



SUBJECT: Official Plan and Zoning By-law amendments for 1029-1033 Waterdown Road

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-35-22

Wards Affected: 1

File Numbers: 505-09/21 & 520-10/21

Date to Committee: April 5, 2022

Date to Council: April 12, 2022

Recommendation:

Refuse the application for Official Plan and Zoning By-law Amendments submitted by Infinity Development Group for the development of a 29-storey mixed-use building on the property located at 1029-1033 Waterdown Rd.

PURPOSE:

The purpose of this report is to provide the recommendation to refuse these development applications, and to provide the planning rationale for the recommendation.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
 - Improve integrated city mobility
 - Support sustainable infrastructure and a resilient environment
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Executive Summary:

The subject lands are located on the east side of Waterdown Road, north of Plains Road East and municipally known as 1029-1033 Waterdown Road (see Appendix A).

Applications have been made to amend the Official Plan Designation of the subject lands from 'Mixed-Use Corridor – Employment' (Official Plan (1997)) and 'Urban

Corridor – Employment’ (Official Plan (2020)) to ‘Mixed-Use Corridor – General Special Exemption’. The applications further propose to amend the Zoning By-law to change the zoning from ‘Mixed-Use Corridor Employment Oriented (MXE) Zone’ to ‘Mixed-Use Corridor – General Exception (MXG-XX) Zone’ with a site specific exception to permit the development of a 29 storey mixed-use building with 295 residential units above a four-storey podium containing private amenity areas, above ground parking within the podium, and 189.0 m² of retail space. The proposed floor area ratio (FAR) is 8.2:1.

Planning staff have reviewed the applications in the context of the applicable policy framework. With respect to policies related to intensification the development is generally consistent with the Provincial Policy Statement and generally conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe; however, considering both documents more broadly, they are not consistent or in conformity with policies related to planned growth and complete communities.

These applications generally comply with the Region of Halton’s policies for development in the Urban Area and Intensification Areas; however, they do not comply with policies related to the structure of the urban area or priorities related to housing, environment and sustainability and economic development and transportation.

These applications are premature in that the subject lands are designated within the Official Plan (1997) as Mixed-Use Corridor-Employment. Through the City of Burlington new Official Plan (OP 2020) Council recommended employment conversion of the subject lands, however also determined that the ultimate land use should be established through a comprehensive planning process. The ongoing Major Transportation Station Area (MTSA) – Area Specific Plan (ASP) work will address, among other matter, appropriate uses and features of a complete community. The ongoing work of the Aldershot MTSA-ASP has resulted in recommended preferred precinct plans which have been endorsed in principle by Council. In accordance with that endorsement in principal, these applications propose an over-intensification of the subject lands. Further, the applications do not satisfy the City of Burlington’s policies regarding compatibility, complete communities and vibrant, complete streets of the in-force and effect OP, or of OP 2020.

Further, these applications are premature in that the applicant is an appellant to sections of OP 2020 which directly relate to the subject lands.

Technical and public comments received for this application have been considered in the evaluation of the proposed development. As such, Planning staff are recommending refusal of the applications for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for the subject lands.

RECOMMENDATION:		Refusal	Ward:	1
Application Details	APPLICANT:	Infinity Development Group (c/o David Falletta, Bousfields Inc.)		
	OWNER:	Infinity Development Group		
	FILE NUMBERS:	505-09/21 & 520-10/21		
	TYPE OF APPLICATION:	Official Plan and Zoning By-law Amendment		
	PROPOSED USE:	29 storey, 295 residential unit mixed-use building, 189 sq.m. retail space		
Property Details	PROPERTY LOCATION:	East side of Waterdown Road; north of Plains Road East		
	MUNICIPAL ADDRESSES:	1029 & 1033 Waterdown Road		
	PROPERTY AREA & FRONTAGE:	0.26 hectares and 52.60 metres		
	EXISTING USE:	Two (2) detached dwellings (proposed for demolition as a component of the overall redevelopment concept)		
Documents	OFFICIAL PLAN Existing:	'Mixed-Use Corridor – Employment' (Official Plan (1997)) 'Urban Corridor – Employment' (Official Plan (2020))		
	OFFICIAL PLAN Proposed:	'Mixed-Use Corridor – General Special Exemption'		
	ZONING Existing:	Mixed-Use Corridor Employment Oriented ('MXE') Zone		
	ZONING Proposed:	Mixed-Use Corridor – General Exception ('MXG-XX') Zone		
Processing Details	APPLICATION RECEIVED:	December 17, 2021		
	STATUTORY DEADLINE:	April 16, 2022 (120 days) Number of Notices Sent: 90		
	PUBLIC COMMENTS:	6 pieces of written correspondence received as of the time of writing of this report		

Background and Discussion:

Applications for OPA and ZBA (File Nos. 505-09/21 & 520-10/21) were received by the City of Burlington ('the City') Community Planning Department on December 17, 2021. The application was deemed complete on January 11, 2022 and Notice of Complete Application was circulated on January 18, 2022 to all property owners/occupants and to all boards and agencies requiring circulation pursuant to the *Planning Act*.

Site Description

Surrounding Land Uses

Surrounding and adjacent land uses are described below, and the applicable zoning of these properties is illustrated on Appendix B:

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|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| North | Low-density residential land uses (i.e. single detached dwellings); zoned, Mixed-Use Corridor – Employment ('MXE') Zone; Bus Route No. 4 (Waterdown Road) with bus stops located approximately 140.0 metres north of the property (south of Masonry Court); |
| South | Low-density residential land uses (and converted dwelling) with commercial land uses on the east and west sides of Waterdown Road; zoned, Mixed-Use Corridor – Employment ('MXE') Zone. Further to the south at the intersection of Plains Road East and Waterdown Road are existing commercial land uses (including 'service commercial' and 'motor vehicle sales, leasing, rental and service') and a mid-rise 'retirement home'; zoned, Mixed-Use Corridor – General ('MXG') Zone; Bus Route No. 4 (Waterdown Road) with bus stops located approximately 50.0 metres south of the property (north of Plains Road East); Bus Route No. 1, which runs east-west along Plains Road East, is located approximately 100 metres to the south of the property; |
| West | Low density residential land uses, 'office' land use, and vacant lot; zoned, Mixed-Use Corridor – Employment ('MXE') Zone. City of Burlington Fire Department (Station No. 3) is located at 1044 Waterdown Road; and, |
| East | Low-rise, multi-tenant industrial/commercial buildings along Cooke Boulevard; zoned, Mixed-Use Corridor – Employment ('MXE') Zone. |

Discussion

Description of the Application

The proposal contemplates the development of a 29-storey, mixed-use building with an overall proposed building height of 107.10 metres (including mechanical penthouse). The proposed building design includes a 4-storey podium that

incorporates ground floor retail (189.0 m²) along approximately 18.7 m of the southern portion of the street frontage, with the remainder to be comprised of approximately 28.5 m of resident entrance and amenity area and parking structure. 295 resident parking spaces (combination of two (2) levels of underground and 3.5 levels of above-grade parking) with 15 visitor and 60 bicycle parking spaces are proposed. Above the podium are 295 residential units (77% one-bedroom and 23% two-bedroom models). The proposed gross floor area of the development is 21,439.0 m² (8.2:1 floor area ratio (FAR)) with total amenity area comprising 5,224.0 m² (combination of indoor and outdoor) or approximately 17.70 m² of amenity area per residential unit.

Appendix C includes a development concept with the location, height/scale/massing of the proposed building and its location on the consolidated subject lands. Building details, including materials and colour palette are conceptual and beyond the scope of this report.

Official Plan and Zoning By-law amendments to facilitate the proposed development include, but are not limited to, permitted use(s); increase in maximum permitted building height and density (i.e. FAR); reduction in minimum required yards; reduction in minimum required landscape (abutting a street) and amenity areas; and, reduction to minimum required parking (including parking space size). The extent of the requested relief is outlined in Table 1, further in this report.

Supporting Documents

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

- [Tree Inventory and Preservation Plan Report](#), as prepared by Jackson Arboriculture Inc., November 16, 2021;
- [Tree Protection Plan](#), as prepared by Adesso Design Inc. Landscape Architecture, December 3, 2021;
- [Site Plan, Floor Plans, Building Elevations & Perspectives](#), as prepared by zedd Architecture, August 2021;
- [Landscape Concept Plan](#), as prepared by Adesso Design Inc. Landscape Architecture, December 2, 2021;
- [3D Building Models](#) (digital);
- [Building Height Map](#);
- [Planning & Urban Design Rationale](#), as prepared by Bousfields Inc., December 2021;
- [Land Use Compatibility & D-Series Guidelines Review](#), as prepared by Bousfields Inc., December 17, 2021;

- [Shadow Study](#), as prepared by zedd Architecture, August 24, 2021;
- [Pedestrian Wind Study](#), as prepared by RWDI, December 7, 2021;
- [Functional Servicing Report](#), as prepared by S. Llewellyn & Associates Limited, November 2021;
- [Preliminary Site Servicing and Grading Plans](#) (and General Notes & Details), as prepared by S. Llewellyn & Associates Limited, November 25, 2021;
- [Hydrogeological Investigation](#), as prepared by Fisher Engineering, August 9, 2021 (Updated November 24, 2021);
- [Geotechnical Investigation Report](#), as prepared Fisher Engineering, July 26, 2021;
- [Transportation Impact Study](#), as prepared by C.F. Crozier & Associates Inc., December 2021;
- [Environmental Noise Impact Study](#), as prepared by DBA Acoustical Consultants Inc., November 2021;
- [Phase One Environmental Site Assessment](#), as prepared by Pinchin Ltd., December 7, 2021;
- [Waste Management Plan](#), as prepared by zedd Architecture, August 24, 2021;
- [Construction Management Report](#), November 29, 2021;
- [Construction Management Plan](#);
- [Topographical Survey](#), as prepared by Ashenhurst Nouwens & Associates Inc., and,
- [Draft Reference Plan](#), as prepared by Ashenhurst Nouwens & Associates Inc.

These supporting documents have been published on the City's Development Projects webpage related to this application at www.burlington.ca/1029waterdown.

Preconsultation

Prior to submitting the applications, the applicant participated in the City's Preconsultation process, in accordance with By-law 40-2007.

Preconsultation Meeting

On February 10, 2021, the applicant attended a virtual preconsultation meeting with technical reviewers from internal City departments and external agencies. Issues and considerations that were provided to the applicant in advance of their application include, but are not limited to, the following:

- Transit-supportive and pedestrian-oriented urban design requirements;
- Requirement for Employment Conversion of City-designation of Employment lands;
- Requirement to not detrimentally affect the short and long-term employment needs of the City;
- Sustainable Development and Urban Design Guidelines;
- Diverse range and mix of housing, including affordability;
- Matters related to compatibility and transition to surrounding lands; and
- Identification that the application may be considered premature in advance of completion of the Major Transit Station Area (MTSA) – Area Specific Plan (ASP).

The applicant was provided with detailed Pre-Consultation Meeting Notes following the meeting.

