



SUBJECT: Applications for Official Plan Amendment and Zoning By-law Amendment for 2030 Caroline Street

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-85-24

Wards Affected: 2

Date to Committee: November 5, 2024

Date to Council: November 5, 2024

Recommendation:

Refuse the applications for Official Plan Amendment and Zoning By-law Amendment submitted by Inaria Burlington Inc. proposing a 28-storey mixed use building and 6-storey above grade parking structure with a green roof at 2030 Caroline Street.

PURPOSE:

The purpose of this report is to provide the recommendation to refuse the subject development applications and to provide the planning rationale for the recommendation.

Vision to Focus Alignment:

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

Executive Summary:

Carriage Gate Homes has made applications on behalf of Inaria Burlington Inc. for an Official Plan Amendment and Zoning By-law Amendment for a 28-storey mixed use building and 6-storey parking garage with a green roof at 2030 Caroline Street. The

property is currently vacant and used as a municipal parking lot. The Pre-Application Community meeting occurred April 9, 2024, and the application was formally submitted July 10, 2024.

The notice of a submitted application was circulated to agencies July 18, 2024, and circulated to the public July 22, 2024. At the time of writing this report, Planning staff have received 59 written comments and 2 petitions with a total of 249 signatures. The public notice was mailed to 816 addresses. Two comments were submitted in support of the application, and the remainder of the public comments received object to the proposal noting concerns with height, traffic congestion, lack of infrastructure to support the development, compatibility with the existing neighbourhood character, noise and air pollution, flooding, parking, reduction in medical office space from what was previously approved, density, impacts to Rambo Creek, shadows, and safety for biking and pedestrians.

The proposed development is located within the floodplain as determined through the Phase 2 Flood Hazard and Scoped Stormwater Management Assessment as part of the Downtown Re-examination Study. Conservation Halton provided comments confirming it is not in a position to support the proposal with full comments included in Appendix D of this report.

Planning staff are recommending refusal of the applications based on the following rationale:

- The applications are inconsistent with the natural hazard policies of the Provincial Policy Statement (2020) and Provincial Planning Statement (2024) as the proposed development is within a floodway and lacks safe access per Provincial standards. Further, the proposed development is likely to negatively affect the existing flood hazard and create conditions which could jeopardize the health and safety of persons or result in property damage or destruction.
- Planning staff are of the opinion that the proposed intensity of the subject property with the 28-storey mixed use building exceeds what is considered appropriate in the context of the downtown being a Secondary Regional Node according to the Regional Official Plan.
- The proposed 28-storey mixed use building provides an insufficient mix of uses (302 residential units and 382 square metres of non-residential space) which does not achieve the City's objective of requiring a mix of uses throughout the downtown to reinforce the downtown's role as a complete community.
- The proposed development does not meet the obligations relating to the provision of additional/publicly accessible parking or the green roof as set out in the existing agreements and restrictive covenants that are registered on title for the site.
- The submitted Transportation Impact Study, Parking Justification Report, and Transportation Demand Management Plan, as submitted, have not appropriately

assessed the impact of the proposed development on the existing street network nor appropriately demonstrated that the proposed parking design and supply are appropriate for the proposed development.

- The proposed 28-storey building does not provide measures to appropriately mitigate the negative impacts of shadowing or wind.

RECOMMENDATION:		Refusal of applications	Ward:	2
Application Details	APPLICANT:	Carriage Gate Homes		
	OWNER:	Inaria Burlington Inc.		
	FILE NUMBERS:	505-03/24 & 520-08/24		
	TYPE OF APPLICATION:	Official Plan Amendment & Zoning By-law Amendment		
	APPLICANT'S PROPOSAL:	28-storey mixed use building & 6-storey parking structure with a green roof		
Property Details	PROPERTY LOCATION:	North block of Caroline Street, Elizabeth Street, Maria Street, and John Street		
	MUNICIPAL ADDRESS:	2030 Caroline Street		
	PROPERTY AREA:	0.278 ha		
	EXISTING USE:	Vacant		
Documents	1997 OFFICIAL PLAN Existing:	Downtown Mixed Use Centre – Downtown Core Precinct		
	1997 OFFICIAL PLAN Proposed:	Downtown Core Precinct with site-specific policies		
	2020 OFFICIAL PLAN Existing:	Downtown Urban Centres – Downtown East Precinct		
	ZONING Existing:	DC-397 (Downtown Core Zone)		
	ZONING Proposed by Applicant:	DC-397 (Downtown Core Zone) with site-specific exceptions		
Processing	APPLICATION SUBMITTED:	July 10, 2024		
		July 17, 2024		

APPLICATION DEEMED COMPLETE:	
STATUTORY DEADLINE:	November 7, 2024
PRE-APPLICATION COMMUNITY MEETING:	April 9, 2024
STATUTORY PUBLIC MEETING:	November 5, 2024
PUBLIC COMMENTS:	At the time of writing this report, 59 written public comments and 2 petitions with a combined number of 249 were received out of 816.

Background and Discussion:

1.1 Application History

Prior to 2008, there was a municipal parking lot (City Parking Lot No. 9) located within the block bound by Maria Street, John Street, Caroline Street and Elizabeth Street which included 37 parking spaces on 0.11 hectares of land. The remainder of the block was owned by the applicant or a subsidiary thereof. On December 15, 2008, Council publicly declared the City's intent to sell the parking lot by adopting resolution no. CD-173-08-1. Council later approved the sale of the lot in February 2009 to the applicant to facilitate the assembly of lands and the comprehensive redevelopment of the entire block.

On July 5, 2010, City Council approved an Official Plan Amendment and Zoning By-law Amendment through Planning and Building Department report PB-15-10 (505-07/08 & 520-16/08) for a development proposal which included an interconnected 8-storey office building, 6-storey parking garage with a green roof, and a 17-storey apartment building on the lands known municipally as 2025 Maria Street, 510 Elizabeth Street, and 2030 Caroline Street.

The proposal also included the demolition of buildings on two properties (510 John Street and 511 John Street) which were included on the Municipal Heritage Register. These properties were removed from the Register which Council approved through the adoption of a resolution July 16, 2009. The buildings were subsequently demolished.

The approved plan also included a Holding symbol as described below:

For lands within 75m of Caroline Street (north portion of the block):

- i. The land sale of City Parking Lot No.9 was to be completed;
- ii. Underground hydro adjacent to this development was required;

iii. A record of site condition was required from the Ministry of the Environment; and

For lands within 35m of Maria Street (south portion of the block):

iv. Following the issuance of a building permit for the development of an office building and parking garage within 75m of Caroline Street.

