

**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, long-term 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.

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 2.4.1(2)., to support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development Strategic Growth Areas should be planned to:

- 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 are intended for mixed-use development. The subject lands are not located within a Major Transit Station Area (MTSA), and as such are not subject to policies that apply to development within these areas. The proposed building would consist of 93 dwelling units (1, 2, and 3 bedroom units) and *no* non-residential use at-grade. Planning staff is of the opinion that absence of non-residential uses is not appropriate for this site given the intensity of development proposed. The property is immediately adjacent to a bus stop for Route 2 (Brant/Guelph). This would allow an opportunity for transit users to access the site, and would encourage alternative modes of transportation to and from the site, which would increase pedestrian traffic beyond the foot traffic that would otherwise have access to the site. It is the opinion of planning staff that the proposal does not provide for an appropriate range and mix of land uses.

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 in both the in-force and Council approved Official Plans were developed through comprehensive planning 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. These constraints are identified by aspects of the development such as the proposed parking reduction and underground to the full extent of the property, proposed setbacks anticipated to limit redevelopment potential of adjacent properties and impact existing uses, and challenges that preclude a site design that accommodates a mix of uses and Regional Waste pickup.

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 Region has identified the need for an enhanced Right of Way, that would require a cross section of 47 metres. This additional road-width is intended to provide for a centre two-way left turn lane, upgrade/additional space for sidewalk/multi-use trail, addition of a boulevard buffer along the street, and for a future state of the Brant/Churchill intersection that includes signalization. The current design does not allow for this amount of a transaction to take place between the Region and the proponents. The proposed development provides indoor and outdoor amenity space at an amenity rate of 14.25 square metres per unit. The City's Zoning By-law requires 20 square metres per one bedroom unit, and 35 square metres for two-or-more bedroom units. This would result in a total amenity area of 1,860 square metres, whereas 1,325 square metres is proposed. Planning staff is of the opinion that insufficient justification has been provided for the reduction and the reduced amenity space is another indicator that the proposal represents overdevelopment of the subject lands and is not appropriate for the site.

## **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', and considered a Strategic Growth Area as

they are found within a 'Regional Intensification 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.

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

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

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

Regional Intensification Corridors are an integral component of the Regional Urban Structure and serve an existing or planned higher order transit function, connecting other elements of the Regional Urban Structure accommodating higher-density mixed-use development appropriate to the existing local context. The ROP encourages local municipalities to accommodate growth at a scale appropriate for their context and existing and planned transit service. Furthermore, Section 79 describes that some of the objectives 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. Due to the extent of the proposed development, and the challenges regarding providing the enhanced Right of Way to the Region for the Brant Street cross section, staff is of the opinion that the proposed development does not provide for mixed-use development, contextually appropriate intensification, and does not reflect the neighbourhood character.

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 an 11-storey residential building with 93 residential units. The justification provided by the applicant relies on the notion that future development of the adjacent townhomes would create a neighbourhood context that would establish a more acceptable transition between the built forms. Planning staff is of the opinion that justifying the proposed development based on the potential for redevelopment of an existing and occupied townhouse development as a component of the existing neighbourhood is not appropriate.

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 Dillon Consulting dated December 2025 that was reviewed by the City's Development Engineering staff and Halton Region staff. Halton Region staff require revisions to the Functional Servicing Report before the report can be accepted and relied upon.

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 November 19, 2025, Phase One ESA prepared by EXP Services dated April 7, 2025, and Phase Two ESA prepared by EXP Services dated April 3, 2025. 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 since the proposal does not provide intensification at a scale appropriate for the existing or planned context.

### **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.

Within the 1997 City of Burlington Official Plan, Schedule B (Comprehensive Land Use Plan – Urban Planning Area) identifies the subject lands as being designated as ‘Mixed Use – General’. Part III Section 5.3.1 c) states that lands within this designation are intended to support developments on individual sites which include combinations of residential, retail, office and other uses. Section 5.3.2 expands on this broad vision, by identifying potential land uses that are intended to be located on lands within this designation: a wide range of retail, service commercial, personal service, financial institutions, and services, broad range of office uses, entertainment, recreation, and other community facilities. These uses can be located on site in conjunction with high density residential uses when the site abuts a multi-purpose or major arterial road. The non-residential component of development in these areas within the city are intended to support the day to day and weekly shopping needs of residents within and near the subject lands. The non-residential uses listed above are to be located on the ground level of the development, and these uses are encouraged to be included in development proposed on lands within this designation. Development of lands within this designation is restricted to a floor area ratio of 1.5:1, and a maximum height of 6 storeys.

