



**SUBJECT: Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard**

**TO: Committee of the Whole**

**FROM: Community Planning Department**

Report Number: PL-20-24

Wards Affected: Ward1

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

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**Recommendation:**

Approve the application submitted by Halton Standard Condominium Corporation No. 416, to amend the Official Plan and Zoning By-law, as modified by staff in community planning department report PL-20-24, to permit a mixed use development with a height up to 22 storeys; and

Approve Official Plan Amendment No. 143 to the City of Burlington Official Plan, as provided in Appendix E of community planning department report PL-20-24, to re-designate the lands located at 1026 Cooke Boulevard from “Mixed Use Corridor – Employment” to “Mixed Use Corridor – General” and to include site specific policies for the subject lands; 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. 143 as contained in Appendix E of community planning department report PL-20-24 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal (File: 505-03/23); and

Approve Zoning By-law 2020.534, attached as Appendix F of community planning department report PL-20-24, to rezone the lands located at 1026 Cooke Boulevard from “Mixed Use Employment (MXE)” to a site specific “Mixed Use General (H-MXG-534)” with a Holding “H” prefix (File: 520-09/23); and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 143 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 143 is adopted.

**PURPOSE:**

**Vision to Focus Alignment:**

- Promoting and supporting our community’s health and well-being
- Creating and supporting neighbourhoods and communities that feel connected to each other
- Supporting diverse communities
- Aligning long-term plans and strategies so community solutions are holistic.

**Executive Summary:**

<b>RECOMMENDATION:</b>		Modified Approval	<b>Ward:</b>	1
<b>Application Details</b>	<b>APPLICANT:</b>	MHBC Planning		
	<b>OWNER:</b>	Halton Standard Condominium Corporation No. 416		
	<b>FILE NUMBERS:</b>	505-03/23 & 520-09/23		
	<b>TYPE OF APPLICATION:</b>	Official Plan Amendment & Zoning By-law Amendment		
	<b>PROPOSED USE:</b>	A 29-storey mixed use building with 335 residential units, 370 m <sup>2</sup> of ground floor commercial		
	<b>MODIFIED USE:</b>	A 22- storey mixed use building with 770 m <sup>2</sup> non-residential uses and a maximum FAR of 10.5:1.		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	West side of Cooke Boulevard		
	<b>MUNICIPAL ADDRESS:</b>	1026 Cooke Boulevard		

	<b>PROPERTY AREA:</b>	0.32 ha
	<b>EXISTING USE:</b>	1 storey commercial building
<b>Documents</b>	<b>1997 OFFICIAL PLAN Existing:</b>	Mixed Use Corridor – Employment
	<b>1997 OFFICIAL PLAN Proposed:</b>	Mixed Use Corridor - General with site-specific policies for height and Floor Area Ratio
	<b>2020 OFFICIAL PLAN Existing:</b>	Urban Corridor – Employment
	<b>ZONING Existing:</b>	Mixed Use Employment (MXE)
	<b>ZONING Proposed:</b>	MXG-534 with site-specific regulations
<b>Processing Details</b>	<b>APPLICATION SUBMITTED:</b>	December 1, 2023
	<b>APPLICATION DEEMED COMPLETE:</b>	December 8, 2023
	<b>STATUTORY DEADLINE:</b>	March 20, 2024
	<b>PRE-APPLICATION COMMUNITY MEETING:</b>	October 11, 2023
	<b>PUBLIC COMMENTS:</b>	The notice was circulated December 11, 2023, to 141 addresses and one public comment has been received.

## Background and Discussion:

On December 8, 2023, the City deemed complete applications submitted on December 1, 2023, from MHBC Planning requesting an Official Plan Amendment and Zoning By-law Amendment on behalf of Halton Standard Condominium Corporation No.416 at 1026 Cooke Boulevard to permit the development of a 29 storey mixed use building with 335 residential units and 370 sq. m of ground floor commercial.

Staff have reviewed the proposed development applications and are recommending a modified approval consisting of a 22-storey mixed use building with site specific regulations for building height, podium height, FAR, ground floor retail, non-residential uses, setbacks, amenity area, landscape buffer, parking rate and bicycle parking. Staff note that the concept plan submitted with the proposed development does not represent

the proposed modified approval. If the applications are approved with the recommended modifications by staff, all future planning approvals would need to be in accordance with the draft Official Plan Amendment and Zoning By-law Amendment (Appendices E & F).

### **Description of Subject Property and Surrounding Land Uses**

The subject property is located on the west side of Cooke Boulevard, north of Plains Road East and east of Waterdown Road. The subject property has an area of 0.32 hectares and approximately 44 metres of frontage along Cooke Boulevard. The subject property is currently occupied by a 1 storey commercial / office building, which would be demolished to facilitate the development.

There are six bus stops within 500 metres of the subject lands with access to bus routes 1 (Plains/Fairview) and 4 (Central). The subject lands are within 800 metres of the Aldershot GO Station which provides connections to the Lakeshore West and Lakeshore East train and several bus options for the GTHA, Niagara, Brantford and Waterloo.

Bus Route 1 runs along Plains Road West and Fairview Street and continues into downtown Hamilton along York Boulevard, King Street West, and Cannon Street West. Bus Route 1 provides connections to the Burlington GO Station, Appleby GO Station and Hamilton GO Station. Bus Route 4 connects the Aldershot GO Station to the Appleby GO Station with frequent transit stops long the route including King Road, Joseph Brant Hospital, the Downtown Bus Terminal at John Street, the Senior's Centre at New Street, Guelph Line, Walker's Line and Pinedale Avenue.

Surrounding uses are as follows:

- North: Two one storey office buildings (Golden Gate Contracting and Primary Fluid Systems Inc.) with associated parking lots.
- East: The subject property is bounded by Cooke Boulevard to the east, a minor arterial road with two lanes. Beyond Cooke Boulevard, on the east side of the street is a two storey office and warehouse building (Rosehill Liquidation Warehouse and Gentherm) and 53-71 Plains Road East and 1025 Cooke Boulevard which has been approved for a 18 and 9 storey development with 555 units and a future neighbourhood park.
- South: a vacant lot, where a 9 storey mixed use building has been approved (35 Plains Road East). Further south is Plains Road East.
- West: one to two storey single detached dwellings along Waterdown Road. An application for a 29 storey mixed use building is currently in process directly west of the subject lands. Further west is a fire station, single detached dwelling and industrial site on the west side of Waterdown Road (Jerry's Automotive).

## Description of Applications

MHBC Planning on behalf of Halton Standard Condominium Corporation No. 416 has made applications to amend the Official Plan Designation and Zoning By-law for the subject property located at 1026 Cooke Boulevard.

These applications are proposing a 29 storey mixed use building with 370 sq. m of ground floor commercial and a FAR of 7.3:1. Staff note that although the proposed FAR is stated as 7.4:1 in the submission materials, through review of the applications it was determined by staff that the proposed FAR is closer to 11:1 for the proposed development.

The proposed development includes a total of 335 units including 167 one-bedroom units, 134 two-bedroom units and 34 three-bedroom units. A total of 318 parking spaces are proposed in four levels of underground parking. A total of 5,918 square metres of amenity space (indoor and outdoor) is proposed.

Vehicular access is proposed from Cooke Boulevard with a two-way driveway that will provide access to the underground parking area for residents, visitors, and delivery vehicles, and loading area for the building.

## Supporting Documents

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

1. [Arborist Report](#) (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 13, 2023);
2. [Architectural Drawings](#) (prepared by Turner Fleischer Architects Inc, dated September 7, 2023);
3. [Civil Drawings](#) (prepared by Odan Detech Consulting Engineers, dated November 15, 2023)
4. [Construction and Mobility Management Guideline](#) (prepared by Lanhack Consultants Inc., dated November 28, 2023);
5. [Draft Official Plan Amendment](#) (prepared by MHBC Planning Urban Design & Landscape Architecture);
6. [Draft Zoning By-law Amendment](#) (prepared by MHBC Planning Urban Design & Landscape Architecture);
7. [Environmental Site Screening Questionnaires](#) (prepared by Halton Standard Condominium Corporation No. 416, no date);
8. [Functional Servicing and Stormwater Management Report](#) (prepared by Odan Detech Consulting Engineers, dated November, 2023);

9. [Height Survey](#) (prepared by Turner Fleischer Architects Inc, dated September 7, 2023);
10. [Housing Impact Assessment](#) (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 13, 2023);
11. [Landscape Plans](#) (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 11, 2023);
12. [Land-Use Compatibility/Mitigation Study](#) (prepared by RWDI Inc, dated July 17, 2023);
13. [Noise and Vibration Impact Study](#) (prepared by RWDI Inc, dated June 29, 2023);
14. [Pedestrian Wind Study](#) (prepared by RWDI Inc, dated December 1, 2023);
15. [Phase 1 ESA](#) (prepared by B.I.G. Consulting Inc., dated July 12, 2023);
16. [Phase 2 ESA](#) (prepared by B.I.G. Consulting Inc., dated September 15, 2023);
17. [Planning and Urban Design Rationale](#) (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 2023);
18. [Preliminary Geotechnical Investigation](#) (prepared by B.I.G. Consulting Inc., dated November 28, 2023)
19. [Letter of Reliance \(Environment\)](#) (prepared by B.I.G. Consulting Inc., dated November 30, 2023);
20. [Shadow Study](#) (prepared by Turner Fleischer Architects Inc, dated September 7, 2023);
21. [Soil Volume Plans](#) (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 11, 2023);
22. [Survey Plan](#) (prepared by A.T. McLaren Limited, dated May 10, 2023);
23. [Sustainable Building and Development Guidelines Checklist](#) (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 2023);
24. [Transportation Impact Study](#) (prepared by Crozier Consulting Engineers, dated November 2023);
25. [Tree Protection Plans](#) (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 13, 2023); and,
26. [Urban Design Brief](#) (prepared MHBC Planning Urban Design & Landscape Architecture, dated November 2023).

Supporting documents have been published on the City's website for the subject application: [burlington.ca/1026cooke](https://burlington.ca/1026cooke).

## **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 Official Plan, 2020 (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 modified proposal, as recommended by staff, 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.

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.

The proposed development is located within a settlement area and provides a mix of land uses including residential and commercial. The development proposal includes the removal of approximately 1,207.73 m<sup>2</sup> of commercial and office space and replacing it with 370 m<sup>2</sup> of ground floor retail, which results in a loss of approximately 837 m<sup>2</sup> of commercial and office space. In order to compensate for the loss of commercial space and employment uses, staff are recommending an additional 400 m<sup>2</sup> of non-residential uses be incorporated into the development, for a total of 770 m<sup>2</sup> of non-residential uses. Non-residential uses would be permitted on the ground and second floor and would include community spaces, office and retail and service commercial uses.

