



**SUBJECT: Statutory Public Meeting and Recommendation Report for
2362 Fairview Street**

TO: Mayor and Members of Council

FROM: Community Planning Department

Report Number: PL-62-24

Wards Affected: 2

Date to Committee: n/a

Date to Council: August 7, 2024

Recommendation:

Approve the applications for Official Plan Amendment and Zoning By-law Amendment at 2362 Fairview Street, as recommended by staff in community planning department report PL-62-24, to permit a 13 storey (including mechanical penthouse) mixed use building; and

Approve Official Plan Amendment No. 150 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-62-24, to create a site specific "Mixed Use Corridor – General" designation for the lands located at 2362 Fairview Street; 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. 150 as contained in Appendix D of community planning department report PL-62-24 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 (505-02/24); and

Approve Zoning By-law 2020.483, attached as Appendix E of community planning department report PL-62-24, to further amend the site specific "Mixed Use General (H-MXG-371)" with a Holding "H" prefix as provided in Appendix E to Report PL-62-24 (File: 520-05/24); and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 150 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 150 is adopted.

PURPOSE:

Vision to Focus Alignment:

(Select all areas that apply)

- 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:

Weston Consulting on behalf of the landowner at 2362 Fairview Street has applied for an Official Plan Amendment and Zoning By-law Amendment to permit the development of a 13-storey (inclusive of 2-storey townhouse-type units at grade and rooftop mechanical penthouse) mixed use building consisting of 338 units, 247 sq. m of ground floor retail and 307 sq. m dedicated to a community use on the ground floor.

The purpose of the Official Plan Amendment is to establish a site-specific Mixed-Use Corridor General Designation to permit a maximum building height of 13 storeys including the mechanical penthouse and a maximum FAR of 4.1:1.

The purpose of the Zoning By-law Amendment is to further amend the existing site-specific H-MXG-371 Zone to permit a 13 storey mixed use building with modifications to the building height, FAR, front yard setback, amenity space, parking and landscape areas. Staff have also included provisions to prohibit dwelling units on the 13th storey, setbacks to the mechanical penthouse and bicycle parking rates and regulations. A Holding Provision is recommended to ensure that a Record of Site Condition (RSC) and all environmental documentation used for filing the RSC are submitted to address outstanding comments from staff.

Six public comments have been received at the time of writing this report. [The public comments had concerns that dealt with height, density, traffic, drainage/grading, privacy, mature trees, noise, air and soil pollution, construction and setting a precedent. These concerns are addressed throughout this report.](#)

Staff are recommending modified approval of the proposed Official Plan Amendment and Zoning By-law Amendment for 2363 Fairview Street based on the following:

- The proposed amendments are consistent with the Provincial Policy Statement (2020);
- The proposed amendments conform to A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020);
- The proposed amendments conform to the general intent of the Burlington Official Plan (1997) and have regard for Burlington Official Plan (2020);
- The proposed development maintains the general intent of Zoning By-law 2020.

RECOMMENDATION:		Modified Approval	Ward:	2
Application Details	APPLICANT:	Weston Consulting		
	OWNER:	Lockwood Auto Group Inc		
	FILE NUMBERS:	505-02/24 & 520-05/24		
	TYPE OF APPLICATION:	Official Plan Amendment & Zoning By-law Amendment		
	PROPOSED USE:	A 13-storey mixed use building with 338 residential units, 247 m ² of ground floor commercial and 307 m ² of ground floor community use.		
Property Details	PROPERTY LOCATION:	South side of Fairview Street		
	MUNICIPAL ADDRESS:	2362 Fairview Street		
	PROPERTY AREA:	0.77 ha		
	EXISTING USE:	Motor vehicle storage		
Doc ume	1997 OFFICIAL PLAN Existing:	Mixed Use Corridor – General		

	1997 OFFICIAL PLAN Proposed:	Mixed Use Corridor - General with site-specific policies for height and Floor Area Ratio
	2020 OFFICIAL PLAN Existing:	Urban Corridor
	ZONING Existing:	Mixed Use General (MXG-371)
	ZONING Proposed:	MXG-371 with site-specific regulations
Processing Details	APPLICATION SUBMITTED:	May 6, 2024
	APPLICATION DEEMED COMPLETE:	May 10, 2024
	STATUTORY DEADLINE:	September 3, 2024
	PRE-APPLICATION COMMUNITY MEETING:	January 17, 2024
	PUBLIC COMMENTS:	The notice was circulated May 17, 2024, to 161 addresses and six public comments have been received.

Background and Discussion:

On May 10, 2024, the City acknowledged that a complete application had been received for an Official Plan Amendment and Zoning By-law Amendment for 2362 Fairview Street. The purpose of these applications is to amend the Official Plan and Zoning By-law to permit the development of a 13 storey mixed use building with 338 residential units, 247 sq. m of ground floor commercial and 307 sq. m of ground floor community uses.

Description of Subject Property and Surrounding Land Uses

The subject property is located on the south side of Fairview Street, east of Drury Lane. The subject property has an area of 0.77 hectares and approximately 92.7 metres of frontage along Fairview Street. The subject property is currently being used for motor vehicle storage.

There are six bus stops within 500 metres of the subject lands with access to bus routes 1 (Plains/Fairview), 6 (Headon), 51 (Central) 80/81 (Harvester/North Service). The subject lands are within 875 metres of the Burlington GO Station which provides connections to the Lakeshore West and Lakeshore East train and several bus options for the GTHA and Niagara.

Bus Route 1 runs along Plains Road West and Fairview Street and continues into downtown Hamilton along York Boulevard, King Street West, and Cannon Street West. Bus Route 1 provides connections to the Burlington GO Station, Appleby GO Station and Hamilton GO Station. Bus Route 6 connects the Burlington GO Station to GO 407 Carpool lot with frequent transit stops along the route. Bus Route 51 is a loop route that connects to the Burlington GO Station with frequent stops along Fairview Street, Walkers Line, Dundas Street, Sutton Drive and Appleby Line. Bus Route 80/81 connects the Burlington GO Station to the Appleby GO Station with stops along Guelph Line, Walkers Line and Appleby Line.

Surrounding uses are as follows:

- North: The subject property is bounded by Fairview Street to the north, a multi-purpose arterial road with four lanes. Beyond Fairview Street, on the north side of the street is a row of commercial properties (Fairview Chrysler, Frontier One, Napa AutoPro) and further north is the GO rail corridor.
- East: Multi tenant commercial building (Joe's African & Caribbean Market, Bad Axe Throwing Burlington, Vintage Iron Cycle and Canada Auto Glass) and further east are various commercial buildings extending to Guelph Line.
- South: one to two storey semi-detached dwellings along Barclay Road.
- West: commercial building (Value Village) and further west are other commercial buildings and the Halton Catholic District School Board at the intersection of Fairview Street and Drury Lane.

Description of Applications

Weston Consulting on behalf of Lockwood Auto Group Inc. has made applications to amend the Official Plan Designation and Zoning By-law for the subject property located at 2362 Fairview Street.

These applications are proposing a 13 storey mixed use building including the mechanical penthouse with 247 sq. m of ground floor commercial, 307 sq. m of community space on the ground floor with a FAR of 4.1:1. The proposed development includes a total of 338 dwelling units including 12 three-bedroom townhouse units, 16 bachelor units, 164 one-bedroom units, 66 two-bedroom units and 22 two-bedroom plus den units. A total of 390 parking spaces are proposed, with 380 parking spaces in three levels of underground parking and 10 surface parking spaces located within a central courtyard. A total of 7,731 sq. m of amenity space (indoor and outdoor) is proposed.

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

Supporting Documents

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

1. [Arborist Report and TPP](#) (prepared by Urban Arboretum, dated March 20, 2023);
2. [Architectural Drawings](#) (prepared by Terry Martino, dated April 12, 2024);
3. [Civil Drawings](#) (prepared by MTE, dated March 15, 2024)
4. [Draft Official Plan Amendment](#) (prepared by Weston Consulting, dated April 2024);
5. [Draft Official Plan Amendment Location Map](#) (prepared by Weston Consulting, dated April 2024);
6. [Draft Official Plan Amendment Land use Map](#) (prepared by Weston Consulting, dated April 2024);
7. [Draft Zoning By-law Amendment](#) (prepared by Weston Consulting, dated April 2024);
8. [Draft Zoning By-law Amendment Schedule](#) (prepared by Weston Consulting, dated April 2024);
9. [Environmental Site Screening Questionnaires](#) (prepared by Weston Consulting, dated April 23, 2024);
10. [Functional Servicing and Stormwater Management Report](#) (prepared by MTE, dated March 15, 2024);
11. [Height Survey](#) ((prepared by Weston Consulting, dated April 24, 2024);
12. [Housing Impact Assessment](#) (prepared by Parcel Economics, dated February 21, 2024);
13. [Landscape Plans](#) (prepared by MSLA, dated April, 2023);
14. [Land-Use Compatibility and Air Quality Study](#) (prepared by Gradient Wind, dated May 17, 2023);
15. [Noise and Vibration Impact Study](#) (prepared by Gradient Wind, dated April 22, 2024);
16. [Pedestrian Wind Study](#) (prepared by Gradient Wind, dated April 23, 2024));
17. [Phase 1 ESA](#) (prepared by MTE., dated May 26, 2017);
18. [Phase 2 ESA Interim Report](#) (prepared by MTE., dated July 9, 2020);
19. [Phase 1 and 2 ESA Reliance Letter](#) (prepared by MTE, dated April 24, 2024);
20. [Planning Justification Report](#) (prepared by Weston Consulting, dated May 2024);
21. [Transportation Impact Study and Parking Study](#) (prepared by Paradigm, dated May 2024); and,

22. [Urban Design Brief](#) (prepared by Weston Consulting, dated April 2024).

The Applicant submitted additional materials requested by in support of the applications on May 16, 2024, which include:

1. [Revised Shadow Study](#) (prepared by Weston Consulting, dated May 15, 2024)
2. [Revised Urban Design Brief](#) (prepared by Weston Consulting, dated May 15, 2024)
3. [Revised Planning Justification Report](#) (prepared by Weston Consulting, dated May 15, 2024)
4. Final Phase 2 ESA (prepared by MTE, dated January 30, 2024)*
5. [Revised Letter of Reliance for Phase 1 and 2 ESA](#) (prepared by MTE, dated May 15, 2024)

Supporting documents have been published on the City's website for the subject application: burlington.ca/2362fairview.

* Due to the file size limitations of the project website, the Final Phase 2 ESA, prepared by MTE, dated January 30, 2024 was not published on the webpage. A note was added to the project webpage advising residents that if they wanted a copy of the report, the planner on file would provide a link to the materials or a hard copy of the report.

All of the above application materials have been reviewed by relevant technical staff at the City and/or external agencies.

Policy Framework:

The applications for an Official Plan Amendment and Zoning By-law Amendment are subject to the following policy framework: the Planning Act, Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Halton Region Official Plan, the City of Burlington Official Plan (1997, as amended) and the City of Burlington New Official Plan (2020). Staff are of the opinion that the proposed applications are consistent with and conform to the applicable policy framework, as discussed below.

Provincial Policy Statement (PPS) 2020

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

preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

The PPS requires municipalities to provide a range and mix of housing options through intensification and redevelopment of existing building stock or areas in policy 1.4, where appropriate. In accordance with policy 1.4.3 an appropriate range and mix of housing options and densities shall be provided to meet projected market-based and affordable housing needs of current and future residents of the regional market. The PPS also encourages municipalities to develop performance standards to accommodate intensification and redevelopment while avoiding or mitigating risks to public health and safety.

The PPS identifies that the official plans are the most important mechanism for the implementation of provincial policy and shall establish appropriate land use designations and policies that direct development to suitable areas. The City of Burlington in-force current Official Plan (1997, as amended) contains development standards to facilitate housing intensification through specific evaluation criteria. The development standards from the City's Official Plan are integrated in the City's Zoning By-law 2020 in the form of regulations to inform appropriate development. The City's Official Plan also considers built form in its policies for design and associated Council approved design guidelines.

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).

The proposed development is requesting to increase the maximum height to 13 storeys, which would allow for the creation of elevated receptor points for noise and air quality impacts. The applicant has submitted technical studies demonstrating the feasibility of achieving land use compatibility for their proposed development through minimization and mitigation of noise impacts and air quality impacts, including the consideration for proposed new elevated receptor points. These studies have been reviewed by City staff,

Metrolinx, and an external peer reviewer retained by the City. Metrolinx will require the property owner to enter into development agreements for the proposed development.

The PPS requires sites with contaminants in land or water to be assessed and remediated as necessary prior to any activity on the site associated with the proposed such that there will be no adverse effects as per policy 3.2.2. The applicant provided a Phase I and Phase II Environmental Site Assessment with the subject applications, which have assessed site contamination and concluded that a Risk Assessment is required to develop property specific standards and risk management measures to address remaining contaminants prior to filing a Record of Site Condition. Halton Region has advised that a holding provision should be implemented on the property to ensure any outstanding site contamination matters are addressed and that the proposal will be appropriately informed by the final conclusions/recommendations of the Risk Assessment.

