



**SUBJECT:** Draft Plan of Subdivision - 720, 735, 740 Oval Court & 5135 and 5155 Fairview Street

**TO:** **Committee of the Whole**

**FROM:** **Community Planning Department**

Report Number: PL-80-24

Wards Affected: 5

Date to Committee: November 5, 2024

Date to Council: November 19, 2024

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**Recommendation:**

Approve the application submitted by Ruth Victor and Associates to draft approve a residential plan of subdivision consisting of 8 blocks at 720, 735, 740 Oval Court & 5135 and 5155 Fairview Street, as shown in Appendix A of community planning department report PL-80-24, subject to the conditions contained in Appendix C of community planning department report PL-80-24.

**PURPOSE:**

The purpose of this report is to recommend draft approval of the plan of subdivision application for eight (8) blocks at 720, 735, 740 Oval Court & 5135 and 5155 Fairview Street.

**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
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## **Executive Summary:**

Ruth Victor and Associates on behalf of the landowner at 720, 735, 740 Oval Court & 5135 and 5155 Fairview Street has submitted a Draft Plan of Subdivision application to facilitate the creation of 8 blocks to accommodate the development of eight mixed use buildings as well as delineate a natural heritage block.

In May 2021, the applicants submitted applications to amend the Official Plan and Zoning By-law to facilitate the development of the 8 mixed-use buildings on the subject lands. On May 9, 2022, the applicants appealed the applications to the Ontario Land Tribunal (OLT) on the basis on non-decision. Through settlement, the OLT approved the Official Plan and Zoning By-law amendments to permit the mixed-use project including high density residential units and a variety of non-residential uses in November of 2023. Through the Minutes of Settlement, a number of items such as the construction of a pedestrian bridge connecting the future community to the adjacent Appleby GO station, creek works and the upgrade to the culvert and bridge for Fairview Street crossing are to be undertaken.

The subject property is designated 'Mixed Use Corridor - General' in the City's Official Plan (1997, as amended) and 'Urban Corridor' in the City's Official Plan (2020). OPA 139 establishes the high density permitting a floor area ratio of 6:1, and maximum height of 34 storeys, approved through the OLT. The proposed subdivision is in keeping with the policies of the Official Plan (1997, as amended) and OPA 139.

The subject property is zoned 'Mixed-Use Transit Station Area – Hold (MXT-H)' with site exception 532. The holding provision on the property is to ensure the completion of the creek and hazard alterations and Fairview Street crossing upgrades and the completion of the Record of Site Condition and any remedial work required. The exception number established the permitted uses, with a number of site-specific provisions to facilitate the overall development of the site.

Four public comments were received by the City at the time of writing this report. The public comments expressed concern with the density and the impacts on traffic. These concerns have been addressed through the technical review of the former applications and OLT process. The uses are now permitted, and the intent of this application is to subdivide the lands to facilitate the development and implement the land use permissions previously granted by the OLT. Each block and mixed-use building will be subject to further technical review through the site plan control process.

Planning staff have reviewed the Draft Plan of Subdivision application and find that the application is consistent with and conforms to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan, 1997 and Zoning By-law. As such, staff are recommending approval of the application subject to conditions.

**Background and Discussion:**

<b>RECOMMENDATION:</b>	Approval	<b>Ward:</b>	5
<b>Application Details</b>	<p><b>APPLICANT:</b></p> <p><b>OWNERS:</b></p> <p><b>FILE NUMBERS:</b></p> <p><b>TYPE OF APPLICATIONS:</b></p> <p><b>PROPOSED USE:</b></p>	<p>Branthaven Development Corporation (% Ruth Victor &amp; Associates)</p> <p>1602211 Ontario Limited Branthaven 735 Oval Inc. 1471681 Ontario Inc. S &amp; G Consulting Inc. 5135 Fairview Holdings Inc.</p> <p>520-01/24</p> <p>Plan of Subdivision</p> <p>Mixed-Use Development (including, residential, office, retail, and public service facility (i.e. daycare, library) uses</p>	
	<b>Property Details</b>	<p><b>PROPERTY LOCATION:</b></p> <p><b>MUNICIPAL ADDRESSES:</b></p> <p><b>PROPERTY AREA:</b></p> <p><b>EXISTING USES:</b></p>	<p>North side of Fairview Street and east of Appleby Line (adjacent to Sherwood Forest Park)</p> <p>720, 735, 740 Oval Court and 5135 &amp; 5155 Fairview Street</p> <p>4.50 hectares (11.12 acres)</p> <p>Existing office and industrial buildings and uses (i.e. manufacturing, packaging, warehousing)</p>
<p><b>OFFICIAL PLAN Proposed:</b></p>		<p>'Mixed Use Corridor – Commercial'</p>	
<p><b>ZONING Existing:</b></p>		<p>"H-Mixed-Use Transit Station Area – 532" (‘H-MXT-532’) Zone</p>	
<p><b>APPLICATION RECEIVED</b></p>		<p>July 29, 2024</p>	