Burlington Urban Design (BUD) Meeting

On October 21, 2021, the applicant attended a virtual meeting of the BUD panel, which is composed of external reviews having expertise in Urban Design, Architecture, and Landscape Architecture. Issues and considerations that were provided to the applicant in advance of their application include, but are not limited to, the following:

- Identification that the application is considered premature in advance of completion of the MTSA-ASP;
- Negative effects of a blank four storey podium wall resulting from the above ground parking;
- Through the ongoing work of the Aldershot MTSA-ASP the emerging planned context for these subject lands include mixed-use mid-rise character;
- Master-planning would be appropriate given that the applicant owns virtually all properties north of the subject lands up to Masonry Court;
- Concerns regarding transition to the surrounding context;
- The massing of the podium should be reduced, and façade improvements recommended;
- More active uses at the ground floor were recommended;
- Site design should consider the active transportation design of Waterdown Road; and,
- Affordable housing should be included.

Further detail is provided regarding the BUD comments in the Engagement Matters section of this report.

Following the meeting the applicant was provided with detailed minutes of the Burlington Urban Design Advisory Panel.

Pre-application Community Meeting

On November 17, 2021, the applicant held a virtual Pre-application Community Meeting, attended by members of the public, the Ward Councilor, Mayor and staff. Issues and considerations that were raised by the public in advance of their application include the following:

- Height concerns and a desire that the proposed development respect the mid-rise heights contemplated through the Aldershot MTSA-ASP;
- Proposal does not suit the character of the area;
- Desire for a grocery store to be incorporated;
- Lack of parking;
- Transportation impacts;
- Adequacy of infrastructure and public service facilities in the area; and
- Transit over capacity concerns.

The applicant has provided a summary of the public comments received at the pre-application community meeting within the Planning and Urban Design Rationale document that was submitted with their application.

Further detail is provided regarding public comments in the Engagement Matters section of this report.

The formal application does not reflect that any changes have been made to the proposed development in response to these comments received prior to the submission.

Policy Framework

Provincial Policy Statement (PPS, 2020)

Part I: Preamble

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

Municipal official plans are the most important vehicle for implementation of this Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans shall identify provincial interests and set out appropriate land use designations and policies.

Part V: Policies

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- i) preparing for the regional and local impacts of a changing climate.

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

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

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation; and,
- f) are transit-supportive, where transit is planned, exists or may be developed.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

Staff Comment: As will be discussed in greater detail in subsequent sections of this report, the City is currently completing the Aldershot MTSA-ASP to establish a vision for a complete community and to guide and manage growth in accordance with intensification targets that have been set by the Regional Official Plan. The comprehensive planning exercise will identify the appropriate scale of development that is transit-supportive, establish permitted land uses all to support and establish a complete community having a local identity which promotes diverse economic opportunity and achieves sustainability priorities.

Staff Analysis: The proposed development is not consistent with these policies.

The proposed development is premature in that it does not align with planned intensification. It does not provide a sufficient range and mix of housing options or support affordable or accessible housing. The proposed streetscape negatively impacts transit and active transportation infrastructure and does not achieve the minimum requirements of the City's sustainable development guidelines as they relate to Official Plan and Zoning By-law Amendment applications.

The proposed development does provide intensification which makes efficient use of infrastructure and facilitates transit.

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

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

Staff Analysis: The proposed development is not consistent with this policy.

As will be discussed in greater detail in subsequent sections of this report, the proposed development insufficiently provides opportunities for employment and commercial retail.

1.4 Housing

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

- b) permitting and facilitating:
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Staff Analysis: The proposed development is not consistent with this policy.

As will be discussed in greater detail in subsequent sections of this report, the proposed development does not provide a sufficient range and mix of housing options or support affordable or accessible housing. The proposed streetscape

negatively impacts transit and active transportation infrastructure and the proposed development does not comply with the requirements of the City's development standards for residential intensification.

The proposed intensification makes efficient use of land and is supportive of transit.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

Staff Analysis: The proposed development is not consistent with this policy.

As will be discussed in greater detail in subsequent sections of this report, the proposed development does not sufficiently provide for a range of housing, provide sufficient street-oriented uses to comply with the requirement of creating a vibrant pedestrian mainstreet environment, nor does the proposed streetscape support transit and active transit infrastructure.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
- g) maximize vegetation within settlement areas, where feasible.

Staff Analysis: The proposed development is not consistent with this policy.

As will be discussed in greater detail in subsequent sections of this report, the proposed streetscape negatively impacts transit and active transportation infrastructure and the proposed development does not achieve the minimum requirements of the City's sustainable development guidelines as they relate to OPAs and ZBAs. Insufficient information has been provided to conclude that building design will maximize energy efficiency or that existing vegetation on and adjacent to the subject lands will be sufficiently protected or replaced.

In Summary: For the reasons noted above, the proposed development cannot be said to be consistent with the Provincial Policy Statement.

A Place to Grow; Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020)

1 Introduction

1.2.1 Guiding Principles

The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

Staff Analysis: The proposed development does not conform with these guiding principles.

As will be discussed in greater detail in subsequent sections of this report, the proposed development does not address requirements of a complete community in that it insufficiently provides opportunities for employment and commercial retail to support day to day needs, the proposed streetscaping negatively impacts transit and active transit infrastructure, does not sufficiently provide for a range of housing, and does not achieve the minimum requirements of the City's sustainable development guidelines. The proposed development is premature in that the applicant is an appellant to the new Official Plan, and given that the City is working to complete the Aldershot MTSA-ASP to recognize this unique community, and with which the proposed development should align.

The proposed development does provide intensification that is supportive of transit viability.

2 Where and How to Grow

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
 - c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - iv. areas with existing or planned public service facilities;

4. Applying the policies of this Plan will support the achievement of complete communities that:
 - a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;

Staff Analysis: The proposed development does not conform with these policies.

As will be discussed in greater detail in subsequent sections of this report, the proposed development has a potentially negative impact on the vibrancy of the public realm, insufficiently provides opportunities for employment and commercial retail, the proposed streetscaping negatively impacts transit and active transportation infrastructure, does not support and range and mix of housing containing affordable or accessible housing, and does not achieve the minimum requirements of the City's sustainable development guidelines.

The proposed development does provide a compact built form in a location that is in close proximity to a range of transportation options.

2.2.2 Delineated Built-up Areas

3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
 - a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
 - b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
 - c) encourage intensification generally throughout the delineated built-up area;

- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

2.2.4 Transit Corridors and Station Areas

9. Within all major transit station areas, development will be supported, where appropriate, by:
- a) planning for a diverse mix of uses, including additional residential units and affordable housing, to support existing and planned transit service levels;

Staff Comment: The Aldershot MTSA is not along the Priority Transit Corridor as identified within the Growth Plan, and therefore the Growth Plan does not determine the minimum density target for the MTSA. The intensification target is instead set by the Regional Official Plan which establishes an overall target of 150 people and jobs per hectare (ROPA 48).

As will be discussed in greater detail in subsequent sections of this report, the City is currently completing the Aldershot MTSA-ASP to address the Planning Act requirements for planning for Protected MTSA's, and to respond to the Region's direction regarding MTSA's. This work will achieve the density target that has been established by the region, support planning for a general target proportion of 80% residents and 20% jobs to be planned for and achieved across the entire Strategic Growth Area over the long term, in accordance with Section 55.3 of this plan. The MTSA-ASP will identify the appropriate scale of development within the precincts of this MTSA, and support and establish a complete community having a local identity which promotes diverse economic opportunity and achieves sustainability priorities.

2.2.5 Employment

1. 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;
 - d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

3. Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.
4. In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.
14. Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.
15. The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.

Staff Analysis: The proposed development does not conform with these policies.

The subject lands are not located within a Provincially Protected Employment Zone and are located within the Halton Region MTSA. The applications propose 295 residential units and 189 sq.m. of retail space, comprising of a gross floor area of 21,439 sq.m. having a floor area ratio (FAR) of 8.2:1. The proposed development foregoes an opportunity for above grade office. The retail space that is provided will contribute insufficient jobs to the area while adding a significant number of new residents. To contribute to a complete community a greater balance of jobs is required to achieve the policies of the ROP.

Further, the proposed frontage does not provide a continuous commercial retail street frontage along Waterdown Road, the proposed streetscaping negatively impacts transit and active transportation infrastructure. Through OP 2020 Council recommended employment conversion of the subject lands, however that the ultimate land use should be determined through a comprehensive planning process. Therefore, the proposed development is premature in that the applicant is an appellant to the new Official Plan and given that the City is working to complete the Aldershot MTSA-ASP which will contain development criteria, and with which the proposed development should align. These matters will be discussed in greater detail in subsequent sections of this report.

The proposed development is located in close proximity to a range of transportation options for those employment opportunities and the majority of proposed parking is located within the building.

2.2.6 Housing

1. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:
 - a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and
 - ii. establishing targets for affordable ownership housing and rental housing;
 - e) implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.
2. Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:
 - a) planning to accommodate forecasted growth to the horizon of this Plan;
 - b) planning to achieve the minimum intensification and density targets in this Plan;
 - c) considering the range and mix of housing options and densities of the existing housing stock; and
 - d) planning to diversify their overall housing stock across the municipality

Staff Analysis: The proposed development does not conform with these policies.

As will be discussed in greater detail in subsequent sections of this report, the City is currently completing the Aldershot MTSA-ASP to achieve the density target, including a general target proportion of residents & jobs, and the objectives for Strategic Growth Areas and Major Transit Station Areas as set out in the Regional Official Plan. The proposed development is premature in that the City is working to complete the Aldershot MTSA-ASP, with which the proposed development should align. It has a potentially negative impact on the intended complete community and does not provide a sufficient range and mix of housing options or support affordable or accessible housing.

In Summary: For the reasons noted above, the proposed development cannot be said to conform with the policies of the Growth Plan.

Halton Region Official Plan (ROP, 2021 consolidation)

On November 10, 2021 the provincial Minister of Municipal Affairs and Housing approved ROP Amendment 48.

Regional Council adopted ROPA 48 in July 2021 and the Province issued a decision on November 10, 2021 approving the amendment. The Minister's decision of ROPA 48 cannot be appealed. The effect of this amendment was to, among other things, establish a Regional Urban Structure, delineate the Aldershot MTSA boundary and to establish a density target and a general target proportion of residents & jobs.

PART I INTRODUCTION

HALTON AND THE LOCAL MUNICIPALITIES

44. The Region's primary role is to provide broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services. Recognizing the above, the Local Municipalities are to deal with their local environments to best express their own individualities. The Local Urban Structure of each of the Local Municipalities, for instance, are the responsibilities of the Local Municipalities as long as the overall planning vision for Halton and policies of this Plan, including the Regional Urban Structure, are adhered to.

Staff Comment: The subject lands a located in the Urban Area and is designated an MTSA of Halton Region. ROP policy 44 identifies the importance of local planning in achieving the policy directions of the ROP. The City is currently completing the Aldershot MTSA-ASP to achieve intensification targets as set out in ROPA 48.

Regional Urban Structure

Strategic Growth Areas

79.3 It is the policy of the Region to:

- (4) Require Area-Specific Plans or policies for Strategic Growth Areas to include:
 - b) urban design guidelines to promote active transportation and transit-supportive land uses in accordance with Regional standards under Section 79.3(5).

