MB1 | Land Use Planning
Development Consulting

Planning Justification Report

Proposed Official Plan and Zoning By-Law Amendment Applications

800 Burloak Drive
City of Burlington

August 2026

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A. Introduction and Executive Summary

A.1 Introduction

MB1 has been retained by Emshih Developments Inc. ("Emshih") to prepare this Planning Justification Report with respect to the development proposal for 800 Burloak Drive in the City of Burlington (the "Subject Property").

The development proposal involves construction of two 8-storey mid-rise mixed-use buildings with a surface parking lot and site access from the existing driveway to the south along Burloak Drive. The proposal includes a total of 275 dwelling units (151 units in Building A and 124 units in Building B), including a mix of studio, one-bedroom, two-bedroom and three-bedroom units, in conjunction with 967.02 m^2 of non-residential floor area on the ground floor that includes day-care (496.45 m^2), restaurant (247.12 m^2) and retail (218.50 m^2) space. A surface parking area is proposed between the two buildings that will be screened and buffered from the public realm and adjacent properties and include 285 parking spaces (229 residential + 56 visitor/commercial).

This Planning Justification Report has been prepared to analyze the development proposal from the perspectives of compatibility, land use planning and urban design.

A.2 Executive Summary

Official Plan Amendment, Zoning By-Law Amendment and Site Plan Approval applications will be required to facilitate the development proposal.

The Official Plan Amendment will amend the "Neighbourhood Commercial" designation on a site-specific basis to permit a building height of 8 storeys and to permit dwelling units on all floors, including the ground floor. The Official Plan Amendment will amend Part III, Section 4.6.2 (l)(i) as follows:

- Retail and service commercial uses shall be permitted with a limited amount of service commercial uses at grade, dwelling units shall be permitted ~~**above the second storey**~~ **on all storeys** of the building.

The Official Plan Amendment will amend Part III, Section 4.6.2 (l)(ii) as follows:

- Maximum building height of **4 8** storeys.

The Zoning By-Law Amendment will amend the following regulations on a site-specific basis:

Regulation	Requirement	Proposed
Part 14, Section 14.3, Exception 48, Section 1 a) - Additional Permitted Uses	Dwelling units on the fourth floor	Dwelling units on all floors, including the ground floor
Part 14, Section 14.3, Exception 48, Section 2 a) - Maximum Building Height	4 storeys, not including mechanical penthouse	8 storeys, not including mechanical penthouse
Part 4, Section 7.1, Table 4.7.1 - Front Yard	6 metres	3 metres
Part 4, Section 7.1, Table 4.7.1 - Building Height	3 storeys up to 12 m maximum	8 storeys up to 30 m maximum
Part 1, Section 2.5, Table 1.2.6 - Apartment Building	1.25 spaces per unit inclusive of visitor parking (343 spaces)	0.84 spaces per unit inclusive of visitor parking (229 spaces)
Part 1, Section 2.5, Table 1.2.6 - Day Care Centre, Restaurant, Retail	• Day Care Centre: 4 spaces per 100 m2 GFA (20 spaces required) • Restaurant (Standard Restaurant): 18.5 spaces per 100 m2 GFA (46 spaces required) • Retail Store: 3.5 spaces per 100 m2 GFA (8 spaces required) • **Total Required: 74 spaces**	56 spaces for all commercial uses
Part 1, Section 2.5, Table 1.2.7 - Required Accessible Parking (over 90 spaces)	3% of required parking (13 spaces)	2.6% of required parking (11 spaces)

The analysis included in this report outlines my opinion that the development proposal and Official Plan and Zoning By-Law Amendments:

- Have appropriate regard for the matters of Provincial interest as discussed in Section D.1.1 of this report;
- Are consistent with the Provincial Planning Statement, 2024 as discussed in Section D.1.2 of this report;
- Conform to the Region of Halton Official Plan as discussed in Section D.1.3 of this report;
- Conform to the general intent and objectives of the City of Burlington Official Plan, 1997 as discussed in Section D.1.4 of this report;
- Have appropriate regard to the urban design policies of the City of Burlington Official Plan, 1997 as discussed in Section D.2.1 of this report; and
- Have appropriate regard to the City of Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings as discussed in Section D.2.2 of this report.

B. Context

B.1 Subject Property Location and Existing Conditions

The Subject Property is known municipally as 800 Burloak Drive, which is located on the west side of Burloak Drive, south of Harvester Road in the City of Burlington, as illustrated in **Figure 1**. The limits and configuration of the Subject Property are illustrated in the context map in **Figure 2**. The Subject Property has 118 metres of frontage along Burloak Drive and is 2.03 hectares in area. The Subject Property is currently vacant of structures and located immediately south of the CN rail corridor.

The current Official Plan designation and Zoning permissions were established through amendments to the 1997 City of Burlington Official Plan and Zoning By-Law 2020 via an Ontario Land Tribunal settlement under file OLT-21-001738. Official Plan Amendment No. 145 amended the 1997 City of Burlington Official Plan as follows:

- Schedule A (Settlement Pattern) was modified to redesignate the Subject Property from "Employment Lands" to "Residential Areas";
- Schedule B (Comprehensive Land Use Plan – Urban Planning Area) was modified to redesignate the Subject Property from "General Employment" to "Neighbourhood Commercial" with a site-specific policy; and
- The site-specific policy was added to Section 4.6.2 to establish the following:
    - Retail and service commercial uses shall be permitted with a limited amount of service commercial uses at grade, dwelling units shall be permitted above the first storey of the building;
    - A maximum building height of 4 storeys;
    - Be in accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.

