



Community Planning, Regulation and Mobility Committee Public Meeting Agenda

Date: October 16, 2023

Time: 6:30 p.m.

Location: Hybrid meeting- virtual and Council Chambers, City Hall

Contact: Committee Clerk, Jo-Anne.Rudy@burlington.ca, 905-335-7600, x7413

Pages

1. **Declarations of Interest:**

2. **Statutory Public Meetings:**

Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act.

3. **Delegation(s):**

Standing committee and City Council meetings are held using a hybrid model, allowing members of Council, city staff and the public the option of participating remotely or in-person at city hall, 426 Brant St.

Requests to delegate to this hybrid meeting can be made by completing the online delegation registration form at www.burlington.ca/delegate, by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca or by phoning 905-335-7600, ext. 7481 by noon the business day before the meeting is to be held. It is recommended that virtual delegates include their intended remarks, which will be circulated to all members in advance, as a backup to any disruptions in technology issues that may occur.

If you do not wish to delegate, but would like to submit correspondence, please email your comments to clerks@burlington.ca. Any delegation notes and comments will be circulated to members in advance of the meeting and will be attached to the minutes, forming part of the public record.

4. **Consent Items:**

Reports of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to queries on items contained in the Consent Agenda.

5. Regular Items:

5.1 Zoning By-law amendment for 3399 Appleby Line (PL-52-23)

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Note: this item will be considered at the October 17, 2023 Council meeting to meet Planning deadlines

Approve the Zoning By-law amendment application for the property located at 3399 Appleby Line to permit a one (1) storey industrial building with accessory office uses; and

Approve Zoning By-law 2020.453, attached as Appendix C of community planning department report PL-52-23, which rezones the portion of the lands 3399 Appleby Line zoned as 'D' zone to a 'BC1' zone; and

Deem that the proposed by-law conforms to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands

6. Confidential Items and Closed Session:

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

7. Rise and Report from Closed Session:

8. Procedural Motions:

9. Information Items:

10. Staff Remarks:

11. Committee Remarks:

12. Adjournment:



SUBJECT: Zoning By-law amendment for 3399 Appleby Line
TO: Community Planning, Regulation & Mobility Cttee.
FROM: Community Planning Department

Report Number: PL-52-23

Wards Affected: 6

File Number: 520-10-22

Date to Committee: October 16, 2023

Date to Council: October 17, 2023

Recommendation:

Approve the Zoning By-law amendment application for the property located at 3399 Appleby Line to permit a one (1) storey industrial building with accessory office uses; and

Approve Zoning By-law 2020.453, attached as Appendix C of community planning department report PL-52-23, which rezones the portion of the lands 3399 Appleby Line zoned as 'D' zone to a 'BC1' zone; and

Deem that the proposed by-law conforms to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands.

PURPOSE:

The purpose of this report is to recommend approval of the Zoning By-law Amendment application for the lands municipally known as 3399 Appleby Line, to permit a one (1) storey industrial building with accessory office uses on the subject lands which will be accessed via the existing unopened road allowance of Marconi Court.

Vision to Focus Alignment:

The subject application relates to the following focus areas of the 2018-2022 Burlington's Plan: From Vision to Focus.

- Increase economic prosperity and community responsive city growth.
- Improve integrated city mobility.
- Support sustainable infrastructure and a resilient environment.

Executive Summary:

RECOMMENDATION:		Approve	Ward:	6
Application Details	APPLICANT:	MHBC Planning		
	OWNER:	Dream Summit Industrial (3399 Appleby Line) Inc.		
	FILE NUMBERS:	520-10/22		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	PROPOSED USE:	A one (1) storey industrial building with accessory office uses with access to Appleby Line the existing unopened road allowance of Marconi Court (as shown on the attached Concept Plan – Appendix B).		
Property Details	PROPERTY LOCATION:	East side of Appleby Line, South of Highway 407, and North (but inclusive) of the current access driveway to the Regional Appleby Pumping Station and Reservoir.		
	MUNICIPAL ADDRESS:	3399 Appleby Line		
	PROPERTY AREA:	4.76 hectares		
	EXISTING USE:	Vacant land		
Documents	1997 OFFICIAL PLAN Existing:	'Business Corridor' and 'Greenlands'		
	1997 OFFICIAL PLAN Proposed:	No change proposed		
	2020 OFFICIAL PLAN Existing:	'Business Corridor' and 'City's Natural Heritage System'		
	2020 OFFICIAL PLAN Proposed:	No change proposed		
	ZONING Existing:	Development (D) and Open Space (O3)		

	ZONING Proposed:	Business Corridor (BC1) and Open Space (O3)
Processing Details	APPLICATION MADE AND COMPLETE AS OF:	November 4, 2022
	STATUTORY DEADLINE:	February 2, 2023
	PRE-APPLICATION COMMUNITY MEETING:	June 22, 2022
	PUBLIC COMMENTS:	As of the drafting of this report, the City has not received any written comments from members of the public on this application. Notices were sent in December 2022 to 19 addresses within 120 metres of the subject property.

Background and Discussion:

On November 4, 2022, the City received a complete application from MHBC Planning requesting a Zoning By-law Amendment to permit development at 3399 Appleby Line consisting of a one (1) storey industrial building with accessory office uses fronting on Appleby Line, with access to Appleby Line via the existing unopened road allowance of Marconi Court.

The purpose of this report is to provide a recommendation on the application, an outline of applicable policies and regulations, and a summary of technical and public comments received to date.

Description of Subject Properties and Surrounding Land Uses

The property municipally known as 3399 Appleby Line (the “subject lands”) is located southeast of the intersection of Highway 407 Express Toll Route (ETR) and



Appleby Line (as shown on the attached Existing Zoning Plan – Appendix A). The subject lands have an area of approximately 4.76 ha and are currently vacant.

The subject lands are mainly surrounded by a mix of employment and open space uses as well as transportation corridors. To the north is Highway 407 (ETR) and across the highway are agricultural lands; to the south is the property 3309 Harrison Crescent which is currently a vacant parcel; to the east is the property 3321 Appleby Line which contains the Regional Appleby Pumping Station and Reservoir as well as Bronte Creek zoned as Open Space (O3); to the west of the property is Appleby Line and across the street is 3416 Appleby Line, also currently vacant (as shown on the attached Existing Zoning Plan – Appendix A). Additionally, the subject lands contain an easement along the eastern and southern property lines that currently provides access to Appleby Line for the property as well as the pumping station.

The subject lands are approximately 500 metres north of the nearest Burlington Transit bus stop which runs on Route 11 (Sutton Alton) and Route 51 (Burlington Northeast) along Harvester Road. Route 11 connects to the Appleby GO station and the GO Highway 407 Carpool station while Route 51 runs during late night hours and connects to the Burlington GO station.

