

2093, 2097 & 2101 OLD LAKESHORE ROAD
2096 & 2100 LAKESHORE ROAD

Planning Justification Report

22 August 2019

core Development Group

URBAN STRATEGIES INC



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Written Acknowledgement:

I have reviewed all supporting technical studies in preparation of this Planning Justification Report.



Cyndi Rottenberg-Walker

Partner, FCIP, RPP, MScPl



1.0 INTRODUCTION

1.1 Project Overview

This Planning Justification Report has been prepared by Urban Strategies Inc. on behalf of Core FSC Lakeshore GP Inc (Core), in support of their proposed development at the following municipal addresses: 2093, 2097 & 2101 Old Lakeshore Road, 2096 & 2100 Lakeshore Road (the Subject Site). The Subject Site is located within the City of Burlington, in the Downtown Burlington Urban Growth Centre as well as the Major Transit Station Area, and close to Lake Ontario.

The proposed redevelopment and associated Official Plan Amendment and Zoning By-law Amendment seek to redevelop the site through delivery of a 27-storey mixed use development located on a 0.33ha site (the Subject Site) - within the parcel of land between Old Lakeshore Road to the south of the Subject Site and Lakeshore Road to the north of the Subject Site.

The proposed development will contribute to the transformation of Burlington's Downtown and waterfront, and respond to the growth targets for Burlington's Urban Growth Centre by delivering a distinctive and high quality development that provides 310 residential units (22,034.7 sqm residential floorspace) and 707.1 sqm of commercial floorspace. High quality public realm improvements will be integrated throughout the development, most notably on the west side of the site creating a view corridor from Martha Street looking south to Lake Ontario, and an important publically accessible open space for the community. Indoor and outdoor amenity spaces will also be provided for residents at ground and floors 3 and 7.

The 27-storey tower has been carefully designed to respond to the surrounding built context, and the proposed development exhibits high quality urban design, architecture, and landscape architecture; integrated with a carefully considered public realm plan. Providing new homes and jobs to Burlington, the proposed development will bring life and vitality to Burlington's downtown. An Urban Design Brief has also been prepared by Urban Strategies in support of this development application, and is intended to be read in conjunction with this Planning Justification Report.

To advance the proposed redevelopment, amendments to the Official Plan and to the Zoning By-law are required. The in-force Official Plan and zoning permissions are not consistent with the Provincial Policy Statement and do not conform with the Provincial Growth Plan due to restrictions on the permitted height and density. The in-force Official Plan is out of date, and the policies relating to the Subject Site are unachievable and prohibit it from being developed to its appropriate potential. The proposed Official Plan Amendment and Zoning By-law Amendment will bring the Official Plan framework and zoning into conformity with the Growth Plan and Provincial Policy Statement.

1.2 Report Intent

The Planning Justification Report comprises the following sections:

Section 1.0 provides an introduction and overview of the proposal and the purpose of this report.

Section 2.0 introduces the Subject Site and the surrounding context, including nearby recent development approvals.

Section 3.0 describes the proposed development in detail, including key statistics and also a number of architectural drawings. This section also describes the consultation undertaken to date and the feedback received.

Section 4.0 describes the planning policy context including provincial, regional and municipal planning policy, and the proposed development response to these policies. This section also discusses Core's engagement with the City and Region, related to the municipal policy framework.

Section 5.0 sets out the summary and conclusions of the planning justification, and summarizes the technical reports that are also submitted in support of the proposed development.

An Urban Design Brief has been prepared by Urban Strategies to support the proposed development which is intended to be read in conjunction with this report.



2.0 SUBJECT SITE AND SURROUNDINGS

2.1 The Subject Site

The Subject Site, located within Downtown Burlington, a provincially designated Urban Growth Centre and also within a Major Transit Station Area. The Subject Site comprises the following municipal addresses: 2093, 2097 & 2101 Old Lakeshore Road 2096 & 2100 Lakeshore Road. The Subject Site is bound by Lakeshore Road running along the north side of the properties and Old Lakeshore Road to the south. Old Lakeshore Road curves at each end to meet Lakeshore Road creating an enclosed parcel of land, within which the Subject Site is centrally located. The Subject Site is not bound by any road on the east and west sides. The north west corner of the Subject Site is located at the foot of Martha Street which extends north from Lakeshore Road.

The Subject Site is 0.33ha in area and comprises two parking lots and four 1-2 storey buildings on the site (on five municipal addresses) measuring approximately 61 metres x 58 metres. Three of these buildings front Old Lakeshore Road (2093, 2097 and 2101 Old Lakeshore Road), one of these buildings fronts Lakeshore Road (2096 Lakeshore Road). 2100 Lakeshore Road is an empty lot, adjacent to 2096 Lakeshore Road.

There are no designated heritage buildings on the Subject Site, however 2101 Old Lakeshore Road also known as"Chrysler Carriage House" is listed and is the only building on the Subject Site included on the Municipal Property Register. There are a number of other properties on the Subject Site which are neither designated nor listed, but are kept on the City's Inventory as legacy listings and are identified in design guideline documents. These properties are: 2097 Old Lakeshore Road, 2093 Old Lakeshore Road and 2096 Lakeshore Road. The Heritage Impact Assessment that supports the proposed development has assessed these buildings in more detail.

There are a number of trees that line the Subject Site on the west side running north to south between Lakeshore Road and Old Lakeshore Road, as well as trees fronting both Lakeshore Road and Old Lakeshore Road.

The Subject Site is located close to Burlington's waterfront (approximately 50 metres to the south) but is outside of Conservation Halton's erosion hazard line and therefore development on the site is not subject to assessment or regulation by Conservation Halton.

A more detailed analysis of the Subject Site, including important views to the Subject Site is set out in Section 3.0 of the Urban Design Brief that supports the proposed development.



Aerial View of the Subject Site (outlined in red)


Looking south from Lakeshore Road (rear of 2097 Old Lakeshore Road)


Looking north towards Old Lakeshore Road, the Subject Site and the Chrysler Carriage House

2.2 The Surrounding Context

In the immediate context, adjacent to the Subject Site, and within the enclosed parcel of land between Lakeshore and Old Lakeshore Road is a one storey commercial building to the east and a 2-storey commercial building to the west, with associated parking lots abutting the Subject Site.

To the immediate south of Old Lakeshore Road are a number of low-rise properties fronting Lake Ontario, including heritage buildings. To the immediate north and east of the Subject Site, on the north side of Lakeshore Road is a mid-rise residential apartment block, as well as an empty lot on the west corner where Martha Street meets Lakeshore Road- planned for development of the approved 26 storey, residential tower by ADI Development Group.

To the west of the enclosed parcel of land is the under construction Bridgewater development, which is almost near completion and will deliver a development at a maximum height of 22 storeys comprising a hotel, office and residential uses. Further east of the Bridgewater development is Spencer Smith Park which extends west along the waterfront for over 800 metres, includes a pedestrian walkway known as the Waterfront Trail, and incorporates the Brant Street Pier approximately 400 metres from the Subject Site.

The Subject Site is situated in wider Downtown Burlington which is characterized by a mix of uses, including commercial, retail and also residential uses, with Brant Street identified as the focus for activity, including the City Hall building. Downtown Burlington also exhibits a mix of building styles and heights, ranging from low to mid and high rise buildings.

A more detailed analysis of the urban context including important views to the Subject Site is set out in Section 3.0 of the Urban Design Brief.



Looking south east from Lakeshore Road to 2096 Lakeshore Road and trees along the west edge of the Subject Site



Looking east down Old Lakeshore Road



Looking south from Lakeshore Road- Emma's Back Porch in the distance



View of Bridgewater development looking West down Lakeshore Road



Looking north from Old Lakeshore Road



Looking west from where Old Lakeshore Road meets Lakeshore Road



Spencer Smith Park and Bridgewater development in the background



The under construction Bridgewater development



Looking east down Lakeshore Road



360 Pearl Street

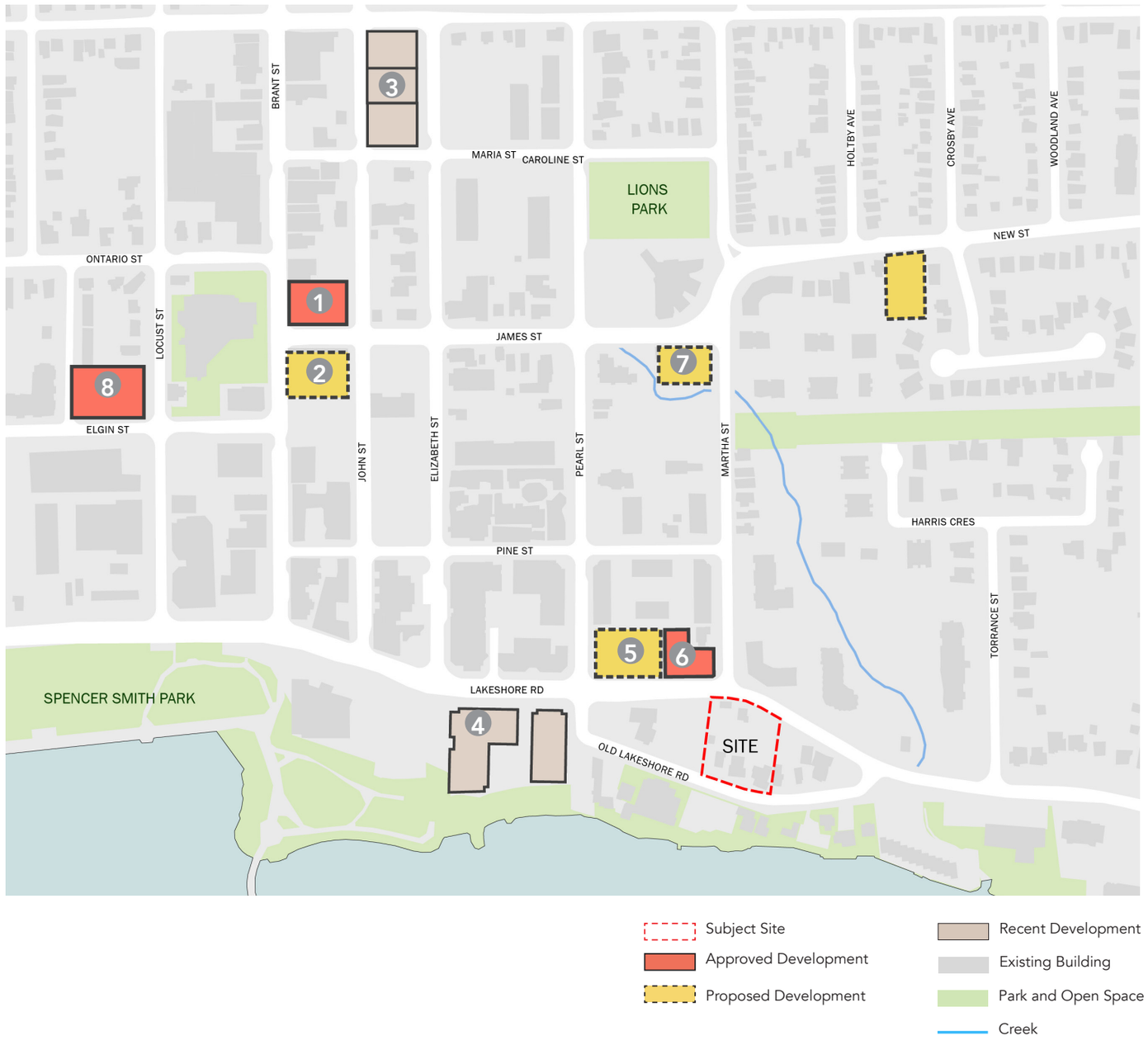
2.3 Recent Developments

Downtown Burlington is experiencing considerable redevelopment and investment. A number of new developments have been recently approved or are under review by the City, and are changing Burlington's emerging built context, with a trend towards taller buildings. This trend is as expected in a provincially designated growth area. The table to the right shows the recent developments.

Two of the most notable developments are the close to completion 22-storey, Bridgewater development to the west of the Subject Site (#4 in the adjacent table), and the approved 26-storey ADI development at 374 Martha Street (#6)- located to the north of the Subject Site, at the corner of Martha Street and Lakeshore Road. These developments are establishing an emerging built form of increased building height close to the Subject Site and Burlington's waterfront.

Further detail and analysis of the existing and emerging built form in Burlington is set out in Sections 3.2 and 3.3 of the Urban Design Brief that supports the proposed development.

#	Address	Use	GFA	Density	Height (in storeys)	Application type	Status
1	421-431 Brant St and 2007-2015 James St.	Mixed (res/comm/off)	22,300	11.24	27	ZBA/OPA	Approved
2	409 Brant St.	Mixed use (res/comm)	19,400	10.0	24	ZBA/OPA	Under Review
3	2030 Caroline St., 510 Elizabeth St, 2025 Maria St	Mixed use (res/comm)	--	--	17	ZBA	Constructed
4	Bridgewater 2042, 2048 and 2054 Lakeshore Rd.	Mixed use (res/comm)	--	--	22	Site Plan	Constructed
5	2069-2079 Lakeshore and 383-385 Pearl	Mixed use (res/comm)	25,177	10.14	29	ZBA/OPA	Under Review
6	374 Martha St.	Mixed use (res/comm)	19,159	11.26	26	ZBA/OPA	Approved
7	2082, 2086 and 2090 James Street	Mixed use (res/comm)	--	--	18	ZBA/OPA	Under Review
8	452-454 Locust St and 1437-1445 Elgin St	Mixed use (res/comm)	--	--	7	ZBA	Approved


BRANT ST
MARIA ST
CAROLINE ST
LIONS PARK
HOLTBY AVE
CROSBY AVE
WOODLAND AVE
NEW ST
ONTARIO ST
LOCUST ST
JAMES ST
ELGIN ST
JOHN ST
ELIZABETH ST
PEARL ST
MARTHA ST
HARRIS CRES
PINE ST
TORRANCE ST
SPENCER SMITH PARK
LAKESHORE RD
OLD LAKESHORE RD
SITE
1
2
3
4
5
6
7
8
Subject Site
Approved Development
Proposed Development
Recent Development
Existing Building
Park and Open Space
Creek



3.0 PROPOSED DEVELOPMENT

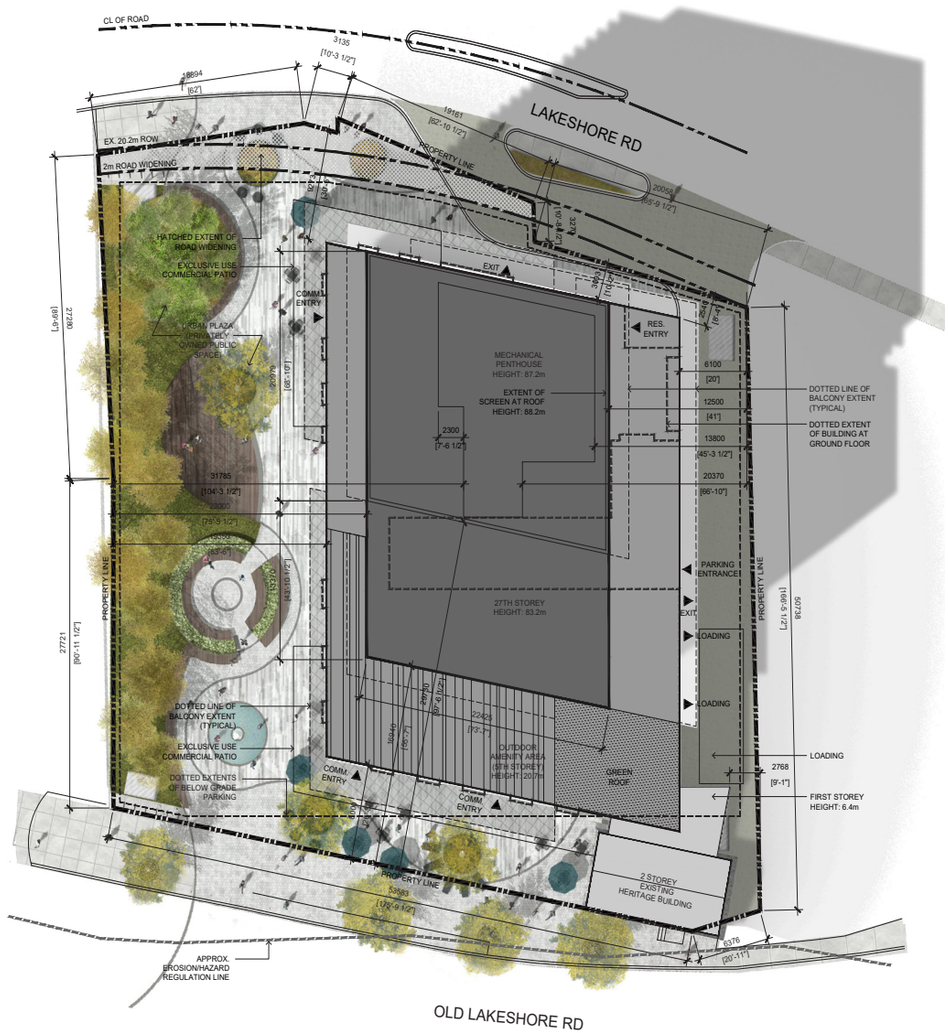
This section describes the proposed development in detail, including the architectural and landscape designs, as well as the feedback received from the consultation undertaken prior to submission.

