



SUBJECT: City-initiated housekeeping amendments to Official Plan, 1997, as amended

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-11-24

Wards Affected: Wards 1, 2 and 5

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve Official Plan Amendment No. 141 to the City of Burlington Official Plan, 1997, as provided in Appendix A of community planning department report PL-11-24; 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.141 as contained in Appendix A of community planning department report PL-11-24.

PURPOSE:

The purpose of this City-initiated Housekeeping Amendment is to address general matters of accuracy and clarity. The amendments proposed are minor, related to typographical errors and are considered to be of a housekeeping nature. The proposed housekeeping amendments do not change any existing permissions in the 1997 Official Plan, as amended.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
 - Deliver customer centric services with a focus on efficiency and technology transformation
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Background and Discussion:

It has recently come to staff’s attention that updates are required to the site-specific policies identified in the table below in order to ensure that the Official Plan (1997) remains accurate and clear. These site specific policies were added to Part III “Land Use Planning Policies, Urban Planning Area” of the 1997 Official Plan, as amended, between 2020 and 2023. The identified amendments are minor and considered to be of a housekeeping nature. The proposed Housekeeping amendments will not make changes to any existing permissions in the 1997 Official Plan, as amended.

The proposed amendments to the site-specific policies in Part III, “Land Use Policies, Urban Planning Area” of the 1997 Official Plan, as amended are described in the following table:

Delete

Replace

Site-Specific Policy	Existing Site-Specific Policy in the 1997 BOP	Proposed Modification(s)
2.0 Residential Areas 2.2.3 Site Specific Policies	s) for the lands located at 1085 Clearview Avenue and 1082, 1086 and 1090 St. Matthew’s Avenue: i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys shall be permitted; ii) Notwithstanding Policy 2.5.2 a) xiii), direct access <i>shall</i> be permitted from a local road.	⇒ <u>r</u>) for the lands located at 1085 Clearview Avenue and 1082, 1086 and 1090 St. Matthew’s Avenue: i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys <i>shall</i> be permitted; ii) Notwithstanding Policy 2.5.2 a) xiii), direct access <i>shall</i> be permitted from a local road.
5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	t) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses,	⇒ <u>u</u>) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses, with a maximum density of 580 units per hectare, a maximum

	<p>with a maximum density of 580 units per hectare, a maximum <i>floor area ratio</i> of 4.41:1 and a maximum building height of 12 storeys <i>shall</i> be permitted.</p> <p>Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, <i>service commercial</i> uses, and residential lobbies are to be located at the street level and along the street façade of the building. Residential uses are also permitted on the ground floor and away from the street facing facade.</p>	<p><i>floor area ratio</i> of 4.41:1 and a maximum building height of 12 storeys <i>shall</i> be permitted.</p> <p>Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, <i>service commercial</i> uses, and residential lobbies are to be located at the street level and along the street façade of the building. Residential uses are also permitted on the ground floor and away from the street facing facade.</p>
	<p>t) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated “Mixed Use Corridor – General” and identified as 688, 694, and 698 Brant Street, the following policies <i>shall</i> apply:</p> <p>i) a mixed-use building, with a maximum density of 408 units per net hectare <i>shall</i> be permitted;</p> <p>ii) the maximum <i>Floor area ratio shall</i> be 4.11:1;</p> <p>iii) the maximum building height <i>shall</i> be 13 storeys; and</p> <p>iv) retail use on the second storey tied to the primary retail or <i>service commercial</i> use on the first storey <i>shall</i> be permitted.</p>	<p>†) <u>v)</u> Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated “Mixed Use Corridor – General” and identified as 688, 694, and 698 Brant Street, the following policies <i>shall</i> apply:</p> <p>i) a mixed-use building, with a maximum density of 408 units per net hectare <i>shall</i> be permitted;</p> <p>ii) the maximum <i>Floor area ratio shall</i> be 4.11:1;</p> <p>iii) the maximum building height <i>shall</i> be 13 storeys; and</p> <p>iv) retail use on the second storey tied to the primary retail or <i>service commercial</i> use on the first storey <i>shall</i> be permitted.</p>

