expression along the waterfront. Look at perhaps providing accessible space with outdoor chairs for the public along the waterfront – perhaps a skate park, climbing structure, or performance seating. I liked the patterns and datum lines along the façade referencing the adjacent heritage building – consider expanding that patterning and heritage feel throughout the tower and focusing on the verticality on this compact site.

Q2 – Built Form and Site Design

Is the proposed site layout, circulation strategy, and massing appropriate given the site's context? How could the site design better assist in ensuring an activated and engaging public realm?

David de Groot: It's a very tight site. There is not a lot of opportunity to move functions around. The building should have a dialogue about the relationship with the building to the east. That relationship will be an ongoing opportunity and I encourage the team to investigate that further. I believe the team and the City really have to make sure the 5.5 metre tower separation from the east lot line is appropriate in this context. The City needs to confirm that and look at it comprehensively.

Jessica Hawes: I want to comment on how successful the podium is – the warmer materiality is appreciated. I can see how the building will frame the public realm and the character of the spaces facing the right sides of the building. I like the use of the proposed canopy framing the street character and entrances, creating a rhythm along the street. I prefer the warmer tones than the light whiteness in the architectural expression.

Nigel Tai: I agree with Jessica. The warmth of the podium is high quality. The built form separates the two programs, residential and hotel, not particularly clearly in the architectural expression. Are you trying to make them the same or different? The team should "pick a lane", make the expression distinctively different or make it the same to hide the differing uses. Differentiating the two programs clearly may also help making it a more exciting development architecturally. I encourage the team to look at the blank east and west elevations and how to better express those elevations, perhaps through the use of public art on those elevations.

Christopher Moise: I appreciate the project and the challenges it faces – as an extension of that side yard relationship Nigel is talking about, the team should investigate any requirements for a retaining wall along the park to the west of the site and to make the building feel like its integrating with the park and not separate from it.

Timmithea Chan: I appreciate the rendering from the adjacent balcony to show what it feels like to have a building on the site – from this view you can play with the architectural design of the building. I am struggling with the podium and its relationship to the tower, it is similar to the adjacent buildings. is it the same as the tower or different? Heavy or light? Is there a desire to make the design more unique as it's the prime site in the area? There is a chance to be bolder architecturally, regardless of what the community is saying – show that this is a site where Burlington can have a tower that is beautiful. Regarding the drop off and parking ramp, is there enough parking spaces for the users? I think I'm ok with the parking lift function given the hotel use and small amount of residential.

Jessica Hawes: I am curious about the proposed hybrid parking lift system for parking, perhaps you could consider a fully automated parking system which can reduce life-safety requirements in underground levels which may be reduced cost over the current proposal.

Jackie VanderVelde: The park to the west of the site is very active and is fully programmed. Perhaps the blank wall facing the park on the building's west elevation is something that can contribute to the park. Could movies in the park be programmed on the wall, or something similar?

Q3 – Open Space and Sustainability

How effectively does the proposal integrate meaningful public open space into the site and surrounding neighbourhood context? How could the proposal better contribute to long-term sustainability objectives (e.g., climate resilience, floodplain considerations, tree canopy, access to green infrastructure, etc.)?

Jessica Hawes: The team should look at native species planting and gardens for the public along the various public facing frontages of the building.

David de Groot: Obviously the waterfront trail is a big asset here – the team should look at bicycle tourism to stop for bikes and as a destination for bicycles early in the process as well and how it interacts for bikes. Perhaps include bicycle parking for the hotel use.

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

- A significant portion of the subject site, being 631 square metres, are proposed to be dedicated to the City for the expansion of the public realm and waterfront trail.
- With respect to the building height, it is our opinion that the proposed building height is desirable in land use and urban design terms, given the existing, planned, and evolved built form context. Furthermore, an 8-storey building is not feasible, given the costs associated to redevelop the subject site.
- The proposed residential apartments are proposed as rental units and the Owner is an operator of numerous hotels and rental apartments and can address any operational concerns related to the two uses.
- There is an existing motel use on the subject site and the proposal seeks to modernize and increase the number of hotel suites. The existing Official Plan designations and zoning that apply to the subject site permit the proposed hotel use. Furthermore, the Owner operates numerous hotels across the province and is satisfied that there is a market for the proposed hotel use.
- The hotel brand and price point will be determined at the construction stage.

- The proposed parking has been increased and exceeds the Zoning By-law's requirements for the hotel use. In addition, the proposed residential parking supply is greater than other recently approved developments in the area. The accompanying Transportation Impact Study (the "**TIS**") provides additional rationale for the proposed parking supply.
- In response to the traffic concerns raised, the TIS provides additional analysis related to the traffic impacts from the proposed development and recently constructed and approved developments, driveway location, parking elevator system, and pedestrian safety.
- A functional servicing report has been prepared that confirms that there is infrastructure capacity to support the proposed development.
- Comments from the BUD Panel related to architectural expression will be further evaluated through the approvals process and future required site plan application.
- The proposed public land dedication will ultimately be dedicated to the City who will determine what park elements can be incorporated into this space.
- The proposed tower setback from the east property line has been analyzed in the urban design brief, which confirms that the proposed setback is adequate for tower separation since the site next door is a designated heritage structure without adequate property size to accommodate a tower on its on and the applicant owns the next site further to the east, at 2092 Old Lakeshore Road, preventing any potential land assembly in the future.
- The project landscape architect has incorporated the recommended native plantings for the plantings and gardens along the public realm.
- The proposal includes bicycle parking for visitors to address these comments.

5.2 Intensification

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

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

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

With regards to the ROP, it sets out a series of objectives for urban areas. These objectives include the facilitation and support of compact growth and intensification which is supportive of transit and non-automobile modes of travel. The subject site and proposed development, being located within Downtown Burlington, a Secondary Regional Node and SGA, would be supportive of these objectives through the construction of 50 new residential units and 154 new hotel suites in an area with a high degree of walkability and which is in close proximity to transit. It would also add new housing, employment, and hotel rooms to an already complete community, providing access to commercial amenities and employment, recreation, entertainment, and cultural uses as well as public service facilities. Further, the proposed hotel uses would support the City's tourism industry and provide new employment opportunities in the downtown, supporting the ROP's direction for a mixed use community and supporting it's economic and employment growth objectives, and the proposed waterfront trail extension would support the policy directions to create complete communities with, among other items, public service facilities.

