Community Planning Department

SUBJECT: Planning Analysis for 1010 Downsview Drive and 355 Plains Road East – Official Plan and Zoning By-law Amendment Applications

DATE: October 26, 2023

TO: Andrea Peebles, Solicitor, Planning, Development and Real Estate, City of Burlington

FROM: Mark Johnson, Senior Planner, City of Burlington

1.0 Background

1.1 Purpose

This analysis concerns a proposed settlement in relation to the appeal of a site-specific application for an Official Plan Amendment and Zoning By-law Amendment by Coletara Development on behalf of 335 Plains Holdings Inc. and 355 Plains Holdings Inc. for the lands known as 1010 Downsview Drive and 355 Plains Road East (file numbers 505-06/22 & 520-07/22).

Application Details	***APPLICANT:***	Coletara Development
	OWNER:	335 Plains Holdings Inc. 355 Plains Holdings Inc.
	FILE NUMBERS:	505-06/22 & 520-07/22
	TYPE OF APPLICATION:	Official Plan Amendment, Zoning By-law Amendment
	ORIGINAL PROPOSAL:	1010 Downsview Drive: 8-storey mixed-use building is proposed with retail at grade and stacked townhome units along the rear of the property. 355 Plains Road East: 9-storey

		and 11-storey mixed-use buildings are proposed connected by a 6-storey podium with retail at grade as well as stacked townhome units along the rear of the property.
	REVISED PROPOSAL:	1010 Downsview Drive: 9-storey mixed-use building is proposed with retail at grade and stacked townhome units along the rear of the property. 355 Plains Road East: two 11-storey mixed-use buildings are proposed connected by a 6-storey podium with retail at grade as well as stacked townhome units along the rear of the property.
Property Details	***PROPERTY LOCATION:***	North side of Plains Road East, at the intersection of Plains Road East and Downsview Drive
	MUNICIPAL ADDRESS:	1010 Downsview Drive and 355 Plains Road East
	WARD:	Ward 1
	PROPERTY AREA:	0.72 hectares and 0.75 hectares
	EXISTING USE:	Two commercial strip plazas including office, retail, service commercial, institutional, and recreational uses
Requested Amendments	***1997 OFFICIAL PLAN Existing:***	Mixed Use Corridor – General
	1997 OFFICIAL PLAN Proposed:	Mixed Use Corridor – General with site specific polices for height, Floor Area Ratio
	2020 OFFICIAL PLAN Existing:	Urban Corridor
	2020 OFFICIAL PLAN Proposed:	Permission for mixed-use development that is consistent with Secondary Growth Area polices and meets the intent of the goals and objectives of the current land use designation
	ZONING Existing:	Mixed Use Corridor – General (MXG)
	ZONING Proposed:	Mixed Use Corridor – General with site-specific exceptions (MXG-XXX)

1.2 Site Description and Surrounding Context

The subject lands are located on the north side of Plains Road East, at the intersection of Plains Road East and Downsview Drive. The property at 1010 Downsview Drive, on the west side of Downsview Drive (referred to as Lot A), has an area of 0.72 ha, with 102.29 m of frontage on Downsview Drive and 45 m of frontage on Plains Road East. The property at 355 Plains Road East, on the east side of Downsview Drive (referred to as Lot B), has an area of 0.75 ha, with 68.78 m of frontage on Plains Road East and 102 m of frontage on Downsview Drive. The sites are currently occupied by two commercial strip plazas which include retail, service commercial (e.g.: restaurant), office, institutional (e.g.: daycare), and recreational (e.g.: martial arts studio) uses. Demolition of the existing buildings is included as a component of the overall redevelopment concept.

Surrounding land uses include the following:

- North: Immediately north of the subject lands is a low-rise residential neighbourhood with single detached residential houses. Further to the northwest is the Aldershot Park and Aldershot GO Station. Aldershot Park is approximately 168 m in walking distance from the proposed development travelling along Downsview Drive and Dowland Crescent and through the pedestrian walkway. Aldershot GO Station is located approximately 1.3 km walking distance from the development via Plains Road East and St Matthews Ave.
- East: Immediately east of the subject lands is East Plains United Church, which contains a Child Care Centre and a cemetery. Further east, there is a mix of residential buildings and low-rise commercial buildings.
- South: residential buildings and 6-storey mixed-use buildings. Further to the south is a low-rise residential neighbourhood.
- West: Immediately west of the subject lands are 3-storey townhouses. Further to the west is Holy Rosary Church and Holy Rosary Catholic Elementary School, as well as a mix of townhouses and low-rise commercial uses.

There is a westbound bus stop located directly in front of 355 Plains Road East and eastbound bus stop located directly across the street from 1010 Downsview Drive. Both bus stops are serviced by Burlington Transit Routes 1, 101 and 4. These routes provide access to the Aldershot GO Station. Routes 1 and 101 also provide access to Downtown Hamilton and the Burlington GO Station. Downtown Burlington can be reached by route 4.

1.3 Application History

On July 15, 2022, the City of Burlington deemed the applications complete from Coletara Development on behalf of 335 Plains Holdings Inc. and 355 Plains Holdings Inc. requesting an Official Plan Amendment and Zoning By-law Amendment to permit the development of mid-rise, mixed-use buildings along Plains Road East and stacked townhouses at the rear of the properties. The application proposed that 1010 Downsview Drive (Lot A) is to be redeveloped as 8-storey mixed-use building with 141 residential units with retail at grade along Plains Road East and 56 stacked townhouse units at the rear of the property. The application proposed that 355 Plains Road East (Lot B) is to be redeveloped as two mid-rise buildings, 9 storeys and 11 storeys in

height, connected by a 6-storey lower building with retail at grade along Plains Road East, and stacked townhouses at the rear of the property. The proposed development at 355 Plains Road East includes 347 residential units and 40 stacked townhouse units along the rear of the property. The proposed uses are permitted by the Official Plan and Zoning By-law, however, amendments were requested for increased height and Floor Area Ratio, as well as other site-specific permissions.

Application materials are posted on the City's Development Project webpage at burlington.ca/plainsanddownsview.

A statutory public meeting was held for the subject applications on December 6, 2022. Prior to the public meeting, the applicant appealed the applications to the Ontario Land Tribunal (OLT) on November 17, 2022, on the basis that the City had not made a decision within the prescribed time limit. The OLT held a Case Management Conference on May 8, 2023. At the Case Management Conference, the OLT granted party status to three parties in this matter: 335 Plains Holdings Inc. and 355 Plains Holdings Inc. (the appellant), the City of Burlington, and the Region of Halton. The OLT also granted participant status to Kimberly Staples, Devin Staples, Angela Temporin, and the Aldershot Village Business Improvement Area ("ABIA"). Following the Case Management Conference, the OLT issued a procedural order and scheduled a hearing to consider the appeal beginning on December 11, 2023. City staff engaged in without-prejudice discussions with the appellant, which led to the appellant providing the City with a settlement offer on September 29, 2023.

1.4 Revised Proposal

The settlement offer revises the proposed development as follows:

1. Additional commercial space at the corner of Plains Road East and Downsview Drive of the buildings on Lot A and B for a total of 977 m^2 commercial spaces being provided. As a result, the main building entrances were moved to Downsview Drive;
2. Increased building height on Lot A from 8 storeys to 9 storeys;
3. Increased building height of east tower on Lot B from 10 storeys to 11 storeys;
4. Reduced height of townhouses on Lot A and B from 4 storeys to 3 storeys, which includes rooftop amenity space that is proposed to be setback from the face of the buildings;
5. Shifted the townhouses on Lot A and B to the south by 1 m (further away from existing low-rise development) by reducing the drive aisle width from 7 m to 6 m;
6. Increased the setback of the east tower on Lot B from 3.86 m to 5.5 m for storeys 1-11;
7. Increased the stepback along Downsview Drive on Lot A and B from 1.52 m to 3 m;
8. Increased the underground parking garage setback to 5 m on Lot A and 5.7 m on Lot B;
9. Decreased parking requirement for Lot A at ratio of 1.1 per unit; and
10. Decreased parking requirement for Lot B at ratio of 1.05 per unit.

Staff's review of the revised development proposal, presented through the settlement offer by the appellant, forms the basis of the policy analysis described in this report.

2.0 Discussion

2.1 Policy Framework and Review

The application is subject to the following policy framework: Provincial Policy Statement (2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020); Halton Region Official Plan; City of Burlington Official Plan (1997, as amended); Burlington New Official Plan (2020); and Zoning By-law 2020.

Staff have also reviewed the proposed development with consideration for the following City of Burlington Urban Design Guidelines: Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019), Pedestrian-Level Wind Study Guidelines and Terms of Reference (2020), Shadow Study Guidelines and Terms of Reference (2020), Sustainable Building and Development Guidelines (2021), and Plains Road Urban Design Guidelines (2006).

Planning staff is of the opinion that the Official Plan and Zoning By-law amendments requested by the applicant to permit the revised proposal are consistent with the Provincial Policy Statement, conform to the Growth Plan for the Greater Golden Horseshoe and Halton Region Official Plan (ROP), maintain the intent of the City of Burlington Official Plans and Zoning By-law, comply with the applicable urban design guidelines, and represent good planning for the reasons set out in this report.

2.2 Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement (PPS) came into force and effect on May 1, 2020, and applies to decisions concerning planning matters occurring after this date. The PPS provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS.

The PPS promotes efficient development and land use patterns that sustain financial well-being of municipalities over the long term, accommodate an appropriate affordable and market-based range and mix of multi-unit housing and other uses to meet long-term needs, avoid development and land use patterns that may cause environmental or public health and safety concerns, and prepare for the impacts of a changing climate.

The PPS requires planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account the availability of suitable existing or planned infrastructure and public service facilities required to accommodate the projected needs (1.1.3.3). Appropriate development standards should be promoted which facilitate

intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (1.1.3.4).

The PPS encourages that a coordinated, integrated, and comprehensive approach should be used when dealing with planning matters within municipalities across lower and upper-tier municipalities and with other orders of government, agencies, and boards. The subject applications were circulated to Halton Region, among other relevant levels of government, agencies, and utility providers, for review and comment.

The proposed development is consistent with the PPS, as it:

- Makes efficient use of existing and planned infrastructure and public facilities;
- Provides for a mix of uses on the site through the mix of residential and non-residential uses;
- Is pedestrian-oriented, facilitates active transportation, and is transit-supportive;
- Represents intensification in a compact built form and promotes a system of nodes and corridors;
- Contributes to the provision of an appropriate range and mix of housing options and densities;
- Maximizes vegetation within settlement areas, where feasible.
- Makes efficient use of existing and planned transportation infrastructure, including through the use of transportation demand management; and
- Contributes to a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports current and future use of transit and active transportation.

Opinion: staff are of the opinion that the proposed development is consistent with the PPS.

2.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) 2020

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. All planning decisions in Burlington must conform to the Growth Plan.

