Planning Justification Report

1860 -1900 Appleby Line, Burlington

Application for Official Plan and Zoning By-law Amendment



Prepared for LJM Developments Inc.
by IBI Group
November 21, 2021

Table of Contents

1 Introduction 1

2 Site Description and Context 2

2.1 Site Location and Description of Existing Uses 2

2.2 Surrounding Context 5

2.3 Transit 7

3 Site and Area Images 8

4 Selected Planning History 11

4.1 Minor Variance Approvals in 2010, 2012 & 2014 11

4.2 Temporary Use By-Law in 2019 12

5 Development Proposal 13

5.1 Proposed Mixed-Use Towers 15

5.2 Parking and Access 19

5.3 Private Open Publicly Accessible Spaces (“POPS”) 20

6 Development Application Pre-Consultation 20

6.1 Urban Design Advisory Panel Meeting Minutes 24

7 Supporting Studies 25

7.1 Phase One ESA 25

7.2 Geotechnical Investigation 26

7.3 Functional Servicing Report and Stormwater Management Report 26

7.4 Traffic Impact Study 27

7.5 Land Use Compatibility, Noise/ Vibration Feasibility Study & Construction/ Mobility Management Plan 29

7.6 Housing Impact Statement 30

7.7 Shadow Study 30

7.8 Arborist Report 30

7.9 Pedestrian Level Wind Study 31

7.10 Urban Design Brief 31

7.11 Waste Management Report 31

Table of Contents (continued)

8 Planning Applications 32
8.1 Proposed Official Plan Amendment 32
8.2 Proposed Zoning By-law Amendment 34
8.3 Site Plan 41
8.4 Draft Plan of Condominium 41
9 Current Planning Status 41
9.1 Ontario Planning Act 41
9.2 Provincial Policy Statement 2020 44
9.3 Growth Plan for the Greater Golden Horseshoe 2020 53
9.4 Region of Halton Official Plan 60
9.5 Regional Official Plan Amendment 48 67
9.6 In-Effect City of Burlington Official Plan 1997 (“IEOP”) 70
9.7 City of Burlington Council-Adopted 2020 Official Plan (“CAOP”) 80
9.8 City of Burlington Zoning By-law 2020 95
10 Public Consultation Strategy 96
11 Conclusions and Recommendations 97
Appendix A – 2014 Minor Variance Approval 1
Appendix B – 2019 Temporary Use By-law Approval 2
Appendix C – Draft Official Plan Amendment 3
Appendix D – Draft Zoning By-law Amendment 4

List of Figures

Figure 2-1: Parcel Mapping of the Subject Lands, Retrieved from City of Burlington Mapping 3

Figure 2-2: Aerial Mapping of the Subject Lands, Retrieved from City of Burlington Interactive Mapping 3

Figure 2-3: Topographic Survey of Subject Lands, Prepared by Barich Grenkie 4

Figure 2-4: Existing Floor Plans 5

Figure 2-5: Subject Lands and Surrounding Context, Retrieved from Google Earth 7

Figure 2-6: Burlington Transit System Map, Retrieved from City of Burlington 8

Figure 3-1: 3D Aerial looking north to Subject Lands and Surrounding Context, Retrieved from Google Earth 8

Figure 3-2: 3D Aerial Looking East to Subject Lands and Surrounding Context, Retrieved from Google Earth 9

Figure 3-3: Zoomed in 3D Aerial View of Subject Lands, Retrieved from Google Earth 9

Figure 3-4: View of Subject Lands from Appleby Line, Retrieved from Google Streetview 10

Figure 3-5: View of Subject Lands at the south-west corner of Appleby Line and Ironstone Drive, Retrieved from Google Streetview 10

Figure 3-6: View of Subject Lands along Ironstone Drive, Retrieved from Google Earth. 10

Figure 3-7: View of the Northern Portion of the Subject Lands to be Redeveloped, Retrieved from Google Streetview 11

Figure 3-8: View of the Southern Portion of the Subject Lands to Remain, Retrieved from Google Streetview 11

Figure 5-1: Conceptual Site Plan, prepared by RAW 14

Figure 5-2: Preliminary 3-D Massing of the Proposed Development and Phasing, Prepared by RAW 15

Figure 5-3: Conceptual 3-D Massing of the Proposed Development in Surrounding Context, Prepared by RAW 15

Figure 5-4: Phase One Preliminary Site Plan, Prepared by RAW 16

Figure 5-5: Preliminary Elevations of Phase 1 Building, Prepared by RAW 17

Figure 5-6: Preliminary Rendering of Phase 1, Prepared by RAW 18

Figure 5-7: Ground Floor Plan, Prepared by RAW 19

Figure 5-8: Proposed Landscape Plan, Prepared by Adesso Design 20

Figure 9-1: Excerpt of Table 1: Population and Employment Distribution from Region of Halton Official Plan 61

List of Figures

Figure 9-2: Excerpt of Table 2: Intensification and Density Targets, Retrieved from Region of Halton Official Plan 62

Figure 9-3: Excerpt of Table 2A: Regional Phasing, Retrieved from Region of Halton Official Plan 62

Figure 9-4: Excerpt of Map 1 Regional Structure, Retrieved from the Region of Halton Official Plan 63

Figure 9-5: Excerpt of Map 3: Functional Plan of Major Transportation Facilities, Retrieved from Region of Halton Official Plan 66

Figure 9-6: Excerpt of Table 1: Population and Employment Distribution, Retrieved from ROPA 48 68

Figure 9-7: Excerpt of Table 2B Strategic Growth Area from ROPA 48 69

Figure 9-8: Excerpt of Map 1H: Regional Urban Structure, Retrieved from ROPA 48 70

Figure 9-9: Excerpt of Schedule J: Classification of Transportation Facilities, Retrieved from City of Burlington Official Plan 73

Figure 9-10: Excerpt of Schedule A: Settlement Pattern, Retrieved from City of Burlington Official Plan 75

Figure 9-11: Excerpt of Schedule B: Comprehensive Land Use Plan – Urban Area, Retrieved from City of Burlington Official Plan 77

Figure 9-12: Excerpt of Schedule F: Uptown Mixed Use Centre Land Use Plan, Retrieved from City of Burlington Official Plan 80

Figure 9-13: Excerpt of Schedule A: City System, Retrieved from City of Burlington Grow Bold Official Plan 82

Figure 9-14: Excerpt of Schedule B: Urban Structure, Retrieved from City of Burlington Grow Bold Official Plan 83

Figure 9-15: Excerpt of Schedule B-1: Growth Framework, Retrieved from City of Burlington Grow Bold Official Plan 84

Figure 9-16: Excerpt of Schedule B-2: Growth Framework and Long Term Frequent Transportation Corridor, Retrieved from City of Burlington Grow Bold Official Plan 86

Figure 9-17: Excerpt of Schedule C: Land Use Retrieved from City of Burlington Grow Bold Official Plan 89

Figure 9-18: Excerpt of Schedule E: Uptown Urban Centre Retrieved from City of Burlington Grow Bold Official Plan 92

Figure 9-19: City of Burlington Zoning By-law 2020 96

List of Tables

Table 2-1: Summary of Surrounding Uses 6
Table 5-1: Composition of Units by Phases 13
Table 5-2: Proposed Site Statistics of Development 14
Table 5-3: Unit Composition for Each Phase 16
Table 5-4: Parking Composition of the Proposed Development 20
Table 6-1: Summary of Comments 23
Table 6-2: Summary of Urban Design Advisory Panel Minutes 25
Table 8-1: UCR1 Zone Modifications 37
Table 8-2: Proposed UCR2 Modifications 40
Table 9-1: Region of Halton Official Plan Designations Applicable to the Subject Lands 60
Table 9-2: ROPA 48 Designations Applicable to the Subject Lands 67
Table 9-3: City of Burlington Official Plan Designations Applicable to the Subject Lands 71

1 Introduction

ICP Developers Inc. ("the Owner") is the Owner of approximately 2.2 hectares of land, municipally referred to as 1860 -1900 Appleby Line in the City of Burlington (the "subject lands"). The subject lands are currently developed with a one and two-storey multi-unit, multi-building commercial plaza with surface parking. The applicant is proposing to re-develop the northern portion of the subject lands into a mixed-use development, consisting of one eighteen-storey, 170-unit building, one sixteen-storey, 201-unit building and one sixteen-storey, 189-unit building with three levels of shared underground parking. Existing built form of a two-storey multi-unit commercial plaza will remain on the southern portion. Overall, the proposed development will contain a total of 560 residential units, 1,820 square metres of office space and 1,581 square metres of retail space. The purpose of the proposed development is to create an attractive and liveable space in the Uptown Centre of Burlington and support residential and employment growth targets of the Province, Region of Halton, and City of Burlington.

Official Plan ("OPA") and Zoning By-law ("ZBLA") applications are required to facilitate the proposed development. In the City of Burlington Official Plan 1997 (In Effect Official Plan ("IEOP"), the subject lands are currently located within the Mixed -Use Centre and designated "Uptown Employment" and "Uptown General Employment". To permit the mixed-use residential commercial development, the proposed OPA will re-designate the northern portion of the subject lands to the Uptown Commercial/Residential I and the southern portion to Uptown Commercial/Residential II, which will bring the lands more into conformity with more recent Council direction. Within the Council-Adopted 2020 City of Burlington Official Plan, which is currently under appeal (Council - Adopted Official Plan "CAOP", the northern portion of the subject lands will be designated Uptown Core, while the southern portion of the subject lands will be designated Uptown Corridor. The proposed OPA will amend the Uptown Commercial/ Residential I designation to allow the specific permitted uses, maximum floor area ratio and minimum/maximum height provisions consistent with those contained within the adopted Uptown Core designation. The proposed OPA will amend the Uptown Commercial/Residential II designation to allow the permitted uses and maximum floor area ratio provision, as well as increase the minimum height provisions consistent with those contained within the proposed Uptown Corridor designation.

Currently, the majority of the subject lands are zoned "Uptown Employment" (UE-496) with site-specific provisions, while the south-western portion of the subject lands is zoned 'General Employment' (GE1). A ZBLA is required to rezone the northern portion of the subject lands to the Uptown Commercial/Residential I (UCR1) Zone with different site-specific provisions for Phase 1 and the subsequent Phases 2 &3 as well as the southern portion of the subject lands to the Uptown Commercial/Residential 2 (UCR2) Zone with site-specific provisions.

IBI Group has been retained by the Owner to provide planning advice and assistance on the redevelopment of these lands. The authors of this report have come to an independent professional planning opinion which supports the applications as they are reflective of good planning and are in the public interest. This Planning Justification Report ("PJR") provides a thorough discussion and analysis of current and applicable Provincial legislation and plans, local planning documents, supporting studies, technical works and other relevant matters in the context of the proposed development.

2 Site Description and Context

The following subsections provide a review of the context, existing uses and conditions of the subject lands and surrounding area. These elements frame the discussion on the proposed planning applications, as well as the planning comments and justification.

2.1 Site Location and Description of Existing Uses

The subject lands, municipally known as 1860 -1900 Appleby Line are located at the south-west corner of Appleby Line and Ironside Drive. The lands are legally described as; Firstly Part of Block 19 in Plan M249, Parts 6 & 21 in Plan 20R13597, Secondly Part of Block 19 in Plan M249, Parts 4, 7 & 10 in Plan 20R13597 except Part 2 in Plan 20R18769, Thirdly Part of Block 11 in Plan M249, Parts 5,8 & 11 in Plan 20R13597 Except Part 1 in Plan 20R187689, Fourthly Part of Blocks 11 & 19 in Plan M249 Described as Parts 1-2 in Plan 20R20074 subject to an easement in gross over Part 2 in Plan 20R20074 As in HR1263836 together with an easement over Parts 9,12,17, 19 & 20 in Plan 20R13597 as in H844242 together with an easement over Parts 25 – 26 in Plan 20R13597 as in H844242 within the City of Burlington. The subject lands are rectangular in shape and have an approximate frontage of 114 metres along Appleby Line and 166 metres along Ironside Drive with an approximate area of 22, 250 square metres (2.2 hectares).

The majority of the subject lands are currently occupied by a multi-unit, multi-building commercial plaza with surface parking. The commercial establishment consists of two previously-developed phases. Phase 1 is a single storey commercial building located in the northern portion of the subject lands along Ironside Drive, and mainly consists of medical offices, retail and restaurants. It is broken up into two buildings, interconnected through a steel canopy over an existing driveway access to the plaza through Ironside Drive. Phase 2 is situated in the southern portion of the subject lands and contains a two-storey commercial building, consisting of restaurants and retail uses and a two-storey commercial office component. It is connected through a steel canopy over the drive-through lane for a coffee shop, situated in the two-storey portion. Another driveway access is located in the southern portion of the subject lands, off of Appleby Line. All of the phases are serviced by the surface parking lot, containing approximately 289 spaces situated in the middle of the subject lands. The north-western portion of the subject lands is currently vacant.

The subject lands have a relatively flat topography. The northern and eastern lot lines are delineated by concrete sidewalks along Ironside Drive and Appleby Line, while the southern lot line is delineated by a concrete curb and a chain link fence. The western lot line is outlined by a concrete curb, that is utilized to separate the subject lands and the adjacent Fire Station.

Please refer to **Figures 2-1 & 2-2** for an aerial view of the general location of the subject lands. **Figure 2-3** provides the topographical survey of the subject lands, which is also included separately. **Figure 2-4** provides the floor plans of the existing development.

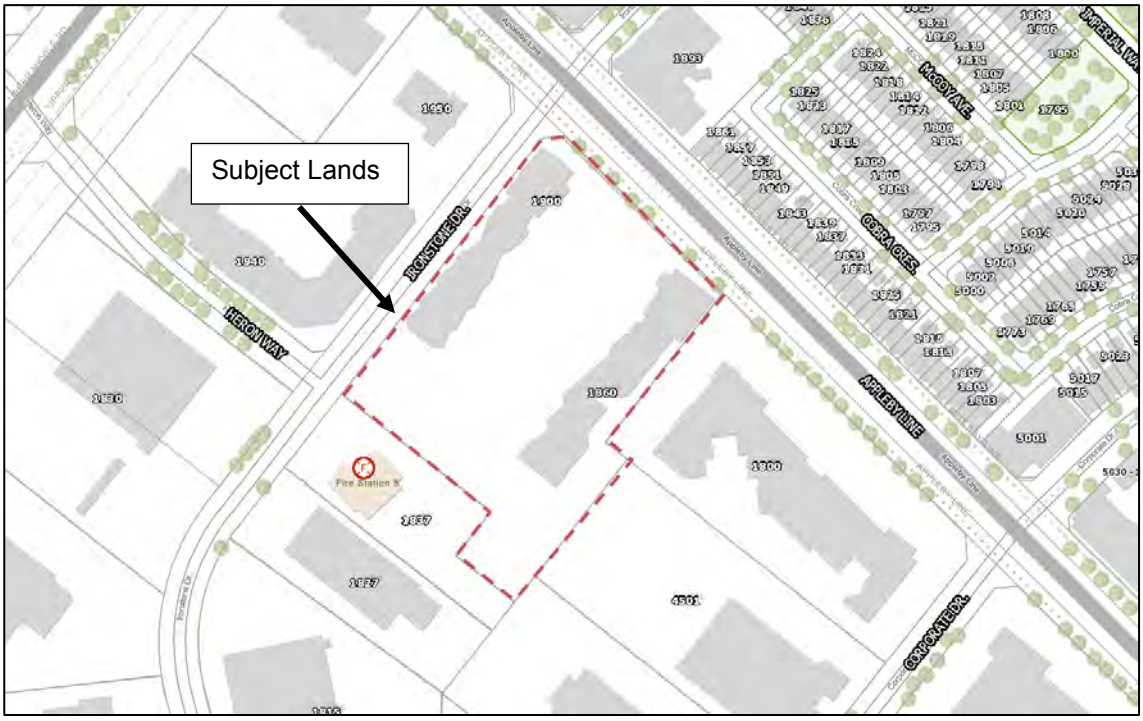


Figure 2-1: Parcel Mapping of the Subject Lands, Retrieved from City of Burlington Mapping



Figure 2-2: Aerial Mapping of the Subject Lands, Retrieved from City of Burlington Interactive Mapping

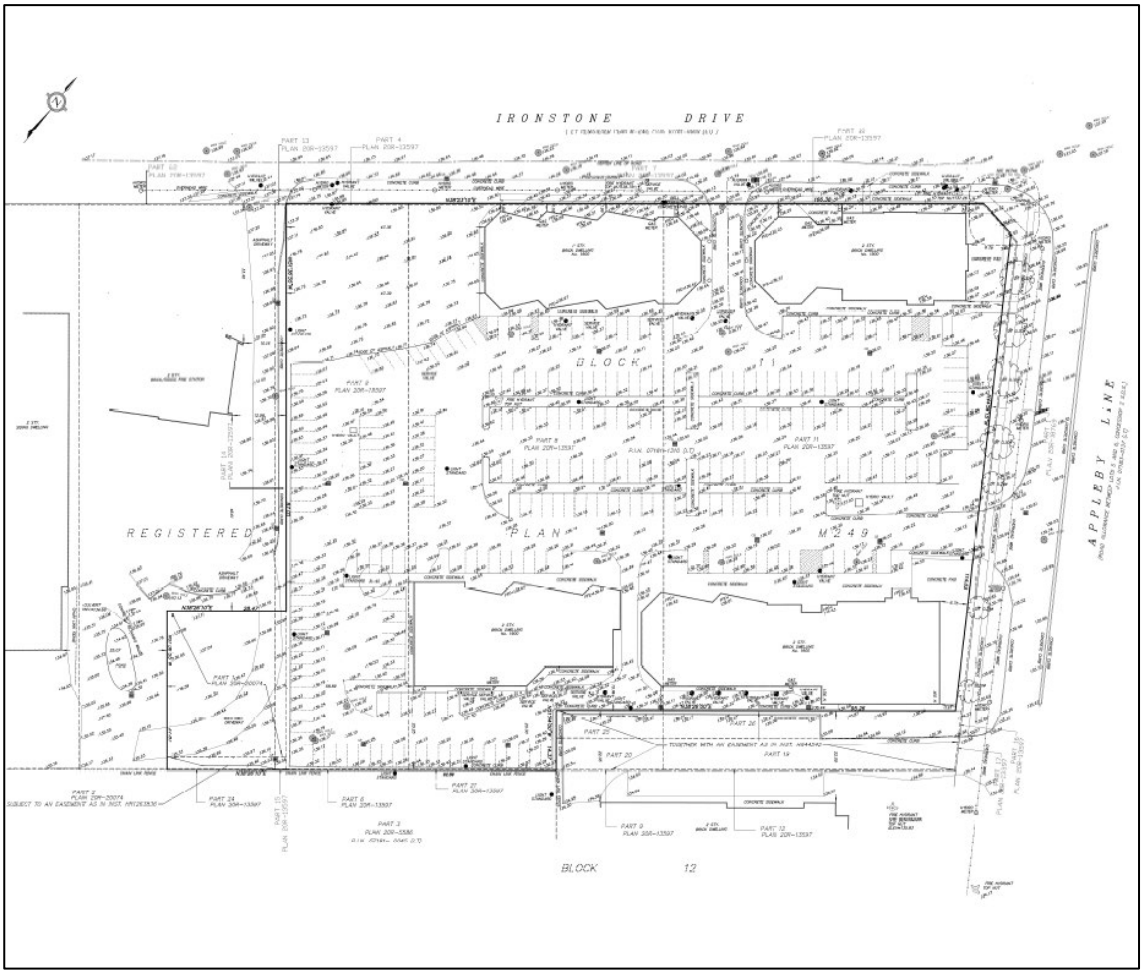


Figure 2-3: Topographic Survey of Subject Lands, Prepared by Barich Grenkie

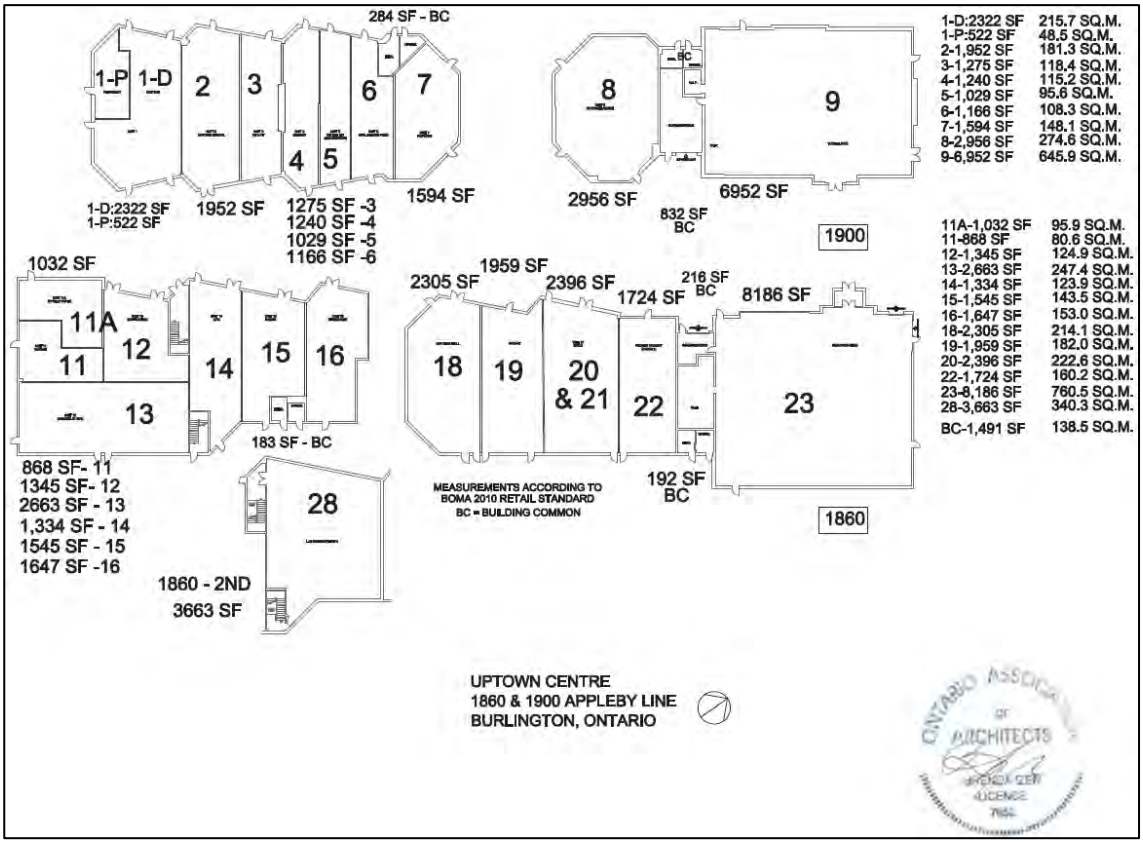


Figure 2-4: Existing Floor Plans

2.2 Surrounding Context

The subject lands are located in the eastern portion of the City of Burlington, within an Uptown Mixed Use Centre identified in the 1997 City of Burlington Official Plan ("IEOP"). The subject lands are in proximity to Upper Middle Road to the north, Appleby Line to the east, Mainway to the south and the CN Rail Corridor to the west. The subject lands are well connected to the Region and Province's road network, as Appleby Line is designated as a Major Arterial Road and the Queen Elizabeth Way ("QEW") is located within a two-kilometre radius.

At the north-east corner of Ironstone Drive and Appleby Line is a sixteen-storey mixed-use building with at-grade commercial uses, connected to four-storey stacked dwelling units. Further north-east are six-storey and ten-storey residential buildings, an Esso Gas Station and a Hotel (Premiere Suites), situated at the east corners of Upper Middle Road and Appleby Line.

Directly opposite of the subject lands, on the eastern side of Appleby Line is an eight-storey mid-rise building with at-grade commercial uses. The development pattern of two-storey residential townhouses continue south along Appleby Line until Corporate Drive, where there are seven-storey and four-storey mid-rise residential buildings each located at the north-east and south-east corners of the intersection. Further east of the mid-rise buildings and the townhouses are low density residential uses (i.e. townhouses, semi-detached and single detached dwellings). DesJardines Park is located in the midst of the low-density neighbourhood. Further east of the low-density residential neighbourhood is Corpus Chris Catholic Secondary School and open space, associated with Sheldon Creek Woodlot.

A single storey multi-unit employment/commercial plaza building is located immediately south of the subject lands. Employment uses continue further south along Appleby Line. These uses are interspersed with vacant open space lands.

The subject lands are bordered by a Fire Station along the western boundary line. Further west, employment and industrial uses predominate until the CN Rail Corridor. On the opposite side of the CN Rail Corridor are commercial uses and low-density residential uses.

A summary of the surrounding uses is outlined in the table below.

TO THE NORTH	TO THE EAST
• Commercial/ Retail Uses • Medical Office Building • Milcroft Shopping Centre • Milcroft Park	• Mixed Use-Buildings • Gas Station • Low Density Residential • DesJardines Park • Corpus Chris Catholic Secondary School • Sheldon Creek Woodlot
TO THE SOUTH	**TO THE WEST**
• Commercial Uses • Employment/ Commercial Uses	• Burlington Fire Station • Industrial/ Commercial Uses • CN Rail Corridor

Table 2-1: Summary of Surrounding Uses



Figure 2-5: Subject Lands and Surrounding Context, Retrieved from Google Earth

2.3 Transit

As seen in **Figure 2-5,** the subject lands are well serviced by public transit. Burlington Transit is the public transit operator for the City of Burlington. The closest transit stops are situated along the frontage of the subject lands as well as at the north-east corner of Ironside Drive and Appleby Line, approximately 81 metres from the edge of the subject lands. These bus stops are serviced by Route 11 (Sutton – Alton), which travels from Appleby GO Station to the Highway 407 GO Bus Station primarily along Appleby Line.

The subject lands are in close proximity to the intersection of Upper Middle Road and Appleby Line. In addition to Route 11, the intersection is serviced by Route 12 (Upper Middle) which provides transportation service along Upper Middle Road between Burlington GO Station and Dundas Street, and Route 48 (Millcroft) which provides transit service in the Millcroft Area, connecting to Haber Community Centre and Corpus Christi Catholic Secondary School.

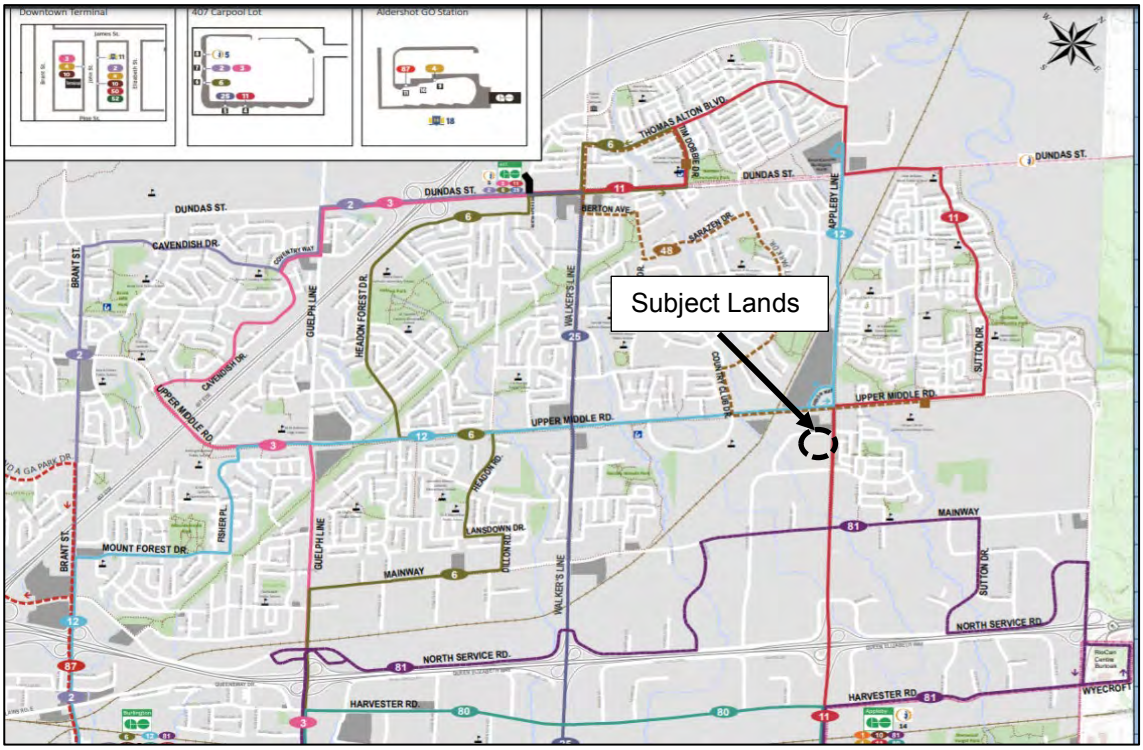


Figure 2-6: Burlington Transit System Map, Retrieved from City of Burlington

3 Site and Area Images

Figures 3-1 to 3-8 below provide images of the existing conditions of the subject lands and surrounding context, retrieved from Google Streetview and Google Earth.

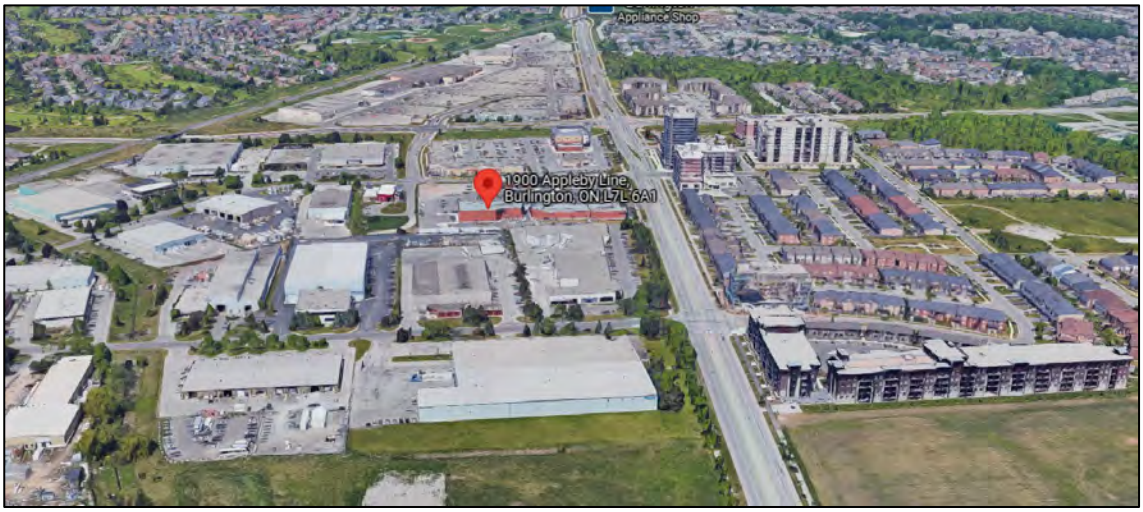


Figure 3-1: 3D Aerial looking north to Subject Lands and Surrounding Context, Retrieved from Google Earth

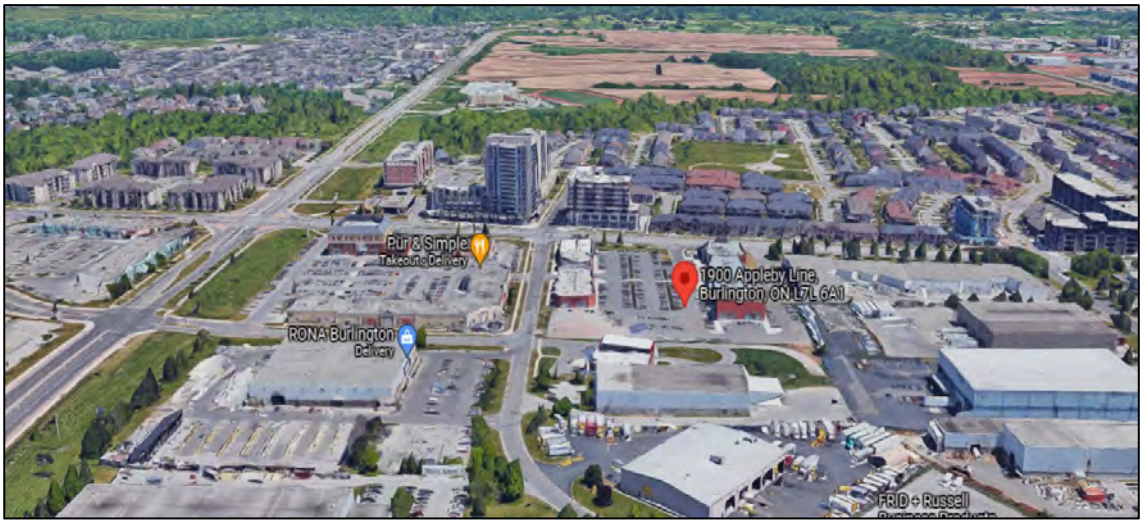


Figure 3-2: 3D Aerial Looking East to Subject Lands and Surrounding Context, Retrieved from Google Earth



Figure 3-3: Zoomed in 3D Aerial View of Subject Lands, Retrieved from Google Earth



Figure 3-4: View of Subject Lands from Appleby Line, Retrieved from Google Streetview

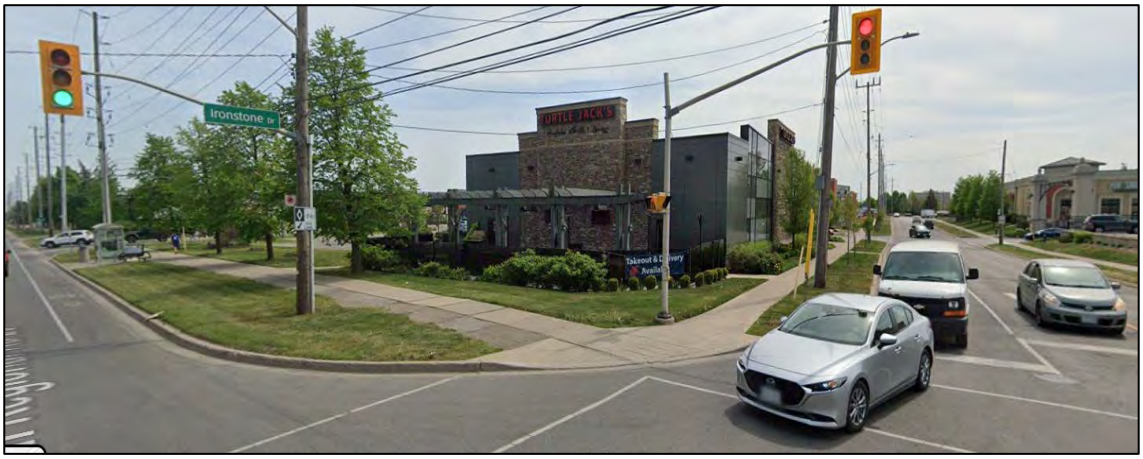


Figure 3-5: View of Subject Lands at the south-west corner of Appleby Line and Ironstone Drive, Retrieved from Google Streetview

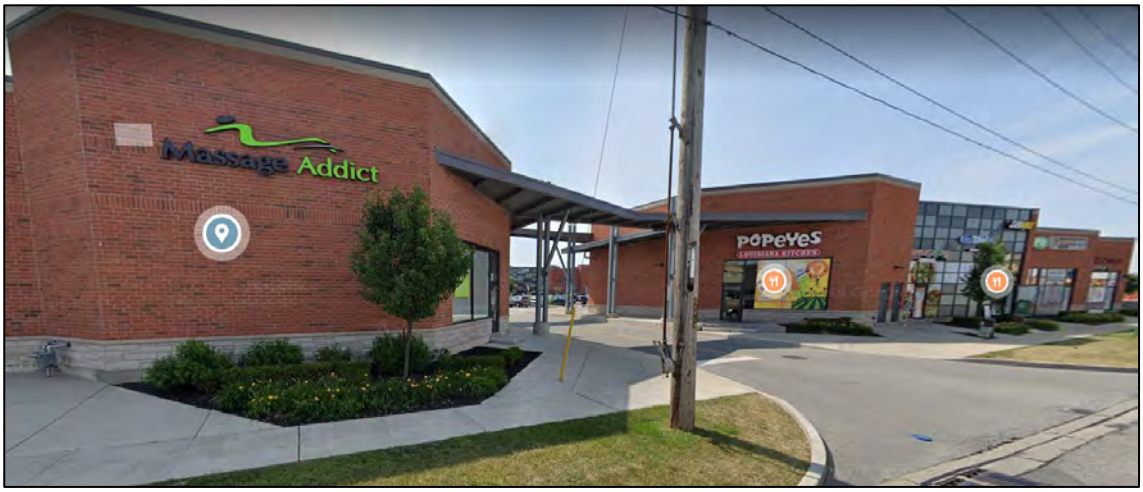


Figure 3-6: View of Subject Lands along Ironstone Drive, Retrieved from Google Earth



Figure 3-7: View of the Northern Portion of the Subject Lands to be Redeveloped, Retrieved from Google Streetview

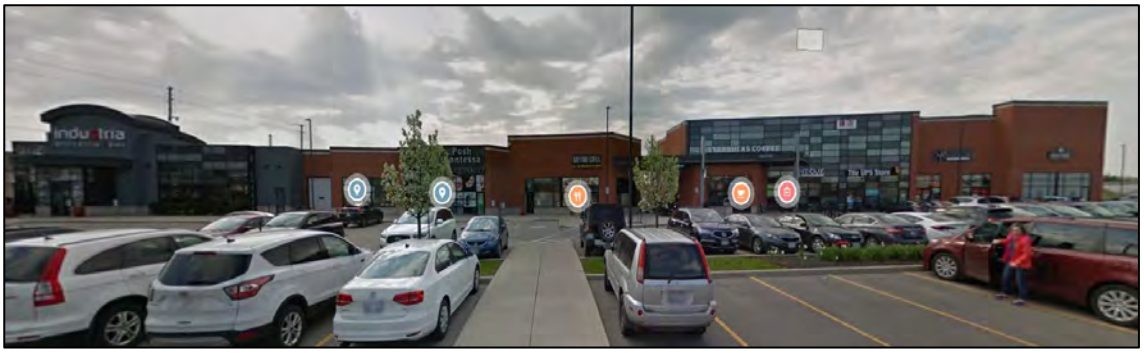


Figure 3-8: View of the Southern Portion of the Subject Lands to Remain, Retrieved from Google Streetview

4 Selected Planning History

The following subsections provide a review of previous planning history and approvals on the subject lands.