The 50 residential units would additionally contribute to the Region of Halton's population targets and housing construction targets set out through tables 1 and 2A of the ROP, which identify that the City of Burlington is to grow to a population of 265,160 persons by 2051 and construct a minimum of 20,500 new housing units within the built-up area by that same time. Additionally, we note that the City of Burlington Municipal Housing Pledge introduces an even higher target of 29,000 housing units in the City of Burlington by 2031.

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

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

The Official Plan also provides similar direction to that of Provincial and Regional Policy with regards to intensification. Part 1, Section 4.3 provides specific directions, including that new residential growth will mainly be in the form of more compact housing. The proposed development would facilitate this goal through the provision of 50 new residential dwelling units in a high-density, compact development within a designated SGA. The OP also directs for the provision of a wider mix of employment and commercial uses to encourage a greater live-work relationship. The proposed development would support this direction through the inclusion of a significant commercial hotel component with 154 hotel suites, both supporting the City's tourism industry and providing employment directly on site within the hotel.

Intensification is supported throughout the Official Plan, particularly in Policy 6.3 e) of Part II, as well as Section 5.0 of Part III, which direct compact forms of development and at higher densities that are pedestrian oriented and encourage increased use of public transit on the subject site, given its location within the Downtown SGA. In our opinion, the proposed development conforms to and helps implement these goals through the intensification of the subject site. Policy 5.4.1, regarding Mixed Use

Centres, additionally directs that the downtown will serve as an area for developments consisting of high density residential uses, among others, and encourages higher intensity, transit and pedestrian-supportive development. In our opinion, the proposal conforms to Policy 5.4.1 of Part III of the Official Plan, since it intensifies an underutilized site in the Downtown SGA, which is where growth and intensification are directed.

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

Intensification of the subject site is also supported through the policies relating to the Downtown Mixed-Use Centre as identified in Section 5.5 of Part III of the Official Plan. Policy 5.5.1 a), which directs for Downtown Burlington to accommodate a significant share of population and employment growth within the City, and to accommodate high density development. The proposed development would provide a high-density development with both hotel and residential uses which contributes to the goal of providing a significant share of both employment and population growth within the Downtown. The proposed development would also be supportive of Policy 5.5.1 h), which directs for the Downtown to be redeveloped through the intensification of under-utilized lands and buildings. The subject site, currently being occupied by a surface parking lot and 1-2 storey motel building, is a prime candidate for intensification within the Downtown. The objectives set out for the Downtown Mixed Use Centre set out in Policy 5.5.2 of Part III of the Official Plan also include direction to create a compact downtown core and to increase the resident population and provide a variety of housing types, mainly at medium and high-densities.

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

The New OP, while under appeal for the majority of policies which apply to the subject site, is additionally supportive of intensification. Similar to the in-force Official Plan, the New OP directs the majority of growth and intensification to areas including Downtown Burlington, which is a designated Mixed Use Intensification Area and Primary Growth Area. The New OP additionally directs that growth to be developed with transit

supportive densities in a compact built form where walking, biking, and transit will be prioritized. The subject site and proposed development would be supportive of this direction through the creation of a truly mixed use building with 154 hotel suites and 50 residential units in close proximity to existing services and public transportation and in an area of the City of Burlington which provides the greatest ability to support active transportation due to the high quality pedestrian infrastructure and proximity of a wide variety of services within easy walking distance of the subject site.

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

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

5.4 Urban Structure

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

Even if intensification was to be focused on the ROP hierarchy including proximity to higher order transit and concluded that those locations are the only appropriate location for the tallest buildings in the City, the approval of the subject applications would not be inconsistent with such a pattern in Burlington. The City has approved (or supported) significantly taller buildings in proximity to the new Urban Growth Centre in the range of 37 storeys and the conditionally approved draft Area Specific Plans for the MTSA's, prepared by City Staff, include heights of up to 45-storeys for large portions of the new Urban Growth Centre/Burlington GO MTSA. In our opinion, the proposed building height of 23-storeys is significantly lower than the planned heights in the Urban Growth Centre and not materially different, and indeed lower, than the heights of other approved buildings in the immediate vicinity, which include buildings with heights of up to 29-storeys.

The ROP relies on local municipalities to establish a land use vision for its SGAs. The City has not updated its "vision" and Official Plan to conform to the ROP, as amended by ROPA's 48 and 49. In this regard, the City will need to permit a significant amount of intensification to accommodate planned growth to 2051. In the absence of a new "vision", it is our opinion that we can rely on the Official Plan as a general guiding document for this intensification, as it remains the sole in-force local policy document. The Official Plan directs a significant proportion of growth to the Downtown SGA. In our opinion, this will not change following the City's planned updates to the Official Plan, especially given that according to the housing issues report submitted as a part of this application, 59% of the identified growth will need to occur outside of the City's Urban Growth Centre and MTSAs. The Official Plan also provides for an urban structure within the Downtown, with a mix of densities throughout the Downtown. High density developments are directed to three limited precincts within the Downtown (Old Lakeshore Road, Downtown Core, and Wellington Square), which includes the subject site. This more limited built form and urban structure, with limited areas of high densities, is different from the City's Urban Growth Centre and MTSAs structure which directs higher density development at taller heights to the majority of and large areas of these SGAs. The proposed building height of 23 storeys aligns with this general urban structure direction for the Downtown, which directs taller buildings to the Old Lakeshore Precinct.

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

5.3 Land Use

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

The proposal conforms to the policies laid out in the PPS as per Section 4.2 above. Policy 2.4.1.2 identifies that SGAs such as Downtown Burlington should be planned to support the achievement of complete communities, including a range and mix of housing options and mixed-use development. SGAs are to be focal areas for education, commercial, recreational, and cultural uses, and accommodate significant population and employment growth. The proposed development, which includes a 154-suite hotel and 50 residential units, is consistent with this direction by providing a mixed-use development which expands the range and mix of housing options within Downtown Burlington. Additionally, the proposed hotel use will create a significant amount of new employment and commercial space within the downtown while supporting the City's tourism industry and supporting other businesses in the Downtown.