The guiding principles of the plan include prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability; supporting a range and mix of housing options to serve all sizes, incomes, and ages of households; and protecting and enhancing natural heritage, hydrologic and landform systems, features and functions.

The Growth Plan contains population and employment forecasts to plan for and manage growth to the horizon of the Growth Plan (2051). The policies direct the vast majority of growth to settlement areas and more specifically within delineated built-up areas and strategic growth areas.

The Growth Plan requires municipalities to develop and implement policies and other supporting tools to encourage intensification throughout the delineated built-up areas; identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas; encourage intensification generally 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.

The Growth Plan supports the achievement of minimum intensification and density targets by identifying and considering a range and mix of housing options and densities and by planning to diversify overall housing stock across the municipality. Municipalities are to consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a wide range of household sizes and incomes.

Another focus of the Growth Plan is the planning and management of transportation systems that include the movement of people and goods. Transportation systems are to offer a balance of transportation choices to reduce automobile dependence and promote use of public transit and active transportation.

Public transit is to be a priority in transportation planning, and land uses will be planned to achieve transit-supportive densities and a mix of uses. In addition, municipalities are to ensure that active transportation networks provide for safe, comfortable travel for pedestrians, bicyclists, and other users. The Growth Plan supports the development and implementation of transportation demand management policies in Official Plan and other planning documents that reduce distance and trip time, increase alternatives to the automobile, prioritize active transportation, transit, and movement of goods.

The proposed development conforms to the Growth Plan as it:

- Supports the achievement of complete communities through the provision of a mix of uses within a compact built form;
- Represents intensification at higher densities within a strategic growth area to make efficient use of land and infrastructure and support transit viability;
- Contributes to providing a range and mix of housing options, including additional units and affordable housing, to serve all sizes, incomes, and ages of households;
- Integrates retail and service uses into a compact built form and is supportive of active transportation and existing transit; and
- Contributes to offering a balance of transportation choices that reduces reliance upon the automobile and promotes transit and active transportation.

Opinion: the proposed development as revised by the Offer to settle conforms to the Growth Plan.

2.4 Halton Region Official Plan (ROP)

Halton Region staff reviewed the subject applications and provided comments requesting additional information related to site contamination, municipal services, and waste management. Halton Region is represented as a party in the appeals of the subject applications and will have the opportunity to ensure that their detailed concerns are addressed.

Regional Official Plan Amendment (ROPA) 48 was approved by the Minister of Municipal Affairs and Housing on November 10, 2021. The policies of ROPA 48 are in effect and not subject to appeal. ROPA 48 was the first amendment to be advanced as part of the Regional Official Plan Review under section 26 of the Planning Act. ROPA 48 defines specific elements of a Regional Urban Structure including Strategic Growth Areas.

Regional Official Plan Amendment (ROPA) 49 is the second amendment advanced as part of the Regional Official Plan Review. This was adopted by Regional Council on June 15, 2022 and approved by the Minister of Municipal Affairs and Housing with modifications on November 4, 2022. It is the second amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment is to implement the results of the Region's Integrated Growth Management Strategy (IGMS), which considered how to accommodate growth in Halton to the 2051 planning horizon as part of the municipal comprehensive review process. The amendment also includes changes that support planning for growth in Halton and achieving conformity with the Provincial Growth Plan for the Greater Golden Horseshoe.

In accordance with Map 1H "Regional Urban Structure" of the ROP the subject lands are located within a Regional Intensification Corridor. Regional Intensification Corridors are recognized as forming part of the Strategic Growth Areas, are connecting areas between other elements of the Regional Structure, and are to accommodate higher-density mixed use development. Regional Intensification Corridors are to serve an existing or planned high order transit function, and accommodate higher-density mixed use development appropriate to existing local context (82.3). The Region directs development with higher densities and mixed uses to Regional Intensification Corridors in accordance with the hierarchy of Strategic Growth Areas and based on the level of existing and planned transit service (82.7).

Opinion: the revised development conforms with the ROP as it would achieve many of the goals and objectives related to growth and development of the ROP.

2.5 City of Burlington Official Plan (OP) (1997, as amended)

The City's Official Plan (1997, as amended) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development and resource management matters to guide the future planning and development of the City towards the desired community vision.

2.5.1 Guiding Principles

Part I, section 3.0 of the Official Plan (1997, as amended) outlines guiding principles for development in Burlington. This includes:

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

c) supporting a healthy, clean, and sustainable community including consideration for environmental, social, and economic factors, and compatibility;
d) ensuring that the City's infrastructure and services are maintained or expanded at a level that is fair, realistic, and affordable;
h) promoting the efficient use of land through intensification within appropriate areas of the City, in accordance with Provincial growth management objectives, while recognizing the need for balancing this objective with other planning considerations.

The Land Use Vision for the City outlined in Part I, section 4.3 directs growth to certain areas including mixed use corridors.

Opinion: the proposed development conforms to the guiding principles and land use vision of the Official Plan, as it contributes to a community that offers a range of housing and transportation opportunities, represents sustainable development and efficient use of infrastructure, and consists of intensification in an appropriate area of the City, specifically mixed use corridors, consistent with provincial growth management objectives.

2.5.2 Functional Policies

Part II of the Official Plan (1997, as amended) contains functional policies that apply City-wide.

Part II section 2 addresses Sustainability and the Environment. The City will use sustainable development criteria for review of development applications and to ensure that new development is compatible with existing land uses (2.2.d). These criteria include consideration for pedestrian movement, transit access, public safety, sensitivity to noise and vibrations, and preservation of trees and vegetation, among others (2.7.b).

New development shall ensure efficiency of land use (2.7.c), provide choices in housing, shopping, employment, and transportation (2.7e), and use Transportation Demand Management strategies to encourage transit ridership, walking, and bicycling (2.7.k).

Further discussion of sustainability criteria is provided in section 2.8.4 of this report, and discussion of compatibility is provided in section 2.5.4.

Opinion: the proposed development conforms to the sustainability criteria of the Official Plan as the proposed development is compatible with its surroundings, is pedestrian-oriented and transit-supportive; provides choice in housing opportunities for preservation of existing trees, shopping, and transportation; and will employ Transportation Demand Management to promote active and sustainable transportation.

Sensitive land uses shall be protected from the impacts of vibration, noise, dust, and odours caused by transportation and industrial facilities, and vice-versa (2.7.n). The applicant provided an Environmental Noise Assessment with the original applications. This study was circulated to staff at Halton Region and the City's Development Engineering team. As part comments on the development proposal staff from Halton Region staff did not identify any noise and vibration matters. City Engineering staff

identified items to be addressed as part of an updated Environmental Noise Assessment during the Site Plan application stage.

Opinion: the application conforms to the vibration, noise, dust, and odours impact policies of the Official Plan for the purpose of the subject applications for Official Plan and Zoning By-law Amendments, subject to an updated Environmental Noise Assessment at the Site Plan stage.

The Official Plan promotes the remediation of contaminated sites (2.2.f). The applicant provided an Environmental Site Assessment report as part of their original applications. These materials were reviewed by City's Development Engineering staff, who confirmed the need for a Record of Site Condition in accordance with policy 2.8(i). Halton Region staff also reviewed the materials and confirmed the need for a Record of Site Condition.

Opinion: the proposed development conforms to site contamination policies of the Official Plan, subject to site remediation and completion of a Record of Site Condition (RSC).

Part II, section 2.11 of the Official Plan addresses Stormwater Management. A Stormwater Management Report was provided with the original application and circulated to staff at Halton Region and in the City's Development Engineering team. Development Engineering staff provided advisory comments on matters that will need to be addressed at the Site Plan stage. Halton Region does not provide stormwater infrastructure within the Plains Road right-of-way, and as such, did not provide any comments on requirements for stormwater servicing of the proposed development.

Opinion: the subject applications conform with stormwater management policies of the Official Plan, subject to resolving detailed stormwater management matters through a future Site Plan application.

Part II, section 3.0 of the Official Plan provides policies related to Transportation. The City encourages opportunities for developing Transportation Demand Management (TDM) measures to reduce single-occupancy automobile use, especially during peak travel periods (3.2.2.d). The City may permit reduced parking ratios and/or standards, and the sharing of parking in mixed-use developments, subject to evaluation by the City of the appropriateness of such standards through the approval of development applications (3.2.2.j,k).

Traffic flows shall be controlled through traffic management, traffic calming, design features, and other techniques (3.3.h).

Council shall promote the development of cost-effective transit services through transit-supportive land uses in areas of development including mixed-use centres, and development applications will be reviewed to ensure the proposed development encourages the efficient and effective use of transit services (3.4.2.d, e).

The design of developments shall promote cycling (3.5) and create streetscapes that are safe, convenient, and attractive for pedestrians, including through provision of wide sidewalks, street-level retail, trees, street furniture, and transit shelters (3.6.2.c).

The City recognizes the role of Transportation Demand Management (TDM) in promoting the more efficient use of existing transportation infrastructure and promoting increased transit use. (3.9.2.a).

Opinion: the proposed development conforms with the transportation policies of the Official Plan, as the proposed development will provide a Transportation Demand Management strategy in support of proposed reduced parking rates/standards; comprises transit-supportive densities; provides pedestrian-oriented streetscape and on-site circulation.

Part II, section 6 of the Official Plan is concerned with Design. This section outlines the City's objectives to ensure that the design of the built environment strengthens and enhances the character of existing neighbourhoods within the City, that developments contributing to intensification are compatible with and sympathetic to existing neighbourhood character, and that new communities integrate with the natural setting and provide diverse social settings well served by public transit, and by attractive and well-developed pedestrian environments. The City may require design plans to identify the natural environment system as the organizing framework for new community forms, define a physical organization that supports the goals of mixed land use, diversity and pedestrian orientation, define the public realm and the relationship of built form to the public realm, address issues of the physical integration of the community with surrounding areas, encourage the use of public transit and the creation of an environment for pedestrians and bicyclists, identify opportunities to integrate public art or other cultural elements into the community, and promote public safety. Further the City gives preference to designs that contain more compact forms of development that support higher densities, are pedestrian-oriented, and encourage increased use of public transit. Section 6.5 states that the density, form, bulk, height, setbacks, spacing, and materials of development are to be compatible with the surrounding area, and 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. The urban design implications of the proposed development, including bulk/massing and scale, have been assessed and are discussed throughout later sections of this report.

Detailed discussion of the design of the proposed development is provided throughout this report, in sections 2.5.4 Intensification Criteria and in section 2.8 Urban Design Guidelines.

Opinion: the proposed development conforms with the design policies of the Official Plan as it is a compact, higher-intensity development that is pedestrian-oriented, transit-supportive, and compatible with its surroundings; it provides adequate space for landscaping to be designed in detail through a future Site Plan application; a significant amount of the parking has been located underground; and the proposed development satisfies the intent of applicable design guidelines.