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

Major Transit Station Areas

81.2 It is the policy of the Region to:

- (4) Require the Local Municipalities to prepare detailed official plan policies or an Area-Specific Plan for a Major Transit Station Area, in accordance with Sections 48 and 77(5) of this Plan that also:
 - a) identifies the minimum density target to be achieved expressed as the number of residents and jobs per hectare in accordance with Table 2b.
 - b) identifies a target proportion of residents and jobs to be planned for in accordance with Section 55.3 and Table 2b of this Plan.
 - c) identifies land uses to support complete communities.
 - g) identifies transportation and transit networks which are transit-supportive and achieve multimodal access to the stations, ensure connections to all transit service, and provide infrastructure to support active transportation.
 - h) encourages alternative development standards, including reduced parking standards in Major Transit Station Areas.
 - i) establishes Affordable Housing targets in accordance with the applicable policies of Section 86 of this Plan, and inclusionary zoning policies authorizing a minimum number of Affordable Housing units, and/or a minimum gross floor area of Affordable Housing, within residential and mixed-use buildings, and providing for their maintenance as Affordable Housing units over a period of time where appropriate. The Inclusionary Zoning policies will be based on the completion of an assessment report in accordance with the Planning Act, which is to the satisfaction of the Region.
 - j) includes detailed policies and development criteria to ensure that the development of employment uses planned within the Major Transit Station Area meet the requirements of Section 79.3(13) of this Plan.
 - k) may identify stable residential neighbourhoods where only contextually appropriate intensification opportunities in keeping with the neighbourhood character are contemplated.

Staff Analysis: The proposed development does not comply with policies related to the structure of the Urban Area.

As will be discussed in greater detail in subsequent sections of this report, to fully comply with the direction set out in the ROP the City must complete the Aldershot MTSA-ASP to prepare a vision and policy and implementation framework to support and establish a complete community having a local identity which promotes diverse economic opportunity and achieves sustainability priorities. That plan will support the Regional Urban Structure and will achieve the Region's density targets and planning objectives by locating the highest intensity growth closest to the GO station and providing for a logical and orderly transition to the surrounding community, in accordance with ROP policy 79.3 (6). The proposed development is premature in that it precedes the completion of the MTSA-ASP work. It proposes over-intensification and to introduce elements within the streetscape that will negatively impact transit and active transportation infrastructure.

Housing

86. It is the policy of the Region to:

- (12) Encourage the building and development industry to incorporate universal physical access features in all new buildings.
- (20) Require the Local Municipalities, in developing phasing strategies, to ensure that a full range and mix of housing types can be provided in each development phase in accordance with Table 2a.

Staff Analysis: The proposed development does not comply with policies related to Regional housing priorities.

As will be discussed in greater detail in subsequent sections of this report, the proposed development does not provide an adequate mix of housing types and does not address matters of housing affordability or accessibility.

PART IV HEALTHY COMMUNITIES POLICIES

ENVIRONMENTAL QUALITY

Goal and General Policies

141. It is the policy of the Region to:

- (2) Require the proponent of any development in certain areas or under certain conditions as specified in this Plan, to carry out an Environmental Impact Assessment (EIA).

Staff Analysis: The applicant has submitted an EIA as part of their application submission. Determining satisfaction with the EIA underway.

Air and the Ambience

143. It is the policy of the Region to:

- (4) Promote walking, cycling and public transit over other modes of transportation.
- (5) Require all new urban development to consider in its design the provision of safe and accessible active transportation facilities and access to public transit services, or transit stops where they are likely to be located, within a walking distance of 400m.
- (6) Require, in the re-construction or improvement of Arterial Roads, that consideration be given to:
 - a) the provision of facilities for active transportation where appropriate; and
 - b) tree planting and landscaping initiatives to improve air quality and reduce visual impact to adjacent land uses.

Staff Analysis: The proposed development does not comply with these policies.

As will be discussed in greater detail in subsequent sections of this report, proposed streetscape will negatively impact transit and active transportation infrastructure. All existing mature trees in the public right of way are proposed to be removed, to be replaced by two trees.

The proposed development does provide transit supportive intensification.

Land

147. It is the policy of the Region to:

- (5) Recognize and protect trees as a renewable natural resource essential to the health and welfare of Halton residents, wildlife and rural environment, and to this end:

- e) Support the Local Municipalities in requiring that all development proposals, to the maximum degree possible, preserve existing trees and plant additional trees in accordance with good forestry management practice.
 - f) Require all development proposals to submit, at the time of initial application, an inventory of trees on site and a tree saving and planting plan unless the development will not result in the removal of any trees.
- (6) Promote the planting of new trees, and to this end:
- b) Retain treescapes along major transportation corridors, replace trees cut down for public works and, wherever possible, develop new treescapes consistent with safe and aesthetically pleasing road or corridor design.
- (17) Require that, prior to the Region or Local Municipality considering any development proposals, the proponent undertake a process in accordance with the Region's Guidelines (Protocol) for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites and any applicable Provincial legislation, regulations and guidelines to determine whether there is any potential contamination on the site and the steps necessary to bring the site to a condition suitable for its intended use.
- (18) Consider approval for development proposals only when the development site complies with Provincial guidelines, Regional standards and other requirements regarding soil and groundwater quality.

Staff Analysis: The proposed development does not comply with these policies.

The existing trees on site are proposed to be removed, to be replaced by two trees in the public right of way, and insufficient information has been provided to conclude that boundary trees which are proposed to be saved will be sufficiently protected to survive.

The applicant has submitted Hydrogeological and Geotechnical Investigation reports as part of their application submission. Determining satisfaction with these documents is underway.

Public Safety

156. It is the policy of the Region to:

- (1) Require all proponents of development to have regard for the Healthy Communities Guidelines in considering and providing physical design features that promote safety and security.

Social Support Services

158. It is the policy of the Region to:

- (3) Encourage the development of residential facilities that will foster the integration of persons with disabilities into the life of the community.
- (1.3) To promote economic activities that strengthen and diversify the economic base of Halton.
- (10) To promote economic activities that provide diverse, high quality employment opportunities as well as a greater match by type between employment and residential growth.

Staff Analysis: The proposed development does not comply with these policies.

The applicant has not referred to the Healthy Communities Guidelines in the documents supporting their applications. As will be discussed in greater detail in subsequent sections of this report, the street frontage of the proposed development does not adequately provide for diverse economic and employment opportunities. The proposed development does not provide a range and mix of housing containing affordable or accessible housing.

ECONOMIC DEVELOPMENT

170. It is the policy of the Region to:

- (10) Encourage and direct office, commercial, cultural and institutional uses and compatible industrial uses to locate within Intensification Areas.
- (12) Encourage the Local Municipalities to:
 - a) ensure, through studies, land designation and revisions to their Zoning Bylaws, that retail needs of residents are satisfied within the municipality or Halton;

Staff Analysis: The proposed development does not comply with policies related to economic development.

As will be discussed in greater detail in subsequent sections of this report, the street frontage and above grade uses of the proposed development do not adequately provide for diverse economic and employment opportunities.

TRANSPORTATION

173. It is the policy of the Region to:

- (1) Adopt a Functional Plan of Major Transportation Facilities, as shown on Map 3 and described in Table 3:

Table 3: Minor Arterials

General Design Criteria

- Right-of-way requirements up to 35m unless specifically identified in a Local Municipal Official Plan
 - Pedestrian infrastructure as well as on and/or off-road cycling facilities where possible
- (22) Require the proponent of any development considered to have a transportation impact to carry out a detailed transportation study to assess the impact of the proposal and to recommend necessary improvements to the transportation network and services consistent with the goals, objectives and policies of this Plan.

Staff Analysis: The proposed development does not comply with policies related to transportation.

As will be discussed in greater detail in subsequent sections of this report, the proposed streetscape will negatively impact transit and active transportation infrastructure.

In Summary: For the reasons noted above, the proposed development cannot be said to conform with the policies of the Halton Region Official Plan.

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

Within the OP the subject lands are designated 'Mixed-Use Corridor – Employment'.

Part I - 3.0 GUIDING PRINCIPLES

- e) Create a community development pattern that supports the existing business community and promotes new business development opportunities, by protecting critical areas of economic enterprise and promoting a variety of locations for economic activity.
- h) Promote the efficient use of land through intensification within appropriate areas of the City, in accordance with Provincial growth management objectives, while recognizing the need for balancing this objective with other planning considerations.

Staff Analysis: The proposed development does not conform to these guiding principles.

To achieve the Provincial growth management objectives the City is nearing the completion of the Aldershot MTSA-ASP, for which Council has endorsed in principle planning precincts which have been established as the preferred plan since 2018. Additional detail on regarding the precinct plan can be found in the Aldershot MTSA section of this report. In terms of height and massing, the proposed development represents an over-intensification of the site in that it substantially exceeds what is envisioned on the subject lands, in does not sufficiently promote new business development opportunities.

Part II

2.7 Sustainable Design and Compatibility

2.7.3 Policies

- e) The City will encourage development that provides choices in housing, shopping, employment, and transportation.
- f) Energy conservation shall be encouraged through community and site planning, design, and the use of energy-efficient materials and landscaping. When development applications are reviewed, consideration shall be given to energy conservation measures such as the solar orientation of streets and buildings, increased densities, walkability and decreased automobile dependency, and the use of landscaping and building materials.
- k) Transportation Demand Management (TDM) strategies will be used to encourage increased transit ridership, walking and bicycling in the City.

3.4 Transit Services

3.4.2 Policies

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

3.6 Walking

3.6.2 Policies

- c) The development of streetscapes that are safe, convenient and attractive for pedestrians shall be encouraged through measures such as providing wide sidewalks, locating retailing and personal service uses at street level, encouraging building designs that provide shelter, and the providing of convenient and sheltered transit stops, street furniture, trees and other amenities.

Staff Analysis: The proposed development does not conform to policies related to sustainability.

The subject lands are designated within the OP as Mixed-Use Corridor-Employment. Through OP 2020 Council recommended employment conversion of the subject lands, however also determined that the ultimate land use should be established through a comprehensive planning process. The ongoing MTSA-ASP work will address, among other matter, appropriate uses and features of a complete community. In advance of that working being completed, combined with the applicant's appeal of OP 2020, these applications are premature. The proposed building footprint does not provide for landscaping opportunities. The proposed development does not provide an adequate choice of housing, shopping and employment to contribute to the City's broader goals in this area. The documents submitted in support of these applications have not indicated that it will be constructed with high energy-efficiency design features.

While the proposed density does support transit usage, the proposed layby and building arrangement does not support transit users, pedestrians and cyclists in that it negatively impacts the potential for transit and cycling infrastructure and infringes up on a pedestrian's path of travel and limits other infrastructure such as street furniture.

The proposed development does not sufficiently contribute a TDM strategy in that:

- 151 long-term and 19 short-term bicycle spaces are required, but only 60 and 15 spaces have been provided, respectively;
- The arrangement and location of long-term bicycles storage does not facilitate convenient access by residents;

- There appears to be no provision of pedestrian street furniture;
- It is unclear if measures such as car sharing will be implemented;
- It is unclear if wayfinding measures will be provided to direct residents to nearby transit and active transportation facilities; and,
- It is unclear if other offerings, such as presto passes will be provided to residents.

6.0 DESIGN

6.5 Design Guidelines Policies

- a) The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area
- b) The compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing
- d) The creation of a continuous and harmonious streetscape environment shall be encouraged with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings.

Staff Analysis: The proposed development does not conform to policies related to urban design.

The proposed development is a tall building of 29 storeys, with a mix of uses including residential. The designation of the subject lands does not allow for non-employment or residential uses, and limits building height to six storeys.

Urban design considerations are essential to considering whether a proposed development is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health.