The proposed development contemplates using existing municipal infrastructure and will have access to public service facilities. However, Halton Region has identified the need to increase the wastewater mains for this area of the Aldershot MTSA to accommodate future development. Therefore, staff are recommending that a holding provision be placed on the property to ensure that the property can be sufficiently serviced and finance the future expansion of the wastewater main.

Furthermore, the proposed development is located in a future Major Transit Area, which will provide access and connections to the existing and planned transit infrastructure and support active transportation uses by providing bicycle parking, pedestrian connections and access to public transit systems including the GO station and Burlington Transit.

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.

New development in designated growth areas should occur adjacent to the existing built-up area as per policy 1.1.3.6, and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public facilities.

The PPS requires municipalities to provide a range and mix of housing options through intensification and redevelopment of existing building stock or areas in policy 1.4, where appropriate. In accordance with policy 1.4.3 an appropriate range and mix of housing options and densities shall be provided to meet projected market-based and affordable housing needs of current and future residents of the regional market.

Part IV of the PPS, states that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. Staff note



that the optimization of land use does not equate to maximizing the development potential of the site, as this needs to be balanced with other considerations.

While the PPS sets out that efficient development patterns optimize the use of land, this does not mean that every property is to be maximized or overdeveloped at the expense of other considerations such as good urban design, appropriate compatibility with a site's context, etc. The subject lands have been identified for intensification, but consideration must be given to the surrounding and planned context for the area to ensure that an appropriate level of intensification is achieved. The modified approval has taken this into consideration and recommends what staff consider is an appropriate scale of intensification that will meet the City's goals and objectives of the Aldershot GO Area Specific Plan while being consistent with the PPS.

The PPS requires sites with contaminants in land or water to be assessed and remediated as necessary prior to any activity on the site associated with the proposed such that there will be no adverse effects as per policy 3.2.2. A Phase I and Phase II Environmental Site Assessment (ESA) was required for the subject lands as the proposal is changing to a more sensitive land use (i.e., residential). Halton Region staff require a Record of Site Condition (RSC) be submitted and acknowledged by the Ministry of Environment, Conservation and Parks in order to confirm that the lands are suitable for the proposed use. Therefore, staff are recommending a Holding Provision to restrict the issuance of a building permit until such time as the RSC is acknowledged. With the recommended Hold, the proposed applications are consistent with the PPS as it pertains to site contamination.

In accordance with section 1.2.6.1, major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The applicant submitted a Noise Impact Study and Land Use Compatibility Study as part of the applications. Development Engineering staff have no concerns with the anticipated noise generated by the proposed uses and defer to the peer review comments regarding Land Use Compatibility. The Noise impact Study and Land Use Compatibility Study were reviewed R.J. Burnside and Associates who determined that more information is required to determine whether the proposed development can support sensitive land uses on site.

Staff are of the opinion that a revised Noise impact Study and Land Use Compatibility Study would be able to demonstrate that the proposed development could be supported on site, subject to appropriate mitigation measures being utilized. Therefore, staff are recommending a Holding Provision to ensure that a revised Noise Impact and Land Use Compatibility Study that addresses the peer review comments is submitted, and all mitigation measures are incorporated into the future site plan.

Planning staff acknowledge that the subject lands are designated for intensification but note that this needs to be achieved at an appropriate scale and in coordination with the planned context of the area. The proposed development, as modified by staff, will provide an appropriate form of intensification, by providing a maximum building height and Floor Area Ratio, increasing commercial and employment uses, minimizing and mitigating potential adverse impacts from odour, noise and other contaminants, providing setbacks, stepbacks and design recommendations in accordance with City standards and the Tall Building Guidelines and ensuring that the future vision of the Area Specific Plan is achieved.

Staff note that the increase in height and density proposed by the applicant is not required to achieve consistency with the Provincial Policy Statement. The proposal, as modified by staff will achieve consistency with the PPS and ensure compliance with the City's vision for the area. Therefore, it is staff's opinion that the modified development proposal is consistent with the policies of the PPS, with the inclusion of the recommended holding provision.

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

The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan. The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan. Subsection 2.2.1.2 a) of the Growth Plan states that the vast majority of growth will be directed to settlement areas and Subsection 2.2.1.2 c) states that within settlement areas, growth will be focused in delineated built-up areas, strategic growth areas and locations with existing or planned transit, with a priority on higher order transit.

The subject lands are located within a settlement area and a strategic growth area identified as the Aldershot GO Major Transit Station Area (MTSA). Further, they are located in a delineated built-up area and an area with existing transit infrastructure, including higher order transit.

Subsection 2.2.4.3 of the Growth Plan identifies minimum density targets for Major Transit Station Areas of 150 residents and jobs combined per hectare for MTSA's that are served by the GO Transit rail network. The Growth Plan supports the achievement of minimum allocated density targets through the consideration of a range and mix of housing options and densities and by planning to diversify the overall housing stock across the municipality. The Growth Plan notes that density targets are minimum standards and municipalities can go beyond these minimum targets, where appropriate. Notwithstanding, the expectation is that achieving or exceeding the intensification targets

is not done at the expense of high quality urban design or compatibility, which will be further explored in this report.

The site is located within a strategic growth area identified as the Aldershot GO MTSA. The purpose of this area is to identify the appropriate type and scale of development that contribute to intensification targets while contributing to the achievement of complete communities. The proposed development, as modified by staff, would provide a range and mix of housing options and density for the area. It would also provide a mix of uses including residential and commercial. Staff is of the opinion that the recommended modified approval would contribute towards the City meeting its minimum density targets established in the Growth Plan while achieving a built form that is contextually appropriate within the MTSA context.

The development will be removing approximately 837 m<sup>2</sup> of commercial and office space from the area. To compensate for this loss of commercial space and employment uses, staff are recommending a minimum 770 m<sup>2</sup> of non-residential uses be incorporated into the development. This will allow for a greater mix of uses in the MTSA area and an opportunity for more employment uses.

Staff are supportive of an appropriate level of intensification for this site that aligns with the planned context of the area. The Aldershot GO Area Specific Plan has not yet been approved by City Council and is still being finalized by City staff and therefore, the final density targets, building heights and policy framework are not yet in force and effect. Notwithstanding, staff have reviewed the proposed development and determined that the modifications recommended by staff conform to the Growth Plan and align with the City's emerging vision for the area, as articulated through the on-going Area Specific Planning for the Aldershot GO MTSA.

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

The Halton Region Official Plan (the "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. This amendment is 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. The policies of ROPA 48 are in effect and not subject to appeal.

ROPA 49 is the second amendment to be advanced as part of the Regional Official Plan Review. ROPA 49 was adopted by Regional Council on June 15, 2022, and was approved by the Minister of Municipal Affairs and Housing with 45 modifications on November 4, 2022. ROPA 49 outlines a land use policy framework to guide growth and development within the Region to 2051, including policies and schedules that address housing and growth management and long-term planning for employment and infrastructure.

On December 6, 2023, Bill 150 “Planning Statute Law Amendment Act, 2023” received Royal Assent and implemented three related to corridor protection policies and mapping (modifications# 18, 19 and 39 of the Halton Region Official Plan).

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated ‘Major Transit Station Area on a Commuter Rail Corridor’ and ‘Regional Intensification Corridor.’

Halton Region staff have reviewed the proposed development and supporting materials and advise that they are not in a position to provide a recommendation of approval as there are still outstanding land use compatibility matters that need to be addressed. The Land Use Compatibility matters are addressed further in the report under the Sustainable Design and Compatibility section of the current Official Plan.

Further, Regional staff note that the current wastewater mains are not large enough to accommodate the projected capacity of the proposed development and will need to be increased in order for the development to proceed.

Regional staff advise that if the City wishes to proceed with a recommendation (approval or modified approval) the applications should be subject to site specific policy and zoning provisions (including a Holding provision) to address the Region’s comments.

Planning staff are recommending a modified approval for the property, that includes site specific policies and a Holding Provision addressing the servicing, land use compatibility and noise comments provided by the Region. Planning staff feel that the proposed modified approval, site specific regulations and holding provision will adequately address the Region’s comments. As such, planning staff are of the opinion that the proposed development, as modified by staff, would conform to the Regional Official Plan.

**City of Burlington Official Plan (OP), 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.

## **Mixed Use Corridor – Employment**

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

Part III, Section 5.3.4(b) (Permitted Uses) of the City of Burlington Official Plan (1997), as amended, states that the following uses may be permitted within Mixed Use Corridor – Employment locations:

- industrial uses;
- a broad range of office uses;
- a limited range of retail, service commercial and personal service uses which serve the day to day needs of employees;
- financial institutions and services;
- entertainment, recreation and other community facilities, such as libraries and day care centres; and,
- motor vehicle dealerships.

The maximum permitted building height contemplated on lands designated 'Mixed Use Corridor – Employment' is six storeys (except for industrial uses, where the maximum building height shall be two storeys) with a maximum permitted floor area ratio (FAR) of 1.0:1 (except industrial uses, where the maximum FAR shall be 0.5:1).

The residential density contemplated by the proposed building is 1,047 units per hectare within a 29-storey mixed use building containing 335 residential units.

The applicants are proposing amendments to the Official Plan that include a site-specific 'Mixed Use Corridor – General' designation that would permit residential land uses and include special policies related to increase in the maximum permitted building height, residential density and floor area ratio.

Proposals for the re-designation of lands designated Mixed Use Corridor – Employment to allow non-employment uses shall be evaluated based on meeting the following criteria:

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

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

The subject lands are located in a MTSA area as defined by Provincial and Regional policy, which are areas intended to be developed as complete communities with mixed uses. Regional Official Plan Amendment (ROPA) 48 defined specific elements of the Regional Urban Structure including strategic growth areas and the delineation of Urban Growth Centres and Major Transit Station Areas. Staff Reports PL-30-22 and PL-52-22 brought forward proposed recommendations to the New Burlington Official Plan (2020) to be in conformity with ROPA 48. Staff note that the new Official Plan (2020) has not been updated to reflect the proposed changes of ROPA 48 or Staff Reports PL-30-22 and PL-52-22 as portions of the Plan are still under appeal at the Ontario Land Tribunal (OLT).

The subject lands are located in a Major Transit Station Area and are identified as an area for mixed use intensification. Although these lands are classified as being removed from the Employment Area Layer in the Regional Official Plan, staff acknowledge that requiring 770 m<sup>2</sup> of commercial and employment uses will allow for continued employment uses on the property as part of a mixed use development. Staff note that the entire area will eventually be redesignated through the Area Specific Plan and policies and regulations will be defined to ensure minimum density and employment targets align with the Growth Plan minimums for MTSA areas.

Given the above, staff are of the opinion that the modified proposal will provide for an appropriate amount of employment uses.

### **Sustainable Design and Compatibility**

In accordance with Part II, section 2.7.3 n) of the Official Plan, the applicant submitted a Land Use Compatibility/Mitigation Study, prepared by RWDI, dated July 17, 2023, in support of the sensitive land uses on the property. Halton Region staff retained R.J. Burnside and Associates to peer review the Land Use Compatibility study. The Land use Compatibility Study evaluated six industrial facilities within 1000 metres of the subject lands with respect to air quality, odour, dust, noise, and vibration.

