Committee of the Whole Meeting

Revised Agenda

Date: March 4, 2024
Time: 9:30 a.m.
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Pages

1. Call to Order

Chair: Mayor Marianne Meed Ward
Vice Chair: Deputy Mayor for Ceremonial/Emergencies Councillor Rory Nisan

2. Land Acknowledgement

Burlington as we know it today is rich in history and modern traditions of many First Nations and the Métis. From the Anishinaabeg to the Haudenosaunee, and the Métis – our lands spanning from Lake Ontario to the Niagara Escarpment are steeped in Indigenous history.

The territory is mutually covered by the Dish with One Spoon Wampum Belt Covenant, an agreement between the Iroquois Confederacy, the Ojibway and other allied Nations to peaceably share and care for the resources around the Great Lakes.

We would like to acknowledge that the land on which we gather is part of the Treaty Lands and Territory of the Mississaugas of the Credit.

3. Approval of the Agenda

4. Declarations of Interest

5. 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.

5.1 2023 annual building permit revenues and expenses (BB-02-24) (CPRM) 1 - 6

Receive and file building and by-law department report BB-02-24 providing related information for the 2023 annual building permit revenues and expenses.

a. Correspondence from Michelle Diplock, West End Home Builders' Association, regarding 2023 annual building permit revenues and expenses (BB-02-24) *7 - 7*

5.2 Red Tape Red Carpet update Q1 2024 (ECDEV-04-24) (CPRM) 8 - 20

Direct the Executive Director of Community Planning Regulation and Mobility and Executive Director of Community Relations and Engagement to work with the Executive Director of Burlington Economic Development, to report back semi-annually to the Pipeline to Permit Committee on progress for cutting red tape and rolling out the red carpet for investment in Burlington.

5.3 Downtown parking operational changes (TS-09-24) (CPRM) 21 - 27

Approve a by-law to amend By-law 39-2016, substantially in the form attached as Appendix A to transportation services department report TS-09-24, in the form satisfactory to the Executive Director of Legal Services and Corporation Counsel, or delegate.

5.4 By-law to regulate distribution of graphic images (BL-03-24) (CPRM) 28 - 34

Approve a by-law, substantially in the form attached as appendix A to by-law compliance department report BL-03-24, which regulates the distribution of graphic images, otherwise known as the “Graphic Image Delivery By-law”, to require those distributing graphic images in the City of Burlington to enclose images in an envelope or package, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

5.5 Remuneration and expenses paid to Council and appointees for 2023 (F-08-24) (CSSRA) 35 - 38

Receive and file finance department report F-08-24 regarding remuneration and expenses paid to Council and appointees for 2023.

5.6 2024 proposed budget and tax levy for the Burlington Downtown Business Improvement Area (F-09-24) (CSSRA) 39 - 43

Approve the 2024 proposed budget for the Burlington Downtown Business Improvement Area (BIA) as presented in Appendix A of finance department report F-09-24 incorporating a Burlington Downtown BIA members' levy of $1,012,000; and

Authorize the Chief Financial Officer to incorporate the resulting Burlington Downtown BIA tax rates into the 2024 Tax Levy By-Law.

5.7 2024 proposed budget and tax levy for the Aldershot Village Business Improvement Area (F-10-24) (CSSRA) 44 - 48

Approve the 2024 proposed budget for the Aldershot Village Business Improvement Area (ABIA) as presented in Appendix A of finance department report F-10-24 incorporating an Aldershot Village BIA members' levy of $276,000; and

Authorize the Chief Financial Officer to incorporate the resulting Aldershot Village BIA tax rates into the 2024 Tax Levy By-Law

5.8 Capital budget variance and project closure as of December 31, 2023 (F-11-24) (CSSRA) 49 - 55

Receive and file finance department report F-11-24, which reports on the capital budget variance and project closure as of December 31, 2023.

5.9 Operating budget performance report as at December 31, 2023 and summary of year end financial position (F-15-24) (CSSRA) 56 - 62

Receive and file finance department report F-15-24 which reports on the 2023 year-end financial position and retained savings disposition; and

Direct the Acting Chief Financial Officer to allocate the 2023 retained savings based on the strategy outlined in finance department report F-15-24.

5.10 Delegated authority first quarter report (CL-02-24) (CSSRA) 63 - 65

Receive and file office of the city clerk report CL-02-24 providing the delegated authority first quarter report.

5.11 Appointment of Deputy City Clerks (CL-07-24) (CSSRA) 66 - 69

Approve a by-law substantially in the form attached as appendix A to office of the city clerk report CL-07-24, being a by-law to amend By-law 40-2021 regarding the appointment of Deputy City Clerks, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

5.12 Financial status report as at December 31, 2023 (F-07-24) (CSSRA) 70 - 87

Receive and file finance department report F-07-24 providing the financial status report as at December 31, 2023.

5.13 Housing Accelerator Fund implementation (CS-04-24) (CSSRA) 88 - 101

Receive and file corporate strategy report CS-04-24 providing an update on the progress to date toward implementation of the City's Housing Accelerator Fund Action Plan.

5.14 Burlington solar incentive proposal (EICS-02-24) (EICS) 102 - 108

Approve a one year pilot incentive program to cover the cost of a building permit for solar system installations in the City of Burlington as described in environment and energy report EICS-02-24; and

Direct the Executive Director of Environment, Infrastructure and Community Services to report back before the end of 2024 with an update on the solar incentive program; and

Consider ongoing funding to support the solar incentive program to cover the cost of a building permit during the Mayor's 2025 budget process.

a. Correspondence from Jesse Elders representing the Bay Area Climate Change Council regarding the Burlington solar incentive proposal (EICS-02-24) *109 - 109*

5.15 Better Homes Burlington Pilot Program Special Charge (EICS-03-24) (EICS) 110 - 128

Approve the by-law substantially as shown in Appendix A to environment and energy report EICS-03-24, being a by-law to authorize the imposition of a special charge under the Better Homes Burlington Program in the form satisfactory of the Executive Director of Legal Services and Corporation Council or designate.

6. Delegation(s)

Requests to delegate to this hybrid meeting can be made by completing the online delegation registration form at www.burlington.ca/delegate, by noon the business day before the meeting is to be held.

6.1	*Delegation from Louis Frapporti, representing Alinea Land Corporation, regarding 1200 King Road vision update (ECDEV-02-24) (CSSRA)*	*129 - 135*
6.2	*Delegation from Terry Cado, representing Burlington Chamber of Commerce, regarding 1200 King Road vision update (ECDEV-02-24) (CSSRA)*	
6.3	*Delegation from Jim Young, representing Partnering Aldershot, regarding 1200 King Road vision update (ECDEV-02-24) (CSSRA)*	*136 - 140*
6.4	*Delegation from Patricia Richardson, representing Tyandaga Monday Chippers Women's League, regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) (EICS)*	
6.5	*Delegation from Deedee Davies regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) (EICS)*	
6.6	*Delegation from Bob Derham, representing Tyandaga Men's Senior League and Tuesday Women's League, regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) (EICS)*	*141 - 148*
6.7	*Delegation from Peter Maby regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) (CPRM)*	
6.8	*Delegation from Mike Bennett, representing Adi Development Group, regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) (CPRM)*	*149 - 176*
6.9	*Delegation from Tom Muir regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) (CPRM)*	
6.10	*Delegation from Aleem Kanji, representing the Canadian National Fireworks Association, regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24) (EICS)*	
6.11	*Delegation from John Adria, representing Uncle John's Fireworks, regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24) (EICS)*	

6.12 Delegation from Tom Jacobs, representing Rocket Fireworks, regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24) (EICS)

6.13 Delegation from John Laliotis, representing Sky Jewel Fireworks, regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24) (EICS)

6.14 Delegation from Amy Schnurr, representing BurlingtonGreen Environmental Association, regarding BurlingtonGreen fee for services (EICS-01-24) (EICS) *177 - 186*

7. Presentation(s)

8. Corporate Services, Strategy, Risk & Accountability Regular Items

Chair: Councillor Rory Nisan
Vice Chair: Councillor Shawna Stolte
Committee Clerk: Lisa Palermo, lisa.palermo@burlington.ca

8.1 1200 King Road vision update (ECDEV-02-24) 187 - 232

Direct the City Manager to work with the Executive Director, Burlington Economic Development to report back in Q2 2024 with an update on future investment opportunities on the 1200 King Road site in conjunction with the following:

a) Detailed public presentation on the proposed 1200 King Road land use development concept from Alinea

b) Letter of intent (LOI) between City, Landowner and Burlington Economic
Development that identifies the next steps and timing for moving forward with the implementation of the 1200 King Road proposed major community facility/future investment opportunities.

8.2 Burlington Performing Arts Centre governance review update (CM-02-24) 233 - 236

Receive and file city manager's office report CM-02-24 containing updated information on the Burlington Performing Arts Centre governance review.

a. Correspondence from Ken Smithard, BPAC Chair, regarding Burlington Performing Arts Centre governance review update (CM-02-24) *237 - 237*

8.3 Motion memorandum regarding local board governance (COW-04-24) 238 - 242

Direct the City Manager to work closely with key representatives (board members and executive directors) of both Tourism Burlington (TB) and Burlington Economic Development (EcDev) and report back to the April 2024 Committee of the Whole Meeting – CSSRA, with a recommended governance framework and a 2024 strategic action plan to facilitate a merger of Tourism Burlington with Burlington Economic Development; and

Direct the City Manager as follows:

- To secure necessary external expertise and resources in the upset amount of $50,000 funded from the Tax Rate Stabilization Reserve Fund to assist in the review, strategy development and legislative compliance.
- To support the established Joint Board Governance Steering Committee comprised of Mayor Meed Ward, chairs of the Burlington Economic Development and Tourism Burlington Board, Councillor Galbraith (Council board representative to TB), Councillor Sharman (Council board representative to EcDev) and additional TB and EcDev board representatives to oversee the development and implementation of the governance framework and strategic action plan.
- To proceed on the basis of achieving a target date of no later than January 1, 2025 for the startup of the merged independent board inclusive of maintaining distinct Burlington Economic Development and Tourism Burlington brand identities (also informed by the One-Brand project) and integrated business processes.

a. Correspondence from Burlington Economic Development and Tourism Burlington regarding motion memorandum - local board governance (COW-04-24) *243 - 243*

8.4 Regional review update (CM-03-24) 244 - 251

Receive and file city manager's office report CM-03-24 providing an update on the regional CAO's service review process; and

Direct the City Manager to report to City Council at their meeting of March 19, 2024, with a further update on regional services review process including prioritization recommendations.

8.5 Strategic Real Estate Acquisition Policy (L-11-24) 252 - 272

Approve the Strategic Real Estate Acquisition Policy substantially in the form attached as Appendix A to legal department report L-11-24 in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel, City Manager and the City Clerk; and

Direct the Executive Director of Legal Services and Corporation Counsel, the City Manager and the Manager of Real Estate to consider and apply the Strategic Real Estate Acquisition Policy contained in Appendix A to legal department report L-11-24 in the exploration and pursuit of strategic real estate acquisition and partnership opportunities, including recommendations to Council regarding same; and

Direct the City Manager and the Executive Director of Legal Services and Corporation Counsel to monitor legislation changes related to disposition of surplus school sites and report to Council as warranted with any strategic real estate acquisition and partnership opportunity updates, including recommendations to Council regarding same.

8.6 Ward Boundary Review (CL-03-24) 273 - 289

Approve Option 2: Council Composition and Ward Boundary Review, the associated expenditure of $220,000, and the use of the Election Reserve Fund to offset the costs; and

Direct the City Clerk to retain an independent consultant to conduct the Council Composition and Ward Boundary Review.

9. Confidential Items and Closed Session

Note: these items will be discussed at 1:00 p.m. on Monday, March 4, 2024

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

Closed session will be chaired by the Chair of Corporate Services, Strategy, Risk & Accountability Regular Items.

9.1 Confidential insurance renewal report (L-03-24) (CSSRA)

Pursuant to Section 239(2)(a) of the Municipal Act, the security of the property of the municipality or local board.

9.2 Confidential real estate matter – property negotiations (L-10-24) (CSSRA)

Pursuant to Section 239(2)(c) of the Municipal Act, a proposed or pending acquisition or disposition of land by the municipality or local board.

9.3 Confidential real estate matter – property negotiations (L-14-24) (CSSRA)

Pursuant to Section 239(2)(c) of the Municipal Act, a proposed or pending acquisition or disposition of land by the municipality or local board.

9.4 Confidential legal update on litigation matter regarding 795 Brant Street (L-15-24) (CSSRA)

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

9.5 Confidential legal update on litigation matter regarding 2020 Lakeshore Road (L-17-24) (CSSRA)

Pursuant to Section 239(2)(e) of the Municipal Act, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

9.6 Confidential Appendix A to report CM-02-24 regarding Burlington Performing Arts Centre governance review update (CM-02-24) (CSSRA)

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees.

9.7 Confidential Appendix A to report CM-03-24 regarding regional review update (CM-03-24) (CSSRA)

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees.

9.8 Confidential Appendix C to report ECDEV-03-24 regarding update on post-secondary attraction (ECDEV-03-24)

Pursuant to Section 239(2)(h) of the Municipal Act, information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them.

9.9 Confidential human resources department report regarding a personnel matter (HR-04-24) (CSSRA)

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees.

Note: this item will be circulated under separate cover.

10. Rise and Report

11. Environment, Infrastructure & Community Services Regular Items

Chair: Councillor Lisa Kearns
Vice Chair: Councillor Kelvin Galbraith
Committee Clerk: Suzanne Gillies, suzanne.gillies@burlington.ca

11.1 Recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) 290 - 308

Direct the Director of Recreation, Community and Culture to retain Tyandaga Golf Course as an 18-hole course as outlined in recreation, community and culture report RCC-04-24 and provide an operational update in 5-years' time (2029); and

Approve a By-law substantially as shown in Appendix C to recreation, community and culture report RCC-04-24, being a by-law to create a Tyandaga Golf Course Reserve Fund and direct the Director of Recreation, Community and Culture to include a 5% surcharge through the 2025 budget that would contribute to the Reserve Fund and the future capital enhancement of the golf course.

a. Staff presentation regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) *309 - 315*

b. Correspondence from Bob Osborne regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) *316 - 316*

11.2 Fireworks and drones for festivals and events – Canada Day (RCC-02-24) 317 - 323

Direct the Director of Recreation, Community and Culture, as outlined in recreation, community and culture report RCC-02-24 to proceed with option two by partially removing fireworks from the July 1 event, and supplement with a drone display in 2025 and report back following the event by Q3 2025; and

Direct the Director of Recreation, Community and Culture to proceed with the same decision making process regarding air quality and fireworks as decided in 2023 and outlined in recreation, community and culture report RCC-02-24 in consultation with internal and external stakeholders for Canada Day Celebrations in 2024.

11.3 BurlingtonGreen fee for services (EICS-01-24) 324 - 341

Approve one time funding for 2024 in the maximum amount of $50,000 from the Tax Rate Stabilization Reserve Fund as a fee for services provided by BurlingtonGreen summarized in environment and energy report EICS-01-24; and

Direct the Executive Director of Environment, Infrastructure and Community Services to execute a Memorandum of Understanding between the City and BurlingtonGreen outlining the services to be provided in 2024, including performance measures in form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Consider an ongoing fee for services approach with BurlingtonGreen in the amount of $50,000 per calendar year during the Mayor's 2025 budget process.

11.4 Facility operations update (RCC-03-24) 342 - 353

Receive and file recreation, community and culture department report RCC-03-24 providing a facility operations update.

a. Staff presentation regarding facility operations update (RCC-03-24) *354 - 364*

11.5 Motion memorandum regarding the solar eclipse in Burlington on April 8, 2024 (COW-05-24) *365 - 367*

Direct the Director of Corporate Communications and Engagement on behalf of Council, to invite the public to join them at Spencer Smith Park to view the total solar eclipse on Monday, April 8, 2024, from 3:00-3:30 p.m.; and

Recess the Committee of the Whole meeting on Monday, April 8 at 2:30 p.m. and reconvene at 3:45 p.m.; and

Direct the Director of Corporate Communications and Engagement to:

- *communicate the event on all city community engagement and social media channels, highlighting the necessary safety eye protection measures*
- *update the Burlington Beach page promoting this event on eclipse2024.org*
- *engage with Burlington Public Library and Tourism & Economic Development to promote the viewing event; and*

Direct the Director of Recreation, Community & Culture and the Director of Transportation to:

- *coordinate the event through traffic management and crowd control measures using signage, road or sidewalk barriers*
- *promote eyesight safety precautions onsite by distributing certified solar eclipse glasses for members of the public, through partnership with the Department of Physics and Astronomy at McMaster University.*

12. Community Planning, Regulation & Mobility Regular Items

Chair: Councillor Shawna Stolte
Vice Chair: Councillor Lisa Kearns
Committee Clerk: Jo-Anne Rudy, jo-anne.rudy@burlington.ca

12.1 Burlington Economic Development Corporation (BEDC) update on post-secondary attraction (ECDEV-03-24) 368 - 387

Request the Executive Director, Burlington Economic Development, to report back on developing partnerships with interested institutions and an updated post-secondary attraction strategy in-line with Vision 2050 data on economic and workforce analyses.

12.2 Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) 388 - 455

Approve the applications submitted by WND Associates Ltd., on behalf of Adi Development Group, to amend the Official Plan and Zoning By-law to permit a mixed-use development comprising three tall buildings with maximum heights of 34, 32, and 30 storeys; and

Approve Official Plan Amendment No. 142 to the City of Burlington Official Plan, as provided in Appendix B of community planning department report PL-04-24, to introduce new site-specific policies for the subject lands; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 142 as contained in Appendix B of community planning department report PL-04-24 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal (505-01/22); and

Approve Zoning By-law 2020.472, attached as Appendix C of community planning department report PL-04-24, to rezone the lands located at 1120 Cooke Boulevard from “MXC-26” (Mixed-Use Corridor – Commercial with site-specific exception 26) to “H-MXC-531” (Mixed-Use Corridor – Commercial with a Holding “H” prefix and site-specific exception 531); and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 142 is adopted; and

Deem that the lands described as 1120 Cooke Boulevard are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

a. Correspondence from Ruth, Diane and Deborah Roberts regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) *456 - 457*

b. Correspondence from John Hubert regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) *458 - 459*

c. Staff presentation regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) *460 - 470*

12.3 Regional Allocation Program update (PL-26-24) 471 - 482

Direct the Director of Community Planning to confirm the prioritization of specific property-based requests as contained in table 1, and to forward this report and any comments from Committee of the Whole regarding the 2023 Regional Allocation Program to Regional Staff; and

Authorize the Director of Community Planning to make minor adjustments as part of the subsequent agreement process, where those minor adjustments align with program parameters, the interests of both the Region and the City and where they benefit the administration of the program.

12.4 Bill 162, Get it Done Act, 2024 update (PL-27-24) *483 - 489*

Receive and file community planning department report PL-27-24 providing an update regarding Bill 162, Get it Done Act, 2024.

13. Statutory Public Meeting

Note: these items will be discussed at 9:30 a.m. on Tuesday, March 5, 2024

Statutory Public Meetings will be chaired by the Chair of Community Planning, Regulation & Mobility Regular Items.

13.1 City-initiated housekeeping amendments to Official Plan, 1997, as amended (PL-11-24) 490 - 508

Approve Official Plan Amendment No. 141 to the City of Burlington Official Plan, 1997, as provided in Appendix A of community planning department report PL-11-24; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No.141 as contained in Appendix A of community planning department report PL-11-24.

13.2 City-initiated amendment to Zoning By-law 2020 – parking for multi-unit business parks (PL-13-24) 509 - 522

Approve the proposed amendments to Zoning By-law 2020 as provided in Appendix A of community planning department report PL-13-24; and

Enact By-law 2020.469 as contained in Appendix A of community planning department report PL-13-24; and

Deem that the amending Zoning By-law will conform to the Official Plan for the City of Burlington.

a. Staff presentation regarding city-initiated amendment to Zoning By-law 2020 – parking for multi-unit business parks (PL-13-24) *523 - 529*

13.3 Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24) 530 - 594

Approve the application submitted by Halton Standard Condominium Corporation No. 416, to amend the Official Plan and Zoning By-law, as modified by staff in community planning department report PL-20-24, to permit a mixed use development with a height up to 22 storeys; and

Approve Official Plan Amendment No. 143 to the City of Burlington Official Plan, as provided in Appendix E of community planning department report PL-20-24, to re-designate the lands located at 1026 Cooke Boulevard from “Mixed Use Corridor – Employment” to “Mixed Use Corridor – General” and to include site specific policies for the subject lands; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 143 as contained in Appendix E of community planning department report PL-20-24 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal (File: 505-03/23); and

Approve Zoning By-law 2020.534, attached as Appendix F of community planning department report PL-20-24, to rezone the lands located at 1026 Cooke Boulevard from “Mixed Use Employment (MXE)” to a site specific “Mixed Use General (H-MXG-534)” with a Holding “H” prefix (File: 520-09/23); and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 143 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 143 is adopted.

a. Staff presentation regarding Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24) *595 - 609*

14. Procedural Motions

15. Information Items

15.1 Office of the City Clerk memo providing forecast of standing committee agendas (COW-03-24) 610 - 610

15.2 Correspondence from Ward 2 Councillor's summer 2023 interns related to fireworks and drones for festivals and events - Canada Day (RCC-02-24) 611 - 614

16. Staff Remarks

17. Committee Remarks

18. Adjournment

SUBJECT: 2023 annual building permit revenues and expenses

TO: Committee of the Whole

FROM: Building and By-law Department

Report Number: BB-02-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file building and by-law department report BB-02-24 providing related information for the 2023 annual building permit revenues and expenses.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

The Building Code Act amendments (through Bill 124) eliminated the practice of applying excess building permit revenues to cover the costs of non-building permit related activities. An activity-based costing model was developed at the time of the building permit fees review that took place in 2005/06. The model was used to determine costs (direct and indirect) associated with delivering services related to the administration and enforcement of the Building Code Act.