In reviewing the UDG for tall buildings, the proposed development does not meet the minimum requirements of the Tall Building UDG where the proposed layby parking negatively impacts the boulevard and its ability to accommodate pedestrians, street trees and landscaping, and active at-grade uses. Further, in proposing to build the site boundaries, the proposal has not demonstrated how the future development of adjacent properties will not be compromised by the design of the proposed podium. The level of intensification that is proposed will result in negative impacts for the existing or future buildings on adjacent sites, and if permitted too close to side or

rear property lines, the need to provide access to sun light, sky view, privacy and day lighting may restrict adjacent sites from developing in a similar manner. The mid-section (floors 5-7) of the building does not provide sufficient setbacks and exceeds the maximum floor plate of 750 square metres. The proposed tower shows no regard for transition to the existing or planned context and has shadow impacts to adjacent properties that exceeds what is permitted in accordance with the City's Shadow Guidelines. In accordance with the Tall Building UDG the proposed podium of the building exceeds the maximum height of the emerging policies.

The proposed development does not meet the minimum requirements of the Sustainable Building and Development Guidelines (SDG) in that it does not provide the minimum required amount of bicycle parking. Other minimum requirements have been met, and in some instances it has not yet been determined if minimum requirements of the SDG have been met.

Part III

2.3 Housing Supply

2.3.2 Policies

- h) The City shall, in co-operation with other orders of government, encourage the provision of a range of housing types, including rental housing, for individuals and families.

2.4 Housing Affordability

2.4.1 Objective

- a) To ensure that a range of housing and tenure types are available to meet the various lifestyle and income group needs of the existing and future population.
- b) To encourage the development of affordable housing throughout the City.

2.5 Housing Intensification

2.5.2 General Policies

- a) The following criteria shall be considered when evaluating proposals for housing intensification within established neighbourhoods:
 - i. adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;
 - ii. off-street parking is adequate;

- iii. the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;
 - iv. the proposal is in proximity to existing or future transit facilities;
 - v. compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided;
 - vi. effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;
 - vii. significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;
 - xii. proposals for non-ground-oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.
- d) Council may adopt guidelines for maximum building heights to be used in the consideration of applications for residential intensification, in order to ensure compatibility of proposed building heights with the height of existing buildings in the neighbourhood, giving consideration to existing City regulations and guidelines.

Staff Analysis: The proposed development does not conform to policies related to housing.

Within OP 2020 the subject lands are located in what is termed a Primary Growth Area and is actively being planned to accommodate projected growth, with strategic locations for intensification that also provides appropriate transitions to the surrounding neighbourhood. The proposed development represents an over-intensification in a location that is intended for mid-rise developments that provide the transition to nearby areas. In proposing 77% 1-bedroom, with remainder being 2-bedroom units the proposed development does not provide an adequate mix of housing types to accommodate all stages of life and does not address matters of housing affordability or accessibility.

The proposed development fronts onto a minor arterial road and is located near existing transit services. The proposed development does provide sufficient parking in that 393 parking spaces are required but 320 spaces are proposed.

As noted in the design section of this report, considerations of compatibility such as massing and transition have not been addressed. There are concerns regarding the shadow impact of the proposed building. The majority of existing vegetation is proposed to be removed, and insufficient information has been provided to conclude that trees proposed to be saved will be sufficiently protected to survive.

As previously noted, the proposed development exceeds the maximum height that has been endorsed by Council, and in several respects does not meet the minimum requirements of the Tall Building UDG nor the SDG.

The applicant has submitted Municipal Servicing and Transportation Impact Study reports as part of their application submission. Determining satisfaction with these documents is underway.

5.0 MIXED-USE ACTIVITY AREA

5.2 General

5.2.2 Policies

- d) The design and development of Mixed-Use Activity Areas shall promote these areas as focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development
- h) Mixed-Use Activity Areas shall be priority locations for:
 - i. land assembly at strategic locations;
 - ii. infrastructure/public facility improvements;
 - vi. preparation of comprehensive traffic and parking studies and strategies;

5.3 Mixed-Use Corridors (General, Employment and Commercial Corridor)

5.3.4 Mixed-Use Corridor-Employment

- b) The following uses may be permitted within the Mixed-Use Corridor-Employment locations: industrial uses; a broad range of office uses, a limited range of retail, service commercial and personal service uses which serve the day to day needs of employees; financial institutions and services; entertainment, recreation and other community facilities such as libraries and day care centres and motor vehicle dealerships.

- c) Mixed-Use Corridors-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. In addition, retail uses related to home improvement shall be permitted.
- d) 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.
- g) Transit-supportive and pedestrian-oriented urban design shall be required in the development of Mixed-Use Corridor-Employment sites.
- k) 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 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 nonemployment 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.

Staff Analysis: The proposed development does not conform to policies of a Mixed-Use Corridor - Employment area.

The development does provide a high-density compact built form that supports transit. Non-employment uses are prohibited within this designation. Although it is acknowledged that through OP 2020 an employment conversion assessment was undertaken and Council recommended employment conversion of the subject lands, in making that recommendation it was set out that the ultimate land use would be established through a comprehensive planning process. The proposed development is premature in that the City is working to complete the Aldershot MTSA-ASP, the comprehensive review which will establish the needs within the MTSA, contain development criteria and establish compatibility with surrounding uses. These applications have provided supporting studies for what they have proposed. However, before the completion of the MTSA-ASP staff are unable to determine whether these studies will support the conclusions of the ASP.

Further, the applicant is an appellant to the new Official Plan regarding policies relevant to the subject lands, including provisions in the new Official Plan related to underutilized land. Those appeals should be resolved before a decision can be made regarding the appropriateness of these applications.

Further, the owner of the subject lands also owns contiguous properties to the north of the subject lands, all of which are also designated employment. It is not appropriate for the City to make decisions on these lands on a site-by-site basis. Given the contiguous ownership of these parcels fronting onto Waterdown Road, it would be appropriate for the applicant to present to the City a comprehensive plan of these parcels which supports the Aldershot MTSA-ASP work which has been endorsed in principle by Council. The applicant has not presented any form of comprehensive planning for the contiguous properties.

As has previously been discussed, the proposed development does not provide a continuous commercial retail street frontage along Waterdown Road. Further, it foregoes an opportunity for above grade office uses by instead locating parking above grade rather than underground.

As discussed in previous sections of this report, the proposed development does not meet the urban design requirements which are necessary to support compatibility

with adjacent buildings and proposed a streetscape design that will have a negative impact on transit and pedestrian infrastructure. The proposed development does locate parking and loading areas away from adjacent residential uses

In Summary: For the reasons noted above, the proposed development cannot be said to conform to the policies of the City of Burlington Official Plan, 1997.

City of Burlington New Official Plan (OP, 2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Parts of OP 2020 have been appealed to the Ontario Land Tribunal (OLT). 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. At this time, no determination has been made as to the appeal status of the relevant sections of OP 2020. The applicant is among the appellants and has appealed sections of the OP relevant to the subject lands.

The subject lands are designated 'Urban Corridor - Employment' to Schedule 'C' (Land Use – Urban Area) of OP 2020 and are located within a 'Primary Growth Area' (Schedule 'B-1' – Growth Framework). The subject lands are located within the Aldershot GO MTSA-ASP (Schedule 'G' of OP 2020 – Aldershot GO MTSA Special Planning Area) and located on a MTSA Primary Connector (i.e. Waterdown Road).

The Official Plan continues to designate these for employment purposes, however the lands are not subject to employment conversion policies. This was the case for all lands recommended for conversion which were located within an MTSA. These lands retain the existing employment-oriented land use designation on Schedule C of the OP until the respective ASPs are approved. For more details see Report [PB-04-18](#) which provides details regarding lands that are recommended for re-designation found within the Areas of Employment as defined by the City's existing Official Plan, which are not located on the Halton Region's Employment Area overlay (reference can be made to Appendix E of PB-04-18 for a detailed map and table).

The following policies will inform land use decision making to achieve sustainable development and a complete community in accordance with the City's four key strategic directions:

1.4 STRATEGIC DIRECTIONS

1.4.2 A CITY THAT GROWS

- c) Accommodates population and employment growth through development and intensification within targeted locations of the city's Urban Area;
- e) Promotes design excellence at every scale to create safe, accessible, attractive, vibrant and sociable places that people are drawn to;

Staff Analysis: The proposed development does support the direction of targeting intensification within a primary growth area, and generally conforms with the provisions of the City's Tall Building Guidelines.

1.4.3 A CITY THAT MOVES

- a) Integrates and prioritizes land use planning and transportation decision making to provide a range of multi-modal and sustainable transportation choices connecting people, goods and places; and
- b) Achieves land use patterns, densities and quality urban design that supports travel by walking, cycling and transit.

Staff Analysis: The proposed development does not support the direction to prioritize multi-modal and sustainable transportation choices.

The proposed layby disrupts the flow of pedestrian movement and negatively impacts the City's ability to provide transit and cycling infrastructure.

The proposed development does provide density that supports public transit.

1.4.4 A HEALTHY AND GREENER CITY

- f) Promotes development measures and patterns to achieve a low carbon, energy secure and climate resilient community, protect life and property from natural hazards, and achieve sustainable community and building design;
- g) Promotes health, safety and social well-being in the community through equitable access to a wide range of choices in housing, jobs, transportation, health care and recreation facilities, parks, green spaces and other public spaces and facilities, and amenities for all ages and abilities.

- h) Maintains and grows healthy urban greenspace through the provision of green infrastructure.

Staff Analysis: The proposed development does not support policy related to a health and greener city.

The proposed does not meet the minimum requirements of the City's SDG in providing the required amount of short and long term bicycle parking. The proposed development provides a limited range of unit sizes and does not provide sufficient commercial retail space at grade support the direction of providing access to a wide range of housing choices or jobs.

The majority of existing trees on site are proposed to be removed to be replaced by two trees in the public right of way, and insufficient information has been provided to conclude that trees proposed to be saved will be sufficiently protected to survive.

2.3 URBAN STRUCTURE

2.3.1 MIXED-USE INTENSIFICATION AREAS

Major Transit Station Areas

- h) Major Transit Station Areas (MTSAs) are an important component of the City's Urban Planning Area, and are intended to serve as city-wide destinations and focal points for the provision of transit. MTSAs will exhibit a wide variety of land uses and building types, and densities that will be oriented to support and facilitate transit and active transportation. Located in key areas served by the regional and local transit networks, MTSAs are focal points for higher intensity and mixed-use, transit supportive development that will accommodate a significant share of the City's future population and employment growth. It is anticipated that the majority of growth within the City's four MTSAs will occur in the three MTSAs located along higher order transit routes and with planned frequent transit service by way of Regional Express Rail.

Mixed-Use Nodes and Intensification Corridors

- j) Lands identified as Mixed-Use Nodes represent areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas. Nodes are generally located at points where two or more transit routes intersect.
- k) Lands identified as Intensification Corridors consist of areas of street-oriented uses which incorporate a mix of commercial, residential and employment uses, including designated employment lands, developed at overall greater intensities, serving as

important transportation routes along higher order transit corridors and selected arterial streets.

- l) Mixed-Use Nodes and Intensification Corridors will be a focus of re-urbanization. These areas vary widely and will be guided by the underlying land use designations of this Plan. Some areas will be planned to evolve with higher residential intensities and a full mix of uses, while others may permit a more limited range of employment-oriented permitted uses, both designed to achieve their planned function. These areas will support the frequent transit corridors and provide focal points of activity and a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design, enhancing the opportunities for the location of public service facilities and institutional uses.

Staff Analysis: The proposed development does not support MTSA and Mixed-Use Nodes policies.

