BOUSFIELDS INC.

Planning & Urban Design Rationale



1376 & 1382 Plains Road East

City of Burlington

Prepared For

2731115 Ontario Inc.,
F. K Deals on Wheels Inc.,
2731119 Ontario Inc., and
Manor Care Homes Inc.

April 2026

This Planning and Urban Design Rationale report has been prepared in support of an application by 2731115 Ontario Inc., F. K Deals on Wheels Inc., 2731119 Ontario Inc., and Manor Care Homes Inc. to amend the 1997 City of Burlington Official Plan (the “Official Plan”) and Zoning By-law 2020, as amended, to permit the redevelopment of a 2,479.7 square metre (0.61 acre) site, known municipally as 1376 and 1382 Plains Road East in the City of Burlington.

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The official plan and zoning by-law amendments will permit the redevelopment of the subject site for an 25-storey (plus mechanical penthouse) mixed use, residential and ground floor commercial, building with 283 residential units and 400 square metres of ground floor retail space.

In our opinion, the application presents an exciting opportunity to introduce new housing units and commercial uses within the Burlington GO major transit station area ("MTSA") and the City's Urban Growth Centre (the "UGC"), where future growth is directed and which is identified as the area where the highest densities and levels of growth are anticipated in the City. The proposed development will be supportive of active modes of transportation, provide an attractive building design that responds to local context and improves the public realm along Plains Road East.

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 proximity to rapid transit, and is supportive of active transportation modes and existing public transit infrastructure. The proposed development is in keeping with the policy directions associated with the Burlington GO MTSA and higher level policy directing the high levels of growth to designated Strategic Growth Areas ("SGA"s). The Burlington GO MTSA is envisioned as an area where the highest levels of intensification and growth are to occur in the City, and the proposed development is supportive of this direction. In our opinion, the requested official plan and zoning by-law amendments are consistent with the Provincial Planning Statement, in particular the policies promoting the efficient use of land and infrastructure, services and facilities and accommodating growth and intensification within SGAs. Additionally, the proposed development is in keeping with the policies of the in-force City of Burlington Official Plan, which directs for intensification along corridors such as Plains Road, while acknowledging the significantly evolved Regional and Provincial policy direction for the area.

From a built form and urban design perspective, the proposal is contextually appropriate and will represent a high-quality architectural addition to the area. The 25-storey (plus mechanical penthouse) building will fit harmoniously with the existing and planned context and will appropriately transition to adjacent uses while balancing directions for increased rates of intensification within MTSAs. The proposal will provide an appropriate street wall condition along Plains Road East with an enhanced public realm and active commercial uses at the grade, aligning with the City's vision of transforming the Burlington GO MTSA into a mixed-use centre of activity. The proposal conforms with the intent of the Official Plan and is generally in keeping with the relevant urban design guidelines. However, a site-specific amendment to the Official Plan is required to increase the maximum height and density permitted on the site. This amendment would align more closely with recent Provincial and Regional Policy direction subsequent to the approval of the in-force Official Plan and better align with the council approved, though not in force, Official Plan Amendment Number 2 (the "OPA 2) for the Burlington GO MTSA.

Based on the foregoing, this Planning and Urban Design Rationale report concludes that the proposal is appropriate and desirable from a land use planning and urban design perspective and that the implementing official plan and zoning by law amendments should be approved.

This Planning and Urban Design Rationale report has been prepared in support of an application by 1000555724 Ontario Inc., 2731119 Ontario Inc., and Manor Care Homes Inc. to amend the 1997 City of Burlington Official Plan (the “Official Plan”) and Zoning By-law 2020, as amended, to permit the redevelopment of a 2,479.7 square metre (0.61 acre) site, known municipally as 1376 and 1382 Plains Road East in the City of Burlington.



1 Introduction

This Planning and Urban Design Rationale report has been prepared in support of an application by 1000555724 Ontario Inc., 2731119 Ontario Inc., and Manor Care Homes Inc. (collectively the "Owner") to amend the 1997 City of Burlington Official Plan (the "Official Plan") and Zoning By-law 2020, as amended, to permit the redevelopment of a 2,479.7 square metre (0.61 acre) site, known municipally as 1376 and 1382 Plains Road East in the City of Burlington (the "subject site" or "site").

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2 Site & Surrounding

2.1 Subject Site

The subject site consists of two parcels municipally addressed as 1376 and 1382 Plains Road East, as well three additional parcels which are without municipal address, located within Ward 2 of the City of Burlington, south[1] of the Queen Elizabeth Way (QEW or Hwy 403), west of Burlington GO station, and within the boundary of the Burlington GO MTSA. The site consists of approximately 2,749.7 square metres (0.61 acres) of land on the south side of Plains Road East, west of Brant Street. The subject site is irregular in shape, with 45.92 metres of frontage onto Plains Road East along its northern lot line, 43.62 metres of frontage onto a municipal laneway along the east side of the property, and 27.21 metres of frontage onto the CN Rail corridor to the south.

The site is currently occupied by two commercial buildings of 1-2 storeys in height which are operating as a used automotive dealership and a "vape" shop. The site is generally flat, with a small slope up to the CN rail line at the rear of the property and has minimal vegetative cover beyond a small number of trees and shrubs along the CN rail line. There is currently three curb cuts to the property, one at the western end of the site and two accessing the 1382 Plains Road property, as well as access via the adjacent municipal lane on the east side of the property.



Figure 1 - Aerial Photo - Site Context

1 For the purposes of this report, descriptions of cardinal directions have been aligned with the street grid of the City of Burlington, which sits off-axis of true north. For example, Lake Ontario is considered south of the subject site.



1376 Plains Road East, looking southeast.



1382 Plains Road East, looking south.



The existing street frontage of the subject site along Plains Road East, looking west.



The rear of the subject site along the CN rail corridor.

2.2 Surroundings

The subject site is located to the north of Downtown Burlington along Plains Road East, just east of Brant Street. Brant Street functions as the City of Burlington's main street with significant commercial activity, particularly in areas closer to Downtown Burlington. Plains Road East along the frontage with the subject site serves as an east-west arterial road with connections across the City of Burlington. Plains Road East is a City-owned road that has capacity for high volumes of traffic with 4 lanes of vehicular traffic and a centre turn lane. Plains Road East and Brant Street provide access to a variety of commercial uses in the area including Walmart, Mountain Equipment Co-Op, Costco, and others including restaurants, auto dealerships, and entertainment uses. The site is well served by a variety of local and rapid transit services through Burlington GO station, approximately 750 metres east of the subject site, or approximately a 12-15 minute walk. Burlington GO is served by the Lakeshore West GO line which includes frequent train services to Toronto in the east and Hamilton and Niagara Falls in the west, as well as 8 local Burlington Transit routes and 2 GO bus routes. The site is within the boundary of the Burlington GO station MTSA (see **Figure 2**). The MTSA today is comprised of mainly low-density commercial, and employment uses, with limited residential development. However, recent City of Burlington policy amendments designate the MTSA as an area where future growth with the highest densities is expected. The area is envisioned as a complete community that is highly urban, walkable, and comprised of transit-supportive built form.

The area surrounding the subject site is characterized by residential, commercial, and mixed-use development, as designated in the City of Burlington's Official Plan and Zoning By-law. Properties to the east and west are primarily commercial uses, with a CN rail yard and line located to the south. Residential areas, including townhouses and single-detached dwellings are located north of Plains Road East. The block of Plains Road East where the subject site is located contains a variety of commercial uses including street-fronting small-scale retail spaces and small-scale plazas on the north side of the street. Automotive dealerships, automotive repair shops, and commercial plazas are located along the south side of the street. Plains Road East passes under the CN Rail yard west of the subject site with a large grade change and a frontage road (Glendor Avenue) to the north.

Further east is the majority of the Burlington GO MTSA area, which today includes a wide variety of commercial and employment uses ranging from shopping plazas to open storage yards and industrial uses. This area is envisioned in the Burlington Official Plan to see a significant evolution in the coming decades to a mixed-use, high-density area focused on the Burlington GO Station. The first phases of redevelopment in the area have already been completed in proximity to the GO station, with multiple buildings built and approved at significant heights and densities of up to 37 storeys and even taller buildings permitted elsewhere within the MTSA area under council-endorsed planning policy.

Various high density residential and mixed-use developments have been approved within and in proximity to the MTSA, as identified in Table 1. These applications in our view emphasize the evolving nature of the area and further supports the transition of the MTSA to higher densities.

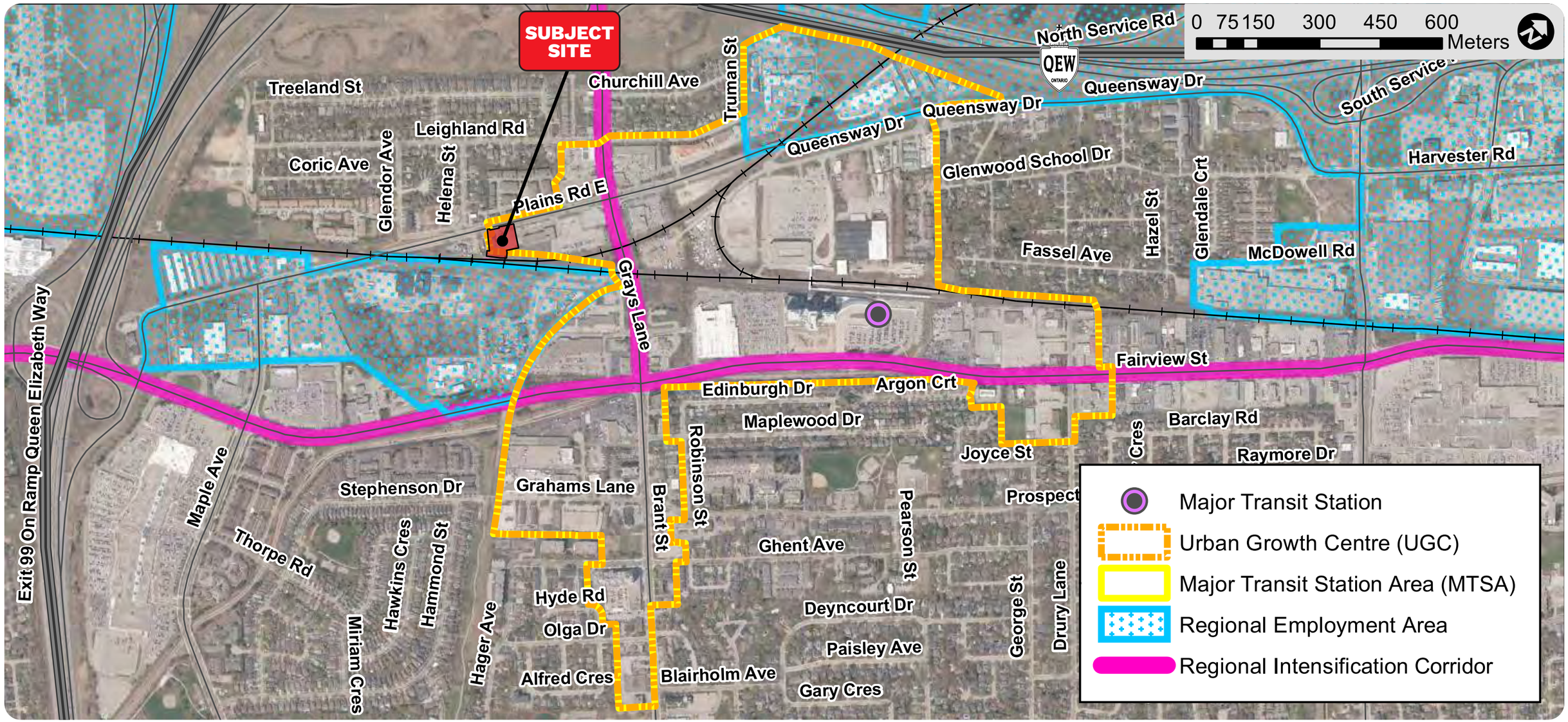


Figure 2 - Burlington GO MTSA Boundarie - Map 6b, Halton Region Official Plan

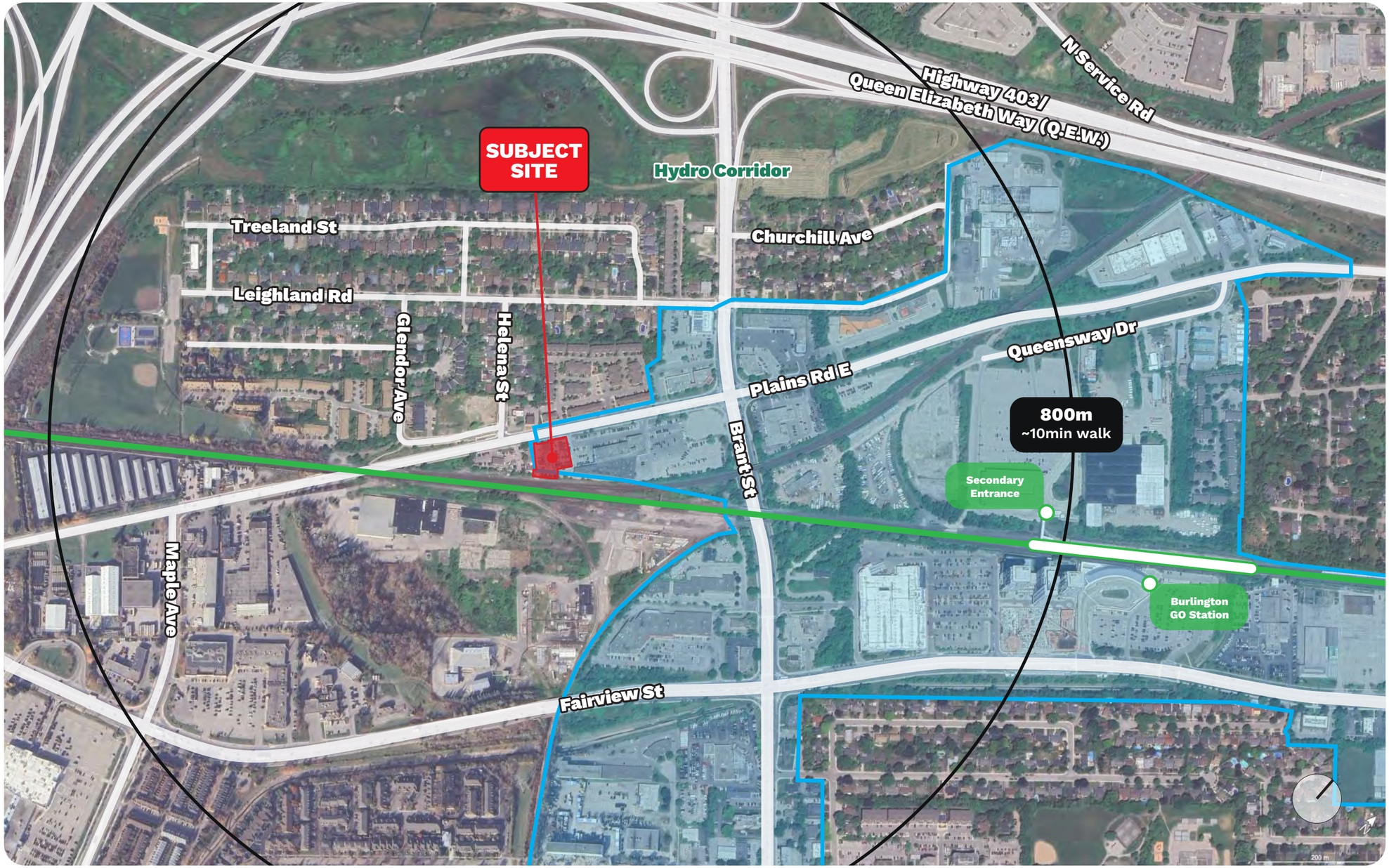


Figure 3 - Burlington GO MTSA Boundaries

Address	Max. Bldg. Height (Storeys)	Description	Application Status
Proposed			
769-783 Brant St and 2023-2033 Ghent Avenue; and 747 and 761 Brant Street	25 & 8	Development of a 25-storey tower with 283 units and ground floor commercial are and an 8-storey building with 120 units and ground floor commercial area.	Under Review.
1056-1060 Brant Street	11	Residential apartment building with 93 units.	Under Review.
Approved			
774 Brant Street	25 & 18	Development of an 18 storey and 25 storey residential tower atop a shared 5-storey podium with 444 residential units. Commercial space is proposed at grade.	Approved by City Council on July 16, 2024.
688-698 Brant St	11	Development of an 11-storey mixed use building. The proposed development includes 1,892m² of retail on the ground floor fronting Brant Street, as well as a mix of studio, one, and two bedroom residential units resulting in a total of 293 residential units.	Approved by City Council on July 11, 2023.
789-795 Brant	33	The proposed 33-storey development includes an 8-storey podium with 480m² of retail on the ground floor fronting Brant Street, as well as a mix of one to three bedroom residential units resulting in a total of 329 residential units.	Approved at OLT on May 6, 2024.
2071 Fairview Street	18 & 18	Two 18 storey towers atop a shared 6-storey podium with 388 residential units and commercial uses at grade.	Under Construction.
2243 - 2269 Fairview Street	37, 35, 34, 33, 33, 33, 29	Large-scale, multi-phase development of 7 new mixed use and residential towers of up to 37 storeys. 2,515 residential units are proposed as well as a new public park, public street network, and commercial uses at grade.	Approved at OLT on May 6, 2022.

There are a number of applications within the MTSA in proximity to the subject site as identified in Table 1. Further, OPA 2 and the City's MTSA Community Planning Permit By-law, described further in section 4 of this report, permits heights of up to 45 storeys in proximity to the Burlington GO Station. This reinforces the development direction for the MTSA as an area evolving into a higher density community. This is in line with applicable provincial, regional, and local planning frameworks that focus growth and development in SGAs such as MTSAs. Further, the emerging policy context in Burlington directs the highest densities in the City to the Burlington GO MTSA.

The QEW, a major provincial freeway, runs through the City of Burlington and wraps around to the north and west of the site, approximately 600-800 metres away. The freeway loops around Downtown Burlington from Hamilton and Niagara in the south towards Oakville and Toronto in the east.

The site is surrounded by low- to mid-rise residential and commercial uses in the wider context, with the Leighland residential neighbourhood located to the north of the site, which is then surrounded by the aforementioned QEW, Hydro Corridor, rail corridor and various commercial and employment uses. To the south and east is The CN Rail corridor and surrounding employment and commercial uses which include major retailers like Wal-Mart, Longos, Staples, automotive dealerships and repair shops, and industrial uses like Ashland Chemicals and Sun Chemicals. Mapleview Mall, a major commercial shopping centre, is located approximately 750 metres to the southwest. Downtown Burlington is located approximately 2 kilometres south of the subject site.

Leighland Park is the nearest park located approximately 600 metres northwest of the site, accessible by travelling along local streets through the Leighland neighbourhood. The park offers amenities such as sports courts, baseball diamonds, and green open space. Wellington Park is located south of the site and offers walking trails and full tree canopy across the park and is also co-located both the closest public and secondary schools (Central High School and Central Public School). Wellington Park is closer to the city's downtown centre, approximately 1.2 kilometres south of the subject site, and is accessed by travelling south on Brant Street.

2.3 Immediate Surroundings

To the immediate east of the subject site is an unnamed north-south municipal lane. The lane, approximately 7.5 metres wide, extends from Plains Road East south, terminating adjacent to the subject site along the CN rail corridor. The east side of the municipal lane is occupied by 1400 Plains Road East, a large commercial parcel occupied by a 2-storey building and large surface parking area. A variety of uses occupy the building including multiple automotive repair and rental businesses, restaurants, retail stores, and other commercial uses. East of 1400 Plains Road East is a smaller vacant parcel, 1446 Plains Road East, located at the southwest corner of Plains Road East and Brant Street.

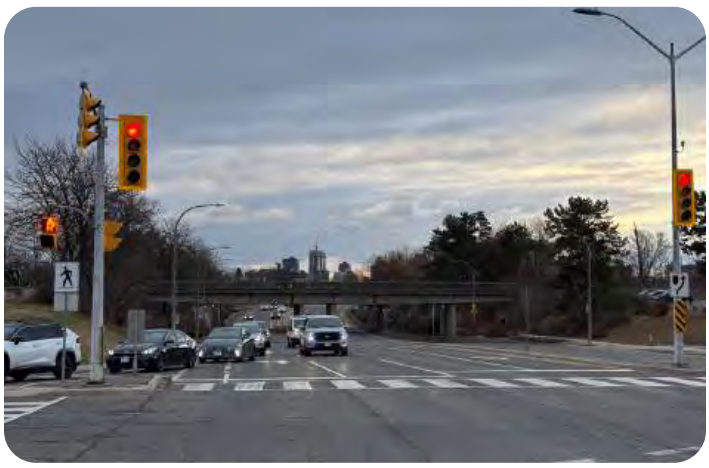
East of 1446 Plains Road East is Brant Street, a major 6-lane north-south arterial road which provides connections to the QEW to the north and Downtown Burlington to the south. Further east, approximately a 1100 metre (~15 minute) walk away, is Burlington GO station with a large surface parking area and structured parking garage.



The existing municipal lane to the west of the subject site, looking south from Plains Road East.



1400 Plains Rd E is a mixed-use commercial building with a variety of tenants. Looking southwest towards the subject site.



Looking south on Brant Street towards the CN Rail corridor.

To the north of the subject site is Plains Road East, and east-west minor arterial road with 5 lanes and sidewalks on both sides of the street. The north side of Plains Road is occupied 1401 Plains Road East, which consists of a complex of several blocks of 3-storey townhouses accessed from private roads and three blocks of 3-storey mixed-use buildings with ground floor retail fronting along Plains Road East. These mixed-use buildings create a "main street" retail condition along the north side of the street with an upgraded public realm, curbside parking, and direct retail entrances from the street. West of 1401 Plains Road East is 1371 Plains Road East, a 2-storey mixed use building with a similar street-fronting commercial character and surface parking in the rear. Northeast of the subject site is an unsignalized intersection of Plains Road East and Helena Street, which introduces a window street (Glendor Street) which parallels Plains Road extending westward as Plains Road dips to travel under the CN rail corridor.

The northwest corner of Glendor Street and Helena Street includes an approved development of several blocks of 3-storey townhouses. Further north is the Leighland neighbourhood, a low-rise residential area with a variety of dwelling types ranging from single-detached dwellings to multiplexes. Helena Street in particular features 6-plexes, detached homes, and other various residential buildings from 1 to 3 storeys in height. North of the Leighland neighbourhood is the Freeman Interchange, a major provincial highway interchange between the QEW and Highways 403 and 407 as well as an east-west hydro corridor.



Plains Road East along the subject site's frontage, looking east.



The mixed-use buildings along the north side of Plains Road East, looking northeast.



Glendor Avenue forms a window street, looking west from Plains Road East.



Low-rise residential areas with a mix of building types extend northwards from Plains Road East, looking north along Helena Street.

To the south of the subject site is the existing CN rail corridor, operating with both CN freight and GO Transit commuter rail services. The line includes multiple active tracks with CN rails' freight line shifting away from GO Transit's Lakeshore West Line immediately east of the subject site onto a separate corridor, with the CN corridor extending northeast and the GO transit corridor running east towards Toronto. The rail corridor, approximately 60 metres wide, separates the subject site from Sun Chemical (1274 Plains Road East) and Ashland Chemical (942 Brant Street) facilities to the south, both of which include freight rail spurs servicing them. Ashland Chemical ceased operations in November 2024 and is now for sale. Sun Chemical remains in operation as a Class II facility. Various commercial uses line Brant Street and Fairview Road to the southeast. Further south, approximately 2 kilometres south of the subject site, Downtown Burlington includes a wide variety of services and amenities including schools, parks, community facilities, commercial uses, and others.



The CN rail corridor immediately south of the subject site, looking east.



Rail spurs located on the south side of the CN rail corridor, looking west towards the subject site.



The shuttered Ashland Chemical plant to the south of the subject site.

To the immediate west of the subject site is a 4.5 metre wide north-south public laneway. The west side of the laneway is occupied by a 1-storey automotive dealership and associated surface parking areas (1386 Plains Road East), as well as a 2-storey automotive repair and sales building (1364 Plains Road East). The 1368 and 1364 Plains Road East properties progressively narrow in depth as they move westward, towards a railway overpass for the CN Rail and Metrolinx rail line over Plains Road East. The railway overpass includes a significant grade change for Plains Road East, which dips below the railway corridor, creating large embankments on each side of the street.

Further west is various industrial and employment uses including more automotive related businesses, self storage uses, and an existing office building at 1167 Plains Road East which has an active development application for four towers of 22, 30, 30, and 35 storeys. West of 1167 Plains Road East, approximately 1 kilometre of the subject site, is The Queen Elizabeth Way highway, with a full access interchange at Fairview Road.



1386 Plains Road East and the municipal laneway located on the west side of the subject site, looking southwest.



1364 Plains Road East and Plains Road extending westward under the CN rail corridor, looking southwest.

2.4 Transportation Network

Road Network

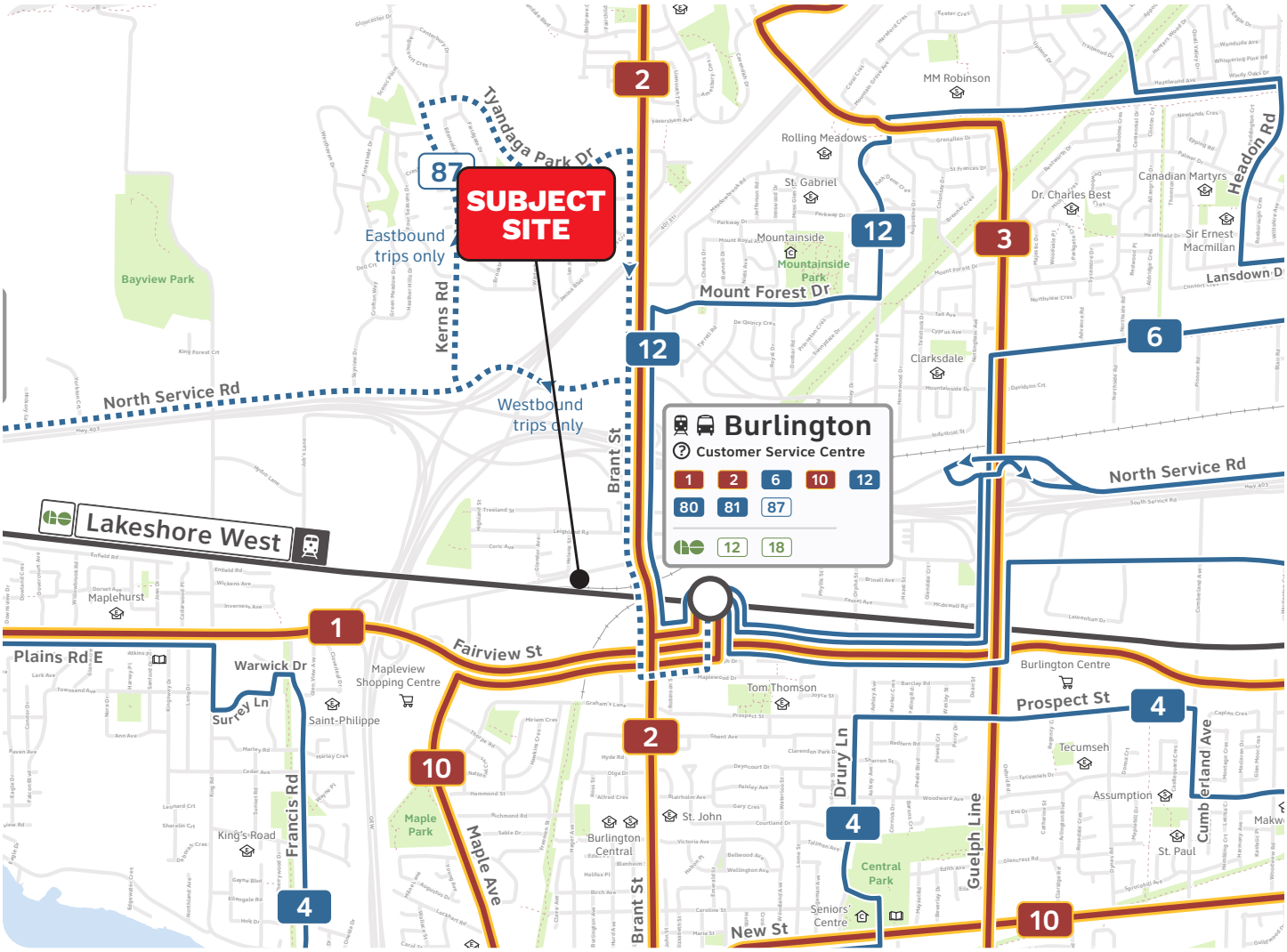
The subject site is located along Plains Road East which is identified as a Minor Arterial Road in the 1997 City of Burlington Official Plan. Plains Road provides east to west connections across the City of Burlington, primarily through the City's employment areas to the east of the site and through the residential area of Aldershot to the west of the subject site. The street runs in proximity to all three GO stations in the city, providing convenient transit access. The street runs from the city of Hamilton west of the subject site to Burloak Drive to the east, where it continues as Wyecroft Road into the Town of Oakville. The street includes 5 vehicular lanes (2 lanes in each direction and a central turn lane), as well as curbside parking along the north side of the street. The street includes a mixed character with street-fronting retail fronting onto wide sidewalks on the opposite side of the street from the subject site and a narrow sidewalk fronting onto commercial and automotive-related uses along the south side of the street. According to Table 2 – Road Allowance Widths of the 1997 City of Burlington Official Plan, Plains Road East has a planned right-of-way width of 30 metres across the subject site's frontage. As Plains Road East has an existing right-of-way width of 30 metres, no additional widenings are required.

