

Detailed Planning Analysis

1.0 The Provincial Planning Statement, 2024 (PPS)

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

In accordance with Section 2.1. 6., Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

In accordance with Section 2.2.1, 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:

- 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;
- 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.

The PPS directs that growth and development be focused in 'Settlement Areas'. Settlement Areas include built-up urban areas where development is concentrated, and which have a mix of land uses and lands which have been designated in an Official Plan for development over the long term. Settlement Areas also include Strategic Growth Areas such as Major Transit Station Areas (MTSA), where growth should be mainly focused. The subject lands are found within the 'Aldershot GO MTSA' in accordance with the City's Regional and Local Official Plans as later discussed in this analysis.

In accordance with Section 2.3.1 1. And 2., Settlement Areas shall be the focus of growth as well as development and should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and
- e) are freight-supportive.

Similarly, in accordance with Section 2.4. 2., in order 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:

- a) to accommodate significant population and employment growth;
- b) as focal areas for education, commercial, recreational, and cultural uses;
- c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
- d) to support affordable, accessible, and equitable housing.

The proposed development consists of residential intensification on vacant lands including 161 new residential units that would serve as additional housing options in the city, and which will be municipally serviced by nearby existing public transit routes. The subject lands are located approximately 85 metres from the nearest Burlington Transit bus stops located on the intersection of Plains Road East and Waterdown Road. The intersection includes bus stops for Route 1 (Plains) which runs along Plains Road into the City of Hamilton, and provides access to the Burlington GO and Appleby GO stations as well as bus stops for Route 4 (Central) which runs along Waterdown Road to the Aldershot GO Station, downtown and the Appleby GO Station. The proposed development is also located approximately 800m from the Aldershot GO station and higher-order transit. As a result, staff are of the opinion that the proposed development is an efficient use of the land, resources, infrastructure and public service facilities which are planned and available.

In accordance with Section 2.4.1 3., planning authorities should identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas as well as permit development and intensification within these to support

the achievement of complete communities and a compact built form. The proposed development has considered transition to adjacent areas based on the applicable Official Plan design policies and associated Design Guidelines while providing for residential intensification as later discussed in this analysis.

In accordance with Section 2.4.2 2., within MTSAs on higher order transit corridors, planning authorities shall plan for a minimum density target of 160 residents and jobs combined per hectare for those that are served by light rail or bus rapid transit. The City's Integrated Mobility Plan (IMP) envisions the Plains Road East a future Bus Rapid Transit Corridor with dedicated lanes.

In accordance with Section 2.4.2 3., planning authorities are encouraged to promote development and intensification within MTSAs, where appropriate, by planning for land uses and built form that supports the achievement of minimum density targets; and supporting the redevelopment of surface parking lots within major transit station areas, including commuter parking lots, to be transit-supportive and promote complete communities. Similarly, Section 2.4.2 6., all MTSAs should be planned and designed to be transit-supportive and to achieve multimodal access to stations and connections to nearby major trip generators by providing, where feasible: connections to local and regional transit services to support transit service integration; infrastructure that accommodates a range of mobility needs and supports active transportation, including sidewalks, bicycle lanes, and secure bicycle parking; and commuter pick-up/drop-off areas. The proposed redevelopment will provide compact intensification that contributes to the provincially mandated minimum density targets. Additionally, the proposal promotes a multi-modal transportation split by connecting the development with bicycle paths, walking infrastructure, and local transit.

In accordance with the energy conservation, air quality and climate change policies, Section 2.9 describes that planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

- a) support the achievement of compact, transit-supportive, and complete communities;
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
- c) support energy conservation and efficiency;
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

The proposed development contemplates redeveloping the existing subject lands from an underutilized property to a 13-storey mixed use building with 161 residential units and ground floor retail and service commercial which would be served by existing and planned

servicing infrastructure as well as public service facilities that currently serve the surrounding neighbourhood area. Additionally, as later discussed in this analysis, the applicant provided a checklist of the Sustainable Building Design Guidelines and demonstrated how these have been included as part of the development proposal through building design strategies. These help ensure that negative impacts to air quality and climate change are minimized, that energy efficiency is promoted and prepare for the impacts of a changing climate.

In accordance with the public spaces, recreation, parks, trails and open space policies under Section 3.9 1., the plan describes that healthy and active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The proposed development provides for access to private outdoor amenity area as well as landscaped public boulevards along Plains Road East and Cooke Boulevard. The City's Engineering Services Accessibility staff have also reviewed the development application and have no comments or concerns on the proposed development and associated Official Plan Amendment and Zoning By-law Amendment.

As per the analysis provided, planning staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the PPS.

3.0 Halton Region Official Plan (ROP)

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

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated 'Urban Area', are considered a Strategic Growth Area as they are found within a Major Transit Station Area (MTSA) and are located along Plains Road East which is designated as Regional Intensification Corridor 'Plains-Fairview

Corridor'. In accordance with Section 72, the Urban Area policies of the ROP identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity.

In accordance with Section 74, the Urban Area consists of areas designated within the Regional Urban Boundary as delineated on Map 1, where urban services are or will be made available to accommodate existing and future urban development and amenities. Furthermore, Section 75 describes that the Urban Area is planned to accommodate the distribution of population and employment for the Region and the Municipalities as shown in Table 1, the intensification and density targets as shown in Table 2 of the ROP. For the City of Burlington, these indicate a population target of 240,050 people as well as a density target of 20,500 Housing Units by 2041. The subject lands are within a Built up Area as they are located within the Built Boundary.

In accordance with Section 79.3 it is policy of the region to direct development with higher densities and mixed uses to Strategic Growth Areas. Furthermore, Section 81 describes that some of the objectives of the Major Transit Station Areas, are to provide a range and mix of transit-supportive uses, such as residential, retail, office and public uses, as well as public service facilities and parks and open spaces that support the area in a pedestrian-oriented urban environment while considering contextually appropriate intensification opportunities to ensure the protection of neighbourhood character. Similarly, in accordance with Section 82.3, some of the objectives of Regional Intensification Corridors are to recognize Strategic Growth Areas in the Region and accommodating higher-density mixed use development and/or a mix of employment uses appropriate to the existing local context as well as to achieve increased residential and employment densities in order to ensure the viability of existing and planned transit. The proposed development is intended to provide intensification of a mix of uses that support a pedestrian-oriented urban environment and existing as well as planned transit while ensuring the neighbourhood character is preserved. The proposed development has been reviewed against the applicable Official Plan design policies and associated Design Guidelines as later discussed in this analysis.

In accordance with Section 84, the goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs. Section 85 further describes that some of the objectives of housing in the Region of Halton include: to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods and encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal

physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles. Furthermore, Section 86 outlines it is the policy of the Region to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained as well as to promote residential intensification through the development or redevelopment of greyfield sites which would include vacant lands. The proposed development is intended to provide 161 new residential dwelling units on a currently vacant property while maintaining the physical character of the existing neighbourhood as later discussed in this analysis.

In accordance with Section 89(3), all new development within the Urban Area is to be connected to the Region of Halton's municipal water and wastewater system. As part of the required materials for the application submission, the applicant provided a Functional Servicing Report (FSR) which was reviewed by Halton Region staff as well as Development Engineering staff. The servicing issues related to the existing downstream sanitary sewer capacity issues are a significant concern to the Region. Due to this, regional staff recommended that the development application should not proceed until the proposed trunk sewer replacement on Cooke Boulevard and Plains Road East has been constructed and operational. Additionally, regional staff requested that the submitted FSR be revised to include flow analysis that is based on current design standards in the Region's Linear Design Manual (LDM). Therefore, City Planning staff have included a holding provision on the zoning application as suggested by regional staff to accommodate the Region's concerns in relation to the trunk sewer replacement and the required revised FSR.

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 One environmental Assessment from the year 2022 as well as a letter of update to this from the year 2024. The submitted materials have been reviewed by Development Engineering staff who have indicated no concerns as well as no further assessment required as no concerns have been raised in terms of potential site contamination.

As per the analysis provided, planning staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law amendment conforms to the ROP.

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

The City of Burlington's Official Plan (the "OP 1997") provides specific guidance on land use planning and development within the city. The Official Plan includes local principles, objectives and policies for the orderly growth and compatibility of different land uses.

The subject lands are found within the 'Mixed Use Activity Areas' under Schedule 'A' – Settlement Pattern. In accordance with Part III, Section 5.2.1, some of the objectives of this area is to encourage comprehensively planned mixed use employment, shopping and residential areas that provide for the integration of uses such as retail stores, offices, hotels, institutional and entertainment uses with residential uses, community facilities, cultural facilities, institutions and open space in a compact urban form, while retaining compatibility with nearby land uses as well as to ensure Mixed Use Activity Areas are developed in a compact urban form, are pedestrian-oriented and highly accessible by public transit, and foster community interaction.

The subject lands are further designated as 'Mixed Use Corridor - Commercial Corridor' under Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area. In accordance with Part III, Section 5.3.3.2 a), notwithstanding the policies of Part III, Subsection 5.3.2, the north-west corner of Plains Road East and Cooke Boulevard is generally recognized for lower intensity, retail development than found in the Mixed Use Corridor-General designation as outlined in Part III, Subsection 5.3.2 of the Plan.

In accordance with Part III Section 5.3.3.2 (b) (i), (ii) and (iii), lands within the 'Mixed Use Corridor – Commercial Corridor' designation may permit the following uses:

- (i) a range of retail, service commercial and personal service uses; financial institutions and services, a broad range of office uses; entertainment, recreation and other community facilities such as day care centres and motor vehicle dealerships;
- (ii) medium and high density residential uses subject to the policies of Part III, Subsection 5.3.2 a) (ii);
- (iii) a limited number and range of large-scale retail and service commercial uses such as retail uses up to 5,600 sq. m. in gross floor area where food products are not the principal goods retailed, and retail commercial uses that require either multitenant or freestanding buildings on sites that have significant needs for on-site storage and parking, such as garden centres, automotive commercial, furniture and home furnishing uses and home improvement stores.

