BOUSFIELDS INC.

Planning & Urban Design Rationale



1396 Guelph Line

City of Burlington

Prepared For

2867372 Ontario Inc. and
Infinity Development Group

March 2022

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Job Number
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This Planning and Urban Design Rationale report has been prepared in support of an application by 2867372 Ontario Inc. and Infinity Development Group, to amend the in-force City of Burlington Official Plan and Zoning By-law 2020, as amended, to permit the redevelopment of a 0.42-hectare (1.03 acre) site, known municipally as 1396 Guelph Line.

The proposal is to redevelop the subject site with an 11-storey residential apartment building. The proposed development will include a total of 236 residential units.



1 Introduction

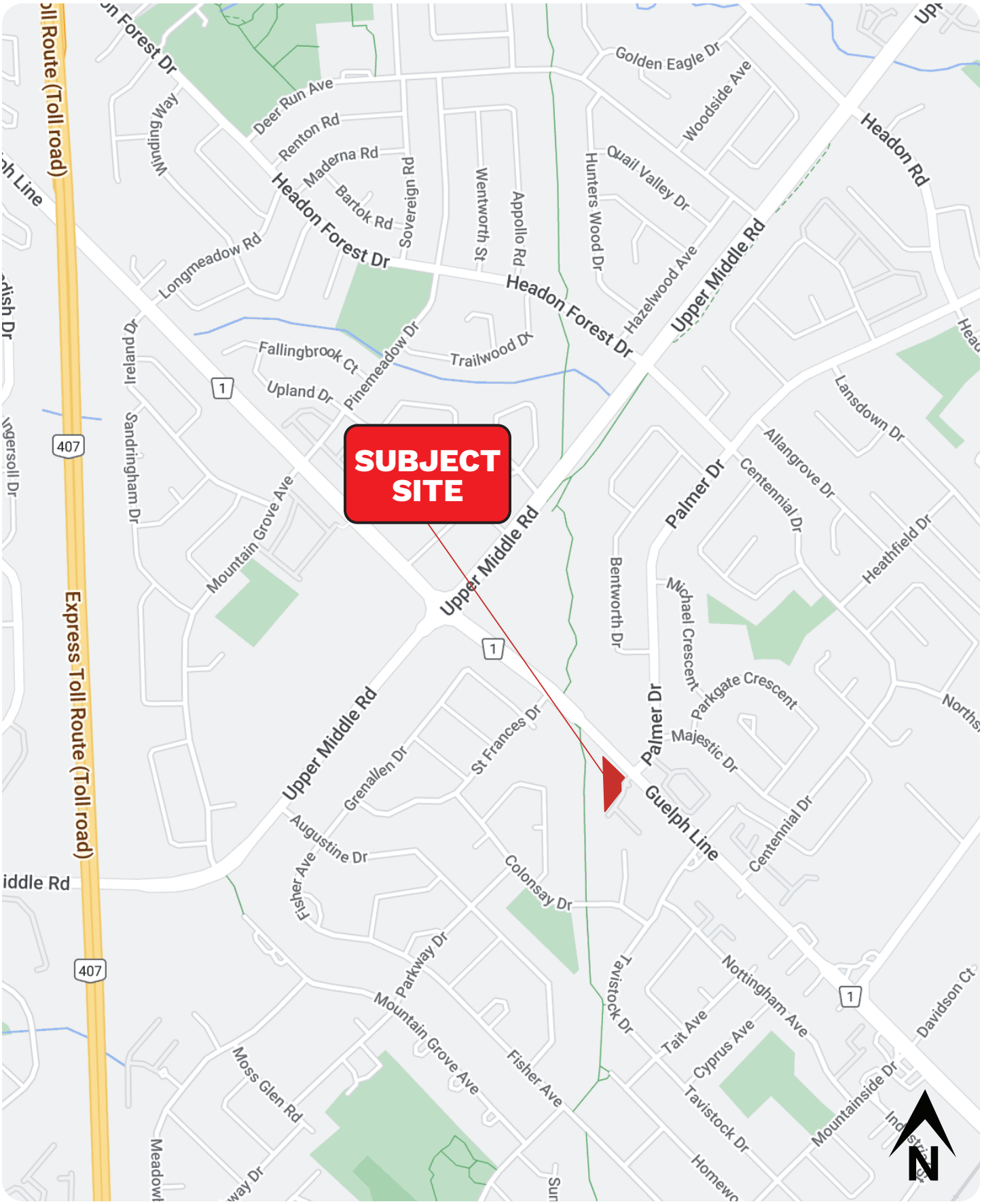


Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of an application by 2867372 Ontario Inc. and Infinity Development Group (the "Owner") to amend the in-force City of Burlington Official Plan and Zoning By-law 2020, as amended, to permit the redevelopment of a 0.42-hectare (1.03 acre) site, known municipally as 1396 Guelph Line ("the subject site").

The subject site is located on the west side of Guelph Line, south of Upper Middle Road, and directly south of the hydro corridor (see **Figure 1**). The subject site is occupied by a single-storey, red brick industrial building which has historically been used as a Canada Post letter carrier depot, now it is currently vacant. The proposal is to redevelop the subject site with an 11-storey residential apartment building (37.2 metres in height, excluding a 6.1-metre-high mechanical penthouse). The proposed development will include a total of 236 residential units, resulting in an overall floor area ratio of approximately 4.02.

This report concludes that the intensification of the subject site with a mid-rise residential apartment building is in keeping with the policy directions articulated in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe (2019, as amended), the Halton Region Official Plan, as recently amended through Regional Official Plan Amendment 48, the in-force Burlington Official Plan and the applicable urban design guidelines, all of which support and promote transit-supportive, pedestrian-orientated, compact built form, and residential intensification.

From a land use perspective, the proposal will contribute to the achievement of policy directions supporting intensification and infill within the built-up urban area, particularly in locations which are well-served by municipal infrastructure, including public transit. In this respect, the proposal will result in a desirable residential intensification project bringing additional residents within convenient walking and cycling access to existing commercial uses along Guelph Line, Community uses in the surrounding neighbourhoods, and public transit services along Guelph Line, which is a designated primary bus service in the in-force Official Plan and candidate frequent transit corridor in the draft new Burlington Official Plan.

From a built form and urban design perspective, the proposal will represent a high-quality architectural addition to the area and the proposed height and density are appropriate given the site's location along a multi-purpose arterial road, distance away from low-rise residential areas, adjacency to the hydro corridor limiting shadow, sky view, and transition impacts on adjacent sensitive uses, and the width of Guelph Line. Although the proposed mid-rise building exceeds the maximum density permitted in the Burlington Official Plan, the density is appropriate and desirable given new provincial and regional directions to increase rates of intensification within the built-up area and given that the building continues to meet site specific urban design principles relating to transition, height, built form, and massing.

The proposed development will provide an appropriate street wall condition along Guelph Line, while contributing to an improved pedestrian environment at-grade with active amenity space at grade, improved landscaping promoting an active streetscape, and a 6-storey podium to create an appropriately scaled street wall along the street. The proposal conforms with the design policies of the in-force Official Plan and is generally in keeping with the relevant urban design guidelines, specifically the City's Mid-rise Design Guidelines.

Based on the foregoing, this Planning and Urban Design Rationale report concludes that the proposal is appropriate and desirable in land use planning and urban design terms and, accordingly, we recommend approval of the requested Official Plan and Zoning By-law Amendment Applications.



2 Site & Surroundings

2.1 Subject Site

The subject site is made up of a single parcel, which is municipally known as 1396 Guelph Line. The subject site is located on the west side of Guelph Line, approximately 450 metres south of Upper Middle Road, and immediately south of the Hydro Corridor which runs through northern Burlington. The subject site is also located approximately 1.5 kilometres north of the Queen Elizabeth Way ("QEW"). The subject site is generally triangular in shape and has an area of approximately 4,168 square metres (1.03 acres) and has a frontage of 76.65 metres along Guelph Line. The subject site has a depth of approximately 100 metres at its south end, narrowing as it travels north.

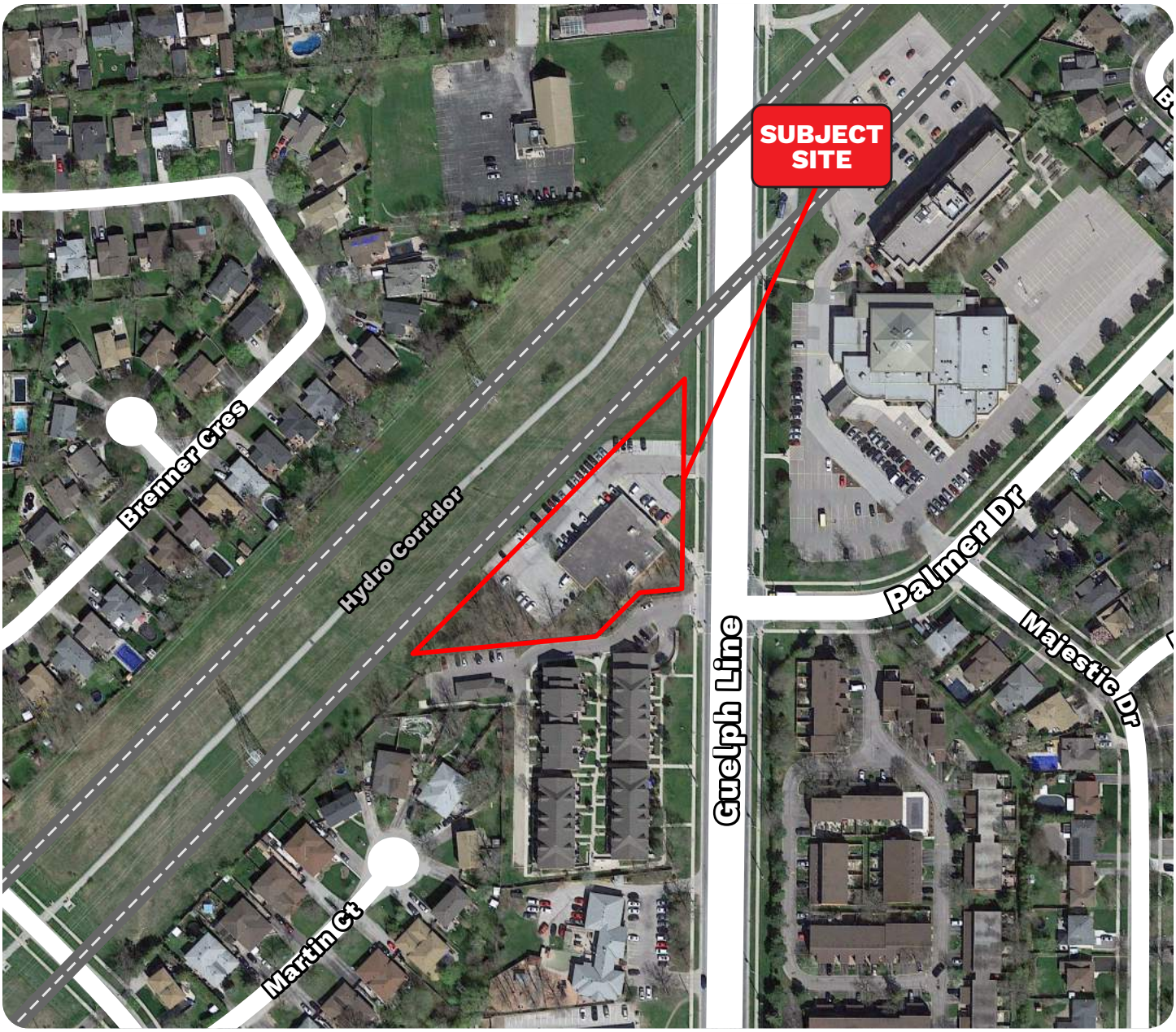


Figure 2 - Aerial Photo - Site Context

The subject site is currently developed with a single storey commercial building which historically was used as a Canada Post letter carrier depot. The depot closed in 2020 following a consolidation into a larger, new construction facility elsewhere in Burlington, and the building has remained vacant since. A portion of the existing surface parking area for the subject site is located within the hydro corridor right of way to the north of the subject site and is used through an easement.

The existing building consists of a single-level, red brick building set well back from Guelph Line, with surface parking areas to the north, south, and west of the building. The building is not aligned with Guelph Line, instead generally aligning with the north lot line along the hydro corridor. An open-air loading area is provided at the rear of the site. The parking and loading areas are accessed via a single driveway access from Guelph Line, approximately mid-way through the site's frontage. A wide sidewalk also connects the building to an existing bus stop and associated shelter along Guelph Line.



The existing Canada Post mail carrier depot on the subject site, looking southwest.



The rear of the existing building with the loading area and surface parking area, looking southeast.

2.2 Area Context & Height Survey

The subject site is located in the Mountainside neighbourhood of Burlington, an area generally bounded by Upper Middle Road to the north, Guelph Line to the east, the QEW to the south, and Brant Street to the west. The neighbourhood consists primarily of smaller 1 or 1.5 storey detached dwellings on generous lots through the interior of the neighbourhood, with various higher density and commercial uses lining the arterial roads and highways which form the neighbourhood's boundaries. A small amount of industrial area is also located along the QEW.

Guelph Line is defined by a variety of uses and densities between the Hydro corridor and QEW, which includes the subject site. This stretch of Guelph Line includes large commercial retail plazas bookending the street on the north and south ends of this segment, with various smaller scale commercial uses and medium and high-density residential uses between the commercial areas. Existing uses include townhouses, apartment buildings, retirement residences, places of worship, funeral homes, commercial retail plazas, gas stations, automotive repair facilities, automotive dealerships, utility uses, day cares, medical offices, restaurants, and more.

Existing building heights for the area surrounding the subject site are identified in the Height Survey in **Figure 3** on the following page.

A variety of community amenities are also available surrounding the subject site, shown on **Figure 4**.

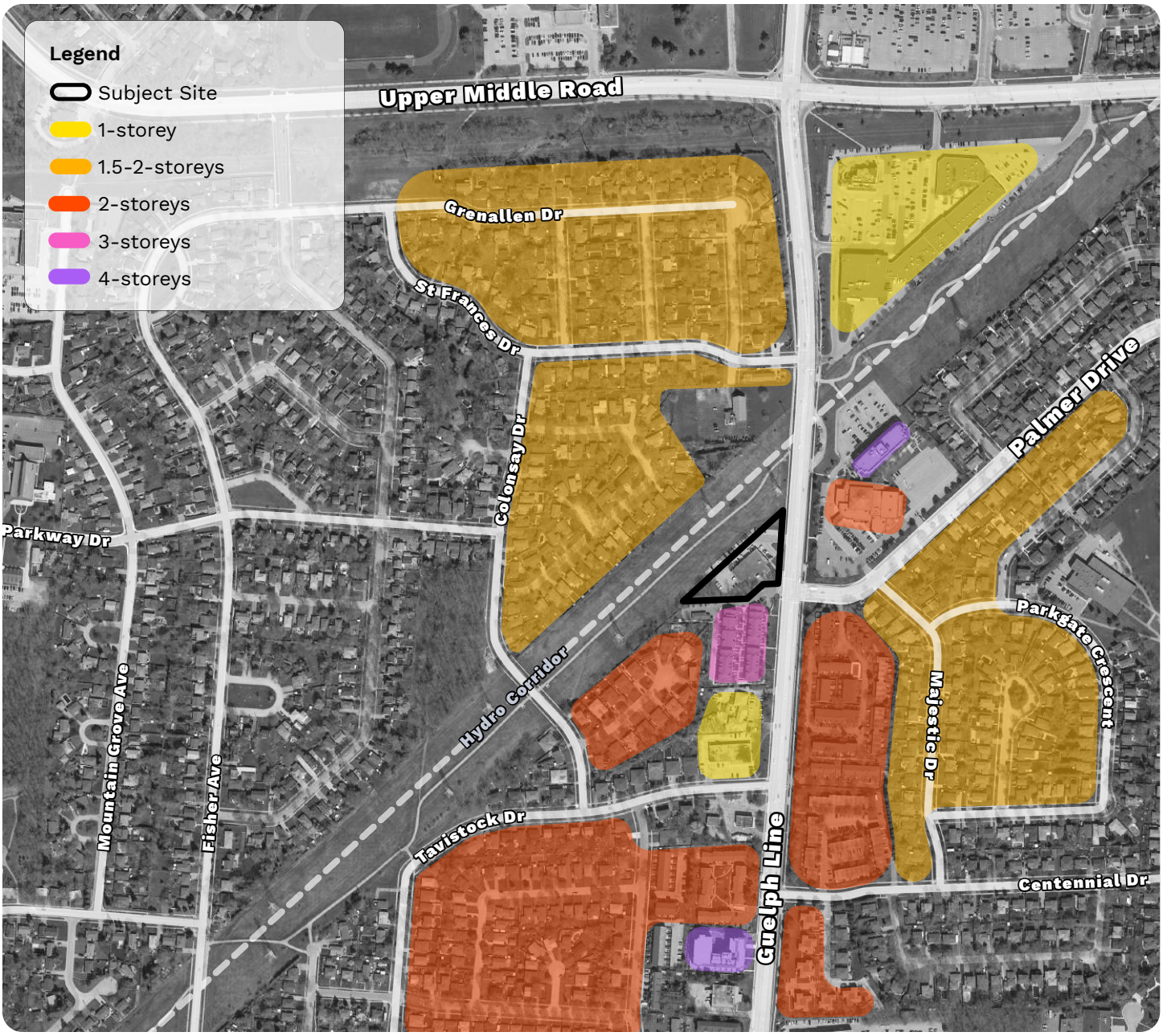


Figure 3 - Height Survey



Figure 4 - Community Amenities

There is currently a single active development application in the area, located at the Fortinos Commercial Plaza at the northeast corner of Upper Middle Road and Guelph Line at 2025 Guelph Line. A zoning By-law amendment application was approved in 2017 in order to permit the construction of three new single-storey retail and restaurant buildings along Upper Middle Road. No site plan application is listed as having been received by the City of Burlington for the proposed buildings at this time.

The corridor generally represents a corridor of a wide variety of uses and existing amenities for which opportunity exists to intensify in alignment with various goals and objectives of provincial, regional, and municipal policy. It also provides an opportunity to add new residential apartment uses and expand the range of housing options in the neighbourhood.



An existing commercial plaza off of Guelph Line, close to the QEW



An existing 4-storey building to the south along Guelph Line



A variety of townhouse complexes buffered with landscaping from the street line Guelph Line

2.3 Immediate Surroundings

To the immediate **north** of the subject site is the hydro corridor, which consists of two rows of hydro towers. The corridor is approximately 85 metres in width. Two hydro towers exist to the north of the subject site on this corridor, each supporting one of the two hydro lines running through the corridor. The southernmost tower is located immediately to the west of Guelph Line, while the northern hydro tower is more substantially set back from Guelph Line, being located approximately north of the subject site's southwest corner. A multi-use path which winds through the corridor between the two rows of hydro lines, providing a safe cycling and walking path from northeast Burlington to southeast Burlington near the QEW.

North of the hydro corridor is the Calvary Baptist Church, a place of worship consisting of a single level beige-brick church building significantly set back from Guelph Line and a surface parking area, as well as various 1 to 1.5 storey detached dwellings fronting onto Brenner Crescent, a local residential street, with their rear yards facing the hydro corridor to the south.

North of the Calvary Baptist Church is St. Frances Drive, which connects to a signalized intersection with Guelph Line and provides access to the various detached dwellings. The northern end of this residential area is bordered by another east-west hydro corridor, which runs along the south end of Upper Middle Road, a Regional Arterial Road with 4 lanes and various turn lanes, as well as sidewalks on both sides of the street. The north side of Upper Middle Road is occupied by the MM Robinson High School and Halton Region School board offices on a large education campus, which includes large open green spaces and sports fields.



Guelph Line north of the subject site, looking north



The Calvary Baptist Church, looking south from St. Frances Drive



The hydro corridor, looking east from Colonsay Drive



Detached dwellings along Brenner Crescent, looking west



Looking south along Guelph Line from Upper Middle Road

To the immediate **east** of the subject site is Guelph Line, a 4-lane major arterial road with a designated right of way width of 42 metres. The road also has a continuous centre turn lane along the subject site, with sidewalks on both sides of the street. A signalized intersection exists directly to the southeast of the subject site along Guelph Line, directly south of the subject site's frontage. This intersection between Guelph Line and Palmer Drive provides a safe crossing for pedestrians across the street, and services a local collector road (Palmer Drive) which extends to the east of the subject site from where it begins at Guelph Line. Palmer drive consists of 2 vehicle lanes and a left turn lane approaching the intersection with Guelph Line, also with sidewalks on both sides of the street.