	<p>Notwithstanding the policies of Part III, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated “Mixed Use Corridor – General” and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development <i>shall</i> be permitted with a maximum Building height of 34 storeys with a maximum <i>floor area ratio</i> of 6:1. Development on the subject lands <i>shall</i>:</p> <p>i)not exceed 19 storeys for buildings that front onto Fairview Street.</p> <p>ii)small scale motor vehicle dealerships are prohibited.</p> <p>iii)demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein.</p> <p>iv)contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station.</p> <p>v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the</p>	<p>w) Notwithstanding the policies of Part III, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated “Mixed Use Corridor – General” and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development <i>shall</i> be permitted with a maximum Building height of 34 storeys with a maximum <i>floor area ratio</i> of 6:1. Development on the subject lands <i>shall</i>:</p> <p>i)not exceed 19 storeys for buildings that front onto Fairview Street.</p> <p>ii)small scale motor vehicle dealerships are prohibited.</p> <p>iii)demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein.</p> <p>iv)contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station.</p> <p>v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the provision of affordable housing units.</p> <p>vi)retain space for a similar number of employment jobs to be accommodated to assist in the</p>
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	<p>provision of affordable housing units.</p> <p>vi) retain space for a similar number of employment jobs to be accommodated to assist in the achievement of the employment targets for this area.</p> <p>vii) be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.</p> <p>viii) <i>may</i> consider the following objectives:</p> <p>I. To ensure particular attention will be given to the relationship between the public and private realms in the development of buildings, streets, and urban open spaces.</p> <p>II. To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park.</p> <p>III. To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park.</p> <p>IV. To provide podium setbacks and stepbacks within the built form along Fairview Street.</p>	<p>achievement of the employment targets for this area.</p> <p>vii) be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.</p> <p>viii) <i>may</i> consider the following objectives:</p> <p>I. To ensure particular attention will be given to the relationship between the public and private realms in the development of buildings, streets, and urban open spaces.</p> <p>II. To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park.</p> <p>III. To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park.</p> <p>IV. To provide podium setbacks and stepbacks within the built form along Fairview Street.</p> <p>V. To ensure appropriate tower setback from Fairview Street.</p> <p>VI. To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade.</p> <p>VII. To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.</p>
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	<p>V.To ensure appropriate tower setback from Fairview Street.</p> <p>VI.To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade.</p> <p>VII.To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.</p> <p>VIII.To ensure connectively between the Appleby GO Station and Sherwood Park through the proposed promenade.</p>	<p>VIII.To ensure connectively between the Appleby GO Station and Sherwood Park through the proposed promenade.</p>
<p>5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts</p>	<p>m) Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for special needs housing including seniors housing in a retirement home.</p> <p>g) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12 storey apartment building, including mechanical penthouse, having a maximum density of 500</p>	<p>m) i) Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for special needs housing including seniors housing in a retirement home.</p> <p>g) j) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12 storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted.</p>

	units per hectare is permitted.	
	g) Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a maximum density of 605 units per hectare <i>shall</i> be permitted.	g) k) Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a maximum density of 605 units per hectare <i>shall</i> be permitted.
5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct	o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413 Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings <i>shall</i> be 18 storeys. The maximum <i>floor area ratio shall</i> be 8.4:1.	o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413 Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings <i>shall</i> be 18 storeys. The maximum <i>floor area ratio shall</i> be 8.4:1.
5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct 5.5.8.2 Policies		<u>o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413 Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings <i>shall</i> be 18 storeys. The maximum <i>floor area ratio shall</i> be 8.4:1.</u>
	136) Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum	136) g) g) Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum height of buildings <i>shall</i>

	height of buildings <i>shall</i> be 27 storeys, plus mechanical penthouse. The maximum <i>floor area ratio shall</i> be 11.5:1. Retail, <i>service commercial</i> , office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.	be 27 storeys, plus mechanical penthouse. The maximum <i>floor area ratio shall</i> be 11.5:1. Retail, <i>service commercial</i> , office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.
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Strategy/process/risk

Options Considered

While the modifications proposed above are minor, related to typographical errors, are considered to be of a housekeeping nature and do not make changes to any existing permissions in the 1997 Official Plan, as amended, this City-initiated Housekeeping Amendment is required to address general matters of accuracy and clarity.

