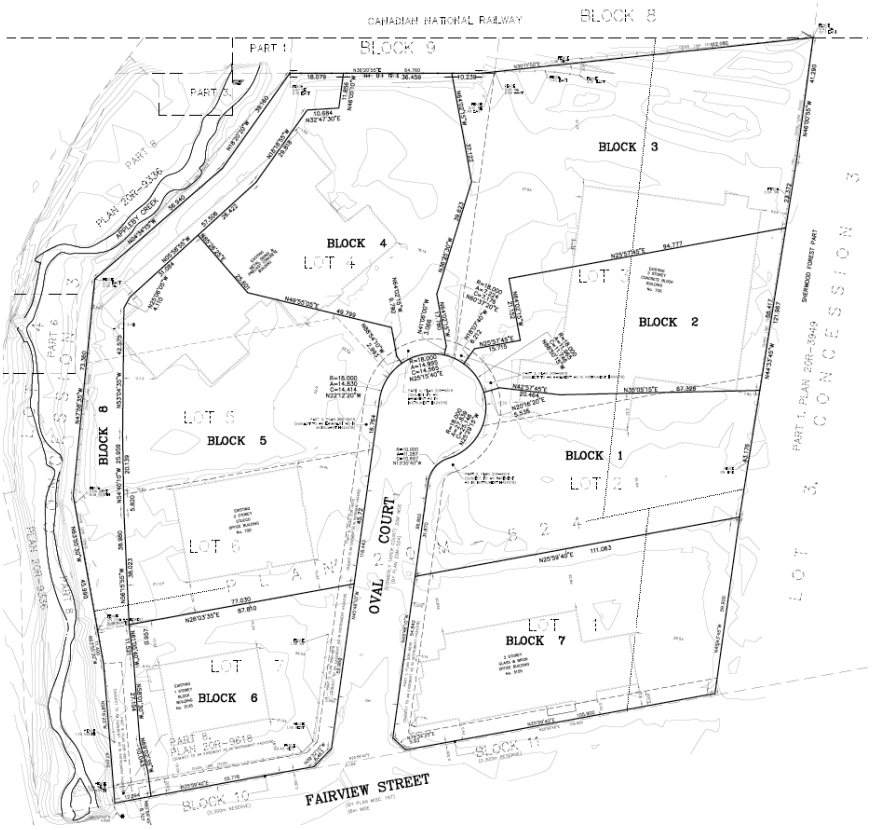
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Planning Justification Report
Draft Plan of Subdivision
720, 735, 740 Oval Court
5135, 5155 Fairview Street



Prepared By:

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July 26, 2024

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1.0 | INTRODUCTORY STATEMENT

Ruth Victor & Associates have been retained by Branthaven Development Corp. to provide a Planning Justification Report in support of a draft plan of subdivision on the properties municipally known as 720, 735, 740 Oval Court and 5135, 5155 Fairview Street .

2.0 | PROPOSAL

2.1 | Plan of Subdivision

The purpose of this application to obtain approval for a plan of subdivision which will realign the internal lot lines at the rear of the property, create a block to be dedicated to the City for an expanded creek block to incorporate the natural hazards associated with the creek and to secure the necessary infrastructure works related to the development such as upgrades tothe natural heritage system within the creek block, upgrades to the infrastructure located within the Oval Court right of way and bridge improvments.

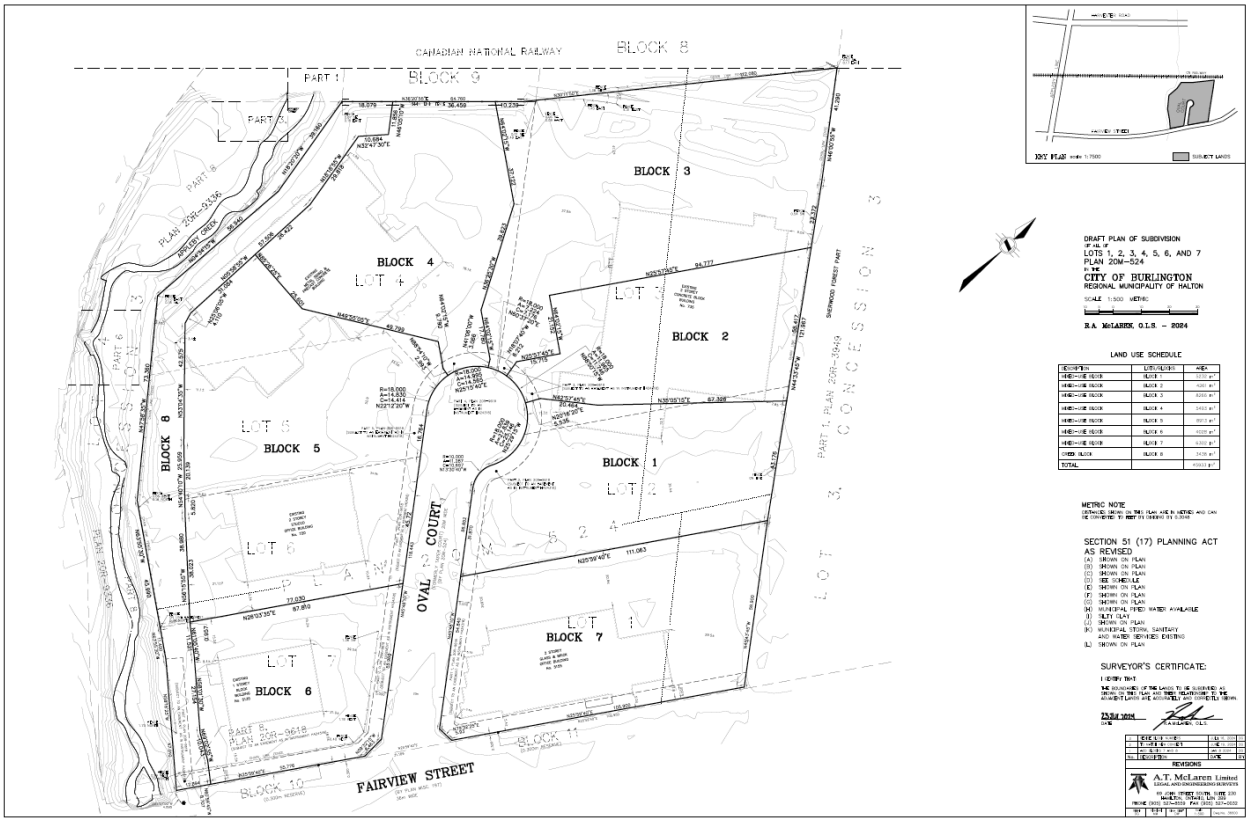


Figure 1, Draft Plan of Subdivision

As illustrated on Figure 1, the Draft Plan of Subdivision for the proposed development includes seven mixed use blocks varying in size from 4028 m2 to 8913m2 and one creek block of 3438 m2.

