

Detailed Planning Analysis

Contents

Preamble 2

1.0 The Provincial Planning Statement (PPS) 3

2.0 Halton Region Official Plan (ROP) 7

3.0 City of Burlington Official Plan (1997, as amended) 10

3.1 Land Use Compatibility and Noise Feasibility (Part 2, Subsection 2.7.3) 10

4.0 City of Burlington Official Plan (2020) 10

4.1 Official Plan Amendment (OPA) 2 11

4.2 Urban Forestry (Chapter 4, Section 4.3) 14

5.0 Design Guidelines for Mid-rise and Mixed-use Buildings (March 2019) 14

6.0 Sustainable Building and Development Guidelines (December 2021) 15

7.0 Pedestrian Level Wind Study Guidelines and Terms of Reference (June 2020) 15

8.0 Shadow Study Guidelines and Terms of Reference (June 2020) 16

9.0 Zoning By-law 16

Preamble

The City of Burlington completed area specific planning for the City's three Major Transit Station Areas (MTSAs) to guide the transformation of these Strategic Growth Areas into transit-oriented, mixed-use, and complete communities which will support future growth being directed to the City. As a result of the City's MTSA Area Specific Planning Project, Official Plan Amendment (OPA) 2, which is an amendment to the Burlington Official Plan (BOP), 2020 was adopted by Council and approved by Ministry of Municipal Affairs and Housing (MMAH) on October 10, 2025. OPA 2 implements Regional Official Plan Amendment 48, which was an amendment to the Regional Official Plan in 2021, that identified authorized uses, protected MTSA boundaries and minimum density targets for the MTSAs which are elements that are now in effect as they are now in effect as Protected MTSAs in accordance with the Planning Act and cannot be appealed.

OPA 2 establishes a vision for the MTSAs to evolve into three distinct and complete communities that will accommodate a significant share of the City's population and employment. OPA 2 also includes a vision for the Aldershot GO MTSA and divides the area into precincts, each with its own vision. OPA 2 has been appealed, and City staff are currently working through the process at the Ontario Land Tribunal (OLT). Until appeals are resolved, the vision for each precinct is informative and will be further implemented through the CPP By-law. Despite the appeals to OPA 2, the PMTSA elements in accordance with the Planning Act, including identified authorized uses, protected MTSA boundaries and minimum density targets for the MTSAs which are elements that are now in effect.

Unique to OPA 2, Council approved a policy framework that did not establish maximum heights in policy, relying instead on precinct visions and the companion Community Planning Permit System Bylaw which implements the policy framework in a flexible manner. This means significantly fewer Official Plan amendments, the most intensive and time-consuming applications at the local level. This is a critical part of the City's approach to streamlining development applications.

For the purposes of this development amendment staff rely on the most recent land use policies in effect in the 1997 and 2020 OPs.

With respect to the amendments for 1022, 1028, and 1030 Waterdown Road, the proposed amendment introduces assisted and special needs housing on the site. BOP,2020 policy that is in force and effect:

3.1.4(2) a) Assisted and special needs housing shall be permitted throughout the city, but are encouraged to locate within the Urban Area, where residential uses are permitted and where public transit, retail and public service facilities are readily accessible.

Given that the proposed Zoning By-law Amendment (Appendix C to Report DGM-36-26), proposes to permit residential uses to allow for assisted and special needs housing, which

are uses permitted throughout the City, an Official Plan amendment is not required as part of the Zoning By-law Amendment.

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.

At the March 3, 2026 Committee of the Whole meeting, reports LLS-16-26 and DGM-11-26 were presented. Legal and Legislative Services Report LLS-16-26 recommended that the City declare intent to enter into a long-term lease on 1022, 1028, and 1030 Waterdown Road to Indwell as per development and growth management Report DGM-11-26 to develop an affordable housing project. Development and Growth Management Report DGM-11-26 recommended that the City endorse the Indwell project concept for 1022, 1028, and 1030 Waterdown Road, subject to final design, applicable planning approvals, securing required funding and financing, and Council approval of the disposition of City lands by way of a long-term land lease. The concept plan in DGM-11-26 has been considered in the review of this amendment; however, the intent is to permit a mixed use and serve as a transitional area between tall and mid-rise precincts that aligns with the Official Plan vision for the area, specifically the Emery Commons Precinct. As per in effect policy Section 3.1.4 of the Official Plan (2020, as amended) assisted and special needs housing is permitted in all residential neighbourhoods in the Urban Area of the city. The proposal is in an area identified to permit residential uses and therefore assisted and special needs housing is permitted.

