BOUSFIELDS INC.

Planning & Urban Design Rationale



2030 Caroline Street

City of Burlington

Prepared For

Inaria Burlington Inc.

June 2024

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Job Number
23308

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“This Planning and Urban Design Rationale report has been prepared in support of an application by Inaria Burlington Inc. to amend the in-force City of Burlington Official Plan and Zoning By-law 2020, as amended, to permit the redevelopment of a 2,781 square metre site, known municipally as 2030 Caroline Street.”



1 Introduction

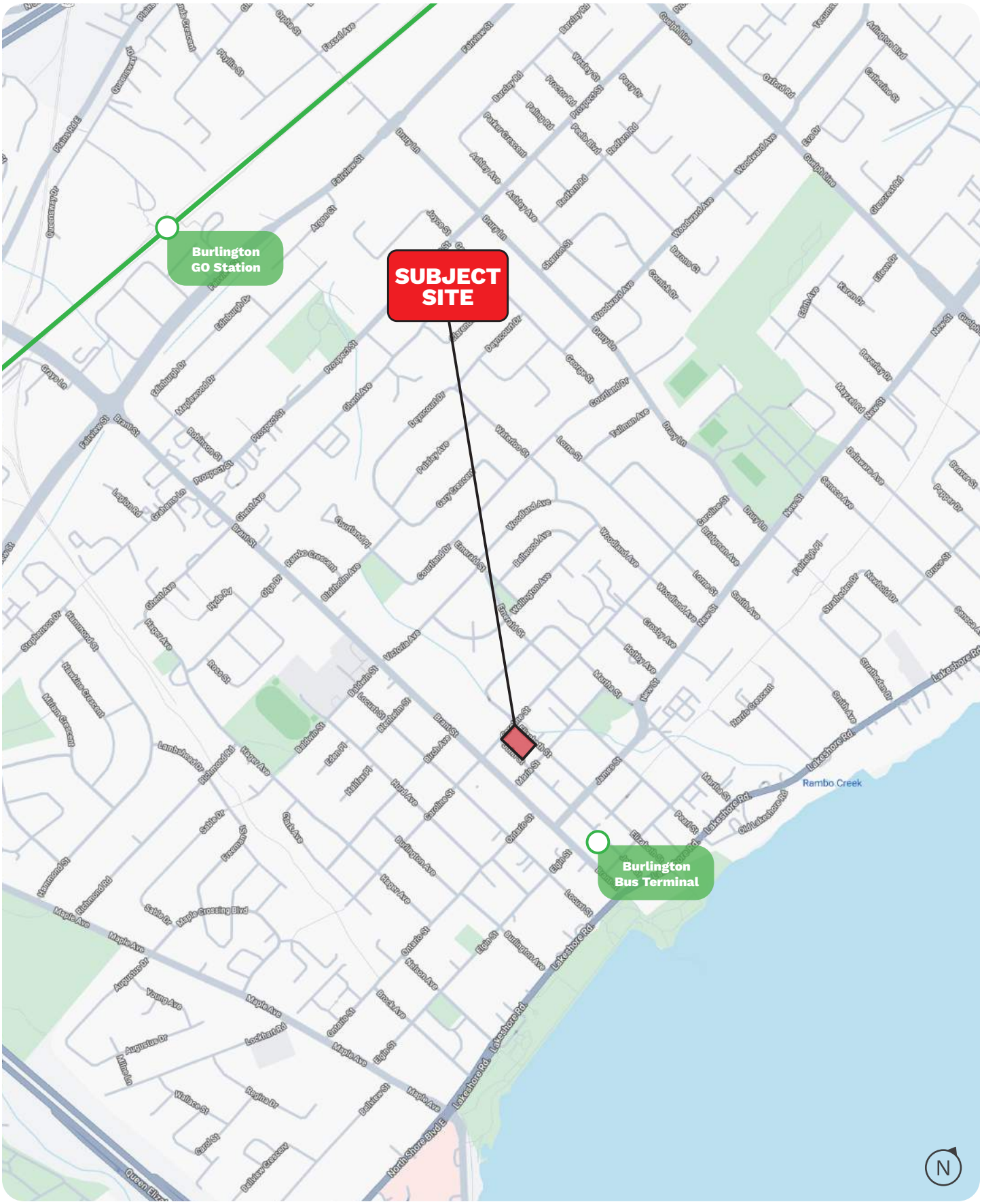


Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of an application by Inaria Burlington Inc. (the "Owner") to amend the in-force City of Burlington Official Plan and Zoning By-law 2020, as amended, to permit the redevelopment of a 2,781 square metre (0.69 0.687 acre) site, known municipally as 2030 Caroline Street ("the subject site" or "site").

The official plan and zoning by-law amendments will permit the redevelopment of the subject site for a 28-storey mixed use building with 383 square metres of ground floor commercial uses and a total of 302 residential units, which will urbanize and complete the development of the city-block in which the subject site is located with a new mixed-use building that fits within the urban fabric and blends in with the existing 17-storey mixed-use building (the "Berkeley") immediately to the south and within the evolving context of the Downtown.

The subject site was previously subject to an Official Plan Amendment and Zoning By-law Amendment Application between 2010 and 2014, when it was approved for an 8-storey medical office building and a 6-storey parking structure (the "Original Approval"). The redevelopment of this city block commenced with a 17-storey mixed use building, the Berkeley, at the south end of the block, which was constructed and occupied in 2019. The remainder of the block has sat vacant for approximately 10 years as the previous Owner (MedicaOne) has been unable to develop a medical office building due to feasibility and market constraints. The subject site was transferred to the Owner in November of 2023 who have initiated this plan to develop the site with a proposed mixed-use building and above-grade parking facility. In our opinion, the proposed redevelopment provides an opportunity to intensify an under-utilized and vacant site in the Downtown with a mixed-use building that will add new commercial amenities and provide much needed housing for the City and Region in a location where people want to live, while at the same time completing the redevelopment of the block.

From a land use perspective, the proposal will contribute to the achievement of numerous policy objectives that promote intensification and a range of housing choices within built up areas, particularly in locations such as this which afford the opportunity for use of active transportation modes and are well served by municipal infrastructure, including public transit. Specifically, the proposed development is in keeping with policy directions associated with the identification of Downtown Burlington as a Secondary Regional Node where high-density development is directed. In our opinion, the requested official plan and zoning amendments are consistent with the Provincial Policy Statement (the "PPS") and conform with the Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") and Halton Region Official Plan (the "ROP"), in particular the policies promoting the efficient use of land and infrastructure, services and facilities and accommodating growth and intensification within *strategic growth areas* ("SGA"), which are directed as priority growth and intensification areas. Furthermore, the proposal achieves numerous policy objectives of the in-force 1997 City of Burlington Official Plan (the "Official Plan"), especially those that direct growth and development at transit-supportive densities to the Downtown SGA. The Downtown is a SGA where higher density development is directed, anticipated and needed to achieve City and Regional growth targets. It is also a unique SGA within the Region, as its local context is more intense and includes numerous approved, existing, and under construction tall, mixed-use buildings.

From a built form and urban design perspective, the proposal is contextually appropriate and will represent a high-quality architectural addition to the Downtown, which is an evolving urban and tall building context. The 28-storey 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. The proposed development will provide an appropriate street wall condition along it's three street frontages and contribute to an improved pedestrian environment at grade through the provision of grade-related commercial and residential uses and an improved public realm. In our opinion, the proposal is consistent with the PPS, conforms to the Growth Plan and ROP, implements the general intent of the Official Plan and is generally in keeping with the relevant urban design guidelines. A site-specific amendment to the Official Plan is needed to increase the building height and density policies that apply to the subject site and a zoning by-law amendment to establish appropriate contemporary development standards to implement the proposed development.

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

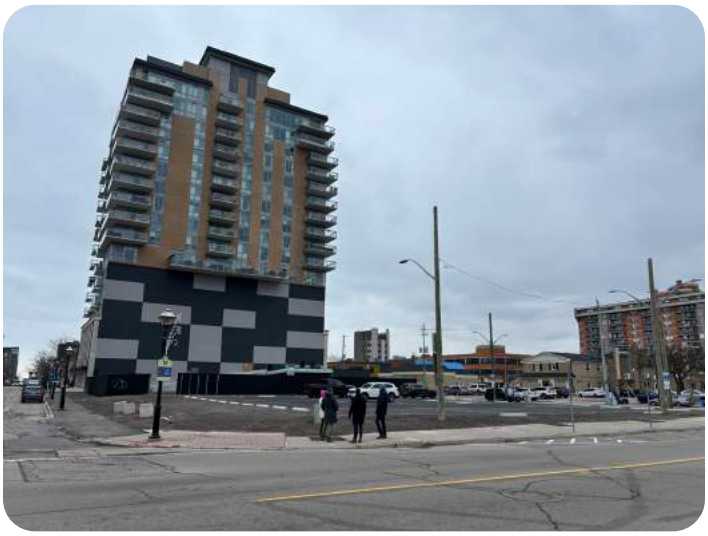
2 Background & History of the Subject Site

2.1 Subject Site

The subject site is located on the south side of Caroline Street, between Elizabeth Street to the east and John Street to the west (See **Figure 1**). The site is generally rectangular in shape with an overall area of approximately 2,781 square metres (0.69 acres) and has a frontage of 40.26 metres along Caroline Street, 69.0 metres along John Street, and 69.21 metres of frontage along Elizabeth Street. The South lot line fronts onto the adjacent property at 2025 Maria Street, which is occupied by the previously noted 17-storey mixed-use building, the Berkeley, with commercial uses at grade and residential uses on the upper floors.

The Berkeley, completed in 2019, consists of the first phase of what was originally a two-phase development planned for the entire city-block. The subject site represents the second and final component of development that will complete the redevelopment of the city-block. As part of a comprehensively planned and coordinated redevelopment, the Berkeley's parking structure extends northward beneath a portion of the subject site, generally beneath the proposed parking facility as discussed below. As previously noted, the subject site formed part of the original planning approvals from 2010 and included the development of an 8-storey medical office building and 6-storey above-grade parking structure. Although the redevelopment of the city-block was comprehensively planned, the developments within the north and south portion of the block operate and function independently and there are no existing or planned connections between the two developments. Vehicular access to and from the Berkeley operates approximately 30 metres north of the John Street and Maria Street intersection, on the east side of John Street. As a result, a wall along the north side of the Berkeley faces and separates the two phases of the redevelopment above-grade from each other. As part of the original approval, vehicular access to the above-grade parking structure proposed to be constructed on the subject site has been partially constructed.

The subject site is currently vacant, currently operating as a temporary, City operated surface parking lot. A temporary access driveway to the temporary parking lot is provided on the east side of John Street, in close proximity to the intersection of Carolie Street and John Street. There is no vegetation on the site, and the site is generally flat with only a small, gentle grade running from the north to the south.



Looking southwest at the subject site from Caroline Street



The partially constructed parking ramp on the subject site.

The following is a summary of relevant background information related the subject site and the remainder of it's block:

- In 2006, MedicaOne (the previous Owner of the subject site) commenced its review of the redevelopment potential of the city-block bounded by Caroline Street, Elizabeth Street, Maria Street and John Street. Through this process, it was determined that to enable the comprehensive redevelopment of the block to occur, the fragmented ownership of the land within the block required consolidation. The properties required to be consolidated with the MedicaOne lands were owned at that time by the City of Burlington.
- In 2008, negotiations between the City and MedicaOne commenced to allow the purchase city-owned lands within the redevelopment block by MedicaOne and to transfer a property owned by MedicaOne at 2028 Caroline Street to the City.
- On May 21st, 2010, the City and the property owners executed a land exchange agreement. This agreement effectively consolidated all of the lands within the redevelopment block and the City acquired 2028 Caroline Street.
- Prior to the land exchange and the submission of redevelopment applications to the city, the land uses within the redevelopment block included a City-owned and operated parking lot, a restaurant, hairdresser a pharmacy and financial services.
- Official Plan and Zoning By-law Amendment applications were submitted to the City during the land exchange negotiation process and the Official Plan Amendment was approved by the City in July 2010. The approval included a 17-storey mixed-use building on the southerly portion of the site, a 6 storey above-grade parking facility and an 8-storey medical office on the northern portion of the block.
- A Zoning By-law Amendment, including community benefits, was enacted by City Council on January 27th, 2014.
- On November 14th, 2016, Site Plan Approval was issued for the entire city-block including the 17-storey mixed-use building, the extension of a portion of the residential underground parking garage beneath the southerly portion of the subject site, the proposed 8-storey medical office and the 6-storey above-grade parking facility.
- Construction of the Berkeley, a 17-storey building, commenced with the issuance of the below-grade building permits by the City of Burlington on March 24th, 2017.
- On May 15th, 2019, the Berkeley residential condominium was registered.
- Efforts by MedicaOne to lease the medical office space continued since the land exchange with the City in 2010.
- On March 5th, 2019, Interim Control By-law 10-2019 (the "ICBL") was passed by City Council. This by-law was intended to allow the City an opportunity to re-examine the redevelopment of the Burlington GO Station Lands yet it included the area known as the Downtown Burlington Urban Growth Centre (including the subject site). The effect of the ICBL was a freeze on all development in the Downtown until the re-examination was completed.
- Requests were made by the landowner to exempt the subject site from the ICBL and to engage in discussions to re-evaluate the redevelopment of the northern portion of the block. Ultimately, these efforts were unsuccessful as City council decided not to exempt the subject site from the ICBL.
- On January 30, 2020, in conjunction with the adoption of Official Plan Amendment 119, City Council passed zoning by-law 2020-418 which represented the City's response to the interim control by-law. By-law 2018-418 established new zoning permissions for the lands within the Burlington GO Station area and no zoning modifications were proposed or approved that affected any lands outside of the Burlington GO Station lands. There were no changes to the zoning of the subject site.
- On March 11th, 2020, the global COVID-19 pandemic was declared. Efforts to lease the approved medical office building continued and were unsuccessful.
- On November 10th, 2021, the landowners met with City staff at a pre-submission consultation meeting to discuss the potential redevelopment of the subject site for a retirement residence with grade-related commercial uses while generally maintaining the previously approved built form (height allowances accommodating the equivalent of an 8-storey medical office building form plus the 6-storey parking garage). However, through ongoing evaluation by the landowners, this redevelopment option was determined to not be viable.
- On August 23rd, 2023, another pre-submission consultation was held with city staff to review a high-density mixed-use redevelopment concept, including an above-grade parking garage. This was the initiation of the subject applications.
- November 2023, the subject site is sold to Inaria Burlington Inc.



Figure 2 - Aerial Context

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



Downtown Burlington viewed from Spencer Smith Park

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 with the majority implemented through site-specific official plan amendments. Many of these projects are either built or under construction, as well as the following approved and proposed projects:

Table 1 - Downtown Development Activity

Address	Max. Bldg. Height (Storeys)	Precinct	Application Status
Proposed			
2020 Lakeshore Road	35	Wellington Square	Appealed
2072 Lakeshore Road	27	Old Lakeshore	Pre-Application Submission
2083 Lakeshore Road	26	Old Lakeshore	Pre-Application Submission
2076 Old Lakeshore	26	Old Lakeshore	Pre-Application Submission
Approved			
535-551 Brant Street	27	Downtown Core	OLT Approved
401,403,405,409,411 & 413 Brant Street 444,448 and 450 John Street 2002 and 2012 James Street	17	Downtown Core	Approved
2085 Pine Street	9	Downtown Core	OLT Approved
441 Maple Avenue	11	Downtown Residential	Approved
2107 Old Lakeshore Road, 2119 Lakeshore Road	27	Old Lakeshore	OLT Approved
2093, 2097 and 2101 Old Lakeshore Road, 2096 and 2100 Lakeshore Road	27	Old Lakeshore	OLT Approved
401-407 Martha Street	14	Downtown Residential	OLT Approved
2082-2090 James Street	13	Downtown Residential	OLT Approved

As previously noted, 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 30-storeys (under construction). This reinforces our observation that the Downtown is evolving into a more dense and taller built form context.



Several high-density mixed-use developments are under construction within the Downtown.

In our opinion, the Downtown is a complete community, which is defined by the Growth Plan as:

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

In our opinion, the Downtown meets the definition of a *complete community* since 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 personal service facilities including a Regional Waterfront Park, neighbourhood parks, trails, City Hall and other public services. In addition, there are a number of cultural and entertainment facilities including the Burlington Art Gallery, The Burlington Performing Arts Centre, etc.

Legend

- Subject Site
- GO Line
- Bus Terminal

Burlington Official Plan, 1997 (in-effect)
Schedule B - Comprenhensive Land Use Plan

- Downtown Mixed Use Centre
- Downtown Urban Growth Centre Boundary
- Greenlands

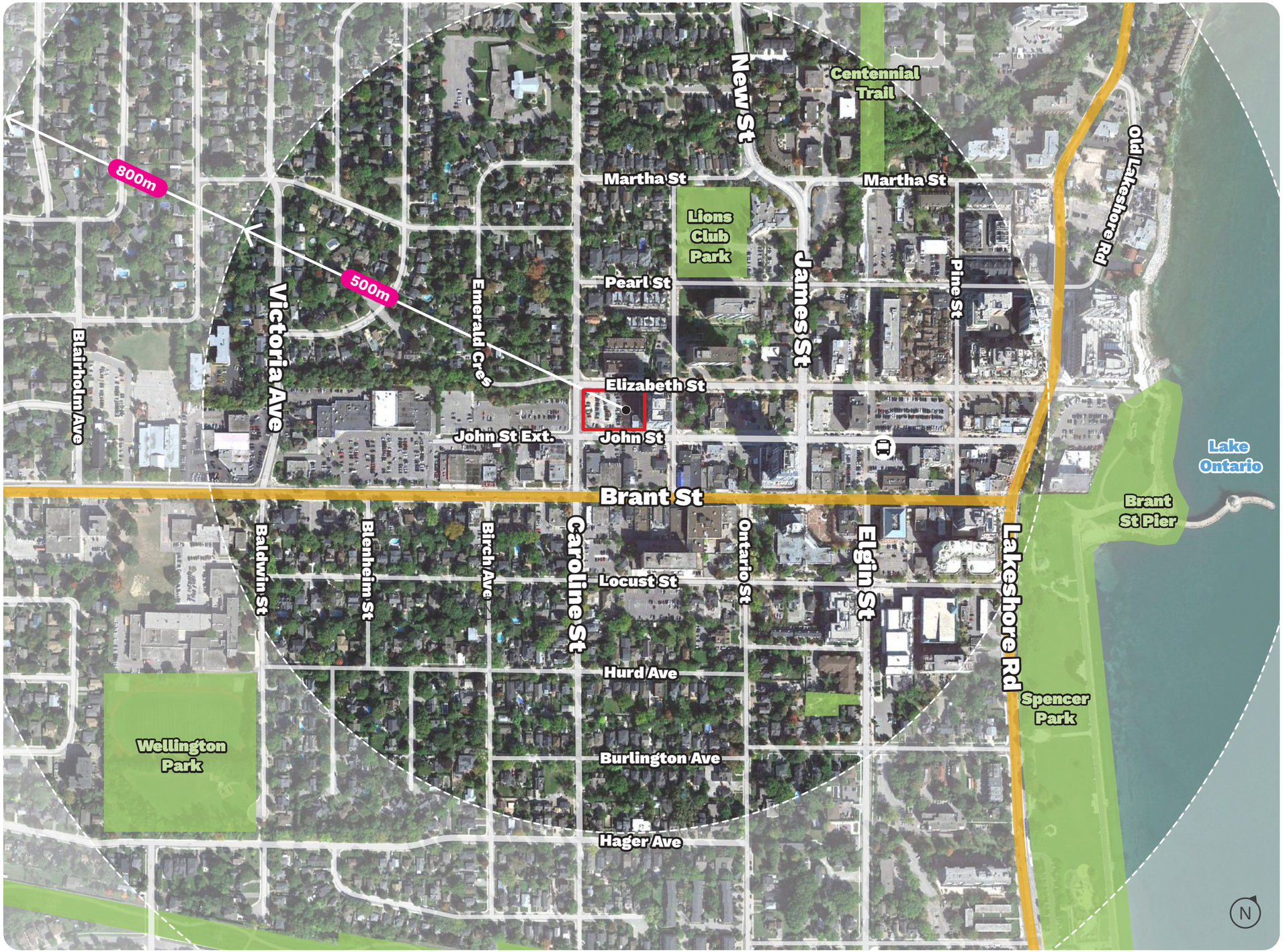


Figure 3 - Downtown Burlington Context

2.3 Immediate Surroundings

As the subject site is positioned in a north-western direction, for the purposes of this planning rationale, Caroline Street is considered the north of the subject site, Elizabeth Street is considered east, Maria Street is considered south, and John Street is considered west.

To the immediate **east** of the subject site, fronting onto Elizabeth Street, is a 3-storey townhouse development, located at 509 Elizabeth Street, which was constructed in 2017. In the same block, there is another 3-storey townhouse development located at 496 Pearl Street. Further north is an established low-rise residential neighbourhood of predominantly 1- and 2- storey single detached dwellings, reaching the south side of Drury Lane. Further north along Caroline Street, at the intersection of Holtby Avenue, is the Wellington Square United Church. On the north side of Drury Lane are a number of recreational and community uses, including, the Burlington Tennis Club, the Burlington Seniors Centre, the Central Recreation Centre, and the Burlington Public Library – Central Branch.

To the immediate **south** of the subject site and within the remainder of the block is 2025 Maria Street (The Berkeley),, which has an extended below grade garage underneath the subject site. At the southeast corner of the intersection of Maria Street and Elizabeth Street are two high-rise residential apartment buildings, 15 and 18 storeys in height, located at 477 Elizabeth Street and 478 Pearl Street. South of Maria Street are a variety of 1- to 2-storey house form buildings which are occupied by commercial uses, with associated at-grade parking in the front and rear yards.

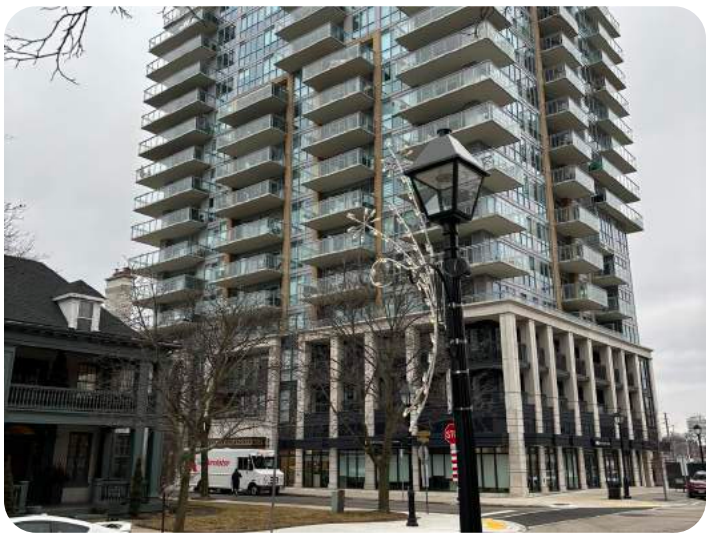
Further south, within the southeast quadrant of the James Street and John Street intersection is 440 Elizabeth Street, a mid-rise office building with surface parking lots on both the north and south sides. At the intersection of Pine Street and Elizabeth Street is "Village Square", a European-style open concept plaza for local retailers and restaurants. Continuing south to Lakeshore Road, are several high-rise mixed-use apartments existing and under construction, of up to 29 storeys in height, facing directly onto Lake Ontario.



The subject site fronts onto Elizabeth Street, which is lined with high-density residential uses



Existing residential uses to the northeast of the subject site along Caroline Street



2025 Maria Street consists of the first phase of development on the block



South of Maria Street are a mix of low and high density uses



A 29-storey development currently under construction at Pearl Street and Lakeshore Road



The existing commercial storefronts along John Street, with 505 Locust Street behind

To the immediate **west** of the subject site, on the west side of John Street, there are three 2-storey commercial buildings which front onto Brant Street East including a cannabis dispensary, a comic bookstore, a barber shop and spa, a restaurant and a Starbucks at the corner of Caroline Street and Brant Street. Surface parking for these commercial establishments is provided at the rear on John Street. Brant Street, being located 1 block to the east of the subject site, functions as the primary commercial corridor for Downtown Burlington with a variety of commercial, civic, and employment uses along its length. In the same block to the east of the subject site, there are three 1- to 2-storey house form buildings for Smith's Funeral Home and a surface parking lot in between the buildings. Further south along Brant Street at the intersection with James Street is 421 Brant Street, a recently completed 23-storey mixed-use development.