The City of Burlington has established development standards for residential intensification through the Intensification Evaluation criteria in its Official Plan. These applications have been assessed against these criteria and a discussion is contained further in the report. In the opinion of staff, the development proposal is consistent with the PPS as it facilitates intensification in the built-up area, proposes to use existing infrastructure and promotes the protection of public health and safety. Therefore, it is staff's opinion that the development proposal is consistent with the policies of the PPS, with the inclusion of the recommended holding provision.

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

The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan. Subsection 2.2.1.2 a) of the Growth Plan states that "the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities".

The subject lands are located within the delineated built boundary of the City of Burlington. The application proposes to intensify an existing property through the development of an underutilized lot within a previously developed area. The subject property is located in an area which is comprised of a mix of residential, commercial and office uses, and the proposed development would contribute to a complete community. The proposed development would use existing infrastructure and would be promoting growth and intensification within the urban area.

Part 2.2.2., Delineated Built-up Areas, Policy 4 states that “all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout the delineated built-up areas, which will identify the appropriate type and scale of development and transition of built form to adjacent areas”.

The subject lands are identified as “Mixed Use Corridor- General” within the city’s current Official Plan (1997) and the applicant is proposing to establish a site specific “Mixed Use Corridor – General” land use designation. The “Mixed Use Corridor – General” land use designation permits high density residential development with a maximum density of 185 units per net hectare. The proposed net density for the subject lands is 439 units per net hectare. While the Burlington Official Plan is supportive of potential growth and intensification, it must also be compatible with the character of the existing neighbourhood. It is the opinion of staff that the proposed development meets the evaluation criteria for intensification projects in the city and therefore conforms to the Growth Plan.

Halton Region Official Plan (ROP) 2006, as amended

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

On June 6, 2024, Bill 185 “*Cutting Red Tape to Build More Homes Act*”, received Royal Assent which removed the planning responsibilities of the Region of Halton under the *Planning Act*. On July 1, 2024, the Halton Region Official Plan was deemed to be the Official Plan of the lower tier municipalities, including the City of Burlington. As the Regional Official Plan is now the responsibility of the lower-tier municipalities, staff have provided an analysis of the applicable policies.

The subject lands are designated as Urban Area and are within the ‘Built-Up Area’ of the Regional Urban Structure as per Map 1 of the ROP. Urban Areas are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the ROP.

The ROP provides direction to ensure that new sensitive land uses are compatible with and are not negatively impacted by adjacent major facilities (ROP 143 (12)). City staff have reviewed the subject applications and retained an external consultant to conduct a peer

review of the land use compatibility studies (noise and air quality studies) submitted with the subject applications. Based on this review, the City's peer reviewer has provided comments indicating that the proposed development of new sensitive uses can achieve land use compatibility with surrounding major facilities. A further analysis of the Land Use Compatibility Study is discussed below under the Official Plan section of this report.

Section 147(17) of the ROP requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The applicant was required to submit an Environmental Site Screening Questionnaire (ESSQ), a Phase I Environmental Site Assessment, Phase II Environmental Site Assessment and Record of Site Condition for the property. The Phase II ESA concluded that a Tier 3 Risk Assessment is required before the filing of a Record of Site Condition. Regional staff recommend a holding provision to ensure that the recommendations/conclusions of the Risk Assessment are implemented on site.

Objective 78(1) of the ROP is to *“provide an urban form that is complementary to existing developed areas, use space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation and is environmentally more sustainable”*.

As previously mentioned, the City development evaluation criteria for intensification proposals are based on the above noted requirements, among others. A full analysis of the proposal in relation to the Evaluation Criteria is included in the current Official Plan (1997) section of this report.

Staff are of the opinion that the proposed development is in keeping with the policies of the ROP as it facilitates intensification and increased densities within the Built-Up Area, makes efficient use of space, and contributes to a more compact settlement pattern. Staff believe that the holding provision will adequately address the Region's comments and are of the opinion that the proposed development conforms to the Regional Official Plan.

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

The subject lands are designated as “Mixed Use Activity Areas” on Schedule A, Settlement Pattern, of the City's OP. “Mixed Use Activity Areas” provide locations where employment, shopping and residential land uses will be integrated in a compact urban form, at higher development intensities and be pedestrian oriented and highly accessible by public transit.

The subject lands are designated “Mixed Use Corridor – General” as per Schedule “B” (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan. The “Mixed Use Corridor – General” designation permits wide range of retail,

service commercial and personal services; financial institutions and services; office uses; entertainment, recreation and other community facilities; small scale motor vehicle dealerships and high density residential uses. This designation permits mixed-use a maximum building height of 6-storeys and a maximum Floor Area Ratio of 1.5:1.

The applicant is proposing a mid-rise building (i.e. 11 storeys according to the Official Plan); however, the Zoning By-law would classify the proposed building as a 13-storey building with and a maximum Floor Area Ratio of 4.1:1. The proposal includes additional second-floor commercial and community space mezzanines, second floor residential townhouse area, second floor mezzanine areas for the ground floor amenity space, which contribute to an additional storey, plus the rooftop mechanical penthouse that the City's Zoning By-law would consider an additional storey as well. The City's Zoning By-law would regulate this proposal as a 13-storey building, not an 11-storey building. While the Zoning By-law would classify this building as a 13-storey building, planning staff are satisfied that the proposed building can be interpreted as an 11-storey mid-rise building for reasons outlined later in this report.

Staff have reviewed the proposed development and determined that it is compatible with the abutting neighbourhood to the south and will be compatible with the surrounding context. A further analysis of the proposed development's compatibility with the surrounding context is found below in the Housing Intensification Criteria Section.

Housing Intensification Criteria

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

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

Comment: The development application was circulated to Halton Region, the City's Engineering Department, Halton District School Board and Halton Catholic District School Board for comment.

Development Engineering staff reviewed the application with respect to water, wastewater and storm sewers and note that while additional information will be required to be reviewed at the Site Plan approval stage, no further concerns remain with the proposed Official Plan and Zoning By-law Amendment.

Halton Region has confirmed that adequate servicing will be available for the proposed development and will require an updated Functional Servicing Report at the Site Plan stage to address the remainder of their comments.

Halton District School Board advise that students generated from this development are expected to be accommodated at Tecumseh (PS) and Burlington Central Highschool, which are currently under capacity. Tom Thomson (PS) is projected to be over building capacity and students generated from this development are expected to be accommodated in the respective schools with the addition of portables.

Halton Catholic District School Board students would be accommodated at St. Paul Elementary School and Assumption Catholic Secondary School. Neither of the school boards have objections to the proposal and will require conditions be added to any future agreements of purchase and sale or lease.

Staff is satisfied that this criterion is being met.

ii) Off-street parking is adequate

Comment: Transportation Planning staff reviewed the proposed 13 storey mixed use building and do not have concerns with the proposal.

On June 11, 2024, City-initiated planning report PL-45-24 “City-initiated amendment to Zoning By-law 2020 – residential parking standards for Fairview Street / Plains Road and Appleby Line corridors” was presented to the Committee of the Whole. The report and associated By-law No.2020.478 implemented the no minimum parking pilot project for the Fairview Street/ Plains Road and Appleby Line corridors. As this development is located within the Fairview Street Corridor, the minimum residential and visitor parking requirements of Zoning By-law No. 2020 would not apply.

The applicant has advised that they will be seeking a site-specific parking rate for residential and visitor parking spaces to meet the market demand for the proposed development. They are proposing 390 parking spaces and a parking rate of 1.10 parking spaces per unit (1 parking space per dwelling unit and 0.10 visitor parking spaces per unit).

Transportation Planning staff have advised that based on the data collected from the 2021 supplemental parking study of parking demands of residential uses in intensification areas, an occupant rate of 1.00 spaces per unit and 0.10 visitor spaces per unit for a combined rate of 1.10 is appropriate.

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;

Comment: Transportation Planning staff have advised that the proposed development is expected to generate approximately 106 (33 inbound and 73 outbound) trips during

the weekday a.m. peak hour and 139 (82 inbound and 57 outbound) trips during the weekday p.m. peak hour. Staff have no concerns with the traffic that will be generated by the proposed development and agree with the conclusions of the submitted traffic impact study that the transportation network will not be adversely impacted.

Halton Region staff have reviewed the submitted traffic impact study and advise that the trip generation from the proposed development will result in no significant issues at the Regional intersection of Guelph Line and Fairview Street.

Staff is satisfied that this criterion has been met.

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

Comment: The subject lands are located within proximity of six Burlington Transit bus stops with access to Routes 1 (Plains/Plains Express), 6 (Headon), 51 (Central) and 80/81 (Harvester/North Service). The property is 290 m from the Fairview Street/Guelph Line bus stops and 350 m from the Fairview at Drury Lane bus stop. The property is also located within 875 m of the Burlington GO Station, which has frequent weekday and weekend train and bus services.

Staff are satisfied that the proposed development is in proximity to existing transit facilities.

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

Comment:

Scale and Massing

The proposal seeks to amend the Official Plan and Zoning By-law for the subject lands to permit a 13-storey mixed use building including the mechanical penthouse. In order to develop 338 units on the 0.77 hectare property, the applicant is seeking relief from zoning regulations such as density, building height, front yard setback, amenity space, and landscape area.

The proposed building has a length of 76 metres and incorporates various design features that assist in reducing the overall massing impacts, including using different building materials and colours for the façade at the front and rear of the building, providing clear glazing on the top portion of the building, a 3 metre setback above the 5th storey podium, defined entrances for the commercial and community space, recessing and projecting portions of the building mass and recessing balconies within the streetwall.

The application proposes to locate the 13 storey building mass along Fairview Street with the middle portion of the building recessed to reduce impacts of the massing from the streetscape and create a more pedestrian scale. The mechanical penthouse and covered rooftop amenity area is setback 14 metres from the 12th storey streetwall.

Staff are of the opinion that the scale and massing of the proposed building are appropriate for the subject lands as well as the surrounding area.

Height and Transition

The subject proposal requests a building height of 13 storeys including the mechanical penthouse and rooftop amenity areas, whereas the Official Plan and Zoning By-law permit a maximum height of 6 storeys. Based on the definition of “height” and “storey” in the Zoning By-law, the inclusion of second-floor commercial and community space mezzanines, second floor residential townhouse area, second floor mezzanine areas for the ground floor amenity space, loading area, garbage area and residential lobbies and the thirteenth storey rooftop mechanical penthouses would be considered as additional height for the proposed building and categorized according to the Zoning By-law as a 13-storey building. However, staff are of the opinion that although there is additional residential area on the second floor, amenity and mechanical areas on the rooftop that count towards the overall building height, the massing and scale of the building gives the appearance of a midrise, 11 storey building.

To further ensure that the proposed development maintains the appearance and function of a midrise building, staff are recommending that dwelling units be prohibited on the 13th storey and that a setback of 14 meters from the front lot line and 61 metres rear lot line are provided to the rooftop mechanical penthouse and covered amenity area.

The proposed development has been designed to be compatible with and minimize impacts on the adjacent low density residential land uses. The height of buildings directly abutting the site range in height from 1 to 2 storeys. The proposed development is fully contained within the 45 angular plane and incorporates a 3 metre stepback at the front of the building above the 5th storey podium to reduce massing and provide a comfortable pedestrian scale. Further, the proposed building provides an appropriate transition to the low-density residential uses to the south by gradually stepping down between storeys 10 to 6.

Given that the low-density residential buildings are approximately 19 metres from the subject lands at its closest point to the south; the existing uses to the east and west are commercial; residential uses will be prohibited on the 13th storey and appropriate

setbacks to the mechanical penthouse and covered rooftop amenity area will be provided, staff are satisfied that an appropriate height transition is provided and combined with the scale and massing points noted above, the building is appropriate for the lands.

Setbacks

The subject lands are zoned “Mixed Use Corridor – General Exception (MXG-371)” in accordance with Zoning By-law 2020, as amended. The applications seek to further amend the site specific exception (MXG-371)” to permit the proposed development. The proposed development will require relief from the front yard setback, but the remainder of the proposed setbacks will comply with the Zoning By-law.

The properties to the east and west of the development are zoned “Mixed Use Corridor – General (MXG)” and do not require a minimum side yard setback. The applications are proposing a minimum 7.5 metres setback to the east property line and a minimum setback of 8.8 metres setback to the west property line.

The Mixed Use Corridor – General (MXG) zone requires setbacks to a yard abutting a residential zone. The properties to the south of the development, along Barclay Road, are zoned “Residential Medium Density (RM1)” and require the proposed development be setback 12 metres from Floors 1 to 3, 15 metres from Floors 4 to 5 and 18 metres for Floor 6 from the southern property line. The rear of the building is setback 19.7 metres from the low density residential uses along the rear property line, exceeding the setback requirements of the Mixed Use Corridor – General zone. The rear of the building is terraced and provides stepbacks above the 6th, 7th, 8th, 9th, and 10th storey. The building is also fully contained within the 45 degree angular plane, will provide a 1.8 metre privacy fence along the entirety of the property and 6 metre landscape buffer along the rear property line.