These applications attempt to implement the general intensification direction of the OP 2020 but neglect those directions that related to character and compatibility. The proposed development provides limited street-oriented uses and lacks a continuous commercial retail frontage to comply with the requirement of creating a vibrant pedestrian environment and foregoes employment opportunities for above grade office use within the podium. The proposed streetscape negatively impacts transit and active transit infrastructure. Further, as has been discussed, these applications are premature in that the applicant has appealed relevant sections of the OP 2020.

The proposed development does provide density that supports public transit.

2.3.2 LANDS DESIGNATED FOR EMPLOYMENT USES

- b) Lands designated for employment uses allow for a full range of scales and intensities of development and offer opportunities for employment intensification and development for employment purposes.
- c) Lands designated for employment uses provide for the location of significant diverse areas of current and future employment activities that are required for the city's long term economic development and competitiveness, as these lands represent the principal employment generator in the city and will be guided by the underlying land use designations.

Staff Analysis: The proposed development does not support the requirement to provide sufficient commercial retail opportunity to support employment intensification or diversity.

As has been previously discussed, OP 2020 retains the employment designation on the subject lands, and contemplates their re-designation through the MTSA-ASP process currently under way. It is critical to note that a recommendation for conversion through the MCR process or through the City's New Official Plan process did not suggest that the lands are no longer intended to serve an employment function. Rather, recommendations to convert lands from a pure employment land use were understood to mean that the City intended to achieve a mix of uses in conjunction with employment, including commercial and residential uses and the use of the lands towards the goal of creating complete communities over time due to their strategic locations to deliver complete communities in exchange for increased development potential. These applications are premature in advance of the completion of the MTSA-ASP work and given that the applicant has appealed relevant sections of OP 2020.

As previously discussed, the proposed development represents an over-development of the site, which greatly exceeds the height and massing that are envisioned for the area and does not provide adequate transition to the surrounding neighbourhood. The proposed development lacks a continuous commercial retail and foregoes employment opportunities for above grade office use within the podium.

2.4 GROWTH FRAMEWORK

2.4.2.(1) PRIMARY GROWTH AREAS

a) Primary Growth Areas:

- ii. shall be recognized as a distinct area within the City's Urban Area accommodating the majority of the city's forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change;
- iii. shall be regarded as the most appropriate and predominant location for new tall buildings in accordance with the underlying land use designations, or the land use policies of an area-specific plan;
- v. shall support the frequent transit corridors and accommodate development that is compact, mixed-use, and pedestrian-oriented in nature.

- c) Where an area-specific plan has been approved, the more specific land use policies shall apply.

Staff Analysis: The proposed development is premature and does not support the direction being taken by the City in the Aldershot Primary Growth Area.

While work on the area-specific plan is ongoing, Council has endorsed in principle the Aldershot MTSA recommended preferred precinct plan. Relevant aspects of the precinct plan are reviewed in greater detail later in this report.

3.1 HOUSING

HOUSING SUPPLY

3.1.1(2) POLICIES

- h) The City shall require the submission of a housing impact statement where a development proposal includes more than one hundred (100) dwelling units, identifying:
- i. how the proposal contributes to achieving the Region of Halton housing targets, including identification of any proposed new affordable or assisted housing units;
 - ii. how the estimated rents and/or initial sales prices of the development are at or below the affordable housing thresholds by type;
- l) The City will encourage the building and development industry to incorporate universal design features in all new buildings.

HOUSING TENURE

3.1.2(2) POLICIES

- d) The City will encourage the construction of rental housing with a full mix and range of unit types and sizes.

HOUSING AFFORDABILITY

3.1.3(1) OBJECTIVES

- a) To promote the provision of an appropriate range and mix of affordable housing to meet the needs of the existing and future population.
- c) To encourage the development of affordable housing throughout the city

ASSISTED AND SPECIAL NEEDS HOUSING

3.1.4(2) POLICIES

- a) Assisted and special needs housing shall be permitted throughout the city, but are encouraged to locate within the Urban Area, where residential uses are permitted and where public transit, retail and public service facilities are readily accessible.

Staff Analysis: The proposed development does not support these policies.

As previously noted, the proposed development does not provide an adequate mix of housing types and does not address matters of housing affordability or accessibility.

4.1 CLIMATE CHANGE AND AIR QUALITY

4.1.2 POLICIES

- a) The City will work to improve air quality and energy efficiency, to reduce greenhouse gas and fuel emissions, and to mitigate and adapt to the impacts of a changing climate through land use and transportation policies related to:
- ii. achieving mixed-use development to encourage walking, cycling and transit;
 - ix. encouraging sustainable, energy efficient and low carbon buildings;

Staff Analysis: The proposed development does support climate change policy in that provides for a mix of uses close to the day to day needs of future residents, and meets the minimum of the City's Sustainable Building and Development Guidelines.

4.3 URBAN FORESTRY

4.3.2 POLICIES

- c) Boundary trees shall be protected in accordance with The Forestry Act.
- d) In order of priority, all development proposals and infrastructure projects, including City projects, should:
- i. preserve existing healthy trees. The location of existing healthy trees shall be considered when establishing the location and building envelope of a proposed development;

- ii. relocate healthy trees where feasible;
- iii. plant replacement trees where trees are removed. Replacement planting requirements shall be established using an aggregate-caliper formula, to the satisfaction of the City. If replacement trees cannot be accommodated on-site, off-site compensation may be considered to maintain and enhance the neighbourhood canopy; and
- iv. incorporate the planting of additional trees where appropriate.

Staff Analysis: The proposed development does not support urban forestry policy.

The majority of existing trees on site are proposed to be removed, including three trees in the public right of way, to be replaced by two trees in the public right of way. Insufficient information has been provided to conclude that trees proposed to be saved will be sufficiently protected to survive.

5.1 ACCOMMODATING EMPLOYMENT

5.1.2 POLICIES

- b) The City will promote economic development and competitiveness and the development of complete communities by:
 - ii. focusing employment growth primarily in the Employment Area and in mixed-use intensification areas;
- c) The Major Transit Station Areas shall be planned to accommodate employment uses which are compatible with sensitive land uses and contribute to the development of vibrant, mixed-use and transit supportive areas.

Staff Comment: The subject lands are designated 'Urban Corridor – Employment' in OP 2020. Through OP 2020 Council recommended employment conversion of the subject lands, however also determined that the ultimate land use should be established through the ongoing work of the Aldershot MTSA-ASP, to establish criteria to ensure that residential permissions shall only be made available where it is demonstrated that a proposed development will incrementally contribute to the achievement of broader objectives, including proposed employment. This will be discussed in greater detail in subsequent sections of this report.

Staff Analysis: The proposed development does not support the expectations of the mixed-use intensification area and the MTSA policies.

It does not sufficiently accommodate compatible employment uses, and it negatively impacts the vibrancy of the public realm and does not meet the

expectations of contributing to a complete community due to the deficient provision of a continuous commercial retail street frontage along Waterdown Road. The proposed building frontage foregoes employment opportunities for above grade office use within the podium. Further, these applications are premature in that the applicant has appealed relevant sections of OP 2020 having to do with mixed-use area.

5.4 STRATEGIC ECONOMIC DEVELOPMENT AREAS

5.4.7 MAJOR TRANSIT STATION AREAS

- a) Over the long-term, Major Transit Station Areas (MTSAs) will contribute significantly to accommodating employment and meeting the City's economic objectives.
- b) MTSAs are currently being considered through an area-specific planning process, that will consider the importance of accommodating employment over the long term in areas targeted for intensification.

Staff Analysis: The proposed development does not support the Strategic Economic Development policies of the MTSA.

The subject lands are currently designated as employment and will be considered for re-designation through the Aldershot MTSA-ASP work that is currently underway. These applications attempt to implement the general intensification and mixed-use directions of OP 2020 but neglect those directions related to character and compatibility.

The proposed building frontage foregoes employment opportunities for above grade office use within the podium, and negatively impacts the vibrancy of the public realm by neglecting to provide continuous commercial retail at grade, as noted previously in this report.

The proposed development is premature in that the applicants have appealed relevant sections of OP 2020, and in that the City is currently completing the Aldershot MTSA-ASP that support and establish a complete community having a local identity which promotes diverse economic opportunity.

6.2 MULTIMODAL TRANSPORTATION

6.2.2 URBAN STREETS AND RURAL ROADS

6.2.2(2) POLICIES

- a) The City will establish a complete streets strategy for all street and road projects, including those involving new construction, reconstruction, resurfacing and rehabilitation.

6.2.3 TRANSIT

6.2.3(2) POLICIES

- f) The City will promote increased transit use through transit supportive densities, urban design measures and parking management measures to make development more accessible for transit users in Mixed-Use Intensification Areas and Employment Area, as shown on Schedule B: Urban Structure, of this Plan.

6.2.4 ACTIVE TRANSPORTATION

6.2.4(2) POLICIES

- k) The development of streetscapes that are safe, convenient, accessible and attractive for pedestrians and cyclists shall be implemented through the selection of appropriate site-specific measures such as providing wide sidewalks, bike lanes, barriers to protect cyclists, illumination, locating retail and service commercial uses at street level to provide an active street front, encouraging building designs that provide shelter, and providing convenient and sheltered transit stops and bike parking, street furniture, shade trees and other amenities.

Staff Analysis: The proposed development does not support requirements to support multi-modal transportation options.

As previously discussed, the proposed development negatively impacts transit, cycling and pedestrian within the right of way, and does not sufficiently contribute a TDM strategy.

The proposed development does provide a level of intensification which is transit-supportive.

7.1 (Design Excellence) GENERAL

7.1.2 POLICIES

- d) Design guidelines may be developed for certain types of building forms, land uses, City streetscapes, streets and roads or specific areas in the city. Council-approved design guidelines will be utilized in the review and evaluation of development applications or City-initiated projects. A list of Council-approved design guidelines is included for reference purposes in Appendix B: Council-approved Design Guidelines, of this Plan.

Staff Analysis: The proposed development does not support this policy.

The subject lands are currently designated as employment and will be considered for re-designation through the Aldershot MTSA-ASP work that is currently underway. These applications attempt to implement the general intensification and mixed-use directions of OP 2020 but neglect those directions related to character and compatibility.

As previously noted, the proposed development has proposed an over-intensification of what has been endorsed in principle by Council, and in several respects does not meet the minimum requirements of the Tall Building UDG nor the SDG.

7.3 URBAN DESIGN AND BUILT FORM

7.3.1 NEW COMMUNITIES

- a) In new communities, including within the city's Designated Greenfield areas and the MTSA Special Planning Areas, the appropriate public realm and built form and the urban design objectives and implementing tools shall be determined through a coordinated area-specific planning exercise. The design of new communities shall serve to create and promote a new distinct character within Burlington as a result of an area-specific plan.
- b) New community design should contain compact built forms of development that support higher densities, are pedestrian, cycling and transit oriented, particularly along transit and transportation corridors, support the achievement of complete communities with high-quality public realm elements and encourage increased use of public transit.

