# PLANNING JUSTIFICATION **REPORT**

## 1989 Appleby Line
**Burlington**

**Date:**
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**Prepared for:**
Latch Residential Developments

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This Planning Justification Report ("PJR") has been prepared in support of a proposed Official Plan and Zoning By-law Amendment to facilitate the redevelopment of the property located at 1989 Appleby Line, in the City of Burlington (the "Subject Lands"). The proposed redevelopment includes the demolition of the existing gas station and the construction of two 20-storey residential buildings connected by a 6-storey podium with at-grade retail. The Subject Lands are located in the Uptown Core at the major intersection of Appleby Line and Upper Middle Road. The lands are within the Uptown Urban Centre of the City Burlington with an existing neighbourhood characterized by a mix of semi-detached dwelling, street townhouses, and apartment buildings. The location benefits from being in close proximity to a number of existing and planned public transit routes, including GO Transit, Burlington Transit, as well as nearby commercial and employment areas. The Subject Lands are in an area that has experienced significant residential and employment growth in the past 10 years and is a site designated for intensification as the Uptown Core.

Latch Residential Developments have undertaken considerable review and analysis of the redevelopment options for the Subject Lands to address the physical and policy context. The proposed redevelopment provides for two 20-storey, residential buildings connected by a 6-storey podium containing 475 residential condominium units. A total of 502 vehicular parking spaces are provided with 92 spaces located above-grade and 410 spaces located in three below grade parking levels. The Subject Lands will be accessed via two driveways, one on Upper Middle Road and the other on Appleby Line. The proposal consists of a compact built form that has been designed in accordance with the Tall Building Guidelines and the Uptown Mixed-use Centre Urban Design Guidelines.

Amendments to the Official Plan and Zoning By-law are required to facilitate the proposal. Amendments to the Official Plan consist of an increase in the permitted building height from 35 metres to 70.5 metres and an increase in floor space index from 2.5:1 to 5.7:1. Amendments to the Zoning By-law implement the proposed Official Plan height and density policies and include reductions to minimum parking requirements, amenity areas, setbacks for below grade parking structures and setbacks to pipeline easements.

The proposed redevelopment and planning instruments are supported by a series of plans and studies, including but not limited to, functional servicing, stormwater management, transportation, noise, urban design and geotechnical. All of these studies have been undertaken in accordance with the City's requirements and provide a full assessment and justification for the proposed redevelopment.

Based on the existing physical context and surrounding neighbourhood, the technical assessment of the proposal and the analysis of the proposal within the current policy and regulatory context, the proposal is consistent with the Provincial Policy Statement, conforms with the Growth Plan for the Greater Golden Horseshoe and conforms with the Halton Region Official Plan, the in-force City of Burlington Official Plan (except those sections proposed to be amended), and the Council-adopted City of Burlington Official Plan (approved by Halton Region, currently under appeal and thus not in force). It should be noted that the Council-adopted Official Plan permits the proposed 20 storey building height and increases the permitted floor space index to 3.5:1 (with further increases permitted by way of Minor Variance or Zoning By-law Amendment without the need to amend the Official Plan).

The proposal can be adequately serviced, efficiently utilizes existing infrastructure, and does not create any impacts to the surrounding area. The proposed amendments to the Official Plan and Zoning By-law implement appropriate policy and development standards that allow the achievement of the level of intensification required by Provincial and regional policies. The proposal is keeping with the character of the neighbourhood and provides an opportunity for intensification within the Built-up Area that is appropriate and represents good planning in the public interest.

# TABLE OF CONTENTS

1.0 INTRODUCTION ..... 1
2.0 SITE DESCRIPTION AND SURROUNDING LAND USES ..... 3
3.0 DESCRIPTION OF THE PROPOSAL ..... 8
4.0 POLICY CONTEXT OVERVIEW ..... 20
5.0 SUMMARY AND CONCLUSIONS ..... 90
6.0 Appendix ..... 91

# APPENDICES

Appendix 1 – Development Application Pre-Consultation Forms
Appendix 2 – Photo Record
Appendix 3 – Draft Official Plan Amendment for In-Force Official Plan
Appendix 4 – Draft Zoning By-law Amendment
Appendix 5 – Land Use Compatibility Assessment
Appendix 6 – Retail and Commercial Needs Assessment

# FIGURES

Figure 1 – Location Map
Figure 2 – Context Map
Figure 3 – Burlington Transit Routes
Figure 4 – Surrounding Developments
Figure 5A – Proposed Site Plan
Figure 5B – Proposed Elevations
Figure 6 – Regional Structure – Halton ROP
Figure 7 – Regional Structure Map 1h – Halton ROP
Figure 8 – Comprehensive Land Use Plan – Urban Planning Area
Figure 9 – Land Use – Uptown Mixed Use Centre
Figure 10 – Long Term Transit Service Network
Figure 11 – Growth Framework
Figure 12 – Growth Framework and Long Term Frequent Transit Corridors
Figure 13 – Land Use – Urban Area
Figure 14 – Land Use – Uptown Urban Centre
Figure 15 – City of Burlington Zoning By-law 2020

# TABLES

Table 1 – Proximity to Nearby Destinations
Table 2 – Surrounding Development Applications
Table 3 – Unit Breakdown
Table 4 – Themes Expressed at Public Information Meeting
Table 5 – Burlington Urban Design Panel's Summary of Advice

Table 6 - Healthy Community Guidelines Compliance
Table 7 – Justification for Parent Zone Modifications

# ABBREVIATIONS

| | |
|---|---|
| **BUD** | Burlington Urban Design Advisory Panel |
| **FSR** | Functional Servicing Report |
| **MTSA** | Major Transit Station Area |
| **LOS** | Level of Service |
| **OP** | Official Plan |
| **OPA** | Official Plan Amendment |
| **PJR** | Planning Justification Report |
| **PPS** | Provincial Policy Statement (2020) |
| **ROP** | Halton Region Official Plan |
| **ROW** | Right-of-way |
| **SWM** | Stormwater Management |
| **TDM** | Transportation Demand Management |
| **TIS** | Traffic Impact Study |
| **UDB** | Urban Design Brief |
| **uph** | Units per hectare |
| **ZBA** | Zoning By-law Amendment |

# 1.0 INTRODUCTION

MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") has been retained by Latch Residential Developments (the "Owner") to assist with planning applications to redevelop the property municipally known as 1989 Appleby Line in the City of Burlington (the "Subject Lands").

This report has been prepared in support of proposed amendments to the in-force City of Burlington Official Plan and Zoning By-law (the "Applications") to facilitate the redevelopment of the Subject Lands with two 20-storey residential buildings connected by a 6-storey podium with at-grade retail, for a total of 475 residential units, 871m$^2$ of at-grade retail space, 502 vehicular parking spaces and 304 bicycle parking spaces. It should be noted that the proposal complies with the Council-adopted and regionally approved new Official Plan (as discussed in Section 4.6 below). While the new Official Plan is not determinative, it is informative and should the relevant parts of the new Official Plan come into force, an Official Plan Amendment ("OPA") application would no longer be required.

This PJR provides the following:

- A general description of the Subject Lands and surrounding uses as well as the current physical conditions to provide an understanding of the locational context;
- A description of the proposed development and its design elements;
- A summary of the technical reports prepared to support the proposal;
- A description of the proposed planning instruments to amend the in-force Official Plan ("OP") and Zoning By-law ("ZBL") to implement the redevelopment;
- A review of the existing and evolving policy and regulatory framework and an assessment of the proposed development's consistency and conformity with Provincial, Regional and City policies and regulations;
- An assessment of the impacts of the redevelopment and how they are addressed as well as how the proposal is compatible; and,
- A summary of key conclusions and recommendations related to the proposed development.

Since 2021, the Owner has brought together a team of consultants to develop and prepare a concept plan for the redevelopment of the Subject Lands. During this time, the project team and Owner have met with City and Regional staff to discuss the proposal. A Formal pre-consultation meeting was held on February 2, 2022. A record of the pre-consultation minutes is attached to this report as **Appendix 1**. The project was reviewed by the Burlington Urban Design Review ("BUD") panel on April 21, 2022 and a virtual pre-application community meeting was held on April 4, 2022. A summary of the BUD feedback and the virtual pre-application community meeting is provided in Section 3.3 of this report. Feedback from staff, the BUD panel and the public were incorporated into the final plans for the redevelopment.

The following reports and materials were identified as required for a 'complete application' through the pre-consultation process and are included as part of this application submission:

1. Planning Justification Report;
2. Conceptual Site Plan Layout & Site Survey;
3. Land Use Compatibility Study;
4. Retail and Service Commercial Needs Assessment;
5. Housing Impact Statement;
6. Architectural Plans;
7. Functional Servicing Report (including water, wastewater and stormwater);
8. Storm Water Management Report;
9. Hydrogeology Study;
10. Traffic Impact Study including TDM Plan and Parking Justification Report;
11. Noise Feasibility/Vibration Study;
12. Shadow Analysis;
13. Quantitative Wind Impact Study;
14. Angular Plane Study;
15. Arborist's Report/Tree Inventory and Preservation Plan;
16. Environmental Site Screening Checklist;
17. Phase I Environmental Site Assessment;
18. Phase II Environmental Site Assessment (at time of application);
19. RSC (during process);
20. Height Survey of Adjacent Buildings;
21. Burlington Urban Design Advisory Panel Comments and Meeting Minutes;
22. Landscape Concept Plan;
23. Sustainable Building and Development Guidelines Checklist;
24. Urban Design Brief;
25. Grading, Drainage and Servicing Plans;
26. Geotechnical Report;
27. Construction & Mobility Management Plan;
28. Waste Management Report;
29. Title Agreement;
30. Draft OPA; and,
31. Draft Zoning By-law Amendment.

Together these reports provide for the comprehensive assessment and justification for the proposed redevelopment of the Subject Lands as proposed.

# 2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The following sections of the report address the current site and surrounding physical context, including proposed and recently approved redevelopments. A photo record documenting the on-site conditions and the surrounding neighbourhood is provided in **Appendix 2**.

## 2.1 Site Description

The Subject Lands are located just outside the Orchard neighbourhood of Burlington (Ward 5) within the Uptown Urban Centre. The Subject Lands are approximately 6,009 $m^2$ in area, with approximately 69 m of frontage along Appleby Line. The Subject Lands are adjacent to a hydro corridor to the northeast, beyond which lies Upper Middle Road.

Currently this parcel contains a 1 storey convenience store, gas station with a car wash facility, surface parking and a small outdoor seating area. There is an easement for a natural gas pipeline along the north portion of the Subject Lands which is subject to an agreement between the Owner and pipeline owner. Driveway access is located on both Appleby Line and Upper Middle Road.

## 2.2 Surrounding Land Uses

Figure 2 illustrates the land uses surrounding the Subject Lands. For the purposes of this report, Upper Middle Road is considered north. The surrounding uses are also described as follows:

**NORTH:** North of the Subject Lands is the Orchard Neighbourhood, which consists of residential uses, schools and a number of smaller residential parks. Immediately north of Upper Middle Road is a low rise-apartment complex and a townhouse development.

**EAST:** East of the Subject Lands is a residential neighbourhood characterized by semi-detached dwellings, street townhouses and four apartment buildings immediately east of the Subject Lands. In the middle of this residential neighbourhood is Desjardines Park with Lampman Park further south.

**SOUTH:** Immediately south of the Subject Lands are smaller commercial plazas with access from Appleby Line and Ironstone Drive. Further south along Ironstone Drive towards Corporate Drive are a number of employment and industrial

uses.

**WEST:** A large commercial plaza consisting of large format retail uses, restaurants, a grocery store, as well as smaller retail units is located to the west of the Subject Lands. Further west is Millcroft Park and a residential neighbourhood consisting primary of single-detached residential uses.

## 2.3 Neighbourhood Context

The Subject Lands are located within North Burlington. In 1994, the City of Burlington designated this area with the goal of creating a secondary urban centre to complement Downtown Burlington. In addition, the Subject Lands are located at the major intersection of Appleby Line and Upper Middle Road. The lands are on the periphery of a residential neighbourhood to the east characterized by a mix of semi-detached dwellings, street townhouses as well as apartment buildings that are immediately adjacent to the Subject Lands at 16, 11 and 6 storeys in height. To the north, is the Orchard Neighbourhood. The intersection of Upper Middle Road and Appleby Line have experienced significant redevelopment since the 1990s as part of Uptown Burlington with the introduction of adjacent residential towers and commercial plazas in the past 20 years.

Commercial uses, including grocery stores, restaurants, and retail shopping are located within walking distance along Appleby Line and Upper Middle Road. Employment uses are located along Corporate Drive and Mainway to the south, east and west. The Subject Lands are located in close proximity to a number of community facilities, retail services, parks and recreation facilities which are listed in **Table 1**.

**Table 1: Proximity to Nearby Destinations**

| Destination | Travel Distance (km) | Travel Time | | |
|---|---|---|---|---|
| | | Walk | Cycle | Car |
| 1. **Desjardines Park** | 0.65km | 7min | 2min | 2min |
| 2. **Corpus Christi Catholic Secondary School** | 0.65km | 8min | 2min | 2min |
| 3. **St. Elizabeth Seton Catholic School** | 1.1km | 13min | 5min | 3min |
| 4. **Glenn Arbour Academy** | 1.3km | 15min | 5min | 4min |
| 5. **Alexander's Public School** | 1.7km | 22min | 7min | 3min |
| 6. **Tansley Woods Community Centre** | 1.9km | 22min | 8min | 4min |

| | | | | |
|---|---|---|---|---|
| **7. Appleby Ice Centre** | 2.0km | 18min | 7min | 5min |
| **8. Millcroft Park** | 2.0km | 24min | 7min | 4min |
| **9. Millcroft Golf Club** | 2.2km | 26min | 8min | 5min |
| **10. Bronte Creek Provincial Park** | 2.3km | 28min | 8min | 5min |
| **11. SmartCentres Burlington North** | 2.6km | 32min | 10min | 5min |
| **12. Appleby GO Station** | 3.9km | 40min | 12min | 8min |

Note: Distances and times are approximate.

## 2.4 Transit & Transportation

*Local Public Transit*

The Subject Lands are serviced by two existing bus routes as shown on Figure 3. Route 11 (Sutton-Alton) has a service frequency of 30 minutes and operates between Appleby GO Station and the Dundas Street @ Hwy 407 Park & Ride. Route 12 (Upper Middle) generally runs every 30 minutes with more frequent services in the afternoon. Route 12 operates between Burlington GO Station and SmartCentres Burlington North. Services east of the Route 11 are operated by Oakville Transit services.

Appendix A Schedule 1 - Long Term Transit Service Network of the in-force OP identifies Primary Bus Service on Appleby Line. Secondary Bus Service is identified on Upper Middle Road, Corporate Drive, and Mainway.

While not currently in force and effect, Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors of the Council-adopted OP identifies Appleby Line as a MTSA Secondary Connector and a Frequent Transit Corridor. Upper Middle Road is identified as a Transit Support Corridor adjacent to the Subject Lands and as a Candidate Frequent Transit Corridor towards the west past Country Club Drive.

*Regional Public Transit*

The Appleby GO Station is on the Lakeshore West line with service to Downtown Toronto with a frequency of approximately 20 minutes during the peak hours and 30 minutes during off peak hours and weekends. Additionally, the Lakeshore West GO (Route 18) bus route operate from the station. Route 18C and 18F specifically operate with stops at the Appleby Station with full service from Aldershot Station to Union Station with a frequency of approximately 30 minutes during off-peak hours and 15 minutes during peak hours.

Additional Regional public transit operates from the Dundas Street and Highway 407 Park & Ride, including Route 40, Route 41, Route 47, and Route 12. Route 40 (Hamilton/Richmond Hill) operates GO Bus service from Hamilton GO Centre to Richmond Hill Centre with stops at the Square One Bus Terminal and Pearson Airport Terminal 1 with a frequency of every 60 minutes during off-peak hours and every 30 minutes during peak hours. Route 41 and 47 (Hamilton/Pickering) operates GO Bus service from Hamilton GO Centre to Pickering GO approximately every 30 minutes. Route 12 operates GO Bus service from Niagara Falls Bus Terminal to Dundas Street @ Hwy 407 Park & Ride approximately every 60 minutes. Metrolinx is in the process of advancing planning for the Dundas Bus Rapid Transit (BRT) corridor. The corridor will be built on a 48 kilometre stretch of Dundas Street from Highway 6 in the City of Hamilton through to the Kipling Transit Hub in the City of Toronto, linking Etobicoke and Mississauga City Centres. More than 20 kilometres will operate in bus lanes or in a dedicated right-of-way, separate from other traffic.

*Road Network*

Appleby Line is classified as a Major Arterial Road and Upper Middle Road is classified as a Minor Arterial in the Halton Region Official Plan. The streets surrounding the Subject Lands, including Imperial Way, Ironstone Drive, and Corporate Avenue are all classified as Collectors in the in-force OP. In the council-adopted OP, Mainway and Corporate Drive east of Appleby Line are classified as Industrial Connectors. The right-of-way requirement for the portion of Appleby Line closest to the Subject Lands is 40 metres. The right-of-way requirement for Upper Middle Road is 40 metres. The right-of-way requirement for Corporate Drive is 26 metres.

*Cycling*

There are currently bike lanes along Appleby Line and Upper Middle Road. Appendix A Schedule 2 – Long Term Bikeway Network of the in-force OP identifies bike lanes for Appleby Line and Upper Middle Road. Sections of Appleby Line (from Upper Middle Road to Mainway) are identified as a Multi-Use Path with shared biking and pedestrian sidewalks. On Schedule P – Long Term Cycling Master Plan of the council-adopted OP, the section of Appleby Line from Upper Middle Road to Mainway are identified as a Boulevard Trail in the Regional Bike Network.

## 2.5 Surrounding Development Applications

There are currently three recent or on-going development applications in close proximity to the Subject Lands (shown on Figure **4** and summarized in Table **2**).

**Table 2: Surrounding Development Applications**

| Number (#) | Development | Current Application | Description | Height | Density | Status |
|---|---|---|---|---|---|---|

| | | | | | | |
|---|---|---|---|---|---|---|
| #1 | 5030-5045 Tico Creek Common | ZBA | A rezoning is proposed to allow an increase in maximum mixed-use building gross floor area and a broader range of retail uses and related regulations than are currently permitted on this site. The site is currently developed with a hotel and auto repair shop. The rezoning would facilitate the development of the remainder of the site with two mixed-use buildings | 1 storey | 0.1025 FSI | Under Review – Statutory Public Meeting held on March 1st, 2022 |
| #2 | 1860-1900 Appleby Line | OPA & ZBA | A proposed three-phase mixed-use development consisting of one 18 storey building (Phase 1) and two 16 storey buildings (Phase 2 & 3). The proposal would have a total of 560 residential units and would include 1,581m² of retail space and 1,820m² of office space on the first and second floors. The development proposes Privately-Owned Publicly Accessible Spaces through the centre of the site, and underground parking. | 18-storey building and two 16-storey buildings | Phase 1: 515.1 UPH<br>Phase 2: 485.5 UPH<br>Phase 3: 368.2 UPH | Under Review – Statutory Public Meeting held on April 5th, 2022 |
| #3 | 5041 Mainway | SPA | Development of a new two storey office building with a rear parking structure | Two-storeys | 0.5 FSI | Approved - Built |

# 3.0 DESCRIPTION OF THE PROPOSAL

## 3.1 Proposal

Since the initial pre-consultation in 2021, the concept plan has undergone iterative revisions. These changes reflect discussions with City staff, comments received from the pre-consultation meeting, feedback from BUD and feedback from the community during the public information meeting. The design of the proposal has also been guided by the local context and the evolving policy and regulatory framework including the Council-adopted OP, design guidelines, and the recommendations of staff.

The proposed redevelopment represents an intensification of the Subject Lands that will contribute to the on-going growth of Uptown Burlington as higher density, mixed use node. The proposal consists of two 20-storey (65.3 m) high-rise residential condominium buildings connected by a 6-storey podium with at grade retail for a total of 475 residential units, 871m² of at-grade retail, 502 vehicular parking and 304 bicycle parking. A bike repair room will be provided in the parking garage. A number of bike lockers will also be provided in the parking garage on the first level. The resulting density is approximately 800 uph. The preliminary intended unit breakdown is provided in Table 3 which is subject to change prior to occupancy.

**Table 3: Unit Breakdown**

| Unit Size | Quantity |
|---|---|
| 1 bedroom | 180 |
| 2 bedroom | 290 |
| 3 bedroom | 5 |
| Total | 475 |

The site will be accessed via two right-in/right-out driveways, with one driveway off of Upper Middle Road and the other driveway off of Appleby Line. Limited surface parking is located along the north, west and south lot line for visitors and customers of the at-grade commercial units. A loading area is provided internal to the site beside the proposed lobby. Parking and loading are screened by the proposed building and landscaping to avoid any visual impact on the public realm. The shared vehicle entrance for residents and service vehicles leads to the surface and underground parking. Of the total 502 vehicular parking provided, 92 spaces are located on the surface and 410 spaces are located in three below-grade parking levels. The 304 total bike parking spaces will be distributed between the ground level and underground levels. As discussed in fuller detail in the accompanying Transportation Impact and Parking Study, several Transportation Demand Management ("TDM") measures are proposed for the site. These include, but are not limited to, a continuous sidewalk along the Subject Lands frontage,

curb cut ramps adjacent to any bicycle parking, subsidized transit passes for purchasers who do not purchase parking, and monitoring of the visitor parking to avoid disruption to the local community.

Landscaping is proposed around the perimeter of the site, including more significant planting along Appleby Line and the southern property line. Indoor and outdoor amenity spaces will also be provided, including an active and vibrant entrance to the lobby space that will be lined with planting beds and small canopy trees to match the existing streetscape to the east. A landscaped area and surface parking area that services ground floor retail units is provided north of the building. Indoor amenity spaces with also be provided on the 7$^{th}$ floor. Outdoor amenity space will be provided on top of the podium between the two towers. The building contains 3 levels of stepbacks at the easterly edge of the building while colour and high-quality material changes are used to differentiate the 6-storey podium from the two towers. Material changes include precast glass, clay colour brick cladding, and glazing.

The proposed building has a setback of 3.071 metres along Appleby Line, bringing the building at close proximity to the road edge and aligning the façade with the street. The building is setback 19.00 metres from Upper Middle Road. A 10.910 metre setback (inclusive of a 3 metre landscape buffer) is maintained from the east. A 3.002 metre side setback is maintained from the property to the south. The two 20-storey residential towers achieve a 25 metre tower separate distance.

The main entrances to the building will be clearly marked with appropriate signage, lighting and paving, and will be located at grade along Appleby Line, connected by a pedestrian sidewalk. The retail uses are accessed at grade along Appleby Line and along the north side of the building. All mechanical equipment will be located at the penthouse, and will be screened from public view. Garbage storage is located at the rear of the proposed building and is enclosed.

The proposed development is also considering a number of sustainability features. This includes a high-quality energy efficient heating and cooling system, smart hydro meters for each unit to regulate time-of-use, a tri-sorter system for residential garbage, low flow bathroom fixtures, rainwater harvesting, and electric vehicle charging.

The proposal is shown in Figures 5A and 5B

# 3.2 Summary of Technical Reports

The following studies have been identified as submission requirements through the pre-consultation process and have been prepared in support of the proposal.

**Housing Impact Statement**

A Housing Impact Statement has been prepared by MHBC Planning in support of the proposed applications. The purpose of this Statement is to assess how the proposed development contributes to the Region of Halton housing targets, any proposed new affordable or assisted housing units, information on the phasing of the targets, and any other relevant or current housing information. The proposed development meets the applicable housing goals, objectives and policies of the Region of Halton Official Plan. The proposal will provide for a total of 475 condominium apartment units that supports sustainable, cost-effective and transit-supportive growth. The proposed development contributes to the shift in primary residential built form in Burlington. Further information can be found in the Housing Impact Statement, included as part of the submission files.

**Hydrogeology Study**

A Hydrogeological Investigation has been prepared by Palmer in support of the proposed applications. The Hydrogeological Investigation is focused on characterizing hydrogeological conditions at the site to estimate dewatering rates and permitting requirements. The assessment has been developed to utilize the boreholes and groundwater monitoring wells completed as part of the Phase Two ESA completed by Palmer and the geotechnical scope being completed by Grounded Engineering. Under MECP requirements, registration on the Environmental and Site Activity Registry is required when dewatering is greater than 50,000 L/day and less than 400,000 L/day. A Category 3 PTTW is required when dewatering is expected to be greater than 400,000L/day. As the discharge does not exceed 400,000 L/day only a registration on the EASR is recommended. Further information can be found in the Hydrogeological Investigation, included as part of the submission files.

**Quantitative Wind Impact Study**

A Pedestrian Wind Study has been prepared by SLR Consulting in support of the proposed applications. The Pedestrian Wind Study describes the existing and future wind conditions through wind tunnel modeling techniques. Based on the results of the Study, wind conditions in most areas on-site and surrounding the proposed site meet the safety criterion in the Existing Configuration. In the proposed Configuration, the wind safety criterion is exceeded at the northwest corner of the proposed development, at two sidewalk locations along Appleby Line, and on the 6$^{th}$ floor amenity terrace. Window control measures are recommended for these areas and for the main entrance.

Wind conditions on-site are generally suitable for the intended use throughout the year. Window conditions on the proposed terraces are generally windier than desired for passive activities. Wind mitigation measures are suggested for the terraces. Further information can be found in the Pedestrian Wind Study, included as part of the submission files.

**Arborist Report/Tree Inventory and Preservation Plan**

A Tree Inventory and Preservation Plan Report has been prepared by Jackson Arboriculture Inc. in support of the proposed applications. A tree preservation analysis was completed on each tree individually considering the impacts from the proposed development and many other factors including, but not limited to, tree condition, species, DBH and the existing site conditions. The results of the tree inventory indicate that a total of 53 trees reside on the Subject Lands, within the road allowances and on neighbouring property within 6 m of the property boundaries. The removal of 36 trees will be required to accommodate the proposed development. The preservation of Trees 23-26, 38, 40, 42-51 and 53 will be possible with the use of appropriate tree protection measures. Further information can be found in the Tree Inventory and Preservation Plan Report.

**Urban Design Brief**

An Urban Design Brief has been prepared by MHBC Planning in support of the proposed applications. The Urban Design Brief describes and illustrates the design vision, principles and objectives of the proposal in order to demonstrate its conformity with the City of Burlington's relevant design-related policies and guidelines.

Based on the review of the City of Burlington Official Plans, the Tall Building Guidelines, the Sustainable Development Guidelines and the Uptown Mixed Use Centre Urban Design Guidelines, the Urban Design Brief concludes that the proposal adheres to the vision and design direction for the neighbourhood. Overall, the proposal represents an exemplary design that promotes intensification and a mix of uses, and provides sensitive transition to the surrounding neighbourhoods while contributing to placemaking in the community. Further information can be found in the Urban Design Brief, included as part of the submission files.

**Functional Servicing & Stormwater Management Report**

A Functional Servicing & Stormwater Management Report has been prepared by S. Llewellyn & Associates Limited in support of the proposed applications. The report outlines the functional servicing and stormwater management strategy for the proposed development. Based on the information provided in the report, it is concluded that the proposed development can be constructed to meet the requirements of the City of Burlington and Halton Region. It is recommended that the development be graded and serviced in accordance with the Preliminary Grading & Erosion Control Plan and the Preliminary Site Servicing Plan. 150mm and 200mm orifice pipes will be installed. An underground storage vault will be incorporated into the underground parking garage to provide stormwater storage. It is further recommended that discussions with the Region of Halton should take place regarding upgrades to the existing 375mm sanitary sewer on Appleby Line and the proposed watermain service connection to the existing 600mm CPP watermain. Further information can be found in the

Functional Servicing & Stormwater Management Report, included as part of the submission files.

**Transportation Impact and Parking Study**

A Transportation Impact and Parking Study has been prepared by Paradigm Transportation Solutions Limited in support of the proposed applications. The Transportation Impact and Parking Study determines the impacts of the development traffic on the surrounding road network, forecasts the site's parking demand and identifies the improvements recommended to accommodate the site-generated traffic. The Study also recommends Transportation Demand Management measures.

The Transportation Impact and Parking Study concludes that the Subject Lands are forcasted to generate approximately 151 and 191 new vehicle trips during the AM and PM peak hours, respectively. The site concept plan includes TDM measures aimed at walking, transit, cycling, parking, and education/promotion that are intended to assist in mitigating the site's transportation and parking impacts. The noted queue lengths and localized congestion identified under base year conditions are forecast to continue to occur with the addition of two critical movements at the intersection of Appleby Line at Upper Middle Road and Appleby Line at Ironstone Drive. In terms of parking, with a comprehensive TDM program, a minimum occupant parking ratio of 0.87 spaces per unit and a minimum visitor parking ratio of 0.12 spaces per unit is supportable. Further information can be found in the Transportation Impact and Parking Study, included as part of the submission files.

**Noise Feasibility Study**

An Environmental Noise and Vibration Feasibility Study ("Noise Study") was completed by Valcoustics Canada Ltd. in support of the proposed applications. The purpose of the Noise Study is to determine appropriate mitigation measures required to meet the applicable Ministry of the Environment Conservation and Parks noise guidelines as well as the requirements of the City of Burlington and Region of Halton. With appropriate acoustical design of the development, a suitable acoustical environment can be provided and the applicable MECP noise guideline requirements met. This includes provision of air conditions for each unit, selection of appropriate building material for wall and window construction, warning clauses and a 1.4 m high sound barrier for the 7$^{th}$ floor outdoor amenity area. Further information can be found in the Noise Study, included as part of the submission files.

**Phase 1 Environmental Site Assessment**

A Phase One Environment Site Assessment ("ESA") was completed by Palmer in support of the proposed applications. The Phase One ESA has been prepared in accordance with Schedule D of Ontario Regulation 407/19 under the Environmental Protection Act. The Phase One ESA includes an assessment of adjacent and neighbouring lands within a 250-metre radius of the Subject Lands. Based on the findings of the historical records review, site reconnaissance, and personal interviews, it was concluded that three potentially contaminating activities were identified on either the Subject Lands or within the 250-metre radius. These potentially contaminating activities were deemed to be contributing to three areas of potential environmental concern. These potentially contaminating activities are the gasoline service

station, the car wash operations, and four chamber oil/water interceptor associated with the existing car wash operations. A Phase Two ESA is recommended to assess subsurface impacts as a result of the potentially contaminating activities and areas of potential environmental concern. Further information can be found in the Phase One ESA, included as part of the submission files.

**Phase 2 Environmental Site Assessment**

A Phase Two ESA was completed by Palmer in support in support of the proposed applications. The Phase Two ESA was been prepared in accordance with Schedule E of Ontario Regulation 407/19 under the Environmental Protection Act. Based on the findings of the historical records review, site reconnaissance, and personal interviews, it was concluded that three potentially contaminating activities were identified either on the Subject Lands or within the Phase One 250-metre radius. These potentially contaminating activities were deemed to be contributing to three areas of potential environmental concern on the Subject Lands.

The Phase Two ESA entailed the drilling of a total of seven soil borings to depths ranging between 3.96 to 6.25 metres below ground surface at strategically selected and accessible locations on the Subject Lands. Ground water monitoring wells were also installed in six of the seven boreholes. The stabilized ground water levels were measured at depths of 2.86 to 5.04 metres below existing grade.

The observed soil stratigraphy generally comprised surficial asphalt and/or concrete overlying fill materials comprising of sand and/or gravel, silty clay and clayey silt fill. Based on the site topography and ground water level measurements, the ground water flow is interpreted to flow across the Site in a southeasterly direction. The results of laboratory analyses reveal that all contaminant concentrations in the soil and ground water met the Table 3 Site Condition Standards for residential/parkland/institutional property. As the soil and ground water analytical results do not exceed the applicable standards, no impacts to the subsurface or other environmental have been identified in association with the Subject Lands. Therefore, the Phase Two ESA concludes that no further actions are warranted at this time. Prior to filing the RSC for the proposed development, gasoline service station operations will need to be decommissioned and all subsurface structures will need to be removed along with the completion of a soil verification sampling program. Further information can be found in the Phase Two ESA, included as part of the submission files.

**Geotechnical Report**

A Geotechnical Engineering Report was completed by Grounded Engineering Inc. in support of the proposed applications. Grounded's subsurface investigation of the Subject Lands to date includes five boreholes which were advanced from April 4$^{th}$ to 8$^{th}$, 2022. Based on the borehole findings, geotechnical engineering advice for the proposed development is provided for foundations, seismic site classification, earth pressure design, slab on grade design, basement drainage, and pavement design. Construction considerations including excavation, groundwater control, and geostructural engineering design advice. Further information can be found in the Geotechnical Report, included as part of the submission files.

# 3.3 Consultation

Prior to the finalization and submission of the Applications, a virtual Pre-Application Community Meeting was held on April 4, 2022 through the Zoom webinar platform. Notice of the meeting was circulated to all property owners within 120 m of the Subject Lands by the City of Burlington. Attendees could ask questions and provide comments after the presentation. Representatives from MHBC Planning, RAW Design and the City of Burlington, including Ward 4 Councillor Paul Sharman and Mayor Marianne Meed-Ward, were present at the community meeting. The event was organized by the project team with the City of Burlington and intended to provide an overview of the proposal to the public in a presentation format, receive community feedback and answer questions.

A total of 62 attendees signed in to the virtual Pre-Application Community Meeting. Table 4 provides an overview of the themes and questions expressed during the Q&A period.

**Table 4: Themes and Questions Expressed at Virtual Pre-Application Community Meeting**

| | |
|---|---|
| Design | • Concern over shadowing on the surrounding buildings, including roof-top solar panels.<br>• Concern over building height and why it is proposed at 20 storeys.<br>• Fit of the building within the community.<br>• Ensuring adequacy of garbage loading area, drop off area and fire route<br>• Potential for wind tunnel between the existing and proposed buildings. |
| Scale | • The proposal does not fit with the stable low density neighbourhood; the building is too tall and massive.<br>• Area cannot support all proposed developments.<br>• Preference for construction of affordable bungalows for seniors to stay in Burlington. |
| Access | • Since both Appleby Line and Upper Middle Road have a concrete median, vehicles intending to travel southbound from the site would travel through the adjacent neighbourhood and increase traffic, particularly at the intersection of Ironstone Drive and Appleby Line. |
| Traffic and Parking | • Traffic in the surrounding area, including specifically at intersection Ironstone Drive and Appleby Line.<br>• Ensuring that there is sufficient parking on site and concerns that there may be spillover parking into neighbourhood requiring the implementation of a neighbourhood parking program.<br>• Providing enough parking for the proposed retail uses.<br>• Can transit and traffic capacity be upgraded prior to large developments?<br>• Support for reduced parking and more bike parking.<br>• How will parking be accommodated when the parking garage is being serviced / maintained? |
| Infrastructure Capacity | • Ability of existing infrastructure to handle the proposed development along with other surrounding development proposals.<br>• How is stormwater management handled? |
| Other | • Time frame for land remediation after demolishing of the existing gas station. |

| | |
|---|---|
| | • Effects of abutting hydro corridor.<br>• What types of sustainability features will be building offer? Will there be electric vehicle charging stations?<br>• Loss of the gas station convenience store after the demolition of the existing gas station.<br>• Availability of public space in the community.<br>• Will the units be at the Region's affordability cut off?<br>• Reduction in property values.<br>• Greenhouse gas emissions caused by the proposed building.<br>• The building will block views from existing buildings.<br>• Consideration to add some public open space as part of this project.<br>• Support for family-friendly, non-car focused development in the neighbourhood.<br>• Impact to residents during construction. |

Once the application has been submitted, further public consultation will be undertaken pursuant to the requirements of the *Planning Act*. The submission materials will also be posted to the City's website and available to the public for review and comment.

In addition, a virtual Burlington Urban Design Advisory Panel ("BUD") meeting was held on April 21, 2022 through the Zoom webinar platform. Members of the BUD were presented an overview of the project details, planning framework and existing and future context from City of Burlington staff. The Design Team, including representatives from MHBC Planning and RAW Design also provided a brief overview, commenting on project details and explaining how the proposed development is appropriate given the surrounding context. City of Burlington staff requested the Panel's advice on the issues identified in Table 5 below:

**Table 5: Urban Design Review Panel Feedback**

| Key Issue | Panel Advice |
|---|---|
| 1. Response to Context – Please comment on the design of the proposed built form with attention to tower massing, impacts on neighbouring properties, and use of the podium for above-ground parking in close proximity to existing multi-unit buildings. | • Proposed buildings are attractive;<br>• Proponents is commended on separating the main vehicular access from the loading access;<br>• The proposal could benefit from a differing of tower heights to emphasize the transitions and distinguish them from one another;<br>• Corner is a good candidate for this type of building form;<br>• Increase the separation between certain building elements; |
| 2. Overall Design – Please comment on the proposed design in general, with consideration for the site's prominent location at the main intersection of the Uptown Core. Does the proposed development effectively integrate with the adjacent hydro corridor and on-site pipeline corridor, and | • Question is similar to #1, and their advice is applicable;<br>• Panel appreciated the design of the balconies inset in podium and agreed |

| | |
|---|---|
| engage with Upper Middle Road and the intersection of Upper Middle Road and Appleby Line? | that it is appropriate, with better privacy;<br>• Panel encouraged the design team to think about the surface parking facing Upper Middle Road to serve multiple functions;<br>• Recommended that there be a stronger connection to Appleby Line for the retail space facing Upper Middle Road at grade;<br>• Panel agreed that the spill out condition of retail uses is more appropriate on Appleby Line rather than Upper Middle because it is much closer to the street; |
| 3. Public Realm & Streetscapes – How can the development create a retail frontage that is inviting and supports the Uptown Centre's transition from a car-oriented, suburban node to an urban centre that is walkable and transit-supportive? | • Recommended that the streetscape frontage treatment along Appleby Line be extended from the southeast corner along the frontage to the north;<br>• Panel liked the continuity to the existing building to the south, but a little change is okay;<br>• Panel also highlighted the opportunity for a pedestrian connection through the site down to Ironstone Drive. |

The above noted input was considered, in addition to input from the pre-consultation process and community meeting, and the following changes were made to the proposal, among others:

- Removal of mezzanine parking and locating all residential parking in a three-level, below-grade structure;
- Increase in podium setback to the easterly lot line from 2.7 m to 10.9 m;
- Reduction in the number of units from 490 to 475 to better align with Transportation Demand Management measures and reduce intensity of development;
- Relocation of the proposed driveway entrance to Upper Middle Road further east to increase separation to the intersection of Upper Middle Road and Appleby Line;
- Further refinement of the potential sustainability program which will include consideration of high-quality energy efficient heating and cooling system, smart hydro meters for each unit to regulate time-of-use, use of a tri-sorter system for residential garbage, low flow bathroom fixtures, rainwater harvesting, and electric vehicle charging, car share; and,
- Inclusion of a retail entrance along Appleby Line.

# 3.3 Compatibility

The proposed development has been designed to be compatible with the surrounding neighbourhood. This section provides an assessment of compatibility based on the definition of "compatible" in the in-force OP which is as follows:

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

This definition remains under appeal but an assessment is included for the purposes of being informative of how the proposal demonstrates compatibility.

Aesthetics, Design and Transition

The proposed building has a modern design using textured grey precast cladding, window wall glazing, and white precast cladding mixed with brick cladding and black metal paneling to separate the residential towers from the 6-storey podium. The proposed materials will specifically highlight the differences in façade between the 6-storey podium and the above residential towers to facilitate and activate a vibrant streetscape and retail experience. The design of the podium takes cues from the podium of the adjacent building south of the Subject Lands. The use of lighter and darker building materials for the upper and lower sections of the building have been purposely designed to lighten the building mass above 6-storeys. As the Subject Lands are located at the corner of the Appleby Line and Upper Middle Road intersection, the Subject Lands are a good candidate for this type of building form and as a key gateway into the Uptown Urban Centre. The proposed location of the tower portions of the development maintain the recommended 25 m separation distance on site while also each generally maintaining a 12.5 m separation distance to the rear and side lot lines providing adequate transition. The Official Plan identifies the intersection of Appleby Line and Upper Middle Road as the location for the greatest intensity of development with the intensity dropping as you move away from that location. This is consistent with the proposal to develop tow 20 storey towers on the Subject Lands with intensity dropping moving south-east with the abutting 16, 11 and 6 storey apartment buildings.

A high percentage of glazing is deployed at grade for the retail uses, to create a vibrant and exposed frontage along Appleby Line and Upper Middle Road. These features will work in unity to enhance the building's articulation, create zones of interest that break up the massing of the building. The proposed setbacks also ensure that a landscaped perimeter can be provided along the perimeter of the site to provide additional privacy and shade.

Main vehicular access and loading access have been separated in order to clearly identify the primary vehicular access points and to highlight the streetscape along Appleby Line.

Noise, Vibration, Dust and Odour

A noise study has been prepared to assess the impacts of the surrounding environment on the proposed development, the proposed development on the surrounding environment and the proposed development on itself. The study indicates that all expected impacts can be controlled through selecting appropriate building materials, mechanical units for air conditioning, a sound barrier parapet on the 7th floor amenity space, and the use of warning clauses for future occupants. Given that the proposal is for residential purposes, dust and odour issues are not expected. Vibration issues are not expected as there are no nearby rail yards and the closest rail line is over 450 metres away from the site.

All mechanical equipment will be located at the penthouse, and will be screened from public view to not negatively impact views from the public realm.

Traffic and Parking

The parking review and justification prepared as part of the Transportation Impact Study notes that with the comprehensive TDM program, a minimum occupant parking ratio of 0.87 spaces per unit and a minimum visitor parking ratio of 0.12 spaces per unit is supportable. The zoning requirements for retail parking will be provided and will be part of the visitor parking supply. Additional parking spaces can be assigned to occupants or visitors. Regarding traffic, the noted queue lengths and localized congestion identified under base year conditions are forecast to continue to occur with the addition of two critical movements at the intersection of Appleby Line at Upper Middle Road and Appleby Line at Ironstone Drive. Remedial measures have been identified to address forecast traffic volumes including Regional Capital improvements, optimized signal timings, and additional storage for the eastbound and westbound left-turn lanes on Ironstone Drive.

Health and Safety

The Subject Lands are not located on hazardous lands. A Phase One ESA was completed for the Subject Lands and a 250-metre surrounding radius. Based on the findings of the historical records review, site reconnaissance, and personal interviews, it was concluded that three potentially contaminating activities were identified. These potentially contaminating activities were deemed to be contributing to three areas of potential environmental concern. Therefore, a Phase Two ESA was also completed. The Phase Two ESA concludes that soil and ground water analytical results do not exceed the applicable standards for residential/parkland/institutional property uses and there are no appreciable impacts to the subsurface or other environmental concerns identified in association with the Subject Lands. Therefore, no further actions are warranted at this time. Since a Record of Site Condition will be required prior to building permit issuance, gasoline service station operations will need to be decommissioned and all subsurface structures will need to be removed along with the completion of a soil verification sampling program.

Shadowing

A shadow analysis has been completed in support of the application and notes that there will be minimal shadowing impacts to surrounding properties and public areas. The proposed

redevelopment is located and oriented to minimize negative impacts of shadows on adjacent land uses. This has been done through proposing slender tower floor plates, building setbacks and stepbacks, and orienting the buildings to allow for adequate sunlight. As demonstrated in the shadow analysis, shadows will be cast on Upper Middle Road during the spring and fall equinox at 9:00 am, and decrease in the afternoon at 12:00 pm. The shadows cast on the development to the north are after 1:00 pm on the abutting façade, representing little significant impact. During the Summer Solstice, the projected shadows are acceptable as they do not impact the surrounding developments, except for some shadows cast on buildings to the south after 6:00 pm. The proposed development is well within a 45 degree angular plane when measured from the respective abutting property lines.

**The proposal is compatible with the surrounding Uptown Urban Centre based on the issues noted in the definition of "compatible" in the OP recognizing it is under appeal but is recognized as a standard definition for "compatibility".**

## 3.4 Proposed Official Plan and Zoning By-law Amendments

### *3.4.1 Official Plan Amendment*

The lands are designated as 'Mixed Use Centre' in accordance with Schedule B of the in-force Burlington OP (**Figure 8**) and as 'Uptown Commercial/Residential 1' in accordance with Schedule F of the in-force Burlington OP (**Figure 9**). In the new, Council-adopted OP, the lands are designated as 'Urban Centre' in accordance with Schedule C (**Figure 13**) and 'Uptown Core' in accordance with Schedule E (**Figure 14**).

The current in-force designation allows for a mixture of retail and high density residential uses. In accordance with the policies of the in-force Burlington OP, the Subject Lands are permitted to build to a maximum floor area ratio (FAR) of 2.5:1 and a maximum building height of 35 metres. As a result, an OPA is required for the development in order to introduce a site-specific policy to permit a maximum FAR of 5.7:1 and a maximum height of 70.5 metres. The draft OPA is attached to this report in **Appendix 3.**

Note that the Council-adopted OP permits a maximum building height of 20 storeys and an FAR of 3.5 with increases to FAR permitted through a site-specific Zoning By-law Amendment or Minor Variance. Thus an OPA to the Council-Adopted plan is not required.

### *3.4.2 Zoning By-law Amendment*

The Subject Lands are currently zoned Uptown Commercial Residential 1 with Special Exception 274 (UCR1-274), which permits apartment buildings and commercial uses (**Figure 15**). Similar to the proposed OPA above, a Zoning By-law Amendment ("ZBA") is required to permit an increase in density and height, as well as a number of other modifications to accommodate the proposed development.

The special exception makes the following modifications:

a) Reduction in setback from a pipeline easement from 7 m to 0 m.
b) Increase in density from 185 units per hectare to 800 units per hectare;
c) Increase in Floor Area Ratio from a maximum of 2.5:1 to 5.7:1.
d) Reduction in the required amenity area from 20 $m^2$ per unit to 9 $m^2$ per unit including balconies;
e) Increase in maximum height from 35 metres maximum to 70.5 metres maximum.
f) Permit a total parking space count of 502 spaces provided at a minimum ratio of:
    a) 0.87 resident parking space per unit
    b) 0.12 shared retail and visitor parking spaces per unit

    Whereas the by-law requires a total parking count of 675 provided at a ratio of:
    a) 1.25 occupant spaces per one-bedroom unit;
    b) 1.50 occupant spaces per two-bedroom unit;
    c) 1.75 occupant spaces per three or more bedrooms; and,
    d) 3.5 spaces per 100$m^2$ GFA of retail space.
g) A below grade parking structure shall be permitted up to 0.1 metres from the front lot and up to 2.7 metres from the side and rear lot lines.

The draft ZBA is included in **Appendix 4** and justification for the modifications is provided in Section 4.7 below.

# 4.0 POLICY CONTEXT OVERVIEW

The following section of the Planning Justification Report provides a review and assessment of the land use policy and regulatory framework applicable to the Subject Lands and the proposed redevelopment. Each subsection describes the applicable policies and regulations and identifies how the proposed redevelopment as well as the proposed amendments to the City's current OP are consistent, conform to and implement Provincial and Regional policy.