The Zoning By-Law Amendment rezoned the Subject Property from "General Employment 2 – Site Exception 48 (GE2-48)" zone to the "Neighbourhood Commercial One - Site Exception 48 (H-CN1-48)" zone, with the following exceptions:

- Additional permitted use of "dwelling units on the fourth floor";
- Maximum building height of 4 storeys, not including the mechanical penthouse; and
- Access to the parking lot will be provided through the adjacent property to the south at 5270 Fairview Street (Sherwood Forest Park Trail).

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law once the following conditions are satisfied:

a) The owner submits a Record of Site Condition, filed with the Ministry of Environment, Conservation and Parks, that indicates the site is suitable for the proposed land use to the satisfaction of Halton Region and Director of Engineering Services;
b) The owner submits copies of the final Phase One and Phase Two Environmental Site Assessment, which support the Record of Site Condition filing, to the satisfaction of the Region of Halton and Director of Engineering Services; and
c) The owner submits an updated Functional Servicing Report to the satisfaction of the Region of Halton and Director of Engineering Services.

The purpose and effect of these amendments was to bring the Subject Property into the "Residential Area" west of Burloak Drive and south of the CN Rail corridor and establish site-specific permissions for development of a 4-storey mixed-use building. These amendments also intentionally removed the Subject Property from "Employment Lands". The OLT accepted the uncontested planning evidence that these amendments:

- Have regard to the applicable matters of provincial interest found in section 2 of the Planning Act;
- Are consistent with the Provincial Policy Statement (2020);
- Conform to the Growth Plan for the Greater Golden Horseshoe (2020);
- Conform to Region of Halton Official Plan;
- Conform to the 1997 City of Burlington Official Plan; and
- Reflect principles of good land use planning and are in the public interest.

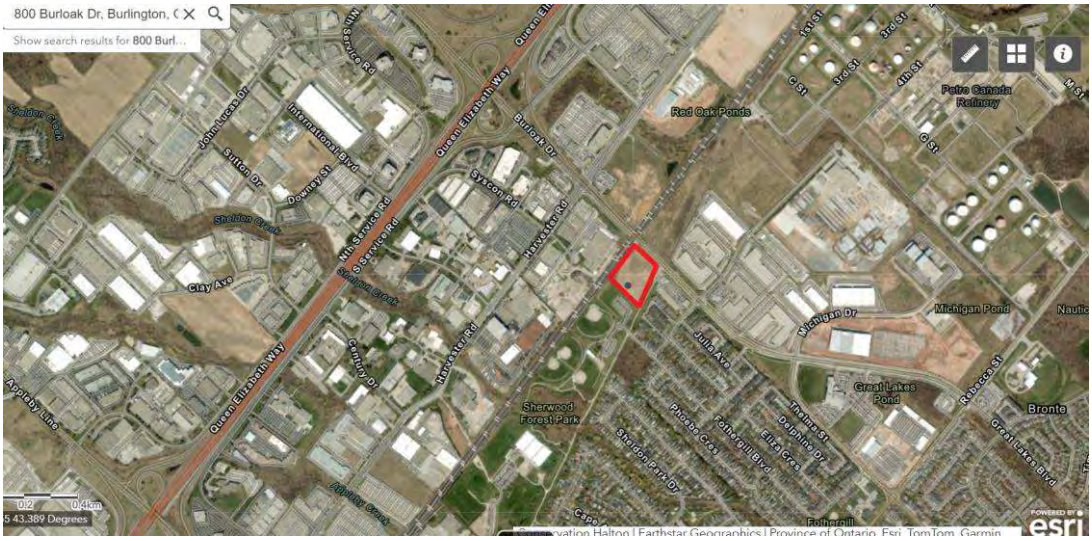


Figure 1 – Location of Subject Property



Figure 2 – Context Map

B.2 Neighbourhood Context and Height Survey

The Subject Property is located in the "Residential Area" (per amended Schedule A to the 1997 City Official Plan) located west of Burloak Drive and south of the CN Rail corridor and at the periphery of "General Employment" area north of the rail corridor. The properties located adjacent to the Subject Property include the following:

To the north	• CN Rail Corridor • There are no existing structures located adjacent to the Subject Property in the CN Rail Corridor.
To the south	• 2-storey condominium townhouse development designated "Residential Medium Density" and zoned RM2 • 1-storey ommercial plaza buildings designated "Neighbourhood Commercial" and zoned CN2
To the east	• Burloak Drive • Employment lands located within the Town of Oakville (zoned "Business Employment") and occupied 1-storey structures occupied by employment uses
To the west	• Sherwood Forest Park • There are no existing structures located adjacent to the Subject Property in Sherwood Forest Park.

C. Development Proposal

C.1 Proposal

The draft site plan shown in **Figure 3** illustrates the proposal to construct two 8-storey mid-rise mixed-use buildings with a surface parking lot and site access from the existing driveway to the south along Burloak Drive. The proposal includes a total of 275 dwelling units (151 units in Building A and 124 units in Building B), including a mix of studio, one-bedroom, two-bedroom and three-bedroom units, in conjunction with 967.02 m^2 of non-residential floor area that includes a day care, restaurant and retail space. A surface parking area is proposed between the two buildings that will be screened and buffered from the public realm and adjacent properties and include 285 parking spaces (229 residential + 56 visitor/commercial).

The current proposal represents a reduction in the number of dwelling units (from 451 to 275 units) and non-residential floor area (from approximately 1,600 m^2 to 967.02 m^2) compared to the previous proposal that included two 6-storey mixed-use buildings with larger footprints. The current proposal will increase the maximum permitted height from 4 storeys to 8 storeys with dwelling units permitted on all floors. Site access will also be provided directly from Burloak Drive with an option for a future connection through Sherwood Forest Park to the west. This proposal will maintain the mixed-use development intent for the Subject Property while increasing the number of dwelling units and range of unit types. The full site plan, floor plans, building elevations and renderings are included in **Appendix A**.

