GSAI
Glen Schnarr & Associates Inc.

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In Memoriam, Founding Partner:
Glen Schnarr

May 16, 2024 GSAI File: 815-003C

Community Planning
City of Burlington
426 Brant Street, PO Box 5013
Burlington, ON
L7R 3Z6

Attention: Alicia West, MCIP, RPP
Planner, Development Review

RE: Planning Justification Brief
484 Plains Road East
City of Burlington
Applicant: National Homes (Plains Road) LP

Glen Schnarr & Associates Inc. ('GSAI') has been retained by National Homes (Plains Road) LP (the 'Applicant') to assist with coordinating applications to facilitate a minor change to the Zoning By-law for its lands located at 484 Plains Road East (the 'Subject Property'), or alternatively the Phase 2 lands.

This Panning Justification Brief has been prepared in support of a 'minor' Zoning By-law Amendment to facilitate the proposed development and a re-distribution of the proposed unit types.

Subject Property

The Subject Property is located south of Plains Road East, west of Sanford Drive, and forms part of a larger comprehensive mixed-use development. The Phase 1 lands are currently under construction. The Phase 2 lands have a total site area of approximately 0.93 hectares (2.3 acres) and are currently occupied by a sales office.

Proposal Overview

In its Order (PL180446), dated February 26, 2020, the Ontario Municipal Board (the 'OMB'), now the Ontario Land Tribunal (the 'OLT'), approved an Official Plan Amendment and Zoning By-law Amendment to facilitate a comprehensive mixed-use development at 484 and 490 Plains Road East. The approval allowed for a mixed-use development consisting of two, nine-storey apartment buildings with a total of 277 residential condominium units and 110 townhouse units, designed in back-to-back, four-storey stacked townhouses. The approval also included 998 square metres of commercial floor area.

Phase 1 (490 Plains Road East) of the mixed-use development is currently under construction for a nine-storey mixed-use building, consisting of 153 residential condominium units and 36 stacked back-to-back townhouse units. It is important to note the City's Committee of Adjustment approved a Minor Variance Application (540-02-A-094/2023) on November 22, 2023, for the Phase 1 lands to allow for the following:

1. *To permit a rooftop amenity and mechanical penthouse height of 6 m instead of the maximum permitted 5 m for the proposed apartment building on Phase 1.*

2. *To permit a rooftop amenity height of 2.7 m instead of the maximum permitted 2.5 m for the proposed stacked townhouse blocks on Phase 1.*

3. *To permit a 0 m setback to the Phase Line for the below-grade parking structure instead of the minimum required 3 m.*

4. *To permit a 11.8 m yard abutting a residential zone for the attached above grade garbage enclosure instead of the required 11.9 m.*

Concerning the Phase 2 lands, National Homes (Plains Road) LP is proposing a minor adjustment to the permitted unit distribution. The proposal also addresses some minor technical deficiencies required to facilitate an efficient built form and building design as well as a distribution of unit types over the Phase 2 lands:

- Adjusting the overall number of stacked back-to-back townhouse units from 110 to 81; a reduction in 29 townhouse units;
- Increase in the number of residential condominium units in Phase 2 from 124 to 166 units; an overall increase from 277 to 319 units.

The above modifications result in a redistribution in the units, reducing the overall number of stacked townhouses and increasing the number of residential apartment units. The proposed changes also facilitate an overall increase of 13 units in the Phase 2 mixed-use building.

Through the proposed reconfiguration, the proposal also provides for a larger central amenity area, increasing the ground floor amenity from 600 square metres to 780 square metres.

It is important to note, that no changes are proposed to any of the minimum parking requirements as well as the current front, side, and rear yard setbacks.

Housing

the province introduced Bill 23, More Homes Built Faster Act, 2022 on October 25, 2022.

The goal of the legislation is to facilitate the construction of 1.5 million new homes in Ontario by 2031. The omnibus bill proposes amending a number of existing statutes including: the Planning Act, Ontario Heritage Act, Development Charges Act, Conservation Authorities Act, and Ontario Land Tribunals Act, amongst others.

Complimentary to Bill 23 and the associated postings the Province introduced the concept of housing targets in a bulletin listed on the ERO as "2031 Municipal Housing Targets". The notice clarifies that the Bulletin has been posted for "informational purposes only" and that the Province

was not seeking comments. The bulletin establishes housing targets for 29 selected lower- and single tier municipalities in Southern Ontario and includes the requirement that each municipality establish a pledge that identifies tools and strategies they intend to use to achieve their housing target.

The City of Burlington has been assigned a 2031 Housing Target of 29,000 units. At the March 2023 Council meeting, City Council unanimously endorsed the Housing Pledge. The proposed development will contribute to meeting additional forecasted growth to 2051 and the housing needs as pledged by the City by 2031.

Minor Zoning By-law Amendment

To facilitate the proposed development, the following zoning changes are proposed.

1. *To permit a maximum number of apartment units of 319 instead of the maximum number of 277.*

2. *To permit a maximum Floor Area Ratio of 1.87:1 instead of the maximum permitted 1.84.1.*

3. *To permit a rooftop amenity and mechanical penthouse height of 6.6 m instead of the maximum permitted 5 m for the proposed apartment building on Phase 2.*

4. *To permit a rooftop amenity height of 2.7 m instead of the maximum permitted 2.5 m for the proposed stacked townhouse blocks on Phase 2.*

5. *To permit a 0 m setback to the Phase Line for the below-grade parking structure instead of the minimum required 3 m.*

6. *Notwithstanding Exception 504, Definitions, Stacked Townhouse, a stacked townhouse building is permitted to contain 24 residential units and access to second or upper units may be from interior or exterior stairways.*

Planning Analysis

The following is a review of the applicable land use policy framework that applies to the proposed development and an assessment of how the proposal meets the policy requirements based on the proposed amendments.

Provincial Policy Statement

The Provincial Policy Statement (2020) (“PPS”) is issued under Section 3 of the *Planning Act*. The PPS establishes the policy foundation for regulating the development and use of land in Ontario and provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages the efficient use of land, resources, and public investment in infrastructure.

The PPS strongly encourages development that will provide long term prosperity, environmental health and social well-being. These directives depend on the efficient use of land and development patterns that support strong, livable and healthy communities that protect the environment and public health and facilitate economic growth. Land use planning decisions,

including those made on applications for Zoning By-law Amendments, must be consistent with the PPS.