Section 37 Community Benefits were negotiated concurrently with the zoning amendment process and these benefits were included within the implementing zoning by-law. The Section 37 Community Benefits included the following:

- a) Providing a minimum of 201 additional parking spaces. (Council approved on November 25, 2013)
- b) Apartment to be constructed to LEED certified environmental standard (Council approved on July 5, 2010).
- c) Parking garage will contain a green roof design (Council approved on July 5, 2010).
- d) Residential component will have a minimum of 27% affordable housing units. (Council approved on September 23, 2013)

In 2013, Council approved Planning and Building Department report PB-94-13, which recommended some changes to the previously approved zoning, including the removal of the holding (H) symbol and updating of the previously approved Section 37 benefits.

On January 27, 2014, the zoning by-law was enacted following the execution and registration of the development agreement, Section 37 agreement and payment of rezoning fees. The applicant obtained site plan approval for the entire block (i.e. 8-storey office building, 6-storey parking garage and 17-storey apartment building) in 2016; however, only proceeded to obtain a building permit for the residential apartment building. The building permit for the residential apartment building was issued in March of 2017 and the building has since been constructed and occupied. The northern portion of the site which was approved for the 8-storey office and 6-storey parking garage was used as a construction staging area and is currently used as a temporary parking lot.

On July 10, 2024, staff received the submission of an application for Official Plan Amendment and Zoning By-law Amendment (505-03/24 & 520-08/24) for the northern portion of the block. The applicant continues to propose a 6-storey parking garage with a green roof; however, the previously approved 8-storey office building is proposed to be replaced by a 28-storey mixed use building comprised of 302 residential units and 382 square metres of non-residential space.

1.2 Description of Subject Property and Surrounding Land Uses

The subject property is located north of the block bounded by Caroline Street, Elizabeth Street, Maria Street, and John Street. The property at 2030 Caroline Street has an area of 0.278 hectares. The site is currently vacant and used as a municipal parking lot.

Surrounding uses are as follows:

- North: To the north of the subject lands on the opposite side of Caroline Street is a municipal surface parking lot identified as John Street North Lot #3 and a commercial plaza.
- East: To the east of the subject lands on the opposite side of Elizabeth Street is a 3-storey townhouse development. Further east is a low-rise residential neighbourhood.
- South: To the south of the subject lands within the block is 2025 Maria Street, commonly known as The Berkeley, which has an extended below grade garage underneath a portion of the subject site. This building was a part of the original approval across the site through PB-15-10.
- West: To the west of the subject lands on the opposite side of John Street are three 2-storey commercial buildings.

The Downtown Bus Terminal is approximately 0.3 km travelling south along John Street from the subject lands. This Terminal is directly serviced by bus routes 2, 3, 4, 10, and Hamilton 11 which connect to the Aldershot GO, Highway 407 Carpool, Burlington GO, and Appleby GO.

There are northbound and southbound bus stops at the intersection of Brant Street and Caroline Street. These bus stops are serviced directly by route 2 which connects to Highway 407 Carpool, Burlington GO, and the Downtown Terminal.

1.3 Description of Applications

Carriage Gate Homes has made an application on behalf of Inaria Burlington Inc. to amend the Official Plan and Zoning By-law for the property located at 2030 Caroline Street.

These applications propose an Official Plan Amendment and Zoning By-law Amendment to develop the subject lands into a 28-storey mixed use building and a 6-storey above grade parking structure with a green roof on a currently vacant property being used as a municipal parking lot. The proposed development includes 302 residential units (38 bachelor units, 137 1-bedroom units, 14 1-bedroom plus den units, 108 2-bedroom units, and 5 3-bedroom units) and 382 square metres of non-residential area at-grade. There is also 5,752 square metres of amenity space proposed including balconies and terraces.

A total of 277 parking spaces (267 for residents and 10 for visitors) are proposed for the development provided through 2 levels of underground parking (62 parking spaces) and 6 levels of above-grade parking (215 parking spaces). Vehicular access to the underground parking is proposed to be provided via John Street and the above-grade parking is proposed to be provided via Elizabeth Street.

1.3.1 Supporting Documents

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

1. [2021 Maria Street Record of Site Condition](#) prepared by 2161163 Ontario Ltd. dated February 25, 2011;
2. [500 Elizabeth Street Record of Site Condition](#) prepared by 2159804 Ontario Ltd. dated February 25, 2011;
3. [503 John Street Record of Site Condition](#) prepared by 515 John Street Inc. dated February 25, 2011;
4. [511 John Street Record of Site Condition](#) prepared by 1314244 Ontario Limited dated February 25, 2011;
5. [515 John Street Record of Site Condition](#) prepared by 515 John Street Inc. dated February 25, 2011;
6. [Absence of Trees Letter](#) prepared by the mbtw group dated June 21, 2024;
7. [Architectural Plans and Statistics](#) prepared by Chamberlain Architects dated June 21, 2024;
8. [Area of Subject Land](#) dated June 28, 2024;
9. [Conceptual Streetscape and Landscaping Plans](#) prepared by the mbtw group dated June 21, 2024;
10. [Cover Letter](#) prepared by Carriage Gate dated July 3, 2024;
11. [Draft Environmental Sustainability Checklist](#) prepared by Carriage Gate dated June 21, 2024;
12. [Draft Official Plan Amendment](#) prepared by Carriage Gate dated July 3, 2024;
13. [Draft Zoning By-law Amendment](#) prepared by Carriage Gate dated July 2024;
14. [Economic Analysis](#) prepared by KPEC Planning + Economics dated July 1, 2024;
15. [Environmental Site Screening Questionnaire](#) prepared by Inaria Burlington Inc. dated June 28, 2024;
16. [Floodplain Spill Hazard Analysis for 2030 Caroline Street](#) prepared by S. Llewellyn & Associates Limited dated June 24, 2024;
17. [Functional Servicing & Stormwater Management Report](#) prepared by S. Llewellyn & Associates Limited dated June 2024;

