



SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for 1393 Graham's Lane

TO: Mayor and Members of Council

FROM: Community Planning Department

Report Number: PL-64-24

Wards Affected: 2

Date to Committee: n/a

Date to Council: August 7, 2024

Recommendation:

Approve the application submitted by MHBC Planning to amend the Official Plan and Zoning By-law, as modified by staff in Community Planning Department report PL-64-24, to permit the development at 1393 Graham's Lane of a public park, one building with a height of 17 storeys containing residential and non-residential uses, one multi-unit residential building with maximum height of 21 storeys, and a possible additional multi-unit residential building with maximum height of 12 storeys; and

Approve Official Plan Amendment No. 152 to the City of Burlington Official Plan, as provided in Appendix B of Community Planning Department report PL-64-24, to re-designate the lands located at 1393 Graham's Lane 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. 152 as contained in Appendix B of Community Planning Department report PL-64-24 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: 505-01/24); and

Approve Zoning By-law Amendment 2020.484 attached as Appendix C of Community Planning Department report PL-64-24, to rezone the lands located at 1393 Graham's Lane from "Mixed-Use Corridor Employment (MXE)" to "Neighbourhood Park (H-P)"

with a Holding “H” prefix and “Mixed-Use Corridor General (H-MXG-545)” with a Holding “H” prefix and site-specific exception 545 (File: 520-04/24); and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 152 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 152 is adopted; and

Delegate to the Director of Community Planning the authority to deem the subject property to be a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

PURPOSE:

Vision to Focus Alignment:

- Designing and delivering complete communities
- Providing the best services and experiences
- Protecting and improving the natural environment and taking action on climate change
- Driving organizational performance

Executive Summary:

On April 25, 2024, the City received complete applications from MHBC Planning on behalf of 2621458 Ontario Inc. (North Stone) for Official Plan Amendment and Zoning By-law Amendment for 1393 Graham’s Lane. The applications request amendments to permit the development of three residential buildings with heights of 16, 9, and 20 storeys.

Although the principle of redesignating and rezoning the lands to permit residential uses, increased intensity, and reduced parking supply is consistent with the City’s vision for this area, staff do not support the subject applications as proposed by the applicant. In particular, staff have concerns with the proposed development’s failure to provide space for jobs, a mix of land uses, public parkland, or a new public street, all of which are envisioned for this property by the City’s Area-Specific Plan with the support of provincial, regional, and City policies. Staff also have concerns with the proposed built form which includes buildings with excessive massing.

Staff are therefore recommending a modified approval, which will permit intense development of the site in keeping with the applicant’s general intent, while bringing the proposal into conformity with applicable policies and guidelines. The modifications recommended by staff include requiring a mix of residential and non-residential uses on the site; requiring the dedication of public parkland; requiring the provision of a publicly accessible mid-block pedestrian walkway across the site; placing a Holding Symbol on the subject property in the Zoning By-law to ensure that outstanding technical concerns are addressed prior to development; and modifying the built form to be permitted on the site, ensuring general compliance with the City’s design guidelines while allowing flexibility in design to a degree that is reasonable and contextually appropriate for the subject property.

Given that staff are unable to support the proposed development as submitted in the subject applications, it is staff’s opinion that this leaves the City with the following options:

1. Approve a modified Official Plan Amendment and Zoning By-law Amendment;
 - Risk: the applicant could appeal this decision to OLT
2. Refuse the applications;
 - Risk: the applicant could appeal this decision to OLT
3. Direct staff to continue working with the applicant beyond the 120-day statutory timeline to address outstanding concerns.
 - Risk: the applicant could appeal the applications to the Ontario Land Tribunal (OLT) on the basis of non-decision after the 120th day (August 23, 2024)
 - Note: because Bill 185 has removed the refund provisions of Bill 109, the City would not have to provide any fee refund as a result of failing to make a decision within 120 days.

As discussed throughout this report, staff’s recommendation is to approve a modified Official Plan Amendment and Zoning By-law Amendment (option 1).

Table of Contents

Recommendation:.....	1
PURPOSE:.....	2
Vision to Focus Alignment:	2
Executive Summary:.....	2
Table of Contents.....	3
Background and Discussion:	8
1.1 Application History	8
1.2 Description of Subject Property and Surrounding Land Uses	8

1.3 Description of Applications	9
1.4 Modified Approval Recommended by Staff	10
Table 1: Comparison of Applicant’s Proposal and Staff’s Recommended Modifications.....	10
1.5 Supporting Documents.....	11
Strategy/process/risk.....	13
2.1 Policy Framework.....	13
2.2 Provincial and Regional Policies	13
2.2.1 The Provincial Policy Statement (PPS).....	13
2.2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan).....	13
2.2.3 Halton Region Official Plan (ROP).....	14
2.2.4 Growth Management and Complete Communities	14
2.2.5 Housing	17
2.2.6 Protecting Jobs.....	18
2.2.7 Land Use Compatibility.....	19
2.2.8 Public Realm, Parks, and Open Space	21
2.2.9 Infrastructure	22
2.2.10 Transportation	23
2.2.11 Climate Change and Sustainability	25
2.2.13 Site Contamination	25
2.2.14 Staff Opinion on Provincial and Regional Policy Conformity.....	26
2.3 City of Burlington Official Plan (1997 as amended) (OP)	27
2.3.1 Functional Policies.....	27
2.3.2 Land Use Policies.....	30
2.3.3 Intensification Criteria	34
2.3.4 Staff Opinion on Official Plan Conformity.....	40
2.4 Burlington’s New Official Plan (New OP) (2020)	41
2.4.1 Urban Structure and Growth Framework	41
2.4.2 Land Use Policies.....	41
2.4.3 MTSA Policies	43

2.4.4 Housing	44
2.4.5 Parks, Recreation, and Open Space	45
2.4.6 Environment and Sustainability Policies	45
2.4.7 Financial Sustainability	46
2.4.8 Infrastructure, Transportation, and Utilities	46
2.4.9 Design Excellence	46
2.4.10 Development Criteria	47
2.4.11 Staff Opinion on New Official Plan (2020) Conformity	47
2.5 Area-Specific Plan for the Downtown Burlington Urban Growth Centre/Burlington GO Major Transit Station Area	47
2.5.1 Legion Commons Precinct.....	47
2.5.2 Parks	48
2.5.3 Transportation Network and Mixed-Use Streets	48
2.5.4 Tertiary Planning	49
2.5.5 Retention of Jobs.....	49
2.5.6 Staff Opinion on Area-Specific Plan for UGC/MTSA	50
2.6 Zoning By-law	50
Table 2: Summary of MXG zone, Applicant’s request, Staff’s recommended modifications.....	51
2.6.1 Park zone	52
2.6.2 Holding Symbols.....	53
2.7 Draft Community Planning Permit System By-law	54
2.8 Urban Design Guidelines	55
2.8.1 Tall Building Guidelines (2017).....	55
2.8.2 Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019).....	56
2.8.3 Pedestrian-Level Wind Study Guidelines and Terms of Reference (2020)	58
2.8.4 Shadow Study Guidelines and Terms of Reference (2020).....	59
2.8.5 Sustainable Building and Development Guidelines (2021).....	59
3.1 Technical Review	61
3.1.1 Land Use Compatibility.....	61
3.1.2 Parks	62

3.1.3 Transportation 63

3.1.4 Halton Region 64

3.1.5 Burlington Hydro 65

3.1.6 Finance Department 65

3.1.7 Landscape and Forestry 65

3.1.8 Other Technical Comments 66

4.0 Public Comments 66

Options Considered 67

Financial Matters: 68

Climate Implications:..... 68

Engagement Matters: 69

Conclusion:..... 70

Appendices:..... 71

Notifications: 71

Appendix A: Sketches 72

Appendix B: Draft Official Plan Amendment No 152 75

Appendix C: Draft Zoning By-law Amendment 2020.484 81

Appendix D: Public Comments 91

Comment 1 91

Comment 2a 91

Comment 2b 91

Comment 3 92

Comment 4 92

Comment 5 92

RECOMMENDATION:		Modified Approval	Ward:	2
Application Details	APPLICANT:	MHBC Planning		
	OWNER:	2621458 Ontario Inc. (North Stone)		
	FILE NUMBERS:	505-01/24, 520-04/24		

	<p>TYPE OF APPLICATION:</p> <p>APPLICANT'S PROPOSAL:</p> <p>STAFF'S MODIFIED RECOMMENDATION:</p>	<p>Official Plan Amendment, Zoning By-law Amendment</p> <p>Residential development in three tall and mid-rise buildings</p> <p>Mixed-use development in three tall and mid-rise buildings, with public parkland dedication</p>
Property Details	<p>PROPERTY LOCATION:</p> <p>MUNICIPAL ADDRESS:</p> <p>PROPERTY AREA:</p> <p>EXISTING USE:</p>	<p>North side of Graham's Lane, west of Legion Road</p> <p>1393 Graham's Lane</p> <p>1.079 ha</p> <p>Storage facility</p>
Documents	<p>1997 OFFICIAL PLAN Existing:</p> <p>1997 OFFICIAL PLAN Proposed:</p> <p>2020 OFFICIAL PLAN Existing:</p> <p>ZONING Existing:</p> <p>ZONING Proposed by Applicant:</p> <p>Zoning Recommended by staff:</p>	<p>Mixed-Use Corridor – Employment</p> <p>Mixed-Use Corridor – General, with site-specific policy</p> <p>Urban Corridor – Employment</p> <p>MXE</p> <p>MXG-XXX (Mixed-Use Corridor – General with site-specific exception)</p> <p>H-P (Neighbourhood Park with Holding)</p> <p>H-MXG-545 (Mixed-Use Corridor – General with Holding Symbol and site-specific exception 545)</p>
Processing Details	<p>APPLICATION MADE AND COMPLETE AS OF:</p> <p>STATUTORY DEADLINE:</p> <p>PRE-APPLICATION COMMUNITY MEETING:</p> <p>STATUTORY PUBLIC MEETING:</p>	<p>April 25, 2024</p> <p>August 23, 2024</p> <p>September 25, 2023</p> <p>August 7, 2024</p>

	<i>PUBLIC COMMENTS:</i>	As of July 22, 2024, the Community Planning Department has received written comments via email from five members of the public, including residents and local business owners
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Background and Discussion:

1.1 Application History

On April 25, 2024, the City received complete applications from MHBC Planning on behalf of 2621458 Ontario Inc. (North Stone) for Official Plan Amendment and Zoning By-law Amendment for 1393 Graham's Lane.

The applicant had pre-consulted with the City to determine application requirements in March 2023, and the City issued updated preconsultation comments to the applicant in December 2023. The applicant held a Pre-Application Community Meeting virtually on September 25, 2023.

Staff have completed their review of the subject applications and are recommending a modified approval of the subject applications for Official Plan Amendment and Zoning By-law Amendment.

1.2 Description of Subject Property and Surrounding Land Uses

The subject property is comprised of one parcel of land located on the north side of Graham's Lane with 128 metres of frontage on Graham's Lane and 119 metres of frontage on the CN Rail corridor to the west. The property is L-shaped and has an area of 1.08 hectares. The existing use on the subject property is a storage facility.

To the north of the subject property is a surface parking lot supporting Royal Canadian Legion Branch 60 Burlington, and a one-storey multi-unit employment building at 850 Legion Road. Further north is the Rambo/Hager Creek diversion channel, which is regulated by Conservation Halton, and a section of Fairview Street that is elevated to pass over a CN rail corridor.

To the east are Royal Canadian Legion Branch 60 Burlington and a one-storey multi-unit plaza containing automotive, employment, and commercial uses. Further east, hydro infrastructure, employment, and automotive uses are located on the east side of Legion Road.

To the south across Graham's Lane are employment and automotive uses in one-storey buildings; beyond these are mid-rise residential buildings on Ghent Ave.

To the west is a CN Rail corridor containing a rail spur line. Beyond this is a Hydro One transmission corridor, and beyond this is an established low-rise residential neighbourhood consisting of townhouses and detached houses. A multi-use trail called Maple Trail is located within the Hydro Corridor, extending from the terminus of Graham's Lane south to Ontario Street in the vicinity of Spencer Smith Park and Burlington Beach.

Burlington Transit route 2 provides bus service on Brant Street, 220 metres to the east. At the corner of Brant Street and Fairview Street, a 520-metre walking distance from the subject property, is a bus stop served by numerous bus routes providing connections to Burlington GO Station, Downtown Burlington, and Downtown Hamilton.

1.3 Description of Applications

The applications request amendments to permit the development of three residential buildings with a combined total of 722 residential units, a density of 668.5 units per hectare and a total Floor Area Ratio of 4.25:1. Proposed Building A (east) is 16 storeys tall with 311 units, Building B (southwest) is 9 storeys tall with 125 units, and Building C (northwest) is 20 storeys tall with 286 units. The proposed by the building heights are expressed by the applicant as excluding rooftop mechanical areas and amenity spaces. The proposed development includes 598 vehicle parking spaces and 398 bicycle parking spaces.

The City of Burlington Official Plan (1997), as amended, designates the subject property as "Mixed-Use Corridor – Employment". The City's Official Plan (2020, subject to appeals) designates the property as "Urban Corridor – Employment". The City's Zoning Bylaw zones the subject property as "MXE (Mixed-Use Corridor – Employment)".

The current Official Plan designation and zoning do not permit residential uses. The applications request Official Plan amendments to redesignate the subject property to "Mixed-Use Corridor – General" with site-specific policies for land use, intensity of development and building height. Specifically, the requested site-specific policies would:

- Permit high-density residential uses without the need to provide a mix of uses;
- Permit a maximum Floor Area Ratio of 4.25:1;
- Permit a maximum building height of 20 storeys (plus mechanical penthouse and rooftop amenity area); and
- Classify the subject property as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

The applications also request Zoning Bylaw Amendments to rezone the subject property to "MXG (Mixed-Use Corridor – General)", with site-specific regulations to permit

increased height and intensity, reduced parking and amenity area and other technical amendments, as discussed in more detail in Section 2.7 of this report.

The requested amendments, if approved, would permit the proposed development described above.

1.4 Modified Approval Recommended by Staff

Staff do not support the subject application as proposed by the applicant and are recommending that Council approve modified amendments to the Official Plan and Zoning By-law. The modified amendments recommended by staff, if approved, will permit development of the site with mixed uses at a scale and intensity similar to that proposed by the applicant, while conforming to applicable planning policies and supporting the achievement of the City’s objectives for this area of the City.

Table 1: Comparison of Applicant’s Proposal and Staff’s Recommended Modifications

	Applicant’s proposal	Staff’s recommended modification
1	Single-use residential development	Mixed-use development with minimum 600 m ² of non-residential uses at grade along Graham’s Lane in one building, in addition to the applicant’s requested residential use.
2	Privately Owned, Publicly accessible Space (POPS) within railway setback, constrained by maintenance buffer at grade and underground parking garage beneath POPS. POPS has an area of 984 m ² with 16 m of frontage on Graham’s Lane and approximately 63 m of depth.	Unencumbered parkland dedicated to City and zoned “P” to permit only park uses with no constraints at, below, or above grade. Park has an area of approximately 1000 m ² , with 50 metres of frontage on Graham’s Lane and 20 metres of depth.
3	No provision of new transportation connections envisioned by the City’s Area-Specific Plan for the MTSA	Provision of a publicly accessible pedestrian mid-block connection across the site, which may be continued across other properties in future to establish a more connected active transportation network within the MTSA
4	No Holding Symbol	Holding Symbol required for: <ul style="list-style-type: none"> • Land Use Compatibility Study • Noise Impact Study • Record of Site Condition • Letters of Reliance for Environmental Site Assessment Reports

		<ul style="list-style-type: none"> • Pedestrian-Level Wind Study • Shadow Study • Transportation Impact Study • Functional Servicing Report and servicing upgrades
5	Railway setback reduced from 15 m to 9.8 m, with provision of a crash wall	Zoning Bylaw requires 15 m setback from railway by default, but allows for this setback to be reduced where the railway operator has approved the reduced setback and associated crash wall
6	Three buildings proposed	Zoning allows flexibility for the development to take the form of either three buildings or two large buildings
7	Large tower floorplates in excess of 950 m ² , with no stepbacks provided at upper levels	Reasonable exceedances to the City's urban design guidelines, appropriate to the context of the site, but floorplates at upper levels are limited to 800m ² and stepbacks are required above the 6 th floor

Staff's recommended modifications are explained in greater detail throughout this report.

1.5 Supporting Documents

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

1. Cover letter prepared by MHBC Planning, dated April 26, 2024
2. Planning Justification Report, prepared by MHBC Planning, dated April 2024
 - a. Includes draft Official Plan Amendment, draft Zoning Bylaw amendment, public consultation strategy, response to comments received at community meeting, and comments received from Burlington Urban Design (BUD) Panel
3. Housing Impact Statement prepared by MHBC Planning, dated April 2024
4. Site Survey, prepared by MMP Land Surveyors, dated December 21, 2023
5. Noise and Vibration Impact Study, prepared by RWDI, dated March 8, 2024
6. Land Use Compatibility Study, prepared by RWDI, dated April 16, 2024
7. Financial Impact Study, prepared by Altus Group, dated April 11, 2024
8. Architectural package, prepared by Kohn Partnership Architects Inc., dated March 15, 2024
 - a. Includes: site plan and statistics, phasing plan, waste management plan, floor plans, building elevations, building sections, building perspectives, axonometric views

9. 3-d model of proposed development, prepared by Kohn Partnership Architects Inc., dated March 15, 2024
10. Sustainable Building and Development Guidelines Checklist, prepared by Kohn Partnership Architects Inc, dated March 2024
11. Sun/Shadow Analysis, prepared by Kohn Architects Inc., dated March 15, 2024
12. Wind Study, prepared by Gradient Wind, dated February 28, 2024
13. Landscape Plan, including Park Concept Plan, prepared by NAK Design Strategies, dated March 15, 2024
14. Tree Inventory and Preservation Plan report, prepared by Kuntz Forestry Consulting Inc., dated February 26, 2024
15. Tree Inventory and Preservation Plan drawings, prepared by Kuntz Forestry Consulting Inc., dated February 26, 2024
16. Civil drawings, prepared by C.F. Crozier & Associates Inc., dated March 11, 2024
 - a. Includes Removals, Erosion, Sediment Control Plan; Preliminary Grading Plan; Preliminary Servicing Plan; Cross Sections; Post-Development Drainage Plans
17. Letter of Reliance for Engineering studies, prepared by C.F. Crozier & Associates Inc., dated April 10, 2024
18. Functional Servicing & Preliminary Stormwater Management Report, prepared by C.F. Crozier & Associates Inc., dated March 2024
19. Transportation Impact Study, prepared by Arcadis, dated March 13, 2024
 - a. Includes Transportation Demand Management Plan and Implementation Strategy, Parking Justification
20. Phase One Environmental Site Assessment, prepared by Englobe, dated March 1, 2024
21. Phase Two Environmental Site Assessment, prepared by Englobe, dated April 8, 2024
22. Correspondence pertaining to Record of Site Condition, prepared by Englobe, dated March 1, 2024
23. Letter of Reliance for Environmental Studies, prepared by Englobe, dated April 1, 2024
24. Environmental Site Screening Questionnaire, prepared by Englobe, dated April 9, 2024
25. Urban Design Brief prepared by MHBC Planning, dated April 16, 2024
 - a. Includes responses to BUD Review Panel comments

Application materials are posted on the project webpage, www.burlington.ca/1393grahams.

The above-listed application materials have been reviewed by technical staff at the City and partner agencies, and have informed staff's recommendation. A summary of the technical review is provided in section 3.1 below.

Strategy/process/risk

2.1 Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review in accordance with the 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.

2.2 Provincial and Regional Policies

The proposed Official Plan Amendment and Zoning By-law Amendment must be consistent with the Provincial Policy Statement (PPS) (2020) and must conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2020).

2.2.1 The Provincial Policy Statement (PPS)

The PPS came into force and effect on May 1, 2020, and applies to decisions concerning planning matters occurring after this date. The PPS provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS.

2.2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure

and public service facilities. All planning decisions in Burlington must conform to the Growth Plan.

2.2.3 Halton Region Official Plan (ROP)

The Regional Official Plan (ROP) provides “broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services” (ROP section 44). The Planning Act requires that Burlington’s Official Plan and Zoning By-law be amended to conform with the ROP.

2.2.4 Growth Management and Complete Communities

2.2.4.1 PPS

The PPS promotes the integration of land use planning, growth management, transit-supportive development, and intensification to optimize transit investments, minimize land consumption, and contribute to the creation of complete communities (PPS 1.1.1).

The PPS directs growth to be focused in settlement areas where land use patterns shall be based on densities and a mix of uses that efficiently use land and resources and are appropriate for and efficiently use the planned and available infrastructure. (PPS 1.1.3). Planning authorities are required to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account the availability of suitable existing or planned infrastructure and public service facilities (PPS 1.1.3.3).

The PPS promotes the application of development standards that facilitate intensification and compact form while avoiding or mitigating risks to public health and safety (1.1.3.4).

