

## **Appendix D – Detailed Planning Analysis**

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## **1.0 The Provincial Planning Statement (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.

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:

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

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 lands that currently contain a mixed use building with commercial at-grade and residential on the 2<sup>nd</sup> storey. There is approximately 1,000 square metres of at-grade retail/commercial space (measured by staff using aerial imagery) and 4 residential units in the 2<sup>nd</sup> storey. The proposed building would consist of 240 dwelling units (1- and 2-bedroom units) and 475 square metres of non-residential use at-grade. This would be a reduction of approximately 525 square metres in commercial space and an increase of 236 residential units. Planning staff are of the opinion that the commercial floor area proposed is insufficient. The property is immediately adjacent to a bus stop for Route 1 (Plains Road West) which runs along Plains Road into the City of Hamilton, the Burlington GO and Appleby GO stations. Planning staff have considered the significant reduction in commercial space and that the proposed 475 square metres is split between 2 units (277.36 square metres and 197.84 square metres). Planning staff are of the opinion that the commercial floor area proposed is insufficient. Planning staff received comments from the Aldershot BIA that stated that the development could be supported if the existing commercial floor area is maintained or enhanced. Further, public comments received acknowledge the need for large scale commercial use such as a grocery store and the importance of the existing restaurant (Squires Pub). It is the opinion of planning staff that the proposal does not provide for an appropriate range and mix of land uses. Further, the residential units being provided are

only 1- and 2-bedroom units which does not provide for an adequate range of housing options as no 3- or more bedroom units are proposed.

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. Planning staff is of the opinion that the land uses and built forms set out by Council adopted Official Plan No. 2 (OPA 2) were developed through a comprehensive planning exercise and provide for the appropriate type and scale of development for this site to support the achievement of complete communities and a compact built form. Staff is of the opinion that the proposed development exceeds the appropriate intensity and scale for this property and does not provide the appropriate transition to adjacent areas. The applicant's Urban Design Brief contains a figure showing the heights of the proposed development and existing buildings in this area. The buildings located along Plains Road are indicated as ranging between 6-12 storeys in height, whereas buildings 29-33 storeys in height are located north of Plains Road along Cooke Boulevard and closer to the Aldershot GO station. This reflects the height distribution in the Aldershot GO MTSA, as set out by OPA 2, as taller buildings are directed to be located closer to the Aldershot GO station and the height decreases towards the periphery of the MTSA where this property is located. It should be noted that 141-153 Plains Road West (immediately west of the subject property) was approved at the December 10, 2024 Council meeting for 12-storeys in height. This is consistent with the mid-rise built form that is planned along this stretch of Plains Road. Overall, planning staff are of the opinion that the scale and transition of the built form is not appropriate.

In accordance with Section 2.4.2 3., planning authorities are encouraged to promote development and intensification within MTSA's, 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 MTSA's 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 proposal does promote a multi-modal transportation split by connecting the development with bicycle paths, walking infrastructure, and local transit. Transportation Planning have provided comments that the vehicular and bicycle parking supply is adequate.

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 existing 2-storey mixed use building with commercial at-grade and 4 residential units on the 2<sup>nd</sup> storey to a 25-storey mixed use building with 475 square metres of non-residential use and 240 residential units. The applicant provided a checklist of the Sustainable Building Design Guidelines and identified that every item will be addressed at Site Plan. Planning staff would recommend a revised checklist of the Sustainable Building Design Guidelines to show how these guidelines will be implemented at each stage within the development process.

In accordance with the public spaces, recreation, parks, trails and open space policies under Section 3.9 1., the plan describes 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 indoor and outdoor amenity space at an amenity rate of 16.6 square metres per unit. The City's Zoning By-law requires efficiency units to provide 15 square metres per unit, 1-bedrooms to provide 20 square metres per unit, and 2-bedrooms to provide 35 square metres per unit. This would result in a total amenity area of 5,970 square metres whereas 4,000 square metres is proposed. Planning Staff have considered that Hidden Valley Park is located 750 metres north of the site along Howard Road. Planning staff are satisfied with the 16.6 square metre per unit of amenity area. Planning staff also note that the amenity area could be increased through the reduction in entrances into the property from three entrances to one entrance allowing

additional space for at-grade outdoor amenity area and vegetation. Further, the revisions to the submitted Land Use Compatibility Study & Air Quality Study prepared by SONAIR Environmental Inc. dated May 2, 2025 and Noise & Vibration Impact Study prepared by dBA Acoustical Consultants dated January 2025 should ensure that mitigation measures are implemented to the amenity areas to ensure quality amenity areas are provided.

Further, the proposal includes a reduction in landscape area and the removal of two municipal trees. The applicant is proposing a 0 metre landscape area along Plains Road West and Howard Road. The submitted Landscape Plan prepared by MHBC Planning dated November 2024 also shows a lot of hardscaping at-grade. Planning staff would recommend that the applicant consider incorporating additional space for landscaping into the plan. This would be achieved through matching the existing streetwall created by the adjacent property at 141-153 Plains Road West. The adjacent property has a setback of 2.9 metres from Plains Road West and includes landscape planters and public street trees to be added along Plains Road West. Planning staff would recommend that the building be setback 2.9 metres from Plains Road West which could be achieved through reducing the accesses from Howard Road proposed from two to one.

In accordance with Section 3.5 Land Use Compatibility of the Provincial Planning Statement (PPS), 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 odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The applicant submitted a Land Use Compatibility Study & Air Quality Study prepared by SONAIR Environmental Inc. dated May 2, 2025 and a Noise & Vibration Impact Study prepared by dBA Acoustical Consultants dated January 2025. These submitted studies have been peer reviewed by R.J. Burnside & Associates Limited who disagree with three of the facilities classifications:

- St. Marys CBM was identified as a Class II facility by the applicant's consultants; however, based on the nature and size of the facility, the City's peer review consultant is of the opinion that it should be classified as a Class III facility.
- Agro Wholesale Produce Ltd. was identified as Class I facility by the applicant's consultants; however, based on the scale and potential off-property noise at the facility, the City's peer review consultant is of the opinion that it should be classified as a Class II facility.
- Mission Produce Inc. was identified as a Class I facility by the applicant's consultants; however, based on scale and potential off-property noise, the City's peer review consultant is of the opinion that it should be classified as a Class II facility.

Further, the development site is within 1,000 metres of the Aldershot Yard which is typically considered as a Class III facility and should be assessed. Mission Produce Inc. and King Paving (which was appropriately classified as a Class III facility) were not included in the noise study and justification should be provided as to why these facilities were not included in the assessment.

