Community Planning Department

SUBJECT: Planning Analysis for 1989 Appleby Line - Official Plan and Zoning By-law Amendment Applications

DATE: June 22, 2023

TO: Andrea Peebles, Solicitor, City of Burlington

FROM: Thomas Douglas, Senior Planner, City of Burlington

1.0 Background

1.1 Purpose

This analysis concerns a proposed settlement in relation to the appeal of site-specific applications for Official Plan Amendment and Zoning By-law Amendment by 1989 Appleby Latch GP Inc. for the lands known as 1989 Appleby Line (file numbers 505-05/22, 520-06/22).

Application Details	***APPLICANT:***	1989 Appleby Latch GP Inc.
	OWNER:	1989 Appleby Latch Limited Partnership
	FILE NUMBERS:	505-05/22, 520-06/22
	TYPE OF APPLICATION:	Official Plan Amendment, Zoning By-law Amendment
	ORIGINAL PROPOSAL:	Two 20-storey residential towers connected by a shared 6-storey podium with retail at grade.
	REVISED PROPOSAL:	Two towers of 22 and 17 storeys connected by a shared 6-storey podium with retail at grade.

Property Details	***PROPERTY LOCATION:***	Southeast corner of Appleby Line and Upper Middle Road (south of Hydro One corridor)
	MUNICIPAL ADDRESS:	1989 Appleby Line
	WARD:	Ward 5
	PROPERTY AREA:	0.6 hectares
	EXISTING USE:	Gas station and carwash
Requested Amendments	***1997 OFFICIAL PLAN Existing:***	Uptown Commercial/Residential I
	1997 OFFICIAL PLAN Proposed:	Uptown Commercial/Residential I with site-specific policies for height, Floor Area Ratio, and density
	2020 OFFICIAL PLAN Existing:	Uptown Core
	2020 OFFICIAL PLAN Proposed:	Uptown Core with site-specific policy
	ZONING Existing:	UCR1-274
	ZONING Proposed:	UCR1-XXX with site-specific regulations

1.2 Site Description and Surrounding Context

The subject property is located at the southeast corner of Appleby Line and Upper Middle Road, south of the Hydro One transmission corridor, as shown in Appendix One, Existing Zoning Sketch. The property has an area of 0.6 hectares, with 70 metres of frontage on Appleby Line. The site is currently occupied by a gas station and carwash with driveway access to both Appleby Line and Upper Middle Road. Enbridge pipelines run along the northern edge of the property within an 18 metre-wide easement.

Surrounding uses are as follows:

- North: Hydro One corridor with a width of approximately 23 metres. To the north of the hydro corridor is Upper Middle Road. A four-storey residential building is located on the north side of Upper Middle Road.
- East: A six-storey residential building is adjacent to the subject property to the east, fronting on Imperial Way. Further east are townhouses and Sheldon Creek. Corpus Christi Catholic High School is on the other side of Sheldon Creek, approximately 350 metres from the subject property.
- Southeast: An 11-storey residential building is located to the southeast of the subject property, at the northwest corner of Imperial Way and Ironstone Drive.
- South: A 16-storey mixed-use building with ground-floor retail is located adjacent to the subject property to the south. Further to the south there is an eight-storey

retirement home with ground-floor retail, and beyond this are two-storey townhouses.

- West: to the west of the subject property, on the opposite side of Appleby Line, there is a commercial plaza with one-storey retail buildings, a three-storey mixed-use building containing retail and office uses, and surface parking.
- Northwest: the Millcroft retail centre is located at the northwest corner of Appleby Line and Upper Middle Road. A CN Rail corridor runs behind the Millcroft retail centre, approximately 450 metres from the subject property.

Desjardines Park is an approximately 380-metre walking distance from the subject property to the southeast. The Orchard Woodlot is located to the north, with the nearest trail access to this woodlot being an approximately 410-metre walking distance from the subject property.

Northbound and southbound bus stops are located within 50 metres of the subject property, served by Burlington Transit route 11, which provides connections to the Appleby GO Station and the Dundas Street-Highway 407 carpool lot, both of which are serviced by GO Transit, Burlington Transit, and Oakville Transit.

There are also westbound and northbound bus stops for Burlington Transit route 12 within 300 metres of the subject property on Upper Middle Road. This route provides connections to Burlington GO Station, which is serviced by GO Transit and Burlington Transit.

1.2.1 Sheldon Creek Neighbourhood Traffic Management Study

The City is currently conducting the Sheldon Creek Neighbourhood Traffic Management Study for the local streets in the Sheldon Creek Neighbourhood in proximity to the subject property. The purpose of the study is to review traffic, speeding, and parking issues within the neighbourhood in a holistic manner, engage with the public, and identify traffic calming and parking management solutions to address the identified issues.

Development Planning and Transportation Planning staff have co-ordinated with Traffic Operations staff to ensure that the review of the subject development applications was informed by the ongoing Traffic Management Study work and vice-versa.

1.3 Application History

On July 7, 2022, the City received complete applications from 1989 Appleby Latch GP Inc. requesting Official Plan Amendments and Zoning By-law Amendments to permit a mixed-use development comprising two 20-storey residential towers connected by a shared 6-storey podium with retail at grade. The proposed residential building use is permitted, and the Official Plan and Zoning By-law Amendments were requested for the proposed increases in density, Floor Area Ratio, and height, as well as a reduction in parking.

Application materials are posted on the City's Development Project webpage at www.burlington.ca/1989appleby.

A statutory public meeting was held for the subject applications on September 13, 2022.

On December 22, 2022, the applicant appealed the applications to the Ontario Land Tribunal (OLT) on the basis that the City had not made a decision within the prescribed time limit. The OLT held a Case Management Conference on April 5, 2023. At the Case Management Conference, the OLT granted party status to four parties in this matter: 1989 Appleby Latch Limited (the applicant), the City of Burlington, the Region of Halton, and Upper Appleby Developments Inc. The OLT also granted participant status to Enbridge Pipelines Inc., HSCC 550, HSCC 494, Andrew Hall, Mathew Van Camp, Steve Overend, Christina Saunders, Jonathan Schlenker, and Elizabeth Nettleford. Following the Case Management Conference, the OLT issued a procedural order and scheduled a hearing to consider the appeals beginning on September 11, 2023.

In May and June 2023, City staff engaged in without-prejudice discussions with the applicant, which led to the applicant providing the City with a settlement offer on June 15, 2023.

1.4 Revised Proposal

The settlement offer revises the proposed development as follows:

1. Decreases number of residential units from 475 to 463
2. Decreases retail floor area from 871m2 to 786m2
3. Decreases Floor Area Ratio (FAR) from 5.7:1 to 5.2:1
4. Decreases height of the east tower from 20 storeys to 17 storeys
5. Increases height of the west tower from 20 storeys to 22 storeys
6. Rotates the west tower slightly so that it is parallel to the east tower rather than parallel to Appleby Line
7. Increases the overall parking rate from 1.06 to 1.11 parking spaces per unit
8. Introduces an additional storey of underground parking for a total of four underground levels
9. Introduces a 0.8m planting strip along the north side of surface parking area adjacent to the Hydro One corridor
10. Increases building setback from Appleby Line from 0m to 4.2m (ground floor)
11. Increases the total amenity area from 9.03m2 to 9.28m2 per unit
12. Provides the following Transportation Demand Management (TDM) measures:
    a) Provide prospective residents of proposed development with information about transportation options including transit and cycling;
    b) Unbundle parking space from residential unit so that each is purchased separately, allowing purchasers to adjust their parking supply to reflect their needs;
    c) Manage parking supply by limiting the sale of parking spaces to maximum one space per residential unit;
    d) Provide bicycle parking on site in the amount of 272 long-term spaces and 48 short-term spaces;
    e) Provide on-site bicycle repair facilities within the parking structure for use by residents and at grade for use by visitors;
    f) Provide residents who do not purchase a parking space with a Presto card preloaded to allow for up to two years of travel.

13. Traffic calming: provides financial security in the amount of $150,000 to the City to implement and monitor traffic calming in the Sheldon Creek neighbourhood.

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

2.0 Discussion

2.1 Policy Framework

The applications are subject to the following policy framework: Provincial Policy Statement (2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020); Halton Region Official Plan; City of Burlington Official Plan (1997, as amended); Burlington New Official Plan (2020); and Zoning By-law 2020. Staff have also reviewed the proposed development with consideration for the following City of Burlington Urban Design Guidelines: Uptown Mixed-Use Centre Urban Design Guidelines (1994), Tall Building Guidelines (2017), Pedestrian-Level Wind Study Guidelines and Terms of Reference (2020), Shadow Study Guidelines and Terms of Reference (2020), and Sustainable Building and Development Guidelines (2021).