Transit Network

The subject site is well serviced with public transit through proximity to the bus service along Brant Street, being a short walk 3-minute to the east, as well asproximity to the Burlington GO station, being approximately a 12-15 minute walk from the subject site. Brant Street is serviced by local Bus Routes 2, 12, and 87 (see **Figure 4**):

- **Bus Route 2 – Brant St:** Provides connections from Downtown Burlington and Burlington GO to Highway 407 Park and Ride with regular service every 15 minutes on weekdays during the daytime (6am-6pm)
- **Bus Route 12:** Provides regular service every 30-59 minutes midday
- **Bus Route 87:** Provides peak only service every 30-59 minutes

The subject site is an approximate 12-to-15-minute walk from the Burlington GO Station, which is serviced by the Lakeshore West Line. This GO Regional Train line offers services east to Toronto's Union Station and southwest to Hamilton and Niagara Falls. The Lakeshore West Line currently includes all-day 30-minute frequencies, 7 days a week, with plans for electrification and increased service levels of a minimum of 15-minutes throughout the day in the near future.



Regular Service

- # — Every 15 minutes or better daytime*
  **Approximately 6am-6pm*
- # — Every 15 minutes or better peak
  Every 30 minutes or better off-peak
- # — Every 30-60 minutes or better

Regional Connections

- # — **Hamilton Street Railway**
  hamilton.ca/hsr
- # — **Oakville Transit**
  oakvilletransit.ca
- # — **GO Transit bus**
  Routings not depicted for clarity
  gotransit.com
- **GO Transit train**
  gotransit.com

Figure 4 - Burlington Transit Network Map



3 Proposal

3.1 Description of Proposal

The proposed development will introduce a new 25-storey mixed use building including retail space on the ground floor and 283 apartment units on floors 2-25. The development will expand the public realm space along Plains Road East with upgraded landscaping features and an improved public realm. The compact built form provides a transit supportive and pedestrian oriented development which aligns within the existing and planned context, including direction to make the Burlington GO MTSA, including the subject site, the primary focus of intensification within the City of Burlington where the highest heights and densities are to be directed.

The 25-storey (plus rooftop mechanical penthouse) building is comprised of 283 residential units, with a total gross floor area of 19,549 square metres (see **Figure 4**). The proposed density is approximately 8.10 Floor Area Ratio (FAR). The building height is 79.3 metres to the roof of the building, and 87.3 metres to the top of the mechanical penthouse.

The proposal would include one level of underground parking providing 45 parking spaces, with an additional 11 spaces located at grade in an enclosed garage at the rear of the building, for a total of 56 spaces. Of these spaces, 11 would be provided for visitor parking and 45 for resident parking. The underground parking would be accessed via the existing north-south laneway on the east side of the subject site, with a parking ramp to the underground level enclosed within the building. An enclosed loading space would also be accessed from the east laneway.

The ground floor of the building also includes 508 square metres of retail spaces, demised into two proposed retail spaces fronting onto Plains Road East, with the residential lobby accessed directly from the Plains Road East frontage. A large landscaped area is proposed on the northeast corner of the building, envisioned for a potential patio space for one of the retail units to activate the public realm.

The overall massing of the building would include a 1-storey lower and 3-storey upper podium, creating a pedestrian-scaled massing and aligning with the 3-storey street wall existing today on the north side of Plains Road East. The tower component is proposed to be set back from the podium levels to create a clear visual break, which is further emphasized by the proposed architectural expression which includes a varying design for levels 1-3 from the tower component.

Base Building (Podium)

The base building consists of a 3-storey podium broken into the lower 1-storey component and an upper 3-storey component. The ground floor proposes to have a 3-metre side yard setback from the west lot line and from Plains Road East to the north, creating a pedestrian-oriented street frontage while allowing for an improved an expanded public realm along the street. Along the rear yard, the ground floor would include a 0-metre setback with crash wall to interface with the rail corridor. A larger 6.6 metre setback is provided along the east lot line to create space for an outdoor patio / amenity area and enable access from the adjacent laneway.

The ground floor includes a 25-metre setback for all sensitive uses from the rail corridor in alignment with the applicable rail corridor design guidelines. Levels 2-3 include a reduced floorplate with generally increased setbacks and a "staggered" massing from the ground floor, generally shifting east with a reduced east side yard setback and increased west side yard setback. Levels 2-3 includes a 2-metre setback from Plains Road, increased 9.5 metre setback from the west lot line, and 3.75 metre setback from the west laneway (7.5 metres from the laneway centreline). The south (rear yard) setback is substantially increased to accommodate the required setback (30 metres inclusive of horizontal and vertical setbacks) of sensitive uses from the rail corridor. In this regard, the ground floor does not include any residential uses, while the residential suites on the second floor are located well outside the 20.5 metre horizontal distance and 5 metre vertical distance. The required setbacks have been illustrated on the architectural plans. The second floor of the building includes a large indoor amenity area opening to an outdoor amenity space atop the ground floor. Balconies are proposed along all sides of the upper podium to create private amenity areas for the residential units.

Building Middle (Tower)

The upper levels of the building, from floors 4 to 25, are proposed to be stepped back on all four sides of the building to reduce the visual impact of the building and create a pedestrian-scaled podium. Floors 4-25 are proposed to be set back 3 metres from the podium along all 4 sides of the building, creating a 744 square metre tower floor plate. The tower levels include minimum 12.5 metre setbacks from the west lot line and from the centreline of the eastern laneway, as well as a 15.4 - 22.0 metre setback from the south lot line. These step backs and setbacks generally align with the City of Burlington's Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings. The tower would also include balconies wrapping all four sides of the building to provide private outdoor amenity spaces for units, which would include an exterior cladding element on the outside of the balconies to create a visually expressive architectural design. This exterior cladding breaks the tower massing into two separate vertical masses with a central break along the north and south elevations, breaking down the building mass and creating visual interest.

Building Top

The mechanical penthouse, proposed to be 8 metres tall, is framed by the proposed balcony framing and two simulated vertical masses to create a clear visual top to the building and to effectively integrate the design of the penthouse into the building design.

Unit Distribution & Amenity Space

The development proposes a total of 283 residential units with a mix of unit types including:

6 studio units (2%), 220 one- bedroom and studio units (78%), 44 two- bedroom units (15%) and 13 three- bedroom units (5%).

In addition, the proposal provides 5,660 square metres of amenity space for the building, equivalent to 20.0 square metres per unit. This space is demised as 508 square metres of common indoor amenity area, 414 square metres of at-grade common outdoor amenity space, and 4,738 square metres of private balconies for residents.

Access, Parking, & Loading

A total of 56 parking spaces are proposed for the development which will be provided through one level of underground parking and at the rear of the ground floor. The P1 level is proposed to contain 45 parking space for building residents, with 11 spaces provided at grade for visitors.

Access to the two parking levels would be provided via a vehicle ramp accessed from the adjacent municipal public lane to the east. A proposed enclosed loading space is also provided off the municipal lane, designed in alignment with the Region of Halton's Waste Management Guidelines.

A total of 159 bicycle parking spaces are also proposed, including 142 long-term spaces within an enclosed bicycle room on the ground floor and 17 short-term spaces provided at grade around the building.

At grade, the proposal also includes streetscape improvements along Plains Road East. A 1.5 metre road widening, previously provided through a separate consent application, and upgraded landscaping would be provided to improve the public realm. New street trees and wider sidewalks, separated from the street by a landscaped boulevard, would improve pedestrian comfort and create a more pedestrian friendly and supportive public realm. A large east side yard setback on the ground floor is also proposed to create an outdoor space to potentially support an outdoor patio to activate the public realm.

3.2 Key Statistics

Site Area (Gross) (Net)	**2,749.7 square metres (0.27 ha)** 2,679.9 square metres (0.27 ha.)
Total GFA (Gross Floor Area **Total GBFA (Gross Building Floor Area)** Retail GFA Residential GFA	**19,549 square metres** **21,717 square metres** 508 square metres 18,613 square metres
FAR (Floor Area Ratio)	8.10
Building Height **Including mechanical penthouse**	79.3 metres **87.3 metres**
Residential Units Studio 1-Bedroom 2-Bedroom 3-Bedroom	**283** 6 (2%) 220 (78%) 44 (15%) 13 (5%)
Units Per Hectare	1,056
Amenity Space	**5,660 sq. m. (including balcony and terraces)** 20.0 sq. m. per unit
Vehicle/Bicycle Parking	**56 resident/visitor vehicle parking spaces** 159 bicycle parking spaces

3.3 Required Approvals

In our opinion, the proposed development is consistent with the Provincial Planning Statement and Region of Halton Official Plan, particularly policies that strongly support intensification in Strategic Growth Areas ("**SGA**"s) and MTSAs. We believe the proposal maintains the general intent of the Official Plan, particularly policies directing the highest densities and growth to the Burlington GO MTSA, though an amendment is required to increase the maximum building height. Accordingly, the proposal requires a site-specific amendment to the Official Plan.

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 update other development standards necessary to accommodate the proposal.



Figure 5 - Rendering - View from Plains Road



Figure 6 - Rendering - Building Base



Figure 7 - Site Plan (Prepared by WZMH Architects)

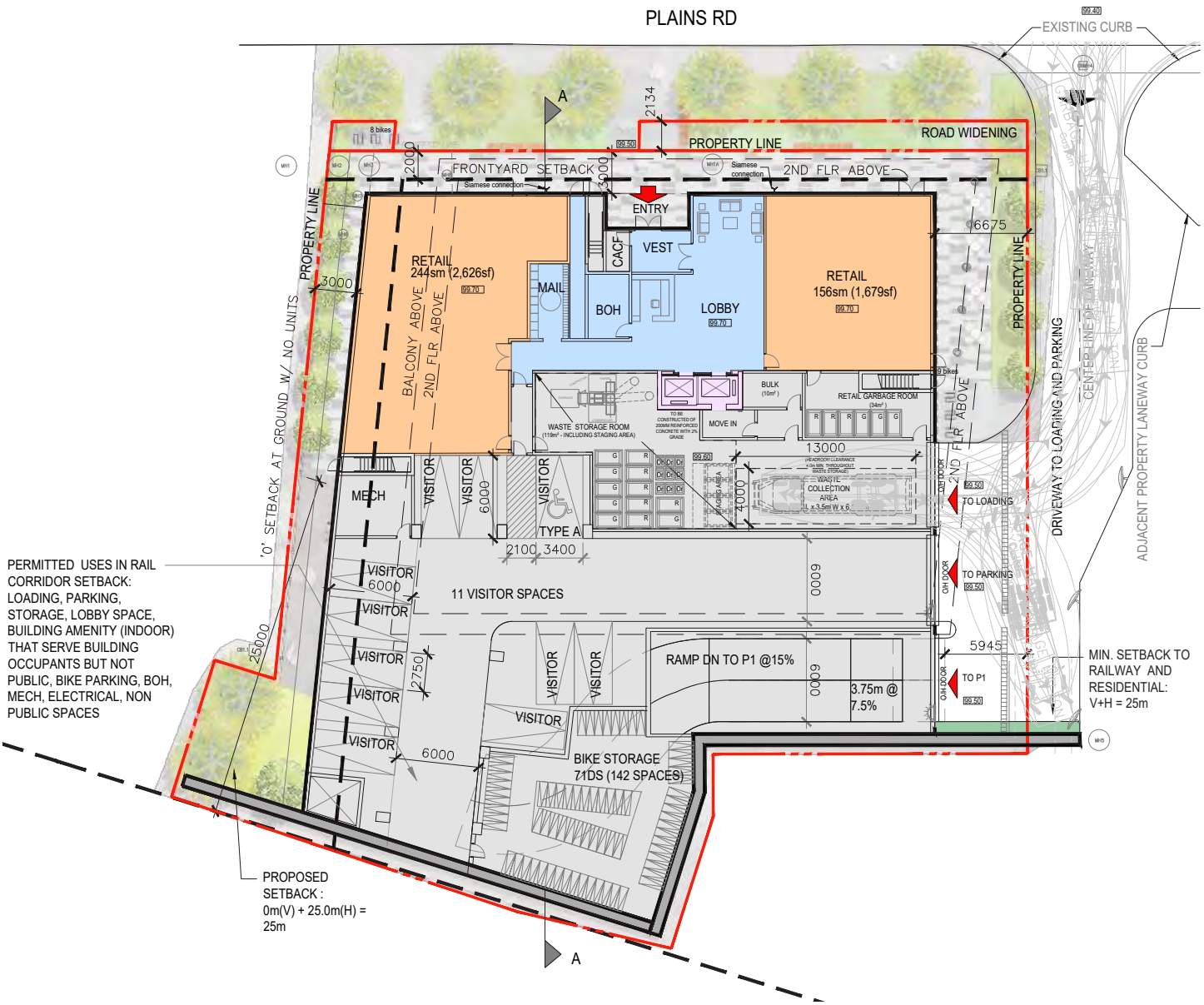


Figure 8 - Ground Floor Plan (Prepared by WZMH Architects)

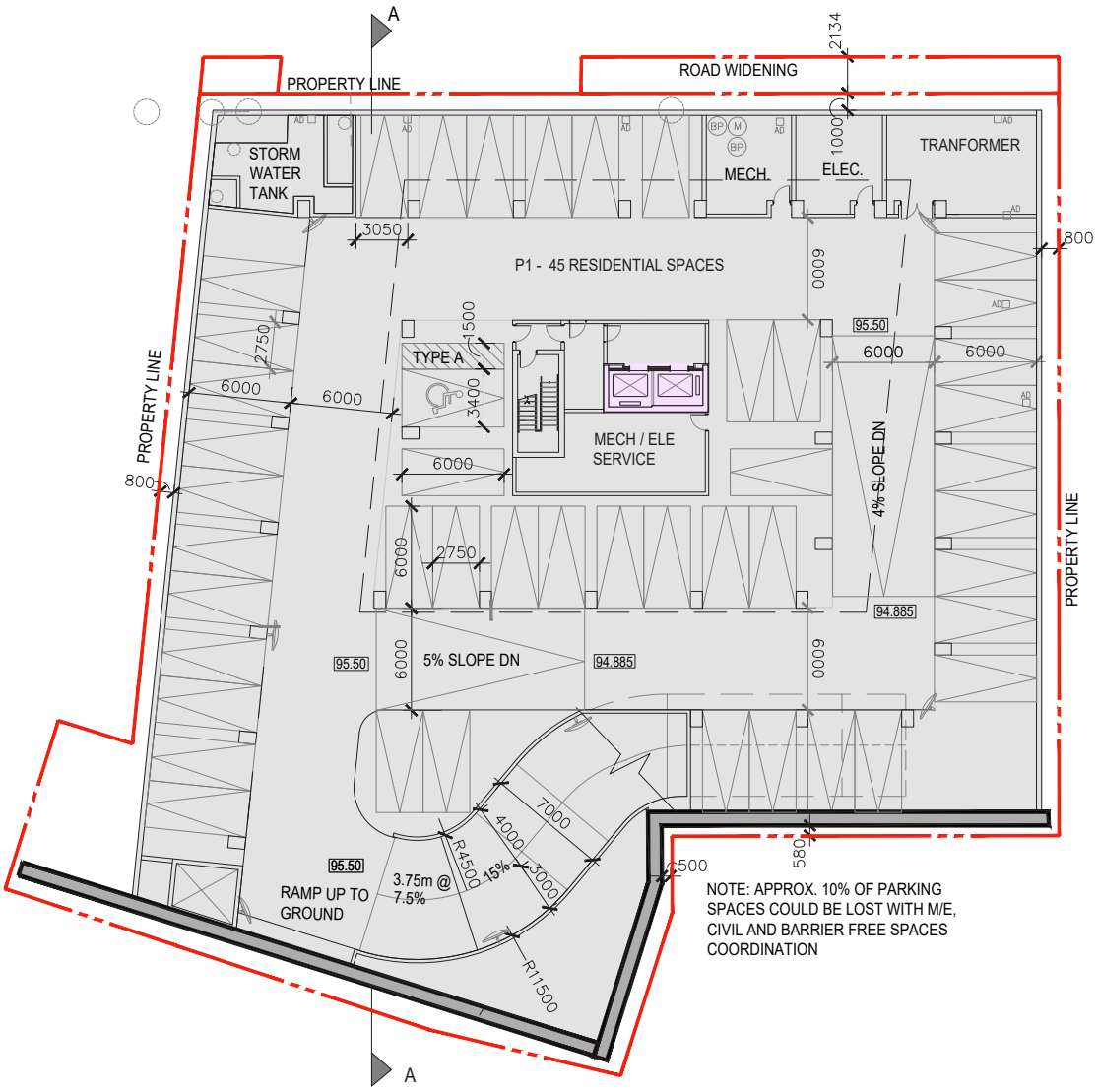


Figure 9 - Parking Level 1 (Prepared by WZMH Architects)

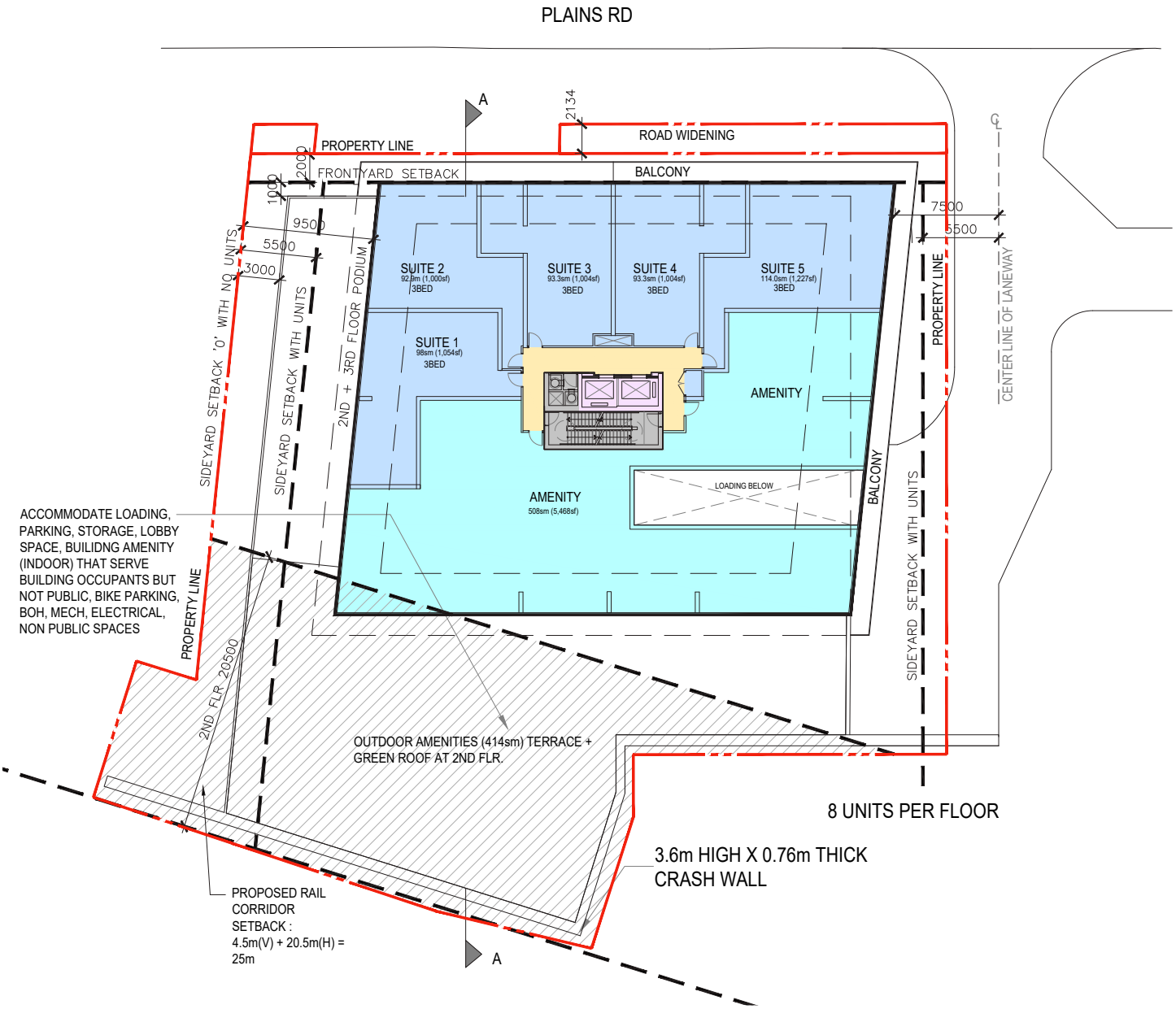


Figure 10 - 2nd Floor Plan (Prepared by WZMH Architects)

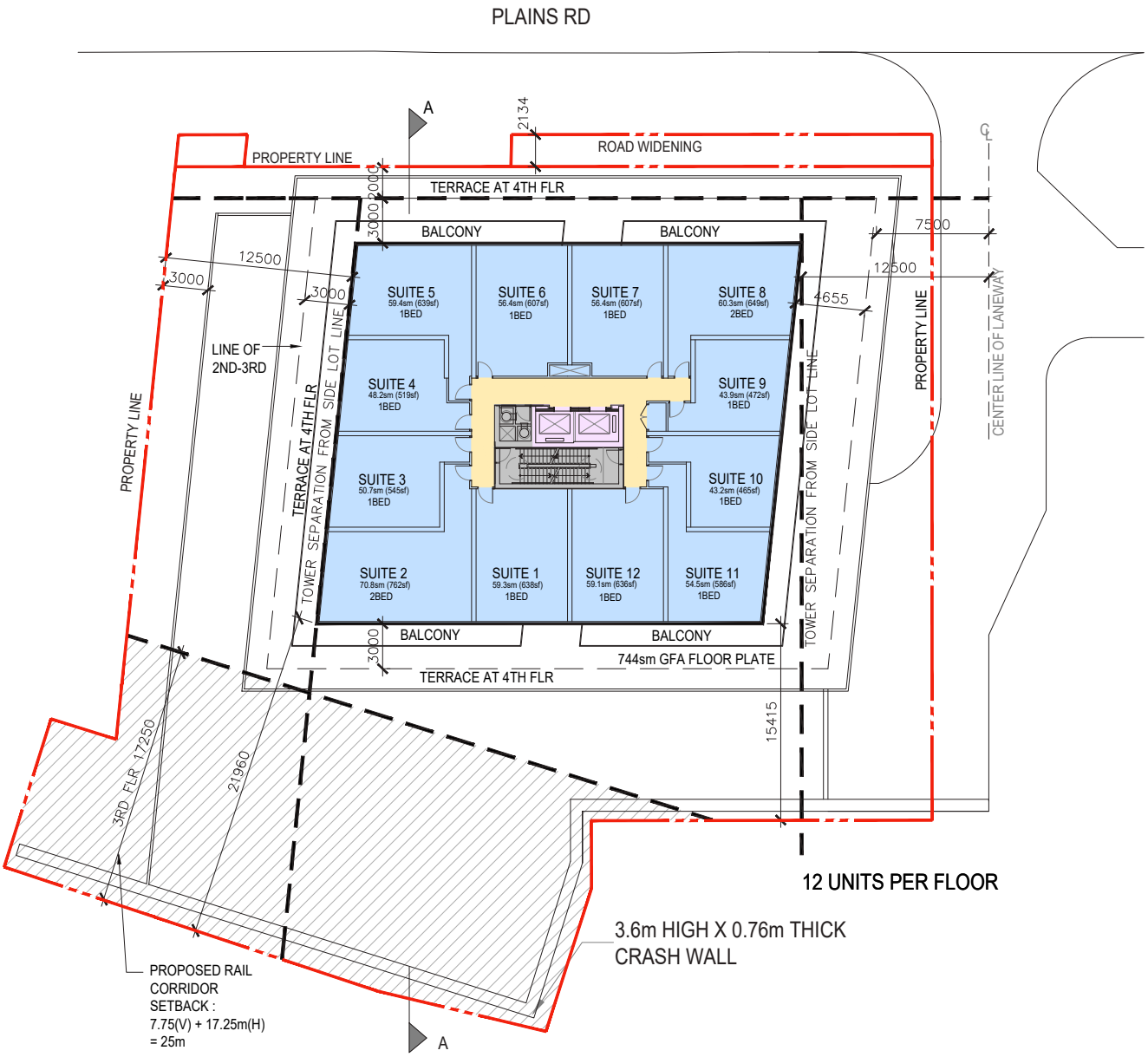


Figure 11 - 5. Typical Upper Building Plan (Prepared by WZMH Architects)



North



East



South



West

Figure 12 - Elevations - (Prepared by WZMH Architects)



4 Policy Context

4.1 Overview

The proposed development is supportive of numerous policy directions set out in the Provincial Planning Statement, Region of Halton Official Plan, and the City's Official Plan; all of which promote the efficient use of land and infrastructure within built-up areas, especially in SGAs, such as the Burlington GO MTSA.

4.2 Provincial Planning Statement (2024)

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

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

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

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

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

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

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

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

With regards to population projections, Policy 2.1.1 of the PPS identifies that planning authorities shall base population and growth forecasts on projections published by the Ministry of Finance, and may modify, as appropriate. To that end, the Ministry of Finance projects that the Region of Halton will reach a population of 710,000 in 2031 and 885,000 in 2051. When compared to the 2023 population estimate for the Region of Halton of 657,000, the updated projections represent a substantial increase in population for the region of approximately 35% over the next 27 years, among the fastest growing regions in the province.

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

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

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

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

Section 2.3 contains policies related to Settlement Areas. As it relates to the subject site, Policy 2.3.1.1 directs that settlement areas shall be the focus of growth and development, and that within settlement areas, growth should be focused in, where applicable, SGAs, including MTSAs. The subject site is notably located within a MTSA and UGC, one which is directed for the greatest heights and densities in the City of Burlington as directed by the Regional and Local Official Plans. Policy 2.3.1.2 goes on to state that land use patterns within settlement areas should be based on densities and a mix of land uses which: efficiently use land and resources; optimize existing and planned infrastructure and public service facilities; support active transportation; are transit-supportive, as appropriate; and are freight-supportive.

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

Section 2.4 includes policies related to SGAs, which are relevant to the subject site. SGAs are defined as nodes, corridors, and other areas within settlement areas that have been identified by municipalities to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include, among other things, MTSAs, existing and emerging downtowns, and other areas where growth or development will be focused. In the case of the subject site, it is located within the Burlington GO MTSA as identified in the Region of Halton Official Plan. These areas are identified as locations for intensification and growth.

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

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

Section 2.4.2 of the PPS identifies policies relating to MTSAs. Policy 2.4.2.2 identifies that municipalities shall plan for a minimum (our emphasis) density of 150 residents and jobs combined per hectare for MTSAs served by commuter or regional rail, such as the Burlington GO MTSA. Policy 2.4.2.3 further emphasizes that development and intensification are encouraged in MTSAs, directing municipalities to plan for land uses and built forms that support the achievement of minimum density targets and supporting the redevelopment of surface parking lots within MTSAs to be transit supportive and promote complete communities. Policy 2.4.2.6 also identifies that MTSAs shall be planned and designed to be transit-supportive and to achieve multimodal access to stations providing appropriate connections to transit services including, among others, infrastructure such as sidewalks and bicycle lanes.

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

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

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

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

Section 3.5 of the PPS addresses Land Use Compatibility. Policy 3.5.1 identifies that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Policy 3.5.2 expands that where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

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

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

4.3 Halton Regional Official Plan (May 2024 Office Consolidation)

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

Following the approval of ROPA 49 in November of 2022, the MMAH introduced the *Official Plan Adjustments Act, 2023* and subsequently the *Get it Done Act, 2024*. The two acts modified the approval of ROPA 49 as of November 4, 2022, rolling back many of the modifications made by the MMAH as a part of the approval in a manner so as the modifications are deemed to never have occurred.