The financial model referred to above was revisited as part of the comprehensive building permit fees review conducted in 2009/10, 2016 and 2019. Building permit services are based on a “Fee for Service” model that is not supported by municipal taxes and is in full compliance with legislation. The intent behind establishing a Building Permit Stabilization Reserve Fund is to provide municipalities with a sustainable tool for

providing and maintaining building permit and inspection services throughout a fluctuating construction industry and overall economy. The 2023 building permit fees annual financial report is required to be published before the end of the first quarter of 2024 as mandated by the Building Code Act.

Strategy/process/risk

This report aims to deliver an annual overview of building permit fee collections, along with the associated direct and indirect costs related to administering and enforcing the Building Code Act and Ontario Building Code. Additionally, it provides insights into the status of the Building Permit Stabilization Reserve Fund for the period from January 1 to December 31, 2023.

The detailed reporting requirements for building permit activity during the year ending December 31, 2023, are outlined in the attached Appendix “A.” The content of this appendix is furnished by the Finance Department, utilizing a financial model established in 2006 and subsequently revised in 2010, 2016, and 2019. Compliance with the Building Code Act and its Regulations mandates the annual preparation of a report on fees collected and costs incurred.

It is essential to note that the financial model must be adaptable to encompass not only day-to-day operational costs but also those associated with streamlining and modernizing technologies and processes. In 2023, the Building Department initiated a fee review in collaboration with Watson & Associates Ltd., evaluating the current fee structure and scrutinizing direct and indirect costs to refine building permit fees. This periodic assessment ensures that the Building Department covers all operating costs and maintains a viable Building Permit Stabilization Reserve Fund.

The services provided by the Building Department have undergone significant transformations since the onset of the COVID-19 pandemic in 2020. The department transitioned from accepting only paper submissions to exclusively processing electronic building permit submissions. While efforts have been made to embrace a fully digital work environment, the existing tools lack cohesion.

To meet the evolving needs, the Building Department recognizes the necessity to invest in an integrated portal system for electronic building permit applications. This system aims to facilitate customers in submitting applications, initiating code compliance reviews, and scheduling building inspections through a unified, user-friendly web-based application.

Consequently, the ongoing fee review, incorporating a time-based analysis, will comprehensively evaluate all related services. The findings will serve as the foundation for potential adjustments to the permit fee schedule and the procurement of critical integrated digital solutions.

Options Considered

Not applicable.

Financial Matters:

Appendix A, attached to this report, provides the prescribed information for the period January 1 to December 31, 2023. As of December 31, 2023, the balance in the Building Permit Stabilization Reserve Fund was $6,355,211. The Building Permit Stabilization Reserve Fund must cover direct/indirect costs and any fluctuations in the construction industry but also ensure the “Fee for Service” model is viable and not constituted as an additional tax to permit applicants.

Building permit revenue for 2023 was $6,985,360 which is a 0.17% decrease in permit revenues from 2022. The decrease in 2023 revenues is considered marginal compared to 2022 and this minimal fluctuation is considered normal within the industry. The Building Department was able to contribute $1,073,397 into the Building Permit Stabilization Reserve Fund due to sustained permit activity in 2023.

The Chief Building Official and the management team monitor local and regional development and construction activity, and the associated building permit and inspection revenues on a regular basis in coordination with local and regional industry representatives and stakeholders.

Total Financial Impact

The contribution to the Building Permit Stabilization Reserve Fund for the period of January 1 – December 31, 2023, was $1,073,397 and the closing balance in the reserve fund as of December 31, 2023, is $6,355,211.

Source of Funding

Revenues generated by building permit fees and other related administration fees are the sole sources of funding for the Building Department.

Other Resource Impacts

Not applicable.

Climate Implications:

Not applicable.

Engagement Matters:

The information contained in this public report will be shared with the Burlington Housing and Development Liaison Committee (BHDLC), West End Home Builders Association (WEHBA), Hamilton Halton Construction Association (HHCA) and Building Industry and Land Development Association (BILD).

Conclusion:

The Building Department experienced a sustainable year of permit activity with a contribution to the Building Permit Stabilization Reserve Fund for 2023. The reserve is established so that when there are economic downturns, the business can draw from the reserve. This allows the department to continue to provide the regulatory services of permit issuance, building inspections, enforcement, and address unsafe buildings to ensure the health and safety of residents.

This annual report represents permit activity in Burlington for 2023 and confirms the sustainability of the “Fees for Service” financial model for the Building Department.

The annual report on building permit revenues and expenditures, and the annual financial statement for the 12-month period of January 1 to December 31, 2023, is provided for information.

Respectfully submitted,

Nick Anastasopoulos, P.Eng.

Chief Building Official

905-335-7731 ext. 7619

Appendices:

A. Building Permit Fees Annual Financial Statement for 2023

Notifications:

Burlington Housing and Development Liaison Committee (BHDLC)

Mailing or e–mail address : BHDLC email distribution list

Hamilton Halton Construction Association (HHCA)

Mailing or e–mail address : sue@hhca.ca

West End Home Builder's Association (WEHBA)

Mailing or e–mail address : mikecw@westendhba.ca

Building Industry and Land Development Association (BILD)

Mailing or e-mail address : info@bildgta.ca

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.

Building Permit Fees Annual Financial Statement for 2023

Actual Costs Associated with Delivering Services Related to the Administration and Enforcement of the Building Code Act

(For the Period January 1 to December 31, 2023)

	2023 Actuals
Revenues	
Building Permit Revenues	$ 6,985,360
Expenses	
Direct Costs	$ (5,026,785)
Indirect Costs	$ (885,178)
Total Expenses	$ (5,911,964)
Net Position – Surplus/(Deficit)	$ 1,073,397
Building Permit Stabilization Reserve Fund	
Opening Balance	$ 5,201,986
Provision to reserve fund	$ 1,073,397
Transfer to Capital	$ (35,000)
Interest	$ 114,828
Closing Balance	**$ 6,355,211**

Note:

2023 actuals have been provided by the Finance Department based on the financial model developed and implemented in 2006, 2010, 2016 and 2019 as approved by Council.

February 29, 2024

Mayor and Members of City Council
City of Burlington
426 Brant St, Burlington, ON, L7R 3Z6

COW, March 4, 2024
BB-02-24
Correspondence from Michelle Diplock
Representing West End Home Builders' Association

West End Home Builders' Association Letter: 2023 annual building permit revenues and expenses (BB-02-24) (CPRM)

The West End Home Builders' Association (WE HBA) is the voice of the land development, new housing and professional renovation industries in Hamilton, Burlington, and Grimsby. The WE HBA represents approximately 300 member companies made up of all disciplines involved in land development and residential construction, including: builders, developers, professional renovators, trade contractors, consultants, and suppliers. The WE HBA and our members are substantially and directly involved in building the future of Burlington and the construction of new housing opportunities. The City of Burlington has made significant strides towards a collaborative relationship with the development industry through the Pipeline to Permit Subcommittee. We look forward to continued partnership to deliver 29,000 units over the next decade.

WE HBA appreciates the circulation of Burlington's Annual Building Permit Revenues & Expenses Report and the public distribution of the City's 2023 financial statements. Within this context, WE HBA would like to better understand the reasoning/intentions behind the significant proposed permit fee indexing increase of 24.9% **The 2023 Actual Costs Associated with Delivering Services Related to the Administration and Enforcement of the Building Code Act statement indicates the City collected a $1 million surplus in permit revenue.** This indicates the City's annual building permit revenue is already 18% too high when it comes to covering the annual needs of the building permit department.

Historic indexing increases in Burlington have been routinely higher than neighbouring municipalities, with a 2022 indexing rate of 14.3%, a 2023 indexing rate of 5.8%, and now a proposed 24.9% indexing rate increase phased in over 2024 and 2025. WE HBA would like to highlight that routinely large increases have implications for the ability of builders and developers to move forward with permit applications in the development pipeline.

The City of Hamilton's indexing rate for 2024 was adopted at 2%. WE HBA recommends that alongside the City of Burlington's efforts to accelerate housing supply, careful attention is paid to the rates of permit fee inflation. We ask that the City not increase building permit fees beyond a minor inflationary adjustment of no more than 3%.

Sincerely,

Michelle Diplock, M.Pl. RPP, MCIP
Manager of Planning & Government Relations
West End Home Builders' Association

SUBJECT: Red Tape Red Carpet update Q1 2024

TO: Committee of the Whole

FROM: Burlington Economic Development

Report Number: ECDEV-04-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Direct the Executive Director of Community Planning Regulation and Mobility and Executive Director of Community Relations and Engagement to work with the Executive Director of Burlington Economic Development, to report back semi-annually to the Pipeline to Permit Committee on progress for cutting red tape and rolling out the red carpet for investment in Burlington.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

In 2019, Mayor Meed Ward and Councilor Galbraith launched and co-chaired the Red Tape Red Carpet Task Force initiative, which led to 22 recommendations to better serve the business and development communities, and work undertaken to implement those recommendations.

In 2022, we entered the new term of council and engagement was undertaken with the business community to understand where we have improved, what issues they face in

doing business in Burlington and how we can make it easier for them to start, locate and grow in Burlington.

The engagement highlighted the need for ongoing work towards a more efficient, transparent, and customer-focused development process in Burlington that can provide faster turnaround times, improve communication, and facilitate business growth. Draft recommendations were discussed with council as part of report ECDEV-02-23.

During Q3 2023 staff continued to refine the recommendations and update with final recommendations was approved by council as part of report ECDEV-05-23 Red Tape Red Carpet Recommendation 2023. One of the critical findings of the engagement was the need to 'purpose-fit' the methods of service to the varying needs of different business segments. To address this finding the following key initiatives were identified:

- Continue to expand the functionality of the online portal, "MyFiles", to cover more application types and full end to end process of those applications;
- Expand the services provided by Burlington Economic Development to better support small businesses and the development industry; and,
- Scope the opportunity for enhanced service offered by the Customer Experience Manager by implementing High Impact criteria to identify those development proposals which address areas of critical need within the city (ex. Affordable housing, significant employment-related tax assessment growth).

The full recommendations approved by council are included in Appendix A: Updated Red Tape Red Carpet Recommendations October 2023.

Following approval of the recommendations by council staff have worked to integrate these recommendations into corporate strategic initiatives and the updated Vision to Focus (V2F). Key actions since approval of the updated Red Tape Red Carpet Recommendations in October 2023 include:

- Implementation of High Impact Criteria to allow applicants to receive tailored service to support applicants through the development process.
- Refocusing of Customer Experience – Business Development Role on High Impact Files, process improvements and customer engagement and education.
- Redevelopment of the Special Business Area Coordinator Role to focus on strategy development for main street business and Business Improvement Areas (BIA) and customer experience. This role will be retitled to Specialist, Business and Economic Development, with services designed to complement the Customer Experience Manager – Business Development role.
- Joint engagement of the development community by Community Planning and Economic Development. This has included integration of Red Tape Red Carpet update on the Housing and Development Liaison Committee (HDLAC) Agenda

and joint events with the West End Homebuilders Association (WEHBA) and Building Industry and Land Development Association (BILD).

- Burlington Economic Development has continued its focus on investment attraction and promoting Burlington as an investment destination. This included joint business development missions with Toronto Global to Medtech and Websummit to attract technology companies aligned with our industry cluster focus.
- One Brand project was reinitiated in Q4 2023 to create an integrated brand and value proposition for residents, business and visitors.
- Landscape Ontario update.
- Ongoing refinement of the Community Planning Permit System, which will establish a rapid and predictable planning approval process, including flexibility that supports increased housing and amenities and mitigating cost barriers such as Parking standards in Major Transit Station Areas.
- Successful awarding of approximately $21 million dollars of the Federal Housing Accelerator Fund that will implement 7 key initiatives to support the development of housing.

With the launch of the new Pipeline to Permit Committee reporting on progress against Red Tape Red Carpet objectives will be provided to the new committee along with regular updates to members of council on High Impact Files.

Strategy/process/risk

The 2019 recommendations brought forward by the Red Tape Red Carpet Taskforce involved extensive engagement with the business community. Additional work undertaken as part of the new term of council to engage customers and evolve the recommendations for Red Tape Red Carpet to meet current customer needs.

Ongoing feedback from the business community will be collected through the new city-wide Customer Feedback survey as well as through the work of the redesigned Customer Experience Manager – Business Development role to inform further strategies and recommendations to better support businesses to start, locate and grow in Burlington.

Financial Matters:

Red Tape Red Carpet recommendations have been integrated into corporate strategic initiatives and department workplan. There are no additional financial resources required at this time.

Climate Implications:

The implementation of the Red Tape Red Carpet Recommendations has the following climate implications:

As part of the Business Attraction Strategy, a focus will be on Cleantech will attract companies that provide solutions to climate and environmental issues. Burlington Economic Development's Business Attraction & Retention and policy initiatives also help support GHG emissions reduction through the GO Corridor Vision and Master Planning which will encourage increased employment density and mixed-use development. As well, initiatives are being developed with Burlington Transit to increase transit connectivity to employment areas and create more opportunities for employees to use public transit for their day-to-day commutes, thereby reducing the production of GHGs by private vehicles.

Engagement Matters:

Red Tape Red Carpet recommendations were gathered through a public survey and through virtual feedback sessions with key segments of businesses that interact with the City of Burlington and Burlington Economic Development in 2019. Additional business community engagement took place in 2022 and 2023 to help reshape and update the recommendations to ensure they were addressing business improvement needs.

Conclusion:

The implementation of the updated recommendations approved as part of the Mayor's Red Tape Red Carpet Taskforce initiative in October 2023 are well underway, Stakeholder engagement in 2022/2023 has resulted in an updated and enhanced list of recommendations for Red Tape Red Carpet replacing the original 2019 recommendations moving forward.

The updated Red Tape Red Carpet recommendations will be reported on through an update Red Tape Red Carpet Dashboard available publicly at: https://www.burlington.ca/en/your-city/red-tape-red-carpet-task-force-progress.asp. Regular reporting will take place to the Pipeline to Permit committee and members of Council on progress in cutting red tape and rolling out the red carpet for investing in Burlington.

Respectfully submitted,

Anita Cassidy	Brynn Nheiley	Jacqueline Johnson
Executive Director, Burlington Economic Development	Executive Director, Community Planning Regulation & Mobility	Executive Director Community Relations & Engagement
905-332-9415 ext. 7258	ext. 7638	ext 7340

Appendices:

A. Updated Red Tape Red Carpet Recommendations October 2023

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.

APPENIDX A – UPDATED RED TAPE RED CARPET RECOMMENDATIONS OCTOBER 2023

Strategic focus on high impact outcomes

1. Develop prioritization criteria for file management and problem resolution with clear escalation process based on economic, housing and community needs impact and the City's strategic goals. Impact criteria/KPIs to be used in prioritization of files are below. Criteria to be integrated into the next iteration of development tracking database improvement to track Impact criteria for all development applications. The criteria being used are listed below and will continue to be refined. Staff discretion will also be used to escalate files as needed:

HIGH IMPACT (HI) ECONOMIC CRITERIA

- For industrial and commercial files:
  - $3.7+ million in new industrial tax assessment
  - $2.8+ million in new office tax assessment
  - $9.2+ million in new retail tax assessment
- For industrial and commercial files:
  - 50+ industrial jobs generated or retained
  - 20+ office jobs generated or retained
  - 30+ retail jobs generated or retained

HIGH IMPACT (HI) ATTAINABLE HOUSING CRITERIA

- As a minimum the development must meet the following criteria
  - Consistency with Provincial Policy and conformity with Regional and Local policy frameworks.

- Compliance with the City's Urban Design Guidelines and built form expectations, as outlined in the City's Official Plan(s).
- Conservation and retention of existing Cultural Heritage Resources.
- In addition the development must meet at least one of the following criteria to qualify as High Impact
- 30% units designated affordable in the proposed development.
- 100% purpose-built rental units in a development with 10+ units in the proposed development
- Apartment dwellings with 3 or more bedrooms in 35% of units in the proposed development.
- Mixed Use Developments that contain 3+ land uses (i.e. residential, retail/commercial, office, employment, minimum 0.1 Ha parkland, public service facilities, etc.)

These criteria will apply to development files in the MTSA's. Once the Community Planning Permit System (CPPS) is approved the concierge service for development files covered under the CPPS will be revisited and modified if needed to achieve the desired effect of the HI criteria throughout the City.

HIGH IMPACT (HI) COMMUNITY CRITERIA

- Projects that have a high impact on community and deliver new services or supports to the community eg new city facilities, social support facilities, public services facilities, institutional facilities etc

Files recognized as High Impact (HI) will be eligible to receive a Development process navigation support service, which will include a tailored service to support applicants through the process. Depending on the types of applications required prioritization of HI

files will not necessarily involve expediting of individual processes as legislated timelines will still need to be met across applications. However, the service will provide end to end coverage, ensuring smooth hand-off between staff teams and supporting maximized opportunity for concurrent reviews.

In addition it is recommended that the HI criteria be integrated into the agenda setting process for the Committee of Adjustment with additional monthly meetings set aside to discuss HI files so that they can be provided with priority servicing.

Reporting on the effectiveness of the HI criteria will be included with other development-related reporting to the appropriate Committee of Council. The new committee will also be a valuable resource for providing advice during continuous improvement evaluations of the HI criteria.

2. Determine the role that Burlington Economic Development should take to address gaps identified through stakeholder engagement including expansion of their business growth mandate to support residential growth in MTSAs and intensification areas. Determine the role between City of Burlington and Burlington Economic Development in high density residential business community engagement and relationship management.

3. Recognize the City has an endorsed Corporate Continuous Improvement Strategy and plan to action, implement and report on ongoing continuous improvement activities that demonstrate the application of the Lean Six Sigma training received by staff throughout 2022. Align improvement activities with the Corporate Continuous Improvement strategy and its best practices, capturing the voice of the customer, identifying the value add within process and eliminating waste. Continue engaging in regular Plan Do Check Act cycles between staff and customers, making visible further opportunities for improvement and reinforcing a solutions-oriented service culture. Support psychological safety by

encouraging experimentation, rewarding innovative thinking, celebrating small successes and framing failed experiments as great learning opportunities. Report on improvements and service delivery outcomes using quality data and results-based accountability practices.

4. Identify senior leads across various departments that can be pulled together quickly with decision makers for new investments from the City, Economic Development and other partner agencies to problem solve and roll out the red carpet for businesses that meet HEI criteria.

5. Complete a review of records management and staff onboarding/off boarding procedures to improve file handover and consistency in responses to customers. Integrate culture of staff as problems solvers enabling Burlington's economic growth throughout onboarding and training of existing and new staff. Encourage staff freedom for flexibility in interpretation of regulations, particularly those known to be outdated and those which do not consider the modern digital business environment.

Delivering a Positive Customer Experience and Evolving Relationship Management

6. Design and evolve our organization for customer experience to provide a clear ambassador role with ability to influence files and work in closer partnership with Burlington Economic Development to build relationships with the business community. Achieve this by redesigning Customer Experience Manager – Business Development to manage the integrated customer experience for high impact/low volume files as identified through the proposed prioritization criteria. Actions may include:

- Managing monthly review of HI files with key city staff via the Development Control Committee (DCC) monthly meetings to prioritize processing and identify risks.
- Developing and managing a triage system for how customer requests for both high impact/lower volume and low impact/higher volume files are managed.
- Jointly managing with Economic Development, the integration of HI files into a system to track customers interactions and common issues including customer service metrics to create a common baseline for our success in improving the customer experience.
- Providing monthly file tracking updates and advance issue identification updates to Council and senior staff for high economic, housing and community needs impact files.
- Championing the integration of Customer Feedback to deliver an improved customer experience.

    - Using tools from the disciplines of Customer Experience, Human Centered Design, and journey mapping to fully understand the customer and build empathy.
    - Further refining of customer service standards for responding to customers questions, emails, and voicemails.
    - Defining turnaround times for reviews that are not currently legislated, such as the pre-consultation process.
    - Managing the collection of customer feedback for HEI files. Working with the broader customer experience team to integrate this data into broader customer service analytics collecting and sharing analytics from the new City-wide Customer Feedback Survey, including measures of Net Promoter Score (NPS) and Customer Effort Score (CES).

7. Recognize the importance of Small Main Street Businesses to Burlington's economic growth by:

    - Expanding the mandate of Burlington Economic Development to support Main Street Businesses
    - Redeveloping the Small Business Coordinator Role as a Specialist of Business and Economic Development role under Economic Development focused on:

        - Developing a main street business support strategy
        - Supporting BIAs in policy and strategy development
        - Providing a concierge/ambassador function supporting main street businesses through regulatory processes
        - Determining opportunities to provide additional main street businesses supports including exploring new BIAs for Burlington's intensification and growth areas

Proactive Marketing, Communications and Partnerships

8. Continue Burlington's commitment to proactive investment attraction and building a strong reputation for Burlington as an attractive city to locate, start and grow a business including implementation of the One Brand project.

9. Align City of Burlington and Burlington Economic Development communication strategies and work plan focusing on Burlington's evolution to a complete community and the benefits that development of our MTSAs and intensification areas will bring to the community and businesses. Partner with development industry organizations on communications to help support the story telling of the benefits new development will bring to Burlington including highlighting information on walkability, public and private amenities and community investments to support existing and future residents.

10. Review the existing communications resources available to building and development customers to help explain Burlington's processes and how they can move their applications forward. Develop a joint communications plan between the City of Burlington and Economic Development for new communications resources including process guides and FAQs for businesses that are looking to lease, buy or develop/redevelop a site. Work to proactively communicate these resources to businesses and update regularly based on customer feedback on gaps/usefulness of information.