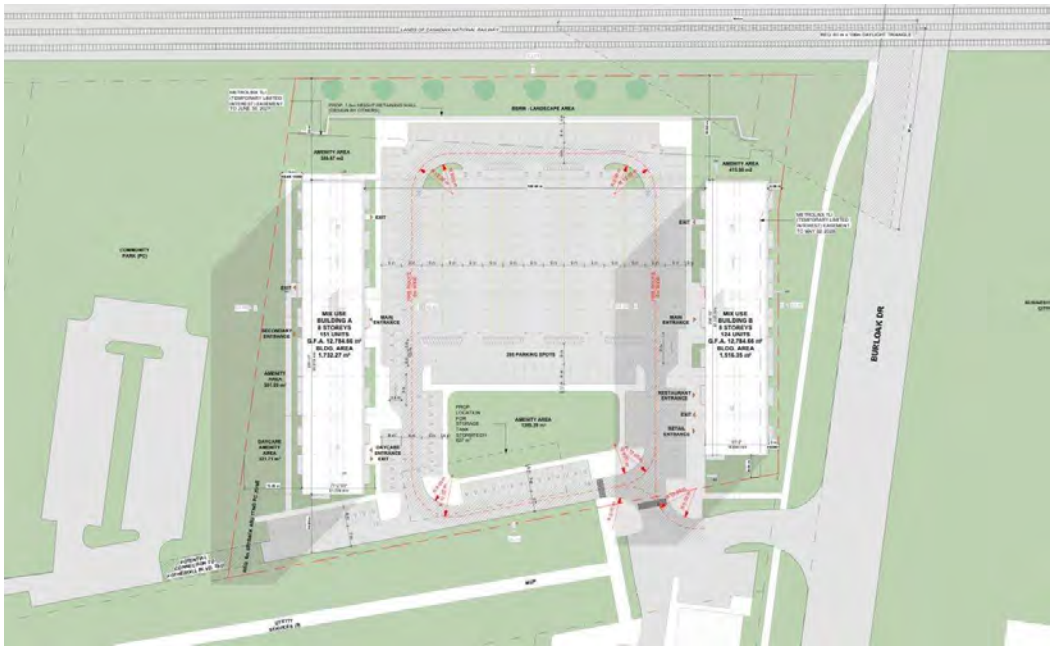


Figure 3 – Proposed Site Plan

C.2 Applications

Official Plan Amendment, Zoning By-Law Amendment and Site Plan Approval applications will be required to facilitate the development proposal.

Per Section 12.1.5 of the 2020 Official Plan, the Official Plan provides high level direction on land use, built form and density ranges, while the Zoning By-law provides specific direction on location, orientation and form of buildings, as well as density, height, parking requirements and coverage, among other considerations. It is also specified that the full range of uses permitted in the Official Plan may not be permitted in a given zone.

Conversely, Section 12.1.13(1) a) states that the objective of Site Plan Control is "To ensure safe, functional and orderly development having high standards of design and efficiency of land use and infrastructure, particularly with respect to site function." This objective is reinforced by policy 12.1.13(2)d) which directs that an application for site plan approval be reviewed on the basis of such criteria as the following:

(i) compatibility with the surrounding area;
(ii) urban design standards;
(iii) function and efficiency;
(iv) safety and access;
(v) adequacy of infrastructure;
(vi) grading and drainage; and
(vii) landscaping and lighting.

In addition, the City is authorized under Section 36 of the Planning Act to use a holding symbol in conjunction with any use designation to specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the by-law. Section 12.1.6(1)a) of the 2020 Official Plan identifies the objective of using a holding symbol as "to identify the uses that are ultimately intended for specific lands, but to delay their actual development until a future date when certain conditions are met."

The overall intent and purpose of the development proposal and applications is to update and enhance the current land use planning permissions to facilitate a mid-rise mixed-use development of greater height and density than permitted as of right that:

- Has appropriate regard to the matters of Provincial interest set out in Section 2 of the Planning Act;
- Is consistent with Provincial Planning Statement, 2024;
- Conforms to the Region of Halton Official Plan; and
- Conforms to the general intent and objectives of the City of Burlington Official Plan, 1997.

<u>Official Plan Amendment</u>

A site-specific Official Plan Amendment will be required to the "Neighbourhood Commercial" designation to permit a building height of 8 storeys and to permit dwelling units on all floors, including the ground floor. The OLT decision that approved OPA No. 145 intended that this designation would be appropriately carried forward through resolution of the outstanding appeals to the 2020 Official Plan.

The Official Plan Amendment will amend Part III, Section 4.6.2 (l)(i) as follows:

- Retail and service commercial uses shall be permitted with a limited amount of service commercial uses at grade, dwelling units shall be permitted ~~**above the second storey**~~ **on all storeys** of the building.

The Official Plan Amendment will amend Part III, Section 4.6.2 (l)(ii) as follows:

- Maximum building height of **4 8** storeys.

The intent and purpose of this Amendment is to establish the high-level direction on land use and built form for the Subject Property.