The application maintains the current Oval Court road allowance in its current location. No new municipal roads are being created.

The Official Plan Amendment and Zoning By-law Amendment setting out the policy context and regulations for the development of these lands were approved by the Ontario Land Tribunal on November

24, 2023. These lands are subject to a holding provision related to the completion of the creek works to remove lands from the flood plain and remediation of on site soil contamination.

Minutes of Settlement (MOS) between the City and the applicants were executed. Specifically, these MOS scope the submission requirements for a complete application for a draft plan of subdivision.

As set within paragraph 31 of the MOS :

"The Parties agree that Branthaven will submit an application for draft plan of subdivision approval to create parcels of land for each of the various buildings on the lands municipally know as 720, 735, 740 Oval Court. As part of the draft plan submission, Branthaven will submit a Planning Justification Report to address statutory tests required for the approval of the draft plan of subdivision. In addition, Branthaven shall resubmit the materials filed in support of the Official Plan amendment and Zoning By-Law amendment applications, and any amendments thereto as part of the draft plan of subdivision application. In addition, Branthaven may be required to submit any other reports as may be reasonably required by the City needed to review the draft plan of subdivision application, and to provide an updated Environment Impact Assessment. For absolute certainty, to avoid unnecessary duplication, no reports which assess matters which are to be determined as part of the site plan application will be required for the submission of a complete draft plan of subdivision application."

The following studies were provided to the City, Region, and Conservation Authority: throughout the Ontario Land Tribunal process. Additional copies were provided to the City as part of the preconsultation process.

First Submission Materials:
Ruth Victor & Associates - Planning Justification Report May 21, 2021
Core Architects – Architectural Drawings & Renderings Package – May 2021
Urbantech – Functional Servicing & Storm Water Management Report – April 2021
Urbantech - Construction Mobility & Management Plan – April 16, 2021
Urbantech – Functional Servicing Drawing Package – May 2020
NAK Design – Landscape Concept Plan – April 12, 2021
NAK Design – Bridge Concept Plan – April 15, 2021
NAK Design – Park Concept Plan – 2019
DS Consultants – Preliminary Geotechnical Investigation – April 28, 2021
DS Consultants – Hydrogeological Investigation – December 1, 2020
DS Consultants – Proposed Remediation Plan Memo – March 30, 2021
DS Consultants - Phase One Environmental Site Assessment -720 and 740 Oval Court - June 16, 2020
DS Consultants - Phase One Environmental Site Assessment -735 Oval Court & 5155 Fairview Street - July 22, 2020
DS Consultants - Phase One Environmental Site Assessment - 5135 Fairview Street - July 20, 2020
DS Consultants - Phase Two Environmental Site Assessment -720 and 740 Oval Court – March 25, 2021
DS Consultants - Phase Two Environmental Site Assessment – 735 Oval Court &5135 Fairview Street – March 19, 2021
DS Consultants - Phase Two Environmental Site Assessment - 5135 Fairview Street – March 31, 2021
DS Consultants – Phase One & Two Reliance Letter to City of Burlington – April 6, 2021
DS Consultants – Phase One & Two Reliance Letter to Region of Halton– April 6, 2021
NAK Design Strategies – Urban Design Brief – May 2021
Theakston Environmental – Pedestrian Level Wind Study – April 9, 2021
HGC Engineering – Noise & Vibration Feasibility Study – April 20, 2021

AT McLaren – Topographic Survey – April 12, 2021
Beacon Environmental – Arborist Report – April 2021
Beacon Environmental – Scoped Environmental Evaluation Report/Environmental Impact Assessment – April 2021
RWDI – Sun Shadow Study – April 9, 2021
Altus Group – Economic Impact Analysis – March 1, 2019
Spanier Group – Retail/Commercial Market Impact Study, May 4, 2021
Altus Group – Housing Impact Statement – April 29, 2021
CanAM Waste Products – Waste Management Plan – April 20, 2021
Paradigm Transportation Solutions – Transportation Impact Study, Parking Justification & Transportation Demand Management Plan – April 2021
Ortech – Land Use Compatibility Study & Air Quality Assessment – May 14, 2021

Resubmission Materials:
Ruth Victor & Associates - Update to Planning Justification Report In Response to First Submission Comments – March 17, 2023
Core Architects – Architectural Drawings Package – March 17, 2023
Urbantech – Functional Servicing & Storm Water Management Report – March 2023
Urbantech – Functional Servicing Drawing Package – March 2023
NAK Design – Landscape Concept Plan – March 16, 2023
NAK Design – Pedestrian Bridge Options – March 2023
RWDI – Land-Use Compatibility/Mitigation Study (Air Quality) – March 17, 2023
Beacon Environmental – Geomorphic Assessment – March 2023
Beacon Environmental – Scoped Environmental Evaluation Report/Environmental Impact Assessment – March 2023
Beacon Environmental – Constraints Map – March 15, 2023
Paradigm Transportation Solutions – Transportation Impact Study, Parking Justification & Transportation Demand Management Plan – March 2023
Jennifer Lawrence & Associates – Planning Memo – Natural Hazard Limits – March 15, 2023
NAK Design Strategies – Urban Design Brief – May 2023
RWDI – Sun Shadow Study – March 8, 2023
HGC Engineering – Noise & Vibration Feasibility Study – March 10, 2023
Spanier Group – Retail/Commercial Market Impact Study, March 2023
Altus Group – Economic Impact Analysis – March 1, 2023

A preconsulation meeting was held on March 6, 2024 and notes from that meeting are attached to this report. The additional reports required for submission is set out below:

A. Planning Justification Report
B. Updated Functional Servicing Report
C. Landscape Master Plan
D. Landscape Hedgerow Plan
E. Pedestrian Circulation Plan
F. Architectural Plans
G. Phasing Plan
H. Planning Memo, from Bratty's LLP
I. Remedial Action Plan
J. Letter from Jennifer Lawrence responding to questions from Region re process since OLT and coordination of submissions including

a. Arborist Report
b. Hedge Memo
c. EIA
d. FSR (2023)
e. Supplementary Slope Stability Report

K. Pedestrian Bridge
L. Rail Safety Report
M. Application Form
N. Metrolinx Preconsultation Notes
O. Draft Plan of Subdivision

3.0 | CONTEXT

3.1 | Site Description

The subject lands and are adjacent to the existing street known as Oval Court. Existing grading is generally flat in the area. The lands on the west side of Oval Court grade to Appleby Creek in their rear yards. The railroad right-of-way runs alongside the north limits of the site. Residential uses are located on the south side of Fairview Street.