3.1 Description of the Proposed Development

Overview

The proposed development provides a new mixed-use residential building with commercial units at grade. The proposed development will provide 310 new residential units, and 3 commercial units. A total gross floor area of 22,741.8 square metres is proposed, and provides a density (floor area ratio) of 7.64 (calculated based on the gross building floor area). The gross floor area comprises 22,034.7 square metres of residential floorspace and 707.1 square metres of commercial floorspace within a 27-storey building (83.2 metres).

The new building will stand alongside the retained heritage building (Chrysler Carriage House) that fronts Old Lakeshore Road, and will be enhanced through public realm improvements. These improvements will extend along both the south and north sides of the site and most significantly up along the west side of the site with a 19 metre wide open space. The proposed development is of high quality, exhibiting excellence in architecture, landscape architecture and urban design.



Public Realm

The proposed development has been shaped by a comprehensive landscape strategy that integrates high quality public realm improvements across the site. A significant area of privately owned, publically accessible open space is provided on the west side of the development, adjacent to the proposed tower. The 19.3 metre wide space facilitates an important view corridor down to Lake Ontario from Lakeshore Road from the south side of Martha Street. The open space draws people towards Burlington's waterfront serving as a connection point, while also providing an active meeting and gathering space where the whole community can interact, relax and play.

The open space will provide a diverse and attractive green contribution to the proposed development that softens and balances the paving and the building massing. It has been designed to allow for the future expansion of the open space when the property to the west ultimately redevelops.

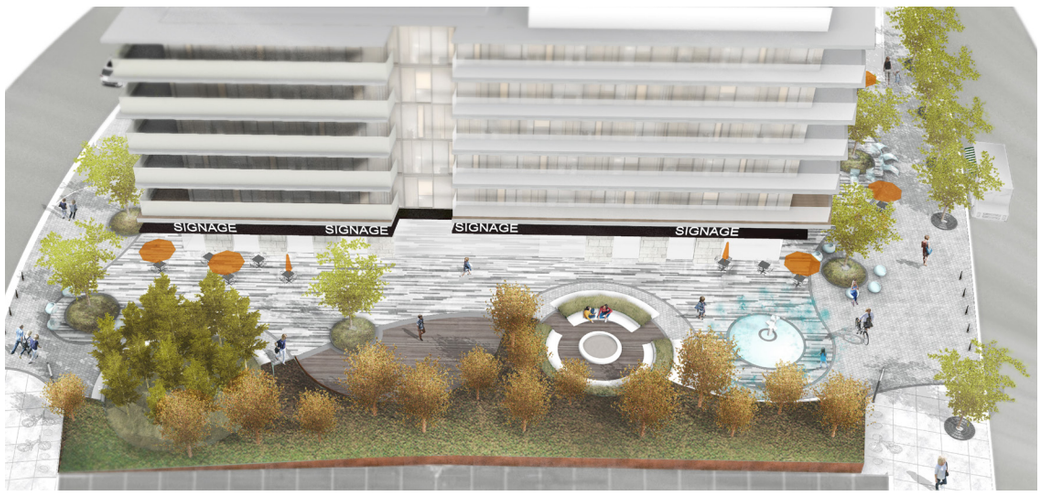
Significant public realm improvements will also be integrated along the north and south sides of the site, through significant streetscape improvements. The widening of sidewalks and new paving and tree planting will bring life to both Lakeshore Road and Old Lakeshore Road, and significantly improve the setting of the heritage building.

The integration of these public realm improvements will create a strong sense of place, foster social interaction and support a positive pedestrian experience. The benefits will be experienced by both the residents of the development, and Burlington's existing residents, and contribute towards the building of healthier communities for a more sustainable future.

More details of the landscape strategy and public realm plan are included at Section 7.0 of the Urban Design Brief that supports the proposed development.



View from Old Lakeshore Road



Artistic Impression: Public realm- seasonal change



Artistic impression: View looking north

Design and Massing

The proposed development incorporates a thoughtful design and massing approach which represents excellence in both urban design and architecture. The proposed massing, orientation and also materiality have been designed to respond to the surrounding urban context, including the existing and emerging built form as well as from key view points to the Subject Site from the surrounding roads. The total building height of 27 storeys (83.2 metres) is the below the height of the approved development to the immediate north located at 374 Martha Street. The proposed building respects the stepbacks and setbacks set out within the City's Tall Building Guidelines.

The tower portion of the building has been articulated through the use of stepbacks from the podium element to provide a sympathetic setting to the heritage building and appropriate setbacks to the adjacent properties. This articulation creates a high quality urban design and a sensitive relationship between the building and the way it is viewed from the surrounding context, while also maintaining its distinctiveness. Most significantly, the tower has been positioned to ensure the view corridor to Lake Ontario and the open space at the foot of Martha Street can be provided, both of which are integral to the overall site design. The slender tower creates a landmark addition to Burlington's skyline, and has been architecturally massed and detailed in ways that animate and lighten its facades.

The majority of the existing buildings on the Subject Site will be removed, with the exception of the municipally registered heritage building located at 2101 Old Lakeshore Road known as 'Chrysler Carriage House'. The heritage building will be conserved, with the form and scale of the original Carriage House building being retained in situ while the contemporary addition to the rear of the building will be removed to facilitate the new 27-storey building. The proposed tower has been designed to create a light feeling backdrop to the heritage building and to be sensitive to its historic value, providing an appropriate setback of the tower element to ensure its setting is not compromised.

The building includes a 6-storey podium responding to the emerging datum line of surrounding buildings. The materiality of the new tower's podium serves as a back drop designed to celebrate the heritage building.

The development will be designed to a high quality, incorporating a number of sustainable building design measures such as the provision of green roofing and passive solar shading as well as high quality and durable materials- ensuring the longevity of the development and its resilience over time.




CAFE



Land Use

The proposed development provides both residential and commercial uses. At grade there are three commercial units, two of which have entrances fronting Old Lakeshore Road, and one which is accessed from the open space on the west of the Subject Site. These units present the opportunity for food and beverage uses and/or local retail units. Patios associated with the commercial units are located in front of their respective entrances. The Chrysler Carriage House building will remain as commercial use, and is expected to continue being operated as a restaurant.

Pedestrian access for residents will be from Lakeshore Road, on the north east corner of the site with access to the residential lobby at ground floor. The residential apartment units will be located at floors 2 to 27 and include a total of 310 units of which 56% will be 1 bedroom units, 35% will be 2 bedroom units, and 9% will be 3 bedroom units.

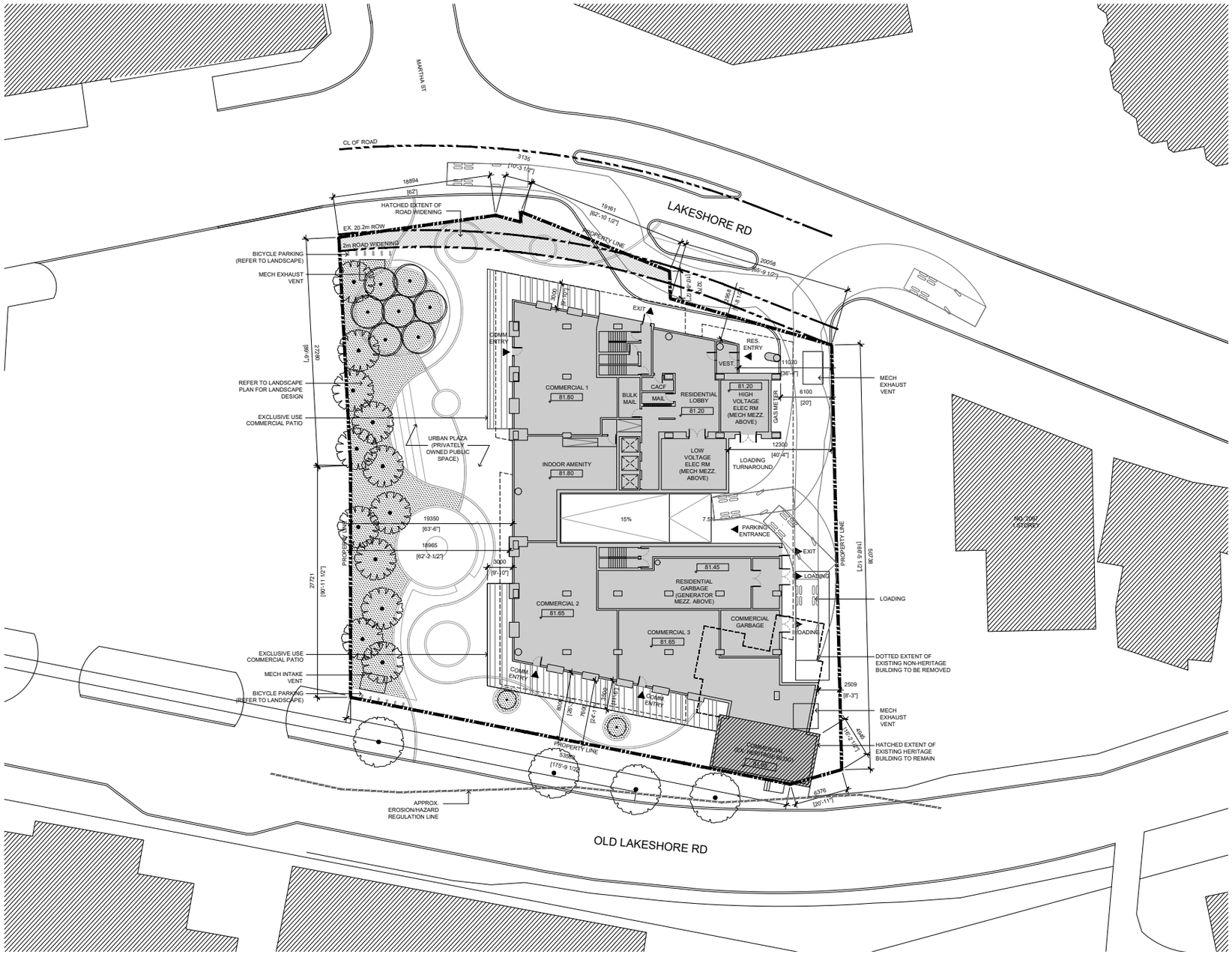
Each residential unit will benefit from private amenity space in the form of a balcony, including a number of units with enclosed balconies, providing the option for either an open or winter garden balcony feature. In addition to private balconies indoor amenity space for residents will be provided at ground floor, floor 3 and floor 7 where it will connect to a large outdoor amenity space on the roof of the podium, overlooking Lake Ontario.

Vehicle Parking and Servicing

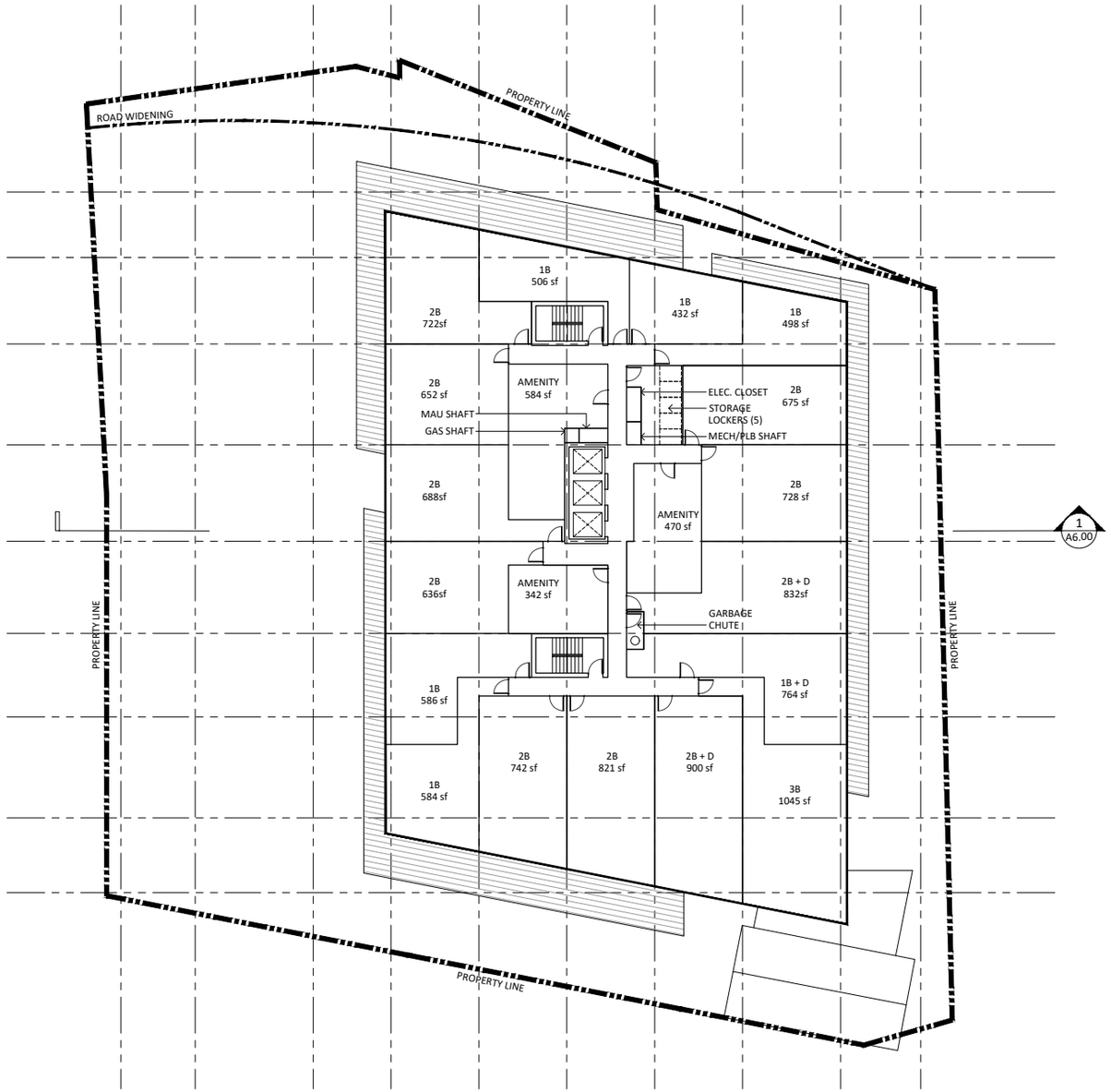
Servicing to the commercial units will be accessed from Lakeshore Road at the north east corner of the Subject Site, and a service lane will run north-south on the far eastern side of the proposed building.

Vehicle parking will be located at four levels below grade with access also from Lakeshore Road, down the service lane and via a ramp at the centre of the building. A total of 344 vehicle parking spaces will be provided, comprised of 294 residential parking spaces, 4 car share spaces (effective 16 resident spaces), 4 small/compact spaces, and 30 visitor spaces. Vehicle parking is provided at a rate of 1.11 overall, and a residential parking rate of 1.01.