In accordance with Part III, Section 5.3.3.2 c), 'Mixed Use Corridors – Commercial Corridor' lands are intended to provide for the retail needs of the residents and businesses within the City and from adjacent areas.

In accordance with Section 5.3.3.2 e), Zoning By-law regulations affecting 'Mixed Use Corridor – Commercial Corridor' locations shall be based on a maximum floor area ratio of 1.5:1 and City Council may consider a higher variation in conjunction with a site specific

rezoning application, subject to the consideration of various factors such as adequacy of services and infrastructure; the provision of compatibility with adjacent uses through measures such as terracing; a high quality of building design, landscaping and streetscaping; and the provision of underground parking. Additionally, the maximum building height shall be 3 storeys, except office and residential uses where the maximum building height shall be 6 storeys.

The proposed development has considered various factors such as adequacy of services and infrastructure. Additionally, the proposed development has been reviewed along the applicable intensification policies under the OP 1997, the envisioned urban design policies of the OP 2020 and the applicable urban design guidelines as later discussed in this analysis.

Part III, Section 5.3.3.2 m), also known as site specific policy 105, outlines that notwithstanding the use, height, floor area ratio and design policies contained in Part III, Subsections 5.3.2 a), d) and g), and Part III, Subsections 5.3.3.2 b) and e) of the OP 1997, for the property identified as 35 Plains Road East shall permit have a mixed use building consisting of residential and at-grade retail or service commercial, a maximum building height shall be 9 storeys and a maximum floor area ratio of 4.4:1. Therefore, the proposed development intends to amend the existing site-specific policy 105 to permit an increased maximum building height of 13-storeys and an increased maximum floor area ratio of 6.9:1.

The criteria listed under Part III, Section 2.5.2 a) shall be considered when evaluating proposals for housing intensification within established neighbourhoods, as follows:

Part III, Section 2.5.2 a) (i): adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland.

Staff comment: The City's Development Engineering staff, Halton Region staff, Halton District School Board staff and Halton Catholic District School Board staff have been circulated as part of the technical review process. Halton Region staff have indicated concerns with the existing downstream sanitary sewer capacity and have recommended that the development application should not proceed until the proposed trunk sewer replacement on Cooke Boulevard and Plains Road East has been constructed and operational. Additionally, regional staff requested that the submitted Functional Servicing Report (FSR) be revised to include flow analysis that is based on current design standards in the Region's Linear Design Manual (LDM). Therefore, City Planning staff have included a holding provision on the zoning application as suggested by regional staff to accommodate the Region's concerns in relation to the trunk sewer replacement and the required revised FSR.

Part III, Section 2.5.2 a) (ii): adequate off-street parking.

Staff comment: The application contemplates a rate of 0.68 vehicle occupant parking spaces per unit, resulting in a total of 110 vehicle parking spaces required of which 4 accessible spaces would also be required for a total 161 residential units. Occupant parking spaces are proposed underground while visitor and non-residential spaces are proposed at grade at the rear of the site. Additionally, the proposed development also contemplates 6 shared spaces including 1 designated accessible space and 2 car share spaces for the visitor and non-residential vehicle parking. Similarly, the previous development concept proposed 86 spaces including 4 accessible spaces which constituted a rate of approximately 1.19 vehicle occupant parking spaces per unit as well as 6 shared spaces including 2 accessible spaces for the visitor and non-residential vehicle parking. The Ontario government's Bill 185 amended the Planning Act to restrict municipalities from mandating parking requirements in Provincial Major Transit Station Areas and around transit stations, except for bicycle parking. Additionally, Transportation Planning have reviewed the submitted application and related materials and have indicated no concerns with the proposed parking rates. Similarly, Accessibility staff have reviewed the submitted application and related materials and have no comments. As a result, planning staff are of the opinion that the proposed parking rates are appropriate for the proposed development.

Part III, Section 2.5.2 a) (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.

Staff comment: The City's Transportation Planning staff have reviewed the application as well as the associated materials submitted and have indicated no concerns with the proposed traffic flow generated by the proposed use.

Part III, Section 2.5.2 a) (iv): the proposal is in close proximity to existing or future transit facilities.

Part III, Section 2.5.2 a) (xiii) proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.

Staff comment: The proposed development fronts onto Plains Road East which is designated as a 'Multi-Purpose Arterial' under Schedule J – Classification of Transportation Facilities and contains vehicle and pedestrian access from the interior of the site to Cooke Boulevard. The subject lands are located approximately 85 metres from the nearest Burlington Transit bus stops located on the intersection of Plains Road East and Waterdown. The intersection includes bus stops for Route 1 (Plains) which runs along Plains Road East into the City of Hamilton, the Burlington GO and Appleby GO stations

as well as bus stops for Route 4 (Central) which runs along Waterdown Road to the Aldershot GO Station and the Appleby GO Station. The built form, scale and profile of development is well integrated with the existing neighbourhood and transition between existing and proposed residential buildings is provided as later discussed under this analysis.

Part III, Section 2.5.2 a) (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.

Part III, Section 2.5.2 a) (ix): capability exists to provide adequate buffering and other measures to minimize any identified impacts.

Staff comment: The applications intend to amend the existing site-specific policy 105 to permit an increased maximum building height of 13-storeys and an increased maximum floor area ratio of 6.9:1. Additionally, it proposes to amend the current MXC-407 with a holding provision to address staff concerns as well as site-specific amendments as later discussed in the Zoning By-law 2020 section of this analysis. Staff is of the opinion that the proposed building maintains compatibility with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage as later discussed under the analysis of the Zoning By-law and applicable Urban Design Guidelines including the Mid-Rise Building Guidelines, Pedestrian Level Wind Study Guidelines and Shadow Study Guidelines. Additionally, as previously mentioned, Transportation Planning have reviewed the submitted application and related materials and have indicated no concerns with the proposed parking rate reductions. Similarly, Accessibility staff have reviewed the submitted application and related materials and have no comments. As a result, planning staff are of the opinion that the proposed parking rates are appropriate for the proposed development.

Part III, Section 2.5.2 a) (vi): effects on existing vegetation from development proposals are to be minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.

Staff comment: As part of the required materials for the application submission, the applicant provided an Arborist Report, a Tree Protection Plan and Landscape Concept Plans. The City's Urban Forestry and Landscape staff reviewed the submitted materials and indicated that the proposed development is contingent upon the removal of trees with shared ownership and trees located on adjacent properties, which are, trees number 6, 7, 8, 9, 10, 11, 12, 13 and 14. The submitted documents do not demonstrate that the owners of the neighboring properties have granted permission for the proposed tree removals. They will be required to secure consent from the owners of the adjacent properties prior to the removal of these trees. Planning staff therefore included a holding provision under the amending by-law indicating that "a written consent letter from the neighbouring property owner confirming any required injury and/or removal of trees following completion of the pre-construction exploratory root investigation exercise (if

required) and report to the satisfaction of the Manager of Parks, Design and Construction". Furthermore, Urban Forestry and Landscaping staff encourage tree number 2 to be retained, within a proposed continuous soil trench or large sod bed with enough soil and space. Additional tree planting within the continuous soil trench/sod bed next to tree number 2 is also encouraged. The submitted Arborist Report outlined that the date of the tree inventory data is September 8, 2021 which exceeded the 365-day limit of tree inventory data. The applicant has now provided a revised Tree Protection Plan and Landscape Concept Plan which also includes the preservation of tree number 2.

Part III, Section 2.5.2 a) (vii): significant sun-shadowing for extended periods on adjacent properties from the proposed development, particularly outdoor amenity areas, is to be at an acceptable level.

Staff comment: The proposed development has been reviewed along the Shadow Study Guidelines and Terms of Reference (2020) and a Shadow Study has been submitted with the subject applications as later discussed in this analysis. Planning staff have no concerns with the proposed development and its potential sun-shadowing impacts as these would remain at an acceptable level, particularly on outdoor amenity areas.

Part III, Section 2.5.2 a) (viii): accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care.

Staff comment: The subject lands and directly adjacent properties are found within the 'Mixed Use Activity Areas' under Schedule 'A' – Settlement Pattern. In accordance with Part III, Section 5.2.1, some of the objectives of this area is to encourage comprehensively planned mixed use employment, shopping and residential areas that provide for the integration of uses such as retail stores, offices, hotels, institutional and entertainment uses with residential uses, community facilities, cultural facilities, institutions and open space in a compact urban form, while retaining compatibility with nearby land uses as well as to ensure Mixed Use Activity Areas are developed in a compact urban form, are pedestrian-oriented and highly accessible by public transit, and foster community interaction. Staff is therefore of the opinion that the proposed development provides for accessibility to community services and other neighbourhood conveniences.

Part III, Section 2.5.2 a) (x): where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised;

Staff comment: Staff are of the opinion that based on the overall Official Plan policies and the associated applicable urban design guidelines, the proposed development would not compromise the development of the nearby and directly adjacent properties.

Part III, Section 2.5.2 a) (xii) where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m). Part II, Subsection 2.11.3, m), describes that future re-development and intensification in the South Aldershot area may be restricted by

limited storm sewer capacity and the potential for increased downstream flooding and/or erosion as a result of greater levels of storm water runoff due to development. The City may undertake one or more of the following measures to address this concern:

- (i) discouraging the reconstruction of existing streets with no curbs or gutters to an urban standard (curbs, gutters and storm sewers);
- (ii) where appropriate and feasible, requiring on-site storm water infiltration facilities and other storm water management techniques as part of the design of new development proposals;
- (iii) limiting the density or intensity of proposals for re-development and intensification in this area if required.

