

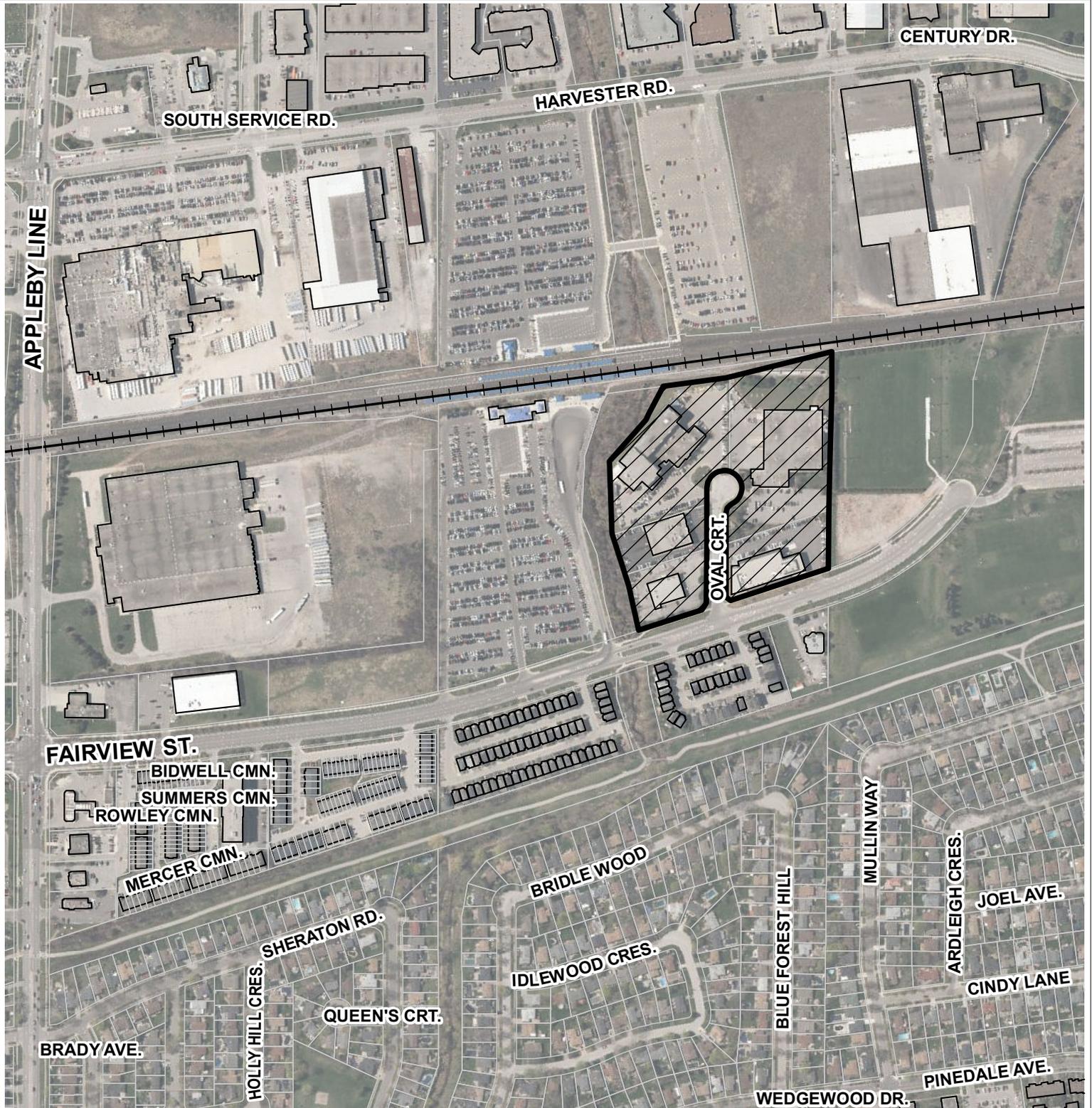


# LOCATION PLAN

Applications to permit a mixed-use, phased development consisting of high-density residential, office, community and commercial uses. A total of eight (8) towers are proposed, ranging in height from 11 to 30 storeys with 1,996 residential units and approximately 12,500 m2 of retail, office, daycare and library uses.

 SUBJECT PROPERTY

File Nos. 505-03/21 & 520-04/21





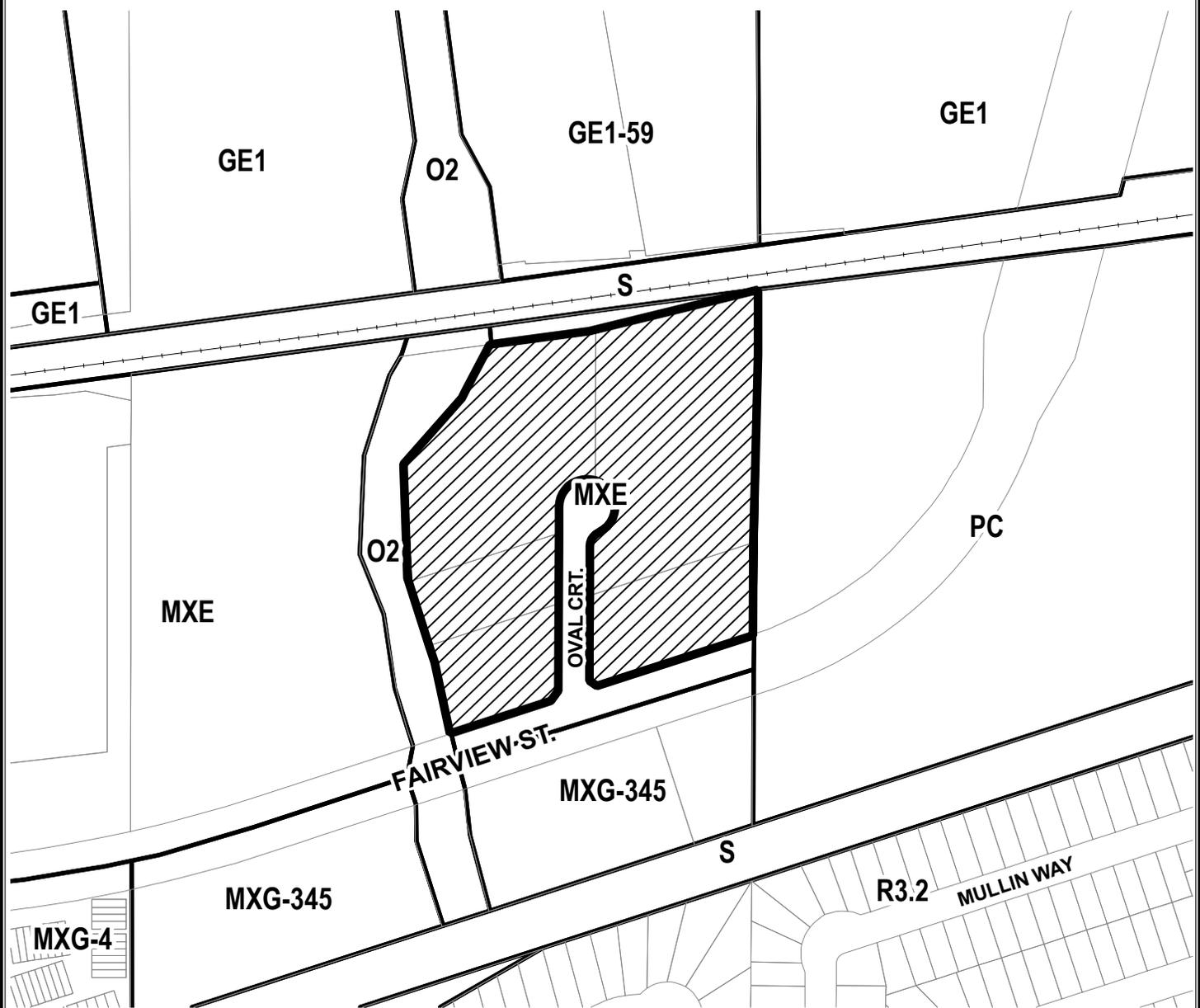
# EXISTING ZONING

Applications to permit a mixed-use, phased development consisting of high-density residential, office, community and commercial uses. A total of eight (8) towers are proposed, ranging in height from 11 to 30 storeys with 1,996 residential units and approximately 12,500 m2 of retail, office, daycare and library uses.



SUBJECT PROPERTY

File Nos. 505-03/21 & 520-04/21



## GENERAL ZONING LEGEND

Low Density	Medium Density	High Density	Mixed Use	Commercial	Employment	Other
R3.2			MXE MXG		GE1	O2 PC S

# CONCEPT PLAN



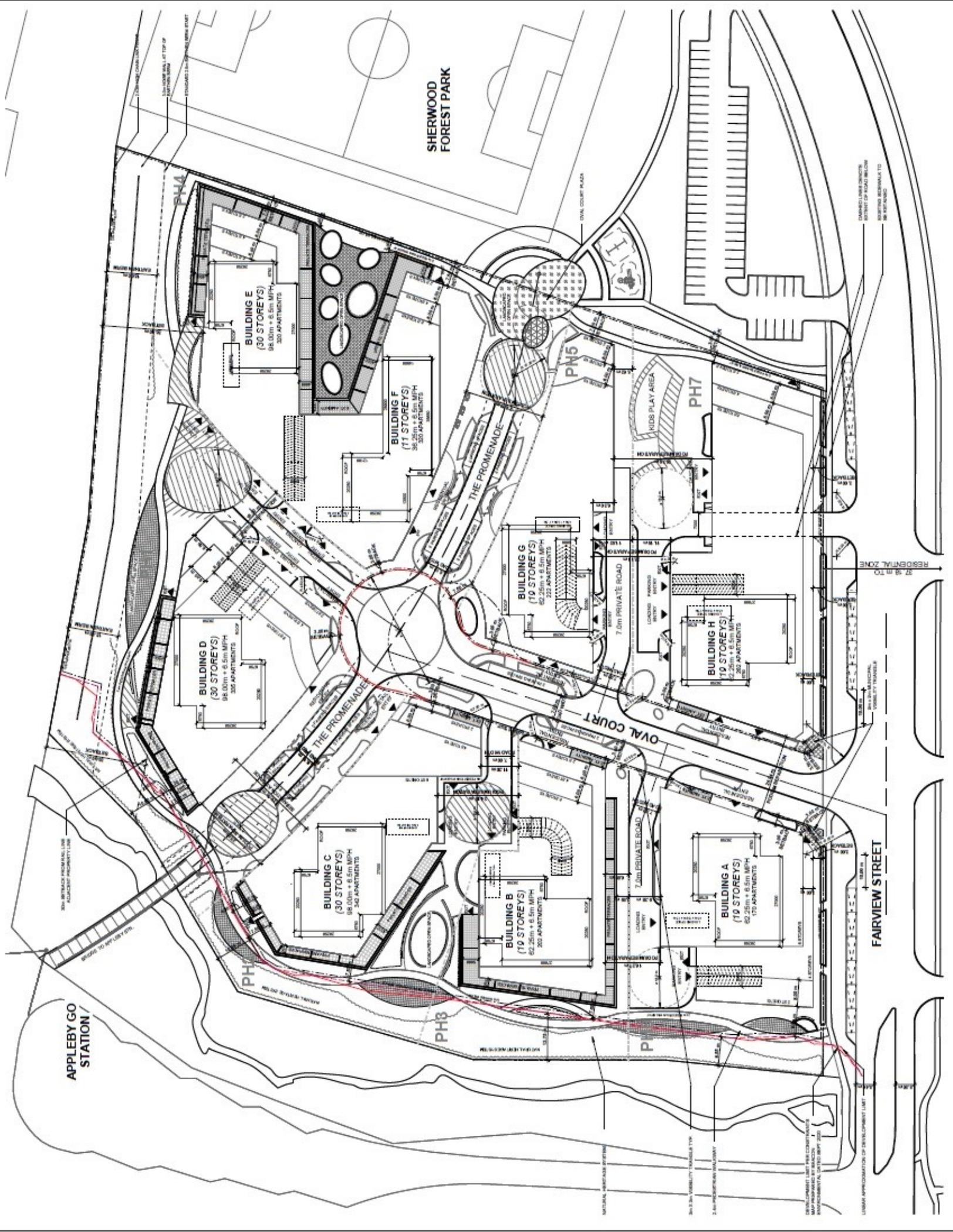
Applications to permit a mixed-use, phased development consisting of high-density residential, office, community and commercial uses. A total of eight (8) towers are proposed, ranging in height from 11 to 30 storeys with 1,996 residential units and approximately 12,500 m<sup>2</sup> of retail, office, daycare and library uses.