4.1 Minor Variance Approvals in 2010, 2012 & 2014

In 2010, the land owners applied to the Committee of Adjustment for a Minor Variance (540-02-A001/2010) to facilitate the initial Phase 1 & 2 developments of the plaza, allowing extensive retail and service commercial uses on a site designated for employment, prior to the construction of the Phase 3 office building.

In 2012, a request was made for additional variances to recognize minor changes to the building areas and to reduce the overall parking for all three phases of the development (540-02-A105/2012). As part of the 2012 Variance Approval, a condition was added to require that the applicant obtain a zoning certificate and building permit for the Phase 3 office building component.

In February 2014, the Burlington Committee of Adjustment approved a Minor Variance Application (540-02-A009/2014) submitted by the Applicant to extend the 2012 Variances. In reviewing the 2014 Minor Variance Application, staff noted minor discrepancies with what was built on site compared to what was approved.

The following variances were approved:

- To permit the required parking for the development to be 315 parking spaces, including 11 accessible parking spaces instead of the minimum required 335 parking spaces, including 11 parking spaces
- To permit retail and service commercial uses in Phase 1 of Building 1 with a minimum floor area of 2044.4 square metres whereas Zoning By-Law 2020 permits retail and service commercial uses on the ground floor and below grade floors only in building having a minimum floor area of 3000 square metres
- To permit retail and service commercial uses in Phase 2 of Building 2 with a minimum floor area of 2983.4 square metres whereas Zoning By-Law 2020 permits retail and service commercial uses on the ground floor and below grade floor only in building having a minimum floor area of 3000 square metres
- To permit a maximum of 74% of the combined floor area for Phase 1 of Building 1 and Phase 2 of Building 2 to be used for retail and service commercial uses instead of the permitted maximum of 50% of the floor area
- To permit 2 outdoor patios associated with 2 standard restaurants with 0 parking spaces instead of the required 1 parking space per 4 persons capacity for an outdoor patio
- To permit the second storey of Building 2 to be 9% of the area of the first storey instead of the requirement that the second storey be no less than 50% of the first storey
- To permit parking areas that are separated from adjoining parking areas by a 2.6 metre landscape area instead of the minimum required 3.0 metre
- To permit Phase 1 of Building 1 to be a one storey building instead of the minimum required two storeys

The variances from 2014 were given an expiration date of March 15th, 2019.

A copy of the variances and decision is attached in **Appendix A**.

4.2 Temporary Use By-Law in 2019

In December 2018, a Temporary Use By-law application ("TUB") was submitted because the Committee of Adjustment decision of February 2014 was to lapse in March 2019 because the Phase 3 office component has not been developed.

In May 2019, the TUB was adopted by Council (520-01/19), which permitted the following amendments to be permitted for three years, until May 2022:

- Permitted Uses: Retail and Service Commercial uses may be permitted on the ground floor in the two buildings that existed on the date of passing of this by-law.
- Maximum Floor Area for all Retail and Service Commercial uses shall not exceed 74% (3,724m^2) of the combined total floor area of the existing two buildings.
- Permit two existing outdoor patios associated with the two existing standard restaurants with 0 parking spaces.
- Parking areas of 150 spaces may be separated by a 2.3m landscape area.

The original intention of the TUB was to bridge the gap between the 2014 Minor Variance decision and the direction advanced in the Council Adopted Official Plan ("CAOP"). The purpose of the application was to allow the existing conditions to remain legal during the period of transition to the new CAOP, which would eliminate the existing "Uptown Employment" designation and allow a mix of uses as of right.

A Copy of the decision and information report is provided in **Appendix B.**

5 Development Proposal

The proposal for the subject lands involves a three-phase development, comprised of one 18-storey mixed-use building (Phase 1) and two 16-storey mixed use buildings (Phases 2 & 3) situated on the northern portion of the subject lands. Phase 1 will be built without modification to existing buildings, as the northwestern portion of the site is currently vacant. Phase 2 and 3 would each require demolition of a portion of the existing buildings on the northern portion, while the existing commercial building on the southern portion of the subject lands will remain.

Overall, the proposed development will contain 560 residential units, 1,581 square metres of retail space and 1,820 square metres of office space. The proposed development also includes indoor and outdoor amenity space, including proposed Privately-Owned Publicly Accessible Spaces ("POPS") in a linear arrangement through the center of the site, separating the northern and southern portions of the subject lands.

The following table summarizes the composition of units in the proposed development, by phase.

PHASE	UNIT COUNT
Phase 1: 18-storey Mixed Use Building	170 units
Phase 2: 16-storey Mixed Use Building	201 units
Phase 3: 16-storey Mixed Use Building	189 units
Total	**560 units**

Table 5-1: Composition of Units by Phases

Table 5-2 below displays the overall site statistics for the proposed development, as intended at full build-out.

ITEM			PROPOSED		
		Phase 1: 18 storey Mixed Use Building	**Phase 2: 16 storey Mixed Use Building**	**Phase 3: 16 storey Mixed Use Building**	**Existing Commercial Building**
Lot Area per Phase		3,301 square metres	4,141 square metres	5,137 square metres	9,699 square metres
Minimum Lot Width		44.7 metres along Ironside Drive	55.9 metres along Ironside Drive	65.7 metres along Ironside Drive	47.6 metres along Appleby Line
Maximum Density		515.1 UPH	485.5 UPH	368.2 UPH	N/A
Maximum Gross Floor Area	Residential	12,737 square metres	14,555 square metres	14,108 square metres	N/A
	Office	1,820 square metres	N/A	N/A	1,203 square metres
	Retail/ Commercial	N/A	642 square metres	939 square metres	3,594 square metres
Maximum Floor Area Ratio		3.8	3.5	2.7	0.5

Maximum Front Yard		5.0 metres	4.0 metres	4.0 metres	5.3 metres
Minimum Rear Yard		24.0 metres	13.7 metres	14.9 metres	28.4 metres
Minimum Side Yard	Exterior	N/A	N/A	2.0 metres	N/A
	Interior	0.6 metres	3.0 metres	11.6 metres	1.6 metres
Maximum Building Height		18 storeys (58.9 metres)	16 storeys	16 storeys	2 storeys
Minimum Landscaped Area		639.2 square metres	786.7 square metres	750.2 square metres	
Minimum Amenity Area	Indoor	849 square metres	402 square metres	378 square metres	
	Outdoor	794 square metres	402 square metres	378 square metres	

Table 5-2: Proposed Site Statistics of Development

The conceptual site plan, including the phasing, is found in **Figure 5-1.** In addition, **Figure 5-2** provides a conceptual 3-D massing for the proposed development, highlighting the built form and phasing stages. **Figure 5-3** provides a conceptual 3-D Massing of the proposed development, in the surrounding context. Please refer to the Architectural Set prepared by RAW for more details (i.e. floor plans, building sections, etc.).

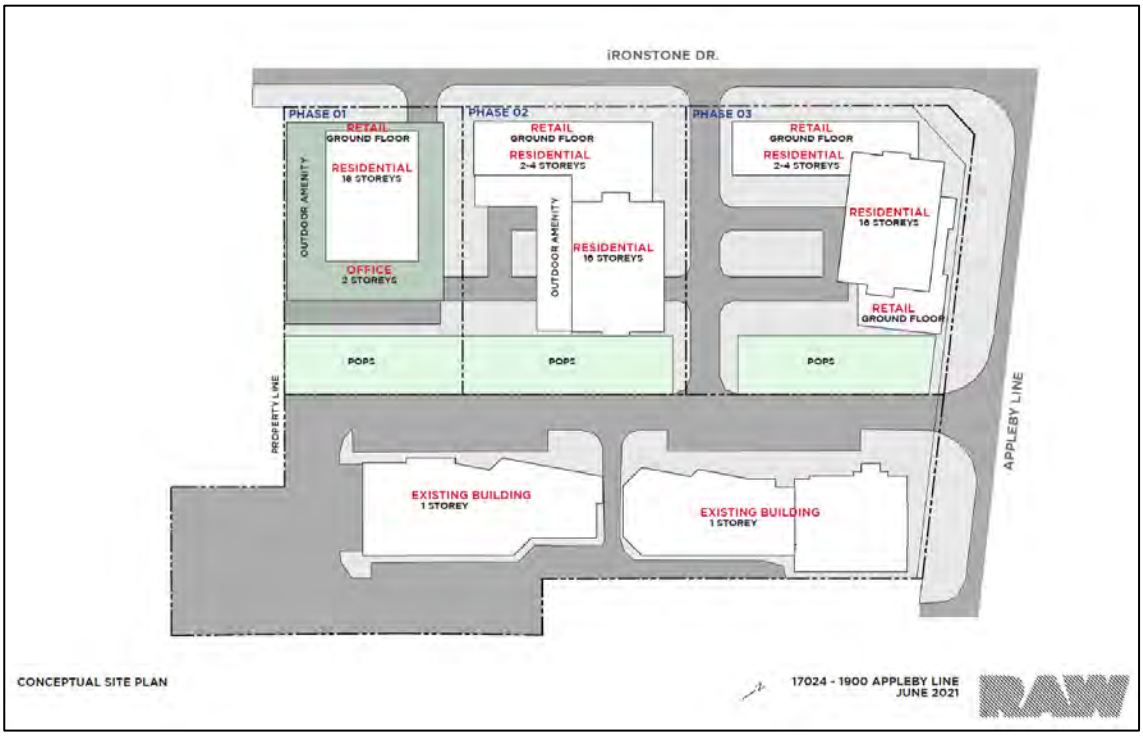


Figure 5-1: Conceptual Site Plan, prepared by RAW

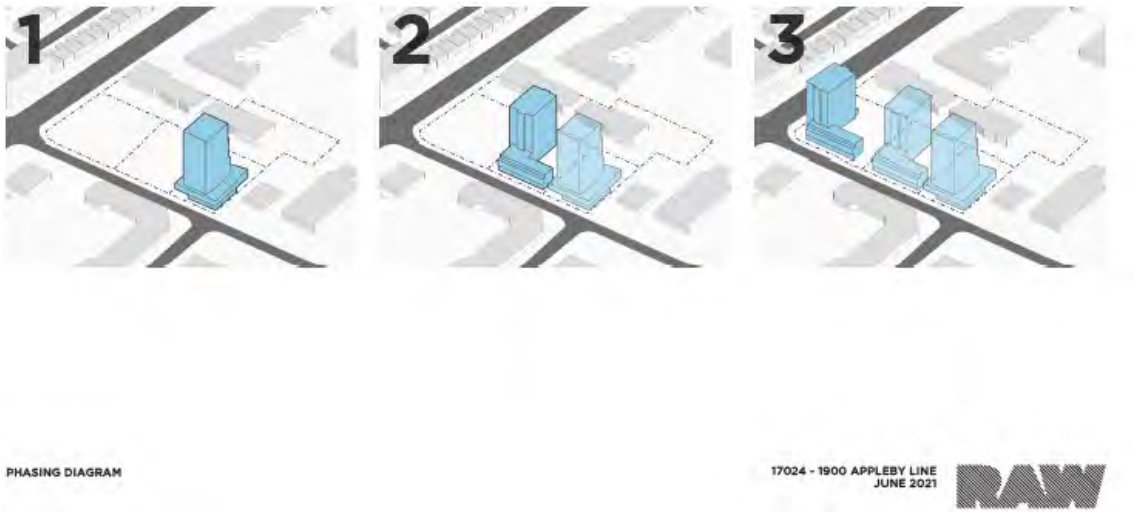


Figure 5-2: Preliminary 3-D Massing of the Proposed Development and Phasing, Prepared by RAW



Figure 5-3: Conceptual 3-D Massing of the Proposed Development in Surrounding Context, Prepared by RAW

5.1 Proposed Mixed-Use Towers

The proposed development contains three phases. Phase 1 is proposed to involve an eighteen-storey mixed-use building. It will contain approximately 1,820 square metres of office space on the ground and second floors, and residential units in the balance of the remaining stories. The third level of Phase 1 will include an Outdoor Amenity Terrace. As Phase 1 will be built without modifications to lands outside the phasing area, **Figure 5-4** shows Phase 1 with the existing commercial buildings on the northern portion of the subject lands. **Figures 5-5 & 5-6** show the preliminary elevations and renderings of Phase 1.

Phase 2 is proposed to develop a 16-storey building. It will contain approximately 642 square metres of commercial/retail space and residential units in the balance of the remaining stories.

Finally, Phase 3 is proposed to develop a 16-storey building. It will contain approximately 939 square metres of ground floor retail/commercial space, with residential units in the balance of the remaining stories.

Unit typology will range from one to two bedrooms. The following table summarizes the composition of units in each residential tower.

PHASE	STUDIO	1 BEDROOM	1 BEDROOM + DEN	2 BEDROOM/ 2 BEDROOM + DEN	TOTAL
Phase 1	16	15	77	62	170
Phase 2	15	78	36	72	201
Phase 3	12	78	36	63	189
Total	**43**	**171**	**149**	**197**	**560**

Table 5-3: Unit Composition for Each Phase

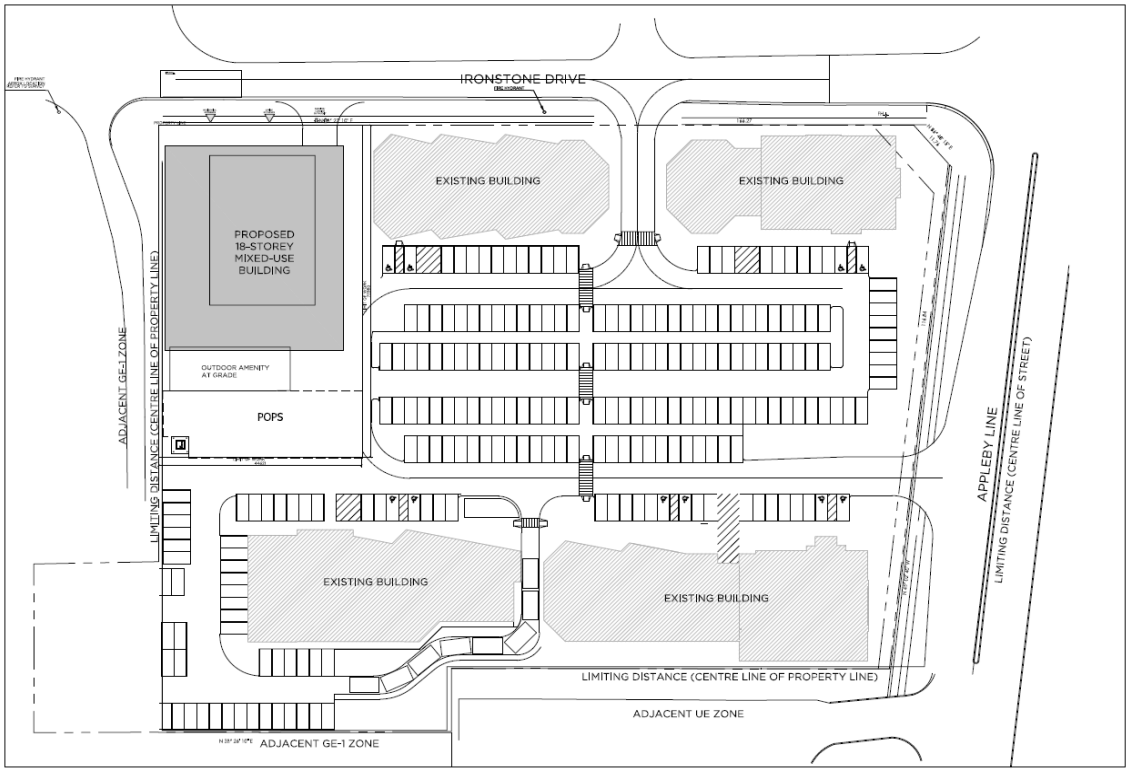


Figure 5-4: Phase One Preliminary Site Plan, Prepared by RAW

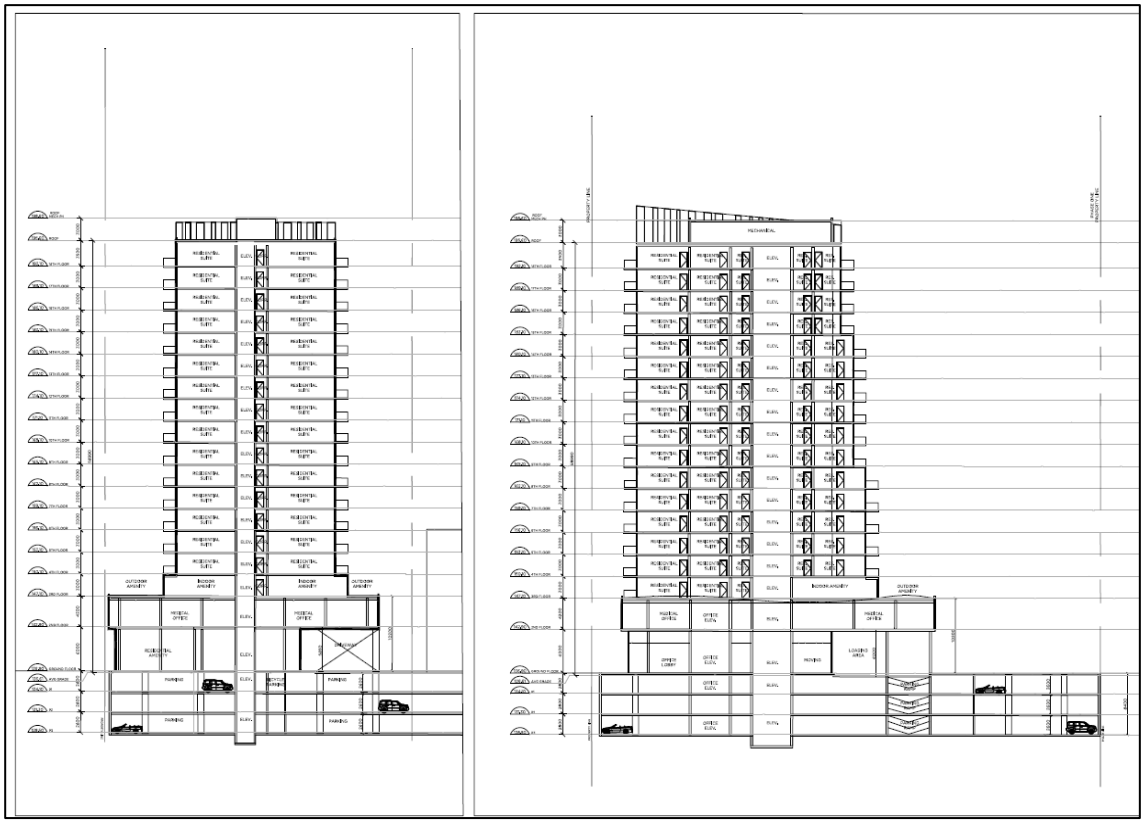


Figure 5-5: Preliminary Elevations of Phase 1 Building, Prepared by RAW



Figure 5-6: Preliminary Rendering of Phase 1, Prepared by RAW

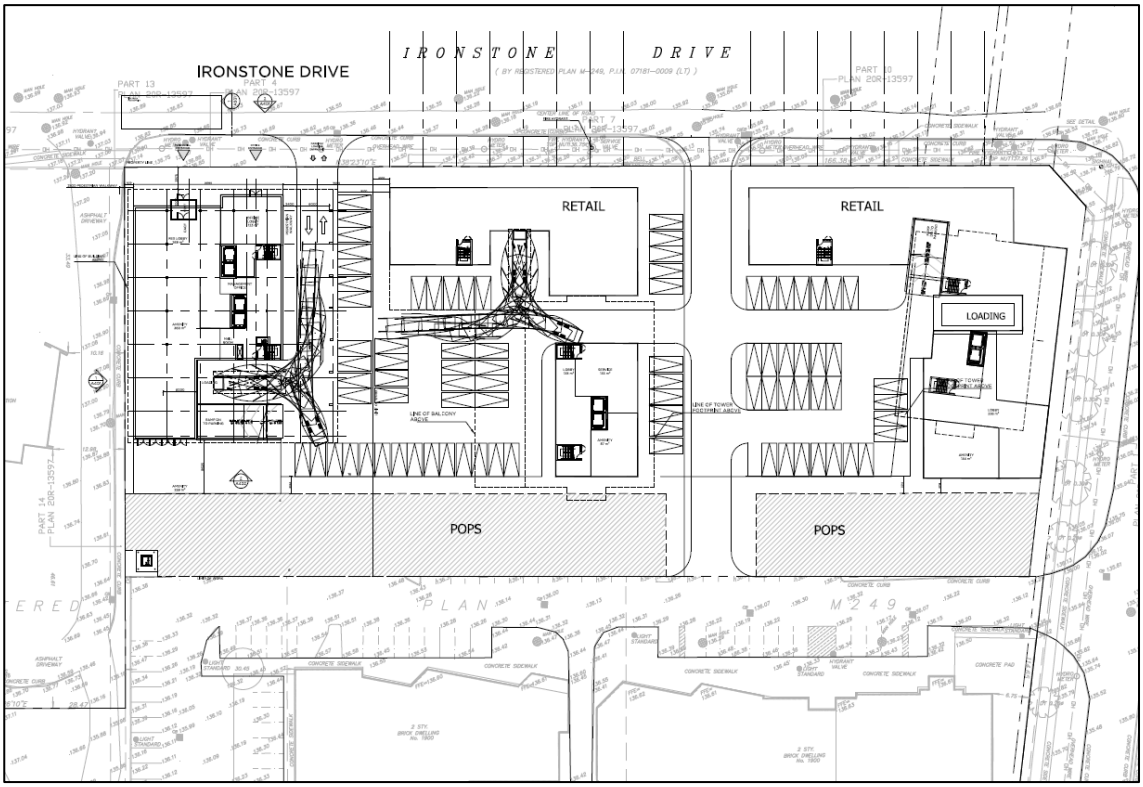


Figure 5-7: Ground Floor Plan, Prepared by RAW

5.2 Parking and Access

Two vehicular accesses will be situated along the northern boundary of the subject lands, in the form of private streets accessed from Ironside Drive. The first vehicular access will be located between Phases 1 & 2, while the second vehicular access will be located between Phases 2 & 3. Both accesses will lead to ramps to the underground parking lots, situated in Phases 1 & 3. The existing access to and from Appleby Line in the southern portion will be maintained.

The vehicular parking component of the proposed development will include two levels of underground parking and some surface parking spaces. A total of 20 bicycle parking spaces are proposed within the underground parking floors.

The construction of Phase 1 will result in the elimination of approximately 40 parking spaces in the north-western portion and configuration of parking spaces along the western boundary of the subject lands in the north-western portion of the subject lands, with 239 parking spaces remaining for the existing commercial buildings.

After the full redevelopment of the northern portion of the subject lands, there will be approximately 86 surface parking spaces remaining on the southern portion, which will service the existing commercial buildings. It is anticipated that the surface or underground parking spaces within Phases 1-3

Table 5-4 summarizes the composition of vehicle and bicycle parking spaces, by each level of parking.

	SURFACE PARKING	UNDERGROUND PARKING LEVEL 1	UNDERGROUND PARKING LEVEL 2	TOTAL PARKING

Phase 1	Proposed Parking	16 spaces	80 spaces	83 spaces	179 spaces
	Existing Phase	239 spaces			239 spaces
Total Build Out					
Phase 2		37 spaces	128 spaces	135 spaces	
Phase 3		30 spaces	128 spaces	135 spaces	
Existing Phase		86 spaces			86 spaces

Table 5-4: Parking Composition of the Proposed Development

5.3 Private Open Publicly Accessible Spaces ("POPS")

As seen in **Figure 5-8**, approximately 1,574 square metres of amenity space will be located in the middle of the subject lands, between the northern mixed-use portion and the southern commercial portion. This will operate as a Privately Owned and Operated Publicly Accessible Space ("POPS"), which means that the open space will be privately owned and operated but will be available for the public and surrounding areas to use. It will contain a central walkway connecting to Appleby Line with cross connections to existing commercial use on the southern portion of the subject lands.



Figure 5-8: Proposed Landscape Plan, Prepared by Adesso Design

6 Development Application Pre-Consultation

Prior to submitting an application, a Development Application Pre-consultation meeting with the Development Review Committee is required. The purpose of the meeting is to review the proposed

development and identify high-level issues to determine the scope of information and studies or reports required to submit a complete application.

Pursuant to the requirements of the City of Burlington, a Pre-Consultation meeting occurred on March 17th, 2021 to discuss the redevelopment of the subject lands, the concept plan prepared at the time and the necessary planning approvals. The concept plan prepared at the time was focused on the development of Phase 1, which was intended to be a 23-storey mixed use building, consisting of 225 residential units, retail and medical office units and 210 parking spaces. The discussion did include the ultimate build-out scenario and the ability to develop the property towards that goal. The proposed development has since been revised to provide more certainty on the build-out option and the individual phases, being one 18-storey mixed-use building containing 170 units and ground and second floor medical office space, one 16-storey mixed use building containing 201 units and ground floor commercial space as well as another 16-storey mixed use building containing 189 units and ground floor commercial space.

The pre-consultation meeting confirmed that an Official Plan and Zoning By-law Amendment would be required. During the meeting, City staff provided comments pertaining to: noise and privacy impacts, reduced parking rates, compatibility, and shadowing. These concerns and comments will be addressed by the planning comments in Section 9 of this report.

A summary of comments from various departments and agencies are provided in the table below.

AGENCY	COMMENT
City of Burlington Planning	Please consider and demonstrate how noise or privacy impacts can be mitigated, keeping in mind the potential for future phasing of the site and implications for potential future residents. The floor plans indicate private and common amenity areas within the building. Outdoor amenity areas on the subject lands is strongly recommended. Justification will be required for the proposed decreased parking rate; however, the proposed parking rate is not likely to be supported by Staff. Landscape buffers should be provided along the property lines to provide separate and buffer for new residents. Residential uses were not originally contemplated for these lands and as such, adequate buffers may not exist surrounding the subject lands. The applicant should ensure that the subject proposal will be compatible with surrounding area. The parking garage should be located further from the property line to facilitate adequate landscaping and to provide visual separation between the public and the private realm. The proposal must provide justification for the proposed increase in height and why it is appropriate for the subject lands.
Region of Halton Planning	The subject lands are located in close proximity to a number of uses that have the potential for adverse effects on the proposed use. In addition, the proposed use may pose additional impact and restriction on the adjacent commercial/employment uses. In accordance with Provincial and Regional direction, Land Use Compatibility Assessment is required to support the proposed use. The existing roadway Right-Of-Way (ROW) on Appleby Line appears to be consistent with the ROP requirements of 40 metres when measured from

	the East side of the Corridor but is not consistent with the Transportation Maser Plan requirements for a 47 metres ROW. To meet the TMP 2011 requirements, any lands within 47 metres measured from the east side of Appleby Line westerly that are part of the subject lands would also need to be dedicated to the Region for the purpose of road widening. This may or may not be possible given the existing built structures. A daylight triangle measuring 15 metres along Ironstone Drive and 15 metres along Appleby Line shall be dedicated to the Region for the purpose of road right-of-way widening. Halton Transportation Planning has some concerns regarding the area roadways (Appleby Line, Upper Middle Road) that are at capacity conditions during the A.M and P.M peak hours. Therefore, a Transportation Impact Study must be completed.
Region of Halton Servicing	There is a Halton Region trunk watermain within Appleby Line adjacent to the proposed development. There is a Halton Region local watermain within Ironstone Drive adjacent to the proposed development. No trunk watermain service connection laterals will be permitted. There is no Halton Region local wastewater main within Appleby Line adjacent to the proposed development. There is a Halton Region trunk wastewater main within Ironstone Drive adjacent to the proposed development. Any proposed trunk wastewater main connection lateral requires special review and Regional permission to connect into, and it should be noted that permission is not always guaranteed. Watermain and wastewater main (sanitary) servicing capacity is not guaranteed at the LOPA and Rezoning stage. Servicing of development in the Burlington area of Halton Region is currently on a first-come-first-serve basis.
City of Burlington Site Engineering	Enhanced street scaping may be required on municipal road frontages, site engineering defers to the Capital Works landscape technician to confirm streetscaping requirements. There is an existing hydro-transformer approximately 55 metres from the Ironstone Property Line, but the proposed development within a 74 metre parcel, therefore will the hydro transformer need to be moved? Due to the adjacent fire station, warning clauses will need to go on title with regard to noise, as emergency services are not required to be mitigated for noise under NPC-300. A fence may be required along the property line to ensure that no pedestrians will cross over the fire station lands. The sidewalk on Ironstone Drive will need to be extended to across the frontage of the proposed development. Please consider pedestrian connections from Ironstone to the main entrance to the plaza.
City of Burlington Urban Forestry and Landscape	There are city trees along the Ironstone Drive right-of-way. Removal of city trees will require council approval. Landscape buffer planting should be provided between the proposed mixed-use building and the surrounding commercial/employment uses, to improve the compatibility and provide a safe and comfortable pedestrian

	environment for the residents of the building, patrons of the retail shops and employees of the office spaces proposed. In particular, space for planting, pedestrian walkways and fencing to separate uses and buffer (noise and visual) the Burlington Fire Station to the west from the proposed mixed-use development should be provided. The proposed retail uses would be better oriented towards the existing commercial uses and surface parking, rather than toward the driveway and building of the adjacent Burlington Fire Station.
City of Burlington Park and Open Space	Material submitted shows the intent to develop the entire site with additional towers. The applicant is asked to prepare a comprehensive site master plan to show how a public park block will be incorporated into this development. Private owned, publicly accessible open space (POPS) can enhance the publicly owned open space network, however isn't considered a replacement to parkland dedication. The City is willing to discuss the use of POPS for this development as required.
City of Burlington Transportation Service	Please refer to our Burlington Citywide Parking Standards Review for applicable parking rates for this proposal. Lower parking rates without an accompanying Parking Justification Report will not be supported by Transportation Planning staff.

Table 6-1: Summary of Comments

Alongside this Planning Justification Report, the following materials required by the City of Burlington for a complete Official Plan and Zoning By-law Amendment application have been submitted:

- Application Form and fees
- Cover Letter
- Conceptual Site Plan Layout
- Site Survey
- Stormwater Management Report
- Functional Servicing Report
- Tree Inventory and Preservation Plan
- Landscape Concept Plan
- Traffic Impact Study
- Shadow Study
- Environmental Site Screening Checklist
- Phase One/ Two Environment Site Assessment
- Land Assembly Documents
- Height Survey of Adjacent Buildings
- Pedestrian Level Wind Study
- Urban Design Advisory Panel Meeting Minutes
- Urban Design Brief

- Grading and Servicing Plans
- Geotechnical Study
- Draft Zoning By-law Amendment
- Draft Official Plan Amendment
- 3D Model of Proposed Buildings
- Construction and Mobility Management Plan
- Reference Plan and PIN Report
- Waste Management Report
- Draft Reference Plan Showing Road Widening
- Land Use Compatibility Study
- Housing Impact Statement
- Park Concept Plan

A copy of the Development Application Pre-Consultation notes has been provided in the submission package.

6.1 Urban Design Advisory Panel Meeting Minutes

Pursuant to the requirements of the City of Burlington, an Urban Design Advisory Panel ("UDAP") meeting occurred on August 19th, 2021 to discuss the redevelopment of the subject lands, and the revised concept plan, showing the three phases. IBI Group, RAW Design and various City Staff presented to the Panel and sought Panel's advice on the following: Response to Context, Public Realm and the Location and Amount of Outdoor Amenity Space.

A summary of comments provided by the Panel are outlined in the table below.

CONCERN	PANEL ADVICE
Response to Context	• The massing of the proposed Phase 1 Building appears to be consistent with the new Official Plan. However it is removed from surrounding built-up residential areas. It is recommended that the corner of Appleby Line and Ironstone Drive be developed first, in case the other phases do not develop or develop slowly. • The Panel agreed that from a design perspective, it is more appropriate to have the most height and density at the corner of Appleby Line and less density and a stepping down of height as development most westerly away from the corner. • The Panel also commented that Phase 1 on its own, and all three phases together, do not fit in with the surrounding context because they are surrounding by a parking lot. More consideration should be given to how the three buildings work together and connect to Ironstone Drive, Appleby Line and the POPs. Providing ground level connections to amenity areas for future residents and surrounding area should be considered.

	• In terms of setbacks, the Panel noted that upper level units will have unattractive views that overlook surface parking. • Recommendations: • A Commitment to a Detailed Block Plan be undertaken to identify appropriate phasing, transitions, pedestrian connections to Ironstone Drive and Appleby Line across all three buildings and in the interim.

Public Realm	• Safe and attractive pedestrian connections between the proposed buildings, POPS and surrounding area are missing. The POPS is isolated and separated from proposed buildings by surface parking and underground parking ramps that pedestrians will likely need to cross.
	• Recommendation:
	  • Reorient the buildings and internal building layouts to front and address the POPS, for example, through patios, secondary entrances, pathways, amenity spaces.
	  • If building orientation is to stay the same, make Ironstone Drive the primary pedestrian connection to the surrounding area.
	  • Opportunities to highlight the pedestrian lobbies should be explored. Layby parking for temporary parking and pick-up and drop off should be provided.

Outdoor Amenity Space	• The Panel commented that Residents in Phase 1 would be underserved by outdoor amenity space based on the current POPs phasing Plan. Ground level outdoor amenity space for residents and their pets is important for liveability. • Focus east-west connections on the public street frontage of Ironstone Drive.

Table 6-2: Summary of Urban Design Advisory Panel Minutes

7 Supporting Studies

The City's Pre-Consultation Submission process outlined the information and materials required to submit a complete application. In accordance with this document, and in the interest of good planning, technical studies have been completed. All of these reports and plans will be included separately with the complete application. An overview of each submitted study and report is provided below.