Figure 2, Aerial Photo of the General Area

3.2 | Greater Surrounding Area

The lands are located within the western end of the Golden Horseshoe and in the southeastern portion of the City of Burlington.

3.3 | Immediate Surrounding Area

Large surface parking lots located to the west of Oval Court are associated with the Appleby Line GO Station. Employment and office uses as well as a vacant building are currently located on Oval Court. A large freight forwarding business is located at the northeast corner of Fairview and Appleby Line. The southeast corner of Appleby Line and Harvester Road is occupied by Sofina Foods, a large meat processing and packaging plant. Sherwood Forest Park and Playground is situated east of the subject lands at the end of Fairview Street. Street and regular townhouses are located immediately south of Oval Court with detached dwellings situated further southeast below the pipeline and bicycle path.

4.0 | POLICY CONTEXT

4.1 |Planning Act

The purpose of the Planning Act is to create transparent, efficient and fair planning processes, to promote sustainable development, provide a land use planning system led by provincial policy, integrate matters of provincial interest into all planning decisions, encourage cooperation and recognize the decision-making authority and accountability of municipal councils. A draft plan of subdivision is being applied for under Section 51 of the Planning Act.

Section 51 (24) of the Planning Act, states that:

> In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,
> (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
> (b) whether the proposed subdivision is premature or in the public interest;
> (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
> (d) the suitability of the land for the purposes for which it is to be subdivided;
> (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
> (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
> (f) the dimensions and shapes of the proposed lots;
> (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
> (h) conservation of natural resources and flood control;
> (i) the adequacy of utilities and municipal services;
> (j) the adequacy of school sites;
> (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
> (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
> (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City

of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed draft plan of subdivision was evaluated under Section 51(24) of the Planning Act and addresses these considerations for a draft plan of subdivision:

a) The proposal has regard to matters of provincial interest by protecting ecological systems, adequate provision of utilities and municipal infrastructure, orderly development of a safe and healthy, assist in the provision of a full range of housing options including affordable housing as well as employment opportunities, providing transit supportive densities and promoting a well designed built form which encourages a sense of place and public spaces immediately adjacent to a GO Station;
b) The proposed plan of subdivision is not premature and is in the public interest as it is located within MTSA and Strategic Growth Area that is identified for significant growth.
c) Conformity to the Official Plan is set out below. There are no adjacent plans of subdivision.
d) The lands are suitable for the proposed land uses. Remediation of the site is required prior to the lifting of the holding provision in part or in whole.
e) Affordable housing was addressed as part of the OLT process and is further discussed in the Altus Group titled Housing Impact Statement dated April 29, 2021
f) The dimensions and shape of the proposed lots is set out on the attached draft plan of subdivision and reflects the division of the underground parking areas for the above grade towers as well as incorprorates access and proposed servicing for these blocks. The size and shape of the creek block reflects the natural hazards associated with the creek.
g) The restrictions on the land to be subdivided and the related development has been assessed for zoning compliance and that is set out within the sections below.
h) The natural hazards associated with the creek adjacent to the development were assessed and are incorporated within the proposed creek block set out on the draft plan of subdivision
i) The proposal utilizes the existing road. The Functional Servicing Report submitted in support of this application demonstrates adequate utilities and municipal services for these lands
j) Adequate school sites exist to service the proposed development
k) The block of land associated with the creek is to be dedicated to the City of Burlington as shown on the draft plan.
l) The proposed development of the site considered sustainability initatives including energy conservation. These will be further assessed as part of the site plan submission.
m) The City of Burlington as part of the submission requirements to be filed during process has requested the submission of a conceptual master plan to assist in understanding the relationships between the Official Plan and Zoning approvals to date, refinements to the development concept, the proposed lotting pattern and to guide the subsequent site plan approval processes.

4.2 |Provincial Policy Statement (2020)

Issued under Section 3 of the Planning Act, the Provincial Policy Statement provides policy direction to guide development in Ontario.

> *"The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. "*

Land use decisions made by municipalities must be consistent with the directions provided in the PPS. Where provincial plans are in effect the decisions by municipal councils must conform or not conflict with them.

> *Section 1.1 Managing and Directing land Use to Achieve Efficient and Resilient Development and land Use Patterns*
>
> *Subsection 1.1.1 b) states that healthy, liveable and safe communities are sustained by: accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons). Employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.*

This project meets a number of these policy directions as noted in the mix of uses proposed such as office/commercial, retail/commercial, adding to the range of housing within this community through the provision of high-density residential housing, institutional uses such as long-term care, day-care and library facilities as well as recreational and open space.

> *Subsection 1.1.1 e) speaks to promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.*

The project is located immediately adjacent to the Appleby GO Station, is clearly transit supportive development and allows easy and accessible transit access to other municipalities in the Golden Horseshoe by Go Transit. Connections to municipal bus transit systems are also available through Burlington and Oakville Transit which have bus routes into the station.
Subsections 1.1.3.3 through 1.1.3.5 relate to transit-supportive development, intensification, redevelopment and brownfield sites, all of which are defined terms under the PPS.

This proposed redevelopment of the Oval Court lands is transit-supportive development as the lands are adjacent to the Appleby GO Station and connect to inter-regional and intra-regional development through rail and bus service connections. This is a compact, mixed-use development that has high residential densities and not only maintains the existing number of jobs found on these lands but provides for additional employment growth. The development is a significant intensification project for the City of Burlington and will assist the City in meeting the intensification requirements set out within the PPS.

3.1 Natural Hazards

The policies of this section of the PPS are addressed in the Environmental Impact Assessment prepared by Beacon Environmental and the update of the EIA report. The required setbacks and observance of policies and requirements of Conservation Halton have been addressed.

Based on our analysis above, the proposed draft plan of subdivision is consistent with the PPS.

4.3 | Growth Plan 2020

A Place to Grow came into effect on August 28, 2020. As per Section 1.2.2 of the Plan approval of any planning application must conform with the policies contained in the Growth Plan.

The Growth Plan, 2006 identified 25 urban growth centres and the current iteration of the Plan continues to recognize these centres as focal points for population and employment growth. The centres are shown on the figure below.

2.2.1 Managing Growth

Forecasted growth to the horizon of this plan will be allocated based on the following:

- *a) The vast majority of growth will be directed to settlement areas that:*
  - *i) have a delineated built boundary;*
  - *ii) have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities*
- *c) within settlement areas, growth will be focused in:*
  - *i) delineated built-up areas;*
  - *ii) strategic growth areas;*
  - *iii) locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,*
  - *iii) areas with existing or planned public service facilities.*

This proposal is in conformity with the above noted policies. The City of Burlington has a delineated built boundary. There is existing water and wastewater service available, and these facilities will be upgraded where necessary to accommodate the additional population. Appleby GO Station is located immediately adjacent to the subject lands. Parkland and playground facilities along with a bicycle route currently exist and a branch Library facility is proposed under this application. The definition of Complete Community from the Growth Plan is provided below:

> *"Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age friendly and may take different shapes and forms appropriate to their contexts."*

The proposed development meets the definition of a complete community.