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 2.3.1.2., 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., 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 intent of the City Initiated Zoning By-law Amendment for the subject lands at 1022, 1028, and 1030 Waterdown Road is to align the properties with the vision for the Emery Commons Precinct in the Council adopted and MMAH approved Official Plan Amendment #2 (OPA 2). The intent of the proposed Zoning By-law Amendment is to implement the land use vision as set out by OPA 2 by introducing mixed-use development permissions in a mid-rise built form. This would allow for additional housing units to be located within the Aldershot GO MTSA and near bus stops along Waterdown Road and Plains Road.

In accordance with Section 2.4.1 3 of the PPS 2024., 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 areas to support the achievement of complete communities and a compact built form. As per the vision for the Emery Commons Precinct in the Council adopted and MMAH approved OPA2, this Precinct will:

- accommodate a concentration of residential, retail, employment and service commercial uses in buildings with varying heights that contribute towards the creation of lively, vibrant and people-oriented places;
- function as a transitional area between the tower-concentrated Aldershot GO Central Precinct and the Mid-Rise Residential and Aldershot Main Street precincts;
- become a new community hub for Aldershot Corners, with a concentration of community services, amenities and facilities; and,
- contain opportunities to consider strategic locations and investments for future City public service facilities.

The Emery Commons Precinct is envisioned to permit mixed-use and serve as a transitional area between tall and mid-rise precincts, which the proposed Zoning By-law Amendment in Appendix D reflects which represents the vision in the Council adopted and MMAH approved Official Plan Amendment 2 (OPA 2).

In accordance with Section 2.4.2.3 of the PPS 2024., 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, through Section 2.4.2 6 of the PPS 2024., sets out that 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 Zoning By-law Amendment in Appendix D promotes a multi-modal transportation split by connecting the site with bicycle paths, walking infrastructure, and regional and local transit. A Traffic Impact and Parking Brief was prepared by Stantec dated April 8, 2026 that is supported by Transportation Planning Staff.

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 Emery Commons Precinct permits mixed-use and is intended to serve as a transitional area between tall and mid-rise precincts. Additionally, a subsequent Site Plan application would be required for any proposed development on the subject property which should be reviewed against the City's Sustainable Building Design Guidelines to show how these guidelines will be implemented.

In accordance with Section 3.5.1 Land Use Compatibility, 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. A Compatibility Mitigation Study, Air Quality, Noise and Vibration report was completed by SLR Consulting (Canada) Ltd. dated March 30, 2026. Through this report it is stated that the project site is anticipated to be compatible with the surrounding land uses provided that the mitigation measures identified in Appendix A of the Compatibility Mitigation Study, Air Quality, Noise and Vibration Report completed by SLR Consulting (Canada) Ltd. dated March 30, 2026, be followed.

In accordance with the public spaces, recreation, parks, trails and open space policies under Section 3.9 1., the PPS 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 Zoning By-law 2020 requires 15 m² of amenity space per efficiency dwelling unit, 20 m² per one-bedroom dwelling unit, and 35 m² per two or more bedroom dwelling unit. The City's approved-in-principle Community Planning Permitting By-law (May 2024) includes a requirement of 4 m² of private residential amenity area and 4 m² of common residential amenity area per dwelling unit. City Planning Staff are recommending that the Zoning By-law Amendment align with the Community Planning Permitting System (May 2024) and require the combined total of 8 m² of amenity area per unit.

The approved-in-principle Community Planning Permitting By-law (May 2024) has a minimum requirement for 20% of the lot area to be Landscape Open Space Area. The combined area of the subject properties at 1022, 1028, and 1030 Waterdown Road is 0.27 ha. This would result in approximately 0.054 ha (540 m²) of the subject property being an area of land within a lot that contributes toward stormwater management, tree canopy cover, and biodiversity by being used for the growth and maintenance of grass, flowers, trees, shrubbery, natural vegetation and native species and other landscaping. The in-effect Zoning By-law 2020 requires a landscape area abutting the street for the subject property. City Planning staff are recommending that the applicant vegetate the 2 metre setback from the front lot line (with the exception of walkways and driveways). City Planning staff are satisfied with the 2 m landscape area abutting a street.