2.2.4.2 Growth Plan

The Growth Plan provides more specific direction on growth management, directing growth to be focused in strategic growth areas and locations with existing or planned transit, with a priority on higher-order transit (Growth Plan 2.2.1.2). Municipalities are to establish a hierarchy of growth areas where development will support the achievement of complete communities that:

- feature a diverse mix of land uses including residential and employment uses,
- improve social equity and quality of life,
- provide a diverse range and mix of housing options,
- support active transportation and access to transportation options,
- contribute to environmental sustainability, and

- provide for a more compact built form and vibrant public realm, including public open spaces (Growth Plan 2.2.1.4).

The Growth Plan identifies Urban Growth Centre (UGC)s and requires that they be planned as focal areas for investment in regional public service facilities as well as commercial, recreational, cultural, and entertainment uses; accommodate and support the transit network at the regional scale and provide connection points for inter- and intra-regional transit; serve as high-density major employment centres that will attract significant employment uses; and accommodate significant population and employment growth. The Downtown Burlington UGC must be planned to achieve a minimum density target of 200 residents and jobs combined per hectare by 2031 (Growth Plan 2.2.3).

The Growth Plan also defines Major Transit Station Areas (MTSAs), and identifies that the Downtown Burlington UGC is located on a Priority Transit Corridor (Growth Plan Schedule 5). Within Major Transit Station Areas, development must achieve transit-supportive densities and is to be supported by planning for a diverse mix of uses and providing alternative development standards such as reduced parking standards (Growth Plan 2.2.4).

2.2.4.3 ROP

The subject property is located within the Urban Area, as shown on ROP Map 1 – Regional Structure. The subject property is located within an Urban Growth Centre and Major Transit Station Area, as shown on Map 1H – Regional Urban Structure and Map 6b – Downtown Burlington Urban Growth Centre/Burlington GO MTSA. These maps also show that the subject property is not located within a Regional Employment Area.

Urban Growth Centres (UGC)s and Major Transit Station Areas (MTSAs) are considered to be Strategic Growth Areas (SGAs). SGAs are not land use designations; development on lands within SGAs is subject to the applicable policies of the ROP and is to occur in accordance with local Official Plans and Zoning By-laws (ROP 51.3).

The goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity (ROP 72). Objectives of the Urban Area include directing growth to SGAs, protecting Regional Employment Areas, planning and investing for a balance of jobs and housing in communities across the Region to reduce the need for long-distance commuting and to increase the modal share for transit and active transportation, promoting re-use of brownfield and greyfield sites, and facilitating and promoting intensification and increased densities.

ROP policy 77(5) requires Burlington to prepare Area-Specific Plans or policies for major growth areas, including the UGC/MTSA within which the subject property is located. The Area-Specific Plan (ASP) must include policies to promote land-use

patterns that promote mixed-use, compact, transit-supportive, walkable communities, including the locations of local facilities for social, cultural, recreational, educational and religious purposes; strengthen live-work relationships through a proper balance of residential and employment land uses; and a transportation network that promotes public transit and active transportation; among other requirements.

The Regional Urban Structure directs development with higher densities and mixed uses to Strategic Growth Areas in accordance with a hierarchy of different types of SGAs. The subject property is located within an UGC/MTSA on a Priority Transit Corridor, which is the type of SGA that is the top priority in the hierarchy for accommodating mixed-use, dense development.

ROP policies for SGAs require local municipalities to:

- Develop ASPs or policies for SGAs to include
 - a transportation network designed to integrate active transportation, local transit services, and inter-municipal/inter-regional higher-order transit;
 - urban design guidelines to promote active transportation and transit-supportive land uses;
- ensure proper integration of SGAs with surrounding neighbourhoods through pedestrian walkways, cycling paths, and transit routes, and protection of physical character of these neighbourhoods through urban design;
- include Official Plan policies and Zoning By-law regulations to achieve intensification and mixed-use objectives for SGAs;
- promote transit-supportive development densities;
- plan for employment uses within SGAs by:
 - establishing development criteria to ensure that the redevelopment of employment lands outside Employment Areas will retain space for a similar number of jobs to remain accommodated on site (as discussed above);
 - implement policies and development criteria that support planning to achieve a target proportion of residents and jobs over the long term; and
 - utilize tools such as Community Planning Permit Systems and Zoning By-laws to support the development of employment uses.

The ROP also encourages local municipalities to:

- implement a Community Planning Permit System (CPPS);
- adopt parking standards and policies within SGAs to promote the use of active transportation and public transit;

The ROP also commits to ensure the long-term operational and economic viability of existing or planned major facilities, and achieve land-use compatibility between major facilities and sensitive land uses within or adjacent to the SGA.

Urban Growth Centres (UGC) are intended to function as the primary Strategic Growth Areas of the Regional Urban Structure hierarchy, where a significant share of population and employment will be accommodated. The Burlington GO UGC must be planned to achieve a minimum development density target of 200 residents and jobs combined per gross hectare by 2031 or earlier.

The subject property is located within a Protected Major Transit Station Area. The ROP directs higher-density, mixed-use development to MTSA in accordance with the hierarchy of Strategic Growth Areas. The ROP requires Burlington to plan to achieve a general target proportion of approximately 65% residents and approximately 35% jobs over the long term, measured across the entire MTSA.

The ROP also encourages alternative development standards, including reduced parking standards.

2.2.4.4 Analysis

The City of Burlington has recently adopted an ASP for the Burlington GO UGC/MTSA, in fulfilment of ROP policy 77(5). The ASP was adopted as Official Plan Amendment (OPA) 2 to the City's New Official Plan (2020), which is currently awaiting ministerial approval. The ASP includes policies to address PPS, Growth Plan, and ROP requirements by providing for mixed-use development with transit-supportive densities, including in the Legion Commons Precinct within which the subject property is located.

The proposed development is located in a UGC and proposes 722 dwelling units, which will contribute to achieving the target density of residents measured across the entire UGC. The subject applications as proposed by the applicant do not contribute to providing new jobs in the UGC or achieving the ROP target proportion of 35% jobs across the MTSA. Accordingly, staff are recommending a modified approval that would require the provision of non-residential floor area to contribute to the overall MTSA achieving its jobs target.

The PPS, Growth Plan, and ROP alike support the use of alternative development standards, such as reduced parking requirements, to promote intensification at transit-supportive densities in appropriate locations such as SGAs. Accordingly, staff's modified recommendation permits reduced parking standards by removing minimum parking supply requirements for residential uses.

2.2.5 Housing

2.2.5.1 PPS

The PPS requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of

current and future residents. Municipalities must permit and facilitate transit-supportive residential intensification and promote densities for new housing that efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit. Such intensification must be directed to locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (PPS 1.4.3).

2.2.5.2 Growth Plan

The Growth Plan requires municipalities to support housing choice and sets minimum intensification and density targets for specific areas. The Growth Plan also requires multi-unit residential developments to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (Growth Plan 2.2.6).

2.2.5.3 ROP

The ROP's goals include supplying the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social, and economic needs. The ROP sets a target of 65% of new housing units produced annually in Halton to be in the form of townhouses or multi-storey buildings each year to 2031.

The ROP permits intensification provided that the physical structure of existing neighbourhoods can be maintained and supports the identification of brownfields outside Employment Areas that can be redeveloped for housing purposes. The ROP requires local municipalities to provide an appropriate mix of housing by density, type, and affordability in each geographic area, consistent with current and projected demands reflecting socio-economic and demographic trends.

2.2.5.4 Analysis

The subject applications propose to redevelop a brownfield site outside an Employment Area, at transit-supportive density in a Strategic Growth Area, while avoiding impacts on the physical structure of the nearby residential neighbourhood. The proposed development comprises multi-storey apartment buildings, which supports achieving the ROP target of 65% of annual housing in the form of townhouse or multi-storey buildings. The proposed mix of housing units is 111 bachelor suites (55%), 397 one-bedroom units (55%), 177 two-bedroom units (25%), and 37 three-bedroom units (5%). The proposed development will contribute to a mix of housing options across the MTSA.

2.2.6 Protecting Jobs

2.2.6.1 PPS

The PPS directs planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; encouraging compact, mixed-use development that incorporates compatible employment uses to support

liveable and resilient communities; and ensuring the necessary infrastructure is provided to support current and projected needs (PPS 1.3.1).

2.2.6.2 Growth Plan

The Growth Plan directs retail and office uses to locations that support active transportation and have existing or planned transit (Growth Plan 2.2.5.1). The Growth Plan requires that, outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site (Growth Plan 2.2.5.14). The Growth Plan also requires that the retail sector be supported by promoting compact built form and encouraging the integration of retail and service uses with other land uses to support the achievement of complete communities (Growth Plan 2.2.5.15).

2.2.6.3 ROP

ROP policy 77(22) requires the Burlington Official Plan to include development criteria to ensure that, outside of Employment Areas, the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.

2.2.6.4 Analysis

The subject applications propose to redevelop existing employment lands outside of the mapped Regional Employment Area. The subject applications propose to replace the existing employment use with a single-use residential development, which does not retain space for a similar number of jobs to be accommodated on site as required by the Growth Plan and ROP policy 77(22). Accordingly, staff are recommending a modified approval which introduces a requirement for a minimum of 600 m² of non-residential uses to be provided within the proposed development.

Staff's recommended Zoning By-law Amendment permits a broad range of non-residential uses to be located in this floor area. The number of jobs that this floor area will yield therefore depends on which type of use is ultimately located on the site. Staff are of the opinion that 600 m² is a reasonable and appropriate amount of non-residential floor area to require on the subject property, which can be accommodated on site without compromising the objective to achieve new housing units on the property, consistent with the policies of the ROP (including 77(22)) and the policies of the ASP for Burlington GO UGC/MTSA.

2.2.7 Land Use Compatibility

2.2.7.1 PPS

The PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, to 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 (PPS 1.2.6.1).

Where avoidance is not possible, the development of sensitive land uses may be permitted subject to demonstration that the proposed use is needed, that there are no reasonable alternative locations, that adverse effects to the proposed sensitive land use are minimized and mitigated, and that potential impacts to industrial, manufacturing, or other uses are minimized and mitigated (PPS 1.2.6.2).

2.2.7.2 Growth Plan

The Growth Plan also requires development of sensitive land uses to minimize and mitigate adverse impacts on surrounding industrial, manufacturing, or other uses that are vulnerable to encroachment, where avoidance of such impacts is not possible (Growth Plan 2.2.5.8).

2.2.7.3 ROP

To improve air quality, address the impacts of climate change, support urban forms that reduce dependence on the use of the private automobile, and promote trips made by active transportation, the ROP includes policies for Air Quality. These include policies to require new urban development to consider in its design the provision of safe and accessible active transportation facilities and access to public transit; to require land use compatibility studies for development in proximity to railway rights-of-way; and achieve land use compatibility between sensitive land uses and major facilities.

Land use compatibility is to be achieved by avoiding, or where avoidance is not possible, minimizing or mitigating, potential adverse effects from odour, noise, vibration, air pollutants, and other contaminants, to minimize risk to health and safety, and to ensure long-term operational and economic viability of major facilities.

2.2.7.4 Analysis

The development of new housing supply in Burlington is recognized as needed in provincial, regional, and city policies. The provincial policy direction is for new growth to be focused in settlement areas with a particular emphasis on strategic growth areas, including UGCs and MTSAs, in close proximity to higher-order transit. The City has undertaken an Area-Specific Planning process for the UGC/MTSA, which has included the completion of an area-wide Land Use Compatibility Study. The Area-Specific Planning work has outlined a vision for the Legion Commons Precinct to transition to a more urban, mixed-use character. New sensitive uses must be compatible with existing facilities. Where avoidance of impacts is not possible, impacts must be minimized or mitigated.

The proposed development is located adjacent to a railway right-of-way and in close proximity to major facilities. The applicant was required to submit a Land Use

Compatibility Study and Noise and Vibration Study with the subject applications. These were reviewed by the City's peer reviewer, who concluded that additional analysis is required to confirm land use compatibility. Accordingly, staff are recommending that a Holding Symbol be placed on the subject property to require that outstanding land use compatibility matters be addressed to the City's satisfaction prior to development proceeding. This approach will ensure compatibility to protect proposed the health of future residents and the viability of existing facilities, as required by ROP policy.

2.2.8 Public Realm, Parks, and Open Space

2.2.8.1 PPS

The PPS promotes healthy, active communities by planning public streets, spaces, and facilities to be safe, meet the needs of pedestrians, foster social interaction, and facilitate active transportation and community connectivity. The PPS also promotes planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, and trails and linkages (PPS 1.5.1).

2.2.8.2 Growth Plan

The Growth Plan encourages municipalities to develop a system of publicly-accessible parkland, open spaces, and trails that clearly demarcate where public access is and is not permitted, and is based on a co-ordinated approach to trail planning and development. Municipalities are encouraged to establish an open space system within settlement areas, which may include opportunities for urban agriculture, rooftop gardens, communal courtyards, and public parks (Growth Plan 4.2.5).

2.2.8.3 ROP

The ROP requires Burlington's Area-Specific Plan for the UGC/MTSA to include policies for the locations of local facilities for social, cultural, recreational, educational and religious purposes, and a transportation network that promotes public transit and active transportation; among other requirements.

2.2.8.4 Analysis

The City's Area-Specific Plan (ASP) for the UGC/MTSA identifies the need to accommodate new parkland and a new public street on the subject property to serve the needs of the Legion Commons Precinct. The ASP indicates that a Tertiary Plan should be completed to determine the detailed configuration of these community features. As the ASP is not yet in effect, the applicant was not required to complete a Tertiary Plan prior to submitting a development application for the subject property.

The subject applications propose a POPS (Privately Owned, Publicly accessible Space) on the subject property in a narrow strip of land between the railway corridor and one of the proposed buildings. As discussed under Technical Review below, staff do not

support the proposed parkland as it does not meet City parkland dedication criteria. Staff are recommending modifications to the proposal that include requiring a different configuration of parkland on the site, to be dedicated to the City in accordance with the Parkland Dedication By-law, with more frontage on Graham's Lane and improved visibility to ensure a safe and inviting public space. Staff's recommended modification implements the Council-adopted ASP, the importance of which is emphasized by ROP policies.

The subject applications do not provide the new public street envisioned by the ASP. To better align with the intent of the ASP, staff recommend a modification to the proposed development by requiring the provision of a publicly accessible walkway across the site, which in future may be continued across neighbouring sites as they redevelop. This recommended walkway is consistent with the PPS objective of facilitating active transportation and community connectivity. As the proposed walkway aligns with the proposed street pattern of the ASP, it conforms with the Growth Plan intent that trail planning and development should be co-ordinated. The proposed walkway supports achievement of the intent of the ASP, in conformity with ROP policies that require development in Strategic Growth Areas to be based on Area-Specific Plans.

2.2.9 Infrastructure

2.2.9.1 PPS

The PPS promotes development in settlement areas that makes efficient use of existing municipal sewage services and municipal water services (PPS 1.6.6). The PPS requires stormwater management to be integrated with sewage and water service planning, to minimize or prevent increases in contaminant loads, to prepare for the impacts of a changing climate, and to mitigate risks to human health, safety, property, and the environment (PPS 1.6.6.7).

The PPS also directs planning authorities to provide opportunities for the development of energy supply including transmission and distribution systems to accommodate current and projected needs (PPS 1.6.11.1).

2.2.9.2 Growth Plan

The Growth Plan requires municipal water and wastewater systems to serve growth in a manner that supports the achievement of the minimum intensification and density targets set by the plan (Growth Plan 3.2.6).

2.2.9.3 ROP

The ROP requires that approvals for new development within the Urban Area be on the basis of connection to Halton's municipal water and wastewater system, unless otherwise exempt. The ROP requires that development in the Urban Area be limited to

the ability and financial capability of the Region to provide urban services in accordance with its approved financing plan.

2.2.9.4 Analysis

Halton Region staff have reviewed the Functional Servicing Report submitted by the applicant with the subject applications and have found that upgrades to the downstream sanitary sewer are necessary to accommodate the proposed development. Accordingly, staff's recommended modified approval includes a Holding Symbol to ensure that development cannot proceed until this servicing requirement is addressed to the satisfaction of the Region.

City staff have not identified concerns with stormwater management, noting that this will be evaluated in greater detail through a future Site Plan application.

Burlington Hydro staff have identified that additional information is needed to confirm whether potentially substantial system expansion is required to accommodate the proposed development. Although Burlington Hydro does not require a Holding Symbol to address this issue, they advise that the matter will need to be addressed by the applicant prior to development proceeding.

Subject to implementation of needed infrastructure upgrades as described above, the proposed development constitutes intensification within a Strategic Growth Area that will make more efficient use of water, wastewater, stormwater, and hydro infrastructure, consistent with the PPS and in conformity with the Growth Plan and ROP.

2.2.10 Transportation

2.2.10.1 PPS

The PPS promotes a land use pattern, density, and mix of uses that makes efficient use of existing and planned infrastructure, incorporates transportation demand management, minimizes vehicle trips, and supports transit and active transportation (PPS 1.6.7). Planning for land uses in the vicinity of rail facilities shall be undertaken so that their long-term operation and economic role is protected, and that rail facilities and sensitive land uses are appropriately designed, buffered, and/or separated from each other (PPS 1.6.9).

2.2.10.2 Growth Plan

The Growth Plan prioritizes transit and requires municipalities to provide multimodal transportation systems that ensure user safety and offer alternatives to the automobile (Growth Plan 3.2.2-3). Municipalities will ensure that active transportation networks are comprehensive and integrated into transportation planning to provide safe, comfortable travel for pedestrians, cyclists, and other users of active transportation (Growth Plan 3.2.3.4). The Growth Plan also requires the protection of goods movement corridors (Growth Plan 3.2.4).

2.2.10.3 ROP

The ROP contains objectives to promote active transportation and transit, improve transportation network efficiency through both travel demand management and transportation supply management strategies, and support a safe and efficient railway network for the movement of goods and people.

The ROP requires Burlington's Official Plan and Area-Specific Plans to provide a network of active transportation facilities in the Urban Area that serves a transportation function and provides convenient access to Intensification Areas and transit routes (ROP 173(20)).

The ROP (173(32)) requires proposed development adjacent to or in proximity to railway lines to ensure that appropriate safety measures such as setbacks, berms, and security fencing are provided to mitigate any safety concerns.

2.2.10.4 Analysis

As required by the ROP, the applicant provided a Transportation Impact Study with the subject applications. City staff are recommending that a Holding Symbol be placed on the subject property to require revisions to this Transportation Impact Study to address outstanding concerns prior to development proceeding.

Staff's recommended modifications to the subject applications include the requirement to provide a new active transportation connection across the site, which can in future be extended through neighbouring sites, in order to improve neighbourhood connectivity for pedestrians in the Legion Commons Precinct of the MTSA. This recommendation is consistent with the City's Area-Specific Plan for the MTSA and conforms with the active transportation policies of the PPS, Growth Plan, and ROP.

As the proposed development is adjacent to a rail spur line, the applicant proposes to provide a crash wall on the subject property to protect the proposed development from the adjacent rail corridor. The applicant proposes a reduced building setback of 9.8 metres from the railway, with the provision of the crash wall supporting this reduced setback. The [Guidelines for New Development in Proximity to Railway Operations](#) indicate a default setback of 15 metres from railway spur lines, which may be reduced where an appropriate crash wall is provided. Staff's recommended modifications require a 15-metre setback from the railway but allow for this setback to be reduced only where the reduced setback and associated crash wall have been approved by the railway operator.

In summary, the subject applications propose intensification in proximity to transit and existing off-street trails, generally consistent with provincial and regional direction. As some transportation impacts have not been assessed to the City's satisfaction, staff recommend a Holding Symbol to ensure conformity with the Growth Plan and ROP. Staff's recommended modifications also bring the proposed development into greater consistency with the PPS and greater conformity with the Growth Plan and ROP by

requiring a transit-supportive mix of uses, the provision of a mid-block public pedestrian connection across the site, and enshrining appropriate railway separations into site-specific zoning regulations.

2.2.11 Climate Change and Sustainability

2.2.11.1 PPS

The PPS requires municipalities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and to prepare for the impacts of a changing climate. This is to be achieved by promoting compact form and a structure of nodes and corridors, promoting active transportation and transit, and encouraging transit-supportive intensification, among other measures (PPS 1.8).

2.2.11.2 Growth Plan

The Growth Plan requires municipalities to adopt Official Plan policies to reduce greenhouse gas emissions and address climate change adaptation goals by supporting complete communities and the minimum intensification targets of the plan, reducing automobile dependence, and supporting transit and active transportation (Growth Plan 4.2.10).

2.2.11.3 ROP

The objectives of the Regional Urban Structure include supporting climate change mitigation by directing growth to areas that will support achieving complete communities and the minimum intensification and density targets of the ROP as well as reducing dependence on the automobile and supporting existing and planned transit and active transportation (ROP 78.1(5)).

2.2.11.4 Analysis

The subject applications propose intensification in proximity to transit, with reduced parking supply and provision of transportation demand management measures, consistent with provincial and regional direction. Staff's recommended modifications bring the proposed development into greater consistency with the PPS and greater conformity with the Growth Plan and ROP by requiring a mix of uses to support the achievement of complete communities and requiring a mid-block pedestrian connection to facilitate active transportation.

2.2.13 Site Contamination

2.2.13.1 PPS

The PPS requires sites with contaminants in land or water to be assessed and remediated as necessary to ensure that there will be no adverse effects on the proposed land use (PPS 3.2).