## 4.1 Planning Act, R.S.O. 1990, c. P.13

The *Planning Act* establishes the legal framework for Ontario's policy-led planning system. The *Planning Act* grants legislative authority to the Province, its agencies and municipalities to prepare various plans, policies and regulations, where appropriate. Section 2 of the *Planning Act* sets out the "matters of provincial interest" which the Minister, the Council of a municipality, a local board, a planning board and the Tribunal shall have regard to while carrying out their responsibilities under the Act. The following matters of provincial interest are applicable to the proposal at this stage of the planning process:

*"(2) The Minister, the council of a municipality…in carrying out its responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as:*

*(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

*(h) the orderly development of safe and healthy communities;*

*(j) the adequate provision of a full range of housing, including affordable housing;*

*(l) the protection of the financial and economic well-being of the Province and its municipalities;"*

*(p) the appropriate location of growth and development*

*(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*

*(r) the promotion of built form that,*

- *(i) is well-designed,*
- *(ii) encourages a sense of place, and*
- *(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;"*

*(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate*

**The proposed development has regard for and implements the above-noted matters of provincial interest as directed by the *Planning Act.* The proposal represents orderly development in an area designated for intensification as part of the City of Burlington's Uptown Urban Centre. The Subject Lands are located within the built boundary and will make efficient use of the existing municipal services and public transit services in the area which contributes to the financial and economic well-being of the municipality. The 20-storey residential buildings with a 6-storey podium will provide a range of unit sizes and diversify the housing options available in the area. The proposal embodies a high quality design that responds to its surroundings and will serve as a focal point for the Burlington Uptown Urban Centre. The design has also been refined using feedback received from the public and the BUD Review Panel. The proposal also contributes to enhancing the environmental streetscape by providing landscaping around the perimeter of the site, including more significant planting along Appleby Line. The proposed increase in density will support existing public transit as well as the future higher order transit planned of Appleby Line. The proposed sustainability program will also allow the development to contribute to reducing greenhouse gases and address impacts of climate change.**

**Summary/Conformity Statements**

**It is our opinion that the proposal has regard for all applicable matters of provincial interest as outlined in Section 2 of the *Planning Act*.**

# 4.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") was issued under Section 3 of the *Planning Act* and came into effect on February 28, 2020. 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 an 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 OPA and ZBAs, must be consistent with the PPS.

An analysis of the Provincial policies contained in the PPS, and how the proposed Official Plan and ZBAs are consistent with these policies is provided below.

Section 1.0 – Building Strong and Healthy Communities describes how health, liveable and safe communities are sustained. The following policies of Section 1.1 of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns apply to the proposal:

*"1.1.1 Healthy, liveable and safe communities are sustained by:*

- *a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- *b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- *c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- *e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- *g) Ensuring that necessary infrastructure and public service facilities are or will be available to meet current or projected needs;*
- *h) Preparing for the regional and local impacts of a changing climate."*

**The proposed development will introduce a range of market-based residential units that will make efficient use of currently underutilized lands. The Subject Lands are not located in proximity to any areas of environmental protection or where public health or safety**

**would be of issue while contamination due to the former use of the Subject Lands will be properly addressed through the Environmental Site Assessment and Record of Site Condition process. The proposed development represents a cost-effective development pattern as it will provide new housing that is accessible by existing transit and servicing, making efficient use of this existing infrastructure. The proposed compact built form is in proximity to several adjacent existing City facilities, as shown on Table 1, which will provide future residents with good access to public services. The proposal will support alternative forms of transportation to reduce the environmental impact of the development.**

*"1.1.3.1 Settlement areas shall be the focus of growth and development."*

**As indicated above, the Subject Lands are located within a Settlement Area, as defined by the PPS, which will be developed on full municipal services. The proposed development will make efficient use of existing municipal infrastructure and represents an efficient use of land and resources in the area. The requested amendments will provide an opportunity for redevelopment and appropriate intensification within the Built-Up area and will provide residents with additional housing choice and access to the existing public transportation network, reducing the pressure to expand the settlement area or develop outside of it.**

Additional policies in Section 1.1 include:

*"1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

*a) Efficiently use land and resources;*
*b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
*c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;*
*d) Prepare for the impacts of a changing climate;*
*e) Support active transportation;*
*f) Are transit-supportive, where transit is planned, exists or may be developed"*

*Land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated."*

**The proposed development will provide for the efficient use of land and resources through the redevelopment of the site to facilitate residential intensification that makes efficient use of existing water, wastewater, and stormwater infrastructure. The proposed density and site layout is supportive of existing transit along Appleby Line and Upper Middle Road. The proposed sanitary servicing for the Subject Lands will consist of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line. The proposed water servicing for the Subject Lands consists of installing a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire**

**water service for the proposed development. The proposed compact built form also serves to minimize impacts to climate change and promote energy efficiency by providing additional density in proximity to a number of community services and existing transit, providing ample bicycle parking, all with the effect of reducing automobile reliance. Therefore, based on the above and the supporting technical studies, the Subject Lands are able to accommodate the proposed density and residential built form.**

*"1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety."*

**The Subject Lands are currently underutilized, and located within close proximity to existing and proposed transit service, as shown on Figure 3. The proposal represents appropriate residential intensification within a compact built form that will act as a focal point for the Burlington Uptown Urban Centre. Upon full build-out, the proposed development will provide for 475 residential units, including a mixture of 1-bedroom, 2-bedroom, and 3-bedroom units. The proposed 20-storey residential buildings with a 6-storey podium represent an efficient infill redevelopment of the Subject Lands that will not result in public health and safety issues. The proposed compact built form and density will support public while the Subject Lands themselves are located in close proximity to a number of schools, parks and commercial uses that support the day to day needs of residential uses. The accompanying Transportation Impact Study demonstrates that the noted queue lengths and localized congestion identified under base year conditions are forecast to continue to occur with the addition of two critical movements. Remedial measures have been identified including Regional Capital improvements, optimized signal timings to reflect real world changes in traffic volumes, and additional storage for the eastbound and westbound left-turn lanes on Ironstone Drive.**

Section 1.4 – Housing, provides policies to support housing options across the province as follows:

*"1.4.3 Planning authorities shall 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 by:*

*b) permitting and facilitating:*

ii. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

c) *directing the 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;*

d) *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;*

e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and,*

f) *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 will facilitate residential intensification on the Subject Lands through a built-form that includes 475 new residential units within two 20-storey residential buildings connected by a 6-storey podium. The proposal diversifies the range of housing forms in the area by providing apartment units of varying sizes. The proposed development is located on lands that are supported by existing infrastructure, including local transit, active transportation infrastructure, and a variety of public service facilities all located within walking distance of the Subject Lands, as demonstrated in Table 1, which will help meet the social, health, and well-being needs of current and future residents. The proposed intensification and density will also support the future implementation of the Higher Order Transit Service along Appleby Line. The proposed density and compact built form will add a significant amount of housing supply to the local market.**

*"1.6.6.1 Planning for sewage and water services shall:*

a) *accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*

1. *municipal sewage services and municipal water services; and,*

b) *integrate servicing and land use considerations at all stages of the planning process.*

*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services."*

**The Subject Lands provide an opportunity to make optimal and efficient use of the available municipal infrastructure and services. The accompanying Functional Servicing and Stormwater Management Reports demonstrate that the proposed development can**

**be adequately serviced by municipal sewage and municipal water systems, following necessary upgrades. The FSR proposes a sanitary servicing strategy that requires the installation of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line. Water servicing will be provided by a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire water service for the proposed development.**

The PPS contains the following relevant policies with respect to transportation systems:

*"1.6.7.2 Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

*1.6.7.4 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 Lands are located along existing transit routes and a future Higher Order Transit Corridor as identified in the Region of Halton Official Plan. In addition, the Subject Lands are within walking distance of a number of commercial and employment uses as part of the Burlington Uptown Urban Centre. The proposed development will provide for pedestrian connections to Upper Middle Road and Appleby Line to ensure access for future residents to surrounding transit and active transportation infrastructure and services, as well as providing for the efficient circulation of traffic on the site. The proposed compact built form is transit supportive, and the Subject Lands are currently well serviced by Burlington Transit. The proposed development will incorporate transportation demand management strategies as recommended in the Transportation Impact Study, including measures aimed at walking, transit, cycling, parking, and education/promotion. The proposed residential buildings will also contain secure bike lockers and bike parking. As such, future residents will have convenient options to utilize public transit or active transportation as an alternative to the car, thereby helping achieve reductions in greenhouse gas emissions.**

Section 1.8 – Energy Conservation, Air Quality and Climate Change, addresses the policies related to the impacts of a changing climate:

*"1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:*

*a) promote compact form and a structure of nodes and corridors;*
*b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*

e) *encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;"*

**As noted above, the proposed development will provide for appropriate intensification on a currently underutilized site in the City of Burlington's Uptown Urban Centre. The proposed development supports the use of active transportation by proposing a compact built form within an intensifying area. The Subject Lands are located in proximity to existing transit and are within walking distance of several commercial and retail uses. Reduced parking ratios are also proposed for the site. As such, the proposed development will reduce overall reliance on cars, encourage transit and active transportation use to reach daily needs, and provide for a more efficient use of the Subject Lands.**

Section 1.7 – Long-Term Economic Prosperity address economic development matters and includes the following relevant policy:

*"1.7.1 Long-term economic prosperity should be supported by:*

b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;* "

**The proposal will contribute will contribute to providing market-based housing to the local housing market that will consist of a variety of unit sizes and be located in close proximity to transit and employment areas.**

Section 4.0 – Implementation and Interpretation, speaks to how the PPS should be understood and utilized:

*"4.6 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.*

*Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.*

*In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan."*

**The ability to optimize development opportunities that better achieve provincial policy objectives should be considered through changes to the City's existing, in-force OP. As further described in Section 4.5 and 4.6 of this Report, the City of Burlington OP, both the**

**in-force and Council-adopted, outlines the land use designations and policies applicable to the Subject Lands. The proposed development has been designed in accordance with the Uptown Core designation of the Council-adopted OP, while the proposed ZBA seeks to provide site-specific amendments that will facilitate the development and implement the OP designation. The proposed amendments to the in-force OP better implement the policies of the PPS by supporting intensification and a built form at a level that is appropriate for the site and context while also recognize the direction set forth in the Council-adopted OP.**

**Summary / Conformity Statement**

**The above analysis demonstrates that the proposed development is consistent with the PPS and allows for compact and efficient form of development at an appropriate density in an area served by existing transit and infrastructure. As such, the development proposal and corresponding OPA and ZBAs are consistent with the policies of the PPS.**

## 4.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

*A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (the "Growth Plan") was prepared and approved under the *Places to Grow Act, 2005* and updated on August 28, 2020. The Growth Plan establishes a long-term framework for growth and development in the Greater Golden Horseshoe ("GGH"). The Growth Plan 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 sets out the population and employment forecasts for a land use planning to 2051. The *Planning Act* also requires that decisions affecting a planning matter conform with the Growth Plan.

The policies of the Growth Plan are about developing cities and towns as 'complete communities' by meeting people's needs for daily living, which is to be achieved by directing growth to built-up areas. The Growth Plan also promotes intensification in strategic growth areas through transit-supportive densities, a diverse mix of land uses, a range and mix of employment and housing types, affordable housing, high quality public open space and easy access to local stores and services. Changes to local Official Plans which better conform to these objectives and policies by providing large sites which contribute to complete communities also meet the Growth Plan's goal of optimizing the use of the existing urban land supply.

The following policies, amongst others, apply to the proposed redevelopment of the Subject Lands:

Section 2.2 – Policies for Where and How to Grow

*"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the*

*following:*

*a) the vast majority of growth will be directed to settlement areas that:*
  *i. have a delineated built boundary;*
  *ii. have existing or planned municipal water and wastewater systems; and*
  *iii. can support the achievement of complete communities;*

*1. within settlement areas, growth will be focused in:*
  *i. delineated built-up areas;*
  *ii. strategic growth areas;*
  *iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
  *iv. areas with existing or planned public service facilities;"*

**In accordance with Section 2 of the Growth Plan, the proposed development constitutes an intensification project and focuses new growth to the existing Built-Up Area, along Major Arterial Roads, on existing transit routes and along a Higher Order Transit Corridor. The Subject Lands are also identified as being within intensification areas in the City of Burlington and Region of Halton Official Plans which constitute Strategic Growth Areas as defined by the Growth Plan. The proposed development optimizes growth in an area serviced by existing municipal water and wastewater systems. Development of the Subject Lands will increase the density of the area and support existing and future public transit. In addition, the Subject Lands are also located close to a number of parks and community facilities as identified in Table 1 which will provide future residents good access to recreation and public services. The proposed development will add to the range of housing choices available in Burlington contributing to a mixed use environment and the achievement of a complete community.**

The Growth Plan contains the following additional regarding complete communities which are applicable to the proposal:

*"2.2.1.4. Applying the policies of this Plan will support the achievement of complete communities that:*

*a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
*c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
*d) expand convenient access to:*
  *i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*

ii. *public service facilities, co-located and integrated in community hubs;*
iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;*

e) *ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;"*

**The proposed development diversifies the housing options available in the Burlington Uptown Centre and supports the achievement of complete communities by providing a range of residential housing options within a high-quality and compact built form directly proximate to existing transit, commercial uses, employment opportunities and community facilities. A mix of 1-bedroom, 2-bedroom, and 3-bedroom units are proposed. The added density is intended to contribute to transit ridership and support existing public transit as well as future service improvements along a designated Higher Order Transit Corridor in Halton Region. As discussed in greater detail in Section 3.2, 3.3, and in the accompanying UDB, the proposal embodies a high quality design which has been refined using feedback received from the public and the BUD Review Panel. The proposal also provides for retail at grade which will contribute to the growth of street-related retail uses along Appleby Line and provide additional commercial options for existing and future residents.**

<u>Delineated Built-up Areas</u>

The Subject Lands are located with the City of Burlington's Built-up Area for which the following policies apply.

"*2.2.2.1 By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*

a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;*

*2.2.2.2 Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*

*2.2.2.3 All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*

a) *Identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;*

*b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;*
*c) encourage intensification generally throughout the delineated built-up area;*
*d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
*e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and*
*f) be implemented through official plan policies and designations, updated zoning and other supporting documents."*

**The proposed development contributes to the minimum intensification targets for the Region of Halton and is consistent with the desired urban structure of the Council-adopted Burlington OP which identifies Burlington's Uptown Centre as a Strategic Growth Area. The Growth Plan directs optimization of site through appropriate development standards. The current development standards are not optimal for the proposed development. The proposed 20-storey high-rise built form locates the tallest buildings closest to the intersection of Appleby Line and Upper Middle Road, thereby acting as a focal point for the area and reducing negative impacts to the surrounding neighbourhood. In addition, the proposed residential buildings implement a number of design measures as required by the applicable design guidelines, as discussed in the accompanying Urban Design Brief. The proposed OPA and ZBA revise the land use designation and zoning applicable to the Subject Lands, implementing appropriate development standards that conform to the objectives and policies of the Growth Plan which are not reflected in the current in-force policy and regulatory framework.**

Section 2.2.4 – Transit Corridors and Station Areas contains policies related to development around public transit corridors and stations including the following relevant policy:

*"2.2.4.10 Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities."*

**The Subject Lands are located along Appleby Line which is identified as a Higher Order Transit Corridor in the Region of Halton Official Plan. As such the proposed development will increase the density in the area which will support existing and planned transit and has been designed to contain a mix of uses, reduced parking standards to encourage transit use and include secure bike parking to support active transportation.**

**Section 2.2.6 Housing**

Section 2.2.6 contains policies related to housing and the achievement of complete communities and contains the following applicable policies:

*"2.2.6.1 Upper-and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

*a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*

*i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and*

*2.2.6.2 Notwithstanding Policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

*a) planning to accommodate forecasted growth to the horizon of this Plan;*
*b) planning to achieve the minimum intensification and density targets in this Plan;*
*c) considering the range and mix of housing options and densities of the existing housing stock; and*
*d) planning to diversify their overall housing stock across the municipality."*

*"2.2.6.3 To support the achievement of complete communities, municipalities will consider the use of available tools to require multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes."*

**The proposal conforms to these policies by diversifying the range and mix of housing options in Burlington through intensification that provides a range of unit types and sizes that will contribute to achieving forecasted growth and increasing housing supply and choice. It is intended that the building will have a variety of unit sizes including 1-bedroom, 2-bedroom and 3-bedroom units which can accommodate different household sizes, including families. The Subject Lands will be optimized to provide for appropriate residential intensification that transitions from the surrounding residential uses towards the core of the Uptown Centre in the City of Burlington, as described in Section 2.1 of the Growth Plan.**

**<u>Section 3.2.6 Water and Wastewater Systems</u>**

The Growth Plan provides direction for municipalities to efficiently provide for servicing of growth.

*"3.2.6.1 Municipalities should generate sufficient revenue to recover the full cost of providing and maintaining municipal water and wastewater systems.*

*3.2.6.2 Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:*

*b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;"*

**The proposal contributes to the efficient utilization of the existing municipal services**

**available within the Built Up Area. The FSR proposes a sanitary servicing strategy that requires the installation of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line. Water servicing will be provided by a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire water service for the proposed development.**

**Summary / Conformity Statement**

**The Growth Plan focuses on ensuring that growth and development is directed to appropriate areas with an emphasis on development in areas well served by transit and existing and planned infrastructure, including Strategic Growth Areas. The above analysis demonstrates that the proposed development conforms to the Growth Plan by providing for residential development, at an appropriate density, in an area served by existing transit and municipal infrastructure within a designated intensification area. The proposed development is well-connected to existing community services, parks and local businesses. The development proposal and corresponding OPA and ZBA contribute to intensification in a form that is compact, mixed use, compatible with the existing neighbourhood, is transit supportive and conforms to the Growth Plan.**

## 4.4 Region of Halton Official Plan (Interim Office Consolidation – November 10, 2021)

The Region of Halton Regional Official Plan (the "ROP") serves as Halton's guiding document for land use planning and is intended to manage growth across the Region's four municipalities and was originally adopted in 1994. Since that time the ROP has undergone numerous amendments.

In 2021, the Region adopted Region Official Plan Amendment No. 48 ("ROPA 48") regarding Urban Structure, as the first phase of the Region's Official Plan Review. ROPA 48 has established Strategic Growth Areas throughout the lower-tier municipalities, which are areas targeted for residential intensification and population growth to 2051. While ROPA 48 generally guides growth, the lower-tier municipalities are provided the flexibility to further define the achievement of Provincial growth targets. The Region is also current preparing an additional Regional Official Plan Amendment, ROPA 49, which will further update the Regional growth management policy framework.

The ROP lays out a broad set of land use designations as part of the Regional Urban Structure, which are intended to guide growth and development while allowing individual municipalities flexibility to further define specific land uses within the broader designation. The ROP also provides general guidance for redevelopment, creation of complete communities and

intensification. The *Planning Act* requires that the OPs and ZBLs of local municipalities conform to the ROP.

The Regional Structure is accompanied by a growth strategy for Halton based on population and employment forecasts for the planning horizon year of 2051. Overall, the Region is expected to grow and reach a population of 1,100,000 by 2051 (Halton ROP, Table 1). To achieve provincial directions and accommodate the forecast growth, the Region has adopted a regional intensification target of 40% (Policy 77 (2.1)). The Region has assigned growth to the local municipalities to 2031 in order to achieve this target. Based on this approach, Burlington is required to accommodate at least 8,300 new housing units within its Built-Up Area between 2015 and 2031 to achieve the Regional target (Halton ROP, Table 1). Growth has not been assigned to local municipalities beyond 2031.

**The proposal will contribute to the Region's intensification target for Burlington by providing new housing development within the Built-Up Area. As part of the assigned Growth, the Subject Lands are located within a Primary Regional Node as shown on Map 1h – Regional Structure of the Regional Official Plan. These Strategic Growth Areas have a significant role in accommodating mixed-use intensification and supporting the regional transit network.**

Halton's Regional Structure

The Subject Lands are located with the Region's built boundary are designated as "Urban Area" in accordance with Map 1 – Region Structure of the ROP (**Figure 6**). The Subject Lands are further identified as being within a Primary Regional Node and along a Higher Order Transit Corridor on Map 1h – Regional Urban Structure (**Figure 7**).

"55.1 *The Regional Structure also sets out targets for intensifying development within the Built-Up Area, and development density in the Designated Greenfield Areas as contained in Table 2."*

| **Table 2 Intensification and Density Targets** | |
|---|---|
| Municipality | Minimum Number of New Housing Units to Be Added To the Built-Up Area Between 2015 and 2031 |
| Burlington | 8,300 |
| Halton Region | 32,200 |

**The proposed development will provide for 475 residential units which will contribute to achieving the City of Burlington's minimum housing unit target and adding to the housing supply in the Region. The development proposal will provide for a range of unit types and housing choices, including units appropriate for young families, contributing to the growth of Uptown Urban Centre as a complete community.**

Urban Area

The Subject Lands are located within the Region's built boundary and are designated an "Urban Area" in accordance with Map 1- Regional Structure of the ROP (**Figure 6**). It is the intent that lands within the Urban Area will accommodate existing and future development within the Region.

Objectives for Urban Areas are identified in Section 72:

*"72 The goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improved housing affordability, sustainability, and economic prosperity.*

*72.1(1) 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.*

*72.1(2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.*

*72.1(3) 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.*

*72.1(6) To identify a Regional Urban Structure that directs growth to Strategic Growth Areas and protects Regional Employment Areas.*

*72.1(7) 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.*

*72.1(9) To facilitate and promote intensification and increased densities."*

**The proposed development conforms to the objectives of the ROP for Urban Areas. The proposed high-rise buildings with below-grade and at-grade parking constitutes a compact built form. The Subject Lands are serviced by existing transit and located on a designated Higher Order Transit Corridor which provides opportunities for future residents to decrease dependence on private vehicular use through the use of transit and active transportation.**

**The introduction of residential buildings with varying unit sizes will help diversify the housing options available in the Burlington Uptown Urban Centre, contributing to the creation of a more complete community. Intensification within a Primary Regional Node and along a Higher Order Transit Corridor is consistent with the ROPs direction to direct growth to Strategic Growth Areas. The proposal reflects an appropriate level of intensification given the locational context and contributes to a sustainable urban form that focuses development where it can be accommodated by existing and proposed infrastructure.**

Regional Urban Structure

ROPA48 defined a Regional Urban Structure in Halton Region. The Regional Urban Structure provides broad policy directions for the management of land, growth strategies, housing, and servicing in the Region.

*"78. Within the Urban Area, the Regional Urban Structure, as shown on Map 1H, implements Halton's planning vision and growth management strategy to ensure efficient use of land and infrastructure while supporting transit and the long-term protection of lands for employment uses.*

*The Regional Urban Structure consists of the following structural components,*

*(1) Strategic Growth Areas;*

*(2) Regional Employment Areas;*

*(3) Built-Up Areas; and*

*(4) Designated Greenfield Areas.*

*78.1 The objectives of the Regional Urban Structure are:*

*(2) To focus a significant proportion of population and certain types of employment growth within Strategic Growth Areas through mixed use intensification supportive of the local role and function and reflective of its place in the hierarchy of Strategic Growth Areas identified in this Plan;"*

**The Subject Lands are located within a Primary Regional Node and along a Higher Order Transit Corridor which are identified as a Strategic Growth Areas in the ROP. The proposed development represents appropriate mixed use intensification in a Strategic Growth Area that will support existing and future transit.**

Strategic Growth Areas

The objectives for Strategic Growth Areas are identified in Section 79 of the ROP.

*"79(1) To provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable in order to promote the*

*development of complete communities.*

*79(2) To provide opportunities for more cost-efficient and innovative urban design.*

*79(4) To provide a diverse and compatible mix of land uses, including residential and employment uses, to support neighbourhoods.*

*79(5) To create a vibrant, diverse and pedestrian-oriented urban environment.*

*79(8) To support transit and active transportation for everyday activities.*

*79(9) To generally achieve higher densities than the surrounding areas.*

*79(10) To achieve an appropriate transition of built form to adjacent areas*

**The proposed development consists of a compact, high-rise built form which efficiently uses underutilized land on a Higher Order Transit Corridor and within a Primary Regional Node. The proposed development is positioned at the intersection of two major arterial roads which are an appropriate location for high-rise residential development. The Subject Lands are located within close proximity to land uses that support residential development, including commercial and employment uses and a number of community facilities as described in Table 1. The increased density will contribute to increased pedestrian activity along Appleby Line and Upper Middle Road and increased ridership for local and regional transit service.**

The ROP contains the following policies with respect to Strategic Growth Areas:

*"79.2 The Regional Urban Structure contains a hierarchy of Strategic Growth Areas as delineated or identified by symbol on Map 1H:*
*(1) Urban Growth Centres / Major Transit Station Areas on a Priority Transit Corridor;*
*(2) Urban Growth Centres / Major Transit Station Areas on a Commuter Rail Corridor;*
*(3) Major Transit Station Areas on a Priority Transit Corridor;*
*(4) Major Transit Station Areas on a Commuter Rail Corridor;*
*(5) Primary Regional Nodes;*
*(6) Secondary Regional Nodes; and,*
*(7) Regional Corridors.*
*79.3(1) Direct development with higher densities and mixed uses to Strategic Growth Areas in accordance with the hierarchy identified in Section 79.2 of this Plan.*

**The proposed development as designated a Primary Regional Node within the Regional Urban Structure as shown on Figure 7. The proposed development represents appropriate mixed use intensification and density within a Strategic Growth Area while being compatible with the**

**existing neighbourhood and Regional Urban Structure hierarchy.**

*"79.3(7) Require the Local Municipalities to:*

*a) include Official Plan policies and adopt Zoning By-laws to meet intensification and mixed-use objectives for Intensification Areas;*

*d) promote development densities that will support existing and planned transit services.*

*79.3(7.3) Ensure that Strategic Growth Areas are development-ready by:*

*a. making available at the earliest opportunity water, waste water and transportation service capacities to support the development densities prescribed for Strategic Growth Areas;*

*79.3(8) Encourage the Local Municipalities to adopt parking standards and policies within Strategic Growth Areas to promote the use of active transportation and public transit."*

**The Subject Lands are currently designated Uptown Commercial/Residential I in the in-force Burlington OP. Neither the in-force OP nor the in-force zoning fully optimize the development standards for the Subject Lands relative to the ROP's intensification policies for Strategic Growth Areas. The proposed OPA and ZBA provide for more appropriate development standards, particularly for building height, density and parking, which will allow for the efficient use of serviced lands while supporting existing and planned transit.**

<u>Regional Nodes</u>
ROPA 48 introduced the following objectives for Regional Nodes:

*"82 The objectives of the Regional Nodes, as identified by symbol 1H, are:*

*(1) To recognize Strategic Growth Areas in the Region which are an integral component of the Regional Urban Structure, and are historic downtown areas, or contain a concentration of public service facilities (i.e. hospitals, universities) and/or transit-supportive, high density uses.*
*(2) To leverage infrastructure investments and the development of public service facilities to support forecasted growth.*
*(3) To provide a range and mix of transit-supportive uses, such as residential, retail, office and public uses that supports the area in a pedestrian-oriented urban environment.*
*(4) To reflect and reinforce Local Urban Structures.*

**The proposed development achieves the above objectives for Regional Nodes. The Subject**

**Lands are located within a Primary Regional Node. The proposed development will achieve the objectives for Primary Regional Nodes by providing a 20-storey mixed-use high density development project with a 6-storey podium that will make use of existing infrastructure and support existing and planned transit. The proposed development has been designed to adhere to the vision and direction for the neighbourhood while providing for a sensitive transition and contributing to placemaking in the community.**

Housing

The goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs. The ROP contains the following objectives and policies with respect to housing:

*"85. The objectives for housing are:*

*(3) To coordinate, improve upon, and expedite the development approval process so as to reduce the overall cost of housing.*

*(4) 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 neighbourhoods.*

*(13) To promote residential intensification through the development or redevelopment of brownfield and greyfield sites."*

*86(6a) At least 50 percent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings.*

*86(11) Permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.*

*86(21) Require local Official Plans to provide an appropriate mix of housing by density, type and affordability in each geographic area, consistent with current and project demands reflecting socio-economic and demographic trends."*

**The proposal is for a 20-storey residential development project on a Higher Order Transit Corridor in the Uptown Urban Centre of the City of Burlington which is a Regional Strategic Growth Area. The Region has indicated that this is a Primary Regional Node where increased unit densities are to occur to accommodate population growth, employment growth, and a mix of housing. The proposed development increases the housing unit density in the Uptown Urban Centre, providing 475 residential units and making the Uptown Urban Centre more affordable for current and future residents by providing a unit**

**mix that will increase the range of housing options in the area. These 475 residential units will contribute to Halton Region's 50% housing form target for multi-storey buildings, as discussed in the accompanying Housing Impact Statement, submitted under separate cover. The proposed design will complement the surrounding neighbourhood and will include landscaping and design features to mitigate visual impacts. As described in Section 4.5 below, the in-force City of Burlington OP limits the permitted density on the Subject Lands by permitting a maximum FAR of 2.5:1 and a height of 35 metres. This significantly impacts the ability to optimize development on the Subject Lands and provide much needed housing supply in accordance with Regional intensification policies.**

Healthy Communities

The ROP has the following relevant policies with respect to creating healthy communities:

*"140. The goal for environmental quality is to achieve a high-quality environment, for this and future generations, that will sustain life, maintain health and improve the quality of living.*

*142. The objectives of the Region are:*

*142(5) To support urban forms that will reduce long distance trip-making and the use of the private automobile.*

*142(6) To promote trips made by active transportation and public transit.*

*143(4) Promote walking, cycling and public transit over other modes of transportation.*

*143(5) Require all new urban development to consider in its design the provision of safe and accessible active transportation facilities and access to public transit services, or transit stops where they are likely to be located, within a walking distance of 400m."*

**The proposed 20-storey development represents a more sustainable and compact built form which will contribute to a healthier urban environment. It will also help achieve an urban form that reduces long distance car trips and promotes transit and active transportation as the Subject Lands are located on a designated Higher Order Transit Corridor and will provide bicycle parking for residents. As described in Section 2.4 and Table 1, the Subject Lands are located within close proximity to local and regional transit services and community facilities. The Subject Lands are also located in close proximity to a number of parks which will provide recreational services for residents as needed. The proposed design of the building seeks to animate the street along Appleby Line and Upper Middle Road which will encourage pedestrian activity in an environment that is supportive of walking, cycling, and gathering. All of these factors will promote the use of transit and public transportation in an effort to reduce personal vehicle use.**

Public Safety

*"156. It is the policy of the Region to:*

*156(1) Require all proponents of development to have regard for the Healthy Communities Guidelines in considering and providing physical design features that promote safety and security."*

The Healthy Community Guidelines are reviewed in Table 6, below. The Guidelines note that healthy communities encourage seven attributes which are presented as headings in Table 6.

**Table 6: Healthy Community Guidelines Compliance**

| **Built Environment** | |
|---|---|
| **Contribution to healthy community:** | **Elements:** |
| • compact mixed use development, walkable and connected communities;<br>• a range of densities and housing opportunities, choices and accessibility for all income levels and needs;<br>• redevelopment/regeneration areas;<br>• welcoming pedestrian-scaled environments;<br>• a range of densities that will support public transit and amenities; and,<br>• community infrastructure. | • Compact Development<br>• Community Structure<br>• Diversity of Uses<br>• Walkable & Connected Communities<br>• Diversity of Housing<br>• Complete Streets<br>• Schools<br>• Redevelopment / Regeneration Areas<br>• Mixed Use Opportunities<br>• Urban Forest<br>• Streetscapes and the Pedestrian Environment |
| **Compliance of proposed development:** | |
| **The proposal is for the redevelopment of an underutilized parcel of land with a compact, built form at a higher density than the surrounding uses within a designated Primary Regional Node and on a Higher Order Transit Corridor. The proposed higher density is consistent with Regional policies to locate the highest densities in the Region to Strategic Growth Areas. The proposal is designed to integrate into the surrounding community while minimizing potential negative impacts. This will provide a greater range of housing options in the immediate vicinity, contributing to the diversity of local housing stock within the Burlington Uptown Centre. The Subject Lands are in proximity to commercial areas and a number of community parks and community facilities as shown on Table 1 of this Report.** | |
| **Mobility** | |
| **Contribution to healthy community:** | **Elements:** |
| • encouraging physical activity;<br>• facilitating active transportation and public transit;<br>• providing access to services and amenities for vulnerable population groups including children, the elderly, persons with disabilities and low income individuals;<br>• providing safe, convenient and accessible environment for walking and cycling | • Universal Accessibility<br>• Street Network<br>• Active Transportation<br>• Transit Accessibility<br>• Transit-supportive Density<br>• Major Transit Stations<br>• Pedestrian & Cycling Routes<br>• Parking |

| | |
|---|---|
| through Transportation Master Plans and Active Transportation Plans;<br>• reducing dependency on single occupant vehicles and improving access to transit;<br>• promoting integration within transit systems inter-regionally; and,<br>• providing connected street networks that are accessible to all modes of transportation. | |
| **Compliance of proposed development:** | |
| **The proposed redevelopment will provide 304 bike parking spaces, encouraging the use of active transportation. The Subject Lands are also located along a Higher Order Transit Corridor and within close proximity to several transit routes as shown on Figure 3, providing opportunities for future residents to be less reliant on single occupant vehicles. The proposed development will support active transportation in the area through a human-scaled design that creates a pleasant interface between the building and the existing streetscape.** | |
| **Natural Environment and Open Space** | |
| **Contribution to healthy community:** | **Elements:** |
| • preserving and enhancing the natural heritage system;<br>• supporting recreational and cultural opportunities;<br>• providing access to a range of open spaces, parks and recreational facilities, pathways and trails; and,<br>• providing interconnected green space and urban forests within the urban boundary. | • Natural Heritage System<br>• Parks & Public Spaces<br>• Pathways & Trails |
| **Compliance of proposed development:** | |
| **The Subject Lands are located in proximity to a number of parks and recreational opportunities as shown in Table 1, including Desjardines Park, Millcroft Park and Bronte Creek Provincial Park.** | |
| **Human Services** | |
| **Contribution to healthy community:** | **Elements:** |
| • integrating and co-locating providing social infrastructure to meet the current needs of all residents;<br>• providing social, cultural and recreational services such as Places of Worship, Community Centers, Libraries, social housing, youth centres, long term care homes and seniors centres; and,<br>• providing access to health care and ensuring public safety through design (CPTED); | • Co-location & Integration of Services<br>• Social, Community, Cultural, and Recreational Services<br>• Health & Public Safety<br>• Education |
| **Compliance of proposed development:** | |
| **As noted in Table 1, the Subject Lands are in proximity to a number of recreational facilities including Desjardines Park and Millcroft Park as well as community facilities including Tansley Woods Community Centre and Appleby Ice Centre. The proposed building adheres to the principles of Crime Prevention Through Environmental Design (CPTED) by providing natural surveillance on Appleby Line from proposed building façade features, appropriate lighting, and overhead balconies.** | |
| **Sustainable Design** | |
| **Contribution to healthy community:** | **Elements:** |

| | |
|---|---|
| • designing new buildings, communities, and neighbourhoods to reduce water, waste, and energy use;<br>• promoting energy conservation and alternative energy sources;<br>• implementing Low Impact Design Standards in both new developments and established areas;<br>• improving air quality through addressing the impact of climate change; and,<br>• encouraging the design and construction of energy efficient green buildings. | • Energy<br>• Water<br>• Materials and Solid Waste<br>• Air Quality<br>• Green Buildings<br>• Cool/Green Roof |
| **Compliance of proposed development:** | |
| **The proposal includes a compact building design which will include secure bicycle parking. The Subject Lands are located along existing transit and a Higher Order Transit Corridor which reduces energy consumption and increases air quality by encouraging non-car oriented modes of transportation. The landscape planting palette includes native and non-invasive species that ensure the success of the landscape design and are appropriate for the urban ecosystem. The proposed development is also considering a number of sustainability features. This includes a high-quality energy efficient heating and cooling system, smart hydro meters for each unit to regulate time-of-use, a tri-sorter system for residential garbage, low flow bathroom fixtures, rainwater harvesting, and electric vehicle charging.** | |
| **Economy** | |
| **Contribution to healthy community:** | **Elements:** |
| • providing a balanced community between employment and residential areas;<br>• promoting a diversity of employment opportunities and densities at appropriate locations where transit is available; and,<br>• promoting the efficient movement of goods. | • Population and Jobs<br>• Employment Lands<br>• Retail / Commercial / Service<br>• Mixed Use / Live Work Opportunities<br>• Neighbourhood Jobs |
| **Compliance of proposed development:** | |
| **The Subject Lands are located close to existing employment uses located on Ironstone Drive, Corporate Drive and Appleby Line. In addition, the Subject Lands are within close proximity to regional transit services, including Appleby GO station, which provide access to a diverse job market across the City of Burlington and with transit connections to the entirety of Halton Region and the Greater Toronto and Hamilton Area.** | |

<u>Transportation</u>

The goal for transportation is to provide a safe, convenient, accessible, affordable and efficient transportation system in Halton, while minimizing the impact on the environment and promoting energy efficiency. The ROP contains the following transportation-related policies:

"*172(8) To achieve a level of public transit usage that averages at least 20 percent of all daily trips made by Halton residents by year 2031.*

*172(9.1) To ensure development is designed to support active transportation and public transit.*

*172(10) To promote land use patterns and densities that foster strong live-work relationships and can be easily and effectively served by public transit and active transportation.*

*173(2) Ensure that the development of transportation systems in and around Halton supports the development of Intensification Areas."*

**The Subject Lands are serviced by existing transit and located on a Higher Order Transit Corridor. The additional density from the proposed development will contribute to achieving Regional trip target by building a transit-supportive, high-density, mixed use development with reduced vehicular parking ratios along existing and proposed transit routes. In addition, the proposed building will contain secure bike parking and will support use of active transportation.**

**Summary / Conformity Statement**

**The proposed development meets the applicable goals, objectives and policies of the Region of Halton OP, and represents an intensification opportunity that supports sustainable, cost-effective and transit supportive growth. The proposal optimizes the use of an underutilized site located within the City of Burlington's Uptown Urban Centre which is designated as a Primary Regional Node and located along a Higher Order Transit Corridor. The proposal conforms to the ROP and the Region's Healthy Community Guidelines.**

**The proposed OPA and ZBA will better-align the local OP policies and zoning regulations with the intensification policies of the ROP, allowing increased permissible height and density and reduced parking standards that will support transit, active transportation and housing supply within a Strategic Growth Area.**

## 4.5 City of Burlington Official Plan, 1994 (December 2019 Office Consolidation)

The Official Plan for the Burlington Planning Area, The Official Plan (1994) (the 'OP'), was adopted by the Council of the Corporation of the City of Burlington on July 11, 1994. It was subsequently approved, with modifications, by the Region of Halton, on March 5, 1997. Certain parts of the Plan were referred by the Region to the Ontario Municipal Board for a decision, and certain parts were deferred for further consideration. The City's OP was approved by the Ontario Municipal Board on October 24, 2008. The OP has undergone a number of amendments with the most recent consolidation being December 2019. Section 2.0 notes that the planning horizon of the OP is to 2021.

The City adopted a new Official Plan ("Council-Adopted OP") in April 2018. Following further Regional revisions, the Council-Adopted OP was revised and adopted in July 2020. In November 2020, the Council-adopted OP was modified and approved by the Region of Halton. The Council-Adopted OP was appealed and thus currently not in-force. A discussion of the New OP

is provided in Section 4.6 for reference purposes.

The following designations apply to the Subject Lands and the abutting streets:

- Schedule A – Settlement Pattern: Mixed Use Activity Area
- Schedule B – Comprehensive Land Use Plan – Urban Planning Area: Mixed Use Centre (Figure **8**)
- Schedule F – Land Use – Uptown Mixed Use Centre: Uptown Commercial/Residential I (Figure **9**)

The Uptown Commercial/Residential I policies do not allow for the full achievement of the type of compact, transit supportive development sought by the PPS, Growth Plan and ROP. As such, the existing development standards as part of this designation are not consistent and do not conform to these documents. However, should the Council-adopted Official Plan come into effect, an Official Plan Amendment will no longer be required as increased in density can be implemented through ZBA or Minor Variance.

**Policy Framework**

The OP sets out Guiding Principles in Section 3.0 of Part I that are applicable to all development. While these policies are high level and apply to the City's Plan as a whole, they are an important consideration when evaluating intensification within Mixed Use Activity Areas.

*"3.0 GUIDING PRINCIPLES*

*The urban and rural environment that is desired for the City of Burlington is summarized as follows:*

*"a) Provide a community plan and growth strategy aimed at creating an attractive, liveable community that offers a wide range of housing, employment, transportation, and leisure opportunities for all its citizens.*

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

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

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

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

**The proposed development achieves the city-wide guiding principles for land use and development. The proposal represents an efficient use of underutilized land that will add new housing and retail opportunities in the Uptown Mixed Use Centre. The proposal introduces a high-quality built form that will add to the visual appeal and sense of identity of the Uptown and well help define the planned character of the area as the Uptown intensifies. The proposed development will support existing and planned businesses and transit in the Uptown Mixed Use Centre as the area transitions from suburban to urban. Future residents will be able to take advantage of a number of recreational and community facilities located in the area, as shown on Figure 2 and in Table 1.**

**As described above, the City of Burlington OP has not been updated to reflect the Provincial growth management objectives for intensification areas, including the Uptown Mixed Use Centre. Therefore the current development standards for the site are inadequate to support the intensification and density required to achieve the provincial, regional, and council-adopted direction for this site. An OPA is required to bring the development standards for the site into conformity with this direction.**

**Land Use Vision**

Part 1, Section 4.0 of the OP provides general policies related to the land use vision for the entire City. Sections 4.2 and 4.3 identify that the existing built form and environment in Burlington is going to change from the current suburban community to one which provides for future growth in the form of intensification and redevelopment in a new built forms.

*"4.2 The Present Built Form and Natural Environment *D53*

*The existing City structure is a typical suburban community. Burlington is composed mainly of residential neighbourhoods containing detached dwellings, separated from employment and shopping areas, and designed primarily around a transportation system based on automobile travel… This development reflected the belief that there were few limits to growth and reflected the abundant supply of developable land available at the time…. As Burlington approaches a mature state, a significant amount of its future growth will be in the form of intensification and re-development within the existing urban boundary. With fixed urban boundaries as confirmed by the Provincial Greenbelt Plan, the challenge will be to accommodate the various demands for land while maintaining stability and compatibility.*

*4.3 The Future Built Form and Natural Environment*

*Changes that are encouraged by this Plan are: i) the development of a greater diversity of housing types to meet the changing needs of the population; ii) the development of a more self-contained city by encouraging a greater live-work relationship and supporting designation of lands for a wide variety of employment uses; iii) the focusing of more intense land uses into specified mixed use centres and along certain roads; iv) a move*

*towards a more balanced transportation system; and v) a greater emphasis on the long term preservation and conservation of significant natural features with greater public access particularly to the waterfront and reasonable and responsible access to other areas. These changes, discussed in more detail below, will evolve gradually and will be designed to maintain the positive aspects of the City's neighbourhoods.*

*The Plan directs population growth towards underutilized or vacant parcels in existing communities; to the Alton community in northeast urban Burlington; to certain mixed use corridors; and to the two mixed use centres: the Downtown and the Uptown.*

*The Plan encourages a broader mix of residential dwellings in terms of type, size, cost and ownership. Most residential development will be in low and medium density land use designations with some sites designated for high density development. While infill developments will be encouraged on vacant and under-utilized lands in existing neighbourhoods, the Plan provides that preservation and enhancement of the quality of life features of neighbourhoods must be considered in the review of any new and/or intensified development proposals in these areas.*

*...*

*To meet the needs of the changing population as shown by smaller households, an aging population, alternative family units and a broader range of income levels, and in response to greater environmental awareness and fiscal restraints, new residential growth will be mainly in the form of more compact housing. This development will be served by various modes of transportation and located in closer proximity to jobs, shopping and leisure areas.*

*Provision of residential support services and amenities are a priority of the Plan. New residential developments will be planned considering all forms of travel and be supportive of safe pedestrian and vehicular movement with convenient connections to employment areas, neighbourhood shopping areas, public open spaces and recreational facilities, schools, churches and other institutional uses. The goal is to promote a sense of community identity that will continue to make Burlington a desirable place to live.*

*The Uptown Mixed Use Centre recognizes the surrounding community, and will contain medium and high density, low rise development. Uptown is connected to other parts of the City by a Mixed Use Corridor running along Appleby Line. This Mixed Use Centre will contain a high proportion of residential land use, tied to commercial development at the intersection of Upper Middle Road and Appleby Line. Uptown will also provide office and industrial employment uses. It is expected that the Uptown Mixed Use Centre will have a total population of between 4,000 and 4,500 people."*

**The proposal is generally consistent with the City's land use vision while optimizing a site-specific opportunity to further advance this vision in the context of the present-day policy**

**framework through the introduction of a high rise residential building within the Uptown Mixed Use Centre. As recognized in the vision, it is expected that a significant amount of the City's future growth will be in the form of intensification and re-development within the existing urban boundary. The proposed development will provide for an appropriate amount of intensification on an underutilized site within the core of the Uptown Mixed Use Centre. In addition, the proposed development will provide for 475 residential units which will make a significant contribution to the City of Burlington's future housing stock. In addition, different unit types and sizes are proposed which will encourage a broad mix of housing choices. The proposed compact built form will diversify housing and retail opportunities while serving as an appropriate focal point for the area. As the Subject Lands are located within the Uptown Mixed Use Centre, the site is located proximate to commercial uses, existing retail uses, and employment uses which future residents will make use of. As described in Section 2.2 and Table 1 of this Report, the Subject Lands are located in close proximity to community facilities, parks and schools. Note that Policy 4.2 above has been deferred but has been included in this report for completeness of the review.**

Part II of the OP contains a number of policies related to functional elements of growth and development including policies on servicing, sustainability and transportation. The proposed redevelopment is supported by the necessary functional servicing and transportation studies which illustrate conformity with these policies related to the provision of infrastructure, stormwater management and transportation capacity.