11. Continue to proactively communicate and engage with the development community as end-to-end development processes are improved including integration with partner agencies.

12. Work with the development community to address barriers post approval, including servicing. Engage with Halton Region to proactively map and budget for servicing in intensification areas to ensure servicing is in place for development approvals coming online.

Continuous Improvement and Tools to support the evolution of the customer experience

13. Review current staff resourcing and structure for file processing and determine if any updates to resourcing and/or staff specializations are needed to support the processing of high economic impact/low volume files and low economic impact/high volume files. Consider alternative structures including separate intake streams and staffing resources assigned to each, among other options.

14. Continue to Invest in technologies to support business processes and file management including implementation of online submissions system that allows visibility of files to customers (Myfiles) and file management (AMANDA).

15. Evaluate risks and risk tolerance of the corporation of adjusting the level of technical review being undertaken on files that have been submitted by professionals with accreditation and any opportunities to redevelop processes recognizing the professional standards of accreditation. e.g., engineer, architect. Consider pre-qualification of experts to reduce resources directed at reviewing professionally stamped submissions from trusted experts.

16. Identify flexibility through Director of Community Planning interpretations in how zoning is applied in the interim period until an updated zoning by-law is approved.

17. Review parking standards in intensification areas

18. Implement Community Improvement Plans (CIPs) and other tools to support City-building initiatives. The low-hanging fruit is to provide funding and direction to implement the existing Brownfield CIP which was approved in 2020 for the redevelopment of complex brownfield sites. Additional funding and resources are required to develop a Comprehensive CIP Strategy with actionable incentive programs that may include City-Building components of:

    - Housing – Attainable, Affordable, Assisted and Special Needs
    - Continued Downtown Improvement and Business Attraction in both the Downtown and Aldershot BIAs
    - Commercial Office Attraction/Improvement/Revitalization/Development
    - Employment
    - Sustainability in the Major Transit Station Areas (MTSAs)
    - Rural Economic Development

19. Recommendations from joint working group with Landscape Ontario to be updated once work is completed.

SUBJECT: Downtown parking operational changes

TO: Committee of the Whole

FROM: Transportation Services Department

Report Number: TS-09-24

Wards Affected: 2

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve a by-law to amend By-law 39-2016, substantially in the form attached as Appendix A to transportation services department report TS-09-24, in the form satisfactory to the Executive Director of Legal Services and Corporation Counsel, or delegate.

PURPOSE:

To replace the Parking and Idling By-law Schedule “1” with a new and updated version containing current pricing and lot inventory so to implement the February 13, 2024 decision of Council in relation to report TS-04-24.

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation.
- Improving Integrated City Mobility
- Increasing Economic prosperity and Community Responsive City Growth

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Background and Discussion:

Pursuant to the decisions made at the February 13, 2024 meeting of council, the attached amendment will repeal the current version of Schedule “1” in the Parking and Idling By-law and replace it with the Schedule “1” as attached in Appendix A.

Appendix A consists of the parking facilities within the purview of Parking Services and their associated rates and permit costs which were recently adjusted at the February 13, 2024 Council meeting.

The revised Schedule “1” contains the updated prices and the addition of the 515 John Street lot.

Strategy/process/risk

Based on the deliberations in the Committee of the Whole that occurred on February 6, 2024 and the decisions of Council at the meeting of February 13, 2024, the decision to proceed with increased parking rates requires the Schedule “1” to be repealed and replaced.

Financial Matters:

Not applicable

Climate Implications:

Not applicable

Engagement Matters:

The recommendations noted in report TS-04-24 were discussed and endorsed by the Burlington Downtown Business Association and the Downtown Parking Committee.

Conclusion:

In conclusion, to finalize the parking rate increase for the downtown in accordance with transportation services department report TS-04-24, the attached by-law amendment should be passed, replacing Schedule “1” of the Parking and Idling By-law 39-2016, as amended.

Respectfully submitted,

Stephen Camm

Supervisor of Municipal Parking Operations

Appendices:

A. Amendment to Parking and Idling Bylaw Schedule

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.

The Corporation of the City of Burlington

City of Burlington By-law XX-2024

A by-law to amend By-law 39-2016, being a by-law to regulate parking and idling in the City of Burlington
File:745-02 (TS-09-24)

Whereas section 11 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, and Ontario Regulation 333/07 authorize municipalities to enact by-law regulating parking; and

Whereas the Council of The Corporation of the City of Burlington deemed it appropriate to enact by-law 39-2016, as amended, to regulate parking and idling in the City of Burlington; and

Whereas at its February 13, 2024 meeting, the Council of The Corporation of the City of Burlington approved an increase in the Downtown Parking and Permit rates as outlined in report TS-04-24.

Now therefore the Council of The Corporation of the City of Burlington hereby enacts as follows:

1. Schedule “1” of Parking and Idling By-law 39-2016, as amended, is hereby repealed and replaced in its entirety with Schedule “1” attached to this by-law as Appendix “A” and forming part of this by-law.

2. That in all other aspects, By-law 39-2016, as amended, be and is hereby confirmed.

3. The provisions of this by-law shall become effective on April 2, 2024.

Passed this 19th day, of March 2023

Mayor Marianne Meed Ward _____

Deputy City Clerk Samantha Yew_____

Appendix "A" to By-law XX-2024

THE CORPORATION OF THE CITY OF BURLINGTON
PARKING AND IDLING BY-LAW 39-2016
SCHEDULE "1"
MUNICIPAL PARKING RATES AND FEES

FACILITY	PARKING FEES			FACILITY USE	
Name and Address	Hour	Day	Month	Free Parking	Hourly, Daily & Monthly Permit Parking
Pearl St Lot – Lot 1 431 Elizabeth St	$2.00	$18	n/a	Mon to Sat, 6pm to 9am All Day Sun & Holidays	Mon to Sat, 9am to 6pm Hourly and Daily
Burlington Ave Lot – Lot 2 455 Burlington Ave	n/a	n/a	n/a	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am - 6pm Staff Only Permit
John St North – Lot 3 533 John St	$2.00	$18	$91	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am - 6pm Hourly, Daily & Monthly Permit
Elizabeth St Lot – Lot 4 421 John St	$2.00	$18	n/a	Mon to Sat, 6pm to 9am All Day Sun & Holidays	Mon to Sat, 9am to 6pm Hourly & Daily Permit
Brant St Lot – Lot 5a & 5b 391 Brant St	$2.00	$18	n/a	Mon to Sat, 6pm to 9am All Day Sun & Holidays	Mon to Sat, 9am to 6pm Hourly & Daily Permit
Brock Ave South Lot – Lot 6 430 Brock Ave	$2.00	$18	$91	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am to 6pm Hourly, Daily & Monthly Permit
Locust St Lot – Lot 7 500 Locust St	$2.00	$18	n/a	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am to 6pm Hourly & Daily Permit
Caroline St. Lot – Lot 8 523 Locust St	$2.00	$18	$151	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am to 6pm Hourly, Daily & Monthly Permit
Elgin St Lot – Lot 10 1370 Elgin St	n/a	n/a	n/a		Mon to Fri, 8am to 6pm Staff Only Permit _____ St. Luke's Church Only Mon to Fri, 6pm - 8am Sat, Sun & Holidays

Appendix "A" to By-law XX-2024

THE CORPORATION OF THE CITY OF BURLINGTON
PARKING AND IDLING BY-LAW 39-2016
SCHEDULE "1"
MUNICIPAL PARKING RATES AND FEES

FACILITY	PARKING FEES			FACILITY USE	
Name and Address	Hour	Day	Month	Free Parking	Hourly, Daily & Monthly Permit Parking
Martha St Lot – Lot 11 412 Martha St	n/a	n/a	$151	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am to 6pm Monthly Permit Only
City Hall Lot – Lot 13 – 426 Brant St	$2.00	n/a	n/a	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am to 6pm Hourly Permit Permit for Council Members Only
Brock Avenue North Lot – Lot 15 475 Brock Ave	$2.00	$18	$91	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am to 6pm Daily, Hourly & Monthly Permit
John Street Lot – Lot 16 515 John St	$2.00	$18	n/a	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am to 6pm Hourly and Daily Permit Mobile Payment Only
Parking Garage – 414 Locust St	$2.00	$18	$151	Mon to Fri, 6pm to 9am All Day Sat, Sun & Holidays	Mon to Fri, 9am to 6pm Daily, Hourly & Monthly Permit
Waterfront East 1340 Lakeshore Rd	$2.00	n/a	n/a		7 Days, 9am to 6pm Hourly Permit
Waterfront West 1340 Lakeshore Rd	$2.00	n/a	n/a		7 Days, 9am to 4pm Hourly Permit 4pm to Midnight, Reserved Spaces
Beachway Park Lakeside Lots – 1100 Lakeshore Rd	$2.50	$20	n/a		Saturday, Sunday & Holidays, 8am to 8pm, May (Victoria Day) to September Mobile Payment Only
Beachway Park Overflow Lot – 106 Willow Avenue	$2.50	$20	n/a		Saturday, Sunday & Holidays, 8am to 8pm, May (Victoria Day) to September Hourly, Daily Permit Mobile Payment Only
Lasalle Park Marina Trailer Parking	n/a	$20	n/a		Saturday, Sunday & Holidays, 8am to 8pm, May to September Daily Permit Mobile Payment Only

Appendix "A" to By-law XX-2024

THE CORPORATION OF THE CITY OF BURLINGTON
PARKING AND IDLING BY-LAW 39-2016
SCHEDULE "1"
MUNICIPAL PARKING RATES AND FEES

Additional Permits and Fees		
Permit Type	Fee	Description
Downtown Street - Hourly Parking	$2.00	Fee per Parking Space per hour. Three-hour parking limit per day per Parking Pay Station Zone.
Downtown Lot - Monthly Premium Fee for a Parking Space with Personal Sign	$20	Fee added to monthly permit fee for the particular facility for a specific Parking Space identified with a personal sign.
Lot 3 Reserved Space – per month	$103	Monthly premium fee to have reserved space for local business
Lot 8 Reserved Space – per month	$152	Monthly premium fee to have reserved space for local business
Downtown Street - Temporary Parking Permit to Reserve a Parking Space	$21	Fee per Parking Space per day, Monday-Friday from 9am-6pm.
Downtown Lot - Temporary Parking Permit to Reserve Parking Spaces	$100	Fee per Facility per day, Monday - Saturday after 6pm and all-day Sunday or Holiday.
Alton Community Street Permit - Monthly Residential Parking Fee	$30	Fee per vehicle license plate per month.
Alton Community Street Permit - Annual Residential Parking Fee	$350	Fee per vehicle license plate per year.

Disclaimer: **Refunds will not be issued due to parking machine operational problems**

SUBJECT: By-law to regulate distribution of graphic images

TO: Committee of the Whole

FROM: By-Law Compliance Department

Report Number: BL-03-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve a by-law, substantially in the form attached as appendix A to by-law compliance department report BL-03-24, which regulates the distribution of graphic images, otherwise known as the “Graphic Image Delivery By-law”, to require those distributing graphic images in the City of Burlington to enclose images in an envelope or package, in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel.

PURPOSE:

To regulate the distribution of graphic images in the City of Burlington.

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

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Background and Discussion:

At its meeting of November 14, 2023, Council approved staff direction SD-40-23 contained in Motion Memorandum CSSRA-12-23 as follows:

Direct the Director of By-law Compliance, in consultation with the Executive Director of Legal Services and Corporation Counsel, or their delegate, to prepare a by-law regulating unsolicited distribution of graphic images (abortion flyers) to residences for consideration by Council in Q2 2024.

The motion was given due to increased complaints regarding ‘disturbing’ flyers being distributed to residences in Burlington. The proposed by-law will require that such flyers be enclosed in an envelope with a warning allowing recipients to choose if they wish to open and read the material.

By-laws such as this are becoming common as the practice of distributing graphic flyers has increased. Similar by-laws have passed in Ontario. The cities of London and St. Catharines have implemented by-laws while Hamilton, Toronto and Oakville have received direction from their Councils to explore similar legislation.

In terms of provincial legislation, a private members bill, Bill 80 “Viewer Discretion Act (images of fetuses)”, did pass a first reading on March 20, 2023 and has been ordered for a second reading but there is no guarantee it will become law. The first iteration of this bill (Bill 259) passed first reading on March 8, 2021 but did not move forward.

Proposed Fines

Staff will be recommending that the Province approve a fine of $100 per image distributed. This amount has been chosen as it is the same fine proposed in Bill 80 “Viewer Discretion Act (images of fetuses)”. There is no guarantee this fine amount will be approved. This by-law will be included in the future Administrative Penalty System which will provide Council the opportunity to modify the fine amount.

Options Considered

In addition to complaints regarding flyer distribution, staff do receive complaints regarding similar images being displayed during protests. Staff did consider if there were any legal options to regulate such signs.

If the signs are placed or affixed to City property, staff can have them removed as per Sign By-law 34-2007. Demonstrations or protests on public property are protected by freedom of peaceful assembly as well as freedom of expression rights guaranteed by the Canadian Charter of Rights and Freedoms (the “Charter”). If the signs are being held by protesters, and do not meet the requirements of hate speech or obscenity under the *Criminal Code*, RSC 1985, c.C-46 of Canada, they are currently protected by the Charter. Other than ensuring the protest is conducted in a safe, peaceful manner and not located on private property, municipal staff (including police) do not have the authority to have the signs removed.

Financial Matters:

No additional revenue is expected with the introduction of this by-law. The number of calls expected is minimal and any fines recovered will be used to offset the cost of enforcement.

Other Resource Impacts

Not applicable. Staff already respond to these types of calls and this by-law just provides a tool to enforce effectively.

Climate Implications:

Not applicable.

Engagement Matters:

None.

Conclusion:

The proposed by-law will provide enforcement with a tool to minimize the impact the distribution of graphic images has on community members.

Respectfully submitted,

Kerry Davren

Director of By-law Compliance

905-335-7600 Ext. 7800

Appendices:

A. Graphic Images Delivery By-law

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.

The Corporation of the City of
Burlington City of Burlington By-law
XX-2024

A by-law to regulate the delivery of graphic images
in the City of Burlington
File: 110-04 (BL-03-24)

WHEREAS subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, (the "*Municipal Act, 2001*") provides that a municipal power shall be exercised by by-law; and

WHEREAS sections 8, 9, and 11 of the Municipal Act, 2001 authorize The Corporation of the City of Burlington (the "City") to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, and 8 of subsection 11 (2) authorize by-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property; and

WHEREAS section 425 of the *Municipal Act, 2001* permits a municipality to pass by-laws providing that any person who contravenes any by-law of the municipality is guilty of an offence; and

WHEREAS subsection 429(1) of the Municipal Act, 2001 provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act, 2001; and

WHEREAS subsection 434.1 (1) of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under this Act; and

Whereas the Council of the Corporation of the City of Burlington is satisfied that the unregulated Delivery of Graphic Images to residences impacts the economic, social and environmental well-being of the municipality; the health, safety and well-being of person; and the protection of property;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

PART I: DEFINITIONS

1.1 For the purposes of this by-law, the following definitions shall apply:

"**Administrative Monetary Penalties By-law**" means the Administrative Penalties By-law 40-2016 of the City, as amended or replaced from time to time;

"**administrative penalty**" means an administrative monetary penalty (AMP) established by this By-law and specified in the Administrative Monetary Penalties By-law;

"Deliver" means to deliver, leave, place, deposit or post anywhere of the Property or mailbox associated with a Residence, whether or not handed to a person, and the non "Delivery" has a corresponding meaning;

"Graphic Image" means an image or photograph showing, or purporting to show, a fetus or any part of a fetus;

"**person**" includes an individual, firm, sole proprietorship, partnership, association, or corporation;

"Property" means the whole or part of any parcel of real property, including all buildings, structures, personal property, or other property located thereon;

"Residence" means any Property or address that is not clearly identified from the abutting roadway as the location of a business.

PART 2: BY-LAW TITLE

2.1 The short title of this By-law shall be the "Graphic Image Delivery By-law".

PART 3: APPLICATION OF BY-LAW

3.1 This By-law applies to property within the City of Burlington.

3.2 Nothing in this By-law is to be construed as permitting anything which is prohibited under federal or provincial legislation, and where there is a conflict in this respect between federal or provincial legislation and this By-law, the federal or provincial legislation prevails.

PART 4: PROHIBITIONS AND EXEMPTIONS

4.1 No person shall Deliver or participate in the Delivery of a Graphic Image to any Residence, unless;

(a) the Graphic Image is fully concealed within a sealed envelope or package; and

(b) the sealed envelope or package containing the Graphic Image is marked with the following notice and information:

(i) the name and address of the person who is responsible for Delivery of the Graphic Image; and

(ii) a warning that the envelope or package "contains a Graphic Image that may be offensive or disturbing to some people".

4.2 This By-law does not apply to:

(a) mail that is Delivered to a Residence by Canada Post; or

(b) material that is Delivered to the Residence at the request or with the consent of the addressee.

PART 5: OFFENCE

5.1 Any person who contravenes a provision of this By-law is guilty of an offence.

5.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

5.3 Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c P. 33, as amended.

PART 6: ADMINISTRATIVE PENALTIES

6.1 This By-law in its entirety is designated as a By-law to which the City's Administrative Monetary Penalties By-law applies.

6.2 Every person who contravenes this By-law when given a penalty notice, in accordance with the City's Administrative Penalties By-law, shall be liable to pay the City an administrative penalty in the amount specified in the Administrative Monetary Penalties By-law, and any fees related thereto.

6.3 Where an administrative penalty and administrative fee(s) respecting the administrative penalty, as specified in the Administrative Monetary Penalties By-law, are not paid within sixty days after the date that they become due and payable, the treasurer of the City may add the administrative penalty and administrative fee(s) to the tax roll for any property for which all of the owners are responsible for paying the administrative penalty and administrative fee(s), and collect it in the same manner as municipal taxes.

PART 7: MISCELLANEOUS

7.1 In this By-law, unless the contrary intention is indicated, words used in singular shall include the plural and words used in the male gender shall include the female gender and vice versa.

7.2 The word "and" is an inclusive conjunction, the use of which indicates that all items or phrases in that subsection, article, or list in which it appears are permitted or required as the case may be. The word "or" is an alternate conjunction, the use of which indicates that alternate or optional items or phrases in the subsection, article, or list in which it appears are permitted or required, as the case may be; however, notwithstanding the foregoing, where the context permits, the word "or" may also be an inclusive conjunction having the same meaning as the word "and".

7.3 If any or part of a provision of this By-law is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative on particular circumstances, the balance of this By-Law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

7.4 Any reference to legislation in this By-law includes the legislation referred to and its amendments as well as any subsequent legislation which may replace the legislation referred to, and its amendments thereto.

PART 8: EFFECTIVE DATE

8.1 This By-law comes into force on the date of its passing.

Enacted and passed this XXth day of XXXX, 2024.

Mayor Marianne Meed Ward _____

Deputy City Clerk Samantha Yew _____

SUBJECT: Remuneration and expenses paid to Council and appointees for 2023

TO: Committee of the Whole

FROM: Finance Department

Report Number: F-08-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file finance department report F-08-24 regarding remuneration and expenses paid to Council and appointees for 2023.

PURPOSE:

To comply with requirements of the Municipal Act.

Background and Discussion:

It is a requirement of the Municipal Act that a report be submitted to Council on remuneration and expenses paid to Councillors and appointees to local boards by March 31, of the following year.

Accordingly, under the provision of Section 284(1) of the Municipal Act, S.O. 2001, Chapter c.25, the attached itemized statement (Appendix A) is submitted disclosing remuneration and expenses for each Member of Council and Appointed Members of our Local Boards and Committees for the year ended December 31, 2023.

284.(1) The treasurer of a municipality shall in each year on or before March 31 provide to the council of the municipality an itemized statement on remuneration and expenses paid in the previous year to:

(a) each member of council in respect of his or her services as a member of the council or any other body, including a local board, to which the member has been appointed by council or on which the member holds office by virtue of being a member of council;

(b) each member of council in respect of his or her services as an officer or employee of the municipality or other body described in clause (a); and

(c) each person, other than a member of council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body. 2001, c. 25, s. 284 (1).

As required by Section 284 (2), City of Burlington By-law 129-2006 was passed authorizing the attached remuneration and expenses (Appendix A).

In 2023, each Councilor had a budget of $10,000 to cover expenditures such as meetings, printing, mileage, newsletters, postage, professional development, telephones, and advertising.

In 2023, the Mayor had a budget of $31,087 to cover similar expenditures to those listed above, excluding the costs of leasing a vehicle for business use.

In 2022, Council approved the implementation plan for the recommendations arising from the Council Renumeration Review Working Group (F-17-22). Through this report by-law 45-2022 was enacted to establish a Council Special Initiatives Reserve Fund. Annually deposits to this reserve fund are made reflecting unspent discretionary funds in the respective Mayor and Councilor budgets. These funds can be utilized by Council members for special initiatives as approved by the Executive Director & Chief Financial Officer (CFO). In 2023, a draw of $1,630 was approved by the CFO for special initiatives in Ward 2. A year end a contribution of $23,139 was transferred to the reserve fund representing the total unspent discretionary budget of Council. The total balance of this reserve fund at the end of 2023 was $71,097.

Strategy/process/risk

Detailed information regarding members of council expenses is provided on the City's website for the period as of December 31st.

Financial Matters:

Not applicable

Climate Implications:

Not applicable

Engagement Matters:

Not applicable

Conclusion:

This report is for information only, and as required by the Municipal Act, section 284(1).

Respectfully submitted,

Tolu Ajise

Supervisor, Accounting Services

(905) 335-7600 ext 7499

Appendices:

A. 2023 Summary of Remuneration and Expenses

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.