2.2.13.2 ROP

The objectives of the ROP include ensuring that development takes place on sites that are safe from soil contamination (ROP 146(11)). The ROP requires that proponents of development undertake a process in accordance with the Region's Guidelines (Protocol) for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites and applicable legislation, to determine whether there is any potential contamination on the site and identify the steps necessary to bring the site into a condition suitable for its intended use (ROP 147(17)).

2.2.13.4 Analysis

The applicant submitted a Phase One Environmental Site Assessment and Phase Two Environmental Site Assessment with the subject applications. The Phase Two study identifies that additional soil and groundwater investigation is required to delineate the extent of the impacts. Staff are therefore recommending that a Holding Symbol be placed on the subject property to require the completion of a Record of Site Condition and the provision of letters of reliance for the ESAs to ensure site contamination matters are addressed prior to development proceeding.

2.2.14 Staff Opinion on Provincial and Regional Policy Conformity

The PPS recognizes municipal Official Plans as the most important vehicle for implementation of the PPS (PPS 4.6). The Growth Plan similarly identifies that it will be primarily implemented through Ontario's land use planning system, including Official Plans that have been updated to conform to the Growth Plan (Growth Plan 5.1). The ROP provides broad strategic direction on planning matters while directing local Official Plans, Area-Specific Plans, and Zoning By-laws to implement the ROP's objectives and policies in the local context.

Staff have reviewed the subject applications in accordance with the applicable policy framework, including the PPS, Growth Plan, Regional Official Plan, and City Official Plan. On the basis of this review, staff are of the opinion that the proposed development is generally consistent with many provincial and regional directions but fails to contribute to the provision of jobs and a mix of uses that would support the achievement of complete communities, as promoted by the PPS and required by the Growth Plan and ROP. The subject applications also do not provide satisfactory parkland dedication nor provide a new public street as envisioned in the City's Area-Specific Plan and supported by provincial and regional policy.

Staff are therefore recommending modifications to the proposed development, which bring the proposal into consistency with the PPS and conformity with the Growth Plan and ROP by:

- requiring a mix of uses, including non-residential uses, that will allow for the retention of a similar number of jobs on the site relative to the existing uses, and

contribute to the achievement of complete communities that are transit-supportive and pedestrian-oriented;

- requiring the provision of parkland dedication along Graham’s Lane in accordance with the City’s Parkland Dedication By-law to support recreational opportunities as part of a complete community;
- requiring the provision of a mid-block pedestrian connection in partial fulfilment of the new street that was envisioned by the Area-Specific Plan for the UGC/MTSA, to facilitate active transportation and achieve a highly connected active transportation network that improves public access to parks, trails, and transit;
- enshrining separation distances between railways and sensitive uses within the Zoning By-law;
- placing a Holding Symbol on the property that will require outstanding matters to be addressed prior to development proceeding, including more detailed confirmation of land use compatibility, transportation impacts, remediation of soil contamination, and provision of adequate water and wastewater service infrastructure.

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

The subject property is located in the Urban Planning Area within a Mixed-Use Activity Area, as shown on Schedule A – Settlement Pattern of the OP. Schedule B – Land Use Plan – Urban Planning Area shows that the subject property is designated “Mixed-Use Corridor – Employment”. The property fronts onto Graham’s Lane, which is identified as a Collector Road on Schedule J – Classification of Transportation Facilities South of No. 1 Side Road.

2.3.1 Functional Policies

2.3.1.1 Sustainability and the Environment

Part II, section 2 of the OP contains policies for Sustainability and the Environment. This section includes policies for sustainable design, land use compatibility, site contamination, and stormwater management. These matters have been reviewed by staff in Planning, Development Engineering, and at Halton Region. As discussed in section 2.2.11 above, the proposed development represents sustainable development in a compact built form that makes efficient use of resources.

Technical review of the subject applications has identified that additional analysis is needed to confirm the achievement of land use compatibility. To address this, staff’s recommended modified approval includes the placement of a Holding Symbol on the property to require that outstanding land use compatibility matters be addressed prior to development proceeding.

The Holding Symbol recommended by staff also contains requirements to address site contamination through provision of a Record of Site Condition and letters of reliance for the Environmental Site Assessments.

Development Engineering staff have not raised any concerns with stormwater management in relation to the subject applications, noted that this will be reviewed in further detail through a future Site Plan application.

2.3.1.2 Transportation

Part II, section 3 of the OP contains policies for Transportation. These policies promote an efficient, safe, accessible, and multimodal transportation system that provides options for all users, including providing alternatives to automobile use. This section also contains policies ensuring the provision of adequate parking supply in developments, while allowing for reduced parking ratios to be approved in appropriate locations where justified based on the review of site-specific development applications.

The proposed development is in proximity to transit stops and the Maple Trail. It includes the provision of sufficient bicycle parking. The subject applications request a reduction in the required vehicle parking supply. The City has recently adopted OPA 2 and released a draft Community Planning Permit System (CPPS), both of which eliminate minimum parking supply requirements within the MTSA, as required by Bill 185 changes to the Planning Act. City staff therefore do not object to the applicant's requested vehicle parking reduction for the subject property. Staff's recommended modifications remove the minimum parking supply requirement, consistent with the OPA 2 and CPPS approach, and as required by Bill 185 changes to the Planning Act.

Policy 3.2.2.(e) encourages opportunities for travel demand management (TDM) measures to reduce single-occupancy automobile use. The proposed development is proposed to include a bicycle repair station and a display screen for residents with real-time transit information. Transportation staff support these measures and will require additional TDM measures, to be reviewed through a future Site Plan application.

Section 3.3.1(e) states that it is an objective of the City to implement a more grid-oriented street network design wherever possible in the planning of new development areas and areas of urban growth, to distribute vehicle traffic more evenly and provide for more accessible and efficient transit services. The City recently adopted an Area-Specific Plan (ASP) for the Major Transit Station Area within which the site is located. The ASP calls for the introduction of a new public street in the Legion Commons Precinct to connect existing dead-end streets and form a grid. The ASP conceptually shows the new street running through the subject property, and calls for a Tertiary Plan to be completed to confirm its detailed configuration. As the policies of the ASP are not yet in effect, the applicant was not required to complete a Tertiary Plan, and their proposal does not provide any new street across the subject property. To mitigate this

missed opportunity, staff's recommended modified approval requires the provision of a sidewalk through the site, over which the City may take a public-access easement. When the neighbouring property (828 Legion Road) redevelops in future, a similar approach can be taken, with the intent of providing a continuous public pedestrian route that will form a grid in the Precinct and achieve the intent of improving access to transit and other community services. The provision of this new pedestrian connection across development sites will also improve access to the parkland on the subject property and the nearby Maple Trail, in fulfilment of policy 3.6.2(d), which encourages the connection of sidewalks, multi-use pathways, and walkways with recreational facilities.

Policy 3.4.1(d) states the City shall promote the development of cost-effective transit services through transit-supportive land use and transportation plans in areas of development including mixed-use corridors. The subject applications propose transit-supportive residential densities in proximity to transit services. Staff's recommended modifications additionally require that the development include non-residential uses to support the objective of achieving a transit-supportive mix of land uses in the MTSA.

Policy 3.7.2(c) discourages sensitive land uses next to rail lines. Although the subject property is adjacent to a rail spur line, the property is located within an area designated for mixed-use development including residential uses as per the ASP for the Burlington GO MTSA. Land Use Compatibility analysis requirements will ensure the compatibility of the proposed sensitive uses with the adjacent rail spur line. Additionally, staff's recommended modifications requires that sensitive uses on the subject property be set back 15 metres from the rail line, unless a crash wall is provided and a reduced setback approved by CN Rail; this approach is consistent with the [Guidelines for New Development in Proximity to Railway Operations](#) (2013) developed by the Federation of Canadian Municipalities and Railway Association of Canada.

2.3.1.3 Design

Part II, section 6 of the OP contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines.

The design policies for existing and new communities give preference to compact forms of development that support higher densities, are pedestrian-oriented, and encourage increased use of public transit.

Sections 6.4 and 6.5 contain multiple policies speaking to the importance of ensuring adequate visibility of isolated areas from high traffic areas in order to promote public safety. The Privately Owned, Publicly accessible Space (POPS) proposed by the

applicant is a deep, narrow space located between a 2.2m high railway crash wall and a 9-storey building, with limited visibility from the public realm, and does not conform to these policies. Staff's recommended modifications replace that POPS with a public park that is oriented to the street with 50 metres of frontage on Graham's Lane, greatly improving visibility and perception of safety.

Section 6.6 states that City-approved design guidelines are considered City policy and shall be implemented for all public and private development proposals. As discussed in greater detail in subsequent sections of this report, the subject applications, as proposed by the applicant, do not comply with all applicable City design guidelines; in particular, the proposed buildings have excessive massing at upper levels and do not provide appropriate setbacks to mitigate impacts of the massing on the public realm. Staff's recommended modifications introduce zoning requirements such as minimum building separation, minimum setbacks, minimum setbacks above the 6th storey, maximum building lengths, and maximum upper-level floorplates, to ensure that development on this site will achieve the intent of the City's design guidelines and policies. Staff's modifications do allow flexibility beyond the standards typically supported by the guidelines: namely, the modified zoning allows for tower floorplates of 800 m² where the Tall Building Guidelines would typically call for a maximum floorplate of 750 m²; and a 90-metre building length on levels 1-6, whereas typically mid-rise and tall buildings would be encouraged to have a maximum length of 60 meters. Staff are of the opinion that these exceedances are reasonable and appropriate given the context of the subject property and allow for flexibility in design of the proposed development.

Staff's recommended modifications establish zoning parameters that will require the applicant to revise their design to achieve a development that conforms with the design policies of the Official Plan and the applicable design guidelines.

2.3.1.4 Financial Impact

Part II, section 12 of the OP requires the preparation of financial impact analyses to assist in the assessment of major land use development proposals. The applicant was required to submit a Financial Impact Analysis as part of the subject applications, which has been reviewed by Finance Department staff and an external peer reviewer. As discussed in the Technical Review section of this report, this analysis has found that the proposed development will result in a fiscal surplus for the City.

2.3.2 Land Use Policies

Part III of the OP contains land use policies for the Urban Planning Area. The subject property is located within a Mixed-Use Activity Area and designated Mixed-Use Corridor – Employment. The policies for this designation are found in Part III, section 5 of the OP.

2.3.2.1 Mixed-Use Corridor Policies

The general policies for Mixed-Use Activity areas state that these areas are intended to be focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit, and higher-intensity development with high-quality urban design.

Mixed-Use Corridors are intended to provide locations for higher-intensity, transit-supportive, and pedestrian-oriented mixed-use development in a compact urban form while retaining compatibility with nearby land uses. Lands designated Mixed-Use Corridor – Employment, including the subject property, are primarily intended for higher-intensity, transit- and pedestrian-oriented employment development. These lands permit a range of employment uses, retail and service commercial uses to serve the day-to-day needs of employees, financial institutions and services, entertainment uses, recreation uses, and other community facilities. These lands do not permit residential uses.

The applicant has requested Official Plan amendments to redesignate the property from Mixed-Use Corridor – Employment to Mixed-Use Corridor – General with site-specific policies to permit their proposed single-use residential development.

Proposals to redesignate Mixed-Use Corridor – Employment lands to permit non-employment uses are evaluated against the criteria outlined in Policy 5.3.4(k):

- (i) The proposal shall only be considered in conjunction with the Comprehensive Review provisions identified in the Provincial Policy Statement and the policies of the Provincial Plans;

Staff opinion: The criterion is met. Halton Region's Comprehensive Review of the Regional Official Plan considered the subject lands and confirmed, through Regional Official Plan Amendment (ROPA) 48 and ROPA 49, that the subject lands are not located within a Regional Employment Area and are located within an Urban Growth Centre and Major Transit Station Area. Amending the subject property to permit a greater range of non-employment uses is consistent with implementation of ROPA 48 and ROPA 49.

- (ii) The proposal shall not detrimentally affect the short and long-term employment land needs of the City;

Staff opinion: Staff's recommended modifications satisfy this criterion. The short- and long-term employment land needs of the City were considered through the Region's Comprehensive Review and the City's Area-Specific Planning process for the Major Transit Station Areas. These processes led to ROPA 48, ROPA 49, and the City's OPA 2, which do not identify these lands as being protected for the City's employment land needs. OPA 2 identifies the subject property as being part of the Legion Commons Precinct, which is planned to accommodate a mix of uses including residential. The Legion Commons Precinct

is also planned to accommodate jobs through the inclusion of non-residential uses along Graham's Lane; this is not addressed in the development as proposed by the applicant, but is addressed by staff's recommended modifications, which require a minimum of 600m² on the subject property abutting Graham's Lane.

- (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;

Staff opinion: The criterion is met, subject to implementation of a Holding provision in the Zoning By-law recommended by staff. The Holding symbol shall not be removed from the site, and development shall not proceed, until updated Land Use Compatibility analysis is completed to confirm that the proposed development will not detrimentally impact the existing and future surrounding land uses.

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

Staff opinion: The criterion is met. The subject property is located within an Urban Growth Centre and Major Transit Station Area, specifically within the Legion Commons Precinct which is planned to accommodate a mix of uses including residential, and transition to a complete community over time.

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

Staff opinion: Although the subject property abuts a rail spur line, staff's recommended Zoning By-law Amendment provides for appropriate setbacks to support the development of sensitive uses, consistent with the Guidelines for New Development in Proximity to Railway Operations. Additionally, conversion of these lands to permit residential uses has been considered and approved through Council's adoption of OPA 2. The criterion is met.

- (vi) Support studies as identified in Part VI, Section 5.3, Other Studies Policies of the Plan are prepared;

Staff opinion: The criterion is met. Technical studies to support conversion of the subject lands have been completed through a secondary planning process (Area-Specific Plan for the Major Transit Station Area) as well as through the subject development applications. Staff recommend a Holding Symbol be placed on the property to require revisions to some of the studies to address outstanding matters prior to development proceeding.

- (vii) In addition to (i) through (vi) above, the redesignation shall also meet at least two of the following conditions:

- i. The amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;
- ii. The development of the site is not feasible for employment uses within the planning horizon of the Plan;
- iii. There are no alternative sites, designated and approved for the proposed use elsewhere in the City;
- iv. The proposal will have a beneficial impact on the surrounding uses and the broader community;
- v. The development of the land for non-employment uses will meet a public need identified by City Council resolution.

Staff opinion: The criterion is met. In particular, sub-criterion i. is satisfied, as the City's land requirements were considered through the Region's Comprehensive Review and the City's Area-Specific Plan for the MTSA's, which allow for non-employment uses to be developed on the subject lands. Sub-criterion v. is also satisfied, as the proposal to develop residential uses on the subject property meets a public need identified by City Council: namely, the need for additional housing supply, as expressed through Council's pledge for 29,000 housing units to be built in Burlington by 2031 ([PL-24-23](#)).

In summary of the above, staff are of the opinion that the subject property satisfies the applicable criteria to permit redesignation from Mixed-Use Corridor – Employment to Mixed-Use Corridor – General to permit the development of a broader range of non-employment uses, including residential uses.

Lands designated Mixed-Use Corridor – General permit a broad range of uses including residential, retail, service commercial, office, entertainment, recreation, and community facilities. These lands are intended to provide for the day-to-day and weekly shopping needs of residents within and in close proximity to the Corridor, and therefore the Plan encourages the provision of retail, service commercial, and other pedestrian-oriented uses at the street level.

Mixed-Use Corridor – General lands permit development with a maximum Floor Area Ratio of 1.5:1 and a maximum height of 6 storeys. The applicant has requested site-specific policies to allow the proposed single-use residential development to have an increased Floor Area Ratio of 4.25:1 and a maximum building height of 20 storeys. The applicant also requests a site-specific policy to deem the lands as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

Staff do not support the requested Official Plan Amendments as proposed, and recommend a modified Official Plan Amendment be approved by Council:

1. Staff do not support the proposal to develop only residential uses on the site, as this does not conform with Growth Plan and Regional Official Plan policies

requiring the replacement of jobs through redevelopment of employment lands, and does not align with the vision of the Area-Specific Plan to require mixed-use development on Graham's Lane. Staff therefore recommend that a minimum 600 m² of non-residential uses be required within the subject development along Graham's Lane.

2. Staff do not object to the proposed increased Floor Area Ratio, and recommend the site-specific policy permit a Floor Area Ratio of 5.4:1.
3. Staff do not object to the building heights proposed by the applicant but recommend that the site-specific policy be more clearly worded to reflect that one building may have a maximum height of 17 storeys, one may have a maximum height of 21 storeys, and a possible third building may have a maximum height of 12 storeys (heights include mechanical penthouse and rooftop amenity area).
4. Staff do not recommend that the subject property be deemed a Class 4 area for noise at this time, as the technical review of the subject applications has identified the need for additional Land Use Compatibility analysis to confirm the appropriateness of deeming the lands as Class 4. Staff therefore recommend a Holding Symbol be placed on the subject property in the Zoning By-law to require the completion of the outstanding Land Use Compatibility analysis. Staff also recommend that Council delegate to the Director of Community Planning the authority to deem the property as a Class 4 area, pending review of the required analysis.

Lastly, staff recommend a modified approval that requires the dedication of approximately 1000 m² of parkland from the development site, in the southwest corner of the site with frontage on Graham's Lane. This recommendation is consistent with the objective of Part VI, section 2.7.1(a) "to acquire lands for park purposes that are beneficial to the entire community". Staff recommend a site-specific policy to confirm that parkland dedication will be calculated in accordance with the City's current Parkland Dedication By-law and Parks Provisioning Master Plan.

2.3.3 Intensification Criteria

Part III, section 2.5.2 of the OP provides the following criteria that are considered by staff when evaluating proposals for housing intensification.

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

Halton Region comments have indicated that upgrades to downstream sanitary sewers will be required to accommodate the proposed development. Staff's recommendation includes the placement of a Holding Symbol on the property in the Zoning By-law to require that the sanitary sewer capacity issue be addressed to the

Region's satisfaction prior to development proceeding. Halton Region did not raise concerns with the sufficiency of existing water infrastructure.

The City's Development Engineering section did not raise concerns with capacity of the City's stormwater management infrastructure, and will review the applicant's stormwater management design in greater detail through a future Site Plan application.

Burlington Hydro advised of the need for potentially substantial hydro system expansion being needed to accommodate the proposed development, but do not require a Holding Symbol to ensure system capacity is addressed prior to development proceeding.

Halton Catholic District School Board (HCDSB) did not raise concerns with the proposed development, and advised that students from this development will be accommodated at St. John Catholic Elementary School and Assumption Catholic Secondary School.

Halton District School Board (HDSB) did not respond to staff's request for comments on the subject applications; it is therefore assumed that they have no concerns.

Additional parkland is required to accommodate the proposed development as well as planned development on the surrounding properties in the Legion Commons Precinct. Accordingly, staff's modified recommendation includes a requirement for the applicant to dedicate approximately 1000m² of land to the City as parkland, and that this land be zoned "P" to permit only park uses.

Staff opinion: Subject to sanitary sewer upgrades, hydro infrastructure upgrades, and parkland dedication that must occur prior to development proceeding, there will be adequate municipal services available to accommodate the proposed development.

(ii) Off-street parking is adequate.

The subject applications propose to provide 598 vehicle parking spaces, allocated at a rate of 0.7 spaces per unit for residential occupants, and 0.13 spaces per unit for residential visitors. Although this is less than the parking supply required by the currently in-effect zoning regulations applying to the subject property, City Council has recently adopted OPA 2 and the City has released a draft Community Planning Permit System (CPPS) by-law, both of which eliminate minimum parking supply requirements in the Major Transit Station Area, as required by Bill 185 changes to the Planning Act. In accordance with the amended Planning Act, and consistent with OPA 2 and the draft CPPS by-law, staff recommend amending the Zoning By-law to eliminate the minimum parking supply requirements for the subject property.

The in-effect Zoning By-law currently requires that where more than 90 parking spaces are provided on site, accessible (barrier-free) parking spaces be provided at a rate of 3% of the required parking spaces. Because no parking will be required,

staff recommend that this provision be amended to apply as 3% of the provided spaces, rather than 3% of the required spaces.

Staff are satisfied with the proposed residential bicycle parking supply, as it meets the City's standard requirement of 0.5 long-term and 0.05 short-term bicycle parking spaces per dwelling unit. Additional bicycle parking will be required to support the non-residential uses required by staff's recommendation, in accordance with current Zoning By-law regulations.

Staff opinion: off-street parking for the proposed development is adequate in the context of intensification of lands in a Major Transit Station Area and Urban Growth Centre, consistent with the legislative requirement to eliminate parking supply minimums in these areas to support the development of transit-oriented communities.

(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.

The proposed development provides ingress and egress onto a Collector Street, Graham's Lane. The intensification of the subject property is consistent with the City's approach to designating the site and its surroundings as an Urban Growth Centre, Major Transit Station Area, and Primary Growth Area. Transportation staff identified the need for the applicant to submit a revised Transportation Impact Study to confirm the transportation impacts of the proposed development and clarify the recommended mitigation measures. Staff's modified recommendation requires that this be completed prior to a Holding Symbol being removed and development being able to proceed.

Staff opinion: Subject to review of additional transportation analysis that will occur prior to a Holding Symbol being removed and development proceeding, the municipal transportation system can accommodate increased traffic flows from the subject development.