**Sustainable Design and Compatibility**

Section 2.7 of Part II of the OP provides applicable policies on Sustainable Design and Compatibility as follows:

*"2.7.2 Objectives*

*a) To ensure through the site planning process that building layout and urban form is consistent with Sustainable Development principles so that new development is efficient, safe, accessible, affordable and energy efficient.*

*b) To encourage, wherever possible, development to be accessible by pedestrians, cyclists and public transit.*

*2.7.3 Policies*

*c) Development will be reviewed to ensure efficiency of land use in the urban community in terms of energy, travel time, intensity and diversity.*

*e) The City will encourage development that provides choices in housing, shopping, employment, and transportation.*

*k) Transportation Demand Management strategies will be used to encourage increased transit ridership, walking and bicycling in the City.*

*l) Where noise abatement is required along roads, design features such as the orientation of buildings, vegetative buffers and other innovative methods shall be preferred over the use of acoustical walls."*

**The Sustainable Development Principles and Objectives of the in-force OP are assessed in the accompanying UDB, submitted under separate cover. The proposal is within walking distance to local and regional public transit as well as a number of community and recreational facilities (see Table 1). Internal bike parking will also be provided which, in concert with reduced parking standards and proximity to public transit, will assist in increasing pedestrian and cycling trip rates. As per the Long Term Cycling Master Plan and the Trails Strategy, trails and bike paths have been planned to run along Appleby Line and Upper Middle Road ensuring adequate active connections to the site.**

**The proposal represents an efficient use of serviced land located within the built boundary in proximity to existing housing, commercial areas, employment opportunities and transportation networks as part of the Uptown Mixed Use Centre. The accompanying Noise Study assesses the impacts of the environment on the proposed development and demonstrates that noise concerns can be controlled through selecting appropriate building materials, mechanical units, a sound barrier parapet at the 7th floor outdoor amenity space, and the use of warning clauses for future occupants.**

**<u>Contaminated and Potentially Contaminated Sites</u>**

*"2.8.2 Policies*

*d) The City may require all applications for Official Plan amendment, zoning by-law amendment, plan of subdivision, site plan and consent, as specified in the Contaminated Sites Protocol, to be supported by a Phase I Environmental site assessment to be undertaken in accordance with Provincial legislation by a Qualified Person.*

*e) The City shall require a Phase II Environmental site assessment to be undertaken in accordance with Provincial legislation to support applications for sites where the Phase 1 Environmental site assessment reveals that the site may be contaminated. The Phase II Environmental site assessment shall include conclusions as to whether or not contamination is migrating off site."*

**Phase One and Phase Two Environmental Site Assessments have been submitted in support of the OPA and ZBA applications. The Phase One Assessment indicated contamination of the lands as a result of the current gas station and car wash use on the Subject Lands. The Assessments are summarized in Section 3.2 of this Report. Further a Record of Site Condition will be required prior to the land being deemed suitable for**

**residential development.**

**Transportation**

Section 3 of Part II contains the following relevant transportation objectives and policies:

*"3.2.1 Objectives*

*d) To encourage alternative travel by creating an urban environment that encourages walking, cycling and transit use and increases opportunities to live close to work and satisfy day-to-day needs locally without relying on the automobile.*

*e) To maximize existing infrastructure to ensure that optimal benefit is obtained from the transportation system*

*"3.2.2 Policies*

*j) Reduced parking ratios and/or standards and/or on-street parking ratios and/or standards may be permitted subject to evaluation by the City of the appropriateness of such standards, and implemented through the approval of development applications or other City initiatives.*

*k) Opportunities for the sharing of parking in mixed use developments will be considered subject to an evaluation by the City*

*3.4 Transit Services*

*3.4.1 Objectives*

*c) To promote the use of transit, and to reduce traffic and parking demands traffic congestion and air pollution, by providing increased levels of service, encouraging transit-supportive land use planning and introducing appropriate "transit priority" and Travel Demand Management (TDM) measures."*

**The proposed development achieves the above transportation and transit service objectives. The proposed development supports active transportation and pedestrian movement through a pedestrian-oriented design, the provision of secured bicycle parking, and being located on a site well serviced by transit services. The proposed development is providing reduced parking ratios that will support transit ridership on existing transit services. The existing transit services also provides connections to the Appleby GO station and the Highway 407 carpool lot, providing residents with seamless access to regional transit services. In addition, as part of the Transportation Impact Study, several TDM measures were recommended which will be integrated into the site design and implementation strategy. These TDM measures include, but are not limited to, a continuous sidewalk along the Subject Lands frontage, curb cut ramps adjacent to any**

**bicycle parking, subsidized transit passes for purchasers who do not purchase parking, and monitoring of the visitor parking to avoid disruption to the local community.**

*"3.4.2 Policies Long-Term Transit Network*

*a) Municipal transit services and facilities shall be provided in accordance with Schedule 1, Long Term Transit Service Network in Appendix A of the Plan. This Schedule identifies the long-term location of anticipated local and inter-regional transit services including VIA and GO rail lines and stations, and other proposed inter-regional services such as a Primary Bus Service Network and a Secondary Bus Service Network. Primary Bus Services provide peak period service frequencies of 15 minutes or better, while Secondary Bus Services offer peak period frequencies greater than 15 minutes.*

*d) Council shall promote the development of cost-effective transit services through transit-supportive land use and transportation plans in areas of development including mixed use corridors and mixed use centres.*

*e) Development applications shall be reviewed to ensure that, where feasible, proposed land developments encourage the efficient and effective use of transit services."*

**The Subject Lands are located at the intersection of Appleby Line and Upper Middle Road within the Uptown Mixed Use Centre. As shown on Figure 10, the Subject Lands are located along a Primary Bus Service route and adjacent to a Secondary Bus Service route. As such, the proposal is intended to increase transit usage along these service routes and throughout the City of Burlington. The Subject Lands are well connected to regional transit services, as described in Section 2.4 of this Report. The proposed development will contribute to establishing a more urban environment in the area as envisioned for the Uptown Mixed Use Centre.**

**<u>Urban Design</u>**

General urban design policies are set out in Section 6 of Part II of the OP.

*"6.1 Principle*

*a) The tangible elements of the urban form, consisting of a combination of the built environment and open space that form the urban landscape, shall be designed in an efficient, attractive and compact manner to enhance the well-being of the residents of the community and to reflect the vision of this Plan.*

*6.2 Objectives*

*c) To ensure that the design of the built environment strengthens and enhances the*

*character of existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character.*

*e) To achieve a high quality of design within the public realm.*

*f) To ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression."*

**The proposal provides for efficient, attractive and compact design that is integrated with the public realm of the Burlington Uptown Urban Centre. The proposed development provides for the highest density and tallest buildings at the intersection of Appleby Line and Upper Middle Road as directed by the Uptown Mixed Use Centre policies reviewed below, which is the appropriate location for such a built form. The proposed development includes a high quality of design through an articulated building façade for the 6 storey podium and the two proposed residential towers, the provision of an appropriate stepback from the 6 storey podium, the incorporation of underground parking, landscape and buffer areas and minimizing the front yard setback. Ground level retail will be provided along Appleby Line which will activate the street and provide natural surveillance. The proposed development will act as an appropriate focal point and landmark for the Uptown Mixed Use Centre as it continues to develop.**

**Further information on how the proposal achieves the relevant objectives of the in-force OP and the relevant Urban Design guidelines is provided in the accompanying UDB, submitted under separate cover.**

*"6.5 Design Guidelines Policies*

*a) The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.*

*b) The compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing.*

*c) The design of all buildings must recognize pedestrian scale, safety and the perception of safety and access and the preservation of public vistas and views.*

*d) The creation of a continuous and harmonious streetscape environment shall be encouraged with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings.*

*g) The location, amount, position and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact. City Council shall require landscaped islands and screening in the design of large*

*parking lots.*

m) *All development shall be designed having regard for Sustainable Development considerations as set out in Part II, Subsection 2.7.3 of this Plan."*

**As described above, the proposed development achieves compatibility through its siting, design, and the provision of appropriate landscaping. The increased density is contained within a compact built form that is located at an appropriate location being at the corner to two major arterial roads. Material changes and façade articulation have been applied to separate the 6 storey podium from the 14 storey towers to break up the building height and massing. The podium also ensures a pedestrian-scaled presence on the street. Landscaping and fencing around the perimeter of the property provide for an appropriate buffer to the abutting residential buildings. The proposal will activate the street and create natural surveillance through the provision of retail space along Appleby Line. Parking is located predominantly below grade with some parking at the surface which is screened by fencing and landscaping and separated by a 24m wide hydro corridor from Upper Middle Road.**

**The urban design features of the proposal are discussed in greater detail in the accompanying UDB which provides a detailed assessment of the proposal's design merits in relation to the physical context.**

Part III of the OP provides land use policies for the City's urban areas. The Subject Lands are designated Uptown Commercial/Residential I in the Burlington Uptown Mixed Use Centre.

**Housing Intensification**

Section 2.5 contains policies related to housing intensification. It should be noted that these are general policies which apply to every residential property in the City of Burlington, including residential uses that are proposed in non-residential designations. While a review of section 2.5 has been completed, it is of note that the Subject Lands are located within a Mixed Use Activity Area and a Mixed Use Centre which is an intensification area and thus cannot reasonably be considered in the same manner as other residential properties, within for example, the stable residential areas.

"*2.5.1 Objectives*

a) *To encourage residential intensification as a means of increasing the amount of available housing stock including rooming, boarding and lodging houses, accessory dwelling units, infill, re-development and conversions within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood.*

b) *To encourage the re-development of under-utilized residential lands where appropriate at the periphery of existing residential neighbourhoods for non-ground-oriented housing*

*purposes."*

**The proposed development will significantly increase the amount of housing stock available in the Uptown Mixed Use Centre through appropriate infill development on a currently underutilized portion of land. The proposed development will provide 475 residential units in a range of unit types and sizes, which will serve all residents, including families. The development is proposed at a density that is supported by the current provincial, regional, and in-force OP policies for intensification areas.**

*"2.5.2 General Policies*

*a) The following criteria shall be considered when evaluating proposals for housing intensification within established neighbourhoods:*

*i. adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;"*

**The FSR proposes a sanitary servicing strategy that requires the installation of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line. Water servicing will be provided by a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire water service for the proposed development. School and parks existing in the vicinity and are listed on Table 1 and shown in Figure 2. School capacity will be evaluated by the school board through the circulation of the application.**

*ii. "off-street parking is adequate;"*

**A reduced off street parking standard has been proposed which is consistent with recommendations in the Parking Justification Report and a shared parking formulae between visitor and retail parking. The accompanying Parking Justification Report provides additional justification for why the proposed parking rates are adequate for the development.**

*iii. "the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;"*

**The accompanying TIS demonstrates that the queue lengths and localized congestion identified under base year conditions are forecast to continue to occur with the addition of two critical movements. Several remedial measures have been identified to address**

**forecast traffic volumes. Ingress and egress is oriented towards Upper Middle Road and Appleby Line at the maximum spacing distance allowable given the site configuration.**

iv. *"the proposal is in proximity to existing or future transit facilities;"*

**The proposal is located at the intersection of a Primary Bus Service route along Appleby Line and a Secondary Bus Service route along Upper Middle Road as shown on Figure 10. The Subject Lands are well serviced by Route 11 and Route 12 of Burlington Transit, which connects to Appleby GO station, where further connections are available to GO bus and rail service, VIA rail, and Burlington Transit buses.**

v. *"compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided;"*

**The proposal consists of a compact, high-rise built form located closest to the Appleby Line and Upper Middle Road intersection, which is the most appropriate location for such a development. The building is located as close as possible to the front lot line in order for the ground level retail to activate the street and provide natural surveillance. The proposals built form is divided into a 6 storey podium which is then stepped back to provide for the 14 storey residential towers. The podium and towers are also broken up with material changes to further break up the building massing. Amenity areas consist of balconies, internal amenity rooms, and an outdoor amenity area on the roof of the 6 storey podium between the towers. Appropriate tower and podium setbacks are provided to the surrounding uses and to ensure an appropriate transition in heights from surrounding uses. Parking is located predominantly below grade with some parking at the surface which is screened by fencing and landscaping and separated by a 24m wide hydro corridor from Upper Middle Road.**

vi. *"effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;"*

**As shown on the accompanying Tree Inventory, Protection and Removal Plan, a total of 36 trees will require removal. Most of these trees are either in fair or good condition. Removal of trees is intended to be compensated through street tree planting, on-site planting, and financial compensation, if required.**

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

**The proposed development is located and oriented to minimize negative impacts of**

**shadows on adjacent land uses. This has been done through proposing slender tower floor plates, building setbacks and stepbacks, and orienting the buildings to allow for adequate sunlight. As demonstrated in the accompanying Shadow Study, shadows will be cast on Upper Middle Road during the spring and fall equinox at 9:00 am, and decrease in the afternoon at 12:00 pm. The shadows cast on the development to the north are after 1:00 pm on the abutting façade, representing little significant impact. During the Summer Solstice, the projected shadows are acceptable, as they do not impact the surrounding developments, except for some shadows cast on buildings to the south after 6:00 pm.**

*viii. "accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;"*

**There are a number of shopping and employment uses existing on Appleby Line, Upper Middle Road, and Corporate Drive. The Subject Lands are also in proximity to a number of parks and community facilities which are listed in Table 1.**

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

**The surrounding residential uses to the east and north will be buffered from the Subject Lands through a combination of landscaping, building setbacks and fencing.**

*x. "where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate;"*

**The proposed development will be provided through infill intensification. The adjacent properties have already been developed over the past 10-15 years. Landscape buffers, building setbacks and fencing will be provided so as to minimize any potential impacts to future development.**

*xiii. "proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided."*

**The Subject Lands are located at the intersection of Appleby Line and Upper Middle Road which are Major Arterial Roads and with a neighbourhood at the periphery. This represents**

**an appropriate location for non-ground oriented housing intensification. The proposal introduces a high-quality built form that will add to the visual appeal and sense of identity of the neighbourhood and will help define the planned character of the Uptown Mixed Use Centre at a complementary scale. The proposal also maintains appropriate tower and podium setbacks as well as landscaping and a parking configuration that maintains compatibility with surrounding lands uses. The proposed development does not abut any low density residential uses.**

Section 5.0 of Part III of the OP contains the policies for Mixed Use Activity Areas as identified on Schedule A – Settlement Pattern to the in-force City of Burlington Official Plan. Mixed Use Activity Areas provide locations where employment, shopping and residential land uses will be integrated in a compact urban form, at higher development intensities and will be pedestrian-oriented and highly accessible by public transit.

**Mixed Use Activity Area**

Section 5.2.1 contains the following general objectives for Mixes Use Activity Areas, relevant to the proposal:

*"5.1 Principles*

*a) Mixed Use Activity Areas provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services.*

*c) Mixed Use Activity Areas address the demand for higher intensity employment, shopping and residential areas within the City.*

*"5.2.1 Objectives*

a) *To encourage comprehensively planned mixed use employment, shopping and residential areas that provide for the integration of uses such as retail stores, offices, hotels, institutional and entertainment uses with residential uses, community facilities, cultural facilities, institutions and open space in a compact urban form, while retaining compatibility with nearby land uses.*

*b) To ensure Mixed Use Activity Areas are developed in a compact urban form, are pedestrian-oriented and highly accessible by public transit, and foster community interaction."*

**The proposed development is consistent with the overall principles and objectives for Mixed Use Activity Areas, providing higher intensity development to increase the housing supply. The proposed development will provide for a compact residential built form, with ground level retail, at the intersection of Appleby Line and Upper Middle Road. The location**

**benefits from being in close proximity to existing and planned public transit routes and the proposed development will encourage transit ridership and active transportation use through a reduced vehicular parking rates and secured bicycle parking.**

**The FSR proposes a sanitary servicing strategy that requires the installation of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line. Water servicing will be provided by a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire water service for the proposed development. The accompanying TIS demonstrates that the noted queue lengths and localized congestion identified under base year conditions are forecast to continue to occur with the addition of two critical movements. Several remedial measures have been identified to address forecast traffic volumes.**

**The Subject Lands are adjacent to a Primary Bus Service route along Appleby Line and a Secondary Bus Service route along Upper Middle Road. Appleby Line and Upper Middle Road also have a dedicated Bike Lane. The adjacency of the Subject Lands to local transit as well as the provision of internal bike storage areas, will encourage residents to use public transit and active transportation and decrease their dependence on the car.**

**The proposed development is also compatible with the surrounding commercial and employment uses in close proximity to the Subject Lands. The proposal will provide additional housing opportunities for employees to live close to their jobs and reduce travel times. The Subject Lands are also close to Appleby GO station which provides regional transit services and increased access to employment opportunities across the GTHA.**

Section 5.2.2 identifies general policies for Mixed Use Activity Areas. The Subject Lands are currently designated Mixed Use Centre and Uptown Commercial/Residential I.

*"5.2.2 General Policies*

*d) The design and development of Mixed Use Activity Areas shall promote these areas as focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.*

*e) The construction and expansion of municipal services shall provide for the development of Mixed Use Activity Areas in an orderly and cost effective fashion.*

*l) The City may consider the use of reduced parking standards in Mixed Use Activity Areas in order to encourage greater reliance on non-automobile forms of transportation."*

**As mentioned above, the proposed development is in a compact built form that is pedestrian-oriented and offers access to existing public transit along Appleby Line and Upper Middle Road. The proposal is located in an appropriate location for tall buildings, at the intersection of two major arterial roads, and has been designed to serve as a focal point for the Uptown Urban Centre. The FSR proposes a sanitary servicing strategy that requires**

**the installation of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line. Water servicing will be provided by a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire water service for the proposed development. A reduced parking rate is proposed for the residential units, retail space, and visitor parking to encourage the use of existing and planned transit services and active transportation.**

**Mixed Use Centre**

Section 5.4 identifies objectives and policies for lands designated Mixed Use Centre on Schedule B – Comprehensive Land Use Plan – Urban Planning Area. The Subject Lands are designated Mixes Use Centre on Schedule B of the in-force City of Burlington Official Plan (**Figure 8**). The following is a list of relevant objectives for the proposed development:

*"5.4.1 Objectives*

*a) To provide locations centred at the intersection of selected major arterial roads, inter-municipal transit stations and the Downtown that will serve as areas for mixed use developments consisting of medium and high density residential, retail, service commercial, office, industrial, entertainment, community facilities and institutions, and open space uses.*
*b) To encourage higher intensity, transit-supportive and pedestrian-oriented development within Mixed Use Centres while retaining compatibility with nearby land uses.*
*c) To permit mixed use developments on individual sites where residential, retail, office and other uses are located, or on different sites where residential, retail, office and other uses are located next to one another.*
*d) To create an open space system incorporating both public and private lands which provide linkages to adjacent major open space areas and ensures that the development in the Mixed Use Centres is well landscaped and balanced with open space areas, such as squares and parkettes, appropriate for an urban setting.*
*e) To ensure that the development, both on a comprehensive and a site-specific basis, is designed to promote personal safety.*
*f) To promote a more diversified transportation system which serves private vehicular and public transit traffic, as well as pedestrians and cyclists."*

**The proposed development meets the objectives of the Mixed Use Centre. The Subject Lands are located at the intersection of Upper Middle Road and Appleby Line, which are both major arterial roads. The proposal consists of two 20-storey residential buildings connected by a 6-storey podium with at grade retail. The proposed uses are transit-supportive and will support transit ridership on both regional and local transit services. Pedestrian-scaled lighting, clear signage and landscaping will be used to promote an attractive and safe public realm. As shown in Table 1 and Figure 2, the Subject Lands are located in close proximity to existing open space areas including Desjardines Park and Millcroft Park. Reduced parking ratios and secured bicycle parking are also proposed which will diversify the transportation system in the Uptown, by encouraging use of alternative**

**modes of transportation. The proposed development maintains compatibility with surrounding land uses through the use of appropriate building and tower setbacks as well as landscaping and screening buffers at grade.**

*"5.4.2 Policies*

*a) The following uses may be permitted in Mixed Use Centres:*
*(i) A wide range of retail, service commercial and personal service uses; financial institutions and services; a broad range of office uses; employment, entertainment, recreation and other community facilities such as day care centres; and*
*(ii) Medium and high density residential uses, and to a limited extent, low density residential uses.*
*b) A range of development intensities shall be permitted.*
*d) A range of building heights shall be permitted.*
*f) The zoning of individual sites may not allow for the full range of permitted uses or the full extent of development intensity at every location based on site specific factors that may include, but are not limited to, traffic, land use compatibility, market impact, natural hazards and features, and environmental factors such as soil contamination.*

**As discussed throughout this report, the proposed mixed use development is appropriate for the Subject Lands given its location at the intersection of two major arterial roads, proximity to public transit, community facilities, commercial and employment lands uses, its compatibility with surrounding land uses and the ability of existing servicing a transportation infrastructure to support the increased the density. The proposal will increase housing supply providing much needed housing along transit routes and close to commercial and employment areas. The increased building height and density is consistent with the Uptown Mixed Use Centre policies which directs the highest intensity of development immediately adjacent to the intersection of Appleby Line and Upper Middle Road.**

*g) The design and development of Mixed Use Centres shall ensure compatibility between the Mixed Use Centre uses and adjacent uses. The following factors shall be considered in reviewing proposals for new and/or expanding Mixed Use Centre uses:*
*(i) Buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services, wherever feasible;*
*(ii) The site plan for individual sites includes features to integrate the new development with surrounding uses;*
*(iii) The site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses, and to and from transit stops;*
*(iv) Off-street parking areas, loading areas and service areas shall be screened and landscaped;*
*(v) The site plan promotes public safety;*
*(vi) The site plan promotes convenient access to public transit services;*
*(vii) Off-street parking areas shall be located in the side and rear yards.*
*(viii) Off-street parking shall be located away from adjacent residential uses; and*

(ix) *Loading areas and service areas are located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas."*

**The proposed design and development is consistent with the above policies for Mixed Use Centres. The proposal consists of two 20-storey buildings connected by a 6-storey podium with at grade retail. The proposed 6 storey podium is located with the front face to Appleby Line with the proposed retail space located at the ground level to activate the street and provide natural surveillance. As described in Section 2.4 and shown on Figure 3, the Subject Lands are located in close proximity to existing transit services along Appleby Line and Upper Middle Road. The proposed development maintains compatibility with surrounding land uses while also integrate taking design cues from the podium of the building south of the Subject Lands. Parking is located predominantly below grade with some parking at the surface which is screened by fencing and landscaping and separated by a 24m wide hydro corridor from Upper Middle Road. Pedestrian-scaled lighting, clear signage and landscaping will be used to promote an attractive and safe pedestrian pathway to and from the entrances of the building. Loading areas will be appropriate screened by the proposed building and will be located away from anticipated pedestrian traffic coming from the proposed lobby and retail spaces.**

h) *"The design and development of Mixed Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car and shall maximize personal safety by incorporating features such as:*

(i) *Buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services, wherever feasible; and*
(ii) *Safe and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas and other buildings and facilities."*

**The proposed design and development will encourage the use of public transit and active transportation as well as maximizing personal safety. The Subject Lands are located along a designated Higher Order Transit Corridor that connects the Appleby GO station to Dundas Street and beyond to Highway 407. As described in Section 2.4, the Subject Lands are located close to a number of local and regional transit stops, including directly along Appleby Line and Upper Middle Road. In addition, the in-force City of Burlington OP designates Appleby Line as Primary Bus Service and Upper Middle Road as Secondary Bus Service. The proposed development will provide for a reduced parking rate, which will encourage the use of transit services and active transportation infrastructure throughout the Uptown Mixed Use Centre.**

**The proposed development has been designed to locate the front façade of the building close to Appleby Line, with a 6-storey podium that will provide an appropriate pedestrian scale and interest. Building entrances will be easily identifiable, directly accessible from the**

**street, and will be well-lit to ensure safe circulation. The remaining built form will be appropriately stepped back. In addition, retail space will be provided at the ground floor level which will activate the street and provide for natural surveillance along Appleby Line.**

m) *"Reduced parking standards, shared parking formulae and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and accessibility by transit and other modes of travel. Opportunities for the sharing of parking in mixed use developments may be considered subject to evaluation by the City."*

**The proposed reduced parking rates and shared parking formulae between retail and residential uses is consistent with the accessibility of public transit, the provision of active transit infrastructure, and the expected time-of-use for the visitor and retail parking spaces.**

**<u>Uptown Mixed Use Centre</u>**

Section 5.6 contains objectives and policies for lands located in the City of Burlington Uptown Mixed Use Centre. As per Schedule F, Land Use Plan – Uptown Mixed Use Centre, the Subject Lands are designated Uptown Commercial/Residential I (**Figure 9)**.

*"5.6.1 Principles*

a) *The Uptown Mixed Use Centre will be an intersection-focused centre with the highest intensity of development immediately adjacent to the intersection of Appleby Line and Upper Middle Road. The intensity of development will decrease the further it is located from the intersection. However, there will also be spines of higher intensity uses along Appleby Line and Corporate Drive.*

b) *The Uptown Mixed Use Centre is considered to be a secondary node to the Downtown and will be a focal point for north-east Burlington- a mixed use community with more urban, rather than suburban, attributes.*

c) *Development is likely to proceed over an extended period of time, as a result, development while meeting the City's objectives for the area, may initially occur at intensities which are less than the maximums permitted.*

d) *The highest quality urban design in both the private and public areas, including the design of Appleby Line, Upper Middle Road, Corporate Drive and hydro right-of-way, will be essential both to establish the urban nature of the area from the outset of development, and for the success of the development at all stages of its growth."*

**The proposed development achieves the above principles for the Uptown Mixed Use Centre. As the Subject Lands are located at the intersection of Appleby Line and Upper Middle Road, they are in an appropriate location for the highest intensity of development in Uptown at 20 storeys with existing shorter buildings at 16, 11, and 6 storeys being**

**located as you move away from the intersection to the south and east. The proposed redevelopment represents an appropriate amount of intensification to the Subject Lands that will contribute to the on-going growth of Uptown as a higher density, mixed use node. A number of high-quality urban design features are incorporated into this development that will activate and complement the Appleby Line and Upper Middle Road intersection. This includes, but is not limited to, the use of high-quality façade materials, glazing along the public realm, appropriate landscaping, podium articulation reflecting existing established patterns, pedestrian-scaled lighting and signage. As accounted for in Principle 5.6.1c), some development has occurred at lower than the maximums permitted in the plan and thus the proposed development represents the most intense land use relative to surrounding properties.**

*"5.6.2 Objectives*

*a) To establish the Uptown Mixed Use Centre as a mixed use community which also provides a focal point for north-east Burlington.*

*b) To achieve a high quality urban level of design on both private and public lands, particularly along Appleby Line, Upper Middle Road, and Corporate Drive at all stages of development.*

*c) To recognize the long-term nature of the development and provide the flexibility in the design approach to any specific project, provided the City's objectives for the area achieved.*

*d) To create a definable street edge along Appleby Line and Upper Middle Road, particularly adjacent to the intersection of the two roads."*

**The proposed development achieves the above objectives for the Uptown Mixed Use Centre. The proposed development incorporates a high level of urban design including articulation in the building façade, a defined streetwall, strategically placed landscape elements, and appropriate materiality. As demonstrated in the accompanying UDB, submitted under separate cover, the proposed development has a setback of 3.071 metres along Appleby Line, bringing the building at close proximity to the road edge and aligning the façade with the street so that active uses frame the public realm. The proposed retail spaces will be accessible at grade and serve to activate and animate the street edge along Appleby Line and Upper Middle Road. Overall, the proposed represents high quality design that promotes intensification and adheres to the vision and design direction for Uptown.**

*"5.6.3 General Policies*

*d) "Provision will be made for bicyclists in all development in the various Mixed Use Centre Area designations and the Mixed Use Corridor Area designation, as appropriate for the size and scale of the lot and the proposed development. Where such facilities include a bikeway it may be designed to be integrated with the general pedestrian system and will also link*

*with the general bikeway system in other areas of the Uptown Mixed Use Centre. Such facilities may take a variety of forms, but, do not need to be capital intensive and can include approaches such as changes in paving material, the use of painted lines on roads and the provision of bicycle parking areas."*

**As existing bike lanes are provided along Upper Middle Road and Appleby Line, new residents will have quick and seamless access to existing active transportation infrastructure in the Mixed Use Centre. In addition, a total of 304 secure bike parking spaces will be provided, and will be distributed between the ground level and underground levels. As a reduced vehicular parking ratio is proposed for the development, the provision of bicycle parking will promote the use of active transportation as the Mixed Use Centre continues to densify.**

e) *"Parking Areas shall be well landscaped in accordance with the approved design guidelines for the area. They shall include pedestrian walkways which link buildings with adjacent sites. Wherever possible parking lots on properties in different ownership will be encouraged to have joint access points and will be integrated to minimize barriers to vehicular travel within the Uptown Mixed Use Centre."*

**A total of 502 vehicular parking spaces are provided predominantly in a below grade parking structure, with 92 spaces located at grade dedicated to visitor and customer parking. Parking is located predominantly below grade with some parking at the surface which is screened by fencing and landscaping and separated by a 24m wide hydro corridor from Upper Middle Road.**

f) *"The City shall encourage the design of all development in the Uptown Mixed Use Centre to provide a safe, functional and attractive pedestrian environment. This is a particular concern for properties along Appleby Line and the north side of Upper Middle Road, as well as the public road allowances. The urban nature of the area shall be recognized through the inclusion of a combination of features including:*
   - *(i) minimizing the visual impact of parking areas by controlling the amount of parking permitted in the front of buildings and providing breaks in parking areas through the use of landscaping and the positioning of buildings to create smaller areas, while still ensuring the creation of functional areas;*
   - *(ii) specifying the type of use located at grade level on the major roads;*
   - *(iii) specifying the type of landscaping on both private and public lands, to include urban features such as the use of low fences or hedges rather than berms or wide landscape strips to provide buffering for parking areas;*
   - *(iv) designing buildings with facade articulation to achieve a scale of development which is attractive to pedestrians"*

**As described in the accompanying UDB, the proposed development incorporates a high level of urban design features to achieve the urban design vision for the Uptown Mixed Use Centre. Parking is located predominantly below grade with some parking at the surface**

**which is screened by fencing and landscaping and separated by a 24m wide hydro corridor from Upper Middle Road. The proposal promotes a pedestrian-oriented environment by generating an active public realm along Appleby Line through pedestrian connections, landscaping, signage, and enhanced paving. The presence of an active retail use will aid in cultivating a comfortable, animated and pedestrian-friendly streetscape. Adequate stepbacks and the proposed 6-storey podium will create a pedestrian-oriented environment. Landscaping will incorporate trees and a variety of plantings that will provide shade and visual interest within and around the site. The proposed 6-storey podium will be articulated so as to break up the building massing in a similar pattern to the existing buildings to the south of the Subject Lands.**

g) *"Building areas and other design features are to be located in very close proximity to the Appleby Line and Upper Middle Road road allowances for any property located between the intersection and the proposed collector ring road. In other areas, buildings shall be setback no more than 16 m from the road allowance on Appleby Line, except for any automotive commercial uses, or uses in the Uptown Commercial designation."*

**The proposed building has a setback of 3.071 metres along Appleby Line, bringing the building close proximity to the road edge and aligning the façade with the street so that the retail uses frame the public realm.**

h) *"Where high density residential or mixed use development is located adjacent to medium density residential uses, design should assist in mitigating any incompatibilities through such approaches as the incorporation of architectural features and setbacks, placement of service facilities such as loading bays so that they are screened and the location of major entrances so that traffic will be directed away from medium density residential development."*

**The proposal is compatible with the existing medium and high density residential and retail uses that are adjacent to the Subject Lands. Parking is located predominantly underground while some parking and loading is located at grade and screened by the proposed building, fencing and landscaping to avoid visual impacts on the public realm and surrounding properties. The abutting buildings are also designed with a combination of surface and underground parking.**

i) *"Development should be designed to promote the use of public transportation by incorporating site plan features such as:*

   (i) *The implementing zoning by-law shall identify a minimum portion of all buildings abutting the corridor street to be located in close proximity to the corridor street, and all buildings should be required to have a building entrance from the building façade closest to the corridor street;*
   (ii) *Safe and convenient access will be provided for pedestrians between buildings and transit stops, parking areas, and other buildings and facilities;"*

**The existing ZBL contains regulations for building setbacks which will be updated to reflect the design of the proposed building. The main building entrance serving the residential component of the proposed development is provided along Appleby Line, 3.071 m from the front lot line. A direct and clearly legible pedestrian connection is provided between the public sidewalk and the primary building entrance through a small landscaped entry plaza.**

*"5.6.4 Uptown Commercial/Residential I*

*e) In the Uptown Commercial/Residential I designation in the south-east quadrant of the intersection of Appleby Line and Upper Middle Road:*
(i) *Residential development is to be located in the upper storeys of buildings containing other permitted uses; and*
(ii) *Retail and service commercial uses shall be required at grade level in buildings or portions of buildings fronting on Appleby Line."*

**The proposed development is consistent with the above policies for lands in the south-east quadrant designated Uptown Commercial/Residential I in the Uptown Mixed Use Centre. Residential development will be located in the upper storeys of the proposed building, above the proposed ground level retail uses. The ground level is predominantly occupied by commercial uses except for a small area along Appleby Line which contains the residential lobby.**

*g) "Zoning By-law regulations affecting Uptown Commercial/Residential I locations shall be based on the following factors:*
*(i) A maximum floor area ratio of 2.5:1; and*
*(ii) A maximum building height of 35 m."*

**The proposed building is providing for a maximum FAR of 5.7:1 and a maximum building height of 70.5 metres. As discussed above, Provincial and municipal policies direct growth to designated intensification areas, encourage densities that support public transit and increase transit ridership, and promote housing options. The existing FAR and height restrictions do not optimize the development potential of the Subject Lands to meet these objectives. As discussed throughout this Report and the accompanying studies, at the proposed height and density, the development meets the general requirements of the Tall Building Guidelines, maintains compatibility with the surrounding area, will utilize existing existing servicing and transportation infrastructure, will support existing and planned transit while significantly contributing to the housing supply. Therefore, an OPA is required to the in-force City of Burlington OP to introduce a site-specific amendment to provide for the appropriate maximum FAR and maximum building height in order to optimize development of the Subject Lands. Additionally, as described in the subsequent section, the Council-adopted OP for the City of Burlington promotes more appropriate development standards for the site that are more consistent with the locational context.**

*"5.6.15 Open Space*

*b) The hydro and gas pipe line right-of-ways on the south side of Upper Middle Road shall generally remain undeveloped except for associated electric power facilities and secondary land uses such as trail systems and landscaping features."*

**The hydro corridor is located north of the Subject Lands where development is not proposed, other than the relocation of the existing driveway access further to the east for the purposes of increasing the separation distance from the intersection of Appleby Line and Upper Middle Road. There is an easement for a natural gas pipeline located on site along the north portion of the Subject Lands which is subject to an agreement between the Owner and pipeline owner. Only surface parking will be located within the gas pipeline easement.**

**Summary / Conformity Statement**

**The current development standards in the Uptown Commercial/Residential I designation do not optimize the development potential of the Subject Lands. As discussed in the above sections of this Report, these policies direct local municipalities to focus growth in intensification areas, achieve densities that support public transit, increase transit ridership and promote appropriate development standards.**

**The proposed OPA increases the permitted maximum FAR to 5.7:1 and the maximum height to 70.5 metres which would optimize development of the Subject Lands. The proposed development will provide for intensification in a compact built form that is transit supportive and supports the use of active transportation. The proposal includes adequate tower and podium setback distance to adjacent properties and locates the majority of the vehicular parking below grade while screening surface elements with landscape buffers and fencing. Overall, the proposal will provide for a level of intensification highly appropriate for the physical context which will support the increase in housing supply in a location with good access to existing and planned transit as well as access to an abundance of commercial, employment and community uses.**

**Based on the review above, we are of the opinion that the proposal conform to the in-force OP upon finalization of the proposed OPA and will implement the direction of the PPS, Growth Plan and the ROP.**

# 4.6 Council-Adopted City of Burlington Official Plan (2020)

A new Official Plan was adopted by Council in April 2018. The Council-adopted OP was forwarded to the Region of Halton for approval on May 11, 2018. This plan was approved, with modifications, by Halton Region on November 30, 2020. Significant portions of the Official Plan were appealed and remain under appeal, including the policies that would apply to the Subject Lands. While these policies remain under appeal, they are assessed for the purposes of being

informative of Council's direction but are not determinative.

The following designations apply to the Subject Lands and the abutting streets:

- Schedule A – City Area: Urban Area
- Schedule B – Urban Structure: Urban Centres
- Schedule B-1 – Growth Framework: Primary Growth Area (Figure **11**)
- Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors: Frequent Transit Corridor and MTSA Secondary Connector (Appleby Line) & Transit Support Corridor (Upper Middle Road) (Figure **12**)
- Schedule C – Land Use – Urban Area: Urban Centres (Figure **13)**
- Schedule E – Land Use – Uptown Urban Centre: Uptown Core (Figure **14)**

**Section 2.3.1 – Mixed Use Intensification Areas**

The City of Burlington's Urban Structure is composed of seven major components: 1. Mixed Use Intensification Areas; 2. Region of Halton Employment Area; 3. Lands designated for employment uses; 4. Residential Neighbourhood Areas; 5. Natural Heritage System, Major Parks and Open Space; 6. Mineral Resource Extraction Area; and 7. Infrastructure and Transportation Corridors, as shown on Schedule B: Urban Structure. The Subject Lands are located within a Mixed Use Intensification Area and further identified as an Urban Centre.

The following policies apply to Mixed Use Intensification Areas (Policy 2.3.1):

*"2.3.1 Mixed Use Intensification Areas*

*a) Lands identified as Mixed Use Intensification Areas provide locations where a range and intensity of employment, shopping, public service facilities, residential uses and complementary uses such as open space and parks, institutional, and cultural uses will be developed with transit supportive densities in compact built form. Walking, biking, transit and other transportation demand management measures will be prioritized. Mixed Use Intensification Areas will offer substantial development opportunities and represent a key element in this Plan's strategy to accommodate and direct growth in the city over the planning horizon and beyond.*

*b) Mixed Use Intensification Areas will occur in either linear forms, along a transportation corridor, or nodal form, as a concentrated group of parcels located generally at a major intersection, at different levels of intensity, in accordance with the underlying land use designations.*

*Urban Centres*

*d) The City has two existing Urban Centres: the Downtown Urban Centre and the Uptown Urban Centre. These areas represent established mixed use development areas with both established neighbourhood areas and dynamic evolving growth areas.*

e) *Lands identified as Urban Centres provide for a broad range and mix of uses in areas of higher, yet appropriate, intensity in relation to the surrounding neighbourhoods, designed in a compact built form, oriented to support transit and facilitate active transportation in accordance with the underlying land use designations. They bring a variety of public service facilities and a mix of other uses such as retail uses to support residents and employees.*

g) *The Uptown Urban Centre will continue to develop as an important destination for a wide variety of uses in north-east Burlington, including mixed uses, residential as well as designated employment lands."*

**The proposed development conforms to the above policies for Mixed Use Intensification Areas. The Subject Lands are located in the Uptown Urban Centre which is an area designated for mixed use development with established neighbourhood areas and dynamic evolving growth areas. The proposal will provide for an appropriate intensification project at the intersection of Appleby Line and Upper Middle Road is the appropriate location for taller buildings in the Uptown Urban Centre. The proposed mixed use development is designed in a compact built form and has been oriented to support transit and active transportation on Appleby Line and Upper Middle Road. The proposed development is compatible with the surrounding neighbourhoods through the provision of an appropriate stepback from the 6 storey podium, the incorporation of underground parking, landscape and buffer areas and minimizing the front yard setback. The proposed development will support the Uptown Urban Centre as an important destination by providing new residents who will support existing and planned commercial, retail, and employment uses.**

**Section 2.4 – Growth Framework**

Section 2.4 of the Council-adopted Official Plan contains the objectives and policies for the City of Burlington's Growth Framework. The City of Burlington has four Growth Framework areas: Primary Growth Areas, Secondary Growth Areas, Employment Growth Areas and Established Neighbourhood Areas, as shown on Schedule B-1: Growth Framework. Schedule B-2: Growth Framework and Long Term Frequent Transit Corridors illustrates the coordination between land use and transit. The Subject Lands are designated Primary Growth Area on Schedule B-1 and are located on Appleby Line which is designated a Frequent Transit Corridor and a MTSA Secondary Connector on Schedule B-2.

The following policies apply to Primary Growth Areas:

*"2.4.2.(1) Primary Growth Areas*

a) *Primary Growth Areas:*
   (ii) *Shall be recognized as a distinct area within the City's Urban Area accommodating the majority of the city's forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change;*

(iii) *Shall be regarded as the most appropriate and predominant location for new tall buildings in accordance with the underlying land use designations, or the land use policies of an area-specific plan;*

(iv) *Shall be identified as priority locations for City-initiated area-specific planning and for investments in transit as well as other types of infrastructure and public service facilities, including parks to support population and employment growth; and*

(v) *Shall support the frequent transit corridors and accommodate development that is compact, mixed use, and pedestrian-oriented in nature.*

b) *Primary Growth Areas shall be a priority for Provincial, Regional and City investment in new or upgraded infrastructure and/or public service facilities which may be required to facilitate intensification including, but not limited to the following:*

(i) *water/wastewater capacity;*

(ii) *investments in the Province's Priority Transit Corridors, frequent transit corridors and the investigation of the development of a higher order transit line such as dedicated lane rapid transit options, if warranted;*

(iii) *public service facilities, including parks;*

(iv) *other infrastructure, including but not limited to, hydro infrastructure; and*

(v) *public realm improvements or other capital priorities.*

d) *Primary Growth Areas are also subject to the policies of Subsection 7.3.2(1) of this Plan."*

**The proposed development conforms to the above policies for Primary Growth Areas and will support the accommodation of the City's forecasted growth. The proposed development is for two 20 storey residential buildings connected by a 6 storey podium, providing a total of 475 residential units within the Urban Core of Burlington's Uptown Urban Centre. Therefore, the location is appropriate for the density and height proposed. The proposed development will also support existing and planned transit services and active transportation by providing a reduced parking rate and internal bicycle parking. Retail uses are proposed on the ground level which provides for a mix of uses on site and will activate the street and provide natural surveillance. As shown in Table 1, the surrounding area already contains a range of existing community facilities and parks which will support future residents. The FSR proposes a sanitary servicing strategy that requires the installation of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line. Water servicing will be provided by a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire water service for the proposed development. The policies of Subsection 7.3.2(1) are reviewed in in detail later in this report.**

**Section 3.1 – Housing**

Section 3.1 of the Council-adopted Burlington Official Plan contains the housing objectives and policies City-wide. The City of Burlington aims to promote an appropriate and adequate range of housing choices by type, tenure and affordability level to accommodate all people across the housing continuum. While these policies apply City-wide, it is expected that the majority of housing development will be provided in Intensification Areas such as the Uptown Urban

Centre.

The following objectives and policies are relevant to the Subject Lands:

*"3.1.1(1) Objectives*

a) *To ensure that a sufficient supply of suitably designated and serviced land is available to accommodate residential growth to meet existing and future housing needs.*
b) *To promote a land use pattern that mixes and disperses a full range and mix of housing types and tenures across the city, subject to the policies of this Plan.*
c) *To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing, while maintaining compatibility with the character of existing neighbourhoods.*

**The proposed development significantly contributes to the housing objectives in the Council-adopted OP. The proposal is located on a currently underutilized parcel of serviced land within the City of Burlington's Uptown Urban Centre which is expected to accommodate a significant amount of growth. The proposal will provide 475 residential units with a mix of unit sizes, which will significantly contribute to the available housing stock. The proposed development has been designed to maintain compatibility with the existing neighbourhood character by providing appropriate setbacks, a stepback of the building from the 6-storey podium, the incorporation of underground parking, landscape and buffer areas and minimizing the front yard setback.**

*"3.1.1(2) Policies*

a) *To the extent to which land is available in the Urban Area, the City shall maintain the ability to accommodate its share of residential growth within the regional market area. The City will assist the Region of Halton in the establishment and monitoring of annual minimum targets for the production of housing units by density type, and for the production of assisted and affordable housing, based on targets established in the Regional Official Plan.*
d) *In consultation with the Region of Halton, the City will ensure an adequate level of local municipal infrastructure to meet the demands of residential development.*
e) *The City will support housing initiatives that facilitate revitalization, particularly the identification and remediation of brownfield, greyfield and bluefield lands, compact built form, flexibility and adaptability in the design and function of the housing stock, and an increased variety of housing alternatives."*

**As demonstrated in Section 4.4 of this Report, and in the accompanying Housing Impact Statement, the proposed development will significantly contribute to the housing targets set for the City of Burlington by the Region of Halton through the introduction of 475 residential units of varying size in close proximity to existing and proposed transit. The FSR proposes a sanitary servicing strategy that requires the installation of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line.**

**Water servicing will be provided by a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire water service for the proposed development. The proposed development will revitalize the Subject Lands which are considered a brownfield and are currently underutilized, through the introduction of a compact built form that will provide 475 residential units.**

g) *"The City will develop a city-wide housing strategy that will support the Region of Halton's Housing Strategy and will:*
   (i) *Describe the current range and mix of housing in the city;*
   (ii) *Establish city-wide housing objectives, including, among other objectives special reference to a seniors housing strategy and long term care facilities;*
   (iii) *Consider the housing policies and strategies from this Plan and area-specific plans;"*

**The City of Burlington is currently preparing its City-wide Housing Strategy. While the Strategy is still in draft form, the Housing Strategy includes 13 actions that contribute towards the overall Vision for housing in Burlington. As part of these action, Action #6 states that the City of Burlington will support, permit and encourage the development of alternate forms of housing, including higher density types of housing, where feasible and appropriate. The proposed development is at a proposed density and height that the Uptown Urban Centre can support and will support the fulfillment of a complete community in this area.**

h) *"The City shall require the submission of a housing impact statement where a development proposal includes more than one hundred (100) dwelling units"*

**A Housing Impact Statement has been prepared and submitted under separate cover, as part of a complete application. As demonstrated in the Housing Impact Statement, the proposed development conforms to the applicable provincial housing policies, regional housing policies, as well as the Council-adopted housing policies as it provides housing units through the intensification of the Subject Lands in a compact, high-density form.**

*"3.1.3(2) Policies*

d) *In consultation with the development industry, the City will consider the establishment of alternative development standards for residential intensification and new residential development which minimize the cost of housing and facilitate compact built form, while maintaining appropriate levels of public health and safety."*

**In order to facilitate an efficient, compact built form, the proposed development is proposing alternative development standards to the in-force City of Burlington OP and the ZBL. Therefore, an OPA and a ZBA are required. Should the Council-adopted OP be fully approved and implemented, an OPA would no longer be required, leaving only the need**

**for a ZBA to address site specific changes. As demonstrated in Section 4.5 and Table 8 of this Report, the proposed amendments to the in-force OP and ZBL are justified and supportable. The proposed development represents a compact built form that efficiently utilizes land in an intensification area and will support the implementation of cost effective housing.**

**4.1 Climate Change and Air Quality**

Section 4.1 of the Council-adopted Official Plan contains the policies for climate change and air quality in the City of Burlington. To achieve a sustainable community, the City of Burlington is addressing climate change and air pollution.