For a Class 1 use to residential uses the area of influence is 70 metres and the minimum separation distance is 20 metres. For a Class 2 use to residential uses the area of influence is 300 metres and the minimum separation distance is 70 metres. For a Class 3 use to residential uses the area of influence is 1,000 metres and the minimum separation distance is 300 metres.

Overall, based upon the submitted materials and the City's peer review, planning staff are of the opinion that land use compatibility between the proposed residential use and the existing industrial uses has not been appropriately assessed or demonstrated. As such, planning staff is of the opinion that the proposed development is not consistent with the policy framework relating to land use compatibility.

As per the analysis provided, planning staff is of the opinion the proposed Official Plan Amendment and Zoning By-law Amendment are not consistent with the PPS.

## **2.0 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 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 so 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. Burlington Hydro has provided comments and has provided that the hydro distribution system that has very limited capacity to support this development and requested a

detailed loading estimate for the development to determine capacity availability in the area as well as transformer sizing.

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 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. Staff is of the opinion that the proposed development does not provide for contextually appropriate intensification and does not reflect the neighbourhood character.

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. The proposed development consists of only 1- and 2-bedroom units. This does not support of mix of housing as there are no 3- or more bedroom units being proposed within the development. Further, the redevelopment includes a reduction in non-residential space from what is currently located on site. This does not support a mix of compatible uses. Further, Burlington Hydro provided comments that the hydro distribution system that has very limited capacity to support this development and requested a



detailed loading estimate for the development to determine capacity availability in the area as well as transformer sizing.

In accordance with Section 86, 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 for a 25-storey mixed use building with 240 residential units and 475 square metres of non-residential space at grade on a property with an existing 2-storey building with ground floor commercial and 4 residential units on the 2<sup>nd</sup> storey. Planning staff are of the opinion that the proposed development does not provide a built form that aligns with the planned built form vision for this area, as set out by Council adopted OPA 2.

In accordance with Section 86(19), Local Municipalities must use a rental housing vacancy rate of 3 per cent as the minimum threshold to permit the conversion of existing rental housing to ownership tenure or other uses or the demolition of such housing. The City of Burlington does not meet the minimum threshold to permit the conversion of existing rental housing. The existing site includes 4 purpose built rental units on the 2<sup>nd</sup> storey of the building. Planning staff requested a Tenant Relocation and Assistance Plan to appropriately address the replacement of the rental units. The applicant did not submit a Tenant Relocation and Assistance Plan and has not addressed the replacement of the rental units which does not meet this policy of the ROP.

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. The applicant submitted a Functional Servicing Report prepared by S. Llewellyn & Associates Limited dated January 2025 that was reviewed by the City's Development Engineering staff and Halton Region staff. Both the Development Engineering staff and Halton Region staff require revisions to the Functional Servicing Report before the report can be accepted and relied upon.

Section 143(12) of the ROP requires the proponent of sensitive land uses in proximity to industrial, transportation and utility sources of noise, vibration, odour and air pollutants to complete appropriate studies and undertake necessary mitigating actions in accordance with the Region's Land Use Compatibility Guidelines, Air Quality Impact Assessment Guidelines, and any applicable Ministry of the Environment guidelines. As previously mentioned, the applicant submitted a Land Use Compatibility Study & Air Quality Study prepared by SONAIR Environmental Inc. dated May 2, 2025 and a Noise & Vibration Impact Study prepared by dBA Acoustical Consultants dated January 2025. Several items in the submitted studies are required to be addressed in order to demonstrate whether or

not the proposed development can achieve compatibility with the existing surrounding industrial land uses.

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 submitted an Environmental Site Screening Report dated October 31, 2024, Phase One ESA prepared by Soil-Mat dated May 2, 2024, and Phase Two ESA prepared by Soil-Mat dated September 3, 2024. The Phase Two ESA concluded that no further intrusive soil sample is required at this time. However, a Record of Site Condition will be required.

As per the analysis provided, planning staff is of the opinion the proposed Official Plan Amendment and Zoning By-law amendment do not conform to the ROP.

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

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

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

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

Part II, Section 6 of the OP contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. As discussed in greater detail in subsequent sections of this analysis, staff have reviewed the subject applications in accordance with the applicable design guidelines and policies and are of the opinion that the proposed development does not conform with the design policies of the Official Plan.

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

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

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

The proposal is for a 25-storey building with a maximum Floor Area Ratio of 11.8:1. Planning staff are of the opinion that the built form does not reflect the existing mid- to low-rise character of the existing neighbourhood or provide a built form that aligns with the planned built form vision for this area, as set out by Council adopted OPA 2 which is addressed through the housing intensification criteria.

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

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

*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 and Development Engineering staff have indicated a revised Functional Servicing Report is required to address outstanding items.

Burlington Hydro provided comments that the hydro distribution system that has very limited capacity to support this development and requested a detailed loading estimate for the development to determine capacity availability in the area as well as transformer sizing.

The Halton District School Board staff and Halton Catholic District School Board have provided comments with no objections.

The property is located approximately 750 metres from Hidden Valley Park.

Based on the outstanding items to be addressed in the Functional Servicing Report, staff are not satisfied that this criterion has been met.

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

*Staff comment:* The applicant is proposing a parking rate of 0.67 parking spaces per unit. Transportation Planning staff have indicated that they can support the reduced number of parking space based on the City's and Province's initiatives to remove minimum parking requirements. Specifically, a new City-initiated amendment to the Zoning By-law was introduced, which includes removal of the minimum vehicle parking requirements for

residential uses in new developments on Plains Road. Further, 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. As a result, planning staff are of the opinion that the proposed parking rates are appropriate for the proposed development.

Staff is satisfied that this criterion has been met.

*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. However, the orientation of ingress and egress into the site is not supported by Transportation Planning staff as three points of access are proposed. Transportation staff have reviewed the proposal and are not supportive of maintaining the existing two accesses as well as the additional third access. Transportation staff are only supportive of one access into the property from Howard Road for the new building. Transportation staff would recommend that the singular access be provided from Howard Road for the at-grade parking, underground parking structure, and waste/service vehicles. The reduction of accesses into the site to one singular access from Howard Road will mitigate any safety concerns created by additional accesses. The development is located within an enhanced pedestrian realm, and a cycle track and future Burlington Rapid Transit Corridor is located along Plains Road West. Reducing accesses along Plains Road is intended to improve safety of vulnerable road users.

