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2020

BOUSFIELDS INC.

PLANNING | DESIGN | ENGAGEMENT

PLANNING & URBAN DESIGN RATIONALE

401-417 MARTHA STREET

CITY OF BURLINGTON

PREPARED FOR:

LANDFORM DEVELOPMENT GROUP



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PLANNING | DESIGN | ENGAGEMENT

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[1.0]

INTRODUCTION

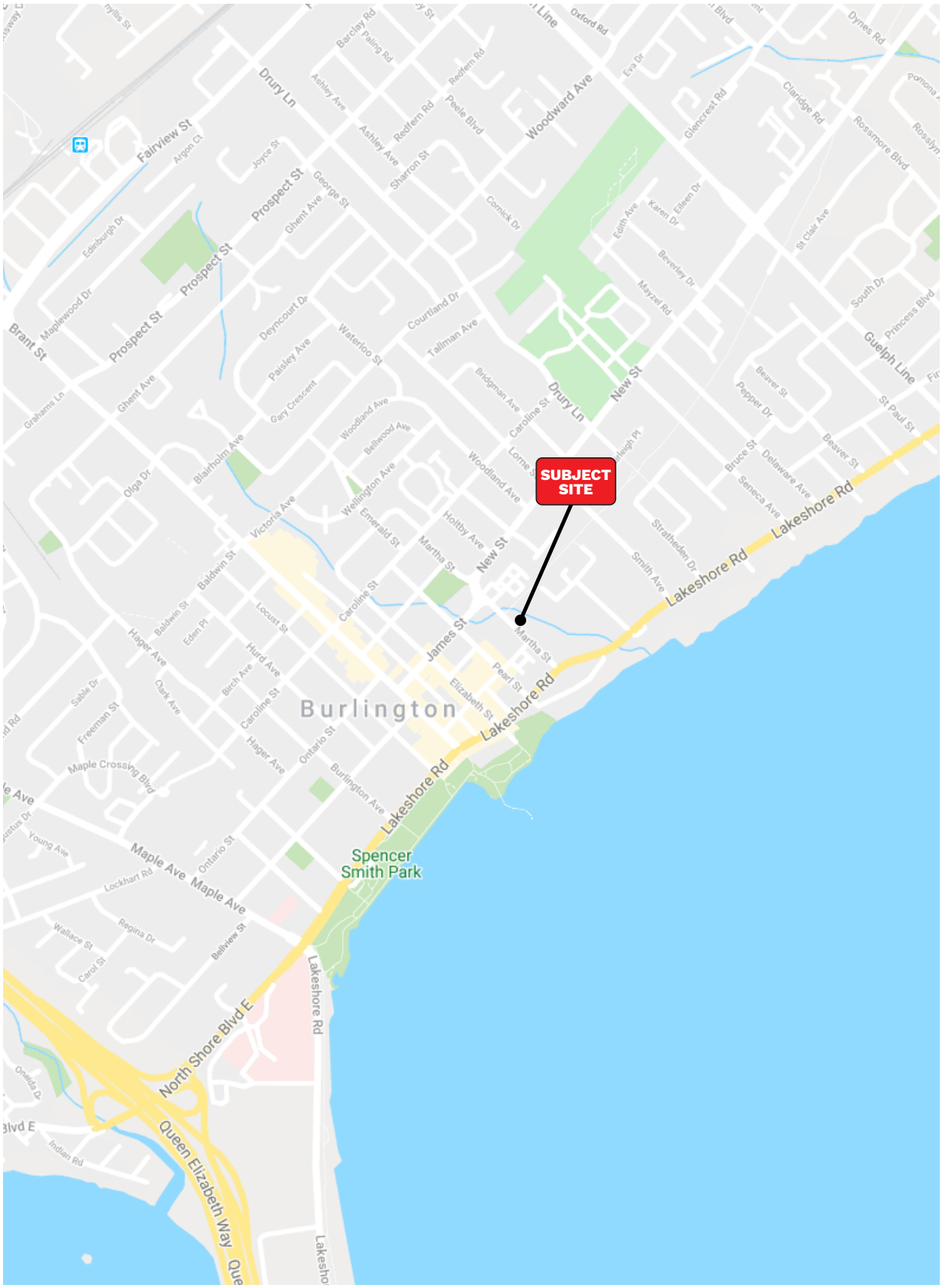


Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of an application by Landform Development Group to amend the City of Burlington Official Plan (the "Official Plan") and Zoning By-law 2020, as amended, to permit the redevelopment of a 0.32 hectare (0.79 acre) site, known municipally as 401-417 Martha Street ("the subject site").

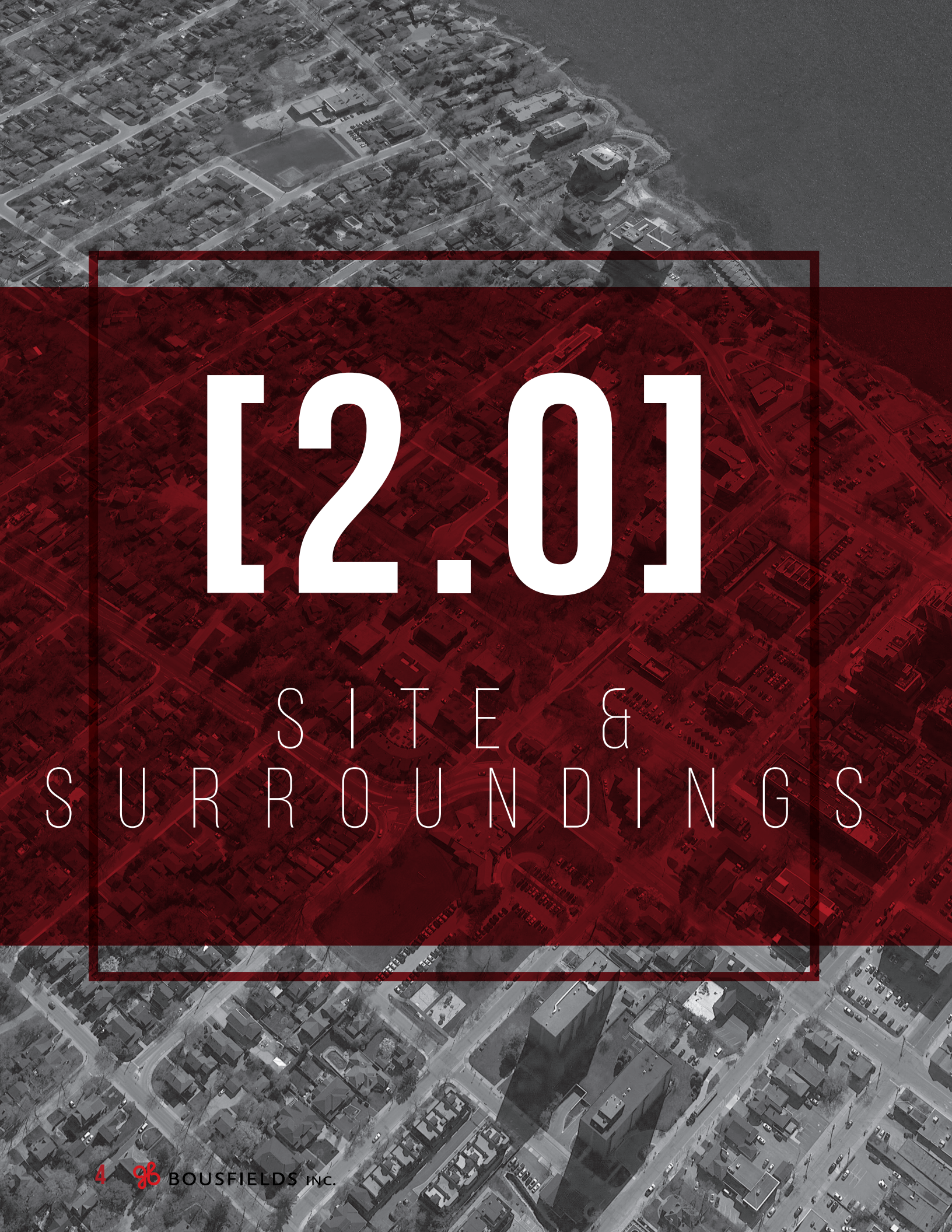
The Official Plan amendment and rezoning will permit the redevelopment of the subject site for a 11-storey (plus mezzanine) residential apartment building with a total of 130 residential units, including four at-grade units with direct access to Martha Street (the "proposal").

This report concludes that the proposal is in keeping with the planning and urban design framework established by the applicable planning documents, specifically, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Halton Region Official Plan, and the Official Plan, as well as the applicable urban design guidelines.

From a land use perspective, the proposal will contribute to the achievement of numerous policy objectives that promote intensification and a range of housing choices within built up areas, particularly in locations such as this which afford the opportunity for use of active transportation modes and are well served by municipal infrastructure, including public transit. Specifically, the proposed development is in keeping with the policy directions associated with the identification of Downtown Burlington as an urban growth centre. In our opinion, the requested Official Plan and Zoning By-law amendment is consistent with the Provincial Policy Statement and conforms with the Growth Plan, in particular the policies promoting the efficient use of land and infrastructure, and intensification within "urban growth centres".

From a built form and urban design perspective, the proposal is contextually appropriate and will represent a high-quality architectural addition to the area. The 11-storey (plus mezzanine) building will fit harmoniously with the existing and planned built form context and will be compatible with the height and massing of existing and approved development in this part of the Downtown area. It will provide an appropriate street wall condition along Martha Street, while contributing to an improved pedestrian environment at grade. The proposal conforms with the built form and massing policies of the Official Plan and is generally in keeping with the relevant urban design guidelines.

Based on the foregoing, this Planning and Urban Design Rational report concludes that the proposal is appropriate and desirable in land use planning and urban design terms.



[2.0]

SITE & SURROUNDINGS

2.1 Subject Site

For the purposes of this report, Martha Street will be used to orient the subject site in a north-south direction. The subject site is located on the east side of Martha Street between New Street and Lakeshore Road. The subject site is generally square in shape with an overall area of approximately 3,153 square metres (0.32 hectares) and has frontage of 73.62 metres (241 feet) along Martha Street and a depth that ranges from 36.04 metres (118 feet) to 48.46 metres (157 feet).

The subject site is an assembly of 6 separate parcels of land, five of which currently contain single detached dwellings and one is currently vacant. Access to each of the single detached dwellings on the subject site is provided via individual driveways from Martha Street. The single detached dwellings are situated close to the front lot lines providing little to no front yard setback with providing large rear yards. Each single detached dwelling provides parking within the side yard while boulevard trees exists along the Martha Street frontage. Within the rear portion of the subject site, Rambo Creek runs in diagonally along the rear lot line. Topographically, the site slopes approximately 4.5 metres from west (Martha Street) to east (Rambo Creek).

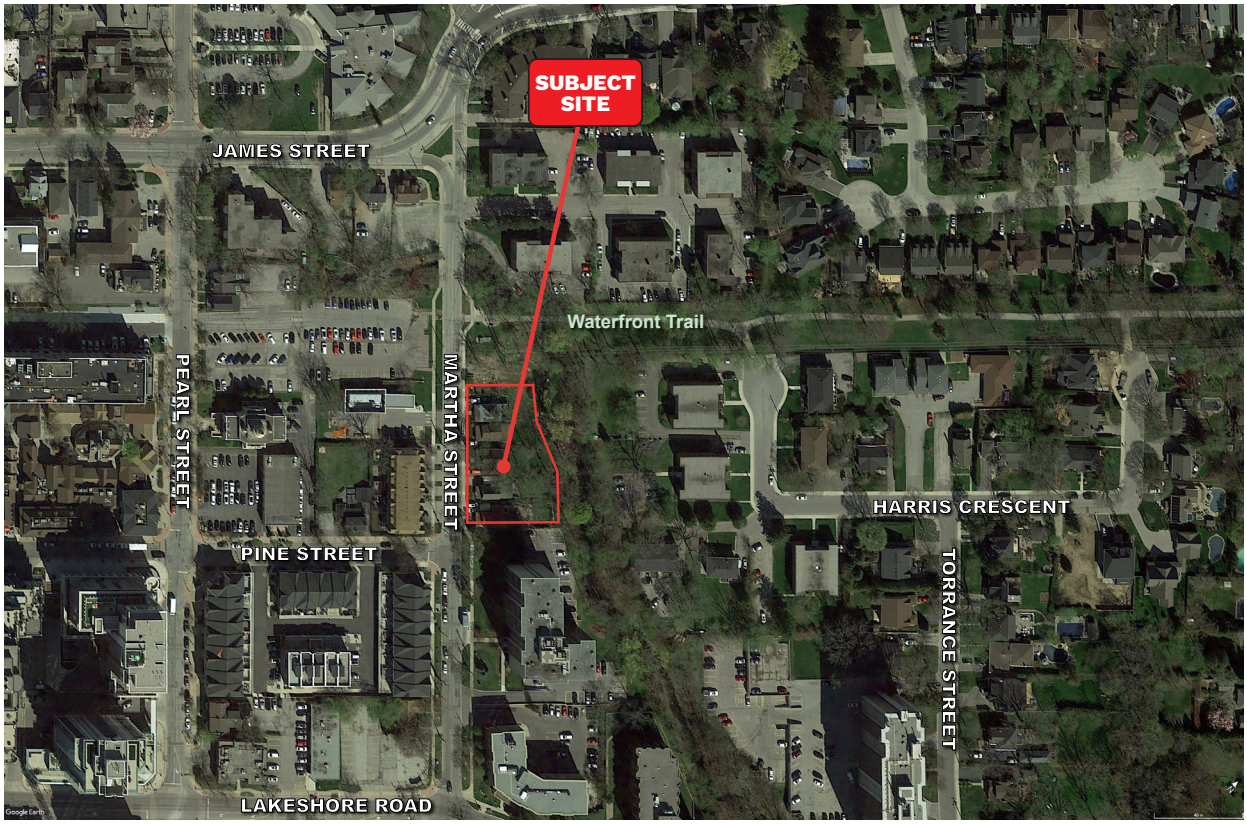


Figure 2 - Aerial Photo - Site Context



Vacant portion of subject site



Vacant portion of subject site



Subject Site



Subject site looking west



Subject Site looking south along Martha Street



Subject Site looking north along Martha Street

2.2 Surroundings

The subject site is located within the City of Burlington's Downtown Urban Growth Center (the "UGC"), identified in Schedule B of the in-force Official Plan. The UGC has generally consisted of low-rise commercial buildings along Brant Street from Victoria Avenue to Lakeshore Road with more commercial establishments along Lakeshore Road extending mostly from Maple Avenue to the west to Torrance Street to the east and taller residential apartment buildings clustered around the Brant Street and Lakeshore Road intersection with new or recently approved tall buildings being approved further north along Brant Street.

Despite the low-rise oriented commercial establishments that front along Brant Street and within the Downtown, the Official Plan developed a policy framework that would see the land use in Downtown Burlington change into higher density forms of development. As a result, mid- and high- residential and mixed use (commercial and residential) buildings have been developed, proposed, or approved within Downtown Burlington, exchanging the existing underutilized low-rise commercial and low-rise residential uses for a more appropriate higher density land use, consistent with the developed policy framework for the Downtown core. Development applications have been approved for 2025 Maria Street, 510 Elizabeth Street, and 2030 Caroline Street (17- storey mixed-use apartment building already constructed with adjoining 8- storey office building and 6- storey parking garage), 421-431 Brant Street (23- storey mixed use apartment building), 374 Martha Street (26- storey mixed use residential building), and 2042, 2048, and 2054 Lakeshore Road (22- storey mixed-use residential apartment and a 7- storey mixed-use residential apartment with an 8- storey hotel under construction). In addition to the already approved and/or under construction developments, recent developments that have been proposed include a 24- storey mixed use building located at 409 Brant Street has been proposed, a 29- storey mixed use building located at 2069-2079 Lakeshore and 383-385 Pearl, a 27- storey mixed use residential building located at 2096 Lakeshore Road and a 17- storey residential building located at 2082 James Street. These buildings would be accompanied by a number of already existing mid- to high- rise buildings located within the Downtown Urban Growth Centre, including a 12- storey apartment located adjacent to the subject site at 395 Martha Street, an 18- storey apartment located at 2160 Lakeshore road, a 15- storey apartment located at 360 Torrance Street, a 15- and 18- storey slab -style residential buildings at 477 Elizabeth Street and 478 Pearl Street respectively, and a 5- storey retirement residence building located at 2109 Lakeshore Road.

The subject site is also located approximately 400 metres (5-minute walk) from the Downtown bus terminal as well as 2.7 kilometers from the Burlington GO station and is part of the Downtown Mobility Hub, an area intended to accommodate intensification. Based on the foregoing and on assessment of the surrounding land uses, it is our opinion that the subject site is located within an area of transition and one that is suitable for increased density.



2042 Lakeshore Road



2025 Maria Street



360 and 390 Pearl Street



477 Elizabeth Street and 478 Pearl Street



Burlington Lions Club Park

2.3 Immediate Surroundings

The immediate surroundings include the following:

To the immediate north of the subject site is the waterfront trail that extends east across the city to its terminus at Burloak Drive and west to Brant Street and down to Spencer Smith Park. Continuing north along Martha Street are a cluster of 6 low-rise apartment buildings with associated parking at-grade around the perimeter of the buildings. Adjacent to the apartment buildings, located at 2110 New Street is an existing block of 2- storey townhouses with parking in the rear yard. Continuing north along Martha Street, located at 471 Pearl Street, is the Burlington Lions Club Park, which consists of the Lions Club building, playground structure and soccer field. Further north from the subject site is an established low-rise residential neighbourhood consisting of primarily 1- and 2- storey single detached dwellings.



Low-rise apartment buildings



Established low-rise residential neighbourhood

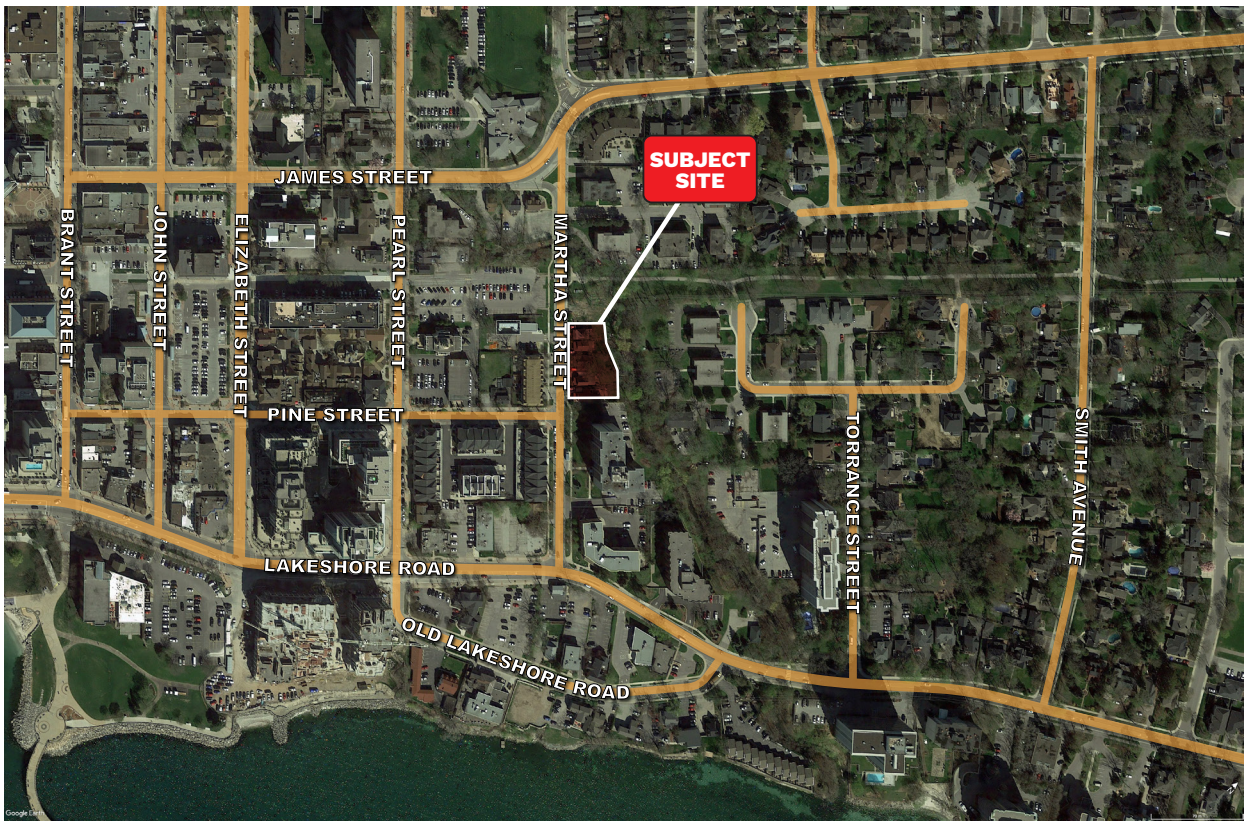


Figure 3 - Aerial Photo - Immediate Surroundings



2160 Lakeshore Road



low-rise walk up apartment buildings



3- storey low-rise apartment buildings



360 Torrance Street



3-storey mixed use development



2109 Lakeshore Road

To the immediate east of the subject site is the Rambo Creek that runs along the north portion of the subject site. To the north of the creek, located at 2124 Harris Crescent and 2128 Harris Crescent are two 3- storey low-rise apartment buildings with associated parking within the rear yard. Continuing north, similar low-rise walkup apartment buildings existing while further east of the subject site, east of Torrance Street, consists of a low-rise residential neighbourhood mainly accommodating 1- and 2- storey single detached dwellings with taller buildings located along Lakeshore Road. To the southeast of the subject site, located at 360 Torrance Street is a 15- storey apartment building with associated surface parking within the rear yard, as well as an 18- storey residential apartment building located at 2160 Lakeshore Road.