*"4.1.2 Policies*

*a) The City will work to improve air quality and energy efficiency, to reduce greenhouse gas and fuel emissions, and to mitigate and adapt to the impacts of a changing climate through land use and transportation policies related to:*
   *(i) maintaining the urban boundary and seeking a compact built form in Mixed Use Intensification Areas;*
   *(ii) achieving mixed use development to encourage walking, cycling and transit;*
   *(iii) locating intensification in areas which are well served by existing or planned transit;*
   *(iv) promoting and encouraging modal shift towards transit and active transportation, using tools such as transportation demand management;*
   *(v) addressing parking management, primarily through the Zoning By-law, that does not undermine transit and active modes of transportation;*

**The proposed development is located within the urban boundary of the City of Burlington and will provide for a compact built form in the Uptown Urban Centre which is a designated Mixed Use Intensification Area. The proposed development will provide for 475 residential units who will make use of existing transit services and active transportation infrastructure along Appleby Line and Upper Middle Road. The proposal is also incorporating a number of transportation demand management measures including but not limited to, a continuous sidewalk along the Subject Lands frontage, curb cut ramps adjacent to any bicycle parking, subsidized transit passes for purchasers who do not purchase parking, and monitoring of the visitor parking to avoid disruption to the local community. Reduced parking ratios are also proposed for the site. As such, the proposed development will reduce overall reliance on cars, encourage transit and active transportation use to reach daily needs, and provide for a more efficient use of the Subject Lands.**

**Section 4.7 – Contaminated Sites**

Section 4.7 of the Council-adopted City of Burlington Official Plan contains the policies for contaminated sites in the City of Burlington. As the Subject Lands are currently in use as a gas

station, a Phase 1 Environmental Assessment, a Phase 2 Environmental Assessment and a Record of Site Condition are required to be submitted.

The following policies are relevant to the Subject Lands:

*"4.7.2 Policies*

*d) The City may require all applications for Official Plan amendment, Zoning By-law amendment, plan of subdivision, site plan and consent, as specified in the Region of Halton's Contaminated Sites Protocol, to be supported by a Phase I Environmental site assessment to be undertaken in accordance with Provincial legislation by a qualified person.*

*e) The City shall require a Phase II Environmental site assessment to be undertaken in accordance with Provincial legislation to support development applications for sites where the Phase I Environmental site assessment reveals that the site may be contaminated. The Phase II Environmental site assessment shall include conclusions as to whether or not contamination is migrating off site.*

*f) The City may require the applicant to provide a Record of Site Condition in accordance with Provincial legislation, to be completed to the satisfaction of the City and the Province, confirming that the site has been made suitable for the proposed use.*

**As part of a complete application, a Phase One Environmental Assessment and Phase Two Environmental Assessment were completed by qualified personnel, in accordance with Provincial legislation, and are included in this submission under separate cover. A Record of Site Condition will also be prior to development of the Subject Lands to ensure that the lands are suitable for residential development. As demonstrated in the Phase Two Environmental Assessment, no further actions are warranted at this time as the soil and ground water analytical results do not exceed the applicable standards.**

**Chapter 6 - Infrastructure, Transportation and Utilities**

Chapter 6 of the Council-adopted City of Burlington Official Plan contains the policies for planning for infrastructure, transportation and utilities City-wide. This Chapter also contains the general policies describing where the highest priority for infrastructure investments are located throughout the City.

*"6.1.2 Policies*

*e) The highest priorities for servicing capacity improvements within the Urban Area are:*

*(i) the Downtown and Uptown Urban Centres; and*

**The Subject Lands are located within the Uptown Urban Centre which is the highest priority for servicing capacity improvements within the Urban Area.**

**Section 6.2.3 – Transit**

*"6.2.3(1) Objectives*

*a) To promote the use of transit and reduce reliance on the private automobile by making transit an attractive and convenient transportation option by encouraging transit-supportive land use.*
*f) To ensure that new development provides adequate on site connections to transit, such as pedestrian pathways that connect to the public right-of-way."*

*"6.2.3(2) Policies*

*b) Long range transit planning will support the city's Intensification Areas with long-term frequent transit corridors and priority will be placed on providing the highest level of transit service in the city's Primary, Secondary and Employment Growth Areas, as shown on Schedule B-2: Growth Framework and Long Term Frequent Transit Corridors, of this Plan. Long range transit planning will be coordinated with Metrolinx and other transit agencies to ensure transit service integration within and across municipal boundaries.*
*c) Transit support corridors, as shown on Schedule B-2: Growth Framework and Long Term Frequent Transit Corridors, of this Plan, service lower density areas and employment uses and are intended to provide a basic level of service, such as peak service, connecting to the frequent transit corridors.*
*f) The City will promote increased transit use through transit supportive densities, urban design measures and parking management measures to make development more accessible for transit users in Mixed Use Intensification Areas and Employment Area, as shown on Schedule B: Urban Structure, of this Plan.*

**The proposed development meets the general transit objectives and policies for the City of Burlington. The proposal supports the planned context for Appleby Line and Upper Middle Road, and the policies of the Council-adopted OP by providing a transit-supportive density along an identified Frequent Transit Corridor, an MTSA Secondary Connector and Transit Support Corridor, as shown on Schedule B-2 (Figure 12). As described in Section 2.4 and shown on Figure 3, the Subject Lands are located in close proximity to existing transit stops on Appleby Line and Upper Middle Road with connections to regional transit services including GO transit and VIA rail. The Subject Lands will provide more housing choices for those looking to access regional transit services quickly and efficiently. The proposed development will support transit ridership along these corridors by providing a high density, mixed use building with retail spaces at grade and residential units above. Future residents can use existing and planned transit services to access daily needs and move throughout the City of Burlington. Reduced parking ratios are proposed for the site which will support the development of this Mixed Use Intensification Area as an Urban Centre and increase transit usage for new residents to reach their daily needs.**

*"6.2.4 Active Transportation*

*6.2.4(1) Objectives*

*d) To promote and support walking and cycling as viable and safe mobility options for commuting, recreation and other travel.*

*g) To require that new development provides adequate active transportation connections to a public-right-of-way.*

*"6.2.4(2) Policies*

*h) The continued integration of cycling with transit modes shall be required through adequate and secure bicycle parking and related end-of-trip facilities.*

*k) The development of streetscapes that are safe, convenient, accessible and attractive for pedestrians and cyclists shall be implemented through the selection of appropriate site-specific measures such as providing wide sidewalks, bike lanes, barriers to protect cyclists, illumination, locating retail and service commercial uses at street level to provide an active street front, encouraging building designs that provide shelter, and providing convenient and sheltered transit stops and bike parking, street furniture, shade trees and other amenities.*

**The proposed development meets the above objectives and policies for active transportation in the City of Burlington. The proposed development will support active transportation in the area through a human-scaled design by way of a 6 storey podium with stepped back tower location as well as commercial uses at grade. A total of 304 secure bike parking spaces will be provided. Bike lanes are provided along Upper Middle Road and Appleby Line providing convenient access to active transportation infrastructure to future residents. Pedestrian entrances have been designed so that they are clearly accessible from the public sidewalk and will allow for the continued circulation of pedestrians throughout the site area. Pedestrian-scaled lighting, signage, and landscaping will complement and promote the character of the neighbourhood and add vibrancy to the streetscape.**

*"6.2.9 Major Transit Station Area Connectors*

*Major Transit Station Area (MTSA) connectors are streets and other supporting active transportation corridors that link each of the MTSAs both to one another and to key surrounding areas. These connectors have the potential to provide direct and convenient connections for all users, including pedestrians, cyclists, transit users and drivers.*

*MTSA connectors consist of MTSA primary connectors, secondary connectors and tertiary connectors. MTSA primary and secondary connectors are shown on Schedule B-2: Growth Framework and Long Term Frequent Transit Corridors, of this Plan.*

*6.2.9(1) Objectives*

*a) To ensure direct, convenient connections between MTSAs and other Mixed Use Intensification Areas for all users, including pedestrians, cyclists, transit users and private automobiles."*

**Appleby Line is designated as a Frequent Transit Corridor and an MTSA Secondary Connector on Schedule B-2 as it connects Appleby GO Station with Dundas Street and Highway 407. Specifically, the Subject Lands are an 11 minute bus ride from the Appleby GO station making it a desirable location for intensification and density. The proposed development will also provide a total of 304 bike parking spaces which will support current and future active transportation infrastructure along Appleby Line as the Intensification Area densifies and becomes a more urban community.**

*"6.2.10 Transportation Demand Management*

*6.2.10(1) OBJECTIVES*

*a) To manage transportation demand through the use of such means as transit, walking, cycling, carpooling, ride sharing, car sharing, bike sharing and the implementation of flexible working hours.*

*b) To support and enhance sustainable transportation choices and discourage single occupant vehicle trips.*

*c) To reduce traffic congestion, parking supply needs, and demand for parking spaces by encouraging non-automobile modes of travel.*

*6.2.10(2) POLICIES*

*a) Transportation demand management (TDM) promotes more efficient use of existing transportation infrastructure, reduces automobile use, and promotes increased transit use and active transportation.*

*(i) within Primary, Secondary and Employment Growth Areas as shown on Schedule B-1: Growth Framework, of this Plan, development proponents shall be required to submit a TDM Plan and implementation strategy for the development, subject to City approval, prior to occupancy. Minor developments such as small additions or small townhouse developments may be exempted from this requirement, subject to the satisfaction of the City;*

*b) The City will consider reduced parking requirements for development where a comprehensive Transportation Demand Management (TDM) Plan is submitted and implemented to the satisfaction of the City. The City will evaluate reduced parking standards through a city-wide parking study.*

**As part of the TIS, several TDM measures are proposed to improve transportation efficiency, encourage the use of alternative modes, reduce reliance on single-occupant vehicles, and encourage a change in behaviour. These TDM measures include, but are not**

**limited to, a continuous sidewalk along the Subject Lands frontage, curb cut ramps adjacent to any bicycle parking, subsidized transit passes for purchasers who do not purchase parking, and monitoring of the visitor parking to avoid disruption to the local community.**

**The TIS completed in support of this application concluded that in conjunction with the Subject Lands' TDM program, the proposed development's parking supply can be designed to provide for a minimum of 0.87 spaces per unit for occupant and a minimum of 0.12 spaces per unit for residential visitors. Retail parking will be shared with the visitor parking supply.**

**Section 7.3 – Urban Design and Built Form**

Section 7.3 provides the policies for urban design and built form across the City of Burlington. Built form characteristics, siting, access, servicing and parking arrangements can positively contribute to the success of the public realm of each building.

**"***7.1.2 General Policies*

*a) The design policies contained in this section shall be considered in the review and approval of all infrastructure projects, public realm improvements and development applications, in balance with other applicable policies contained in this Plan. Notwithstanding the above, the Region of Halton is responsible for the planning, design construction, maintenance and operation of the Regional road network in accordance with the Regional Official Plan.*

*"7.3.2(1) Primary and Secondary Growth Areas*

*a) In Primary and Secondary Growth Areas, as shown on Schedule B-1: Growth Framework, of this Plan, development shall promote a transit-supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses, particularly Established Neighbourhood Areas.*

*(i) The design of development in Primary and Secondary Growth Areas shall address the policies of Subsection 7.3.2 a) of this Plan, where applicable, and additional considerations such as, but not limited to, the following:*

*a. Locating buildings generally parallel to the public street to define the street edge and along the edges of parks, urban squares and other open space features, and in close proximity to the street and transit services;*

*b. Providing appropriate transitions to adjacent land uses, particularly residential uses;*

*c. Massing new buildings to frame adjacent streets in a way that respects the existing and planned street width but also provides for a pedestrian-scale environment;*

*d. Locating building primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk;*

e. *Including direct pedestrian access, including barrier free access from grade level, to the primary public entrances located on the building façade;*
f. *Screening or integrating roof top mechanical equipment within the overall composition of the building;*
g. *Creating an attractive and connected interface between the private and the public realms;*
h. *Creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings; and*
i. *Providing appropriate outdoor amenity areas and open spaces and promoting the incorporation of private open spaces to the open space network of the immediate community."*

**The proposed development represents revitalization and intensification with the City of Burlington's Uptown Urban Centre, which is designated a Primary Growth Area. The proposed development will balance the applicable urban design policies with the applicable policies for Urban Centres, and the Urban Core, as described below. This compact, transit-supportive development contributes to the creation of a transit, pedestrian, and cycling-oriented area while achieving compatibility with adjacent properties. The building will be located parallel to the public street to define the street edge along Appleby Line. The 6 storey podium will create a pedestrian-scaled environment at the street while the remaining 14 storey residential buildings will be step backed from the podium to mitigate the perception of building mass from the street. All building entrances are located at grade, are easily identifiable, and directly accessible from the street, including the primary entrance which faces Appleby Line and is accessible through an attractive pedestrian plaza. All mechanical equipment will be located at the penthouse, and will be screened from public review. The proposal also includes ground level retail to provide additionally activity at grade. Private amenity space is provided for the residential uses in the form of balconies and a shared indoor and outdoor space at the roof of the 6-storey podium.**

**Further information on how the proposal achieves the relevant objectives of the Council-adopted OP and the relevant Urban Design guidelines is provided in the accompanying UDB, submitted under separate cover.**

b) *"Development in Primary and Secondary Growth Areas should locate and organize parking, access and service areas to minimize their impact on surrounding properties and the public realm. The design of vehicle parking, access and service areas shall address considerations such as, but not limited to, the following:*
   (i) *Locating off-street parking in the side and/or rear yards in underground or structured parking where appropriate, away from the street edge and adjacent residential uses;*
   (ii) *Integrating parking areas located at or above grade within the built form of the building and away from the street frontage, where appropriate;*

(iii) *Limiting the number and location of vehicular access points to minimize disruption to traffic flows; and to minimize the impact on local streets, pedestrian travel along sidewalks or cyclists' travel along bikeways;*
(iv) *Screening and buffering of off-street parking areas from public view through the use of setbacks and landscaping;*
(v) *Locating loading areas and service areas to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential used and adjoining streets;*
(vi) *Incorporating landscaped islands and pedestrian walkways; and*
(vii) *Incorporating fencing and/or screening of service facilities, such as loading bays or outdoor storage areas, in a manner which enhances screening from adjacent land uses and the public right-of-way and improves the aesthetic quality of the development."*

**Parking for the proposed development will be located predominantly below grade with some surface parking along the north side of the building which is intended for visitor and customer parking. The surface parking areas will be screened by the proposed building and landscape buffers setbacks to minimize impacts on the public realm. There are two vehicular accesses provided to the proposed development which are located to maximize the distance from the intersection of Appleby Line and Upper Middle Road. The proposed loading area will be located internal to the site and adjacent to the proposed lobby and waste area, screening it from public view. All walkways and building entrances will be barrier-free, consistent with the AODA and other applicable provincial legislation guidelines and principles of universal design. Fencing and a landscape buffer will also be provided along the lot lines adjacent to existing development.**

*"7.4.1 Sustainable Design Policies*

a) *Official Plan Amendments, Zoning By-law Amendments and site plan applications for high and medium density residential, mixed use, commercial, industrial, office, institutional and public service facilities shall address the following sustainable design measures:*

(i) *measures to prioritize pedestrian movement within the site, to the street and to adjacent buildings, sites and neighbourhoods, and other improvements to the public realm to facilitate pedestrian use;*
(ii) *safe and direct on-site connections to public transit where available;*
(iii) *on-site bicycle facilities;*
(iv) *measures to reduce reflected/waste light to mitigate adverse impacts on the night sky;*
(v) *parking lot design and landscaping to minimize the urban heat island effect;*
(vi) *tree protection measures and planting of non-invasive trees and other vegetation, in accordance with Section 4.3, Urban Forestry, of this Plan;*

**The proposed development incorporates the above sustainable design measures. As existing bike lanes are provided along Upper Middle Road and Appleby Line, new residents will have quick and seamless access to existing active transportation infrastructure in the**

**Uptown Urban Centre. The Subject Lands are also well-connected with existing transit services on Appleby Line and Upper Middle Road as demonstrated in Figure 3. 304 bicycle parking spaces will also be provided at-grade and below-grade. Appropriate lighting will be used along pedestrian paths of travel and to minimize adverse impacts on the night sky. The proposal will incorporate significant landscaping features along the perimeter of the site to screen the parking and loading spaces and reduce the urban heat island effect. The landscape planting palette include native and non-invasive species that ensure the success of the landscape design. All glazing up to 16 metres will be bird-friendly, to minimize the risk of collisions.**

b) *Through the review of Official Plan Amendments, Zoning By-law Amendments, plans of subdivision and site plan applications, the proponent will be encouraged to consider sustainable design considerations such as, but not limited to:*

   *(i) energy efficiency, passive design measures, renewable energy sources and other low carbon building strategies;*
   *(ii) potable water conservation;*
   *(iii) innovative storm water management techniques such as Low Impact Development measures;*
   *(iv) additional sustainable transportation measures such as electric vehicle charging stations that exceed the requirements of the Building Code;*
   *(v) sustainable building materials and resources;*
   *(vi) indoor environmental and air quality;*
   *(vii) additional measures to mitigate the urban heat island effect;*
   *(viii) maintenance, monitoring and communication of sustainable building features; and*
   *(ix) other innovative sustainable design approaches or technologies.*

**Currently, the proposed development is considering a number of sustainable design approaches or technologies, including high-quality energy efficient heating and cooling systems, smart hydro meters, tri-sorter for waste, low-flow bathroom fixtures, rainwater harvesting and electric vehicle charging.**

c) *The Sustainable Building and Development Guidelines provide detailed direction for the implementation of the policies in this section. A development application shall be deemed to have met the policies in Subsections 7.4.1 a) and b) of this Plan, if it meets the requirements of the Sustainable Building and Development Guidelines adopted by the City.*

**The Sustainable Building and Development Guidelines have been assessed and include all of the required guidelines (refer to accompanying sustainability checklist).**

**Section 8.1.1 – Urban Centres**

The lands identified as "Urban Centre" are intended to serve as city-wide destinations and a focus for the provision of transit and will exhibit a wide variety of land uses, building types and

densities designed and oriented to support and facilitate transit and active transportation.

Urban Centres will be designed as a primary focal point for a wide variety of employment, residential, shopping, leisure and educational uses. Urban Centres will be compact and provide live/work opportunities, high intensity development with the objective of creating complete communities. The Downtown and Uptown are identified as the City of Burlington's two Urban Centres.

*"8.1.1(1) General Objectives*

- *a) To provide locations in the city that will serve as areas for higher intensity mixed use development, consisting of residential, retail, service commercial, office, employment, hotel, entertainment, public service facilities and institutional uses, and open space uses.*
- *b) To encourage higher intensity, transit-supportive and pedestrian-oriented development within Urban Centres while ensuring that compatibility with the surrounding area is achieved.*
- *c) To permit mixed use developments on individual sites where residential, retail, service commercial, office and other uses are located, or on different sites where residential, retail, service commercial, office and other uses are located next to one another, depending on context and land use compatibility considerations, and subject to the underlying land use designation.*
- *d) To ensure Urban Centres are developed in a compact built form.*
- *e) To ensure that development in Urban Centres is compatible with the surrounding area.*
- *f) To encourage the accommodation of a diverse range of household sizes and incomes in Urban Centres.*
- *i) To promote a more diversified and integrated multi-modal transportation system in Urban Centres."*

*"8.1.1(2) General Policies*

- *b) The design and development of Urban Centres shall promote these areas as multi-functional activity centres and focal points for a variety of activities that are characterized by a mixed use and compact built form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.*
- *c) The design and development of Urban Centres shall ensure compatibility between the Urban Centre uses and surrounding areas.*
- *g) Multi-unit residential developments in Urban Centres should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*
- *i) Transportation demand management (TDM) measures shall be addressed, and form part of the City's evaluation of opportunities for reduced parking standards in proposed developments within Primary Growth Areas in Urban Centres, subject to the policies of Subsection 6.2.10 of this Plan."*

**The proposed development achieves the above objectives and policies for Urban Centres. The Subject Lands are located at an appropriate location for a high-intensity, transit-supportive and pedestrian-oriented development at the major intersection of Appleby Line**

**and Upper Middle Road. The proposed development will include a range of unit sizes which will accommodate a variety of household sizes. The Subject Lands are also located along Appleby Line which is designated as a Frequent Transit Corridor and a MTSA Secondary Connector. The proposal is compatible with the existing medium and high density residential uses and is in conformity with City guidelines. The proposed development provides for the highest density and tallest buildings at the intersection of Appleby Line and Upper Middle Road as directed by the Uptown Urban Centre policies reviewed below, which is the appropriate location for such a built form. The proposed development includes a high quality of design through an articulated building façade for the 6 storey podium and the two proposed residential towers, the provision of an appropriate stepback from the 6 storey podium, the incorporation of underground parking, landscape and buffer areas and minimization of the front yard setback. The proposal is not expected to result in any negative impacts on the abutting properties and established neighbourhoods.**

**The FSR proposes a sanitary servicing strategy that requires the installation of a private 200mm sanitary sewer that will discharge to the existing 375mm sanitary sewer on Appleby Line. Water servicing will be provided by a 200mm watermain which will be split at property line to provide a 100mm domestic and 200mm fire water service for the proposed development. In addition, the accompanying TIS provides several TDM measures that will be incorporated into the overall design and layout of the proposal.**

**Section 8.1.1(4) – Uptown Urban Centre**

*The Uptown Urban Centre will be developed through multiple phases of development over time. Initial phases of development may have occurred at intensities which are less than the maximums permitted and may not be representative of future development objectives for the centre."*

**As some development has occurred at lower than the maximums permitted in the plan, the proposed development represents the most intense land use relative to surrounding properties. The proposed development is located at the appropriate location to provide this intensification as the Uptown Urban Centre transitions to an urban community.**

*"8.1.1(4.1) General Objectives*

*a) To establish Uptown as an Urban Centre composed of retail and service commercial, employment, residential and public service facility uses providing a focus for north-east Burlington.*
*d) To provide a range of housing types to accommodate a diverse population.*
*e) To establish a height peak in built form at the intersection of Appleby Line and Upper Middle Road with other buildings terracing back from the intersection.*
*g) To ensure that development results in the intensification of surface parking lots and under-utilized lands and buildings and the creation of a diverse neighbourhood with a fine grain road network and open spaces throughout the Urban Centre.*
*i) To create a definable and pedestrian-oriented streetscape characterized by active uses at grade and a high quality of urban design on both private and public lands.*

*j) To ensure that development caters to the pedestrian by creating active and engaging spaces at grade.*

*o) To ensure that parking requirements for all uses are shared where possible and based on the communal needs of the Uptown Urban Centre as a whole."*

**The proposed development meets the general objectives for the Uptown Urban Centre. The proposal is for the mixed use intensification of an underutilized parcel of land in a growing Urban Centre. The proposed development will provide for retail commercial uses and residential uses in a range of unit sizes in an apartment form to accommodate a growing population, including young families. The Subject Lands are located at the intersection of Appleby Line and Upper Middle Road which is identified as the location for the Uptown Urban Centre's height peak and thus an appropriate location for the proposed 20 storey building. The proposed height is also consistent with the OP's height permissions in Policy 8.1.1(4.4.2)e) and allows for a transition to lower building heights moving away from the intersection with the existing 16, 11 and 6 storey buildings locate south and east of the Subject Lands. The proposed retail uses and lobby area will activate the street and cultivate a comfortable, animated and pedestrian-friendly streetscape. Finally, the proposal includes reduced parking ratios which would include shared visitor and retail parking.**

**<u>8.1.1(4.4) – Uptown Core Designation</u>**

*"8.1.1(4.4.1) Objectives*

*a) To accommodate the highest intensity mixed use development and tallest buildings in a compact built form, in close proximity to the primary intersection at Appleby Line and Upper Middle Road.*
*b) To provide opportunities for a range of retail and service commercial uses, and public service facilities in locations that meet residents' goods and service needs.*
*c) To protect the planned commercial function in Uptown Core lands.*
*d) To encourage new development to be in a more compact built form.*
*e) To encourage the development of surface parking lots and the intensification of under-utilized lands and buildings into complete communities.*
*f) To ensure that development of Uptown Core lands contributes to more walkable communities by providing an accessible and attractive pedestrian environment, with appropriate internal links, such as sidewalks and greenways, and connections to adjacent residential neighbourhoods.*

**The proposed development achieves the above objectives for the Uptown Core Designation. The proposal intensifies a currently underutilized parcel of land through the replacement of a gas station with a compact, two 20-storey high-rise development connected by a 6-storey podium with at grade retail uses. As discussed above, the OP directs the tallest built form in Uptown to the intersection of Appleby Line and Upper Middle Road and thus the Subject Lands are an appropriate location to achieve the maximum permitted building heights in 8.1.1(4.4.2)e). The proposed development will further support the Uptown Core's function as commercial destination by replacing a gas**

**station with a mixed use development that contains 871 m² of commercial uses. Finally, the proposed development supports an accessible and attractive pedestrian environment. Pedestrian-scaled lighting, clear signage, and landscaping will be used to promote an attractive pedestrian pathway to and from the entrances of the building. The presence of an active retail use and lobby will aid in cultivating a comfortable, animated and pedestrian-friendly streetscape.**

*"8.1.1(4.4.2) Policies*

*a) The following uses may be permitted on lands designated Uptown Core:*

*(i) Residential uses with the exception of single-detached and semi-detached dwellings;*
*(ii) Retail and service commercial uses;*

*b) Uses which may be permitted at-grade within a building shall be limited to the following:*

*(i) Retail and service commercial uses;*

**The proposed development consists of residential uses with retail uses proposed at grade, consistent with the permissions of the land use designation.**

*d) "A maximum floor area ratio of development of 3.5:1 is an appropriate built form in Uptown Core lands. An increase to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application, without the need for an amendment to this Plan, provided that the objectives of the Uptown Core designation are maintained."*

**The proposed development is proposing a maximum FAR of 5.7:1. Therefore a ZBA is required. The increased FAR is appropriate for the Subject Lands given that the proposed development can, as discussed throughout this Report and the accompanying studies, meet the general requirements of the Tall Building Guidelines, maintain compatibility with the surrounding area, utilize existing servicing and transportation infrastructure, support existing and planned transit while significantly contributing to the housing supply. Provincial and municipal policies direct growth to designated intensification areas, encourage densities that support public transit and increase transit ridership, and promote housing options and thus it is important the development parcels located in prime intensification areas be optimized for development. Therefore, a ZBA is required to introduce a site-specific amendment to provide for the appropriate maximum FAR and maximum building height in order to optimize development of the Subject Lands.**

*e) "The City will encourage a minimum building height of two (2) storeys and the maximum building height shall not exceed twenty (20) storeys."*

**At the proposed 20 storeys, the development is consistent with the OP's height**

**permissions.**

*f) "Any proposed development of sites designated Uptown Core shall retain the planned commercial function of the site, in accordance with the objectives of Subsections 8.1.1(4.4.1) b) and c) of this Plan, to the satisfaction of the City."*

**As discussed above, the proposed development will replace and existing gas station and provide for 871 m² of commercial uses at the ground level which will support the Uptown Core's commercial function. The presence of an active retail use will aid in building a comfortable, animated and pedestrian-friendly streetscape within the Uptown Core.**

*g) "The Zoning By-law shall establish a maximum floor area and a maximum floor area at grade per individual retail and service commercial unit, based on such considerations as planned commercial function, built form, and contribution to achieving vibrant, active and walkable built environments in Uptown Core areas."*

**The proposed ZBA does not establish a maximum commercial unit floor area for commercial units, allowing for flexibility in the future size of the retail units. Given the precarious nature of bricks and mortar, providing flexibility in unit sizes allows for the space to respond to market needs and the ever evolving changing commercial real estate trends.**

**<u>Summary / Conformity Statement</u>**

**Although the policies of the Council-adopted OP are not in effect and remain under appeal at the time of application submission, they are assessed for the purposes of being informative of Council's direction but are not determinative. As demonstrated in the above section, the proposed development is in conformity with the objectives, policies, and development standards for the Uptown Core designation in the Uptown Urban Centre. Should the Council-adopted OP be brought into force and effect, an OPA to permit a maximum height of 70.5 metres and a maximum FAR of 5.7:1 would not be required, leaving only the need for a ZBA. The proposed increase to FAR through a ZBA is appropriate for the Subject Lands given that the proposed development can meet the general requirements of the Tall Building Guidelines, maintain compatibility with the surrounding area, utilize existing servicing and transportation infrastructure, support existing and planned transit while significantly contributing to the housing supply. The proposal will result in the development of a currently underutilized site within an area designated for intensification significantly contributing to the housing supply. The proposed development is appropriate for the Subject Lands and conforms to the Council-adopted City of Burlington OP.**

## 4.7 City of Burlington Zoning By-law (By-law 2020)

The Subject Lands are zoned Uptown Commercial/Residential 1 with Special Exception 274 (UCR1-274) on Map 28 of Zoning By-law No 2020 (See Figure **15**). The following uses are permitted in the UCR1-274 Zone:

- Convenience/Specialty Foods Store;
- Standard Restauarant;
- Fast Food Restaurant;
- Funeral Home;
- Other Service Commercial Uses;
- Community Institution;
- Convention/Conference Centre;
- Caterer;
- Entertainment Establishment;
- Townhouse;
- Stacked Townhouse;
- Retirement Home;
- Other Retail Uses;
- Standard Restaurant with Dance Floor;
- Convenience Restaurant;
- Veterinary Services;
- All Office Uses;
- Hotel;
- Banquet Centre;
- Recreational Establishment;
- Night Club;
- Street Townhouse;
- Apartment Building;
- Motor Vehicle Service Station;

As previously noted, the proposed ZBA will introduce special exceptions for a number of provisions, including density, height, and parking, among other things.

The proposed change in zoning to the UCR1 zone implements the OPA as justified in Section 4 above and recognizes the location of the Subject Lands within a Strategic Growth Area and along a Regional Intensification Corridor. Justification for the zoning modifications to the UCR1 parent zone are provided in Table 7 below.

**Table 7: Justification for Parent Zone Modifications**

| **Modification** | **Justification** |
|---|---|
| 1) Reduce the required yard abutting a pipeline easement to 0 metres; | The reduction of the required yard abutting a pipeline easement to 0 metres is required to provide for surface parking and below grade parking within the easement. As noted above, there is an agreement between the pipeline owner and the owner of the Subject Lands which governs the uses and activities in the easement, including stipulations requiring coordination and approval by the pipeline owner of any works proposed within the easement by the land owner. As such, the work proposed within the easement will be reviewed by the pipeline owner to ensure there are no negative impacts to the pipeline. As such, a blanket zoning provision that does not take into account site and project specific details is not required. |

| | |
|---|---|
| 2) Increase in density from 185 units per hectare to 800 units per hectare; | The proposed increase in density implements the proposed OPA. As discussed in the policy review sections above, the increased density implements the provincial and regional policy direction which direct growth to designated intensification areas, encourage densities that support public transit and increase transit ridership, and promote housing options. The existing density and height restrictions do not optimize the development potential of the Subject Lands to meet these objective despite its designation as an intensification area, access to existing transit and future higher order transit, and proximity to surrounding community, commercial and employment uses. As discussed throughout this report, the accompanying UDB and other supporting reports, the site can accommodate the proposed density from a built form design and a functional perspective. |
| 3) Increase maximum Floor Area Ratio from 2.5:1 to 5.7:1; | Refer to above. |
| 4) Increase in maximum building height from 35 metres to 70.5 metres; | The proposed increase in height implements the proposed OPA. As discussed, the proposed increase in height implements existing policy directions encourage intensification within the building boundary, transit supportive development, housing options and communities with convenient access to daily needs. Both the In-force and Council-Adopted OPs direct the greatest intensity of development to the corner of Appleby Line and Upper Middle Road. With abutting buildings being a height of 6, 11 and 16 storeys, the proposed 20 storey height fits within this gradation. The proposed building design complies with the City's tall building guidelines and shadow guidelines, ensuring that the built form is compatible with existing development. Additionally, the increased maximum permitted height is consistent with the Council-adopted Burlington OP which permits a maximum building height of 20 storeys for lands designated Uptown Core. |
| 5) Reduce maximum amenity area requirement from 20 $m^2$ per unit to 9.03 $m^2$ per unit including balconies; | A reduced amenity area on a per unit basis still allows for over 1900 $m^2$ of total amenity area. This includes a combination of balconies for all residential units as well as common indoor and outdoor amenity areas providing a full range of options for future residents. Additionally, the Subject Lands are located in close proximity to existing outdoor recreational areas includes Desjardins Park, walking trails |

| | |
|---|---|
| | and others (see Table 1). The proposed reduced amenity area is consistent with an urban built form in an intensification area. |
| Permit a total parking space count of 502 spaces provided at a ratio of:<br>a. 0.87 occupant space per unit;<br>b. 0.12 shared visitor and retail spaces per unit;<br><br>whereas the by-law requires a total parking space count of 675 parking spaces provided at a ratio of:<br><br>a. 1.25 occupant spaces per one-bedroom unit;<br>b. 1.50 occupant spaces per two-bedroom unit;<br>c. 1.75 occupant spaces per three or more bedrooms; and,<br>d. 3.5 spaces per 100m2 gross floor area of commercial retail space | Reductions in parking standards are consistent with policies that encourage transit supportive development. As described above, the Subject Lands are served by existing transit routes and are located on a future higher order transit corridor. The proposed development will also provide 304 bicycle parking spaces to encourage active transportation use. As such, there are available alternatives to singles occupant vehicle use which will reduce the demand for parking. The sharing of visitor and retail parking also allows for an efficient use of space on site. A Parking Justification Report has also been prepared which justifies the proposed parking rate on the basis of the Subject Lands proximity to transit, that parking is unbundled from the cost of the units, the management of the parking supply, and a monitoring and enforcement program for visitor parking. |
| 6) Permit the below grade parking structure to be located up to 0.1 m from the front lot line and up to 2.7 metres from the rear and side lot lines. | Reduction in the below grade parking setback ensures that the majority of parking is provided below grade and out of view of surrounding development and the public realm. Increasing the size of the parking garage has also allowed the removal of the above-ground parking levels in response to public comments. The reduced setbacks allow for an efficient use of space and are consistent with the zoning permissions of the adjacent building to the south. |

**Compliance**

**The regulations of the parent UCR1 zone do not represent appropriate development standards that can implement the type of intensification contemplated by provincial and regional planning documents. The regulations are outdated and do not consider the type of compact, urban environment required to facilitate the development of vibrant, transit oriented community which utilizes land in an efficient manner.**

# 5.0 SUMMARY AND CONCLUSIONS

As outlined in this report, together with the supporting technical reports, the proposed development and associated Official Plan and Zoning By-law Amendments represent an appropriate intensification of the Subject Lands.

Based on the existing physical context and surrounding neighbourhood, the technical assessment of the proposal and the analysis of the proposal within the current and proposed policy and regulatory context:

1. The proposed Amendment is consistent with the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (Growth Plan). It represents a form of efficient intensification which helps meet provincial, regional and municipal growth, intensification and housing targets.
2. The proposed Amendment better implements the direction of the PPS and Growth Plan than the existing Official Plan policies.
3. The proposal conforms to the Halton Region Official Plan and the Official Plan for the Burlington Urban Planning Area, upon finalization of this Amendment;
4. The proposal is located within an area identified for intensification and will optimize the development potential of the Subject Lands.
5. The proposal can be adequately serviced, utilizing existing infrastructure, and does not create any impacts to the existing site and surrounding area;
6. The proposal is well-served by existing community infrastructure including public transit, parks, schools, and recreation facilities;
7. The proposal will support existing transit services as well as the planned frequent transit proposed along Appleby Line.
8. The proposal enhances the pedestrian environment along Appleby Line;
9. The proposed development achieves compatibility with the existing neighbourhood through a number of design measures and meets the urban design policies and guidelines in the City of Burlington Official Plan, the Tall Building Guidelines, the Sustainable Development Guidelines and the Uptown Mixed Use Centre Urban Design guidelines.

Respectfully submitted,

**MHBC**





Dana Anderson, MA, FCIP, RPP
RPP
Partner

Gerry Tchisler, MPL, MCIP, RPP

Associate




Figure 1
**LOCATION MAP**

**1989 Appleby Line**
**Burlington, Ontario**

## LEGEND

- Subject Lands
- Property Lines

**Date**: Jun 03, 2022

**File**: 21546 - A

**Drawn By**: R.M.

**Scale**: 1:1,500

N

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Figure 2
**CONTEXT MAP**

**1989 Appleby Line**
**Burlington, Ontario**

## LEGEND

Subject Lands

**Date**: Jun 02, 2022

**File**: 21546 - A

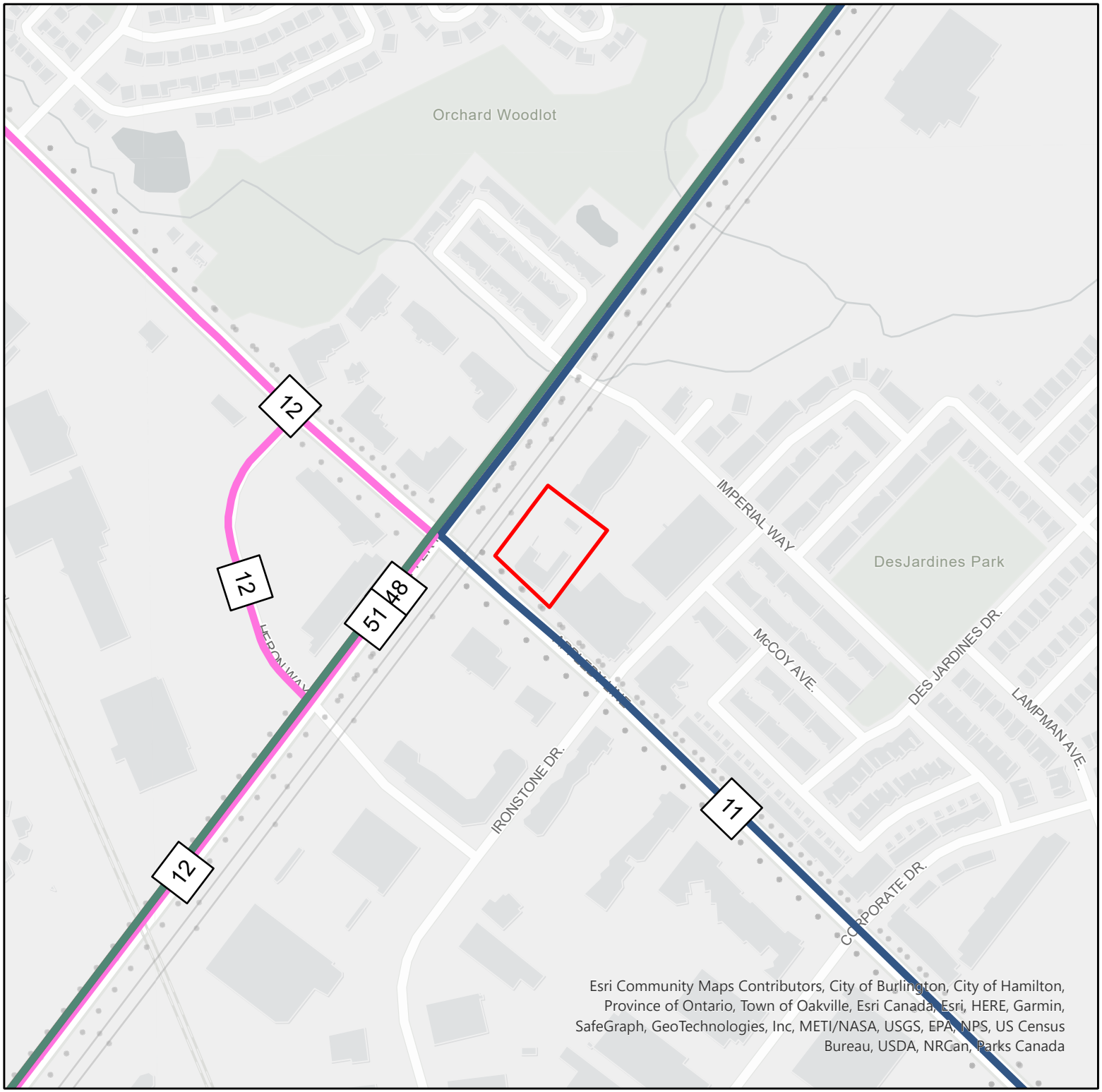
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**Scale**: 1:5,000

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Figure 3
**BURLINGTON TRANSIT**

**1989 Appleby Line**
**Burlington, Ontario**

## LEGEND

- Subject Lands
- 11: Sutton - Alton
- 12: Upper Middle
- 48: Millcroft
- 51: Burlington Northeast

**Date**: Jun 02, 2022

**File**: 21546 - A

**Drawn By**: RM

**Scale**: 1:5,000

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Figure 4

## SURROUNDING DEVELOPMENT APPLICATIONS

**1989 Appleby Line**
**Burlington, Ontario**

## LEGEND

Subject Lands

| # | Address |
|---|---|
| 1 | 5030 - 5045 Tico Creek Common |
| 2 | 1860 - 1900 Appleby Ln |
| 3 | 5041 Mainway |

**Date**: Jun 02, 2022

**File**: 21546 - A

**Drawn By**: RM

**Scale**: 1:6,000

N

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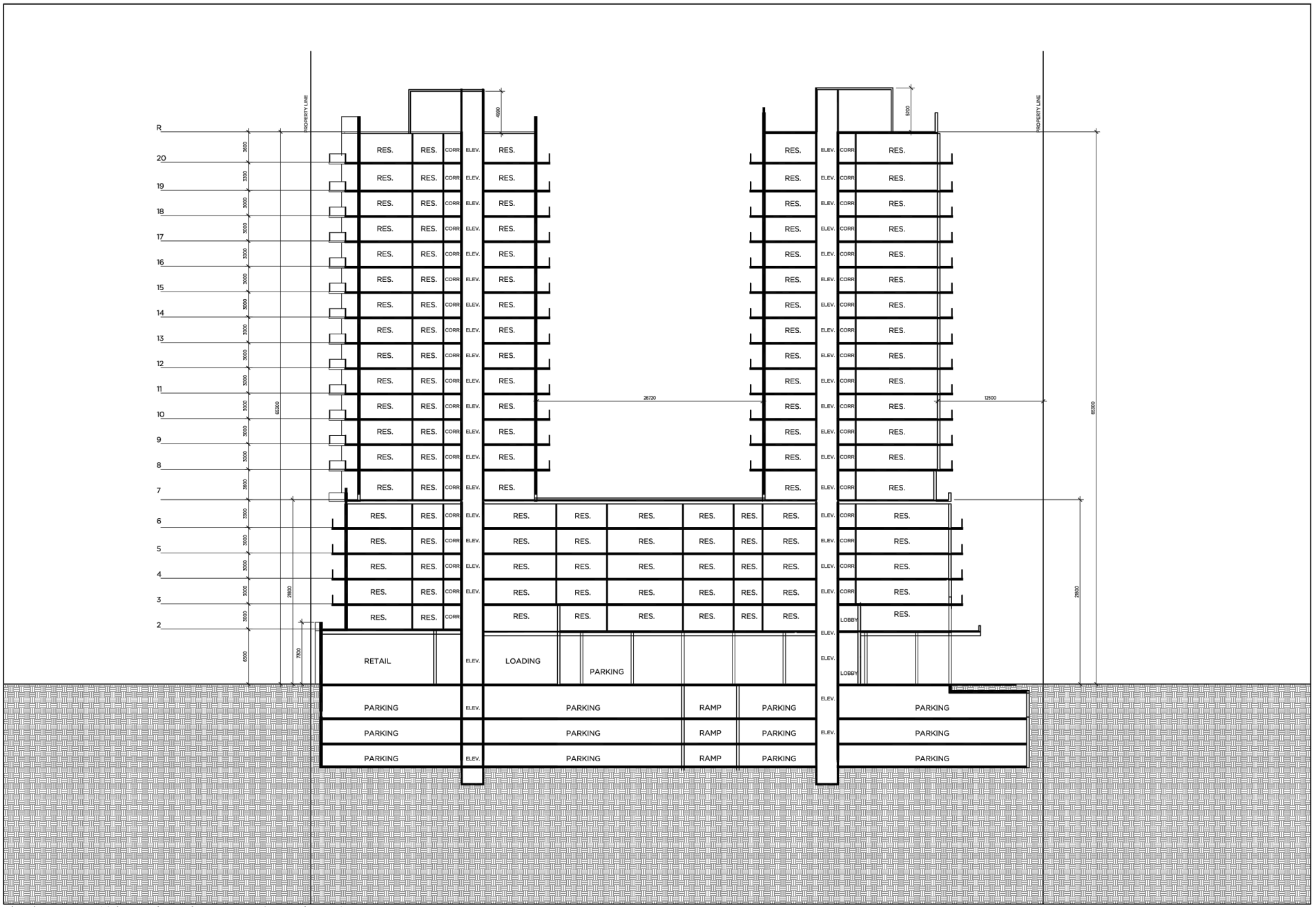
21058

1989 Appleby Line
Burlington

Latch

SITE PLAN

A100




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WWW.RAWDESIGN.CA

21058

1989 Appleby Line
Burlington

Latch

TOWER
SECTION

1:400

A501




Figure 6

# REGION OF HALTON OFFICIAL PLAN

## Map 1: Regional Structure

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Rail Line
- Major Road
- Lot and Concession Line
- Urban Area
- Regional Natural Heritage System

**Date**: March 31, 2022

**Scale**: 1:5000

Data Source: City of Burlington Open Data;

N:\21549A - 1989 APPLEBY LINE, BURLINGTON\1 - MHBC DOCUMENTS\PLANNING JUSTIFICATION REPORT\FIGURES\CAD\ROP MAP 1.DWG

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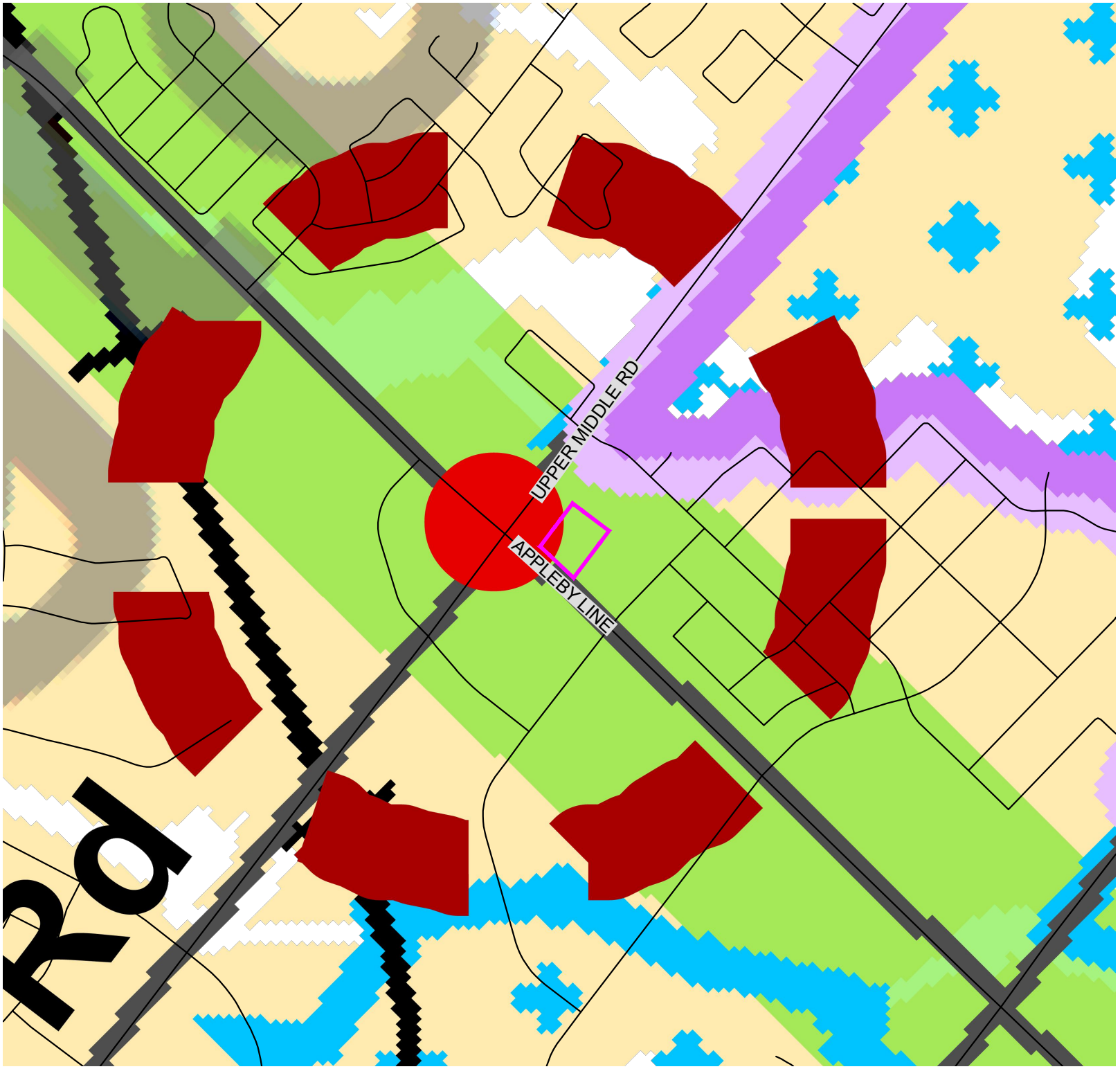