The proposed mixed-use building conforms to the land use policies found in the Region of Halton's Official Plan Regional Structure, more specifically, the Urban Area land designation. As mentioned in Section 4 of this report, Policy 72 of the ROP provides that Urban Areas are to support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduce the dependence on the automobile, make efficient use of space and services, to provide a range of complete communities of various sizes,

types, and character, to promote the adaptive re-use of greyfields, and to facilitate and promote intensification and increased densities. The proposal meets these policy directions by providing a built form with increased density which allows for stronger transit support with a higher concentration of people in one area which will help reduce the dependency on the automobile. The proposal also helps to create a complete community by providing an extension of the waterfront trail, additional housing types in the form of a compact residential building ranging in unit sizes for different lifestyles, as well as a significant new commercial hotel use which will support the City's economy, generate new income streams for businesses in proximity, and contribute to the goal of creating a complete community in the downtown.

The Official Plan outlines in Policy 5.4.1 of Part III that the objectives related to the Mixed-use Centre designation is to provide locations at inter-municipal transit stations and the downtown that will serve as areas for mixed use developments consisting of high density residential, retail and commercial uses, to encourage higher intensity, transit-supportive, and pedestrian-oriented development, and to permit mixed use developments on individual sites where residential, retail, office and other uses are located. Part III, Policy 5.4.2(h) further provides that the design and development of Mixed Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car, and Part III, Policy 5.4.2(m) provides that reduced parking standards, shared parking and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and the accessibility by transit and other modes of travel. The proposal is providing a mixed-use development that is transit-supportive and pedestrian-oriented, within close proximity to the commercial, employment, entertainment and outdoor amenities in the Downtown core. The proposal will add to and support the commercial amenities in the Downtown core through the provision of a new, 154 suite hotel, 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 addresses the Downtown Mixed Use Centre objectives (Part III, Policy 5.5.2), since it provides residential and commercial uses in a compact urban form that provides new housing options and increases the resident and visitor population in the precinct, better supporting existing commercial operations within the proximity and supporting the City's tourism industry and business communities through the proposed hotel use. The proposed hotel would activate the streetscape and adjacent park spaces through the provision of active uses at grade including a large hotel amenity space along Lake Ontario and the waterfront trail, a highly transparent lobby with café patio space along Old Lakeshore Road, and a high quality architectural expression and public realm which creates an improved, attractive space surrounding the development. Further, the proposed development proposes a built-form, as detailed in Section 5.5 of this report, which is compatible with its surroundings and appropriately transitions to adjacent uses.

The subject site is designated "Old Lakeshore Mixed Use Precinct" on Schedule E – Downtown Mixed Use Centre Land Use Plan. The proposal conforms to the objectives of the Old Lakeshore Mixed Use Precinct (Policy 5.5.7 of Part III), by providing high intensity, mixed use development that is pedestrian-oriented and transit-supportive. The proposed height, at 23-storeys (plus mechanical level), although slightly taller than the maximum building height of 15 storeys, would meet the intent of policy 8.2.1 (2) of ROP, since it would be at a scale appropriate for its context and in line with the density and building heights in the surrounding area. Further, the proposed uses of residential and hospitality uses are explicitly permitted through Part III, Policy 5.5.7.2 a).

The proposal conforms with Part III, Policy 5.5.7.2 f) requiring the provision of retail or commercial uses at grade by providing active spaces associated with the hotel along Old Lakeshore Road. The hotel lobby and associated hotel café are expected to generate significant pedestrian activity and create an attractive, active space at grade with a proposed patio area activating the street front and high-quality lobby space creating an attractive space with visibility through the building to Lake Ontario. Further, the proposed valet parking operation is expected to generate significant pedestrian activity along the Old Lakeshore Road frontage, further enhancing the pedestrian experience and assisting in the creation of an active public realm.

With respect to the Waterfront Development policies 9.4.2 a), b), c), d), f), g) h), i), m) of Part II of the Official Plan, it is our opinion that the proposal conforms, since:

- It includes a dedication of the waterfront lands for public open space and trail use.
- It preserves the existing public views of lake Ontario along the Pearl Street corridor, which is further discussed in the accompanying Urban Design Brief.
- The hazard lands associated with the lake have not been considered in calculating lot area and density.
- A 15 metre wide strip of land from the stable top of bank along the shoreline has not been dedicated to the City, since it is not feasible as it would render the site undevelopable.
- It includes imagery of water, through the use of building materials that relate to the waterfront.
- Opportunities for public art or other cultural elements can be considered at the future required site plan application stage.
- The proposed trail extension is proposed to be dedicated to the City.
- Conditions in m) can be addressed as part of the future required site plan application.

In our opinion, the proposal also conforms to the Waterfront West/Public Lands Precinct Policies contained in Part III, Section 5.5.6.2 b), c), and d) of the Official Plan, since:

- The proposed land dedication can include additional recreation uses, which are permitted and encouraged.
- It proposes a land dedication to the City of the waterfront portion of the subject site, which can be utilized for the extension of the waterfront trail and improve access to the City's waterfront.
- The proposed land dedication can be utilized as public open space.

A critical component of the proposed development is the proposed dedication, at no cost to the City of Burlington, of land to accommodate a waterfront trail extension along the shores of Lake Ontario to secure enhanced public access to the water across the entire frontage of the subject site. This dedication would address Part III, Policy 5.5.7.2 j) of the OP. While Part III, Policy 5.5.7.2 j) identifies that all lands below the stable top of bank and 15 metres beyond the stable top of bank are to be dedicated to the City with a completed public trail, we note that the City has no legislative authority to require this substantial dedication as a part of development. The area of parkland dedication identified in the policy would substantially exceed the parkland dedication requirements of the subject site, which would amount to no more than 5% of the total site area. Further, the construction of the waterfront trail would through existing legislative frameworks, regardless of the policy of the OP, be a requirement of the City of Burlington to fund, be it through DC credits to the development or through other means.