The proposed development represents an FAR of 4.7:1, and building height of 11 storeys plus mechanical penthouse, requiring an Official Plan Amendment.

Part III Section 2.5.2 of the City of Burlington Official Plan (1997) identifies the intensification criteria that staff review when considering development that includes increased density. The criteria are stated and discussed below.

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;

Planning Comment: City staff have received responses from stakeholder agencies and technical staff which identify that water, wastewater, storm sewer and school accommodations are adequate to service the proposed development. Planning staff is of the opinion that parkland is not sufficiently accessible to support the reduction in amenity area that is proposed for the subject development. Development at this density must account for the increased demand of residents to have space to utilize that exists outside of their homes.

(ii) off-street parking is adequate;

Planning Comment: Planning staff are of the opinion that adequate justification for the reduced parking rate has not been provided, and the critical information regarding the specific nature of how the parking will be provided/accessed has not been included with the application. The parking rate is proposed to be 0.73 spaces per residential unit. Staff is of the opinion that the Transportation Demand Management measures are not sufficient to support the proposed parking rate. Further, parking stackers have been proposed to facilitate resident parking onsite. Staff requested a queuing analysis given the relative proximity and high likelihood of queuing of vehicles backing up onto Brant Street, and the supporting documents do not include the information necessary to assess the impact to the transportation system and the existing community. In the absence of this critical information staff is not in a position to provide support for the reduction in parking nor the use of the parking stacker system as proposed.

(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;

Planning Comment: The information used in the TIS that was submitted relied on sources of information that City staff have indicated is not correct. Thus, in order for technical staff to derive their own recommendation based on the material submitted, revisions are necessary. Specifically, confirmation regarding the growth rate, and adjustments to the data, utilized for the submitted TIS are necessary for City staff to complete their review.

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

Planning Comment: Burlington GO station is located approximately 1-1.6km away from the subject lands depending on the travel route a pedestrian chooses, and Bus Route 2 provides access to other transit options and amenities through the City.

(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;

Planning Comment: Staff is of the opinion that the scale and massing of the proposed building and underground parking impede opportunities to provide for adequate means to screen the proposed structure from the existing neighborhood or to allow for appropriate transition to be implemented between the proposed and existing built forms. The proposed development includes underground parking that shows setbacks less than 1 metre from the lot lines, and limited opportunity to place topsoil above the structure to allow for plantings to take root and provide screening. The constraints posed by the development as proposed create a scenario where one alteration aggravates another

issue with the overall development. For instance, an attempt to move the building footprint and increase any of the yard setbacks, reduces another setback to an extent that cannot be supported. Additionally, altering elements of the built form such as the parking garage to allow for more space for transition measures, causes a further reduction in the number of parking spaces, which staff already have identified as an issue at the current parking rate. Opportunities to provide additional amenity space or non-residential space experience the same kind of downstream impacts. Amenity space comes at the cost of essential building elements, establishing non-residential use costs amenity space; and parking spots necessary to support non-residential uses aggravate an already insufficient parking rate. While staff agree that there is development potential for this site, the interdependence and totality of the planning concerns with the application preclude the ability of staff to offer modifications necessary to address the concerns with the application as submitted. It is the opinion of Planning staff that the subject development proposal represents overdevelopment in a manner that cannot be overcome through the use of holding provisions and modification.

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

Planning Comment: The effects on existing vegetation have been minimized.

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

Planning Comment: This component of the overall development is discussed in more detail in the remainder of the analysis, and for the purpose of this policy test, Planning staff are satisfied that the shadows that would result from this development are acceptable when considered against the applicable design guidelines.

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

Planning Comment: Staff have considered the neighbourhood surrounding the subject lands and are of the opinion that redevelopment as proposed on the subject site will contribute to the demand for more neighbourhood conveniences in this area. Staff acknowledge that public transit does exist in the vicinity of the subject lands, but the current state of Brant Street does not align with a future intensified mixed-use state that provides for activated, pedestrian-friendly, multi-modal streetscaping. The redevelopment as proposed represents a future intensified state that must also provide appropriate contribution to accessible neighbourhood conveniences. Staff are of the opinion that site

can, and should, accommodate some level of non-residential mix of use required to provide for neighbourhood conveniences for future residents.

