



**SUBJECT: Official Plan and Zoning By-law amendments for 4103 Palladium Way**

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

**FROM: Community Planning Department**

Report Number: PL-13-23

Wards Affected: 6

File Numbers: 505-02/22 & 520-03/22

Date to Committee: March 20, 2023

Date to Council: March 21, 2023

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**Recommendation:**

Approve the application for the Official Plan and Zoning By-law amendments, to allow a five (5) storey Long Term Care Facility building and a six (6) storey Retirement Home building with associated ancillary uses with access to Palladium Way; and

Approve Official Plan Amendment No.134 to the City of Burlington Official Plan, as provided in Appendix C of community planning department report PL-13-23, to permit a Long Term Care Facility and Retirement Home uses; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No.134 as contained in Appendix C of community planning department report PL-13-23; and

Approve Zoning By-law 2020.454, attached as Appendix D of community planning report PL-13-23, which amends the site-specific "BC1-505" zone of the subject lands; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No.134 is adopted; and

State that the amending zoning by-law will not come into force and effect until Official Plan Amendment No.134 is adopted.

## **PURPOSE:**

The purpose of this report is to recommend approval of the Official Plan amendment and Zoning By-law amendment applications for the lands municipally known as 4103 Palladium Way, to allow a five (5) storey Long Term Care Facility building and a six (6) storey Retirement Home building and associated ancillary uses with access to Palladium Way. This report also responds to the following staff direction (SD-02-23) from the from the February 2023 Committee of the Whole and Council meetings:

*Direct the Director of Community Planning, Regulation & Mobility and all applicable development review staff to prioritize the Better Life Retirement Residence – 4103 Palladium Way file in order to meet provincial funding deadlines and ensure viability of the project.*

## **Vision to Focus Alignment:**

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

- 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:**

<b>RECOMMENDATION:</b>		Approve	<b>Ward:</b>	6
<b>Application Details</b>	<b>APPLICANT:</b>	Design Plan Services Inc.		
	<b>OWNER:</b>	Better Life Retirement Residence Inc (2669006 Ontario Inc.)		
	<b>FILE NUMBERS:</b>	505-02/22 & 520-03/22		
	<b>TYPE OF APPLICATION:</b>	Official Plan Amendment and Zoning By-law Amendment		
	<b>PROPOSED USE:</b>	5-storey Long Term Care Facility containing 256 beds and a 6-storey Retirement Home containing 115 units.		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	Northeast of the intersection of Walker's Line and Palladium Way, west of Palladium Way and east of Walker's Line.		
	<b>MUNICIPAL ADDRESSES:</b>	4103 Palladium Way		
	<b>PROPERTY AREA:</b>	1.48 ha		
	<b>EXISTING USE:</b>	Vacant land		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b>	'Business Corridor' (1997 Official Plan) 'Business Corridor' (2020 Official Plan)		
	<b>OFFICIAL PLAN Proposed:</b>	'Modified Business Corridor'		
	<b>ZONING Existing:</b>	'Business Corridor' with site specific regulations (BC1-505)		
	<b>ZONING Proposed:</b>	'Business Corridor' with site specific regulations (BC1-505) as amended		
<b>Processing Details</b>	<b>APPLICATION RECEIVED:</b>	May 5, 2022		
	<b>STATUTORY DEADLINE:</b>	September 2, 2022 (120 days)		
	<b>COMMUNITY MEETING:</b>	March 30, 2021		
	<b>PUBLIC COMMENTS:</b>	No written comments received. Number of Notices Sent: 51		

## Background and Discussion:

On May 30, 2022, Planning staff deemed complete the application that had been received as of May 5, 2022 for an Official Plan amendment and Zoning By-law Amendment at 4103 Palladium Way (the “subject lands”). The purpose of the application is to permit a five (5) storey Long Term Care Facility building containing 256 beds and a six (6) storey Retirement Home building containing 115 units with access to Palladium Way (as shown on Appendix B).

Previous development applications on the subject lands include a Zoning By-law Amendment (File No.: 520-09/19) approved by Council on September 28, 2020. The application rezoned the subject lands from “BC1-319” to “BC1-505” to permit the development of a six (6) storey long-term care facility and associated ancillary uses. At this time, the applicant has submitted a new Official Plan and Zoning By-law amendment application to reflect the new proposed development, which also includes a retirement home.



Figure 1 - Air Photo (2019) with subject property outlined

## Subject Lands Description & Surrounding Land Uses

The subject lands are located northeast of the intersection of Walker’s Line and Palladium Way, more specifically west of Palladium Way and east of Walker’s Line (as shown on Figure 1 (right), and Appendix A). The subject lands have an area of approximately 1.48 ha and approximately 80.75 m of frontage on Palladium Way. The subject lands are currently vacant.

The subject lands are surrounded by a mix of employment uses, parks and open space uses as well as residential uses. Directly abutting the site to the north are lands zoned for open space which currently contains Appleby Creek and natural vegetation. Directly abutting the site to the south are lands zoned for employment uses currently occupied by the Region of Halton Court Services. Directly abutting the site to the east is Palladium Way and across is the public park ‘Palladium Park’. Directly abutting the site to the west

is Walker's Line and across are lands zoned for employment uses which are currently vacant (as shown on Appendix A).

The subject lands are approximately 550 metres north in walking distance from the nearest Burlington Transit bus stop located on Route 48 (Millcroft) which runs along Walker's line and Thomas Alton Boulevard and into the Millcroft Neighbourhood as well as Route 6 (Headon – Haber) which also runs along Walker's line and Thomas Alton Boulevard and ends at the Burlington GO Train Station.

### **Description of Application**

The purpose of the application is to permit a five (5) storey Long Term Care Facility building containing 256 beds within approximately 17,344 m<sup>2</sup> of Gross Floor Area (GFA) and a six (6) storey Retirement Home building containing 115 units within approximately 9,510 m<sup>2</sup> of GFA fronting onto Palladium Way (as shown on Appendix B). Additionally, a total of 238 parking spaces are proposed of which 53 spaces will be located at-grade and 185 spaces will be located underground. Access to the property will be located along Palladium Way.

A Zoning By-law Amendment application was previously approved by City Council on September 28, 2020 (By-law 2020.432) for this property to allow for a six (6) storey long-term care facility and associated ancillary uses. At this time, the applicant has made changes to the proposed concept plan, including a new proposed Retirement Home, which is not a permitted use on the subject lands and would therefore trigger the need for an Official Plan and Zoning By-law Amendment.

Applications for the Official Plan amendment and implementing Zoning By-law amendment are required to facilitate the proposed development, which includes, expanding the list of permitted uses on the subject lands to include a Retirement Home; establishing a floor area ratio (FAR) for the Long Term Care Facility and Retirement Home of 1.82:1; a reduced south side yard setback of 3.5 m instead of the required 4.5m; a reduced yard abutting Walker's Line of 14 m instead of the required 30m; and an increased floor area for the retail pharmacy accessory to the medical office of 115 m<sup>2</sup> instead of the current permitted 109m<sup>2</sup>.