2.5.3 Mixed Use Activity Areas

The City's Official Plan identifies the subject lands as Mixed-Use Activity Area, as shown on Schedule 'A' (Settlement Pattern). Part III, section 5 of the Official Plan contains objectives and policies for the City's Mixed-Use Activity Areas. 'Mixed-Use

Activity Areas' are to provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services, and to address the demand for higher intensity employment, shopping and residential areas within the City (5.1). 'Mixed-Use Activity Areas' are intended as comprehensively planned mixed-use employment, shopping and residential areas that provide for the integration of a variety of compatible land uses in a compact urban form, with the aim of promoting the use of public transit and pedestrian connectivity (5.2.1). The principal development goals for the development of these areas are to create focal points for the community activities that are characterized by a compact form of development, pedestrian orientation, greater accessibility to public transit, and higher-intensity development (5.2.2.d). A high quality of urban design is required in these areas (5.2.2.i) and the City may consider reduced parking standards in these areas to encourage greater reliance on non-automobile forms of transportation (5.2.2.l).

The proposed development represents a redevelopment of underutilized lands within a Mixed-Use Activity Area contemplated for mixed use intensification. An amendment is required to the applicable policies of the Official Plan with respect to maximum permitted height and Floor Area Ratio.

As shown on Schedule B of the OP, the subject properties are located within the 'Mixed Use Corridor - General' designation. This designation provides locations along multi-purpose arterial or major arterial roads that will serve as areas of concentration for mixed use developments with high density residential, retail, service commercial office, and related uses. Mixed Use Corridor lands are intended to provide for the day-to-day and weekly shopping needs of residents within an in proximity to the Corridor and retail and service commercial uses are to be located at the street level in office or residential buildings (Part III, Section 5.3.1).

Within the Mixed Use Corridor designations, the maximum floor area ratio at any site shall be 1.5:1; however, Council may consider a higher floor area ratio in conjunction with a site specific rezoning application, subject to the consideration of various factors such as adequacy of services and infrastructure and the provision of compatibility with adjacent uses through measures such as terracing, a high quality of building design, landscaping and streetscaping, and the provision of underground parking. The Official Plan also identified that the minimum building height shall be two storeys and the maximum building height shall be six storeys. Further, the OP sets out the design and development of Mixed Use Corridors shall ensure compatibility between the Mixed Use Corridor uses and adjacent land uses, particularly residential uses, transit-supportive and pedestrian-oriented urban design shall be required in the development of sites, and shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the automobile (5.3.2).

2.5.4 Residential Development Policies and Intensification Criteria

The City of Burlington Official Plan encourages new residential development and residential intensification within the Urban Planning Area in accordance with provincial growth management objectives and recognizes that the amount and form of intensification needs to balanced with other planning considerations such as infrastructure capacity, compatibility the surrounding properties and natural

environment, encourage active and public transportation and housing opportunities in proximity to shopping and recreational areas (2.2.1).

The Housing Intensification policies of the Official Plan encourage specific areas for intensification, including the re-development of underutilized lands at the periphery of existing residential neighbourhoods, and encourage residential intensification as a means of increasing the amount of available housing stock (including, rooming, boarding and lodging houses, accessory dwelling units, infill, re-development and conversions within existing neighbourhoods), provided that development is compatible with the scale, urban design and community features of the neighbourhood (2.5.1).

Section 2.5.2 (General Policies – Housing Intensification) of the Official Plan contains thirteen (13) evaluation criteria for intensification proposals, which are to be assessed to ensure that established neighbourhoods are protected from any potential negative impacts associated with intensification proposals. Applications to amend the Official Plan to more closely meet the general intent its intensification policies, may be considered appropriate, subject to the nature of the site-specific development application. The development proposal as revised by the Offer to settle has been evaluated against the 'Housing Intensification' criteria as follows:

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

Water and wastewater services are within the jurisdiction of Halton Region, who have party status in the appeals of the subject applications. Regional staff reviewed the subject applications and provided comments advising of that there is adequate capacity within the system to support the development of the subject lands at this time. These comments identified technical and design matters to be addressed by the applicant. It was noted that the specific technical details related to servicing the proposed buildings would be worked out during the Site Plan stage when the owner applies for a Regional Services Permit, if the planning applications are approved.

The City's Development Engineering staff also reviewed the subject applications and provided comments on stormwater management. Technical matters will be addressed through future Site Plan applications if the subject applications are approved.

Halton District School Board (HDSB) and Halton Catholic District School Board (HCDSB) reviewed the subject applications and have no objections to the applications.

The subject property is located in proximity to existing parks and open space. Aldershot Park is adjacent to the subject lands and a number of smaller parks are within short walking distance, including Grove Park, Teal Greenway Park and Kiwanis Park.

Opinion: this criterion is met, subject to the applicant addressing the requirements of Halton Region and the City of Burlington with respect to water, wastewater, and stormwater servicing at the Site Plan stage.

ii. Off-street parking is adequate

Through the settlement offer, the revised proposed development provides an overall parking rate of 1.1 parking spaces per dwelling unit to serve the combined residential

occupant, residential visitor, and retail parking needs of 1010 Downsview Drive (Lot A), and an overall parking rate of 1.05 parking spaces per dwelling unit to the combined residential occupant, residential visitor, and retail parking needs of 355 Plains Road (Lot B). Both of the proposed parking rates will require Zoning By-law Amendments as they represent a reduction from the rate of 1.25 spaces per unit that the City has more recently adopted for apartment buildings in Secondary Growth Areas, and a reduction from the parking rate of 1 occupant spaces per unit, 0.25 visitor spaces per unit for stacked townhouse dwellings.

To support the proposed reduced parking rate, the applicant has proposed a Transportation Demand Management (TDM) strategy that includes measures to reduce the development's overall transportation and parking impacts by influencing the demand side of travel behaviour rather than simply providing additional parking supply which can lead to continued auto-dependence. TDM will be provided and secured as a condition of site plan approval for Lot A and Lot B.

Transportation staff have reviewed the proposed development in the context of the subject property and surrounding area, and have determined that the proposed parking rate, in combination with the proposed TDM strategy, is acceptable for the proposed development on the subject property.

Opinion: this criterion is satisfied, as the proposed off-street parking supply will be adequate, subject to provision and securement of Transportation Demand Management measures at the Site Plan stage.

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;

City staff have reviewed the settlement offer and supporting materials with consideration for best practices and applicable policies. As a result of this review, staff accept that the municipal transportation system can accommodate the increased traffic flows generated by the proposed development, subject to a mitigation strategy that includes Transportation Demand Management (TDM). Additionally, the City of Burlington is currently working on the Integrated Mobility Plan and the goal of this plan is to provide a transportation network that will prioritize efforts to encourage transit, cycling, walking, and other non-car modes in order to encourage their use. By doing this, we will prioritize our community's health, improve the vibrancy of our city, and reduce pollution. We will also electrify our transportation network to reduce the emissions of all vehicles and to make modes like scooters or bikes more accessible for people with reduced mobility.

Over the last 30 years, Burlington's transportation network has accommodated growth by building more roadways. This strategy is no longer sustainable. The city does not have the space to build new roadways and the financial cost to maintain a larger network of roads is significant. Therefore, our goal for Plains Road is to provide proper facilities for transit, cycling, walking and other non-car modes.

Opinion: this criterion is met.

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

There is a westbound bus stop located directly in front of 355 Plains Road East and eastbound bus stop located directly across the street from 1010 Downsview Drive. Both bus stops are serviced by Burlington Transit Routes 1, 101 and 4. These routes provide access to the Aldershot GO Station. Routes 1 and 101 also provide access to Downtown Hamilton and the Burlington GO Station. Downtown Burlington can be reached by route 4.

Opinion: this criterion is met.

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

The subject site consists of two properties located on the north side of Plains Road East, separated by Downsview Drive. The existing neighbourhood context is described above in section 1.2 Site Description and Surrounding Context.

The subject application proposes development of mixed-use residential buildings with a low-rise component as a transition to the existing low-rise neighbourhood to the north. Lot A is comprised of a 9-storey mixed use building with a 6 storey podium and 3-storey stacked townhouse units towards the rear of the property. Lot B is comprised of an 11-storey mixed use building, with a 6-storey podium, and 3- storey stacked townhouse units towards the rear of the property. For detailed discussion of the design of this proposed development and its compatibility with its surroundings, refer to the Urban Design Guidelines analysis in section 2.8 of this report.

The Official Plan defines compatibility as 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 of, 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.

Using the City's definition of compatibility, staff have assessed the existing and planned built form context surrounding the subject lands. It is noted that the surrounding context includes a variety residential and mixed-use buildings that vary in height and massing. The scale and massing of the proposed development is compatible with the surrounding existing low-rise residential units to the north and east, the East Plains United Church to the west as well as the residential apartments and mixed-use buildings to the south. It is noted that the surrounding context of this neighbourhood is changing as the long-term vision of the Aldershot GO MTSA is realized.

The proposed tower heights are appropriate for the site with the highest height being proposed on Lot B to allow for height transition which is exhibited by the 9-storey building on Lot A towards the existing low-rise townhouses to the west. The proposed development provides for appropriate placement and orientation of buildings to allow for effective transitions to the adjacent residential uses. The proposed development is compact in nature and incorporates setbacks, step backs and a 45-degree angular plane to minimize impacts including sun shadows, noise and wind. The proposed

development integrates a low-rise component – stacked townhouses to the north of Lots A and B to assist in building mass transition to the adjacent detached residential houses. The proposal incorporates a 6 storey podium along Plains Road and Downsview Drive with a 3.0 metre stepback to create a continuous street wall framing the corners of both streets. It also proposes a 3.0 metre setback from both Plains Road East and Downsview Drive to allow for a landscaping buffer. The setbacks and stepbacks of the proposed development allow for appropriate urban design as discussed in detail in section 2.8 of this report which contains analysis of the proposal in accordance with the Midrise Guidelines.

While the proposed buildings would be taller than other structures on abutting properties, the appropriate design of the building, in particular the lower building would reinforce a human/pedestrian scale by creating a positive relationship with the street. The at-grade related commercial uses are proposed to activate pedestrian oriented facades along Plains Road and maintain employment opportunities within the development. Landscape screening through the provision of tree planting in the side and rear yards is also proposed to provide added transition to existing low density residential properties to reduce overlook/privacy issues.

The lot coverage of the proposed development is appropriate for urban intensification along mixed-use nodes and intensification corridors.

The parking supply of the proposed development is acceptable, as discussed in detail under criterion (ii) above.

The proposed amenity area is acceptable in the context of the surrounding area which includes open space in Aldershot Park, adjacent to the site.

Opinion: the proposed development provides adequate height transition, setbacks and step-backs from Plains Road East, Downsview Drive, and the existing low rise residential neighbourhood to the north to achieve compatibility with the surrounding context.