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

Planning Comment: Staff is of the opinion that there is an opportunity to refine the built form to address some of the design related concerns specifically with regard to transition between the proposed development and the existing neighbourhood, and the visual impact that the proposed development will have. Further, given the proposed height of 11 storeys plus mechanical penthouse, and location between the QEW and Lake Ontario, staff identified the need for a wind tunnel test as part of the wind study. The wind study submitted in support of the application only provides a computational assessment. This missing level of detail makes it difficult for staff to comment with any level of certainty on whether wind conditions can be addressed at later stages in the planning process.

(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, and this may require the submission of a tertiary plan, where appropriate;

Planning Comment: Planning staff are of the opinion that development on neighbouring properties is likely to be constrained by the built form considered in this application as identified through applicable Urban Design Guidelines related to setbacks and separation distance. The proximity of the proposed built form to the adjacent properties would establish constraints for future development on adjacent properties.

(xi) natural and cultural heritage features and areas of natural hazard are protected.

Planning Staff: no concerns have been raised regarding this policy test, that this policy test has been satisfied.

Through the circulation of the supporting materials, staff received responses from Mississaugas of the Credit First Nation (MCFN), and they have requested that a stage 1 archaeological report be completed for the subject lands. Staff have gone back to the screening tools that are relied upon to determine if archaeological work is required and are not in a position to require the work to be completed. Staff are supportive of the request brought forward by MCFN, but are unable to establish the requirement due to regulatory structure. In the event Council decides to approval the development, further direction from Council, can require that this study be provided through the use of a Holding provision.

Six Nations of the Grand River Elected Council have submitted comments through the technical circulation, and have requested that consideration be made for tree compensation at a rate of 10:1, bird and light friendly design, and landscaping that does not include invasive species, the installation of pollinator friendly plantings and the use green roofs on-site. These elements can be required through the use of agreements at later stages of the Planning process, should Council approve this development proposal.

(xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m); and

Planning Comment: this criterion does not apply to the subject development.

(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.

Planning Comment: The subject lands are located in a designation that contemplates a built form that is described as being mid-rise, mixed-use development. Adjacent to the proposed development site is existing low-rise residential in the form of townhomes and immediately beyond that semi-detached and single family dwellings. The site has access to and from a multipurpose arterial roadway (Brant Street). However, staff are of the opinion that the requested reductions to setbacks, particularly in consideration of transition to the existing adjacent townhomes, requires fulsome justification. The proposed development is not contained within a 45 degree angular plane when taken in accordance with the applicable design guidelines and the less than 1 metre setback to the underground parking garage does not provide sufficient room for any planting of substantial size to offer additional screening to form part of additional transitional provisions. The rear yard setbacks shown on the submitted architectural plans identifies a 6 metre setback; 7.5 metre to the ground floor building-wall which has the balconies from floors 2-4 cantilevered above, provides limited separation in the absence of other transition measures to be implemented.

### **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.

It is the opinion of Planning staff that the proposed development does not conform to the policies or intent of the applicable Official Plan policies identified within the 1997 City of Burlington Official Plan. In summary, the proposed development represents over-development, and at the current scale and intensity opportunities for modifications by staff to facilitate mitigation of impacts are precluded by other concerns that would be aggravated further if the revisions were to be implemented.

#### **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 Secondary Growth Area as shown on Schedule B-1 – Growth Framework of the new OP. Secondary Growth Areas form part of the growth framework that will accommodate significant population and employment growth and higher intensity mixed uses in appropriate areas to make better use of land and infrastructure, transforming Burlington from a primarily suburban to a more urban community.

#### **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 not provide non-residential uses at grade along Brant Street. Planning staff are of the opinion that the absence of a mix of non-residential use is insufficient.

As discussed elsewhere in this analysis, the proposed Official Plan Amendment to implement the proposed built form does not provide sufficient setbacks and transition to adjacent properties; does not include the desired mix of uses; does not provide sufficient parking; and in the absence of required analysis the impact of queuing onto Brant Street is unknown. Considering all of the above, planning staff are of the opinion that the proposed development does not uphold the intent of the ‘Urban Corridor’ designation.