R.J. Burnside and Associates reviewed the submitted Land Use Compatibility and concluded that there are several outstanding items that need to be addressed before they can determine whether the proposed development is compatible within the existing environment. They identified five key issues that need to be addressed by the applicant:

1. An attempt should be made to gather information regarding complaints from two major industries (King Paving and St. Marys Cement)
2. The compliance of St. Marys Cement facility with the applicable noise limits at the site should be confirmed with an appropriate noise impact assessment.
3. The compliance of King Paving facility with the applicable noise limits at the site should be confirmed with an appropriate noise impact assessment.
4. Odour impact assessment from the operations at King Paving should be provided to confirm there will be no odour issues at the proposed development.
5. A railway yard should be addressed in the Compatibility Study.

Staff are of the opinion that more information is required to determine whether sensitive land uses can be supported on site and will be requiring the applicant to submit a revised Land Use Compatibility Study addressing the peer review comments. The revised Land Use Compatibility Study will be required as part of the recommended Holding Provision.

Although staff are requiring additional information, staff acknowledge that the property is identified as being located in the Aldershot GO MTSA area which is planned to accommodate future residential development. Through the Site Specific Area review, extensive analysis was undertaken to demonstrate that these lands could accommodate residential development provided that a land use compatibility study supported the use. Based on the above, staff believe that the property will be able to support sensitive land uses, but will require the revised study to confirm.

### **Residential Intensification**

The City of Burlington Official Plan encourages new residential development and residential intensification within the Urban Planning Area in accordance with provincial

growth management objectives while balancing with other planning considerations such as infrastructure capacity, compatibility and integration with the natural environment, active and public transportation use and housing opportunities in proximity to employment areas.

The City's Official Plan provides a balanced approach by targeting specific locations and areas for intensification. Applications to amend the Official Plan to more closely meet the general intent of the intensification policies of the Official Plan and A Place to Grow ('Growth Plan') may be considered appropriate, subject to the nature of the site-specific development application.

The policies of the Official Plan provide for a broad range of permitted residential dwelling types. Residential densities are in accordance with the applicable land use designation and include Residential-Low Density Areas (up to 25 units per net hectare), Residential-Medium Density Areas (26 to 50 units per net hectare), and Residential-High Density Areas (51 to 185 units per net hectare).

The Housing Intensification policies of the Official Plan encourage residential intensification as a means of increasing the amount of available housing stock (including, rooming, boarding and lodging houses, accessory dwelling units, infill, re-development and conversions within existing neighbourhoods), provided that development is compatible with the scale, urban design and community features of the neighbourhood.

### ***Intensification Evaluation Criteria***

Part III, section 2.5.2 (a) of the Official Plan provides criteria that shall be considered when evaluating proposals for housing intensification in established neighbourhoods. The following is an evaluation of the proposed development using these criteria.

- i) adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater, and storm sewers, school accommodation, and parkland;*

The applicant submitted a Functional Servicing Report and Stormwater Management Report prepared by Odan Detech Consulting Engineers, dated November 2023 in support of the proposed development. This report outlines the proposed means of managing stormwater and servicing the site with water and wastewater services. Development Engineering staff have reviewed the submitted materials do not have any concerns and concluded that the proposed development can be supported by existing municipal services.

The FSR and SWM Report were also reviewed by Halton Region staff. Regional staff note that recent hydraulic analysis for the wastewater mains within Cooke Boulevard and Plains Road East indicate that the locate wastewater mains should be increased in size to a minimum of 525 mm in diameter to accommodate this area of the MTSA.



Furthermore, the servicing in the Aldershot GO MTSA is being planned comprehensively so that all prospective land development properties in the area can be accommodated. The owner may be required to enter into a Development Agreement, Regional Servicing Agreement and/or Special Financial Agreement in order to finance the construction of the required off-site infrastructure upgrades prior to development.

Therefore, Regional staff are recommending that the development should not proceed until the local sanitary sewers have been and upgraded and operational. Staff are recommending a Holding Provision be placed on the property to ensure that the property can be sufficiently serviced and that the future infrastructure upgrades can be financed.

Halton District School Board students from the area are currently within the Maplehurst Public School, Aldershot Elementary and Aldershot Highschool catchments. According to the school board's projections, these schools are projected to be over building and portable capacity. As a result, options for student accommodation will be reviewed for this school and attendance at local schools is not guaranteed for existing and future students.

Halton Catholic District School Board students would be accommodated at Holy Rosary (B) Catholic Elementary School and Assumption Catholic Secondary School. Neither of the school boards have objections to the proposal.

Parks and Open Space staff have reviewed the submission materials and have no objections to the proposed development. They note that cash in lieu of parkland will be required at the time of building permit issuance.

The proposed development partially satisfies criterion (i) which requires the provision of adequate municipal services including water, wastewater, stormwater management, school accommodation, and parks. With the inclusion of a holding zone, this criterion is met.

*ii) Off-street parking is adequate;*

Transportation Planning staff have reviewed the parking demands anticipated by the proposed development in the context of the proposed parking supply.

The applicant is proposing a parking rate of 0.74 parking spaces per residential unit and 0.24 visitor parking spaces per unit. They are also proposing a parking rate of 3.5 parking spaces per 100 m<sup>2</sup> of gross floor area for non-residential uses. This results in a total of 318 parking spaces for the proposed development (233 residential spaces and 80 retail spaces to be used for both visitor and retail) and a total combined parking rate of 0.94 spaces per unit.

Transportation Planning staff advised that they are supportive of the proposed parking rate, which will be offset and supported by Transportation Demand Measures including, but not limited to meeting the recommended bicycle parking supply and being located in the Aldershot GO MTSA area. This criterion has been met.

- iii) the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;*

Transportation Planning staff have advised that the proposed development is expected to generate approximately 92 two-way (24 inbound and 68 outbound) trips during the weekday a.m. peak hour and 110 two-way (68 inbound and 42 outbound) trips during the weekday p.m. peak hour. Staff have no concerns with the traffic that will be generated by the proposed development and advise that the applicant will be responsible for the construction of a sidewalk along Cooke Boulevard frontage during the Site Plan stage. This criterion has been met.

- iv) the proposal is in proximity to existing or future transit facilities;*

The subject lands are located nearby existing transit route #1 and in close proximity to route #4, which run along Plains Road and provide access to the Burlington GO Station, Downtown Burlington Bus Terminal and Appleby GO Station. This service provides connections to other routes and other areas of the City and beyond.

The subject lands are also located within 600 metres of the Aldershot GO station which provides frequent transit service along the Lakeshore West GO rail line. Staff are satisfied that the proposed development is in proximity to existing transit facilities.

- v) compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking, and amenity area so that a transition between existing and proposed buildings is provided;*

The Official Plan defines compatibility as “development or redevelopment that is capable of co-existing in harmony with and will not have undue physical (including form) or functional adverse impact on existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health.

Compatibility should be evaluated in accordance with measurable/objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals”

The following is a discussion of the compatibility of the proposed development in terms of the criteria cited in the above definition:

### Scale and Massing

The proposed development contemplates a total gross floor area (GFA) of approximately 23,607 m<sup>2</sup> and a floor area ratio (FAR) which exceeds the maximum FAR permitted by the Official Plan and Zoning By-law. The proposed unit count of 335 units translates into a residential density of 1,046 units per hectare.

The podium has a building height of 21.25 metres and is setback 1.65 metres from Cooke Boulevard. The Tall Building Guidelines recommend a maximum podium height of 80% of the right-of-way width up to a maximum of 20 metres to maintain a human/pedestrian scale and reduce the massing of the building. Based on the guidelines, the building podium should be a maximum height of 16 metres.

Staff are of the opinion that the increased podium height and reduced front yard setback would not create a positive relationship with the street and would not reinforce a human/pedestrian scale. Increasing the front yard setback and reducing the podium height would allow for a wider streetscape and public realm, allowing additional space between the building and street and reducing the overall scale of the building. The stepback above the 6<sup>th</sup> storey helps to alleviate some massing concerns from the street level, but staff are of the opinion that the impact could be improved by either reducing the podium height and stepping back the podium at the third storey or maintaining the podium height and increasing the front yard setback.

There is a building tower stepback of 7.82 metres above the sixth storey at the front of the building. The guidelines recommend a 3.0 metre stepback above the podium to incorporate outdoor terraces and amenity spaces for the development.

The height of the tower and its location on the building base should provide a gradual and appropriate transition in height to help mitigate potential impacts on the adjacent established or planned context. Limiting the tower floorplate ensures the tower would be slender and maximize sky views and access to sunlight. The proposed floorplate size exceeds the recommended maximum size in the tall building guidelines by 38 m<sup>2</sup>. Reducing the floorplate of the tower to the recommended 750 m<sup>2</sup> would help alleviate the overall massing of the building and minimize shadow and wind impacts on adjacent uses.

Therefore, as part of the recommended modifications, staff are recommending that the front yard setback be increased to 3.0 metres, a maximum podium height of 16 metres and a maximum tower floorplate size of 750 m<sup>2</sup>.

### Height and Transition

The proposed development consists of a tall building with a maximum building height of 29 storeys fronting Cooke Boulevard. The proposed lower building elements consist of a 6-storey podium fronting Cooke Boulevard, two commercial units and a residential

entrance. The proposed building height exceeds the maximum permitted by the Official Plans, Zoning By-law and planned building heights contemplated for the Aldershot GO Area Specific Plan.

Properties immediately adjacent to the subject lands have not been developed, however, 35 Plains Road East (south of the site) has been approved for a 9-storey mixed use building and 1029-1033 Waterdown Road ((west) rear of the site) have an active development application for a 29-storey apartment building, which was refused by City Council through Report PL-35-22 and subsequently appealed to the Ontario Land Tribunal (see Appendix D – Surrounding Context for 1026 Cooke Boulevard). On the opposite side of Cooke Boulevard (53-71 Plains Road East and 1025 Cooke Boulevard), a development application has been approved for 18 storeys along Cooke Boulevard and 11 and 9 storeys along Plains Road East. On the south side of Plains Road East (40-70 Plains Road East), a development application for a 12-storey mixed use building was approved.

Further north of the site, the City is reviewing two development applications:

- 1062 - 1074 Cooke Boulevard
- 1120 Cooke Boulevard

1062 - 1074 Cooke Boulevard is an application proposing two tall mixed-use buildings with heights of 30 storeys to the south and 32 storeys to the north, connected by a shared podium with a height of 6 storeys fronting Cooke Boulevard and Masonry Court and 3 storeys to the rear. This proposal has been appealed to the Ontario Land Tribunal.

1120 Cooke Boulevard and 101 Masonry Court is proposing three tall buildings with building heights of 33 storeys with a 12-storey podium, 31 storeys with a 6 storey podium that steps down to 3 storeys on the north side and 29 storeys with a 6 storey podium.