18. [Grading and Servicing Plan](#) prepared by S. Llewellyn & Associates Limited dated June 21, 2024;
19. [Environmental Noise Assessment](#) prepared by SLR Consulting (Canada) Ltd. dated June 21, 2024;
20. [Patio Noise Memo](#) prepared by SLR Consulting (Canada) Ltd. dated June 27, 2024;
21. [Pedestrian Wind Study](#) prepared by SLR Consulting (Canada) Ltd. dated June 21, 2024;
22. [Phase One Environmental Site Assessment Update](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated May 7, 2024;
23. [Planning Justification Report](#) prepared by Bousfields Inc. dated June 28, 2024;
24. [Shadow Study](#) prepared by R. Bouwmeester & Associates dated June 21, 2024;
25. [Topo and Boundary Survey](#) prepared by A.T. McLaren Limited dated June 28, 2024;
26. [Transportation Impact Study, Parking Study, and TDM Options Report](#) prepared by paradigm dated June 2024;
27. [Phase One Environmental Site Assessment Update](#) prepared by Soil-Mat Engineers & Consultants Ltd. dated May 7, 2024;
28. [Urban Design Brief](#) prepared by Bousfields Inc. dated June 2024; and,
29. [Waste Management Plan](#) prepared by Chamberlain dated June 21, 2024.

Application materials are posted on the project website, www.burlington.ca/2030caroline.

2.0 Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment applications are subject to review in accordance with the Provincial Policy Statement (2020); the Provincial Planning Statement (2024); A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2019); Region of Halton Official Plan (2009, as amended); City of Burlington Official Plan (1997, as amended); City of Burlington Official Plan (2020, as amended); and City of Burlington Zoning By-law 2020, as summarized below and in greater detail within Appendix E. Planning staff are of the opinion that the proposed applications are not consistent with the Provincial Policy Statement (2020) and Provincial Planning Statement (2024); do not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Region of Halton Official Plan (2009, as amended), City of Burlington Official Plans (1997 as amended & 2020 as amended).

3.1 Natural Hazards – Flood Plain

In October 2020, the City completed a Phase 1 Flood Hazard and Scoped Stormwater Management Assessment as part of the Downtown Re-examination Study. Prior to the Phase 1 Study, the creeks south of the diversion channel in the Lower Rambo Creek watershed were considered part of the municipal storm drainage system. The Phase 1 study revealed that the extent of the flood hazard in the Lower Rambo watershed was greater than previously understood and confirmed to be regulated by Conservation Halton (CH). CH provided notification to the public of the change in regulatory status on November 18, 2021.

In 2021, the City retained WSP to undertake the Phase 2 Study to refine and confirm the flood vulnerable areas within the Lower Rambo watershed. City Council received the final Phase 2 Study in July 2023, which represents the best available information for understanding the extent of the hazard, assessing potential risk to life and property, identifying areas requiring further analysis, making decisions when development is contemplated in hazardous or regulated areas and administering CH's regulations. In August 2023, CH informed the public of the forthcoming changes to CH's Approximate Regulation Limit (ARL) mapping, which was approved by the CH board in the fall of 2023.

Based on the Phase 1 & 2 study findings, the subject lands are within a flood plain of Rambo Creek. CH has indicated that the flood hazards mapped for this area have been identified as a floodplain due to a number of factors, including that the overland flows: 1) maintain their connectivity with the watercourse system; 2) follow the path of the watercourse which is conveyed through a series of enclosed pipes and open channels before reaching Lake Ontario; and 3) represent a significant proportion of the system's overall flow in terms of flood magnitude and duration. Further, based on the modelling submitted with the above-noted applications, under existing conditions, the maximum depth of flooding on the subject lands averages approximately 0.48 metres, and the streets immediately surrounding the subject lands (John Street, Caroline Street, Elizabeth Street and Maria Street) have maximum flood depths between 0.41 metres and 1.16 metres.

Both CH staff and Planning staff have reviewed the subject applications and have each concluded that the subject applications are not consistent with the natural hazard policies of the Provincial Policy Statement (PPS - 2020) or Provincial Planning Statement (2024), as they would permit:

- a) The development of a new 28-storey mixed use building within *hazardous lands* adjacent to a watercourse impacted by *flooding hazards*, whereas the PPS requires development to generally be directed outside of such areas;

- b) New development within a *floodway* for which flooding can be expected to occur during both the Regional storm and the 1:100 year design storm flood events, which the PPS does not permit; and,
- c) Development within an area which would be rendered inaccessible to people and vehicles during times of flooding as the flood hazards surrounding the site do not meet criteria outlined for safe access, which the PPS does not permit.

Planning staff reviewed the Planning Justification Report prepared by Bousfields Inc. dated June 28, 2024. The report states that the policies of the Provincial Policy Statement (2020) and the Provincial Planning Statement (2024) are met; however, the proposed mitigation measures provided through the Floodplain Spill Hazard Analysis for 2030 Caroline Street prepared by S. Llewellyn & Associates Limited dated June 24, 2024 do not meet Policy 3.1.2, 3.1.5, and 3.1.7 of the Provincial Policy Statement (2020) and Policy 5.2.3, 5.2.6, and 5.2.8 of the Provincial Policy Statement (2024). Section 4.2 – Provincial Policy Statement (2020) of the Planning Justification Report prepared by Bousfields Inc. dated June 28, 2024, does not address the Natural Hazards policies of the Provincial Policy Statement (2020).

Overall, the subject applications are not consistent with the Provincial Policy Statement (2020), Provincial Planning Statement (2024), nor do they conform with the Regional Official Plan (2009, as amended), City of Burlington Official Plan (1997, as amended) or the City of Burlington Official Plan (2020) regarding natural hazard policies.

The City is currently at the initial stages of undertaking a study to explore options and alternatives to mitigate flood risk in the Lower Rambo Creek area. Studying potential future mitigation options is a first step in a process that involves identifying feasible and acceptable mitigation options, funding those solutions and ultimately implementing those solutions. At this point, it is unknown whether there are feasible and acceptable mitigation options that will have the effect of removing flood hazards from the subject lands and surrounding area, that will not result in unacceptable upstream or downstream impacts and that can be executed in the near future.

3.2 Intensity and Scale of Proposal

The Regional Official Plan sets out a hierarchy of Strategic Growth Areas, which are areas that are to be the focus for accommodating population and employment intensification. The hierarchy is as follows:

- 1) Urban Growth Centres / Major Transit Station Areas on a priority transit corridor;
- 2) Urban Growth Centres / Major Transit Station Areas on a commuter rail corridor;
- 3) Major Transit Station Areas on a priority transit corridor;
- 4) Major Transit Station Areas on a commuter rail corridor;
- 5) Primary Regional Nodes;
- 6) Secondary Regional Nodes; and

7) Regional Intensification Corridors (Policy 79.2).

