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## **1.0 The Provincial Policy Statement (PPS)**

The subject applications were submitted in July 2024, when the Provincial Policy Statement 2020 was in effect. During the review of the subject applications, the province introduced the Provincial Planning Statement (2024), which came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. The PPS 2024 replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS 2024 provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS 2024 & 2020 recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS (PPS 2024, Chapter 1 & PPS 2020, Policy 4.6).

The PPS 2024 & 2020 identifies settlement areas as the focus of growth and development, and that within settlement areas, growth should be focused in strategic growth areas, including major transit station areas (PPS 2024, Policy 2.3.1.1 & PPS 2020, Policy 1.1.3.1).

The Provincial Planning Statement (2024) states that land use patterns within settlement areas should be based on densities and a mix of land uses which:

- efficiently use land and resources;
- optimize existing and planned infrastructure and public service facilities;
- support active transportation;
- are transit-supportive, as appropriate; and
- are freight-supportive (PPS 2024, Policy 2.3.1.2 and PPS 2020, Policy 1.1.3.2)

Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities (PPS 2024, Policy 2.3.1.3).

Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas (PPS 2024, Policy 2.3.1.5).

Planning authorities are encouraged to identify and focus growth and development in strategic growth areas (Policy 2.4.1.1).

To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned:

- to accommodate significant population and employment growth;
- as focal areas for education, commercial, recreational, and cultural uses;
- to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
- to support affordable, accessible, and equitable housing (PPS 2024, Policy 2.4.1.2).

The PPS 2020 & 2024 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
- b) permitting and facilitating:
  1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
  2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development, and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation; and
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (PPS 2024, Policy 2.2 and PPS 2020, Policy 1.4.3).

The 2020 and 2024 PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate, any potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures (PPS 2024, Policy 3.5.1 & PPS 2020, Policy 1.2.6.1).

Where avoidance is not possible, the development of sensitive land uses may be permitted subject to demonstration that the proposed use is needed, that there are no reasonable alternative locations, that adverse effects to the proposed sensitive land use

are minimized and mitigated, and that potential impacts to industrial, manufacturing, or other uses are minimized and mitigated (PPS 2024, Policy 3.5.2 & PPS 2020, Policy 1.2.6.2).

Planning staff are of the opinion that the proposed application is consistent with the PPS 2020 and PPS 2024, with the inclusion of the recommended Holding Provision. The proposal it facilitates intensification in a strategic growth area, provides a mix of housing and non-residential land uses, proposes to use existing infrastructure, and promotes the protection of public health and safety.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. As previously mentioned, the PPS 2024 replaces both the PPS 2020 and the Growth Plan. At the time of the submission of the applications, the Growth Plan was in effect and all planning decisions in Burlington were to conform to the Growth Plan. The PPS 2024, which came into force and effect on October 20, 2024, applies to decisions concerning planning matters occurring after this date.

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

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

The Regional Urban Structure outlines a hierarchy of Strategic Growth Areas, which identifies MTSA on Commuter Rail Corridors as one of the top four priority areas for accommodating growth through intensification within the Region (ROP 78-79). The ROP directs development with higher densities and mixed uses to MTSA in accordance with the hierarchy of Strategic Growth Areas.

The ROP requires local municipalities to prepare Area-Specific Plans (ASPs) for MTSA. The City has completed an Area-Specific Planning process for the Aldershot GO MTSA and is currently finalizing policies and a Community Planning Permit (CPPs) by-law to implement the ASP. The ASP and CPP will establish development permissions that will support the achievement of the ROP’s minimum density target and proportion of residents and jobs.

ROP policy requires the assessment of Land Use Compatibility matters when a new sensitive use is proposed in close proximity to major facilities and transportation uses. Section 81(6) sets out that existing employment uses within and adjacent to Major Transit Station Areas are to be protected by ensuring land use compatibility with adjacent new development, and that new development is required to meet Provincial Policy Statement (PPS), 2020 and 2024 requirements for land use compatibility.

Regional staff have reviewed the subject applications and retained an external consultant to conduct a peer review of the land use compatibility studies (noise and air quality studies) submitted with the subject applications. Based on this review, staff are recommending that a Holding Provision be placed on the subject property to require additional noise & vibration analysis to ensure land use compatibility is demonstrated prior to any development proceeding.

The ROP requires new development within the Urban Area to be on the basis of connection to Halton's municipal water and wastewater systems. Regional staff have reviewed the Functional Servicing Report and addendum submitted with the subject applications and have concluded that the revisions are sufficient and the proposed development can be adequately serviced.

Section 147(17) of the ROP requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The applicant was required to submit an Environmental Site Screening Questionnaire (ESSQ), a Phase I Environmental Site Assessment, Phase II Environmental Site Assessment and Record of Site Condition for each property. Halton Region and City staff have reviewed the materials and have no concerns with the proposed development and advised that the above policy has been addressed.

Staff are of the opinion that the proposed development conforms with the policies of the ROP as it facilitates intensification and increased densities within the strategic growth area, uses existing water and wastewater systems, protects existing employment uses and protects the health and safety. Staff believe that the Holding Provision will adequately address the Region's comments and that the proposed development conforms to the Regional Official Plan.

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

The Burlington Official Plan, 1997, was approved by Halton Region, with modifications, on March 5, 1997. Due to a number of appeals, certain parts of the plan were referred to the Ontario Land Tribunal (formerly the Ontario Municipal Board) for a decision. The following Official Plan documents were approved by the Ontario Land Tribunal in 2008. Content and maps were updated in 2019.