Staff are not satisfied that this criterion has been met.

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

*Staff comment:* The subject lands are located nearby existing transit route #1 which runs along Plains Road and provide access to the Burlington GO Station, Downtown Burlington Bus Terminal and Appleby GO Station. This service provides connections to other routes and other areas of the City and beyond. The subject lands are also located within 1.7 km of the Aldershot GO station which provides frequent transit service along the Lakeshore West GO rail line. Staff are satisfied that the proposed development is in proximity to existing transit facilities.

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

*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.

*Staff comment:* The applicants have proposed a 25-storey mixed use building with 240 residential units and 475 square metres of non-residential at-grade. The surrounding building heights along Plains Road range from 1-storey to 12-storeys. Taller buildings above 12-storeys are planned to be located closer to Aldershot GO Station along Cooke Boulevard. Further, the proposal does not meet the Tall Building Design Guidelines, Shadow Study Guidelines and Terms of Reference, or Wind Study Guidelines.

The proposed building height at 25-storeys is greater than double the height of the existing 12-storey buildings along Plains Road West in the Aldershot GO MTSA as well as the envisioned height for this area in OPA 2. The area is envisioned as having a mid-rise built form to provide an appropriate scale to the low- and mid-rise developments at the periphery of the MTSA and outside the MTSA. The proposed 25-storey height does not provide for an appropriate transition to the adjacent properties.

The applicant has proposed a 0-metre setback to Plains Road West. The property at 141-153 Plains Road West adjacent to this site has been approved for a 2.9 metre setback. Planning staff would recommend the same setback to the established building wall along Plains Road. The proposal does provide a 3-metre setback along Howard Road, however, no landscape area has been identified.

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

The proposed development provides indoor and outdoor amenity space at an amenity rate of 16.6 square metres per unit. The City's Zoning By-law requires efficiency units to provide 15 square metres per unit, 1-bedrooms to provide 20 square metres per unit, and 2-bedrooms to provide 35 square metres per unit. This would result in a total amenity area of 5,970 square metres whereas 4,000 square metres is proposed. Planning Staff have considered that Hidden Valley Park is located 750 metres north of the site along Howard Road. Planning staff are satisfied with the 16.6 square metre per unit of amenity area. Planning staff also note that the amenity area could be increased through the reduction in entrances into the property from three entrances to one entrance allowing additional space for at-grade outdoor amenity area and vegetation. Further, the revisions to the submitted Land Use Compatibility Study & Air Quality Study prepared by SONAIR Environmental Inc. dated May 2, 2025 and Noise & Vibration Impact Study prepared by dBA Acoustical Consultants dated January 2025 should ensure that mitigation measures are implemented to the amenity areas to ensure quality amenity areas are provided.

*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 prepared by Kuntz Forestry Consulting Inc. dated October 23, 2024, a Tree Inventory & Tree Preservation Plan prepared by Kuntz Forestry Consulting Inc. dated October 23, 2024 and a Landscape Plan prepared by MHBC dated

November 2024. The City's Urban Forestry and Landscaping staff reviewed the submitted materials and indicated that they have concerns with the application for the Official Plan Amendment and Zoning By-law Amendment. Alternative designs to streetscape along Plains Road West are requested to preserve tree 549 and tree 553 which are City of Burlington trees. Further, the submitted Arborist Report outlines that the date of the tree inventory data is March 1, 2024 which exceeds the 365-day limit of tree inventory data. An update to the tree inventory on site is required.

Staff are not satisfied that this criterion has been met.

*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). The applicant submitted an Urban Design Brief prepared by MHBC dated November 2024 and a Shadow Study prepared by Chamberlain Architect Services Limited dated April 2024. Staff are not satisfied with the submitted shadow analysis as further information is required.

Staff are not satisfied that this criterion has been met.

*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 are 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 have received comments from the Aldershot BIA and the public about maintaining the existing restaurant use (Squires Pub) on site as well as maintaining the existing amount of commercial floor area. Further, planning staff are not satisfied with the 475 square metres of non-residential space split between two units and would recommend an increase in commercial floor area.

Staff are not satisfied that this criterion has been met.

*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 applicant submitted a Land Use Compatibility Study & Air Quality Study prepared by SONAIR Environmental Inc. dated May 2, 2025 and a Noise & Vibration Impact Study prepared by dBA Acoustical Consultants dated January 2025. Several items in the submitted studies are required to be addressed to confirm that the proposed development can achieve compatibility with the existing industrial land uses in the area. Further, the applicant did not submit a wind study to address any pedestrian level impacts from the proposed development.

The applicant has also proposed limited landscaping and have proposed a 0-metre landscape area along Plains Road West and Howard Road. Staff would recommend an increase in vegetation on the site.

Staff are not satisfied that this criterion has been met.

*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:* The properties to the north and west are identified as being in the “Mid-Rise Residential” Precinct of the Aldershot GO Area Specific Plan, which contemplates building heights of 6 to 11 storeys. The applicants are proposing a 25-storey building which does not match the planned vision for the area. The existing buildings along Plains Road are 1-storey to 12-storeys in height. The proposed 25-storey building would be 13-storeys taller than the existing buildings in the area. Further, the proposal does not meet the Tall Building Design Guidelines, Shadow Study Guidelines and Terms of Reference, Wind Study Guidelines, or the Sustainable Building Design Guidelines. Failure to meet the criteria of these guidelines could have future implications on adjacent properties.

Staff are not satisfied that this criterion has been met.

*Part III, Section 2.5.2 a) (xi)* natural and cultural heritage features and areas of natural hazard are protected.

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

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

*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).

*Staff comment:* Part II 2.11.3 (g) is not applicable to the proposal as the development is not adjacent to a floodplain or valley. Part II, subsection 2.11.3 m) applies to the lands due to their location in the South Aldershot Planning Area. The applicant’s Functional

Servicing Report is required to be revised as directed by comments received from Development Engineering and Halton Region staff.

Staff are not satisfied that this criterion has been met.

*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 subject lands are located on Plains Road which is a Multi-Purpose Arterial as per Schedule J – Classification of Transportation Facilities. However, the built form, scale, and profile of development is not considered to be well integrated with the existing neighbourhood or transition between existing and proposed residential buildings. The proposed development is for a 25-storey building whereas the maximum heights along Plains Road are 12-storeys. Further, the property is located within a mid-rise area at the periphery of the Aldershot GO MTSA.

Staff are not satisfied that this criterion has been met.