Figure 7

# REGION OF HALTON OFFICIAL PLAN

## Map 1H: Regional Urban Structure

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Rail Line
- Major Road
- Urban Area
- Built Boundary
- Employment Area
- Higher Order Transit Corridor
- Primary Regional Nodes

**Date**: June 3, 2022

**Scale**: 1:8000

Data Source: City of Burlington Open Data; Region of Halton;

N:\21549A - 1989 APPLEBY LINE, BURLINGTON\1 - MHBC DOCUMENTS\PLANNING JUSTIFICATION REPORT\FIGURES\CAD\ROP MAP 1H.DWG

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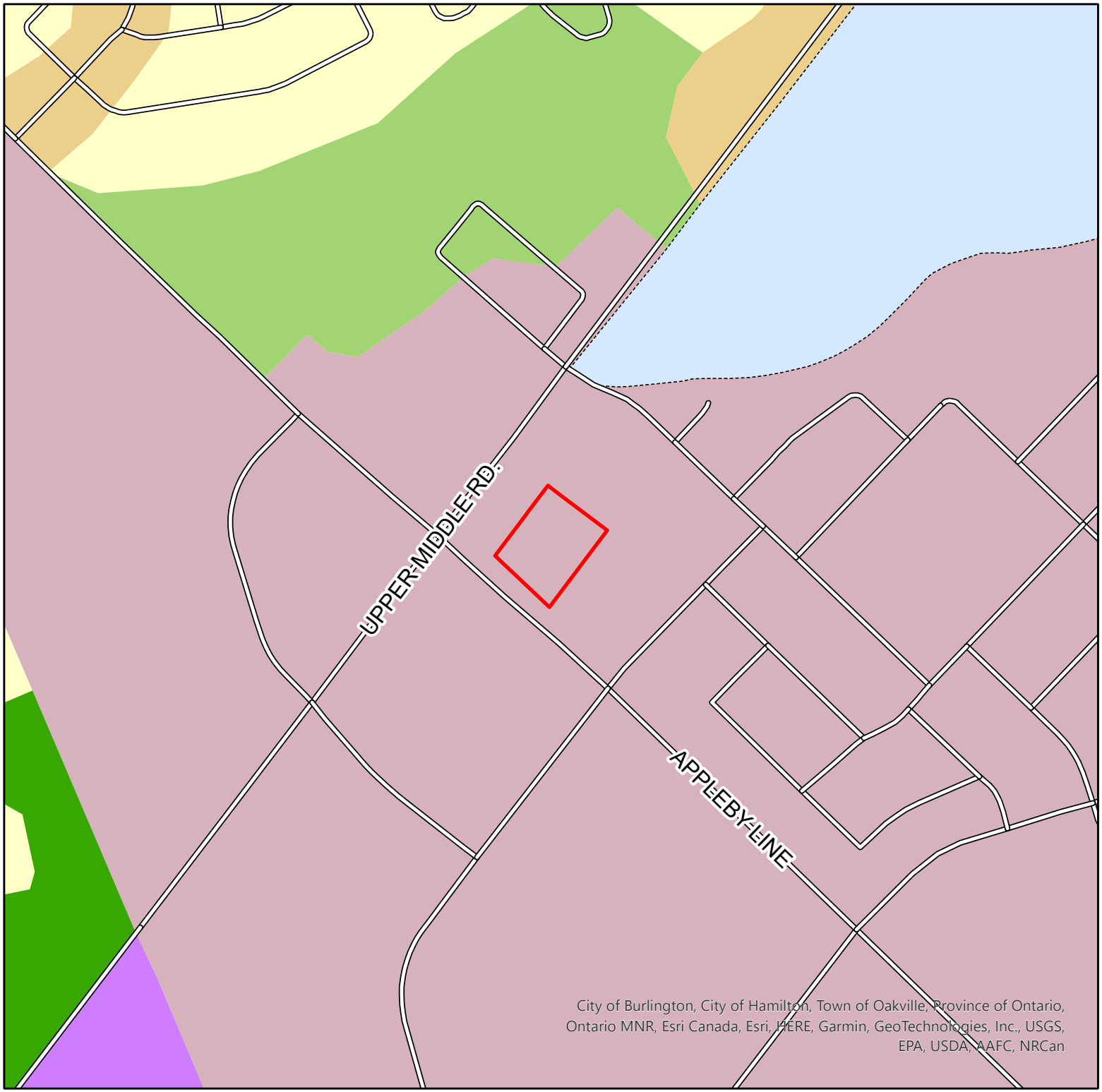



Figure 8

**CITY OF BURLINGTON OFFICIAL PLAN**

Schedule B: Comprehensive Land Use Plan - Urban Planning Area

**1989 Appleby Line**
**Burlington, Ontario**

## LEGEND

- Subject Lands
- General Employment
- Deferral
- Greenlands
- Major Parks and Open Space
- Mixed Use Centre
- Neighbourhood Commercial
- Residential - Low Density
- Residential - Medium Density

**Date**: Jun 02, 2022

**File**: 21546 - A

**Drawn By**: RM

**Scale**: 1:5,000

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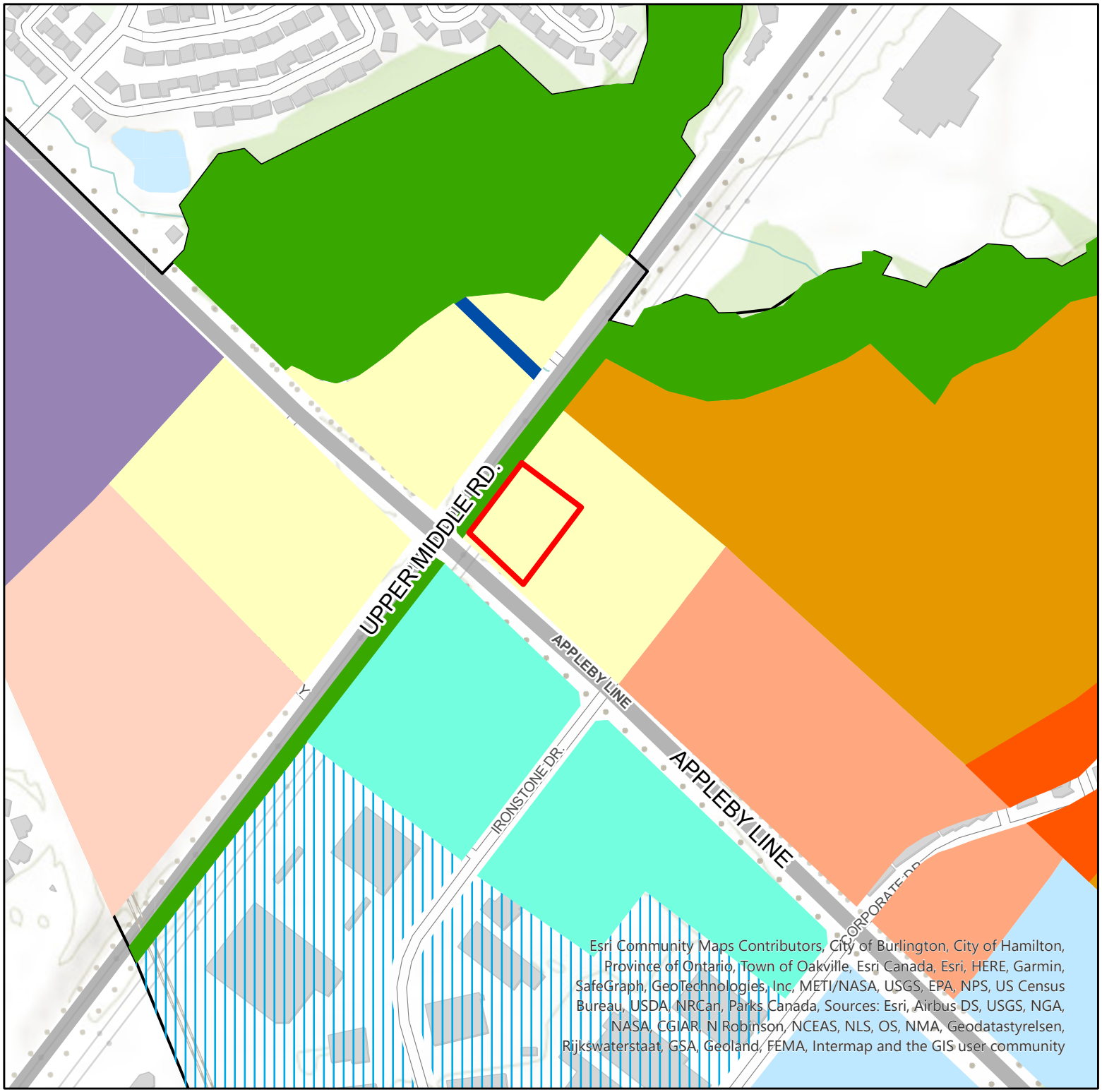



Figure 9

**CITY OF BURLINGTON OFFICIAL PLAN**

Schedule F: Land Use - Uptown Mixed Use Centre

**1989 Appleby Line**
**Burlington, Ontario**

## LEGEND

- Subject Lands
- Watercourse
- Mixed Use Centre Planning Area
- Open Space
- Uptown Commercial / Res I
- Uptown Commercial / Res II
- Uptown Commercial / Res III
- Uptown Medium Density Res
- Uptown High Density Res
- Uptown Mixed Use Corridor Employment
- Uptown Commercial
- Uptown Employment
- Uptown General Employment

**Date**: Jun 02, 2022

**File**: 21546 - A

**Drawn By**: RM

**Scale**: 1:5,000

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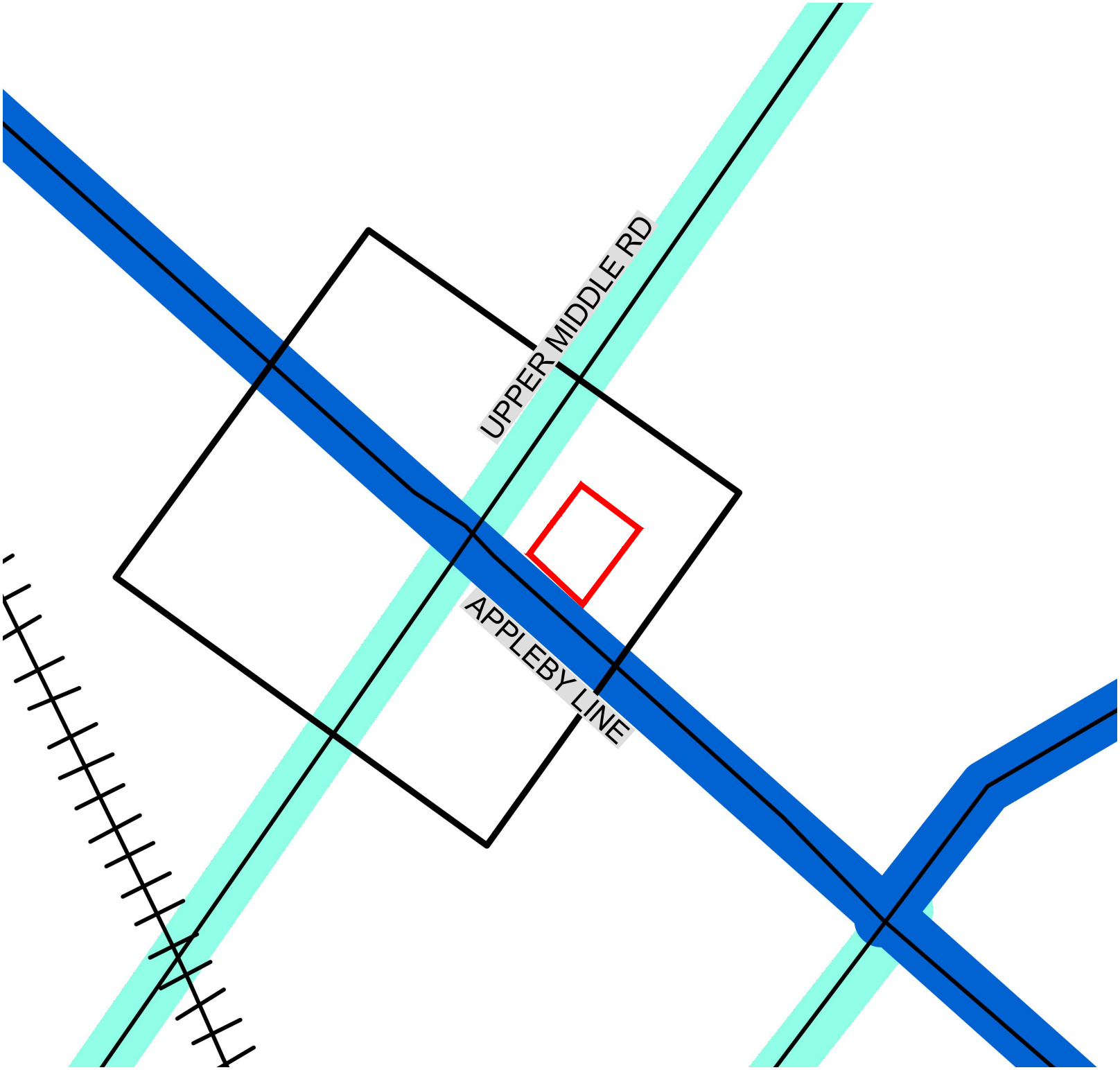



Figure 10

# CITY OF BURLINGTON OFFICIAL PLAN

## Appendix A: Long Term Transit Service Network

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Rail Line
- Primary Bus Service
- Secondary Bus Service

**Date**: March 31, 2022

**Scale**: 1:5000

N

N:\21549\A - 1989 APPLEBY LINE, BURLINGTON II - MHBC DOCUMENTS\PLANNING JUSTIFICATION REPORT\FIGURES\CADBOP APPENDIX A.DWG

Data Source: City of Burlington Open Data;

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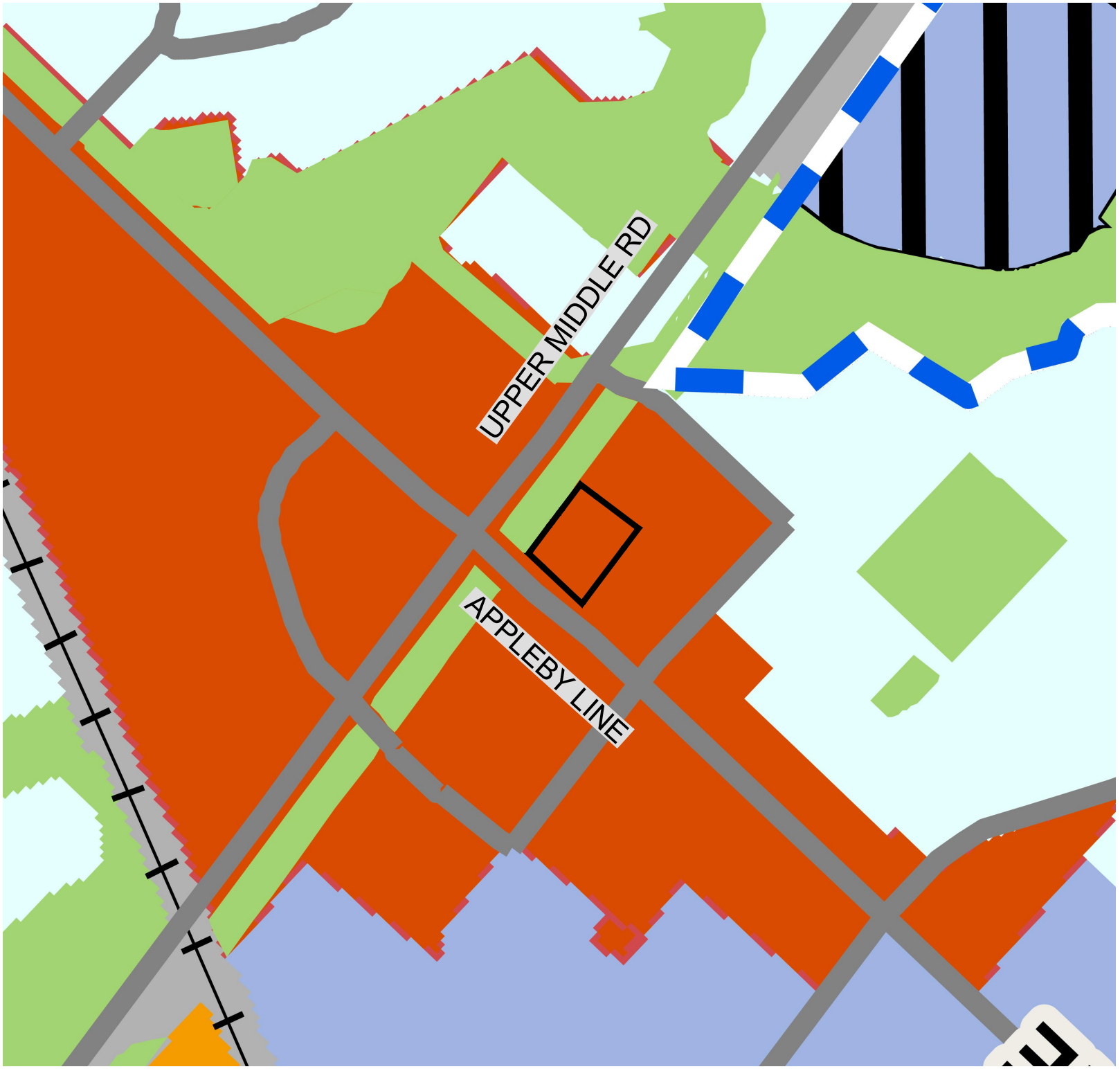



Figure 11

# CITY OF BURLINGTON OFFICIAL PLAN

## Schedule B1: Growth Framework

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Primary Growth Area
- Employment Growth Area
- Established Neighbourhood Area
- Developed Area Outside Delineated Built Boundary
- Natural Heritage System & Major Parks & Open Space
- Delineated Built Boundary
- Rail Line

**Date**: May 16, 2022

**Scale**: 1:5000

N

Data Source: City of Burlington Open Data;

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Figure 12

# CITY OF BURLINGTON OFFICIAL PLAN

## Schedule B2: Growth Framework and Long Term Frequent Transit Corridors

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Primary Growth Area
- MTSA Secondary Connector
- Frequent Transit Corridor
- Transit Support Corridor
- Higher Order 407 Transit Corridor
- Rail Line

**Date**: May 16, 2022

**Scale**: 1:5000

N

Data Source: City of Burlington Open Data;

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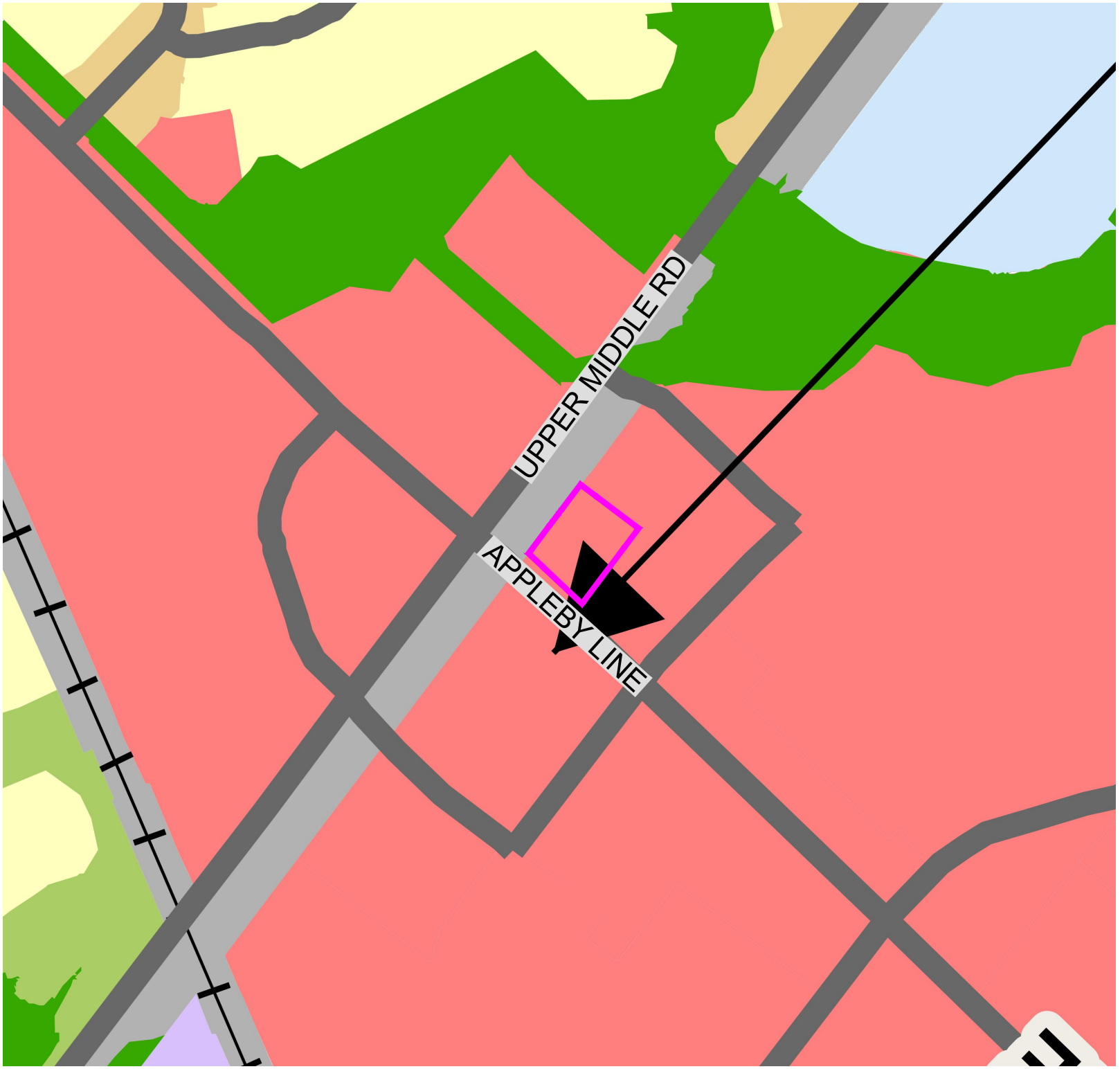



Figure 13

# CITY OF BURLINGTON OFFICIAL PLAN (DRAFT)

## Schedule C: Land Use - Urban Area

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Rail Line
- Urban Centre
- Local Centre
- Residential - Low Density
- Residential - Medium Density
- General Employment
- City's Natural Heritage System
- Major Parks & Open Space
- Infrastructure & Transportation Corridors

**Date**: March 31, 2022

**Scale**: 1:5000

Data Source: City of Burlington Open Data;

N:\21\5469A - 1989 APPLEBY LINE, BURLINGTON\1 - MHBC DOCUMENTS\PLANNING JUSTIFICATION REPORT\FIGURES\CAD\DRAFT BOP SCHEDULE C.DWG

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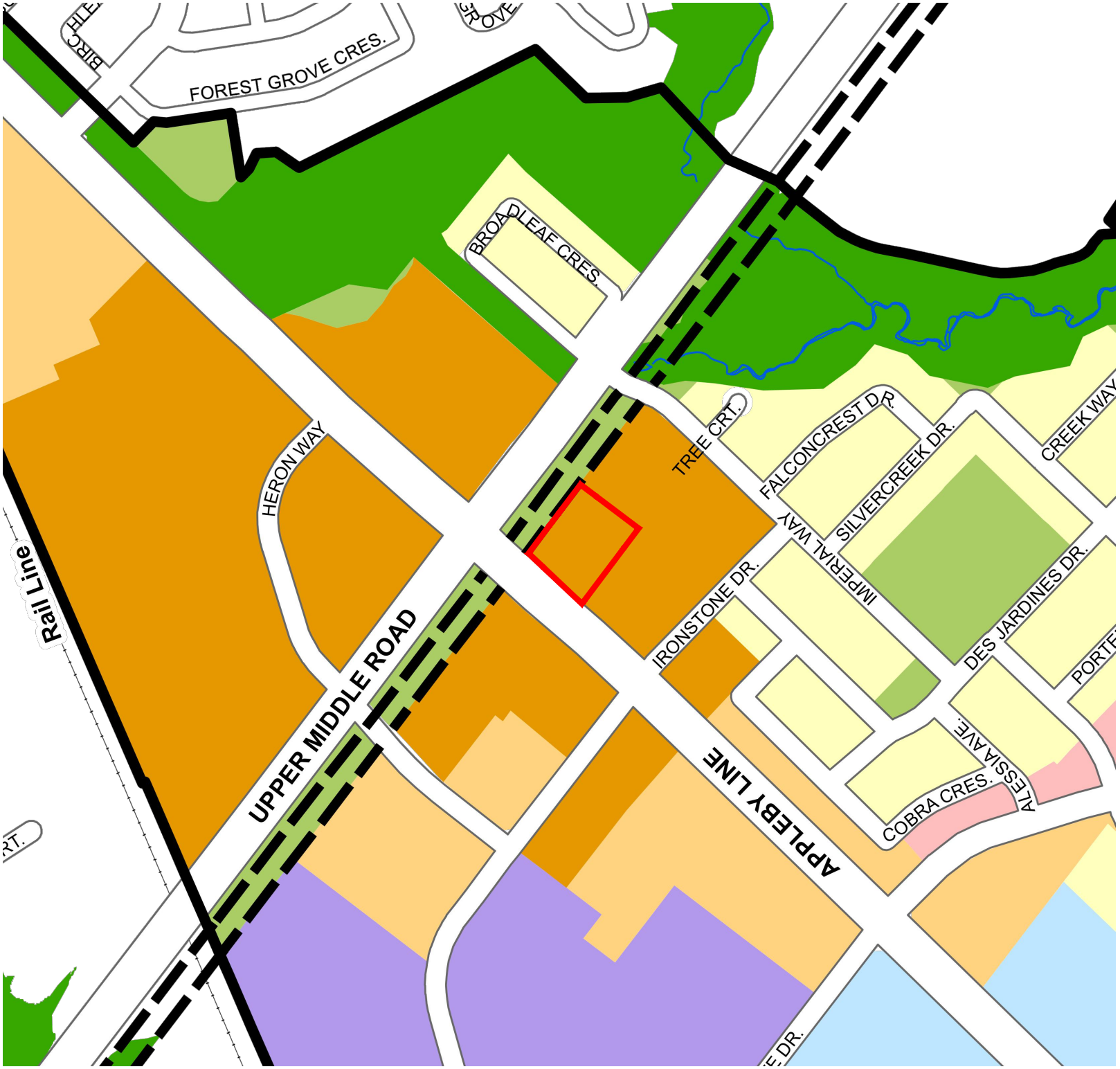



Figure 14

# CITY OF BURLINGTON OFFICIAL PLAN (DRAFT)

## Schedule E: Land Use - Uptown Urban Centre

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Rail Line
- Uptown Core
- Uptown Corridor
- Uptown Local Corridor
- Uptown Residential - Medium Density
- Uptown Business Corridor-Employment
- Uptown Business-Employment
- City's Natural Heritage System
- Uptown Major Parks and Open Space
- Utility Corridor

**Date**: March 31, 2022

**Scale**: 1:5000

Data Source: City of Burlington Open Data;

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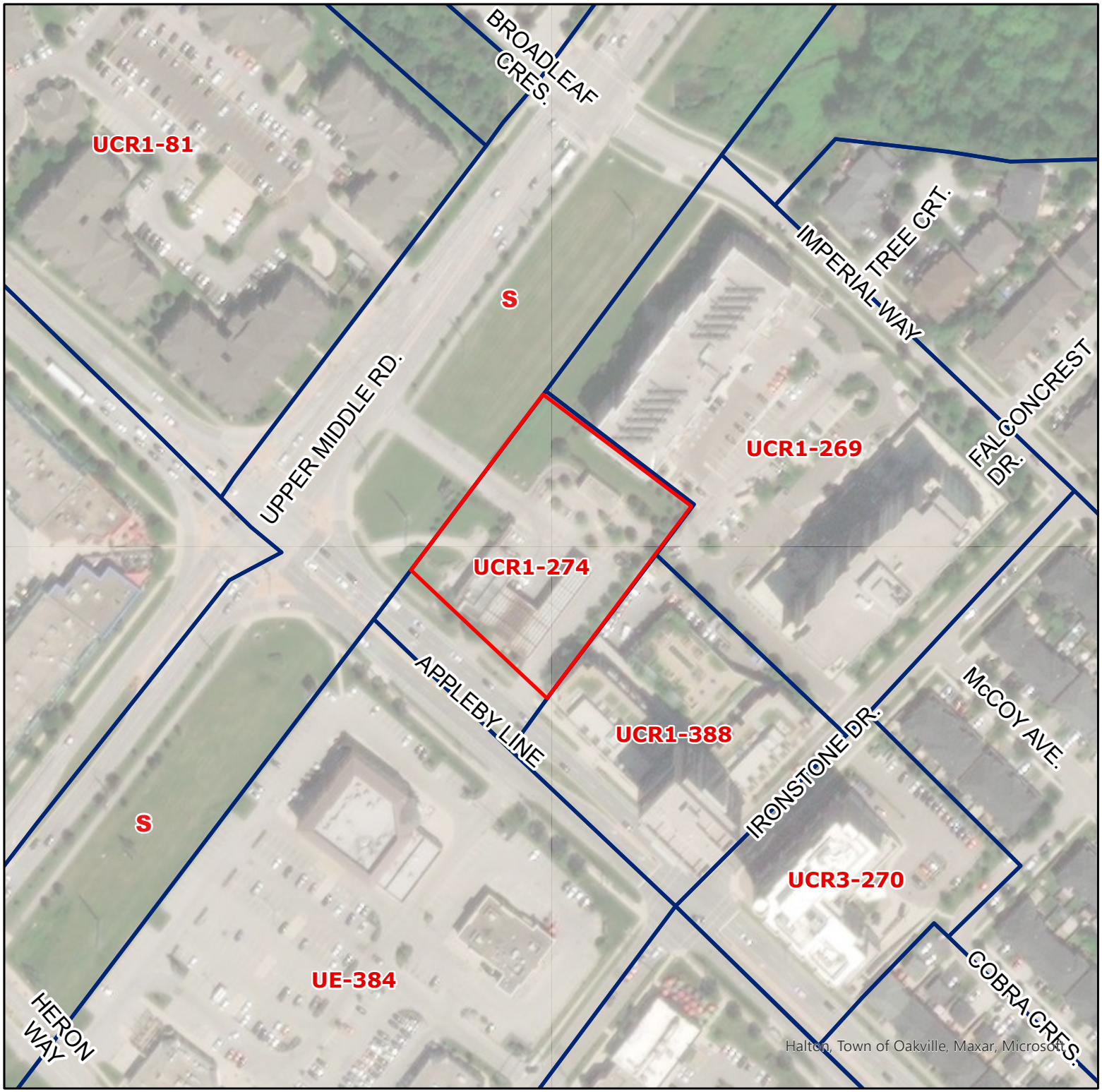



Figure 15

**CITY OF BURLINGTON ZONING BY-LAW 2020**

**1989 Appleby Line**
**Burlington, Ontario**

## LEGEND

- Subject Lands
- Zone Boundary

**Date**: Jun 02, 2022

**File**: 21546 - A

**Drawn By**: RM

**Scale**: 1:2,000

N

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Figure 16

# REGION OF HALTON OFFICIAL PLAN

## Map 3: Functional Plan of Major Transportation Facilities

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Rail Line
- Major Arterial
- Minor Arterial
- Urban Area
- Higher Order Transit Corridor

**Date**: June 2, 2022

**Scale**: 1:8000

N

N:\21540A - 1989 APPLEBY LINE, BURLINGTON\1 - MHBC DOCUMENTS\PLANNING JUSTIFICATION REPORT\FIGURES\CAD\DRAFT ROP MAP 3.DWG

Data Source: City of Burlington Open Data; Region of Halton;

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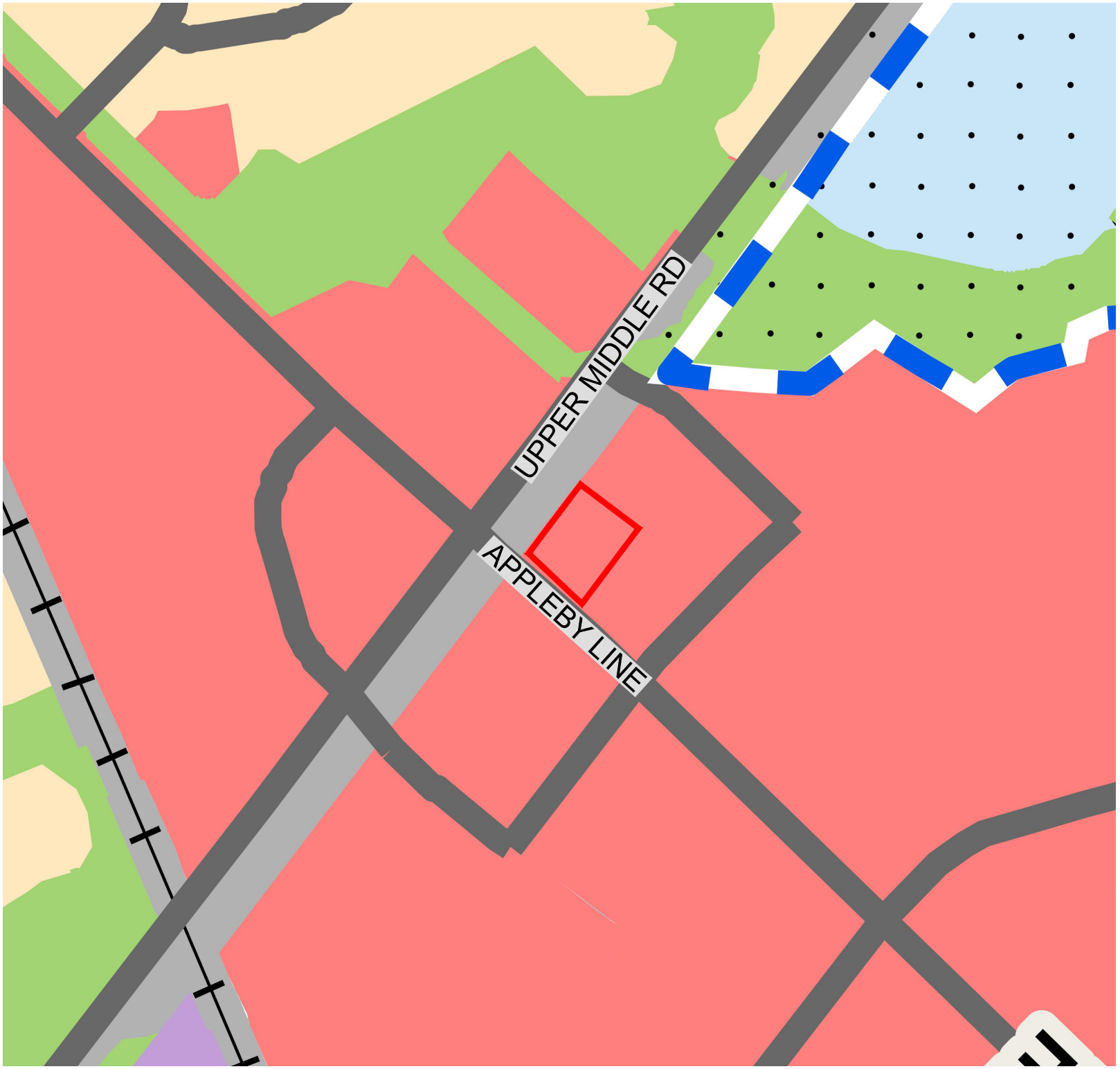



Figure 17

# CITY OF BURLINGTON COUNCIL-ADOPTED OFFICIAL PLAN

## Schedule B: Urban Structure

**1989 Appleby Line, Burlington, Ontario**

## LEGEND

- Subject Lands
- Rail Line
- Urban Centres
- Lands Designated for Employment Uses
- Region of Halton Employment Area
- Residential Neighbourhood Areas
- Natural Heritage System, Major Parks and Open Space
- Infrastructure and Transportation Corridors
- Delineated Built Boundary

**Date**: May 18, 2022

**Scale**: 1:5000

Data Source: City of Burlington Open Data;

N:\21\469A - 1989 APPLEBY LINE, BURLINGTON\1 - MHBC DOCUMENTS\PLANNING JUSTIFICATION REPORT\FIGURES\CAD\DRAFT BOP SCHEDULE B.DWG

MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
204-442 BRANT STREET BURLINGTON, ON. L7R 2G4
P: 905 639 8686 F: 905 761 5589 | WWW.MHBCPLAN.COM

# 6.0 Appendix

**DEVELOPMENT APPLICATION PRE-CONSULTATION FORM**

| | |
|---|---|
| **Meeting Date:**<br>February 2, 2022 | **Site Address:**<br>1989 Appleby Line |
| **Property Owner:**<br>1989 Appleby Latch Ltd. | **Applicant / Address / Phone / Email**<br>1989 Appleby Latch GP Inc., c/o Marc Nufrio, #700-2 Bloor Street West, Toronto ON, M4W 3R1<br>mnufrio@latch-developments.com<br>(416) 323-6896 |
| **Site Area:**<br>0.6 ha | |

**APPLICATION TYPE (check applicable applications):**

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Local Official Plan Amendment | **X** | Zoning By-law Amendment | **X** | Plan of Subdivision | | Parkway Belt Amendment | |
| Other Application | | | | | | | |

1. **Brief description of proposed development:**

   Two 20-storey residential towers connected by a 6-storey podium with at-grade retail.

2. **Conformity with Regional Official Plan Designation?** YES X NO _____

   Has an application been made to amend the Regional Official Plan: YES _____ NO X

3. **Existing Official Plan Designation:** Uptown Commercial/Res I

   Conformity with City Official Plan land use designation? YES _____ NO X

   If 'NO' what is the nature of the OP amendment needed? Intensity (height, FAR)

4. **New Official Plan Designation:** Uptown Core & Uptown Major Parks & Open Space

   Conformity with City Official Plan land use designation? YES _____ NO TBD

   If 'NO' what is the nature of the OP amendment needed? Surface parking not permitted in utility corridor – extent of designation to be confirmed

5. **Existing Zoning:** Uptown Commercial Residential 1 (UCR1-274)

   Conformity with existing zoning? YES _____ NO X

   If 'NO' what is the nature of the zoning amendment needed? Amendments to height, density, amenity area, setback, parking, etc.

**6. Design Guidelines in effect?** YES X NO _____

Name of Design Guidelines Tall Building Guidelines (May 2017); Uptown Mixed-use Centre Urban Design Guidelines (March 1994); Shadow Study Guidelines and Terms of Reference (June 2020); Pedestrian Level Wind Study Guidelines and Terms of Reference (June 2020); Sustainable Building and Design Guidelines (April 2018); Stormwater Management Design Guidelines (June 2020)

**7. Is the property listed in Municipal Heritage Register, designated under the Ontario Heritage Act or adjacent to a designated property?**

YES _____ NO X

**8. Fees Required at Time of Application**

| APPLICATION | CITY | REGION | CONSERVATION HALTON |
|---|---|---|---|
| Official Plan Amendment: | $22,745 | $8,892.87 | n/a |
| Rezoning - Base Fee:<br>(70% if combined)<br>Rezoning - Variable Fee: | $15,008<br><br>$187,520.35 | $1,048.96 | n/a |
| Subdivision - Base Fee:<br>Subdivision - Variable Fee: | n/a | n/a | n/a |
| **TOTAL** | $225,273.35 | $9,941.83 | n/a |

***Separate payments are required for the City, Halton Region and Conservation Halton***

***CITY FEES ARE CURRENTLY UNDER REVIEW AND ARE ANTICIPATED TO INCREASE IN THE NEAR FUTURE. NOTWITHSTANDING THE FEES NOTED ABOVE, ALL FEES ARE PAYABLE BASED ON THE RATE IN THE FEE SCHEDULE ON THE DATE THE PAYMENT IS MADE.***

**9. Additional Agencies to be contacted:** Hydro One, Enbridge, Burlington Hydro, Union Gas

**10. Pre-Application Public Consultation Meeting**

Is a pre-application consultation meeting required?

YES X NO _____

The following steps must be completed if a Pre-Application Public Consultation Meeting is required:

- *The consultation meeting is to be organized by the proponent and must be held before the application is submitted.*
- *Circulation of the meeting invitation to residents and tenants within 120 metres of the development site will be completed by the City for a fee. Provide the required materials to the City at least one month prior to the meeting. Notice must be sent a minimum of 21 days in advance of the meeting.*
- *Please notify the Ward Councillor, Mayor, and the Coordinator of Development Review of the date, time & location of the meeting. Be sure your meeting location is accessible and close to the development site.*
- *During the meeting, provide a detailed overview of the development proposal and allow time for questions and comments from the public. Planning staff will provide an overview of the development application review process. Take notes of the discussion.*
- *As part of a complete application, you must provide consultation meeting minutes which include a written summary of public input received at the meeting. As part of the Planning Justification Report, you must explain how this public input was considered and used to modify the development proposal.*

## 11. Community Benefits

Is this an application for increased height and/or density? YES ___X___ NO ____

If "YES" Community Benefits **may be** required.