(iv)The proposal is in proximity to existing or future transit facilities.

The subject property is located within a Major Transit Station Area, and is located an approximately 1.1 km walking distance from Burlington GO Station. Burlington Transit route 2 provides bus service on Brant Street, 220 metres to the east. At the corner of Brant Street and Fairview Street, a 520-metre walking distance from the subject property, is a bus stop served by numerous bus routes providing connections to Burlington GO Station, Downtown Burlington, and Downtown Hamilton.

Staff opinion: This criterion is satisfied.

(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 subject property is surrounded by existing employment uses in an area (Legion Commons Precinct) that is planned to transition to a complete community over time. As the first development proposal with dense residential uses to come forward in the Legion Commons Precinct, the proposed development is significantly different in its land use and its built form relative to the surrounding properties, and establishes what will be the new context of the Precinct going forward. Staff's recommended modifications require the provision of non-residential uses at ground level along Graham's Lane; this is intended to protect jobs and support the achievement of a complete community consistent with the City's Area-Specific Plan, but will also have the added benefit of improving transition between the surrounding employment uses and the proposed residential uses in the upper storeys and rear portions of the subject property.

With respect to the residential neighbourhood to the west, the subject property is well buffered from this area by a rail corridor and hydro corridor which create a 50 metre separation between the subject property and the nearest townhouse property. This separation provides an appropriate buffer and transition between the proposed development as modified by staff and the low-rise neighbourhood to the west. Staff are of the opinion that the subject applications as proposed by the applicant would not support compatibility with the surrounding lands due to the excessive massing of the proposed buildings at upper levels; however, staff's recommended modifications limit building massing at upper levels to contextually appropriate levels, consistent with the intent of the City's design guidelines.

Staff opinion: the subject applications, as modified by staff recommendation, satisfy the criterion of providing compatibility with surrounding neighbourhood character.

(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.

The proposed development requires the removal of ten trees. Additionally, removal of one dead tree is recommended regardless of whether development occurs. The remaining 15 trees in the study area will be preserved. Through the review of a future Site Plan application, staff will calculate the requirement for tree compensation for proposed removals.

Staff opinion: Proposed tree removals are reasonable in the context of intensifying the subject property within an Urban Growth Centre and Major Transit Station Area. Appropriate compensation will be provided, with details to be confirmed through a future Site Plan application.

(vii) Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.

As discussed in greater detail in the Shadow Study Guidelines section of this report, the subject applications have not demonstrated that the proposed development complies with the Shadow Study Guidelines and Terms of Reference. Staff recommend that a Holding Symbol be placed on the subject property to require that a revised Shadow Study be submitted that adheres to the Shadow Study Guidelines and Terms of Reference and provides sufficient information and analysis to confirm that shadow impacts of the proposed development are acceptable.

Staff opinion: Staff's modified recommendation includes provision of a Holding Symbol to ensure that this criterion is met prior to development proceeding.

(viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres, and health care.

The subject property is located within an Urban Growth Centre and Major Transit Station Area that is planned to develop into a mixed-use, complete community where the daily and weekly needs of residents can be met within walking distance or the through the use of transit. In particular, the subject property is located within the Legion Commons Precinct, which is planned to contain new public service facilities such as community centres in future.

The existing context also includes services and conveniences accessible by nearby transit services or a short to medium walk:

- **Community Centres:** the Burlington Student Theatre building in Optimist Park is located a 760 m walking distance away; other community centres are accessible by transit or bicycle.
- **Shopping:** Multiple retail plazas are located within a 1 km walking distance of the subject property, including Mapleview Mall and Brant Plaza. Two small retail plazas are located within a 250 m walking distance.
- **Healthcare:** Various health care services are located within under a 25-minute walking distance, including medical offices in Downtown Burlington (1.5 km) and Joseph Brant Hospital (1.8 km). Transit stops in close proximity to the subject property provide access to additional healthcare services throughout the Greater Toronto and Hamilton Area.
- **Schools:** public and Catholic schools are located within an 800-metre walking distance on Brant Street.

Additionally, staff are recommending that the proposed development be required to include non-residential uses, which will support the potential introduction of community services and/or conveniences directly on the subject property.

Staff opinion: The existing and planned context of the subject property includes a full range of community services and conveniences accessible by transit, cycling, or walking.

(ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts.

Staff recommend that a Holding Symbol be placed on the property until a revised Land Use Compatibility study is completed to confirm impacts and required mitigation/buffering measures to ensure successful co-existence of the proposed development with surrounding employment uses and transportation corridors. With respect to the nearby residential neighbourhood, sufficient buffering is already provided by the Hydro corridor and rail corridor located between the subject property and the neighbourhood.

Staff opinion: Subject to confirmation of Land Use Compatibility details, which must be completed prior to the Holding Symbol being removed and development proceeding, staff are satisfied that capability exists to provide adequate buffering and other measures to minimize or mitigate any identified impacts.

(x) Where intensification potential exists on more than one adjacent property, any redevelopment 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.

The subject applications propose a development that may hinder development on adjacent properties, as insufficient setbacks have been provided by the applicant to allow for appropriate separation between buildings. The Urban Design Brief submitted with the application suggests that the neighbouring property to the north (850 Legion Rd) does not have potential for tall buildings, and therefore no tower separation is needed. Staff do not agree that a future tall building in that location can be ruled out, and therefore believe a separation distance should be provided. Staff also note that reduced setbacks are proposed by the applicant abutting all three neighbouring properties.

To address these concerns, staff are recommending a modified approval which requires sufficient setbacks from all adjacent developable properties (850 Legion Road, 828 Legion Road, and 1421 Graham's Lane) to protect for the possibility of future mid-rise and/or tall buildings being developed on those lands. The recommended setbacks from shared lot lines are 5.5 metres for storeys 1-6, 7.5 metres for storeys 7-11, and 12.5 metres for storeys 12 and higher. When matched by equal setbacks on the adjacent properties, this will allow for separation distances of 11 metres on storeys 1-6, 15 metres on storeys 7-11, and 25 metres on storeys 12 and higher, consistent with the standards established in the City's Tall Building Guidelines and Mid-Rise Guidelines.

Staff opinion: The development as proposed by the applicant would not satisfy this criterion. Staff's recommended modifications satisfy the criterion by requiring sufficient setbacks on the subject property to avoid compromising development potential on neighbouring properties.

(xi) Natural and cultural heritage features and areas of natural hazard are protected.

The subject property is not subject to any natural heritage features, cultural heritage features, or areas of natural hazard. Conservation Halton was circulated on the subject application and responded to provide confirmation that the property was not located within their regulated area and therefore they had no comment.

Staff opinion: This criterion is not applicable to the subject property.

(xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3 (g) and (m).

These policies do not apply to the subject property, as there are no regulatory floodplain, erosion hazards, or associated features on the subject property (g), and the subject property is not located within Aldershot (m).

Staff opinion: This criterion is not applicable to the subject property.

(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 vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale, and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.

Although the subject property is located on a Collector Road, the subject property is located within an area identified variously as an Urban Growth Centre, Major Transit Station Area, Primary Growth Area, and Mixed-Use Activity Area. Intensification of this area through the development of non-ground-oriented housing is appropriate and consistent with the most current City planning.

The subject property is located at the edge of the Major Transit Station Area and is buffered from the adjacent neighbourhood by an intervening rail corridor and hydro corridor, which provide a break between the proposed built form and the existing low-rise neighbourhood.

Staff opinion: To the extent that this criterion is relevant to the subject property, the criterion is satisfied through buffering between the proposed development and nearby neighbourhood.

2.3.4 Staff Opinion on Official Plan Conformity

The proposed development, as proposed by the applicant, does not conform with all applicable policies of the OP. The modifications recommended by staff bring the proposed development into conformity with all applicable policies of the OP. These

modifications include requiring a mix of residential and non-residential uses on the subject property, requiring the dedication of public parkland in accordance with the City's Parkland Dedication By-law, and requiring a revised built form that complies with the City's urban design guidelines and policies. Staff's modified recommendation maintains the applicant's request to redesignate the lands from Mixed-Use Corridor – Employment to Mixed-Use Corridor – General in order to permit residential uses on the site, and introduce site-specific policies to permit increased Floor Area Ratio and increased building height.

2.4 Burlington's New Official Plan (New OP) (2020)

Burlington's New OP was approved in 2020 and is subject to appeals. Due to the appeals, substantial portions of the New OP have not yet come into effect. Nonetheless, the new OP represents Burlington's vision for future development and staff have considered the new OP in the review of the subject applications.

2.4.1 Urban Structure and Growth Framework

The subject property is located within the lands identified as Mixed-Use Nodes and Intensification Corridors on Schedule B – Urban Structure of the new OP. These lands will be developed at overall greater intensities, supporting frequent transit corridors and providing focal points of activity where active transportation is facilitated through careful attention to urban design.

The subject property is located within an area identified as a Primary Growth Area as shown on Schedule B-1 – Growth Framework of the new OP. Primary Growth Areas will accommodate the majority of the City's forecasted growth over the planning horizon of the new OP and consequently will experience the greatest degree of change. These areas will be regarded as the most appropriate and predominant locations for new tall buildings in accordance with the underlying land use designations or the land use policies of an Area-Specific Plan.

2.4.2 Land Use Policies

The subject property is designated Urban Corridor – Employment as shown on Schedule C – Land Use – Urban Area of the new OP. Urban Corridor – Employment lands provide locations in the City that are primarily intended for higher intensity employment uses, as well as serving the retail and service commercial needs of the employment uses and their employees within and adjacent to the Corridor. On these lands the City encourages higher-intensity, transit-supportive, and pedestrian-oriented mixed-use development in a compact built form that provides an employment function.

Permitted uses in the Urban Corridor – Employment designation include industrial, office, accessory retail and service commercial uses, home improvement and décor sale, automotive commercial uses, entertainment, and recreation uses.

The addition of non-employment uses through a site-specific Official Plan amendment shall only be permitted on lands outside the Region of Halton Employment Area where:

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

The proposed development does not conform to the Urban Corridor – Employment policies, and the applicant has requested amendments to the 1997 Official Plan to permit residential uses with site-specific policies. As discussed above under Official Plan (1997) Land Use Policies, the redesignation of the subject lands to permit residential uses is consistent with the implementation of ROPA 48, ROPA 49, and the Area-Specific Plan for the Burlington GO Urban Growth Centre and Major Transit Station Area (OPA 2). However, the subject applications do not satisfy the requirement to include space in the proposed development for the retention of a similar number of jobs to the existing employment use on the site. Accordingly, staff are recommending modifications to the proposed development to require the inclusion of a minimum 600 m² of non-residential uses, which will allow for the provision of a similar number of jobs.

Staff's recommended modifications satisfy the intent of the New OP to support redesignation of the subject lands to permit residential uses. If the land use policies applying to the subject property in the New OP were in effect, the proposed development would be facilitated by redesignating the subject property from Urban Corridor – Employment to Urban Corridor, with the need to introduce site-specific policies to permit increased Floor Area Ratio and building height.

Urban Corridor lands are intended to provide for the day-to-day goods and service needs of residents and employees within and in proximity to the Corridor and may also serve a broader city-wide market. Permitted land uses include retail and service commercial, residential, office, entertainment, and recreation uses. Retail and service commercial uses and other pedestrian-oriented uses shall be located on the ground floor of residential buildings; a limited range of office uses may also be permitted on the ground floor. Development of Urban Corridor lands shall maintain the planned commercial function of the site.

The Urban Corridor policies establish a maximum Floor Area Ratio of 2:1, which may be increased through a site-specific Zoning By-law Amendment provided that the

objectives of the Urban Corridor are maintained. The maximum building height is six storeys.

Subject to the inclusion of a mix of residential and non-residential uses, the needed amendments to increase Floor Area Ratio and building height align with the overall current policy framework vision of the Area-Specific Plan for the UGC/MTSA.

2.4.3 MTSA Policies

The subject property is located within the Downtown Burlington Urban Growth Centre (UGC)/Burlington GO Major Transit Station Area (MTSA) as identified by the Regional Official Plan. Section 8.1.2 of the new OP indicates that the City will complete Area-Specific Plans (ASPs) for MTSA's. An ASP for the Burlington UGC/MTSA was completed and adopted by Council in June 2024, and is currently awaiting ministerial approval.

For development applications submitted prior to the completion of the ASP and approval of the implementing Official Plan amendment (OPA 2), section 8.1.2 requires development applications in MTSA's to contain a mix of uses, support active transportation and transit, incorporate Transportation Demand Management, and be consistent with the MTSA typology of the new OP. The MTSA typology identifies Burlington GO as an MTSA located on a Priority Transit Corridor identified by the Growth Plan. The typology anticipates that Burlington GO and other MTSA's will accommodate the majority of growth over the planning horizon of the new OP.

Policy 8.1.2(2)(m) states that Privately Owned, Publicly accessible Spaces (POPS) may be used to augment public space but shall not be used as a replacement to public parkland dedication. Consistent with this policy, staff recommend a modified development proposal that requires dedication of parkland in accordance with the City's Parkland Dedication By-law.

Policy 8.1.2(3)(h) states that all development within MTSA's shall consider opportunities to provide improved walking and cycling connections. Consistent with this policy, staff recommend a modified development proposal that requires provision of a publicly accessible pedestrian connection across the subject property, which in future can be extended across neighbouring sites, to contribute to creating a highly connected neighbourhood where active transportation is facilitated.

Policy 8.1.2(4.2)(c) requires development in the Burlington GO MTSA to support achievement of a complete community through a more compact built form that is supported by mix of uses, parks, green spaces, public service facilities, offices, other employment uses, and institutions. Policy (d) also requires development in this MTSA to incorporate private pathways that make development more accessible for pedestrians, cyclists, and transit users, and includes a fine-grained, grid-oriented and permeable active transportation network with multi-modal access to the GO station. Consistent with

these policies, staff recommend modifications to require a mix of uses on the site, in addition to the provision of parkland and a mid-block pedestrian connection as discussed above.

The proposed development, as proposed by the applicant, is not consistent with the policies and objectives of section 8.1.2 with respect to land use mix, parkland dedication, or provision of enhancements to the active transportation network. Staff's recommended modifications address these issues by bringing the proposed development into consistency with section 8.1.2 of the New OP.

2.4.4 Housing

Subsection 3.1.1(2)(g) of the new OP and the City's Strategic Plan, directed the City to develop a city-wide housing strategy to among other things, support the Region of Halton's Housing Strategy, describe the current range and mix of housing in the city, establish city-wide housing objectives, examine opportunities for partnerships to increase the supply of affordable housing, to develop minimum targets in support of achieving the region of Halton's housing mix and affordable unit targets as well as two and three bedroom unit minimum targets.

The [Housing Strategy](#) and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by Council in June 2022. The City's Housing Strategy provides a roadmap for addressing local housing needs and increasing housing options that meet the needs of current and future residents at all stages of life and at all income levels. The Housing Strategy is underpinned by extensive technical work that can be found in the Housing Needs and Opportunities Report. The [Housing Needs and Opportunities Report](#) articulates the current state of housing in Burlington as well as current and future housing needs and establishes a toolbox of best practices in housing, focusing on innovative practices and new ideas. The Housing Strategy identifies 12 Actions to move toward the vision for housing in Burlington. It provides a set of action-oriented housing objectives (Themes) and an associated implementation plan that also identifies a list of Prioritized Actions and Quick Wins.

On March 21, 2023, Council pledged to accelerate the supply of housing to meet the target of 29,000 housing units to be built in Burlington by 2031 ([PL-24-23](#)).

Policy 3.1.1(2)(h) of the New OP requires the proponent of development to submit a Housing Impact Statement when more than 100 dwelling units are proposed. Staff have reviewed the Housing Impact Statement submitted with the subject applications. The Housing Impact Statement outlines that the subject applications propose to redevelop an underutilized employment site with 722 new housing units, in a mix of unit sizes, which are expected to be condominium units offered at market rate. Staff agree with the conclusion of the Housing Impact Statement that the proposed development is consistent with the intent of the Housing policies of the New OP.

2.4.5 Parks, Recreation, and Open Space

Section 3.3.2 of the New OP contains policies for parks, recreation, and open space. These policies state that parks shall be located, designed, and maintained to enhance the local neighbourhood or community, and that a high priority shall be placed on accessibility for all ages and abilities, public safety, public access and increased visibility along streets during the detailed design and development of parks. The New OP states that majority of new parkland will be acquired by the City through the development approval process as parkland dedication in accordance with section 12.1.6 of the New OP, although staff refer to the dedication provisions of the Parkland Dedication By-law and Parks Provisioning Master Plan, which are more current than the New OP.

As discussed elsewhere in this report, staff recommend modifications to require parkland dedication along Graham's Lane to improve park access, visibility, and functionality of park configuration, consistent with the policies of the New OP.

2.4.6 Environment and Sustainability Policies

Chapter 4 of the new OP contains policies for climate change, urban forestry, stormwater management, land use compatibility, and site contamination.

The proposed development represents intensification in close proximity to transit services, which generally supports the New OP's climate change objectives. Staff's recommended modifications further support the New OP's climate change policies by requiring a mix of uses and the provision of an active transportation connection across the site.

As discussed elsewhere in this report:

- The removal of ten trees is required for the proposed development, while 15 neighbouring trees will be preserved. Compensation will be required for removed trees, with details to be determined at Site Plan stage.
- Engineering staff have not raised concerns with stormwater management and will review this in more detail at Site Plan stage.
- Staff recommend a Holding Symbol be placed on the property to ensure Land Use Compatibility matters are addressed prior to development proceeding.
- Staff recommend a Holding Symbol be placed on the property to ensure site contamination matters are addressed prior to development proceeding.

Whereas the subject applications as proposed by the applicant do not address all of the policies of Chapter 4 of the New OP, staff's proposed recommendations are consistent with these policies.

2.4.7 Financial Sustainability

The new OP requires the completion of a Financial Impact Study to support development applications that propose more than 500 dwelling units. Accordingly, a Financial Impact Study was submitted by the applicant and reviewed by the Finance Department. The Finance Departments' review and comments are discussed under the Technical Review section of this report.

2.4.8 Infrastructure, Transportation, and Utilities

Chapter 6 of the New OP contains policies for infrastructure, transportation, and utilities.

2.4.8.1 Infrastructure

As discussed elsewhere in this report, staff recommend a Holding Symbol be placed on the subject property to require outstanding sanitary sewer upgrade requirements to be addressed prior to development proceeding.

2.4.8.2 Transportation

The subject property is located on a Collector Street, Graham's Lane, as shown on Schedule O-1 – Classification of Transportation Facilities – Urban Area of the New OP. Schedule P – Long-Term Cycling Master Plan identifies Graham's Lane as a Bicycle Priority Street, with the Maple Trail shown as a Multi-Use Path that terminates at the end of Graham's Lane adjacent to the subject property.

The proposed development provides a mix of uses in a compact, high-density form that will contribute to supporting transit use along the planned Frequent Transit Corridors and throughout the transit network more broadly. The proposed development also supports active transportation through provision of long-term and short-term bicycle parking and through compact built form.

As discussed elsewhere in this report, staff are recommending modifications to require the provision of an active transportation connection on the subject property, to enshrine railway separation requirements in the Zoning By-law, and to place a Holding Symbol that will require a revised Transportation Impact Study to confirm transportation impacts and needed mitigation measures before development can proceed. Staff's recommended modifications conform to the transportation policies of the new OP.

2.4.9 Design Excellence

The Design policies in chapter 7 of the new OP include requirements for design of development within Primary Growth Areas. Staff do not support the design proposed by the applicant, for reasons that have been described above under discussion of the Official Plan (1997) and below under discussion of the City's Urban Design Guidelines.

The proposed development, as modified by staff recommendations, complies with the design policies of the new OP. Design will be reviewed in greater detail through a future Site Plan application.

2.4.10 Development Criteria

Section 12.1.1(3) of the new OP contains criteria to inform the assessment of site-specific Official Plan Amendment applications. The proposed development provides 5% of dwelling units as three-bedroom units, consistent with one of criterion 12.1.1(3)(i)(xi)c. Staff's recommended modifications additionally address the subsequent criterion d. by providing the co-location of parks. Criterion a. refers to sustainable building design measures, which have not been confirmed at this stage and will be reviewed through a future Site Plan application.

Section 12.1.2(2.2) of the new OP contains additional criteria for the review of site-specific development applications. The majority of these criteria are comparable to the Intensification Criteria of the Official Plan (1997 as amended) discussed elsewhere in this report. As discussed above, the proposed development, as modified through staff's recommendation, conforms to these criteria.

2.4.11 Staff Opinion on New Official Plan (2020) Conformity

The proposed development, as proposed by the applicant, does not comply with all policies of the New OP. As discussed in this section, staff recommend modifications to the development proposal that bring it into conformity with the new OP.

2.5 Area-Specific Plan for the Downtown Burlington Urban Growth Centre/Burlington GO Major Transit Station Area

The City recently completed the Area-Specific Plan (ASP) for the Downtown Burlington Urban Growth Centre/Burlington GO Major Transit Station Area (UGC/MTSA) within which the subject property is located. In June 2024 Council adopted OPA 2 which incorporates the ASP into the City's New Official Plan (2020). OPA 2 is now awaiting ministerial approval and therefore has not yet come into effect. Nonetheless, staff have considered the ASP and OPA 2 in the review of the subject applications.