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

2.2 Provincial Policy Statement (PPS) 2020

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

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

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

The PPS requires planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account the availability of suitable existing or planned

infrastructure and public service facilities required to accommodate the projected needs (1.1.3.3). Appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (1.1.3.4).

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

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

- Makes efficient use of existing and planned infrastructure and public facilities;
- Is pedestrian-oriented, facilitates active transportation, and is transit-supportive;
- Represents intensification in a compact built form and promotes a system of nodes and corridors;
- Complies with applicable development standards that avoid or mitigate risks to public health and safety;
- Contributes to the provision of an appropriate range and mix of housing options and densities;
- Makes efficient use of existing and planned transportation infrastructure, including through the use of transportation demand management;
- Contributes to a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and supports current and future use of transit and active transportation; and
- Protects corridors and rights-of-way for infrastructure and is compatible with adjacent infrastructure corridors.

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

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

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

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

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

The Growth Plan requires municipalities to develop and implement policies and other supporting tools to encourage intensification throughout the delineated built-up areas; identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas; encourage intensification generally throughout the delineated built-up area; and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

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

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

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

The proposed development conforms to the Growth Plan as it:

- Supports the achievement of complete communities through the provision of a mix of uses within a compact built form;
- Represents intensification at higher densities within a strategic growth area to make efficient use of land and infrastructure and support transit viability;
- Contributes to providing a range and mix of housing options to serve all sizes, incomes, and ages of households;
- Provides for a more vibrant public realm;
- Contributes to offering a balance of transportation choices that reduces reliance upon the automobile and promotes transit and active transportation;
- Provides for the safety of transportation system users; and
- Protects existing infrastructure corridors.

Opinion: the proposed development conforms to the Growth Plan.

2.4 Halton Region Official Plan (ROP)

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

The subject lands are designated as “Urban Area” as shown on Map 1, Regional Structure, of the ROP. The Urban Area objectives promote growth that is compact and transit-supportive, and the development of vibrant and healthy mixed-use communities that afford choices for residence, work, or leisure.

Within the Urban Area, the Regional Urban Structure implements Halton’s planning vision and growth management strategy. The Regional Urban Structure includes Strategic Growth Areas. The subject property is located within Uptown Burlington, which is identified on Map 1H, Regional Urban Structure, of the ROP as a Secondary Regional Node. Secondary Regional Nodes are a type of Strategic Growth Area that are intended to be a focus for growth through mixed-use intensification at a scale appropriate for their context (82.1). The Region directs development with higher densities and mixed uses to Regional Nodes in accordance with the hierarchy of Strategic Growth Areas and based on the level of existing and planned transit service (82.2).

Opinion: the proposed development conforms with the Urban Area and Regional Urban Structure policies of the ROP as it consists of mixed-use intensification at a scale appropriate for its context. Subject to the provision of additional information to confirm conformity with Regional requirements, staff are satisfied that the proposed development conforms to the ROP.

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

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

As shown on Schedule B of the OP, the subject property is located within the Uptown Mixed-Use Centre. Within the Uptown Mixed-Use Centre, the subject property is designated “Uptown Commercial/Residential I”, as shown on Schedule F of the OP. This designation permits mixed-use development with a maximum building height of 35 metres and a maximum Floor Area Ratio of 2.5:1. Retail and service commercial uses are required on the ground floor along Appleby Line, and residential uses are to be located in the upper storeys. **In order to permit the proposed development, site-specific Official Plan amendments would be required to permit an increased height of 75.8 metres (including mechanical penthouse) and increased Floor Area Ratio of 5.2:1.**

2.5.1 Guiding Principles and Functional Policies

Part I, section 3.0 of the Official Plan outlines guiding principles for development in Burlington. These include:

(a) the creation of an attractive, liveable community that offers a wide range of housing, employment, transportation, and leisure opportunities for all;
(b) supporting a healthy, clean, and sustainable community including consideration for environmental, social, and economic factors, and compatibility;
(c) ensuring that the City's infrastructure and services are maintained or expanded at a level that is fair, realistic, and affordable;

(h) promoting the efficient use of land through intensification within appropriate areas of the City, in accordance with Provincial growth management objectives, while recognizing the need for balancing this objective with other planning considerations.

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

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

Part II of the Official Plan contains functional policies that apply City-wide.

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

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

Further discussion of sustainability criteria is provided in section 2.8.5 of this report, and discussion of compatibility is provided in section 2.5.2.

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

Sensitive land uses shall be protected from the impacts of vibration, noise, dust, and odours caused by transportation and industrial facilities, and vice-versa (2.7.n). The applicant provided an Environmental Noise and Vibration Feasibility Study with the original applications. This study was reviewed by staff at Halton Region and the City's Development Engineering team. Both Regional staff and Engineering staff identified additional information that should be provided by the applicant through an update to this study, prior to approval of planning instruments by the OLT.

Opinion: the application conforms to the noise impact policies of the Official Plan for the purpose of the subject applications for Official Plan and Zoning By-law Amendment, subject to provision of additional noise information prior to approval of planning instruments by the OLT.

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

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

Part II, section 2.11 of the Official Plan addresses Stormwater Management. A Functional Servicing and Stormwater Management report was provided with the original application and reviewed by staff at Halton Region and in the City's Development Engineering team.

Development Engineering staff provided advisory comments on matters that will need to be addressed at the Site Plan stage. Halton Region provides stormwater infrastructure within the Appleby Line right-of-way and provided detailed comments on requirements for stormwater servicing of the proposed development. The applicant will need to work with Halton Region staff to address these matters.

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

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

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

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

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

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

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

Part II, section 5.0 of the Official Plan provides policies for utility uses. The subject property is traversed by a pipeline corridor within an easement and is adjacent to a Hydro One corridor. The subject applications propose surface parking and landscaping on top of the pipeline and a relocated driveway to Upper Middle Road across the Hydro One corridor.

Parking lots may be permitted as a secondary use on utility corridors, where such uses are compatible with the existing surrounding uses (5.3.c). The proposed surface parking lot and driveway are compatible with surrounding uses and the parking area will be landscaped to minimize visibility from the public realm.

Setbacks for buildings and excavations abutting utility lands shall be specified by the City based on consultation with the appropriate utility. The subject applications were circulated to both Hydro One and Enbridge Pipelines for review. Hydro One did not provide comments. Enbridge Pipelines provided comments requiring the proposed underground parking garage to be removed from their right-of-way, and the applicant has made this change in their revised proposal. Enbridge is represented as a participant in the appeals of the subject applications and will need to confirm that its requirements have been satisfied.

Opinion: the subject applications conform to the utility policies of the Official Plan, subject to the applicant providing confirmation that the requirements of Enbridge and any requirements of Hydro One have been satisfied.

Part II, section 6.0 of the Official Plan provides policies for design. Preference will be given to design containing more compact forms of development that support higher densities, are pedestrian-oriented, and encourage increased use of public transit (6.3.e). Development shall be compatible with its surrounding area (6.5.a), buffered with appropriate landscaping (6.5.b), and create a pedestrian-scaled streetscape environment (6.5.c,d). Parking areas shall be located and designed to minimize their visual impact (6.5.g). Design Guidelines approved by City Council are considered to be city policy and shall be implemented for all development proposals (6.6c).

Detailed discussion of the design of the proposed development is provided throughout this report, in particular in sections 2.5.2 Intensification Criteria and in section 2.8 Urban Design Guidelines.

Opinion: the proposed development conforms with the design policies of the Official Plan as it is a compact, higher-intensity development that is pedestrian-oriented, transit-supportive, and compatible with its surroundings; it provides

adequate space for landscaping to be designed in detail through a future Site Plan application; most parking has been located at the rear and side of the property, and the parking abutting the hydro corridor has left room for landscaping to minimize visual impacts; and the proposed development satisfies the intent of applicable design guidelines.

2.5.2 Residential Development Policies and Intensification Criteria

All residential intensification in the City, including in mixed-use areas, is subject to the Intensification Criteria found in Part III, section 2.5.2 of the Official Plan. The proposed development has been evaluated in accordance with these criteria as discussed below.

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

Water and wastewater services are within the jurisdiction of Halton Region, who have party status in the appeals of the subject applications. Halton Region also provides stormwater infrastructure within the Appleby Line right-of-way, which is a Regional road right-of-way. Regional staff reviewed the subject applications and provided comments advising of the presence of water, wastewater, and stormwater infrastructure in proximity to the subject property. These comments identified technical and design matters to be addressed by the applicant, such as the possible need to extend local mains up from Ironstone Drive to avoid the need to connect directly to the trunk mains within Appleby Line. The applicant will be required to work with Halton Region to address their comments and enter into a Regional Servicing Agreement in order for the proposed development to go ahead.

The City's Development Engineering staff also reviewed the subject applications and provided comments on stormwater management. These comments did not identify any issues that would affect the approval of the subject applications but advised of detailed technical matters to be addressed through a future Site Plan application if the subject applications are approved.