The intersection of Upper Middle Road and Guelph Line, looking southwest



Guelph Line immediately east of the subject site, looking south



Existing commercial uses at the northeast corner of Guelph Line and Upper Middle Road



An existing bus shelter is located at the southeast corner of the subject site along Guelph Line, looking south

The north side of Palmer Drive is occupied by the Glad Tidings Church, a large, red brick, 2-storey place of worship complex with a significant amount of surface parking. The primary place of worship building is set back from Guelph Line, separated by a surface parking area and a row of street trees. To the northeast of the primary place of worship building is the Palmer Place Seniors Residence, a 4-storey retirement residence associated with the Glad Tidings Church and accessed through the church parking areas. The parking for the senior's residence is located within the hydro corridor to the north of the two buildings, with another surface parking area for the church to the south of the Seniors Residence along Palmer Drive.

Also located within the hydro corridor on the east side of Guelph Line is a gravel bus loop for Burlington Transit, which provides a layover point for Burlington Transit buses. The loop also features a small bus shelter for passengers.

North of the hydro corridor on the east side of Guelph Line is the Burlington Heights commercial retail plaza, which consists of several single-storey retail buildings which include commercial tenants including Food Basics, McDonalds, Pizza Hut, and others. The north side of the plaza is occupied by the second, east-west hydro corridor, as well as Upper Middle Road. The north side of Upper Middle Road is also occupied a similar commercial retail plaza, including tenants like Fortinos, Giant Tiger, Subway, Dollarama, the LCBO, and the Beer Store.

The southeast corner of Palmer Drive and Guelph Line is occupied by Barrington Square, a residential townhouse complex consisting of various 2-storey townhouse blocks accessed from private residential roads at 3000-3016 Palmer Drive. The complex consists of 9 townhouse blocks, each consisting of 2-storey red brick townhouse dwellings. The Guelph Line frontage of the townhouse complex consists of the rear yards of one block of the townhouses closest to Palmer Drive, a private window street providing local access to several blocks of townhouses further south.

South of Barrington Square is another townhouse development at 1335 Guelph Line, consisting of two blocks of townhouses accessed off a private road from Guelph Line. South of this townhouse block is a third townhouse development at 3001-3009 Centennial Drive, consisting of 2-storey red-brick townhouse buildings accessed off a series of private roads and with their rear yards facing Guelph Line.

To the east of these various townhouse developments and the Glad Tidings Church is a stable residential area consisting primarily of detached dwellings, 1-1.5 storeys in height. The Dr. Charles Best Public School is located within this area, as is Sycamore Park, approximately 300 metres east of Guelph Line.



Glad Tidings Church and the Palmer Place Seniors Residence, looking southeast



The townhouse complex at the southeast corner of Guelph Line and Palmer Drive is buffered by mature landscaping from Guelph Line, looking south



Palmer Drive extends to the east from the subject site, looking east



The existing townhouses at 1335 Guelph Line – looking northeast



Many detached dwellings are accessed off of Palmer Drive, to the east of Guelph Line. Looking south



The existing 2-storey townhouses at 3001-3009 Centennial Drive, looking northeast from Guelph Line

Immediately to the **south** of the subject site is a 2 to 3 storey townhouse complex at 1380 Guelph Line. The complex consists of two rows of red-brick back-to-back townhouses, each row with two blocks, oriented in a north-south direction along Guelph Line, each facing an internal access courtyard between the four blocks. The north and south faces of each block, including those closest to the subject site, are windowless walls clad in a mix of red-brick and white siding. The outermost units of each block of townhouses are 2-storeys, with the middle units increasing in height to 3-storeys. Access is provided via a private driveway accessed from the west side of the signalized intersection of Palmer Drive and Guelph Line. A small amount of surface parking is provided, with most parking provided in an underground parking garage accessed via a ramp immediately beside the signalized access to the complex. The driveway extends in an east-west direction along the subject site's south lot line, extending to a surface parking area at the rear of the complex, which includes a small garage and garbage storage structure. A fire access lane extends southwards along the complex's west lot line, providing fire access to the internal townhouse blocks.

South of the townhouse complex, at 1350 Guelph Line, is the Woodland Children's Centre, a single level white-siding daycare facility with a surface parking area between the building and Guelph Line. The Woodland Children's Centre is notably zoned RH4, which permits a maximum height of 12 storeys as of right. Further south is a single level commercial retail plaza featuring small retail spaces and surface parking at 2451 to 2465 Mount Forest Drive. The plaza is located at the northwest corner of Guelph Line and Mount Forest Drive, which is unsignalized. The southwest corner is occupied by a Husky gas station and automotive maintenance building, as well as an additional 2-storey townhouse complex and 4-storey apartment building further south.



The 2-3 storey back-to-back townhouses directly south of the subject site at 1380 Guelph Line, looking southwest



The access driveway and surface parking areas separate the townhouses at 1380 Guelph Line from the subject site. The townhouses have no north-facing windows. Looking southwest



A garage, surface parking, and loading area is located at the rear of the 1380 Guelph Line complex. Looking southeast from the subject site



The existing commercial plaza at 2465 Mount Forest Drive, looking northeast



The Woodland Children's Centre, located at 1350 Guelph Line, looking northwest



The Husky Gas Station and automotive maintenance building, looking southeast

To the immediate **west** of the subject site, given its triangular nature, is also the hydro corridor, extending from the northeast to southwest across the site's north and west lot line.

To the southeast, east of the back-to-back townhouse complex at 1380 Guelph Line is Martin Court, a residential cul-de-sac lined with 1.5 to 2 storey semi-detached dwellings. These dwellings are separated from the subject site by the surface parking area and garbage storage building for 1380 Guelph Line, providing generous separation distances. Further southeast are more semi-detached and detached dwellings.

To the northeast is the previously mentioned residential area along Brenner Crescent, which consists of a variety of 1.5 storey detached dwellings. Colonsay Drive runs in a north-south direction, providing access across the hydro corridor. The east side of Colonsay Drive is occupied by Peart Park, a woodlot full of mature trees and a playground immediately along the street.



Martin Court is lined with 1.5-2 storey semi-detached dwellings, looking northeast.



Colonsay Drive cross the hydro corridor, looking northwest



Peart Park features a children's playground and a large mature woodlot, looking northwest

2.4 Transportation Context

Road Network

Guelph Line is a Regional Major Arterial Road with a planned right of way width of 42 metres as identified in *Map 3 – Functional Plan of Major Transportation Facilities* (**Figure 4**) and *Map 4 – Right-of-Way Requirements of Arterial Roads* (**Figure 5**) in the Region of Halton Official Plan.

The existing right of way width for Guelph Line adjacent to the subject site is approximately 37 metres, requiring an approximate 2.5 metre road widening as a part of the proposed development.

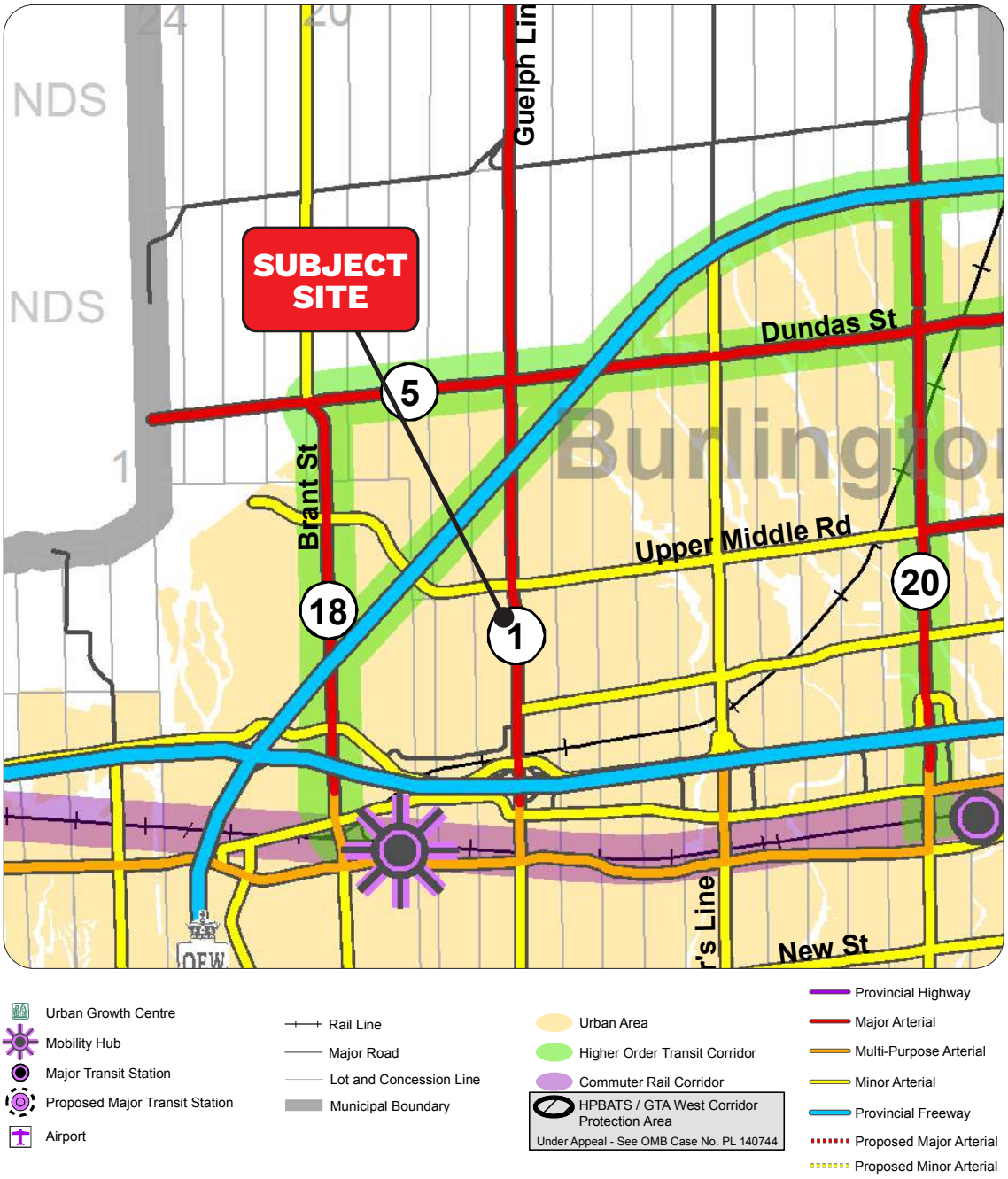


Figure 5 - Map 3, Functional Plan of Major Transportation Facilities

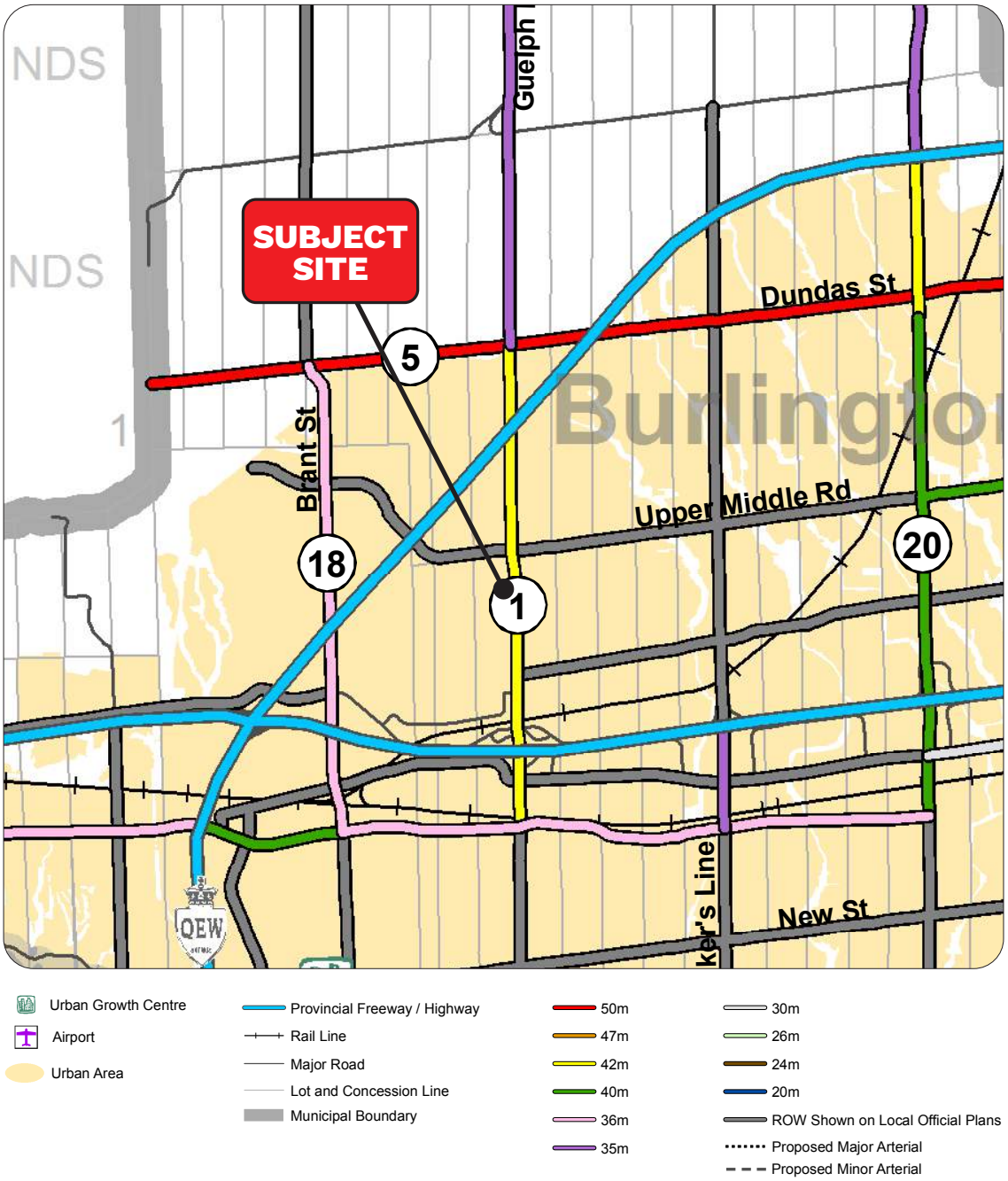
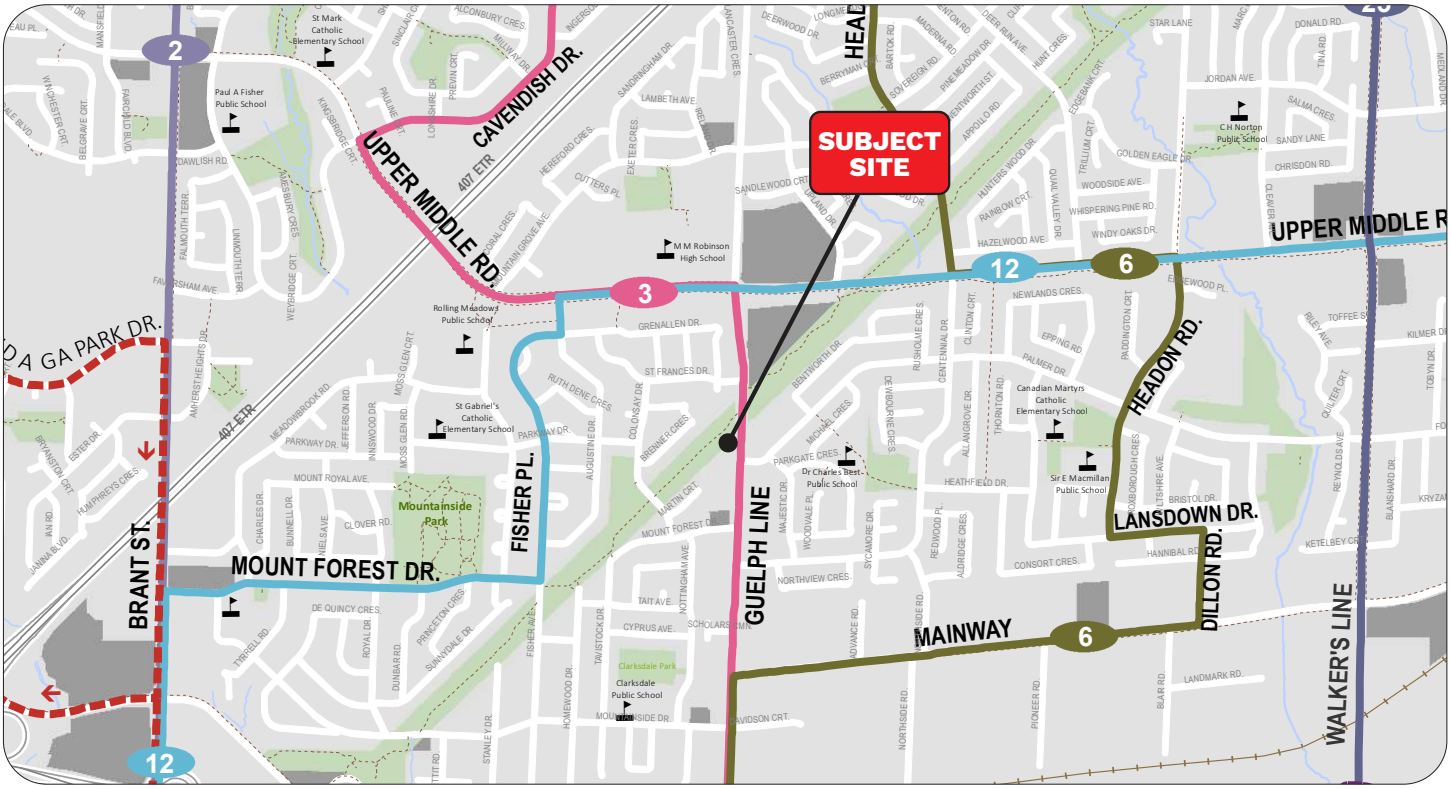


Figure 6 - Map 4, Right-of-Way Requirements of Arterial Roads

Transit Network

The subject site is well-served with public transit. The subject site is directly adjacent to the 3 Guelph Line bus route as well as a short walk from the 12 Upper Middle Road bus route. The 3 Guelph Line bus operates from the Downtown Burlington bus terminal, along Lakeshore Road, up Guelph Line past the subject site, then winds through residential areas to reach the Dundas GO Park and Ride near Highway 407. The 3 operates on a 30-minute frequency from approximately 6am to 10pm, 7 days a week. A reduced hourly frequency is operated in the morning and evenings on weekends. The 12 Upper Middle Road bus operates between Burlington GO station, up Brant Street, across Upper Middle Road, then finally up Appleby Line to the SmartCentres Burlington North commercial plaza. The 12 route operates from 6am to 10pm throughout the week, operating on a 30-minute frequency during the week and mid-day on weekends, and an hourly frequency for the late evenings throughout the week and in the morning on weekends.

The Burlington GO station, approximately a 7-minute drive to the southwest, provides train service every 30 minutes to Union Station in Toronto and every 1 hour to West Harbour GO in Hamilton. There is also one train in the evening that provides train service to Niagara Falls GO.



Routes

1	Plains	11	Sutton - Alton
101	Plains Express	12	Upper Middle
2	Brant	25	Walkers
3	Guelph - Downtown	48	Millcroft
4	Central	80	Harvester
6	Headon - Haber	81	North Service
10	New - Maple	87	North Service - Aldershot

Please note as of March 2020 - Route 101 has been temporarily suspended

Figure 7 - Transit Map

Cycling Network

With respect to the bicycle network, a dedicated cycling trail runs through the Hydro Corridor immediately to the north of the subject site, providing safe connections between northeast and southwest Burlington.