Appendix A

2023 Summary of Remuneration and Expenses

Members of Council	Salaries & Benefits (Note 1)	General Expenses (including conferences)	Total
Mayor - Marianne Mead Ward	$ 180,054	$ 20,098	$ 200,152
Ward 1 - Kelvin Galbraith	$ 84,190	$ 9,749	$ 93,939
Ward 2 - Lisa Kearns	$ 84,430	$ 10,000	$ 94,430
Ward 3 - Rory Nisan	$ 84,190	$ 9,122	$ 93,312
Ward 4 - Shawna Stolte	$ 84,190	$ 1,384	$ 85,574
Ward 5 - Paul Sharman	$ 69,330	$ 8,112	$ 77,442
Ward 6 - Angelo Bentivegna	$ 79,163	$ 9,482	$ 88,646
Total	**$ 665,546**	**$ 67,948**	**$ 733,494**

Note 1 - Salaries and benefits include amounts paid for base salary, OMERS, Standard Life, EHT, CPP and parking taxable benefit. Variation between the individual amounts is due to benefit coverage.

Committee of Adjustment*	Per Diem	Car Mileage	Total
Jim Riddell	$ 2,200	$ 507	$ 2,707
Alexandra Rawlings	$ 900	$ 318	$ 1,218
Nicholas Leblovic	$ 1,440	$ -	$ 1,440
Robert Martin	$ 400	$ 148	$ 548
Filippo Capuano	$ 1,760	$ -	$ 1,760
Aly Hany	$ 880	$ -	$ 880
Virginia Tinti	$ 1,360	$ -	$ 1,360
Elaine Westerhof	$ 720	$ 42	$ 762
Total	**$ 9,660**	**$ 1,016**	**$ 10,676**

*There were no Administration Monetary Penalties Committee hearing payments made in 2023

SUBJECT: **2024 proposed budget and tax levy for the Burlington Downtown Business Improvement Area**

TO: **Committee of the Whole**

FROM: **Finance Department**

Report Number: F-09-24

Wards Affected: 2

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve the 2024 proposed budget for the Burlington Downtown Business Improvement Area (BIA) as presented in Appendix A of finance department report F-09-24 incorporating a Burlington Downtown BIA members' levy of $1,012,000; and

Authorize the Chief Financial Officer to incorporate the resulting Burlington Downtown BIA tax rates into the 2024 Tax Levy By-Law.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

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Background and Discussion:

This report presents an overview of the 2024 Burlington Downtown Business Improvement Area (BIA) proposed budget and resultant Members' Levy for approval by Committee and Council in keeping with the requirements of the *Municipal Act, 2001*. The BIA is a Board separate from the City of Burlington. Through the Municipal Act, the municipality shall annually raise the levy amount required for the purposes of the BIA.

Strategy/process/risk

Appendix A provides details of the 2024 proposed budget as approved by the Burlington Downtown Board of Management at its meeting on December 6, 2023. In accordance with the Municipal Act, the 2024 budget will be presented to its membership at the Annual General Meeting to be held on Wednesday April 3, 2024.

The proposed members' levy totals $1,012,000, an increase of $152,400 or 17.7% over 2023. Overall, expenses have increased by $114,400 or 11.2%. For 2024, the Board is including funding from their reserve fund in the amount of $90,000.

The Board has earmarked a significant investment with infrastructure improvements in the installation of pedestrian by-passes. These structures are raised pedestrian platforms installed in five strategic locations throughout the downtown core. They are designed to Accessibility for Ontarians with Disabilities Act (AODA) engineered standards and are installed to safely navigate patrons through outdoor patios at select locations from May-October. This initiative is a three-year contract factored in this year's budget, whereas it was exclusively financed through the Board's reserve fund in 2023.

Other areas to note in this year's budget:

- The Board has commissioned a consultant to guide it's 2024 Visioning and Strategic Planning. This expense is cyclical every 3-5 years.
- Increasing the funds for uncollectable taxes for anticipated future assessment appeals.

The Board continues to provide a standard of service delivery to the downtown membership in the areas of:

- Seasonal beautification and placemaking
- Burlington Downtown Gift Card promotions and investments
- Seasonal events which are free to the public

Appendix B provides a summary of the applicable assessments in the Burlington Downtown BIA and the 2024 tax rates required to generate the levy.

Financial Matters:

The proposed members' levy results in a tax rate change of 19.95%, which equates to $43.14 increase for each $100,000 of Current Value Assessment (CVA). The BIA's assessment base has decreased by 1.85%.

The 2024 Burlington Downtown BIA levy will be included as part of the final tax billing.

Climate Implications:

N/A

Engagement Matters:

N/A

Conclusion:

This report presents the 2024 proposed Burlington Downtown BIA budget and tax levy for approval by Committee and Council. The proposed budget is summarized in Appendix A. The approved Burlington Downtown BIA levy will be incorporated into the 2024 Tax Levy By-Law.

Respectfully submitted,

Sandra Chau

Specialist, Property Tax Assessment

905-335-7600 ext 7754

Appendices:

A. Proposed 2024 budget and tax levy
B. 2024 levy and tax rate calculations

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.

BURLINGTON DOWNTOWN BUSINESS IMPROVEMENT AREA
Approved 2024 Budget

Appendix A
to F-09-24

	2023 BUDGET	DRAFT 2023 ACTUAL	2023 VARIANCE	2024 PROPOSED BUDGET	2023 vs 2024 INCREASE/ (DECREASE) $	%
EXPENDITURES:						
Administration	**$ 295,800**	$ 301,000	$ 5,200	**$ 315,500**	19,700	6.7%
Office General	**81,300**	80,865	(435)	**124,000**	42,700	52.5%
Customer Attraction - Marketing/Events/Sponsorships	**229,500**	183,950	(45,550)	**214,500**	(15,000)	-6.5%
Infrastructure Improvements & Programs	**220,300**	294,400	74,100	**317,000**	96,700	43.9%
Stakeholder Relations	**85,700**	84,300	(1,400)	**92,000**	6,300	7.4%
Member Engagement	**87,500**	62,100	(25,400)	**74,000**	(13,500)	-15.4%
Capital Works	**22,500**	22,500	-	**-**	(22,500)	-100.0%
Operating Budget	**$ 1,022,600**	**$ 1,029,115**	**$ 6,515**	**$ 1,137,000**	**$ 114,400**	**11.2%**
REVENUES:						
Burlington Downtown BIA Members Levy	**$ 859,600**	**$ 859,600**	**$ -**	**$ 1,012,000**	$ 152,400	17.7%
Grant Sponsorship					0	
Sponsorships	50,000	25,500	(24,500)	25,000	(25,000)	-50.0%
Contribution from Reserve Fund	98,000	198,000	100,000	90,000	(8,000)	-8.2%
Supplementary Taxes	15,000	-	(15,000)	10,000	(5,000)	-33.3%
Revenues	**$ 1,022,600**	**$ 1,083,100**	**$ 60,500**	**$ 1,137,000**	**$ 114,400**	**11.2%**

Figures may not add due to rounding

THE BURLINGTON DOWNTOWN
BUSINESS IMPROVEMENT AREA
2024 LEVY AND TAX RATE CALCULATIONS

		2024 BUDGET
EXPENDITURES:		
Administration	$	315,500
Office General	$	124,000
Customer Attraction - Marketing/Events/Sponsorships	$	214,500
Infrastructure Improvements & Programs	$	317,000
Stakeholder Relations	$	92,000
Member Engagement	$	74,000
Capital Works	$	-
TOTAL EXPENDITURES	$	1,137,000
REVENUES:		
Sponsorship Revenue	$	(25,000)
Contribution from Reserve Fund	$	(90,000)
Supplementary Taxes	$	(10,000)
TOTAL REVENUES	$	(125,000)
BIA MEMBERSHIP LEVY	$	1,012,000
APPLICABLE ASSESSMENT		
Commercial	$	333,466,144
- excess land	$	-
- vacant land	$	5,818,000
Office	$	21,229,455
Shopping Centre	$	12,981,300
Parking Lot	$	16,241,000
Industrial Shared PIL	$	285,700
2024 TAX RATES		
Commercial		0.00259390
- excess land		0.00259390
- vacant land		0.00259390
Office		0.00259390
Shopping Centre		0.00259390
Parking Lot		0.00259390
Industrial Shared PIL		0.00372335
Note: Tax rates subject to change as a result of tax policy decisions by the Region of Halton		
2023 Tax Rate		0.00216250
Percentage Increase/ (Decrease)		19.95%
2023 Levy per $100,000 CVA	$	216.25
2024 Levy per $100,000 CVA	$	259.39

SUBJECT: 2024 proposed budget and tax levy for the Aldershot Village Business Improvement Area

TO: Committee of the Whole

FROM: Finance Department

Report Number: F-10-24

Wards Affected: 1

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve the 2024 proposed budget for the Aldershot Village Business Improvement Area (ABIA) as presented in Appendix A of finance department report F-10-24 incorporating an Aldershot Village BIA members' levy of $276,000; and

Authorize the Chief Financial Officer to incorporate the resulting Aldershot Village BIA tax rates into the 2024 Tax Levy By-Law

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

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Background and Discussion:

This report presents an overview of the 2024 Aldershot Village Business Improvement Area (BIA) proposed budget and resultant Members' Levy for approval by Committee and Council in keeping with the requirements of the *Municipal Act, 2001*. The BIA is a Board separate from the City of Burlington. Through the Municipal Act, the municipality shall annually raise the levy amount required for the purposes of the BIA.

Strategy/process/risk

Appendix A provides details of the 2024 proposed budget as approved by the Aldershot Village BIA Board of Management on November 9, 2023. In accordance with the Municipal Act, the 2024 budget is presented to its membership at the Annual General Meeting held on March 21, 2024.

The proposed members' levy totals $276,000, an increase of $18,000 or 7% over 2023.

This year's budget has a dedicated focus on membership engagement, membership involvement and growth as a business community.

The main areas to note:

- Hiring a Membership Coordinator (part-time) to head a membership engagement strategy which will focus on engaging the community partners in networking events and digital marketing.
- Continued focus on the beautification on Plains Road connecting the street from east to west and the planning of a new banner program.
- Adoption of a new program - Keep Aldershot Beautiful Fund aims to help business owners with costs associated with beautifying their storefronts.
- Continued utilization of digital media and videos to keep member businesses and customers connected.
- Maintaining sponsorship for community events and programs to promote the Aldershot Village area as a place to shop, eat and do business.

Appendix B provides a summary of the applicable assessments in the Aldershot Village BIA and the 2024 tax rates required to generate the levy.

Financial Matters:

The proposed members' levy results in a tax rate increase of 7.35%, which equates to $9.54 increase for each $100,000 of Current Value Assessment (CVA). Their assessment base was generally unchanged from the previous year.

The 2024 Aldershot Village BIA levy will be included as part of the final tax billing.

Climate Implications:

N/A

Engagement Matters:

N/A

Conclusion:

This report presents the 2024 proposed Aldershot Village BIA budget and tax levy for approval by Committee and Council. The proposed budget is summarized in Appendix A. The approved Aldershot Village BIA levy will be incorporated into the 2024 Tax Levy By-Law.

Respectfully submitted,

Sandra Chau

Specialist, Property Tax Assessment

905-335-7600 ext. 7754

Appendices:

A. Proposed 2024 budget and tax levy
B. 2024 levy and tax rate calculations

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.

ALDERSHOT VILLAGE BUSINESS IMPROVEMENT AREA
PROPOSED 2024 BUDGET AND TAX LEVY

Appendix A
to F-10-24

	2023 BUDGET	2023 ACTUAL	2023 VARIANCE	2024 BUDGET AS APPROVED BY BOARD/ MEMBERS	2023 vs 2024 INCREASE/ (DECREASE) $	%
EXPENDITURES:						
Administration/Office	$ 159,800	$ 142,585	$ (17,215)	**$ 173,900**	$ 14,100	8.8%
Marketing/Events/Programs	68,200	43,214	(24,986)	**72,500**	4,300	6.3%
Beautification and Business Development	22,000	18,348	(3,652)	**24,000**	2,000	9.1%
Audit, Legal & Professional Fees	13,000	12,141	(859)	**9,600**	(3,400)	-26.2%
Tax Write-offs/ Charity Rebate	6,000	6,000	0	**6,000**	0	0.0%
Expenditures	**$ 269,000**	**$ 222,288**	**$ (46,712)**	**$ 286,000**	**$ 17,000**	**6.3%**
REVENUES:						
Investment Interest	**$ -**		$ -	**$ -**	$ -	0.0%
Sponsorships/Market Revenue/Grants	11,000	12,900	1,900	10,000	(1,000)	-9.1%
Aldershot Village BIA Members Levy	**258,000**	258,000	-	**276,000**	18,000	7.0%
Supplementary Taxes	**-**		-		-	0.0%
Contribution from Reserve Fund			-		-	0.0%
Revenues	**$ 269,000**	**$ 270,900**	**$ 1,900**	**$ 286,000**	**$ 17,000**	**6.3%**

Figures may not add due to rounding

THE ALDERSHOT VILLAGE
BUSINESS IMPROVEMENT AREA
2024 LEVY AND TAX RATE CALCULATIONS

		2024 BUDGET
EXPENDITURES		
Administration/Office	$	173,900
Marketing	$	72,500
Beautification and Business Development	$	24,000
Audit, Legal & Professional Fees	$	9,600
Tax Write-offs/ Charity Rebate	$	6,000
TOTAL EXPENDITURES	$	286,000
REVENUES:		
Sponsorship/Market Revenue/Grants	$	(10,000)
Contribution from Reserve Fund	$	-
TOTAL REVENUES	$	(10,000)
BIA MEMBERSHIP LEVY	$	276,000
APPLICABLE ASSESSMENT		
Commercial	$	169,665,034
- excess land	$	1,736,400
- vacant land	$	3,769,000
Shopping Centre	$	22,663,900
Industrial	$	105,500
2024 TAX RATES		
Commercial		0.00139404
- excess land		0.00139404
- vacant land		0.00139404
Shopping Centre		0.00139404
Industrial		0.00200104
Note: Tax rates subject to change as a result of tax policy decisions by the Region of Halton		
2023 Tax Rate		0.00129864
Percentage Increase/ (Decrease)		7.35%
2023 Levy per $100,000 CVA	$	129.86
2024 Levy per $100,000 CVA	$	139.40

SUBJECT: **Capital budget variance and project closure as of December 31, 2023**

TO: **Committee of the Whole**

FROM: **Finance Department**

Report Number: F-11-24

Wards Affected: All

File Numbers:435-06

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file finance department report F-11-24, which reports on the capital budget variance and project closure as of December 31, 2023.

PURPOSE:

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

Unlike expenditures reflected in the operating budget, capital projects do not close on an annual basis. The capital projects are closed following the completion of all work and when all costs and financing have been finalized. The time between identifying the need for a capital project to its final completion can span a number of years for a major project.

Capital Project Analysis

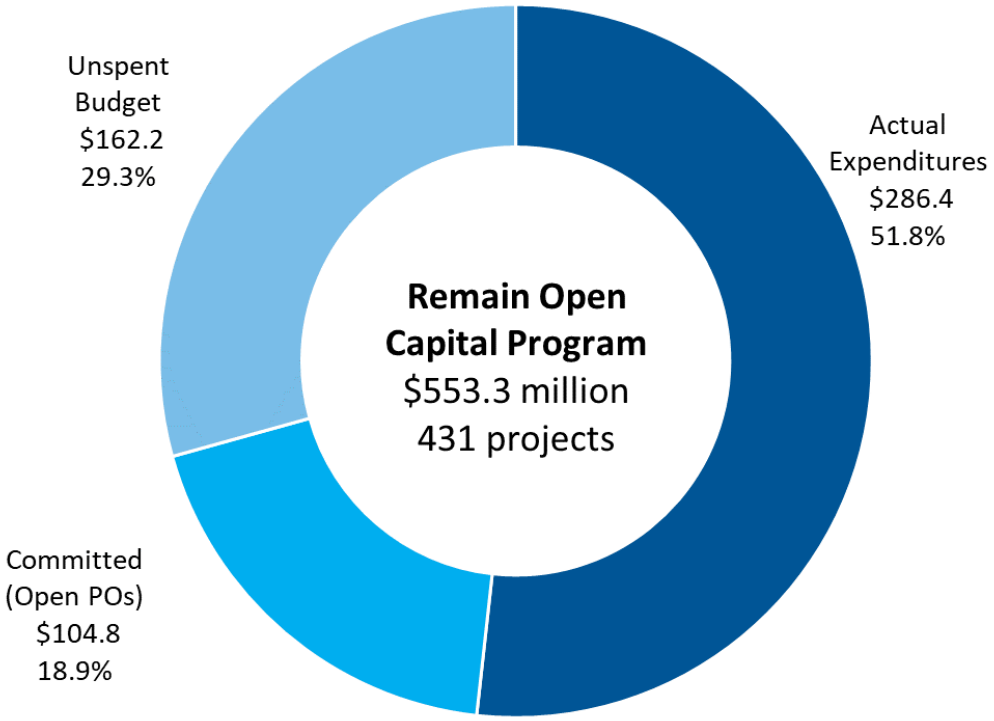
As part of the ongoing capital project management, staff review the status of all open projects to ensure that as projects are completed and an asset goes into service, they

are closed. The reporting of capital variances is in accordance with Delegated Authority By-law 71-2023.

As of December 2023, the City had 473 open capital projects with a total approved capital budget of $597.9 million. Of these open capital projects, staff have identified 42 capital projects with a total approved budget of $44.6 million, or 7.5% of the total program, to be closed. For a breakdown of the capital program by asset category please refer to Appendix A.

Staff continue to support the closure of capital projects which have not commenced after three years from budget approval. As part of this closure process, staff have recognized ten capital projects that fall under this category. These projects will be starting in 2024, waiting for the completion of the Prosperity Corridor Study, require additional funding or are being deferred while they coordinate with external parties.

The following chart provides the status of the approved $553.3 million budget of the 431 remaining open projects. Of the total, $391.2 million or 70.7% of the approved budget has either been spent or committed through purchase orders (POs). Therefore, the total unspent balance in open capital projects is $162.2 million or 29.3% as of December 2023, reflecting the multi-year nature of the capital projects.



Values are in millions and may not add due to rounding

Financial Matters:

Variance Analysis

The 42 capital projects that have been closed are categorized into favourable and unfavourable variances by asset category. There were 39 capital projects (92.9%) with favourable variances totaling $2.0 million. The favourable variance of $2.0 million is partially offset by the remaining three capital projects having unfavourable variances totaling approximately $0.2 million, resulting in an overall net positive variance of $1.8 million. A summary of the variances by asset category is presented in Appendix B.

Appendix C summarizes the net funding transfers back to reserve funds for the 42 capital projects.

Unfavourable Variances

Of the 42 capital projects closed, there was one capital project with an unfavourable variance greater than the $100,000 reporting threshold.

The Transit – Conventional Bus Replacement - 2022 project has an unfavourable variance of approximately $197,435 due to increased costs for buses and peripherals. Additionally, to support health and safety initiatives, a driver protection screen is now purchased and installed on each new bus. The increased and additional costs were not known at the time of budget approval.

This unfavourable variance will be covered by the Canada Community-Building Fund (formerly Federal Gas Tax) and Provincial Gas Tax Reserve Funds.

Climate Implications:

Not Applicable.

Engagement Matters:

Not Applicable.

Conclusion:

Finance report F-11-24 was prepared in keeping with the Capital Project Monitoring and Control Policy and Council Delegation of Authority report. Staff in various departments who have capital project responsibilities conducted a diligent review of their capital projects, resulting in the closure of 42 capital projects or 8.9% of all projects.