Staff comment: The proposed development constitutes intensification within the Aldershot area and contains servicing issues related to the existing downstream sanitary sewer capacity issues as highlighted as concern by the Region of Halton. Due to this, regional staff recommended that the development application should not proceed until the proposed trunk sewer replacement on Cooke Boulevard and Plains Road East has been constructed and operational. Additionally, regional staff requested that the submitted Functional Servicing Report (FSR) be revised to include flow analysis that is based on current design standards in the Region's Linear Design Manual (LDM). Therefore, City Planning staff have included a holding provision on the zoning application as suggested by regional staff to accommodate the Region's concerns in relation to the trunk sewer replacement and the required revised FSR as outlined under the amending By-law under Appendix D – Zoning By-law Amendment.

As per the analysis provided, planning staff is of the opinion the proposed Official Plan Amendment (as outlined under Appendix D – Amendment No. 156 to the Official Plan of the City of Burlington Planning Area) and the proposed Zoning By-law Amendment is consistent with the intent of the OP 1997.

5.0 City of Burlington Official Plan (2020)

On November 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) (the "OP 2020"). The OP 2020 is subject to appeals which are currently before the Ontario Land Tribunal (OLT). For up-to-date information on the status of the OP 2020 and relevant appeals, visit www.burlington.ca/officialplan.

The subject lands are designated as 'Mixed Use Nodes and Intensification Corridors' and are within the 'Aldershot Major Transit Station Area (MTSA) Special Planning Area' boundary under Schedule B – Urban Structure. In accordance with Section 2.3.1 h) MTSA's are intended to serve as city-wide destinations and focal points for the provision of higher intensity and mixed-use land uses, transit supportive development that will accommodate majority of the growth of the City's future population and employment. Furthermore, in accordance with Section 2.3.1 j) 'Mixed Use Nodes and Intensification Corridors' represent areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas.

Lands identified as Intensification Corridors consist of areas of street-oriented uses which incorporate a mix of commercial, residential and employment uses, including designated employment lands, developed at overall greater intensities, serving as important transportation routes along higher order transit corridors and selected arterial streets. Mixed Use Nodes and Intensification Corridors will be a focus of reurbanization. These areas will support the frequent transit corridors and provide focal points of activity and a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design, enhancing the opportunities for the location of public service facilities and institutional uses.

The subject lands are further designated as 'Urban Corridor' under Schedule C – Land Use – Urban Area. In accordance with Section 8.1.3 (7.1) 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 semidetached dwellings;
- (iv) office uses;
- (v) entertainment uses; and
- (vi) recreation uses.

In accordance with Section 8.1.3 (7.1) j), the permitted retail and service commercial uses and other pedestrian-oriented uses shall be located on the ground floor of office or residential buildings and should be permitted above or below the first storey of buildings. Similarly, Section 8.1.3 (7.1) k) describes that mixed use buildings containing retail and service commercial uses at grade shall be required on sites located within MTSA Special Planning Areas, as shown on Schedule B: Urban Structure, and Schedule B-1: Growth Framework, of this Plan. The subject lands are found within Aldershot GO MTSA and the proposed development includes a mix of retail at grade and residential uses in the above storeys.

In accordance with Section 8.1.3 (7.1) f), a maximum floor area ratio of development of 2.0:1 is an appropriate built form in Urban Corridor lands. An increase to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application, without the need for an amendment to this Plan, provided that the objectives of the Urban Corridor designation are maintained. Similarly, In accordance with Section 8.1.3 (7.1) g), the minimum building height shall be 2-storeys and the maximum building height shall not exceed 6-storeys. Where required to ensure compatibility, 4- to 6-storey buildings may be required to be terraced back from adjacent residential areas and/or the street. Differently, the proposed Community Planning Permit (CPP) Bylaw, envisions buildings of up to 11-storeys on the subject lands.

In accordance with Section 8.1.3 (7.1 m), any proposed development of sites designated Urban Corridor shall retain the planned commercial function of the site, in accordance with the objectives of Subsections 8.1.3(7.1 b) and f), of this Plan, to the satisfaction of the City. Similarly, Section 8.1.3 (7.1 n), describes that the Zoning By-law shall establish a maximum floor area and a maximum floor area at grade per individual retail and service commercial unit, based on such considerations as planned commercial function, built form, and contribution to achieving vibrant, active and walkable built environments in Urban Corridor lands. The existing zoning MXC-470 requires a minimum of 220 m² of retail or service commercial to be provided on the ground floor of an apartment building and the underlying MXC zone also regulates a maximum Floor Area per retail or service commercial use of 5600m². The proposed H-MXC-565 zone as amended proposes an increased minimum requirement to 450m².

The development applications criteria listed under Section 12.1.2 (2.2) c) shall be satisfied when evaluating all development applications, where applicable.

Section 12.1.2 (2.2) c) (i): the development shall be consistent with the land use compatibility policies contained in Section 4.6, Land Use Compatibility, of this Plan.

Staff comment:

In accordance with Section 4.6, the Land Use Compatibility policies describe that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from vibration, noise, dust, odour or other contaminants and 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.

The subject lands are designated as 'Urban Corridor' and the properties directly abutting are designated as 'Urban Corridor – Employment' which encourages a mix of higher intensity employment uses. The proposed development on the subject lands aims to redevelop the existing vacant property into a 13-storey mixed use building with retail at grade and residential uses above instead of the previously approved 9-storey mixed use building with retail at grade and residential uses above, therefore the uses on the subject lands would remain as retail and residential. Additionally, as part of the required materials for the application submission, the applicant provided a Noise Feasibility Study, an Environmental Site Screening Questionnaire (ESSQ), a Phase One Environmental Assessment and an update to this to reflect the revised proposal. These materials have been reviewed by City Planning staff as well as Development Engineering staff who have indicated no concerns with respect to site contamination and noise generated by the proposed development. Therefore, Planning staff is of the opinion that the proposed development conforms with the policies under Section 4.6 of the OP 2020.

Section 12.1.2 (2.2) c) (iii): the development shall be consistent with the intent of the Section 2.3 – The Urban Structure, of the Plan and maintain the land use vision established in the land use designations of this Plan.

Staff comment: The proposed development is in accordance with the 'Mixed Use Nodes and Intensification Corridors' policies outlined under Section 2.3.1 as previously discussed.

Section 12.1.2 (2.2) c) (v): the development, where located outside the Established Neighbourhood Area as identified on Schedule B-1: Growth Framework, constitutes intensification.

Staff comment:

The subject lands are designated as 'Primary Growth Area' under Schedule B-1 – Growth Framework of the Plan. In accordance with Section 2.4.2.(1) b), Primary Growth Areas shall be recognized as a distinct area within the City's Urban Area accommodating the majority of the city's forecasted growth over and consequently will experience the greatest degree of change; shall be regarded as the most appropriate and predominant location for new tall buildings in accordance with the underlying land use designations, or of an area-specific plan; shall be identified as priority locations for City-initiated area-specific planning and for investments in transit as well as other types of infrastructure and public service facilities, including parks to support population and employment growth; and shall support the frequent transit corridors and accommodate development that is compact, mixed use, and pedestrian-oriented in nature. The subject lands are currently vacant, the proposed development of 13-storeys and mixed-use nature with retail at grade and 161 residential units above constitutes intensification in accordance with the general intent of the underlying land use designations under local, regional and provincial policy and would support existing as well as planned transit and pedestrian routes.

Section 12.1.2 (2.2) c) (ii): the development shall achieve built form compatibility.

Section 12.1.2 (2.2) c) (iv): the development shall achieve high quality urban design and is consistent with the policies contained in Chapter 7 – Design Excellence.

Section 12.1.2 (2.2) c) (viii): the development shall provide buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided.

Staff comment:

In accordance with Section 7.3.2 (1) (i), 'Primary Growth Areas' are subject to the design policies of Subsection 7.3.2 a) of the OP 2020, where applicable and additional considerations such as, but not limited to:

- a. locating buildings generally parallel to the public street to define the street edge and along the edges of parks, urban squares and other open space features, and in close proximity to the street and transit services;
- b. providing appropriate transitions to adjacent land uses, particularly residential uses;

- c. massing new buildings to frame adjacent streets in a way that respects the existing and planned street width but also provides for a pedestrian-scale environment;
- d. locating building primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk;
- e. including direct pedestrian access, including barrier free access from grade level, to the primary public entrances located on the building façade;
- f. screening or integrating roof top mechanical equipment within the overall composition of the building;
- g. creating an attractive and connected interface between the private and the public realms;
- h. creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings; and
- i. providing appropriate outdoor amenity areas and open spaces and promoting the incorporation of private open spaces to the open space network of the immediate community.

Staff is of the opinion that the proposed development continues to meet the general intent of this policy section. Policy review of these considerations has been conducted as part of the later sections through the review of the applicable urban design guidelines.

Section 12.1.2 (2.2) c) (vi): the development shall be supported by available infrastructure and public service facilities.

Section 12.1.2 (2.2) c) (xi): the development where residential uses are proposed shall demonstrate the degree to which public service facilities and other neighbourhood conveniences, such as community centres, recreation, neighbourhood shopping centres and healthcare are located within walking distance or accessible by transit.

Staff comment: Staff is of the opinion that the proposed development continues to meet the general intent of this policy section. Policy review of these considerations has been conducted as part of the OP 1997 Part III, Section 2.5.2 a) (viii) as previously mentioned in this analysis.

Section 12.1.2 (2.2) c) (vii): the development shall preserve and protect trees, consistent with the policies contained in Section 4.3, Urban Forestry.

Staff comment: Staff is of the opinion that the proposed development continues to meet the general intent of this policy section. Policy review of these considerations has been conducted as part of the OP 1997 Part III, Section 2.5.2 a) (vi) as previously mentioned in this analysis.

Section 12.1.2 (2.2) c) (xii): the development shall address multi-modal transportation considerations and be consistent with the policies in Section 6.2: Multi-modal Transportation, including but not limited that the development shall mitigate potential impacts on the municipal transportation system to an acceptable level with regard to

transportation flow and capacity and it shall accommodate sufficient off-street parking and transportation demand management measures in accordance with the policies in Subsection 6.2.10.