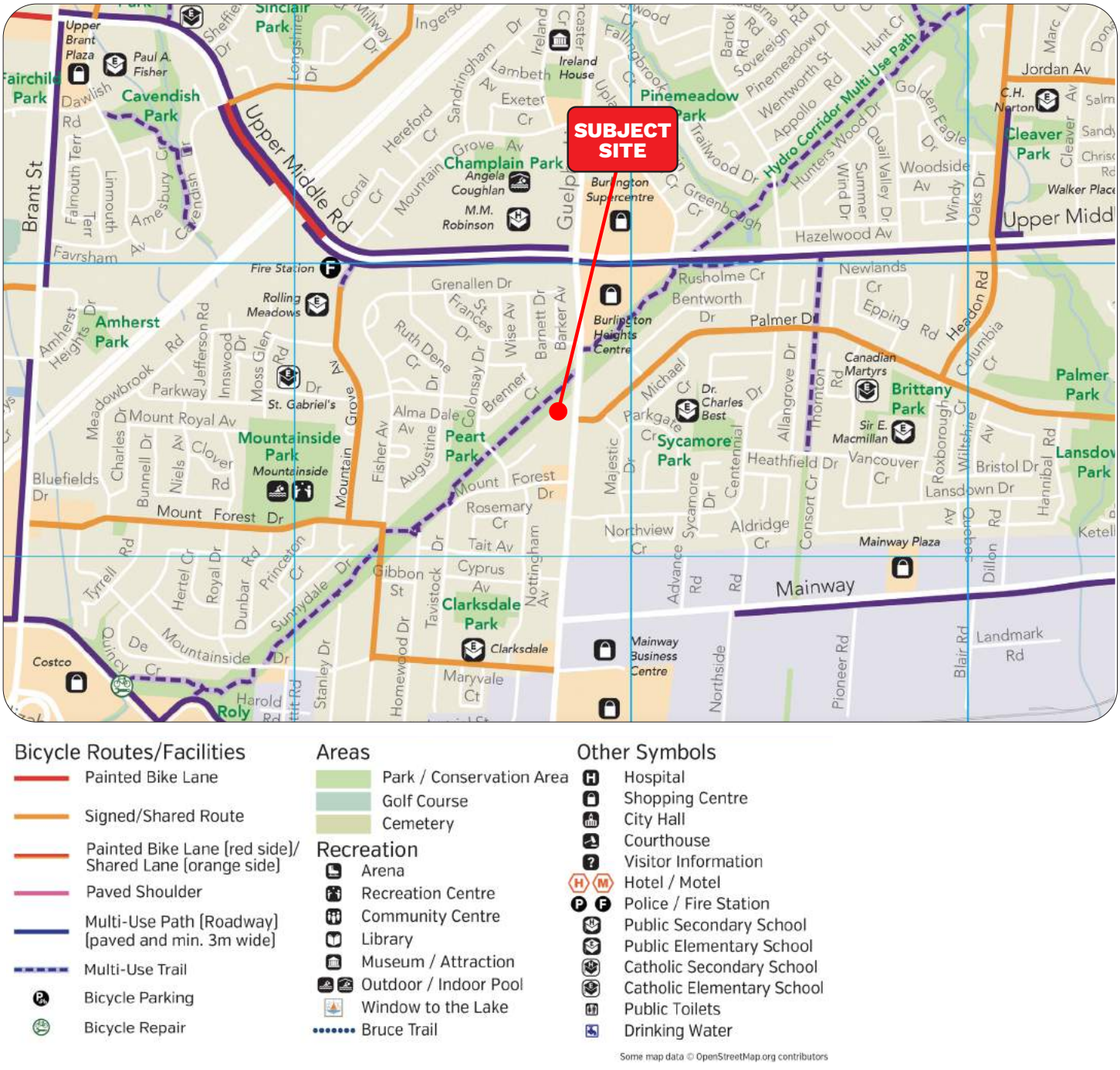


Figure 8 - Cycling Map



3 Proposal

3.1 Description of Proposal

The proposal is to develop the subject site with an 11-storey residential apartment building. The new building will contain 232 residential units. 236 parking spaces are proposed, of which 8 spaces would be located at grade and 228 spaces would be located in a three-level underground parking garage. The proposed development will have a total GFA of 16,747 square metres, resulting in a Floor Area Ratio of 4.02 and density of 566 units per hectare.

Built Form

The proposed development will have an overall height of 37.2 metres to the top of the roof and 43.3 metres to the top of the mechanical penthouse. Two step backs are proposed on the building, as follows:

- A 3-metre step back is proposed at the 7th floor along the eastern portion of the building facing Guelph Line, and extending partially along the building's north and south sides to increase transition and create a distinct 6-storey podium along Guelph Line; and
- A second, 3 metre step back is proposed at the 11th floor.

The building presents a consistent street wall, aligned with the front lot line, along Guelph Line, with the building shifting in direction partly along the building's south façade, bending to align with the irregular angle of the subject site. The podium step back provided above the 6th floor extends along the north side of the building until this shift, whereafter the building extends the full 11 storeys straight to grade along the north wall. On the south side, the podium step back continues past the shift in the building face, extending to the southwest where the building's south wall again shifts to align with the irregular south lot line. At this point, the podium step back disappears, with the building wall extending the full 11 storeys in building height. The uppermost step back at the 11th level also follows this pattern, extending partially along both the north and south building walls.

Pedestrian Realm

The proposed development consists of active uses on the ground floor, fronting onto high quality landscaped spaces that appropriately interface with the public realm surrounding the subject site and create significantly improved pedestrian friendly environment along Guelph Line. Indoor amenity areas as well as the primary building entrance are proposed along the Guelph Line frontage, creating pedestrian activity and animating the frontage along the Guelph Line sidewalk. The sidewalk will be separated from the building by a generous landscaped area which will improve the condition of the public realm along the subject site.

Along the south lot line, a row of five grade-related townhouse units will be located on the lower two levels of the apartment building, creating a more active interface with the townhouse complex driveway to the south. New landscaping will also fill the proposed setback between the two properties.

The ground floor is proposed to be generally double height with the exception of five townhouse units along the south side of the building, presenting a large, high ceiling space along Guelph Line. The 6- storey podium then has a small overhang above this space, creating an intimate pedestrian scale at grade.

Parking and Vehicular Access

The proposed development would be accessed via a driveway along the north lot line, extending along the entirety of the property depth. The driveway would provide access to a small surface parking area at the rear of the property located away from the public realm, as well as the proposed parking garage ramp which is also accessed towards the end of the driveway at the rear of the property. A single loading space is also proposed to be located within the building, accessed off the driveway, and would have a minimum dimension of 13.5 x 4 metres, with a minimum vertical clearance of 5.7 metres.

The Proposal will include 236 parking spaces, of which 9 will be accessible parking spaces. This results in a total proposed parking rate of 1.00 spaces per unit. Most of the parking spaces are located in a three-level underground garage, with 228 spaces. A small amount of parking, a total of 8 spaces, is proposed to be accommodated at grade along the north driveway.

A total of 850 bicycle parking spaces are proposed on the P1 level and ground floor of the proposed development.

Unit Mix and Amenity Space

The proposed development includes a total of 258 units comprised as follows: 13 bachelor units (6%), 167 one-bedroom units (70%), and 56 two-bedroom units (24%).

The Proposal includes 446 square metres of indoor amenity space, located on the ground and 11th floors. A total of 1,807 square metres of outdoor amenity area is also proposed, spread across all levels.

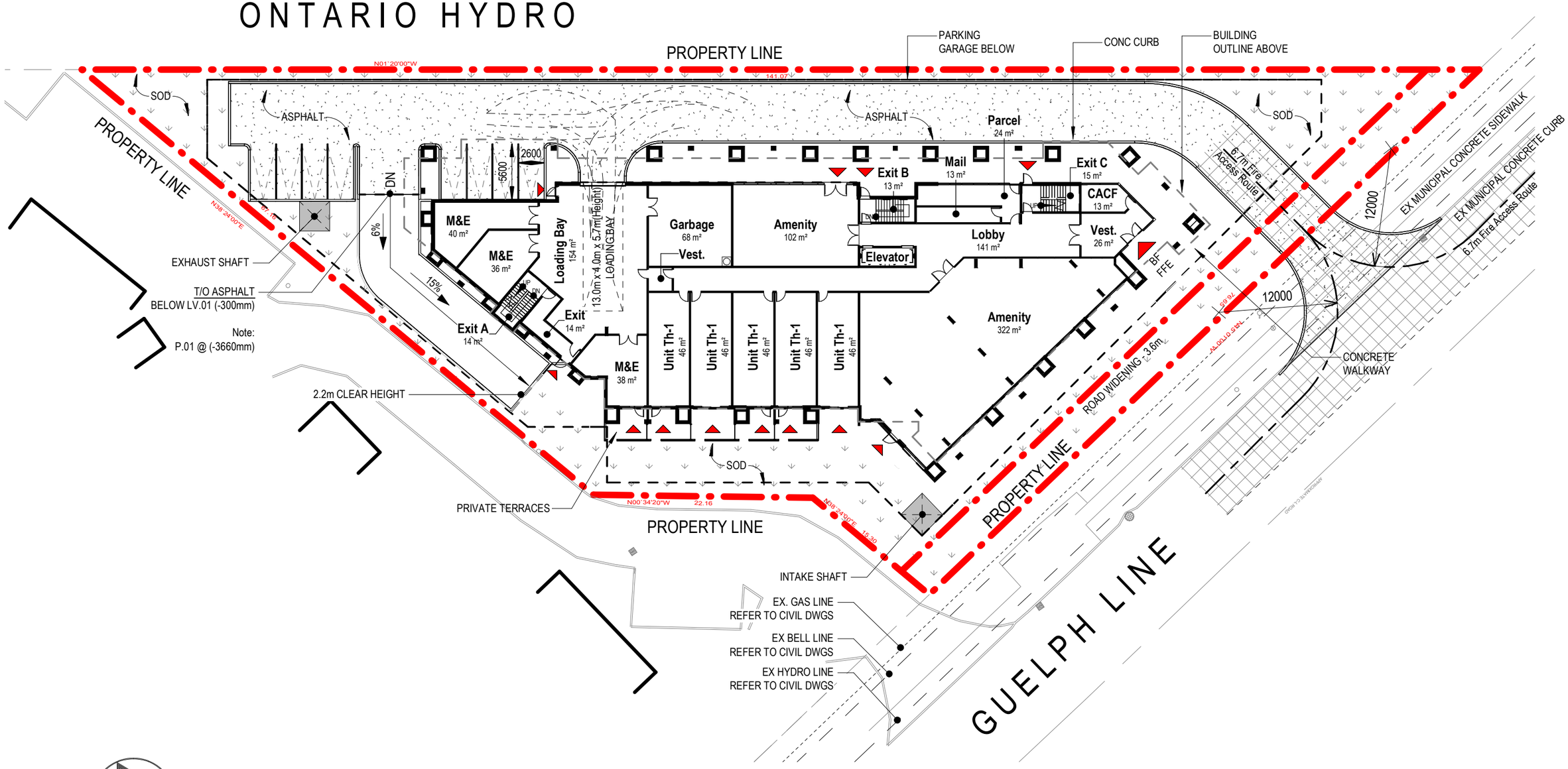


Figure 9 - Site Plan (Prepared by Zedd Architecture)

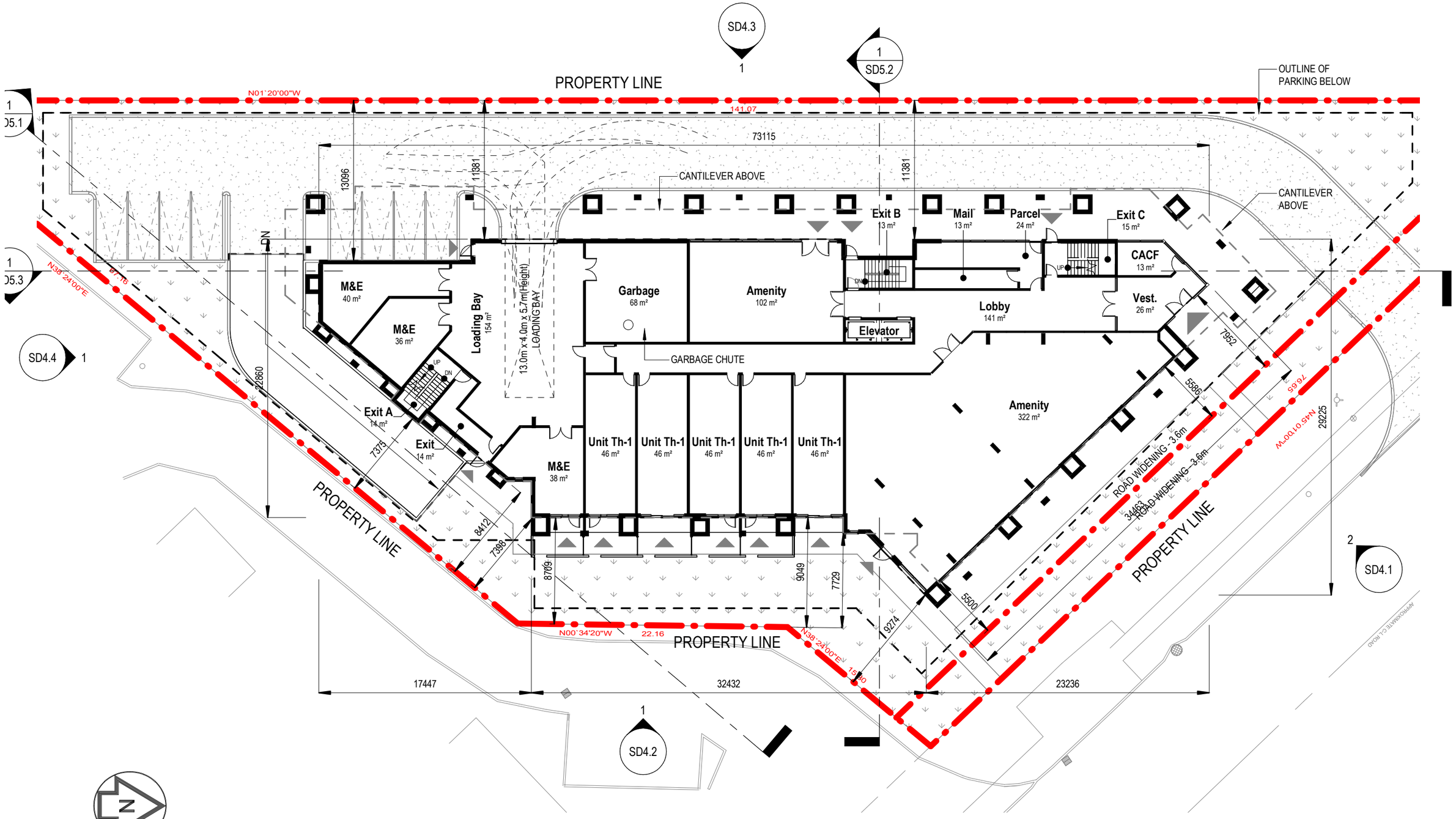


Figure 10 - Ground Floor Plan (Prepared by Zedd Architecture)



Figure 11 - Northeast Elevation (Prepared by Zedd Architecture)



Figure 12 - South Elevation (Prepared by Zedd Architecture)



Figure 13 - East Elevation (Prepared by Zedd Architecture)

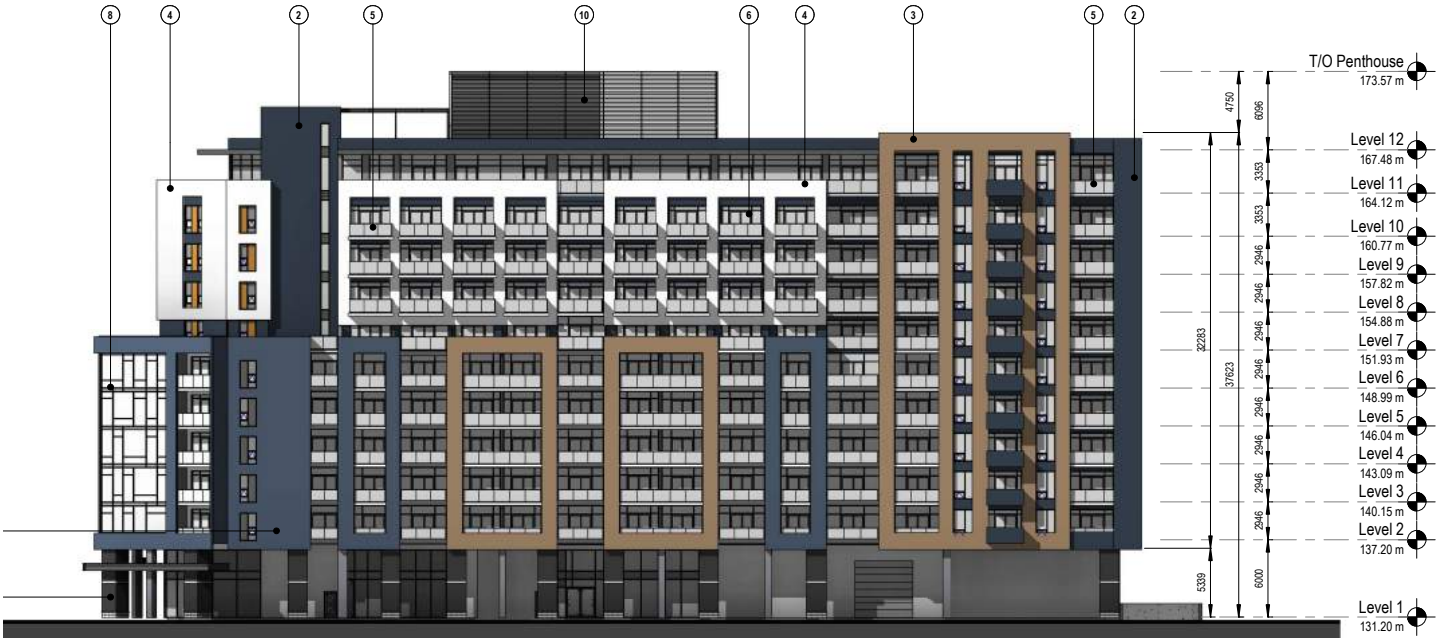


Figure 14 - West Elevation (Prepared by Zedd Architecture)

3.2 Key Statistics

Site Area	4,168 sq. m
Gross Floor Area	16,747 sq. m
Floor Area Ratio	4.02
Density	566 Units Per Hectare
Units Bachelor 1 Bedroom 2 Bedroom **Total**	 13 units 167 units 56 units **236 units**
Amenity Space Common Indoor Amenity Common Outdoor Amenity **Total**	 446 sq. m (1.89 sq. m/unit) 1,807 sq. m (7.66 sq. m/unit) **2,314 sq. m (9.55 sq. m/unit)**
Vehicular Parking Spaces	236 parking spaces (1.00/unit)
Bicycle Parking Spaces	85 spaces
Loading Spaces	1 loading space

3.2 Required Approvals

In our opinion, the proposed development conforms with the applicable provincial and regional planning policies, in particular the intensification and areas related to the built-up area within the PPS and Growth Plan and the *Urban Area* policies of the Regional Official Plan. However, the proposal requires an amendment to the in-force City of Burlington Official Plan to re-designate the subject site from *Residential – Medium Density* to *Residential – High Density* with a site-specific exception to increase the maximum height and density in the *Residential – High Density* designation.

An amendment is also required to the City of Burlington Zoning By-law 2020, as amended, to rezone the subject site from the S (Utility Services) zone to RH5 (Residential High Density) zone with site-specific exceptions related to setbacks, parking and maximum densities.



Figure 15 - Rendering, View Guelphline Looking East (Prepared by Zedd Architecture)



4 Policy & Regulatory Context

4.1 Overview

As set out below, the re-development proposal is supportive numerous policy directions set out in the Provincial Policy Statement, A Place to Grow: The Growth Plan for the Greater Golden Horseshoe, the Region of Halton Official Plan, as amended, and the in-force City of Burlington Official Plan, all of which promote the efficient use of land and infrastructure within built-up areas, particularly in proximity to transit.

4.2 Provincial Policy Statement (2020)

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

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

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

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

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

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

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

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

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

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposal is consistent with the Provincial Policy Statement and, in particular, the policies relating to residential intensification and the efficient use of land and infrastructure and adding new transit-supportive development and housing in proximity to transit corridors.

4.3 Growth Plan for the Greater Golden Horseshoe (2019, as amended)

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

While many policies in the 2019 Growth Plan are unchanged from the 2017 Growth Plan, modifications were made to policies related to employment areas, settlement area boundary expansions, agricultural and natural heritage systems, intensification and density targets, and major transit station areas.

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

- supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability; and
- supporting a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes and ages of households.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure. It includes objectives that support the development of complete communities and promotes transit supportive development in proximity to higher order transit. As noted in Section 2.1 of the Plan:

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

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

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

"Strategic Growth Areas" include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned *frequent transit service* or higher order transit corridors may also be identified as Strategic Growth Areas. While the subject site is not in a designated Strategic Growth Area within both the in-force and draft Burlington Official Plans, the Guelph Line corridor is a designated candidate high-frequency transit corridor in the draft Burlington Official Plan and designated primary transit route in the in-force Burlington Official Plan, meeting the standard set out in the Growth Plan for potential Strategic Growth Areas.

Policy 2.2.1(3)(c) directs municipalities to undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will, among other things, provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form.

Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities that, among other things, feature a diverse mix of land uses including residential and employment uses, provide a diverse range and mix of housing options, expand convenient access to a range of transportation options, provide for a more compact built form and a vibrant public realm, mitigate and adapt to climate change impacts, and contribute to environmental sustainability.

Policy 2.2.2(1)a) of the Growth Plan states that by the time of the next municipal comprehensive review is approved and in effect, and for each year after that, a minimum 50 percent of all residential development occurring annually in the Halton Region should be within the delineated built-up area.

Policy 2.2.2(3) requires municipalities to develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will, among other things, identify strategic growth areas to support achievement of the target and recognize them as a key focus for development, identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas, and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

Section 2.2.6 of the Growth Plan deals with housing. Policy 2.2.6(1) requires municipalities to support housing choice through, among other matters, the achievement of the minimum intensification and density targets in the Growth Plan by identifying a diverse range and mix of housing options and densities to meet projected needs of current and future residents, including establishing targets for affordable ownership and rental housing. Notwithstanding Policy 1.4.1 of the PPS, Policy 2.2.6(2) states that, in implementing Policy 2.2.6(1), municipalities will support the achievement of complete communities by: planning to accommodate forecasted growth; planning to achieve the minimum intensification and density targets; considering the range and mix of housing options and densities of the existing housing stock; and planning to diversify the overall housing stock across the municipality.