In conformity with the Growth Plan and the ROP, the Burlington GO UGC/MTSA shall be planned to achieve a minimum density of 200 residents and jobs per hectare combined, which corresponds to approximately 15,985 residents and 8,449 jobs, for an estimated 24,434 residents and jobs combined to achieve a proportional target of 65% residents and 35% jobs per hectare. The applicant's proposed 722 dwelling units will contribute to achieving the target number of residents, and staff's recommended requirement for the inclusion of non-residential uses will contribute to achieving the target number of jobs.

2.5.1 Legion Commons Precinct

Schedule F – Land Use – Downtown Burlington UGC/Burlington GO MTSA identifies the subject property as being located within the Legion Commons Precinct. A new park is shown on the subject property and a proposed street is shown crossing through the

subject property, establishing a grid connecting Graham's Lane to Legion Road and Brant Street.

The Legion Commons Precinct is planned to become a complete community and serve as a community hub, recognizing that the precinct includes former City employment lands were converted for this purpose. The Precinct will provide for the introduction of new public service facilities such as community centres and will support the creation of a diverse range and mix of housing options. It will provide opportunities for ground-oriented dwellings as well as some ground- and second-floor retail and service commercial uses in mixed-use buildings, and will retain an employment function through the new uses including public service facilities, retail and service commercial uses that will serve this area. The Precinct will be subject to tertiary planning to ensure the delivery of public service facilities and community amenities.

2.5.2 Parks

Section 8.1.2(8.5) of OPA 2 requires new parks to be provided through development applications where shown on Schedule F. Subsection (d) indicates that Privately Owned, Publicly accessible Spaces (POPS) may be considered as parks; however, this policy also requires that parks shall be subject to all applicable parks policies of the New OP as well as the Parks Provisioning Master Plan and the Park Dedication Bylaws in effect. Additionally, policy (h) states that preference will be given to public parkland dedication rather than POPS. As discussed elsewhere in this report, Chapter 3 of the New OP states that POPS may augment but shall not replace public parkland, and the Parks Provisioning Master Plan and Park Dedication Bylaw provide criteria for dedication of parkland to the City through development. Staff's recommendation to require unencumbered parkland dedication as opposed to a POPS conforms with these policies.

2.5.3 Transportation Network and Mixed-Use Streets

Schedule F-1 – Downtown Burlington UGC/Burlington GO MTSA Transportation Network identifies Graham's Lane and the proposed new street as Proposed MTSA Distributor. Schedule F-2 – Downtown Burlington UGC/Burlington GO MTSA identifies Graham's Lane as an MTSA Major Mixed-Use Street, and the proposed new street as an MTSA General Mixed-Use Street.

Section 8.1.2(8.2) contains policies for Activated Streets including those identified on Schedule F-2. Along Major Mixed-Use Streets including Graham's Lane, non-residential uses such as retail, service commercial, institutional, day care, public service facilities, or office shall be required continuously at grade in buildings having frontage onto the public street. Along General Mixed-Use Streets such as the proposed new street, non-residential uses will be encouraged at grade along the street frontage.

The subject applications are inconsistent with the Activated Streets policies, as they do not provide the new street, and they propose a single-use residential development.

Staff's recommended modifications require the provision of non-residential uses at grade along Graham's Lane, consistent with the Major Mixed-Use Streets policies. Staff's recommendation to require a public walkway through the site is intended to mitigate the absence of the new street envisioned by the ASP, by providing an active transportation connection in alignment with the planned new street.

Table 3 and Attachment 7 to OPA 2 identify Graham's Lane, as an MTSA Commercial Distributor as having a deemed width of 26 metres. At the current time, the actual width of Graham's Lane is 20 metres and matches the deemed width in the currently in-effect Official Plan, so no road widening is required. If OPA 2 comes into effect prior to the applicant applying for Site Plan or a Community Planning Permit, a road widening of 3 metres will be required from the subject property to bring Graham's Lane up to the new deemed width of 24 metres. Staff have accounted for this potential road widening in their recommended modifications.

2.5.4 Tertiary Planning

Schedule F-3 – Downtown Burlington UGC/Burlington GO MTSA Tertiary Planning Areas identifies the subject property and entire Legion Commons Precinct as being a Tertiary Planning Area.

Section 8.1.2(10) of OPA 2 requires a Tertiary Plan be prepared for the entirety of the Legion Commons Precinct, including the subject property, to address matters including:

- Transportation connections throughout the precinct;
- The size, location, and configuration of a new park, including linear park connections within the precinct;
- Public service facilities and institutional uses provided as part of mixed-use development; and
- Stormwater management infrastructure to mitigate for flood hazards.

As the subject applications were submitted prior to OPA 2 being adopted and coming into effect, the applicant was not required to complete the Tertiary Plan as intended by the ASP. Staff's recommended modifications mitigate the lack of tertiary planning by requiring parkland dedication in accordance with the Parkland Dedication Bylaw, in the vicinity where a new park is envisioned by the ASP, and requiring a mid-block active transportation connection in lieu of the new street envisioned by the ASP, whereas the applicant had proposed a POPS in lieu of unencumbered parkland, and did not proposed to provide any new transportation connections.

2.5.5 Retention of Jobs

8.1.2(9) of OPA 2 implements the Growth Plan and ROP requirement that redevelopment of an employment use outside a Regional Employment Area shall require the proponent to demonstrate how the same number of jobs or gross floor area dedicated to an employment function is retained on the site. As discussed elsewhere in

this report, the proposed development as proposed by the applicant does not conform with this requirement, but staff's recommendation to require the provision of non-residential uses on the subject property brings the proposal into conformity with this policy.

2.5.6 Staff Opinion on Area-Specific Plan for UGC/MTSA

The subject applications do not comply with key elements of the Area Specific Plan for the Burlington GO UGC/MTSA, in particular the requirement for tertiary planning, the requirement for mixed-use development with non-residential uses at grade along Graham's Lane, the priority placed on dedication of public parkland in accordance with the City's Parks Provisioning Master Plan (PPMP) and Parkland Dedication Bylaw, and the provision of a new street through the subject property.

Staff's recommended modifications bring the proposed development into general compliance with the ASP by requiring non-residential uses along Graham's Lane and requiring public parkland dedication in keeping with the PPMP and Parkland Dedication Bylaw. Although staff's recommendation does not deliver the new street envisioned by the ASP, it mitigates this missed opportunity by requiring a public mid-block active transportation connection through the site in alignment with the intended new street. Staff's recommendation will not preclude a Tertiary Plan for the Legion Commons Precinct from being completed in future after OPA 2 comes into effect.

2.6 Zoning By-law

The subject property is currently zoned MXE (Mixed-Use Corridor – Employment). As the MXE zone does not permit residential uses, the applicant has requested to rezone the property to MXG-XXX (Mixed-Use Corridor – General with site-specific exception) to permit residential development and to create a site-specific exception to permit increased building height and Floor Area Ratio, as well as reduced parking supply and various other technical amendments to permit the proposed development.

Staff are recommending a modified approval that rezones part of the site to H-P (Neighbourhood Park zone with Holding Symbol), which permits only parkland, and rezones the balance of the site to H-MXG-545 (Mixed-Use Corridor – General with Holding Symbol and site-specific exception 545), with new exception 545 containing some different site-specific regulations than what the applicant has proposed. Table 2 below provides a comparison of the base MXG zone permissions, the site-specific permissions requested by the applicant, and the modified site-specific permissions recommended by staff for the portion of the site to be rezoned to H-MXG-545. The portion of the site to be rezoned to H-P is discussed separately.

Although the subject property is currently zoned MXE (Mixed-Use Corridor – Employment), this zone does not permit residential uses, so it has not been reflected in Table 1. Rather, the MXG zone has been used for comparison in Table 1, as the MXG

zone permits the proposed uses and forms the basis of both the applicant's request and staff's recommendation.

Table 1 provides a summary only; for full details please refer to the recommended Draft Zoning By-law Amendment contained in Appendix C of this report.

Table 2: Summary of MXG zone, Applicant's request, Staff's recommended modifications

	Mixed-Use Corridor – General (MXG) base zone	Site-specific regulations requested by applicant (MXG-XXX)	Modified site-specific regulations recommended by staff (H-MXG-545)
Permitted Use	Single use or mixed use	Single use: residential	Mixed use: residential and minimum 600 m ² of non-residential
Maximum Floor Area Ratio	1.5:1	4.25:1 requested (based on Zoning staff's calculation, the applicant's proposal actually requires 4.7:1)	5.4:1 (reflects applicant's proposed floor area as calculated by Zoning, relative to remnant lot area*)
Maximum building height	6 storeys	Building A: 16 storeys to 49.5 m Building B: 9 storeys to 28.5 m Building C: 20 storeys to 61.5 m (excluding rooftop mechanical and amenity)	Building A: 17 storeys to 57 m Building B: 12 storeys to 42 m Building C: 21 storeys to 69 m (includes rooftop mechanical and amenity as a storey)
Minimum parking supply	1.25 spaces per unit, including visitor spaces	0.83 total spaces per unit (0.7 for occupants and 0.13 for visitor per unit)	0 spaces required
Minimum accessible parking spaces	3% of required spaces (assuming more than 90 spaces)	2.34% of provided spaces	3% of provided spaces (assuming more than 90 spaces**)
Minimum accessible pathway width	3 m	1.5 m	1.8 m
Minimum amenity area	15 m ² per efficiency unit,	13.8 m ² per dwelling unit	13 m ² per dwelling unit

	20 m ² per 1-bedroom unit, 35m ³ per multi-bedroom unit		
Maximum yard abutting any street	4.5 m	Building A: 5 m Building B: 11.2 m	No maximum
Minimum yard abutting any street	3 m	2.7 m	2.5 m
Minimum separation distance from a railway	30 m	9.8 m with provision of crash wall	15 m; may be reduced where railway operator has approved reduced setback and crash wall
Minimum setback for below-grade parking	3 m	0.8 m	2.7 m abutting west lot line, 0.9 m other lot lines
Minimum landscape area abutting street	3 m	2.7 m	Not required
Other built form regulations to regulate building massing	Not applicable	Not applicable	Refer to Appendix C for minimum stepbacks, maximum building length, maximum gross building floor area on each storey

*Existing lot area is 10,785 m². After deducting 385 m² road widening and 1,040 m² parkland dedication, the remnant lot area is 9,360 m². The applicant's currently proposed Gross Building Floor Area, based on Zoning staff's review, is 50,541 m². 50,540 m² divided by 9,360 m² equals a Floor Area Ratio of 5.4:1 after land dedication.

**If 5 to 50 parking spaces are provided, 1 designated accessible parking space shall be provided. If 51 to 90 parking spaces are provided, 2 designated accessible parking spaces shall be provided. If more than 90 parking spaces are provided, 3% of provided parking shall be designated accessible parking spaces.

2.6.1 Park zone

Staff recommend that the proposed parkland dedication be zoned P (Neighbourhood Park), consistent with how neighbourhood parks are zoned in other parts of the City.

The P zone permits a limited range of recreational uses. The underground parking garage proposed by the applicant will not be permitted within the lands zoned P.

2.6.2 Holding Symbols

A Holding Symbol is a tool used in the Zoning By-law to freeze development on certain lands until such time as specified criteria are satisfied and the Holding Symbol can be removed.

A Holding Symbol is proposed on the lands to be zoned P for site contamination purposes. Prior to the removal of the 'H' Holding Symbol by way of an amending zoning by-law, the following shall be completed:

1. The owner shall submit a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of the Director of Community Planning;
2. The owner shall submit a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of the Director of Community Planning;

A Holding Symbol is also proposed on the lands to be zoned MXG-545 to ensure that various outstanding technical issues are addressed prior to development proceeding. Prior to the removal of the 'H' Holding Symbol by way of an amending zoning by-law, the following shall be completed:

1. The owner shall submit a revised Land Use Compatibility Study addressing the peer review comments prepared by SLR Consulting (Canada) Ltd., dated July 4, 2024, to the satisfaction of the Director of Community Planning;
2. The owner shall submit a revised Noise Impact Study addressing the peer review comments prepared by SLR Consulting (Canada) Ltd., dated July 4, 2024, to the satisfaction of the Director of Community Planning;
3. The owner shall submit a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of the Director of Community Planning;
4. The owner shall submit a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of the Director of Community Planning;
5. The owner shall submit a revised Pedestrian-Level Wind Study in accordance with the City's Pedestrian-Level Wind Study Guidelines and Terms of Reference, March 2020, and all mitigation measures shall be incorporated into the Site Plan, to the satisfaction of the Director of Community Planning;
6. The owner shall submit a revised Shadow Study in accordance with the City's Shadow Study Guidelines and Terms of Reference, March 2020, to the satisfaction of the Director of Community Planning.

7. The owner shall submit an updated Transportation Impact Study to the satisfaction of the Director of Transportation Services;
8. A revised Functional Servicing Report shall be submitted that addresses the sewer capacity issue on Grahams Lane and how this issue is to be resolved to the satisfaction of Halton Region. In this regard, downstream servicing constraints shall be addressed and any extensions, upsizing and/or upgrades be constructed and in operation, or arrangements, satisfactory to Halton Region, have been made for the provision of servicing.

2.7 Draft Community Planning Permit System By-law

City Council adopted, in principle, a Community Planning Permit System (CPPS) By-law for its MTSAs in June 2024. Although the CPPS By-law has not yet received final approval or come into effect, staff have considered the CPPS in their review of the subject applications.

The CPPS, if it were in effect, would allow for development of up to 6 storeys in height to be considered through a Class 1 CPP application. The CPPS would allow for development of up to 11 storeys in height to be considered through a Class 2 CPP application, subject to the provision of facilities, services, and matters in accordance with the relevant sections of the CPPS. Proposals for building heights in excess of 11 storeys, as proposed by the subject applications, would be considered through a Class 3 CPP application and would be subject to the provision of facilities, services, and matters in accordance with the relevant sections of the CPPS. The required facilities, services, and matters may include the provision of additional parkland, affordable ownership unit mix, or alternatives, as well as a Complete Community Contribution.

The CPPS requires the provision of non-residential uses continuously at grade along Major Mixed Use Streets including Graham's Lane. Within the Legion Commons Precinct, the CPPS requires the provision of a minimum of two permitted or discretionary uses and should contain three permitted uses where feasible. The CPPS also encourages the provision of mid-block pedestrian connections on sites with multiple towers. The CPPS also eliminates the requirement for a minimum number of parking spaces to be supplied.

Staff have reviewed the subject applications with consideration for the CPPS By-law. The subject applications, as proposed by the applicant, do not comply with the CPPS Bylaw, particularly with respect to the proposal to provide only single-use residential development where the CPPS requires mixed-use development. However, staff's recommended modifications are consistent with the CPPS By-law.

2.8 Urban Design Guidelines

2.8.1 Tall Building Guidelines (2017)

The subject applications propose two tall buildings and one mid-rise building.

2.8.1.1 Building Base (Podium)

The Guidelines call for podiums to frame the street. Where no streetwall has been established, podiums should be set back to allow for wide boulevards. As there is no established, the guideline is addressed by provision of a minimum 2.5 m front setback for the building fronting Graham's Lane.

On sites with multiple towers, mid-block pedestrian connections should be provided to enhance permeability, break up podiums, and create additional corner conditions (TBG 2.1d). The applicant's proposal provides walkways for circulation around the site, including a perimeter loop and connections between buildings. Staff's recommended modifications enhance achievement with this guideline by requiring a mid-block pedestrian connection across the site, to be continued across other sites in future, thereby supporting active transportation not only at a site level but at a neighbourhood level.

Guideline 2.1e) requires an 11 metre separation between podiums of adjacent buildings that contain windows. The applicant's proposal provides an 11 metre separation between the two closest buildings, and staff recommend enshrining this 11-metre separation as a requirement in the Zoning By-law for the site.

Guideline 2.2 address podium height and massing. The applicant's proposal does not establish a clear distinction between podium and tower. As no streetwall has been established, staff recommend a 6-storey podium, with a 3 metre stepback above where buildings front the street, to establish a streetwall in compliance with the guidelines. The 6-storey streetwall height meets the guideline of being 80% of the planned right-of-way width. Staff recommend a minimum first-floor height of 4.5 m for the proposed non-residential uses, consistent with 2.2d.

Staff recommend that no projecting balconies be permitted within the podium on building elevations facing the street or park. This recommendation achieves the intent of guideline 2.4m. Staff also recommend requiring that loading spaces be screened from view of the street and park, as per guideline 2.5a.

2.8.1.2 Building Middle (Tower)

The applicant's proposal complies with the minimum 25 metres separation distance between towers on the site, but does not provide adequate setbacks from lot lines to ensure that towers are appropriately separated from future towers that may be developed on neighbouring properties in future. Staff's recommended modifications

require a minimum tower setback of 12.5 metres (half of the separation distance) from each abutting property, to ensure compliance with building separation guidelines.

The applicant's proposal also does not provide appropriate tower setbacks as per guideline 3.1d, nor does it comply with the maximum tower floorplate of 750m² recommended by the guidelines to ensure slender towers. The applicant's proposed towers are excessively massive, with upper-level floorplates in excess of 950m². Staff's recommended modifications require a 3 m setback above the 6th floor on building elevations facing the public realm, and 2m setback above the 6th floor on all other building elevations. Staff also recommend modifications to rein in building massing while still allowing flexibility to exceed the guidelines to a reasonable degree that is appropriate for the context of the subject property. Accordingly, staff recommend a maximum tower floorplate of 800m².

Staff's recommended modifications also provide significant flexibility by permitting a hybrid tall-mid-rise form; i.e.: staff's recommendations allow for proposed buildings to have a bulkier mid-rise form up to the 11th floor (the typical upper limit of a mid-rise building) and then transition to a slender tower at the 12th floor and above. This design flexibility is appropriate given the context of the subject property, which is a large site buffered from neighbouring uses by an adjacent railway corridor and Hydro One corridor to the west. Staff have ensured appropriate minimum setbacks to ensure compatibility with lands to the east.

2.8.1.3 Staff Opinion

The subject applications, as proposed by the applicant, do not comply with key elements of the Tall Building Guidelines. Most notably, the proposed towers are excessively massive and do not protect for appropriate tower separations from potential future towers on neighbouring properties. Staff's recommended modifications allow for design flexibility appropriate to the context of the site while bringing the proposed development into substantial compliance with the Tall Building Guidelines.

2.8.2 Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019)

The guidelines call for buildings to be placed parallel to street or public open spaces to frame and define these spaces. The applicant's proposal provides one tall building framing Graham's Lane and one mid-rise building that is set back and at an angle to Graham's Lane while framing a proposed POPS to the west. Staff's recommended modifications replace the POPS along the western property line with a public park fronting of Graham's Lane, and establish zoning guidelines to position the proposed buildings in a manner that frames both the street and the park.

The Mid-Rise Guidelines call for building separations of 15 m for lower buildings and 20 m at the upper building levels. As staff's recommended modifications are intended to allow for flexibility, and permit a hybrid tall-mid-rise built form, staff have recommended

that the Zoning By-law require building separations of 11 metres at lower levels, consistent with the Tall Building Guidelines, and apply a 15 metre separation to levels 7-11. These are minimum standards and the applicant may still be encouraged to provide greater separations through the review of a Site Plan application based on review of wind and shadow impacts.

The Mid-Rise Guidelines support the provision of mid-block active transportation connections; as discussed above under Tall Building Guidelines, staff are proposing a mid-block active transportation connection consistent with the guidelines.

The Mid-Rise Guidelines call for building length not to exceed 60 metres. In reviewing the subject applications, one of staff's top priorities was to ensure the provision of appropriate public parkland that meets the City's parkland dedication criteria. To address this concern, staff are recommending that a 1000m² park be dedicated along the Graham's Lane frontage. Staff propose that this park should have 50 metres of width along the street frontage, and 20 metres of depth; staff believes this configuration strikes the ideal balance of providing functional parkland space that meets City criteria, while also preserving a flexible area for development on the subject property behind/north of the park, to support the City's objective to facilitate housing development. In order to support achievement of both park and development objectives, staff propose that the site be flexible to accommodate either two buildings or one large building behind the park, so that the developer will have flexibility in design. Accordingly, staff recommend that the Zoning By-law establish a maximum building length of 90 metres for storeys 1-6 on the western half of the site. This length is 1.5 times the 60 metre maximum recommended by the guidelines; however, staff believe this is an appropriate exceedance given the site's context. The potential 90m long building would be located at the rear of the large property, away from the public realm and with its narrowest side oriented towards the park and street. The potential 90m long building is also buffered from existing neighbourhoods to the west by a rail corridor and hydro corridor which provide a 50m separation between the subject property and the neighbouring property. To ensure that building massing is appropriately managed, staff recommend that the upper portion of the building (storeys 7-11) have a maximum length of 60 metres, consistent with the guidelines, and a 40m maximum length for the tower (storeys 12+), as these upper levels will be more visible and more impactful for the surrounding area.

2.8.2.1 Staff Opinion

Staff's recommended modifications allow for design flexibility including permission to build a hybrid tall-mid-rise form, in order to facilitate the achievement of the City's objectives to obtain public parkland while still facilitating development of new housing and non-residential uses on the subject property. While staff's recommendations do not comply with all numerical standards in the Guidelines, the recommendations are

appropriate to the context of the site and comply with the intent of both the Tall and Mid-Rise Guidelines to a greater degree than the applicant's proposal.