Zoning By-Law Amendment

The site-specific Zoning By-Law Amendment will be required for the following:

Regulation	Requirement	Proposed
Part 14, Section 14.3, Exception 48, Section 1 a) - Additional Permitted Uses	Dwelling units on the fourth floor	Dwelling units on all floors, including the ground floor
Part 14, Section 14.3, Exception 48, Section 2 a) - Maximum Building Height	4 storeys, not including mechanical penthouse	8 storeys, not including mechanical penthouse
Part 4, Section 7.1, Table 4.7.1 - Front Yard	6 metres	3 metres
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Part 1, Section 2.5, Table 1.2.6 - Apartment Building	1.25 spaces per unit inclusive of visitor parking (343 spaces)	0.84 spaces per unit inclusive of visitor parking (229 spaces)
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	• Retail Store: 3.5 spaces per 100 m2 GFA (8 spaces required) • **Total Required: 74 spaces**	
Part 1, Section 2.5, Table 1.2.7 - Required Accessible Parking (over 90 spaces)	3% of required parking (13 spaces)	2.6% of required parking (11 spaces)

The intent and purpose of this Amendment is to establish the direction on location, orientation and form of proposed buildings, and requirements such as density, height, parking and coverage.

It is appropriate that the details related to function and efficiency, adequacy of infrastructure, grading and drainage, and landscaping and lighting be addressed at Site Plan Approval once the proposed site plan and building design have been adequately advanced to facilitate such a detailed evaluation.

C.3 Supporting Reports and Studies

Section 1.3 f) of Part VI (Implementation) of the 1997 Official Plan lists a number of reports and studies that the City "may" require as part of complete applications for Official Plan and Zoning By-Law Amendments. This list is not exhaustive in that this section allows for reports and studies not specifically identified to be required as part of complete applications. This section also does not require that all of the reports and studies included in the list be completed. The City has the discretion to determine which studies are required based on the details of the applications.

This approach to establishing complete application requirements is carried forward in Section 12.1.2(1.2) of 2020 Official Plan. Section 12.1.2(1.2)c) indicates that the required reports and studies will be determined based on the details of specific applications and that the list of reports and studies identified in this section is not exhaustive and all listed studies and reports are not mandatory.

This section of the Planning Justification Report identifies the reports and studies that are appropriate for the Official Plan and Zoning By-Law Amendment applications versus those reports and studies that would be more appropriately and accurately completed as part of the Site Plan Application process.

C.3.1 Compatibility Study

SLR Consulting (Canada) Ltd. prepared its final "Compatibility Mitigation Study Air Quality, Noise and Vibration" dated July 7, 2026 with respect to potential air quality, odour, dust, noise and vibration impacts on the Subject Property associated with surrounding land uses. This study considered the impacts of the following on the proposed development, including buildings located adjacent to Burloak Drive and adjacent to the CN rail corridor:

- Industrial air quality, odour, and dust emissions;
- Transportation-related air pollution;
- Industrial/commercial noise and vibration; and
- Transportation-related noise and vibration.

The key findings and recommendations of this study include the following:

- Air Quality: The Subject Property is compatible with the surrounding land uses from an air quality perspective with the inclusion of receptor mitigation and use of warning clauses. The mitigation measures include a mandatory air conditioning system (which will allow windows and exterior doors to remained closed), strategic location of fresh air intakes facing away from the existing industries to the southwest, installation of mandatory carbon and MERV rated filters, positive pressurization of the building and automatic door closers.
- Stationary Noise: The assessment included stationary noise from industrial and commercial facilities. The Subject Property is considered appropriate for NPC-300 Class 4 designation and the report includes recommends warning clauses and physical barrier wall controls to provide appropriate noise mitigation.
- Transportation Noise: With the inclusion of mitigation measures including upgraded glazing (walls and windows), acoustic barriers, and warning clauses, adverse noise emissions from transportation sources are not anticipated and the site is anticipated to be compatible with the surrounding land uses.

These recommendations will be included in the development proposal to mitigate the identified air quality and noise impacts and ensure compatibility with the surrounding uses.

C.3.2 Air Quality Assessment

An Air Quality Assessment was completed in November 2025 by O2e Environmental Consultants to evaluate impacts associated with surrounding industrial uses, the adjacent rail corridor and passenger vehicle traffic. This assessment is based on the current proposal of two 8-storey mixed-use buildings with ground level common areas that include elevated receptors such as operable windows and balconies. The proposed development is expected to be exposed to emissions of suspended particulate matter, metals, volatile organic compounds, as well as the products of natural gas, diesel and gasoline combustion.

This report concludes with the following statements:

- The air quality impacts at the proposed development site resulting from surrounding industrial land use, rail traffic and passenger vehicle traffic are in compliance with the applicable point of impingement limits.

- As the point of impingement limits have been developed by the Ministry to minimize adverse impacts and risks to the environment and general population, it is expected that the proposed sensitive land uses would be compatible with the existing surrounding land uses.

C.3.3 Functional Servicing and Stormwater Management Report

A Functional Servicing and Stormwater Management Report dated April 2024 was prepared by S. Llewellyn and Associates Ltd., with an addendum report prepared dated March 30, 2026 to reflect the current development proposal. These reports conclude that the proposed development could be constructed to meet the requirements of the City of Burlington and Region of Halton based on the following recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading and Erosion Control Plan and the Preliminary Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A 250 mm diameter orifice pipe be installed as per the Preliminary Site Servicing Plan and this report to provide adequate quantity control;
- StormTech MC-3500 underground storage tank be installed as per the Primary Site Servicing Plan and this report to provide 627 m^3 of effective stormwater storage during storm events;
- A HydroStorm HS6 oil/grit separator and Isolator Row Plus be installed as per the Preliminary Site Servicing Plan and this report to provide effective stormwater quality control;
- Erosion and sediment controls be installed as described in the April 2024 report to meet City of Burlington requirements; and
- The proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan and the April 2024 report to adequately service the proposed development.

C.3.4 Traffic Impact and Parking Demand Study

A Traffic Impact Study dated May 4, 2026 was prepared by GHD Limited based on the current development proposal. The study was prepared based on access to the Subject Property via an existing right-in-right-out driveway on Burloak Drive from the adjacent commercial development to the south and from a connection to Fothergill Boulevard through an easement through adjacent lands to the west. This study also includes a detailed Parking Demand analysis of the proposal.