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

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

Policies 3.2.3(1) and 3.2.3(2) state that public transit will be the first priority for transportation infrastructure planning and major transportation investments, and that decisions on transit planning and investment will be made according to a number of criteria including prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels, and increasing the capacity of existing transit systems to support strategic growth areas.

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

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposed development conforms with the 2019 Growth Plan and, in particular, the policies that seek to optimize the use of land and infrastructure and to encourage growth throughout the urban area in close proximity to public transit and amenities, especially in strategic growth areas.

4.4 Halton Regional Official Plan (2018 Office Consolidation and ROPA 48)

On July 7, 2021, Regional Council adopted Amendment No. 48, "An Amendment to Define a Regional Urban Structure" (ROPA 48) to the Halton Regional Official Plan through By-law No. 31-21. The Ministry of Municipal Affairs and Housing approved ROPA 48 on November 10, 2021, with modifications, and is now in-effect for the subject site.

A comprehensive Official Plan review is currently underway by the Region, with phase 3 of the review currently underway and expected to be complete in 2023. On February 16, 2022, Halton Region Council notably directed staff in the preparation of this review to limit the urban boundary the existing boundary to 2041, requiring an increased rate of intensification to accommodate growth. While exact implications and detailed policy responses to this direction have yet to be determined, it indicates a direction for greater levels of intensification throughout the region to limit the requirement for new urban growth areas to accommodate population growth over existing, in force policies.

Policy 31 of ROP sets a vision for planning Halton's future by building "healthy communities" and through defining a "healthy community" as one: where a full range of housing, employment, social, health, educational, recreational and cultural opportunities are accessible for all segments of the community (Policy 31(4)); and, where mobility is provided primarily through an affordable, convenient, safe and efficient public transportation system and non-motorized travel modes (Policy 31(5)), among others.

Policy 50.2 of the ROP discusses Halton's Regional Structure which implements Halton's planning vision for its future landscape by organizing land uses into the three broad categories, one of which encompasses the subject site, as described in Policy 50.2(1) with regard to Settlement Areas, consisting of the *Urban Area* land use designation. Policy 51(1) describes the *Urban Area* land use designation as one where urban services are provided to accommodate concentrations of existing and future development. The applicable land use designation is also depicted on Map 1 – Regional Structure of the Official Plan (see **Figure 16**).

Policy 51.3 was added through ROPA 48 which defines a Regional Structure consisting of Strategic Growth Areas, Regional Employment Areas, and the Built-Up Area. The subject site falls within the Built-Up Area of the Region, as shown on **Figure 16**.

Policy 55 of the ROP describes that the Regional Structure is accompanied by a growth strategy for Halton based on the distribution of population and employment for the planning horizon year of 2051, as contained in Table 1 of the ROP. Table 1 identifies a 2006 population of 171,000 for the City of Burlington with an increase to 193,000 by the horizon year of 2031 representing a 12% increase. Similar to population forecasts, the Region anticipates that the City of Burlington will increase their employment base from 88,000 employees in 2006 to 106,000 in the horizon year of 2031, representing a 17% increase. Further, as per Table 2 of the ROP, the Region anticipates that the City of Burlington will increase the total number of new housing units in the Built-Up Area by 8,300 units between 2015 to 2031. These forecasts are further expanded in Table 2A – Regional Phasing, with the City of Burlington being expected to contribute 2,669 dwelling units and 1,299 jobs in the 2022-2026 planning window. Although ROPA 48 extends the planning horizon of the ROP to 2051, the population and employment forecasts have yet to be included in the ROP. Revised growth targets to 2051 are expected to be completed as a part of the comprehensive review of the Halton Region Official Plan.

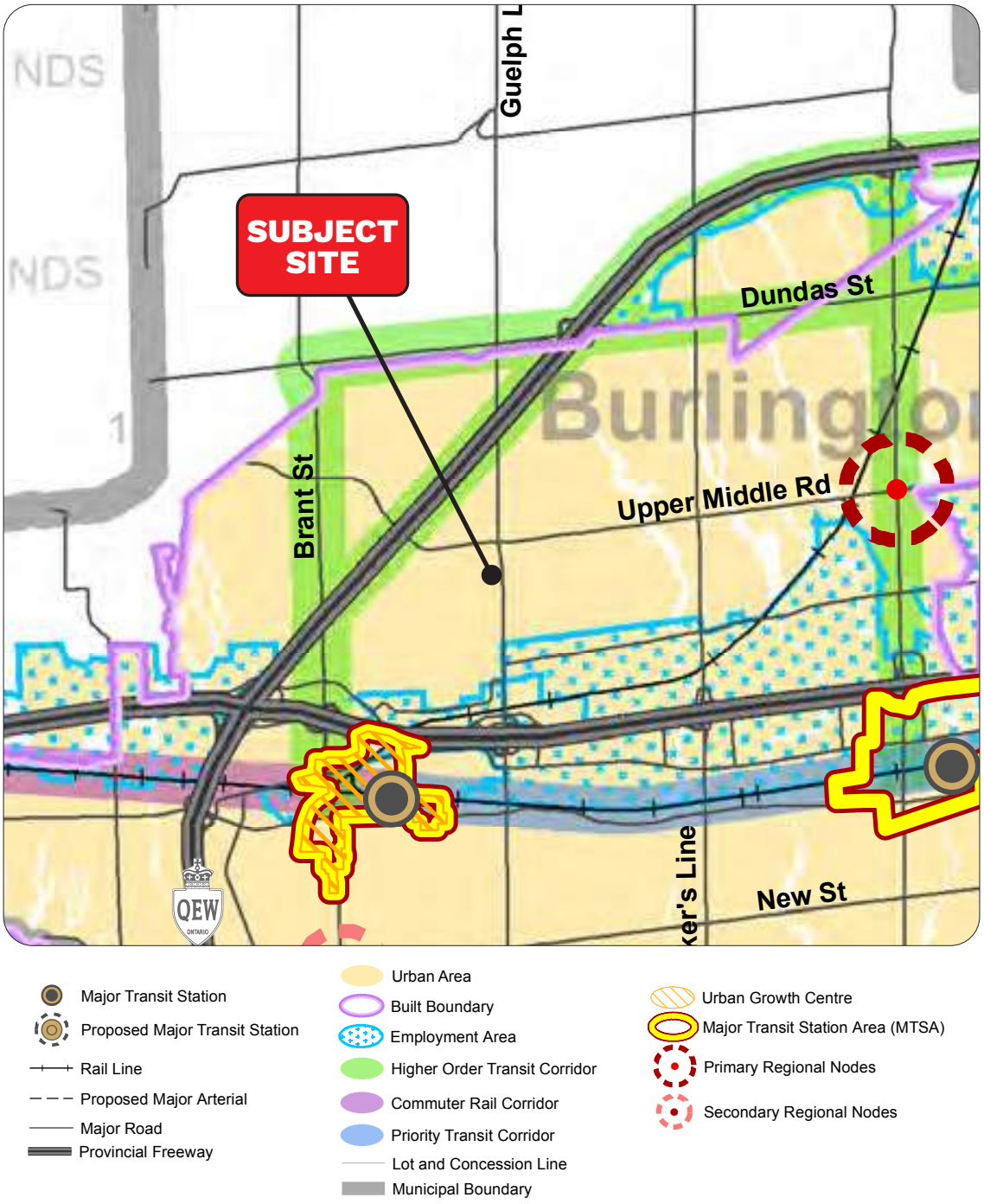


Figure 16 - Map 1H Regional Urban Structure (Halton Region Official Plan, as amended by ROPA 48

Urban Area Land Use Designation Policies

Policy 72 of the ROP states that the objectives of the *Urban Area* land use designation are to: support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel and reducing the dependence on the automobile while promoting live-work relationships (Policy 72(2)); to provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure (Policy 72(3));to identify a Regional Urban Structure that directs growth to Strategic Growth Areas and protects Regional Employment Areas (Policy 72(6)); to facilitate and promote intensification and increased densities (Policy 72(9)); and, to provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs (Policy 72(10)). Policy 76 provides that the range of permitted uses in the *Urban Area* will be in accordance with Local Official Plans and Zoning By-laws.

Policy 77(2.1) provides that a minimum of 40% of new residential development occurring annually within Halton in 2015 and every year thereafter shall be directed to the Built-Up Area.

Housing

Policy 84 of the ROP establishes the importance of housing for the people of Halton as it is a goal of the Region to supply an adequate mix and variety of housing to satisfy differing physical, social and economic needs. Policy 86(6)(a) provides that the Region will follow housing targets to achieve a target of at least 50 percent of new housing units produced annually in Halton to be in the form of townhouses or multi-storey buildings. Policy 86(11) provides that the Region will 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.

Transportation

One of the primary objectives of the Region of Halton as per Policy 172(2) is to develop a balanced transportation system that will reduce automobile dependency, include a safe, convenient, and accessible public transit system and promote active transportation. Further, Policy 172(6) provides that it is also a goal of the Region to provide seamless public transit services which provide a high level of service within Halton, are connected to a higher order transit network throughout the GTA and Hamilton and are complemented and supported by a network of active transportation facilities. Policy 172(9.1) provides that development should be designed to support active transportation and public transit.

Policy 173 identifies that it is the policy of the region to adopt a functional plan of major transportation facilities, as shown on Map 3, Functional Plan of Major Transportation Facilities (**Figure 5**), and as described in Table 3. Map 3 identifies Guelph Line as a Major Arterial Road, which is described in Table 3 as roads which serve mainly inter-regional and regional travel demands, may serve as an intensification corridor, accommodate higher order transit services, carry high volumes of traffic, distribute traffic to and from provincial freeways and highways, accommodate active transportation, and of which transit supportive, high density, mixed use development is to be encouraged along within urban areas.

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposal conforms with the Halton Regional Official Plan.

4.5 City of Burlington Official Plan (In-force)

The City of Burlington Official Plan ("OP"), office consolidation October 2017, was approved by the Ontario Municipal Board (OMB) on October 24th, 2008. The OP was originally approved in 1997 and has been amended many times over the years in an effort to keep it generally up to date with emerging provincial and regional policy, with the text and maps having been updated in December 2019.

Given the age of the plan, both the City of Burlington and the Region of Halton have identified that the existing OP is out of date and have prepared a New Official Plan. In this regard, n November 30, 2020, Halton Region approved the new Burlington Official Plan (the "New OP"), which is currently under appeal. The New OP was prepared under the previous versions of the Growth Plan and includes a plan horizon of 2041. As the current Growth Plan requires that municipalities plan to a horizon date of 2051, the City will need to prepare an update to the New OP that extends the planning horizon and conforms to the updated provincial and evolving regional planning policy framework.

Notwithstanding the status of the new OP, the current OP remains in force and effect as the guiding policy document for the City's long-range land-use strategy and is intended to ensure that current planning and development within the City will also meet the specific needs of the community. It contains goals and policies to guide the City's decisions on growth, land use and good design.

Part I, Section 2.0 of the OP provides that the planning horizon for the Plan extends to the year 2021 and anticipates that the population of the City will not exceed approximately 182,000 people within approximately 73,600 households, by the end of the planning period. Further, it is also expected that the employment level in the City will be approximately 108,000 in the year 2021. Part I, Section 3.0(h) of the Official Plan promotes intensification of residential and other land uses in the Urban Planning Area, among others, to fulfill Provincial Growth management objectives.

The policy framework in Part I, Section 4.3 provides for a number of policy directions, which include: directing population growth towards underutilized or vacant parcel in existing communities; a broader mix of residential dwellings in type, size, cost and ownership in low, medium, and high density forms with infill development encouraged on under-utilized lands; promoting a sense of community; and an integrated transportation system consisting of roads, public transit, pedestrian walkways and sidewalks and bikeways with emphasis on other forms of transportation to reduce congestion and improve environmental conditions.

Design Policies

Part II, Section 6 relates to design in the planning process. Part II, Section 6.2 sets out the objectives of the OP relating to design, directing that the design of the built environment, among other things:

- Preserves, enhances, and connects natural features and landscapes;
- 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;
- Achieves a high quality of design within the public realm;
- Ensures consistency, compatibility, and quality in the built environment while allowing for a diverse design expression; and
- Considers the principles of sustainable development in the design of the built environment.

Part II, subsection 6.3 b) directs that City Council may identify certain locations as gateways into the City or into parts of the City, and shall require distinctive design forms at these locations, while subsection 6.3 c) provides that Preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit.

Part II, Section 6.4 relates to the design of the public realm. Subsection 6.4 b) provides that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit, and subsection 6.4 e) provides that improvements to existing streetscapes shall be encouraged when reconstruction occurs and shall be implemented in accordance with Council-approved Urban Design Guidelines, where such guidelines exist.

Part II, Section 6.5 relates to design guideline policies. Section 6.5 provides the following policies to guide the design of new development:

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;
e. All developments shall be designed having regard for public transit accessibility in the Urban Planning Area, convenience and comfort, and access and parking for the physically challenged, and to ensure that the needs of persons with disabilities and other special needs groups are addressed;
f. City Council shall require that design plans promote public safety and security, with adequate visibility and lighting and the avoidance of secluded areas;
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;
h. The streetscape appearance of major, multi-purpose and minor arterial roads and collector streets shall be enhanced by encouraging buildings to present their main building facades to these roads or to enhance their treatment to avoid the appearance of blank buildings at service entrances;
i. Reverse frontage lotting patterns and the use of acoustical walls next to major, multi-purpose and minor arterial and collector roads should be avoided. In addition, side and end elevations of buildings facing major, multi-purpose and minor arterial and collector roads should be designed with an upgraded level of architectural treatment for the purpose of avoiding the use of blank walls facing these roads. Building setbacks from the street are to be minimized along pedestrian and transit-oriented streets;
j. The functional and visual impact of site servicing, loading, air conditioning and ventilation equipment and waste handling facilities shall be minimized, by integrating them into the building's main structure, by screening or by site design;
k. The City shall review and adopt lighting standards for City streets and facilities in order to minimize sky-glow while not compromising public safety. The impact of lighting associated with new development shall also be reviewed during the site plan approval process to minimize the intrusion and impacts of unwanted lighting into adjacent properties and to minimize sky glow;
l. Residential neighbourhoods shall be designed to allow freedom of public access and the development of 'gated' residential communities, which restrict public access and circulation through neighbourhoods by means of security gates, walls or similar barriers, should be avoided; and
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.

Relevant policies in Part II, Subsection 2.7.3 relating to sustainable development include:

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,
f. Energy conservation shall be encouraged through community and site planning, design, and the use of energy-efficient materials and landscaping. When development applications are reviewed, consideration shall be given to energy conservation measures such as the solar orientation of streets and buildings, increased densities, walkability and decreased automobile dependency, and the use of landscaping and building materials; and
k. Transportation Demand Management strategies will be used to encourage increased transit ridership, walking and bicycling in the City.

Residential Areas Policies

As per Schedule A – Settlement Pattern in the Official Plan (**Figure 17**), the subject site is designated *Residential Areas*. Part III Section 2.0 of the Official Plan provides that *Residential Areas* provide for housing and other land uses that are part of a residential environment. Housing may take many forms ranging from detached homes to high-rise apartment structures.

Part III, Section 2.1 provides the principles to guide future development decisions within *Residential Areas*. Particularly, housing shall be safe and secure, a sufficient supply of both ownership and rental housing shall be maintained, a broad, diverse range of housing types shall be provided, and the city shall address new housing demands through the best use of existing resources and community infrastructure and through new community development.

Part III, Subsection 2.2.1 sets out the objectives of the Official Plan relating to *Residential Areas*, as follows:

a. To encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods;
b. To provide housing opportunities that are compatible with the protection of the natural environment;
c. To provide housing opportunities that encourage usage of public transit, pedestrian and bicycle transportation networks and decrease dependence on the car;

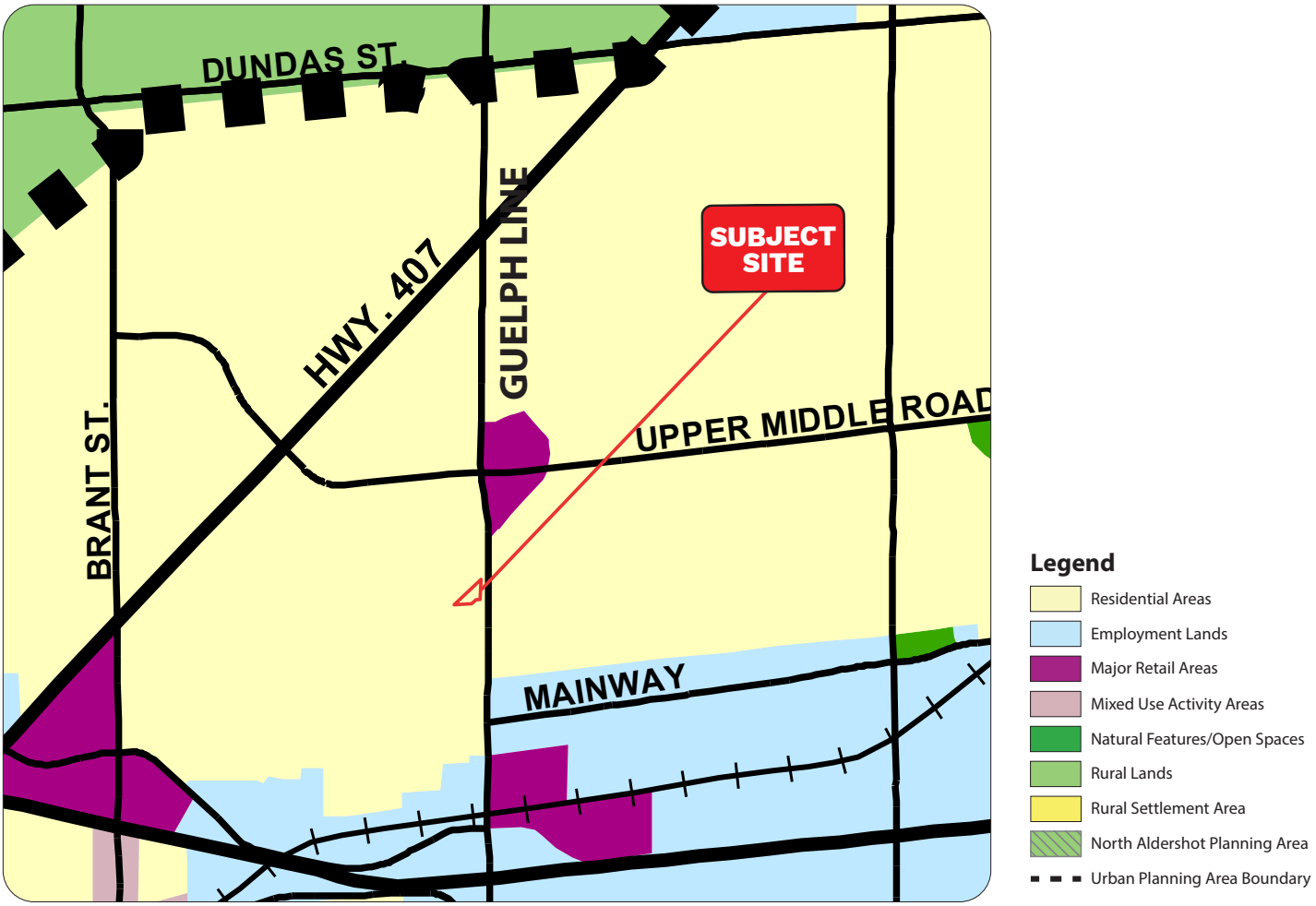


Figure 17 - Schedule A - Settlement Pattern

d. To encourage a strong live/work relationship in the City by providing a variety of housing that reflects the existing and future socio-economic and demographic characteristics of local residents and job opportunities;

e. To provide, where compatible, housing opportunities in proximity to employment areas and residential support uses such as shopping and recreational areas to create opportunities to reduce travel times;

f. To encourage the integration of a wide range of housing types and tenure and discourage large concentrations of higher density residential blocks; and

g. To encourage the integration of a wide range of housing types and tenure and discourage large concentrations of higher density residential blocks.

Part III, Section 2.2.2 provides the general policies relating to *Residential Areas* within the City of Burlington. Subsection 2.2.2(a) provides that within *Residential Areas*, a broad range of residential dwelling types shall be permitted.

Schedule B – Comprehensive Land Use Plan, Urban Planning Area (**Figure 18**) designates the subject site as *Residential-Medium Density*. Part III, Subsection 2.2.2(d) provides that in *Residential – Medium Density* areas, either ground or non-ground-oriented housing[1] with a density between 26 and 50 units per net hectare shall be permitted. Part III, Subsection 2.2.2(g)(ii) expands on permitted housing types, providing that detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back-to-back townhouses, attached housing and walk-up apartments shall be permitted in *Residential-Medium Density* areas, provided that these forms meet the density as specified in Part III, Subsection 2.2.2 d).