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

Part II, Policy 31 provides Halton's planning vision for a healthy community. In subsection, 31(3) it 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; in 31(4) where a full range of housing, employment, social, health, educational, recreational and cultural opportunities are accessible for all segments of the community; and in 31(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 13**). Policy 72 of Part III of the ROP sets out a series of objectives for the Urban Area, including:-

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

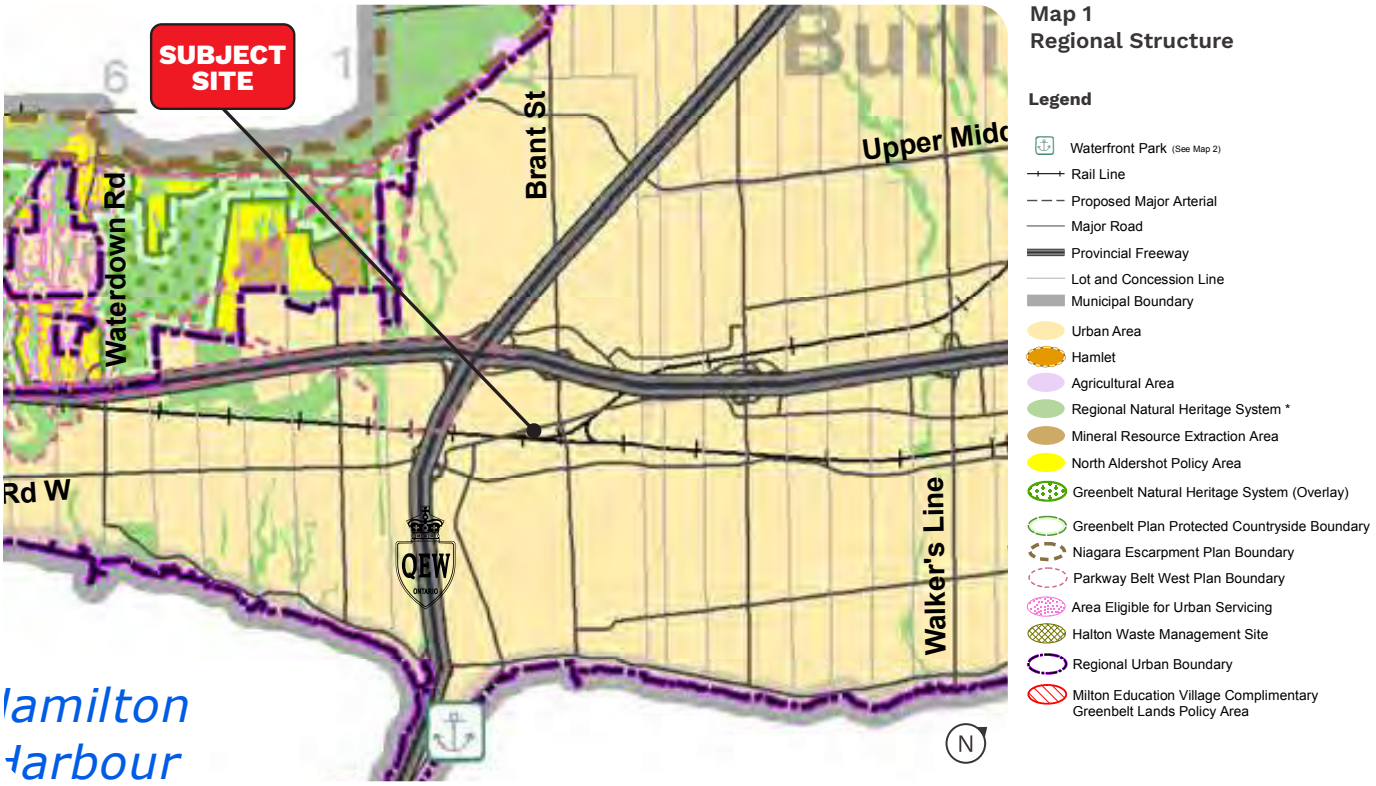


Figure 13 - Map 1, Regional Structure

Urban Structure

Policy 75 of Part III of the ROP provides that the Urban Area is to be planned to accommodate the distribution of population and employment as set out in Table 1 of the ROP. Map 1h, Regional Urban Structure and Map 6B, Downtown Burlington UGC / Burlington GO MTSA of the ROP shows the subject site as being within the Burlington GO MTSA and Urban Growth Centre ("UGC"). (see **Figures 14** and **15**). As the subject site is located within a designated MTSA in the ROP, it is considered an *Intensification Area* and SGA for the purposes of the ROP. Within the urban structure, these areas are intended to accommodate intensification and transit-supportive development to support population and employment growth. *Intensification Areas* are further described as having a pedestrian-oriented urban environment with high-quality public realm elements at higher densities than surrounding areas.

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 MTSAs are areas generally within 500 to 800 metres of a major transit station, such as Burlington GO station, and are guided by the policies in Section 81 of the ROP.

Policy 79.2 of the ROP includes a hierarchy of SGAs within the Region's Urban Structure. MTSAs and Urban Growth Centres, including the Burlington GO Station which includes the subject site, are identified as being on the highest level of the hierarchy.

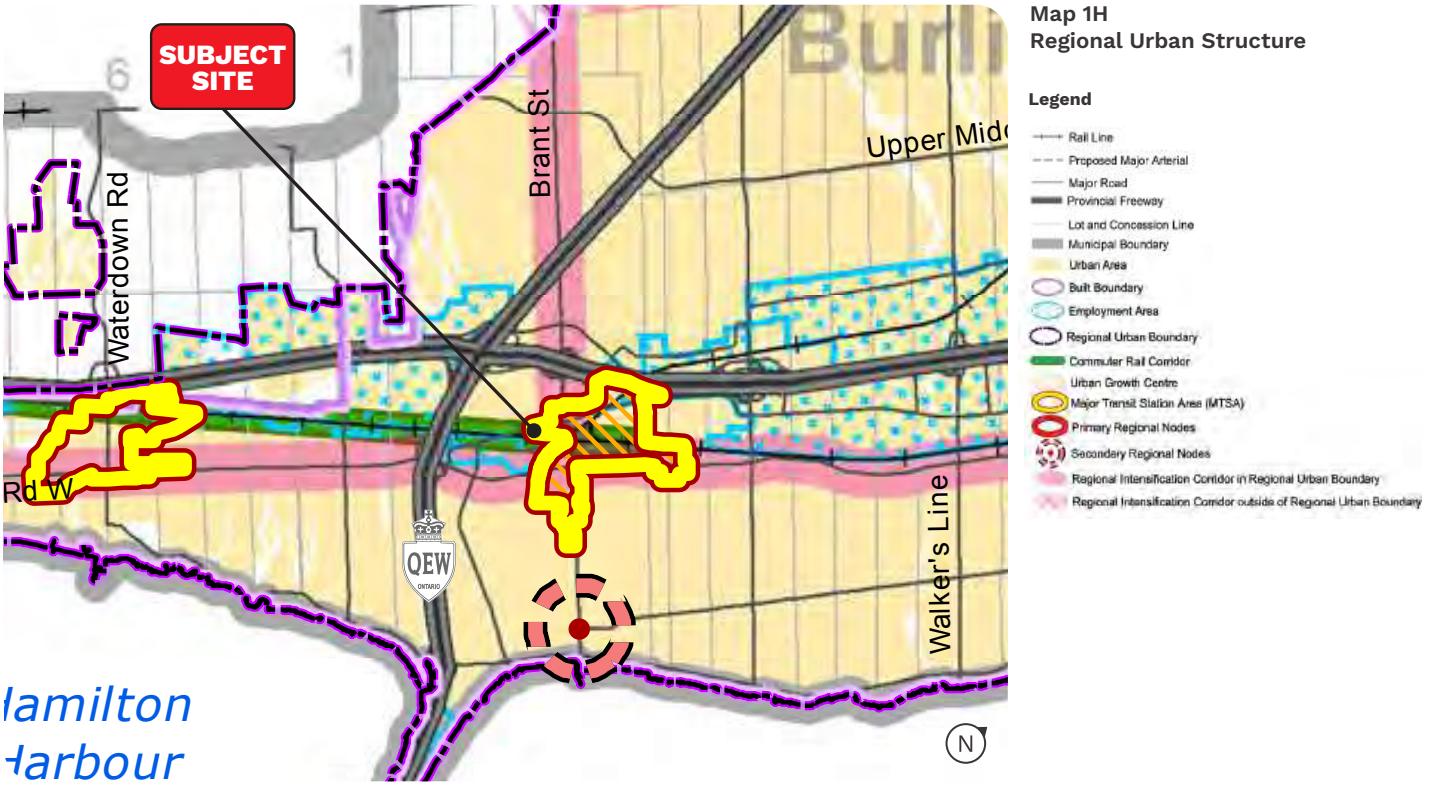


Figure 14 - Map 1h, Regional Urban Structure

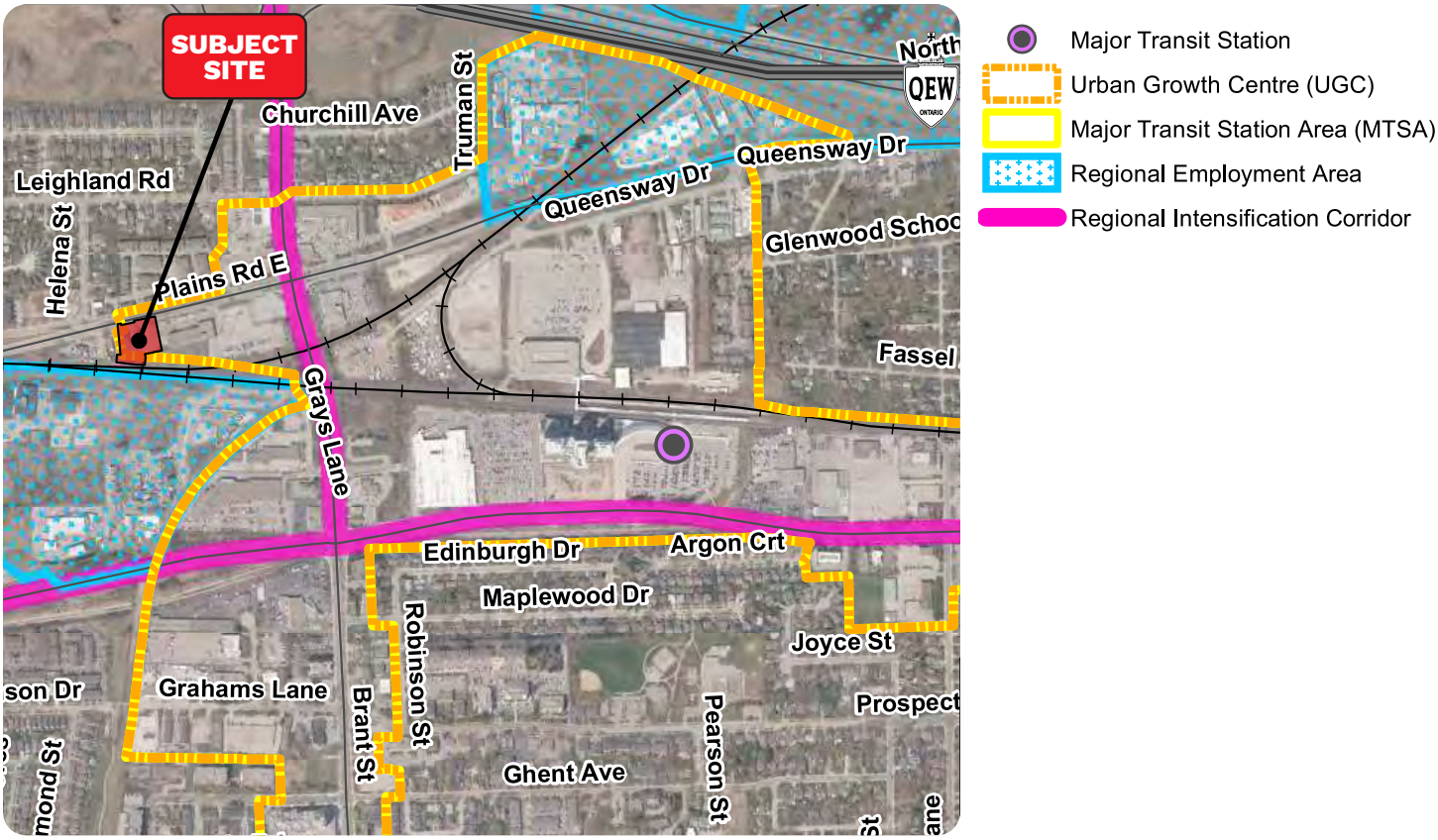


Figure 15 - Map 6b, Downtown Burlington UGC / Burlington GO MTSA

Strategic Growth Areas

Section 79.3 provides guidance for SGAs, including MTSAs such as the Burlington GO MTSA. The policy directs, among other things:

- Direct development with higher densities and mixed uses to SGAs in accordance with the hierarchy identified in Section 79.2 (1);
- Properly integrate SGAs with surrounding neighbourhoods through pedestrian walkways, cycling paths and transit routes, and the protection of the physical character of these neighbourhoods through urban design (6);
- Promote development densities that will support existing and planned transit services (7 d))
- Consider intensification and development of Strategic Growth Areas as the highest priority of urban development within the Region and implement programs and incentives, in Protected MTSAs to promote and support intensification and further the development of Affordable Housing (7.2); and
- Ensure the long-term operational and economic viability of existing or planned major facilities and achieve land use compatibility between major facilities and sensitive land uses within or adjacent to Strategic Growth Areas in accordance with Section 143(12) of this Plan (12).

Section 80 of the ROP identifies policies relating to UGCs. Policy 80(1) identifies the objectives for UGCs, including the Burlington GO UGC. These objectives include, among others to function as the primary SGAs of the Regional Urban Structure hierarchy where a significant share of population and employment growth will be accommodated. Policy 80.2 goes on to provide that UGCs are to be planned to achieve a minimum development density target of 200 residents and jobs per gross hectare by 2031 or earlier, as identified in Table 2b. Table 2b of the ROP identifies that the Downtown Burlington / Burlington GO UGC is to achieve a minimum density of 200 jobs and residents per gross hectare, consisting of 65% residents and 35% jobs.

Section 81 of the ROP identifies policies relating to MTSAs, including the Burlington GO MTSA. The objectives for these areas are identified as leveraging infrastructure investments and the development of public service facilities to support a significant share of growth, and achieve transit support densities through existing or planned frequent transit service (1); providing a range and mix of transit-supportive uses, such as residential, retail, office and public uses, as well as public service facilities and parks and open spaces that support the area in a pedestrian-oriented urban environment (2); functioning as an important Strategic Growth Area component of the Regional Urban Structure and leverage infrastructure investment and frequent transit service to accommodate increased densities and transit-supportive growth (3); planning for a diverse mix of uses, including additional residential units and Affordable Housing, where appropriate (5); protecting existing employment uses within and adjacent to Major Transit Station Areas by ensuring land use compatibility with adjacent new development is achieved. New developments are required to meet the Provincial Policy Statement, 2020 requirements for land use compatibility (6); and to *maximize* (our emphasis) the number of potential transit users within walking distance of a station, while considering contextually appropriate intensification opportunities within stable residential neighbourhoods to ensure the protection of neighbourhood character, to be determined through the preparation of Area-Specific Plans (7).

Policy 81.1 identifies MTSAs which are identified in Table 2b of the ROP, including the Burlington GO MTSA, are designated as Protected MTSAs ("PMTSAs") in accordance with section 16(6) of the *Planning Act*. The policy further directs local municipalities to identify minimum densities and authorized uses of these PMTSAs.

Policy 81.2 expands on policies for MTSAs, identifying that it is the policy of the Region to direct development with higher densities and mixed uses to MTSAs in accordance with the hierarchy of SGAs identified in Section 79.2 of the ROP (1) and require local official plans to achieve minimum density targets and general target proportion of residents and jobs identified in Table 2b of the ROP (2).

Policy 81.3 (4) identifies that it is the policy of the Region that any review of development applications within MTSAs as delineated on Map 6 must consider the goals, objectives and policies of the ROP, including in the period before the Local Municipalities have established MTSA policies in accordance with Section 16(17) of the Planning Act.

Housing

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, this includes rental housing options.

Policy 86.6 a) of Part III of the ROP provides housing targets that require 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. 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.

Land Use Compatibility

In addition to the policies regarding land use compatibility in MTSAs and UGCs already identified, Section 143 of the ROP identifies more specific guidance for Land Use Compatibility within the Region. Policy 143(12) identifies that it is the policy of the Region to achieve land use compatibility between sensitive land uses and major facilities by:

a. requiring that such uses are planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate any potential adverse effects from odour, noise, vibration, air pollutants, and other contaminants, to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities, in accordance with Provincial guidelines, standards, and procedures;

b. where avoidance is not possible, protecting the long-term viability of existing or planned industrial, manufacturing, or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated through appropriate studies in accordance with Provincial guidelines, standards and procedures:

    i. there is an identified need for the proposed use;

    ii. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;

    iii. adverse effects to the proposed sensitive land use are minimized and mitigated;

    iv. potential impacts to industrial, manufacturing or other uses are minimized and mitigated; and

c. requiring an air quality study based on guidelines under Section 143(2.1) of the ROP for development proposals with sensitive land uses located within 30m of a Major Arterial or Provincial Highway, or 150m of a Provincial Freeway, as defined by Map 3 of this Plan.

4.4 City of Burlington Official Plan

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

Although OPA 55 updated the Official Plan to address provincial policy changes, including consistency with the 2005 Provincial Policy Statement and 2006 Growth Plan, it has not been updated to address to the new 2024 PPS and updates to the ROP, including ROPAs 48 and 49. The City of Burlington has implemented a new Official Plan, which is discussed in more detail in Section 4.5 of this report, which remains mostly under appeal, leaving the 1997 Official Plan as the in-force policy document for most policies applicable to the subject site. Based on the foregoing, it is our opinion that the Official Plan is outdated and has several issues regarding consistency and conformity with higher-level policy documents, but it remains as the City's primary in effect local planning policy document to direct and accommodate the City's long-range land-use strategy.

Part I, Section 2.0 of the Official Plan provides that the planning horizon for the Plan extends to the year 2021 and anticipates that the population of the City will not exceed approximately 182,000 people, within approximately 73,600 households, by the end of the planning period. It is also expected that the employment level in the City will be approximately 108,000 by the year 2021. We note that these projections are for a date which has already passed and identify a planning timeframe with population and employment targets that do not adequately address the requirements set out in the PPS and the ROP. As growth projections form the basis for the built form framework to meet the anticipated forecast within the Official Plan, it can reasonably be expected that the built form and density policies set out in the Official Plan face similar conformity issues with provincial policies. Additional analysis on this issue is provided in Section 5 of this report.

The Official Plan also provides background information and trends, which reflect the context at the time the 1997 Plan was written (updated in 2006), which 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:

d. 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.

e. 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.

f. Ensure that the City's infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.

g. Foster a unique, vibrant and strong community identity.

h. 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.

i. Support a vigorous local economy.

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

k. 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 note is guiding principal in subsection 3.0 h), which anticipates that much of the residential and employment intensification will occur within the boundary of Downtown Burlington, defined at the time, as the Urban Growth Centre (UGC.). This definition was provided in the now superseded Growth Plan for the Greater Golden Horseshoe, and as such the City and Province have since amended planning regulations to shift growth away from the Downtown and towards the City's three Major Transit Station Areas, including the Burlington GO MTSA, and other SGAs such as regional intensification corridors. As such, intensification is expected to be directed have changed, with a higher emphasis on areas such as MTSAs and intensification corridors. We note that the subject site is located within this shifted UGC and within the Burlington GO MTSA.

Part I, Section 4.0 of the Official Plan describes the land use vision and states that the City as a typical suburban community composed mainly of residential neighbourhoods containing detached dwellings, separated from employment and shopping areas, with much of the development occurring in the 40 years following the end of the Second World War; at 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.

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."*

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. It notes that 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 mixed use corridors such as Brant Street.

The section 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; and that new residential development will be planned considering all forms of travel and be supportive of safe pedestrian and vehicle movement. The section identifies the overall land use vision for the City as maintaining a strong network of residential neighborhoods, a diverse economic base, a sound infrastructure system and a community that is fiscally stable and environmentally sensitive to ensure an attractive, healthy and liveable environment for future generations.

Part II, Section 2.7 of the Official Plan contains 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*

Transportation Policies

Part II, Section 3.0 identifies transportation policies of the OP. Part II, Section 3.1 identifies specific principles of transportation policies, with 3.1 b) identifying that transportation and land use planning shall be integrated. Policy 3.1 c) identifies that transportation planning decisions shall be based on the cost-effective management and expansion of transportation infrastructure and services, as well as an assessment of social and environmental costs.

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. Plains Road East is identified in Table 2 of the 1997 Official Plan as having a planned right-of-way of 30 metres. The proposed development is in the process of providing the required widening to address this planned right-of-way width as a separate consent application process, and as such conforms to the requirements of the 1997 Official Plan in this regard.

Part II, Section 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 reduced parking ratios and/or standards may be permitted subject to evaluation and appropriateness through development applications or other City initiatives.

Part II, Section 3.3 identifies policies relating to roads. Policy 3.3.1 identifies the OPs objectives for roads, identifying among other things that it is the objective to protect adequate public road rights-of-way to meet future needs (b); providing adequate capacity to meet the needs of local traffic, transit services, and emergency response; and provide pedestrian oriented streetscapes (f).

Design Policies

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

- 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

As per Schedule A – Settlement Pattern in the Official Plan (**Figure 16**), 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 with high accessibility to public transit.

Part III, Policy 5.1(a) of the Official Plan states that Mixed Use Activity Areas provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services while Part III, Policy 5.1(c) speaks to demand stating that Mixed Use Activity Areas address the demand for higher intensity employment, shopping, and residential areas within the City.

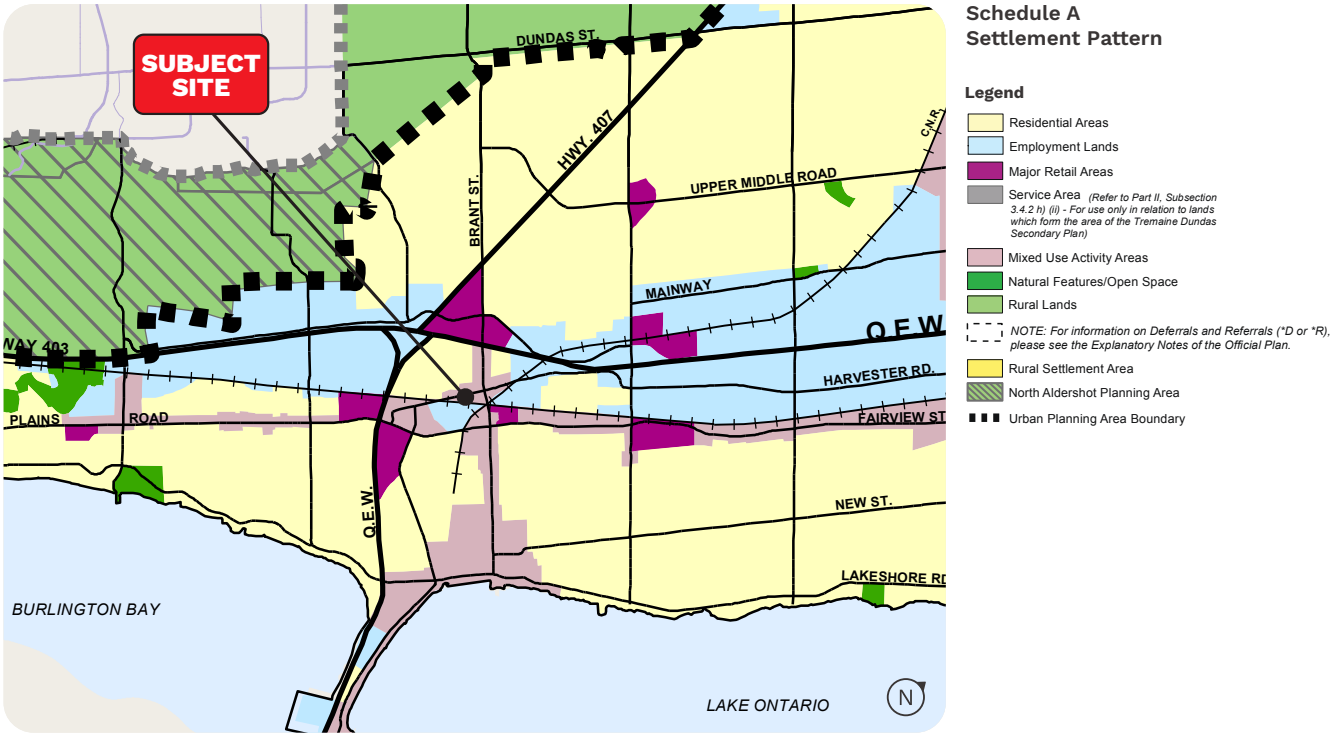


Figure 16 - Schedule A Settlement Pattern

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 with integrated uses, ensuring Mixed Use Activity Areas are developed in a manner that includes a compact urban form, is pedestrian-oriented, and highly accessible by public transit to foster community interaction. Part III, Section 5.2.2 further provides policies related to Mixed Use Activity Areas, including amongst others, that lands designated Mixed Use Centre on Schedule B of this Plan shall be subject to policies contained in Part III, Section 5.4 to 5.6. The design and development of Mixed Use Activity Areas shall promote these areas as focal points for community activities characterized by a compact built form that is pedestrian-oriented and provides greater accessibility to public transit through higher intensity development. They will also be areas subject to a high quality of urban design where the City would consider reduced parking standards to encourage greater reliance on non-vehicular forms of transportation.

Mixed Use Corridor – Commercial Corridor

The land use designation that applies to the subject site is Mixed Use Corridor – Commercial Corridor, as shown on Schedule B – Comprehensive Land Use Planning – Urban Planning Area (**Figure 17**).

Part III, Section 5.3 provides the policy framework relating to lands designated Mixed Use Corridor lands, including the Commercial Corridor designation which applies to the subject site. Part III, Policy 5.3.1 states the objectives related to the Mixed Use Corridors designation, including:

- to provide locations along multi-purpose arterial or major arterial roads that will serve as areas of for concentration for mixed use developments with high density residential, retail, service commercial, office, entertainment, community facilities and institutions, and open space uses (a);

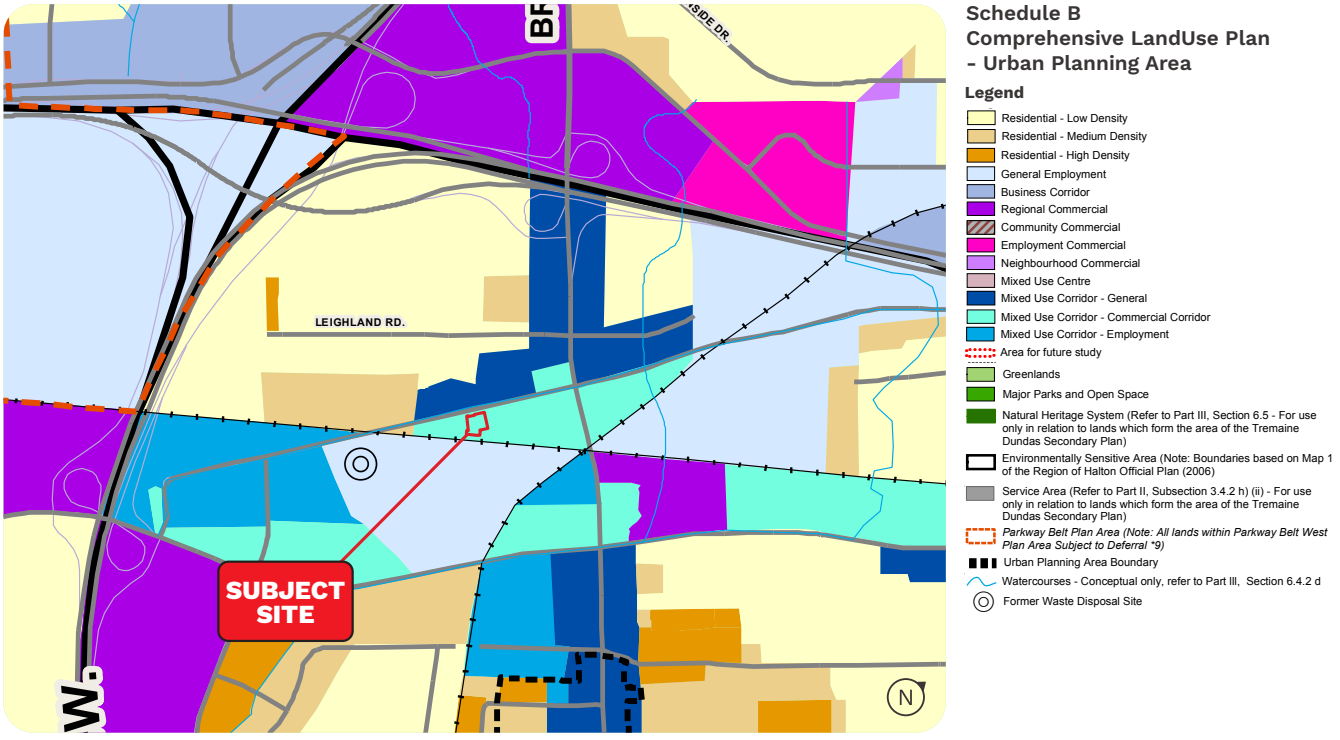


Figure 17 - Schedule B Comprehensive Land Use Planning – Urban Planning Area

- to encourage higher intensity, transit-supportive and pedestrian-oriented mixed use development, including land in the vicinity of a major transit station area, such as a GO Transit station, in a compact urban form, while retaining compatibility with nearby land uses (b); and
- to permit mixed use developments on individual sites where various combinations of residential, retail, office and other uses are located, or on different sites where residential, retail, office and other uses are located next to one another (c).

General policies for Mixed Use Corridors are identified in Part III, Section 5.3.2 of the OP. Policy 5.3.2 a) identifies permitted uses in the designation, including a wide range of retail uses, office uses, community, entertainment, and recreation uses. High density residential uses are also permitted, including townhouses as a component of an overall development.

Policy 5.3.2 b) and c) identify that Mixed Use Corridor areas are intended to provide for the day-to-day and weekly shopping needs of residents within and in proximity to the corridor and states that these uses are to be located at street level in office or residential buildings. Policy 5.3.2 k) identifies retail and other pedestrian-oriented uses as "encouraged" at the street level.

Part III, Policy 5.3.2 d) includes factors which guide zoning by-law regulations in Mixed Use Corridor Areas. Specifically in subpoint (i), floor area ratios are limited to 1.5, with an ability for City Council to allow higher ratios subject to the adequacy of infrastructure, compatibility with adjacent uses, a high-quality building design, landscaping and streetscaping, and the provision of underground parking. In sub point (ii), building heights can vary between 2 and 6 storeys with terracing as necessary to transition to adjacent residential areas and/or the street. In subpoint (iii), Buildings are also to be located close to the street; and have a building entrance from the building façade closest to the street, as per sub point (iv).

Off-street parking requirements may be reduced for sites with transit supportive designs or shared parking arrangements as per Part III, Policy 5.3.2 e) which identifies that the zoning of individual sites may not allow for the full range of permitted uses or the full extent of development intensity at every location based on site specific factors.

