



**SUBJECT: Statutory Public Meeting and Recommendation Report for Official Plan Amendment & Zoning By-law Amendment Application for 720, 735, 740 Oval Court and 5135 & 5155 Fairview Street**

**TO: Community Planning, Regulation & Mobility Cttee.**

**FROM: Community Planning Department**

Report Number: PL-53-21

Wards Affected: 5

File Numbers: 505-03/21 & 520-04/21

Date to Committee: November 9, 2021

Date to Council: November 23, 2021

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**Recommendation:**

Direct staff to continue to proceed with the processing of the submitted official plan and zoning by-law amendments for 720, 735, 740 Oval Court, 5135 and 5155 Fairview Street, including evaluating and incorporating any/all comments received by Committee and Public at the statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments.

**PURPOSE:**

The purpose of this report is to provide background information to committee and public related to an application for Official Plan Amendment and Zoning By-law Amendment for lands municipally known as 720, 735, 740 Oval Court and 5135 & 5155 Fairview Street and seek direction from Council to continue to process the application. Pending the receipt of all public and agency comments and the conclusion of a technical review of the application, staff will work towards bringing forward a subsequent recommendation report to Council for consideration.

**Vision to Focus Alignment:**

The subject application relates to the following focus areas of the 2018-2022 Burlington’s Plan: From Vision to Focus:

- Increasing Economic Prosperity and Community Responsive Growth Management
- Improve Integrated City Mobility
- Support Sustainable Infrastructure and a Resilient Environment
- Building more Citizen Engagement, Community Health and Culture

**Executive Summary:**

<b>RECOMMENDATION:</b>		Proceed with Processing Application	<b>Ward:</b>	5
<b>Application Details</b>	<b>APPLICANT:</b>	Branthaven Development Corporation (% Ruth Victor & Associates)		
	<b>OWNERS:</b>	1602211 Ontario Limited Branthaven 735 Oval Inc. 1471681 Ontario Inc. S & G Consulting Inc. 5135 Fairview Holdings Inc.		
	<b>FILE NUMBERS:</b>	505-03/21 & 520-04/21		
	<b>TYPE OF APPLICATIONS:</b>	Official Plan Amendment & Zoning By-law Amendment		
	<b>PROPOSED USE:</b>	Mixed-Use Development (including, residential, office, retail, and public service facility (i.e. daycare, library) uses		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	North side of Fairview Street and east of Appleby Line (adjacent to Sherwood Forest Park)		
	<b>MUNICIPAL ADDRESSES:</b>	720, 735, 740 Oval Court and 5135 & 5155 Fairview Street		
	<b>PROPERTY AREA:</b>	4.50 hectares (11.12 acres)		
	<b>EXISTING USES:</b>	Existing office and industrial buildings and uses (i.e. manufacturing, packaging, warehousing)		

<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b>	'Mixed Use Corridor - Employment' (Official Plan (1997)) 'Urban Corridor – Employment' (New Official Plan)
	<b>OFFICIAL PLAN Proposed:</b>	'Mixed Use Corridor – Commercial'
	<b>ZONING Existing:</b>	Mixed-Use Corridor Employment Oriented ('MXE') Zone
	<b>ZONING Proposed:</b>	Regional Commercial Exception ('CR-XX') Zone
<b>Processing Details</b>	<b>PRE-APPLICATION COMMUNITY CONSULTATION MEETING:</b>	February 11, 2021
	<b>APPLICATION RECEIVED</b>	May 14, 2021
	<b>STATUTORY PUBLIC MEETINGS:</b>	September 7, 2021 November 9, 2021
	<b>STATUTORY DEADLINE:</b> (Section 22(7) & Section 34(11) of Planning Act)	September 11, 2021 (120 days)
	<b>PUBLIC COMMENTS</b>	A total of 29 resident/property owner comments received in response to public circulation of application

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## Background and Discussion:

### General

Application for Official Plan Amendment and Zoning By-law Amendment (File Nos. 505-03/21 & 520-04/21) was received by the City of Burlington Community Planning Department on May 14, 2021. In accordance with the requirements of the *Planning Act* and the applicable policies of Part VI - Implementation of the City of Burlington Official Plan (1997), as amended, the application was deemed complete on June 10, 2021 with the issuance of a Letter of Complete Application. A Notice of Complete Application was

circulated on June 23 & 24, 2021 to property owners/occupants within 120 metres of the subject property and on June 24, 2021 to all boards and agencies requiring circulation pursuant to the *Planning Act*. A copy of the Notice of Complete Application was provided to the applicant/agent and uploaded to the City of Burlington website and notification signs were posted on the property.

A second statutory Public Meeting is being held pursuant to the *Planning Act* to advise on the current development proposal, the status of review, and to receive additional public and Committee comments concerning the application. A Notice of Public Meeting was circulated on October 15, 2021 to property owners/occupants within 120 metres of the subject property as well as to those who expressed an interest to receive further notification. A copy of the Notice of Public Meeting was circulated to all boards and agencies requiring circulation pursuant to the *Planning Act* on October 15, 2021. The Notice of Public Meeting was also published in the October 14, 2021 edition of the Burlington Post and posted on the City's Development Projects Webpage at [www.burlington.ca/ovalcourt](http://www.burlington.ca/ovalcourt).

The City's Development Projects webpage ([www.burlington.ca/ovalcourt](http://www.burlington.ca/ovalcourt)) was updated, accordingly, with the subsequent circulation of each public and agency notification. Several comments have been received to date in response to the circulation of the Notices of Complete Application and Public Meeting. These comments are summarized in later sections of this Report.

## **Site Description**

The subject lands are located on the north side of Fairview Street, east of Appleby Line and comprise a total landholding of 4.50 hectares (11.12 acres) and include lands known municipally as 720, 735, 740 Oval Court and 5135 & 5155 Fairview Street. Overall frontage is along Fairview Street with primary ingress/egress via Oval Court (to be maintained as part of road servicing the proposed development). The properties are not currently under consolidated ownership, however, future development may contemplate the assembly of the overall landholding into a single contiguous property.

Existing buildings and structures on the property include modern office and industrial buildings (ranging in heights of between 2-3 storeys) and are used for manufacturing, packaging, and warehousing, in addition to general office purposes. Demolition of the existing buildings is included as a component of the overall redevelopment concept. The location of the subject lands and overall site context is illustrated on Figure 1: Site Location and Context, below, and Attachment No. 1 (Location Plan (Aerial))



Figure 1: 2019 Air Photo (Site Location & Context)

### Surrounding Land Uses

Surrounding and adjacent land uses are described below and the applicable zoning of these properties is illustrated on Attachment No. 2 (Existing Zoning).