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

#### **4.1 Design (Part 2, Subsection 6)**

Part II, section 6 of the OP contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. As discussed in greater detail in subsequent sections of this analysis, staff have reviewed the subject applications in accordance with the applicable design guidelines and policies. The proposed development conforms with the design policies of the Official Plan.

#### **4.2 Mixed-Use Corridor General (Part 3, Subsection 5.3)**

The subject lands are designated “Mixed Use Corridor – General” as per Schedule “B” (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan. The “Mixed Use Corridor – General” designation permits wide range of retail, service commercial and personal services; financial institutions and services; office uses; entertainment, recreation, and other community facilities; small scale motor vehicle dealerships and high density residential uses. This designation permits mixed-use a maximum building height of 6-storeys and a maximum Floor Area Ratio of 1.5:1.

Staff have reviewed the proposed development and determined that it is compatible with the surrounding neighbourhood. A further analysis of the proposed development’s compatibility with the neighbourhood is found below in the Housing Intensification Criteria Section.

#### **4.3 Housing Intensification Criteria (Part 3, Subsection 2.5.2)**

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

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

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

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

Halton Region has confirmed that the submitted Functional Servicing Report and addendum report demonstrated that the existing water system in the area can accommodate the proposed development.

Halton District School Board advise that students generated from this development are expected to be accommodated at Maplehurst (PS), Aldershot Highschool and Burlington Central Highschool. and Burlington Central Highschool, which are currently under capacity.

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

Staff is satisfied that this criterion is being met.

ii) Off-street parking is adequate

Comment: Transportation Planning staff reviewed the proposed 12 storey mixed use building and do not have concerns with the proposal.

The applicant is proposing a parking rate of 0.68 parking spaces per residential unit and 0.025 visitor parking spaces per unit. They are also proposing a parking rate of 2.5 parking spaces per 100 m<sup>2</sup> of gross floor area for non-residential uses. This results in a total of 112 parking spaces for the proposed development (103 residential spaces, 5 visitor parking spaces and 4 spaces for non-residential) and a total combined parking rate of 0.70 spaces per unit.

Bill 185, Cutting Red Tape to Build More Homes Act, 2024 removed the requirement for local Official Plans and Zoning By-laws to require parking in the protected MTSA's. As the subject lands are located in the Aldershot GO MTSA and under the new legislation they would not be required to provide a minimum parking amount.

iii) the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic

volumes to multi-purpose, minor and major arterial roads, and collector streets rather than local residential streets;

Comment: Transportation Planning staff have advised that the proposed development is expected to generate approximately 61 trips during the weekday a.m. peak hour and 86 trips during the weekday p.m. peak hour. Staff have no concerns with the traffic that will be generated by the proposed development and agree with the conclusions of the submitted traffic impact study that the transportation network will not be adversely impacted.

Staff is satisfied that this criterion has been met.

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

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

The subject lands are also located within 1.7 km of the Aldershot GO station which provides frequent transit service along the Lakeshore West GO rail line. Staff are satisfied that the proposed development is in proximity to existing transit facilities.

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

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

Comment:

#### Scale and Massing

The proposal seeks to amend the Official Plan and Zoning By-law for the subject lands to permit a 12-storey mixed use building including the mechanical penthouse. In order to develop 150 units on the 0.24 hectare property, the applicant is seeking relief from zoning regulations such as density, building height, amenity space, and landscape area.

The proposed building has a length of 36.5 metres and incorporates various design features that assist in reducing the overall massing impacts, including using different building materials and colours for the residential and non-residential façade at the front of the building, providing clear glazing on the top portion of the building, a 3 metre



stepback above the 3<sup>rd</sup> and 5<sup>th</sup> storey podium, a defined entrance for the non-residential use, recessing and projecting portions of the building mass and recessing balconies to align with the streetwall.

The application proposes to locate the 12-storey building mass along Plains Road West with the podium and upper portion of the building recessed to reduce impacts of the massing from the streetscape and create a more pedestrian scale. The mechanical penthouse and is setback 9.5 metres from the 11<sup>th</sup> storey streetwall.

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

### Height

The subject proposal requests a building height of 12 storeys including the mechanical penthouse and rooftop amenity areas, whereas the Official Plan and Zoning By-law permit a maximum height of 6 storeys.

The subject properties are located in the Aldershot GO MTSA Area Specific Plan and are identified as being in the “Mid-Rise Residential” Precinct which envisions a minimum building height of 6 storeys and maximum building height of 11 storeys.

The properties to the north (1032 Howard Road- Argo Wholesale Produce Ltd.), east (127 Plains Road West – Ye Olde Squire and Benjamin Moore Paints), and west (159 Plains Road West – Burlington & Area Midwives) of the subject lands have not been developed, however, they are also identified as being in the “Mid-Rise Residential” Precinct of the Aldershot GO Area Specific Plan.

Staff are of the opinion that the proposed building height is aligned with the future vision for this area and combined with the scale and massing points noted above, the building is appropriate for the lands.

### Setbacks

The properties to the east and west of the development are zoned “Mixed Use Corridor – General (MXG)” and the property to the north is zoned “General Employment” (GE2). The proposed building is setback 3.0 metres from Plains Road West, 13.5 metres from the rear property line, 5.2 metres from the north property line and 13.7 metres from the east property line.

The proposed building is complying with all the required yard setbacks of the Mixed-Use Corridor – General (MXG) Zone and does not require a setback from the existing industrial zone. Staff are of the opinion that the proposed setbacks are appropriate for the site and will not impede the future intensification of the adjacent properties.