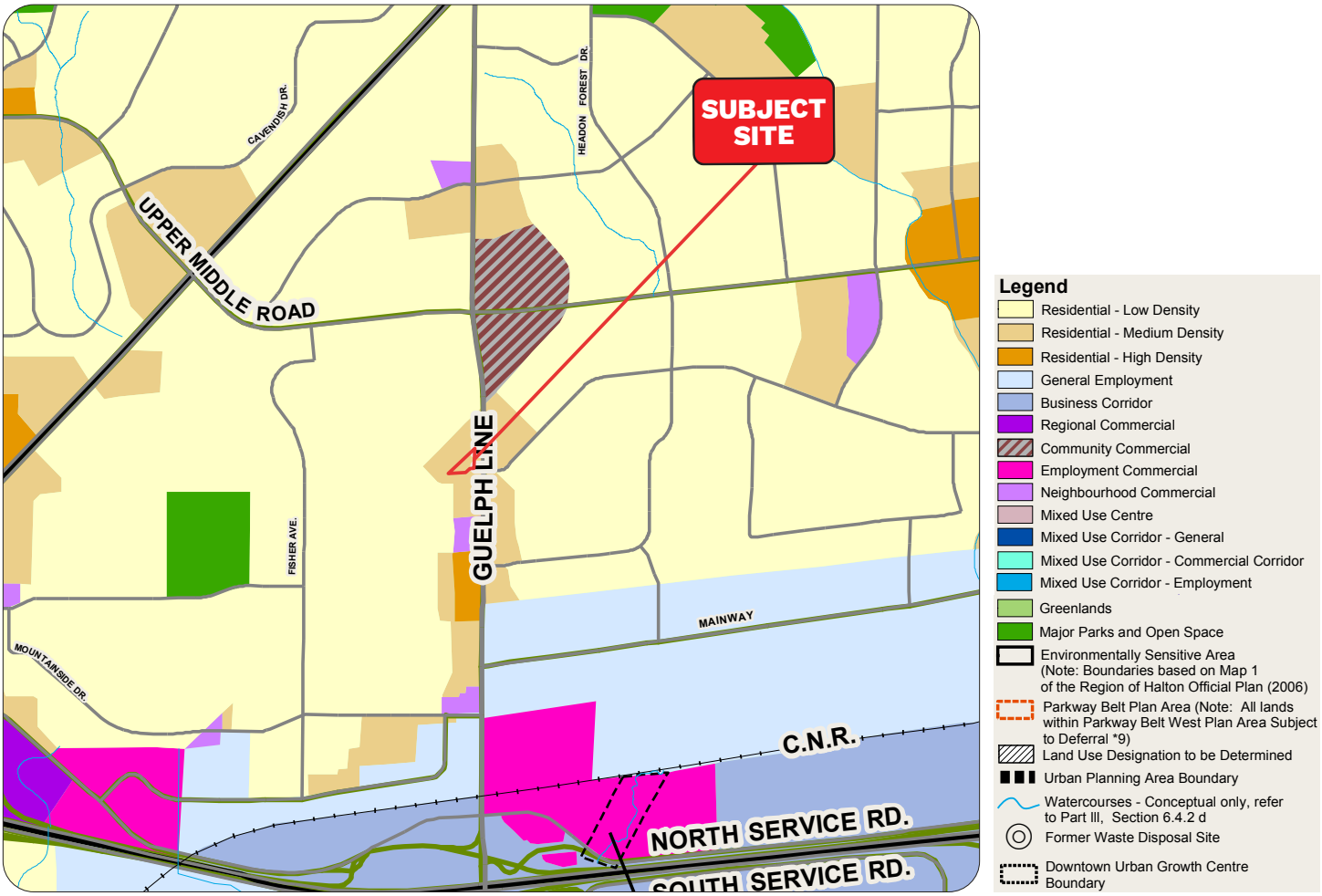
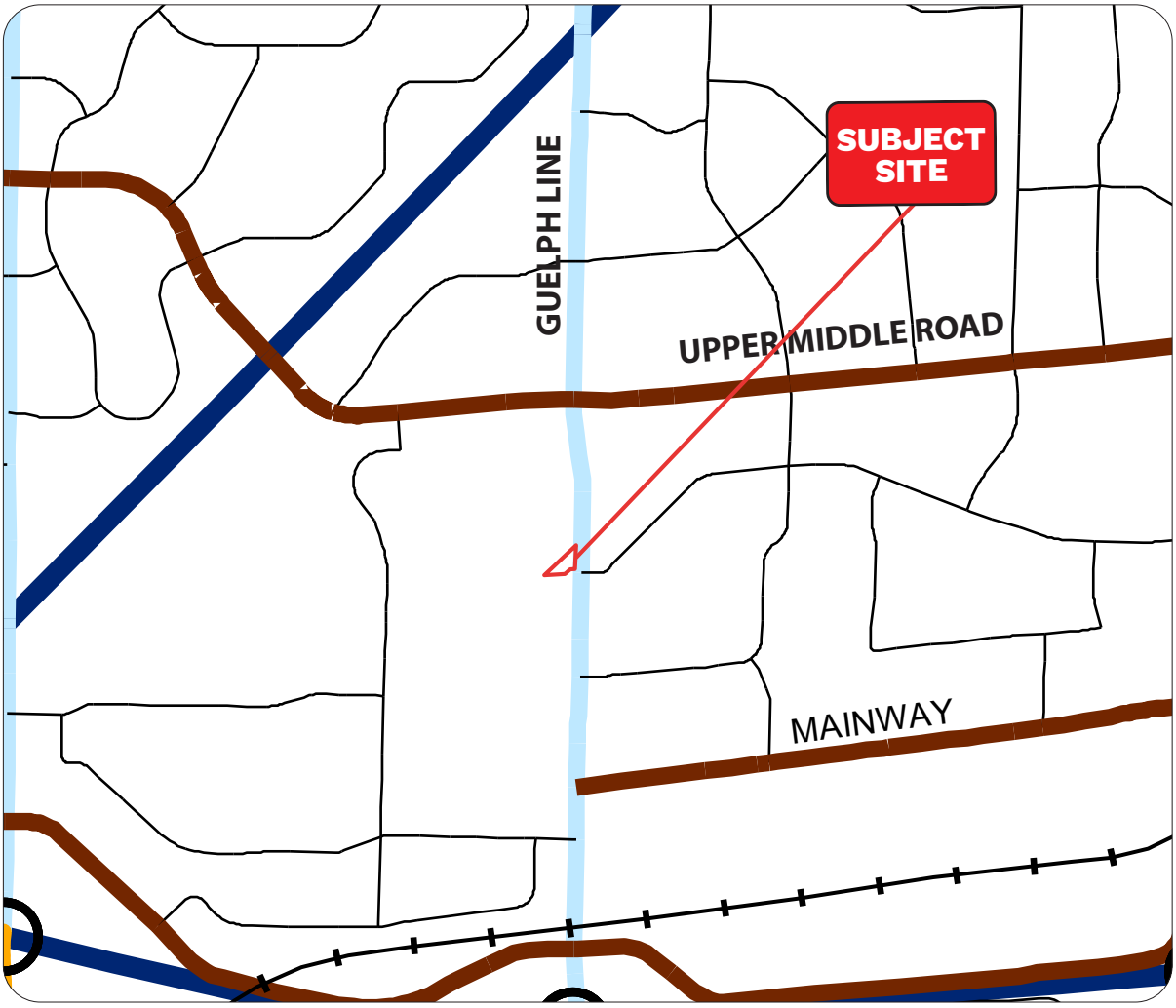


Figure 18 - Comprehensive Land Use Plan, Urban Planning Area

1 *Non-Ground-Oriented Housing* is defined as "A dwelling unit which is designed to be accessible primarily by indirect access through an elevator. Buildings containing non-ground oriented housing units usually exceed three storeys in height"

Schedule J – Classification of Transportation Facilities (**Figure 19**) aligns with the Halton Region Official Plan in designating Guelph Line as a Major Arterial Road.



Legend

- Prov Freeway Interchanges (Full or Partial)
- Transit/Commuter Station
- Commuter Rail Station
- Rail Line
- Minor Arterial
- Multi-Purpose Arterial
- Collector
- Major Arterial
- Provincial Freeway
- Provincial Highway

Figure 19 - Schedule J – Classification of Transportation Facilities

Appendix A, Schedule 1 – Long Term Transit Service Network also identifies the subject site as being located directly adjacent to a Primary Bus Service along Guelph Line (**Figure 20**).

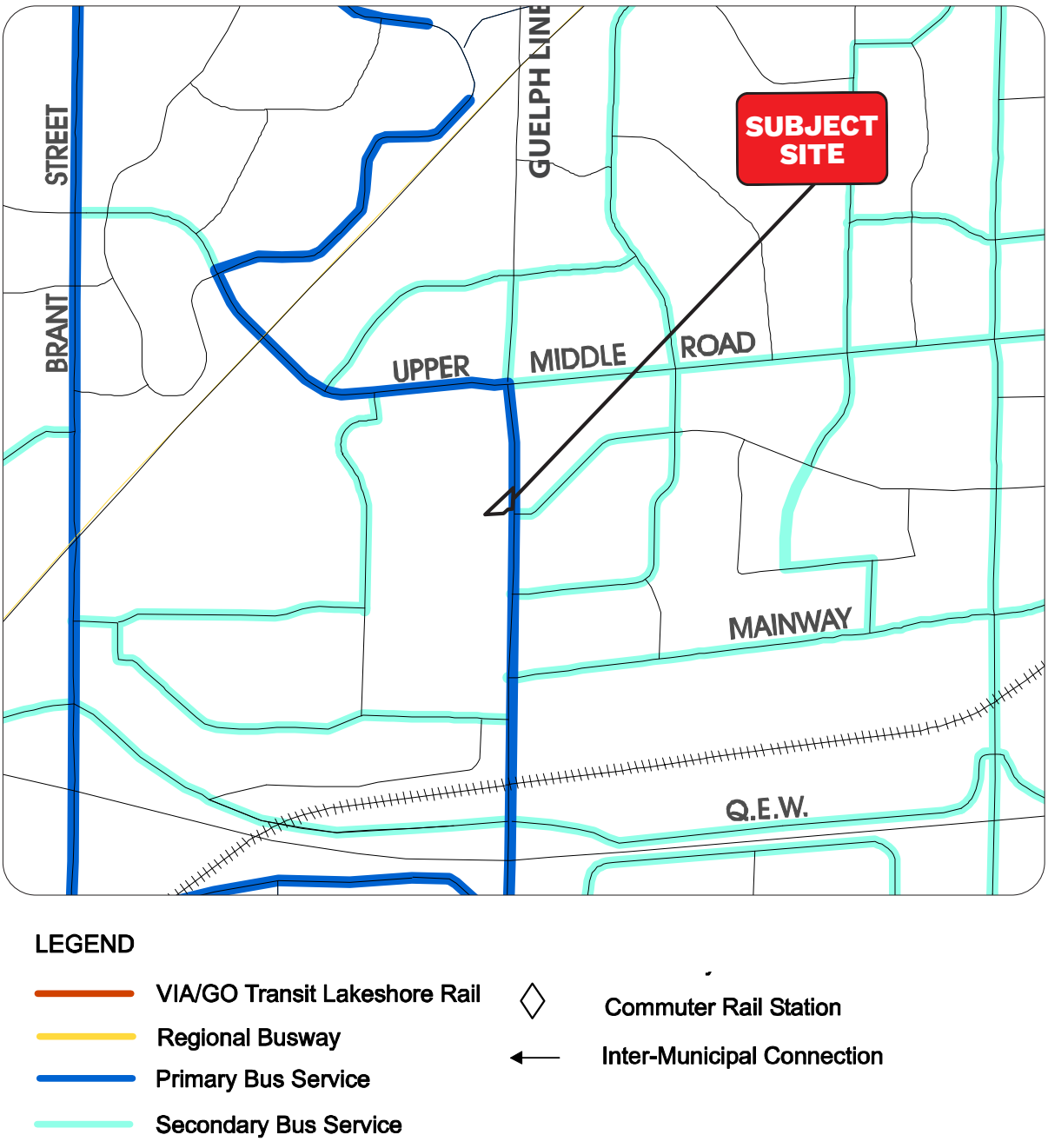


Figure 20 - Schedule 1 – Long Term Transit Service Network

4.6 New City of Burlington Official Plan (Under Appeal)

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

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

On April 26, 2018, Burlington City Council adopted a new Official Plan ("New OP"), which was subject to review and approval by Halton Region. On December 4, 2018, the City of Burlington received notice from Halton Region regarding the New OP advising that it does not conform with the Regional Official Plan in a number of respects related to policies and mapping in the areas of:

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

Throughout 2019 to October 2020, the City of Burlington revisited and reviewed the New OP, including a re-examination of the Downtown Burlington policies. The revisions and re-examination culminated in modifications to the New OP, which were adopted by City Council and forwarded to the Region for inclusion in the adopted Official Plan.

On November 30, 2020, Halton Region approved the New OP, and a 20-day appeal period ran from November 30 to December 21, 2020. In total, 48 appeals to the new Burlington Official Plan were received by the Region. As such, the new Burlington Official Plan is not in full force and effect.

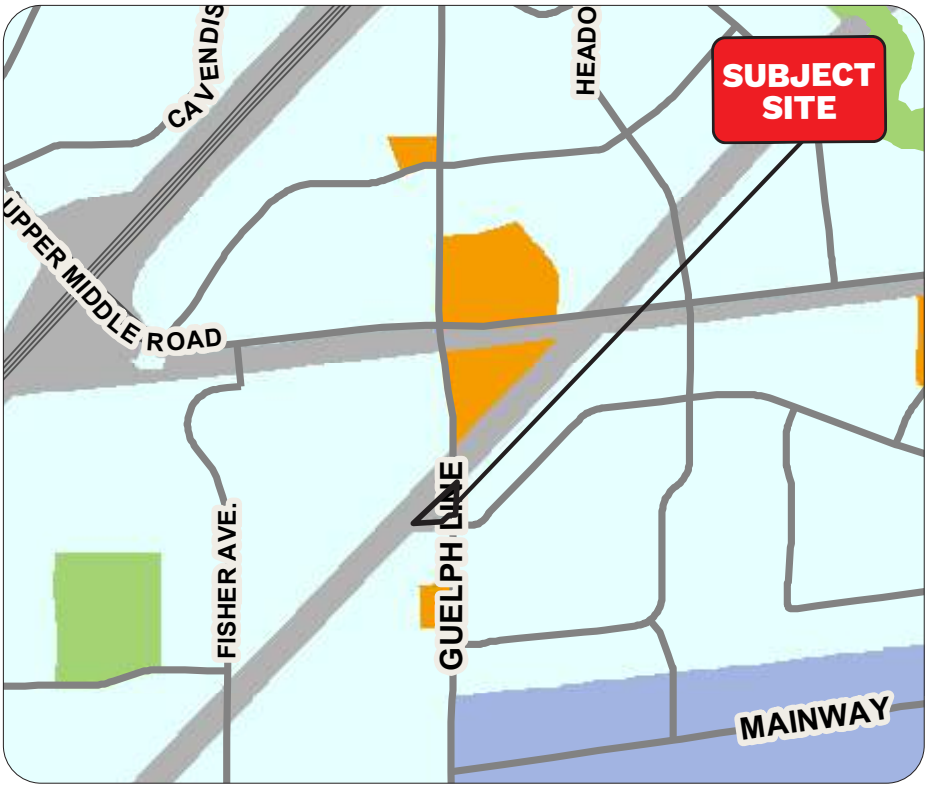
Although the New OP, adopted originally on April 26, 2018, is not currently in effect and not determinative, the following mapping and policies are, in our opinion, informative.

Mapping

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

On Schedule B-1 – Growth Framework, the subject site is designated as "Infrastructure and Transportation Corridors" (**Figure 21**)

On Schedule B-2, Growth Framework and Long Term Frequent Transit Network, Guelph Line is identified as a "Candidate Frequent Transit Corridor" (**Figure 22**)



Legend

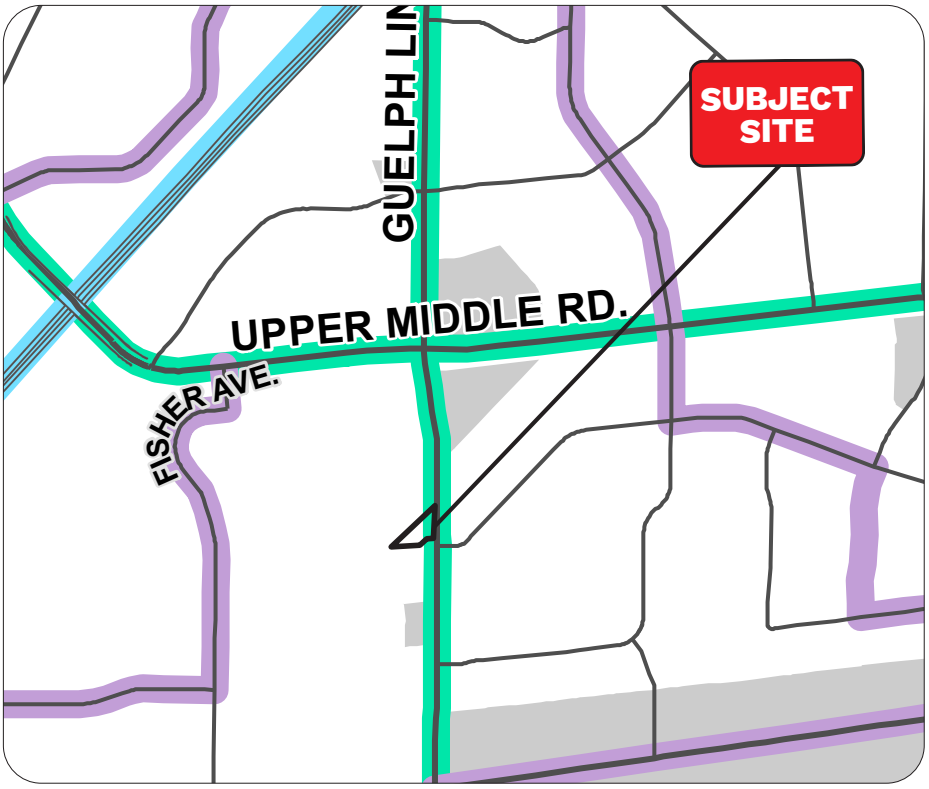
Growth Areas
- Primary Growth Area
- Secondary Growth Area
- Employment Growth Area
- Established Neighbourhood Area

MTSA Special Planning Areas

Designated Greenfield Area
- Developed Area Outside Delineated Built Boundary
- Undeveloped Area Outside Delineated Built Boundary (not subject to Growth Framework)

Contextual References
- Natural Heritage System and Major Parks and Open Space
- Infrastructure and Transportation Corridors
- Municipal Boundary
- Urban Boundary
- Delineated Built Boundary
- Urban Growth Centre Boundary

Figure 21 - Schedule B-1 Growth Framework (New City of Burlington Official Plan)



Legend
- Primary, Secondary and Employment, Growth Areas (See Schedule B-1)
- MTSA Special Planning Areas
- MTSA Primary Connector
- MTSA Secondary Connector
- Frequent Transit Corridor
- Candidate Frequent Transit Corridor
- Transit Support Corridor
- Major Transit Station
- Go Transit Carpool Lot
- Commuter Rail Corridor / Transit Priority Corridor
- Higher Order 407 Transit Corridor
- Rail Line
- Municipal Boundary
- Urban Boundary
- Urban Growth Centre Boundary

Figure 22 - Schedule B-2 Growth Framework and Long Term Frequent Transit Corridors

On Schedule C, Land Use – Urban Area, the subject site is also designated as "Infrastructure and Transportation Corridors". (**Figure 23**)

On Schedule O-1 Classification of Transportation Facilities – Urban Area, Guelph Line is identified as a Major Arterial Road (**Figure 24**)