The siting and massing of the building have been discussed earlier in the report and staff are of the opinion that the incorporated terracing of the building provides appropriate transition to surrounding low density residential uses. The remaining setbacks are in keeping with the requirements for the Mixed Use Corridor – General Zone and will provide fencing and landscaping that will help screen the development from the surrounding uses. Staff are of the opinion that the proposed setbacks are appropriate for the site and the surrounding area.

Sun-shadowing

A discussion of the shadow impacts from the proposed development are provided below under criterion (vii). For the purposes of the subject Official Plan Amendment and Zoning By-law

Amendment applications, staff are satisfied that the shadowing effects of the proposed development are compatible with the site's surroundings.

Parking

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

Amenity Area

The Zoning By-law requires 15 m² of amenity area per efficiency dwelling unit, 20 m² for a one-bedroom unit and 35 m² for a two or more bedroom unit for a total of 7,760 m². The applicant is proposing 22 m² per unit for a total of 7,731 m² of amenity area.

The development proposes outdoor amenity area in the form of rooftop amenity space, an outdoor amenity area on the 7th floor, private balconies, ground level indoor amenity space and outdoor amenity space located at the south of the building. Staff are of the opinion that the proposal includes an appropriate amount of amenity area.

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

A discussion of the noise, dust, vibration, and odour impacts, and mitigation measures is provided below under Housing Intensification criterion (ix). Staff are satisfied that the proposed building can provide adequate buffering and other measures to minimize noise impacts.

- 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;

Comment: The subject applications are supported by an Arborist Plan and a Tree Preservation Plan prepared by Urban Arboretum, dated March 20, 2023, and a Landscape Plan and Rooftop Amenity Plan, completed by MSLA Landscape Architects, dated March 15, 2024.

The Arborist Report and Tree Preservation Plan inventoried a total of 38 trees on site and bordering the property. Of the 38 inventoried trees, 6 are public trees, 8 trees are privately owned and located on the subject lands, 8 are neighbour owned trees and 16 trees are shared/neighbouring trees that are situated on abutting properties along Fairview Street and Barclay Road.

13 trees are recommended for removal to facilitate the construction of the building envelope and associated grading. The applicant is proposing to remove 2 public trees and 5 neighboring/shared trees to implement the development. The applicant will be

required to consult and make the adjacent property owners aware of the proposed development and potential impacts to their trees and boundary trees and be requested to submit in writing that there are no concerns with proposed treatment of the existing trees.

In addition, the applicant is also proposing to injure 17 neighbouring/shared trees during the construction phase of the development. A qualified professional shall be retained to address the potential impacts on the neighbor's trees and/or boundary trees and provide a letter or report confirming any impacts to the boundary trees from proposed construction. The Arborist Report or letter of attestation shall also include the preservation methods, including pruning and fertilizing, that can be implemented by the owner to ensure the health of trees on neighboring properties.

Urban Forestry and Landscaping staff have advised that the tree removal and injury permissions from the neighbouring property owners will be required at the subsequent Site Plan stage. Staff note that if permission to remove the trees is not obtained, changes to the underground parking and building envelope may be required to implement the proposal.

Urban Forestry and Landscape staff also advise that tree removal permits would not be required for this development and all approvals for work around private and neighbouring trees would be obtained through the City's Parks and Development & Construction Division at the Site Plan stage. However, the applicant will be required to obtain a tree removal permit for the two City owned trees.

Replacement tree requirements including the number of trees, location and compensation will be determined at the Site Plan stage.

Urban Forestry and Landscaping staff have reviewed and commented on the proposal. Based on the documents provided, staff had no objection to the proposal, but note that remainder of the comments will need to be dealt with at the Site Plan stage.

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

Comment: A Sun Shadow Study, prepared by Weston Consulting, dated April 24, 2024, was prepared for the proposed development, and reviewed by staff. The Sun Shadow Study was not prepared in accordance with the City's Sun Shadow Guidelines as it did not provide Sun Access Factor Calculations and did not include the full study test times.

The applicant submitted a revised Sun Shadow Study and Sun Access Factor Calculations, prepared by Weston Consulting on May 16, 2024 and July 25, 2024. Staff note that the revised study and calculations meet the City's Sun Shadow Guidelines and will not have an adverse shadow impact on the surrounding private amenity areas along Barclay Road, the proposed outdoor amenity areas for the development and the sidewalk/boulevard along Fairview Street.

This criterion has been met.

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

Comment: The proposed development is located on Fairview Street, which is primarily designated as a mixed-use corridor in the City's Official Plan where commercial development exists including retail, office, service commercial, and restaurants. Community gathering spaces such as St. Christopher's Anglican Church, Queensway Park, Optimist Park, Rotary Youth Centre and Central Park are located within a reasonable distance from the site.

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

Comment: The applicant submitted a Pedestrian Wind Assessment prepared by Gradient Wind Engineers and Scientists, dated April 23, 2024. The Pedestrian Wind Assessment concluded that most grade-level pedestrian sensitive locations, including sidewalks, laneways, parking areas and landscape spaces within and surrounding the proposed development will be suitable for walking throughout the year, and wind comfort levels are acceptable. The covered walkway, driveway internal to the site, lobby, commercial and community entrance and rooftop amenity area will require mitigation measures to improve pedestrian wind comfort levels, which will be further reviewed with appropriate mitigation measures to be identified and implemented at the Site Plan stage.

For the purposes of the subject Official Plan Amendment and Zoning By-law Amendment applications, staff are satisfied that the proposed development on the subject lands will not have adverse pedestrian-level wind impacts on the surrounding area. Staff note that additional review and refinements to the built form concept may be required at the Site Plan stage.

A Noise and Vibration Study and addendum was submitted in support of the applications. The Study was prepared by Gradient Wind Engineers and Scientists, dated April 22, 2024.

The study reviewed the acoustic requirements for the proposed development with respect to noise from vehicular traffic along Fairview Street and surrounding stationary noise sources. Based on the results of the Study, a 2.4 metre noise barrier will be required along the entire perimeter of the rooftop amenity area to achieve a noise limit of 60dBA or below. Noise warning clauses will be required in all agreements of purchase and sale, or lease and all rental agreements and specific building components will be required at the Site Plan stage.

The City retained an external peer review consultant, R.J. Burnside and Associates Limited, to undertake a review of the submitted Noise and Vibration Study for the proposed development. R.J. Burnside and Associates Limited advised that the Noise and Vibration Study evaluated the potential stationary noise impact from nearby industrial/commercial operations on the proposed development.

They further advise that the proposed 2.4 metre noise barrier for the northern rooftop amenity area facing Fairview Street would only mitigate sound levels to 61dBA. A higher barrier should be provided for this area to ensure the sound level is at or below 60 dBA in accordance with the NPC-300 Guidelines. This item can be addressed at the subsequent Site Plan stage.

The proposed development is within 300 metres of the GO Metrolinx Rail Line. Metrolinx has reviewed the noise study and determined that it is acceptable for the Official Plan Amendment and Zoning By-law Amendment applications. To address the presence of the rail facilities, Metrolinx will require the applicant to include a warning clause in all agreements of purchase and sale or lease and all rental agreements that GO Metrolinx Rail Line is within 300 metres of the proposed development and enter into an environmental easement for operational emissions. These conditions will be implemented at the Site Plan stage.

Staff are satisfied that the proposed development will not have adverse noise impacts on the surrounding area and that mitigation measures will be implemented to achieve appropriate sound levels. Staff note that additional review and refinements will be required at the Site Plan stage.

A Land Use Compatibility Study (LUC), prepared by Gradient Wind Engineers and Scientists, dated May 17, 2024, was submitted in support of the applications. The study evaluated five industrial facilities within 1000 metres of the subject lands with respect to air quality, odour, dust, noise, and vibration.

The City retained an external peer review consultant, R.J. Burnside and Associates Limited, to undertake a review of the LUC Study for the proposed development. R.J. Burnside and Associates Limited required a revised LUC study to determine if sensitive land uses could be supported on site. A revised LUC study and comment response dated July 12, 2024 were submitted to address the peer review comments. The peer reviewer determined that sensitive land uses could be supported on site. Staff reviewed the peer review comments and revised materials and agree with the conclusions of the peer reviewer. A more detailed analysis is found below under the 'Land Use Compatibility' section of the report.

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

Comment: To the south of the property, the site abuts an established low density neighbourhood with minimal intensification opportunities. The east and west properties adjacent to the subject lands are currently designated “Mixed Use Corridor – General” in the current Official Plan (1997) and “Urban Corridor” in the new Official Plan (2020). These properties have intensification potential and can be redeveloped to a 6 storey mid-rise building under the new Official Plan designation.

Staff are of the opinion that the proposed development is providing appropriate setbacks to the adjacent properties and should the two adjacent properties to the east and west develop, they will not be compromised by the proposal.

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

Comment: The subject lands are outside of Conservation Halton’s regulated area and are not affected by erosion or flooding hazards. Therefore, the proposal meets this criterion.

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

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

Comment: Part II 2.11.3 (g) is not applicable to the proposal as the development is not adjacent to a floodplain or valley. Part II, subsection 2.11.3 m) applies to the lands due to their location in the South Aldershot Planning Area. The applicant’s functional servicing report has indicated that capacity exists in the existing storm sewer to accommodate flows from the existing and proposed development. Therefore, staff are satisfied that this criterion has been met.

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

Comment: The proposed development is located at the periphery of an existing neighbourhood with frontage along Fairview Street. Schedule J – Classification of Transportation Facilities identifies Fairview Street as a multi-purpose arterial road and is an appropriate area for intensification. Official Plan policy 2.5.2 a) v) was reviewed earlier in this report, and Planning Staff determined that the proposed building and site design

represents a compatible transition to the existing established neighbourhood. Planning Staff are therefore satisfied that the built form, scale, and profile of the development adequately addresses the context of being located adjacent to the existing established neighbourhood along Barclay Road.

Land Use Compatibility

In accordance with Part II, section 2.7.3 n) and Part 6, section 1.3 f) xxi) of the Official Plan, the applicant submitted a Land Use Compatibility (Air Quality) Study, prepared by Gradient Wind Engineers and Scientists, dated May 17, 2023, in support of the sensitive land uses on the property. The Land use Compatibility Study was peer reviewed by R.J. Burnside & Associates Limited.

The Land use Compatibility Study evaluated five industrial facilities within 1000 metres of the subject lands with respect to air quality, odour, dust, noise, and vibration. The key conclusions from the Land Use Compatibility (Air Quality) Study, prepared by Gradient Wind Engineers and Scientists, dated May 17, 2023, are:

- Based on the findings of this report, residential and mixed-use land are feasible for the study site.
- The development concept can meet the minimum recommended separation distance from established industries operating with a valid ECA.
- Based on Gradient Wind's experience on other projects in the area, air quality impacts from surrounding roadways are expected to be minor with gaseous concentrations of Nitrogen Dioxide (NO₂), Carbon Monoxide (CO), and Particulate Matter (PM) remaining compliant with the MECP's Ambient Air Quality Criteria (AAQC). With improvements to vehicle technology, concentrations are expected to reduce in the future.
- In line with standard building practices, design, install, operate, and maintain air filtration at the fresh air intakes of the mechanical systems serving all habitable areas, including the addition of air conditioning. The areas that would not require filtered air would be parking garages and utility spaces. Minimum Efficiency Reporting Value (MERV) 8 certification filters should be used for any future development. Details of the air filtration system will be designed by the mechanical engineers during the detailed design phase.
- Under reasonable future growth scenarios for roadway traffic volume, technological improvements and more stringent emission standards will likely result in lower emissions and improved air quality for the site over time.

The Land use Compatibility Study was peer reviewed by R.J. Burnside & Associates Limited., who were not able to conclude that the land use compatibility issue had been

addressed as more information was required to inform their review. They identified five key issues that need to be addressed by the applicant:

1. All facilities within the search area holding MECF approvals should be identified in the assessment and potential impact discussed;
2. All commercial/industrial operations within 300 metres should be summarized and the justification why they could be considered negligible should be provided;
3. Hood Packaging Corporation should be assessed as a Class II industrial facility;
4. A noise impact assessment of the noise sources at Value Village should be included in the report; and,
5. The statement of the minor impact from the road emissions should be reconsidered unless confirmed with modelling results.

The applicant submitted a revised Land Use Compatibility Study and response letter dated July 12, 2024, to address the above comments. R.J. Burnside and Associated Limited, concluded that the revised study and response letter addressed their previous concerns. Staff have reviewed the response letter and peer review comments and agree with the findings of the peer reviewer. Staff are of the opinion that the sensitive land uses can be supported on site and that the proposed development is compatible within the existing surrounding environment.