2.2.4 Transit Corridors and Station Areas

1. *The priority transit corridors shown in Schedule 5 will be identified in official plans. Planning will be prioritized for major transit station areas on priority transit corridors, including zoning in a manner that implements the policies of this Plan.*
2. *For major transit station areas on priority transit corridors or subway lines, upper and single tier municipalities, in consultation with lower tier municipalities, will delineate the boundaries of major transit station areas in a transit-supportive manner that maximizes the size of the area and the number of potential transit users that are within walking distance of the station.*

3. *Major transit station areas on priority transit corridors or subway lines will be planned for a minimum density target of:*
    1. *a) 200 residents and jobs combined per hectare for those that are served by subways;*
    2. *b) 160 residents and jobs combined per hectare for those that are served by light rail transit or bus rapid transit; or*
    3. *c) 150 residents and jobs combined per hectare for those that are served by the GO Transit rail network.*

    8. *All major transit station areas will be planned and designed to be transit- supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where appropriate:*

        a) connections to local and regional transit services to support transit service integration;

        b) infrastructure to support active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and

        c) commuter pickup/drop-off areas.

9. *Within all major transit station areas, development will be supported, where appropriate, by:*

    a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels;

    b) fostering collaboration between public and private sectors, such as joint development projects;

    c) providing alternative development standards, such as reduced parking standards; and

    d) prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities.

As noted elsewhere within this report, the Region of Halton has set an alternative minimum density target for the Appleby GO MTSA. As noted within the Housing Impact Statement prepared by Altus: *The total number of persons and jobs generated in the subject development (3,124 persons and jobs) would equate to under 16% of the minimum number of persons and jobs required within the Appleby GO MTSA, at the proposed minimum density target of 120 persons & jobs per hectare. As a proportion of the proposed composition of the density in the MTSA (40% population, 60%jobs), the development proposal would consist of 2.7% of the land area within the MTSA, just under 35% of the planned population, and 3.0% of the jobs.*

The proposed development is for a diverse mix of uses including additional residential units and affordable housing and is a built form that strongly supports the achievement of transit supportive densities. This draft plan of subdivision is a step in the implmenentation of this proposal.

This proposed draft plan of subdivision is in conformity with the policies in the Growth Plan.

4.4 | Regional Official Plan

The subject lands are located within the Urban Area land use designation of the Regional Official Plan. The Regional Employment Area overlay designation is not applicable to any lands south of the railroad lands. The lands are not located within a Future Strategic Employment Area as identified on Map 1C of the Regional Official Plan.Map 1G, Key Features within the Greenbelt and Regional Natural Heritage Systems, identifies the Appleby Creek as a Key Feature. Policies in the Plan relating to this designation are set out

in detail below and are addressed in the Environment Impact Assessment submitted in support of this application.

Map 3, Functional Plan of Major Transportation Facilities identifies Appleby Line as a Multi-purpose Arterial and Fairview Street as a Minor Arterial. The right-of way requirement for Appleby Line according to Map 4 is 40 m. The right-of-way requirement for Fairview Street is not shown on Map 4 but the text in the Plan indicates that the required width is up to 35 m. The draft Reference plan prepared by A.T. McLaren indicates an existing width of 36.576 m so an additional widening has not been identified.

According to Map 5, Regional Phasing, the lands are located within the Urban Area with Phasing to 2021.

The Regional Official Plan (ROP) has been reviewed and the proposed draft plan of subdivision is in conformity with the policies of that Official Plan as outlined below.

While the ROP provides for a broad range of land use designations as part of the Regional Urban Structure, more specific development policies for this land use designation can be found in the local official plan. Development must meet the policies of the Regional Official Plan including the provisions regarding services and transportation facilities including road widenings of Regional Roads.

58. Uses are permitted as specified for each land use designation provided that:

(1) the site is not considered hazardous to life or property due to conditions such as soil contamination, unstable ground or soil, erosion, or possible flooding;

(1.1) adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region; and

(2) development meets all applicable statutory requirements, including regulations, Official Plan policies, zoning by-laws, and municipal by-laws.

Remediation of the site will occur prior to redevelopment. The FSR indicates that an adequate supply of water and treatment of wastewater is available, and the proposal meets all applicable regulations and Regional Official Plan policies.

77.(15) Require the development industry to absorb its share of the cost of the provision of infrastructure and human services as permitted by applicable legislation and that any financial impact of new development or redevelopment on existing taxpayers be based on a financing plan communicated to the taxpayers and subsequently approved by Council. Such a financing plan may provide measures such as staging or contingent provisions to demonstrate that the provision of infrastructure and public service facilities under the Joint Infrastructure Staging Plan by Provincial and Federal Governments and other service providers are coordinated with those by the Region and Local Municipalities so that the health and well-being of the community is advanced in a fiscally responsible manner.

The proposal utilizes existing infrastructure where possible. Any new services would be at the developer's cost.

118. It is the policy of the Region to:

(1) Require Local Official Plans and Zoning By-laws to recognize the Regional Natural Heritage System as identified in this Plan and include policies and maps to implement policies of this Plan and to incorporate any refinements made thereto through Section 116.1.

(5) Ensure that the Local Municipalities will enhance, through the development process and where appropriate, the function of the Regional Natural Heritage System within the Urban Area by locating local open space adjacent to or near the Regional Natural Heritage System.

(7) Obtain, or encourage the Local Municipalities, Conservation Authorities and other public agencies to obtain, through the development approval process and as permitted by legislation, parts of the Regional Natural Heritage System.

Appleby Creek is located on the western boundary of the subject properties. The Environmental Impact Assessment and Update Report by Beacon Environmental sets out how the Natural Heritage System will be maintained and enhanced through this development proposal.

143.(9) Require proposed development adjacent or in proximity to railway lines or railway yards to undertake, prior to development approval, the following studies by qualified consultants in accordance with Provincial policies, to the satisfaction of the Region, the Local Municipality and the Ministry of the Environment, and in consultation with the appropriate railway agency, and to implement the study recommendations, as approved, including the restriction of new residential and other sensitive land uses:

a) noise studies, if the development is within 300m of a railway right-of-way or 1000m of a railway yard;

b) vibration studies, if the development is within 75m of a railway right-of-way or a railway yard; and

c) air quality studies, if the development contains sensitive land uses and is within 1,000m of a railway yard.

Additional requirements by Metrolinx have been addressed in RJ Burnside & Associates Rails Safety Report and Development Viability Assesment, dated July 2024.