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

The Design policies in Chapter 7 include requirements for design of development within Secondary Growth Areas. Further discussion of the design of the proposed development is contained in the Mixed-Use and Residential Mid-Rise Buildings Guidelines section below.

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

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

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

### 2.1 Building Placement

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

The subject lands are located along Brant Street, the lower portion of the building fronts parallel onto this street which provides for a public front and private back, and back of house activities are not exposed to adjacent properties.

Although a continuous streetwall has not been established on this segment of Brant Street, a continuous streetwall is desirable as this is intended to provide for continuous ground floor retail and service commercial uses. The proposed development contemplates a 1.8m setback from Brant Street for the first four storeys, which does not meet the envisioned neighbouring setbacks. Planning staff are not satisfied that this setback upholds the intent of the design guidelines, or the Zoning for the site.

## *2.2 Building Separation & Spacing*

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

The proposed development is generally a taller mid-rise building and includes windows and balconies on all elevations. Planning staff have concerns that approval of this development may preclude development opportunities on adjacent properties. The extent of the subject development exceeds the notion of maximizing the available building envelope, and should this proposal be approved, development opportunities on adjacent sites which consider similar amounts of intensification would have to bear a disproportionate amount of the 20 metre separation identified in the Mid-Rise Urban Design Guidelines. Staff acknowledges that there are no formal development applications being reviewed along this section of Brant Street, but this means that care must be taken in the review and decision that is rendered on this proposal to ensure that future proponents are not encumbered by what took place before their proposal. Considering all of this, Planning staff are of the opinion that this proposal represents overdevelopment of the subject lands.

### 2.3 Built Form: Height & Massing

1. *When deciding on lower building height and massing consider the following:*
  - *the permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;*
  - *the physical character of the surrounding area including the height and scale of adjacent buildings and the immediate streetscape;*
  - *the views into, out of, and through the site;*
  - *the potential shadowing impacts on neighbouring properties and adjacent public spaces – taller elements should be arranged accordingly;*
  - *the micro-climate (particularly pedestrian level wind impacts created by wind); and*
  - *the relationship of the building height to building depth and lot width. Use site characteristics such as width (narrow or wide), depth (deep or shallow) and number of frontages to inform an appropriate built form*
2. *Design buildings so that the massing reinforces the street edge.*
3. *In general, a building's form should reflect the existing and planned context in terms of street character (including the planned street function and right-of-way width), land use, and built form.*
4. *Where a streetwall is established, the lower building height and upper building step-backs should reinforce the existing streetwall to create a consistent streetscape.*
5. *Where a streetwall is not established, the streetwall for new mid-rise buildings should be limited to a height of 80% of the street width (up to a maximum of 6-storeys) with additional storeys stepping-back a minimum of 3 metres above the streetwall to maintain a humanscale and minimize shadowing. On streets with a planned right-of-way width of 26 metres or more, new mid-rise buildings up to 6-storeys do not require an upper building step-back.*

As previously mentioned, this section of Brant Street does not currently have an established streetwall. Brant Street is intended to host mix-use buildings with mid-rise built forms that suit the existing context given the subject land's relative proximity to the Burlington GO MTSA. The intent of regulating maximum heights for the lower portion of mid-rise buildings is to achieve human scale and pedestrian feel along the streetscape and compatibility with the existing neighbourhood.

The proposed lower building portion or podium ranges from 6- to 8-storeys in height (22m to 28.6m measured from fixed grade) to provide for building design articulation. The podium is proposed to be 4-storeys (14.5m) in height.

Considering these details, staff is of the opinion that the proposed height and massing of the lower building portion is appropriate and continues to meet the intent of the mentioned guidelines.