7.1 Phase One ESA

A Phase One ESA was prepared by the Pinchin Group in June 2018. The purpose of the Phase One ESA was to assess potential issues of environmental concern. The main conclusion of the Phase One ESA was that nothing was identified that is likely to result in potential subsurface

impacts on the subject lands, and therefore, no subsurface investigation work (Phase 2 ESA) is recommended.

7.2 Geotechnical Investigation

A Geotechnical Investigation was completed by Coffey Geotechnics in February 2009. The purpose of the investigation was to determine the subsurface conditions at eight borehole locations on the subject lands.

Key findings of the investigation include:

- Surficial vegetation (grass and weeds) were observed throughout the site. Ponding water was observed in the area.
- Topsoil ranging from 150mm to 200mm in thickness was encountered at the surface at most of the boreholes.
- Below the topsoil in some areas, a reworked clay silt later was contacted.
- The proposed structures can be supported by conventional spread and strip footings founded on the hard clay silt till/ weathered shale below any reworked clay silt of fill.
- The floor slabs can be supported on grade providing that all fill, buried topsoil and surficial softened/disturbed native soils are removed and the native till remains undisturbed and relatively free of construction traffic.

7.3 Functional Servicing Report and Stormwater Management Report

A Functional Servicing ("FSR") and Stormwater Management Report was prepared by MTE Consultants in October 2021. The purpose of the report was to outline a functional servicing and stormwater management strategy for the proposed development. The main conclusion was that the development can be constructed to meet the requirements of the City of Burlington and Halton Region.

Key recommendations from the report include:

- Stormwater Management: The proposed conditions drainage pattern is delineated by two (2) catchment areas. Stormwater runoff from the site will be collected by a series of catch basins on the underground parking structure surface. These drains will connect to the internal plumbing of the building. The storm-sewer outlet will convey flows to the existing 450mm diameter located at the south-west corner of the subject lands. The existing commercial building area's catch basins will be re-aligned and connected to a new manhole to be discharged into the new OGS.
    - Additional water re-use measures such a using harvested rain water for landscape irrigation, process water in cooling towers or for non-potable water uses will need to be considered at the detailed design stage. Approximately 70.32 m^3 of additional stormwater re-use will be required.
    - Stormwater management quantity controls for the site will be provided with an underground storage tank coupled with an orifice control located within the Phase 1 underground parking structure.
    - Water quality control for the proposed development will be provided by the existing Stormceptor 2000 oil/grit separator. Additional controls will include CB sediment shields and LID techniques in landscaped areas where possible.

  - For Phase 1, the proposed storm later will have sufficient capacity to convey the proposed 100-year controlled peak flow from the site. The proposed OGS and stormwater tank are designed for the ultimate buildout conditions. For the ultimate phase, existing catch basins will be connected to a new pipe run. Along this new pipe run, two new MH will be added and connected to the proposed MH1.

- Erosion and sediment controls should be installed, including
  - Silt control fencing at strategic locations around the perimeter of the site where feasible;
  - Preventing silt or sediment laden water from entering inlets by wrapping their tops with filter fabric or installing silt sacks
  - Construction of a mud mat at the exit of the subject lands to Ironstone Drive to mitigate the transportation of sediments to the surrounding roads
- Sanitary Sewer Servicing: The existing 450mm diameter sanitary sewer pipe on Ironstone Drive is not sufficiently sized to accommodate Phase 1 Development. Therefore, 309.50 m of the 450 mm diameter sewer will need to be upsized to 525 diameter sanitary sewer pipe. For the full build out, the proposed buildings will be serviced in three phases by three 200mm diameter sanitary services that will connect to Ironstone Drive ROW's Sanitary Sewer.
- Water Servicing: Water servicing for the site will include the installation of a new water service for Phase 1. For the full build out, it is assumed that water servicing plan proposes to maintain two connections to the existing watermain on Ironstone Drive.

7.4 Traffic Impact Study

A Traffic Impact Study ("TIS") was prepared by Paradigm Transportation Solutions Limited. in October 2021. The purpose of the study was to determine the impacts of the development traffic on the surrounding road network and identify the recommended improvements to accommodate the site generated traffic.

Key conclusions from the study include:

- Existing Traffic Operations: Capacity issues are identified at the following intersections
  - Appleby Line and Upper Middle Road
  - Appleby Line and Ironstone Drive
  - Appleby Line and Corporate Drive
- Estimate Site Generated Traffic: Under full build-out, the subject lands are estimated to generate approximately 231 AM peak hour trips and 266 PM peak hour trips. The replacement of the existing commercial buildings is forecast to increase traffic volumes by approx. 68 AM trips and 89 PM Peak Hour trips.
- Background Traffic Operations: The capacity constraints identified under existing conditions are expected to continue to occur with the forecast increases in non-site generated traffic. Capacity issues are identified at the following intersections:
  - Appleby Line and Upper Middle Road
  - Appleby Line and Ironstone Drive
  - Appleby Line and Corporate Drive
  - Ironside Drive and Heron Way

    - Ironside Drive and Driveway
- Total Traffic Operations: Site generated traffic is not expected to result in new capacity deficiencies at the study area intersections.
- Remedial measures: The following remedial measures have been identified to address forecast traffic volumes:
    - Appleby Line and Upper Middle Road
        - Planned widening of Appleby Line to 6 Lanes wherever possible
        - Optimizing signal timings
    - Appleby Line and Ironstone Drive
        - Planned widening of Appleby Line to 6 Lanes
        - Optimizing signal timings
    - Appleby Line and Corporate Drive
        - Planned widening of Appleby Line to 6 Lanes
        - Optimizing signal timings
        - Eastbound left turn lane with 35 metres of storage
        - Westbound left turn lane with 35 metres of storage
    - Ironside Drive and Heron Way
        - No changes to the existing form of traffic control or lane geometry are recommended
    - Ironside Drive and Driveway A
        - No changes to the existing form of traffic control or lane geometry are recommended
    - Ironside Drive and Driveway C
        - No changes to the existing form of traffic control or lane geometry are recommended

Key recommendations from the study include:

- That Halton Region monitor the signal timings along the Appleby Line corridor to ensure future signal timings reflect real world changes in traffic volumes
- That Halton Region continue to plan for the widening of Appleby Line from four to six lanes wherever possible
- In addition to the planned widening of Appleby Line, the following remedial measures should be considered
    - Eastbound left turn lane on the Corporate Drive approach to Appleby Line with 35 metres of storage
    - Westbound left-turn lane on the Corporate Drive approach to Appleby Line with 35 metres of storage

7.5 Land Use Compatibility, Noise/ Vibration Feasibility Study & Construction/ Mobility Management Plan

A Land Use Compatibility, Noise and Vibration Feasibility Study and Construction Mobility Management Plan was prepared by GHD in October 2021. The purpose of the Study was to assess the following potential impacts: land-use compatibility with respect to noise, vibration, odour, dust and air quality, noise impact at the proposed development due to future road traffic, stationary noise impacts from off-site industrial/commercial facilities, stationary noise impacts from on-site HVAC equipment and Construction Vibration Zone of Influence Assessment.

Key conclusions and recommendations from the Study include:

- GHD contacted the local MECP District Officer responsible for overseeing industries in the district via telephone regarding any nuisance complaints. The District Officer confirmed that there has been no history of complaints from the residences in the area.
- In terms of odour, dust and vibration, the potential for impacts at the proposed development is minimal from identified facilities. Therefore, there are no compatibility issues expected.
- Due to the proposed scope of construction activities, it is not anticipated that ground borne vibration intensities will exceed the outlined limits beyond the proposed 25 metre Zone of Influence. Due to the potential for adverse vibration impacts, the following preliminary mitigation measures are recommended:
    - At least one week prior to commencement of construction activities, the Applicant shall notify the Ward Councillor, and owners, occupants of nearby residences of the scheduled construction activity
    - It is recommended that initial monitoring be conducted at the closest property to the initial construction activities to ensure no adverse impacts, and to confirmed that the estimated ZOI is appropriate.
- Based on GHD's sound level measures and modelling, steady noise levels at the Development exceed sound level limits of NPC-300. Steady noise levels are dominated by noise from an exhaust duct opening at the north wall of the Fire Station. GHD recommends that the Applicant enter into discussions with the Burlington Fire Department to determine the most appropriate means of noise mitigation. GHD expects that this source could be effectively mitigated using an acoustic duct silencer.
- For the worst-case facades of the proposed development with direct line-of-sight exposure to noise from Appleby Line, windows must achieve ratings of at least STC-36 and exterior walls must be rated STC-38 or higher.
- Predicted future traffic noise levels at the north, west and south facades are sufficiently high that, at a minimum, provisions must be made to enable the installation of central air conditioning at the occupant's discretion. This will allow windows and doors to remain closed to help ensure that indoor sound levels limit of NPC 300 are met. Warning Clause Type C should be used for all residential dwellings.
- Acoustic barriers will be required to mitigate excessive noise from future road traffic.
    - For Phase 2, a 1.1 metre acoustic barrier along the northeast and northwest boundaries is recommended for the outdoor amenity area
    - For Phase 3, a 1.4 metre acoustic barrier along the northwest, northeast and south east boundaries is recommended for the outdoor amenity area, while a 1.6 metres acoustic barrier is recommended for the entire perimeter of the second outdoor amenity space

- The following Warning Clauses are recommended to be included in agreements of Offers of Purchase and Sale, lease/rental agreements and condominium declarations:
    - Fire Station Warning Clause
    - Air Quality Warning Clause
    - Balcony Warning Clause
    - Warning Clause Type 'C'
    - Warning Clause Type 'D'

7.6 Housing Impact Statement

A Housing Impact Statement was prepared by IBI Group in October 2021. The purpose of the statement was to demonstrate how the proposed development would meet Provincial, Regional, and City housing objectives.

The tenure of the proposed is intended to be a standard condominium. LJM Developments Inc. has proposed to provide one residential unit from each phase to a non-profit affordable housing provider. This unit will be provided at no cost and will be available in perpetuity.

The primary conclusion of the statement was that the proposed development currently proposes to meet housing objectives, by providing 560 housing units within the Primary Regional Node, which will contribute to achieving intensification targets.

7.7 Shadow Study

A Shadow Study was prepared by RAW in May 2021. The purpose of the Shadow Study was to provide a visual analysis of the shadow impact on the surrounding area by the proposed development.

Key observations from this study include:

- Phase 1
    - Approximately 7 Low-Density Dwellings impacted in the evening during Spring and Fall
    - No impacts on Low Density Dwellings during Summer
    - Approximately 4 Low Density Dwellings impacted in the afternoon during Winter
- Full Build Out
    - Approximately 13 Low Density Dwellings impacted in the evening during Spring
    - Approximately 10 Low Density Dwellings impacted in the evening during Summer
    - Approximately 5 Low Density Dwellings impacted in the afternoon and 22 Low Density Dwellings impacted in the evening during Fall
    - Approximately 4 Low Density Dwellings impacted in the afternoon during Winter

7.8 Arborist Report

An Arborist Report was prepared by Adesso Design Inc. in June 2021. Key conclusions from the Report include:

- A total of 31 individual trees were recorded at the time of inventory.

- A total of 19 trees are recommended for preservation due to sufficient distance from proposed works.
- A total of 12 trees are recommended for removal due to direct conflict with proposed works. 10 of the 12 trees recommended for removal will require a Tree Permit prior to removal.

7.9 Pedestrian Level Wind Study

A Pedestrian Wind Assessment was completed by RWDI in May 2021. The purpose of the assessment was to conduct a qualitative assessment of the pedestrian wind conditions for all three phases, which will be used to inform good design.

Key findings from the Assessment include:

- The proposed development includes several positive design features such as low podium and undercuts around the proposed Phase One Building, and favourable location and vestibule for the main entrance.
- Suitable wind conditions are expected at all pedestrian areas in the summer, including main entrances, and sidewalks as well as most outdoor amenity spaces.
- In the winter, elevated wind speeds around building corners may become uncomfortable or potentially unsafe. Higher than desired wind speeds are also anticipated at the south tower corner on the Level 3 outdoor amenity space of Phase One in the summer.

Key mitigation measures include:

- The potential wind control strategies of the windy corner may be a combination of canopy and landscaping/ wind screens placed around the north-west office lobby entrance. If lower wind speeds are desired, a wind screen extending out the southwest building façade at ground level can be considered.
- For the Level 3 Outdoor Amenity Terrace, a corner canopy/trellis placed at the south corner can be used for wind control.
- It is recommended to position entrances away from building corners for Phase 2/3 buildings, in order to avoid acceleration winds.

7.10 Urban Design Brief

The Urban Design Brief was prepared by IBI Group in July 2021. The purpose of the Brief was to illustrate the proposal and its arrangement of urban design components, including but not limited to phasing approach, site composition and preliminary building designs, circulation, parking, landscaping, accessibility and safety.

The main conclusion from the Urban Brief was that at a conceptual level, the proposed development is consistent with key and relevant guides. It supports a modernized approach towards urban living. While the ultimate conditions provide a comprehensive look at the complete block and streetscape potential, the proposal has been designed with regard for the incremental phases as well.

7.11 Waste Management Report

A Waste Management Report was prepared by Waste Connections of Canada in September 2021. Key items from the report include:

- The dedicated account management team will regularly conduct site visits to all sites on the subject lands to ensure the service levels and bins required are always optimized.

- Waste Connections operations use several disposal sites for LJM Developments currently, most hauling companies have tolling arrangements and share transfers stations based on proximity to service locations.
- Waste Connections can provide web-based diversion program that customers can pull monthly, quarterly and yearly diversion numbers. The diversion report will allow the client to visualize and analyze waste diversion rates based on the total going to Landfill, and the total being recycling.
- Waste Connections can provide marketing material to help educate end users on proper methods of disposal.

8 Planning Applications

To permit the proposed development, approval of several planning applications will be required, such as an OPA and a ZBLA. Subsequent to the approval of the OPA and ZBLA, Site Plan and Draft Plan of Condominium applications will be submitted, and that each would be specific to the proposed phase of development.

8.1 Proposed Official Plan Amendment

In order to accommodate the proposed development, an application under Section 22 of the Planning Act is required to amend the in-effect City of Burlington Official Plan ("IEOP") in accordance with the requirements of the Act and associated regulations. The IEOP was approved by the Region of Halton in March 1997. The Council Adopted Burlington Official Plan ("CAOP") was adopted by City Council on April 26th, 2018 and approved, with modifications by the Region of Halton on November 30th, 2020. Until appeals to the Plan have been resolved, the City of Burlington's current Official Plan remains in effect.

Within the IEOP, Schedule F – Uptown Land Use Plan designates majority of the subject lands as "Uptown Employment", while the south-western portion is designated "Uptown General Employment". The Uptown Employment designation permits limited retail and service commercial uses including business and administration uses, industrial uses, office uses, hotel and conference as well as recreational and entertainment uses, while the Uptown General Employment permits industrial uses, office uses, recreational uses, large scale motor vehicle dealerships and adult entertainment uses as well as limited range of retail and service commercial uses, such as restaurants and banks.

8.1.1 Uptown Commercial/ Residential I Designation

The Uptown Employment and Uptown General Employment designation do not permit residential uses. Therefore, the proposed development will require an amendment to Schedule F - Uptown Land Use Plan in the IEOP to re-designate the northern portion of the subject lands to the Uptown Commercial/ Residential I. The Uptown Commercial Residential I Designation permits retail and service commercial uses including business, administration and automotive commercial uses, high density residential uses, office uses, hotel, conference and convention uses and entertainment uses.

However, the designation permits a maximum floor area ratio of 2:5:1 and a maximum building height of 35 metres. Therefore, the proposed development will require an amendment to add a Site-Specific Policy to Uptown Commercial Residential I designation to address Subsection 5.6.4 of the in-effect Official Plan to permit an increased FAR and height.

As the vision for the subject lands articulated in the CAOP is to designate the northern portion as Urban Core, the Uptown Commercial Residential I was selected as the most appropriate designation to permit the proposed development while also transitioning towards Council's vision. As such, the proposed Site-Specific provisions were modelled after the standard Urban Core policies in the CAOP.

The Uptown Core designation within the CAOP allows mixed-use developments, by identifying and requiring at-grade non-residential uses. Therefore, the proposed mixed-use development would be permitted as-of-right in the CAOP.

The Uptown Core designation within the CAOP permits a maximum floor area ratio of up to 3:5:1, while indicating that further increases to this ratio may occur through a ZBLA, without a required OPA. While the proposed development contemplates a FAR of 3.8:1, the Uptown Core policies allow an increased FAR without an OPA. Therefore, this policy has been added as a Site-Specific Provision to the Uptown Commercial/ Residential I designation in the IEOP. The subject lands are an appropriate location for a high-intensity development, as it would be congruent with the high-density development located at the north east and south east corners of the Appleby Line and Ironside Drive intersection. Further, higher-intensity development on the subject lands is consistent with the vision to develop the Uptown area as an intensified mixed-use node to support a range of city-building objectives, such as accommodating growth, developing pedestrian and transit-supportive areas, and making efficient use of existing and planned services.

The Uptown Core designation within the CAOP allows a maximum height of 20 storeys. The proposed 18 and 16 storeys are within this maximum height provision. Therefore, this policy has been added as a Site-Specific Provision to the Uptown Commercial/ Residential I designation in the IEOP. The subject lands are located adjacent to existing higher-density residential developments (8 & 17 storeys) located at the north-east and south east corners of Appleby Line and Ironside Drive intersection. Therefore, the proposed 18 and 16 storey buildings will be compatible with the existing built form in proximity. Placing the 18-storey building at the north-west corner of the subject lands will help reduce shadow and privacy impacts on the townhouses fronting southerly along Appleby Line.

8.1.2 Uptown Commercial/ Residential II Designation

Though the southern portion of the subject lands does not contemplate residential uses, the proposed OPA will re-designate the southern portion to Uptown Commercial/Residential II, which will bring the lands more into conformity with more recent Council direction as the southern portion is designated as Uptown Corridor in the CAOP. The Uptown Commercial/Residential II Designation permits retail and service commercial uses including business and administration uses, automotive commercial uses, office uses, recreation and entertainment use and residential uses within a mixed-use building. The maximum floor area ratio is 1:5:1, while the maximum building height is 28 metres.

The proposed development will require an amendment to add a Site-Specific Policy to the Uptown Commercial/Residential II designation to address Subsection 5.6.5, to permit the existing commercial development on the southern portion, not allow residential uses, increase the maximum floor area ratio, and reduce the minimum building height. As the vision for the subject lands is to designate the southern portion as Urban Corridor within the CAOP, the Uptown Commercial/Residential II is the most appropriate designation to permit the proposed development while also transitioning towards Council's vision. As such, the proposed Site-Specific provisions were modelled after the standard Urban Core policies in the CAOP.

The Uptown Corridor designation allows residential uses only on lands located north of Upper Middle Road and west of Appleby Line as well as lands located south of Upper Middle Road and east of Appleby Line, in addition to retail and service commercial uses, office uses, entertainment uses, hotel uses, and recreation uses. To explicitly allow the existing multi-unit commercial

development and to be consistent with Council adopted policies, the permitted uses within the Uptown Corridor Designation have been added as a Site-Specific Provision to the Uptown Commercial/ Residential II Designation in the IEOP, however residential uses are not included in the list of permitted uses.

The Uptown Corridor designations allows a maximum floor area ratio of 2.5:1 and any increase to the ratio may occur through a ZBLA, without a required Official Plan Amendment. The south-western portion of the subject lands is currently vacant, therefore the proposed OPA will add this policy as a Site-Specific Provision to the Uptown Commercial Residential II in the IEOP for flexibility purposes to allow for the potential of an increase in commercial floor area.

The Uptown Corridor designation permits a minimum building height of two storeys; however, the minimum building height of the existing commercial building is one-storey. To permit the existing commercial building in the Uptown Corridor designation in the CAOP, the proposed OPA will permit a minimum height of one storey as a Site-Specific Provision to the Uptown Commercial Residential II in the IEOP so the Site-Specific Provision will be transferred to CAOP. Please refer to **Appendix C** for the Draft Official Plan Amendment.

8.2 Proposed Zoning By-law Amendment

Under Section 34 of the *Planning Act*, a ZBLA may be used to amend any by-law passed under that section. The City of Burlington Zoning By-Law 2020 was enacted and passed on June 21st, 1999.

The proposed ZBLA is required to amend the mapping of Zoning By-law 2020 to rezone the northern portion of the subject lands to the Uptown Commercial/Residential I (UCR1) Zone with site-specific provisions for Phase 1 and Phases 2 &3 and the southern portion of the subject lands to the Uptown Commercial/ Residential 2 (UCR2) Zone with site-specific provisions. Overall, the proposed ZBLA will also change the application of Lot Area and Lot Frontage for lands located within the UCR1 Zone as well as provide reductions to the standard parking rates.

Please refer to **Appendix D** for the Draft Zoning By-law Amendment.

8.2.1 UCR1 Zone

The proposed ZBLA will rezone the northern portion of the subject lands to the Uptown Commercial/Residential 1 Zone with different site-specific provisions for each phase, to implement the proposed OPA.

For amendments to the standard UCR1 provisions, it is being requested that the UCR1 Zone permit site-specific provisions relating to Lot Area, Lot Frontage, Maximum Density, Maximum Average Density with Total Land Area, Maximum Building Height, Maximum Floor Area Ratio, Minimum Amenity Area and Minimum Parking Requirements. For Phase 1, the proposed ZBLA will add a provision, that will allow parking to be shared with the southern portion of the subject lands, zoned UCR2.

REGULATIONS	UCR1 ZONE	PROPOSED MODIFICATIONS
Permitted Uses	• Convenience/ Specialty Food Store • Other Retail Uses • Standard Restaurant • Fast Food Restaurant • Convenience Restaurant	• Convenience/ Specialty Food Store • Other Retail Uses • Standard Restaurant • Fast Food Restaurant • Convenience Restaurant

	• Other Service Commercial Uses • All Office Uses • Apartment Building	• Other Service Commercial Uses • All Office Uses • Apartment Building
Minimum Lot Width along Ironside Drive	7.5 metres	Phase 1: 44.7 metres
		Phase 2: 55.9 metres
		Phase 3: 65.7 metres
Minimum Lot Area	225 square metres	Phase 1: 3,301 square metres
		Phase 2: 4,141 square metres
		Phase 3: 5,137 square metres
Maximum Front Yard	16 metres	Phase 1: 5.0 metres
		Phase 2: 4.0 metres
		Phase 3: 4.0 metres
Maximum Street Side Yard	16 metres	Phase 1: N/A
		Phase 2: N/A
		Phase 3: 2.0 metres
Minimum Side Yard	None	Phase 1: 0.6 metres
		Phase 2: 3.0 metres
		Phase 3: 11.62 metres
Minimum Rear Yard	None	Phase 1: 24.0 metres
		Phase 2: 13.7 metres
		Phase 3: 14.9 metres
Minimum/ Maximum Density	50/185 units per hectare	Phase 1: 515 units per hectare
		Phase 2: 485.5 units per hectare
		Phase 3: 368 units per hectare
Average Density with Total Land Area	50/185 units per hectare	Phase 1: 136 units per hectare
		Phase 2: 296.8 units per hectare
		Phase 3: 448 units per hectare
Maximum Building Height	30 metres	Phase 1: 58.9 metres
		Phase 2: 52.5 metres
		Phase 3: 52.5 metres
Maximum Floor Area Ratio	2.5:1	Phase 1: 3.86
		Phase 2: 3.51
		Phase 3: 2.75
	5%	Phase 1: 19.1%

Minimum Landscaped Area		Phase 2: 18.9% Phase 3: 14.59%
Minimum Amenity Area	20 square metres per unit	Phase 1: 9.7 sq. metres per unit Phase 2: 4 sq. metres per unit: Phase 3: 4 sq. metres per unit
PARKING PROVISIONS		
Apartment Building	1.25 spaces per one-bedroom unit 108 units x 1.25 = 135 spaces	Phase 1: 0.75 spaces per unit 108 units x 0.75 = 81 spaces
	1.25 spaces per one-bedroom unit 129 units x 1.25= 162 spaces	Phase 2: 1.25 spaces per one-bedroom unit 129 x 1.25 = 162 spaces
	1.25 spaces per one-bedroom unit 125 units x 1.25 = 156 spaces	Phase 3: 1.25 spaces per one-bedroom unit 125 units x 1.25 = 156 spaces
	1.5 spaces per two-bedroom unit 62 units x 1.5 = 93 spaces	Phase 1: 1.2 spaces per two-bedroom unit 62 units x1.2= 74 spaces
	1.5 spaces per two-bedroom unit 72 units x 1.5= 108 spaces	Phase 2: 1.5 spaces per two-bedroom unit 72 units x 1.5= 108 spaces
	1.5 spaces per two-bedroom unit 63 units x 1.5 = 95 spaces	Phase 3: 1.5 spaces per two-bedroom unit 63 units x 1.5= 95 spaces
Medical Office:	6 spaces per 100 square metres of GFA 102 spaces	Phase 1: 1 space per 100 square metres of GFA 1 spaces x 16.97 square metres = 17 spaces
Office	3 spaces per 100 square metres of GFA 4 spaces	4 spaces
Retail	3.5 spaces per 100 square metres of GFA 22 spaces	23 spaces
	3.5 spaces per 100 square metres of GFA 33 spaces	33 spaces
Accessible Parking Requirements	3% of Required Parking	All Phases: To be implemented through the design process. No

		modifications to requirements proposed.
Bicycle Parking Requirements	Retail, Service Commercial, Office: 2 space plus 1 space per 100 square meters of GFA 2 spaces x 1.82 square metres (+1) = 4 spaces	Phase 1: 7 spaces
	Retail, Service Commercial, Office: 2 space plus 1 space per 100 square meters of GFA 2 spaces x 0.642 square metres (+1) = 3 spaces	Phase 2: 7 spaces
	Retail, Service Commercial, Office: 2 space plus 1 space per 100 square meters of GFA 2 spaces x 0.642 square metres (+1) = 3 spaces 3 spaces	Phase 3: 6 spaces

Table 8-1: UCR1 Zone Modifications

8.2.1.1 Maximum Density, Maximum Average Density with Total Land Area & Maximum Floor Area Ratio

The intent of the maximum density/ FAR provision is to prevent over-development, especially with regards to built form and massing on a site. In terms of built form and massing, the proposed development will maintain consistency with the existing pattern of development on the opposite side of Appleby Line, and will conform to and implement the permissions proposed through the OPA.

From a planning perspective, the increase in density and FAR is appropriate on the subject lands, as they are designated as part of a Mixed-Use Activity Centre in the IEOP and an Urban Centre and a Mixed-Use Intensification Area in the CAOP. The intent of these designations is to be a focal point for multi-functional community activities, characterized by a compact form of higher intensity development. The proposed redevelopment of the subject lands at this density will build out the Mixed-Use Activity and Urban Centre on the western side of Appleby Line, similar to the existing built pattern along the eastern side of Appleby Line, providing an appropriate built form, density, use and intensity to implement Council's Adopted Vision. The increase in residential density will support the primary commercial corridor along the western side of Appleby Line.

The increase in density and FAR provisions are supportable from a servicing standpoint, as confirmed by the FSR prepared by MTE. As a result of the proposed development, minor upgrades will be required for the sanitary sewer servicing.

Within the CAOP, Appleby Line is identified as Frequent Transit Corridor, therefore the increased density and intensity, coupled with reduced parking standards will foster an increase in transit useage.

8.2.1.2 Maximum Building Height

The proposed ZBLA is requesting to increase the maximum height to 18 storeys and 16 storeys for the proposed development. The intent of the maximum height provision is to restrict the built form to ensure appropriate and compatible development, including intensity of use, shadowing, and wind levels.

As stated in the section above, the CAOP designates the northern portion of the subject lands Uptown Core. The Uptown Core designation allows a maximum height of 20 storeys. The proposed 18 and 16 storeys are within this maximum height provision and will be compatible with the surrounding neighbourhood, as the subject lands are located adjacent to existing high-density residential developments (8 & 17 storeys) located at the north-east and south east corners of Appleby Line and Ironside Drive intersection respectively. As seen in the massing and 3D Model Views, the massing and built form will include a defined podium and stepped back tower to reduce the overall height of the building along the streetscape.

The Shadow Impact Study prepared by RAW Design and Pedestrian Wind Study prepared by RWDI confirms that there are no significant adverse impacts on the adjacent built form.

8.2.1.3 Minimum Amenity Area

The minimum amenity area does not include the private open spaces located in the central portion of the subject lands. In addition, there is an abundance of open space areas that residents can access in the neighbourhood, including DesJardines Park and the Sheldon Woodlot. The POPS will include a landscaped walkway through the subject lands, connecting to the sidewalk, fostering greater connectivity to other amenity spaces.

8.2.1.4 Minimum Parking Requirements for Phase 1

The subject lands are located within a Mixed-Use Activity Centre identified in IEOP and along a Frequent Transit Corridor, designated within the CAOP, therefore the lands have the locational advantage to support an increased use of transit, by providing reduced parking standards.

As confirmed by the TIA, prepared by Paradigm Transportation Consulting Ltd, the subject lands are located within an Intensification Area that is conducive to pedestrian and transit friendly movement patterns. The City is updating its zoning to contain provisions for lower parking standards in Intensification Areas, therefore the proposed parking reductions for Phase 1 are in line within this approach.

8.2.2 UCR2 Zone

The proposed ZBLA will rezone the southern portion of the subject lands to the Uptown Commercial/Residential 2 (UCR2) Zone, to implement the proposed OPA.

For amendments to the standard UCR2 provisions, it is being requested that the UCR1 Zone permit site-specific provisions for Minimum Floor Area Ratio, Minimum Parking Standards and Bicycle Parking Spaces, and provisions relating to existing development. As the proposed Phase 1 will be built without major modifications to the existing development pattern, the proposed ZBLA has outlined the different parking regulations between Phase 1 and the full build-out of Phases 2 & 3.

REGULATIONS	UCR2 ZONE	PROPOSED MODIFICATIONS
Permitted Uses	- Department Store	- Standard Restaurant - Fast Food Restaurant

	- Large Furniture and Appliance Store - Warehouse Club - Supermarket/ Grocery Store - Convenience/ Specialty Food Store - Standard Restaurant - Fast Food Restaurant - Convenience Restaurant - Other Service Commercial Uses - All Office Uses	- Convenience Restaurant - Other Service Commercial Uses - All Office Uses
Minimum Lot Width along Appleby Line	15 metres	47.6 metres
Minimum Lot Area	225 square metres	9,699.91 square metres
Maximum Front Yard	None	5.3 metres
Maximum Street Side Yard	None	N/A
Minimum Side Yard	None	1.67 metres
Minimum Rear Yard	None	28.4 metres
Minimum/ Maximum Density	50/185 units per hectare	N/A
Average Density with Total Land Area	50/185 units per hectare	N/A
Minimum Building Height	Two Storeys	One Storey
Minimum Floor Area Ratio	0.5:1	0.29: 1
Minimum Landscaped Area	5%	13.8%
PARKING PROVISIONS		
Medical Office:	6 spaces per 100 square metres of GFA 9 spaces	Phase 1: 239 spaces
Office	3 spaces per 100 square metres of GFA 10 spaces	Phases 2 & 3 86 spaces
Retail	3.5 spaces per 100 square metres of GFA 13 spaces	
Recreational Establishment	5.5 spaces per 100 square metres of GFA	

	14 spaces	
Service Commercial	4 spaces per 100 square metres of GFA 19 spaces	
Fast Food Restaurant	3.5 spaces per 100 square metres of GFA 31 spaces	
Standard Restaurant	18.5 spaces per 100 square metres of GFA 180 spaces	
Accessible Parking Requirements	3% of Required Parking 8 spaces	3 spaces
Bicycle Parking Requirements	Retail, Service Commercial, Office: 2 space plus 1 space per 100 square meters of GFA 10 spaces	4 spaces

Table 8-2: Proposed UCR2 Modifications

8.2.2.1 Minimum Building Height & Minimum Floor Area Ratio

The intent of a Height and Floor Area Ratio provision is to prevent over-development, especially with regards to built form and massing on a site. In terms and built form massing, the proposed development will conform to and implement the permissions proposed through the OPA.

The reduction to the Building Height and Floor Area Ratio is to recognize the existing commercial development on the southern portion of the subject lands. The proposed increase in residential density will require existing commercial uses, including restaurants, medical office and offices to support the increase in population and households.

8.2.2.2 Minimum Parking Requirements

The proposed ZBLA has outlined the different parking requirements between the construction of Phase 1 & Phases 2-3. The construction of Phase 1 will result in approximately 239 spaces remaining for the existing development, while the full build out phase will result in approximately 86 spaces remaining on the southern portion of the subject lands.

The subject lands are located within a Mixed-Use Activity Centre identified in IEOP and along a Frequent Transit Corridor, designated within the CAOP, therefore the lands have the locational advantage to support an increased use of transit, by providing reduced parking standards.

As confirmed by the TIA, prepared by Paradigm Transportation Consulting Ltd, the subject lands are located within an Intensification Area that is conducive to pedestrian and transit friendly movement patterns. The City is updating its zoning to contain provisions for lower parking standards in Intensification Areas, therefore the proposed parking reductions for Phase 1 are in line within this approach.

8.2.2.3 Minimum Bicycle Parking Requirements

The reduction to the minimum bicycle parking requirements reflect an existing condition, however there is an opportunity for shared bicycle stalls with the proposed mixed-use buildings, which have a number of bicycle parking spaces in the underground levels.

8.3 Site Plan

An application for Site Plan Approval will be required prior to physical development proceeding as proposed. The Site Plan will illustrate the site statistics, site elements, minimum grading information and mandatory notes. Further, it is expected that the servicing and landscaping design will be refined and submitted at the Site Plan Approval stage.

8.4 Draft Plan of Condominium

An application for condominium registration will be required moving forward with the development application to establish the standard condominium option being proposed. The registration of the condominium plan will provide the required description and declaration, which will deal primarily with individual unit descriptions, roadways and internal common areas as the common element components.

9 Current Planning Status

The following Sections provide an assessment of the proposed development against current and applicable planning policy, including the Planning Act, Provincial Policy Statement 2020, Growth Plan for the Greater Golden Horseshoe 2019, Region of Halton Official Plan, City of Burlington Official Plan and the City of Burlington Zoning By-law. These documents are reviewed in detail below and specific policies are quoted following which a planning comment is provided along with subsection summaries.

9.1 Ontario Planning Act

The Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") deals with land use planning in Ontario and outlines how land is controlled and the roles of various levels of government and the public in regard to land use matters. **O. Reg 543/06** deals with the ability and requirements for a Municipality to enact and amend Official Plans, while **O. Reg 545/06** discusses the ability and requirements for a Municipality to enact and amend Zoning By-laws. Powers with respect to Zoning By-laws under Section 34 in the Planning Act include, amongst other things, the ability to prohibit erecting, locating or using of buildings or structures; for prohibiting any use of land; for regulating the type of construction and the height, bulk, location size, floor area, spacing, character and use of buildings or structure; and for requiring provision and maintenance of parking facilities. The last date of consolidation was June 3rd, 2021. The following excerpts and comments apply to the subject planning applications.

Section 2 of the Planning Act refers to matters of **provincial interest** that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, must have regard to, among other matters to carry out their responsibilities under the Act. Applicable matters listed in that section which pertain to the proposed applications include:

f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

Planning Comment: Municipal infrastructure is readily available, as the subject lands are located within the existing Built-Up Area of Burlington. The FSR prepared by MTE confirmed that the

proposed development will efficiently utilize existing municipal services to further increase residential, commercial and employment densities and that there is adequate capacity in the water and sanitary system subject to identified minor upsizing of the sanitary sewers.

h) the orderly development of safe and healthy communities;

h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

Planning Comment: In the In-effect City of Burlington Official Plan ("IEOP"), the subject lands are located within a Mixed-Use Activity Area and within the Council Adopted City of Burlington Official Plan ("CAOP"), the subject lands are designated as part of the Uptown Urban Centre, where opportunities for redevelopment and intensification are intended to provide for a broad mix of uses in higher intensities of development.