### **Supporting Documents**

The applicant has submitted the following materials in support of the subject applications:

- [Official Plan Amendment and Zoning By-law Amendment Application Form](#) prepared by Design Plan Services Inc. dated April 28, 2022
- [Application Submission Cover Letter](#) prepared by Design Plan Services Inc. Prepared by Design Plan Services Inc. dated April 29, 2022
- [Planning Justification Report \(includes the Pre-Application Public Consultation Meeting Minutes and response\)](#) prepared by Design Plan Services Inc. and Sam Esposito Architect Inc. dated April 2022

- [City of Burlington Urban Design Advisory Panel Minutes](#) dated May 20, 2021
- [Urban Design Brief](#) prepared by Sam Esposito Architect Inc. dated April 25, 2022
- [Site Survey](#) prepared by J.D. Barnes dated February 15, 2019
- [Site Plan](#) prepared by Sam Esposito Architect Inc. dated December 2020
- [Architectural Plans \(including Floor Plans, Elevations, Underground Parking Plan and Renderings\)](#) prepared by Sam Esposito Architect Inc. dated December 2020
- [D-6 Land Use Compatibility – Air Quality Feasibility Study](#) prepared by exp Services Inc. dated December 20, 2021
- [Sun Shadow Study](#) prepared by Sam Esposito Architect Inc. dated April 29, 2022
- [Landscape Concept Plan](#) prepared by Baker Turner Inc. dated April 26, 2022
- [Tree Inventory and Preservation Plan](#) prepared by Barker Turner Inc. dated April 26, 2022
- [Arborist Report](#) prepared by Barker Turner Inc. dated May 3, 2022
- [Functional Servicing Report](#) prepared by exp Services Inc. dated April 26, 2022
- [Hydrogeological Study](#) prepared by exp Services Inc. dated April 28, 2022
- [Noise and Vibration Impact Study](#) prepared by Thornton Tomasetti dated April 27, 2022
- [Traffic Impact Study](#) prepared by GHD dated April 22, 2022.
- [Storm Water Management Report](#) prepared by exp Services Inc. dated April 26, 2022
- [Geotechnical Report](#) prepared by exp Services Inc. dated November 3, 2021
- [Phase One Environmental Site Assessment](#) prepared by exp Services Inc. dated November 28, 2021
- [Sustainable Building and Development Guidelines Checklist](#) prepared by Design Plan Services Inc. dated May 2, 2022
- [Environmental Site Screening Questionnaire](#) prepared by Design Plan Services Inc. dated April 28, 2022
- [Draft Official Plan Amendments](#) prepared by Design Plan Services Inc. dated May 2022
- [Draft Zoning By-law Amendment](#) prepared by Design Plan Services Inc. dated May 2022
- [Construction and Mobility Management Plan](#) prepared by exp Services Inc. dated April 2022
- [Waste Management Report](#) prepared by GHD dated April 28, 2022
- [Site Grading Plan](#) prepared by exp Services Inc. dated April 2022
- [Site Servicing Plan](#) prepared by exp Services Inc. dated April 2022
- [Sections and Details](#) prepared by exp Services Inc. dated April 2022
- **PIN Report** dated April 4, 2022

- [Revised Engineering Plans](#) prepared by exp Services Inc. dated December 2022
- [Resubmission Cover letter](#) prepared by Design Plan Services Inc. dated December 23, 2022
- [Comment Response Matrix](#) prepared by Design Plan Services Inc. dated December 23, 2022
- [Revised Site Survey](#) prepared by J.D. Barnes dated February 15, 2019
- [Revised Architectural Plans](#) prepared by Sam Esposito Architect Inc. dated December 22, 2020
- [Revised Landscape Concept Plans](#) prepared by Baker Turner Inc. dated December 22, 2022
- [Revised Arborist Report](#) prepared by Baker Turner Inc. dated December 22, 2022
- [Revised Tree Inventory and Preservation Plan](#) prepared by Baker Turner Inc. dated December 22, 2022
- [Revised Functional Servicing Report](#) prepared by exp Services Inc. dated December 22, 2022
- [Revised Traffic Impact Study](#) prepared by GHD dated December 9, 2022
- [Revised Storm Water Management Report](#) prepared by exp Services Inc. dated December 22, 2022
- [Environmental Site Assessment Letters of Reliance](#) prepared by exp Services Inc. dated December 16, 2022
- [Revised Draft Zoning By-law Amendment](#) prepared by Design Plan Services Inc. dated December 2022
- [Revised Construction & Mobility Management Plan](#) prepared by EXP dated, December 20, 2022

Supporting documents have been published on the City's website for the subject application, [www.burlington.ca/4103palladiumway](http://www.burlington.ca/4103palladiumway).

## **Policy Framework**

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review against the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. A policy analysis has been provided throughout the following sections of this report to demonstrate the proposal is in keeping with the applicable framework.

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

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS. The PPS promotes the achievement of healthy, livable, and safe communities through various means including by promoting efficient development and land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and 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.

The PPS directs that growth and development be focused in settlement areas which include urban areas that are built-up areas where development is concentrated and which have a mix of land uses and lands which have been designated in an official plan for development over the long term planning horizon. As a result, the subject lands are considered to be located within a settlement area.

In accordance with policy 1.1.3.1 and 1.1.3.2 settlement areas shall be the focus of growth and development and shall be based on densities and a mix of land uses which:

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

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where applicable, which identifies that 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 taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

In accordance with the employment policies set out under section 1.3.1, planning authorities shall promote economic development and competitiveness by: providing for

an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and ensuring the necessary infrastructure is provided to support current and projected needs.

In accordance with section 1.3.2.1 planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. 1.3.2.4 sets out that planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. The proposed long-term care facility contributes to the provision of an appropriate mix and supply of institutional uses to meet the long term needs of the surrounding community. Within the City's Employment Areas, the Official Plan sets out that proposals for the re-designation of lands designated for employment uses to non-employment uses, or to add a range of uses to an employment designation that are primarily permitted in a non-employment designation (i.e. the proposed retirement home is considered a residential use), shall be evaluated based on criteria set out in the Official Plan. A detailed review of this proposal against the criteria included in the City's current Official Plan (1997, as amended) and the City's New Official Plan (2020) are included in the Official Plan analysis sections below.

The PPS defines sensitive land uses as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility which may include, but are not limited to residences, day care centres, and educational and health facilities. The proposed uses are therefore considered sensitive land uses. In accordance with the land use compatibility policies set out under section 1.2.6.1, sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

As part of the application submission, the applicant provided a D-6 Land Use Compatibility Study. Based on the findings of the assessment, none of the facilities identified within the Study Area are expected to pose unacceptable air quality, dust or odour issue to the subject lands. It is recognized that there is potential for an odour and/or dust impact due to proximity of the subject lands to highway 407, from smaller facilities

identified at neighbouring commercial and light industrial properties and/or from general urban occurrences. Recommendations for Transportation Related Air Pollutants (TRAP) mitigation measures have been incorporated as a precaution and as a general good practice for residential buildings in an urban setting. These include design strategies such as placing outdoor amenity spaces in locations with physical barriers from the highway such as buildings and installing vegetation buffers to block the property boundary from roadways and to filter emissions. The proposed courtyards and outdoor amenity spaces are proposed within the building and on the front facade of the building, which provides for a physical separation between the amenity spaces Highway 407 and Walker's Line. Additionally, the proposed development contains landscaped areas along all lot lines to provide further buffering between the proposed development and surrounding uses.

The PPS sets out that municipalities are to provide for an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents. This includes permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.

The proposed development will be fully municipally serviced and can be supported by existing municipal infrastructure. As a result, the proposed land uses will ensure efficient use of the land, resources, infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and uneconomical expansion.

As part of the application submission, the applicant provided a checklist of the Sustainable Building Design Guidelines and demonstrated how these have been included as part of the development proposal through building design strategies. Sequentially, these help ensure that negative impacts to air quality and climate change are minimized, that energy efficiency is promoted and prepare for the impacts of a changing climate.

The subject lands are located approximately 150m south of the 407 Express Toll Route (ETR) and are approximately 550 metres north in walking distance from the nearest Burlington Transit bus stop located on Route 48 (Millcroft) which runs along Walker's line and Thomas Alton Boulevard and into the Millcroft Neighbourhood as well as Route 6 (Headon – Haber) which also runs along Walker's line and Thomas Alton Boulevard and ends at the Burlington GO Train Station. The proposed development further incorporates pedestrian pathways and connections throughout the site as well as the provision of vehicular and bicycle and parking spaces in accordance with the Official Plan policies and the Zoning By-law regulations. As a result, the proposed development helps support active transportation is transit-supportive, where transit is planned, exists or may be developed and is freight-supportive.

Section 1.8.1 describes that 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:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- 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.

A detailed review of the proposed development and its considerations on the impacts of a changing climate along with the City of Burlington Sustainable Building Design Guidelines has been provided in the following sections of this report.

Planning staff have considered the policies of the PPS with regard to this development application and are of the opinion that the proposal is consistent with the PPS.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“the Growth Plan”) provides a policy framework for managing growth in an area of Ontario that includes the City of Burlington. All planning decisions within the Growth Plan area must conform to the Growth Plan.