This report includes the following Traffic Impact conclusions and recommendations:

- Under existing conditions, all study intersections operate within acceptable limits, with the exception of the eastbound left-turn movement at Burloak Drive and Prince William Drive/Superior Court, where queue lengths exceed the marked storage length during peak periods.
- With the addition of site traffic, overall intersection operations remain acceptable and no new critical movements are introduced. The eastbound left-turn movement remains constrained, consistent with existing conditions, and warrants continued monitoring.

- Based on the findings of this study, the proposed development is not expected to result in adverse operational impacts to the surrounding road network. The site-generated traffic can be accommodated within the existing transportation system, and the proposed parking supply is considered appropriate given the mixed-use context, site characteristics, and demonstrated parking demand.

This report includes the following Parking Demand conclusions and recommendations:

- In accordance with the City of Burlington Zoning By-law, the development would be required to provide 417 parking spaces, including 13 accessible spaces. The proposed development provides a total of 285 parking spaces, including 11 accessible spaces, resulting in a shortfall of 132 spaces relative to the Zoning By-law requirements.
- The proposed parking supply is supported by a detailed review of parking utilization at reasonably comparable residential and mixed-use developments where proxy survey data has been collected by GHD as part of previous projects. These proxy sites consistently demonstrate lower residential and visitor parking demand than assumed under conventional zoning standards.
- The observed parking patterns indicate that the proposed parking supply is expected to align with real-world demand and accommodate day-to-day parking needs without resulting in spillover or operational issues.

C.3.5 Rail Safety Report and Development Viability Assessment

R.J. Burnside & Associates Limited prepared a Rail Safety Report and Development Viability Assessment dated January 2026. The stated purpose of this report is "to assess the risks associated with development near the adjacent rail corridor and summarize the mitigation measures that are proposed". The risk mitigation measures include the following:

- A 30 m setback from the property line to the closest sensitive-use space;
- A crash berm constructed within the 30 m setback area;
- The crash berm will be designed to satisfy the FCM/RAC Guidelines;
- 2.4 m high anti-trespassing fence will follow the requirements set by the Metrolinx Guidelines.

C.3.6 Sun and Shadow Study

A Sun & Shadow Study dated July 23, 2026 has been prepared by ZO1 Architects in accordance with the City of Burlington's Shadow Study Guidelines and Terms of Reference. This Study confirms that the development proposal satisfies the criteria in the Shadow Study Guidelines for Key Civic and Cultural Spaces, Private Outdoor Amenity Spaces, Parks and Open Space, Public Realm and Sidewalks, and Places Where Children Play.

C.3.7 Tree Inventory and Preservation Plan

A letter from Kuntz Forestry Consulting Inc. ("KFCI") dated July 8, 2026 has been submitted with the Applications. Based on development proposal, KFCI provides the following statement: "Earth works for this development would preclude the retention of any trees on the subject property. Preservation planning for trees would be relegated to any trees on the adjacent property to the southwest. As those conifer trees are not large, preservation of the trees will be easily accomplished." On this basis, KFCI indicate that the Tree Inventory and Preservation Plan and Landscape Plan (Tree Replacement Plan) can be deferred to the Site Plan Approval stage.

C.3.7 Studies to be Provided at Site Plan Approval

It is my opinion that it is appropriate to defer the following reports and studies to Site Plan Approval as they relate to function and efficiency, adequacy of infrastructure, and grading and drainage and can be more effectively and accurately completed once the more detailed Site Plan Application-level drawings are available:

- Hydrogeology Study; and
- Stage 1 Archaeological Assessment.

The City has the option of using a holding provision as part of the Zoning By-Law Amendment to ensure that these studies are completed to the satisfaction of the applicable City staff.

D. Analysis

D.1 Compatibility

Policy Overview

Section 4.6.2 c) in Part III of the 1997 Official Plan includes the following policies related to "compatibility" for the "Neighbourhood Commercial" designation:

- (ii) the impacts of the proposal on adjacent residential development are acceptable with respect to noise, dust, vibration, lighting, odours, security, sun-shadowing, removal of vegetation and privacy, or the proposed development has the capability to mitigate any impacts to acceptable levels;
- (iii) the proposal is compatible to the surrounding neighbourhood in terms of height, massing, setbacks, and landscape and buffer areas.

Section 4.6.2 d) also directs that "the design and development of Neighbourhood Commercial areas shall promote compatibility between the Neighbourhood Commercial area and adjacent land uses". Proposals to

expand Neighbourhood Commercial uses are to consider the factors set out in Part III, Section 4.3.2, subsection g), which include the following:

(i) the site plan includes features that integrate the commercial area with surrounding uses;
(ii) the site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses, to and from transit stops;
(iii) the number and location of vehicular access points shall be limited to minimize disruption to traffic flows and to minimize the impact on local streets;
(iv) off-street parking areas, loading areas and service areas shall be screened and landscaped;
(v) the site plan promotes public safety;
(vi) the proposal promotes convenient access to public transit services;
(vii) off-street parking shall be located away from adjacent uses;
(viii) loading areas and service areas shall be located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas;
(ix) outdoor storage areas shall be fenced and/or screened;
(x) lighting is directed to minimize impacts on adjacent residential uses; and
(xi) the major entrance(s) to the commercial centre building shall be located adjacent to the principal public transit stop(s) or a covered walkway shall be provided between the major entrance(s) to the shopping centre building and the principal transit stop(s).