The proposed development will re-develop the northern portion of the subject lands to be in line with the Council Adopted Vision for the area, by adding to the broad mix of uses and increasing net residential density along the western side of Appleby Line. It will contribute to attaining a compact high-density mixed-use built form, similar to the existing development pattern situated at the north-east and south-east corners of the Appleby Line and Ironside Drive intersection. It will maintain compatibility with neighbouring land uses, through a defined podium and stepped back tower, minimizing shadow and privacy impacts. This redevelopment will result in a more orderly, safe and healthy community.

The proposed development will be compliant with AODA standards, to ensure that there is adequate accessibility for persons with disabilities. Further design details will be provided at Site Plan Stage.

i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

Planning Comment: There is an appropriate distribution of educational, health, social, cultural and recreational facilities surrounding the subject lands to support the proposed increase in population. The subject lands are located in close proximity to institutional uses (i.e. Corpus Christi Catholic Secondary School, Glen Arbour Academy, Charles R. Beaudoin Public School), recreational facilities (i.e. Movati Athletic, Millcroft Golf Club) and a number of parks such as the Des Jardines Park and Millcroft Park.

j) the adequate provision of a full range of housing, including affordable housing;

Planning Comment: The proposed development will increase the mix and range of housing types and tenures in the neighbourhood, through the inclusion of apartment units with different unit sizes. This will help accommodate a range of resident incomes and demographics. In addition, the compact built form of apartment units is expected to be generally more affordable, compared to single detached residences.

In addition, LJM Developments Inc. has proposed to provide one residential unit from each phase to a non-profit affordable housing provider. This unit will be provided at no cost and will be available in perpetuity.

k) the adequate provision of employment opportunities;

Planning Comment: Currently, the northern portion of the subject lands includes 1,940 square metres of commercial and retail space. While Phases 2 & 3 will provide 1,581 square metres of commercial and retail space, Phase 1 will provide an additional 1,820 square metres of medical office space. Therefore, the proposed development will enhance economic development, by providing additional population-related employment opportunities and contributing to the range of retail and commercial uses along Appleby Line. In addition, the proposed 560 residential units will

support the existing commercial uses in the neighbourhood, assisting economic viability within the neighbourhood.

o) the protection of public health and safety;

Planning Comment: As confirmed by the Phase 1 ESA, nothing was identified that is likely to result in potential subsurface impacts on the subject lands. Therefore, a Phase 2 ESA is not required.

p) the appropriate location of growth and development;

Planning Comment: The subject lands are located within the Urban Area of the City of Burlington, in an established mixed-use area varying in densities and land uses. The proposed development will add to the mix of uses and densities in the Mixed-Use Centre identified in the IEOP and the emerging Uptown Urban Centre identified in the CAOP, providing residential densities and a further allotment of commercial and office uses along the western side of Appleby Line

This type of development is encouraged through the policies of the CAOP, which designates the northern portion of the subject lands as part of the Urban Core, which permits mixed-use developments at greater heights and densities. As such, the proposed OPA will re-designate the northern portion of the subject lands to the Uptown Commercial/ Residential I, as it is the most appropriate designation within the IEOP to permit the proposed development, while also transitioning towards Council's vision. The proposed development will be compatible with the existing development patterns, situated at the north-east and south-east corners of the Appleby Line and Ironside Drive intersection. As a result, the subject lands are an ideal and appropriate location for the scale and form of development proposed.

q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

Planning Comment: An existing bus stop is located along the frontage of the subject lands. The subject lands are well served by existing and planned public transit routes. The proposed development will be transit-oriented, foster transit ridership, and provide pedestrian-oriented design. A reduced number of parking spaces will help to minimize auto-dependency. In summary, the proposed mixed-use development is a form of sustainable development.

r) the promotion of built form that,

i) is well-designed,

ii) encourages a sense of place, and

iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Planning Comment: The proposed development will feature a high standard of urban design, complying with the City of Burlington Tall Building Guidelines. The design of the building will create a strong and identifiable image at the south-west corner of Appleby Line and Ironside Drive, complimentary to the contextually similar developments on the other side of Appleby Line. The proposed development will include a centrally-located POPS, providing for an open amenity space for existing and future residents in the neighbourhood. Please refer to the Urban Design Brief, prepared by IBI Group for additional design discussion.

s) the mitigation of greenhouse gas emissions and adaptation to a changing climate

Planning Comment: In the CAOP, Appleby Line is designated as a Frequent Transit Corridor. Through the provision of bicycle parking stalls and a reduced parking standard in close proximity to a planned frequent Transit Corridor, which provides connections to Appleby GO Station, the proposed development will encourage active transportation and transit. This will reduce greenhouse gas emissions through the provision of a compact, walkable community.

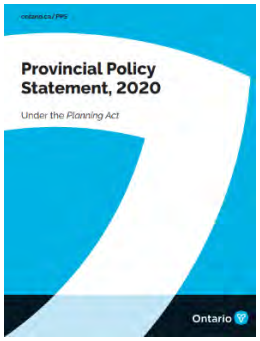
Section 3 provides that Minister may issue policy statements, and that a decision by a council or board in respect of an exercise that affects a planning matter shall be consistent with the policy statements and shall conform with the provincial plans that are in effect on that date.

Planning Comment: The following section of this report will address conformity with the Provincial Policy Statement and the subsequent section will address that the proposed applications conform to applicable provincial plans.

Planning Act Conclusion: The proposed applications are subject to **Section 22 & 34** of the Planning Act, as an amendment is required to the City of Burlington Official Plan and Zoning By-law. The applications will be processed in accordance of those sections of the Act. The proposed development complies with the Planning Act as it will:

- Efficiently utilize existing municipal infrastructure;
- Provide built form, intensity of development and mix of uses in an existing Mixed-Use Centre identified in the IEOP and emerging Urban Centre designated within the CAOP;
- Increase the mix and range of housing options by providing apartment units with a variety of unit sizes;
- Provide employment opportunities through the direct inclusion of 1,820 square metres of office space and the transfer of 1,581 square metres of commercial and retail space from the existing commercial development, and by increasing the customer base for existing commercial uses within the neighbourhood;
- Not develop upon lands which are contaminated or hazardous;
- Support public transit and mitigate greenhouse gas emissions, by providing a compact form, encouraging active transportation through reduced parking standards, and supplying a number of bicycle parking stalls;
- Create an identifiable focal point at the south-west corner of Appleby Line and Ironside Drive and include a POPS for existing and future residents;
- Provide for growth and development in an appropriate location, as the IEOP designates the subject lands within a Mixed-Use Centre, and the CAOP designates the lands as within an Urban Centre.

9.2 Provincial Policy Statement 2020



The Provincial Policy Statement 2020 (“PPS”) provides policy direction on matters of provincial interest regarding land use planning and sets the foundation for land use planning and development regulations. The main considerations of this document pertain to protecting resources of provincial interest, the built and natural environment and public health and safety. The PPS focuses growth within Settlement Areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

Section 3 of the Planning Act requires that land use planning decisions be consistent with the PPS. The PPS provides direction for municipal planning documents and to individual site-specific developments. Municipal Official Plans are to be consistent with the PPS. The PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after this date. Therefore, the proposed Official Plan and Zoning By-law Amendment is subject to and is assessed against the applicable policies of the PPS.

For the purposes of this report, the version of the PPS available online at https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf was used.

The PPS is to be read in its entirety. With respect to the specific policies in the PPS 2020 document, several are applicable to the subject lands in general, and to the proposed development, and Official Plan Amendment and Zoning By-law Amendment specifically.

9.2.1 Section 1 Building Strong, Healthy Communities

Section 1 of the PPS focuses on building strong, healthy Communities. **Sub-Section 1.1** provides direction for managing and directing land use to achieve efficient and resilient development and land use patterns.

Policy 1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

Planning Comment: The subject lands have considerable development potential due to the location in a designated Mixed Use Centre identified within the IEOP and an Urban Centre in the CAOP and within a mixed-use neighbourhood that is well served by a variety of uses, services and amenities. However, the lands are currently underutilized as the existing development consists of a two-storey multi-unit commercial plaza. The proposed development will efficiently utilize the subject lands and available municipal infrastructure, providing intensified residential uses and diversifying population-related employment and commercial opportunities. This will contribute to achieving a compact form, and reduce the need for uneconomical works or expansions, thereby sustaining the financial wellbeing of the Province. Given that the proposed development provides residential density on an underutilized commercial parcel within a designated Mixed-Use Centre in the IEOP and utilizes existing municipal infrastructure, it is our opinion that the proposed development is a form of 'efficient development'.

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

Planning Comment: The proposed mixed-use development will add to the range and mix of uses within the neighbourhood. It will feature approximately 1,581 square metres of retail space and 1,820 square metres of office space, which will meet the needs of the surrounding residential dwellings and increase population-related employment opportunities. By offering a range of unit sizes, the proposed development will assist in meeting long term housing needs of a diverse group of people and aid in creating age friendly communities.

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

Planning Comment: The proposed development will not result in any environmental or public health and safety concerns. The Phase 1 ESA completed by Pinchin Group confirm that there are no sources of contamination. The Land Use Compatibility Assessment indicates that residential uses are compatible at this location, subject to recommendations.

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

Planning Comment: By providing a variety of single-floor apartment dwellings ranging in the number of bedrooms and prices, the proposed development will provide accessibility and living

options for persons with disabilities and an older population (i.e. allowing residents to age in their community). Further design at site plan stage will develop strategies for how the proposed development will improve accessibility for persons with disabilities, by complying with AODA requirements.

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

Planning Comment: The proposed development will provide development on existing services, as it will re-develop the northern portion of the subject lands, providing residential intensification and commercial and office space within a Mixed Use Centre, in close proximity to transit stops and service. It will make efficient utilization of existing municipal infrastructure, subject to the noted minor servicing upgrades to provide adequate capacity, thereby minimizing land consumption and servicing costs.

Policy 1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.*

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Planning Comment: Schedule 3 of the Growth Plan forecasts the Region of Halton population to increase to 1,100,000 people and 500,000 jobs in 2051. Currently, the Region of Halton is undergoing an MCR process, therefore forecasted population and employment counts have not been formally allocated to specific municipalities as of yet, as detailed in **Section 9.5** of this report. Nonetheless, the proposed development will aid in meeting projected needs for a time horizon of up to 20 years and accommodate the projected population and employment increase, by providing some additional population-related employment opportunities, and increasing the City's supply of residential units by contributing 560 units composed of a mix of one and two bedrooms.

The proposed development is a form of intensification and redevelopment within the designated Urban Area and Built Boundary, thus providing compact development to prevent additional land consumption, while accommodating forecasted needs. Further, in the CAOP, the lands are within a designated Primary Growth Area.

Subsection 1.1.3 provides development and growth direction for Settlement Areas.

Policy 1.1.3.1 *Settlement areas shall be the focus of growth and development.*

Policy 1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

a) efficiently use land and resources;

b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

d) prepare for the impacts of a changing climate;

e) support active transportation;

f) are transit-supportive, where transit is planned, exists or may be developed;

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Planning Comment: The subject lands are located within a Mixed-Use Centre designated within the IEOP and an emerging Urban Centre identified in the CAOP, where high intensities of growth and development are to be focused. The development of the subject lands into a mixed-use development at the proposed densities will represent an efficient utilization of underutilized lands, by providing a compact, functional and compatible layout. The high-density apartment buildings in proximity provide compatible built form to situate the location of the proposed 18-storey and 16-storey mixed use developments.

As addressed in the FSR prepared by MTE, the existing municipal infrastructure will be sufficient, with some minor upsizing, thereby avoiding the need for uneconomical expansions.

A transit stop is located along the frontage of the subject lands, which will provide service along what is a planned Frequent Transit Corridor in the CAOP, to provide future connections to Appleby GO Station. As the proposed development will be supportive of existing and planned public and active transportation by providing bicycle parking stalls and reduced parking standards, it will help minimize negative impacts to air quality and climate change.

Policy 1.1.3.3 *Planning authorities shall 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 existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

Planning Comment: The proposed development is a form of intensification, which redevelops an underutilized parcel to accommodate a total of 560 residential units, 1,581 square metres of commercial/ retail space and 1,820 square metres of office space, and efficiently utilizes existing municipal water and sanitary infrastructure. A variety of unit sizes will be provided. The location within a Mixed-Use Centre in the IEOP and an emerging Urban Centre in the CAOP and proximity to a variety of amenities gives the subject lands a locational advantage to provide reduced parking ratios in order to be transit supportive. By promoting transit usage, the proposed development will support reduced auto dependency.

Policy 1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

Policy 1.1.3.5 *Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas*

Planning Comment: The IEOP identifies that the subject lands are located within a Mixed-Use Activity Area, which is to be characterized by higher intensity development. The proposed development will facilitate residential intensification to support existing transit service, while the implementing OPA and ZBLA will increase the maximum density, Floor Area Ratio, and height to create a compact built form that increases the mix of densities and allows for an efficient use of land and infrastructure.

Subsection 1.2.6 provides policies in relation to land use compatibility.

Policy 1.2.6.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-*

term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Planning Comment: A Land Use Compatibility, Noise and Vibration Feasibility Study and Construction Mobility Management Plan was prepared by GHD. It concludes that there are no compatibility issues expected in terms of odour, dust and vibration.

Subsection 1.3 provides policies relating to employment.

Policy 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*

a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses

d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and

e) ensuring the necessary infrastructure is provided to support current and projected needs

Planning Comment: From the IEOP to the CAOP, Council's vision for the subject lands have changed from Uptown Employment to Uptown Core and Uptown Corridor, therefore the lands are not designated to accommodate a significant number of employment.

Currently, the northern portion of the subject lands includes 1,940 square metres of commercial and retail space. While Phases 2 & 3 will provide 1,581 square metres of commercial and retail space, Phase 1 will provide an additional 1,820 square metres of medical office space. Therefore, the proposed development will add to the existing mix of compatible commercial/ employment uses, while adding 560 residential units to support the existing commercial uses in the neighbourhood.

The FSR prepared by MTE has confirmed that adequate water servicing and sanitary servicing infrastructure will be available to support projected needs, subject to recommended minor upgrades.

Subsection 1.3.2 provides policies relating to Employment Areas.

Policy 1.3.2.1 *Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*

Policy 1.3.2.2 *At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.*

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

Policy 1.3.2.5 *Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:*

a) *there is an identified need for the conversion and the land is not required for employment purposes over the long term;*

b) *the proposed uses would not adversely affect the overall viability of the employment area; and*

c) *existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.*

Planning Comment: Though the subject lands are designated as Uptown Employment and General Employment in the current IEOP, the CAOP removed these employment designations and designated the northern portion to Uptown Core and the southern portion to Uptown Corridor, which permits mixed-use developments. This proposed re-designation was preceded and supported by analysis through the Official Plan process, including an employment lands review and conversion exercise.

Subsection 1.4 provides direction to guide residential housing development.

Policy 1.4.1 *To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

a) *maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

b) *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans*

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Planning Comment: The proposed mixed-use development will contribute to accommodating projected population growth and the housing needs of a diverse population, through intensification and redevelopment, in addition to providing an appropriate range and mix of housing types and densities in the surrounding area.

Policy 1.4.2 *Where planning is conducted by an upper-tier municipality:*

a) *the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and*

b) *the allocation of population and units by the upper-tier municipality shall be based on and reflect provincial plans where these exist.*

Planning Comment: In the current Region Official Plan, the Region of Halton has allocated the second highest number of new housing to be added to the Built-Up Area to Burlington. The proposed 560 residential units will aid in accommodating the forecasted population and housing growth.

Policy 1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;.

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety

Planning Comment: The proposed mixed-use development will provide 560 residential units, comprising of one- and two-bedroom unit, which will diversify the housing stock in the neighbourhood. The apartment form of dwelling is generally more affordable than single detached dwellings. Additionally, the unit composition will provide a variety of housing options to accommodate changing demographic needs of a diverse range of household sizes and incomes.

The subject lands have access to public service facilities and municipal infrastructure. The FSR prepared by MTE confirmed that a minor upsizing of infrastructure is required as a result of the full build out and anticipated increase in population, but that otherwise services were adequate for the proposed development. The close proximity to a transit stop and local amenities gives the subject lands a locational advantage to encourage transit usage and active transportation. Providing residential density and office/ commercial spaces at this location will support transit service and the neighbouring commercial uses.

Subsection 1.5 provides policies for public spaces, recreation, parks, trails and open space.

Policy 1.5.1 *Healthy, active communities should be promoted by:*

a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;

b) planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;

Planning Comment: The design of the proposed buildings will reinforce pedestrian activity, by providing a continuous built edge along the Ironside Drive streetscape and active ground floor uses to activate the streetscape and foster social interaction. The integration of the POPS in a

linear arrangement through the center of the site will provide access to greenspace to existing and future residents in the surrounding area.

Subsection 1.6.6 provides policies relating to sewage, water and stormwater.

Policy 1.6.6.1 *Planning for sewage and water services shall:*

a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

1. municipal sewage services and municipal water services; and

b) ensure that these systems are provided in a manner that:

1. can be sustained by the water resources upon which such services rely;

2. prepares for the impacts of a changing climate;

3. is feasible and financially viable over their lifecycle; and

4. protects human health and safety, and the natural environment;

c) promote water conservation and water use efficiency;

d) integrate servicing and land use considerations at all stages of the planning process; and

Policy 1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

Planning Comment: The FSR prepared by MTE indicates that the proposed development will utilize existing municipal water and sewage services. Please refer to the FSR for more details regarding final engineering designs.

Policy 1.6.6.7 *Planning for stormwater management shall:*

a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;

b) minimize, or, where possible, prevent increases in contaminant loads;

c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;

d) mitigate risks to human health, safety, property and the environment;

e) maximize the extent and function of vegetative and pervious surfaces; and

f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development

Planning Comment: The preliminary stormwater management strategy includes a storage tank located within the underground parking structure for quality control. Further details regarding the stormwater management system are provided in the FSR, prepared by MTE.

Subsection 1.6.7 provides policies in relation to Transportation Systems.

Policy 1.6.7.4 *A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation*

Planning Comment: The proposed mixed-use development will promote a land use and density pattern which will add to and compliment the mix of uses within the neighbourhood. The integration of at-grade commercial and with office uses will support the existing and future residents, while residents within the proposed units will be able to access nearby commercial, open space and employment opportunities. This will be done through active transportation methods (i.e. walking, and biking) and transit, ultimately reducing the number of vehicle trips. Reduced parking standards and bike parking stalls will also be provided to encourage modes of transportation alternative to the private automobile.

Subsection 1.7 provides policies on supporting long-term economic prosperity.

Policy 1.7.1 *Long-term economic prosperity should be supported by:*

a) promoting opportunities for economic development and community investment-readiness;

b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;

c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

Planning Comment: The subject lands are located within an area where existing municipal infrastructure is available to accommodate the proposed residential, office and commercial uses. The proposed development will support long-term economic prosperity by providing 1,581 square metres of retail space, intended to be transferred from the existing commercial buildings on the northern portion and 1,820 square metres of office space in three mixed-use high-density buildings. In addition, the provision of 560 residential units comprising a range of unit sizes will help to meet the long-term needs of a diverse workforce. Future residents will shop and work in the surrounding area, contributing to the long-term economic prosperity of the area.

e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

Planning Comment: The proposed development will feature a high standard of urban design to encourage a sense of place. It will strengthen many of the character patterns that are defining of the area, thus enhancing the character of the existing and surrounding neighbourhood. Please refer to the UDB prepared by IBI Group for more details.

9.2.2 Section 3 Protecting Public Health and Safety

Section 3.0 deals with protecting the environmental health and social well-being, which depends upon reducing the potential for public cost or risk to Ontario's residents from natural or human made hazards. **Subsection 3.2** provides polices relating to human-made hazards.

Policy 3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects*.

Planning Comment: The Phase 1 ESA, completed by Pinchin Group indicates that there are no sources of contamination.

Provincial Policy Statement Conclusion: The proposed development is consistent with the Provincial Policy Statement, as it will:

- Efficiently utilize the underutilized land in a Mixed-Use Activity Centre identified in the IEOP and emerging Urban Centre designated in the CAOP, which will be supported by active transportation and public transit services;

- Be located within the existing built-up area and a Mixed-Use Activity Centre, where high intensities of residential and commercial growth and development shall be focused;
- Facilitate residential intensification and redevelopment of an auto-oriented commercial plaza, located in close proximity to bus service and a variety of uses to accommodate forecasted growth, by providing 506 residential units;
- Promote economic development and fosters long-term economic prosperity, through integrating 581 square metres of retail space and 1,820 square metres of office space.
- Be fully serviced efficiently utilizing existing municipal infrastructure;
- Provide an appropriate range of unit typologies to meet the needs of a diversity of household sizes and incomes, while being compatible with the surrounding area;
- Provide an active streetscape through massing, built form and ground floor uses;
- Foster an increase in transit usage and active transportation, through reducing parking ratios and providing a number of bicycle parking stalls; and,
- Not develop upon lands with contaminants, as confirmed by the Phase 1 ESA

9.3 Growth Plan for the Greater Golden Horseshoe 2020



The Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") 2019 was prepared and approved under the Places to Grow Act, 2005. The Growth Plan took effect on May 16, 2019 and is applicable to the subject lands. The Growth Plan provides policies to guide future growth. The Growth Plan provides policies to guide future growth and development, where the major goals are to provide a sufficient housing supply, improving transportation options, encourage a high quality of life and a strong economy, while ensuring a healthy natural environment. The Growth Plan guides development in the Greater Golden Horseshoe ("GGH") to a time horizon to the year 2051. Overall, the Growth Plan has projected a 2051 population of 1,100,000 and employment of 500,000 for the Region of Halton. The Region of Halton is currently undergoing a Regional Official Plan Review in order to plan for the forecasted growth.

For the purposes of this report, the version of the Growth Plan available online at https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe was used.

The following policies discussed are particularly applicable to the development proposal.

9.3.1 Section 2 Where and How to Grow

Section 2.2.1 of the Growth Plan deals with managing growth, and the following policies within it are applicable to the proposed development.

Policy 2.2.1.1 *Population and employment forecasts contained in Schedule 3 or such higher forecasts as established by the applicable upper- or single-tier municipality through its municipal comprehensive review will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.*

Policy 2.2.1.2 *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

a) the vast majority of growth will be directed to settlement areas that:

i. have a delineated built boundary;

ii. have existing or planned municipal water and wastewater systems; and

iii. can support the achievement of complete communities;

c) *within settlement areas, growth will be focused in:*

i. delineated built-up areas;

ii. strategic growth areas;

iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and

iv. areas with existing or planned public service facilities;

d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;

Planning Comment: The subject lands are located within a Mixed-Use Centre designated within the IEOP and an emerging Urban Centre identified in the CAOP and have access to municipal water and sanitary infrastructure. In addition, the subject lands are a designated Primary Growth Area and along a Frequent Transit Corridor in the CAOP, where high intensities of growth and development are to be focused. As such, the subject lands are an ideal location for intensified growth in the form of three high-rise mixed-use buildings with a total of 560 residential units, 1,820 square metres of office space and 1,581 square metres of retail space. There is an appropriate distribution of institutional, open space and recreational facilities surrounding the subject lands to support the proposed increase in population, demonstrated in **Section 2.2** of this report. The proposed development will support the achievement of complete communities, by providing a mix of residential, commercial and office uses, where residents can live, work and play in the same neighbourhood, consistent with Council direction for the area.

As addressed in the FSR prepared by MTE, there will be sufficient capacity in the water and sanitary systems with some minor upsizing to accommodate the proposed development. The subject lands do not contain any areas of environmental concern as identified in the Phase 1 ESA.

Policy 2.2.1.4. *Applying the policies of this Plan will support the achievement of complete communities that:*

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

Planning Comment: As demonstrated in Section 2.2. of this report, the subject lands are within convenient access to commercial uses (Millcroft Shopping Centre), institutional, open space (Des Jardines Park), employment and residential uses along the eastern side of Appleby Line. The proposed mixed-use commercial/office residential buildings will contribute to the diverse mix of uses, further supporting the achievement of complete communities and the development of a Mixed-Use Activity Centre as identified in the IEOP and a Mixed Use Intensification Area in the CAOP.

b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;

c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

Planning Comment: The integration of 1,574 square metres of amenity space in the middle of the subject lands, operated as a POPS, will contribute to the improvement of the overall quality of life for existing and future residents, by adding passive open space that will be available for the public and surrounding areas to use.

The proposed development will improve social equity, by providing 560 residential units, comprising of one- and two-bedroom units. The unit composition will provide a variety of housing options to accommodate changing demographic needs of a diverse range of household sizes and incomes.

d) expand convenient access to:

i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;

ii. public service facilities, co-located and integrated in community hubs;

Planning Comment: A bus stop servicing Burlington Transit, connecting to Appleby GO Train Station is located along Appleby Line. By providing reduced parking standards and bike stalls, the proposed development will encourage residents and customers/ employees to utilize public transit to access other amenities and public service facilities in the community.

iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;

Planning Comment: The proposed development will include 1,574 square metres of amenity space in the middle of the subject lands, operated as a POPS, which means that the open space will be privately owned and operated, but will be available for the public and surrounding areas to use. It will also contain a central walkway connecting to Appleby Line with cross connections to existing commercial use on the southern portion of the subject lands.

e) provide for a more compact built form and a vibrant public realm, including public open spaces;

Planning Comment: The proposed OPA and ZBLA will increase the maximum density, FAR and height to provide for a more compact built form, that increases the mix of densities and land uses and allows for an efficient use of land and infrastructure. The proposed development will foster a vibrant public realm, by providing a defined podium and streetscape along Ironside Drive and include a linear system of POPS in the middle of the subject lands, providing privately maintained public open space.

Section 2.2.2 of the Growth Plan deals with managing growth within delineated Built -Up Areas.

Policy 2.2.2.1 *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*

a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and

Planning Comment: The proposed development will provide an additional 560 residential units, which will contribute to the minimum 50 %target for all residential development within the Urban Area and accommodate forecasted population housing needs.

Policy 2.2.2.3. *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*

a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;

b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;

c) encourage intensification generally throughout the delineated builtup area;

d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;

e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and

f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

Planning Comment: The subject lands are located within a Mixed-Use Activity Area in the IEOP and an identified Primary Growth Area in the CAOP, where the majority of the City's forecasted growth shall be accommodated, so higher intensities of residential, commercial and employment uses and growth are to be directed to these areas. Currently, majority of the subject lands are designated as Uptown Employment, while the south-western portion is designated as Uptown – General Employment. These designations only permit limited retail and service commercial uses and do not permit residential uses. The proposed OPA and ZBLA are required to permit the proposed mixed-use residential commercial development, which is representative of Council's vision and direction for the area, as it provides 560 residential units, 1,581 square metres of retail space and 1,820 square metres of office space.

In addition, the CAOP has designated the northern portion of the subject lands as Uptown Core, while the southern portion is designated Uptown Corridor, which permits the proposed mixed-use development. As the CAOP is not in effect yet, the proposed OPA and ZBLA will re-designate and rezone to appropriate designations (Uptown Commercial/ Residential I, Uptown Commercial/ Residential II) to permit the proposed mixed-use development and put a framework in place to transition to the CAOP when it does take effect.

Section 2.2.5 of the Growth Plan deals with Employment.

Policy 2.2.5.3. *Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.*

Policy 2.2.5.4 *In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.*

Planning Comment: The subject lands have excellent access to existing public transit, as there is a bus stop located along Appleby Line. In addition, Appleby Line is considered a Frequent Transit Corridor in the CAOP, as it provides connections to the Appleby GO Train/Bus Station. As such, the inclusion of retail and office uses in the proposed mixed-use development will foster an environment, where people can live, work and play using alternative methods of transportation, reducing automobile traffic. In addition, the proposed development will encourage active transportation and public transit useage, by providing a number of bike stalls and minimizing surface parking stalls, by applying reduced parking standards compared to the Zoning By-law.

Policy 2.2.5.6 *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term. For greater certainty, employment area designations may be incorporated into upper- and single-tier official plans by amendment at any time in advance of the next municipal comprehensive review.*

Policy 2.2.5.9. *The conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that:*

a) there is a need for the conversion;

b) the lands are not required over the horizon of this Plan for the employment purposes for which they are designated;

c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan;

d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and

e) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses.

Policy 2.2.5.10. *Notwithstanding policy 2.2.5.9, until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses, provided the conversion would:*

a) satisfy the requirements of policy 2.2.5.9 a), d) and e);

b) maintain a significant number of jobs on those lands through the establishment of development criteria; and

c) not include any part of an employment area identified as a provincially significant employment zone unless the part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.

Policy 2.2.5.11 *Any change to an official plan to permit new or expanded opportunities for major retail in an employment area may only occur in accordance with policy 2.2.5.9 or 2.2.5.10.*

Policy 2.2.5.14 *Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.*

Planning Comment: In the IEOP, majority of the subject lands are designated as Uptown Employment, while the south-western portion is designated as part of the Uptown General Employment. While the subject lands are designated for employment uses in the IEOP, the CAOP removes the Employment designation and designates the northern portion to Uptown Core and the southern portion to Uptown Corridor, which permits high and moderate intensity mixed-use developments in a compact built form. According to the City of Burlington Pre-Consultation notes, lands recommended for designation that are City-designated lands, which are not within the Region's Employment Area, have proceeded through the approval of the Official Plan. Therefore, the subject lands are not considered to be apart of an Employment Area.

Policy 2.2.5.15 *The retail sector will be supported by promoting* compact built form *and* intensification *of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement* of *complete communities.*

Planning Comment: Currently, the northern portion of the subject lands includes 1,940 square metres of commercial and retail space in the built form of a single storey plaza. While Phases 2 & 3 will provide 1,581 square metres of commercial and retail space, these spaces will be located within a compact built form, integrated with residential uses on the upper floors to support the achievement of complete communities.

Section 2.2.6 of the Growth Plan provides policies regarding Housing.

Policy 2.2.6.1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and

Policy 2.2.6.2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

a) planning to accommodate forecasted growth to the horizon of this Plan;

b) planning to achieve the minimum intensification and density targets in this Plan;

c) considering the range and mix of housing options and densities of the existing housing stock; and

d) planning to diversify their overall housing stock across the municipality.

Planning Comment: The subject lands are identified as a Primary Growth Area in the CAOP, where a vast majority of forecasted growth is to be accommodated. The proposed development will provide an additional 560 residential units, which will contribute to the minimum intensification targets as well as accommodate population forecasts for the City of Burlington. It will provide a diverse range and mix of unit sizes within the neighbourhood to meet the needs of diverse population. By attaining a compact built form, these units will be comparatively more affordable than single detached residences.

Policy 2.2.6.3. *To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

Planning Comment: Table 5-3 displays the unit composition in the proposed development. Unit sizes will differ within the proposed development to accommodate a diverse range of household sizes and incomes.

9.3.2 Section 3 Infrastructure to Support Growth

Section 3.2.2 of the Growth Plan provides policies regarding Transportation in general.

Policy 3.2.2. 4. *Municipalities will develop and implement transportation demand management policies in official plans or other planning documents or programs to:*

a) reduce trip distance and time;

b) increase the modal share of alternatives to the automobile, which may include setting modal share targets;

c) prioritize active transportation, transit, and goods movement over single-occupant automobiles;

d) expand infrastructure to support active transportation; and e) consider the needs of major trip generators

Planning Comment: As stated previously, the subject lands are located within an area that is well served by Burlington Transit as a bus stop is situated along Appleby Line. Therefore, the subject lands are an appropriate location for the proposed high-density residential commercial development to increase the modal share of transit, contributing to the reduction of provincial greenhouse gas emissions.

Section 3.2.6 of the Growth Plan provides policies regarding water and wastewater systems.

Policy 3.2.6.2 *Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:*

a) opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;

b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;

c) a comprehensive water or wastewater master plan or equivalent, informed by watershed planning or equivalent has been prepared to:

i. demonstrate that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water;

ii. identify the preferred option for servicing growth and development, subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS, 2020, which must not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological, and other needs; and

iii. identify the full life cycle costs of the system and develop options to pay for these costs over the long-term.

Planning Comment: The proposed development will optimize available municipal water and sewage systems to further increase residential, commercial and employment density and achieve intensification targets on the subject lands. As confirmed by the FSR prepared by MTE Group, the proposed development will require minor servicing upgrades to existing systems.

Section 3.2.7 of the Growth Plan provides policies relating to Stormwater Management.

Policy 3.2.7.2. *Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:*

c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and

Planning Comment: The preliminary storm-water management plan will include an underground storage tank to control the quality of the stormwater. Further details regarding the stormwater management system and low impact development strategies will be examined through the Site Plan application process.

Section 4.2.10 provides policies relating to Climate Change.

Policy 4.2.10.1 *Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:*

a) supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan;

b) reducing dependence on the automobile and supporting existing and planned transit and active transportation;

Planning Comment: The proposed residential units, integrated with the ground floor office and commercial space will support the achievement of a complete community and achieve minimum intensification and density targets through a diversity of uses in a compact built form, reducing land consumption. The proposed development will support reducing auto-dependency by including bicycle parking stalls, improving accessibility to transit stops, implementing reduced parking standards, and fostering a pleasant pedestrian realm, thereby minimizing the impacts to climate change.

Growth Plan 2019 Conclusion: The proposed development is consistent with the Growth Plan 2019 for the Greater Golden Horseshoe, as it will:

- Efficiently develop underutilized lands in a Mixed Use Activity Centre identified in the IEOP and an emerging Urban Centre in the CAOP, , through redeveloping with higher densities and a diverse mix of uses to facilitate the provision of new housing;

- Provide an appropriate range of unit sizes to meet the needs of a diversity of household sizes and incomes;
- Contribute to meeting minimum intensification and density targets, by accommodating forecasted population needs in a compact built form;
- Effectively utilize existing municipal infrastructure to service the proposed development;
- Support the achievement of complete communities, through providing a mix of residential, commercial and office uses in an existing mixed-use neighbourhood;
- Promote alternative transportation methods, through reduced parking ratios and providing a number of bicycle parking stalls in close proximity to transit, thus reducing greenhouse gas emissions; and,
- Promote economic development, by integrating 1,581 square metres of retail space and 1,820 square metres of office space, providing additional employment opportunities in the neighbourhood

9.4 Region of Halton Official Plan

The Regional Official Plan ("ROP") was adopted by Council on March 30th, 1994 through By-law 49-94. It was subsequently approved, with modifications by the Minister of Municipal Affairs and Housing on November 27th, 1995. Between 2001- 2004 and 2006 - 2009, a major review of the Regional Plan (1995) was undertaken in accordance with the Planning Act. The most lasted amendment was approved by the Minister of Municipal Affairs and Housing in November 2011 and subsequently appealed and adjudicated by the Ontario Municipal Board from 2012 through 2017, with certain site-specific appeals outstanding.

The Regional Official Plan is Halton's guiding document for land use planning. It contains goals, objectives, and policies that manage growth and direct how physical development should take place in Halton to meet current and future needs of its people.

The Region is currently undergoing a review of the Regional Official Plan to plan for future growth and conform to updated provincial policies. Most recently as part of the review, ROPA 48 was adopted by Council through By-law No.31-21 on July 7th, 2021. It helped define and provide direction on urban structure, such as Urban Growth Centres, Major Transit Station Areas, Regional Nodes and Employment Areas.

For the purposes of this report, the version of the plan available online at https://www.halton.ca/The-Region/Regional-Planning/Regional-Official-Plan-(ROP)-(1)/Regional-Official-Plan-Viewer was used.

The following designations were obtained from the Region of Halton Official Plan Schedules and apply to the subject lands.