Respectfully submitted,

Andrea Hagley
Financial Analyst, Budgets

Anna Rutkowski
Financial Analyst, Budgets

Appendices:

A. All Capital Projects by Asset Category
B. Capital Project Variances by Asset Category for Closure
C. Funding Sources for Capital Project Variances by Asset Category for Closure

Report Approval:

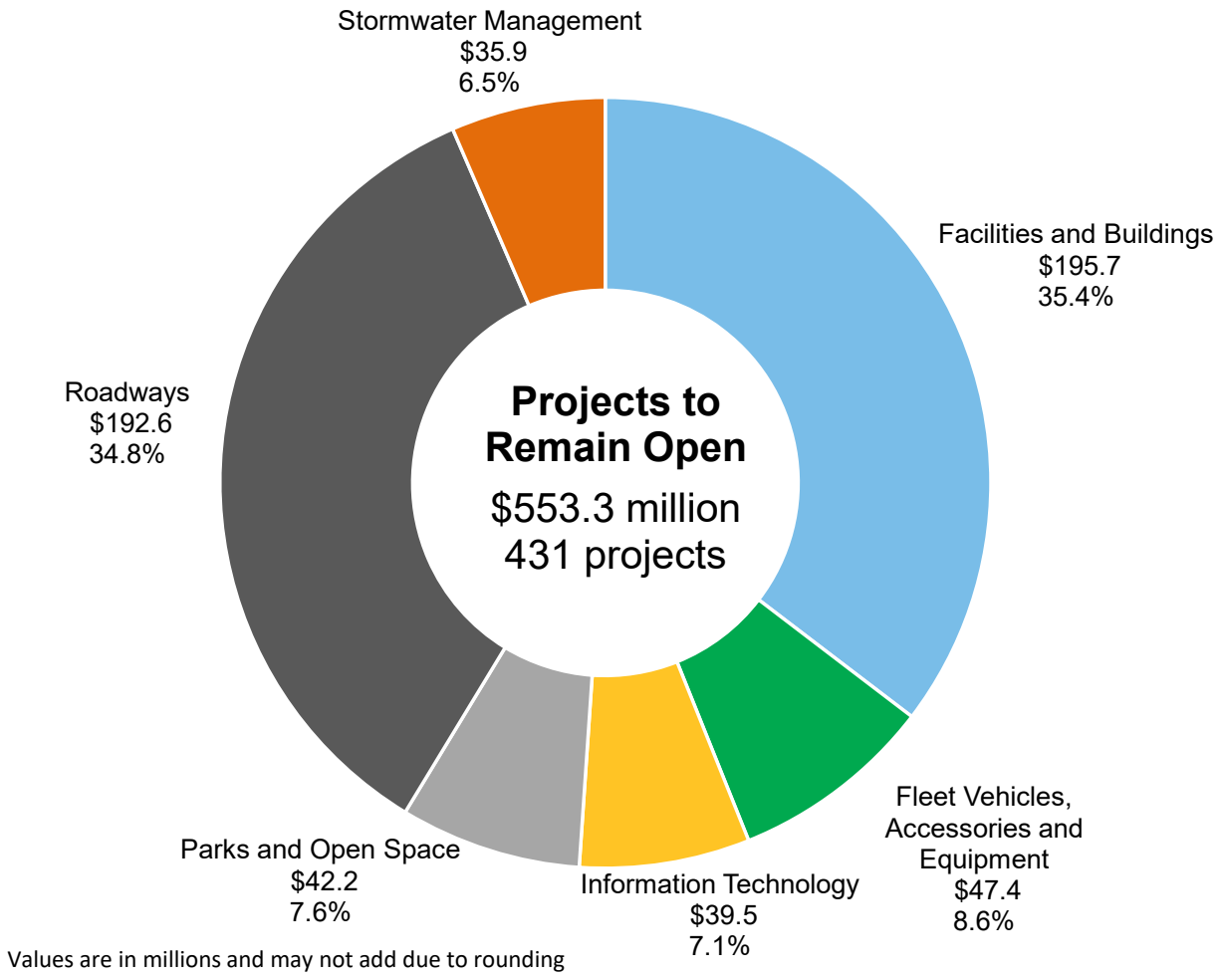
All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

City of Burlington
Capital Budget Variance and Project Closure
as of December 31, 2023
All Capital Projects by Asset Category

Appendix A
of F-11-24

	Budget					
Asset Category	**Total**		**Closures**		**Remain Open**	
Facilities and Buildings	129	$ 210,188	15	$ 14,468	114	$ 195,721
Fleet Vehicles, Accessories and Equipment	61	54,330	8	6,909	53	47,422
Information Technology	33	40,961	3	1,465	30	39,496
Parks and Open Space	96	48,992	11	6,835	85	42,156
Roadways	125	207,556	5	14,921	120	192,635
Stormwater Management	29	35,904	-	-	29	35,904
Total	**473**	**$ 597,932**	**42**	**$ 44,598**	**431**	**$ 553,334**

* Numbers are in $ Thousands
Numbers may not add due to rounding



City of Burlington
Capital Budget Variance and Project Closure
as of December 31, 2023
Capital Project Variances by Asset Category for Closure

Appendix B
of F-11-24

Asset Category	Favourable		Unfavourable		Total Variances	
Facilities and Buildings	15	$ 23	-	$ -	15	$ 23
Fleet Vehicles, Accessories and Equipment	7	60	1	(197)	8	(137)
Information Technology	3	198	-	-	3	198
Parks and Open Space	9	272	2	(14)	11	258
Roadways	5	1,446	-	-	5	1,446
Stormwater Management	-	-	-	-	-	-
Total	**39**	**$ 1,999**	**3**	**$ (212)**	**42**	**$ 1,788**

* Numbers are in $ Thousands
Numbers may not add due to rounding

City of Burlington
Capital Budget Variance and Project Closure
as of December 31, 2023
Funding Sources for Capital Project Variances by Asset Category for Closure

Appendix C
of F-11-24

Asset Category	Development Charges	Capital Purposes	Park Dedication	Infrastructure Renewal	Gas Tax	Other Reserves and Reserve Funds	Total
Facilities and Buildings	$ -	$ -	$ -	$ -	$ -	$ 23	$ 23
Fleet Vehicles, Accessories and Equipment	-	-	-	44	(197)	17	(137)
Information Technology	-	-	-	176	-	22	198
Parks and Open Space	-	6	156	24	-	73	258
Roadways	1,215	146	79	0	-	6	1,446
Stormwater Management	-	-	-	-	-	-	-
Total	**$ 1,215**	**$ 152**	**$ 236**	**$ 244**	**$ (197)**	**$ 139**	**$ 1,788**

* Numbers are in $ Thousands
Numbers may not add due to rounding

Note:
- Negative figures reported in the table above indicate the amount of additional funding required from the relevant funding source
- Positive figures reported in the table above represent available funding to the relevant funding source

Funding Sources Directory

Development Charges	Transportation Development Charge Reserve Fund
Capital Purposes	Capital Purposes Reserve Fund
Park Dedication	Park Dedication Reserve Fund
Infrastructure Renewal	Information Technology Renewal Reserve Fund, Infrastructure Renewal Reserve Fund and Vehicle Depreciation Reserve Funds
Gas Tax	Canada Community-Building Fund and Provincial Gas Tax
Other Reserve and Reserve Funds	Insurance Reserve, Joseph Brant Museum Capital Reserve Fund, Parking Renewal Reserve Fund, Public Art Reserve Fund and Public Initiatives Reserve Fund

SUBJECT: Operating budget performance report as at December 31, 2023 and summary of year end financial position

TO: Committee of the Whole

FROM: Finance Department

Report Number: F-15-24

Wards Affected: All

File Numbers: 435-5

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file finance department report F-15-24 which reports on the 2023 year-end financial position and retained savings disposition; and

Direct the Acting Chief Financial Officer to allocate the 2023 retained savings based on the strategy outlined in finance department report F-15-24.

PURPOSE:

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

The 2023 Operating Budget Performance Report (F-33-23) as at June 30, 2023 recommended:

“Direct the Director of Finance to report back on the city’s retained savings strategy upon confirmation of the 2023 year-end actual.”

This report outlines the financial variances realized during 2023. Additional detail is provided in the attached Appendix A, which lists cost elements with a significant

favourable or unfavourable 2023 variance of +/- $100,000 and provides explanatory notes outlining major drivers.

Strategy/process

In order to be proactive in identifying issues and initiating actions to mitigate over expenditures and revenue shortfalls, budgetary performance is monitored regularly to provide an early indication of potential problems and gives management time to consider appropriate actions.

Financial Matters:

The 2023 retained savings is $1,136,504 subject to the year-end audit.

	2023 Budget	2023 Actual (Unaudited)	Variance Fav./(Unfav.)
City Services	$150,964,650	$150,782,860	$181,791
Local Boards & Committees	$16,239,368	$16,205,074	$34,294
Corporate Expenditures	$65,161,028	$65,859,369	$(698,341)
Corporate Revenues	$(232,365,046)	$(233,983,805)	$1,618,759
Total			**$1,136,504**

Note: figures may not add up due to rounding

As is usual practice, accounts payable, year-end accruals and year-end transfers to/from reserves funds have been made in 2023.

The following tables provide information regarding transfers to and from reserve funds for the City's net zero operations:

Business Transfers	2023 Transfer Amount	Reserve Fund Balance (Dec. 31, 2023)
Transfer to/(from) Parking District Reserve Fund	$918,727	$11,271,340
Transfer to/(from) Paletta Mansion Reserve Fund	$130,365	$915,011
Transfer to/(from) Tyandaga Reserve Fund	$147,217	$513,231
Transfer to/(from) LaSalle Park Pavilion Reserve - Fund	$(101,244)	$411,355
Transfer to/(from) Discovery Landing Reserve Fund	$66,688	$110,387

Development Application Reserve Funds

In 2005, the Engineering Fee Stabilization Reserve Fund, the Building Permit Stabilization Reserve Fund and the Planning Fee Stabilization Reserve Fund were created (refer to BP-10-05) to ease budget pressures should development revenues slow down due to economic and/or market conditions.

As of December 31, 2023, the following year-end transfers were made prior to the calculation of the year-end retained savings.

Transfers	2023 Budget Revenues	2023 Actual Revenues (Unaudited)	2023 Provision to / (from) Reserve Fund	Reserve Fund Balance (Dec. 31, 2023)
Engineering Fee Stabilization	$75,000	$158,156	$83,156	$463,002
Building Permit Stabilization	$5,660,977	$6,986,356	$1,325,379	$6,355,211
Planning Fee Stabilization	$4,357,830	$2,984,386	($1,373,444)	$1,980,842

Engineering Fee Stabilization Reserve Fund

The increase in Subdivision Administration Fees has resulted in a provision of $83,156 to the reserve fund. The reserve fund will be used over the next five years to phase out our reliance on this funding source in the budget.

Building Permit Stabilization Reserve Fund

Building permit services are based on a “Fee for Service” model that is not supported by municipal taxes and is in full compliance with legislation. The intent behind establishing a Building Permit Stabilization Reserve fund is to provide municipalities with a sustainable tool for providing and maintaining building permit and inspection services throughout a fluctuating construction industry and overall economy. The Building Permit revenues for 2023 are $5,660,977. These revenues are offset by expenditures (both direct and indirect as per the Bill 124 model), resulting in a provision the reserve fund of $1,325,379. Building experienced higher than budgeted revenues as a result of record high permit activity for new townhouse blocks compared to previous years.

Planning Fee Stabilization

Planning fee revenues experienced an unfavourable variance of $1,373,444. High interest rates, market conditions and other external factors led to a significant reduction in application volume in 2023. In addition, instability in terms of the legislative and regulatory environment contributed to application reduction. Homeowners opted to re-invest in their homes through renovations, additions and creation of Additional Residential Units. The unfavourable variance in revenues was offset with a draw from the Planning Fee Reserve Fund.

Recommended Retained Savings Dispositions

As mentioned, the 2023 unaudited retained savings are $1,136,504. It is recommended that the funds be allocated as follows: (*Note: Where reserve fund balances are provided, they reflect the balance prior to recommended disposition).*

- **$1,000,000 Provision to Multi Year Community Investment Plan**

  The Multi Year Community Investment Plan (MCIP) estimates capital infrastructure requirements related to master plans completed to date (Parks Provisioning Master Plan, Integrated Mobility Plan, Fire Master Plan, etc.) as well as land requirements that may facilitate some of these infrastructure developments. The preliminary MCIP was presented in April 2022 (CM-03-22). Phase 2 of the Plan was presented to Council in December of 2023 (F-26-23) and highlighted capital infrastructure needs of approximately $1.1 billion over the next 25 years. The 2024 Financial Needs and Multi-Year Forecast recommended a provision of $2,200,000 to a reserve fund to begin a funding plan towards these needs. Through budget deliberations, this provision was reduced to $975,871. The allocation of $1,000,000 in retained savings towards the MCIP will assist the City in executing on its master plans.

- **$136,504 Provision to Tax Rate Stabilization Reserve Fund**

  It is recommended that $136,504 be set aside to finance one-time expenditures. Over the last few years numerous spending commitments have been placed on the Tax Rate Stabilization Reserve Fund. This transfer amount will replenish prior one-time funding drawn from the reserve fund and serve as prudent planning to absorb any future potential unbudgeted expenses. The uncommitted balance in this reserve fund is $3,403,530.

Conclusion:

This report provides Committee and Council with the City's preliminary unaudited 2023 year-end position and recommends the disposition the retained savings to reserves, reserve funds and balance sheet accounts.

Respectfully submitted,

Gurpinder Grewal

Financial Analyst, Budgets & Policies

Appendices:

A. 2023 variance accountability report

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.

CITY OF BURLINGTON
2023 YEAR END OPERATING BUDGET PERFORMANCE REPORT
VARIANCE ACCOUNTIBILITY REPORT

Outlined in the table below are the explanations of the major Year End variance drivers

Major drivers	December 31st Variance	F / (U)	Explanation of Variance
Tax Supported Revenues	**$ 1,130,396**	**F**	
Recreation, Community and Culture	$ 852,447	**F**	Recreation, Community and Culture saw significant uptake in registered programs in 2023, especially in Music, Student Theatre, Learn to Swim and Camp programs. Additionally, despite a significant user group's decision to no longer operate a major tournament, RCC recognized a healthy increase in ice rentals for an overall favourable outcome. Drop-in Programs and memberships sales were positive specifically in aquatics and skating. Lastly, while there was a slower uptake in facility rentals, there is continued improvement over 2022. Overall, there have been a few areas of reduced revenues, however 2023 has been a very positive year resulting in net favourable revenues of $852,447.
Bus Shelters - Advertising Revenue	$ 397,468	**F**	Changing advertising opportunities and negotiation of a new contract resulted in increased advertising revenue opportunities.
Transit Fare Revenue	$ 139,540	**F**	Increased ridership, change in payment options and the current fare structure resulted in higher than planned revenue.
Parking By Law Fines	$ (259,059)	**U**	Unfavourable variance in Parking By Law revenues as exemption extensions are required in the absence of city-wide paid permit system. This exemption program reduces the issuance of tickets for certain timed offences. In addition, changes to Provincial license plate renewal delay payment from uncontested tickets registered with the Ministry.
Non-Tax Supported Revenues	**$ 190,940**	**F**	
Parking District Revenue	$ 494,696	**F**	A return to normal conditions over the course of the year and a number of special events held in the downtown resulted in favourable revenues. As the downtown parking distirct is a net zero operation; favourable revenues and savings in purchased services increased the amount of the provision to the parking reserve.
Provision to Reserve Fund - Parking District	$ (555,738)	**U**	
Planning Fee Revenue	$ (1,290,289)	**U**	High interest rates, market conditions and other external factors led to a significant reduction in application volume in 2023. In addition, instability in terms of the legislative and regulatory environment contributed to application reduction. Homeowners opted to re-invest in their homes through renovations, additions, creation of Additional Residential Units. Despite this, there were relatively high numbers of OPA & ZBA pre-consultations processed in 2023 which could result in an uptick in application volumes in 2024,subject to improvement in the external and regulatory factors. The unfavourable variance in revenues was offset with a draw from the Planning Fee Reserve Fund.
Draw from the Planning Fee Reserve Fund	$ 1,290,288	**F**	
Building Permit Revenue	$ 1,325,379	**F**	Building experienced higher than budgeted revenues as a result of record high permit activity for new townhouse blocks compared to previous years. In addition, there were several other construction projects that contributed to these sustained revenues such as: multiple large industrial new builds, a new 5 storey long-term care facility , two high-rise condominium buildings, and a new place of worship. Building provided to the Building Reserve Fund as per the Bill 124 Model.
Provision to the Building Fee Reserve Fund	$ (1,073,397)	U	
Investment Income	$ 2,183,832	**F**	The increasing interest rate environment that persisted through 2023 allowed staff to take advantage of high interest short term investments on a continual basis. These investments led to higher interest income in 2023 put less reliance on trading for capital gains. The surplus investment income was allocated to identified Reserve Funds as per Interest Allocation Policy.
Provision to Tax Rate Stabilization Reserve Fund	$ (966,916)	**U**	
Provision to Infrastructure Renewal Reserve Fund	$ (966,916)	**U**	
Provision to Green Initiatives Reserve Fund	$ (250,000)	**U**	

CITY OF BURLINGTON
2023 YEAR END OPERATING BUDGET PERFORMANCE REPORT
VARIANCE ACCOUNTIBILITY REPORT

Outlined in the table below are the explanations of the major Year End variance drivers

Major drivers	December 31st Variance	F / (U)	Explanation of Variance
Other Operational Impacts	**$ (769,151)**	**U**	
Human Resources	$ 3,637,280		Gapping savings realized from the full year cost of vacant new positions approved in the 2023 Budget and other temporary vacancies. These savings were partially offset with higher than budgeted overtime costs in Transit and Fire.
Contracted Services	$ (1,928,484)	**U**	The city is experiencing significant increasing costs for contracted services due to high inflation rates. Unfavourable variances are seen across City Services but particularly in Urban Forestry, due to reactive maintenance along municipal roadways and within manicured parks, ash removals within woodlots and ROW. As reported in June, Traffic Management has overexpeditures in this area as a result of increased contract costs for pavement marking retracing which is required for traffic safety, liability and regulatory purposes. Investments were made across a number of Services in the 2024 budget to address these increased costs.
Fuel and Commodities	$ (1,634,020)	**U**	Higher than budgeted fuel prices per liter contributed to this unfavourable variance. In addition, there was a discrepancy within in the fuel inventory system which required an adjustment to expense fuel costs not fully recognized during part of 2022 and 2023. This unfavourable variance was partially offset with savings in Hydro costs.
Equipment Repair and Building Maintenance	$ (837,243)	**U**	Both Transit and Fleet have reported an approximately 15% increase in the cost of parts, resulting in higher than anticipated expenses in equipment maintenance. Building maintenance is over budget due to preventative maintenance costs to manage aging facilities in RCC and Sims Square. Funding is provided in a multiyear phased approach to close this funding gap.
Vehicle & Equipment Rentals	$ (249,917)	**U**	Unfavourable variance primarily in Roadway Maintenance due to increased use of rental vehicles for leaf collection, pot hole repair and road sweeping. Road sweeping is now done by the City as vendor quotes were cost prohibitive.
Recovery from the Region	$ 247,183	**F**	Increased work performed for the Region resulted in higher recoveries
Other - various	$ (3,949)	**U**	Miscellaneous variances
Corporate Revenues	**$ 584,318**		
Payments in Lieu of Taxes	$ 485,579	**F**	Higher than anticipated payment in lieu resulted in a favourable variance. This is primarily attributable to the collection of unpaid prior year senior government payment in lieu requirements.
Penalty and Interest on Taxes	$ 794,387	**F**	Collections for the 2023 taxation year were 92.8%, which is slightly lower than prior years. This resulted in a higher than anticipated penalty and interest on taxes .
Supplementary Taxes	$ 566,221	**F**	The city collected higher than anticipated supplementary taxes for current and prior years leading to a favourable variance. This is mainly attributable to completed and assessed condo developments.
Transfer from Hydro Reserve Fund	$ (231,550)	**U**	Given many pressures on the Hydro Reserve Fund and the favorable City's Year End position, the recovery from this Reserve Fund to the Operating Budget was not made for 2023.
Transfer from the Tax Rate Stabilization Reserve Fund	$ (1,030,320)	**U**	As a result of the City's favourable Year End position, the one time funding for COVID revenue losses included in the 2023 Budget was not required from the Tax Rate Stabilization Reserve Fund. Additionally one time funded project expenses were only partially expensed in 2023 to recognize those which started later in the year.
Year Position	**$ 1,136,503**		

SUBJECT: Delegated authority first quarter report

TO: Committee of the Whole

FROM: Office of the City Clerk

Report Number: CL-02-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file office of the city clerk report CL-02-24 providing the delegated authority first quarter report.

PURPOSE:

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

The purpose of this report is to fulfil delegated authority reporting requirements through the City Clerk exercised by delegates for the time period between the November 14, 2023 effective date of the by-law through to February 16, 2024, and review and provide updates on maintenance considerations for new delegated authorities, if applicable.

The following exercised delegated authorities have been reported to Office of the City Clerk for this time frame:

Department	Subject	Decision
Leases and Licenses		
Legal Services	Real Estate Agreement DA Schedule F section 14 DA-121-23	City to enter into a two-year term licence agreement.
Legal Services	Real Estate Agreement DA Schedule F section 14 DA-135-23	City to enter into a one-year term licence agreement.
Legal Services	Real Estate Agreement DA Schedule F section 14 DA-1-2024	City to enter into a one-day term licence agreement.
Legal Services	Real Estate Agreement DA Schedule F section 14 DA-2-2024	City to enter into one-month temporary licence agreement.

Future Delegated Authority Notices

The following delegated authorities are scheduled to be provided over the next three months:

- There are no future delegated authority notices at this time.

Strategy/process/risk

The delegated authority by-law is reviewed for routine maintenance to ensure that city operations can be efficiently run. No additional new delegated authorities were required since the submission of report CL-17-23.

Community Development and Planning Department has reviewed the opportunity to delegate authority for staff completion of zoning by-law amendments and did not have any updates at this time.

New or Clarified Delegations of Authority

Included in the quarterly report is the opportunity to propose new or clarified delegations of authority to be amended into the Delegated Authority By-Law 07-2023.

In each case, the requesting area(s) provide rationale to support existing inefficiencies, delays or impacts to customer services and/or project completion. No new delegated authorities have been requested at this time.

Financial Matters:

Not applicable

Climate Implications:

Not applicable

Engagement Matters:

If applicable, relevant staff will receive education and training on the scope of their authority.

Conclusion:

This report summarizes the delegated authorities exercised and reported through the Office of the City Clerk as required in Delegated Authority By-law 71-2023 for the first quarter of 2024.

Respectfully submitted,

Aleksandra Hutchison

Elections Officer

(905) 335-7600 ext.7957

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.

SUBJECT: Appointment of Deputy City Clerks

TO: Committee of the Whole

FROM: Office of the City Clerk

Report Number: CL-07-24

Wards Affected: Not applicable

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve a by-law substantially as shown in appendix A to office of the city clerk report CL-07-24, being a by-law to amend By-law 40-2021 regarding the appointment of Deputy City Clerks.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

The *Municipal Act, 2001* requires the appointment of a municipal Clerk who has a wide range of legislated duties (under the *Municipal Act* and other Acts) and non-legislated duties that may be assigned or delegated by Council, and the City Manager. The *Municipal Act* provides that a municipality may appoint a Deputy Clerk who has all the powers and duties of the Clerk under the *Municipal Act* and any other Acts.

Currently, By-law 40-2021 appoints Samantha Yew and Kevin Klingenberg as Deputy Clerks. As a result of recent staffing changes in the Clerk's Office, the appointment by-law requires updating to remove Kevin Klingenberg, who accepted a role with another municipality, and appointment of two additional Deputy Clerks to carry out the duties in the absence of the Clerk.