- North Commercial/industrial land uses (on the north side of the Canadian National (CN) rail corridor), including lands zoned General Employment ('GE1') Zone and General Employment Exception ('GE1-59') Zone;
- South Low-density residential land uses (on the south side of Fairview Street) on lands zoned Mixed Use Corridor – General Exception ('MXG-345') Zone; Utility Services ('S') Zone; and, Low Density Residential ('R3.2') Zone;
- West Appleby GO Station (station platform and surface parking area) and Appleby Creek (and rail corridor to the north), zoned Mixed Use Corridor Employment Oriented ('MXE') Zone, Open Space ('O2') Zone and Utility Services ('S') Zone; and,
- East Sherwood Forest Park and lands zoned Community Park ('PC') Zone.

### Description of the Application

The proposed development contemplates eight (8) mixed-use towers (ranging in height between 11 and 30 storeys) and a total of 1,996 residential units (one-bedroom; one bedroom + den; two-bedroom; two-bedroom + den; and, three-bedroom models) are proposed. A total of 6,431.14 m<sup>2</sup> of office, 2,337.69 m<sup>2</sup> of retail, 999.37 m<sup>2</sup> of daycare and 2,747.67 m<sup>2</sup> of library space is proposed. The gross floor area of the proposed

redevelopment is 183,304.12 m<sup>2</sup> and would be completed as a phased development. Combined proposed occupant and shared visitor parking includes a total of 2,422 parking spaces. A three (3) level underground parking structure is proposed. Attachment No. 3 (Concept Plan & Site Plan) includes a development concept with the location, heights and footprint of each building as well as a Site Plan. Conceptual building elevations and massing models, illustrating the proposed building scale/massing and site design (including Phasing Plan) are included as Attachment No. 4 (Conceptual Building Elevations & Massing Models).

The application proposes Official Plan redesignation and implementing zoning by-law amendments to facilitate the development, as contemplated, which include an increase in maximum permitted building height and residential density. Amendments to 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. Maximum building heights for uses permitted within the designation are otherwise six (6) storeys, except for industrial uses, where the maximum permitted building height is two (2) storeys.

The City of Burlington New Official Plan (2020) does not contemplate residential land uses within the applicable 'Urban Corridor – Employment' designation. Minimum building heights for uses permitted within the designation are otherwise two (2) storeys (except for industrial uses where no minimum building height is required) and the maximum permitted building height shall not exceed six (6) storeys.

The maximum building height permitted within the existing zoning of the property (Mixed Use Corridor - Employment Oriented ('MXE') Zone) is two (2) storeys for an industrial/automotive use and six (6) storeys for all other permitted uses.

Residential land uses are not permitted in the 'MXE' Zone.

### **Supporting Documents**

The following technical reports/plans/studies have been submitted in support of the development application, and include:

- [Planning Justification Report](#), as prepared by Ruth Victor & Associates, May 13, 2021;
- [Housing Impact Statement](#), as prepared by Altus Group Economic Consulting, April 29, 2021;
- [Land Use Compatibility Study and Air Quality Assessment](#), as prepared by Ortech Consulting Inc., May 14, 2021;

- [Retail/Commercial Market Impact Study](#), as prepared by Spanier Group, May 11, 2021;
- [Retail and Mixed Use Memo](#), as prepared by Spanier Group, November 2020;
- [Architectural Plans and Drawings](#), as prepared by CORE Architects Inc., May 14, 2021 (Rev. No. 1);
- [Urban Design Brief](#), as prepared by NAK Design Strategies, May 2021;
- 3D Massing Plans;
- [Arborist Report \(Revised\)](#), as prepared by Beacon Environmental Limited, April 2021;
- [Landscape Concept Plan \(L100\)](#), as prepared by NAK Design Strategies, May 11, 2021;
- [Park Concept Plan](#), as prepared by NAK Design Strategies;
- [Sun Shadow Study](#), as prepared by Rowan Williams Davies & Irwin Inc. (RWDI), April 9, 2021;
- [Pedestrian Level Wind Study](#), as prepared by Theakston Environmental, April 9, 2021;
- [Environmental Evaluation Report/Environmental Impact Assessment](#), as prepared by Beacon Environmental Limited, May 2021;
- [Geomorphic Assessment](#), as prepared by Beacon Environmental Limited, December 2020;
- [Slope Stability Assessment](#), as prepared by DS Consultants Ltd., June 19, 2020;
- [Functional Servicing & Stormwater Management Report](#), as prepared by Urbantech Consulting, December 2020 (revised May 2021);
- [Existing Servicing Plan \(EX SS-1\)](#), as prepared by Urbantech Consulting, May 2020;
- [Existing Servicing Plan \(EX SS-2\)](#), as prepared by Urbantech Consulting, May 2020;
- [Hydrogeological Investigation](#), as prepared by DS Consultants Ltd., December 1, 2020;
- [Geotechnical Investigation](#), as prepared by DS Consultants Ltd., August 13, 2020 (revised April 28, 2021);
- [Transportation Impact Study, Parking Justification & Transportation Demand Management Plan](#), as prepared by Paradigm Transportation Solutions Limited, May 2021;
- [Noise and Vibration Feasibility Study](#), as prepared by Howe Gastmeier Chapnik Limited (HGC Engineering), April 20, 2021;
- [Topographical Survey](#), as prepared by A.T. McLaren Limited, April 28, 2021;
- [Solid Waste Management Plan](#), as prepared by Canam Waste Products, April 20, 2021 (revised May 10, 2021); and,

- [Construction Management Mobility Plan & Details](#), as prepared by Urbantech Consulting, May 2020.

All of these supporting documents have been published on the City's Development Projects webpage related to this application at [www.burlington.ca/ovalcourt](http://www.burlington.ca/ovalcourt).

### **Policy Framework**

The Official Plan Amendments and Zoning By-law Amendments, as contemplated by this application, are subject to review for conformity and consistency with the applicable land use framework as set out by Provincial, Regional and City policy documents and standards/guidelines.

A preliminary review of the application with respect to the Provincial Policy Statement (2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020); Region of Halton Official Plan; City of Burlington Official Plan (1997), as amended; City of Burlington New Official Plan; and, City of Burlington Zoning By-law 2020 is included in report sections below.

A detailed policy analysis will be provided in a future recommendation report to Council to demonstrate whether the proposal is in keeping with these policies.

### **Provincial Policy Statement (2020)**

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. Section 3(5) of the *Planning Act* states that where a municipality is exercising its authority affecting a planning matter, such decisions "shall be consistent with" the policy statements issued under the *Act* and shall conform with the provincial plans that are in effect on that date, or shall not conflict with them.

Provincial policy promotes development and land use patterns, including the development of compact communities within settlement areas, with an emphasis on the efficient use of existing infrastructure and public service facilities, while maintaining appropriate levels of public health and safety and protection of the natural environment and significant built heritage resources.

Land use patterns in settlement areas are also to be based on densities and a mix of land uses which efficiently use land, resources, prepare for the impacts of a changing climate, and support active transportation and transit.

### **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) came into effect in May 2019. Amendment No. 1 to the Growth Plan was subsequently approved and in effect on August 28, 2020. All planning applications are required to conform with the Growth Plan.