The proposed development would address the intent of Part III, Policy 5.5.7.2 j) by providing a public land dedication along the waterfront in support of a waterfront trail extension which is similar in width and scale of the existing waterfront trail to the west and for which has been designed in coordination and cooperation with Conservation Halton. This land dedication, proposed to be dedicated to the City at

no cost, represents a dedication which exceeds the legislative requirements of the applicant and is not proposed to contribute to the applicants parkland dedication obligations, which are proposed to be provided in a cash-in-lieu form in excess of the proposed land dedication.

We note that the proposed development additionally balances the direction of the OP through Part III, Policy 5.5.7.2 j) and the practical limitations of the subject site in land area and its ability to accommodate redevelopment. The subject site represents a substantially constrained development parcel with only a limited area to support new development once accommodating the required setbacks relating to Lake Ontario. The proposed development, in our opinion, appropriately balances the need to create an appropriately sized parcel to support the proposed hotel and residential uses, and the policy direction for the creation of new public amenities along the City's waterfront. Specifically, the proposed hotel use requires a significant amount of amenity area to operate and appropriately leverage the site's waterfront location which is accommodated through the proposed outdoor amenity deck along the proposed waterfront trial dedication. Further, the limited area available beyond required setbacks for the development of new buildings is needed in its entirety to accommodate the development, which has proposed smaller than normal tower floorplates and advanced vehicular parking solutions to adapt to the site size even without further public land dedication. Were a larger land dedication occur, the ability to develop the site in an appropriate, desirable manner would be compromised and would likely result in no redevelopment proceeding, continuing the existing condition of no public waterfront access. In this way, the proposed waterfront trail appropriately balances the need to leverage the redevelopment of the property to deliver the extension at no cost to the city while acknowledging the limitations of the site to deliver a larger overall land dedication.

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

- As identified in the submitted Heritage Impact Report, the proposed building does not impact the preservation of the adjacent *cultural heritage resource* at 2084 Old Lakeshore Road and provides appropriate design references to enhance the heritage character of the precinct.
- The proposed building is constructed close the street line with all parking and loading within the building and below grade; and
- The massing and built form of the proposed building is appropriate, compatible with surrounding uses, and the visual, sun shadow and wind impacts are at an acceptable level as demonstrated by the submitted Urban Design Brief.

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

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

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

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

5.5 Height, Massing, and Density

In our opinion, as noted in Sections 5.3 and 5.4 above, the site is an appropriate location for mixed-use intensification in land use policy terms. From a built form perspective, it is our opinion that the subject site is a contextually appropriate location for a 23-storey building given its location within the Downtown Lakeshore Precinct of the Downtown SGA, and the existing and planned built form in the immediate area surrounding the subject site which is generally similar in scale.

From an urban structure perspective, Downtown Burlington is identified as an intensification area where mid-rise and tall buildings exist, have been approved and are under construction, or have been proposed. The Downtown Mixed-Use Centre as identified on Schedule E of Official Plan also includes many mid to tall buildings that are existing, approved and under construction. Within this context, the Official Plan describes eight precincts within the Downtown Mixed-Use Centre. The subject site falls within the "Old Lakeshore Mixed Use Precinct". The "Old Lakeshore Mixed Use Precinct" is identified in Part III, Policy 5.5.7.1 a) of the Official Plan as an area in the downtown for high intensity, mixed use development that is pedestrian oriented and transit supportive and which helps meet provincial growth objectives. Particularly, the policy identifies that the area should provide for a transition from the highest density mixed use area to the west to the more residential areas to the east. In that manner, the proposed development at 23 storeys represents a step-down in height from the 29- and 26-storey buildings under construction to the north and is below approved heights to the east at 2083, 2093, and 2107 Old Lakeshore Road, all at 27 storeys. The 23-storey height appropriately steps down heights towards Lake Ontario from taller buildings to the north and is below approved heights to the east.

On this basis, in our opinion, the proposed 23-storey (plus mechanical penthouse) building will fit harmoniously with other existing, under construction, approved and proposed mid-rise and tall-buildings within the Downtown Mixed-Use Centre boundary and Old Lakeshore Mixed Use Precinct as shown on **Figure 4** and in **Table 2** below.

Table 2 - Surrounding Development Applications

Address	Max Height (Storeys)	Description	Application Status
		Proposed	
769, 779, 783 Brant Street & 2023, 2027, 2031-2033 Ghent Avenue (Parcel B); and 747 and 761 Brant Street (Parcel C)	8 & 25	OPA and ZBA for a multi-phase, mixed use development comprised of a 25-storey tower (with ground floor commercial area) and 283 residential units (Parcel B); and an 8-storey mid-rise building (with ground floor commercial area) with 120 residential units (Parcel C).	Under Review by City of Burlington.
2030 Caroline Street	28	OPA and ZBA application to permit a 28-storey mixed use building with 302 residential units and a 6-storey above grade parking structure with a green roof	Under Appeal at OLT.
2020 Lakeshore Road	30 & 35	OPA and ZBA for two towers of 30 and 35 storeys in height with 4,445 square metres of commercial space, 4,348 square metres of office space, 557 residential units, and 122 hotel rooms.	Refused at OLT. Revised application anticipated to be submitted in 2025.
		Approved	
774, 778, 780 and 782 Brant Street	25 & 18	Development of an 18 storey and 25 storey residential tower atop a shared 5-storey podium with 444 residential units. Commercial space is proposed at grade.	Approved by City Council on July 16, 2024.
789-795 Brant Street	33	OPA and ZBA to allow a 33-storey mixed use building which includes a 7-storey podium with 485m² of retail on the ground floor, as well as 329 residential units.	OLT Approved on May 6, 2024.