Part III, Policy 5.3.2 f) identifies that high density land uses and taller buildings shall be permitted at locations where Mixed Use Corridors intersect with multi-purpose arterial roads, major arterial roads, or provincial freeways, or existing areas of development concentration subject to evaluation criteria identified in 5.3.2 d) (i).

Part III, Policy 5.3.2 g) identifies site plan considerations with regards to the design of buildings in Mixed Use Corridors. Specifically, it directs that development shall ensure compatibility with adjacent land uses, particularly residential uses by considering the following factors:

i. buildings should be located in proximity to the street;
ii. should include features that integrate the development with surrounding uses;
iii. provides safe, convenient and barrier-free pedestrian travel within the site and to adjacent uses and transit stops;
iv. limit the number and location of vehicular access points;
v. located off-street parking in side and rear yards away from residential uses and shall be screened and landscaped;
vi. promote public safety;
vii. screen outdoor storage areas; and
viii. direct lighting to minimize impacts on adjacent residential uses.

Finally, Part III, Section 5.3.2 identifies policies relating to the support of public transit through h) and i). Policy 5.3.2 h), states that transit-supportive and pedestrian-oriented urban design shall be required in Mixed Use Corridors, and Part III, Policy 5.3.2 i), notes that the design and development of these areas shall encourage the use of public transit, walking, and bicycle travel as an alternative to the automobile by encouraging features such as orienting buildings to the street and transit services (i); provide safe and convenient access for pedestrians to transit stops, parking areas, and other buildings (ii); and design roads for automobile use, efficient transit service, as well as pedestrian and bicycle travel.

Part III, Section 5.3.3 of the 1997 Official Plan identifies specific policies regarding the Mixed Use Corridor – Commercial Corridor designation. The objectives for these areas are set out in Part III, Section 5.3.3.1, which directions that it is the objective of the designation to recognize certain sections of the Mixed Use Corridors which have been largely developed for space-extensive, automobile-oriented large retail uses, and are not expected to re-develop significantly in the short-term (a) and to encourage the eventual long-term re-development of these sites in a more intensive, pedestrian and transit oriented manner, that is more consistent with the principles and objectives for Mixed Use Activity Areas (b).

Part III, Policy 5.3.3.2 a) (i) identifies the area along the south side of Plains Road East, between the CNR at Glendor Avenue and Queensway Drive (including the subject site) as an area which is generally recognized for lower intensity, retail development than found in the Mixed Use Corridor-General designation. We note that this policy conflicts with more recent direction for intensification in the ROP within the MTSA. Part III, Policy 5.3.3.2 b) goes on to provide a list of permitted uses within the designation, which includes a range of retail, service commercial and personal service uses; financial institutions and services, a broad range of office uses; entertainment, recreation and other community facilities such as day care centres and motor vehicle dealerships; medium and high density residential uses; and a limited number of large-scale retail and service commercial uses.

Part III, Policy 5.3.3.2 c) identifies that Mixed Use Corridors- Commercial Corridor lands are intended to provide for the retail needs of the residents and businesses within the City and from adjacent areas. Part III, Policy 5.3.3.2 d) identifies that Industrial uses shall not be permitted in Mixed Use Corridor-Commercial Corridor locations.

Part III, Policy 5.3.3.2 e) provides supplemental density and height restrictions to those in Policy 5.3.2 d), identifying that:

i. the maximum floor area ratio shall be 1.5:1. City Council may consider a higher floor area ratio in conjunction with a site-specific rezoning or variance application, subject to the consideration of various factors such as adequacy of services and infrastructure; the provision of compatibility with adjacent uses through measures such as terracing; a high quality of building design, landscaping and streetscaping; and the provision of underground parking.

ii. the maximum building height shall be three storeys, except office and residential uses where the maximum building height shall be six storeys.

Part III, Policy 5.3.3.2 f) identifies that the zoning of individual sites may not allow for the full range of permitted uses or the full extent of development intensity at every location based on site specific factors that may include, but not be limited to, traffic, land use compatibility, market impact, natural hazards and features, and environmental factors such as soil contamination.

Part III, Policy 5.3.3.2 g) identifies that transit-supportive and pedestrian-oriented urban design shall be required in the development of Mixed Use Corridor - Commercial Corridor sites, and Part III, Policy 5.3.3.2 i) identifies that infilling of existing, linear Mixed Use Corridors- Commercial Corridors shall be encouraged rather than the designation of new areas

Housing Intensification Policies

Part III, Policy 5.4.2 (k) of the OP states that proposals for residential intensification shall be evaluated on the basis of the objectives and policies of Part III, Section 2.5.

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

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

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

ii. Off-street parking is adequate;

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

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

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

vi. Effects on existing vegetation are minimized;

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

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

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

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

Further policies related to housing intensification include that Council may adopt guidelines related to maximum building heights for consideration of applications proposing residential intensification; this is to ensure compatibility of with existing building heights (Part III, 2.5.2(d)). Section 2.4.5 speaks to infill development, wherein Policy 2.5.4(b) notes that new infill development shall be compatible with the surrounding development context such as height, scale, siting, setbacks, and coverage.

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

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

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

On April 26, 2018, Burlington City Council adopted a new Official Plan (the "New OP"), which was subject to review and approval by Halton Region. On November 30, 2020, Halton Region approved the new Burlington Official Plan, and a twenty-day appeal period ran from November 30 to December 21, 2020. In total, 48 appeals to the New OP were received by the Region. Following the Appeal of the New OP, the Ontario Land Tribunal approved some sections of the New OP on January 4, 2023, and again on January 6, 2026, bringing them into full force and effect. As a result, the in effect sections of the New OP are considered determinative for the subject application. The in force policies are primarily related to the overall objectives of the New OP and population projections, with more specific policies such as land use designations remain under appeal. The current 1997 Official Plan continues to apply as the primary local municipal planning policy document that applies to the redevelopment of the subject site.

As the New OP is partially in force, this report identifies the applicable in force policies for the subject applications, and those that remain under appeal, which are referenced only for consideration of more recent council direction.

Additionally, we note that the New OP, as originally approved by Burlington City Council, is now nearly 8 years old and is not reflective of many changes to Provincial and Regional policies that have come into effect since. Particularly, changes have been made to the ROP with regards to the urban structure and increased growth and intensification targets which were implemented through ROPA's 48 and 49 and a planning horizon extending to 2051. The implementation of the new Provincial Planning Statement has similarly not been reflected in the New OP. Additionally, the ROP is now a locally administered document by the City of Burlington, and needs to be integrated into the City's OP. We anticipate that the appealed policies will require substantial revisions to conform with the revised Provincial and Regional policy framework. Thus, the under-appeal policies of the New OP have been reviewed only for information purposes. Only the policies which have been brought into force are determinative at this time.

As a result of these policy changes, the City of Burlington is currently in the process of revising the New OP to address Provincial and Regional policy changes that came into effect subsequent to its original approval and appeal in 2020. On July 22, 2022, Burlington City Council approved amendments to the New OP to address conformity issues with ROPA 48, as detailed in section 4.4 of this report. City Staff are further reviewing the Official Plan at this time to address ROPA 49, the Provincial Housing Pledge, the new PPS, and the upcoming integration of the ROP with the Official Plan. These updated policies, through a "Targeted Realignment" review process, are anticipated to be presented to City Council for approval in 2026. Due to the significant level of uncertainty that remains with respect to the New OP policies, we believe that the under-appeal policies should not be significantly relied on as part of this review. Notwithstanding, they are noted as part of this analysis for information purposes as they continue to reflect the most recent City policy direction.

Additionally, the City of Burlington approved Official Plan Amendment 2 to the New OP ("OPA 2") on June 18, 2024. OPA 2 implements a New OP framework for the City's three MTSAs, including the Burlington GO MTSA which includes the subject site. OPA 2 was reviewed by the Ministry of Municipal Affairs and Housing and approved on November 13, 2025, and subsequently appealed by the applicant as well as others on a variety of matters. As OPA 2 remains under appeal, including an appeal by the applicant, it is not yet in full force and effect and similar to the majority of the New OP will be reviewed on an informative basis only in Section 4.6 of this report.

In Force Policies

A small number of policies within the New OP are currently in full force and effect which are relevant to the subject site. Specifically, 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 that:

- The City of Burlington attracts talent, good jobs and economic opportunity while having achieved intensification and balanced, targeted population growth for youth, families, newcomers and seniors;
- People and goods move throughout the city more efficiently and safely. A variety of convenient, affordable and green forms of transportation that align with regional patterns are the norm. Walkability within new/transitioning neighbourhoods and the downtown are a reality;
- The City of Burlington is a leader in the stewardship of the environment while encouraging healthy lifestyles; and

Community members are engaged, empowered, welcomed and well-served by their City. Culture and community activities thrive, creating a positive sense of place, inclusivity and community.

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

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

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

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

Section 1.5 provides that the New OP will manage and direct the development and planning of land uses for a period extending to the year 2031, and that it is the intent of the New OP to accommodate and to plan for the growth associated with the underlying housing, population and employment projections set out in Policy 2..2.4. 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 2.2.4 of the New OP sets out the planned population and employment projections for the City of Burlington through to 2031, providing a total population of 193,000 and 106,000 jobs by that date. The policy additionally directs that the distribution of population and employment shall be in accordance with the ROP, as discussed in section 4.4 of this report. We note that the ROP has now been updated through ROPA 49, increasing the projections for the City to 265,160 residents and 124,390 jobs by 2051, and notably, 195,000 residents and 98,340 jobs in 2021 – a higher residential population than what the New OP projects for 2031.

This represents a significant increase in population growth projections for the City over the growth projections set out in the New OP. As Policy 2.2.4 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 for the City.

We note that we anticipate the ROP's projections to be modified following the implementation of the new PPS, which rely on marginally lower population growth rates than that of the ROP, though still substantially higher than that contemplated in Policy 2.4.2 of the New OP.

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

Under Appeal Policies

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

New OP Mapping

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

Schedule B – Urban Structure

The subject site is shown within the City's urban area boundary. The mapping in the New OP shows the subject site designated as "Mixed Use Nodes and Intensification Corridors" and applies an overlay of the "MTSA Special Planning Areas" over the Burlington GO MTSA area, including the subject site (**see Figure 18**).

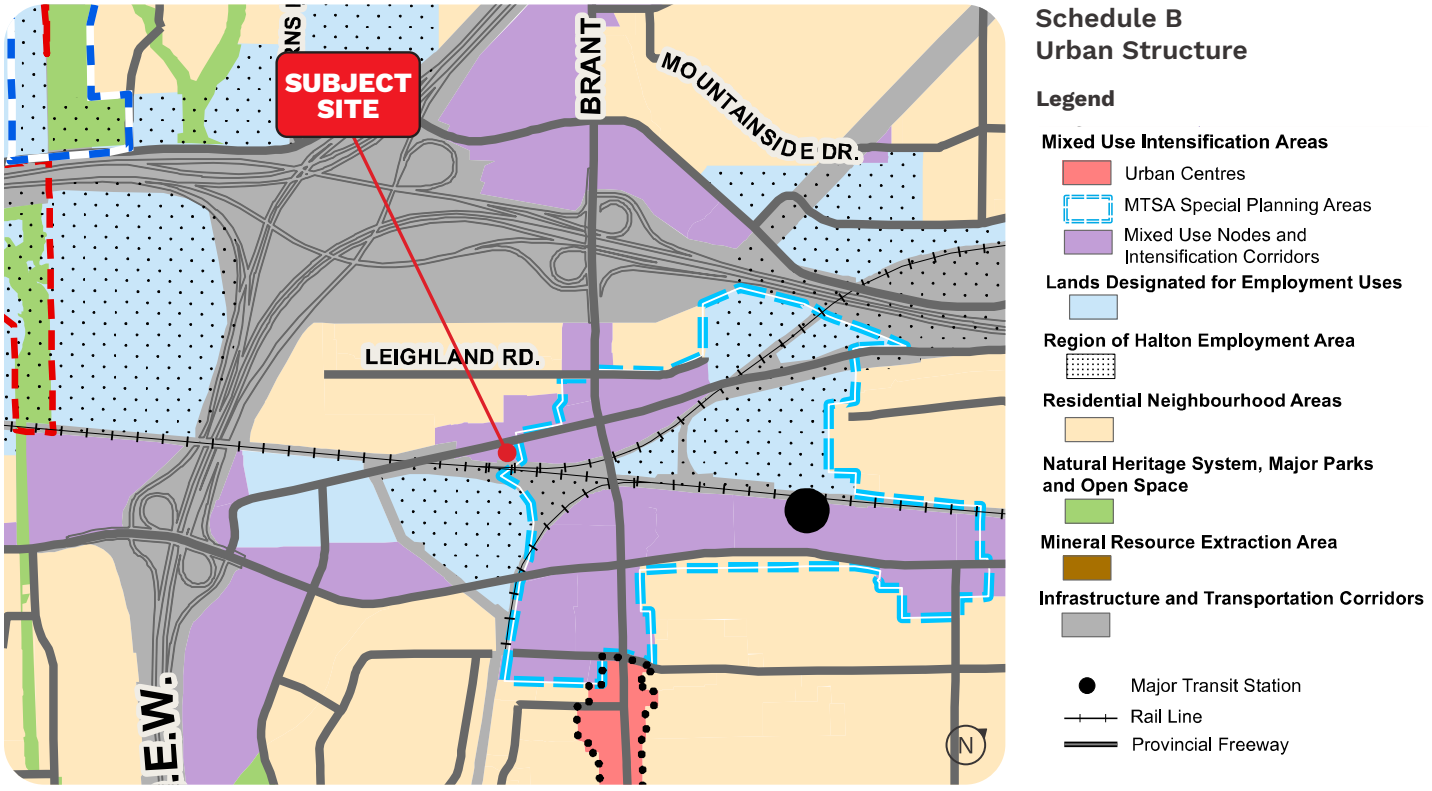


Figure 18 - Schedule B – Urban Structure

Schedule B-1 – Growth Framework

The subject site is designated as a "Primary Growth Area" on Schedule B-1 of the New OP.

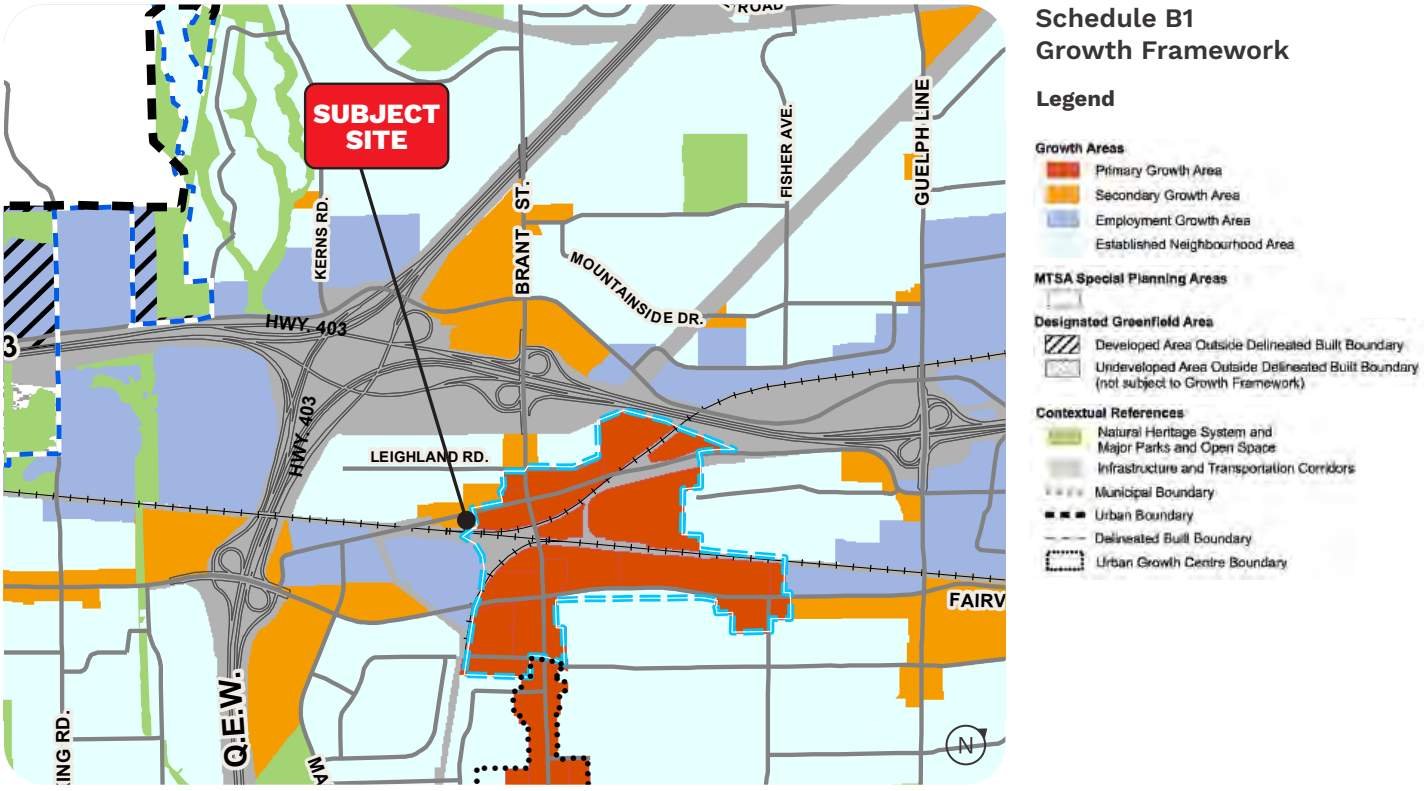


Figure 19 - OP Schedule B-1 – Growth Framework

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

The subject site is located along a "Transit Support Corridor" and is located within the Burlington GO "MTSA Special Planning Area" on Schedule B-2, Growth Framework and Long Term Frequent Transit Corridors.

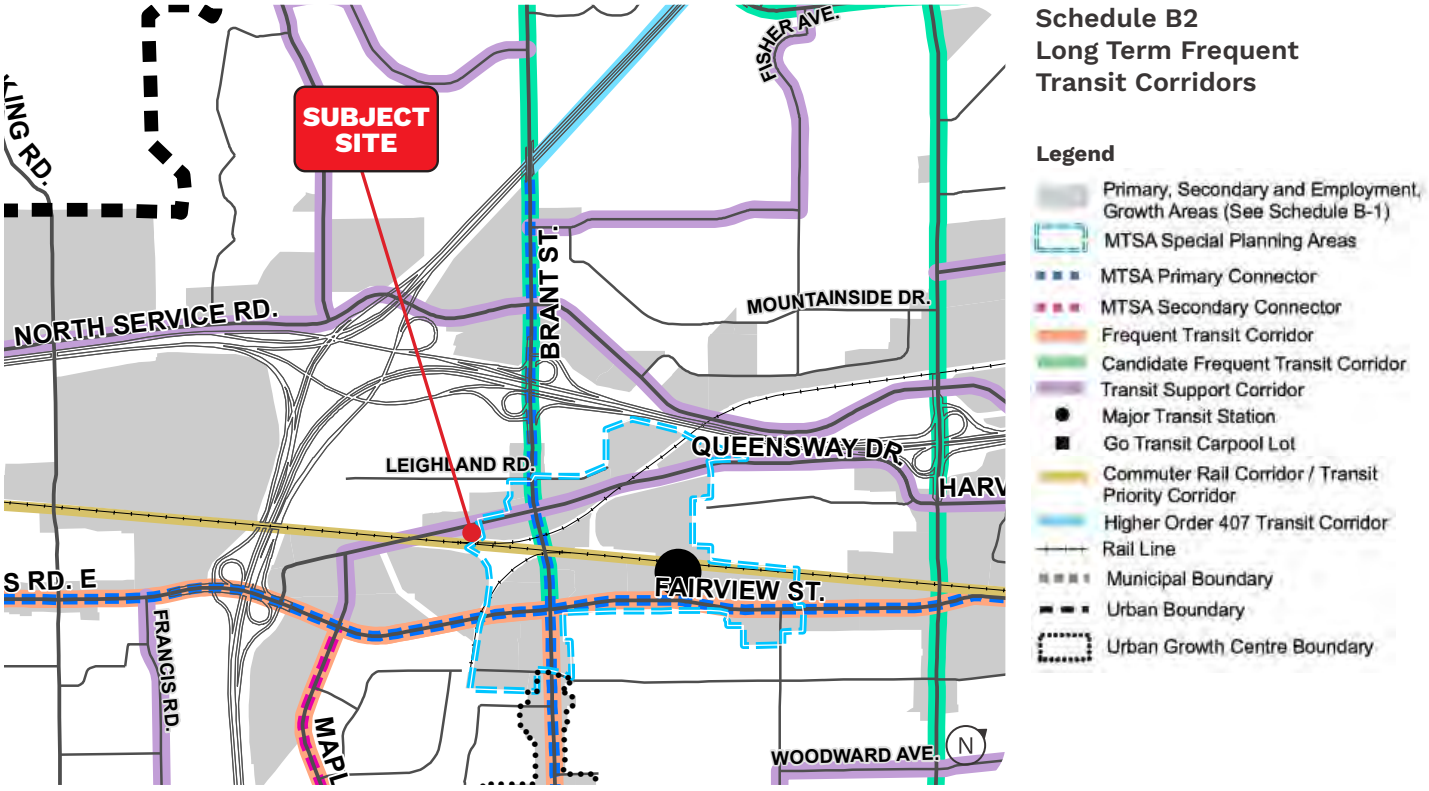


Figure 20 - OP Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors

Schedule C – Urban Area Land Use Plan

The subject site is designated as 'Urban Corridor' on Schedule C – Urban Land Area Land Use Plan.

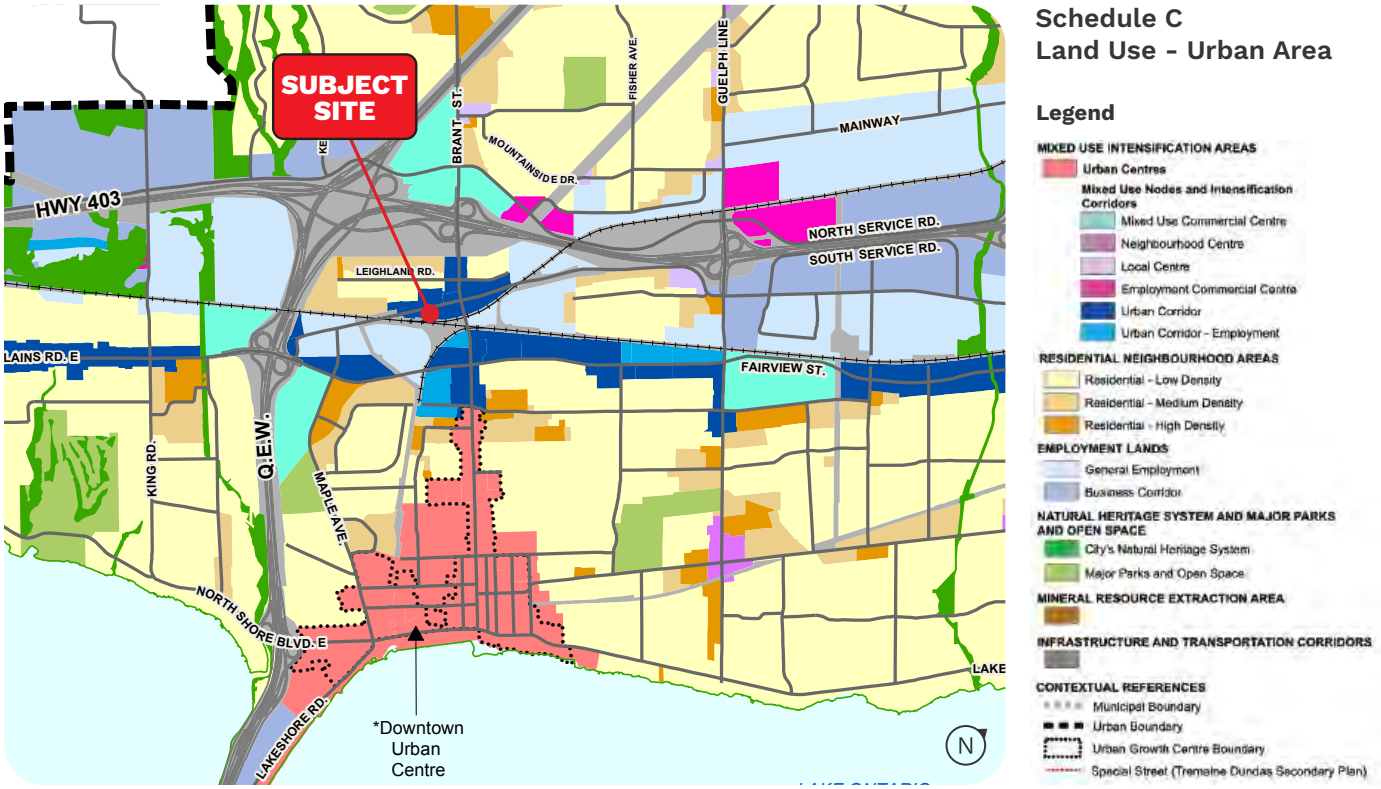


Figure 21 - OP Schedule C – Urban Area Land Use Plan

Land Use Vision

Section 2.1 provides a vision for land use within the City of Burlington and states that new development will be directed 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.

Development intensification will be directed to 'intensification areas', which include areas around the city's GO stations and intensification corridors, among others. Development in these areas will promote connected, walkable, transit-oriented communities that offer convenient access to employment opportunities, a range of housing types, public services including schools and parks, and various daily needs such as shopping and services.

The Urban Structure Policies

The City's Urban Structure establishes a vision for the Urban Area which is further refined in the Land Use Policies – Urban Area in Chapter 8 of this Plan. As noted in Section 2.3 of the Official Plan, the Urban Structure is composed of seven major components, including Mixed-use Intensification Areas such as the subject site. Section 2.3.1 provides the policy framework for the Mixed-use Intensification Areas, which include mixed use nodes for which the subject site is designated as per Schedule B – Urban Structure (see **Figure 18**). Policy 2.3.1(a) provides that lands identified as mixed-use nodes provide for the development of a range and intensity of employment, shopping, public service facilities, as well as residential uses. These developments will contain transit supportive densities and a compact built form where walking, biking, and transit will be prioritized.

Policy 2.3.1 h) speaks to the city's MTSAs, including the subject site. These areas are to are intended to serve as city-wide destinations and focal points for the provision of transit. MTSAs will exhibit a wide variety of land uses and building types, and densities that will be oriented to support and facilitate transit and active transportation. Located in key areas served by the regional and local transit networks, MTSAs are focal points for higher intensity and mixed-use, transit supportive development that will accommodate a significant share of the City's future population and employment growth. It is anticipated that the majority of growth within the City's four MTSAs will occur in the three MTSAs located along higher order transit routes and with planned frequent transit service by way of Regional Express Rail, including the Burlington GO MTSA in which the subject site is located. Policy 2.3.1 i) expands on h), identifying the three higher order transit MTSAs are identified as areas that will be subject to further detailed area-specific planning. This planning has since been completed by the City of Burlington in the form of OPA 2, discussed in Section 4.6 of this report.

Primary Growth Area Policies

Schedule B-1: Growth Framework (**Figure 19**) of the New OP identifies the subject site as a Primary Growth Area. Policy 2.4.1(b) sets out an objective that Primary Growth Areas are to be identified as the areas where the City is planning to accommodate significant population and employment growth and higher intensity mixed-uses. Policy 2.4.2(1)(ii) states that Primary Growth Areas shall be recognized as a distinct area within the City's Urban Area accommodating the majority of the City's forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change. Policy 2.4.2(1)(iii) further provides that Primary Growth Areas shall be regarded as the most appropriate and predominant location for tall buildings in accordance with the underlying land use policies while Policy 2.4.2(1)(v) states that they shall support the frequent transit corridors and accommodate development that is compact, mixed-use, and pedestrian oriented in nature.

Housing Policy

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

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

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

Climate Change And Air Quality

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

Section 4.1.2 of the New OP outlines policies that aim 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 [...].

Land Use Compatibility Policies

Section 4.6 of the New OP provides various policies relating to Land Use Compatibility. The objectives in this regard are set out in Section 4.6.1, identifying that it is the objective to mitigate adverse effects to sensitive land uses from human-made hazards and environmental land use compatibility concerns such as noise, vibration, odour, dust and air pollution (a) and to protect employment uses from the encroachment of sensitive land uses (b).

Specific policies relating to Land Use Compatibility relevant to the subject applications are provided in Section 4.6.2 and include:

- Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from vibration, noise, dust, odour or other contaminants and minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities, in accordance with provincial guidelines, standards and procedures (a);
- Where avoidance is not possible in accordance with policy 4.6.2(a), of this Plan, the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment shall be protected by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- there is an identified need for the proposed use;
- alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- adverse effects to the proposed sensitive land use are minimized and mitigated; and
- potential impacts to industrial, manufacturing or other uses are minimized and mitigated; and
- Proponents may be required to submit studies and undertake necessary actions to mitigate adverse effects to the satisfaction of the City and the Region of Halton. Provincial guidelines and Regional Land Use Compatibility and Air Quality Guidelines shall be referred to for direction in land use planning decisions (c).

Major Transit Station Area Policies

Section 5.4.7 identifies additional policies relating to MTSAs within the City of Burlington with regards to employment, with Policy 5.4.7 a) identifying that over the long-term, MTSAs will contribute significantly to accommodating employment and meeting the City's economic objectives. Policies 5.4.7 b) and c) further provide that MTSAs will be considered through area-specific planning processes (i.e. OPA 2) which will consider the importance of accommodating employment over the long term in areas targeted for intensification and that the City will consider tools to support employment growth within MTSAs.