The Office of the City Clerk undertook recruitment for the Manager, Committee Services (contract position) and the Manager, Information Governance and the successful candidates are:

- Lisa Palermo, Manager, Committee Services/Deputy City Clerk (contract)
- Lisa Campion, Manager, Information Governance/Deputy City Clerk

Samantha Yew will continue to be appointed as a Deputy City Clerk and serve as Acting City Clerk until the vacancy is filled.

Strategy/process/risk

The proposed by-law attached as Appendix A to this report updates the staff appointed as Deputy City Clerks. This report has been deemed as time sensitive, and approving the attached by-law will allow for business continuity in the Office of the City Clerk.

Financial Matters:

Not applicable.

Climate Implications:

Not applicable.

Engagement Matters:

Not applicable.

Conclusion:

Council must pass a by-law to appoint new Deputy City Clerks to satisfy the authority of the *Municipal Act* and allow the Deputy Clerks to conduct the appointed duties.

Respectfully submitted,

Samantha Yew
Acting City Clerk
ext. 7490

Appendices:

A. By-law XX-2024 amending the appointment of Deputy City Clerk

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.

The Corporation of the City of Burlington

City of Burlington By-law XX-2024

A by-law to amend By-law 40-2021, being by-law to appoint a Deputy City Clerk and Deputy Clerk Pro Tem for the City of Burlington (CL-07-24)

Whereas Section 228(2) of the Municipal Act, S.O. 2001, c. 25, as amended, (the "Municipal Act") authorizes a municipality to appoint a Deputy Clerk who shall have all the powers and duties of the Clerk under the Municipal Act or any other Act;

Whereas it is desirable to ensure that public services are maintained at all times; and

Whereas Council enacted By-law 40-2021 to appoint a Deputy City Clerk and Deputy Clerk Pro-Tems;

Whereas staff changes have occurred which require changes to the appointment of Deputy Clerks in the City of Burlington Office of the City Clerk;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Section 1 of By-law 40-2021 is amended by removing the name "Kevin Klingenberg" and replacing it with the names "Lisa Palermo" and "Lisa Campion" so that section 1 shall read as follows:

    1. That Samantha Yew, Lisa Palermo and Lisa Campion are appointed as Deputy City Clerks and Acting City Clerks when the City Clerk is absent or unable to carry on the duties of the Clerk through illness or otherwise.

2. Subject to the amendments made in this By-law, in all other respects By-law 40-2021 is hereby confirmed unchanged.

3. This By-law comes into force on the date of its passing.

Passed this 19th day of March, 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

SUBJECT: Financial status report as at December 31, 2023

TO: Committee of the Whole

FROM: Finance Department

Report Number: F-07-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file finance department report F-07-24 providing the financial status report as at December 31, 2023.

PURPOSE:

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

PART A - FINANCIAL POSITION

The impact of the Covid-19 pandemic sparked considerable volatility in the global and Canadian economy that is still being experienced today. Initially, the Bank of Canada (BoC) cut interest rates drastically (down to 0.25%). For the City, these interest rate cuts had a negative impact on the ability to generate interest income. This required greater reliance on trading investments for capital gains to meet the budget for those years. In 2022, the economic recovery from the pandemic shifted dramatically. Record high inflation, supply chain issues and geopolitical tensions led to diminishing bond prices. The BoC responded by raising interest rates at a significant pace to 4.25% by the end 2022. This increasing interest rate environment persisted through 2023. The overnight rate was increased in January, June, and July 2023, taking the rate to 5.00% where it has been maintained. These interest rate increases restrict the ability of

consistent capital gains to be recognized. Staff have responded to this shift by repositioning the City's investment holdings, focusing on short-term investments to take advantage of high interest rates. This has allowed the City to recognize higher interest income and put less reliance on trading investments for capital gains.

The BoC's forward guidance indicates that rates have peaked at the current level. The 2024 rate decisions will be looking at the possibility of interest rate cuts, but timing is uncertain and will be based on market data. Geopolitical pressures including inflationary pressure from the US will also need to be factored into rate decisions going forward. Based on this information staff continue to closely monitor the bond market and economic conditions, acting as needed to maximize investment returns.

Overall, the current budget investment income exceeded budget for year-end based on the details below:

	Actual December 2023	**Actual December 2022**
Total Interest	6,789,498	4,669,311
Budget	5,300,000	5,300,000
Favourable/(Unfavourable) Variance	1,489,498	(630,689)
Capital Gains	694,334	671,540
Favourable/(Unfavourable) Variance	2,183,832	40,851

The attached Appendix A shows overall investment income (interest earned, and capital gains realized) to December 31, 2023, on the total investment portfolio. The portfolio has increased by $78.2 million from the previous year. This increase is due to the timing of cash flows for significant capital projects, the issuance of debt and the collection of external recoveries for joint projects.

Overall investment income as of December 31, 2023, has increased compared to the prior year. As noted above, a rising interest rate environment that started in 2022 and continued through 2023 has enabled staff to leverage short term investments at a higher interest rate. Staff will continue to monitor market fluctuations and the interest rate

environment taking advantage of investment opportunities where prudent to do so in accordance with the City's investment policy.

Appendix B provides a listing of the current portfolio by type of investment, and weighted average yield, in accordance with the Ontario Regulation 438/97. In following the City of Burlington's investment policy, the City can purchase Region of Halton bonds, up to but not greater than, the amount of the debenture issued on behalf of the City. As of December 31, 2023, the City's investment portfolio included $14.0 million Region of Halton bonds.

As at December 31, 2023, the City's investment portfolio is compliant with the guidelines set out in the City's investment policy and goals adopted by the City.

Cash Flow

Cash flow projections through to the end of December 2023 show that the City is expected to have adequate cash funding to meet its financial obligations into 2024. The below chart summarizes the City's estimated cash holding for the first quarter of 2024 with a comparison to the actuals in previous year.

	2024	**2023**
January	34,456,129	10,908,020
February	38,873,525	47,763,580
March	18,204,682	32,334,176

Fluctuations in the cash balance between 2024 and 2023 are due to the timing of payments for commitments, cash inflows and short-term investments/maturities.

PART B – PROPERTY TAX COLLECTION

The City of Burlington collects property taxes for the City, Region of Halton and the Halton Boards of Education as legislated under the *Municipal Act, 2001*. Appendix C reflects the property tax status at December 31, 2023 compared to December 31, 2022. The 2023 total levy is $493.0 million compared to $457.4 million in 2022.

Collections for the current taxation year are 97.1%, which is comparable with prior years as highlighted in the chart below and detailed in Appendix C.

As at December 31	2023	2022	2021	2020	2019	2018
Current year Collections	97.1%	97.8%	98.1%	97.6%	97.7%	98.0%
Current year Outstanding*	2.9%	2.2%	1.9%	2.4%	2.3%	2.0%

*includes installments not yet due

Overdue property tax notices are typically sent four times per year to aid in collections. In addition to the overdue notices, tax collection letters are sent to owners with arrears in both the current year and two previous years. Letters were sent in July and property owners were given a deadline of December 31 to pay the oldest year of arrears.

A property title search was undertaken in January 2024 on accounts that remained three years in arrears, and lenders were notified. This typically results in most accounts being paid.

For those properties that remain three years in arrears, the *Municipal Act, 2001* allows for a tax sale process. A lien will be registered against title, and the owner and any interested party is notified that they have one year to pay out the tax arrears. If arrears remain after the one-year period, the City may proceed with a municipal tax sale.

Staff continue to work on the one property that had a tax arrears certificate registered against title in 2023.

The City continues to offer multiple payment options including three pre-authorized payment plans which provide a convenient and reliable payment method for property owners. Approximately one third (23,300) of all property accounts are enrolled in these pre-authorized payment plans.

PART C - DEBT AND FINANCIAL OBLIGATION LIMIT

Debt Capacity: As of December 31, 2023, the City's total debt charges as a percentage of own source revenue is estimated to be 10.85%, which is below the council approved guideline of 12.5%, and below the provincial limit of 25%. (See Appendix D). Further, the City has an estimated $73.8 million in total principal debt outstanding. Taking into consideration principal debt repayments of $14.2 million, $54.7 million in debt issued and $47.7 million in debt which has been approved and not issued, total City principal debt outstanding and remaining to be issued at year end 2023 is $162 million.

The reported debt capacity and forecasted principal debt outstanding are based on a snapshot on December 31st, as such debt approved by Council after this date, will impact these figures. Any changes will be reported within the next quarterly update.

The City's debt is monitored on a regular basis, and debt capacity is projected based on debt that is retiring, debt approved (issued and to be issued), as well the capital forecast debt requirements. Any in-year debt approvals beyond what is included in the City's capital program will be reflected in an updated debt capacity. It is important to note that debt capacity changes from one year to the next, and capacity in one year is not necessarily indicative of the forecasted trend.

Debt Charges: The City's 2023 budget for debt charges is $9.2 million, and as of December 31st, this budget meets the planned needs of debt repayments in 2023.

PART D - RESERVES AND RESERVE FUNDS

Reserves and reserve funds are an essential element of the City's long-term financial plan. They allow the City to set aside funds for a future purpose and fulfil a critical financial need for the municipality. They make provisions for the replacement and rehabilitation of existing City assets, provide a contingency for one-time and unforeseeable events, and provide flexibility to manage debt levels and protect the City's financial position.

Stabilization Reserves and Reserve Funds

Stabilization reserves are used to offset extraordinary and unforeseen expenditure requirements, one-time expenditures, cyclical expenses, revenue shortfalls and they help to minimize fluctuations in the tax levy.

• Contingency • Severe Weather • Tax Rate Stabilization	• Planning Fee Stabilization • Engineering Fee Stabilization • Commodity Stabilization
Target Balance of consolidated stabilization reserves and reserve funds (excluding building permit) is 10-15% of the City's own source revenues. Based on 2022 own source revenues of $262 million the target range is: **$26.2 million to $39.3 million**	
December 31, 2023 *Uncommitted Balance*: **$19,897,888 → Currently at 7.6% of the City's own source revenues**	

As part of the City's reserve and reserve fund policies the City sets a target balance for consolidated stabilization reserve funds (excluding Building Permit) at 10-15% of the City's own source revenues. It is important to note that the target is based on the City's uncommitted balance as an accurate depiction of funding available for future use. The

cash balance includes funds approved by council to be spent on specific initiatives and therefore are not available for future spending. The City is currently at 7.6% which is below the City's target range of 10-15%.

The severe weather reserve fund is used to alleviate the impact of unforeseen fluctuations in costs associated with severe weather events. The City's policy with respect to this reserve fund is highlighted below.

Stabilization Reserve Fund	Recommended Balance	December 31 Uncommitted Balance
Severe Weather Reserve Fund	A minimum balance of 25% of the five-year average of winter maintenance costs, this equates to $1,287,549. Target balance equal to one year's expenditure requirements (2023) = $6,078,283.	$5,362,481

As per the policy the balance in the reserve fund exceeds the minimum balance requirement, however, is less than the target balance by approximately $0.72 million.

Building Permit Stabilization Reserve Fund

The building permit stabilization reserve fund is used to stabilize building permit revenues and expenditures, which can vary from year to year based on development activity levels in accordance with Bill 124.

Corporate Reserve Funds	Recommended Balance		December 31 Uncommitted Balance
Building Permit Stabilization	The reserve fund is capped at 163% of direct costs.	Total direct costs for 2023 were approximately $5.0 million. Based on this the upset balance for the reserve fund is **$8.15 million**.	$6.4 million

Capital Reserve Funds

Capital reserve funds form a vital component of any Capital Financing Plan and are used extensively by the City in financing the capital program for maintenance and replacement of existing infrastructure to maintain assets in a state of good repair and the construction/purchase of infrastructure to service the growing community.

<table>
<tr><th>Capital Reserve Funds</th><th colspan="2">Recommended Balance</th><th>December 31 Uncommitted Balance</th></tr>
<tr><td>Vehicle and Equipment Reserve Funds</td><td rowspan="4">The target balance for the consolidated capital reserve fund balance is a minimum of 2% of the asset replacement value.</td><td rowspan="4">The City's 2023 Asset Management Plan has total asset replacement value at approximately $6.3 billion. Based on this amount the minimum recommended balance is $126 million.</td><td rowspan="4">$31.0 million</td></tr>
<tr><td>Parks & Recreation Infrastructure Reserve Funds</td></tr>
<tr><td>Transit Related Reserve Funds</td></tr>
<tr><td>Other Capital Reserve Funds</td></tr>
</table>

Corporate Reserve Funds

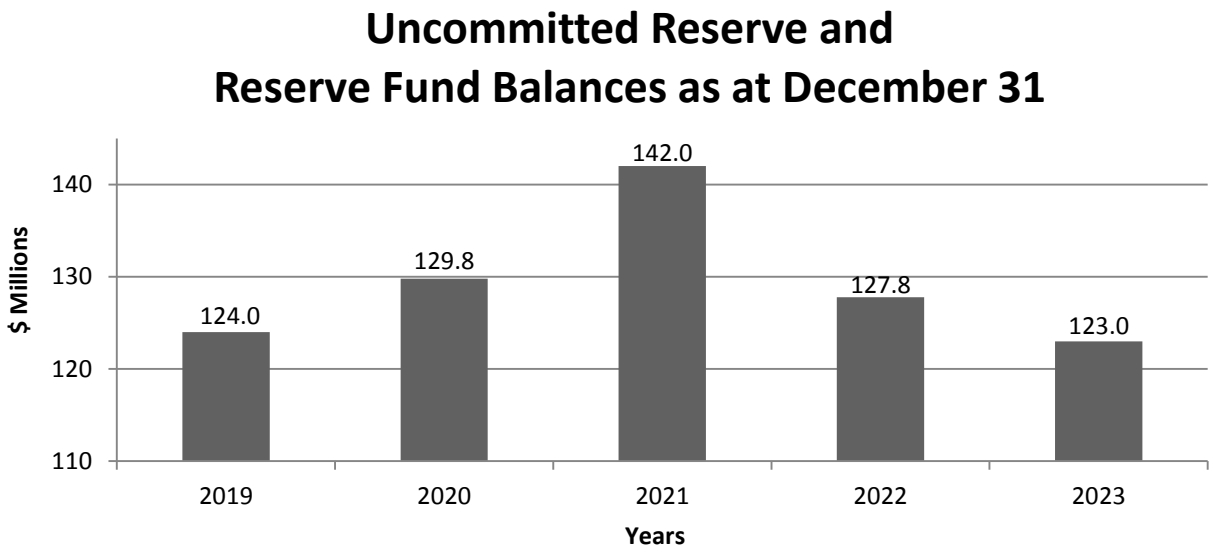
Corporate reserve funds provide for various contingent and potential future liabilities. The City budgets annually for the current year costs expected to be incurred from these liabilities but does not budget for the estimated future liability. The impact of post-employment benefit expenses is communicated annually as part of the financial statements.

Corporate Reserve Funds	2023 Actuarial Valuation Liability	December 31 Uncommitted Balance
Employee Accident	$13.1 million	$6.6 million
Benefits	$17.6 million	$3.0 million

The status of the City's Reserves and Reserve Funds balances are disclosed in Appendix E.

At December 31, 2023, the total of the reserve and reserve fund balances amounted to $256.6 million, which is $43.2 million higher than the corresponding figure of $213.4 million at December 31, 2022. Contributing to the increase was the recovery from the City of Hamilton pertaining to the Waterdown Road cost sharing agreement.

Of the total Reserves and Reserve Funds $133.6 million is committed for various projects leaving an uncommitted balance of $123.0 million. The commitments represent expenditures approved by Council or funds held for specific future purposes. The following chart provides a historical perspective of uncommitted reserve and reserve fund balances as at December 31:



The increase in the Uncommitted Reserve and Reserve Fund Balances in 2023 is primarily due to the recovery from the City of Hamilton related to Waterdown Road.

PART E - 2023 BUDGET MONITORING

Please refer to the report, Operating Budget Performance as of December 31, 2003 (F-15-24 on this agenda) for the major drivers contributing to the balanced year-end financial position.

PART F - Financial Position

The financial status report provides information on significant balances on the City's statement of financial position. Information is provided on the City's short- and long-term investments and cash balances. Information is also provided on taxes receivable. The reserve fund balances contain obligatory reserve funds which are shown as deferred revenue on the City's statement of financial position. Our net long-term liabilities are

discussed in the section on debt and financial obligation limits. Significant balances are as follows:

As at December 31st

(Amounts are in thousands of dollars)

	2023	2022
	$	$
Cash & temporary investments	54,133	24,011
Taxes receivable*	16,810	12,262
Long term investments	321,661	273,537
Investment in Burlington Enterprises Corporation**	144,415	140,000
Deferred revenue - obligatory reserve funds	76,949	78,008
Net long-term liabilities	128,567	73,826

*** Reported net of allowance for write-offs**

**** 2023 balance is as at December 31, 2022**

The City's statement of financial position provides a long-term view of the City's financial health. A year over year comparison helps to identify indicators that may be of concern or interest. As of December 31, 2023, the significant balance changes include:

- Increase in cash and temporary investments and long-term investments are addressed in Part A of the report. Staff continue to monitor these balances daily and will report to Council on a regular basis.

Financial Matters:

Not applicable.

Conclusion:

To present the financial status of the City as at December 31, 2023.

Respectfully submitted,

Greg Henderson

Supervisor, Financial Reporting

Greg.Henderson@burlington.ca

Appendices:

A. Securities Position and Performance
B. Investment Portfolio
C. Property Tax Collection
D. Debt and Financial Obligation Limit
E. Reserve Funds and Reserves

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.

Appendix A

City of Burlington

SECURITIES POSITION AND PERFORMANCE

Period Ended

	December 31, 2023		**December 31, 2022**		
	Actual	**Budget** (where applicable)	Actual	Budget (where applicable)	Variance
Net bank position	**$ 28,133,313**		$ 18,011,317		$ 10,121,996
Short term investments	**26,000,000**		6,000,000		20,000,000
Long term investments	**321,660,939**		273,536,754		48,124,185
Total City funds invested	**$ 375,794,252**		$ 297,548,071		$ 78,246,181
Total Investment Income	**$ 13,449,684**	**5,300,000** (Current Fund Only)	$ 9,224,684	5,300,000	$ 4,225,000

Appendix B

City of Burlington

INVESTMENT PORTFOLIO

as at December 31, 2023

	PORTFOLIO HOLDINGS ($000's)	CURRENT YIELD (Weighted Average on cost)
Long Term (at cost)		
Government of Canada	$ 57,052	2.50%
Province of Ontario	60,036	2.81%
Region of Halton	13,971	3.15%
Other provinces	101,118	2.34%
Other municipalities	62,737	2.67%
Major banks	26,747	2.92%
Total Bonds	**$ 321,661**	**2.69%**
Short Term		
Money market	$ 26,000	4.87%
Cash in bank	28,133	5.44%
Total Investments	**$ 375,794**	**3.01%**

Appendix C

City of Burlington

PROPERTY TAX COLLECTION

COMPARISION OF THE FOURTH QUARTER OF 2023 WITH 2022

	Period ended Dec 31, 2023		Dec 31, 2022		
	Amount	**Percent of Current Levy**	**Amount**	**Percent of Current Levy**	**Variance**
Total Levy	**$493,040,994**	**100.0%**	**$457,423,746**	**100.0%**	$35,617,248
Current Year Collections	**$478,762,280**	**97.1%**	**$447,447,695**	**97.8%**	$31,314,585
Current Year Arrears	**$14,278,715**	**2.9%**	**$9,976,051**	**2.2%**	$4,302,663
	Amount	**Percent of Total Arrears**	**Amount**	**Percent of Total Arrears**	**Variance**
Total Arrears*	**$18,343,943**	**100.0%**	**$13,240,021**	**100.0%**	$5,103,923
Prior Years Arrears	**$4,065,229**	**22.2%**	**$3,263,969**	**24.7%**	$801,259
Current Year Arrears	**$14,278,715**	**77.8%**	**$9,976,051**	**75.3%**	$4,302,663
	Amount	**Annual Budget**	**Amount**	**Annual Budget**	**Variance**
Penalties and interest earned on taxes	**$2,969,387**	**$2,175,000**	**$2,364,653**	**$2,175,000**	$604,734

* Arrears amounts include outstanding taxes not yet due

Appendix D

City of Burlington
DEBT AND FINANCIAL OBLIGATION
as at December 2023

Calculation of Net Debt Charges (2021 FIR)		
Gross Debt Charges	$	15,879,470
Long Term Commitments		1,869,129
NET DEBT CHARGES	**$**	**17,748,599**
Calculation of Annual Repayment Limit (2020 FIR)		
Total Revenue Fund Revenues	**$**	**276,817,214**
EXCLUDED REVENUE AMOUNTS:		
Government Grants		8,830,640
Deferred Revenue Earned		2,277,252
Other Municipalities		8,040,101
Sale of Land & Capital Assets		(46,184)
Deferred Revenues Earned		14,461,664
Donated Tangible capital assets		1,436,789
Government Business Enterprise Equity		2,306,816
Other		1,109,799
Total Exclusions	**$**	**38,416,877**
NET REVENUE FIND REVENUES	**$**	**238,400,337**
25% of Net Revenue Fund Revenues		59,600,084
Less Net Debt Charges		(17,748,599)
ANNUAL REPAYMENT LIMIT AT JAN 01/22	**$**	**41,851,485**
2023 UPDATED ANNUAL REPAYMENT LIMIT		
2021 Annual Repayment Limit	$	41,851,485
Net Adjustments		
Change in Debt Charges		(5,794,252)
Change Long Term Commitments		(2,318,681)
Total NET ADJUSTMENT	**$**	**(8,112,934)**
2023 Adjusted Annual Repayment Limit	**$**	**33,738,552**
City's Debt Charges as a Percentage of Net Revenues Fund Revenues*		**10.85%**