Halton District School Board (HDSB) and Halton Catholic District School Board (HCDSB) reviewed the subject applications and provided comments confirming the availability of school accommodation for residents of the proposed development. In the case of HDSB, comments indicated that students from this development are expected to be accommodated within portables, and that specific school of attendance is not confirmed at this time due to potential changes to catchment area boundaries.

The subject property is located in proximity to existing parks and open space. Desjardines Park is an approximately 380-metre walking distance from the subject property, to the southeast. The Orchard Woodlot is located to the north, with the nearest trail access to this woodlot being an approximately 410-metre walking distance from the subject property.

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

ii. Off-street parking is adequate

The subject applications initially proposed an overall parking rate of 1.06 parking spaces per dwelling unit. Through the settlement offer, the revised proposed development provides an overall parking rate of 1.11 parking spaces per dwelling unit, for a total of 516 parking spaces on the site to serve the combined residential occupant, residential visitor, and retail parking needs of the site. This proposed parking rate requires Zoning By-law Amendments as it is a reduction from the rate required by the Zoning By-law for mixed-use developments in Uptown, as well as a reduction from the rate of 1.25 spaces per unit that the City has more recently adopted for apartment developments in Primary Growth Areas.

To support the proposed reduced parking rate, the applicant has proposed a Transportation Demand Management (TDM) strategy that includes measures to reduce the development's overall transportation and parking impacts by influencing the demand side of travel behaviour rather than simply providing additional parking supply which can lead to continued auto-dependence. The proposed TDM strategy is described above under section 1.4 Revised Proposal.

The settlement offer from the applicant outlines that in addition to implementing the TDM strategy, the applicant is agreeable to including a warning clause in the Agreement of Purchase and Sale for all units, and in the Condominium Declaration, advising purchasers of the parking constraints in the surrounding area and warning that overflow parking cannot be accommodated on the local street network.

Transportation staff have reviewed the proposed development in the context of the subject property and surrounding area, including with consideration for the ongoing Sheldon Creek Neighbourhood Traffic Management Study. As a result of this review, staff have determined that the proposed parking rate, in combination with the proposed TDM strategy, is acceptable for the proposed development on the subject property.

Opinion: this criterion is satisfied, as the proposed off-street parking supply will be adequate, subject to implementation of the Transportation Demand Management strategy and provision of warning clauses to purchasers as described above.

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

The subject property fronts on Appleby Line and has driveway access (ingress/egress) to both Appleby Line and Upper Middle Road. Both Appleby Line and Upper Middle Road are under the jurisdiction of Halton Region and are identified as Major Arterials in the City's Official Plan, Schedule J: Classification of Transportation Facilities. Due to the subject property's proximity to the intersection of Appleby Line and Upper Middle Road, both of the driveway accesses on this site are proposed to be limited to Right In, Right Out (RIRO) movements (i.e.: no left turns).

A Transportation Impact and Parking Study was submitted as part of the subject applications and reviewed by the City's Transportation staff as well as staff at Halton Region. Both City and Regional staff identified transportation concerns with the

proposed development including concerns with the methods, findings, and recommendations of the submitted Transportation Impact and Parking Study.

In particular, the City's Transportation staff expressed concerns with this study's trip generation analysis, proposed U-turn and weaving movements on Regional Roads, and recommended traffic impact mitigation strategy. Staff commented that additional and revised information, and a more comprehensive traffic impact mitigation strategy should be provided. Through without-prejudice discussions in spring 2023, culminating in the settlement offer, the applicant has addressed City staff's transportation concerns through the provision of additional and revised analysis and recommendations.

The new analysis indicates the proposed development will generate 147 automobile trips during the AM peak hours and 213 automobile trips in the PM peak hours. When compared with the existing gas station use on the property, which predominantly attracts pass-by trips, this represents a net increase of 117 new automobile trips in the AM peak and 169 new automobile trips in the PM peak.

Because the subject property will have only RIRO driveway access (i.e.: no left turns), the proposed development will result in additional cut-through traffic in the Sheldon Creek neighbourhood. Drivers wishing to enter the subject property from the north or east, and drivers wishing to exit the subject property to travel south or west, will be unable to make direct left turns to/from the site and therefore will need to navigate the local street network to reach their destination. In some cases, drivers may make U-turns at intersections along Appleby Line and/or Upper Middle Road. In other cases, drivers will circle the block using Imperial Way and Ironstone Drive, which are local streets within the Sheldon Creek neighbourhood. This is in fact the intended purpose for which Imperial Way and Ironstone Drive were originally planned through the Uptown Secondary Plan approved by Council in the 1990s. As stated in Part III, section 5.6.16 of the Official Plan,

> "(c) A collector ring road will link the four quadrants of the Appleby Line and Upper Middle Road intersection together… The purpose of the collector ring road is [to] provide an optional route to travel through the main intersection, thus reducing the demands on the intersection; and provide direct connections between the quadrants, at intersections which may be signalized, for all modes of transportation".

Imperial Way and Ironstone Drive form the eastern and southern segments of the Uptown ring road and are identified as Collector Roads in the Official Plan, Schedule J: Classification of Transportation Facilities.

City staff have reviewed the settlement offer and supporting materials with consideration for best practices and applicable policies, as well as consideration for the ongoing Sheldon Creek Neighbourhood Traffic Management study. As a result of this review, staff accept that the municipal transportation system can accommodate the increased traffic flows generated by the proposed development, subject to a mitigation strategy that includes Transportation Demand Management (TDM) and the provision of appropriate traffic calming measures within the Sheldon Creek neighbourhood.

As discussed in the context of parking above, the applicant has proposed a TDM strategy as part of the settlement offer, which has been reviewed and accepted by Transportation staff.

Transportation staff have also determined that in order to support the proposed development, it will be necessary for the applicant to provide additional traffic calming measures in the Sheldon Creek neighbourhood, over and above any traffic calming measures that have already been proposed as a result of the Sheldon Creek Neighbourhood Traffic Management study. To this end, the applicant has agreed to provide the City with securities in the amount of $150,000 to be used by the City to install six speed humps on streets within the neighbourhood, to maintain and monitor the effectiveness of the speed humps (for five years post full occupancy of the development), and to fund the installation if needed of additional traffic calming measures.

Staff are supportive of this approach to managing transportation impacts through TDM and traffic calming.

Opinion: this criterion is satisfied, as the proposed development has ingress and egress to two major arterial roads, and the municipal transportation system can accommodate the increased traffic flows, subject to a mitigation strategy that includes Transportation Demand Management (TDM) and the provision of appropriate traffic calming measures in the Sheldon Creek neighbourhood.

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

Existing northbound and southbound bus stops are located within 50 metres of the subject property, served by Burlington Transit route 11, which provides connections to the Appleby GO Station and the Dundas Street-Highway 407 carpool lot, both of which are serviced by GO Transit, Burlington Transit, and Oakville Transit.

There are also westbound and northbound bus stops for Burlington Transit route 12 within 300 metres of the subject property on Upper Middle Road. This route provides connections to Burlington GO Station, which is serviced by GO Transit and Burlington Transit.

The subject property is also located in proximity to planned/future transit service, as reflected in the City's new Official Plan (2020, subject to appeals) on Schedule B-2, Growth Framework and Long-Term Frequent Transit Corridors, which identifies Appleby Line as a Frequent Transit Corridor and Upper Middle Road as a Transit Support Corridor.

Opinion: this criterion is met.

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

The subject property is located at the central intersection of the Uptown Mixed-Use Centre. The existing neighbourhood context is described above in section 1.2 Site Description and Surrounding Context.

The subject applications propose development of a mixed-use residential and retail building comprising two tall towers of 22 and 17 storeys with a shared podium of 6 storeys. For detailed discussion of the design of this proposed development and its compatibility with its surroundings, refer to the Urban Design Guidelines analysis in section 2.8 of this report.

The scale and massing of the proposed development is compatible with the surrounding tall and mid-rise buildings to the south and east, and the wide right-of-ways to the west and north.

The height of the proposed 6-storey podium matches the height of the podium of the existing tall building to the south and existing mid-rise building to the east, creating a continuous 6-storey streetwall that wraps around the corner from Appleby Line to Upper Middle Road.

The proposed tower heights are appropriate for the site, with the taller 22-storey west tower establishing a height peak at the Uptown Centre's main intersection, and the 17-storey east tower establishing a gradual transition down to the existing 16-storey building to the south, 11-storey building to the southeast, and 6-storey building to the east. Tower height is discussed in greater detail in section 2.6.8 of this report, in the context of the height maximums of the City's new Official Plan (2020).

The siting of the towers and podiums allows for appropriate building separations and acceptable shadow and wind conditions, as discussed in detail in later sections of this report.