Section 1.0 of the PPS provides direction related to “Building Strong Healthy Communities” and applies to the Subject Property. It generally encourages a variety of land uses and built-forms within communities and encourages initiatives that make efficient use of infrastructure.

Section 1.1.1 contains requirements for managing and directing land use to achieve efficient and resilient development and land use patterns. Policies related to housing are addressed in Section 1.4 of the PPS. The PPS encourages a range and mixture of housing types and densities in order to meet the current and projected needs of residents.

The PPS directs the development of new housing to locations where an appropriate level of infrastructure and public service facilities exist. The proposed development is consistent with Section 1.4 as it continues to represent an appropriate form of residential intensification in an area where appropriate levels of infrastructure and public services exist. It will efficiently utilize land and infrastructure by providing 400 residential units in a compact urban built form; an increase of 13 units from the OLTs 2020 approval.

In keeping with the OLTs 2020 approval, the proposed development continues to represent an appropriate form of intensification. The proposed development is consistent with the PPS as it provides for appropriate intensification and maintains appropriate development standards in order to achieve a compact built-form that provides greater use of underutilized lands, while respecting the existing built-forms within the surrounding neighbourhood. It is our opinion, that the proposed development, and corresponding Zoning By-law Amendment, are consistent with the PPS as it generally maintains the built form permissions and parameters which were previously approved by the OLT, by allowing for development, at an appropriate density, in an area served by existing infrastructure.

Growth Plan for the Greater Golden Horseshoe

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) establishes a long-term framework for growth and development in the Greater Golden Horseshoe (‘GGH’) region, which encourages the efficient use of land through the development of complete communities that are compact, transit-supportive, and provide a range of housing and employment opportunities. The Growth Plan utilizes a land use planning horizon to 2051. The Region of Halton is anticipated to accommodate a population projection of 1,100,000 people and 500,000 jobs by 2051. Of the population projection, the City of Burlington is anticipated to accommodate a population of 265,160 people and 124,390 jobs by the 2051 planning horizon.

The Growth Plan builds upon the policy foundations of the PPS, as well as responds to key challenges in the GGH region by providing enhanced policy directions designed to achieve complete communities that are compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities while ensuring the protection of agricultural and natural areas and supporting climate change mitigation and adaptation.

Guiding principles of the Growth Plan are established to support the achievement of complete communities; prioritize intensification and higher densities to make efficient use of land and infrastructure; provide flexibility to capitalize on economic and employment opportunities; support a mix of housing options; improve the integration of land use planning with planning and

investment in infrastructure; protect and enhance the natural environment; conserve and promote cultural heritage; and, integrate climate change considerations into planning and growth management.

Section 1.2.1 of the Growth Plan sets out a vision for the development of the GGH. That vision is grounded in several principles that provide the basis for guiding decisions on how land is developed, resources are managed, and public dollars are invested, including:

- Support the achievement of complete communities;
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

Section 2.2 sets out the policy framework for how forecasted growth can be managed to the horizon of the Growth Plan. Growth is to be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities.

Section 2.2.6 contains policies related to housing and the achievement of complete communities. To support the achievement of complete communities, municipalities are encouraged to consider the use of available tools to require minimum intensification and density targets to be achieved that require multi-unit residential developments to incorporate a mixing of unit sizes to accommodate a diverse range of households.

Building on the OLTs previous approval, the proposal and corresponding Zoning By-law Amendment conform to the Growth Plan. Together, they support a healthy and active community within a built-up area of the City, within an identified location for access to existing and planned transit, including higher-order transit. The proposal assists the Region of Halton and the City in achieving their minimum intensification targets with transit-supportive densities. The Subject Lands are well-serviced by existing water and wastewater services and the proposal is well-planned to utilize other existing infrastructure and facilitate active transportation.

Halton Region Official Plan

The Halton Region Official Plan (Regional Official Plan) was approved with modifications and adopted on November 10, 2021, through Regional Official Plan Amendment No. 48. The Regional Official Plan outlines intensification and density targets in Part II, Table 2 of the Plan. The Regional Official Plan projects that within the City of Burlington's Built-Up Area, that City is projected to accommodate approximately 20,500 units between 2022 and 2041.

The Subject Property is designated as 'Urban Areas' in the Regional Official Plan. The objectives of the Urban Areas are outlined in Section 72 of the Regional Official Plan and are intended to accommodate growth and support a form of growth that is compact and supportive of transit usage, and that provides for a range of complete communities of various sizes, types and characters which afford maximum choices for residents. The Urban Areas are also intended to facilitate and promote intensification and increased densities.

Part IV, Table 3 of the Regional Official Plan provides general design direction for major transportation facilities. Plains Road is recognized as a 'Multi-Purpose Arterial Road'.

Development along Multi-Purpose Arterial Roads should be transit-supportive, high-density, and mixed-use as this is a transit corridor for the City.

The proposed development and corresponding Zoning By-law Amendment conform to the Regional Official Plan as they support complete compact community policies, which encourage intensification within the built boundary where urban services exist, including transit and active transportation routes along an arterial road intensification corridor.

Official Plan (1997, as amended)

The City of Burlington Official Plan (the "Official Plan") was approved by the Ontario Municipal Board in October 2008. The Official Plan text and maps were updated in the October 2017 office consolidation. The current Official Plan is in force and, for the purposes of this review, forms the majority of the policy review with respect to the local land use policy framework.

The Subject Property is designated 'Mixed Use Activity Area' on Schedule 'A' (Settlement Pattern) and 'Mixed Use Corridor – General' on Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area) of the Official Plan. Per Policy 5.3.1 of the Official Plan, Mixed Use Corridors, "*encourage higher intensity, transit-supportive and pedestrian-oriented mixed use development, including land in the vicinity of a major transit station area, such as a GO Transit station, in a compact urban form, while retaining compatibility with nearby land uses."*

As previously noted, the OLT approved an Official Plan Amendment ('OPA118'), which amended the City's Official Plan as follows:

By adding the following policy in Part III Section 5.3 Mixed Use Corridors, Subsection 5.3.2, General Policies, as follows:

484 and 490 Plains Road East	Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) ii) of this Plan, for the lands described as 484 and 490 Plains Road East, the following policies shall apply: i) Two mixed-use buildings with residential and at-grade office and commercial uses, with a maximum building height of 9 storeys shall be permitted; ii) Stacked townhouse units shall be permitted; and, iii) A maximum density of 211 units per hectare shall be permitted.