## 12. Required Information for Complete Application

| | | |
|---|---|---|
| 1) | Completed Application Form | Required |
| 2) | Fees for the processing of planning application(s) | Required |
| | | |
| **Supporting Reports, Studies, Plans**<br>**In accordance with Policies contained within 11.1.2 of the City's Official Plan, all identified materials must be submitted in accessible PDF format consistent with the City's standards and the standards of <u>The Accessibility for Ontarians with Disabilities Act</u> before an application is deemed complete.** | | **Required (Yes/No)** |
| i. | Planning Justification Report, including employment or residential needs analysis, where required | Y MHBC |
| ii. | Land Assembly Documents | N |
| iii. | Survey and Severance Sketch, prepared by an Ontario Land Surveyor | Y R. Avis Surveying |
| iv. | Land Use Compatibility Study | Y MHBC - as discussed. |
| v. | Retail and Service Commercial Needs Assessment | Y MHBC? |
| vi. | Financial Impact Study | N |
| vii. | Housing Impact Statement | Y |
| viii. | Park Concept Plan | N |
| ix. | Agricultural Impact Assessment | N |
| x. | Social Impact Assessment | N |
| xi. | Archeological Report | N |
| xii. | Heritage Impact Study | N |
| xiii. | Cultural Heritage Landscape Impact Assessment | N |
| xiv. | Conceptual Site Plan Layout | Y RAW |
| xv. | Architectural Plans | Y RAW |
| xvi. | 3-D Model of Proposed Buildings | Y RAW |
| xvii. | Burlington Urban Design Advisory Panel (BUD) Comments | Y MHBC/RAW |
| xviii. | Height Survey of Adjacent Buildings | Y RAW |
| xix. | Angular Plane Study | Y RAW - relevance? |
| xx. | Shadow Analysis Plan | Y MHBC/RAW |
| xxi. | Quantitative Wind Impact Study | Y TBD |

| | | |
|---|---|---|
| xxii. | Arborist's Report | Y Adesso |
| xxiii. | Tree Inventory and Preservation Plan | Y Adesso |
| xxiv. | Landscape Plan | Y |
| xxv. | Water & Wastewater Functional Servicing Report | Y |
| xxvi. | Hydrogeology Study / Water Budget & Hydrology Study | Yes – based on Geotechnical recommendations |
| xxvii. | Source Protection Disclosure Report | N |
| xxviii. | Noise Feasibility Study / Vibration Study | Y TBD |
| xxix. | Transportation Impact Study | Y Paradigm |
| xxx. | Transportation Demand Management Plan and Implementation Strategy | Y Paradigm |
| xxxi. | Parking Justification Report | Yes, if reduced rates proposed |
| xxxii. | Storm Water Management Report / Functional Drainage Report, Storm Services Plan and Flooding Hazard Delineation and/or Grading and Drainage Plans | Y Llewellyn |
| xxxiii. | Environmental Impact Assessment | N |
| xxxiv. | Top-of-bank Demarcation / Slope Stability Assessment / Creek Erosion Assessment / Geomorphic Study | N |
| xxxv. | Shoreline Hazardous Land Studies | N |
| xxxvi. | Geotechnical Report | Y Grounded Eng |
| xxxvii. | Phase 1 Environmental Assessment | Y Palmer |
| xxxviii. | Phase 2 Environmental Assessment<br>Record of Site Condition | Y (at time of application)<br>Y (during process) Palmer |
| xxxix. | Landfill Assessment | N |
| xl. | Sustainable Building and Development Guidelines Checklist | Y RAW? |
| xli. | Phasing Strategy for Development of Retail and Service Commercial Uses | N |
| xlii. | Public Consultation Strategy | N |
| xliii. | Response to Comments Received at a Community Meeting Held in Advance of a Formal Development Application | Y |
| xliv. | Comprehensive Block Plan | N |
| xlv. | Urban Design Brief | Y MHBC |
| xlvi. | Tenant Relocation and Assistance Plan | N |
| xlvii. | **Other**<br>Environmental Site Screening Checklist<br>Draft Official Plan Amendment / Draft Zoning By-law Amendment<br>Construction & Mobility Management Plan<br>Waste Management Report<br>PIN Report and copies of agreements on title | Y Palmer<br>Y MHBC<br>Y Latch Residential<br>Y RAW<br>Y Latch Residential Developments. |

| | | |
|---|---|---|
| | Draft Reference Plan showing any required land dedications<br>Phasing Strategy | Y R. Avis Surveying<br>Y RAW - but no phasing. thx Roland. |

**13. ADDITIONAL REQUIREMENTS**: see: attached Pre-Consultation Meeting Notes & Terms of Reference

## NOTES:

1. **The applicant may request a Technical Preconsultation prior to submission of the application. This optional process involves electronic submission of the draft materials and a preliminary municipal review to determine whether there are technical issues which could be resolved prior to formal submission of the application.**

2. **Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.**

3. **The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the Corporation of the City of Burlington to either support or refuse the application.**

4. **This document expires 180 days from the date of signing or at the discretion of the Director of Community Planning. Please note that development application fees may change during this period and it is the applicant's responsibility to ensure that the correct fees are paid at time of application.**

5. **Beyond 180 days, but prior to 1 year from the date of signing, proponents may submit a request to have this document updated for an additional 180 days. A detailed change matrix must accompany an update request. Beyond 1 year from the date of signing of the original pre-consultation form, a new pre-consultation request must be submitted.**

6. **In the event this Pre-consultation Document expires prior to the application being accepted by the City, another meeting will be required.**

7. **The applicant acknowledges that submission requirements are subject to change and that additional reports, studies, plans or information may be required beyond what is identified within this document in advance of an application being deemed complete.**

8. **The City may require the peer review of any technical report or study submitted by the applicant. If this is required, the applicant will be advised and will be charged a fee equal to the cost of the peer review.**

9. **Application materials submitted without the information identified in this Pre-consultation Document, or without the supporting technical studies prepared in accordance with the direction provided in Appendix 1, the meeting notes, and the Pre-submission checklist attached to this Document, will be returned to the applicant based on insufficient information to properly evaluate the application.**

10. **The applicant acknowledges that the City considers the application forms and all supporting materials, including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the City copying and releasing the application and any supporting materials either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement.**

11. **It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.**

12. **The applicant must grant permission for municipal and agency staff to visit and access the property while the application is being processed.**

13. **There may also be financial requirements arising from the application, including, but not limited to, park dedication, development charges, payment of outstanding property taxes, deferred local improvement charges, costs for lifting 0.3-metre reserves, and reimbursement for road widening acquisition or road improvements.**

14. **Personal information contained in this form is collected under the authority of the Planning Act, R.S.O. 1990, cP.13, as amended. The information will be used for the purpose of administering the City of Burlington's pre-consultation process on development applications.**

**15. The applicant requests that the information submitted on this pre-consultation form and associated documents be kept confidential. It is understood; however, that an access request may be filed under the Municipal Freedom of Information and Protection of Privacy Act, and information may be subject to release, notwithstanding the request to keep information confidential.**

## Staff and Agency Signatures:

| | | |
|---|---|---|
| Planning Staff | Planning Staff (Signature) | Date |
| Site Engineering Staff | Site Engineering Staff (Signature) | Date |
| Site Engineering Staff | Site Engineering Staff (Signature) | Date |
| Capital Works Staff | Capital Works Staff (Signature) | Date |
| Transportation Staff | Transportation Staff (Signature) | Date |
| Regional Staff | Regional Staff (Signature) | Date |
| Regional Staff | Regional Staff (Signature) | Date |
| Conservation Halton Staff | Conservation Halton Staff (Signature) | Date |

## Proponent Acknowledgement (In Lieu of Signatures):

**I acknowledge that the City will require the provision of the drawings, reports and other requirements indicated in Section 12 of the Development Application Pre-Consultation Form, in addition to a completed Application Form, any information or materials required by Statute, the required application fees and a signed copy of this Acknowledgement prior to the planning application being deemed complete, pursuant to the Planning Act and applicable City of Burlington Official Plan policy. These items should be completed in accordance with the direction in this Development Application Pre-Consultation Form, the attached Notes, and the attached Pre-Submission Document Terms of Reference, in order to allow for the full consideration of the planning application. I have read and acknowledge the Notes listed in Section 13 of the Development Application Pre-Consultation Form. I have authority to bind the Owner.**

| | | |
|---|---|---|
| Property Owner | Property Owner (Signature) | Date |

| | | |
|---|---|---|
| Agent | Agent (Signature) | Date |

(I have authority to bind the owner)

## APPENDIX ONE: REQUIREMENTS FOR REPORTS/STUDIES AND PLANS

**i. Planning Justification Report**
A qualified planner (Registered Professional Planner) must submit a signed report providing planning justification for the proposed amendment in light of the objectives and policies of the City's Official Plan and the technical studies accompanying the application. The goal of the report is to document how the proposed departure from the local policies and regulations represents good planning and is in the public interest. The report must include items listed in the attached Pre-Submission Checklist.

**ii. Land Assembly Documents**
Required for applications where, in the opinion of the Community Planning Department, the assembly of additional lands is required to facilitate orderly development of the area. Applicants are required to submit documentation demonstrating that a reasonable, bona fide offer has been made to acquire such lands.

**iii. Survey and Severance Sketch, prepared by an Ontario Land Surveyor**
Survey / Reference Plan of site showing PINs, easements, property boundaries etc.

**iv. Land Use Compatibility Study**
Required for applications proposing sensitive land uses in proximity to existing industrial uses, or proposing industrial uses in proximity to existing sensitive uses, in accordance with 4.6.2 of the City's Official Plan, Part IV, Sections 143 of the Regional Official Plan, and the Ministry of the Environment D-6 series guidelines or other Provincial land use compatibility guidelines.

**v. Retail and Service Commercial Needs Assessment**
Required in accordance with Chapter 8 of the Official Plan.

**vi. Financial Impact Study**
Required for a major development application which is deemed to have a potential impact on the City's financial sustainability and which meets the criteria listed in Subsection 6.5.2. of the Official Plan.

**vii. Housing Impact Statement**
Required for a development proposal which includes more than 100 dwelling units. Required in accordance with Subsection 3.1.1(2) h) of the Official Plan.

**viii. Park Concept Plan**
Required to illustrate how a parkette, neighbourhood park, community park, city-wide park, special resource area / linkage, and / or privately-owned publicly accessible open space (POPS) could be provided and function on a site in accordance with the applicable policies of Subsection 3.3.2 of the Official Plan.

**ix. Agricultural Impact Assessment**
Required In accordance with Subsection 9.2.2 (d) of the Official Plan, the Regional Official Plan and Halton Region's 'Agricultural Impact Assessment (AIA) Guidelines'. .

**x. Social Impact Assessment**
Required to analyze, monitor and manage the intended and unintended social consequences of a development proposal, an infrastructure project, a policy or project, or any social change processes invoked by those interventions in accordance with Subsection 6.1.2 h) of the Official Plan.

**xi. Archaeological Report**
Required for all applications in or near areas of archaeological potential, as determined by the Region of Halton. Reports must be completed in accordance with Provincial requirements, the Regional Archaeological Master Plan and Subsection 3.5.2(5.2) of the City's Official Plan.

**xii. Heritage Impact Study**
Required where the City foresees potential unacceptable impacts on heritage attributes (including important landscapes, vistas and streetscapes) of a property designated pursuant to The Ontario Heritage Act, or of a property that in the opinion of the City has the potential to meet eligibility criteria for designation under The Ontario Heritage Act, in accordance with Subsection 3.5.2(5) of the Official Plan.

**xiii. Cultural Heritage Landscape Impact Assessment**
Required for a major development or infrastructure proposal within a Cultural Heritage Landscape Study Area Boundary or potential Cultural Heritage Landscape Study Area in accordance with Subsection 3.5.2(5.1) of the Official Plan.

**xiv. Conceptual Site Plan Layout**
General plan required showing proposed building envelopes, setbacks, driveways, parking and landscape areas.

**xv. Architectural Plans**
Architectural plans to include floor plans and elevation plans.

**xvi. 3-D Model of Proposed Buildings**
Required for major development proposals within the City's intensification areas, in accordance with the City's 3D Model Specifications, as amended.

**xvii. Burlington Urban Design Advisory Panel (BUD) Comments**
The Burlington Urban Design Advisory Panel (BUD) is an independent advisory body comprised of design professionals that provides urban design advice to the Community Planning Department. Advice from BUD will be integrated early in the review process to reinforce the City's expectation for a high standard of design excellence resulting in a more efficient and effective municipal development review. A copy of BUD meeting minutes must be submitted with the application along with a Design Brief explaining how their advice has been incorporated into the development proposal, in accordance with Subsection 12.1.2 (1.2) of the Official Plan.

**xviii. Height Survey of Adjacent Buildings**
Required for all infill and intensification development applications adjacent to residential properties, in accordance with Subsection 8.3.3(1) e) of the Official Plan. A surveyor's report must identify the highest points of the existing adjoining roofs measured from the existing average grade of the shared property line.

**xix. Angular Plane Study**
Identifies visual (height & overlook) impacts, sun shadow and wind impacts, and demonstrates how any adverse impacts can be mitigated to acceptable levels in accordance with Subsection 12.1.2 (1.2) of the Official Plan.

**xx. Shadow Analysis Plan**
May be required to demonstrate the potential shadow impacts of a proposed development on its surrounding context, in accordance with Subsections 7.3.2 and 12.1.2 (1.2) of the Official Plan and in compliance with the City's Shadow Study Guidelines and Terms of Reference.

**xxi. Wind Impact Study**
May be required to predict and assess the wind impacts of proposed buildings and site designs on surrounding public and private spaces in addition to on-site wind conditions, in accordance with Subsections 7.3.2 and 12.1.2 (1.2) of the Official Plan and in compliance with the City's Pedestrian Level Wind Guidelines and Terms of Reference.

**xxii. Arborist's Report**
Required in accordance with Subsection 4.3.2 of the Official Plan.

**xxiii. Tree Inventory and Preservation Plan**
Required when a property under application contains woodlots, tree stands or hedgerows, in accordance with Subsection 4.3.2 of the City's Official Plan and Part IV, Sections 146-147 of the Regional Official Plan. A tree survey must be prepared by a qualified professional, identifying all existing trees, their type, size and condition, those trees proposed to be removed and retained, and the methods to be used to ensure preservation and protection of those trees to be retained.

**xxiv. Landscaping Plan**
Required in accordance with Subsections 4.3.2 and 7.3.2 of the Official Plan. The Landscaping Plan must be prepared by a qualified professional (certified member of the Ontario Association of Landscape Architects), identifying the location and general design intent of the proposed plantings, identifies minimum required soil volumes for proposed planting areas and location of any structural soil cell installation areas.

**xxv. Water and Wastewater Functional Servicing Report**
Required for all applications in urban areas in accordance with Part III, Sections 87-89 of the Regional Official Plan. Municipal (Urban) Servicing Guidelines are available from the Halton Region.

**xxvi. Hydrogeology Study / Water Budget & Hydrology Study**
Required for all applications in areas subject to private water and septic services, in accordance with Subsections 9.1.2 and 9.5.2 of the Official Plan, the Regional Official Plan and Halton Region's 'Hydrogeological Studies & Best Management Practices for Groundwater Protection Guidelines.'

**xxvii. Source Protection Disclosure Report**
Required where there would be significant drinking water threats from activities associated with a proposed development, in accordance with Subsections 4.4.2(2) o) and p) of the Official Plan.

**xxviii. Noise Feasibility / Vibration Study**
Required for applications in accordance with Subsections 4.6 and 6.2.5 (2) of the Official Plan, Part IV, Sections 142-143 of the Regional Official Plan, and for all properties abutting arterial roads. In the case of Regional roads, applicants shall refer to Halton Region's 'Noise Abatement Guidelines'.

**xxix. Transportation Impact Study**
Required to assess the impact of a proposed development on current travel patterns and/or future multi-modal transportation requirements in accordance with Subsection 6.2.1(2) d) of the Official Plan and Sections 171-173 of the Regional Official Plan. Contact City Transportation Services staff (City roads) or Regional Public Works staff (Regional roads) for background information and to discuss TIS requirements. For Regional roads, applicants shall refer to Halton Region's 'Transportation Impact Study Guidelines.' The Ministry of Transportation must be contacted for development proposals near provincial highways or interchanges.

**xxx. Transportation Demand Management and Implementation Strategy**
Required for development proposals within Primary, Secondary and Employment Growth Areas and may be required within other areas of the City, excluding Residential Low-Density areas, in accordance with Subsection 6.2.10(2) of the Official Plan.

**xxxi. Parking Justification Report**
Required for development proposals that are requesting a reduced parking rate in order to assess the potential impacts and appropriateness of reduced parking rates, in accordance with Subsection 12.1.2 (1.2).

**xxxii. Stormwater Management Report / Functional Drainage Report, Storm Services Plan and Flooding Hazard Delineation and/or Grading and Drainage Plans**
Required for development proposals in accordance with Subsections 4.4.2(2) and 12.1.2 (1.2) of the Official Plan to understand and mitigate the effects of urbanization / development on the hydrologic and hydraulic cycle including increased runoff, and decreased infiltration or rain and snowmelt.

**xxxiii. Environmental Impact Assessment**
Required in accordance with Subsection 4.2.4 of the Official Plan, the Regional Official Plan and the Region's Environmental Impact Assessment Guidelines to demonstrate that a proposed development or site alteration will result in no negative impacts to the City's Natural Heritage System, its ecological functions, or hydrologic functions, to sensitive surface water features, or groundwater features or their hydrologic functions, or to key natural features.

**xxxiv. Top-of-bank Demarcation / Slope Stability Assessment / Creek Erosion Assessment / Geomorphic Study**
Required for applications on any property containing, or abutting a creek or valley feature, Lake Ontario or Burlington Bay shoreline, in accordance with Subsection 4.4.2 (3) of the Official Plan.

**xxxv. Shoreline Hazardous Land Studies**
Required in accordance with Subsection 4.5.1(2) of the Official Plan for applications along Lake Ontario and Burlington Bay/Hamilton Harbour.

**xxxvi. Geotechnical Report**
Required for proposals with underground parking structures or to determine stable top-of-bank in accordance with Subsection 4.4.2(2) of the Official Plan.

**xxxvii. Phase I Environmental Assessment**
Required to assess matters related to known or potential site contamination in accordance with Subsection 4.7.2 of the Official Plan, the Regional Official Plan and Halton Region's 'Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites'. All requirements of O. Reg. 153/04 must be met for Phase One and Two studies and required Records of Site Condition (RSCs). A letter of reliance from the Environmental Consultant/Qualified Person, confirming the City of Burlington and the Region of Halton can rely on the information contained in the report(s) is required. All reports must be signed by a Qualified Person as defined under O. Reg. 153/04.

**xxxviii. Phase II Environmental Assessment**
Required to assess matters related to known or potential site contamination in accordance with Subsection 4.7.2 of the Official Plan, the Regional Official Plan and Halton Region's 'Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites'. All requirements of O. Reg. 153/04 must be met for Phase One and Two studies and required Records of Site Condition (RSCs). A letter of reliance from the Environmental Consultant/Qualified Person, confirming the City of Burlington and the Region of Halton can rely on the information contained in the report(s) is required. All reports must be signed by a Qualified Person as defined under O. Reg. 153/04.

**xxxix. Landfill Assessment**
Required for development proposals on or within 500 metres of an area identified as a former Waste Disposal Site, in accordance with Subsection 4.8.2 of the Official Plan.

**xl. Sustainable Building and Design Guidelines Checklist**

Required for high and medium density residential, mixed use, commercial, industrial, office, institutional and public service facilities in accordance with Subsection 7.4.1 of the Official Plan, the Regional Official Plan and Halton Region's 'Healthy Communities Guidelines.'

**xli. Phasing Strategy for Development of Retail and Service Commercial Use**
Required for applications proposing a comprehensive development of a site that include the replacement of existing commercial floor area. Required to demonstrate that the proposed development does not adversely impact the long-term provision of goods and services as the site transitions to its complete stage of development in accordance with Chapter 8 of the Official Plan.

**xlii. Public Consultation Strategy**
Required for individual development applications and outlines a proposed strategy for consulting with the public, in accordance with Subsection 12.1.2 (1.2)

**xliii. Response to Comments Received at a Community Meeting Held in Advance of a Formal Development Application**
In accordance with Subsection 12.1.2 (1.2).

**xliv. Comprehensive Block Plan**
Required to provide a framework for the distribution of development and provide design direction on streets and blocks, land use, parks and open space, building massing, building setbacks, public realm and streetscapes, parking and access, landscape, pedestrian connections and heritage integration in accordance with 8.1.1(3.7) and 8.1.1(3.20) of the Official Plan.

**xlv. Urban Design Brief**
Required to be prepared by a qualified person, and demonstrates how a proposed development meets the policies of the Official Plan and addresses the relevant design guidelines in accordance with Subsection 7.1.2 of the Official Plan.

**xlvi. Tenant Relocation and Assistance Plan**
Required for development applications which include the demolition of residential rental properties or the conversion to condominium tenure or owner occupancy, including the right to return and alternative accommodations to lessen hardship in accordance with Subsection 3.1.2 (2) and 12.1.2 (1.2) of the Official Plan.

**xlvii. Other**
Any other studies as determined to be necessary to facilitate proper consideration of the application.

**Draft Plan of Subdivision**
The plan of subdivision map is to contain information required under Section 51(17) of the Planning Act, as well as: legend, map scale, boundary of property to be subdivided, north marker, address, registered plan number, lot and concession, date plan prepared and date of any revisions, name of person or firm who prepared the plan, all landowners names, signatures and date, and the Ontario land surveyor's name, signature and date.

# Preconsultation Meeting Notes

## 1989 Appleby Line - February 2, 2022

---

**Attendees:**
Latch: Marc Nufrio, Margaret Lam
MHBC: Gerry Tchisler
RAW: Roland Rom Colthoff
City of Burlington: Kyle Plas, Thomas Douglas, John Stuart, Annette Simpson, Zelaikha Shareqi, Trevor Clark
Halton Region: Adam Huycke, Kayleigh Arnott, John Kisneris, Alex Hilder

**Description of Development Concept:**
Mixed-use, tall-building development comprising retail uses at grade and residential condominium units above, within two 20-storey towers with a shared 6-storey podium. Parking in 3 underground levels and 3 above-ground levels (at grade, mezzanine, and 2F). 696 vehicle parking spaces, 328 bicycle parking spaces. 1,067m2 of retail at grade. 490 residential units (187 one-bedroom + den and 297 two-bedroom units). 1,907m2 total amenity area (833m2 indoor, 1,074m2 outdoor) (3.89m2 per unit excluding balconies, 8.89m2 per unit including balconies).

**Planning Comments:**

- The subject properties are not regulated by Conservation Halton.

*Official Plan (1997, as amended)*

- The majority of the subject property is designated Uptown Commercial/Residential I, as shown on Schedule F of the Official Plan.
    - Mixed Use Activity Areas shall be subject to a high quality of urban design
    - Policies and objectives for the Uptown Mixed-Use Centre are found in Part III, section 5.6 of the OP
    - Development must minimize the visual impact of parking areas
    - The subject property is in the Southeast Quadrant of the UCR1 designation. Retail and service commercial uses are required at grade in buildings or portions of buildings fronting Appleby Line. Residential uses are to be located in upper storeys.
    - Maximum Floor Area Ratio of 2.5:1, maximum building height of 35 m.
- The on-site Enbridge pipeline right-of-way and the adjacent hydro corridor are designated Open Space.
    - Part III, 5.6.15: Open Space
    - Maximize public use of hydro right-of-way with landscaping, pedestrian, and bicycle facilities.
    - The hydro and gas pipeline right-of-ways on the south side of Upper Middle Road shall generally remain undeveloped except for associated electric power facilities and secondary land uses such as trail systems and landscaping features.
- **An Official Plan Amendment is required for proposed intensity of development (height, FAR)**
- The residential land use policies in Part III, section 2 of the Official Plan are also applicable to residential uses that are proposed in non-residential designations. This includes the Intensification Criteria in Part III, section 2.5

*Status of New Official Plan (2020)*

- On Nov. 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being Dec. 22, 2020 for the new Burlington Official Plan. The appeal record submitted to the Ontario Land Tribunal (OLT) by the Region of Halton indicates that a total of 48 appeals to various parts of the new Burlington Official Plan were received during the appeal period. Although the City has prepared a working version of the new Official Plan, it is the OLT that will issue Orders throughout the appeal process to establish and confirm which portions of the Plan remain subject

to appeal, and which portions are in effect. At the appropriate time, City staff will also bring forward a repeal by-law(s) for the former Burlington Official Plan (1997, as amended).
As the OLT process advances, the working version of the Burlington Official Plan, 2020 is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the polices. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the LPAT process, the Burlington Official Plan, 2020 and the Burlington Official Plan, 1997: www.burlington.ca/newop.

*New Official Plan (2020)*

- As shown on Schedule B - Urban Structure and Schedule C – Land Use-Urban Area of the new Official Plan (new OP), the subject property is located in an Urban Centre;
    - Refer to subsections 2.3.1 (a) to (g) which address Urban Centres
    - Refer to Urban Centre policies in 8.1.1 and Uptown Urban Centre policies in 8.1.1(4)
- As shown on Schedule B-1 – Growth Framework of the new OP, the subject property is located within a Primary Growth Area;
    - Refer to sections 2.4.1 and 2.4.2 regarding the Growth Framework in general and 2.4.2(1) regarding the Primary Growth Areas. Primary Growth Areas will accommodate the majority of the City's forecasted growth over the planning horizon of the new OP and beyond.
    - Refer to subsection 7.3.2(1) for urban design policies specific to Primary Growth Areas.
- As shown on Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors of the new OP, the subject property fronts on a section of Appleby Line that is identified as Frequent Transit Corridor and MTSA Secondary Connector, and also fronts on a section of Upper Middle Road that is identified as Transit Support Corridor.
    - Refer to new OP sections 6.2.3 and 6.2.9
- As shown on Schedule E: Land Use – Uptown Urban Centre of the new OP, the majority of the subject property is designated Uptown Core. The utility corridors are designated Uptown Major Parks and Open Space.
    - Retail and service commercial uses are permitted at grade, and residential uses are permitted above grade
    - Maximum FAR of 3.5:1. An increase to this maximum may occur through a Zoning By-law Amendment without requiring an Official Plan Amendment, provided the objectives of the Uptown Core designation are maintained
    - Maximum building height of 20 storeys
    - Any proposed development of sites designated Uptown Core shall retain the planned commercial function of the site
    - 8.1.1(4.11) Uptown Major Parks and Open Space Designation:
        - amenities will be encouraged within the utility corridor which serve the recreation needs of the Uptown Urban Centre residents and which are generally compatible with the lands' primary purpose as a utility corridor. Amenities may include, but not be limited to, community gardens, pedestrian and bike pathways, and/or off-leash dog parks.
        - **Surface parking areas shall not be permitted within a utility corridor**
        - Parks and open spaces shall provide linkages with the surrounding neighbourhoods in a manner that promotes efficient pedestrian and/or cycling access to and from the Uptown Urban Centre.
    - Refer to section 6.3 for Utilities policies
- As shown on Schedule O-4: Classification of Transportation Facilities – Uptown Urban Centre of the new OP, the property fronts on segments of Appleby Line and Upper Middle Road that are identified as Major Arterial.
    - Refer to Table 1: Classification of Transportation Facilities
- As shown on Schedule P: Long-Term Cycling Master Plan, the subject property fronts on a Boulevard Trail along Appleby Line and Upper Middle Road, as part of the Regional Bike Network.
    - Refer to section 6.2.4 of the new OP

- As shown on Schedule Q: Trails Strategy, the subject property fronts on an "Existing Multi-Use Trail (within Road Right-of-Way)" along Appleby Line and Upper Middle Road.
    - Refer to section 6.2.4 of the new OP
- Subsection 12.1.1(3)(i) of the new OP contains policies detailing criteria for the assessment of proposed Official Plan Amendments.
- Subsection 12.1.2 of the new OP contains policies related to process requirements for development applications and criteria for the evaluation of development applications. These criteria include the achievement of land use compatibility, built form compatibility and a high quality of urban design; availability of infrastructure and public service facilities to support the development; preservation and protection of trees; adequacy of buffering and other measures to minimize impacts; design facilitates future pedestrian, cycling and/or private street connections, where such opportunities exist; the degree to which public service facilities and other neighbourhood conveniences are located within walking distance or accessible by transit; the development considers the relationship to existing or planned transit facilities; and the development complements and connects with the public realm, including walking and cycling facilities.

*Zoning Bylaw*

- The subject lands are zoned UCR1-274 (Uptown Commercial/Residential 1)
- Permitted uses include ground-level retail/service commercial and above-grade residential apartment units. Dwelling units shall not be permitted on the ground floor within 100 metres of Appleby Line. A maximum of 30% of the ground floor area may be used for facilities ancillary to a residential use.
- Maximum density of 185 units per hectare
- Maximum building height of 35m
- Maximum Floor Area Ratio of 2.5:1
- Minimum 7m yard abutting a pipeline easement
- Minimum 5% Landscape Area
- Minimum 20m2 amenity area per apartment dwelling unit
- Minimum 1.25 parking spaces per 1-bedroom unit, 1.5 spaces per 2-bedroom unit, and 1.75 spaces per 3+ bedroom unit. Visitor parking not required. Enclosed occupant parking shall be provided at the rate of 1.25 spaces per unit for units exceeding a density of 100 units per hectare.
- Refer to Part 7, section 4.2.5(e) for design of parking lots.
- New parking standards for residential uses in Burlington were approved by the Local Planning Appeal Tribunal (LPAT, now Ontario Land Tribunal/OLT) in May 2021. Refer to case number PL190525, decision issued May 21, 2021.
- **A Zoning By-law Amendment is required for increased height and density, reduced amenity area, exceptions to regulations for setbacks, parking, etc.**

*Design Guidelines*

The following design guidelines are applicable:

- Tall Building Guidelines (May 2017)
- Uptown Mixed-use Centre Urban Design Guidelines (March 1994)
- Shadow Study Guidelines and Terms of Reference (June 2020)
- Pedestrian Level Wind Study Guidelines and Terms of Reference (June 2020)
- Sustainable Building and Design Guidelines (April 2018)
- Stormwater Management Design Guidelines (June 2020)

*Preliminary Review of Development Concept*

- **Section 22(2.1) of the *Planning Act* states that no person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect. Section 22(2.2) outlines an exception where a council has declared by resolution that such a request is permitted.** In accordance with section 22(2.1) of the Planning Act, submission of a development application may be premature prior to the 2nd anniversary of the coming into effect of sections of the City's new Official Plan.

- The proposed development must be compatible with adjacent utility corridor uses
- A high quality of urban design is required. Development must be designed to provide a pedestrian-oriented, transit-supportive streetscape and public realm, and transition appropriately to surrounding development.
- Surface parking on lands designated Uptown Major Parks and Open Space is not permitted. It will be necessary to confirm the extent of lands designated Uptown Major Parks and Open Space, and whether this designation includes the on-site pipeline corridor or is limited to the adjacent Hydro corridor.
- Additional amenity area should be provided, including at-grade outdoor amenity area.
- Ensure that design of proposed retail/service commercial spaces provides adequate ceiling heights, unit sizes, servicing/loading areas, and buffering to/from residential uses in order to provide flexibility for a variety of different retail and service commercial types. The design of the proposed retail/service commercial units should attract and support an appropriate range of retail and service commercial businesses that will serve local residents and contribute to creating a complete community.
- The proposal should be revised to eliminate or minimize above-grade parking within the podium, particularly on building elevations that front on public street right-of-ways. Underground parking is preferred over above-ground and at-grade parking.
- The City's Tall Building Guidelines (2017), Uptown Guidelines (1994), Sustainable Building and Design Guidelines (2018), Shadow Study Guidelines and Terms of Reference (2020), and Pedestrian Level Wind Study Guidelines and Terms of Reference (2020) must be implemented through this development. The City's Tall Building Guidelines provide best practices for building and site design to achieve a vibrant, human-scaled, pedestrian-oriented streetscape; appropriate transitions between different built forms, and appropriate setbacks for ground-level residential units; slender towers forms; and an interesting skyline.
- Minimize visual impact of driveways, loading, parking garage on streetscape;
- **Please consult directly with Hydro One, Enbridge/Union Gas and Burlington Hydro prior to preparing an application.**
- Construction and Mobility Management Plan must address requirements of Halton Region as well as City Site Engineering and Transportation Departments.
- Please provide space on site for the planting of trees, ensuring provision of space below and above grade for growth of large trees that enhance the City's urban forest canopy.
- Refer to Conservation Halton comments below which advise of an ongoing flood hazard mapping study in this area. Changes to flood hazard mapping may affect requirements for the proposed development.

*Application Requirements:*

- An Official Plan Amendment is required
- A Zoning By-law Amendment is required
- Prior to submitting the application, a Pre-Submission Neighbourhood Meeting is required. Please refer to the provided Applicant's Guide to Pre-Submission Neighbourhood Meetings.
    - The neighbourhood meeting is to be organized by the applicant and must be held before the application is submitted.
    - Circulation of the meeting invitation to residents and tenants within 120 metres of the development site will be completed by the City for a fee. Provide a PDF of the meeting invitation on the applicant's letterhead for distribution. Notice must be sent a minimum of 20 days in advance of the meeting.
    - Please notify the Ward Councillor, and the Coordinator of Development Review of the date, time and location of the meeting. Be sure your meeting location is accessible and close to the development site. Due to the current COVID-19 situation, the meeting may be held virtually. Please contact Kyle Plas, Coordinator of Development Review, for further instructions on hosting a virtual meeting. kyle.plas@burlington.ca.
    - During the meeting, provide a detailed overview of the development proposal and allow time for questions and comments from the public. Take notes of the discussion.

- As part of a complete application, the applicant must provide neighbourhood meeting minutes which include a written summary of public input received at the meeting. As part of the Planning Justification Report, the applicant must explain how this public input was used to modify the development proposal.

- Prior to submitting the application, consultation with the Burlington Urban Design Panel (BUD) will be required.
  - An Urban Design Brief will be required to explain how the City's Urban Design Guidelines have been addressed and how the comments of BUD have been taken into account.
  - A copy of the BUD meeting minutes must be submitted with the application. BUD Terms of Reference are provided.
- A Planning Justification Report is required:
  - to discuss the impact of Provincial, Regional, and local planning policy on the proposed development;
  - to explain why the requested change of land use and increase in height, density, and floor area ratio is desirable and represents good planning;
  - to discuss how the results of the required technical studies have been used to refine the redevelopment proposal;
  - to explain how input received at the pre-submission neighbourhood meeting has been used to refine the proposal;
  - to explain how input received from the Burlington Urban Design Review Panel has been used to refine the proposal;
  - to explain how the proposed development is compatible with surrounding land uses, including heights, setbacks, massing and design and community features, and maintains the Official Plan's intent for these lands.
- A Shadow Study will be required to show how the proposed buildings and site designs will impact the public realm, proposed outdoor amenity areas, and surrounding private outdoor amenity areas. Please refer to the City's Shadow Study Guidelines and Terms of Reference when preparing the Shadow Study. The study should show how height, setbacks, terracing, and massing have been considered to reduce impact on the existing low-rise and mid-rise surroundings, and the public realm. A height survey of adjacent buildings should also be provided.
- A quantitative wind impact study will be required to show how the proposed buildings and site designs will impact pedestrian comfort on the street and surrounding public and private open space areas. Please refer to the City's Pedestrian Level Wind Study Guidelines and Terms of Reference.
- Please consider sustainable building design in your proposed development. An introductory letter from the Burlington Sustainable Development Committee and a copy of the Burlington Sustainable Building and Development Guidelines are provided under separate cover.
- A Land Use Compatibility study is required to ensure land use compatibility with nearby major facilities including utility corridors and transportation corridors
- A Housing Impact Statement is required in accordance with section 3.1.1(2) of the new Official Plan
- If more than 500 residential units are proposed, a Financial Impact Study will be required in accordance with section 6.5.2(i) of the new Official Plan.
- An Urban Design Brief is required in accordance with section 7.1.2 of the new Official Plan. The brief shall demonstrate how the proposed development contributes toward achieving Official Plan objectives for design and how the development is consistent with the relevant policies contained in the OP and new OP, and any applicable design guidelines.
- The required Transportation Impact Study (TIS) shall address all modes of transportation, giving priority to active transportation and transit considerations, including frequent transit corridors, in accordance with subsection 8.1.2(3)(e) of the new Official Plan. City and Region staff must be consulted to confirm Terms of Reference for the Transportation Impact Study.
- A Phasing Plan will be required if the development is proposed to be phased.
- A 3-D model of the proposed development is required as part of a complete application
- Section 37 Benefits may be required.

- Staff contact: Thomas Douglas, Senior Planner, Thomas.douglas@burlington.ca, (905) 335-7600 ext. 7811

**Region of Halton Planning Comments:**
**REGIONAL OFFICIAL PLAN, 2009**

**Designation & Overlays**: Urban Area (Map 1), Built Boundary, Primary Regional Node, Higher Order Transit Corridor (Map 1H/3)

***Regional Official Plan Amendment No. 48***
*Regional Official Plan Amendment (ROPA) 48 was adopted by Regional Council on July 7, 2021 and approved by the Province on November 10, 2021. This amendment is the first amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment defines specific elements of a Regional Urban Structure including strategic growth areas and the delineation of Urban Growth Centres and Major Transit Station Areas. ROPA 48 also includes a limited number of Employment Area conversions, establishes targets for strategic growth areas and updates the population and employment allocations assigned to Halton Region to 2051 by the Growth Plan, 2019.*

***Urban Area, as amended by ROPA 48***
- The Urban Area (Section 72) policies of the Regional Official Plan (ROP) identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity.

- Within the Urban Area, the Regional Urban Structure as shown on Map 1H implements Halton's planning vision and growth management strategy to ensure efficient use of land, amongst other matters. Section 72.1 (6) identifies a Regional Urban Structure that directs growth to *Strategic Growth Areas*.

- On Map 1H and Map 3 of the ROP, the subject lands are adjacent (Appleby Line) to a '*Higher Order Transit*' Corridor. By definition, 'Higher Order Transit' means 'transit that generally operates in its own dedicated right-of-way'. Staff note that Appleby Line does not currently provide for this function; however, the Region's Transportation Master Plan (2011) has identified a preliminary planned function for this road that includes a transit component.

- Section 84 of the ROP speaks to the goal of housing to supply the Region with an adequate mix of housing types. Additional housing polices in the ROP speak to making efficient use of serviced lands to increase the supply of housing, and encouraging Local Municipalities and the development industry to be innovative in housing designs.

**Strategic Growth Area Policies**

- Consistent with the 2019 Growth Plan, the ROP identifies a hierarchy of areas within settlement areas where growth and development is to occur.

- Through ROPA 48, the Subject Lands are located within the Urban Area (Map 1), within the Built Boundary (Map 1), and within a Primary *Regional Node*. 'Primary *Regional Nodes' form part of the Region's defined* '*Strategic Growth Area*'. The ROP identifies a minimum growth target of ~70%:~30% (residents to jobs) ratio for this growth area (Uptown Urban Centre, Burlington).

- Section 82.1 of the ROP states that Primary Regional Nodes are planned to accommodate growth and contain a concentration of public service facilities or transit-supportive high-density mixed uses, or which perform a regional transit network function at a scale appropriate for their context.

**Regional Natural Heritage System**
- According to comments provided by Conservation Halton, portions of the subject lands may be susceptible to a spill (flood hazard) under a Regulatory storm event. Any portion of these lands that is determined to be regulated by Conservation Halton, will form part of the

Region's Natural Heritage System.

- Conservation Halton staff provide technical review services to the Region with respect to the delineation and protection of watercourses, wetlands, fish habitat, natural hazards and related concerns. The applicant should have regard to any comments/concerns provided by Conservation Halton staff relating to these matters as conformity with CH Regulations and PPS policy direction will need to be addressed.
- All lands identified as forming part of the Regional Natural Heritage System are to be properly designated and zoned, and should be dedicated at the appropriate stage of development approval.
- As noted by CH the property is within an area currently being studied as part of CH's East Burlington Creeks Flood Hazard Mapping Study. The purpose of the study is to generate updated flood hazard mapping for the Sheldon Creek watershed. This study will be used by CH to define the extent of CH regulated areas and to determine the applicable policies that would need to be met at the time a development application is made.

**Potential for Site Contamination**

- In accordance with S.147(17) of the Region's Official Plan states that a property is to be free of contamination prior to any development/change of use taking place.
    - Submission of a Regional Environmental Site Screening Questionnaire is required in addition to A Phase 1 (at minimum) (to O. Reg 153/04 standards and with a Letter of Reliance). Additional Environmental Site Assessments may be required depending upon the recommendation(s) of the Phase 1 ESA.
    - Staff note that the proposed development would trigger the mandatory Record of Site Condition requirements under Ontario Regulation 153/04.

**Land Use Compatibility**

- ROP policy requires the assessment of Land Use Compatibility matters when a new sensitive use is proposed in close proximity to major facilities and transportation uses. Given the location the subject lands in relation to adjacent major facilities, a Land Use Compatibility Assessment in addition to an air quality assessment and noise impact study is required to evaluate the adjacent major facilities, and to make recommendations on setbacks and mitigation measures to address impacts.
- Given the location of the proposed development in relation to the high voltage power lines, Staff defer to Hydro One for technical input and guidance from a land use compatibility perspective.

**Municipal Servicing:**

- Section 89 of the Regional Official Plan require that approvals for all new development within the Urban Area be on the basis of connection to Halton's municipal water and wastewater systems, unless otherwise exempt by other policies of this Plan.
- Detailed servicing comments are provided under separate cover.

**Regional Street Trees**

It is unclear whether there are any Regional Trees located along Appleby Line or Upper Middle Road. An arborist report will be required to address potential or actual impact to regional trees. This report will need to address Regional Council requirements.

**Regional Transportation:**

The subject lands are located along Regional Road 20 (Appleby Line) and Regional Road 38 (Upper Middle Road), the following studies are required to address potential impacts from the proposed development on the adjacent Regional Road network.

Access:

Upper Middle Road (Regional Road 38) access:

Existing access is approximately only 32m from nearest signal stop line, and already restricted to R-in/R-out via centre median. This distance is below the minimum spacing of 115m required by the Access Management Guidelines.

Move the new access point as far east as possible along parcel frontage. Please provide details in an updated site plan proposal. Consultation with Hydro One will be required.

Appleby Line (Regional Road 20) access:

Existing south-most access is approximately only 87m from nearest signal stop line, and

already restricted to R-in/R-out via centre median. This distance is below the minimum spacing of 115m required by the Access Management Guidelines. Options to increase distance do not exist. Configuration of southerly access to be better defined. Please provide details in an updated site plan proposal.

While the Transportation Study will review and justify the two proposed site accesses and their locations, the following comments regarding access location should be considered.

- Revisions to the two accesses will require a functional design plan of all design elements, as part of the Transportation Study. Furthermore, the location and number of accesses from Regional Roads will be carefully considered.

- Traffic Impact Study (TIS): Required
  - The TIS must be completed by a qualified Transportation consultant for the proposed development. The study must be completed as per Halton's Traffic Impact Study Guidelines. The final study, its assumptions & recommendations must be to the satisfaction of Transportation Planning and approved by Halton Region. The TIS Guidelines are available on-line at https://www.halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-%28ROP%29/About-Regional-Official-Plan-%28ROP%29/Regional-Official-Plan-Guidelines
  - A Scope of Work for the TIS is required for review and approval prior to the start of the study.
  - Any required road improvements (at nearby traffic signals, turn lanes, etc.,) for the development will be determined upon the review and approval of a Traffic Impact Study.
- Noise Study & Air Quality Assessment: Required
  - A Noise Study must be completed by a qualified Noise consultant for the proposed development. The study must be completed as per Halton's Noise Abatement Policy and Noise Abatement Guidelines. The final study, its assumptions & recommendations must be to the satisfaction of Transportation Planning and approved by Halton Region. In order to reduce the need for physical mitigation it is suggested that the land use be planned such that out-door living areas are not constructed adjacent to Regional Roads.
  - A Scope of Work for the Noise Study is required for review and approval prior to the start of the study.
  - In accordance with Policy, an Air Quality Impact Assessment is required to support the proposed development and identify any required mitigation measures.
- Municipal Class Environmental Assessment Study/Environmental Study Report (Transportation Planning) Right-of-Way Requirements:
  - Any additional lands that are part of the subject property and have been identified as required for the future widening of Appleby Line (Regional Road 1), as identified in the Appleby Line (Regional Road 20) Corridor Improvements (Fairview Street to Taywood Drive) Municipal Class Environmental Assessment Study/Environmental Study Report, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. The Study has not yet been initiated.
  - Any additional lands that are part of the subject property and have been identified as required for the future widening of Upper Middle Road (Regional Road 38), as identified in the Upper Middle Road (Regional Road 38) Corridor Improvements (Appleby Line Street to Burloak Drive) Municipal Class Environmental Assessment Study/Environmental Study Report, shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. The Study is tentatively planned for 2025.
  - All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or their designate.
- Land Dedication:

- The normally required daylight triangle measuring 15m along Appleby Line (Regional Road 1) and 15m along Upper Middle Road (Regional Road 38) will not be required from the parcel at 1989 Appleby Line, and instead will be addressed with the adjacent property owner (Hydro One Networks Inc. – hydro corridor). The daylight triangle is required by the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements.
- Any lands within 23.5m of the centre line of the original 66ft right-of-way of Appleby Line (Regional Road 1) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. The hydro corridor along Upper Middle Road is immediately adjacent to the north boundary of 1989 Appleby Line, and as such there will be no obligation of 1989 Appleby Line to dedicate lands along the north property line for future road improvements.
- Any proposed signage, plantings etc., for the site must be placed outside of the new Regional right-of-way (on private property).
- All lands to be dedicated to Halton Region shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of title shall be provided, in a form satisfactory to the Director of Legal Services or his designate.

- Capital Works Planned (2021-2030):
  - The widening of Appleby Line (Regional Road 1) from 4 to 6 lanes, from Fairview Street to Taywood Drive, is shown in Halton's Capital Forecast to start in 2029.
  - The widening of Upper Middle Road (Regional Road 38) from 4 to 6 lanes, from Appleby Line to Burloak Drive, is shown in Halton's Capital Forecast to start in 2030.
- Servicing Agreements:
  - All development works, including but not limited to, median construction, new/revised accesses (location to be determined), new signage, pavement markings, traffic signal hard/software requirements, pole relocations, Regional right-of-way restorations, etc., are the responsibility of the developer. Detail Design drawings will be required through an Engineering Submission to the Development Project Manager, along with a Servicing Agreement through the Development Project Manager (following site plan approvals).
- Set-Backs & Zero Lot Lines:
  - With respect to the development frontages, we request that the City consider implementing a set-back be implemented/maintained from roadway right-of-way limits (i.e.: Appleby Line) as per the City of Burlington Zoning By-law requirements.
  - Additionally, the applicant will be required to demonstrate that construction of any underground/above ground development infrastructure (underground parking, SWM tanks, buildings, utility, etc.,) will not impact or encroach upon the Regional right of way (i.e.: temporary or permanent infrastructure including structural tiebacks will not be permitted within the Regional Right of Way).
  - The location of development infrastructure (including but not limited to - underground/above ground parking structure, building, SWM storage tank, utility, etc.,) 0m from the property line would limit or potentially preclude the Region's ability to locate infrastructure, such as utilities, AND will limit any future Regional Capital Project's grading flexibility, within the Regional right of way in close proximity to the right of way limit, i.e. within the zone of influence. Transportation Planning does not support any set-backs of 0m from property line.
- Construction Activities:
  - **Construction Methods - Shoring/Tiebacks, Open Excavation, etc.,:** A detailed submission of construction methods is required for internal review by various Regional groups prior to proceeding with plans for construction through the Servicing Agreement/detailed design drawings. This review will be through the Planner to groups such as System Improvements, Water/Wastewater Operations, Road Operations, Transportation Planning

and Engineering & Construction.

**- Construction – Crane Swing:** If it is determined that the construction crane swing will impact the Region's right-of-way, the applicant must enter into the Encroachment Agreement and/or submit a Municipal Consent application, with Engineering Drawings, for review and approval, which would go through Halton's internal review process to various staff & departments (Road Operations, Engineering & Construction, Planning and Transportation Planning). There will be specific requirements for the Agreement/Municipal Consent, including fees, security deposit, etc., (to be determined by staff as part of the review process), and a due date for final completion.

**- Construction – Access**: Construction access, traffic management plan and any proposed use of the Regional right-of-way, is subject to review and approval from Halton Region.

**Waste Management:**

- To ensure that the efficient and safe collection of solid waste from this site can be accommodated for this development, Regional Staff will require the submission of a detailed Waste Management Plan to be completed to address the Region's guidelines and site development standards.

**Submission Requirements:**

- All submission materials on a USB/CD
- Applicable Regional Fee(s)
- Complete Application forms
- Planning Justification Report
- Functional Servicing Report
- Land Use Compatibility Assessment
- Traffic Impact Study
- Noise Impact Assessment
- Air Quality Assessment
- Arborist Report
- Concept Site Plans
- Environmental Site Screening Questionnaire, Phase 1 & Phase 2 Environmental Site Assessment (ESA) to O.Reg 153/04 standards and with a Letter of Reliance.
- Record of Site Condition
- Waste Management Plan

**NOTES**: Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ministry of Heritage, Sport, Tourism, Culture Industries be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the Ministry of Heritage, Sport, Tourism, Culture Industries.

**Region of Halton Servicing Comments:**

- There are no local Halton Region watermains within Appleby Line (Regional Road # 20) or Upper Middle Road (Regional Road # 38) adjacent to the development property. A Halton Region trunk watermain exists within Appleby Line adjacent to the development property. Two Halton Region trunk watermains exists within Upper Middle Road adjacent to the development property, with another trunk watermain forecast to be constructed in the future. Generally, no trunk watermain service connection laterals will be permitted. Any proposed trunk watermain connection lateral requires special review and Regional permission to connect into, and it should be noted that permission is not always guaranteed. In summary, there currently is no local watermain available to hook in to.
- The development property is located at the top end of Halton Region's Zone B2 water pressure zone. This top area of the zone normally has lower static water pressures, within the range of pressures in the zone. The developer's civil engineering consultant will take this into account.