As per the analysis provided, City Planning staff is of the opinion the City Initiated Zoning By-law Amendment is consistent with the PPS.

2.0 Halton Region Official Plan (ROP)

Following the Province's removal of planning responsibilities from the Region of Halton, which took effect on July 1, 2024, the Regional Official Plan became an official plan of each of the lower-tier municipalities in Halton. The policies of the ROP, 1995 are in-force and effect and the adoption of the ROP, 1995 and associated policies and designations cannot be appealed.

The Halton Region Official Plan (the "ROP") 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). 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. The vision for the Emery Commons Precinct in the Council adopted and MMAH approved OPA 2 envisions that this area accommodates mixed-use development and serves as a transitional area between tall and mid-rise precincts.

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 265,160 people by 2051. The subject lands are within a Built up Area as they are located within the Built Boundary and are found within the Aldershot GO MTSA Strategic Growth Area.

In accordance with Section 79.3 it is policy of the Region to direct development with higher densities and mixed uses to Strategic Growth Areas. Furthermore, Section 81 describes that some of the objectives of the Major Transit Station Areas, are to provide a range and mix of transit-supportive uses, such as residential, retail, office and public uses, as well as public service facilities and parks and open spaces that support the area in a pedestrian-oriented urban environment while considering contextually appropriate intensification opportunities to ensure the protection of neighbourhood character.

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 City Initiated Zoning By-law Amendment would add housing stock by permitting residential use on the subject property while meeting the vision of OPA2.

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. Aligning the zoning of the properties at 1022, 1028, and 1030 Waterdown Road would allow for infill development and additional residential units in the Aldershot GO Major Transit Station Area. The property is currently zoned Mixed Use Corridor – Employment which prohibits residential use and does not align with the approved vision for the Emery Commons Precinct. The City Initiated Zoning By-law Amendment would allow for the vision of OPA 2 and specifically the Emery Commons Precinct to be implemented.

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. A Functional Servicing Report has not been completed for the City Initiated Zoning By-law Amendment as no development is being considered through this process. When a development is proposed for a mid-rise building, the application will be required to go through Site Plan Application which would require a Functional Servicing Report be completed to the satisfaction of Development Engineering.

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. A Compatibility Mitigation Study, Air Quality, Noise and Vibration report was completed by SLR Consulting (Canada) Ltd. dated March 30, 2026. Through this report it is stated that the project site is anticipated to be compatible with the surrounding land uses provided that the mitigation measures identified in Appendix A of the Compatibility Mitigation Study, Air Quality, Noise and Vibration report was completed by SLR Consulting (Canada) Ltd. dated March 30, 2026, be followed. These include, but are not limited to, central air conditioning, upgraded glazing, strategic location of fresh air intakes facing away from Waterdown Road, Plains Road, and King Paving, provisions for future installation of carbon and MERV rated filters, and positive pressurization of the building.

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. A Phase One Environmental Site Assessment prepared by Pinchin and dated February 3, 2026 was completed through LLS-16-26. In the Phase One Environmental Site Assessment, Pinchin's opinion was that the chloroform exceedance in the groundwater at the site did not appear to be the result of historical on-site or off-site operations, as all remaining VOC parameters were below the laboratory detection limit

and no further work is warranted at this time. Based on the findings of the Phase I ESA and GMSP completed by Pinchin, no subsurface investigation work (Phase II ESA) is recommended at this time. Based on the findings of the Phase I ESA and GMSP completed by Pinchin, no subsurface investigation work (Phase II ESA) is recommended at this time. At the time of Site Plan Application, any future development application would require a Phase Two as Pinchin stated in the report that the Phase One is not sufficient (in and of itself) to meet the requirements for the submission of a Record of Site Condition in accordance with Ontario Regulation 153/04 (as amended) or the requirements for an assessment of past uses for the management of excess soil in accordance with Ontario Regulation 406/19 (as amended)). Therefore, any future development application would require a Phase Two ESA and Record of Site Condition.

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

The City of Burlington Official Plan (1997, as amended) designates the subject property as Mixed Use Corridor – Employment. This designation prohibits residential use.

While the Official Plan (1997) identifies the site as Mixed Use Corridor – Employment, OPA 2 which is an amendment to the BOP, 2020, provides an updated framework for authorized land uses including residential uses as well as assisted and special needs housing which are in effect, as explained in the preamble above. OPA 2 supersedes the 1997 OP and therefore from a land use planning and authorized uses perspective, the 1997 OP is not applicable in this context.