Overall, planning staff are of the opinion that the criteria for residential intensification have not been met.

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

In accordance with Section 3.5 Land Use Compatibility of the Provincial Planning Statement (PPS), 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 odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The applicant submitted a Land Use Compatibility Study & Air Quality Study prepared by SONAIR Environmental Inc. dated May 2, 2025 and a Noise & Vibration Impact Study prepared by dBA Acoustical Consultants dated January 2025. These submitted studies have been peer reviewed by R.J. Burnside & Associates Limited who disagree with three of the facilities classifications:

- St. Marys CBM was identified as a Class II facility by the applicant's consultants; however, based on the nature and size of the facility, the City's peer review consultant is of the opinion that it should be classified as a Class III facility.
- Agro Wholesale Produce Ltd. was identified as Class I facility by the applicant's consultants; however, based on the scale and potential off-property noise at the facility, the City's peer review consultant is of the opinion that it should be classified as a Class II facility.



- Mission Produce Inc. was identified as a Class I facility by the applicant's consultants; however, based on scale and potential off-property noise, the City's peer review consultant is of the opinion that it should be classified as a Class II facility.

Further, the development site is within 1,000 metres of the Aldershot Yard which is typically considered as a Class III facility and should be assessed. Mission Produce Inc. and King Paving (which was appropriately classified as a Class III facility) were not included in the noise study and justification should be provided as to why these facilities were not included in the assessment.

For a Class 1 use to residential uses the area of influence is 70 metres and the minimum separation distance is 20 metres. For a Class 2 use to residential uses the area of influence is 300 metres and the minimum separation distance is 70 metres. For a Class 3 use to residential uses the area of influence is 1,000 metres and the minimum separation distance is 300 metres.

Overall, based upon the submitted materials and the City's peer review, planning staff are of the opinion that land use compatibility between the proposed residential use and the existing industrial uses has not been appropriately assessed or demonstrated. As such, planning staff is of the opinion that the proposed development is not consistent with the policy framework relating to land use compatibility.

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

On Nov. 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020. For the list of the appeals filed with the Ontario Land Tribunal (OLT), see the Dec. 23, 2020, update under "Burlington Official Plan, 2020 appeals process".

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

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

The interim working version of the Burlington Official Plan, 2020 is provided for information only. For legal purposes, reference the original certified documents on file

with the City Clerk, including the April 26, 2018, City of Burlington adopting bylaw and the Nov. 30, 2020 Halton Region Notice of Decision.

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

#### **4.1 Urban Structure and Growth Framework**

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

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

#### **4.2 Urban Corridor (Chapter 8, Subsection 8.1)**

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

The proposed development does provide non-residential uses at grade along Plains Road West; however, the proposal only provides for 475 square metres of non-residential space split between 2 units. Planning staff are of the opinion that the commercial floor area proposed is insufficient. The Aldershot BIA has provided comments for maintaining or increasing the existing non-residential space. Planning staff would recommend that additional area for non-residential space be considered to allow for larger non-residential spaces to be available.

The proposed development exceeds the maximum Floor Area Ratio and building height of the Urban Corridor designation. As discussed elsewhere in this analysis, the proposed Official Plan Amendment to increase maximum Floor Area Ratio and building height is not supported by staff as it does not align with the Council adopted planned vision of the Area-Specific Planning for the MTSA.

#### **4.3 MTSA Policies (Chapter 8, Subsection 8.1.2)**

The subject property is located within the Aldershot GO Major Transit Station Area (MTSA) as identified by the Schedule B-2 of the Official Plan. Section 8.1.2 indicates that the City will complete Area-Specific Plans (ASPs) for MTSA's, which were completed and adopted by City Council in June of 2024 through Official Plan Amendment No.2 (OPA 2). The MTSA typology identifies Aldershot GO as an MTSA located along a higher-order transit route with planned frequent transit service. The typology anticipates that Aldershot GO and other MTSA's will accommodate the majority of growth over the planning horizon of the new OP.

The proposed development does not align with the planned land use and built form vision for these lands as identified through OPA 2. Further, planning staff would recommend that the applicant consider a greater mix of uses by providing for larger non-residential units.

#### **4.4 Design Policies (Chapter 7, Section 7.3.2 (1))**

The Design policies in Chapter 7 include requirements for design of development within Primary Growth Areas. Further discussion of the design of the proposed development is contained in the Tall Building Guidelines section below.

### **5.0 Tall Building Guidelines (2019)**

The City of Burlington Tall Building Guidelines are applicable across the City wherever tall buildings are permitted, and for the purposes of the guidelines, include any buildings over 11-storeys in height. The Guidelines are broken down by the main components of a tall building, being the Building Base (Podium), Building Middle (Tower) and Building Top. Staff has completed a review of the proposed mixed use building in this context.

#### **2.1 Podium Location**

- a) The podium shall be located to frame the street. On corner lots, the podium shall be located to frame both streets.*
- b) On retail streets (i.e. Brant Street), and other streets where a strong streetwall exists, the location of the podium should reinforce the established streetwall.*
- c) Where no streetwall has been established setbacks should create a 6.0 metre boulevard width to accommodate pedestrians, street trees and landscaping, and active at-grade uses*

The subject lands are located at the corner of Plains Road West and Howard Road, the proposed podium fronts onto both these streets. The property at 141-153 Plains Road

West has established a streetwall through an approved building. The podium height is 5-storeys at a setback of 2.9 metres from the front yard. The proposed building at 127 Plains Road West in the current application proposes a 5-storey podium at a setback of 0 metres from the front yard. Planning staff would recommend that the applicant continue the 2.9 metre setback in the front yard to match the established street wall as well as accommodate space for landscaping along Plains Road West.

The proposed development contemplates a 1.5 metre stepback above the 5<sup>th</sup> storey along Plains Road. Although this aligns with the neighbouring property at 141-153 Plains Road West which was approved with a 1.5 metre stepback, Planning staff are still of the opinion that the base of the building should be setback 2.9 metres from the front yard.

The podium along Howard Road is setback 3 metres from the street yard, however, no stepback has been provided. As per 2.1 a), on corner lots the podium shall be located to frame both streets. Planning staff would recommend that the podium stepback of 1.5 metres above the 5<sup>th</sup> storey be implemented on Howard Road.