The Growth Plan provides a policy framework for implementing the provincial vision for building and establishing ‘complete communities’ that feature a diverse range of land uses and densities; a range of housing options; provide for a more compact built form and vibrant public realm; and, encourage the use of transit and active transportation options, while mitigating and adapting to climate change.

The Growth Plan framework directs long-term growth and development to Settlement Areas, with a focus on strategic growth areas, including Urban Growth Centres to promote the sustainability of development within the region.

### **Region of Halton Official Plan (‘ROP’)**

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.

Policies comprising the ‘Urban Area’ designation generally support forms of growth that are compact and supportive of transit usage and non-motorized modes of travel (reduction in dependence on automobile); makes efficient use of space and services; promotes live-work relationships; and, fosters a strong and competitive economy.

The Region of Halton Official Plan states that the range of permitted uses within the ‘Urban Area’ shall be in accordance with local official plans and zoning by-laws.

All proposed development within Intensification Areas is subject to the policies of the Region of Halton Official Plan. Objectives of Intensification Areas include

- to provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable;
- to provide opportunities for more cost-efficient and innovative urban design;
- to provide a range of employment opportunities, facilities and services in centralized locations that are readily accessible by public transit;

- to provide a diverse and compatible mix of land uses, including residential and employment uses to support neighbourhoods;
- to create a vibrant, diverse and pedestrian-oriented urban environment;
- to cumulatively attract a significant portion of population and employment growth;
- to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places;
- to support transit and active transportation for everyday activities;
- to generally achieve higher densities than the surrounding areas;
- to achieve an appropriate transition of built form to adjacent areas;
- For Major Transit Station Areas and Intensification Corridors:
  - To achieve increased residential and employment densities in order to ensure the viability of existing and planned transit infrastructure and service.
  - To achieve a mix of residential, office, institutional, commercial development, where appropriate.
  - For Major Transit Station Areas, to provide access from various transportation modes to the transit facility, including consideration of, but not limited to, pedestrians, bicycle routes and bicycle parking, commuter pick-up/drop-off areas, carpool parking, car share vehicles, and parking/recharging stations for electric vehicles.
  - For Intensification Corridors, to accommodate local services, including recreational, cultural and entertainment uses.

The Region of Halton has been circulated the application and will review the proposed development in the context of applicable Regional policy.

### **City of Burlington Official Plan (1997), as amended**

The subject lands are designated 'Mixed Use Corridor – Employment' to Schedule "B" (Comprehensive Land Use – Urban Planning Area) of the City of Burlington Official Plan (1997), as amended.

Section 5.3.1 of the City of Burlington Official Plan states that among the objectives of the Mixed Use Corridor designation includes the encouragement of higher intensity, transit-supportive and pedestrian-oriented mixed use development, including land in the vicinity of a major transit station area, such as a GO Transit station, in a compact form, while retaining compatibility with nearby land uses.

Section 5.3.4 (Mixed-Use Corridor – Employment) of the City of Burlington Official Plan states that notwithstanding the policies of Part III, Subsection 5.3.2, the following Mixed Use Corridor locations as shown on Schedule ‘B’ are primarily intended for higher intensity, transit and pedestrian employment development and are subject to the policies of Part III, Subsection 5.3.4. The locations listed include

- (vi) north side of Fairview Street, between Walker’s Line and Sherwood Forest Park, except the 0.70 hectare property at 4175 Fairview Street, and the north-east corner of Fairview Street and Walker’s Line and except the 6.5 hectare property at 4415 Fairview Street.

Employment use is defined as ‘the use of lands within a designated Employment, Employment Commercial or Mixed Use Corridor-Employment Area for business and economic activities, including, but not limited to, manufacturing, warehousing, offices and accessory retail and ancillary facilities, but does not include retail and service commercial uses unless they are accessory to employment uses.’

Section 5.3.4(d) (Prohibited Uses) of the City of Burlington Official Plan states that in Mixed Use Corridor – Employment locations, residential uses shall be prohibited. In addition, individual retail and service commercial uses shall be limited to a maximum size as set out in the Zoning By-law.

Section 5.3.4(k) (Re-designation from Mixed Use – Employment) of the City of Burlington Official Plan states that proposals for the re-designation of lands designated Mixed Use – Employment to allow non-employment uses, or to add a range of uses to the Mixed Use Corridor – Employment designation that are primarily permitted in a non-employment designation, shall be evaluated based on meeting the following criteria:

- (i) The proposal shall only be considered in conjunction with the Comprehensive Review provisions identified in conjunction with the Comprehensive Review provisions identified in the Provincial Policy Statement and the policies of Provincial Plans;
- (ii) The proposal shall not detrimentally affect the short and long-term employment land needs of the City;
- (iii) The intensity and characteristics of the proposed non-employment uses shall not detrimentally impact the viability, desirability, or the proper servicing of existing and future surrounding land uses;

- (iv) The site's physical and natural characteristics, development constraints and location shall justify the consideration of non-employment uses at the subject location;
- (v) Re-designation of lands abutting major transportation corridors including railways, highways and major arterial roads shall be discouraged;
- (vi) Support studies as identified in Part VI, Section 5.3, Other Studies Policies of the Plan are prepared;
- (vii) In addition to (i) through (vi) above, the re-designation shall also meet at least two of the following conditions:
  - i. The amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;
  - ii. The development of the site is not feasible for employment uses within the planning horizon of the Plan;
  - iii. There are no alternative sites, designated and approved for the proposed use elsewhere in the City;
  - iv. The proposal will have a beneficial impact on the surrounding uses and the broader community;
  - v. The development of the land for non-employment uses will meet a public need identified by City Council resolution.

### **City of Burlington New Official Plan (2020)**

On November 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being December 22, 2020 for the new Burlington Official Plan. The appeal record submitted to the Ontario Land Tribunal (OLT) (formerly Local Planning Appeal Tribunal (LPAT)) by the Region of Halton indicates that a total of 48 appeals to various parts of the new Burlington Official Plan were received during the appeal period.

Although the City is preparing a working version of the new Official Plan, it is the OLT that will issue Orders throughout the appeal process to establish and confirm which portions of the Plan remain subject to appeal, and which portions are in effect. The City anticipates that these Orders will be issued by the OLT following the case management

conferences in this matter. At the appropriate time, City staff will also bring forward a repeal by-law(s) for the former Burlington Official Plan (1997, as amended).

As the OLT process advances, the working version of the Burlington Official Plan, 2020 is subject to change. Users of the document must satisfy themselves as to the legal status and applicability of the polices. Interested parties are encouraged to monitor the City of Burlington's website for updates regarding the OLT process, the Burlington Official Plan, 2020 and the Burlington Official Plan, 1997:

<https://www.burlington.ca/en/services-for-you/Official-Plan-Review.asp>.

Section 22(2.1) of the *Planning Act* states that no person or public body shall request an amendment to a new official plan before the second anniversary of the first day any part of the plan comes into effect. Exceptions include where a council has declared by resolution that such a request is permitted (including a specific request, a class of requests or in respect of such requests generally).