Address	Max Height (Storeys)	Description	Application Status
688-698 Brant Street	11	OPA and ZBA to allow an 11-storey mixed use building as well as 12 2-storey townhouse units on the subject property. The proposed development includes 1,592m² of retail on the ground floor.	Approved by City Council on July 10, 2023.
535-551 Brant Street	27	OPA and ZBA for a mixed use development, including a 27-storey mixed use building (inclusive of a mechanical penthouse and elevator machine room) and a maximum of 259 residential units.	OLT Approved on July 19, 2023.
401,403,405,409,411 & 413 Brant Street 444,448 and 450 John Street 2002 and 2012 James Street	18	OPA and ZBA to permit an 18 storey building with 1,215 m² of commercial space and 201 units.	Approved by City Council on May 13, 2025.
2085 Pine Street	9	OPA and ZBA for a 9-storey residential building which includes 38 residential units.	OLT Approved on March 24, 2022.
441 Maple Avenue	11	OPA and ZBA for an 11-storey residential retirement building consisting of 140 units.	Approved by City Council February 28, 2023.
2107 Old Lakeshore Road, 2119 Lakeshore Road	27	OPA and ZBA for a 27-storey, 196 unit mixed-use development with retail / commercial space at grade with residential units above.	OLT Approved
2093, 2097 and 2101 Old Lakeshore Road, 2096 and 2100 Lakeshore Road	27	OPA and ZBA for a 27-storey, 310 unit mixed use building with commercial at grade and residential units above.	OLT Approved
407 Martha Street	15	OPA and ZBA for an 15-storey residential building consisting of 111 units, resulting in a density of 605 units per hectare.	OLT Approved on November 2, 2023.

Address	Max Height (Storeys)	Description	Application Status
Under Construction			
374 Martha Street	26	OPA and ZBA to permit a 26-storey condominium building with 240 units and 423 m^2 commercial space.	OLT Approved – Under Construction
2069-2079 Lakeshore Road and 383-385 Pearl Street	29	OPA and ZBA for a 29-storey (with 2 additional levels for rooftop mechanical equipment), 318 unit mixed-use building with retail / commercial space at grade and residential units above.	OLT Approved – Under Construction
2082, 2086 and 2090 James Street	14	OPA and ZBA for an 14-storey condominium apartment building consisting of 150 residential units.	OLT Approved – Under Construction
Existing			
421-431 Brant Street	23	23-storey mixed-use commercial residential condominium building.	Existing
2025 Maria Street	17	17-storey apartment building.	Existing
477 Elizabeth Street	15	Existing mid-century apartment building.	Existing
478 Pearl Street	18	Existing mid-century apartment building.	Existing
2025 Maria Street	17	Existing mixed use apartment building directly to the south of the subject site. Part of the original approval for the subject site.	Existing
2042, 2048, and 2054 Lakeshore Road	7, 8, & 22	Existing “Bridgewater” complex including 8-storey hotel and 22-storey residential building with retail at grade.	Existing

From a height structure perspective, the Old Lakeshore Mixed Use Precinct identifies that heights should step down towards the east end of the Precinct. The subject site sits at the far western end of the precinct, and as such is the location where the tallest building heights in the precinct should be anticipated. The proposed development, at 23-storeys in height, is lower in height to the three approved developments within the precinct to the east at 2083, 2093, and 2107 Old Lakeshore Road. Additionally, the development is shorter than what is approved to the north and proposed to the west. The subject site was also identified as a location for a building of up to 15 storeys, in accordance with Policy 5.5.7.1 c) of Part III of the Official Plan, which predates many changes in provincial and regional policy directing for higher levels of intensification. As a result of these changes, it can reasonably be interpreted that increased heights may be appropriate to accommodate these increased growth and intensification targets. In our opinion, the proposed height will add to the variety of building heights in the area and is compatible with the heights of the buildings immediately surrounding the subject site.

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

As is demonstrated in the Urban Design Brief, the overall building mass will be reduced through its articulated design and its setback and step backs from the street. Further, the overall mass does not create any unacceptable light, view, or privacy impacts by providing a 635 square metre tower floor plate, below the applicable Urban Design Guidelines, which minimizes impacts to views and sunlight. The tower provides a minimum tower separation distance from the adjacent Bridgewater Residences at 2042 Lakeshore Road of at least 26.8 metres. From the east, the site is adjacent to 2084 Old Lakeshore Road, which is not of sufficient size to accommodate a tower once accounting for required setbacks from Lake Ontario and understanding that the owner of the subject site also owns the next property to the east, 2092 Old Lakeshore Road, limiting the site's ability to accommodate an appropriate tower floorplate. As such, a reduced 5.5 metres tower setback from the east lot line on the subject site is an appropriate relationship which adequate access to light, view and privacy will be maintained for the subject site and any adjacent development of tall buildings. A detailed review of this condition and analysis of appropriate tower setbacks and separation distances is provided in the submitted Urban Design Brief.

In our opinion, the proposed massing would represent a desirable and appropriate built form for the subject site. The existing parking lot and 1-2 storey hotel structures on the subject site represents a significant underutilization of land within an SGA and along Lake Ontario.

In contrast, the proposed mixed-use building would contribute to the continued urbanization of a compact, transit supportive Downtown neighbourhood with a 23-storey mixed-use building that includes a 3-storey base. The development will create a highly desirable building with an attractive hotel which appropriately leverages its waterfront location to create a distinctive destination for tourists and travellers to the City of Burlington. Additionally, the development will introduce 50 new residential units to the downtown, assisting the City in achieving its housing targets and introducing additional population in the downtown to support local businesses. The proposed public extension of the waterfront trail along the site's entire frontage onto Lake Ontario also represents a critical opportunity to improve public access to Lake Ontario and enhance recreational amenities in the downtown. The 3-storey base is massed and scaled to reinforce and enhance the existing street-

related character of the area, which includes 2 and 3-storey podiums to the west (2060 Lakeshore) and north (2072 Lakeshore, 2069 Lakeshore). The upper levels are designed in a slender point tower with a small tower floorplate of 635 square metres that is pulled away from the street line with a 3 metre step to create a distinct tower and podium form, in alignment with the intent of the City's Tall Building Guidelines. The ground floor is proposed to be activated with the residential and hotel lobbies, including a valet parking area and hotel café at the northwest corner of the site to ensure an active street frontage.