### Sun-shadowing

A discussion of the shadow impacts from the proposed development are provided below under criterion (vii). For the purposes of the subject Official Plan Amendment and Zoning By-law Amendment applications, staff are satisfied that the shadowing effects of the proposed development are compatible with the site's surroundings.

### Parking

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

### Amenity Area

The Zoning By-law requires 15 m<sup>2</sup> of amenity area per efficiency dwelling unit, 20 m<sup>2</sup> for a one-bedroom unit and 35 m<sup>2</sup> for a two or more bedroom unit for a total of 4,470 m<sup>2</sup>. The applicant is proposing 14.5 m<sup>2</sup> per unit for a total of 2,243 m<sup>2</sup> of amenity area.

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

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

A discussion of the noise, dust, vibration, and odour impacts, and mitigation measures is provided below under Housing Intensification criterion (ix). Staff are recommending a Holding Provision be placed on the property to address outstanding noise issues.

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

Comment: The subject applications are supported by an Arborist Plan prepared by Henry Kortekaas & Associates, dated January 30, 2024, and a Landscape Plan and Rooftop Amenity Plan, completed by Henry Kortekaas & Associates, dated September 12, 2024.

The Arborist Report and Tree Preservation Plan inventoried a total of 13 trees on site and bordering the property. Of the 13 inventoried trees, 2 are public trees and 11 trees are privately owned and located on the subject lands. The applicant is proposing to remove all 13 trees on the property to facilitate the development.

Urban Forestry and Landscape advise that tree removal permits will be required for the city trees and replacement tree requirements including the number of trees, location and compensation will be determined at the Site Plan stage.

Urban Forestry and Landscaping staff have reviewed and commented on the proposal. Based on the documents provided, staff had no objection to the proposal, but encourage the applicant to provide more landscaping along Plains Road West and note that remainder of the comments will need to be dealt with at the Site Plan stage.

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

Comment: A Shadow Study and Sun Access Factor Calculations prepared by AAA Architects Inc., dated September 12, 2024, was submitted by the applicant in support of the proposal. The study evaluates the shadow impacts of the building in March, June, September and December on the surrounding properties, sidewalks, and amenity areas.

The proposed building will cast minimal shadows on the public realm, sidewalks and surrounding properties and meets the sun access factor requirements. Staff are of the opinion that the impact on neighbouring properties is acceptable.

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

Comment: The proposed development is located on Plains Road West, which is primarily designated as a mixed-use corridor in the City's Official Plan where commercial development exists including retail, office, service commercial, and restaurants. Community gathering spaces such as Hidden Valley Park, LaSalle Park, Wading Pool & Splash Pad, St. Matthew's Anglican Church, and West Plains United Church are located within a reasonable distance from the site.

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

Comment: The applicant submitted a Pedestrian Wind Assessment prepared by Gradient Wind Engineers and Scientists, dated January 16, 2024. The Pedestrian Wind Assessment concluded that all grade-level pedestrian sensitive locations, including sidewalks, laneways, parking areas and landscape spaces within and surrounding the proposed development will be suitable for walking throughout the year, and wind comfort levels are acceptable. The 7<sup>th</sup> level amenity terrace and the

rooftop amenity area will require mitigation measures to improve pedestrian wind comfort levels, which will be further reviewed with appropriate mitigation measures to be identified and implemented at the Site Plan stage.

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

A revised Noise Impact Study and comment response was submitted in support of the applications. The Study was prepared by Aercoustics, dated September 11, 2024.

The study reviewed the acoustic requirements for the proposed development with respect to noise from vehicular traffic along Plains Road West, surrounding stationary sources and railway corridor traffic from the CN rail yard. Based on the results of the Study, noise warning clauses will be required in all agreements of purchase and sale, or lease and all rental agreements and specific building components will be required at the Site Plan stage. The Study also recommends that the property be classified as Class 4 sound designation due to the existing stationary noise produced by a nearby facilities.

A Land Use Compatibility Study (LUC) and response letter, prepared by GHD, dated September 12, 2024, was submitted in support of the applications. The study evaluated twenty-four industrial facilities within 1000 metres of the subject lands with respect to air quality, odour, dust, noise, and vibration.

Halton Region retained an external peer review consultant, R.J. Burnside and Associates Limited, to undertake a review of the Noise Impact Study and LUC Study for the proposed development. The peer reviewer concluded that more analysis was required in order to determine if sensitive land uses could be supported on site and that there were no adverse impacts on existing industrial uses. Staff are recommending that a Holding Provision be placed on the property to ensure that outstanding noise feasibility matters be addressed to the City's satisfaction prior to development proceeding. A more detailed analysis is found below under the '4.4 Land Use Compatibility and Noise Feasibility' section of this analysis.

Staff reviewed the peer review comments and revised materials and agree with the conclusions of the peer reviewer and Halton Region and are recommending that a Holding Provision be placed on the property to ensure that the noise feasibility are addressed prior to development proceeding on site. Staff are also recommending that

the properties be deemed a Class 4 noise designation to facilitate the proposed development.

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

Comment: The properties to the north, east and west are identified as being in the “Mid-Rise Residential” Precinct of the Aldershot GO Area Specific Plan, which contemplates building heights of 6 to 11 storeys.

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

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

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

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

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

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

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

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

#### **4.4 Land Use Compatibility and Noise Feasibility (Part 2, Subsection 2.7.3)**

In accordance with Part II, section 2.7.3 n) of the Official Plan, the applicant submitted a Land Use Compatibility (Air Quality) Study, prepared by GHD, dated September 11, 2024, in support of the sensitive land uses on the property. The Land use Compatibility Study was peer reviewed by R.J. Burnside & Associates Limited.