The setbacks and stepbacks of the proposed development allow for appropriate urban design as discussed in detail in section 2.8.2 of this report which contains analysis of the proposal in accordance with the Tall Building Guidelines.

The lot coverage of the proposed development is appropriate for urban intensification within a mixed-use centre.

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

The proposed amenity area of approximately 9 m^2 per residential unit is acceptable in the context of the surrounding area which includes open space in the Hydro One corridor immediately adjacent to the site, as well as Desjardines Park and the Orchard Woodlot trailhead within approximately 400 metres of the site.

Opinion: The proposed development is compatible with the existing neighbourhood character and aligns with the Official Plan's vision for intensification of the Uptown Mixed-Use Centre.

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

A Tree Inventory and Preservation Plan (TIPP) report and Tree Protection Plan drawing were submitted with the subject applications. This report indicates that 53 trees are located on the subject property, within the adjacent road allowance, or within 6 metres

of the property boundaries. No rare, threatened, or endangered tree species were identified.

The TIPP identifies:

- 33 trees that are located on the subject property, all of which are proposed to be removed.
- Four trees on neighbouring properties that are located within 6 metres of the subject property. All four of these trees are proposed to be preserved.
- Five street trees, consisting of:
    - two within the Appleby Line right-of-way, of which one is to be removed and one preserved.
    - three within the Upper Middle Road right-of-way, of which one is to be removed and two preserved.
- 11 trees within the Hydro One right-of-way adjacent to the subject property, of which ten are proposed to be preserved and one is proposed to be removed.

In total, 17 trees are proposed to be preserved and 36 are proposed to be removed. The two proposed street tree removals will require approval from Halton Region, as Appleby Line and Upper Middle Road are regional roads. For all trees to be preserved, the TIPP recommends mitigation measures to ensure their protection during construction of the proposed development.

The applicant also provided a Landscape Concept Plan as part of their applications. This concept plan identifies opportunities for new landscaping and tree plantings in the design of the proposed development. The applicant has set back their underground parking garage from the south and east property lines, which will allow for plantings abutting the two existing residential developments adjacent to the subject property. If the subject applications are approved, the detailed landscaping and planting plans will be developed during a future Site Plan application.

Opinion: the criterion is met. Staff are satisfied that private tree removals have been avoided where possible and that the proposed development leaves room for landscaping and the planting of additional trees and vegetation, to be designed in detail through a future Site Plan application. Removal of street trees will require the approval of Halton Region.

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

As discussed in detail in section 2.8.4 of this report, the proposed development complies with the City's Shadow Study Guidelines and Terms of Reference. Additionally, the revised proposal has resulted in reduced shadows on the neighbouring rooftop solar array when compared with the original proposal.

Opinion: this criterion is met.

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

The subject property is located at the centre of the Uptown Mixed-Use Centre, which is planned to be a complete community accommodating a mix of uses to provide for the needs of residents. A variety of retail, service commercial, and medical office uses are existing in walking distance of the subject property, including ground-floor retail and service commercial uses in the adjacent mixed-use building to the south, and large retail plazas located across the street on the west side of Appleby Line.

Appleby Ice Centre is located within 1.4km to the south on Appleby Line, accessible by Burlington Transit route 11 which stops within 50 metres of the subject property. Tansley Woods Community Centre is located approximately 1.6km to the west on Upper Middle Road, accessible by Burlington Transit route 12 which stops within 300 metres of the subject property.

The above-mentioned transit routes also provide connections to amenities in other parts of the City and transit connections to GO Transit services and Oakville Transit.

Opinion: this criterion is met.

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

The subject applications propose a mixed-use tall building, which is compatible with the adjacent existing mixed-use tall building to the south and residential mid-rise buildings to the east and southeast.

The proposed development includes an underground setback of 2.7m from the east and south lot lines, which allows space for landscaping to provide a buffer between the proposed development and adjacent existing developments. Above grade, the proposed buildings are sufficiently set back from the lot lines to allow adequate separation from neighbouring buildings.

The Hydro One corridor and arterial road right-of-ways to the north and west provide ample separation from developments on the opposite side of Upper Middle Road and Appleby Line.

As discussed in detail in section 2.8.3 of this report, pedestrian-level wind impacts of the proposed development have been assessed, and the proposed development satisfies the intent of the City's Pedestrian Wind Study Guidelines and Terms of Reference. Further wind impact analysis will occur at the future Site Plan application stage, and detailed wind mitigation strategies will be confirmed at that time.

As discussed under section 2.5.1 above, staff have reviewed an Environmental Noise and Vibration Feasibility Study for the proposed development and have identified the need to provide additional information through an update to this study.

Opinion: this criterion is met, subject to the provision of additional information related to noise impacts and mitigation needs prior to approval of planning instruments by the OLT.

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

The existing developments on neighbouring properties are relatively new and not expected to redevelop in the foreseeable future. The proposed development includes adequate setbacks to allow for appropriate building separation from the existing adjacent buildings as well as any proposed new adjacent buildings, in accordance with the City's Tall Building Guidelines.

Opinion: this criterion is met.

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

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

At the preconsultation stage, staff from the City, Region, and Conservation Halton (CH) advised the applicant that the subject property is located within an area currently being studied as part of CH's East Burlington Creeks Flood Hazard Mapping Study. The purpose of this study is to generate updated flood hazard mapping for the Sheldon Creek watershed and to define the extent of CH regulated areas. This study is not yet completed. If any new hazards or regulated areas are identified through the study, this will need to be addressed by the applicant at that time. Based on currently applicable mapping, the CH regulated area associated with Sheldon Creek is located over 100 metres to the east of the subject property. CH was notified of the appeals of the subject applications and did not seek party status.

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

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

Policy 2.11.3(g) requires that areas of natural hazard be dedicated to the City or appropriate public authority through the review of development applications. As discussed above, there are no known areas of natural hazard on the subject property.

Policy 2.11.3(m) relates to development in the Aldershot community and does not affect the subject property.

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

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

The subject applications propose non-ground oriented housing intensification. The subject property is located at the intersection of two major arterial roads at the centre of the Uptown Mixed-Use Centre. As discussed above, the proposed development is compatible with its surroundings as its built form, scale, and profile are well integrated with the existing neighbourhood and surrounding area. Through the settlement offer, the

applicant has revised the proposal to reduce the height of the east tower, so that the tallest building (west tower) is located adjacent to the intersection, and the east tower provides a transition to the existing mid-rise buildings to the east and southeast.

Opinion: this criterion is met.

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

2.5.3 Mixed-Use Centre Policies

Part III, section 5 of the Official Plan contains objectives and policies for the City's Mixed-Use Activity Areas, and in particular the Uptown Mixed-Use Centre within which the subject property is located.

Mixed-Use Activity Areas are intended to be focal points for the community activities that are characterized by a compact form of development, pedestrian orientation, greater accessibility to public transit, and higher-intensity development (5.2.2.d). A high quality of urban design is required in these areas (5.2.2.i) and the City may consider reduced parking standards in these areas to encourage greater reliance on non-automobile forms of transportation (5.2.2.l).

The subject property is located within the Uptown Mixed Use Centre. Mixed Use Centres generally permit a range of development intensities and building heights (5.4.2.c,d) and require transit-supportive and pedestrian-oriented designs (5.4.2.h). Reduced parking standards may be permitted to reflect the increased intensity of development and accessibility by transit and other modes of travel, and opportunities for shared parking may be explored (5.4.2.m).

The Uptown Mixed-Use Centre was planned as a focal point for north-east Burlington with more urban rather than suburban attributes (5.6.1.b). It is intended to be "an intersection-focused centre with the highest intensity of development immediately adjacent to the intersection of Appleby Line and Upper Middle Road. The intensity of development will decrease the further it is located from the intersection. However, there will also be spines of higher intensity uses along Appleby Line and Corporate Drive" (5.6.1.a). It is anticipated that development of Uptown into an urban area will occur gradually over the long term, and that flexibility is required in the design approach of any specific project, provided the City's objectives for the areas are achieved (5.6.2.c).

Development in Uptown must provide a safe, functional, and attractive pedestrian environment. This will be achieved through minimizing the visual impact of parking areas by controlling the amount of parking permitted in front of buildings, designing buildings with façade articulation to achieve a scale of development that is attractive to pedestrians, and providing pedestrian-oriented design including wider sidewalks and transit shelters on major roads (5.6.3.f). Buildings shall be constructed in close proximity to Appleby Line and Upper Middle Road (5.6.3.g).

Within the Uptown Mixed-Use Centre, the subject property is designated "Uptown Commercial/Residential I". This designation permits mixed-use development with retail or service commercial uses required at grade fronting Appleby Line and residential

development to be located above (5.6.4.e). The maximum permitted Floor Area Ratio is 2.5:1 and the maximum building height permitted is 35m (5.6.4.g).