	<p><b>STATUTORY DEADLINE:</b> (Section 22(7) &amp; Section 34(11) of Planning Act)</p>	<p>November 26, 2024 (120 days)</p>
	<p><b>PUBLIC COMMENTS</b></p>	<p>A total of 4 resident/property owner comments received in response to public circulation of application</p>

A complete application had been received as of July 29, 2024 for a Plan of Subdivision at 720, 735, 740 Oval Court & 5135 and 5155 Fairview Street to support the redevelopment of the lands with 8 mixed-use towers. This report provides an overview of the application, an outline of applicable policies and regulations, a summary of technical and public comments received and staff’s opinion and recommendation with respect to this application.

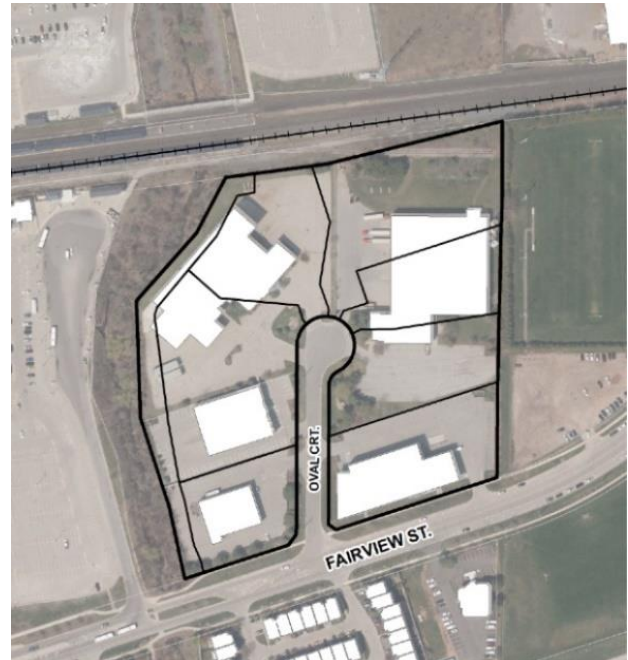


Figure 1 – Air photo (2021) with subject property outlined

The subject lands are located on the north side of Fairview Street, east of Appleby Line and comprise a total landholding of 4.50 hectares (11.12 acres) and include lands known municipally as 720, 735, 740 Oval Court and 5135 & 5155 Fairview Street. Overall

frontage is along Fairview Street with primary ingress/egress via Oval Court (to be maintained as part of road servicing the proposed development).

Existing buildings and structures on the property include modern office and industrial buildings (ranging in heights of between 2-3 storeys) and are used for manufacturing, packaging, and warehousing, in addition to general office purposes. Demolition of the existing buildings is included as a component of the overall redevelopment concept. The location of the subject lands and overall site context is illustrated on Figure 1: Site Location and Context, and Appendix A (Location Plan (Aerial)).

Surrounding and adjacent land uses are described below and the applicable zoning of these properties is illustrated on Appendix B (Existing Zoning).

- North of the site is a rail corridor and commercial/industrial land uses (on the north side of the Canadian National (CN) rail corridor), including lands zoned General Employment ('GE1') Zone and General Employment Exception ('GE1-59') Zone;
- Low-density residential land uses are located south of the site (on the south side of Fairview Street) on lands zoned Mixed Use Corridor – General Exception ('MXG-345') Zone; Utility Services ('S') Zone; and, Low Density Residential ('R3.2') Zone;
- Appleby GO Station (station platform and surface parking area) and Appleby Creek (and rail corridor to the north) are west of the site, zoned Mixed Use Corridor Employment Oriented ('MXE') Zone, Open Space ('O2') Zone and Utility Services ('S') Zone. Appleby Creek is also adjacent to the site; and,
- East of the site is Sherwood Forest Park and lands zoned Community Park ('PC') Zone.