The subject lands are designated 'Urban Corridor – Employment' to Schedule "C" (Land Use-Urban Area) and within a 'Primary Growth Area' (Schedule "B-1" – Growth Framework) of the City of Burlington New Official Plan. The subject lands are located within the Appleby GO Major Transit Station Area (MTSA) Special Planning Area (Schedule "H" – Appleby GO MTSA Special Planning Area) and located on a MTSA Primary Connector (i.e. Fairview Street).

Section 8.1.3(8.2)(a) of the City of Burlington New Official Plan states that 'Urban Corridor – Employment' Lands are intended to provide for the retail and service commercial needs of the employment uses and their employees within and immediately adjacent to the Corridor.

Section 8.1.3(8.2)(b) of the City of Burlington New Official Plan states that the following uses may be permitted on lands designated 'Urban Corridor – Employment' Lands:

- (i) Industrial uses;
- (ii) Office uses;
- (iii) Accessory retail and service commercial uses which serve the day to day needs of employees;
- (iv) Home improvement and home décor sales;
- (v) Automotive commercial uses, including large-scale motor vehicle dealerships existing on the date this Plan comes into effect;
- (vi) Entertainment uses; and,
- (vii) Recreation uses.

Section 8.1.3(8.2)(l) of the City of Burlington New Official Plan states that the addition of non-employment uses through a site-specific Official Plan Amendment shall only be permitted on lands outside the Region of Halton Employment Area where:

- (i) The subject lands meet the overall policy intent of the Urban Corridor – Employment designation; and,
- (ii) The proposed development ensures the inclusion of sufficient space to retain a similar number of jobs currently located on the site, or where the site is currently underutilized or vacant, the number of jobs proposed on the site should achieve 50 jobs per net hectare; and,
- (iii) Where the proposed development is located within an MTSA Special Planning Area and is proposed in advance of an area-specific plan the policies of Section 8.1.2 (Major Transit Station Areas) of the Plan shall apply.

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).

### **Major Transit Station Area (MTSA) Area-Specific Planning Project**

The development of Area Specific Plans (ASPs) for each of Burlington's GO Station areas was identified as a key priority for City Council through the development of Burlington's 2015-2040 Strategic Plan and the 2018-2022 From Vision to Focus as a key action. This work began through the Mobility Hubs Study between 2017-2018 and is resuming in 2021 as the Major Transit Station Area (MTSA) Area-Specific Planning Project. Work on the ASPs will include a number of technical studies and include engagement opportunities with Burlington residents, the development industry and other stakeholders. The ASPs will identify appropriate land uses, heights and intensities of development in each Major Transit Station Area (MTSA) to guide future growth and investment in these areas.

A draft Appleby GO Precinct Plan was released in May 2018 for public consultation, which will serve as a key input into the ASP for this MTSA. This draft Precinct Plan was released for feedback as preliminary and subject to change as a result of ongoing technical studies as well as Council, community and stakeholder feedback. The draft Precinct Plans were not endorsed or adopted by City Council.

The Major Transit Station Area (MTSA) Area-Specific Planning Project will build upon and advance the work undertaken through the Mobility Hubs Study including the draft Precinct Plan, and will form the starting point in the development of a recommended precinct plan through the MTSA Area-Specific Planning Project. Community Planning Department staff anticipate further engagement in Fall 2021.

### **Employment Lands Policy Summary**

The subject lands are designated 'Employment' lands pursuant to the City of Burlington Official Plan (1997), as amended. The subject lands are not located within the Region of Halton's Employment Area.

Lands recommended for re-designation that are City-designated employment lands, that are not within the Region's Employment Area, have proceeded through the approval of the adopted Official Plan. Where located within a Major Transit Station Area (MTSA) Special Planning Area, these lands will retain the existing employment-oriented land use designation in the City of Burlington New Official Plan until such time as the respective Area-Specific Plans (ASPs) are finalized and pending approval.

It is important to note that since the adoption of the City of Burlington New Official Plan, staff have recommended that these lands require further study to determine the appropriate land use designation and will be re-designated as a result of area-specific plans for each MTSA.

### **City of Burlington Zoning By-law 2020**

The applicable zoning of the total landholding is Mixed Use Corridor Employment Oriented ('MXE') Zone to Map No. 27-W of the City of Burlington Zoning By-law 2020.

Uses permitted by the current zoning include a range of retail commercial, service commercial, community, office, hospitality, automotive (with the exception of 'taxi-cab garage'), industrial, entertainment and recreational uses (with the exception of 'night club'). Residential land uses are not permitted in the 'MXE' Zone.

Amendments to the zoning by-law have been contemplated by the submission of the site-specific Zoning By-law Amendment Application to implement the proposed Official

Plan designation(s) through a Regional Commercial Exception ('CR-XX') Zone and to facilitate the development, as proposed.

The Regional Commercial ('CR') Zone permits a range of retail, service commercial, office, community, hospitality, automotive (with the exception of 'car wash'), entertainment and recreation uses. The 'CR' Zone does not permit industrial land uses.

Permitted residential land uses in the 'CR' Zone include 'dwelling units on second and third floors'. 'Apartment buildings' are not permitted by the 'CR' Zone. Site-specific amendments proposed include those to permitted use(s), zone provisions and regulations related to maximum permitted building height; maximum permitted residential density (FAR); minimum required setbacks; and minimum required parking.

In addition to adding 'apartment building' as a permitted use within the site-specific 'CR-XX' Zone, the draft amending zoning by-law contemplates additional permitted uses for the site, including, 'dry cleaning depot/laundromat/laundry service'; 'retirement home'; 'long term care facility'; 'dwelling units in a commercial/office/institutional building'; 'public library'; 'daycare facility'; 'gym facility'.

The draft amending zoning by-law, as submitted with the application, notes site-specific prohibited land uses within the proposed Regional Commercial Exception ('CR-XX') Zone. These include 'flea market'; 'large building supplies/garden store'; 'large furniture and appliance store'; 'large home and auto supplies store'; 'warehouse club'; 'night club'; 'commercial parking lot'; 'funeral home'; and, 'automotive uses'.

Uses otherwise permitted in all Zones pursuant to Part 1 (Subsection 2.21) of the Zoning By-law, but excluded in the proposed site-specific draft amending zoning by-law, include 'home day care'; 'group home'; 'emergency shelter'; 'residential social services'; and 'miscellaneous uses'.

A comparison between the current and proposed zoning performance standards (and the applicable site-specific regulations) is illustrated on Table 1 (Zone Requirements (Current & Proposed)), below for each building proposed. Where there are no site-specific exceptions otherwise noted in Table 1, the proposed development will be required to comply with the applicable zone provisions and regulations of the standard Regional Commercial ('CR') Zone, except 'apartment' uses which will be subject to the regulations of the High Density Residential ('RH4') Zone (except where in conflict with the regulations contained in Table 1, in which case the regulations noted in Table 1 shall prevail).