To the immediate south of the subject site, located at 395 Martha Street, is an existing 12- storey residential apartment building with associated surface parking in the side and rear yards as well as a 5- storey residential residence building located at 2109 Lakeshore Road, also with associated surface parking at the rear. To the immediate southwest of the subject site is an existing 3- storey, 30-dwelling live-work units with at-grade retail and service commercial uses fronting on Martha Street. Further south, at the north-west corner of Martha Street and Lakeshore Road is an approved 26-storey mixed use building. Continuing south along Martha Street towards the lake, low-rise commercial uses consisting of primarily 1- to 2- storey establishments exist along Lakeshore Road and Old Lakeshore Road with large surface parking areas within the side and rear yards. These lands, within the Old Lakeshore precinct are subject to two redevelopment proposals for two separate 27-storey mixed-use buildings.



395 Martha Street



Low rise commercial establishments



3- storey street townhouses fronting Martha Street



Mid-rise mixed use buildings



Mid-rise mixed use buildings



High-rise mixed use buildings



Downtown Core low-rise commercial and office use



Village Square

To the immediate west of the subject site, located at 402-410 Martha Street, are five 3-storey street townhouses fronting Martha Street and a municipal surface parking lot with a one-storey utility building (412 Martha Street and 425 Pearl Street). Further west, at 419 Pearl Street, is the Holy Protection of BVM Ukrainian Catholic Church complex with a 2-storey church building and one-storey gathering space and associated surface parking. Continuing west is Burlington's Downtown Core precinct accommodating a number of low-rise commercial and office buildings as well as mid- and high-rise rise mixed-use residential and commercial buildings as well as the John Street Bus Terminal. The Village Square, which is generally bound by Pearl Street to the north, James Street to the west, Elizabeth Street to the south, and Pine Street to the east, and contains many 1- to 2- storey commercial buildings as well as a 5- storey residential apartment building at 430 Pearl Street.

2.4 Transportation Network

ROAD NETWORK

Schedule K- Classification of Transportation Facilities Downtown Area in the Official Plan identifies Martha Street as a Collector road which provides a general north-south vehicular connection to Minor Arterial roads, New Street and Lakeshore Road. These arterial roads provide connection to other major road corridors including Brant Street and the Queen Elizabeth Way. The right-of-way along Martha Street consists of one travel lane in each direction and municipal sidewalks along both sides of the street. *Appendix A – Schedule 1 – Long Term Transit Service Network* of the Official Plan identifies New Street and Lakeshore Road Primary Bus Service routes, both of which Martha Street intersect with and are approximately 0.12 kilometers away. Appendix A – Schedule 2- Long Term Cycling Master Plan further identifies Martha Street as a Bicycle Priority Street and adjacent to a Multi-Use Path. Table 1 – Function and Classification of Transportation Facilities in the Official Plan indicates that Collector Road right-of-way widths range from 20 to 30 metres unless specifically identified. Martha Street has a current right-of-way width of 21 metres.

TRANSIT NETWORK

The subject site is well serviced with public transit and is approximately 400 metres (5- minute walk) to the Downtown John Street Bus Terminal. Burlington Transit bus routes 3, 4, and 10 all have bus stops at the John Street bus terminal which provides services Monday through Friday as well as weekends and Holidays. These bus routes provide travel in west, east, and north directions and provide connections to multiple GO Stations including Aldershot, Burlington, and Appleby GO as well as the 407 GO carpool parking lot. Further to the bus routes provided at the John Street terminal, Burlington Transit provides additional bus route stops at all GO Station terminals that provide more local transit options. In addition to these bus routes, the subject site is located approximately 2.7 kilometres away from the Burlington GO Station which offers regional train and bus services south to Niagara Falls and east to Toronto's Union Station.

The subject site is located within the Downtown Burlington Mobility Hub, a provincially and locally recognized mobility hub centred around the John Street Bus Terminal which is to provide complete, compact, and sustainable communities with a mix of uses within walking distance to transit. Mobility hubs are also to offer densities that will support local and regional transit through a mix of housing types and urban built forms.



Figure 4 - Burlington Transit Map



[3.0]

PROPOSAL

3.1 Description of Proposal

In support of the redevelopment proposal, Soil-Mat Engineers and Consultants Ltd. prepared geotechnical reports and Wood Environmental and Infrastructure Solutions prepared a hydrogeological assessment and a hydraulic assessment in order to determine the development limits adjacent to Rambo Creek. The recommendations of these reports are illustrated in the architectural plans prepared by SRM Architects.

The proposal involves the demolition of the existing 5 single detached dwellings and the development of an 11-storey (plus mezzanine) residential apartment building accommodating 130 units with a Gross Floor Area of 14,312 square metres. The resulting density is approximately 4.5 Floor Area Ratio (FAR) and 407 units per hectare. The proposed building height is 36.0 metres to the top of the main roof and 39.0 metres to the top of the mechanical penthouse. The proposal contributes to the ongoing intensification of the Downtown Mobility Hub with a new mid-rise building that will animate the Martha Street streetscape and will fit within its surrounding built form context.

The overall massing of the proposed development has been articulated by a base building and upper building.

BASE BUILDING

The 4-storey base includes a tall (5.5 metre high) ground floor and mezzanine that accommodates the lobby, vehicular access and four large 2-storey townhouse units with front porches and direct access to Martha Street. The height of the base building is 15.0 metres tall and is setback 2.9 metres from the Martha Street property line. In addition to the four townhouses, lobby and vehicular access, the ground floor also includes bike storage, garbage and servicing as well as three residential units oriented to the east and a large (170 square metres) indoor amenity space with large terrace overlooking Rambo Creek. In total the ground floor accommodates a total of 1,652 square metres of gross floor area. The mezzanine level of the building will consist of upper levels of the 1st floor units and will total approximately 561 square metres of gross floor area.

Levels 2-4 of the building will consist of 16 residential units per floor ranging from 1- to 3- bedroom unit sizes. All residential units will range in size and layout and will have a total gross floor area of 1,462 square metres per floor. Each residential unit will also have a private balcony for personal outdoor amenity space. Front facing units along Martha Street will have inset balconies while eastern and rear units will have projecting balconies approximately 1.7 metres deep.

The building base is setback 3.0 metres along Martha Street, 1.4 metres from the north lot line (abutting the Waterfront Trail), and 3.34 metres from the south lot line abutting 395 Martha Street. The building base rear yard setback ranges from approximately 13.0 metres to 15.5 metres. The setback to Martha Street allows for a wide boulevard that can accommodate wide sidewalks, street trees and landscaping to establish a more pedestrian-oriented relationship between the building and the street.

UPPER BUILDING

The upper building is comprised of levels 5-11. Levels 5-7 are unform and stepped back 3.1 metres from from the west wall and 4.95 metres from the north wall of the base of the building, while levels 8-11 are stepped back an addition 1.4 metres to 6.0 metres. Levels 5-7 consists of the same floor plate which contains 13 units per floor, each ranging in different size and layouts, totalling 1,215 square metres per floor. Additionally, level 5 contains an outdoor terrace located at the north portion of the building. Levels 8-11 consist of contains 9 residential units per floor with different size and layouts. Projecting balconies are also provided for each unit within the upper building ranging in width from approximately 1.7 to 2.0 metres. At levels 5-11, the upper building is stepped back approximately 4.9 metres from the north portion of the base of the building. The mechanical penthouse level has been deliberately situated in the middle of the roof to minimize any visual impacts to the adjoining properties as well as from the pedestrian right-of-way.

The mechanical penthouse level does not contain any livable area but rather necessary services for the function of the building.

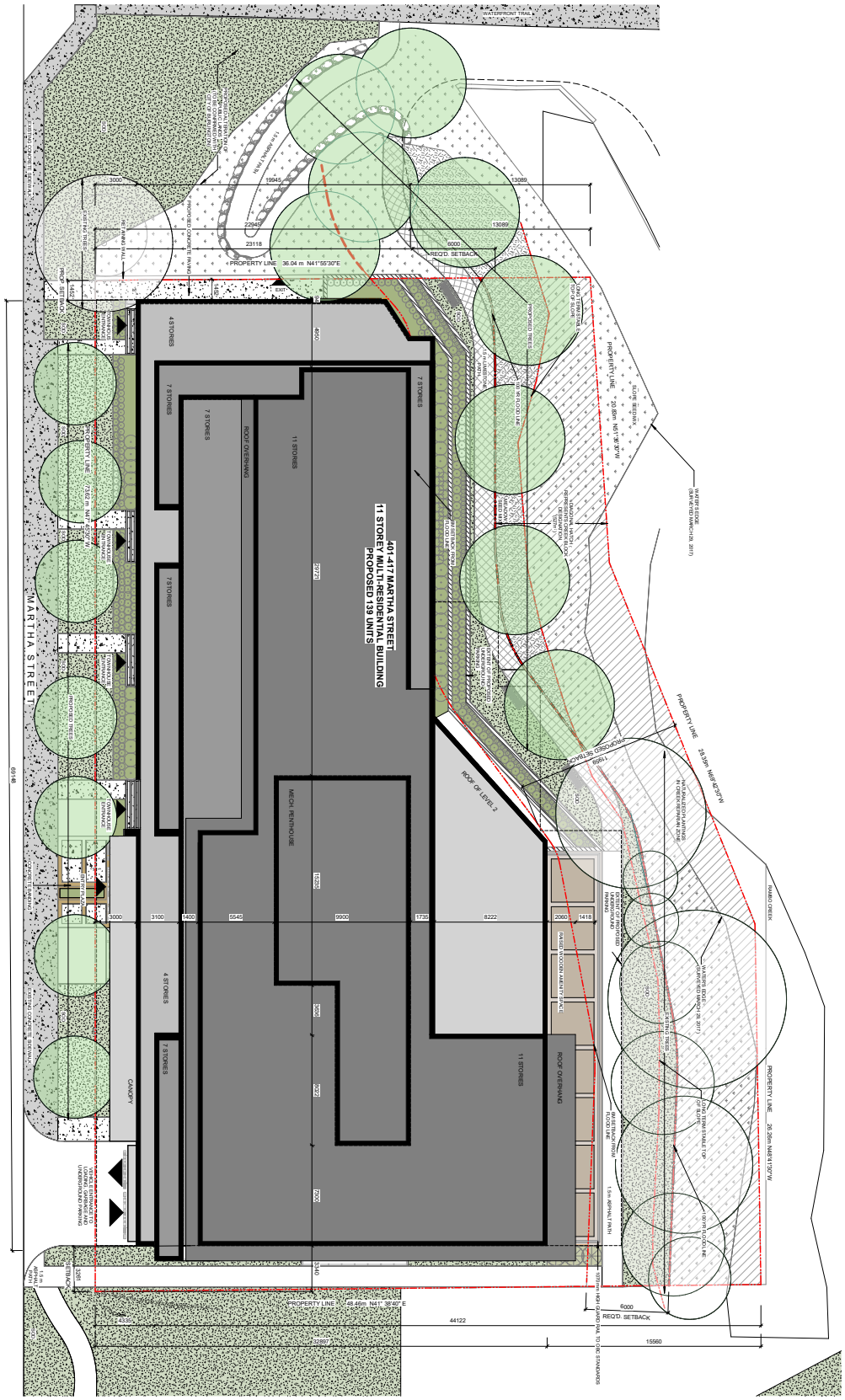


Figure 5 - Site Plan (Preparded by: srm Architects Inc.)

UNIT DISTRIBUTION AND AMENITY SPACE

The development proposes a total of 130 residential units with a mix of unit types including: 44 1- bedroom units (33.8%), 10 1- bedroom plus den (7.7%), 42 2- bedroom units (20.8%), 20 3- bedroom units (20.8%), 1 – 2 bedroom townhouse units (0.77%), and 6 3- bedroom townhouse units (4.62%). In addition, the proposal also consists of 339 square metres of common indoor amenity space split between outdoor amenity space found at the ground floor and 5th floor as well as 169 square metres of indoor amenity space located in the first level.

ACCESS, PARKING, AND LOADING

A total of 167 spaces are proposed for this development which consists of 4 levels of underground parking. The 4 levels of underground parking will consist of 134 spaces for residents plus 33 spaces for visitors. The proposal is also proposing 88 bicycle parking spaces that will be split between 82 indoor spaces and 6 outdoor spaces.

One access to the underground parking ramp and loading area will be provided from Martha Street and is located along the eastern portion of the subject site. The loading space is provided at-grade and are for the purpose of moving in/out and garbage pick-up.

3.2 Key Statistics

Site Area	3,200 square metres (0.32 ha)
Total GFA	14,312 square metres
FAR (Floor Area Ratio)	4.5 FAR
Density	407 units per hectare
Height	39.0 metres
Residential Units	1 Bedroom – 44 1 Bedroom + Den – 10 2 Bedroom – 42 3 Bedroom – 20 2 Bedroom Townhouse – 1 3 Bedroom Townhouse – 6 **TOTAL - 130**
Amenity Space	339 square metres
Vehicle/Bicycle Parking	167 vehicle parking spaces 88 bicycle parking spaces

3.3 Required Approvals

In our opinion, the proposed development conforms with the applicable provincial policies in particular the Built-Up Urban Area designation of the Growth Plan and Urban Area policies of the Regional Official Plan. However, the proposal requires a site-specific amendment to the Official Plan in order to permit the proposed density increase.

An amendment is also required to the City of Burlington Zoning By-law 2020, as amended, for a site-specific exception to increase the permitted height and density and to revise other development standards as necessary to facilitate the proposal.



[4.01]

POLICY & REGULATORY CONTEXT

4.1 Overview

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

4.2 Provincial Policy Statement (2020)

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

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

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

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

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

With regard to employment, Policy 1.3.1 requires planning authorities to promote economic development and competitiveness by providing an appropriate mix and range of employment and broader mixed uses to meet long term needs, and to encourage compact, mixed-use development that incorporates compatible employment uses that support livable and resilient communities while ensuring necessary infrastructure is provided to support current and projected needs.

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

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

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

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

For the reasons set out in Section 5.2 of this report, it is our opinion that the proposal is consistent with the Provincial Policy Statement and, in particular, the policies relating to residential intensification and the efficient use of land and infrastructure.

4.3 Growth Plan for the Greater Golden Horseshoe (2019)

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

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

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

- Supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability;
- Support a range and mix of housing options to serve all sizes, incomes, and ages of households and;
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure. It includes objectives that support the development

of complete communities and promotes transit supportive development in proximity to higher order transit. As noted in Section 2.1 of the Plan:

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

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

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

The subject site is located within the City's UGC and is thus a "strategic growth area" as defined by the Growth Plan (i.e. a focus for accommodating intensification and higher-density mixed uses in a more compact built form). "Strategic growth areas" include urban growth centres, major transit station areas and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields, as well as lands along major roads, arterials or other areas with existing or planned frequent transit service.

In this regard, the subject site falls within a "urban growth centre, major transit station areas, and major opportunities for development". The planned density targets for "major transit station areas" are similar to those in the 2017 Growth Plan. However, in the 2019 Growth Plan, "major transit station areas" have been redefined as the area within an approximate 500 to 800 metre radius of a major bus depot, as opposed to approximately 500 metres in the 2017 Plan. As such, the subject site is approximately 400 metres away from the Downtown Burlington Bus Station.

Policy 2.2.1(2)(c) states that within settlement areas, growth will be focused in delineated built up areas, strategic growth areas, and locations with existing or planned transit (with a priority on higher order transit where it exists or is planned). Policy 2.2.1(3)(c) goes to on to state that municipalities shall undertake integrated planning to manage forested growth to the horizon of this Plan, which will, among others, provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors to support the achievement of complete communities through a more compact built form.

In this respect, Schedule 3 of the Growth Plan forecasts a population of 820,000 and 390,000 jobs for the Region of Halton by 2031, increasing to 1,000,000 and 470,000, respectively, by 2041. The 2016 Census indicates that population growth in Halton is continuing to fall short of the Growth Plan forecasts. The 2006 Growth Plan forecasted a population of 520,000 for 2011, while its actual population in 2011 was 501,674. At a point that is now midway through the 2001-2031 forecast period, the 2016 population of 563,791 (adjusted for net Census under coverage) is only 40.4% of the way toward achieving the population forecast of 820,000 by 2031.

Policy 2.2.1(4) provides that applying the policies of this Plan will support the achievement of complete communities that will feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities, improve social equity and overall quality of life, including human health, for people of all ages, abilities and incomes, provide

a diverse range and mix of housing options, expand convenient access to a range of public transit options, provide a more compact built form and vibrant public realm, and to mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability. Policy 2.2.2(1) of the Plan states that by the next municipal comprehensive review is approved and in effect, a minimum intensification target of 50 per cent of all residential development occurring within Halton shall be within the delineated built-up area. 2.2.2(3) further provides that all municipalities are required to develop a strategy to achieve the minimum intensification targets that will include, among other things, identifying strategic growth areas to support achievement of the intensification target, identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas, encourage intensification throughout the delineated built-up area, and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

Section 2.2.3(1) speaks to Urban Growth Centres and how they will be planned, which include, among others, to accommodate significant population and employment growth. 2.2.3(2) provides that urban growth centres are planned to achieve by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare for Downtown Burlington.

Planning for major transit station areas is addressed in Section 2.2.4 of the Growth Plan. Policy 2.2.4(1) states that priority transit corridors shown on Schedule 5 will be identifies in official plans and that 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. Policy 2.2.4(2) requires the City of Burlington to delineate the boundary of major transit station areas in a transit-supportive manner that maximizes the size of the area and number of potential transit users that are within a walking distance. As stated in policy 2.2.4(3) major transit station areas on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by bus rapid transit and 150 residents and jobs combined per net hectare for those that area served by the GO Transit rail network. Policy 2.2.4(6) goes on to further state that within 'major transit station areas' land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited.

2.2.4(9) provides that within all 'major transit station areas' development will be supported, where appropriate, by planning for a diverse mix of uses, providing alternative development standards such as reduced parking standards, and by prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities. The Plan further goes on to say in policy 2.2.4(10) that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.

Section 2.2.6 of the Growth Plan speaks to housing. Policy 2.2.6(1) states that the City shall support housing choices through the achievement of the minimum intensification and density targets in this Plan by, among others, identifying a diverse range and mix of housing options and densities to meet projected needs of current and future residents as well as establishing targets for affordable ownership housing and rental housing. Notwithstanding policy 1.4.1 of the PPS, policy 2.2.6(2) states that by implementing policy 2.2.6(1) of this Plan, municipalities will support the achievement of complete communities through planning to accommodate forecasted growth to the horizon of this plan, planning to achieve the minimum intensification and density targets in this Plan, considering the range and mix of housing options and densities of the existing housing stock, and by planning to diversity their overall housing stock across the municipality.

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

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

Policy 3.2.3(1) states that public transit will be the first priority for transportation infrastructure planning and major transportation investments. Policy 3.2.3(2) further says that all decisions on transit planning and investment will be made according to the following; prioritize areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency of planned transit services, increase the capacity of existing transit to support 'strategic growth areas', expanding transit service to areas that have achieved, or will be planned to achieve, transit-supportive densities and provide a mix of residential, office, institutional, and commercial development wherever possible, and by contributing towards the provincial greenhouse gas emissions reduction targets, amongst others.

Section 4.2.10 of the Growth Plan speaks to climate change and provides policy framework that municipalities shall follow to help reduce greenhouse gas emissions and address climate change adaption goals. Policy 4.2.10(1) states that these policies will include, among others, supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan, and reducing the dependency on the automobile and supporting existing and planned transit and active transportation. In planning to reduce greenhouse gas emissions and address the impacts of climate change, policy 4.2.10(2) states that municipalities are encouraged to develop strategies to reduce greenhouse gas emissions and improve resilience through land use planning and planning for infrastructure.

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

For the reasons set out in Section 5.1 of this report, it is our opinion that the proposed development conforms with the 2019 Growth Plan and, in particular, the policies that seek to optimize the use of land and infrastructure and to encourage growth and intensification in "strategic growth areas", including "urban growth centres" and "major transit station areas".

4.4 Halton Regional Official Plan (2018 Office Consolidation)

The Halton Regional Official Plan (ROP) is Halton's guiding document for land use planning and was adopted by Regional Council as Regional Official Plan Amendment No. 28 (ROPA 38) on December 16, 2009 following the review of the former Halton Regional Official Plan, 2006. In 2011, the Province modified and approved ROPA 38, which was subsequently appealed in its entirety to the Ontario Municipal Board (OMB) from 2012-2017, with certain site-specific appeals outstanding.

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

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

Policy 55 of the ROP describes that the Regional Structure is accompanied by a growth strategy for Halton based on the distribution of population and employment for the planning horizon year of 2031, as contained in Table 1 of the ROP. Table 1 identifies a 2006 population of 171,000 for the City of Burlington with an increase to 193,000 by the horizon year of 2031 representing a 12% increase. Similar to population forecasts, the Region anticipates that the City of Burlington will increase their employment forecasts by 88,000 in 2006 to 106,000 in the horizon year of 2031 representing a 17% increase. Further, as per Table 2 of the ROP, the Region anticipates that the City of Burlington will increase their total number of new housing units in the Built-Up Area to 8,300 units between 2015 to 2031. These forecasts are further expanded in Table 2A – Regional Phasing with the City of Burlington being expected to contribute 2,758 dwelling units and 4,136 jobs in the 2017-2021 planning window.