Staff note that the vision for this area is to provide a transition in building height with the highest building heights near the GO Station and lowest building heights along Plains Road East. This will allow for the gradual transition and variation in height from the northern part of Cooke Boulevard, Masonry Court and Waterdown Road to the southern part along Plains Road East.

Although only three development applications have been approved in the Aldershot GO MTSA, current development applications are starting to establish a built form context that can be applied when reviewing development applications in advance of the area specific plans being approved. Given the surrounding existing and planned context of the area, staff are of the opinion that the modified building height of 22 storeys (inclusive of mechanical penthouse) as recommended by staff is appropriate

as it achieves the gradual stepping down in height from the GO Station to Plains Road East and is compatible with the emerging built form context for the area.

Staff note that this height exceeds the recommended maximum height in the Aldershot GO Area Specific Plan. The additional height was provided in order to provide design flexibility for the applicant while still maintaining the goals and objectives of the area specific plan.

### Setbacks

The proposed building is setback 1.65 metres from Cooke Boulevard, 6 metres from the rear property line, 3.0 metres from the north property line and 3.3 metres from the south property line.

The applicant is proposing a 1.65 metre setback from Cooke Boulevard, a 0.60 metre setback to the below grade parking structure and a 0 metres landscape area along Cooke Boulevard. Staff note that is it intended for Cooke Boulevard to have an active street front that will cater to the pedestrian experience and create a positive relationship with the street. Staff believe that the proposed front yard setback of 1.65 metre is not sufficient to achieve this goal. Staff are recommending that the front yard setback be increased to 3.0 metres to accommodate a wider boulevard for landscaping, active uses, pedestrian connections and amenities such as commercial patios and benches.

The applicant is not proposing any landscaping in the private realm but has submitted concept renderings which include trees and flower beds in the public right of way. Staff is of the opinion, that the front of the building should contain some landscaping features and should not solely rely on the inclusion of landscaping in the public right of way. Therefore, staff are recommending that the landscape area abutting a street be increased from 0 metres to 3.0 metres to accommodate future landscaping features, such as trees, flower beds and raised planters etc.

Where there are windows proposed in the podium and no adjacent buildings are present, a minimum setback of 5.5 metres is required between the podium base and adjacent property line. This is to ensure that any future development of a tall building will not be impeded by the current proposal. Staff note the intention of the Aldershot GO Area Specific Plan is for building heights to transition from the highest building heights near the GO Station (Waterdown Road, Masonry Court, northern part of Cooke Boulevard) to lower building heights fronting Plains Road East.

The property south of the subject lands along Plains Road East (35 Plains Road East) is identified as being in the "Aldershot Main Street" Precinct of the Aldershot GO Area Specific Plan. This Precinct envisions a minimum building height of 6 storeys and maximum building height of 11 storeys.

The property immediately north of the subject lands (1038 Cooke Boulevard – Golden Gate Contracting) and west of the subject lands (1029-1033 Waterdown Road) are identified as being in the “Cooke Commons” Precinct of the Aldershot GO Area Specific Plan. The Precinct envisions a minimum building height of 11 storeys and 19 storeys along the west side of Cooke Boulevard.

Staff are of the opinion that the proposed 3.3 metre setback to the south property line (35 Plains Road East) is appropriate as a future mid-rise building can be developed on site. However, staff are not supportive of the proposed 3.0 metre setback to the north property line, adjacent to 1038 Cooke Boulevard as it could impede the future development of a tall building on that site. Staff are recommending that the north side yard setback be increased to 5.5 metres to allow for an appropriate separation between the proposed podium and any future development proposal to the north of the site.

Staff are also recommending a minimum 12.5 metre setback from the north side yard, south side yard and rear yard for the tower of the building (i.e. floors 5 to 21) and a minimum 15.5 metre setback to the mechanical penthouse to provide design flexibility for the applicant, but also ensure that the minimum building separation requirements of Tall Building Guidelines is achieved.

The proposed changes noted above are included in the draft Zoning By-law (Appendix F) and are further discussed in the report under the Urban Design and Zoning section.

#### Lot Coverage

The Mixed Use Employment (MXE) and Mixed Use General (MXG) Zones do not contain a prescribed maximum permitted lot coverage for buildings within the applicable zoning.

#### Parking

The parking requirements are discussed under criteria (ii). Staff are satisfied that the proposal will provide adequate parking.

#### Amenity Area

Amenity areas are proposed in the form of indoor amenity space, private space outdoor amenity areas in the form of private balconies and common amenity areas on the second and sixth floor. Common outdoor amenity areas will include landscaping, badminton courts and a child’s playground.

The applicant is proposing 17.5 m<sup>2</sup> of amenity space per unit whereas the zoning by-law requires 15m<sup>2</sup> per efficiency dwelling unit, 20m<sup>2</sup> per one bedroom unit, 35m<sup>2</sup> per two-bedroom unit).

Noise barriers and wind mitigation measure such as pergolas and glass wind guards are proposed in the amenity areas to ensure that comfortable noise and wind levels are met.

Staff are satisfied with the proposed amenity space and believe that the proposed rate is sufficient for the development. This criterion has been met.

Noise, Vibration, Dust, Odours, Safety and Potential for adverse health impacts

A discussion of the noise, dust, vibration, and odour impacts and mitigation measures is provided above under Housing Intensification criterion (ix). Staff are satisfied that the proposal can provide measures to minimize noise impacts from the CN Railway Corridor, Waterdown Road, Plains Road East and adjacent commercial and industrial uses. However, staff are recommending a holding zone be included in the draft Zoning By-law to ensure that an updated Noise Study addressing the peer review comments is provided and mitigation measures will be implemented at the site plan stage.

- vi) *effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;*

An Arborist Report, Tree Preservation, Soil Volume Plans Landscape Plans were prepared by MHBC Planning Urban Design & Landscape Architects dated November 2023 and submitted in support of the applications.

The subject lands have a total of 32 trees, with 22 trees (69%) proposed to be removed and 10 trees (31%) to be preserved. All of the trees are privately owned, and 11 trees are located on shared property lines (1029 Waterdown Road, 1038 Cooke Boulevard and 35 Plains Road East).

All the trees proposed for removal are required due to conflicts with the proposed development and will be removed to facilitate construction. Of the 22 trees proposed to be preserved 8 will be injured due to the proposed development and grading works. The 22 trees are considered to be in good condition and are expected to recover from anticipated impacts.

Urban Forestry and Landscape staff have reviewed the submission materials and advise that they are supportive of the tree removals and will require existing private and neighbouring trees to be replaced using the City's tree replacement/compensation calculation. Staff will also require the applicant to consult with neighbouring tree owners to ensure they are aware of the proposed development, potential impacts to their trees and boundary trees and obtain written confirmation that there are no concerns with the proposed treatment of their existing trees. This will be obtained through the Site Plan process.

Staff are also requiring a 3.0 metre front yard setback to allow for an enhanced landscaped area consisting of trees, shrubs and perennials and a 2.0 metre landscape buffer along the south property line adjacent to 15 and 35 Plains Road East. These requirements have been included in the draft Zoning By-law. This criterion has been met.

*vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;*

A Sun Shadow Study, prepared by Turner Fleischer Architects Inc, dated September 7, 2023, was prepared for the proposed development, and reviewed by staff. The Sun Shadow Study was not prepared in accordance with the City's Sun Shadow Guidelines as it did not provide Sun Access Factor Calculations, did not include the full study test times, or an evaluation of the proposed shadow impacts on adjacent public open space, private backyard amenity space and the public realm.

The applicant submitted a revised Sun Shadow Study and Sun Access Factor Calculations, prepared by Turner Fleischer Architects Inc on January 31, 2024. Staff note that the revised study and calculations are still not meeting the City's Sun Shadow Guidelines. Staff were not able to undertake a fulsome analysis of the Sun Shadow Study, but note the following:

- The Sun Shadow study evaluated the shadows cast by the proposed development during March 21<sup>st</sup>, June 21<sup>st</sup>, September 21<sup>st</sup>, and December 21<sup>st</sup>, however the
- The Sun Access Factor Calculations were not done correctly. They are based on shadow averages and not based on individual affected areas (such as backyards, amenity area, public space and boulevards etc.). The calculations should be applied to each affected area individually to determine if it meets the Sun Shadow Guidelines criteria;
- The Sun Shadow study included properties that are not affected by the development e.g., properties on Birchwood and Glenwood Avenue. The Shadow analysis should only reflect affected properties by the proposed development;
- The Sun Shadow study does not address the Parks and Open Spaces criteria. This criteria needs to be addressed as there is a future 0.2 hectare public park across the street at 53-71 Plains Road East and 1025 Cooke Boulevard.
- The Sun Shadow study does not correctly represent the public realm and sidewalk criteria. The provided drawings show exposed areas and areas in



shadow along Masonry Court, Waterdown Road and Plains Road East but do not reflect the shadows cast on Cooke Boulevard.

Given the above, it does not appear that the proposed development is meeting this criterion. Staff will be requiring a revised Shadow Study, Sun Access Calculations, and analysis through a Holding Provision to ensure that the future development on site is meeting the City's Sun Shadow Guidelines. This criterion is not met.

*viii) accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres, and health care;*

The proposed development is located in proximity to various community services and other neighbourhood conveniences (including community centres, retail and service uses, offices and institutional land uses, parks and open space networks and public service facilities) which are accessible by multi modal means (including private vehicle, public transit, cycling and pedestrian connections). This criterion is met.

*ix) capability exists to provide adequate buffering and other measures to minimize any identified impacts;*

The applicant submitted a Noise and Vibration Impact Study, prepared by RWDI Inc., dated July 17, 2023, in support of the applications.

The study reviewed the acoustic requirements for the proposed development with respect to noise from vehicular traffic along Waterdown Road and Plains Road East, stationary noise sources from surrounding commercial and industrial uses and railway noise and vibration from the CN Rail line. Based on the results of the study, the following mitigation measures are required to achieve a sound limit of 55 dBA:

- A 1.2 metre noise barrier for the at grade outdoor amenity area;
- A 1.7 metre noise barrier for the 2<sup>nd</sup> floor outdoor amenity area;
- A 1.8 metre noise barrier for the 6<sup>th</sup> floor west (rear) outdoor amenity area;
- A 1.2 metre noise barrier for the 6<sup>th</sup> floor southeast outdoor amenity area;
- A 1.8 metre noise barrier for the 6<sup>th</sup> floor northeast outdoor amenity area;
- Upgraded building components for exterior walls, windows and doors;
- Provisioning for central A/C; and
- Warning Clauses.

Site Engineering staff have reviewed the noise study and are supportive of the conclusions and mitigation measures proposed by the study. CN Rail staff have also reviewed the noise study and do not have any concerns with the proposed development.