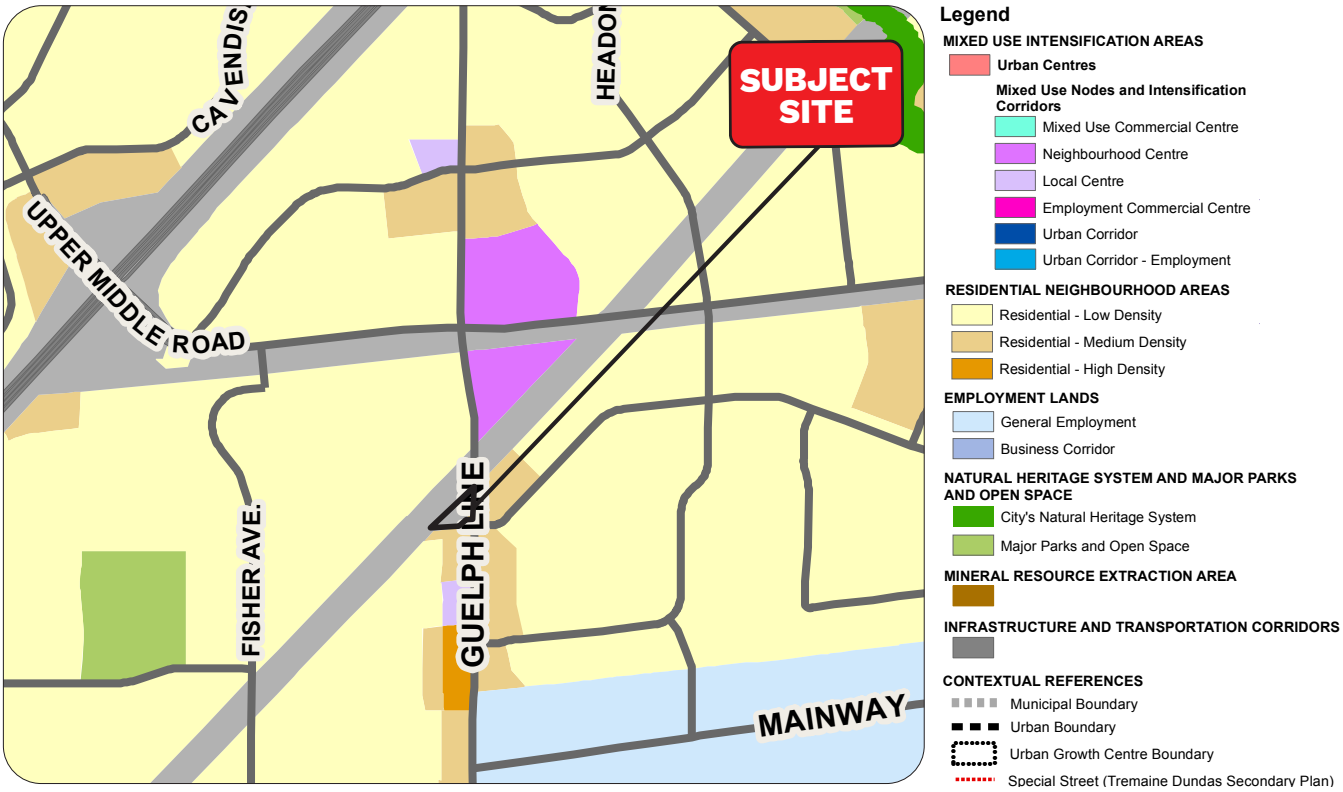


Figure 23 - Schedule C Land Use Urban Area (New City of Burlington Official Plan)

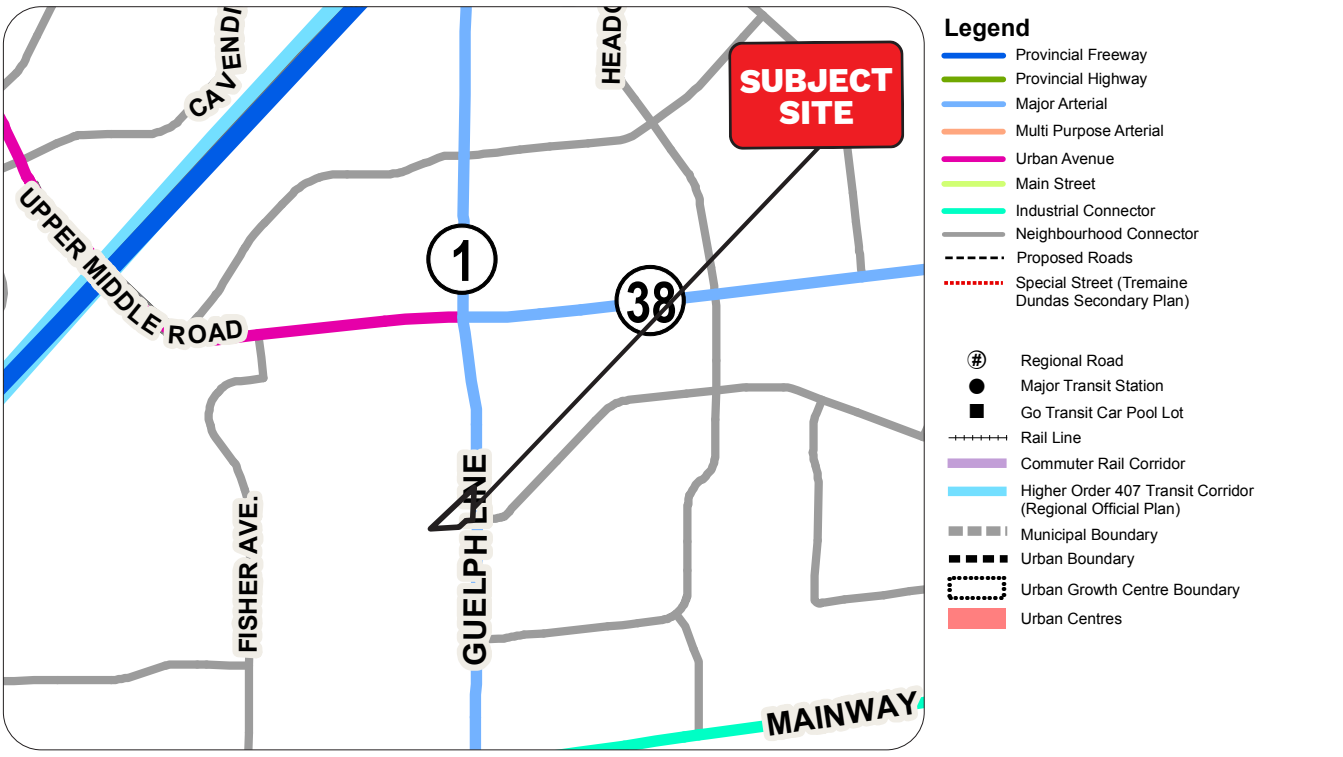


Figure 24 - Schedule O-1 Classification of Transportation Facilities – Urban Area

The subject site is also in proximity to an Existing Multi-Use Trail Connection (Outside of Right-of-Way) (see **Figure 25**).

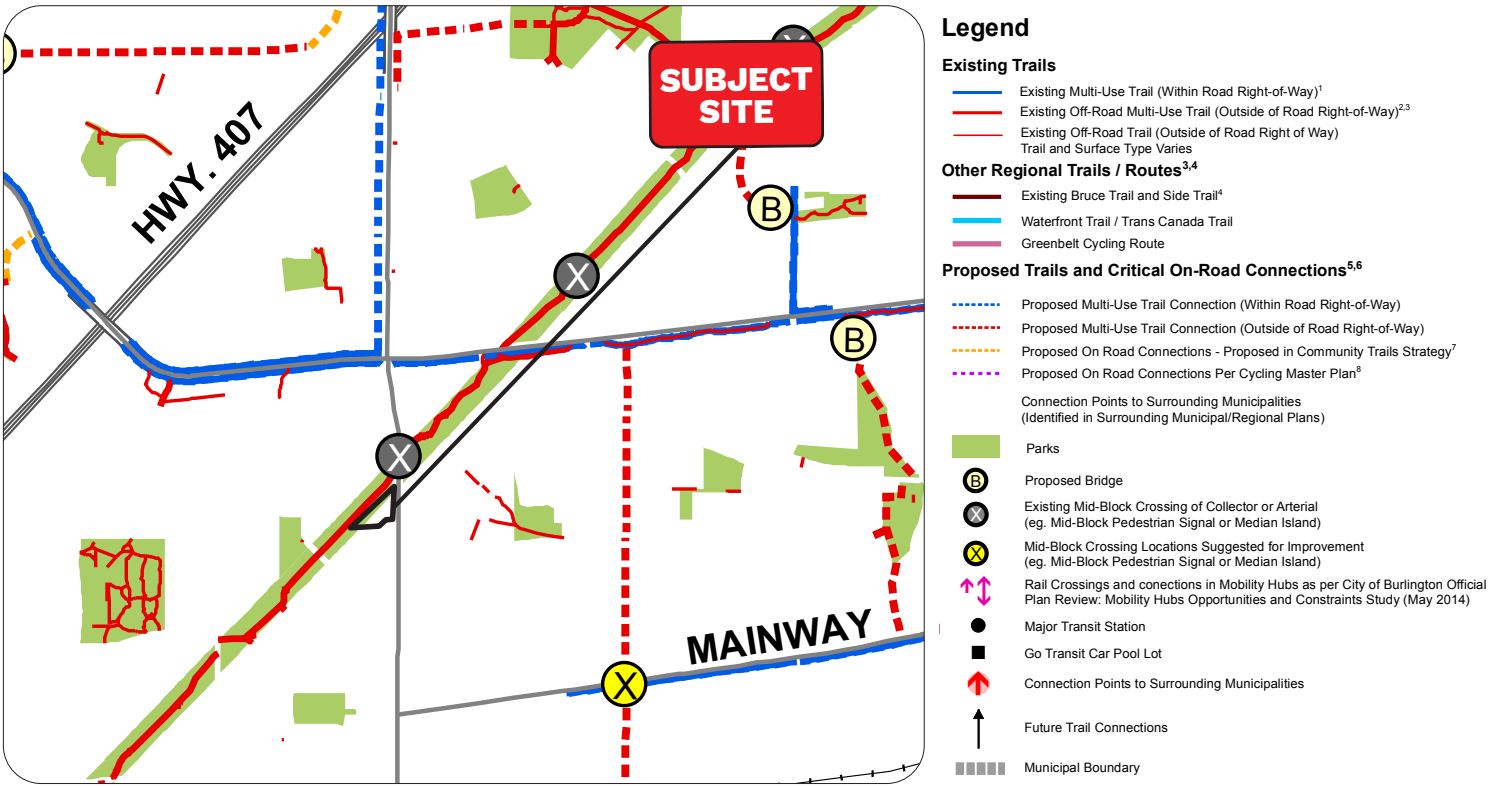


Figure 25 - Schedule Q Trails Strategy

Land Use Vision Policies

Section 2.1 provides that growth will be focused in the Urban Area to protect Burlington's natural heritage and Rural Area; to build compact, vibrant, sustainable, resilient, transit-supportive, healthy and complete communities; to optimize use of existing and future infrastructure and services; to support active transportation; to reduce energy use and greenhouse gas emissions; and to support a strong and competitive economy.

Section 2.4 provides the Growth Framework for the City of Burlington. Section 2.4.1 provides general objectives relating to the growth framework, identifying the primary, secondary, and employment growth areas as areas where the City is planning to accommodate significant population and employment growth and higher intensity mixed uses, that Established Neighbourhood Areas are areas where intensification is generally discouraged, to ensure that the city's growth makes efficient use of existing and planned infrastructure, including transportation and transit, and to advance a number of strategic city building objectives, including supporting targeted intensification, providing more mobility choices by prioritizing active transportation and transit, and supporting more diverse demographic growth through the provision of a wide range of housing options in proximity to existing neighbourhoods.

Land Use

Section 6 of the Official Plan describes the land use framework for *Infrastructure and Transportation Corridors*. These lands are designed to accommodate planned and existing infrastructure and utilities to service the City of Burlington. Subsection 6.1.2(g) provides that Lands that are under the ownership or jurisdiction of Federal, Provincial or municipal bodies or agencies and that are used for transportation, utility or communication purposes shall be appropriately zoned. As the subject site was owned by Canada Post at the time of the approval of the New OP, a federal agency, and given the underlying S (Utility Services) zoning on the subject site, the site was likely designated as *Infrastructure and Transportation Corridors* despite the use being more closely related an industrial employment or commercial use.

Subsection 6.1.2(h) provides policies relating to the location and construction of new infrastructure and to expansions and extension of existing infrastructure. New or expanded infrastructure shall avoid unacceptable adverse impacts upon existing and planned communities and shall have regard for the land use compatibility policies of section 4.6. The co-location of linear infrastructure should also be promoted, where appropriate.

Section 4.6 of the Official Plan relates to land use compatibility. Subsection 4.6.2(a) provides that 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.

Subsection 6.1.2(i) states that development in planned corridors that could preclude or negatively effect the use of the corridor for the purposes for which it was identified shall not be permitted, while subsection 6.1.2(j) identifies that new development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

Housing Policy

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

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

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

Climate Change and Air Quality

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

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

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

Multimodal Transportation Policies

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

With respect to transit, Policy 6.2.3(2)(b) provides that long range transit planning will support the city's Intensification Areas with long-term frequent transit corridors and priority being placed on providing the highest level of transit service in the city's Primary, secondary, and employment growth areas, and long-term frequent transit corridor. Policy 6.2.3(2)(e) The city's transportation system and land use development are intended to increase transit modal shares in accordance with Halton Region's Transportation Master Plan, Active Transportation Master Plan and Transportation Demand Management measures.

With respect to active transportation, Policy 6.2.4(2)(k) states that the development of safe, convenient, accessible, and attractive streetscapes for pedestrians and cyclists shall be implemented through the selection of appropriate site-specific measures such as: wide sidewalks; bike lanes; illumination; ground-level retail/commercial uses to provide an active street frontage; and encouraging building designs that provide shelter.

Design Excellence Policies

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

Public Realm Policies

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

i. improving the quality of public spaces;
ii. providing appropriate and consistent treatments for streetscape elements such as sidewalks, lighting, signage, and street trees, among others;
iii. improving the quality and convenience of active transportation;
iv. creating attractive and comfortable environments for pedestrian movements;
v. implementing AODA design measures;
vi. applying Universal Design principles;
vii. improving multi-modal transportation and public space needs;
viii. improving the quality of streets, sidewalks and walkways and cycling facilities;
ix. improving links to existing public areas;
x. identifying opportunity for public art;
xi. promoting pedestrian scale and public safety;
xii. incorporating CPTED principles; and
xiii. designing safe and cost-effective infrastructure.

Urban Design and Built Form Policies

Policy 7.3.2 states that in areas identified on Schedule B-1: Growth Framework, and subject to the policies of Subsection 2.4 of this Plan, development shall address considerations such as, but not limited to the following: ensuring site and building design are compatible with the surrounding area; providing appropriate built form transition in scale between buildings, public realm, and abutting development through design methods such as angular planes, step backs, and building orientation; provide appropriate screening, landscape buffering, and other design measures to minimize impacts; provide pedestrian comfort and human scale at the street level reflecting the established and planned streetscape to frame the public realm, through various design methods including the use of podiums in tall buildings; provide façade articulation that achieves a scale of development that is attractive to pedestrians and avoids the use of blank walls; designing and orienting development that face public open spaces to contribute to the public realm and pedestrian environment; and implementing measures that adequately limit any resulting shadowing, uncomfortable wind conditions on the streetscape, neighbouring properties, and parks and open spaces.

Subsection 7.4 provides policy framework regarding sustainable design. In particular, Policy 7.4.1(a) states that Official Plan Amendments, Zoning Bylaw Amendments, and Site Plan applications for high and medium density residential and mixed use developments shall address the following sustainable design measures, which include, among others: safe and direct on-site connections to public transit where available; on-site bicycle facilities; identification of appropriate snow storage areas to reduce the adverse impacts of salt and de-icing practices; a waste management plan with appropriate facilities; and bird-friendly design measures for glass buildings.

4.7 City of Burlington Zoning By-law 2020

Pursuant to Zoning By-law 2020, the subject site is zoned S (Utility Services) as shown on the City's interactive map (**Figure 26**). The S zone does not permit an apartment dwelling.

The permitted uses in the S zone include transportation, communication, utility, and open space and outdoor recreation use. Residential uses are not permitted in the S zone. The S zone contains no regulations relating to height or required setbacks.

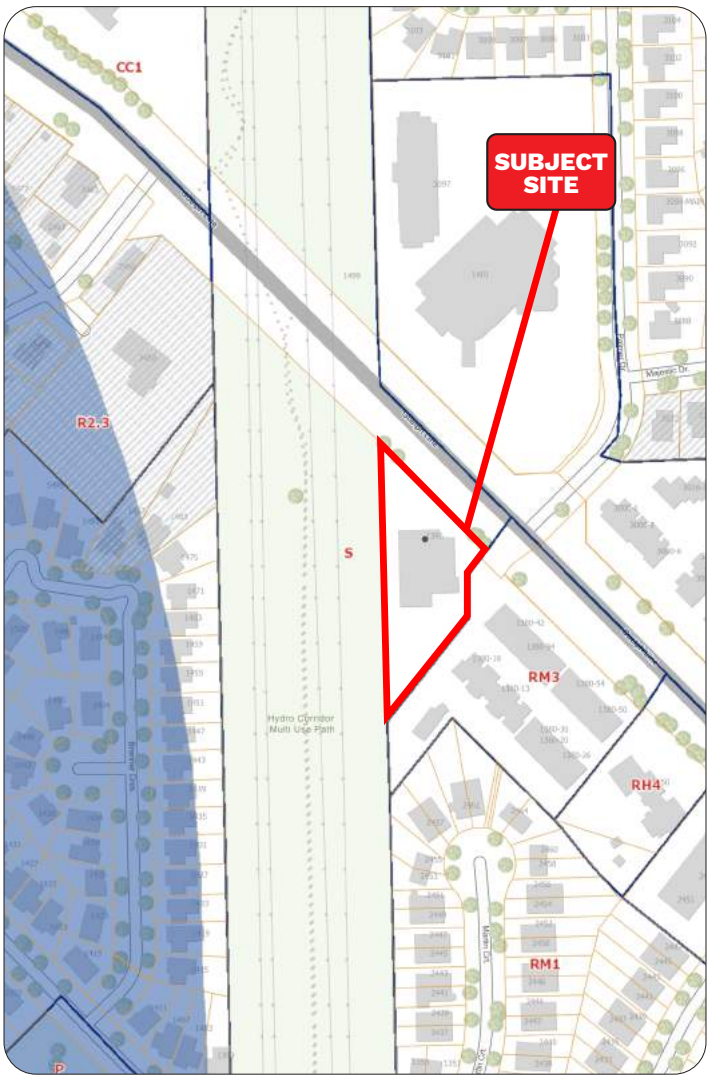


Figure 26 - Zoning Map

4.8 Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings

The City of Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (the "Mid-Rise Guidelines") were approved by Burlington City Council on March 25, 2019.

Section 1.0 of the Mid-Rise Guidelines state that they represent best practices, developed to inform the urban design aspects of a mixed-use and residential mid-rise building and implement the City's Official Plan objectives and policies related to design excellence and the creation of a high-quality built environment that supports complete, compact, and sustainable communities. Section 1.1 states that a 'mid-rise building' is defined as any building between 5 and 11 storeys. Section 1.2 states that the Mid-Rise Guidelines are applicable across the City, wherever mid-rise building forms are permitted, except for Employment Lands and where there is a conflict with any area specific policies or design guidelines, in which case the area specific policies or design guidelines take precedent. Section 1.3 states that it is not the intention for the Mid-Rise Guidelines to limit creativity and where it can be demonstrated that an alternative built form achieves the intent of the guidelines, alternative solutions should be permitted and encouraged.

The following are applicable guidelines that pertain to the proposed development.

2.1.1) In general, buildings should be placed parallel to streets or public open spaces (within or along the edge of the site) to frame and define these spaces.

2.1.2) Consider the building's orientation to maximize south-facing walls for optimal access to sunlight to habitable rooms and other environmental benefits such as energy conservation, solar access to open spaces or areas for stormwater management and planting.

2.1.3) Placement should consider existing site conditions and look to retain and enhance certain features as assets such as mature trees and topography.

2.1.6) Where there is no consistent pattern of street setbacks, the building should be set back to create a boulevard that can accommodate wider sidewalks, street trees, landscaping, and active uses to establish a more pedestrian oriented relationship between the building and the sidewalk.

2.1.7) Where a building includes residential uses at grade, they should be differentiated from any active or non-residential uses through additional setbacks. Front yards should incorporate landscaping and enclosure to provide privacy to individual units (hedges and fencing should be no taller than 1.5 metres).

2.1.9) All buildings should have a public front ('face') and private back. Buildings should not expose their back onto the front of a neighbouring building to minimize impacts such as "back of house" activities on adjacent properties.

2.2.1) In general, taller buildings should provide greater separation distances. Separation distances should generally range between 15.0-20.0 metres (see the guidelines below for specific scenarios). The intent of this guideline is to ensure that mid-rise buildings provide sufficient space in order to ensure that no unacceptable built form impacts occur.

2.2.2) Where windows are proposed within the lower building, a minimum separation distance of 15.0 metres should be provided between adjacent buildings. Where a continuous street wall is desirable, side-yard setbacks are usually not required. Continuous street walls are generally desirable within areas designated for mixed use, except where special site or block conditions require breaks to access mid-block connections, public courtyards, or other open spaces.

2.3.1) When deciding on lower building height and massing consider the following:

- the permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;
- the physical character of the surrounding area including the height and scale of adjacent buildings and the immediate streetscape;
- the views into, out of, and through the site;
- the potential shadowing impacts on neighbouring properties and adjacent public spaces – taller elements should be arranged accordingly;
- the micro-climate (particularly impacts created by wind); and
- the relationship of the building height to building depth and lot width. Use site characteristics such as width (narrow or wide), depth (deep or shallow) and number of frontages to inform an appropriate built form.