The Hydro One and gas pipeline corridors are intended to generally remain undeveloped except for utility-related uses, trail systems, and landscaping features (5.6.15.b).

A collector ring road will link the four quadrants of the Appleby Line and Upper Middle Road intersection together and provide an optional route that reduces demands on the main intersection (5.6.16.c).

The proposed development conforms to the vision of higher-intensity, pedestrian-oriented, transit-supportive development, contributing to a range of heights and intensities of development in the Uptown Mixed-Use Centre.

The proposed development locates its tallest (22-storey) tower at the corner of Appleby Line and Upper Middle Road (south of the utility corridor), in conformity with the policy of locating the most intense developments at this intersection and making this intersection a focal point for Uptown and for northeast Burlington more generally. The proposed 17-storey east tower provides a transition to the less intense forms of development to the east and south, contributing to the planned gradual decrease in intensity further from the intersection.

The proposed development does not conform to the maximum Floor Area Ratio (FAR) of 2.5:1 or maximum height of 35m. Official Plan Amendments are required to permit an increased FAR of 5.2:1 and maximum height of 75.8m.

The proposed development provides surface parking over the gas pipeline corridor, between the proposed building and Hydro One corridor. Although this area is intended to remain mostly undeveloped, the placement of surface parking here is an efficient use of land that will contribute to the viability of the proposed retail units as the Uptown Mixed-Use Centre gradually transitions from a more suburban to a more urban location. In recognition of this gradual transition, Uptown objective 5.6.2(c) allows for flexibility in the design of specific projects provided that the City's objectives are achieved. Staff are of the opinion that with appropriate pedestrian infrastructure and landscaping to minimize visual impacts from Appleby Line and Upper Middle Road, surface parking can be supported above the gas pipeline between the proposed building and the Hydro One corridor, and can support the City's objective of providing viable retail uses at grade on this site. The revised proposed development shows space for wide sidewalks and a landscape strip around this surface parking area, the detailed design of which can be established through a future Site Plan application. All other surface parking and loading areas have been directed to the rear and side of the subject property where they are minimally visible from the public realm.

Opinion: Staff support the proposed Official Plan amendments to increase maximum Floor Area Ratio to 5.2:1 and maximum height to 75.8m for the subject property to permit the proposed development, on the basis that it conforms to the Official Plan policies and objectives promoting higher-intensity, urban, pedestrian-oriented, transit-supportive development at the intersection of

Appleby Line and Upper Middle Road which forms the focal point of Uptown and northeast Burlington.

OVERALL OPINION: As discussed above, staff are of the opinion that the requested Official Plan Amendments for Floor Area Ratio and height are supportable, as the proposed development satisfies the intensification criteria and other applicable policies, and conforms to the overall policy intent of the Official Plan, subject to the requirements for provision of additional information as identified above.

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

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Official Plan (new OP), which has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. While sections of the new OP are under appeal, the new OP reflects Council's vision and as such has been considered in staff's evaluation of the subject applications.

2.6.1 Urban Structure and Growth Framework

The subject property is located within a Mixed-Use Intensification Area as shown on Schedule B, Urban Structure, of the new OP. Specifically the subject property is located within the Uptown Urban Centre. This component of the Urban Structure is intended to continue to develop as an important destination for a wide variety of uses in north-east Burlington, including mixed uses, at higher intensity in a compact built form.

The City's Growth Framework identifies the subject property as being located within a Primary Growth Area, as shown on Schedule B-1. Primary Growth Areas are recognized as distinct areas accommodating the majority of the City's forecasted growth over the planning horizon of the new OP and beyond, and consequently will experience the greatest degree of change. They are regarded as the most appropriate and predominant location for new tall buildings and are priority locations for investments in transit and other types of infrastructure, including parks, to support population growth. Primary Growth Areas shall accommodate development that is compact, mixed-use, and pedestrian-oriented in nature.

Opinion: the proposed development complies with the Urban Structure and Growth Framework policies of the new OP as it consists of mixed-use development in tall buildings in accordance with applicable policies, within the Uptown Urban Centre, which is a Primary Growth Area.

2.6.2 Housing

The new OP encourages a mix of housing forms and requires the submission of a Housing Impact Statement for development proposals containing more than 100 dwelling units, to identify how the proposal contributes to achieving the Region of Halton housing targets and identify information about affordable housing thresholds and commitments. The applicant submitted a Housing Impact Statement as part of the original applications, which was reviewed by staff. This statement indicates that the proposed residential units are proposed to be offered at market rates and will contribute to increased housing supply at higher density. The unit mix of the revised proposal consists of 268 one-bedroom units (58% of total), 190 two-bedroom units (41%), and 5 three-bedroom units (1%).

Opinion: the proposed development complies with the housing policies of the new OP, as it contributes to increasing the supply and range of housing options within the Uptown Urban Centre, with a mix of unit sizes to accommodate a range of household types.

2.6.3 Noise, Vibration, and Site Contamination

Chapter 4 of the new OP contains policies requiring the protection of sensitive land uses from sources of noise, vibration, and other impacts, and vice versa. As discussed under section 2.5.1 above, the applicant submitted an Environmental Noise and Vibration Feasibility Study as part of their original applications, which was reviewed by staff at the Region and City. Staff have requested additional information to confirm compliance with noise requirements.

The new OP also requires the identification and remediation of site contamination through development applications. As discussed above under section 2.5.1, staff have reviewed Environmental Site Assessments for the subject property and confirmed the need for a Record of Site Condition.

Opinion: the proposed development complies with the noise/vibration and site contamination policies of the new OP, subject to the provision of additional information through an updated noise study, as well as site remediation and completion of a Record of Site Condition.

2.6.7 Utilities and Transportation

New development proposed on adjacent lands to existing infrastructure corridors should be compatible with and supportive of the long-term purposes of the corridor and should be designed to mitigate or minimize negative impacts on and from the corridor. (6.1.2.j). Setbacks for buildings and excavations in proximity to utility corridors or facilities shall be specified by the City based on consultation with the appropriate utility (6.3.2.c).

The proposed development protects and is set back from the adjacent pipeline corridor and Hydro One corridor, subject to confirmation from Enbridge and Hydro One that their requirements have been satisfied.

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 (6.2.3.2.f).

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

As discussed in other sections of this report, the applicant has agreed to provide a suite of TDM measures to support the proposed reduced parking rates of the proposed development. These TDM measures include the provision of a welcome packet to future

residents of the development with information about available transportation alternatives including cycling, walking, and transit.

Opinion: the proposed development complies with the utility and transportation policies of the new OP.

2.6.8 Uptown Urban Centre

The subject property is located within the Uptown Urban Centre, as shown on Schedule C, Land Use – Urban Area. Within the Uptown Urban Centre, the subject property is designated Uptown Core, as shown on Schedule E, Land Use – Uptown Urban Centre.

The objectives of the Uptown Core designation are:

a) to accommodate the highest intensity mixed-use development and tallest buildings in a compact built form in close proximity to the primary intersection at Appleby Line and Upper Middle Road;
b) to provide opportunities for a range of retail and service commercial uses, and public service facilities, in locations that meet residents' goods and service needs;
c) to protect the planned commercial function in Uptown Core lands;
d) to encourage new development in a more compact built form;
e) to encourage the development of surface parking lots and the intensification of under-utilized lands and buildings into complete communities;
f) to ensure that development of Uptown Core lands contributes to more walkable communities by providing an accessible and attractive pedestrian environment, and connections to adjacent residential neighbourhoods.

The Uptown Core designation permits mixed-use buildings with retail and service commercial uses at grade and residential uses above. Any proposed development shall retain the planned commercial function of the site.

The maximum Floor Area Ratio (FAR) is 3.5:1 but an increase to this FAR may occur through a site-specific Zoning By-law Amendment without requiring an amendment to the new OP, provided that the objectives of the Uptown Core designation are maintained.

The maximum building height is 20 storeys. While the original application proposed a tall building with two towers of 20 storeys, the revised proposal as presented in the settlement offer consists of a 22-storey tower and a 17-storey tower. The proposed 22-storey tower would require an amendment or modification to the new OP in order to be permitted.