143. (12) Require the proponent of sensitive land uses in proximity to industrial, transportation and utility sources of noise, vibration, odour and air pollutants to complete appropriate studies and undertake necessary mitigating actions, in accordance with the Region's Land Use Compatibility Guidelines, Air Quality Impact Assessment Guidelines, and any applicable Ministry of the Environment guidelines. Specifically, an air quality study based on guidelines under Section 143(2.1) is required for such development proposals within 30m of a Major Arterial or Provincial Highway, or 150m of a Provincial Freeway, as defined by Map 3 of this Plan.

All issues of land use compatibility were addressed through the OLT process and Minutes of Settlement.

173.(22) Require the proponent of any development considered to have a transportation impact to carry out a detailed transportation study to assess the impact of the proposal and to recommend necessary improvements to the transportation network and services consistent with the goals, objectives and policies of this Plan.

A transportation study has been prepared and submitted as part of the previous planning processes.

173.(32) Require proposed development adjacent or in proximity to railway lines/yards/terminals or within railway rights-of-way to ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the Region and the Local Municipality to mitigate any safety concerns by the railway agency and/or abutting residents.

Consultation is occurring with Metrolinx with respect to the required measures and these will be implemented through Site Plan Approval.

The subject lands are located within an MTSA and will provide significant residential intensification, employment intensification, support for the transit facility, and a mix of uses to achieve a complete community. and are located within the Strategic Growth Area.

Section 79.3(12)
"Ensure the long-term operational and economic viability of major employment uses and achieve land use compatibility between major employment uses and sensitive land uses within or adjacent to Strategic Growth Area by requiring that such uses are planned and developed to avoid or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants and risk to public health and safety is minimized, in accordance with Section 143(q2) of this Plan."

As part of the Ontario Land Tribunal process, considerations regarding land use compatibility were assessed and specific minutes of settlement were entered into to ensure appropriate steps are implemented through the site plan process to mitigate potential impacts. No implementation measures are to be implemented through the draft plan of subdivision process.

The proposed draft plan of subdivision is in conformity with the Regional Plan.

4.5 | City of Burlington Official Plan

A site specific Official Plan Amendment to the 2008 Official Plan was approved through the OLT process. A copy of that decision and amendment is attached to this report. The proposed plan of subdivision conforms to that site specific amendment.

A site specific appeal of the new Burlington Official Plan is still in effect. It is anticipated that this appeal will be resolved through a modification to the new Official Plan in the near future.

Official Plan Amendment No. 2 to the new Burlington Official Plan contains a site specific exemption from those policies for these lands as well as there is an exemption from the By-law implementing the new Community Planning Permit system.

The in effect policies are set out within the site specific amendment to the 2008 Official Plan approved by the OLT. This draft plan of subdivision implements the approved Official Plan amendment and, in addition to other policies in the official plan regarding land use and urban design as well as other matters, the proposed draft plan of subdivision is in conformity to the following functional policies set out below relating to all development applications.

2008 Official Plan Part II Functional Policies

Part II, Functional Policies, contains a number of matters relevant to development of the subject lands.

2.3 General Policies

a) Development shall be limited to lands that are environmentally suited for the proposed use. Suitability shall be assessed within the context of the safety and health of the user and should avoid negative effects on the natural and social environment.

Beacon Environmental has provided the required EIA report as well as an updated EIA report dated January 2024 outlining mitigation of any potential impacts of redevelopment of the subject lands on the Appleby Creek.

New development and significant re-development shall generally be prohibited within natural heritage features unless it can be deemed suitable through the provisions of Part II, Section 2.5 of this Plan. New development and significant re-development is not permitted in areas of:

(i)significant habitat of endangered species and threatened species;
(ii)significant wetlands, significant woodlands or significant valleylands;
(iii)fish habitat, except in accordance with provincial and federal requirements;

Development is not proposed in the natural heritage features. The location of the limit of development was confirmed during the previous planning process and the portion of the creek block within these hazards will be dedicated to the City.

2.5 Environmental Evaluation

a) Environmental Evaluation Reports shall be prepared by the proponent of a development and to the satisfaction of the City as part of the consideration of a development application (other than an individual consent or minor variance in the Rural Planning Area, or for a use permitted by the Official Plan and Zoning By-law in the Rural Planning Area), affecting lands found:

(ii) Adjacent Lands of a natural heritage feature as defined by this Plan.

The required report has been prepared and updated by Beacon Environmental.

2.7 Sustainable Design and Compatibility

2.7.3 Policies

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

The proposed development consists of mixed-use development including high density residential combined with office, retail and other community support uses in a podium-based design providing the most efficient use of land.

d) Where appropriate, new development shall be designed to be compatible with and enhance existing natural features, such as the Lake Ontario and Burlington Bay waterfronts, the Niagara Escarpment, woodlots, watercourses and stream valleys.

The project has been designed with the appropriate setbacks from the Appleby Creek as well as enhancements to the creek area.

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

The housing component provides choices for singles, first time buyer couples, empty nesters and families. Housing for seniors and affordable housing is also proposed. Shopping and employment opportunities are on site. The project is within a major transit station area with transportation connections to Hamilton, Toronto, Oakville and Burlington.

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.

The developer will be using energy-efficient materials in the construction of the project. The residential component is high density and given the location meets the requirement for walkability and decreasing the dependency on the automobile.

g) The City will encourage proposals for renewable energy technologies, provided that compatibility is achieved with surrounding land uses and the environment, with respect to such matters as noise and vibration and visual impacts. Mitigation measures such as distance separations, screening and buffering, shall be encouraged.

Noise and vibration studies have been completed. A land use compatibility study was completed and mitigation measures will be implemented in subsequent site plan approval processes. Extensive urban design principles will be applied as set out within the Urban Design Brief and Official Plan site specific urban design policies.

h) The City will encourage water conservation through the adoption of low irrigation landscaping and may discourage or prohibit the use of natural surface or ground water for non-agricultural irrigation.

This will be addressed through site plan approval.

i) The City shall support the Region of Halton in the implementation of programs aimed at educating consumers and businesses about the reduction, re-use and recycling of waste, and shall support opportunities to put them into practice.
j) The City shall support the Region of Halton in encouraging businesses to develop safe, cost-effective and new ways to deal with waste materials in order to divert these materials from landfill.

A waste management report was provided previously

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

These matters were addressed in the previous planning processes through the PTSL Transportation Impact Study.

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

This has been addressed in the design of the site and the supporting reports provided previously.

m) Practices that reduce the pollution of air, soil and water and that have beneficial effects on aquatic and terrestrial ecosystems, such as the preservation and planting of trees, shall be encouraged.