Table 1: Zone Requirements (Current &amp; Proposed)

**BUILDING “A”**

Zone Regulation	Zone Requirement		
	MXE Zone (Existing) Section 4.0 (Table 5.4.1)	CR Zone Section 4.0 (Table 4.4.1)	CR-XX Zone (Proposed)
<b>Street Side Yard</b>		6.0 metres	3.0 metres
<b>Building Height</b>	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey (max)	3 storeys up to 12.0 metres (maximum)	62.25 metres and 19 storeys (exclusive of mechanical penthouse)
<b>Landscape Area &amp; Buffer</b>	<b>Landscape Area</b> <i>Abutting a Street:</i> 3.0 metres <i>Abutting a Creek Block or 'O3' Zones:</i> 3.0 metres <i>Abutting a 'PC' Zone or 'P' Zone:</i> 3.0 metres An outdoor patio may encroach into a required landscape area abutting a street <b>Landscape Buffer</b> Abutting a Residential Zone: 6.0 metres	<b>Landscape Area</b> <i>Abutting the QEW:</i> 6.0 metres <i>Abutting all Other Streets:</i> 6.0 metres <i>Abutting a Creek Block or 'O3' Zone:</i> 6.0 metres <i>Yard Abutting a 'PC' Zone or 'P' Zone:</i> 3.0 metres <b>Landscape Buffer</b> Abutting a Residential Zone: 9.0 metres	<b>Minimum Landscape Strip</b> (which may contain a hard- surface outdoor amenity area)  3.0 metres
<b>Yard Abutting a 'PC' Zone or 'P' Zone</b>	6.0 metres	6.0 metres	3.0 metres
<b>Exclusion from Gross Floor Area (GFA) Calculation</b>			2,500.0 m <sup>2</sup>
<b>Minimum Commercial Floor Area</b>			1,250.0 m <sup>2</sup>
<b>Common Area</b>			3,600.0 m <sup>2</sup>

<b>Minimum Total Amenity Space</b>		4,000.0 m <sup>2</sup>
<b>Total Number of Units</b>		202

**BUILDING “B”**

<b>Zone Regulation</b>	<b>Zone Requirement</b>		
	<b>MXE Zone (Existing) Section 4.0 (Table 5.4.1)</b>	<b>CR Zone Section 4.0 (Table 4.4.1)</b>	<b>CR-XX Zone (Proposed)</b>
<b>Street Side Yard</b>		6.0 metres	3.0 metres
<b>Building Height</b>	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey (max)	3 storeys up to 12.0 metres (maximum)	62.25 metres and 19 storeys (exclusive of mechanical penthouse)
<b>Landscape Area &amp; Buffer</b>	<b>Landscape Area</b> <i>Abutting a Street:</i> 3.0 metres <i>Abutting a Creek Block or 'O3' Zones:</i> 3.0 metres <i>Abutting a 'PC' Zone or 'P' Zone:</i> 3.0 metres An outdoor patio may encroach into a required landscape area abutting a street <b>Landscape Buffer</b> Abutting a Residential Zone: 6.0 metres	<b>Landscape Area</b> <i>Abutting the QEW:</i> 6.0 metres <i>Abutting all Other Streets:</i> 6.0 metres <i>Abutting a Creek Block or 'O3' Zone:</i> 6.0 metres <i>Yard Abutting a 'PC' Zone or 'P' Zone:</i> 3.0 metres <b>Landscape Buffer</b> Abutting a Residential Zone: 9.0 metres	<b>Minimum Landscape Strip</b> (which may contain a hard- surface outdoor amenity area)  3.0 metres
<b>Yard Abutting Any Other Street</b>	3.0 metres (4.5 metres maximum)	N/A	3.0 metres
<b>Exclusion from gross floor area (GFA) Calculation</b>			2,900.0 m <sup>2</sup>
<b>Common Area</b>			3,100.0 m <sup>2</sup>

<b>Minimum Total Amenity Space</b>		4,800.0 m <sup>2</sup>
<b>Total Number of Units</b>		190 (with a minimum of 75% of the units to be Memory Care Units, Assisted Care Units and Seniors Apartments)

**BUILDING “C”**

<b>Zone Regulation</b>	<b>Zone Requirement</b>		
	<b>MXE Zone (Existing) Section 4.0 (Table 5.4.1)</b>	<b>CR Zone Section 4.0 (Table 4.4.1)</b>	<b>CR-XX Zone (Proposed)</b>
<b>Street Side Yard</b>		6.0 metres	3.0 metres
<b>Building Height</b>	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey (max)	3 storeys up to 12.0 metres (maximum)	98.0 metres and 30 storeys (exclusive of mechanical penthouse)
<b>Landscape Area &amp; Buffer</b>	<p><b>Landscape Area</b> <i>Abutting a Street:</i> 3.0 metres <i>Abutting a Creek Block or ‘O3’ Zones:</i> 3.0 metres <i>Abutting a ‘PC’ Zone or ‘P’ Zone:</i> 3.0 metres An outdoor patio may encroach into a required landscape area abutting a street</p> <p><b>Landscape Buffer</b> Abutting a Residential Zone: 6.0 metres</p>	<p><b>Landscape Area</b> <i>Abutting the QEW:</i> 6.0 metres <i>Abutting all Other Streets:</i> 6.0 metres <i>Abutting a Creek Block or ‘O3’ Zone:</i> 6.0 metres <i>Yard Abutting a ‘PC’ Zone or ‘P’ Zone:</i> 3.0 metres</p> <p><b>Landscape Buffer</b> Abutting a Residential Zone: 9.0 metres</p>	<p><b>Minimum Landscape Strip</b> (which may contain a hard-surface outdoor amenity area)</p> <p>3.0 metres</p>

<b>Yard Abutting Any Other Street</b>	3.0 metres (4.5 metres maximum)	N/A	3.0 metres
<b>Minimum Retail or Office Floor Area</b>			300.0 m <sup>2</sup>
<b>Exclusion from gross floor area (GFA) Calculation</b>			3,400.0 m <sup>2</sup>
<b>Minimum Common Area</b>			4,300.0 m <sup>2</sup>
<b>Minimum Total Amenity Space</b>			5,700.0 m <sup>2</sup>
<b>Total Number of Units</b>			342

**BUILDING “D”**

<b>Zone Regulation</b>	<b>Zone Requirement</b>		
	<b>MXE Zone (Existing) Section 4.0 (Table 5.4.1)</b>	<b>CR Zone Section 4.0 (Table 4.4.1)</b>	<b>CR-XX Zone (Proposed)</b>
<b>Street Side Yard</b>		6.0 metres	0.0 metres
<b>Building Height</b>	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey (max)	3 storeys up to 12.0 metres (maximum)	98.0 metres and 30 storeys (exclusive of mechanical penthouse)
<b>Landscape Area &amp; Buffer</b>	<b>Landscape Area</b> <i>Abutting a Street:</i> 3.0 metres <i>Abutting a Creek Block or 'O3' Zones:</i> 3.0 metres <i>Abutting a 'PC' Zone or 'P' Zone:</i> 3.0 metres An outdoor patio may encroach into a required landscape area abutting a street <b>Landscape Buffer</b>	<b>Landscape Area</b> <i>Abutting the QEW:</i> 6.0 metres <i>Abutting all Other Streets:</i> 6.0 metres <i>Abutting a Creek Block or 'O3' Zone:</i> 6.0 metres <i>Yard Abutting a 'PC' Zone or 'P' Zone:</i> 3.0 metres <b>Landscape Buffer</b>	<b>Minimum Landscape Strip</b> (which may contain a hard- surface outdoor amenity area)  3.0 metres