Section B of OPA 118 (Interpretation) refers to Part VI, Implementation, Section 3.0, Interpretation of the Official Plan. Part VI, Section 3.0 e) of the Official Plan states that "*minor variation from numerical requirements in the Plan may be permitted without a Plan amendment, provided the general intent of the Plan is maintained*".

The proposed modifications to the Phase 2 lands have the effect of bringing the overall density to 218 units per hectare. It is our opinion that the proposed development and minor modifications to the Zoning By-law are considered a 'minor variation' from the applicable policy framework and do not require an amendment to the Official Plan. In keeping with the OLTs order, it is our opinion the proposed development conforms to the City's Mixed Use Corridor policy framework as the

proposed development maintains and provides for a mixed-use building along Plains Road East and promotes pedestrian activity along this corridor.

New Official Plan (2020)

The City of Burlington's new Official Plan (the '2020 Official Plan') was originally adopted by City Council on April 26, 2018. The Region of Halton identified a number of areas of non-conformity through its review and the City undertook a re-examination of the Official Plan with a focus on Downtown Burlington. The updated new Official plan was approved, with modifications, by Halton Region on November 30, 2020. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, December 22, 2020.

On Jan. 4, 2023, the OLT formally confirmed which parts of the Burlington Official Plan, 2020 came into effect on December 22, 2020 and which parts did not. The OLT also confirmed that no parts of the Official Plan (other than policies where appeal rights are limited by the *Planning Act*) are in effect on lands with site-specific appeals.

Until all broad appeals to the Region's approval of the Burlington Official Plan, 2020 are resolved, parts of the old Official Plan (Burlington Official Plan 1997, as amended) will stay in effect. Parts of the Burlington Official Plan, 2020 that are broadly appealed may be considered on an informative, but not determinative, basis.

The 2020 Official Plan designates the Subject Property as "Urban Corridor" under Schedule C (Land Use – Urban Area). Similar to the current Official Plan, the OLTs approval was carried forward through a site-specific policy which states:

"*484-490 Plains Road East: Notwithstanding the maximum height specified in Subsection 8.1.3(7.2) g) of this Plan, two (2) mixed use buildings consisting of residential and at-grade retail and service commercial uses and office uses, with a maximum building height of nine (9) storeys shall be permitted on lands identified as 484 and 490 Plains Road East*."

Section 8.1.3 (7.1) outlines the City's objectives for the Urban Corridor designation.

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

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

c) *To recognize the development of Intensification Corridors will occur over time, and that the timing of development may vary from one segment to another, depending on market conditions and community needs.*

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

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

f) *To protect the planned commercial function within Urban Corridors.*

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

Section 8.1.3 (7.2), the City's 2020 Official Plan directs that Urban Corridors be transit-support and pedestrian-oriented and a maximum floor area ratio of 2.0:1 is an appropriate built form. In our opinion, the proposed development conforms to the above policy framework as it continues to provide for a compact, pedestrian-friendly development. The proposed modifications seek to increase to the City's housing supply. The proposed modifications to the Phase 2 lands have the effect of bringing the overall density to 1.87:1, which is consistent with the built-form policies in the Urban Corridor designation.

Zoning By-law

The OLT approved a Zoning By-law Amendment for the Subject Property; Exception 504, concerning the Phase 2 lands, National Homes (Plains Road) LP is proposing a minor adjustment to the permitted unit distribution. The proposal also addresses some minor technical deficiencies required to facilitate an efficient built form and building design as well as a distribution of unit types over the Phase 2 lands:

- Adjusting the overall number of stacked back-to-back townhouse units from 110 to 81; a reduction in 29 townhouse units;
- Increase in the number of residential condominium units in Phase 2 from 124 to 166 units; an overall increase from 277 to 319 units.

To facilitate the proposed development, the following zoning changes are proposed.

1. *To permit a maximum number of apartment units of 319 instead of the maximum number of 277.*

2. *To permit a maximum Floor Area Ratio of 1.87:1 instead of the maximum permitted 1.84.1.*

3. *To permit a rooftop amenity and mechanical penthouse height of 6.6 m instead of the maximum permitted 5 m for the proposed apartment building on Phase 2.*

4. *To permit a rooftop amenity height of 2.7 m instead of the maximum permitted 2.5 m for the proposed stacked townhouse blocks on Phase 2.*

5. *To permit a 0 m setback to the Phase Line for the below-grade parking structure instead of the minimum required 3 m.*

6. *Notwithstanding Exception 504, Definitions, Stacked Townhouse, a stacked townhouse building is permitted to contain 24 residential units and access to second or upper units may be from interior or exterior stairways.*

In support of the minor Zoning By-law Amendment, a comprehensive Zoning By-law review has been completed and is an appendix to this Planning Justification Brief.

Summary and Conclusion

As outlined in this Planning Justification Brief, National Homes (Plains Road) LP is proposing a minor adjustment to the Zoning By-law for its Phase 2 lands. This adjustment addresses some minor technical deficiencies required to facilitate an efficient built form and building design as well as a distribution of unit types over the Phase 2 lands. The proposed changes also facilitate an overall increase of 13 units in the Phase 2 mixed-use building as well as a larger central amenity area.

Building on the OLTs previous approval and based on the analysis of the applicable policy and regulatory context, it is our opinion:

- The proposal is consistent with the Provincial Policy Statement;
- The proposal conforms to the Growth Plan;
- The proposal conforms to the Halton Region Official Plan;
- The proposal conforms to the City of Burlington Official Plan;
- The proposal conforms to the new City of Burlington Official Plan;
- The proposal generally confirms with the City of Burlington Zoning by-law, except those sections proposed to be amended in order to achieve consistency and conformity with the Regional Official Plan, the PPS, and the Growth Plan;
- The proposal will contribute to meeting forecasted growth to 2051 and the housing needs as pledged by the City by 2031;

In keeping with the previous OLT approval, the proposal continues to be:

- adequately serviced and does not create any adverse impacts on the surrounding area;
- well serviced by existing community infrastructure, including public transit, bike lanes, parks, schools, and places of worship;
- provide a mix of housing units and increase in apartment units, which are typically considered a more affordable unit relative to a townhouse unit;
- represents good planning and is in the public interest.

Respectfully submitted,
GLEN SCHNARR & ASSOCIATES INC.