Policy Analysis

It is my opinion that the current development proposal is consistent with these compatibility policies on the following basis:

- The compatibility and air quality assessment studies prepared for the current proposal confirm that air quality and noise impacts can be effectively mitigated through warning clauses and incorporation of building design measures.
- The proposed 8-storey buildings are spatially separated from adjacent uses and structures by the trail and open space areas to the south, the CN rail corridor to the north, the Burloak Drive corridor to the east and the open space and park area to the west. This spatial separation will mitigate the potential for any height, massing, shadow, privacy or overlook impacts on adjacent residential or other sensitive uses.
- The proposal incorporates the mitigation measures recommended in the Rail Safety Report and Development Viability Assessment.
- The Traffic Impact Study confirms that the existing road network can accommodate traffic volumes anticipated to be generated by the current development proposal.
- A direct driveway connection is proposed to the existing Neighbourhood Commercial uses to the south.

- The proposed site plan includes internal sidewalks and pedestrian routes that facilitate safe movement within the site between parking areas and the proposed buildings, as well as convenient access to the existing sidewalks and transit service/stops along Burloak Drive.
- The Traffic Impact Study includes recommendations for traffic calming measures, including speed humps and raised crosswalks within the site to enhance pedestrian safety and improve internal circulation.
- The Parking Demand Analysis included in the Traffic Impact Study, which included a review of comparable proxy sites, concludes that the proposed parking supply is expected to align with real-world demand and accommodate day-to-day parking needs without resulting in spillover or operational issues.
- Site access will be provided from the existing driveway to Burloak Drive to the south of the Subject Property and no new access point will be created.
- The proposed surface parking area will be located within the interior of the Subject Property and screened from Burloak Drive and the park by the proposed buildings. The surface parking area will be spatially separated and buffered from the commercial and residential uses to the south by the trail and open space area along the southerly property line.
- The loading areas are located within the interior of the Subject Property and screened and spatially separated from adjacent properties and the public realm. These loading areas are also in locations that minimize their impact to the surface parking area and vehicular and pedestrian circulation.
- All activity and lighting associated with the surface parking area will be mitigated by screening provided by the proposed buildings and the spatial separation to adjacent residential and commercial uses.

D.2 Land Use Planning Analysis

- D.2.1 Matters of Provincial Interest

Policy Overview

All planning decisions are required to have regard to the matters set out in Section 2 of the Planning Act, including the following:

(e) the supply, efficient use and conservation of energy and water;
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
(h) the orderly development of safe and healthy communities;
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
(j) the adequate provision of a full range of housing, including affordable housing;
(k) the adequate provision of employment opportunities;

(l) the protection of the financial and economic well-being of the Province and its municipalities;
(n) the resolution of planning conflicts involving public and private interests;
(o) the protection of public health and safety;
(p) the appropriate location of growth and development;
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
(r) the promotion of built form that,
(i) is well-designed,
(ii) encourages a sense of place, and
(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Policy Analysis

It is my opinion that the current development proposal has appropriate regard for these matters of Provincial interest on the following basis:

- The proposal will make more efficient use of existing municipal services and infrastructure, including transit and pedestrian infrastructure, than under existing conditions and the current as-of-right permissions of the Official Plan and Zoning By-Law;
- Potential adverse height, massing, air quality, noise, shadow, privacy and overlook impacts associated with the proposal can be effectively mitigated through building design features, warning clauses and spatial separation and buffering to the public realm and adjacent properties;
- The Subject Property is located at the periphery of a designated "Residential Area" and buffered from surrounding Employment Lands by the CN Rail corridor and Burloak Drive;
- The proposal mixed-use development will be compatible with the surrounding residential and employment uses;
- The proposed mixed-use buildings include a range of dwelling types (studio, 1-bedroom, 2-bedroom and 3-bedroom) in conjunction with ground floor commercial uses that include a daycare, restaurant and retail uses to serve the residential uses and surrounding community;
- The proposed buildings have been designed with appropriate regard to the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings, as discussed in Section D2.2 of this report;
- The proposal will result in considerable incremental increase to the residential and non-residential tax assessment for the Subject Property; and
- The Subject Property has convenient access to existing transit service and infrastructure along Burloak Drive.

- D.2.2 Provincial Planning Statement, 2024

Policy Overview

All planning decisions are required to be consistent with Provincial Planning Statement, 2024. The following policies are relevant to my land use planning analysis:

- 2.1.6. Planning authorities should support the achievement of complete communities by: a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including transportation schools and associated child care facilities, long term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- 2.2.1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

  b) permitting and facilitating:

  1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
  2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

  c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
  d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

- 2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities; c) support active transportation; d) are transit-supportive, as appropriate; and e) are freight-supportive.
  2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.
- 3.3.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. 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, or where avoidance is not possible, minimize and mitigate negative impacts on and adverse effects from the corridor and transportation facilities.

- 3.4.1 1. Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that: a) their long-term operation and economic role is protected; and b) airports, rail facilities and marine facilities, and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5.
- 3.5.1 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 odour, noise and other contaminants, 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.

Policy Analysis

It is my opinion that the current development proposal is consistent with PPS 2024 on the following basis:

- The proposal incorporates a mix of residential and commercial uses;
- The proposed dwelling units will include studio, 1-bedroom, 2-bedroom and 3-bedroom units;
- The increase in density and the mix of residential and commercial uses relative to existing conditions and the as-of-right permissions will support existing transit service and infrastructure along Burloak Drive;
- The proposal represents development of an underutilized size and will support existing commercial uses in the surrounding area and make more efficient use of existing municipal services and infrastructure;
- The Subject Property is adequately separated and buffered from the CN rail corridor and Burloak Drive to mitigate adverse impacts from these corridors; and
- Potential adverse odour, noise and other impacts can be adequately mitigated through warning clauses, the building design and spatial separation to surrounding employment uses.