The Growth Plan is intended to support the achievement of complete communities with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available. The Growth Plan also envisions a healthy natural environment and agricultural lands, which will contribute to the region’s resilience and our ability to adapt to a changing climate. To accomplish its vision, the Growth Plan establishes policies regarding how land is developed, resources are managed and protected, and where investments are made.

The Growth Plan provides specific growth management policy direction and focuses development in the existing urban areas through intensification. In accordance with section 2.2.1 (2), the vast majority of growth will be directed to settlement areas of which

growth will be focused in: delineated built-up areas; strategic growth areas; locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and in areas with existing or planned public service facilities.

The proposed development is located in a settlement area and would contribute to the creation of a complete community by adding to the existing mix of uses in the area and providing both residential use and employment opportunities in close proximity to existing residential neighbourhoods, school and public park.

In accordance with section 2.2.5, economic development and competitiveness in the GGH will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities, better connecting areas with high employment densities to transit and integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment. The Growth Plan sets out that municipalities are to plan for all employment areas within settlement areas by prohibiting residential uses and prohibiting or limiting sensitive land uses that are not ancillary to the primary employment use. Further, the conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that the proposal meets a number of criteria including need for the conversion; protection of lands for employment purposes; appropriate employment land supply; protection of surrounding employment areas and the availability of required infrastructure.

As outlined earlier, the proposed long-term care home is considered an institutional use, which are permitted in all areas, subject to certain criteria being satisfied. The proposed retirement home is considered a residential land use, which are not permitted within Employment Areas or on Employment lands, except by way of a municipal comprehensive review. On July 7, 2021, Halton Region adopted Regional Official Plan Amendment #48 (ROPA 48) which defined and provided direction on the urban structure (i.e. urban growth centres, major transit station areas, regional nodes) and employment areas. Through Report LPS60-21, Regional staff indicated that “through the review of land use compatibility considerations in the context of existing long-term care facilities and retirement homes elsewhere in Halton, and submissions by the proponent regarding land use compatibility, Regional staff are of the opinion that the introduction of a retirement home to these lands would be unlikely to introduce additional compatibility or viability concerns in comparison to the limitations that already exist as a result of the existing permissions for a long-term care facility. This will also be confirmed through the local planning process....Given the site’s context and relatively small-scale of the subject lands, as well as the community benefit and timeline constraints in relation to Provincial funding, it is recommended that this conversion be advanced as part of ROPA 48.” As such, the Regional Employment Land Conversation Request was accepted as part of

ROPA 48, and is subject to further review as part of this report for its appropriateness to permit a retirement home (i.e. residential use) on the subject lands from a local perspective.

Section 2.2.5 (8) describes that the development of sensitive land uses will, in accordance with provincial guidelines, avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment. The proposed retirement home is considered a residential land use, and was therefore studied to assess the compatibility of the proposed use with other uses in the surrounding area. The applicants submitted a D-6 Compatibility Study which assessed the proposed development in accordance with the requirements outlined in the Ministry of Environment, Conservation and Parks (MECP) D-6 Series Guidelines to ensure no adverse effects on future sensitive land uses. The study concluded that none of the facilities identified within the Study Area are expected to pose an unacceptable air quality, dust, or odour issue to the subject lands. With regards to the potential impact of the proposal to limit future uses on nearby lands, planning staff concur with the submitted planning justification report: "The proposed development would only limit the future use of Class II or Class III industrial sites; however, such uses would be limited by existing factors, and are not further limited by the proposed development." Planning staff further note that if any of the existing properties in the area zoned 'Business Corridor (BC1)' were proposed to be developed for a heavy industrial use not permitted by the BC1 zone, a Zoning By-law amendment would be required, resulting in an extensive review process to ensure compatibility with the surrounding sensitive land uses including the existing residential community located south-east of Palladium Way. Essentially, the existing land use context surrounding the subject lands would limit the potential future uses in this area to Class I uses, despite the proposed sensitive land use being proposed as part of this application.

The subject lands are located within a 'Designated Greenfield Area' as identified by the Growth Plan. Intensification of underdeveloped lands is generally encouraged by the Growth Plan. Although employment areas are not included in minimum density targets for designated greenfield areas, this development is proposed to create a fairly significant number of jobs on-site. The applicants have indicated that the proposed long-term care facility and ancillary uses, as well as the retirement home would employ permanent full and part-time staff in a range of roles including support staff, nurses, doctors, cleaners, administrators, among others for an estimated total of at least 350 jobs. To that end, although the proposed retirement home is considered a residential land use, it is being proposed in conjunction with a long-term care facility (i.e. institutional use) to provide a continuum of care model as part of a single development, which would provide a reasonable employment component to the proposal.

The Growth Plan also prohibits major retail uses within employment areas and sets out that municipalities should establish size or scale thresholds for retail uses that are permitted in employment areas. The proposed retail uses on the subject lands include the retail pharmacy accessory to the medical office. This use has been included as part of the Draft Zoning By-law (as shown on Appendix D) to a maximum floor area of 115 m<sup>2</sup> in order to ensure that major retail uses or uses that are not ancillary to the principal use are not proposed.

As per the analysis provided, planning staff is of the opinion the proposed Official Plan amendment and Zoning By-law amendment conforms to the Growth Plan.

### **Halton Region Official Plan (ROP)**

The Halton Region Official Plan (ROP) outlines a long-term vision for Halton's physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that fosters complete communities, enhance mobility across Halton, address climate change, and improve housing affordability, sustainability, and economic prosperity. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

Regional Official Plan Amendment (ROPA) 48 was approved by the Minister of Municipal Affairs and Housing on November 10, 2021. The policies of ROPA 48 are in effect and not subject to appeal. ROPA 48 was the first amendment to be advanced as part of the Regional Official Plan Review under section 26 of the Planning Act. ROPA 48 defines specific elements of a Regional Urban Structure including Strategic Growth Areas. ROPA 48 also included a limited number of Employment Area conversions, established targets for strategic growth areas and updated the population and employment allocations assigned to Halton Region to 2051 by the Growth Plan.

In accordance with Map 1H "Regional Urban Structure" of the ROP, as amended by ROPA 48, the subject lands are located within the Urban Area. The policies of Urban Area designation support a form of growth that is compact and supportive of transit, and the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. As outlined above, the Regional Employment Land Conversion Request to permit non-employment land uses (i.e. the proposed retirement home) for the subject lands was accepted as part of ROPA 48, which removed the Regional Employment Area overlay from the subject lands as part of the Region's Employment Area conversion exercise (i.e. municipal comprehensive review).

Regional Official Plan Amendment (ROPA) 49 is the second amendment to be advanced as part of the Regional Official Plan Review. This was adopted by Regional Council on June 15, 2022 and approved by the Minister of Municipal Affairs and Housing with modifications on November 4, 2022. It is the second amendment to be advanced as part

of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment is to implement the results of the Region's Integrated Growth Management Strategy (IGMS), which considered how to accommodate growth in Halton to the 2051 planning horizon as part of the municipal comprehensive review process. The amendment also includes changes that support planning for growth in Halton and achieving conformity with the Provincial Growth Plan for the Greater Golden Horseshoe.

The subject lands are located adjacent to lands that form part of the 'Regional Natural Heritage System' designation as shown on Map 1 of the ROP; however, the proposed development has appropriately managed natural hazards and flooding to the satisfaction of Conservation Halton.

The ROP provides policy direction to address the development of new sensitive land uses to avoid or minimize adverse impacts on the surrounding industrial, manufacturing or other employment uses. Staff are satisfied with the conclusions of the submitted land use compatibility assessment as it relates to the impact of the proposed development on adjacent employment and residential uses.

Halton Region staff were circulated on the development application and associated technical studies and drawings. Regional staff have indicated that the applicant's application materials are satisfactory for the Official Plan amendment and Zoning By-law amendment and have no objections. City Planning staff have also reviewed the application and find that the proposed development applications on the subject lands conforms with the policies of the ROP.

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

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

The subject lands are designated 'Business Corridor' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the OP. Lands within this designation are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and related uses and to establish high design and development standards for Business Corridor lands. This designation may permit a broad range of office, industrial, utilities, transportation and service trade uses provided these are located within an enclosed building and are unlikely to cause significant pollution or excessive noise. A limited range of retail commercial and service commercial uses as well as recreation uses such as restaurants, banks and fitness centres, subject to specific provisions of Part III, section 3.4.2 e) may be permitted.