- |   |   |  |
|---|---|--|
|  SUBJECT PROPERTY |  2 STOREYS |  11 STOREYS |
|  Bus Route        |  4 STOREYS |  19 STOREYS |
|  Bus Stop        |  6 STOREYS |  30 STOREYS |

File Nos. 505-03/21  
& 520-04/21



# SHERWOOD FOREST PARK

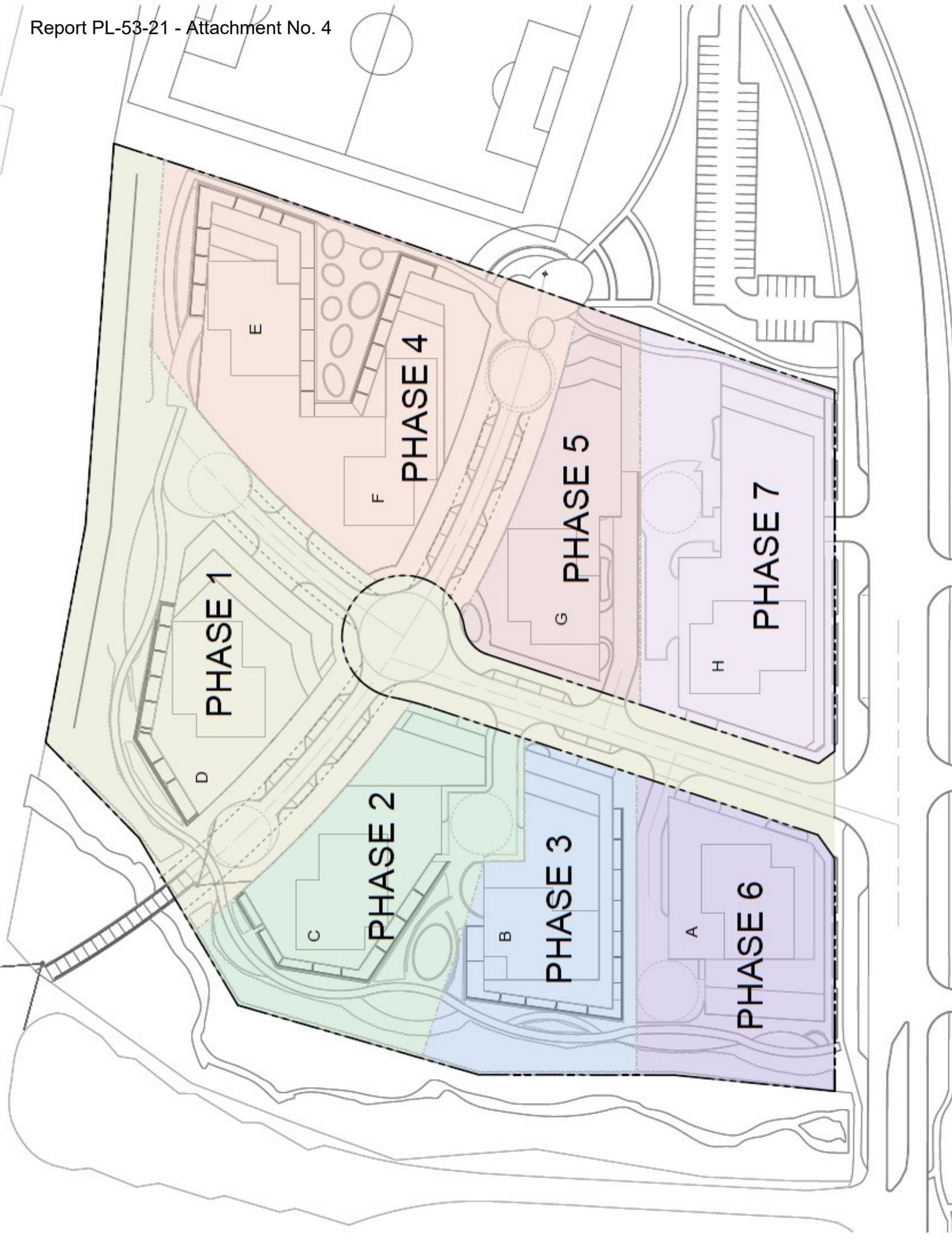


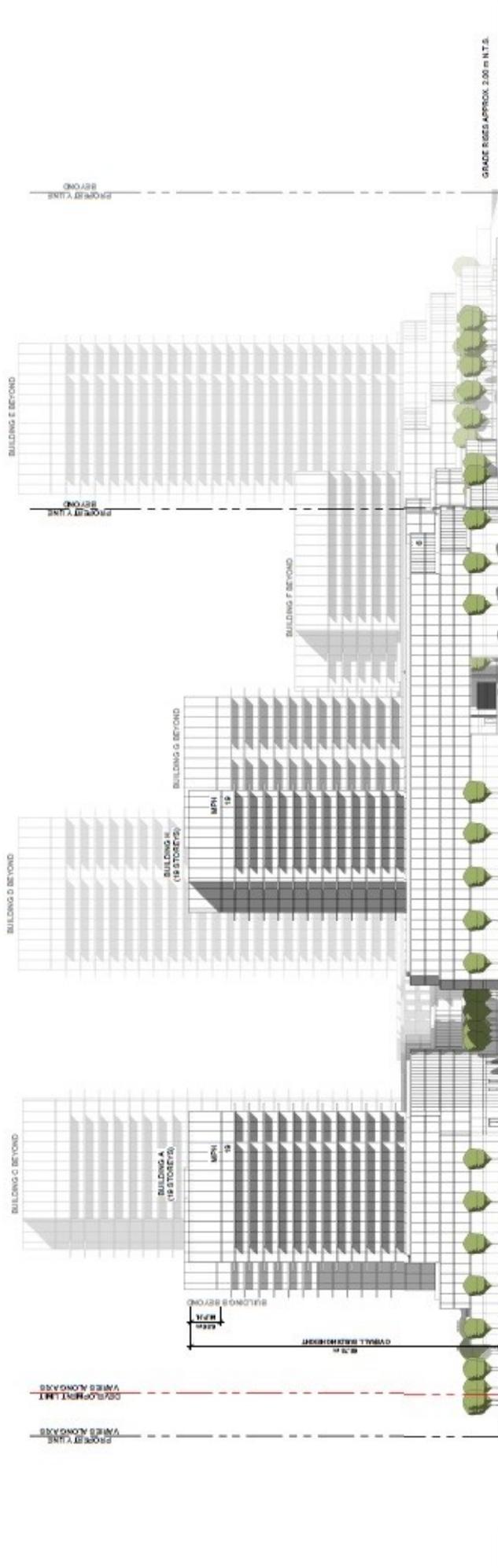
APPLEBY GO STATION

FAIRVIEW STREET

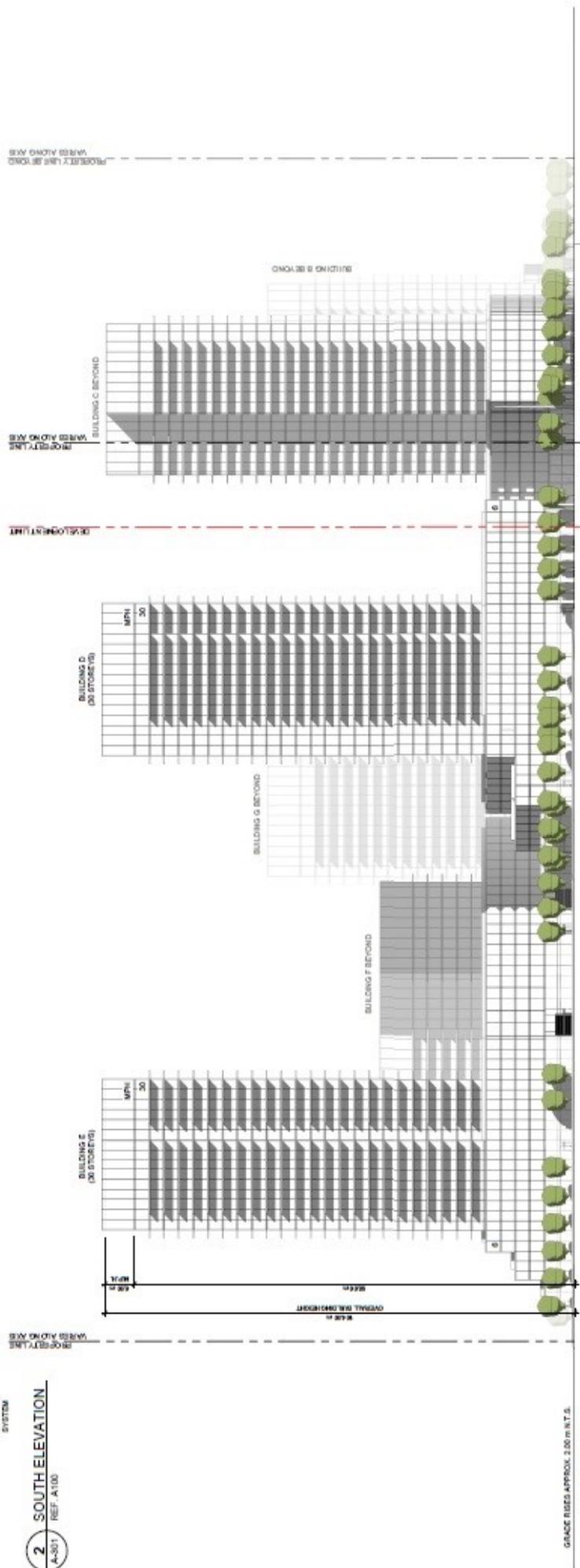
DEVELOPMENT LIMIT LINE  
CONTRACTOR'S PROPOSED DEVELOPMENT  
MARCH/APRIL 2023

DRAWN: LARA BROWN  
CHECKED: JAMES BROWN  
DATE: 15/04/2023

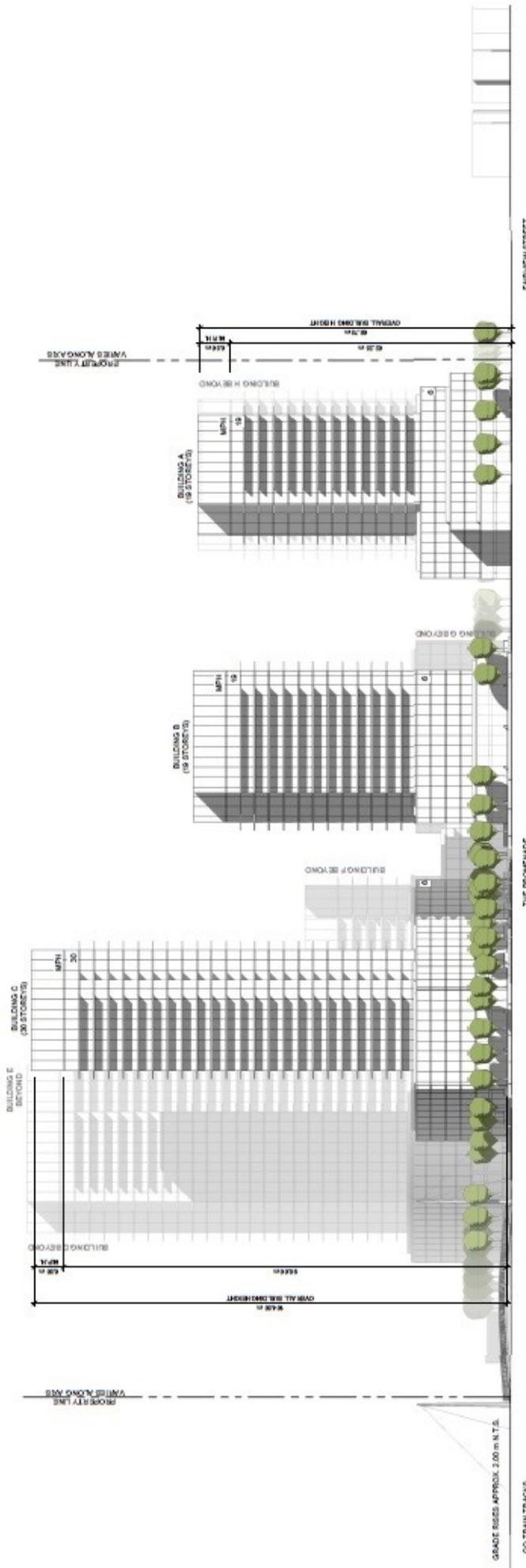




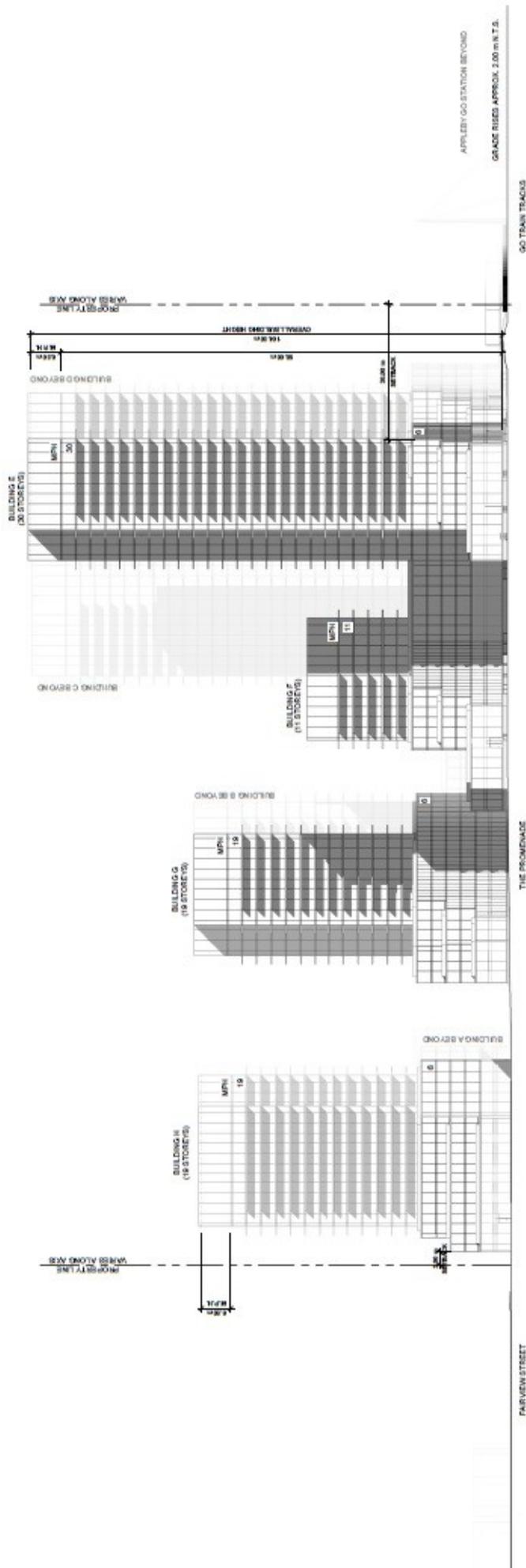
**2 SOUTH ELEVATION**  
A-301 REF. A100



**1 NORTH ELEVATION**  
A-301 REF. A100



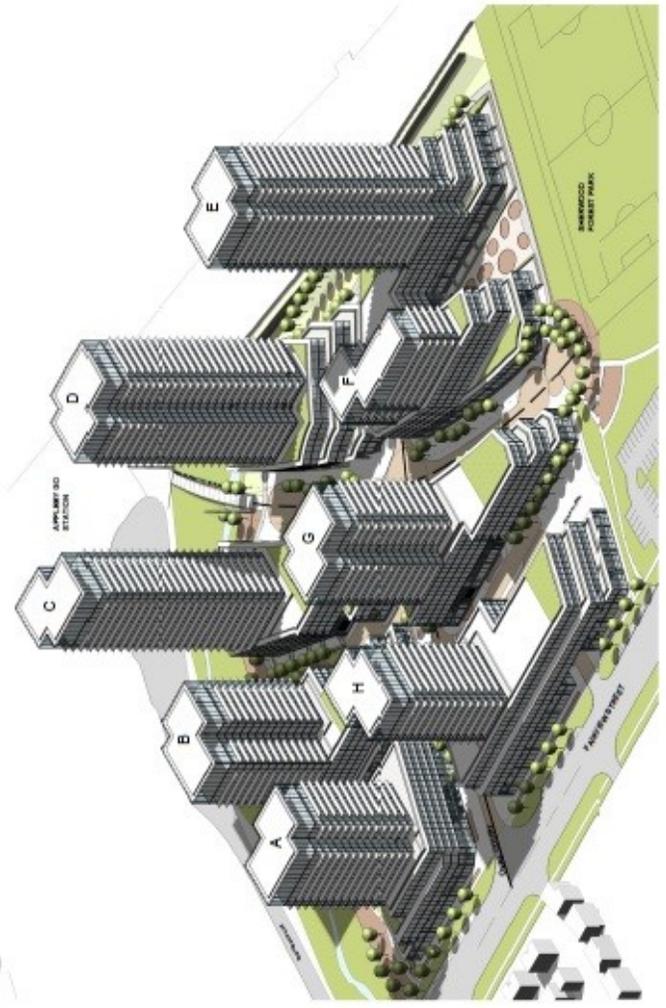
**2 WEST ELEVATION**  
A-302 REF. A100



**1 EAST ELEVATION**  
A-302 REF. A100



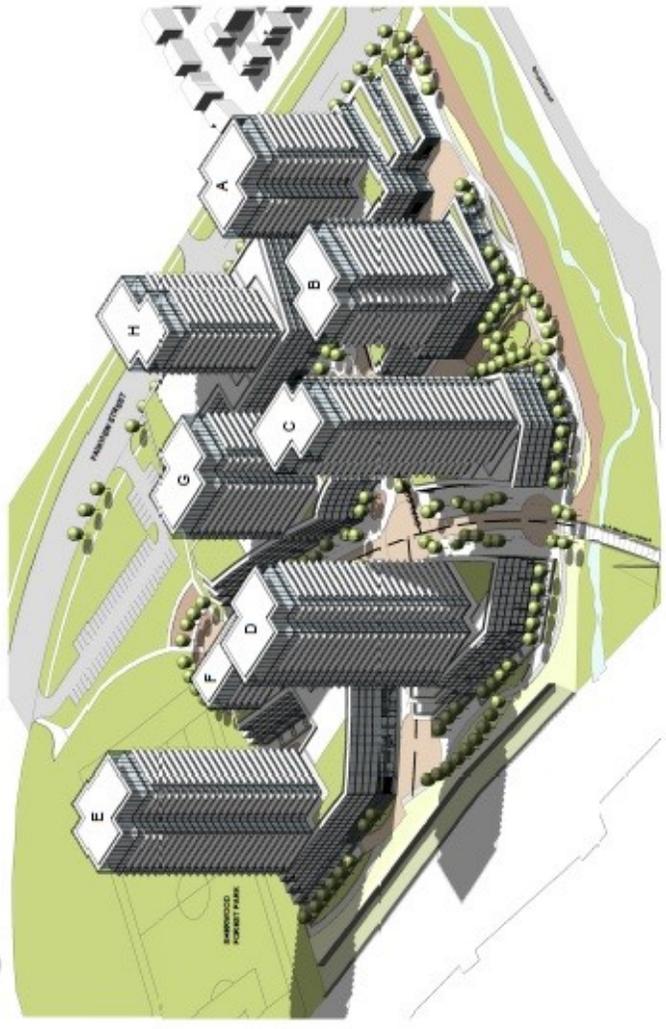
1 MASSING MODEL (NORTH)  
A-501



3 MASSING MODEL (EAST)  
A-501



2 MASSING MODEL (SOUTH)  
A-501



4 MASSING MODEL (WEST)  
A-501

#	Contact Information	Comments	Date Received
1	Lehman & Associates ██████████ Kempenfelt Drive Barrie, ON ██████████ ████████████████████	Correspondence Attached	5/19/2021
2	Alex Nudmanov Burlington, ON ████████████████████	I'm against the project attached herein.	6/25/2021
3	Olena Yonenko Burlington, ON ████████████████████	We are residents of the neighbourhood and we are against this project!	6/25/2021
4	Andrew Walker ██████████ Fairview Street Burlington, ON ██████████ ████████████████████	I'd like to raise my objection to the proposed development near Sherwood Forest Park. I'm an original owner of a property at ██████████ Fairview Street (18 years), and feel this project would change the unique character of this neighbourhood for the worse. Part of the charm of living on a dead-end street with a park is the relative quiet and solitude it provides. As someone who has taken many GO trains from the station across the street, I originally choose this area to live in because contrasts the chaos I'd see in Toronto every day. As residents here, we understand the busy times of day when Appleby Go Station is bustling, but adding a large residential area would make the traffic a nightmare, made worst by the fact there's only one direction out of the area. I also believe that adding a 30-story building will downgrade the natural beauty of the park, and stick out like sore thumb where no other tall buildings exist. Additionally, there could be effects on the property values on our properties given the sudden change in population density and traffic in the area. I know I would've thought twice about living here if this proposal already existed.	6/28/2021
5	Charlene & Kim MacKenzie ██████████ Fairview Street Burlington, ON ██████████ ████████████████████	I am not opposed to new development, I realize the need for affordable housing in today's markets and although I have an opinion that this area is probably not the best location to consider if some steps were taken by the developer perhaps it might be a location considered. I have lived in the condo building on ██████████ Fairview Street since 2007 and most of the time the traffic in the area is good. I would say 99% of the traffic exiting onto Fairview from any of the residential locations east of Appleby Line have to make a left turn. Since the pandemic which is going on two years now it has been relatively easy to make a left hand turn from the area. When the Appleby go south location is full and back in full operation which will come once the pandemic slows down, more people travel back to their work locations, it becomes almost impossible to make a left hand turn onto Fairview from the hours of 5 – 6 pm when the go is emptying during those times. If the developer is prepared to build access to Harvester over the railroad track and only if that can become possible should this development be considered. Adding almost 2000 residences and work locations increasing traffic flow from Appleby going east onto Fairview which is not designed to handle the increase would be foolish. Please consider some other alternatives.	6/24/2021
6	Dawn Herrera Burlington, ON ████████████████████	I am a resident of Burlington in the Appleby and Fairview Street area. I have been reviewing information regarding the Branthaven high density project. Could you please tell me when the next public meeting is scheduled? I am very much concerned about the high density and its impact on all current services: roads, parks, schools, transit in the City of Burlington, especially since it is not the only residential project in the works. I have seen what some of those high density projects have done to cities. Scarborough, Mississauga are prime examples. I look forward to hearing from you.	6/28/2021

#	Contact Information	Comments	Date Received
7	Evelyn Syragakis Burlington, ON [REDACTED]	<p>we moved here to retire because of the quiet neighborhood the nice park the bike trail and i would not appreciate the disruption of our life with this idiotic idea, we would not be able to go for our quiet walks as we would be bombarded with traffic. It is not the same as the other Building you built on the other train station on fair view site as there are no residential areas around. This is from Mrs Esyragakis. I hope you will think twice, and not ruin our neighbourhood so you you can make a mint of money from our Ne Dear sir, in view of a Major redevelopment planned for our neighborhood, I strongly disapprove as already overburdened our roads, parks, trails, schools and transit systems.</p>	6/25/2021