MAPS	DESIGNATION
Map 1 – Regional Structure	Urban Area
Map 1-C – Future Strategic Employment Area	At the edge of Regional Employment Area
Map 3 – Functional Plan of Major Transportation Facilities	Appleby Line: Major Arterial Road & High Order Transit Corridor

Table 9-1: Region of Halton Official Plan Designations Applicable to the Subject Lands

9.4.1 Part II Halton's Regional Structure

Halton's Regional Structure

Policy 50 *The Regional Structure, as shown on Map 1, represents Halton's basic position on the use of land and natural resources within its planning area and is the framework within which Local Official Plans, amendments and by-laws shall be prepared.*

Policy 51 *The Regional Structure consists of the following mutually exclusive land use designations:*

1) Urban Area, where urban services are provided to accommodate concentrations of existing and future development,

Policy 55 *The Regional Structure is accompanied by a growth strategy for Halton based on the distribution of population and employment for the planning horizon year of 2031 as contained in Table 1, and in accordance with the Regional phasing outlined on Map 5, as well as by other infrastructure elements such as transportation systems and urban services and other policies of this Plan.*

Policy 55.2 *The Regional Structure also sets out the Regional phasing to be achieved every five years from 2012 to 2031 between the Built-Up Areas and the Designated Greenfield Areas in Table 2a.*

TABLE 1 POPULATION AND EMPLOYMENT DISTRIBUTION

	Population[1]		Employment	
Municipality	**2006**	**2031**	**2006**	**2031**
Burlington	171,000	193,000	88,000	106,000
Oakville	172,000	255,000	82,000	127,000
Milton	56,000	238,000	28,000	114,000
Halton Hills	58,000	94,000	20,000	43,000
Halton Region[2]	456,000	780,000	218,000	390,000

[1] Population numbers in this table are "total population" numbers including approximately 4% undercoverage from the official "Census population" numbers reported by Statistics Canada.

[2] Totals for the Region may not add up due to rounding.

Figure 9-1: Excerpt of Table 1: Population and Employment Distribution from Region of Halton Official Plan

TABLE 2 INTENSIFICATION AND DENSITY TARGETS

Municipality	Minimum Number of New Housing Units to Be Added To the *Built-Up Area* Between 2015 and 2031	Minimum Overall *Development Density* in *Designated Greenfield Area* (Residents and Jobs Combined Per Gross Hectare)[1]
Burlington	8,300	45
Oakville	13,500	46
Milton	5,300	58
Halton Hills	5,100	39
Halton Region[2]	32,200[2]	50

[1] *In the measurement of these densities, the area of the Regional Natural Heritage System is excluded.*
[2] *This number represents 40 per cent of the new housing units occurring within Halton Region between 2015 and 2031.*

Figure 9-2: Excerpt of Table 2: Intensification and Density Targets, Retrieved from Region of Halton Official Plan

Burlington				
Units in *Designated Greenfield Area*	**428**	**432**	**133**	**221**
Low Density Units	287	302	106	123
Medium & High Density Units	141	130	27	98
Units inside the *Built Boundary*	**2,525**	**2,758**	**2,669**	**2,659**
Employment	**3,055**	**4,136**	**1,299**	**1,204**

Figure 9-3: Excerpt of Table 2A: Regional Phasing, Retrieved from Region of Halton Official Plan

Planning Comment: As identified in Table 9-1, the subject lands are located within the Urban Area, where urban services are available to accommodate future development. Figures 9-1 to 9-3 identify that the City of Burlington is expected to accommodate a significant distribution of population and employment, especially within the Built Boundary. The proposed development will contribute to accommodating the forecasted growth, by providing 560 residential units, 1,581 square metres of retail space and 1,820 square metres of office space, through redeveloping and intensifying underutilized lands in the Urban Area.

9.4.2 Part III Land Use Designations

Land Use Designations

Policy 71 *The geographic area of Halton is divided into the following mutually exclusive land use designations, as shown on Map 1 with the exception of Regional Waterfront Parks, which are shown by symbol on Map 1 and detailed on Map 2:*

1) Urban Area,

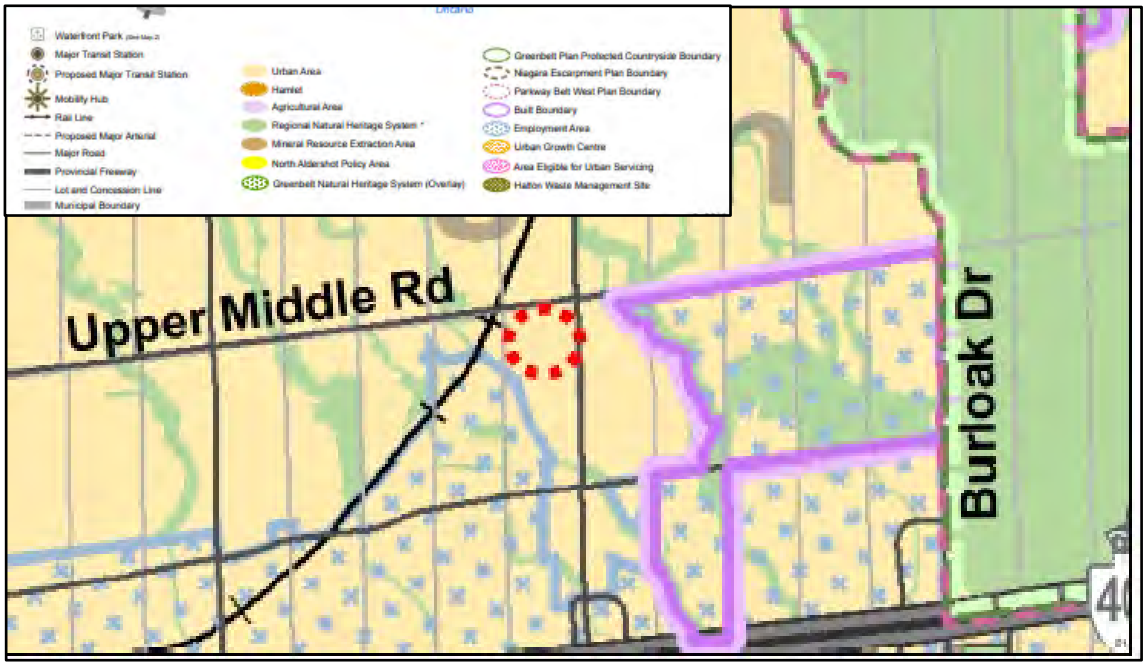


Figure 9-4: Excerpt of Map 1 Regional Structure, Retrieved from the Region of Halton Official Plan

Urban Areas

Policy 77 *It is the policy of the Region to:*

2.1) Direct, through Table 2 and Table 2a, to the Built-Up Area a minimum of 40 per cent of new residential development occurring annually within Halton in 2015 and every year thereafter.

Planning Comment: As seen in **Figure 9-4**, the subject lands are identified as part of Urban Area for the Region of Halton. The proposed development represents an appropriate form of intensification on the subject lands and will provide an additional 560 residential units, which will contribute to achieving the minimum 40% intensification target.

Intensification Areas

Policy 80. *Intensification Areas are parts of the Urban Area and consist of:*

4) Mixed Use Nodes as identified in Local Official Plans, which have a concentration of residential and employment uses with development densities and patterns supportive of pedestrian traffic and public transit.

Policy 81 *It is the policy of the Region to:*

1) Direct development with higher densities and mixed uses to Intensification Areas

6) Require the Local Municipalities to ensure the proper integration of Intensification Areas with surrounding neighbourhoods through pedestrian walkways, cycling paths and transit routes, and the protection of the physical character of these neighbourhoods through urban design

Planning Comment: Identified in **Sections 9.6 & 9-7** of this report, the subject lands are located within a Mixed Use Activity Area in the IEOP, while the CAOP designates the subject lands to be within a Mixed Use Intensification Area, where a high concentration of employment, residential and commercial uses should be integrated in a compact urban form at higher development

densities. As such, it is considered an Intensification Area in the Regional Official Plan ("ROP"), due to its Local Plan status.

The proposed redevelopment is representative of the Mixed-Use Node vision for the area, as it directs high-density development consisting of mixed-use residential, commercial and office uses adjacent to a prominent intersection in a Mixed-Use Area. In addition to the transit supportive development densities, the proposed development will further support pedestrian traffic and public transit by providing reduced parking ratios and at-grade commercial and office uses to activate the streetscape.

Currently, the Intensification Area around the Appleby Line and Ironside Drive intersection is characterized by higher intensity mixed-use developments along the eastern side of Appleby Line, as demonstrated in Section 2.2. of this report. The proposed development will provide residential density along the western side of Appleby Line to further support the function of the Mixed-Use Area. By directing the highest (18-storey) mixed-use building adjacent to the fire station and employment uses and then the lower (16-storey) mixed use buildings at the corner of the intersection, it will reduce privacy and shadow impacts on the townhouses, further south along Appleby Line.

The surrounding land uses are similar in fashion, as depicted in **Section 2.2** of this report.

Housing

Policy 86 *It is the policy of the Region to:*

6) Adopt the following housing targets:

a) that at least 50 per cent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings;

11) Permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

Planning Comment: The proposed development is an appropriate form of intensification on the subject lands and will provide an additional 560 residential units, which will contribute to the minimum 50% target for multi-storey buildings.

Urban (Water Supply and Wastewater Treatment) Services

Policy 87 *The goal for urban services is to ensure the adequate provision of an economic level of urban services to achieve Regional development objectives while conscious of the need to protect the environment.*

Policy 89 *It is the policy of the Region to:*

1) Provide urban services only within the Urban Area, unless otherwise permitted by specific policies of this Plan.

3) Require that approvals for all new development within the Urban Area be on the basis of connection to Halton's municipal water and wastewater systems, unless otherwise exempt by other policies of this Plan

12) Monitor the servicing requirements of proposed and approved development in terms of allocations of water supply and wastewater treatment capacities to ensure that total system capacities, with an adequate reserve for operational flexibility and emergency situations, are not exceeded and to provide sufficient lead time for the planning, approvals and construction of new facilities.

13) Monitor the quantity of flows in both the water supply and wastewater treatment systems and [formerly Section 89(14)b)] develop, in consultation with the Local Municipalities,

programs for allocating the remaining servicing capacities on the basis of the status of development approvals and Local Official Plan phasing strategies.

Planning Comment: The FSR prepared by MTE confirmed that the proposed development will efficiently utilize existing municipal services to further increase residential, commercial and office densities and that there is adequate capacity in the water and sanitary system with some minor upsizing of sanitary sewers.

9.4.3 Part IV Healthy Communities Policies

Environmental Quality

Air and the Ambience

Policy 143 *It is the policy of the Region to*

4) Promote walking, cycling and public transit over other modes of transportation.

5) Require all new urban development to consider in its design the provision of safe and accessible active transportation facilities and access to public transit services, or transit stops where they are likely to be located, within a walking distance of 400m.

Planning Comment: Reduced parking ratios and inclusion of bicycle stalls within the proposed development as well as a pedestrian oriented streetscape, through built form and active uses will promote transit and active transportation, further supporting the reduction of auto-dependency.

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

Planning Comment: A Land Use Compatibility, Noise and Vibration Feasibility Study and Construction Mobility Management Plan was prepared by GHD. It states that there are no compatibility issues expected in terms of odour, dust and vibration.

Land

Policy 152. *It is the policy of the Region to:*

1) Develop, jointly with the Local Municipalities, and adopt Healthy Communities Guidelines in accordance with the characterization under Section 31, which include, among other things:

b) desirable mix of land uses within the community,

Planning Comment: The proposed mixed-use development will add to the mix of land uses in the community, by introducing residential density along the western side of Appleby Line to further support the existing commercial plaza and uses. Alongside the planned commercial and office spaces within the buildings, the proposed development will foster the creation of a complete community, where people can live, work and play in the same neighbourhood.

Economic Development

Policy 170 *It is the policy of the Region to*

10) Encourage and direct office, commercial, cultural and institutional uses and compatible industrial uses to locate within Intensification Areas.

Planning Comment: As stated previously, the Local Official Plans (IEOP/CAOP) direct that the subject lands and surrounding area are part of a Mixed-Use Activity Area/ Mixed Use Intensification Area. In the ROP, Mixed Use nodes are considered Intensification Areas, therefore the proposed development, which includes office and commercial uses, will be situated in an appropriate location.

Transportation

Policy 173 It is the policy of the Region to:

1) *Adopt a Functional Plan of Major Transportation Facilities, as shown on Map 3 and described in Table 3, for the purpose of meeting travel demands for year 2021 as well as protecting key components of the future transportation system to meet travel demands beyond year 2021. The alignments of entirely new sections of transportation facilities shown on Map 3 are conceptual only. The geometrics, design and construction of Provincial Freeways and Highways are under the jurisdiction of the Ministry of Transportation, and descriptions of these facilities in Table 3 are for information purposes only.*

4) *Adopt a Right-of-Way Plan of Arterial Roads, as shown on Map 4, for future highway widenings to support a balanced transportation system and to serve travel demands to year 2021.*

Planning Comment: As shown on **Figure 9-5**, the subject lands have frontage along a Major Arterial Road (Appleby Line), which is intended to have transit supportive, high density and mixed use developments along the right-of way. The proposed high density mixed-use buildings will support a higher usage of transit, by implementing reduced parking standards and providing bicycle parking stalls.

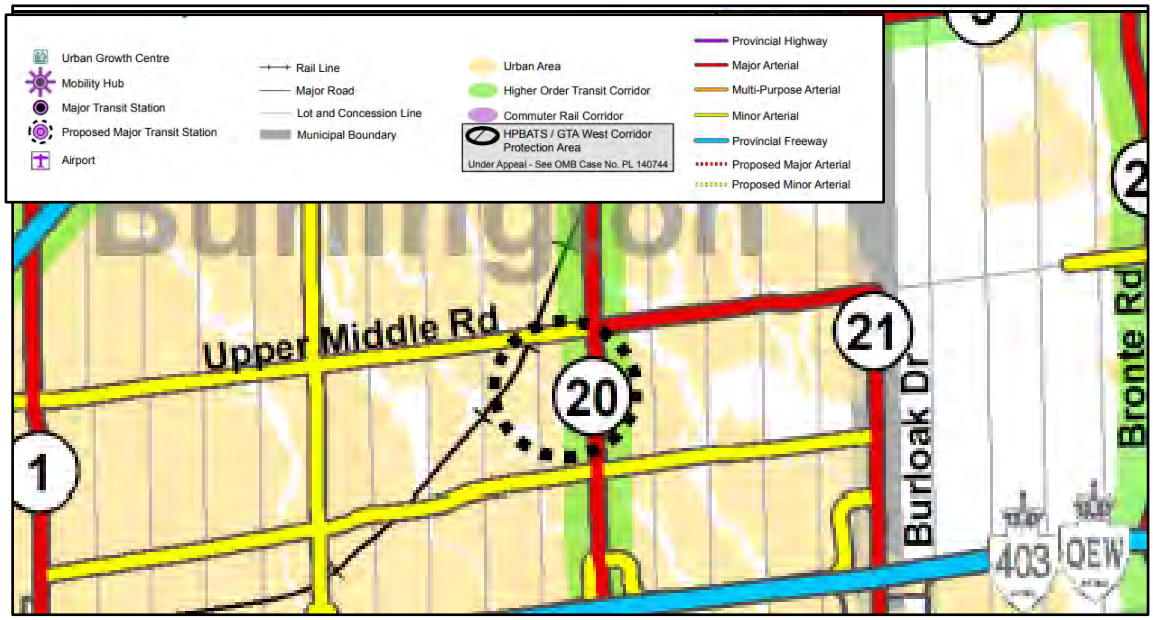


Figure 9-5: Excerpt of Map 3: Functional Plan of Major Transportation Facilities, Retrieved from Region of Halton Official Plan

Regional Official Plan Conclusion: The proposed development conforms to the Regional Official Plan, as it will:

- Assist in accommodating forecasted residential, housing and population-related employment growth, by providing 560 residential units, 1,581 square metres of retail space and 1,820 square metres of office space;
- Contribute to achieving the minimum 40% intensification target for Halton Region, by integrating residential, office and commercial spaces in a compact form of development;
- Be located within an identified Intensification Area along a Major Arterial Road, where higher density and mixed use development are intended;
- Be an efficient and cost-effective use of underutilized urban land and municipal water and sewage infrastructure;
- Facilitate transit supportive elements, by providing decreased parking ratios, thus fostering an increased modal share in transit;
- Not be affected by any compatibility issues in terms of odour, dust and vibration.

9.5 Regional Official Plan Amendment 48

ROPA 48 implements components of the Regional Urban Structure to establish a hierarchy of strategic growth areas in the Regional Official Plan. It was adopted by Council through By-law No.31-21 on July 7th, 2021 and helps define and provide direction on urban structure, such as Urban Growth Centres, Major Transit Station Areas, Regional Nodes and Employment Areas.

It is the first amendment to be considered by Regional Council as part of the Regional Official Plan Review. The Minister of Municipal Affairs and Housing is the approval authority of ROPA 48, therefore the ROPA is not considered in effect as of yet.

For the purposes of this report, excerpts of a Draft Consolidation of the Regional Official Plan and ROPA 48 available at https://www.halton.ca/getmedia/71a32460-0960-4333-8f8d-e0dc6370b4f6/LPS-Halton-Region-ROPA-48-Notice-of-Adoption.aspx was used.

The following designations were obtained from ROPA 48 and apply to the subject lands.

MAPS	DESIGNATION
Map 1H- Regional Urban Structure	Primary Regional Node Higher Order Transit Corridor Urban Area

Table 9-2: ROPA 48 Designations Applicable to the Subject Lands

Policy 55 *The Regional Structure is accompanied by a growth strategy for Halton based on the distribution of population and employment as contained in Table 1, which will be updated to the planning horizon year of 2051 through the municipal comprehensive review and in accordance with the Regional phasing outlined on Map 5, as well as by other infrastructure elements such as transportation systems and urban services and other policies of this Plan*

Planning Comment: As identified in **Table 9-2**, the subject lands are within a Primary Regional Node. In the CAOP, the subject lands and surrounding area are referred to as the Uptown Urban Centre. Identified in Figure 9-7, the Uptown Urban Centre is expected to have a 70% target for residents and 30% target for jobs. Therefore, the proposed redevelopment of the northern portion of the subject lands from a primarily commercial plaza to three mixed-use high-density buildings, comprising of mainly residential with ground floor commercial and office space is appropriate, given recent direction from Regional Council.

TABLE 1 POPULATION AND EMPLOYMENT DISTRIBUTION *

	Population[1]			Employment		
Municipality	**2006**	**2031**	**2051**	**2006**	**2031**	**2051**
Burlington	171,000	193,000	*	88,000	106,000	*
Oakville	172,000	255,000	*	82,000	127,000	*
Milton	56,000	238,000	*	28,000	114,000	*
Halton Hills	58,000	94,000	*	20,000	43,000	*
Halton Region[2]	456,000	780,000	1,100,000	218,000	390,000	500,000

** The population and employment forecasts and plan horizon of 2031 contained in Table 1 will apply to all planning matters in Halton Region, including lower-tier planning matters until Halton Region has distributed the 2051 population and employment to the Local Municipalities, to replace the 2031 forecasts and to be determined through the municipal comprehensive review*

[1] *Population numbers in this table are "total population" numbers including approximately 4% undercoverage from the official "Census population" numbers reported by Statistics Canada.*

[2] *Totals for the Region may not add up due to rounding.*

Figure 9-6: Excerpt of Table 1: Population and Employment Distribution, Retrieved from ROPA 48

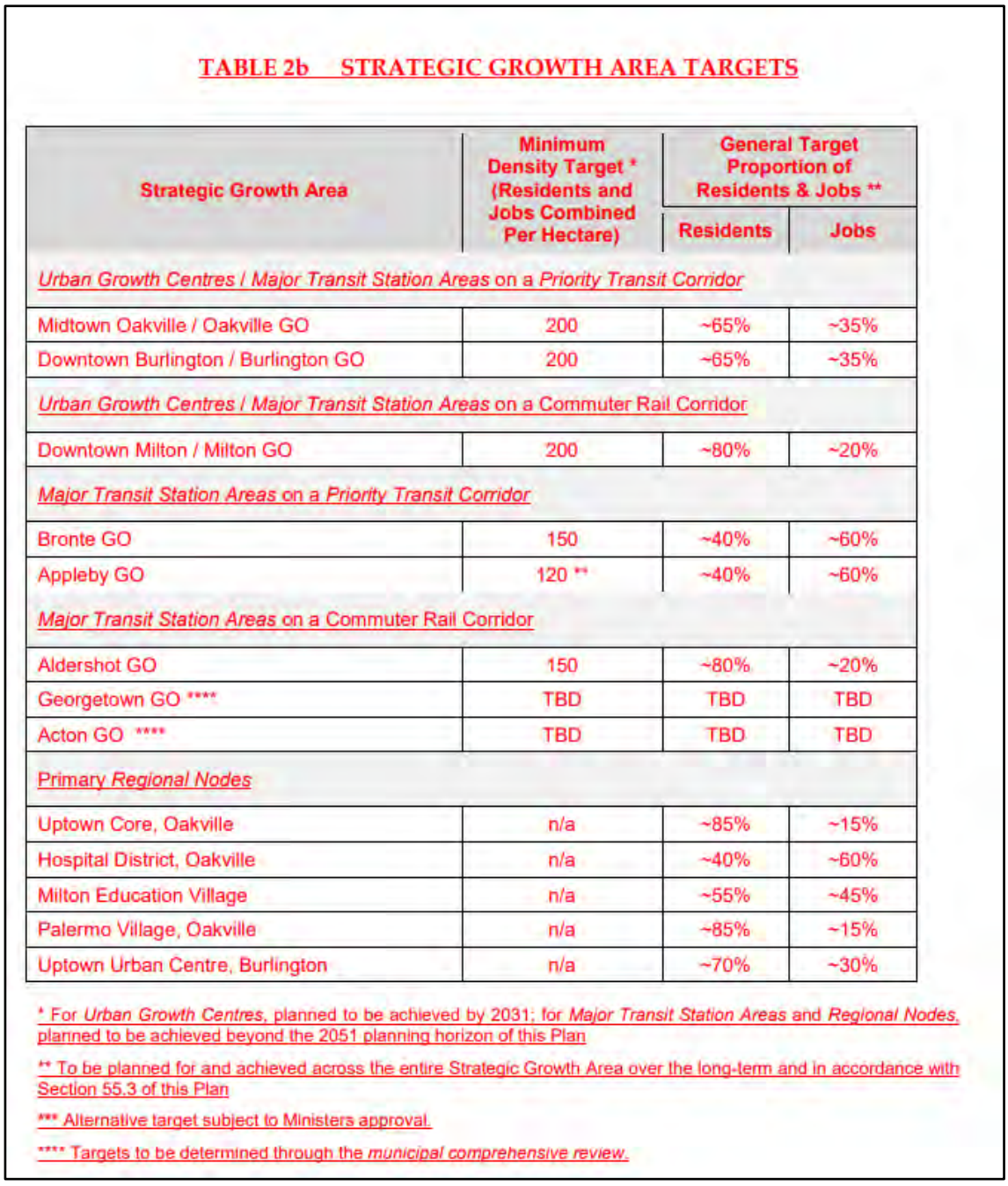


TABLE 2b STRATEGIC GROWTH AREA TARGETS

Strategic Growth Area	Minimum Density Target * (Residents and Jobs Combined Per Hectare)	General Target Proportion of Residents & Jobs **	
		Residents	Jobs
Urban Growth Centres / Major Transit Station Areas on a *Priority Transit Corridor*			
Midtown Oakville / Oakville GO	200	~65%	~35%
Downtown Burlington / Burlington GO	200	~65%	~35%
Urban Growth Centres / Major Transit Station Areas on a Commuter Rail Corridor			
Downtown Milton / Milton GO	200	~80%	~20%
Major Transit Station Areas on a *Priority Transit Corridor*			
Bronte GO	150	~40%	~60%
Appleby GO	120 **	~40%	~60%
Major Transit Station Areas on a Commuter Rail Corridor			
Aldershot GO	150	~80%	~20%
Georgetown GO ****	TBD	TBD	TBD
Acton GO ****	TBD	TBD	TBD
Primary *Regional Nodes*			
Uptown Core, Oakville	n/a	~85%	~15%
Hospital District, Oakville	n/a	~40%	~60%
Milton Education Village	n/a	~55%	~45%
Palermo Village, Oakville	n/a	~85%	~15%
Uptown Urban Centre, Burlington	n/a	~70%	~30%

* For *Urban Growth Centres*, planned to be achieved by 2031; for *Major Transit Station Areas* and *Regional Nodes*, planned to be achieved beyond the 2051 planning horizon of this Plan

** To be planned for and achieved across the entire Strategic Growth Area over the long-term and in accordance with Section 55.3 of this Plan

*** Alternative target subject to Ministers approval.

**** Targets to be determined through the *municipal comprehensive review*.

Figure 9-7: Excerpt of Table 2B Strategic Growth Area from ROPA 48

Regional Nodes

Policy 82.1 *The Regional Nodes as identified on Map 1H by symbol are:*

1) Primary Regional Nodes that are planned to accommodate growth and contain a concentration of public service facilities or transit-supportive high-density uses, or which perform a regional transit network function at a scale appropriate for their context:

e) Uptown Urban Centre, Burlington.

Policy 82.2 *It is the policy of the Region to:*

1) Direct development with higher densities and mixed uses to Regional Nodes in accordance with the hierarchy identified in Section 79.2, and based on the level of existing and planned transit service

Planning Comment: As seen in **Figure 9-8**, the subject lands are located within the Primary Uptown Urban Centre Regional Node and along a Higher Order Transit Corridor. Therefore, the proposed redevelopment to high-density mixed-use buildings are in line with recent Regional Council direction for this area, as Regional Nodes are expected to have access to a variety of amenities and uses. The proposed development is compact and transit supportive, by providing reduced parking standards and bicycle parking stalls, which will encourage an increase in transit useage and active transportation.

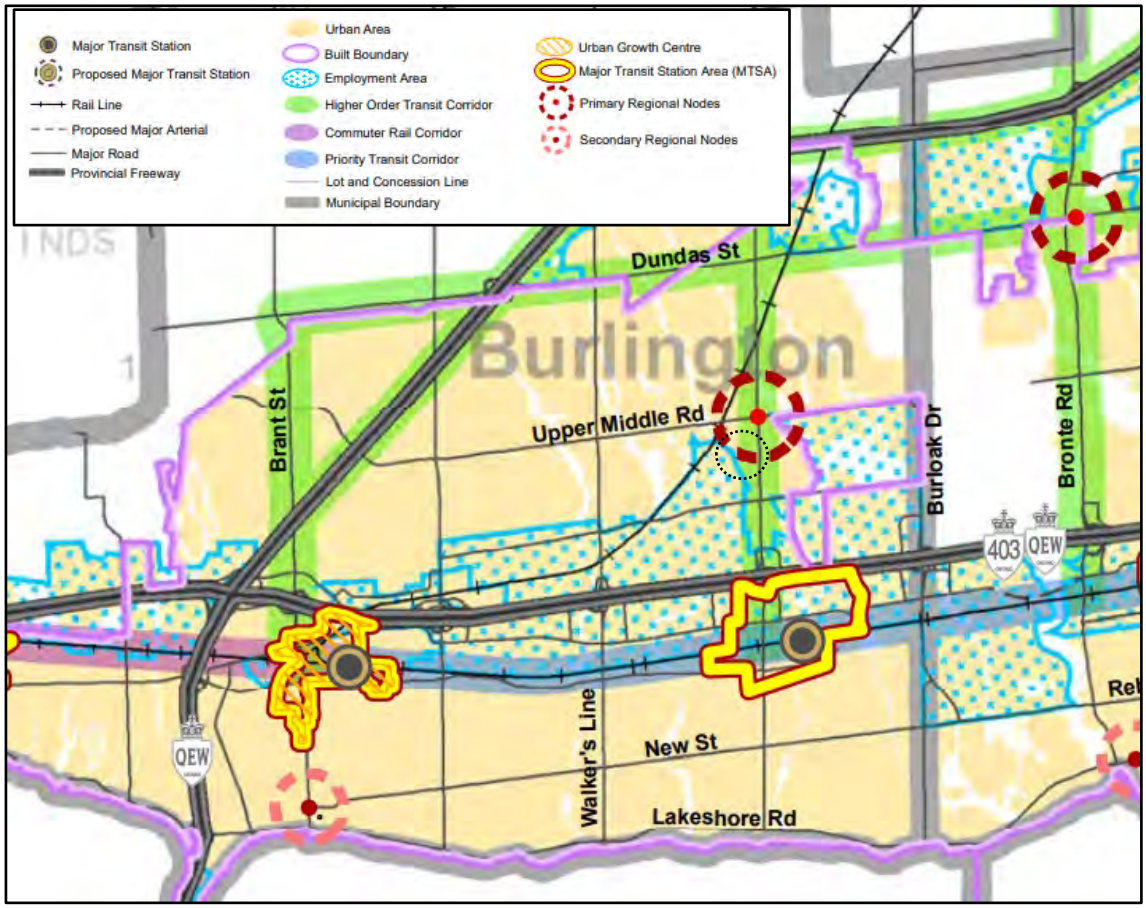


Figure 9-8: Excerpt of Map 1H: Regional Urban Structure, Retrieved from ROPA 48

9.6 In-Effect City of Burlington Official Plan 1997 ("IEOP")

The In Effect City of Burlington Official Plan ("IEOP") is a document that sets out a long term vision for the future of Burlington. It contains goals and policies to guide the City's decisions on growth, land use and good design. The IEOP was approved by the Region of Halton in March 1997. The recent consolidation of the Official Plan was approved by the Ontario Municipal Board in 2008.

Burlington's new Official Plan ("CAOP") was adopted by City Council on April 26, 2018 and approved, with modifications, by Halton Region on Nov. 30, 2020. Until appeals to the Plan have been resolved, the IEOP remains in effect.

For the purposes of this report, the 2019 version available online at https://www.burlington.ca/en/services-for-you/Official-Plan.asp was used.

SCHEDULE	DESIGNATION
A – Settlement Pattern	Mixed Use Activity Area
B – Comprehensive Land Use Pattern	Mixed Use Centre
F – Uptown Mixed Use Centre Land Use Plan	Uptown Employment Uptown General Employment
J – Classification of Transportation Facilities	Major Arterial

Table 9-3: City of Burlington Official Plan Designations Applicable to the Subject Lands

9.6.1 Part II Functional Policies

Section 2.0 Sustainability and the Environment

Subsection 2.7 Sustainable Design and Compatibility

Subsection 2.7.3 Policies

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

Planning Comment: A Land Use Compatibility, Noise and Vibration Feasibility Study and Construction Mobility Management Plan was prepared by GHD. It confirmed that there are no compatibility issues expected in terms of odour, dust and vibration.

Subsection 2.11 Stormwater Management

Subsection 2.11.3. Policies

a) Storm water management techniques shall be used in the design and construction of all new developments to control both the quantity and quality of storm water runoff. The degree of control and techniques used will depend on the conditions in the downstream receiving water bodies. The adverse effects of development on the downstream aquatic environment and adjacent lands shall be avoided or kept to a minimum

Planning Comment: The preliminary stormwater management plan includes a storage tank located within the underground parking structure for quality control. Further details regarding the stormwater management system are provided in the FSR, prepared by MTE.

Section 3.0 Transportation

Subsection 3.2 General

Subsection 3.2.2 Policies

j) Reduced parking ratios and/or standards and/or on-street parking ratios and/or standards may be permitted subject to evaluation by the City of the appropriateness of such standards, and implemented through the approval of development applications or other City initiatives.

k) Opportunities for the sharing of parking in mixed use developments will be considered subject to an evaluation by the City.

Planning Comment: The proposed development will implement reduced parking ratios to both the proposed mixed-use buildings and existing commercial plaza, which will encourage alternative forms of active transportation and transit along a Major Arterial Road, which is proposed to facilitate higher orders of transit (as seen in **Figure 9-9)**. The proposed Zoning By-law Amendment will also permit a shared parking strategy between the northern and southern portions of the subject lands, to allow parking to function in a unified approach.

Subsection 3.3 Roads

Subsection 3.3.2 Policies

r) The proponent of residential development and other sensitive land uses within 50 m of a provincial freeway, highway right-of-way, or major arterial, multi-purpose arterial or minor arterial road, or a greater distance at the discretion of the City or the Region of Halton, will be required to undertake noise studies by a qualified acoustical consultant in accordance with Provincial policy to the satisfaction of the City and any other authorized review authority and shall undertake appropriate measures to mitigate any adverse effects from the noise identified

Planning Comment: A Noise Study was completed by GHD, which indicated that the traffic noise levels are sufficiently high, therefore the recommended mitigation measures will be implemented, including warning clauses and installation of central air conditioning.

Subsection 3.4 Transit Services

Subsection 3.4.2 Policies

d) Council shall promote the development of cost-effective transit services through transit-supportive land use and transportation plans in areas of development including mixed use corridors and mixed use centres.

e) Development applications shall be reviewed to ensure that, where feasible, proposed land developments encourage the efficient and effective use of transit services.

Planning Comment: The subject lands have excellent access to transit along Appleby Line, which provides connections to GO Train and Bus Services at Appleby Station. The design of the proposed mixed-use development has taken into account the proximity to transit infrastructure, by proposing reduced parking standards and providing a number of bicycle parking stalls in an effort to be transit supportive.

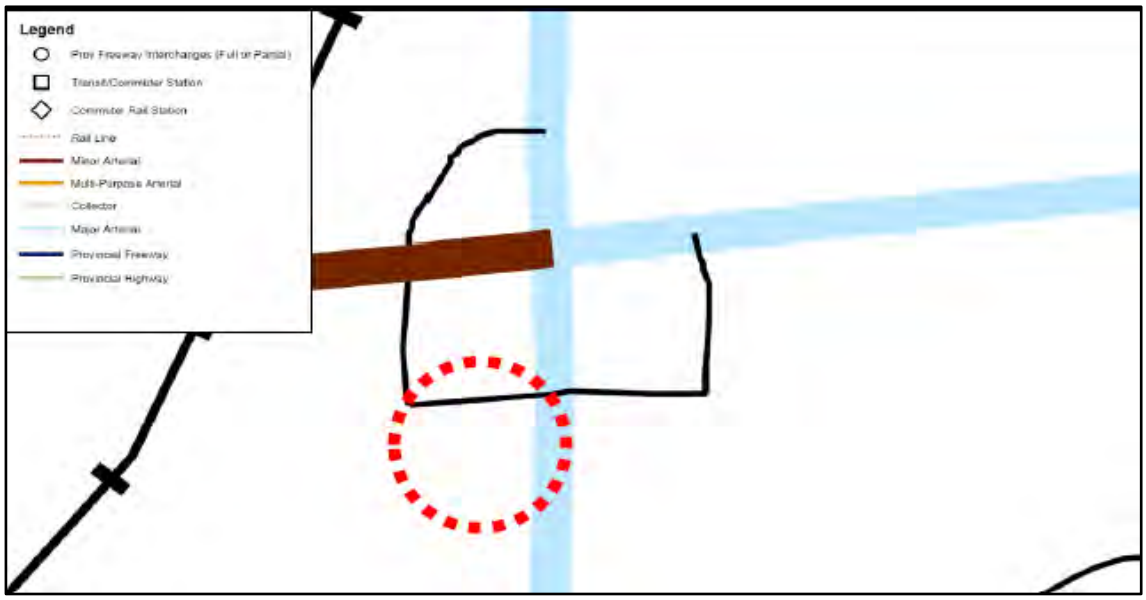


Figure 9-9: Excerpt of Schedule J: Classification of Transportation Facilities, Retrieved from City of Burlington Official Plan

Section 6.0 Design

Subsection 6.3 Existing and New Communities Policies

e) Preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit.

Planning Comment: The proposed high-density development will accommodate 560 residential units, 1,581 square metres of retail space and 1,820 square metres of office space on the northern portion of the subject lands. This represents an efficient form of compact development. It will encourage an increased use of public transit, by implementing reduced parking ratios and promoting a shared parking strategy. The active at-grade uses with a defined podium and streetscape will support an enhanced pedestrian realm.

Subsection 6.5 Design Guidelines Policies

a) The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.

c) The design of all buildings must recognize pedestrian scale, safety and the perception of safety and access and the preservation of public vistas and views.

d) The creation of a continuous and harmonious streetscape environment shall be encouraged with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings.

Planning Comment: The proposal is reflective of the existing built form in the neighbourhood, as it will follow the development pattern of high-density developments located at the north-east and south east corners of the Appleby Line and Ironstone Drive. Therefore, the proposed buildings will create a similar built form pattern on the other side of Appleby Line. It will foster a harmonious streetscape environment conducive to pedestrian activities, by proposing at-grade uses and reducing the visual impact along the streetscape, through a defined podium and stepped back towers.

g) The location, amount, position and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact. City Council shall require landscaped islands and screening in the design of large parking lots.

h) The streetscape appearance of major, multi-purpose and minor arterial roads and collector streets shall be enhanced by encouraging buildings to present their main building facades to these roads or to enhance their treatment to avoid the appearance of blank buildings at service entrances

Planning Comment: The proposed development will provide a pleasant pedestrian experience along the streetscape as a result of active ground floor uses and screened parking areas, in an effort to decrease their visual impact from the street.