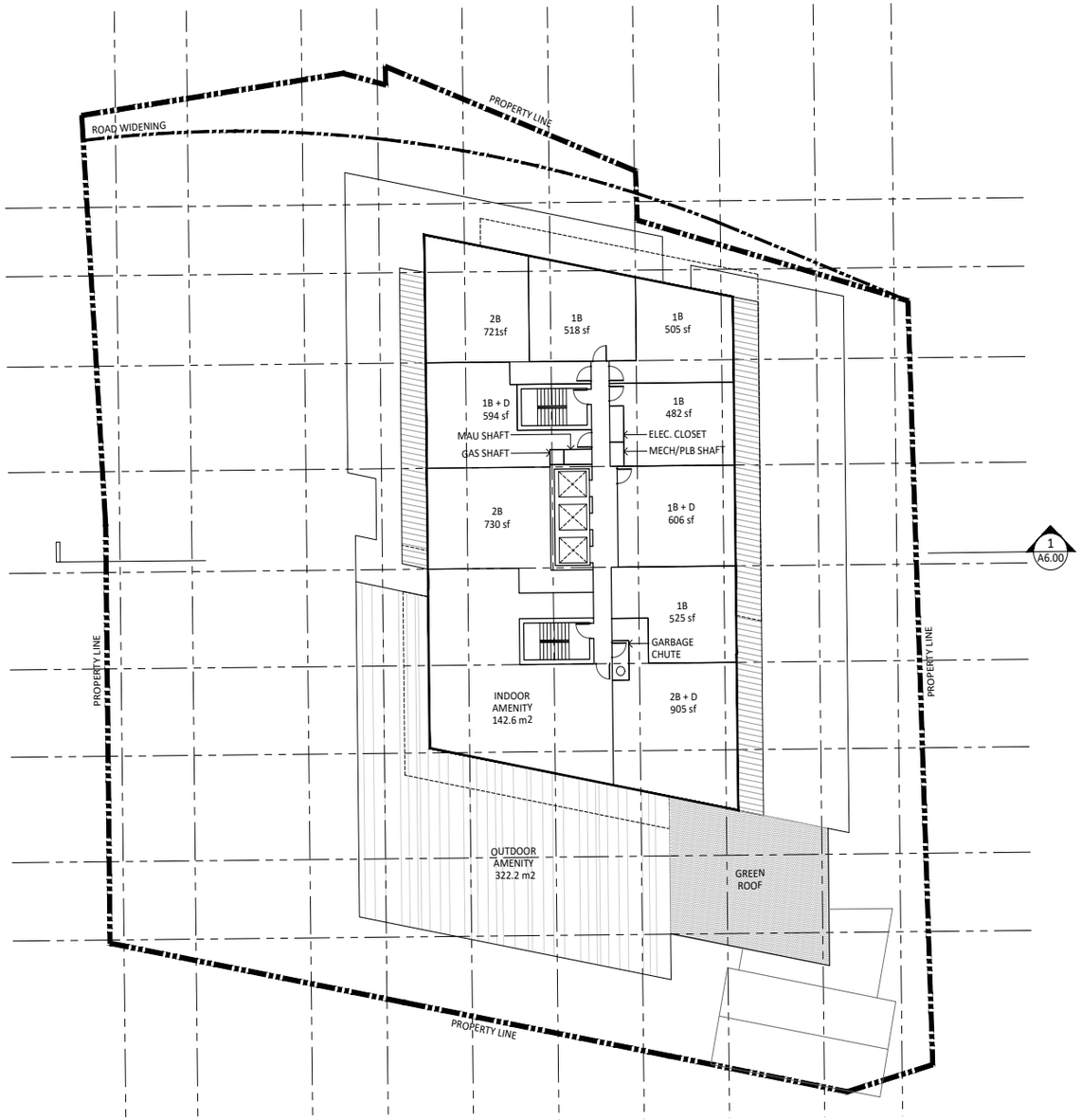
The following pages show some of the proposed floorplans, sections and elevations of the proposed development.



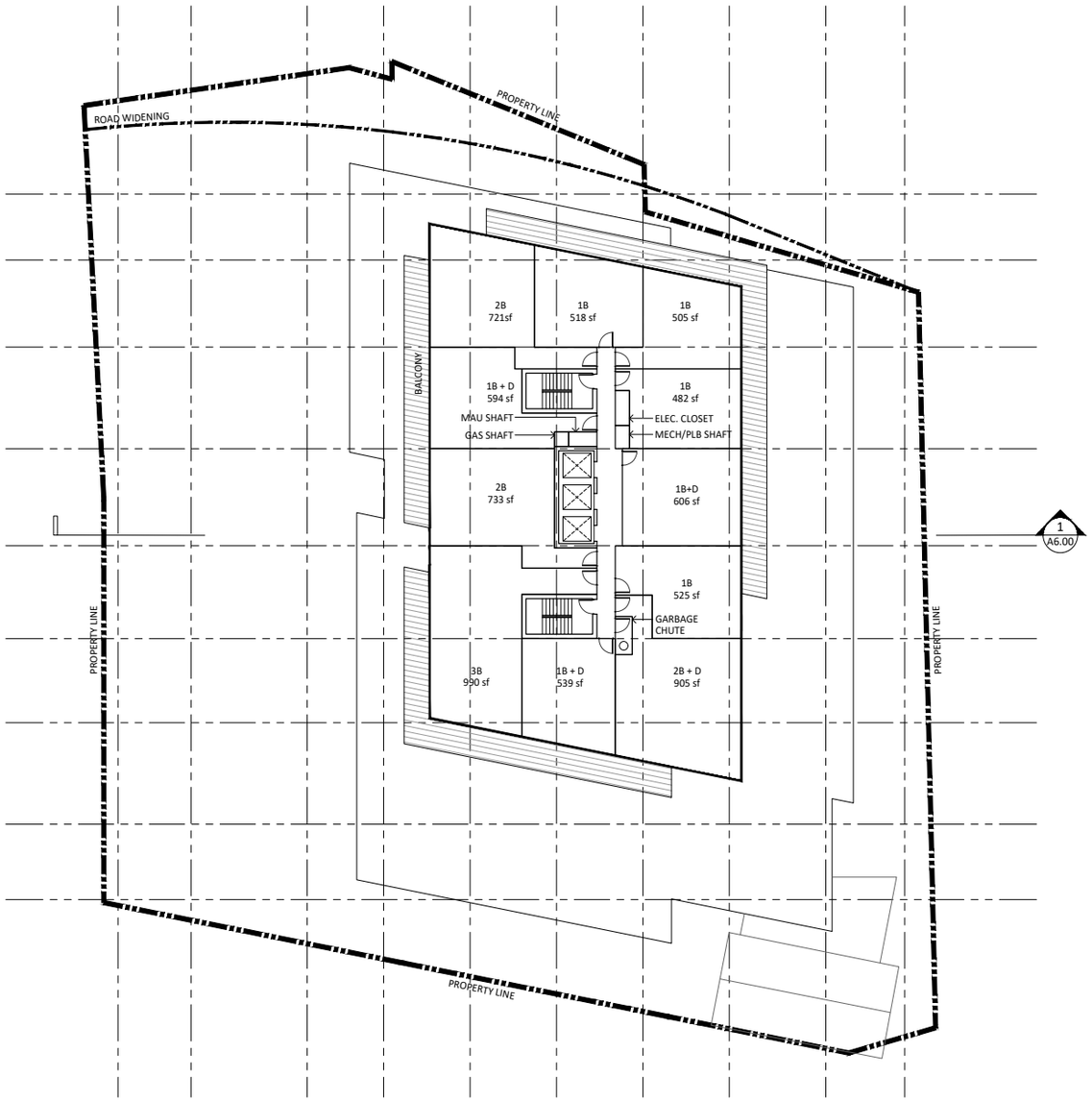
Proposed Ground Floor Site Plan



Proposed Level 3-4 Plan



Proposed Level 7 Plan



Proposed Levels 8-25



Proposed Section

3.2 Consultation Feedback

As part of the preparation of the proposed development, Core have undertaken consultation with City Staff, the Burlington Urban Design Panel, and Burlington residents at the following three meetings:

- **Pre-consultation Meeting with the City of Burlington Staff (January 16, 2019)**
- **Burlington Urban Design Panel (BUD) (March 19, 2019)**
- **Pre-Application Consultation Neighbourhood Meeting (March 26, 2019)**

Pre-consultation Meeting with the City of Burlington Staff

The pre-consultation meeting included representatives from Core, a number of members from the project team and City Staff including from Planning, Site Engineering, Capital Works, Transportation, Heritage Planning, as well as staff from Halton Region. The purpose of the pre-consultation meeting was for staff to confirm the full list of development application submission documents required for a complete application.

Burlington Urban Design Panel

The project team presented the proposed development to the Burlington Urban Design Panel, who were very supportive of the development. The Panel members were asked by staff to comment on the proposed development's Site Organization, Tower Massing and Preservation/Integration of Heritage. A summary of the key highlights from the Minutes and the response related to the proposed development are detailed here:

Site Organization

- Support for overall site organization and public realm contribution.
- Support for the size and location of the POPS to provide a public view corridor.
- Support for the indoor publicly accessible space for all-season use providing flexibility.

  This is no longer being proposed due to functional constraints.
- Suggestion that pedestrian crossings across Lakeshore Road should be reviewed to ensure pedestrian safety.
  The pedestrian crossings are a potential future improvement and will be discussed further during the review of the application.
- Suggestion that Old Lakeshore Road should be designed as the main pedestrian-oriented street.
  Old Lakeshore Road will provide a very high quality pedestrian experience, through wider sidewalks and other streetscape improvements along the frontage of the Subject Site.

Tower Massing

- Support for the massing of the tower and simple aesthetic expression.
- Support for the mechanical penthouse design which is appropriate and understated.
- Support for no tower step-back from Lakeshore Road.
- Suggestion to locate enclosed balconies in more of a randomized manner away from building corners.
  The proposed development will create a gradient as the balconies move higher up the building; more opaque above the podium and gradually increasing in transparency higher up the tower. This will visually de-emphasize the height of the building. No balcony enclosures will be available above the podium level, in order to minimize tower bulk.
- Suggestion to provide some variation to the building elevations and balconies and visual interest at Martha Street.

  The proposed design pulls the balcony expression away from the northwest corner, in order to reveal a glass corner. This will be prominently visible from Martha Street.

Preservation/Integration of Heritage

- Support for the integration of the heritage building with the overall site.
- Suggestion to provide more of a backdrop to create a sense of more space around the heritage building.
  The building façade behind the heritage building is kept intentionally simple (curtainwall glazing) so that the heavy masonry character of the heritage property may stand out from the newer, contemporary building beyond.

Pre-Application Consultation Neighbourhood Meeting

The Pre-Application Consultation Neighbourhood Meeting was undertaken following the Burlington Urban Design Panel. The same development concept that was shown to the Burlington Urban Design Panel was shown to residents at the meeting.

At the meeting, numerous concerns were raised about the height and density of the proposal. There was also acknowledgement from residents of the high quality and well thought out design and presentation of the proposed development, and acknowledgement of the need to revitalize the Subject Site. Three key recurring themes raised by residents have been summarized below and considered by the development project team, as detailed below.

Site intensification and density

Residents suggested that Downtown Burlington was on track to meet the minimum density target set out in the Growth Plan, and suggested providing a lower building height.

The Subject Site is located within an Urban Growth Centre and Major Transit Station Area, and the associated growth targets are minimums- set at 200 people and jobs per hectare and 160 people and jobs per hectare respectively. The proposed level of intensification on the Subject Site is transit supportive and appropriate within an area that is designated for growth at the Provincial, Regional and City levels.

Traffic

Residents expressed concern about the potential traffic that could be generated by the development, especially considering the development pipeline.

A Transportation Impact Study has been prepared in support of this development application, and demonstrates that under future total traffic conditions all intersections will operate at similar levels of service to background conditions. The proposed site access at Lakeshore Road can effectively accommodate site traffic. A more detailed summary of the conclusions of the Study is included at Section 5.2 of this report.

Parking

Some residents suggested that too much vehicle parking had been provided, while others suggested that the parking provision was insufficient.

The proposed development provides below-grade vehicle parking and includes 340 spaces overall, comprised of 294 residential parking spaces, 4 car share spaces (effective 16 resident spaces), 4 small/compact spaces, and 30 visitor spaces. Vehicle parking is provided at a rate of 1.11 overall, and at a residential parking rate of 1.01. The proposed vehicle parking seeks to find a balance between providing sufficient parking while considering the appropriate range within a Major Transit Area, and promoting more sustainable transportation modes.

Other Matters

Residents also requested some further clarifications on other matters relating to environmental and sustainability interventions, for example on the proposed green roof and mitigation in building design to avoid dangers to birds. These have been considered as part of the design, but will be further explored at Site Plan stage.

4.0 PLANNING POLICY CONTEXT

4.1 The Planning Act

The Planning Act, 1990 (Consolidated April 2018), establishes the overall regulatory framework for land use planning in Ontario.

Section 1.1 sets out the purposes of the Act which are to:

- Promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
- Provide for a land use planning system led by provincial policy;
- Integrate matters of provincial interest in provincial and municipal planning decisions;
- Provide for planning processes that are fair by making them open, accessible, timely and efficient;
- Encourage co-operation and co-ordination among various interests;
- Recognize the decision-making authority and accountability of municipal councils in planning.

Section 2, Part 1 sets out matters of provincial interest, to be regarded by the Minister, the council of a municipality, a local board, a planning board and the Tribunal. These include (but are not limited to):

- the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- the adequate provision of a full range of housing, including affordable housing;
- the adequate provision of employment opportunities;
- the protection of the financial and economic well-being of the Province and its municipalities;
- the resolution of planning conflicts involving public and private interests;
- the protection of public health and safety;
- the appropriate location of growth and development;
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and,
- the mitigation of greenhouse gas emissions and adaptation to a changing climate.

The Act integrates matters of provincial interest into provincial and municipal planning decisions by requiring that all municipal decisions and planning documents be consistent with the Provincial Policy Statement and conform or do not conflict with provincial plans (Section 3).

Planning Act Summary

The Proposed Development meets the purposes of the Planning Act outlined in Section 1. The proposed development also supports a number of the matters of provincial interest set out in Section 2, Part 1, as it is an appropriate location of growth and development, conserves features of historical interest, is transit and pedestrian supportive, and provides a built form and public spaces that are of high quality, accessible and attractive.

4.2 Provincial Policy

4.2.1 The Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The latest version of the PPS came into effect on April 30, 2014, applying to planning decisions made on or after that date. Section 3 of the Planning Act requires all planning decisions and applications to be consistent with the policies in the PPS.

The policy directions under the PPS provide guidance on matters related to land use planning and development with the aim of securing the long-term prosperity, environmental health and social wellbeing of the province. The PPS includes policies to encourage Ontario's municipalities to build healthy, livable and safe communities through intensification and directing development to already settled and well serviced areas. This pattern of land use makes more efficient use of existing infrastructure and resources.

Part III: How to Read the Provincial Policy Statement of the PPS, highlights that the "policies of the Provincial Policy Statement represent minimum standards", and that decision-makers may go beyond these standards to address matters of importance to a specific community. The section also highlights that land use decisions made by municipalities must be consistent with the PPS.

Part IV sets out the overall vision for Ontario's land use planning system and identifies that the long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment and a strong and competitive economy.

Part V of the PPS sets out the policies that direct how to build strong healthy communities, the wise use and management of resources, as well as protecting public health and safety.

Section 1.1 - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Policy 1.1.1 identifies a number of ways in which healthy, livable and safe communities are sustained. These include but are not limited to:

- Promoting efficient development and land use patterns which sustain the financial well-being of the province over the long term;
- Accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- Improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society; and
- Promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate change.

Policy 1.1.2 states that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs of up to 20 years. The policy also requires that in settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas. The PPS defines intensification as the development of a site at a higher density than currently exists through the redevelopment of existing, vacant or underutilized lots, or through infill development and building expansion.