Description of Applications

Planning staff deemed the application for a Zoning By-law Amendment on the subject lands complete as of November 4, 2022. The purpose of the application is to amend the Zoning By-law to allow for the development of a one (1) storey industrial building with accessory office uses and access to Appleby Line via the existing unopened road allowance of Marconi Court (as shown on the attached Concept Plan – Appendix B). The building proposed contains a total gross floor area of approximately 17,638 m² of which approximately 369 m² would be dedicated to the accessory office space. Additionally, 198 parking spaces are being provided along the west and north property line, facing Appleby Line and Highway 407. To develop the site with the proposed warehouse use, the applicant is requesting to amend the Zoning By-law for the subject lands in conformity with the Official Plan.

Supporting Documents

The applicant has submitted the following materials in support of the subject applications:

- [Cover Letter](#) prepared by MHBC Planning dated November 4, 2022.
- [Completed Application Form](#) signed October 19, 2022.
- [Planning Justification Report](#) prepared by MHBC Planning dated November 2022.
- [Site Survey](#) prepared by J. D. Barnes Ltd. dated June 17, 2022.

- [Draft Reference Plan](#) prepared by J. D. Barnes Ltd dated September 8, 2022.
- [Reference Plan](#) dated November 23, 1993.
- [Archeological Report](#) prepared by Lincoln Environmental Consulting Corp dated June 2021.
- [Archeological Reliance Letter](#) prepared by Lincoln Environmental Consulting Corp dated January 2021.
- [Ministry of Heritage, Sport, Tourism and Culture Industries – Letter](#) prepared by Lincoln Environmental Consulting Corp dated January 31, 2022.
- [Conceptual Site Plan Layout](#) prepared by Summit Industrial Income Reit dated October 28, 2022.
- [Architectural Plans](#) prepared by Summit Industrial Income Reit dated October 28, 2022.
- [Arborist Report and Tree Protection Plan](#) prepared by Amy Choi Consulting dated October 27, 2022.
- [Tree Preservation Plan](#) prepared by Amy Choi Consulting dated October 27, 2022.
- [Landscape Plan](#) prepared by MHBC Planning dated September 23, 2022.
- [Hydrogeological Assessment](#) prepared by Pinchin Ltd. dated November 2, 2022.
- [Functional Servicing and Stormwater Management Report](#) prepared by Summit Industrial Income Reit dated October 2022.
- [Storm Drainage Plan](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Servicing Plan](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Grading Plan](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Slope Stability Assessment](#) prepared by Pinchin Ltd. dated November 1, 2022
- [Environmental Impact Assessment](#) prepared by Dillon Consulting dated October 2022.
- [Noise Study](#) prepared by HGC Engineering dated August 16, 2022.
- [Transportation Impact Study](#) prepared by Paradigm Transportation Solutions Ltd. dated October 2022.
- [Geotechnical Report – Proposed Municipal Road](#) prepared by Pinchin Ltd. dated October 18, 2022.
- [Geomorphic Memo](#) prepared by GeoProcess Research Associates dated November 2, 2022.
- [Phase One Environmental Site Assessment](#) prepared by Pinchin Ltd. dated May 24, 2022.
- [Phase One Environmental Site Assessment – City of Burlington Reliance Letter](#) prepared by Pinchin Ltd. dated July 18, 2022.

- [Phase One Environmental Site Assessment – Halton Region Reliance Letter](#) prepared by Pinchin Ltd. dated July 18, 2022.
- [Photometric Plan](#) prepared by Summit Industrial Income Reit dated September 23, 2022.
- [Sustainable Building and Development Guidelines Checklist](#) prepared by MHBC Planning dated November 10, 2022.
- [Urban Design Brief](#) prepared by MHBC Planning dated September 2022.
- [Environmental Site Screening Questionnaire](#) signed November 2, 2022.
- [Construction Management and ESC Plan – Phase 1](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Construction Management and ESC Plan – Phase 2](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [Construction Management and ESC Plan – Phase 3](#) prepared by Hudson Engineering and Management dated October 25, 2022.
- [List of Encumbrances on Title](#) prepared by MHBC Planning dated November 10, 2022.
- [Pre-consultation Comment Response Matrix](#) prepared by MHBC Planning dated November 3, 2022.
- [Sewer Access Easement Survey](#) dated September 25, 2022.
- [Site Plan Agreement](#) dated April 1, 1993.
- **PIN Report** dated October 26, 2022.
- [Revised Comment Response Matrix](#) prepared by MHBC Planning dated May 5, 2023.
- [Revised Comment Response Matrix](#) prepared by MHBC Planning dated August 8, 2023
- [Revised Cover Letter](#) prepared by MHBC Planning dated May 5, 2023.
- [Revised Cover Letter](#) prepared by MHBC Planning dated August 8, 2023.
- [Planning Justification Report Addendum](#) prepared by MHBC Planning dated May 5, 2023.
- [Revised Conceptual Site Plan Layout](#) prepared by Summit Industrial Income Reit dated February 6, 2023.
- [Revised Conceptual Site Plan Layout](#) prepared by Summit Industrial Income Reit dated August 24, 2023.
- [Revised Lighting Plan](#) prepared by Summit Industrial Income Reit dated February 24, 2023.
- [Revised Tree Preservation Plan](#) prepared by Amy Choi Consulting dated May 5, 2023.
- [Revised Arborist Report](#) prepared by Summit Industrial Income Reit dated May 5, 2023

- [Revised Architectural Plans](#) prepared by Summit Industrial Income Reit dated October 28, 2022.
- [Revised Construction Management and ESC Plans](#) prepared by Hudson Engineering and Management dated May 24, 2023.
- [Revised Landscape Plan](#) prepared by MHBC Planning dated May 4, 2023.
- [Revised Grading Plan](#) prepared by Hudson Engineering and Management dated May 24, 2023.
- [Revised Grading Plan](#) prepared by Hudson Engineering and Management dated September 13, 2023.
- [Stormwater Management Impact Assessment Memo](#) prepared by Dillon Consulting, Husson Engineering and Management, and GeoProcess Research Associates dated April 18, 2023.
- [Stormwater Management Impact Assessment Memo](#) prepared by Hudson Engineering and Management dated August 4, 2023.
- [Revised Servicing Plan](#) prepared by Hudson Engineering and Management dated May 24, 2023.
- [Revised Servicing Plan](#) prepared by Hudson Engineering and Management dated September 13, 2023.
- [Revised Slope Stability Assessment](#) prepared by Pinchin Ltd. dated May 1, 2023.
- [Revised Phase One Environmental Site Assessment – Halton Region Reliance Letter](#) prepared by Pinchin Ltd. dated April 24, 2023.
- [Environmental Impact Assessment Addendum](#) prepared by Dillon Consulting dated August 8, 2023.

Application materials are posted on the City's Development Project webpage at burlington.ca/3399appleby.

Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review against the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. A policy analysis has been provided to demonstrate the proposal is in keeping with the applicable framework.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS. The PPS promotes the achievement of healthy, livable, and safe communities through various means including promoting efficient development and

land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

The PPS directs growth and development to be focused in settlement areas which include urban areas that are built-up areas where development is concentrated, which have a mix of land uses and lands which have been designated in an Official Plan for development over the long term planning horizon. The subject lands are located within a settlement area.