The subject lands are within a Secondary Regional Node through provincial and regional policy. Secondary Regional Nodes are lower order strategic growth areas. Policies 51.3 and 79.2 state that Strategic Growth Areas are not land use designations and their delineation or identification does not confer any new land use designations nor alter any existing land use designations. Development on lands within Strategic Growth Areas is subject to the applicable policies of the Regional Official Plan and is to occur in accordance with Local Official Plans and Zoning By-laws. Therefore, the property is subject to the policies of the City of Burlington Official Plan (1997, as amended) and Zoning By-law 2020 and are not superseded by the Strategic Growth Area.

Secondary Regional Nodes are historic downtown areas or villages, and/or are intended to be a focus of growth through mixed use intensification at a scale appropriate for their context (Policy 82.1(2)). The identification of the downtown as a Secondary Regional Node acknowledges that the downtown has an existing development pattern supportive of active transportation and public transit and that the downtown is an area intended to be a focus for growth through mixed use intensification at a scale appropriate to its context. Growth and change will continue in the downtown. Through amendments to the Official Plan (2020, as amended), the scoped re-examination of the downtown set out a framework for accommodating new growth in the downtown in a manner that reflects the existing context and identifies potential for growth in accordance with Regional and Provincial policies. Overall, only minor changes and relocation of policies were required to the Downtown Urban Centre to bring the policies into conformity with the Regional Official Plan.

Further, one key policy related to Regional Nodes is the requirement to prepare area-specific plans in accordance with Policies 48 and 77(5). For reference Planning staff, in preparing the area-specific policies for the Downtown Urban Centre were guided by the same policy framework and confirm that with the exception of specific targets for Affordable Housing, which is a city-wide issue and will be considered through the City's Housing Strategy, all elements of the area-specific planning policies with respect to a redevelopment of a community were considered as part of the preparation of the modifications to the Downtown Urban Centre policies. Provided the development is not proposed within hazardous lands, planning staff is of the opinion that any subsequent revised proposal should provide an appropriate level of intensity that is reflective of the policy directions for Secondary Regional Nodes.

Overall, Planning Staff do not believe the intensity and scale of the proposal is appropriate when considering where the majority of growth is intended to be directed through the Regional Official Plan (2009, as amended), City of Burlington Official Plan (1997, as amended), and City of Burlington Official Plan (2020). Although growth is anticipated in the downtown as a Secondary Regional Node, it is a lower order strategic growth area

and not expected to exceed the heights and intensity of the Major Transit Station Areas and Urban Growth Centre. Further, the proposed development is constrained by hazardous lands which is inconsistent with the Provincial Planning Statement (2024), Provincial Policy Statement (2020); does not conform to the Growth Plan (2019), the Regional Official Plan (2009, as amended), the City of Burlington Official Plan (1997, as amended) or the City of Burlington Official Plan (2020).

3.3 Mix of Land Uses

The City of Burlington Official Plan (1997, as amended) sets out that the City's downtown is intended as a vibrant "people place" with a variety of employment, shopping, leisure, residential and tourism opportunities. Objectives include establishing the Downtown as a Mixed-Use Centre composed of retail, service, office, public and residential uses while providing a focus and source of identity in the context of the City as a whole.

The Downtown Mixed Use Centre is intended to permit mixed use developments on individual sites where residential, retail, office and other uses are located, or on different sites where residential, retail, office and other uses are located next to one another (Subsection 5.4.1 c) of the City of Burlington Official Plan (1997, as amended)). The proposed development includes 302 residential units, 382 square metres of community/commercial space, and a parking garage.

Retail or service commercial uses are required continuously at-grade along public streets in residential or office buildings and in parking garages, except where bordering residential precincts as per Subsection 5.5.8.2 d) of the City of Burlington Official Plan (1997, as amended). The applicant has proposed commercial uses at the corner of Caroline Street and John Street and extending length of John Street. The majority of the frontage along Caroline Street and all of the Elizabeth Street frontage is proposed for residential use. The property only borders residential precincts along Elizabeth Street. Planning staff is of the opinion that additional non-residential space should be incorporated into the podium and at-grade along the entirety of John Street and Caroline Street. Further, the Tall Building Guidelines (2017), Guideline 2.4 f) requires a 3 metre minimum setback to residential units. Planning staff would recommend that a revised proposal address the 3 metre setback if residential units continue to be proposed at-grade.

According to the City of Burlington Official Plan (2020, as amended), the property is designated within the 'Downtown East Precinct', which is to serve as the pre-eminent destination for office and major office uses, post-secondary educational and other learning facilities and provide significant opportunities for residential uses within mixed-use developments. Retail and service commercial uses will be the predominant use at grade along Mixed Use Streets (of which all streets surrounding the subject lands are identified as) to service the day-to-day needs of downtown residents and employees.

The applicant is proposing two non-residential units at grade. The unit on the corner of John Street and Caroline Street is approximately 186 square metres and is identified as commercial space. Access to this unit is proposed along John Street through two doors. A market zone is proposed in front of the unit along John Street and Caroline Street that has a depth of 2.14 metres and is identified as a seating area in the submitted Conceptual Landscape Plan. The second unit located at the base of the proposed above grade parking structure along John Street is approximately 196 square metre and is identified as community space/commercial space. The Planning Justification Report prepared by Bousfields Inc. dated June 28, 2024, states that the previous approval in Planning Report PB-15-10 (i.e. 8-storey office building) was unable to be completed due to feasibility and market constraints to development a medical office. The Economic Analysis prepared by KPEC Planning and Economics dated July 1, 2024, focuses on the increase of residents and jobs. The submitted Economic Analysis states that an estimated 464 persons and 11 jobs are anticipated through the proposed development.

Planning staff is of the opinion that the proposed 382 square metre non-residential use at grade is not adequate for a Secondary Regional Node or Mixed-Use Centre, such as the City's downtown. Planning staff is of the opinion that a revised proposal include additional non-residential space in order to meet the intent of the downtown as a mixed use centre. Flexibility would need to be provided by allowing a variety of "non-residential" uses which would continue to allow for a medical office as well as other uses that are compatible with the proposed residential uses such as the proposed community space shown in the Architectural Plans and Statistics prepared by Chamberlain Architects dated June 21, 2024.