Mark Condello, MCIP, RPP
Associate

Attachment(s)

1. Figures
2. Zoning By-law Amendment Chart

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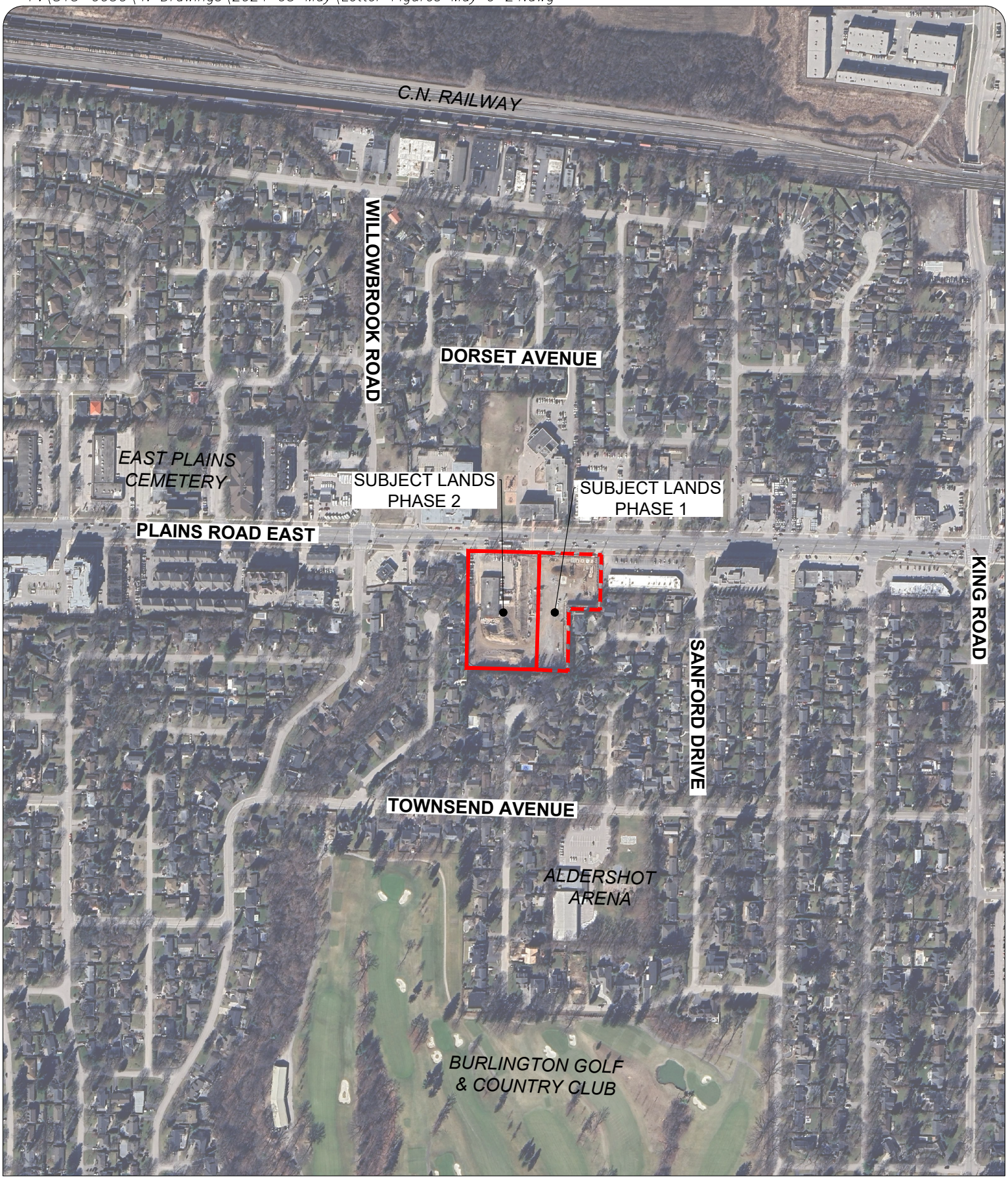


FIGURE 1

AERIAL OVERVIEW

CITY OF BURLINGTON

PT LT 3, BROKEN FRONT CONCESSION
EAST FLAM, PT 1, 20R21010,
CITY OF BURLINGTON,
REGIONAL MUNICIPALITY OF HALTON

SCALE NTS
MAY 09, 2024

LEGEND

- Subject Lands (Phase 2)
- Subject Lands (Phase 1)

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- Waterfront Park (See Map 2)
- Rail Line
- Proposed Major Arterial
- Major Road
- Provincial Freeway
- Lot and Concession Line
- Municipal Boundary
- Urban Area
- Hamlet
- Agricultural Area
- Regional Natural Heritage System *
- Mineral Resource Extraction Area
- North Aldershot Policy Area
- Greenbelt Natural Heritage System (Overlay)
- Greenbelt Plan Protected Countryside Boundary
- Niagara Escarpment Plan Boundary
- Parkway Belt West Plan Boundary
- Area Eligible for Urban Servicing
- Halton Waste Management Site
- Regional Urban Boundary
- Deferred Area **