**City Debt Charges excluding Long Term Commitments (hospital) is approximately 10.11%*

Appendix E

City of Burlington

Reserve Funds and Reserves

As at December 31, 2023 with Comparatives from December 31, 2022

1. CAPITAL RELATED RESERVE FUNDS AND RESERVES

A) Development Related Reserve and Reserve Funds	Uncommitted Balance As at Dec 31, 2022	BALANCE	COMMITMENTS	UNCOMMITTED BALANCE
Growth Studies*	(273,431)	107,743	364,665	(256,921)
Library	149,169	331,695	1,417,758	(1,086,063)
Transit	835,357	1,463,609	220,660	1,242,949
Transportation*	18,928,376	28,810,651	4,768,721	24,041,930
Storm Drainage	2,185,591	7,137,466	4,842,259	2,295,206
Fire Protection*	(845,763)	29,788	760,931	(731,143)
Parks & Recreation	367,670	3,774,193	2,133,058	1,641,135
Park Dedication	4,299,688	10,955,155	16,873,036	(5,917,882)
Community Benefits Charges	-	1,676,297	1,676,297	-
Future Services	5,385,240	38,625,900	32,596,583	6,029,317
Future Services Signs & Barricades	543,250	578,237	-	578,237
Future Services Trees	28,369	73,142	-	73,142
Development Charge Exemption	603	618	-	618
Total Development Related Reserve Funds	**$ 31,604,118**	**$ 93,564,493**	**$ 65,653,967**	**$ 27,910,526**

B) Vehicle and Equipment Reserve Funds				
Vehicle Replacements - Fire	1,231,603	852,544	-	852,544
Vehicle Replacements - RPM & PR	1,802,914	1,052,493	500,000	552,493
Vehicle Replacements - Transit	769,076	1,066,533	-	1,066,533
Vehicle Replacements - Tyandaga	318,981	276,940	-	276,940
Total Vehicle and Equipment Reserve Funds	**$ 4,122,573**	**$ 3,248,510**	**$ 500,000**	**$ 2,748,510**

***The committed balance represents borrowing between Development Charge Reserve Funds for capital projects. The current outstanding amount borrowed is disclosed in the commitment however repayment is expected to take place over a number of years.**

City of Burlington

Reserve Funds and Reserves

As at December 31, 2023 with Comparatives from December 31, 2022

C) Transit Related Reserve Funds	Uncommitted Balance As at Dec 31, 2022	BALANCE	COMMITMENTS	UNCOMMITTED BALANCE
Provincial Gas Tax	2,234,524	4,552,922	2,914,709	1,638,213
Federal Gas Tax - Transit Dedicated	948,813	2,369,258	1,649,928	719,330
Total Transit Related Reserve Funds	**$ 3,183,337**	**$ 6,922,180**	**$ 4,564,637**	**$ 2,357,543**

D) Other Capital Reserve Funds				
Burlington Hydro Proceeds	3,308,701	3,713,785	7,180,888	(3,467,103)
Capital Purposes	5,904,384	7,022,580	10,000	7,012,580
Infrastructure Renewal	8,167,052	11,649,280	-	11,649,280
Information Technology Renewal	401,238	1,497,919	951,745	546,175
Federal Gas Tax	993,818	11,800,396	11,106,190	694,206
Public Art Reserve Fund	837,831	784,692	-	784,692
Railway Crossing	-	13,101,638	13,101,638	-
Joseph Brant Hospital	-	5,022,066	5,022,066	-
Strategic Plan	137,599	254,262	9,434	244,828
Strategic Land Acquisition	953,914	8,294,036	6,658,929	1,635,107
Total Other Capital Reserve Funds	**$ 20,704,538**	**$ 63,140,655**	**$ 44,040,889**	**$ 19,099,766**

2. OPERATING RELATED RESERVE FUNDS AND RESERVES

A) Stabilization Reserves and Reserve Funds	Uncommitted Balance As at Dec 31, 2022	BALANCE	COMMITMENTS	UNCOMMITTED BALANCE
Contingency	10,877,191	13,787,356	6,058,959	7,728,398
Severe Weather	5,241,890	5,362,481	-	5,362,481
Tax Rate Stabilization	1,997,986	5,515,823	2,112,265	3,403,558
Building Permit Stabilization	5,201,986	6,355,211	-	6,355,211
Planning Fee Stabilization	3,470,464	1,980,842	-	1,980,842
Engineering Fee Stabilization	370,717	463,002	-	463,002
Commodity Stabilization Reserve Fund	933,921	959,607	-	959,607
Total Stabilization Reserve Funds	**$ 28,094,155**	**$ 34,424,323**	**$ 8,171,224**	**$ 26,253,099**

B) Corporate Reserve Funds				
Employee Accident	5,978,595	8,892,609	2,307,730	6,584,880
Benefits	4,594,829	4,564,049	1,538,341	3,025,708
Election	-	404,454	404,454	-
Emergency	158,610	173,572	-	173,572
Total Corporate Reserve Funds	**$ 10,732,034**	**$ 14,034,685**	**$ 4,250,525**	**$ 9,784,160**

C) Corporate Reserves				
Insurance	-	5,393,358	5,393,358	-
Ontario Cannabis Legalization Implementation	58,556	58,556	-	58,556
Total Corporate Reserves	**$ 58,556**	**$ 5,451,914**	**$ 5,393,358**	**$ 58,556**

City of Burlington

Reserve Funds and Reserves

As at December 31, 2023 with Comparatives from December 31, 2022

3. LOCAL BOARDS AND PROGRAM SPECIFIC RESERVE FUNDS AND RESERVES

A) Program Specific Reserve Funds	Uncommitted Balance As at Dec 31, 2022	BALANCE	COMMITMENTS	UNCOMMITTED BALANCE
Parks & Recreation Infrastructure				
Waterfront Centre	286,287	170,387	60,000	110,387
Paletta Mansion	788,351	915,011	-	915,011
Senior's Centre	357,534	388,667	-	388,667
Tyandaga Facility	355,830	513,231	-	513,231
LaSalle Park Pavilion	502,385	411,355	-	411,355
Sports Fields	178,949	206,942	-	206,942
Haber Community Centre	652,178	572,024	-	572,024
Recreation Centre	160,791	247,500	-	247,500
Pools	352,555	381,195	-	381,195
Arenas	372,940	384,940	-	384,940
Culture	154,369	192,316	-	192,316
Youth Initiatives	86,202	88,344	-	88,344
Community Heritage	282,046	273,510	-	273,510
Mundialization Committee	215,829	223,759	-	223,759
Naval Memorial	45,066	46,185	-	46,185
Policy Initiatives	160,126	785,475	742,528	42,946
Culture Initiatives	185,949	192,239	-	192,239
Energy Initiatives	134,579	226,818	-	226,818
Community Investment	305,407	281,086	-	281,086
Sims Square	709,707	535,015	-	535,015
Forestry	44,566	79,244	31,516	47,728
Parking District	209,837	232,737	-	232,737
Parking Renewal	2,792,544	3,804,256	-	3,804,256
Parking Growth	7,142,974	7,234,347	-	7,234,347
Fire Dispatch	663,328	521,949	-	521,949
Fire Suppression	63,028	79,785	-	79,785
Tree Planting Initiatives	689,603	1,047,906	-	1,047,906
Green Initiatives	275,800	548,025	-	548,025
Itabashi Garden	-	13,857	-	13,857
Council Special Initiatives	48,995	71,097	-	71,097
Municipal Accomodation Tax-City	176,348	1,178,529	100,000	1,078,529
Municipal Accomodation Tax-Tourism	176,348	1,195,561	-	1,195,561
Active Transportation Reserve Fund	-	506,285	-	506,285
Innovation & Transformation Reserve Fund	-	1,012,571	-	1,012,571
Municipal Consent Reserve Fund	-	171,761	-	171,761
Total Program Specific Reserve Funds	**$ 18,570,453**	**$ 24,733,909**	**$ 934,045**	**$ 23,799,864**

City of Burlington

Reserve Funds and Reserves

As at December 31, 2023 with Comparatives from December 31, 2022

B) Local Boards Reserve Funds	Uncommitted Balance As at Dec 31, 2022	BALANCE	COMMITMENTS	UNCOMMITTED BALANCE
Downtown BIA	453,449	374,994	-	374,994
BEDC Operations	602,470	904,460	-	904,460
BEDC Strategic Initiatives	302,149	309,745	-	309,745
BEDC Innovation Centre	320,273	326,237	-	326,237
Library Capital	3,900,009	2,939,735	-	2,939,735
Library Operating	334,415	345,414	-	345,414
Tourism Burlington	257,573	284,107	19,567	264,540
Museums Board - Joseph Brant Operating	352,328	393,323	-	393,323
Museums Board - Joseph Brant Capital	172,171	63,787	-	63,787
Museums Board - Ireland House Operating	457,277	468,043	-	468,043
Museums Board - Ireland House Capital	96,673	99,170	-	99,170
Art Gallery of Burlington	5,576	5,698	-	5,698
PAC	2,575,938	3,549,013	10,279	3,538,734
PAC - CPRF	885,917	972,928	-	972,928
PAC Donations	9,593	15,246	5,279	9,967
Total Local Boards Reserve Funds	**$ 10,725,808**	**$ 11,051,899**	**$ 35,124**	**$ 11,016,774**

C) Program Specific Reserves				
Fire Extrication	37,718	7,460	-	7,460
Total Program Specific Reserves	**$ 37,718**	**$ 7,460**	**$ -**	**$ 7,460**

Total Reserve Funds	**$ 116,859,825**	**$ 237,333,297**	**$ 122,091,452**	**$ 115,241,845**

Total Reserves	**$ 10,973,464**	**$ 19,246,730**	**$ 11,452,317**	**$ 7,794,413**

Total Reserve Funds and Reserves	**$ 127,833,290**	**$ 256,580,027**	**$ 133,543,769**	**$ 123,036,258**

SUBJECT: Housing Accelerator Fund implementation

TO: Committee of the Whole

FROM: Corporate Strategy

Report Number: CS-04-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file corporate strategy report CS-04-24 providing an update on the progress to date toward implementation of the City's Housing Accelerator Fund Action Plan.

PURPOSE:

To share an update with Council and the community on the progress to date toward implementation of the City's HAF Action Plan designed to achieve the total housing supply target of 2,724 units and the additional targets.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

The Housing Accelerator Fund (HAF) is a $4 billion federal initiative administered by the Canada Mortgage and Housing Corporation (CMHC), that was announced in the 2022 Budget. This application-based program will provide funding directly to municipalities across the country to incentivize and support initiatives that will accelerate the supply of housing. The program had one intake window in 2023. The program will run from 2023

until 2026 and is expected to create 100,000 net-new housing permits across Canada. Staff Report CS-13-23, presented an Action Plan for endorsement in principle and authorized staff to submit the City's application on August 18, 2023, to create more housing supply at an accelerated pace and to enhance the certainty in the approvals and building process.

On January 15, 2024, Infrastructure Canada and CMHC announced the City's application was approved resulting in the City receiving $21,156,248.60 in funding to incent 618 units. The 618 units is part of the City's Housing Supply Growth Target of 2,724 permitted housing units, as outlined in our application. The agreement also outlines the following additional targets:

- 1,047 missing middle housing units
- 1,294 other multi-unit housing units
- 8.4% of the Housing Supply Growth Target are affordable units.

The City is responsible for achieving the growth target by the completion of the program in 2027.

As part of the application, municipalities are required to develop and submit an action plan, commit to a housing supply growth target and any additional targets, complete, or update a housing needs assessment report and submit periodic progress reports to CMHC.

The following seven initiatives were included in the application as the City's Action Plan:

1. Streamlining planning and building approval process.
2. Implementing Major Transit Station Areas and Community Planning Permit System.
3. Support and encourage the creation of additional residential units and consider opportunities to increase as of right permissions.
4. Identify opportunities to incentivize the creation of rental and non-market housing.
5. Build community and partner capacity by creating a Housing Connections Centre.
6. Public lands and partnerships.
7. Municipal infrastructure needs.

On October 17, 2023, Burlington City Council further demonstrated their commitment to the City's HAF application by approving a motion, ADM-17-23, declaring its intention to allow four units as of right, and to direct staff to engage with the community to implement four units as of right and the other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.

In December 2023, CMHC asked the City to consider ways to be more ambitious in terms of its approach to creating more housing. At the December 12, 2023 Council meeting Council approved Motion Memo ADM-24-23, that supported the following actions which were additions to elements captured in the City's Action Plan or represent a clarification of full commitment:

- Moving forward expeditiously on the Council Motion to implement four units as of right and other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.
- A new "no parking minimum" pilot focused on two corridors identified as Frequent Transit Corridors in the Burlington Official Plan, 2020 – specifically Fairview Street / Plains Road corridor and the Appleby Line corridor. This will include analysis, monitoring and reporting back on the outcomes and with the potential to expand to other identified Frequent Transit Corridors.
- The City's existing Development Charges exempts non-profit housing. The City commits to understanding the definitions and impacts of Bill 134, and will waive fees on housing that supports low- to moderate-income households including co-operative or other similar forms of housing.
- Clarification and realignment of the commitment to develop a Community Improvement Plan and associated incentives for, at a minimum, the following:
    - Attainable/Affordable, purpose-built rental housing
    - Non-market housing
    - Additional Residential Units.
- Continued commitment through Council's consideration of the Community Planning Permit System with a focus on the removal of barriers to promote intensification and the identification of new approaches to developing complete communities within the City's major transit station areas (MTSAs).

A letter from Mayor Meed Ward and the Deputy Mayor of Housing, Councillor Shawna Stolte outlining these enhancements was sent to The Honourable Sean Fraser Minister of Housing, Infrastructure and Communities.

Strategy/process/risk

Once the funding announcement was made work commenced immediately on the development of a program management and work plan. Alison Enns, Manager of Policy and Community and Helen Walihura, Corporate Strategic Lead, Government Relations are serving as interim program leads. The Approved Action Plan is provided in Appendix A to this report.

Governance and Resources

Early work has begun on the development of a governance model. Working with senior leadership in the Strategy and Risk Team (SRT), the project team will confirm a project charter and governance model to support the delivery of the initiatives and to meet the requirements of the agreement. A Program Steering Committee will be established which will be accountable to SRT and will be guided by an associated terms of reference to establish clear roles and responsibilities.

While many of the initiatives have been considered through the Enterprise Portfolio Planning Process, there are several Initiatives and Milestones that have not been considered. This step will support understanding where multiple departments are being called on by multiple initiatives and milestones ensuring, as best as possible, the work is planned to not overwhelm existing resources. Given there are funds available to support achieving the estimated timelines within the Action Plan, and there is a significant focus on Community Planning and the Building Department, this step may also identify areas where additional resources may be required on a temporary basis to successfully deliver the Action Plan.

Human Resources

Council has made a significant investment in implementing the City's Housing Strategy by approving the new Manager of Housing Strategy. Further Council's support of the new Burlington Lands Partnership (BLP) positions as part of the budget will have a direct impact on supporting the Initiatives and Milestones. As a result of early work planning and discussion with SRT, a new Program Manager position has been identified as necessary to plan, coordinate and deliver the HAF Action Plan. SRT has approved moving forward with this position on a temporary basis as a two-year contract. The HAF Program Manager will report to the new Manager of Housing Strategy. Work with

SRT and Human Resources will continue to ensure recruitment of those positions will be prioritized.

Program Work Plan

The Action Plan within the CMHC-City of Burlington agreement captures the revised description of the Initiative and Milestones and the associated estimated permitted units associated with each Initiative (Appendix A). Now, effort has turned to assessing existing work and refining the scope of the work captured in the Action Plan. The Program Work Plan focus for the coming months will be exclusively devoted to the resourcing and delivery of the Initiatives and their associated milestones.

Given the structure of the funding program, a number of initiatives and their associated milestones have, in many cases, been scoped and funded by Council. The program work plan will focus early on the initiatives and their associated milestones in order to:

- understand the current state (project team in place, funding, status, etc.);
- identify leads; and
- refine scope and identify additional currently unplanned/unfunded effort, if any, required.

The program work plan will coordinate and describe dependencies among existing projects and emerging projects all captured in the Action Plan. Projects ranging from the Community Planning Fee By-law Review, the Official Plan Targeted Realignment, the Zoning By-Law Project, Better Homes Burlington Pilot, Burlington Lands Partnership, the Streamlining Planning and Building project and the Major Transit Station Areas will all be considered in better understanding and documenting the initiatives and their associated milestones and will support structuring the overall work plan.

As noted above, each project lead will identify emerging issues, additional resources or procurement required to deliver on their respective initiative and associated milestone and will report to the interim project team no later than the end of March. As noted above, refining the actual costs required to deliver the Initiatives will be the early focus of work planning. This focus will support understanding what portion of the HAF funds will be required to be invested in the initiatives in the Approved Action Plan and what funding is available for other HAF funding permitted uses including:

- investments in affordable housing;
- investments in housing-related infrastructure;
- investments in community-related infrastructure that supports housing.

No decisions will be made about investments of the balance of the funding available for other HAF funding permitted uses prior to recommendations to Council using process best practices from the Budget process. While there will be opportunities for Council to shape the deployment of the additional funding, early spending prioritization must be focused on working with the Region and other partners in delivering new affordable units, which is a critical additional target as set out in the agreement.

The table below presents the Initiatives from the Approved Action Plan and provides the current status. This table will support the refinement of the initiatives and will be the basis for future updates and may be modified over time as new information becomes available.

Initiative in Action Plan	**Status**
1: Streamlining planning and building approval process	Work has been initiated
2: Implementing Major Transit Station Areas and Community Planning Permit System	Milestones 1 & 2 expected to be delivered by end of Q2, 2024. Milestones 3 & 4 will be initiated after Q2, 2024.
3: Support and encourage the creation of additional residential units and consider opportunities to increase as of right permissions (4 units as of right) and establish a no parking minimum pilot within a specific geographic area	**Milestone 1 was completed in Q4, 2023** Milestone 2 will initiate in Q2, 2024 Milestone 3 will occur in tandem with Milestone 2 of Initiative 4 (Incentives).
4: Identify opportunities to incentivize the creation of rental and non-market housing	Milestone 1 initiated in Q1, 2024. Milestone 2 is expected to be initiated in Q2, 2024.
5: Building community and partner capacity by creating a Housing Connections Centre	Work has not been initiated.
6: Public Lands and Partnership	Milestones 1 & 2 have been initiated.
7: Municipal Infrastructure Needs	Work has not been initiated.

A procurement strategy will be developed as part of the work planning. This strategy will set out the elements of the work to be supported through the procurement of consultants/resources. At this time, the following elements of work will require consultant support and other elements may be added through the refinement of the work plan in the coming month:

- RFQ – Developing Standard Housing Units
- Community Improvement Plan (including Comprehensive CIP Strategy)

- Infrastructure Analysis
- BLP Public-Private Partnerships

In order to support moving forward quickly to ensure investments in delivering the work to be procured, staff will work with SRT to approve the associated terms of reference.

Risks

As part of work plan development an assessment of the associated risks and mitigation approach will be developed. Council in supporting a wide range of initiatives aimed at streamlining development approvals and supporting the creation of new housing has put the City in a good position to deliver the desired results.

The Approved Action Plan presents an ambitious and wide-ranging plan to support achieving the total housing supply target and associated additional targets. While not a complete review of all risks, the three most critical risks and the associated mitigation approaches have been considered below and will be refined through future work:

Risk	**Mitigation**
Total Housing Supply Target not achieved	The City's role is to ensure the initiatives in the Action Plan are implemented to set the conditions for the building sector to achieve the total housing supply target. The City will actively monitor progress and ensure appropriate measures are taken within the control of the City to mitigate this risk. This will also include documenting, where appropriate elements outside of the City's control.
Action Plan overwhelms organizational capacity	With 7 distinct initiatives and a wide range of departments and partners involved, care is required to ensure appropriate capacity to deliver on the Action Plan. A detailed work plan and prioritization effort including an assessment through the EPP process will be established to ensure appropriate resources are available to support the successful delivery of the Approved Action Plan.
Not achieving Affordable Housing targets	The most critical, and potentially most challenging, target to achieve is the Affordable Housing target. The governance model and structure for determining the use of funds will ensure sufficient weight is placed on a funding opportunity's ability to support achieving the Affordable Housing targets.

Next Steps

The Interim project team will continue to work with SRT to advance the creation of the governance structure, development of the project charter and refinement of the overall program work plan, inclusive of the procurement strategy.

The Interim project team will provide regular and as-needed updates, will use the Council Information Package for information items and will use Committee of the While for items seeking Council direction. Work will continue with The Office of the City Clerk to define a routine update path and will consider opportunities to deliver to Committee of the Whole or to the Pipeline to Permit Committee.

Financial Matters:

Total Financial Impact

As part of the HAF application, the City's submission estimated costs for the initiatives at approximately $6,750.000. As planning progresses and the extent of existing funding for the Initiatives and Milestones is factored into the equation, there may be a larger portion of the funding available for investments in affordable housing, housing related infrastructure or community related infrastructure (all HAF permitted uses). The work plan will refine and revise the overall portion of the funding to be dedicated to the delivery of the Initiatives and milestones.

Source of Funding

The City of Burlington was awarded $21,156,284.60 as part of the Housing Accelerator Fund.

Other Resource Impacts

As the program workplan is developed, the extent of work required from various internal partners will be identified and any additional resources, including additional human resources.

Climate Implications:

The Housing Accelerator pre-application reference material highlighted that, along with the primary objectives of creating more supply of housing at an accelerated pace and enhancing certainty within the approvals and building process, the funding is also expected to support the following priorities:

- Supporting the development of complete communities that are walkable, consisting of appropriate residential density and a diverse mix of land uses, providing access to a wide variety of amenities and services through public and active transportation.
- Supporting the development of affordable, inclusive, equitable and diverse communities that encourage clear pathways to achieving greater socio-economic inclusion largely achieved through the equitable provision of housing across the entire housing spectrum.
- Supporting the development of low-carbon and climate resilient communities.