3.1 Land Use Compatibility and Noise Feasibility (Part 2, Subsection 2.7.3)

A Compatibility Mitigation Study, Air Quality, Noise and Vibration report was completed by SLR Consulting (Canada) Ltd. dated March 30, 2026. Through this report it is stated that the project site is anticipated to be compatible with the surrounding land uses provided that the mitigation measures identified in Appendix A of the Compatibility Mitigation Study, Air Quality, Noise and Vibration report was completed by SLR Consulting (Canada) Ltd. dated March 30, 2026, be followed.

As per the analysis provided, planning staff is of the opinion that the proposed City Initiated Zoning By-law Amendment conforms to the applicable policies of the Official Plan (1997, as amended) related to Land Use Compatibility and Noise Feasibility.

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".

As explained in the preamble above, BOP, 2020 policy 3.1.4 (2) a) is in force and effect:

3.1.4(2) a) *Assisted and special needs housing shall be permitted throughout the city, but are encouraged to locate within the Urban Area, where residential uses are permitted and where public transit, retail and public service facilities are readily accessible.*

While the current designation of Urban Corridor Employment has not yet been withdrawn from the site, Official Plan Amendment 2 which is an amendment to the BOP, 2020, provides an updated framework for authorized land uses including residential uses as well as assisted and special needs housing which are in effect. The Council adopted and MMAH approved OPA 2 introduces a new designation ‘Emery Commons Precinct’.

4.1 Official Plan Amendment (OPA) 2

In June 2023, staff brought forward report PL-40-23 which provided and update on the MTSA ASP Project and provided Council with an overview of the Community Planning Permit System (CPPS). Appendix A to staff report PL-40-23 was a memo by Dillon Consulting that explored a CPPS as an innovative tool for Council to consider for the MSTAs.

The most current vision for Burlington's Major Transit Station Areas (MTSAs) is set out in OPA 2, which identifies a system of precincts along with the relevant policies in each MTSAs. OPA 2 is available on the City's MTSA Get Involved webpage, including the Minister's decision on OPA 2. On October 10, 2025, the Ministry of Municipal Affairs and Housing (MMAH) issued a decision to approve, with modifications, OPA 2 and the last day of appeal was October 30, 2025.

In addition to OPA 2, the approved in-principle Community Planning Permit By-law (CPPBL) is currently being refined by staff in accordance with staff's memo to Council dated June 18, 2024. In this memo, staff outlined a scoped set of remaining issues that staff will continue to work with interested and affected parties to address. These issues are:

- Land use compatibility
- Class 1 & 2 permit structure
- Facilities, Services and Matters
- EV parking requirements
- Implementation considerations
- Site-specific issues

The June 18th memo also outlined the next steps in implementing the OPA and the CPPBL. It is anticipated that the final CPPBL, incorporating revisions to address the above noted core issues and to conform to modifications made by the Minister on OPA 2 will be presented to Council for approval in the future. Portions of Official Plan Amendment 2 has been appealed, and therefore is not fully in effect. City staff are working through the process at the Ontario Land Tribunal (OLT) to confirm which policies can be deemed in effect. The PMTSA elements in accordance with the Planning Act, including identified authorized uses, protected MTSA boundaries and minimum density targets for the MTSAs are not subject to appeal. The subject lands are found within the 'Emery Commons' Precinct in accordance with the Council adopted and Ministry approved OP amendment which envisions mixed use development and serves as a transitional area between tall and mid-rise precincts.

The land use schedules included in the OPA 2 and May 2024 approved in principle CPP By-law are to be read in conjunction with the policies and regulations of both documents, as well as the broader Burlington Official Plan, 2020. Together they establish a vision for future growth in the MTSAs to the year 2051 and set the standards for future

development over the long term. Copies of the Council-adopted OPA and May 2024 CPP By-law, as well as staff reports and memos, can be found at www.getinvolvedburlington.ca/mtsa.

The subject properties are within the Aldershot GO MTSA and are located within the “Emery Commons Precinct”. This Precinct will accommodate:

- a concentration of residential, retail, employment and service commercial uses in buildings with varying heights that contribute towards the creation of lively, vibrant and people-oriented places;
- function as a transitional area between the tower-concentrated Aldershot GO Central Precinct and the Mid-Rise Residential and Aldershot Main Street precincts;
- become a new community hub for Aldershot Corners, with a concentration of community services, amenities and facilities; and,
- contain opportunities to consider strategic locations and investments for future City public service facilities in accordance with the policies of Section 3.2 of this Plan.