2.8.3 Pedestrian-Level Wind Study Guidelines and Terms of Reference (2020)

The Pedestrian-Level Study Guidelines and Terms of Reference (the 'Wind Guidelines') have been established to inform development proposals within the City of Burlington. The Wind Guidelines set out expectations for high quality design outcomes to ensure pedestrian comfort and safety is maintained as Burlington continues to grow and develop.

A Pedestrian-Level Wind Study ('Wind Study') is required for developments over 5-stories in height and conducted to predict and assess the wind impacts of proposed buildings and site designs on surrounding public and private spaces in addition to on-site wind conditions. The objective is to ensure pedestrian comfort and safety is maintained as Burlington continues to grow and develop. Acceptable pedestrian level wind conditions are assessed by season and the intended use for the areas being studied. Acceptable pedestrian level wind conditions do not exceed the recommended maximum for a particular activity, such as sitting, standing, leisurely or fast walking.

A Wind Study prepared by Gradient Wind and dated February 28, 2024, was submitted with the subject applications. The Wind Study involves wind tunnel measurements of pedestrian wind speeds using a physical scale model, combined with meteorological data integration, to assess pedestrian comfort at key areas within and surrounding the study site. Two conditions were studied, one of which included the existing conditions, including all approved, surrounding developments without the proposed development, and the second scenario including the proposed development in place.

In accordance with the Wind Study findings, most public sidewalks, walkways, laneways, parking areas, and landscaped spaces within and surrounding the proposed development are expected to generally experience wind conditions suitable for walking or better during the winter and standing or better during the summer. An exception is the pedestrian clearway between Buildings B and C (referenced as Sensors 53 and 54 under the Wind Study), where conditions exceed to 'Uncomfortable' levels in terms of annual 'Comfort Class', and to a 'Dangerous' level in terms of the 'Safety Class'. The area offset from the west corner of Building B (Sensor 53) exceeds the annual safety criteria.

The Wind Study identifies that existing landscaping along the rail corridor to the west is expected to somewhat improve conditions, however, that to ensure safe seasonal windspeeds suitable for walking or better, it is recommended to stagger wind barriers along the clearway between the buildings to buffer salient winds.

Staff recommend that a Holding Symbol be placed on the subject property to require wind impacts to be addressed. As staff are recommending a modified approval that will

prompt redesign work for the subject property, which includes requirements to add appropriate setbacks and reduce upper-level building massing, there is an opportunity for the revised design to eliminate the uncomfortable and unsafe wind conditions that result from the current proposal altogether, rather than relying on mitigation measures that would be determined through a future Site Plan application.

Staff opinion: the proposed development, as proposed by the applicant, creates unacceptable pedestrian-level wind impacts in select locations on the subject property, and accordingly does not comply with the intent of the Wind Guidelines. Staff's recommended modifications require design revisions that present an opportunity to eliminate the unacceptable wind impacts rather than rely on mitigation measures. Staff therefore recommend a Holding symbol be placed on the property to require a revised wind study that will address outstanding concerns prior to development proceeding.

2.8.4 Shadow Study Guidelines and Terms of Reference (2020)

The applicant submitted a Shadow Study prepared by Kohn Partnership Architects Inc., dated March 15, 2024, which was reviewed against the Shadow Study Guidelines and Terms of Reference (2020). The guidelines consider shadowing on Key Civic and Cultural Spaces, Private Outdoor Amenity Spaces, Parks and Open Spaces, Places Where Children Play, and Public Realm and Sidewalks. In reviewing the surrounding area, the proposal impacts Private Outdoor Amenity Spaces, Parks and Open Spaces, and Public Realm and Sidewalks. There are no Key Civic and Cultural Spaces impacted, or in the vicinity, of the subject lands.

The submitted Shadow Study prepared by Kohn Partnership Architects Inc., dated March 15, 2024 provides Shadow Study Diagrams and a legend identifying the Parks and Open Spaces, and Private Outdoor Amenity Area that the shadows reach during the study dates and times. However, the applicant has not provided the Sun Access Factor for each of the areas impacted as required by the Shadow Study Guidelines and Terms of Reference.

Staff opinion: The subject applications have not demonstrated that the proposed development complies with the Shadow Study Guidelines and Terms of Reference. Staff recommend that a Holding Symbol be placed on the subject property to require that a revised Shadow Study be submitted that adheres to the Shadow Study Guidelines and Terms of Reference and provides sufficient information and analysis to confirm that shadow impacts of the proposed development are acceptable. Where shadow impacts are considered unacceptable for the given Shadow Impact Criteria, mitigation strategies must be developed and tested. Test results must demonstrate the resultant conditions meet the applicable Shadow Impact Criteria.

2.8.5 Sustainable Building and Development Guidelines (2021)

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 on previously developed sites 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 building layout this is not possible to comply with and in turn plantings will be provided along all property lines. Landscaping will also be provided on the ground floor amenity area.

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. Staff's modified recommendation adds a requirement for a public pedestrian mid-block connection across the site.

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 398 bicycle parking spaces on the ground floor and the below grade parking structure.

Guideline 2.4 encourages the provision and implementation of a Transportation Demand Management Plan (TDM) as part of development proposals. As part of the application materials, a TDM review has been provided under the Transportation Impact Study submitted. The applicant's proposed TDM measures include bicycle repair tools

and stations to be located within bicycle locker zones and a real-time transit and transportation information screen in an area accessible to residents. Transportation staff support these measures and have advised that additional TDM measures will be required at the Site Plan stage.

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. 25 trees were surveyed on/in the vicinity of the Subject Lands. Of these, 15 are intended to be preserved.

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 all property lines. Landscape areas have also been provided in the outdoor amenity areas on the ground floor.

In accordance with Guideline 6.1 development proposals are required to provide and implement a waste management plan in accordance with Regional requirements. Halton Region staff have provided advisory comments for waste management that can be addressed at the Site Plan stage.

The proposed development proposal complies with the required Sustainable Building and Development 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.

3.1 Technical Review

Planning staff circulated the application materials to relevant City departments and external technical agencies for review on May 8, 2024. A summary of comments from technical reviewers is provided below. These comments have informed staff's recommendation.

3.1.1 Land Use Compatibility

Community Planning staff retained SLR Consulting (Canada) Ltd to conduct a peer review of the applicant's Noise and Vibration Impact Study and their Land Use Compatibility (Air Quality and Noise) Study. Additionally, SLR considered the public comments received by the City that identified land use compatibility concerns with the proposed development.

SLR concluded that additional information is required in the assessments of air quality, noise and vibration in order to confirm land use compatibility of the proposed development with surrounding facilities. To address this comment, staff are

recommending that a Holding Symbol be placed on the subject property in the Zoning By-law to require the applicant to submit revised land use compatibility studies to address these concerns. The revised studies must address SLR's comments to the satisfaction of the Director of Community Planning prior to the Holding Symbol being removed through an amending Zoning By-law. Development on the site cannot proceed until land use compatibility is demonstrated and the Holding Symbol is removed.

Additionally, staff are recommending that Council delegate to the Director of Community Planning the authority to deem the subject property to be a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines. This will create a more streamlined approvals process by allowing the Director of Community Planning to determine how noise will be regulated for the proposed development upon receipt of supporting information from the applicant without having to report back to Council regarding NPC-300 classifications.

3.1.2 Parks

Parks Design and Construction staff identified significant concerns with the subject applications. These concerns generally fall under the categories of parkland configuration and parkland ownership.

With respect to parkland configuration, Parks staff do not support the applicant's proposal to dedicate a narrow strip of land alongside the rail corridor as parkland. While staff agree with the applicant that the southwest corner of the property, at the terminus of the Maple Trail, is the most appropriate location for parkland on the subject property, Parks staff have the following concerns with the configuration proposed by the applicant:

1. The proposed parkland is entirely located within the railway setback, where park programming and design may be constrained by rail safety concerns.
2. The proposed parkland is a narrow space (16 metres wide) situated between a 2.2m high railway crash wall and a nine-storey building, which leads to a dead end in terms of public pedestrian connectivity. Additionally, more than one sixth of the 16-metre width is shown on the applicant's plans as being constrained by buffers from the adjacent crash wall and private walkway, limiting park design and programming options.
3. The proposed parkland has poor visibility from the public realm, with only 16 metres of street frontage at the end of the Graham's Lane cul-de-sac, relative to a proposed 63 metres of park depth. In accordance with the City's [Parkland Dedication Criteria](#) (Appendix B of the Parks Provisioning Master Plan), the City requires park blocks to provide "a minimum 50% block frontage onto adjacent streets" for visibility and natural surveillance, which in this case would amount to a minimum of approximately 32 metres of frontage on Graham's Lane, assuming a 1000 m² park.

With respect to parkland ownership, Parks staff do not support the proposal to dedicate ground-level area as a stratified POPS (Privately Owned, Publicly accessible Space) above an underground parking garage, as this does not meet the criteria of the City's [Parkland Dedication By-law](#) or [Parks Provisioning Master Plan](#). In addition to being above a parking garage, the proposed parkland dedication is also constrained by a railway crash wall and 3m-wide maintenance buffer which occupy approximately 19% of the proposed POPS and would be unusable for park programming. Rather, Parks staff have identified the need for approximately 1000m² (not exceeding 1040m²) of land to be dedicated unencumbered to the City (i.e. no private development located within, below, or above it), with the remainder of any under-dedication to be paid as cash in lieu of land, in fulfilment of the City's Parkland Dedication By-law.

Planning staff agree with the comments of Parks staff and have addressed them through the recommended modifications to the proposed development. Planning staff's recommended modifications provide unencumbered parkland with an area of approximately 1000m² at the front of the property, with approximately 50 metres of frontage on Graham's Lane and approximately 20 metres of depth. This modified concept improves the visibility and useability of the proposed parkland while still preserving a functional and viable configuration of developable land on which the applicant has various options to accommodate their proposed development with a revised design.

3.1.3 Transportation

Comments from Transportation staff indicate that the submitted Transportation Impact Study (TIS) does not provide sufficient information and analysis to support the report's conclusions or recommended measures to mitigate impacts of the proposed development on the transportation network. To address this issue, Planning staff's recommended modified Zoning By-law Amendment places a Holding Symbol on the property that cannot be removed until a revised TIS is submitted to address the concerns of Transportation staff. In particular, the revised TIS must:

1. Include clear recommendations to mitigate traffic issues at the intersections of Brant Street and Graham's Lane/Prospect Street, and Brant Street and Fairview Street;
2. Correct mathematical errors; and
3. Reflect any changes in proposed land uses (this would include the additional land uses proposed to be permitted by staff's recommended modifications).

Transportation staff expressed concern that the subject applications were submitted prior to completion of a Tertiary Plan for the Legion Commons Precinct, as called for by the Area-Specific Plan for the Burlington GO MTSA/UGC, as the Tertiary Plan is needed to determine how the objectives of the Precinct will be implemented. In particular, the Area-Specific Plan calls for a new public street in the area of the subject

property, and the Tertiary Plan was intended to determine the configuration of that new street and the role of the subject property in providing that new street. Planning staff's recommended modifications include a requirement to provide a walkway through the site that can be secured for public access through easements, as a means to mitigate the missed opportunity of securing a new public street in this area.

Transportation staff support the proposed bicycle parking supply and do not object to the applicant's proposal to reduce vehicle parking supply, noting that the City's draft Community Planning Permit System (CPPS) proposes to remove minimum parking supply requirements in the MTSAs, as required by Bill 185. However, transportation staff identified concerns with the proposed underground parking garage design, which must be revised at Site Plan stage to bring the proposed development into conformity with the City's Site Plan Guidelines and ensure functionality.

Lastly, Transportation staff advise that, pending final approval of the Council-adopted OPA 2, the deemed width of Graham's Lane will become 26 metres, which will prompt the need for a 3m road right-of-way widening on the subject property (not required by the policies currently in effect). Staff also advise that the existing Graham's Lane cul-de-sac will need to be brought up to the City's standards with minimum right-of-way radius of 16 metres to accommodate maneuvering for waste collection and service vehicles needed to service the proposed development. Planning staff's recommended modifications have accounted for these future requirements and have confirmed that these will not affect development potential on the site.

3.1.4 Halton Region

Halton Region's comments on the subject applications identify important constraints to the available servicing infrastructure capacity: the proposed development at full build-out would bring the existing downstream sanitary sewer from 32% capacity to 84% capacity. Regional standards require sewers to be upsized when they surpass 70% capacity and accordingly, upgrades to the existing infrastructure will be required in order to support the proposed development. The Region requires that a Holding Symbol be placed on the property in the Zoning By-law to ensure that:

"A revised Functional Servicing Report shall be submitted that addresses the sewer capacity issue on Grahams Lane and how this issue is to be resolved to the satisfaction of Halton Region. In this regard, downstream servicing constraints shall be addressed and any extensions, upsizing and/or upgrades be constructed and in operation, or arrangements, satisfactory to Halton Region, have been made for the provision of servicing."

Staff's recommended modified approval includes the above Holding-removal criterion in fulfilment of the Region's requirement.

The Region's comments do not identify any other concerns for the purposes of the subject applications, but offer advisory comments about waste management requirements to inform future Site Plan application.

3.1.5 Burlington Hydro

Comments from Burlington Hydro identify that the hydro distribution system has limited capacity to support the proposed development, and a system expansion may be required to accommodate the proposed development. The applicant is advised to contact Burlington Hydro and provide additional information at their earliest opportunity to discuss any restrictions. Burlington Hydro does not require a Holding Symbol in the Zoning to secure this upgrade but advises that needed system expansion may be significant and take years to implement.

3.1.6 Finance Department

A Fiscal Impact Study, prepared by Altus Group, dated April 11, 2024, was submitted with the planning application for 1393 Grahams Lane. Finance staff engaged Watson & Associates Economist Ltd. to review the Altus Fiscal Impact Study (Altus Study). A detailed peer review of the Altus Study was prepared.

The Altus Study estimated a net annual fiscal surplus of approximately \$1.2 million for the proposed redevelopment. By comparison and summarized in the Watson Peer Review, analysis indicates the redevelopment is less optimistic than Altus analysis with a potential annual fiscal surplus approximately \$300k, with the principal difference being assumptions on tax revenues and lifecycle costs.

While the peer review would indicate that the redevelopment may provide a modest surplus to the City from a fiscal perspective, it is important to recognize the fiscal impact study is a tool to be used, along with other policy documents and not in isolation of other factors of importance that this study does not consider such as the physical, social, economic, and cultural elements of the city. A fiscal review is only one of many useful tools that are utilized in the process.

3.1.7 Landscape and Forestry

Landscape and Forestry staff advise the applicant to ensure sufficient soil volume for all canopy trees and encourage that this be addressed through provision of missing information and increasing deficient volumes at the earliest possible stage. Landscape and Forestry staff also encouraged that the proposed development provide spaces where trees can grow without being constrained by underground parking garages. The subject applications propose an underground setback of 2.7 metres from the western lot line; Planning staff support this as a minimum standard to protect neighbouring trees. Planning staff are also recommending a modified approval that will provide for the dedication of unencumbered parkland to the City, which will provide opportunities for tree planting alongside space for recreation.

3.1.8 Other Technical Comments

Development Engineering provided comments that can be addressed through a future Site Plan application:

Finance Department (Tax section) and Canada Post provided standard comments.

The following agencies provided comments indicating they have no concerns with the proposed development:

1. Halton Regional Police
2. Rogers
3. Enbridge Gas
4. Halton Catholic District School Board

The following agencies responded to indicate they have no comments on the subject applications:

1. Metrolinx
2. CN Rail
3. Conservation Halton

4.0 Public Comments

Public input has been considered by staff in the review of the subject applications. As of July 22, 2024, Planning staff have received written comments from 5 members of the public. All public feedback received throughout the process has been considered by staff in the review of the subject applications. Concerns expressed in these comments are summarized in Table 3 below in no particular order.

Table 3: Summary of public comments received by Planning staff as of July 22, 2024

Row #	Public comment theme	Staff response
1	Concern that inadequate parking will be provided.	A Transportation Impact Study and Parking Rationale was submitted with the subject applications and reviewed by Transportation staff. The study is available online at www.burlington.ca/1393grahams . Staff are recommending a modified approval that eliminates minimum parking supply requirements as required by Bill 185 amendments to the Planning Act.
2	Concerns that the proposed buildings are too tall	The City's New Official Plan (2020) identifies the subject property is located within a Primary Growth Area. Primary Growth Areas are identified as being the most appropriate and predominant location for new tall buildings in accordance with the land use policies of an Area-Specific Plan. The City's Area-Specific Plan for

		<p>the UGC/MTSA allows for consideration of tall buildings on the subject property through a CPPS application (not yet in effect). Based on review of the subject applications, including the submitted Planning Justification Report and Urban Design Brief, staff are recommending approval of the requested increased height permissions. However, staff are of the opinion that the proposed tall buildings are excessively massive at upper levels, and are recommending modified amendments to require that tall buildings on the site have appropriate massing and comply with the intent of the City’s design guidelines.</p>
<p>4</p>	<p>Concerns over land use compatibility with surrounding area</p>	<p>The subject property is located within an area that is planned to transition to a mixed-use, complete community over time, in accordance with the City’s Area-Specific Plan. Nonetheless, proposed sensitive uses must demonstrate land use compatibility with surrounding facilities including existing employment uses. The applicant submitted a Land Use Compatibility study and Noise & Vibration Impact Study, which were peer-reviewed by an external consultant. Based on the comments from the peer reviewer, staff are recommending that a Holding Symbol be placed on the subject property to require additional land use compatibility and noise & vibration analysis to ensure land use compatibility is demonstrated prior to any development proceeding.</p>

Options Considered

When reviewing applications for Official Plan Amendment and Zoning By-law Amendment, the City has the option to approve the applications as submitted, refuse the applications, or approve with modifications. In this instance, staff do not recommend approval of the applications as submitted. Given that staff are unable to support the proposed development as submitted in the subject applications, it is staff’s opinion that this leaves the City with the following options:

1. Approve a modified Official Plan Amendment and Zoning By-law Amendment;
 - o Risk: the applicant could appeal this decision to OLT
2. Refuse the applications;
 - o Risk: the applicant could appeal this decision to OLT
3. Direct staff to continue working with the applicant beyond the 120-day statutory timeline to address outstanding concerns.

- Opportunity: If staff were directed to continue working with the applicant beyond the 120-day statutory timeline, this would allow an opportunity for the applicant to submit revised materials and additional information that would enable the City to make a more informed decision and possibly resolve some of the outstanding technical concerns prior to a decision being made, thereby requiring fewer criteria for removal of Holding Symbols.
 - Note: a Holding Symbol would still be required for, at a minimum, Regional servicing requirements
 - Note: Additional processing time would not change staff's opinion that the subject applications are not supportable as currently proposed.
- Risk: the applicant could appeal the applications to the Ontario Land Tribunal (OLT) on the basis of non-decision after the 120th day (August 23, 2024)
- Note: because Bill 185 has removed the refund provisions of Bill 109, the City would not have to provide any fee refund as a result of failing to make a decision within 120 days.

As discussed throughout this report, staff's recommendation is to approve a modified Official Plan Amendment and Zoning By-law Amendment (option 1).

Financial Matters:

As discussed under section 3.1.6 above, the Finance Department retained Watson & Associates Economist Ltd to conduct an external peer review of the applicant's Fiscal Impact Study by Altus. While Altus estimated a net annual fiscal surplus of approximately \$1.2 million for the proposed redevelopment, Watson's peer review findings indicate the redevelopment is less optimistic than Altus analysis with a potential annual fiscal surplus of approximately \$300k, with the principal difference being assumptions on tax revenues and lifecycle costs.

The Finance Department's comments conclude by stating that, "While the peer review would indicate that the redevelopment may provide a modest surplus to the City from a fiscal perspective, it is important to recognize the fiscal impact study is a tool to be used, along with other policy documents and not in isolation of other factors of importance that this study does not consider such as the physical, social, economic, and cultural elements of the city. A fiscal review is only one of many useful tools that are utilized in the process."

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 consider the Sustainable Building and Development Guidelines (2021), which encourage sustainable design measures for new development across the City. Further, Burlington's MTSA's play a key role in the sustainable growth of our city and to address climate change. Given the subject property's location within an Urban Growth Centre and Major Transit Station Area in proximity to transit services, the subject applications propose intensification that supports an opportunity to increase transit use as well as multi-modal, active transit mode shares and the efficient redevelopment of under-utilized land. The applicant submitted a Sustainable Building and Development Guidelines Checklist which is intended to demonstrate considerations applied from the guidelines.

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on September 25, 2023. This meeting was attended by approximately 20 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 2 Councillor Lisa Kearns.

After receiving a complete application for the subject lands, City staff notified and consulted the public through the City's standard public notification and consultation practices for an Official Plan Amendment and/or Zoning By-law Amendment applications. This included the creation of a website at www.burlington.ca/1393grahams, notice signs being erected on the property, and notices being mailed to neighbouring property owners and tenants within 120 metres of the property. Staff have considered the comments of members of the public in their review of the application, as discussed above under Section 4.0 of this report.