6. *In general, the building should not exceed a length of 60.0 metres apart from L-shaped building forms.*
7. *Pushing (projecting) and pulling (recessing) building volumes from the main building form is encouraged to help break down the mass of larger buildings.*
8. *Balconies are encouraged and should be integrated into the building design and massing with inset or Juliette balconies. Projecting balconies should not be within the streetwall to avoid negative impacts to the public realm including additional building massing and shadowing.*
10. *Stepping back upper level building volumes is encouraged to assist with transitions between neighbouring buildings with lower heights.*

The proposed development is less than 60m in length on all elevations. The proposed lower portion of the building is stepped back at the interface of the fourth and fifth storeys to accommodate for private outdoor amenity area. These include setbacks from the building wall of the storey below of approximately 1.5m abutting Brant Street, 4.5m abutting the adjacent property to south, 3m to the west, and 5.3m to the north. This has been included under the proposed amending by-law by way of setbacks to all exterior walls of the podium and to the exterior walls of the upper building portion or tower. Additionally, projecting balconies are proposed along the lower sections of the building for storeys 2 to 4. Staff is of the opinion that the proposed development upholds the intent of these specific guidelines, but the proposal does not meet the holistic intent of the design guidelines.

#### *2.4 Street Level Design, Façade Articulation & Materials*

2. *Where ground floor commercial / retail uses are required, the ground floor should be a minimum floor-to-floor height of 4.5 metres to accommodate internal servicing and loading areas, and active uses.*
8. *Use architectural elements and expressions such as canopies, doors, windows, lively colours and the highest quality materials at street level to highlight individual units, differentiate between residential and nonresidential entrances in mixed-use buildings, and engage the street.*
9. *Design the main entrance to be clearly distinguishable from other entrances through its architectural design and treatment, high visibility, wayfinding and direct pedestrian access.*
10. *Ensure that all main entrances are barrier free from the public sidewalk and on-site parking areas. Level access is preferred, where possible.*
11. *Emphasize grade-related entrances with high quality landscape design.*

14. *The main building entrance should be designed to be pedestrian- and cycle-friendly with convenient, well-lit, and safe access. The main entrance should also provide for shelter from wind and rain through well integrated weather protection elements such as canopies, extended eaves and overhangs. Canopies should be located above the ground floor and provide a width of at least 1.5 metres.*
15. *The location of building entrances should consider the location of adjacent transit stops.*
16. *On corner sites, the main entrance should be located at the corner. Where this is not possible, the building should address the street corner, both streets, and prioritize the primary street for the main pedestrian access.*

The proposed podium includes structural overhangs that cantilever over the first storey and include a minimum height of 5m. The proposed development contemplates a 3.3m setback for the first storey abutting Brant Street and, the second to fourth storeys project approximately 1.5m into the front yard setback (1.8m front yard setback for floors 2-4) which would allow for a building overhang for weather protective design at grade and additional landscaping.

The proposed podium shows a maximum height of 4-storeys (14.5m) along the building's main residential entrance which designates it as a main focal point. Additionally, the main residential entrance of the building is proposed to include different materials. Architectural elements such as a recessed and taller first storey in comparison to the storeys above, doors and floor to ceiling windows as well as landscaping at grade is proposed. Staff is of the opinion that the proposed development meets the intent of the mentioned guidelines insofar as non-residential uses are not being considered.

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

1. *All access points to the site should be located and designed to respond to the street and existing mobility networks beyond the site.*
2. *Pedestrian access should always be prioritized for the safety and enjoyment of residents and visitors.*
3. *Reduce the number and width of vehicle access points to avoid conflicts between pedestrian and vehicle traffic.*
4. *Access to parking, servicing and loading should be provided at the rear of the building, or a laneway if possible. On corner sites, access should be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.*
6. *Servicing and loading should be accommodated internally within the building.*
7. *Limit the extent of site area dedicated to servicing by using shared infrastructure and efficient layouts.*

The ground level will reflect one pedestrian entrance along Brant Street. The proposed at grade parking, underground parking access, servicing and loading dock at the rear of the site is proposed to be screened from Brant Street by the proposed podium. Access to these has been proposed via a drive aisle located along the north side of the site. Staff is of the opinion that the proposed development meets the intent of the mentioned guidelines.

9. *Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking.*
10. *Where parking is provided within an above ground structure, it should be wrapped with retail / commercial or residential units along the street frontage.*
11. *Surface parking should be limited to visitor and retail / commercial parking and located at the rear of the building to be hidden from public view. Whenever possible, provide visitor parking in a convenient underground parking area adjacent to an elevator.*
13. *Any surface parking areas visible from the street should be buffered and screened with high quality architectural elements, setbacks or landscaping. On larger sites with surface parking areas, incorporate landscaped islands and high-quality landscaping to create comfortable and safe pedestrian walkways and amenity areas.*
14. *Provide for safe pedestrian and cyclist access to underground parking by using clearly visible, well-lit, convenient, and easily accessible access points from the street. Signage should indicate the barrier free path of travel.*

All residential parking is proposed underground while visitor parking is proposed at grade at the rear of the site. The proposed at grade parking, underground parking access, servicing and loading dock at the rear of the site is proposed to be screened from Brant Street by the proposed podium. Staff is of the opinion that the proposed development meets the intent of the mentioned guidelines.