7.3.2 EXISTING COMMUNITY AREAS

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

- i. ensuring site and building design are compatible with the surrounding area and considering how it contributes to maintaining and enhancing the physical character of the surrounding area **(does not comply)**;
- ii. providing appropriate built form transition in scale between buildings, the public realm and abutting development, through a variety of design methods including angular planes, stepping height limits, location and building orientation, and the use of setbacks and stepbacks of building mass **(does not comply)**;
- iii. providing appropriate screening, landscape buffering and other design measure to minimize any identified impacts **(does not comply)**;
- iv. providing pedestrian comfort and human scale at the street level reflecting the established and planned streetscape to frame the public realm, through a variety of design methods including the use of a podium in mid-rise and tall buildings **(complies)**;
- v. providing safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent uses, between buildings, parking areas and other facilities, to public streets, and to and from transit facilities **(does not comply)**;
- vi. providing façade articulation that achieves a scale of development which is attractive to pedestrians and avoiding the use of blank facades facing a public street or public open space **(does not comply)**;
- viii. implementing measures that adequately limit any resulting shadowing, and uncomfortable wind conditions on the streetscape, neighbouring properties, parks and open spaces and natural areas **(does not comply)**;
- ix. taking into account the visual effect of varying topography and existing and proposed vegetation **(does not comply)**;
- x. promoting pedestrian scale, public safety and the perception of safety and access for all users, through the incorporation of Crime Prevention through Environmental Design (CPTED) principles **(undetermined)**;
- xi. implementing design measures in accordance with The Accessibility for Ontarians with Disabilities Act and other applicable Provincial legislation **(undetermined)**;

- xii. considering the needs of persons of all ages and abilities, including new and renovated buildings, parking lots and open spaces through the application of the principles of Universal Design (**does not comply**);

7.3.2(1) PRIMARY AND SECONDARY GROWTH AREAS

- a) In Primary and Secondary Growth Areas, as shown on Schedule B-1: Growth Framework, of this Plan, development shall promote a transit- supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses, particularly Established Neighbourhood Areas.
 - i. The design of development in Primary and Secondary Growth Areas shall address the policies of Subsection 7.3.2 a) of this Plan, where applicable, and additional considerations such as, but not limited to, the following:
 - a. locating buildings generally parallel to the public street to define the street edge and along the edges of parks, urban squares and other open space features, and in close proximity to the street and transit services (**complies**);
 - b. providing appropriate transitions to adjacent land uses, particularly residential uses (**does not comply**);
 - c. massing new buildings to frame adjacent streets in a way that respects the existing and planned street width but also provides for a pedestrian-scale environment (**does not comply**);
 - d. locating building primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk (**complies**);
 - e. including direct pedestrian access, including barrier free access from grade level, to the primary public entrances located on the building façade (**does not comply**);
 - f. screening or integrating roof top mechanical equipment within the overall composition of the building (**complies**);
 - g. creating an attractive and connected interface between the private and the public realms (**does not comply**);
 - h. creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings (**does not comply**); and
 - i. providing appropriate outdoor amenity areas and open spaces and promoting the incorporation of private open spaces to the open space network of the immediate community (**does not comply**).

- ii. development in Primary and Secondary Growth Areas should locate and organize parking, access and service areas to minimize their impact on surrounding properties and the public realm. The design of vehicle parking, access and service areas shall address considerations such as, but not limited to, the following:
 - a. locating off-street parking in the side and/or rear yards, in underground or structured parking where appropriate, away from the street edge and adjacent residential uses **(complies)**;
 - b. integrating parking areas located at or above grade within the built form of the building and away from the street frontage, where appropriate **(does not comply)**;
 - c. limiting the number and location of vehicular access points to minimize disruption to traffic flows; and to minimize the impact on local streets, pedestrian travel along sidewalks or cyclists' travel along bikeways **(complies)**; and,
 - e. locating loading areas and service areas to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential uses and adjoining streets **(complies)**.

Staff Analysis: The proposed development does not generally support the provisions of Urban Design and Built Form.

As noted, the subject lands are currently designated as employment and will be considered for re-designation through the Aldershot MTSA-ASP work that is currently underway. These applications attempt to implement the general intensification and mixed-use directions of OP 2020 but neglect those directions related to character and compatibility.

The proposed development exceeds the maximum height that has been endorsed in principle by Council, and in several respects does not meet the minimum requirements of the Tall Building UDG nor the SDG.

7.4 SUSTAINABLE DESIGN

7.4.1 POLICIES

- a) Official Plan Amendments, Zoning By-law Amendments and site plan applications for high and medium density residential, mixed-use, commercial, industrial, office, institutional and public service facilities shall address the following sustainable design measures:

- i. measures to prioritize pedestrian movement within the site, to the street and to adjacent buildings, sites and neighbourhoods, and other improvements to the public realm to facilitate pedestrian use (**does not comply**);
 - ii. safe and direct on-site connections to public transit where available (**does not comply**);
 - iii. on-site bicycle facilities (**does not comply**);
 - iv. measures to reduce reflected/waste light to mitigate adverse impacts on the night sky (**undetermined**);
 - v. parking lot design and landscaping to minimize the urban heat island effect (**complies**);
 - vi. tree protection measures and planting of non-invasive trees and other vegetation, in accordance with Section 4.3, Urban Forestry, of this Plan (**does not comply**);
 - vii. storm water quality, quantity, erosion control and drainage measures, in accordance with Subsection 4.4.2(2) of this Plan (**undetermined**);
 - ix. a waste management plan with appropriate facilities in accordance with the Region of Halton's requirements (**undetermined**); and
 - x. bird-friendly design measures for buildings adjacent to the Natural Heritage System and the Lake Ontario shoreline (**undetermined**).
- b) Through the review of Official Plan Amendments, Zoning By-law Amendments, plans of subdivision and site plan applications, the proponent will be encouraged to consider sustainable design considerations such as, but not limited to:
- i. energy efficiency, passive design measures, renewable energy sources and other low carbon building strategies (**undetermined**);
 - ii. potable water conservation (**undetermined**);
 - iii. innovative storm water management techniques such as Low Impact Development measures (**undetermined**);
 - iv. additional sustainable transportation measures such as electric vehicle charging stations that exceed the requirements of the Building Code (**undetermined**);
 - v. sustainable building materials and resources (**undetermined**);
 - vi. indoor environmental and air quality (**undetermined**);
 - vii. additional measures to mitigate the urban heat island effect (**undetermined**);
 - viii. maintenance, monitoring and communication of sustainable building features (**undetermined**); and

- ix. other innovative sustainable design approaches or technologies
(undetermined).
- c) The Sustainable Building and Development Guidelines provide detailed direction for the implementation of the policies in this section. A development application shall be deemed to have met the policies in Subsections 7.4.1 a) and b) of this Plan, if it meets the requirements of the Sustainable Building and Development Guidelines adopted by the City
- h) Proponents of major development shall have regard for Region of Halton Healthy Communities Guidelines.

Staff Analysis: The proposed development does not support policies related to sustainability.

As previously discussed, while the proposed density does support transit usage, the proposed streetscape negatively impacts opportunities for transit and active transportation infrastructure and the proposed development does not sufficiently contribute a TDM strategy. The over-intensification of the site does not allow for site landscaping, including adequate tree preservation or planting.

8.1 MIXED-USE INTENSIFICATION AREAS

8.1.3 MIXED-USE NODES AND INTENSIFICATION CORRIDORS

8.1.3(2) GENERAL POLICIES

- a) The design and development of Mixed-Use Nodes and Intensification Corridors shall promote these areas as focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.
- c) Mixed-Use Nodes and Intensification Corridors may be identified as priority locations for the following, not limited to:
 - i. land assembly;
- e) Multi-unit residential developments in Mixed-Use Nodes and Intensification Corridors should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.
- h) In residential buildings containing retail and service commercial uses at grade, office uses or uses accessory to residential uses may be required in the second storey to minimize the potential adverse effects of noise and vibration that may be generated by some types of retail and service commercial uses.

- o) Within Mixed-Use Nodes and Intensification Corridors, development applications proposing the re-designation from one land use designation to another that impacts the planned commercial function throughout the City, should be discouraged.
- p) Development within Mixed-Use Nodes and Intensification Corridors shall ensure compatibility with surrounding areas in accordance with the applicable policies in Section 7.3 of this Plan.
- r) Within a Mixed-Use Node or Intensification Corridor the City may encourage land assembly and/or the comprehensive development of adjacent properties in accordance with subsection 12.1.2(2) and any other relevant policies of this Plan, in order to ensure that development meets, and does not compromise the ability of development on adjacent property(ies) to meet, the objectives of this Subsection and the objectives of the relevant land use designation.

Staff Analysis: The proposed development does not support policies related to mixed-use nodes.

As noted, the subject lands are currently designated as employment and will be considered for re-designation through the Aldershot MTSA-ASP work that is currently underway. These applications attempt to implement the general intensification and mixed-use directions of OP 2020 but neglect those directions related to character and compatibility.

While the proposed density does support transit usage, the proposed development does not sufficiently provide for a range of housing. It foregoes an opportunity for above grade office uses and does not provide sufficient street-oriented uses to satisfy the planned commercial function of the precinct and to create a vibrant pedestrian environment, nor does the proposed streetscape support transit and active transit infrastructure. The proposed development is incompatible with the existing and planned context. It represents an over-development of the site, which greatly exceeds the height and massing that are envisioned for the area and does not provide adequate transition to the surrounding neighbourhood.

As previously discussed in this report, the owner of the subject lands also owns multiple contiguous properties to the north of the subject lands, separated by a single lot which has a different owner. As such, it would be appropriate for the applicant to present a comprehensive plan of these parcels which supports the Aldershot MTSA planning which has been endorsed in principal by Council.

8.1.3(8) URBAN CORRIDOR-EMPLOYMENT DESIGNATION

8.1.3(8.2) POLICIES

- a) 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.
- b) 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.
- c) Accessory retail and service commercial uses may only be permitted provided that:
 - i. the use is located at grade level; and
 - ii. the use is located within a building containing or proposed to contain employment uses above the first storey.
- e) Transit-supportive and pedestrian-oriented urban design shall be required in the development of Urban Corridor-Employment Lands.
- f) A maximum floor area ratio of development of 2.0:1 is an appropriate built form in Urban Corridor-Employment Lands. An increase to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application, without the need for an amendment to this Plan, provided that the objectives of the Urban Corridor-Employment designation are maintained.
- g) The minimum building height shall be two (2) storeys, except for industrial uses where no minimum height is required; and the maximum building height shall not exceed six (6) storeys. Where required to ensure compatibility, four (4) to six (6) storey buildings may be required to be terraced back from adjacent residential areas and/or the street.

- l) 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:
- 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 this Plan shall apply.

Staff Analysis: The proposed development does not support these policies.

As noted, the subject lands are currently designated as employment and will be considered for re-designation through the Aldershot MTSA-ASP work that is currently underway. These applications attempt to implement the general intensification and mixed-use directions of OP 2020 but neglect those directions related to character and compatibility. The expectation is that mixed-use developments will provide broader benefits, including diverse employment opportunities, through the development potential that has been unlocked through the Aldershot MTSA-ASP planning.

The proposed development is premature in that the applicant is an appellant of relevant sections of OP 2020, including policy 8.1.3(8.2)(I). In determining that the subject lands are currently underutilized, evaluation of this policy concludes that the proposed development in no way includes sufficient space for jobs.

Further, the applications are premature in that the City is currently completing the Aldershot MTSA-ASP that support and establish a complete community having a local identity which promotes diverse economic opportunity. The proposed development foregoes diverse employment opportunities and the proposed streetscape negatively impacts transit and active transportation infrastructure. The limited range of commercial street-oriented uses does not satisfy the planned commercial function of the precinct, nor create a vibrant pedestrian environment.

The proposed development does provide intensification that is supportive of transit.

In Summary: For the reasons noted above, the proposed development cannot be said to support the direction of the policies of the City of Burlington Official Plan, 2020.