As per OPA 2, the following uses may be permitted in the Aldershot GO MTSA which includes the Emery Commons Precinct residential uses excluding single detached dwellings and semi-detached dwellings; office; retail and service commercial; entertainment; recreation; hotel and light assembly and manufacturing, compatible with abutting sensitive land uses.

As per OPA2, Waterdown Road is a Major Mixed Use Street. Along Major Mixed Use Streets, retail, service commercial, institutional uses, day care centre, public service facility or office uses shall be required continuously at grade in buildings facing Major Mixed Use Streets.

As per the approved in principle CPP By-law (May 2024), development within the Emery Commons Precinct shall contain a minimum of two permitted or discretionary uses which include rowhouses, dwelling units above the first two storeys in all use building, mixed use building with first floor non-residential use and residential use above, apartment building, office, retail, service commercial, hotel, entertainment, and recreation use.

The City Initiated Zoning By-law Amendment in Appendix D proposes to align land use permissions with the Emery Commons Precinct. This includes policies mixed-use development and serving as a transitional area between tall and mid-rise precincts. As the building fronts onto Waterdown Road, the City Initiated Zoning By-law Amendment will seek to implement non-residential uses at-grade.

Section 3.1.4 of the Official Plan (2020, as amended) permits assisted and special needs housing in all residential neighbourhoods in the Urban Area of the city. As a result of aligning the property with the Emery Commons Precinct, residential use would be permitted on the site including assisted and special needs housing.

Further, the site is located within a Tertiary Planning Area as identified in Schedule G-3 (Aldershot GO Major Transit Station Areas Tertiary Planning Areas) of OPA 2. However, OPA 2 includes policy 8.1.2 (9.1) b) that the City may consider waiving the requirement for a Tertiary Plan if landowners can demonstrate the proposed development is delivering elements identified in 8.1.2 (9.1) d) which includes the provision of special needs housing, assisted housing and affordable housing in accordance with Section 3.1 of this Plan. Given that the proposal will contribute to a full range of housing, staff are of the opinion that the proposal will not impact that ability of the balance of the tertiary plan area to develop appropriately and waive the requirement for tertiary planning for this site.

As per the analysis provided, planning staff is of the opinion that the proposed City Initiated Zoning By-law Amendment conforms to the Official Plan (2020, as amended).

4.2 Urban Forestry (Chapter 4, Section 4.3)

Urban Forestry and Landscaping staff provided comments that they are supportive of the proposed City Initiated Zoning By-law Amendment provided that the assessment of on-site and neighbouring trees along with securing any required written permissions to injure or remove neighbouring trees is completed. The subsequent design must be revised as needed to minimize impacts of the Minimum Tree Protection Zones (MTPZs) of all trees to be retained.

As no development is being proposed at this time, City Planning staff are satisfied that the trees on-site and neighbouring trees can be dealt with at the Site Plan Application stage. The Official Plan (2020, as amended) provides policies for preserving existing healthy trees, relocating healthy trees where feasible, planting replacement trees where trees are removed, and incorporating the planting of additional trees where appropriate (Section 4.3.2 d)). City Planning staff are confident that the assessment of the trees can be addressed at Site Plan Application.

5.0 Design Guidelines for Mid-rise and Mixed-use Buildings (March 2019)

The City of Burlington's 'urban area' represents the land where forecasted population and employment growth will be accommodated, and the 'mid-rise' building form is anticipated to be a key element of this growth. Well-designed mid-rise buildings have many benefits for a growing city, especially one that is no longer sprawling but focused on strategically growing in place. They provide for a scale of building that is very important when transitioning from lower scale residential neighbourhoods to more intense communities. At the street-level, midrise buildings effectively frame streets, create a comfortable

pedestrian environment, and line streets with uses that support a vibrant street-life including shops, restaurants and other amenities.

These Guidelines represent best practices, developed to inform the urban design aspects of mixed-use and residential mid-rise buildings and implement the City's Official Plan objectives and policies related to design excellence and the creation of a high-quality built environment that supports complete, compact, and sustainable communities.