	Abutting a Residential Zone: 6.0 metres	Abutting a Residential Zone: 9.0 metres	
<b>Separation Distance from a Railway Right-of-Way</b>	30.0 metres for land uses sensitive to railway rights-of-way	N/A	30.0 metres
<b>Yard Abutting a 'PC' Zone or 'P' Zone</b>	6.0 metres	6.0 metres	6.0 metres
<b>Minimum Retail or Office Floor Area</b>			3,500.0 m <sup>2</sup>
<b>Exclusion from Gross Floor Area (GFA) Calculation</b>			5,300.0 m <sup>2</sup>
<b>Minimum Common Area</b>			2,300.0 m <sup>2</sup>
<b>Minimum Total Amenity Space</b>			6,800.0 m <sup>2</sup>
<b>Maximum Total Number of Units</b>			302

**BUILDING "E"**

<b>Zone Regulation</b>	<b>Zone Requirement</b>		
	<b>MXE Zone (Existing) Section 4.0 (Table 5.4.1)</b>	<b>CR Zone Section 4.0 (Table 4.4.1)</b>	<b>CR-XX Zone (Proposed)</b>
<b>Street Side Yard</b>		6.0 metres	0.0 metres
<b>Building Height</b>	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey (max)	3 storeys up to 12.0 metres (maximum)	98.0 metres and 30 storeys (exclusive of mechanical penthouse)
<b>Yard Abutting Any Other Street</b>	3.0 metres (4.5 metres maximum)	N/A	0.0 metres
<b>Separation Distance from a Railway Right-of-Way</b>	30.0 metres for land uses sensitive to railway rights-of-way	N/A	30.0 metres
<b>Yard Abutting a 'PC' Zone or 'P' Zone</b>	6.0 metres	6.0 metres	3.0 metres

<b>Exclusion from Gross Floor Area (GFA) Calculation</b>		3,400.0 m <sup>2</sup>
<b>Common Area</b>		4,000.0 m <sup>2</sup>
<b>Minimum Total Amenity Space</b>		7,000.0 m <sup>2</sup>
<b>Total Number of Units</b>		320

**BUILDING “F”**

<b>Zone Regulation</b>	<b>Zone Requirement</b>		
	<b>MXE Zone (Existing) Section 4.0 (Table 5.4.1)</b>	<b>CR Zone Section 4.0 (Table 4.4.1)</b>	<b>CR-XX Zone (Proposed)</b>
<b>Street Side Yard</b>		6.0 metres	0.0 metres
<b>Building Height</b>	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey (max)	3 storeys up to 12.0 metres (maximum)	36.25 metres and 11 storeys (exclusive of mechanical penthouse)
<b>Yard Abutting Any Other Street</b>	3.0 metres (4.5 metres maximum)	N/A	0.0 metres
<b>Separation Distance from a Railway Right-of-Way</b>	30.0 metres for land uses sensitive to railway rights-of-way	N/A	30.0 metres
<b>Yard Abutting a ‘PC’ Zone or ‘P’ Zone</b>	6.0 metres	6.0 metres	3.0 metres
<b>Exclusion from gross floor area (GFA) Calculation</b>			2,000.0 m <sup>2</sup>
<b>Minimum Commercial Floor Area</b>			1,200.0 m <sup>2</sup>
<b>Minimum Depth of Commercial from a Front Exterior Wall</b>			12.0 metres
<b>Maximum Depth of Commercial from a Front Exterior Wall</b>			19.0 metres
<b>Common Area</b>			3,100.0 m <sup>2</sup>

<b>Minimum Total Amenity Space</b>		3,000.0 m <sup>2</sup>
<b>Total Number of Units</b>		143

**BUILDING “G”**

<b>Zone Regulation</b>	<b>Zone Requirement</b>		
	<b>MXE Zone (Existing) Section 4.0 (Table 5.4.1)</b>	<b>CR Zone Section 4.0 (Table 4.4.1)</b>	<b>CR-XX Zone (Proposed)</b>
<b>Street Side Yard</b>		6.0 metres	3.0 metres
<b>Building Height</b>	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey (max)	3 storeys up to 12.0 metres (maximum)	62.25 metres and 19 storeys (exclusive of mechanical penthouse)
<b>Yard Abutting Plains Road West of QEW</b>	3.0 metres (23.0 metres maximum)	N/A	
<b>Yard Abutting Any Other Street</b>	3.0 metres (4.5 metres maximum)	N/A	3.0 metres
<b>Yard Abutting a Provincial Highway</b>	N/A	12.0 metres	
<b>Yard Abutting an ‘O3’ Zone</b>	N/A	7.5 metres	
<b>Building Setback Abutting a Creek Block</b>	7.5 metres	7.5 metres (4.5 metres if Block includes a 3.0 metre buffer)	
<b>Yard Abutting a ‘PC’ Zone or ‘P’ Zone</b>	6.0 metres	6.0 metres	3.0 metres
<b>Exclusion from gross floor area (GFA) Calculation</b>			2,400.0 m <sup>2</sup>
<b>Minimum Commercial Floor Area</b>			495.0 m <sup>2</sup>
<b>Minimum Library Space</b>			2,600.0 m <sup>2</sup>
<b>Common Area</b>			3,000.0 m <sup>2</sup>

<b>Minimum Total Amenity Space</b>		3,200.0 m <sup>2</sup>
<b>Total Number of Units</b>		222

**BUILDING “H”**

<b>Zone Regulation</b>	<b>Zone Requirement</b>		
	<b>MXE Zone (Existing) Section 4.0 (Table 5.4.1)</b>	<b>CR Zone Section 4.0 (Table 4.4.1)</b>	<b>CR-XX Zone (Proposed)</b>
<b>Street Side Yard</b>		6.0 metres	3.0 metres
<b>Building Height</b>	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey (max)	3 storeys up to 12.0 metres (maximum)	62.25 metres and 19 storeys (exclusive of mechanical penthouse and grade condition)
<b>Yard Abutting Plains Road West of QEW</b>	3.0 metres (23.0 metres maximum)	N/A	
<b>Yard Abutting Any Other Street</b>	3.0 metres (4.5 metres maximum)	N/A	3.0 metres
<b>Yard Abutting a ‘PC’ Zone or ‘P’ Zone</b>	6.0 metres	6.0 metres	3.0 metres
<b>Exclusion from gross floor area (GFA) Calculation</b>			2,900.0 m <sup>2</sup>
<b>Minimum Medical Office Space and Office Space</b>			1,900.0 m <sup>2</sup>
<b>Daycare Facility Minimum Floor Area</b>			900.0 m <sup>2</sup>
<b>Common Area</b>			4,600.0 m <sup>2</sup>
<b>Minimum Total Amenity Space</b>			3,600.0 m <sup>2</sup>
<b>Total Number of Units</b>			262

Other site-specific Regional Commercial Exception ('CR-XX') Zone provisions and regulations that are proposed to apply to all buildings and permitted uses include the following:

- The gross floor area (GFA) of each upper storey of a building containing more than one storey must be at least 50% of the gross floor area (GFA) of the first storey; and,
- Every building fronting onto Fairview Street or Oval Court shall provide a pedestrian accessible door on the elevation facing the street.