8	Jane Pham [REDACTED] Fairview Street Burlington, ON [REDACTED]	<p>I received the mail regarding City's solicited feedback for the proposed development of Branthaven Development Corp for the lands located at 720, 735, 740 Oval Court and 5135 &amp; 5155 Fairview St in Burlington. As a resident nearby on [REDACTED] Fairview St, I'd want to highlight the following concerns about the proposed development and its adverse impacts on the vicinity and the perception / image of Burlington as a whole:</p> <ol style="list-style-type: none"> <li>1. The number of towers and the stories for each tower is too high (8 towers that range between 11-30 storeys) that it would obstruct the neighbouring landscape that has been traditionally low-rise in Appleby and in Burlington</li> <li>2. Construction of such towers and the number of stories would result in significant environment impacts (dust, noise, safety, and other hygiene issues) and hinder day-to-day activities of the current residents surrounding the site, as well as result in a drop on the property prices of the region as a consequence during the construction period (more than 5 years and in phases)</li> <li>3. The addition of a large number of residents and workforce (~2,000 residents and maybe another equivalent of workforce for the commercial and retail segments of the project) would put a significant strain on the current infrastructure (road and parking, urban cleanliness uptake and maintenance), particularly the natural resources such as parks, trails, biking trails that have already been crowded and overburdened</li> <li>4. This addition of a large number of people to the smaller area such as Appleby that are not typically of a household profile here (i.e. younger families with kids or older couples that value privacy and safety) would further attract potentially more adverse social activities that have been on the rise even recently. This undoubtedly would affect the long-established perception of "quaintness" here that has made many people choose to live here over other nearby large municipalities such as Toronto / Hamilton. For the above reasons, I strongly urge your Department to reconsider the proposed plan by Branthaven Development Corp, given the higher implied costs to the living quality of the current residents, as opposed to the Company's selfclaimed benefits in jobs and taxes. I believe you can create more jobs and tax revenues through various means, without making sacrifices in the living quality and societal trust from the current (as well as future) residents that I think are much harder to recover.</li> </ol> <p>Thank you very much and I look forward to your consideration of my comments.</p>	6/25/2021

#	Contact Information	Comments	Date Received
9	Jean Tucker 	<p>I have been trying to keep up to date on all the recent developments in Burlington. I am sad to see that the city is OK with putting such large developments in our city. The height of 37 stories in areas that are one of our main through a fares through our city is of greatest concern. As we all know that we have one of Ontario's largest highways running through the city and whenever there is any traffic issues that traffic gets distributed to all the streets running east and west. Along with the development of the recent condo buildings at the Fairview Go Station, the development at Holland Park, the development at the Appleby Go Station, the ones planned at New and Appleby in the Plaza as well as the one that will be built at Appleby and Fairview (south west corner) it appears that all development is being put onto Fairview and it is going to be a nightmare of a traffic disaster for all of us here in Burlington. I don't understand why there isn't a large condo development planned for the properties north of Dundas. It is a prime location for such developments with a beautiful view of the escarpment as well as views of Burlington. Putting all future development on one main artery isn't a wise move. As well when viewing plans that are available I notice that the majority of units are one bedroom. I live in a 2 bedroom condo and with the majority of 1 bedrooms you are not making room for families (ie. If you have kids you can't live in a 1 bedroom, if you are a senior with spouse you need 2 bedrooms as seniors tend to live for years in their units and need space due to illness and mental health. Right now the 1 bedrooms are selling but in 5 years you will find the need for housing for adults / parents and if this isn't planned they will move out of the city looking for accommodations that provide them with space they need. As well ensuring that there is space available for parks/greenspace is necessary. We all know as we go through this pandemic the necessity that space is needed. A 37 story building with 20 units on each floor is a lot of people in a small space when the only access is small little elevators.</p> <p>I don't disagree with development but I lived in Toronto and grew up there and living in a very congested city is the reason we moved to Burlington. The traffic issues for both drivers and commuters, shopping, hospitals, activities all took the toll on us. A ½ trip turned into a 1 to 1 ½ hour fighting traffic and pedestrian's became a nightmare. Building smarter means planning for the future and building very large congested buildings all in one location (along Fairview) isn't what the city should be planning. If the buildings were small ie. 20 stories with one less building for greenspace is needed for all these developments.</p>	6/29/2021