The Land use Compatibility Study evaluated twenty-four industrial facilities within 1000 metres of the subject lands with respect to air quality, odour, dust, noise, and vibration. The key conclusions from the Land Use Compatibility (Air Quality) Study, prepared by GHD, dated September 11, 2024, are:

- There were 24 facilities identified that are located within the area of influence, 18 are self-contained with only minor air emissions due to rooftop HVAC equipment.
- Argo Wholesale and Mission Produce have a potential noise impact to the proposed development. However, these facilities will have minimal impact on air quality, odour, and dust levels.
- St. Marys Cement is operating under an ECA which requires a Dust Management Practices Plan, and it was determined that the adverse air quality, dust, and odour impacts are not significant.
- The proposed development may introduce new elevated receptor for CBM which GHD determined through preliminary modelling would remain below the Ministry Point of Impingement Limits.
- King Paving & Construction Ltd is operating under an ECA which requires a Dust Management Practices Plan and Operating and Maintenance Procedure to prevent and/or minimize odours emissions. It is deemed that the adverse air quality, dust, and odour impacts are not anticipated at the ground-level receptors.
- The proposed development may introduce new elevated receptor for air. However, GHD determined through preliminary modelling that the new development would likely result in a negligible increase in maximum off-property concentrations for King's Paving.
- Based on the findings of this report, adverse air impacts are not anticipated and the requirements of the MECP Guideline D-6 are met.
- Mitigation for the potential facilities can be done with design aspects such as inoperable windows, air conditioning, and locating air intakes well above grade.

- Consideration should be given to include the best practices of building pressurization and filtration in the mechanical design to ensure that tenants have good air quality within the homes given the quantity of industrial facilities within the Study Area and their proximity to the proposed development. An appropriate operating and maintenance schedule should be in place for the filtration system.
- GHD recommends that an air quality study be completed at later stages of the approval process to ensure that such mitigation measures were installed, perform as intended, and will be maintained.
- Warning clauses are recommended to be included in agreements of Offers of Purchase and Sale, lease/rental agreements, and condominium declarations for all residential units of the development.

The Land use Compatibility Study was peer reviewed by R.J. Burnside & Associates Limited., who were not able to conclude that the land use compatibility issue had been addressed as more information was required to inform their review. They identified five key issues that need to be addressed by the applicant:

1. The proposed development will introduce new elevated receptors that will be closer to nearby industry than any existing elevated receptors. The elevated receptors need to be evaluated.
2. Sounds levels from Missions Produce Inc. operations should be assessed to ensure applicable limits can be met at the proposed development.
3. Refrigeration truck noise sources are potentially present during storage or gradual loading/unloading operations and should be assessed.
4. On-site truck activities at King Paving should be considered in the noise assessment.
5. The compliance of King Paving Facility within the applicable noise limits should be considered in the noise assessment.

The Land use Compatibility Study and Noise Impact Study was peer reviewed by R.J. Burnside and Associates Limited, and they concluded that there are still outstanding issues that need to be address in order to confirm that the site is appropriate for sensitive land uses. Staff are recommending a Holding Provision to ensure that a revised Noise Impact Study that addresses the peer review comments is submitted, and all mitigation measures are incorporated into the future site plan.

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

On Nov. 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020. For

the list of the appeals filed with the Ontario Land Tribunal (OLT), see the Dec. 23, 2020, update under “Burlington Official Plan, 2020 appeals process”.

On Jan. 4, 2023, the OLT formally confirmed which parts of the Burlington Official Plan, 2020 came into effect on Dec. 22, 2020, and which parts did not. The OLT also confirmed that no parts of the Official Plan (other than policies where appeal rights are limited by the Planning Act) are in effect on lands with site-specific appeals. For a list of policies in effect as of Dec. 22, 2020, see the May 16, 2023, update under “Burlington Official Plan, 2020 appeals process”. This update also includes a list of site-specific appellants.

Until all broad appeals to the Region’s approval of the Burlington Official Plan, 2020 are resolved, parts of the old Official Plan (Burlington Official Plan 1997, as amended) will stay in effect. Parts of the Burlington Official Plan, 2020 that are broadly appealed may be considered on an informative, but not determinative, basis.

The interim working version of the Burlington Official Plan, 2020 is provided for information only. For legal purposes, reference the original certified documents on file with the City Clerk, including the April 26, 2018, City of Burlington adopting bylaw and the Nov. 30, 2020 Halton Region Notice of Decision.

As the OLT process continues, the Burlington Official Plan, 2020 may change and need to be updated. Readers of the Plan must satisfy themselves as to the legal status and applicability of the policies by reviewing all Orders and Decisions from the OLT. You can view these documents by visiting the Ontario Land Tribunal's webpage for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington".

### **5.1 Urban Structure and Growth Framework**

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

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



**5.2 Urban Corridor (Chapter 8, Subsection 8.1)**

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

The proposed development conforms to the land use policies of the Urban Corridor designation, as it provides residential uses with ground-floor non-residential uses along Plains Road West. The ground-floor non-residential uses may be retail, service commercial, office, recreation, or entertainment uses, or other pedestrian-oriented uses if permitted by the Zoning By-law.

The proposed development exceeds the maximum Floor Area Ratio and building height of the Urban Corridor designation. As discussed elsewhere in this analysis, the proposed Official Plan Amendment to increase maximum Floor Area Ratio and building height is supported by staff as it aligns with the current policy framework vision of the Area-Specific Planning for the MTSA.