9.6.2 Part III Land Use Policies – Urban Planning Area

Section 5.0 Mixed Use Activity Areas

Subsection 5.2 General

Subsection 5.2.2 Policies

a) Mixed Use Activity Areas identified on Schedule A, Settlement Pattern shall be designated as either Mixed Use Corridor-General, Mixed Use Corridor-Employment, Mixed Use Corridor-Commercial Corridor or Mixed Use Centre on Schedule B, Comprehensive Land Use Plan - Urban Planning Area.

d) The design and development of Mixed Use Activity Areas shall promote these areas as focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.

Planning Comment: As seen in **Figure 9-10**, the subject lands are designated as part of the Mixed-Use Activity Area. The proposed high-density development will facilitate residential intensification and include commercial and employment uses to support existing transit service and create a compact built form that increases the mix of densities, which will allow for people to live, work and play without using their automobile.

e) The construction and expansion of municipal services shall provide for the development of Mixed Use Activity Areas in an orderly and cost effective fashion.

Planning Comment: The proposed development will require a minor upsizing of infrastructure to support the proposed increase in population, but will still efficiently utilize municipal infrastructure, as demonstrated in the FSR, prepared by MTE.

j) In order to balance pedestrian and vehicular movements in a safe and efficient manner, various approaches may be considered, including shared parking facilities in central locations, and/or on-street parking where deemed appropriate by detailed studies.

l) The City may consider the use of reduced parking standards in Mixed Use Activity Areas in order to encourage greater reliance on non-automobile forms of transportation

Planning Comment: The proposed development will balance pedestrian and vehicular movements, by implementing reduced parking ratios, providing bicycle parking stalls and proposing a shared parking strategy between the existing development and the mixed-use buildings, which will increase the modal share of transit.

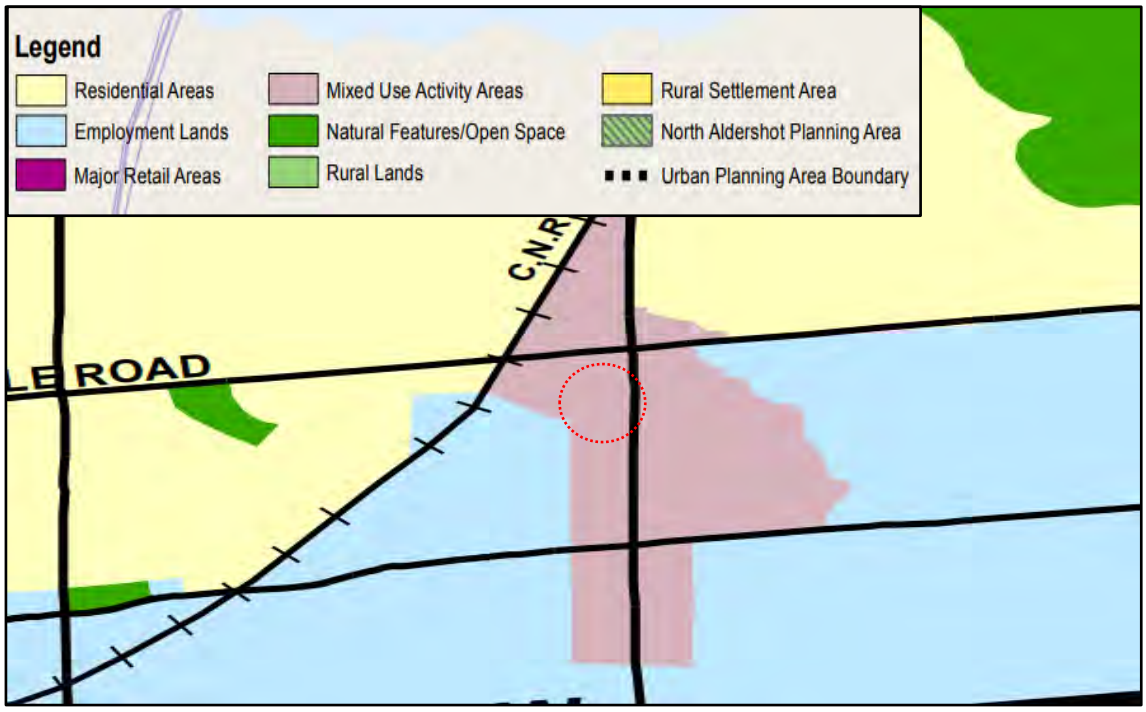


Figure 9-10: Excerpt of Schedule A: Settlement Pattern, Retrieved from City of Burlington Official Plan

Subsection 5.4 Mixed Use Centre

Subsection 5.4.2 Policies

a) The following uses may be permitted in Mixed Use Centres:

i) a wide range of retail, service commercial and personal service uses; financial institutions and services; a broad range of office uses; employment, entertainment, recreation and other community facilities such as day care centres; and

ii) medium and high density residential uses, and to a limited extent, low density residential uses.

Planning Comment: As seen in **Figure 9-11,** the subject lands are designated within a Mixed Use Centre, which permits high density residential uses with a wide range of retail, service commercial and office uses. Therefore, the proposed mixed-use development conforms to the intent of the Mixed-Use Centre.

c) A range of development intensities shall be permitted.

d) A range of building heights shall be permitted

Planning Comment: The proposed development will provide a range of intensities and heights in the northern portion of the subject lands, which is located at the corner of a prominent intersection in the Mixed-Use Centre. It is expected that the higher intensity and heights of developments will be located at the corner of intersections, rather than the interior of the neighbourhood. Placing the eighteen storey at the north-west corner of the subject lands will reduce the shadow and privacy impacts on the townhouses fronting southerly along Appleby Line.

e) Open space and parkland shall be provided in Mixed Use Centres. The open space and parkland should integrate the Mixed Use Centre with the surrounding area. Lands considered as open space comprise publicly owned and publicly accessible private

resources, including community and neighbourhood parks, hydro right-of-ways, any private landscaped open space accessible to the public, storm water management facilities, creek blocks, pedestrian walkways and related open space amenities and centre medians/boulevards within public road allowances

Planning Comment: The inclusion of the POPS in the middle of the subject lands will integrate Phase 1 to the Appleby Line streetscape, providing pedestrian connections through the site. It will also provide quality outdoor amenity space for users to enjoy.

g) The design and development of Mixed Use Centres shall ensure compatibility between the Mixed Use Centre uses and adjacent uses. The following factors shall be considered in reviewing proposals for new and/or expanding Mixed Use Centre uses:

i) buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services, wherever feasible;

ii) the site plan for individual sites includes features to integrate the new development with surrounding uses;

iii) the site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses, and to and from transit stops;

iv) off-street parking areas, loading areas and service areas shall be screened and landscaped;

v) the site plan promotes public safety;

vi) the site plan promotes convenient access to public transit services;

vii) off-street parking areas shall be located in the side and rear yard

h) The design and development of Mixed Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car and shall maximize personal safety by incorporating features such as:

i) buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services, wherever feasible; and

ii) safe and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas and other buildings and facilities.

Planning Comment: The proposed development has been designed to be compatible with the existing development pattern along Appleby Line. The integration of a defined podium with active uses on the ground floor will reinforce a quality, active pedestrian realm along Ironside Drive and a portion of Appleby Line. In the northern portion of the subject lands, the parking will be effectively screened from the streetscape, thereby fostering more alternative methods to transportation.

m) Reduced parking standards, shared parking formulae and/or on-street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and accessibility by transit and other modes of travel. Opportunities for the sharing of parking in mixed use developments may be considered subject to evaluation by the City.

Planning Comment: A reduced parking ratio and shared parking strategy between the northern and southern portions of the subject lands are proposed due to the location within a Mixed-Use Area to encourage active transportation and transit usage.



Figure 9-11: Excerpt of Schedule B: Comprehensive Land Use Plan – Urban Area, Retrieved from City of Burlington Official Plan

Subsection 5.6 Uptown Mixed Use Centre

Subsection 5.6.3 General Policies

e) Parking areas shall be well landscaped in accordance with the approved design guidelines for the area. They shall include pedestrian walkways which link buildings with adjacent sites. Wherever possible parking lots on properties in different ownership will be encouraged to have joint access points and will be integrated to minimize barriers to vehicular travel within the Uptown Mixed Use Centre

f) The City shall encourage the design of all development in the Uptown Mixed Use Centre to provide a safe, functional and attractive pedestrian environment. This is a particular concern for properties along Appleby Line and the north side of Upper Middle Road, as well as the public road allowances. The urban nature of the area shall be recognized through the inclusion of a combination of features including:

i) minimizing the visual impact of parking areas by controlling the amount of parking permitted in the front of buildings and providing breaks in parking areas through the use of landscaping and the positioning of buildings to create smaller areas, while still ensuring the creation of functional areas;

ii) specifying the type of use located at grade level on the major roads;

iii) specifying the type of landscaping on both private and public lands, to include urban features such as the use of low fences or hedges rather than berms or wide landscape strips to provide buffering for parking areas;

Planning Comment: Parking is proposed within the site at grade and within two levels of underground. The at-grade parking is screened from the street by the proposed buildings and have two joint access points from Ironside Drive in an effort to minimize barriers to vehicular traffic.

Subsection 5.6.4 Uptown Commercial/ Residential I

a) The following uses may be permitted in the Uptown Commercial/Residential I designation:

i) retail and service commercial uses including business, administration uses, and automotive commercial uses:

ii) high density residential uses;

iii) office uses;

iv) hotel, conference and convention uses; and

v) entertainment uses.

Planning Comment: As seen in **Figure 9-12**, the majority of the subject lands are designated "Uptown Employment", while the south-western portion is designated "Uptown General Employment". These Uptown Employment designation permits limited retail and service commercial uses including business and administration uses, industrial uses, office uses, hotel and conference as well as recreational and entertainment uses, while the Uptown General Employment permits industrial uses, office uses, recreational uses, large scale motor vehicle dealerships and adult entertainment uses as well as limited range of retail and service commercial uses, such as restaurants and banks. As such, the Uptown Employment and Uptown General Employment designation do not permit residential uses.

Therefore, to accommodate the proposed development, the proposed OPA will amend the northern portion of the subject lands to the Uptown Commercial/Residential I designation, which was selected as the most appropriate designation to permit the proposed uses, while also setting up a transition to Council's Vision for the subject lands contained in the CAOP. The Uptown Commercial Residential I Designation permits retail and service commercial uses including business, administration and automotive commercial uses, high density residential uses, office uses, hotel, conference and convention uses and entertainment uses.

Though the Uptown Commercial Residential I policies permit the proposed development, the proposed OPA will include a site-specific modification to allow the permitted uses based on those contained in the Uptown Core designation, which identifies and requires at-grade non-residential uses. Mixed-Use Buildings are appropriate at this location, as it will further implement the Mixed Use Centre designation in the IEOP, which are intended to address the demand for higher intensity employment, shipping and residential areas in the City.

g) Zoning By-law regulations affecting Uptown Commercial/Residential I locations shall be based on the following factors:

i) a maximum floor area ratio of 2.5:1; and

ii) a maximum building height of 35 m

Planning Comment: The proposed development will require a Site-Specific Amendment to the proposed OPA to permit an increased Floor Area Ratio and height. As stated throughout this report, the vision for the subject lands articulated in the CAOP is to designate the northern portion as Urban Core, and therefore the proposed Site-Specific Provisions were modelled after the standard Urban Core policies in the CAOP.

The Uptown Core designation within the CAOP permits a maximum floor area ratio of up to 3:5:1, while indicating that further increases to this ratio may occur through a ZBLA, without a required OPA. While the proposed development contemplates a FAR of 3.8:1, the Uptown Core policies allow an increased FAR without an OPA.

The subject lands are an appropriate location for a high-intensity development, as it would be congruent with the high-density development located at the north east and south east corners of the Appleby Line and Ironside Drive intersection. Further, higher-intensity development on the subject lands is consistent with the vision to develop the Uptown area as an intensified mixed-use

node to support a range of city-building objectives, such as accommodating growth, developing pedestrian and transit-supportive areas, and making efficient use of existing and planned services.

The Uptown Core designation within the CAOP allows a maximum height of 20 storeys. The proposed 18 and 16 storeys are within this maximum height provision. The subject lands are located adjacent to existing higher-density residential developments (8 & 17 storeys) located at the north-east and south east corners of Appleby Line and Ironside Drive intersection. Therefore, the proposed 18 and 16 storey buildings will be compatible with the existing built form in proximity. Placing the 18 storey building at the north-west corner of the subject lands will help reduce shadow and privacy impacts on the townhouses fronting southerly along Appleby Line.

Subsection 5.6.5 Uptown Commercial/ Residential II

a) The following uses may be permitted in the Uptown Commercial/Residential II designation:

i) retail and service commercial uses including business and administration uses

ii) automotive commercial uses on lands fronting on Appleby Line, or as an accessory use to one major commercial operation;

iii) high density residential uses;

iv) office uses; and

v) recreation and entertainment uses

Planning Comment: Though the southern portion of the subject lands does not contemplate residential uses, the proposed OPA will re-designate the southern portion to Uptown Commercial/Residential II, while transitioning to the Council-adopted direction as the southern portion is designated as Uptown Corridor in the CAOP. The Uptown Corridor designation allows residential uses only on lands located north of Upper Middle Road and west of Appleby Line as well as lands located south of Upper Middle Road and east of Appleby Line, in addition to retail and service commercial uses, office uses, entertainment uses, hotel uses, and recreation uses. To explicitly allow the existing multi-unit commercial development and based on Council-adopted policies, the permitted uses within the Uptown Corridor Designation have been added as a Site-Specific Provision to the Uptown Commercial/ Residential II Designation in the IEOP, however residential uses are not included in the list of permitted uses.

d) Zoning By-law regulations affecting Uptown Commercial/Residential II locations shall be based on the following:

i) a maximum floor area ratio of 1.5:1; and

ii) a maximum building height of 28 m.

Planning Comment: To accommodate the existing multi-unit commercial building, the proposed OPA will increase the maximum floor area ratio and reduce the minimum building height. The proposed OPA will contain provisions modelled on the Uptown Corridor designation that allows a maximum floor area ratio of 2.5:1 and any increase to the ratio will occur through a Zoning By-law amendment, without a required Official Plan Amendment, The south-western portion of the subject lands is currently vacant, therefore the proposed OPA will add this policy as a Site Specific Provision to the Uptown Commercial Residential II in the IEOP for flexibility purposes to allow for the potential of an increase in commercial floor area.

Though the existing Uptown Commercial Residential II designation does not have a minimum building height, the Uptown Corridor designation permits a minimum building height of two storeys, however, the minimum building height of the existing commercial building is one-storey. The proposed OPA will permit a minimum height of one storey as a Site-Specific Provision to the Uptown Commercial Residential II in the IEOP.



Figure 9-12: Excerpt of Schedule F: Uptown Mixed Use Centre Land Use Plan, Retrieved from City of Burlington Official Plan

City of Burlington Official Plan Conclusion: The proposed development conforms to the IEOP, as it will:

- Not result in any land compatibility issues, in terms of odour, vibration and noise;
- Support alternative methods of transportation, by implementing reduced parking ratios and providing bicycle parking stalls as well as a shared parking permission;
- Create a pedestrian-oriented streetscape, through active at-grade uses and defined podiums with stepped back towers;
- Conform to the Mixed Use Activity Area and Mixed Use Centre designations and policies, which are characterized by higher intensities of employment, commercial and residential uses in a compact form of development;
- Be a good fit with the neighbourhood context as it will be compatible with the existing development pattern on the eastern side of Appleby Line;

9.7 City of Burlington Council-Adopted 2020 Official Plan ("CAOP")

The City of Burlington Council-Adopted Official Plan ("CAOP") represents Council's stated direction for land use planning in Burlington. It was adopted by City Council on April 26th, 2018 and approved by Halton Region on November 23rd, 2020. The CAOP subsequently received 48 appeals and thus, was brought to the Ontario Land Tribunal ("OLT") where it currently sits. As the CAOP Official Plan awaits final decision from the OLT, the policies used in this report are subject to change.

For the purposes of this report, the 2021 interim working version available online at https://www.burlington.ca/en/services-for-you/resources/Initiative%20Projects/new-official-plan/Burlington-Official-Plan-2020_Interim-Working-Version_Feb-2021.pdf was used.

SCHEDULE	DESIGNATION
A – City System	Urban Area
B – Urban Structure	Mixed Use Intensification Area Urban Centres
B-1 - Growth Framework	Primary Growth Area
B-2 - Growth Framework and Long Term Frequent Transit Corridors	Appleby Line: MTSA Secondary Connector & Frequent Transit Corridor
C - Land Use – Urban Area	Mixed Use Intensification Area Uptown Urban Centre
E – Uptown Urban Centre	Urban Core & Urban Corridor

9.7.1 Chapter 2 – Sustainable Growth

Section 2.2 City System

Subsection 2.2.1 Areas

a) *The Urban Area represents the lands where forecasted population and employment growth will be accommodated.*

b) *Within the Urban Area, municipal water and/or waste water will be provided to accommodate concentrations of existing and future development, in accordance with the policies of this Plan and the Regional Official Plan*

Planning Comment: As seen in **Figure 9-13,** the subject lands are located within the Urban Area. The proposed mixed-use development will result in a more effective utilization of the subject lands and servicing infrastructure to accommodate forecasted population growth which will be further identified through the Region of Halton MCR process. Currently, ROPA 48 does not distribute population and employment to Municipalities, as seen in **Figure 9-6.**



Figure 9-13: Excerpt of Schedule A: City System, Retrieved from City of Burlington Grow Bold Official Plan

Section 2.3 The Urban Structure

Subsection 2.3.1 Mixed Use Intensification Area

a) *Lands identified as Mixed Use Intensification Areas provide locations where a range and intensity of employment, shopping, public service facilities, residential uses and complementary uses such as open space and parks, institutional, and cultural uses will be developed with transit supportive densities in compact built form. Walking, biking, transit and other transportation demand management measures will be prioritized. Mixed Use Intensification Areas will offer substantial development opportunities and represent a key element in this Plan's strategy to accommodate and direct growth in the city over the planning horizon and beyond.*

Urban Centres

d) *The city has two existing Urban Centres: the Downtown Urban Centre and the Uptown Urban Centre. These areas represent established mixed use development areas with both established neighbourhood areas and dynamic evolving growth areas.*

e) *Lands identified as Urban Centres provide for a broad range and mix of uses in areas of higher, yet appropriate, intensity in relation to the surrounding neighbourhoods, designed in a compact built form, oriented to support transit and facilitate active transportation in accordance with the underlying land use designations. They bring a variety of public service facilities and a mix of other uses such as retail uses to support residents and employees*

g) *The Uptown Urban Centre will continue to develop as an important destination for a wide variety of uses in north-east Burlington, including mixed uses, residential as well as designated employment lands*

Planning Comment: As seen in **Figure 9-14**, the subject lands are identified as a Mixed-Use Intensification Area and Urban Centre, where a range and intensity of employment, residential uses and complementary uses will be developed. The proposed development will reflect Council's

vision for the Uptown Urban Centre, as it will further develop the western side of Appleby Line to further develop the area into a multi-use destination, by including both residential commercial, and office uses in three high-density buildings within a compact urban form on the northern portion. The existing multi-unit commercial building on the southern portion will remain to further support current and future residents and employees.

As illustrated in **Section 2.2** of this report, the surrounding uses are characterized as established mixed-use areas, therefore the proposed development will be congruent with the established high-density neighbourhood at the eastern corners of the of Appleby Line and Ironside Drive intersection.

The proposed development will strive to be transit and active-transportation supportive, by providing reduced parking ratios and a shared parking strategy and including bicycle parking stalls

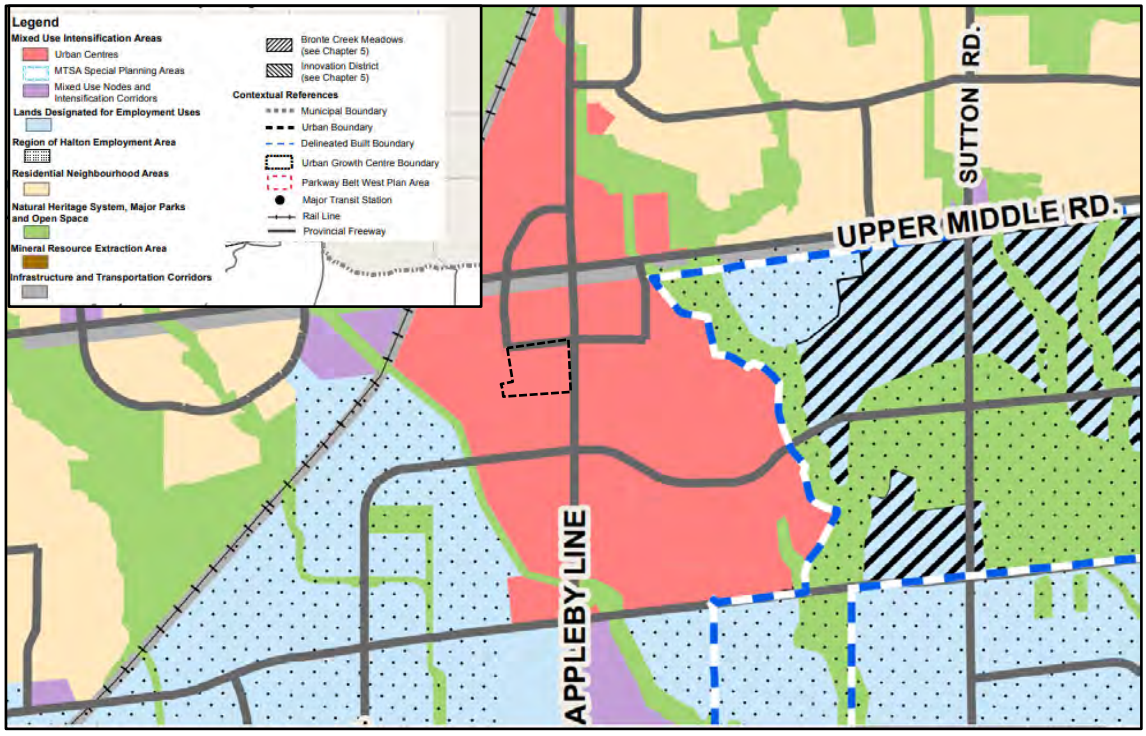


Figure 9-14: Excerpt of Schedule B: Urban Structure, Retrieved from City of Burlington Grow Bold Official Plan

Section 2.4 Growth Framework

Subsection 2.4.2 General Policies

Subsection 2.4.2. (1) Primary Growth Areas

a) Primary Growth Areas

i) are identified on Schedule B-1: Growth Framework, of this Plan and are generally located within areas identified in the Urban Structure within the Mixed Use Intensification Areas as Urban Centres andMTSA Special Planning Areas, as identified on Schedule B: Urban Structure, of this Plan, with some exceptions.

ii) shall be recognized as a distinct area within the City's Urban Area accommodating the majority of the city's forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change;

iii) shall be regarded as the most appropriate and predominant location for new tall buildings in accordance with the underlying land use designations, or the land use policies of an area-specific plan;

v) shall support the frequent transit corridors and accommodate development that is compact, mixed use, and pedestrian-oriented in nature

Planning Comment: As seen in **Figure 9-15**, the subject lands are identified as part of the Primary Growth Area, which will accommodate majority of the city's forecasted growth. Therefore, the redevelopment of the existing commercial plaza to three high-density , compact buildings will be desirable and contribute to accommodating forecasted growth, by providing 560 residential units and associated commercial and office space.

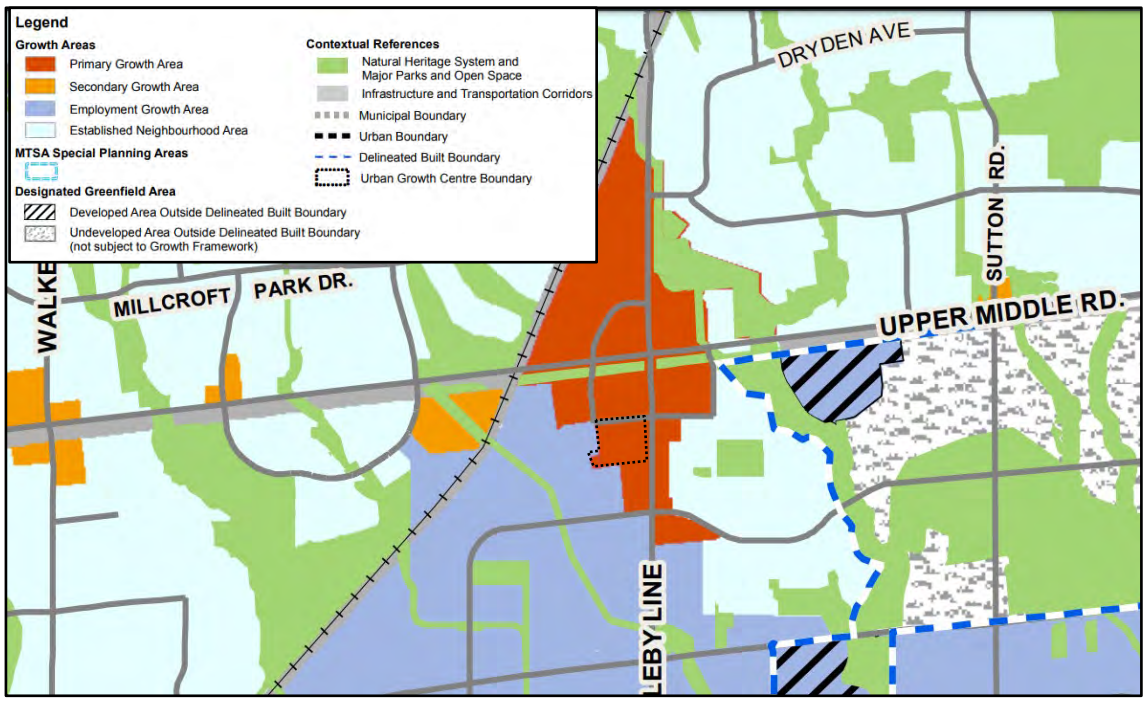


Figure 9-15: Excerpt of Schedule B-1: Growth Framework, Retrieved from City of Burlington Grow Bold Official Plan

9.7.2 Chapter 3 – Complete Communities

Section 3.1 Housing

Subsection 3.1 Housing Supply

Subsection 3.1.1 (2) Policies

k) The City will encourage a mix of housing forms. However, the city's existing areas of Residential Low-Density shall be considered sufficient to contribute towards that component of the mix.

Planning Comment: The proposed development will increase the mix and range of housing types and tenures in the neighbourhood, through the inclusion of apartment units with different unit sizes. This will help accommodate a range of resident incomes and demographics. In addition, the compact built form of apartment units is expected to be generally more affordable, compared to single detached residences.

9.7.3 Chapter 4 – Environment and Sustainability

Section 4.6 Land Use Compatibility

Subsection 4.6.2 Policies

a) Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from vibration, noise, dust, odour or other contaminants and minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities, in accordance with provincial guidelines, standards and procedures."

Planning Comment: A Land Use Compatibility, Noise and Vibration Feasibility Study and Construction Mobility Management Plan was prepared by GHD. It confirmed that there are no compatibility issues expected in terms of odour, dust and vibration.

9.7.4 Chapter 5 – Economic Activity

Section 5.4 Strategic Economic Development Areas

Subsection 5.4.6 Uptown Urban Centre

a) Uptown is a mixed use centre which balances a number of land uses including employment, residential and other uses. The policies of Uptown support the development of areas where a wide range and mix of uses are permitted. In balance, Uptown is a diverse node with significant opportunities for development of employment uses on lands designated for employment uses as well as the development of employment through mixed use development.

b) Over the long-term, the Uptown Urban Centre will contribute to accommodating employment and meeting the City's economic objectives

Planning Comment: Currently, the northern portion of the subject lands includes 1,940 square metres of commercial and retail space. While Phases 2 & 3 will provide 1,581 square metres of commercial and retail space, Phase 1 will provide an additional 1,820 square metres of medical office space. As the subject lands are not designated for employment uses in the CAOP, the proposed development will provide some additional population-related employment opportunities.

9.7.5 Chapter 6 – Infrastructure, Transportation & Utilities

Section 6.2 Multimodal Transportation

Subsection 6.2.3 Transit

Subsection 6.2.3 (2) Policies

a) Schedule B-2: Growth Framework and Long Term Frequent Transit Corridors, identifies the long-term frequent transit corridors and candidate frequent transit corridors in the city, along with the city's transit support corridors, Primary, Secondary and Employment Growth Areas, Mobility Hub Primary and Secondary Connectors, the GO commuter rail line/Priority Transit Corridor, and the location of Mobility Hubs and Major Transit Stations.

Municipal transit services and facilities will be provided in accordance with Schedule B-2: Growth Framework and Long Term Frequent Transit Corridors, of this Plan. The full transit network is not shown on Schedule B-2: Growth Framework and Long Term Frequent Transit Corridors, of this Plan. The most up-to-date Burlington Transit schedules and maps should be referred to for information on all routes

f) The City will promote increased transit use through transit supportive densities, urban design measures and parking management measures to make development more

accessible for transit users in Mixed Use Intensification Areas and Employment Area, as shown on Schedule B: Urban Structure, of this Plan

Planning Comment: As seen in **Figure 9-16**, the subject lands are located along the Appleby Line Corridor, which is identified as a Frequent Transit Corridor and a MTSA Secondary Connector, as it connects to the Appleby GO Train Station. Currently, there is a transit stop located along the Appleby Line frontage of the subject lands, therefore the subject lands have a locational advantage to encourage transit useage. The proposed mixed-use development will increase densities on the subject lands to be more transit supportive, while proposing reduced parking standards and a shared parking strategy.

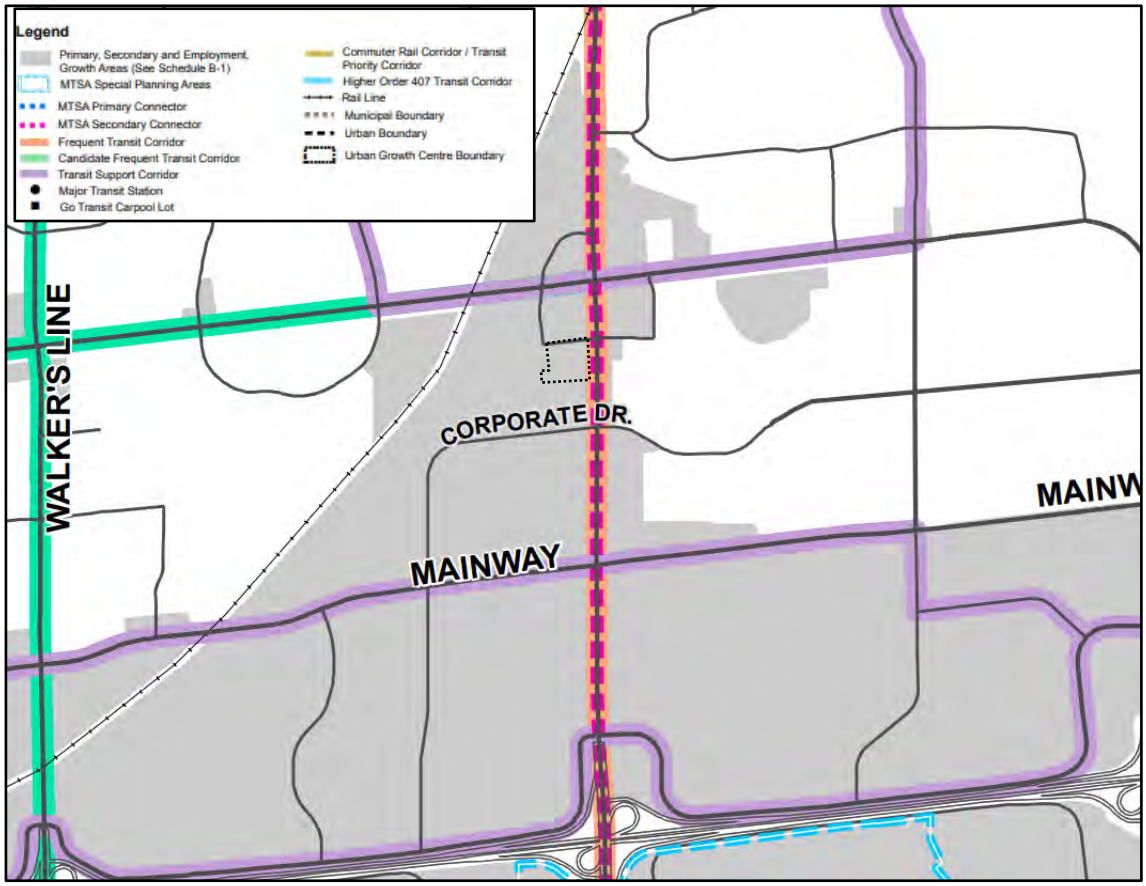


Figure 9-16: Excerpt of Schedule B-2: Growth Framework and Long Term Frequent Transportation Corridor, Retrieved from City of Burlington Grow Bold Official Plan

9.7.6 Chapter 7 – Design Excellence

Section 7.2 The Public Realm

a) The design of the public realm shall address considerations such as, but not limited to, the following:

i) improving the quality of public spaces as community destinations and public gathering places through the design of public realm facilities, such as public squares, parkettes or promenades;

iv) creating an attractive and comfortable environment for pedestrian movement while preserving and complementing existing natural features;

Section 7.3 Urban Design and Built Form

Subsection 7.3.2 Existing Community Areas

a) In areas identified on Schedule B-1: Growth Framework, and subject to the policies of Subsection 2.4 of this Plan, development shall address considerations such as, but not limited to, the following:

i) ensuring site and building design are compatible with the surrounding area and considering how it contributes to maintaining and enhancing the physical character of the surrounding area;

ii) providing appropriate built form transition in scale between buildings, the public realm and abutting development, through a variety of design methods including angular planes, stepping height limits, location and building orientation, and the use of setbacks and stepbacks of building mass;

iii) providing appropriate screening, landscape buffering and other design measure to minimize any identified impacts;

iv) providing pedestrian comfort and human scale at the street level reflecting the established and planned streetscape to frame the public realm, through a variety of design methods including the use of a podium in mid-rise and tall buildings;

Subsection 7.3.2 (1) Primary and Secondary Growth Areas

a) In Primary and Secondary Growth Areas, as shown on Schedule B-1: Growth Framework, of this Plan, development shall promote a transit- supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses, particularly Established Neighbourhood Areas.

i) The design of development in Primary and Secondary Growth Areas shall address the policies of Subsection 7.3.2 a) of this Plan, where applicable, and additional considerations such as, but not limited to, the following:

a. locating buildings generally parallel to the public street to define the street edge and along the edges of parks, urban squares and other open space features, and in close proximity to the street and transit services;

b. providing appropriate transitions to adjacent land uses, particularly residential uses;

c. massing new buildings to frame adjacent streets in a way that respects the existing and planned street width but also provides for a pedestrian-scale environment;

d. locating building primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk;

e. including direct pedestrian access, including barrier free access from grade level, to the primary public entrances located on the building façade;

f. screening or integrating roof top mechanical equipment within the overall composition of the building;

g. creating an attractive and connected interface between the private and the public realms;

h. creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings; and

i. providing appropriate outdoor amenity areas and open spaces and promoting the incorporation of private open spaces to the open space network of the immediate community.

ii) development in Primary and Secondary Growth Areas should locate and organize parking, access and service areas to minimize their impact on surrounding properties and the public realm. The design of vehicle parking, access and service areas shall address considerations such as, but not limited to, the following:

a. locating off-street parking in the side and/or rear yards, in underground or structured parking where appropriate, away from the street edge and adjacent residential uses;

b. integrating parking areas located at or above grade within the built form of the building and away from the street frontage, where appropriate;

c. limiting the number and location of vehicular access points to minimize disruption to traffic flows; and to minimize the impact on local streets, pedestrian travel along sidewalks or cyclists' travel along bikeways;

d. screening and buffering of off-street parking areas from public view through the use of setbacks and landscaping;

e. locating loading areas and service areas to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential uses and adjoining streets;

f. incorporating landscaped islands and pedestrian walkways; and

g. incorporating fencing and/or screening of service facilities, such as loading bays or outdoor storage areas, in a manner which enhances screening from adjacent land uses and the public right-of-way and improves the aesthetic quality of the development

Planning Comment: The proposed development demonstrates a high degree of urban design, which conforms to the policies above. These policies are further discussed in the Urban Design Brief, prepared by IBI Group.