In accordance with policy 1.1.3.1 and 1.1.3.2 settlement areas shall be the focus of growth and development and shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Similarly, section 1.3.1 of the PPS describes that planning authorities shall promote economic development and competitiveness by: providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, as well as take into account the needs of existing and future businesses; and ensuring the necessary infrastructure is provided to support current and projected needs. The subject lands are of employment nature under the local Official Plans and are currently vacant. The proposed Zoning By-law Amendment aims to rezone the subject lands from a 'Development' (D) zone to a 'Business Corridor' (BC1) zone in order to allow for the proposed industrial and office uses permitted under the underlying Official Plan designations. This will in turn take into account the needs of existing and future businesses and help assist in promoting employment land uses while protecting the employment nature of the subject lands and utilizing existing infrastructure.

In accordance with section 1.1.3.6, new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. The subject lands are envisioned as an 'Employment Growth Area' under Schedule B-1: Growth Framework of the City of Burlington New Official Plan (OP, 2020).

In accordance with section 1.3.2.1, 1.3.2.3 and 1.3.2.6, planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs; employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility; planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations. The subject lands are mainly surrounded by a mix of employment uses, open space uses and transportation corridors, it is staff's opinion that the proposed industrial and office uses are not considered sensitive land uses and would not pose negative compatibility impacts onto the nearest sensitive uses such as the residential areas as well as surrounding uses such as employment uses, open space uses and transportation corridors. The nearest residential uses are approximately 400m west of the subject lands.

In accordance with section 1.8, planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
- g) maximize vegetation within settlement areas, where feasible.

A detailed review of the proposed development and its considerations on the impacts of a changing climate along with the City of Burlington Sustainable Building Design Guidelines has been provided in the following sections of this report.

In accordance with policy 2.1.1, natural features and areas shall be protected for the long term. Furthermore, policy 2.1.2 describes that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

The subject lands are located adjacent to Bronte Creek and contain a portion of the erosion hazard associated with that watercourse. Conservation Halton regulates a distance of 15 metres from the limit of the greatest hazard associated with Bronte Creek which is the erosion hazard. A Stormwater Management outlet is proposed to the Bronte Creek valley. Based on the materials submitted, the applicant has demonstrated the proposed Business Corridor (BC1) zone and related site development will be located outside of Conservation Halton's regulated area and that Conservation Halton's key thresholds have been met. As a result, Conservation Halton staff has described no fundamental issues with the proposed Zoning By-law Amendment application and that further review of the proposed stormwater outlet will be undertaken through the future Site Plan Review stage and Conservation Halton Permitting stages. Similarly, City Natural Heritage staff have no outstanding comments regarding the Natural heritage features of the subject lands at this stage and have described stormwater management details will be addressed at the Site Plan Review stage.

Planning staff have considered the policies of the PPS with regard to this development application and are of the opinion that the proposal is consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("the Growth Plan") provides a policy framework for managing growth in an area of Ontario that includes the City of Burlington. All planning decisions within the Growth Plan area must conform to the Growth Plan.

The Growth Plan is intended to support the achievement of complete communities with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available. The Growth Plan also envisions a healthy natural environment and agricultural lands, which will contribute to the region's resilience and our ability to adapt to a changing climate. To accomplish its vision, the Growth Plan establishes policies regarding how land is developed, resources are managed and protected, and where investments are made.

The Growth Plan provides specific growth management policy direction and focuses development in the existing urban areas through intensification. In accordance with

section 2.2.1 (2), the vast majority of growth will be directed to settlement areas of which growth will be focused in: delineated built-up areas; strategic growth areas; locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and in areas with existing or planned public service facilities.

Similarly, section 2.2.5 (3), (4) and (5) describes office uses will be directed to locations that support active transportation and have existing or planned transit; surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated for employment uses; and municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.

The subject lands are within a settlement area envisioned as a 'Employment Growth Area' adjacent to a 'Candidate Frequent Transit Corridor' under Schedule B-1: Growth Framework of the City of Burlington New Official Plan (OP, 2020). Candidate Frequent Transit Corridors are defined as corridors which have some of the existing and/or planned land uses and street design conditions which may enable a frequent service in the future. Furthermore, the subject lands are approximately 500 metres north from the nearest Burlington Transit bus stop which runs on Route 11 (Sutton Alton) and Route 51 (Burlington Northeast) along Harvester Road. Route 11 connects to the Appleby GO station and the GO Highway 407 Carpool station while Route 51 runs during late night hours and connects to the Burlington GO station.

In accordance with section 2.2.5 (1), economic development and competitiveness in the GGH will be promoted by:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- c) planning to better connect areas with high employment densities to transit; and
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

In accordance with section 2.2.7 (1), new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that: supports the achievement of complete communities; supports active transportation; and encourages the integration and sustained viability of transit services. The subject lands are envisioned as a 'Designated Greenfield Area' more specifically 'Developed Area Outside Delineated Built Boundary' under Schedule B-1: Growth Framework of the City of Burlington New Official Plan (OP, 2020).

Planning staff have considered the policies of the Growth Plan with regard to this development application and are of the opinion that the proposal conforms with the Growth Plan.

Halton Region Official Plan

The Halton Region Official Plan (ROP) outlines a long-term vision for Halton's physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that fosters complete communities, enhance mobility across Halton, address climate change, and improve housing affordability, sustainability, and economic prosperity. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

Regional Official Plan Amendment (ROPA) 48 was approved by the Minister of Municipal Affairs and Housing on November 10, 2021. This amendment is the first amendment to be advanced as part of the Regional Official Plan Review under section 26 of the Planning Act. ROPA 48 defines specific elements of a Regional Urban Structure including Strategic Growth Areas. The policies of ROPA 48 are in effect and not subject to appeal.

ROPA 49 is the second amendment to be advanced as part of the Regional Official Plan Review. ROPA 49 was adopted by Regional Council on June 15, 2022 and was approved by the Minister of Municipal Affairs and Housing with 45 modifications on November 4, 2022. ROPA 49 outlines a land use policy framework to guide growth and development within the Region to 2051, including policies and schedules that address housing and growth management and long-term planning for employment and infrastructure.

In accordance with Map 1H "Regional Urban Structure" of the ROP, as amended by ROPA 48, the subject lands are located within the Urban Area. The goal of Urban Areas is to "manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improved housing affordability, sustainability, and economic prosperity" (ROP 72).