Halton Region retained R.J. Burnside and Associates Limited to peer review the submitted Noise Impact Study. The peer reviewer concluded that there are several outstanding items that need to be addressed in order to determine whether the proposed development is compatible with the existing surrounding environment. The following matters remain outstanding:

- Sample STAMSON calculations should be provide to confirm consistent results with an alternative noise mode used (can be addressed at the Site Plan Stage)
- On-site truck activities at Genthem and Golden Gate Contracting facilities should be considered in the noise assessment.
- Information regarding garage/bay doors and potential noise emissions from Golden Gate Contracting should be provided and assessed if required.
- A noise impact assessment from the operations at St. Mary's Cement facility should be included in the report.
- A noise impact assessment from the operations at King Paving facility should be included in the report.

Regional staff have advised that although there are outstanding noise matters related to the adjacent railway yard and corridor, staff defer to the City and CN/Metrolinx to address these comments.

As Development Engineering staff and CN/Metrolinx have no concerns with the submitted Noise Impact Statement, Planning staff feel that the proposed development will be able to adequately mitigate any noise impacts. Staff will require the applicant to submit a revised noise study addressing the comments of the peer reviewer. A Holding Provision has been included in the draft Zoning By-law to ensure that the submitted Noise Study is provided and mitigation measures will be implemented at the site plan stage.

Staff note that the above noise attenuation measures are for the proposed 29-storey mixed use building. As staff is recommending a modified approval, a revised noise study will be required at the Site Plan stage to ensure all applicable mitigation measures have been captured and implemented.

The applicant also submitted a Pedestrian Wind Study, prepared by RWDI Inc., dated December 1, 2023, as part of the application. The Wind Study assessed the effect of the proposed development on local conditions in pedestrian areas for the subject lands and surrounding area.

The Pedestrian Level Wind Study Guidelines (2020) contain evaluation criteria to assess potential wind impacts from the proposed development on surrounding

pedestrian areas. The Pedestrian Wind Comfort Criteria has five comfort categories and associated Gust Equivalent Mean (GEM), which is a comparison between the existing wind condition and the wind condition resulting from the proposed development. The table below provides an overview of the Pedestrian Wind Comfort Criteria for each category.

Wind Comfort Category	GEM Speed (km/hr)	Description
Sitting	≤ 10	Calm or light breezes.  Appropriate for dedicated seating areas such as cafes, patios, and outdoor amenity areas
Standing	≤ 14	Gentle breezes  Appropriate for main building entrances, bus stops, and other places where pedestrians may linger
Leisurely Walking	≤ 17	Moderate winds  Appropriate for shopping and strolling along retail streets and parks
Fast Walking	≤ 20	Relative higher speed winds  Appropriate for areas where pedestrians are walking, running, or cycling without lingering
Uncomfortable	> 20	Strong winds  Inappropriate due to nuisance for all pedestrian activities  Wind mitigation measures required

The Wind Study evaluated the existing conditions, proposed development, and future configuration of the site if 1029-1033 Waterdown Road is approved and developed in accordance with their proposed plans. Below are the findings of the Wind Study:

### Existing Condition

- Wind levels are low. The highest wind comfort category is leisurely walking, which does not require mitigation measures.

### Proposed Development

- Summer wind conditions are favourable, and the highest wind comfort category is fast walking, which does not require mitigation measures.
- There are 4 uncomfortable areas on the ground level, 1 uncomfortable area on Plains Road East and 1 uncomfortable area on the adjacent property to the north (1038 Cooke Boulevard) during the winter months.
- There are 2 uncomfortable areas identified on the 6<sup>th</sup> floor outdoor amenity space during the winter months, with one area exceeding the wind safety conditions.

### Future Configuration

- Summer wind conditions are generally low, with one fast walking comfort category at the northwest corner of the building. Mitigation measures are not required.
- 1 uncomfortable area on the ground level at the northwest corner of the development.
- 3 uncomfortable areas identified on the 6<sup>th</sup> floor outdoor amenity space during the winter months, with one area exceeding the wind safety conditions.

Mitigation measures are required to address the uncomfortable wind conditions at ground level, the 6<sup>th</sup> storey terrace and the 6<sup>th</sup> floor outdoor amenity space that exceeds the wind safety conditions.

The Wind Study outlined the following mitigation measures for the ground level:

- Articulating the corners of the tower and podium, especially on the east side.
- Installing a deep continuous canopy along the east façade, preferably wrapping around the northeast corner, to deflect downwashing winds away from pedestrian areas. In order to be effective as a wind control feature, the canopy should project at least 2m out from the building façade.
- Adding wind screens around the northeast corner of the building. wind screens should be tall (2m+) and ideally have a small fraction of open area (up to 30%).
- Planting large landscaping elements along the sidewalk of Cooke Boulevard and on the south side of the building where feasible. Please note that plants used for

wind control should be large, have dense foliage, and be able to retain their leaves in the colder months of the year (coniferous or marcescent species)

The Wind Study recommended the following mitigation measures for the 6<sup>th</sup> floor outdoor amenity area:

- Installing large horizontal features (canopies/trellises) around the eastern corners of the tower.
- Adding planters/partitions/dividers to tower corners and in other frequently used areas to create sheltered zones for occupants.

Staff are satisfied that the proposed mitigation measures will improve the uncomfortable wind conditions noted above and that refinements of exact mitigation measures will be done at the Site Plan Stage.

Staff note that the recommendation for planting large landscaping elements along the south side of the building may not be feasible due to the below grade parking structure location and proposed walkway. Appropriate soil volumes would be required to accommodate any plantings in the south side yard and front yard along Cooke Boulevard.

- x) *where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate;*

As noted above under criterion (v) "Setbacks", Staff have concerns that the proposed development could impact the future development of the adjacent property to the north (1038 Cooke Boulevard) if the side yard setback is not increased. Therefore, staff are recommending that the northern side yard setback be increased to 5.5 metres to ensure that the current development proposal will not impede the property to the north.

Staff are satisfied that this development proposal would not impact any future development potential for the sites to the south and west of the property as sufficient setback and a 2.0 metre landscape buffer along the south property line are proposed.

- xi) *natural and cultural heritage features and areas of natural hazard are protected;*

Staff note that the policy is not applicable to this application, as the subject lands do not contain and are not adjacent to any natural heritage features or natural hazards.

With respect to cultural heritage resources, staff note that the subject lands are not designated under the Ontario Heritage Act, they are not listed on the Municipal Register of Cultural Heritage Resources and are not located adjacent to any protected heritage resource. Therefore, there are no cultural heritage resources or features to protect and the proposal meets this criterion.

*xii) where applicable, there is consideration of the policies of Part II, subsection 2.11.3(g) and (m); and*

Policy 2.11.3(m) is not applicable to the subject proposal as the lands are not located in South Aldershot.

Policy 2.11.3(g) is not applicable as the proposed development is not adjacent to a watercourse.

*xiii) proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct access to, major arterial, minor arterial, or multi-purpose arterial roads and only provided that the built form, scale, and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.*

The subject lands are identified as being within a Mixed Use Activity Area, in accordance with Schedule A – Settlement Pattern of the Official Plan. As such, the lands are not within a designated Residential Area. This criterion is therefore not applicable.

### **Urban Design**

The City of Burlington is committed to a high standard of urban design and architecture which is becoming increasingly important as re-development and intensification become more prominent forms of development. The review of proposed building and site design in the context of other development best practices (i.e. pedestrian and transit connections (and the continuity of grade-related activity)); public realm considerations (i.e. safety and comfort), compatibility and neighbourhood character, as well as built form are critical components in the review and evaluation of development applications.

The design of the built environment should strengthen and enhance the character of the surrounding neighbourhoods. Intensification within existing neighbourhoods is to be designed to be compatible and sympathetic to the neighbourhood character. The Official Plan also sets out that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian-oriented and encourage increased use of public transit.

The implementation policies of the City of Burlington Official Plan state that the preparation of design guidelines shall be required as part of the consideration of major site or area-specific development proposals which are to review and recommend solutions to issues such as compatibility with surrounding uses, transit use, micro-climate effects, pedestrian safety, noise abatement and issues of human scale and views.

Any City Council approved design guidelines are considered City policy and shall be implemented for all public and private development proposals.

### City of Burlington Tall Building Guidelines (2017)

The City of Burlington Tall Building Guidelines are applicable across the City wherever tall buildings are permitted, and for the purposes of the guidelines, include any buildings over 11-storeys in height.

The Guidelines are broken down by the main components of a tall building, being the Building Base (Podium), Building Middle (Tower) and Building Top. Staff has completed a review of the proposed mixed use building in this context.

#### **2.1 Podium Location**

- c) *Where no streetwall has been established setbacks should create a 6.0 metre boulevard width to accommodate pedestrians, street trees and landscaping, and active at-grade uses*

A streetwall has not been established on Cooke Boulevard. The current public right of way is 5.5 metres, and the proposed development is providing a 1.65 metre setback from the front lot line. Therefore, a boulevard of 7.1 metres is provided.

While this criterion is being met, staff are recommending an increased front yard setback of 3 metres which would increase the boulevard to 10.1 metres. This would allow an improved pedestrian realm, landscaping, and amenities for retail and commercial uses such as patios and outdoor display. This criterion has been met.

- e) *Where windows are proposed within the podium, an 11 metre separation distance shall be provided between adjacent properties. Where no adjacent buildings exist, a 5.5 metre setback is appropriate.*

There are no tall buildings with podiums adjacent to the subject lands. The proposed podium has windows on all sides and is setback 3.0 metres from the north property line and 3.3 metres from the south property line. This criterion is not met.

#### **2.2 Podium Height and Massing**

- b) *Where no established streetwall exists, the minimum height of the podium should be 10.5 metres.*
- c) *The maximum height of the podium should be 80% of the adjacent right-of-way width, up to a max of 20 metres.*

Cooke Boulevard does not currently have an established streetwall. It is intended for this area to transition to a more intensified area consisting of tall and mid-rise buildings. Cooke Boulevard has a deemed width right of way width of 20 metres. Therefore, the maximum building height of the podium should be 16 metres to maintain a human scale and pedestrian feel. The current podium height is 21.25 metres.

Staff recommend that the podium be reduced to 16 metres in order to be more aligned with the podium height requirements of the Tall Building Guidelines.

This criterion is not met.

- f) *Stepbacks should be a minimum of 3 metres to ensure usable outdoor amenity space (i.e. patios).*

The proposed development is providing a 7.82 metres stepback above the podium, which accommodates outdoor amenity space. This criterion has been met.

## **2.4 Podium Design and Articulation**

- d) *The design of the podium should be primarily constructed of 'heavy' materials such as brick, stone, or metal, to anchor the building.*

The podium consists of predominately clear glazing with dark metal mullions and precast concrete and brick pillars throughout the podium. Staff feel that this criterion is met as the upper portion of the tower is mainly light and dark spandrel glass.