FIGURE
2

REGION OF HALTON OFFICIAL PLAN

MAP 1 - REGIONAL STRUCTURE

PT LT 3, BROKEN FRONT CONCESSION
EAST FLAM, PT 1, 20R21010,
CITY OF BURLINGTON,
REGIONAL MUNICIPALITY OF HALTON

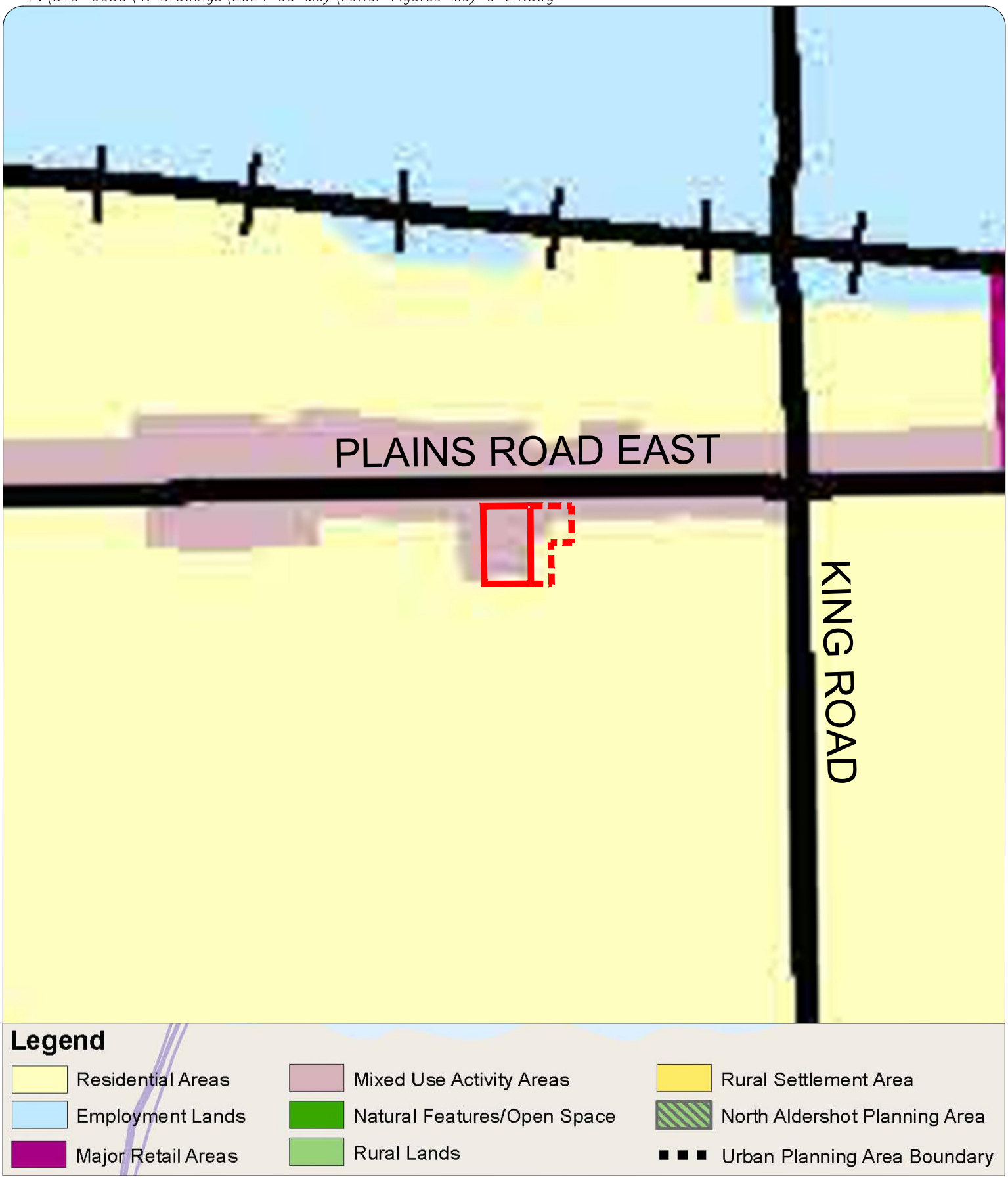
SCALE NTS
MAY 09, 2024

LEGEND

- Subject Lands (Phase 2)
- Subject Lands (Phase 1)

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Legend

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

FIGURE **3**

CITY OF BURLINGTON OFFICIAL PLAN

SCHEDULE A - SETTLEMENT PATTERN

PT LT 3, BROKEN FRONT CONCESSION
EAST FLAM, PT 1, 20R21010,
CITY OF BURLINGTON,
REGIONAL MUNICIPALITY OF HALTON

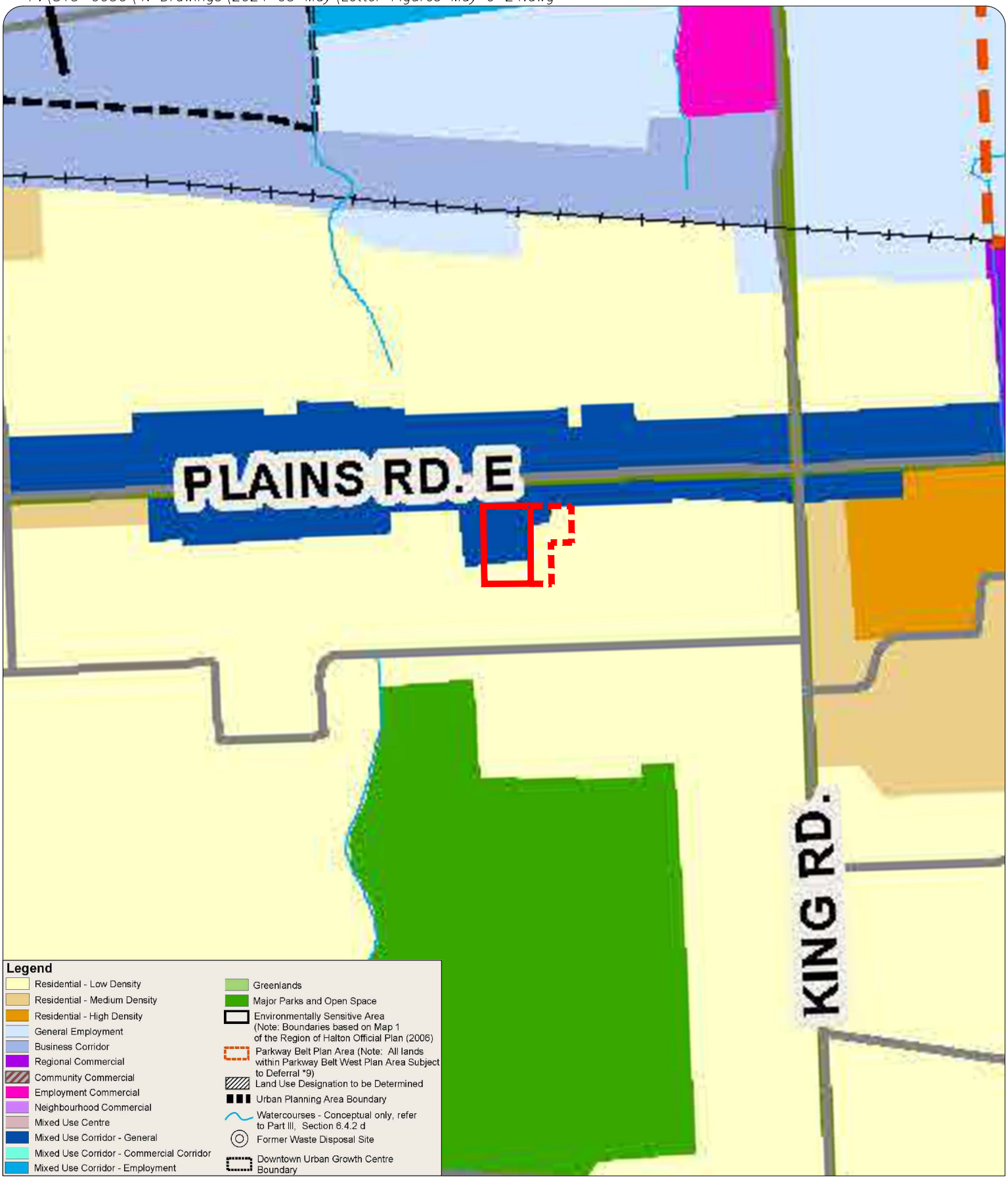
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MAY 09, 2024