On the east side of Brant Street there are more low-rise commercial buildings, as well as a mid-rise office complex that includes a movie theatre, with the building's rear fronting onto a 12-storey residential apartment located at 505 Locust Street. Further west, beyond Locust Street, is an established low-rise residential neighbourhood predominantly made up of 1- and 2-storey single detached, townhouse, and walk-up apartment dwellings.

To the immediate **north** of the subject site, on the opposite side of Caroline Street, is a municipal surface parking lot identified as John Street North Lot #3. Beyond the surface parking lot at 561 – 603 Brant Street is a substantial commercial plaza that accommodates a grocery store and a number of retail uses, service commercial uses, restaurants and a limited amount of office space. The main building within the plaza is located in the centre and southern portions of the site and is setback considerably from Brant Street. The large setback area is used as commercial parking for patrons of the plaza. A Tim Horton's restaurant and an optometrist are located at the northwest corner of the site, at the Victoria Avenue and Brant Street intersection. A 2-storey building on the south side of the plaza and fronting onto Brant Street was recently approved to be redeveloped as a 27-storey mixed-use building (535-551 Brant Street).

Further north is a motor vehicle dealership, church and low-rise residential uses. At the Baldwin Street and Brant Street intersection is Burlington Central Elementary School. Further north, the Brant Street corridor (between the Queen Elizabeth Way and Victoria Avenue) is mixed with a variety of land uses and built forms, which includes low to mid rise commercial and motor vehicle uses with surface parking lots near the highway. At Brant and Ghent Streets, a 3-tower development proposal with heights of up to 25 storeys is currently proposed. Further north, at the intersection of Brant and Prospect Streets, a similar proposal for a 33 storey mixed use building has been approved by the Ontario Land Tribunal. On the north side of Fairview Avenue, to the east of Brant Street, is the Burlington GO Station.



The surface parking lot and John Street to the north of the subject site

2.4 Transportation Network

Road Network

Schedule O-3 – Classification of Transportation Facilities Downtown Urban Centre in the Official Plan (**Figure 4**) identifies Caroline Street as a Neighbourhood Connector Road which provides a general east - west vehicular connection with main and local streets. Along this portion of Caroline Street, there are two lanes travelling in an east-west direction, as well as a centre turn lane and on-street parking along the north side of Caroline Street immediately adjacent to the city-owned parking lot (John Street North Lot #3), directly adjacent to the subject site. Municipal sidewalks are provided on the north and south sides of Caroline Street.

Elizabeth Street and John Street are also both identified as Neighbourhood Connector Roads in the Burlington Official Plan, both of which provide a north - south vehicular connection with main and local streets. Along the portions of Elizabeth Street and John Street which front onto the subject site, the right-of-way consists of one travel lane in each direction, municipal sidewalks on both sides, and on-street parking within designated rights-of-way of 20 metres.

Table 2 – Road Allowance Widths in the Official Plan does not indicate that Caroline Street, Elizabeth Street or John Street have a specific planned right-of-way width. Schedule K identifies them as Collector Streets for the purposes of determining the street's ultimate intended right-of-way, which is identified as between 20 and 30 metres. Through discussions with City Staff at the Pre-Consultation meeting for the subject site, Staff confirmed the existing right of way widths of 20 metres for all three street frontages is adequate and no further road widenings are required.

Transit Network

The subject site is well serviced with public transit (see **Figure 5**) and is an approximately 400 metre (5- minute) walk to the Downtown John Street Bus Terminal and a one minute walk to Brant Street which is one of the city's primary public transit routes with transit stops for Lines 2 and 52 located at Brant and Caroline.

Burlington Transit bus routes 2, 3, 4, and 10 all have bus stops at the John Street bus terminal which provides services Monday through Friday as well as weekends and Holidays:

- **Route 2 Brant** - operating north and south along Brant Street from the Burlington GO Station to the Downtown John Street Bus Terminal.
- **Route 3 Guelph**-Downtown - operating northwest and southeast along Guelph Line from Lakeshore Road to Dundas Street and the Highway 407 GO carpool parking lot.
- **Route 4** - Central operating generally east and west from John Street to Appleby GO Station.
- **Route 10 New**-Maple - operating east and west along New Street from Appleby GO Station to Burlington GO Station.
- **Route 50** – loops the city in an east-west direction, south of the QEW and connects to the Burlington GO.
- **Route 52** – loops the City in a north-south direction connecting to the Burlington GO.
- **Hamilton Street Railway Route 11 Parkdale** – provides connections to the City of Hamilton along Beach Boulevard.

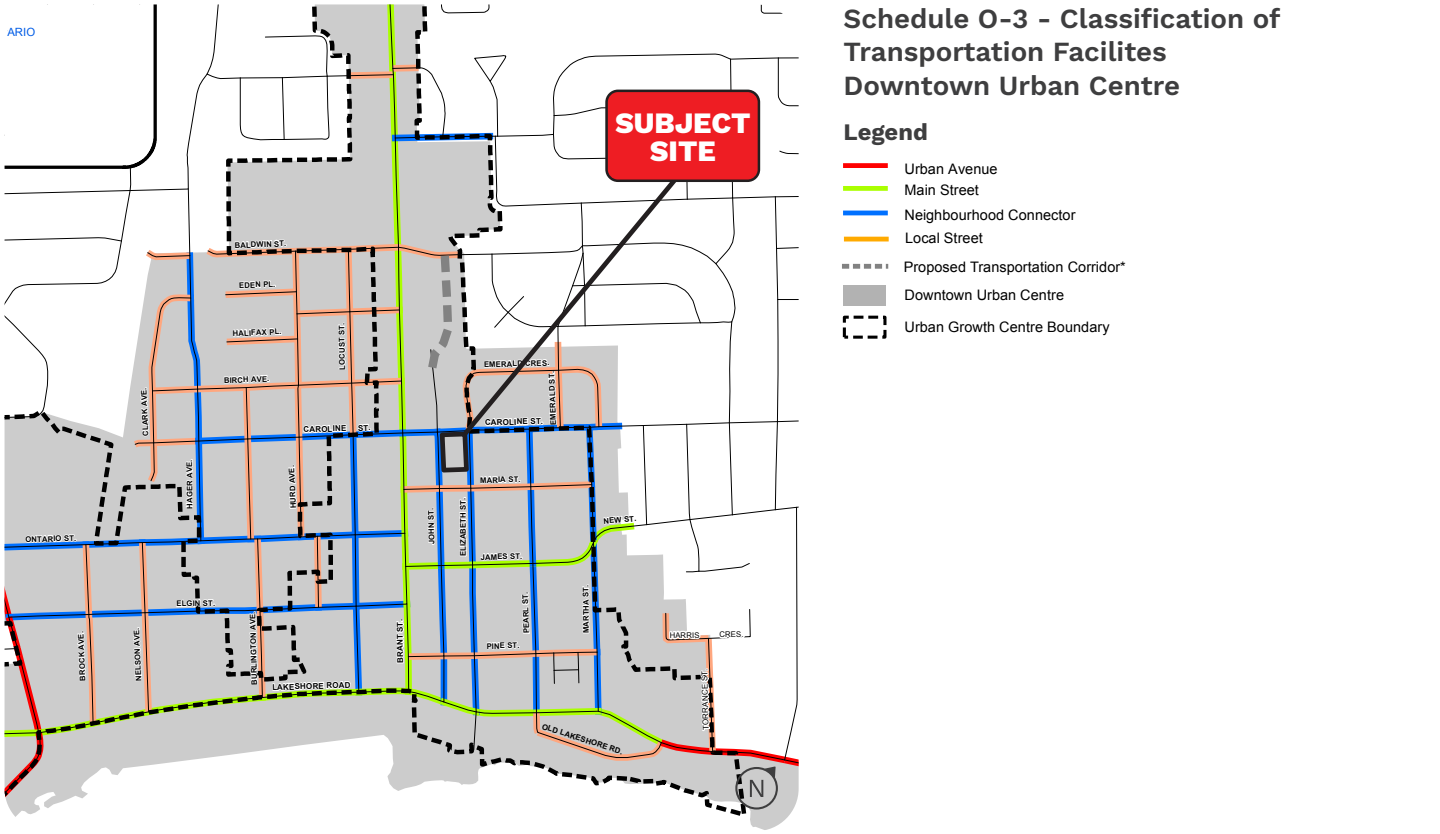


Figure 4 - Downtown Urban Centre Official Plan Schedule O-3

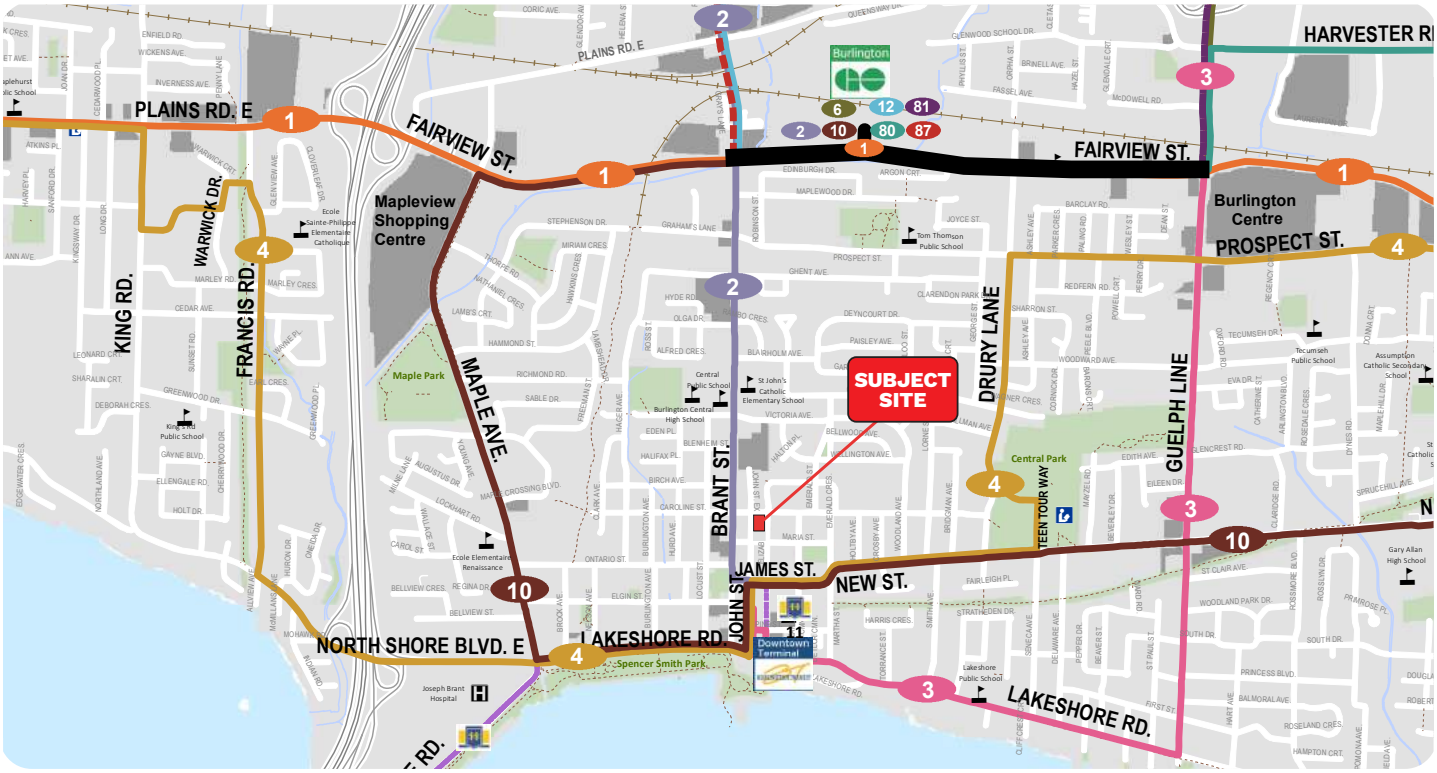


Figure 5 - Transit Network Map

These bus routes provide travel in west, east, and north directions and provide connections to multiple GO Stations including Aldershot, Burlington, and Appleby GO as well as the 407 GO carpool parking lot. Further to the bus routes provided at the John Street terminal, Burlington Transit provides additional bus route stops at all GO Station terminals that provide more local transit options. In addition to these bus routes, the subject site is located approximately 1.5 kilometers or approximately a 25-minute walk away from the Burlington GO Station, which offers regional train and bus services south to Niagara Falls and Hamilton and east to Toronto's Union Station. There is also bus service on routes 1 from the Appleby GO station and route 101 from the Burlington GO station to the City of Hamilton. Route 1 provides weekday, weekend and holiday service while route 101 provides weekday services to Hamilton.

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 John Street Bus terminal as a hub of the City's Transit Network (5.5.15 d), and require Council to explore increase service coordination and within the Downtown and between the Downtown John Street 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 to develop the Downtown in a transit supportive form to increase the modal split for transit and improve transit connectivity to the John Street Bus terminal.



3 Proposal

3.1 Description of Proposal

The proposed development will complete the development of the city-block bounded by John, Martha, Elizabeth, and Caroline Streets within the Downtown of Burlington, improving the public realm and providing an improved streetscape along all three street frontages. The proposal will improve the interface with the public realm and provide a compact built form that is transit supportive and pedestrian oriented that fits within the existing and approved surrounding uses which range from high-rise/high-density mixed-use developments to low-rise/low density.

The proposal involves the construction of a 28-storey residential building accommodating 302 units with a total gross floor area of 23,900 square metres (see **Figure 6**). The resulting density is approximately 8.59 Floor Area Ratio (FAR). The proposed building height is 87.25 metres to the roof of the building, and 94.55 metres to the top of the mechanical penthouse.

The proposal is immediately north of the Berkeley and above the existing and below-grade residential parking garage exclusively serving the residents of the Berkeley as noted in sections 2.1 and 2.3 of this report.

The proposal includes the construction of an a six (6) storey above-grade parking structure immediately north and adjacent to the north facing exterior wall of the Berkeley and above the existing residential below-grade parking garage serving the Berkeley. The built form of the proposed above-grade parking structure between the Berkeley and the proposed high-density development on the subject site is generally consistent with the previously approved above-grade garage. Vehicular access to the new above-grade garage is from Elizabeth Street, and has been partially constructed in conjunction with the Berkeley.

As described in more detail below, the overall massing of the proposed development includes a 3 storey podium with a 28-storey tower (25 storeys on top of the podium) along Caroline Street, topped with a mechanical penthouse, and a 6-7 storey above grade parking structure.

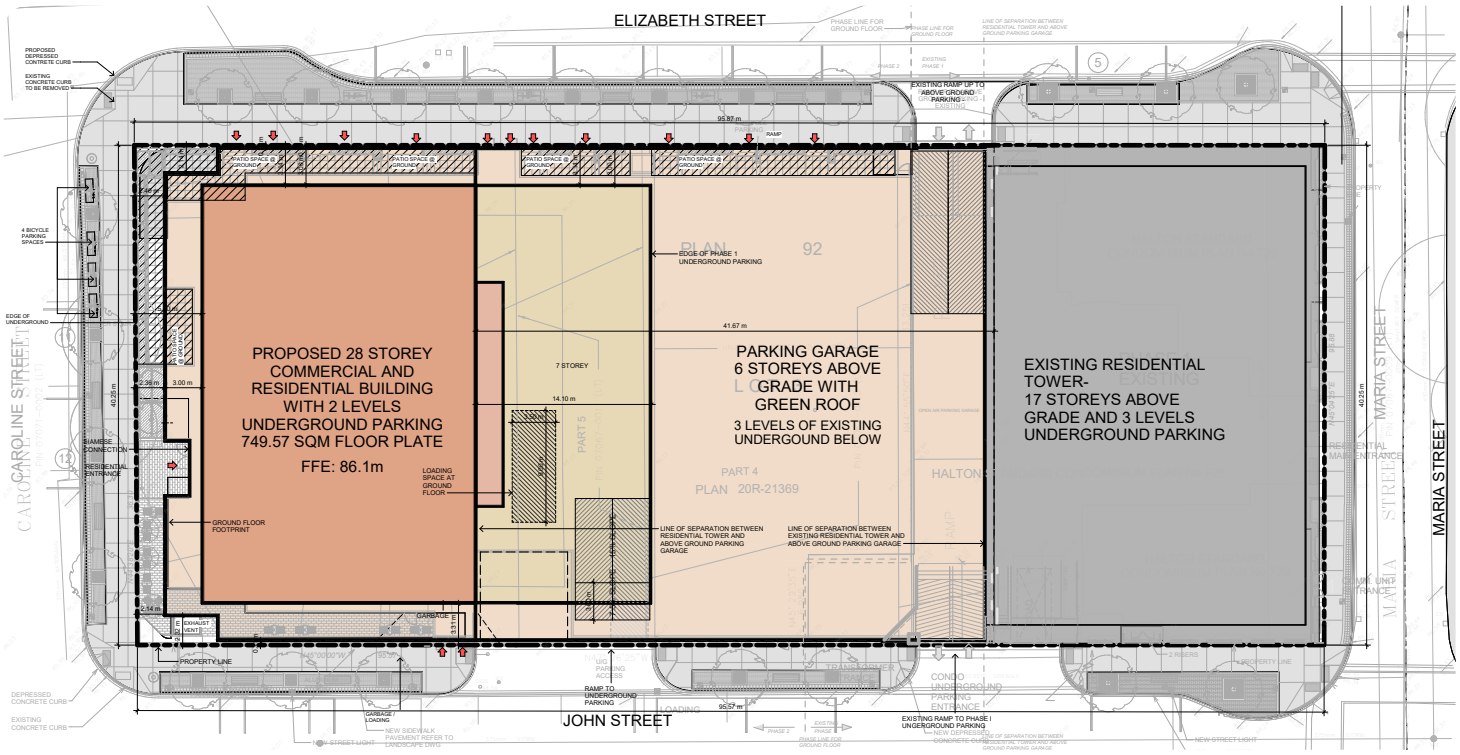


Figure 6 - Site Plan (Prepared by Chamberlain Architect Services Limited)

Base Building

The base of the mixed use building consists of a 3 storey podium including commercial space at-grade on both Caroline and John Streets and 6 to 7 storey above-grade parking structure on the intervening lands between the Berkeley and the proposed mixed-use building. As noted above, access to the above-grade parking structure is from Elizabeth Street. The primary residential entrance to the building is proposed to front onto Caroline Street, with commercial uses wrapping around to John Street and urban townhouse units wrapping around to and along Elizabeth Street.

The above-grade parking garage contains 5 levels of above-grade parking, in alignment with original planning approvals. These 5-levels, as well as the ground floor, are generally set back approximately 0.5 metres from the lot line along John and Elizabeth Streets, reflective of the subject site's highly urban context and to provide a continuous street wall condition. It is important to note that in response to pre-submission consultation comments received from city staff, the streetscape on the Caroline Street frontage has been designed to provide a clear pedestrian path/sidewalk of 2.5m. Along Elizabeth Street, a 2.14 metre setback is provided at grade to enable residential terraces for the proposed townhouse units at grade, with the parking structure above returning to a 0 metre setback for levels 2-6.

The above-grade parking is shielded by expressive architectural features along John and Elizabeth Streets to minimize its impact on the public realm, and the lower two floors include an alternate architectural expression to provide a lower, pedestrian-scale space close to the sidewalk and public realm.

The remainder of the base building below the tower is occupied by residential dwelling units, with the aforementioned commercial uses at grade along John Street in both the northern and southern halves of the base building. Similar to the above-grade parking, the lower three levels of the base building would feature an alternate architectural expression with a heavier emphasis on tactile materials to create more visual interest and a cohesive pedestrian scale at grade. The lower three levels feature a minimal setback from John Street, reflective of the urban nature of the street and the proposed commercial uses. Along Caroline Street, a larger 2.14-2.40 metre setback is proposed to create an enhanced pedestrian realm and to address comments received from staff through the pre-submission consultation process. To enhance the relationship between the proposed development and the existing townhouses on the east side of Elizabeth Street, the Elizabeth Street frontage of the proposed development features setbacks of 2.46 metres from the street in order to create outdoor terraces for the urban townhouse (residential) units proposed at grade and to accommodate projecting balconies further above. The balconies will frame the visual expression of the lower podium level and will be generally flush with the property line. The flush condition is proposed to maintain and enhance architectural consistency with the Berkeley immediately to the south. This framed, 3-metre-deep residential balcony expression is also proposed above the commercial units fronting along John Street on the second and third levels of the building.

Above the third floor of the residential component of the base, the tower is stepped back a minimum of 3 metres from the podium component (including the framed balconies, where appropriate), to provide additional visual emphasis to the 3-storey podium. The architectural expression also changes above this level. At the 7th level, the building partially extends over the above-grade parking garage for a single level to provide an indoor amenity space and to create a visual transition between the above-grade parking and the tower component of the building.

The height of the tower podium is 11.15 metres, with the above-grade parking extending to a height of 20.6 metres and 24.2 metres including the 7th storey amenity space. The height of the above-grade parking has been specifically designed to align with the intent of the Original Proposal. This includes its interface with 2025 Maria Street to the south, which has a blank wall facing towards the subject site.

In addition to the proposed 10 at-grade urban townhouse units fronting onto Elizabeth Street and Caroline Street, including outdoor terrace spaces, the ground floor of the building base will also include the building lobby and waste facilities as well as a 382 square metres of commercial and potential community space along the John Street frontage. The 10 residential units would front onto both Caroline and Elizabeth Streets: One (1) onto Caroline and nine (9) facing Elizabeth Street. The proposed lobby entrance will have frontage along Caroline Street. The proposed commercial retail space will be divided into 2 retail spaces fronting onto John Street, with a corner retail unit sharing frontage onto Caroline Street as well. Through the pre-submission consultation process, the city indicated that it may have an interest in the most southerly commercial space along the John Street frontage being available as community space. The proponent has indicated that this is a matter that could be discussed with the city as the applications proceed through the statutory planning review process.

Tower

The tower component is a well-articulated tower of 25-storeys above the 3-storey podium. Above the building base, the tower floor plate does not exceed a maximum of 750 square metres (in accordance with the City of Burlington Tall Building Guidelines), extending upwards to the 28th floor. The tower component would match the setbacks and step backs of the upper portion of the residential base building, generally being stepped back 3metres from the lower component of the base building.

The tower floorplate is approximately rectangular in shape, with small shifts in the massing to accommodate balconies on each of the four elevations. Balconies would provide private amenity space for each of the 12 units on each level, projecting across approximately 2/3rds of each of the four building elevations. A shifting pattern of projecting balconies and glass cladding create visual interest which is well articulated with vertical and horizontal elements, creating an attractive building design.

Building Top

The mechanical penthouse has been deliberately situated at the southwest corner of the subject site to reduce shadow impacts and complement the architectural expression of the building. The 28th level, in addition to the proposed mechanical space, also includes a small access corridor to the building's roof top from the elevator core.

Underground Parking

In addition to the 5 levels of above-grade parking proposed on the southern portion of the site, two levels of underground parking are proposed. As the Berkeley has three levels of underground parking already under a portion of the subject site, the portion associated with the proposed development would cover the remaining portion of the subject site and represent a partial below-grade parking area. This limited area to provide underground parking partly necessitates the above-grade garage. Access to the underground parking would be provided via new parking ramp from John Street.

Unit Distribution and Amenity Space

The development proposes a total of 302 residential units with a mix of unit types including:

38 studio units (13%), 137 one- bedroom units (45%), 14 one- bedroom plus den units (5%),108 two- bedroom units (36%), and 5 three-bedroom townhouse units (2%).