- e) Where windows are proposed within the podium, an 11 metre separation distance shall be provided between adjacent buildings. Where no adjacent buildings exist, a 5.5 metre setback is appropriate. Where a continuous streetwall is desirable, no side-yard setbacks are necessary. Continuous streetwalls are generally desirable, except where special site or block conditions require breaks to access mid-block connections, public courtyards, or other open spaces.*

The proposed development has an approximately 14 metre setback from the west side yard and an approximately 17 metre setback from the north side yard. This provides for a tower separation of greater than 11 metres.

## **2.2 Podium Height and Massing**

- a) The height of the podium, and the tower stepbacks above, should generally reflect the established and planned streetwall subject to the guidelines below. Small variations are encouraged to create a varied streetscape.*
- b) Where no established streetwall exists, the minimum height of the podium should be 10.5 metres.*
- c) The maximum height of the podium should be 80% of the adjacent right-of-way width, up to a max of 20 metres.*
- d) The floor-to-ceiling height of the ground floor should be a minimum of 4.5 metres to accommodate internal servicing and loading, and active commercial uses (where permitted).*

As previously stated, the proposed podium height is 5-storeys which aligns with the property at 141-153 Plains Road West which is the adjacent property that has an

approved development. However, the location of the podium should be redesigned to match the established streetwall setback of 2.9 metres from the front yard.

The proposed floor-to-ceiling height of the ground floor is 5.5 metres which exceeds the minimum height of 4.5 metres.

### **2.3 Shadows/Sky View**

- a) Height and massing of buildings should ensure adequate access to sunlight in surrounding areas in compliance with the Shadow Study Guidelines and Terms of Reference*

The proposed development was reviewed against the Shadow Study Guidelines and Terms of Reference and additional information is required to ensure that there are no negative impacts.

### **2.4 Podium Design and Articulation**

- a) All sides of the podium should be constructed with the highest quality of architectural design and materials*
- b) Materials shall reflect their intended use, and should not mimic other materials (i.e. stucco made to look like stone). They should complement the established character of the street where appropriate.*
- c) The use of 'heavy' materials (i.e. brick, stone, or metal) should be used within the podium to anchor the building.*
- d) Portions of the podium roof that are not occupied by a tower should be used as outdoor amenity space to provide casual surveillance*
- e) Large podiums shall be visually broken into smaller components. Mixed-use podiums shall reflect multiple retail units, while residential buildings shall provide individual entrances for ground floor units.*
- f) Main building entrances shall be clearly demarcated, and should be a focal point of the building design. Where applicable, main building entrances should be located at the corner of an intersection and/or in close proximity to transit stops.*
- g) Architectural elements and expressions, including entrances, windows, canopies, steps, and recesses and projections, should highlight individual units and reinforce a variety of scales and textures within the podium.*
- h) On corner lots, articulation of the podium should acknowledge its important location through corner entrances, chamfering (and associated public space), and/or other architectural features.*

- j) Mixed-use buildings with retail at grade should incorporate vestibules, frequent building entrances, canopies and structural overhangs to provide weather protection for the length of the street.*
- k) Weather protective design should be provided at grade and at the podium level through canopies, arcades and cantilevers. Canopies located on the ground floor should be at least 1.5 metres deep. Weather-protection elements may encroach in building setbacks and should not encroach into the public right-of-way.*
- l) Weather protective design should be provided at grade and at the podium level through canopies, arcades and cantilevers. Canopies located on the ground floor should be at least 1.5 metres deep. Weather-protection elements may encroach in building setbacks and should not encroach into the public right-of-way*
- m) Projecting balconies should not be provided in podiums. Inset and/or Juliette balconies are appropriate within the podium*

Above the podium, the applicant has provided outdoor amenity space fronting Plains Road West. Additional outdoor amenity area should be provided and informed by a Land Use Compatibility Study to satisfy 2.4 d).

The entrances to the residential component and commercial units are located along Plains Road West. Planning staff would recommend that the residential entrance be relocated to not separate the commercial building frontage along Plains Road West.

Planning staff would also recommend articulation of the podium to acknowledge its important location through corner entrances and chamfering and/or other architectural features. The current design only removes a notch out of the corner of the building to account for the daylight triangle.

## **2.5 Site Design, Open Space and Streetscaping**

- a) Parking, servicing and loading shall be accommodated internally within the building podium and screened from the street.*
- b) Access to parking, servicing and loading shall be provided from the rear of the building, or a laneway where possible. On corner sites, access may be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.*
- c) Publicly-accessible privately owned open space, including courtyards, plazas, and parkettes should be encouraged where appropriate within tall building sites through applicable planning tools*
- d) Publicly-accessible privately owned open spaces shall be designed and located to encourage public use, provide connections to the broader open space network, and/or highlight important site characteristics (i.e. plazas at corner sites)*

- e) *Publicly-accessible privately owned open spaces should be used to provide mid-block pedestrian connections through the site and create short block lengths (80-120 metres).*
- f) *Public art should be encouraged within tall building sites where appropriate (i.e. on corner sites, sites with publicly-accessible private open spaces, etc.) through applicable planning tools (i.e. Section 37 of the Planning Act). The selection and location of public art should reinforce the objectives of the City's Public Art Master Plan*

Parking on-site is provided at-grade towards the northern portion of the property and the remainder of the parking is located in 3 levels of underground parking. Access to the parking is provided through 3 entrances into the property. Transportation staff have reviewed the proposal and are not supportive of maintaining the existing two accesses as well as the additional third access. Transportation staff are only supportive of one access into the property from Howard Road for the new building. Transportation staff would recommend that the singular access be provided from Howard Road for the at-grade parking, underground parking structure, and waste/service vehicles. The reduction of accesses into the site to one singular access from Howard Road will mitigate any safety concerns created by additional accesses. The development is located within an enhanced pedestrian realm, and a cycle track and future Burlington Rapid Transit Corridor is located along Plains Road West. Reducing accesses along Plains Road is intended to improve safety of vulnerable road users.

## **Middle Tower**

### **3.1 Tower Location**

- b) *A minimum separation distance of 25 metres should be provided between towers to maximize privacy and sky views, and to minimize the cumulative shadow and pedestrian level wind impacts of multiple tall buildings. Balconies may be provided within this separation distance provided they do not excessively contribute to a building's massing.*
- c) *Where no towers currently exist, proposed towers should be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).*
- d) *The tower should be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure usable outdoor amenity space (i.e. patios).*
- e) *For design flexibility, a portion of the tower (i.e. up to 20%) may extend to the edge of the podium without a setback provided it can be demonstrated that there are no adverse wind and shadow impacts.*

The tower is proposed to be setback approximately 24 metres from the west side yard and 17 metres from the north yard. The approved development to the west at 141-153 Plains Road West has an east yard setback of 10.4 metres which achieves the 25 metre separation distance. Although no tower is located adjacent to the north yard lot line, planning staff have no concerns with the proposed 17 metre setback as it is greater than 12.5 metres.