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;

An Arborist Report, including a Tree Inventory and Preservation Plan, were submitted with the subject applications. City staff provided comments regarding the proposal and identified concerns with preservation of the existing trees located within subject lands. Subsequent discussions as part of settlement meetings have focused on maintaining the existing screen along the north property line for trees that are suitable for preservation based on their condition, and have resulted in the applicant providing a 5 m setback from the proposed location of the underground parking garage for 1010 Downsview Drive (Lot A), and a 5.7 m setback from the proposed location of the underground parking garage for 355 Plains Road (Lot B). It is noted that there is a 1.5 m municipal easement located along the north property line for both subject properties. The proposed 5 m and 5.7 m setbacks to the underground parking garages would provide sufficient space outside of the municipal easement to ensure the long-term viability of the trees that have been identified to be retained within these areas.

Trees that were identified in a condition not suitable for preservation, as they pose future health and safety concerns, will be removed as part of the redevelopment of the site. Where trees are proposed to be removed, the City's expectation from the applicant would be to reinstate the removed trees with new tree planting along the northern boundary as part of the final design. These replacements will be based on ISA and Landscape Architecture best practices and agreed to by the applicant and City prior to any tree removals occurring. New planting within this zone should be designed in a way to prevent potential removal(s) at a time when future repair work may be anticipated to the underground parking garages. This should be a consideration when establishing the setback of the proposed underground parking garages from the rear property line.

Opinion: the criterion is met. Staff are satisfied the revised proposal has preserved as many trees as possible along the north property line, and sufficient space has been provided for new tree planting within this area to maintain the existing screen for existing residents residing adjacent to the redevelopment site on Dowland Crescent.

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

A Shadow Study Guidelines and Terms of Reference was approved by Council in June 2020. As part of the original application the applicant submitted a Shadow Impact Study; however, it was based on a different model that contemplated different heights, setbacks and stepbacks. Staff acknowledge that final detailed design is still to be completed through a future Site Plan process; however, would note that an updated Shadow Study would need to be reviewed and accepted prior to Site Plan approval. Nonetheless, the submitted shadow study was reviewed by staff. The main points of concern to staff were, the proposed amenity space on the 3rd storey on Lot B, and the rear yards of the adjacent low-rise dwelling units to the north. The proposed application has increased the rear yard setback from 6.0 metres to 7.0 metres and the stacked townhouse proposed height has been decreased from 4-storeys to 3-storey. Staff is satisfied with the changes made to address shadow impact on the adjacent rear yards. As for the proposed amenity space on Lot B on the 3rd storey, Staff find it satisfactory to accept that this space will be shadowed most of the day, and consider it as a secondary amenity space to the amenity space that is provided on the 7th floor and the 11th storey. Staff recommend that programming of this space be addressed at the Site Plan stage to ensure appropriate use and functionality. An updated Shadow Impact Study will be required at the Site Plan stage in accordance with the Shadow Study Guidelines and Terms of Reference.

Opinion: An updated Shadow Impact Study is required as part of a subsequent Site Plan application in order to confirm the proposed development does not result in inappropriate shadow impacts onto the subject lands and surrounding neighbourhood. These additional materials would be required in accordance with future Site Plan applications.

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

The subject properties are located east of the Aldershot GO MTSA, which is intended to be a complete community accommodating mix of uses to provide for the needs of future residents. Additionally, a variety of retail, service commercial, and medical office uses are within walking distance of the subject property. White Oak Plaza is located 650 m from the subject lands, accessible by Burlington Transit route 1. QEW-403 Centre is located 1.5 km from the subject lands, accessible by Burlington Transit route 1. A public library and Aldershot Pool are also located in proximity to subject lands.

Opinion: this criterion is met.

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

The revised proposal is a mixed-use development that includes mid-rise buildings and townhouses, which are compatible with the adjacent existing uses.

As discussed in detail in section 2.8.2 of this report, pedestrian-level wind impacts of the proposed development have been assessed as part of the review of the original proposal. However, an updated wind assessment has not been completed for the revised proposal, and as such, Staff is of the opinion an updated study is required as part of the Site Plan application in order to confirm the proposed development does not result in inappropriate wind impacts onto the subject lands and surrounding neighbourhood.

As discussed under section 2.5.2 above, City staff have reviewed an Environmental Noise Assessment for the proposed development and have identified items to be addressed as part of an updated noise assessment during the Site Plan application stage.

The proposed development includes a 5 m setback from the proposed location of the underground parking garage for 1010 Downsview Drive (Lot A), and a 5.7 m setback from the proposed location of the underground parking garage for 355 Plains Road (Lot B). It is noted that there is a 1.5 m municipal easement located along the north property line for both subject properties. The proposed 5 m and 5.7 m setbacks to the underground parking garages would provide sufficient space outside of the municipal easement to ensure the long-term viability of the trees that have been identified to be retained within these areas. Above grade, the proposed buildings are sufficiently setback from the lot lines to allow adequate separation from the neighbouring buildings.

Opinion: this criterion is met, subject to the provision of an updated Wind Impact Analysis as required as part of a subsequent Site Plan application in order to confirm the proposed development does not result in inappropriate wind impacts. Additionally, an updated Environmental Noise Assessment is to be provided during the Site Plan application stage.

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

The existing development on neighbouring properties to the west are relatively new and not expected to redevelop in the foreseeable future. To the east of the lands is East Plains United Church, which contains a cemetery. There is redevelopment potential for the area of the church property adjacent to the subject lands, and as such, the proposed development includes adequate setbacks to allow for appropriate building separation from the existing adjacent buildings as well as any proposed new adjacent buildings, in accordance with the City's Mid Rise Building Guidelines.

Opinion: this criterion is met.

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

There are no identified natural or cultural heritage features located on the subject property or adjacent lands. No areas of natural hazard have been identified on the subject property.

Opinion: this criterion is met, as there are no known natural or cultural heritage features or confirmed areas of natural hazard located on or adjacent to the subject property.

xii. Where applicable, there is consideration of the policies of Part II, subsection 2.11.3(g) and (m);

Not applicable. The proposed development envelope is not impacted by a regulatory floodplain or valleylands and there are no known watercourses located within the limits of the subject lands. The regulatory limits of Conservation Halton do not impact the property.

Opinion: this criterion is not applicable to the subject applications.

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

The subject applications propose non-ground oriented housing intensification. The subject properties are located at the periphery of an existing residential neighbourhood and have direct access to a multi-purpose arterial road (Plains Road East). In addition, the built form has been designed is such a way that scale and mass associated with the proposed development will allow the development to transition well to the adjacent residential development to west and to the existing residential neighbourhood located to the north along Dowland Crescent. This is discussed further elsewhere in this report.

Opinion: this criterion is met.

INTENSIFICATION CRITERIA OPINION: As discussed in the foregoing, staff are of the opinion that the proposed development conforms with the Intensification Criteria of the Official Plan (1997, as amended).

OVERALL OPINION: As discussed above, staff are of the opinion that the requested Official Plan Amendments for height and Floor Area Ratio are supportable, as the proposed development satisfies the intensification criteria

and conforms to the overall policy intent of the Official Plan, subject to the requirements as identified in this report.

2.6 City of Burlington New Official Plan (New OP) (2020, subject to appeals)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Official Plan (2020), which has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. While sections of the new Official Plan (2020) are under appeal, the new Official Plan (2020) reflects Council's vision and are included in the report for informative purposes but are not determinative for purposes these planning applications. At this time, parts of the new Official Plan (2020) are now in force and effect.

For the consideration of the proposed development within the policy context of the new Official Plan (2020) the following sections were considered in the review of the planning applications:

- Chapter 1 – Strategic Directions
- Chapter 2 – Community Vison, City System, Urban Structure and Growth Framework
- Chapter 3 – Housing, Parks, Recreation and Open Space
- Chapter 4 – Climate Change and Air Quality, Natural Heritage System, Urban Forestry, Land Use Compatibility, Contaminated Sites
- Chapter 6 – Multimodal Transportation
- Chapter 7 – General, Public Realm, Urban and Built Form, Sustainable Design
- Chapter 8 – Mixed Use Intensification Areas

2.6.1 Alignment with Strategic Direction

The new Official Plan (2020) has been prepared in alignment with the vision expressed in the 2016 Council Strategic Plan. In 2016, City Council approved a Strategic Plan that included four key strategic directions: a city that grows, a city that moves, a healthy and greener city and an engaging city. In addition, principles were prepared as part of the new Official Plan to guide all land use decision making to achieve sustainable development and a complete community (1.4).

Opinion: the proposed development conforms with the four key strategic directions, including the principles that were established to guide land use decision making.

2.6.2 Alignment with Community Vision, City System, Urban Structure and Growth Framework

The City's community vision is based on City Council's key strategic directions and the guiding principles. It outlines a community vision where growth will be focused in the Urban Area to protect the City's natural heritage and rural area; to build compact, vibrant, sustainable, resilient, transit-supportive, healthy and complete communities; to optimize use of existing and future infrastructure and services; to support active transportation; to reduce energy use and greenhouse gas emissions; and to support a strong and competitive economy (2.1).

The subject properties are located within a Mixed-Use Intensification Area as shown on Schedule B, Urban Structure, of the new OP. Specifically the subject property is located within Mixed Use Nodes and Corridors.

The City's Growth Framework identifies the subject properties as being located within a Secondary Growth Area, as shown on Schedule B-1. Primary Growth Areas are recognized as distinct areas accommodating growth in accordance with the permissions and densities of the current land use designations of the OP. Buildings within this area will be limited to a mid-rise building form, and will support the frequent transit corridors and accommodate development that is compact, mixed use and pedestrian oriented in nature (2.4.2).

Opinion: the proposed development complies with the Community Vision, City System, Urban Structure and Growth Framework policies of the new OP, as it consists of a mixed-use development in mid-rise buildings in accordance with applicable policies, within a Secondary Growth Area.

2.6.3 Alignment with Housing, Public Service Facilities and Institutional Uses, Parks, Recreation and Open Space

As outlined in the City's community vision, one of Burlington's objectives is to build healthy and complete communities. The new OP identifies several key elements of a complete community, such as housing, public service facilities and institutional uses, parks, cultural resources and cultural heritages resources.

The new OP encourages a mix of housing forms and requires the submission of a Housing Impact Statement for development proposals containing more than 100 dwelling units, to identify how the proposal contributes to achieving the Region of Halton housing targets and identify information about affordable housing thresholds and commitments. The applicant submitted a Housing Impact Statement as part of the original applications, which was reviewed by staff. This statement indicates that the proposed development would provide 584 residential units within a Secondary Growth Area.

Opinion: the proposed development complies with the Housing policies of the new OP. It contributes to providing approximately 584 units within a Secondary Growth Area.