9.7.7 Chapter 8 – Land Use Policies – Urban Areas

Section 8.1 Mixed Use Intensification Areas

Subsection 8.1.1 Urban Centres

Subsection 8.1.1 (2) General Policies

a) Urban Centres identified on Schedule B: Urban Structure, of this Plan, shall be designated as the Downtown Urban Centre and the Uptown Urban Centre on Schedule C: Land Use - Urban Area, of this Plan.

b) The design and development of Urban Centres shall promote these areas as multi-functional activity centres and focal points for a variety of activities that are characterized by a mixed use and compact built form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.

c) The design and development of Urban Centres shall ensure compatibility between the Urban Centre uses and surrounding areas.

Planning Comment: As seen in **Figure 9-17**, the subject lands are designated within the Uptown Urban Centre. The proposed high-density development will provide a compact urban form, designed to be pedestrian-oriented and transit-supportive, by reducing parking standards and providing a number of bicycle parking spaces. The massing of the building will promote a pedestrian oriented built-form, by integrating active ground floor uses. In addition, the subject lands are located in close proximity to transit stops along the Frequent Transit Corridor, designated in the CAOP. The proposed increase in density on the subject lands will support increased public transit usage.

The proposal will be compatible with the surrounding uses, as it is similar to the high-density developments located at the north-east and south east corners of the Appleby Line and Ironstone Drive.

g) Multi-unit residential developments in Urban Centres should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Planning Comment: The proposed mixed-use development will provide 560 residential units, comprising one to two bedrooms, which will diversify the housing stock within the neighbourhood and are expected to be more affordable than single detached dwellings. Additionally, the unit composition will provide a variety of housing options to accommodate changing demographic needs of a diverse range of household sizes and incomes, including affordability.

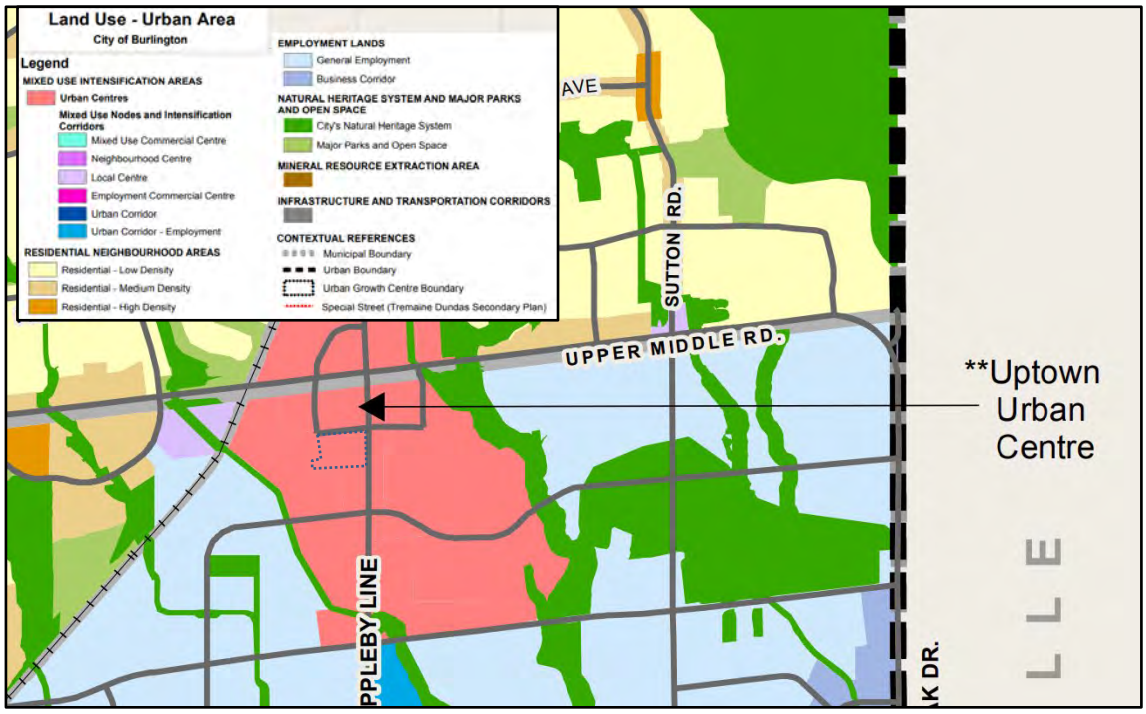


Figure 9-17: Excerpt of Schedule C: Land Use Retrieved from City of Burlington Grow Bold Official Plan

Subsection 8.1.1 (4) Uptown Urban Centre

The Uptown Urban Centre will continue to develop as a unique and identifiable secondary Urban Centre to the Downtown, anchored at the intersection of Appleby Line and Upper Middle Road. The centre is an important destination for a wide variety of employment, shopping, leisure and residential opportunities in north-east Burlington.

Uptown will be characterized by development in a compact built form, which incorporates a high level of urban design and which contributes to the centre's development as a pedestrian and transit-oriented community.

The centre will also be characterized by a mix of land uses both within individual developments and the centre as a whole, which are complementary to each other and which shall support the continued development of the centre into a complete urban centre.

Uptown will also have development intensities which are generally higher than the surrounding communities. The highest intensity development shall be located in proximity to the intersection at Appleby Line and Upper Middle Road. Additional corridors of intensity will be located immediately along the following corridors: Appleby Line; Upper Middle Road; and Corporate Drive east of Appleby Line.

The Uptown Urban Centre will be developed through multiple phases of development over time. Initial phases of development may have occurred at intensities which are less than the maximums permitted and may not be representative of future development objectives for the centre.

Subsection 8.1.1 (4.4) Uptown Core Designation

Subsection 8.1.1 (4.4.2) Policies

a) The following uses may be permitted on lands designated Uptown Core:

- *i) residential uses with the exception of single-detached and semidetached dwellings;*
- *ii) retail and service commercial uses;*
- *iii) office uses;*
- *iv) entertainment uses;*
- *v) hotel uses; and*
- *vi) recreation uses.*

b) Uses which may be permitted at-grade within a building shall be limited to the following:

- *i) retail and service commercial uses;*
- *ii) a limited amount of office uses;*
- *iii) hotel uses;*
- *iv) entertainment uses; and*
- *v) live/work residences.*

Planning Comment: As seen in **Figure 9-18**, the northern portion of the subject lands will be designated as Uptown Core, which permits residential uses with a number of retail and office uses on the ground floor. Therefore, the proposed development conforms to the approved vision of the subject lands, and if the CAOP was not under appeal and the Uptown Core designation took effect as proposed, then an OPA would not be required.

d) A maximum floor area ratio of development of 3.5:1 is an appropriate built form in Uptown Core lands. An increase to this floor area ratio 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 Uptown Core designation are maintained.

Planning Comment: Though the proposed development has a higher FAR than the maximum permitted, the policies above allow increasing the maximum Floor Area Ratio without an Official Plan Amendment.

e) The City will encourage a minimum building height of two (2) storeys and the maximum building height shall not exceed twenty (20) storeys.

Planning Comment: The proposed development provides building heights between 16 and 18 storeys, which conforms to the policy above.

f) Any proposed development of sites designated Uptown Core shall retain the planned commercial function of the site, in accordance with the objectives of Subsections 8.1.1(4.4.1) b) and c) of this Plan, to the satisfaction of the City.

Planning Comment: Currently, the northern portion of the subject lands includes 1,940 square metres of commercial/ retail space. While Phases 2 & 3 will provide 1,581 square metres of commercial/retail space, Phase 1 will provide an additional 1,820 square metres of office space. Therefore, the proposed redevelopment of the northern commercial building will continue to retain the planned commercial and mixed-use function of the site as well as provide 560 residential units to support the existing commercial uses in the neighbourhood.

Subsection 8.1.1 (4.5) Uptown Corridor Designation

Subsection 8.1.1 (4.5.2) Policies

a) The following uses may be permitted on lands designated Uptown Corridor:

- *i) residential uses, with the exception of single and semi-detached dwellings, only on lands located north of Upper Middle Road and west of Appleby Line as well as lands located south of Upper Middle Road and east of Appleby Line;*
- *ii) retail and service commercial uses;*
- *iii) office uses;*
- *iv) entertainment uses;*
- *vi) hotel uses; and*
- *vii) recreation uses*

b) Uses which may be permitted at grade within a building shall be limited to the following:

- *i) retail and service commercial uses;*
- *ii) a limited amount of office uses;*
- *iii) hotel uses;*
- *iv) entertainment uses; and/or*
- *v) live/work residences.*

Planning Comment: As seen in **Figure 9-18**, the southern portion of the subject lands is located within the Uptown Corridor designation, which is where the existing commercial plaza is located. Though the existing commercial plaza is permitted within the designation, the proposed OPA will not include residential uses in the list of permitted uses for the Uptown Commercial Residential II designation, to explicitly allow the existing use.

c) A maximum floor area ratio of development of 2.5:1 is an appropriate built form in Uptown Corridor lands. An increase to this floor area ratio 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 Uptown Corridor designation are maintained.

Planning Comment: Currently, the to-be retained commercial plaza has a floor area ratio of 0.56, therefore it is in compliance with the maximum floor area ratio prescribed above.

d) The City will encourage a minimum building height of two (2) storeys and the maximum building height shall not exceed eleven (11) storeys.

Planning Comment: The Uptown Corridor designation permits a minimum building height of two storeys, however, to permit the existing commercial building on the southern portion, the minimum building height has to be reduced to one storey, which is included in the proposed OPA.

f) Development should be designed in a manner which allows for a continuous block face to be established across multiple developments and/or sites when located adjacent to a public right-of-way.

g) Surface parking areas shall not be located between a building and a public right-of-way.

Planning Comment: The design of the proposed buildings will provide a continuous built edge along the streetscape, with surface parking areas located in the interior in an effort to activate the streetscape.

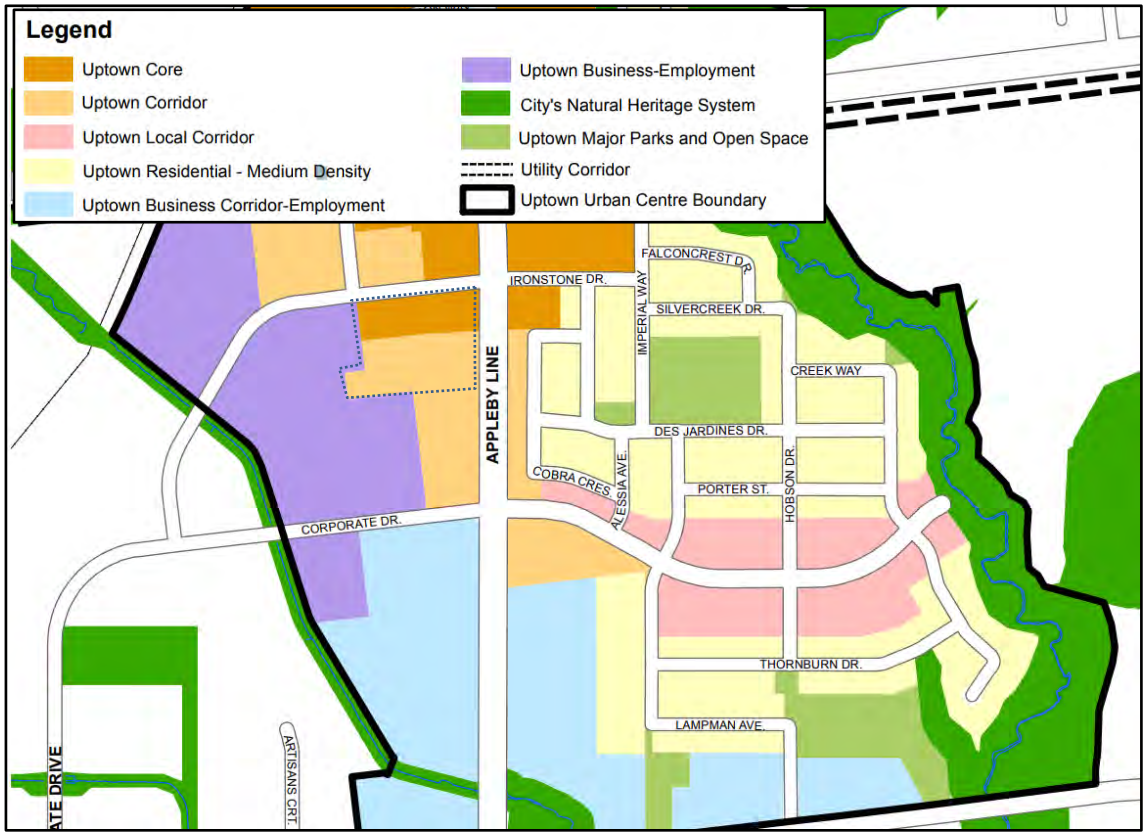


Figure 9-18: Excerpt of Schedule E: Uptown Urban Centre Retrieved from City of Burlington Grow Bold Official Plan

9.7.8 Chapter 12 – Implementation and Interpretation

Subsection 12.1.2 (2.2) Policies

c) The following criteria shall be satisfied when evaluating all development applications, where applicable:

i) the development shall be consistent with the land use compatibility policies contained in Section 4.6, Land Use Compatibility, of this Plan;

Planning Comment: As described in **Section 9.7.3,** the proposed development is consistent with the land use compatibility policies, as there are no compatibility issues expected in terms of odour, dust and vibration.

ii) the development achieves built form compatibility;

Planning Comment: The proposed development will achieve built form compatibility, as it is in line with the existing development pattern located at the northeast and southeast corners of the Appleby Line and Ironstone Drive intersection.

iii) the development shall be consistent with the intent of the Urban Structure as outlined in Section 2.3, Urban Structure of this Plan and maintains the land use vision established in the land use designations of this Plan;

Planning Comment: The subject lands are identified as a Mixed-Use Intensification Area and Urban Centre, where a range and intensity of employment, residential uses and complementary uses will be developed. The proposed development will conform to this policy, as it will include both residential commercial, and office uses in three high-density buildings in a compact urban form.

iv) the development achieves high quality urban design and is consistent with the policies contained in Chapter 7: Design Excellence, of this Plan;

Planning Comment: The proposed development demonstrates a high degree of urban design, which conforms to the policies within Chapter 7 of this Plan. These policies are further discussed in the Urban Design Brief, prepared by IBI Group.

v) the development, where located outside the Established Neighbourhood Area as identified on Schedule B-1: Growth Framework, constitutes intensification;

Planning Comment: As seen in **Figure 9-15**, the subject lands are identified as part of the Primary Growth Area, which will accommodate majority of the city's forecasted growth. The proposed development is a form of intensification, which will contribute to accommodating forecasted growth.

vi) the development can be supported by available infrastructure and public service facilities;

Planning Comment: Municipal infrastructure is available, as the subject lands are located within the existing Built-Up Area of Burlington. The FSR prepared by MTE states that the proposed development will efficiently utilize existing municipal services to further increase residential, commercial and employment densities and that there is adequate capacity in the water and sanitary system with some minor upsizing of the sanitary sewers.

vii) the development preserves and protects trees, consistent with the policies contained in Section 4.3, Urban Forestry, of this Plan;

Planning Comment: An Arborist Report prepared by Adesso Design Inc. identified that a total of 12 trees are recommended for removal due to direct conflict with proposed works. A total of 10 of the 12 trees recommended for removal will require a Tree Permit prior to removal.

viii) the development provides buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided

Planning Comment: The proposed development also includes a POPS in a linear arrangement through the center of the site, separating the northern and southern portions of the subject lands and providing a buffer between the proposed mixed-use buildings and commercial plaza.

ix) the development shall:

a) demonstrate that future development on the adjacent property(ies) will not be compromised by the proposal;

Planning Comment: As the northern portion of the subject lands will be redeveloped, the abutting development of the commercial plaza will not be compromised by the proposed mixed-use buildings as there is an appropriate buffer in the form of a POPS in the middle of the subject lands.

b) be designed to facilitate future pedestrian, cycling and/or private street connections across one or more adjacent properties, where such opportunities exist, as determined by the City; and

Planning Comment: The proposed development has been designed to support active transportation, by reducing parking standards and providing 218 bicycle parking spaces. The massing of the building will promote a pedestrian oriented built-form, by integrating active ground floor uses along Ironside Drive and a portion of Appleby Line.

c) demonstrate, to the satisfaction of the City, the appropriate phasing of development where existing retail and service commercial uses are being re-developed, to minimize adverse impacts on the provision of goods and services to support the surrounding areas;

Planning Comment: The proposal for the subject lands involves a three-phase development, comprised of one 18-storey mixed-use building (Phase 1) and two 16-storey mixed use buildings (Phases 2 & 3) situated on the northern portion of the subject lands. Phase 1 will be built without modification to existing buildings as the northwestern portion of the site is currently vacant. This will minimize negative impacts to the surrounding retail and service commercial uses. Phases 2 and 3 would each require demolition of a portion of the existing buildings on the northern portion, while the existing commercial building on the southern portion of the subject lands will remain.

xi) the development, where residential uses are proposed demonstrates, the degree to which public service facilities and other neighbourhood conveniences, such as community centres, recreation, neighbourhood shopping centres and healthcare are located within walking distance or accessible by transit;

Planning Comment: There is an appropriate distribution of educational, health, social, cultural and recreational facilities surrounding the subject lands to support the proposed increase in population. The subject lands are located in close proximity to institutional uses (i.e. Corpus Christi Catholic Secondary School, Glen Arbour Academy, Charles R. Beaudoin Public School), recreational facilities (i.e. Movati Athletic, Millcroft Golf Club) and a number of parks such as the Des Jardines Park and Millcroft Park.

xii) The development addresses multi-modal transportation considerations and is consistent with the policies in Section 6.2: Multi-modal Transportation, of this Plan, including but not limited to:

a) the development shall mitigate potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity;

b) the development accommodates sufficient off-street parking and transportation demand management measures in accordance with the policies in Subsection 6.2.10 of this Plan;

Planning Comment: As demonstrated in the TIS report prepared by Paradigm, the site generated traffic is not expected to result in new capacity deficiencies at the study area intersections. Though proposed development accommodates reduced parking ratios, this is acceptable in this context, due to the proximity to transit stops and frontage along a planned Frequent Transit Corridor.

xiv) the development provides stormwater management in accordance with the policies of Subsection 4.4.2(2) of this Plan;

Planning Comment: The preliminary stormwater management will include a storage tank located within the underground parking structure for quality control. Further details regarding the stormwater management system are provided in the FSR, prepared by MTE.

xvi) the development considers the relationship to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters;

xvii) the development complements and connects with the public realm, including walking and cycling facilities;

Planning Comment: The proposed development addresses the frontage along a planned Frequent Transit Corridor, by providing good urban design, appropriate built form, active at-grade uses, and reduced parking ratios. The POPS will also provide pedestrian connections to transit stops along Appleby Line. The mixed-use buildings will connect with the public realm, by providing active at-grade uses to foster an increase in pedestrian activity.

CAOP Official Plan Conclusion: The proposed development conforms to the CAOP, as it will:

- Be located in the Urban Area, where it will more effectively utilize existing lands and existing municipal infrastructure;
- Conform to the Mixed-Use Intensification Area designation where a range of uses and intensities are to be directed, as it provides commercial, office and residential uses in a compact urban form;
- Conform to the Primary Growth Area designation where the majority of the City's forecasted growth will occur, by providing 560 residential units;
- Increase and add to the range of housing, through providing some variety of unit sizes;
- Foster a transit supportive environment along a planned Frequent Transit Corridor, by providing reduced parking ratios and a shared parking permission;
- Conform to the Uptown Core and Uptown Corridor designations in terms of uses and built form parameters

9.8 City of Burlington Zoning By-law 2020

The City of Burlington Zoning By-Law 2020 was enacted and passed on June 21st, 1999 and regulates the use of the lands, frontage and lot area of a parcel of land, the proportion of land occupied by a building, structure or storage, and the amount of landscaping.

Currently, majority of the subject lands are zoned 'Uptown Employment' (UE-496) with site-specific provisions, while the south-western portion of the subject lands is zoned "General Employment" (GE1). Both of these provisions do not allow for residential uses.

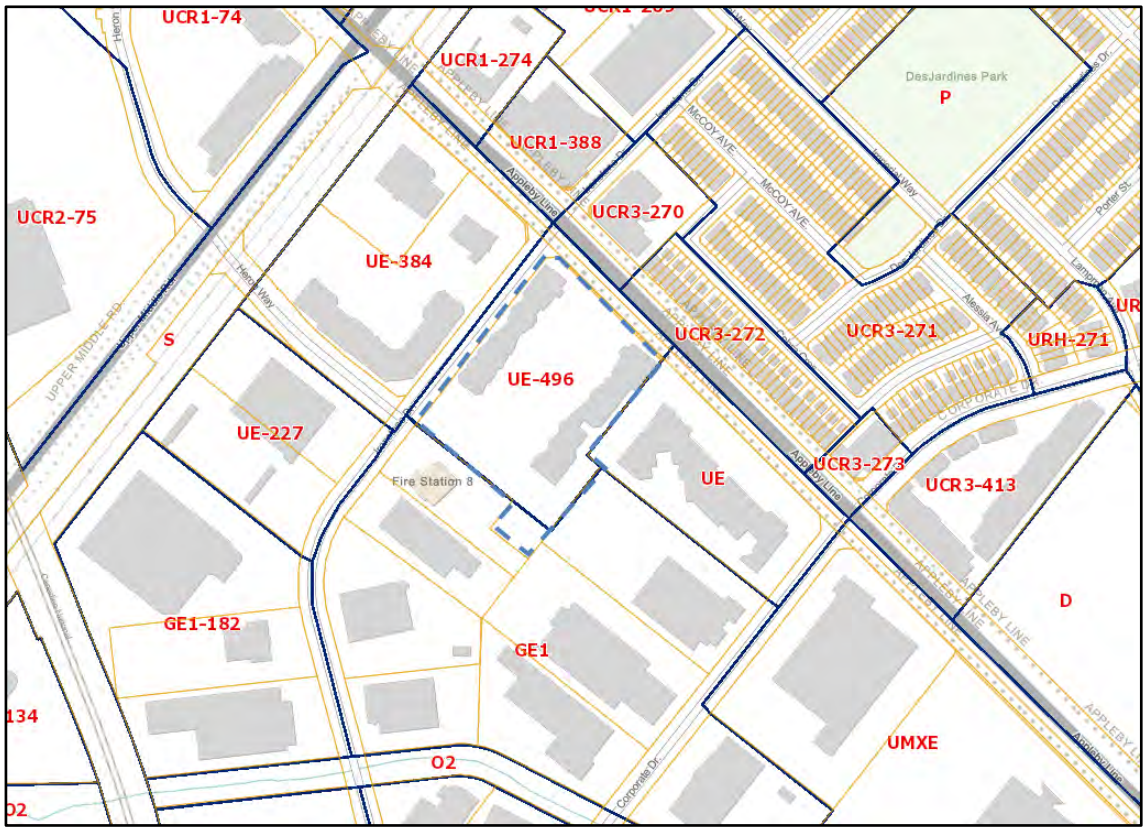


Figure 9-19: City of Burlington Zoning By-law 2020

Zoning By-law 2020 Conclusion: To permit the proposed development, a ZBLA is required to rezone the northern portion of the subject lands to the Uptown Commercial/ Residential I (UCR1) Zone with site-specific provisions for each phase and the southern portion of the subject lands to the Uptown Commercial/ Residential 2 (UCR2) Zone with site-specific provisions. This is in line with Council's vision for this area, which contemplates higher intensities of residential, employment and commercial development.

10 Public Consultation Strategy

As part of Bill 73, all proposed applications are to outline how the public will be consulted for feedback on the proposed development. Below is the strategy that has been developed for the proposed OPA and ZBLA.

1. Meeting with Ward Councillor

A meeting with the Ward Councillor was conducted to determine venue or medium (Zoom, Teams) and organize the pre-application consultation meeting.

2. Pre-Application Consultation Meeting

A Pre-Application Consultation Meeting was held on June 17th, 2021 to provide the neighbourhood with information on the proposed development and to answer any questions prior to a statutory public meeting. The following outlines how the meeting was implemented.

A Notice of Invitation to the Meeting was be delivered by mail to land owners and residents within 120 metres of the subject lands. The respective Councillor, Owner and IBI Group staff were in attendance.

No members of the public attended the virtual pre-application consultation meeting.

3. *Planning Act* Notifications

The remainder of the Public Consultation Strategy will be by way of current *Planning Act* requirements. With respect to notification of the applications, this includes:

- Installation of public notice sign on property by the application
- Circulation of notification letter to property owners within 120 metres of the Property Boundary by the City of Burlington

4. *Planning Act* Statutory Public Meeting

The *Planning Act* requires at least one public meeting to be held prior to making a decision on an application for Official Plan and Zoning By-law Amendments. The required statutory meeting for these applications will be scheduled by City staff based on application processing and reporting timelines. Notification of the meeting will also be conducted by City staff.

11 Conclusions and Recommendations

The owner is proposing to redevelop the northern portion of the subject lands into a mixed-use development, consisting of one 18-storey, 170-unit building, one 16-storey, 201-unit building and one 16-storey, 189-unit building with three levels of shared underground parking. The existing built form of a two-storey multi-unit commercial plaza will remain on the southern portion. Overall, the proposed development will contain a total of 560 residential units, 1,820 square metres of office space and 1,581 square metres of retail space.

In order to facilitate the proposed development, Official Plan and Zoning By-law Amendment applications are required.

The proposed development and subsequent planning applications:

- Are consistent with Provincial Policy Statement 2020, as they demonstrate an efficient form of development, which accommodates an appropriate range and mix of uses and unit typologies to promote residential intensification and provide population-related employment opportunities;
- Conform to the Growth Plan for the Greater Golden Horseshoe 2019, as they add to the mix of land uses in the surrounding area and efficiently use underutilized land in a manner that is compatible with the surrounding built form;
- Conforms to the Region of Halton Official Plan, as it contributes to achieving the minimum 40% intensification target, by integrating residential, office and commercial spaces in a compact form of intensified development;
- Maintains the intent of the IEOP, as it conforms to the Mixed-Use Activity Area and Mixed Use Centre designations and policies, as it is a high-density mixed use development;
- Maintains the vision of the CAOP as the proposed development is a permitted use in the Uptown Core and Uptown Corridor designations;
- Is compatible with the surrounding built form, through the proposed layout of the site and high-quality urban design; and,

- Represents good planning and is in the public interest.

Based on a review of the subject lands, the surrounding community, supporting studies, and the applicable planning policy framework, the subject applications represent good planning and facilitate an appropriate form of development for the City of Burlington

Respectfully submitted **21st November, 2021.**

Regards,
IBI Group



Mike Crough RPP MCIP
Associate Director – Practice Lead, Planning



Ritee Haider RPP MCIP
Planner

Appendix A – 2014 Minor Variance Approval

City of Burlington

APPLICANTS	ICP Developers INC. 5400 Bimini Crt., Mississauga ON L5M 6G9
PROPERTY	**1860 Appleby Line,** PLAN M249 PT BLKS 11,19 RP 20R13463 PARTS 4,7,10 RP 20R13597 PARTS 5,6,8,11,21, City of Burlington, Regional Municipality of Halton.

DECISION - 540-02-A009/2014:

Having regard for the requirements of Section 45 Sub-section (1) of the *Planning Act*, RSO., 1990, as amended, CP. 13;

The Committee, in its opinion, finds the variance application:
(1) to be minor
(2) to be desirable for the appropriate development or use of the property
(3) to be within the general intent and purpose of the Official Plan
(4) to be within the general intent and purpose of the zoning by-law

Therefore, application under File 540-02-A009/2014 be GRANTED as follows:

1. To permit the required parking for the development to be 315 parking spaces including 11 accessible parking spaces instead of the minimum required 335 parking spaces, including 11 accessible parking spaces for the proposed development.
2. To permit retail and service commercial uses in Phase One of Building 1 with a minimum floor area of 2044.4 m2 whereas Zoning By-law 2020 permits retail and service commercial uses on the ground floor and below grade floors only in buildings having a minimum floor area of 3000 m2.
3. To permit retail and service commercial uses in Phase Two of Building 2 with a minimum floor area of 2983.4 m2 whereas Zoning By-law 2020 permits retail and service commercial uses on the ground floor and below grade floors only in buildings having a minimum floor area of 3000 m2.
4. To permit a maximum of 74% of the combined floor area for Phase One of Building 1 and Phase Two Building 2 to be used for retail and service commercial uses instead of the permitted maximum of 50% of the floor area.
5. To permit 2 outdoor patios associated with 2 standard restaurants with 0 parking spaces instead of the required 1 parking space per 4 persons capacity for an outdoor patio.
6. To permit the second storey of Building 2 to be 9% of the area of the first storey instead of the requirement that the second storey be no less than 50% of the first storey.
7. To permit parking areas that are separated from adjoining parking areas by a 2.6 m landscape area instead of the minimum required 3.0 m.
8. To permit Phase one of Building 1 to be a one storey building instead of the minimum required two storeys

REASONS:

Committee felt that the variances met the four test of the Planning Act for the same reasons noted in the Planning comments in the Agenda; modified the condition so that the applicant must obtain a building permit by March 15, 2019 as the Committee deemed the 5 year time frame more appropriate.

CONDITIONS:

Fulfillment of the following conditions within the time specified, which period begins from the last date of appeal:

(i) Obtain appropriate form of site plan approval;
(ii) Obtain a zoning certificate (required for building permit) and a building permit within 5 years.

The decision of the minor variance application will not come into full force and effect until all conditions have been satisfied; therefore any conditions listed under the "CONDITIONS" section must be fulfilled. The time period given is a maximum period only and cannot be extended.

These variances be granted for the commercial development only, as per approved plans by the Committee or final approved site plan subject to the following:

(i) That a Zoning Clearance Certificate and Building Permit be issued for Phase 3 by March 15, 2019.

This decision is subject to appeal to the Ontario Municipal Board by filing with the secretary-treasurer of the Committee of Adjustment, a "Notice of Appeal Form," giving reasons for the appeal, accompanied with the prescribed fee on or before **March 16, 2014.**

"P.Thoem"	"S. Sarraf"	"D. Kumar"
P. Thoem, Acting Chair	S. Sarraf, Member	D. Kumar, Member

I certify this to be a true copy of the committee's decision given February 24, 2014.

Amanda D'Angelo
Acting Secretary-Treasurer

Appendix B – 2019 Temporary Use By-law Approval

SUBJECT: Statutory Public Meeting and Recommendation Report for Temporary Use By-law for 1860, 1890, & 1900 Appleby Line

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-30-19

Wards Affected: 4

File Numbers: 520-01/19

Date to Committee: May 14, 2019

Date to Council: May 27, 2019

Recommendation:

Approve the application submitted by ICP Developers Inc., 1860 Appleby Line, Burlington ON, L7L 0B7 to permit the temporary use of lands for limited retail and service commercial uses; and

Enact the amending Zoning By-law 2020.409, contained in Appendix D of department of city building report PB-30-19, to rezone lands at 1860, 1880, and 1900 Appleby Line from "Uptown Employment (UE)" to "Uptown Employment with Site Specific Exception (UE-496)" for a time period that shall not exceed three years from the date of passing of the by-law, in accordance with Section 32(2) of the *Planning Act*; and

Deem that Zoning By-law 2020.409 conforms to the Official Plan of the City of Burlington; and

Instruct the Director of Capital Works to utilize previously collected securities for the development to complete the municipal sidewalk connection on Ironstone Drive, if not completed by the applicant, to the satisfaction of the Director of City Building and the Director of Capital Works, by October 31, 2019.

Purpose:

The purpose of this report is to provide background information and a staff recommendation for the Statutory Public Meeting for this Temporary Use By-law

application. The following objectives of Burlington's Strategic Plan (2015-2040) apply to the discussion and consideration of the subject application:

A City that Grows

- Promoting Economic Growth
    - 1.1.c) The city's vision for employment lands has been developed with aggressive targets. The community, developers and industry together are achieving our economic potential. The city, along with its partners, supports the development of employment lands through timely planning, infrastructure investments and other incentives.
    - 1.1.d) Employment lands are connected to the community and region through active transportation and public transit. Employment lands include transportation links and options that are easy to access and contribute to a sustainable, walkable and bikeable community.
    - 1.1.e) Small businesses contribute to the creation of complete neighbourhoods where residents are close to goods and services.

RECOMMENDATION:		Approve	***Ward:***	4
Application Details	***APPLICANT:***	IBI Group Inc.		
	OWNER:	ICP Developers Inc		
	FILE NUMBERS:	520-01/19		
	TYPE OF APPLICATION:	Temporary Use By-law		
	PROPOSED USE:	No change. Recognize existing floor areas for service commercial uses and retail uses on the site as well as other site deficiencies related to the existing use		
Property Details	***PROPERTY LOCATION:***	West side of Appleby Line at the south west corner of the intersection of Ironstone Drive and Appleby Line		
	MUNICIPAL ADDRESSES:	1860, 1890, and 1900 Appleby Line		
	PROPERTY AREA:	20,877m2		
	EXISTING USE:	Mixed use commercial plaza		
Documents	***OFFICIAL PLAN Existing:***	Uptown Employment		
	OFFICIAL PLAN Proposed:	Uptown Employment		
	ZONING Existing:	Uptown Employment (UE)		
	ZONING Proposed:	Uptown Employment (UE) with temporary site-specific exceptions		
Processing Details	***APPLICATION RECEIVED:***	December 21, 2018		
	STATUTORY DEADLINE:	May 20, 2019		
	NEIGHBOURHOOD MEETING:	No neighbourhood meeting		
	PUBLIC COMMENTS:	7 written comments received		

Background and Discussion:

On December 21, 2018 the Department of City Building received a complete application for a Temporary Use By-law for 1860, 1880, and 1900 Appleby Line (the "subject lands"). The purpose of the application is to temporarily recognize the existing service commercial and retail uses on the property as permitted uses in the absence of required minimum floor area of employment uses. The application does not propose any new development for the subject lands.

Site Description

The subject lands, known as 1860, 1880, and 1900 Appleby Line, are located at the south-west corner of Appleby Line and Ironstone Drive within the area known as Uptown. The lands are in a location designated as Uptown Employment in the City's Official Plan, and zoned Uptown Employment in the City's Zoning By-law 2020, as amended. A small portion of land at the south west corner of the site was recently added to subject lands from the adjacent Burlington Fire Station and has retained the General Employment GE1 zone. No development is proposed for this newly added area of the subject lands. The location and zoning of the subject lands is illustrated in Appendix A to this report.

Currently, the subject lands are developed as a commercial plaza comprised of two buildings containing a variety of retail, service commercial, recreational and office uses within two buildings. The building to the north has approximately 2,044.4m^2 of total floor area, and the building to the south has approximately 2983.4m^2 of total floor area. Two standard restaurants are located at the easternmost end of the two buildings, each with an outdoor patio abutting Appleby Line. The site currently has a total of 282 vehicle parking spaces, including 10 accessible parking spaces. The site has pedestrian access from the sidewalk along Appleby Line as well as the sidewalk leading from Appleby Line along Ironstone Drive. The sidewalk along Ironstone Drive has been partially constructed along the property frontage. Vehicle access to and from the site is provided from two driveway entrances – one from Appleby Line and one from Ironstone Drive.