Extensive landscaping will be provided.

n) Exposure of residential and other land uses sensitive to vibration, noise, dust, odours or other effects caused by transportation or industrial facilities, and likewise, the encroachment of sensitive land uses on these facilities, shall be avoided through the use of separation distances, the placement of non-sensitive land uses in buffer areas, and/or other means. Proponents may be required to submit studies and undertake necessary mitigating actions to address compatibility issues to the satisfaction of the City and Region. Provincial guidelines shall be referred to for direction in land use planning decisions.

These issues are addressed in the previous planning processes and will be implemented through site plan approvals. Additional submission reports have been required by Metrolinx and appropriate mitigation will be implemented through conditions of draft plan approval and subsequent site plan approval.

2.8 Contaminated and Potentially Contaminated Sites

2.8.2 Policies

b) In order to screen for known or potential site contamination, applicants shall be required to document, to the satisfaction of the City, Region, Province and other approval authorities, previous uses and environmental information of:

(i) property or properties that are subject of a planning application; and/or

(ii) properties that may be adversely impacting the property that is the subject of a planning application in order to assist in the determination of the potential for site contamination.

A holding provision has been implemented to address this requirement and ensure site remediation occurs.

2.11.3 Storm Water Management Policies

e) Functional drainage designs shall be prepared at the draft plan of subdivision or zoning stage in accordance with the requirements of the City's Storm Drainage Criteria Manual.

i) All watershed and sub-watershed studies, functional drainage designs, storm water management techniques and drainage facilities shall be completed with appropriate consultation with residents and property owners, Conservation Halton, the Region of Halton, the Ministry of Natural Resources and

where appropriate, the Niagara Escarpment Commission. These studies will consider: maintenance of natural watercourses, control of discharges to surface and groundwater, water quality and quantity targets and the identification and protection of significant hydrogeological areas.

iii)watercourses regulated by Conservation Halton should be left in their natural state, unless approval to alter the watercourse is obtained from Conservation Halton, and every effort should be made to keep other watercourses open and natural;

iv)storm water management shall preserve and utilize the natural drainage system where feasible. The use of natural swales to treat and convey storm water shall be used wherever appropriate and the use of storm sewers and storm water management ponds minimized;

These matters were extensively addressed as part of the previous planning approvals. An updated Functional Servicing Report has been provided as part of this submission. Permit applications regarding the related creek works have been submitted to Conservation Halton.

3.2.2 Transportation Policies

d) A transportation study to assess the impact of a proposed development on current travel patterns and/or future transportation requirements may be required before Official Plan amendments, subdivision approvals, rezonings, site plan approvals or other development proposals are allowed.
k) Opportunities for the sharing of parking in mixed use developments will be considered subject to an evaluation by the City.

These issues were dealt in the previous planning approvals process and no further study was required as part of this draft plan submission.

3.3.2 Roads Policies

d) Upon receipt of a development application, the City will confirm whether a road widening is required as per the Official Plan and whether property for the widening has already been dedicated to the City.

The survey indicates that the existing right-of-way for Fairview Street is in excess of the required road width. No additional widening is required.

e) Land requirements for daylight triangles, on routes under the City's jurisdiction shall be based on the following:

iii) 5 m x 5 m: Local Street to Minor Arterial or Multi-Purpose Arterial Road;

u) Turning circles, roundabouts or other similar roadway features may be permitted subject to an evaluation by the City and Region of functional, operational, servicing and financial issues associated with their use.

The existing public road incorporates a turning circle.

x) Infill or intensification development proposals within the City shall be required to take place on public roads, unless it can be demonstrated by the proponent that a private road is equally desirable from the standpoints of functionality, community safety, efficiency, servicing, neighbourhood connectivity, ease of

land assembly for future development, environmental impacts, adequacy of parking and financial impacts to the City.
The development is based on use of the existing public road.

3.5.2 Cycling Policies

d) The connection of bike routes and paths with recreational facilities shall be encouraged.

f) The integration of cycling and transit modes shall be encouraged by requiring adequate and secure bicycle parking at major transit stops, bus terminals, GO Stations and commercial, employment and institutional developments, and the provision of bicycle racks on buses.

Cycling facilities will be provided as part of the subsequent site plan approval process.

3.6.2 Walking Policies

b) Roads, sidewalks and walkways shall be designed to provide more direct walking access from the interior of blocks to transit locations.

c) The development of streetscapes that are safe, convenient and attractive for pedestrians shall be encouraged through measures such as providing wide sidewalks, locating retailing and personal service uses at street level, encouraging building designs that provide shelter, and the providing of convenient and sheltered transit stops, street furniture, trees and other amenities.

These requirements have been addressed through site design.

3.7.2 Rail and Air Policies

b) The development of lands close to rail lines and rail spur line services shall be encouraged for employment uses.

c) Noise and vibration-sensitive land uses shall be discouraged next to rail lines.

d) New residential development and other uses sensitive to noise and vibration shall not be permitted within 300 m of a railway yard. The proponent of land uses sensitive to noise and vibration adjacent or in proximity to railway lines or railway yards shall be required to undertake, prior to development approval, the following studies by qualified consultants in accordance with Provincial policies, to the satisfaction of the Region of Halton, the City, and the Ministry of the Environment, in consultation with the appropriate railway agency, and to implement the study recommendations as approved, including the restriction of new residential and other sensitive uses:

1. *(i) noise studies, if the development is within 300 m of the railway right-of-way or 1000 m of a railway yard; and*
2. *(ii) vibration studies, if the development is within 75 m of the railway right-of-way or a railway yard.*

e) The proponent of any development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the City in consultation with the appropriate railways to mitigate the effects of their development on the railways.

The noise and vibration was addressed as part of the previous approval process. Metrolinx has requested additional study and on site requirements which will be addressed through conditions of draft plan approval and future site plan approval processes.

Based on the analysis above the proposal is conformity conformity with the in effect City of Burlington Official Plan for these lands..

4.6| CITY OF BURLINGTON ZONING BY-LAW

The draft plan of subdivision was reviewed to determine conformity with the in force and effect zoning by-law. It is noted that the lot width of blocks 2, 3, and 4 do not meet the minimum lot widths set out within the Zoning By-law and a minor variance will be required prior to final approval of the draft plan subdivision. These proposed minimum lot widths reflect the changes to the lotting pattern since the OLT hearing to address urban design objectives, master planning considerations as well as other matters.