2.6.4 Alignment with Climate Change and Air Quality, Natural Heritage System, Urban Forestry, Land Use Compatibility, Contaminated Sites

In 1990, City Council declared the City a Sustainable Development Community and in 1994 City Council adopted principles and objectives of Sustainable Development, to guide the citizens and leadership of the city in their discussions and decisions on how to achieve sustainable development. City Council reaffirmed this commitment in the development and approval of Council's 2015 - 2040 Strategic Plan. It is noted that policies in Chapter 4 are primarily related to environmental sustainability, however, the principles of sustainable development have been applied to all policies throughout the Official Plan to achieve sustainable land use patterns, transportation systems and community and economic development. In support this commitment to sustainability the City will work to improve air quality and energy efficiency, to reduce greenhouse gas

and fuel emissions, and to mitigate and adapt to the impacts of a changing climate through land use and transportation policies related to:

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

Chapter 4 of the new OP contains polices for Urban Forestry. The urban forest provides various benefits and services to the city, including the reduction of air pollution, water attenuation, moderation of the urban heat island effect, carbon sequestration, shade, habitat for wildlife, neighbourhood character and health benefits (4.3). The objectives of the Urban Forestry include to ensure that opportunities for the protection and enhancement of trees both within and outside of the City's Natural Heritage System are fully considered through the planning process (4.3.1). Development proposals should preserve existing healthy trees with the location of healthy trees considered when establishing the location of building envelopes for the proposed development, relocate health trees where feasible, plant replacement trees where tree are removed, and incorporate the planting of additional trees where appropriate (4.3.2).

Chapter 4 of the new OP contains policies requiring the protection of sensitive land uses from sources of noise, vibration, and other impacts, and vice versa. The applicant submitted a Noise and Vibration Feasibility Study and a Land Use Compatibility Report with the original applications. The applicant provided an Environmental Noise Assessment with the original applications. This study was circulated to staff at Halton Region and the City's Development Engineering team. As part the comments on the development proposal staff from Halton Region did not identify any noise and vibration matters. City Engineering staff identified items to be addressed as part of an updated noise assessment during the Site Plan application stage.

The new OP also requires the identification and remediation of site contamination through development applications. Staff have reviewed Environmental Site Assessment for the subject properties and confirmed the need for a Record of Site Condition.

Opinion: the proposed development complies with the Climate Change and Air Quality, Urban Forestry, Land Use Compatibility, and Contaminated Sites policies of the new OP, subject to an updated Environmental Noise Assessment and a Record of Site Condition being provided during the Site Plan stage.

2.6.5 Alignment with Multimodal Transportation

Chapter 6 of the new Official Plan (2020) contains policies for Multimodal Transportation. Burlington's transportation system is made up of many elements and choices for moving around the city, including walking, cycling, taking transit or rail, and

using vehicles. A diverse transportation system with many practical and realistic choices is an essential part of a sustainable city, one which fully integrates mobility with land use and improves the quality of life in the city.

Streets, sidewalks and walkways shall be designed to provide more direct active transportation access from the interior of blocks to transit locations and public rights of way (6.2.4.2 f).

The City will require development proponents to submit a Transportation Demand Management (TDM) plan and implementation strategy for developments within Secondary Growth Areas, subject to City approval (6.2.10.a). The City will consider reduced parking requirements for development where a comprehensive TDM Plan is submitted and implemented to the satisfaction of the City (6.2.10.d). The City will work with development proponents to provide all new building occupants with information on available pedestrian, cycling, and transit facilities and carpooling options within the community, including local transit routes and schedules (6.2.10.g).

As discussed in other sections of this report, the applicant has proposed a TDM strategy to support the proposed reduced parking rates of the proposed development. These TDM measures will be provided and secured as a condition of site plan approval for Lot A and Lot B. Transportation staff have reviewed the proposed development in the context of the subject properties and surrounding area, and have determined that the proposed parking rate, in combination with the proposed TDM strategy, is acceptable for the proposed development on the subject properties.

The property is also located on a MTSA Primary Connector and a Frequent Transit Connector as shown in Schedule B-2, Growth Framework and Long-Term Frequent Transit Corridors, of the City new Official Plan (2020, subject to appeals).

Opinion: the proposed development complies with the Multimodal Transportation policies of the new OP.

2.6.6 Alignment with General, Public Realm, Urban and Built Form, Sustainable Design

Chapter 7 of the new OP contains policies requiring development to have a high quality of urban design and to achieve compatibility with its surrounding context. This section relates to the design of the city's future and existing communities, public realm and buildings and emphasizes land use compatibility, a high-quality built environment, and innovative design in public projects and private developments. A high standard of design and more attention to the relationships between the public and private realms in the development of communities, buildings, streets, urban parks, and open spaces are expected. This includes policies for the design of the public realm, design of the built form of proposed developments, sustainable design, and policies specifically for development in Secondary Growth Areas.

A Planning Justification Report and Urban Design Brief were submitted with the original applications. Planning staff have reviewed these materials in accordance with the applicable policies and design guidelines.

As discussed in greater detail in sections 2.5 and 2.8 of this report, the proposed development provides an appropriate built form that is compatible with its surrounding context.

Opinion: the proposed development complies with the design policies of the new OP.

2.6.7 Alignment with Mixed Use Intensification Areas

The subject property is located within the Mixed Use Nodes and Intensification Corridors, as shown on Schedule C, Land Use – Urban Area. Within the Mixed Use Nodes and Intensification Corridors, the subject property is designated Urban Corridor, as shown on Schedule C, Land Use – Urban Area.

The objectives of the Urban Corridor designation are:

a) To provide locations in the city along key Major Arterial or Multi-Purpose Arterial Streets that will serve as areas of concentration for mixed use development in a compact built form, with residential, retail, service commercial, office, entertainment, public service facilities and institutional uses, and open space uses.
b) To provide opportunities for a range of small and medium-scale retail and service commercial uses, and public service facilities in locations that meet residents' day-to-day and weekly goods and service needs.
c) To recognize the development of Intensification Corridors will occur over time, and that the timing of development may vary from one segment to another, depending on market conditions and community needs.
d) To encourage higher intensity, transit-supportive and pedestrian-oriented mixed use development in a compact built form, while retaining compatibility with the surrounding area.
e) To permit mixed use development on individual sites where various combinations of residential, retail, service commercial, office and other uses are located, or on sites where residential, retail, office and other uses are located next to one another.
f) To protect the planned commercial function within Urban Corridors.
g) To ensure development along Urban Corridors provides a safe, accessible and attractive pedestrian environment with connections to adjacent residential neighbourhoods and Employment Areas.

The Urban Corridor lands are intended to provide for the day-to-day and goods and service needs of residents and employees within and in proximity to the Corridor and may also serve a broader city-wide market. Transit-supportive and pedestrian-oriented design shall be required in the development of Urban Corridor sites.

The designation permits retail and service commercial uses, automotive commercial uses, including large-scale motor vehicle dealerships existing on the date this Plan comes into effect, residential uses with the exception of single-detached and semi-detached dwellings, office uses, entertainment uses and recreational uses.

The maximum Floor Area Ratio (FAR) is 2.0:1, but an increase to this FAR may occur through a site-specific Zoning By-law amendment or minor variance application, without

the need for an amendment to this Plan, provided that the objectives of the Urban Corridor designation are maintained.

To ensure compatibility with adjacent residential areas the minimum building height shall be two (2) storeys and the maximum building height shall not exceed six (6) storeys. Where required to ensure compatibility, four (4) to six (6) storey buildings may be required to be terraced back from adjacent residential areas and/or the street.

Opinion: staff support the requested New OP amendment and Zoning By-law amendments to increase maximum building heights and maximum Floor Area Ratio on the basis that the revised proposal development is appropriate for the subject properties, maintains the objectives of the Urban Corridor, and maintains the policy intent of the new OP.

OVERALL OPINION: As discussed above, Staff are of the opinion that the requested Official Plan and Zoning By-law Amendments for height and Floor Area Ratio are supportable, as the proposed development satisfies the applicable policies, and conforms to the overall policy intent of the Official Plan, subject to the requirements as identified in this report. The revised development proposal maintains the general intent and purpose of the new OP. The proposed development contains a mix of land uses and transit supportive development that supports the achievement of complete communities through a more compact built form, while ensuring compatibility with surrounding areas. To that end, the revised development proposal is considered compatible with adjacent buildings; provides appropriate separation distances between buildings on and adjacent to the site; provides appropriate set back of underground parking garages to ensure long-term viability of the trees that have been identified to be retained within subject lands; limits overlook to adjacent low-rise areas; provides an appropriate transition through the use of setbacks, step-backs and the stepping down of heights; adequately limits shadow impacts on adjacent properties, and does not have a significant encroachment into the 45-degree angular plane with the adjacent low-rise residential properties.

2.7 Zoning By-law

The City's Zoning By-law zones the subject property as Mixed Use Corridor General (MXG) zone. The MXG zone permits a range commercial, office, community, automotive, entertainment, recreational, and residential uses. The maximum floor area ratio for commercial use is 1800 m² and the minimum density in a residential building is 30 units per hectare. The maximum building height is 6-storeys. The proposed development does not conform to the Zoning By-law and requires amendments in order to be permitted. Table 1 below summarizes the site-specific zoning amendments that are required to permit the revised proposed development.

Table 1: Summary of site-specific zoning amendments required to permit revised proposal

	MXG zone requirements	**Site-specific zoning amendments required to permit revised proposal**
Maximum Building Height	2 storeys minimum, 6 storeys maximum	11 storeys maximum
Maximum Floor Area Ratio	Minimum Floor Area Ratio for Buildings other than Entertainment, Recreational, or Industrial Buildings: 0.3:1	2.12:1 Lot A 4.67:1 Lot B
Setback to below grade parking structures abutting north lot line	Current requirement has setback 3 m from property line	5 m for Lot A 5.7 m for Lot B
Required Parking for an Apartment Building	1.25 spaces inclusive of visitor spaces	a. 1.1 spaces inclusive of visitor spaces for Lot A b. 1.05 spaces inclusive of visitor spaces for Lot B
Required Parking for a Stacked Townhouse	1 occupant spaces per unit, 0.25 visitor spaces per unit	a. 1.1 spaces inclusive of visitor spaces for Lot A b. 1.05 spaces inclusive of visitor spaces for Lot B
Stepback for storeys 7 - 9:	Not regulated by Zoning By-law	3 m from building face of tower for Lot A
Stepback for storeys 7 - 11:	Not regulated by Zoning By-law	3 m from building face of tower for Lot B

If Council accepts the settlement offer, City staff will develop a detailed draft Zoning By-law Amendment to bring forward to the OLT for approval. City staff may identify the need for additional minor, more technical site-specific amendments in addition to the amendments reflected in Table 1 above, in order to permit the proposed development as presented in the settlement offer and as discussed in this analysis.

2.8 Urban Design Guidelines

The subject applications have been evaluated by staff in accordance with applicable urban design guidelines, as follows:

- Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019);
- Pedestrian-Level Wind Study Guidelines (2020);
- Shadow Study Guidelines (2020);
- Sustainable Building and Development Guidelines (2021); and

- Plains Road Urban Design Guidelines.