D.2.3 Region of Halton Official Plan

Policy Overview

The following policies of the Region of Halton Official Plan are relevant to the development proposal and my land use planning analysis:

- 72. The goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity.
- 72.1 The objectives of the Urban Area are:

(2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.
(3) To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.
(9) To facilitate and promote intensification and increased densities.

- 78.1 The objectives of the Regional Urban Structure are:

  (5) To support climate change mitigation by directing growth to areas that will support achieving complete communities and the minimum intensification and density target of this Plan as well as reducing dependence on the automobile and supporting existing and planned transit and active transportation.

- 84. The goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.
- 143. It is the policy of the Region to:

  (12) Achieve land use compatibility between sensitive land uses and major facilities by:

  a) requiring that such uses are planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate any potential adverse effects from odour, noise, vibration, air pollutants, and other contaminants, to 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.

Policy Analysis

It is my opinion that the development proposal and applications conform to the Region of Halton Official Plan on the following basis:

- The proposed mixed-use development will support complete communities and improve housing availability and affordability, including a wide range of different dwelling unit types;
- The proposal represents compact built form and intensification that supports existing transit service and infrastructure and promotes use of transit and active modes of transportation;
- The proposal is compatible with existing residential and employment uses in the surrounding area and will not adversely impact the long-term viability of existing and planned employment uses and facilities in adjacent Employment Area; and

- Potential adverse dour, noise, vibration, air pollutants and other impacts can be effectively mitigated through warning clauses, building design and spatial separation and buffering of the Subject Property from adjacent properties and major facilities in the surrounding area.

- D.2.4 City of Burlington Official Plan

Policy Overview

Part III of the Official Plan includes the Land Use Policies for the Urban Planning Area. Among the principles for "Residential Areas" set out in Section 2.1 are the following:

> c) To the extent to which land is available in the Urban Planning Area, a broad, diverse range of housing types shall be provided including housing which is affordable and accessible for all residents.
> d) The City shall address new housing demands, through the best use of existing resources and community infrastructure, and through new community development.

The objectives for Residential Areas are set out in Section 2.2.1 and include the following:

> 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.
> c) To provide housing opportunities that encourage usage of public transit, pedestrian and bicycle transportation networks and decrease dependence on the car.
> 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.
> g) To require new residential development to be compatible with surrounding properties.

Among the general policies for Residential Areas in Section 2.2.2 is the following:

a) Within Residential Areas, a broad range of residential dwelling types shall be permitted, including assisted and special needs housing such as group homes, rest/retirement homes and long-term care facilities, as well as uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations and cottage industries, neighbourhood parks, and offices.

Section 2.5.1 includes the following objectives for Housing Intensification:

a) To encourage residential intensification as a means of increasing the amount of available housing stock including rooming, boarding and lodging houses, accessory dwelling units, infill, re-development and conversions within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood.
b) To encourage the re-development of under-utilized residential lands where appropriate at the periphery of existing residential neighbourhoods for non-ground-oriented housing purposes.

These objectives for Housing Intensification are supported by the following general policies in Section 2.5.2 a), which are to be considered when evaluating proposals for housing intensification within established neighbourhoods:

(i) adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;
(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;
(iv) the proposal is in proximity to existing or future transit facilities;
(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;
(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;
(vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;
(viii) accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;
(ix) capability exists to provide adequate buffering and other measures to minimize any identified impacts;
(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;
(xi) natural and cultural heritage features and areas of natural hazard are protected;
(xii) where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m); and
(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.

Section 2.5.4 includes the following policies for Infill Development:

a) Ground-oriented residential infilling within existing neighbourhoods shall be encouraged.
b) New infill development shall be compatible with the surrounding development in terms of height, scale, massing, siting, setbacks, coverage and amount of open space; and in the case of individual applications for consent, the additional policies of Part VI, Subsection 4.4 of this Plan apply.
c) The creation of new housing that is compatible with existing neighbourhoods, shall be encouraged.
d) Where a proposal for residential infill is deemed to have potentially significant adverse impacts, Council may require a planning justification report by a Qualified Person, outlining how the proposed development will be compatible with the existing neighbourhood. This report shall include, but shall not be limited to, the criteria listed in Part III, Subsection 2.5.2 a), above. The report shall determine whether these impacts can be reduced to acceptable levels and shall recommend any measures required to mitigate the adverse impacts to acceptable levels.
e) Where a proposal for residential infill is deemed to have potentially significant adverse impacts, Council may require an expanded public consultation process, including additional neighbourhood meeting(s).

Section 4.6 includes the following policies for the Neighbourhood Commercial designation:

b) Residential uses may be permitted in the second and/or third storey of retail/commercial buildings.
c) The following criteria shall be considered when evaluating applications for new or expanded neighbourhood commercial sites:

(i) there is a demonstrated need for the development in terms of existing and future market conditions;
(ii) the impacts of the proposal on adjacent residential development are acceptable with respect to noise, dust, vibration, lighting, odours, security, sun-shadowing, removal of vegetation and privacy, or the proposed development has the capability to mitigate any impacts to acceptable levels;
(iii) the proposal is compatible to the surrounding neighbourhood in terms of height, massing, setbacks, and landscape and buffer areas;
(iv) small-scale neighbourhood commercial uses are located on a collector street, minor arterial road, multi-purpose arterial road or major arterial road;
(v) large-scale neighbourhood commercial uses are located at the intersection of minor arterial, multi-purpose arterial or major arterial roads;
(vi) the effects of the proposal on the capacity of the transportation system and existing traffic levels are acceptable; and
(vii) on-site parking is adequate to accommodate the level of commercial development proposed.

d) The design and development of Neighbourhood Commercial areas shall promote compatibility between the Neighbourhood Commercial area and adjacent land uses. The factors to be considered in

reviewing proposals for new and/or expanding Neighbourhood Commercial uses are outlined in Part III, Section 4.3.2, subsection g.).

l) Notwithstanding the policies of Part III, Section 4.6, Subsections 4.6.2 a), b) and c) of this Plan, the subject lands shall be subject to the following:

(i) Retail and service commercial uses shall be permitted with a limited amount of service commercial uses at grade, dwelling units shall be permitted above the second storey of the building.
(ii) Maximum building height of 4 storeys.
(iii) Be in accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.