Policy 1.1.3 sets out policies to preserve the vitality of settlement areas. Specifically, Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted while Policy 1.1.3.2 states that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities, and are transit-supportive, where transit is planned, exists or may be developed.

Policy 1.1.3.3 requires planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas as well as brownfield sites and also the availability of suitable existing or planned infrastructure and public service facilities to accommodate projected needs, while Policy 1.1.3.4 seeks that appropriate development standards should be promoted, which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.5 requires that planning authorities establish and implement minimum targets for intensification and redevelopment within built up areas, based on local conditions, and Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The proposed development provides a mix of uses in a compact form, representing an efficient use of land, and a cost-effective development pattern. The development provides intensification of an underutilized site within Downtown Burlington- a provincially designated growth area. The proposed development also promotes vitality by increasing density to a level that is supportive of nearby transit.

Section 1.3- Employment

Policy 1.3.1 states that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs, providing opportunities for a diversified economic base, including maintaining a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. Planning authorities should also encourage compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities; and ensure the necessary infrastructure is provided to support current and projected needs.

The proposed development provides compact, mixed-use development that incorporates commercial, employment generating uses that are compatible with existing uses in Downtown Burlington, while providing new business and employment opportunities within Downtown Burlington, that contribute to the achievement of minimum targets within the designated growth area.

Section 1.4- Housing

Section 1.4 of the PPS seeks to provide an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area. Policy 1.4.1 sets out that planning authorities are expected to maintain the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and also maintain at all times where new development is to occur.

Policy 1.4.3 sets out a number of ways in which planning authorities should provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area. These include (but are not limited to):

- establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents and facilitating all forms of residential intensification including second units and redevelopment;
- directing development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit in areas where it exists or is to be developed; and
- establishing development standards for residential intensification redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development provides a level of residential intensification that is appropriate, and directs growth to Downtown Burlington, a provincially designated growth area, and where there is a level of infrastructure to support such a development. In addition, the proposed development will expand the range of housing types available in Burlington, within the Downtown. The proposed level of residential density will be compact in form, and represents an efficient use of land, and therefore the use of existing and planned nearby transit.

Section 1.5- Public Spaces, Recreation, Parks, Trails and Open Space

The PPS seeks to promote healthy, active communities through Policy 1.5.1, by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity. In addition, through planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources, as well as providing opportunities for public access to shorelines.

The proposed development successfully promotes healthy, active communities as it includes significant enhancements to the existing public realm and streetscapes along both Lakeshore Road and Old Lakeshore Road. New publically accessible open space improves and prioritizes pedestrian access and connectivity through and around the site, as well as providing spaces for community gathering that foster social interaction. Both the streetscapes and the publically accessible open space can be extended through future development of adjacent properties.

Section 1.6- Infrastructure and Public Service Facilities

The PPS states that planning for infrastructure and public service facilities be coordinated and integrated with land use planning to ensure that they are financially viable over their life cycle and available to meet current and projected needs. Subsection 1.6.7 speaks to transportation systems, and Policy 1.6.7.2 states that efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible. Policy 1.6.7.3 sets out that as part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries. Policy 1.6.7.4 states that a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

The Subject Site is located in close proximity to the John Street Bus Terminal, which provides bus services that connect Downtown Burlington to other parts of the City as well as to the Burlington GO Station. The proposed streetscape improvements around the proposed development and the provision of bicycle parking will improve the pedestrian experience and encourage pedestrian and bicycle mobility, therefore encouraging active transportation and support access to nearby transit services. A Transport Demand Management (TDM) has been prepared and is included within the Traffic Impact Study (prepared by LEA Consulting) that supports the proposed development, and details a number of initiatives that will reduce automobile travel demand- including, but not limited to secure bicycle parking, complimentary transit passes, and on-street parking restrictions.

Section 1.7- Long-Term Economic Prosperity

Policy 1.7.1 indicates that long-term economic prosperity should be supported by promoting opportunities for economic development, optimizing the long-term availability and use of land, resources, infrastructure while maintaining and enhancing the vitality and viability of downtowns, encouraging a sense of place, by promoting well-designed built form, conserving features that help define character, including built heritage resources and cultural heritage landscapes.

The proposed development will support long-term economic prosperity through the redevelopment of an underutilized site to provide new housing (310 units), businesses and public realm enhancements that will create a sense of place and bring vitality to Downtown Burlington. The proposed development will be of high quality, and the built form has been designed to respect the surrounding context and preserve the municipally registered heritage building on the Site.

Section 1.8 Energy Conservation, Air Quality and Climate Change

Section 1.8.1 states that planning authorities shall support energy efficiency and reduced greenhouse gas emissions through land use and development patterns that promote a compact built form; promote the use of active transportation and public transit in and between residential, employment and institutional uses and other areas, improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion, and promote design and orientation which maximizes energy efficiency and conservation and considers the mitigating effects of vegetation and maximizes opportunities for the use of renewable energy systems and alternative energy systems.

The proposed development provides a compact form of development on the site and provides a high quality development that has been designed to achieve a high level of energy efficiency through sustainable design interventions including the provision of green roofs, passive solar shading and geothermal energy.

Section 2.6- Cultural Heritage and Archaeology

Policy 2.6.1 sets out that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Policy 2.6.3 identifies that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property, except where the proposed development and site alteration has been evaluated and it is demonstrated that the heritage attributes of the protected property will be conserved.

There are no provincially designated heritage properties on the Subject Site, however the Chrysler Carriage House (2101 Old Lakeshore Road) located on the south side of the site is listed on the City's Municipal Heritage Register, and will be conserved as part of the proposed development. The proposed development has been carefully designed to respect and celebrate the heritage building and ensure its conservation. There are a number of other buildings on the site which the City have identified as being of potential heritage interest. A Heritage Impact Assessment (prepared by GBCA) supports the proposed development and confirms that the Chrysler Carriage House is the only building of heritage value on the Subject Site. The Assessment identifies the proposed development as being appropriate from a heritage standpoint.

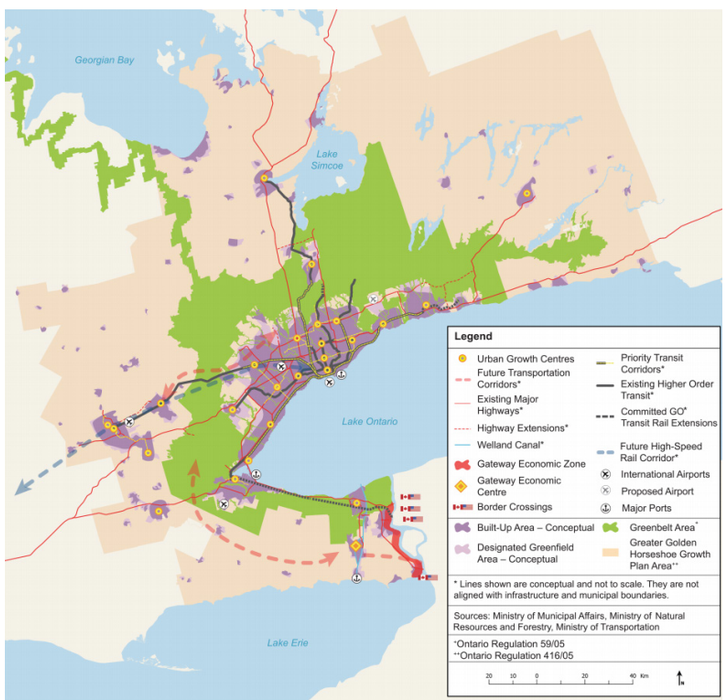
Provincial Policy Statement Summary

The proposed development and its implementing Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy Statement. The Subject Site is located within Downtown Burlington, within a built-up area and a provincially designated growth area (Urban Growth Centre and Major Transit Station Area), and will support provincially required minimum growth targets. The proposed development provides a compact form of development, with an efficient land use pattern in close proximity to a major bus depot within Downtown Burlington, promoting the use of transit as well as active transportation. The provision of a total of 310 residential units will serve to diversify the supply of housing in Burlington, therefore providing more housing choices while also supporting affordability. Provision of small-scale commercial spaces will support local businesses and encourage a healthy and livable community. The proposed development is of high quality and has been designed to achieve a high level of energy efficiency, while also conserving heritage features in order to support long-term prosperity.

The in-force Official Plan and existing zoning are inconsistent with the Provincial Policy Statement as they are out of date, have not been updated since 2008 and as such, do not represent provincial interests, as is required under Policy 4.7 of the PPS. The in-force Official Plan and existing zoning do not allow for an appropriate level of intensification within a provincially designated growth area, and do not promote an efficient form of development or land use pattern in this location. The proposed amendment to the Official Plan and Zoning By-law will bring the zoning and Official Plan into conformity with the PPS.

4.2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a Provincial Plan that directs how growth should occur in the Greater Golden Horseshoe (GGH). The Government of Ontario first released the original Growth Plan in 2006 under the terms of the provincial Places to Growth Act, 2005 and updated the plan in 2017, and then again on 16 May 2019. The Places to Grow Act states that all decisions by municipalities under the Planning Act shall conform to the Growth Plan.



Schedule 2: A place to grow concept (Growth Plan 2019)

Section 1.2- The Growth Plan for the GGH (Vision and Guiding Principles)

Section 1.2 establishes the vision for the GGH including that its communities will be supported by a strong economy, a clean and healthy environment and social equity. Urban centres will be vibrant and characterized by more compact development patterns that support climate change mitigation and adaptation and provide a diversity of opportunities for living, working and enjoying culture.

The Growth Plan's Guiding Principles are set out in Section 1.2.1 and provide that municipalities should:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options including second units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.
- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities.

The proposed development conforms with the vision and guiding principles of the Growth Plan and supports the achievement of complete community development, by delivering a mixed-use development, which increases density in a compact form, therefore prioritizing a level of intensification that makes efficient use of the land. This proposed level of intensification is appropriate for its location within Downtown Burlington (an Urban Growth Centre) where it is in close proximity to public service facilities and other services and amenities, and within a transit-supportive location- approximately 350 metres from the John Street Terminal. The development will enhance the range of housing options available within the community and will also conserve an important heritage resource.

Section 2.2- Policies for Where and How to Grow

Section 2.2 of the Growth Plan provides policies for where and how growth should occur within the GGH and Subsection 2.2.1 sets out policies for managing that growth. Policy 2.2.1.2(c) provides that growth will be focused in delineated built up areas, strategic growth areas and locations with existing or planned transit (with a priority on higher order transit where it exists or is planned); and areas with existing or planned public service facilities. Complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, opportunities for recreation and access to local and healthy food (as set out in Section 2.1- Context 9). Policy 2.2.1(4) supports the achievement of these complete communities that feature a diverse mix of land uses, including residential and employment uses, convenient access to local stores, services and public services and facilities. Complete communities will also improve social equity and overall quality of life, including human health, provide a diverse mix of housing options to accommodate people at all stages of life, while accommodating the needs of all household sizes and incomes. Complete communities are expected to expand convenient access to a range of transportation options and public service facilities, and an appropriate supply of publicly- accessible open spaces, parks, trails and other recreational facilities. They provide for a more compact built form and a vibrant public realm, mitigate and adapt to climate change impacts and integrate green infrastructure and appropriate low impact development.

The proposed development is located within a strategic growth area (Urban Growth Centre and Major Transit Station Area) and supports the achievement of complete communities by providing a high quality development in a compact form. The provision of a mix of uses- both residential and commercial uses in close proximity (walking distance) to shops, services and public services within Downtown Burlington provides convenient access to a range of amenities. A variety of housing options will be provided that serve a wide cross section of the community, while the provision of significant publically accessible open space, as well as streetscape and public realm improvements will improve the overall quality of life of the community, while also improving the pedestrian experience around the site. The built form has been designed to be compact, efficient and to mitigate climate change impacts, incorporating sustainable building initiatives such as green infrastructure and including green roofs and passive solar shading. .

The Subject Site is located within Downtown Burlington which is a designated Urban Growth Centre. Policy 2.2.3.1 identifies that Urban Growth Centres will be planned as focal areas for investment in regional public service facilities, as well as commercial, recreational, cultural and entertainment uses; will accommodate and support the transit network; serve as high-density major employment centres; and accommodate significant population and employment growth. Policy 2.2.3(2) states that Urban Growth Centres will be planned to achieve by 2031 or earlier a minimum density target of 200 residents and jobs combined per hectare for Downtown Burlington.

The Subject Site is located within a designated Major Transit Station Area (MTSA), which the Growth Plan defines as "the area including and around any existing or planned higher order transit station or stop within a settlement area, or the area including and around a major bus depot in an urban core" (within an approximate 500 to 800 metre radius of a transit station). Policy 2.2.4.3 identifies the minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit, while Policy 2.2.5.8 identifies that all MTSAs will be planned and designed to be transit-supportive and achieve multimodal access to stations. Within all Major Transit Station Areas, development will be supported, where appropriate, by planning for a diverse mix of uses, to support existing and planned transit service levels; providing alternative development standards, such as reduced parking standards; and prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.

The Subject Site is located within Downtown Burlington, a designated Urban Growth Centre, as well as within a Major Transit Station Area, and the proposed development will provide a mix of uses including residential and commercial uses at a level of intensification that is appropriate within an Urban Growth Centre and a Major Transit Station Area. This intensification will support both population and employment growth as well as the achievement of the minimum growth targets identified for these areas (200 residents and jobs in the Urban Growth Centre and 160 in the Major Transit Station Area). It is important to note that these are targets that should at minimum be met or exceeded. There is no planning justification to support a target lower than these. The proposed development density is transit supportive, and will support both the existing bus services at the John Street Terminal, as well as its potential expansion in services. The development's proximity to the Terminal promotes pedestrian access, while the provision of bicycle parking in the proposed development will encourage multimodal access and connections to the transit network. Vehicle parking is provided as part of the development, however has been provided at a level that is reduced to ensure the promotion of other more sustainable forms of transport, as an integral part of the transportation strategy.

Subsection 2.2.6 provides direction for municipalities on developing housing strategies. Policy 2.2.6.1 identifies that housing choice will be supported through the achievement of the minimum intensification and density targets in the plan, while Policy 2.2.6.2 requires municipalities to support the achievement of complete communities by planning to accommodate forecasted growth to the horizon of the plan, plan to achieve the minimum intensification and density targets, consider the range and mix of housing options and densities of the existing housing stock and planning to diversity their overall housing stock across the municipality.

The proposed development will add 310 new residential units to the municipal housing supply and include a mix of 172 one bedroom, 111 two bedroom and 27 three bedroom units. The proposed development will therefore support the achievement of complete communities by helping to achieve the minimum intensification and density targets, while also diversifying the housing mix and improving choice of housing for the community.

Section 3.2- Policies for Infrastructure to Support Growth

The policies in subsection 3.2.1 aim to ensure the coordination of infrastructure planning, land use planning and infrastructure investment. Policy 3.2.1.3 states that infrastructure investment will be used to facilitate intensification and higher-density development in strategic growth areas.

The proposed development supports the integration of transit planning and land use development by intensifying an underutilized site within close proximity to major transit infrastructure. The proposed development will create new residential housing as well as commercial space within the Major Transit Station Area, and potential expansion of the bus terminal will help to support intensification and reinvestment.

Section 4.2- Policies for Protecting What is Valuable

Regarding public open space, Policy 4.2.5 identifies that municipalities are encouraged to develop a system of publicly-accessible parkland, open space, and trails including in shoreline areas that clearly demarcate public access, is based on a coordinated approach and on good land stewardship for public and private lands. Municipalities are also encouraged to establish an open space system within settlement areas which may include opportunities for urban agriculture, rooftop gardens, communal courtyards and public parks.

Policy 4.2.7 sets out policies for protecting cultural heritage resources stating that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. Municipalities will work with stakeholders to develop and implement official plan policies and strategies for their identification, wise use and management, and are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in decision-making.

The proposed development contributes significantly to the open space network, by providing a significant area of publically accessible open space at the site. Other interventions that support the network include green space at the rooftop amenity areas. The proposed development successfully protects cultural heritage resources through the retention of the municipally registered 'Chrysler Carriage House' building and enhancement of the surrounding public realm. The retention of the building and improvements to its setting will foster an improved sense of place at the Subject Site and benefit the community within an Urban Growth Centre, a strategic growth area.