Section 12.1.2 (2.2) c) (xvi): the development considers the relationship to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters.

Section 12.1.2 (2.2) c) (xvii): the development complements and connects with the public realm, including walking and cycling facilities.

Staff comment:

The proposed development fronts onto Plains Road East which is designated as a 'Frequent Transit Corridor' and 'MTSA Primary Connector' under Schedule B-2 Growth Framework and Long Term Frequent Transit Corridor as a 'Multi Purpose Arterial' under Schedule O-1 – Classification of Transportation Facilities - Urban Area and as a 'Bike Lane' under Schedule P – Long Term Cycling Master Plan. The subject lands also propose vehicle and pedestrian access from the interior of the site to Cooke Boulevard which is designated as a 'Priority Bike Lane' under Schedule P – Long Term Cycling Master Plan. The subject lands are located in close proximity to public transit as previously mentioned.

Section 12.1.2 (2.2) c) (ix): the development shall demonstrate that future development on the adjacent properties will not be compromised by the proposal and be designed to facilitate future pedestrian, cycling and/or private street connections.

Staff comment: The proposed development is not intended to compromise future development on the adjacent properties, this has been reviewed against the Urban Design Policies as later discussed under this analysis which speak to the related built form impacts onto the adjacent properties. Additionally, the proposed development has been designed to facilitate future pedestrian, cycling and/or private street connections by way of sidewalks and entrances along both Plains Road East and Cooke Boulevard.

Section 12.1.2 (2.2) c) (xiv): the development shall provide stormwater management in accordance with the policies of Subsection 4.4.2(2) of this Plan.

Staff comment: As part of the required materials for the application submission, the applicant provided a Functional Servicing and Storm Water Management Report. Development Engineering staff reviewed the submitted materials and did not indicate concerns with the proposed Storm Water Management.

Planning staff have reviewed the Official Plan Amendment and Zoning By-law Amendment application as well as the materials submitted and are of the opinion that the proposed development conforms to the OP 2020.

6.0 Zoning By-law 2020

The subject property is currently zoned 'MXC-470' ('Mixed-Use Corridor Commercial' with site-specific regulations) under Zoning By-law 2020 as amended (as shown on Appendix A – Existing Zoning Plan). The MXC permits a range of retail and service commercial uses, office, community institutions, hospitality, automotive as well as entertainment and recreation uses. This zone also permits medium and high-density residential uses.

The application requests a Zoning By-law Amendment to rezone the subject lands from 'MXC-470' ('Mixed-Use Corridor Commercial' with site-specific regulations) to 'H-MXC-565' ('Mixed-Use Corridor Commercial' with site-specific regulations and with a holding provision) as amended with new regulations in order to facilitate the development of a 13-storey mixed use building consisting of ground floor retail and service commercial uses with 161 residential units above. City Planning staff have included a holding provision on the zoning application in order to address staff concerns related to the injury and removal of neighbouring trees, trunk sewer servicing capacity and the submitted Functional Servicing Report.

The following table outlines a comparative analysis of the requirements of the base 'MXC' zone, the existing 'MXC-470' zone and the proposed 'H-MXC-565' zone:

Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Number of Units	N/A	72 units maximum	161 units maximum
Staff Comment: The proposed development aims to increase the number of residential dwelling units from 72 to 161 units. In accordance with the policies set out under Provincial, Regional and Local policies for the Aldershot GO Major Transit Station Area as previously discussed, staff are of the opinion that the proposed unit increase is appropriate for the subject lands.			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Building Height	2 storeys minimum 6 storeys maximum	9 storeys to 34 m maximum	13 storeys to 46.7m maximum
Staff Comment: The amending by-law proposes an increased to height from 9 to 13 storeys as well as the associated height to reflect the increased number storeys intended to accommodate the additional 72 residential dwelling units for a total of 161 units. The intent of regulating height is to regulate building overdevelopment of a property as well as mitigate any negative impact that may arise from this. Staff is of the opinion that all potential impacts of overdevelopment have been considered as part of other sections through this report, as a result the proposed height increase and associated development concept is appropriate for the subject lands.			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended

Podium Height	none	Building height for the first storey: 6 m	<p>Abutting all yards: 6 storeys minimum</p> <p>Abutting Plains Road East: 7 storeys maximum; 6 storeys maximum within 11m of the south side yard</p> <p>Abutting Cooke Boulevard: 8 storeys maximum; 6 storeys maximum within 15m of the rear yard</p> <p>A podium is not required for a building elevation facing the rear yard which provides a minimum 38m setback to the rear lot line</p>
<p>Staff Comment: the proposed podium heights are intended to regulate the massing and built form of the proposed building in accordance with the Urban Design guidelines later such as the Mid-rise Building Urban Design Guidelines later discussed in this analysis.</p>			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Yards	<p>Yard Abutting Cooke Boulevard and Yard Abutting Plains Road: 3 m minimum; 4.5 m maximum</p> <p>Rear Yard: 3m</p> <p>South Side Yard: no minimum</p>	<p>Yard Abutting Cooke Boulevard: 3.0m minimum; 3.5m maximum; 1.3m for all other storeys</p> <p>Yard Abutting Plains Road: 3.0 minimum; 3.5 maximum for 1st storey; 1.8m for all other storeys</p> <p>Rear Yard: 3m</p> <p>South Side Yard: no minimum</p>	<p>Yard Abutting Cooke Boulevard: ranges between 1.9m to 10m</p> <p>Yard Abutting Plains Road East: ranges between 1.8m and 8.6m</p> <p>Rear Yard: ranges between 6.9m to 16m</p> <p>South Side Yard: ranges between 1.2m to 8.2m</p> <p>Maximum yard requirements abutting</p>

			a street do not apply above the first storey
<p>Staff Comment: Generally, most of the setback amendments have been increased in comparison to the existing conditions in order to address any associated impacts of the proposed increased massing and overall built form. Detailed analysis of the proposed yards has been provided under the applicable Urban Design Guidelines review, more specifically under the Mid-Rise Building Design Guidelines. Definitions under the amending by-law have also been included to distinguish the built form of the proposed building. These include definitions for the Podium, Tower and Stepbacks.</p>			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Yards for below-grade parking garage	<p>Abutting Cooke Boulevard: 0m</p> <p>Abutting all other lot lines: 0.2m</p>	<p>Abutting Cooke Boulevard: 0m</p> <p>Abutting all other lot lines: 0.2m</p>	<p>Abutting Cooke Boulevard: 0.2 m</p> <p>Abutting all other lot lines: 0.4 m</p> <p>Abutting South Side Yard: 0.5 m to covered parking ramp including associated rooftop Amenity Area</p>
<p>Staff Comment: the proposed development includes an increase to the yards for the proposed below-grade parking garage. Staff are of the opinion that the proposed amendment is an improvement to the existing conditions.</p>			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Stepbacks	none	none	<p>A 1.8m stepback is required from the exterior wall of the podium to the exterior wall of the tower.</p> <p>Storey 13: Provide a 2m stepback from the exterior building wall of the 12th storey</p>
<p>Staff Comment: the proposed stepbacks are intended to regulate the massing and built form of the proposed building. The stepbacks help ensure a separation between the podium, tower and rooftop mechanical and outdoor amenity areas in accordance with the Mid-Rise Building Urban Design Guidelines as later discussed in this analysis. Definitions under the amending by-law have</p>			

also been included to distinguish the built form of the proposed building. These include definitions of the Podium, Tower and Stepbacks.

Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Balconies and Terraces	<p>balcony projection into a required side yard: 0.50m maximum</p> <p>balcony projection into any other required yard: 1.6 m maximum</p> <p>the sum of the length of these projections does not exceed one third of the permitted length of a building wall</p> <p>the length of any one projection does not exceed 3 m.</p> <p>terrace encroachment into a required yard: 0.65m maximum</p>	<p>Balcony setbacks abutting Cooke Boulevard:</p> <p>2nd storey: 1.3m</p> <p>3rd to 8th storeys: 0.5m</p>	<p>balcony projection: 1.8m maximum</p> <p>The sum of the length of the projections of each storey does not exceed the following:</p> <p>Abutting a street: 21m</p> <p>Abutting rear yard: 14m</p> <p>Abutting south side yard: 28m</p> <p>Balconies are not permitted to project beyond the exterior building wall of the podium storeys abutting a street or south side yard.</p> <p>A rooftop terrace and/or common amenity terrace shall maintain the principal building yards of the storey below it.</p>

Staff Comment: The amending by-law is intended to include an increase to the maximum permitted 0.5m balcony encroachment into the south side yard and the maximum permitted 1.6m balcony encroachment for all other yards to 1.8m. This regulation would only be applicable to the tower portion of the proposed building. The tower is a new element of the revised concept to reflect the change in building height which helps to ensure appropriate massing. Balconies would not be permitted to extend from the building wall of the proposed podium, except for those proposed along the rear yard. As a result, the balconies will not extend beyond the setbacks of the podium to all property lines. Similarly, the rooftop terrace will not be able to extend from the building wall of the tower.