4.1 MXT Regulations *Table 5.4.1* ***Subdivision Blocks***

Regulation	Requirement	Provided
Lot Width	25 m	Block 1: 71.07m
	25 m	Block 2: 12.00m
	25 m	Block 3: 7.25m
	25 m	Block 4: 15.00m
	25 m	Block 5: 77.23m
	25 m	Block 6: 55.77m
	25 m	Block 7: 105.9m
Creek Block Lot Width	N/A	Creek Block 8: 12.39m
Lot Area	1000 m2	Block 1: 5,227 m2
	1000 m2	Block 2: 4,261 m2
	1000 m2	Block 3: 8,266 m2
	1000 m2	Block 4: 5,493 m2
	1000 m2	Block 5: 8,913 m2
	1000 m2	Block 6: 4,028 m2
	1000 m2	Block 7: 6,302 m2
Creek Block Area	N/A	Block 8: 3,438 m2

In addition to the zoning compliance regarding the proposed draft plan of subdivision, the City has requested a review of zoning compliance of the current architectural set of drawings to assess the workability of the proposed draft plan of subdivision in the context of the propose built form on these blocks. This is set out below. As noted in the assessment, the only variance identified beyond the lot widths is the site specific provision regarding the promenande which was discussed at length during the master plan review meetings. The intent of the promenade is maintained in this design concept however additional language may be required to allow for variability in width provided the area of the promenande is maintained.

4.1 MXT Regulations *Table 5.4.1*

Regulation	Requirement	Provided
Yard Abutting Plains Road west of QEW	3 m min. 23 m max	n/a
Yard abutting any other street	3 m min. 4.5 m max	n/a
Rear Yard	3 m	30 m
Side Yard	no minimum	12 m
Yard Abutting a residential Zone	Floors 1 to 3: 12 m 12 m Floors 4 and 5: 15 m Floor 6: 18 m	n/a n/a n/a
Building Setback from Creekblock	7.5 m	12.0 m
Yard Abutting a Pipeline Easement	7 m	n/a
Yard abutting a railway right-of-way	none required	
Separation Distance from a railway right-of-way	30 m for land uses sensitive to Railway rights-of-way	30 m
Yard abutting a PC or P zone	6 m	16.03 m

Exception H-532	Zone MXT	Map 27W	Amendment 2020.XXX	Enacted XXXXXXX	Provided on Plan
1. Permitted Uses Only the following uses shall be permitted: (a) Apartment Buildings with Retail, Service Commercial, Recreational, Community Institution, Day Care Centre, Training Centre or other place of learning, Public Library and All Office Uses ; (b) Long-Term Care Facilities; (c) Miscellaneous Uses, as per Part 1, Section 2.21(q) (d) Retirement Homes on Block 'C' only					
2. Regulations apply to all permitted uses in Block 'A' , Block 'B' and Block 'C' on Diagram XXX:					
a) Doors:				Every building elevation located within 60 m of Fairview Street or Oval Court shall provide a pedestrian accessible door on the elevation facing the street.	Yes
b) Visibility Triangles:				3 m x 3 m.	N/A
c) Footnote (m) of Table 5.2.1 shall not apply.					
d) Horizontal distance between building towers:				25 m	Min 25.07 m
e) Maximum Floor Area Ratio:				6:01	Max 4.76:1
f) Notwithstanding part 5, Section 4.1-Table 5.4.1: maximum yards abutting any other street shall not apply.					n/a, as above
g) Long-Term Care Facility, Day Care Centre and Training Centre or Other Place of Learning are permitted on a Local Street					
3. Regulations applying to buildings in Block 'A' on Diagram XXX:					
a) Maximum height:				19 storeys and 65 m (exclusive of mechanical penthouse)	19 Storeys (62.5m)
b) Floor area for all Retail, Service Commercial, Recreational, Community Institution, Day Care Centre, Training Centre or other place of learning, Public Library and All Office Uses on the ground floor of a building:				600 m^2	600 m^2
c) Amenity Area:				15 m^2 per unit	15 m^2 per unit
d) Setback to below grade parking structures: i) From any lot line:				1 m	1 m
e) Landscape Area i) Abutting Fairview Street: ii) Abutting a O2 zone or a creek block:				not required 1 m	n/a 8.76
f) Maximum podium height:				6 storeys	6 Storeys
g) Building stepback above 3 storeys for podium facing Fairview Street:				3 m from building face of podium	3 m
h) Building stepback for storeys 18 and 19 for podium facing Fairview Street:				3 m from building face of tower	3 m
i) Required parking for an Apartment Building: Occupant: Visitor:				 0.9 spaces per unit 0.1 spaces per unit	 0.9 spaces per unit 0.1 spaces per unit

4. Regulations applying to buildings in Block 'B' on Diagram XXX:		
a) Maximum height:	19 storeys and 65 m (exclusive of mechanical penthouse)	19 Storeys (62.5m)
b) Floor area for all Retail, Service Commercial, Recreational, Community Institution, Day Care Centre, Training Centre or other place of learning, Public Library and All Office Uses:	1190 m^2	1190 m^2
c) Amenity Area:	15 m^2 per unit	15 m^2 per unit
d) Yard from any lot line:	1.0 m	3.0 m
e) Setback to below grade parking structure: i) from any lot line:	1.0 m	1.0m
f) Landscape area i) abutting Fairview Street: ii) A below grade parking structure can encroach into a required landscape area abutting a PC or P zone	not required	n/a
g) Maximum podium height:	6 storeys	6 storeys
h) Building stepback above 3 storeys for podium facing Fairview Street:	3 m from building face of podium	3.0 m
i) Building stepback for storeys 18 and 19 for tower facing Fairview Street:	3 m from building face of tower	3.0 m
j) Required Parking for an Apartment Building: Occupant: Visitor:	 0.9 spaces per unit 0.09 spaces per unit	 0.9 spaces per unit 0.09 spaces per unit

5. Regulations applying to buildings in Block 'C' on Diagram XXX:		
a) The properties zoned MXT-XXX and located in Block 'C' shall be considered one lot for the purposes of applying zoning regulations.		
b) Floor area for all Retail, Service Commercial, Recreational, Community Institution, Day Care Centre, Training Centre or other place of learning, Public Library and All Office Uses:	3290 m^2	3306 m^2
c) Amenity Area:	15m² per unit	16.46m² per unit
d) Setback to below grade parking structures:		
i) abutting the north lot line of Block 'C':	1 m	1.0 m
ii) abutting a PC or P zone:	3.1 m for a length of 145 m measured from the north property line towards Fairview Street.	3.1 m
iii) From a 02 zone or a creek block	1 m along the O2 zone to the west;	1.0 m
iv) From all other lot lines:	1 m	1.0 m
e) Landscape area:		
i) Abutting Oval Court:	Not required	
ii) Abutting a O2 zone or a creek block:	1 m along the O2 zone to the west; 15 m along the O2 zone adjacent/abutting the north lot line of Block 'C'.	15.9m
f) Yard abutting a PC zone:	17.5 m for apartment towers	19.36m
g) Yard abutting the north lot line of Block 'C':	30 m for land uses sensitive to railway	30 m
h) Building Height:		
i) For the buildings at the intersection of the easterly portion of the pedestrian promenade and the easterly property line:	maximum building height of 65 m and 19 storeys exclusive of mechanical penthouse and at grade conditions	Clarify promenade - 18 Storeys 59.440m & 19 Storeys 62.440m
ii) For all other buildings:	34 storeys and 114 m (exclusive of mechanical penthouse)	34 Stories
i) Notwithstanding the maximum permitted building heights, no two buildings on Block 'C' shall be the same number of storeys.		OK
j) Required Parking for an Apartment Building in Block 'C':		
Occupant:	0.9 spaces per unit	0.9 spaces per unit
Visitor:	0.09 spaces per unit	0.09 spaces per unit
k) Required parking for a retirement home:		
i) Notwithstanding Part 1, Section 2.25 – Table 1.2.6 maintenance vehicle parking is not required for a retirement home		
l) A 20 m wide separation between building podiums shall be required to allow for a pedestrian and/or vehicular access extending from Sherwood Forest Park at the east to the O2 zone to the west.		Variance Required 14.19m