Land Use Designation Policies

Policy 72 of the ROP provides the objectives of the Urban Area, which are, amongst others, 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 while fostering a strong and competitive economy (72(2)); to provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters which afford maximum choices for residence, work and leisure (72(3)); to identify an urban structure that supports the development of Intensification Areas (72(6)); to plan and invest for a balance of jobs and housing in communities across the Region to reduce the need for long distance commuting (72(7)); to promote the adaptive re-use of greyfields (72(8)); to facilitate and promote intensification and increased densities (72(9)); and to provide for an appropriate range and balance of employment uses including office and retail to meet long term needs (72(10)). Policy 74 states that within the Urban Area, Urban Growth Centres, which encompasses the subject site, are identified on Map 1 (Figure 6) and for which specific policies apply. The ROP further provides in Policy 75 that the Urban Area is planned to accommodate the distribution of population and employment for the Region and the local municipalities shown in Table 1 and Table 2a. Policy 76 states that the range of permitted uses will be in accordance with local Official Plans and Zoning By-laws.

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

Intensification Area Policies

Policy 80 of the ROP refers to Intensification Areas as part of the Urban Area and consists of Urban Growth Centres, Major Transit Station Areas, Intensification Corridors, and Mixed-Use Nodes. In this regard, the subject site would fall within each part of an Intensification Area as defined by the ROP.

Policy 78 of the ROP provides the objectives of Intensification Areas, which are, amongst others, to provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable (78(1)); to provide a range of employment opportunities, facilities and services in centralized locations that are readily accessible by public transit (78(3)); to provide a diverse and compatible mix of land uses, including residential and employment uses to support neighbourhoods (78(4)); to

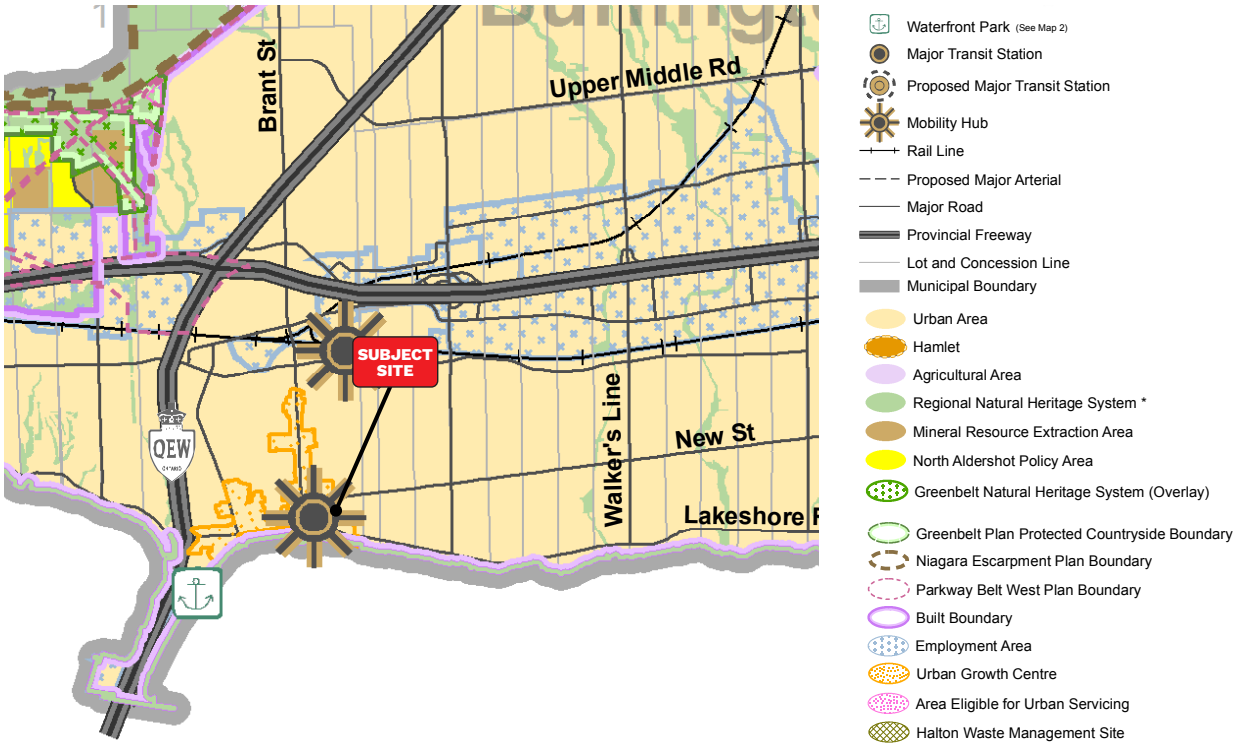


Figure 6 - Region of Halton - Official Plan Map 1 - Regional Structure

create a vibrant, diverse and pedestrian-oriented urban environment (78(5)); to cumulatively attract a significant portion of population and employment growth (78(6)); to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places (78(7)); to support transit and active transportation for everyday activities (78(8)); to generally achieve higher densities than surrounding areas (78(9)); and to achieve an appropriate transition of built form to adjacent areas (78(10)). For Major Transit Station Areas and Intensification Corridors policy 78 further provides that their objectives are to achieve and increased residential and employment densities in order to ensure viability of existing and planned transit infrastructure and service (78(11)(a)); to achieve a mix of residential, office, institutional, and commercial development, where appropriate (78(11)(b)); for Major Transit Station Areas, to provide access from various transportation modes to the transit facility, including but not limited to pedestrians, bicycle routes and bicycle parking (78(c)); and for Intensification Corridors, to accommodate local services, including recreational, cultural, and entertainment uses (78(d)).

With respect to policy, the ROP states that the Region is to, amongst others, direct development with higher densities and mixed uses to Intensification Areas (81(1)); require local Official Plans to identify Intensification Areas with detailed boundaries in accordance with the objectives and policies of this Plan (81(2)); require local municipalities to prepare detailed official plan policies or an area-specific plan for the redevelopment of an existing Intensification Area (81(3)); require area-specific plans or policies for Intensification Areas which include a transportation network designed to integrate active transportation, local transit services and inter-municipal/inter-regional higher order transit services, and urban design guidelines to promote active transportation and transit-supportive land uses (81(4)); and adopt alternative design standards for Arterial Roads through Intensification Areas to promote active transportation, pedestrian-oriented development and transit-friendly facilities (81(5)). Policy 81(7) goes to further state that the Region requires the local municipality to:

a. Include Official Plan policies and adopt Zoning By-laws to meet intensification and mixed-use objectives for Intensification Areas

b. Prescribe in Official Plans and Zoning By-laws minimum development densities for lands within Intensification Areas

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

Policy 81 additionally states the Region should consider intensification and development of Intensification Areas as the highest priority of urban development within the Region (81(7.2)); and encourage local municipalities to adopt parking standards and policies within Intensification Areas to promote the use of active transportation and public transit (81(8)).

Urban Growth Centres

Policy 81.1 speaks to the objectives of the Urban Growth Centres, which are to serve as focal areas for investment in commercial, recreational, cultural, and entertainment uses (81.1(1)); to accommodate and support major transit infrastructure (81.1)(2)); to serve as high density major employment centres that will attract provincially, nationally, or internationally significant employment uses (81.1(3)); and to accommodate a significant share of population and employment growth (81.1(4)). Policy 81.3 of the ROP states that it is the policy of the Region to require Urban Growth Centres to achieve a minimum development density target of 200 residents and jobs combined per gross hectare by 2031 or earlier (81.3(1)).

Housing Policies

In terms of housing, Policy 84 provides that the goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs. The objectives for housing are provided in Policy 85 and include, amongst others, to make more efficient use of existing developed land, housing stock, and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods (85(4)) and to promote residential intensification through the development or redevelopment of brownfield and greyfield sites (85(13)).

Policy 86 further provides the policies of the Region, including to adopt the housing targets that at least 50 percent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings (86(6)(a)); permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of structures provided that the physical character of the existing neighbourhoods can be maintained (86(11)); and require local Official Plans to provide an appropriate mix of housing by density, type, and affordability in each geographic area, consistent with current and projected demands (86(21)).

Environmental Quality Policies

Section 140 of the ROP provides that the goal for environmental quality is to achieve a high-quality environment, for this and future generations, that will sustain life, maintain health, and improve the quality of living. In respect to air and ambience, Policy 142 states that the objectives of the Region are to, amongst others, to improve air quality and to address the impact of climate change (142(2)); to contribute to the overall improvement of air quality in Halton's airshed through facility management, land use planning, and transportation management (142(4)); to support urban forms that will reduce long distance trip-making and the use of the private automobile (142(5)); and to promote trips made by active transportation and public transit (142(6)). Policy 143 further says that it is the policy of the Region to promote walking, cycling, and public transit over other modes of transportation, amongst others (143(4)).

Transportation

One main objective for the Region in respect to transportation is to develop a balanced transportation system that reduces the dependency on automobile use, includes a safe, convenient, accessible, affordable, and efficient public transit system that is competitive with the private automobile, and promotes active transportation (172(2)). Policy 172(6) provides

that it is also an objective of the Region to provide seamless public transit services which provide a high level of service within Halton, are connected to a higher order transit network throughout the GTA and Hamilton, and are complemented and supported by a network of active transportation facilities. In addition, further objectives for the Region include to achieve a level of public transit usage that averages at least 20 percent of all daily trips made by Halton residents by year 2031 (172(8)); to ensure development is designed to support active transportation and public transit (172(9.1)); to integrate transportation planning, land use planning, and investment in infrastructure (172(9.2)); and to promote land use patterns and densities that foster strong live-work relationships and can easily and effectively served by public transit and active transportation (172(10)).

For the reasons set out in Section 5 of this report, it is our opinion that the proposal conforms with the Halton Regional Official Plan.

4.5 Halton Region Official Plan Review (ROPR)

The Region of Halton is currently in the process of reviewing their Official Plan as part of the mandatory Planning Act review, that requires regional and municipal governments to undertake a review of their Official Plans every five years. The process began in 2014 leading to Council's adoption of the Phase 1: Directions Report in fall 2016. A phased review, the process will involve three-phases which includes the Phase 1 Directions Report identifying key land use matters, Phase 2 involving an in-depth analysis of data and land use policies documented in a series of discussion papers, and Phase 3 involving the drafting and adoption of land use policy changes through a comprehensive amendment to the Region of Halton Official Plan. Phase 2 is expected to conclude in spring 2020.

4.6 City of Burlington Official Plan

The in-force City of Burlington Official Plan (the "OP"), office consolidation October 2017, was approved by the Ontario Municipal Board (OMB) on October 24th, 2008. The intent of the Official Plan is to guide the City's land-use strategy over a 20-year period to ensure that future planning and development will meet the specific needs of the community. The OP was originally approved in 1997 and has been amended many times over the years in an effort to keep it generally up-to-date with emerging provincial and regional policy. However, both the City of Burlington and the Region of Halton have identified that the existing OP is out of date and a City-initiated process has been ongoing to develop a new Official Plan. Notwithstanding the status of the existing OP, the OP remains as a guide the City's long-range land-use strategy and is intended to ensure that future planning and development within the City will also meet the specific needs of the community.

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

The policy framework in Part I, Section 4.3 provides for a number of policy directions, which include changes encouraged by this Plan are developing a greater diversity of housing types to meet changing needs of the population, the development of a more self-contained city by

encouraging greater live-work relationship, the focusing of more intense land uses into specified mixed-use centres and along certain roads, and to direct population growth towards underutilized or vacant parcels in existing communities, specifically to the downtown mixed use centres. Section 4.3 further provides additional policy directions, including but not limited to, new residential growth will be mainly in the form of more compact housing to meet the needs of the changing population, encouraging a broader mix of residential dwellings in terms of type, cost, and size, that new residential development will be planned considering all forms of travel and be supportive of safe pedestrian and vehicle movement, to provide commercial development within Mixed Use Centres and Mixed Use Corridor locations, and, in respect to the Downtown, to encourage retail and office development along the core streets, particularly Brant Street and maintaining good housing stock, encouraging residential development, re-development, and intensification and providing a stronger link to the waterfront.

Part II, Policy 3.2.1 d) states that to encourage alternative travel by creating an urban environment that encourages walking, cycling and transit use and increases opportunities to live close to work and satisfy day-to-day needs locally without relying on the automobile. Policy 3.3.2(b) of the Official Plan speaks to road extensions and widenings. Policy 3.3.2(c) further establishes that existing roads shall be widened equally on both sides of the road, where feasible. Policy 3.2.2 j) states that reduced parking rations and/or standards and/or on-street parking ratios and/or standards may be permitted subject to evaluation by the City of the appropriateness and implemented through development applications or other city initiatives.

Section 6.0 of Part II provides the design policies. Policy 6.1 provides the design principle that the tangible elements of the urban form shall be designed in an efficient, attractive and compact manner. The design objectives are provided in Policy 6.2 and include:

- To ensure the design of the built environment preserves, enhances and connects natural features and landscapes
- To ensure the design of the built environment strengthens and enhances the character of neighbourhoods and proposals for intensification and infill are designed to be compatible and sympathetic to existing neighbourhood character.
- To achieve a high quality of design within the public realm.
- To ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression.
- To ensure that the principles of sustainable development are considered in the design of the built environment.

Policy 6.3 e) states that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit. Policy 6.5 a) states that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area. Policy 6.5 b) states that the compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing. Policy 6.5 c) states that the design of all buildings must recognize pedestrian scale, safety and the perception of safety and access and the preservation of public vistas and views. Policy 6.5 d) states that the creation of a continuous and harmonious streetscape environment shall be encouraged and Policy 6.5 e) states that all developments shall be designed having regard for public transit accessibility. Policy 6.5 g) states that the location, amount, position and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape. Policy 6.5 h) states that buildings are encourages to present their main building facades to streets. Policy 6.5 j) states that the visual impact of site servicing, loading, etc. shall be minimized through screening and site design. Policy 6.5 m) states that development shall be designed having regard for sustainable development.

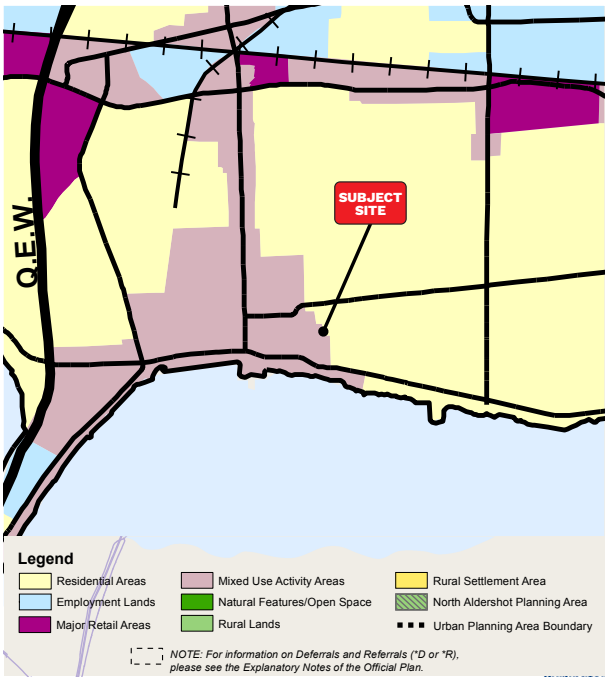


Figure 7 - City of Burlington - Official Plan Schedule A - Settlement Patterns

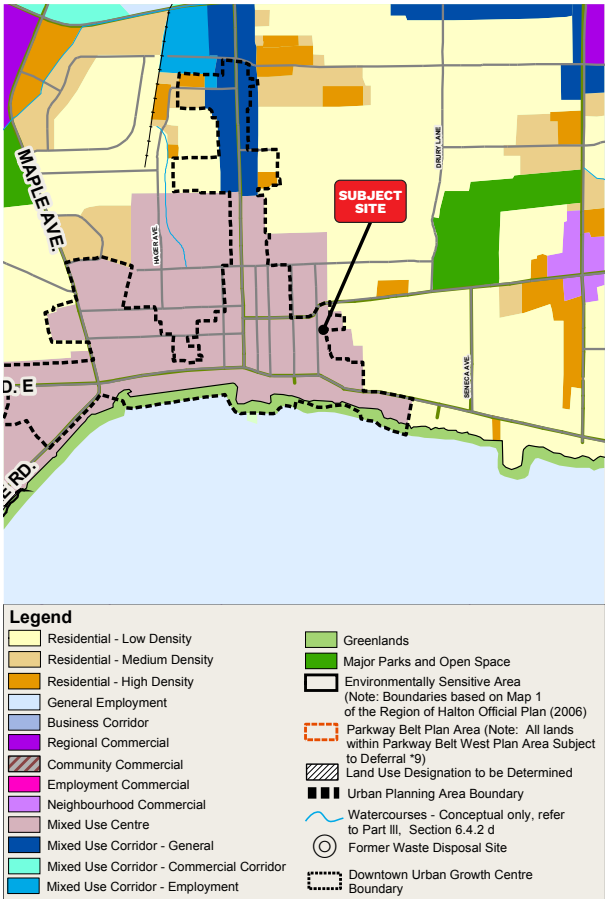


Figure 8 - City of Burlington - Official Plan Schedule B - Comprehensive Land Use Planning

MIXED USE ACTIVITY AREAS POLICY

As per Schedule A – Settlement Pattern in the Official Plan, the subject site is designated Mixed Use Activity Areas. Part III, Section 5.0 of the Official Plan states that lands identified as Mixed Use Activity Areas will provide locations where employment, shopping and residential uses will be developed in a compact urban form at higher development densities and will be pedestrian-oriented and highly accessible by public transit. One of the main land use designations that applies to the Mixed Use Activity Areas and the subject site is Mixed Use Centre, as shown on Schedule B – Comprehensive Land Use Planning – Urban Planning Area (Figure 8).

Policy 5.1(a) of the Official Plan states that Mixed

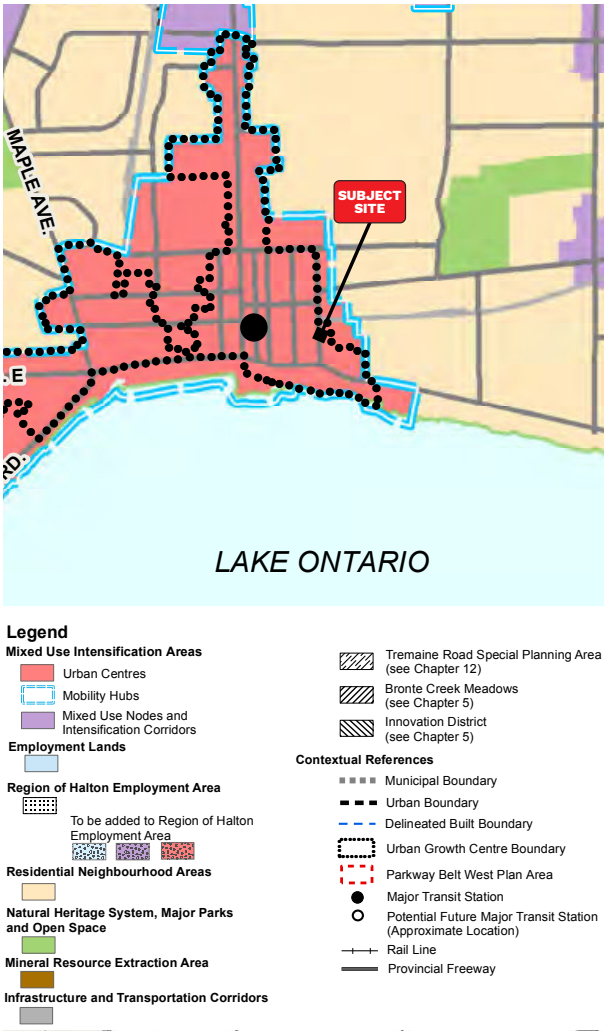


Figure 9 - City of Burlington - Official Plan Schedule B (2018 Adopted)

Use Activity Areas provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services while Policy 5.1(c) speaks to demand and states that Mixed Use Activity Areas address the demand for higher intensity employment, shopping, and residential areas within the City. Policy 5.2.1 provides general objectives that are associated with Mixed Use Activity Areas that include encouraging comprehensively planned mixed use employment, shopping, and residential areas that provide integration of uses, and ensuring Mixed Use Activity Areas are developed in a compact urban form, pedestrian-oriented, and highly accessible by public transit that fosters community interaction. Section 5.2.2 further provides policies related to Mixed Use Activity Areas, including amongst others, that lands designated Mixed Use Centre on Schedule B of this Plan shall be subject to policies contained in Part III, Section 5.4 to 5.6; the design and development of Mixed Use Activity Areas shall promote these areas as focal points for community activities that are characterized by a compact form of development, pedestrian-oriented, greater accessibility to public transit, and higher intensity development; be areas that are subject to a high quality of urban design; and to allow the City to consider the use of reduced parking standards to encourage greater reliance on non-automobile forms of transportation.

MIXED USE CENTRE POLICIES

Section 5.4 of the Official Plan provides the policy framework relating to lands designated Mixed Use Centre. Policy 5.4.1 states the objectives which relate to the Mixed Use Centre designation. These objectives include, amongst others, to provide locations at inter-municipal transit stations and the downtown that will serve as areas for mixed use developments consisting of medium and high density residential, retail, service commercial, office, entertainment, community facilities, and open space uses (5.4.1(a)); to encourage higher intensity, transit-supportive, and pedestrian-oriented development within Mixed Use Centres while retaining compatibility with nearby land uses (5.4.1(b)); and to permit mixed use developments on individual sites where residential, retail, office and other uses are located (5.4.1(c)).