Site Contamination

Part II, section 2.8 of the Official Plan contains policies for contaminated and potentially contaminated sites. The goal of the City is to utilize tools such as Phase I Environmental site assessments, Phase II Environmental site assessments, Records of Site Condition, and Risk Assessments to help ensure that development takes place on sites where the environmental conditions are suitable for the proposed use of the site, and/or facilitate the remediation of the site where necessary to ensure conditions are suitable for development or re-development.

In accordance with Part II, section 2.8.2 d) and e) of the Official Plan, the applicant submitted a Phase I ESA, prepared by MTE, dated May 26, 2017 and Phase II ESA, prepared by MTE, dated January 30, 2024 for the proposed development.

The Phase I ESA report identified numerous Areas of Potential Environmental Concern (APECs) on the site and classified the site as an Enhanced Investigation Property due to historical industrial use. The Contaminants of Potential Concern (COPCs) on the Phase One Property included metals, hydride-forming metals (As, Sb, Se, Hg), hexavalent chromium (Cr (VI)), boron hot water soluble (B-HWS), cyanide (CN)-, electrical conductivity (EC), sodium adsorption ration (SAR), acid-base-neutral compounds

(ABNs), polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), petroleum hydrocarbons (PHCs), benzene, toluene, ethylbenzene, xylenes (BTEX) and VOCs in soil and/or groundwater. A Phase II ESA was recommended to investigate the APECs.

The Phase II ESA investigation involved soil and groundwater sampling which identified numerous soil exceedances including metals, PAHs, PHCs and volatile organic compounds (VOCs). Groundwater exceedances of uranium and VOCs were also identified, with the lateral and vertical extents interpreted to have been delineated. The Phase II ESA concluded that a Tier 3 Risk Assessment would be required to develop Property Specific Standards and appropriate Risk Management Measures to support future redevelopment of the site for commercial and residential use.

Staff note that a soil remediation program was completed in 2022 concurrent with installation of a permeable reactive barrier (PRB), along with the installation of new groundwater monitoring wells up- and down-gradient to monitor performance of the PRB.

Prior to any site alteration, except those mentioned in section 12 of O.REG 153/04, the owner will be required to submit a Ministry of the Environment Conservation and Parks (MECP) acknowledged RSC that indicates the site is suitable for the proposed land use. The Owner is also required to submit all environmental documentation (i.e., Risk Assessment, etc.) used for filing the RSC to Halton Region. The author of the environmental reports must extend third party reliance to Halton Region using the Regional reliance letter template.

As the final conclusions of the Risk Assessment (including Property Specific Standards and Risk Management Measures) may affect the ultimate location of the proposed building envelope and underground parking structure, Regional staff are recommending that a Holding Symbol be implemented in order to ensure outstanding site contamination matters are addressed and that the proposal will be appropriately informed by the final conclusions/recommendations of the RA. Staff agree with this analysis and have included a holding provision in the draft Zoning By-law (see Appendix E).

Urban Design

Urban Design policies and objectives are contained in Part II, Section 6 of the Official Plan. This section provides specific reference to ensuring that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character.

The City has prepared design guidelines for use within the Downtown and other neighbourhoods that relate to various building typologies. Burlington City Council has approved Design Guidelines for Mixed-Use and Mid-Rise Residential Development, which apply to the proposed development on the subject lands.

City of Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings

The City's Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (Mid-Rise Guidelines) were approved by Burlington City Council on March 5, 2019. The intent of the Mid-Rise Guidelines is to implement the City's Official Plan objectives and policies for Design (Part II, Section 6) for buildings that are 5 to 11 storeys in height. The Mid-Rise Guidelines recognize that built form and scale are important considerations when transitioning from lower density neighbourhoods to more intense communities and can help create a vibrant public realm and comfortable pedestrian environment.

As noted throughout this report, the building is technically considered a 13-storey building according to the City's Zoning By-law due to the second-floor commercial and community space mezzanines, second floor residential townhouse area, second floor mezzanine areas for the ground floor amenity space, loading area, garbage area and residential lobbies and the thirteenth storey rooftop mechanical penthouses. While the building is technically classified as a 13-storey building, staff believe that the building provides the appearance and built form characteristics of an 11-storey midrise building from the street.

The commercial and community mezzanines provide a visual appearance of 5.5 metre ceilings and the remainder of the additional floor area is not visible from Fairview Street as they are located internally to the site. Additionally, the rooftop mechanical penthouses are setback 14 metres from the streetline and 61 metres from the low density residential area to the south limiting the visual impact. Therefore, staff consider the proposed building as a mid-rise building given the 11-storey built form viewed from Fairview Street.

Building Placement

2.1.4 Where there is a consistent pattern of street setbacks that is not planned to change, the building should be set back to align with its neighbours.

Fairview Street does not have an established street line as the building setbacks range from 7 metres to 16 meters along the street edge.

The applicant is proposing a building setback that is consistent with the Mid Rise Guidelines by providing a wider boulevard to accommodate sidewalks, landscaping and active uses to establish a more pedestrian oriented relationship between the building and the sidewalk.

Therefore, staff are of the opinion that although, it does not align with the existing streetline, the proposal will align and be consistent with future developments along this section of Fairview Street.

- 9) *All buildings should have a public front and private back. Buildings should not expose their back onto the front of a neighbouring building to minimize impact such as “back of house” activities on adjacent properties.*

The proposed building abuts low residential uses at the rear, which are screened by fencing and mature trees. An outdoor amenity area is proposed at the rear of the building that is intended to be used by residents. The front of the building is designed in such a way that includes a defined building entrances for the commercial and community use, a positive experience for pedestrians and access to the residential lobby. Staff are of the opinion that the proposed building successfully includes a public front and private back.

Built Form: Height & Massing

2.3.5 Where a streetwall is not established, the streetwall for new mid-rise buildings should be limited to a height of 80% of the street width (up to a maximum of 6-storeys) with additional storeys stepping-back a minimum of 3 metres above the streetwall to maintain a human-scale and minimize shadowing. On streets with a planned right-of-way width of 26 metres or more, new mid-rise buildings up to 6-storeys do not require an upper building step-back.

Fairview Street does not have an established streetwall and has a deemed right of way width of 36 metres. The proposed building has a podium height of 5 storeys and incorporates a 3 metre stepback above the streetwall to maintain a pedestrian scale and minimize shadowing on Fairview Street.

2.3.7 Pushing (projecting) and pulling (recessing) building volumes from the main building form is encouraged to help break down the mass of larger buildings.

The building contains stepbacks from the rear of the property to the front. At the rear, the proposed building is 5 storeys, however at the front of the site the proposed building is 13 storeys in height including the mechanical penthouses, with the top of the thirteenth floor proposed to be used as an amenity area.

The front middle of the building is recessed both at the lower portion of the building and the upper level to help alleviate the massing and add variation in the building façade. The commercial and community use entrances are recessed with the upper level balconies and podium projecting overtop rials to make it the focal point of the front façade.

2.3.8 Balconies are encouraged and should be integrated into the building design and massing with inset or Juliette balconies. Projecting balconies should not be within the streetwall to avoid negative impacts to the public realm including additional building massing and shadowing.

The proposed building provides private amenity area in the form of balconies, a ground floor amenity area and an outdoor rooftop amenity area.

The balconies located along the street frontage are recessed within the building podium and do not have a negative shadow impact, impact to the building massing or public realm.

2.3.10 Stepping back upper level building volumes is encouraged to assist with transitions between neighbouring buildings with lower heights.

Staff are of the opinion that the proposed building is appropriately sited and provides an appropriate transition to neighbouring uses. The building steps down toward the south side of the site which provides an appropriate built form transition to the low density uses located along Barclay Road. The proposed building is also fully contained within the 45-degree angular plane and meets the zoning requirements for setbacks adjacent to a residential use. Therefore, staff are of the opinion that appropriate setbacks are included.

2.3.11 A variety of scales, colours and textures should be used to create visual interest across the building facades.

The building incorporates a variety of colours and materials to create visual interest and help break up the massing of the building. There are dark masonry materials on the lower portion of the building to establish a base and the upper floors use lighter complimentary colours and glazing to create a balanced composition. The ground floor height is 6.82 metres and incorporates floor to floor glazing for visual connections between the public and private realms.

Site Design

2.5.2 Pedestrian access should always be prioritized for the safety and enjoyment of residents and visitors.

Pedestrian access is proposed from Fairview Street, connecting the existing public sidewalk to the front, center and sides of the building to the two residential lobbies, rear entrances, the commercial and community use. There are two lobbies proposed to access either side of the building lobby at the central gateway of the building. Pedestrian access is provided from the existing sidewalk to the building entrance, rear entrance surface

parking spaces, bicycle parking spaces and outdoor amenity area. In the opinion of staff, the proposal provides adequate pedestrian access.

2.5.3 Reduce the number and width of vehicle access points to avoid conflicts between pedestrian and vehicle traffic.

The development proposes one vehicular access to the site, centrally located on the property. The access leads to the underground parking structure entrance, loading area and surface parking area where vehicles can turn around and exit the site. The driveway does not impact the pedestrian walkways.

2.5.4 Access to parking, servicing, and loading should be provided at the rear of the building, or a laneway if possible. On corner sites, access should be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.

The proposed loading and parking areas are centrally located within an internal courtyard of the building. As mentioned previously, these areas are accessed via one single driveway providing access from the front of the site to the rear. As such, staff are of the opinion that this guideline has been met.

2.5.7 Recess and screen garage doors and service openings from public view. When they face public streets, and public or private open spaces design them using high-quality doors and finishes that complement the architecture of the building. Avoid free-standing parking ramps.

The proposal includes access to the parking garage at the center of the development. The entrance to the parking garage is setback approximately 45 metres from Fairview Street and will be screened from the public view by the building façade.

2.5.9 Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking.

The applicant is proposing parking that is primarily located underground. Of the proposed 390 parking spaces, 10 parking spaces are centrally located in the courtyard of the building. Overall, staff agree that most of the required parking is provided underground.

Built Form: Transitions

3.1.3 Where the building is on a site that is transitioning to a low-rise residential neighbourhood area (including properties designated Residential – Low Density and – Medium Density, Natural Heritage System, Parks and Open Space) a 45-degree angular plane should be applied from the shared property line. The building form should fit entirely

within this angular plane and utilize setbacks and step-backs to ensure any impacts related to the change in height, overlook, and shadowing are mitigated.

The proposed building is situated 5 metres from Fairview Street and fits entirely within the 45-degree angular plane. The proposal is located adjacent to a low residential neighbourhood to the south and provides appropriate transitions and setbacks to these uses. Further, the development is providing a 6 metre landscape buffer between the low density residential uses and is setback 19.7 metres from the rear property line.

The east and west properties contain 2 storey commercial uses. The building will be setback 7.5 metres to the east property line and 8.8 metres to the west property line, providing an appropriate separation distance between the adjacent properties that have been identified for future intensification through the new Official Plan (2020), with potential to develop a mid rise building on each property.

Given the increased setbacks to the low density residential uses to the south, potential for redevelopment of the east and west properties, the proposed landscaping and privacy fencing along the east, west and rear property lines staff feel that an appropriate setback to these uses are achieved. Based on the above, staff are of the opinion that the proposed development mitigates the impacts of height, shadow and overlook on the adjacent low density neighbourhood.

3.2.10 - Rooftop mechanical equipment should be architecturally screened from public view to protect or enhance views from other buildings and the public realm. [and]

3.2.12 - Rooftop mechanical equipment should be set back on all sides, no less than 3.0 metres from the edge of the floor below, and where an angular plane applies, fit within all angular planes.

The proposed rooftop mechanical equipment is screened from the public view. It is fully enclosed and setback more than 3 metres from all sides of the building to not be visible from the public realm along Fairview Street and the existing residential uses to the south. The rooftop mechanical room is fully contained within the 45-degree angular plane and is incorporated into the building through architectural design.

City of Burlington New Official Plan (2020)

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

Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being Dec. 22, 2020, for the new Burlington Official Plan.

The lands are identified as being within a *Secondary Growth Area* in accordance with Schedule B-1 – Growth Framework of the new Official Plan. *Secondary Growth Areas* are recognized as distinct areas within the City’s Urban Area accommodating growth in accordance with the permissions and densities of the current land use designations of the new Official Plan. *Secondary Growth Areas* are areas expected to transition over the planning horizon and beyond and will not result in a significant relocation of planned growth outside the Primary Growth Areas. *Secondary Growth Areas* shall be limited to a maximum of mid-rise building form and shall support the frequent transit corridors and accommodate development that is compact, mixed use, and pedestrian-oriented in nature.

The lands are designated “Urban Corridor” in accordance with Schedule C – Land Use – Urban Area of the new Official Plan. The Urban Corridor designation requires transit-supportive and pedestrian-oriented design and is intended to provide for the day-to-day goods and service needs of residents and employees within and in proximity to the corridor. Permitted uses include residential uses and mixed use developments in buildings between 2 to 6 storeys in height. The maximum permitted Floor Area Ratio (FAR) is 2.0:1 but higher FAR may be permitted through a Zoning By-law Amendment without requiring an Official Plan amendment.