In addition, the proposal provides 311.42 square metres of indoor amenity space on the 7th level of the building. A total of 4,625 square metres of outdoor amenity space is provided, with 657 square metres of communal outdoor amenity space provided on the roof of the above-grade parking on the 7th level. The remaining 3,913 square metres of outdoor amenity space consists of private balconies and terraces, provided for each unit. Additionally, 470 square metres of indoor amenity space is proposed on the 7th level. Combined, a total of 5,752 square metres of indoor and outdoor amenity space is provided. The City's minimum requirement of 20 square metres of amenity space for each unit is not exceeded, with a total provision of 19.04 square metres of amenity space per unit.

Access, Parking, and Loading

A total of 277 parking spaces are proposed for the development which will be provided through 2 levels of underground parking containing 62 parking spaces and 5 levels of above-grade parking containing 215 parking spaces. Eight of the proposed parking spaces will consist of accessible parking, split between both levels of underground parking and two levels of the above-grade parking area. In addition, 100 bicycle parking spaces are proposed.

Access to the below-ground parking levels would be provided via John Street through a new vehicular ramp to the north of the existing ramp serving the parking provided at the Berkeley. A loading area would also be provided directly adjacent to the proposed underground parking ramp, which would be located approximately in the centre of the subject site's frontage on the street. Access to the above-grade parking areas would be provided via as second vehicular access ramp from Elizabeth Street at the south end of the subject site, adjacent to the Berkeley. This secondary parking ramp access has already been partially constructed as a part of the Berkeley.

3.2 Key Statistics

Site Area	**2,781.8** square metres (0.278 ha)
Total GFA	**23,900.29** square metres
FAR (Floor Area Ratio)	**8.59**
Building Height *Including mechanical penthouse*	**87.25 metres** 94.55 metres
Residential Units *Studio* *1-Bedroom* *1-Bedroom+Den* *2-Bedroom* *3-bedroom*	**302** 38 (13%) 137 (45%) 14 (5%) 108 (36%) 5 (2%)
Amenity Space	**5,752 sq. m**. (including balcony and terraces) 19.04 sq. m. per unit
Vehicle Parking **Bicycle Parking**	**277** vehicle parking spaces **100** bicycle parking spaces

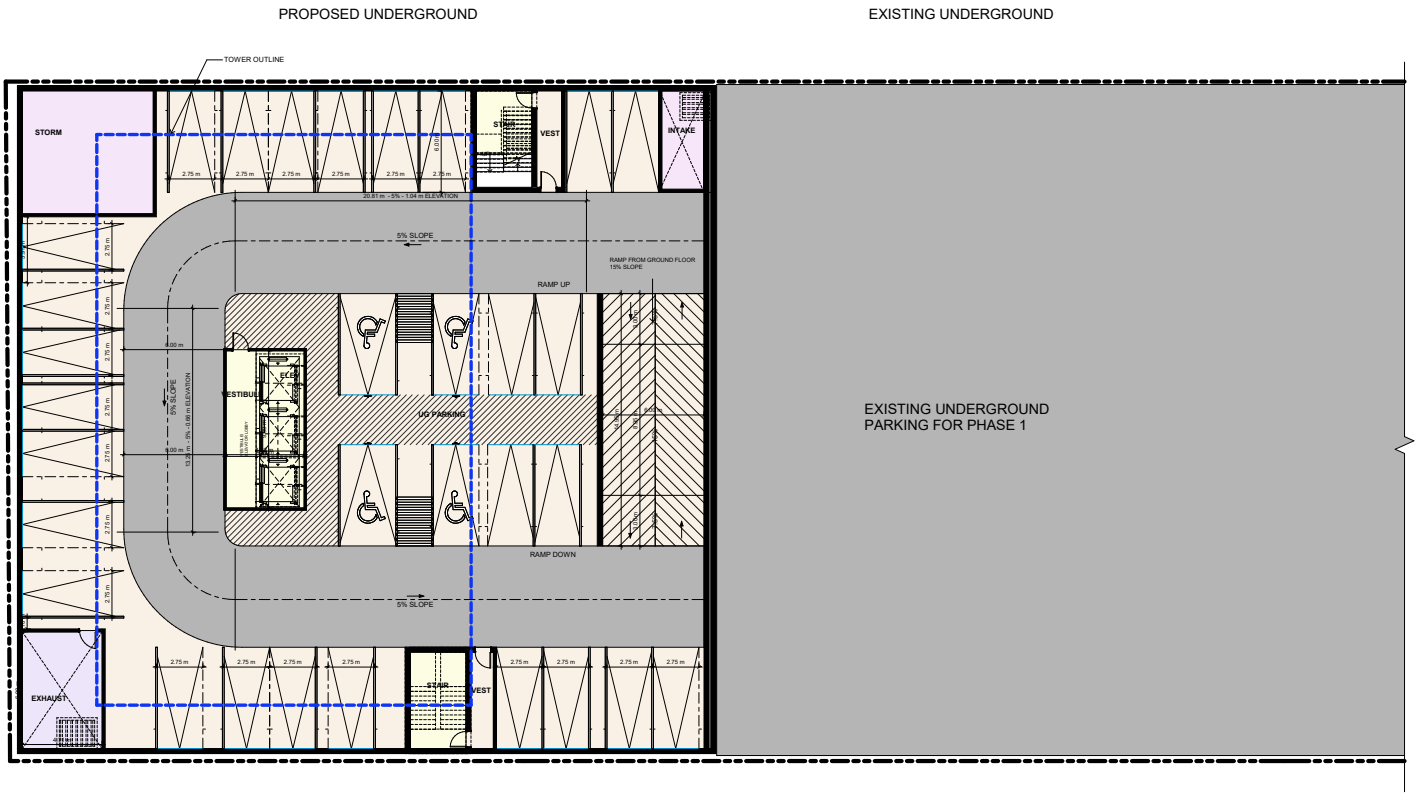


Figure 7 - Underground Parking (Prepared by Chamberlain Architect Services Limited)

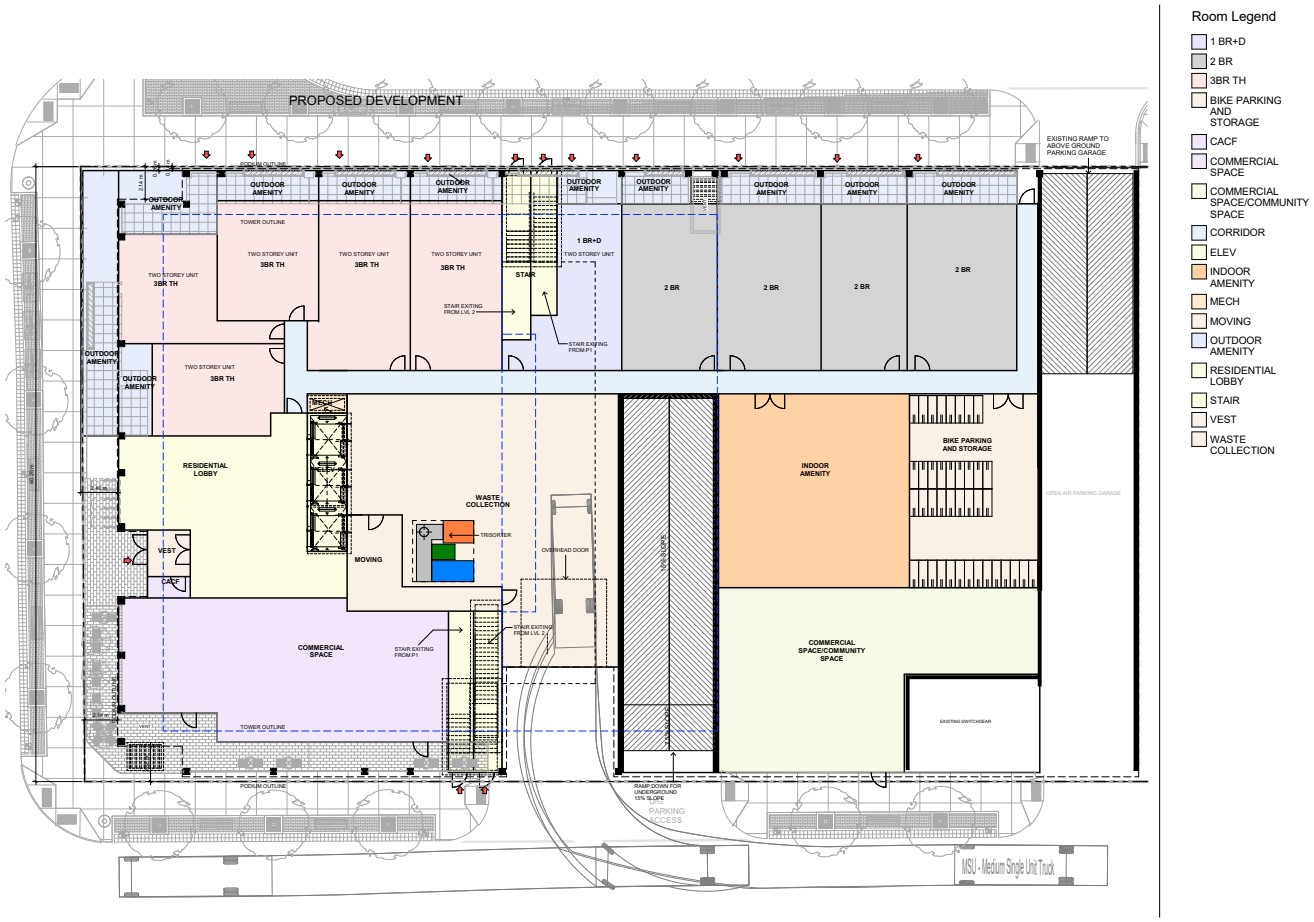


Figure 8 - Ground Floor Plan (Prepared by Chamberlain Architect Services Limited)

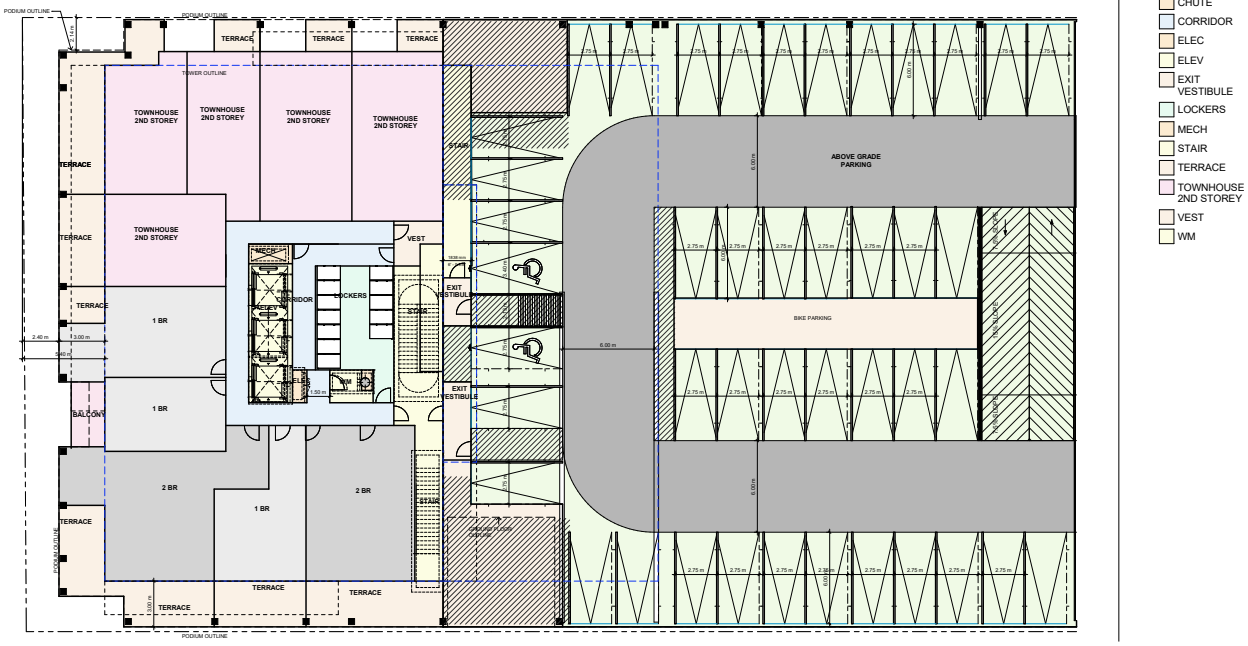


Figure 9 - 2nd Floor Plan (Prepared by Chamberlain Architect Services Limited)

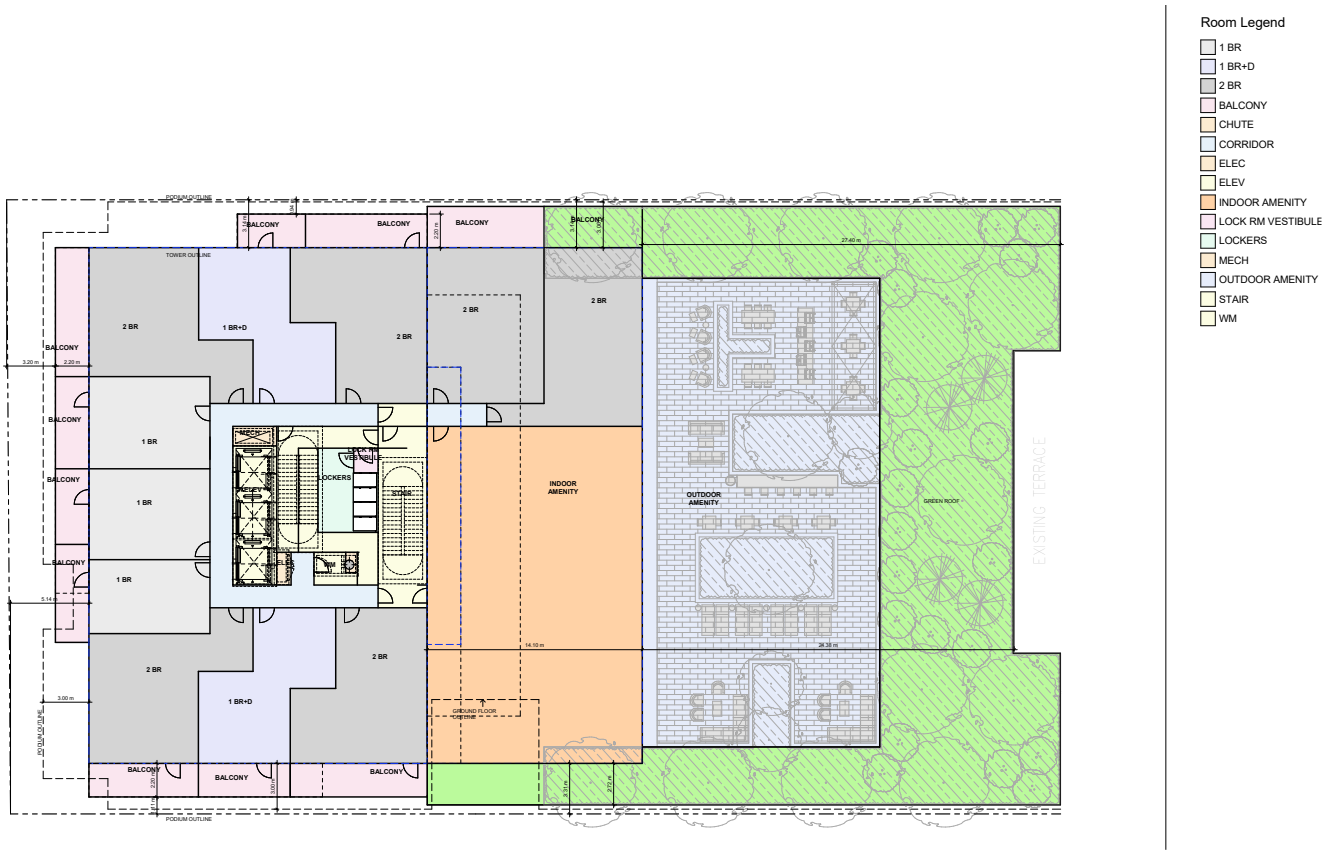


Figure 10 - 7th Floor Plan (Prepared by Chamberlain Architect Services Limited)

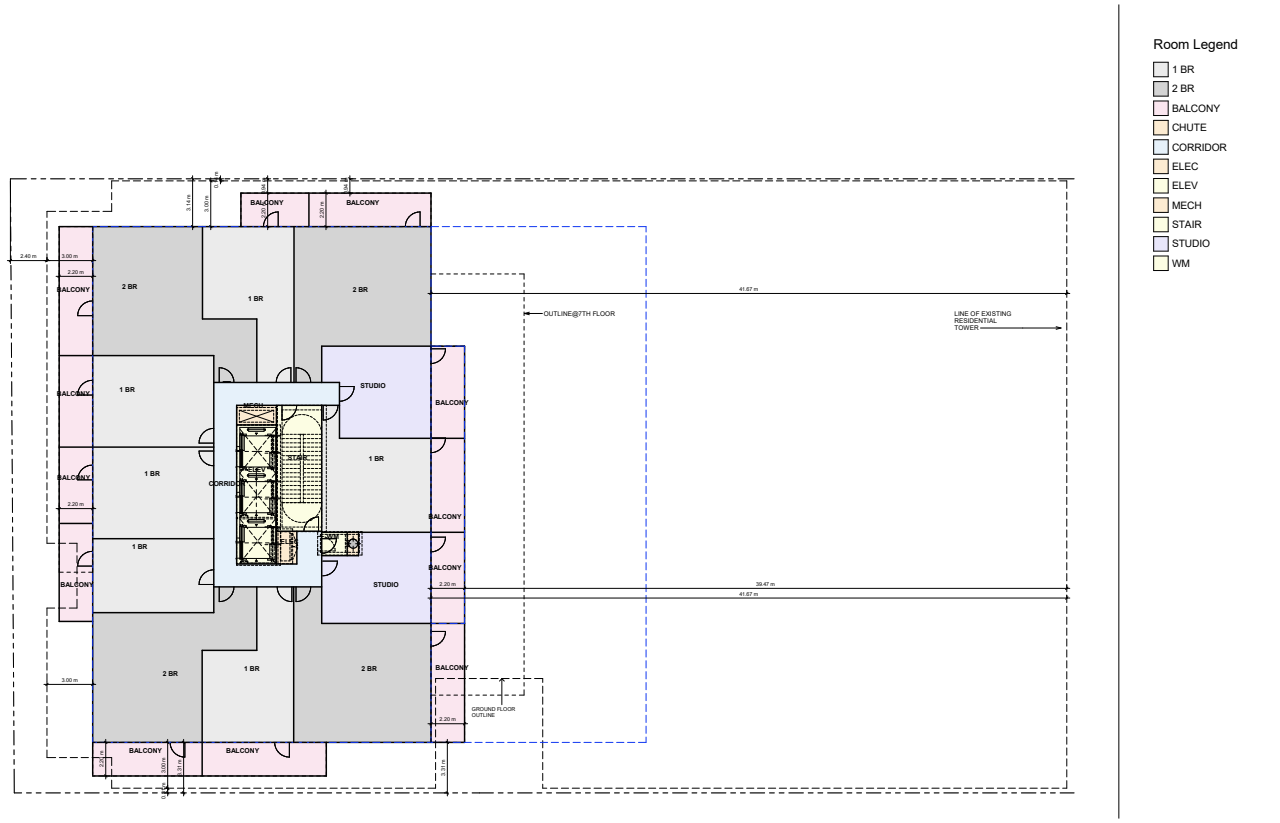


Figure 11 - 9-27th Floor Plan (Prepared by Chamberlain Architect Services Limited)

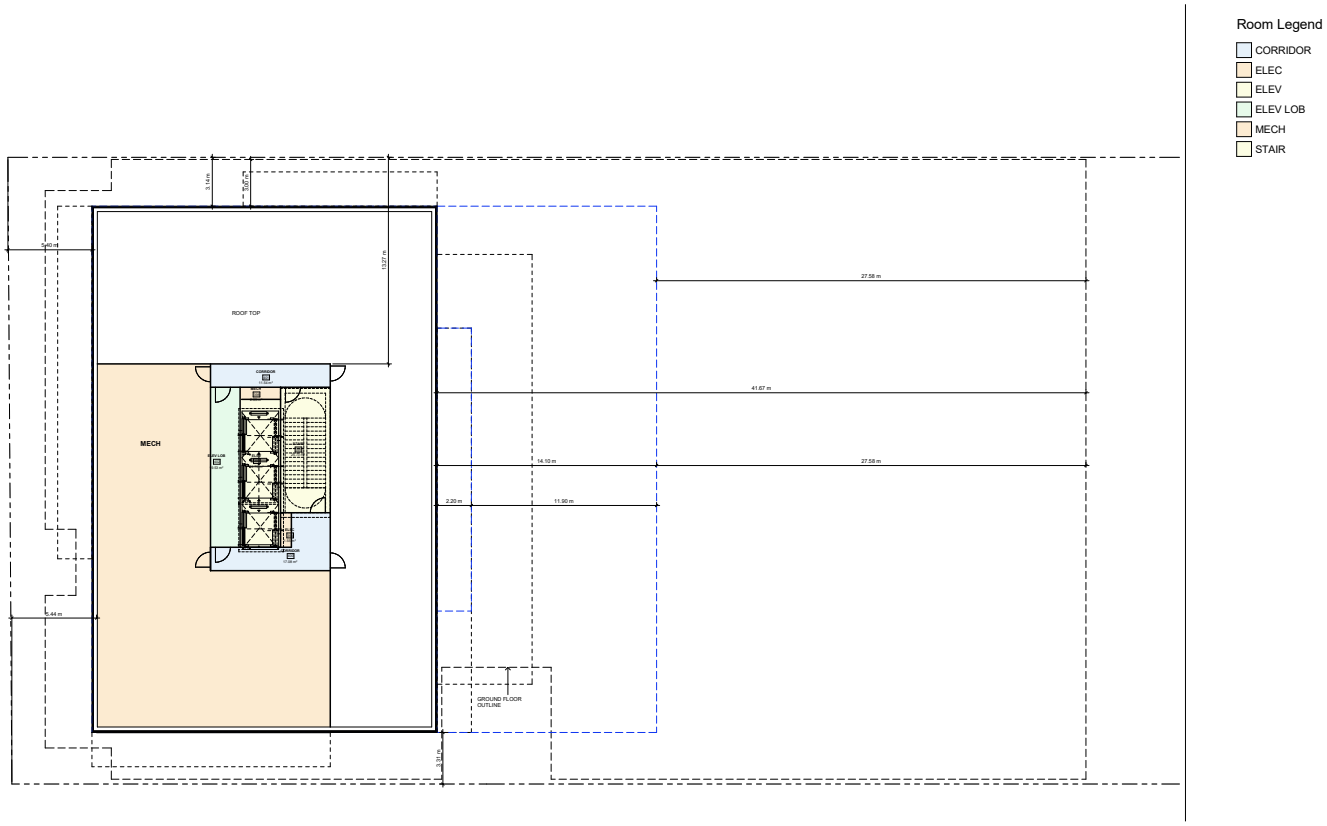


Figure 12 - Roof Plan (Prepared by Chamberlain Architect Services Limited)