Policy 5.4.2(a) provides the uses which may be permitted in Mixed Use Centres, which include, a wide range of retail, commercial and personal service uses and medium and high-density residential uses. Policy 5.4.2(b) also provides that Zoning By-law regulations affecting Mixed Use Centres shall be based on the general policies for Mixed Use Centres contained in Part III Section 5.4 and the specific policies for individual Mixed Use Centres, prepared as part of the secondary planning study for each Mixed Use Centre as per Part III Sections 5.5 and 5.6. Further policies include, among others, a range of development intensities shall be permitted (5.4.2(c)); a range of building heights shall be permitted (5.4.2(d)); open space and parkland shall be provided in Mixed Use Centres (5.4.2(e)); and the zoning of individual sites may not allow for the full range of permitted or the full extent of the development intensity at every location based on site specific factors (5.4.2(f)). Policy 5.4.2(g) provides site plan considerations that shall be considered in reviewing proposals for new and/or expanding Mixed Use Centre uses which include:

i. Building should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services wherever feasible;
ii. The site plan for individual sites includes features to integrate the new development with surrounding uses;
iii. The site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the side and adjacent uses, and to and from transit stops;
iv. Off-street parking areas, loading areas, and service areas shall be screened and landscaped;
v. The site plan promotes convenient access to public transit services;
vii. Off-street parking areas shall be located in the side and rear yards;
    i. loading areas and service areas are located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas.

Policy 5.4.2(h) provides that the design and development of Mixed Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car and shall maximize personal safety by incorporating

the following features: buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and safe and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas, and other building facilities. In addition, Policy 5.4.2(j) says that retail, service commercial, and other pedestrian-oriented uses shall be encouraged in designations in addition to Downtown Mixed Use Centres. Furthermore, Policy 5.4.2(m) provides that reduced parking standards, shared parking and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and the accessibility by transit and other modes of travel.

Policy 5.4.2(k) states that proposals for residential intensification shall be evaluated on the basis of the objectives and policies of Part III, Section 2.5. As such, those criteria are as follows:

i. Adequate municipal services to accommodate the increased demands are provided;
ii. Off-street parking is adequate;
iii. Capacity of the municipal transportation system can accommodate any increased traffic flows, ingress and egress, and potential increased traffic volumes to multi-purpose, minor and major arterial roads, and collector 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, sitting, setbacks, coverage, parking, and amenity area so that there is a transition between existing and proposed buildings;
vi. Effects on existing vegetation are minimized;
vii. Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;
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;
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 vehicle access to major arterial, minor arterial, or multi-purpose arterial roads.

DOWNTOWN MIXED USE CENTRE POLICY

Section 5.5.1 of the Plan provides that in keeping with the Growth Plan for the Greater Golden Horseshoe, 2006 (now updated 2019 version), the boundary for the Downtown Burlington Urban Growth Centre is shown on Schedule B – Comprehensive Land Use Plan – Urban Planning Area and on Schedule E, Downtown Mixed Use Centre. The two principles of the Downtown Burlington Growth Centre are as follows:

i. this area shall accommodate a significant share of population and employment growth within the City; and
ii. this area shall accommodate high density employment.

Policy 5.5.2 provides objectives for the Downtown Mixed Use Centre which include, amongst others, to establish the Downtown as a Mixed Use Centre composed of retail, service, office, public and residential; to establish minimum density targets for residents and jobs in accordance with the Growth Plan; to establish a unique role for the Downtown so that it provides for certain uses such as offices and residential; to create a compact Downtown city core with a mix of residential, commercial, and other uses as an alternative to the car oriented shopping plazas, malls, and business corridors; to increase the resident population and provide a variety of housing types mainly at medium and high densities that will strengthen the live/work relationship, ensure Downtown is used after business hours, and create a local market for convenience and service goods; to provide commercial activity that serves the general needs of Downtown residents; to create a continuous, harmonious, safe and attractive environment through streetscapes, building façade and design of new buildings; to ensure that the density, form, height, and spacing is compatible with the surrounding area, and to provide a balanced approach to transportation by increasing transit use and the pedestrian orientation.

Policy 5.5.3(a) provides that development shall be permitted in accordance with the land use designations of Schedule E – Land Use Plan – Downtown Mixed Use Centre, of which the subject site is designated 'Downtown Residential – Medium and/or High Density Precinct". Policy

5.5.3(b) states that within the Urban Growth Centre Boundary, as shown in Schedule B, the target is established of a minimum gross density of 200 residents and jobs per hectare. Higher densities and intensities will be encouraged within certain precincts of the Downtown Mixed Use Centre and the provision of community benefits may be considered for developments proposing residential and business intensification as per Policy 5.5.3(c). Policy 5.5.3(h) further speaks to the integration of uses and that retail, offices, hotel, institutional and entertainment uses shall be integrated with residential uses.

DOWNTOWN RESIDENTIAL MEDIUM AND/OR HIGH DENSITY PRECINCTS

Section 5.5.5 provides the policies for the "Downtown Residential Medium and/or High Density" precincts. The objective (as described in Policy 5.5.5(a)) for this land use designation is to recognize the variety of the existing residential medium and/or high density development that currently exists and to provide for future medium or high density residential development or redevelopment, which is compatible with the surrounding uses. Permitted uses within the precinct include, among others:

- ground or non-ground oriented housing units ranging between 26 and 185 units per net hectare.

Policy 5.5.5(c) further provides that all development and re-development shall be compatible with the existing character of the precincts and the neighbouring precincts with respect to such matters as height, setbacks, massing, design, and community features.

Section 5.5.11 speaks to the policy framework for lands identified as a Watercourse, which encompasses the rear portion of the subject site. 5.5.11(b) states that development on lands designated Watercourse shall be prohibited while policy 5.5.11(c) states that the precise limits of the Watercourse designation shall be determined by the City, in conjunction with Conservation Halton. 5.5.11(d) further provides that as part of the development or re-development approval process, the City may require rehabilitation of degraded watercourse areas and seek opportunities for provision of improved public access to the watercourse area.

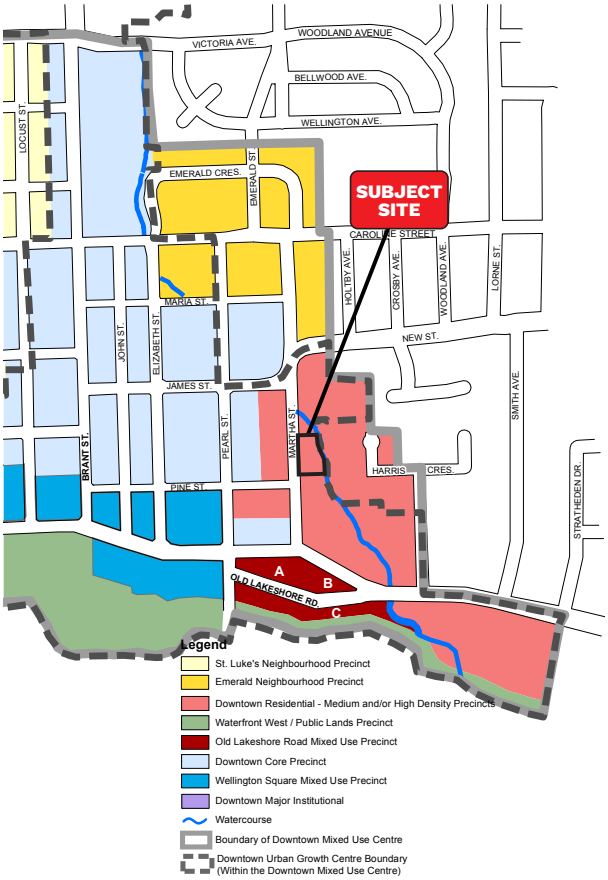


Figure 10 - City of Burlington - Official Plan Schedule E

In addition to the Downtown Residential Medium and/or High Density precinct policies, the Official Plan provides urban design policy framework for the Downtown. Policy 5.5.12(a) provides that the City shall prepare and adopt Urban Design Guidelines for the Downtown which shall be specific to each neighbourhood and precinct. Further policies related to Downtowns urban design are, amongst others that buildings shall be designed to consider pedestrian scale, comfort and access and that owners shall be encouraged to improve their building facades so that these improvements blend with the facades of adjacent buildings and complement streetscape improvements in the area.

Policy 5.5.14(e) provides that all development shall be required to provide parking in accordance with the Zoning By-law, however, parking may be permitted on a reduced basis in combination with cash in lieu of parking and/or the establishment of a Travel Demand Management Plan, as outline in this Plan.

Policy 5.5.15(a) encourages the use of transit which shall be promoted in the Downtown in order to reduce traffic and parking demands, traffic congestion, and air pollution by providing increased levels of service and encouraging transit-supportive land use planning. Policy 5.5.15(c) further states that development applications in the Downtown shall be reviewed to ensure that proposed land development supports and encourages the efficient and effective use of transit services, while Policy 5.5.15(d) states Council shall support the location of the Downtown as a hub of the City's Transit Network.

4.7 Interim Control By-law

On March 5th, 2019, Council for the City of Burlington passed By-law 10-2019 creating an interim control by-law (the "ICBL") that restricted the development within the study area, of generally the City's Downtown Urban Growth Centre boundary and lands in proximity to the Burlington GO station, for a period of one year with a maximum extension of a second year.

At the January 30th, 2020 Special Council Meeting, Council approved the revised recommendations from the findings of the ICBL Land Use Study. The ICBL Land Use Study included all submissions provided at and following the January 14th statutory public meeting. The revised recommendations were based on the land-use study that was undertaken as a result of the ICBL and included amendments to Burlington's current in-force-and-effect Official Plan and Zoning By-law. The City has since received appeals to the Local Planning Appeal Tribunal (LPAT) for both Official Plan Amendment 119 and Zoning By-law Amendment 2020.418.

As a result, the ICBL did not expire on March 5th, 2020 and will remain in effect until the LPAT has issued a final decision on each appeal of Zoning By-law Amendment 2020.418.

4.8 Official Plan Amendment 119

OPA 119, which is under appeal, was the culmination of the ICBL and related studies and modifies the Downtown Urban Growth Centre Boundary (the "UGC") and identified a new Major Transit Station Area (the "MTSA") Special Planning Area. In this regard, the subject site continues to fall within the UGC and is identified as part of the MTSA Planning Area.

MTSA

OPA 119 adds a new policy framework regarding MTSA's, which includes the following:

- MTSA's are an important component of the City's Urban Planning Area, intended to serve as city-wide destinations and focal points for the provision of transit, exhibiting a wide variety of land uses, building types, and densities that will be oriented to support and facilitate transit and active transportation.
- MTSA's are in key areas served by the regional and local transit networks.
- MTSAs are focal points for higher intensity and mixed-use, transit-supportive development that will accommodate a significant share of the city's future population and employment growth.
- It is anticipated that the majority of growth within the City's four MTSAs will occur in the three MTSAs located along higher order transit routes and with planned frequent transit service by way of Regional Express Rail.
- The final delineation of the MTSAs boundaries and the identification of minimum density targets, will be established by the Region of Halton through the Municipal Comprehensive Review and will be implemented through a future Official Plan Amendment.
- A new Section 7.0 in Part III that states the following:
    - It distinguished between MTSA's on Regional Express Rail lines and not on them, specifically identifying the Downtown MTSA as not being located on a priority transit corridor and not supported by higher order transit or frequent transit within a dedicated right-of-way. In

this regard, it describes the Downtown MTSA as "anchored by the downtown Burlington bus terminal, which functions as an intercity bus transfer point" and "it currently does not function as a major bus depot" and "given the limited function of the Downtown Bus Terminal, the MTSA is not expected to be a significant driver for intensification beyond that which is required by the Downtown UGC".

- Policies 7.1.1 and 7.1.2 state that secondary plans and/or major planning studies will provide long term development policies for the MTSAs and will implement mixed use transit-supportive development. Policy 7.1.2 b) states that the policies in 7.2 shall apply to development applications submitted in advance of the completion of secondary plans or major planning studies.
- Policy 7.2.1 b) provides the objectives of the MTSA Special Planning Area, which include:
  - To direct appropriate scale and intensity of transit-supportive development at each MTSA consistent with the OP and the Province's Transit Supportive Guidelines and Mobility Hub Guidelines.
  - To encourage transit supportive, pedestrian oriented and cycle friendly development in a compact built form that is compatible with the surround area.
  - To ensure there is appropriate transition in scale, intensity, height, massing and spacing of development, including appropriate transitions between various land uses and built forms.
  - To ensure development establishes a high-quality public realm.
  - To support the retention and expansion of existing employment functions and encourage new employment functions.
  - To require a mix of uses within development and throughout the MTSA Special Planning Area that will strengthen the live/work/shop relationship and the creation of complete communities.
  - To promote the accommodation of a diverse range and mix of household sizes, incomes, and tenure.
  - To plan for and provide public service facilities that support future population and job growth.
- Policy 7.2.2 b) states that development applications preceding the completion of a secondary plan or major planning study shall have regard for the Province's Mobility Hubs and Transit-Supportive Guidelines and shall implement Regional and Provincial major transit station area policies.
- Policies 7.2.2 d), e) and f) state that the MTSA's shall be promoted as multi-functional activity centres, development shall contain a mix of uses and transit supportive development, and MTSAs will be priority locations for land assembly, infrastructure and public service facilities improvements, new public service facilities, and the preparation of comprehensive traffic, TDM, and parking studies/strategies.
- Policy 7.2.2 g) states that multi-unit residential development should incorporate a mix of unit sizes and types to accommodate a diverse range of household sizes and incomes.
- Policies 7.2.2 o) and p) state that the growth targets are intended to apply at a city-wide level and cannot be applied on a site-specific basis as rationale for approving or refusing development. Similarly, the concept of optimization shall be applied to development patterns over the entirety of the MTSAs.
- Policy 7.2.2 q) includes the following development criteria that is to be satisfied when evaluating all development applications within the MTSA Special Planning Area, which includes:
  - the development shall be compatible with adjacent land uses.
  - the development achieves built form compatibility.
  - the development shall be consistent with the vision and intent of the MTSA typology, policies, and vision.
  - the development achieves a high quality of urban design.
  - the development can be supported by available infrastructure and public service facilities.
  - the development preserves and protects trees.
  - The incorporation of TDM measures.
  - the development shall consider opportunities for the sharing of parking between compatible uses where feasible.
  - the development provides stormwater management and addresses natural hazards.
  - the development considers the relationship to existing or planned transit facilities.
  - the development complements and connects with the public realm.
  - the development shall consider all other relevant principles, objectives, and policies of this Plan.

- Policy 7.2.2 r) states that an OP amendment proposing residential uses in the MTSA Special Planning Area shall provide community planning objectives including: affordable rental housing, residential units provided in partnership with a municipal housing provider or charitable not for profit organization, and the co-location of community space or public service facilities and additional sustainable building design measures that contribute significantly toward the goals of the City's Strategic Plan and/or climate change and energy plans.
- Section 7.2.4 provides the Downtown MTSA policies. Policy 7.2.4.2 a) states that the City shall undertake a major planning study to implement mixed use transit-supportive development over the long term, while ensuring compatibility with surrounding areas. Policy 7.2.4.2b) states that the UGC target shall not be applied on a site-specific basis and only to the entire geography of the UGC. Policy 7.2.4.2 c) states that the residents and jobs associated with development shall contribute towards meeting the minimum density target of the UGC.

It also provides the following new definition for MTSA:

> *"Major Transit Station Area – The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate five hundred (500) m to eight hundred (800) m radius of a transit station, representing about a ten (10)-minute walk.*
>
> *In keeping with the policies of the Growth Plan, the final delineation of the Major Transit Station Area boundaries and the identification of minimum density targets, will be established by the Region of Halton through the Municipal Comprehensive Review and will be implemented through a future Official Plan Amendment."*

Transit Supportive Development

OPA 119 also adds policies related to transit supportive development, which include:

- The objectives to recognize the relationship between land use and transit and promote the elements of transit-supportive development, to facilitate transit supportive development, while ensuring compatibility with the surrounding area, to encourage the use of public transit and active transportation modes, and to manage travel demand.
- Policy 3.11.2a) states that transit supportive development shall consist of compact, mixed-use development that has a high level of employment and residential densities to support transit service.
- Policies 3.11.2 b) - e) states that transit supportive development should include street design measures that increase transit accessibility and a human scale built form at grade, where feasible, and shall include safe and accessible active transportation infrastructure and connections, as well as achieve a high quality of urban design.

It also provides the following new definition for Transit Supportive Development:

> *"**Transit-Supportive or Transit-Supportive Land Use** - Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Transit-supportive development will be consistent with Ontario's Transit Supportive Guidelines."*

Policy 6.3 e) states that "New community design should contain compact built forms of development that support higher densities, are pedestrian, cycling and transit oriented, particularly along transit and transportation corridors, support the achievement of complete communities with high-quality public realm elements and encourage increased use of public transit".

4.9 City of Burlington New Official Plan Project (the "2018 Adopted OP")

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

- proposed employment land conversions and permitted uses within the employment areas and lands;
- the identification of and permitted uses within agricultural lands;
- the identification of and permitted uses within the Natural Heritage System; and

- transportation matters, including road classifications.

The new Official Plan has not currently been approved by the Region and is subject ot further modifications that are proposed to go to Council in the fall of 2020. Although the adopted new Official Plan, adopted on April 26, 2018, is not currently in effect and not determinative, the following policies are relevant:

LAND USE VISION POLICIES

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

A primary area for intensification will be directed to 'intensification areas', which include areas around the city's Go Stations and the Downtown (Mobility Hubs), Uptown Urban Centre. Development in these areas will promote connected, walkable, transit-oriented communities that offer convenient access to employment opportunities, a range of housing types, public services including schools and parks, and various daily needs such as shopping and services.

THE URBAN STRUCTURE POLICIES

The City's Urban Structure establishes a vision for the Urban Area which is further refined in the Land Use Policies – Urban Area in Chapter 8 of this Plan. As noted in Section 2.3 of the Official Plan, the Urban Structure is composed of seven major components, including Mixed Use Intensification Areas in which the subject site falls within. Section 2.3.1 provides the policy framework for the Mixed Use Intensification Areas, which include the urban centres and mobility hubs both of which the subject site fall within as per Schedule B – Urban Structure. Policy 2.3.1(a) provides that lands identified as Mixed Use Intensification Areas provide locations where a range and intensity of employment, shopping, public service facilities, and residential uses will be developed with transit supportive densities in a compact built form where walking, biking, and transit will be prioritized.

Policy 2.3.1(d & e) speaks to the city's Urban Centres which includes the Downtown Urban Centre and that lands identified as Urban Centres are to provide for a broad range and mix of uses in areas of higher intensity in relation to the surrounding neighbourhoods. These lands would bring a variety of public service facilities and a mix of other uses such as retail uses to support residents and employees. Policy 2.3.1(f) states that the Downtown Urban Centre will continue to develop as the city's centre, taking advantage of the unique qualities that contributes to its identity while Policy 2.3.1(h) provides that Urban Centres will exhibit a wide variety of land uses and intensities designed in a compact built form, oriented to support transit and facilitate active transportation.

As noted above, the subject site falls within the Downtown Burlington Mobility Hub (Figure 13), one that has been identified by Metrolinx and included in the Halton Regional Official Plan. Policy 2.3.1(i) states that Mobility Hubs consist of areas located within walking distance to a major transit station area, including the Downtown Bus Terminal or GO Rail Stations which are currently or planned to be serviced by frequent transit corridors and GO Transit. The high level of existing or planned transit service within these areas provides an environment where significant residential and employment growth can be supported, specifically in the form of compact, mixed-use and pedestrian-friendly areas. Mobility Hubs are emerging areas within the Urban Structure that represent opportunities to intensity and develop complete communities.

PRIMARY GROWTH AREA POLICIES

Schedule B-1: Growth Framework of this Plan identifies the subject site as a Primary Growth Area. Policy 2.4.1(b) identifies that Primary Growth Areas as the areas where the City is planning to accommodate significant population and employment growth and higher intensity mixed uses. Policy 2.4.2(1)(ii) states that Primary Growth Areas shall be recognized as a distinct area within the City's Urban Area accommodating

the majority of the city's forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change. Policy 2.4.2(1)(iii) further provides that Primary Growth Areas shall be regarded as the most appropriate and predominant location for tall buildings in accordance with the underlying land use policies while Policy 2.4.2(1)(v) states that they shall support the frequent transit corridors and accommodate development that is compact, mixed-use, and pedestrian oriented in nature.