Additionally, hotel, conference and convention uses as well as residence for a watchman or caretaker may be permitted. The Official Plan Amendment therefore proposes in addition to the uses permitted in Part III, section 3.4.2 a) and e) of this Plan, a Long-Term Care Facility and Retirement Home uses with a maximum floor area ratio of 1.82:1.

In accordance with Part II, section 4.3 a), institutional uses are defined as uses with the primary purpose of serving the educational, health and social needs of the community and are further defined as hospitals, and other public health care and social service facilities as well as long-term care facilities and day care centres. Therefore, the proposed Long-Term Care Facility and Day Care Centre are considered institutional uses while the Retirement Home use is considered a residential use.

In accordance with Part II, section 4.3 d), within Business Corridor, General Employment and Mixed-Use Employment designations, certain sensitive institutional uses such as educational facilities, long-term care facilities, day care centres and places of worship shall require an amendment to the Zoning By-law. Such an amendment will be considered only following the completion of a risk assessment to determine any existing or potential sources of hazard from existing industrial uses in the vicinity and whether the levels of risk can be reduced to acceptable levels, using risk-based land use planning guidelines, as well as an assessment of compatibility with existing industrial facilities in the area in terms of variables such as noise, vibration, odour and dust, using Provincial Land Use Compatibility guidelines.

As part of the application submission, the applicant provided a D-6 Land Use Compatibility Study. Based on the findings of the assessment, none of the facilities identified within the Study Area are expected to pose unacceptable air quality, dust or odour issue to the subject lands. It is recognized that there is potential for an odour and/or dust impact due to proximity of the subject lands to highway 407, from smaller facilities identified at neighbouring commercial and light industrial properties and/or from general urban occurrences. Recommendations for Transportation Related Air Pollutants (TRAP) mitigation measures have been incorporated as a precaution and as a general good practice for residential buildings in an urban setting. These include design strategies such as placing outdoor amenity spaces in locations with physical barriers from the highway such as buildings and installing vegetation buffers to block the property boundary from roadways and to filter emissions. The proposed courtyards and outdoor amenity spaces are proposed within the building and on the front facade of the building, which provides for a physical separation between the amenity spaces Highway 407 and Walker's Line. Additionally, the proposed development contains landscaped areas along all lot lines to provide further buffering between the proposed development and surrounding uses.

Given the subject lands are designated as Employment Lands on Schedule A 'Settlement Pattern' of the OP, residential uses (i.e. a retirement home) are not permitted. Part 3, section 3.2.2 d) of the OP specifies that development proposals for the re-designation of

lands designated for employment uses to non-employment uses, or to add a range of uses to an 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;

*Comment:* As outlined above, the requested employment conversion was considered and accepted as part of the Region's municipal comprehensive review. Staff is of the opinion that this criterion is met.

- ii. the proposal shall not detrimentally affect the short and long term employment land needs of the City.

*Comment:* The subject lands are located at the periphery of an existing employment area and is surrounded by a mix of employment uses, parks and open space uses as well as residential uses. Although employment lands are not included in the target density for the Region, the development is proposed to contain at least 350 jobs associated with the proposed uses on a 1.48 hectare lot. The proposed development is an appropriate type and scale of development that adds the residential component targeting the aging population in conjunction with an important institutional function to a community and continues to provide for employment opportunities. Staff is of the opinion that this criterion is met.

- 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;

*Comment:* As outlined in the Growth Plan section above, staff is of the opinion that the proposed uses will not negatively impact the viability or desirability of surrounding land uses and are considered compatible with the existing context. Staff is of the opinion that this criterion is met.

- iv. the site's physical and natural characteristics, development constraints and location shall justify the consideration of non-employment uses at the subject location.

*Comment:* The proposed development has been reviewed by Halton Region and Conservation Halton (CH) in regard to servicing and natural characteristics and both have demonstrated no concerns. No additional servicing is required for the proposed development. Staff is of the opinion that this criterion is met.

- v. re-designation of lands abutting major transportation corridors including railways, highways and major arterial roads shall be discouraged.

*Comment:* The subject lands front onto Palladium Way and back onto Walker's Line. In accordance with Schedule J: Classification of Transportation Facilities of the OP, Palladium Way is designated as a 'Collector' corridor and Walker's Line is designated as a 'Minor Arterial' corridor. Staff is of the opinion that this criterion is met.

- vi. support studies as identified in Part VI, section 1.3) f), General Policies, of the Plan are to be prepared.

*Comment:* As part of the pre-consultation meeting conducted prior to receiving the subject development applications, a list of required materials was prescribed to the applicant and have been received as identified previously in this report. Staff is of the opinion that this criterion is met.

- vii. in addition to the criteria (i) through (vi) as described 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 lands for non-employment uses will meet a public need identified by City Council resolution.

The development proposal constitutes converting a relatively minor area and will have a beneficial impact on the surrounding uses and the broader community by providing additional housing for the City's older demographics. Staff is of the opinion that this criterion is met.

In accordance with the General Policies of the Business Corridor Designation (Part III, section 3.4.2 e)), the proposed retail uses permitted under Part III, section 3.4.2 a) (ii) shall be subject to the following:

- (i) such uses shall be ancillary to, and primarily serve, uses, businesses and employees within the surrounding employment area;
- (ii) such uses shall only be permitted on lands having one or more buildings with a total floor area greater than 3,000 m<sup>2</sup>; and
- (iii) no more than fifteen (15) percent of the total floor area of any one building shall be used for ancillary uses.

The subject lands contemplate two buildings with a total gross floor area of approximately 28,860 m<sup>2</sup>. The current zoning exception number 505 recognizes the previous site-specific zoning approved back in September 2020 for this site for a six (6) storey Long-Term Care Facility with ancillary uses, including a day care centre and a medical clinic with accessory retail pharmacy. The proposed draft by-law will continue to include these regulations (as shown on Appendix D) by permitting accessory uses including the Day Care Centre, Medical Clinic (with accessory Retail Pharmacy), and convenience restaurant only as accessory uses to the Long-Term Care Facility and Retirement Home. More specifically, the draft zoning by-law includes a maximum floor area of 115 m<sup>2</sup> for the proposed Retail Pharmacy. As a result, no more than fifteen (15) percent of the total floor area of the proposed buildings is to be dedicated to the retail uses.

In accordance with policies of the Business Corridor designation, a range of building heights and development intensities shall be permitted within areas designated as Business Corridor. Additionally, the design and development of Business Corridor areas shall ensure a high degree of compatibility between new prestige industrial and office uses and adjacent non-industrial uses. The following site design and development factors shall be considered for new and/or expanding Business Corridor uses:

- (i) off-street parking shall be located away from adjacent uses;
- (ii) loading areas shall be located to avoid conflict between pedestrian and vehicular traffic away from adjacent uses and adjoining roads;
- (iii) outdoor storage areas shall be fenced and/or screened;
- (iv) the number and location of vehicular access points shall be limited to minimize disruption to traffic flows;
- (v) lighting shall be directed to minimize impacts on adjacent uses;
- (vi) the proposal provides convenient access to public transit services;
- (vii) the proposal includes features to promote public safety;
- (viii) off-street parking areas, loading areas and site service areas shall be screened and landscaped; and
- (ix) urban design considerations contained in Part II, section 6.0

The policies also describe that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area. Further, the compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing.

As part of the application submission, the applicant also provided an Urban Design Brief which outlines the building configurations with consideration to compatibility with the neighbouring land uses and structures. The subject lands contain one vehicular access

point along Palladium Way. The off-street parking spaces proposed are located along the south-eastern area of the subject lands, mainly along the center, the entrance and southern property line. Similarly, loading areas are proposed to be located along the northern and southern section of the subject lands to avoid conflict between pedestrian and vehicular traffic away from adjacent uses and adjoining roads. The off-street parking spaces and the loading spaces which are in close proximity to adjacent uses, such as the southern property line, are separated by landscaped areas which help ensure an appropriate transition to adjacent uses. Transportation staff have reviewed the proposed development proposal along with the submitted application materials and have indicated no objections or concerns. Overall, staff are of the opinion the proposed development continues to be compatible with the surrounding land uses and building structures. Additional design details will be reviewed as part of a subsequent Site Plan application.