Policy Analysis

It is my opinion that the development proposal and applications conform to the general intent and objectives of 1997 City of Burlington Official Plan for the following reasons:

- The proposal will significantly increase the number and range of dwelling units in the Residential Area and support existing municipal services and infrastructure, including transit;
- The proposed residential and non-residential uses, built form and site layout are compatible with the existing residential and employment uses in the surrounding area;
- The existing municipal services and transportation network are available to support the proposed development;
- The proposal, including the parking supply for the residential and non-residential uses, will directly support transit and active modes of transportation, including existing transit service and infrastructure along Burloak Drive;
- The proposed development includes non-residential uses that will support residents of the proposed dwelling units, as well as residents and employees of the surrounding area;
- The proposed increase in building height is balanced with spatial separation and buffering from the public realm and adjacent land uses to effectively mitigate the potential for adverse height and massing impacts, including sun-shadow, privacy and overlook impacts;
- The proposed buildings have been designed with regard to the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings;
- The Subject Property is clear of natural heritage features and there are no adjacent natural heritage features or functions that will be impacted; and
- The Subject Property is located at the periphery of the Residential Area and represents at transition to the Employment Lands north of the CN rail corridor.

D.3 Urban Design Analysis

While the detailed site and building design will be prepared at the Site Plan Approval stage, the preliminary site plan and building drawings provide the conceptual urban design principles for the proposed development.

- D.3.1 City of Burlington Official Plan

Part II – Functional Policies, Section 6.0 (Design) of the 1997 Official Plan includes the following objectives in section 6.2:

> c) To ensure that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character.
> e) To achieve a high quality of design within the public realm.
> f) To ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression.
> h) To ensure that the principles of Sustainable Development are considered in the design of the built environment.

These objectives are built upon in the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings, which are covered in Section D.2.2 of this report.

- D.3.2 City of Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings

These guidelines are generally applicable across the City of Burlington wherever mid-rise building forms are permitted by the Official Plan and Zoning By-Law. A mid-rise building is any building between 5 and 11 storeys in height. Thus, they are relevant to urban design analysis of the development proposal. The following analysis outlines how the proposed development has regard for the objectives and policies in these guidelines.

a) Building Placement

- Building A is oriented towards Sherwood Forest Park and Building B is oriented towards Burloak Drive in order to frame the Subject Property and screen the surface parking area and vehicular circulation area and provide an attractive interface to the public realm;
- Building B has a setback to Burloak Drive that is consistent with the existing commercial building to the south.

b) Building Separation and Spacing

- The proposed buildings have been located at the west and east limits of the Subject Property to provide separation between the buildings that significantly exceeds the minimum set out in the Guidelines, and also allow for location of the surface parking area between the buildings and effectively screened from view in the public realm. This spatial separation allow enhances privacy of the units in each building

c) Height and Massing

- The placement, height and massing of Building B provide a strong street edge along Burloak Drive that frames the Subject Property and screens the surface parking area;
- The proposed buildings incorporate large windows, balconies and a variety of colours and materials to break up its scale and massing; and
- That spatial separation and buffering provided by the CN rail corridor to the north, Burloak Drive to the east, Sherwood Forest Park to the west and the trail and open space to the south effectively mitigates the potential for adverse sun-shadow, privacy and overlook impacts to adjacent sensitive uses.

d) Street Level Design, Façade Articulation and Materials

- The ground floors of the proposed buildings have been designed with higher ceilings than the above-grade floors to accommodate the ground floor common areas, non-residential areas, loading and service/maintenance areas;
- The ground floors include large, high windows and provide a significant amount of glazing and building animation across the ground floor facades;
- The building entrances are clearly delineated and accessed by wide sidewalks and walkways that provide convenient pedestrian access to barrier-free parking and the surface parking area.

e) Site Design, Open Space and Streetscaping

- The Subject Property will be accessed from the existing driveway to the south via an internal driveway connection; no new driveway connection will be provided to Burloak Drive;
- Convenient pedestrian access is provided to the site by existing sidewalks along Burloak Drive and proposed interior sidewalks connecting to the public sidewalks;
- Vehicular access to the parking, loading and service areas of the buildings will occur within the interior of the Subject Property and screened from the public realm by the proposed buildings;
- All service, maintenance and loading will occur within the interior of the proposed buildings;

- A number of outdoor amenity areas are located along the periphery of the Subject Property to provide a high degree of visibility and to soften the transition from the public realm and adjacent properties to the proposed buildings and surface parking area; and
- Private balconies and patios are included to provide private outdoor amenity spaces for the dwelling units.

E. Conclusions and Recommendations

It is my opinion that the development proposal and applications to facilitate two 8-storey mixed-use buildings is appropriate for the Subject Property, reflects the principles of good use planning and is in the public interest. It is also my opinion that the proposal and applications:

- Have appropriate regard to the applicable matters of provincial interest found in section 2 of the Planning Act;
- Are consistent with the Provincial Planning Statement, 2024;
- Conform to Region of Halton Official Plan; and
- Conform to the general intent and objectives of the 1997 City of Burlington Official Plan.

Regards,



Michael Barton, MCIP, RPP