HOUSING POLICY

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

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

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

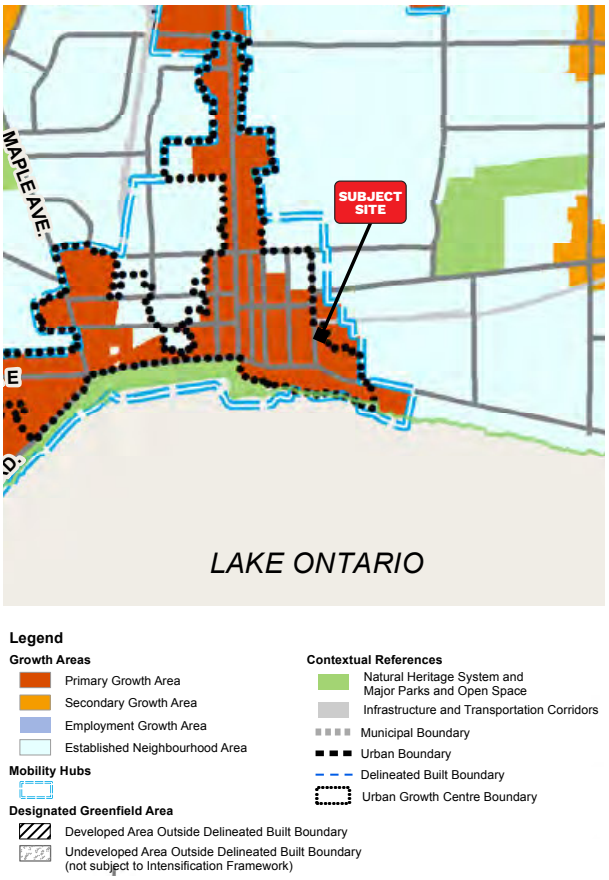


Figure 11 - City of Burlington - Official Plan Schedule B-1 (2018 Adopted)

CLIMATE CHANGE AND AIR QUALITY

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

Section 4.1.2 of the Plan outlines policies that relate to mitigating climate change and air pollution, which include:

a. the City will work to improve air quality and energy efficiency to reduce greenhouse gas and fuel emissions, to mitigate and adapt to climate change through land use and transportation policies related to:
    i. maintaining the urban boundary and seeking a compact built form in Mixed Use Intensification Areas;
    ii. Achieving mixed-use development to encourage walking, cycling, and transit; and

iv. promoting and encouraging modal shift towards transit and active transportation

v. addressing parking management, primarily through the Zoning By-law that does not undermine transit and active modes of transportation;

Policy 5.4.5 refers to the Downtown Urban Centre, which includes the Downtown Burlington Mobility Hub, will continue to contribute to accommodating jobs and will significantly contribute to accommodating employment and meeting the City's economic objectives.

MULTIMODAL TRANSPORTATION POLICIES

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

With respect to transit, Policy 6.2.3(2)(b) provides that long range transit planning will support the city's Intensification Areas with long-term frequent transit corridors and priority being placed on providing the highest level of transit service in the city's Primary Growth Areas.

In regard to public right-of-way allowances, Policy 6.2.7.(2)(d) states that public right-of-way widths not identified in Chapter 14, Table 2: Public Right-of -Way Widths, of this Plan shall be the actual width as it existed on the date of approval of this Plan.

DESIGN EXCELLENCE POLICIES

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

PUBLIC REALM POLICIES

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

i. Improving the quality of public spaces;

ii. Providing appropriate and consistent treatments for streetscape elements such as sidewalks, pedestrian crossing, lighting, street furniture, street trees, and landscaping;

iii. Improving the quality and convenience of active transportation;

iv. Creating an attractive and comfortable environment for pedestrian movement;

v. Implementing AODA design measures;

vii. Improve multi-modal transportation and public space needs in design of streets and roads;

viii. Improving quality of streets, sidewalks, and cycling facilities to provide more direct active transportation; and

xiv. Implementing CPTED design standards.

URBAN DESING AND BUILT FORM POLICIES

Policy 7.3.2 states that in areas identified on Schedule B-1: Growth Framework, and subject to the policies of Subsection 2.4 of this Plan, development shall address considerations such as, but not limited to the following: ensuring site and building design are compatible with the surrounding area; providing appropriate built form transition in scale between buildings, public realm, and abutting development through design methods such as angular planes, stepbacks, and building orientation; provide appropriate screening, landscape buffering, and other design measures to minimize impacts; provide pedestrian comfort and human scale at

the street level reflecting the established and planned streetscape to frame the public realm, through various design methods including the use of podiums in tall buildings; provide façade articulation that achieves a scale of development that is attractive to pedestrians and avoids the use of blank walls; designing and orienting development that face public open spaces to contribute to the public realm and pedestrian environment; and implementing measures that adequately limit any resulting shadowing, uncomfortable wind conditions on the streetscape, neighbouring properties, and parks and open spaces.

Furthermore, Policy 7.3.2(1)(a) states that in Primary Growth Areas as shown on Schedule B-1: Growth Framework, development shall promote a transit-supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses. Policy 7.3.2(1)(a)(i) provides that the design of development in Primary Growth Areas shall address the policies of Subsection 7.3.2(a) as noted above, but also have additional consideration such as, amongst others:

locating buildings generally parallel to the public street to define the street edge and in close proximity to the street and transit services; providing appropriate transitions to adjacent land uses; massing new buildings to frame adjacent streets in a way that respects the existing and planned street width and also provides a pedestrian-scale environment; locating building primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk; including direct pedestrian access including barrier free access from grade level to the primary public entrances located on the building façade; screening or integrating roof top mechanical equipment within the overall composition of the building; creating an attractive and connected interface between the private and public realms; creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of the buildings; and providing appropriate outdoor amenity areas and open space.

Policy 7.3.2(1)(a)(ii) further provides that development is Primary Growth Areas should locate and organize parking, access, and service areas to minimize their impact on surrounding properties and the public realms. The design of vehicle parking, access, and service areas shall address considerations such as, but not limited to:

a. Locating off-street parking in the side and/or rear yards, in underground or structured parking where appropriate, away from the street edge and adjacent residential uses;
b. Integrating parking areas located at or above grade within the built form of the building and away from the street frontage, where appropriate;
c. Limiting the number and location of vehicular access points to minimize disruption to traffic flows, and to minimize the impact on local streets, pedestrian travel along sidewalks, or cyclists traveling along bikeways;
d. Screening and buffering of off-street parking areas from public view through the use of setbacks and landscaping;
e. Locating loading areas and service areas to avoid conflict between pedestrian and vehicular traffic and away from adjacent residential uses and adjoining streets;
g. Incorporating fencing and/or screening of service facilities, such as loading bays or outdoor storage areas, in a manner which enhances screening from adjacent land uses and the public right-of-way and improves the aesthetic quality of the development.

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

LAND USE POLICIES – URBAN AREA

The subject site is identified as a Mixed Use Intensification Areas and designated 'Urban Centres' as shown within Schedule C – Land Use – Urban Area of this Plan.

As describes in Section 8.1 of the Plan, lands identified as Mixed Use Intensification Areas will achieve a multitude of planning objectives by combining a broad range of intensities of

employment, commercial, and residential uses, among others. These areas will provide people an opportunity to depend less on their automobiles while creating distinguishable places along transit routes that are animated, attractive, and safe.

Policy 8.1.1 states that Urban Centres will intensity and accommodate a significant portion of the demand for higher intensity employment, commercial, and residential development within the city.

Urban Centre objectives provided in 8.1.1(1) of this Plan are to, among others: provide locations in the city that will serve as for higher intensity mixed use development, consisting of residential, retail, service commercial, office, employment uses (a); to encourage higher intensity, transit-supportive and pedestrian oriented development within Urban Centres while ensuring compatibility with the surrounding area is achieved (b); to permit mixed use developments on individual sites where residential, retail, service commercial, office and other uses are located (c); to ensure Urban Centres are developed in a compact built form (d); to ensure that development in Urban Centres is compatible with the surrounding area (e); to encourage the accommodation of a diverse range of household sizes and incomes (f); to promote a more diversified and integrated multi-modal transportation system in Urban Centres (i); and to ensure Urban Centres are highly accessible by transit.



Figure 12 - City of Burlington - Official Plan Schedule C (2018 Adopted)

8.1.1(2) provides general policies for the Urban Centres, which include, among others: the design and development of Urban Centres shall promote these areas as multi-functional activity centres which are characterized by a mixed use and compact built form of development, pedestrian-orientation, accessibility to public transit and higher intensity development (b); the design and development of Urban Centres shall ensure compatibility between Urban Centre uses and surrounding areas (c); Zoning By-law regulations affecting Urban Centres shall be based on the general policies for Urban Centres contained in Subsection 8.1.2(2) of this Plan, and the specific policies for individual Urban Centres, contained in Subsection 8.1.1(3) and 8.1.1(4) of this Plan (f); multi-unit residential developments in Urban Centres should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (g); and Urban Centres shall be served by frequent transit corridors (k).

Section 8.1.1(3) further describes the Downtown Urban Centre in which the subject site falls within. It goes on to provide that the Downtown will continue to be an area where retail, entertainment, offices, and residential uses, amongst others, shall be developed. The development within the Downtown will make best use of the existing infrastructure and crease a sustainable and compact community with a wide range of land uses and built forms. The Plan further adds that new development will be of high quality design and enhance the Downtowns image as an enjoyable, safe, bikeable, walkable, and transit-supportive place, and built to be compatible with buildings and neighbourhoods.

8.1.1(3.1) speaks to the general objectives of the Downtown Urban Centre, which include amongst others; to establish minimum density targets for the Urban Growth Centre contained in the

Downtown in terms of residents and jobs in accordance to the Growth Plan (b); to provide a continuous, harmonious, and safe and attractive pedestrian-oriented environment through high-quality streetscapes including enhanced greenery/landscape, and new developments which achieve urban design excellence (k); to permit building heights and intensities within the Urban Growth Centre that will support and enhance the City, Regional, and Provincial significance of the Downtown and its role as a mobility hub (l); to require a mix of uses within developments throughout the Downtown that reinforces the Downtown's role as a complete community (m); to ensure Downtown continues to have a strong employment base that will attract new business, services, and amenities to support the long-term success of Downtown (n); to concentrate the tallest development in those parts of the Urban Growth Centre that have the greatest access to higher order transit and which are located away from the Lake Ontario waterfront.

8.1.1(3.2) provides the general policies for the Downtown Urban Centre, which include; development along General Mixed Use Streets may be required to provide a minimum floor-to-floor height, as established in the Downtown Area-Specific Plan and/or Zoning By-law and that height, density, and or intensity permissions stated within all Downtown Urban Centre precincts, with exception of two, shall be inclusive of the provision of any and all community benefits which may be required as part of the approval of a development to the satisfaction of the City.

Schedule D — Land Use — Downtown Urban Centre further designates the subject site as 'Downtown Mid-Rise Residential Precinct'. Policy 8.1.1(3.8) states that the Downtown Mid-Rise Residential Precinct will primarily accommodate existing residential development consisting of 11- storeys or less while limited development opportunities existing within the precinct will be expected to transition to, and achieve compatibility with, the St. Luke's and Emerald Neighbourhood Precinct as well as other established residential neighbourhoods outside the Downtown.

8.1.1(3.8.1) provides policies regarding the Downtown Mid-Rise Residential Precinct, which include that uses which may be permitted above the first storey of a development are residential uses. 8.1.1(3.8.1)(b) and (c) further provides that uses which may be permitted within the first storey of a development within the precinct are, amongst others, residential uses and that development shall be in the form of mid-rise buildings with a minimum height of 5- storeys and a maximum height to not exceed 11- storeys.

Policy 8.1.1(3.15) provides policy regarding the Downtown Watercourse, which is identified at the rear of the subject site. Policy 8.1.1(3.15)(b) and (c) state that the Downtown Watercourse designation shall be designated as part of the City's Natural Heritage System in accordance with the outcomes of the Downtown Area-Specific Plan and that the precise limits of the watercourse shall be determined by the City, in consultation with Conservation Halton at the time of development applications.

MOBILITY HUB POLICY

Mobility hubs as mentioned in Section 8.1.2 are an important component of the city's Urban Structure, Growth Framework and transportation network. The policies within this section of the Plan are applied to Mobility Hubs as shown on Schedule D: Downtown Urban Centres, for which the subject site is within.

8.1.2(1) provides objectives related to Mobility Hubs which include, but not limited to: to develop the mobility hubs into compact, pedestrian, environmentally sustainable and transit-supportive places (b); to promote intensification in order to achieve transit-supportive residential and employment density targets (c); to establish the mobility hubs as areas largely characterized by mixed use development that will strengthen the shop/live/work relationship and facilitate vibrancy day and night (d); to provide a network of complete streets which provide for the efficient, accessible, and safe movement of goods and people which prioritize pedestrian, bicycle, and transit activities (e); to develop mobility hubs into effective multi-modal transit station areas that provide seamless connections between different modes of transportation including frequent transit corridors (f); to ensure mobility hubs have strong and integrated multi-modal connections with adjoining areas (g); to prioritize the development and intensification of underutilized

lands and buildings (h); to provide mid-rise and tall-building forms, where appropriate, that support a variety of demographics (j); to provide opportunities for a range of small and medium scale retail and service commercial uses that serve the needs of residents and employees (k); to encourage a diverse range of household sizes (l); and to ensure appropriate transition in scale, intensity, height and massing (n).

Policy 8.1.2(2) further states that for the Downtown Mobility Hub, as identified on Schedule D: Downtown Urban Centre, of this Plan, the objectives and policies of Urban Centres contained in Subsection 8.1.1 of this Plan, the Downtown Urban Centre contained in Subsection 8.1.1(3) of this Plan, Mobility Hubs contained in this Subsection 8.1.2 of this Plan, and any other applicable policies of this Plan, shall apply.

4.10 Re-Examining the New Burlington Official Plan

On June 8, 2020, the City of Burlington released the recommended modifications to the downtown policies in the New OP. The proposed modifications are scheduled to be considered by City's Community Planning, Regulation and Mobility Committee on September 30, 2020 and Council on October 7, 2020. The following provides a summary of the proposed policies that would apply to the subject site:

The subject site is designated "Primary Growth Area" and within the "Urban Growth Centre Boundary" on Schedule B-1, Growth Framework. The subject site is designated "Village Square" on Schedule D, Land Use – Downtown Urban Centre. Pine and Elgin Streets are identified as a "Mixed Use Street" on Schedule D-1, Downtown Urban Centre Retail Streets. The subject site is identified as a site specific "Maximum 22 metre height" on Schedule D-2, Maximum Building Heights. Martha Street is identified as a "Neighbourhood Connector" on Schedule O-3, Classification of Transportation Facilities Downtown Urban Centre.

The proposed modifications refine the Village Square Precinct policies, which are contained in Section 8.1.1(3.10) and state that it will serve as a pre-eminent retail destination with

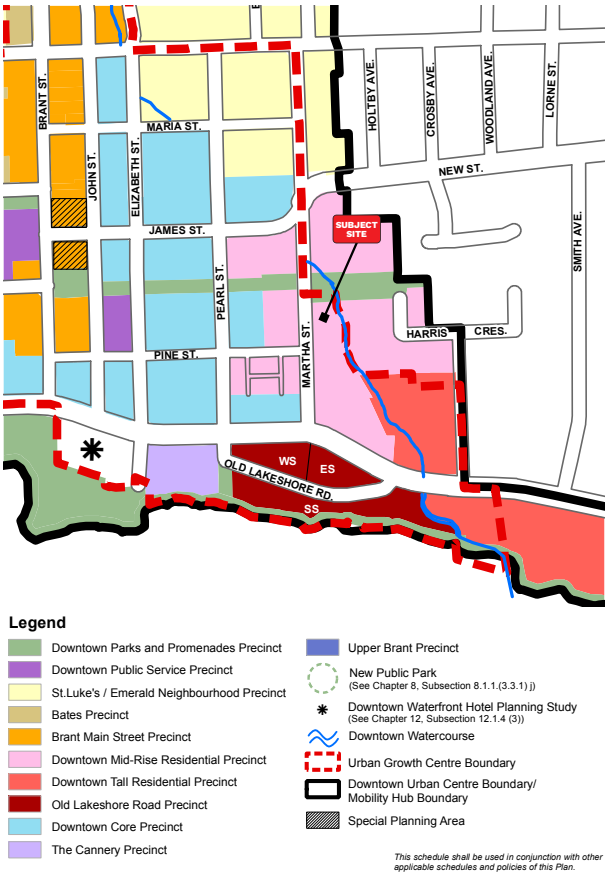


Figure 13 - City of Burlington - Official Plan Schedule D (2018 Adopted)

predominantly mid-rise residential uses within stand alone or mixed-use buildings.

Policy 8.1.1(3.10.1) provides the permitted uses within the Village Square Precinct, which includes:

- Residential uses, excluding stand-alone ground oriented units
- Retail and service commercial uses
- Commercial parking lots
- Entertainment uses

Policy 8.1.1(3.10.1) b) states that development shall be comprised of a mix of mid-rise and low-rise buildings and Policy 8.1.1(3.10.1) c) states that development shall generally transition to a lower scale residential built form along Martha Street. Policy 8.1.1(3.10.1) e) states that development abutting the townhouses on Martha Street shall incorporate an appropriate built form transition in height and massing to minimize the impact of shadowing and overlook and although a 45 degree angular plane is not required, the transition shall

include a compatible interface to the townhouses which may require the use of building setbacks, step backs, property consolidations, lower building heights than the maximum permitted for mid-rise buildings, building orientation to reduce afternoon shadow, balcony orientation to reduce overlook and other possible transition tools.

Policy 8.1.1(3.10.2) a) states that the subject site shall be permitted a maximum building height of 22 metres and shall provide a built form transition to Martha Street and Centennial Pathway.

Section 8.1.1(3.17) provides a new set of policies related to Downtown Urban Design. Policy 8.1.1(3.17.1) a) states that the City's Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings and the Tall Building Guidelines shall not apply in the Downtown. Policy 8.1.1(3.17.1) b) sets out the urban design objectives for the Downtown, which include:

- Vibrant people places that support the sense of identity in the Downtown through placemaking;
- Pedestrian-friendly streets; and,
- High-quality building design and compatible built form.

Section 8.1.1(3.19) provides a new set of policies related to built form, which include:

- Buildings shall be designed and placed on a site to be compatible with adjacent development, cultural heritage resource, parks and open spaces and abutting streetscapes and provide for:
  - Adequate setbacks between buildings, the public realm and adjacent/abutting development;
  - Comfortable microclimatic conditions;
  - Public safety and adequate privacy conditions for residential buildings/outdoor amenity areas;
  - Reduce light pollution through the implementation of dark-sky principles; and,
  - Safe connections to pedestrian and cycling routes and convenient access to public transit.
- Development should be designed to:
  - Incorporate architectural detailing to increase comfort, add interest and achieve a strong relationship with the street and adjacent development;
  - Orient primary facades to face the public street;
  - Encourage human interaction and activity at the street level;
  - Allow space for activities along commercial frontages;
  - Provide security and privacy for residential units at street level;
  - Minimize the appearance of parking garage entrances;
  - Provide screening of service areas;
  - Provide design elements and treatments to minimize bird strikes; and,
  - Minimize appearance of rooftop mechanical equipment.

Policy 8.1.1 (3.19.2) provides policies related to mid-rise buildings, which includes:

- Adequate public/private transition, through a minimum setback from the property, is required for residential uses at grade.
- The streetwall height of a mid-rise building shall not exceed 80% of the width of the adjacent right-of-way.
- Additional stepbacks above the streetwall height shall be provided to minimize the perception of building mass from the sidewalk.
- In order to achieve an appropriate transition, a id-rise building may need to have lower heights than the maximum permitted.

Policy 8.1.1 (3.19.3) provides policies related to tall buildings, which includes:

- Within the downtown, tall buildings are defined as 12 storeys in height or taller.
- Tall buildings shall consist of a base building (podium) a middle (tower), and a a tower top, which should be designed as an integrated whole.
- Tall buildings within downtown shall be designed to:
  - Provide a minimum separation distance of 30 metres form another tall building (measured above the podium and excluding balconies);
  - Not exceed a maximum floor plate of 750 square metres (excluding balconies);
  - Provide outdoor amenity space on site;
  - Articulate tall building towers with high-quality, sustainable building materials and finishes to promote design excellence, innovation and building life;
  - Provide a minimum tower stepback of 3 metres from the podium facing all street, park and open spaces frontages, except where more specific guidance is provided; and,
  - Provide a podium no higher than 3 storeys.
- The design of balconies should maximize usability, comfort and building performance will minimizing negative impacts.
- Sites that cannot provide the minimum tower separation distance may not be appropriate for tall buildings.
- In order to achieve an appropriate transition, a tall building may need to have lower heights than the maximum permitted.

The transition policies are provided in Section 8.1.1 (3.19.4), which state:

- Where a tall or mid-rise building is proposed adjacent to a lot in a residential low-density designation a transition is required to reduce the potential for shadowing, pedestrian-level wind impacts and overlook on neighbouring properties. The transition shall entail a 45-degree angular plane from the rear property line of abutting low rise neighbourhoods.
- Where a 45-degree angular plane is applied, no portion of the building shall extend into the angular plane, and new development shall utilize setbacks and step-backs to ensure any impacts are mitigated.
- Where a tall or mid-rise building is separated by a public road from a low rise neighbourhood precinct, a transition shall also be required.
- Transitions may take the form of setbacks, step backs, reduced overall building heights from the maximum permitted, intervening built form, smaller building and tower floor plates, separation distance, placement and orientation on a lot, or through varying building heights and terracing. In some circumstances, assembly of additional properties may be needed.
- Where transition is a transition from a tall building to a mid-rise building, adequate separation should be provided between the tower component of a tall building to the nearest part of the mid-rise building to minimize overlook, shadowing and pedestrian level wind impacts.
- The Zoning By-law shall establish appropriate regulations to guide development, which:
    - Considers physical character including site orientation, building design and building height; and,
    - Ensures a consistent and compatible separation distance is maintained between a development and lands within a low-rise neighbourhood.