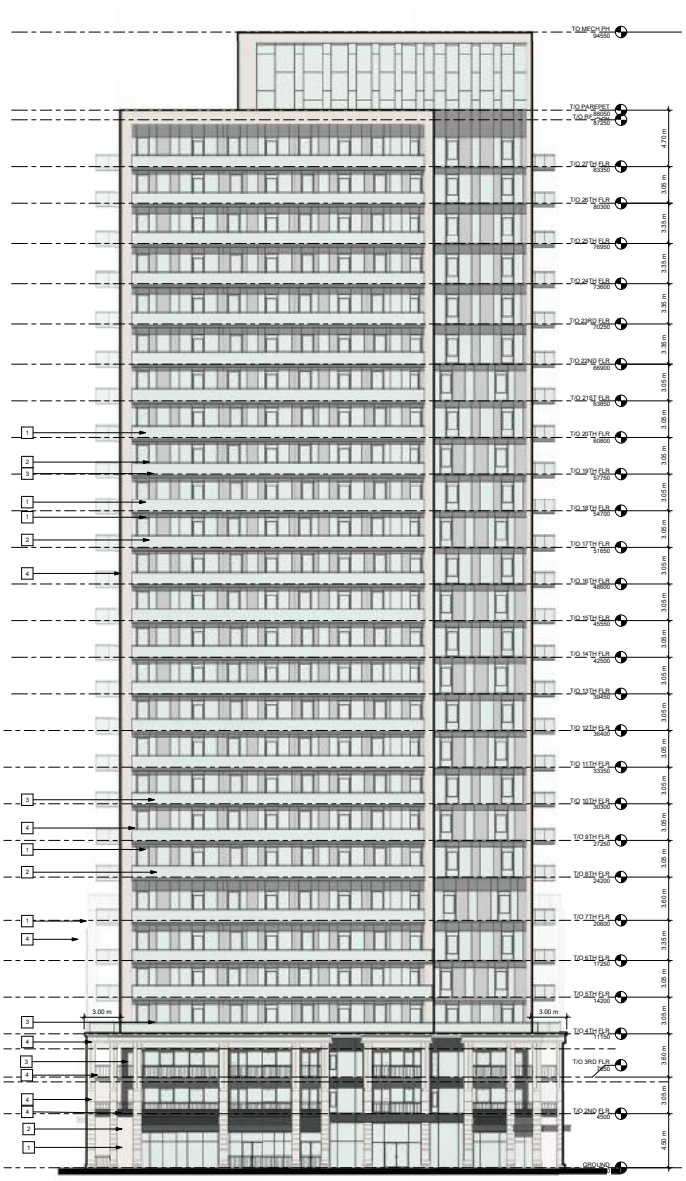


Figure 13 - North Elevation
(Prepared by Chamberlain Architect Services Limited)

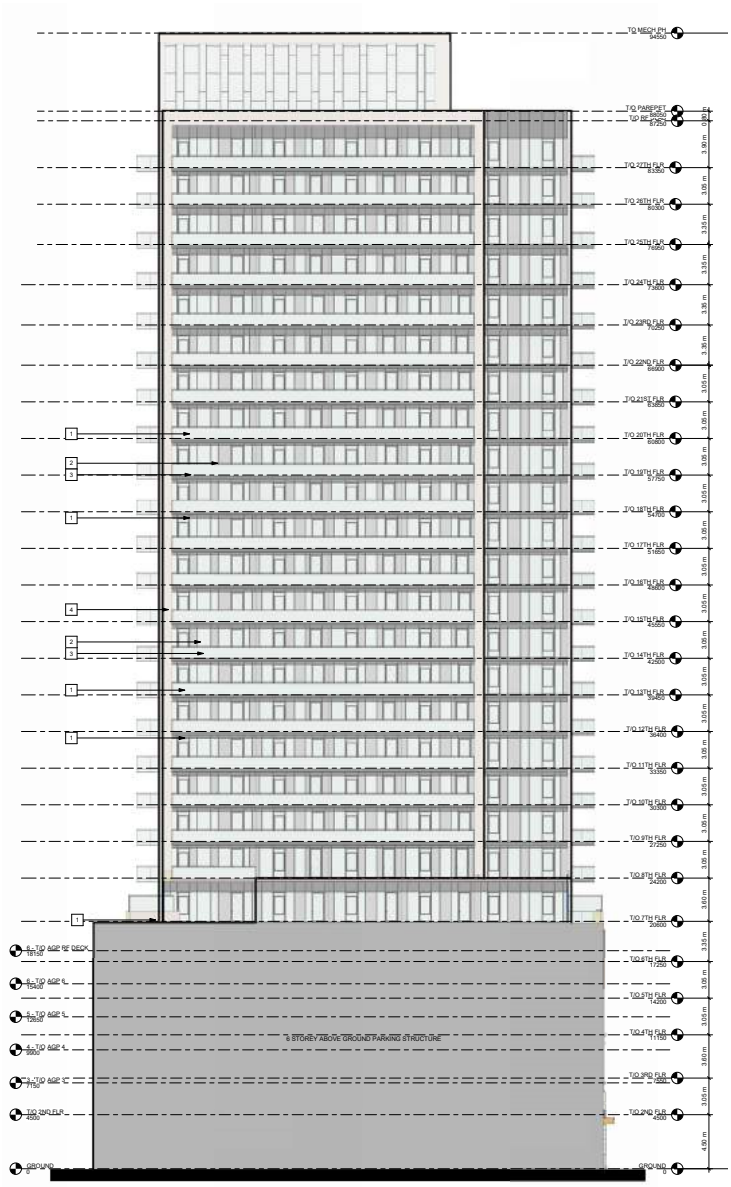


Figure 14 - South Elevation
(Prepared by Chamberlain Architect Services Limited)

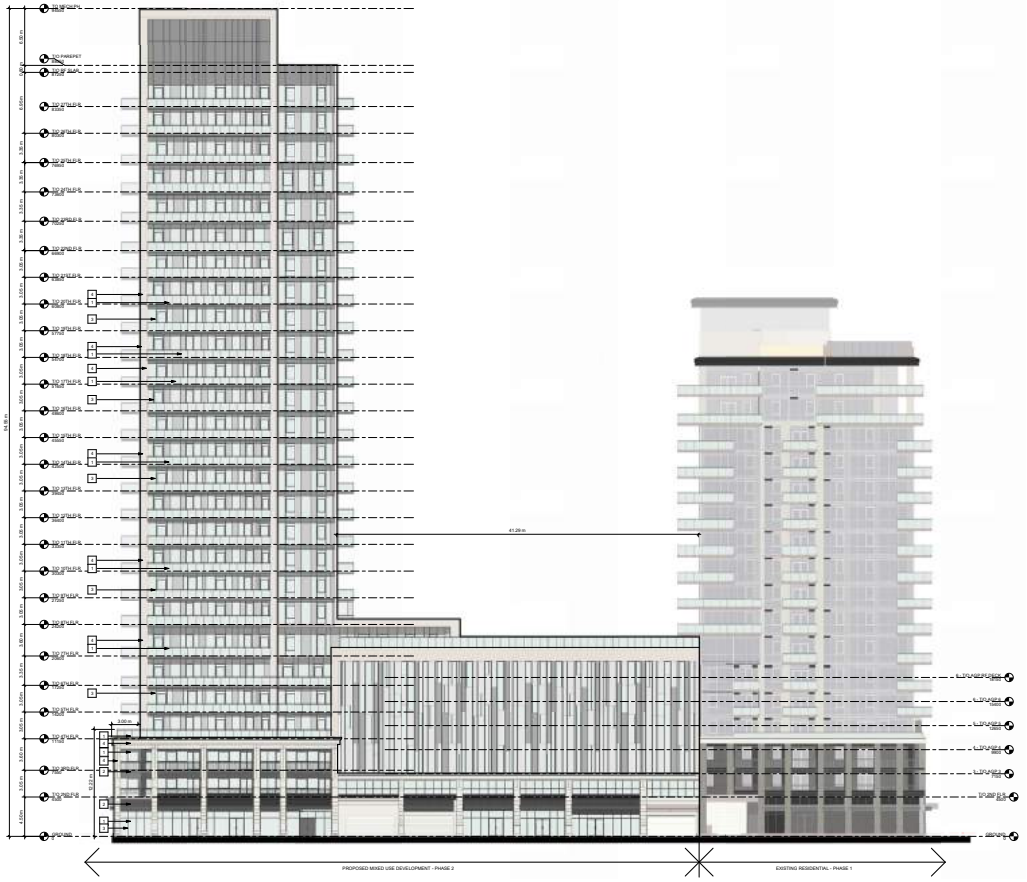


Figure 15 - West Elevation (Prepared by Chamberlain Architect Services Limited)



Figure 16 - East Elevation (Prepared by Chamberlain Architect Services Limited)

3.3 Required Approvals

In our opinion, the proposed development is consistent with the PPS and conforms to the Growth Plan and the ROP, particularly the policies that provide strong support for intensification in SGAs. It is also our opinion that the proposal conforms with and maintains the intent of the Official Plan, with the exception of Policy 5.5.8.2. Accordingly, the proposal requires a site-specific amendment to the Official Plan ("OPA") to accommodate the increased height and density of the proposal over current permissions.

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 relevant development standards as necessary, to accommodate the proposal. We note that parts of the proposed development, including the above-grade parking garage, are an existing, as-of-right condition, and are not proposed to be modified by the Zoning By-Law Amendment ("ZBA"). The ZBA is required for the subject site to permit the proposed residential uses, increase the maximum height from 8 to 28 storeys, increase the maximum density, modify amenity area requirements on a site-specific basis and reduce the required amount of parking.



4 Policy Context

4.1 Overview

As set out below, the re-development proposal is supportive of numerous policy directions set out in the PPS, Growth Plan, ROP, 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 Policy Statement (2020)

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

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

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

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

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

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

In terms of housing, Section 1.4.3 requires planning authorities to provide an appropriate range and mix of housing options and densities to meet projected market-base and affordable housing needs of current and future residents by, among others, permitting and facilitating all types of residential intensification required to meet the social, heath, economic, and well-being requirements of all residents, directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be, promoting densities for new housing which efficiently use land, resources, infrastructure and public services, as well as requiring transit-supportive development and prioritizing intensification in proximity to transit including corridors and stations.

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

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

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

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

4.3 Growth Plan for the Greater Golden Horseshoe (2019)

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

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

- Supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability;
- Support a range and mix of housing options to serve all sizes, incomes, and ages of households and;
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.
- The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure. It includes objectives that support the development of complete communities and promotes transit supportive development in proximity to higher order transit. As noted in Section 2.1 of the Plan:

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

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

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

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

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

In this respect, Schedule 3 of the Growth Plan forecasts a population of 1,100,000 and 500,000 jobs for the Region of Halton by 2051. The 2021 Census indicates that population growth in Halton is continuing to fall short of the Growth Plan forecasts. The 2006 Growth Plan forecasted a population for Halton Region of 650,000 for 2021, while its actual population in 2021 was 596,637. At a point that is nearly midway through the 2001-2051 forecast period, the 2021 population of 563,791 is only 54.2% of the way toward achieving the population forecast of 1,100,000 by 2051.

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

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

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

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

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

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

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

For the reasons set out in Section 5 of this report, it is our opinion that the proposed development conforms with the Growth Plan and, in particular, the policies that seek to optimize the use of land and infrastructure and prioritize intensification and higher densities in SGAs.

4.4 Halton Regional Official Plan (November 2022 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. Further, Regional Council 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 strategic growth areas in the Regional Official Plan to help accommodate future population and employment growth to 2051, as required by the Growth Plan. An additional amendment, Regional Official Plan Amendment 49 ("ROPA 49"), which was brought into full force and effect on November 4, 2022 by the Ministry of Municipal Affairs and Housing, brought further changes to the ROP with regards to accommodating growth to 2051 and the allocation of future growth to the local municipalities within the Region.

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 17**). Policy 72 of Part III of the ROP sets out a series of objectives for designated Urban Areas, 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).

As noted above, the Official Plan for the Region of Halton has been amended by ROPAs 48 and 49 to assist local municipalities to accommodate growth during the 2051 planning horizon. 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 4.5 and 4.6 of this report.

As the subject site is within the Downtown Burlington Urban Growth Centre in the Burlington Official Plan (discussed below), it is considered an *Intensification Area* in 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.

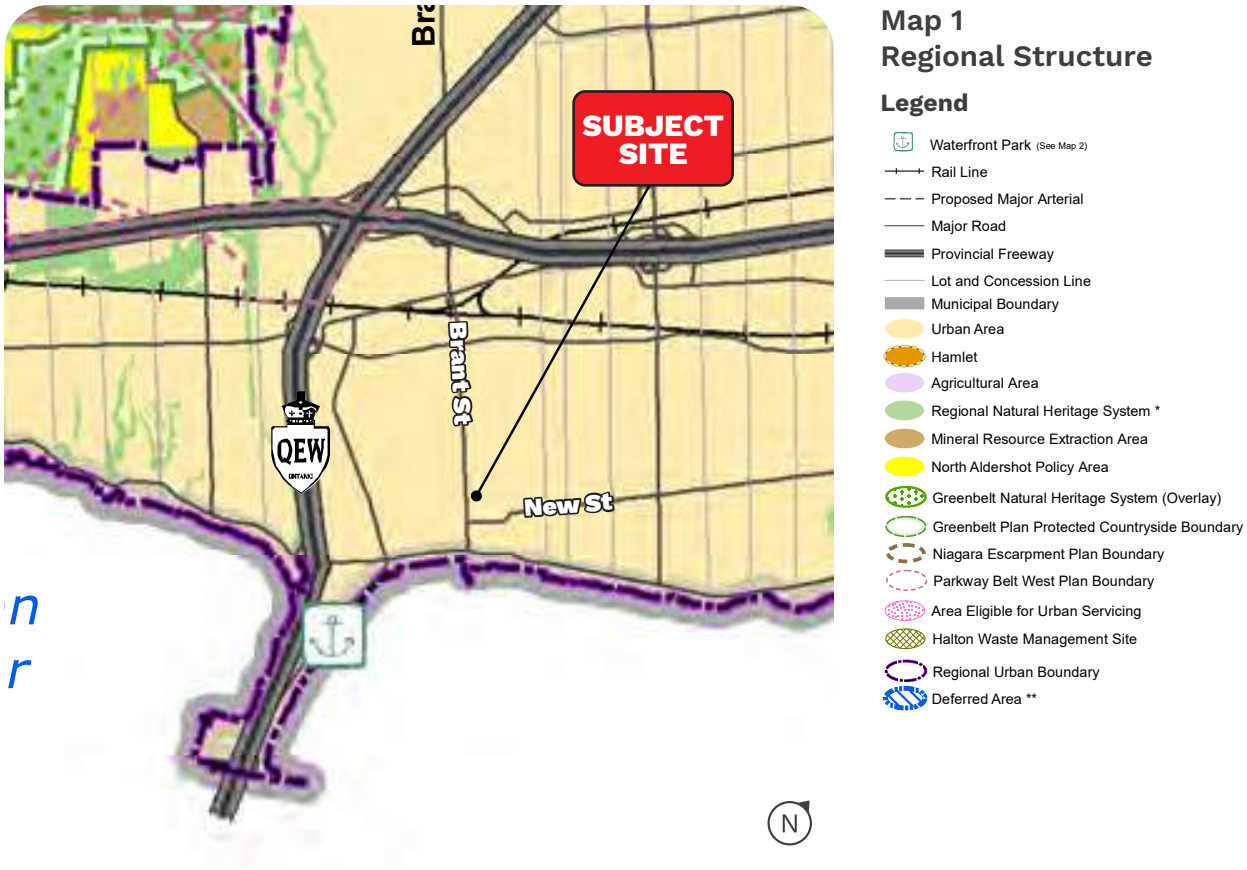


Figure 17 - Halton Regional Official Plan Map 1, Regional Structure

Further, Map 1h, Regional Urban Structure of the ROP shows the subject site as being close to a Secondary Regional Node (see **Figure 17**). 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 Urban Growth Centre as reflected in the Burlington Official Plan. As the subject site is within the Downtown Burlington Urban Growth Centre 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 and replaced it with a Regional Secondary Regional Node 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.

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

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

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

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

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

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

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).

For the reasons outlined in Section 5 of this report, it is our opinion that the subject applications conform to the ROP, in particular those policies that direct growth and intensification to SGAs. More specifically, the proposed development would intensify an underutilized site in the Downtown Secondary Regional Node in a form and scale that is appropriate within its tall building context.

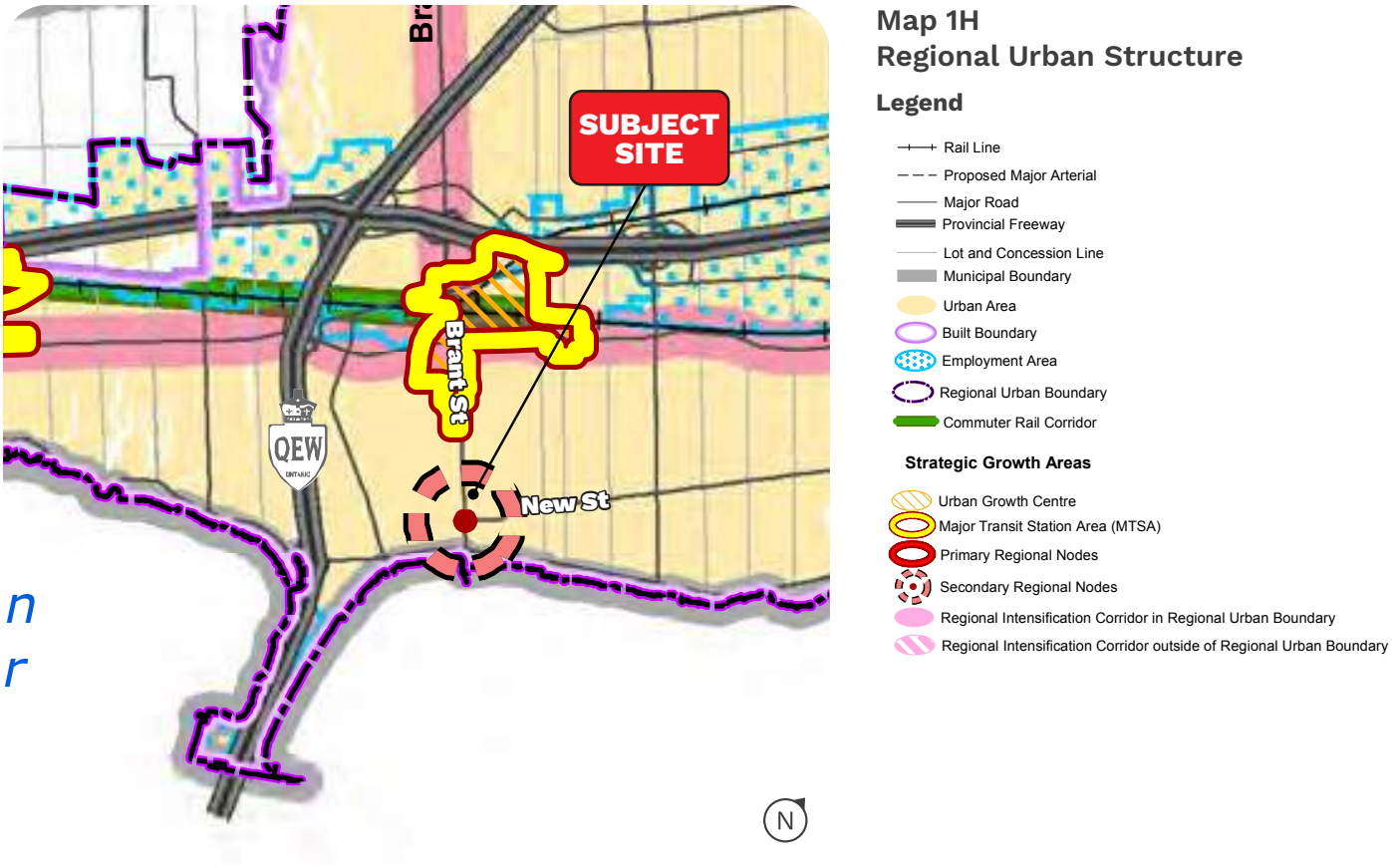


Figure 18 - Halton Regional Official Plan Map 1h, Regional Urban Structure

4.5 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 updates and amendments to the PPS, Growth Plan and most recently the ROP, including ROPA's 48 and 49. However, the City has initiated a process to develop a New Official Plan, which is discussed in more detail in Section 4.6 of this report. Based on the foregoing, it is our opinion that the Official Plan is outdated, 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.

The Official Plan applies the following land use designations to the subject site:

- "Mixed Use Activity Area" on Schedule A: Settlement Pattern;
- "Mixed Use Centre" and "Downtown Urban Growth Centre" on Schedule B: Comprehensive Land Use Plan – Urban Planning Area; and,
- "Downtown Core Precinct" on Scheule E: Downtown Mixed Use Centre – Land Use Plan.

In addition to the above designations, John Street is identified as a "Collector" and Brant Street and James Street are identified as "Minor Arterial" roads on Schedule K: Classification of Transportation Facilities – Downtown Area.

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. It 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.

We note that the Official Plan does not identify planned road widths for any of the three streets fronting onto the subject site, instead relying on the general Collector Road designation within the Official Plan which applies to all three streets on which the subject site fronts. Through discussions with City Staff as a part of the Pre-Consultation process for this application, it was determined that no road widenings were required as the existing right of way widths of all three streets were adequate. Additionally, Part II, Policy 3.3. e) of the Official Plan identifies the requirement for a 5 metre by 5 metre daylight triangle will be required at the intersection of two collector streets, such is the case at the intersections of John and Elizabeth Streets with Caroline Street immediately adjacent to the subject site. Policy 3.2 provides the general transportation policies, which includes the objective to encourage alternative travel by creating an urban environment that encourages walking, cycling, and transit use and increases opportunities to live close to work and satisfy day-to-day needs locally without relying on the automobile. Policy 3.2.2 j) states that parking ratios and/or standards and/or on-street parking ratios and/or standards may be permitted subject to evaluation and appropriateness through development applications or other City initiatives.

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

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

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

- The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.
- The compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing.
- The design of all buildings must recognize pedestrian scale, safety and the perception of safety and access and the preservation of public vistas and views.
- The creation of a continuous and harmonious streetscape environment shall be encouraged with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings.

- All developments shall be designed having regard for public transit accessibility and access and parking for the physically challenged.
- The location, amount, position, and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact.
- The streetscape appearance of major, multi-purpose and minor arterial roads and collector streets shall be enhanced by encouraging buildings to present their main building facades to these roads or to enhance their treatment to avoid the appearance of blank buildings at service entrances.
- Building setbacks from the street are to be minimized along pedestrian and transit-oriented streets.
- The functional and visual impact of site servicing, loading, air conditioning and ventilation equipment and waste handling facilities shall be minimized.
- All development shall be designed having regard for Sustainable Development considerations.