Growth Plan Summary

The proposed development and its implementing Official Plan Amendment and Zoning By-law Amendment are in conformity with the Growth Plan. The proposed mixed-use redevelopment is of a site that is located within an Urban Growth Centre and a designated Major Transit Station Area, and fosters a complete community through the provision of a range of housing options and new commercial units within a Downtown location and therefore in close proximity to a concentration of jobs, stores, public service facilities and transportation options. The creation of new housing will diversify the housing stock in Downtown Burlington and therefore help to support the achievement of the Growth Plan's minimum density target of 200 people and jobs per hectare within Downtown Burlington.

The in-force Official Plan and existing zoning are not in conformity with the Growth Plan as they are out of date, have not been updated since 2008 and therefore are not line with the most current Growth Plan. The in-force Official Plan policies and existing zoning, do not allow for development of the Subject Site at the appropriate scale and density that is required within an Urban Growth Centre and Major Transit Station Area. The proposed Official Plan Amendment and Zoning By-law Amendment will bring the zoning and Official Plan into conformity with the Growth Plan.

4.3 Regional Policy

4.3.1 Halton Region Official Plan

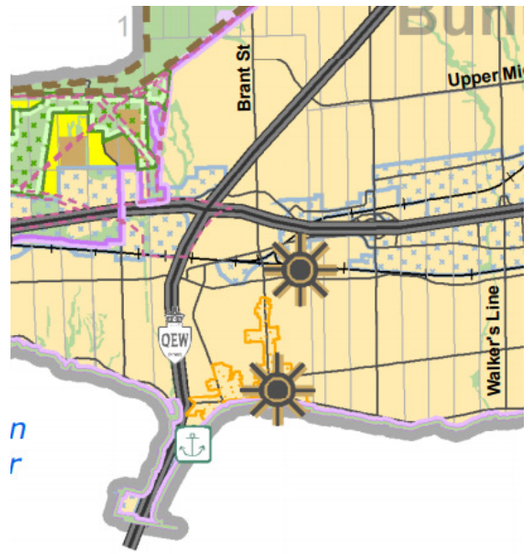
The Halton Region Official Plan (Regional Plan), Office Consolidation June 2018 is based on the 1995 Regional Plan, adopted by Halton Regional Council on March 30, 1994. Halton Region (Halton) is currently undertaking a review of the Regional Official Plan, which began in 2015 so that the Region can adopt an updated Regional Official Plan in 2020.

Part II of the Regional Plan sets out Halton's Planning Vision until 2031. Policy 31 sets out that Halton believes in building "healthy communities", and identifies a healthy community as one that fosters among the residents a state of physical, mental, social and economic well-being; where a full range of housing, employment, social, health, educational, recreational and cultural opportunities are accessible for all segments to the community; and where the principles of sustainability are embraced and practiced. Halton also recognizes the importance of a sustainable and prosperous economy (Policy 32) and will use the concept of sustainable development and principles of sustainability to guide its land use decisions (Policy 33).

The proposed development represents a sustainable development, fostering and supporting vitality and viability for Burlington in the long-term, and creating a range of housing options as well as providing new local shops and generating employment opportunities, which contribute to a building a healthy community. The proposed development is a sustainable development providing a green building, and integrating sustainability features such as a green roof, passive solar shading and geothermal energy.

Policy 50.2 sets up Halton's Regional Structure, organizing land uses into Settlement Areas, the Agricultural System and the Natural Heritage System. The Subject Site is located within a Settlement Area, and more specifically designated within the Urban Area. The Regional Structure identifies population and employment distribution up to 2031 (Table 1 of the Regional Plan), which projects increases in population and employment growth in Burlington. On the basis of these increases in people and jobs, Halton has provided intensification and density targets (Table 2) setting a minimum of 8,300 new housing units to be added to Burlington between 2015 and 2031.

The proposed development contributes to the planned future growth in the Urban Area, providing 310 new residential units, that will contribute to providing housing within Burlington in line with the projected increase in population to 193,000 people by 2031 (Table 1 of the Regional Plan). It will also contribute to the achievement of the minimum housing target to provide 8,300 new housing units by 2031.



Excerpt from the Halton Region Official Plan- Map 1 Regional Structure



Urban Area

As described above, the Regional Plan designates the Subject Site within the Urban Area, and Policy 72 identifies the 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.
- To support a form of growth that is compact and supportive of transit usage and non-motorized forms of travel, reduces dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.
- 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.
- To identify an urban structure that supports the development of Intensification Areas.
- 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.
- To facilitate and promote intensification and increased densities.

The proposed development will deliver a high quality, mixed use development in a downtown location, providing housing and commercial uses in a transit-supportive form and in walking distance from the nearest major transit hub (the John Street Terminal). The proposed development will also increase density on an underutilized site and deliver development in a compact form, thus making efficient use of space. The development will also improve housing choices for the community as well as improving housing affordability through increasing the supply of housing.

Intensification Areas

The objectives of the Intensification Areas are set out at Policy 78. The objectives include, providing an urban form that is complementary to existing developed areas, uses space more economically, fosters social interaction and promotes active transportation. As well as to provide opportunities for more cost-efficient and innovative urban design, to provide a diverse and compatible mix of land uses, including residential and employment uses to support neighbourhoods, and to cumulatively attract a significant portion of population and employment growth. In addition the objectives seek to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places; to generally achieve higher densities than the surrounding areas. Policy 80 identifies that Intensification Areas are part of the Urban Area and consist of Urban Growth Centres and Major Transit Station Areas (including Metrolinx designated Mobility Hubs). Policy 81(1) states that it is the policy of the Region to direct development with higher densities and mixed uses to Intensification Areas.

The Subject Site is located within an Intensification Area given that it is within both an Urban Growth Centre and a Major Transit Area. The proposed development supports the objectives of Intensification Areas, providing a mixed use development that increases density on the site while also providing residential and commercial land uses that are appropriate for their location. The development has been designed to a high quality in terms of architecture, landscape architecture and urban design, and the proposed built form is complementary to nearby buildings of a similar massing (as demonstrated within the Urban Design Brief that supports the proposed development). In addition the proposed development provides a significant portion of high quality public open space that not only fosters social interaction within the community but also promotes an attractive and vibrant setting within Burlington's downtown and close to the waterfront.

Policy 78 (11) specifies that for Major Transit Station Areas, the objectives include achieving increased residential and employment densities to ensure the viability of existing and planned transit infrastructure; to achieve a mix of residential, office, institutional and commercial development; and also providing access from various transportation modes to the transit facility, including pedestrians, bicycle routes and bicycle parking, commuter pick-up/drop-off, carpool parking, car share vehicles.

The proposed development will provide a mix of uses in close proximity (approximately 350 metres) of the John Street Terminal and provides a residential density that will support both the existing and future viability of the Terminal considering its potential planned expansion. The proposed development will encourage a variety of transportation modes including pedestrian access, as well as access by bicycle, bicycle parking as well as car sharing spaces.

Urban Growth Centres

Policy 81.1 sets out the objectives of the Urban Growth Centres to serve as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses, to accommodate and support major transit infrastructure, to serve as high density major employment centres that will attract provincially, nationally or internationally significant employment uses, and to accommodate a significant share of population and employment growth. Policy 81.3 identifies that it is the policy of the Region to require Urban Growth Centres to achieve a minimum development density target of 200 residents and jobs combined per gross hectare by 2031 or earlier, which reiterates the target set out in the Growth Plan.

The Subject Site is located within an Urban Growth Centre and therefore conforms with the policies of the region to direct development with a mix of uses and higher densities to these areas. The proposed development will accommodate growth expected within the Urban Growth Centre while also contributing to the minimum development density target of 200 residents and jobs combined per gross hectare by 2031 (or earlier).

Housing

Halton's principal goal for housing is set out in Policy 84, and is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs. Policy 85 sets out the Region's objectives for housing which include to establish housing targets by type and appropriate density; to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighborhoods, and to promote residential intensification through the development or redevelopment of brownfield and greyfield sites.

The proposed development will deliver 310 residential units which will contribute to the supply of housing in Burlington while also contributing to meet Halton's housing target for Burlington (8,300 new units by 2031). The proposed development will also deliver a range unit sizes including 172 one bedroom units, 111 two bedroom units, and 27 three bedroom units, improving the variety of housing in Burlington and improving choice for the community. The residential units are delivered through a built form which makes efficient use of the existing underutilized lands through the compact form of a 27 storey building on a 0.33ha site. High quality architecture and urban design have ensured that this level of residential intensification on the site is sensitive to the surrounding context, and provides a development that respects the existing and emerging built form that shape the character of the neighbourhood.

Halton Region Official Plan Summary

The proposed development and its implementing Official Plan Amendment and Zoning By-Law Amendment are in conformity with the Halton Region Official Plan. The proposed mixed-use redevelopment of the site occurs within the designated Urban Area where intensification and increased densities are promoted. The proposed intensification on the site will see the delivery of 310 new residential units which will contribute towards the achievement of Halton's minimum housing target for Burlington of 8,300 new units by 2031, as well as improving housing choice for the community.

The Subject Site is also located within an 'Intensification Area', as defined by Halton, being located in both the Downtown Burlington Urban Growth Centre, and a Major Transit Station Area. The delivery of a high quality, mixed use development that includes both residential and commercial uses as well as publically accessible open space, and is within walking distance to a major transit hub, is appropriate within an Intensification Area. The development will contribute to building a healthy community within Burlington, while also supporting existing and future transport viability of the major transit hub within 350 metres of the Subject Site.

The in-force Official Plan and existing zoning are not in conformity with the Halton Region Official Plan, as they do not allow for a level of intensification on the Subject Site which would adequately contribute to the minimum housing target nor be appropriate within the Intensification Area (Urban Growth Centre and Major Transit Station Area), nor be transit supportive. Furthermore, the existing zoning and in-force Official Plan do not allow for a development that allows for intensification, a high quality development and the incorporation of significant publically accessible open space.

4.4 Municipal Policy

The municipal planning context has been in a considerable state of flux while the Subject Proposal was being prepared. During this time the City of Burlington prepared and adopted Grow Bold: Burlington's new Official Plan (new Official Plan), to replace the existing and in-force Burlington Official Plan. This new Official Plan is currently undergoing a full re-examination of its policies following a motion by Burlington City Council, and does not carry any weight in planning decisions. The Burlington Official Plan (Official Plan) is therefore the in-force Official Plan that informs planning decisions. The Official Plan is out of date, contradictory and includes unrealistic policy expectations and requirements that apply to the precinct area that includes the Subject Site.

This Section of the report describes the in-force policy context and the many challenges that it presents to delivering appropriate development at the Subject Site; how the new Official Plan had failed to address these policy challenges, and in fact added further impediments to development; the process Core has undertaken to attempt to resolve these challenges; and their resultant development proposal, which is consistent with and conforms to Provincial and Regional policy.

4.4.1 Burlington Official Plan

The Burlington Official Plan (Official Plan) was adopted by the City of Burlington (the City) in 1994, approved by the Region in 1997, and approved at the Ontario Municipal Board in 2008. The Official Plan is intended to manage and direct the development and planning of land uses for a period extending to the year 2021. The document sets out the broad land-use vision and strategy for Burlington with a focus on housing, municipal servicing, growth, community improvement, and community identity and place-making through urban design. The Subject Site is designated within the Downtown Mixed Use Centre, and the Old Lakeshore Road Mixed Use Precinct as shown on Schedule E-Downtown Mixed Use Centre- Land Use Plan.

Guiding Principles

Part I, Section 3.0 summarizes the Official Plan's Guiding Principles which are to:

- 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.
- 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.
- Ensure that the City's infrastructure and services are maintained or expanded at a level that is fair, realistic and affordable.
- Foster a unique, vibrant and strong community identity.
- 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.
- Support a vigorous local economy.
- Promote safety and health in the community as well as fair access to housing, municipal services, community facilities, education facilities and economic opportunity.
- 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.

The proposed development supports the City's Guiding Principles by providing a mixed use development delivering new housing and commercial units, leading to increased housing choice, as well as new business opportunities and thus supporting the local economy. Furthermore, the development will be located within Downtown Burlington, therefore supporting existing businesses and services but also providing new housing in close proximity to existing community, education and municipal services. The development will provide a significant area of publically accessible open space, to improve the attractiveness and livability of the community, as well as sustainable building interventions such as green roofing, contributing to a healthy and sustainable community. The proposed development represents an efficient use of land and intensification, on a highly underutilized site, in an appropriate location and within a provincially and municipally designated growth area.

Functional Policies

Part II sets out Functional Policies, and Section 2.0 addresses Sustainability and the Environment. Subsection 2.7 discusses Sustainable Design and Compatibility, with the principle that proposed development shall be consistent with the goals and objectives of Sustainable Development (2.7.1). The policies at 2.7.3 require development to be reviewed to ensure efficiency of land use in the urban community, in terms of energy, travel time, intensity and diversity, and indicate that the city will encourage development that provides choices in housing, employment and transportation.

Part II, Section 6.0 sets out the City's principles, objectives and policies relating to the design of development. The objectives include:

- To ensure that the design of the built environment enhances heritage features.
- 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 the existing neighbourhood character.
- To ensure that the design of the built environment in new communities integrates with the natural setting and provides a diverse social setting that is well served by public transit, and by attractive and well-developed pedestrian environments.
- 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.

The Section at 6.5 sets out Design Guidelines Policies including that density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area. The design of all buildings are required to recognize pedestrian scale and the preservation of public vistas and views, while the creation of a continuous and harmonious streetscape environment shall be encouraged with emphasis on maintaining the continuity of grade-related activity areas.

Part II, Section 8.0 sets out policies relating to Cultural Heritage Resources and at 8.4 identifies that all development shall consider cultural heritage resources and incorporate them into development plans in a way that conserves the character-defining elements of the cultural heritage resource, and that the completion of a heritage impact statement shall be required prior to any approvals.