2.8.1 Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019)

The City of Burlington Mixed-Use and Residential Mid-Rise Buildings Guidelines are applicable across the City wherever mid-rise building forms are permitted. Mid-rise buildings contribute to complete communities, provide a mix of housing and activity, and are built at densities that improve the viability of transit. Mid-rise buildings also provide for a scale of building that is very important when transitioning from lower scale residential neighbourhoods to more intense communities. At the street-level, midrise buildings effectively frame streets, create a comfortable pedestrian environment, and line streets with uses that support a vibrant street-life including shops, restaurants and other amenities. For the purposes of the guidelines, a midrise building is defined as any building between 5 and 11 storeys in height. The proposed development currently contemplates one of the towers at 9 storeys on Lot A and two towers at 11 storeys on Lot B.

The Guidelines are broken down by the main components of a mid-rise building, being the lower building (Podium) and upper building (tower). Staff has completed a review of the proposed development in this context.

The lower part of the building contributes to a positive pedestrian experience at the ground level. It is important that the location and height of the lower building responds to its context to define the street edge and reinforce a human scale. Street level design elements such as clear glazing, and the organization of entrances and internal uses, further define the appearance of the building and create physical and visual connections between the private and public realms while promoting vibrancy and activity throughout the day. Section 2.1 of the of the Mid-Rise Design Guidelines provides direction for building placement. The proposed development has been oriented along Plains Road East and Downsview Drive to frame and define the space and allows for private open space to be located in the interior of the site. The proposed buildings have been oriented to minimize sun shadow impact on the surrounding properties.

The distance between buildings is a key factor in the success of any development, and in how the development is perceived to fit within its context. To ensure that buildings relate well to the street, neighbouring buildings and buildings within the site, careful consideration must be given to the space between buildings to protect for privacy, sunlight, and views. Section 2.2 of the Mid-Rise Design Guidelines provides direction for building separation and spacing.

- A continuous street wall has been provided for the retail/commercial component on the ground floor of the proposed development. The proposed development also achieves the minimum 15.0 metres separation distance requirement between the two towers on Lot B, as well as between the proposed stacked townhouse units and the proposed building on both Lots A and B. It is noted however that within the 15.0 metre distance between the two towers on Lot B, a limited number of balconies are proposed, which decrease the distance in these areas to 13.97 metres. It is Staff's opinion that the proposed balconies are of minimal encroachment on the separation distance and do not pose a negative

shadow impact on the amenity area proposed below as discussed in detail in section 2.8.3 of this report.

Built form refers to the overall size and shape of the building. Height and massing are critical to determining the degree of impact a building will have on neighbouring properties. For this reason, the building form must respond sensitively to its context to arrive at a high quality design outcome. Section 2.3 of the Mid-Rise Design Guidelines provides direction for built form: height & massing.

- The development proposes two active frontage facing Plains Road East and Downsview Drive. The mid-rise buildings have been designed to frame the public streets and to animate the public realm with retail facing Plains Road East. The residential lobbies are proposed to be oriented towards the intersection where they are highly visible. The design of the proposed building massing has also incorporated a variety of methods to break-up the over all mass. This includes vertical and horizontal articulations, incorporation of setbacks and stepbacks, changes in building materials and colours, the use of projections and recession, and varying window sizes. The proposed development also proposes a 6-storey podium on both Plains Road East and Downsview Drive. Plains Road East has a deemed right of way width of 36.0 metres and Downsview Drive has a deemed right of way of 20.0 metres. This allows for streetwall, calculated at 80% of the street width to be at the height of 9 storeys along Plains Road 5 storeys at Downsview Drive. Staff find that the proposed 6 storey podium along both streets creates a cohesive streetwall. The development also proposes a stepback of 3.0 metres along both streets above the podium which maintains human scale and minimizes shadowing. In terms of the length of the buildings, the proposed building on Lot B marginally exceeds the 60.0 metres in length, however the mass of the building has been broken up physically and visually using architectural and design elements that sufficiently differentiate the building mass.

How the building addresses the street is essential for establishing a positive first impression and successful interface between the public street and private building. The way a building performs in this regard is strongly influenced by the quality of its ground floor design, façade articulation, material use, and the location and treatment of building entrances. Section 2.4 of the Mid-Rise Design Guidelines provides direction on Street Level Design, Façade Articulation & Materials.

- The proposed development proposes ground floor commercial units, which are proposed at a floor-to-floor height of 4.5 metres to accommodate internal servicing and loading areas, and active uses. The commercial units incorporate a high level of transparency and provide opportunities for indoor spaces to spill out to create an engaging, vibrant and pedestrian friendly experience along Plains Road East. In general, a high level of glazing is proposed along the ground floor to provide visual connections and interest between the public and private realms, enhance safety and a sense of pedestrian scale along the street.
- A high-quality façade is contemplated for the proposal that will integrate and complement the surrounding neighbourhood and enhance streetscape appearance along both street frontages, while allowing for diverse design expressions. Enhanced treatments such as recessions, projections, balconies,

patios and distinctive roof top amenities are proposed to be articulated within the facades on all sides of the development to eliminate the presence of blank walls and create visual interest. The proposed development proposed the application of ‘grounded’ materials within the base of the two buildings, whereas lighter materials are proposed at the upper levels to minimize perceived mass. The proposal also proposes the use of fenestration and glazing in the base of the buildings to provide further visual transparency towards the public realm. In addition to variation in form, the base of the buildings’ mass is divided into smaller functional units via entrance setbacks, window fenestration and material transition to create interactive pedestrian scale street wall. Primary entrances to the building are proposed to be designed with architectural elements that provide a sense of enclosure and weather protection. The main pedestrian entrances are proposed to be articulated with a high level of glazing.

- Overall, the entire development is designed to complement the development across Plains Road East, to create a harmonious look and feel of the area. The stacked townhouse units are proposed to be deigned in a way to complement the mixed-use buildings by incorporating similar building materials and a similar contemporary style. The stacked townhouse units are separated from the mid-rise buildings by the surface parking lots and act as a buffer from the low-rise residential community to the north.

Site design, open space and streetscaping are imperative to the character and quality of a mid-rise development, its ability to fit within the surrounding area and enhance the public realm. This section includes guidelines that address specific elements of site design, open space and streetscaping such as access, parking, landscaping, and servicing. These elements should be well-designed and located to minimize their impact on the aesthetic quality and function of the site, neighbouring properties and the public realm. Section 2.5 of the Mid-Rise Design Guidelines provides guidance on Site Design, Open Space & Streetscaping.

- The vehicular and pedestrian entrance points of the proposed development are defined in a visible and barrier-free location accentuating site permeability. In addition to the main entrances, the commercial units and the residential units on the ground floor also have entrances on Plains Road East and Downsview Drive are directly accessible from the public sidewalk. Building entrances of the proposal are clearly defined through building design and materiality to add to the legibility of the Site’s circulation network. The building entrance for Lot B is positioned in close proximity to existing transit shelter. Internal walkways and sidewalks are proposed to be barrier-free, designed to AODA standards, and will be well-lit for enhanced safety and visibility. The proposed development is designed to minimize pedestrian and vehicular conflicts, and the vehicular access is setback from the intersection to allow for clear sight lines for turning. The entrances to both Lots are located opposite to each other to allow for safe movements in and out of the site.
- Access to parking, servicing and loading areas are located to limit conflicts with pedestrian movements. Vehicular entrances to parking, servicing and loading areas are proposed off of Downsview Drive and is limited to one entrance per

Lot. Vehicular circulation within the Lots is limited to an internal two-way driveway accessing the parking ramp and loading area. Curb cuts are also consolidated to one for each Lot to limit conflicts with pedestrian movement. Servicing and loading areas are proposed to be consolidated and contained within the building on Lot B to reduce visual impact. Parking for the development is proposed to be in a 2-level underground parking and limited surface parking is proposed at the rear of the mixed-use building. The intention of the surface parking is to provide for retail, visitor, and residential spaces. Surface parking is critical to the feasibility of at-grade retail in this location. The surface parking will be screened from the existing residential building to the north of the Site by the proposed stacked townhouse and is proposed to be screened from the adjacent properties through privacy fencing and landscaping. Lot B also has parking spaces integrated within the podium on the first 2 storeys. The safety of the parking area is proposed to be enhanced through lighting and signage identifying building entrances, stairways, and exit routes. The parking access rams are proposed to be located away from the public realm and internal to the site.

- The proposed development proposed multiple forms of amenity space including indoor amenity areas, private balconies, ground floor outdoor amenity space and amenity terraces. The indoor amenity areas include the use for party room, gym, and shared workspaces. These areas will provide forms of programming to maximize the usability of the amenity spaces. On Lot B, outdoor amenity space is proposed as an elevated terrace on the 3rd, 7th and 11th storeys of the mixed-use building. Outdoor amenity areas on Lot A are proposed on the ground floor on the western side of the site, which is proposed to be programmed for resident use as dining and lounging area. On the 3rd storey a west-facing terrace is also proposed that is connected to the proposed party room and gym spaces. Landscaping is also proposed through out the subject site to enhance the visual appearance of the site's edges and interiors while creating buffers that promote privacy and limits visual and physical trespass.
- On site landscaping is proposed to include deciduous and ornamental tree planting within the setback form the municipal sidewalk and along the active frontage to the west and north. These proposed setbacks allow for waiting areas, space spill-out, and private patios to be filled with planting beds, shrubs, and planters projected into the sidewalk to enhance streetscape, and create a more pedestrian friendly environment, and maintain constant interaction of the private and public realm. Detailed planting is to be explored at the Site Plan stage. Shrub planting planted strip, beds and wooden fencing are also contemplated along the side and rear boundaries of the site to provide adequate transition between the proposed development and adjacent properties. The proposed landscaping of the site prioritises the pedestrian over the vehicular circulation and creates an inviting environment. A pedestrian walkway is proposed to be defined along Plains Road East and Downsview Drive, which will provide direct access to the main retail and lobby entrances. The walkway is proposed to be animated through a high level of glazing and street- facing active uses and patios. The interactive and porous street wall contributes to a pedestrian friendly and comfortable streetscape.

- Bike parking is proposed in the form of long term residential and short-term visitor and is located on-surface and within the podium and underground parking levels to facilitate multi-modal active transportation. All additional site elements will be addressed at the Site Plan Stage.

As such, the proposed development applies appropriate regard for lower building design with regard placement, separation and spacing, height, massing, and street level considerations. Site elements, and detailed planting will need to be addressed at the Site Plan stage.