### Parking

A total of 2,442 parking spaces are proposed on a site-wide basis (including 1,709 parking spaces for occupant and 713 parking spaces for visitor parking) which results in an overall proposed parking ratio of 1.22 parking spaces per unit. Section 2.25 (Table 1.2.6 – Off-Street Parking Standards) provides a list of non-residential land uses and corresponding minimum parking standards. Section 4.6 (e) of the Zoning By-law contains a Chart with the percent of peak period occupancy (weekday) used in calculating minimum non-residential parking requirements for mixed-use developments.

### **City-Wide Parking Standards**

On May 21, 2021, the Ontario Land Tribunal (OLT) (formerly Local Planning Appeal Tribunal) issued a decision on Case No. PL190525 regarding an appeal of City of Burlington By-law No. 2020.414 (amends Zoning By-law 2020) with respect to proposed City-wide amendments to minimum parking rates for residential land uses.

The resultant decision of the Tribunal had the effect of implementing new residential parking standards on a City-wide basis through an amending zoning by-law.

The subject application will be reviewed pursuant to the updated parking standards, as approved by OLT, which requires a minimum of 1.25 parking spaces per unit (inclusive of visitor parking) for an 'apartment building' within a Primary Growth Area (Schedule 'B-1') of the City of Burlington New Official Plan (2020)).

Applications proposing to amend the established (new) residential parking standards of Zoning By-law 2020, as amended, to reduce the parking rate below a rate of 1.25 spaces per unit (inclusive of visitor parking) for an 'apartment building' within a Primary Growth Area, will need to be accompanied with a Parking Justification Study, as deemed acceptable by the City.

The application includes a request to reduce minimum required parking, and as such, a Transportation Impact Study, Parking Justification and Transportation Demand Management Plan were submitted with the application and are in review by the City's Transportation Department.

### **Technical Comments**

The circulation of the application for comment occurred on June 23, 2021 and June 24, 2021 with the distribution of a Request for Comments Memo to Internal Departments and External Agencies, respectively. The purpose of this circulation is to obtain technical comments with respect to various aspects of the proposed development that would assist in the review and determination of the need for additional information or for clarification of a concern. Technical comments also provide an opportunity for the applicant to provide further detail to a development proposal and/or to adjust a development concept to respond to a particular item.

Conseil Scolaire Viamonde, Halton Regional Police Service, Rogers Communications Canada Inc., Trans-Northern Pipelines Inc.; Ontario Parks; and, City of Burlington Accessibility Coordinator have expressed no comment/concern with the proposed development.

There remain several outstanding agency and department comments at the time of writing of this report, which will be required prior to the preparation of a recommendation report by Community Planning staff. The following is a summary of comments received to date:

***City of Burlington Site Engineering Department*** – comments received included an assessment of the information received to date, with the note that additional and updated supporting documentation is required prior to the recommendation of approval. Draft Conditions of Site Plan Approval were also included with first submission comments.

***City of Burlington Finance Department*** – Property taxes must be paid, including all installments levied

***Halton District School Board*** – no objection to the proposed application, as submitted. HDSB has requested future circulation of notification of adoption/passing of the proposed amendment(s) and future applications (i.e. Site Plan Control Approval). HDSB provided standard conditions of approval of development to be incorporated into future agreements (i.e. clauses of purchase and sale, submission of a phasing plan, posting of signage advising prospective purchasers that pupils may be directed to

schools outside of the area, copy of approved sidewalk plan, and the payment of applicable Educational Development Charges pursuant to the Education Development Charge By-law).

**Halton Catholic District School Board** - no objection to the application as submitted. HCDSB has requested that conditions of approval be incorporated as part of any subsequent agreement(s) related to the proposed development (i.e. Subdivision, Condominium and/or Site Plan), including those related to clauses of purchase and sale, posting of signage notifying of alternate accommodate and/or bussing (in the event a permanent school is not available), submission of phasing plan (if applicable) and sidewalk plan, and, the submission of a lot/block plan as determined by a draft M-Plan. Education Development Charges are payable in accordance with the applicable Education Development Charge By-law.

**Canada Post** – compliance to several conditions related to the installation of a centralized mailing facility in each building (to provide mail service to residents) as well as access to these facilities by Canada Post are required. Canada Post has also stipulated that street level residences and businesses will receive mail delivery at centralized locations (not direct to door) as per the National Delivery Policy. New Postal Codes will be required for the proposed development, as is the responsibility of the Developer.

**Enbridge Gas Inc.** – as a condition of final approval, the owner/developer provide to Union Gas (Enbridge) the necessary easements and/or agreements required by Union Gas (Enbridge) for the provision of gas services for the project, in a form satisfactory to Enbridge.

**Enbridge Pipelines** – the existing 2” PE gas main will need to be upgraded. Not knowing the loads of each building it is difficult to know the extent of gas main upgrade or if any further reinforcement will be required in order to service this development.

**Metrolinx** – residential development adjacent to the rail right-of-way is not appropriate without implementing mitigation measures to reduce the incompatibility. Metrolinx comments summarize additional information and study requirements, including the requirement for warning clauses in all development agreements, agreements of purchase and sale or rent of all dwellings within 300 metres of the rail right-of-way.

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## **Financial Matters:**

In accordance with the City of Burlington Development Application Fee Schedule (2021), all fees determined have been received.

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## **Climate Implications**

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and, support waste reduction and diversion.

A discussion of the climate implications of the proposed development will be provided in greater detail as part of a future recommendation report to Council.

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## **Engagement Matters:**

A Pre-Consultation Meeting was held on October 23, 2019. In addition to the proponent (and consultant team), meeting attendees included staff of the City of Burlington, Region of Halton, and Conservation Halton.

The purpose of the Pre-Consultation Meeting was to provide the proponent with initial comments related to the development concept and to advise on the technical and supporting submission requirements needed at the time of a complete application (i.e. plans/studies/reports). Updated Pre-Consultation Notes were issued in March 2021.

A Burlington Urban Design (BUD) Advisory Panel Meeting was held on January 21, 2021 to review the design aspects of the proposed development, with particular focus on the existing/planned context, site design (and public realm) and built form/sustainable design of the development concept.