Staff are of the opinion that the revised proposed development with tower heights of 22 and 17 storeys and Floor Area Ratio of 5.2:1 maintains the objectives of the Uptown Core designation and represents an improvement over the original proposal for the following reasons:

- The revised proposal locates the tallest building and most intense development at the intersection of Appleby Line and Upper Middle Road, establishing a new height peak for the Uptown Core at the focal intersection of the Uptown Centre;

- The proposed 17-storey east tower provides a transition from the height peak to the neighbouring 16-storey tall building to the south, 11-storey midrise building to the southeast, and 6-storey midrise building to the east, allowing for a more gradual transition from the higher to lower intensity areas of the Uptown Urban Centre, compared to the original proposal;
- The revised tower heights reduce shadow impacts on the neighbouring rooftop solar array compared with the original proposal (as discussed in greater detail in section 2.8.4 of this report);
- The different tower heights proposed on the subject property, with a difference of five storeys between them, create a more varied and dynamic skyline for the Uptown Core than the original proposal for two towers of matching heights, in accordance with the Tall Building Guidelines (as discussed in section 2.8.2 of this report);
- The 5.2:1 FAR maintains the objective of providing higher-intensity development in a compact form in the Uptown Core, while also maintaining the other objectives of providing space for retail and service commercial uses, protecting the planned commercial function of Uptown Core, intensifying under-utilized lands, and contributing to the development of more walkable, complete communities through pedestrian-oriented development.

Opinion: staff support the needed New OP amendment/modification to permit increased maximum building heights and the needed Zoning By-law amendments to permit increased maximum Floor Area Ratio on the basis that the revised proposal development is appropriate for the subject property, maintains the objectives of the Uptown Core designation, and complies with other applicable policies of the new OP, subject to provision of additional information to confirm compliance as described above.

2.6.9 Design Excellence

Chapter 7 of the new OP contains policies requiring development to have a high quality of urban design and to achieve compatibility with its surrounding context. This includes policies for the design of the public realm, design of the built form of proposed developments, sustainable design, and policies specifically for development in Primary Growth Areas.

A Planning Justification Report and Urban Design Brief were submitted with the original applications, and an addendum to these reports was provided as part of the settlement offer. Planning staff have reviewed these materials in accordance with the applicable policies and design guidelines.

As discussed in greater detail in sections 2.5 and 2.8 of this report, the proposed development provides an appropriate built form that is compatible with its surrounding context, locates loading areas to the rear of the property, provides space for landscape screening of visible surface parking areas, and provides a pedestrian-oriented streetscape and site design.

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

2.6.10 Official Plan Amendment Criteria

As discussed above, the proposed development requires an amendment or modification from the new OP to permit an increased maximum height of 22 storeys, whereas the Uptown Core designation sets a maximum height of 20 storeys. As set out in section 12.1.1(3)(i) of the new OP, the following criteria are applied to proposals to amend the new OP:

i. Consistency with the intent of the Urban Structure as outlined in section 2.3, The Urban Structure, of this Plan;
    a. **Opinion: this criterion is met as discussed in section 2.6.1 of this report.**
ii. In the case of a site-specific Official Plan Amendment, consideration of the relevant principles, objectives, and policies of this Plan, including the Growth Framework as outlined in section 2.4, the Development Criteria contained in subsection 12.1.2(2.2)c) of this Plan, and where applicable, the land use designation established on the site;
    a. **Opinion: this criterion is met as discussed in sections 2.6.1, 2.6.8, and 2.6.11 of this report.**
iii. Conformity or lack of conflict with Provincial and Regional Plans, policies, and legislation;
    a. **Opinion: this criterion is met as discussed in sections 2.3 and 2.4 of this report.**
iv. Consistency with the Provincial Policy Statement;
    a. **Opinion: this criterion is met as discussed in section 2.2 of this report.**
v. Compatibility with the surrounding area and proper integration with the surrounding neighbourhood or approved area-specific plan;
    a. **Opinion: this criterion is met as discussed in section 2.5.2 of this report.**
vi. In the case of a site-specific Official Plan Amendment, existing infrastructure and public service facilities such as parks are available and can accommodate the proposed use without costly expansion, upgrading or public investment that would require the deferral of other planned improvements to infrastructure and public service facilities, to the satisfaction of both the City and the Region of Halton;
    a. **Opinion: this criterion is met as discussed in section 2.5.2 of this report.**
vii. In the case of a site-specific Official Plan Amendment, consideration of the relationships of the subject site to the multi-modal transportation system;
    a. **Opinion: this criterion is met as discussed in section 2.6.7 of this report.**
viii. Whether the amendment, if approved, would establish an undesirable precedent;
    a. The proposed New OP Amendment/modification constitutes a minor increase of two storeys above the current maximum building height. As discussed in section 2.6.8 of this report, this height increase is justified and maintains the objectives of the applicable land use designation.

Accordingly, the proposed amendment/modification is not expected to establish an undesirable precedent.

b. **Opinion: this criterion is met.**

ix. Whether the amendment, if approved, would remove a significant barrier to development that would otherwise render the site undevelopable and/or underutilized;

a. The proposed amendment/modification would not remove a significant barrier to development that would otherwise render the site undevelopable; however, the proposed amendment/modification allows for the redistribution of building height and floor area on the site in a manner that allows for optimal utilization of the site in accordance with the objectives of the Uptown Core land use designation while also improving shadow impacts on neighbouring properties and improving urban design as discussed in section 2.6.8 of this report.

b. **Opinion: the intent of this criterion is met.**

x. Financial sustainability, in accordance with section 6.5, Financial Sustainability, of this Plan;

a. The proposed development is not of a scale that would trigger the requirement for a Financial Impact Study in accordance with section 6.5 of the new OP. Generally, the proposed development allows for intensification of an underutilized site within a Primary Growth Area, which contributes to more efficient and financially sustainable use of existing and planned infrastructure and services including transit.

b. **Opinion: this criterion is met.**

xi. "In the case of an Official Plan Amendment proposing residential uses in… the Primary Growth Area where an area-specific plan has not been completed…"

a. This criterion is not applicable as the subject property is located within a Primary Growth Area where an area-specific plan has been completed.

Opinion: the proposed New OP amendment/modification to permit an increase in maximum building height from 20 storeys to 22 storeys meets the new OP's criteria for evaluating Official Plan Amendments.

2.6.11 Development Criteria

Section 12.1.2(2.2) of the new OP requires all development applications to be reviewed against a set of development criteria. The proposed development satisfies all of the applicable development criteria identified in this section, on the basis of planning rationale that has been discussed in detail in other sections of this report.

Opinion: the subject applications satisfy all of the development criteria of the new OP.

OVERALL OPINION: Staff support the site-specific New OP amendment/modification to increase maximum building height for the proposed development from 20 storeys to 22 storeys, on the basis that the revised proposal development is appropriate for the subject property, maintains the objectives of the Uptown Core designation, and complies with other applicable policies of the new OP, subject to provision of additional information to confirm compliance as described above.

2.7 Zoning By-law

The City's Zoning By-law zones the subject property as UCR1-274 (Uptown Commercial/Residential I, with Exception 274). The UCR1 zone permits mixed-use development with a maximum building height of 35 metres, a maximum Floor Area Ratio of 2.5:1, and a maximum density of 185 units per hectare. Exception 274 contains site-specific regulations that relate to the existing gas station (motor vehicle service station) on the property. These existing zoning regulations conform to the Official Plan (1997, as amended).

The proposed development does not conform to the Zoning By-law and requires amendments in order to be permitted. Table 1 below summarizes the site-specific zoning amendments that are required to permit the revised proposed development, in comparison to the base requirements set out in the UCR1 zone. Exception 274 is not referenced in Table 1 as its regulations are specific to the existing motor vehicle service station on the site.

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

	UCR1 zone requirements	**Site-specific zoning amendments required to permit revised proposal**
Maximum building height	35 metres	75.8 metres
Maximum Floor Area Ratio	2.5:1	5.2:1
Maximum density	185 units per hectare	779 units per hectare
Minimum yard abutting a pipeline easement	7 metres	0 metres below grade, 2 metres above grade
Maximum yard abutting Hydro One corridor	10 m	21 m (due to presence of pipeline easement)
Minimum amenity area	20 m2 per apartment unit	9.2 m2 per apartment unit
Minimum overall parking supply	1.25 spaces per one-bedroom unit 1.5 spaces per two-bedroom unit 1.75 spaces per three or more bedroom unit 5 spaces per 100m2 gross retail floor area	1.11 parking spaces per residential unit
Minimum setback for below-grade parking structure	3 metres	0.1 metres (front setback) 2.7 metres (rear and side setback)

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

2.7.1 Parking space dimensions

The revised plans presented in the settlement offer currently show that 28 of the underground parking spaces are undersized, as they do not meet the minimum required area of a parking space. If the settlement offer is accepted by Council, staff will work with the applicant while developing the draft Zoning By-law Amendment to adjust the plans as needed to bring these parking spaces substantially into conformity with the Zoning By-law, minimizing the need for amendments related to parking space dimensions.

If it is necessary to approve site-specific amendments to allow any of the parking spaces to be smaller than the current zoning regulations require, the applicant has agreed to provide a warning clause on the Agreements of Purchase and Sale, and on the Condominium Declaration, advising purchasers of the reduced parking space sizes.

2.8 Urban Design Guidelines

The subject applications have been evaluated by staff in accordance with applicable urban design guidelines, as discussed below.