The subject lands are also within an Employment Area, as identified on Map 1H. The Employment Areas (Section 83) policies of the Regional Official Plan (ROP) identify that the goal of the Employment Areas is to provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The subject lands are located in close proximity to the Regional Natural Heritage System (RNHS), adjacent to features identified as Key Features, as illustrated on Map 1G of the ROP and potential unmapped features, including:

- Candidate Significant Woodlands
- Potential habitat of endangered or threatened species;

- Potential significant wildlife habitat;
- Significant Valleylands
- Potential Fish habitat.
- Life Science ANSI
- Greenbelt Natural Heritage System (Map 1G)
- Enhancement and buffer areas that form the RNHS.
- Watercourses, floodplain areas regulated by Conservation Halton.

Halton Region staff were circulated on the development application and associated technical studies and drawings. Regional staff have indicated that the applicant's application materials are satisfactory for Zoning By-law amendment and have no objections at this stage. City Planning staff have also reviewed the application and find that the proposed development applications on the subject lands conform with the policies of the ROP.

City of Burlington Official Plan (1997, as amended)

The City's Official Plan (1997, as amended) (the OP) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development, and resource management matters to guide the future planning and development of the City towards the desired community vision.

The subject lands are designated 'Business Corridor' and 'Greenlands' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. Lands designated as Business Corridor are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment uses including office, industrial and related uses and to establish high design and development standards for Business Corridor lands. This designation may permit a broad range of office, industrial, utilities, transportation and service trade uses provided these are located within an enclosed building and are unlikely to cause significant pollution or excessive noise. A limited range of retail commercial and service commercial uses as well as recreation uses such as restaurants, banks and fitness centres, subject to specific provisions of Part III, section 3.4.2 e) may be permitted. Additionally, hotel, conference and convention uses as well as residence for a watchman or caretaker may be permitted. The proposed uses are therefore permitted under the current Official Plan.

A portion of the property along the eastern property line is designated as 'Greenlands'. The following uses may be permitted in this designation:

- (i) existing agricultural operations including accessory buildings, structures and facilities;
- (ii) existing uses;

- (iii) single-detached dwellings on existing lots created under The Planning Act;
- (iv) non-intensive recreational uses such as nature viewing;
- (v) forest, wildlife and fisheries management;
- (vi) archaeological activities;
- (vii) essential transportation and utility facilities;
- (viii) accessory buildings, structures and facilities and site modifications to accommodate them, provided the effects on the natural environment are minimal;
- (ix) incidental uses and site modifications to accommodate them, provided the effects on the natural environment are minimal; and
- (x) home occupations and cottage industries.

The proposed uses are only located on the section of the property designated as 'Business Corridor'. The section of the property designated as 'Greenlands' would include the existing road easement located at the eastern property line.

In accordance with Part III section 3.4.2 d), a range of building heights and development intensities shall be permitted within areas designated as Business Corridor. Additionally, section 3.4.2 f) describes that the design and development of Business Corridor areas shall ensure a high degree of compatibility between new prestige industrial and office uses and adjacent non-industrial uses. The following site design and development factors shall be considered for new and/or expanding Business Corridor uses:

- (i) off-street parking shall be located away from adjacent uses;
- (ii) loading areas shall be located to avoid conflict between pedestrian and vehicular traffic away from adjacent uses and adjoining roads;
- (iii) outdoor storage areas shall be fenced and/or screened;
- (iv) the number and location of vehicular access points shall be limited to minimize disruption to traffic flows;
- (v) lighting shall be directed to minimize impacts on adjacent uses;
- (vi) the proposal provides convenient access to public transit services;
- (vii) the proposal includes features to promote public safety;
- (viii) off-street parking areas, loading areas and site service areas shall be screened and landscaped; and
- (ix) urban design considerations contained in Part II, section 6.0

Furthermore, in accordance with Part III, section 3.4.3 f), in addition to the uses and policies in Part III, section 3.4.2 a), b), e) and f) of this Plan, within the Alton Community, lands within the vicinity of highway interchanges are permitted to have a higher intensity of development subject to the submission of a travel demand management plan; and outdoor storage is prohibited in yards adjacent to Highway No. 407. Outdoor storage in

other locations must be sited, fenced and screened so as not to detract from the character of the Business Corridor.

The urban design policies contained in Part II, section 6.5 a) and b) describe that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area; and the compatibility of adjacent development shall be encouraged through site design and buffering measures, including landscape screening and fencing.

Similarly, the proposed development consist of one (1) storey in height and will not contain outdoor storage. One vehicular access point is proposed from Marconi Court, through a road extension via Harrison Court, which connects to Appleby Line. The proposed off-street parking is contemplated to be along the north and west sections of the property facing Appleby Line and Highway 407 while the loading area is proposed on the eastern portion of the property at the rear of the building, away from adjacent uses, adjoining roads as well as most of the pedestrian and vehicular traffic. A total of 198 parking spaces are being provided at a rate of 1 space per 100 m² of gross floor area for industrial uses and 3 spaces per 100 m² of gross floor area for office uses as well as 35 loading spaces. The off-street parking areas, loading areas and site service areas proposed are aimed to be screened with landscape buffers and natural vegetation. Pedestrian routes are delineated through the parking lot and provided along the perimeter of the building.

In terms of lighting design, the applicant has advised Lighting Plans have been prepared by Inviro Engineered Systems Limited and will be further developed through the Site Plan Review process to confirm compliance with Site Plan requirements.

The subject lands are approximately 500 metres north from the nearest Burlington Transit bus stops which run on Route 11 (Sutton Alton) and Route 51 (Burlington Northeast) along Harvester Road. Route 11 connects to the Appleby GO station and the GO Highway 407 Carpool station while Route 51 runs during late night hours and connects to the Burlington GO station.

Staff is therefore of the opinion that the proposed Zoning By-law Amendment conforms to the City's 1997 Official Plan (as amended).

City of Burlington New Official Plan (2020)

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

The subject lands are designated 'Business Corridor' under Schedule C: Land Use - Urban Area of the New Official Plan. Lands within this designation are intended to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes, to permit a wide range of employment

uses including office, industrial and ancillary employment uses and to establish high design and development standards for Business Corridor lands.

This designation may permit a broad range of office, industrial, utilities, transportation and service trade uses provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust. A limited range of accessory retail, a full range of accessory service commercial, a limited range of recreation uses may be permitted. The accessory retail and service commercial uses permitted under this designation are subject to the provisions of section 8.2.2 c) and d). Additionally, large-scale motor vehicle dealerships, hotel, conference and convention uses may be permitted.

A portion of the property is also included within the designation “City’s Natural Heritage System”. The following uses may be permitted in the City’s Natural Heritage System designation, subject to the other policies of this Plan and to the applicable policies of the Greenbelt Plan, except where the use involves development or site alteration prohibited under section 4.2.2 m) (i) of this Plan:

- i. existing uses;
- ii. single-detached dwellings on existing lots created under The Planning Act;
- iii. non-intensive recreation uses such as nature viewing and pedestrian trails;
- iv. forest, wildlife and fisheries management;
- v. archaeological activities;
- vi. essential linear infrastructure facilities;
- vii. accessory buildings, structures and facilities and site modifications to accommodate them;
- viii. home occupations and cottage industries with a floor area not exceeding one hundred (100) sq. m. or twenty-five (25) percent of the residential living area, whichever is lesser; and
- ix. essential watershed management and flood and erosion control projects either carried out or supervised by a public authority or approved in this Plan. Stormwater management ponds are not permitted in Key Natural Features or in buffers to those features.