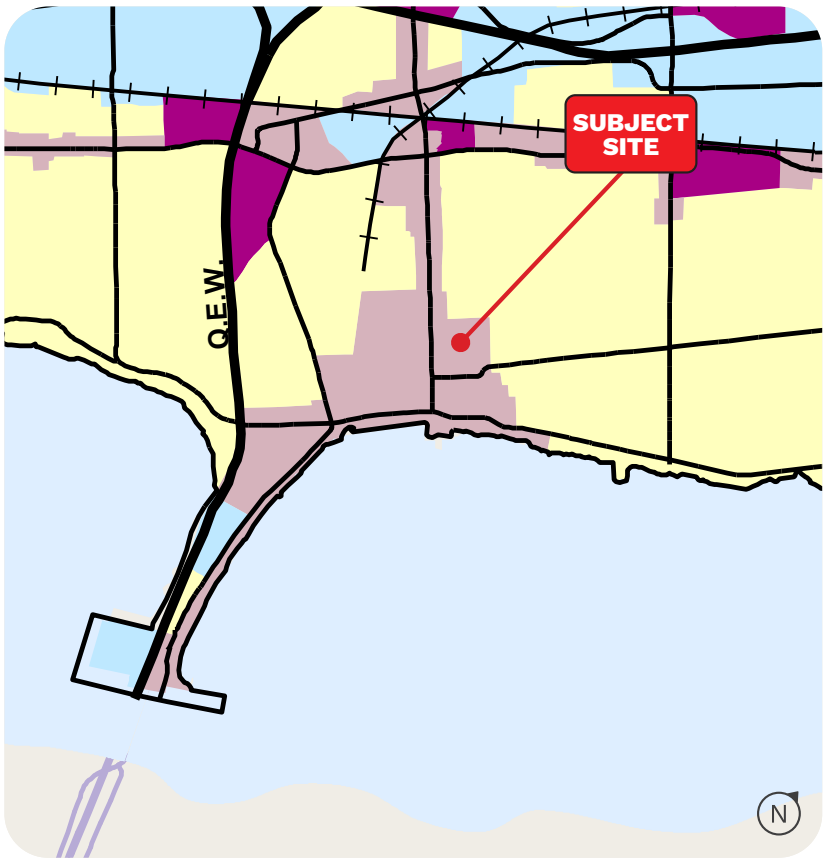
Mixed Use Activity Areas Policy

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

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

Mixed Use Centre Policies

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

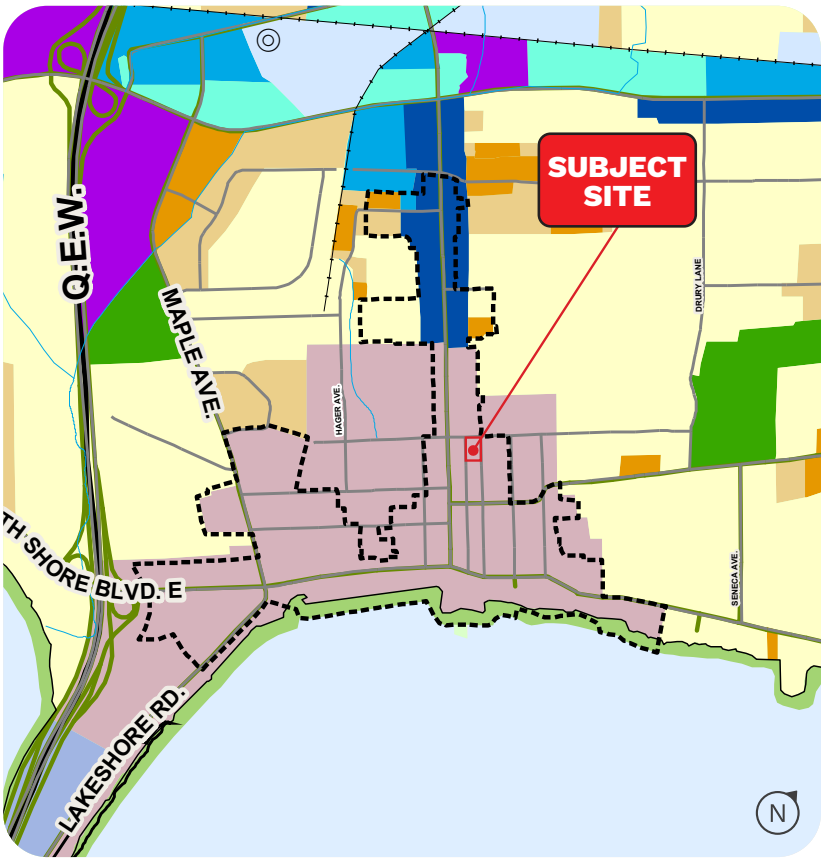


Schedule A
Settlement Pattern

Legend

- Residential Areas
- Employment Lands
- Major Retail Areas
- Mixed Use Activity Areas
- Natural Features/Open Space
- Rural Lands
- Rural Settlement Area
- North Aldershot Planning Area
- Urban Planning Area Boundary

Figure 19 - City of Burlington Official Plan Schedue 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
- Greenlands
- Major Parks and Open Space
- Environmentally Sensitive Area (Note: Boundaries based on Map 1 of the Region of Halton Official Plan
- Parkway Belt Plan Area (Note: All l within Parkway Belt West Plan Area to Deferral *9)
- Land Use Designation to be Determ
- Urban Planning Area Boundary
- Watercourses - Conceptual only, re to Part III, Section 6.4.2 d
- R Former Waste Disposal Site
- Downtown Urban Growth Centre Boundary

Figure 20 - City of Burlington Official Plan Schedue B

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

i. Building should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services wherever feasible;
ii. The site plan for individual sites includes features to integrate the new development with surrounding uses;
iii. The site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the side and adjacent uses, and to and from transit stops;
iv. Off-street parking areas, loading areas, and service areas shall be screened and landscaped;
v. The site plan promotes convenient access to public transit services;
vii. Off-street parking areas shall be located in the side and rear yards;
i. loading areas and service areas are located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas.

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

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

Policy 5.4.2 (k) of the 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.

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.

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 (2.5.2(d)). Section 2.4.5 speaks to infill development, specifically, Policy 2.5.4(b) in which new infill development shall be compatible with the surrounding development in terms of height, scale, sitting, setbacks, and coverage.

Downtown Mixed Use Centre Policy

Section 5.5.1 a) of the Plan provides that in keeping with the Growth Plan for the Greater Golden Horseshoe, 2006, 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 amended to shift the Urban Growth Centre to the Burlington GO Station, however the policies of the Official Plan 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.

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

streetscapes, building façade and design of new buildings; to ensure that the density, form, height, and spacing is compatible with the surrounding area, and to provide a balanced approach to transportation by increasing transit use and the pedestrian orientation.

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

Downtown Core Precinct Policy

As per Schedule E – Downtown Mixed Use Centre Land Use Plan in the Official Plan (**Figure 21**), the subject site is designated "Downtown Core Precinct". Policy 5.5.8.1, Part III, states the objectives of the Precinct, which include: to designate the inner core area of the Downtown for higher density development consistent with the role of Brant Street as a major spine of the Downtown Mixed Use Centre, to meet Provincial Growth objectives, to help support increased transit, to require a high standard of design for new buildings in order to provide a sense of place, compatibility with existing development and a sense of pedestrian scale and comfort. Policy 5.5.8.1 b) of Part III requires a minimum density of 51 units per net hectare for residential buildings and a minimum height of two storeys for all buildings. It also provides a maximum height of four storeys and states that taller buildings, up to eight storeys in height (29 metres) may be permitted where they provide compatibility with the surrounding land uses. Policy 5.5.8.1 c) states that the maximum floor area ratio for any individual site shall be 4.0:1, except higher floor area ratios may be considered for taller buildings contemplated in b). Policy 5.5.8.2 also includes the following policies:

- retail or service commercial uses are required continuously at grade along public streets, except where bordering residential precincts.
- Building shall be required to be constructed to the street line with no front yard parking, except for loading and emergency vehicles.
- On-site parking is not required for non-residential uses.
- Applications for increased building heights for mid to high rise buildings in the Downtown Core Precinct may be required to provide an angular plane study, identifying the visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels.
- Development located within the block bounded by Caroline Street, Elizabeth Street, Maria Street and John Street (including the subject site and 2025 Maria Street to the south) shall permit one 17 storey (55 m) apartment building on Maria Street, and a maximum floor area ratio of 6.7:1 for the entire site is permitted.

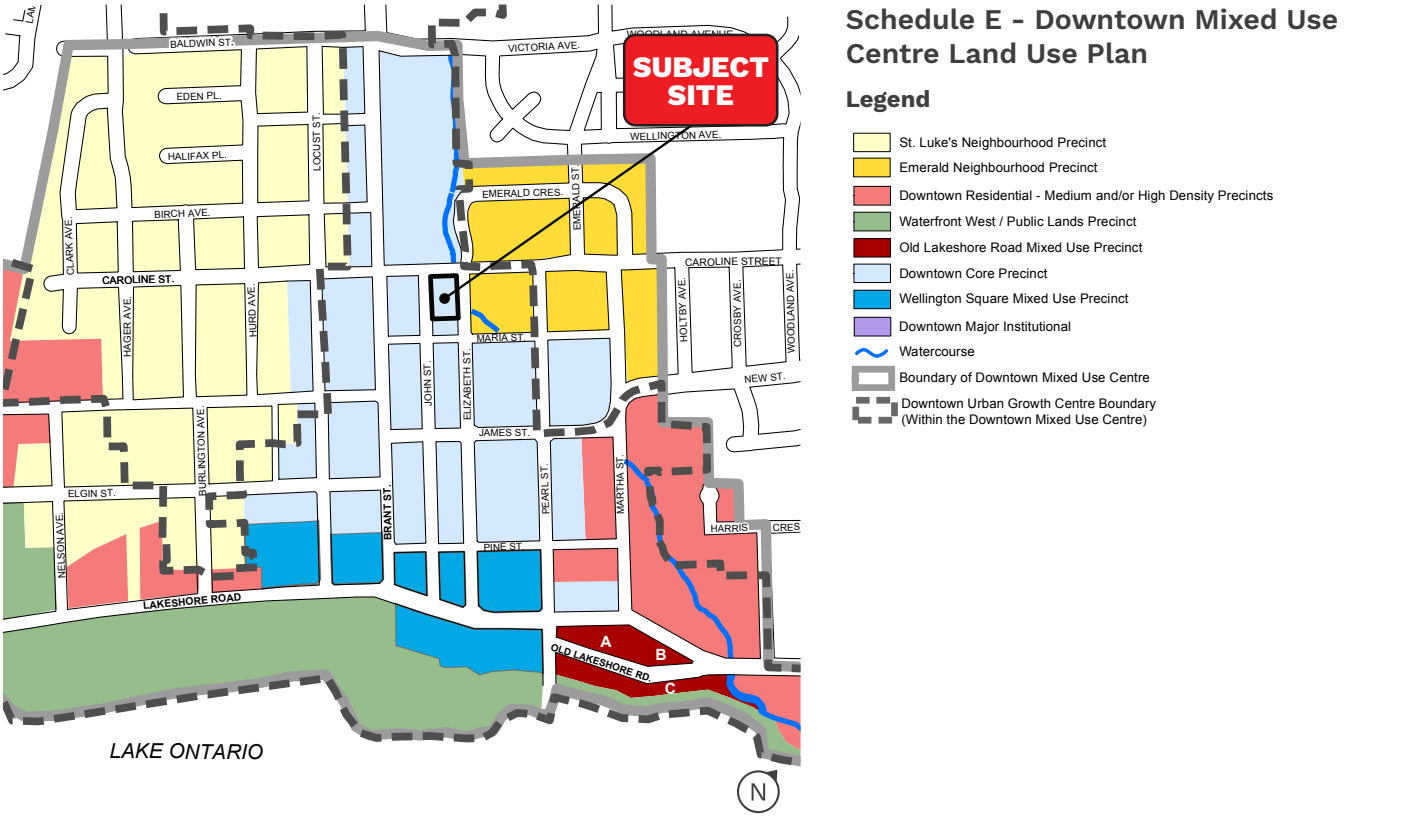


Figure 21 - City of Burlington Official Plan Schedue E

Urban Design Policies

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 (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 (5.5.12.b);
- The continuity of grade-related activity areas both inside and outside of buildings shall be maintained (5.5.12.c);
- Buildings and public areas shall be designed to consider pedestrian scale, comfort, safety and access (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 (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 (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 (5.5.12.g);
- Outdoor public areas shall be designed to complement the interior uses of local buildings (5.5.12.m);
- All development along pedestrian walkways shall encourage pedestrian activity including designing attractive store fronts, open space and parking lots (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 (5.5.12.q); and
- Indoor and outdoor public spaces shall be planned that have symbolic meaning and ceremonial and cultural purposes (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. 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 Downtown Core Precinct, the subject applications are in keeping with the overall policy direction included in the Official Plan. In particular, the proposal conforms to the policy directions that seek to direct growth and development at transit supportive densities to the Downtown in order to:

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

4.6 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 it's 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 a New Official Plan, rather than an amendment to the existing one, was required to guide the implementation of 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 ROP in a number of respects related to policies and mapping in the areas of:

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

On November 30, 2020, Halton Region approved the New OP, and a twenty-day appeal period ran from November 30 to December 21, 2020. In total, 48 appeals to the new Burlington Official Plan were received by the Region, of which, one was from the applicant for the policies which are proposed to be applied to the subject site. Following the Appeals of the New Official Plan, the Ontario Land Tribunal approved some sections of the new Official Plan on January 4, 2023, and further to numerous Case management Conferences, the Ontario Land Tribunal (the "OLT") approved certain policies of the New OP, which were not subject to an appeal, into full force and effect. As a result, some sections of the New OP are now in full force and effect and none of the approved policies are determinative for the subject application. The Official Plan, 1997 continues to apply as the only local municipal planning policy documents that applies to the redevelopment of the subject site.

As the New OP is partially in force, this review identifies which parts of the plan are in-force and that are considered to be applicable the redevelopment of the subject site and which policies remain under appeal. The policies that remain under appeal are presented only for information as the site-specific policies that relate to the redevelopment and intensification of the subject site remain under appeal.

Additionally, we note that the New OP, as approved by Council, is now over 4 years old and is not reflective of many changes to Provincial and Regional policies, particularly relating to changes to the ROP regarding the changes 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. 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.

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 Official Plan to address conformity issues with ROPA 48, as detailed in section 4.4 of this report. City Staff are further reviewing the New OP at this time to address ROPA's 48 and 49, the Municipal Housing Pledge, changes to the Provincial Policy Statement and Growth Plan, and the upcoming integration of the Regional Official Plan with the Burlington Official Plan. These updated policies are anticipated to be presented to City Council for approval later in 2024 and 2025. It is our understanding that Staff are also considering options on how to bring forward options for conformity to the revised ROP and provincial policy and may opt to instead abandon the New OP entirely and revert to making modifications to the 1997 Official Plan instead. 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 of The New Official Plan

A small number of policies within the New OP are currently in full force and effect. Specifically, as it relates 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 provides the 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 (b).

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

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

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

Finally, Policy 2.4.2 of the New OP sets out the planned population and employment projections for the City of Burlington through to 2031, providing a total population of 193,000 and 106,000 jobs by that date. The policy additionally directs that the distribution of population and employment shall be in accordance with the ROP, as discussed in section 4.3 of this report. We note that the ROP has now been updated through ROPAs 48 and 49, increasing the projections for the City of Burlington 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 in-force New OP projects for 2031. This represents a significant increase in population growth projections for the City over the growth projections set out in the New OPAs 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 4.3 of the report, to provide the most recent and relevant direction regarding employment and population forecasts.

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

Under Appeal Policies

All other Policies discussed below with regards to the New OP remain under appeal, including by the owner on a site-specific basis for the subject site, 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, nor as policies which should be relied on due to the significant discrepancies between the New OP and more recent Provincial and Regional policy directives.

New Official Plan 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 1997 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 as identified in section 4.3 of this report, and compounds the issues identified with the New OP which have already been discussed. The mapping in the New OP shows the subject site designated as "Urban Centres", a mixed-use intensification area designation located within walking distance of a Major Transit Station (see **Figure 22**).

Schedule B-1 – Growth Framework

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

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

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

Schedule C – Urban Area Land Use Plan

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

Schedule D – Downtown Urban Centre Land Use Plan

The subject site is designated 'Brant Main Street Precinct' (see **Figure 26**).

Schedule D-1 – Downtown Urban Centre Retail Streets

The subject site is identified within the Downtown Urban Centre along a 'Mixed Use Street' (John Street) (see **Figure 27**).

Schedule D-2 – Maximum Building Heights

The subject site is identified as a "Mid-Rise Buildings" site with a maximum height of up to 11 storeys on the northern portion of the site and the Berkeley, immediately south of the subject site, is identified as a "tall building" site of up to 17 storeys. (see **Figure 28**).

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 through the OLT), and the remaining distribution and height allocations are mixed from 3 storeys up to 22 storeys with an inconsistent building height structure.

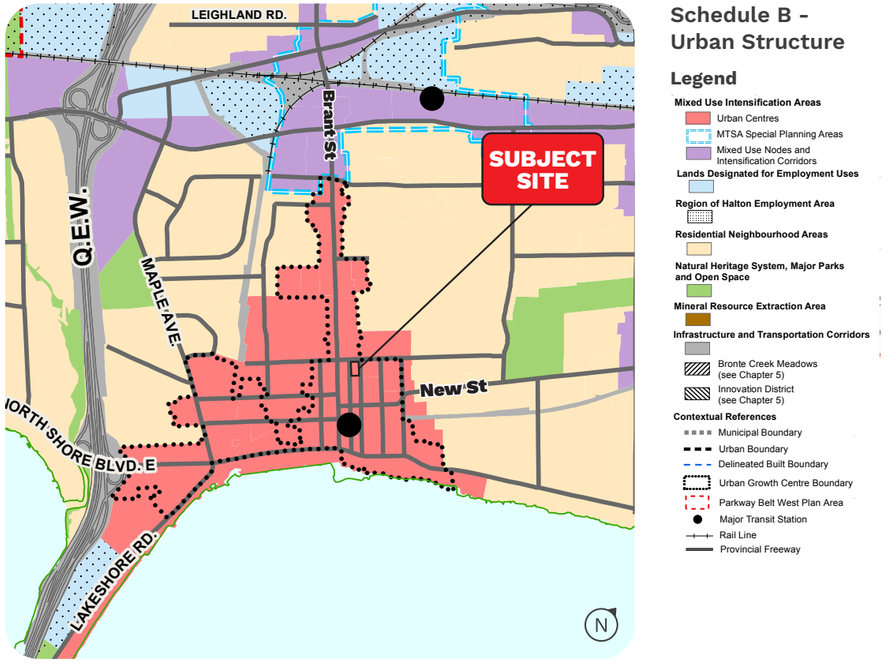


Figure 22 - New Burlington OP Schedule B – Urban Structure

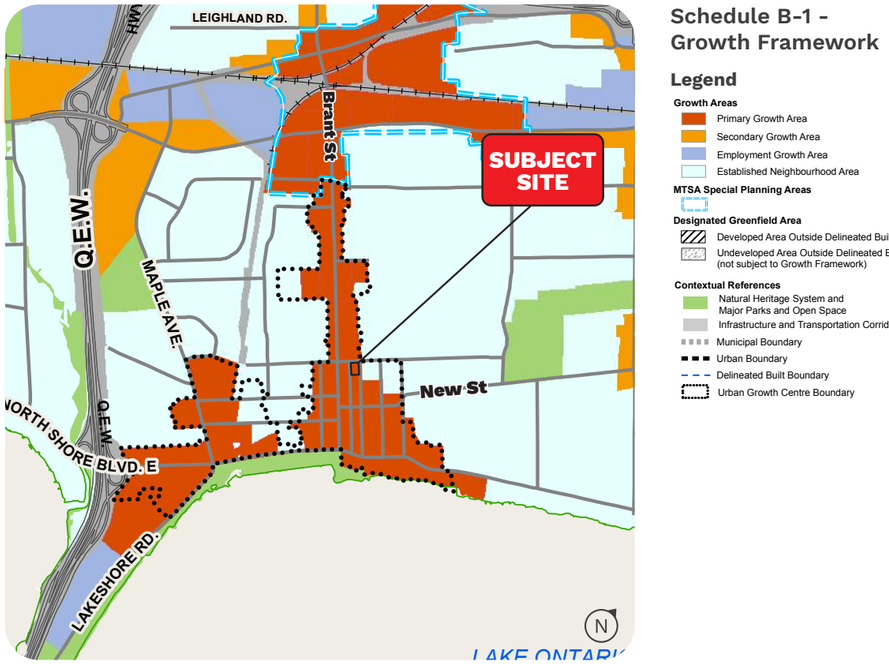


Figure 23 - New Burlington OP Schedule B-1 – Growth Framework

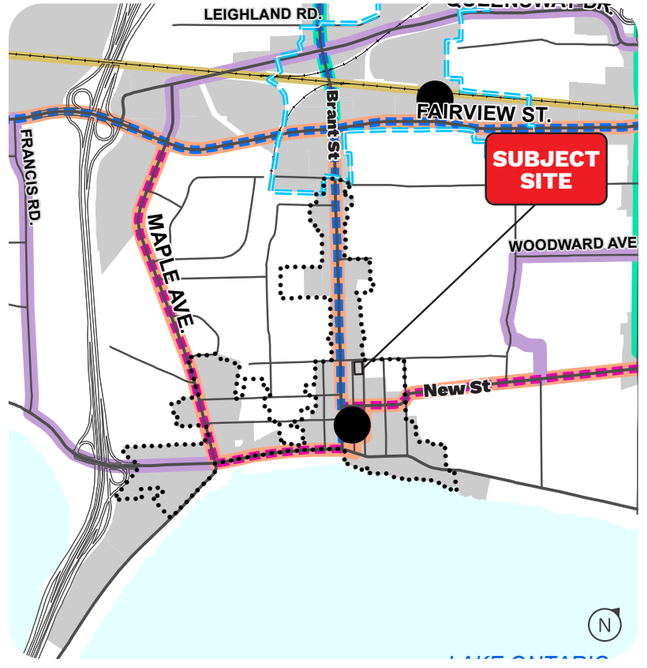


Figure 24 - New Burlington OP Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors

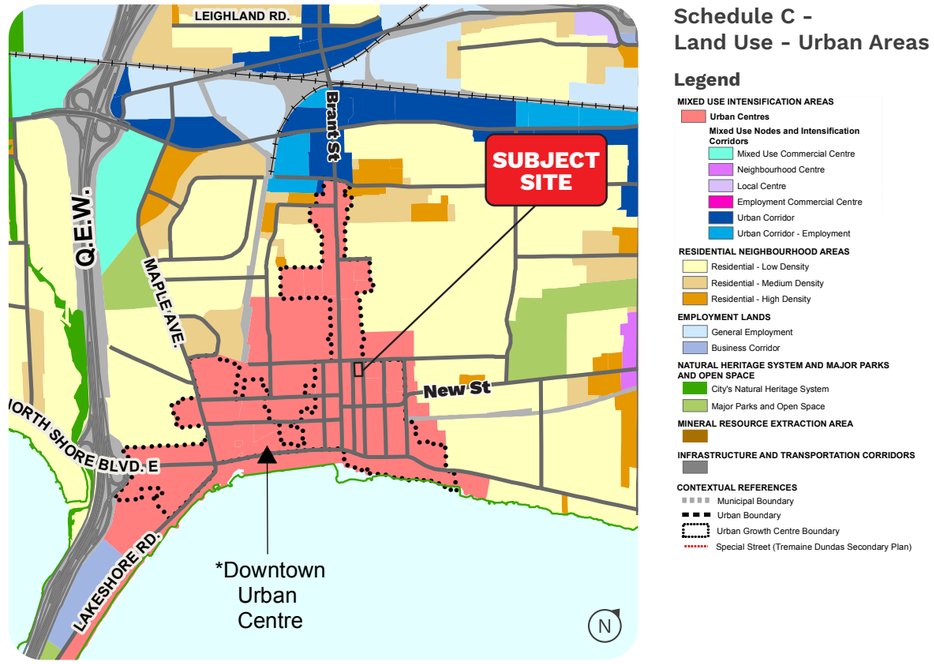
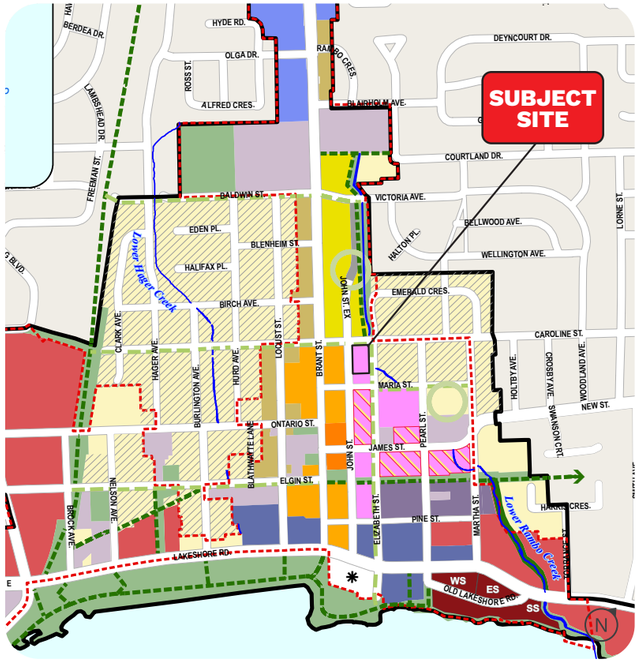


Figure 25 - New Burlington OP Schedule C – Urban Area Land Use Plan



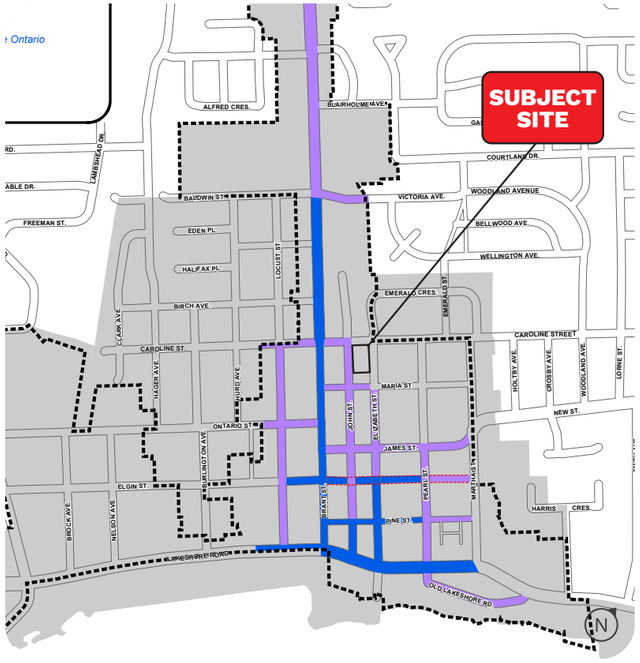
Schedule D - Land Use - Downtown Urban Centre

Legend

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

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

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

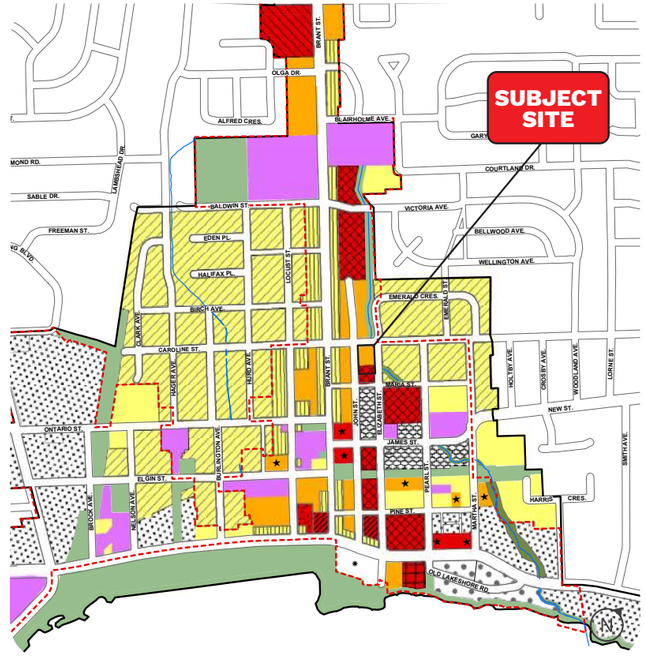


Schedule D-1 - Downtown Urban Centre Retail Streets

Legend

- Retail Main Street
- Mixed Use Street
- Elgin Promenade
- Downtown Urban Centre
- Urban Growth Centre Boundary

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



Schedule D-2 - Maximum Building Heights

Legend

- Downtown Watercourse
- Urban Growth Centre Boundary
- Downtown Urban Centre Boundary/ Mobility Hub Boundary
- Parks and Promenades
- Regional Natural Heritage System
- Public Service
- Downtown Waterfront Hotel Planning Study (See Chapter 12, Subsection 12.1.4 (3))
- Height Subject to the Built Form Policies in 8.1.1 (3.12.1)
- Height Subject to the Built Form Policies in 8.1.1 (3.6.1)
- Height Subject to the Built Form Policies in 8.1.1 (3.9.2)(b)

TALL BUILDINGS

- Maximum 13 Storeys
- Maximum 15 Storeys
- Maximum 17 Storeys
- Maximum 22 Storeys
- Maximum 25 Storeys
- Subject to Site Specific Exceptions

MID-RISE BUILDINGS

- Up to 11 Storeys
- Subject to Site Specific Exceptions

LOW-RISE BUILDINGS

- Maximum 2.5 Storeys
- Maximum 3 Storeys
- Up to 4 Storeys

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

Heights are maximums only and may not be achieved on all sites. Heights must be considered in conjunction with the policies of the Official Plan policies in their entirety.