Planning staff is of the opinion that the proposal does not provide an adequate amount of non-residential space as intended for strategic growth areas and mixed use centers, and therefore, does not conform to those policy directions.

3.4 Transportation and Parking

As mentioned in the background section of this report, the previous development included two parking requirements: the provision of 201 additional parking spaces secured through a Section 37 Community Benefits agreement and included in exception by-law DC-397, and the provision of 60 publicly accessible parking spaces through a restrictive covenant, as outlined in planning report PB-15-10:

The developer will be providing a total of 522 parking spaces of which 193 spaces are required for the residential portion of the development and 60 public spaces are required as part of the land sale. The site is located within the Downtown Parking Exemption Area (DPEA) and therefore the provision of parking is not required except for the residential units. The developer is thereby providing an additional 269 spaces that would not otherwise be required by this development.

The estimated value of these parking spaces to service non-residential development is approximately \$6-7 million.

Transportation Planning Staff have reviewed the proposed parking supply and have concluded that the 201 additional parking spaces and 60 publicly accessible parking spaces are required in addition to the requirements for residential units. Further, Transportation Planning staff are unable to support the proposed development due to concerns with access as the property is currently within the floodplain. As mentioned previously in this report, Conservation Halton comments do not support the proposed development as the Provincial Policy Statement (2020) and the Provincial Planning Statement (2024) policies relating to natural hazards which require safe access to the proposed development are not met. Additionally, the submitted Transportation Impact Study, Parking Justification Study, and Transportation Demand Management Options Reports do not address the need for the 60 publicly accessible parking spaces, 201 additional parking spaces, parking layout, and other items identified by Transportation Planning staff. Therefore, the proposal is considered to be an overdevelopment of the subject lands as the proposal is not able to support the required parking spaces, parking layout as well as other items.

The applicant is proposing 80 bicycle parking spaces located at-grade and 20 bicycle parking spaces above grade within the above ground parking structure. Transportation Planning staff have indicated that 151 long term and 15 short term (total 166) residential bicycle parking spaces are required. Further, 3 bicycle parking spaces are required for the retail use. Transportation Planning staff are unable to support the applications.

3.5 Housing

In alignment with the Provincial Planning Statement (2024) and Provincial Policy Statement (2020), Regional Official Plan (2009, as amended) Policy 84 states the goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social, and economic needs. The proposed development provides 38 studio units (13%), 137 1-bedroom units (45%), 14 1-bedroom plus den units (5%), 108 2-bedroom units (36%), and 5 3-bedroom units (2%). The City's Housing Strategy envisions 30% of the City's housing mix to be 3+ bedroom units. Planning staff encourage the applicant to increase the number of 3 or more bedroom units proposed within the development to be greater aligned with the housing mix supported by Provincial, Regional, and Municipal policies.

The Housing Impact Statement is provided in Section 5.11 of the Planning Justification Report prepared by Bousfields Inc. dated June 28, 2024. The statement indicates that the proposed development is anticipated to be market rate housing, and not include affordable housing units.

Subsection 3.1.1(2)(g) of the City of Burlington 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 Burlington Housing Strategy and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by City Council on June 21, 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 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.

One of the housing objectives (Theme 1) of the Housing Strategy is to support a healthy rental housing stock through the protection of existing rental stock and by supporting the creation of new rental units. Another critical housing objective of the Housing Strategy's stated objectives (Theme 2) is to support a broad variety of housing types and forms to increase housing options to meet the needs of all current and future residents at all stages of life. Action 4 of the Housing Strategy established minimum targets around housing that builds upon the policies of the City of Burlington Official Plan (2020) and uses the findings of the Housing Strategy Project. These targets are appended to the Housing Strategy, and set targets for rental units, affordable units and 3-bedroom units. The proposal does not provide for a sufficient number of 3-bedroom units which only account for 2% of the unit mix. Therefore, Planning staff is of the opinion that the proposal does not meet the objective of the Burlington Housing Strategy.

3.7 Green Roof Design on Parking Structure

The previously approved proposal included a green roof design for the entirety of the roof above the 6-storey parking garage. As set out in PB-15/10:

"The parking garage will be built with a green roof design. The roof will add to the skyline, provide visual interest to the apartment building and help mitigate heat island effect and stormwater runoff."

This green roof commitment was secured through an agreement registered on title which sets out the following:

"The Owner covenants and agrees that the parking garage for the mixed use development will be built with a green roof design which adds visual interest and will help mitigate heat island effect and stormwater runoff to the satisfaction of the

City's Director of Planning and Building and the City's Director of Engineering, or their designate."

The in-effect zoning for the subject lands also sets out a requirement that the parking garage will contain a green roof design.

As part of the current proposal, the applicants are proposing to use the majority of the area above the 6th storey parking garage for indoor and outdoor amenity space for the residents of the proposed building, while only using the remaining area bordering the indoor/outdoor amenity areas as a green roof. Planning staff is of the opinion the proposed conversion of green roof space to indoor/outdoor amenity area does not fulfill the obligations as set out by the agreement registered on title.

3.8 Design Matters

3.8.1 Massing

The Tall Building Guidelines (2017) directs that there should be distinction between the tower and the podium. The applicant has submitted Architectural Plans and Statistics report prepared by Chamberlain Architects dated June 21, 2024, that shows a 3 metre step back from the podium to the tower. The proposed balconies, however, have a 2.2 metre depth on the 5th to 27th storeys, which largely encroaches into the 3 metre step back and increases the perceived massing of the tower. The balconies are also proposed to extend continuously along all four building facades, with exceptions of breaks in the corners. The visual appearance from the street, therefore, would be a minimal step back of approximately 0.8 metres. Planning Staff is of the opinion that this increases the visual massing of the building and would not provide a human-scale low rise feel at-grade. These impacts could be mitigated through reduced balcony depths or increased building step backs from the podium. Planning staff would require the applicant to provide for a greater step back, that it occurs above the 3rd storey across the entirety of the podium of the proposed development.

3.8.2 Shadow Impacts

The applicant submitted a Sun/Shadow Study prepared by Ralph Bouwmeester, P. Eng., dated June 21, 2024, which was reviewed against the Shadow Study Guidelines and Terms of Reference (2020). The guidelines consider shadowing on Key Civic and Cultural Spaces, Private Outdoor Amenity Spaces, Parks and Open Spaces, Places Where Children Play, and Public Realm and Sidewalks.