LEGEND

- Subject Lands (Phase 2)
- Subject Lands (Phase 1)

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FIGURE

4

CITY OF BURLINGTON OFFICIAL PLAN

SCHEDULE B - LAND USE PLAN

PT LT 3, BROKEN FRONT CONCESSION
EAST FLAM, PT 1, 20R21010,
CITY OF BURLINGTON,
REGIONAL MUNICIPALITY OF HALTON

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MAY 09, 2024

LEGEND

Subject Lands (Phase 2)

Subject Lands (Phase 1)

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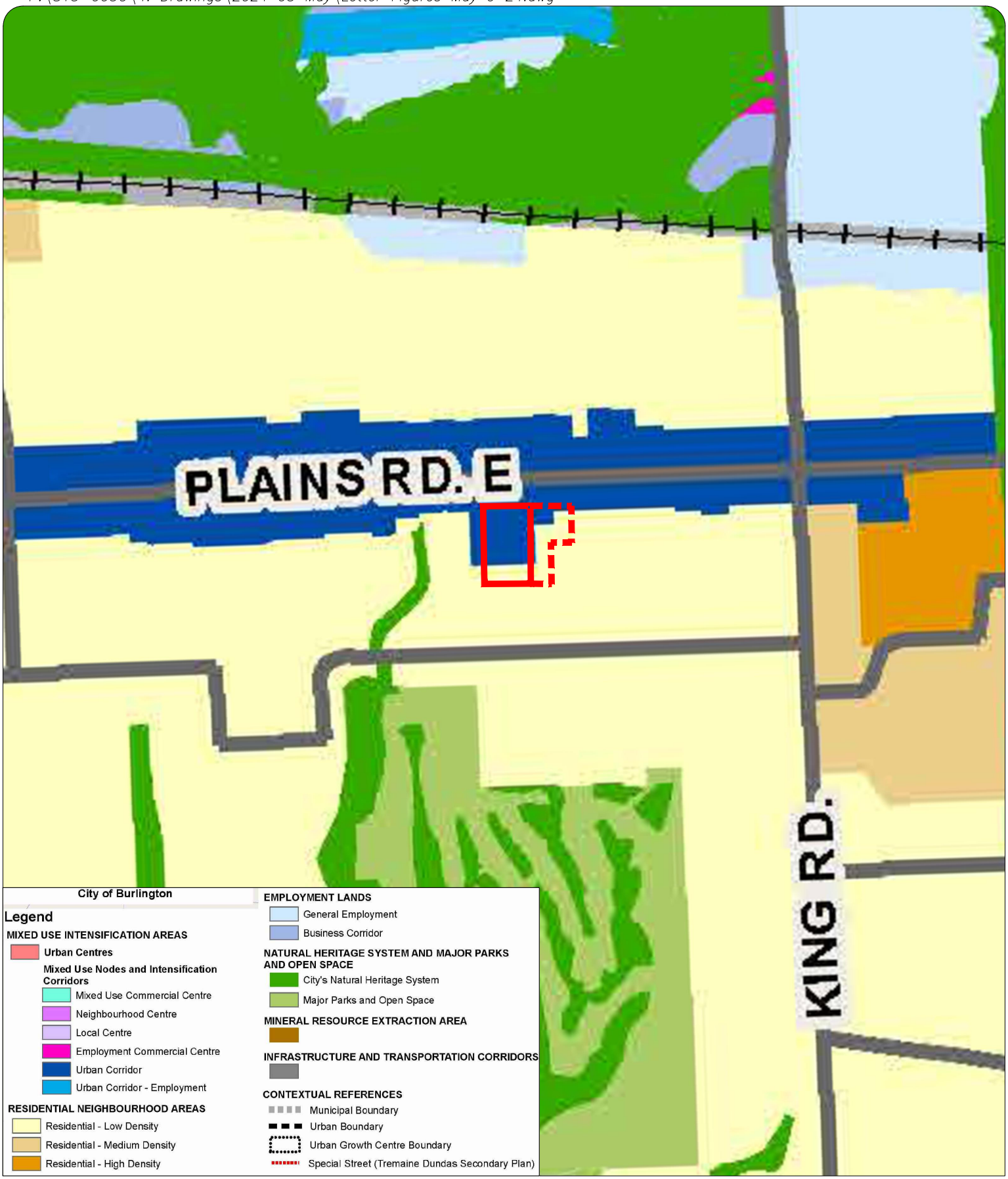