The applicant hosted a Virtual Pre-Application Community Consultation Meeting on February 11, 2021 (7:00 PM to 9:00 PM). A Notice of the Pre-Application Community Consultation Meeting was circulated to residents and landowners within 120 metres of the subject property in accordance with City Guidelines, and posted on the City's website. A total of 155 residents/property owners and agencies were circulated the Notice to attend the Virtual Pre-Application Community Consultation Meeting.

A Current Development Projects webpage ([www.burlington.ca/ovalcourt](http://www.burlington.ca/ovalcourt)) was created to update the public on the proposal and the subject application, including date(s) of public meetings, links to submitted technical reports, studies and plans, and recent staff reports and correspondence. Contact information for the applicant's representative and Community Planning Department staff are also available.

There is a 'subscribe' button included on the webpage which provides an option to receive automatic email notifications any time there is an update on the proposal, including revised technical reports, studies, plans; tracking the status of the applications; and, the scheduling of future Committee and Council Meetings.

The purpose of the meeting was to provide the proponent an opportunity to present details about the proposed redevelopment and to gather feedback from the community at an early stage in the process. Community Planning Department staff prepared a presentation outlining the development planning review process and next steps upon receipt of development application(s).

The Meeting was attended by participants from within the neighbouring community as well as the applicants, representatives of the applicant's consultant team and moderator, and City Community Planning Department staff. The Mayor and Ward 5 Councillor were also in attendance.

Several questions with respect to the proposed development were directed to the applicant for a response. In general, the primary comments raised at the meeting centred on the following theme areas:

1. Building Heights
2. Traffic and transportation issues (i.e. on-street & off-street parking; Fairview Street)
3. Scope of the proposed Amendments
4. Site Access
5. Unit Size/Unit Type and Tenure
6. Construction Impacts
7. Impacts of Sensitive Land Uses on Employment Uses
8. Low Carbon Goals
9. Impact on Existing Public Amenities (i.e. Sherwood Forest Park)
10. Timing of Project/Construction Schedule

The applicant has provided a transcript of the February 11, 2021 Pre-Application Community Consultation Meeting with the submission of the application, as well as a

summary of the comments received as a component of their Planning Justification Report.

### **Statutory Public Meeting under the Planning Act**

A statutory Public Meeting was initially held on September 7, 2021 pursuant to Section 22(1) and Section 34(12) of the *Planning Act*. The *Planning Act* requires that a minimum of one public meeting be held to provide opportunity for the public to comment on an application.

Notification of the first statutory Public Meeting was circulated on July 30, 2021 (updated August 5, 2021) to property owners/occupants within 120 metres of the subject property as well as to those who expressed an interest to receive further notification. A copy of the Notice of Public Meeting was circulated to all boards and agencies requiring circulation pursuant to the *Planning Act* on July 30, 2021 (updated August 5, 2021). The Notice of Public Meeting was also published in the August 5, 2021 edition of the Burlington Post and posted on the City's Development Projects Webpage at [www.burlington.ca/ovalcourt](http://www.burlington.ca/ovalcourt).

A second statutory Public Meeting has been convened in response to community feedback from the September 7, 2021 statutory Public Meeting and concerns raised during the meeting related to connectivity and access to the virtual statutory Public Meeting held that evening.

To ensure that the community and residents are provided with another opportunity to have comments and feedback received by Committee and Community Planning Department staff on the proposed development, a second statutory Public Meeting is being held.

In addition, process improvements have been initiated that will clarify the City's communication of delegation options (for those who wish to pre-register as a delegate as well as those mid-meeting) and obtaining access to the 'live stream' video of the Community Planning, Regulation and Mobility Committee Meeting and future statutory Public Meetings.

Future public notifications as well as updates to the City's website (including Development Project Webpages) are intended to enhance the public consultation process by improving the overall experience of community members when participating in upcoming meetings.

## Public Comments

Public comments have been received in response to the circulation of the application; including, Notices of Complete Application and Public Meetings (including signs and newspaper notifications) and from information provided on the City's Development Projects webpage. Approximately 146 area residents/property owners were circulated for input on the most recent circulation.

A summary of the general theme areas of comments is provided below. A total of 29 resident/property owner comments have been received in response to the public circulation as of the writing of this report; copies of which are included as Appendix 'B'.

- Compatibility of proposed building heights with other development in the immediate area; proposed building heights excessive and location for tall buildings is not appropriate;
- Loss of existing low(er) density residential and neighbourhood 'character', including introducing a scale of development (i.e. massing, height, density) that was not initially planned for the area;
- Impacts of traffic (i.e. volume, safety) and access, and the anticipation of capacity issues resulting from additional traffic to the site and within the surrounding neighbourhood;
- Losses of quality of life (i.e. 'quaintness') and rising costs associated with traffic congestion, noise and health/safety (rising crime rate and insurance costs);
- Development pressures presented by the size and scale of the proposal may contribute to negative effects to the provision of important community services and the maintenance of key infrastructure, including roads, schools, transit, trails and recreational facilities (including adjacent Sherwood Forest Park), health care services and policing;
- Impacts of noise/dust and other environmental considerations during the construction phase of development; including, loss of greenspace (or need for additional greenspace);
- Concern about potential decreases in property values (due to increases in residential density, traffic and congestion, concerns about community safety);
- Identification of the need for more housing affordability, including residential unit sizes that can accommodate a variety of demographics and household size;
- Impacts due to removal of lands from inventory of Employment Lands; and,
- Climate Change impacts.

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## Conclusion:

This report provides an overview of the previous and recent public consultation and engagement that has occurred in advance of and throughout the circulation of this development planning application.

A preliminary assessment of the application in the context of the general Provincial, Regional and City land use policies has accompanied a summary of the proposal details, which have identified various outstanding technical aspects of the proposed development that are currently under review. The report has also reflected the Public, Agency Partner and City comments received to date.

These items, in addition to comments/concerns raised at the statutory Public Meeting today, as well as a detailed planning analysis, will be incorporated into a future recommendation report for consideration by Council.

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Respectfully submitted,

Gordon Dickson, MCIP, RPP  
Senior Planner  
Community Planning Department  
905-335-7600 Ext. 7809

### **Appendices:**

#### ***Appendix 'A' – Report Attachments & Schedules***

Attachment No. 1 – Location Plan (Aerial)

Attachment No. 2 – Existing Zoning

Attachment No. 3 – Concept Plan & Site Plan

Attachment No. 4 – Conceptual Building Elevations & Massing Models

#### ***Appendix 'B' – Public Comments***

### **Notifications:**

Thomas Kastelic, Project Manager  
Branthaven Development Corporation  
720 Oval Court  
Burlington, ON L7L 6A9  
[tkastelic@branthaven.com](mailto:tkastelic@branthaven.com)

Ruth Victor, Principal  
Ruth Victor & Associates  
191 Main Street South, P.O. Box 575  
Waterdown, ON L0R 2H0  
[ruth@rvassociates.ca](mailto:ruth@rvassociates.ca)

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.