**5.3 MTSA Policies (Chapter 8, Subsection 8.1.2)**

The subject property is located within the Aldershot GO Major Transit Station Area (MTSA) as identified by the Schedule B-2 of the Official Plan. Section 8.1.2 indicates that the City will complete Area-Specific Plans (ASPs) for MTSA's and an ASP for the Aldershot GO MTSA is currently underway. Prior to the completion of the ASP, section 8.1.2 (3) requires development applications in MTSA's to contain a mix of uses, support active transportation and transit, incorporate Transportation Demand Management, and be consistent with the MTSA typology of the Official Plan. The MTSA typology identifies Aldershot GO as an MTSA located along a higher-order transit route with planned frequent transit service. The typology anticipates that Aldershot GO and other MTSA's will accommodate the majority of growth over the planning horizon of the new OP.

The proposed development is consistent with the policies and objectives of section 8.1.2, as it is a dense, mixed-use development that supports active transportation and transit with appropriate design and transportation demand management.

**5.4 Design Policies (Chapter 7, Section 7.3.2 (1))**

The Design policies in Chapter 7 include requirements for design of development within Primary Growth Areas. The proposed development conforms to the design policies as it locates buildings close to the street to define the street edge, locates primary public entrances on the façade facing the street, and integrates the rooftop mechanical

equipment with the building. Further discussion of the design of the proposed development is contained in the Mid-Rise Building Guidelines section below.

### **6.0 Mid-Rise Building Guidelines (2019)**

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

### **Building Placement**

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

Comment: The north side of Plains Road West does not have an established street line as the building setbacks range from 0 metres to 16 meters along the street edge.

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

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

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

Comment: The front of the building is designed in such a way that includes a defined building entrance for the non-residential use, a positive experience for pedestrians and access to the residential lobby. The rear of the building includes the enclosed loading area, a parking space and a rear entrance that is screened by landscaping. Staff are of the opinion that the proposed building successfully includes a public front and private back.

### **Built Form: Height & Massing**

*2.3.5 Where a streetwall is not established, the streetwall for new mid-rise buildings should be limited to a height of 80% of the street width (up to a maximum of 6-*

*storeys) with additional storeys stepping-back a minimum of 3 metres above the streetwall to maintain a human-scale and minimize shadowing. On streets with a planned right-of-way width of 26 metres or more, new mid-rise buildings up to 6-storeys do not require an upper building step-back.*

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

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

Comment: The front middle of the building is recessed both at the lower portion of the building and the upper level to help alleviate the massing and add variation in the building façade. The non-residential use entrance is recessed with the upper level balconies and podium projecting ovetop to make it the focal point of the front façade.

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

Comment: The proposed building provides private amenity area in the form of balconies, an outdoor rooftop amenity area, 7<sup>th</sup> floor outdoor amenity area and an indoor amenity space.

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

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

Comment: The building incorporates a variety of colours and materials to create visual interest and help break up the massing of the building. There are bright masonry materials on the lower portion of the building to establish a base and the upper floors use lighter complimentary colours and glazing to create a balanced composition. The ground floor height is 5.22 metres and incorporates glazing for visual connections between the public and private realms.

## **Site Design**

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

Comment: Pedestrian access is provided from the existing sidewalk to the building entrance, rear entrance surface parking spaces, bicycle parking spaces and outdoor amenity area. The proposed development provides an access to the north of the site to provide a future pedestrian connection to any development to the north. In the opinion of staff, the proposal provides adequate pedestrian access.

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

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

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

Comment: The proposed loading area and access to the underground parking garage are located at the rear of the building. As mentioned previously, these areas are accessed via one single driveway providing access from the front of the site to the rear. As such, staff are of the opinion that this guideline has been met.

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

Comment: The proposal includes access to the parking garage at the east of the development. The entrance to the parking garage is setback approximately 20 metres from Plains Road West and will be screened from the public view by the building façade.

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

Comment: The applicant is proposing parking that is primarily located underground. Of the proposed 112 parking spaces, 12 parking spaces are located on the ground floor of the development. These parking spaces will be screened by landscaping and the building façade. Overall, staff agree that most of the required parking is provided underground.

## **Built Form: Transitions**

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

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

Comment: The proposed rooftop mechanical equipment is screened from the public view. It is fully enclosed and setback more than 3 metres from all sides of the building to not be visible from the public realm along Plains Road West.

## **7.0 Sustainable Building Guidelines**

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

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

The applicant has specified that due to the building layout it is not possible to comply with and in turn plantings will be provided at the south, east and west property lines. Landscaping will be also be provided on the ground floor and 7<sup>th</sup> floor amenity area. The applicant will also provide raised planter beds at the front of the building and landscaping along Plains Road West.

In accordance with Guideline 2.1, development proposals require pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites

in accordance with Official Plan policies. The applicant has identified that pedestrian connections are provided on site and connect to public sidewalks.

In accordance with Guideline 2.3, development proposals require bicycle parking spaces in accordance with the Zoning Bylaw and Official Plan Policies in order to reduce greenhouse gas emissions, reduce traffic congestion and improves health as well as convenient bicycle parking to encourage the use of active transportation. Similarly, Guideline 2.5 and 2.6 encourages development proposals to locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant/employee. Applicants are encouraged to improve upon the required bicycle parking requirements in the Zoning By-law to further encourage cycling as a viable transportation option. The development proposal is providing 128 bicycle parking spaces on the ground floor and the below grade parking structure.

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

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

In accordance with the Water Conservation and Quality guidelines in Section 4, the applicant should achieve enhanced stormwater treatment for all stormwater runoff. Development Engineering have reviewed the Functional Servicing & Stormwater Management Report prepared by Luban Ltd. dated September 2024 and have stated that

the report has demonstrated that on-site stormwater controls can meet the City of Burlington's stormwater management criteria. This guideline has been met.