- e) *Portions of the podium that are not occupied by a tower should be used as outdoor amenity space to provide casual surveillance and interesting views from the street.*

All areas unoccupied by the tower on the 6<sup>th</sup> level podium are used for outdoor amenity space. This criterion has been met.

- i) *Within a retail podium, the ground floor shall be predominantly clear-glazed to provide visual connections and enhance safety. Similarly, public elements of a residential podium (i.e. lobby, amenity space) shall be predominantly clear-glazed.*
- k) *Mixed-use buildings with retail at grade should incorporate vestibules, frequent building entrances, canopies and structural overhangs to provide weather protection for the length of the street.*

The proposed building contains commercial/retail and a residential entrance in the podium, both of which are predominantly clear glazed. There is one main commercial entrance with canopies overhead and a vestibule for residents of the building. These criterion are met.

## **2.5 Site Design, Open Space and Streetscaping**

- a) *Parking, servicing and loading shall be accommodated internally within the building podium and screened from the street.*

Parking, servicing and loading are located at the northwest side of the building (rear), internal to the building and screened from the public view. This criterion is met.



## **Middle Tower**

### **3.1 Tower Location**

- a) *The placement of the tower shall have no adverse impacts on adjacent Residential Neighbourhood Areas, parks, open spaces, or natural areas.*

Staff were not able to determine if the proposed tower placement has any adverse impacts on adjacent Residential Neighbourhoods, parks, open spaces, as the submitted Sun Shadow study and revision is missing information and was not completed in accordance with the City's Guidelines and Terms of Reference.

This criterion is not met.

- d) *Where no towers currently exist, proposed towers shall be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).*

There are currently no existing towers within proximity of the subject lands. The proposed tower is setback 12.5 metres from the north and south property lines and 22.65 metres from the rear property line. This criterion is met.

- e) *The tower should be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure usable outdoor amenity space (i.e. patios).*

The proposed tower is stepped back 7.82 meters above the podium and accommodates an outdoor amenity area. This criterion is met.

### **3.2 Tower Height and Massing**

- c) *The tower portion of a tall building should be slender and shall not exceed 750 square metres, excluding balconies.*

The proposed tower portion of the building has a floorplate of 788 m<sup>2</sup>. This criterion has not been met.

- d) *The massing of the tower, and its relationship to the building base, shall not result in adverse wind effects at the street level.*

The submitted Pedestrian Wind Study concluded that the proposed development would generate four uncomfortable wind comfort conditions during the winter months on the ground level at the northeastern side of the building near the residential entrance, the southeastern side of the building around the commercial unit, on Plains Road East and to the north on the adjacent property at 1038 Cooke Boulevard.

The Wind Study outlined several mitigation measures to address the concerns noted above. Staff are of the opinion that the wind impacts created by the proposed development can be adequately mitigated. This criterion has been met.

### **3.3 Shadow/Sky Views**

- b) *The design and placement of the tower shall have minimal impacts on adjacent residential neighbourhoods, parks, open spaces, or natural areas. Adverse shadow impacts shall not hinder the viability or enjoyment of these areas.*

As noted throughout the report, the submitted Sun Shadow Study and revised study was evaluated by staff, but it was not completed in accordance with the City's Sun Shadow Guidelines and Terms of Reference. The proposed building does not appear to conform with the Sun Shadow Guidelines. Therefore, staff will require a revised Sun Shadow Study as part of the Holding Provision. This criterion is not met.

- c) *The widest edge of the tower should generally be oriented in an east-west direction to minimize the impacts of shadows.*

The widest portion of the tower is oriented in an east-west direction. This criterion is met.

- d) *It is recommended that a shadow study be provided with tall building applications to demonstrate the impacts at the equinoxes (March 21 and September 21).*

The submitted Sun Shadow Study evaluated the shadow impacts for March 21<sup>st</sup> and September 21<sup>st</sup>, however the Sun Access Factor calculations were not calculated in accordance with the City's guidelines and the study did not include the required test times. This criterion is not met.

### **3.4 Tower Design and Articulation**

- e) *Balconies are encouraged within the tower to provide amenity space and additional articulation. They may be inset or extruding but should be a minimum of 1.5 metres to provide usable outdoor amenity space.*

The proposed building has both inset and extruding balconies in the tower portion. The balconies appear to be 1.5 metres in depth, but the dimensions were not provided. This criterion is met.

### **4.2 Mechanical Penthouse**

- a) *Rooftop mechanical equipment shall be sized and located and screened from view, in order to protect or enhance views from other buildings and the public realm.*
- c) *Rooftop mechanical equipment should be limited to no more than 50% of the area of the uppermost floor, and setbacks on all sides should be no less than 3 metres from the edge of the floor below to ensure they are screened from view.*

Rooftop mechanical plans were not provided for the proposed development. It appears that the mechanical penthouse is setback on the east side of the building, but no other details were provided. Therefore, staff are unable to determine if the above criterion are met.

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

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new OP is subject to appeals. Appeals are currently before the Ontario Land Tribunal (OLT).

Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being December 22, 2020, for the new Burlington Official Plan. At this time, no determination has been made as to the appeal status of the relevant sections of OP 2020.

The subject lands are designated 'Urban Corridor - Employment' to Schedule 'C' (Land Use – Urban Area) of OP 2020 and are located within a 'Primary Growth Area' (Schedule 'B-1' – Growth Framework). The subject lands are located within the Aldershot GO Major Transit Station Area (MTSA) and Special Planning Area (Schedule 'G' – Aldershot GO MTSA Special Planning Area).

The primary growth areas in the City shall accommodate the majority of the City's forecasted growth over the planning horizon of the new OP and beyond and consequently will experience the greatest degree of change. These areas shall be regarded as the most appropriate and predominant locations for new tall buildings in accordance with underlying land use designations or the land use policies of an area-specific plan. These areas shall also support the frequent transit corridors and accommodate development that is compact, mixed-use and pedestrian-oriented in nature.

Major Transit Station Areas (MTSAs) are an important component of the City's urban planning area, and are intended to serve as city-wide destinations and focal points for the provision of transit. MTSAs are to exhibit a wide variety of land uses and building types, and densities that will be oriented to support and facilitate transit and active transportation. MTSAs are focal points for higher intensity and mixed-use, transit-supportive development that will accommodate a significant share of the City's future population and employment growth. The Aldershot MTSA is identified as an area that will be subject to further detailed area-specific planning, which is currently underway.

Uses permitted within the 'Urban Corridor – Employment' designation may include:

- industrial uses;

- office uses;
- accessory retail and service commercial uses which serve the day to day needs of employees;
- home improvement and home décor sales;
- automotive commercial uses, including large-scale motor vehicle dealerships existing on the date the Plan comes into effect;
- entertainment uses; and,
- recreation uses.

The Urban Corridor – Employment designation permits a maximum floor area ratio of 2.0:1. An increase to this floor area ratio may occur through a site-specific zoning by-law amendment or minor variance application, without the need for an amendment to the Plan, provided that the objectives of the Urban Corridor-Employment designation are maintained.

The minimum building height shall be two (2) storeys, except for industrial uses where no minimum height is required; and the maximum building height shall not exceed six (6) storeys. Where required to ensure compatibility, four (4) to six (6) storey buildings may be required to be terraced back from adjacent residential areas and/or the street.

### City of Burlington Zoning By-law 2020

The subject property is currently zoned “Mixed Use Corridor Employment (MXE)” in accordance with Zoning By-law 2020. This MXE zone permits select retail commercial; service commercial community; office; automotive; entertainment and recreational uses.

The applications propose to change the zoning to a site specific ‘Mixed Use Corridor General (MXG-534)’. The proposed development does not comply with some regulations including building height, floor area ratio, parking, and street side yard setback.

The following table outlines the requirements of the ‘Mixed Use Corridor Employment’ (MXE) Zone, ‘Mixed Use Corridor General (MXG), what is being proposed and staff’s modified recommendations.

Zoning Regulation	MXE	MXG	Proposed	Modified
Building Height	Industrial/Automotive Uses: 2 storey maximum  Other Uses: 6 storey maximum	Industrial/Automotive Uses: 2 storey maximum  Other Uses: 6 storey maximum	Maximum 30-storey building height including	Maximum 22 storey building height including mechanical penthouse

			mechanical penthouse	and rooftop amenity area
<p>Staff Comment:</p> <p>Staff have reviewed the proposed development application in the context of the emerging built form and planned vision of the Aldershot GO Area Specific Plan. The emerging built form generally aligns with the planned vision of the Aldershot GO Area Specific Plan in that development applications with increased building heights are being proposed closer to the GO Station and lower building heights are being proposed and approved along Plains Road East.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Podium Height	N/A	N/A	21.25 metres	16 metres up to 5 storeys
<p>Staff Comment:</p> <p>The proposed podium is 5 storeys and has a building height of 21.25 metres. The Tall Building Guidelines recommend a maximum podium height of 80% of the right-of-way width up to a maximum of 20 metres to maintain a human/pedestrian scale and reduce the massing of the building. Based on the guidelines, the building podium should be a maximum height of 16 metres.</p> <p>Staff are of the opinion that the increased podium height in conjunction with the reduced front yard setback would not create a positive relationship with the street and would not reinforce a human/pedestrian scale.</p> <p>Therefore, staff are recommending a maximum podium height of 16 metres to alleviate the massing concerns of the proposed development.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Floor Area Ratio	Entertainment or Recreation Buildings: 0.5:1 Industrial Buildings: 0.5:1 Other Buildings: 1.0:1	Entertainment or Recreation Buildings: 0.5:1 Industrial Buildings: N/A Other Buildings: 1.5:1	7.4:1 maximum (note – staff believe the correct FAR being proposed is closer to 11:1.)	10.5:1
<p>Staff Comment:</p> <p>Staff are recommending a floor area ratio maximum of 10.5:1. The proposed FAR will allow for intensification at an appropriate scale. The intent is to provide the applicant with some design flexibility for the building, while upholding the City's objectives for the area. Therefore, staff are of the opinion that the proposed FAR, combined with the proposed setbacks, is appropriate for the site.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>