### **Description of Applications**

As shown on the concept drawing (Appendix C), the applicant proposes to adjust the existing lot boundaries into 8 blocks to facilitate multi-use residential buildings whereas five lots currently exist; and a natural heritage block all proposed off of the existing Oval Court cul-de-sac. Three new lots would be created to facilitate the development and no new public streets are proposed.

To facilitate the development, the applicant has applied for a plan of subdivision consisting of:

- Seven mixed use residential blocks; and
- Natural heritage block (creek block)

The proposed mixed-use blocks are intended to comply with the existing official plan and zoning of the subject lands, and range in size from 4,028 m<sup>2</sup> to 8,912 m<sup>2</sup> and 3,438 m<sup>2</sup> for the creek block.

### **Supporting Documents**

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

- [Application Form](#), signed July 19, 2024
- [Arborist Report](#), prepared by Beacon Environmental, dated March 2023
- [Architectural Plans](#), prepared by Diamon Schmitt, dated July 24, 2024
- [Brattys Legal Planning Memo](#), prepared by Brattys Barrister and Solicitors, dated July 12, 2024

- [Draft Plan of Subdivision](#), prepared by A.T. McLaren Limited and signed July 23, 2024
- [Scoped EIA](#), prepared by Beacon Environmental, last revised January 2024
- [Geomorphic Assessment](#), Beacon Environmental, last revised March 2023
- [Hedge Letter](#), prepared Beacon Environmental, dated September 7, 2023
- [Planning Letter](#), prepared by Jennifer Lawrence & Associates., dated July 4, 2024
- [Hedgerow Plan](#), prepared by NAK design strategies, dated June 18, 2024
- [Landscape Master Plan](#), prepared by NAK design strategies., last revised July 23, 2024
- [Metrolinx Pre-con Comments](#), prepared by Metrolinx, dated March 12, 2024
- [Noise Feasibility Study](#), prepared by Howe Gastmeier Chapnik Limited., dated July 25, 2024
- [Cover Letter](#), prepared by Ruth Victor & Associates, dated July 29, 2024
- [Pedestrian Bridge Design](#), prepared by NAK design strategies, dated May 22, 2024
- [Pedestrian Circulation Plan](#), dated July 2023/4
- [Phasing Plan](#), prepared by Diamond Schmitt, dated July 24, 2024
- [Planning Justification Report](#), prepared by Ruth Victor & Associates, dated July 26, 2024
- [Pre-consultation Notes](#), meeting date March 6, 2024
- [Rail Safety Report](#), prepared by Burnside, dated July 2024
- [Supplementary Slope Stability Letter](#), prepared by DS Consultants Lts., dated August 16, 2023
- Remediation Action Plan

Supporting documents have been published on the City's website for the subject application, [www.burlington.ca/ovalcourtsubdivision](http://www.burlington.ca/ovalcourtsubdivision).

## **Policy Framework**

The proposed Plan of Subdivision application is subject to review against the Planning Act, Provincial Policy Statement (2020), Provincial Planning Statement (2024), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. Staff are of the opinion that the proposed application is consistent with and conforms to the applicable policy framework, as discussed below.

### **Planning Act: Draft Plan of Subdivision Criteria**

Section 51(24) of the Planning Act outlines criteria that approval authorities are to have regard to when considering a draft plan of subdivision, including:

- *Whether the proposed subdivision is premature or in the public interest*

The proposed subdivision establishes new development blocks for mixed use buildings that conform to and implement the Official Plan and Zoning By-law . Moreover, according to Halton Region, Halton District School Board, Halton Catholic District School Board, and Development Engineering, adequate water, wastewater servicing, schools, and parks are available nearby to accommodate the development. The proposed subdivision is located on an existing cul-de-sac where four points of entry to the blocks are being proposed that connect the private roadways and pedestrian walkway. The proposed subdivision generally conforms to the recently established zoning and reflects the intent of intensification within the Major Transit Station Areas (Appleby MTSA). The proposed subdivision is therefore not premature and is in the public interest.