Section 8.1.2 provides detailed Land Use policies relating to MTSAs. The policies of this section are identified in the preamble as not providing land use designations; rather this section will serve a transitional role to guide new development applications which precede the development of area-specific plans in each MTSA. The preamble also identifies that it is anticipated that the majority of growth within the City's four MTSAs will occur in the three MTSAs located along higher order transit routes (i.e. the Burlington GO MTSA).

Section 8.1.2(1) identifies the objectives for MTSAs, which among others includes:

- To develop the MTSAs into compact, pedestrian, environmentally sustainable and transit-supportive places each with a distinct character (b);
- To promote intensification in order to achieve transit-supportive residential and employment density targets (c);
- To require a mix of uses within development and throughout each MTSA, that will strengthen the live/work/shop relationship and support the creation of complete communities (d);
- To provide a network of complete streets which provide for the efficient, accessible and safe movement of people and goods and which prioritize pedestrian, bicycle and transit activities (e);

- To prioritize the development of surface parking lots and the intensification of underutilized lands and buildings (h);
- To support the retention and expansion of existing employment functions and encourage new employment functions and employment uses which are compatible with other uses and serve to make each MTSA an employment destination within the city (i);
- To provide low-rise, mid-rise and tall building forms, where appropriate, that support a variety of demographics in MTSAs (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 in the MTSAs (k);
- To promote the accommodation of a diverse range and mix of household sizes, household incomes and housing tenure (l)
- To ensure that there is an appropriate transition in scale, intensity, height, massing and spacing of development in including appropriate transitions between various land uses and built forms (n);
- To achieve design excellence in MTSAs that will encourage long-term investment and the creation of high quality and sustainable built forms in the public and private realm (p)
- To direct an appropriate scale and intensity of transit-supportive development at each MTSA consistent with the MTSA typology set out in the New OP (t);
- To encourage transit-supportive, pedestrian-oriented and cycling-friendly development in a compact built form, while ensuring compatibility with the surrounding areas is achieved (u)
- To ensure development establishes a high-quality public realm featuring a network of new and existing public squares, parks and open space that incorporate street trees, landscaping and vegetation (v); and
- To ensure development is consistent with the vision and intent of the MTSA typology (w).

Section 8.1.2(2) further provides policies relating to MTSAs, including, among others:

- The City shall complete area-specific plans or major planning studies to ensure that all MTSAs are planned to implement mixed use transit-supportive development including employment uses, while ensuring compatibility with surrounding areas is achieved (a);
- Prior to the approval of the implementing Official Plan amendments for the Major Transit Station Areas, the policies contained in Subsection 8.1.2 of this Plan, shall apply to development applications in the MTSAs (b);
- Development applications shall be consistent with the overall role and function of the MTSA in which they are located (c);
- Development applications preceding the completion of an area-specific plan or major planning study and the approval of the implementing Official Plan amendments shall have regard for the Province's Mobility Hubs and Transit-Supportive Guidelines, shall implement Regional and Provincial MTSA policies and shall be consistent with the goals and objectives of the existing land use designation as contained in this Plan (d);
- Development in MTSAs should be planned to achieve transit-supportive densities in accordance with the Province's Transit Supportive Guidelines and the existing and planned level and type of transit service (e);
- Development shall contain a mix of land uses and transit supportive development that supports the achievement of complete communities through a more compact built form, while ensuring compatibility with surrounding areas is achieved (g);

- MTSAs will be priority locations for the following but not limited to: i. land assembly; ii. infrastructure and public service facility improvements; iii. creation and application of financial, regulatory and other incentives; vi. new public service facilities; v. creation and application of brownfield and greyfield development strategies; and vi. preparation of comprehensive traffic, transportation demand management and parking studies and strategies (h).
- Multi-unit residential developments should incorporate a mix of unit sizes and types to accommodate a diverse range of household sizes and incomes (i);
- Transportation demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed development (j);
- Development applications shall incorporate minimal parking at grade or above grade through the provision of underground parking, except in areas immediately adjacent to a rail line or other areas where a buffer is required, where applicable (k);
- New green spaces such as trees and landscape areas, parks and open spaces shall be provided as part of development applications, which may include, but are not limited to, dedication of parkland, Privately-Owned Publicly Accessible Spaces (POPS) and/or trees and landscape areas located between a public right-of-way and a building, to be provided to the satisfaction of the City (l);
- Development patterns shall have regard for optimization of land, resources and public investment in infrastructure and public services. For clarity, the concept of optimization shall be applied to development patterns over the entirety of the MTSAs (q);
- In addition to the development criteria in Subsection 12.1.2 (2.2) c) of the New OP, the following development criterion shall be satisfied when evaluating all development applications within each MTSA: (i) the development shall be consistent with the vision and intent of the MTSA typology and policies contained in Subsection 8.1.2, Major Transit Station Areas, and maintain the land use vision established in the land use designations of this Plan.

Section 8.1.2(3) identifies policies for development preceding an area-specific plan, such as the subject applications. Policy 8.1.2(3) b) identifies that for, among others, the Burlington GO MTSA, the applicable objectives and policies for the underlying land use designations on Schedule C: Land Use-Urban Area, the objectives and policies for MTSAs in Subsection 8.1.2 of this Plan, and any other applicable policies of this Plan, shall apply. Policy 8.1.2(3) c) further provides that applications within MTSAs preceding the completion of an area-specific plan shall have regard for Provincial guidelines for mobility hubs and transit and shall implement Regional and Provincial MTSA policies. In addition, applications within, among others, the Burlington GO MTSA, shall have regard for the Mobility Hub Opportunities and Constraints Study (2014).

Various additional policies are identified in Section 8.1.2(3), including, among others:

- Multi unit residential developments in MTSAs should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (d);
- All development proposals requiring a Transportation Impact Study shall address all modes of transportation, giving priority to active transportation and transit considerations, including frequent transit corridors (e);

- Applications within MTSAs shall submit and implement, to the satisfaction of the City, an urban design brief prepared by a qualified person. The brief shall demonstrate how the proposed development contributes towards achieving MTSA objectives for design and how the development is consistent with the policies contained in Chapter 7: Design Excellence, of the New OP, and any applicable design guidelines (g); and
- All development within MTSAs shall consider opportunities to provide improved walking and cycling connections (h).

Finally, Section 8.1.2(4) identifies policies specific to the Burlington GO MTSA. The preamble to this section identifies that it is the primary focus *(emphasis ours)* for transit-supportive development and intensification in the City given its central and strategic location connected by rail, local and regional transit, provincial highways and major arterials. The objectives for the area are set out in Section 8.1.2(4.1), providing that it is to facilitate transit supportive development in the Burlington GO MTSA to achieve multi-modal access to the GO Station and connections to nearby major trip generators (a) and to establish a grid-oriented network of transportation connections throughout the Burlington GO MTSA (b).

Specific policies for the Burlington GO MTSA are set out in Section 8.1.2(4.2). Among others, these identify:

- In addition to the policies contained in Subsection 7.3.2 a) (v), Existing Community Areas, design plans for development applications located in the Burlington GO MTSA shall identify active transportation connections to the Burlington GO Station (a);
- Development applications shall incorporate a variety of built forms, including mid-rise, and building podiums to provide a human scale experience at the street level (b);
- Development in the Burlington GO MTSA shall support the achievement of a complete community through a more compact built form that is supported by mix of uses, parks, green spaces, public service facilities, offices, other employment uses, including existing industrial, and institutions (c); and
- Development in the Burlington GO MTSA shall incorporate private pathways and complete streets elements that make development more accessible for pedestrians, cyclists and transit users and includes a fine grained, grid-oriented and permeable active transportation network with multi-modal access to the GO Station (d).

Multimodal Transportation Policies

Section 6.2 describes policies relating to multimodal transportation in the City of Burlington. Section 6.2.1.(2), Policy (b) provides those public rights-of-way widths in Chapter 14, Table 2: Public Right-of-Way Widths shall be protected and secured through the processing of development applications, unless waived by the City in accordance with Subsection 6.2.7.(2) of the New OP. Policy 6.2.1 2 (b) further provides that The City will actively provide input in the planning of Regional and Provincial transportation facilities and services, in accordance with the policies of this Plan and the City's Transportation Plan. The City supports context sensitive design and alternative road standards for Regional Roads through intensification areas to better integrate land uses, and to support pedestrians, cyclists and transit while maintaining the mobility function of the Major Arterial Road.

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.

Design Excellence Policies

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

Public Realm Policies

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

i. Improving the quality of public spaces;

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

iii. Improving the quality and convenience of active transportation;

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

v. Implementing AODA design measures;

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

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

xiv. Implementing CPTED design standards.

Urban Design & Built Form Policies

Policy 7.3.2 of the New OP states that in areas identified on Schedule B-1: Growth Framework, and subject to the policies of Subsection 2.4 of this Plan, development shall address considerations such as: 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; provide façade articulation that achieves a scale of development that is attractive to pedestrians and avoids the use of blank walls; designing and orienting development that face public open spaces to contribute to the public realm and pedestrian environment; and implementing measures that adequately limit any resulting shadowing, uncomfortable wind conditions on the streetscape, neighbouring properties, and parks and open spaces.

Furthermore, Policy 7.3.2(1)(a) of the New OP states that in Primary Growth Areas as shown on Schedule B-1: Growth Framework (**Figure 19**), 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, and also have additional considerations such as, amongst others:

- locating buildings generally parallel to the public street to define the street edge and in close proximity to the street and transit services;

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

Policy 7.3.2(1)(a)(ii) of the New OP further provides that development in 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 including:

a. Locating off-street parking in the side and/or rear yards, in underground or structured parking where appropriate, away from the street edge and adjacent residential uses;

b. Integrating parking areas located at or above grade within the built form of the building and away from the street frontage, where appropriate;

c. Limiting the number and location of vehicular access points to minimize disruption to traffic flows, and to minimize the impact on local streets, pedestrian travel along sidewalks, or cyclists traveling along bikeways;

d. Screening and buffering of off-street parking areas from public view through the use of setbacks and landscaping;

e. Locating loading areas and service areas to avoid conflict between pedestrian and vehicular traffic and away from adjacent residential uses and adjoining streets; and

g. Incorporating fencing and/or screening of service facilities, such as loading bays or outdoor storage areas, in a manner which enhances screening from adjacent land uses and the public right-of-way and improves the aesthetic quality of the development.

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

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

Land Use Policies – Urban Area

The subject site is identified in the New OP as a Mixed Use Node and Urban Corridor on Schedules B and C of the New OP (**Figures 18** and **21**) respectively.

In Section 8.1.3 of the New OP, lands identified as Mixed Use Nodes will provide locations where mixed commercial, residential and employment uses will be developed and integrated through compact built form and at greater development densities, encouraging the efficient use of physical resources and municipal infrastructure. The Urban Corridor designation recognizes the diversity of the lands along the corridor and provides flexibility in the policies. Key intersections and areas within MTSAs are identified as having the potential to develop into full mixed-use areas, while areas along the corridor may develop for single use, such as residential. These areas are envisioned as being pedestrian-oriented and highly accessible by public transit. They are designed to foster community interaction by providing opportunities for public service facilities, institutional uses, and open spaces. The areas are intended to be compatible with primarily residential adjacent uses. They are identified as focal points for the community where a mix of uses are established to support the achievement of complete communities.

General objectives for Intensification Corridors are outlined in 8.1.3(1), as follows:

a. To provide locations in the city that will serve as areas for more intensive integration of uses such as retail, service commercial, offices, institutional and entertainment uses with residential uses, public service facilities, cultural facilities, institutional uses and open space.

b. To establish for each element of the Mixed Use Nodes the appropriate range of uses, scales of development and levels of intensity.

c. To provide amenities and services closer to where people live, with the objective of creating complete communities.

d. To ensure Mixed Use Nodes are developed in a compact built form, are pedestrian-oriented and highly accessible by public transit.

e. To ensure the proper integration of Mixed Use Nodes with surrounding Established Neighbourhoods Areas, protecting the physical character of these neighbourhoods.

f. To ensure that development in Mixed Use Nodes is compatible with the surrounding area. To promote an innovative and sustainable built environment that uses infrastructure and public service facilities efficiently and encourages a high quality of life.

g. To encourage the accommodation of a diverse range of household sizes and incomes in Mixed Use Nodes.

h. To encourage the use of public transit, pedestrian and bicycle travel as an alternative to the automobile and to maximize personal safety.

i. To direct the phasing and/or expansion of municipal infrastructure and services to ensure the timely and orderly development of Mixed Use Nodes.

j. To ensure that development of Mixed Use Nodes is offset by a range of open space areas in a manner that is appropriate to the local context.

Section 8.1.3(2) of the New OP provides general policies for the Mixed Use Nodes, which include, among other matters: the design and development of Mixed Use Nodes shall promote these areas as focal points for community activities which are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development (a); Multi-unit residential developments in Mixed Use Nodes should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (e); the City will ensure the proper integration of Mixed Use Nodes and Intensification Corridors areas with surrounding neighbourhoods through measures such as pedestrian walkways, cycling paths and transit routes (g); Transportation

demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed developments in Mixed Use Nodes and Intensification Corridors, subject to the policies of Subsection 6.2.10 of the New OP (i); development within Mixed Use Nodes shall ensure compatibility with surrounding areas in accordance with the applicable policies in Section 7.3 of the New OP (p); and that the City may encourage land assembly and/or the comprehensive development of adjacent properties in Mixed Use Nodes in order to ensure that development meets or does not compromise the ability of development on adjacent properties to meet the objectives of the OP (r).

Section 8.1.3(7) of the New OP identifies policies and objectives relating to the Urban Corridor designation which applies to the subject site. Specifically, Policy 8.1.3(7.1) notes the objectives for these areas, including:

To provide locations in the city along key Major Arterial or Multi-Purpose Arterial Streets that will serve as areas of concentration for mixed use development in a compact built form, with residential, retail, service commercial, office, entertainment, public service facilities and institutional uses, and open space uses;

a. To provide opportunities for a range of small and medium-scale retail and service commercial uses, and public service facilities in locations that meet residents' day-to-day and weekly goods and service needs;

b. To recognize the development of Mixed Use Nodes will occur over time, and that the timing of development may vary from one segment to another, depending on market conditions and community needs;

c. To encourage higher intensity, transit-supportive and pedestrian-oriented mixed use development in a compact built form, while retaining compatibility with the surrounding area;

d. To permit mixed use development on individual sites where various combinations of residential, retail, service commercial, office and other uses are located, or on sites where residential, retail, office and other uses are located next to one another.

e. To protect the planned commercial function within Urban Corridors; and

f. To ensure development along Urban Corridors provides a safe, accessible and attractive pedestrian environment with connections to adjacent residential neighbourhoods and Employment Areas.

Section 8.1.3(7.2) includes the following policies for Urban Corridors: : Transit-supportive and pedestrian-oriented design shall be required (a); Urban Corridor lands are intended to provide for the day-to-day and goods and service needs of residents and employees within and in proximity to the Corridor and may also serve a broader city-wide market (b); and retail and service commercial, residential, office, entertainment, and recreation uses shall be permitted in new development (c).

Policy 8.1.3(7.2) f) identifies the maximum floor area ratio for the site as 2.0:1. increases to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application, without the need for an amendment to the New OP. This would be acceptable provided that the objectives of the Urban Corridor designation are maintained.

Policy 8.1.3(7.2) g) identifies that a minimum building height of two storeys and a maximum of 6 storeys applies. Four to six storey buildings may be required to be terraced back from adjacent residential areas and/or the street. Policy 8.1.3(7.2) h) expands on this by noting that, to ensure compatibility with adjacent residential areas, the maximum six storey building height may not be permitted on sites that are small in size, have insufficient depth, are adjacent to areas designated Residential-Low Density, or front local streets.

Policy 8.1.3(7.2) j) identifies that retail, service commercial, and limited office uses, as well as other pedestrian-oriented uses, shall be located on the ground floor of office or residential buildings. This is caveated by Policy 8.1.3(7.2) k), where only a minimum of one permitted use is required for specific areas, not including the subject site, while through Policy 8.1.3 (7.2) (l) identifying that development may be required to provide a minimum floor-to-floor height at grade to facilitate land use flexibility and adaptation over time.

Finally, Policy 8.1.3(7.2) m) identifies that development shall retain the planned commercial function of the site, in accordance with the objectives of Subsections 8.1.3(7.1) b) and f), of the New OP, to the satisfaction of the City.

4.6 New Official Plan – Official Plan Amendment 2

Additionally, the City of Burlington approved OPA 2 to the New OP ("OPA 2") on June 18, 2024. OPA 2 implements a new official plan framework for the City's three MTSAs, including the Burlington GO MTSA which includes the subject site. Among other matters, OPA 2 sets out a framework to implement a Community Planning Permit System ("CPPS") in the three MTSAs, including Burlington GO, which is reviewed in Section 4.7 of this Report. OPA 2 was reviewed by the Ministry of Municipal Affairs and Housing and approved on November 13, 2025, and subsequently appealed by the applicant. As OPA 2 remains under appeal, including an appeal by the applicant, and it is not yet in full force and effect. Similar to the majority of the New OP, OPA 2 will be reviewed on an informative basis only in this report.

OPA 2, if implemented as currently approved, would create various new regulations designed to support the forthcoming CPPS By-law which is intended to replace the Zoning By-law within the three MTSAs. The OPA modifies various policies in the New OP to implement the Official Plan Framework for this direction. Policy 8.1.2(2.1) of the New OP is proposed to be modified to:

- Identify that the Burlington GO MTSA is a *Protected Major Transit Station Area* as per the Planning Act definition (a);
- Identify a minimum planned density of 200 residents and jobs per hectare combined for the MTSA (b) and c));
- Identify projected population estimates of 15,985 residents and 8,449 jobs for the MTSA, a ratio of 65% and 35% (d); and
- Provide a minimum floor area ratio of 2.3, averaged across the entire MTSA area (f).

Section 8.1.2(2.2) of the New OP is proposed to be amended to add a new Precinct Vision table for the MTSA, identifying visions for the various precincts, identified on a revised Schedule F – Downtown Burlington Urban Growth Centre/Burlington GO Major Transit Station Area (**Figure 22**).

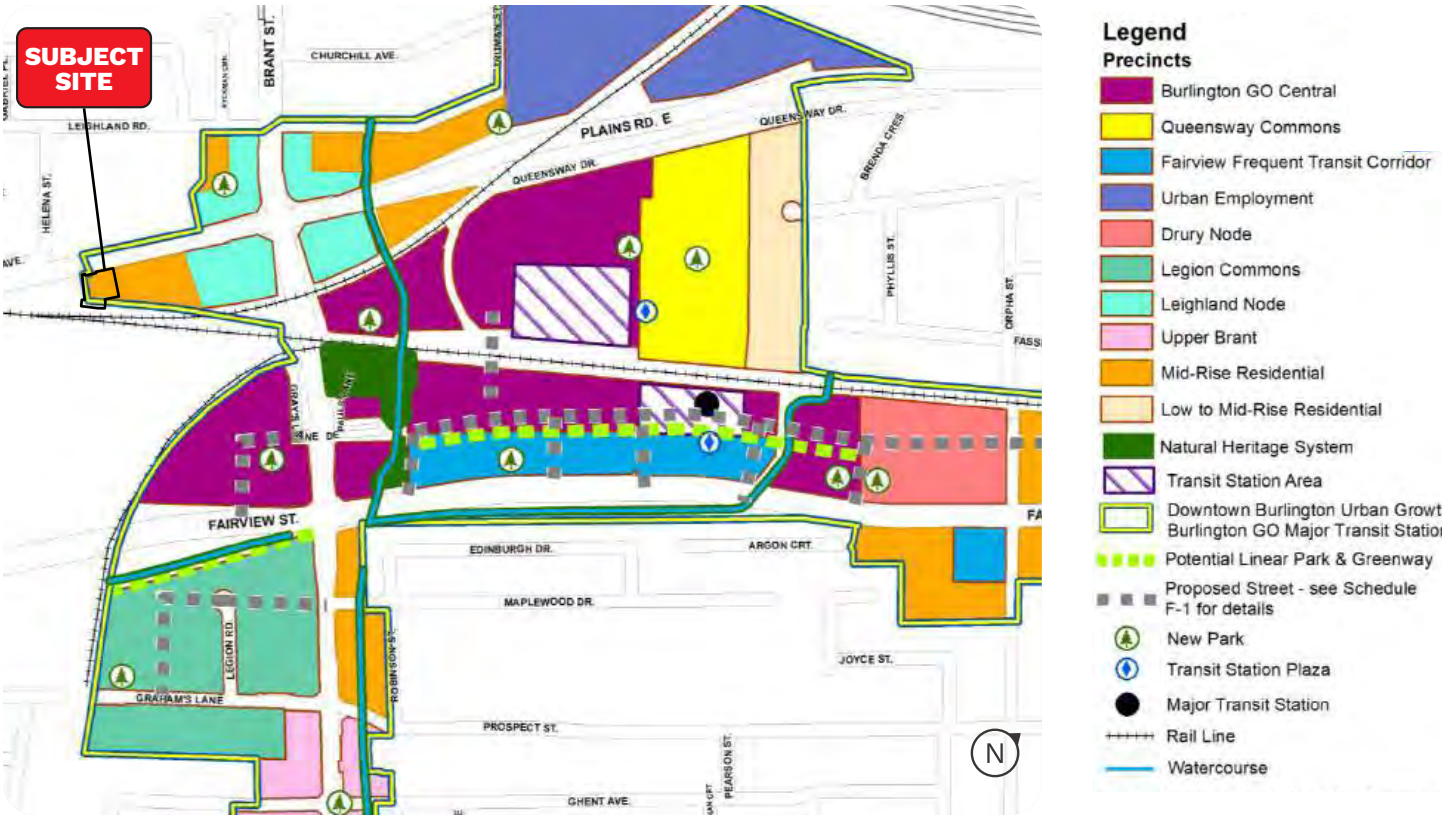


Figure 22 - Schedule F of OPA 2

Schedule F identifies the subject site as being located within the "Mid-rise Residential" precinct. Section 8.1.2(2.2)'s Precinct Vision table identifies the vision for this precinct, including that the Precinct will:

- Support the general housing and height transition objectives of the City's Major Transit Station Areas;
- Include a variety of low-rise and mid-rise building forms, with the tallest buildings framing main streets such as Plains Road East, Queensway Drive, Brant Street, Fairview Street, and along the rail corridor; and
- Incorporate gradual transitions from the mid-rise buildings along Fairview Street, Drury Lane, Plains Road East and Leighland Road to the adjacent low-rise neighbourhoods, offering flexibility for new housing development to support the growing population of the area.

Policy 8.1.2(2.2) b) of OPA 2 would permit a variety of uses on the subject site, including residential uses (excluding single-detached and semi-detached dwellings) and retail and service commercial uses, among others.

Section 8.1.2(5.3) of OPA 2 would introduce new policies regarding municipal laneways, including those to the east and west of the subject site. These policies include identifying that laneways may be considered to provide a pedestrian and mid-block connection to the interior of development, as well as access to the required deliveries, services and utilities for the building (a), and that laneways should be located in the middle or rear of development with access points providing adequate distance between intersections and existing driveways in accordance with a Transportation Impact Assessment (b).

Section 8.12(6) of OPA 2 would introduce new policies regarding Land Use Compatibility, including:

- Development of sensitive land uses and major facilities shall be in accordance with Section 4.6 and Subsection 8.1.2(6), of the New OP (a);
- Where avoidance is not possible, development containing sensitive land uses shall demonstrate how land use compatibility has been evaluated and addressed through a Land Use Compatibility Screening Assessment and where required, a Land Use Compatibility Study in accordance with 8.1.2(6) c). Development of new sensitive land uses shall only be permitted where the impacts to existing industrial, manufacturing or other major facilities and potential new major facilities, as permitted through the Community Planning Permit By-law, have been minimized and mitigated to the satisfaction of the City (b);
- Where proposed development contains sensitive land uses, a Land Use Compatibility Study shall be undertaken based on a Terms of Reference developed by the City which may include but is not limited to, the following:
    i. Detailed site description and proposed use;
    ii. Building massing, transitions, location and height description;
    iii. Description of air emissions' impact from surrounding environment on proposed development;
    iv. Proposed measures, including at-source mitigation and the consideration of intervening land uses, to demonstrate mitigation;
    v. Required engagement with existing industry landowners;
    vi. In the case where land that has been converted from an exclusive employment designation, the study shall consider the plans of the existing industry to phase out and/or relocate the use;
    vii. Warning clauses in offers of purchase and sale, lease or rental agreements and condominium declarations, or other development agreement as applicable, shall be determined and secured through the planning application process, and may include but not be limited to advising purchasers and future occupants of:

a. the proximity of industrial uses with associated heavy truck traffic; and,

b. the proximity of the railway and associated rail traffic and operations.

    viii. Any other considerations that may be required or recommended in accordance with applicable Provincial policies and guidelines

- Land use compatibility studies shall include engagement with existing industry landowners and the owners of lands with the potential for new major facilities including other vacant lands designated for employment use and quantitative analysis to demonstrate compatibility with respect to air quality contaminants, odour, dust, noise and vibration. The development proponent of a sensitive land use shall share the Land Use Compatibility Study with the existing impacted Proposed OPA 2 industry landowner. The Terms of Reference for Land Use Compatibility Study shall be prepared by qualified professionals retained by the City and a peer review of such study will be carried out by a qualified professional retained by the City at the applicant's expense (d);
- To protect the operational and economic viability of existing and planned major facilities, the introduction of new sensitive land uses shall not be permitted within the Potential Influence Area of a major facility in accordance with Provincial guidelines until it can be demonstrated that the potential impacts to the facility are minimized and mitigated, and that land use compatibility can be maintained to the satisfaction of the City (e);

Where a Land Use Compatibility Study recommends that source based and/or receptor based noise control measures are required, the noise control measures shall be undertaken at the expense of the applicant. For any source based noise control measures, the applicant should work cooperatively with the noise source owner and should enter into an agreement for implementation and perpetual maintenance of the noise control measures. Source based noise control measures will not be feasible without authorization from the noise source owner (f);

For proposed developments where source mitigation is required, appropriate agreements should be enacted to ensure monitoring of the long term maintenance of recommended and employed mitigation measures to support new sensitive land uses (g); and

The City shall develop procedures for assessing environmental noise matters for new development, including, but not limited to, criteria for the consideration and formal confirmation of a Class 4 area, in accordance with any applicable Provincial and Regional guidelines (h).

Section 8.1.2(8) identifies new policies in OPA 2 relating to Urban Design and the Public Realm. Among others, these policies direct for activated streets with attractive streetscapes. The safety and comfort of pedestrians is identified as the first priority, with design focusing on creating a safe, welcoming and comfortable environment for high volumes of pedestrians.

Areas identified as Activated Streets on Schedule F-2, Downtown n Burlington Urban Growth Centre/ Burlington GO Major Transit Station Area Activated Streets (**Figure 23**), which identifies Plains Road East along the subject site's frontage as a "Major Mixed Use Street", uses such as stores, restaurants, patios, public service facilities, institutional uses, offices, and residential lobbies are required and will help create vibrancy and activation. Exemptions are provided for development in the Mid-rise Precinct, provided that development can demonstrate that it will provide an enhanced public realm and will not compromise the objectives of activated streets.

Policy 8.1.2 (8.2) identifies that development shall demonstrate how the amount of proposed non-residential uses at grade will support the MTSA proportional job targets and the City's objectives for activated streets. Policy 8.1.2 (8.2) d) further identifies that along Mixed Use Major Streets, the gross floor area of existing retail and service commercial uses should be considered the minimum requirement for the maintenance, restoration or replacement of retail and service commercial uses in any new development.

Policies around built form transition are provided in Section 8.1.2(8.3) of OPA 2. Policy 8.1.2(8.3) a) identifies that the CPPS by-law shall establish regulations which ensure compatibility between a new development and existing built form in the Low to Mid-Rise Residential precincts within the MTSA and Established Neighborhood Areas outside of the MTSA as well as existing and planned parks, and support diversity and flexibility in building form massing and design.

Section 8.1.2(8.6) of OPA 2 sets out policies regarding Housing. The section encourages affordable and assisted housing to be integrated into the three MTSAs and directs the City to collaborate with stakeholders to located opportunities for subsidized non-market housing units, including purpose built rental units, within the MTSAs. The City is also directed to require a housing impact statement where a development proposal proposes more than 100 units. This impact statement is provided in Section 5 of this report, and to achieve a mix of unit types and to support the creation of a range of housing types.



Figure 23 - Schedule F-2 of OPA 2

4.7 City of Burlington Zoning By-law 2020

Pursuant to Zoning By-law 2020, the subject site is zoned Mixed Use Commercial Corridor (MXC) as shown on the City's interactive zoning map (see **Figure 24**- Zoning By-law 2020).

Permitted uses in the MXC zone include retail commercial uses (grocery stores, convenience stores and retail stores), service commercial uses (e.g. restaurants, other retail stores, terrace patios, veterinary services, etc.), hospitality uses (i.e. conference centres and banquet halls), community uses, offices, automotive uses (car wash, service station, repair garage, sales and service), entertainment and recreational uses (e.g. night clubs), and residential uses including apartment buildings, provided retail or service commercial uses are located at grade. Therefore, the proposed development for a residential apartment building with retail uses at grade is a permitted use in the current MXC zoning category.

The maximum permitted height in the MXC zone is 6 storeys while the maximum floor area ratio is 1.5:1 and a minimum density of 30 units/hectare applies. This corresponds to and implements the City's Official Plan, which in our opinion, is out of date, and does not adequately reflect the current Provincial and Regional planning policy framework, including the site's location within an MTSA or account for things such as land use compatibility, good urban design, updated growth forecasts, and the City of Burlington's Housing Pledge to build 29,000 homes by 2031.