The tower is only proposed to be stepped back by 1.5 metres from the building wall fronting Plains Road West and approximately 10 metres from the west yard. No stepback is proposed along the east and north yards. It is recommended that a stepback be implemented along Howard Road.

As previously mentioned, no wind study was provided, and the shadow study is required to be revised to address outstanding matters.

### **3.2 Tower Height and Massing**

- a) The height of the tower, and its location on the building base, shall provide a gradual and appropriate transition in height to help mitigate potential impacts on the adjacent established or planned context. Where multiple towers exist on a site, this transition shall be reflected across the entire site.*
- b) The tower portion of a tall building should be slender and should not exceed 750 square metres excluding balconies.*
- c) The massing of the tower, and its relationship to the building base, shall not result in adverse wind effects at the street level.*

The proposed tower height is 25-storeys which is not considered to be gradual or an appropriate transition in height. The adjacent approved and existing buildings are 12-storeys to the west and south and low rise to the north and east.

The tower is considered to be slender and does not exceed 750 square metres at 712 square metres. However, no wind study was submitted and Planning staff are unable to assess if there could be potential adverse wind effects at the street level.

### **3.2 Shadow/Sky Views**

- a) The design and placement of the tower shall be carefully considered to minimize the size of shadows on the opposite streetscape.*
- b) The design, height, and placement of the tower shall be compatible with adjacent established residential neighbourhoods, parks, open spaces, or natural areas; or those stated in the Shadow and Pedestrian Level Wind Study Guidelines and Terms of References.*
- c) The widest edge of the tower should generally be oriented to minimize the impacts of shadows.*



- d) A shadow study shall be provided with tall building applications in compliance with the Shadow Study Guidelines and Terms of Reference.*

As previously discussed, the submitted Shadow Study does not provide adequate information to appropriately assess the shadow impacts.

### **3.4 Tower Design and Articulation**

- a) A variety of techniques shall be used to articulate the tower, both vertically and horizontally, to create visual interest and encourage unique designs.*
- e) Balconies are encouraged within the tower to provide amenity space and additional articulation. They may be inset or extruding but should be a minimum of 1.5 metres to provide usable outdoor amenity space.*

The proposed building includes balconies within the tower portion. The balconies extend to approximately 1.5m into the north and south yards. The balconies on the east and west sides are inset. Staff would recommend that the balconies not protrude into the tower stepback.

### **4.1 Rooftop Design and Articulation**

- d) Where possible, outdoor amenity space should be included within the top of the building, including balconies and patios, terraces, rooftop gardens, pools, etc.*

### **4.2 Mechanical Penthouse**

- a) Rooftop mechanical equipment shall be sized and located and screened from view, in order to protect or enhance views from other buildings and the public realm.*
- b) Where possible, rooftop mechanical equipment should be wrapped by residential units, or other occupiable space (i.e. amenity areas).*
- c) Rooftop mechanical equipment should be limited to no more than 50% of the area of the uppermost floor, and stepbacks on all sides should be no less than 3 metres from the edge of the floor below to ensure they are screened from view.*

The mechanical penthouse is screened from Plains Road West by indoor amenity area and setback from Howard Road using outdoor amenity area. The mechanical penthouse is not setback 3 metres from the edge of the floor below along the west and north of the building. Staff would recommend that the mechanical penthouse incorporate the 3 metre setback from the edge of the floor below on all sides.

As per the analysis provided, staff is of the opinion the proposed development proposal does not meet the objectives of the Tall Building Guidelines.

## **6.0 Sustainable Building Guidelines**

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the

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

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

The applicant has not addressed this guideline through the submitted checklist and is proposing a 0 metre landscape area along Plains Road West and Howard Road. Further, the outdoor amenity area towards the northwest corner of the property proposes limited green space. Staff would recommend an increase in vegetation along Plains Road West, Howard Road, and in the at-grade outdoor amenity area.

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

In accordance with Guideline 2.3, development proposals require bicycle parking spaces in accordance with the Zoning Bylaw and Official Plan Policies in order to reduce greenhouse gas emissions, reduce traffic congestion and improves health as well as convenient bicycle parking to encourage the use of active transportation. Similarly, Guideline 2.5 and 2.6 encourages development proposals to locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant/employee. The applicants have provided indoor and outdoor bicycle parking and Transportation Staff are satisfied with the number of bicycle parking spaces.

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

In accordance with Guideline 3.8 encourages to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH. Additionally, tree preservation requirements are determined by Official Plan urban forestry policies. Preserving trees provides numerous benefits and services, including the reduction of air pollution, water attenuation, moderation of the urban heat island effect, carbon sequestration, shade, habitat for urban adapted wildlife, neighbourhood character and mental health benefits. Urban Forestry and Landscaping Staff have reviewed the proposal and are not supportive of the application as further consideration needs to be provided for two municipal trees that are impacted by the development. Further, the Tree Inventory and Preservation Plan is required to be updated.

In accordance with the Water Conservation and Quality guidelines in Section 4, the applicant should achieve enhanced stormwater treatment for all stormwater runoff. Development Engineering and Halton Region have reviewed the Functional Servicing & Stormwater Management Report prepared by S. Llewellyn & Associates Limited dated January 2025 and have stated revision are required.

In accordance with guideline 5.1, development proposals require vegetated landscape areas in hard surface areas as per the Zoning By-law. Vegetation can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. As previously stated, planning staff would recommend additional vegetation be provided on the subject property.

In accordance with Guideline 6.1 development proposals are required to provide and implement a waste management plan in accordance with Regional requirements. Recycling and composting treats waste as a resource and reduces the need for landfill expansion. The Region has identified additional items to be confirmed.

Staff is of the opinion the proposed development proposal does not comply with the required Sustainable and Design Guidelines. Staff have considered that the applicant has identified that the Sustainable Building and Development Guidelines will be addressed at

Site Plan, however, the applicant has proposed a largely hardscaped site with few opportunities for vegetation and trees. This issue should be addressed at the Official Plan Amendment and Zoning By-law Amendment stage to ensure that space is available on-site for vegetation and that the site isn't being overdeveloped.