- *Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

The proposed subdivision conforms to the City's Official Plans (1997 and 2020) and Regional Official Plan.

- *The suitability of the land for the purposes for which it is to be subdivided;*

The applicant has submitted an Environmental Site Assessment, Geotechnical Investigation, and Noise Impact Feasibility Study in support of the application. Halton Region and Development Engineering staff have reviewed these reports through the former application review and find them satisfactory for the purpose of draft plan approval. Development Engineering staff request amendments to the Functional Servicing & Stormwater Management Report to ensure the necessary stormwater management recommendations are implemented. As a condition of draft approval for the plan of subdivision, the owner will be required to update these reports/plans and implement the recommendations of the final reports.

- *The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivisions with the established highway system in the vicinity and the adequacy of them;*

The proposed draft plan of subdivision includes an established public right of way known as Oval Court. As part of the Official Plan and Zoning By-law amendment applications a Transportation Study was submitted and reviewed by staff. Any revisions or additional information required will be addressed through the site plan control process. Transportation staff have no concerns with the proposed subdivision application.

- *The dimensions and shapes of the proposed lots;*

The proposed lots generally conform to the Zoning By-law and are therefore appropriately shaped and dimensioned. Any deficiencies that may come from a more detailed design will be dealt with through a future Planning Act application.

- *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

The Noise and Vibrations Impact Study will be addressed through the technical review of site plan control for each of the blocks. A condition is included that the proponents agree to provide amended Noise Impact Studies at the time of site plan control.

- *Conservation of natural resources and flood control;*

The subject lands are adjacent to Appleby creek. Based on the review of the Official Plan and Zoning By-law amendment applications where a review of the Environmental Impact Assessment was completed, a holding provision was included in the Zoning By-law amendment that requires the applicant to complete the recommended creek works rehabilitation and protection prior to the commencement of construction of the blocks adjacent to the creek block. A condition of draft approval has been included to this nature.

- *The adequacy of utilities and municipal services and school sites;*

Burlington Hydro, Union Gas, Halton Region, and City departments have been circulated on the application and do not have objections to the proposed development. Halton District School Board and Halton Catholic District School Board comments that students from the proposed development can be accommodated at existing schools nearby.

- *The area of land, if any within the proposed subdivision that, exclusive highways, is to be conveyed or dedicated for public purposes;*

Development Engineering and Planning staff require the following be dedicated to the City free of charge: any easements over the subject property required for access, drainage, services and/or utilities; any easements over adjacent properties as required to accommodate access, services, and/or overland flow swales; and, Block 8 (Creek – 0.034ha).

- *The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*



The proposed plan of subdivision is consistent with the MTSA policies, within a well serviced area, and supports an efficient use of energy.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of [the Planning Act].*

Each of the blocks created save and except the creek block will be subject to site plan control and undergo a technical and detailed review.

### **Provincial Policy Statement, 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 healthy, liveable and safe communities that are sustained by appropriate development and land use patterns that make efficient use of land and infrastructure, accommodate an appropriate range and mix of uses, protect public health and safety and the environment. The PPS directs that growth and development be focused in settlement areas. In settlement areas, land use patterns are to be based on densities and a mix of land uses to meet long term needs and which efficiently use land, resources, infrastructure and public service facilities, prepare for the impacts of a changing climate, support active transportation and transit.

The proposed plan of subdivision is consistent with the Provincial Policy Statement. The subdivision is proposed to be located on employment lands within the Appleby GO MTSA area. This promotes efficient redevelopment as the intent of the MTSA area is for high-density mixed-use development that utilizes and promotes transit use within the City and across the region. There are also existing services in the area that can support the proposed residential development. The proposal will facilitate the development of eight mixed use buildings and will add to the housing stock within the urban settlement area in the City of Burlington. The proposed subdivision will support the intensification of the lands, in accordance with the City's Official Plan and Zoning By-law.

Stormwater management has also been considered through the Functional Servicing & Stormwater Management Report which has been reviewed by Region of Halton and City of Burlington staff. The proposed subdivision is not anticipated to have negative stormwater impacts and any revisions required will be addressed through the site plan control stage and through draft conditions.