2.3.2) Design buildings so that the massing reinforces the street edge.

2.3.3) In general, a building's form should reflect the existing and planned context in terms of street character (including the planned street function and right-of-way width), land use, and built form.

2.3.4) Where a street wall is established, the lower building height and upper building step-backs should reinforce the existing street wall to create a consistent streetscape.

2.3.5) Where a street wall is not established, the street wall for new mid-rise buildings should be limited to a height of 80% of the street width (up to a maximum of 6-storeys) with additional storeys stepping-back a minimum of 3 metres above the street wall to maintain a human scale and minimize shadowing. On streets with a planned right-of-way width of 26 metres or more, new mid-rise buildings up to 6-storeys do not require an upper building step-back.

2.3.6) In general, the building should not exceed a length of 60.0 metres apart from L-shaped building forms. Longer buildings, approaching and exceeding 60.0 metres, should either be broken up physically or visually using architectural and design elements that sufficiently differentiate the building mass to appear as separate building forms. This should include step-backs, colour and material variations, and unique building articulation.

2.3.7) Pushing (projecting) and pulling (recessing) building volumes from the main building form is encouraged to help break down the mass of larger buildings.

*2.3.*8) Balconies are encouraged and should be integrated into the building design and massing with inset or Juliette balconies. Projecting balconies should not be within the street wall to avoid negative impacts to the public realm including additional building massing and shadowing.

2.3.9) Where ground floor commercial / retail uses are not required, projecting or semi-recessed balconies may be considered within the street wall provided they are integrated into the overall building design, appropriately setback from the public right-of-way, and do not contribute to the visual bulk or become the dominant feature of the building façade.

2.3.10) Stepping back upper-level building volumes is encouraged to assist with transitions between neighbouring buildings with lower heights.

2.3.12) The height and massing of the building should ensure a minimum of five hours of consecutive sunlight on the sidewalk across the street at the spring and fall equinoxes (approximately March 21 and September 21, respectively).

2.4.12) Buildings should maintain an appropriate relationship to the existing grade, especially at property lines. Design with existing grades and step buildings where there is a significant grade difference across a site. Avoid artificially raised or lowered grades, where possible.

2.4.13) Where there are residential uses on the ground floor, design their principal entrance from the street. An elevated grade difference is appropriate to increase privacy for the building occupants, however, the change in grade from the public sidewalk to the front entrance should balance between privacy and maintaining an appropriate relationship to the street. Additionally, privacy should be considered through careful landscaping such as low fencing/walls, raised planters, railings and lighting to clearly define the public, semiprivate and private spaces.

2.4.14) The main building entrance should be designed to be pedestrian- and cycle-friendly with convenient, well-lit, and safe access. The main entrance should also provide for shelter from wind and rain through well integrated weather protection elements such as canopies, extended eaves and overhangs. Canopies should be located above the ground floor and provide a width of at least 1.5 metres.

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

2.5.5) At the block level, vehicular access should be consolidated where possible to serve multiple buildings within each block to minimize the number of interruptions in the street wall and to reduce the number of potential conflicts with pedestrians and cyclists.

2.5.6) Servicing and loading should be accommodated internally within the building.

2.5.8) Limit the extent of site area dedicated to servicing by using shared infrastructure and efficient layouts.

2.5.9) Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking.

2.5.15) In general, maximize outdoor amenity areas at grade. The width to depth proportion of this area should not exceed 4:1 and it should be provided in one contiguous area to ensure the space is functional.

2.5.16) When outdoor amenity area is provided at grade, design it to:

- be in a highly visible area to enhance the sense and perceptions of personal safety and minimize potential for crime and vandalism through natural surveillance;
- have consideration for micro-climatic conditions such as access to sky-views and sunlight as well as shade in the summer;
- be animated and framed by buildings with active uses such as at grade cafés;
- include multiple activities and functions such as a play area, dog run, seating, shade structure, or water features;
- incorporate high-quality landscaping to define areas and screen them from surface parking, mechanical equipment and other servicing areas to minimize noise and air quality impacts; and
- where possible connect to abutting open spaces.

2.5.18) Common outdoor amenity areas should be located next to interior amenity facilities with direct physical and visual access between these spaces through doors and windows.

3.1.1) when deciding on overall and upper building height and massing consider the following:

- the permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;
- the physical character of the surrounding area including the height and scale of adjacent buildings; and
- the potential shadowing and pedestrian level wind impacts on neighbouring properties and private and public open spaces – taller elements should be arranged accordingly.

3.1.2) Where the building fronts a street, step-back the upper floors a minimum of 3.0 metres above the street wall to protect access to sunlight and sky view for streets while limiting shadowing). An additional step-back should be considered for buildings taller than seven (7) storeys in height. This additional step-back may be a minimum of 1.5 metres.

3.1.3) Where the building is on a site that is transitioning to a low-rise residential neighbourhood area (including properties designated Residential – Low Density and – Medium Density, Natural Heritage System, Parks and Open Space) a 45-degree angular plane should be applied from the shared property line. The building form should fit entirely within this angular plane and utilize setbacks and step-backs to ensure any impacts related to the change in height, overlook, and shadowing are mitigated. In cases where a Natural Heritage System requires an additional buffer, the angular plane should be measured from the original boundary of the identified natural heritage feature or area unless otherwise specified in an Environmental Impact Assessment.

3.1.5) Above the street wall, or the sixth storey for taller buildings, a minimum building separation distance of 20.0 metres should be provided to reduce impacts such as overlook and shadowing.

3.1.6) Design the upper building to clearly distinguish it from the lower building and to further reduce the upper-level building massing. This should include step-backs, colour and material variations, and unique articulation.

3.1.7) Design the upper building to clearly distinguish it from the lower building and to further reduce the upper-level building massing. This should include step-backs, colour and material variations, and unique articulation.

4.9 Sustainable Building and Development Guidelines (April 2019)

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040.

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

Of the required sustainability measures outlined in the Sustainable Building and Development Guidelines, only 5 pertain to Official Plan and Zoning By-law Amendment applications. Those measures consist of site connections; bicycle storage (provided in accordance with Zoning By-law policy); stormwater quality with respect to stormwater runoff; urban heat islands which requires vegetated landscape areas in hard surface areas; and waste management plans to provide and implement waste management practices in accordance with Regional requirements. It is anticipated that the proposed development will meet all required sustainability measures outlined above.

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

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

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

Shadow Study Guidelines

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

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

Key Civic and Cultural Spaces

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

- March 21; and.
- September 21.

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

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

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

Private Outdoor Amenity Spaces

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

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

Parks and Open Spaces

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

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

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

Places Where Children Play

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

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

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

Public Realm and Sidewalks

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

- March 21st

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

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

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

In support of the subject proposal, we have submitted a Shadow Study that provides a review and analysis of the proposal against the SSG and concludes that the proposed building achieves the intent and purpose of these guidelines. A summary of the results of that study is included in Section 5.5 of this report.

Pedestrian Wind Study Guidelines

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

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

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

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

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

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

In support of the subject proposal, a summary of the Pedestrian Wind Level Study is included within Section 5.5 of this report.



5 Planning & Urban Design Analysis

5.1 Pre-Application Consultation

The Owner only recently (December 7, 2021) purchased the subject site and, as such, did not participate in the New OP process. It is our understanding that the City will be requesting the Ontario Land Tribunals (the "OLT"), who is now the legislative approval authority of the under appeal New OP, to approve the New OP save and except for those sites and policies that are under appeal. It is also our understanding that this could occur in April/May 2022. If the New OP comes into effect in April/May 2022, there would be a 2-year moratorium wherein no amendments to the New OP can occur, unless Council has declared a resolution that a requested amendment is permitted. By submitting in advance of the imminent approval of the new OP, the in-force OP will remain the determinative Official Plan Policy for the review of the application.

Community Engagement

Due to the imminency of the approval of the New OP, which would designate the subject site as Transportation and Utility Corridors, and of which is not amendable via Official Plan Amendment under the Planning Act for 2 years following approval, the zoning by-law and official plan amendment applications for the proposed development are planned to be filed prior to the pre-application consultation. A pre-application consultation is at this time planned to occur on March 23, 2022, immediately following this application. Any revisions resulting from the submissions made at the pre-application community meeting will be addressed in any future resubmission as part of the application process.

Burlington Urban Design (BUD) Review Panel

For similar reasons to the pre-application community consultation, a review of the proposed development at the Burlington Urban Design Panel (the "BUD") was not able to be completed prior to submission. A presentation to the panel is planned to be conducted at the earliest possible opportunity and input from the BUD will be addressed through future resubmissions as part of the application process.

5.2 Intensification

Residential intensification on the subject site is appropriate, desirable and in keeping with the policy framework set out in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Halton Regional Official Plan, including ROPA 48, and the in-force City of Burlington Official Plan. Each of the noted policy frameworks promote intensification, redevelopment of underutilized lands, and a compact built form, specifically within proximity to transit and existing infrastructure and services. Furthermore, these policies direct intensification towards areas that are appropriately serviced by existing infrastructure including public transit. The proposed mid-rise building will help achieve and conforms with the policies laid out in the Growth Plan and Regional Official Plan, and the intent of the evolving Burlington Official Plan.

More specifically, Policies 1.1.3.2, 1.1.3.3, 1.1.3.4 and 1.4.3 of the PPS promote and facilitate intensification with an appropriate range and mix of housing types and densities and a compact built form while taking advantage existing and planned infrastructure. Similarly, the Growth Plan promotes intensification through Section 2.1, 2.2.1(4), 2.2.2(3), and more promote compact built forms which optimize land use, create complete communities, intensify throughout the built-up area, provide a variety of housing forms, and provide intensification close to transportation infrastructure and services.

This policy direction is further supported in the Regional Official Plan through policies in Part II and III of the plan, supporting intensification within the existing built boundary, providing an adequate mix and variety of housing to satisfy differing physical, social and economic needs, the support of compact and transit supportive development, and the promotion of intensification and increased densities within the urban area.

The Burlington Official Plan provides similar guidance for intensification, directing growth to underutilized or vacant parcels in existing communities in accordance with provincial growth management objectives, encouraging development with a broader mix of residential dwellings, to provide housing options which encourage the usage of public transit, pedestrian and bicycle transportation, and to provide housing within proximity to employment areas and residential support uses such as shopping and recreational areas.

The proposed development meets these goals by providing compact, transit supportive intensification within the existing built-up area, which increases housing variety and supply within the surrounding neighbourhood, and which supports the region's target of 50% of new growth being accommodated within the existing built-up area.

The recent Halton Region Council direction to accommodate all growth within the Region to 2041 within the existing urban boundary provides further direction relating to the appropriateness of the proposed level of intensification on the subject site, whereby a greater scale of intensification will be required throughout the region in order to accommodate a larger percentage of growth within the existing urban boundary over existing in-force Official Plan policies.

Further, the subject site is in close proximity to existing transit services and amenities including parks, commercial retail, community facilities, active transportation facilities and more, providing strong opportunities for residents of the proposed development to reduce their reliance on the automobile, another key directive of the PPS, Growth Plan, Regional Official Plan, and Burlington Official Plan.

In our opinion, the proposal conforms to the housing intensification criteria in Policy 2.5.2 a) of Part III. More specifically:

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

Response: S. Llewellyn & Associates Limited prepared a Functional Servicing Report in support of the application, which concludes that there are adequate municipal water, wastewater, and storm sewers to service the proposal. Through the circulation of the subject applications to the school boards and City parks division will comment on the adequacy of schools and parks.

ii. off-street parking is adequate;

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;

Response: Crozier Consulting Engineers prepared a Transportation Impact Assessment and concluded that the proposed development provides sufficient parking, and the municipal transportation system can accommodate the proposed development.

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

Response: The proposed development is located along Guelph Line where existing transit exists.

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;

Response: As discussed further in this report, it is our opinion that the proposal is compatible with the existing neighbourhood character.

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;

Response: Kuntz Forestry Consulting prepared a tree preservation plan and landscape plan in support of the subject applications. The purpose of the tree preservation plan is to identify and minimize effects on existing vegetation.

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

Response: Zedd Architecture Inc. prepared a shadow study, which illustrates the proposed development will not shadow adjacent properties for extended periods.

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

Response: There are a number of community services and amenities within walking distance of the subject site including MM Robinson High School, Dr. Charles Best Public School, Sycamore Park, Peart Park, and others, seen on **Figure 4**. There are a number of neighbourhood shops and health care services also within walking distance along Guelph Line both to the north and south. There are no community centres within walking distance, however, they are accessible public transit, active transportation, and by automobile.

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

Response: As discussed further in this report, it is our opinion that the proposal is compatible with the existing and planned neighbourhood character and any built form impacts have been adequately addressed.

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;

Response: The subject site is bounded by the hydro corridor to the north and west. To the south, the proposal includes generous setbacks that provide sufficient distance and will adequately mitigate any potential built form impacts. In our opinion, this will not compromise the ability for the lands to the south to redevelop in a low-, mid- or tall rise form.

xi. natural and cultural heritage features and areas of natural hazard are protected;

Response: Through the City's pre-consultation process it was determined that there are no cultural heritage or areas of natural hazard and, as such, a cultural heritage impact assessment and natural heritage study were not required in support of the subject applications.

xii. where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m); and

Response: S. Llewellyn & Associates Limited, in their Functional Servicing Report, speak to stormwater management (Section 2.0 of their report), which did not identify any floodplain issues or any capacity issues with the existing storm sewer capacity.

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.

Response: The subject site is located at the periphery of a neighbourhood and along a major arterial road (Guelph Line).

In summary, the proposed development supports Provincial, Regional and Town objectives and policies for intensification within the built boundary and along an existing transit corridor. In this regard, the proposed development is consistent with the PPS (2020) and conforms with the intensification policies of the Growth Plan, Halton Region Official Plan, and in-force OP.

5.3 Land Use

The proposed residential apartment building is appropriate and conforms to the overarching policies found in the PPS, Growth Plan, Regional Official Plan and in-force Official Plan, which seek to utilize and optimize the use of land and infrastructure in a transit-supportive way. The proposal requires an amendment to the in-force Burlington Official Plan in order to redesignate the subject site from *Residential – Medium Density* to a site specific *Residential – High Density* designation. The redesignation is to allow for the proposed residential uses, while the site-specific provisions are required to increase the height and density to above what is permitted in the *Residential – High Density* designation from a maximum height of 10 storeys and density of 185 units per hectare to a maximum of 11 storeys and 566 units per hectare.

The proposal conforms to the policies laid out in the Growth Plan as per Section 4.3 above. Policy 2.2.1(3)(c) directs municipalities to manage forecasted growth in a manner that provides an urban form that will optimize infrastructure, more specifically along transit and transportation corridors and to support complete communities. The proposed development will contribute to this policy by providing an urban built form that is along a Major Arterial Road and within proximity to existing services and infrastructure including public transit services along Upper Middle Road and Guelph Line. Policy 2.2.1(4) further states that by applying the policies of the Growth Plan, complete communities will be achieved by featuring a diverse mix of land uses including residential and convenient access to local stores, services and public facilities, and by providing a diverse range of and mix of housing options to accommodate people at all stages of life. The proposal conforms to this policy by helping the community provide a range of different styles of residential living in an urban compact form on land that is appropriate for the use. The development also allows for convenient access to local stores, services and public facilities by providing a housing option close to major commercial uses to the north and south along Guelph Line, as well as parks, schools, and community facilities within walking distance. Furthermore, adding more residents to this area will make existing commercial amenities more viable.

The proposed residential building conforms with the land use policies of the Region of Halton's Official Plan Regional Structure, more specifically, the Urban Area land use designation which permits a wide variety of commercial and residential uses in a compact urban form. As mentioned in policy 72 of the ROP, the

objectives of the urban area land use designation are to support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, provide a range of complete communities of various sizes, types and character and to promote intensification and increased densities. The proposal implements these policy directions by providing a built form that increases the density, allows for transit support with a higher concentration of people in the area, reduces dependence on the automobile and helps to create a complete community by providing additional types of residential housing choices in the form of a mid-rise building. In our opinion, the proposed mid-rise building is supportive and implements the policy framework and conforms to the ROP.

The proposed use conforms to the existing *Residential – Medium Density* designation's permitted uses and requires amendments to address height and density concerns only, addressed in section 5.4 of this report. Specifically, the *Residential – Medium Density* designation permits non-ground-oriented housing, including the proposed multiple-dwelling apartment use. In our opinion, a re-designation to a site specific *Residential – High Density* designation is appropriate and desirable, since it will intensify an underutilized site in a location where intensification is planned and on a site that can accommodate it. In our opinion, the proposed land use is consistent with the pattern of land uses along this segment (from the QEW to Upper Middle Road) of Guelph Line that includes lands designated *Residential – Medium Density* and *Residential – High Density* and Zoned RM2, RM3 and RM4.

Part III, Section 2.1 of the in-force OP provides the objectives for *Residential Areas*, including intensifying within the urban area in accordance with provincial growth management objectives, providing housing options which minimize the reliance on the car, providing housing types which reflect the needs of local residents and job opportunities, provide housing in close proximity to employment and residential support uses including commercial uses and amenities, to provide a wide range of housing types and tenure.

In our opinion, the proposal conforms to the objectives in Policy 2.2.1 of Part III of the in-force OP, since:

- it intensifies an underutilized site in the Urban Planning Area in accordance with the Growth Plan in a form that is compatible with the surrounding neighbourhoods and is supported by infrastructure capacity.
- It provides new housing opportunities in an area dominated by grade-oriented housing.
- It encourages the use of public transit, pedestrian and transportation networks and will decrease dependence on the car.
- It adds housing to a mixed-use corridor work live-work relationships;
- Existing and transit provides easy access to peoples daily living needs.; and
- It adds new apartment housing that will provide a wider range of housing options in the neighbourhood.

The proposed development achieves these objectives by intensifying within the existing urban area and providing housing close to public transit, active transportation infrastructure, employment, and residential support uses, minimizing the reliance on the car. The application provides new apartment residential uses in a corridor where while seniors residences and small apartments do exist, is characterized by ground-oriented housing including detached, semi-detached, and townhouse dwelling units.

Policy 5.3.1 b) states that the objective is also to encourage higher intensity, transit-supportive and pedestrian oriented mixed-use development in a compact urban form, while retaining compatibility with nearby land uses. Policy 5.3.1c) states the objective to permit mixed use developments on individual sites where various combinations of residential, retail, office and other uses are located, or on different sites where a mix of uses are located next to one another. The proposal conforms to Policy 5.3.1, since it proposes a mixed use (commercial retail and residential) in a high-density compact form, which is compatible with nearby uses. Furthermore, the proposal conforms with policy 5.3.2 a) since the proposed high-density residential uses are permitted.

Further, while the under-appeal New OP proposes to designate the subject site as *Infrastructure and Transportation Corridors*, which would not permit the contemplated residential use. In our opinion, this designation is incorrect and should not apply to the subject site. Instead, it should be *Residential – High Density* consistent with the land use designation of other lands along this segment of Guelph Line.

The *Infrastructure and Transportation Corridors* designation is likely a result of the subject site's zoning and historic use as a Canada Post letter carrier depot, which was a more industrially focused use which was permitted in the existing zoning category of *Utility Services*. As this use is no longer active and the site has since been sold by Canada Post, the *Utility Services* zoning and proposed *Infrastructure and Transportation Corridors* designation is no longer required or appropriate. The site represents in its current form as a largely vacant industrial building in close proximity to amenities and public transit an excellent opportunity to intensify with new residential uses which help the City of Burlington achieve the wide variety of other policy objectives set out in the PPS, Growth Plan, ROP, and both the in-force OP and proposed New OP.

Based on the foregoing, it is our opinion that the proposed development is consistent with and conforms to the PPS, Growth Plan, ROP, and in-force OP in relation to the proposed land use.

5.4 Height, Massing, and Density

In our opinion, and as noted in Section 5.1 above, the site is an appropriate location for residential intensification in land use policy terms. From a built form perspective, it is our opinion that the subject site is a contextually appropriate location for an 11-storey building given its location along a major arterial with public transit service, the recent direction from Regional Council to direct 80% of growth within the existing urban area, it's proximity to major commercial retail and community amenities within walking distance, and it's site-specific contextual location adjacent to the hydro corridor to the north and existing condition of the 3-storey townhouse complex to the south which uniquely allows for a higher-density building with greater height than what would conventionally be appropriate to be constructed with minimal shadow, wind, overlook, sky view, and transitional impacts.

From an urban structure perspective, the subject site is along a corridor of a variety of commercial and medium and high-density residential uses along Guelph Line between the QEW and Upper Middle Road, of which in many ways the subject site acts as a northern bookend to the corridor, being located directly south of the Hydro Corridor and with primarily lower density residential uses located to the north along the west side of Guelph Line. This context creates a unique opportunity to construct a higher density development which can serve as a gateway feature to the corridor and intensify close to the variety of amenities offered on the corridor. Further, the proposed scale of development is not out of character for the corridor, which already features a variety of higher density built forms including mid-rise apartment buildings to the south along Guelph Line and the existing retirement residence directly opposite form the subject site on the east side of Guelph Line.