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

Land Use Vision

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

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

The Urban Structure Policies

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

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

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

Primary Growth Area Policies

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

Housing Policy

Chapter 3 of this Plan speaks to the policy framework regarding housing and the importance on creating complete communities that meet people's needs for daily living by providing an appropriate mix of jobs, services, full range of housing, and convenient access to public transportation and options for active transportation. Section 3.1 indicates that it is the City's goal to 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 to be sufficient to component of the mix.

Climate Change and Air Quality

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

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

i. maintaining the urban boundary and seeking a compact built form in Mixed Use Intensification Areas;
ii. achieving mixed use development to encourage walking, cycling and transit;
iii. locating intensification in areas which are well served by existing or planned transit;
iv. promoting and encouraging modal shift towards transit and active transportation, using tools such as transportation demand management;
v. addressing parking management, primarily through the Zoning Bylaw, that does not undermine transit and active modes of transportation; and [...]
ix. encouraging sustainable, energy efficient and low carbon buildings [...].

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

Multimodal Transportation Policies

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

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

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

Design Excellence Policies

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

Public Realm Policies

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

i. Improving the quality of public spaces;
ii. Providing appropriate and consistent treatments for streetscape elements such as sidewalks, pedestrian crossing, lighting, street furniture, street trees, and landscaping;
iii. Improving the quality and convenience of active transportation;
iv. Creating an attractive and comfortable environment for pedestrian movement;
v. Implementing AODA design measures;
vii. Improve multi-modal transportation and public space needs in design of streets and roads;
viii. Improving quality of streets, sidewalks, and cycling facilities to provide more direct active transportation; and
ix. Implementing CPTED design standards.

Urban Design and Built Form Policies

Policy 7.3.2 states that in areas identified on Schedule B-1: Growth Framework, and subject to the policies of Subsection 2.4 of this Plan, development shall address considerations such as, but not limited to the following: ensuring site and building design are compatible with the surrounding area; providing appropriate built form transition in scale between buildings, public realm, and abutting development through design methods such as angular planes, 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) states that in Primary Growth Areas as shown on Schedule B-1: Growth Framework, development shall promote a transit-supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses. Policy 7.3.2(1)(a)(i) provides that the design of development in Primary Growth Areas shall address the policies of Subsection 7.3.2(a) as noted above, but also have additional consideration such as, amongst others:

- locating buildings generally parallel to the public street to define the street edge and in close proximity to the street and transit services;
- providing appropriate transitions to adjacent land uses; massing new buildings to frame adjacent streets in a way that respects the existing and planned street width and also provides a pedestrian-scale environment;

- locating building primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk;
- including direct pedestrian access including barrier free access from grade level to the primary public entrances located on the building façade;
- screening or integrating roof top mechanical equipment within the overall composition of the building;
- creating an attractive and connected interface between the private and public realms; creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of the buildings; and
- providing appropriate outdoor amenity areas and open space.

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

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

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

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

Land Use Policies – Urban Area

The subject site is identified as Mixed-use Intensification Areas and designated 'Urban Centres' as shown within Schedule C – Land Use – Urban Area of the New OP (**Figure 26**).

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

Urban Centre objectives provided in 8.1.1(1) of 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.

8.1.1(2) provides general policies for the Urban Centres, which include, among others: the design and development of Urban Centres shall promote these areas as multi-functional activity centres which are characterized by a mixed-use and compact built form of development, pedestrian-orientation, accessibility to public transit and higher intensity development (b); the design and development of Urban Centres shall ensure compatibility between Urban Centre uses and surrounding areas (c); Zoning By-law regulations affecting Urban Centres shall be based on the general policies for Urban Centres contained in Subsection 8.1.2(2) of 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) further describes the Downtown Urban Centre in which the subject site falls within. It goes on to provide that the Downtown will continue to be an area where retail, entertainment, offices, and residential uses, amongst others, shall be developed. The development within the Downtown will make best use of the existing infrastructure and crease a sustainable and compact community with a wide range of land uses and built forms. The Plan further adds that new development will be of high-quality design and enhance the Downtowns image as an enjoyable, safe, bikeable, walkable, and transit-supportive place, and built to be compatible with buildings and neighbourhoods.

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

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

Downtown East Precinct

Schedule D – Land Use – Downtown Urban Centre further identifies the subject site as being located within the 'Downtown East Precinct'. The policies relating to this designation are contained within Section 8.1.1(3.9) of the New OP. Specifically, Policy 8.1.1(3.9) provides that the Downtown East Precinct will serve as the pre-eminent destination for office and major office uses, post-secondary educational and other learning facilities and provide significant opportunities for residential uses within mixed-use developments. Retail and service commercial uses will be the predominant use at grade along Mixed Use Streets to serve the day-to-day needs of Downtown residents and employees.

Policy 8.1.1(3.9) continues, providing that Development will primarily be in the form of tall buildings which are informed by historical development patterns and precedent within the precinct. However, development will be expected to transition to, as well as achieve compatibility with, the adjacent Low-Rise Neighbourhood Precincts.

Policy 8.1.1(3.9.1) a) provides a list of permitted uses in the Precinct, including residential uses other than stand-alone ground-oriented dwellings and dwelling units on the ground floor, office uses, retail and service commercial uses, hotel uses, entertainment uses, and recreation uses.

Policy 8.1.1(3.9.1) continues, providing that development shall not exceed a maximum building height of seventeen (17) storeys subject to section d) of the policy (b), that any building containing residential units above the height of a mid-rise building, shall provide one floor of office space in a podium for every three additional floors to a maximum of 17 storeys (c), that the City shall explore opportunities to partner in the provision of underground parking spaces dedicated for public use (d), and that development shall transition to adjacent Low-Rise Neighbourhood Precincts (e).

A site-specific policy also applies (It does not apply as these policies have been appealed by the proponent) to the subject site in Policy 8.1.1(3.9.2), identifying that the site shall contain, in the mid-rise buildings located at 2030 Caroline Street and 510 Elizabeth Street, a substantial floor area of office development and publicly-accessible parking commensurate with the development of a 17 storey residential building at 2025 Maria Street and mid-rise buildings on the block. A minimum of five storeys of office development in the northern mid-rise building at 2030 Caroline Street and a minimum of five storeys of publicly accessible parking in the central mid-rise building at 510 Elizabeth Street, or equivalent amount of office development and publicly-accessible parking provided on the block, will be considered substantial for the purpose of the policy.

Mobility Hub Policy

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

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

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

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.

4.7 City of Burlington Zoning By-law 2020

Pursuant to Zoning By-law 2020, the subject site is zoned Downtown Core (DC) as shown on the City's interactive zoning map (see **Figure 29**). Site-specific zoning exception 397 also applies to the subject site.

Permitted uses in the DC 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. Residential uses are not permitted at grade.

The proposed use of a residential apartment building with commercial, office, and potential community uses is generally permitted, with an amendment required to permit the at-grade residential dwelling units along Elizabeth Street.

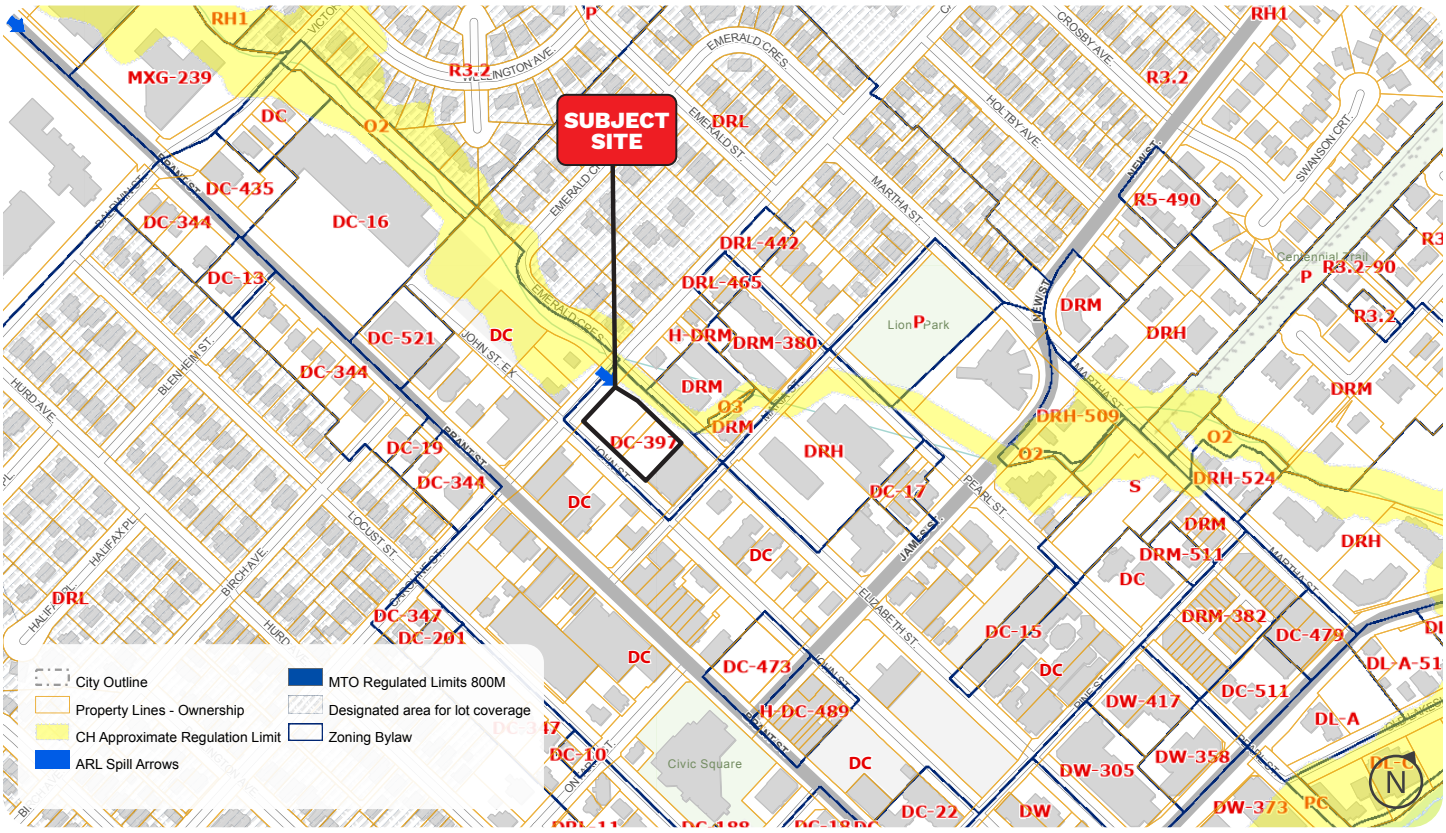


Figure 29 - City of Burlington Zoning By-law 2020 Map

Standards apply for new development in the DC zone, including the prohibition of parking areas and driveways between buildings and a street. With regards to setbacks, a 1-metre setback is required along John and Caroline Streets, with a 0-metre setback permitted along Elizabeth Street. Additionally, no parking areas other than access driveways are permitted between a building and the street, the first-floor elevation of any building facing a street shall have a minimum of 60% glazing, and decorative finishes are required on buildings facing a street. The minimum amenity area to be provided for each unit (interior and exterior combined) is 20 m^2 per dwelling unit.

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

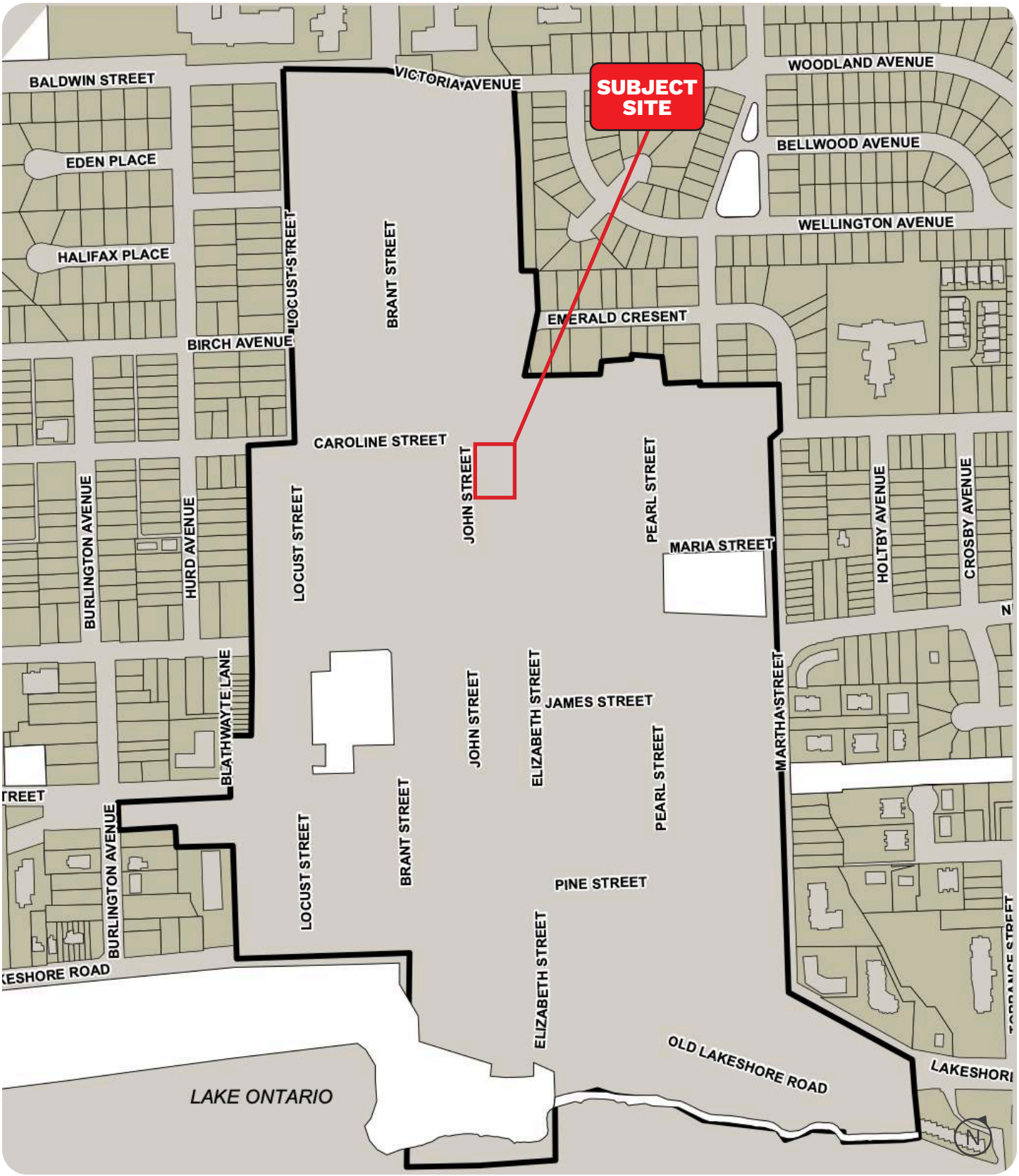


Figure 30 - Downtown Parking Exemption Area

Exception DC-397 also applies to the subject site, which amends many of the standards within the DC zone on a site-specific basis. This exception implements the previous approved development on the subject site, including the existing 17-storey apartment building at the Berkeley immediately to the south. The exception permits an 8-storey office building on the northern portion and a 6-8 storey parking garage on the southern portion of the subject site.

The exception additionally implements several site-specific regulations, including minimum yards. Specifically, the exception sets out the following minimum yard requirements:

Along Caroline Street	
• Floors 1 and 2	• 2m
• Floors 3 and greater	• 4m
• Underground parking garage	• no minimum
Along Elizabeth Street	
• Office Building Floors 1 and 2	• 0.1m
• Office Building Floors 3 and greater	• 1.5m
• Underground parking garage	• no minimum
• Parking structure ramp	• 1m
• Parking garage	• 0.1m
Along Elizabeth Street	
• Office Building Floors 1 and 2	• 0.1m
• Office Building Floors 3 and greater	• 1.5m
• Underground parking garage	• no minimum
• Parking structure ramp	• 2m
• Parking garage	• 0.1m

The exception also specifically identifies that daylight and visibility triangles are not required on the site, and that a maximum floor area ratio of 6.7 applies.

A requirement for 1000 m^2 of rooftop green roof atop the parking garage also applies on the subject site.

The proposed development requires an amendment to the City's Zoning By-law to modify the site-specific provisions applying to the subject site. Changes required include a change in the permitted use on the northern portion of the subject site to permit the proposed residential apartments and grade related commercial and office uses and an increase in maximum height from 8 to 28 storeys. We note that various aspects of the site-specific exception are not proposed to be modified, particularly the as-of-right above-grade parking structure.

For reasons outlined in Section 5.0 of this report, it is our opinion that the proposed zoning by-law are consistent with the PPS and conforms to the Growth Plan, ROP, and Official Plan, subject to the proposed amendment.

4.8 Downtown Urban Design Guidelines (October 2006)

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

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

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

The Urban Design Brief Prepared by Bousfield 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.

4.9 Tall Building Design Guidelines (May 2017)

The City of Burlington, in conjunction with Brook McIlroy, prepared 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 including tall buildings. The guidelines are applicable to all buildings (greater than 11-storeys in height) across the entire City and are broken down by the components of tall buildings which include: building base (podium); building middle (tower); and building top.

Building Base

Section 2.0 of the TBG provides design direction with respect to podiums of tall buildings, providing that the podium of a tall building anchors the tower and defines the pedestrian experience at the street. Its location and height should frame and create a positive relationship to the street. Specifically, tower bases should be carefully designed, including a mix of horizontal and vertical elements, to reinforce a human scale. Clear glazing, and the arrangement of internal uses, should create a visual connection between the public and private realm, while promoting vibrancy and activity throughout the day.

Podium Location

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

Podium Height and Massing

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

Shadows/Sky Views

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

Podium Design and Articulation

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

Site Design, Open Space and Streetscaping

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

Building Middle (Tower)

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

Tower Location

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

Tower Height and Massing

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

Shadow/Sky Views

d. The design and placement carefully considered to minimize size of shadows on the opposite streetscape.
e. 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.
f. The widest edge of the tower generally oriented to minimize the impacts of shadows.
g. 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 5.0 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.

4.10 Sustainable Building and Development Guidelines (April 2019)

The purpose of the Sustainable Building and Development Guidelines (the "Sustainability 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 Sustainability 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.

As part of the submission of the subject applications the consultant team has prepared a Table that outlines Sustainability Guidelines items, rationale for the items, comments regarding how the subject proposal meets the intent of the guideline item, and when the item will be implemented. In our opinion, the proposed development is in keeping with the Sustainability Guidelines.

4.11 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 5.0 of this report and in our Urban Design Brief submitted under separate cover, in our opinion, the proposed development appropriately addresses and implements the DSG.

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

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

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

Shadow Study Guidelines

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

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

Key Civic and Cultural Spaces

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

- March 21; and.
- September 21.

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

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

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

Private Outdoor Amenity Spaces

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

- March 21

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

Parks and Open Spaces

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

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

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

Places Where Children Play

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

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

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

Public Realm and Sidewalks

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

- March 21st

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

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

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

In support of the subject proposal, we have submitted a Shadow Study prepared by R. Bouwmeester and Associates 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 prepared by SLR Consulting (Canada) Ltd. 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. SLR has confirmed that wind mitigation measures will be refined and included at the site plan stage of development.

4.13 Municipal Housing Pledge

On March 21, 2023, the City of Burlington unanimously endorsed the Municipal Housing Pledge, a provincial directive to construct 1,500,000 homes by 2031 throughout the Province of Ontario. With regards to the City of Burlington, the Pledge targets 29,000 new homes within the municipality during a 10-year period, or 2,900 units a year. This number of housing units is significantly above the historic rate of construction in the City of Burlington, which according to Census data saw the number of dwellings within the City increase by only 471 units per year between 2016 and 2021. Additionally, we note that the City achieved only 27% of it's housing target in 2023 under the Municipal Housing Pledge, construction 584 units of the 2,127-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 progress on achieving the pledge.

4.14 Draft Provincial Planning Statement

The draft Provincial Planning Policy Statement was released on April 6, 2023 for public input, and with the draft natural heritage policies added on June 16, 2023. Between April 6 to August 4, 2023, the Province undertook consultation on the draft Provincial Planning Statement to seek input on a streamlined province-wide land use planning policy framework that incorporated the housing-focused policies. The document combines the elements of the Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement into a new land use policy document to support the achievement of Provincial Direction on matters, including increasing the supply of housing. An updated draft Provincial Planning Statement that addressed issues raised throughout the 2023 public consultation period was released for public input on April 10, 2024.

The draft Provincial Planning Statement remains under review by the Province of Ontario and is not considered policy for the purposes of this application. As such, we have not assigned significant weight to it in our review and is summarized here to represent the most recent provincial policy direction.