Additionally, to provide appropriate distinction between the tower and podium massing, the sum of the length of the balcony projections has been regulated based on the submitted plans. This

ensures that the balconies do not extend across the entirety of the building walls and disrupt the intent of the tower design. These design strategies stem from the direction provided under the Mid-Rise Building Urban Design Guidelines as later discussed in this analysis. Staff is also of the opinion that the proposed balcony encroachments and overall dimensions will ensure appropriate amenity space is provided for each dwelling unit.			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Distance from the hypotenuse of a daylight triangle	For any building or structure: 3m	For a building or balcony: 0m	For a building or balcony: 0m For a below-grade parking: 0.4m
Staff Comment: the proposed development includes an increase to the yards for the proposed daylight triangle. Staff is of the opinion that the proposed amendment is an improvement to the existing conditions.			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Visibility Triangle	9m x 9m	9m x 9m	5m x 5m
Staff Comment: The proposed development continues to provide for the same 5mx5m Visibility Triangle as the previous Official Plan and Zoning By-law amendment applications submitted back in the year 2016 (File Nos.: 505-03/16 and 520-04/16). The proposed amendment is therefore for formatting purposes. Transportation Planning staff have reviewed the proposed measurement and have no concerns.			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Floor Area Ratio (FAR)	1.5:1 maximum 0.3:1 minimum	4.4:1 maximum	6.9:1 maximum
Staff Comment: The amending by-law proposes an increased to the Floor Area Ratio (FAR) from 4.4:1 to 6.9:1 to reflect the increased number storeys intended to accommodate the additional 72 residential dwelling units for a total of 161 units. The intent of regulating Floor Area Ratio is to regulate building density and overdevelopment of a property as well as mitigate any negative impact that may arise from this. Staff is of the opinion that all potential impacts of overdevelopment have been considered as part of other sections through this report, as a result the proposed FAR increase and associated development concept is appropriate for the subject lands.			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended

Commercial Floor Area	5600 m ² maximum	A minimum of 220m ² of retail or service commercial must be provided on the ground floor of an apartment building	A minimum of 450m ² of retail or service commercial on the ground floor of an apartment building
<p>Staff Comment: the proposed development includes an increase to the previously proposed minimum retail space at grade, this ensures that the overall intent of the underlying Official Plans designations is met as previously discussed. Additionally, the wording of the regulation has also been amended for formatting purposes and consistency with other exceptions under Zoning By-law 2020.</p>			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Rooftop Amenity	no maximum	In addition to an outdoor amenity area, a maximum of 275m ² of floor area may be used for an indoor amenity area, elevator lobby, stairs, mechanical and/or storage rooms	In addition to an outdoor amenity area, a maximum of 360m ² of floor area may be used for an indoor amenity area, elevator lobby, stairs, mechanical and/or storage rooms.
<p>Staff Comment: the proposed development includes an increase to the proposed amenity Area in order to accommodate appropriate outdoor amenity space for the additional 89 residential units in comparison to the previous development approvals</p>			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Amenity Area	15 m ² per efficiency dwelling unit 20 m ² per one-bedroom dwelling unit 35 m ² per two or more bedroom dwelling unit	1240m ²	15 m ² per unit (2415m ²)
<p>Staff comment: The proposed development includes an amenity area rate of approximately 10m² per dwelling unit which results in approximately 1656.95 m² in total amenity area. Staff consider the proposed rate to be well below the appropriate amount of amenity to account for the additional 89 residential units being proposed in comparison to the previous development</p>			

<p>concept. The previous development for a 9-storey mixed use building with retail at grade and 72 residential units included a total of approximately 1240m² which reflects a rate of approximately 17m² per dwelling unit. Staff are therefore proposing an increase in the minimum required amenity area to a minimum of 15 m² per dwelling unit which would result in a total required amenity area of 2415m².</p>			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Vehicle Parking		<p>Occupant: 86 spaces including 4 accessible spaces</p> <p>Visitor and Non-residential: 6 shared spaces including 2 accessible spaces</p>	<p>Occupant: none</p> <p>Non-Residential: 6 spaces including 1 designated accessible and 2 car share spaces</p>
<p>Staff Comment: The proposed development contemplates a total of 110 vehicle parking spaces for the 161 residential units proposed. Occupant parking spaces are proposed underground while non-residential spaces are proposed at grade at the rear of the site. Additionally, the proposed development also contemplates 6 parking spaces including 1 designated accessible spaces for the non-residential vehicle parking. Similarly, the previous development concept proposed 86 spaces including 4 accessible spaces which constituted a rate of approximately 1.19 vehicle occupant parking spaces per unit as well as 6 shared spaces including 2 accessible spaces for the visitor and non-residential vehicle parking. The Ontario government's Bill 185 amended the Planning Act to restrict municipalities from mandating parking requirements in Provincial Major Transit Station Areas and around transit stations, except for bicycle parking. Additionally, Transportation Planning have reviewed the submitted application and related materials and have indicated no concerns with the proposed parking rates. Similarly, Accessibility staff have reviewed the submitted application and related materials and have no comments. As a result, planning staff are of the opinion that the proposed parking rates are appropriate for the proposed development.</p>			
Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Vehicle Automated Parking	none	none	A required occupant parking space, excluding designated accessible parking, can be provided in an automated parking system.

			<p>iv) each automated parking system parking pallet shall account for two occupant parking spaces and have the following minimum dimensions:</p> <ul style="list-style-type: none"> a. width of 5.2 m; b. length of 5.2 m; c. area of 27 m²; d. vertical clearance of 1.55 m
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Staff Comment: The proposed development provides for 110 vehicle parking spaces of which a total of 84 spaces are proposed as stacked parking at underground parking. Additionally, definitions for the automated parking system have been included as these are not currently regulated under Zoning By-law 2020. Transportation Planning staff have reviewed the proposed amendments for minimum vehicle dimensions and have no concerns.

Zoning Regulation	MXC	MXC-470	H-MXC-565 as amended
Bicycle Parking	2 spaces plus 1 space/1000m ² GFA of retail and service commercial	2 spaces plus 1 space/1000m ² GFA of retail and service commercial	<p>Apartment Building:</p> <p>0.1 short term bicycle parking spaces per unit</p> <p>0.5 long term bicycle parking spaces per unit</p> <p>Non-Residential uses:</p> <p>2 long term bicycle parking spaces plus 1 space per 1,000m² GFA</p> <p>3 short term bicycle parking spaces plus 1 space per 1,000 m² GFA</p>

Staff Comment: The underlying MXC zone and the existing MXC-470 zone both require 2 spaces plus 1 space per 1000m² GFA for Retail and Service Commercial uses. The proposed development includes 457m² of retail space, therefore with the current conditions the

development would require 2 bicycle parking spaces. The proposed development provides for a total of 81 Long-term residential spaces within the underground parking structure of which 70 spaces are provided in a stacked configuration and 11 are provided in a vertical configuration as well as 17 Short-term residential spaces, 3 Commercial Short-term Spaces, and 2 Commercial Long-term Spaces at-grade. This results in the approximate rates provided under the proposed amending by-law. The proposed development provides for additional bicycle parking spaces in comparison to the current zoning. Staff is of the opinion that the proposed amendment is an improvement to the existing conditions. Transportation Planning staff have also reviewed the proposed amendments and have no concerns with the proposed bicycle parking provisions.

As per the analysis above staff is of the opinion that the proposed amendment to Zoning By-law 2020 complies with the general intent of the original zoning amendment and is appropriate for the subject lands.

7.0 Sustainable Building and Development 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 2.1, development proposals are required to provide 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. This guideline helps to encourage active transportation and transit use to reduce the dependence on the automobile. The proposed development provides connection from the proposed private road to off-site public sidewalks that connect to nearby transit stops.

In accordance with guideline 2.3, development proposals are required to provide bicycle parking spaces in accordance with the Zoning By-law and Official Plan policies. This guideline helps ensure that sufficient bicycle parking spaces are provided in order to encourage a variety active transportation. Additionally, guideline 2.5 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. Similarly, guidelines 2.6 encourages the provision of visitor bicycle parking spaces in a weather protected area at grade near the main entrance or easy to identify area.

In accordance with the Zoning By-law 2020, the underlying MXC zone and the existing MXC-470 zone requires 2 spaces plus 1 space per 1000m² GFA for Retail and Service Commercial uses. The proposed development includes 457m² of retail space, therefore would require 2 bicycle parking spaces. The proposed development provides for a total of 81 Long-term Residential Spaces within the underground parking structure of which 70 spaces are provided in a stacked configuration and 11 are provided in a vertical configuration as well as 17 Short-term Residential Spaces, 3 Commercial Short-term Spaces, and 2 Commercial Long-term Spaces at at-grade. This results in the approximate rates provided under the proposed amending by-law. Transportation staff have indicated no concerns with the amount of proposed bicycle parking spaces or their location.

In accordance with guideline 2.4, development proposals are encouraged to provide a Transportation Demand Management Plan (TDM) for parking reductions and for Primary, Secondary and Employment Growth areas. This guideline helps to ensure that sustainable modes of transportation are encouraged as TDMs 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. Similarly, guideline 2.9 also encourages for residential developments to provide for each unit a one-year Burlington Transit pass at no cost to resident to encourage transit ridership in intensification areas.

Staff note that the following TDM Strategies are being proposed:

- Implementing pedestrian and cycling connections to adjacent streets,
- Providing bicycle parking on site,
- Providing bicycle repair station on site,
- Providing car-share parking and car-share program,
- Undertake a TDM Monitoring Initial survey at 50% occupancy and undertake a TDM Monitoring follow-up survey.

Other TDM strategies are proposed such as providing pre-loaded Presto cards and transit information packages, however, the responsibility to implement is placed on the City or Region of Halton. Transportation Planning indicate that implementation of the proposed TDM measures shall be listed as the Applicant's responsibility. Additionally, further details such as reasoning for conducting a TDM monitoring survey at 50% occupancy rather than full occupancy, shall be included at Site Plan application. Additional measures such as unbundled parking, which provides occupants the opportunity to opt out of having an assigned parking space, and fee-based parking areas should be considered. These additional measures will assist in changing travel behaviour and reduce the demand for parking. These recommendations may be addressed at the Site Plan application stage.

In accordance with guideline 3.8, development proposals are encouraged to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) or Maintain 75 per cent of healthy mature trees greater than 20 cm DBH. Tree preservation requirements are to be determined by Official Plan urban forestry policies. As part of the application submission, the applicant provided an Arborist Report, Tree Protection Plan and Landscape Concept Plans as part of the formal application submission. Urban Forestry and Landscaping staff indicated concerns with the removal of tree number 2 as shown on the submitted plans, the applicant therefore provided Revised Tree Protection Plan and Landscape Concept Plan to now show that tree number 2 will be preserved. Additionally, tree number 15 and 20 will also be preserved, these are located in close proximity to the rear property line.