While this portion of Guelph Line is not a designated intensification corridor or mixed-use activity corridor within the in-force Burlington Official Plan, the existing character of the street as described in section 2 of this report clearly indicates an existing character of higher density uses which can be built upon with newer, higher density uses which more closely align with current provincial growth objectives and direction from Halton Regional council for greater levels of intensification.

From a height, massing, and density perspective, it is our opinion that this segment of the Guelph Line corridor, between the QEW and Upper Middle Road, is an appropriate location for mid-rise intensification given it's access to a variety of commercial and community amenities, existing public transit services along the street, it's character as an existing medium and high density development area, and it's proximity to major transportation infrastructure such as the QEW.

Regarding the proposed height of 11 storeys, the building falls within the definition of a mid-rise building within the Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings, is equal or less in height than the planned width of the Guelph Line right of way on which it fronts, and provides appropriate transition to adjacent uses in the surrounding area through appropriate setbacks, and the use of adjacent non-sensitive uses effectively buffering the project from more sensitive uses to the north and east. Furthermore, the proposed height is consistent with the heights permitted along this segment, including the lands to the south, which are zoned RH4 and permit a maximum building height of 12 storeys.

To the north and west of the subject site is the existing hydro corridor, which is over 80 metres wide and provides generous buffering to the lower-scale residential uses to the north and west.

To the east is Guelph Line, for which two sets of 3 metre step backs are proposed. The first step back is proposed above the 6th level of the building, stepping in 3 metres along the east and south sides of the building in order to create a 6-level podium along the street frontage. An additional 3 metre step back is employed at the 11th level of the building in order to minimize the visual impact of the uppermost floor of the building. This results in an appropriate, human scaled podium along Guelph Line, appropriately responding to the existing built form to the north and south of the proposed development, which is generally 2-4 storeys in height, and in alignment with the Mid-rise design guidelines which direct podiums to be equal to 80% of the right of way width or 6-storeys, whichever is lower. Further, the building is set back a minimum of 4 metres from Guelph Line, creating adequate space for landscaping to reflect the existing landscaped nature of Guelph Line to the south, while still retaining an appropriate, more urban and active frontage along the street.

The most sensitive transition for the proposed development is to the south to the townhouse complex at 1380 Guelph Line. The complex is a relatively high-density development of 2-3 storey back-to-back townhouses with a mix of underground and surface parking areas. The townhouse complex is set back a minimum of 8.5 metres from the subject site, with generally greater setbacks depending on the townhouse block, separated by the complex's driveway and surface parking areas. The townhouse blocks within the complex also do not have north-facing windows, nor north-facing yards or amenity areas. This creates an existing buffer between the subject site and the townhouse units, irrespective of any interventions to create transition on the subject site itself.

The proposed development responds to the townhouse uses to the south by wrapping the podium and upper-level setbacks along Guelph Line along the majority of the south side of the proposed building, as well as employing a generous side yard setback. The proposed building is set back a minimum of 7.4 metres along the south lot line, creating a combined minimum separation distance between the townhouse buildings and the proposed building of at least 16 metres. As a matter of good urban design, it is our experience that a minimum separation distance between mid-rise buildings is 11 metres, which provides adequate space for light, view and privacy.

Given the *Residential Medium Density* designation and relatively dense uses existing on the lands to the south of the subject site, as well as the existing setbacks and facing conditions of the existing structures, we believe this extent of stepping is appropriate to respond to the lower built form of the townhouse block while accommodating the proposed development, which achieves a variety of other objectives within the PPS, Growth Plan, ROP, and the in-force OP.

Along the north lot line, the building is proposed to be set back a minimum of 7.25 metres from the north lot line, with many portions of the building having greater setbacks generally between 9 and 11 metres. This setback is appropriate to buffer the proposed building from the adjacent hydro corridor. No transition to adjacent uses on the north side of the hydro corridor is necessary given the large distance between the subject site and those uses.

In regard to density, the proposed density is appropriate for similar reasons set out in section 5.2 of this report. The proposed density of 4.02 FSI and 566 units per hectare is appropriate given the provincial, regional, and municipal direction for intensification in close proximity to existing infrastructure and amenities, including public transit. While the proposed density exceeds that is permitted in the existing OP designation for the subject site, the designation pre-dates new directions from provincial growth management polices and Halton Regional Council to focus larger amounts of intensification within the existing urban area. The proposed density and height can help achieve these objectives while also providing appropriate built form objectives, transitions, and setbacks in alignment with urban design guidelines. Further, the subject application has been submitted with the various required studies ensuring that adequate transportation, servicing, and community infrastructure is available to ensure that the proposed development can be adequately serviced. In our opinion, establishing site specific density regulations is appropriate and desirable, since it recognizes the subject site's specific characteristics, including its adjacencies to the hydro corridor.

In our opinion, the overall building mass will be reduced through its articulated design and its setbacks and step backs from the streets, interior, and rear lot lines. Further, the overall mass does not create any unacceptable light, view, or privacy impacts given the generous open space and public realm spaces surrounding the subject site and proposed step backs reducing the building mass on the uppermost levels.

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

5.5 Built Form Impacts

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

Sky View

The proposed building will not result in any unacceptable sky view impacts, given the surrounding built form context. The proposed setbacks along Guelph Line will ensure adequate access to sky view from the opposite side of the street, as will the proposed height being below that of the width of the right of way, The existing hydro corridor to the north will mitigate any sky view impacts from the residential uses north of the corridor, and the proposed step backs and setbacks from the townhouse complex, combined with the lack of windows and outdoor amenity areas facing the proposed building, will ensure that residents of the townhouse complex to the south will continue to enjoy adequate access to sky view from both within and outside of their units.

Shadow Impact

In order to assess shadow impacts from the proposed development a shadow study was prepared by Zedd Architecture inc. The study illustrates the shadow impacts for March 21st, June 21st, and September 21st in hourly increments between 8:00am and 6:00pm.

The proposed development was assessed against the criteria contained in Section 4.0 of the City's SSG. The particular aspects that relate to this site are: Private Outdoor Amenity Spaces, Public Realm, and Sidewalks. On the north and west side of the site, there are several private backyards. Across the Guelph Line, there is a public sidewalk/boulevard. The results of the study show a calculated SAF of 0.90 for Private Outdoor Amenity Spaces, passing the minimum requirement of 0.22. A SAF of 0.94 for Public Realm and Sidewalks is above the minimum requirement of 0.5. The study concludes that the development meets the City of Burlington criteria.

Generally speaking, the shadows expected to be case from the proposed building largely fall to the north and east along the Hydro Corridor, Guelph Line, and the parking areas of the Glad Tidings Church. The only impact on adjacent residential uses is expected during the 9am and 6pm hours during the two equinoxes, impacting three dwellings along Brenner Court during the 9am hour and the townhouse complex and a single dwelling on the east side of Guelph Line at the 6pm hour.

Incremental shadows on Guelph Line are within permitted standards under the SSG, providing a SAF of 0.94 for the public realm and sidewalks, well above the minimum of 0.5.

There are no parks, open spaces, key civic and cultural spaces, or places where children play that are affected by the proposed shadows and therefore SAFs were not assessed for these areas.

In our opinion, these shadow impacts are "adequately limited" given the site's urban context and satisfy the City's Shadow Study Guidelines.

Wind Impact

A Pedestrian Level Wind Study was prepared by SLR Consulting, dated February 28, 2022. The purpose of the study was to investigate pedestrian wind comfort and safety within and surrounding the subject site, and to identify any areas where wind conditions may interfere with certain pedestrian activities so that mitigation measures may be considered, where necessary. The study concluded and recommended the following:

- The wind safety criterion is met at all locations surrounding the development in both the existing and proposed configurations.
- Wind conditions on the site, including entrances and amenity spaces, are generally expected to be suitable for the intended use year-round. Wind mitigation measures are recommended for the main entrance.
- Wind conditions on the site, including entrances and amenity spaces, are generally expected to be suitable for the intended use year-round. Wind mitigation measures are recommended for the main entrance.
- These qualitative wind conditions will be confirmed through wind tunnel testing at the Site Plan Approval phase.

Based on the findings of the Wind Study, and subject to the implementation of the recommended mitigation measures, the City's Pedestrian Level Wind Study Guidelines can be satisfied.

5.6 Urban Design

In our opinion, the proposed building design and site organization conforms with the applicable built form and urban design policies of the in-force OP. From an urban design perspective, the design policies, found in section 6.0 of Part II of the in-force Official Plan state that the City is committed to a high standard of design an architecture with objectives that require that proposals for intensification and infill within neighbourhoods be compatible and sympathetic to the existing neighbourhood character; allowing for a diverse design expression; a preference for compact forms of development that support higher densities, and, are pedestrian oriented and encourage increased use of public transit.

In our opinion, the proposed development conforms to the applicable urban design policy framework established in the in-force Burlington Official Plan, since:

- It will continue the urbanization and intensification of the Guelph Line corridor in a compact urban form;
- It provides a higher density of development that will encourage the increased use of public transit;
- The building will be sited parallel to Guelph Line, with a consistent setback;
- The location of the building along the Guelph Line street line will define and form an edge along the street and the base building will maintain an appropriate proportional relationship with the street width and the heights of adjacent buildings;
- The building will incorporate amenity areas along Guelph Line that will animate the public realm;
- The residential lobby and entrances to the grade-oriented residential units will have direct access from the public sidewalk, and are clearly visible from the street;
- Servicing and vehicular parking will be accessed from a single driveway entrance off Guelph Line to minimize impacts on the public realm along Guelph Line;
- The loading area will be located within the building and off the driveway and will be screened from view from the street;
- The surface parking area and parking ramp is proposed to be located at the rear of the site to minimize their visibility from and impact on the public realm along Guelph Line;
- The mechanical penthouse will be incorporated into the design of the top of the building; and;
- The building is compatible and sympathetic to the surrounding context, responding to the gateway aspect of the site at the north end of a mixed density and use corridor along Guelph Line, effectively transitioning to adjacent uses, and appropriately responding to the scale of the public realm surrounding the subject site.

In addition, it is our opinion that the design of the proposed development is generally in keeping with the Mid-rise Guidelines, since:

- The proposal has been designed to provide a building façade that is parallel to the fronting street (Guelph Line)
- The proposed building has an east-west orientation with ample south-facing walls to provide access to sunlight;
- The proposed building orientation aligns with the hydro corridor to the north to provide generous amounts of sky view for north-facing units;
- The proposed setback along Guelph Line is generally in alignment with the townhouses to the south, while establishing a new, more urban street wall more consistent with other policy objectives of the official plan, including the provision of active uses close to the sidewalk while providing adequate space for landscaping and street trees and exceeding the minimum 6 metre boulevard provided for in the guidelines;
- The proposed residential uses at grade will feature private terraces with landscaping for privacy and direct outdoor unit entrances, activating the south lot line close to the street;
- Back of house uses are isolated from the townhouses to the south and public realm along Guelph Line, with loading facilities enclosed and accessed from the north and the proposed parking ramp accessed from the rear of the property, adjacent to surface parking and loading areas of the townhouse complex;
- Adequate separation distance is provided from the site to the south to allow for redevelopment in the future, including a minimum setback of at least 7.4 metres and generally greater, generally resulting in ½ of the guideline separation distance of 14.8 metres;
- Given the lack of existing podium scales along Guelph Line and the large right of way width of the street, the podium is proposed to be 6-storeys in height, in alignment with the guideline's maximum 6-storey height for building podiums;

- Shadowing impacts have been adequately limited by massing the building to be north of the hydro corridor, an area of low sensitivity to shadows;
- Acceptable wind impacts are created along Guelph Line, with no mitigating interventions required;
- The massing appropriately reinforces the street edge and the edge of the public realm along the street and hydro corridor;
- The irregular building shape and variations in materials and setbacks mitigates its length along the east-west axis, breaking up the building façade;
- Specific material selections provide a visual impression of inset balconies to provide the intended effect of a consistent, more substantial street wall along the podium levels on Guelph Line;
- Upper levels of the building are appropriately stepped back to reduce their visual impact and transition to adjacent uses;
- A variety of scales, colours and textures are used in the building design to create visual interest;
- A minimum of 5 hours of continuous sunlight is provided at the fall equinoxes along both sidewalks on Guelph Line;
- The primary building entrance is accessible and clearly distinguishable from the street, and has direct pedestrian access, and is located on the corner of the proposed driveway and Guelph Line, in close proximity to the existing public transit stop to the south;
- Residential uses at grade are designed to have primary entrances from the street;
- The majority of parking is provided underground, with only a small number of spaces proposed at grade at the rear of the property;
- A minimum step back of 3 metres is provided above the street wall along Guelph Line;
- While step backs and setbacks are provided from the Residential – Medium Density designated townhouse complex to the south, an angular plane has not been applied. We believe this is an appropriate response given the site (and the townhouse complex to the south) being located along a major arterial with access to transit and provincial and regional directives which have occurred following the creation of the mid-rise guidelines to increase the rate and levels of intensification within the City of Burlington, requiring alternate approaches to achieve these policy goals. We believe the proposed setbacks and step backs, combined with the lack of north facing windows and the existing service driveway along the north lot line of the townhouse complex, create an appropriate transition which mitigate overlook, shadow, and wind issues arising from the proposed building, and satisfy the intent of the transition guidelines within the Mid-rise guidelines;
- The upper levels of the building are set back a minimum of 10 metres for the majority of the shared lot line to the south, with the exception of the rear of the property close to service areas which are notably narrower on the townhouse complex property and more challenging to develop with large, high density uses, providing adequate separation from another mid-rise building should redevelopment ever occur;
- The upper portion of the building is clearly designed to distinguish it from the lower portions of the building and reduce the building massing; and
- Rooftop mechanical areas will be screened from public view and be significantly set back from the lower levels to minimize their visual impact.

For the above listed reasons, we believe the proposed building creates acceptable built form impacts, is compatible with the surrounding neighbourhood, and represents good urban design.

5.7 Noise

An Environmental Noise Impact Study ("Noise Study") was prepared by dBA Acoustical Consultants Inc. dated March 2022. The purpose of the Noise Study was to determine the noise impacts on the proposed development and to determine the necessary noise control measures to meet the Ministry of Environment, Conservation, and Parks (MECP) Publication NPC-300 Noise guidelines.

The Noise Study made the following recommendations in order for the proposed development to meet the Ministry's required noise levels:

- Window, door, and wall construction with minimum sound ratings described in section 4 of the report;
- Central Air conditioners be provided for all units;
- Warning Clauses be inserted into all Offers and Agreements of Purchase and Sale or Lease for all units;
- Supply HVAC units, Generators (Outdoor) and, parking venting system mechanical sound specifications for further noise impact review;

- All balconies require a 1.22m (4 ft) safety railing as required by Ontario Building Code and Ontario Fire Code; and
- Qualified Acoustical Consultant certifies that the required noise control measures have been incorporated into the builder's plans prior to issuance of a building permit.

Upon the implementation of the recommendations made in the Noise Study, the proposed development is able to meet the Province's interior and outdoor noise requirements, as outlined in the NPC-300 guidelines.

5.8 Wind

A Pedestrian Wind Assessment was complete by SLR Consulting, dated March 7, 2022. The purpose of the assessment was to determine the wind impacts impacts from the proposed development on the pedestrian environment.

The pedestrian wind conditions predicted for the proposed development at 1396 Guelph Line in Burlington were assessed through a qualitative numerical analysis. Based on the results of our assessment, the following conclusions were reached:

- The wind safety criterion is met at all locations surrounding the development in both the Existing and Proposed Configurations.
- Wind conditions on the site, including entrances and amenity spaces, are generally expected to be suitable for the intended use year-round. Wind mitigation measures are recommended for the main entrance.
- On the sidewalks surrounding the proposed development, wind conditions are expected to be suitable for the intended use.

The assessment is based on computer modeling techniques and provides a qualitative overview of the pedestrian wind comfort conditions on and surrounding the proposed development site. Any subsequent alterations to the design may influence these findings, possibly requiring further review by SLR.

5.9 Servicing

A Functional Servicing Report ("FSR") was prepared by S. Llewellyn & Associated Ltd. in order to outline the functional servicing strategy for the proposed development. The FSR concludes that the proposed development can be constructed to meet the technical servicing and engineering requirements of the City of Burlington and Region of Halton and makes the following recommendations:

- The development be graded and serviced in accordance with the Preliminary Servicing and Preliminary Grading & Erosion Control Plans prepared by S. Llewellyn & Associates Limited;
- A 140mmø outlet be installed on the cast-in-place storage tank as per the Preliminary Servicing Plan and this report to achieve effective stormwater quantity control;
- A cast-in-place concrete storage tank be installed as per the Preliminary Servicing Plan and this report to provide adequate stormwater storage;
- Erosion and sediment controls be installed as described in this report and shown on the Preliminary Grading & Erosion Control Plan prepared by S. Llewellyn & Associates Limited; and
- The proposed sanitary and water servicing system be installed as per the Preliminary Servicing Plan and this report to adequately service the proposed development.

5.10 Transportation

C.F. Crozier and Associates Inc. were retained to conduct a Transportation Impact Study ("TIS"). The purpose of this study was to determine the net impacts of the development traffic on the surrounding road network and provide justification for the proposed parking supply. The TIS makes the following conclusions:

- The intersection of Guelph Line and Palmer Drive currently (2022) operates with a Level of Service "A" during the A.M. and P.M. peak periods with no capacity concerns.
- It is noted that the 95th percentile queues for the westbound left-turn movement at Guelph Line and Palmer currently and continue to exceed the storage length available during the morning peak for the 2027 horizon year. However, the 50thpercentile queue is within the available storage and delays are minimal at the intersection; as such, queuing is not expected to be a significant concern at this intersection.
- Under 2027 future background and future total traffic conditions, the intersection of Guelph Line and Palmer Drive is expected to operate with minimal delays and well under capacity.
- The proposed site access is forecasted to operate with a Level of Service "D" or better in the2027 horizon year.
- The proposed right-in right-out access to Guelph Line meets TAC-GDGCR sight distance requirements and would provide sufficient visibility to oncoming vehicles.

- The proposed site access location is slightly deficient of the TAC-GDGCR corner clearance requirements to the adjacent south private driveway, however the spacing meets the Halton Region spacing requirements.
- As sight lines are sufficient at the proposed site access, the location of the site access can be supported from a transportation perspective.
- Transportation Demand Management (TDM) measures, including transit, pedestrian, and cyclist infrastructure, as well as educational and financial incentives are recommended at the site to promote active transportation and transit use as opposed to single-occupant vehicle travel.
- The proposed parking at the development is deficient of 73 spaces per the City of Burlington "amended" parking requirements, and a deficiency of 156 parking spaces per the existing parking requirements.
- A review of relevant parking demand data at existing residential developments in the City of Burlington as well as industry-standard parking data concluded that the proposed parking supply of 1 space per unit is expected to be sufficient to meet the expected demand at the site.
- Additionally, the proposed parking space dimensions do not meet the City's By-Law requirements, however, meets the existing City of Toronto standards, and can be supported on the basis that vehicles are expected to be able to maneuver in and out of the spaces.

The TIS states that in consideration that the proposed residential development does not materially impact the boundary road network, the proposed site access provides sufficient capacity and visibility and the parking supply at the site is expected to meet demand, the proposed development can be supported from a transportation perspective.

6 Conclusion

The proposed redevelopment of the site at 1396 Guelph Line will appropriately intensify an underutilized site, improve the streetscape along Guelph Line, and increase housing supply in the neighbourhood in a compact, pedestrian and transit friendly built form. From a land use perspective, the proposal is consistent with numerous policy directions promoting intensification within built-up urban areas, particularly in locations which are well served by existing municipal infrastructure, including public transit, and with permitted uses within the in-force City of Burlington Official Plan.

The proposed development will help the community provide a range of different styles of residential living in an urban compact form on land that is appropriate for the use with convenient access to local stores, services and public facilities. It conforms to the overarching policies of the in-force OP, which call for a higher intensity residential development in a transit supportive form along multi-purpose arterial represents an appropriate redesignation to accommodate the densities required to address newer provincial and regional policy directions implemented following the approval of the in-force Official Plan; provides appropriate transition to adjacent uses; and, represents good planning practice and will promote the continued evolution of the Guelph Line corridor between the QEW and Upper Middle Road from a lower scale, mixed use context to one that includes new mid-rise buildings that are well served by transit and existing commercial and community amenities.

From an urban design perspective, the proposal will fit within the existing built form context along Guelph Line while serving as a key gateway feature for those traveling from the north, setting a new context for potential intensification along the corridor in the future.

The proposed development conforms with the design policies of the in-force Official Plan and is generally in keeping with the relevant urban design guidelines including the City's Mid-rise Building Guidelines. For all of the foregoing reasons, it is our opinion that the proposed development is appropriate and desirable in planning and urban design terms and, accordingly, we recommend approval of the requested official plan amendment and rezoning.

Respectfully Submitted,



Bousfields Inc.

David Falletta, MCIP, RPP



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