Staff have reviewed the Official Plan Amendment and Zoning By-law Amendment application materials and are of the opinion that the proposed development conforms to the general intent of the City’s new Official Plan, 2020.

City of Burlington Housing Strategy

Subsection 3.1.1(2)(g) of the Official Plan, (2020) 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.

The proposal aligns with Objective 2 (Theme 2) of the Housing Strategy: “Support a Broad Variety of Housing Types and Forms: Increase housing options that meet the needs of all current and future residents at all stages of life.”

City of Burlington Zoning By-law 2020

The lands are currently zoned “Mixed Use General Exception (MXG-371)” in accordance with Zoning By-law 2020. The MXG-371 Zone permits apartment buildings, retirement homes and offices within an existing building or on the ground floor of a residential building. Zoning Exception 371 permits the additional use of motor vehicle storage.

The applications propose to further amend the existing site specific “Mixed Use – General Zone (MXG-371)” by modifying some regulations, including setbacks, FAR, building height, parking, amenity area and landscape areas.

The following table outlines the requirements of the “Mixed Use – General (MXG) Zone” as well as what is being proposed.

Zoning Regulation	MXG	Proposed
Building Height	6 storeys	13 storeys including mechanical penthouse and rooftop amenity area
<p>Staff comments:</p> <p>As discussed throughout this report, the proposed development is categorized as a 13 storey building due to the additional commercial, community, residential floor area on the second floor and mechanical floor area on the rooftop of the building. Staff are recommending that the Zoning By-law be modified to prohibit dwelling units on the 13th storey (rooftop). This will result in 11 storeys of residential uses (floors 2 to 12), 1 storey of residential, commercial and community uses (on the first floor and upper levels of</p>		

<p>the second floor) and 1 storey for mechanical equipment and amenity area (floor 13/rooftop). Staff are also recommending that the amending Zoning By-law be modified to regulate the front and rear yard setbacks to the mechanical penthouses and the maximum building height in metres.</p> <p>Staff are of the opinion that the proposed height with modifications recommended by staff, provides appropriate massing, transitions, setbacks and compatibility to the surrounding low-density neighbourhood. Furthermore, the proposed modifications, will ensure that the proposed building will maintain the appearance and function of a mid-rise 11 storey building.</p> <p>Staff are supportive of this modification.</p>		
Zoning Regulation	MXG	Proposed
FAR	1.5:1	4.1:1
<p>Staff comments:</p> <p>The applicant is proposing a FAR of 4.1:1 whereas the Zoning By-law requires a maximum FAR of 1.5:1. Staff are of the opinion that the proposed FAR is compatible with the surrounding area, provides appropriate massing and transition and the site can appropriately support the proposed use.</p> <p>Staff are supportive of the proposed amendment.</p>		
Zoning Regulation	MXG	Proposed
Yard Abutting any other Street	3 m minimum, 4.5 maximum	The maximum yard abutting any other street shall not apply
<p>Staff comments:</p> <p>The Mixed Use Corridor – General Zone requires a minimum yard abutting a street setback of 3 metres and maximum setback of 4.5 metres. The applicant is proposing a 5 metres setback from Fairview Street to the front of the building. The increased setback will allow for a wider boulevard that will encourage pedestrian movement, accommodate street trees and landscape, sidewalks and promote active uses along the street frontage.</p> <p>Staff consider this to be a positive amendment for the commercial boulevard and are supportive.</p>		
Zoning Regulation	MXG	Proposed

Doors	Every building located within 60 metres of a street with a deemed width of 26 metres or greater shall provide a pedestrian accessible door on the building elevation facing the street.	A pedestrian accessible door will not be provided on the building elevation facing the street.
<p>Staff comments:</p> <p>The Mixed Use Corridor – General designation encourages commercial and community uses to be located along active street frontages (Fairview Street). As noted above, the main residential lobbies are not located along Fairview Street and are setback 13 metres from the front of the building. Staff are supportive of the proposed modification as it encourages the commercial and community uses along the active street frontage and the residential lobbies are still easily accessible by residents.</p> <p>Staff are supportive of the proposed amendment.</p>		
Zoning Regulation	MXG	Proposed
Amenity Area	15 m ² per efficiency dwelling unit 20 m ² for a one-bedroom unit 35 m ² for a two or more bedroom unit = 7,760 m ²	22 m ² per unit = 7,731 m ²
<p>Staff comments:</p> <p>The Zoning By-law requires 15 m² of amenity area per efficiency dwelling unit, 20 m² for a one-bedroom unit and 35 m² for a two or more bedroom unit whereas the applicant is providing 22 m² per unit.</p> <p>The proposed development is providing both indoor and outdoor amenity space in the form of private balconies and terraces, rooftop amenity areas, 7th floor outdoor amenity area and a ground level outdoor amenity area.</p> <p>Staff consider the proposed amenity space to be an appropriate amount and are supportive of the proposed amendment.</p>		
Zoning Regulation	Part 1, Table 1.2.6	Proposed

<p>Parking</p>	<p>Apartment Building: 1.25 spaces per unit, including visitor parking</p> <p>Community Institutional Use: 1 space per 4 persons capacity</p> <p>Retail/Service Commercial Use: 4 spaces per 100 m² gross floor area</p>	<p><u>Apartment Building:</u> Resident: 1.00 per unit Visitor: 0.10 spaces per unit</p> <p><u>Community Institutional Use</u> 4 spaces per 100 m²</p> <p><u>Retail/Service Commercial Use</u> 2 spaces per 100m²</p>
<p>Staff Comments:</p> <p>The applicant is proposing 1.10 parking spaces per unit inclusive of visitor parking.</p> <p>Transportation Planning staff have advised that based on data collected from the 2021 supplemental parking study of parking demands of residential uses in intensification areas, an occupant rate of 1.00 spaces per unit and 0.10 visitor spaces per unit for a combined rate of 1.10 is appropriate.</p> <p>As noted above, By-law No.2020.478 implemented a no minimum parking pilot project for the Fairview Street/ Plains Road and Appleby Line corridors. As this development is located within the Fairview Street Corridor, the minimum residential and visitor parking requirements of Zoning By-law No. 2020 would not apply. The applicant has requested to have a site specific parking rate given the market demand for the proposed development.</p> <p>The applicant is also proposing a parking rate of 4 spaces per 100 m² for the community institutional use and 2 spaces per 100m² for the service commercial/retail commercial space. Further, visitor parking is also proposed to be shared by the non-residential uses.</p> <p>Staff are satisfied that the proposed parking rate is appropriate for the development and are supportive of proposed amendment.</p>		
<p>Zoning Regulation</p>	<p>MXG</p>	<p>Added by Staff</p>
<p>Habitable Room</p>	<p>For apartment buildings 4 storeys or more in height, driveways shall be set back 9 m and parking spaces 6 m from a window of a habitable room in a dwelling unit located on the ground floor or basement.</p>	<p>Driveways shall be setback 7.5 m and parking spaces shall be setback 4 m from a window of a habitable room in a dwelling unit located on the ground floor.</p>
<p>Staff comments:</p>		

There are ten parking spaces proposed in the central courtyard of the building and a centralized driveway to access the below grade parking structure, surface parking spaces and snow storage area. Two of the parking spaces are located within 4 metres of two ground floor townhouse units and the proposed driveway is located within 7.5 metres two the ground floor townhouse units. The intent of this provision is to reduce light transmission from car headlights into the dwelling units.

Staff are satisfied with the proposed amendment and believe that the distance between the parking spaces and driveway to the habitable windows is sufficient and will mitigate any light trespass issues. The detailed design of the unit at the Site Plan stage can further mitigate any light trespass concerns.

Zoning Regulation	Proposed	Added by Staff
Bicycle Parking	0.5 bicycle parking spaces per unit	Residential Land Use: 0.5 long-term plus 0.05 short-term bicycle parking spaces per unit.

Staff Comment:
The City's Zoning By-law does not currently have zoning provisions for bicycle parking. Staff have included the minimum bicycle parking recommendations from the July 2017 Burlington City-wide Parking Standards Review to align with City standards.

Zoning Regulation	Proposed	Added by Staff
Bicycle Parking Long Term and Short Term Definitions	N/A	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. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker. Short term bicycle parking spaces are bicycle parking

		<p>spaces for use by visitors to a building.</p> <p>Short-term bicycle parking spaces are to be located close to the main pedestrian entrance and sheltered from the elements.</p> <p>Each bicycle parking space shall be 60cm x 1.8m in size.</p>
<p>Staff Comment:</p> <p>As noted above, the City’s Zoning By-law does not currently have zoning provisions for bicycle parking. Staff have included regulations for bicycle parking including definitions of long term and short term bicycle parking, bicycle parking space location and bicycle parking space size. These regulations are in line with the recommendations of the July 2017 Burlington City-wide Parking Standards Review and other zoning by-laws.</p>		

Technical Review

The application resubmission was circulated to internal staff and external agencies on May 14, 2024 and May 16, 2024 for review. The following are the comments received that have been summarized below:

Accessibility Coordinator – No concerns with the proposed application.

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

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

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

Zoning – No concerns.

Landscape and Urban Forestry – have advised that there are no concerns with the proposed tree removal or injuries for the proposed development. Staff will require the applicant to inform neighbouring tree owners of the impacts of the development and obtain written permission to remove neighbouring/boundary trees.

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

Heritage – No objections.

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

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

Police Department – No concerns.

Halton Region – Halton Region have no objections to the proposed Official Plan and Zoning By-law Amendment provided that a holding zone is implemented to address their comments regarding the ESA Risk Assessment and Record of Site Condition. With the use of the holding zone, staff are of the opinion that the concerns from Halton Region have been addressed.

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

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

Hydro One – No objections.

Burlington Hydro – No objections. The applicant will be required to enter into agreements at the site plan stage.

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

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

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

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

Metrolinx – No concerns with the proposed development. Will require warning clauses and an environmental easement to be implemented at the Site Plan stage.

Financial Matters:

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

All application fees have been received in accordance with the Development Application Fee Schedule. The application has been processed under the timelines afforded by the *Planning Act* (i.e. 120 days).

Climate Implications:

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

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

Sustainable Building & Development Guidelines (2018)

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

In accordance with Guideline 1.6, development proposals on greenfield sites are encouraged to limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. Alternately on previously developed sites, proposals should restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation. This guideline helps maintain the local landscape and ensure soils and vegetation remain undisturbed.

The applicant has specified that due to the building layout and soil remediation requirements this is not possible to comply with and in turn plantings will be provided at the south, east and west property lines. Landscaping will be also be provided on the ground floor and 7th floor amenity area. The applicant will also provide raised planter beds at the front of the building and landscaping along Fairview Street.

In accordance with Guideline 2.1, development proposals require pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies. The applicant has identified that pedestrian connections are provided on site and connect to public sidewalks.

In accordance with Guideline 2.3, development proposals require bicycle parking spaces in accordance with the Zoning Bylaw and Official Plan Policies in order to reduce greenhouse gas emissions, reduce traffic congestion and improves health as well as convenient bicycle parking to encourage the use of active transportation. Similarly, Guideline 2.5 and 2.6 encourages development proposals to locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant/employee. Applicants are encouraged to improve upon the required bicycle parking requirements in the Zoning By-law to further encourage cycling as a viable transportation option. The development proposal is providing 189 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. This would be required for parking reductions and required in Primary, Secondary and Employment Growth areas as per Official Plan policy. TDM Plans are plans that encourage sustainable modes of transportation. TDM plans evaluate building transportation needs comprehensively and may consider measures such as the provision of transit passes, flexible work hours,

unbundled parking, on site transit facilities, priority parking for carpooling and autoshare programs, etc. As part of the application materials, a TDM review has been provided under the Transportation Impact Study submitted. Transportation have reviewed the submitted TDM provisions and determined that they are sufficient for the proposed development.

In accordance with Guideline 3.8 encourages to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH. Additionally, tree preservation requirements is determined by Official Plan urban forestry policies. Preserving trees provides numerous benefits and services, including the reduction of air pollution, water attenuation, moderation of the urban heat island effect, carbon sequestration, shade, habitat for urban adapted wildlife, neighbourhood character and mental health benefits. 38 trees were surveyed on/in the vicinity of the Subject Lands. Of these, 13 are intended to be preserved. City forestry staff have reviewed the proposed development and have no objections to the proposed forestry changes.

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

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

Low Impact Development strategies mitigate the impacts of increased urban runoff and stormwater pollution by managing it as close to its source as possible. It comprises a set of site design approaches and small-scale stormwater management practices that promote the use of natural systems for infiltration and evapotranspiration, and rainwater harvesting. Water quality will be accomplished though an oil/grit separator. Additional opportunities for LID measures are to be explored at the stie plan stage. Technical review of the stormwater management will be reviewed at the site plan stage and development engineering staff have no concerns regarding the official plan and zoning amendment.