The proposed policy modifications and technical studies provided in support of the proposed modifications did not provide any analyses indicating how the height and built form recommendations, including the deviation from the Council approved Mid-rise and Tall building guidelines, were derived. The proposed policy modifications further fail to provide justification as to why the subject site has been identified for site specific policies whereas properties to the south of the subject site have no site-specific policies restricting height and where the height itself is subject to the built form policies.

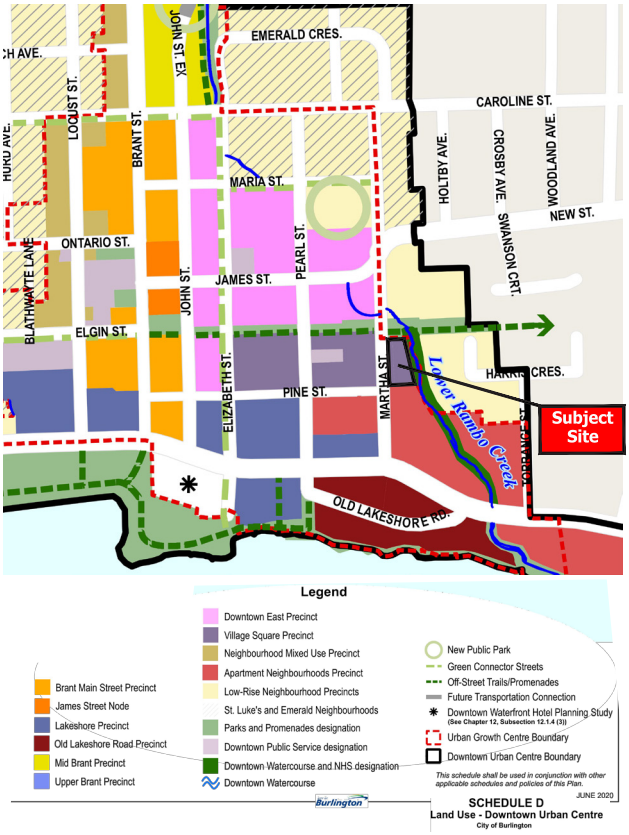


Figure 14 - City of Burlington OP - Schedule D

As noted, the proposed modifications are scheduled to be considered by City's Community Planning, Regulation and Mobility Committee on September 30, 2020 and Council on October 7, 2020. These policies have not been adopted and are not in effect.

4.11 Downtown Mobility Hub Study (2018)

As discussed previously in this report, the subject site is located within the Downtown Mobility Hub. The Downtown Mobility Hub is a provincially and locally recognized Mobility Hub centred around the John Street Bus Terminal.

Public consultation and engagement for the Downtown Mobility Hub began in April 2017 which included a public meeting to discuss the vision that was envisioned for Downtown Burlington. On June 21, 2017, a second public meeting for the Mobility Hub was held. The City with their consultant presented two draft

hub concepts exploring where height could be located. In both Concept 1 and 2, the subject site was identified as a proposed public park with adjoining properties being identified as High-rise buildings that consist of 12 storeys or more. Both concept plans proposed that the north side of Brant Street, which consists of the subject site, between Victoria Avenue and Caroline Street would accommodate High-rise buildings fronting onto Brant Street.

On September 7th, 2017, the city hosted another public meeting where the draft new Precinct Plan and key policy directions for the Downtown Mobility Hub were presented. In the new Precinct Plan, the subject site fell within the Brant Main Street Precinct, which proposed a maximum of 11- storeys with a 3- storey podium. Following the release of the proposed new Official Plan, the city held three drop-in houses to provide the public with the opportunity to review and discuss the proposed new Official Plan, including the new Downtown Precinct Plan and policies for the Mobility Hub.

On April 26th, 2018 Burlington City Council adopted the new Official Plan which contains the new Downtown Precinct Plan and associated

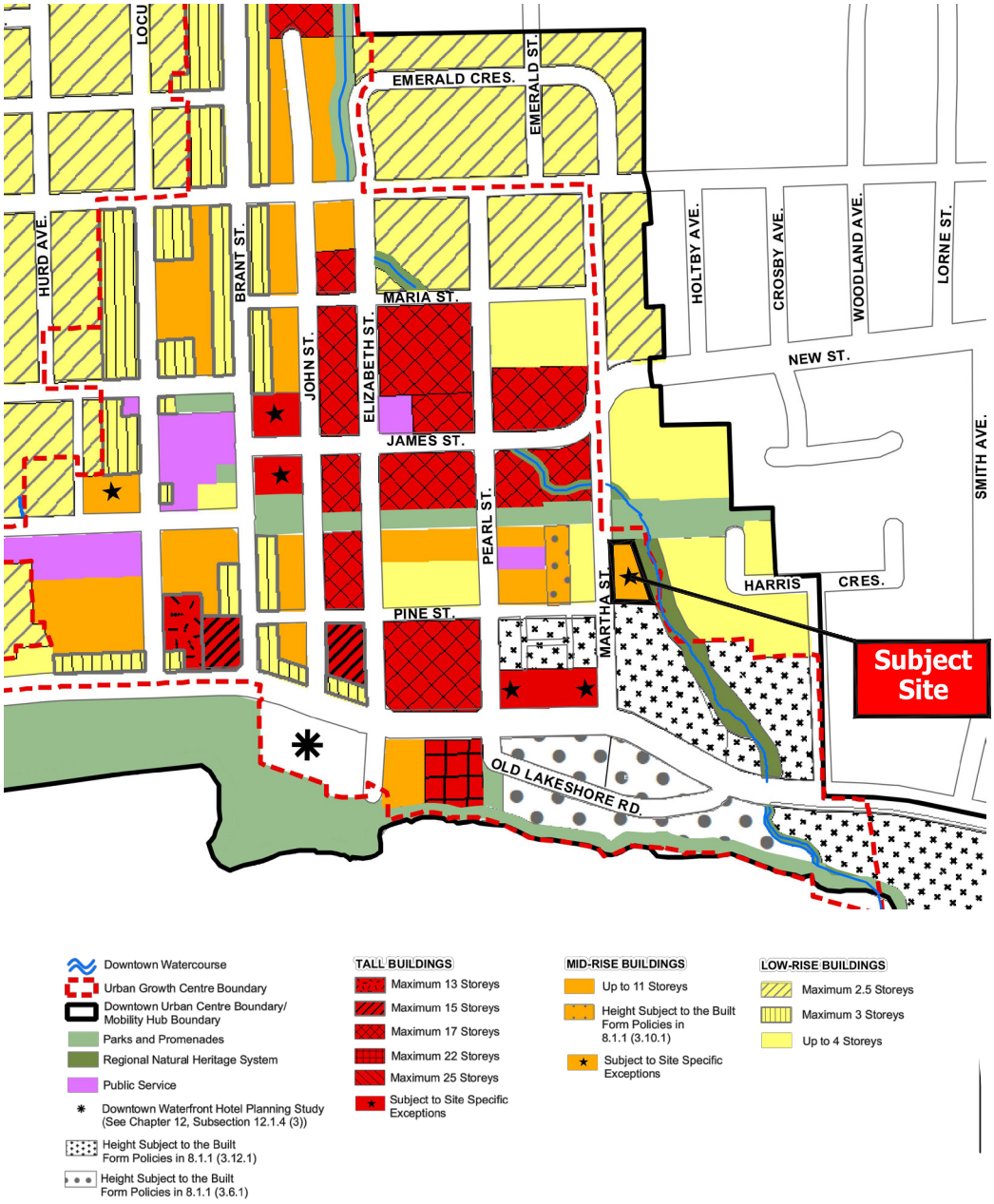


Figure 15 - City of Burlington OP - Schedule D-2

policies, developed to-date, from the on-going Downtown Mobility Hub Area. Due to Council's decision to re-examine the adopted Official Plan and the Interim Control By-law which was passed on March 5th, 2019, work on the Mobility Hubs including the development of the Downtown Mobility Hub Area has been placed on hold pending the re-examination and approval of the new Official Plan.

4.12 City of Burlington Zoning By-law 2020

Pursuant to Zoning By-law 2020, the subject site is zoned H-DRH (Downtown High Density Zone) as shown on the City's interactive map (Figure 16).

While the DRH zone does permit an apartment building it does not allow for the density and height being proposed. The maximum permitted height in the DRH zone is 22 metres and a maximum density of 185 units per hectare.

For reasons outlined in Section 5.0 of this report, it is our opinion that permitted regulations set out in Zoning By-law 2020 are not consistent with the Provincial Policy Statement and do not conform with the Growth Plan (2019) and the evolving regional and local official plans. The zoning is outdated and has not been updated to reflect the more recent planning policy documents. As a result, a Zoning By-law Amendment is being submitted to allow for the proposed height and density, as well as other site-specific zoning regulations in support of the redevelopment proposal.

4.13 Mid-Rise Design Guidelines

The City of Burlington Mid-Rise Building Design Guidelines (the "Mid-rise Guidelines") were approved by Burlington City Council on March 25, 2019.

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

Sections 2 and 3 of the Mid-Rise Guidelines provide the guidelines related to the lower building (Section 2) and Upper Building (Section 3). For the reasons described in section 5.6 of this report, it is our opinion that the proposed development is generally in keeping with the Mid-Rise Guidelines.

4.14 Sustainable Building and Development Guidelines (April 2019)

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

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

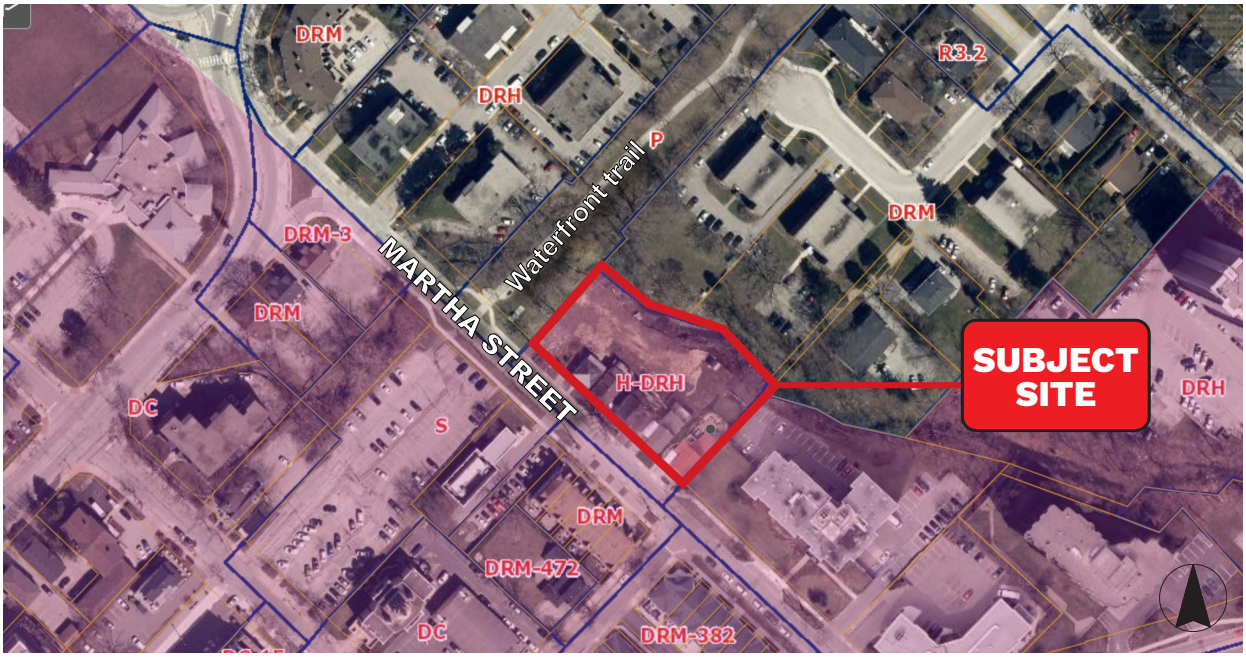


Figure 16 - Zoning By-law 2002

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

4.15 Downtown Burlington Placemaking & Urban Design Guidelines

On August 28, 2020, the City released their draft Downtown Burlington Placemaking and Urban Design Guidelines (the "Placemaking & UD Guidelines") in reference to their new Official Plan review. These guidelines are scheduled to be presented to the Community Planning, Regulation, and Mobility Committee of Council on September 30, 2020. As such, the guidelines have not been approved by Council.

The following is a summary of the key guidelines that apply to the subject site and its location within the Village Square Precinct:

- Principle 3 is to "Maintain the character, scale and sense of place of the Village Square Precinct".
- Section 3.6 describes the Village Square Precinct as a retail destination within he downtown, where the character, scale and sense of place shall be maintained and enhanced.
- Guideline 3.6.1 states that the maximum height of developments abutting Martha Street shall be 4 storeys and provide a built form transition to Martha Street and north of Pine Street to maintain the existing low-rise character.
- Guideline 3.6.2 applies to the entire precinct and states that the retail frontages should be designed to complement and reinforce the unique human scaled and historic character of the precinct.
- Guideline 3.6.4 states that development should maintain and enhance views of the Village Square.
- Section 5.7 provides guidance on development adjacent to the Natural Heritage System (the "NHS") and Watercourse and states:
  - Development adjacent to the NHS should be designed and sited to minimize adverse impacts to the NHS and encroachments.
  - Where appropriate and desired, public uses such as trails, parks and open spaces should be located along the NHS/watercourse.
  - Development should have a positive interface with the NHS/creek.
  - Back-lotting onto the NHS is strongly discouraged.

- Surface parking, garages, and loading/servicing should not be located along the edge or visible from the NHS.
- When abutting a NHS, private and open space within a high-density development should be located adjacent to the NHS.
- Grading along the edge of NHS should be minimized by design where possible.

- Section 6 provides guidelines related to private realm, which include:
  - Buildings with active frontages should be placed close to the street.
  - Parking, driveways and service areas should not be located between the building and street.
  - Primary ground floor uses, facades and entrances should be oriented to the street.
  - Active uses should be oriented to public spaces.
  - Building should be placed to create a consistent street wall and frame the street.
  - The mass and height of new developments should relate to the adjacent street to achieve an appropriate street wall enclosure.
  - The mass and height of new developments should be compatible and transition appropriately to adjacent built forms within the precincts.
  - Taller and larger buildings should relate to their neighbouring development and surrounding context with a sensitive transition in scale to adjacent uses.
  - Apply a variety of design approaches to minimize shadow, overlook and privacy issues.
  - Design the height of the building to ensure no portion extends into the 45 degree angular plane.
- Section 6.9.2 provides guidelines related to mid rise buildings, which include:
  - Buildings are to be designed to a height of 80% of the street width of the adjacent street up to a maximum of 6-storeys with additional storeys stepping back a minimum of 3 metres above the streetwall to maintain a human-scale and minimize shadowing.
  - The length of a building should not exceed 60 metres and longer buildings should either be broken up physically or visually.
  - Design at-grade residential units with an adequate setback to be a minimum of 3 metres to provide a useable front yard amenity space.
  - Design buildings with articulation and stepbacks to lessen the impact of the streetwall on the public realm.
  - Buildings should contribute to a continuous streetwall.
  - Design a harmonious and complete façade to be divided into a bottom, middle and top.
  - Ensure the podium mimics a low-rise building design by designing the building to include a change in material at the 4th storey.
  - Use architectural elements and expressions at the street level to distinguish the bottom of the building from the middle.
  - Incorporate brick, stone and metal within he lower part of the building.
  - Distances between 15-20 metres should be maintained between buildings with a height more than 11 storeys and buildings that face each other.
  - Balconies should be integrated into the building design.
  - Landscape the roof of the lower building to be used as outdoor amenity.
  - Integrate roof-top mechanical as part of the roof design.

Based on our review, the proposal is generally in keeping with the Placemaking & UD Guidelines.



[5.01]

PLANNING & URBAN DESIGN ANALYSIS

5.1 Pre- Application Consultation

The applicant consulted with the community and the Burlington Urban Design Advisory Panel (BUD) as part of the pre-application consultation.

BUD MEETING

On May 19, 2020, the applicant's consultant team presented the proposal to the Burlington Urban Design Review Panel for the second time. The proposal reviewed was for an 11- storey residential building with 130 units. City staff sought the Panel's advice on whether the revised proposal has responded appropriately to the previous Panel comments.

Built Form (Massing and Articulation):

Panel Advice: In terms of the site being in an area of transition, the Panel found that the transition potential of neighbouring sites to higher densities to be low. Therefore, the proposal should consider the following:

- Remove the top four storeys in norther section of the building to achieve a more significant stepdown to the low-rise residential area to the north of the site while maintaining the height in the southern section.
- Introduce more glazing to help hide massing, particularly towards the top to reduce the apparent mass.
- If reduction in gross floor area is not feasible, the Panel suggested considering an alternative upper level layout that may help from a massing standpoint, including keeping the same corridor location as the lower level, flipping the units to face the creek and replacing the balconies with a simple glass expression.
- The ground floor condition should reflect the setback that exists on the other side of the street.

The Panel was concerned with the rear elevation going straight up because it is an important view, and above the 4th and 5th storey people will not benefit from the creek. The considered reducing the number of different balcony treatments.

The Panel also commented that the architecture of the building has too many moves and that a more deliberate arrangement of elements should be considered.

Materiality:

Panel Advice: The materiality compared to the initial review was a step back, which had more glazing. The masonry carrying all the way to the top of the building makes the building feel larger on the site and note that there are too many different types of balconies, colours and materials.

The masonry on the lower levels inadvertently reinforces the horizontal character of the building, making it appear longer than it is. Panel suggests that the façade be broken up into more vertical pieces reminiscent of the previous version.

The Panel also advised to consider more glazing for the amenity area at the back of the building facing the creek.

Public Realm:

Panel Advice: Consider redesigning the loading area to be used for other uses, such as bicycle parking or a bicycle tune shop. More thought is needed on the north elevation, including how the wall is screened when the grade drops away from the street.

Landscape Plan:

Panel Advice: The landscaped area at the back of the site is much improved from the previous review. The Panel suggests incorporating Rambo Creek as an amenity to the site as well as how the rear path will be accessed from the building and considered a connection to the south of the building.

The Panel suggested to consider the rear path as more of an amenity space and to think about making the area between the public sidewalk and the proposed path more delightful. They also suggested to consider repeating the idea of a wooden deck over the creek to view the creek and how to create more amenity space for the size of the building being proposed.

REVISIONS TO THE PROPOSAL

In response to the input from the community and BUD meetings, the proposal has been revised to add architectural interest at grade through the staggering of setbacks. Additional glazing was added to the top of the building in order to further "lighten" the top of the building. Finally, additional landscape design elements were added to the rear of the site in order to improve the proposal's interface with Rambo Creek.

5.2 Intensification

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

Following the above noted policy framework, it is important to ensure that lands which are well suited for intensification are utilized to their highest and best use. The subject site, being within an urban growth centre, is located in an area where it will be able to implement policies set out forth in the PPS, which include intensification, redevelopment, and creating a heathy community. Policy 1.1.3.1 and 1.1.3.2 of the PPS indicate that Settlement Areas are to be the focus of growth and development as well as promoting densities and land uses that efficiently use land, resources and infrastructure. In addition, policy 1.1.3.6 of the PPS states that new development taking place in designated growth areas shall have a compact form, a mix of uses and densities that allow for the efficient use of the land.

The proposal conforms to the Growth Plan policies, specifically intensification policy that directs growth and intensification to settlement areas that consist of built-up areas, strategic growth areas, and locations with existing or planned transit, with priority on higher order transit. Furthermore, with the subject site being located within the delineated built-up area, the Growth Plan policy states that this is the area where 50 percent of residential development shall occur. The proposal is able to implement this policy by providing residential development within the City of Burlington's built-up area. Policy 2.2.3(1) of the Growth Plan also speaks to Urban Growth Centres and how they shall be planned to accommodate significant population and employment growth. The proposal allows for an increase in the housing stock which will help accommodate the added population within the Urban Growth Centre. Additionally, Halton Region is not achieving the population targets that were established in the Growth Plan and the proposed intensification will help the City and Region achieve the target within a strategic growth area, being an urban growth centre, a major transit station, and a major opportunity for development near a priority transit corridor.

The proposed development is also supportive of many policies stated within the Regional Official Plan relating to mixed-use intensification. Policy 80 of the ROP refers to intensification areas as part of the Urban Area which consists of Urban Growth Centres, Major Transit Station Areas, Intensification Corridors and Mixed-Use Nodes. The subject site within the Urban Growth Centre and is within a major transit station area (Downtown Mobility Hub). Policy 81(1) of the ROP further provides that it is the policy of the Region to direct development with higher densities and mixed uses to Intensification Areas. The proposal adheres to this policy by providing a higher density form of mixed-use development to an area in which it can be supported.

The ROP goes on to further provide policies explaining that intensification areas are to provide an urban form, promote live-work relationships, foster social interaction, reduce travel by private automobile and promote active transportation, and to be more environmentally sustainable. The proposal implements these policies in a number of ways, specifically by creating a compact urban form of development, consistent with approved and proposed developments within the surrounding area and creates social interactions by increasing densities which encourages community involvement. The proposal also

provides a more environmentally sustainable form of development by increasing the density, meeting provincial intensification targets and redeveloping already developed underutilized lands which limits the need for urban sprawl. The proposal would further promote the use of active transportation and the reduction of travel by private automobile by providing a higher concentration of people that will help utilize the existing transit options in an area that can accommodate such.

In addition to the above mentioned policies, policy 78(4) of the ROP provides that a diverse and compatible mix of land uses, including residential and employment are to be provided to support neighbourhoods and policy 78(9) to achieve higher densities than the surrounding areas. The proposal meets these policy directions by providing a new residential apartment building which will help diversify the mix of land uses along Martha Street while providing a higher density where it can be supported in comparison to the surrounding area.