Like the lower building form, the upper building form should respond to its context to ensure high-quality design outcomes. Transitions should be used to reduce potential impacts related to a change in building height and massing such as shadowing, pedestrian level wind impacts, and overlook on neighbouring properties. Appropriate transitions are managed through upper massing step-backs, angular planes, and setbacks (in addition to building placement and separation). Section 3.1 of the Mid-Rise Design Guidelines provides guidance on Built Form: Transitions

- The design of the proposed development incorporates multiple design strategies to address the overall building mass. This includes the use of vertical and horizontal articulations, stepbacks in building height , changes in building materials and colours, the use of projections and recession, and varying window sizes. As mentioned above the deemed road width of Plains Road East is such that the stepback is not required above the 6th storey, however the development provides for a consistent 3.0m stepback above the 6th storey along both Plains Road East and Downsview road. As mentioned above the proposed materiality of the upper building is used to clearly distinguish it form the lower building and to further reduce upper building massing. The proposed building on Lot A demonstrates the use of the 45 degree angular plane to achieve transition to the adjacent low-rise townhouse development to the west. The proposed building on Lot A contemplates the use of stepbacks to achieve this goal. It is noted that the proposed development on Lot A at 9 storeys presents minimal encroachment on the 45- degree angular plane. Staff find the encroachment acceptable as it is minimal in nature and has minimal impact on the adjacent townhouse development. The proposed development also contemplates a low-rise component on site i.e. the stacked townhouses to the rear of the property to act as transition to the low-rise residential community to the north. Also the proposed building on Lot B at 11 storeys, is within the 45 degree angular plane (including mechanical penthouses).

The arrangement of upper building elements, façade articulation and the use of high-quality materials provide a sense of scale and create visual interest. Each building façade should have varied treatment that complements the overall building design while responding to the conditions of the facing conditions. Avoid blank façades facing public streets or public open space. Section 3.2 of the Mid-Rise Design Guidelines provides guidance on Upper Façade / Roof Design, Articulation & Materials

- As mentioned above in section 2.4, enhanced treatments such as recessions, projections, balconies, patios and distinctive roof top amenities are proposed to

be articulated within the facades on all sides of the development to eliminate the presence of blank walls and create visual interest. Proposed balconies are designed to provide for private amenity space and is proposed to be built with high quality transparent material to achieve a light appearance to the towers and avoid adding bulk to the massing. The integration of balconies also adds to the horizontal emphasis and visual interest of the buildings. Roof top mechanical equipment is proposed to be screened from view to enhance visual quality of other adjacent buildings and the surrounding public realm. The proposed architectural design and finishes are conceptual at this stage and will be further refined at the Site Plan stage.

Opinion: the development proposal in general is in keeping with the intent of the Mixed-Use and Residential Mid-Rise Buildings guidelines. Further refinement of elements are required at the Site plan stage.

2.8.2 Pedestrian-Level Wind Study Guidelines (2020)

A Pedestrian Level Wind Study ('Wind Study') is conducted to predict and assess the wind impacts of proposed buildings and site designs on surrounding public and private spaces in addition to on-site wind conditions. The objective is to ensure pedestrian comfort and safety is maintained as Burlington continues to grow and develop. Acceptable pedestrian level wind conditions are assessed by season and the intended use for the areas being studied. Acceptable pedestrian level wind conditions do not exceed the recommended maximum for a particular activity, such as sitting, standing, leisurely or fast walking.

Taller buildings can introduce wind conditions that impact their surrounding context especially when the building is considerably taller than surrounding buildings. Consideration of potential impacts on the local micro-climate should be determined early in the planning and design process, allowing for sufficient time to consider appropriate wind control and mitigation strategies, that may include changes to site and building designs.

A Qualitative Wind Assessment ('Qualitative Assessment') is required as a minimum for development proposals with building heights of 5 to 11-storeys.

The results of the wind study based on the proposed development found that the proposed development would result in:

- The wind safety criterion is predicted to be met in all areas on-site and surrounding the development in both the Existing and Proposed Configurations.
- Wind conditions on the site, including all entrances, are expected to be suitable for the intended use year-round.
- Wind conditions on the proposed terraces are predicted to be suitable for the intended use.
- On the sidewalks surrounding the proposed development and at the nearby transit stops, wind conditions are suitable for the intended use.

Given that an updated wind assessment has not been completed for the revised proposal completed, Staff is of the opinion an updated wind study is required as part of

the Site Plan application in order to confirm the proposed development does not result in inappropriate wind impacts onto the subject lands and surrounding neighbourhood.

Opinion: an updated Qualitative Wind assessment is required as part of a subsequent Site Plan application in order to confirm the proposed development does not result in inappropriate wind impacts onto the subject lands and surrounding neighbourhood.

2.8.3 Shadow Study Guidelines (2020)

Pedestrian thermal comfort is affected by the presence of direct sunlight. The size, shape, and articulation of new buildings will create new shadows at different times of day and year that may limit the penetration of direct sunlight onto both public and private spaces. A Shadow Study demonstrates the potential shadow impacts of a proposed development on its surrounding context. By analyzing existing and proposed shadows together, both incremental and cumulative shadow impacts can be evaluated as Burlington continues to grow.

The purpose of the guidelines is to provide a best practices approach to Shadow Studies in order to promote high-quality development proposals that ensure adequate access to sunlight is maintained for the enjoyment of public and private spaces alike throughout the City. It is a tool for City Staff to be used in the review and evaluation of development applications. Shadow Studies are generally required for development proposals with building heights of 5-storeys or more.

The Shadow Study Guidelines list 5 Shadow Impact Criteria to respond to each site's unique site specific and surrounding built form. Each criteria is measured using different times, dates and standards. Shadow Impact Criteria will specify:

- How a criterion is fulfilled; and,
- The test dates and times the criterion applies.
- Shadow Impact Criteria are organized by the application of the concepts Net New Shadows and Sun Access Factor (SAF).
- Net New Shadows are incremental shadows that exceed the existing building shadows.
- Sun Access Factor (SAF) is a measure of sun penetration on a given area, during a specified time frame, calculated as follows:

Section 4.3 of the guideline speaks to maximizing the usability of private outdoor amenity areas such as rear yards, decks, and (rooftop) patios, including common outdoor amenity areas. The guideline states that shadows from proposed developments should not exceed 2 hours in duration, between 09:00 and 18:00 on March 21st. In cases where existing shadows limit access to sun during the above times, net new shadows resulting from proposed buildings should allow a minimum amount of sunlight to reach nearby private residential outdoor amenity areas, including common outdoor amenity areas, at the discretion of the City of Burlington, between the hours of 09:00 and 18:00 on the specified dates. The criterion is met if the Sun Access Factor is at least 0.22 on each of the test dates.

The proposed development Shadow Study analysis states that between the hours of 9:00am and 12:00pm on March 21st, the rear yards of adjacent residential areas have

either full or partial shadows cast on them by the proposed development. However, the overall sun access factor for the day (from 9:00am to 6:00pm) is approximately 0.70, which exceeds the minimum requirement of 0.22.

Section 4.6 of the guidelines refer to Public Realm and Sidewalks. The guideline states that on March 21st shadows cast by all existing buildings and proposed developments onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way, must allow for either:

a) full sunlight 50 per cent of the time; or
b) 50 per cent sun coverage at all times between 09:00 and 18:00

The criterion is met if the Sun Access Factor is at least 0.50 for the specified date. The boulevard includes the area between the curb and the front property line or the building face, defined by projecting perpendicular lines from the subject site's property lines. Corner sites must include calculations for all frontages identified by the City.

The Shadow analysis for the proposed development states that the building on Lot A shades opposite sidewalks between the hours of 5:00pm and 6:00pm, but allows for full sunlight 80 percent of the time along both Downsview Drive and Plains Road East. The building on Lot B shades opposite sidewalks from 2:00pm to 6:00pm, allowing for full sun 50 percent of the day along Downsview Drive. The sidewalks along Plains Road East have no new shadows cast on them by either building until 4:00pm, allowing for full sun 70 percent of the day. All surrounding sidewalks combined have a sun access factor of 0.56, which exceeds the minimum requirement of 0.50. Cumulative shadows occur on March 21st in the early morning on the north-west residential buildings, and south-east buildings in the evening. On September 21st, cumulative shadows occur on the south-eastern buildings in the evening. On December 21st, cumulative shadows occur on the north-west residential buildings in the morning, and the north-east buildings in the evening. Finally, on June 21st, cumulative shadows occur on both the south-east, and north-east buildings in the evening.

Section 5.1 of the guidelines refer to Design Strategies for Shadow Mitigation. It states that where shadow impacts are considered unacceptable for the given Shadow Impact Criteria, mitigation strategies must be developed and tested. Test results must demonstrate the resultant conditions meet the applicable Shadow Impact Criteria. Unacceptable shadow impacts occur when an area is being partially or fully shadowed for a duration and extent such that the use and enjoyment of the space is impeded. The definition of unacceptable will vary based on use, location, and the specific metrics used in defining the acceptability of conditions. The most effective shadow impact mitigation measures involve adjustments to the building and site design early in the design process. This may include:

- Lot assembly;
- Reduced building footprints;
- Building massing adjustments including but not limited to building setbacks and stepbacks;
- Reduction in building height; and,
- Building placement and orientation.

Though the development proposal meets the criterion for the Shadow Study guidelines, an updated shadow impact analysis will be required at the Site Plan stage to address changes made to built and form and its impacts in accordance with the Shadow Study Guidelines and Terms of Reference.

Opinion: updated materials are required at the Site Plan stage in order to confirm the proposed development does not result in inappropriate shadow impacts onto the subject lands and surrounding neighbourhood. These materials may include a Shadow Study or additional required materials.

2.8.4 Sustainable Building and Development Guidelines (2021)

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. Burlington's Strategic Plan encourages energy efficient buildings and other on-site sustainable features, and sets a net carbon neutral goal for the community. Sustainable design is an integrated design process that helps to reduce infrastructure demands and costs, environmental impacts, greenhouse gas emissions, long term building operating costs, and contributes to the City's goal of being a prosperous, livable and healthy community. 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, and will be used as a tool to assess the sustainable features of development applications.

The guidelines apply city-wide to development applications proposing the following uses:

- Mixed use,
- Institutional and Public Service Facilities,
- Commercial,
- Industrial/Employment, and
- High and medium density residential buildings.

The guidelines list the following as required at the Site plan stage. Some of the requirements also apply at the Official Plan amendment and Zoning by-law Amendment stage (highlighted in bold).

- Guideline 1.1 - Augment Topsoil**:** Maintain a minimum 15 cm/6" quality topsoil. Appropriate topsoil levels absorbs runoff and helps to ensure plants survive and thrive.
- Guideline 1.2 - Snow Management: For sites with surface parking, identify a designated snow storage area in an area that will reduce salt and contaminant impacts to vegetation, groundwater and surface water. Appropriate on-site snow storage is preferable to off-site snow removal. Road salt poses risk to plants, animals, birds, fish, lake and stream ecosystems and groundwater. Appropriate snow storage areas can help manage and mitigate the risks associated with road salt.