### **7.0 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 LaSalle District which is defined as the portion of the Plains Road corridor between Daryl Drive and Cooke Boulevard. The pedestrian environment in the Howard Road area should be improved with lighting and a clearly delineated crossing to better connect the new residential developments on the south side of Plains Road and the specialty retail area on the north side.

The proposed development includes 475 square metres of non-residential use split between two units fronting onto Plains Road West. Planning staff are of the opinion that the commercial floor area proposed is insufficient. The property along Howard Road does not provide for any pedestrian entrances into the building and has two vehicle accesses. Planning staff would recommend a more active street frontage along Howard Road. Further, additional vegetation should be contemplated through a landscape area. Overall, Planning staff are of the opinion that the proposal does not meet the objectives and intent of the Plains Road Design Guidelines (2006).

### **8.0 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 consists of a 25-storey mid-rise building, the applicant was required to submit a 'Wind Tunnel Test'.

The applicant did not submit a wind study; therefore, planning staff are unable to determine if the proposal maintains the purpose and intent of the Pedestrian Level Wind Study Guidelines and Terms of Reference.

### **9.0 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.

The applicant submitted an Urban Design Brief prepared by MHBC dated November 2024 and a Shadow Study prepared by Chamberlain Architect Services Limited dated April 2024, which were reviewed against the Shadow Study Guidelines and Terms of Reference (2020). The guidelines consider shadowing on Key Civic and Cultural Spaces, Private Outdoor Amenity Spaces, Parks and Open Spaces, Places Where Children Play, and Public Realm and Sidewalks. The impact of shadowing on these spaces are reviewed below:

- Key Civic and Cultural Spaces: There are no Key Civic and Cultural Spaces impacted by the proposed development in the surrounding area, and therefore, not applicable.
- Private Outdoor Amenity Spaces: These spaces include rear yards, decks, and (rooftop) patios. As per the guidelines, shadows from proposed developments should not exceed 2 hours in duration, between 9:00 and 18:00 on March 21st. As per the Shadow Study prepared by Chamberlain Architect Services Limited dated April 2024 it appears that shadowing will occur on the subject property's proposed outdoor amenity area as well as neighbouring outdoor amenity area to the east. However, the Urban Design Brief prepared by MHBC dated November 2024 states no new shadows fall on amenity spaces and the Sun Access Factor was not calculated. Revisions are required.
- Parks and Open Spaces: These are lands designated or used for Parks and Open Spaces and must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during March 21 (09:00 to 18:00), September 21st (09:00 to 18:00), and December 21st (11:00 to 15:00). Hidden Valley Park is in the vicinity of the proposed development. As per the drawings provided, the shadow reaches Hidden Valley Park at 8 a.m. on December 21st. The Sun Access Factor was not provided by the applicant and a revised Shadow Study should include this calculation.
- Places Where Children Play: These are School yards, playgrounds, and park features such as wading pools or other outdoor features. Shadows cast by all existing buildings and proposed developments must allow for either a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during March 21<sup>st</sup> (9:00 to 18:00), September 21<sup>st</sup> (9:00 to 18:00), and December 21<sup>st</sup> (11:00 to 15:00). Aldershot School is within the vicinity of the subject property. It appears

that a shadow is cast March 21<sup>st</sup> from 17:00 to 18:00 and September 21<sup>st</sup> from 17:00 to 18:00. The Sun Access Factor was not provided by the applicant and a revised Shadow Study should include this calculation.

- Public Realm and Sidewalks: Shadows cast onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times between 9:00 and 18:00 on March 21<sup>st</sup>. On March 21<sup>st</sup>, the Shadow Study prepared by Chamberlain Architect Services Limited dated April 2024 shows shadowing on the boulevard and sidewalk on the opposite side of the adjacent right-of-way from 11:00 to 18:00. Planning staff are considering both Howard Road and Plains Road West. The Sun Access Factor was only calculated for Howard Road, however, the information behind the calculation was not provided. A revised Shadow Study should include the calculation for both roads and show the steps of the calculation.

Planning staff is of the opinion that the proposed development does not meet the Shadow Study Guidelines and Terms of Reference (2020) due to missing information.

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

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

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

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

### **10.1 Mid-Rise Residential Precinct**

The subject properties are identified as being in the “Mid-Rise Residential” Precinct which will include a variety of low-rise and mid-rise building format at the eastern and western boundary of the Aldershot GO MTSA. This precinct is planned to support access to housing as well as retail, commercial and employment opportunities in close proximity to

the Aldershot GO Transit Station and allow for transitions to existing neighbourhoods beyond the MTSA boundary.

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

Staff have reviewed the subject applications with consideration for the vision and objectives of the Area Specific Plan. The proposed development does not align with the vision for the Mid-Rise Residential Precinct and is not consistent with the land uses and built form intended for this precinct.

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

On June 18, 2024, City Council adopted Official Plan Amendment No. 2 (OPA 2) to the City of Burlington Official Plan, 2020 (BOP 2020) and approved, in principle, the May 2024 Community Planning Permit By-law. The subject property is within the Aldershot GO Major Transit Station Area (MTSA) and in the Mid-Rise Residential precinct.

This precinct is envisioned to include a variety of low-rise and mid-rise building forms at the eastern and western edges of the Aldershot GO MTSA. Further, the Mid-Rise Residential precinct should contain a minimum of two uses. The permitted uses include dwelling units above the first two storeys of a mixed use building. Any proposed development contain sensitive uses shall require a land use compatibility study to be prepared in accordance with a Terms of Reference approved by the City. The property is also located along two Activated Streets: Plains Road West and Howard Road. Along Plains Road West uses including retail and service commercial are required continuously at grade facing the street and Howard Road uses including retail, service commercial, institutional, day care centres, public service facility and office uses are encouraged at-grade.

The maximum height is 6-storeys (Class 1) and 11-storeys (Class 2). Heights greater than 11-storeys would require a Class 3 permit approved by Council. The May 2024 By-law requires the provision of services, facilities and matters commensurate with permissions for height, and sets out development standards to ensure that development delivers a variety of community amenities and transitions appropriately to existing low rise areas outside of the MTSA's.

### **12.0 Zoning By-law**

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

<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Building Height	6 storeys	25-storeys
Staff comments:		

As previously discussed, the proposed development does not provide appropriate massing, scale, and compatibility to the surrounding neighbourhood. The applicant is proposing a maximum building height of 25-storeys including the mechanical penthouse and outdoor amenity areas. The surrounding buildings and maximum height seen on Plains Road is 12-storeys. Taller buildings are located closer to the Aldershot GO Station which reflects the vision for the Aldershot GO MTSA. Further, no wind study was provided, and the shadow study requires revisions. A Land Use Compatibility Study was provided; however, further assessment is also required.