### **Provincial Planning Statement, 2024**

The New Provincial Planning Statement, 2024 (PPS, 2024) similar to the previous 2020 Provincial Policy Statement, provides policy direction on land use planning and

development matters of provincial interest. All planning decisions must be consistent with the PPS, 2024. The development policies examined in previous section of this report under the PPS 2020 have been carried forward into the new PPS, 2024 with a focus on complete communities by way of redevelopment and intensification of underutilized lands as well as a focus on strategic growth areas. Specifically within a Major Transit Station Area where high density is promoted with multimodal forms of transit.

The proposed plan of subdivision is consistent with the new Provincial Policy Statement since the proposal promotes development high density development within a strategic growth area where emphasis is placed on the GO transit and other forms of transit. The proposal will also provide for various housing types where adequate infrastructure can accommodate the proposal.

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

Under Bill 185, the new PPS 2024 has replaced the Growth Plan effective as of October 20, 2024. Going forward, all planning decisions must be consistent with the policies within the Provincial Planning Statement, 2024.

For the reasons noted previously, the proposed subdivision consistent with the new PPS (2024) policies.

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

The ROP outlines a long-term vision for the physical form and community character of Halton. All planning decisions must conform to the ROP (2006, as amended).

The subject lands are designated as Urban Area and is located within a Strategic Growth Area within the Halton Region Official Plan. The site is further defined under the Strategic Growth Area as being within the Appleby Major Transit Station Area.

Lands within the Urban Area designation are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The Regional Official Plan states that the range of permitted uses and creation of new lots within the Urban Area shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

The Regional Official Plan outlines strategic growth areas as high priority areas for urban development and intensification. The proposed draft plan of subdivision will facilitate the build out of eight mixed uses high density tall buildings which achieves the intent of the Regional Official Plan for urban development within a growth area. An Official Plan and Zoning By-law Amendment were approved by the OLT that permit the increased density and height. The draft plan of subdivision is therefore in keeping with the intent of the Regional Official Plan.

### **City of Burlington Official Plan (1997, as amended)**

The City of Burlington's Official Plan (1997, as amended) provides more specific guidance on land use planning and development within the city. The Official Plan includes principles and objectives that relate to stormwater management, transportation, and residential infill development.

The site is designated "Mixed-Use Corridor - General" on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the Official Plan, which permits residential uses and mixed-use developments. Through amendment 139, the subject lands contain site-specific policies which further permit a minimum floor space index of 6:1 and buildings up to 34 storeys. The proposed subdivision will facilitate the division of land to encourage the build out of the site within the parameters of the current designation and zone.

#### Natural Hazards / Sustainable Development

The City of Burlington requires effective implementation of storm water management to provide protection against flooding and erosion (Official Plan, Part II, 2.11). The applicants submitted a Functional Servicing & Stormwater Management Report as part of a complete application. The report concluded that the site is serviceable, and no negative impacts are anticipated from site grading, stormwater management, water balance, sanitary sewers, and water supply. Development Engineering staff have reviewed the Functional Servicing & Stormwater Management Report and require amendments to the report to ensure no negative impacts from the additional stormwater runoff increase from the proposed development. A condition of draft approval to amend the Functional Servicing & Stormwater Management Report to the satisfaction of Development Engineering has been included.

The City of Burlington identifies several Natural Heritage features throughout the City which are intended for preservation and protection from negative affects of development. Where development is proposed adjacent to a natural heritage feature, the City requires an environmental evaluation (Part II, 2.5 a)) The application site is located adjacent to Appleby Creek which is identified as a natural heritage feature. The proponents have completed an Environmental Impact Assessment prepared and amended by Beacon Environmental Limited (January 2024) which outline the limits and required safe setbacks to the Creek. In conjunction with Halton Conservation, Block 8 identified on the draft subdivision reflects the setbacks from the creek that will be assumed by the City of Burlington for maintenance and preservation of the creek. City of Burlington staff and Conservation Halton are satisfied that through conditions of draft approval, the required creek works can be undertaken to satisfy the recommendations of the EIA.