#	Contact Information	Comments	Date Received
10	<p>Salah Hchohan Burlington, ON [REDACTED]</p>	<p>I live close by this proposed development area and directly affected with this proposal. Here are my points for your kind consideration:</p> <ol style="list-style-type: none"> <li>1. This is about 2000 units development where roughly 4000 people will be living. Total population of Burlington is about 200,000. That means this will cramp 2% of our whole town population in this Cul de sac neighbourhood. Obviously this will have drastic effect on current environment, population, crime rate, insurance, and health and safety of existing population living in this area.</li> <li>2. The belt between Fairview Street and Railway track from Oakville till Aldershot is non-residential. There is only one controversial development in Burlington Go parking lot. Otherwise you will not find any other residential unit in this belt. This proposed development is in gross violation of this practice in vogue for last about 100 years.</li> <li>3. Sherwood Forest Park is a facility that is used by all residents of Burlington. Having 4000 extra people living at the edge of this park will put tremendous burden on this beautiful facility that is enjoyed by all residents living in vicinity.</li> <li>4. At least an additional 2000 cars will ply on this portion of Fairview Street on daily basis. This will endanger residents including children and vulnerable at risk. Obviously not to mention bad effect on local climate and noise.</li> <li>5. Additionally there will be guests and visitors of those who will be living there. This will not only create a parking issue in this cul de sac area but will likely to increase traffic accidents and hence threat to personal life and safety. Also these will then increase insurance premium of locals living there.</li> <li>6. These visitors will likely to park their vehicles either on road, or adjacent Go Station or in current neighbourhoods private parkings. Thus will be creating unnecessary bitterness in environment that we currently enjoy.</li> <li>7. Obviously this overcrowding of population at this close end of Fairview Street is likely to have an adverse effect on our current beautiful atmosphere that we all love and for which we all bought our homes here. I know Burlington City Council has a monetary benefit in this proposed development. But any benefit should not be at the cost of local existing residents. Therefore, any decision in favour of proposed development, is likely be perceived as biased decision in total disregard to the sentiments of current population living in peace and harmony in this area.</li> </ol>	6/28/2021
11	<p>Jeremy Matthews [REDACTED] Fairview Street Burlington, ON [REDACTED]</p>	<p>My name is Jeremy Matthews and I'm writing you in regards to the Planning Application that was submitted by Branthaven Development Corp in the Oval Court area.</p> <p>I have lived at [REDACTED] Fairview for 18 years and have enjoyed living here. I have a lot of concerns regarding the proposal and I'm hoping my concerns will help prevent it from happening.</p> <p>My first concern is Traffic. Fairview Street to Appleby will not be able to handle the traffic with the new towers. Prior to COVID, the traffic from the GO train backlogs Fairview St. up to Appleby usually have to wait at least 3 lights before we can pass the intersection. The right lane is a right turn only and the left lane is to go straight but usually backed up from people turning left on Appleby. There is no way that Fairview will be able to handle the traffic with the towers on top of that since you can only go westbound. We also have to deal with the extra traffic that comes from Sherwood Park – with the soccer events they have all year round. There is increased traffic and a lot of the parking will be gone once the construction starts. They will end up parking in our subdivision and taking up our Visitor parking.</p> <p>I also have a concern all the noise that will be going on during the demolition and construction of the new towers and the additional noise with the increased traffic on Fairview.</p> <p>In regards to dirt and environmental factors, I am concerned that we will be dealing with a lot of dust and dirt during the construction. The building AZX is a new building. It seems absurd to tear it down – it's a new building and seems like a waste to get rid of it.</p> <p>I am also concerned about my property value. With the increased traffic, noise and dust and dirt during the construction will only drive down the value of my property. There is no benefit to me and my family to have these buildings built– only causes us grief.</p> <p>I hope you find my feedback helpful.</p>	7/7/2021
12	<p>Barb Newell [REDACTED]</p>	<p>I'm expressing my concerns regarding the proposed (8) towers on Fairview Street ranging in height 11 to 30 storeys with 2,000 residential units and approximately 12,500 m2 of retail, office, daycare and library uses. This area is already congested enough! We do not have the roads to accommodate more traffic currently on all of our interchanges. I have resided in the City (Town) of Burlington since 1969 and very little has been done to address this issue only continuous building of infrastructure making our roads busier than it's ever been.</p> <p>Burlington is suffering because all you are doing to Burlington is adding more concrete buildings, taking away sunlight benefits to all, small businesses closing and not thinking about the environment and the wildlife that remains here. Our property value will go down with more noise from the constant construction, dust and traffic will be a nightmare for anyone trying just to get down Appleby Line and surrounding residential areas. Our schools will not be able handle the increase of students never mind Joseph Brant Hospital is not even large enough to accommodate the amount of people in Burlington currently. This has been proven with COVID-19.</p> <p>Please consider my concerns before you proceed with this new re-development proposal:</p> <ul style="list-style-type: none"> <li>•Monitoring the amount of traffic on Appleby Line to New Street between 3:00 p.m. and 6:30 p.m.</li> <li>•If we have another pandemic can the hospital handle the amount of people ex. Peel &amp; Toronto? Have you done any research or current study?</li> <li>•Please provide residents with any environmental study to the area. As well, invite residents to participate on open council discussion forum.</li> </ul> <p>The people voted for you and intrust to care for our city, residents and our environment. Do not decrease our value in our homes and take away the proposed Sherwood park and surrounding area.</p> <p>I am not in favour of this new re-development proposal.</p>	7/8/2021

#	Contact Information	Comments	Date Received
13	<p>Mark Binette  ██████████ Bridle Wood  Burlington, ON ██████████  ██████████</p>	<p>I found your email on Mayor Meed Ward's website as the contact for feedback on the proposed development on Oval Court.  I have some questions and concerns:</p> <ol style="list-style-type: none"> <li>1. How is the size of the complex determined? 2000 additional residences seems to be a rather large number, given the existing character of the neighbourhood.</li> <li>2. How will this affect sewage/storm drain capacity in the neighbourhood to the south of the development? My understanding is that the 2014 flood of Appleby Creek and the associated storm drain backup was due in part to the inadequate size of the outdated system, given population at that time. I am concerned what this additional development will mean for sewage/storm drain capacity and whether it increases the likelihood of storm surge backup.</li> <li>3. The traffic study performed by the developers concedes that the development will necessitate improvements to the road system in the neighbourhood of Appleby, Pinedale and Harvester. They propose street widening and improving the timing of light signals. This seems very much like they are passing the buck to the city. Will the developers be made to support infrastructure improvements in any way, or does that fall on the taxpayers of Burlington?</li> <li>4. I am also skeptical of any proposed traffic throughput improvements, especially given the number of trucks turning from Appleby southbound onto Harvester eastbound, headed for Fearman's Pork processing facility. Does the city consider the proposed traffic improvements feasible? Will they really mitigate traffic issues on Appleby at peak times in any meaningful way?</li> <li>5. Will the city be able to ensure sufficient amenities at the site of the development to avoid overloading nearby commercial facilities?</li> </ol> <p>Thinking specifically of Appleby Mall area and the often-busy Fortinos grocery store and LCBO.</p>	7/20/2021
14	<p>Alanna MacPhail  ██████████</p>	<p>Your email was provided on Marianne Meed Ward's website for feedback for the development application for Oval Court and Fairview Street.  As a resident in this neighborhood, I do not agree with this enormous development. We do not need a further increase in traffic along Fairview or Appleby, and there is already no parking at the Appleby GO station when people start to return to commuting downtown. The plaza at Appleby and New, where people who live here would shop, already has no parking. I strongly disagree with this enormity of this development, and I believe developments like this would ruin what people enjoy about Burlington.</p>	7/20/2021
15	<p>Lesley Mills  Burlington, ON  ██████████</p>	<p>I am writing to express my extreme concern about the proposal for the development next to Appleby GO. I along with my husband and 2 small daughters live in the houses directly across from where the development is meant to go. While I am not opposed to some development as I understand expansion plans around transit hubs, I am extremely concerned with the size and number of developments that are being proposed. Oftentimes either in rush hour GO traffic or when there is an event at Sherwood Forest Park, it can take up to 15-20 minutes to turn either right or left onto Appleby and Fairview. I can't even imagine what it will be like with the expansion - we will be trapped. With the pinedale towers also going up, traffic will be an absolute nightmare and unmanageable for people to get around. The plans proposed are unrealistic and not sustainable for the area. Speaking from someone who lives right there.</p>	7/21/2021

#	Contact Information	Comments	Date Received
16	Ron Stewart Burlington, ON [REDACTED]	<p>I am gravely concerned about the potential development proposed by Branthaven Corporation at 720 Oval court in Burlington.</p> <p>This site sits immediately adjacent to Appleby Creek. The proposed development will have a devastating effect on the life in that creek. Beyond the loss of our natural wildlife, our families enjoy that creek as part of walks along the bike path. I understand Burlington needs to do it's part to increase housing within Halton as directed with the province. However, there are many sites within Burlington that do not sit immediately adjacent to a creek that could have housing added. Please do not choose building development over our limited wild life in this area.</p> <p>I am also concerned about the increased traffic that will come with such a large development. Already, when I drive off the highway at Burloak of Appleby, traffic is backed up along those roads. Such a huge development will greatly add to traffic off of the QEW. Closer to New street we have many schools and retirement communities. Such a huge increase in traffic in these areas will put our children and senior citizens at risk from traffic.</p> <p>Please help preserve our wildlife and safety of our most vulnerable citizens by helping to deny this planning and zoning bylaw amendment.</p>	7/21/2021
17	David Burlington, ON [REDACTED]	<p>Thank you for the phone call this morning. Here are the points, in a summarized fashion, and not in order of importance:</p> <ol style="list-style-type: none"> <li>1) Many individuals involved in this project have not been in the area when Sherwood Forest Park is busy, when there is an event downtown and the GO lot is full, or when commuters are coming/going. Congestion is already a big problem.</li> <li>2) Website says it is affordable. Not the case based on study. Less than 5% is deemed "affordable"</li> <li>3) Road study says it already cannot accommodate and "overflowing". Based on this, what's the plan?</li> <li>4) Why did renderings change so drastically? Fairview will be a 2x2 street? Scale of building and car is out of line with reality. The cars appear like matchboxes compared to our homes. While we realize it's a rendering, this looks deceiving.</li> <li>5) Their website states, "A SURVEY SUGGESTS THAT THE NEIGHBOURS FEEL THAT OVAL COURT IS WELL SUITED FOR MIXED-USE DEVELOPMENT." What survey? We weren't a part of it, and definitely do NOT agree.</li> <li>6) Their website states, "...WILL MAKE THIS PART OF BURLINGTON LESS RELIANT ON CARS." "WALKABILITY TO EVERYTHING". How? There is no grocery store within walking distance. No schools. Plans don't include one. You can't get around town without a vehicle.</li> <li>7) Their website states, "IT WILL BE BOTH A THRIVING PLACE TO LIVE AND A DESTINATION IN BURLINGTON." ROB SPANIER, PRESIDENT, SPANIER GROUP - What does this mean. Even more people visiting - how do you deal with traffic on a dead end street that's already overflowing during busy times?</li> <li>8) Many units won't have a parking spot? And 75% are small 1-bedroom units. This is not what the community needs and is asking for.</li> <li>9) Per past meetings – people/residents want single homes, townhomes, larger units. Not small apartments. This development is the opposite! People are leaving small apartments in Toronto looking for more space, and Oval Court just adds to the problem. It doesn't solve it. Geared towards individuals.</li> <li>10) How does the development proposal at 5041 Fairview Street fit into this. Another 400 units?!</li> <li>11) Everyone seems to benefit financially - the builder, the city, etc. What about current long-term tax paying residents - where is the compensation for us dealing with a minimum 5+ year construction period?</li> <li>12) Online searches indicate that many people online are upset with Branthaven and their build quality. What will make this be any different?</li> </ol>	7/22/2021
18	David and Sandra Boswell [REDACTED] Fairview Street Burlington, ON [REDACTED]	<p>Firstly, it appears that not enough folks that live in the area were invited/included in the initial meetings and therefore; have no knowledge of the proposal nor do they have the opportunity to input their concerns yet will still be greatly affected. There are areas that need to be clarified; family units with one bedroom only, (where are these children going to sleep and play), the actual amount of new residences (we heard different numbers) and why add a library when there is one at Appleby and Fairview (are people going to use libraries in the future as a result of COVID). New office space is redundant. In the summer there are games at the park several times a week and tournaments with parking all along Fairview; where will everyone park? The whole proposal has been misleading from the beginning. We have to question the amount of research. The GO station parking lot has been empty since the beginning of COVID and has remained so even as our Province reopens for business; people are working from home is the new norm. If we wanted a city environment, we would move to Toronto. How will this new development affect the value of our property as well as our taxes? Who will be absorbing the cost of new sewer and water systems? This is going to be such an inconvenience for existing residences. The amount of noise and traffic congestion will be phenomenal in this very limited land space. We are dreading the on going construction for five+ years...what about all the added environmental issues? Is it safe to say Burlington is more concerned with revenue than it's already tax paying citizens? We feel this proposal does not fit with our community. The landscape will be ruined by the amount of tall buildings crammed into this small piece of land. We cannot find one positive thing about this new development. We were under the impression a townhouse complex would eventually be built which would be more harmonious with our community. Growth is essential but this proposal goes above and beyond what the people in Burlington consider fair. Hopefully, Burlington will remain the number one place to live so families like ours can continue to enjoy the privilege of residing here.</p>	7/29/2021