FIGURE
5

CITY OF BURLINGTON OFFICIAL PLAN

SCHEDULE C - LAND USE - URBAN AREA

PT LT 3, BROKEN FRONT CONCESSION
EAST FLAM, PT 1, 20R21010,
CITY OF BURLINGTON,
REGIONAL MUNICIPALITY OF HALTON

SCALE NTS
MAY 09, 2024

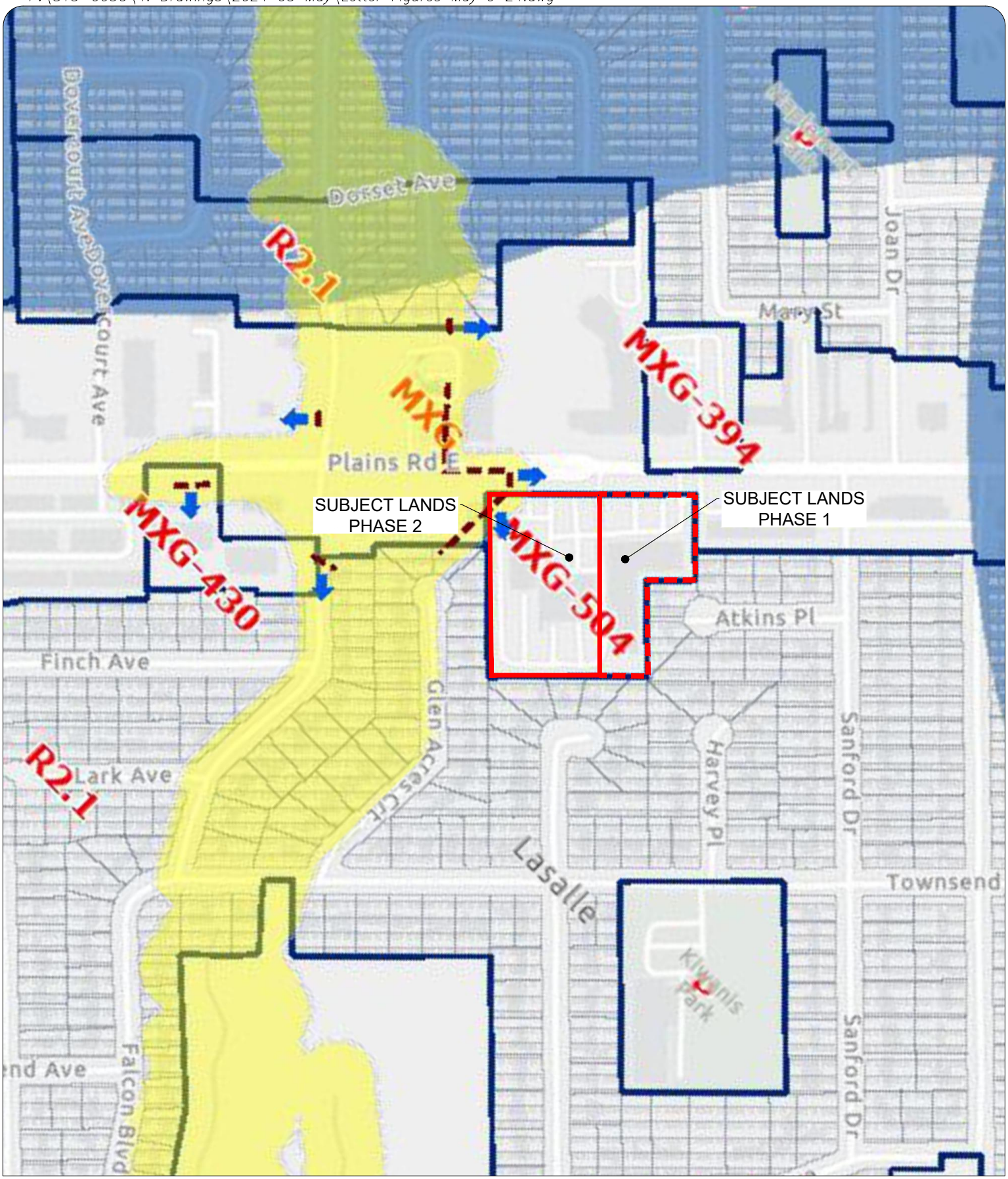
LEGEND

Subject Lands (Phase 2)

Subject Lands (Phase 1)

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FIGURE

6

CITY OF BURLINGTON

ZONING OVERLAY

LEGEND

- Subject Lands (Phase 2)
- Subject Lands (Phase 1)

PT LT 3, BROKEN FRONT CONCESSION
EAST FLAM, PT 1, 20R21010,
CITY OF BURLINGTON,
REGIONAL MUNICIPALITY OF HALTON

SCALE NTS
MAY 09, 2024

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ZONING REG.	ZONING PROVISION	PROPOSAL MODIFIED PHASE 2 LANDS
SITE-SPECIFIC MXG-504		
504.1 (Permitted Uses)	a) Only the following uses shall be permitted: i) Apartment Building with Retail and Service Commercial and Office uses permitted on Ground Floor ii) Stacked Townhouse	No Change Proposed.
504.2 (Regulations for Apartment Building		
504.2 a) (Maximum Number of Units	277	Phase 1 - 153 Phase 2 - 166 Total - 319
504.2 b) (Yard Abutting a Street)	i) Balconies - 2.9 m ii) Floor 9 (Rooftop Amenity and Mechanical Penthouse) - 10 m	i) Compiles ii) Complies.
504.2 c) (Yard Abutting a Residential Zone	East Side Floors 1-8: 10.8m, 10.2 m to balconies Floor 9 (Rooftop Amenity and Mechanical Penthouse): 17.2 m	Applies to Phase 1; not applicable to Phase 2 lands.
	West Side Floors 1-8: 11.6 m, 11 m to balconies Floor 9 (Rooftop Amenity and Mechanical Penthouse): 17.5 m	Floors 1 - 8 - Complies (13.2 m) Floor 9 - Complies
	South Side Floors 1-6: 13.2 including balconies Floors 6-8: 21m, 18 m to terrace, 13.4 m to balconies Floor 9 (Rooftop Amenity and Mechanical Penthouse): 35 m	Applies to Phase 1; not applicable to Phase 2 lands.
504.2 d) (Maximum Height)	8 storeys up to 27.5 m Rooftop Amenity and Mechanical Penthouse: 5 m	Phase 2 building - Complies Phase 2 - mechanical penthouse height of 6.6 m

504.2 e) (Maximum Rooftop Amenity (excluding Mechanical Penthouse)	500 m2	Complies.
504.2 f) (Occupant Parking	1 space/unit	Phase 2 - 166 spaces (Complies)
504.2 g) (Visitor Parking)	0.25 spaces/unit	Phase 2 - 42 spaces (Complies)
504.2 h) (Non-residential parking:	3.5 spaces/100m^2 of Gross Floor Area at grade only (can be shared with visitor parking including designated accessible spaces)	17.8 spaces required? NTD. Why are we showing 85% x (3.5 /100 m2 of retail)?
504.2 i) (Maximum Floor Area for all Non-Residential uses	1000 m2	Phase 1 - 965.63 m2 Phase 2 - 509 m2 Complies
504.3 (Regulations for Stacked Townhouses)		
504.3 a) (Yard Abutting A Residential Zone)	11.9 m including rooftop amenities and balconies	Complies
504.3 b) (Maximum Number of Units)	110	Complies
504.3 c) (Maximum Height	3 storeys up to 10 m Rooftop Amenity: 2.5 m	3 storeys up to 10 m Rooftop Amenity: 2.7 m
504.3 d) (Privacy Areas)	i) Privacy areas for ground-level units are permitted to have privacy screens on two sides only; with the opening on the side opposite the building. ii) Rooftop privacy areas permitted to have glass screens or railings with a minimum height of 1 m along the exterior walls of the building.	Acknowledged. No change is proposed.
504.3 e) (Parking)	i) Occupant: 1 space/unit ii) Visitor: 0.2 spaces/unit iii) Loading: None Required	ST - 45 spaces visitor - 9 space Complies