As mentioned previously, the subject site falls within a Major Transit Station and the Downtown Mobility Hub, therefore, it is our opinion that the subject site is well situated to accommodate a higher density development and intensification as different mode of transportation options are available.

Although the Official Plan is outdated and has not been updated to reflect the current or previous Growth Plan documents, it does have a policy framework that encourages residential intensification. In this regard, the policy framework directs growth to underutilized parcels of land in existing communities, specifically, to the downtown mixed use centre, and encourage a broader mix of residential dwellings, development that is planned with consideration of all forms of travel, to be supportive of safe pedestrian and vehicle movement, and to encourage infill re-development. The housing intensification policies encourages residential intensification and provides criteria (Policy 2.5.2(a)) that shall be considered when evaluating intensification within the established neighbourhoods, which includes:

(ii) off street parking is adequate;

(iii) capacity of the municipal transportation system can accommodate the increased traffic flows, ingress and egress, and potential increased traffic volumes to multi-purpose, minor and major arterial roads, and collector streets;

Response: The proposed 130 residential units and 167 vehicle parking spaces will produce 1.28 vehicle parking spaces per unit. Paradigm Transportation Solutions Limited prepared a Transportation Impact Study and concluded that the proposed development provides sufficient off-street parking and that the existing transportation infrastructure in the area can adequately accommodate the traffic volumes projected to be generated by the proposed development.

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

Response: The proposed development is within walking distance to the John Street Bus terminal (approximately 400 metres) and approximately 2.5 kilometers to the Burlington GO Station as well as well served by Burlington Transit.

(v) compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, sitting, setbacks, coverage, parking, and amenity area so that there is a transition between existing and proposed buildings;

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

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

Response: A Landscape Plan prepared by GSP Group indicates sufficient vegetation being proposed as well as existing vegetation being maintained. It is our opinion that the proposed vegetation is maintaining the neighbourhood character and provides sufficient screening.

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

Response: As discussed in Section 5.5 of this report, it is our opinion that the sun-shadowing created by the subject proposal on adjacent properties and their outdoor amenity areas is at an acceptable level.

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

Response: As discussed in Section 5.5 of this report, it is our opinion that the proposal is compatible with the existing neighbourhood character and any built form impacts have been adequately addressed.

In our opinion, the subject site is underutilized in its current form. Residential intensification on the subject site will more efficiently utilize and optimize the use of land and infrastructure by providing new housing in a transit-supportive and compact built form, directly supporting the policy framework laid out in the PPS, Growth Plan, and in-force Official Plan, all of which seek to integrate land use and transportation planning in identified intensification areas. The optimization of density on the subject site is consistent with both good planning practice and overarching Provincial, Regional, and City policy direction, subject to achieving appropriate built form relationships.

5.3 Land Use

The proposed residential building is appropriate and desirable and conforms to the overreaching policies found in the PPS, Growth Plan, Regional Official Plan, and the in-force Official Plan, which seek to utilize and optimize the use of land and infrastructure in a transit-supportive way. However, a site specific amendment to the Burlington Official Plan land designation "Downtown Residential Medium and/or High-Density Precincts" is required to increase the density permitted on the subject site to facilitate the proposal.

The proposal conforms to the policies laid out in the Growth Plan as per Section 4.3 above. Policy 2.2.1(3)(c) directs municipalities to manage forecasted growth in a manner that provides an urban form that will optimize infrastructure, more specifically along transit and transportation corridors and to support complete communities. The proposed development will contribute to this policy by providing an urban built form that will optimize the existing infrastructure in an area that is within a mobility hub and walking distance to transportation corridors and the Downtown Bust Terminal, contributing in creating a complete community. Policy 2.2.1(4) further provides that applying the policies of the Growth Plan will support the achievement of complete communities that will feature a diverse mix of land uses, including residential and convenient access to local stores, services, and public facilities, and provides a diverse range and mix of housing options to accommodate people of all ages. The proposal meets this policy direction by providing the community with a range of different housing styles in a compact built form on land that is appropriate for the use. The proposal further implements the policy by providing convenient access to local stores, services, and public facilities by providing a form of housing that is compact and close to existing establishments and multiple transportation options.

The proposed residential apartment conforms to the land use policies found in the Region of Halton's Official Plan Regional Structure, more specifically, the Urban Area land designation. As mentioned above, policy 72 of the ROP provides that Urban Areas are to support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduce the dependence on the automobile, make efficient use of space and services, to provide a range of complete communities of various sizes, types, and character, to promote the adaptive re-use of greyfields, and to facilitate and promote intensification and increased densities. The proposal meets these policy directions by providing a built form with increased density which allows for stronger transit support with a higher concentration of people in one area which will help reduce the dependency on the automobile. The proposal also is helping to create a complete community by providing additional housing types in the form of a compact residential building ranging in unit sizes for different lifestyles.

The in-force Burlington Official Plan outlines, in Policy 5.4.1 of Part III that the objectives related to the Mixed-use Centre designation is to provide locations at inter-municipal transit stations and the downtown that will serve as areas for mixed

use developments consisting of high density residential, retail and commercial uses, to encourage higher intensity, transit-supportive, and pedestrian-oriented development, and to permit mixed use developments on individual sites where residential, retail, office and other uses are located. Policy 5.4.2(h) further provides that the design and development of Mixed Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car and Policy 5.4.2(m) provides that reduced parking standards, shared parking and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and the accessibility by transit and other modes of travel. The subject site is situated within downtown Burlington as well as in a major transit station area and identified within the Downtown Mobility Hub. The proposal is providing residential development that is transit-supportive and pedestrian-oriented within close proximity to the commercial, employment, entertainment and outdoor amenities in the Downtown core. The proposal will also encourage public transit and pedestrian and bicycle travel as an alternative to the car by offering a compact built form and high concentration of people near multiple transit options as well as being adjacent to a multi-use path and having frontage on a bicycle priority street.

The subject site is also designated "Downtown Residential Medium and/or High Density Precincts" within the in-force Official Plan as shown on Schedule E: Downtown Mixed-Use Centre. Policy 5.5.5(a) which speaks to the objective of the precinct states that it is to recognize the variety of the existing residential medium and/or high density development that currently exists and to provide for future medium and/or high density development or redevelopment that is compatible with the surrounding uses. The Plan also speaks to compatibility in Policy 5.5.5(c) and provides that all development shall be compatible with the existing character of the precinct with respect to height, setbacks, massing, and design. The proposal meets these policies by taking into consideration the surrounding land use context and by carefully designing the building to respectfully fit in with the surrounding neighbourhood in terms of height, setbacks, and massing, which are all comparable to existing and approved developments nearby.

In addition, the Council Adopted, but not in effect, new Burlington Official Plan designates the subject site "Urban Centres", "Primary Growth Area", and "Downtown Mid-Rise Residential Precinct'". In our opinion, the 2018 adopted Official Plan recognizes the subject site's strategic location within the Downtown Urban Growth Centre and Mobility Hub as well as its development potential with its close proximity to the downtown core.

Based on the foregoing, it is our opinion that the site-specific amendment to the subject site is appropriate and desirable for the following reasons:

- It is consistent with the PPS and conforms to the Growth Plan and Halton Region Official Plan;
- It conforms to the overreaching policies of the in-force Burlington Official Plan that call for higher residential intensification in a compact transit supportive built form within the Downtown Mixed Use Centre;
- Meets the evaluation criteria laid out in Policy 2.5.2(a) of the Plan;
- It represents a logical continuation of existing, approved, and proposed developments within the Downtown Burlington that provide for a higher form of residential intensification on underutilized lands; and,
- It represents good planning practice and will promote the continued evolution of Downtown Burlington from a previous low-rise automobile-oriented area to a high-density transit supportive area.

5.4 Height, Massing, and Density

In our opinion, as noted in Section 5.3 above, the site is an appropriate location for residential intensification in land use policy terms. From a built form perspective, it is our opinion that the subject site is a contextually appropriate location for an 11- storey building given its location within the Downtown Urban Growth Centre and Major Transit Station Area and the existing and planned intensification of the Downtown Residential Medium and/or High Density Precinct.

From an urban structure perspective, the Urban Growth Centre is identified as an intensification area where mid-rise and tall buildings exist, have been approved and are under construction, or have been proposed. The Downtown Mixed-Use Centre as identified on Schedule E of the Official

Plan also includes many mid to tall buildings that are existing, approved and under construction. Within this context, the in-force Official Plan describes eight precincts within the Downtown Mixed Use Centre. The subject site falls within the "Downtown Residential – Medium and/or High Density Precinct", which is generally located at the east boundary of the Downtown Mixed Use Centre, east of Pearl Street, South of New Street, and north f the lake and Lakeshore Road. This precinct is located east of the "Downtown Core Precinct" where the main employment and commercial amenities are located. The "Downtown Residential – Medium and/or High Density Precinct" includes a number of mid-rise and tall residential buildings as well as grade-related multiple dwellings, including townhouses.

In our opinion, the proposed 11- storey (39.0 metres) plus mezzanine, will fit harmoniously with other completed, under construction, approved, and proposed mid-rise and tall-buildings within the Downtown Mixed-Use Centre boundary and Downtown Residential – Medium and/or High Density Precinct as shown on Figure 17, Height Map, and in the table below.

In this regard, within the *Downtown Residential – Medium and/or High Density Precinct* there are existing mid-rise buildings directly south (395 Martha Street and 2109 Lakeshore Road) and south-east (2121 Lakeshore Road and 360 Torrance Street) and 3-storey multiple dwellings to the east and west of the subject site. Also, within the precinct and immediately north of the subject site is the Waterfront trail, 4-storey multiple dwellings and a proposed 18-storey residential apartment. The surrounding context within and beyond the subject site's precinct continues to evolve, with new approved and under construction buildings, into an urban compact form that is pedestrian oriented and transit supportive. Accordingly, it is our opinion that the proposed 11-storey building (plus mezzanine) will fit harmoniously within the subject site's immediate context, precinct and Downtown Mixed Use Centre.

Address	Height
395 Martha Street *	12- storeys (exiting)
360 Torrance Street *	15- storeys (existing)
2030 Caroline Street, 510 Elizabeth Street, 2025 Maria Street	17- storeys (existing)
477 Elizabeth Street and 478 Pearl Street	15- and 18- storeys (existing)
2082, 2086 and 2090 James St.	18-storeys
2042, 2048, and 2054 Lakeshore Road	22- storeys, 7- storeys, 8- storey hotel (under construction)
374 Martha Street	26- storeys (approved)
2096 Lakeshore Road	27- storeys (proposed)
2107 Old Lakeshore Rd., 2119 Lakeshore Rd.	27-storeys (proposed)
2093, 2097, 2101 Old Lakeshore Road, 2096, 2100 Lakeshore Road	27-storeys (proposed)
2069-2079 Lakeshore Road	29- storeys (proposed)

**Denotes Downtown Residential – Medium and/or High Density Precinct*

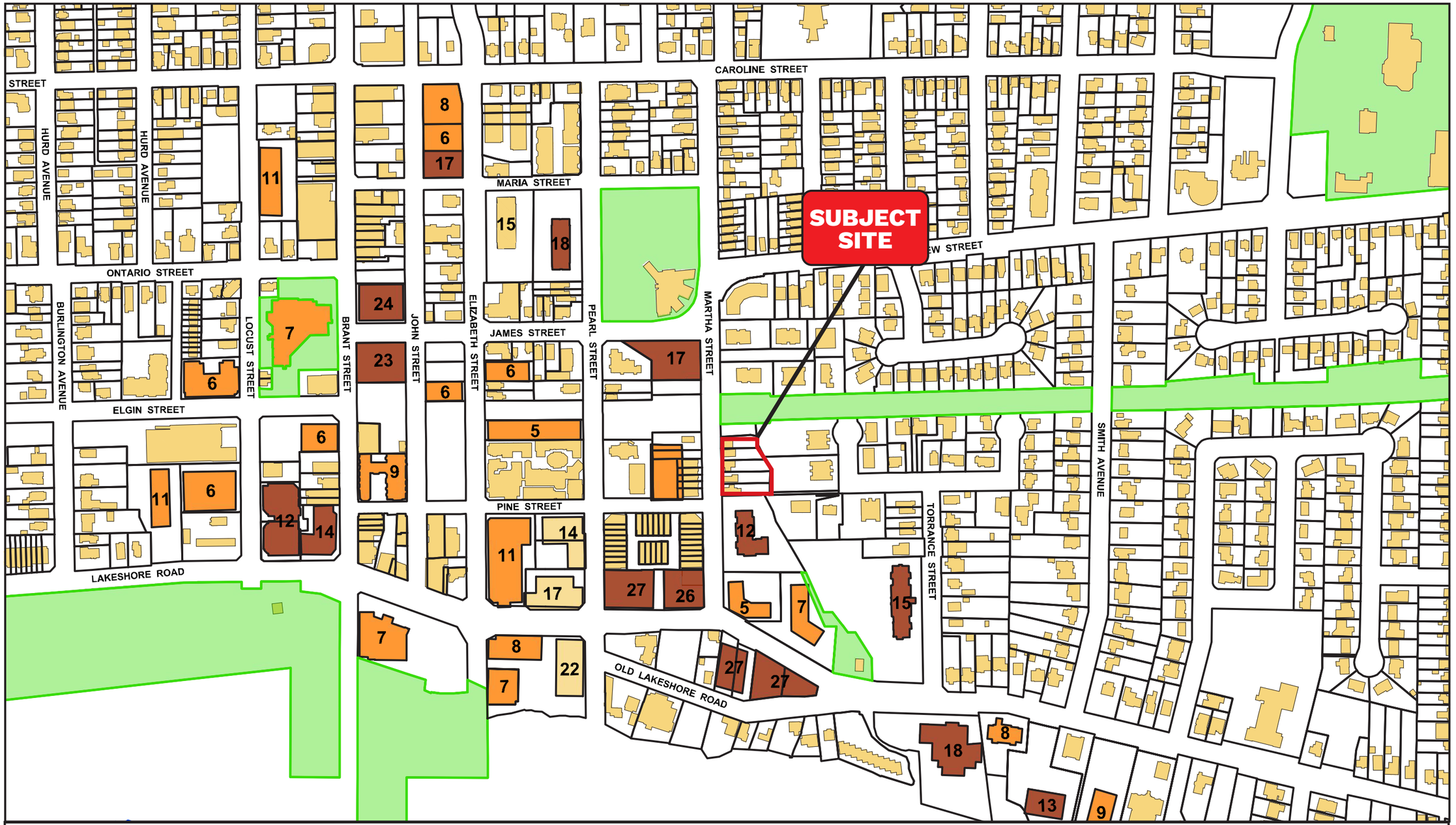


Figure 17 - Height Map

OPA 119 includes development criteria that is to be satisfied when evaluating all development applications in the MTSA Special Planning Area (Policy 7.2.2 q). In our opinion, the proposal achieves these criteria, since:

- the proposal is designed to limit built form impacts and include terracing that is compatible with the adjacent land uses and achieve built form compatibility.
- The proposal provides a compact form of development that is transit supportive that is consistent with the vision and intent of the MTSA typology, policies and vision.
- The proposal achieves a high quality of urban design with a well designed building that enhances the streetscape and will fit harmoniously with the surrounding context.
- A Functional Servicing and Stormwater Management reports were prepared by Wood Environment and Infrastructure Solutions in March of 2020. These reports conclude that the proposed development meets the design criteria and is serviceable for sanitary sewer, stormwater, water distribution and site grading, in compliance with the City of Burlington standards. Public service facilities will be reviewed through the circulation of the subject applications to the relevant school boards and city departments
- The proposal includes the preservation of existing trees and planting of new trees.
- The proposal includes a number of TDM measures including: a reduction in the proposed parking supply to be consistent with nearby developments; appoint a TDM coordinator to disseminating information on alternate modes of transportation, develop and implement appropriate TDM strategies and to monitor their effectiveness; car-share vehicle program within walking distance to the subject site; site-specific ride-share database, and bicycle repair facilities.
- the proposal considers its relationship to existing transit facilities and will add ridership to existing Burlington Transit lines.
- The proposal enhances the Martha Street Streetscape with active grade-related uses and the proposed building's lobby.

In addition, the 2018 Adopted OP continues to designate the subject site as an *Urban Growth Centre*, *Primary Growth Area,* within the *Downtown Mobility Hub,* and within the *Downtown Urban Centre*. Within the Downtown, the subject site falls within the *Downtown Mid-Rise Residential Precinct*, which is generally consistent with the *Downtown Residential – Medium and/or High Density Precinct* except for the south-east portion, which has been re-designated to a *Downtown Tall Residential Precinct* to recognize the existing tall buildings at 2121 Lakeshore Road and 360 Torrance Street. In this regard, the *Downtown Mid-Rise Residential Precinct* permits residential developments consisting of 11-storeys or less that are compatible with the surrounding context. In our opinion, the proposed development is in keeping with the overall policy direction set out in the 2018 Adopted OP.

In our opinion, the proposed massing would represent an improvement in the quality of built form on the subject site, especially on the east side of Martha Street between New Street and Lakeshore Road. The existing single detached dwellings on the subject site represent a significant underutilization of land along a collector road that connects to minor arterial roads within an Urban Growth Centre, Major Transit Station Area and Downtown neighbourhood. In contrast, the proposed residential building would contribute to the continued urbanization of Martha Street and Downtown neighbourhood with an 11-storey residential building that includes a 4- storey base that is oriented and focused on the street with grade-related townhouses. The 4-storey base is pulled 2.9 metres from the Martha Street line, it is a height that will fit with the 3-storey towns across the street with similar setback creating an urban streetscape rhythm. In our opinion, this built form response will animate and urbanize this portion of Martha Street unifying it with the 5-storey Martha's Landing Retirement home that is setback approximately 4 metres from Martha Street and the 12-storey Martha's Landing Retirement home, which is setback approximately 13 metres from Martha Street. The upper portions of the building include two stepbacks at the 5th and 8th levels and broken up with vertical architectural elements that break down the building's mass. The stepping of the building at the upper levels articulates the building massing, sets the building back away from the street, and helps to mitigate the perception of height from the public realm.

Overall, the proposed building will contribute to the sustained urbanization of the Downtown Mixed-Use Centre, in particular Martha Street with a built form and design that is contextually appropriate and will reflect the evolving neighbourhood character as well as the Provincial and Regional policy framework. The building design will result

in a well-proportioned and highly articulated building frontage along Martha Street with generous unit sizes and private outdoor amenity space. The proposal will enhance the streetscape along this portion of Martha Street which is consistent with the adjacent properties as well as future development. Additionally, setback and stepbacks have been incorporated into the design of the building to ensure compatibility with the surrounding context.

Regarding density, it is our opinion that the proposed density of 4.5:1 FAR and 407 units per hectare is appropriate and desirable for the subject site. It is crucial and desirable from a planning perspective to optimize land use and infrastructure on the subject site given its location within the Downtown Urban Growth Centre and Major Transit Station Area as well as its transit support and proximity to higher order transit. As already discussed, the in-force Official Plan pre-dates the current provincial policy framework including the current and previous PPS (2014 and 2020), current Growth Plan (2019), as well as its previous amendments in 2012 and 2013. These updated planning policy documents emphasize the need to optimize land use and density on the subject site and surrounding areas, given its location along an intensification corridor and within a Major Transit Station Area, and the rationale for increasing the height and density beyond the permitted maximum of 185 units per hectare. Furthermore, the in-force Official Plan recognizes three sites within the *Downtown Residential Medium and/or High Density Precincts* that exceed the maximum density, as described in Policies 5.5.5 d), e) and f). The densest of which is the south-west corner of Brock Avenue and Ontario Street with a maximum density of 751 units per hectare.

5.5 Built Form Impacts

The housing intensification policies of the Official Plan require new development and redevelopment to be compatible with the scale, urban design and community features of the neighbourhood (Chapter III, Policy 2.5.1 a) and compatibility is achieved with the existing neighbourhood in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provide (Chapter III, Policy 2.5.2). Policy 5.5.5 c) of Chapter III of the Official Plan requires that all development and redevelopment shall be compatible with the existing character of the precinct with such matters as heights, setbacks, massing, design and community features.

In terms of compatibility, the in-force Official Plan defines compatibility as:

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

In this regard, the subject site is located within the City's Downtown Urban Growth Centre. Given this evolving urban context, there are parts of the Downtown area (including the subject site's precinct) in which low rise buildings abut areas of intensified development. The result is having mid-rise buildings (or even tall buildings) located immediately next to low-rise residential buildings, as is the case with the subject site. Similar instances within the subject site's precinct include the interface between the 12-storey building at 395 Martha Street with the 3-storey mixed use building across the street and 3-storey residential buildings to the north-east across the creek, as well as the 15-storey building at 360 Torrance Street with the 1- and 2-storey detached dwellings across the street and to the north.

As it relates to the subject site, the upper portion of the proposed building is setback 7.49 metres from Martha Street and pulled to the south property line aligning with the height of the 12-storey building at 395 Martha Street. The height of the base building, at 4-storeys, provides and appropriate transition in scale to the 3-storey townhouses to the west. In terms of the 3-storey

residential buildings to the east, the proposed building is setback 13.5 metres from the rear lot line and the existing buildings are setback an additional 22 metres plus, due to the creek, providing an appropriate transition in scale to the existing low rise buildings to the east. Based on the foregoing, it is our opinion that the proposed building provides an appropriate transition in scale to the surrounding built form context.