- Please note that the specific connection point locations to the Region's water (and wastewater) systems, and the number required, including watermain looping if required and capacity, will be important to be worked out for this proposed development. Also important, will be details about potential watermain extensions to accommodate the development.
- Halton Region will be undertaking a road resurfacing works construction project (R3342D) along parts of Appleby Line (Regional Road # 20) and Upper Middle Road (Regional Road # 38), as well as other Regional roads within the Region. Specifically, on Appleby Line from Upper Middle Road to 50 metres north of Heron Way, and on Upper Middle Road from Heron Way to Broadleaf Crescent/Imperial Way. Construction is forecast to begin in Summer 2022 for completion in Summer 2023. The Region's contact is Joseph Ng, Senior Project Advisor, Engineering & Construction, Public Works department, Halton Region.
- Halton Region has a large trunk watermain installation project forecast for Upper Middle Road (Regional Road # 38) in a future year, it may be as early as 2024, or later. It is unknown at this time how this project will impact the development property.
- A Halton Region local wastewater main (sanitary sewer) exists within Appleby Line adjacent to the proposed development. A Halton Region local wastewater main (sanitary sewer) exists within Upper Middle Road adjacent to the proposed development.
- There is a Halton Region local stormwater main within Upper Middle Road adjacent to the proposed development. There are Halton Region local stormwater mains within Appleby Line, but possibly not adjacent to the development property, but located some distance south of the property. Please note that the specific connection point location to the Region's stormwater main system will be important to be worked out for this proposed development, as well as the details about a potential Regional stormwater main extension to accommodate the development.
- The developer should undertake to locate the size and location of all watermains, water services, water meters, wastewater mains (sanitary sewers), wastewater (sanitary) services, stormwater mains, property line sanitary sewer inspection manholes and stormwater services that exist within the road right-of-ways, to the property and within the property and place them on an Existing Site Servicing Plan drawings within their reports. Public and private utility companies can be utilized for this purpose.
- A Functional Servicing Report is required to be prepared by the developer's civil engineering consultant (watermains, water services, fire hydrants, sanitary sewer mains, sanitary sewer services, property line sanitary sewer inspection manholes, stormwater mains and stormwater services) to show options for how the property is proposed to be serviced according to City of Burlington and Halton Region standards. Local watermain and wastewater main (sanitary sewer) hydraulic analysis should be completed by the developer's consultant as well for the local sewers and the drainage area down to the nearest trunk sewer. The consultant should include details about other developments properties in the drainage area in their analysis of the local sewers (if any). The report should speak to the number/type of units proposed and the phasing of the development with respect to the impacts on the Region's water distribution system and wastewater collection system. Phasing, timing of the development, and required/available capacity shall be detailed in the report. The consultant will include details about potential external main upsizing or main extensions to accommodate the development, etc.. Also future forecast Regional capital works projects. The proposed development (FSR) will have to align with any Area Servicing Plan/Master Servicing Plan that is required for the area, City and Region.
- The FSR report should incorporate Fire Flow Rate Testing. The proponent should undertake fireflow rate testing of representative Regional fire hydrants in the area, with the proponent's fireflow contractor and Region forces present. Include within the Report a copy of the fireflow rate testing results, and the Fire Underwriters Survey (FUS) requirements for the development. This information will help to assist in informing the watermain design and watermain hydraulic modelling analysis that is being undertaken by the proponent's consultants.
- Further to the formal hydraulic analysis requirement, the developer's consultant can utilize the Region's current water and wastewater models (if required). The developer's civil consulting engineering firm will be required to enter into a Data License Agreement prior to obtaining any digital information from the Region.
- The FSR should include information related to all the other Utilities infrastructure in the area and potential conflicts.

- The FSR should show the existing site services and note how they are proposed to be decommissioned to make way for the development.
- The developer's Professional Engineer that is preparing the FSR must prepare a number of cross-section engineering drawings (through the proposed w/ww/stm services) along the west portion of the property and the Region's Appleby Line road right-of-way. Proposed footings, foundation walls, overhangs, excavation, shoring, tie-backs, municipal mains, proposed service connection laterals, utilities and boulevard features including plantings are required to be detailed for review by the Region and City.
- Please note that this development may require additional municipal watermain isolation, and possibly a full size water chamber(s) (including three/four valves) for the proposed development's water service connections, to the Region's water distribution system. The developer's civil engineering consultant must undertake a design exercise within the FSR in order to demonstrate that a full size water chamber(s), if required, can fit within the Appleby Line/Ironstone Drive/Upper Middle Road/Imperial Way road/boulevards, while giving adequate separation distances from the other utilities in the area. The Engineer shall prepare a number of detail drawings, for discussion with the Region early in the process.
- New development must be on the basis of full municipal services.
- The developer should be aware of the Region's Multi-Unit Servicing Policy with respect to the number and location of water meters.
- Regional policies state that water and sanitary services cannot cross lot lines, the owner will ensure this throughout the process. Each lot must be independently serviced if it is proposed to be a separate lot.
- Any prospective permanent use of the Hydro One property to the north, between the development property and Upper Middle Road (Regional Road # 38), must be investigated early in the process with Hydro One in order to work through the issues with Hydro One, the City and the Region.
- The developer's Arborist should be advised of Halton Regional Report LPS31-08, Trees Canopy Replacement Policy on Regionally Owned Lands, and Halton Region's Regional Road Landscaping Guidelines and Specifications 2018. An Arborist Report/Memorandum with a Section specifically dealing with Appleby Line (Regional Road # 20) & Upper Middle Road (Regional Road # 38) and the Region's Policies will be required. Existing landscaping plan drawings, Proposed landscape Plan Drawings, and Tree Preservation & Protection Plan Drawings will be required.
- The developer, at the site plan stage, will ensure that pre and post development storm water flows (ie. rain water) to the site and from the site to the existing drainage system on Appleby Line (Regional Road # 20)/Upper Middle Road (Regional Road # 38) are maintained both during and after construction, such that there are no adverse impacts to the existing system on Appleby Line (Regional Road # 20)/Upper Middle Road (Regional Road # 38), to the satisfaction of Halton Region's Development Project Manager. At that time, the developer will provide the Region with draft Grading & Drainage Plan Drawings, draft Stormwater Drawings, draft Overland Flow Drawings, draft Erosion & Sedimentation Control Plan Drawings, etc., as required.
- Any major servicing works required for this project would fall under the Regional Servicing Agreement process, including securities, Agreement registration, developer's liability insurance and the payment of Agreement fees.
- Servicing of a standard nature is required to go through the Regional Services Permit process.
- The size and scope of, utility trench and road cut, road restoration shall be to the satisfaction of the City of Burlington for local roads.
- Watermain and wastewater main (sanitary) servicing capacity is not guaranteed at the LOPA and ReZoning stage. Servicing of development in the Burlington area of Halton Region is currently on a first-come-first-serve basis. The owner can pre-consult about servicing capacity with the Region at any time in the future going forward. This current development proposal capacity will be reviewed closely and commented upon at the time of Planning application receipt. Should a servicing capacity issue be identified at that time then it will have to be dealt with, working through it with the Region. Servicing capacity is deemed to be in hand at the issuance of a Regional Servicing Agreement, Special Financial Agreement, and Regional Services Permit, which is reviewed and obtained toward the end of the City's Site Plan approval process, or Regional Servicing Agreement.
- The property appears to be located within the Urban Area of the City of Burlington. Halton has initiated a Regional Municipal Comprehensive review process, ie. the Halton Region Official Plan review for the

Region. Halton Region has also initiated a Water and Wastewater Master Servicing Plan review exercise for the Region, together with, and in time, Background Studies and formal Programs. Please see the Planning comments for more context.

- As always, acquiring land for development purposes and hiring consultants, at this time, is at the risk of the developer.
- Any water services, sanitary services and stormwater services that currently exist to the property that will not be utilized for any reason will be required to be disconnected right at the respective main by the developer.
- The developer's site servicing consultant can preconsult with the Region at any time regarding their proposed draft site servicing water design, wastewater design and identified utility conflicts (including storm).
- The Region would like to receive confirmation in writing when any required formal land assembly has taken place at the LOPA and ReZoning stage in order for servicing to conform with Regional Policies, that water and wastewater services do not and will not cross lot lines for different property owners.
- The developer should prepare a Solid Waste Management Plan to the satisfaction of the Region. The Plan shall have regard for the Region's Solid Waste Management Guidelines. The Solid Waste Management Guidelines are available on-line at http://www.halton.ca , Regional Official Plan (ROP) Guidelines, Development Design Guidelines for Source Separation of Solid Waste.
- The developer will inform the City, and the Region, whether they will be submitting a Site Plan application at the same time as the LOPA and ReZoning applications for timing purposes and issues identification and resolution purposes.

**Conservation Halton Comments:**
The subject property is not located within Conservation Halton's (CH) regulated area. As such, CH has no comment on the proposed development, including from an MOU perspective, and will not require circulation of the forthcoming OPA/ZBA applications.

*Please be advised that the property is within an area currently being studied as part of CH's East Burlington Creeks Flood Hazard Mapping Study. The purpose of the study is to generate updated flood hazard mapping for the Sheldon Creek watershed. This study will be used by CH to define the extent of CH regulated areas and to determine the applicable policies that would need to be met at the time a development application is made. To learn more, please visit https://conservationhalton.ca/east-burlington-flood-mapping.

**Site Engineering Comments:**
***Right of Way:***

1. Appleby Line and Upper Middle Road are owned by Halton Region. Please contact Halton Region at 905 825 6000 or accesshalton@halton.ca for actual and deemed right of way information.

***General Comments:***

1. The development site appears to be outside of Conservation Halton's regulated area, but we ask that you confirm with Conservation Halton, we understand there is a East Burlington Creeks flood hazard study underway, and defer to Conservation Halton to confirm if there are any impacts to this site.
2. Please preconsult with Hydro One regarding setbacks and any other requirements they may have, please also confirm any stormwater management requirements they may have. Please also confirm with Hydro One if they will accept any surface runoff/overland flow towards their lands.
3. Please preconsult with Enbridge, there is an easement across the north of the property, regarding any setback requirements to their pipeline, construction constraints and servicing the site.
4. Please preconsult Burlington Hydro regarding servicing the site.
5. There are existing easements on or adjacent to the property, please confirm obligations of the

easements, if the easement(s) is on the subject property, include a copy of the easement agreement,
and PIN report, with the future application. Any registered agreements on title listed in the PIN report needs to be included with the application.

6. Please ensure there are clear and safe pedestrian paths from the surface parking and bike parking to the lobby /retail doors, ensure there are dedicated walkways across the loading area.
7. We would recommend min. 2.2m width walkways along the retail wall where there is perpendicular parking to ensure vehicle overhang does not block the pedestrian path.
8. Please consider pedestrian movements in the underground (and all) parking areas, ensure there are clear safe delineated areas for pedestrians entering/existing elevator and stairwell areas clear of the traveled lane for vehicles.
9. Underground parking vents/shafts are not clear on the concept plan, please consult with the noise consultant on optimal placement for noise mitigation. Additionally, they must be located fully within the property limits
10. Please ensure there is enough room on site for all items required for the site, i.e. hydro vaults, bell & cable pedestals, snow storage, outdoor lighting, trees, etc.
11. Please reach out to the City's Accessibility Coordinator Judi Lytle to confirm the number and type of barrier free parking spaces required as well as appropriate location, and any other accessible features that should be considered for the development. Judi can be emailed at judi.lytle@burlington.ca
12. Please consider incorporating electric vehicle charging stations for the visitor parking, and/or duct work for future installation, and/or as required under OBC.
13. Precondition survey of area buildings prior to start of excavation and vibration monitoring for the duration of construction, will be required (at the site plan stage), limits of study area to be determined by the acoustical consultant/geotechnical engineer. However, we require either the acoustical or geotechnical consultants to provide guidance at this development stage on limits of preconditions surveys and construction vibration monitoring, i.e. will it be required at the site plan stage, and if so what is the zone of influence?

***Environmental Site Assessment***

1. The proposed development is a change of use, from existing commercial to proposed residential use, therefore a Record of Site Condition is mandatory under O. Reg. 153/04 (as amended). To deem the application complete we will require at minimum a Phase One Environmental Site Assessment (ESA), and due to the current use of a fuel station a Phase Two ESA is also required to be submitted to be deemed the application complete. All reports must be completed in accordance with O. Reg. 153/04 (as amended), including a Letter of Reliance confirming the City (and Region) may rely on the information provided in the reports. If the Phase Two ESA indicates remedial works are required to the site, the remediation plan is required to be submitted with the application to make the application complete. Please be advised that if the reports are not in accordance with O. Reg. 153/04 (as amended) the application will be deemed incomplete.

***Geotechnical Report:***

1. Geotechnical Investigation (Stamped and certified by a P. Eng.) is required to make the application complete.
2. The Geotechnical investigation shall address any concerns with groundwater that may require special consideration, i.e. estimated seasonally high groundwater elevations, zone of influence for either temporary or permanent pumping of groundwater, chemical analysis and comparison to the municipal

storm sewer discharge criteria, PTTW requirements, recommendations for construction, i.e. watertight foundation without a foundation drainage collection system recommended, etc.

3. Please note that the City strongly discourages construction in groundwater, however, if it ends up that groundwater would be collected in a foundation drainage system and outlet to the Municipal storm sewer, then it must meet the City's Municipal Storm Sewer Discharge Criteria and/or the Regional Storm Sewer Discharge Criteria, at this time the City is reviewing our Municipal Storm Sewer Discharge By-law and cannot confirm if permanent treatment/filtering of groundwater to meet the discharge criteria would be allowed.
4. We would recommend that (if necessary) groundwater monitoring wells be installed as soon as possible so that readings can be taken in all seasons and detailed in the geotechnical report.
5. Also, in support of any LID techniques that may be implemented, i.e. infiltration.
6. A Hydrogeologist may need to be consulted, we ask that the Geotechnical Engineer provide direction on further or more detailed study requirements, and/or confirm that further study is not required, i.e. the Geotechnical Engineer is able to provide estimated seasonally high ground water levels, zone of influence for dewatering, flow estimates to be accommodated in the SWM for the site, chemical analysis, etc.
7. The Geotechnical Engineer may need to provide comment/recommendations on precondition survey and vibration monitoring during construction and/or the Acoustical Consultant may also provide recommendations. The actual precondition survey wouldn't be required until the site plan stage, but at this stage we ask that a general area of study/zone of influence, and general recommendations be advised.

***Construction and Mobility Management Plan (CMMP)*:**

1. Considering the proposed development is fronting a Region of Halton right of way, the Region may also provide comment on the CMMP, in case of differing requirements, the most stringent criteria shall apply.

2. A detailed CMMP, <u>completed in accordance with the City's Construction and Mobility Management Policy</u>, is required to ensure that the development works can be completed in a manner that is to the satisfaction of the Director of Engineering Services and the Director of Transportation Services, as the use of the City's road allowance for construction staging has not been approved and in order to minimize the impact to residents, vehicles, pedestrians and local businesses the following is required:

    a. CMMP, plotted to scale on 24" x 36" sheet
    b. Proposed limits of construction
    c. Proposed construction staging areas, including any staging areas required on the City's road allowance for concrete pours, material deliveries, site servicing, etc. and written justification for any construction staging areas on the city's road allowance
    d. Proposed temporary/permanent encroachments on the City's road allowance and written justification of any required encroachment on the City's road allowance
    e. Proposed truck haulage routes and location of truck stacking
    f. Proposed location of mud mat and vehicle wash down area
    g. Proposed location of crane assembly and swing radius
    h. Proposed traffic control measures, specifically addressing signage and/or any lane closures/restrictions
    i. Pedestrian control measures, specifically addressing signage and pedestrian routing

j. A phasing plan (if the project is to be phased) and separate plans for each phase of construction will be required.
k. Sections for foundation/basement, min. one for each side through each adjoining property including the municipal right of way, including shoring, tiebacks, foundation, foundation drainage, etc., and dimensions from property lines.
***l.*** Staff will not support a request for lane or sidewalk closures and that our recommendation would be to setback the structure(s)/construction to a distance that permits construction without a ROW compromise.

***Noise & Vibration Feasibility Study (prepared by a P. Eng.)***

1. Noise & Vibration Feasibility Study (stamped and certified by a P.Eng.) is required for the application to be complete. The Noise & Vibration Feasibility Study shall be completed in accordance with MECP's Environmental Noise guideline Publication NPC-300. The Noise & Vibration Feasibility Study shall also take into consideration and provide discussion in the report:
    **a. Considered a Class 1 property**
    b. Please preconsult with Hydro One to confirm if they have requirements regarding possible noise from the adjacent hydro lines.
    c. Considering the proposed development is fronting a Region of Halton owned right of way, the Region of Halton will also review and provide comment on noise, in case of differing requirements, the most stringent criteria shall apply.
    d. We would ask that the acoustical consultant provide recommendations to the architect/structural/mechanical engineers regarding optimal placement of outdoor amenity areas, mechanical HVAC equipment, underground parking vents/fans/etc., emergency generators, etc., before detailed design is undertaken.
    e. Impact of environmental noise on the proposed development, i.e. identify adjacent existing (or future) mechanical equipment that may impact the proposed development, if mitigation is required, provide details, including written confirmation from adjacent property owners of their agreement to mitigating measures, to make the application complete. Confirmation of a formal agreement may be required.
    f. Impact of the proposed development on neighboring noise sensitive receptors and spaces
    g. Impact of the proposed development on proposed development's noise sensitive receptors and spaces
    h. Impact of construction related vibration on neighboring dwellings. Please note precondition surveys of surrounding buildings will be required (with owner consent) prior to construction as a condition of the Site Plan Application. Furthermore, vibration monitoring will be required for the duration of construction as a condition of the Site Plan Application. The detailed limits of the precondition surveys and vibration monitoring would be confirmed by a Professional Engineer specializing in vibration as a condition of the future Site Plan Application. The Geotechnical Engineer may need to be consulted in this regard. We would ask that the consultant advise at this stage the (Estimated) study limits/zone of influence and general recommendations.
    i. Copy of the concept site plan to be included in the report to ensure the Noise & Vibration Feasibility Study is based on an up to date Site Plan design
    j. Please also advise the noise consultant that although NPC-300 tables indicate 60dBA in the OLA (both at ground and upper levels) with warning clauses, it is not acceptable to the City, we request that all possible measures be taken to control the noise in the OLA to 55dBA or less, if

not feasible, then we request calculations to confirm what levels could be achieved, i.e. 60dBA would require a 3m noise barrier, 59 a 3.5m, 58dBA a 4.0m, etc. all the way to 55dBA. Please have the architect consult with the noise consultant as to the optimal placement of outdoor living areas (including upper level OLA's) for residents, shielded from sources of noise.

k. Report to address vibration from rail lines within 500m of the site on the development (or confirm if it's not a concern)
l. Applicant's consultant to use capacity volume or volumes provided by the Region's Traffic Department for roads for STAMSON (or other model) calculations; and include correspondence in the appendix
m. Please advise the noise consultant that reflective surface should be used in Stamson (or alternate model) calculations
n. All STAMSON (or other model) calculations to be included in the report
o. All mitigating measures calculations are required to be included in the report, i.e. window glazing, façade requirements, etc.
p. Actual noise measurements to be included in the report
q. Copies of correspondence from vested agencies, confirming traffic/train counts must be included in the report's appendix.
r. Key plan showing points of reception to be included & a chart referencing the key plan, detailing the estimated noise levels, allowable levels, and mitigated noise levels
s. Receptors for each floor of each side of each building is required, and for any outdoor living areas. Receptors for surrounding residential is also required.
t. A table clearly outlining the receptor ID, allowable Nosie level under NPC-300, estimated noise level, and mitigated noise level is required.
u. Area context plan to be included showing potential sources of noise
v. Provide warning clause recommendations
w. Provide a summary/drawing of mitigation measures to be implemented
x. Please note that although NPC-300 indicates private terraces/balconies less than 4.0m deep do not require mitigation, if private terraces/balconies are proposed, the City will require a warning clause, something along the lines of : "*Purchasers/tenants are advised that the private terraces of each unit are less than 4.0m deep and therefore are not required to have mitigation measures installed for noise as per NPC-300. Sound levels due to road/train traffic, increasing road/train traffic and no mitigation measures may interfere with some activities of the dwelling occupants use of their private terrace"*

***Stormwater Management Report :***

1. As noted above, both Appleby Line and Upper Middle Road are Region of Halton owned roads and the storm sewer within the roads are also Regional assets therefore the Region will also review the stormwater management for the site. In case of differing requirements, the most stringent criteria shall apply. Please confirm SWM criteria with the Region of Halton and City of Burlington prior to undertaking the design and include a copy of the correspondence confirming the criteria in the appendix of the report.
2. The site is adjacent to Hydro One lands, Hydro One will also be circulated, and provide comment, in case of differing requirements, the most stringent criteria shall apply. The engineer must confirm whether any discharge from the site is going towards the hydro corridor under the current conditions. If so, will that flow be maintained or reduced under the developed conditions? If any proposed flows are proposed to drain to Hydro One lands, we will require written confirmation from Hydro One that they are agreeable to the approach.

3. Please refer to and reference in the report, the City of Burlington Stormwater Management Design Guidelines, approved by City Council on June 22, 2020, please also be advised of new IDF curves for the City of Burlington: https://www.burlington.ca/en/services-for-you/Stormwater.asp
4. The City's Stormwater Engineer has provided the following SWM criteria:
    a. Enhanced **Quality Control** achieving 80% Total Suspended Solids Removal. A treatment train approach to quality control is required as per section 6.1.4.1 of the City's Stormwater Management Design Guidelines, OGS shall be credited at 50%. Please note that the City considers roof water as clean, only the runoff from exposed parking/laneways would need quality treatment.
    b. **Quantity Control:** At minimum, and to be confirmed by the Region and City staff, post development flows controlled shall be controlled to pre-development flows by providing on-site storage for all City of Burlington design storm events up to and including the 100 year. Additionally, as per Section 6.1.1.1 of the SWM design guidelines a max. predevelopment imperviousness of 36% (C-50) is to be used for pre-development calculations. As mentioned above, prior to undertaking a detailed design, please confirm criteria with the Region and City and include a copy of the correspondence in the appendix of the report.
    c. **Erosion control** – not required.
    d. **Water Budget** - strongly recommend the first 5mm of rainfall which lands on the site is retained and infiltrated on site, i.e. zero runoff for the first 5mm of rainfall
    e. **Groundwater** – if the development proposes a foundation drainage collection system, please include groundwater flows (as confirmed by the Geotechnical/Hydrogeological Engineer) in the stormwater post development flows and storage calculations, please be advised that groundwater chemical analysis must also be confirmed that it meets the municipal (and Regional) storm sewer discharge by-law criteria in order to discharge to the municipal storm sewer, otherwise the foundation/basement structure may need to be constructed in a leak-proof manner without a foundation drainage collection system. Currently our municipal storm sewer discharge by-law is under review, and until such time as the review is completed and approved by City Council, we are not able to confirm if permanent filtering/treatment of groundwater to meet the municipal storm sewer discharge criteria will be allowed, or not, and if it is, then what the permitting, agreement, and associated fees, process would be. As mentioned above, since both Appleby Line and Upper Middle Road are Regional right of ways and the storm sewers are Regional assets, they may also provide criteria, and the most stringent criteria shall apply.
    f. **External Flows** – engineer to confirm any external flows entering the site under the existing conditions. All identified external flows must be routed safely under the developed conditions without causing any flooding or ponding
    g. **Existing infrastructure** – Our GIS Mapping indicates there is an existing 300mm storm sewer within Appleby Line on the west side of the road, and a 965x1525 box storm sewer within Upper Middle road fronting the site. Additionally, there is a 375mm storm sewer on the east side of Appleby Line just south of the site. All storm sewers are owned by the Region of Halton, please reach out to the Region for information.
    h. **Drainage Patterns** – existing drainage directions and patterns should be maintained. Entire runoff from the developed site should be captured and directed towards the site collection systems.
    i. **Overland Flow Route:** An overland flow route to be shown on the plans.
5. Provide storage details and location, it is important to determine storage requirements at this stage to ensure additional space (i.e. parking spaces) aren't required for stormwater storage at the site plan stage.
6. Landscape areas over an underground parking structure are considered impervious.
7. Please clearly identify the overland flow routes, and provide the 100year (or if applicable, Regional) storm elevation, and ensure openings to the building (i.e. underground parking ramp) have a min. 0.3m freeboard between the maximum ponding elevation and the spill point elevation.

8. Report to include full/scalable, signed/stamped pre-development, post-development, servicing & grading plans, please ensure spill areas and elevations are clearly identified and labeled on the drawings.
9. Storm sewer pipes cannot be located under buildings.
10. If POTL or freehold development is proposed, each unit would need its own sump system (likely not applicable on the current proposal)
11. Please note that there should be no surface ponding on residential developments.
12. Please clearly show the overland flow route for this address and neighboring properties to ensure existing drainage patterns are maintained.
13. Quantity controls must use an orifice tube (not plates).
14. Need to confirm capacity of receiving system
15. Need to confirm condition of receiving system (i.e. video inspection)
16. Rooftop storage will not count towards the stormwater storage requirements (although allowed for other purposes, i.e. grey water for flushing toilets, irrigation for landscaping, etc.), unless the requirements outlined in the City of Burlington Stormwater Management Design Guidelines is met and approved.
17. Control structures and their location with cross sectional details
18. Storm sewer design sheet
19. If there are any questions please contact us, we are happy to preconsult with the Civil Engineer if they have any questions, (**umar.malik@burlington.ca** or **annette.simpson@burlington.ca** )
20. We encourage Low Impact Development Stormwater Management techniques, such as rainwater harvesting for irrigation, use of treatment train approach of quality control by using bio and infiltration swales, etc., currently we look to the CVC/TRCA LID guidelines and/or in the future MOECC guidelines.

***Detailed Engineering Plans:***

1. All drawings across all disciplines to coordinate, i.e. use same base layer
2. Please reference the Site Plan Guidelines ( https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/development_Applications/SitePlanGuidelinesason-2014-nc.pdf) and the Capital Works design standard drawings (https://www.burlington.ca/en/modules/document/document.aspx?param=2Z3nvEAH3UVGGP5lA5HbUqeKsQeQuAleQuAl ), the information below is not intended to be considered comprehensive, just some of the main items to be shown on the drawings.
3. For works within the Regional right of way, please reference Regional standards, the Region of Halton will be responsible for reviewing all works within the Appleby Line and Upper Middle Road ROWs.
4. All Drawings:
    a. Please clearly identify Hydro One setbacks (if there are setbacks required)
    b. Please ensure there is enough room (required at the site plan stage) for exterior lighting poles, utility meters, pedestals, transformers, etc. Utilities for private developments must be located on private lands.
    c. Please ensure there is enough room for snow storage (required at the site plan stage)
    d. Limits of underground parking structure, including setback dimension
5. Servicing Plan:
    a. The City defers to the Region of Halton and the City's Building Department (for OBC) to comment on water and waste water servicing
    b. Show all proposed and existing servicing, and what is to happen to existing servicing, i.e. reuse, remove, if reuse, the infrastructure will need to be certified by the P. Eng. as in good working condition.
    c. Maintenance holes, catch basins, etc., slopes, material, length, inverts, obverts, crossing information, etc. for proposed infrastructure. Include detail for each referenced specification, a separate sheet may be required.
    d. Actual locations of buried infrastructure is required, i.e. daylighting. Engineering drawings must contain accurate locations and inverts for connections and crossings, so that it can be

confirmed the development is feasible. This must be completed and shown on the plans before they are submitted as part of a development application.

e. Regional Trees (if any) and bordering city trees to be shown on drawing and boundary trees over 100mm in diameter within 3m of the property line), indicate which trees are proposed to be removed. Forestry will provide comment on private trees, we ask that both their comments be reflected on the Civil drawings.
f. Utility furniture (meters, pedestals, boxes, etc.) for private developments cannot be located within the municipal right of way, please ensure there is enough room on site for servicing
g. Catch basins in landscape areas shall be sumpless

6. Detailed grading plan:
    a. FFE, TFW, UFE, openings in foundation, etc.
    b. Curb depressions
    c. Accessible ramps
    d. Advisory for future site plan - Grades of barrier free parking spaces, max. 1.5% running slope, max. 1.0% cross slope
    e. Top of retaining wall and bottom of retaining wall elevations for both proposed and existing, grading will be looked at carefully, we need to clearly see how the proposed development will interface with the neighboring properties.
    f. Overland flow route
    g. Show proposed fencing, please ensure that if there is existing fencing, that it be noted to be removed (if necessary, with adjacent property owner's written permission) to avoid "fence on fence" which poses a maintenance issue.
    h. Need to include grades on adjacent properties enough to determine existing drainage patterns. The plan will clearly need to show how drainage will be contained in the development, and not cut off surrounding properties drainage.
7. Sections Plan:
    a. Please provide min. 4 sections, one for each side of the development, showing the above and below ground structure, foundations, foundation drainage, retaining walls, swales, buildings, curbs, pavement, shoring, tiebacks, piles, buried utilities/infrastructure, overhead utilities/infrastructure, etc. to demonstrate how the proposed development will interface with adjacent properties and the ROW. The sections are required for the CMMP.

***Other items needed for a Complete submission:***

1. **Applicant to provide a reference plan** showing all existing property lines/blocks/easements/etc.
2. **Applicant to provide Title Search/PIN reports for the properties**, to verify any agreements on title, as well as copies of agreements on title for the properties.
3. As mentioned in the comments above, actual locations and inverts of all buried (and above ground) infrastructure in locations of proposed connections will be required (i.e. daylighting) with the RZ/OPA submission package to confirm servicing is feasible, the civil engineer will need to confirm they have incorporated the actual locations/inverts into their design. A Regional Consent Permit will be needed for any excavation (including daylighting) in the municipal ROW, a Road Occupancy Permit may also be needed if lanes are needed to be blocked off. Contact the Region for information and to arrange for these permits.

**Urban Forestry & Landscape Comments:**

Re: Existing Trees

1. A Tree Inventory and Preservation Plan and Arborist Report is required for all existing trees greater than 10cm DBH on site and on adjacent properties within 6m of the property lines, and trees of any size on city property. Please ensure that the Arborist Report includes a tree

inventory chart consisting of all the requirements in the list below. See the City of Burlington: Pre-Submission Checklist for requirements.

Tree Inventory Table Requirements

- Please identify the tree id number to corresponding tree protection plan
- Please identify the botanical name and common name
- Please identify the DBH measurement and include all individual sized stems where co-dominant or multi-stems are present.
- Please confirm the structural and health rating as a percentage %
- Please confirm ownership of trees (e.g., public, private, boundary, neighbor). Where multiple types of public property are identified please further clarify the public property (e.g., public row, public parkland, public creek corridor or creek block) so it is clear.
- Please identify the subject property where the tree resides (e.g., if it is a neighboring tree please identify the address)
- Please include the critical root zone as identified in the City's specification document
- Please include percentage of impact in MTPZ and that of the CRZ
- Please identify the proposed recommendation (e.g., preserve, injury, destruction (removal).
- Please identify any tree related commentary such as evidence of pests and diseases or structural issues (e.g., EAB).
- Please provide this table in excel format with the next submission in addition to including it in the report. .

2. Removal of any trees within the ROW these trees are to be reviewed and commented on by Regional staff as the City will not review them from a protection standpoint. Please refer to the Region's comments for permit or any other information regarding these trees.

3. **If applicable**, a Tree Permit is required for all works around city trees, in accordance with Public Tree Bylaw 68-2013, including the payment of the Tree Permit fee and securities for trees to be retained. The details of the Tree Permit will be finalized at the Site Plan stage.

4. Any existing trees on the subject site should be considered for preservation. All existing private and neighboring trees will need to be replaced using the City's method of calculation. The tree's size, as well as the overall condition rating will impact the total number of cm's required to be replaced. Generally, one replacement tree is required for every 10 cm diameter removed. It is recommended that the replacement trees are replanted on the subject site. If there is no room on site for the replacement trees, there will be a charge of $400 per replacement tree. This information and calculations should be included in the submitted Arborist Report and Tree Preservation Plan.

5. Removal or damage to trees on neighboring properties within 6.0m of the property line and boundary trees (which are protected under the Provincial Forestry Act (RSO 1990) Section 10) will require:

   - The adjacent property owners shall be consulted and made aware of the proposed development and potential impacts to their trees and boundary trees and requested to submit in writing that there are no concerns with proposed treatment of the existing trees.

   OR

   - A qualified professional (as defined in Pre-Submission Checklist) shall be retained to address the potential impacts on the neighbor's trees and/or boundary trees and provide a letter or report confirming in their opinion regarding impacts to the boundary trees from proposed construction. The arborist letter or report shall also include the preservation methods, including pruning and fertilizing, that can be implemented by the owner to ensure the health of trees on neighboring properties.

6. All existing public and private trees to be retained require tree protection fencing. Please see the City of Burlington Tree Preservation and Protection Specification SS12A for further tree protection details. Minimum Tree Protection Zones (MTPZ) and Critical Root Zones (CRZ)

should be clearly shown and labeled on the Tree Inventory and Preservation Plan, in addition to tree protection fencing. Any encroachments into the MTPZ of existing trees to retain should be discussed in the Arborist Report.

7. Show existing trees to be preserved and tree preservation fencing on the Construction Management and Mobility Plan.
8. A qualified professional (as defined in the City of Burlington's Pre-submission Checklist) may be required to be retained to address potential impact on the existing trees on site during excavation operations to ensure no damage to the protected trees or their root systems. Requirement to be determined at the Site Plan stage.

Re: Landscape

1. A Landscape Concept Plan will be required, showing the general layout and intent of what is proposed for landscaped areas, including landscape buffer planting, outdoor amenity areas, fence location and types and pedestrian circulation. See the Pre-Submission Checklist for requirements.
2. Proposed tree plantings should follow the ESA's guide *Planting Under or Around Powerlines & Electrical Equipment:* trees and/or shrubs with a max. mature height and spread of 4.5m in the Low Zone (to 4.5m from the power lines), trees with a max. mature height and spread of 7.6m in the Medium Zone (7.6m from the power line), and trees of any size beyond 7.6m from the power line. (See https://esasafe.com/assets/files/esasafe/pdf/Electrical_Safety_Products/Guidelines/Tree-Planting%20AODA%20Final%20Tagged.pdf).
3. Where required, landscape buffers should provide separation and to partially obstruct the views to adjacent properties should be provided along shared property lines. The landscape buffers should be a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen and deciduous trees and understory shrubs.
4. Please review the Tall Buildings Guidelines and apply as necessary. The guidelines can be found on the City of Burlington's website, or by using this link:

https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/Urban-Design/May_2017_Tall_Building_Guidelines.pdf

5. Any recommendations or issues of compatibility (e.g. noise, light, uncomfortable wind conditions) noted in the Planning Justification Report, Noise Report and Wind Study should be addressed and reflected on the Landscape Concept Plan, for example with buffer planting, screens and fencing, trellises or awnings for outdoor areas including pedestrian walkways and amenity areas.
6. Clearly show the limits of the underground parking on the Landscape Concept Plan and ensure there is sufficient soil volume for full sized large canopy trees.
    - Minimum required soil volumes is $30m^3$ of soil per tree in a single tree pit, $20m^3$ per tree in a shared planting environment. Excavation for each planting environment should be 0.75m to 1.2m depth and should not exceed 1.5m depth. Smaller rooting volume (minimum 15-$20m^3$) may be proposed for smaller trees.
    - Enough space between the property line and the limit of underground parking should be provided to grow large canopy trees that will not need to be removed when the underground parking garage requires repairs (i.e. trees planted on the roof slab of the underground parking garage). Propposing underground parking to the limits of the property lines would not be not be supported.
7. Screen parking from the road frontages.
8. Once the number of parking spaces is finalized, confirm the required number of Type "A" and Type "B" barrier free parking spaces required. Type "A" shall be 3400 mm in width and signed to indicate Van Accessible Parking. Type "B" shall be 2750 mm as per city zoning by-

law. As per city zoning by-law, the access aisle shall be 2000 mm. The access aisle is to be clearly identified and can be shared by both spaces. Please see GAATES Figure 2.6.4.1 (page 127) for Van Accessible Signage detail.

Locate the barrier free parking spaces closest to the elevator lobby or main entrances and not crossing vehicular traffic.

Contact the city's Accessibility Coordinator if you have any questions: Judi Lytle, 905-335-7600, ext. 7865, judi.lytle@burlington.ca.

9. Show bicycle parking and snow storage locations.
10. Please ensure all proposed plantings are native and non-native.
11. Show and dimension pedestrian walkways and connections to the city sidewalk (1500mm minimum width, 1800mm recommended). Consider the width of the pedestrian walkways minus the doors that open out to ensure pedestrians don't need to walk on vehicular driveways.
12. Show the location of air vents/shafts and coordinate with landscape concept (e.g. do not locate vents in walkways and coordinate with proposed planting locations).
13. Show conceptually the proposed layout and use of any outdoor amenity areas.

Thank you, if you have any questions, don't hesitate to contact me, my information is as follows:

Zelaikha Shareqi, Intermediate Technician – Landscaping, Engineering Services Department
E. zelaikha.shareqi@burlington.ca
Address 426 Brant Street, Burlington, Ontario, L7R 3Z6
City of Burlington | www.burlington.ca

**Parks & Open Space Comments:**

- Park dedication will be a requirement of this development.
- Parkland dedication will be in the form of cash in lieu (of land) at the rate in effect at the time of building permit issuance.

**Transportation Services Comments:**

- Please refer to our Burlington Citywide Parking Standards Review for applicable parking rates for this proposal - https://www.burlington.ca/en/services-for-you/city-wide-parking-standards-review.asp
    - Lower proposed parking rates should be accompanied by a parking justification report.
- Please refer to our Site Plan Guidelines for applicable design standards for structured parking and site circulation.
- This site will require a Traffic Impact Study, please refer to the Region of Halton's Traffic Impact Study Guidelines for the scope and confirm with both City and Regional staff.
- Please include both truck and vehicle turning templates as part of your TIS to demonstrate safe site circulation and functionality of entrances and loading spaces.
- Please ensure that existing sidewalks are included as part of the site design.
- Please submit a CMMP as part of this application.

# City of Burlington: Pre-Submission Document Terms of Reference
# 1989 Appleby Line
# February 2, 2022

**NOTE: These general Terms of Reference (below) will be used to assess the materials and technical studies submitted in support of a *Planning Act* application(s) and are to be reviewed upon the submission of and prior to the deeming of 'complete' of the application(s). The following Terms of Reference are intended as a guide to assist proponents in the preparation of materials and technical studies due upon submission (see: Section 12 of Development Application Pre-Consultation Form) and to provide recommendations as to the information content of those materials that would assist City of Burlington, Region of Halton, Conservation Halton and external agency partners in their review, once circulated. In circumstances where these Terms of Reference are generally not adhered to, submission materials may be returned to the proponent/applicant and/or a file not initiated.**

## 1) General Requirements

- Correct application fees (based on most current fee schedule)
- Correct number of application forms and copies of reports
- Application form fully completed and commissioned
- Landowner's authorization and consent to enter property signed
- Three CDs or flash drives containing electronic copies of all materials
- Consistency within technical reports in terms of the development concept evaluated, and supporting appendices and drawings.
- Consultants have coordinated data and conclusions so that reports are consistent between disciplines
- Clear and legible drawings
- All electronic file submissions must be named using the following naming protocol: "Address_StudyName_MM-DD-YYYY". If a document is revised and resubmitted the file name should indicate that it is a revised submission and the date of the revision should be noted: "Address_StudyName_Revised_MM-DD-YYYY".
- Two digital copies of all plans are required along with paper copies. Digital plans must be submitted in Autocad and/or GIS Shapefile format that must be geospatially positioned to match the City of Burlington's Geographic and Projected Coordinate Systems (Geographic Coordinate System: GCS_North_American_1983; Projected Coordinate System: NAD83_UTM_ZONE 17N).
- Pre-Application Community Meeting Notes
- BUD Meeting Minutes

**2) Planning Justification Report**

- Signed by a Registered Professional Planner
- Contains a written acknowledgement by the RPP that they have reviewed all supporting technical studies in consideration of their planning opinion.
- Contains a review of the applicable policies of the Provincial Policy Statement.
- Contains a review of the applicable policies of A Place to Grow Growth Plan
- Contains a review of the applicable policies of the Provincial Greenbelt Plan.
- Contains a review of the applicable policies of the Niagara Escarpment Plan.
- Contains a review of the applicable policies of the Parkway Belt West Plan.
- Contains a review of Ontario Regulation 162/06.
- Contains a review of all other relevant Provincial legislation.
- Contains a review of the applicable policies of the Region of Halton Official Plan.
- Contains a detailed explanation of how the proposed development is consistent and/or conforms to all relevant Provincial Plans and policies.
- Contains a review and analysis of the applicable policies of the City of Burlington Official Plan (2008) and 'New Official Plan' (2020).
- Contains an analysis of the Intensification Criteria in the Burlington Official Plan.
- Contains a fulsome discussion of the results of the required technical studies and how they have been used to refine the redevelopment proposal.
- Contains a discussion of how input received at the Pre-application consultation meeting has been used to refine the redevelopment proposal.
- Contains a discussion of how input received from the Burlington Urban Design Panel has been used to refine the proposal.
- Contains an explanation of how the proposed development is compatible with surrounding land uses including height, setbacks, massing and design.
- Contains a comprehensive justification for any rental conversion or demolition of rental units which includes reference to the Region's State of Housing Report and a plan for relocation of existing tenants.
- Draft Official Plan Amendment and/or Amending Zoning By-law.
- Contains a robust justification of any removal or conversion of employment lands.
- Contains an explanation of why the requested change represents good planning and adheres to Provincial and municipal plans and policies.
- If land division is required, contains an explanation of the proposed process (condominium type, subdivision, consent), timing and next steps.

**3) Survey and Severance Sketch / Conceptual Site Plan**

- Legible, metric scale drawing on 24x36 inch paper (or digital)
- Prepared and signed by an OLS Surveyor
- Clearly identifies all development constraints including easements, MTO setbacks, floodlines & hazard lands, natural heritage buffers, required right-of-way widenings, daylight triangles, etc.
- Survey / Reference Plan of site showing PINs, easements and property boundaries, etc.

**4) Land Assembly Documents**

- Documentation which demonstrates that a reasonable, bona fide offer has been made to acquire lands to facilitate the orderly development of an area.

**5) Financial Impact Study**

- Description and summary of the development proposal
- Fiscal Impact Study Approach (methodology), reference documents, assumptions and databases used.
- An estimation of One-Time Revenues (Development Charges) including to what extent will the development charges to be paid by the development cover the capital cost of providing services to the development.
- An estimation of Other Fees and Charges (development application fees, cash-in-lieu, building permit fees, etc.)
- Property taxes from the development and assessment assumptions
- An assessment of current revenues (non-tax revenues) to be projected from the development
- An assessment of the implication for expenditure and the incremental costs for the development (based on Financial Information Return data – income statement and balance sheet)
- An assessment of the net operating impact (comparison of revenues and expenditures and the associated surplus/deficit on the City of Burlington's finances from the development)
- An assessment of whether the taxes to be paid by the development will cover the expected incremental increase in operating costs (both facility related and general per-capita related), as well as capital costs not covered by development charges
- Realistic cost estimation of identified capital program and long-term life-cycle analyses including asset management, operational, energy use, phasing, capital works prioritization and cash flow analysis

- Study results and conclusions

**6) Housing Impact Statement**

- Completed in accordance with Section 3.1.1(2)(h) and other applicable policies of the City's New Official Plan (2020)
- Comprehensive review of the proposal from an existing use and a proposed use perspective with a focus on affordability, unit/bedroom count, etc.
- Identify and discuss the proposed development in the context of Halton Region's Housing policies, and the Region's most recent State of Housing Report (note: the Region issues a State of Housing Report annually and any justification should reflect the current year report);
- Should identify and discuss other relevant and current housing information available;

**7) Pedestrian Level Wind Study**

- Completed in accordance with the City's Pedestrian Level Wind Study Guidelines and Terms of Reference.

**8) Shadow Study:**

- Completed in accordance with the City's Shadow Study Guidelines and Terms of Reference.

**9) Arborist Report and Tree Preservation Plan** (*only required if existing trees will be impacted, including by construction access and stockpiling of material and can be scoped to the trees that will be impacted)

- Is prepared by a qualified professional (e.g. Arborist certified by the International Society of Arboriculture (ISA), including ISA number; qualified by Ministry of Training, Colleges and Universities (MTCU) or Ontario Training and Apprentice Board (OTAB); registered professional Forester in Ontario, etc.)
- Contains legible drawings on 24x36
- Includes all dimensions in metric, to scale, and on a consistent base map layer
- Includes bar scale
- Shows the proposed development (including property lines, easements, regulated areas, paved areas, buildings and entrances, landscaped areas, regulated limits, etc.) and is coordinated with the Site Plan, Grading and Servicing drawings
- Arborist Report should describe the scope and methodology of proposed construction works and the tree preservation measures

- Identifies all existing trees (over 10cm diameter at breast height (DBH) measured at 1.4m above the ground) on site and within 3m of the property lines, and trees of any size on city property, their common and botanical name, size (DBH and height), structural and physiological condition, ownership, comments and notes, recommendations, and photos (particularly those requested for removal)
- Identifies trees proposed to be removed and retained, and the methods to be used to ensure preservation and protection of trees to be retained, including location and detail of tree protection fencing in accordance with the City of Burlington's Tree Protection and Preservation Specification SS12A: https://www.burlington.ca/en/services-for-you/resources/Forestry%20Operations/Tree_Protection_and_Preservation/City-of-Burlington-Standard-Specification-for-Tree-Protection-and-Preservation.pdf
- Minimum Tree Protection Zones and Critical Root Zones clearly shown and labeled in addition to tree protection fencing
- Percentage of injury should be clearly shown on the plan and noted in the Arborist Report, and impacts and damage mitigation methods outlined
- Clearly show the excavation limits on the plan (e.g. foundations or footings, trenching, etc.) and discuss damage mitigation measures (e.g. root pruning) in the Arborist Report
- Alternate layouts and construction measures should be considered and discussed in the Arborist Report to ensure any proposed removals are necessary and justified (i.e. there are no alternatives to the removal)
- Abbreviations should be defined and industry standard terminology used
- If removal or damage to trees on neighboring properties or boundary trees is required, provide either: 1) letter of consent from adjacent property owners that they are aware of the proposed development and potential impact to their trees or boundary trees and have no objections, OR 2) the Arborist Report should include preservation methods that can be implemented to mitigate damage to neighboring or boundary trees
- Arborist Report should describe compensatory tree planting if trees are proposed to be removed (layout to be shown on the Landscape Concept Plan)

**10) Landscape Concept Plan**

- Is stamped and signed by a qualified member of the Ontario Association of Landscape Architects
- Contains legible drawings on 24x36 inch paper
- Includes all dimensions in metric, to scale, and on a consistent base map layer
- Includes bar scale
- Identifies the location and general design intent of the proposed landscaped areas and buffers, and outdoor amenity areas

- Identifies minimum required soil volumes, and location of any structural soil cell installation areas to achieve minimum soil volumes ($30m^3$ of soil per tree in a single tree pit, $15m^3$ per tree in a shared planting environment. Excavation for each planting environment should be 0.75m to 1.2m depth and should not exceed 1.5m depth)
- Identifies the location, type and height of proposed fencing
- Identifies property lines, easements, regulated areas, impermeable surfaces (including curbs, roads, driveways, sidewalks, etc.), buildings and entrances, landscaped beds, lawns or other permeable surface areas, other information as needed
- Identifies the location of all underground, at grade and overhead utilities
- Identifies the location of any storm water management infrastructure, including swales, sub-drains, catch basins, pipes, and other quality and quantity controls as required

**11) Functional Servicing Report**

- Is prepared, signed and stamped by a Professional Engineer.
- Contains legible drawings , including all dimensions, plotted to a metric scale of 1:200, 1:250, 1:300 or 1:500 on 24x36 inch paper, and on a consistent base map layer .
- Follows the terms of reference agreed upon by the Regional and City staff in advance of study commencement. Includes a copy of this approved Terms of Reference as an Appendix.
- Includes digital copies of models.
- Includes all dimensions in metric, to scale, and on a consistent base map layer.