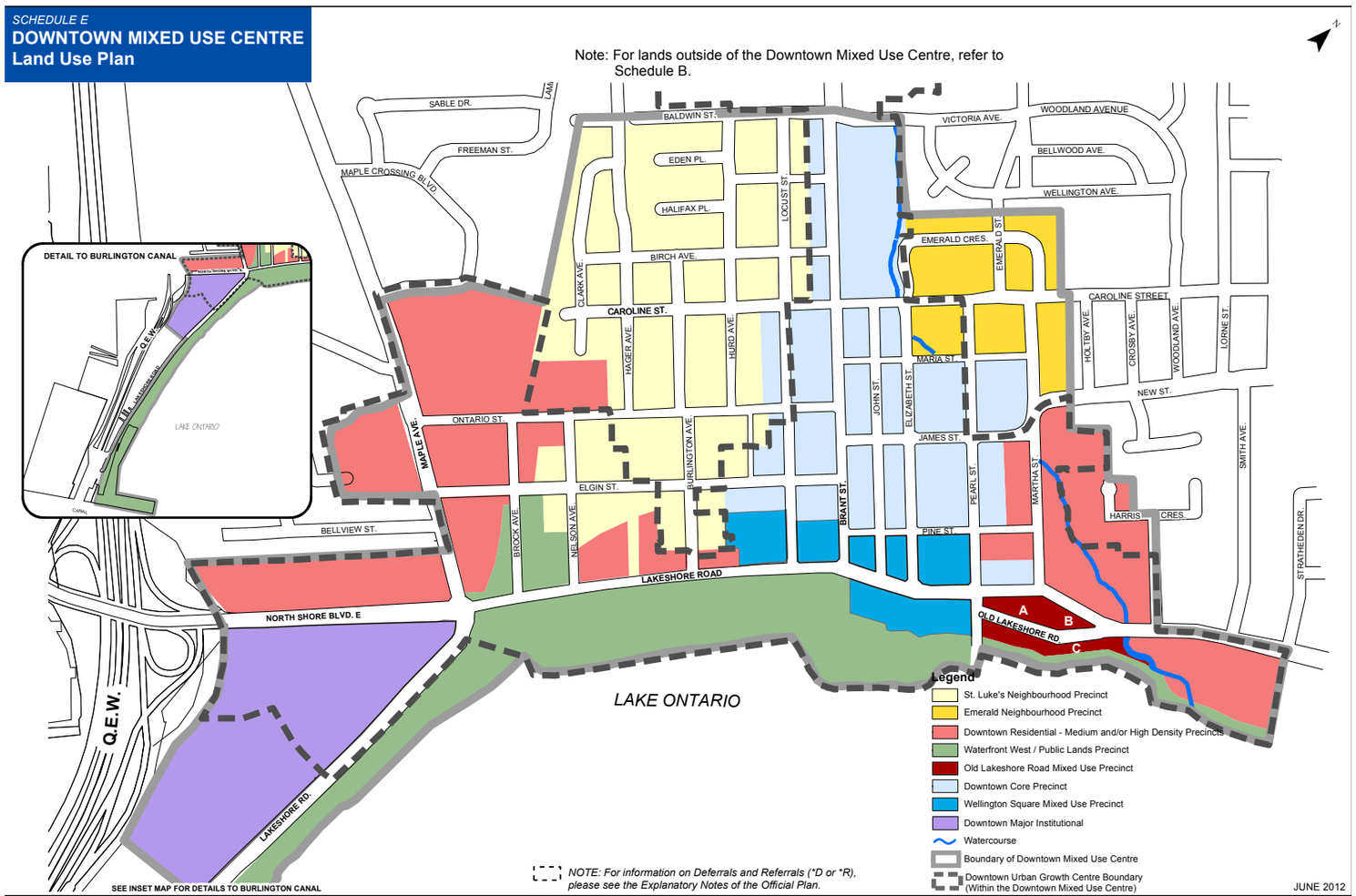
The proposed development conforms with Part II of the Official Plan, aligning with the objectives of sustainable development, delivering a development that meets the housing and economic needs of both the present and the future. The development represents an efficient use of the land and an appropriate level of intensification close to a transit hub while also contributing to housing choice. It has been designed to fit in with and enhance its surrounding context, reinforcing a sense of pedestrian amenity through significant landscape enhancements and the creation of an important new view corridor from Lakeshore Road down to Lake Ontario. The integration of a new kind of publically accessible open space in Burlington will foster social interaction and encourage a more diverse social setting. The proposed development has been designed to a high quality in terms of the architecture, landscape architecture, and urban design including the integration and celebration of the existing municipally registered heritage building (Chrysler Carriage House). An Urban Design Analysis (prepared by Urban Strategies) supports the proposed development and goes into further detail on its design evolution. A Heritage Impact Assessment has been prepared by GCBA, discussing the conservation of built heritage resources.

Land Use Policies

Part III of the Official Plan sets out Land Use Policies for the Urban Planning Area.

Section 5.0 specifically relates to policies within the 'Mixed Use Activity Area', which includes Downtown Burlington, and thus the Subject Site (as identified on Schedule A). Mixed Use Activity Areas are considered to be alternatives to low density, suburban development and to address the demand for higher intensity employment, shopping and residential areas within the City (5.1). The objectives include that Mixed Use Activity Areas are developed in a compact urban form, are pedestrian-oriented and highly accessible by public transit, and foster community interaction.

Within the Mixed Use Activity Area is the Downtown Mixed Use Centre (as shown on Schedule E), which includes the Subject Site. Part III, Policy 5.5.1 sets out the principles of the Downtown Burlington Urban Growth Centre (which sits within the Downtown Mixed Use Centre), including that the area shall accommodate a significant share of the population and employment growth within the City, that as a mixed use centre the Downtown shall take advantage of its unique qualities, including the waterfront location and related activities, historic buildings, streetscapes and development pattern, cultural activities, pedestrian orientation and recognition as a centre of business and civic activity.



Burlington Official Plan Schedule E- Downtown Mixed Use Centre- Land Use Plan

Policy 5.5.3 sets out the general policies for the Downtown Mixed Use Centre including reiterating the gross density target of 200 residents and jobs per hectare in accordance with the Growth Plan, as well as the requirement for the Downtown's cultural heritage resources to be preserved and integrated into new development- while any development close to cultural heritage resources shall be sensitive to the historic context of the street. The policy also identifies that retail stores are expected to be integrated with residential uses, while cafes, rooftop terraces, sidewalk patios, restaurants, cultural and recreational facilities are directed to the Downtown Core, Wellington Square Mixed Use and Old Lakeshore Road Mixed Use Precincts.

The Downtown is also identified as a lively, vibrant people place with a wide variety of employment, shopping, leisure, residential and tourism opportunities. The policy states that new development shall be of high quality design to maintain and enhance the Downtown's image as an enjoyable, safe, pedestrian oriented place. The Downtown should be redeveloped through the infilling of existing surface parking lots, the rehabilitation of existing buildings and the intensification of under-utilized lands and buildings, in keeping with its role as a Provincial Growth Centre, ensuring that such development shall encourage transit use and that an adequate supply of parking is provided.

The proposed development is located within the Downtown Mixed Use Centre, and the Downtown Burlington Urban Growth Centre and therefore intensification of this underutilized land is appropriate in an area which is required to accommodate a significant share of the population and employment growth in the City. The development represents a mixed use development, as called for in the framework that is within proximity to the John Street Terminal, and contributes to the minimum growth targets for Downtown Burlington. The development integrates retail stores with residential uses and open space, as is required by the policy, and more specifically provides commercial spaces with the opportunity for cafes, sidewalk patios, rooftop areas, and restaurants, all of which are expected to be directed specifically to the Old Lakeshore Road Mixed Use Precinct, (among others areas). The provision of residential and commercial uses will provide both living and employment opportunities, as well as providing a gathering destination for the community. The development will bring vitality to Downtown Burlington and the waterfront. The proposed development provides a high quality, sustainable design, that infills the existing surface parking lots, and underutilized land at the Subject Site, while also providing parking at levels which are sufficient but also reduced in order to encourage the use of transit.

Old Lakeshore Road Mixed Use Precinct Policies

Within the Downtown Mixed Use Centre, the Subject Site is located within the 'Old Lakeshore Road Mixed Use Precinct'. The Official Plan includes at Section 5.5.7, specific policies related to the Old Lakeshore Road Mixed Use Precinct and describes the challenges they establish for appropriate redevelopment of the Subject Site. Since March 2018, Core and the project team have been engaged with City of Burlington staff and Halton Region regarding the policy expectations of both the in-force Official Plan and the previously adopted Grow Bold: Burlington's new Official Plan (new Official Plan), as they relate to the Subject Site. This section sets out the in-force Official Plan policies for the Old Lakeshore Road Mixed Use Precinct while the following pages describe Core's engagement with the City, in relation to the new Official Plan (which is currently undergoing re-examination).

General policy objectives for the Old Lakeshore Road Mixed Use Precinct

The key objectives for the Old Lakeshore Road Mixed Use Precinct are set out in Part III, Policy 5.5.7.1 of the in-force Official Plan. They are to provide an area in the Downtown for high intensity, mixed use development that is pedestrian-oriented and transit-supportive which helps meet Provincial Growth objectives and provides for a transition from the highest density mixed use area (Wellington Square Precinct) to the more residential areas to the east. The Precinct is an area intended for mixed use development consisting primarily of residential uses in conjunction with specialty retail and service commercial uses and entertainment uses to serve the Downtown residents, employees and visitors. The objectives require a high standard of design that has a sense of pedestrian scale and comfort that is compatible with existing development and reflects the unique character of Precinct.

The Precinct is split into three Sectors, A (West Sector), B (East Sector) and C (South Sector). The Subject Site is approximately two thirds in Sector B (East Sector) and one third in Sector A (West Sector). Uses permitted in these sectors, as set out in Policy 5.5.7.2a) include high density apartment residential uses, commercial activities including local service and retail uses (amongst other uses).

In addition to the above, Policy 5.5.7.2 states at f) and g) that within the Precinct, provision of retail or service commercial uses are required continuously at grade along public streets in residential or office buildings, and that buildings shall be constructed close to the street line with no surface parking permitted, except for loading and emergency vehicles.

The proposed development meets the overarching objectives set out for the Old Lakeshore Road Precinct, delivering high intensity, mixed use development incorporating residential and commercial uses. The proposed development is pedestrian-oriented and transit supportive, in accordance with the policy provisions set out for the Old Lakeshore Road Mixed Use Precinct. The level of intensification proposed on the Subject Site is appropriate in this location. It provides a high quality, sustainable design and preserves the municipally registered heritage building, while providing a distinct landmark building fronting the waterfront. The proposed development ensures pedestrian scale and key views to and through the site have been respected and the building's overall massing has been carefully considered, in compliance with the key objectives for the Old Lakeshore Road Mixed Use Precinct. The proposed development provides commercial uses at grade and vehicle parking is located below grade, in accordance with these policy provisions.

While the proposed development conforms with the overarching policy objectives for the Old Lakeshore Road Mixed Use Precinct, the policy wording of the in-force Official Plan goes on to provide a series of specific requirements and restrictions relating to redevelopment of the Precinct, which are detailed further below.

Permitted building heights and design requirements

Policies 5.5.7.2 b) to e) of the Official Plan specify the parameters for development within each of the Sectors within the Old Lakeshore Road Mixed Use Precinct. The West Sector allows a maximum height of 10 storeys, and the East Sector allows a maximum height of 6 storeys, but permits up to 15 storeys and 8 storeys respectively, where there is compatibility with surrounding land uses, a sense of pedestrian scale by the use of building design incorporating a ground level, street-oriented podium, subject to community benefits provisions, and the following details (summarized):

- Assembly of lands from the Martha Street alignment to Waterfront East consisting of land within the West Sector, including Old Lakeshore Road allowance and the westerly portion of Area C (South Sector).
- Continuation of the Martha Street alignment to meet Old Lakeshore Road.
- Construction of and dedication to a public authority, of a public waterfront access that that provides a connection between the Pearl Street extension and Lakeshore Road in the vicinity of a Martha Street extension.
- Closure of a portion of Old Lakeshore Road to achieve redevelopment and intensification.
- Old Lakeshore Road is retained in the East Sector and realigned to form an intersection at Martha Street and Lakeshore Road.
- Provision of a view corridor from Martha Street to Lake Ontario.
- Preservation or relocation of significant cultural heritage resources within the precinct.
- Submission of an angular plane study, identifying visual, sun shadowing and wind impacts and demonstrating how such impacts can be mitigated.
- Provision of enhanced public spaces.

Within the South Sector, part e) of Policy 5.5.7.2 identifies that the development of these lands is constrained due to waterfront setback legislation that is administered by Conservation Halton. Existing buildings may be maintained, renovated, or repaired if damaged, but may not be expanded. The policy states that notwithstanding this, should shoreline studies be completed to the satisfaction of City Council and Conservation Halton that demonstrate lands within the South Sector are developable, lands located east of the Martha Street extension shall be subject to the East Sector policies, while lands located west of the Martha Street extension shall be subject to the West Sector policies contained at Subsection 5.5.7.2 above.

The policies to guide redevelopment of the precinct, and therefore the Subject Site are both restrictive and unreasonable, and as a result severely limit the development potential within the Old Lakeshore Road Mixed Use Precinct. While the Official Plan policy sets out that development in the Precinct is expected to be "high intensity, mixed use development that is pedestrian-oriented and transit-supportive which helps meet Provincial Growth objectives…", the restrictive nature of the development requirements serves as a contradiction to the overarching intentions of the policy. These policies have been in place for over a decade, are out of date and despite Provincial objectives and Regional policies that call for intensification on sites such as this, no development has occurred to date. The as-of-right building heights set out in the Official Plan do not allow for the level of intensification appropriate within an Urban Growth Centre and therefore are not consistent with, and do not conform with the growth intentions of the Provincial Policy Statement and the Growth Plan.

The suggested assembly of lands both to the north and south of Old Lakeshore Road is severely constrained given the implausibility of aligning the aspirations of owners on the north side of Old Lakeshore Road (who have established development rights) with the interests of owners on the south side that do not have such rights. Conservation Halton's regulation changed in 2006 (Ontario Regulation 162/06), as did their approach to calculating the extent of shoreline hazards. As a result, the landward extent of the shoreline hazards within the Old Lakeshore Road Precinct is such that significant new development or re-development south of Old Lakeshore Road will not be possible. Conservation Halton has further confirmed that the Bridgewater project (located at the southwest corner of Lakeshore Road and Pearl Street), utilized the pre-2006 method for determining the

furthest landward extent of shoreline hazards and, if that project was proposed as a new development today on that property, it would be subject to the post-2006 method for determining the further landward extent of shoreline hazards. As a result, it would not be permitted to be located this close to Lake Ontario under today's policies. While the Official Plan policy acknowledges that development on these lands is constrained, at the same time, there is a suggestion in the policy wording that the lands in the South Sector may be developable should an acceptable shoreline study be completed. This suggestion provides misleading and contradictory information that the lands south of Old Lakeshore Road may be developable when they are not.

Given that the assembly and development of lands south of Old Lakeshore Road would not be flexible, the closure of Old Lakeshore Road, continuation of the Martha Street alignment and the creation of a new intersection are not required, and there is no justification for these interventions. Specifically, the closure of a portion of Old Lakeshore Road is not required to achieve redevelopment and intensification. There are a number of existing commercial uses which are currently operational along the part of Old Lakeshore Road that the City would intend to close, eliminating their viability, with no plan or funding in place to achieve that result.

Notwithstanding the many unachievable and unrealistic requirements of the Official Plan policy, the proposed development does provide a substantial view corridor from Martha Street to Lake Ontario by setting the proposed building back approximately 19 metres from the west property and providing a significant and enhanced publically accessible open space on the west side of the site. The proposed development will also conserve the municipally registered heritage building, preserving the original building.

Burlington Official Plan Summary

The proposed development presents an appropriate, high quality development alternative to an out of date, contradictory and restrictive policy framework, by presenting a development that achieves all of the policy objectives identified in the Provincial Policy Statement and the Growth Plan. The proposed development's 27 storey building and 310 residential units provide an appropriate level of intensification, in a compact form on the Subject Site. The proposed development conforms to the general objectives of Burlington's Official Plan, as it provides a mixed use, high quality, sustainable development of an appropriate level of intensification. The development therefore supports both the overarching guiding principles, functional policies and policies relating to Mixed Use Centres and the Downtown Mixed Use Centre. The level of intensification proposed by the development will contribute to the minimum provincial growth targets, while also incorporating a carefully thought out landscape strategy that integrates a significant public realm and provides important community benefit. The proposed development allows for development on the Subject Site without precluding the future development potential of the precinct, and therefore represents a sustainable form of development.

The City's Official Plan includes a number of internal contradictions between the overarching policies and the more specific Old Lakeshore Road Mixed Use Precinct policies, which are unachievable and set unrealistic expectations. These policies have precluded any form of redevelopment from occurring in the precinct and have prevented these strategically located lands from achieving the intensity of development that is appropriate in a provincially, regionally and municipally identified area designated for growth.

An Official Plan Amendment is therefore required to facilitate the proposed development and to bring the policies of the Official Plan, and specifically those relating to the Old Lakeshore Road Mixed Use Precinct, into consistency with the Provincial Policy Statement and into conformity with the Growth Plan and Regional Plan.

4.4.2 Grow Bold: Burlington's New Official Plan & Core's engagement to date

In March 2018, just after acquiring the site, Core and the project team began engaging with the City of Burlington just prior to their adoption of the new Official Plan. The new Official Plan's planning policy framework provided the same restrictions to redevelopment within the Old Lakeshore Road Precinct (as it is referred to in the new Official Plan) that are contained within the in-force Official Plan (at Subsection 5.5.7.2), as these policies had not been updated. In addition to the same restrictive policies was a policy that would not allow for a development application to be submitted in advance of the City undertaking an Area Specific Plan for the Old Lakeshore Road Precinct. Senior City Staff had indicated that there was no intention to prepare this Area Specific Plan for at least five years.