Mid-rise buildings are defined in this Guideline as buildings between 5-11 storeys in height. A mid-rise building is comprised of a "lower building" and "upper building". The lower building represents the first few storeys of a mid-rise building, 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.

The City Initiated Zoning By-law Amendment is proposing to align future development with the Guidelines as well as the provisions for the Emery Commons Precinct.

6.0 Sustainable Building and Development Guidelines (December 2021)

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.

The Sustainable Building and Development Guidelines will be addressed in a future Site Plan application when a development is proposed.

7.0 Pedestrian Level Wind Study Guidelines and Terms of Reference (June 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 Qualitative Wind Assessment is required as a minimum for development proposals with building heights of 5- to 11-storeys; however, a Quantitative Wind Assessment may be required at the

discretion of City staff based on building exposure, size, sensitivity, and other factors. Any future development on the subject property will require a Wind Study. As the City Initiated Zoning By-law Amendment is not considering a specific development proposal, a Wind Study will be required and reviewed by staff at the Site Plan stage for a future development proposal.

8.0 Shadow Study Guidelines and Terms of Reference (June 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.

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. In reviewing the surrounding area, a future Shadow Study would be required to consider Private Outdoor Amenity Areas and Public Realm and Sidewalks. As the City Initiated Zoning By-law Amendment is not considering a specific development proposal, a Shadow Study will be required and reviewed by staff at the Site Plan stage for a future development proposal.

9.0 Zoning By-law

The following table outlines the requirements of the current ‘Mixed-Use Corridor Employment Zone’ (MXE), proposed ‘Mixed Use Corridor General Zone’ (MXG), and the Emery Commons Precinct.

Zoning Regulation	MXE	MXG	Emery Commons (approved in principle CPP By-law)
Building Height	Industrial/automotive uses: 2-storeys Other uses: 6-storeys	Automotive uses: 2-storeys Other uses: 6-storeys	6-storeys to 19-storeys
<p>Staff comments:</p> <p>The City Initiated Zoning By-law Amendment seeks to align the zoning on the properties at 1022, 1028, and 1030 Waterdown Road with the Emery Commons Precinct. This precinct is envisioned for mixed use development that serve as a transitional area</p>			

between tall and mid-rise precincts. Although, as per the provisions in the approved-in-principle CPP By-law, the Emery Commons Precinct may permit up to 19-storeys through a Class 2 variation, this would require a staff variation and the provision of services, facilities and other matters. Meanwhile, the 6-storeys in the Emery Commons Precinct would represent a Class 1 Community Planning Permit which represents that development standards have been met.

City Planning staff are recommending that the subject property permit 5-11 storeys which represents a mid-rise building as per the Design Guidelines for Mid-rise and Mixed-use Buildings (2019) in the approved City's Urban Design Guideline. As discussed in Section 4.0 above, the Emery Commons Precinct's vision in OPA2 is approved, however, regulations outlined in the approved-in-principle CPP By-law have not received final approval at this time. Therefore, City Planning staff are of the opinion that a 5-11 storey building as per the Mid-rise and Mixed-use Buildings (2019) represents the vision for the Emery Commons Precinct provided a supportive Wind Study and Shadow Study are completed for a future development proposal at the Site Plan stage.

Zoning Regulation	MXE	MXG	Emery Commons (approved in principle CPP By-law)
Floor Area Ratio (FAR)	1.0:1	1.5:1	N/A

Staff comments:

The MXG zone permits a maximum FAR of 1.5:1. However, approved-in-principle CPP By-law for the Emery Commons Precinct does not regulate FAR. City Planning staff would recommend that the proposed Zoning By-law Amendment in Appendix D not include FAR and that the density can be controlled by the setbacks and height maximum. This will allow for greater flexibility in the City Initiated Zoning By-law Amendment as no development is being reviewed at this time and can range from 5-storeys to 11-storeys as per the proposed regulations in the Zoning By-law Amendment in Appendix D.