Once this Official Plan Amendment is approved, the City will move expeditiously to prepare an office consolidation of the Official Plan, 1997.

Financial Matters:

N/A

Total Financial Impact

Source of Funding

Other Resource Impacts

Climate Implications:

N/A

Engagement Matters:

In accordance with the policies of the City's Official Plan 1997, as amended, and the Planning Act, notice of the subject statutory public meeting was provided by way of a newspaper notice in the Hamilton Spectator.

The notice was also sent to the property owners that are related to proposed modifications to the site specific policies listed in the table above.

Conclusion:

The recommended City-initiated amendments to Official Plan 1997, as amended will ensure that the City's Official Plan remains accurate and clear. The proposed amendments conform to applicable Regional and Provincial Plans.

Respectfully submitted,

Ali Balarlou
Planner, Planning Policy
905-335-7600 ext. 7745

Kate Hill-Montague
Supervisor, Planning Policy
905-335-7600 ext. 7508

Appendices:

A. Official Plan Amendment No. 141

Notifications:

- MHBC Planning Ltd. On behalf of LIV Communities (Regarding Lands identified as 1085 Clearview Avenue and 1082, 1086, 1090 St. Matthews Avenue).
Representative: Dana Anderson, MHBC Planning, 442 Brant Street, Suite 204 Burlington, ON L7R 2G4. Email: info@mhbcplan.com
- Infinity (Plains Road) Corporation and Infinity (Aldershot) Developments Inc. (Regarding Lands identified as 40-70 Plains Road East).
Representative: David Falletta, Bousfields Inc. 1 Main Street East, Suite 200, Hamilton, ON, Canada L8N 1E7. [Email: dfalletta@bousfields.ca](mailto:dfalletta@bousfields.ca)
- Elite 688 Brant Holdings Inc. (Regarding Lands identified as 688, 694, and 698 Brant Street).
Representative: Martin Quarcoopome, Weston Consulting. 201 Millway Avenue, Suite 201, Vaughan ON L4K 5K8 [Email: mquarcoopome@westonconsulting.com](mailto:mquarcoopome@westonconsulting.com)

- Branthaven Development Corp. (Regarding Lands identified as 720, 735, 740 Oval Ct. & 5135 and 5155 Fairview St)
Representative: Ruth Victor (Ruth Victor & Associates). 720 Oval Court
Burlington, ON L7L 6A9. [Email: ruth@rvassociates.ca](mailto:ruth@rvassociates.ca)
- Spruce Partners Inc. and Amico Properties Inc. (Amica). (Regarding Lands identified as 1157-1171 North Shore Blvd East)
Representative: Tyler Grinyer, Bousfields Inc. 1 Main Street East, Suite 200
Hamilton, ON, Canada L8N 1E7
- Better Life Retirement Residence (Regarding Lands identified as 441 Maple Avenue)
Representative: Dana Anderson, MHBC Planning, 442 Brant Street, Suite 204
Burlington, ON L7R 2G4. Email: info@mhbcplan.com
- 2413350 Ontario Inc. (Regarding Lands identified as 407 Martha Street)
Representative: David Falletta, Bousfields Inc. 1 Main Street East, Suite 200,
Hamilton, ON, Canada L8N 1E7. [Email: dfalletta@bousfields.ca](mailto:dfalletta@bousfields.ca)
- Reserve Properties Ltd. (Regarding Lands identified as 409 Brant Street.)
Representative: Glenn Wellings-Wellings Planning Consultants Inc. 513 Locust
St, Unit B, Burlington, ON L7S 1V3
- Renimmob Properties Limited (Regarding Lands identified as 535-551 Brant
Street).
Representative: David Falletta, Bousfields Inc. 1 Main Street East, Suite 200,
Hamilton, ON, Canada L8N 1E7. [Email: dfalletta@bousfields.ca](mailto:dfalletta@bousfields.ca)

Report Approval:

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