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

The proposed development includes indoor and outdoor amenity space, and green roof infrastructure. As previously mentioned, the proposed lower portion of the building is stepped back at the interface between the fourth and fifth storeys to accommodate private outdoor amenity area. Staff is of the opinion that the proposed development meets the intent of the mentioned guidelines.

### *3.1 Built Form: Transitions*

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

Staff is of the opinion that the proposed development does not meet the intent of the Zoning By-law and Official Plan, nor does it provide for the implementation of appropriate setbacks and stepbacks. The details pertaining to the specific setbacks are commented on in later sections of this appendix. Planning staff are of the opinion that the proposal does not have sufficient consideration for the transition between the adjacent low-rise residential. The application of a 45 degree angular plane in conjunction with setbacks are intended to create an end result that accounts for and minimizes impacts on existing,

adjacent uses. In this case, the angular plane would be applied from the property line of the subject lands. This would result in portions of the building not being substantially contained within it. Further, balconies and amenity space may protrude from the building, representing an unmitigated impact to existing low-rise dwellings by way of overlook. The angular plane is further aggravated by the rear yard setbacks that are proposed. While the setbacks that are proposed represent stepping back of the building and the façade that faces the adjacent residential uses, planning staff are not satisfied that the setbacks are sufficient to these design considerations.

#### *Upper Façade / Roof Design, Articulation & Materials*

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

Balconies are proposed to provide for private amenity area to the residential units. The proposed balconies facing the rear of the subject lands, are not contained within the angular planes that abut the adjacent residential use. There are no opportunities to shift the location of the building so that the angular plane is not offended for the development that has been proposed. This is indicative of overdevelopment of the subject lands, and staff is of the opinion that the proposed development does not meet the intent of the design guidelines.

6. *Design the building top to clearly distinguish it from the lower portions and to further reduce the building massing. This should include additional physical building setbacks, stepbacks, colour and material variations, and unique articulation.*
7. *Building tops and mechanical equipment should be designed to integrate with the overall architectural expression of the building.*
8. *Where possible, rooftop amenity areas are recommended to create activity at the upper storeys of the building and be appropriately set back from the roof edge.*
10. *Rooftop mechanical equipment should be architecturally screened from public view to protect or enhance views from other buildings and the public realm.*
11. *Where possible, rooftop mechanical equipment should be wrapped by residential units, or other occupiable space such as outdoor amenity areas.*

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

The proposed development includes a 12<sup>th</sup> storey for the mechanical equipment rooms. The building portion of the 12<sup>th</sup> storey is not stepped back 3.0 metres from the edge of the floor below and staff is of the opinion that the proposed development does not meet the intent of the mentioned guidelines.

As per the analysis provided, staff is of the opinion the proposed development proposal does not meet the overall objectives of the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings.

## **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 Brant Street. Further, the outdoor amenity area towards the west and south of the property proposes limited green space. Staff would recommend an increase in vegetation along Brant Street and, 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 improve 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. Staff have reviewed the submitted TDM provisions and determined that they are not sufficient for the proposed development and have requested that this be investigated in the context of programs arranged by the Applicant for future residents of the development.

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 Dillon Consulting dated December 2025 and have stated revisions 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 proposed development does not comply with Regional design requirements and will not qualify for Regional pickup. The proponents have identified that they will implement private collection.

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 Shadow Study Guidelines and Terms of Reference (2020)**

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

In accordance with Section 4.3, to maximize the usability of private outdoor amenity areas such as rear yards, decks, and (rooftop) patios, including common outdoor amenity areas, shadows from proposed developments should not exceed 2 hours in duration, between 09:00 and 18:00 on March 21st. Additionally, the criterion is met if the Sun Access Factor is at least 0.22 on the test date. A test date of March 21st was analyzed for shadow impact on private outdoor amenity spaces generated by the proposed development onto surrounding properties through the submitted Shadow Study. It was observed that from 9 am to 6 pm, shadows were cast on 1052 Brant Street, 1053 Brant Street, 1049 Brant Street, 1045 Brant Street, 1041 Brant Street, and 2015 Leighland Road. The sun access factor has been indicated as being 0.98, 0.81, 0.88, 0.75, 0.97, 0.76 for the test date for each of the site identified previously. Planning staff is of the opinion that the shadow impacts to the private outdoor amenity areas are minor due to the duration and locations of the cast and overall meet the Shadow Study criteria.