As previously mentioned, the subject lands are located approximately 550 metres north in walking distance from the nearest Burlington Transit bus stop located on Route 48 (Millcroft) which runs along Walker's line and Thomas Alton Boulevard and into the Millcroft Neighbourhood as well as Route 6 (Headon – Haber) which also runs along Walker's line and Thomas Alton Boulevard and ends at the Burlington GO Train Station. Traffic staff have also reviewed the proposed development proposal along with the submitted application materials and have demonstrated no objections or concerns.

Staff are therefore of the opinion that the proposed Official Plan amendment as set in the Official Plan Amendment under Appendix C is consistent with the intent of the City's 1997 Official Plan (as amended).

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

On November 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) ("the new OP"). The new OP is subject to appeals which are currently before the Ontario Land Tribunal (OLT). For up-to-date information on the status of the new OP and relevant appeals, visit [www.burlington.ca/officialplan](http://www.burlington.ca/officialplan).

The subject lands are designated 'Business Corridor' under Schedule C: Land Use - Urban Area of the New Official Plan. Lands within this designation are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and ancillary employment uses and to establish high design and development standards for Business Corridor lands. This designation may permit a broad range of office, industrial, utilities, transportation and service trade uses provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust. A limited range of accessory retail, a full range of accessory service commercial, a limited range of recreation uses may be permitted. Additionally, large-scale motor vehicle dealerships,

hotel, conference and convention uses may be permitted. The proposed Retirement Home use proposed is currently not a permitted use under the Business Corridor designation in the new OP.

In accordance with section 2.3.3 d), all lands identified within the employment area, prohibit residential and non-employment uses, including major retail uses with some exceptions subject to the Regional Official Plan. These lands are subject to the policies of Chapter 5: Economic Activity and may only be considered for conversion to a non-employment use at the time of a municipal comprehensive review, or in accordance with the Provincial Growth Plan. Furthermore, in accordance with section 5.2.2 c), development proposals for the conversion of lands identified within the Region of Halton Employment Area as identified on Schedule B: Urban Structure, of this Plan, shall be subject to the policies of the Regional Official Plan and the Provincial Growth Plan and shall be considered at the time of a municipal comprehensive review undertaken by the Region of Halton, or in accordance with the Provincial Growth Plan.

As outlined previously, the Regional Employment Land Conversion Request to permit non-employment land uses (i.e. the proposed retirement home) for the subject lands was accepted as part of ROPA 48, which removed the Regional Employment Area overlay from the subject lands as part of the Region's Employment Area conversion exercise (i.e. municipal comprehensive review).

The accessory retail and service commercial uses permitted under this designation are subject to the provisions of section 8.2.2 c) and d) which describe that the accessory retail uses permitted under the Business Corridor designation shall be ancillary employment uses as defined in Chapter 13: Definitions, of this Plan and no more than fifteen (15) percent of the total floor area of any one building shall be used for accessory uses. In Chapter 13, ancillary employment uses are defined as the use of any land, building or structure which is subordinate to uses in the surrounding Employment Area and primarily provides its service to the uses, businesses and employees in the surrounding Employment Area. An ancillary employment use could include accessory retail and service commercial uses as defined in subsection 8.2.2 c) of this Plan, recreational uses as defined in subsections 8.2.2 d) and 8.2.2 e) of this Plan, as well as public service facilities and institutional uses such as emergency service facilities, trade schools, other adult education facilities and post-secondary education facilities.

The subject lands contemplate two buildings with a total gross floor area of approximately 28,860 m<sup>2</sup>. The current zoning exception number 505 recognizes the previous site-specific zoning approved back in September 2020 for this site for a six (6) storey Long-Term Care Facility with ancillary uses, including a day care centre and a medical clinic with accessory retail pharmacy. The proposed draft by-law will continue to include these regulations (as shown on Appendix D) by permitting accessory uses including the Day Care Centre, Medical Clinic (with accessory Retail Pharmacy), and convenience

restaurant only as accessory uses to the Long-Term Care Facility and Retirement Home. More specifically, the draft zoning by-law includes a maximum floor area of 115 m<sup>2</sup> for the proposed Retail Pharmacy. As a result, no more than fifteen (15) percent of the total floor area of the proposed buildings is to be dedicated to the retail uses.

Under Chapter 13: Definitions, institutional uses are defined as private services and/or facilities which provide a public health, education, recreation and/or social service related function to residents and which can be appropriately accommodated in most areas of the city. Institutional uses may include, but shall not be limited to, places of worship, cemeteries, private educational facilities, private day cares or long term care facilities, but shall not include group homes, private medical clinics or public service facilities. Therefore, the proposed Long-Term Care Facility and Day Care Centre are considered institutional uses while the Retirement Home use is considered a residential use.

In accordance with section 8.2.2 k), in Business Corridor designations, institutional uses may be considered, subject to the policies of Subsection 3.2.2 e) of this Plan which describes that notwithstanding Subsections 3.2.2 a), b) and c) of this Plan, institutional uses that are considered a sensitive land use which are proposed within an employment area, shall be subject to the following:

- (i) consideration of whether the use is considered an ancillary employment use;
- (ii) meeting the criteria established in Subsection 3.2.2 c) ii) through v); and
- (iii) a site-specific Zoning By-law amendment shall be required to the Zoning By-law. Such an amendment will be considered only following the completion of a land use compatibility assessment that addresses all relevant considerations such as noise, vibration, odour and dust, using Provincial Land Use Compatibility guidelines and the Region of Halton's Land Use Compatibility Guidelines, Air Quality Guidelines, the policies of Section 4.6, Land Use Compatibility, of this Plan, and any other relevant considerations to ensure that the location and design of the use mitigates adverse effects.

Similarly, the Zoning By-law Amendment is subject to the development criteria policies under section 12.1.2(2) of the new OP. As per section 12.1.2(2.2) c) (i), development shall be consistent with the land use compatibility policies under section 4.6, which describes the objective is to mitigate adverse effects to sensitive land uses from human-made hazards and environmental land use compatibility concerns such as noise, vibration, odour, dust and air pollution as well as to protect employment uses from the encroachment of sensitive land uses. In accordance with Chapter 13: Definitions, 'sensitive land uses' are defined as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges, fumes, sound waves or radiation generated by a nearby major facility which may include, but are not limited to residences,

day care centres, and health facilities. As a result, the proposed uses are considered sensitive land uses.

As part of the application submission, the applicant provided a D-6 Land Use Compatibility Study. Based on the findings of the assessment, none of the facilities identified within the Study Area are expected to pose unacceptable air quality, dust or odour issue to the subject lands. It is recognized that there is potential for an odour and/or dust impact due to proximity of the subject lands to highway 407, from smaller facilities identified at neighbouring commercial and light industrial properties and/or from general urban occurrences. Recommendations for Transportation Related Air Pollutants (TRAP) mitigation measures have been incorporated as a precaution and as a general good practice for residential buildings in an urban setting. These include design strategies such as placing outdoor amenity spaces in locations with physical barriers from the highway such as buildings and installing vegetation buffers to block the property boundary from roadways and to filter emissions. The proposed courtyards and outdoor amenity spaces are proposed within the building and on the front facade of the building, which provides for a physical separation between the amenity spaces Highway 407 and Walker's Line. Additionally, the proposed development contains landscaped areas along all lot lines to provide further buffering between the proposed development and surrounding uses.

As per section 12.1.2(2.2) c) (iii), development shall be consistent with the intent of the Urban Structure as outlined under section 2.3 and maintain the land use vision established in the land use designation. As per Schedule B – Urban Structure the subject lands are designated as 'Business Corridor' therefore the subject lands are designated for employment uses which represent areas that aim to accommodate a full range of manufacturing, warehousing and office uses. 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 the city's long term economic development and competitiveness.