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

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

This guideline helps to ensure Low Impact Development strategies mitigate the impacts of increased urban runoff and stormwater pollution by managing it as close to its source as possible. It comprises a set of site design approaches and small scale stormwater management practices that promote the use of natural systems for infiltration and evapotranspiration, and rainwater harvesting. As part of the application submission, the applicant provided a Functional Servicing and Storm Water Management Report to acknowledge a level one enhanced stormwater treatment for all stormwater runoff. Development Engineering staff reviewed the submitted materials and did not indicate concerns with the proposed Storm Water Management. The proposed development includes multiple green roofs including one on the roof of the underground parking exit and entrance ramp as well as on the rooftop amenity space to aid in stormwater retention.

In accordance with guideline 5.1, development proposals are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. This guideline helps to provide vegetation that can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The proposed development provides for green roofs as previously mentioned as well as landscape areas which help to the reduce potential urban heat island effects including landscaping along plains Road

East and Cooke Boulevard as well as at the rear of the site along the at-grade parking spaces.

In accordance with guideline 6.1, development proposals are required to provide and implement a waste management plan in accordance with Regional requirements as recycling and composting treats waste as a resource and reduces the need for landfill expansion. Halton Region staff have reviewed the submitted materials and have not indicated concerns with the proposed development and associated waste management. Nonetheless, a Waste Management Plan is required to address waste collection for the proposed development. The applicant is to reference the Region's Development Design Guidelines for Source Separation of Solid Waste for site design requirements/dimensions. The residential portion of this development may be eligible for Halton Region Waste Collection, providing it meets the requirements set out in the Guidelines.

Staff is of the opinion the proposed development proposal meets the intent of the required Sustainable Building and Development Guidelines, therefore the development considers the City of Burlington Climate Action Plan to support the City's climate implications.

8.0 Shadow Study Guidelines and Terms of Reference (2020)

The purpose of the Shadow Study Guidelines is to provide a best practices approach to Shadow Studies in order to promote high-quality development proposals that ensure adequate access to sunlight is maintained for the enjoyment of public and private spaces alike throughout the City. The Shadow Study Guidelines indicate that a Shadow Study is required for development proposals with building heights of 5-storeys or more and in some cases when additional building height is requested and when a proposal is in close proximity to shadow sensitive uses, a Shadow study was therefore submitted with the subject applications.

In accordance with Section 4.3, to maximize the usability of private outdoor amenity areas such as rear yards, decks, and (rooftop) patios, including common outdoor amenity areas, shadows from proposed developments should not exceed 2 hours in duration, between 09:00 and 18:00 on March 21st. Additionally, the criterion is met if the Sun Access Factor is at least 0.22 on the test date. A test date of March 21st was analyzed for shadow impact on private outdoor amenity spaces generated by the proposed development onto surrounding properties through the submitted Shadow Study. It was observed that from 3 pm to 6 pm, shadows were cast on the planned development at 53 Plains Road East along its east elevation which abuts Cooke Boulevard. The approved development concept at 53 Plains Road East has not yet been constructed, and the estimated shadows are expected to cast on a minor portion of its built envelope which would include for some private amenity areas. Similarly, a 0.26 sun access factor has been indicated for the test date. Planning staff are of the opinion that the shadow impacts to the private outdoor amenity areas are minor due to the duration and locations of the cast and overall meet the Shadow Study criteria.

In accordance with Section 4.4, shadows cast by all existing buildings and proposed developments onto lands designated or used for Parks and Open Spaces must allow for either: full sunlight 50 per cent of the time or 50 per cent sun coverage at all times during March 21st (09:00 to 18:00), September 21st (9:00 to 18:00), and December 21st (11:00 to 15:00). These test dates were analyzed under the submitted Shadow Study for shadow impact on private outdoor amenity spaces by the proposed development. Given no parks or open spaces are located within the test area, or area within the shadow catchment of the proposal, no parks or open spaces are shown to be affected.

In accordance with Section 4.5, shadows cast by all existing buildings and proposed developments onto places where children play including but not limited to school yards, playgrounds, and park features such as wading pools or other outdoor shadow-sensitive activity areas as identified by the City of Burlington, must allow for either full sunlight 50 per cent of the time or 50 per cent sun coverage at all times during March 21st (09:00 to 18:00) and September 21st (09:00 to 18:00) as well as December 21st (11:00 to 15:00) for school yards and playground areas only. The subject lands do not include any of these types of areas within the near vicinity, this section does not apply to the analysis.

In accordance with Section 4.6, shadows cast by all existing buildings and proposed developments onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way, must allow for either full sunlight 50 per cent of the time or 50 per cent sun coverage at all times between 09:00 and 18:00 on March 21st. Additionally, the criterion is met if the Sun Access Factor is at least 0.50 on the test date. As per the submitted Shadow Study, shadows begin to be cast on a small portion of the opposite side boulevard along Cooke Boulevard on March 21st at 1:00 pm. The shadows move gradually in a clockwise direction, as a result, from 1:00 pm to 6:00 pm, shadows are cast on the sidewalk on either side of Cooke Boulevard. Although this results in a Sun Access Factor is 0.26 which is approximately 24% lower than the required minimum 0.50, majority of the shadows casted on the opposite boulevard and included in the Sun Access Factor calculations through the times of 9:00 to 12:00 pertain to shadows produced by surrounding neighbouring buildings. Additionally, the proposed development and amending by-law consider building massing design strategies such as setbacks and stepbacks at specific storeys of the building to mitigate the impact of shadows.

Staff are therefore of the opinion that the proposed development continues to maintain the purpose and intent of the Shadow Study Guidelines.

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

Pedestrian Level Wind Studies ('Wind Study') are conducted to predict and assess the wind impacts of proposed buildings and site designs on surrounding public and private spaces in addition to on-site wind conditions to ensure pedestrian comfort and safety is maintained. In accordance with Section 2.1 of the guidelines, a development of 12-storeys or more is required to submit a Quantitative Wins Assessment ('Wind Tunnel Test'). Given

the proposed development consisted of a 13-storey mid-rise building, the applicant was required to submit a 'Wind Tunnel Test'.

In accordance with Section 4.2 of the guidelines, the study defines five comfort categories with a Gust Equivalent Mean (GEM) wind speed for each as follows:

1. Sitting –wind speed below 10 km/h (i.e. 0 – 10 km/h) would be considered acceptable for sedentary activities, including sitting.
2. Standing – wind speed below 14 km/h (i.e. 10 km/h – 14 km/h) is acceptable for activities such as standing.
3. Leisurely Walking (Strolling) – wind speed below 17 km/h (i.e. 14 km/h – 17 km/h) is acceptable for activities such as strolling.
4. Fast Walking (Walking)– wind speed below 20 km/h (i.e. 17 km/h – 20 km/h) is acceptable for walking or more vigorous activities.
5. Uncomfortable – wind speed over 20 km/h is classified as uncomfortable from a pedestrian comfort standpoint. Brisk walking and exercise, such as jogging, would be acceptable for moderate excesses of this criterion.

The GEM should be evaluated as a comparison between the existing wind condition and the wind condition resulting from the proposed development. A criterion is met if the predicted wind speeds and frequencies occur at least four out of five days below the respective threshold.

The submitted Wind study identifies that out of the five comfort categories, most public sidewalks, walkways, driveways, landscaped spaces, and parking areas within and surrounding the proposed development will experience wind conditions suitable for walking or better throughout the year. Exceptions include an isolated sidewalk portion along Plains Road East, driveway and walkway portions at the future development on 1026 Cooke Boulevard, and on the north side of the study site, which exceed the walking criterion during the winter months yet the exceedances of the walking criterion are generally marginal (< 2km/h), restricted to the winter months, and all wind speeds remain safe.

The residential lobby and all retail entrances will be suitable for standing or better throughout the year. All secondary building access points (including vehicular entrances, building exits, and loading areas) will generally be suitable for walking or better on a seasonal basis. Exceptions include the stairwell exit and portion of loading area near the rear corner of the building where wind conditions will be uncomfortable during the winter. Similarly, the rooftop outdoor amenity will experience a mix of sitting and standing wind conditions during the summer months, with standing conditions at the central portion to the east. If sitting conditions are desired in these areas, the study suggested to raise the proposed amenity fencing, as delineated in the architectural plan, to at least 2.0 metres above the walking surface along the east perimeter of the amenity and staggered windscreens along the walkway to buffer winds accelerating around the building corner. The parking ramp was revised to an enclosed structure to mitigate the wind entering the

site from the west and a windscreen on the rooftop amenity of 2.0m tall windscreen has been added.

Staff are therefore of the opinion that the proposed development continues to maintain the purpose and intent of the Pedestrian Level Wind Study Guidelines and Terms of Reference.

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

The City of Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings are applicable across the City, wherever mid-rise building forms are permitted by the Official Plan and Zoning Bylaw (with the exception of Employment Lands), and for the purposes of the guidelines, include any buildings between 5- to 11-storeys in height.

The guidelines are grouped by the main components of a mid-rise building, including the Lower and Upper building. The Lower building represents the first few storeys, including the ground floor and any additional floors with direct relationship to the street and public realm. Generally, this would include those storeys forming the streetwall and not those stepped back from the streetwall. The Upper building is that portion of a mid-rise building above the Lower building, designed to fit with and achieve an appropriate relationship with the Lower building, the public realm, and neighbouring properties. Additionally, all street facing building façades should be divided into three horizontal parts: a bottom, middle, and top to organize a complete façade expression and be arranged in a way that ensures harmonious proportion.