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

or open spaces are located within the test area, or area within the shadow catchment of the proposal, no parks or open spaces are shown to be affected.

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

In accordance with Section 4.6, shadows cast by all existing buildings and proposed developments onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way, must allow for either full sunlight 50 per cent of the time or 50 per cent sun coverage at all times between 9am and 6 pm on March 21<sup>st</sup>. Additionally, the criterion is met if the Sun Access Factor is at least 0.50 on the test date. As per the submitted Shadow Study, shadows begin to be cast on a portion of the opposite side boulevard and this results in a Sun Access Factor of 0.78, exceeding the required minimum 0.50.

Staff is therefore of the opinion that the proposed development maintains the purpose and intent of the Shadow Study Guidelines.

### **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 Wind Assessment ('Wind Tunnel Test'). Given the proposed development consisted of an 11-storey mid-rise building with a mechanical penthouse, and the subject lands are located between the QEW and Lake Ontario, the applicant was required to submit a 'Wind Tunnel Test'.

The applicants submitted a Qualitative Wind Assessment in support of the applications. This assessment was conducted utilizing computational fluid dynamics, and conforms to the relevant guidelines pertaining to this sort of report. However, given the size of the building, and its location the supporting material should have included a Wind Tunnel Test to comply with the guidelines. The enhanced understanding of the impact that wind would have on the proposed building from the wind tunnel test would have allowed staff to understand the impact of wind patterns on the building from 36 different directions, instead of the 6 provided. The level of detail that is obtained through a wind tunnel test

exceeds what can be obtained from a qualitative analysis, and allows staff to have a fulsome understanding of impact.

While the submittal does meet the relevant standards of the guideline, and provides favourable conclusions for the proposed development, staff are unable to provide certainty in the absence of the more detailed study.

### 9.0 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	11 Storeys + Mechanical Penthouse
<p>Staff comments:</p> <p>The height alone is not the sole reason for the opinion that Planning staff are offering for consideration; however, given some of the other concerns identified (i.e. improper setbacks, step backs, scale, massing, etc.), the proposed height is problematic for this site. Additional height for a property is only considered appropriate if the site can provide appropriate transitioning between the proposed development and the existing context, which in the opinion of staff this site cannot. There are techniques to mitigate impacts relating to increase height such as increased setbacks, stepbacks, compliance with an angular plane, increased landscaping / buffering; however, this site is not able to implement appropriate mitigation, which signals to staff that the proposed development is too much for the site it is proposed on.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Floor Area Ratio (FAR)	1.5:1	4.7:1
<p>Staff comments:</p> <p>The applicant is proposing a FAR of 4.7:1 whereas the Zoning By-law requires a maximum FAR of 1.5:1. Staff is of the opinion that the proposed FAR is not compatible with the surrounding area as the proposed development does not provide appropriate massing or transition to the existing mid- and low-rise buildings found near the project site.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Yard abutting Brant Street	3.0 m	Underground Parking: 2.9m Storeys 1-4: 1.8m Storeys 5 and 6: 3.3m Storeys 7-10 4.8m Storey 11: 7.9m Storey 12: 9m