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

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

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

## **8.0 Area-Specific Plan (ASP) for the Aldershot GO Major Transit Station Area (MTSA)**

The vision for the Aldershot MTSA, also known as Aldershot Corners, is to provide the first impression of Burlington when travelling east from Hamilton and Niagara on the Lakeshore West GO line. Aldershot Corners will continue to evolve as an urban area with a distinct sense of neighbourhood character, supported by a mix of residential, commercial, and employment uses.

Taller buildings will be concentrated along the rail line and will decrease in height and intensity closer to Plains Road and the existing residential neighbourhoods. Aldershot Corners will be a vibrant, livable community with urban shopping and dining opportunities serving those living and working close by.

The objectives of Aldershot Corners is to achieve sensitive transitions to established residential neighbourhood areas; concentrate higher intensity development on large brownfield/greyfield sites that contain existing employment uses in order to encourage mixed use development; recognize existing employment and planning for future employment and commercial uses; planning for flexible commercial and retail spaces; creating new streets and active transportation connections; and, focusing heights away from Plains Road and towards the rail corridor.

### **8.1 Mid-Rise Residential Precinct**

The subject properties are identified as being in the "Mid-Rise Residential" Precinct which will include a variety of low-rise and mid-rise building format at the eastern and western

boundary of the Aldershot GO MTSA. This precinct is planned to support access to housing as well as retail, commercial and employment opportunities in close proximity to the Aldershot GO Transit Station and allow for transitions to existing neighbourhoods beyond the MTSA boundary.

The Mid-Rise Residential Precinct permits a minimum building height of 6 storeys and a maximum building height of 11 storeys. Permitted uses include apartments, rowhouse, office uses, retail and service commercial uses (on bottom two floors only) and recreation uses (on bottom two floors only).

Staff have reviewed the subject applications with consideration for the vision and objectives of the Area Specific Plan. The proposed development aligns with the vision for the Mid-Rise Residential Precinct and is consistent with the land uses and built form intended for this precinct.

### **9.0 Community Planning Permit System By-law**

In June 2024, City of Burlington staff brought forward a recommendation report to adopt Official Plan Amendment No. 2 and approve the Community Planning Permit (CPP) By-law for the Major Transit Station Areas. At the June 2024 meeting, Council approved the CPP By-law in principle and directed staff to make the necessary refinements to the Major Transit Station Area Community Planning Permit By-law, including any changes to reflect any modifications as a result of Ministerial approval. Staff have been working to refine the CPP By-law and will bring forward a future report outlining these refinements.

The Community Planning Permit By-law combines the Zoning By-law regulations/amendments, Site Plan and Minor Variance process into one single application and approval process. The process targets a shorter approval timeline of 45 days, affording intrinsic cost savings through streamlined approvals. The CPP By-law allows for certainty in implementation by providing specific standards for development and the ability to vary standards and establish rules for the delegation of certain approvals to staff. The CPP By-law also includes a framework in which the provision of facilities, services and matters is provided in exchange for height within the MTSAs.

The CPP By-law is approved in principle by Council, however it is not in force and effect. Therefore, the following staff evaluation of the proposed development and the CPP By-law is informative and not determinative to staff's recommendation for approval.

The subject lands are located in the Aldershot GO MTSA and are identified as being in the "Mid-Rise Residential" Precinct. The applicant has aligned their proposal to meet the general intent of the CPP By-law. If the CPP By-law was in effect today, the proposed development would require variations to three development standards: maximum yard abutting a street, landscape area abutting a parking area, and the height of the rooftop amenity area. The proposed development also proposes a building height within the maximum height limits of a Class 2 permit per the May 2024 By-law.



Staff are of the opinion that these variations are minor, meets the evaluation criteria of Section 3.8.1 of the CPP By-law, is in keeping with the intent of the approved in principle CPP By-law, the proposed development aligns with the vision for the Mid-Rise Residential Precinct and is consistent with the land uses and built form intended for this precinct.

The table below outlines the general parking areas provision requirement and what is being proposed. Staff note that the following provision is based on the May 2024 approved in principle CPPs By-law and the provision may change due to ongoing staff refinement of the By-law.

Provision	Requirement	Proposed
Parking Areas	Where there are four (4) or more surface parking spaces in a parking area, a minimum 3.0 m wide landscape buffer shall be required along the perimeter of the parking area, to the satisfaction of the Approval Authority	1.5 m landscape buffer shall be required along the perimeter of the parking area, to the satisfaction of the Approval Authority
Staff comments: The proposed development is providing a 1.5 metre landscape buffer along the western and rear property lines whereas the CPPs By-law requires a minimum landscape buffer of 3.0 metres. The proposed development will provide a landscaping and a privacy fence between the surface parking spaces and the western and rear property lines which will help with light trespass and privacy to the adjacent properties. Staff are of the opinion that proposed variation meets the general intent of the CPPs By-law, MTSA objectives and guiding principles.		

The table below outlines the linear height standard for rooftop amenity areas, the Class 2 Variation Limit and what is being proposed. Staff note that the following standard is based on the May 2024 approved in principle CPP By-law and the standard may change due to ongoing staff refinement of the By-law.

Standard	Requirement	Class 2 Variation Limit	Proposed
Linear Height	3.0 m in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure	May be increased to 3.3 m	3.3 m
Staff comments: The proposed rooftop mechanical penthouse and amenity area are 3.3 metres in linear height, which would require a Class 2 Variation under the CPPs			

By-law. Staff are of the opinion that that proposed linear height increase is in keeping with the in principle approved CPPs By-law.