In accordance with guideline 5.1, development proposals require vegetated landscape areas in hard surface areas as per the Zoning By-law. Vegetation can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The development proposal includes landscape areas along the east, west and south property lines. Landscape areas have also been provided in the outdoor amenity areas on the ground floor and 7th floor.

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

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

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on January 17, 2024, prior to the submission of the applications. There were fourteen (14) public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Councilor Kearns, and City Planning staff were also in attendance.

The Pre-application Community Meeting identified six areas of concern including traffic, building height and density, site contamination, loss of privacy, sun impacts and rental housing options. The applicant addressed these concerns in the submitted Planning Rationale Report, however no changes were made to the proposal as a result of the Pre-application Community meeting.

A notice sign was posted on the subject lands on May 27, 2024. A public notice of the Official Plan Amendment and Zoning By-law Amendment application has been mailed to 161 members of the public, which includes all property owners and tenants within 120 metres of the subject land.

A webpage was created on the City of Burlington website, accessible at burlington.ca/2362fairview. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

Public Comments

To date, staff have received correspondence from six members of the public related to the subject application. The public comments are included in Appendix C. Below is a summary of the comments and staff response:

Comment:	Staff Response:
<p>Height and Density</p> <ul style="list-style-type: none"> • Proposed building is too tall. • Proposed density is 50-60% greater than what is envisioned in the Official Plan and Zoning By-law. 	<p>The proposal was submitted for a mid-rise building, notwithstanding the fact that it was determined to be a 13 storey building according to the City’s Zoning By-law. The two additional storeys are located on the second floor as part of the upper level of the townhouse units and the commercial, community and accessory residential mezzanine areas (lobbies, loading area, garbage area and amenity area) and the rooftop mechanical penthouses.</p> <p>The height of the first floor is proposed to be 6.8 metres, however, due to the location of the upper brick podium facade, the height perceived from street level will be 5.5 metres. The additional height of the commercial and community mezzanine areas will be screened by the podium façade and give the appearance of a smaller first floor.</p> <p>Further, the accessory residential mezzanine areas (lobbies, loading area, garbage area and amenity area) are internal to the building and will not be visible to Fairview Street.</p> <p>The 2 storey townhouse units are located along the east, west and rear of the building. The upper residential area for the townhouse units will be setback 19.2 metres on the west side of the building and 32 metres on the east side of the building from Fairview Street.</p>

	<p>Staff are recommending that dwelling units be prohibited on the 13th storey and setbacks to the mechanical penthouses to ensure that the building maintains the appearance and function of an 11 storey mid-rise building.</p> <p>The application has been reviewed with respect to compatibility; transition to adjacent and nearby buildings; building massing, setbacks, and the public realm. It is the opinion of staff that the proposed building height and FAR can be supported on site and will be compatible with the surrounding area with the modifications proposed by staff.</p>
<p>Soil Contamination</p> <ul style="list-style-type: none"> • Concerns about the previous uses on site and how they will be properly mitigated. • Would like to know when the Environmental reports will be available and when they will be done. 	<p>The applicant submitted a Phase I ESA, Phase II ESA and Environmental Site Questionnaire that was reviewed by Halton Region staff. Halton Region staff have advised that a Tier 3 Risk Assessment and Record of Site Condition will be required and recommend a holding provision be placed on the property. Staff have included the Record of Site Condition and all associated environmental reports as part of the Amending Zoning By-law (See Appendix E of this report).</p> <p>The Phase I ESA and Environmental Site Questionnaire are available for the public to review on the project website at www.burlington.ca/2362farivew. The Phase II ESA file size was too large to place on the website, but staff have included a note that a hard or digital copy can be provided to the public when they contact staff.</p>
<p>Loss of Privacy</p> <ul style="list-style-type: none"> • The proposed development provides inadequate setbacks to the south property lines. 	<p>The Mixed Use Corridor – General (MXG) zone requires setbacks to a yard abutting a residential zone of 12 metres from Floors 1 to 3, 15 metres from Floors 4 to 5 and 18 metres for Floor 6. The building is fully contained within</p>

<ul style="list-style-type: none"> • There will be privacy and overlook issues to the surrounding properties. • The balconies along the rear of the building should be removed to ensure privacy to the residents to the south. 	<p>the 45 degree angular plane, there is a 6 metre landscape buffer and 1.8 metre privacy fence located along the rear property line. The 6 metre landscape buffer will accommodate new trees and other landscaping that will provide a dense screening, creating an appropriate buffer between the proposed development and existing low density residential uses to the south.</p> <p>The properties to the rear are 1-2 storey semi-detached. The rear of the building will be setback 19.7 metres for Floors 1 to 5 and the balconies will be setback 18.2 metres from the rear lot line. Further, the building will be setback 21.5 metres for Floor 6, 24.7 metres for Floor 7, 27.8 metres for Floor 8, 30.3 metres for Floor 9 and 41.9 metres from Floor 10 to 13. The rear of the building will be terraced and provide stepbacks above storeys 6 to 10 which helps break up the rear massing of the building.</p> <p>Staff are of the opinion that the proposed setbacks are appropriate for the site and any privacy or overlook issues will be mitigated by the proposed setbacks, landscaping and privacy fence.</p>
<p>Removal and Injury of Trees</p> <ul style="list-style-type: none"> • Concern about tree removal and damage to trees located on the property boundaries and private property. • Compensation for potential tree damage. • What will happen to the development if they do not get the tree removal approvals or approval to injure neighbouring trees? They should revise the plan to not include any tree removals or injuries. 	<p>The development proposal includes a 6 metres setback to the underground parking structure to protect the critical root zones of the shared/neighbouring trees located along the rear property line.</p> <p>To further protect the trees, a tree protection fence will be installed prior to site preparation and construction and inspected by a qualified arborist. No development, site alteration (e.g., grading, excavation, soil stockpiling), machinery movement, or storage of equipment or material will occur within any area isolated by tree protection fence.</p>

	<p>The applicant is proposing to remove 13 trees, including 2 public trees, 6 private trees and 5 shared trees. 4 shared trees are located on the west property and 1 shared tree is located on the east property line. The proposal will require replacement trees to compensate for the tree removal. The applicant will be required to get written permission from the neighbouring property owners to remove the trees. This will be required at the Site Plan stage.</p> <p>Staff note that if the applicant is unable to obtain written permission from the neighbouring property owners to remove the trees, they will need to amend their plan to incorporate the existing trees into the development.</p> <p>Landscape and Forestry staff have reviewed the revised Arborist Report, Tree Protection Plan and Landscape Plan and are supportive of the proposed recommendations. They note that further details will be required at the Site Plan Stage regarding tree compensation.</p>
<p>Increased Traffic</p> <ul style="list-style-type: none"> • Redevelopment will result in increased vehicular traffic and traffic congestion. • Traffic along Prospect Drive was not included as part of the analysis and there has been an increase in traffic in the area. 	<p>Transportation staff have reviewed the applications and noted that the local transportation network is anticipated to satisfactorily accommodate the level of traffic generated by the proposed development.</p> <p>Traffic intersections are analyzed based on context and factors such as development size and type, and a noticeable increase in traffic volume by the proposed development. The proposed development is expected to generate around 130 maximum two-way trips during PM peak hours, which does not seem to noticeably increase traffic on Fairview Street, an Arterial Road.</p>

	<p>Prospect Street is parallel to Fairview Street with no cut-through or direct access to the proposed development. The traffic generated by the proposed development is not expected to use Prospect Street. Additionally, the intersections of Drury Lane / Prospect Street and Guelph Line / Prospect Street are not affected by other nearby developments, so there is no need to assess cumulative impacts on the transportation network.</p> <p>Transportation Staff agree that Prospect Street will not be impacted by this proposed development and an intersection analysis is not required to be included in the report.</p>
<p>School Capacity</p> <ul style="list-style-type: none"> • Local schools are at capacity and cannot accommodate the new development. • Tom Thomson Elementary School is at capacity and students will be in portables. 	<p>The proposed applications were circulated to the Halton Region School Board and the Halton Region Catholic School Board for review.</p> <p>The Halton Region School Board have no objections to the proposed development and advised that students in this area are currently within the Tom Thomson PS, Tecumseh PS and Burlington Central HS catchments.</p> <p>Tecumseh PS, Burlington Central HS are projected to be at or under building capacity. As a result, students generated from this development are expected to be accommodated in the respective schools with minimum impact on the facility.</p> <p>Tom Thomson PS is projected to be over building capacity. As a result, students generated from this development are expected to be accommodated in the respective schools with the addition of portables.</p>
<p>Light and Noise Pollution</p> <ul style="list-style-type: none"> • The proposed development will increase the light going 	<p>The applicant will be required to submit a lighting plan at the Site Plan stage. All proposed lighting will be required to conform to the City's</p>

<p>into the backyard of the low density residential uses.</p> <ul style="list-style-type: none"> • Light trespass will increase into the backyards with the proposed access driveway facing the rear yards along Barclay Road. • The proposed development will increase noise pollution. The rooftop party room area should not be allowed. 	<p>Guidelines for Outdoor Lighting and will need to be fully contained on site.</p> <p>The proposed below grade parking ramp is located approximately 19 metres from the rear lot line and will slope downwards into the below grade parking area, minimizing light trespass into the adjacent rear yards. The applicant is also proposing a 1.8 metre board on board privacy fence and 6.0 metre landscape buffer that will further mitigate light trespass into the backyards along Barclay Road.</p> <p>The covered rooftop amenity area is located approximately 45 metres from the rear property line and will have a 2.4 metre noise barrier which will help minimize noise pollution to the surrounding land uses.</p>
<p>Increased Noise, Dust and Air Pollution During Construction</p>	<p>A Construction Mobility Management Plan (CMMP) will be required at the Site Plan stage. The CMMP evaluates the construction impact of the proposed development on the public road allowance and neighbouring properties to ensure that the development does not adversely impact public health, safety, amenity traffic of the environment in the surrounding area.</p> <p>Development Engineering will require the CMMP to be completed in accordance with the Construction Mobility Management Plan Guidelines to ensure that the development has no adverse impact on the surrounding properties and public road allowance.</p>
<p>Seismic Activity</p> <ul style="list-style-type: none"> • The construction of the building will have an impact on the neighbouring property and have concerns about seismic activity. 	<p>As noted above, the applicant will be required to submit a Construction Mobility Management Plan at the Site Plan stage. This Plan will include a vibration study prepared by a</p>

<ul style="list-style-type: none"> Concerns that the seismic activity and vibration will damage the adjacent properties as the houses were constructed in the 1950s. The construction and 	<p>professional engineer that will evaluate the following:</p> <ul style="list-style-type: none"> The anticipated vibration generated by the proposed construction on adjacent lands; The anticipated vibration generated by the proposed construction itself; and, Details of the measures proposed to mitigate or reduce the anticipated negative vibration impacts. <p>The applicant will also be required to submit a Public Communication Plan as part of the Construction Mobility Management Plan which will include:</p> <ul style="list-style-type: none"> A preconstruction written notice to be sent out to all adjacent properties, An onsite supervisor shall be appointed, and a phone number shall be posted, All project information on signs surrounding the project site (including but not limited to phone number, email address, fax, website, etc.). Additionally, include project schedule (anticipated completion date) and general working hours; 48 hours of written notice shall be provided to adjacent properties should any construction operations produce impacts beyond the normal day-to-day operations of the site (including but not limited to excessive noise and/or vibration, unanticipated construction traffic including large-type deliveries. <p>The CMMP will be reviewed by Development Engineering staff at the Site Plan stage to ensure that the submitted study is in compliance with the City's Guidelines.</p>
<p>Insufficient Infrastructure</p> <ul style="list-style-type: none"> The development will put additional stress on the current resources / infrastructure in place such as 	<p>Development Engineering and Halton Region have reviewed the Functional Servicing Report and Stormwater Management Report that was submitted with the applications and determined that</p>