Members of the public will have an additional opportunity to provide input to Council by delegating at the statutory public meeting on August 7, 2024, where the current report will be considered. Staff have notified members of the public about the statutory public meeting on August 7, 2024, as follows:

- Notice published in the Hamilton Spectator on July 5, 2024;

- Notice mailed to members of the public who have previously commented or requested to be notified about this application, and provided their mailing address;
- Notice mailed to neighbouring property owners and tenants within 120 metres of the subject property;
- Information about the meeting published on the application webpage, www.burlington.ca/1393grahams, and an email notification sent to webpage subscribers.
- Information posted on the Public Notices newsfeed of the City's website.

More information on the planning process in Burlington, including opportunities for public consultation, can be found at www.burlington.ca/planningprocess.

Conclusion:

Staff are of the opinion that the subject applications for Official Plan Amendment and Zoning By-law Amendment, as proposed by the applicant, are not consistent with all applicable policies of the PPS and do not conform with all applicable policies of the Growth Plan, the Halton Region Official Plan, and the City of Burlington Official Plan. Furthermore, the as-proposed applications are not consistent with the City's New Official Plan or Area-Specific Plan for the Downtown Burlington UGC/Burlington GO MTSA, and do not comply with all applicable design guidelines.

Staff are recommending a modified approval that addresses these concerns through modified Official Plan Amendments and modified Zoning By-law Amendments including the placement of a Holding Symbol on the property until relevant criteria are satisfied. The proposed amendments as modified by staff recommendation are consistent with the PPS; conform to the Growth Plan, Regional Official Plan, and City Official Plan; are consistent with the City's New Official Plan and Area-Specific Plan; and comply with the intent of the applicable design guidelines.

Respectfully submitted,

Thomas Douglas MCIP RPP

Senior Planner - Development

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thomas.douglas@burlington.ca

Appendices:

- A. Sketches
- B. Official Plan Amendment No. 152
- C. Zoning By-law Amendment 2020.484
- D. Public Comments

Notifications:

Tamara Tannis, MHBC Planning

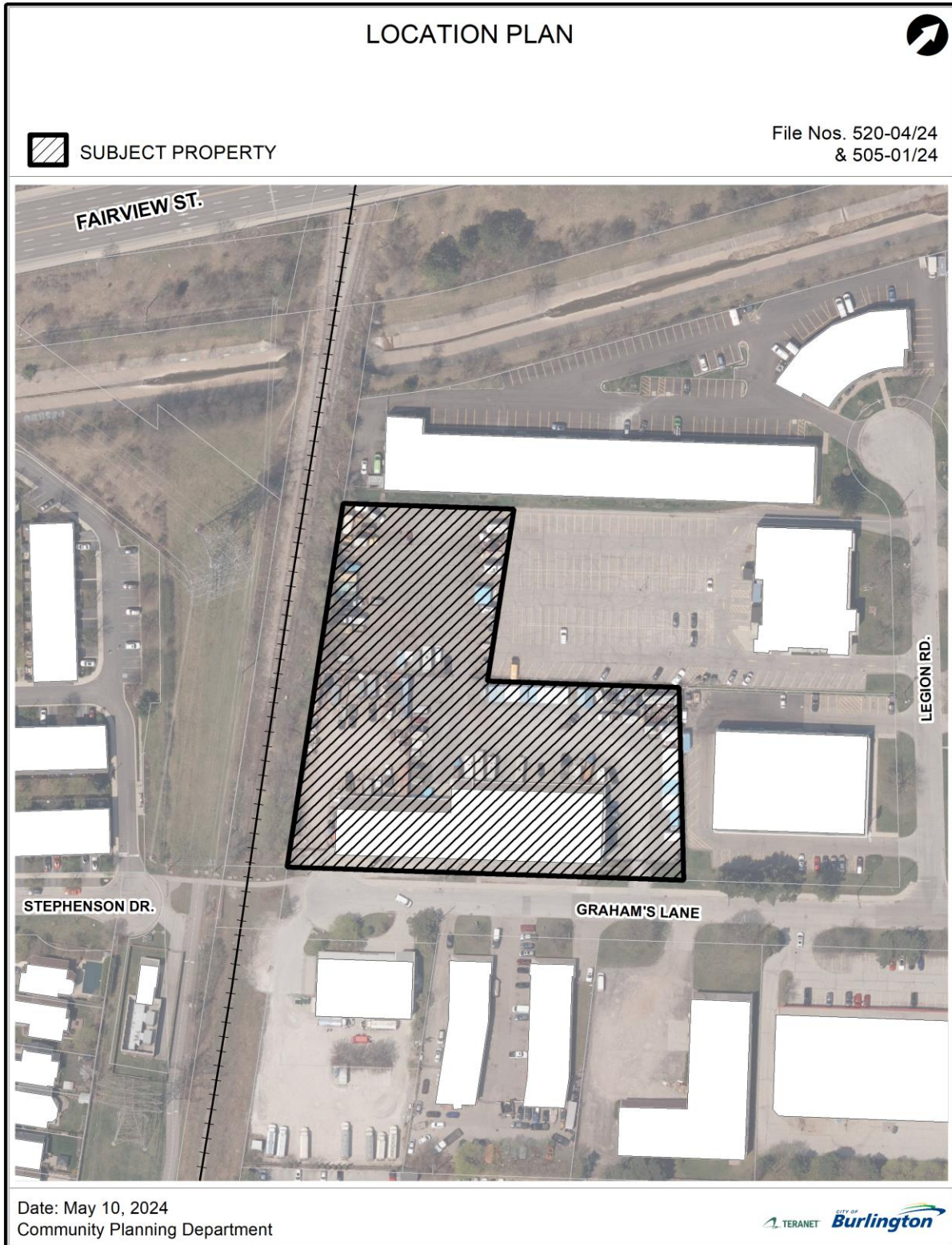
Alireza Takook, Altus Group

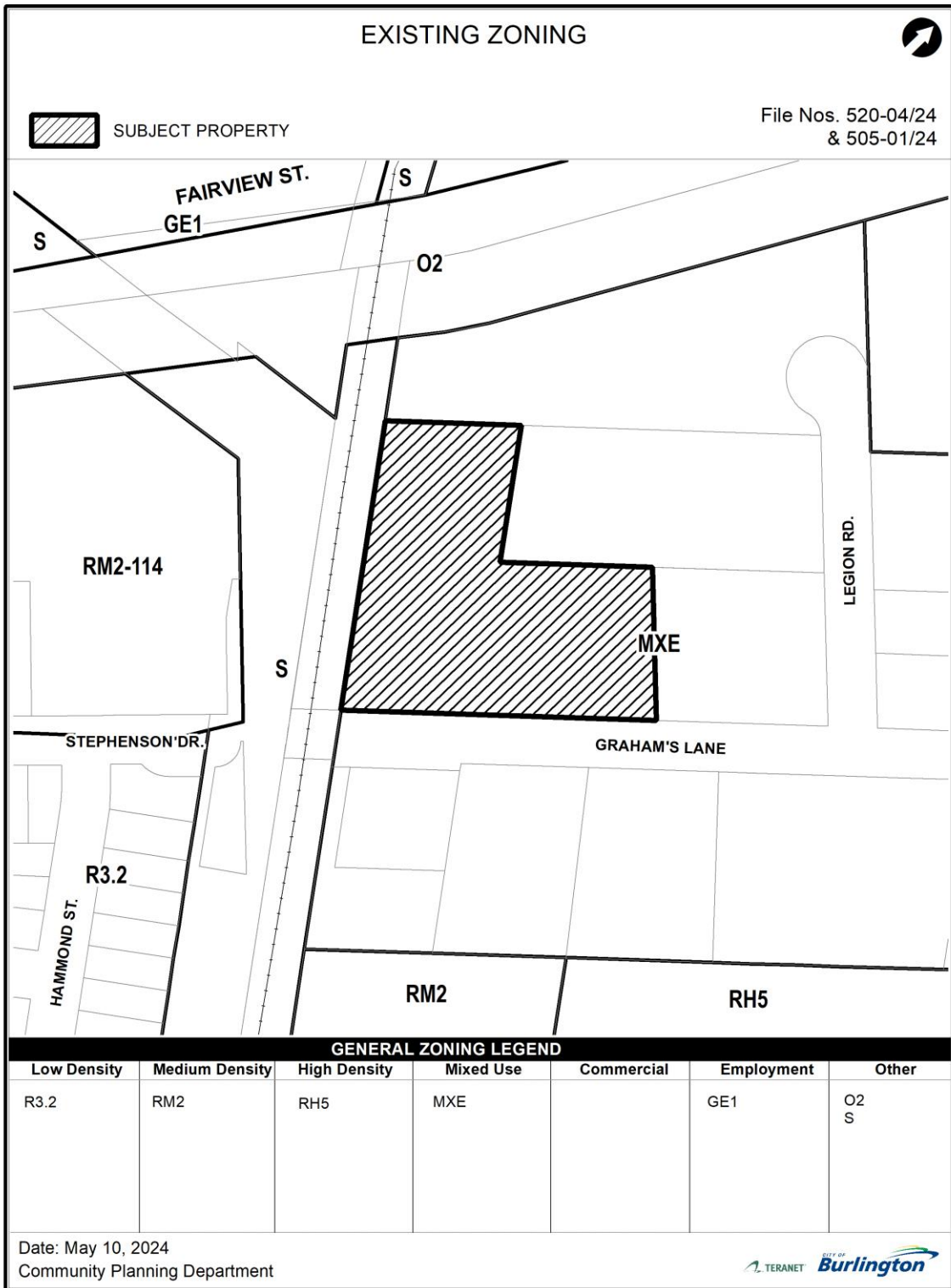
Matt Christie, Northstone CP

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.

Appendix A: Sketches





Sketch No. 1
CONCEPT PLAN



Application for Official Plan Amendment and Zoning By-law Amendment for 1393 Graham's Lane.



SUBJECT PROPERTY



Bus Route



Bus Stop

File Nos. 520-04/24
& 505-01/24



Date: May 10, 2024
Community Planning Department



Appendix B: Draft Official Plan Amendment No 152

AMENDMENT NO. 152 TO THE OFFICIAL PLAN OF THE CITY OF BURLINGTON, 1997

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part “B” of this text, constitute Amendment No. 152 to the Official Plan of the City of Burlington, 1997, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of the Amendment is to change the land use designation on the subject lands from Mixed-Use Corridor – Employment to Mixed-Use Corridor – General with site-specific policy to permit the development of a public park, one building with a height of 17 storeys containing residential and non-residential uses, one multi-unit residential building with maximum height of 21 storeys, and a possible additional multi-unit residential building with maximum height of 12 storeys (maximum heights include rooftop mechanical and amenity area). The proposal will provide up to 722 dwelling units and will have a maximum Floor Area Ratio of 5.4:1.

2. SITE AND LOCATION

The subject property is comprised of one parcel of land located on the north side of Graham’s Lane with 128 metres of frontage on Graham’s Lane and 119 metres of frontage on the CN Rail corridor to the west. The property is L-shaped and has an area of 1.08 hectares.

To the north of the subject property is a surface parking lot supporting Royal Canadian Legion Branch 60 Burlington, and a one-storey multi-unit employment building at 850 Legion Road. Further north is the Rambo/Hager Creek diversion channel, which is regulated by Conservation Halton, and a section of Fairview Street that is elevated to pass over a CN rail corridor.

To the east are Royal Canadian Legion Branch 60 Burlington and a one-storey multi-unit plaza containing automotive, employment, and commercial uses. Further east, hydro infrastructure, employment, and automotive uses are located on the east side of Legion Road.

To the south across Graham’s Lane are employment and automotive uses in one-storey buildings; beyond these are mid-rise residential buildings on Ghent Ave.

To the west is a CN Rail corridor containing a rail spur line. Beyond this is a Hydro One transmission corridor, and beyond this is an established low-rise residential neighbourhood consisting of townhouses and detached houses. A multi-use trail called Maple Trail is located within the Hydro Corridor, extending from the terminus of Graham’s Lane south to Ontario Street in the vicinity of Spencer Smith Park and Burlington Beach.

Burlington Transit route 2 provides bus service on Brant Street, 220 metres to the east. At the corner of Brant Street and Fairview Street, a 520-metre walking distance from the subject property, is a bus stop served by numerous bus routes providing connections to Burlington GO Station, Downtown Burlington, and Downtown Hamilton.

3. BASIS FOR THE AMENDMENT

The proposed development:

- a) Represents growth in a settlement area with a density and mix of uses that efficiently use land and resources and are appropriate for and efficiently use the planned and available infrastructure, subject to the implementation of necessary upgrades to sanitary sewers and hydro transmission infrastructure, consistent with the Provincial Policy Statement (PPS);
- b) Constitutes intensification of underutilized employment land within an Urban Growth Centre on a Priority Transit Corridor and a Major Transit Station Area, and will contribute to achieving the Growth Plan target of 200 residents and jobs combined per hectare by 2031, in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan);
- c) Provides up to 722 dwelling units in a Strategic Growth Area, which will contribute to the City achieving its 2031 Housing Pledge, consistent with the housing objectives of the PPS and in conformity with the housing objectives of the Growth Plan, Regional Official Plan, and City's Official Plan.
- d) Provides a mix of residential and non-residential uses that contribute to the achievement of Halton Region's target proportion of 65% residents and 35% jobs for the Burlington GO Major Transit Station Area;
- e) Requires the inclusion of a minimum 600 m² of floor area for non-residential uses, which will allow for the retention of a similar number of jobs relative to the existing employment use that will be redeveloped, in conformity with Growth Plan and Regional Official Plan policies that require retention of space for a similar number of jobs where employment lands outside an Employment Area are redeveloped;
- f) Provides for the dedication of parkland with frontage on and visibility from a public street in accordance with the City's Parks Provisioning Master Plan and Parkland Dedication By-law, consistent with the public realm, parks, open space, and complete community objectives of the PPS, Growth Plan, Regional Official Plan, and City Official Plan;
- g) Will achieve land use compatibility with surrounding uses, subject to additional land use compatibility analysis and noise and vibration analysis to be completed prior to a Holding Symbol being removed through an amending Zoning By-law and prior to development proceeding;
- h) provides for a publicly accessible mid-block pedestrian connection, generally in alignment with the new street that was envisioned by the City's Area-Specific Plan for the Downtown Burlington Urban Growth Centre/Burlington GO Major Transit Station Area, which contributes to achieving a highly connected active transportation network and facilitating active transportation;
- i) is located on lands with adequate transportation infrastructure, subject to the provision of a new publicly accessible mid-block active transportation connection, and subject to additional transportation impact analysis to be completed prior to removal of a Holding Symbol through an amending Zoning By-law, and implementation of transportation impact mitigation strategies through detailed design;

- j) is located on lands with adequate servicing infrastructure, subject to implementation of servicing infrastructure upgrades to occur prior to removal of a Holding Symbol through an amending Zoning By-law and hydro infrastructure upgrades to occur prior to issuance of permits;
- k) provides for appropriate separation of sensitive uses from a railway right-of-way, in accordance with the Guidelines for New Development in Proximity to a Railway Operation and consistent with the policies of the PPS, Growth Plan, and Regional Official Plan;
- l) provide for a Holding Symbol in the Zoning By-law to ensure that development does not proceed until it is confirmed that the lands are suitable for the proposed uses, consistent with the human-made hazard policies of the PPS and in conformity with the site contamination policies of the Regional Official Plan;
- m) supports climate change mitigation by directing growth to areas that will support achieving complete communities and intensification in close proximity to existing and planned transit and active transportation, and reducing dependence on private automobile trips, consistent with the climate change and sustainability policies of the PPS and in conformity with the climate change and sustainability policies of the Growth Plan, Regional Official Plan, and City's Official Plan;
- n) incorporates alternative development standards, as encouraged by the PPS, Growth Plan, and Regional Official Plan, in the form of reduced parking supply requirements for intensification within a Strategic Growth Area;
- o) Satisfies the criteria of the City of Burlington Official Plan to allow lands designated Mixed-Use Corridor – Employment to be redesignated to permit non-employment uses, in particular as the proposed conversion follows a municipal comprehensive review of the Halton Region Official Plan that allowed the conversion of these lands, and as the development of the land for non-employment uses will meet a public need for additional housing supply identified by City Council resolution;
- p) Satisfies the intensification criteria of the City of Burlington Official Plan;
- q) Represents development in an Urban Growth Centre and Major Transit Station Area with transit-supportive densities and mix of uses, and compact built form, consistent with the intent of the Council-adopted Area-Specific Plan for the Downtown Burlington Urban Growth Centre/Burlington GO Major Transit Station Area;
- r) Generally complies with the applicable design guidelines of the City of Burlington, including the Tall Building Guidelines, Design Guidelines for Mixed-use and Residential Mid-Rise Buildings, and Sustainable Building and Development Guidelines;
- s) Will comply with the City's Shadow Study Guidelines and Terms of Reference and Pedestrian-level Wind Study Guidelines and Terms of Reference, subject to additional analysis to occur prior to development proceeding to ensure avoidance of impacts and mitigation of impacts where avoidance is not possible.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change:

Comprehensive Land-Use Plan – Urban Planning Area, being Schedule B of the Official Plan of the Burlington Planning Area, as amended, is modified by the attached Map 1, which indicates the lands designated Mixed-Use Corridor – Employment will be amended to the Mixed-Use Corridor – General designation with site-specific provisions in Schedule B “Comprehensive Land-Use Plan – Urban Planning Area” of the Official Plan (1997, as amended).

Text Change:

The text of the City of Burlington Official Plan (1997), as amended, is hereby amended by adding the following site-specific policy (ah) to Part III, Subsection 5.3.2, as follows:





<p>1393 Graham's Lane</p>	<p>ah) On the lands at 1393 Graham's Lane, a mixed-use development <i>shall</i> be permitted subject to the following:</p> <ul style="list-style-type: none"> (i) Notwithstanding Part III, Subsection 5.3.2(d)(i) of this Plan, the maximum <i>Floor Area Ratio shall</i> be 5.4:1; (ii) Notwithstanding Part III, Subsection 5.3.2(d)(ii) of this Plan, <ul style="list-style-type: none"> a. The minimum height <i>shall</i> be 4 storeys, except for <i>accessory buildings</i>, which <i>shall</i> not be subject to a minimum height; b. One building containing residential uses and a minimum of 600m² of floor area for non-residential uses <i>shall</i> have a maximum height of 17 storeys including mechanical penthouse and rooftop amenity; c. One single-use residential building <i>shall</i> have a maximum height of 21 storeys including mechanical penthouse and rooftop amenity; and d. One additional single-use residential building <i>may</i> be permitted, subject to a maximum height of 12 storeys including mechanical penthouse and rooftop amenity. (iii) The City <i>may</i> take public-access easements on the subject property for the purpose of improving neighbourhood connectivity and walkability, and supporting and promoting active transportation on a neighbourhood scale as the lands in the vicinity of the subject property transition through incremental redevelopment from a mixed-use employment area to
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	<p>a complete community over the planning horizon of this Plan and beyond.</p> <p>(iv) Notwithstanding part VI, section 2.7.2(c) of this Plan, parkland dedication <i>shall</i> be calculated in accordance with the City's Parkland Dedication By-law and Parks Provisioning Master Plan.</p>
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AMENDMENT No. 152 TO THE OFFICIAL PLAN
OF THE BURLINGTON PLANNING AREA

Schedule 'B'

File No. 505-01/24

- Legend**
-  MUC - General
 -  MUC - Employment
 -  Residential - Medium Density
 -  Residential - Low Density

Date: July 16, 2024
Community Planning Department



Area 'A' to be amended from 'Mixed Use Corridor - Employment' to 'Mixed Use Corridor - General with site-specific policy.'

Appendix C: Draft Zoning By-law Amendment 2020.484

BY-LAW NUMBER 2020.484, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.484

A By-law to amend By-law 2020, as amended; for 1393 Graham's Lane, for the purpose of permitting the development of a public park, one building with a height of 17 storeys containing residential and non-residential uses, one multi-unit residential building with a maximum height of 21 storeys, and a possible additional multi-unit residential building with a maximum height of 12 storeys (maximum heights include rooftop mechanical penthouse and amenity area).

File No.: 520-04/24

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities;
and,

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PL-64-24 on August 7, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit the development of a public park, one building with a height of 17 storeys containing residential and non-residential uses, one multi-unit residential building with a maximum height of 21 storeys, and a possible additional multi-unit building with a maximum height of 12 storeys (maximum heights include rooftop mechanical penthouse and amenity area)

**THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON
HEREBY ENACTS AS FOLLOWS:**

1. Zoning Map Number 10-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from MXE to H-MXG-545.
3. The lands designated as "B" on Schedule "A" attached hereto are hereby rezoned from MXE to H-P.
4. Part 11, Appendix A, of By-law 2020, as amended, Site-Specific Requirements for Removal of an "H" Holding Symbol, is amended by creating Section 88 as follows:

88.	H-MXG-545	Map 10-E	Resolution:
<p>The Holding symbol shall be removed from the zone designation by way of an amending Zoning By-law when the following has been completed:</p> <ul style="list-style-type: none"> a) The owner shall submit a revised Land Use Compatibility Study addressing the peer review comments prepared by SLR Consulting (Canada) Ltd., dated July 4, 2024, to the satisfaction of the Director of Community Planning; b) The owner shall submit a revised Noise Impact Study addressing the peer review comments prepared by SLR Consulting (Canada) Ltd., dated July 4, 2024, to the satisfaction of the Director of Community Planning; c) The owner shall submit a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of the Director of Community Planning; d) The owner shall submit a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of the Director of Community Planning; e) The owner shall submit a revised Pedestrian-Level Wind Study in accordance with the City’s Pedestrian-Level Wind Study Guidelines and Terms of Reference, March 2020, and all mitigation measures shall be incorporated into the Site Plan, to the satisfaction of the Director of Community Planning; f) The owner shall submit a revised Shadow Study in accordance with the City’s Shadow Study Guidelines and Terms of Reference, March 2020, to the satisfaction of the Director of Community Planning; g) The owner shall submit an updated Transportation Impact Study to the satisfaction of the Director of Transportation Services; and, h) A revised Functional Servicing Report shall be submitted that addresses the sewer capacity issue on Grahams Lane and how this issue is to be resolved to the satisfaction of Halton Region. In this regard, downstream servicing constraints shall be addressed and any extensions, upsizing and/or upgrades be constructed and in operation, or arrangements, satisfactory to Halton Region, have been made for the provision of servicing. 			