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

Regarding density, it is our opinion that the proposed net density of 8.95 FAR is appropriate and desirable for the subject site. It is desirable from a planning perspective to optimize land use and infrastructure on the subject site given its location within the Downtown SGA and Secondary Regional Node as well as it's transit support and proximity to public transit. As already discussed, the Official Plan pre-dates the current provincial policy framework including the new PPS (2024), two previous Provincial Policy Statements (2014 and 2020), and the 2019 Growth Plan, as well as its previous amendments in 2012 and 2013. Additionally, it precedes more recent direction from the ROP to direct intensification to areas such as Secondary Regional Nodes, which includes Downtown Burlington. These updated planning policy documents emphasize the need to optimize land use and density on the subject site and surrounding areas, given its location within a SGA. This provides part of the rationale for increasing the height, and therefore total density, beyond the permitted maximum in the Official Plan and the maximum density of 4.5:1 FAR identified in the zoning by-law. Furthermore, we note that the four approved developments to the north and northeast of the subject site have received site-specific policies within the Official Plan to increase the maximum building height on their lands. The proposed development is in keeping with existing developments in the downtown and Old Lakeshore Mixed Use Precinct, representing how it's density and built form conforms with the neighbourhood character of its surroundings as required in the Official Plan. Table 3 below provides a summary of other approvals in the surrounding area and their approved FAR, illustrating that the proposed FAR is generally in alignment with, indeed generally lower than, the immediate context:

Table 3 - Approved FARs in the immediate context

Address	Approved FAR
2072 Lakeshore Road	13.85:1
2083 Old Lakeshore Road	11.6:1
2096 Lakeshore Road	7.94:1
374 Martha Street	13.3:1
2069 Lakeshore Road	12.0:1
2107 Lakeshore Road	10.5:1

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

5.6 Built Form Impacts

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

In this regard, the subject site is largely surrounded by other high-density, mixed-use development. The 22-storey Bridgewater development (2060 Lakeshore) sits directly to the west, 23, 29 and 26-storey mixed-use developments are located to the north, and three approved developments of 27 storeys are approved to the northeast. It is this rapidly evolving high-density context in which the subject site must be evaluated against. The proposed height of 23-storeys is in keeping with the heights of the immediate context, and the proposed development provides adequate setbacks and step backs to ensure appropriate tower separation from the property to the east as outlined in the submitted Urban Design Brief.

Regarding the integration of the proposed development with the surrounding public realm, the proposed setbacks of the 3-storey podium create an appropriately scaled, urban streetscape in alignment with this existing, high-density context. The 3-storey podium ensures a pedestrian-scale is maintained and aligns with podium heights proposed in the immediate context and is in alignment with the intended podium and street wall scale identified in the urban design guidelines and zoning by-law which apply to the subject site.

The review of the proposed increase in tower height to 23-storeys is also required to be tested against Policy 5.5.7.2 c) of Part III of the Official Plan, which identifies that taller buildings may be permitted on the subject site, subject to several criteria. Specifically, the policy requires that the building provide compatibility with surrounding uses and a sense of pedestrian scale by the use of building design incorporating a ground, level, street-oriented podium, which has been discussed in response to Part III, Policy 2.5.1 a) above.

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

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

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

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

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

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

vi. provision of enhanced public spaces;

The proposed development would provide a significant new public amenity through the extension of the waterfront trail. Additionally, the streetscape of the site's frontage on Old Lakeshore Road is proposed to be enhanced and activated with a high quality streetscaping treatments which are in alignment with the Downtown Streetscape Guidelines, representing a significant enhancement over the existing public space surrounding the subject site.

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

The existing structure on the subject site has not been identified as a significant cultural heritage resource, and as such is not proposed to be retained. The proposed building has integrated several design interventions to appropriately relate to the adjacent heritage structure at 2084 Old Lakeshore Road as identified through the submitted heritage impact study.

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

An angular plane study as well as a sun-shadow study and wind impact analysis has been completed and submitted as a part of this application, which address these impacts and demonstrate that any impacts have been mitigated to acceptable levels.

Shadow Impact

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

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

The proposed development meets all the applicable shadow impact criteria for key civic and cultural spaces, private outdoor amenity spaces, and places where children play.

With regards to parks and open spaces, the study identifies that the waterfront trail enjoys sun access factors ("SAF"s) well above the standards set out in the Guidelines between 0.81 and 0.91, depending on the time of year. However, the shadows experienced by the approved POPs space to the northeast of the subject site, to be constructed as a part of the development at 2093-2101 Old Lakeshore Road, will have SAFs between 0.34 and 0.45, falling slightly below the standard of 0.50 set out in the Guidelines. We note that the guideline SAF is not met regardless of the impacts of the proposed development, and that the proposed development has a minimal impact on the park for primarily only the 3-4 pm period on March 21st. The impact from the proposed development would thus be incremental on the shadow character of the POPs space, and in our opinion, is not significant.

As a result, it is our opinion that the shadow impact is appropriate given the site's location within Downtown Burlington and it's evolving high-density context. From a built form and urban design perspective, the proposed development's base building appropriately frames the Subject Site's Old Lakeshore Road frontage while simultaneously incorporating mitigative measures to ensure any

adverse shadow impacts are minimized on the adjacent public realm. Such measures include a slender tower with below-guideline tower floorplates, tower step backs, a narrow tower floorplate of 18 metres to minimize shadows. The proposal conforms with the built form and massing policies of the Official Plan and is generally in keeping with the relevant urban design guidelines. The proposed development has ensured that continued provision of adequate sunlight, when possible, in the key areas specified in the SSG.

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

Wind Impact

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

The existing wind conditions on and around the site are comfortable for the intended pedestrian use throughout the year, except one location near the southwest side of the existing building on site where conditions are uncomfortable during the winter.

With the proposed building in place, wind conditions are expected to be comfortable for the intended pedestrian use at all assessed areas during the summer and at most areas in the winter. Overall, increased wind speeds are predicted around the west side of the building. In winter, due to seasonally stronger southwesterly winds, uncomfortable conditions are expected locally at the western corner of the building.

Wind conditions at the main entrances are predicted to be suitable for pedestrians to linger year-round.

Wind speeds on the amenity area on Level 2 terrace are expected to be comfortable for sitting and standing during the summer and winter, respectively, suitable for the intended patron use.

The addition of the known future developments around the site is expected to create similar or slightly improved wind conditions around the proposed development at grade, and slightly increased speeds along the sidewalks of the Old Lakeshore Road.