<p>sewage waste, water removal, electrical, technical support.</p> <ul style="list-style-type: none"> The current road network does not have the capacity to support the development. 	<p>there is adequate servicing available for the proposed development.</p> <p>The applicant will be required to make refinements to the submitted FSR and SWM reports. Hydro One, Burlington Hydro, Bell Canada and Canada Post have indicated no concerns with the proposed development and the applicant will need to address the remainder of their comments at the Site Plan stage.</p> <p>As noted above, the TIS was reviewed by Transportation Planning staff and advise local transportation network is anticipated to accommodate the level of traffic generated by the proposed development.</p>
<p>Grading and Drainage</p> <ul style="list-style-type: none"> Concerns that the proposed grading of the site will cause flooding and stormwater issues on neighbouring properties. 	<p>The City of Burlington Grading guidelines would not permit runoff into adjacent properties. All stormwater runoff is to be addressed and handled on site.</p> <p>A revised grading and drainage plan would be required at the site plan stage, that would be reviewed and approved by Development Engineering staff.</p>
<p>Setting a Precedent</p> <ul style="list-style-type: none"> As this is the first development on Fairview Street, allowing this development will set a precedent for the area and all buildings will be permitted this height and density. 	<p>As per Part III, Policy 5.3.2 e) of the Mixed Use Corridor designation “The zoning of individual sites may not allow for the full range of permitted uses or the full extent of development intensity at every location based on site specific factors that may include, but are not limited to, traffic, land use compatibility, market impact, natural hazards and features, and environmental factors such as soil contamination.”</p> <p>Development planning applications are reviewed on a site specific basis and take into account applicable provincial and local policies, technical factors including but not limited to traffic, land use compatibility, sun shadow, landscaping, setbacks etc. and the submission of public comments.</p> <p>These applications were reviewed against the applicable policies, technical and public comments and staff have determined that the subject lands are</p>

	able to support a 13 storey building and will not set a precedent for the area.
<p>Rental Tenure and Affordable Housing</p> <ul style="list-style-type: none"> • The proposed building should not be a rental building and should provide units that can be owned. • Providing rental units will take away potential homeownership opportunities • Short term rentals and AirBNBs should be banned. • At the community meeting it was said that the units would be affordable, do not think this will be the case. 	<p>The tenure and pricing of the proposed dwelling units has not been determined at this time. The applicant has advised that purpose-built rentals may be a possibility for the proposed development, or they may be condominiums. They further advise that there is currently no commitment to include affordable housing units on the subject site, the provision and inclusion of affordable housing Citywide could be supported by existing and potential future policies and mechanisms. These mechanisms include rent-geared-to-income assistance, the Halton's Portable Housing Program and rent supplements and social housing related development charges.</p> <p>These details will be further refined at the Site Plan stage and Draft Plan of Condominium stage if applicable.</p>

Conclusion:

Planning staff have reviewed the Official Plan and Zoning By-law Amendment applications submitted for the lands located at 2362 Fairview Street and find that the applications are consistent with and conform to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plans. Staff are recommending approval of the applications, subject to a holding provision.

Respectfully submitted,
 Elyse Meneray MCIP RPP
 Planner, Development Review
 905-335-7600 ext. 7462

Appendices:

- A. Location and Zoning Sketch
- B. Detail Sketch
- C. Public Comments
- D. Draft Official Plan Amendment

E. Draft Zoning By-law Amendment

Notifications:

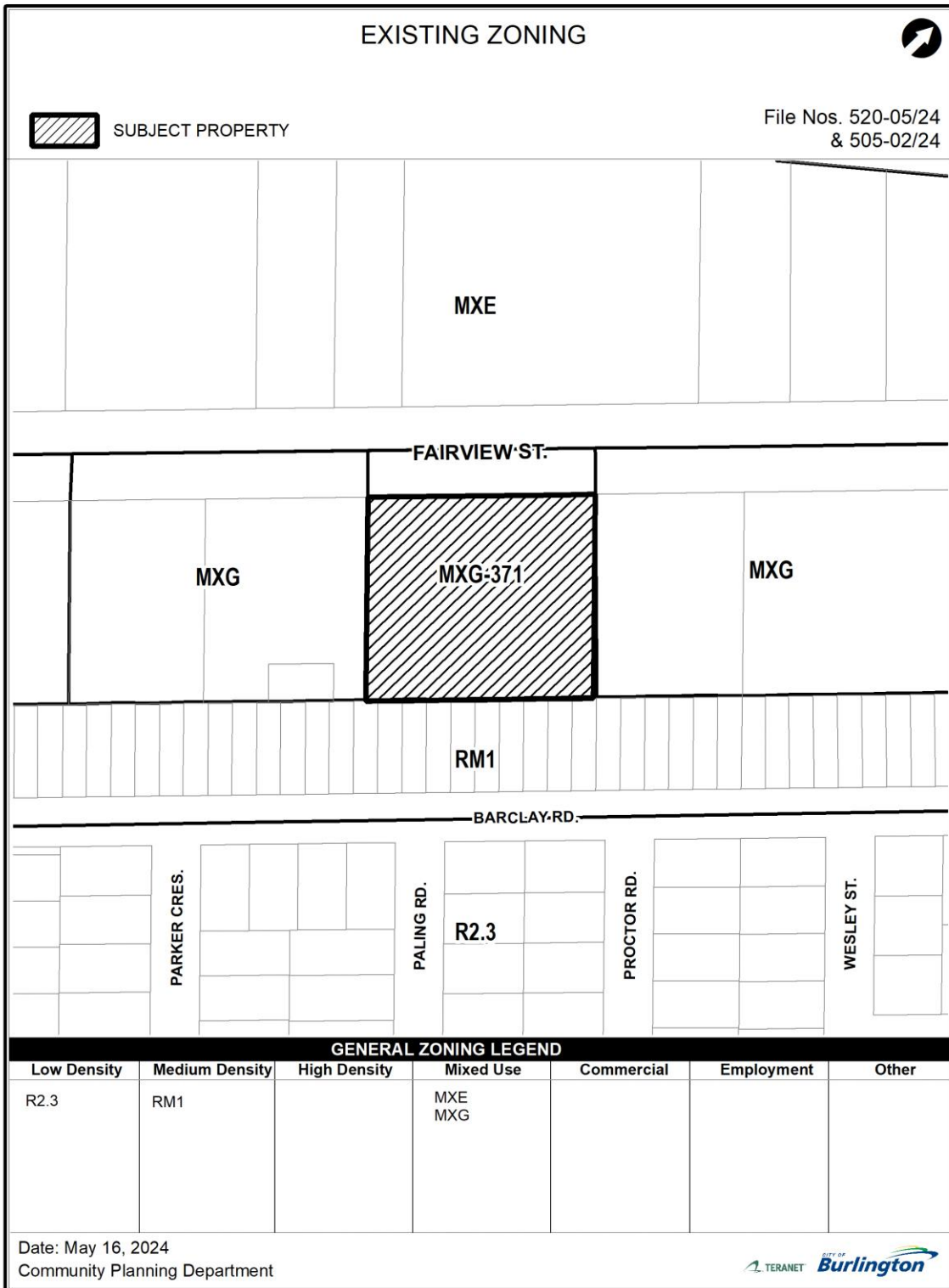
Martin Quarcoopome, Weston Consulting

mquarcoopome@westonconsulting.com

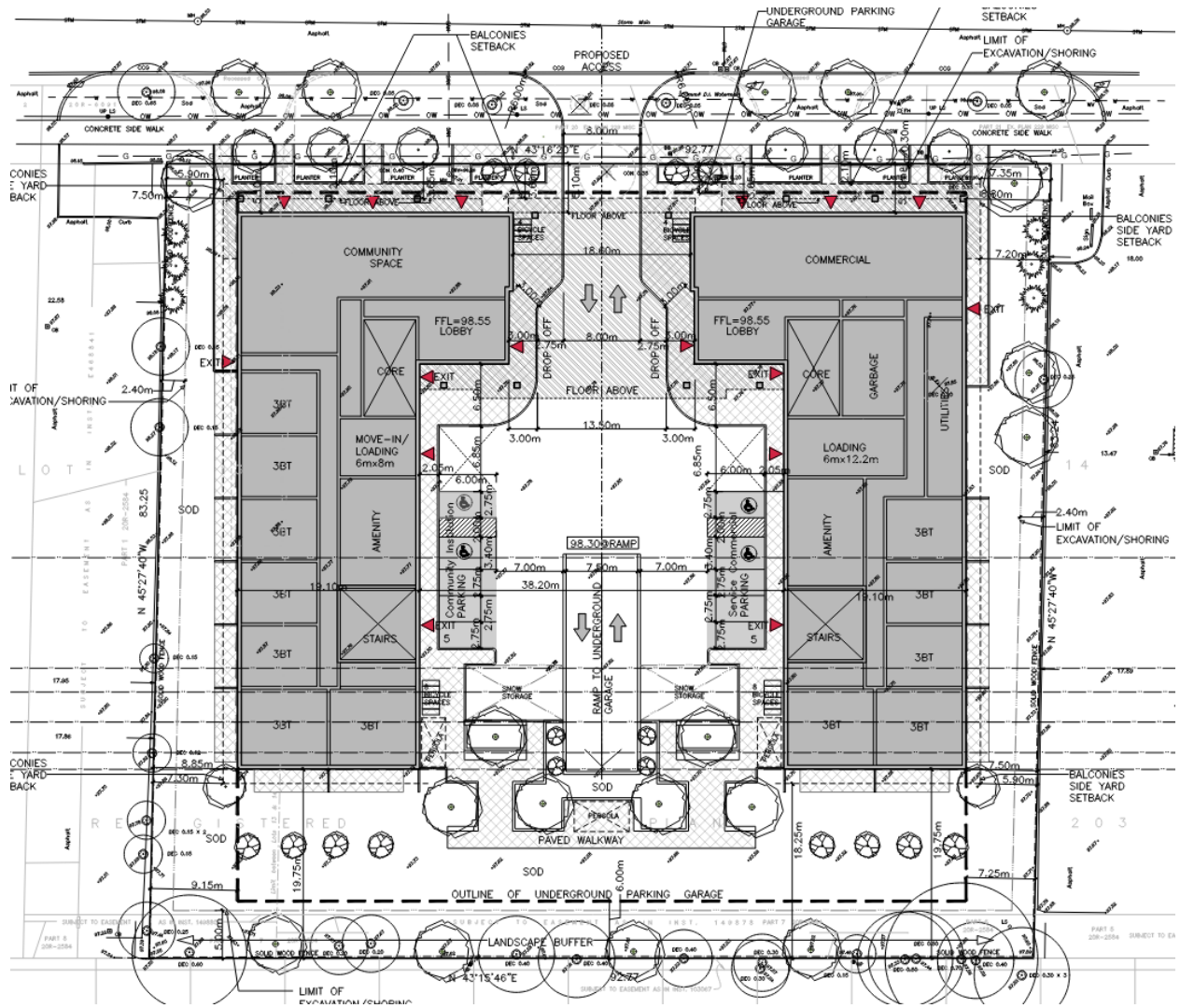
Report Approval:

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

Appendix A – Location and Zoning Sketch



Appendix B – Detail Sketch



#	Comments
1	<p>As a current resident of the community, I am deeply against the 12-story height and size of the building proposed to be on the south side of Fairview, which directly backs onto 2-story residential properties' backyards, and many surrounding family homes.</p> <p>While I understand the need for development and housing, I urge the City of Burlington to uphold the zoning by-law (max 6 stories/floor area ratio) for this property and deny this extreme proposed change application. The current building by-law is there for many reasons and is very evident in all the recent housing development along the south side of Fairview Road/Plains Road.</p> <p>Thank you for your consideration in this matter,</p>
2	<p>My name is Cody McMullin, and I am writing to provide comments regarding the proposal for a 12-story mixed-use building at 2362 Fairview Street. I reside at [REDACTED] with my partner, Jessica, and our four children. We have lived in our home for several years and understand the significant effort it takes for newer families and individuals to purchase a home. Frankly, this proposal does not support new homeowners but instead seeks to provide rental properties, thereby removing the opportunity for 338 individuals or families to become homeowners.</p> <p>During the pre-application community meeting, it was mentioned that this location was intended to provide affordable housing. While rental properties technically fall under this definition, it is ethically wrong to further constrain the supply of homes available for purchase within the community. If home ownership were the goal, these 338 residential units would be a positive step and would likely foster more acceptance from local homeowners.</p> <p>Beyond the clear push for corporate profit through real estate ownership of 338 homes, this proposal will negatively impact the local community. Rental units often have higher turnover rates, resulting in a transient community with a weakened sense of neighborhood cohesion. A corporate-owned building may lack the accountability that individual owners bring, potentially leading to neglected maintenance and poor community relations. Corporations may prioritize profits over tenant and community well-being, possibly setting rental rates higher than market value, driving up living costs and making the area unaffordable for many current residents.</p> <p>The presence of a large rental building owned by a corporation can also negatively affect the property values of nearby owner-occupied homes. Potential buyers may be deterred by the prospect of living near a transient rental community, leading to decreased property desirability and values. Taller buildings may overlook existing homes, significantly reducing privacy for current residents. This is particularly concerning for those who value the seclusion their properties currently offer.</p>

The lots are currently designated as ‘mixed use corridor – general,’ allowing a maximum of six stories. The new plan to increase the height to 12 stories will directly impact adjacent residential properties by dramatically decreasing their privacy. The development will remove several mature trees along the property lines, including ones on private property, as shown in the arborist report. Even with replanting, privacy for the homes on Barclay will be significantly reduced. The provided rendering and side profile sketch, based on the architectural drawing dimensions, clearly show the line of sight into people’s backyards. My wife and I chose to raise our family in Burlington for the community and the safety it provides. With this 12-story development, I would feel uncomfortable with our four young children playing in the backyard, with the potential for prying eyes from the residents.