#	Contact Information	Comments	Date Received
19	Karen Aikman Sheraton Road Burlington, ON [REDACTED]	<p>As someone who lives in this area I am greatly concerned with this development. We live on Sheraton Road with the bike path behind us. 15 years ago when the town houses were being built I was concerned and it was mostly about the traffic. Today the traffic is the worst on Appleby Line. And now you're going to add all of this? I would love to see a traffic study. So much for a nice retirement in Burlington. And then is the proposal still a go for the Fortino's plaza? Adding even more traffic? Maybe it is time to get out of Dodge. I think the mayor was elected to stop all of this development. As a former civil servant I am aware that much of this is controlled by the province but when is the city of Burlington going to put it in some stops to control this kind of development? It makes me feel sick.</p>	8/8/2021
20	Ted Gamble [REDACTED] Sheraton Road Burlington, ON [REDACTED]	<p>Thank you for returning my call last week. As I mentioned I have concerns about this planned development and any other similar developments concentrated around Go Stations. I thank you for attempting to change the time frame for this meeting.</p> <p>As I said it is outrageous that the announced public input mechanism is online during normal work hours. If non vaccinated children can go back to school, these should be open public meetings.</p> <p>While I do agree with the importance of mass public transit, I do not believe the green belt strategy is sensible if all it amounts to is the creation of ghettoized communities in the remaining areas outside of the core GTA area centred on GO Stations.</p> <p>I do recognize that the green belt strategy is not a direct municipal responsibility. However the cities do and should have influence. Simply going along is complicity. Growth in my opinion should be distributed across the communities and not over emphasized at GO Stations</p> <p>In no particular order.</p> <ol style="list-style-type: none"> <li>1. Traffic on Appleby is congested at many times and days during the week. Fairview Street is dead ended to the south. Has a traffic study been recently completed or initiated? Will the necessary road infrastructure precede this development. Approximately 2000 units on this one development will mean roughly 3,000 cars, making say 6,000 trips a day. Commuters do not generally give up their car independence unless you can prove otherwise. This is also a safety concern.</li> <li>2. In my view, giving up zoned employment land is dead wrong. The City should be encouraging businesses to locate in Burlington not discouraging employment by reducing the available land. I do not see Burlington as a bedroom for Mississauga, Hamilton or Toronto. Look at the incredible current under utilization of the transit system. through the pandemic. There is no guarantee that this will reverse. Even large financial institutions like TO have closed office space in the GTA. Look at the major industrial closures (RHI, Nucor) just in the immediate area, particularly the north west corner of Appleby/Fairview. Are there other pending rezoning requests in process?</li> <li>3. Price range and minimum square footage of proposed units. Any development in this area should encourage buyers with income levels analogous with the community. I would want to discourage low income or subsidized units. Frankly I also see this as a safety issue with respect to the adjacent large green space and bike path.</li> <li>4. My last concern at this time is the size of the buildings and their impact on the skyline and shadowing with respect to nearby residences.</li> </ol> <p>Please make my concerns known and advise if the meeting time has changed.</p>	8/12/2021
21	Donald Tregunno Burlington, ON [REDACTED]	<p>I am aware of the infilling required, and as a taxpayer I look forward to an increase in revenue from new taxes to aid in keeping property taxes in line.</p> <p>That being a great thing, I do not see the value in any development that would exceed two stories of residential on top of one story of commercial. With the Metrolinx expansion of service, the changes in work at home, and the growing traffic problems (even electric vehicles) the only foreseeable result of 19 and 30 layers of accommodation would lead to the destruction of the greenspace known as Sherwood Forest Park. The Park has been a Gem in the list of Parks in Burlington, and has had the local residents vocal in the preservation of it. The sports fields, and soccer facilities are used by teams across the city and region. I believe that the encapsulation of this park and greenspace would create the same overcapacity that plagues the parks in the city of Toronto, with all the social problems that follow.</p> <p>Understanding the need for affordable housing, the construction of another "Regency Court" development does nothing to address the problem, but only will serve to undermine efforts made by the city of Burlington to keep neighbourhoods safe and continue our legacy of the "Best City to Live In".</p> <p>Profit before people makes no sense for a development strategy, I think the mayor's Three story concept is correct for the "lowlands" of the city and Tall buildings should be allocated to the upper levels on the edge of greenspace lands in order to draw a line and prevent destruction of environmentally improving lands with plants and trees.</p> <p>Submitted with the benefit of all Burlington in Mind.</p>	8/28/2021
22	Kelly MacDonald [REDACTED]	<p>Just wanted to express my concerns regarding this development:</p> <ol style="list-style-type: none"> <li>1. The traffic impact on Appleby line. The traffic is already terrible, taking almost 30 minutes to drive from Uppermiddle to Pinedale during rush hour. Once another 1900 units (3800-7600 residents) enter this area, I'm sure the traffic will only get worse.</li> <li>2. We have friends and neighbours that had experienced sewer flooding in the past years as a result of the antiquated infrastructure in this area. I am hoping that this will be addressed prior to allowing this development be erected.</li> <li>3. Since closing Robert Bateman we will already have overcrowding at the only local highschool in S/E Burlington (Nelson). I am hoping that this issue will be addressed as well.</li> </ol> <p>Thank you for reading my concerns</p>	9/1/2021

#	Contact Information	Comments	Date Received
23	<p>Elizabeth Howson Remington Group Inc. (c/o MSH) ██████████ Annette Street Toronto, ON ██████████ ██████████</p>	<p><b>Correspondence Attached</b></p>	<p>9/3/2021</p>
24	<p>Elizabeth and Bruno Di Sarno ██████████ Fairview Street Burlington, ON ██████████ ██████████</p>	<p>I am writing to voice concern regarding the proposed mixed-use development at oval court and Fairview St. As homeowners of ██████████ Fairview St, we believe this "development" is contradictory to the way that Burlington has been developed, and the reason we bought our house here in the first place. The no-through road of Fairview St that ends at Sherwood park is a treasure. We have loved living here with our 3 children, and the opportunity to have the trails behind us and soccer field beside us.</p> <p>By building 8 towers across the street, we will lose the open sky and be forced to look at buildings. There will be an incredible increase in traffic, as they are built, and once they are built with everyone moving in. The construction itself will be long, loud, and dirty, and we should not be subjected to this after picking a very quiet area to live in.</p> <p>Families will have to be constantly aware of construction workers, and there are a lot of young families in our complex. We will not be able to let our kids go outside alone as it will not be safe.</p> <p>There is no guarantee to our property values during or after construction. If our property values decreased, it is almost impossible to move within Burlington given the market prices right now.</p> <p>The number of people moving in will affect our schools, and most definitely roads.</p> <p>My family and I are wholly against this "development." Please reconsider and do not destruct our peace, quiet, community, and well-being.</p> <p>Thank you for your time, and please do not hesitate to reach out.</p>	<p>9/6/2021</p>
25	<p>Wilma Wood ██████████ Fairview Street Burlington, ON ██████████ ██████████</p>	<p>Hi. I have been watching and listening to tonight's presentation. I also had trouble getting on to the presentation. I live at ██████████</p> <p>Fairview -driveway is directly across from first go train driveway off of Fairview. The traffic on this dead end can be awful when the soccer fields are in play, cars are lined up on Fairview from just after the go station to the field. Both sides. I waited 5 minutes to exit my driveway due to the volume of cars coming and going from the go train plus soccer people coming and going. I can't see how this will work if we add anymore housing on this street. As many people say , getting off of Fairview onto appleby can get you sitting for two or three cycles at rush hours. The other item Sophina brought up was the smells coming from their Facility at certain times makes me go in the house until it passes. Awful smell in the summer especially. Pretty disgusting n I love my neighbourhood. (11 years) but if this goes through I will definitely sell as my other neighbours also say the same thing. Leave burlington. Getting away from home town comfort to down right concrete jungle.</p> <p>I truly hope this does not do through. I do love my quiet peaceful neighbourhood and trails/parks. I can put up with existing traffic but will not be stuck in traffic trying to get down my own street.</p> <p>Thank you.</p>	<p>9/7/2021</p>
26	<p>Graham Wing ██████████</p>	<p>I will keep this short and sweet. Burlington is slowly becoming a smaller Mississauga. If you allow more high-rise buildings to be built it will only increase traffic congestion, pollution and overall headaches for the rest of Burlington. Stop expanding Burlington, especially South of the QEW.</p>	<p>9/8/2021</p>
27	<p>Stephen Duncan Burlington, ON ██████████</p>	<p>I apologize if you are not the correct person to contact but I wanted to share my serious concerns about the development planned on Fairview. Unfortunately I was unable to attend the community meeting this week to share my concerns.</p> <p>I have a number of issues with this development:</p> <ol style="list-style-type: none"> <li>1. Damage to the city's greenspace: There are becoming fewer and fewer dedicated greenspaces in Burlington and Branthaven's development plans would involve impeding on Sherwood Park and the sporting facilities. The roads are never monitored (rarely is there a police presence on Fairview, east of Appleby), so adding 5000 new residents plus retail traffic is going to be a burden, especially given that it is a dead-end road.</li> <li>2. Devaluation of retail space: In the surrounding areas, there is already a long list of unutilized or underutilized retail space - such as on Fairview, Appleby, Burloak and Harvester. The proposal to add in additional retail space is not going to invigorate the area. If anything, it is much more likely to devalue the space that already exists and hurt small businesses. Even if the Branthaven retail space were to remain occupied, it would just create unnecessary traffic around an otherwise quiet space where lots of kids and sports teams play. And the most concerning issue...</li> <li>3. The wrong type of residential space: The last thing that Halton needs right now is an influx in expensive housing. We're dealing with a disastrous housing crisis where Canadians are digging themselves deeper into debt and the burden needs to lie with the developers and the municipality to build housing which is not going to hurt Canadians. The Housing Impact Statement outlines that 95 percent of the development will not fall under the city's definition of "affordable." How can the city stand by and watch that happen?</li> </ol> <p>This is not an area that needs this type of drastic development. This is only going to hurt the environment and cause further harm to the affordability of housing in Burlington. I sincerely hope that this proposal is rejected fully. I appreciate your consideration and time. If there is another person who I should send this email to, please let me know.</p>	<p>9/9/2021</p>

#	Contact Information	Comments	Date Received
28	<p>Elizabeth and Bruno Di Sarno  ██████████ Fairview Street  Burlington, ON ██████████  ██████████</p>	<p>I am writing to voice concern regarding the proposed mixed-use development at oval court and Fairview St. As homeowners of ██████████ Fairview St, we believe this “development” is contradictory to the way that Burlington has been developed, and the reason we bought our house here in the first place. The no-through road of Fairview St that ends at Sherwood park is a treasure. We have loved living here with our 3 children, and the opportunity to have the trails behind us and soccer field beside us.</p> <p>By building 8 towers across the street, we will lose the open sky and be forced to look at buildings. There will be an incredible increase in traffic, as they are built, and once they are built with everyone moving in. The construction itself will be long, loud, and dirty, and we should not be subjected to this after picking a very quiet area to live in.</p> <p>Families will have to be constantly aware of construction workers, and there are a lot of young families in our complex. We will not be able to let our kids go outside alone as it will not be safe.</p> <p>There is no guarantee to our property values during or after construction. If our property values decreased, it is almost impossible to move within Burlington given the market prices right now.</p> <p>The number of people moving in will affect our schools, and most definitely roads.</p> <p>My family and I are wholly against this “development.” Please reconsider and do not destruct our peace, quiet, community, and well-being.</p> <p>Thank you for your time, and please do not hesitate to reach out.</p>	9/13/2021
29	<p>Chris Ariens  ██████████</p>	<p>Hi, Gordon. I had shared an article on Twitter with my councillor Paul Sharman, who encouraged me to share with you and include in the comments for the Oval Court development beside the Appleby GO Station.</p> <p>I had many concerns about this development, mostly that allowing a car-dependent high-rise building at the end of what is essentially a cul-de-sac which is cut off from all services residents need, would be moving in the wrong direction and will result in hardships for the community. While retail and institutional amenities are planned, transit as well as a park within walking distance, those facilities will not be available until later phases and there is considerable risk that the proponent may not be able to complete those later phases for many years. If travel is assumed to be primarily by car, it will severely impact the community, and will tremendously reduce the effectiveness of Burlington Transit as buses exiting the transit station will have to contend with heavy car traffic, particularly at the Fairview/Appleby intersection.</p> <p>The site has very poor access to motor vehicles...one way in, one way out. However residents can travel both ways on the GO line, walk next door to the park and can also travel both directions, including towards shops and services on Burloak via the Centennial Trail. This location is ideal for a car-light lifestyle.</p> <p>If we follow the usual development process, focusing on traffic and parking, what will ultimately result is a nightmare of traffic and parking. There is an imperative to reduce the car dependence across the city and this development, with its location and accessibility, is the ideal place to make some progress in this regard. I came across this article, detailing a development in Tempe, Arizona which is described as a “zero-traffic community”. Residents are not allowed to own a vehicle within ¼ mile of the site. Shared mobility including a light rail station, scooter docks, car-sharing and are provided instead with discounting for residents. Because no parking is provided, the rental prices are able to be held at more affordable levels. And it is performing extremely well in terms of demand, even despite the car-dependent nature of the surrounding area of Phoenix.</p> <p>Link: <a href="https://www.bloomberg.com/news/articles/2021-09-08/paying-rent-will-get-you-wheels-in-new-car-free-complex">https://www.bloomberg.com/news/articles/2021-09-08/paying-rent-will-get-you-wheels-in-new-car-free-complex</a></p> <p>I believe that a development like this has potential to solve many problems that typical high-rise developments pose for Burlington, including traffic congestion, climate impact, housing scarcity and resident health and safety. I hope that this is something that Burlington can consider, even if it means that some of our existing zoning requirements like parking minimums have to be removed in order to support the kind of development our major transit station areas need.</p>	9/13/2021