5. Part 11, Appendix A, of By-law 2020, as amended, Site-Specific Requirements for Removal of an “H” Holding Symbol, is amended by creating Section 89 as follows:

89.	H-P	Map 10-E	Resolution:
<p>The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed:</p>			

- a) The owner shall submit a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of the Director of Community Planning;
- and,
- b) The owner shall submit a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of the Director of Community Planning.

6. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 545 as follows:

Exception 545	Zone MXG	Map 10-E	Amendment 2020.484	Enacted
<p>1. <u>Additional Prohibited Uses:</u></p> <ul style="list-style-type: none"> a) Drive-through facilities b) Standard restaurant with dance floor c) Night Club <p>2. For the purposes of applying zoning regulations, the property zoned MXG-545 shall be considered one lot.</p> <p>3. <u>Regulations for the entire site:</u></p> <ul style="list-style-type: none"> a) Maximum Floor Area Ratio: 5.4:1 b) Separation between buildings: <ul style="list-style-type: none"> i. Storeys 1-6: 11 m including balconies ii. Storeys 7-11: 15 m including balconies iii. Storeys 12 and higher: 25 m excluding balconies c) Yard for a below-grade parking structure: <ul style="list-style-type: none"> i. Abutting west side lot line: 2.7 m ii. Abutting any other lot line: 0.9 m iii. Abutting a P zone: 0.9 m d) Notwithstanding Part 5, section 4.1, Table 5.4.1, the maximum yard abutting any other street shall not apply. e) Setback for above-grade access stairway building to the below-grade parking structure: <ul style="list-style-type: none"> i. From Graham's Lane, a P zone, or a railway: subject to principal building yards ii. From any other lot line: 1.5 m f) Stepbacks: <ul style="list-style-type: none"> i. A stepback shall be defined as the minimum horizontal distance that an external building wall is set back from the external building wall of a storey below it. ii. On building elevations abutting Graham's Lane or a P zone, storeys 7 and higher shall provide a 3 m stepback from the 6th storey. iii. On all other building elevations, storeys 7 and higher shall provide a 2 m stepback from the 6th storey. g) Balconies: <ul style="list-style-type: none"> i. Maximum projection from building wall: <ul style="list-style-type: none"> a. Building elevations facing Graham's Lane or a P zone: <ul style="list-style-type: none"> a. Storeys 1-6: 0 m b. Storeys 7 and higher: 1.5 m b. All other building elevations: 1.5 m ii. Not permitted within a required yard. 				

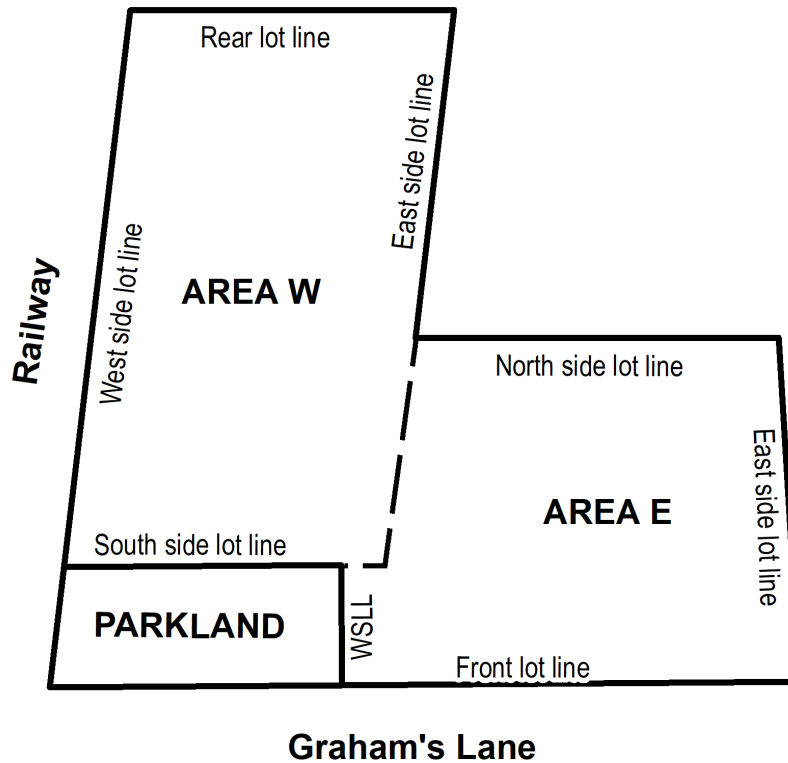
- iii. Balconies on storeys 1-11 shall not encroach into a required building separation as per 3(b) above.
- h) A rooftop terrace at any level shall maintain the principal building yards of the storey below it.
- i) Landscape Area abutting a street: Not required.
- j) Pedestrian walkway:
 - i. Notwithstanding Part 5, Section 4.6 (f), a walkway with a width of 1.8 m shall be provided from the street connecting the sidewalk to the principal entrance of each non-residential unit and each residential lobby.
 - ii. A pedestrian walkway with a minimum width of 1.8 m that provides a direct pedestrian path from the front lot line to the north side lot line is required between a proposed building in Area E and any proposed building(s) in Area W.
 - iii. A pedestrian walkway described in 3 (j)(i) or (ii) above shall be unencumbered except that the walkway may cross a driveway, provided that the driveway is substantially perpendicular to the walkway.
- k) Loading and Unloading:
 - i. Loading and unloading shall not take place within 7.5 m of a P zone.
 - ii. In addition to Part 5, section 4.11 (b), loading/unloading docks shall be screened from view from a P zone.
- l) Amenity area: 13 m² per dwelling unit
- m) Accessory structures at grade:
 - i. Maximum height: One storey and 4 m
 - ii. Not permitted in a required yard abutting Graham's Lane or a P zone.
 - iii. Yard abutting all other lot lines: 1.5 m
- n) Accessory structures on a roof top terrace:
 - i. Maximum height from the rooftop: 3.7 m
 - ii. Notwithstanding Part 1, Section 2.2.2, any accessory structure located on a terrace and/or rooftop shall maintain the yard requirements of the floor level below the terrace and/or rooftop.
- o) Parking:
 - i. Notwithstanding Part 1, Subsections 2.25.1 and 2.25.4, there shall be no minimum number of parking spaces required.
 - ii. Where parking facilities are provided, designated accessible parking spaces for the exclusive use of persons with disabilities shall be identified with a provincially regulated vertical sign displaying the international symbol for accessible parking spaces. Designated parking spaces shall be included in the calculation of provided parking and shall be provided in accordance with the following:
 - a. Where 5 to 50 parking spaces are provided, 1 designated accessible parking space shall be provided.
 - b. Where 51 to 90 parking spaces are provided, 2 designated accessible parking spaces shall be provided.
 - c. Where more than 90 parking spaces are provided, 3% of provided parking shall be designated accessible parking spaces.
 - d. Medical office and institutional uses shall provide a minimum of one designated accessible parking space. Where out-patient services are provided, a minimum of 10% of the required parking shall be designated accessible parking spaces.
 - e. Each designated accessible parking space shall have a minimum width of 2.75 m and a minimum area of 16.5 m² and shall be located adjacent to a delineated "accessible parking pathway" with a minimum width of 2 m.
 - iii. Notwithstanding Part 2, Section 1(i)(ii), for apartment buildings 4 storeys or more in height, driveways and parking spaces shall be set back 2 m from a window of a habitable room in a dwelling unit located on the ground floor or basement.
 - iv. Part 5, Subsection 4.6 (c) shall not apply.
- p) Bicycle parking:

	i. Long-term:	0.5 spaces/unit
	ii. Short-term:	0.05 spaces/unit
	iii. Vertical bicycle parking space dimensions:	
	a. 0.6 m width	
	b. 1.2 m length	
	iv. Horizontal bicycle parking space dimensions	
	a. 0.6 m width	
	b. 1.8 m length	
	v. 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, at ground level or the first level above or below the ground floor. Required long-term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony, or in a storage locker.	
	vi. Short-term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. All short-term bicycle parking spaces shall be provided at ground level.	
4.	<u>Regulations for Area E as shown on Figure 545:</u>	
	a) Minimum floor area for non-residential uses:	600 m ²
	i. Notwithstanding footnote (a) to Table 5.2.1, all non-residential uses may be located on either the ground floor or second floor, provided that a minimum of 480 m ² of non-residential uses are provided on the ground floor in a building elevation facing the street.	
	b) Dwelling units, residential guest suites, and indoor residential amenity areas (excluding residential lobbies and residential primary building entrances) on the ground floor are not permitted within 15 m of a street.	
	c) Yards:	
	i. Yard abutting a P zone:	3 m
	ii. Yard abutting Graham's Lane:	2.5 m
	iii. Yard abutting north side lot line and east side lot line:	
	a. Storeys 1-6:	5.5 m
	b. Storeys 7-11:	7.5 m
	c. Storeys 12 and higher:	12.5 m
	iv. Notwithstanding 4.(c)(iii)a. above, for entrance and exit ramps to a below-grade parking structure, the yard abutting a north side or east side lot line is 3 m.	
	d) Building height:	
	i. Minimum 4 storeys	
	ii. Maximum 17 storeys to 57 metres including rooftop mechanical penthouse and rooftop amenity.	
	iii. Minimum height of portions of first storey containing non-residential uses:	4.5 m
	e) Maximum gross building floor area on each storey:	
	i. Storeys 1-11:	No maximum
	ii. Storeys 12 and higher:	800 m ²
	f) Maximum building length:	
	i. The maximum permitted length of a building, measured as a horizontal or vertical perpendicular measurement from outside wall to outside wall at any point within a building footprint, excluding balconies and permitted encroachments:	
	a. Storeys 1-11:	60 m
	b. Storeys 12 and higher:	40 m
5.	<u>Regulations for Area W as shown on Figure 545:</u>	
	a) Yards:	
	i. Yard abutting a P zone:	3 m
	ii. Yard abutting rear or east side lot line:	
	a. Storeys 1-6:	5.5 m
	b. Storeys 7-11:	7.5 m
	c. Storeys 12 and higher:	12.5 m

- iii. Notwithstanding Table 5.4.1:
 - a. Yard abutting a railway right-of-way: 15 m
 - b. Separation Distance from a Railway Right-of-Way: 15 m for land uses sensitive to a railway right-of-way.
 - c. The minimum yard abutting a railway and the minimum separation distance from a railway right-of-way in 5. (a)(iii) a. and b. above may be reduced where the railway operator has approved the reduced yard and separation distance and an associated crash wall located between the building and the railway.
- iv. Yard abutting west side lot line:
 - a. 3 m for entrance and exit ramps to below-grade parking structure.
 - b. 10 m for a building containing dwelling units.
- b) Building height:
 - i. Minimum 4 storeys
 - ii. One apartment building may have a maximum height of 21 storeys to 69 metres including rooftop mechanical penthouse and rooftop amenity.
 - iii. Additional apartment buildings within Area W shall have a maximum height of 12 storeys to 42 m including rooftop mechanical penthouse and rooftop amenity.
- c) Maximum gross building floor area on each storey (all buildings in Area W combined):
 - i. Storeys 1-11: No maximum
 - ii. Storeys 12 and higher: 800 m²
- d) Maximum building length:
 - i. The maximum permitted length of a building, measured as a horizontal or vertical perpendicular measurement from outside wall to outside wall at any point within a building footprint, excluding balconies and permitted encroachments:
 - a. Storeys 1-6: 90 m
 - b. Storeys 7-11: 60 m
 - c. Storeys 12 and higher: 40 m
- e) Ground-level vehicle parking is not permitted in a yard abutting a P zone, with the exception of parallel parking spaces alongside a driveway.

Figure 545:

Figure 545



Not to scale

*WSLL: West Side Lot Line

Except as amended herein, all other provisions of this By-law, as amended, shall apply.

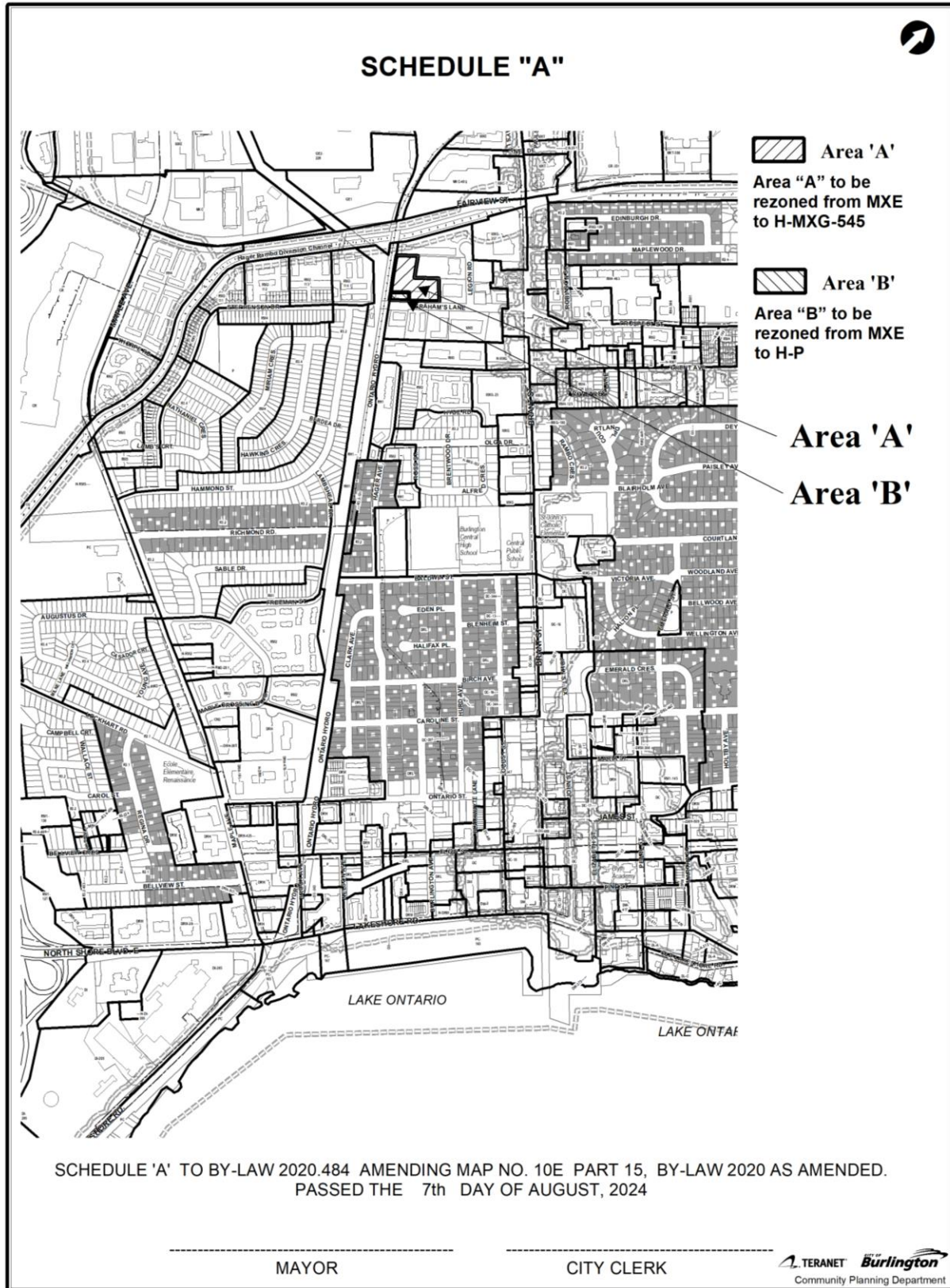
5 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

5 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 2024.

_____MAYOR

_____CITY CLERK



EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.484

By-law 2020.484 rezones lands at 1393 Graham's Lane to permit the development of a public park, one building with a maximum height of 17 storeys containing residential and non-residential uses, one multi-unit residential building with maximum height of 21 storeys, and a possible additional multi-unit residential building with maximum height of 12 storeys (maximum heights include rooftop mechanical penthouse and amenity area).

For further information regarding By-law 2020.484, please contact Thomas Douglas of the Burlington Community Planning Department at (905) 335-7600, extension 7811.

Appendix D: Public Comments

Comment 1

From: Thomas Witton

Date: May 17, 2024

Received the notice about the proposal for Grahams lane, and although it doesn't involve me in any way, I am a little bit confused about the numbers. Unless I have read it wrong, you are building 722 units with parking for 505 cars. This certainly doesn't make sense.

Comment 2a

From: Karen Phelps

Date: June 3, 2024

Good afternoon (I'm sorry I am not sure if your first is Thomas or Douglas):

I spoke with you on the phone last week. I have decided NOT to delegate but will be there on June 11th.

You said I could give our concerns to you, so here they are:

- with 772 units proposed, and 598 parking spaces, why do they have 93 Visitor parking? If the goal is "walk to ability" that does not make sense to have so many visitors parking.
- we wish to know if this will be built all at once or in phases?
- can we confirm that Grahams Lane and Stephenson Drive will remain closed off from one another (no vehicle traffic)?
- why is the tallest building facing west, could it not face north/south?

I wanted to get these points to you today. Our group meets again tomorrow. If it is okay may I add to the list.

Thank you for your time last week and the education on this process. Please feel free to contact me should you have any questions.

Comment 2b

From: Karen Phelps (follow-up email after staff requested clarification)

Date: June 4, 2024

Thomas:

I definitely have a problem with the height, FOR SURE! As I said to you on the phone I realize that this is happening, but if we could get less floors? That would be fantastic.

I also think putting the tallest building facing north/south (towards Grahams Lane) and the smaller of the two buildings east/west (facing my development directly) would be more pleasing for our neighbourhood.

I will let you know if I have any further concerns before Wednesday.

Thank you again for your help in this very important matter.

Karen Phelps

Comment 3

From: Nick Pogrebnyakov

Date: June 7, 2024

I am writing to express my concerns about the proposal to build three apartment block towers at 1393 Graham's Ln. I understand the need for new housing, but I believe the City needs to address an issue with the current plan to prevent negative impacts on the community.

I find it incomprehensible that the proposal includes 722 apartments but only 598 parking spaces, of which 93 are moreover designated for visitors. People will still need cars to get around. If anything, the proposal should plan for more than one parking spot per unit. Otherwise residents will have little choice but to park on Graham's Ln. and nearby streets. A lack of parking space for residents is already an issue at many residential communities in the City, from apartment buildings like 2087 Fairview St. near Burlington Go station to low-rise communities such as the Brownstones townhouses on 895 Maple Ave.

Given these concerns, I urge the council to reevaluate the parking provisions in the current proposal. It is vital that any new development not only meets the needs for additional housing but also preserves the quality of life for existing and future residents.

Comment 4

From: Mark Frew

Date: June 12, 2024

Hello Mr. Douglas,

As the owner of a commercial business at 1380 Grahams Lane, the proposed development at 1393 Grahams Lane is concerning.

We operate a 24/7 business with trucks coming and going all hours of the day.

How do we coexist with residential with this being the case with noise and other distractions being normal for our business?

Please let me know how these concerns should be presented.

Comment 5

From: Jeff Smith and Mike Goeree

Date: June 18, 2024

To Whom it may concern;

I am writing this in regards to the development proposal at 1393 Grahams Lane. The letter in which we just received says feedback was required by June 5th, however we were just made aware yesterday by mail so I am still forwarding our concerns. As both business owners on the street (Lynden Lawn Care & Als Lawn Mower) we have grave concerns regarding the infrastructure and suitability of the land for the type and density of the proposed development. In concert with the development moving forward at the corners of Brant and Ghent, this will add a total of Approx 1559 units within 200 meters of our location (1421 Grahams Lane). Being a small engine repair shop this would impact our business immensely being directly next door to 1393. There are also additional concerns including but not limited to; a Fuel company with Fuel trucks parked directly across the road operating 24 hours per day, an increasing homeless/transient population growing along the abandoned rail trail, increasing vandalism and burglary issues, high voltage power transmission lines running directly adjacent to the development (which frequently arc during high winds) and an already high traffic load on Grahams Lane. Grahams Lane is currently a mix of commercial and light industrial business. To develop a Residential building in this area does not seem to be based on a logical thought process.

While this is only a brief overview of our concerns, a great deal of planning and consideration would be needed to ensure a building development of the size proposed would even be possible on Grahams Lane. We will also raise our concerns at the public meeting once we are aware of its scheduling.