As per section 12.1.2(2.2) c) (ii) and (iv) development shall achieve built form compatibility, high quality urban design and be consistent with the policies contained under Chapter 7 'Design Excellence'. As per Schedule B-1 – Growth Framework the subject lands are designated as 'Employment Growth Area', therefore both section 7.3.2 for 'Existing Community Areas' and section 7.3.2 (3) for 'Employment Growth Areas' would apply. These sections emphasize ensuring building design are compatible with the surrounding area and to consider how it contributes to maintaining and enhancing the physical character of the surrounding area, ensuring appropriate built form transition in scale between buildings, the public realm and abutting development as well as ensuring safe and convenient access to buildings for pedestrians, cyclists and transit users.

As per section 12.1.2 (2.2) c) (viii), the development is required to provide buffering, setbacks and amenity area so that an appropriate transition between existing and

proposed buildings are provided. Similarly, section 7.3.2 (3) a) ii) and ix), development in employment growth areas shall maximize the placement of buildings along the frontage of lots facing public streets and Business Corridor lands shall provide enhanced architectural quality and design elements for buildings and frontage landscaping, given the prestige nature of the land, to take advantage of the highway exposure. The subject lands are surrounded by a mix of employment uses, parks and open space uses as well as residential uses. To the north of the subject lands are the lands zoned for open space and contain the Appleby Creek as well as natural vegetation; to the south are lands zoned for employment uses and are occupied by the Region of Halton Court Services in a building of approximately two (2) storeys in height; to the east is Palladium Way and across is the public park 'Palladium Park'; to the west is Walker's Line and across are lands zoned for employment uses which are currently vacant. The proposed development incorporates landscape areas along all property lines including the frontage of the subject lands and only requires a reduced south side yard setback of 3.5 m instead of the required 4.5m as well as a reduced yard abutting Walker's Line of 14 m instead of the required 30m.

As per section 12.1.2 (2.2) c) (vii), the development is required to preserve and protect trees as well as be consistent with the policies contained in section 4.3, Urban Forestry, of this Plan. As part of the application submission, the applicant submitted an Arborist Report with a Tree Protection Plan, a Tree Preservation Plan and a Landscape Plan. Urban Forestry staff have been circulated the application materials and have demonstrated no objections or concerns with the proposed forestry related changes.

As per section 12.1.2 (2.2) c) (x), the development is required to maintain, enhance and restore the City's Natural Heritage System in accordance with the policies in section 4.2, Natural Heritage System, of this Plan. The subject lands are located adjacent to lands designated as the 'City's Natural Heritage System'. City staff and external agencies are of the opinion no negative impacts will be introduced onto the 'City's Natural Heritage System'.

As per section 12.1.2 (2.2) c) (ix), development proposals shall:

- a. demonstrate that future development on the adjacent property(ies) will not be compromised by the proposal;
- b. be designed to facilitate future pedestrian, cycling and/or private street connections across one or more adjacent properties, where such opportunities exist, as determined by the City; and
- c. demonstrate, to the satisfaction of the City, the appropriate phasing of development where existing retail and service commercial uses are being re-developed, to minimize adverse impacts on the provision of goods and services to support the surrounding areas;

As per section 12.1.2 (2.2) c) (xii), the development shall address multi-modal transportation considerations and be consistent with the policies under section 6.2 'Multi-modal Transportation', including but not limited to mitigating potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity, accommodating sufficient off-street parking and transportation demand management measures in accordance with the policies in subsection 6.2.10. Additionally, as per section 12.1.2 (2.2) c) (xvi) and (xvii), the development shall consider the relationship to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters and the development complements and connects with the public realm, including walking and cycling facilities. The subject lands abut Palladium Way to the east and Walker's Line to the west. As per Schedule O-1 – Classification of Transportation Facilities – Urban Area Palladium Way is designated as an 'Industrial Connector' corridor and Walker's Line is designated as a 'Urban Avenue' corridor. Additionally, as per Schedule P – Long Term Cycling Master Plan Palladium Way and Walker's Line are designated as a 'Bike Lane' corridor and as a 'Multi-Use Path'. City of Burlington and the Region of Halton Transportation Planning staff have reviewed the Official Plan and Zoning By-law Amendment applications along with the received application materials and have no objections to the approval of the application and related transportation plans.

Staff is of the opinion that the proposed Official Plan and Zoning By-law amendments conforms to the City's New Official Plan (2020).

### **Zoning By-law 2020**

The subject land is currently zoned as 'Business Corridor' (BC1-505) with site specific regulations (as shown on Appendix A). The BC1 zone permits a wide range of employment uses including office, industrial, hospitality, automotive as well as limited retail, service commercial and recreation uses. Furthermore, zoning exception number 505 permits for additional uses including a Long Term Care Facility and related accessory uses such as a Day Care Centre, Medical Clinic (with accessory Pharmacy), and convenience restaurant. Zoning exception number 505 also permits for specific structures and walkways within the landscape area or buffer, increased floor area ratio, reduced parking, yards and setbacks as well as an increased height of up to six (6) storeys.

A Zoning By-law Amendment is required to allow for a five (5) storey Long Term Care Facility building containing 256 beds and a six (6) storey Retirement Home building containing 115 units to be developed as well as associated ancillary uses on the ground floor (as shown on Appendix B). A Zoning By-law Amendment application was previously approved by City Council on September 28, 2020 (By-law 2020.432) for this property to allow for a six (6) storey long-term care facility and associated ancillary uses. At this time, the applicant has made changes to the proposed concept plan, including a new proposed

Retirement Home, which is not a permitted use on the subject lands. Overall, the Zoning By-law amendments include: expanding the list of permitted uses on the subject lands to include a Retirement Home; establishing a floor area ratio (FAR) for the Long Term Care Facility and Retirement Home of 1.82:1; a reduced south side yard setback of 3.5 m instead of the required 4.5m; a reduced yard abutting Walker’s Line of 14 m instead of the required 30m; and an increased floor area for the retail pharmacy accessory to the medical office of 115 m<sup>2</sup> instead of the current permitted 109m<sup>2</sup>.

A ‘Retirement Home’ is defined under Zoning By-law 2020 as a residential facility or part thereof which may be a rest home but does not include a nursing home, home for the aged, or group home, in which, for hire or gain, lodging is supplied in at least 10 retirement dwelling units. Meals are supplied to the occupants in a common kitchen and dining facility and where other communal facilities, such as nursing care, may be provided. Accommodation shall be for the lodging of retired or elderly persons.

Vehicle parking spaces shall be provided in accordance with Part 1, Table 1.2.6: Off-Street Parking Standards of Zoning By-law 2020 (as shown on Table 1). A total of 234 vehicle parking spaces would be required for the proposed development and a total of 238 are proposed of which 53 spaces will be located at-grade and 185 spaces will be located underground.

**Table 1: vehicle parking space rates under Zoning By-law 2020**

<b>Retirement Home</b>	<b>Occupant/Employee:</b> 0.6 spaces per unit <b>Visitor:</b> 0.25 spaces per unit 1 additional space per 50 units for the use of maintenance vehicles servicing the site
<b>Day Care Centre</b>	4 spaces per 100 m <sup>2</sup> gross floor area
<b>Long-Term Care Facility</b>	0.35 spaces per bed
<b>Retail Store</b>	3.5 spaces per 100 m <sup>2</sup> gross floor area
<b>Office: Medical</b>	6 spaces per 100 m <sup>2</sup> gross floor area

Furthermore, designated accessible parking spaces shall be included in the calculation of required parking and shall be provided in accordance with Table 1.2.7, 9(a) and 9(b) of Zoning By-law 2020 (as shown on Table 2). A total of 7 spaces would be required for the proposed development which can be accommodated through the proposed parking.

**Table 2: designated accessible parking spaces rates under Zoning By-law 2020**

<b>5 to 50 spaces</b>	1 designated accessible parking space
<b>51 to 90 spaces</b>	2 designated accessible parking spaces
<b>Over 90 spaces</b>	3% of required parking

Additionally, bicycle parking spaces shall be provided in conjunction with office, retail, and service commercial, industrial and institutional developments, in accordance with Table 1.2.8 and (10)(a) of Zoning By-law 2020, which requires for 2 bicycle parking spaces plus 1 space per 1000 m<sup>2</sup> Ground Floor Area. As a result, a total of 3 bicycle parking spaces are required and 8 have been proposed.