Public Comment forwarded by Ward Councillors' Office

Public Comment forwarded by Mayors Office

# LEHMAN

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## & ASSOCIATES

March 4, 2021

Curt Benson  
Director, Planning Services and Chief Planning Official  
Region of Halton

### **SENT ONLY BY EMAIL**

### **Re: Sofina Foods and Ortech Report**

Dear Mr. Benson:

I am writing as requested by Sofina Foods in response to a report entitled Branthaven Development Corp. Land use Compatibility Study – Phase II 720 Oval Court, Burlington, Ontario (the “Report”). This report was provided to Sofina by the Region of Halton.

In summary my conclusions with respect to the Ortech Report are as follows:

1. The assumptions and conclusions in the Report which rely upon Sofina being a Class II industry are incorrect. The potential area of influence as derived from the D6 Guidelines should be 1,000m rather than the 300m assumed.
2. The Report does not address the Provincial Policy Statement policies which require that, if a sensitive land use is proposed for a location where avoiding employment uses cannot be achieved, the following must be demonstrated:
  - there is a need for the use;
  - that alternative locations have been evaluated and no reasonable location found; and,
  - that the adverse effects to the industrial use and to the proposed sensitive use are mitigated and minimized.
3. The Report suggests that if there are adverse effects on new sensitive uses, it will be the responsibility of Sofina to mitigate impacts. The PPS does not impose a requirement on Sofina to minimize impacts on any proposed development. The PPS places the onus to minimize impacts on the change agent, in this case Branthaven Development Corp.

4. Any compatibility report should reflect that this onus exists and, if impacts of odour or noise are anticipated, suggest means by which they can be mitigated and minimized in the development process.
5. The Report does not address the issue of compatibility of development adequately to assist in a decision on a planning application.

According to the covering letter from Ruth Victor & Associates:

*“Branthaven is one of the larger landowners within the proposed Appleby MTSA and agree that there is a concern regarding land use compatibility within portions of the proposed MTSA area with the Sofina activities on their lands. Branthaven has completed a land use compatibility assessment in accordance with the MECP and Region of Halton requirements for the Oval Court lands which will be most helpful to this discussion. We have attached a copy of this Ortech Report for your use and in any discussion to address Sofina’s concerns. The results of study do show that there are portions of the MTSA that are constrained by the activities of Sofina; however, the Oval Court lands are not constrained in terms of residential or other sensitive land uses by the activities on the Sofina lands.”*

According to the Report:

*The specific objective of the study is to undertake land use compatibility of surrounding land uses and their air quality impact on the proposed development site. The study was conducted based on the Ontario Ministry of the Environment, Conservation and Parks (MECP) Guideline D-1 on Land Use Compatibility, D-6 on Compatibility between Industrial Facilities and Sensitive Land Uses and Halton Region’s land use compatibility guidelines.*

Sofina is in the process of conducting a technical review of the Report. However I have been asked to respond from a planning perspective as soon as possible. Insofar as the Report applies to the Sofina facility there are several foundational errors in the assumptions used for the analysis which, in my opinion, lead to incomplete and incorrect technical and planning conclusions.

### **Sofina is a Class III Facility**

The Report assumes that the Sofina facility is a Class II facility. The Report describes the Sofina facility as follows:

*A pork processing facility with expected particulate, ammonia and hydrogen sulfide emissions is located at a distance of 320 meters from the proposed site boundaries. This Class II facility, located at 821 Appleby Line, Burlington,*

*was acquired by Sofina Foods.*

Sofina is a Class III facility that currently operates on a 16 hour day with the permission available to operate 24/7. At the present time pigs are delivered to the property on Sunday night so that processing can commence on Monday morning. In addition, at the present time there are ten Saturdays each year when production occurs. The facility produces emissions that include both odour and noise.

Sofina as a major primary processing facility is a key component of Ontario's agri-business complex. Eleven percent of all hog processing in Canada is completed at this plant. There are 150 family farms within a three-hour radius of the Property that transport livestock to this facility. As such the facility generates 188 truck movements per day, not including employee or service vehicles.

There are refrigeration units on the roofs of the buildings on the property which run continuously, creating a constant noise. Trailers sit along the south fence, adjacent to the rail line with their cooling units running. These units cannot be turned off as the product is perishable and must be maintained at a constant temperature.

The odours are distinctive and the noise is also potentially impactful. Over the years significant capital has been invested to exhaust barn odours through the use of a large chimney stack at a height of approximately 30m. While entirely screened at street level, a significant portion of the operation occurs out of doors and would be visible from a modest height in the surrounding area.

All emissions from the facility on the Property are regulated by the *Environmental Protection Act* through the Environmental Compliance Approval process. Sofina meets all environmental requirements through Certificate of Approval No. 4494-685MWW, which approval is based on the current location of sensitive use receptors in the area, the nearest being some 360 metres to the south and in ground-oriented dwellings.

The assumptions and conclusions in the Report which rely upon the Class of industry are thus incorrect. The potential area of influence as derived from the D6 Guidelines should be 1,000m rather than the 300m assumed.

**The Report does not address Provincial Policy Statement and Growth Plan Revisions - the Change Agent**

It is important to note that both the Region of Halton Official Plan and the associated Land Use Compatibility Guidelines, which are referred to in the Report, have not yet implemented the relevant changes to the Provincial Policy Statement (the "PPS") and the Growth Plan. Both of these Provincial policies have been amended over the past two

years to strengthen the protections for existing industrial operations that may be threatened by the development of nearby sensitive uses.

Changes made to the PPS reflect a more pragmatic approach to the issue of compatibility, and a set of new requirements now establishes tests for the impact of new sensitive uses on existing employment uses. These changes have two key impacts.

Firstly, the new policies view impacts in both directions – on both sensitive uses and on industries. As a result, the policies require proof that the location of proposed new sensitive uses will not compromise the operational and economic viability of the industry.

Secondly the new policies place the onus for mitigation on the agent of change. If a new industry proposes to locate it must minimize potential adverse effects. If a new sensitive use proposes to locate it must meet several tests including protecting the long-term viability of the industry by minimizing and mitigating impacts. The Report does not address these policies of the PPS.

The policies are quoted below:

### ***“1.2.6 Land Use Compatibility***

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

*1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.”*

The new policies also provide direction for situations where avoidance of adverse effects is not possible. In these cases the PPS requires a new sensitive land use to demonstrate that there is a need for the use, that alternative locations have been evaluated and no reasonable location found, and that the adverse effects to the industrial use and to the proposed sensitive use are mitigated and minimized.

The Report suggests that if there are adverse effects on new sensitive uses, it will be the responsibility of Sofina to mitigate impacts. The Ortech report states "*the adverse air impacts from pork processing facility are not expected on the proposed development*" because Sofina lies more than 300m to the west and that because of the distance beyond the 300m Sofina would be required to respond to and mitigate complaints. The scope of the compatibility test should include minimizing the risk of complaint as existing MECP protocol generally treats a valid complaint as an adverse effect and thus invokes s.14 of the Environmental Protection Act.

Any compatibility report should properly consider these policies and review the tests in the PPS for the impact of a new sensitive use on an employment area generally and individual industries specifically.

The PPS and Growth Plan do not impose a requirement on Sofina to minimize impacts on any proposed development. The PPS and Growth Plan require a developer, the change agent, to minimize the impacts on Sofina. Any compatibility report should reflect that the onus exists and, if impacts of odour or noise are anticipated, suggest means by which they can be mitigated in the development process.

### **Reliance on D-6 Guidelines**

Traditionally, to help manage compatibility issues related to employment uses, planners have considered the Province's D-Series Guidelines. Over the years the guidelines have been applied and interpreted in different ways. The Guidelines set separation distance and influence area standards by industry class, which, as a general standard, does not recognize the unique circumstances and emissions of all industries in the context of their employment neighborhood. This one-size-fits-all approach does not work well to achieve compatibility in existing urban areas.

The Guidelines also are not entirely consistent with the PPS policies dealing with impacts on employment areas and uses - either in terms of the means of protecting existing industrial operations, or the responsibility for mitigation lying with the agent of change.

Given that concern, as the Report incorrectly categorizes Sofina as a Class II facility it dismisses any potential for impacts beyond 300m. It should be noted that the D-Guidelines state that the actual influence area should be determined to achieve the following:

***“Purpose of Separation Distance (3.2)***

*The separation distance should be sufficient to permit the functioning of the two incompatible land uses without an 'adverse effect' occurring . . . . The distance shall be based on a facility's potential influence area or actual influence area if it is known.”*

The Guidelines do properly describe the appropriate consequence of not resolving impacts.

***Irreconcilable Incompatibilities (3.4)***

*When impacts from discharges and other compatibility problems cannot be reasonably mitigated or prevented to the level of a trivial impact (defined in Procedure D-1-3, "Land use Compatibility: Definitions") new development, whether it be a facility or a sensitive land use, shall not be permitted.*

I would be pleased to discuss this issue with you at your convenience.

A handwritten signature in black ink, appearing to be 'R. Lehman', with a period at the end. The signature is written in a cursive, somewhat stylized font.

Robert Lehman, F.C.I.P.

September 3, 2021

Community Planning, Regulation and Mobility Committee  
City of Burlington  
426 Brant Street  
Burlington, Ontario  
L7R 3Z6

Attention: Ms. Jo-Anne Rudy, Committee Clerk  
*Sent only by email:* [jo-anne.rudy@burlington.ca](mailto:jo-anne.rudy@burlington.ca)

Dear Sir/Madam:

**Re: Branthaven Development Corporation, 720, 735, 740 Oval Court and 5135 and 5155 Fairview Street, Burlington - City Files 505-03/21 and 520-04/21**

Macaulay Shiomi Howson Ltd (MSH) has been retained by Presidio Construction Limited c/o The Remington Group (Remington) to review the above-noted applications for the Branthaven Development Corporation lands (Branthaven Lands). Remington owns adjacent employment lands to the north of the Branthaven Lands at 5200 Harvester Road (See Map 1) in an existing industrial area. The Remington Lands are +/- 24,000 square metres in size and currently undeveloped.

MSH has reviewed the proposed development with respect to its potential impacts on the Remington Lands from a land use perspective. Our review was carried out in consultation with Dillon Consulting Limited (Dillon) who have provided input regarding land use compatibility related to air quality and noise and vibration. Our comments are outlined below with respect to existing conditions, the relevant policy framework and specific identified impacts of the proposed development in relation to adjacent employment lands including the Remington Lands.

**1. Existing Conditions - The Branthaven Lands are located in an area largely occupied by Industrial uses**

The Branthaven Lands and the surrounding area are currently zoned for, and largely occupied by, industrial and commercial uses.

The Remington Lands, in particular, although currently undeveloped, are located in an existing industrial area to the north of the Branthaven Lands as noted in Community Planning Department Report PL-35-21 (Staff Report):

*“Commercial/industrial land uses (on north side of the Canadian National (CN) rail corridor), including lands zoned General Employment (‘GE1’) Zone and General Employment Exception (‘GE1-59’) Zone”. (page 5)*

The Remington Lands are designated “General Employment” in the City’s Official Plan (1997 and 2020) and zoned “GE1-59” in the City’s Zoning By-law. The lands are also located in a Provincially Significant Employment Zone (PSEZ) and are identified as “Regional Employment Area in the Appleby GO Major Transit Station Area (MTSA) as identified in the Region of Halton Official Plan, Amendment 48, adopted by Regional Council on July 7, 2021.

The Branthaven Lands themselves are currently occupied by a range of industrial, commercial and office uses. The lands west of the Branthaven Lands, which comprise the Appleby GO Station and Appleby Creek, are zoned “Mixed Use Corridor Employment Oriented (‘MXE’) Zone”, “Open Space (‘O2’) Zone” and “Utility Services (‘S’) Zone”. Lands to the east where the Sherwood Forest Park is located are zoned Community Park (‘PC’) Zone. Low density residential uses are found to the south of the Branthaven Lands, south of Fairview Street.