The discussion regarding zoning compliance and the existing buildings is set out within the phasing discussion below.

5.0 | ADDITIONAL INFORMATION

A preconsultation meeting was held on March 6, 2024 and a set of meeting notes was provided and is attached to this letter. Additional reports required as per the Minutes of Settlement and the Preconsultation Meeting are filed as part of this application and include:

- Updated Functional Servicing Report
- Landscape Master Plan
- Landscape Hedgerow Plan
- Pedestrian Circulation Plan
- Architectural Plans
- Phasing Plan
- Planning Memo, from Bratty's LLP
- Remedial Action Plan
- Letter from Jennifer Lawrence responding to questions from Region re process since OLT and coordination of submissions including
    - Arborist Report
    - Hedge Memo
    - EIA
    - FSR (2023)
    - Supplementary Slope Stability Report
- Pedestrian Bridge
- Rail Safety Report
- Application Form
- Metrolinx Preconsultation Notes
- Draft Plan of Subdivision

The Master Plan is in the process of being finalized and will be filed during the processing of the draft plan of subdivision.

As requested by the Region of Halton at the preconsultation meeting, a letter is included in this submission package prepared by Jennifer Lawrence which sets out the interrelationship of the various study processes that have occurred since the Ontario Land Tribunal decision and the steps undertaken to date regarding the natural heritage system.

The Conservation Authority, at that meeting, requested additional information regarding the impact of the changes to their regulations on these lands.

The following response is provided:

> On April 1, 2024, Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) and Part VI of the *Conservation Authorities Act* came into effect. This regulation replaces Conservation Halton's previous Ontario Regulation 162/06. The previous planning applications for the Subject Lands were reviewed by Conservation Halton pursuant to their Ontario Regulation 162/06 and its associated policies (CH, revised 2020). As a result, the natural hazard setbacks that were

incorporated into the watercourse corridor adjacent to the Subject Lands are reflective of the regulation and policies that were in place at the time (i.e., 7.5m from the greater of the flooding and erosion hazards).

Ontario Regulation 41/24 now specifies that the regulation limit extends 15m from the greater of the flooding or erosion hazard, whereas Ontario Regulation 162/06 indicated that the regulated area extended 'up to' 15m from the greater of the flooding or erosion hazard which resulted in CH regulating 7.5m from the greatest hazard along minor valley systems. As a result of the recent revision, CH released an Interim Policy and Guidelines for the Administration and Implementation of the *Conservation Authorities Act* and Ontario Regulation 41/24, effective April 1, 2024. Within the Interim Policy Item 6 notes the following:

Key variances from CH's policies / processes include but are not limited to:

- *Permitting development activities between 7.5m and 15m of any hazard associated with a minor valley system and select locations within major valley systems identified in the approved Secondary Plans for the Boyne, Derry Green and North Oakville East and West Secondary Plan Areas, and will only require a Letter of Permission.*

The above interim policy acknowledges that along minor valley systems, such as the Appleby Creek adjacent to the Subject Lands, the regulatory limit has increased from 7.5m to 15m from the greatest hazard and that development proposed within the newly regulated area will only require a Letter of Permission. It is understood, based on the policy wording and discussions with CH staff, that while a Letter of Permission is required, CH staff will not prohibit development within this additional 7.5m regulatory area.

Based on the above, the proposed development is outside of the flooding and erosion hazards and a 7.5m setback from the greatest hazard has been provided for within the Appleby Creek block. A portion of the Subject Lands will be regulated by Conservation Halton and development within that area will require a Letter of Permission.

Regarding the phasing of the development of these lands, the following information is provided.
Due to the presence of existing buildings, the timing of the creek works and the rail safety works as well as market absorption rates for the units, the subdivision will be registered and the holding provision lifted in phases. A graphic illustrating the phasing of the site plan approvals for and registration of the various blocks related to the development of these lands is provided as part of the submission package.

Also attached is a memo has been prepared by Bratty LLP which sets out the process for the registration of the plan of subdivision and subsequent plans of condominium and the interface for the two approval process and the phasing of the development of these lands.

The plan for site plan approvals and the registration of the plan of subdivision is to commence registration on the south east of the plan progressing through the site in a counter clockwise direction. The properties fronting on Fairview street, Blocks 6 and 7, will proceed outside of this phasing sequence and upon the lifting of the holding provision for those blocks.

The building on the east side of Oval Court will be demolished, Blocks 1-3, the remediation of the contamination of those lands will occur first. Upon completion of the site remediation and completion of the creekworks, the holding provision on Blocks 1-3 will be lifted. Blocks 1 and 2 will be registered first

The block adjacent to the rail lines, Block 3 will occur upon the completion of the initial rail safety works associated with those lands.

The building overlapping Block 4 and 5 as well as the building on the south of Block 5 will be demolished next and any site remediation will occur on those lands. Upon the lifiting of the holding provision on those lands, Blocks 4-6 will be registered. Registration of the creek block including through the dedication of those lands to the City of Burlington will occur once the creek works are fully completed .

This phased approach to registration will also assist in ensure that no zoning compliance issues are raised regarding new lot lines and existing buildings as the buildings will be demolished as each phase is registered.

6.0 | CONCLUSION

In conclusion, we have reviewed the minutes of settlement and the preconsultation minutes . The proposed draft plan of subdivision meets the requirements of the Planning Act, is consistent with the PPS and is in conformity with upper level Plans including the Growth Plan and the Region of Halton Official Plan the City of Burlington Official Plan and substantially in compliance with the Zoning By-law. In my professional planning opinion, the draft plan of subdivision applications represent good planning.

Respectfully Submitted:



Ruth Victor MCIP RPP MRTPI