2.8.1 Uptown Mixed Use Centre Urban Design Guidelines (1994)

The Uptown Mixed-Use Centre Urban Design Guidelines were adopted in 1994 and apply to development within Uptown Burlington. The guidelines lay out a hierarchy of priorities for building placement and design that allow detailed design elements to be viewed within the context of the overall intent of the guidelines.

The guidelines identify Appleby Line and Upper Middle Road as Primary Urban Corridors. The intersection of these two streets is a Primary Intersection, which is intended to be the most urban in character compared with other intersections. Pedestrian circulation systems along Appleby Line and Upper Middle Road should be urban in nature with wide walkways.

The guidelines state that buildings at the corner of Primary Intersections should be built close to the property line and have street-oriented uses at grade, as well as having sufficient scale to act as a corner marker or gateway. The long face of a building should be oriented to frame the street. A residential lobby should have a demarcated entrance facing the street with a pedestrian link to the inner block pedestrian system. A limited amount of parking is provided for between the road and the buildings.

The proposed development provides street-oriented retail uses at grade in a mixed-use building of a scale that will establish a landmark or ‘corner marker’ built form. The podium frames Appleby Line and Upper Middle Road and the long face of the tower is oriented to face Appleby Line at a slight angle. The residential lobby has a front entrance on Appleby Line that is architecturally distinguished from the retail frontage, and a rear entrance at the rear of the property near the driveway access to Upper Middle Road. Two rows of parking are provided between the building and Upper Middle

Road and the Hydro corridor; these rows of parking are situated above a pipeline corridor that cannot be built over, so this is an efficient use of the land that will support the viability of the proposed retail units and be landscaped appropriately to minimize visual impacts from the public realm.

Opinion: the proposed development complies with the Uptown Mixed-Use Centre Urban Design Guidelines.

2.8.2 Tall Building Guidelines (2017)

Staff have reviewed the subject applications in accordance with the City's Tall Building Guidelines, which apply to buildings over 11 storeys in height. The Guidelines are broken down by the main components of a tall building: the building base (podium), building middle (tower), and building top.

In accordance with the Tall Building Guidelines, the building base (podium) of the proposed development:

- Is located to frame Appleby Line as well as the combined Hydro One and Upper Middle Road right-of-way;
- Has a podium height of six storeys, matching the podium height of the existing tall building to the south and the overall height of the existing mid-rise building to the east. This has the effect of reinforcing the existing streetwall, tying together the existing Appleby Line and Upper Middle Road built forms to create a continuous streetwall that wraps around the corner of the block.
- Has a podium height of less than 80% of the adjacent right-of-way widths.
- Sets back the proposed podium by 10.5m from the south property line and 10.9m from the east property line, allowing for separation distances of more than 11 metres between the proposed podium and existing adjacent buildings.
- Has a floor-to-ceiling height of more than 4.5m for the ground-floor retail spaces.
- Clearly distinguishes residential entrances from retail entrances.
- Is adequately articulated (final design details to be established through future Site Plan application).
- Locates loading and servicing areas at the back of the site, screened from the street.

The above aspects of the podium comply with the Tall Building Guidelines.

The podium of the proposed development differs from the Tall Building Guidelines insofar as it includes projecting balconies on storeys 2-6, whereas guideline 2.4(m) calls for inset or Juliette balconies within podiums (except on the north frontage facing Upper Middle Road, where balconies are inset). However, storeys 2-6 of the proposed podium are stepped back from the ground floor and the proposed balconies do not project beyond the front wall of the ground floor. The proposed development therefore satisfies the intent of this guideline.

With respect to the building middles (towers), the proposed development:

- Provides a gradual transition to the surrounding area, with the west tower establishing a height peak of 22 storeys at the intersection of Appleby Line and

Upper Middle Road, and the east tower having a height of 17 storeys to provide a transition to the existing midrise buildings to the east and southeast.
- Provides a tower separation of 25 metres
- Provides slender towers with floorplates of approximately 750m2
- Sites the towers in a manner that adequately minimizes shadow and wind impacts on the surrounding area
- Provides balconies that project a maximum of 1.5m from the tower on the Appleby line frontage and east (rear) frontage, and slightly greater projections of 1.8m on the north and south sides where there is greater separation from the public realm and neighbouring developments.
- Provides an articulated tower design (detailed design to be established through a future Site Plan application).

The above aspects of the towers comply with the Tall Building Guidelines.

Guidelines 3.1(d) and (e) call for a stepback of at least 3m from the podium to the tower, but allow for up to 20% of a tower to extend to the podium edge with no stepback.

The proposed development provides two stepbacks: one above the ground floor where the retail component of the podium transitions to the residential portion of the podium above, and a second stepback above the 6th floor where the podium transitions to the tower. On the Appleby Line frontage, the podium is parallel to the property line while the west tower is rotated slightly out of alignment with this line. Because of this alignment, at the northerly end of the Appleby Line frontage, nearest the intersection, the stepbacks are approximately 0 metres above the ground floor and 1.5m above the 6th floor. At the southerly end of the Appleby Line frontage nearest the neighbouring building to the south, the stepbacks are 4.3m above the ground floor and 1.5m above the 6th floor for a combined stepback of 5.8m from ground floor to tower.

Stepbacks on the frontage facing north towards Upper Middle Road are approximately 2.3m and are mitigated by the separation from Upper Middle Road created by the pipeline and Hydro One corridors.

The proposed towers are stepped back 4m from the ground floor on the east frontage facing the neighbouring midrise building. On the south frontage facing the neighbouring tall building, stepbacks range from 0m to 9.5m

The variable stepbacks of the proposed development differ from the 3m standard established in the Tall Building Guidelines but satisfy the intent of the guidelines by pulling the tower back from the streetwall and limiting the areas where no or minimal stepbacks are provided to less than 20%. This design does not result in unacceptable wind or shadow conditions, and will be visually mitigated by the adjacent wide right-of-ways.

With respect to the building tops, the proposed development complies with the Tall Building Guidelines by:

- Distinguishing the building tops from the building middles (towers)
- Contributing to the buildings being recognizable landmarks at the corner of Appleby Line and Upper Middle Road
- Screening rooftop mechanical equipment.

Detailed design will be finalized through a future Site Plan application.

Opinion: the proposed development generally complies with the Tall Building Guidelines. Where the proposed design does not fully comply with the guidelines, it satisfies their intent.

2.8.3 Pedestrian-Level Wind Study Guidelines (2020)

The applicant provided a Pedestrian Wind Study, prepared by SLR and dated May 31, 2022, as part of their original applications. As part of the settlement offer, the applicant provided a Wind Study Addendum Letter, prepared by SLR and dated June 15, 2023. These materials were reviewed by staff in accordance with the City's Pedestrian-Level Wind Study Guidelines and Terms of Reference.

The original Pedestrian Wind Study included a Wind Tunnel Test as required by the Guidelines. This study identified that under existing conditions, some areas in the vicinity of the subject property already experience uncomfortable and in some cases unsafe wind conditions in the winter months. The study finds that the proposed development will result in comfortable wind conditions on the subject site and surrounding area in summer. In winter, the proposed development will include uncomfortable conditions in some areas, particularly in those exposed to the Hydro One corridor and Appleby Line. The study also identifies two areas on site and two areas on the west side of Appleby Line that will exceed the wind levels considered safe (one of which already exceeds the safe level under existing conditions). These identified uncomfortable and unsafe areas will require mitigation to achieve suitably comfortable and safe conditions for their proposed use. The Pedestrian Wind Study recommends mitigation measures to achieve this objective, which include the installation of wind screens at strategic locations on the subject property. The detailed design of wind mitigation measures will occur at the future Site Plan application stage.

The Wind Study Addendum Letter indicates that the design revisions that were made as part of the settlement offer will have minimal influence on the wind impacts that were identified in the original Wind Study. The design revisions of the settlement offer include the introduction of a 2.2m tall wind screen along the edge of the proposed rooftop amenity area, and the Addendum Letter indicates that this measure will eliminate unsafe conditions and improve comfort conditions in this rooftop area.

The Wind Study Addendum Letter states that additional mitigation measures can be introduced through a future Site Plan application to further improve wind conditions on the subject site and in the surrounding area. Staff will require the submission of a full revised Pedestrian-Level Wind Study as part of a future Site Plan application.

Opinion: the submitted wind study and addendum indicate that the proposed development satisfies the intent of the Pedestrian Level Wind Study Guidelines and Terms of Reference for the purpose of the subject applications for Official Plan Amendment and Zoning By-law Amendment. A revised study will be required at the future Site Plan application stage to further assess wind impacts of the revised proposal and to establish the detailed design of required wind mitigation measures.