Minimum Floor Area for Retail or Service Commercial Use	N/A	N/A	370 m <sup>2</sup>	No modification proposed
<p>Staff Comment:</p> <p>The Mixed Use Corridor zones do not currently have provisions for a minimum floor area for retail and service commercial uses. Staff are recommending a minimum floor area provision be added to the by-law in order to achieve the active street frontage envisioned for Cooke Boulevard and to ensure that some of the commercial space being removed from the property is being replaced. Staff are including this as a minimum and encourage the applicant to provide more commercial space is feasible to achieve the mixed-use goal for the MTSA area.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Minimum Floor Area for Non-Residential Use	N/A	N/A	None proposed	400 m <sup>2</sup>
<p>Staff Comment:</p> <p>The current proposal is removing employment uses in a previous employment area, with the intent of providing a minimum of 370 m<sup>2</sup> of commercial space and 12 jobs. The current proposal would remove approximately 837 m<sup>2</sup> of commercial space from the area. In order to compensate for this loss of commercial space, staff are recommending an additional 400 m<sup>2</sup> of non-residential space be provided for a total of 770 m<sup>2</sup> of non-residential floor area. This will provide an opportunity for more employment uses and a broader range of uses.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Yard Abutting Any Other Street	3 m minimum; 4.5 m maximum	3 m minimum; 4.5 m maximum	1.65 m	3.0 m
<p>Staff comment:</p> <p>The applicant is proposing a front yard setback of 1.65 m along Cooke Boulevard. Staff are recommending that the front yard setback be increased to a minimum of 3.0 m to alleviate massing concerns and achieve an active street frontage along Cooke Boulevard. Providing a wider boulevard will provide opportunities for landscaping, commercial patios, sitting areas, and pedestrian connections. The increased setback will also enhance the public realm by creating a vibrant, pedestrian friendly streetscape.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Rear Yard Setback to Floors 1 to 5	3 m	3 m	6 m	No modification proposed
<p>Staff Comment:</p> <p>The development application at 1029-1033 Waterdown Road (rear of the property) is proposing a 29-storey apartment building with a 0 metre setback to the rear property line. Staff are of the</p>				

<p>opinion that the proposed rear yard setback is appropriate and will provide a sufficient separation distance between the proposed development at 1029-1033 Waterdown Road.</p> <p>Therefore, Staff are supportive of the proposed rear yard setback.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Rear Yard Setback to Floors 6 to 21	n/a	n/a	22.64 m	Minimum of 12.5 m
<p><b>Staff Comment:</b></p> <p>Staff are including an additional rear yard setback for floors 5 to 21 to ensure that the tower portion of the building is setback a minimum of 12.5 metres from the rear property line. The Tall Building Guidelines require a minimum separation distance of 25 metres between towers to maximize privacy and sky views and to minimize shadow and wind impacts. Where no towers exist, a 12.5 metre separation is appropriate to ensure that one property is not impeding the other property from developing.</p> <p>Therefore, staff consider this is an appropriate setback to include in the by-law as it will provide design flexibility for the site while still maintaining the minimum separation distance requirements of the Tall Building Guidelines.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
South Side Yard Setback Floors 1 to 5	No minimum	No minimum	3.0 m	No modification proposed
<p><b>Staff Comment:</b></p> <p>The property south of the subject lands (35 Plains Road East) has approvals for a 9-storey mixed use building and is identified in the Aldershot GO Area Specific Plan as having a maximum building height of 11 storeys. As the development to the south will accommodate a future mid-rise building, staff are of the opinion that the proposed 3.0 metre setback is sufficient, and no modification is required.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
South Side Yard Setback Floors 6 to 21	No minimum	No minimum	3.0 m	12.5 m
<p><b>Staff Comment:</b></p> <p>As stated above, staff are including additional side yard setbacks from the property lines to the tower portion of the building. Staff have included a south side yard setback for floors 5 to 21 to ensure that the tower portion of the building is setback a minimum of 12.5 metres from the south property line.</p> <p>Staff feel that this is an appropriate setback to include in the by-law as it will provide design flexibility for the site while still maintaining the minimum separation distance requirement of the Tall Building Guidelines.</p>				

<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
North Side Yard Setback Floors 1 to 5	No minimum	No minimum	3.0 m	5.5 m
<p>Staff Comment:</p> <p>Staff have concerns that the proposed 3.0 metre north side yard setback for the podium could impede the future development of the property to the north (1038 Cooke Boulevard). The Tall Building Guidelines recommend a 5.5 metre separation distance between podiums containing windows to ensure that neighbouring properties are not hindered by another development and an appropriate separation between tall buildings is achieved.</p> <p>The property at 1038 Cooke Boulevard is also located in the Aldershot GO Area Specific Plan and identified as an intensification area with a maximum allowable building height of 19 storeys. Staff are recommending that the north side yard setback for floors 1-4 be modified to include a setback distance of 5.5 metres to align with the requirements of the Tall Building Guidelines.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
North Side Yard Setback Floors 6 to 21	No minimum	No minimum	3.0 m	12.5 m
<p>Staff Comment:</p> <p>As noted above for the rear yard setback and the south side yard setback for floors 5 to 21, staff are recommending a minimum setback of 12.5 metres from the north property line. The Tall Building Guidelines require a minimum separation distance of 12.5 metres when there are no existing towers to ensure that one property is not impeding the other property from developing, that privacy and sky views are maximized and to minimize shadow and wind impacts.</p> <p>Staff are of the opinion that this is appropriate as it will comply with the Tall Building Guidelines minimum separation distance requirements and provide design flexibility for the site.</p>				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Mechanical Penthouse Setback for North and South Side Yard and Rear Yard	N/A	N/A		Front Lot Line: 9 metres North, South and Rear Lot Line: 15.5 m
<p>Staff comment:</p> <p>The proposed development appears to show a setback to the mechanical penthouse along the front of the building; however, mechanical penthouse drawings were not provided. Staff are recommending a minimum 15.5 metre setback from the north, south and rear lot lines and a 9 metre setback from the front lot line to ensure that the mechanical penthouse is stepped back</p>				



appropriately, will not have a negative impact wind or shadow impact and adheres to the Tall Building Guidelines.				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Maximum Tower Floorplate	N/A	N/A	788 m <sup>2</sup>	750 m <sup>2</sup>
Staff comment: The proposed development has a proposed tower floorplate size of 783 m <sup>2</sup> . The zoning by-law does not currently contain a provision for maximum floorplate size, but the Tall Building Guidelines recommend a maximum floorplate size of 750 m <sup>2</sup> to maximum sky views and reduce shadow impacts. Therefore, staff are recommending a maximum floorplate size of 750 m <sup>2</sup> be included in the by-law.				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Landscaping Area Abutting a Street	3.0 m	3.0 m	0.0 m	3.0 m
Staff comment: The proposed development does not have any landscaping proposed along the private realm of the development. The submitted building renderings show landscape features including trees and flower beds in the public realm. Staff feel that landscaping features should be included in both the private realm and public realm. This will contribute to a complete and vibrant streetscape. Therefore, staff are proposing that the applicant meet the minimum required landscaping area abutting a street for the MXG zone.				
<b>Zoning Regulation</b>	<b>MXE</b>	<b>MXG</b>	<b>Proposed</b>	<b>Modified</b>
Landscape Buffer	N/A	N/A	0 m	2.0 m along south side yard
Staff comment: Urban Forestry and Landscape staff have requested a 2.0 metre landscape buffer along the south side yard to provide a buffer between the proposed development and 15 and 35 Plains Road East. Staff are supportive of the proposed modification as it will provide a transition between the proposed tall building and future mid-rise development at 15 and 35 Plains Road East.				
<b>Zoning Regulation</b>	<b>Part 1, Table 1.2.6</b>	<b>Proposed</b>		<b>Modified</b>
Parking Rate	Apartment Building: 1.25 spaces per unit, including visitor parking	<u>Apartment Building:</u> Resident: 0.71 per unit Visitor: 0.24 spaces per unit <u>Non-Residential Parking:</u>		No modifications proposed

	Non-Residential: 3.5 spaces/100m2 of Gross Floor Area	3.5 spaces/100m2 of Gross Floor Area only (can be shared with visitor parking including designated accessible spaces).	
<p>Staff Comment:</p> <p>The applicant is proposing a parking rate of 0.71 parking spaces per residential unit, 0.24 visitor parking spaces per unit and 3.5 spaces per 100 m2 of gross floor area for non-residential uses. The Zoning By-law requires apartment buildings to have 1.25 parking spaces per unit including visitor parking and 3.5 parking spaces per 100 m2 of gross floor area for non-residential. Transportation Planning staff support the parking reduction as it will be offset and supported by Transportation Demand Management measures such as bicycle parking supply and being located in a MTSA area.</p> <p>Staff have also reviewed the designated accessible spaces being proposed which includes 7 designated accessible parking spaces. The City’s Accessibility Coordinator has provided comments stating that a lower parking rate for accessible spaces cannot be supported. Therefore, staff are not proposing a modification to the accessible parking rate and the applicant will need to conform to the by-law requirements.</p>			
Zoning Regulation	Part 1, Section 2.13.1 (f)	Proposed	Modified
Below Grade Parking Structure	A Parking structure below grade and less than 1.6 m above grade may encroach into a required yard but shall not encroach into a required landscape buffer, provided that a minimum 3.0 m setback shall be maintained from a street line or property line.	Front Yard: 0.6 m North side yard: 0.6 m South side yard: 0.59 m Rear side yard: 0.58 m	No modifications proposed
<p>Staff Comment:</p> <p>The applicant is proposing a reduction to the below grade parking structure for all property lines. Development Engineering staff have reviewed the proposal and do not have any concerns with the reduced setbacks to the below grade parking structure. Urban Forestry and Landscape staff advise that a minimum 30m<sup>3</sup> of soil per tree in a single tree pit and 20m<sup>3</sup> per tree in a shared planting environment is required to ensure trees have enough space and soil volume to survive. Urban Forestry and Landscape staff believe that the proposed below grade parking setbacks will provide enough space and soil volumes for the proposed landscaping on site. Therefore, staff are supportive of the proposed reductions.</p> <p>Staff note that the applicant will need to demonstrate at the site plan stage that shoring, and excavation can be done solely on the owner’s property and will not encroach into the public right of way or private property.</p>			

Zoning Regulation	Proposed	Modified
Bicycle Parking	<p>1 long-term bicycle parking space and 4 short-term bicycle parking spaces for retail use.</p> <p>168 long-term bicycle parking spaces and 17 short-term bicycle parking for residential units</p>	<p>Retail Land Use: 2 long-term spaces plus 1 space per 1,000 m<sup>2</sup> GFA</p> <p>3 short-term spaces plus 1 space per 1,000 m<sup>2</sup> GFA</p> <p>Residential Land Use: 0.5 long-term plus 0.05 short-term bicycle parking spaces per unit.</p>
<p>Staff Comment:</p> <p>The City's Zoning By-law does not currently have zoning provisions for short or long-term bicycle parking. Staff have included the minimum bicycle parking recommendations from the July 2017 Burlington City-wide Parking Standards Review to align with City standards.</p>		
Zoning Regulation	Proposed	Modified
Bicycle Parking Long Term and Short Term Definitions	N/A	<p>Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building.</p> <p>Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.</p> <p>Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.</p> <p>Each bicycle parking space shall be 60cm x 1.8m in size.</p>
<p>Staff Comment:</p> <p>As noted above, the City's Zoning By-law does not currently have zoning provisions for short or long-term bicycle parking. Staff have included regulations for bicycle parking including definitions of long term and short term bicycle parking, bicycle parking space location and bicycle parking space size. These regulations are in line with the recommendations of the July 2017 Burlington City-wide Parking Standards Review and other zoning by-laws.</p>		

## **Technical Review**

The application was circulated to internal staff and external agencies December 11, 2023 for review. The following are the comments received that have been summarized below:

**Accessibility Coordinator** – No reduction in the accessible parking spaces or parking space size will be permitted. All other concerns are able to be addressed at the Site Plan stage.