Zoning Regulation	MXE	MXG	Emery Commons (approved in principle CPP By-law)

Yard abutting any other street	3 m minimum, 4.5 m maximum	3 m minimum, 4.5 m maximum	Yard abutting an Activated Street: 2 m Class 2: May be reduced to 1.5 m
<p>Staff comments:</p> <p>The MXE zone and MXG zone envision as of right permissions for a 3 m setback. The approved-in-principle CPP By-law for the Emery Commons Precinct envisions a 2 m setback for yards abutting an Activated Street. Waterdown Road is an Activated Street and City Planning staff is recommending that the Zoning By-law Amendment in Appendix D permit non-residential use at grade. Therefore, City Planning staff would recommend the minimum 2 m setback to allow for non-residential uses to be closer to the street while allowing space for landscaping.</p>			
Zoning Regulation	MXE	MXG	Emery Commons (approved in principle CPP By-law)
Rear Yard	3 m	3 m	3 m Class 2: May be reduced to 2.4 m
<p>Staff Comments:</p> <p>The MXE zone, MXG zone, and approved-in-principle CPP By-law for the Emery Commons Precinct envision as of right permissions for a 3 m setback. City Planning staff would continue to recommend the 3 m setback.</p>			
Zoning Regulation	MXE	MXG	Emery Commons (approved in principle CPP By-law)
Side Yard Setback	No minimum	No minimum	3 m Class 2: May be

			reduced to 2.4 m
<p>Staff Comments:</p> <p>The MXE zone and MXG zone do not include a minimum setback for a side yard setback. However, the Design Guidelines for Mid-rise and Mixed-use Buildings (2019) consider a minimum building separation of 15 m to allow sufficient distance for buildings that face each other. This would require a split of 7.5 m on each lot from the side lot line to achieve 15 m. However, the approved-in-principle CPP By-law for the Emery Commons Precinct envisions a minimum as of right setback of 3 m for the side yard. City Planning staff would recommend that the side yard setback be 3m to align with the future vision.</p>			
Zoning Regulation	MXE	MXG	Emery Commons (approved in principle CPP By-law)
Amenity Area	N/A	15 m ² per efficiency dwelling unit 20 m ² for a one-bedroom unit 35 m ² for a two or more bedroom unit	4.0 sq. m of private residential amenity area and 4.0 sq. m of common residential amenity area per dwelling unit Class 2: May be reduced to 3.2 sq. m of private residential amenity area and 3.2 sq. m of common residential amenity area per dwelling unit

<p>Staff comments:</p> <p>The MXE zone does not contemplate amenity area as residential use is prohibited. The MXG zone requires 15 m² per efficiency dwelling unit, 20 m² per one-bedroom dwelling unit, and 35 m² per two or more bedroom dwelling unit. The City's approved-in-principle CPP By-law includes a requirement of 4 m² of private residential amenity area and 4 m² of common residential amenity area per dwelling unit. City Planning Staff are recommending that the Zoning By-law Amendment align with the approved-in-principle CPP By-law and require the combined total of 8 m² of amenity area per unit.</p>			
Zoning Regulation	MXE	MXG	Emery Commons (approved in principle CPP By-law)
Landscape Area abutting a street	3 m	3 m	Landscape Open Space Area: 20% of lot area Class 2: May be reduced to 15% of lot area
<p>Staff comments:</p> <p>City Planning staff are recommending the yard abutting Waterdown Road be a minimum of 2 m as per the setback abutting an activated street in the approved-in-principle CPP By-law for the Emery Commons Precinct. This will allow the non-residential uses to be present on the street while allowing for landscaping within the first 2 m of the property. City Planning staff have considered the Landscape Open Space Area and have considered that it may be reduced through a Class 2 variation. City Planning staff are relying on the in-effect policies in the Zoning By-law 2020 and require the 2 m setback from the front lot line be vegetated.</p>			
Zoning Regulation	Part 1, 2.26 (5) iii)		Emery Commons (approved in principle CPP By-law)
Parking	1.25 spaces per residential unit 3.5 spaces per retail unit		Residential: no minimum

		<p>Accessible: Shall be provided in accordance with the requirements set out in the AODA Bicycle parking: 0.1 spaces per dwelling unit and 2 spaces minimum for all other non-residential uses</p>
<p>Staff comments:</p> <p>As per the Planning Act, the City of Burlington may not enforce parking requirements, other than bicycle parking located within a Protected Major Transit Station. However, the AODA standards shall be adhered to in terms of accessible parking spaces which will be reviewed at the Site Plan application stage. Further, the minimum bicycle parking spaces in the Emery Commons Precinct is proposed in the City Initiated Zoning By-law in Appendix D.</p> <p>A Traffic Impact and Parking Brief was prepared by Stantec dated April 8, 2026 that is supported by Transportation Planning Staff.</p>		