- **Guideline 2.1 - Site Connections:** Provide pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies. This encourages active transportation and transit use to reduce the dependence on the automobile.
    - The proposed buildings have been oriented to have front entrances facing the public sidewalk along Plains Road East. At-grade retail space has also been located along the Plains Road East frontage. This allows for pedestrian access to transit, public sidewalks, and bicycle connections.
- Guideline 2.2 - Accessibility: Design on-site sidewalks, crosswalks and walkways to be continuous, universally accessible, barrier-free and clearly delineated in accordance with Official Plan Policies, Accessibility for Ontarians with Disabilities Act & City of Burlington Accessibility Design Standards. This promotes walking by all age groups and abilities and provides access for those with limited mobility.
- **Guideline 2.3 - Bicycle Storage:** Provide bicycle parking spaces in accordance with the Zoning Bylaw and Official Plan Policies. Cycling reduces greenhouse gas emissions, reduces traffic congestion and improves health. Convenient bicycle parking encourages the use of active transportation.
    - Zoning By-law 2020 only required bicycle parking for the retail component of the proposed development which is met. 9 bicycle parking spaces is required and 12 spaces have been provided.
- Guideline 3.1 - Light Pollution: Minimization of light pollution in accordance with the city's Guidelines for Outdoor Lighting and Official Plan Policies. Reducing light pollution reduces night sky glow which is beneficial for wildlife and improves nighttime visibility. All exterior lights must include cut-off shields in accordance with the City's guidelines.
- Guideline 3.2 - Native Species (NHS): As per Official Plan policy, use native, non-invasive species within the Natural Heritage System and related buffers, and use non-invasive species in all other areas. Planting native and non-invasive species protects and enhances the Natural Heritage System and biodiversity, and are resilient to the local climate.
- **Guideline 4.1 - Stormwater Quality**: Achievement of a level one/enhanced stormwater treatment for all stormwater runoff. Stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario.
    - A Jellyfish® stormwater treatment unit is proposed to provide enhanced treatment of runoff from paved surface areas separate from the 'clean' rooftop runoff.
- **Guideline 5.1 - Urban Heat Island:** Provide vegetated landscape areas in hard surface areas as per the Zoning By-law. Vegetation can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas.
    - Required landscape buffers have been provided along all lot lines. In addition, landscaped areas have been provided in the at-grade amenity space, as well as additional planting areas in front of the townhouses.

- **Guideline 6.1 - Waste Management Plan:** Provide and implement a waste management plan in accordance with Regional requirements. Recycling and composting treats waste as a resource and reduces the need for landfill expansion.
    - A waste management plan has been prepared to accommodate waste collection within the properties.

The proposed development has incorporated all the required items from the above list and has also adopted the following voluntary guidelines:

- Guideline 2.4 - Transportation Demand Management: Provision and implementation of a Transportation Demand Management Plan. Required for parking reductions and required in Primary, Secondary and Employment Growth areas as per Official Plan policy.
    - A Transportation Demand Management Plan has been prepared for the proposed development.
- Guideline 2.5 - Bicycle Storage (Occupants): Locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant/employee.
    - Bicycle parking has been provided in the underground locker spaces, which will be securely enclosed for resident use. Additionally, bicycle storage rooms exist on the ground floors of each building for more frequent bicycle users.
- Guideline 2.6 - Bicycle Storage (Visitor): Provision of bicycle parking spaces in a weather protected area at grade near the main entrance or easy to identify area.
    - Bicycle parking has been provided near the entrances to the retail components along Plains Road East.
- Guideline 4.3 - Previous Surfaces: Minimization of impervious surfaces and stormwater runoff through the use of Low Impact Development (LID) measures such as: Permeable pavement; Bioswales; Infiltration trenches/bioretention areas; Rain gardens; Draining roofs to previous areas, and; Other innovative stormwater management strategies.
    - There are opportunities for bioswales, and infiltration trenches in the internal side yards. We have collected the ‘clean’ roof top water from the main building into a separate holding tank for irrigation purposes. Details of additional LID measures will be explored at the Site Plan stage.

Opinion: All the required sustainable guidelines at the Official Plan and Zoning by-law amendment have been met. An update to how some of the sustainable measures are achieved is required. Additional Sustainable requirements are required to be addressed at the Site Plan Stage.

2.8.5 Plains Road Urban Design Guidelines (2006)

The Plains Road Corridor Urban Design Study was initiated by the City at the request of the local community and has relied on the time and effort of the community to develop, refine and improve the urban design vision and guidelines. The purpose of the Plains Road Corridor Urban Design Study is to refine the vision that the Plains Road Village Vision (PRVV) had been advocating and to create design guidelines to assist the City to

direct future redevelopment of the roadway and adjacent lands. This document recommends design guidelines for public and private sector infrastructure investment along the road right-of-way and for private sector redevelopment proposals adjacent to the road corridor. The Guidelines are intended to be used by city staff to assist in evaluating Planning Act applications.

A detailed assessment of the road corridor revealed that the study area was not homogenous in character, in fact the seven kilometre roadway has definable districts that need to be treated distinctly to preserve and enhance the more attractive aspects of the streetscape and also to have unifying elements throughout the corridor to distinguish it from other arterial roads in Burlington. The evaluation led to the refinement of the overarching principles and strategies that generally strive to encourage more pedestrian usage, calm traffic and improve the aesthetics along the right-of-way.

- The subject site is located within the Maplehurst District, which is defined as the segment of Plains Road between Filmandale Road and King Road. This District is comprised of a mix of institutional, commercial and retail uses that abut the corridor, often without adequate setback or landscaping. Most commercial developments have at grade parking, which in some areas juts into the boulevard or sidewalk. Freestanding pylon signs and at grade parking dominate the streetscape. Future urban design strategies should focus on creating a more uniform streetscape treatment for commercial frontages including shade tree planting where feasible and improvements to pedestrian circulation. Several important institutional uses are located in this District including the East Plains United Church and the Maplehurst Public School. The school is located close to the street, at a signalized intersection to the plaza across the road. The streetscape along the corridor and the landscaping associated with the school is worn. Although there are adequate lay-by/drop-off facilities for school buses, other elements such as medians, improved pedestrian crossing pavements and lighting would assist to calm traffic, increase pedestrian safety and improve the visual character of this node.
- The proposed development provides for improved streetscapes along Plains Road East through landscaping, lighting and increased setback as described above in detail in section 2.8.1 Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019).

The guidelines are presented in three categories:

- General Streetscape Guidelines - intended to apply to all planned changes within the publicly-owned street right-of-way throughout the corridor and to abutting private properties
    - The proposal intents to incorporate lighting guidelines through out the site, specifically along Plains Road East. The safety of the parking area is proposed to be enhanced through lighting and signage identifying building entrances, stairways, and exit routes. Further exploration of lighting requirements will be required at the Site Plan stage. Internal walkways and sidewalks are proposed to be barrier-free, designed to AODA standards, and will be well-lit for enhanced safety and visibility. Access to parking, servicing and loading areas are located to limit conflicts with

pedestrian movements. Vehicular entrances to parking, servicing and loading areas are proposed off of Downsview Drive and is limited to one entrance per Lot. Site elements, and detailed planting will also need to be addressed at the Site Plan stage. It is staff's opinion that the general streetscape guidelines are met as described above in detail in section 2.8.1 Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019).

- District Guidelines - providing area-specific guidelines for the planned character and streetscape of each of the districts identified in the Urban Design
    - At the intersection of Plains Road and Maplehurst Public School a pedestrian node should be created that accentuates the presence Maplehurst Public School and provides traffic calming and streetscape beautification features. The design of the node should include planting improvements adjacent to Maplehurst School, integration of a widened sidewalk and bus drop-off, landscaped medians to provide locations of pedestrian refuge, pedestrian lighting and signage. As mentioned above the proposed development meets this criterion with elements to be addressed at the Site Plan stage. As such it is staff's opinion that the district guidelines are met as described above in detail in section 2.8.1 Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019).
- Site Planning and Built Form Guidelines - providing direction for commercial and residential property improvements and redevelopment
    - Although the proposed development is setback 3 metres from Plains Road East, the proposed base is at 6 storeys, which is higher than the direction provided by this guideline at 3 storeys. Staff have reviewed the proposed development within its existing context and planned context and find that the proposed 6 storey podium is acceptable as discussed above in detail in section 2.8.1 Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019).
    - The guideline also gives direction that storeys above the podium should be setback a minimum of 3.0 metres, which is met by the proposed development at the 7th storey.
    - All other site planning and built form guidelines in regards to medium and high density residential development has been met by the proposed development as described above in detail in section 2.8.1 Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019).

Opinion: the intent of the Plains Road Urban Design guidelines is met with elements that will be addressed at the Site Plan stage.

3.0 Technical Review

The original applications were circulated to internal departments and external agencies for review. Written responses to the technical circulation were received from Halton Region, Enbridge Pipelines, Burlington Hydro, Halton Catholic District School Board (HCDSB), Halton District School Board (HDSB), Aldershot Village BIA, Halton Regional Police Service (HRPS), and the following City departments: Transportation, development Engineering, Finance, Accessibility, Fire, Urban Forestry and Landscaping, and Parks. Concerns related to the Official Plan Amendment and Zoning By-law Amendment application have been addressed to the satisfaction of external and internal stakeholders who provided comments, noting that some of the concerns can be addressed during detailed design, and at Site Plan.

4.0 Conclusion

The revised proposal has been reviewed in accordance with applicable Provincial, Regional, and Municipal planning policies and staff is of the opinion that the revised proposal is consistent with these documents and represents an appropriate level of intensification, efficient use of land and provides a range and mix of housing options that promote the use of active transportation and transit.

The proposal, as revised, will create a mixed use development consisting of a mix of residential unit types at an appropriate density within Secondary Growth Area on two underutilized properties that provides for efficient use of land, infrastructure and services. The revised proposal is compatible with adjacent land uses and building typologies, scale, massing, setbacks and building heights. Changes to the site plan have included reducing the height of the townhouses on Lot A and B from 4 storeys to 3 storeys (which includes rooftop amenity space that is proposed to be setback from the face of the building), additional space between the townhouses and the north lot line to improve the transition to the adjacent single detached dwellings, increased stepbacks along Downsview Drive on Lot A and B to 3 m, increased underground parking garage setbacks to 5 m on Lot A and 5.7 m on Lot B to ensure the long-term viability of the trees that have been identified to be retained within these areas. Additionally, TDM measures will be provided and secured as a condition of site plan approval for Lot A and B.

The proposed development has access to the street network which can accommodate the additional traffic associated with the increased intensity of this site. There is also existing public transit located in close proximity to the subject lands, as well as community services and amenities located within walking distance to the subject lands.

Staff is satisfied that the applicant has made appropriate modifications in an effort to reduce the overall impact of the development on the neighbouring properties. The revised applications are consistent with the Provincial Policy Statement, conform to all applicable Provincial Plans, the Region of Halton Official Plan and the City of Burlington Official Plans and have regard for matters of Provincial interest.

Staff is satisfied with proceeding by way of a Settlement Hearing before the Ontario Land Tribunal for the revised proposal and has provided draft planning instruments to facilitate implementation of the development proposal.

Respectfully submitted,

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Community Planning Department

City of Burlington