**Development Engineering** –Development Engineering has indicated no objection to the application.

**Finance** - Taxes must be paid. This includes all outstanding balances plus current year taxes that have been billed but not yet due.

**Transportation** – Transportation planning staff have no objections to the traffic volumes and parking. The parking is supported for the proposed use.

**Zoning** – No concerns.

**Landscape and Urban Forestry** – have advised that there are no concerns with the proposed tree removal or injuries for the proposed development. Staff will require the applicant to inform neighbouring tree owners of the impacts of the development and obtain written permission to remove neighbouring/boundary trees. Further, staff have requested a 3.0 metre front yard setback to allow for landscaping and a 2.0 metre landscape buffer along the south property line. These requests have been incorporated into the draft Zoning By-law in Appendix F.

**Parks** – Cash in lieu of parkland is required and charged at the rate in effect at the time of the building permit issuance.

**Heritage** – No objections.

**Fire Department** – Fire Department Staff have provided comments that are able to be addressed at the Site Plan stage.

**Sustainable Development Committee** – No comments have been received at this time; however, it is recommended that all objectives of the Sustainable Building and Development Guidelines are considered. The SDC will provide more in-depth comments at the Site Plan stage.

**Police Department** – No concerns.

**Halton Region** – Halton Region provided comments that stated that they are not currently in the position to support the proposed Official Plan Amendment and Zoning By-law Amendment due to the outstanding Land Use Compatibility Study and Noise Study matters noted in the report. Regional staff have advised that the applications can proceed under a holding zone, provided that their concerns are addressed. With the use of the

holding zone, staff are of the opinion that the concerns from Halton Region have been addressed.

**Halton Catholic District School Board** – No objection; standard conditions will apply at the Site Plan stage.

**Halton District School Board** – No objection; standard conditions will apply at the Site Plan stage.

**Hydro One** – No objections.

**Canada Post** – No concerns at this time. Delivery to the proposed development will be received through a centralized mail room within the building.

**Aldershot BIA** – The Aldershot BIA supports development that includes retail and commercial space on strategic streets, such as Cooke Blvd (located with the Aldershot MTSA), to support a wide range of amenities in the ABIA including groceries, full-service restaurants (including venting), daycare, services, and other uses to serve the day to day needs of businesses and residents in re-development. They note that of the current proposal, only 370 sq m of retail/commercial space is allocated. The retail space will go from 13,000 sq. ft. to only 4,000 sq. ft. The ABIA would like to see more retail space allocated to ensure there are plenty of amenities for new residents and existing square footage is maintained or increased in new developments within the MTSA.

They also advise that it would be beneficial to any potential commercial tenants to have some dedicated commercial-only parking spots for ease of customer use.

**Imperial Oil** – No Imperial Oil infrastructure in the vicinity of this location.

**Trans-Northern Pipelines Inc.** – No infrastructure in the vicinity of this area.

**Sun-Canadian Pipeline** – No facilities in the described project area.

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## **Financial Matters:**

The proposed development would be subject to City and Region Development Charges and Park Dedication fees. The City's Finance Department has also indicated all outstanding taxes are required to be paid.

All application fees have been received in accordance with the Development Application Fee Schedule. The application has been processed under the timelines afforded by the *Planning Act* (i.e. 120 days). Should a decision not be rendered by March 19, 2024, the City will be required to refund the application fees.

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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, development proposals on greenfield sites 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. Alternately on previously developed sites, proposals should restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation. This guideline helps maintain the local landscape and ensure soils and vegetation remain undisturbed.

The applicant has specified that due to the site configuration, building layout and parking requirements this is not possible to comply with and in turn plantings will be provided at the south and west property lines. Landscaping will be also be provided on the ground floor, 2<sup>nd</sup> floor and 6<sup>th</sup> floor amenity area. Staff are also recommending that the applicant provide landscaping at the front of the building.

In accordance with Guideline 2.1, development proposals require 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. The applicant has identified that pedestrian connections are provided on site and connect to public sidewalks.

In accordance with Guideline 2.3, development proposals require bicycle parking spaces in accordance with the Zoning Bylaw and Official Plan Policies in order to reduce greenhouse gas emissions, reduce traffic congestion and improves health as well as convenient bicycle parking to encourage the use of active transportation. Similarly, Guideline 2.5 and 2.6 encourages development proposals to locate occupant/employee 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/employee. Applicants are encouraged to improve upon the required bicycle parking requirements in the Zoning By-law to further encourage cycling as a viable transportation option. The development proposal is providing 190 bicycle parking spaces whereas 186 bicycle parking spaces are required. They are provided on the ground floor and the below grade parking structure.

Guideline 2.4 encourages the provision and implementation of a Transportation Demand Management Plan as part of development proposals. This would be required for parking reductions and required in Primary, Secondary and Employment Growth areas as per Official Plan policy. Transportation Demand Management Plans are plans that encourage sustainable modes of transportation. TDM plans evaluate building transportation needs comprehensively and may consider measures such as the provision of transit passes, flexible work hours, unbundled parking, on site transit facilities, priority parking for carpooling and autoshare programs, etc. As part of the application materials, a Transportation Demand Management review has been provided under the Transportation Impact Study submitted. Transportation have reviewed the submitted Transportation Demand Management and determined that they are sufficient for the proposed development.

In accordance with Guideline 3.8 encourages to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH. Additionally, tree preservation requirements is determined by Official Plan urban forestry policies. Preserving trees provides 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. 32 trees were surveyed on/in the vicinity of the Subject Lands. Of these, 11 are intended to be preserved. City forestry staff have reviewed the proposed development and have no objections to the proposed forestry changes.

In accordance with Guideline 4.1, development proposals require achievement of a level one/enhanced stormwater treatment for all stormwater runoff. Stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario. Similarly, in accordance with guideline 4.3, development proposals are encouraged to minimize of impervious surfaces and stormwater runoff through the use of Low Impact Development (LID) measures, such as:

- permeable pavements;
- bioswales;
- infiltration trenches/bioretention areas;
- rain gardens;
- draining roofs to pervious areas, and;
- other innovative stormwater management strategies

Low Impact Development strategies 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. Water quality will be accomplished through an oil/grit separator. Additional opportunities for LID measures are to be explored at the site plan stage. Technical review of the stormwater management will be reviewed at the site plan stage and development engineering staff have no concerns regarding the official plan and zoning amendment.

In accordance with guideline 5.1, development proposals require vegetated landscape areas in hard surface areas as per the Zoning By-law. Vegetation can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The development proposal includes landscape areas along the south and west property lines. Landscape areas have also been provided in the outdoor amenity areas on the ground floor, 2<sup>nd</sup> floor, and 6<sup>th</sup> floor.

In accordance with Guideline 6.1 development proposals are required to provide and implement a waste management plan in accordance with Regional requirements. Recycling and composting treats waste as a resource and reduces the need for landfill expansion. Waste will be collected privately on the site and further waste management specifications will be addressed at the Site Plan Review stage.



Staff is of the opinion the proposed development proposal complies with the required Sustainable and Design Guidelines and considers some voluntary 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 October 11, 2023, prior to the submission of the applications. There were twelve (12) public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Councilor Galbraith, and City Planning staff were also in attendance.

The Pre-application Community Meeting identified four areas of concern including traffic, parking, building height and amenity and green space. The applicant addressed these concerns in the submitted Planning Rationale Report, however no changes were made to the proposal as a result of the Pre-application Community meeting.

A notice sign was posted on the subject lands on December 20, 2023. A public notice of the Official Plan Amendment and Zoning By-law Amendment application has been mailed to 142 members of the public, which includes all property owners and tenants within 120 metres of the subject land.

A webpage was created on the City of Burlington website, accessible at [burlington.ca/1026cooke](http://burlington.ca/1026cooke). 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, staff have received one (1) public written comment with respect to the subject applications. The public comment is included in Appendix C. Below is a summary of the comments and staff response:

Comment:	Staff Response:
<p>Parking</p> <ul style="list-style-type: none"><li>• Reduced parking would be a nuisance to the businesses and Go Station parking</li><li>• The proposed development should have 425-450 parking spaces to give those with an additional car the option to rent their parking spot and</li></ul>	<p>The subject lands are identified as a Primary Growth Area as per Schedule B-1 of the City's New Official Plan. The Zoning By-law sets out that within a Primary Growth Area the required parking rate is 1.25 parking spaces per units inclusive of visitor parking. The Zoning By-law acknowledges that this is an interim rate and is subject to further study.</p>

<p>about 25 spots in reserve for overnight and day visitors.</p>	<p>Transportation staff have reviewed the proposal and have indicated no concerns with the proposed parking rate of 0.94 parking spaces per dwelling unit including visitor parking and 3.5 spaces per 100 m<sup>2</sup> of gross floor area for retail.</p> <p>Further, the proposed parking rate is consistent with other approved parking rates in the surrounding area inside the MTSA boundary.</p>
<p>Electric parking spaces</p> <ul style="list-style-type: none"> <li>• Will this development and future developments be built with charger ability for each parking spot?</li> <li>• Will the development be electrified accordingly?</li> </ul>	<p>The City of Burlington does not currently have electrified parking space requirements, however they are recommended and encouraged through Official Plan policies and Transportation Demand Measures.</p> <p>The City of Burlington is currently working on updating the City's Zoning By-law and reviewing the requirement of electric parking spaces for development applications. This work is still ongoing, and no decisions have been made.</p> <p>The proposed building will need to comply with the Ontario Building Code regulations for all electrical work. It is not known at this time if the proposed below grade parking structure will incorporate the ability for electric vehicle parking spaces.</p>

**Conclusion:**

Planning staff have reviewed the Official Plan Amendment and Zoning By-law Amendment applications submitted for the lands located 1026 Cooke Boulevard and it is staff's opinion that the modified high-density development recommended by staff represents an appropriate form of intensification and efficient use of land. It is staff's opinion that the modified proposal satisfies the City's objectives to development the Aldershot GO MTSA as a mixed use community; provide housing opportunities that encourage use of public transit and active transportation; achieve design excellence and provide development that is compatible with surrounding properties.

Staff recommend a modified approval of the subject applications to amend the Official Plan and Zoning By-law on the basis that that the modified proposal is consistent with and conforms to Provincial, Regional and Local policies, is compatible with surrounding land uses, and satisfies the technical and servicing requirements of the affected City Departments and external agencies, subject to the inclusion of a holding zone.

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Respectfully submitted,

Elyse Meneray

Planner – Development Review

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**Appendices:**

- A. Existing Zoning
- B. Concept Plan
- C. Public Comments
- D. Surrounding Context for 1026 Cooke Boulevard
- E. Draft Official Plan Amendment
- F. Draft Zoning By-law Amendment

**Notifications:**

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**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.