The proposed uses are located on the section of the property designated as ‘Business Corridor’. The section of the property designated as ‘City’s Natural Heritage System’ would include the existing road easement located at the eastern property line. The proposed development would therefore not trigger a New Official Plan Amendment.

The Zoning By-law Amendment is subject to the development criteria policies under section 12.1.2(2) of the new OP. As per section 12.1.2(2.2) c) (i), development shall be consistent with the land use compatibility policies under section 4.6, which describes the objective is to mitigate adverse effects to sensitive land uses from human-made hazards

and environmental land use compatibility concerns such as noise, vibration, odour, dust and air pollution as well as to protect employment uses from the encroachment of sensitive land uses. 'Sensitive Land Uses' are defined under the new OP as buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges, fumes, sound waves or radiation generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment and examples may include, but are not limited to residences, day care centres, and educational and health facilities. It is staff's opinion that the proposed industrial and office uses are not considered sensitive land uses and would not pose negative compatibility impacts onto the nearest sensitive uses such as the residential areas as well as other surrounding uses such as employment uses, open space uses and transportation corridors. The nearest residential uses are approximately 400m west of the subject lands.

As per section 12.1.2(2.2) c) (iii), development shall be consistent with the intent of the Urban Structure as outlined under section 2.3 and maintain the land use vision established in the land use designation. As per Schedule B – Urban Structure the subject lands are designated as 'Business Corridor' therefore the subject lands are designated for employment uses which represent areas that aim to accommodate a full range of manufacturing, warehousing and office uses. Lands designated for employment uses allow for a full range of scales and intensities of development and offer opportunities for employment intensification and development for the city's long term economic development and competitiveness.

As per section 12.1.2(2.2) c) (ii) and (iv) development shall achieve built form compatibility, high quality urban design and be consistent with the policies contained under Chapter 7 'Design Excellence'. As per Schedule B-1 – Growth Framework the subject lands are designated as 'Employment Growth Area', therefore both section 7.3.2 for 'Existing Community Areas' and section 7.3.2 (3) for 'Employment Growth Areas' would apply. These sections emphasize ensuring building design are compatible with the surrounding area and to consider how it contributes to maintaining and enhancing the physical character of the surrounding area, ensuring appropriate built form transition in scale between buildings, the public realm and abutting development as well as ensuring safe and convenient access to buildings for pedestrians, cyclists and transit users. In regards to the proposed Zoning By-law Amendment, the placement of the one (1) proposed building has been maximized along the frontage of the lot facing Appleby Line, by proposing appropriate setbacks, landscape areas, screening of loading, site service and off-street parking areas in accordance with Zoning By-law intents.

As per section 12.1.2 (2.2) c) (vii), the development preserves and protects trees, consistent with the policies contained in Section 4.3, Urban Forestry, of this Plan. As part of the application submission the applicant submitted an Arborist Report with a Tree

Protection Plan, a Tree Preservation Plan and a Landscape Plan. Urban Forestry staff have been circulated the application materials as part of the Zoning By-law Amendment review process and have specified no concerns with the proposed forestry.

As per section 12.1.2 (2.2) c) (viii), the development is required to provide buffering and setbacks so that an appropriate transition between existing and proposed buildings are provided. The proposed development includes a one (1) storey building which maintains all the existing Zoning By-law 2020 requirements, except for a reduced setback abutting the O3 zone from the required 3m to 0m. Staff is of the opinion the proposed reduction is minor in nature and continues to provide an appropriate transition to adjacent uses.

Additionally, as per section 12.1.2 (2.2) c) (x) the development is required to maintain, enhance and restore the City's Natural Heritage System in accordance with the policies in section 4.2, Natural Heritage System, of this Plan. The Region of Halton, Natural Heritage and Conservation Halton staff have demonstrated no concerns with the proposal at this application stage specifically with the section of the property designated as part of the City's Natural Heritage System under the New OP. Natural Heritage staff have stated additional review of the stormwater management details will be conducted at the Site Plan Review stage.

As per section 12.1.2 (2.2) c) (xii), the development shall address multi-modal transportation considerations and be consistent with the policies under section 6.2 'Multi-modal Transportation', including but not limited to mitigating potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity, accommodating sufficient off-street parking and transportation demand management measures. Additionally, as per section 12.1.2 (2.2) c) (xvi) and (xvii), the development shall consider the relationship to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters and the development complements and connects with the public realm, including walking and cycling facilities. As per Schedule O-1 – Classification of Transportation Facilities – Urban Area the subject lands are located adjacent to Appleby Line which is designated as a 'Major Arterial' corridor and adjacent to Highway 407 which is designated as a 'Provincial Freeway' corridor. Additionally, as per Schedule P – Long Term Cycling Master Plan the subject lands are located adjacent to Appleby Line which is designated as a 'Bike Lane' corridor. City of Burlington and the Region of Halton Transportation Planning staff have reviewed the Zoning By-law Amendment application and materials and have no objections to the approval of the application and related transportation plans.

Staff is of the opinion that the proposed Zoning By-law amendment conforms to the City's New Official Plan (2020).

Zoning By-law 2020

The subject lands are currently zoned 'Development' (D) and the easterly portion of the subject lands, containing the existing driveway to the adjacent Regional facility, is zoned 'Open Space' (O3). The D zone is an interim zone that permits a Detached Dwelling as well as a limited range of other uses, as set out in Part 12, section 1 "D Zone", and Part 1, section 2.21 "Uses Permitted in All Zones". The O3 zone permits the uses described under Part 10, section 6 of the Zoning By-law, these include the following uses:

- Municipal and Provincial Parks
- Public and private open space
- Cultural Heritage Resources
- Archaeological Restoration
- Walking trails and nature viewing
- Forest, wildlife, and fisheries management
- Transportation and Utilities
- Agriculture, except within a woodlot
- Storm water management and erosion control, excluding permanent detention and retention ponds

A Zoning By-law Amendment is required to allow the proposed development which contemplates a 1 (one) storey industrial building with accessory office uses and access to Appleby Line (as shown on the attached Concept Plan – Appendix B). The proposed development also requires an amendment to permit a reduction of the setback abutting the O3 zone from the required 3m to 0m.

The proposed building is contemplated to be 17,639m² including approximately 17,269m² dedicated for the industrial uses and approximately 369m² dedicated for the accessory office uses. The proposed zoning for the subject lands is 'Business Corridor' (BC1), which permits a broad range of industrial, office, hospitality, automotive, retail as well as a limited range of service commercial and recreation uses. Therefore, the proposed uses are permitted under this zone.