Overall, the shadow impacts to the private amenity spaces and the opposite boulevard on Elizabeth Street do not appear to meet the Shadow Study Guidelines and Terms of Reference (2020). As per Section 5.1 – Design Strategies for Shadow Mitigation (Shadow Study Guidelines and Terms of Reference (2020)), where shadow impacts are considered unacceptable for the given Shadow Impact Criteria, mitigation strategies must be

developed and tested. Test results must demonstrate the resultant conditions meet the applicable Shadow Impact Criteria. Planning staff is of the opinion that the applications have not demonstrated compliance with the City's Shadow Study Guidelines.

3.8.3 Wind Impacts

The applicant submitted a Pedestrian Level Wind Study prepared by SLR Consulting (Canada) Ltd. dated June 21, 2024, which has been reviewed against the Pedestrian Level Wind Study Guidelines and Terms of Reference (2020). A quantitative wind assessment was required as the proposed maximum building height is 28-storeys.

In the study, SLR states that conditions at the north façade of the building are uncomfortable in the winter. SLR recommended the applicant's design team include a canopy along the entire west façade of the building, wrapping around the southwest corner, to deflect the downwashing flows from the tower to improve wind conditions for the north facade. The submitted study also provides that, alternatively, a larger step back could be included at the podium on the west side of the tower. SLR stated that the main entrance to the proposed development is directly exposed to the southwesterly prevailing winds and, in addition to the canopy, SLR recommends a vestibule at the main entrance to minimize airflow into the building.

The retail entrances and exits along John Street are suitable for standing in the summer and leisurely walking in the winter. SLR suggested that if calmer wind conditions are desired at the retail entrances and exits, recessing the entrances from the main façade and/or including local wind screens on either side of the door.

The proposed green roof on the top of the 6-storey parking structure includes outdoor amenity area as well. In their study, SLR found that the wind conditions for the outdoor amenity area on the top of the 6-storey parking structure is uncomfortable throughout the year. Multiple recommendations were made in the submitted Pedestrian Level Wind Study which include mitigation options including, but not limited to:

- Wind screens on the north and south edges of the space.
- Pergolas and/or trellises over passive activity areas.
- Local wind screens throughout the space, to the north and south of passive activity areas.

The sidewalks surrounding the subject lands were also considered and the wind conditions range from fast walking to uncomfortable. The submitted report recommends that mitigation measures for the sidewalks be addressed at the Site Plan stage of development to deflect and disrupt the downwashing flows from the prevailing southwesterly winds and that the details of the features can be determined at that time. However, Section 5.1 of the Pedestrian Level Wind Study Guidelines and Terms of Reference (2020) states that where wind conditions are considered unacceptable for the intended pedestrian use or unsafe, wind control mitigation strategies must be developed

and tested. Test results must demonstrate that the resultant conditions meet the wind comfort category intended for the proposed function of an area, and/or the safety criterion.

The closest bus stops at the intersection of Brant Street and Caroline Street were also considered by Planning staff. Based on the submitted study, the existing conditions and proposed conditions are generally the same at wind conditions for standing and sitting. The only change is at the south bus stop at the intersection of Brant Street and Caroline Street which changes from sitting to standing in the winter.

Section 5.1 of the Pedestrian Level Wind Study Guidelines and Terms of Reference (2020) states that where wind conditions are considered unacceptable for the intended pedestrian use or unsafe, wind control mitigation strategies must be developed and tested. Test results must demonstrate that the resultant conditions meet the wind comfort category intended for the proposed function of an area, and/or the safety criterion. Therefore, the submitted wind study does not demonstrate compliance and a revised Pedestrian Level Wind Study would be needed to demonstrate compliance with the City's Pedestrian Level Wind Study Guidelines.

3.8.4 Streetscape

The applicant has submitted an Urban Design Brief prepared by Bousfields Inc. dated June 2024 and Section 5.6 of the submitted document addresses the Downtown Streetscape Guidelines. Along Caroline Street, Elizabeth Street, and John Street the applicant has provided the clear path zone, furnishing zone, and edge zone that meet the minimum widths. At the corner of Caroline Street and John Street where a portion of the non-residential space is proposed, the applicant has provided the marketing zone meeting the minimum width. Planning staff would encourage that the marketing zone be provided along the entirety of Caroline Street, Elizabeth Street, and John Street as staff would recommend that the applicant increase the non-residential space to provide for a building that represents the Mixed-Use Commercial character area described in the Downtown Streetscape Guidelines (2019).

The Downtown Urban Design Guidelines (2006) point to John Street as a high priority street to turn into a more walkable, pedestrian friendly streetscape. The applicant has proposed non-residential uses along John Street through commercial and community space, however, only the commercial space on the corner of John Street and Caroline Street provides a setback to the building. The commercial/community space further down John Street is proposed at a zero-metre setback. Planning staff are of the opinion that the entirety of the floor area at-grade be non-residential (with the exception of a residential lobby) to provide a greater mix of uses and animated sidewalks.

3.9 Zoning By-law

The subject property is currently zoned “Downtown Core Zone” (DC-397) in accordance with Zoning By-law 2020. The DC zone permits retail commercial, service commercial, office, community, hospitality, entertainment and recreation, and residential use.

The application proposes to change the zoning to a site specific ‘Downtown Core Zone (DC-XXX)’. The proposed development does not comply with the regulations of the DC-397 Zone. Further, the DC-397 Zone applies to the entire block bounded by Caroline Street, Elizabeth Street, Maria Street, and John Street. Any change in zoning would result in the property at 2025 Maria Street being non-compliant. The DC-397 Zone includes requirements related to an apartment building, parking garage, and medical office as well as the floor area ratio. This would need to be addressed, should the zoning of the site be amended.

3.10 Technical Review

The application was circulated to internal staff and external agencies on July 18, 2024, for review. The following are summaries of the comments received:

Canada Post – Detailed comments were provided that are to be implemented during Site Plan.

Canadian National Railway – No comments.

Conservation Halton – Detailed comments provided in Appendix D.

Development Engineering – The Owner’s consulting engineer, S. Llewellyn and Associates Ltd., has demonstrated through the Storm Water Management Report that on-site stormwater controls can meet the City of Burlington’s stormwater management criteria. The proposed development, however, is within the Rambo Creek spills and flooding zone, therefore, hazards must be managed to the satisfaction of Conservation Halton. Overall, Development Engineering is unable to provide a recommendation on the Official Plan and Zoning By-law Amendment applications because the site is located within an area subject to natural hazards, as regulated by Conservation Halton.