The Branthaven applications require official plan and zoning by-law amendments. The amendments, as outlined in Community Planning Department Report PL-35-21 (Staff Report):

*“...include an increase in the maximum permitted building height and residential density. Amendments to the permitted uses on the property are also included as part of the application. The City of Burlington Official Plan (1997), as amended, does not contemplate residential land uses within the applicable ‘Mixed Use Corridor – Employment’ designation.....The City of Burlington New Official Plan (2020) does not contemplate residential land uses within the applicable ‘Urban Corridor- Employment’ designation.”(page 6)*

## **1. Policy Framework**

### **1.1 General Policy Direction Supports Intensification**

The Branthaven applications were made in the context of Provincial policy (Provincial Policy Statement 2020 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 (Growth Plan)); the Region of Halton Official Plan; and the City of Burlington Official Plans 1997 and 2020. This policy framework mandates intensification, particularly adjacent to major transit facilities, a direction which is applicable to the Branthaven Lands. In particular, as noted in the Staff Report:

*“The subject lands are designated ‘Urban Area’ to Map No. 1 (Regional Structure) of the Region of Halton Official Plan (ROP) and identified as an Intensification Area (‘Major Transit Station Area’) due to its proximity to Appleby GO Station, as shown as an overlay to the current ROP.” (page 9)*

In addition:

*“Section 8.1.2 (3)(c) of the City of Burlington New Official Plan states that applications for Official Plan Amendments, Zoning By-law Amendments and Site Plan Approvals within MTSA Special Planning Areas preceding the completion of an area-specific plan shall have regard for Provincial guidelines for mobility hubs and transit, and shall implement Regional and Provincial major transit station area policies. In addition, applications for Official Plan*

*Amendment, Zoning By-law Amendment and Site Plan Approval within the Burlington GO, Aldershot GO and Appleby GO MTSA Special Planning Areas, shall have regard for the Mobility Hub Opportunities and Constraints Study (2014).” (pg14)*

## **1.2 Type and Form of Intensification Still Requires Careful Evaluation to avoid, or minimize and mitigate, adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.**

The support for the principle of intensification does not mean that there is no requirement to carefully evaluate the type and form of intensification which is appropriate for a particular site. This is particularly true in this case where there has been no area-specific plan established for the applicable Major Transit Station Area (MTSA) Special Planning Area (Appleby GO MTSA) and the proposed development is located adjacent to substantial existing and future as-of-right industrial development.

In addressing the issue of the type and form of intensification, it is necessary to consider the entire policy context, in particular area specific issues related to the compatibility of the proposed intensification, which is to include sensitive uses specifically substantial residential development, with surrounding existing and future industrial development.

The requirement to consider the entire policy context is set out in Provincial policy in both the PPS and the Growth Plan, and is also true for Regional and City policy. In particular Growth Plan Policy 1.2.3 is applicable. Further, it should be noted that the Growth Plan takes precedence over the PPS

*“...with the exception being where the conflict between policies relating to the natural environment or human health where the PPS takes precedence. In that case, the direction that provides more protection to the natural environment or **human health** prevails.” (emphasis added)*

The lands to the north of the Branthaven Lands, including the Remington Lands, are intended to remain as employment. In this situation, and in conformity with the Growth Plan (i.e. policy 2.2.5.5), the Region of Halton Official Plan as amended by Official Plan Amendment 48, the City’s New Official Plan 2020 and the draft Appleby GO Precinct Plan, compatibility between existing / as-of-right employment uses and the proposed sensitive use is a key consideration in evaluating the proposed development of the Branthaven Lands.

The Growth Plan, in policy 2.2.5.1, recognizes the importance of protecting employment lands to attract investment and jobs and directs that:

*“Economic development and competitiveness in the GGH will be promoted by:*

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth....*
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.”*

To help achieve these general objectives which are designed to create an environment which provides for a variety of jobs, the Growth Plan directs in policy 2.2.5.7 that:

*“Municipalities will plan for all employment areas within settlement areas by.....providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.”*

Further, Growth Plan policy 2.2.5.8 provides that:

*“The development of sensitive land uses, major retail uses or major office uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.”*

The Provincial Policy Statement, policy 1.2.6, Land Use Compatibility and specifically policy 1.2.6.2 also provides the framework for review of this issue:

*“Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities should protect the long-term viability of existing and planned industrial, manufacturing and other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*

- a) *there is an identified need for the proposed use;*
- b) *alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) *adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) ***potential impacts to industrial, manufacturing or other uses are minimized and mitigated.”*** (emphasis added)

In addition, the policies of the Region of Halton Official Plan and the City’s New Official Plan provide direction. The Regional Plan with respect to the objectives for Intensification Areas, as noted in the Staff Report, indicates that:

- to provide an urban form that is complementary to existing development areas;
- to provide a diverse and compatible mix of land uses, including residential and employment uses to support neighbourhoods;
- to achieve an appropriate transition of built form to adjacent areas;
- For Major Transit Station Areas and Intensification Corridors to achieve a mix of residential, office, institutional, commercial development, where appropriate.

Further, new Section 83.2(7) introduced through Regional Official Plan Amendment 48 provides that:

*“Where Employment Areas are located within a Major Transit Station Area....recognize the dual role and function of these Major Transit Station Areas as mixed use Strategic Growth Areas as well as the location of existing employment uses, and, require the Local Municipalities, when planning these areas through an Area-Specific Plan .....to:*

- a) *recognize the importance of the protection of existing employment uses and potential for appropriate employment growth and intensification within the Employment Area and within adjacent non-employment areas;*
- b) *provide an appropriate interface between the Employment Area and adjacent non-employment areas to maintain land use compatibility; and*
- c) *only permit sensitive land uses within adjacent non-employment areas if land use compatibility can be addressed in a manner that protects existing employment uses in accordance with Section 79.3 (12) of this Plan.”*

With respect to the City’s Official Plan, the Staff report identifies a number of policies in the 1997 Official Plan which direct that regard must be had to compatibility with nearby land uses (See Section 5.3.1) and which limit residential development. The Staff Report also notes that the New Official Plan designates the Branthaven Lands “Urban Corridor – Employment (Land Use -Urban Area) with a ‘Primary Growth Area (Schedule “B-1” – Growth Framework)”. This designation does not permit residential uses. The New Official Plan only permits the addition of non-employment uses through a site-specific Official Plan Amendment, but as noted above such applications must have regard to Provincial guidelines for mobility hubs and transit and major transit station area policies, as well as having regard for Mobility Hub Opportunities and Constraints Study (2014). However, more importantly, as discussed above in the review of Provincial and Regional policy, the introduction of sensitive land uses can only be considered in accordance with provincial guidelines, and must avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.

## **2. Compatibility of Proposed Development with respect to air quality, noise and vibration has not been demonstrated**

### **2.1 General Conclusion**

Dillon was retained by Remington to review the submissions with respect to air quality and noise and vibration for the proposed development of the Branthaven Lands as set out in the following reports:

- Land Use Compatibility Study and Air Quality Assessment, Oval Court, Burlington Ontario, ORTECH Consulting Inc. (ORTECH), May 14, 2021 (ORTECH Report); and,
- Noise and Vibration Feasibility Study, Proposed Mixed Use Development, Oval Court, Burlington, Ontario, Howe Gastmeier Chapnik Limited (HGC Engineering), April 20, 2021.

Dillon’s analyses are found in Attachments 1 and 2 to this submission. In summary, Dillon concludes that compatibility has not been demonstrated.

### **2.2 Air Quality Report has not demonstrated compatibility**

Dillon carried out their review of the ORTECH report in the context of the Ministry of the Environment, Conservation and Parks (MECP) D-Series of Guidelines for Land Use Compatibility. Dillon’s key conclusions include the following:

- “1. In general, the Report has not sufficiently demonstrated compatibility between the Proposed Development and the Remington Lands. The introduction of new sensitive

receptors could introduce significant limitations on the allowable uses at the Remington Lands. It is recommended that the Report should quantitatively demonstrate compatibility with a reasonable worst-case use allowed under current zoning in accordance with MECP guidance before a change in zoning is considered. Should mitigation be required at the Proposed Development to achieve compatibility, the details of such mitigation should be included within the Report.....

6. The Report suggests that “Additional mitigation efforts could be incorporated into the development of the vacant property...” and “... if required Class 1 facilities can adopt various levels of control technology.” It is not appropriate to use at source-mitigation (on the Remington lands) to demonstrate compatibility with the Proposed Development where zoning does not currently allow such development.....”

### **2.3 Noise and Vibration Report has not demonstrated compatibility**

Dillon carried out their review of the HGC Engineering report in the context of the (MECP) D Series of Guidelines for Land Use Compatibility. They identify a number of issues with the report, in particular, they note that:

- “1. In general, the HGC Report has not demonstrated compatibility between the Proposed Development and the surrounding lands. In addition, to the Remington Lands, there are multiple industrial and stationary sources which were not assessed, primarily rooftop sources associated with Sofina Foods, Bristol Powdercoat & Shotblast, as well as sources associated with potential Class III Industries (per MECP D-Series Guidelines) located to the west of Appleby Line.”

Dillon indicates that the introduction of new sensitive receptors on the Branthaven Lands would present significant limitations on the allowable uses on the Remington Lands. However, they note that the Remington Lands were not included in the noise and vibration assessment. They recommend that the HGC Report adhere to the D-Series Guidelines and consider the “worst case scenario” permitted use for the 5200 Harvester Road vacant lands in accordance with the MECP guidance before any change in zoning on the Branthaven Lands is considered.

### **3. Conclusions and Recommendation**

Intensification of the Branthaven Lands is mandated by Provincial, Regional and City policy. However, the Branthaven Lands are located in an area largely occupied by industrial and commercial uses. Therefore, the type and form of intensification, particularly the introduction of sensitive residential uses, still requires careful evaluation to avoid, or minimize and mitigate adverse impacts on existing or future industrial, manufacturing or other uses and their related jobs that are particularly vulnerable to encroachment. This is also essential to protect the health of any future residents.

This evaluation, based on the review by Dillon, has not yet taken place. Neither the air quality or noise and vibration reports submitted on behalf of Branthaven demonstrate compatibility between the proposed development of the Branthaven Lands and the surrounding existing development including and potential development of the Remington Lands. This is contrary to Provincial, Regional and City policy.

It is recommended that before the City considers the proposed development of the Branthaven Lands that both reports be redone in adherence with the MECP D-Series Guidelines considering the “worst case scenario” permitted use for 5200 Harvester Road. The revised reports should be peer reviewed by the City and the development modified to reflect the ultimate recommendations.

Should you have any questions regarding this submission please contact the undersigned. In addition, please consider this letter as a request for notification of the adoption of any Official Plan Amendment and passing of any Zoning By-law for the Branthaven Lands by our client, Presidio Construction Limited c/o The Remington Group (Remington). Notification should be sent to 7501 Keele Street, Suite 100, Vaughan, Ontario, L4K 1Y2 by mail and by email to [jsheldon@remingtongroupinc.com](mailto:jsheldon@remingtongroupinc.com) and [ebarron@remingtongroupinc.com](mailto:ebarron@remingtongroupinc.com).

Yours truly,

**Macaulay Shiomi Howson Ltd.**



Per: Elizabeth Howson, MCIP, RPP

c.c. Jason Sheldon/Emma Barron Presidio Construction Limited c/oThe Remington Group  
Gordon Dickson Community Planning [Gordon.dickson@burlington.ca](mailto:Gordon.dickson@burlington.ca)



# MAP 1 - LOCATION PLAN

 BRANTHAVEN LANDS       5200 HARVESTER RD - REMINGTON LANDS





# Memo

**To:** Emma Barron, RPP, MCIP, Project Manager, The Remington Group  
**From:** Hamish Corbett-Hains, M.A.Sc., P.Eng., Dillon Consulting Limited  
**Date:** August 26<sup>th</sup>, 2021  
**Subject:** 5200 Harvester Road Land Use Compatibility Review, Revision 3  
**Our File:**

Dillon Consulting Limited (Dillon) was retained by The Remington Group (Remington) to review a land use compatibility assessment for air quality with respect to Remington's Lands at 5200 Harvester Road in Burlington, Ontario (the Remington Lands). The land use compatibility assessment is detailed in a report prepared by ORTECH Consulting Inc. (ORTECH), titled *Land Use Compatibility Study and Air Quality Assessment, Oval Court, Burlington, Ontario*, dated May 14th, 2021 (the Report). The Report was prepared in support of an Official Plan Amendment for the lands at: 720 Oval Court, 735 Oval Court, 740 Oval Court, 5135 Fairview Street, and 5155 Fairview Street, all in Burlington, Ontario (the Proposed Development). The Proposed Development lands are currently zoned for 'Mixed Use Corridor - Employment'; the Report is supporting an Official Plan Amendment application to allow high-density residential, office, community, and commercial uses. The Proposed Development would include eight towers ranging in height from 11 to 30 storeys.