The pedestrian wind safety criterion is met at most of the assessed areas in the Existing configuration except for two locations. With the addition of the proposed development, this criterion is expected to be exceeded at a few grade-level locations. The addition of future developments is expected to improve wind conditions, eliminating all wind safety concerns.

The wind conditions as tested do not include any existing or proposed hard and soft landscaping features which would improve wind conditions. This is particularly relevant along the west side of the site, which is the location of the most excessive wind conditions, where several large mature trees are located along the waterfront trail access which are proposed to be maintained.

5.6 Urban Design

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

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

- The proposal provides an opportunity to focus intensification in the Downtown SGA and Downtown Mixed-Use Centre and at an appropriate location.
- The proposal will provide a higher density form of development that is pedestrian-oriented and encourages the increased usage of public transit;
- The proposed built form is compatible with the surrounding land uses and adequately limits any potential built form impacts;
- The height of the base building is within the range of street wall heights along the respective street frontages and aligns with the approved intent of the zoning on the subject site. It also relates to the datum lines of the heritage structure immediately east of the subject site and further described in the accompanying Heritage Impact Assessment.
- The at-grade hotel and residential lobby and hotel cafe provide grade-related activity both inside and outside of the proposed building including an active use at the terminus of the trail to the west of the subject site.
- Servicing and vehicular parking will be internalized;
- The building will be sited parallel and oriented to its street frontages.
- The mechanical penthouse will be incorporated into the design of the top of the building;
- The proposed building is compatible with the existing and evolving neighbourhood character in terms of scale, massing, height, siting, and setbacks;
- Adequate setbacks and step backs are provided to limit any potential built form impacts.
- The proposed building is of high-quality architectural design that will enhance the Old Lakeshore Mixed Use Precinct and Downtown Mixed-Use Centre including a waterfront architectural theme; and
- The proposal has considered, and it meets the intent and purpose of the City's Tall Building Guidelines as part of the subject proposal.
- A fulsome review and analysis of the proposal against the City's Tall Building Guidelines is provided in the Urban Design Brief, which concludes the proposal conforms to the intent of the Tall Buildings Guidelines and is reflective of the broad aims of the OP urban design policies, and the public realm elements of the Downtown Urban Design Guidelines.

5.7 Transportation and Servicing

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

- The study area intersections operate at acceptable service levels and within capacity during the weekday peak hours. However, at the intersection of Elizabeth Street and Lakeshore Road, the 95th percentile queue length in the northbound left-turn lane exceeds the available storage during the weekday peak hour. The southbound left-turn lane at Pearl Street and Lakeshore Road also exhibits queues exceeding storage capacity at the 95th percentile during the weekday PM peak hour.
- The site's vehicular trip is estimated to be approximately 82-101 weekday AM/PM peak-hour trips.
- Under background traffic conditions, the critical movements identified in the base year traffic analysis are forecast to remain critical. Under the opening-year horizon, the northbound left-turn lane at Pearl Street and Lakeshore Road is forecast to exhibit 95th percentile queues that exceed the available storage during weekday peak hours.
- Under total traffic conditions, operations at the study area intersections are similar to the base year and background conditions. Critical movement is forecast in the northbound approach at the intersection of Old Lakeshore Road and Lakeshore Road, degrading to LOS D during the weekday AM peak hour. However, this is common for minor roadways approaching a major road and is still expected to operate with acceptable delays, as indicated by a v/c ratio of 0.44. The driveway approach to Old Lakeshore Road is forecast to operate within capacity with a v/c ratio of less than 0.10 and delays of LOS B or better. The 95th percentile queue length is forecast to be one vehicle or less.
- Based upon the warrant assessment, traffic control signals are not warranted at the unsignalized intersections of Lakeshore Road at Martha Street and Lakeshore Road at Old Lakeshore Road. The site's driveway connection to Old Lakeshore Road should operate under stop control. The left-turn warrant analysis indicates that the westbound leftturn lanes are not warranted on Old Lakeshore Road at the Site Driveway. No changes to the existing lane configuration are recommended along Old Lakeshore Road.
- The proposed development includes TDM measures such as bicycle parking to encourage cycling and pedestrian facilities to provide accessibility to and from the development. The applicant will consider developing marketing or informational materials outlining available transportation options, which could be shared with future residents and hotel guests as part of a welcome package. These materials may include transit schedules for local and regional services, maps of bicycle routes and trail networks, as well as the locations of nearby retail and recreational destinations. By limiting on-site parking to match projected demand, the development encourages the use of alternative transportation modes. In doing so, it sets a positive example for residents and visitors to reduce reliance on single-occupant vehicles (SOV) and consider more sustainable travel options
- The existing study area segments and intersections along Lakeshore Road meet or exceed the level of service targets for pedestrians, transit, trucks, and cars. To further improve these modes, the City of Burlington should explore enhanced transit facilities, wider sidewalks, improved pedestrian measures, and protected cycling facilities.

The report concludes by making several recommendations:

- The City of Burlington recognizes the conclusions drawn above;
- The City may explore reallocating street space along Lakeshore Road to enhance pedestrian and cycling facilities, including wider sidewalks, increased pedestrian buffers, additional transit facilities, and protected cycling lanes, to improve MMLOS targets further; and
- The site's TDM program should be implemented and monitored over time to help manage its transportation and parking impacts.

5.9 Noise Emissions and Vibration

Thornton Tomasetti was retained to prepare a Noise & Vibration Feasibility Study to support the subject application. A summary of the prepared report, submitted as a part of this application, is as follows:

Noise impacts associated with the proposed development are expected to be able to meet all applicable MECP noise limits without the inclusion of upgraded façade construction/acoustic barriers and with the inclusion of air conditioning/warning clauses, as presented in the study.

Based on an initial stationary noise assessment with typical equipment sound data, the adjacent Restaurant at 2084 Old Lakeshore Road has the potential to exceed the guideline limits at the proposed development's residential units. As the restaurant is permanently closed, the final use of the building will need to be determined. Should the restaurant re-open, a review of the adjacent restaurant rooftop equipment is recommended to measure equipment sound levels and confirm the guideline limits are exceeded on the Project. Regardless, a 76 dBA sound power level rating (9 dBA reduction) for the kitchen exhaust fan can be achieved through the installation of noise controls and/or installation of low-noise equipment. With the 76 dBA sound power level rating, the stationary noise guideline limits can be met on the Project noise sensitive spaces, as presented in the study.