Enbridge Gas – No objection, however, Enbridge Gas reserves the right to amend or remove development conditions.

Finance – A condition of Site Plan shall be that, “taxes must be paid on parcels associated with this file. This includes all outstanding balances plus current year taxes that have been billed but not yet due”.

Halton Catholic District School Board – No objection. Elementary students generated from the development would be accommodated at St. John (B) Catholic Elementary School located at 653 Brant Street. Secondary school students would be directed to Assumption Catholic Secondary School located at 3230 Woodward Avenue. Further, conditions have been provided to be applied to the development proposal and Educational Development Charges apply.

Halton District School Board – Students from this area are currently within the Lakeshore Public School, Tom Thomson Public School, and Burlington Central High School catchment areas. The Halton District School Board recognizes this development application will impact student accommodation needs in this area as well as the available courses of action for the Board, to address these needs. As a result, students generated from this development are expected to be accommodated in the respective schools and portables maybe required at some schools. Further, conditions have been provided to be applied to the development proposal and Educational Development Charges apply.

Halton Police – No concerns provided it doesn't interfere with Halton Police line-of-sight radio system.

Halton Region – The Functional Servicing Report is recommended to be revised to include fire flow testing in order that an analysis can be provided that demonstrates that the existing water system in the area can accommodate the development. The Functional Servicing Report should be further revised to include analysis that demonstrates that the proposed flows from the development can be accommodated in the downstream sewer. If the Functional Servicing Report is not revised, then it is recommended that a holding provision be applied in relation to a revised Functional Servicing Report. Waste Management was also reviewed, and the current plan is not eligible for residential waste collection due to the following safety concerns:

- The plan does not meet regional guidelines with respect to a 13m center line turning radius. Only a 10.0m and a 7.70m center line radius are proposed. The Region has safety concerns that a front-end collection vehicle, regardless of operation by a private or Regional contractor will not have sufficient room to safely maneuver through the site, especially at the collection loading area.
- There are concerns that the height clearance within the loading area do not meet regional guidelines of 7.5 m.
- Regional waste collection vehicles cannot back out onto a municipal street.

Further, Halton Region would not recommend this proposed approach in relation to the safety concerns for private waste collection.

Heritage Planner – No comments.

Imperial Infrastructure – No Imperial Infrastructure in the vicinity of this location.

Metrolinx – The subject property falls outside of the designated Metrolinx review zones.

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

Rogers Communications – No comments.

Trans-Northern Pipeline – No infrastructure in the area.

Transportation Planning – The applicant is required to demonstrate safe and unimpeded access and the floodplain is required to be addressed to determine how they affect the proposed development accesses. The Transportation Impact Study, Parking Justification Study, and Transportation Demand Management Plan are recommended to be revised to address the 60 publicly accessible parking spaces within the proposed above grade parking structure, the additional 201 additional parking spaces within the DC-397 zoning, parking layout and stall widths, and other issues identified in the full Transportation Planning comments provided to the applicant. Additionally, daylight triangles, visibility triangles, bicycle parking spaces, loading areas and turning plans, underground parking layout, pedestrian facilities, and street lighting plans are required to be addressed. Currently, Transportation Planning are not able to support the proposal.

Urban Forestry and Landscaping – Detailed comments were provided that are to be implemented during Site Plan.

Zoning – Deficiencies in the Zoning By-law have been identified.

Strategy/process/risk

The application was submitted to the City July 10, 2024, and deemed complete July 17, 2024. The application is for an Official Plan Amendment and Zoning By-law Amendment which has a 120-day timeline as per the Planning Act. Therefore, Planning staff are required to provide a recommendation within 120 days in order for Council to make a decision by November 7, 2024. If a municipal decision is not rendered by November 7, 2024, the applicant would have the ability to submit an appeal for non-decision to the Ontario Land Tribunal.

Financial Matters:

The property is subject to City, Region and School Board Development Charges and Park Dedication fees.

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 application, 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. The applicant has not met guidelines. The applicant has identified that they are not pursuing innovative design or performance and it is encouraged that a future submission implements innovative design. Overall, Planning staff is of the opinion that there are additional measures that the applicant could take to bring the proposed development into better alignment with the Sustainable Building and Development Guidelines (2018).

Engagement Matters:

1.1 Public Engagement

The applicant held a virtual Pre-Application Community Consultation Meeting on April 9, 2024, prior to the submission of the applications. The applicant, Mayor Marianne Meed Ward, Councillor Kearns, and Planning staff also attended the meeting.

Notice signs were posted on the subject lands. A public notice of the Official Plan Amendment and Zoning By-law Amendment application was mailed to 816 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 www.burlington.ca/2030caroline. This webpage provides information about the subject applications including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

1.2 Public Comments

As of the writing of this report, 59 written public comments and 2 petitions with a combined number of 249 signatures have been received by staff with respect to the subject applications. Two (2) comments are in support of the proposed development and the remainder of comments are in objection to the proposal. The public comments received to date are included in Appendix C. Below is a summary of the comments received to date as well as a staff response:

Comment Themes:	Staff Response:
Height	Public comments received state that the proposed 28-storey mixed use building is not appropriate for the site. Planning staff agree that the 28-storey mixed use building is not appropriate for the site as the property is not within an Urban Growth Centre or Major Transit Station Area, but rather within a Secondary Regional Node strategic growth area as per the Regional Official Plan (2009, as amended). Secondary Regional Nodes are lower on the hierarchy of strategic growth areas and are not expected to see the same level of intensity as those areas higher on the hierarchy. Further, the development of the 28-storey mixed use building and 6-storey parking garage with a green roof is proposed on hazardous lands which is not consistent with the Provincial Planning Statement (2024), Provincial Policy Statement (2020); do not conform to the Growth Plan (2019), the Regional Official Plan (2009, as amended), the City of Burlington Official Plan (1997, as amended) or the City of Burlington Official Plan (2020).
Traffic congestion/volume	Transportation Staff have provided comments and object to the proposed application. A revised Transportation Impact Study has been requested including revisions to site trip generation and site trip distribution.
Infrastructure/servicing to support the development	Halton Region Staff have provided comments and would require a revised Functional Servicing Report to demonstrate that the existing water system and downstream sanitary sewer system can accommodate the proposed development.
Built Form Compatibility	The subject property is located within a block bounded by Caroline Street, Elizabeth Street, John Street, and Maria Street. Within the block, there is an existing 17-storey building. Surrounding