The table below outlines the minimum standard requirements of the “Mid-Rise Residential” Precinct, the Class 2 Variation Limit and what is being proposed. Staff note that the following standards are based on Section 7.5 of the May 2024 approved in principle CPP By-law and the standards may change due to ongoing staff refinement of the By-law.

<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Yard abutting an Established Neighbourhood Area as shown on Schedule B-1 of the Burlington Official Plan	7.5 m	May be reduced to 6.0 m	N/A
Staff comments: Not applicable as proposed development does not abut an established neighbourhood.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Yard abutting an Activated Street	2 m minimum and 3 m maximum	Minimum may be reduced to 1.5 m  Maximum may be increased to 3.5m	3.0 m for non-residential 3.78 m to main residential lobby entrance  6.58 m to the residential wall
Staff comment: The proposed development is set back 3.0 metres to the non-residential use on the ground floor and 3.78 metres to the proposed residential lobby from Plains Road West. There is also a portion of the residential wall that is setback 6.58 metres from the street.			
Staff are of the opinion that the proposed residential lobby and recessed residential wall are meeting the general intent of the approved in principle CPP By-law and MTSA objectives and principles as the recessed portion of the wall will provide bicycle parking that will support the vibrancy of the street and contribute to active transportation			

options. Further, the majority of the building frontage is proposed for non-residential uses and entrance to the lobby which are uses/activities that activate the street frontage.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
All other Yards	3 m	May be reduced to 2.4 m	East yard - 5.09 m  West 4.56 m  Rear - 13.72 m
Staff comment: The proposed east, west and rear yards are meeting the minimum standard requirement of 3 metres. Therefore, the proposal conforms to this standard and a variation is not required.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Setback of a residential use or other sensitive land use from a railway right-of-way	30 m from the property line of the railway right-of-way	May be reduced in accordance with Section 5.27 of this By-law	N/A
Staff comment: Not applicable as proposed development is not adjacent to a railway right of way.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Setback from a Pipeline Easement	7 m	May be reduced to a variation acceptable to the pipeline company	N/A
Staff comment: Not applicable as proposed development is not adjacent to a pipeline easement.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Setback from a Natural Heritage System Precinct	Shall be in accordance with recommended setbacks in an approved Environmental Impact Study by Conservation Halton or as directed by Conservation Halton or the Approval		N/A

	Authority		
Staff comment: Not applicable as proposed development is not adjacent to the Natural Heritage System Precinct.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Landscape Open Space Area	20% of lot area	May be reduced to 15% of lot area	Providing 21% soft landscaping.
Staff comment: The applicant is providing 21% soft landscaping as part of the proposal. This standard is being met and no variation is required.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Landscape Buffer abutting an Established Neighbourhood Area as shown on Schedule B-1 of the Burlington Official Plan	3 m, except: - if the development is a tall and/or mid-rise building adjacent to a tall- and/or mid-rise building, no landscape buffer is required.	May be reduced to 2.4 m	N/A
Staff comment: Not applicable as proposed development does not abut an established neighbourhood.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Residential amenity area (per dwelling unit)	4.0 sq. m of private residential amenity area and 4.0 sq. m of common residential amenity area per dwelling unit	May be reduced to 3.2 sq. m of private residential amenity area and 3.2 sq. m of common residential amenity area per dwelling unit	14.5 sq. m of amenity space per dwelling unit
Staff comment: The proposed development is providing 14.5 sq. m of amenity space per unit for a total of 2,243 m <sup>2</sup> of amenity area.			

The development proposes outdoor amenity area in the form of rooftop amenity space, an outdoor amenity area on the 7 <sup>th</sup> floor, private balconies, and ground level indoor amenity space. The standard has been met and no variation is required.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Minimum First Floor Height	4.5 m, except: In the Mid-Rise Residential Precinct, no minimum height is required if a residential use is located on the ground floor. Otherwise, the minimum first storey height in this precinct is 4.5 m.		5.2 m
Staff comment: The proposed development does not have a residential use on the ground floor; therefore, the required minimum first floor height of the building would be 4.5 metres. The proposed development is providing a first floor height of 5.2 metres, which complies with this standard.			
<b>Standard</b>	<b>Requirement (minimum)</b>	<b>Class 2 Variation Limit</b>	<b>Proposed</b>
Maximum Building Height	6 storeys	11 storeys	11 storeys including rooftop mechanical penthouse
Staff comment: Under the standards of the approved in principle CPP By-law, the rooftop amenity area and mechanical penthouse would not count towards the overall height of the building if the requirements of Table 5.8 of the By-law are met. Table 5.8 includes standards for total floor area, setback from exterior walls of the storey directly beneath and linear height.			
As noted above, the proposed development would require a Class 2 Variation to the linear height of the rooftop amenity area. Given staff's support of this variation, the proposed development would meet the Class 2 maximum building height limit of the of approved in principle CPP By-law and would not require a Class 3 permit (Council approval).			

## 10.0 Zoning By-law

The following table outlines the requirements of the 'Mixed-Use Corridor General Zone' (MXG) and what is being proposed.