Staff are of the opinion that the proposed 25-storey building is not suitable for the site.

<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Floor Area Ratio (FAR)	1.5:1	11.8:1
<p>Staff comments:</p> <p>The applicant is proposing a FAR of 11.8:1 whereas the Zoning By-law requires a maximum FAR of 1.5:1. Staff are of the opinion that the proposed FAR is not compatible with the surrounding area as the proposed development does not provide appropriate massing and transition to the existing mid- and low-rise buildings found along Plains Road and Howard Road.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Yard abutting Plains Road west of the Queen Elizabeth Way	3.0 m	Floors 1-5: 0 m Floors 6-25: 1.5 m Underground Parking: 0.7 m
<p>Staff comments:</p> <p>The applicant is providing a 0 m setback from Plains Road West. Planning staff have considered the approved development adjacent to the site at 141-153 Plains Road West which provides a 2.9 metre setback. Planning staff have considered this to be the established streetwall. Planning staff would recommend that the applicant match the setback of 2.9 metres to be consistent.</p> <p>The 6-25 storeys are proposed at a setback of 1.5 metres which Planning staff would also recommend be increased to continue to provide a stepback while accommodating the 2.9 metre setback at the 1-5 storeys.</p> <p>The underground parking is proposed to be 0.7 metres setback from Plains Road. Planning staff are recommending a landscape area be implemented along Plains Road, therefore, the reduction in setback for the underground parking should be justified through ensuring that vegetation can be provided above. Overall, Planning Staff are not supportive of the current setbacks.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>



Yard abutting any other street	3 m; 4.5 m maximum	Underground Parking: 0.7 m Parking Ramp: 0 m
<p>Staff Comments:</p> <p>The underground parking is proposed to be 0.7 metres setback from Howard Road. Planning staff are recommending a landscape area be implemented along Howard Road, therefore, the reduction in setback for the underground parking should be justified through ensuring that vegetation can be provided above. Overall, Planning Staff require more information about soil volumes to determine if the underground parking setback is appropriate.</p> <p>The parking ramp is proposed at a 0 m setback from Howard Road. Parking ramps should have appropriate screening. Further, Transportation Staff are not supportive of the 3 entrances into the property. In the redesign, staff would recommend that consideration to the location and appropriate screening of the parking ramp be contemplated.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Side Yard Setback	Underground Parking: 3 m	Underground Parking: 0.6 m
<p>Staff Comments:</p> <p>The underground parking is proposed to be 0.6 metres setback from side. Planning Staff are recommending an additional vegetation on the property, therefore, the reduction in setback for the underground parking should be justified through ensuring that vegetation can be provided above. Overall, planning staff require more information about soil volumes to determine if the underground parking setback is appropriate.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Amenity Area	15 m <sup>2</sup> per efficiency dwelling unit 20 m <sup>2</sup> for a one-bedroom unit 35 m <sup>2</sup> for a two or more bedroom unit  = 5,970 m <sup>2</sup>	16.6 m <sup>2</sup> per unit = 4,000 m <sup>2</sup>
<p>Staff comments:</p> <p>The proposed development provides indoor and outdoor amenity space at an amenity rate of 16.6 square metres per unit. The City's Zoning By-law requires efficiency units to provide 15 square metres per unit, 1-bedrooms to provide 20 square metres per unit, and 2-bedrooms to provide 35 square metres per unit. This would result in a total amenity area of 5,970 square metres whereas 4,000 square metres is proposed. Planning Staff have considered that Hidden Valley Park is located 750 metres north of the site along Howard Road. Planning staff are satisfied with the 16.6 square metre per</p>		

unit of amenity area. Planning staff also note that the amenity area could be increased through the reduction in entrances into the property from three entrances to one entrances allowing additional space for at-grade outdoor amenity area and vegetation. Further, the revisions to the submitted Land Use Compatibility Study & Air Quality Study prepared by SONAIR Environmental Inc. dated May 2, 2025 and Noise & Vibration Impact Study prepared by dBA Acoustical Consultants dated January 2025 should ensure that mitigation measures are implemented to the amenity areas to ensure quality amenity areas are provided.

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<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Landscape Area abutting a street	3 m	0 m
<p>Staff comments:</p> <p>The proposed development does not provide a landscape area along Plains Road West as a 0 m setback is proposed. Also, limited vegetation is proposed along Howard Road. Planning staff would recommend a landscape area be provide along both Plains Road West and Howard Road to mitigate any potential impacts from urban heat islands.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Loading/Unloading	Loading/Unloading areas shall be screened from view from a street	Loading/Unloading area on Howard Road
<p>Staff comments:</p> <p>The applicant is proposing a loading space along Howard Road only screened by short term bicycle parking. As previously mentioned, planning staff are recommending a landscape area along Howard Road which would provide for screening of the loading space from the street.</p>		
<b>Zoning Regulation</b>	<b>Part 1, 2.26 (5) iii)</b>	<b>Proposed</b>
Parking	1.25 spaces per residential unit = 300 spaces 3.5 spaces per retail unit = 17 spaces	0.67 per unit  155 residential spaces 5 at-grade spaces
<p>Staff comments:</p>		

The applicant is proposing a parking rate of 0.67 parking spaces per unit. Transportation Planning staff have indicated that they can support the reduced number of parking space based on the City's and Province's initiatives to remove minimum parking requirements. Specifically, a new City-initiated amendment to the Zoning By-law was introduced, which includes removal of the minimum vehicle parking requirements for residential uses in new developments on Plains Road. Further, 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. As a result, planning staff are of the opinion that the proposed parking rates are appropriate for the proposed development.

<b>Zoning Regulation</b>	<b>Part 1, Subsection 2.13</b>	<b>Proposed</b>
Balconies	50 cm	1.5 m

Staff comments:

As previously stated, planning staff would recommend a greater setback along Plains Road West to match the streetwall provided at 141-153 Plains Road West. This would help to reduce the visual impact of the balconies as they would be further setback on the property. Further, the stepback to the tower above the 5<sup>th</sup> storey should provide a stepback to the balconies as well.

<b>Zoning Regulation</b>	<b>Part 1</b>	<b>Proposed</b>
Visibility Triangles	9 x 9 metres	5 x 5 metres

Staff Comment:

Transportation Staff have provided comments requiring that the applicant provide visibility triangles.