A total of 185 vehicular parking spaces are required in accordance with Zoning By-law 2020 as the parking rates specify 1 space per 100 m² of gross floor area for industrial uses and 3 spaces per 100 m² of gross floor area for office uses. The proposed development provides for a total of 198 vehicular parking spaces as well as 35 loading spaces and 2 drive-in doors. Furthermore, the Zoning By-law 2020 requires that 3 percent of the required vehicle parking spaces, that being 7 spaces, are to be designated as accessible parking spaces and the proposed development provides for a total of 7 spaces. Additionally, a total of 10 bicycle parking spaces are required in accordance with Zoning By-law 2020 as the parking rates specify 2 spaces plus 0.25

spaces per 1,000 m² of ground floor area are required for industrial uses and 2 spaces plus 1 space per 1,000 m² of ground floor area are required for office uses. The development proposes a total of 10 bicycle parking spaces.

Staff is of the opinion that the proposed Zoning By-law amendment continues to meet the general intent of the Zoning By-law 2020.

Alton Central East Community Urban Design Study and Guidelines (2004)

The proposed development is subject to Alton Central East Community Urban Design Study and Guidelines. The Study designates the subject lands as 'Business Corridor' and further describes that urban design considerations for this area should be aimed at minimizing any negative visual impact on adjacent land uses, creating attractive streetscapes and promoting their positive presence within the community. Together with the implementation of site plan control these set of guidelines are meant to recognize and allow for potentially varied uses and their inherent differences while establishing a consistent approach to design that will result in attractive built form and landscaping.

Business Corridor lands adjacent along Highway 407 are intended to follow the following guidelines:

1. Buildings should be located to be visible from Highway 407, wherever possible.
2. The scale, massing and design of buildings along the Highway 407 frontage should be based on simple bold massing appropriate to the perception of the community from the high speed roadway.
3. Buildings along Highway 407 should be designed with attractive facades. Architectural elements, details and signage should be scaled to be viewed from the high speed roadway. Accordingly, the landscape buffer should be scaled in proportion to the buildings, and include a simple palette of bold plant material arranged in large groupings.
4. Along the Highway 407 edge, building setbacks shall be combined with a landscape buffer to screen loading, parking and storage areas.

Furthermore, the Appleby Line which is a corridor located adjacent to the subject lands is described as a Major Arterial. This corridor is to have a design criteria involving a high degree of access control; transit supportive land uses will be encouraged along the right-of-way and the right-of-way requirements are up to 50 metres. This road is envisioned as a mixed-use zone within the community, characterized by employment, commercial, retail uses and functioning as a community amenity area and focal point.

Technical Comments

A request for comments has been circulated to external agencies and relevant City departments. The following comments have been received:

City of Burlington – Finance – standard comments provided including “property taxes to be paid in full including all installments levied”

City of Burlington – Fire –

- The orientation of the looped fire access route leading from Harrison Cres. and Marconi Court serving the proposed industrial building appears to be acceptable without revision
- The fire access route will need to be designed, constructed and designated as a fire access route in accordance with Articles 3.2.5.4., 3.2.5.5. and 3.2.5.6. of the 2012 Ontario Building Code, as amended
- The proposed development is currently assigned an Appleby Line address. Based on the plans available for review, it does not appear the property/building can be accessed via Appleby Line during an emergency. Further discussion will be required between city staff and emergency services regarding the current building address as we are not supportive at this time.

As the project progresses and plans become more detailed, the following will need to be identified:

- location of the principle entrance(s) of the building
- location of the fire department connections
- locations of the nearest municipal and private fire hydrants
- location of the proposed fire alarm annunciator panel and/or fire alarm control panel

A more formal and detailed review will be conducted by our Department at the Site Plan Review stage.

City of Burlington – Transportation Planning – staff have reviewed the resubmission of the application and have no further concerns, and therefore support the Zoning By-Law Amendment.

City of Burlington – Urban Forestry and Landscaping – Landscape currently does not have any objections to this Zoning By-Law Amendment application. Comments have been provided to the applicant which may be addressed as part of the subsequent plan review stage.

City of Burlington – Development Engineering – staff supports the proposal and does not require further review.

City of Burlington – Natural Heritage – staff have no outstanding comments at this stage. Stormwater management details will have to be addressed at the Site Plan Review stage.

City of Burlington – Accessibility staff – staff provided standard comments and have no concerns. Additional comments will be provided at the Site Plan Review stage.

Halton Region – Regional Staff note that the proposed zoning supports many of the objectives of the ROP related to supporting development within the Urban Area and the development of employment uses. Further, Staff note that from a principle of use perspective, the proposed amendment generally conforms to the Regional Natural Heritage System policies of the ROP. As noted herein, additional technical analysis in this regard will be required at the Site Plan Review stage.

Halton Police – no comments or concerns as the development proposal does not interfere with our line-of-sight radio system.

Rogers Communications Canada Inc. – have reviewed the proposed area and do not have any comments or concerns at this time. Rogers currently has existing communications within this area. Please contact Rogers at gtaw.newarea@rci.rogers.com prior to the commencement of construction.

Sun-Canadian Pipe Line Co. Ltd. – no comments or concerns as they do not have any facilities in the mentioned area.

Trans-Northern Pipelines Inc. – no comments or concerns as they do not have infrastructure in the mentioned area.

Ministry of Transportation (MTO) – no comments or concerns at this time. A MTO Building and Land Use permit is required prior to construction. Any signs visible from the highway require a MTO sign permit.

Conservation Halton (CH) – staff have no objection to the approval of the above Zoning By-law Amendment application. Further review of the proposed stormwater outlet will be undertaken through the future Site Plan Review stage and Conservation Halton Permitting stages.

Financial Matters:

All application fees have been received in accordance with the Development Application Fee Schedule.

Climate Implications:

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

As part of the Zoning By-law amendment application, the applicant was required to provide consideration to the Sustainable Building and Development Guidelines (2018) which provide an overview of the required and encouraged sustainable design measures for new development across the City. The applicant submitted a Sustainable Building and Development Guidelines Checklist which includes consideration to the guidelines.

Sustainable Building & Development Guidelines (2018)

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

In accordance with Guideline 1.6, development proposals on greenfield sites are encouraged to limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. Alternately on previously developed sites, proposals should restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation. This guideline helps maintain the local landscape and ensure soils and vegetation remain undisturbed. The applicant has specified that due to the site configuration, building layout and parking requirements this is not possible to comply with and in turn plantings will be provided where possible. Internal vegetated parking islands have been provided in the parking area as well as tree planting around parking spots and drive aisles to further provide shading on hardscape surfaces.

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 sidewalks are not available along the portion of Appleby Line adjacent to the subject lands, and therefore are not able to provide connections to such. Alternatively, the proposal contemplates road access through a road extension via Harrison Court to Appleby Line.