The intent floor area ratio (FAR) regulation is to prevent overbuilding and the introduction of inappropriate massing. The current BC1 zoning of the subject lands does not require a specific FAR for the proposed use. The draft by-law includes a maximum FAR for the Long Term Care Facility and Retirement Home of 1.82:1 in order to prevent overbuilding on the subject lands. Similarly, although the BC1 zone does not establish a maximum height for the proposed uses, the draft by-law includes a maximum height of five (5) storeys for the Long-Term Care Facility building and a height of six (6) storeys for the Retirement Home building.

The intent of minimum side yard setbacks is to ensure that there is an appropriate and consistent separation between buildings which in turn prevents overbuilding, provides adequate access around buildings, and protects the relationship between space and built form. The proposed development requires an amendment to the existing south side yard setback from the required 4.5m to 3.5 m as well as a reduced yard abutting Walker’s Line from the required 30m under exception number 505 to 14 m.

The intent of the maximum Floor Area (FA) regulation for the retail pharmacy accessory to the medical office that is currently part of exception number 505 is to ensure that the use remains subordinate and accessory to the principal use on the subject property. The requested variances include an increased floor area for the retail pharmacy accessory to the medical office from the existing 109 m<sup>2</sup> under exception number 505 to 115 m<sup>2</sup>.

As per the analysis above staff is of the opinion that the proposed amendments to Zoning By-law 2020 as described on the Draft By-law under Appendix D are appropriate for the subject lands.

**Alton Central East Urban Design Study Guidelines (2004)**

The proposed development is subject to Alton Central East Community Urban Design Study and Guidelines. The Alton Central East Community are the lands within the Alton Secondary Plan defined by Walker’s Line to the west, Dundas Street to the south,

Highway No. 407 to the north and Bronte Creek to the east. The Study designates the subject lands as 'Business Corridor' and further describes that urban design considerations for this area should be aimed at minimizing any negative visual impact on adjacent land uses, creating attractive streetscapes and promoting their positive presence within the community. Together with the implementation of site plan control these set of guidelines are meant to recognize and allow for potentially varied uses and their inherent differences while establishing a consistent approach to design that will result in attractive built form and landscaping.

Business Corridor lands adjacent along Highway 407 are intended to follow the following guidelines:

1. Buildings should be located to be visible from Highway 407, wherever possible.
2. The scale, massing and design of buildings along the Highway 407 frontage should be based on simple bold massing appropriate to the perception of the community from the high speed roadway.
3. Buildings along Highway 407 should be designed with attractive facades. Architectural elements, details and signage should be scaled to be viewed from the high speed roadway. Accordingly, the landscape buffer should be scaled in proportion to the buildings, and include a simple palette of bold plant material arranged in large groupings.
4. Along the Highway 407 edge, building setbacks shall be combined with a landscape buffer to screen loading, parking and storage areas.

Furthermore, the subject lands abut Palladium Way which is considered a Character Street 'A' corridor which is envisioned as a major employment collector road, characterized by employment uses and a parkway-like streetscape. In accordance with section 3.1.1, Street 'A' corridors should consider the following guidelines:

1. Buildings should be sited close to the front property line to reinforce the street edge,
2. On the employment side, building setbacks along Street 'A' shall be combined with a 6.0m wide continuous and fully landscaped buffer.
3. Design of the landscaped buffer should be coordinated with the Streetscape on the south side of Street A. The landscaped buffer should include a single row of deciduous canopy trees, to form, in conjunction with the street trees within the boulevard, a staggered double row of trees.
4. The landscape buffer may also include gentle berms, low walls, piers and decorative fencing, coordinated to provide a consistent and attractive edge along Street A, and to lend a common element to this area where building designs may vary.

5. The scale, massing and design of buildings along Street 'A' should be based on pedestrian scaled elements and details.
6. Canopies and signage should be pedestrian scaled along Street 'A'
7. Attractive facades shall be provided along Street 'A'. These facades should be developed with a higher degree of detailed elements and may include building elements consistent with or complementary to the predominant architectural style of the community.
8. Vehicular entrances to the Business corridor shall be located and designed to ensure safe and convenient access. These areas should be coordinated with the landscape buffer along the property line to promote a visually attractive streetscape. Entrances should be sufficiently lit and signed to ensure ease of orientation.
9. Parking areas should be located away from Street 'A'. Their visual impact should be minimized as much as possible through their configuration, the use of landscape buffers and grading.
10. Loading, service, garbage and storage areas shall be located away from Street 'A'. Similarly, their visual impact should be mitigated through their configuration, the use of landscaping and grading. Side yards should be considered as priority locations for these elements.

Staff is of the opinion the proposed development proposal meets the objectives and guidelines of the Alton Central East Community Urban Design Study and Guidelines.

### **Technical Comments**

The subject application was circulated to internal staff and external agencies on June 14, 2022 for review. At this time, all technical comments have been received and reviewed. The following are the comments received have been summarized below:

**City of Burlington Urban Forestry and Landscaping** – no comments or concerns at this time.

**City of Burlington Finance Department** – Property taxes must be paid in full. This includes all outstanding balances plus current taxes that have been billed but not yet due.

**City of Burlington Development Engineering** – no objection to the applications yet a detailed review of all documents and drawings will be completed during the review of the Site Plan Application and that Development Engineering may provide additional comments, raise additional concerns, or request additional information upon receiving the aforementioned information and upon further comprehensive review of its contents.

**City of Burlington Development Engineering – Stormwater** – no concerns, the development setbacks from the hazards along the north property line are appropriate and acceptable.

**City of Burlington Site Engineering Services – Accessibility –**

At Grade Parking: Six (6) barrier-free parking spaces have been provided at grade for visitor and staff. The L shaped pedestrian connection between the Long-Term Care facility and Retirement Home is not accessible to people using the Long-Term Care barrier-free (bf) visitor parking due to the location of the fire hydrant and landscape strip at the top of the bf parking access aisle. The hydrant shall be relocated and bf access to the proposed concrete landing island be provided to facilitate a safe pedestrian connection to the Long-Term Care facility.

Underground Parking: the 3 bf parking spaces are appropriately located in close proximity to the elevator lobbies. To accommodate the height of vans modified for accessibility, please ensure that the underground parking entrance and circulation to and from the bf parking spaces includes overhead clearance of at least 2590 mm.

Exterior Surfaces: the BAAC recommends concrete with a brushed finish for walking/wheeling surfaces. Where unit pavers are to be used, they should be non-chamfered, laid perpendicular to the path of travel, have joints that are no greater than 6 mm wide with variations in level of no more than 3 mm.

Dog Relieving Area: Where pets are permitted, provide a dog relieving area easily accessible to the main residential entrance to serve the needs residents with pets or service animals. This area should be equipped with a waste receptacle and a means by which surfaces can be easily cleaned. We have no additional comments.

Staff find the above-mentioned comments may be resolved at the Site Plan review stage.

**City of Burlington Transportation –** no further comments or concerns with the proposed development.

**City of Burlington Recreation Community and Culture Department –** For this application cash-in lieu of parkland will be required in accordance with our Park Dedication By-Law. Their team notes that Palladium Park is located across the street from the development property and will be available to the future residents of the complex. The current park is suited more towards youth needs with a soccer pitch and a playground. Some enhancements to this park could make it more suitable and functional for older adults including more seating, shade structure, outdoor fitness equipment, or maybe even pickleball subject to land space. There are also concerns about the safe movement of the residents in the area. For example, residents may need to cross Walkers Line to catch a bus, or cross Palladium Way to get to the park. Staff defers transportation comments to the City's Transportation staff.

**City of Burlington Fire Department –** The building(s) are proposed to be served via a single looped fire access route leading from Palladium Way to the East. In general, the proposed fire access route will need to be designed, constructed and designated as a fire

access route in accordance with Articles 3.2.5.4., 3.2.5.5. and 3.2.5.6. of the 2012 Ontario Building Code, as amended.

As the project progresses and plans become more detailed, the following will need to be identified:

- locations of all fire department connections
- locations of the nearest municipal fire hydrants and private fire hydrants
- locations of proposed fire alarm annunciator panel(s), etc.