This memo provides Dillon's review of the Report in the context of Remington's Lands, including consideration of potential constraints or limitations on the future allowable land uses on the Remington Lands as a result of the introduction of residential uses. This review has been performed in the context of the Ministry of the Environment, Conservation and Parks' (MECP) D-Series of Guidelines for Land Use Compatibility. The following summarize the findings of the review:

## General Comments

1. In general, the Report has not demonstrated compatibility between the Proposed Development and the surrounding lands. The Report has relied on generalizations about the surrounding industries to demonstrate compliance without performing a quantitative assessment. Additionally, some of the information in the report appears inaccurate. For example, with respect to the Lafarge Canada Inc. facility located at 800 Appleby Line, the Report states that "...there are no tall stacks at the RMC plant which would impact elevated receptors...". As per the Environmental Compliance Approval for the Lafarge site (MECP reference 8783-6P7RER) there are multiple sources which emit contaminants 20 m above grade. Dillon recommends that Remington request the City of Burlington to perform a detailed peer review of the Report to confirm the findings.

## Comments with respect to 5200 Harvester Road (The Remington Lands)

The Remington Lands are zoned GE1-59, which allows for a wide variety of uses, including significant industrial uses such as: Recycling Facilities; Metal, Wood, Paper, Plastic, Machine and Chemical Industries; and All Other Industrial Operations as well as office, automotive, retail, and hospitality uses. Many of the allowable uses would meet the definition of a Class III facility under the MECP's D-Series of Guidelines,

which is the most intensive class of industry defined in the Guideline. The Remington Lands are currently surrounded by lands with similar zoning (i.e. GE1 and MXE), with the exception of lands zoned PC (Community Park) to the southeast. Land Use Compatibility is assessed based on the encroachment of industrial land uses and sensitive land uses, the latter typically referring to residential uses, schools, daycares, health care facilities, and places of worship. Currently, the closest sensitive lands are 300 m from the Remington Lands, and there are no abutting lands which are zoned to allow residential uses. It is expected that many of the allowable uses under the current zoning would be compatible with the current uses of the surrounding lands.

In consideration of the context provided above, Dillon provides the following comments with respect to the Report.

1. In general, the Report has not sufficiently demonstrated compatibility between the Proposed Development and the Remington Lands. The introduction of new sensitive receptors could introduce significant limitations on the allowable uses at the Remington Lands. It is recommended that the Report should quantitatively demonstrate compatibility with a reasonable worst-case use allowed under the current zoning in accordance with MECP guidance before a change in zoning be considered. Should mitigation be required at the Proposed Development to achieve compatibility, the details of such mitigation should be included within the Report.
2. The Report states that *"...all classes of facilities as per D-6 guidelines are permitted on the neighbouring property."* in reference to the Remington Lands. The D-series of guidelines recommends separation distance and buffers as the preferred approach to achieving compatibility prior to the implementation of mitigation measures. The Proposed Development is within 30 m of the Remington Lands which would preclude the use of buffers to promote compatibility with any Class I or Class II facility on the Remington Lands. This approach to compatibility is not preferred with respect to the MECP's guidelines.
3. The Report states that any Class III industry would *"...require some level of assessment and may or may not impact the existing sensitive receptors"*. The Report provides a qualitative assessment of a typical Hot-Mix Asphalt Plant and Ready-Mix Concrete Plant but does not demonstrate that these land uses would be worst-case with respect to land use compatibility, nor does it quantitatively demonstrate compatibility between the Proposed Development and the Remington Lands. Section 4.4.5 of Guideline D-6 states:

*"Where there is no existing industrial facility within the area designated/zoned for industrial land use, determination of the potential influence area shall be based upon a hypothetical "worst case scenario" for which the zoned area is committed. Therefore, Ministry staff or the delegated authority shall use the outside range of the potential influence area to determine an appropriate separation distance."*

In this case, the "outside range" potential influence area would be 1,000 m, in accordance with a Class III designation. Guideline D-6 states that *"no sensitive land use shall be permitted within the actual or potential influence areas of Class I, II or III industrial land uses, without evidence to substantiate the absence of the problem."* The Report should quantitatively assess compatibility between the Proposed Lands and a worst-case land use on the Remington Lands.

4. As noted in the Report, any industrial use on the Remington Lands would require environmental approval from the MECP. A typical solution to mitigate air contaminants is the use of tall stacks to disperse emissions in the atmosphere. The buildings currently surrounding the Remington Lands do not include elevated receptors such as high-density residential. Therefore, under existing conditions, tall stacks would likely be an effective and economical mitigation measure for many industries. The introduction of elevated receptors at the Proposed Development could preclude the use of stacks as a mitigation measure. Therefore, the approval of any sensitive uses on the Proposed Development lands may limit the development potential of Remington's Lands.
5. The Report suggests that some uses on the Remington Lands could be compatible with the Proposed Development with the introduction of a 30 m buffer on the Remington Lands. It is inappropriate to limit the developable area on neighbouring lands to support a rezoning application. If an additional 30 m separation is required to maintain compatibility with existing land uses, such a buffer should be incorporated into the design of the Proposed Development.
6. The Report suggests that *“Additional mitigation efforts could be incorporated into the development of the vacant property...”* and *“...if required Class I facilities can adopt various levels of control technology.”* It is not appropriate to use at-source mitigation (on the Remington lands) to demonstrate compatibility with a Proposed Development where zoning does not currently allow such development. The Report should quantitatively assess worst-case allowable industries under current zoning to determine if the Proposed Development is compatible with the Remington Lands. The Report should assume an industry standard level of mitigation on the Remington Lands. In order for the Report to adequately demonstrate compatibility, any additional mitigation which would be required as a result of the Proposed Development should be quantified in the Report and an approach to achieving this level of mitigation should be described (e.g. capital provided by the proponent of the Proposed Development to Remington; design considerations at the Proposed Development to promote compatibility).
7. Based on Dillon’s understanding of the City of Burlington zoning by-law (Part 3, Section 6.2), the introduction of residentially zoned lands abutting the Remington Lands may impose a 9 m height restriction on any future development. This could have implications on the use of the Remington Lands and preclude some uses (e.g. office towers greater than 3 storeys). It is unclear if the rail line between the Proposed Development and the Remington Lands would provide adequate separation from the residential lands to allow for taller developments.

Please don’t hesitate to contact me with any questions.

Sincerely,



Hamish Corbett-Hains, M.A.Sc., P.Eng.,  
Associate



August 30<sup>th</sup>, 2021

The Remington Group Inc.  
7501 Keele Street  
Suite 100  
Vaughan, ON  
L4K 1Y2

Attention: Emma Barron, RPP, MCIP  
Project Manager

***5200 Harvester Road Land Use Compatibility Review – Noise and Vibration***

Dear Emma:

Dillon Consulting Limited (Dillon) was retained by The Remington Group (Remington) to review a land use feasibility study for noise and vibration with respect to Remington's Lands at 5200 Harvester Road in Burlington, Ontario (the Remington Lands). The noise and vibration feasibility assessment is detailed in a report prepared by Howe Gastmeier Chapnik Limited (HGC Engineering), titled *Noise and Vibration Feasibility Study, Proposed Mixed Use Development, Oval Court, Burlington, Ontario*, dated April 20<sup>th</sup>, 2021 (the HGC Report). The HGC Report was prepared for Branthaven Development Corporation in support of the application process for 720 Oval Court in Burlington, Ontario (the Proposed Development). The Proposed Development lands are currently zoned for 'Mixed Use Corridor - Employment'; the HGC Report was completed in support of an application for an Official Plan Amendment to allow high-density residential, office, community, and commercial uses. The existing uses on the subject lands include industrial, commercial, and office space. The Proposed Development would include eight residential towers ranging in height from 11 to 30 storeys.

This letter provides Dillon's review of the HGC Report in the context of Remington's Lands, including consideration of potential constraints or limitations on the future allowable land uses on the Remington Lands as a result of the introduction of sensitive uses (specifically residential uses). This review has been performed in the context of the Ministry of the Environment, Conservation and Parks (MECP) D-Series of Guidelines for Land Use Compatibility, as well as the MECP's Environmental Noise Guideline, NPC-300. In addition to the MECP Guidelines, this review also considers industry standard practices with respect to land use compatibility assessments. The findings of the review are as follows:

111 Farquhar Street  
Suite 301  
Guelph, Ontario  
Canada  
N1H 3N4  
Telephone  
519.571.9833  
Fax  
519.571.7424



### Comments with respect to 5200 Harvester Road (The Remington Lands)

The Remington Lands are zoned GE1-59, which allows for a wide variety of uses, including significant industrial uses such as: Recycling Facilities; Metal, Wood, Paper, Plastic, Machine and Chemical Industries; and All Other Industrial Operations as well as office, automotive, retail, and hospitality uses. Many of the allowable uses would likely meet the definition of a Class III facility under the MECP's D-Series of Guidelines, which is the most intensive class of industry defined in the Guidelines.

The Remington Lands are currently surrounded by lands with similar zoning (i.e. GE1 and MXE), with the exception of lands zoned PC (Community Park) to the southeast. Land Use Compatibility is assessed based on the encroachment of industrial land uses and sensitive land uses, the latter typically referring to residential uses, schools, daycares, health care facilities, and places of worship. Currently, the closest sensitive lands are 300 m from the Remington Lands, and there are no abutting sensitive land uses.

In consideration of the context provided above, Dillon provides the following comments with respect to the HGC Report.

1. The HGC Report completed a stationary noise assessment of the existing industrial sources, and their predicted impacts on the Proposed Development. The Remington Lands were not included in the noise and vibration assessment.

As per Section 4.4.5 and 4.10.3 of the MECP D-6 Guideline (quoted below), assessing compatibility when a change in land use is proposed for either industrial or sensitive land use, vacant lands are to be considered and included in the assessment as a "worst case scenario" permitted use.

#### ***Vacant industrial land (4.4.5)***

*"Where there is no existing industrial facility within the area designated/zoned for industrial land use, determination of the potential influence area shall be based upon a hypothetical "worst case scenario" for which the zoned area is committed. Therefore, Ministry staff or the delegated authority shall use the outside range of the potential influence area to determine an appropriate separation distance."*



**Feasibility analysis (4.10.3)**

*“Mapping shall also indicate all vacant properties currently zoned and/or designated for industrial use along with relevant excerpts from the official plan and/or zoning by-law to indicate the full range of permitted uses. Attempts shall also be made to predict the types and levels of adverse impact that would result in a “worst case scenario” should an industrial use be developed upon any of the vacant parcels.”*

The introduction of new sensitive receptors could present significant limitations on the allowable uses at the Remington Lands. It is recommended that the HGC Report adhere to the D-Series Guidelines and consider the “worst case scenario” permitted use for the 5200 Harvester Road vacant lands in accordance with MECP guidance before a change in zoning be considered.

**General Comments**

1. In general, the HGC Report has not demonstrated compatibility between the Proposed Development and the surrounding lands. In addition to the Remington Lands, there are multiple industrial and stationary sources which were not assessed, primarily the significant rooftop sources associated with Sofina Foods, Bristol Powdercoat & Shotblast, as well as sources associated with potential Class III industries (per MECP D-Series Guidelines) located to the west of Appleby Line.

The details regarding the extent of the stationary analysis is unclear, as modelling assumptions (ground absorption, reflection order, etc.), modelling outputs, source locations, and source details (source heights, truck movement speeds, etc.) were not provided in the HGC Report.

2. The stationary component of the HGC Report is preliminary in nature and has relied on general assumptions regarding the surrounding industries (i.e., operating assumptions, truck movement counts, and source levels) to assess feasibility and compatibility. These assumptions result in predicted exceedances of up to 5 dBA at the Proposed Development in a Class 1 area. The HGC Report should be updated after contact has been established with the surrounding industries (which is considered good practice) to obtain the relevant information pertaining to each industries’ operations.
3. Section 4.2 of the HGC Report outlines the methodology and the hourly traffic counts used to determine the background sound levels and applicable



sound level limits at the Proposed Development for the stationary noise assessment.

While the results of the ambient calculation appear reasonable for the area, the traffic count calculations were not provided for verification. Additionally, the figures summarizing the results and locations of the predicted increased ambient at the Proposed Development are illegible (in the version Dillon received for review).

4. Section 5.3 of the HGC Report outlines conceptual mitigation measures to achieve the NPC-300 Class 1 criteria, including:

*“Any minor excesses along any façade may be mitigated with at receptor mitigation. This could be in the form of architectural solutions such as utilizing balconies of appropriate height (solid parapet made of glass) to shield any windows to sensitive spaces behind.”*

As per MECP NPC-300, receptor based "on building" noise control measures are only acceptable under the condition that the noise sensitive land use is classified as a Class 4 area. Receptor based "on building" noise control measures include the use parapets and acoustic barriers attached to the receptor building.

Dillon has reviewed the HGC Report in context of the Remington's Lands. This letter excludes the review of the transportation noise and vibration assessment portion, as well a detailed review of industrial lands other than 5200 Harvester Road.

Dillon recommends that Remington request the City of Burlington to perform a detailed peer review of the HGC Report in its entirety to confirm the findings. Furthermore, Dillon recommends that Remington perform peer reviews of any subsequent compatibility studies which are performed in support of the Proposed Development.



Please don't hesitate to contact me with any questions.

Sincerely,

**DILLON CONSULTING LIMITED**



Lucas Arnold P.Eng.  
Associate