The proposed policies of the draft Provincial Policy Statement are grouped under five pillars:

1. Generate an appropriate housing supply.

With respect to generating an appropriate housing supply, municipalities would be required to support general intensification, plan for intensification on lands that are adjacent to existing and planned frequent transit corridors, as well as meet minimum density targets for all major transit station areas, with encouragement to promote supportive land uses and built forms, including affordable, accessible, and equitable housing.

The proposed policies would also require municipalities to align land use planning policies with housing policies, including addressing homelessness and facilitating the development of a full range of housing options and affordability levels to meet local needs. The proposed policies would require municipalities to provide a range and mix of housing options with an expanded definition to include multi-unit types and typologies. Municipalities would also be required to establish local targets for affordable housing based on reinstated definitions for affordable housing and low and moderate income households.

The policies identify large and fast-growing municipalities and encourage them to plan for 50 people and jobs per hectare in designated growth areas. Municipalities would also be encouraged to establish and implement minimum targets for intensification in built-up areas, as well as focus growth and development in strategic growth areas (such as Downtown Burlington) to achieve higher density outcomes.

2. Make land available for development.

The proposed policies would require municipalities to base growth forecasts on Ministry of Finance population projections. Municipalities in the Greater Golden Horseshoe (GGH) may continue to use forecasts issued by the province through the Growth Plan until more current forecasts are available to 2051. The proposed policies also require the municipalities to plan for a minimum 25-year horizon, maintain a 15-year residential land supply and maintain land with servicing capacity for a 3-year supply of residential units.

Furthermore, the policies allow municipalities to undertake settlement area boundary expansions at any time, with requirements for municipalities to consider additional criteria related to need for the expansion to accommodate growth, infrastructure capacity, phasing of growth, achievement of housing objectives, consideration of alternative locations to prime agricultural areas, and impacts on agricultural systems. Municipalities will be permitted to identify a new settlement area only where it has been demonstrated that the infrastructure and public service facilities needed to support development are planned or available.

Municipalities will be required to plan for and protect industrial and manufacturing uses that are unsuitable for mixed use areas, using a new definition of "area of employment." The policies also provide municipalities with greater control over employment area conversions to support the forms of development and job creation that suit the local context**.** Municipalities will be required to address transition and land use compatibility between employment areas and sensitive land uses.

3. Provide infrastructure to support development.

The proposed policies would require municipalities to plan for infrastructure and to protect major infrastructure to accommodate growth. Municipalities will also be required to ensure that development in unincorporated areas is appropriate to planned or available infrastructure and public service facilities and does not place undue strain on infrastructure and public service facilities provided by municipalities, the Province, agencies, boards and/or service managers. Allocation or reallocation of unused servicing capacity should be considered where appropriate to accommodate projected needs for housing.

The proposed policies would also require the integration of land use planning and transportation as well as planning for schools and growth to ensure a coordinated approach and promote opportunities to locate schools near parks and open space.

4. Balance housing with resources.

The proposed policies would require municipalities to use an agricultural system approach, and designate specialty crop areas and prime agricultural areas. However, the policies still require protection of specialty crop areas by maintaining minimum separation distances between livestock operations and houses.

Municipalities would be required to protect water resources and features. Large and fast-growing municipalities would be required, and other municipalities would be encouraged, to undertake watershed planning in collaboration with conservation authorities. The proposed policies also provide that development should be directed outside of hazardous lands and sites in collaboration with conservation authorities.

5. Implementation.

The implementation policies speak to alignment with recent legislative amendments, requiring municipalities to undertake early engagement with Indigenous communities and coordinating with them on land use planning matters.

In order to provide municipalities and other planning authorities an opportunity to understand and adapt to the policy changes, the ministry is proposing to release the final policies for a short period of time before they take effect. Official plans will be updated as necessary to implement these new policies at the time of their ordinary review cycle. However, should the Provincial Planning Statement come into effect, decisions on land use planning matters made by planning authorities are required to be consistent.

The Ministry of Municipal Affairs and Housing received feedback on the updated Provincial Planning Statement through the Environmental Registry of Ontario (ERO) posting, closing on May 10, 2024. The Ministry is currently reviewing this feedback and is anticipated to post the finalized Provincial Planning Statement upon the completion of this review at an unspecified time.



5 Planning & Urban Design Analysis

5.1 Pre-Application Consultation

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

Community Consultation

On April 5, 2024, a virtual pre-application community meeting took place for the subject proposal. As part of the community meeting, City staff outlined the process and existing planning framework, while the applicant's consultant team presented a conceptual proposal for the site. Following the presentation, the meeting was opened up to questions and comments from the public attending. Additionally, the public was encouraged to send feedback via email to the consulting team.

The following is a summary of the comments and concerns that were raised by the public, as recorded through meeting notes prepared by Bousfields:

Proposed Uses, Tenure, and Affordability

- One member of the public requested a grocery store on the site;
- Concerns about affordability were raised, including a request for affordable units;
- Concerns were expressed about the "loss" of the proposed medical office uses in the previously approved development;

Response: The proposed development includes 383 square metres of commercial uses on the ground floor, which can be utilized for various commercial uses including a small-scale grocery store. In addition, a grocery store exists approximately 180 metres north of the subject site. In our opinion, there is no demonstrated need to protect for a grocery store on the subject site and, as such, we do not recommend requiring a grocery store in the site-specific official plan policies or zoning that is proposed for the subject site. With respect to affordable housing, it is our opinion that the subject site is not required, through any applicable legislation or policy, to provide affordable housing units on the subject site. However, the proposed development will add to the range of housing options in the City and Downtown, which includes a mix grade related dwellings and apartments in mid- and high-rise forms, including some new smaller studio and one bedroom apartment units that will provide for a range of unit costs. These measures will assist and support the City's efforts to increase the supply of affordable housing.

Regarding the "loss of medical uses", a medical office has been permitted on the subject site since 2010 and for over 14 years the previous owner has not been able to successfully construct medical uses. Further, we note that while municipalities can *permit* development through the approval of a zoning by-law, as was the case for the permitted office building, it cannot *require* a development to be constructed. As such, the 8-storey medical office is not 'lost", as the physical space has never existed, only the permission for such a space exists. The previous owner of the subject site (MedicaOne) spent many years attempting to develop the permitted use and was not successful. The subject applications propose to amend the *permitted* uses on the subject site.

Traffic, Parking & Loading

- Concerns were raised regarding the above-grade parking structure;
- Several members of the public expressed concerns about traffic impacts from the development;
- Concerns were raised regarding the number of proposed parking spaces, requesting a larger number of spaces;
- Concerns were raised about the functioning of loading, and how existing curbside loading along John Street causes issues today;
- Some members of the public expressed a desire for commercial parking within the development.

Response: As part of the submission, a Transportation Impact Assessment and Parking Study were prepared by Paradigm Transportation Solutions Ltd. ("Paradigm"), which address the issues related to traffic impacts, proposed parking and functioning of the loading. With respect to the public parking, the proposal has been designed to include and reflect the analysis and recommendations provided by Paradigm Transportation Solutions in their Transportation Impact Study as submitted in support of the subject applications. The design of the above-grade parking structure is reviewed and addressed in the Urban Design Brief included with this submission.

Visual, Shadow, and Noise Impacts

- Several members of the public, particularly those living in the condominium building to the south, expressed concerns about lost views.
- The proposed separation distance and subsequent view impacts between the tower and adjacent building was identified as a concern;
- Concerns were also raised regarding the shadow impact from the proposed tower on residential areas to the north of the site;
- Concerns were raised about noise impacts from the development, particularly the proposed rooftop amenity space;

Response: The separation distance between the Berkeley and the proposed tower has been significantly increased to over 40m, whereas the City's TBG promote a minimum distance separation of 25m between the exterior faces of tall building elements to ensure appropriate light access, sky views and privacy. When balancing the need to intensify underutilized sites in SGAs while seeking to provide developments that are compatible with surrounding development, it is our opinion that the proposed development achieves numerous planning policy objectives while still providing an appropriate tower separation distance, one that exceeds the City's TBG. Accordingly, it is our opinion that the proposal generously exceeds the minimum distance separation concerns that were raised by the public and the design of the building should not be modified to reduce the amount of density on the subject site as the design of the building and its location within the subject site protects existing views from the Berkeley. We note that no policy documents or guidelines within the City of Burlington specifically protect private views of surrounding areas, instead protecting only adequate access to sky view, sunlight, and privacy. The proposed 40 metre separation exceeds the requirements of the TBG which are deemed acceptable to protect and address these items. Furthermore, it should be acknowledged and respected that the lands north of the subject site could develop at some point in the future such that the views currently experienced by residents of the Berkeley could change. Regardless, following this feedback received from members of the public, the building design has been modified to increase the building separation by approximately 3 metres (from 37 to the 40 metres presented in this application) to further increase access to sunlight, sky view, and privacy from the Berkeley to the south.

With respect to shadow impacts, a shadow study has been prepared by R. Bouwmeester & Associates, which demonstrates that the proposal achieves the tests set out in the City's Shadow Study Terms of Reference and Guidelines. Regarding the potential noise impacts from the proposed amenity area, the City's Noise By-law regulates how noise is dealt with in the City. In addition, through the required site plan control process, details regarding noise attenuation features will be reviewed to ensure any noise created by the outdoor amenity space will not impact the useability of the surrounding residential dwellings. An Environmental Noise Assessment, prepared by SLR Consulting (Canada) Ltd. and submitted as a part of this application concludes that worst-case predicted sound levels from occupant activities on the 7th floor outdoor amenity area are predicted to range from 49 to 53 dBA, depending on whether personal portable speakers are allowed. The sound levels are below the limit of 55 dBA which has been adopted in this study. Indoor sound levels with windows open would be below 40 dBA. Therefore, the Environmental Noise Assessment has concluded that there are no adverse acoustic issues created by the new development.

Change of Development Concept

- Many community members expressed frustration at the change in the proposed development over the previously approved office development on the site, particularly with regard to the increased building height proposed; and

Response: As noted in the Background and History of the Subject Site in section (2.1) of this report, the subject site was approved to include an 8-storey medical office building in 2010 and the previous owners have not been able to develop the site for the previously intended medical office use. The subject applications are not a "change" in development concept. They represent a new development concept for a property that has not been able to redevelop as imagined nearly 15 years ago. With respect to the proposed building's height, it is our opinion that the proposal has been designed to address the applicable planning and urban design policy framework which has seen a significant evolution since the original, 8-storey medical office building was approved 14 years ago. It is also our opinion that the proposed building will fit comfortably on the subject site and not create any unacceptable built form impacts.

Height

Concerns were raised about the proposed building height.

Response: In our opinion, the proposed building height is in alignment with approved building heights in the immediate context and throughout the City's Downtown and appropriately provides transition to adjacent areas and uses in the context of being located within a SGA and Secondary Growth Node. A detailed rationale for the proposed building height is provided in Section 5.5 of this report.

BUD Meeting

On November 16, 2023, the applicant's consultant team presented a conceptual proposal for the subject site to the Burlington Urban Design Advisory Panel. The proposal was for a 26-storey mixed use building with a 3-storey base building and a tower above. City Staff sought the Panel's advice on three main themes. The following is a summary of Staff's three questions and the Panel's advice:

1. How is the relationship between proposed building and surrounding context & other public realm considerations (streetscape & pedestrian experience)?
2. Please comment on Site Design and Built Form: Height, massing, façade, balconies, step backs, etc.
3. Please comment on Outdoor amenity space & landscaping: Setbacks, Landscaping & Amenity.

Detailed notes on the Panel's comments were provided through the minutes of the meeting. However, the Owner and project architect, who attended and presented at the meeting, identified several areas of inconsistency between the minutes of the meeting and what was discussed at the meeting. To provide additional clarity and areas where the Owner and project architect disagree with the minutes of meeting, affidavits from a representative of the Owner and the project architect have been provided with the subject applications.

In response to the comments received from the Burlington Urban Design Panel, several revisions were made to the design of the building. Specifically:

- Pedestrian circulation paths were added to the above-grade parking structure to create safe walking spaces to the elevator lobby;
- A minimum pedestrian clearway has been provided along all street frontages;
- Enhanced streetscape design has been implemented along Caroline Street, including a 2.14-2.4 metre ground floor setback along Caroline Street, with the intent to further refine the design through the approvals process;
- A ground floor bike room was introduced to support active transportation;
- Revisions to the loading and garbage access were introduced to maximize the commercial frontage along John Street and mitigate the adverse impacts of curb cuts along John Street; and
- Revisions to the design of the podium were made to emphasize the mixed use characteristics of the proposal.

5.2 Intensification

Residential intensification on the subject site is appropriate and desirable and is in keeping with the policy framework set out in the PPS, the Growth Plan, the ROP, and the OP. 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 Growth Plan, ROP, and the 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 1.1.3.1 and 1.1.3.2 of the PPS indicate that Settlement Areas are to be the focus of growth and development as well as promoting densities and land uses that efficiently use land, resources and infrastructure. In addition, Policy 1.1.3.6 of the PPS states that new development taking place in designated growth areas shall have a compact form, a mix of uses and densities that allow for the efficient use of the land.

The proposal conforms to the Growth Plan policies, specifically intensification policy that directs growth and intensification to settlement areas that consist of built-up areas and SGAs such as Downtown Burlington. Furthermore, with the subject site being located within the delineated built-up area, the Growth Plan policy states that this is the area where 50 percent of residential development shall occur. The proposal will assist in implementing this policy by providing residential development within the City of Burlington's built-up area, and within a SGA.

In support of the subject applications an Economic Analysis Report was prepared by Keleher Planning & Economic Consulting Inc. and dated June 21, 2024 (the "KPEC Report"). The KPEC Report notes that the Region and the City are not meeting their respective growth targets and will need to substantially increase its pace of construction from the pace of 335 medium and high-density units per year it has experienced over the last 20 years, to 1,107 medium and high-density units per year to achieve the projected phasing identified in Table 2a the ROP. The KPEC report also notes that of the planned growth for the City to 201, the City's MTSA's (including the new UGC) is able to accommodate only 43 percent of the population growth. Other locations, including the Downtown, will be required to accommodate the remaining 57 percent of the share of population growth to 2041. The KPEC report goes further, identifying that population growth is required to be 213% higher than the population growth seen in the 2016-2021 period in order to meet the growth rates set out by the ROP by 2041. Accordingly, there is emphasis on the need to intensify and optimize density on every opportunity throughout the built-up area and especially within SGAs, including in areas outside of the MTSAs. We are of the opinion that the Downtown, including the subject site, being a SGA and Secondary Growth Node in the ROP, is an area which can absorb a significant amount of growth. Indeed, given the downtown's function within the city as a centre of commercial and institutional activity, it's ability to support active transportation, and the in-force policy which applies to the Downtown in the OP, we anticipate that the downtown can reasonably be expected to facilitate the most intensification within the city outside of it's three MTSAs.

With regards to the Regional Official Plan, the ROP 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 SGA, would be supportive of these objectives through the construction of 302 new residential units in an area with a high degree of walkability and which is in close proximity to transit.

The 302 residential dwelling 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 construction 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 strategic growth areas 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 surrounding area can be maintained. As discussed through Section 5.4 of this report, the proposed development facilitates residential intensification in a form which is consistent with the surrounding built form context and fits within the skyline. This context includes an approved 27-storey mixed use building at 535 Brant Street, and accordingly, in our opinion maintains the character of the surrounding area and SGA context.

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 addition of 302 new residential dwelling units in a high-density, compact development within a designated SGA.

Intensification is supported throughout the Official Plan and in 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 implements this direction. 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 implements Policy 5.4.1 of Part III of the Official Plan, since it intensifies an underutilized site in the Downtown SGA, which is where growth and intensification are directed.

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

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

With regards to the policies applying to the Downtown Core Precinct, the proposed development exceeds the minimum density set out for the precinct of 51 units per hectare. While the development exceeds the maximum floor area ratio of 4.0 and height of 8 storeys identified for the Downtown Core Precinct, 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 areas like SGAs such as Downtown Burlington. Furthermore, this is also how other recently approved redevelopments in the Downtown have been advanced, which is through site-specific amendments to the Official Plan and Zoning By-law Amendment.

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 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 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 302 residential building in close proximity to existing services and public transportation at a transit supportive density.

Additionally, the KPEC Report notes that in the past 20 years, the City of Burlington has averaged 758 units completed per year, though declining after 2011, including as little as 96 units completed in 2022, and an average completion rate of just 615 units per year for the 2018-2023 period. This rate of growth is roughly 60% of that required for the 2022 to 2026 period as identified in the ROP, and roughly 1/5 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 both Provincial, Regional, and Municipal policy directs the largest amount 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 that above that envisioned within the Official Plan to assist in better achieving these targets given the direction provided in the ROP for high-density intensification to be directed to these areas.

5.3 Urban Structure

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

The proposed 28-storey building is at an appropriate scale since it is consistent with other tall buildings in the immediate context and greater Downtown SGA. Furthermore, it aligns with the Official Plan and ROP, designations which apply to the Downtown SGA and state that a "significant proportion" of growth is to be directed through Policy 78.1(1) of the ROP.

The ROP relies on local municipalities to establish a land use vision for its SGAs. The City's 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 plan for 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 in-force Official Plan. The Official Plan directs a significant proportion of growth to the Downtown SGA. In our opinion, this will not change through a revised "vision" in an updated Official Plan, especially given the KPEC Report, which notes that 57 percent of growth will need to occur outside of the City's Urban Growth Centre and MTSA's.

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

5.4 Land Use

The proposed residential building is appropriate and desirable and conforms to the overarching policies found in the PPS, Growth Plan, ROP, Official Plan, and New OP, which seek to utilize and optimize the use of land and infrastructure in a transit-supportive way. However, a site-specific amendment to the Downtown Core Precinct policies of the Official Plan are required to increase the height and density permitted on the subject site to facilitate the proposal.

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

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

The Official Plan outlines in Policy 5.4.1 of Part III that the objectives related to the Mixed-use Centre designation is to provide locations at inter-municipal transit stations and the downtown that will serve as areas for mixed use developments consisting of high density residential, retail and commercial uses, to encourage higher intensity, transit-supportive, and pedestrian-oriented development, and to permit mixed use developments on individual sites where residential, retail, office and other uses are located. Part III, Policy 5.4.2(h) further provides that the design and development of Mixed Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car, and Part III, Policy 5.4.2(m) provides that reduced parking standards, shared parking and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and the accessibility by transit and other modes of travel. The proposal is providing a mixed-use development that is transit-supportive and pedestrian-oriented, within close proximity to the commercial, employment, entertainment and outdoor amenities in the Downtown core. The proposal will add to the commercial amenities in the Downtown Core and encourage public transit and pedestrian and bicycle travel as an alternative to the car by offering a compact built form and high concentration of people near multiple transit options in an activity area. The proposal conforms to the Downtown Mixed Use Centre objectives (Part III, Policy 5.5.2), since it provides residential and commercial uses in a compact urban form that provides new housing options and increases the resident population in the precinct, better supporting existing commercial operations within the proximity and providing space for new commercial retail operations at grade along John Street. The proposed ground floor commercial uses, residential units, and lobby maintain an active streetscape along the adjacent streetscapes. The proposed residential uses at grade along Elizabeth Street are designed to more closely integrate and transition the commercial, high-density character of the Downtown along Brant Street to the west to the existing residential character of Elizabeth and Caroline Streets to the east. The proposed commercial retail spaces located along John Street specifically responds to the more commercial nature of the street and the applicable policies within the Official Plan which direct for the creation of a mixed-use, active street frontage along the street. Further, the proposed development proposes a built-form, as detailed in Section 5.4 of this report, which is compatible with its surroundings and appropriately transitions to adjacent uses.

In our opinion, the proposal implements the objectives of the Downtown Core Precinct (Policy 5.5.8.1 of Part III), by providing higher-density development within the inner core of the downtown and to help meet provincial growth objectives and support increased transit use. It is also our opinion that the proposal conforms with Part III, Policy 5.5.8.2 d) requiring the provision of retail or commercial uses at grade, with residential uses along the streets shared with the adjacent Emerald Neighbourhood Precinct. In the case of development bordering residential precincts, grade-related commercial is not required. As discussed above, residential uses have been provided at grade to better transition uses and the public realm to these adjacent residential uses. More active ground-floor uses, including the proposed building lobby and commercial retail areas have been located along the Caroline and John Street frontages to more closely integrate with the mixed-use character of adjacent blocks.

- The proposal conforms with the remaining Downtown Core Precinct policies in Part III, Policy 5.5.8.2 relating to land use, since:
- The proposed development includes a high-density residential apartment use, which is a permitted use within the Precinct;
- The proposed building is at the street line with all parking and loading within the building and below grade or within an above grade parking structure; and

The massing and built form of the proposed building is appropriate and the visual, sun shadow and wind impacts are at an acceptable level as demonstrated by the Shadow Study and Urban Design Brief.

The Official Plan recognizes that additional height and density are appropriate within the "Downtown Core Precinct" provided the proposal is compatible with the existing character of the precinct. This is reinforced by Part III, Policy 5.5.8.2 i), which states that applications for increased heights for mid to high rise buildings within the precinct may be required to demonstrate how impacts can be mitigated. Indeed, there already exists a site-specific exemption on the block the subject site is located on (Part III, Policy 5.5.8.2 l)) which permits additional height and density over that generally permitted within the Downtown Core Precinct designation, which has been partially implemented through the development immediately to the south, the Berkeley. Furthermore, Part III, Policies 5.5.8.2 j), k), m) and n) are additional site-specific instances where the height and density in Part III, Policy 5.5.8.2 b) has been exceeded in the precinct. In our opinion, as described in the following sections (5.5 and 5.6) as well as the Urban Design Brief, the proposal is appropriate and the built form impacts have been appropriately mitigated to an acceptable level.

In addition, the New OP designates the subject site "Urban Centres", "Primary Growth Area", and "Downtown Core 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 the Official Plan) is appropriate.

With regards to the existing requirements of the zoning by-law regarding the required office use and under-appeal policy in the New OP similarly requiring such a use, we note that the in-force Official Plan policy framework as it applies to the site does not require office uses, and indeed permits a wide range of uses including the proposed residential use. Further, following the approval of the office use and previous development on the subject site by Burlington City Council in 2014, a large shift in office use patterns have occurred through the COVID-19 Pandemic whereby there has been a significant reduction in commercial demand for office space. Additionally, the KPEC Report notes that the Downtown has effectively hit it's employment density objectives through existing employment opportunities, with any remaining gap expected to be filled through other approved developments within the Downtown. The KPEC report also notes that the Downtown is falling short of it's residential density targets. Permitting residential uses on the subject site in the zoning by-law would be in alignment with provincial policy, regional policy, and would appropriately respond to the urgent need for housing in the City of Burlington as illustrated through the Municipal Housing Pledge and revitalize a vacant site in the City's Downtown while acknowledging a changing office market since the original approval which makes development of the original approval exceptionally challenging.

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 Growth Plan and ROP;
- It conforms to the overreaching policies of the OP that call for higher density mixed-use intensification in a compact transit supportive built form within the Downtown Mixed Use Centre;
- It meets the evaluation criteria laid out in 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 tall building and SGA context, which is expected to accommodate a significant amount of growth within the City;
- 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 especially in the three downtown precincts where higher density development is directed; and,
- It represents good planning practice and will promote the continued evolution of the Downtown Core Precinct from a previous low-rise automobile-oriented area to a high-density transit supportive Downtown area.

5.5 Height, Massing, and Density

In our opinion, as noted in Section 5.3 above, the site is an appropriate location for residential intensification in land use policy terms. From a built form perspective, it is our opinion that the subject site is a contextually appropriate location for a 28-storey building given its location within the Downtown Core Precinct of the Downtown SGA, and the existing and planned intensification in the immediate area surrounding the subject site.

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 midrise and 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 Downtown Core Precinct, which is generally centrally located within the Downtown and along Brant Street from Victoria Avenue to Pine Street. The Downtown Core Precinct is where the main employment and commercial amenities are located and includes a number of mid-rise and tall residential and mixed-use buildings. Notably, many of these buildings to the north, south, and west of the subject site are all approved, under construction, or existing at heights similar to that which is proposed on the subject site.

On this basis, in our opinion, the proposed 28-storey (87.25 metres) 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 Downtown Core Precinct as shown on **Figure 31** and in the table below.