Development mechanical systems are expected meet the applicable stationary noise guideline limits with the appropriate selection of equipment, locating equipment to minimize noise impacts, and including noise controls in the design (barriers, low noise units, silencers/louvres). Once sufficient information is available, an assessment of stationary noise impacts from the development mechanical systems should be completed to confirm the applicable guideline limits are met as presented in Section 6.0.

A Vibration assessment is not considered necessary and was not completed, as outlined in Section 7.0, as the closest railway is located outside of the minimum separation distance required for inclusion and no significant industrial vibration sources were identified within the area.

Based on the above, the proposed development is considered to be feasible regarding noise and vibration.

5.10 Servicing and Stormwater Management

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

With regards to water servicing, the report identifies that the proposed water servicing for the site consists of connecting two 200mmø watermains to the existing 300mmø watermain adjacent to the site along Pearl Street. Domestic water service to the proposed development will be achieved with a 150mm domestic water service line that will tee-off one of the 200mm watermain before the property line. All proposed water services will be designed and constructed in accordance with City of Burlington and Region of Halton standards.

With regards to Sanitary Servicing and Capacity, the report identifies that site will be serviced by a 200mmø sanitary sewer, designed and constructed in accordance with City of Burlington and Region of Halton standards. Drainage from this sewer will discharge to the existing 450mmø sanitary sewer adjacent to the site along Lakeshore Road, and that this size will be adequate to service the proposed development. With regards to capacity in the wider network, the report identifies that the existing 450mmø sanitary sewer flows east along Lakeshore Road and outlets to the Junction Street Wastewater Pumping Station located at 2137 Lakeshore Road. Halton

Region completed a Municipal Class Environmental Assessment Study in June 2018 for upgrades to this pumping station and forcemain. The EA Study indicated that the pumping station and forcemain construction was anticipated in 2028. Further discussion with Halton Region is required to determine if the upgrades are required to accommodate the proposed development and to confirm the timeline for the upgrades.

With regards to Stormwater, the report identifies that:

- The proposed condition discharge rates to Old Lakeshore Road will not exceed the allowable discharge rate during the 2-year to 10-year storm events with the installation of a 75mmø orifice control;
- The proposed condition discharge rate will exceed the allowable discharge rate by 1 l/s during the 25-year storm event and 2 l/s during the 50-year and 100-year events. This is considered a negligible increase and will not have a negative impact on the downstream conveyance system;
- The development will require 46.1m^3 of stormwater storage during the 100-year event, which can be accommodated with the provision of a 56m3 storage capacity tank on the site; and,
- The proposed condition discharge rates to Lakeshore Road will not exceed the pre-development discharge rates during the 2-year to 100-year design storms.

The report concludes that the proposed development can be constructed to meet the requirements of the City of Burlington and the Region of Halton. It provides the following recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading & Erosion Control Plan and the Preliminary Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A 75mmø orifice control be installed as per the Preliminary Servicing Plan and the report to provide adequate quantity control for the proposed site;
- Erosion and sediment controls be installed as described in this report and shown on the Preliminary Grading & Erosion Control Plan prepared by S. Llewellyn & Associates Limited;
- The proposed sanitary and water servicing system be installed as per the Preliminary Servicing Plan and this report to adequately service the proposed development.



6 Conclusion

For the reasons set out in this report, it is our opinion that the proposed development will appropriately intensify an underutilized site, provide a significant extension of the City's Waterfront Trail and improve public access to Lake Ontario, improve the streetscape along Old Lakeshore Road, create a new hotel use which will support the City's tourism industry and employment uses in the Downtown, and provide new mixed-use development that would fit harmoniously with the existing and planned built form context. The proposed development also will be compatible with the height and massing of existing and approved development in the Old Lakeshore Road Mixed Use Precinct.

From a planning policy perspective, the subject site is an appropriate location for intensification, given its location within the Downtown SGA and Secondary Regional Node and its proximity to transit, including the Downtown Bus terminal, which is located approximately 300 metres from the site, and the Burlington GO station, which is located approximately 2 kilometres away. The proposal conforms with the ROP, particularly the land use, intensification, and SGA policies which direct for residential and employment intensification in areas like Downtown Burlington. The proposed hotel use will create an active and engaging street frontage and activity centre which will drive pedestrian traffic and street life in the surrounding area and support local businesses within the wider downtown. The proposal conforms with the intensification, housing, and mixed-use centre, and downtown mixed-use centre policies of the Official Plan, which envision an urbanization of the city, especially in the Downtown. However, a site-specific amendment to the Old Lakeshore Mixed Use Precinct policies of the Official Plan is required in order to increase the height of the subject site beyond the maximum 15 storeys and density of 51 units per net hectare. In our opinion, the proposed density is appropriate and desirable for the subject site and adheres to the criteria set out in the OP for increases to height and density on the site. Furthermore, it is our opinion that the requested Zoning Bylaw and Official Plan Amendments are consistent with the PPS, in particular the policies promoting the efficient use of land and infrastructure, and intensification within SGAs.

From a built form and urban design perspective, the proposed base building will appropriately frame the public realm and contribute to an improved pedestrian environment along Old Lakeshore Road and the adjacent waterfront trail. The upper building is slender with a below-guideline tower floorplate and pulled back away from the street to minimize built form impacts and further define the base building. Appropriate tower separation distances are provided between the upper building and adjacent properties. The proposed height will fit into the broader urban structure and is in keeping with range of heights in the surrounding area. The proposal conforms with the built form and massing policies of the Official Plan and is in keeping with the relevant urban design guidelines.

From a wider city-building perspective, we believe that the proposed hotel and waterfront trail extension represent a significant contribution to the City of Burlington. It is our opinion that the proposed development would be an excellent addition to the City's downtown which would provide a significant contribution to the City's goals of increasing housing supply, minimizing the use of the automobile, enhancing access to parkland and Lake Ontario, supporting it's tourism industry, housing targets and employment projections, and create a highly desirable, attractive building on the City's waterfront.

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.
PLANNING | DESIGN | ENGAGEMENT