In accordance with Guideline 2.3, development proposals require bicycle parking spaces in accordance with the Zoning Bylaw and Official Plan Policies in order to reduce greenhouse gas emissions, reduce traffic congestion and improves health as well as convenient bicycle parking to encourage the use of active transportation. Similarly, Guideline 2.5 and 2.6 encourages development proposals to locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant/employee. Applicants are encouraged to improve upon the required bicycle parking requirements in the Zoning By-law to further encourage cycling as a viable transportation option. The development proposal includes the proposed 10 bicycle parking spaces approximately 10 m away from the closest main entrance of the building. Guideline 2.4 encourages the provision and implementation of a Transportation Demand Management Plan 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. Transportation Demand Management 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 Transportation Demand Management review has been provided under the Transportation Impact Study submitted. Transportation have reviewed the submitted Transportation Demand Management and have no concerns with the measures provided, additionally this will be further reviewed as part of a subsequent Site Plan application.

In accordance with Guideline 3.8 encourages to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH. Additionally, tree preservation requirements is determined by Official Plan urban forestry policies. Preserving trees provides numerous benefits and services, including the reduction of air pollution, water attenuation, moderation of the urban heat island effect, carbon sequestration, shade, habitat for urban adapted wildlife, neighbourhood character and mental health benefits. 67 trees were surveyed on/in the vicinity of the Subject Lands. Of these, 33 are intended to be preserved. City forestry staff have reviewed the proposed development and have no objections to the proposed forestry changes.

In accordance with guideline 3.9, development proposals are encouraged to complete and implement a restoration and/or enhancement plan that demonstrates net gain for Natural Heritage System areas, including a management and monitoring plan. May be required as a result of Environmental Impact Assessment recommendations. The restoration and enhancement of Natural Heritage System areas can aid in the improvement of degraded areas and can enhance ecosystem function. Long term management and monitoring ensures the success of the restoration project over the long

term. As part of the application materials, an Environmental Impact Assessment (EIA) has been prepared by Dillon Consulting which finds that the proposed development may create potential impacts, however these impacts will be avoided or minimized by implementing the mitigation, restoration, and management measures noted in the report. In accordance with Guideline 4.1, development proposals require achievement of a level one/enhanced stormwater treatment for all stormwater runoff. Stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario. Similarly, in accordance with guideline 4.3, development proposals are encouraged to minimize of impervious surfaces and stormwater runoff through the use of Low Impact Development (LID) measures, such as:

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

Low Impact Development strategies mitigate the impacts of increased urban runoff and stormwater pollution by managing it as close to its source as possible. It comprises a set of site design approaches and small scale stormwater management practices that promote the use of natural systems for infiltration and evapotranspiration, and rainwater harvesting. The proposed development will provide infiltration of roof top flows via underground chambers. The proposed development has been reviewed by the City's Site Engineering staff, whom have provided no objections to the proposed stormwater management proposed.

In accordance with guideline 5.1, development proposals require vegetated landscape areas in hard surface areas as per the Zoning By-law. Vegetation can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. the development proposal includes internal vegetated parking islands provided in the parking area as well as tree planting around parking spots and drive aisles to further provide shading on hardscape surfaces.

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

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

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on June 22, 2022. This meeting was attended by approximately 4 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 6 Councillor Angelo Bentivegna. At this meeting, the applicant sought feedback from the public on the proposed development.

Since receiving a complete application for the subject lands, City staff have engaged members of the public through the City's standard public notification and consultation practices for an Official Plan Amendment and/or Zoning By-law Amendment application:

- A webpage with information about the subject applications was published on the City's website at burlington.ca/3399appleby;
- Notice signs were erected on the subject property in January 2023;
- A notice was mailed to all property owners and tenants within 120 metres of the subject property (a total of 19 addressees) in December 2022;
- A Statutory Public Meeting was held on February 28th, 2023 along with this report.
- Notice of the Statutory Public Meeting was published in the City Update section of the Burlington Post on February 2, 2023. Notice of the meeting was also posted on the website and sent by mail to owners and tenants within 120 metres of the subject property.

More information on the planning process in Burlington can be found at www.burlington.ca/planningprocess.

Public Comments

As of the writing of this report, no public written comments have been received by staff with respect to the subject application.

Conclusion:

Staff's analysis of the Zoning By-law Amendment application submitted for the lands located at 3399 Appleby Line considers the applicable policy framework and comments submitted by technical agencies and the public. Staff conclude that the application is consistent with the PPS and conform to the Growth Plan, Regional Official Plan, and the City's Official Plans. It is therefore recommended that the subject Zoning By-law Amendment application be approved as outlined in Appendix C of this report.

Respectfully submitted,

Mariana Da Silva

Planner – Development Review

905-335-7600 ext. 7536

Appendices:

- A. Existing Zoning Plan
- B. Concept Plan
- C. Amending Zoning By-law

Notifications:

Dream Summit Industrial (3399 Appleby Line) Inc.