	<p>the block are primarily low-rise buildings (under 5 storeys) with the exception of a 15-storey building at the southeast corner of Elizabeth Street and Maria Street. Adjacent to the 15-storey building is an 18-storey building. Further from the subject property is a 23-storey and 18-storey buildings further down John Street that are under construction and approved. Additionally, further north up Brant Street is a 27-storey OLT approved building. Further, the step backs to the tower should be greater or balcony projections should be reduced to provide for greater visual distinction between the tower and podium.</p>
<p>Land Use Compatibility</p>	<p>Burlington's downtown is identified as a Secondary Regional Node in Halton Region's Official Plan (2009, as amended). This area is expected to experience growth of mixed-use development. The applicant is proposing 382 square metres of non-residential space through commercial and community space. In the event that other threshold matters (i.e. natural hazards) are addressed appropriately, Planning staff is of the opinion that the applicant should increase the non-residential use(s) in the podium to contribute to animated streets with an appropriate mixture of uses.</p>
<p>Noise and air pollution</p>	<p>City Engineering Staff had no comment on the Noise and Vibration Feasibility Study. A Construction and Mobility Management Plan would be required at Site Plan stage.</p>
<p>Flooding</p>	<p>Conservation Halton staff have provided comments and are not in a position to support the proposal (full comments attached in Appendix D). Further, Planning staff are not supportive of the application as the proposal is conflicts with the natural hazard policies of the Provincial Planning Statement (2024), Provincial Policy Statement (2020), Growth Plan (2019), Regional Official Plan (2009, as amended), City of Burlington Official Plan</p>

	(1997, as amended), or the City of Burlington Official Plan (2020).
Parking	City Transportation Staff object to the proposal on the basis that the additional 201 parking spaces required through previous Section 37 Community Benefits agreement and in the site-specific zoning (DC-397) have not been provided. The 60 publicly accessible parking spaces have also not been proposed.
Reduction in medical office space from the previous approval	The previous approval included an 8-storey medical office building. Public comments received note moving to the area to benefit from the medical office in close proximity. The applicant provided a Planning Justification Report that comments on the inability to find tenants for the medical office space. Staff are of the opinion that additional non-residential space should be provided as part of the development proposal to allow for a mixture of uses to be provided to serve current and future residents of the area. Staff would be supportive of introducing flexibility by opening up the permitted uses to allow for a variety of non-residential uses on-site, should a development be approved.
Density	Public comments received state that the density is inappropriate to the area. Planning staff do anticipate an increase in density in the downtown as the property is located within a Secondary Regional Node. However, the increase in density should reflect the existing and planned context of the site, which is a Secondary Regional Node and not an Urban Growth Centre or Major Transit Station Area which are the highest order strategic growth areas.
Shadow impacts	The applicant submitted a Shadow Study prepared by R. Bouwmeester & Associates dated June 21, 2024. Revisions are required to the Shadow

	Study as mitigation measures are required to be tested.
Wind Tunnel	The applicants submitted a Pedestrian Wind Study prepared by SLR Consulting (Canada) Ltd. dated June 21, 2024. Revisions are required to the Wind Study as mitigation measures are required to be tested.
Safety for biking and pedestrians	Transportation Staff object to the proposal. Safe and unimpeded access is required, as well as visibility triangles. Revisions to the Traffic Impact Study are required.
“Bait and Switch”	As outlined in the background section, the subject lands have existing development permissions from previous applications and approvals. The proposed site of the medical office and parking structure have remained vacant. Notwithstanding, the applicant is permitted to make an application to the City to amend the Official Plan and Zoning By-law to change existing approvals. Planning staff are obligated to review the submitted applications based upon the current policy framework. Staff have also had consideration for other inputs such as public feedback and agreements/obligations that are still in-effect (i.e. agreements and restrictive covenants registered on title).
Lack of Affordable Housing/Seniors Housing/Rental Housing	Planning staff have considered the City’s Housing Strategy and would continue to encourage the applicants to consider affordable housing, seniors housing, and/or rental housing in a future submission.
Obstructed Views	Planning staff have considered the Tall Building Design Guidelines (2017) and have considered that the applicant has exceeded the 25 metre tower separation distance from the existing 17-storey building at 2025 Maria Street.
Electric Vehicles	The City’s Sustainable Building and Development Guidelines encourage new

	<p>developments to consider providing electric vehicle charging spaces.</p>
<p>Green Roof Access</p>	<p>As per the agreements registered on title and the existing found in the DC-397 zoning, the applicant is required to provide a parking garage with a green roof. The DC-397 zoning also provides a minimum size of the green roof to be 1000 square metres. Through the current submission, the applicant has reduced the 1000 square metre green roof to add a 657.42 square metre outdoor amenity area on the roof of the proposed above grade parking garage. As shown through the submitted Pedestrian Wind Study prepared by SLR Consulting (Canada) Ltd. dated June 21, 2024, the conditions are uncomfortable in both summer and winter. Planning staff recommend that the applicant be held to the provision of the Community Benefits secured by the Section 37 Agreement registered on title and provide a green roof on the entirety of the above grade parking structure. As currently shown, the proposed outdoor amenity area is uncomfortable and therefore, not usable outdoor amenity space. Planning staff would recommend that the applicant consider different comfortable locations for amenity area and provide a fully planted green roof to reduce the impact of urban heat islands.</p>

Conclusion:

Staff have evaluated the applications for Official Plan Amendment and Zoning By-law Amendment for 2030 Caroline Street in accordance with all applicable policies, regulations, and guidelines, and with consideration for comments received from technical reviewers and the public. Staff is of the opinion that the proposed development is not consistent with the Provincial Planning Statement (2024) or Provincial Policy Statement (2020); does not conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe; does not conform with the Region of Halton Official Plan; and does not conform to the policies of the City of Burlington Official Plan (1997, as amended) or City

of Burlington Official Plan (2020). Staff are therefore recommending refusal of the subject applications.

Respectfully submitted,

Jaclyn Schneider, Planner
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Appendices:

- A. Existing Zoning Sketch
- B. Concept Plan
- C. Public Comments
- D. Conservation Halton Comments
- E. Detailed Policy Analysis

Notifications:

Inaria Burlington Inc. c/o Mark Bales
mark@carriagegate.ca

Report Approval:

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