While I appreciate the efforts to stagger the rear-facing units to help alleviate privacy concerns, this proposed development would be the first of its kind in the immediate surrounding area, as stated in the planning justification report. It provides rental properties, takes away potential homeownership opportunities, and significantly impacts the value and privacy of local homes. This will further widen the gap between rising home prices from corporate greed and public opinion. I hope the planning committee and our elected officials will support the community they serve.

It is my recommendation that this development be restricted to the existing zoning of six stories and that the units be sold, not rented, to give future generations the opportunity to own a home.

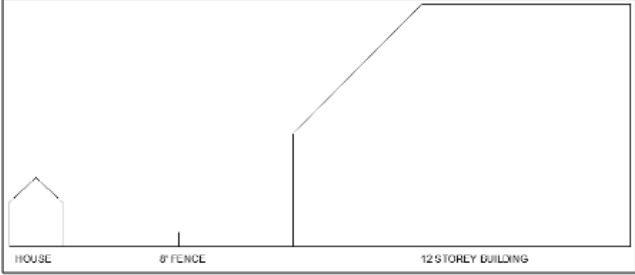
Thank you for considering my comments.

Sincerely,

Cody McMullin

Picture 1 – provided rendering



	<p><u>Picture 2</u> – side profile sketch based off the architectural drawings</p> 
<p>3</p>	<p>I currently live in █████ barclay road and bought this property due to the understanding nothing would be built behind us due to the unsafe grounds from the screw factory behind the property. I have 2 young children and have found the privacy to be of importance.</p> <p>After the proposal of this building I've seen how the lack of infrastructure could be an immense problem for this. The skyway was closed due to an accident, fairview was backed up and so was prospect rd and I had cars racing down barclay road. This is a safety hazard as it makes our streets unsafe and there's even 2 more proposed high rises on fairview, Martha and at brant and prospect that will further cause traffic gridlock.</p> <p>The use of this property would better serve as a children's museum or park. I find our area is at a lack or activities for toddlers and the park is a 15 min drive which means this isn't a walkable area, building more in this area means more crowding and more people on the roads creating more traffic jams.</p> <p>The zoning was created for a reason, the fact that fairview is mostly commercial and now shoving 700 people into the mix is not only unsafe but promoting a city of high rise which Burlington wasn't meant to be. You promote wanting to be more green and caring about tree planting then turn this into a green space!? I see no parks on fairview? It's only concrete! It is really unfortunate that you're considering this attempt at "affordable " when the proposed building is not that just to appear good.</p>
<p>4.</p>	<p>Here are a few comments regarding the application of Lockwood Auto Group and Zoning of 2362 Fairview:</p> <ol style="list-style-type: none"> 1. The documentation uploaded indicates that the property on Fairview is a parking lot. For many decades there was a dry cleaners on the property that dumped the toxic cleaning solutions into the ground. There was also a machine shop on the property that dumped oil and gas into the ground. The 5 properties on the north side of Barclay all have contamination in their backyards as a result. The owners on the North side of Barclay started a class action law suit several years ago that did not have a result as they

	<p>were unable to serve the owner of the dry cleaner or machine shop. Where is the environmental report on the contaminated land? There should be a report reflecting this toxic soil issue. Testing needs to be performed on where the digging will happen and go down as far as they plan to dig. Dry cleaning / gas toxins are heavier than water and go deeper down. They do not wash away like water. When is this environmental report be done on this contaminated land?</p> <ol style="list-style-type: none"> 2. This building will be on the front steps of the home owners on Barclay Road. We will have our privacy taken stolen away. I have a side yard pool that will be in clear sight of all the windows / balconies facing barclay. The 6 foot privacy fence I have around my yard will have no meaning / or effect. How is this fair? What are we getting for the privacy that will be taken away by this project? Will we get a huge reduction in property taxes? I don't see why we should pay the same amount of property tax as a home owner who gets privacy by erecting a 6 foot fence a few streets south? 3. What will be done once the construction starts if our homes start to experience cracks etc from the shaking ground caused by the big machinery they will be using. Who will be responsible to pay for any damages we experience from this project? All the houses were built in the 50s so they are over 60 years old. 4. The developers mentioned a party room on the roof of this building. Sound carries, music, loud talking etc. We have a very quiet area - this is not acceptable. The party room should be inside the building. 5. This also goes for balconies - the building will be so close to the homes on Barclay there should be no balconies on that side of the building. 6. We have many new multi tenant buildings in this area already. Three tall towers by the Walmart on Fairview, the approved 5 towers at the Garden Centre on the other side of the Go station and now this apartment two blocks down. We are already experiencing increased traffic, increase to waste / sewage lines, noise pollution - there are many other vacant areas more suitable for this project. <p>If I have any further comments, am I allowed to submit them to you after today's deadline, June 13th?</p> <p>Thank you</p> <p>Cheri</p>
<p>5.</p>	<p>I am writing to express my strong opposition to the proposed development in our neighbourhood. While I understand the need for affordable housing in our city, I believe that this project would have a detrimental impact on our community.</p>

First and foremost, the proposed development is simply too large for the area. The increase in population density would put a strain on our already overburdened infrastructure, leading to increased traffic congestion, noise pollution, and strain on our public services.

The traffic studies did not take into account the increased traffic on Prospect (running horizontal south of Fairview). This is a residential street often used by the community to walk our children to school. I fear there is an increased risk of accidents and congestion stemming from the increase in congestion on Fairview. Per the traffic review, the corners of Fairview/Drury and Fairview/ Guelph line are already almost at capacity.

Going to 12 stories is a 50-60% density increase past what it is zoned for. This increase in capacity/ height is setting a precedent for future developments to request even greater density/ stories. This area is outside of the mobility hub of the Go station and would also set precedent for other locations falling outside the mobility hub zone.

This property falls within the catchment for Tom Thompson public school. This is a grade k- 6 school which already had 8 portables to support current school population. An increase in population has the potential to put further strain on an already overloaded school.

The proposed 12 story building will create significant light pollution for the surrounding neighbourhood. The current plan has traffic within the u-shaped driveway pointing directly towards homes. I also have concerns, based on recent flooding, about the sanitation and water infrastructure to support this build.

A further consideration is ensuring the structural integrity of the surrounding homes are not damaged during construction. The homes directly surrounding the proposed construction were build in the 1950s, and the construction could impact the structure of these homes.

Also, I see in the arborist report it is proposed to remove a number of trees, some of which are on private property. This seems to be counterproductive to the goal of reducing environmental impact. While other sites have trees marked off to ensure they are not damaged; this plan seems to propose removing a number of old trees.

While I appreciate and understand the need for affordable housing in the area, I have a hard time believing this will fill the need. As the developers have yet to determine if these will be rental apartments or condominiums, I believe it is a stretch to assume these will be in any way affordable.

	<p>In conclusion, while I appreciate the need to housing options in the city, I do not think this development should be approved for the increased capacity of 12 stories, setting the precedent for taller buildings to be built along the south side of Fairview in the future.</p> <p>Thank you for your time and consideration of this matter.</p> <p>Carissa De Rubeis</p>
<p>6.</p>	<p>This letter outlines our concerns for the new development proposed at 2362 Fairview Street and our concerns for its construction and the possible bylaw amendment to allow it to be increased to 12 floors. Please forward this to anyone else who needs to see it for consideration.</p> <p><u>6 story construction currently allowed with the existing by law designation.</u></p> <p>Light Pollution - will increase significantly in the area, and this building will be a huge source of electric light, blocking out the dark night skies and flooding into our backyards and windows.</p> <p>Ground and Air pollution - The developers must fully clean up the toxic chemical spills in the area prior to construction. If not, this construction process will dig up contaminated dirt and blow it around the neighbourhood which can cause cancers and other illnesses. The disturbance of this soil, without a clear plan to 100% remove the toxic pollution, creates a health risk for everyone in the neighbourhood, including a lot of children.</p> <p>Grading - This development will lead to rainwater spilling into adjacent properties causing flooding and reduction of property values. The majority of the homes that back onto this lot already have issues with water pooling by the homes.</p> <p>Privacy - This development will greatly reduce the privacy for all the properties along Barclay Rd. What were once relatively private lots will now have dozens if not hundreds of people peering into them. In addition, the building will produce a lot of people and car noise which will be disruptive to the neighbourhood and will have a negative effect on property values.</p> <p>Trash - This development will bring in a significant amount of trash and waste to the area.</p> <p>Renting vs Owning - One, the building must be banned from operating as any kind of AirBNB or short term rentals. An all renting community is great for profiteering landlords, but not the best for community development. ALL the units should be owned by families, and not used for short term rentals.</p> <p>Traffic - The development will significantly increase traffic, and there's no plan to handle that at all. Fairview St. already frequently fills out to a crawl. This will make</p>

it worse. Prospect Street, where we walk our children to school, is already quite congested throughout various times of the day and is a nightmare when there is an east / west accident on Fairview or the QEW. The additional people from this proposed building and the adjacent future developments will make it very congested day in and out. It makes the community less bikeable too.

Waste Water – What is being done to ensure the sanitary infrastructure is built up enough to handle all the new waste that this building and the adjacent future ones will produce? The flood in the south end about 10 years ago to our understanding was in part due to the new buildings in the north end and the infrastructure not being adequate.

Lack of school opportunity - Local schools are at capacity. Tom Thomson is grade k-6 and the kids are only within the school building itself until grade 2. If you are in grades 3,4,5, or 6 you will spend the year in the portable. There are 8 portables currently and very little land for additional ones. Each additional portable reduces the quality of the play area for children. School funding is already in serious decline and there is no plan or money to address this shortage.

Construction Damage and Costs to Residents and their property

Water - Again, water issues from grading can cause significant problems to the adjacent homes.

Vibrations - The vibrations of construction are likely to damage the structural integrity of surrounding homes. The homes backing onto this lot were built in the late 50s. These homes may experience cracked foundations and pointing and then subsequent water leaks from the construction and simply will reduce the structural integrity of the buildings thus causing unforeseen and unwarranted repairs to our homes.

Economic Impact and Lost Wages - We have worked from our home in the front of our house facing Barclay Road for 18 years. When the tamping on this same lot took place last year - lasting for a couple weeks the vibrations and noise were felt and heard easily in this front room, making phone work and concentration difficult.

Killing Trees - The suggestion that our trees are to be removed from our property or that they may be injured in the construction of this building. What happens when we don't allow the trees to be removed? The plan should have to be amended in order to not damage our private property. And if damaged during the construction how will we be compensated? I cannot tell my neighbour that I'm going to kill their tree by doing a construction project in my backyard or they need to take it down. I need to amend my plan in order to not damage their property.

Dust - The constant filth from dust and dirt that will fill our backyards and on our buildings from the 2+ year construction will require the residents to constantly be cleaning our spaces and belongings in order to enjoy our properties. Which then circles back to the contaminated soil being spread into our properties.

Trees - This project runs contrary to the Urban Forest Master Plan approved by City Council in the Spring of 2024. Suggestions of removing healthy trees on adjacent private properties as they may be damaged by the under-ground parking being put in. Everywhere else there is construction, the trees are cordoned off to not get damaged. Why would we want a healthy, possibly 60+ year old tree in my backyard that provides privacy and shade to be removed? What will our compensation be should you damage it or kill it? Is this in line with the Urban Forest Master Plan? The goal of that plan is to maximize and improve Burlington's tree canopy over the next 20 years? This won't achieve that. Its focus is maximizing the life expectancy of trees and increasing the canopy cover on public, private land and woodlots. A stated goal is to maintain the current forest volume and increase its overall canopy cover to 35 percent by 2060.

Additional issues with allowing the increase to 12 stories

Increase in Density - The 12 story expansion is a density increase of 50-60% which significantly exacerbates the problems with this development.

Traffic - The expansion will further exacerbate transportation issues in the area, which don't have the capacity for the Increased cars, pedestrians this development will bring.

Setting a Precedent - At the online meeting it was said that the rendering was proposed to show what the 6 story buildings would look like next to this one once the adjacent properties were to be developed in the future. This is not an accurate way to depict this as once one building in this area is allowed to amend the zoning to 12 stories, then every other one on the

street will use this as a precedent for doing the same. All of the concerns we have with transportation, roads congestion, schools, sanitation, etc...will all be exacerbated due to that density increase and moving throughout and living in the area will become unbearable.

Why set a precedent for this type of expansion and construction OUTSIDE the mobility hub when the proposed buildings in that area have not even been approved? This expansion is a significant payoff to developers who are pushing beyond what the city has planned out.

Conclusion - Thank you for hearing our concerns. We want council to cancel this development and replace it with something more suitable for the neighbourhood,

with a construction process that will completely remediate the soil, and with money set aside to compensate homeowners for lost trees, property value, and other damage caused by this development. A community property like a park or pool or playground would be a far better choice to mitigate the significant population expansion in the last 20 years and what is planned within the mobility hub.

Sincerely,

Anne Marie Perlock & Eric Williams