LEGEND

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

* Under Construction | ** Approved | *** Proposed/Under Review

Figure 31 - Height Map

Address	Max Height	Description	Application Status
Proposed	**(Storeys)**		
774, 778, 780 and 782 Brant Street (Parcel A); 769, 779, 783 Brant Street & 2023, 2027, 2031-2033 Ghent Avenue (Parcel B); and 747 and 761 Brant Street (Parcel C)	25	OPA and ZBA for a multi-phase, mixed use development comprised of a 25-storey tower and an 18-storey tower (with ground floor commercial area) and 444 residential units (Parcel A); a 25-storey tower (with ground floor commercial area) and 283 residential units (Parcel B); and an 8-storey mid-rise building (with ground floor commercial area) with 120 residential units (Parcel C).	Under Review
2095 Prospect Street	3	SPA for two 3- storey stacked townhouse blocks totaling 36 units, 20 stacked townhouse units (west block), 16 stacked townhouse units (east block). The existing 8-storey apartment building with 65 units to remain.	Under Review
2170 Ghent Avenue	3	SPA for three (3) townhouse blocks consisting of 19 three (3) storey units.	Under Review
Approved			
688-698 Brant Street	11	OPA and ZBA to allow an 11-storey mixed use building as well as 12 2-storey townhouse units on the subject property. The proposed development includes 1,592m² of retail on the ground floor.	Approved
789-795 Brant Street	33	OPA and ZBA to allow a 33-storey mixed use building which includes an 8-storey podium with 480m² of retail on the ground floor, as well as 329 residential units.	OLT Approved
535-551 Brant Street	27	OPA and ZBA for a mixed use development, including a 27-storey mixed use building (inclusive of a mechanical penthouse and elevator machine room) and a maximum of 259 residential units.	OLT Approved
401,403,405,409,411 & 413 Brant Street 444,448 and 450 John Street 2002 and 2012 James Street	23	OPA and ZBA to permit a 23-storey building, including 1 storey of ground floor commercial, with 597 square metres of ground floor commercial and 227 units.	Approved
2087-2103 Prospect Street	3	OPA and ZBA for two blocks of 3-storey stacked townhouses, each containing 25 rental housing units (50 housing units). The two existing fourplex buildings (eight housing units) will be demolished. The eight-storey apartment building will remain.	Approved
2085 Pine Street	9	OPA and ZBA for a 9-storey residential building which includes 38 residential units.	OLT Approved
441 Maple Avenue	11	OPA and ZBA for an 11-storey residential retirement building consisting of 140 units.	Approved
418 and 422 Guelph Line	11	OPA and ZBA for an 11-storey mixed-use building which includes 170 residential units; 324 square metres of commercial space on the ground floor and 122 square metres of office and business centre space on the second floor.	OLT Approved
2107 Old Lakeshore Road, 2119 Lakeshore Road	27	OPA and ZBA for a 27-storey, 196-unit mixed-use development with retail / commercial space at grade with residential units above.	OLT Approved
2093, 2097 and 2101 Old Lakeshore Road, 2096 and 2100 Lakeshore Road	27	OPA and ZBA for a 27-storey, 310-unit mixed use building with commercial at grade and residential units above.	OLT Approved
2421-2431 New Street	11	OPA and ZBA for two joined 11 storey buildings with retirement home units in one building, and residential units in the second building. A total of 197 retirement units (including 33 memory care units), 145 apartment units, total of 342 units	Approved
407 Martha Street	14	OPA and ZBA for an 11-storey residential building consisting of 130 units, resulting in a density of 407 units per hectare.	OLT Approved
Under Construction			
374 Martha Street	26	OPA and ZBA to permit a 26-storey condominium building with 240 units and 423 m^2 commercial space.	OLT Approved – Under Construction
2069-2079 Lakeshore Road and 383-385 Pearl Street	29	OPA and ZBA for a 29-storey (with 2 additional levels for rooftop mechanical equipment), 318-unit mixed-use building with retail / commercial space at grade and residential units above.	OLT Approved – Under Construction
2025 Maria Street, 2300 Caroline Street and 510 Elizabeth Street	17	OPA and ZBA for a 17-storey apartment building adjacent to Maria Street and a 6-storey parking garage in the centre.	OLT Approved – Under Construction
421-431 Brant Street	23	OPA and ZBA for a 23-storey mixed-use commercial residential condominium building.	OLT Approved – Under Construction
2082, 2086 and 2090 James Street	14	OPA and ZBA for an 18-storey condominium apartment building consisting of 164 residential units.	OLT Approved – Under Construction
Existing			
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 Downtown Core Precinct is identified as an area focused on Brant Street, which is identified as a major spine within the Downtown. The Downtown Core Precinct, owing to its role as the central commercial area of Downtown Burlington, is an area directed to accommodate a significant share of growth within the City. As a result, the Precinct has seen numerous tall building developments in recent years. In the immediate surroundings around the subject site, a 23-storey building was recently completed to the southwest of the subject site at 421 Brant Street, and a 27-storey building was recently approved to the northwest at 535-551 Brant Street. It can reasonably be anticipated that the Downtown Core Precinct will continue to accommodate new high-rise development given its role within the City of Burlington's urban structure and its strong access to public transportation and ability to encourage active transportation owing to the wide variety of amenities located within walking distance. The Downtown Core Precinct is evolving and intensifying into an urban corridor with tall buildings framing the street, making the subject site a contextually appropriate location for a tall building. The proposed 28-storey building is compatible with other completed, under construction, and approved tall-buildings within the Downtown Core Precinct and wider Downtown Mixed-Use Centre boundary as shown on **Figure 31**, Height Map.

Within the 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 setbacks and step backs from the street. Further, the overall mass does not create any unacceptable light, view, or privacy impacts by providing a 750 square metre floor plate in accordance with applicable Urban Design Guidelines which minimizes impacts to views and sunlight. Additionally, the tower provides a minimum separation distance of a minimum of 40.85 metres between the proposed tower and the existing tower to the south being the Berkeley, well in excess of the 25-metre requirement in the TBG, ensuring adequate access to light, view and privacy between the two buildings. We note that this separation distance significantly exceeds that which is required by the Tall Building Design Guidelines and has been increased by 4-metres following the pre-application community consultation based on the feedback received.

In our opinion, the proposed massing would represent an improvement in the quality of built form on the subject site. The existing vacant lot on the subject site represents a significant underutilization of land along a Minor Arterial road within a Primary Growth Area and the City's Downtown.

In contrast, the proposed mixed-use building would contribute to the continued urbanization to a compact, transit supportive Downtown neighbourhood with a 28-storey mixed-use building that includes a 3-storey base that is oriented and focused on the street with grade-related active commercial uses. The 3-storey base is massed and scaled to reinforce and enhance the existing street-related character of the area, and in particular matches the height of the podium provided in the Original Approval and to the south at the Berkeley. The upper levels are designed in a slender point tower form that is pulled away from the street line with an appropriate step back of 3 metres, in alignment with the City's TBG.

Overall, the proposed building will contribute to the sustained urbanization of the Downtown as outlined in the Official Plan with a built form and design that is contextually appropriate and will reflect the evolving neighbourhood character as well as the Provincial and Regional policy framework. The proposal will enhance the streetscape along this portion of Caroline, John, and Elizabeth Streets and is compatible with the evolving neighbourhood context.

Regarding density, it is our opinion that the proposed density of 4.63:1 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 Mixed Use Centre, Primary Growth Area, and Secondary Regional Node as well as its transit support and ability to encourage active transportation. As already discussed, the Official Plan pre-dates the current provincial policy framework including the current and previous PPS (2014 and 2020), and current Growth Plan (2019). 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 density beyond the permitted maximum for the block of 4.0:1 FAR in the Official Plan for the Downtown Core Precinct. Furthermore, the Official Plan already recognizes the site's ability to accommodate a higher level of density, providing a site-specific policy for the block which permits an FAR or 6.7:1. Four additional sites

within the Downtown Core Precinct are also permitted to exceed the maximum density generally permitted in the Official Plan, as described in Policies 5.5.8.2 j), k), m) and n), the densest of which is the north-west corner of Lakeshore Road and Martha Street with a maximum density of 13.3:1 FAR. The proposed development is in keeping with existing developments in the Downtown, representing how it's density and built form conforms with the neighbourhood character of its surroundings as required in the Official Plan.

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

5.6 Built Form Impacts

The housing intensification policies of the Official Plan require new development and redevelopment to be compatible with the scale, urban design and community features of the neighbourhood (Chapter III, Policy 2.5.1 a) and compatibility is achieved with the existing neighbourhood in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided (Chapter III, Policy 2.5.2). Policy 5.5.5 c) of Chapter III of the 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 functions as a through lot with frontages on John Street, Caroline Street and Elizabeth Street and the abutting uses include a parking lot to the north, the rear of low-rise commercial uses to the west, urban townhouses to the east, and a 17-storey mixed use building to the south. The nearest low rise residential neighbourhood is located north-east of the subject site, at the north-east corner of Emerald Crescent and Caroline Street. The proposed building includes a base that reinforces the low-rise commercial built form along John Street and low-rise residential uses along Elizabeth Street and the upper portions of the building are pulled back from the street line and north and south property lines in order to strengthen and enhance these low-rise elements and limit impacts. As is illustrated and discussed in the Urban Design Brief, the proposed building has been massed and scaled such that it fits beneath the 45-degree angular plane taken from the property line of the nearest low-rise residential properties that exist outside of the Downtown Mixed Use Centre. While it does not fit within the angular plane from the nearest low-rise uses located directly opposite of the subject site along Caroline and Elizabeth Streets, these low-rise areas, located within the Emerald Neighbourhood Precinct within the Downtown Mixed Use Centre, are within a context in which reduced transitions are appropriate and expected. Indeed, the Emerald Neighbourhood Precinct already includes a wide variety of higher density uses in its immediate proximity, including the Berkeley immediately to the south and 477 Elizabeth Street, which significantly protrude into such an angular plane. As such, we are of the opinion that this condition is appropriate, particularly given the SGA and Secondary Regional Centre designations for both the subject site and the adjacent neighbourhoods, where increased levels of intensification are anticipated. In our opinion, the proposed building provides an appropriate transition in scale to the surrounding built form context.

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

Sky View

The proposed building will result in no unacceptable sky view impacts, given the surrounding built form context. When viewed from the abutting streets, the proposed building will not create an enclosure that will limit sky views in any way, given the proposed slender tower floor plate, the width of the streets, and the step backs of the tower from the building base. In this regard the tower has been located 3 metres, 5 metres, and 3 metres from John Street, Caroline Street, and Elizabeth Street property lines. In this regard, the tower's slender floor plate and location provide for appropriate access to sky view from the abutting public sidewalks. In this regard, it operates similar to how the Berkeley relates to its abutting streets. With respect to the sky view from the Berkeley, the TBG establish a minimum tower separation distance of 25 metres in order to ensure sufficient space for, among other things, an appropriate sky view. The proposed development exceeds the minimum requirement and provides a separation distance of 40.85 metres, providing significantly improved access to sky view for building residents over the City's standards. Furthermore, as discussed in Section 5.1 of this report, only six units are impacted by the new tower beyond the current as-of right permissions. In our opinion, this impact is adequately limited given that the proposal exceeds an established appropriate tower separation distance as provided in the TBG.

Shadow Impact

In order to assess shadow impacts for the proposed development, a shadow study was prepared by Ralph Bouwmeester & Associates, dated June 21, 2024, as per the City of Burlington's Sun Shadow Guidelines, June 2020. The study illustrates the shadows generated from the proposed development hourly from 9:00 AM to 6:00 PM in March and September, 8:00 AM to 7:00 PM in June, and 11:00 AM to 3:00 PM in December.

The study identifies that the proposal satisfies the Shadow Impact Criteria of the City of Burlington as set out in its Shadow Study Guidelines and Terms of Reference with the minor exception of Criterion 4.6 as it relates to the east sidewalk along Elizabeth Street opposite the subject site. The exception is not created by the proposed development. It is a result of the as-of-right zoning. Very little, if any, new shadow on this sidewalk is created by the current proposal. It is our opinion that the proposal meets the intent of the City's shadow requirements. The report identifies that in Ralph Bouwmeester and Associate's opinion that the proposal meets the intent of the City's shadow requirements.

From a policy perspective, Policy 2.5.2 (a) (vii) of Part III of OP states that when evaluating proposals for housing intensification within established neighbourhoods, significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level. As the proposed development meets the requirements of the Shadow Study Guidelines, we are of the opinion that this requirement is met and that shadows are not cast for significant or extended periods on adjacent properties.

Based on the foregoing analysis, it is our opinion that the shadows created from the proposed development are adequately limited and at an acceptable level and present no adverse impacts.

Wind Impact

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

- In both the existing condition and proposed condition, two off-site areas exceed the wind safety criterion. In the proposed condition, the wind safety criterion is exceeded on the 7th floor terrace at four locations. Recommendations for wind control measures are provided within the report to mitigate impacts at these locations.
- On-site wind conditions are generally suitable for the intended use throughout the year in both the existing condition and proposed condition. In the proposed condition, uncomfortable wind conditions occur in the winter along the north side of the building. Recommendations for wind control measures are provided within the report to mitigate impacts at this location.
- Wind conditions on the 7th floor terrace are windier than desired throughout the year. Wind control measures are recommended.
- SLR identifies that they will work with the design team to determine practical and effective wind control measures prior to the next planning submission. SLR is confident the problematic wind conditions described herein can be mitigated satisfactorily through mitigative design elements.

Further to the analysis completed by SLR Consulting, we are satisfied that appropriate wind mitigation measures can be addressed at the detailed design stage - site plan.

5.7 Urban Design

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

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

The proposal provides an opportunity to focus intensification in the Downtown 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 three respective street frontages and aligns with the approved zoning provisions on the subject site;
- The at-grade commercial uses, and residential lobby provide grade-related activity both inside and outside of the proposed building.
- Servicing and vehicular parking will be internalized;
- The building will be sited parallel and oriented to it's three 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 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 Downtown Core Precinct and Downtown Mixed-Use Centre.
- The proposal has considered, and it meets the intent and purpose of the City's TBG as part of the subject proposal.

A fulsome review and analysis of the proposal against the City's Tall Building Guidelines is provided in the Urban Design Brief, which concludes the proposal conforms to the Tall Buildings

Guidelines and is reflective of the broad aims of the OP urban design policies, and the public realm elements of the Downtown Urban Design Guidelines.

5.8 Transportation

Paradigm Transportation Solutions Limited was retained by the Owner to prepare a Transportation Impact Study, Parking Study, and Transportation Demand Management Options Report.

The Report reaches the following conclusions regarding these issues:

- To provide adequate sight lines, the removal of three (3) street parking spaces along John Street and two (2) spaces on Elizabeth Street is likely to be required.
- The proposed geometry for the loading zone can accommodate a medium single unit truck entering and exiting the loading area with no conflicts. Private waste collection can be adequately provided.
- Weekday and weekend parking utilization surveys were conducted in April 2024 to examine and determine the current utilization of the public parking supply in the study area. With the redevelopment of the site, the study area will provide a total of 190 parking spaces that are available for public use. Based on the utilization surveys, demand is noted to be 92 vehicles (48%) during the weekday and 110 vehicles (58%) during the weekend. As the parking utilization will not exceed the typical target threshold of 85%, a considerable surplus of public parking spaces is available within the study area.
- Full-build out of the development will generate approximately 84 new trips during the weekday AM peak hour and 99 net new trips during the weekday PM peak hour.
- Based on the operational analysis conducted, the proposed development does not create operational issues at any intersections as they are all projected to operate with acceptable levels of service and minimal delays. The intersection of Brant Street and Maria Street, where the stop-controlled westbound approach is projected to operate at Level Of Service E under the Background Horizon (without the proposed development). Under the Total Horizon (including the proposed development) there are no additional impacts as a Level f Service E is maintained. As the volume to capacity ratio for the westbound approach is not expected to exceed 0.72 and the queues are manageable, no improvements to the intersection are warranted.
- Redevelopment of the subject site is anticipated to have a negligible effect on traffic operations within the study area. Individual movement delays are expected to increase by less than five seconds during the AM and PM peak hours as a result of the site traffic.

- The site driveways to John Street and Elizabeth Street are forecast to operate with delays in the LOS A range and is not forecasted to exceed 9 seconds during the AM and PM peak hours.
- The analysis indicates and concludes that the existing transportation infrastructure is adequate to accommodate additional traffic associated with the proposed re-development. No roadway improvements are required to facilitate the proposed development.
- Utilization surveys were undertaken at the Berkeley condominium development in Downtown Burlington in January 2024 to address the project needs with updated occupant parking data. It is noted that the on-site parking at The Berkely is provided solely for occupants with no accommodation for visitor parking. Based on the survey data, The Berkley registered a peak demand of 0.81 occupant spaces during the survey hours.
- Based on a regression equation using 302 units, the forecast occupant parking demand for the site is estimated to be 250 occupant spaces (0.83 spaces per unit).
- As city staff have previously supported this visitor supply rate and no new supplemental visitor parking surveys could be completed at The Berkely as there is no visitor parking, it is recommended that a parking supply rate of 0.03 spaces per unit be considered for the purpose of determining the publicly accessible visitor parking rate to be provided to serve the proposed redevelopment.
- Overall, a parking supply rate of 0.86 spaces per residential dwelling unit, including publicly accessible visitor parking, is appropriate and supportable for the proposed development based on parking data collected by Paradigm, city staff and effectively implements the policies and direction included in the Official Plan.
- The development will also implement a suite of Transportation Demand Management (TDM) measures to reduce the dependency on vehicular travel further. These measures include:
  - Active uses at grade along street frontages
  - Welcome Packets including information regarding alternative mode use in the area

5.9 Noise Emissions

SLR Consulting (Canada) Ltd. (SLR) was retained by the Owner to prepare an environmental noise assessment for the proposed development. The Noise Report addresses the noise assessment requirements of City of Burlington and the Ontario Ministry of the Environment, Conservation and Parks ("MECP") for new residential developments of this type, including MECP Publication NPC-300 noise guidelines. The report specifically focuses on noises generated on the 7th level amenity area in response to comments received from the community consultation meeting.

The report notes that There are no strictly applicable guideline limits for noise from outdoor amenity spaces. Noise from such activities is controlled by the Noise By-law.

The report concludes that worst-case predicted sound levels from occupant activities on the 7th floor outdoor amenity area have been predicted. Sound levels at the façade of the adjacent Berkeley Condos are predicted to range from 49 to 53 dBA, depending on whether personal portable speakers are allowed. The sound levels are below the limit of 55 dBA which has been adopted in this study. Indoor sound levels with windows open would be below 40 dBA.

Given the low predicted sound levels, adverse impacts from noise from patio occupant activity is not anticipated, and the report states that noise mitigation measures are not required.

5.10 Servicing

A Functional Servicing Report ("FSR"), Stormwater Management Report ("SWM Report"), and Floodplain Spill Hazard Analysis ("Flood Analysis") were prepared by S. Llewellyn & Associates Limited (the "SLA") for the proposed development. The FSR and SWM Report describes the location and nature of existing municipal infrastructure that is available to provide servicing for the proposal. In summary, the FSR and SWM Report concludes that the proposed development can be constructed to meet the requirements of the city of Burlington and Halton Region, subject to the following recommendations:

- The development be graded and serviced in accordance with the Preliminary Site Grading Plan and the Preliminary Site Servicing Plan prepared by SLA;
- A 145 mm cored hole orifice plate be installed at the outlet of the proposed detention vault as per the Preliminary Site Servicing Plan to provide adequate quantity control;
- An underground detention vault be incorporated into the underground parking garage as per the Preliminary Site Servicing Plan to provide stormwater storage;
- Erosion and sediment controls be installed as described in this report to meet City of Burlington requirements; and,
- The proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan and this report to adequately service the proposed development.

The Flood Analysis was prepared to assess the existing floodplain spill elevations adjacent to and within the site limits. A 100-year and Regional Storm Events were used to size and design infrastructure and determine flood impacts. The Flood Analysis included the following tasks:

- Review of the existing site topography within the 2D Downtown HEC-RAS model.
- Update the hydraulic (HEC-RAS) model provided by the CH to incorporate the existing information captured by the topographic survey of the development area.
- Run the updated existing conditions model to confirm the spill hazard and flood elevations.
- Update the terrain to model the proposed site conditions.
- Run a proposed model with the updated terrain to determine changes to the floodplain and spill flood hazard areas.
- Review the proposed conditions results against the existing conditions results.

The Flood Analysis provides the following conclusions and recommendations:

- The development will have a negligible impact on the floodplain and associated spill hazard, increasing it by a maximum of 1cm+/-, from 86.11m CVGD2013 to 86.12m CVGD2013, with the addition of the proposal.
- The proposed first-floor elevation will be set 0.30m above the highest modelled floodplain spill elevation around the building, determined to be 86.12m CVGD2013, resulting in a proposed first-floor elevation of approximately 86.85m to floodproof the building.
- John and Maria Street remain categorized as low-risk hazards, exceeding private pedestrian-vehicle access guidelines in the post-development condition adjacent to the development area.
- Caroline and Elizabeth Street remain characterized as high-risk hazards; however, they will still be accessible by emergency vehicles with top exhausts, such as fire trucks.
- A watertight overhead door will be installed at the top of the parking ramp to prevent floodwaters from spilling into the underground garage.
- Flood storage within the adjacent municipal parking lot is not deemed a feasible solution to elevate the flood spill in the area.

All reasonable on-site Regional storm risk mitigation measures identified in the report are proposed to be implemented as a part of the proposal.

5.11 Housing Impact Statement

Through the pre-consultation process, the City of Burlington identified the need for a "Housing Impact Statement" which addresses Policy 3.1.1(2) h) of the New OP. As we noted in Section 4.6 of this report, the majority of the new OP remains under appeal, including on a site-specific basis for the subject site. This appeal includes Policy 3.1.1(2) h), and thus the policy is in not in full force and effect. As such, the proposed development cannot be held to any standards or regulations set out in the policy, including the requirement for the submission of such a statement. Nonetheless, we have reviewed the proposed development against the policy as set out in the Terms of Reference for a Housing Impact Statement. We have reviewed the proposal through the lens that it cannot and should not be required to adhere to Policy 3.1.1(2) h) of the New OP. Additional analysis with regards to housing issues is also provided in the KPEC Report submitted as a part of the subject applications.

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

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

The proposed development would provide 302 new market rate apartment dwelling units, including 38 studio (13% of units), 151 one-bedroom units (50% of units), 108 two-bedroom units (36% of units) and 5 three-bedroom units (2% of units). These units, being market-rate units, are not anticipated to be affordable units as per the definitions provided by the Region of Halton. The proposed development would however assist the Region in achieving other aspects of it's housing targets. Specifically, the proposed development would assist the Region in achieving it's target of 65% of units being townhouses or multi-storey buildings by 2031 as set out in Policy 86(6) a) of the ROP. While the proposed development would not provide a contribution to the Region's affordable or assisted housing supply, we note that these are region-wide targets for all development throughout the Region of Halton and are not specific targets for individual developments.

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

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

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

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

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

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

6 Conclusion

For the reasons set out in this report, it is our opinion that the proposed development will appropriately intensify an underutilized site, improve the streetscapes along John Street, Caroline Street and Elizabeth Street and provide a new mixed use development that would fit harmoniously with the existing and planned built form context and will be compatible with the height and massing of existing and approved development in the Downtown Core precinct.

From a planning policy perspective, the subject site is an appropriate location for residential intensification given its location within the Downtown SGA 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 1.8 kilometers away. The proposal, including the proposed OPA and ZBA, conforms with the ROP, particularly the land use, intensification, and urban growth centre policies. The proposed ZBA conforms with and the proposed OPA implements 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 Downtown Core Precinct policies of the Official Plan is required in order to increase the height and density of the subject site. In our opinion, the proposed density is appropriate and desirable for the subject site. Furthermore, it is our opinion that the requested OPA and ZBA are consistent with the PPS and conform with the Growth Plan, 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 subject site's three street edges and contribute to an improved pedestrian environment. The upper building is slender and pulled back away from the street to minimize built form impacts and further define the base building. The proposed height will fit into the broader urban structure and is in keeping with range of heights in the surrounding area. The proposal conforms with the built form and massing policies of the Official Plan and is in keeping with the relevant urban design guidelines.

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



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