Aldershot GO Major Transit Station Area Recommended Preferred Precinct Plan (Aldershot MTSA, 2021)

Background

In July 2018, staff brought forward draft precinct plans for the Aldershot GO, Burlington GO and Appleby GO Mobility Hubs, to Council for feedback ([PB-65-18 Appendix A – Aldershot GO Draft Precincts](#)) as a part of the Mobility Hubs Study. This plan for the Aldershot Go MTSA was presented to the public and Council at the July 12, 2018 Committee of the Whole Workshop.

In early 2019, the Mobility Hubs Study was placed on pause to enable the City to address other planning priorities, such as the City's scoped re-examination of the adopted Official Plan project, the Interim Control By-law Land Use Study and the Region's Municipal Comprehensive Review (Regional Official Plan Review).

In July 2021, Halton Regional Council adopted Regional Official Plan Amendment (ROPA) 48, which, among other things, set the boundaries, targets and policies for each MTSA in the Region.

In 2021, the City resumed this work as the MTSA-ASP Project. The project will build upon and advance the work undertaken through the Mobility Hubs Study. On May 17, 2021 a Council Workshop was held to provide an overview of the Mobility Hub Study Work and to discuss a general approach for proceeding with the MTSA Project. At the workshop, it was discussed that there is a general comfort that the May 2018 draft precinct plans developed through the Mobility Hubs Study represent the appropriate starting point for the MTSA work. Building on the May Workshop discussion, on June 8, 2020, Council considered PL-27- 21 which included (as Appendix A of Report PL-27-21) the Terms of Reference for the MTSA-ASP Project.

Upon the completion of a competitive RFP process, Dillon Consulting and Staff began work on the development of Preliminary Preferred Precinct Plans which used the 2018 Mobility Hubs work as a base and included a number of refinements reflective of public input, changing planning legislation and policy and inputs from technical work and other city initiatives. The Preliminary Preferred Precinct Plans were the focus of a period of engagement in Fall 2021.

On January 11, 2022 staff presented report [PL-02-22, Major Transit Station Area \(MTSA\) Area-Specific recommended Preferred Precinct Plans](#). At a Council meeting held on January 18, 2022 Council endorsed in principle the recommended Preferred Precinct Plans (see Appendix D). Council has not yet given final approval to Aldershot MTSA-ASP policy, as such the recommended Preferred Precinct Plan has been

assessed to understand if the proposal supports the direction of the work, as it has been presented to, and endorsed in principle, by Council to date.

The site is located within the Aldershot Main Street Precinct within the Aldershot MTSA. In principle the recommended preferred precinct plans arrange for the highest heights and intensities to be located closest to the Aldershot GO station, transitioning to low density as sites get further away from that priority, and closer to the established neighbourhoods located adjacent to the MTSA. In the Aldershot Main Street Precinct, Low and Mid-rise mixed-use buildings are envisioned to be the predominant built form and use. The Aldershot Main Street Precinct supports residential apartment uses with ground floor commercial uses including service commercial, retail commercial and office commercial uses. The Aldershot Main Street Precinct envisions that development which fronts onto Plains Road and/or Waterdown Road shall include ground floor commercial uses. The height direction for the Aldershot Main Street Precinct supports a continuation of the mid-rise built form character established along Plains Road (also Aldershot Main Street Precinct) with a maximum building height will of 11 storeys (maximum 6 storeys when a property is adjacent to an existing neighbourhood).

The Aldershot Main Street Precinct that has been endorsed in principle by Council on January 18, 2022 remains unchanged from that which was presented in 2018.

The MTSA-ASP project is backed by the substantial work and engagement done through the Mobility Hubs Study. Since 2018 the Aldershot Main Street precinct has included proposed building heights, built form elements and key highlights that have resulted in a more neighbourhood-focused approach to the Aldershot MTSA visions, and names the precinct “Aldershot Corners” to better reflect the goal of place making within Aldershot MTSA-ASP.

Within the context of the Aldershot MTSA-ASP, the recommended Preferred Precinct Plan responds to the feedback received since 2017 by various stakeholders. The established framework encourages the presence of commercial or service commercial uses at the main floor of mixed-use buildings that are highly coveted.

As noted, several contiguous properties located north of the site along Waterdown Road are owned by the applicant, representing a significant land holding within Aldershot MTSA-ASP. These have been identified in the Planning and Urban Design rationale report submitted by the applicant as “Pending Application, 31 or more storeys”. No comprehensive plan has been submitted for these contiguous sites. In the Planning and Urban Design rationale report it is identified on pg. 47 that, *“it is our opinion that the ultimate precinct plan approved for the Aldershot GO MTSA should identify Waterdown Road as a high rise corridor given the width of and existing bus transit on Waterdown Road as well as the distance from the existing stable residential neighbourhood on the west side of Clearview Avenue. Finally, it is our opinion that a tall building form can*

achieve the “main street” mixed-use streetwall envisioned by the “Aldershot Main Street Precinct” and accommodate additional density through interspersed towers.”

PL-02-22 Employment Conversions through the MCR (ROPA 48)/New OP Process

The site was part of the lands recommended for re-designation within the City’s Official Plan - Areas of Employment. It is critical to note that a recommendation for conversion through the MCR process or through the City’s New Official Plan process did not suggest that the lands are no longer intended to serve an employment function. Rather, recommendations to convert lands from a pure employment land use were understood to mean that the City intended to achieve a mix of uses in conjunction with employment, including commercial and residential uses and the use of the lands towards the goal of creating complete communities over time due to their strategic locations.

Appropriate policies and mechanisms are currently being developed through the area specific plans to require the development of sufficient employment, affordable housing, public service facilities and community amenities (grocery stores, services, retail) in exchange for considering permissions for residential uses. Such residential permissions shall only be made available where individual sites have demonstrated how a proposed development will incrementally contribute to the achievement of those broader objectives, and those permissions will be commensurate with the proposed employment, affordable housing, public service facilities and community amenities on the individual site. Heights noted within the Recommended Preferred Precinct Plans are not to be read as “as of right” permissions for standalone residential development.

The Aldershot MTSA-ASP is planned to accommodate a significant share of Halton Region’s population and employment growth. The minimum density targets have been established by the Region of Halton through ROPA 48.

The recommended range of uses and heights that are envisioned to be included within the Aldershot MTSA-ASP precincts are intended to achieve the vision and complete communities.

The Recommended Preferred Precinct Plan framework that supports the ASPs recognizes that significant development potential has been unlocked through the re-designation of single-use employment lands. However, with that unlocked development potential comes greater expectations, of both the development community and of the city to deliver complete communities in exchange for that increased potential.

Staff Analysis: The proposed development does not align with the expectations of the Aldershot Main Street Precinct.

The site is located within the Aldershot GO MTSA which has been the subject of a significant public process since 2017, the objectives and direction of which has been

consistent and largely unchanged over the past 5 years, especially in relation to the subject site. It is clear that the application is not in alignment with the overall direction of the Aldershot Corners MTSA and the Aldershot Main Street Precinct, in which it is located, should the OPA be approved later this year.

The Aldershot Main Street is intended to be a mid-rise precinct with continuous retail at grade to support the provision of a full range of community amenities and foster a main-street, pedestrian focused experience. This is not aligned with the development proposal.

In the documents submitted as part of their applications the applicant has acknowledged the long-standing status of the subject lands as being located within the Aldershot Main Street precinct. This precinct is planned to have a maximum height of 11 storeys, among other considerations, and will contribute to achieving the forecasted growth that is planned for the Aldershot Primary Growth Area. The proposed height and intensification far exceed what is being planned for the subject lands

PL-02-22 Appendix A

3.1 MTSA ASP Project Objectives

At the outset of the Mobility Hubs Study, the following overarching City objectives, among others, were identified to guide the process. These objectives were documented again in the recent Background Report (2021):

- Complete, compact and sustainable communities, with a mix of uses in walking distance of transit;
- Population and employment densities to support local and regional transit; -
- Built form to achieve walkability, high-quality public spaces and design excellence;
- A balanced multi-modal transportation network;
- Land uses and building forms which are compatible with the surrounding area and achieve sensitive integration with existing areas; and,
- Mix of housing types to support affordability and attract a broad range of demographics, including families.

These objectives were informed by public and stakeholder feedback and developed to ensure that the draft precinct plans addressed matters important to the public. The following objectives, originally presented in 2018, were reviewed and continue to be relevant to guide the ASP process for Aldershot MTSA. The 2018 objectives that would be common to all MTSA's are, among others, as follows:

- Directing the highest intensity to areas in close proximity to major transit stations and to current or planned frequent transit corridors;
- Minimizing shadowing impacts on public parks and open spaces and low density established residential neighbourhoods;
- Providing height transitions to established low density residential neighbourhoods outside of the hub boundaries;
- Providing a level of intensity to attract new retail and commercial functions to serve current and future residents and employees;
- Recognizing existing employment functions and providing for a variety of new and expanded employment and commercial opportunities; and,
- Planning for a variety of housing forms to attract a broad range of demographics.

In addition to the above it is worth noting that the overall approach to building heights within Aldershot MTSA-ASP is largely un-changed from the 2018 versions. The proposed approach to building heights is considered to be appropriate given the following:

- The overall role and function of the MTSA's within the local context of Burlington as a growing, mid-sized City in the western GTA;
- The need to provide sufficient opportunities for transit-supportive development and achieve the minimum density targets;
- The need to provide for transitions in height between the MTSA's and surrounding neighbourhoods; and,
- There will be an opportunity to provide flexibility for maximum building height permission in some of the precincts, in particular those intended to accommodate employment and major office uses, to maximize the potential in attracting higher density, major office uses in the MTSA's.

Staff Analysis: The proposed development does not align with the general objectives of the Aldershot MTSA-ASP.

It greatly exceeds the maximum heights potential, does not provide adequate transition to the surrounding neighbourhood and does not provide for a variety of new and expanded employment and commercial opportunities along Waterdown Road.

3.2.1 Aldershot GO MTSA – “Aldershot Corners”

The existing area around the Aldershot GO station area comprises several established residential areas adjacent to the MTSA boundary and includes the presence of existing low-intensity and land extensive employment uses.

As noted in a staff presentation to Committee on July 12, 2018 (PB-65-18), there is strong community support for continuing the revitalization of Plains Road into an attractive, mid-rise main street. See Appendix E of this report for an excerpt of PB-65-18 Appendix A

Staff Analysis: The proposed development does not align with the objectives of the Aldershot GO MTSA-ASP.

Council has endorsed in principle a maximum height of 11 storey, considered to be a mid-rise building. The proposed tall-building height, located close to Plains Rd East, does not comply with the recommended heights for the precinct nor does it provide a transition to surrounding properties. In several respects the proposed tall building does not meet the minimum requirements of the Tall Building UDG.

The proposed development does not provide for employment and commercial opportunities along Waterdown Road to sufficiently contribute jobs necessitated by the development potential created through the Employment re-designation. The proposed retail space does not provide for a continuous retail frontage and main-street pedestrian experience and the proposed building foregoes an opportunity for above grade office uses by instead locating parking above grade rather than underground. The retail space that is provided does exceed the objectives of minimum floor to ceiling height and for minimum setback above the 4th floor.

The proposed parking lay-by does not support a pedestrian-oriented public realm and negatively impacts the potential for transit and cycling infrastructure, infringes up on a pedestrian's path of travel and limits other infrastructure such as street furniture.

The proposal does not provide the minimum requirements of the City's Sustainable Building and Development Guidelines in that the proposal is deficient in the provision of required bicycle storage.