2.1 Building Placement

- 1. In general, buildings should be placed parallel to streets or public open spaces (within or along the edge of the site) to frame and define these spaces. This will also increase the amount of private open space behind the building and separation from neighbouring properties.*
- 2. Consider the building's orientation to maximize south-facing walls for optimal access to sunlight to habitable rooms and other environmental benefits such as energy conservation, solar access to open spaces or areas for stormwater management and planting.*
- 3. Placement should consider existing site conditions and look to retain and enhance certain features as assets such as mature trees and topography.*
- 6. Where there is no consistent pattern of street setbacks, the building should be set back to create a boulevard that can accommodate wider sidewalks, street trees, landscaping, and active uses to establish a more pedestrian oriented relationship between the building and the sidewalk. On streets where commercial or retail uses are required at the ground floor level, a minimum 6.0 metre boulevard is preferred, except where existing conditions preclude. The intent is that a road widening will not be required to specifically achieve this guideline.*

8. *On corner sites, the building should frame both streets. The placement of corner buildings may be subject to a daylight triangle.*
9. *All buildings should have a public front ('face') and private back. Buildings should not expose their back onto the front of a neighbouring building to minimize impacts such as "back of house" activities on adjacent properties.*

The subject lands are located at the corner of Plains Road East and Cooke Boulevard, the lower portion of the building fronts parallel onto both these streets which provides for a public front and private back as well as appropriate separation to the side and rear yards of neighbouring buildings. Additionally, a daylight triangle of 5m by 5m is also included from the previous development proposal along the corner of Plains Road East and Cooke Boulevard.

Although a continuous streetwall has not been established on Plains Road East and Cooke Boulevard, a continuous streetwall is desirable along these streets as they are intended to provide for continuous ground floor retail and service commercial uses. The proposed development contemplates a 3.6m setback for the first storey abutting Plains Road East and a 3.5m setback for the first storey abutting Cooke Boulevard which meets the proposed and envisioned neighbouring setbacks. This has been included under the amending by-law as a minimum required setback of 3m and maximum permitted setback of 3.5m along both Plains Road East and Cooke Boulevard with minor reductions to the proposed stair enclosures. Additionally, the proposed development also provides for an approximately 6m wide sidewalk from the street curb to the property line abutting Plains Road East and an approximately 2m wide sidewalk along Cooke Boulevard. Therefore, the proposed development provides for a total boulevard width of approximately 9.6m along Plains Road East and approximately 5.5m along Cooke Boulevard. The boulevard is intended to accommodate pedestrians, street trees and landscaping, and active at-grade uses.

2.2 Building Separation & Spacing

1. *In general, taller buildings should provide greater separation distances. Separation distances should generally range between 15.0-20.0 metres.*
2. *Where windows are proposed within the lower building, a minimum separation distance of 15.0 metres should be provided between adjacent buildings.*
3. *Where a continuous streetwall is desirable, side-yard setbacks are usually not required. Continuous streetwalls are generally desirable within areas designated for mixed use, except where special site or block conditions require breaks to access mid-block connections, public courtyards, or other open spaces.*
5. *Where there is a transition between a mid-rise development and a tall building, a minimum separation distance of 20.0 metres should be provided between the*

tower component of a tall building and the nearest part of the mid-rise building to minimize overlook and shadowing and pedestrian level wind impacts.

The proposed development is generally a taller mid-rise building and includes windows and balconies on all elevations. The subject lands directly abut the property 1026 Cooke Boulevard to the rear yard which currently contains a 1-storey commercial building yet it has received development approvals for a 24-storey mixed use building with a tower portion to be located approximately 12m away from the subject lands' rear yard. The combined setback between the approved tower for 1026 Cooke Boulevard and the proposed lower building portion is approximately 18m. The proposed development on the subject lands also includes balconies on the 2nd to 6th storeys with a 1.65m projection into the rear yard. The intent of a 20m separation distance between neighbouring buildings with windows is to protect for privacy within residential units and discourage overlook. As previously mentioned, although a continuous streetwall has not been established on Plains Road East and Cooke Boulevard, it would still be desirable. Staff is of the opinion that although the proposed development includes a combined separation between podiums of approximately 18m and a 1.65m projecting balcony, the proposed development provides for appropriate distance to mitigate privacy concerns and maintain a continuous streetwall.

Similarly, the subject lands also directly abut property 15 Plains Road East to the south side yard which contains a 1-storey service commercial building that is approximately 50m away from the subject lands south side yard property line. This property is zoned as MXE under the Zoning By-law, designated as 'Mixed Use Corridor – Employment' under the in effect Official Plan and it is located within the 'Aldershot Main Street' precinct under the proposed Aldershot GO Major Transit Station Area (MTSA). As a result, this property is envisioned to contain mid-rise buildings with heights of up to 11 storeys. The existing zone of the subject lands (zone MXC-470) permits for a 0m setback to the south side yard, the proposed podium includes an increased setback of 8m to the south side yard and 1.2m to south side yard specifically within 24 m of Plains Road East. Staff is of the opinion that the proposed setback would encourage a continuous streetwall in close proximity to Plains Road.

2.3 Built Form: Height & Massing

1. *When deciding on lower building height and massing consider the following:*
 - *the permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;*
 - *the physical character of the surrounding area including the height and scale of adjacent buildings and the immediate streetscape;*
 - *the views into, out of, and through the site;*

- *the potential shadowing impacts on neighbouring properties and adjacent public spaces – taller elements should be arranged accordingly;*
 - *the micro-climate (particularly pedestrian level wind impacts created by wind); and*
 - *the relationship of the building height to building depth and lot width. Use site characteristics such as width (narrow or wide), depth (deep or shallow) and number of frontages to inform an appropriate built form*
2. *Design buildings so that the massing reinforces the street edge.*
 3. *In general, a building's form should reflect the existing and planned context in terms of street character (including the planned street function and right-of-way width), land use, and built form.*
 4. *Where a streetwall is established, the lower building height and upper building step-backs should reinforce the existing streetwall to create a consistent streetscape.*
 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 humanscale 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.*

As previously mentioned, Plains Road East and Cooke Boulevard do not currently have an established streetwall. Similarly, Plains Road East has a deemed width right-of-way of 36m and Cooke Boulevard has a deemed width right-of-way width of 20 metres. Therefore, the maximum building height of the lower portion or podium along Plains Road East should be approximately 28.8m and along Cooke Boulevard approximately 16m. Plains Road East is intended to host mix use buildings with mid-rise built forms with gradually taller buildings towards the Aldershot GO station. The intent of regulating maximum heights for the lower portion of mid-rise buildings is to achieve human scale and pedestrian feel along the streetscape.

The proposed lower building portion or podium ranges from 6- to 8-storeys in height (22m to 28.6m measured from fixed grade) to provide for building design articulation. The podium is proposed to be 6-storeys (22m) in height along the rear yard and south side yards to complement the height of the planned and envisioned built form of the adjacent properties, including 15 Plains Road East and 1026 Coke Boulevard. The podium is proposed to be 8-storeys (28.6m) in height along the building's main residential entrance on Cooke Boulevard near the corner of Plains Road East and Cooke Boulevard which designates the main residential entrance and street corner as a main focal point. Additionally, the two separate retail spaces at grade will include multiple pedestrian entrances to each along Plains Road East and Cooke Boulevard.

As previously discussed, the proposed development is in accordance with the Shadow Study Guidelines and Terms of Reference as well as the Pedestrian Level Wind Study Guidelines and Terms of References which consider the size of shadows and wind impact onsite and onto the surrounding streetscape.

As a result, staff is of the opinion that the proposed height and massing of the lower building portion is appropriate and continues to meet the intent of the mentioned guidelines.

- 6. In general, the building should not exceed a length of 60.0 metres apart from L-shaped building forms.*
- 7. Pushing (projecting) and pulling (recessing) building volumes from the main building form is encouraged to help break down the mass of larger buildings.*
- 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.*
- 10. Stepping back upper level building volumes is encouraged to assist with transitions between neighbouring buildings with lower heights.*

The proposed development is less than 60m in length on all elevations. The proposed lower portion of the building is stepped back at different levels between the 6- and 8-stories to accommodate for private outdoor amenity area. These include setbacks from the building wall of the storey below of at approximately 2m abutting Cooke Boulevard, 1.8m abutting Plains Road East, 4.2m abutting the rear yard, and 2m abutting the south side yard. Additionally, this has been included under the amending by-law by way of setbacks to all exterior walls of the podium to the exterior walls of the upper building portion or tower. Additionally, projecting balconies are only proposed along the upper sections of the building and are within the lower building wall setbacks so these do not project into the streetwall. The proposed podium only contains balconies which are inset into the building wall, a regulation which prohibits balconies to encroach into the yards has also been incorporated as part of the amending by-law. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

- 12. The height and massing of the building should ensure a minimum of five hours of consecutive sunlight on the sidewalk across the street at the spring and fall equinoxes (approximately March 21 and September 21, respectively).*

As previously discussed, the proposed development meets the intent of the Shadow Study Guidelines and Terms of Reference as discussed under this analysis.