2.8.4 Shadow Study Guidelines (2020)

The applicant provided a Shadow Study, prepared by RAW Designs and dated May 31, 2022, as part of their original applications. As part of the settlement offer, the applicant provided a Revised Shadow Study, prepared by RAW Designs and dated June 15, 2023. These materials were reviewed by staff in accordance with the City's Shadow Study Guidelines and Terms of Reference.

The Shadow Study Guidelines and Terms of Reference provide measures for the assessment of shadow impacts from proposed development and identify standards to determine what constitutes an acceptable or unacceptable shadow impact. Standards are provided for impacts on various contexts, including Private Outdoor Amenity Spaces, Parks and Open Spaces, and the Public Realm and Sidewalks. All of these contexts are present in the vicinity of the subject property and shadow impacts on them have been assessed in the submitted studies.

With respect to Private Outdoor Amenity Spaces, the original Shadow Study indicates that the proposed development will allow for a Sun Access Factor of 0.54 on neighbouring ground-level amenity spaces and 0.47 on neighbouring rooftop amenity spaces, both of which exceed the minimum threshold of 0.22.

With respect to Parks and Open Spaces, the proposed development does not cast any shadows on the nearby Desjardines Park or Orchard Woodlot. The original Shadow Study indicates a Sun Access Factor on Desjardines park is 0.99, which accounts for both existing and proposed shadows, and exceeds the minimum threshold of 0.5.

With respect to Public Realm and Sidewalks, the original Shadow Study indicates that the sidewalk and boulevard on the opposite side of Upper Middle Road is proposed to have a Sun Access Factor of 0.79, which exceeds the minimum threshold of 0.5. The proposed development also does not cast any shadows on the sidewalk/boulevard on the opposite side of Appleby Line.

The Revised Shadow Study submitted as part of the settlement proposal provides updated shadow drawings to reflect the revised proposal but does not include updated Sun Access Factor calculations. However, based on review of the updated drawings, staff are satisfied that compared with the original proposal, the revised proposal:

- Has similar shadow impacts on Private Outdoor Amenity Spaces;
- Continues to cast no shadows on Parks and Open Spaces;
- Has similar shadow impacts on the sidewalk and boulevard on the north side of Upper Middle Road;
- Continues to cast no shadows on the sidewalk and boulevard on the west side of Appleby Line.

Staff are therefore satisfied that the proposed development complies with and meets the intent of the Shadow Study Guidelines and Terms of Reference for the purpose of the subject Official Plan Amendment and Zoning By-law Amendment applications.

Through public consultation on the subject applications, several members of the public identified concerns that the proposed development will cause shadow impacts on a private solar panel array located on the rooftop of the neighbouring six-storey building on the property to the east, adjacent to the Hydro One corridor at 1980 Imperial Way.

The City of Burlington does not have policies or guidelines in place to protect private solar panel arrays from shadows caused by development. Nonetheless, these concerns were communicated to the applicant.

The revised proposal as presented in the settlement offer includes revised building heights: whereas previously two towers of 20 storeys were proposed, currently the west tower is proposed to be 22 storeys and the east tower is proposed to be 17 storeys. The effect of this change is that the tallest building is located further away from the neighbouring buildings, and the shadow impacts on the roof of 1980 Imperial Way, where the solar array is located, are reduced. Based on the Revised Shadow Study, staff observe that the revised proposed development casts less shadow on the roof of 1980 Imperial Way in March and September when compared with the original proposal. The March and September shadows cover approximately one third of this rooftop at their greatest extent from approximately 3:00 to 4:00 PM. In June, the revised proposal casts negligible shadows on this roof, with minimal or possibly no impact on the solar array. In December, when the sun is at its lowest and shadows at their longest, the revised proposed development continues to cast shadow on the entire roof of 1980 Imperial Way in the afternoon (approximately 2:00 to 3:00 PM). Due to the location of 1980 Imperial Way immediately northeast of the subject property, afternoon shadow impacts in December may be unavoidable for any tall building proposal.

Opinion: the proposed development complies with the City's Shadow Study Guidelines and Terms of Reference, as it meets quantitative standards for acceptable shadow impacts on Private Outdoor Amenity Spaces, Parks and Open Spaces, and the Public Realm and Sidewalk. Additionally, although the City does not have guidelines or policies that limit shadow impacts from development on private solar panel arrays, staff note that the revised proposal represents an improvement over the original proposal by reducing the amount of shadow cast on existing neighbouring solar panel arrays.

2.8.5 Sustainable Building and Development Guidelines (2021)

The Sustainable Building and Development Guidelines are intended to encourage sustainable design approaches through Planning Act applications, including in relation to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, maintenance, monitoring, and communication. The guidelines are structured as a checklist with a mix of required and voluntary sustainability measures. Some of the checklist items are implementable at the Official Plan Amendment and Zoning By-law Amendment application stage, while many are implementable at later, more detailed design stages through Site Plan applications and Building Permit applications.

Guidelines applicable at the OPA/ZBA stage include guidelines for the provision of pedestrian and cycling connections within and between the private and public realms, providing bicycle parking for residents and visitors, providing Transportation Demand Management (TDM) measures, minimizing impervious surfaces on site, and providing vegetated landscape areas.

The applicant provided a checklist with their original applications, indicating how the Sustainable Building and Development Guidelines had been implemented in their proposed development.

The subject applications were circulated to the City's Sustainable Development Committee (SDC), who provided comments on the application, indicating that SDC is supportive of the general form and function of the proposed development and recommends the inclusion of additional sustainability measures. These comments have been forwarded to the applicant to inform the future detailed design work at the Site Plan application stage.

The proposed development provides pedestrian connections within the site and connecting to the adjacent public realm, provides bicycle parking spaces for residents and visitors, and provides TDM measures as described in other sections of this report. The proposed development includes east and south setbacks that allow space for tree planting, and the applications included a Landscape Concept Plan that indicates room for vegetated landscape areas. The detailed landscape design will be developed through a future Site Plan application.

Opinion: the proposed development complies with the Sustainable Building and Development Guidelines for the purpose of the subject Official Plan Amendment and Zoning By-law Amendment applications.

3.0 Technical Review

The original applications were circulated to internal departments and external agencies for review. Written responses to the technical circulation were received from Halton Region, Enbridge Pipelines, Halton Catholic District School Board (HCDSB), Halton District School Board (HDSB), Halton Regional Police Service (HRPS), Rogers Communications, and the following City departments: Transportation, Development Engineering, Zoning, Accessibility, Finance, Fire, and Recreation Community and Culture (RCC). Comments were also received from the City's Sustainable Development Committee.

As noted throughout this report, there are some technical studies that will need to be revised and completed to the satisfaction of the City and Halton Region to reflect the revised development proposal. Staff would recommend to the Ontario Land Tribunal that, should the Tribunal approve the proposed development through a settlement or contested hearing, the Tribunal's order approving the development should be withheld until these additional items are completed to the satisfaction of the City and Region. Once this is completed, the Tribunal would issue its order.

4.0 Conclusion

The subject applications have been reviewed in accordance with applicable Provincial, Regional, and City planning policies and guidelines. The revisions made to the proposal have resulted in an improved development concept from a functional and design perspective.

The revised proposal slightly reduces the intensity of the proposed development relative to the original application, while still achieving the objective of intensifying underutilized lands within a strategic growth area. The revised proposal changes the built form of the proposed development but still maintains compatibility with the surrounding context. Changes to the site plan have allowed additional space for landscape buffers and streetscaping, which will contribute to a high quality of urban design to be developed in detail through a future Site Plan application. The revised proposal also slightly increases the proposed amount of amenity space per dwelling unit, to a degree that is acceptable to Planning staff for the specific context of the subject property.

The revised proposal increases the parking supply compared to the original application. Although the revised proposed parking rate is still a reduced rate compared to the City's Zoning By-law requirements, the revised proposed parking rate is supported by the provision of Transportation Demand Management measures and is acceptable to staff for the proposed development on the subject property. Additionally, the revised proposal provides for traffic calming in the Sheldon Creek neighbourhood, which mitigates the development's transportation impacts on the local street network.

Overall, the proposed development as revised provides a mix of uses within a compact built form; is compatible with its surroundings; contributes to achieving a more walkable, complete community; is transit-supportive; makes efficient use of existing and planned transportation infrastructure, including through the use of transportation demand management; and contributes to increasing Burlington's housing supply and providing a range and mix of unit types to accommodate a variety of household types.

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

Staff are satisfied with proceeding by way of a settlement hearing before the Ontario Land Tribunal for the revised proposal, subject to a recommendation that the Tribunal withhold its order on any settlement decision or planning instruments until the additional technical studies and information requested by the City and Halton Region are provided to the satisfaction of the City and Halton Region.

Respectfully submitted,

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Community Planning Department

City of Burlington

Appendix 1: Existing Zoning Sketch