Part II, Section 2.7, d)- requires development to meet the objectives of sustainable development to create safe communities by reviewing noise impacts on sensitive lands uses, transportation alternatives, and access to waste management. The applicants

submitted for review an amended Noise and Vibration Impact Study, Waste Management Plan and Land Use Compatibility study were submitted as part of the subdivision as well as the previous applications outline mitigations measures that will be implemented through subdivision conditions as well as addressed through each subsequent site plan control review.

#### Mixed-Use Corridor - General

Section 5.3.1 of the City of Burlington Official Plan states that among the objectives of the Mixed Use Corridor designation includes the encouragement of higher intensity, transit-supportive and pedestrian-oriented mixed use development, including land in the vicinity of a major transit station area, such as a GO Transit station, in a compact form, while retaining compatibility with nearby land uses.

Section 5.3.4 (Mixed-Use Corridor – Employment) of the City of Burlington Official Plan states that notwithstanding the policies of Part III, Subsection 5.3.2, the following Mixed Use Corridor locations as shown on Schedule 'B' are primarily intended for higher intensity, transit and pedestrian employment development and are subject to the policies of Part III, Subsection 5.3.4. The locations listed include:

(vi) north side of Fairview Street, between Walker's Line and Sherwood Forest Park, except the 0.70 hectare property at 4175 Fairview Street, and the north-east corner of Fairview Street and Walker's Line and except the 6.5 hectare property at 4415 Fairview Street.

The proposed plan of subdivision is consistent conform to policies within the Official Plan since the division of land will facilitate permitted uses within the Mixed-Use Corridor - General designation and amendment 139. The comprehensive development of the site encourages pedestrian orientation through the walkable connections between the adjacent GO Station through the site and into Sherwood Park. The plan also proposes Block 8 which is intended for the preservation and protect of Appleby Creek which would be deeded to the City for the long term maintenance and protection.

#### **City of Burlington New Official Plan (OP, 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(38) 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. At this time, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

The subject lands are designated as 'Mixed Use Nodes and Intensification Corridors' and are found within the 'Burlington GO MTSA Special Planning Area' under Schedule B – Urban Structure. Subsection 2.3.1 – Mixed Use Intensification Areas would therefore be applicable to the subject lands.

The subject lands are further designated as 'Urban Corridor' under Schedule C – Land Use – Urban Area. In accordance with Subsection 8.1.3 (7.2) c), the following uses may be permitted on lands designated 'Urban Corridor':

- (i) retail and service commercial uses;
- (ii) automotive commercial uses, including large-scale motor vehicle dealerships existing on the date this Plan comes into effect;
- (iii) residential uses with the exception of single-detached and semi-detached dwellings;
- (iv) office uses;
- (v) entertainment uses; and
- (vi) recreation uses.

Other forms of ground-oriented dwellings may only be permitted subject to the criteria under Subsection 8.1.3 (7.2) d).

The City's stormwater management techniques shall be used in the design and construction of all new developments to control both the quantity and quality of stormwater runoff (Official Plan, Chapter 4, 4.4.2). As previously mentioned through the review of the City of Burlington Official Plan (1997, as amended), the applicants have submitted a revised Functional Servicing & Stormwater Management Report as part of the application where amendments are required and captured through conditions of the subdivision and future site plan control applications to the satisfaction of Development Engineering.

Overall, the proposal conforms to the Mixed-use Corridor -General designation of the New Official Plan. Amendment 139 will be carried forward to the New Official Plan which reflects the current permitted uses and policies such as height and density.

### **Zoning By-law 2020**

The subject lands are currently zoned 'H-MXT-532' (Mixed-Use Transit Station Area with a Holding provision and Site Exception 532), under By-law 2020 as amended (as shown on the attached Existing Zoning Plan). The MXT zone permits residential, a variety of retail and service commercial, office, hospitality, entertainment and recreation uses to a maximum height of two (2) storeys.

Site exception number 532 further permits site specific regulations that facilitate eight (8) mixed-use towers (ranging in height between 11 and 34 storeys) and a total of 1,988 residential units subject to a holding provision. The holding provision requires the applicant to address the required creek works as well as filing a Record of Site Condition with the Province.

The proposed draft plan of subdivision is intended to conform to and implement this zoning.

### **Technical Comments**

The subject applications were circulated to internal staff and external agencies for review. The following comments and conditions have been received by staff and agencies with the required conditions to be fulfilled prior to final approval, included as Appendix C.