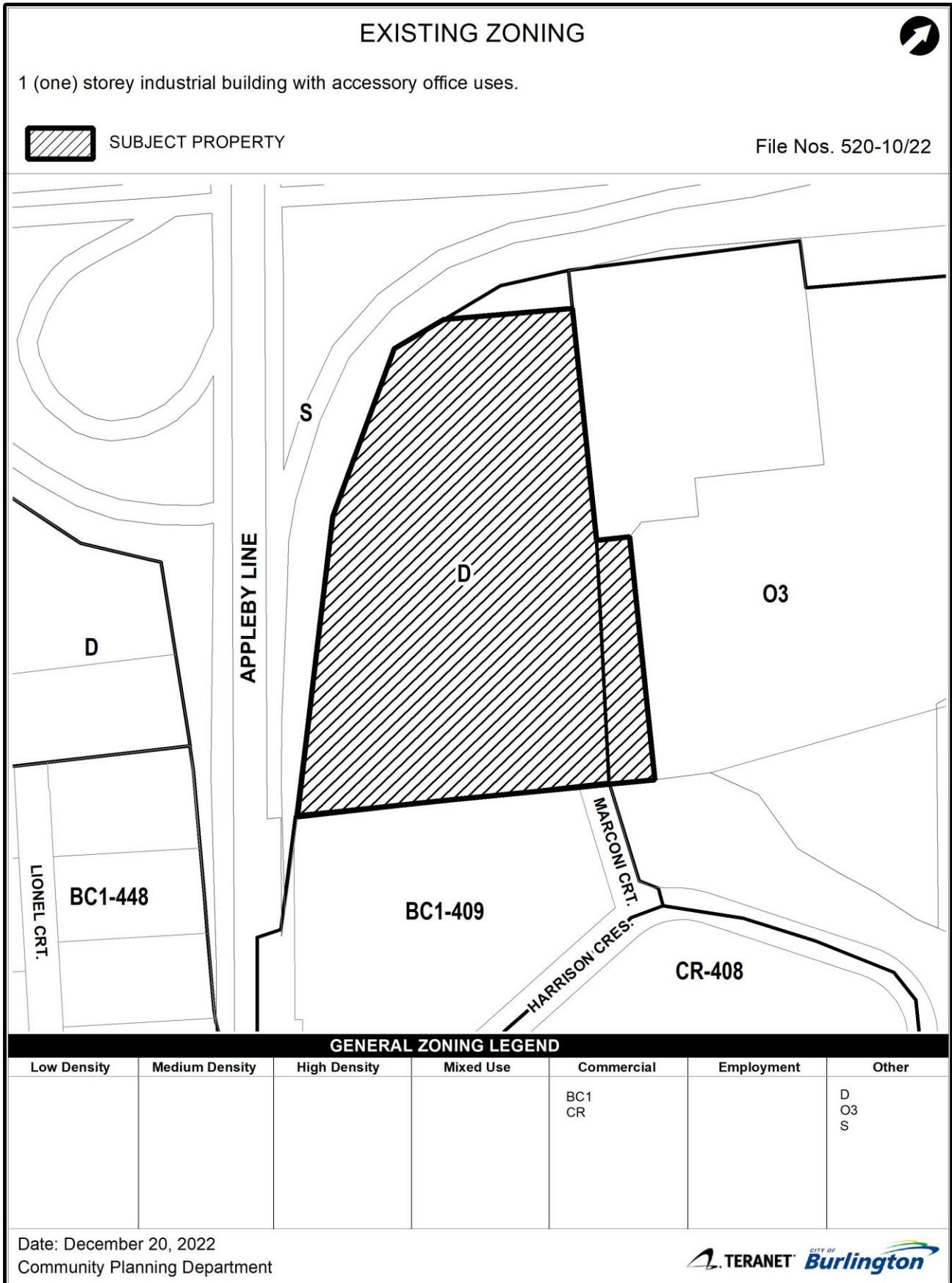
grobeznieks@summitireit.com

MHBC Planning (c/o Oz Kemal)

okemal@mhbcplan.com

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.



CONCEPT PLAN



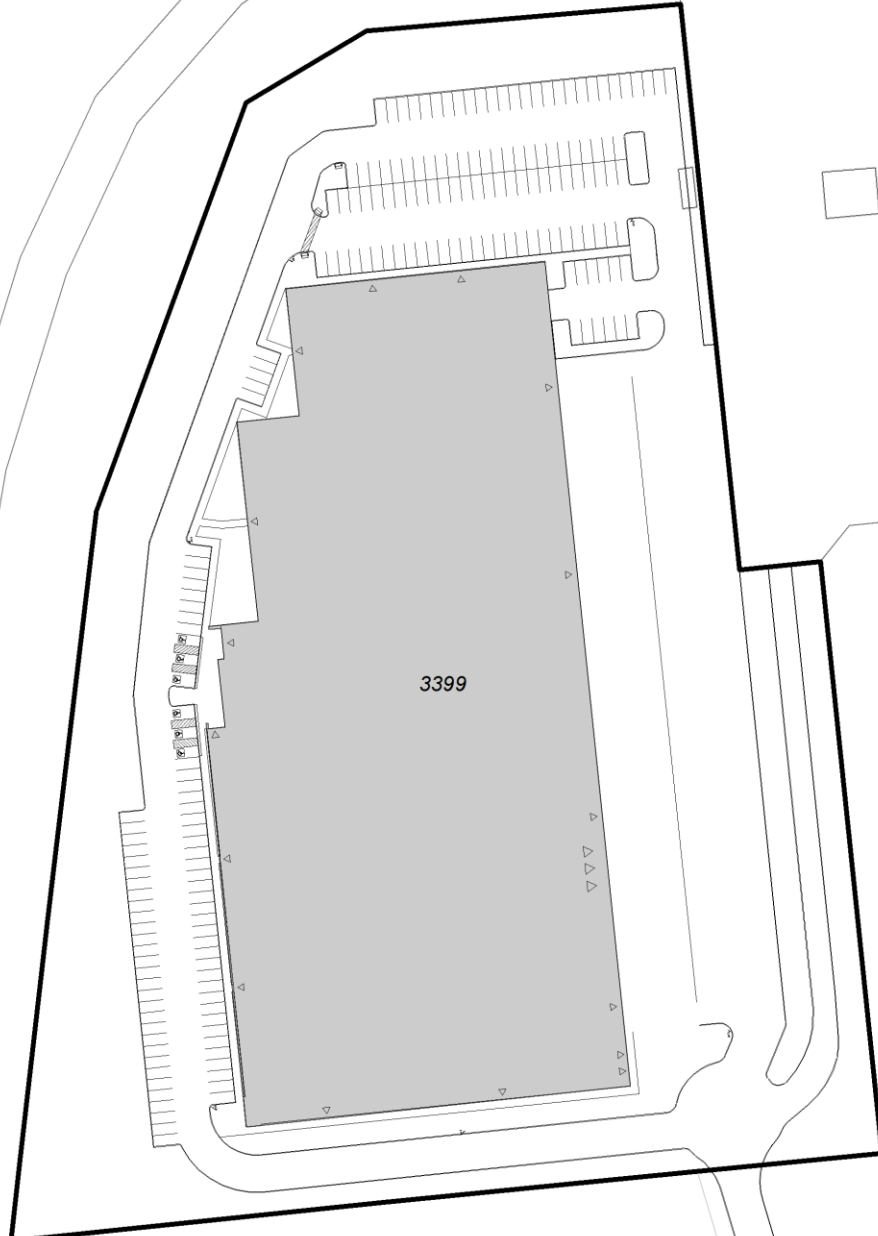
1 (one) storey industrial building with accessory office uses.



SUBJECT PROPERTY

File Nos. 520-10/22

APPLEBY LINE



3309

MARCONI CRT.

APPENDIX C: Draft Zoning By-law

BY-LAW NUMBER 2020.453, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.453

A By-law to amend By-law 2020, as amended; 3399 Appleby Line
File No.: 520-10/22 (PL-52-23)

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PL-52-23 on October 16, 2023 to amend the City's existing Zoning By-law 2020, as amended, to allow a one (1) storey industrial building with accessory office uses;

**THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON
HEREBY ENACTS AS FOLLOWS:**

1. Zoning Map Number 30-W of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from the D (Development) zone to the BC1 (Business Corridor) zone.
3. The lands designated as "B" on Schedule "A" attached hereto hereby remain as O3 (Open Space) zone.

Exception 525	Zone BC1	Map 30-W	Amendment 2020.453	Enacted October 17/23
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1. Regulations:

- i) Landscape area abutting O3 zone:
 - a. 3 m
 - b. Driveway length of 147m from Marconi Court may encroach

Except as amended herein, all other provisions of this By-law, as amended, shall apply

- 4 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed
- 4 b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 2023 .

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.453

By-law 2020.453 rezones lands on 3399 Appleby Line, to allow a one (1) storey industrial building with accessory office uses.

For further information regarding By-law 2020.453, please contact Mariana Da Silva of the Burlington Community Planning Department at (905) 335-7600, extension 7536.

Schedule A