<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Building Height	6 storeys	12 storeys including mechanical penthouse
<p>Staff comments:</p> <p>As discussed earlier in this appendix, the proposed development provides appropriate massing, scale, and compatibility to the surrounding neighbourhood. The applicant is proposing a maximum building height of 12 storeys including the mechanical penthouse and outdoor amenity areas. The 12th floor will not have residential dwelling units and will be used for amenity space and contain mechanical penthouse equipment.</p> <p>Staff are of the opinion that the proposed 12 storey building is suitable for the site and are supportive of this modification.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
FAR	1.5:1	5:1
<p>Staff comments:</p> <p>The applicant is proposing a FAR of 5:1 whereas the Zoning By-law requires a maximum FAR of 1.5:1. Staff are of the opinion that the proposed FAR is compatible with the surrounding area, provides appropriate massing and transition and the site can appropriately support the proposed use.</p> <p>Staff support the modification.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Yard abutting Plains Road west of the Queen Elizabeth Way	3.0 m	2.9 m
<p>Staff comments:</p> <p>The Mixed Use General Zone requires a front yard setback of 3 metres from the Plains Road West. The applicant is proposing a front yard setback of 2.9 metres to allow for construction tolerance.</p> <p>Staff consider this to be a minor modification and are supportive.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>

Amenity Area	15 m <sup>2</sup> per efficiency dwelling unit 20 m <sup>2</sup> for a one-bedroom unit 35 m <sup>2</sup> for a two or more bedroom unit  = 3,430 m <sup>2</sup>	14.5 m <sup>2</sup> per unit = 2,243m <sup>2</sup>
<p>Staff comments:</p> <p>The Zoning By-law requires 15 m<sup>2</sup> of amenity area per efficiency dwelling unit, 20 m<sup>2</sup> for a one-bedroom unit and 35 m<sup>2</sup> for a two or more bedroom unit whereas the applicant is providing 14.5 m<sup>2</sup> per unit.</p> <p>The proposed development is providing both indoor and outdoor amenity space in the form of private balconies and terraces, rooftop amenity areas and a seventh floor outdoor amenity area.</p> <p>Staff consider the proposed amenity space to be an appropriate amount and are supportive of the modification.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Landscape Area abutting a street adjacent to a building	3 m	0 m
<p>Staff comments:</p> <p>The proposed development is providing landscape planters and paving in front of the building abutting Plains Road West. They are also proposing landscaping and street trees in the public right of way. Under the current Zoning By-law, the paving and landscape planters would not satisfy the definition of a landscaped area.</p> <p>Staff believe this is a minor modification and landscaping will be provided in the public right of way and in planters along the building frontage. Further refinements of the landscape area will be implemented at the Site Plan stage.</p> <p>Staff are supportive of this modification.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Landscape Area abutting a street adjacent to a parking lot	N/A	3.0 m

Staff comments:

The applicant is proposing a minimum 3.0 metres landscape area abutting the proposed surface parking spaces and Plains Road West. The landscape area will provide screening between the street and the proposed parking spaces.

Planning staff consider the inclusion of a landscape area to be a positive modification and are supportive.

<b>Zoning Regulation</b>	<b>Part 1, 2.26 (5) iii)</b>	<b>Proposed</b>
Underground Parking Structure – Stormwater Tank	Below-grade parking structures shall not extend into a required landscape buffer and shall be set back 3 m from all other property lines and street lines.	Front Yard: 2.7 m to the parking structure, 0 m to the below-grade stormwater detention/retention tank  All other Yards: 0.3 m

Staff comments:

The Zoning By-law requires a minimum setback of 3.0 metres from all property lines for the below-grade parking structure. The applicant is proposing a 2.7 metre setback from the front property line for the below-grade parking structure and 0 metres to the below-grade stormwater detention/retention tank and a 0.3 metre setback from all other property lines.

Development Engineering staff have advised that they have no objection to the proposed setbacks of the below-grade parking structure and stormwater tank, but will require the applicant to demonstrate the following through detail design at the site plan stage:

- That a bigger and deeper stormwater tank and underground parking will stay within the limits of the property
- The underground parking needs to fully stay within the limits of the subject property. If the proposed tie-backs need to encroach further into the Plains Road West ROW and the neighboring properties, the shoring design needs to be revised accordingly to mitigate all the conflicts. A pre-condition survey and consent from the neighboring properties may be required.



Staff are supportive of the proposed modification and note that the applicant will need to meet Development Engineering's requirements noted above at the Site Plan stage.		
<b>Zoning Regulation</b>	<b>Part 1, Subsection 2.26 (1) &amp; (9)</b>	<b>Proposed</b>
Typical Parking Space Size	Width: 2.75 m Area: 16.5 m <sup>2</sup>	Width: 2.4 m Area: 13.2 m <sup>2</sup>
<p>Staff comments:</p> <p>The applicant is proposing 16 small vehicle parking spaces with a width of 2.4 metres and an area of 13.2 m<sup>2</sup>. The proposed small vehicle parking spaces are in keeping with the approved in principle Community Planning Permit By-law compact parking space regulations.</p> <p>Staff are supportive of the proposed modification as it aligns with the vision of the approved in principle CPP By-law.</p>		
<b>Zoning Regulation</b>	<b>Proposed</b>	<b>Added by Staff</b>
Bicycle Parking	0.5 bicycle parking spaces per unit	Residential Land Use: 0.5 long-term plus  0.05 short-term bicycle parking spaces per unit.
<p>Staff Comment:</p> <p>The City's Zoning By-law does not currently have zoning provisions for bicycle parking. Staff have included the minimum bicycle parking recommendations from the July 2017 Burlington City-wide Parking Standards Review to align with City standards.</p>		
<b>Zoning Regulation</b>	<b>Proposed</b>	<b>Added by Staff</b>
Bicycle Parking Long Term and Short Term Definitions	N/A	Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees, or tenants of a building, and must be located in a building.  Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on

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