***Halton District School Board (HDSB) & Halton Catholic District School Board (HCDSB)*** – No objections subject to the inclusion of condition as part of draft plan approval.

***Metrolinx*** – some revisions are required to address the required berm. These revisions can be addressed through draft conditions.

***Enbridge Gas (formerly Union Gas)*** – No objections and required condition is included.

***Bell Canada*** – No objections and standard conditions are included.

***Esso Canada*** – No Objections.

***Rogers Communications*** – No Objections

***Halton Police*** – No Objections.

***Hydro One*** – No Objections.

***City of Burlington's Engineering Services – Accessibility staff*** – staff advise of the requirements and standards required for accessible parking space, clearance height, passenger drop off, exterior surfaces, bike racks and kids play area which will be addressed through the site plan review.

***Region of Halton*** – The Region has reviewed the FSR submitted and in order to execute the recommendations of the FSR, conditions have been included in Appendix B.

***City of Burlington's Urban Forestry and Landscaping staff*** – Staff have no objections to the draft plan of subdivision and relative conditions have been included.

**City's Finance Department** – That the standard condition that all taxes are up-to-date be included.

**City's Development Engineering** – No concerns regarding the plan of subdivision subject to the attached conditions.

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### **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.

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### **Climate Implications:**

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

The proposed development contributes to the intensification of the City's urban area and will introduce additional residents to a location that is within reasonable proximity to parks, neighbourhood conveniences and transit services. As such, the proposed development supports reduced automobile trip lengths, transit usage, and consequently reduced greenhouse gas emissions.

Furthermore, while the proposed development increases the amount of impervious surface on the subject site. However through the site plan process, adequate stormwater managements controls will be implemented to ensure safe functionality of the site and surrounding land uses.

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### **Engagement Matters:**

In response to public circulation, staff received four (4) comments out of 144 notices from members of the public. A copy of the public comments received is attached as Appendix

C to this report. The general themes of the written comments and staff’s response are provided in Table 1 below.

**Table 1 – Summary of Public Comments Received and Staff’s Response**

<b>Public Comment</b>	<b>Staff Response</b>
Questioned the purpose of the draft plan of subdivision and how it is different from the previous Official Plan and Zoning By-law applications	The purpose of this application is to create lots that would reflect and implement the future build out of eight mixed use high density buildings. The Official Plan designation and Zone for the property were established through the previous applications and Ontario Land Tribunal decision. Therefore, there is no difference in what is being proposed to what had previously been approved through the OLT, but rather the subdivision application would implement the lotting pattern of the previously approved development.
Concerned there is not sufficient parking and for the increase in traffic for the area	Transportation Services has reviewed the revised Transportation Impact Study that was submitted as part of the former applications and this application. Transportation Services has no concern with the subdivision of land and note that for each of the phases of development through site plan control, further technical review of traffic impacts will be assessed at that time.
Concern that the increase in residence/density would negatively affect the adjacent parklands	There have been numerous discussions focused on the integration of the proposal with the adjacent parklands. Encouragement for pedestrian access while maintaining the integrity of the existing parklands is being by staff. Parks and forestry have reviewed the concept landscape plans and require through draft plan conditions that a detailed plan will be submitted for review that demonstrates access points to the existing park.

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**Conclusion:**

Staff’s analysis of the application for a Plan of Subdivision considers the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement, 2020, Provincial Planning Statement, 2024 and conforms to the Regional and City Official Plans, and the Zoning By-law 2020.



It is therefore recommended that draft approval be given for a plan of subdivision to facilitate the creation of eight (8) blocks for mixed-use high-density development, subject to the conditions attached as Appendix C to Report PL-80-24.

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Respectfully submitted,

Alicia West, MCIP, RPP

Planner

905-335-7600 Ext. 7504

**Appendices:**

- A. Location Map
- B. Zone Mapping
- C. Concept Plan
- D. Conditions of Subdivision Approval
- E. Public Comments

**Notifications:**

Ruth Victor - [ruth@rvassociates.ca](mailto:ruth@rvassociates.ca)

Thomas Kastelic - [tkastelic@branthaven.com](mailto:tkastelic@branthaven.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.