Policy 2.5.2 a) states that the following criteria shall be considered when evaluating proposals for housing intensification within established neighbourhoods:

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

Response: A Functional Servicing and Stormwater Management reports were prepared by Wood Environment and Infrastructure Solutions in March of 2020. These reports conclude that the proposed development meets the design criteria and is serviceable for sanitary sewer, stormwater, water distribution and site grading, in compliance with the City of Burlington standards. School accommodation parkland will be reviewed through the circulation of the subject applications to the relevant school boards and city departments.

ii) off-street parking is adequate;

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

Response: A Transportation Impact Study (TIS), Parking Study and TDM options report was conducted by Paradigm Transportation Solutions Ltd. To assess existing traffic conditions in the area, provide traffic forecasts, a parking demand analysis, and recommendations to improve future traffic conditions and strategies to reduce dependency on single occupancy vehicle travel. The report came to find that the development volumes will only result in minor increases to the surrounding study area intersection volumes under peak conditions which should not be perceptible. The report further found that capacity constraints at the Lakeshore Road and Brant Street intersection is presently occurring, independent of the proposed development. However, to address these deficiencies, mitigation measures are recommended to be implemented by the City, which include, providing capacity through a combination of measures to encourage alternative modes of transportation, including active transportation and TDM and the increase usage of transit.

The parking analysis indicated that the proposed supply of 167 parking spaces can accommodate the estimated parking demand and that the impact to the publicly available parking supply is expected to be minimal as up to 26 off-site parking spaces could be utilized for visitor use.

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

Response: The subject site is located approximately 200 metres from the John Street Bus terminal and 2.7 kilometers from the Burlington GO station.

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

Response: The proposed building has been designed to respond to the existing neighbourhood character. In this regard, the base building has been designed and massed at

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

LIGHT VIEW & PRIVACY

Light, View, and Privacy (LVP) impacts are generally dealt with through a combination of spatial separation, orientation, and mitigating measures between buildings. In our opinion, such impacts will be minimal in this case given the mid-rise building typology, the building setbacks and step backs and the separation distance from neighbouring properties.

For mid-rise buildings, a minimum main widow separation distance of 15 metres is typically recommended e.g. in the City's Mid-Rise Guidelines. To the south the proposed base building is setback 3.0 metres and the existing 12-storey building is setback an additional 16.4 metres (approximately) from the subject site's south property line. To the north, the proposed base building is setback 1.4 metres from the north lot line and the nearest building is located 43 metres from the subject site's north lot line, given the 30 metre waterfront trail. To the east, the existing 3-storey multiple dwellings are setback approximately 43 metres from the subject site's rear (east) lot line. West of the subject site is Martha Street, which has a 21 metre width and the existing 3-storey townhouses are setback an additional 3.8 metres approximately. Based on the foregoing, the proposed building provides adequate separation distance to existing low and mid-rise buildings.

SHADOW IMPACT

In order to assess shadow impacts for the proposed development, a shadow study was prepared by SRM Architects Inc, dated April 5, 2020. The study illustrates the shadow impacts during the spring equinox and summer and winter solstices at 9:30 am, 12:30pm and 3:30 pm.

From a policy perspective, Policy 2.5.2 (a) (vii) of Part III of the in-force Burlington Official Plan states that when evaluating proposals for housing intensification within established neighbourhoods, significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.

With respect to the existing 3-storey multiple dwellings to the east of the site (on the other side of Rambo Creek), the study indicates that incremental shadow impact would be limited to the morning hours (before 12:30pm) on March 21st. The study also indicates an incremental shadow impact to the north on the 4-storey multiple dwellings at 431 and 433 Marth Street in the early morning hours on March 21st. Although there are incremental shadow impacts, the lands impacted do not have amenity areas, instead these sites include landscaped and grassed areas. Regarding the lands to the south, the study indicates that incremental shadow impact would be limited to the afternoon hours (after 12:30 pm) for the existing 12-storey building at 395 Martha Street and on March 21st and June 21st. Based on the foregoing analysis, it is our opinion that there is no significant sun-shadowing for extended periods on surrounding lands and the shadows created from the proposed development is at an acceptable level.

WIND IMPACTS

A Pedestrian Level Wind Study was prepared by SLR Consulting, dated March 19, 2020. The purpose of the study was to investigate pedestrian wind comfort and safety within and surrounding the subject site, and to identify any areas where wind conditions may interfere with certain pedestrian activities so that mitigation measures may be considered. The wind study concluded the following:

- The wind safety criterion is met in all areas in both the existing and proposed configuration;
- Wind conditions at all of the building entrances are suitable for the intended usage throughout the year;
- On the level 5 amenity terrace wind conditions are suitable for the intended usage throughout the year;
- On the surrounding sidewalks, wind conditions are similar between the existing and proposed configurations and are considered ideal for the intended usage.

5.6 Urban Design

From an urban design perspective, the proposed development will result in an appropriately scaled building that will complement the surrounding built form character, while creating an animated street frontage along Martha Street with grade related residential units and the lobby.

The proposed building will be a high-quality addition to the area, which will complement the existing mid-rise buildings, recently constructed townhouses, and new tower buildings under construction and proposed in the vicinity. The stepped building design provides an appropriate scale along the street edge and sets back the taller portions of the building away from Martha Street.

In our opinion, the proposed building design and site organization conforms with the applicable built form and urban design policies of the in-force Official Plan, in particular policies Part I – 4.3, Part II – 6.5, and Part III – 2.5.2 a), 2.5.4 b) and c, 5.5.1 g), 5.5.2 l) and o), 5.5.5 c), and 5.5.12, since:

- The proposal provides an opportunity to focus intensification in the Downtown Mixed-Use Centre and at an appropriate location.
- The proposal will provide a higher density form of development that is pedestrian-oriented and encourages the increase usage of public transit;
- The proposed built form is compatible with the surrounding land uses and adequately limits any potential built form impacts.
- The height of the base building is within the range of street wall heights along Martha Street providing a transition from the 3-storey townhouses to the 12-storey building at 395 Martha Street.
- The at-grade residential units (accessible via Martha Street) and the residential lobby provide grade-related activity both inside and outside of the proposed building.
- Servicing and vehicular parking will be internalized and accessed from one access point.
- The building will be sited parallel and oriented to Martha Street.
- The mechanical penthouse will be incorporated into the design of the top of the building; The proposed building is compatible with the existing neighbourhood character in terms of scale, massing, height, siting, and setbacks.
- Adequate setbacks and stepbacks are provided to limit any potential built form impacts.
- The proposed building is of high quality architectural design that will enhance the Martha Street streetscape, downtown residential precinct, and Downtown Mixed Use Centre.
- There are no Downtown Urban Design Guidelines, however, the proposal has considered the City's Mid-Rise Guidelines as part of the subject proposal.

In addition, it is our opinion that the design of the proposed development is generally in keeping with the Mid-Rise Guidelines, as set out below:

LOWER BUILDING

2.1.1) In general, buildings should be placed parallel to streets or public open spaces (within or along the edge of the site) to frame and define these spaces (Fig. 2.1). This will also increase the amount of private open space behind the building and separation from neighbouring properties.

- **Response:** The proposal has been designed to provide a building façade that is parallel to the fronting street (Martha Street).

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

- **Response:** Due to the shape and size of the subject site and the constrains due to the watercourse within the rear, the proposal has an east-west orientation.

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

- **Response:** the proposal includes the retention of a number of trees along the perimeter of the subject site. A tree preservation plan, prepared by Shayne Plowman and dated October 2, 2017, provides the details.

2.1.4) Where there is a consistent pattern of street setbacks that is not planned to change, the building should be set back to align with its neighbours (Fig. 2.2).

2.1.5) Where street setbacks are established but differ on each side of the development site, the building should reconcile the different setbacks (Fig. 2.3).

- **Response:** The proposed building's front yard setback seeks to reconcile the large setback of the 12-storey building at 395 Martha Street with the urban streetscape envisioned by the policy framework and the newer development which is pulled closer to the Martha street.

2.1.6) Where there is no consistent pattern of street setbacks, the building should be set back to create a boulevard that can accommodate wider sidewalks, street trees, landscaping, and active uses to establish a more pedestrian oriented relationship between the building and the sidewalk. On streets where commercial / retail uses are required at the ground floor level, a minimum 6.0 metre boulevard is preferred, except where existing conditions preclude (Fig.2.4). The intent is that a road widening will not be required to specifically achieve this guideline.

- **Response:** the proposed building is setback 2.9 metres from the Martha Street right-of-way, which has an existing 7.0 metre boulevard, creating a generous boulevard.

2.1.7) Where a building includes residential uses at grade, they should be differentiated from any active or non-residential uses through additional setbacks (Fig. 2.4). Front yards should incorporate landscaping and enclosure to provide privacy to individual units (hedges and fencing should be no taller than 1.5 metres).

- **Response:** The proposal includes residential uses at-grade that includes a 2.9 metre setback from the street line in order to create front yard patio spaces.

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

- **Response:** All back of house activities are located within the building and not exposed to the public.

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

2.2.2) Where windows are proposed within the lower building, a minimum separation distance of 15.0 metres should be provided between adjacent buildings (Fig. 2.6).

2.2.5) Where there is a transition between a mid-rise development and a tall building, a minimum separation distance of 20.0 metres should be provided between the tower component of a tall building and the nearest part of the mid-rise building to minimize overlook and shadowing.

- **Response:** As described in Section 5.0 of this report, the proposed building meets and exceeds the minimum separation distance between buildings.

2.3 Built Form: Height & Massing

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

- the permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;
- the physical character of the surrounding area including the height and scale of adjacent buildings and the immediate streetscape;
- the views into, out of, and through the site;
- the potential shadowing impacts on neighbouring properties and adjacent public spaces – taller elements should be arranged accordingly;
- the micro-climate (particularly impacts created by wind); and

- the relationship of the building height to building depth and lot width. Use site characteristics such as width (narrow or wide), depth (deep or shallow) and number of frontages to inform an appropriate built form.
- Response: As described in Section 5.0 of this report, the proposed building has carefully considered and is compatible with the surrounding physical character and scale. The proposed building will enhance the views of the subject site with an enhanced streetscape and building profile. Built form impacts are adequately limited and subject site is an appropriate location for an 11-storey midrise building.

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

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

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

- **Response:** The proposed building has been massed to reinforce the Martha Street edge with a 4-storey height that is consistent with the 3-storey townhouses across Martha Street framing this Downtown collector road.

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

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

- **Response:** The proposed building is 68.8 metres wide and has been broken up between the at-grade units and lobby space. The proposed building includes a number of step backs, inset balconies, and articulation that break up the buildings volume.

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

- **Response:** The proposal does not include projecting balconies within the base building.

2.3.9) Where ground floor commercial / retail uses are not required, projecting or semi-recessed balconies may be considered within the streetwall provided they are integrated into the overall building design, appropriately setback from the public right-of-way, and do not contribute to the visual bulk or become the dominant feature of the building façade (Fig. 2.11 top image).

- **Response:** The proposal includes generous front yards, which are 2.9 metres deep along Martha Street that will accommodate front patio spaces.

2.3.10) Stepping back upper level building volumes is encouraged to assist with transitions between neighbouring buildings with lower heights (Fig. 2.11 bottom image).

- **Response:** The proposed building includes a number of step backs and generous setbacks from surrounding buildings.

2.3.11) A variety of scales, colours and textures should be used to create visual interest across the building facades.

- **Response:** The proposed building has been designed with a variety of materials and colours to create an interesting visual appearance.

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

- **Response:** A sun/shadow study was prepared by SRM Architects, which demonstrates that the proposed building will not create any shadow impact on the Martha street right-of-way.

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

- **Response:** The proposed building will maintain an appropriate relationship to the existing grade and has been designed accordingly to articulate the existing rear slope.

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

- **Response:** The proposal includes residential uses on the ground floor which have principal entrances and walkways to the public street. A change in grade is not proposed, instead, the use of plantings and fencing will be used to provide privacy for the front yard patios.

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

- **Response:** The lobby is setback from the street line and is covered by the upper levels of the building providing shelter. Details related to lighting will be addressed through the detailed architectural design as the proposal advances through the required site plan approval process.

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

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

- **Response:** Servicing, loading and parking is proposed to be accommodated internally within the building.

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

- **Response:** The proposal provides a raised outdoor amenity space in the rear as well as an outdoor terrace on the 5th floor. Due to the constraints the subject site encounters from the watercourse at the rear, at-grade amenity space in the rear is difficult. The proposal provides generous outdoor amenity space within private balconies and patios, and communal terraces and indoor amenity spaces.

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

- **Response:** The outdoor amenity space on the ground floor is adjacent to the proposed indoor amenity space.

UPPER BUILDING

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

- Response: The proposal includes a 4-storey lower building with the upper portions stepped back. Levels 5-7 are stepped back 3.1 metres from the base with levels 8-11 stepped back an addition 1.4 metres for a portion of façade and 6.4 metres for the remainder. In our opinion, the upper portion of the proposed building provides sufficient step backs and maintains the intent of guideline 3.1.2.

3.2.4) Balconies are encouraged within the upper building to provide outdoor amenity areas and add articulation.

- Response: The proposed building has provided balconies within the upper building, which further articulates the building.

3.2.10) Rooftop mechanical equipment should be architecturally screened from public view to protect or enhance views from other buildings and the public realm.

- Response: The mechanical penthouse has been additionally stepped back from the 11th level and is architecturally screened from the public realm.

Although the Placemaking & UD Guidelines have not been approved by City Council, it is our opinion design of the proposed development is generally in keeping with these guidelines since:

- The proposed building provides a 4-storey base, which relates to the low-rise townhouses across Martha Street and provides stepbacks and setbacks for the taller portions of the proposed building that transition to the existing 12-storey building to the south of the subject site, which enhances the character and scale of the neighbourhood.
- The proposed building will provide an improved streetscape with at-grade residential and lobby uses that will animate the streetscape.
- The proposed building provides a 4-storey (plus mezzanine) base building along Martha Street.
- The proposed development has been designed to enhance the NHS with a pedestrian path along the entire NHS boundary and the building provides a positive interface with balconies and windows overlooking the NHS.
- None of the parking or loading/servicing is visible from the NHS and the proposed development has been appropriately graded along the edge of the NHS.
- The base building is pulled close to the street and includes at-grade residential entrances along the streetscape and a consistent 4-storey (plus mechanical) street wall, which achieves an appropriate street wall enclosure.
- The proposed building has been massed to transition in scale to the townhouses across Martha Street and Centennial multi use path with the tallest portion pulled to the south of the Subject Site where an existing 12-storey building stands.
- The proposed building provides generous setbacks and stepbacks, which minimize shadow, overlook and privacy issues.
- The base building is below the desired height of 80% of the width of Martha Street and the upper portiosn of the building are stepped back 3 metres at level 5 and 11.5 metres at level 8.
- The at-grade residential units are setback 2.9 metres from the street line and include an inset patio, which provides useable amenity space.
- The proposed building is broken down into a bottom (4-storey, plus mezzanine, base) a stepped back middle (levels 5-7) and a stepped back top (levels 8-11).
- A change in material from the masonry elements in the base occurs above the proposed building's base.
- The proposed building provides a 3.3 metre setback to the south property line adjacent to 395 Marth Street, which includes an existing significant setback to the shared property line, which achieves a distance greater than 15 metres.
- The balconies have been integrated into the building design, which breaks up the building's facades.
- The roof-top mechanical elements have been designed as part of the roof design.

5.7 Transportation and Servicing

The subject site is located within the Downtown Burlington Urban Growth Centre and Downtown Mobility Hub, and accordingly, is well served by existing municipal infrastructure, including public transit.

A Transportation Impact Study (TIS), Parking Study and TDM options report was conducted by Paradigm Transportation Solutions Ltd. To assess existing traffic conditions in the area, provide traffic forecasts, a parking demand analysis, and recommendations to improve future traffic conditions and strategies to reduce dependency on single occupancy vehicle travel.

The report came to find that the development volumes will only result in minor increases to the surrounding study area intersection volumes under peak conditions which should not be perceptible. The report further found that capacity constraints at the Lakeshore Road and Brant Street intersection is presently occurring, independent of the proposed development. However, to address these deficiencies, mitigation measures are recommended to be implemented by the City, which include, providing capacity through a combination of measures to encourage alternative modes of transportation, including active transportation and TDM and the increase usage of transit.

The parking analysis indicated that the proposed supply of 167 parking spaces can accommodate the estimated parking demand and that the impact to the publicly available parking supply is expected to be minimal as up to 26 off-site parking spaces could be utilized for visitor use.

With respect to the Travel Demand Management (TDM), the report prepared by Paradigm outlines a number of strategies that are aimed to reduce vehicle demand. The following strategies were recommended in the report that the development

could incorporate into the site to further reduce single occupancy vehicle/ownership: a reduction in the proposed parking supply to be consistent with nearby developments; appoint a TDM coordinator to disseminating information on alternate modes of transportation, develop and implement appropriate TDM strategies and to monitor their effectiveness; car-share vehicle program within walking distance to the subject site; site-specific ride-share database, and bicycle repair facilities.

A Functional Servicing and Stormwater Management reports were prepared by Wood Environment and Infrastructure Solutions in March of 2020. The purpose of these reports is to examine and demonstrate the serviceability of this development with respect to wastewater, stormwater, water servicing, site grading and to ensure servicing strategies are consistent with the City of Burlington and Region of Halton. The reports conclude that the proposed development meets the design criteria and is serviceable for sanitary sewer, stormwater, water distribution and site grading, in compliance with the City of Burlington standards.

5.8 Noise Emissions

SS Wilson Associates were retained to complete a Noise Control Feasibility Study for the proposed residential development. The assessment provided the following conclusions and recommendations:

- The unattenuated daytime sound level at the rooftop terrace of the proposal will exceed the recommended objective sound level. Therefore, outdoor noise control measures are recommended. All other outdoor living areas within the proposal will not require outdoor noise control measures;
- The unattenuated sound levels at the outside walls of the proposal will exceed the recommended objective sound levels, therefore indoor noise controls are required along with relevant warning clauses;
- The potential sound levels from the proposed buildings future rooftop HVAC system at the nearby dwellings are predicted to exceed MOECC sound levels, therefore noise mitigation measures are required at the source of noise;

The report recommends a number of noise control measures that will be applied at the required site plan control stage.

5.9 Environmental Impact Assessment

Myler Ecological Consulting was retained to prepare an Environmental Impact Assessment (EIA) for the proposal. The assessment came to conclude that the proposed redevelopment of the subject lands avoids and provides a structural setback from stable slope and floor hazard limits associated with the on-site segment of Lower Rambo Creek.

The proposal likewise avoids intrusion with the Lower Rambo Creek watercourse/fish habitat natural heritage feature and will create an ecological buffer planted with native trees, shrubs, and herbaceous plants that will extend and enhance the riparian corridor that is adjacent to the watercourse.

The EIA further provides that additional screening for species at risk and significant wildlife habitat confirmed that neither occur at the site. With respect to Woodland and Significant Woodland, analysis of tree removal impact on the candidate Significant Woodland confirmed that the treed area at the site and along the Lower Rambo Creek corridor does not satisfy the Woodland and Significant Woodland definitions in the Regional or City Official Plan.

The assessment provides measures which have been identified to mitigate potential impacts on the marginal fish and wildlife habitat on and near the site during constructions and post-construction periods. The creation of the ecological buffer will represent a net increase in the quality and extent of wildlife habitat while protecting water quality and fish habitat within the Lower Rambo Creek.

Accordingly, the assessment states that the redevelopment will comply with the applicable policies of the Region and City Official Plan and the PPS and is recommended for approval.

6.01

CONCLUSION



For the reasons set out in this report, it is our opinion that the proposed development will appropriately intensify an underutilized site, improve the streetscape along Martha Street and provide new residential units that would fit harmoniously with the existing and planned built form context and will be compatible with the height and massing of existing and approved development in this part of the Downtown area.

From a planning policy perspective, the subject site is an appropriate location for residential intensification, given its location within the Downtown Burlington urban growth centre and within a major transit station area associated with the John Street Bus terminal, which is located approximately 200 metres from the site. It is also located approximately 2.7 kilometers from the Burlington GO station, a priority transit corridor. The proposal conforms with the Halton Region Official Plan, particularly the land use, intensification and urban growth centre policies. The proposal conforms with the intensification, housing, and mixed-use centre, and downtown mixed-use centre policies of the in-force Official Plan, which envision an urbanization of the city, especially in the Downtown Urban Growth Centre. However, a site-specific amendment to the Downtown Residential Medium and/or High-Density Precinct policies of the in-force Official Plan is required in order to increase the density of the subject site beyond the maximum 185 units per hectare. In our opinion, the proposed density is appropriate and desirable for the subject site. Furthermore, it is our opinion that the requested zoning is consistent with the Provincial Policy Statement and conforms with the Growth Plan, in particular the policies promoting the efficient use of land and infrastructure, and intensification within "urban growth centres" and "major transit station areas."

From a built form and urban design perspective, the proposed base building will appropriately frame the street edge and contribute to an improved pedestrian environment along Martha Street. The upper building is set back away from the street to minimize built form impacts and further define the base building. The proposed height will fit into the broader urban structure and is in keeping with range of heights in the surrounding area. The proposal conforms with the built form and massing policies of the in-force Official Plan and is generally in keeping with the relevant urban design guidelines.

Accordingly, it is our opinion that the Official Plan and Zoning Bylaw Amendment applications are appropriate and desirable in planning and urban design terms and should be approved.

Respectfully Submitted,

Bousfields Inc.



David Falletta, MCIP, RPP



BOUSFIELDS INC.