Surrounding land uses include:

- North: A plaza developed with two single storey buildings containing retail and service commercial uses, and a 3-storey building containing professional offices;
- South: A single storey building containing a mix of retail, service commercial, recreational and office uses;
- East: An 8-storey retirement home building with ground floor retail and service commercial uses; and,

- West: Burlington Fire Station No. 8, beyond which the lands are developed with general employment uses including industrial uses.

Development History

The site was intended to be developed in three phases. Phase 1 consisted of the northernmost building with a majority of service commercial and retail uses. Phase 2 consisted of the southernmost building with a majority service commercial and retail uses. Phase 3 was intended to be a 4-storey office building with underground parking developed at the north-west corner of the site. The office component of the development would allow the site to be in compliance with the requirements for floor area for employment uses as specified Uptown Employment (UE) zoning. A phasing sketch of the subject lands is provided in Appendix B to this report.

In 2010, the land owners applied to the Committee of Adjustment for a minor variance to facilitate the initial Phase 1 and 2 developments of the plaza and received approval for 10 variances (540-02-A001/2010). The nature of these variances was to allow the first two phases of the plaza to develop with a greater than permitted percentage of retail and service commercial uses prior to the construction of the Phase 3 office building. In 2012, a request was made for additional variances to recognize minor changes to the building areas and to reduce the required parking for all three phases of the development (540-02-A105/2012). As part of the 2012 variance approval, a condition was added to require that the applicant obtain a zoning certificate and building permit for the Phase 3 office building component of the development by March 15, 2014. Following approval of the 2012 decision, the applicant was not able to secure a tenant for the office building and therefore did not apply for the zoning clearance and building permit for Phase 3.

In 2014 the applicant sought approval to extend the 2012 variances (540-02-A009/2014). In review of the 2014 minor variance application, staff noted minor discrepancies with what was built on site compared to what was approved in the Site Plan (Minor Modification Site Plan approved on August 31, 2012). The requested variances included a maximum permitted retail and service commercial floor area of 74% of the two buildings, recognition that both buildings were less than the required 3,000m^2 floor area, variance from the required building height, decreased landscape areas separating parking areas, and adjusted parking requirements. The minor variance approval was received on February 24, 2014 and required that a building permit be issued for the Phase 3 office building within 5 years. The variances from 2014 were given an expiration date of March 15, 2019. To date, no building permit has been obtained to develop the Phase 3 office building, and the variances that applied to the property have since lapsed.

Description of Application

IBI Group Inc. has made application for a Temporary Use By-law (TUB) on behalf of ICP Developers Inc. for the subject lands. No new development is proposed by way of the TUB for the lands. A TUB is an instrument provided to municipalities under Section 39(1) of the *Planning Act* to allow the temporary use of land, buildings, or structures for a purpose that is otherwise prohibited by the municipality's Zoning By-law. The TUB permits the specified uses for a time period not to exceed three years from the date of the by-law passing. After the initial three years, Council may grant extensions to the temporary use for periods of not more than three years. TUBs are processed in the same manner as Zoning By-law Amendments under Section 34 of the *Planning Act*.

The application has been made to temporarily permit the existing amount of retail and service commercial uses that currently occupy the site in the absence of the required floor area for employment uses required by the Uptown Employment (UE) zone. The applicant has requested the TUB in order to allow additional time to consider how the subject lands will develop in the future. Any future development on the subject lands shall be subject to the required development application process.

Technical Reports

The following information and plans were submitted in support of the application. This information can also be accessed online at: www.burlington.ca/1900Appleby

- **Planning Justification Report**. Prepared by IBI Group Inc., dated December 21, 2018.
- **Property Survey**. Prepared by Barich Grenckie Surveying Ltd., dated May 31, 2018.
- **Topographic Survey**. Prepared by Barich Grenkie Surveying Ltd., dated March 31, 2017.
- **Retail Units Survey**. Prepared by Measurex, verified by Brenda Izen, Architect.
- **As-Built Site Plan**. Prepared by Kozen Design Associates, dated February 18, 2019.
- **Environmental Site Screening Questionnaire**. Signed by the land owner, dated January 3, 2019.
- **Phase 1 Environmental Site Assessment**. Prepared by Pinchin Ltd., dated June 28, 2018.

Policy Framework:

The application for Temporary Use By-law is subject to the following policy framework:

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) is intended to provide broad policy direction on matters related to land use and development that are of provincial interest. The PPS provides policies for development based on efficient use of land and infrastructure, protection of natural resources, protection of public health and safety, and residential and employment area development including a range and mix of uses. The PPS requires that settlement areas shall be the focus of growth and development. Decisions affecting planning matters made on or after April 30, 2014 “shall be consistent with” the PPS. The following PPS policies apply to the TUB application for the subject lands:

Policy 1.1.3.1: “Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”.

The subject lands are located within the Urban Planning Area Boundary according to Schedule A of the City’s Official Plan, and therefore are located within a settlement area. The application for a Temporary Use By-law allows the existing plaza to continue to operate legally, therefore ensuring the vitality of a mixed-use area of Uptown Burlington.

Policy 1.1.3.2: Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:
    1. Efficiently use land and resources;
    2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid their unjustified and or/uneconomical expansion;
    3. Minimize negative impacts to air quality and climate change, and promote energy efficiency;
    4. Support active transportation; and,
    5. Are transit-supportive, where transit is planned, exists or may be developed.

The application for a TUB does not propose any new development on the subject lands, and rather seeks approval for the temporary use of the lands for service commercial and retail use greater than that permitted by the City’s Zoning By-law. The existing uses are well used by the immediate neighbourhood. To not allow them to operate would be an inefficient use of the land and the physical resources that have been utilized to build this development. The development utilizes existing municipal infrastructure and does not propose any additional expansion to the infrastructure through this application. The TUB will ensure that nearby local residents will continue to have access to a variety of uses offered on this site. If the uses were not to be permitted, local residents would possibly have to travel further and utilize automobiles, thereby potentially negatively impacting air quality. The existing plaza is located within a mixed-use area of Uptown

Burlington and is reasonably accessible by active transportation. However, Staff have recommended that the applicant construct the sidewalk connection on Ironstone Drive in order to complete the pedestrian network surrounding the site, therefore improving the active transportation experience in the immediate area. A Burlington Transit bus stop for routes 11 (Sutton) and 15 (Appleby-Walkers) is located along Appleby Line, directly in front of the subject lands. The continued operation of the existing uses on the subject lands supports the viability of the transit routes along this corridor.

Planning Staff support the application for a Temporary Use By-law as the continued use of the subject lands during the period of time specified is consistent with the policies of the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses on development in the existing urban areas through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact, and utilizing existing and planned infrastructure in order to support growth in an efficient and well-designed form. As noted earlier, there is no new development planned for the subject lands in the near future, and the Temporary Use By-law is required in order to allow the existing uses to continue to operate while the future development of the lands is being considered.

Growth Plan policy 2.2.1.2 a) requires that forecasted growth to the horizon of the Plan will be allocated based on the vast majority of growth being directed to settlement areas that have delineated a built boundary, have existing or planned municipal water and wastewater systems, and can support the achievement of complete communities. Policy 2.2.1.2 c) requires that, within settlement areas, growth will be focused in delineated built-up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit, and areas with existing or planned public service facilities. Growth Plan policy 2.2.2.4 d) requires that municipalities develop a strategy to achieve their minimum intensification targets in the built-up areas which will ensure that lands are zoned appropriately, and that development is designed in a manner that supports the achievement of complete communities.

The subject lands are located within the built boundary of the City of Burlington and are located on full municipal services. The existing site operates as a commercial plaza within the mixed-use area of Uptown Burlington and contributes to the local amenities serving nearby residents and employees of adjacent employment uses. The continued operation of the site for the time period of the TUB would ensure that this area of Uptown continues to contribute to a complete community. The site is served by existing local transit along Appleby Line, and the continued use of the lands during the time of

the TUB will contribute to the viability of the transit service in the area. The TUB will function as temporary zoning on the subject lands to regulate the extent of the retail and service commercial uses in order to ensure that a range and mix of uses are provided. Planning Staff are of the opinion that the proposed TUB generally conforms to the policies of the Growth Plan.

Region of Halton Official Plan

The subject lands are designated as Urban Area according to the Regional Official Plan (ROP). The Urban Area objectives promote growth that is compact and transit supportive. The subject lands are also located adjacent to a Higher Order Transit Corridor along Appleby Line (identified on Map 3 of the ROP). The subject lands are therefore located within a regionally identified Intensification Area. Through the ROP, Intensification Areas are intended to support higher, transit-oriented densities. The continued operation of the subject lands for the existing uses enhances the viability of transit use in the Uptown Area, while also allowing local residents to continue to frequent businesses in this compact, mixed-use area of Uptown Burlington. Allowing time for the applicant to contemplate the future of development of these lands, possibly at higher intensities than currently exist, would assist in meeting the intent of the ROP policy direction for Intensification Areas. Planning Staff feel that the application for a TUB is consistent with the ROP policies for the Urban Area and Intensification Areas.

City of Burlington Official Plan

The subject lands are located in the Uptown Mixed Use Centre of Burlington, as identified on Schedule F of the City's Official Plan. Planning and development in the Uptown Mixed Use Centre area is focused primarily around the intersection of Appleby Line and Upper Middle Road, with the intensity of development decreasing with distance from this intersection. The area is to develop as a secondary development node to Downtown Burlington, with a range and mix of uses with urban attributes. Development of the Uptown Mixed Use Centre area is anticipated to be built out in phases, and as such, some sites may not achieve the fullest intensity of use permitted by the underlying land use designations. Part III, Section 5.6.3 c) provides policy direction for a pedestrian system within the Uptown Mixed Use Centre area. It specifies that a well-defined pedestrian walkway system shall be required linking each lot or block within the Uptown Mixed Use Centre area designations, linking buildings, adjacent sites, and public streets with transit routes.

The subject lands are designated as Uptown Employment on Schedule F, Land Use Plan – Uptown Mixed Use Centre, which, according to policy 5.6.7 a), permits limited retail and service commercial uses, industrial uses, office uses, hospitality uses, as well as recreational and entertainment uses. Policy 5.6.7 b) specifies that retail and service

commercial uses are required to be located at grade or below grade in buildings 3,000m^2 or greater which contain additional permitted uses. The intent of this policy is to require a minimum building size that could accommodate a mix of employment and other uses, including limited retail and service commercial. While the total existing floor areas for the two buildings on the site do not meet the requirements for providing retail and service commercial uses, they are existing buildings, legally constructed by way of a building permit with active tenants and well utilized by the Uptown community.

The application for the TUB meets the intent of the Official Plan policy for the development of the Uptown Mixed Use Centre, since the policy acknowledges that the development of the area will occur in phases, with some sites not being developed to their maximum intensity from the outset. The applicant has requested the TUB to allow for additional time to consider development options for the subject lands and wishes to retain the existing function of the plaza in the meantime. With the understanding that future development on this site may take additional time, Planning Staff have recommended that the applicant be required to complete the pedestrian linkage on the north side of the property along Ironstone Drive in order to complete the pedestrian walkway system for this site and to adjacent lands. This latter requirement will ensure that the pedestrian system policy for this immediate area of Uptown is achieved.

City of Burlington Adopted Official Plan, 2018

The City's proposed New Official Plan was adopted by Council on April 26, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. Halton Region has identified areas of non-conformity, and as such, the adopted Official Plan will be subject to additional review and revision prior to its approval. Further, City Council has directed a new staff review and public engagement process to consider potential modifications, including a review of height and density provisions. As a result, no weight is placed on the policies of the adopted Official Plan in the review of this application at this time.

Given potential policy changes for the subject lands, the applicant is requesting additional time to consider the future development of the property. The TUB would allow the existing uses to continue to operate as permitted uses while the future development of the area is determined.

City of Burlington Zoning By-law

The subject property is zoned Uptown Employment (UE) in the City of Burlington's Zoning By-law No. 2020. The UE zone permits the following uses: office, community, hospitality, industrial (as per the GE2 zone), recreation and entertainment, and limited retail and service commercial. The small portion of land acquired from the Burlington

Fire Station is zoned General Employment (GE1). Only the lands zoned UE are subject to the request for a TUB.

As previously noted, the applicant received approval for minor variances in 2014 for the development of the first two phases of the site. The approved variances are attached to this report as Appendix C. These variances were conditional on the applicant receiving a zoning certificate and building permit for the Phase 3 office building by March 15, 2019. These variances have lapsed and application for a TUB has been made in order to recognize the existing retail and service commercial uses on the property as legal uses until the Phase 3 office/employment uses are initiated on site, or the site undergoes a comprehensive redevelopment.

Staff have reviewed the application for a TUB in reference to the minor variances approved in 2014 to ensure that the existing activity on the site is appropriately recognized. Planning Staff have reviewed the site with respect to the existing uses and have not included regulations related to the previously proposed 4-storey office building. Any future construction will be required to receive appropriate planning approvals prior to development. The buildings that are present on the subject lands were legally constructed with a city-issued building permit, therefore aspects of the site related to the built form are not required to be recognized through the TUB.

The parking provided on the site is comprised of 282 spaces, with 10 accessible parking spaces. The Retail Centre parking rate of 5.25 spaces per 100m^2 of Gross Floor Area (GFA) would apply to the existing development of the property. Based on the approximate GFA of the buildings, the required parking rate is 227 parking spaces. The parking currently provided on the site exceeds the required parking for the existing uses and therefore does not need to be recognized through the TUB. Staff have included a notation to the by-law to continue to allow the two existing outdoor patios associated with two existing standard restaurants to have 0 additional parking spaces, whereas the by-law would normally require 1 space per 4 persons capacity on the patio. The existing parking provided on site is capable of accommodating parking potentially generated from the seasonal outdoor patios.

Staff recognized that there was a minor discrepancy in the landscape area separator between the parking areas recognized in the 2014 variances, which permitted a 2.6m landscape area, whereas the actual width of this landscape area is 2.3m according to the most recent as-built drawings. The TUB allows a 2.3m landscape area between parking areas of 150 spaces or more. The existing floor areas of the Phase 1 and Phase 2 buildings, based on the approved Zoning Clearances for the existing uses, are 2,044.5m^2 and 2988.3m^2 respectively. Through the TUB, the continued uses will be supported by allowing retail and service commercial uses on the ground floor of the two existing buildings, each with floor area that is less than 3000m^2, whereas the Zoning By-law allows these uses only on the ground floor and below grade floors in buildings having a minimum floor area of 3000m^2.

The property is zoned for employment uses by the UE zone. Therefore, in order to set a limit to the amount of retail and service commercial uses permitted on the site, Staff have proposed a maximum of 74% of the combined total floor area in both buildings for these uses. By limiting the amount of floor area that can be used on the site for retail and service commercial uses, the general intent of ensuring a portion of the lands for employment uses has been maintained. A copy of the draft TUB is attached to this report as Appendix D.

Financial Matters:

In accordance with the Development Application Fee Schedule, all fees determined have been received.

Technical Review:

City of Burlington – Site Engineering

Site Engineering staff have commented that they continue to hold full securities for the site under Site Plan file number 535-05/06. One of the conditions of approval was to provide a 1.5 m sidewalk along the entire frontage of the site. This was approved under the 2006 application and is still outstanding. The developer has asked for relief of this condition until the final phase is complete and the sidewalk will be installed at that time. Securities will be held in full until the completion of the sidewalk.

Whereas the final phase of the development of the subject lands was originally intended to be initiated by March of 2019, including site works such as sidewalk connections, Planning Staff recommend that the applicant be required to complete the sidewalk connection on Ironstone Drive by the end of the 2019 construction season. If the sidewalk is not complete, the collected securities may be used to complete the sidewalk connection.

City of Burlington – Transportation Planning

Transportation Planning Staff have provided comment that they have no concerns with the application for the TUB application.

Halton Region

Halton Region has reviewed the application for TUB and have provided no objections to the application.

Parks and Open Space & Landscaping

Both the Landscaping and the Parks and Open Space departments of Capital Works have provided no objections to this application.

Burlington Transit

Burlington Transit has no objections to the application provided there are no changes to the location of the existing bus stop and shelter in front of the property on Appleby Line.

BEDC

BEDC has expressed support of this application for a TUB for the site.

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements. A public notice and request for comments was circulated in February 2019 to 604 surrounding property owners/tenants. A public notice sign was placed on the property facing Appleby Line which provides details about the application. All studies and supporting materials were posted on the City's website at www.burlington.ca/1900Appleby.

Public Comments

Since the public circulation was issued in February 2019, Planning Staff have received correspondence from 7 members of the public regarding the proposed Temporary Use By-law. The public comments that were received are included as Appendix E to this report.

The general themes expressed in the comments are as follows:

Public Comment	Staff Response
Would like to see the use of the plaza continue	The Temporary Use By-law would allow the existing uses to continue for a period of three years, after which an extension for an additional three years may be granted. This will ensure the continuity of use on this site while the development policies of the Uptown area are being considered.
Parking is at a premium	The existing paved parking on the site exceeds the Zoning By-law requirements for the parking rate associated with a Retail Centre.
Plaza is too auto-oriented	The parking provided on the site exceeds the required parking rate in the Zoning By-law, due to the original

Public Comment	Staff Response
	proposal including the 4 storey office building. The office building has not been constructed, and as such the site is over-supplied with parking. No new parking areas are proposed through this application. In order to ensure a safer pedestrian experience, Planning Staff are recommending that the applicant complete the sidewalk connection on Ironstone Drive. The City continues to hold full securities for the development until all site-works are completed to the satisfaction of the City.
Development should not have been phased	The phasing of development on this site has led to a situation where there is currently more retail and service commercial use on site than would normally be permitted in the Uptown Employment zone. Future development of the subject lands will require planning approvals in compliance with the policies of the Official Plan and the regulations of the Zoning By-law.

Conclusion:

Planning Staff recommend approval of the Temporary Use By-law for the subject land to recognize the existing uses of the subject lands for a period of time not to exceed 3 years from the date of passing of the by-law. Approval of this application would allow the existing plaza to continue to operate legally under the regulations of the Zoning By-law, with prescribed limits on the amount of floor area permitted for retail and service commercial uses.

The continued operation of the existing plaza during the period of time of the Temporary Use By-law will provide amenities to the Uptown Mixed Use Centre area until the site can be more comprehensively developed. In the interim, Planning staff recommend that the sidewalk connection along Ironstone Drive be completed to ensure a continuous pedestrian network surrounding the site. The request for a Temporary Use By-law for this site can be considered generally consistent with the PPS, and conforms to provincial, regional and local planning policies. Planning staff are recommending approval of a Temporary Use By-law for a period of time not to exceed three years from the date of by-law passing.

Respectfully submitted,

Lauren Vraets MCIP, RPP

Planner II

905-335-7600 ext. 7536

Appendices:

A. Location/Zoning Sketch

B. Phasing Sketch

C. 2014 Minor Variance Decision

D. Draft Temporary Use By-law

E. Public Comments

Notifications:

Mike Crough, IBI Group Inc.

mike.crough@ibigroup.com

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

Appendix C – Draft Official Plan Amendment

OFFICIAL PLAN AMENDMENT

AMENDMENT NO. XXX TO THE OFFICIAL PLAN

OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. XXX to the Official Plan of the Burlington Planning Area, as amended.

PART A - PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this amendment is to permit a mixed-use development, including high-density residential dwellings and commercial uses, including retail, restaurant and office uses, on the lands at 1860 -1900 Appleby Line.

2. SITE AND LOCATION

The subject lands are located at the south-west corner of Appleby Line and Ironstone Drive. The subject lands are currently occupied by a two-storey multi-unit, multi-building commercial plaza with surface parking. The commercial establishment consists of two phases. Phase 1 is a single storey commercial building located in the northern portion of the subject lands along Ironside Drive, and mainly consists of medical offices, retail and restaurants. Phase 2 is situated in the southern portion of the subject lands and contains a mostly single storey commercial building, consisting of restaurants and retail uses, with a two-storey commercial office building.

3. BASIS FOR THE AMENDMENT

1. This amendment will update the current City of Burlington Official Plan policies which are currently in effect with respect to the subject lands, in order to bring them in line with proposed new policies as outlined in the Council Adopted City of Burlington Official Plan 2020, which was adopted by the City and approved by the Region in November 2020.
2. The proposed Amendment is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (Growth Plan). It represents a form of efficient intensification which helps meet provincial, regional and municipal growth, intensification and housing targets.
3. The proposed Amendment allows for development to proceed which is compatible with the surrounding context.
4. The proposal can be adequately serviced and does not create any adverse impacts, utilizing existing infrastructure in an efficient manner.
5. The Amendment provides a significant built-form feature at a highly visible location within the defined Uptown Mixed Use Centre

PART B - THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change:

1. Official Plan Schedule F: Uptown Mixed-Use Centre Land Use Plan shall be amended to redesignate the northern portion of the subject lands from “Uptown Employment” to “Uptown Commercial/ Residential I” and the southern portion from “Uptown Employment” and “Uptown – General Employment” to “Uptown Commercial/ Residential II” as shown on Map 1 attached hereto.

Text Change:

The text of the Official Plan of the City of Burlington, as amended, is hereby amended as follows:

Part III, Section 5.6.4 Uptown Commercial/ Residential I is amended by adding a new subsection (x) as follows:

x) Notwithstanding Part III, Subsection 5.6.4, within the Uptown Commercial/Residential I designation located at 1860 - 1900 Appleby Line,

a) The following uses may be permitted:

i. high-density residential uses to a maximum density of 516 units per net hectare

ii. retail and service commercial uses

iii. office uses, including medical

iv. entertainment uses

vi. recreation uses

b) Uses which may be permitted at-grade within a building shall be limited to the following:

i. retail and service commercial uses

ii. office uses, including medical

iii. entertainment uses

c) A maximum Floor Area Ratio of 3.5:1 shall be permitted. Any increase to this floor area ratio 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 UCR1 designation are maintained. Further, interim conditions as part of a phased development may provide a greater Floor Area Ratio, provided the overall build-out scenario does not exceed the maximum permitted.

d) The minimum building height shall be two (2) storeys and the maximum building height shall be twenty (20) storeys.

Part III, Section 5.6.5 Uptown Commercial/ Residential II is amended by adding a new subsection (x) as follows:

x) Notwithstanding Part III, Subsection 5.6.5, within the Uptown Commercial/Residential II designation located at 1900 Appleby Line

a) The following uses may be permitted:

i. retail and service commercial uses

ii. office uses, including medical

iii. entertainment uses

iv. hotel uses

v. recreation uses

b) Uses which may be permitted at grade within a building shall be limited to the following:

i. retail and service commercial uses

ii. a limited amount of office uses, including medical

iii. hotel uses

iv. entertainment uses

v. live/work residences

c) A maximum floor area ratio of 2.5:1 shall be permitted. An increase to this floor area ratio 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 UCR II designation are maintained.

d) A minimum building height of one (1) storeys and a maximum building height of eleven (11) storeys shall be permitted

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the “Interpretation” policies of Part VI, Interpretation, Section 3.0, Interpretation, of the Official Plan of the City of Burlington.

3. IMPLEMENTATION

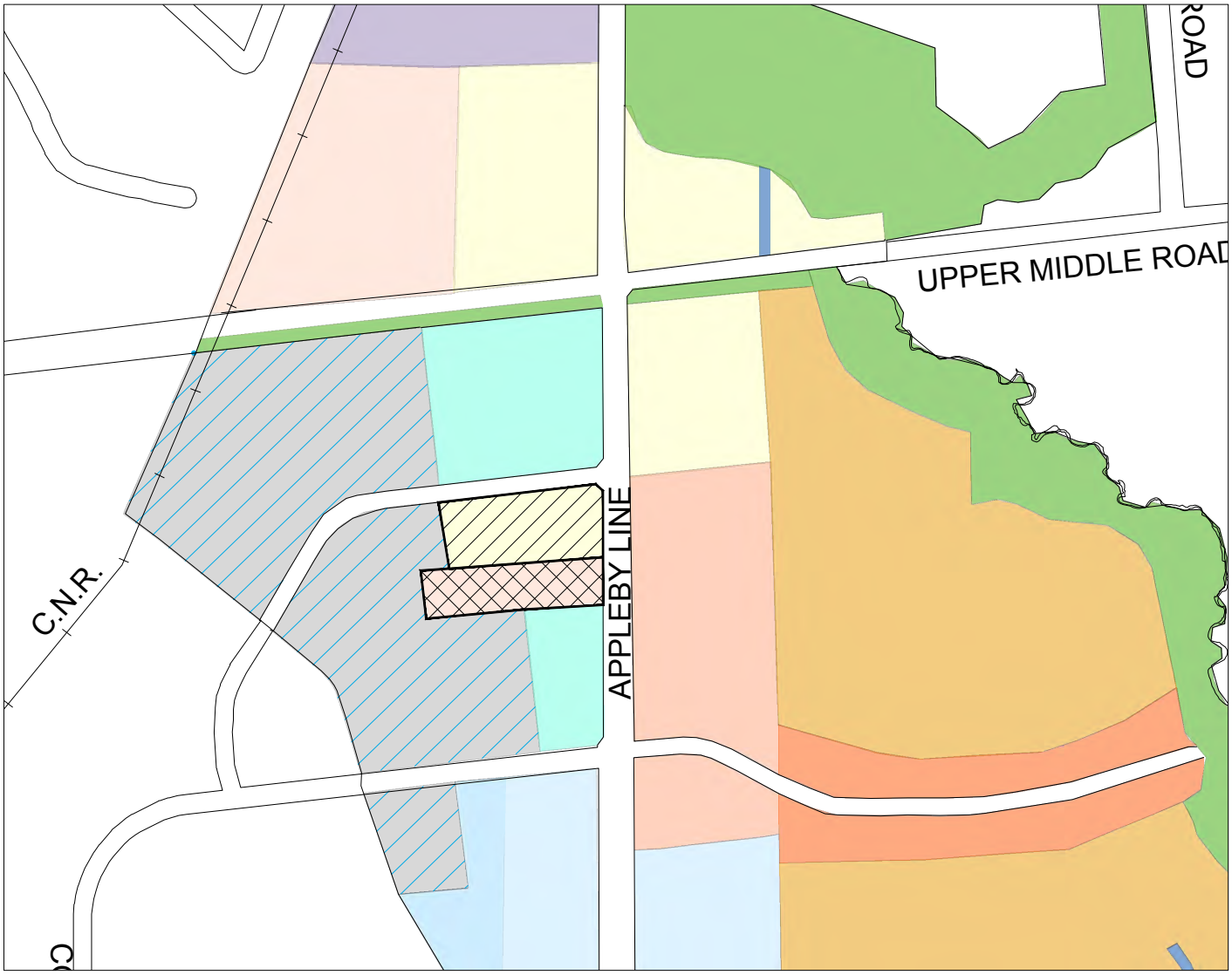
This Official Plan Amendment will be implemented in accordance with the appropriate “Implementation” policies of Part VI of the Official Plan of the City of Burlington.

MAP 1 TO AMENDMENT NO._____
SCHEDULE - F - TO THE OFFICIAL PLAN

Area Affected by this Amendment: From Uptown Employment to Uptown Commercial / Residential I

From Uptown Employment to Uptown Commercial / Residential II

Proposed Changes:



CITY OF BURLINGTON OFFICIAL PLAN
EXCERPT FROM SCHEDULE - F - FUTURE LAND USE PLAN

NOTE: This schedule forms part of Amendment No._____ To the Official Plan of the City of Burlington and it must be read in conjunction with the written text.

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AM-2021-

Appendix D – Draft Zoning By-law Amendment

BY-LAW NUMBER 2021. XX. SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2021.XX

A By-law to amend By-law 2020, as amended; 1860 -1900 Appleby Line
File No. XXX

WHEREAS Section 34 (1) of the Planning Act R.S.O. 1990, c.P.13, as amended, states that Zoning By-laws may be passed by the Councils of local municipalities

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-XX-XX on XXXX to amend the City's existing Zoning By-law 2020, as amended, to permit the redevelopment of the lands located at 1860-1900 Appleby Line which will include a mixture of retail, office and residential buildings of varying heights and densities.

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number __ of Part 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from UE-496 to UCR1 -X
    a. Part 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception UCR1- X as follows:

Exception	Zone	Map	Amendment 2020.XXX	Enacted
i. For the subject lands, each phasing block not created as a separate Lot will be considered a Lot Area, with regulations applied accordingly as noted in Section 2 below ii. For the subject lands, Ironside Drive shall be considered the front lot line for the application of zoning regulations 2. Regulations: **Phase 1:** iii. Maximum Density shall be 515.2 units/ hectare iv. Maximum Building Height shall be 59.0 metres v. Maximum Floor Area Ratio shall be 3.9:1 vi. Minimum Amenity Area shall be 9.7 square metres per unit vii. Minimum Parking Requirements for studio and 1-bedroom units shall be 0.75 spaces per unit viii. Minimum Parking Requirements for 2 bedroom units shall be 1.2 spaces per unit ix. Minimum Parking Requirements for Medical Office use shall be 1 space per 100 square metres of gross floor area				

x.	However, parking may be shared with adjacent lands in the UCR2-X Zone, provided that this will be formally implemented through registration of an agreement registered on title.
Except as amended herein, all other provisions of this By-law, as amended, shall apply	

3. The lands designated as “B” on Schedule “A” attached hereto are hereby rezoned from UE-496 to UCR1 -XX

    a. Part 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception UCR1- XX as follows:

Exception	Zone	Map	Amendment 2020.XXX	Enacted
xi. For the subject lands, each phasing block not created as a separate Lot will be considered a Lot Area, with regulations applied accordingly as noted in Section 2 below xii. For the subject lands, Ironside Drive shall be considered the front lot line for the application of zoning regulations 2. Regulations: **Total Build Out:** **Phase 2:** xiii. Maximum Density shall be 485.6 units/ hectare xiv. Maximum Average Density with Total Land Area shall be 296.9 units/ hectare xv. Maximum Building Height shall be 53.0 metres xvi. Maximum Floor Area Ratio shall be 3.6:1 xvii. Minimum Amenity Area shall be 4.0 square metres per unit xviii. Parking may be shared with adjacent lands in the UCR2-X Zone, provided that this will be formally implemented through registration of an agreement registered on title. **Phase 3:** xix. Maximum Density shall be 368.5 units/ hectare xx. Maximum Average Density with Total Land Area shall be 448.0 units/ hectare xxi. Maximum Building Height shall be 53.0 metres xxii. Maximum Floor Area Ratio shall be 2.8:1 xxiii. Minimum Amenity Area shall be 4.0 square metres per unit xxiv. Parking may be shared with adjacent lands in the UCR2-X Zone, provided that this will be formally implemented through registration of an agreement registered on title.				
Except as amended herein, all other provisions of this By-law, as amended, shall apply				

4. The lands designated as “C & D ” on Schedule “A” attached hereto are hereby rezoned from GE-1 & UE-496 to UCR2 - X

    a. Part 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception UCR2- X as follows:

Exception	Zone	Map	Amendment 2020.XXX	Enacted
a. Regulations **Phase 1** b. Minimum Building Height shall be 1 storey c. Minimum Floor Area Ratio shall be 0.29:1 d. That 239 parking spaces, including 3 accessible parking spaces, may be permitted, However, parking may be shared with adjacent lands in the UCR1-X Zone, provided that this will be formally implemented through registration of an agreement on title. e. That 4 bicycle spaces may be permitted instead of the minimum required 10 spaces **Total Build Out, including Phases 2 & 3:** a. Minimum Building Height shall be 1 storey b. Minimum Floor Area Ratio shall be 0.29:1 c. That 86 parking spaces, including 3 accessible parking spaces, may be permitted. However, parking may be shared with adjacent lands in the UCR1-X & UCR1-XX Zone, provided that this will be formally implemented through registration of an agreement on title. d. That 4 bicycle spaces may be permitted instead of the minimum required 10 spaces				
Except as amended herein, all other provisions of this By-law, as amended, shall apply				

5. a) When no notice of appeal is filed pursuant to the provisions of the Planning Act, R.S.O. 1990 c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

   b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeal Tribunal, this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this _____ day of _____ 2021.

_____ MAYOR

_____ CITY CLERK

SCHEDULE 1 TO BY-LAW No.2021-

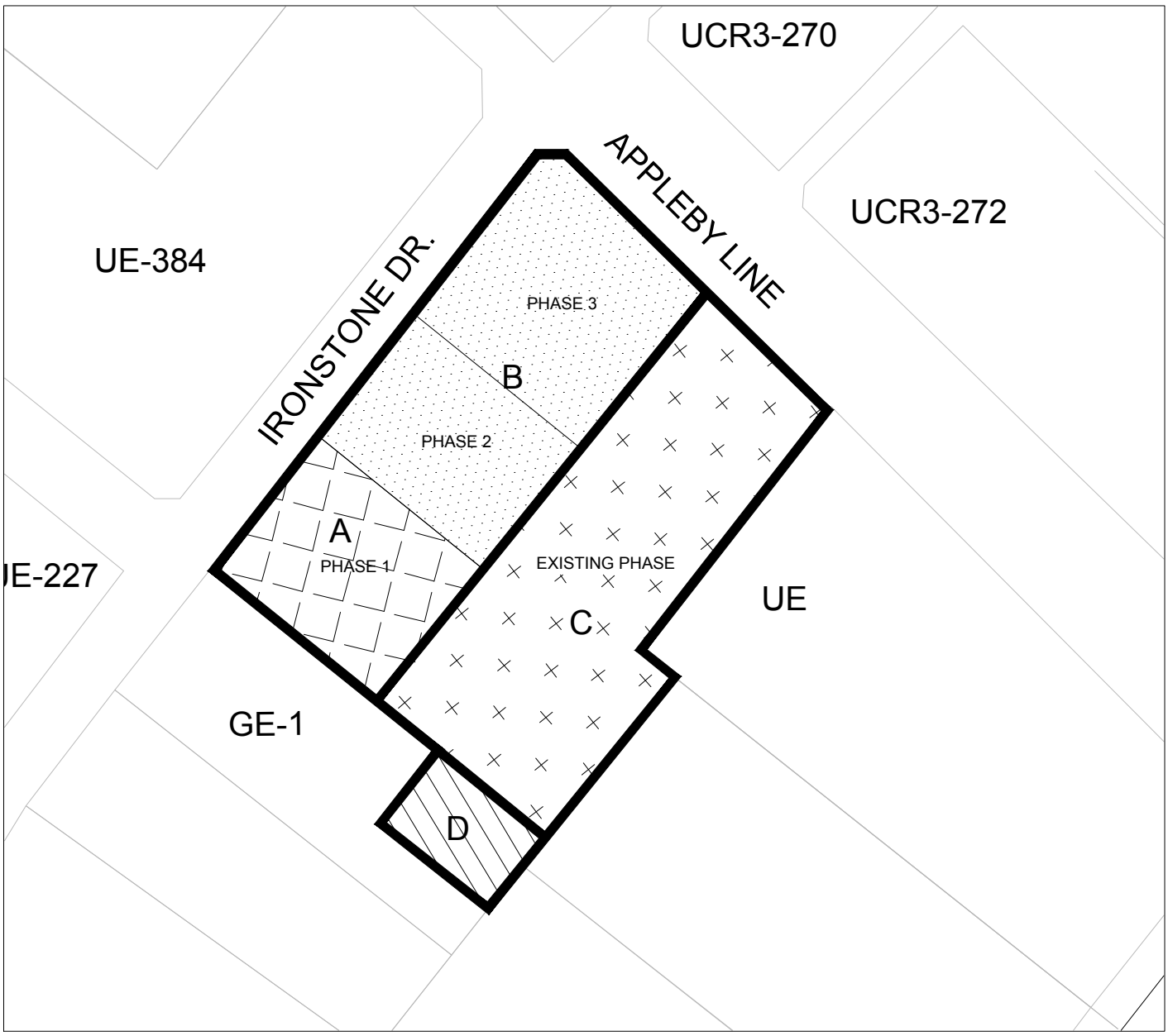
Subject Land:

A:From UE-496 to UCR-1-X

B: From UE-496 to UCR-1-XX

C: From UE-496 to UCR-2

D: From GE-1 to UCR-2



Description: Part Block 19, PL M249, Parts 6 & 21, 20R13597, City of Burlington.

Applicant : LJM Developments

Assessment #:

N

SCALE 1:2000
AM - 2021