		Maximum yard abutting Brant St: Not required
<p>Staff comments:</p> <p>The applicant is providing a 1.8 m setback from Brant Street for floors 1-4. Given the Region’s request for additional Right of Way width, this is the space that would need to be available in the event that the right of way needs to be expanded in the future. With the proposed built form, there is no opportunity to provide additional right of way, beyond the 1.3m offered through the application, if this future state is realized. The 5<sup>th</sup> and 6th storeys are proposed at a setback of 3.3 metres which Planning staff considers to be appropriate for the street-facing portion of this building.</p> <p>The underground parking is proposed to be 2.9 metres setback from Brant Street. Planning staff would recommend that additional setback distance be allowed in order to be prepared for the potential future state which includes expanding the right of way for Brant Street.</p> <p>Overall, Planning staff is not supportive of the proposed setbacks abutting Brant Street.</p>		
<b>Zoning Regulation</b>	<b>MXG</b>	<b>Proposed</b>
Rear Yard Setback	3 m	Underground parking: To Be Confirmed by Applicants. Floors 1-4: 7.5m Floors 5-10: 9m including balconies Floor 11: 11m Floor 12:
<p>Staff Comments:</p> <p>Planning staff have concerns regarding the setback distances from the tower portion of the building to the rear property line. This series of setbacks have implications for the transition between the adjacent low density residential uses, and the proposed development. The reduction in setbacks impact the application of the 45 degree angular plane and ensuring that all elements of the building are contained within – this includes the building in terms of overall scale and massing, and the balconies. The proposed reductions indicate to staff that there are likely to be negative impacts on the existing residents, which without further mitigation, would result in a condition that staff cannot support. Furthermore, the underground parking is proposed to extend</p>		



## Staff comments:

The proposed development provides indoor and outdoor amenity space at an amenity rate of 14.2 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 2295 square metres whereas 1,325 square metres is proposed. Planning staff have considered that the nearest park is Leighland Park, and it is located approximately 950m away from the subject site. This observation is coupled with the deficient opportunity to provide enough amenity area on site, and further concerns exist that other options that have been implemented for other developments might not be suitable for this site (e.g. amenity space on rooftop terraces) due to missing information that the wind study would have otherwise offered. Considering all of this, planning staff are not supportive of the reduction to amenity space that has been proposed.

**Zoning Regulation****MXG****Proposed**

Landscape Area abutting a street

3 m

0 m

## Staff comments:

The proposed development does not provide a landscape area along Brant Street as a 0 m landscaped area is proposed. Planning staff would recommend a landscape area be provided along Brant Street to mitigate any potential impacts from urban heat islands.

**Zoning Regulation****Part 1, 2.26 (5) iii)****Proposed**

Parking

1.25 spaces per residential unit = 117 spaces

0.73 per unit

68 spaces proposed, included two at grade spaces

## Staff comments:

The applicant is proposing a parking rate of 0.73 parking spaces per unit. Transportation Planning staff have indicated that they cannot support the reduced number of parking spaces due to missing insufficient Transportation Demand Management. Further, the constraints of the site complicate efforts to provide more parking spaces to improve the proposed reduction. Finally, when considering the

absence of non-residential uses from the development proposal, opportunities to revise the proposal are compounded due to the parking limitations. These parking spaces are only contemplated for the residential uses, additional uses would require more parking on site. Parking is further complicated by the lack of queuing analysis provided in relation to the impact of the proposed parking stacker.

The notion of additional uses is not something that has been contemplated in the report that has been submitted. Staff offer this to illustrate a specific challenge that is indicative of the overdevelopment that this proposal represents.

<b>Zoning Regulation</b>	<b>Part 1, Subsection 2.26</b>	<b>Proposed</b>
Parking Space Dimensions	minimum width of 2.75 m and a minimum area of 16.5 m <sup>2</sup>	Need additional detail from proponents

Staff comments:

Staff do not have sufficient information to determine if parking stackers are suitable for this site. The dimensions appear to be suitable, however the function of the stacker is where staff's concerns reside, specifically the impact of queuing on Brant Street. The alternative to consider a typical parking garage (where the driver of the vehicle parks it themselves) is not suitable in this instance and attempts to bring the parking space dimensions into compliance would result in fewer overall parking spaces and a further reduced parking rate.

In summary, Planning staff are not supportive of the relief that has been requested in the absence or required information and sufficient justification.

<b>Zoning Regulation</b>	<b>Required</b>	<b>Proposed</b>
<b>Accessible Parking Stall Number and Size</b>	51-90 spaces = 2 accessible space  Parking stalls are required to be 2.75m wide, 16.5m <sup>2</sup> and adjacent to a 2m aisle	3 Accessible spaces provided  Aisle widths not confirmed  "TYPE B" Spaces shown with 5.2m depth – will not comply

Staff comments:

Staff do not have sufficient information to determine if accessible parking stalls are suitable in number and size. At this time, staff are not supportive of the relief that would be required to permit these elements of the development.