A more formal and detailed review will be conducted by our Department at the Site Plan review stage.

**City of Burlington Transit** – Burlington Transit would like to note that there is currently no active service in the area of the development. Should this project continue to Site Plan, we would like consideration in the design for potential future transit amenities along the ROW of Palladium Way.

**Halton Region Planning**– Standard comments have been provided. Regional Staff are of the opinion that the proposed Local Official Plan Amendment and Zoning By-law Amendment application generally conforms to the Provincial Policy Statement, Growth Plan and Regional Official Plan. Regional Staff offer no objection to the proposed applications.

**Halton District School Board** – Standard comments have been provided, including requests to be circulated on all new submissions related to this development.

**Conservation Halton (CH)** – no objection to the approval of the application and has provided comments that may be addressed during the Site Plan review process and associated Conservation Halton permit application.

**Canada Post** – no comments or concerns, standard comments have been provided to the applicant.

**407 Express Toll Route (ETR) Engineering Services** – No concerns at this time. Has requested to be circulated on all new submissions related to this development.

**Ministry of Transportation (MTO)** – no further comments or concerns. A MTO Building and Land Use permit is required prior to construction. Any signs visible from the highway require a MTO sign permit.

**Trans-Northern Pipelines Inc. (TNPI)** – have confirmed that TNPI have no infrastructure in the mentioned area.

**Halton Catholic District School Board (HCDSB)** – has no objection or concerns standard comments have been provided.

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## **Financial Matters:**

In accordance with the Development Application Fee Schedule, all fees determined have been received.

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## **Climate Implications**

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

As part of the Official Plan amendment and Zoning By-law amendment applications, the applicant was required to provide consideration to the Sustainable Building and Development Guidelines (2018) which provide an overview of the required and encouraged sustainable design measures for new development across the City. The applicant submitted a Sustainable Building and Development Guidelines Checklist which includes consideration to the guidelines.

### **Sustainable Building & Development Guidelines (2018)**

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040. Burlington's Strategic Plan encourages energy efficient buildings and other on-site sustainable features and sets a net carbon neutral goal for the community. Sustainable design is an integrated design process that helps to reduce infrastructure demands and costs, environmental impacts, greenhouse gas emissions, long-term building operating costs, and contributes to the City's goal of being a prosperous, livable and healthy community. The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication.

In accordance with guideline 1.6, on greenfield sites, development proposals are encouraged to limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. This guideline helps maintain the local landscape and helps to ensure soils and vegetation remain undisturbed. The proposed

site grading and servicing design limits the disturbance by maintaining existing elevations along the property lines and avoids any new excavation within the City's paved road on Palladium Way.

In accordance with guideline 2.1, development proposals are required to provide pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies. This guideline helps to encourage active transportation and transit use to reduce the dependence on the automobile. The proposed development provides pedestrian connection from onsite buildings to off-site public sidewalks.

In accordance with guideline 2.3, development proposals are required to provide bicycle parking spaces in accordance with the Zoning By-law and Official Plan Policies. This guideline encourages convenient bicycle parking which in turn encourages cycling and helps reduce greenhouse gas emissions, reduces traffic congestion and improves health. The proposal provides more than the required number of bicycle parking spaces in accordance with existing Zoning By-law regulations and Official Plan policies. Furthermore, in accordance with guideline 2.5 and 2.6, development proposals are encouraged to locate occupant/employee bicycle parking as well as visitor bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant or employee. These guidelines help to encourage applicants to improve upon the required bicycle parking requirements in the Zoning By-law to further encourage cycling as a viable transportation option. The proposed development includes bicycle parking near the front entry but not within a weather protected area with controlled access or secure enclosures.

In accordance with guideline 2.4, development proposals are encouraged for the provision and implementation of a Transportation Demand Management Plan and it is required for parking reductions and required for in Primary, Secondary and Employment Growth areas as per Official Plan policy. No reduction of parking spaces is proposed.

In accordance with guideline 3.8, development proposals are encouraged to maintain existing on-site trees that are 30 cm or more 'Diameter at Breast Height' (DBH) or maintain 75% of healthy mature trees greater than 20cm DBH. This guideline helps to ensure trees are preserved which help provide numerous benefits and services, including the reduction of air pollution, water attenuation, moderation of the urban heat island effect, carbon sequestration, shade, habitat for urban adapted wildlife, neighbourhood character and mental health benefits. The proposal demonstrates no trees greater than 20cm DBH are proposed for removal and trees are being preserved wherever feasible.

In accordance with guideline 4.1, development proposals are required to achieve a level one/enhanced stormwater treatment for all stormwater runoff. This guideline helps to ensure stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario. All stormwater on the

development proposal is treated for the required quality measures meeting the Ministry of the Environment, Conservation and Parks (MECP) Level 1 enhanced criteria for Total Suspended Solids (TSS) removal before discharging to the City's municipal storm system by utilizing methods such as an oil grit separator within the site storm design. Additionally, as part of the application submission, the applicant provided a Storm Water Management Report and later provided a revised version which provides an overview of the proposed Storm Water Management strategies while demonstrating how the City of Burlington and the Ministry of Transportation (MTO) drainage criteria have been met. Development Engineering and MTO staff have reviewed the submitted materials and have no concerns with the proposed Storm Water Management.

In accordance with guideline 4.3, development proposals are encouraged to minimize impervious surfaces and stormwater runoff through the use of Low Impact Development (LID) measures. This guideline encourages Low Impact Development strategies in order to mitigate the impacts of increased urban runoff and stormwater pollution by managing it as close to its source as possible. It comprises a set of site design approaches and small scale stormwater management practices that promote the use of natural systems for infiltration and evapotranspiration, and rainwater harvesting. The proposed development has incorporated a swale planted with native grasses is proposed along the south of the property. Engineering staff have also reviewed the submitted materials and has no objections or concerns with the proposed development.

In accordance with guideline 5.1, development proposals are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. This guideline helps to provide vegetation that can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The proposed development provides for Landscaped Areas.

In accordance with guideline 6.1, development proposals are required to provide and implement a waste management plan in accordance with Regional requirements as recycling and composting treats waste as a resource and reduces the need for landfill expansion. As part of the application submission, the applicant provided a Waste Management Report which has been reviewed by the Region of Halton staff whom do not have concerns.

Staff is of the opinion the proposed development proposal complies with the required sustainable and design guidelines and considers some voluntary guidelines sustainable design guidelines. Additional sustainability measures will be established in more detail at the Site Plan approval stage to ensure the sustainability objectives of the City of Burlington are met.

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## **Engagement Matters:**

The applicant held a virtual Pre-Application Community Consultation Meeting on March 30, 2021, prior to the submission of the applications. There were two (2) public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Ward 6 Councillor Bentivegna, and City Planning staff also attended the meeting.

Notice signs were posted on the subject land. A public notice of the Zoning By-law amendment application has been mailed to 51 members of the public, which includes all property owners and tenants within 120 m of the subject land.

A webpage was created on the City of Burlington website, accessible at [www.burlington.ca/4103palladiumway](http://www.burlington.ca/4103palladiumway). This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

## **Public Comments**

As of the writing of this report, no public written comments have been received by staff with respect to the subject applications.

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## **Conclusion:**

Staff's analysis of the application for the proposed Official Plan amendment and Zoning By-law amendment have considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff is of the opinion that the applications are consistent with the Provincial Policy Statement and conform to the Provincial Growth Plan, the Regional and City Official Plans, and the Zoning By-law 2020.

It is therefore recommended that the proposed Official Plan amendment and Zoning By-law amendment to facilitate the development of a five (5) storey Long Term Care Facility building and a six (6) storey Retirement Home building with associated ancillary uses with access to Palladium Way, be approved.

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Respectfully submitted,

Mariana Da Silva

Planner II – Development Review

905-335-7600 ext. 7536

**Appendices:**

- A. Existing Zoning
- B. Concept Plan
- C. Official Plan Amendment
- D. Zoning By-law Amendment

**Notifications:**

Steven Qi (Design Plan Services Inc.)

[steven@designplan.ca](mailto:steven@designplan.ca)

Better Life Developments

[kharrison@blretirement.com](mailto:kharrison@blretirement.com)

**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.