With regards to setbacks, a 3-metre setback is required along Plains Road East. No side yard setbacks or rear yard setbacks along a railway right-of-way are required. A minimum landscape area of 3 metres is also required along Plains Road East. A 30-metre separation distances for sensitive land uses is required from a railway right-of-way.

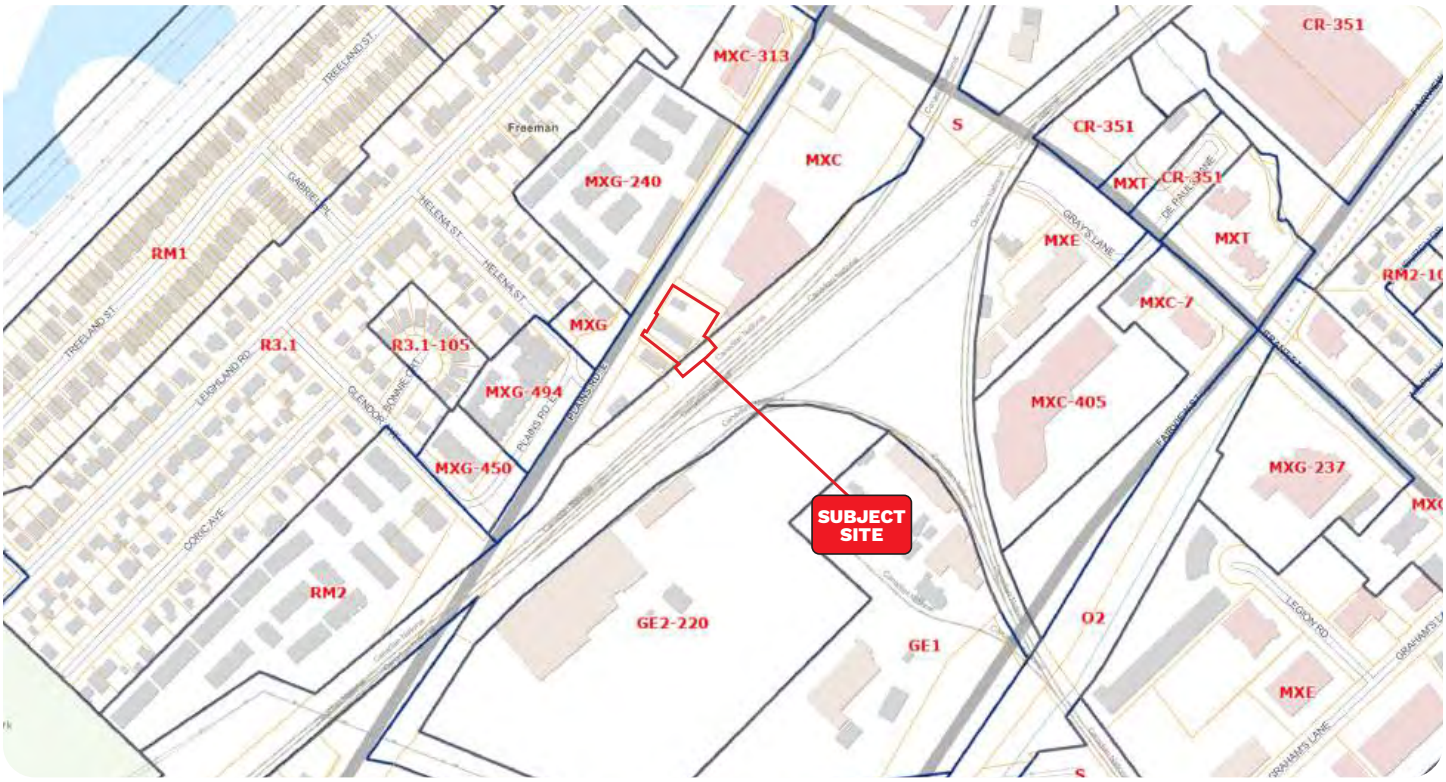


Figure 24 - Zoning By-law 2020

We note that the Planning Act prohibits the requirement of vehicular parking in Zoning By-laws for sites located with MTSAs, and as such, all parking requirements of Zoning By-law 2020 do not apply to the subject site, and no on-site parking is required for the site.

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

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

4.8 Burlington GO Community Planning Permit System By-law

The City of Burlington has been developing a Community Planning Permit System By-law in tandem with it's MTSA Official Plan Review Process. This work culminated in the approval of OPA 2 in June of 2024, including direction to withhold final approval of the CPPS By-law until OPA 2 is brought into full force and effect. As such, the CPPS By-law remains in draft form with only conditional endorsement by Council and is not in full force and effect. On this basis, we will review the by-law only on an informative basis.

The draft CPP By-law proposes to introduce three (3) "classes" of permits, which are described as follows:

- **Class 1** permit would be required for a development which conforms to all regulations of the By-law;
- **Class 2** permit would be required for an application which proposes variations within the variation limits set out in the regulations; and
- **Class 3** permit would be required for variations above the limit set out in the regulations.

A Class 1 and 2 permit would be reviewed and approved by City Staff, but a Class 2 permit may be approved by Council at the City's discretion. A Class 3 permit would be reviewed by City Staff and approved by Council.

The revised draft CPP By-law continues the "*Mid-Rise Residential*" precinct designation from OPA 2 and continues to provide detailed regulations for which development would be required to adhere to.

With regards to permitted uses, the draft CPP By-law would permit a wide variety of residential and commercial uses on the subject site with a requirement for some uses to be approved through a Class 2 permit. A mixed-use residential building with commercial uses at grade is permitted through a Class 1 permit.

Regulations are provided for the *Mid-Rise Residential* precinct through Table 6.2 of the draft CPP By-law. Variances of up to a specified limit are permitted through a Class 2 permit before a Class 3 permit is triggered. A summary of these regulations as they apply to the subject site is provided in **Table 2** below:

Table 1 - Mid-Rise Residential (M) Regulations

Regulation	**Standard (min – max)**	**Class 2 Variation Limit**
Setbacks Along Activated Street Yard abutting Neighbourhood All Other Yards	 2-3m 7.5m 3m	 1.5-3.5m 6m 2.4m
Setback from a railway	30m	Subject to approval by railway
Landscape Area	20% of lot area	15% of lot area
Common Amenity Area	4.0sm per dwelling unit	3.2 sm
Private Amenity Area	4.0sm per dwelling unit	3.2 sm
Minimum first floor height	4.5m	-
Building Length	60m for buildings adjacent to street	10%
Height	4-6 storeys	Up to 11 storeys
Parking Residential Visitor	 No minimum No Minimum	 N/A

4.9 Tall Building Design Guidelines (May 2017)

The City of Burlington, in conjunction with Brook McIlroy, prepared the Tall Building Design Guidelines (the "TBG"), which were approved by City Council on July 10, 2017.

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

Building Base

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

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

Podium Location

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

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

e. 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.

f. 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.

g. 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.

h. 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.

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 & Streetscaping

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

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

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

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

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

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

Building Middle (Tower)

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

Tower Location

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

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

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

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

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

Tower Height and Massing

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

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

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

Shadow/Sky Views

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

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

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

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

Tower Design and Articulation

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

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

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

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

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

Building Top

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

Rooftop Design and Articulation

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

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

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

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

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

Mechanical Penthouse

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

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

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

d. For the reasons set out below in Section 5 of this report and within the Urban Design Brief submitted, 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 is to encourage sustainable design approaches through *Planning Act* applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040.

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

Of the required sustainability measures outlined In The Sustainable Building And Development Guidelines, Only 5 Pertain To Official Plan And Zoning By-Law Amendment Applications. Those Measures Consist Of Site Connections; Bicycle Storage (Provided In Accordance With Zoning By-Law Policy); Stormwater Quality With Respect To Stormwater Runoff; Urban Heat Islands Which Requires Vegetated Landscape Areas In Hard Surface Areas; And Waste Management Plans To Provide And Implement Waste Management Practices In Accordance With Regional Requirements. The Proposed Development Will Meet All Required Sustainability Measures Outlined Above.

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

The City Of Burlington Retained Brook Mcllroy Inc. To Assist With The Creation Of The Shadow And Wind Studies. The Community Planning, Regulation And Mobility Committee Approved The Shadow And Pedestrian Level Wind Study Guidelines And Terms Of Reference And Was Given Final Approval By Council On June 22, 2020.

The Purpose Of The Shadow Study Guidelines (The "Ssg") Is To Provide A Best Practices Approach To Shadow Studies In Order To Promote High-Quality Development Proposals That Ensure Adequate Access To Sunlight Is Maintained For The Enjoyment Of Public And Private Spaces. The Ssg States That The Document Should Be Used By The Development Community To Inform Development Proposals Within The City Of Burlington And That The Document Is A Tool For City Staff To Be Used In The Review And Evaluation Of Development Applications.

Shadow Study Guidelines

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

Section 4.0 of the SSG provides the shadow impact criteria related to the studies. It notes that the criteria cannot be applied universally due to unique site specific and surrounding built form and land use attributes. Five unique Shadow Impact Criteria have been developed to respond to desired uses, and, as such, each area will include unique evaluation criteria with different times, dates and standards as noted in the SSG. The SSG as related to the subject site is reviewed in Section 5.6 of this report.

Private Outdoor Amenity Spaces

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

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

Parks and Open Spaces

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

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

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

Places Where Children Play

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

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

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

Public Realm and Sidewalks

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

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

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

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

In support of the subject proposal, we have submitted a Shadow Study that provides a review and analysis of the proposal against the SSG and concludes that the proposed building achieves the intent and purpose of these guidelines. A summary of the results of that study is included in Section 5 of this report.

Pedestrian Level Wind Study Guidelines

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

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

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

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

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

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

In support of the subject proposal, we have submitted a Pedestrian Wind Level Study that provides a review and analysis of the proposal against the guidelines and concludes that the proposed building passed the wind safety for both the existing and proposed configurations at all locations. A summary of the Pedestrian Wind Level Study is included within Section 5 of this report.

4.12 Municipal Housing Pledge

On March 21, 2023, the City of Burlington unanimously endorsed the Municipal Housing Pledge, a provincial directive to construct 1,500,000 homes by 2031 throughout the Province of Ontario. With regards to the City of Burlington, the Pledge targets 29,000 new homes within the municipality during a 10-year period, or 2,900 units a year. This number of housing units is significantly above the historic rate of construction in the City of Burlington, which according to Census data saw the number of dwellings within the City increase by only 471 units per year between 2016 and 2021. Additionally, we note that the City achieved only 49% of it's housing target in 2024 under the Municipal Housing Pledge, starting construction on only 1,185 of the 2,417-unit target for the year. Further, 3 years into the 10-year pledge, the City has achieved only 6.5% of it's total target (1,897 of 29,000 units). Although the pledge is not planning policy or legislation, municipalities are expected to support the objectives of the provincial initiative. There is merit in reviewing the City's in-force planning policy framework to facilitate housing construction, particularly given the City's current limited progress in achieving the pledge.



5 Planning & Urban Design Analysis

5.1 Pre-Application Consultation

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

Community Consultation

On January 14, 2026, a virtual pre-application community meeting took place for the subject proposal. As part of the community meeting, City staff outlined the process and existing planning framework, while the applicant's consultant team presented a conceptual proposal for the site. The proposed development presented to the community was substantially similar to the application subject to this rationale, consisting of a 25-storey mixed use building with ground floor retail. While 7 members of the public attended the meeting, no feedback was provided during the question and answer period of the consultation. Concerns were raised by the Councillor Lisa Kearns, the councillor for the ward in which the proposed development is located. These are summarized below with responses identified:

- **Height** – Councillor Kearns expressed concern with adding height at this location. Concern was identified with additional height being proposed in the periphery of the MTSA, since it'll open the door for more heights elsewhere.
  - **Response:** For the reasons set out in this report, it is our opinion that additional height is reasonable and appropriate on the subject site, particularly given regional and provincial policy direction to maximize intensification within MTSAs a, subject to appropriate transitions in built form to areas outside of the MTSA. Additionally, we note that the highest heights an densities in the City of Burlington are directed to the Burlington GO MTSA and UGC.
- **Affordable Housing** – Councillor Kearns noted that the application picking and choosing what MTSA policies we want to use, i.e. applying reduced parking ratios but not providing any affordable housing. She also asked if we considered this site to be a "Protected MTSA" as it relates to affordable housing.
  - **Response:** For the reasons set out in this report, the proposed development adheres to all applicable in-force policy regarding affordable housing and parking. Provincial policy mandates that no parking minimums be required in MTSAs – these are not "trade-offs" for other policy objectives but rather a baseline expectation. Further, no affordable housing requirements apply on the site today in in-force planning policy. This includes OPA 2, which does not require developments to provide affordable housing, but instead notes that the future CPPS **may** require affordable housing for certain lands and designations within one or more of the MTSA's designations.
- **Employment** – similar to the affordable housing comment, Kearns noted that the project is not contributing positively or providing any public benefits, noting that the city is aiming for a significant amount of employment uses in the MTSA.
  - **Response:** The project would contribute 283 new residential units, assisting the city in achieving its housing goals, along with an upgraded public realm along Plains Road East and commercial uses on the ground floor which would provide employment. Similar to affordable housing requirements, there are no employment requirements for the subject site's OPA 2 designation (Mid-rise residential) and only requires employment uses on existing Regional employment lands, which does not apply to the subject site.

Burlington Urban Design Panel Meeting

On March 26, 2026, 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 25-storey mixed use building with a 3-storey podium. 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:

Question #1 – How does the proposal respond to the future vision of the Burlington Major Transit Station Area (MTSA)? What improvements could assist in integrating the proposal into the broader MTSA vision?

Alex Taranu: (Panel Member)	Regarding context – there are a lot of questions about the context for a reason. I see a tapering of height from the GO station to the edges, it's a very complex areas separated by rails and other infrastructure. It's a flatiron site of a sort; it's a highly visible location so I understand the suggestion of height at this point as I understand why you want to do more than 11 storeys. I'm not sure what the magic number for height actually is and what is actually important and that the intent is to have more density and more urban living here. The width of Plains Road may lend to a 6-storey datum to integrate in the area. I see that you want to do a less car-oriented development – that's great, though I don't know about access to amenities like parks which is important. If you are going to do less parking, you need to make sure amenities are accessible.
David de Groot: (Panel Member)	Obviously, this is much higher than the city is envisioning, I understand the policy framework is not in full force and effect, though this is a much larger building. It is hard to comment on it in that it's a very different context, especially considering the existing context, not sure that 25 storeys is the most appropriate but that will get worked through the planning process. I do I see a mismatch from this development and the city direction. I don't have an issue with density and the intent is to intensify and that's what you are trying to do, I find that I have trouble that this tower typology will work given the small site, the present context, and the location of a suburban location. parking will be needed, but I'm not entirely convinced that this is entirely appropriate, a midrise building with a taller podium may be appropriate but this will be the first tower entering the area. I would look at the façade along plains road and the podium to make enhancements. I'd like to see a stronger, more grounded condition which actually engages the street and which fits the context than the simple podium that we see right now.
Jessice Hawes: (Panel Member)	This will be the first property in the area to transition to higher densities; The neighbourhood character is really important and how it connects to the area. Adding trees on Ryckman Commons buffer could be helpful to improve function and landscaping. I encourage you to talk to the condo corporation about a through-block connection to provide connection from the townhouses to Brant Street directly. I agree with other comments to try to shift the parking ramp to shrink total amount of asphalt on the site plan.
Nigel Tai: (Panel Member)	It feels out of place today but given the planned context for the area it seems more appropriate. I would encourage working closely with the City to understand the vision for the city and how it contributes to the area.
Matt Reid: (Panel Member)	This is the edge of the MTSA, there is a reason you don't want to move the height too far from the station. I think it takes away from the node at Brant Street and the stepping of heights which means applicants to the east will want even greater heights as well.

Question #2 – ow could the site design and built form better assist in ensuring an activated and engaging public realm, while prioritizing the pedestrian experience?.

Alex Taranu: (Panel Member)	Make sure you secure the access for vehicles, there is not a lot of space left on the site. Regarding the treatment of the street and the intent, you have a strong vision, but it could be better. In terms of built form, the massing could be better - the podium should better connect past and future and the context. The flatiron condition of the site means that in the future, whatever the decision on policy, you need to think about the views from the west, I think about 10 York in Toronto type design perhaps. I do appreciate the split form of the tower massing. I don't think this is a good area for glass building – look at sustainability in the design of the building. The design is gorgeous but not sure it fits the context. Perhaps the 4 facades shouldn't be the same because of heat exposure, sun, etc.
David de Groote: (Panel Member)	I would hope a cohesive vision for the public realm on Plains Road would be looked at, specifically moving the sidewalk away from the street edge and give it a buffer and to better urbanize it as well.
Timmithea Chan: (Panel Member)	I think you did the best you could to fit the servicing given the tight site and your ambitions. The glass does seem out of place next to the railway, makes it feel very urban and exposed. The tower is square, perhaps explore making it narrow on one side or play with the form. Explore the podium design to bring a bit more engagement to the pedestrian level.
Nigel Tai: (Panel Member)	Review the long-term vision, look at a 5-6 storey street wall if that's the plan and adjust the podium height as necessary. The building looks great, with the texture and the massing breaking it down to 3 parts, but that is overshadowed by the height, density and context. I do think you have the skills to articulate it in a pleasing way. Part of the justification for the density is because of the ease of connection to the GO station. You should look at how to encourage bicycle riding to access the area and make it easier to get to and from the GO Station.
Matt Reid: (Panel Member)	Make sure to look at where do uber drivers and other deliveries go for pickup and drop off, make sure you think through drop offs and how the laneway functions.

Question #3 - Does the project provide meaningful and usable open space or amenity space? Is the open space or amenity space appropriately sized and well located?

Alex Taranu: (Panel Member)	Sustainability on a small site, transit supportive development is important. You should look at the building envelope to try to balance efficiency, perhaps look at the 60/40 rule and social sustainability aspects, this is a very urban site. I will leave comments on open space to my colleagues.
Jackie VanderVelde: (Panel Member)	As we build bike parking, do we talk to Metrolinx to build the bike parking spaces at the GO station as well? We have to make sure people biking to the GO station can park their bikes there too. I don't have a clear sense on the location for amenity at this time to comment on it. While not that sustainable, fountains are beautiful and great sound mitigation feature for outdoor areas like along the rail corridor.
Timmithea Chan: (Panel Member)	The amenity space is right next to the railway, you should look to think about sound mitigation and screening along the railroad. Perhaps a feel like the "High Line" in New York along the railroad would work. If not designed carefully, it falls into the risk of it not being used as it could be too noisy. Given how dense the tower is, the location is probably the only solution. I'm not sure if the parking and bike parking is appropriate – look at it maybe being a rental building or a 12-storey building where everyone has parking.
Matt Reid: (Panel Member)	In the renderings we often see the beautiful coffee shop spill out, I hope that's what it becomes but often it's just dental offices. Especially here given the disconnect with the rest of the MTSA, lot of the work at grade will be for naught if you don't have the right programming at grade – looking at the amenity space, really thinking about how to make it a great space for residents and considering the context to the rail. Try doing something unique thinking about kids and pets and families, etc. who could really enjoy the space.

Key concerns heard from the BUD panel relate to building height, podium height, parking, noise mitigation of the amenity space, and design of the commercial spaces. We offer the following responses:

- Building Height: For the reasons set out in this report, it is our opinion that the proposed building height is appropriate for the planned context and responds to the applicable planning framework.
- Podium Height: The proposed podium height of 3 storeys remains well below the guideline height of 80% of the adjacent right-of-way width in an effort to integrate the building with the existing context, which includes 3-storey mixed-use buildings on the north side of the street which are not anticipated to redevelop.
- Parking: The proposed development exceeds the amount of parking required in accordance with the *Planning Act* within Major Transit Station Areas.
- Noise Mitigation: in accordance with the Environmental Noise Feasibility Study, appropriate mitigation measures will be implemented to ensure appropriate noise levels on the outdoor amenity space.
- Commercial Spaces: The commercial spaces have been designed to provide a high quality space with upgraded landscaping treatments to create attractive, desirable, and high quality retail spaces along the street.

5.2 Intensification

Residential and commercial intensification on the subject site is appropriate and desirable and is in keeping with the policy framework set out in the PPS, the ROP and the Official Plan. Each of the noted policy frameworks promote intensification, redevelopment of underutilized lands, and direct a compact built form at transit supportive densities within defined Strategic Growth Areas, particularly UGC's and MTSAs which include the subject site. These policies direct intensification in areas serviced with existing infrastructure, such as public transit. In our opinion, the proposed development will achieve the policy objectives in each of the PPS, ROP, the City's Official Plan and the New OP.

Following the above noted policy framework, it is important to ensure that lands which are well suited for intensification are utilized to their highest and best use. The subject site is located in an area where the policies in the PPS can be realized, specifically those that encourage appropriate intensification, redevelopment, and creating a heathy, complete and transit supportive community. Policies 2.3.1.1 and 2.3.1.2 of the PPS indicate that Settlement Areas are to be the focus of growth and development, as well as promoting densities and land uses that efficiently use land, resources and infrastructure. In addition, Policy 2.4.1.3 of the PPS identifies that planning authorities should permit development and intensification in SGAs, including UGC's, MTSAs, and in proximity to public transit, to support the achievement of complete communities and a compact built form.

The MTSA policies which apply to the wider Burlington GO MTSA area also supports intensification of the subject site, directing that MTSAs such as Burlington GO be developed to a *minimum* of 150 residents and jobs per hectare. The PPS, through Policy 2.4.2.3 emphasizes that development is encouraged in MTSAs and that municipalities are to plan for land uses and built forms that support the minimum density targets in these areas. The proposed development would support this target by providing 283 new residential units and new commercial uses, providing new jobs, within the Burlington GO MTSA.

This direction is further emphasized in Section 3 of the PPS, which generally directs for the coordination of infrastructure projects and land uses to ensure that the infrastructure is supported and financially viable. Section 3 also directs for the optimization of land uses around existing infrastructure, including the Burlington GO Station

With regards to the ROP, there are a series of objectives applicable for urban areas. These objectives include the facilitation and support of compact growth and intensification that support transit and non-automobile modes of travel. The subject site and proposed development is located within the Burlington GO Urban Growth Centre and MTSA. The proposed development would be supportive of these objectives by providing 283 new residential units in close proximity to transit services and amenities. It would also add new housing units that provide more housing options, as part of a complete community surrounding the Burlington GO Station.

The 283 residential units would also contribute to the Region of Halton's population and housing construction targets set out through Tables 1 and 2A of the ROP, which identify a population of 265,160 persons by 2051 for the City of Burlington, and a minimum of 20,500 new housing units to be constructed within the built-up area by the same time. Additionally, we note that the City of Burlington Municipal Housing Pledge aims for an even higher target of 29,000 housing units by 2031.

Intensification of the subject site would also support the ROP's direction for growth and intensification to be focused in SGAs such as the Burlington GO MTSA and UGC.

Various other policies within the ROP further support intensification in SGAs and specifically within MTSAs and UGCs. Specifically, Policy 86.6 directs that it is the objective of the Region to *maximize* the number of potential transit users within MTSAs while considering contextually appropriate intensification opportunities. It is our opinion that the proposed development supports this objective by providing 283 residential units and new commercial uses within walking distance of Burlington GO station while considering the surrounding context and built form impacts. Furthermore, ROPA 49 relocated the City of Burlington's UGC from downtown to the Burlington GO MTSA. This shift directs the highest levels of intensification as outlined in Policy 80(4), which states that UGC's are to function as the **primary** SGAs of the Regional Urban Structure hierarchy where a significant share of population and employment growth will be accommodated. In our opinion, this urban structure change envisions a complete change in land use and built form from single use and low rise buildings to a mixed use and compact complete community at the highest densities in the City. In this regard, the subject application achieves this policy goal and objective.

The Official Plan provides similar direction with regards to intensification. Part 1, Section 4.3 provides specific direction that new residential growth will mainly be in the form of more compact housing. The proposed development would facilitate this through the provision of 283 new residential dwelling units within a high-density, compact development in a designated MTSA and UGC.

Intensification is supported throughout the Official Plan, particularly in Policy 6.3 e) of Part II, as well as Section 5.0 of Part III, which encourage compact higher density forms of development that are pedestrian oriented and support public transit. In our opinion, the proposed development implements the Official Plan objectives through the intensification of the subject site in a pedestrian oriented built form while increasing heights and densities to align with more recent policy directions at the Provincial and Regional levels. Part III, Policy 5.2.2 d), related to Mixed Use Activity Centres directs that these areas, which include the subject site, are characterized by compact built form of development, pedestrian orientation, accessibility to public transit, and higher intensity development. In our opinion, the proposal conforms to Section 5.2.2 of Part III of the Official Plan, as it intensifies an underutilized site in the Burlington GO MTSA, where growth and intensification are directed.

Within Mixed Use Corridors, Policy 5.3.1 sets out objectives which support intensification through the development of higher intensity, transit supportive and pedestrian-oriented mixed-use development. The proposed development responds to these objectives by intensifying a vacant site along a Mixed Use Corridor with a high-density residential use that is transit supportive and pedestrian oriented. It provides additional residential dwellings and new commercial uses at grade to support the mixed-use nature of the MTSA.

It is worth noting that the New OP, while under appeal for the majority of policies which apply to the subject site, is also supportive of intensification. Similar to the in-force Official Plan, the New OP directs the majority of growth and intensification to MTSAs, particularly the Burlington GO MTSA and UGC where the subject site is located. The New OP directs growth to be developed with transit supportive densities in a compact built form where walking, biking, and transit will be prioritized, and that primary growth centres such as the Burlington GO MTSA will accommodate the majority of the city's forecasted growth and the City's highest densities. The proposed development would be supportive of this direction through the creation of a 283 unit new residential units and commercial uses in a mixed-use building in close proximity to existing services and public transportation. The development intensifies an area of the city envisioned to see the highest levels of growth in the City.

This direction is also supported by OPA 2 of the New OP, which sets out a specific growth framework for the Burlington GO MTSA, among others. The proposed development is generally supportive of OPA 2's directives to intensify and contribute to the planned minimum population of 15,985 people and 8,449 jobs. Specifically, the proposed development would support an estimated population of approximately 416 people and 12 jobs[2]. Additionally, we note that these projections are *minimums*, and there is specific guidance from the ROP that municipalities are to *maximize* the number of potential transit riders within MTSAs subject to the review of compatibility. The New OP and OPA 2 provide clear direction that significant levels of intensification are to be directed to the Burlington GO MTSA as a whole, supporting higher level policies regarding these areas. However, in our opinion OPA 2 does not fully realize the intensification goals and aspirations of the ROP, Official Plan and New OP.

Additionally, it is noted that between 2016 and 2021, the number of dwelling units within the entire City of Burlington grew by only 2,356[3]. This rate of growth is approximately ½ of what was targeted for the 2022 to 2028 period, identified in the ROP. It is also approximately 1/6 the rate required to meet the Municipal Housing Pledge. As such, it is reasonable to assume that the City of Burlington's existing Official Plan framework, first approved in 1997, cannot sufficiently support growth in areas such as intensification corridors, where Provincial, Regional, and Municipal policy direction envisions a higher amount of growth. The City of Burlington is currently reviewing its Official Plan to respond to the growth targets and urban structure set out in the ROP and the Municipal Housing Pledge. Until the New OP is finalized, new development proposed for intensification areas, which include the subject site, can be expected to exceed in densities and heights, the current permissions of the Official Plan. This increase is in line with the direction provided in the ROP and the PPS.

2 According to People Per Unit and Employment Density assumptions in the City of Burlington 2024 Development Charges Background Study

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

5.3 Urban Structure

The ROP establishes a hierarchy of SGAs which identifies the subject site as being located within the Burlington GO UGC and MTSA, which is identified as being at the top of the urban structures hierarchy of densities, be it the location where the highest levels of intensification and densities are to be directed. However, it does not include any maximum density or height restrictions in any of its SGAs. In our opinion, the ROP is clear that the purpose of the Region's urban structure is to establish a growth management strategy and to "provide a structure and a hierarchy in which to direct population and employment growth within the Urban Area to the planning horizon" (Policy 78.1(1) of the ROP). It is also intended to "focus a significant proportion of population and certain types of employment growth within SGAs through mixed use intensification supportive of the local role and function and reflective of its place in the hierarchy of SGAs" (Policy 78.1(2) of the ROP). In our opinion, there is no intent to preclude or limit intensification opportunities, as doing so would conflict with the intent of the PPS, which seeks to prioritize and optimize opportunities for intensification in SGAs.

Additionally the ROP, through Policy 86.7, directs that MTSAs should *maximize* the number of potential transit riders within walking distance of rapid transit, subject to the review of compatibility. This is reinforced by the objectives set out for UGCs, which identifies that these areas where a significant share of population and employment growth will be accommodated, identifying a minimum density of 200 people and jobs per hectare for these areas.

When considering ROP's urban structure hierarchy, including proximity to higher order transit, the proposed development's height aligns with the direction that the highest densities and heights are to be directed to UGCs and MTSAs. Specifically, while OPA 2 (under appeal) identifies a preferred height of 11 storeys for the subject site, it is our opinion that this does not align with Provincial and Regional Policy direction to maximize and optimize densities within the UGC and MTSA. Indeed, the City of Burlington through it's new Official Plan envisions the immediately adjacent intensification corridor along Plains Road, as well as Brant Street to the north of the site, as being generally intensified with mid-rise buildings with heights of up to 11 storeys in accordance with the planned right of way width of these streets, aligning with developments which have been approved in similar contexts across the City. It is our opinion that OPA 2 has not properly emphasized regional policy direction on the expected densities of MTSAs, instead more closely aligning *maximum* heights within the MTSA with the projected *minimum* densities set out in the ROP. It can reasonably be anticipated that, from an urban structure perspective, development within the UGC and MTSA would be anticipated to be developed at heights and densities which are higher than anywhere else in the City of Burlington and which respond to the sites proximity to Burlington GO station. As such, it is our opinion that subject to the review of compatibility, taller buildings would be anticipated and be an appropriate response to provincial and regional policy direction within the Burlington GO MTSA.