Definition	Notwithstanding Part 16, Definitions, Stacked Townhouse, a stacked townhouse building is permitted to contain 23 residential units, and access to second or upper-level units may be from interior or exterior stairways.	Building E contains 24 residential units.
504.4 (Regulations Applicable to Entire Site		
504.4 a) (Floor Space Ratio)	1.84:1 Maximum	1.87:1
504.4 b) (Landscape Area Abuting a Street)	1 m Transformers, walkways, and Street furniture may encroach.	No change is proposed.
504.4 c) (Landscape Buffers)	Transformers, underground stormwater tanks, and vents may encroach.	No changes are proposed.
504.4 d) (Setback from Street for below-grade parking structure	1 m Transformers, walkways, and Street furniture may encroach.	No changes are proposed.
504.4 e) (Amenity Area	25 m2 per unit	No changes are proposed.
504.4 f) (Setback from Driveway or Parking Lot/Parking Space to Habitable Room)	2 m	No changes are proposed.
504.4 g) (Setback from Ramp and Loading Space to Window of Habitable Room)	0 m	No changes are proposed.
Carshare Spaces may be included in the required parking calculation.		Acknowledged.
ZONING BY-LAW		
2.2.2 (Accessory Buildings and Structure and Unitary Equipment)	Rooftop accessory structure - For all other uses not mentioned in 2.2.1 and except where specified in the respective zone, the yard requirements for a principal building shall apply to accessory buildings and accessory structures	Acknowledged.
2.13 (Encroachment into yards)		
2.31.1	Every part of a required yard shall be unobstructed concerning the following encroachments:	

2.13.1 b)	In the following zones, a canopy or awning may project into a required front yard or street side yard to the street line and 1 m maximum into any other yard: MXG	Acknowledged. No change is proposed.
2.26 (General Parking Provisions)		
2.26 (5) Parking Structures		
2.25 (5) i)	Any part of an enclosed parking structure that projects 1.6 m or more above grade shall be subject to the yard requirements of the zone designation.	Acknowledged. No change is proposed.
2.26 (5) ii)	Entrance and exit ramps to below-grade and above-grade parking structures or buildings shall be set back 7.5 m from a street line	Acknowledged. No change is proposed.
2.26 (5) iii)	Below-grade parking structures shall not extend into a required landscape buffer and shall be set back 3 m from all other property lines and street lines	Acknowledged. No change is proposed.
PART 5 - Mixed Use Corridor Zone		
Pt. 5.4.3 (Density)		
Pt. 5.4.3 (Density)	Minimum Density - 30 units/hectare	Complies
	Maximum Floor Area per Retail or Service Commercial Use: 1800 m2	Site-specific Amendment; Exception 504
Pt. 5. 4.4 (Landscape Area and Buffer)		
Pt. 5.4.4.	Landscape Buffer: 6 m abutting a residential zone.	Acknowledged. No change is proposed.
Pt 5. 4.6 (Parking)		
Pt 5. 4.6 (b)	The minimum number of parking spaces required for non-residential uses in MXG, MXC, and MXT zones is deemed to be the number generated by the standards outlined in Part 1, Table 1.2.6, less a factor of 5%; and	Acknowledged. No change is proposed.
Pt 5. 4.6 c)	For non-residential uses in MXG, MXC, and MXT zones, the number of parking spaces provided shall not be greater than 102% of the minimum standard outlined in Part 1, Table 1.2.6	Acknowledged. No change is proposed.

Pt 5. 4.6 d)	Visitor Parking: Where development is comprised of a mix of residential and nonresidential uses, non-residential parking located on the same property as the residential use may be counted toward required visitor parking for the residential use, using the standards outlined in clause (c) above;	Acknowledged. No change is proposed.
Pt. 5.4.6 f) (Pedestrian Walkway)	A 3 m walkway shall be provided from the street connecting the sidewalk to the principal entrance of the building and shall be unencumbered except that the walkway may cross a driveway.	Acknowledged. No change is proposed.
Pt 5. 4.7 (Outside Storage)		
Pt 5.4.7 a)	Only merchandise displayed for retail sale may be stored outside, provided the merchandise is not stored in a truck, trailer, or other vehicle	Section 2.2.3 (General provisions regulate garbage enclosures. Per Phase 1 comments staff opined that a garbage chute is not considered a garbage enclosure as regulated under Part 1, Section 2.2.3.
Pt 5.4.7 b)	Perishable waste must be kept in refrigerated storage within a building. Alternatively, perishable waste may be stored outside if a deep collection waste disposal system, comprised of a sealed container with a lockable lid located primarily below grade, is used.	
Pt 5.4.7 c)	Non-perishable waste stored outside on lands abutting a residential zone shall be kept within a solid screen enclosure subject to Part 1, Subsection 2.2.3.	
Pt5.4.9 (Fencing)		
Pt.5.4.9	On lands abutting a residential zone fencing shall be installed along the common boundary with the residential zone and shall have a minimum height of 1.8 m, which may be a solid screen fence or a combination of chain-link fence and landscape planting to form a dense year-round screen	Acknowledged. No change is proposed.

Pt 5. 4.12 (Loading and Unloading)		
Pt 5.4.12 a)	Loading/unloading shall not take place within 7.5 m of a residential zone	Acknowledged. No change is proposed.
Pt 5. 4.12 b)	Loading/unloading docks shall be screened from view from a street or adjoining residential zone.	Acknowledged. No change is proposed.
Pt. 5. 4.14 (Doors)		
Pt.5.4.14	Every building located within 60 metres of a street with a deemed width of 26 metres or greater shall provide a pedestrian-accessible door on the building elevation facing the street.	Only applies to apartment building (Phase 1 confirmation) - complies.