In April 2018 Urban Strategies on behalf of Core provided a written submission to the City of Burlington that:

1. Identified that the policy objectives for the Old Lakeshore Road Precinct were out of date, had not been updated and entrenched obstacles to development.
2. Identified that the Official Plan policies relating to the Old Lakeshore Road Precinct did not conform with the Growth Plan and were not consistent with the Provincial Policy Statement; and
3. Proposed a modification to the new Official Plan that would allow development of the Subject Site prior to the completion of an Area Specific Plan.

In April 2018, shortly after the written submission the City of Burlington adopted the new Official Plan with wording that required a Special Study (of all of the lands within the Precinct) to be undertaken and funded by the applicant as part of a development application, if such an application were to be submitted in advance of an Area Specific Plan being prepared by the City.

In November 2018 Urban Strategies on behalf of Core wrote to the City indicating that it was not possible to undertake a Special Study as it could not be successful for the following reasons:

Certain owners, located south of Old Lakeshore Road, seek to consolidate their properties with lands located north of Old Lakeshore to overcome requirements restricting development within the area adjacent to Lake Ontario that is regulated by Conservation Halton;

- Conservation Halton's regulation changed in 2006, as did their approach to calculating the extent of shoreline hazards. As a result, the landward extent of the shoreline hazards within the Old Lakeshore Road Mixed Use Precinct is such that significant new development or re-development south of Old Lakeshore Road will no longer possible.
- The majority of policies for the Old Lakeshore Road Mixed Use Precinct Area contained within the new Official Plan are the same as those contained within the in-force Official Plan, have not been updated since approved in 2008 and are therefore not consistent/in conformity with essential provisions of Provincial and Regional policy that call for increased densities and intensification on the Subject Site due to their location within the provincially designated Downtown Burlington Urban Growth Centre.
- Both the in-force and new Official Plan policy frameworks are too restrictive and provide significant obstacles to development and intensification within this area; and
- Other owners of significant land within the study area had confirmed that they are not willing to participate in the Special Study as defined by the City.

In December 2018 Halton Region advised that the City's adopted new Official Plan does not conform with the Regional Official Plan.

In January 2019 Goodmans LLP submitted a letter to the Region of Halton (who were considering the new Official Plan) proposing a further modification to the policy wording which allowed for the submission of an application in advance of an Area Specific Plan and required an Urban Design Brief to be submitted with a development application, as opposed to a Special Study.

In January 2019 Core undertook an application pre-consultation meeting with City Staff, where staff confirmed that a Special Study would not be required as part of a development application. City Staff's application pre-consultation comments dated 16 January 2019 state that "Planning policy for downtown Burlington is in flux. While development applications will continue to be processed under the current Official Plan 1994, staff is encouraging applicants to conform to the objectives of the Downtown Mobility Hub in the proposed new Official Plan." City Staff also identified that the new Official Plan policies "represent the Planning Department's current position on the most appropriate form of redevelopment in the downtown."

In February 2019 City Council passed a motion that directs Burlington's Director of City Building to immediately commence a process to re-examine the policies of the new adopted Official Plan policies in their entirety related to matters of height and intensity and conformity with provincial density targets. Until any modifications to the Plan are brought forward, the policies will not be given any weight in evaluating development applications that are processed in the interim period.

Municipal Policy Conclusion

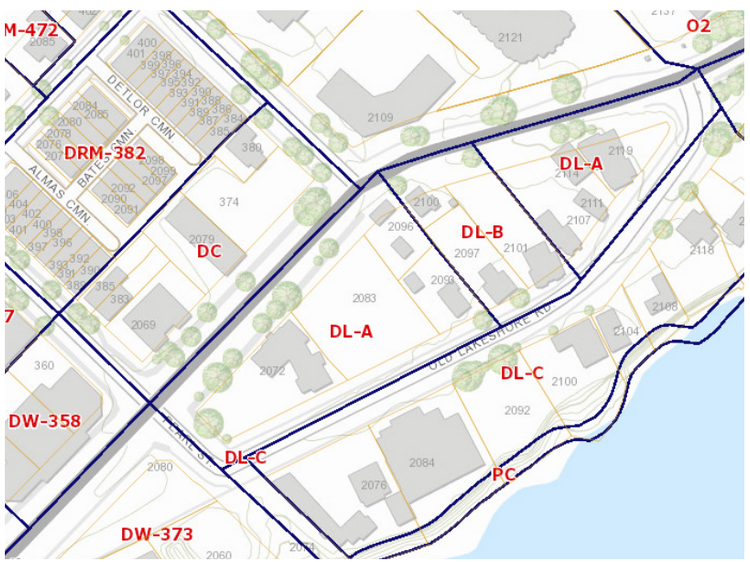
Burlington's planning policy framework has been in a state of flux since Core have been preparing their development proposal. While there have been a number of discussions between Core, the City of Burlington and the Region of Halton since March 2018, the timeline of events that are set out above highlight the complexity and instability of the current policy framework. The in-force Official Plan is out of date and includes a number of unrealistic policy expectations which have limited the development potential within the Old Lakeshore Road Mixed Use Precinct and left it undeveloped, despite being located within a highly desirable location, in an area designated for growth by the Province, Region of Halton and Burlington. An Official Plan Amendment is necessary to facilitate development and bring Burlington's policy framework into consistency and conformity with Provincial and Regional policy.

4.5 City of Burlington By-Laws

4.5.1 City of Burlington Zoning By-Law 2020

The Subject Site is zoned majority DL-B and partly DL-A under the City of Burlington Zoning By-Law 2020. The properties at 2097, 2101 Old Lakeshore Road and 2100 are zoned DL-B, while 2093 Old Lakeshore Road and 2096 Lakeshore Road are zoned DL-A.

The zoning allows for some retail commercial and service commercial including convenience and specialty food stores, restaurants and fast food restaurants, community institutions, office uses, hotels, convention centres and entertainment/ recreational uses. Residential uses including apartment buildings and retirement homes are also permitted. The ground floor within 15 metres of a public street must only be used for retail or service commercial uses.



Other requirements set out by the Zoning By-Law include:

- Minimum building height of 2 storeys
- Maximum height of 10 storeys (31.5 metres) in the DL-A zone and 6 storeys (19.5 metres) in DL-B zone
- Maximum floor area ratio of 4.5:1 in DL-A zone and 3.25:1 in DL-B zone.
- 1.25 parking spaces per apartment dwelling unit.
- 20m2 amenity area per apartment dwelling unit.
- The first floor elevation of any building facing a street shall have a minimum of 60% glazing.
- Parking rate of 1.25 spaces per unit for apartment dwelling units.

Zoning By-Law Summary

The Zoning By-law applicable to the Subject Site does not allow for the level of intensification appropriate for a site located within a Major Transit Station Area, and within a designated Urban Growth Centre. The existing Zoning By-law allows for a maximum height of 10 storeys within the DL-A zone, 6 storeys within the DL-B zone, and a maximum floor area ratio of 4.5:1 in the DL-A zone and 3.25:1 in the DL-B zone.

The Zoning By-law applicable to the Subject Site was last updated prior to changes in provincial policy direction, and therefore is out of date, and does not reflect the current Provincial or Regional intentions for growth within Downtown Burlington. A Zoning By-law Amendment is proposed in order to bring the zoning for the Subject Site into conformity with both provincial and municipal policy. These amendments are detailed in the table below.

Zoning Standard	Current Permission		Proposed Permission
	DL-A	DL-B	
Height	10 storeys (31.5m)	6 storeys (19.5m)	27 storeys (83.2m)
FAR and Density	4.5:1	3.25:1	7.64:1
Residential Parking Rate	1.25 spaces per unit	1.25 spaces per unit	1.01 spaces per unit
Amenity Area	20m2 per unit	20m2 per unit	22.6m2 per unit

4.5.2 Interim Control By-law

The City of Burlington Interim Control By-law 10-2019 was enacted by the City of Burlington 3 April 2019. The Interim Control By-law restricts new development on lands generally located within Downtown Burlington, along Brant Street, and up to Plains Road East, for a period of one year pending the completion of a land use study, with a maximum extension of a second year. The land use study is intended to:

- Assess the role and function of the downtown bus terminal and the Burlington GO station on Fairview Street as Major Transit Station Areas

- Examine the planning structure, land use mix and intensity for the lands identified in the study area

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

The Subject Site is located within the Interim Control By-law study area, and therefore is subject to the Interim Control By-law. The By-law does not prevent a development application from being submitted to the City of Burlington.

4.6 Design Guidelines

The following section sets out the design guidelines applicable to the Subject Site including the Downtown Urban Design Guidelines which apply to Burlington's Downtown, the Old Lakeshore Road Mixed Use Precinct Phase II: Urban Design Guidelines which apply to the Old Lakeshore Road Mixed Use Precinct, and the Tall Building Guidelines, which are City-wide.

4.6.1 Downtown Urban Design Guidelines

The 2006 Downtown Urban Design Guidelines identify the 'Old Lakeshore Road Mixed Use Precinct Special Study Area' (shown on the map below). The Guidelines provide general Urban Design Guidelines for Downtown Burlington, as well as block plans for areas across the Downtown, with specific guidelines for each of these areas. The document does not provide a Block Plan for the Old Lakeshore Road Mixed Use Precinct, for which separate guidelines were prepared under the 'Old Lakeshore Road Mixed Use Precinct Phase II: Urban Design Guidelines. The general provisions of the Downtown Urban Design Guidelines are set out here.

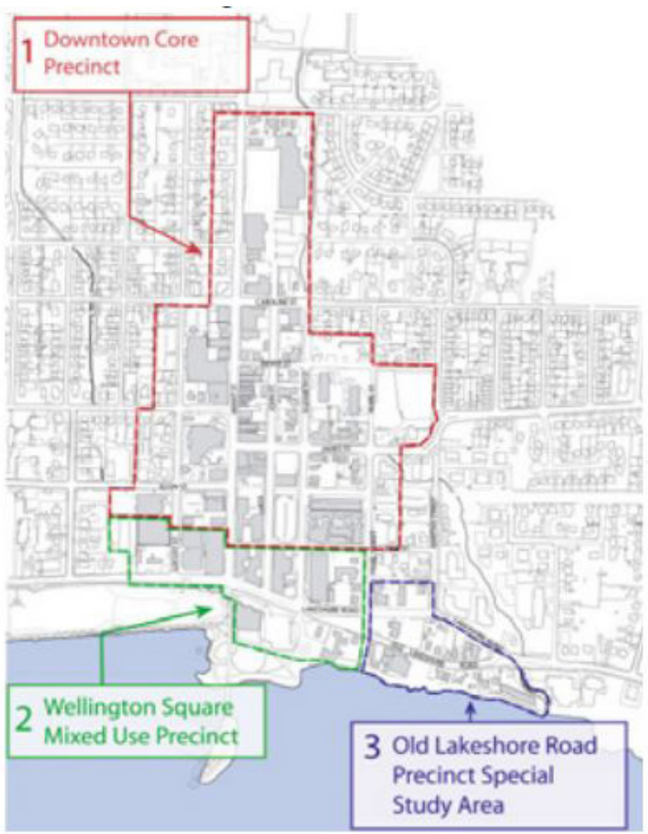
At Section 3.1 the guidelines identify key assets of the Downtown including having a stable and healthy adjacent residential fabric, and a walkable and permeable fabric. Section 3.2 sets out the structural elements of the study area including heritage buildings, views, parking lots, open/civic spaces and pedestrian networks. The document identifies at Figure 4 green and pedestrian networks, including primary pedestrian connections along Old Lakeshore Road and Lakeshore Road on the north and south sides of the Subject Site, and 'B Street' (normal condition) along the south side of the Subject Site, and 'C Street' character quality (low quality) along the north side of the Subject Site.

Chapter 4 sets up the Public Realm Guidelines which identify that building a strong building-street relationship distinguishes the Downtown core from residential neighbourhoods. Furnishing recommendations are set out at 4.2.2 including that street furniture should be complementary and consistent and that bicycle racks should be installed at regular intervals.

The guidelines recommend at 4.2.6 that public art can create character and identify, and contribute to the overall spirit and success of a location- including at public plazas, courtyard and gardens.

Section 4.4 suggests that walkways through blocks and open spaces are encouraged to increase accessibility between public amenities and facilities and should have a minimum 3 metre right of way that is suitable for pedestrian and bicycle use. Sidewalks are expected to be widened to a minimum of 4.0-5.0 metres in width. Spaces between structures not occupied by parking lots, sidewalks or walkways are expected to be landscaped as usable open space and accessible to pedestrians, where grassed areas are expected to be broken up with trees, shrubs and native plantings. Section 4.6 speaks to linking the Downtown to the waterfront, and identifies that built form and open space should be respectful of view corridors to and from the waterfront. Buildings framing these access points are expected to incorporate active at grade or public uses including cafés or bookstores for commercial buildings.

Chapter 5 sets out Built Form Guidelines. Particularly Section 5.5 sets out that heritage buildings should be retained or removed, and that the façade material of any building should not be changed or covered. New buildings constructed on adjacent sites should not mimic the heritage structure but use sympathetic massing, height, alignment of windows, roofline, location of entrances and treatment of the ground floor and materials.



Downtown Urban Design Guidelines - Figure 2.

4.6.2 Old Lakeshore Road Precinct Phase II: Urban Design Guidelines

The 2009 Old Lakeshore Road Mixed Use Precinct- Phase II Urban Design Guidelines pertain specifically to the Subject Site and the surrounding area following the adoption of the Downtown Urban Design Guidelines.

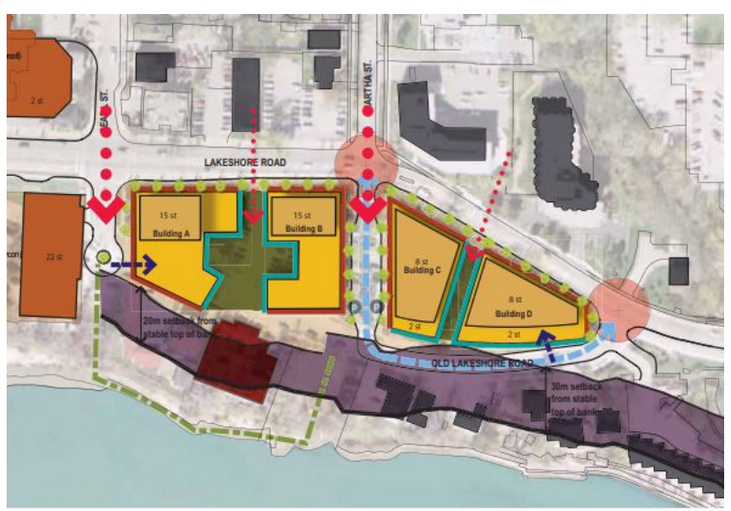
The guidelines identify existing conditions, including a number of key cultural heritage resources located on the Subject Site and included on the municipal register and identified for preservation at that time, including 2093 Old Lakeshore Road, 2097 Old Lakeshore Road and 2101 Old Lakeshore Road (Chrysler Carriage House). It is important to note that the municipal register has since been updated and that 2093 and 2097 Old Lakeshore Road are no longer included.

The guidelines suggest at 1.3.2 that the alignments of Pearl and Martha Streets create unobstructed views to the Lake and that these views and vistas should be protected and framed through new development. Section 1.3.3 states that while the Precinct is relatively permeable, the network of sidewalks is not well connected and that sidewalks are not continuous, with no sidewalk at all on the south side of Lakeshore Road.

Section 1.4 sets out development options for the Old Lakeshore Road Mixed Use Precinct, with two development options identified (shown on the right). Development Option 1 proposes to retain heritage properties and surface parking within the Precinct, does not consider any new public roads, and does not show any new development on the Subject Site. Option 2, in contrast proposes a Martha Street connection down to Old Lakeshore Road, which would cut through the Subject Site, and proposes development up to 15 storeys in the west sector and 8 storeys in the east sector. This option closes a portion of Lakeshore Road in the west between Pearl Street and Martha Street.