**12) Hydrogeological Assessment**

- Is prepared, signed and stamped by a qualified person (Professional Geoscientist or Professional Engineer)
- Follows the requirements for Completion of Hydrogeological Studies to Facilitate Conservation Halton's reviews (www.conservationhalton.ca/policies-and-guideline)
- Follows the terms of reference agreed upon by Conservation Halton, Regional and City staff in advance of study commencement. Includes a copy of this approved Terms of Reference as an Appendix.
- Contains legible drawings
- Includes digital copies of models
- Includes all dimensions in metric, to scale, and on a consistent base map layer.

**13) Noise & Vibration Feasibility Study**

- Is prepared, signed and stamped by a Professional Engineer.
- Includes determination of project feasibility
- Includes assessment of existing and proposed transportation sources of noise and stationary sources of noise and vibration.
- Includes traffic/train counts confirmed by relevant agencies and includes correspondence from those agencies in an appendix.
- Includes assessment of outdoor and indoor acoustical environments, including those onsite and on neighbouring noise sensitive land uses
- Includes clearly defined environmental sound levels for transportation sources of noise and stationary sources of noise as per City's requirements and the MOECC publication NPC-216 and NPC-300 as amended
- Includes investigation of feasible means of noise impact mitigation, including a chart outlining noise control measures required to achieve sound levels of 55dBA (or as close as possible) for each outdoor living area
- Includes all calculations and modeling (i.e. STAMSON output)
- Includes technical details, and clarifies the responsibility for the implementation and maintenance of the required noise control measures.
- Includes recommendations for warning clauses.

**14) Traffic Impact Study**

- Confirmation of Scope of Work by Burlington Transportation Services staff
- Signed by CET or signed and stamped by a Professional Engineer
- Follows Regional TIS Guidelines for Regional roads
- Follows MTO Guidelines for sites within MTO permit control area
- Includes correspondence about traffic projections from City, Region and MTO in an Appendix.
- Includes SYNCHRO files as an electronic attachment (not a PDF)
- Traffic counts are not completed during school holiday times, and are completed during the mid-week period (Tuesday through Thursday).
- Traffic counts are no older than one year.
- Electronic copy of all signal warrant calculation files (not a PDF)
- Includes all traffic counts and modelling data in an Appendix and electronically
- Includes a multi-modal approach to transportation analysis

- Incorporates Travel Demand Measurement measures

**15) Stormwater Management Report**

- Please refer to the City of Burlington Stormwater Management Design Guidelines, approved by City Council on June 22, 2020, please be advised of new IDF curves for the City of Burlington: https://www.burlington.ca/en/services-for-you/Stormwater.asp
- Refers to the Ministry of the Environment "Stormwater Management Planning and Design Manual" and the TRCA/CVC Low Impact Development Stormwater Management Planning and Design Guide.
- Is prepared, signed and stamped by a Professional Engineer
- Includes pre and post development drainage area plans that are legible, plotted to an acceptable metric scale, plotted on 24" by 36" paper and plotted on a consistent base map layer
- Includes site grading and servicing plans that are legible, plotted to a metric scale of 1:200, 1:250, 1:300 or 1:500, plotted on 24" by 36" paper and plotted on a consistent base map layer
- Includes digital copies of modeling, modelling program acceptability to be confirmed with City Staff prior to use and prior to submission of report.
- Includes a list of all past reports and current technical documents that have been consulted.
- Includes all calculations, modelling, and parameters (as per City Standard Drawings S-IDF, S-2D, S-3D, etc., as amended)
- Includes clearly defined stormwater criteria for the site (including source) and demonstrates in report how these criteria will be satisfied.
- Addresses all interim conditions as well as the ultimate condition
- Contains engineering details and cross-sections showing existing utility locations if any temporary and/or permanent encroachments are proposed.
- Provide chemical analysis of groundwater to determine if it satisfies the City's storm sewer discharge criteria for water quality. (including documentation from the Geotechnical or Environmental Engineer in the appendix)
- If groundwater cannot be directly outletted to the municipal storm system, detail where it will outlet, i.e. treated then outlet to storm or outlet to the sanitary system.
- Provide an estimate of groundwater flow to be permanently managed in the site storm system (including documentation from the Geotechnical Engineer or Hydro-geologist in the appendix)

- Provide comment on whether or not it is anticipated a permit to take water would be necessary either temporarily during construction or permanently.

**16) Grading and Servicing Plans**

- Must be separate Plans
- Are stamped and signed by a Professional Engineer
- Contains legible drawings, plotted to a metric scale of 1:200, 1:250, 1:300 or 1:500, on 24" by 36" paper and plotted on a consistent base map layer
- Identifies property lines, dedications, easements, regulated areas, impermeable surfaces (including curbs, roads, driveways, sidewalks, etc.), buildings and entrances, and other information as needed
- Identifies the location of all underground, at grade and overhead utilities
- Identifies the location of all storm water management infrastructure, including swales, sub-drains, catch basins, pipes, and other quality and quantity controls as required
- Identifies Municipal Benchmark and Horizontal Control

**17) Geotechnical Study (including Groundwater)**

- Is prepared, signed and stamped by a Professional Engineer.
- Contains legible drawings
- Includes digital copies of models
- Includes all dimensions in metric, to scale, and on a consistent base map layer.
- Includes groundwater information (for example: dewatering during construction vs. permanent dewatering to be accommodated in a stormpond). Includes estimated volumes of groundwater to be permanently managed.
- Indicates if a Permit to Take Water would be required either during construction or permanently.
- Includes testing of groundwater to ensure it meets municipal stormwater discharge criteria. (City and Regional staff have been contacted if groundwater does not meet discharge criteria.)
- Contains sufficient quantity and distribution of boreholes to map soil and groundwater conditions for the soil type.
- Provides sufficient monitoring data to address groundwater level seasonality.
- Contains results of any geotechnical test completed.
- Discusses infiltration capabilities if Low Impact Development is proposed.

- Contains shoring and excavation details (for example: tiebacks, caissons, foundations, forming, piles) if underground parking or encroachments are proposed.
- Includes cross-sections, and dimensions from property lines and details of over-digging.
- Includes a stable slope assessment if required at the preconsultation stage. This study refers to the Ministry of Natural Resources and Forestry Technical Guidelines "Natural Hazards Manual Technical Guide – River and Stream Systems: Erosion Hazard Limit" and final topographical survey drawings with stable top of bank delineation signed and stamped by a Professional Engineer.
- Contains confirmation of the need for pre-construction surveys of surrounding buildings, to an extent determined by a Professional Engineer specializing in vibration, OR confirmation that pre-construction surveys are not warranted.

**18) Environmental Site Assessment Report**

- Completed in accordance with Ontario Regulation 153/04 as amended
- Regional Environmental Site Screen Questionnaire included
- Prepared, signed and stamped by a Qualified Person
- Letter of Reliance for City and Regional staff
- If the Phase One Study recommends a Phase Two Study, then the Phase Two is included with the submission
- If the Phase Two Study recommends site remediation, then the remediation plan is included to ensure that remediation feasibility has been considered.

**19) Urban Design Brief:**

- Contains a itemized and detailed analysis of how the proposed development meets the urban design objectives and policies of the Official Plan and any relevant approved urban design guidelines.
- Indicates how the proposed development responds to its surrounding context (both existing and planned).
- Provides a close examination and understanding of the surrounding area including blocks, streets, and buildings that could influence overall site and building design.
- Describes the overall architectural expression; building relationship to streetscape and adjacent properties; pedestrian, cycling, and transit connections; sustainable building elements; and other urban design features that ensure design excellence.
- Contains an explanation of how the proposed development is compatible with surrounding land uses including height, setbacks, massing and design.

- Contains a discussion of how input received from the Burlington Urban Design Panel has been used to refine the proposal.
- Include the BUD Meeting Minutes as an Appendix.

**20) Waste Management Report**

- Contains a loading plan showing turning radii for trucks
- Contains building elevations illustrating vertical clearance for truck access
- Contains details of layout for waste storage areas
- If no public waste collection is proposed, includes a letter confirming private pick-up.

**21) Risk Assessments (MIACC & D6)**

- Is signed by qualified professional
- Illustrates how the proposal satisfies Provincial D6 Guidelines criteria

**22) Construction Management and Mobility Plan:**

- Legible, metric scale drawing on 24" x 36" paper
- Clearly identify property lines, easements, floodlines & hazard lands, natural heritage buffers, existing trees/vegetation to be preserved (and tree preservation fencing), etc.
- Clearly identify limits of above ground development, including buildings, parking, sidewalks, curbs, etc.
- Clearly identify limits of underground parking structure, including dimensioning distance from property lines
- Includes shoring and excavation details
- Clearly identify limits of all elements of the underground parking structure including foundation drainage system/shoring/tiebacks/etc.
- Clearly identify limits of temporary perimeter/security fencing, covered sidewalk protection (if proposed) and tree protection fencing
- Clearly identify proposed temporary (trailers/material storage/fencing/etc.) and/or permanent encroachments (tiebacks/shoring/etc.) into the Right of Way and identify approximate time line of closure
- Clearly identify any proposed temporary sidewalk and/or lane closures and identify approximate time line of closure.
- Identify haul route, i.e. what roads are to be used for material deliveries

- Identify crane location and swing radius – please note that further detail/additional requirements will be provided at the site plan stage
- Drawing must clearly note that no trades parking or truck staging will be allowed on the Municipal Right of Way
- The applicant is advised that if the Official Plan Amendment/Re-Zoning application is approved, at the Site Plan stage additional construction management details may be required, including requirement of Road Occupancy and Municipal Consent permits if applicable.

## 6.2 Appendix 2 – Photo Record

The following images further illustrate the Subject Lands and the surrounding context.



**Image 1:** Looking east towards the Subject Lands from the adjacent side of Appleby Line.



**Image 2:** Looking west towards the Subject Lands from Imperial Way, just north of Desjardines Park from the adjacent hydro corridor.




**Image 3:** Looking south towards the Subject Lands, from the intersection of Appleby Line and Upper Middle Road.



**Image 4:** Looking north along Appleby Line towards the Subject Lands from the intersection of Ironstone Drive and Appleby Line.



**Image 5:** Looking southeast from the Subject Lands towards Desjardines Park which is 650 metres away.



**Image 6:** Looking northwest from the Subject Lands towards Millcroft Shopping Centre which is 800 metres away.



**Image 7:** Looking south towards the Subject Lands from Upper Middle Road.




**Image 8:** Looking east from the Appleby Line and Upper Middle Road intersection towards the Subject Lands.

AMENDMENT NO. XXX TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. XXX to the Burlington Official Plan.

## PART A – PREAMBLE

1. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to introduce site specific policies to permit a maximum building height of 70.5 metres, a maximum floor area ratio of 5.7:1 on the lands located at 1989 Appleby Line. This Amendment facilitates the development of two 20-storey high-rise towers connected by a 6-storey podium containing 475 residential dwelling units and at-grade commercial space in the Uptown Mixed Use Centre.

2. SITE AND LOCATION

The Subject Lands are municipally addressed as 1989 Appleby Line. The Subject Lands have a combined total area of 0.6009 hectares.

3. BASIS FOR THE AMENDMENT

a) The proposed Amendment is consistent with the Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (Growth Plan). It represents a form of efficient intensification which helps meet provincial, regional and municipal growth, intensification and housing targets.
b) The proposed Amendment better implements the direction of the PPS and Growth Plan than the existing Official Plan policies.
c) The proposal conforms to the Halton Region Official Plan and the Official Plan for the Burlington Urban Planning Area, upon finalization of this Amendment;
d) The proposal is located within an area identified for intensification and will optimize the development potential of the Subject Lands.
e) The proposal can be adequately serviced, utilizing existing infrastructure, and does not create any impacts to the existing site and surrounding area;
f) The proposal is well-served by existing community infrastructure including public transit, parks, schools, and recreation facilities;
g) The proposal will support existing transit services as well as the planned frequent transit proposed along Appleby Line.
h) The proposal enhances the pedestrian environment along Appleby Line;
i) The proposed development achieves compatibility with the existing neighbourhood through a number of design measures and meets the urban design policies and guidelines in the City of Burlington Official Plan, the Tall Building Guidelines, the Sustainable Development Guidelines and the Uptown Mixed Use Centre Urban Design guidelines.

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## PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

The text of the Official Plan of the Burlington Planning Area is hereby amended as follows:

Part III, Section 5.0 Mixed Use Activity Areas, Subsection 5.6.4 Uptown Commercial/Residential I is amended by adding a new subsection (x) as follows:

> "x) Notwithstanding Part III, Subsection 5.6.4 g), within the Uptown Commercial/Residential I designation located at 1989 Appleby Line, a maximum floor area ration of 5.7:1 and a maximum building height of 70.5 m shall be permitted.

2. INTERPRETATION

The Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI Implementation, Section 3.0 Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

The Official Plan Amendment will be implemented in accordance with the "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.

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**oBY-LAW NUMBER 2022. XX, SCHEDULE 'A' AND EXPLANATORY NOTE**

**THE CORPORATION OF THE CITY OF BURLINGTON**
**BY-LAW NUMBER 2022.XX**

A By-law to amend By-law 2020, as amended; 1989 Appleby Line
File No.: XXX

*WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and*

*WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-XX-XX on DATE, to amend the City's existing Zoning By-law 2020, as amended, to permit the redevelopment of the lands located at 1989 Appleby Line which will include two 20-storey towers connected by a 6-storey podium.*

***THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:***

1. Zoning Map Number 28 of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

2. The lands designated on Schedule "A" attached hereto are hereby rezoned from UCR1-274 (Uptown Commercial/Residential I) zone with special exception 274 to the UCR1-XXX (Uptown Commercial/Residential I) zone with special exception XXX.

3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception UCR1-XXX as follows:

| Exception<br>XXX | Zone<br>UCR1 | Map<br>28 | Amendment<br>2020.XXX | Enacted<br>XXX |
|---|---|---|---|---|
| 1. Regulation for Apartment Building<br>a) Yard abutting a pipeline easement: 0 m<br>b) Maximum Density: 800 units per hectare<br>c) Maximum Floor Area Ratio: 5.7:1<br>d) Maximum Building Height: 70.5 metres<br>e) Amenity rea: 9 sq. m. per unit (apartment)<br>f) Parking: | | | | |

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a. Apartment: 0.87 spaces per unit of which 0.12 spaces shall be reserved visitor parking and

b. In a mixed use building, parking for retail stores and services commercial uses shall be included in the visitor parking rate noted in clause f) a. above.

g) A below grade parking structure shall be permitted up to 0.1 m from the front lot and up to 2.7 m from the side and rear lot lines.

Except as amended herein, all other provisions of the By-law and the UCR1 zone, shall apply.

4 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed;

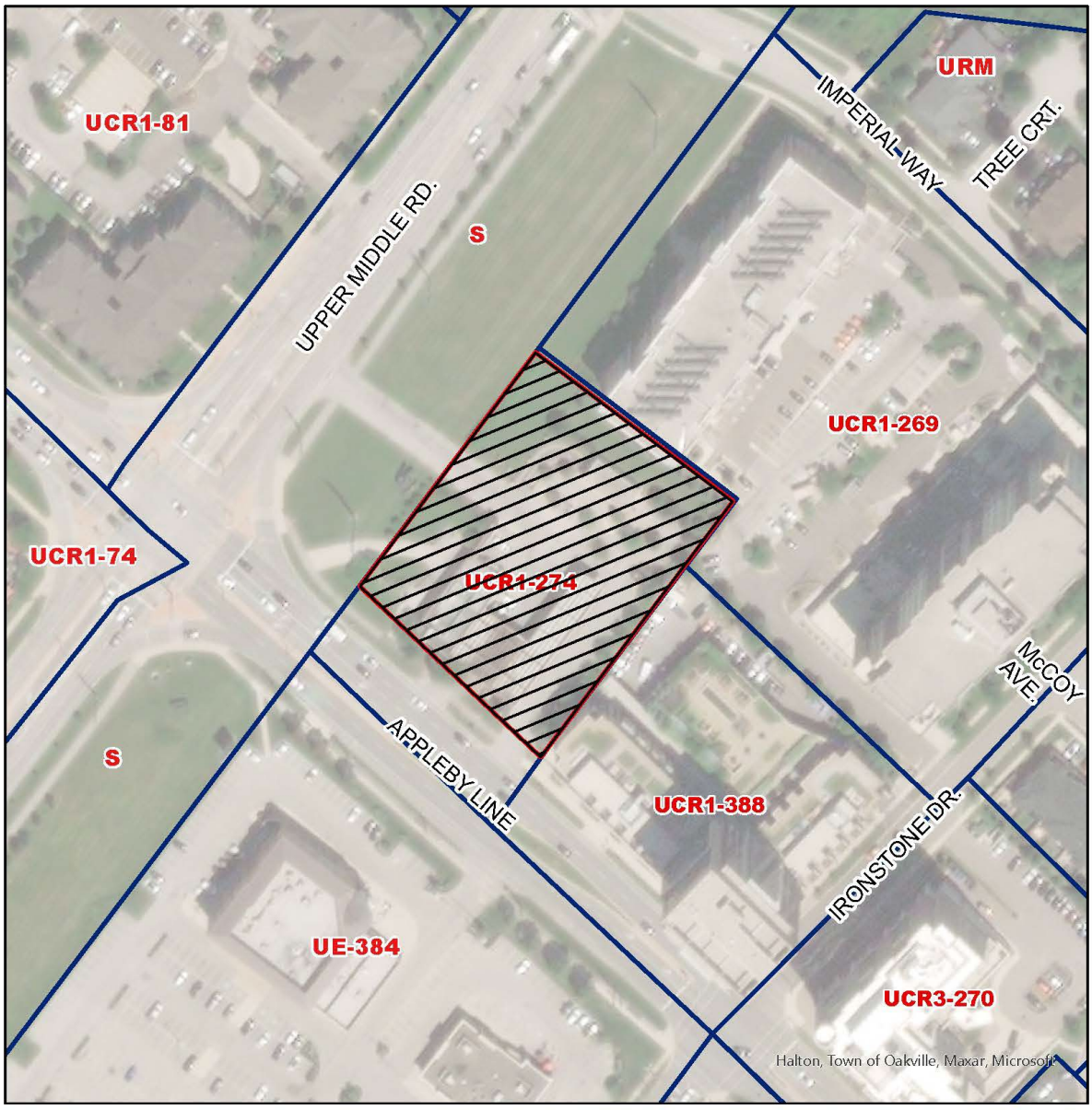
4 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeals Tribunal this By-law shall be deemed to have come into force on the day it was passed.

**ENACTED AND PASSED** this ……..day of …… 2022.

_____MAYOR

_____CITY CLERK

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Schedule A

**CITY OF BURLINGTON ZONING BY-LAW 2020**

Zoning By-Law Amendment

**1989 Appleby Line**
**Burlington, Ontario**

**LEGEND**

- Subject Lands
- Zone Boundary
- Change in zoning from UCR1-274 to UCR-XXX

**Date**: Jun 03, 2022 | **Drawn By**: R.M.

**File**: 21546 - A | **Scale**: 1:1,500

Folder: N:\21546\A - 1989 Appleby Line, Burlington\1 - MHBC Documents\Technician Data\21546A GIS Data

N

PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE
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# Appendix 5 – Land Use Compatibility Assessment

## Introduction

A Land Use Compatibility Assessment of the proposed development has been requested through the pre-consultation process with respect to nearby major facilities and utility and transportation corridors. The City of Burlington's terms of reference states the following with respect to Land Use Compatibility Assessments:

> "*Required for applications proposing sensitive land uses in proximity to existing industrial uses, or proposing industrial uses in proximity to existing sensitive uses, in accordance with 4.6.2 of the City's Official Plan, Part IV, Sections 143 of the Regional Official Plan, and the Ministry of the Environment D-6 series guidelines or other Provincial land use compatibility guidelines.*"

The following review has been completed in accordance with this terms of reference. Note that the City of Burlington Official Plan (2020) referenced above ("Council-Adopted OP") is not currently in-force due outstanding appeals.

## Proposed Development

The proposed development consists of two 20-storey mixed use buildings connected by a podium at 1989 Appleby Line (the "Subject Lands"). The building will contain a total of 475 residential units and 871 m$^2$ of commercial space at grade. A total of 502 parking spaces are provided, predominantly below grade with some parking located at the surface on the north side of the building which is reserved for visitor and customer parking. Figure 1 shows the Subject Lands and existing site conditions.

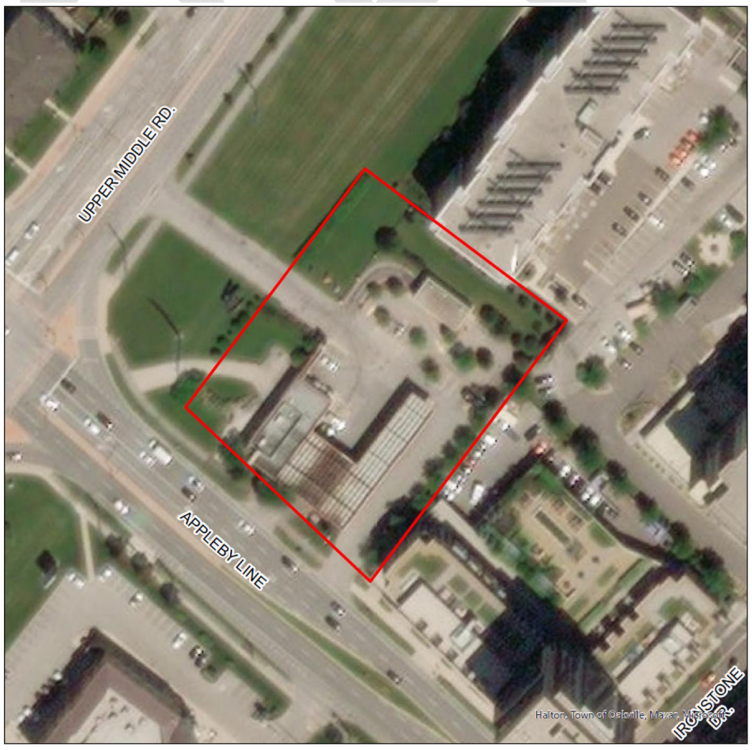



Figure 1: Subject Lands and Existing Site Conditions

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## Site and Surrounding Area

*Site*

The Subject Lands are approximately 0.59 ha in area with 69 m of frontage along Appleby Line. The lands are currently occupied by a gas station with convenience store, surface parking and a car wash. Phase 1 and 2 Environmental Site Assessment have been completed for the Subject Lands and included in the application submission package. An energy pipeline owned by Enbridge runs through an easement along the north portion of the site.

*Surrounding Area*

The Subject Lands are located adjacent to an existing residential area with apartment buildings of 6, 9 and 16 storeys immediately adjacent to the property to the east and south, with lower density residential uses further beyond.

Immediately north of the site is an electricity transmission corridor, beyond which is Upper Middle Road and further beyond is another the Orchard neighbourhood.

To the west of the Subject Lands, across Appleby Line, is an existing commercial plaza containing a variety of commercial uses including stores, personal services and doctor's offices. Beyond the commercial plaza is an employment area centred on Ironstone Drive and Corporate Drive. There is a rail line further beyond the employment area, approximately 500 m from the Subject Lands.

Figure 2 provides the existing land use context. Refer to Section 2.0 of the Planning Justification Report ("PJR") for additional details on the site and surrounding area.

An application for Official Plan and Zoning By-law Amendment has been submitted for lands located at the south-west corner of Appleby Line and Ironstone Drive at 1900 Appleby Line. The proposal consists of a three-phase mixed-use development consisting of one 18 storey building (Phase 1) and two 16 storey buildings (Phase 2 & 3). The proposal would have a total of 560 residential units, 1,581m$^2$ of retail space and 1,820m$^2$ of office space.

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Figure 2: Existing Land Use Context (Subject Lands identified in red)

## Land Use Policy Context

The Subject Lands are designated Uptown Core in the Council-Adopted OP which permits a variety of commercial and residential uses, including apartment buildings (see Section 4.7 of the PJR for a full review of the Council-Adopted OP). The Subject Lands are also surrounded by lands designated Uptown Core.

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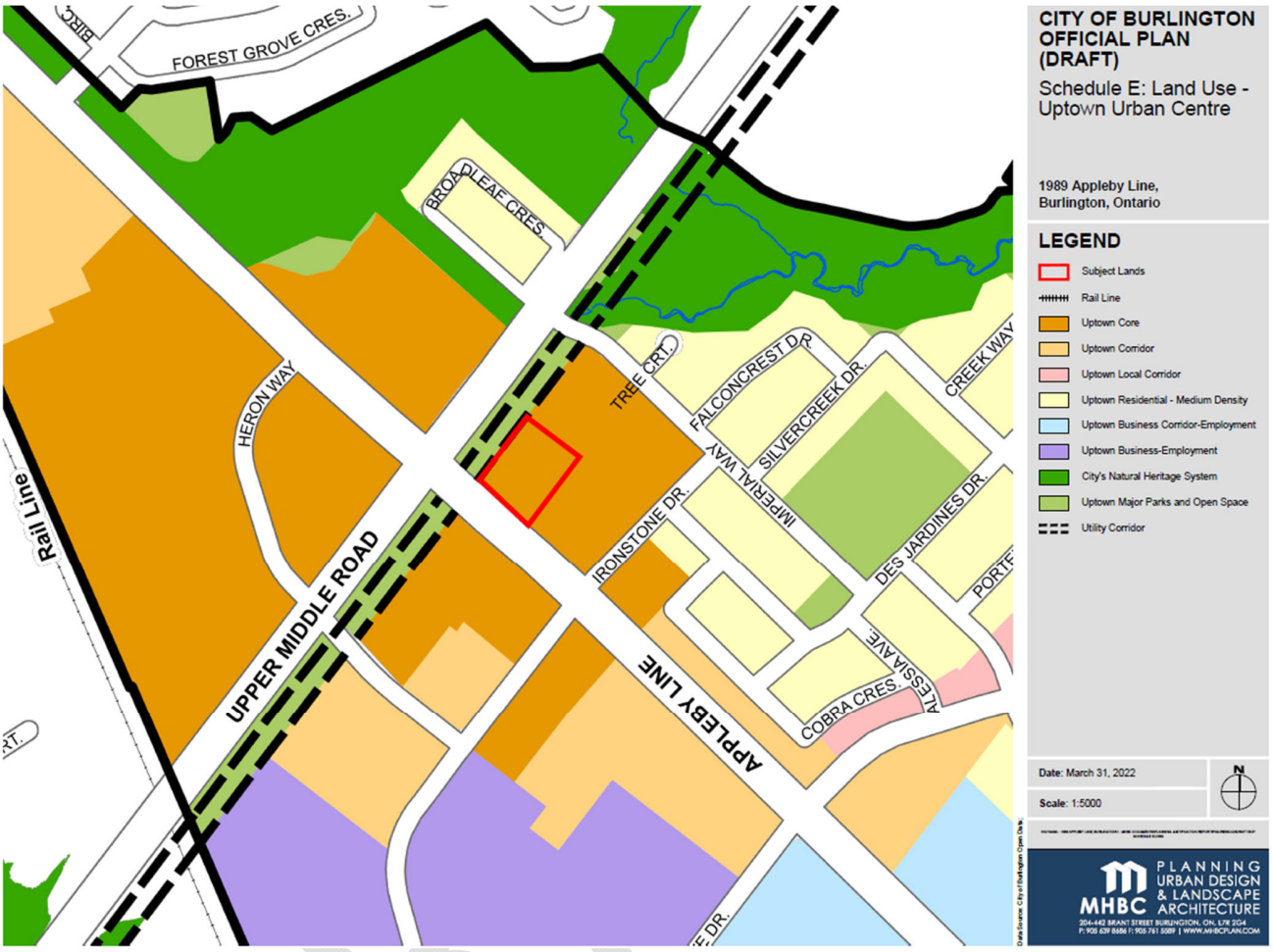



Figure 3: Land Use Designation from Council-Adopted OP

Under the in-force Official Plan ("In-Force OP"), the Subject Lands are designated Uptown Commercial / Residential I which contains similar policies as the Uptown Core designation in the Council-Adopted OP, including permission for apartment buildings (see Section 4.6 of the PJR for a full review of the In-Force OP). The In-Force OP identifies the lands to the west of the Subject Lands which currently contain the commercial plaza and the proposed residential development at 1900 Appleby Line as Uptown Employment. Both OPs identify the intersection of Appleby Line and Upper Middle Road as the planned location for the highest intensity of development.

## Compatibility Policy

*Provincial D-6 Guidelines*

The D-6 guidelines provide direction on location sensitive uses (including residential uses) and industrial facilities. Industrial facilities are classified into three classes based on their expected emissions and recommended minimum separation distance ("RMSD"). These classes and their respective RMSDs are shown in Table 1 below.

| Class | Definition | RMSD |
|---|---|---|
| **Class I** | A place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. | 20 m |
| **Class II** | A place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. | 70 m |
| **Class III** | A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions. | 300 m |

The closest industrial facility to the Subject Lands is Roseland Produce, located approximately 290 m from the Subject Lands and municipally addressed as 1827 Ironstone Drive. Roseland Produce is a produce wholesaler that also offers cash and carry. The facility is self contained, has no outdoor storage, contains minimal outdoor mechanical units and has covered loading areas. As such, the facility can be considered a Class I facility with the potential of being Class II depending on the frequency and extent of freight movement. Since the Subject Lands are located 290 m away from the facility (well above the 20 m and 70 m RMSD) as well as buffered by intervening land uses in the form of the commercial plaza, compatibility issue are not anticipated. The remaining existing industrial facilities in the employment area predominantly consist of self enclosed uses with limited outside storage. These facilities are located greater than 300 m from the Subject Lands (which is the RMSD for Class III facilities) and are buffered by existing commercial plazas on the east side of Appleby Line. Therefore, compatibility concern are not expected from the balance of the employment area.

*Future Uses*

A review of development applications on the City of Burlington Current Development Projects Interactive mapping website does not indicate any active industrial applications within 500 metres of the Subject Lands. If industry were to start operations in the Area of Influence of the Subject Lands, they will be required to be compatible with the existing sensitive land uses that include mixed uses with elevated sensitive residential uses.

*Region of Halton Official Plan*

The Region of Halton Official Plan ("ROP") contains the following relevant policy with respect to land use compatibility:

*"143. It is the policy of the Region to:*

*(4) Promote walking, cycling and public transit over other modes of transportation.*

*(5) Require all new urban development to consider in its design the provision of safe and accessible active transportation facilities and access to public transit services, or transit stops where they are likely to be located, within a walking distance of 400m."*

**The proposed development consists of a compact built form with reduced parking requirements, serviced by existing transit and planned higher order transit. The proposal also includes over 300 bicycle parking spaces, retail uses at grade and a main lobby entrance directly fronting Appleby Line, 40 m away from an existing transit stop. As such, the proposed development will encourage residents to use public transit and active forms of transportation and will have convenient access to existing transit services.**

*(9) Require proposed development adjacent or in proximity to railway lines or railway yards to undertake, prior to development approval, the following studies by qualified consultants in accordance with Provincial policies, to the satisfaction of the Region, the Local Municipality and the Ministry of the Environment, and in consultation with the appropriate railway agency, and to implement the study recommendations, as approved, including the restriction of new residential and other sensitive land uses:*

*a) noise studies, if the development is within 300m of a railway right-of-way or 1000m of a railway yard;*

*b) vibration studies, if the development is within 75m of a railway right-of-way or a railway yard; and*

**The closest rail line is located 500 m west of the Subject Lands which is outside of the study radii noted in the ROP.**

*(12) Require the proponent of sensitive land uses in proximity to industrial, transportation and utility sources of noise, vibration, odour and air pollutants to complete appropriate studies and undertake necessary mitigating actions, in accordance with the Region's Land Use Compatibility Guidelines, Air Quality Impact Assessment Guidelines, and any applicable Ministry of the Environment guidelines. Specifically, an air quality study based on guidelines under Section 143(2.1) is required for such development proposals within 30m of a Major Arterial or Provincial Highway, or 150m of a Provincial Freeway, as defined by Map 3 of this Plan.*

Appleby Line is identified as a Major Arterial road on Map 3 of the ROP. The Air Quality Guideline referenced in Policy 143(2.1) states that:

*"Studies to ensure that sensitive land uses are not negatively affected by sources of pollutants are undertaken by both the regional and local municipalities prior to lands being designated or zoned for residential, institutional or natural heritage uses.*

*Lands that are designated and zoned residential or institutional will have been subject to the subdivision approval process. Therefore, the applicable studies for source emissions will have been completed."(p. 3)*

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*"Under existing Provincial legislation, land development studies, such as air quality, are already undertaken prior to lands being designated or zoned for sensitive uses. Local Zoning By-laws may permit secondary uses (i.e. sensitive land uses) within employment areas (i.e. industrial) and further studies would not be required." (p. 5)*

**Although the Subject Lands do not appear to be part of plan of subdivision, the Subject Lands are currently zoned and designated for residential uses in the City's Official Plan and Zoning By-law and are part of an existing community. The proposed Official Plan and Zoning By-law Amendments being applied for deal with height, density and other regulations as opposed to the issue of land use. Appleby Line is a typical urban arterial road that can be found throughout the City running alongside various residential land uses, from detached dwellings to apartment buildings. Additionally, there is a significant amount of existing residential uses fronting Appleby Line immediately south of the Subject Lands. As such, air quality concerns beyond those of typical urban conditions are not anticipated.**

*City of Burlington Official Plan (2020)*

The Council-Adopted OP contains the following relevant policy with respect to land use compatibility:

*"4.6.2 Policies*

*a) Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from vibration, noise, dust, odour or other contaminants and minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities, in accordance with provincial guidelines, standards and procedures."*

*c) Proponents may be required to submit studies and undertake necessary actions to mitigate adverse effects to the satisfaction of the City and the Region of Halton. Provincial guidelines and Regional Land Use Compatibility and Air Quality Guidelines shall be referred to for direction in land use planning decisions.*

*d) Where noise abatement is required along roads, design features such as the orientation of buildings, vegetated areas and other innovative methods shall be preferred over the use of acoustical walls. The Region of Halton's Noise Abatement Guidelines shall be referred to."*

**As assessed in the review of the D-6 Guidelines and ROP above, land use adverse effects are not anticipated through the introduction apartment buildings on the Subject Lands. The area is well developed with existing residential uses and is sufficiently separated from the nearby employment area. A Noise Study has been prepared is support of the proposed development and recommends air conditioning, building materials for exterior façade construction and exterior windows, a 1 sound barrier parapet on the 7th floor amenity space, and warning clauses to inform prospective owners/occupants to ensure the noise levels from stationary sources and surrounding roadways are within the required limits.**

The Council Adopted OP contains the following policies with respect to utility corridors:

*"6.3.2 Policies*

*b) The City will encourage consultation with all utility providers prior to the submission of a development application within close proximity to utility corridors or facilities.*

*c) Setbacks for buildings and excavations in proximity to utility corridors or facilities shall be specified by the City based on consultation with the appropriate utility. In some unique situations, modifications may be allowed, subject to land use compatibility assessment."*

**The Subject Lands abut an electricity transmissions corridor to the north which is identified as a Utility Corridor and designated as Uptown Major Parks and Open Space. The proposed development will not encroach on the utility corridor other than relocating the existing driveway further east along the corridor. There is also an existing energy pipeline owned by Enbridge that runs through an easement along the north portion of the Subject Lands. The proponent is in consultation with both utility providers to determine appropriate requirements for the proposed development. Both utility providers will also participate in the full development review process as per the City's standard circulation protocol.**

## Conclusion

The Subject Lands are designated and zoned in the City's Official Plan and Zoning By-law for residential uses and are surrounding by existing residential uses of various built forms. Existing industrial uses and rail lines are buffered by intervening commercial uses and separated by a sufficient distance. As per the above review, land use compatibility impacts are not expected with the redevelopment of the Subject Lands for residential uses.

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# Appendix 6 – Retail and Service Commercial Needs Assessment

## Introduction

A Retail and Service Commercial Needs Assessment has been requested through the pre-consultation process as part of a complete application submission. The City of Burlington does not have terms of references for such an assessment. However, the pre-consultation document broadly refers to the policies of Chapter 8: Land Use Policies – Urban Area of the Burlington Official Plan (2020) ("Council-Adopted OP") for guidance. Note that the Council-Adopted OP is not currently in-force due outstanding appeals.

## Background and Site Context

The Subject Lands are located in the Uptown Urban Centre in the City of Burlington, at the southeast corner of the Appleby Line and Upper Middle Road intersection. The property is currently in used as a 1-storey convenience store, gas station with a car wash facility, surface parking and a small outdoor seating area. There is an easement for a natural gas pipeline along the north portion of the Subject Lands which is subject to an agreement between the Owner and pipeline owner. Vehicular access is provided from both Appleby Line and Upper Middle Road.

## Existing Commercial Context

There is an abundance of existing commercial uses in the immediate area. There is a series of commercial plazas located on the west side of Appleby Line, north and south of Upper Middle Road which represent approximately 23 hectares of land dedicated to various commercial uses in a wide range of unit types from large big-box anchor retailers to small commercial units. Figure 2 provides the existing land use context. Refer to Section 2.0 of the Planning Justification Report ("PJR") for additional details on the site and surrounding area. There is also existing street-oriented uses located immediately south of the Subject Lands with the existing mixed use buildings located at 1940 Ironstone Drive and 1893 Appleby Line. As such, the surrounding neighbourhoods are already well-served by commercial uses. Additionally, there is a similarly sized commercial area located north along Appleby Line, centred on the intersection of Appleby Line and Dundas Street.




Figure 1: Existing Land Use Context (Subject Lands identified in red)

## Proposed Development

The proposed development consists of two 20-storey mixed use buildings connected by a podium at 1989 Appleby Line (the "Subject Lands"). The building will contain a total of 475 residential units and 871 m² of commercial space at grade. A total of 502 parking spaces are provided, predominantly below grade with some parking located at the surface on the north side of the building which is reserved for visitor and customer parking. There will be multiple entrances to the commercial area, with an entrance located along Appleby Line and Upper Middle Road to activate the street and provide a vibrant retail experience. Similar to the existing development directly to the south of the Subject Lands, the commercial area will provide for a number of different commercial and retail uses, which will be confirmed at a later date. Material changes will highlight the differences in façade between the 6-storey podium and the above residential towers. A high percentage of glazing is deployed at grade for the retail uses, to create a vibrant

and exposed frontage along Appleby Line and Upper Middle Road. These features will work in unity to enhance the building's articulation, creating zones of interest that break up the massing of the building.

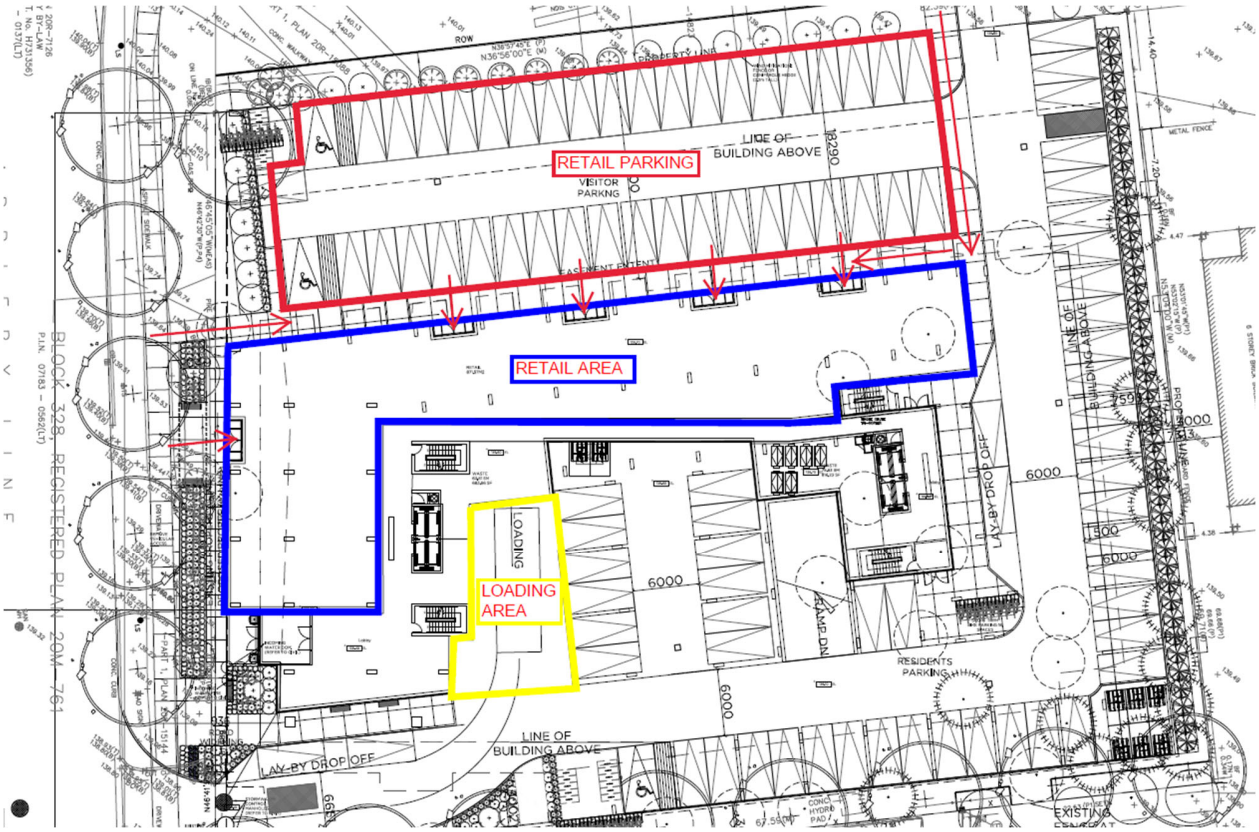



Figure 2: Site Plan

## Policy Context

The Subject Lands are identified as being within the Uptown Mixed Use Centre and designated Uptown Commercial / Residential I in the in-force City of Burlington Official Plan ("In-Force OP"). The In-Force OP contains limited guidance for commercial uses in the Uptown Mixed Use Centre and includes the following relevant policies (see Section 4.6 of the PJR for full review of the In-Force OP):

*"5.6.2 Objectives*

> *a) To establish the Uptown Mixed Use Centre as a mixed use community which also provides a focal point for north-east Burlington.*

*5.6.4 Uptown Commercial/Residential I*

> *a) The following uses may be permitted in the Uptown Commercial/Residential I designation:*
>
> > *(i) retail and service commercial uses including business, administration uses, and automotive commercial uses;*
> >
> > *(ii) high density residential uses;*

*e) In the Uptown Commercial/Residential I designation in the south-east quadrant of the intersection of Appleby Line and Upper Middle Road:*

*(i) residential development is to be located in the upper storeys of buildings containing other permitted uses; and*

*(ii) retail and service commercial uses shall be required at grade level in buildings or portions of buildings fronting on Appleby Line."*

**The proposed development conforms to the direction of the In-Force OP through the provision of a mixed use development that has commercial uses at grade and residential uses in the upper storeys of the building. The main lobby fronting Appleby Line has been minimized to allow for a more substantial commercial frontage while maintaining convenient access for residents to transit and active transportation infrastructure on Appleby Line. Additionally, a utility easement is present along the north portion of the lot which prohibits the construction of buildings within it. This, combined with the generous depth of the lot, allows for additional commercial uses to be located along the north side of the building which is connected to the Appleby Line frontage through a sidewalk and contains convenient customer parking on top of the easement.**

The Subject Lands are identified as being within a Primary Growth Area and a Mixed Use Intensification Area (Urban Centres) and designated Uptown Core in the Council-Adopted OP. The Council-Adopted OP contains the following relevant policies with respect to commercial uses for the Subject Lands (see Section 4.7 of the PJR for a full review of the Council-Adopted OP):

*"8.1.1(4.4.1) Objectives*

*a) To accommodate the highest intensity mixed use development and tallest buildings in a compact built form, in close proximity to the primary intersection at Appleby Line and Upper Middle Road.*

*b) To provide opportunities for a range of retail and service commercial uses, and public service facilities in locations that meet residents' goods and service needs.*

*c) To protect the planned commercial function in Uptown Core lands.*

*8.1.1(4.4.2) Policies*

*f) Any proposed development of sites designated Uptown Core shall retain the planned commercial function of the site, in accordance with the objectives of Subsections 8.1.1(4.4.1) b) and c) of this Plan, to the satisfaction of the City.*

*g) The Zoning By-law shall establish a maximum floor area and a maximum floor area at grade per individual retail and service commercial unit, based on such considerations as planned commercial function, built form, and contribution to achieving vibrant, active and walkable built environments in Uptown Core areas."*

**The proposed development will further support the Uptown Core's function as commercial destination by replacing a gas station with a mixed use development that contains 871 m² of commercial uses. The proposal represent an efficient use of land that leave the majority of the ground floor GFA to be used for commercial uses (which is where such uses are able to operate most efficiently) and introducing residential uses on the floors above. Developing a high intensity**

**use at the corner of Appleby Line and Upper Middle Road, also allows for the growth of local demand for goods and services that will support existing commercial uses in the Urban Centre. These uses are also within walking distances of the proposed development meaning that a greater proportion of individuals can reach those uses without the need for a car and thus reduce parking demand on those sites allowing for greater intensity of use without additional pressures on parking and transportation infrastructure.**

**Given the precarious nature of bricks and mortar commercial uses, providing flexibility in unit sizes allows for the space to respond to market needs and the ever evolving changing commercial real estate trends. With greater flexibility for floor area, the commercial space can be re-demised as needed depending on the types of the businesses that have identified a gap in the local market and thus decided to establish a physical presence in the area. This allows the commercial space to better serve the diverse and ever changing needs of the local residents in the long term. This GFA requirements are not prescribed in the zoning by-law.**

**The proposed commercial space will for a diversity of uses through a number other design features. A loading space is proposed behind the building which will allow for convenient deliveries through the rear of the commercial units, reducing disruptions to operations. The ground floor will have a height of 6.5 m which allows for greater flexibility in the range of potential commercial tenants particularly those which may require generous floor-to-ceiling heights. Lastly, convenient customer parking is proposed along the north side of the building which is also shared with visitor parking. This allows for the efficient use of the utility easement while also providing more convenient ways to access the site for residents in the surrounding neighbourhood. Although the Uptown is intended to evolve into a more urban community that is less reliant on cars in the long term, it will still be important to provide customers with a convenient option to access the proposed commercial uses via car in the short to medium term.**

## Conclusion

The Subject Lands are located in an area with an abundance of existing commercial uses with a variety of unit sizes that range from big-box stores down to small street-related commercial units. Proposed developed will replace an existing gas station with a mixed use development containing 871 $m^2$ of commercial space and 475 residential units. The commercial space will be designed to ensure flexibility through the provision of a loading space at the rear of the units, a 6.5 m ground floor height, flexible floor area requirements and the provision of convenient surface parking. The proposed development will serve not only to add additional commercial uses to the area but also strengthen the local demand for goods and services through the introduction of 475 residential units, supporting existing businesses. As per the above review, the proposed development will strengthen the commercial and retail function of the Urban Centreand contribute to the growth the area as a complete community.