As noted previously in this report, the proposed development does not meet the City's criteria regarding the urban tree canopy. It proposes to remove mature existing street trees and the majority of the trees located on the site and replaces street trees with fewer trees than were removed. Insufficient information has been provided to conclude that boundary trees which are proposed to be saved will be sufficiently protected to survive.

In Summary: For the reasons noted above, the proposed development cannot be said to align with the direction of the Aldershot MTSA that Council has endorsed in principle.

City of Burlington Zoning By-Law

The subject lands are zoned Mixed-Use Corridor Employment Oriented ('MXE') Zone to Map No. 3 of the City of Burlington Zoning By-law 2020.

A comparison between the current and proposed zoning performance standards (and the applicable site-specific regulations) is illustrated on Table 1 (Zone Comparison), below.

Table 1: Zone Comparison (Current & Site-Specific Zone Proposed)

Zone Regulation	Zone Requirement		
	'MXE' Zone (Section 4.0) (Existing)	'MXG' Zone	'MXG-XX' Zone (Proposed)
Building Height	<p>Industrial/Automotive Uses: 2 storey maximum</p> <p>Other Uses: 6 storey maximum</p>	<p>Automotive Uses: 2 storey maximum</p> <p>Other Uses: 2 storey minimum; 6 storey maximum</p> <p>In MXG, MXC and MXT zones, the floor area of the second, third and fourth storeys of a building containing more than one storey must be at least 50% of the floor area of the first storey</p>	29 storeys (plus mechanical) and 32.20 metres
Maximum Floor Area Ratio	<p>Entertainment or Recreation Buildings: 0.5:1</p> <p>Industrial Buildings: 0.5:1</p> <p>Other Buildings: 1.0:1</p>	<p>Entertainment or Recreation Buildings: 0.5:1</p> <p>Industrial Buildings: N/A</p> <p>Other Buildings: 1.5:1</p>	8.2:1

Zone Regulation	'MXE' Zone (Section 4.0) (Existing)	'MXG' Zone	'MXG-XX' Zone (Proposed)
Yard Abutting Other Street	3.0 metres minimum; 4.5 metres maximum	3.0 metres minimum; 4.5 metres maximum	0.0 metres
Rear Yard	3.0 metres (minimum)	3.0 metres (minimum)	0.0 metres (minimum)
Landscape Area and Buffer	Abutting a Street: 3.0 metres (minimum)	Abutting a Street: 3.0 metres (minimum)	Abutting a Street: 0.0 metres (minimum)
Amenity Area	15 m ² per efficiency dwelling unit 20 m ² per one bedroom unit 35 m ² per two or more bedroom dwelling unit Back to Back Townhouse: 25 m ² per dwelling unit	15 m ² per efficiency dwelling unit 20 m ² per one bedroom unit 35 m ² per two or more bedroom dwelling unit Back to Back Townhouse: 25 m ² per dwelling unit	17.0 m ² of combined indoor and outdoor amenity area per dwelling unit
Parking	N/A	1.25 spaces per unit inclusive of visitor parking for an apartment building	Apartment Dwelling Unit 1.0 space per unit Visitor Parking: 0.08 spaces per Apartment Dwelling Unit
General Parking Provisions (Parking Space Size & Accessibility)	Each parking space shall have a minimum width of 2.75 metres and a minimum area of 16.5 m ²		Parking Space Minimum: 2.6 metres X 5.6 metres

Staff Analysis: The proposed development does not comply with existing zoning. The proposed zoning is premature in advance of the completion of the MTSA-ASP work and given that the applicant has appealed relevant sections of OP 2020.

City-Wide Parking Standards

The subject application will be reviewed pursuant to the updated parking standards, as approved by OLT, through Case No. PL190525 on May 21, 2021, 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 OP 2020.

The application includes a request to reduce minimum required parking from 1.25 parking spaces per unit (inclusive of visitor parking) to 1.0 parking space per apartment unit and 0.08 parking spaces per apartment unit (visitor parking). There are no parking spaces proposed for retail/commercial uses.

Technical Review

The circulation of the application for technical comment to Internal Departments and External Agencies occurred on January 19, 2022.

Comments Received

At the time of writing this report, comments are still forthcoming from Internal Departments (i.e. Site Engineering, Parks Design and Construction, Transit) and External Agencies (i.e. Region of Halton, Conservation Halton, CP Rail, Metrolinx) and utilities (i.e. Burlington Hydro, Bell Canada, Sun-Canadian Pipe Line Co. Ltd., Imperial Oil Pipelines). Comments from these departments/agencies will potentially provide for additional matters to be considered, however the recommendation of this report primarily rests with matters of prematurity, compatibility and over-development, urban design and other planning matters.

The following is a summary of the comments that have been provided to date. For full details please contact the planner on the file.

The following agencies have no comment with the proposed development:

- MTO;
- Halton Regional Police Service; and,
- Rogers Communications Canada Inc.

Ontario Parks – No anticipated impacts to Ontario Parks, however wish to remain on the mailing list in the event the scope of the project changes.

CN Rail - It is noted that the subject site is located within 1000m to CN's Rail Yard. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN. The Owner shall enter into an agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and

negotiating the agreement. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Canada Post - the proposal for the Development Application and has determined that the completed project will be serviced by centralized mail delivery provided through Canada Post Community Mailboxes.

Accessibility – 9 barrier-free (bf) residential parking spaces and 1 bf retail parking space are required. It appears that 10 bf parking spaces have been provided, however no dimensions have been provided, and it is unclear where the visitor, retail and residential spaces are assigned.

Should the layby be constructed, drop curbs and bollards should be provided so people using mobility devices can be dropped off without barriers to the sidewalk.

Urban Forestry and Landscape – Landscape does not currently encourage the large number of removals identified as part of the OPA and ZBA application. The plans should be revised to consider and prioritize tree preservation. Efforts should be made to preserve as many trees as possible. Alternate layout and grading options should be reviewed to protect and preserve more existing trees. Further review of the proposed removals on the subject and adjacent lands will be considered upon the site plan submission.

Recreation, Community and Culture - The application does not propose anything that supports recreation, community or culture and limited to no green space. The proposal still seems very car focused and would rather see all parking below ground to encourage active transportation and social gatherings.

Fire Department – comments included impacts of increased traffic in the area slowing response times, both during construction and after, as well as impact to the Fire Department building during construction (due to the age of the building and proximity to proposed development site).

Tax Billing and Collections – 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 submission of a lot/block plan as

determined by a draft M-Plan. Educational Development Charges pursuant to the Education Development Charge By-law are payable.

Halton Catholic District School Board - In terms of school accommodation, if the development were to proceed today, elementary students generated from this proposal would be accommodated at Holy Rosary (B) CES located at 261 Plains Road East. Secondary school students would be directed to Assumption CSS located at 3230 Woodward Avenue. Should you proceed with the approval of the Official Plan and Zoning By-law amendments, require conditions that are to be placed in any subsequent agreements have been provided.

Trans-Northern Pipelines Inc. (TNPI) – TNPI has no infrastructure in the area.

Niagara Escarpment Commission (NEC) – The subject lands are located outside of the Niagara Escarpment Plan Area and area of Development Control.

Enbridge Gas Distribution Inc. – Enbridge has existing gas mains on the east and west side of Waterdown Road (in front of this property). System capacity would be confirmed upon receipt of total gas load. There appears to be limited space between the property line and edge of the underground parking garage for meter/regulating station(s).

Financial Matters:

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

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.

The proposed development does not comply with Sustainable Development Guidelines established by the City, which support the Region's objectives. While it does provide transit supportive intensification, it also proposes a streetscape that will negatively impact transit and active transportation infrastructure, and does not achieve the minimum requirements for long term and short term bicycle parking. The majority of

existing trees on site and all existing trees in the public right of way are proposed to be removed, to be replaced by two trees in the public right of way, and insufficient information has been provided to conclude that trees proposed to be saved will be sufficiently protected to survive.

Engagement Matters:

Public Circulation/Notification

A Notice of Complete Application was circulated on January 18, 2022 to all property owners/occupants and to all boards and agencies requiring circulation pursuant to the *Planning Act*. A copy of the Complete Application Notice was provided to the applicant/agent and uploaded to the City of Burlington website and a notification sign was posted on the property.

A Notice of Public Meeting was circulated on January 26, 2022 to all property owners/occupants within 120 metres of the subject property, to those who expressed an interest to receive further notification, and, to all boards and agencies requiring circulation pursuant to the *Planning Act*. The Notice of Public Meeting was also published in the February 3, 2022 edition of the Burlington Post and posted on the City's Development Projects Webpage at www.burlington.ca/1029waterdown.

A Current Development Projects webpage (burlington.ca/1029waterdown) has been 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.

Burlington Urban Design Advisory Panel (BUD) Meeting

A Burlington Urban Design (BUD) Advisory Panel Meeting was held on October 21, 2021 to review the design aspects of the proposed development, with particular focus on the responsiveness to context (existing and planned) (i.e. compatibility and building transitions/interface, scale, massing and design); architectural design features (i.e. building articulation, building placement and orientation, rooftop treatment and materiality); and, site design/sustainable design (i.e. design treatment of private vs. public realms, pedestrian and transit connectivity, sustainable design strategies). Minutes from this BUD meeting are contained in Appendix E of this report.

Pre-Application Consultation Meeting

The applicant hosted a Virtual Pre-Application Community Meeting on November 17, 2021. A Notice of the Pre-Application Community Meeting was circulated to approximately 90 residents and landowners in accordance with City Guidelines and posted on the City's website. Meeting attendees also included Mayor Meed Ward, Ward 1 Councilor Galbraith and City Community Planning Department staff.

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).

A section of the applicant's Planning & Urban Design Rationale Report has been dedicated to summarizing the comments received at the Virtual Pre-Application Community Meeting in November 2021.

Public Comments

Approximately 90 area residents/property owners were circulated for input. A total of six (6) public comments have been received in response to the circulation of the application (see Appendix F).

A summary of the general theme areas of comments is provided below; copies of which are included as Appendix E.

- Compatibility of proposed building heights with other existing development in the immediate area and impacts of the heights of new development within Aldershot;
- Proposed level of residential intensification and its conformity with existing City policy documents and lack of public benefit/amenity included with proposal;
- Lack of green space and negative environmental impacts; and,
- Impacts of potential increase in traffic generation and ability for existing street network to accommodate additional capacity and anticipated parking needs.

Conclusion:

The purpose of this report is to provide the recommendation to refuse these development applications, and the planning rationale for the recommendation.

The proposed development:

- is not consistent with the Provincial Policy Statement;

- does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe;
 - does not comply with the Region of Halton's policies; and
 - does not satisfy the City of Burlington's policies.
-

Respectfully submitted,

Brynn Nheiley
Manager of Development and Design
Community Planning Department
905-220-4386

Appendices:

- A. Location Plan
- B. Existing Zoning
- C. Concept Plan & Elevations
- D. Excerpt from Report PL-02-22 Appendix A
- E. Excerpt from Report PB-65-18 Appendix A
- F. Public Comments

Notifications:

David Falletta, Partner
Bousfields Inc.
Suite 200 – 1 Main Street East
Hamilton, ON L8N 1E7
dfalletta@bousfields.ca

Arjun Anand & Arun Anand
Infinity Development Group
2275 Upper Middle Road East
Oakville, ON L6H 0C3
arjun.anand@infinitydevelopment.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.