The ROP relies on local municipalities to establish a land use vision for their SGAs. The City has not yet updated its "vision" and Official Plan to conform to the ROP, as amended by ROPA's 48 and 49. While draft policies have been approved for the MTSA, they remain under appeal and not in force. In this regard, the City will need to permit a significant amount of intensification to accommodate the planned growth expected up to 2051. In the absence of a new "vision", it is our opinion that we can rely on the in-force Official Plan as a general guiding document for this intensification, as it remains the sole in-force local policy document, but with consideration of changing policy directions at the Provincial and Regional levels. Notwithstanding this, the current Official Plan already directs high-density development along Mixed Use Corridors, where the subject site is located, to encourage higher intensity transit supportive development.

Finally, we note that the southern portion of the subject site falls outside of the Burlington GO MTSA. We believe this to be a technical issue in the planning framework, as the applicant has purchased a portion of the CN Rail corridor and as such grown the property to fall outside of the delineated MTSA boundary. The portion of the site which falls outside of the MTSA would be utilized within the proposed development for a single-storey enclosed parking area and rooftop outdoor amenity, and as such we believe that the scale of development in this area retains the intent and that the highest densities and tallest built form of the proposal remains entirely within the MTSA.

In our opinion, the proposed development conforms to the urban structure policies of the ROP and Official Plan and aligns with the policy direction for the Brant Street intensification corridor in both plans.

5.4 Land Use

The proposed mix of uses, including residential apartment units and commercial retail uses, is both appropriate and desirable and conforms to the policies in the PPS, ROP, and both the in-force City Official Plan and the New Official Plan. These seek to utilize and optimize the use of land and infrastructure that is transit-supportive. However, a site-specific amendment to the in-force OP land designation "Mixed Use Corridors – Commercial Corridor" is required, to increase the height and density permitted on the subject site.

The proposal conforms to the policies laid out in the PPS as per Section 4.2 above. Policy 2.4.1.2 identifies that SGAs, such as the Burlington GO UGC and MTSA, should be planned to support the achievement of complete communities; including a range and mix of housing options and mixed-use development. SGAs are focal areas for education, commercial, recreational, and cultural uses, and are expected accommodate significant population and employment growth. The PPS identifies SGAs as areas that act as complete communities which contain a mix of uses, while not specifically requiring specific mixes within each development with the details of the location of uses within SGAs is to be determined by local municipalities. The proposed development is consistent with this direction by providing a mixed-use development with 283 new residential units and 400 square metres of new commercial space. The proposed uses will expand the range and mix of housing options and commercial amenities within the Burlington GO MTSA and provide this in close proximity to a wide variety of existing and planned commercial and employment uses within the Burlington GO MTSA.

The proposed mixed-use building conforms to the land use policies found in the ROP's 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 new commercial uses at grade to improve the walkability and number of commercial uses and amenities within walking distance within the Burlington GO UGC and MTSA. The development also supports the ROP's policies regarding MTSAs, which direct for a mix of uses to be developed with both residential and employment uses. As previously identified, the proposed mixed-use development will support this goal by providing over 400 new residents within the MTSA and a number of jobs and commercial amenities within the proposed commercial spaces at grade.

The Official Plan outlines in Policy 5.3.1 of Part III objectives related to the Mixed-use Corridors designation, which envisions multi-purpose arterial or major arterial roads that will serve as areas of concentration for mixed use developments comprised of high density residential, retail, service commercial, office, entertainment, community facilities and institutions, and open space uses. Part III, Policy 5.3.1 c) further identifies that the objective is to permit mixed use developments on individual sites where various a combination of residential, retail, office and other uses can be located, or on different sites where such uses are located next to one another. Part III, Policy 5.3.2 a) provides additional policies for lands designated as Mixed use Corridor – General, applicable to the subject site. Specifically, Policy 5.3.2 a) (ii) identifies that high density residential uses are permitted, including residential or residential/commercial building forms. The proposed development is supportive of this direction by providing a mixed-use building with ground floor commercial uses and residential uses above.

Part III, Policy 5.3.2 b) and c) state that the intent for Mixed Use Corridor lands is to provide for the shopping needs of nearby residents and identifies specific locations for retail and service commercial uses within these areas. Further, Part III, Policy 5.3.2 k) encourages retail, service commercial, and other pedestrian oriented uses at grade. The proposed development includes two commercial retail units along Plains Road East which have been thoughtfully designed, including a covered patio space associated with the eastern commercial unit, to create an activated and engaging street front and to provide high quality commercial retail spaces in alignment with these policy directions.

The Mixed Use Corridor – Commercial Corridor designation further supports the proposed land use, directing that these areas will serve as areas for mixed use developments with high density residential, retail, commercial, and other uses. The proposed development aligns with this objective, providing a high-density residential development with ground-level commercial uses. Similarly, the proposed development aligns with the permitted uses within the Mixed Use Corridor – Commercial Corridor designation, as identified in Part III, Policy 5.3.2 a).

The ground floor commercial uses proposed as a part of the development address the policies and objectives of the Mixed Use Corridor – Commercial Corridor designation relating to commercial uses. The designation directs that development should provide for the shopping needs of residents with retail located at grade in mixed-use buildings. In this manner, the proposed development provides two high-quality retail units with 400 square metres of interior floor area and an associated outdoor patio space to improve the commercial spaces offered on the site in a pedestrian oriented, mixed-use built form.

The New OP designates the subject site as being located within the "Burlington GO UGC and MTSA", a "Primary Growth Area" and as an "Urban Corridor". In our opinion, the New OP recognizes the subject site's strategic location within the Burlington GO MTSA and Strategic Growth Centre as a location which is appropriate for high density mixed-use development. Specifically, 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.

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 from a land use perspective for the following reasons:

- It is consistent with the PPS and conforms to the ROP, particularly relating to policies encouraging intensification within SGAs;
- It conforms to the policies of both the Official Plan and New OP that call for higher density intensification in a compact transit supportive built form within intensification nodes and MTSAs;
- The proposed ground floor commercial uses appropriately address policies directing for mixed-use buildings with grade-related commercial uses which are supportive of a pedestrian-oriented public realm;
- It appropriately transitions to and addresses nearby low-rise residential uses, in the context of being located within an UGC and MTSA which is expected to accommodate the highest densities and largest proportion of growth within the City of Burlington; and
- It represents good planning practice and will promote the evolution of the Burlington GO MTSA from its existing low-rise, primarily commercial and industrial form to a mixed-use high-density centre for the City which is transit supportive and pedestrian oriented.

5.5 Height, Massing, and Density

In our opinion, as noted in Sections 5.3 and 5.4 above, the site is an appropriate location for intensification into a high-density, mixed-use development. From a built form perspective, it is our opinion that the subject site is a contextually appropriate location for an 25-storey tall building given its location within the Burlington GO MTSA and UGC, whereby the highest densities and heights are anticipated in the City of Burlington and where Regional policies direct for the *maximization* of potential transit users, respective of neighbourhood character.

In terms of the urban structure, the Burlington GO UGC and MTSA is identified as an area where the highest levels of density and growth should be directed. In this manner, we can reasonably expect the highest heights and densities to be located within the MTSA, and the most aggressive transition and built form relationships to occur in an effort to address regional and provincial policy directions to focus growth and maximize the number of transit users within walking distance of the Burlington GO station.

In this manner the proposed 25-storey building would provide increased levels of intensification and density while respecting the policy direction to appropriately transition heights and densities to surrounding low-rise, stable residential neighbourhoods. As demonstrated in the submitted Urban Design Brief, the proposed development's tower provides a significant separation distance from the nearest low-rise residential neighbourhoods located approximately 66 metres to the north of the subject site. While the building is anticipated to extend beyond the 45-degree angular plane from this area, it is our opinion that a small protrusion of the uppermost 4 storeys is appropriate given the policy direction to maximize densities in the MTSA and that the shadow impacts

(analysed in the submitted urban design brief) are generally minimal and in alignment with City guidelines. Further, the site's ~66 metre separation distance limits any visual or overlook impacts from the development on these properties and includes intervening development sites on the north side of Plains Road, outside of the MTSA, which can be anticipated to provide a transition of built form scale between the properties.

Further, the proposed height of 25-storey continues to represent a substantial stepping down of height from the proposed maximum heights within the MTSA closer to Burlington GO, which are identified being as high as 45 storeys. In this manner the proposed development represents a stepping down of heights by approximately ½ as development transitions towards the intensification corridors extending west along Plains Road. It also represents an appropriate interface with the live-work units opposite Plains Road East, emphasizing the higher intensity use corridor. In our opinion, OPA 2 missed the opportunity to increase heights and density on the subject site and surrounding lands, given that they are currently underutilized, their location on an Arterial Road, and ability to comfortably accommodate tall buildings and adequately limit built form impacts on the surrounding land uses.

From a density perspective, we note that the OP permits increases in density without amendment to the plan subject to council approval, with consideration to the adequacy of services and infrastructure, the compatibility with adjacent uses, a high-quality building design, landscaping and streetscaping, and the provision of underground parking. The ROP and PPS also direct for the highest heights and densities in the city to be directed to the Burlington GO UGC and MTSA. The proposed development, at a density of 8.1:1 FAR, is in our opinion appropriate and desirable for the subject site, as it reflects a density which is below densities approved elsewhere in the City (see Table 3) outside of the MTSA. The proposed 8.1:1 FAR in this sense is below the highest densities approved in the city, reflective of the proposed transition from the highest densities anticipated closer to the GO station towards lower density uses outside of the MTSA.

Table 2 - Approved FSIs in the City of Burlington

Address	Approved FSI
2076 Old Lakeshore Road	11.9:1
2083 Old Lakeshore Road	11.6:1
2072 Lakeshore Road	13.85:1
370 Martha Street	13.3:1
2079 Lakeshore Road	12.0:1
2119 Lakeshore Road	10.4:1

The development would provide a high-quality building design which would include high quality landscaping and streetscaping elements along Plains Road East. This would represent a substantial improvement over existing pedestrian conditions on the street. Additionally, for the reasons set out above and in section 5.6 of this report, it is our opinion that the building appropriately transitions to adjacent and planned uses in proximity. Through the submitted functional servicing, stormwater management, and transportation impact reports as reviewed in sections 5.9 and 5.11 of this report, adequate services and infrastructure are available for the development. Further, the increased density above the 1.5:1 FAR permitted in the OP would be supportive of more recent planning direction to optimize land use and infrastructure on the subject site, given its location within the Burlington GO UGC and MTSA, as well as it's proximity to public transit. As already discussed, the Official Plan pre-dates the current provincial policy framework including the new PPS (2024), two previous Provincial Policy Statements (2014 and 2020), the 2019 Growth Plan, as well as its previous amendments in 2012 and 2013. Additionally, it precedes more recent direction from the ROP to focus intensification to areas such as MTSAs and UGCs. 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 MTSA and UGC. This supports the rationale for increasing the height, resulting in a higher density, beyond the permissions of the Official Plan and the zoning by-law.

As is demonstrated in the Urban Design Brief, attached as an appendix to this report, the overall building mass will be reduced through its articulated design and its setback and step backs from the street. The overall mass does not create any unacceptable light, view, or privacy impacts; and is generally in accordance with applicable Urban Design Guidelines. The Urban Design Brief concludes that the proposed development makes a positive contribution to the planned character of the Burlington GO UGC and MTSA. The Brief finds that the proposed development makes a positive contribution to the planned character of Plains Road East within a planned MTSA. It will help establish a more pedestrian friendly and continuous public realm condition which is currently characterized by surface parking along the south side of the street. It provides a built form that not only animates the street but creates an appropriate framing of the right of way. Furthermore, the architectural expression and design quality of the building establish a desirable precedent for future redevelopment of in this area. Finally, the Brief finds that there are no unacceptable impacts in terms of shadowing or privacy.

In our opinion, the proposed massing would represent a desirable and appropriate built form for the subject site. The existing commercial uses on the subject site represents a significant underutilization of land along within a MTSA, and the proposed development represents an opportunity to provide a significant amount of new housing in close proximity to public transit and services, in a manner which maximizes the number of transit riders in walking distance to Burlington GO while considering transition and compatibility and which supports alternative modes of transportation.

The proposed building represents one of the first developments within the MTSA and marks the beginning of the transformation of the MTSA into an urban, walkable environment with a high quality, pedestrian-oriented public realm. It is our opinion that the proposed development would help deliver an appropriately designed, attractive building with an upgraded public realm and which appropriately addresses the street, transitions to adjacent uses, and intensifies an underutilized site in a manner reflective of it's location within the Burlington GO MTSA where the highest heights and densities are to be directed within the City of Burlington.

Regarding the portion of the site located outside of the MTSA, it is our opinion that the 1-storey structure height and proposed use for rooftop amenity and enclosed parking uses are appropriate from a height, density, and massing perspective for the underlying designation. The uses in this portion of the site would support the higher density forms of the proposal which fall within the MTSA while reflecting a lower-scale built form reflective of the underlying designation.

Based on the foregoing, it is our opinion that the proposed height, massing, and density are appropriate and desirable for the subject site.

5.6 Built Form Impacts

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

We note that the Official Plan provides a specific definition of "compatible" for development to be reviewed against:

> *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*

The proposed development, in our opinion, would meet this definition of compatible with nearby uses given the anticipated shadow impacts falling within city guidelines, large separation distances, and the associated land use compatibility, wind, noise, vibration, dust, traffic, and other issues reviewed in this report and supporting studies.

With regards to transition, the proposed tower is separated from low-rise residential areas by a minimum of 66 metres, which while not aligning with a 45-degree angular plane, provides a significant amount of separation distance to minimize overlook and overall transition concerns. The generous separation distance also ensures that shadow impacts are generally minimized on low-rise areas.

From the west, we anticipate that the parcels west of the subject site along Plains Road, being located outside of the MTSA, will ultimately develop with a mid-rise built form of up to 11 storeys subject to other provisions such as required rail setbacks, and given the generous public realm width along Plains Road. As such, we believe the proposed 25-storey tower is appropriately transitioned from these planned densities while acknowledging the significant direction to optimized and even maximize densities within MTSAs from Provincial and Regional policy. Similarly, we anticipate heights to step up to upwards of 45 storeys approaching Burlington GO Station. The proposed development also introduces step backs and tower separation distances in alignment with the City of Burlington Tall Building Guidelines, ensuring that the proposed tower height is appropriately separated and broken down. The 3-storey proposed podium height is intended to align with the existing scale of development along the north side of Plains Road, providing a clear reference to scale and transition.

Along Plains Road, the building is proposed to be setback by 2 metres from Plains Road, providing a generously scaled public realm and sidewalk width which will provide a significantly improved pedestrian experience along Plains Road. Improved landscaping will enhance the buffer of pedestrians from vehicles, creating a more comfortable pedestrian environment which will be activated by the adjacent commercial retail spaces and building lobby which provides direct access to the sidewalk to encourage active transportation.

The podium features an offset massing design to create visual interest and create a covered patio space along the east side of the building to further activate the public realm and create a covered space along the Plains Road frontage for pedestrians. The 3-storey podium references the existing built form scale, particularly the 3-storey mixed use storefronts on the north side of the street.

The proposed tower is stepped back 3 metres from the podium along the street to emphasize the 3-storey podium scale from the public realm. The proposed balcony cladding also breaks down the massing of the tower, which includes a 744 square metre floorplate in alignment with the City of Burlington Tall Building Guidelines. Additionally, the tower includes minimum 12.5 metre separation distances from the centreline of the adjacent laneway to the east and the west lot line, ensuring adequate tower separation distances to preserve access to sunlight and sky view from the public realm. The tower is also stepped back by a 3-metre step back from the podium along Plains Road, ensuring a pedestrian-scaled built form along the street.

At the rear of the development, a 1-storey podium would enclose building services and parking areas, creating an attractive second-floor outdoor amenity space for building residents. This area also provides a significant setback for the proposed residential uses from the rail corridor to the south. This interface is discussed in more detail in Section 5.8 – Land Use Compatibility of this report.

In our opinion, the proposed transition to the low-rise neighbourhoods further north appropriately address the policies of the Official Plan, particularly Policy 5.3.3.2 e) i). The proposed tower setback and step backs, combined with the significant amount of separation distance between the subject site and the low-rise neighbourhoods ensure compatibility with these areas. The anticipated mid-rise development which is permitted on the north side of Plains Road will provide an appropriate transition of densities between these low-rise areas and the subject site, which benefits from generous separation distances to minimize overlook and sky view concerns. Additionally, we note that the proposed tower floorplate, in alignment with the Tall Building Guidelines, will present a slender form which minimizes visual impacts, particularly when combined with the proposed separation distance.

On this basis, we believe the proposed 25-storey (plus mechanical penthouse) building will fit harmoniously within the existing and planned context.

Shadow Impact

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

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

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

We additionally note that the shadow study finds that the private amenity areas of the low-rise residential areas to the northeast, including 1019 and 1023 Helena St closest to the site, generally enjoy SAFs of between 0.6 and 0.96— well in excess of the 0.22 minimum identified in the Shadow Study Guidelines.

As a result, it is our opinion that the shadow impact is appropriate. The proposed development satisfies all required SSG criteria for all measured locations and in particular continues to provide generous access to sunlight to low-rise residential areas to the north of the site. From a built form and urban design perspective, the proposed development's base building appropriately frames Plains Road East while simultaneously incorporating mitigative measures, including upper-level step backs and setbacks, to ensure any adverse shadow impacts are minimized. The proposal conforms with the built form and massing policies of the Official Plan and is generally in keeping with the relevant urban design guidelines. The proposed development has ensured the continued provision of adequate sunlight and meets all standards set out for the key areas specified in the SSG.

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

Wind Impact

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

The report concludes that the future wind conditions over most grade-level pedestrian-sensitive areas within and surrounding the development site will be acceptable for the intended pedestrian uses on an annual and seasonal basis. Exceptions include the sidewalk area near the north corner and the adjacent indoor amenity entrance, for which mitigation is recommended as described in the report. To ensure the entire Level 2 outdoor amenity terrace is suitable for sitting or more sedentary activities during the warmer months, mitigation is also recommended with details provided in the report.

Within the context of typical weather patterns, which exclude anomalous localized storm events such as tornadoes and downbursts, no areas over the study site were found to experience wind conditions that could be considered unsafe.

5.7 Urban Design

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

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

A fulsome review and analysis of the proposal against the applicable planning framework and City's applicable urban design guidelines is provided in the Urban Design Brief, attached as an appendix to this report, which concludes the proposal conforms to the intent of the Tall Building Design Guidelines and is reflective of the broad aims of the Official Plan urban design policies.

5.8 Housing Strategy and Analysis

Through the pre-consultation process, the City of Burlington identified the need for a "Housing Analysis" which addresses specific criteria set out in the New OP and other policies within the PPS, ROP, and in-force OP. In our opinion, the proposed development conforms to the applicable housing policies of the PPS, ROP, and local Official Plan.

With regards to the PPS, the proposed development helps address Policy 2.2.1, which among other thing directs for the provision of a full range of housing, permitting and facilitating all housing options including the development and introduction of new housing options in previously developed areas. The proposed development would create 283 new apartment dwelling units on a currently underutilized commercial site, contributing to a full range of housing and providing new housing options for residents.

It is our opinion that the proposed development complies with the applicable housing policies in the ROP. Specifically, the proposal would introduce 283 new apartment units in proximity to transit and services. This aligns with Policy 84 of the ROP which directs for the supply of an adequate mix and variety of housing. The proposed development would assist the Region in achieving its targets for new apartment housing forms, specifically their target of 65% of new housing to 2031 to be townhouses or multi-storey buildings as identified in Policy 86.6 a).

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 Policy 3.1.1(2) h), and thus is in not in full force and effect. Nonetheless, we have reviewed the proposed development against the policy as set out in the Terms of Reference for a Housing Issues Report in order to satisfy the requirement set out by the City of Burlington through the lens that the proposed development is not required to conform to Policy 3.1.1(2) h).

Policy 3.1.1(2) h) of the New OP sets out that the City shall require the submission of a housing impact statement for developments with more than 100 dwelling units identifying various criteria. We have specifically responded to each 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 283 new market rate apartment dwelling units which are intended to be sold as condominiums. We note that the exact sale price of these units has not been determined at this time. The proposal includes 6 studio, 220 one-bedroom, 44 two-bedroom, and 13 three-bedroom units, which would add a significant amount of new residential apartment units to the neighbourhood and a designated MTSA. The proposed development would assist the Region in achieving its target of 65% of units being townhouses or multi-storey buildings by 2031, as set out in Policy 86(6) of the ROP and achieving minimum density targets for MTSAs.

As the final sale prices for the proposed development have not been finalized, we cannot identify definitively the number of units which could contribute to the supply of affordable housing within Halton Region by being sold below the maximum sale threshold for all households identified in the Region of Halton's State of Housing Report. We do however note that the targets set out in the ROP are region-wide targets, not mandates, for all development throughout the Region of Halton. Additionally, they 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 for the proposed development have not been determined at this time and will be determined by market rates at the time the development enters to the sales market. As such, we cannot determine how many units of the development would be at or below the affordable housing thresholds. Additionally, we note that Policy 3.1.1(2) h) remains under appeal and that the proposed development should not be held to any such requirements.

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

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

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

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

5.9 Land Use Compatibility

EXP completed a Land Use Compatibility Report, dated March 10, 2026. The report concludes that based on the information obtained from the database searches, site visit and web searches, the following findings have been obtained:

- The proposed location of the development is surrounded by commercial and light industrial properties in all directions.
- During the Odour Screening Assessment (refer to Section 6.5), no odours were detected at the subject site above the Nasal Ranger's measurable threshold level, illustrated in Figure 5 (Appendix A). The only odours, as detected by human senses, were odours typical of an urban environment (traffic).
- The compatibility of nearby industrial facilities was determined based on classification in accordance with MECP D-6 guidelines. The findings are summarized in the report.
- Of the seven facilities / locations, six were outside the minimum separation distance and outside the area of influence, hence were deemed no issues and do not require further assessment.
- One (1) Class II facility, Sun Chemical, was identified outside the minimum separation distance but inside the area of influence, hence further assessment or mitigation measures should be considered.
- The proposed development is located south adjacent to Plains Road East, a minor arterial roadway. As such, transportation related air pollutant emissions strategies and good practices for residential buildings within an urban setting should be included in final design.
- The proposed development is southeast adjacent to CN freight and passenger main track. This is inside the standard building setbacks (15 m for spur and branch lines, 30 m for secondary and principle main, 300 m for Freight Rail Yard) for new residential developments recommended by the Railway Association of Canada and Federation of Canadian Municipalities Guidelines for New Development in Proximity to Railway Operations (May 2013). It is anticipated that transportation related air pollutant emission strategies will also be sufficient to address Railway emissions and should be included in final design. Further details on rail corridor compatibility is reviewed by Entuitive's report, summarized below.

Entuitive also completed a Rail Safety Report, dated March 17, 2026. The report recognizes the standard mitigation measures are not practical or feasible for the site, particularly given its proximity to higher-order transit and location in a built-up, urban environment. As such, an alternative approach to achieve the same level of risk mitigation as the standard measure was considered. The risk-mitigating measures proposed for the development include:

- Within 8m from the property line into the development site, the crash wall will be a minimum of 760mm thick and a minimum of 3.6-metres-high above grade;
- Beyond 8m from the property line into the development site, the crash wall will reduce to a minimum of 450mm thick and a minimum of 2.2-metres-high above grade;
- Crash wall to be designed structurally independent from the building, although its foundation can be integrated with the building's foundation;
- A minimum design load of 10,553kN on the crash wall;
- A minimum combined vertical and horizontal setback that exceeds 25m to all residential, sensitive uses spaces, measured from the mutual property line; and
- Non-sensitive use, low occupancy programming within the podium adjacent to the railway lands.

The reduced 25m setback to sensitive use areas with the enhanced crash wall mitigates the risks associated with a train derailment. The space within the setback area is purposed for non-sensitive uses such as amenity rooms, parking spaces, and driveways. These are deemed appropriate as indicated by the FCM/RAC Guidelines (Section 3.3) since they are low-occupancy spaces and are transitory in use.

The site-specific safety considerations relating to the development's proximity to the CN rail corridor were reviewed and the measures proposed in the report are, in the opinion of Entuitive, believed to reasonably mitigate the identified risks.

5.10 Transportation

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

- The subject site is located in an area well-serviced by the existing Burlington transit network. There are a number of surface transit options available in the study area which connect the subject site to a variety of destinations, including the Burlington GO station (located approximately 1.5 km southeast). The subject site is within convenient walking distance of several bus routes with stops located at the Plains Road East and Brant Street intersection, providing easy access to public transportation.
- The subject site is located in a neighborhood with access to nearby cycling infrastructure, including bike lanes along Brant Street and Maple Avenue. Additionally, the site benefits from a mixed-use path (bike lane and sharrows) along Plain Road East, east of the Brant street intersection. The existing pedestrian network provides good connections between the residential and commercial uses in the area.
- The City of Burlington has developed its first Integrated Mobility Plan (IMP), a 30-year strategy aimed at enhancing the citywide transportation network. The IMP focuses on creating a sustainable and accessible transportation system, emphasizing improvements for pedestrians and cyclists. Although no capital projects are planned immediately adjacent to the site, pre-approved IMP projects along Plains Road and Maple Avenue will introduce protected cycling facilities and pedestrian realm improvements.
- Within the study area, the City of Burlington Official Plan identifies Plains Road East (east of Maple Avenue) and Maple Avenue (north of Fairview Street) as Transit Support Corridors. In addition, Brant Street (north of Fairview Street) is identified as a Candidate Frequent Transit Corridor where transit improvements will be prioritized, as well as an and a Major Transit Station Area (MTSA) Primary Connector to provide direct transit connections between MTSAs.
- The proposed development is anticipated to generate 14 two-way vehicle trips (4 inbound and 10 outbound) during the weekday AM peak hour and 18 two-way vehicle trips (10 inbound and 8 outbound) during the weekday PM peak hour. This represents a conservative estimate given that the site will provide a limited supply of vehicle parking.
- The traffic analysis was undertaken based on a future horizon of 2031 and 2036. The analysis results confirm that the proposed development will have an acceptable impact on the surrounding road network, with all intersections operating similar to background conditions.
- There are no bicycle parking requirements for residential developments under the City of Burlington Zoning By-law 2020. However, to support the vehicle parking strategy, bicycle parking will be provided at the rates specified in the Burlington City-wide Parking Standards Review. This corresponds to a proposed bicycle parking supply of 159 bicycle parking spaces, including 142 long-term and 17 short-term bicycle parking spaces.

- The proposed development will provide 45 residential spaces and 11 visitor spaces, for a total of 56 parking spaces (0.20 spaces per unit). As the site is located within the Downtown Burlington UGC/Burlington GO MTSA, no minimum vehicular parking requirements apply. The parking strategy reflects Provincial direction under Bill 185 to support transit-oriented development and reduce auto dependency in areas served by higher-order transit.
- According to Zoning By-law 2020 Section 2.25.3, at least one off-street loading space shall be provided in conjunction with every principal building, including mixed-use buildings. The proposed development will provide one loading space, satisfying the zoning by-law requirements.
- Several Transportation Demand Management measures have been proposed to reduce automobile usage and encourage people to engage in more sustainable transportation mode.

5.11 Noise Emissions

Valcoustics Canada Ltd. (VCL) was retained to prepare an Environmental Noise Feasibility Study to support the Official Plan Amendment (OPA) / Zoning By-law Amendment (ZBA) application submission to the City of Burlington. The report concludes that the results of this study indicate that the proposed residential development at 1376-1382 Plains Road East is feasible from a noise and vibration impact perspective, with the inclusion of upgraded acoustical design features. Preliminary design recommendations are provided herein and can be developed in greater detail as the design proceeds.

A preliminary acoustical analysis of the surrounding commercial/industrial facilities, based on aerial imagery of the area, observations during site visits, publicly available information, and measurements of similar equipment from past projects, indicates that predicted sound levels under typical daytime and nighttime operating scenarios are expected to comply with the applicable MECP Class 1 limits at the future residential receptors in the development. For greater compatibility, a Class 4 designation should be considered for the subject site.

5.12 Servicing and Stormwater Management

A Functional Servicing and Stormwater Management Report dated February 2026 has been prepared by S. Llewellyn & associates Limited Consulting Engineers o demonstrate that adequate municipal servicing capacity exists on the subject site, and to outline the servicing and stormwater management strategy for the proposed development.

Based on the information provided in the report, the report concludes that the proposed development at 1376-1382 Plains Road East can be constructed to meet the requirements of the City of Burlington and Region of Halton. Therefore, it is recommended that:

- The development be graded and serviced in accordance with the Grading & Erosion Control Plan and the Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A 100mmø orifice pipe be installed as per the Site Servicing Plan and this report to achieve effective stormwater quantity control;
- A cast-in-place storage vault be installed within the underground parking as per the Site Servicing Plan and this report to provide adequate stormwater storage;
- A HydroStorm HS4 Oil/Grit unit, or approved equivalent, be installed as per the Site Servicing Plan and this report to provide effective stormwater quality control;
- Erosion and sediment controls be installed as described in this report and shown on the Grading & Erosion Control Plan prepared by S. Llewellyn & Associates Limited;
- The proposed sanitary and water servicing system be installed as per the Site Servicing Plan, and this report to adequately service the proposed development.