Development Option 1- (OLRP Phase II - Urban Design Guidelines)



Development Option 2- (OLRP Phase II - Urban Design Guidelines)

Section 2.0 sets out the Urban Design Guidelines which seek to encourage appropriate and compatible built form, expand and improve the public realm, encourage the redevelopment or revitalization of underutilized sites, and ensure compatibility with the existing established residential neighbourhoods. The guidelines pertaining to built form refer to permitted heights in the zoning and Official Plan and therefore refer to mid-rise buildings rather than high rise buildings. It is identified in the guidelines at Section 2.3.2 that taller buildings may be appropriate in the West Sector while still incorporating appropriate massing, building projections, at-grade recesses, lower storey design and open space treatments.

The key requirements of the guidelines are summarized below:

- Views down Martha and Pearl Street should be protected and framed through new development.
- The Old Lakeshore Road Mixed Use Precinct through redevelopment should integrate a contemporary streetscape theme (as opposed to traditional heritage)
- The orientation and location of buildings should encourage visual transparency and allow for the public realm to filter through the block.
- Easy and accessible pedestrian connections and circulation routes should be provided through the precinct.
- Publicly-accessible open spaces can be incorporated including paved plazas, green spaces, courtyards and play areas for children.
- Open spaces within the precinct should provide opportunities for walking and cycling.
- Structured parking should be located below-grade
- Sustainable practices and methods of construction should be incorporated.

The Downtown Urban Design Guidelines have not been updated since 2006, and the Old Lakeshore Road Mixed Use Precinct Phase II: Urban Design Guidelines have not been updated since 2009. Nonetheless, the proposed development aligns with the overarching design intentions of both the Design Guidelines and the Old Lakeshore Road Precinct Guidelines. The proposed development has been designed to incorporate a comprehensive public realm strategy that makes significant public realm and streetscape enhancements. The development will improve the quality of both Lakeshore Road and Old Lakeshore Road along the north and south sides of the Subject Site, including both street furniture and planting as part of a thoughtful landscape plan that will significantly improve the pedestrian experience and encourage vitality in this part of the Downtown.

The proposed enhancements will include a widened and more meaningful sidewalk in accordance with the suggested width in the guidelines along Lakeshore Road and Old Lakeshore Road. The proposed development provides an important view corridor south from the Martha Street/Lakeshore Road intersection, and the building has been carefully designed to frame this view, while also incorporating active uses at grade, alongside the open space. The Chrysler Carriage House, a municipally registered heritage building will be conserved and the new tower will be sensitive to its setting through the use of light materials and an appropriate setback of the tower portion.

The proposed development will also remove the existing surface parking and provide structured parking below-grade in line with the design guidelines, and sustainable methods have been included within the design of the building, such as the incorporation of green roofs.

The Development Options that are set out in the Old Lakeshore Road Mixed Use Precinct Design Guidelines suggest building heights and massing in line with the permitted heights allowed by the zoning and in-force Official Plan. These permitted heights do not conform with the growth intentions identified in the higher-order policy instruments, namely the Provincial Policy Statement and the Growth Plan which designate the Old Lakeshore Road Mixed Use Precinct in an Urban Growth Centre and Major Transit Station Area. As such, the Development Options set out in these Design Guidelines are also non-conforming with these growth intentions and are not appropriate in this location. The proposed development therefore provides a development of greater massing on the Subject Site to conform with the intentions of provincial policy. The proposed development has been designed to a very high quality in terms of urban design, architecture and landscape architecture.

The Urban Design Brief that supports the proposal provides more detail of the design evolution, the built form and the landscape strategy.

4.6.3 Tall Building Guidelines

The Burlington Tall Building Guidelines, 2017 provide design direction for new buildings greater than 11 storeys in height, applicable across the City wherever tall buildings are permitted. The Guidelines provide direction for the design of podiums, towers, and building tops, with respective chapters for each. The most relevant provisions are detailed below.

Guidelines regarding the building base (podium) set out in Chapter 2 include the following guidelines:

- The podium shall be located to frame the street. On corner lots, the podium shall be located to frame both streets;
- 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;
- The maximum height of the podium shall be 80% of the adjacent right-of-way width, up to a max of 20 metres.
- 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);
- Above the podium, stepbacks should be provided on all sides to clearly differentiate between the building podium and tower;
- Portions of the podium that are not occupied by a tower should be used as outdoor amenity space to provide casual surveillance and interesting views from the street;
- Parking, servicing and loading shall be accommodated internally within the building podium and screened from the street;
- Within a retail podium, the ground floor shall be predominantly clear-glazed to provide visual connections between public and private realm and enhance safety.
- 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.
- Access to parking, servicing and loading shall be provided from the rear of the building, or a laneway where possible; and
- Publicly-accessible private open space, including courtyards and plazas, parkettes, or Neighbourhood Parks (where site size permits) should be encouraged.
- Public art should be encouraged within tall building sites where appropriate (ie. on corner sites/ sites with publically accessible open spaces).

Guidelines regarding the building middle (tower) are contained in Chapter 3, including the following direction:

- The placement of the tower shall have no adverse impacts on adjacent Residential Neighbourhood Areas, parks, open spaces, or natural areas;
- A minimum separation distance of 25 metres shall be provided between towers to maximize privacy and sky views, and to minimize the cumulative shadow impacts of multiple tall buildings. Balconies may be provided within this separation distance provided they do not excessively contribute to a buildings massing.
- Where no towers 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).
- 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);
- For design flexibility, a portion of the tower may extend to the edge of the podium without a stepback provided it can be demonstrated that there are no adverse wind and shadow impacts.
- The total height of the tower (including the top) shall ensure no adverse impacts on adjacent Residential Neighbourhood Areas, parks, open spaces, or natural areas;
- The height of the tower, and its location on the building base, shall 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.
- The tower portion of a tall building should be slender and should not exceed 750 square metres, excluding balconies; and
- A shadow study shall be provided with tall building applications to demonstrate the impacts at the equinoxes (March 21 and September 21).

Guidelines relating to the tower top are set out in Chapter 4 and include the following:

- Design the upper floors of tall building to clearly distinguish the top of the building from the tower, to reduce the building profile and achieve a distinct skyline;
- 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;
- Where possible outdoor amenity space should be included within the top of the building.

The proposed development has applied the Tall Building Guidelines to the redevelopment of the Subject Site and the design of the proposed 27 storey tower. The proposed tower height is appropriate to its context with a number of tall buildings approved and under construction buildings nearby. The building height carefully considers the surrounding urban context and has been designed and oriented to consider the Tall Building Guidelines and to ensure the provision of a view corridor looking south to Lake Ontario from Martha Street. The suggested building setbacks and stepbacks have been incorporated into the tower design, as well as a separation distance of 25 metres and a maximum floorplate of 750 sqm. The proposed development also incorporates publicly accessible open space to sit alongside and balance the proposed tower building, with the potential to incorporate an art or water feature, in keeping with the guideline's suggestions for the building base. These enhancements will create a meaningful and interactive space for people to gather, and reinforce a sense of pedestrian scale alongside the taller built form. An Urban Design Analysis has been prepared in support of the proposed development and provides additional detail as to the design evolution and how the tower has been designed in relationship to the surrounding context. A Sun Shadow Analysis has also been prepared and submitted as part of this application.

5.0 SUMMARY & CONCLUSIONS

5.1 Planning Justification Summary

As set out in Section 4.0 of this report, the in-force Official Plan policies that are applicable to the Old Lakeshore Road Mixed Use Precinct and the Subject Site are unrealistic, unachievable and present a number of internal contradictions. The policies are unreasonable, requiring the assembly of lands, road closures and new road alignments (among other things). These policies are out of date and severely restrict the development potential of the Old Lakeshore Road Mixed Use Precinct, which, despite being located in a highly desirable location within an Urban Growth Centre and Major Transit Station Area, has remained undeveloped.

The proposed Official Plan amendments and Zoning-By Law amendments will facilitate development on the Subject Site that integrates a mix of uses, a significantly enhanced public realm, and provides new housing that will help to meet projected population growth as well as provincial and regional growth and density targets. The proposed development represents good planning, in the public interest, revitalizing a currently underutilized site to provide a high quality development, in Downtown Burlington, close to the waterfront. The proposed development is consistent with and conforms with provincial and regional policy.

The key benefits of the proposed development are detailed here in this section.

A mix of land uses within the Downtown

The proposed mixed use development is appropriately located within Downtown Burlington which already benefits from a strong mixed-use context. New residents will benefit from proximity to nearby amenities, services and commercial shops within Downtown Burlington, while the integration of commercial units at grade and the provision of outdoor patios will activate the existing streetscape, bringing it to life. The mix of uses supports the development of a complete community, providing opportunities for both existing and new residents to live, work and shop in Downtown Burlington.

Appropriate transit oriented development

The proposed development is an optimum form of transit-oriented development due to proximity to the John Street Terminal, which connects Burlington's downtown to nearby communities as well as Burlington GO and Appleby GO stations. With the residents only 10 minutes walking from the bus terminal, the proposed development supports sustainable travel modes. The proposed development represents the achievement of transit supportive densities and supports both the existing and future viability of transit while supporting density targets.

Supports projected growth and achievement of density targets

The provision of 310 new residential units in Burlington will support the projected population growth in Burlington which is expected to be home to 193,000 people by 2031, and contribute towards the Regional housing target of 8,300 homes by 2031. The proposed development is appropriate within an Urban Growth Centre and Major Transit Station Area, providing a significant contribution to their respective density targets of 200 and 160 people and jobs per hectare respectively.

A range of housing options and improved housing choice

The proposed development will provide a valuable contribution to Burlington's housing stock, increasing the supply of housing and providing a range of unit sizes in a desirable location. The mix of 56% 1 bedroom, 35% 2 bedroom and 9% 3 bedroom units caters to a variety of lifestyles- from single person households, to both small and larger families, and improves housing choice in Burlington and the downtown, for both existing and future residents.

A high quality design and form of development

The proposed development represents a thoughtful design and massing approach, carefully considering both the surrounding built form context and also the setting of existing heritage building on site. Excellence in urban design, architecture and landscape architecture have been integral to the design, to ensure a high quality and sustainable development for Burlington.

Significant public realm improvements

The tower has been positioned to be able to provide a significant portion of privately owned, publically accessible open space incorporating planting, new paving and seating areas, as well as a view corridor to Lake Ontario. The proposed open space, and streetscape improvements will enhance the pedestrian experience, create a new sense of place and foster more social interaction in Burlington's downtown, close to the waterfront.

Consistency and conformity with provincial and regional policy

The proposed development redevelops a currently underutilized site in a compact and efficient form within a provincially designated Urban Growth Centre and Major Transit Station Area, providing new housing and commercial units as part of a high quality development. The benefits of the proposed development detailed above contribute towards achieving a healthy and complete community in Burlington, and help to overcome obstructive Official Plan policies that are not consistent with nor conform with Official Plan policy. The proposed development will therefore make the existing Official Plan and zoning consistent with the Provincial Policy Statement, and into conformity with the Growth Plan and Halton Region Official Plan.

For all of these reasons, the proposed development represents good planning in the public interest.

5.2 Summary of Technical Studies

A number of technical studies have been prepared to support the proposed development. Summaries of each of these studies are included in this section.

Heritage Impact Statement

A Heritage Impact Statement prepared by Goldsmith Borgal & Company Ltd. Architects (GBCA) describes the existing attributes of the Subject Site, including the features of 2101 Old Lakeshore Road "Chrysler Carriage House". The other buildings on the Subject Site are identified as having no heritage value. The Heritage Impact Statement finds that the proposed development balances demands for intensification with those of heritage preservation, that allows both to be appreciated as part of a complex and changing urban environment. The Statement includes a Conservation Strategy which seeks to conserve the listed heritage attributes on the site at the Chrysler Carriage House. Overall the Heritage Impact Statement finds that the proposal conserves buildings listed on the Municipal Register on the site, and that they are incorporated into an appropriate development for the current and future context of buildings in the vicinity. The development is found to be sensitive to the existing built fabric of the locality.

Waste Management Plan

A Waste Management Plan has been prepared by GHD Limited to support the application and provides recommendations as to the number of yard bins that will be provided for garbage and recycable material. In addition, suggestions that wate bins should be closed at all times, and that a waste collection contract should established are also recommended. The proposed recommendations will in turn satisfy the City of Burlington and Regions requirements for Waste Management.

Transportation Impact Study

A Transportation Impact Study has been prepared by LEA Consulting Limited to support the proposed development. The Study finds that under existing conditions all signalized intersections are operating at acceptable levels of service. That under future background condtions all intersections will continue to operate at acceptable levels of service, and that under future total traffic conditions, all intersections will operate at similar levels of service as in the future background conditions. The proposed site access at Lakeshore Road is identified to be able to effectively accommodate site traffic. The Study undertakes a swept path analysis and confirms that the proposed parking and loading layout is functional. The report includes a Transportation Demand Management which identifies initiatives that will be undertaken to reduce automobile travel demand. These initiatives include secure bicycle parking, complimentary transit passes and route information, on-street parking restrictions for residents, unbundled parking and car-share facilities.

Tree Inventory & Preservation Plan Report

Kuntz Forestry Consulting Inc. have completed a Tree Inventory and Preservation Plan Report. The report identifies 22 trees in total, the removal of all trees is required to allow for the new development.

Pedestrian Wind Study

A Pedestrian Wind Study has been prepared by RWDI to support the proposed development. RWDI assessed the wind environment around the proposed project using a 1:400 scale model of the project site and surroundings. Overall, wind speeds are expected to increase, but predicted to be comfortable for strolling or better during the summer and walking, and better in the winter in most areas. There are some localized areas at the northwest of the site along Lakeshore Road which expect uncofmortable conditions during the winter. However landscaping was not included in the test, which is expected to improve wind conditions. Wind conditions at the Subject Site are expected overall to meet the recommended safety criterion at all grade level areas except three locations at the north and south of the proposed building.

Noise Impact Study

A Noise Impact Study has been prepared by RWDI and describes noise control measures required for the development. The main source of sound identified is from road trafic. As such, noise control measures suggested include (but are not limited to) suite window and sliding door glazing, suite exterior solid doors with sound isolation, installation of air-conditioning to allow for closed windows in all suites. Overall the Study finds that the impact is expected to be insignificant, provided the best practices in acoustical design are followed. Further assessment is proposed at Site Plan Application stage.

Functional Servicing and Stormwater Management Report

Lithos Group Inc. have prepared a Functional Servicing and Stormwater Management Report. The report includes investigations into storm drainage, sanitary sewers, water supply and site grading. The Report finds that the site stormwater discharge will be controlled to the 2-year pre-development flows as specified by the City of Burlington. The stormwater management system will be designed to provide enhanced level 1 protection and further details will be provided durings Site Plan Application. The development will be connected to a proposed manhole discharging into the sanitary sewer on Old Lakeshore Road, and the water supply will be from the existing watermain on Lakeshore Road. The proposed grades will improve the existing drainage conditions and will be maintained along the property line wherever feasible.

Environmental Site Assessment (Phases 1 and 2)

Fisher Environmental Ltd have prepared an Environmental Site Assessment. The Investigations began in 2017, and further investigations were undertaken in 2019. The Assessment recommends that surfical heterfonenous impacted fill materials be excavated and disposed off-site to a MECP- licensed water management facility, based on the defined extent of the identified soil exceedences. Prior to backfilling and subsequent to soil removal it is recommended that confirmatory soil samples be collected for laboratory analysis from within the excavated area.

Geotechnical Investigation

A Geotechnical Investigation was undertaken by Fisher Environmental Ltd to support the proposed development. The report identifies subsoil and bedrock conditions as well as groundwater conditions. The report makes recommendations as to considerations for the building foundations, including for the proposed underground parking levels and the required depths of foundations. The report suggests that the building must be designed to resist a minimum earthquake force. The water table should be lowered to below the bottom of the footing excavation to protect the bottom and sides of the excavation from being disturbed by excess groundwater pressures. The report also provides recommendations with regard to excavation and backfill, shoring, underground utilities and pavement.

Hydrogeological Investigation

A Hydrogeological Investigation was prepared by Fisher Environmental Ltd to support the proposed development. The report provides recommendations as to how water should be pumped during excavation, as well as providing discharge rates for permanent drainage. Continuous monitoring of groundwater is recommended. The most recent groundwater quality analysis shows compliance with all parameters based on the Ontario Halton Sanitary Sewer By-laws.

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