2.4 Street Level Design, Façade Articulation & Materials

2. *Where ground floor commercial / retail uses are required, the ground floor should be a minimum floor-to-floor height of 4.5 metres to accommodate internal servicing and loading areas, and active uses.*
8. *Use architectural elements and expressions such as canopies, doors, windows, lively colours and the highest quality materials at street level to highlight individual units, differentiate between residential and nonresidential entrances in mixed-use buildings, and engage the street.*
9. *Design the main entrance to be clearly distinguishable from other entrances through its architectural design and treatment, high visibility, wayfinding and direct pedestrian access.*
10. *Ensure that all main entrances are barrier free from the public sidewalk and on-site parking areas. Level access is preferred, where possible.*
11. *Emphasize grade-related entrances with high quality landscape design.*
14. *The main building entrance should be designed to be pedestrian- and cycle-friendly with convenient, well-lit, and safe access. The main entrance should also provide for shelter from wind and rain through well integrated weather protection elements such as canopies, extended eaves and overhangs. Canopies should be located above the ground floor and provide a width of at least 1.5 metres.*
15. *The location of building entrances should consider the location of adjacent transit stops.*
16. *On corner sites, the main entrance should be located at the corner. Where this is not possible, the building should address the street corner, both streets, and prioritize the primary street for the main pedestrian access.*

The proposed podium includes structural overhangs on the first storey because of the setbacks of the storeys above. The first storey includes a minimum building height of 6m which has been maintained under the amending by-law. The proposed development contemplates a 3.6m setback for the first storey abutting the property line along Plains Road East and a 3.5m setback for the first storey abutting the property line along Cooke Boulevard. This has been included under the amending by-law as a minimum setback of 3m and maximum setback of 3.5m along both Plains Road East and Cooke Boulevard with minor reductions to the stair enclosures. Differently, the second storey for both the Plains Road East and Cooke Boulevard building elevations projects approximately 1.8m into each respective yard which would allow for a building overhang for weather protective design at grade and additional landscaping.

The proposed podium includes a maximum height of 8-storeys (28.6m) along the building's main residential entrance on Cooke Boulevard near the corner of Plains Road East and Cooke Boulevard which designates the main residential entrance and street corner as a main focal point. Additionally, the main residential entrance of the building along Cooke Boulevard is proposed to include different use of materials to differentiate

from the multiple retail entrances along Plains Road East and Cooke Boulevard. Architectural elements such as a recessed and taller first storey in comparison to the storeys above, doors and floor to ceiling windows as well as landscaping at grade is proposed. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

2.5 Site Design, Open Space & Streetscaping

- 1. All access points to the site should be located and designed to respond to the street and existing mobility networks beyond the site.*
- 2. Pedestrian access should always be prioritized for the safety and enjoyment of residents and visitors.*
- 3. Reduce the number and width of vehicle access points to avoid conflicts between pedestrian and vehicle traffic.*
- 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.*
- 6. Servicing and loading should be accommodated internally within the building.*
- 7. Limit the extent of site area dedicated to servicing by using shared infrastructure and efficient layouts.*

The ground level will reflect two separate retail spaces with multiple pedestrian entrances to each along Plains Road East and Cooke Boulevard, while residents and visitors have access to the residential uses along the main building entrance on Cooke Boulevard and at the rear in close proximity to the at grade parking. The proposed at grade parking, underground parking access ramp, servicing and loading dock at the rear of the site is proposed to be screened from both Plains Road East and Cooke Boulevard by the proposed podium. Access to these has been proposed via a drive aisle located along the rear of the site on Cooke Boulevard. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

- 9. Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking.*
- 10. Where parking is provided within an above ground structure, it should be wrapped with retail / commercial or residential units along the street frontage.*
- 11. Surface parking should be limited to visitor and retail / commercial parking and located at the rear of the building to be hidden from public view. Whenever possible, provide visitor parking in a convenient underground parking area adjacent to an elevator.*
- 13. Any surface parking areas visible from the street should be buffered and screened with high quality architectural elements, setbacks or landscaping. On larger sites*

with surface parking areas, incorporate landscaped islands and high-quality landscaping to create comfortable and safe pedestrian walkways and amenity areas.

- 14. Provide for safe pedestrian and cyclist access to underground parking by using clearly visible, well-lit, convenient, and easily accessible access points from the street. Signage should indicate the barrier free path of travel.*

All residential parking is proposed underground while visitor and retail parking is proposed at grade at the rear of the site. The proposed at grade parking, underground parking access ramp, servicing and loading dock at the rear of the site is proposed to be screened from both Plains Road East and Cooke Boulevard by the proposed podium. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

- 18. Common outdoor amenity areas should be located next to interior amenity facilities with direct physical and visual access between these spaces through doors and windows.*
- 19. All common outdoor amenity areas should apply the principles of universal design and must comply with the City's Accessible Design Standards.*
- 20. The roof of a lower building can be landscaped and used as common and private outdoor amenity area for the residents of a development. Where possible utilize building rooftops as green roofs and/or usable private and shared outdoor amenity areas such as gardens.*
- 21. Locate private outdoor amenity areas for family-sized units so that they have views and access to outdoor play areas, where possible.*

The proposed development includes indoor and outdoor amenity space, green roof infrastructure and landscaping at the rooftop. As previously mentioned, the proposed lower portion of the building is stepped back at different levels between the 6- and 8-stories to accommodate for private outdoor amenity area. The City's Accessibility staff have reviewed the development applications and related materials and have not indicated concerns with the proposed amenity spaces. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

3.1 Built Form: Transitions

- 1. When deciding on overall and upper building height and massing consider the following:*
 - the permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;*
 - the physical character of the surrounding area including the height and scale of adjacent buildings; and*

- *the potential shadowing and pedestrian level wind impacts on neighbouring properties and private and public open spaces – taller elements should be arranged accordingly.*
- 2. *Where the building fronts a street, step-back the upper floors a minimum of 3.0 metres above the streetwall to protect access to sunlight and sky view for streets while limiting shadowing. An additional step-back should be considered for buildings taller than seven (7) storeys in height. This additional step-back may be a minimum of 1.5 metres.*
- 3. *Above the streetwall, or the sixth storey for taller buildings, a minimum building separation distance of 20.0 metres should be provided to reduce impacts such as overlook and shadowing.*
- 4. *Design the upper building to clearly distinguish it from the lower building and to further reduce the upper level building massing. This should include step-backs, colour and material variations, and unique articulation.*
- 5. *The design and placement of upper storeys should be carefully considered to minimize the size of shadows on neighbouring properties. A shadow study should be provided with mid-rise building applications in compliance with the Shadow Study Guidelines and Terms of Reference.*

As previously mentioned, staff is of the opinion that the proposed development meets the intent of the Zoning By-law and Official Plan as well as provides for appropriate distance to mitigate overlook as well as wind and shadow impacts through the implementation of appropriate setbacks and setbacks.

Upper Façade / Roof Design, Articulation & Materials

3. *Use architectural elements and expressions such as balconies, windows, and recesses and projections to highlight individual units and reinforce a variety of scales and textures within each component of the building.*
4. *Balconies are encouraged within the upper building to provide private outdoor amenity areas and additional articulation. They may be inset or project but should have a minimum depth of 1.5 metres to provide functional space. Generally, balconies should be sized according to the number of residents the unit is intended to house.*
5. *Balconies and other projections should be contained within all angular planes and setbacks and shall not protrude into the public realm (over sidewalks).*

Balconies are proposed within the upper building portion to provide for private amenity area to the residential units. These project more than 1.5m into the yard and do not encroach into the setback of the lower building portion. The proposed balconies are contained within the angular planes that abut the public realm. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

6. *Design the building top to clearly distinguish it from the lower portions and to further reduce the building massing. This should include additional physical building setbacks, stepbacks, colour and material variations, and unique articulation.*
7. *Building tops and mechanical equipment should be designed to integrate with the overall architectural expression of the building.*
8. *Where possible, rooftop amenity areas are recommended to create activity at the upper storeys of the building and be appropriately set back from the roof edge.*
10. *Rooftop mechanical equipment should be architecturally screened from public view to protect or enhance views from other buildings and the public realm.*
11. *Where possible, rooftop mechanical equipment should be wrapped by residential units, or other occupiable space such as outdoor amenity areas.*
12. *Rooftop mechanical equipment should be set back, on all sides, no less than 3.0 metres from the edge of the floor below, and where an angular plane applies, fit within all angular planes.*

The proposed development includes a 13th storey for the mechanical equipment rooms and access to the outdoor amenity area which is wrapped around the 13th storey. The building portion of the 13th storey is stepback no less than 3.0 metres from the edge of the floor below along yards abutting Plains Road, Cooke Boulevard, the rear property line, and the south side yard except for a section of the south side yard that is approximately 8m away from south side yard property line. These measurements have been included under the amending by-law. Staff is of the opinion that the proposed development continues to meet the intent of the mentioned guidelines.

As per the analysis provided, staff is of the opinion the proposed development proposal meets the overall objectives and guidelines of the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings.

11.0 Plains Road Corridor Urban Design Guidelines (2006)

The purpose of the Plains Road Corridor Urban Design Study is to refine the vision that the Plains Road Village Vision had been advocating and to create design guidelines to assist the City to direct future redevelopment of the roadway and adjacent lands. Plains Road has evolved from its original function as a toll road, to a Provincial Highway, to its present role as a municipal major arterial road.

The subject property is located within the Shadeland District which is defined as the segment of the Plains Road corridor between Cooke Boulevard and Filmandale Road. This District is characterized by an eclectic mix of land uses on the north side of the corridor and primarily residential and home office uses on the south side. Urban design objective should concentrate on consolidating and infilling commercial/industrial uses and preserving and enhancing the residential and home commercial uses. Mature boulevard shade trees and existing landscaping along the corridor should be protected. The underutilized sites at Cooke Boulevards and Plains Road could be redeveloped to provide

an improved gateway/entry point to the industrial park. Redevelopment should capitalize on the attractive landscaping along Cooke Boulevard. At-grade parking along the frontage of commercial properties should be screened with low growing vegetation to improve the appearance of the corridor.

The proposed development provides for a mix of uses including 457m² of ground floor retail as well as 161 residential units in the storeys above, this reflects an increase of 89 residential units and 232 m² of ground floor retail space in comparison to the previously approved development. The two existing mature trees on site and along the south lot line along the boulevard of Plains Road East were initially proposed to be removed, at this time the applicant has committed to preserve one of the trees, that being tree number 2 as shown on the submitted revised Tree Protection Plan and Landscape Concept Plan. Overall, Planning Staff are of the opinion that the proposal along with the Holding provision meets the objectives and intent of the Plains Road Design Guidelines (2006).