6 Conclusion

For the reasons set out in this report, it is our opinion that the proposed development will appropriately intensify an underutilized site within the City of Burlington's designated UGC and the Burlington GO MTSA. The proposed development would deliver a significant amount of new residential units and residents, along with new pedestrian-oriented, high quality commercial uses and an upgraded public realm to assist the City of Burlington in achieving its objectives in creating a highly urban, dense, walkable urban centre around the Burlington GO station.

From a planning policy perspective, the subject site is an appropriate location for mixed-use intensification, given its location within the Burlington GO UGC and MTSA. It is in proximity to transit, including the Burlington GO station, which is approximately a 12- to 15-minute walk from the subject site. The proposal conforms with the ROP, particularly the land use, intensification, and SGA policies. The proposal also conforms with the intensification, housing, and mixed-use corridor policies of the Official Plan, which envision an urbanization of the city, especially in the Burlington GO UGC and MTSA, where the highest levels of density and growth are directed for the entire Region. However, a site-specific amendment to the maximum permitted height and density in the Official Plan is required in order to better align with more recent policies at the Regional and Provincial levels. The amendment would also comply with the City's applicable Urban Design guidelines with regards to the design of tall buildings, including applicable tower separation distances, tower step backs, and tower floorplate sizes. In our opinion, the proposed density is appropriate and desirable for the subject site and adheres to the criteria set out in the OP for increases to density on the site. Furthermore, it is our opinion that the requested Zoning Bylaw and Official Plan Amendments are consistent with the PPS, in particular the policies promoting the efficient use of land and infrastructure, and intensification within MTSAs.

From a built form and urban design perspective, the proposed base building will appropriately frame the public realm, provide appropriate transition to adjacent residential uses, and contribute to an improved pedestrian environment along Brant Street. The building is appropriately set back and features generous separation distances from adjacent low-rise uses, reducing it's visual and shadow impacts on adjacent low-rise uses and the public realm. The 3-storey podium is appropriately setback from adjacent uses and is of a height which references existing built forms in the immediate context and provides a pedestrian scale. The proposed height is reflective of the broader urban structure which directs the highest heights and densities to the Burlington GO MTSA while providing an appropriate transition to the greatest heights and densities closer to the GO Station and to the lower-scale midrise uses anticipated to develop along the adjacent intensification corridor along Plains Road. In our opinion, the proposal appropriate addresses the built form and massing policies of the Official Plan and is in keeping with the relevant urban design guidelines.

The proposed development represents an exciting opportunity to introduce a new, attractive development which will represent one of the first developments within the City's new Urban Growth Centre and which represents an exciting opportunity to begin the transformation of the Burlington GO MTSA into a highly urban, dense, pedestrian-oriented neighbourhood which is highly transit supportive and which can accommodate a significant portion of the City's anticipated growth.

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

Respectfully Submitted,



Bousfields Inc.
David Falletta, MCIP, RPP



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Appendix A

Urban Design Brief

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1 Introduction

This Urban Design Brief ("UDB") has been prepared by Bousfields Inc. in support of an application by 2731115 Ontario Inc., F. K Deals on Wheels Inc., 2731119 Ontario Inc., and Manor Care Homes Inc. to amend the City of Burlington Official Plan and Zoning By-law 2020 to permit a 25-storey residential development at 1376 and 1382 Plains Road East in the City of Burlington ("the Subject Site").

The purpose of the UDB is to describe the urban design character of the building, assess its fit within the surrounding context, and to review its conformity with the City's urban design framework. This document is an Appendix to and should be read together with the Planning Rationale Report also prepared by Bousfields Inc.

2 Site and Surroundings

Subject Site

The Subject Site is located along Plains Road East, a Multi-Purpose Arterial road in the City of Burlington and one of its principal streets. The site is comprised of two properties – 1376 and 1382 Plains Road East as well as three other vacant lots. The subject site is currently occupied by two commercial buildings and surface parking. Combined, the Subject Site has an area of 2,749.7 square metres and is generally irregular in shape. The site has a frontage of 50.48 metres along Plains Road East and a dept of 40.57 to 43.62 metres.

The property backs onto a CN rail line that also services GO Transit trains. There is limited vegetation except for a few trees and shrubs along the rail corridor. The subject site bound by an existing public lane on the west and partially on the south. There are three existing curb cuts along Plains Road East.

Surroundings

The Subject Site is located in central Burlington – west of Brant Street between Plains Road East and the CN rail corridor which converge just west of the subject site. Plains Road East drops down just west of the subject site extending below the rail corridor. The south side of Plains Road East is generally characterized by commercial uses in 1 to 2 storey buildings and associated parking lots. The north side of Plains Road East is characterized by low rise residential uses which consist primarily of townhouses but includes some mixed use buildings that include townhomes with at grade retail. North of the townhomes is a residential neighbourhood of single family homes extending north to an existing hydro corridor along Highway 403.

The Subject Site is also located within an 800 metre radius of the Burlington GO Station to the east situated on the south side of Plains Road East.

As noted above, the subject site backs onto the CN rail corridor which includes multiple active tracks. The corridor has a width of approximately 75m creating separation from the existing commercial and industrial uses further to the south.

Description of Proposal

The proposal contemplates a 25-storey mixed-use building with a total Gross Floor Area ("GFA") of 18,613 square metres. A 3-storey street-related podium element creates a comfortable pedestrian scale along Plains Road East, with grade related retail to enhance the public realm. The podium extends south with a single storey element that contains the service and loading functions of the building as well as visitor parking. The rooftop of the single storey building will be used as an outdoor amenity space.

At grade, the proposal incorporates a 2.13 metre road widening along Plains Road East. A 3 metre setback is proposed at the ground level to create a marketing zone for two individual commercial spaces flanking the centrally located residential lobby. The 2nd floor cantilevers 1.0 metres out along the street frontage providing weather protection below. The 2nd floor accommodates residential units facing north and west and an indoor amenity space contiguous with the outdoor amenity area mentioned above. Above level 3, the tower element extends up to level 25. The tower steps back from the edges of the podium providing a 3m step back along the street frontage with a 755sm floor plate configuration.

A 3.6m high crash wall is proposed at the rear of the site as part of the required mitigation which includes a 30 metre setback to dwelling units measured both horizontally and vertically.

Apart from the visitor parking spaces within the 1 storey podium at the rear, all parking is located in a single level of below-grade parking.

3 Urban Design Analysis

A review of the relevant urban design policies is provided in this Section. The following describes how the proposed development addresses the relevant policies and guidelines.

Burlington Official Plan

The in-force City of Burlington Official Plan ("BOP"), office consolidation December 2019, was approved by the Ontario Municipal Board (now Local Planning Appeal Tribunal) on October 24th, 2008. On Schedules A – Settlement Pattern and B – Comprehensive Land Use Plan-Urban Planning Area, the Subject Site is identified as a *Mixed Use Activity Area* and *Mixed Use Corridor – Commercial Corridor* respectively.

Part II of the BOP includes functional policies, in which there is guidance on the design of development within the City. Specifically, Section 6.0 emphasizes the increasing importance of design as an element of the planning process. Objectives set forth in Policy 6.2 and 6.5 provide guidance for urban design matters.

The proposed development is generally in keeping with the urban design directives of Policy 6.2 and 6.5 by:

- Providing compact and transit-supportive built form;
- Providing a building that both intensifies an existing area and is designed to be compatible with the existing and planned surrounding context associated with a major transit station in terms of height, scale and form, including through the use of setbacks, stepbacks and angular planes;
- Providing enhanced streetscaping along Plains Road East that contributes to a high quality public realm;
- Activating the street frontage at grade by providing residential lobby and amenity space adjacent to Plains Road East, and incorporating pedestrian-scaled articulation within the podium;
- Locating the majority of parking below grade and locating servicing and loading internal to the building and away from public view, to minimize their potential to erode the qualities of the public streetscape and lessen their visual impact; and
- Providing the primary residential entrance along the public street frontage in a location that is clearly visible and accessible from the public sidewalk.

In accordance with Policy 6.4 e) the proposal includes improvements to existing streetscape along Plains Road East with a setback at grade, a marketing zone and a line of street trees in front of the podium.

In terms of Sections 5.2.1 and 5.2.2 which provide policy direction for development of *Mixed Use Activity Areas*, the proposal is a compact built form and is pedestrian oriented with a grade related focus along Plains Road East and a well landscaped boulevard zone. The form of development is focused on creating an appropriate scale to frame the street while ensuring a pedestrian scale at grade.

The proposal appropriately addresses Part III, Policy 5.3.1 b) and 5.3.2 which includes direction for *Mixed Use Corridors* including *Commercial Corridors* as follows:

- The proposal is compatible with adjacent uses in terms of built form and configuration. The building allows for a comparable scale of development to take place along Plains Road East within the planned MTSA. To the east, the proposal provides for adequate setback allowing for future development of a similar scale to take place. The proposal also provides for an appropriate transition of scale towards the lower scaled residential neighbourhoods north of Plains Road East.
- The proposal represents an important step towards implementing the vision set out for the area around a major transit station, balancing compatibility with the existing context and acknowledging the planned evolution of the area into a higher density node which supports intensification.
- The proposed development is a high-quality building design, landscaping and streetscaping. The design incorporates a variety of materials and architectural expression.
- All of the parking, service and loading functions of the development are situated within the building envelope or below grade.

In terms of site plan considerations outlined in Part III, Policy 5.3.2 g) the proposal ensures compatibility with adjacent land uses, particularly residential uses by considering the following factors:

- The building is situated close to Plains Road East to establish a street wall condition framing the public realm;
- The proposal incorporates building elements that help integrate the development with adjacent uses expressed in the scale of the 3-storey podium element and materiality (i.e. glazing at grade and more opaque materiality on levels 2 and 3);
- Appropriate transition of built form is provided to adjacent uses, particularly given the planned context of mid and high-rise and transition towards lower scaled residential neighbourhoods further to the north;
- The proposal provides safe, convenient and barrier-free pedestrian travel within the site and to adjacent uses and transit stops;
- There is a single location of vehicular access; and
- Limited above grade parking located in the rear portion of the podium away from residential uses and public realm.

New City of Burlington Official Plan (Partially in Force)

As noted in the Planning Justification portion of this Report, the New OP is partially in force. Since most of the urban design related policies for the subject applications remain under appeal, they are referenced only for consideration of more recent council direction.

The subject site is shown within the City's urban area boundary. The mapping in the New OP shows the subject site designated as "Mixed Use Nodes and Intensification Corridors" and applies an overlay of the "MTSA Special Planning Areas" over the Burlington GO MTSA area, including the subject site. The subject site is designated as a "Primary Growth Area" on Schedule B-1 of the New OP. On Schedule B-2, Growth Framework and Long Term Frequent Transit Corridors the subject site is located along a "Transit Support Corridor" and is located within the Burlington GO "MTSA Special Planning Area".

The Design Excellence policies of the New OP are located in Chapter 7. The proposal has appropriate for the public realm under policy 7.2(a) as follows:

- The quality of public realm is improved along the street frontage with building setback, grade related uses and streetscaping; and
- Pedestrian environment which incorporates grade related uses, a marketing zone, a pedestrian clearway and a streetscape planting zone is attractive and comfortable.

In terms of built form, the proposal has appropriate regard for policy 7.3.2(1) which sets out as direction for Primary and Secondary Growth Areas as follows:

- The podium element is parallel to the public street frontage to establish an edge condition;
- The podium/tower configuration provides for an appropriate transition to adjacent land uses including residential uses by providing appropriate building setbacks and framing the street in a way that respects the existing and planned street width;
- The primary building entrances are oriented to the street and accessible from the public sidewalk;
- The roof top mechanical is integrated into the overall massing and architectural articulation of the building;
- Outdoor amenity area is provided at the rear of the building where it is contiguous with indoor amenity;
- All of the service, loading and parking functions are situated within the building envelope or below grade; and
- A single point of entry is provided for vehicles from the existing public laneway on the east side of the property.

Burlington GO Community Planning Permit System By-law

The City of Burlington has been developing a Community Planning Permit System By-law in tandem with it's MTSA Official Plan Review Process. This work culminated in the approval of OPA 2 in June of 2024, including direction to withhold final approval of the CPPS By-law until OPA 2 is brought into full force and effect. As such, the CPPS By-law remains in draft form with only conditional endorsement by Council and is not in full force and effect. On this basis, the by-law was reviewed only on an informative basis.

On Schedule B-1: Precincts in the Downtown Burlington UGC / Burlington GO MTSA Permit Area, the subject site is identified being in the Mid-Rise Residential (M) Precinct whereas on Schedule B-3: Class 2 Maximum Heights in the Downtown Burlington UGC is identified as having a maximum height of 11 storeys. The MTSA illustrates a nodal approach to intensification with tallest building heights generally closer to the GO Station with heights of up to 45 storeys. However, the Schedule also illustrates heights of up to 30 and 39 storeys further away from the Station as well demonstrating that there is not a consistent transition of height. Lands at the intersection of Brant and Plains Road East east of the subject site have a height permission of up to 19 storeys.

Section 6 of the By-law includes specific provisions for the Downtown Burlington UGC.

Tall Building Design Guidelines (2017)

The City of Burlington Tall Building Design Guidelines (May 2017) provides guidance and best practices related to the urban design aspects of high-rise buildings, including building height, massing, transition, and building articulation.

The current proposal appropriately addresses the applicable guidelines in the following manner:

- The building consists of three principal components: an appropriately scaled base (podium), middle and top;

Base (podium)

- The podium is situated to frame the street establishing a boulevard zone that is 40.9 metres wide;
- The height of the podium, at 3 storeys (11.25 metres) creates a pedestrian scaled environment and is no taller than 80% of the adjacent right of way of Plains Road West which is 30 metres;
- The ground floor is higher than the recommended standard of 4.5m;
- The principal pedestrian entrance is set back to create more room for pedestrian circulation;
- Retail uses are predominantly clear-glazed to create visual connection to the public realm and enhance safety;
- The parking, loading and servicing functions of the building are situated within the building envelope or below grade; and
- Vehicular access is provided from an existing public laneway.

Tower (middle)

- The tower component is situated to allow for side yard setbacks of at least 12.5m protecting for a future 25 metre separation distance;
- The tower steps back more than the recommended 3m from the edge of the podium along the public street frontage;
- The proposed overall height provides for an appropriate transition in height to mitigate any potential impacts on established and planned context; and
- The proposed tower has a floor plate size of 755sm (in gross construction area) which is only slightly bigger than the recommended standard of 750sm.

Building Top

- The rooftop mechanical is designed to achieve a distinct skyline. The architectural articulation of building elements below extend to the top to integrate the mechanical into the overall design and materiality of the building.

Proposed Design

Site Organization and Circulation

The site is organized to ensure an appropriate framing of the street, to minimize any potential conflicts between pedestrian and vehicular circulation and to ensure adequate setbacks from adjacent properties. In that regard the proposal:

- Is situated close to Plains Road East to animate the public realm and improve streetscaping;
- Provides vehicular access along a single driveway that provides access to parking, loading and servicing functions of the development which are enclosed within the building envelope;
- Provides adequate setbacks from adjacent sites to the east and west to allow for the orderly development of those sites in the future;
- Incorporates a 1 to 3-storey podium element that extends the majority of the site;
- Contributes to the continuity of pedestrian circulation along the street frontage;
- Allows for an appropriate rail setback in accordance with rail safety requirements; and
- Consolidates loading and servicing at the rear of the site and within the building envelope.

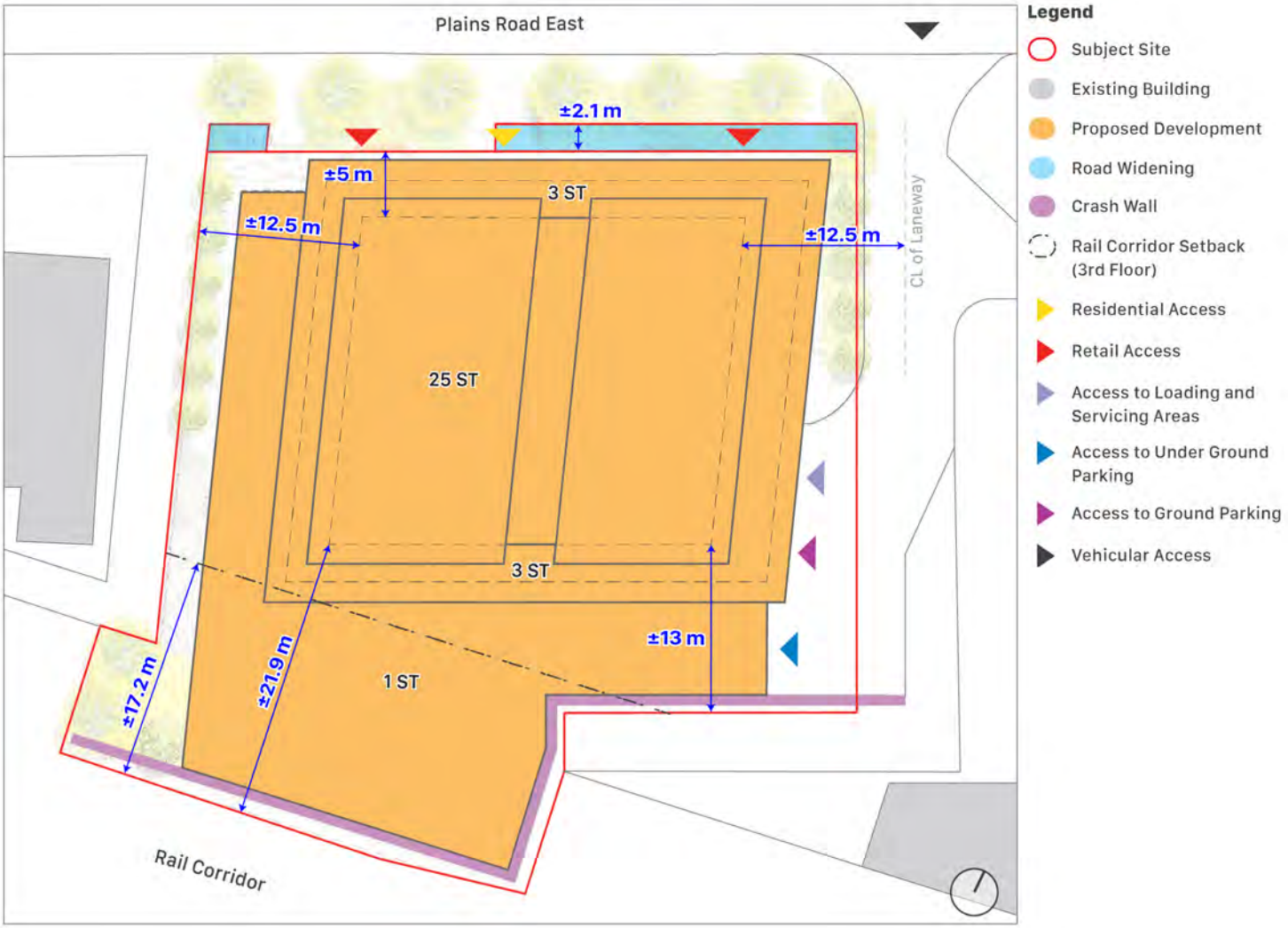


Figure 1 - Site Organization and Circulation

Built Form and Massing

The proposed built form and massing are configured to achieve the following:

- Establishing an appropriate street related condition along Plains Road East: the design of the podium creates a pedestrian scaled environment with grade related commercial uses and improved streetscaping contributing to an enhancing public realm within walking distance of transit;
- The podium is set back at grade to allow for a marketing zone, a pedestrian clearway and a streetscape zone for trees;
- The tower above, steps back 3.0m from the edge of the podium creating a clear distinction between the two building elements;
- The proposed setback and stepping of the building mass help reduce any potential impacts with respect to shadowing or overlook. In terms of overlook, the proposal is situated a sufficient distance away from Residential – Low Density areas to the north. In terms of the adjacent parcels, the proposed tower provides adequate separation distance to allow for appropriate redevelopment of those lands in the future; and
- The overall building height provides for an appropriate transition of scale towards the lower scaled residential neighbourhoods and does not result in unacceptable shadowing or skyview impacts.

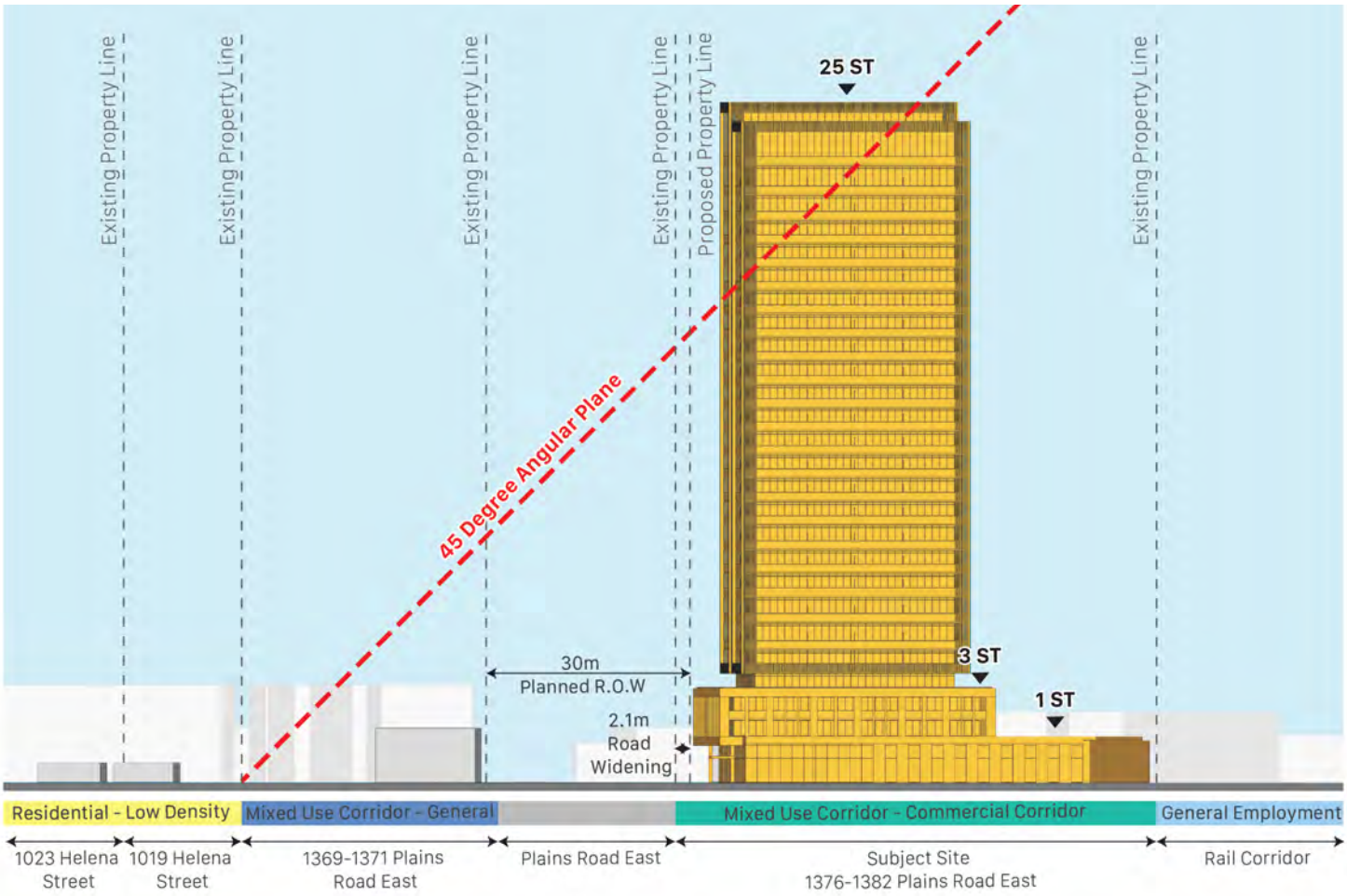


Figure 2 - Built Form and Massing

Architectural Design

The proposed development is a well articulated building with a variety of materials and architectural expression including:

- Ample glazing at the ground level to provide "eyes on the street" and help animate the public realm;
- A more opaque expression on levels 2 and 3 to establish a street wall condition and a more compatible relationship with existing lower scaled buildings in the area. The balconies are inset within the podium;
- A lighter materiality at the top to reduce the perceived massing of the tower including glass guardrails; and
- A rooftop mechanical penthouse that is well integrated into the overall architectural expression of the building.



Figure 3 - Bird's Eye View Looking Southeast (provided by WZMH Architects)

Landscape and Public Realm

The proposed development incorporates a number of open space elements including a well-defined streetscape. The following provides a more detailed overview:

- Along Plains Road East, the edge of the building is defined by a 3m setback that establishes a marketing zone along the edge of the retail;
- Beyond that, a 2.1m pedestrian clearway within the public right and a planting zone for flowerbeds, trees and shrubs;
- The hardscape zone extends along the east edge of the building along with additional planting. The zone would improve pedestrian circulation between the edge of the retail and the public laneway;
- An outdoor amenity area is proposed at the rear of the site atop the proposed 1-storey podium element with a southern exposure for sunlight; and
- The main residential lobby is set back further from the street to allow for weather protection and gathering space.

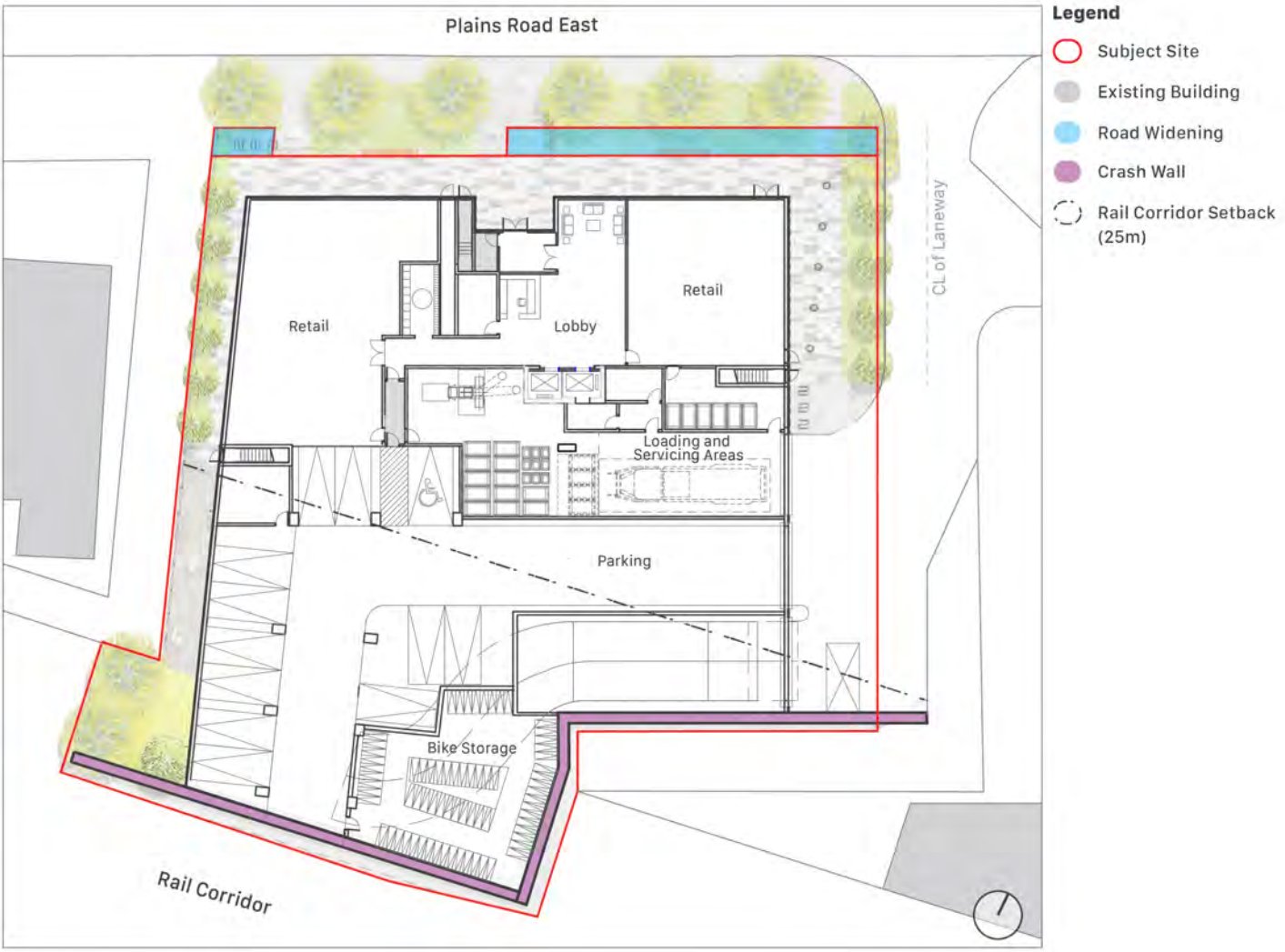


Figure 4 - Landscape and Public Realm

4 Conclusion

The proposed development makes a positive contribution to the planned character of Plains Road East within a planned MTSA. It will help establish a more pedestrian friendly and continuous public realm condition which is currently characterized by surface parking along the south side of the street. It provides a built form that not only animates the street but creates an appropriate framing of the right of way. Furthermore, the architectural expression and design quality of the building establish a desirable precedent for future redevelopment of in this area. Finally, there are no unacceptable impacts in terms of shadowing or privacy.



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