The initiatives, through addressing one or more of these priorities, will contribute to supporting the development of low-carbon and climate resilient communities.

Engagement Matters:

The desired impact of the HAF funding is to support the achievement of additional permitted units. The initiatives and their milestones will support the objectives of Vision to Focus and will also support the vision for Housing in Burlington as set out in the Housing Strategy:

> **Everyone is welcome in Burlington.** Burlington is a city where all current and future residents have access to the housing options that meet their needs at all stages of life, and that are attainable at all income levels.

There will be intense interest in informing the approaches taken to bring forward more housing units in the City. The interim project team will work with engagement and communications to develop an overall engagement approach that will acknowledge existing engagement plans guiding current work and identifying new engagement plans required. In some cases, engagement will be focused on existing and future residents providing input into how the City approaches broadening permissions within existing neighbourhoods. In other cases, key partners like other levels of government, agencies and other departments will be the focus of engagement for initiatives looking to streamline process. For each initiative, a specific engagement approach and communication including key messages will be developed.

As we all know, growth is happening across Burlington in many neighbourhoods and communities. The City has been working on its Housing Strategy and Major Transit Station Area plans. The HAF will support these plans and other initiatives that will result in the creation of a wide range of housing options for all residents, whether they've lived

here their entire lives, only moved here recently, or want to move here. These initiatives will not only improve processes, they will plan for how we intensify to make sure the right type of growth happens in the right areas at the right time. We expect to see a spectrum of growth, intensification and housing types, from diversifying our neighbourhoods by building additional units, like a basement apartment or upper garage unit, to condominiums and apartment buildings in developments located close to transit and key services to allow for walkable communities. No matter how large or small these changes are, each will contribute to solving the housing crisis and to creating more diverse housing options in Burlington. In order to make sure 'Everyone is welcome in Burlington', these are the types of changes we must embrace.

Conclusion:

The City is very appreciative of the Federal Government's support through the HAF program. The contribution the City received is a tremendous opportunity for the City to begin implementation of the key actions outlined in the City's Housing Strategy, as well as to continue to build on the work already done to streamline the development approval process.

Respectfully submitted,

Alison Enns	Helen Walihura
Manager of Policy and Community	Corporate Strategic Lead, Government Relations
905-335-7600, ext. 7787	905-335-7600, ext. 7895

Appendices:

A. Approved Action Plan

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.

Approved Action Plan

Section A - Initiatives	
Initiative 1	Streamlining planning and building approval process
Start Date	2023-01-09
Completion Date	2025-09-08
Expected Results	60 estimated permitted units that the Initiative will incent.
Milestone 1	Process Review Improvements and Implementation
Start Date	2023-01-09
Completion Date	2025-09-08
Initiative 2	Implementing Major Transit Station Areas and Community Planning Permit System
Start Date	2023-06-27
Completion Date	2025-03-24
Expected Results	123 estimated permitted units that the Initiative will incent.
Milestone 1	Creation of the Community Planning Permit System (CPPS), reducing exclusionary zoning by allowing six plus stories in proximity to MTSAs.
Start Date	2023-06-27
Completion Date	2024-12-31
Milestone 2	Official Plan Amendment adopted and CPPS Approved by Council
Start Date	2023-09-12
Completion Date	2024-05-31
Milestone 3	Incentivizing Early Adopters
Start Date	2024-01-31
Completion Date	2025-03-24
Milestone 4	State of the MTSA Report
Start Date	2024-09-02
Completion Date	2025-03-24
Initiative 3	Support and encourage the creation of additional residential units and consider opportunities to increase as of right permissions (4 units as of right) and establish a no parking minimum pilot within a specific geographic area.

Start Date	2023-09-01
Completion Date	2024-12-31
Expected Results	103 estimated permitted units that the Initiative will incent.
Milestone 1	Official Plan and Zoning By-law: Additional Residential Units
Start Date	2023-09-01
Completion Date	2023-12-29
Milestone 2	Official Plan and Zoning By-law amendments to broaden permissions and reduce process including permitting 4 units as of right on all residential lots within the urban area.
Start Date	2023-10-06
Completion Date	2024-12-31
Milestone 3	Develop opportunities to encourage and incentivize the creation of additional residential units
Start Date	2023-12-01
Completion Date	2024-12-31
Milestone 4	No parking minimum pilot focused on 2 frequent transit corridors
Start Date	2023-03-04
Completion Date	2024-12-31
Initiative 4	Identify opportunities to incentivize the creation of rental, and non-market housing
Start Date	2023-12-15
Completion Date	2024-12-31
Expected Results	170 estimated permitted units that the Initiative will incent.
Milestone 1	Fee Bylaw Review
Start Date	2023-12-15
Completion Date	2024-06-28
Milestone 2	Incentives including waiving fees on housing that supports low to moderate income households.
Start Date	2024-02-03
Completion Date	2024-12-31
Initiative 5	Build community and partner capacity by creating a Housing Connections Centre
Start Date	2024-01-05

Completion Date	2025-09-15
Expected Results	144 estimated permitted units that the Initiative will incent.
Milestone 1	Communications/Marketing Program
Start Date	2024-01-05
Completion Date	2024-02-29
Milestone 2	Develop standard units to streamline development and building permit approvals.
Start Date	2023-12-01
Completion Date	2024-05-31
Milestone 3	Create a Housing Connections Centre
Start Date	2024-01-05
Completion Date	2025-09-15
Initiative 6	Public Lands and Partnerships
Start Date	2023-09-29
Completion Date	2025-01-31
Expected Results	18 estimated permitted units that the Initiative will incent.
Milestone 1	Develop tools, partners and policy options
Start Date	2023-09-29
Completion Date	2024-05-31
Milestone 2	Public-Private Partnerships, including buying lands or reimaging existing City owned lands to deliver new housing
Start Date	2023-09-29
Completion Date	2025-01-31
Initiative 7	Municipal Infrastructure Needs
Start Date	2024-02-03
Completion Date	2025-06-28
Expected Results	0 estimated permitted units that the Initiative will incent.
Milestone 1	Infrastructure Analysis
Start Date	2024-02-03
Completion Date	2024-12-31
Milestone 2	Working in partnership with infrastructure providers

Start Date	2025-01-06
Completion Date	2025-06-28

Section B – Targets

i. The Recipient agrees to a Housing Supply Growth Target of 2,724 permitted housing units.

ii. The Recipient agrees to the following Additional Targets:

- 0 multi-unit housing units in close proximity to rapid transit
- 1,047 missing middle housing units
- 1,294 other multi-unit housing units
- 8.40 percent of the Housing Supply Growth Target are affordable units.

Section C - Housing Needs Assessment Report

Select one applicable statement.

[X] The Recipient recently (within two years of the 2022 federal budget announcement (April 7, 2022)) completed a Housing Needs Assessment Report and there is a reoccurring scheduled review date included in the report. The Recipient requested that the Housing Needs Assessment Report requirement be waived. There is no requirement to complete or update a Housing Needs Assessment Report.

OR

[_] The Recipient has recently (within two years of the 2022 federal budget announcement (April 7, 2022)) completed a Housing Needs Assessment Report, but it will need to be updated to include a reoccurring scheduled review date. The Recipient will add a reoccurring scheduled review date.

OR

[_] The Recipient does not have a Housing Needs Assessment Report. The Recipient will complete one and include a reoccurring scheduled review date in the report.

SUBJECT: Burlington solar incentive proposal

TO: Committee of the Whole

FROM: Environment and Energy

Report Number: EICS-02-24

Wards Affected: all

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve a one year pilot incentive program to cover the cost of a building permit for solar system installations in the City of Burlington as described in environment and energy report EICS-02-24; and

Direct the Executive Director of Environment, Infrastructure and Community Services to report back before the end of 2024 with an update on the solar incentive program; and

Consider ongoing funding to support the solar incentive program to cover the cost of a building permit during the Mayor's 2025 budget process.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Support sustainable infrastructure and a resilient environment

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Background and Discussion:

In September 2023 staff provided an update at the Community Planning, Regulation & Mobility Committee Meeting on the implementation of the community Climate Action Plan (EICS-10-23). Council approved the following direction:

> Direct the Executive Director of Environment, Infrastructure and Community Services to report back in Q1 of 2024 on the solar incentives offered by other

municipalities with an interest in implementing a future incentive program in Burlington.

Staff reached out to Ontario municipalities to request information on solar incentives available in their communities. Responses on programs were limited but many expressed an interest in Burlington's approach. A summary of the results of the survey are provided below under 'Options Considered'. The following is a list of proposed measures to incentivize and support the installation of solar systems within Burlington.

1. **Solar System – Building Permit Incentive – Pilot Program**

To help encourage the installation of solar systems in Burlington, a pilot program is recommended to cover the cost of a building permit for solar installations for one year beginning in April 2024. The number of building permits issued in 2022 for residential installations was 21 followed by 31 in 2023. The increase in installations over the past couple of years are likely due to the Greener Homes incentives offered by the federal government.

The City's Building Department does not specifically track the type of solar installation between solar PV (photovoltaic) to produce electricity and solar thermal to heat water. It is estimated that the majority of permits are for solar PV installations.

The cost of a building permit for a solar installation in Burlington is currently $594. The pilot program would cover the cost of the building permit as an incentive to encourage installations of solar systems in the community.

The pilot program would be similar to the fee assistance program that Burlington has offered for several years to homeowners to cover the cost of a building permit for specific plumbing measures (backwater valves, sump pumps and/or the repair/replacement of a sanitary line - only with the installation of a backwater valve) to reduce home flood risk and improve community climate resiliency.

2. **Implementation of a Solar Map**

City staff have researched the option of utilizing a solar map to help Burlington residents determine the capacity for rooftop solar, the estimated payback for a system, and the steps necessary to install a solar system (i.e. permits required). Residents would also be directed to contact Burlington Hydro for additional information related to connection fees/permits and areas of the city where there might be restrictions for net metered solar projects. Environment and Energy staff along with GIS colleagues met with City of Toronto staff to learn how the SolarTO map was created.

SolarTO Map (sample)

Using available data, Burlington staff are working to create a map similar to the SolarTO map for Burlington residents with in-house resources, primarily staff time. Once completed, information and a link to the tool will be made available on Burlington.ca/betterhomes.

3. **Improving Information**

In addition to the solar map and information on the steps to obtain approvals/permits, tips will be provided on how to find a contractor – questions to ask and links to associations that support solar contractors. An option we are pursuing is to provide residents with a template for quotations to provide to contractors when enquiring about the costs to install a solar system. This action was recommended by a local resident and member of the Integrated Transportation Advisory Committee based on his own experience of trying to compare quotations from different solar contractors. This could help assist homeowners to obtain similar costed quotes from each contractor, improving the ability to compare quotes. The template is being finalized and a similar template could be developed for air source heat pump quotations.

Burlington Hydro has advised that it is also working to improve their website to provide the necessary information related to permits, fees and potential areas of the city where there might be restrictions for installing solar systems.

4. **Better Homes Burlington Program**

Staff see the potential for the Better Homes Burlington program to provide financing in the future to support the installation of solar systems in addition to air source heat pumps. Please refer to report EICS-03-24 for an update on the Better Homes Burlington pilot program and recommended next steps.

Strategy/process/risk

Staff reached out to our network of municipalities in Ontario to request information on incentive programs to encourage solar installations. Although municipal incentive

programs are limited, staff from several municipalities[1] expressed interest in the topic and requested that this report be shared once final.

Staff spoke with local stakeholders and city staff for feedback on options being considered to incentivize solar.

There is limited risk in implementing a pilot program to support solar installations in Burlington. The greater risk is a lack of action to support the City's Climate Action Plan and failing to achieve the target to be a net carbon neutral community by 2050. Council declared a climate emergency in 2019, recognizing the impacts that a changing climate is having on the community.

There is an additional external risk related to the new criteria being introduced in 2024, restricting participation in the federal Greener Homes grant program, which provides incentives for solar installations. This could have a negative impact the rate of future installations in the community.

Options Considered

This is a summary of options considered to incentivize and/or support the acceleration of solar installations in Burlington:

Building Permit Grants: no municipality has implemented a program to provide a grant to cover the cost of a building permit for a solar installation.

Building Permit Exemptions: two municipalities have implemented exemptions from building permits for certain rooftop solar installations that meet specific criteria (Markham and Ottawa).

Financing: three municipalities responded that they provide financing for solar installations under their home energy retrofit financing programs (Guelph, Ottawa and Toronto). Outside of Ontario, Halifax Regional Municipality has been a leader for years in providing financing options for solar installations using an LIC (local improvement charge) mechanism through their Solar City program.

Solar Mapping: two municipalities have improved information for homeowners on the opportunity to install solar on rooftops by implementing solar maps (Toronto and London). Information on rooftop capacity potential, number of panels and payback is provided for each property. London has partnered with a third party to

[1] Oakville, Halton Hills, Milton, Hamilton, Brampton, St. Catharines, Whitby, Peel Region and London

deliver the service at a cost. Toronto has developed the system in-house with support from GIS and energy staff.

Community Improvement Plan (CIP): Caledon provides grants to businesses in their CIP program areas. Grants are available for energy and carbon reduction measures. A total of 50% of eligible costs, to a maximum of $40,000, is available for businesses located in the CIP program areas.

City staff previously worked with students in McMaster University's Engineering and Public Policy program in the W Booth School of Engineering Practice and Technology to research best practices to support renewable energy installations in Burlington. The students connected with local stakeholders, other municipalities, completed a community survey and held a focus group. Their recommendations were shared in the 2022 Climate Action Plan update report (EICS-11-22) for consideration:

1) Improve information available on the steps required to install renewable energy projects;
2) Assist residents on finding a qualified contractor/installer; and,
3) Provide financial support or incentives to accelerate the installation of renewable energy.

Financial Matters:

Staff have estimated 26 building permits to be issued in 2024 for solar installations. However, this number may be lower if the federal government cancels the Greener Homes grant program which provides incentives for solar installations.

Total Financial Impact

The total financial impact is estimated to be approximately $15,500 based on an average of 26 solar installations per year (between 2022 and 2023).

Source of Funding

In late 2023, staff were successful at obtaining a $10,000 grant from Enbridge Gas to support the City's climate actions. This funding was accrued to the 2024 operating budget to help cover the cost of the proposed solar building permit pilot program. Additional funding required to support the program if required will be covered by the existing Environment and Energy Budget.

Other Resource Impacts

It is not anticipated that this program will require significant staff resources to implement.

Climate Implications:

Renewable energy is identified as a key program area in Burlington's Climate Action Plan, approved by Council in 2020. When the plan was developed, the consultant modelled the actions required to meet the 2050 target. Milestones were identified for a variety of actions such as solar photovoltaic panels. For example, by 2025, 79 megawatts of net metered solar PV should be installed in the community. In 2023, the annual update report for the Climate Action Plan noted that just under seven megawatts of solar energy was installed in Burlington. Unfortunately, municipalities have few levers to require installation of solar systems. By covering the cost of the building permit for solar installations, one more barrier is removed to encourage adoption of renewable energy in our community.

Engagement Matters:

Staff from the following departments/sections were engaged in this report: Building, Energy, Sustainability and Finance. Burlington Hydro was also consulted on the proposal, along with the Sustainable Development Committee. Information has also been shared with the Bay Area Climate Change Council and BurlingtonGreen.

If the program is approved by Council, staff will work with our Communications Advisor and Community Engagement staff to publicize the information through a media release, social media, and the TakeActionBurlington.ca blog. Improved information and details of the incentive program will be published on Burlington.ca/BetterHomes. Staff will also work with organizations in our network to share the information, including hosting a webinar to help educate residents on the steps required to install a solar system on their home. Effort will also be taken to coordinate information with Burlington Hydro.

Conclusion:

Approval of the proposed pilot program will help to incentivize solar installations by removing an additional barrier. Solar energy can help to offset the cost of electrification, such as electric vehicles and air source heat pumps, and provides a resilient source of energy.

Respectfully submitted,

Lynn Robichaud

Manager, Environmental Sustainability

905-335-7600 x7931

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.

Bay Area Climate Change Council
Bayareaclimate.ca
info@bayareaclimate.ca

COW, March 4, 2024
EICS-02-24
Correspondence from Jesse Elders representing
the Bay Area Climate Change Council

March 1, 2024

Dear Members of Council,

RE: Burlington solar incentive proposal

The Bay Area Climate Change Council ("BACCC") submits this letter in support of the proposal for a pilot incentive program to cover the cost of a building permit for solar system installations in the City of Burlington.

Renewable energy plays a crucial role in our fight against climate change. Unlike fossil fuels, renewable energy sources such as solar produce little to no greenhouse gas emissions during operation. By transitioning to renewable energy sources, we can significantly reduce the amount of carbon dioxide and other pollutants released into the atmosphere, mitigating the impact of global warming and climate change. Local renewable energy sources can also enhance local energy independence and security.

The City of Burlington should play a leadership role in the promotion of local renewable energy generation as part of its commitment to achieve net zero by 2050. As noted by the McMaster Community Engagement Project (Appendix B to Report EICS-11-22 in 2022), incentive programs catalyze local transition to green energy by delivering a market signal that encourages residents to pursue low-carbon choices (pg. 8). With incentives favouring the low-carbon choice, we are more likely to achieve our community climate goals.

BACCC is a multi-sector collective of organizations across Hamilton and Burlington who have come together to catalyze climate action in our communities. Members of BACCC and our implementation teams represent organizations in the municipal, non-profit, education and private sectors, and include citizen and Indigenous representatives. BACCC develops and advocates for climate change policies that reduce emissions in buildings, transportation networks, and local industry in order to reach net zero carbon by 2050.

We thank the Council for its consideration. Please do not hesitate to contact us with questions.

Sincerely,

Jesse Elders
Manager, Bay Area Climate Change Council
jesse.elders@mohawkcollege.ca
365-323-5985

SUBJECT: Better Homes Burlington Pilot Program Special Charge

TO: Committee of the Whole

FROM: Environment and Energy

Report Number: EICS-03-24

Wards Affected: all

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve the by-law substantially as shown in Appendix A to environment and energy report EICS-03-24, being a by-law to authorize the imposition of a special charge under the Better Homes Burlington Program in the form satisfactory of the Executive Director of Legal Services and Corporation Council or designate.

PURPOSE:

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment.

The purpose of this report is to request Council approve the by-law required to add the Better Homes Burlington loans as local improvement charges to the 2024 tax roll.

Background and Discussion:

On June 1, 2023, Council received report EICS-04-23, Better Homes Burlington Pilot Program. Committee approved the following motions:

> Approve the establishment of the Better Homes Burlington Energy Retrofit Pilot Program to provide a maximum of twenty loans to Burlington homeowners who meet program eligibility criteria to support the implementation of air source heat pumps.
>
> Approve By-law No. 40-2023, being the Better Homes Burlington Energy Retrofit By-law, substantially in the form attached as Appendix A to report EICS-04-23, in

the form satisfactory to the Executive Director of Legal Services and Corporation Council, or designate.

Authorize and direct the Executive Director of Environment, Infrastructure and Community Services, or designate, to execute necessary agreement with each homeowner participating in the Better Homes Burlington Energy Retrofit Program, and any extension thereto, with content satisfactory to the Manager of Environmental Sustainability, or designate, and form satisfactory to the Executive Director of Legal Services and Corporation Council or designate.

That the Executive Director of Environment, Infrastructure and Community Services monitor and access the results of the Better Homes Burlington pilot program and report back to council in one year with recommended next steps.

Staff launched the Better Homes Burlington concierge service in July 2023, and received applications for the zero-interest loan between September 2023 and February 2024. The Better Homes Burlington pilot program supported residential decarbonization by:

- Providing a concierge service for homeowners with guidance on options to complete a home energy efficiency retrofit;
- Offering loans to homeowners to accelerate the adoption of air source heat pumps;
- Engaging and educating homeowners and contractors to promote/deliver home energy efficiency retrofits; and,
- Developing and publishing the Burlington.ca/BetterHomes website to provide information on home energy retrofits and incentive programs, including the City's zero percent loan.

The Better Homes Burlington Pilot Program granted 16 zero-interest loans to an expected sum of $156,214. As per the program design approved in report EICS-04-23, Better Homes Burlington Pilot Program, the loans will be repaid through a Local Improvement Charge.

The attached by-law which is required under Ontario Regulation 586/06 – Local Improvement Charges – Priority Lien Status requires Council's approval to allow the loan amounts from the Better Homes Burlington Pilot Program to be added as a special charge to the 2024 tax roll for repayment (refer to Appendix A)

The attached by-law currently reflects 13 of the 16 participating properties and will require an addendum to add the remaining three properties prior to the City Council meeting on March 19, 2024.

Strategy/process/risk

Should this by-law – being a By-law to Authorize the Imposition of a Special Charge under the Better Homes Burlington Program – not be approved, this would cause significant delay to the City of Burlington beginning collection of the Better Homes Burlington loans, as the loan amounts from the Better Homes Burlington pilot program cannot be added to the tax roll for repayment without the passing of a by-law in accordance with section 36.14 of Ontario Regulation 586/06.

Options Considered

Approval of the attached by-law is required under Ontario Regulation 586/06 – Local Improvement Charges – Priority Lien Status to add the loans as local improvement charges to the 2024 Tax Roll. A further report will be presented to Committee in the second quarter of 2024 on the results of the Better Homes Burlington pilot program, including lessons learned and recommended next steps.

Financial Matters:

A maximum amount of $200,000 from the Energy Initiatives Reserve Fund was approved for the Better Homes Burlington zero-interest loans in report EICS-04-23. 16 loans to an expected sum of $156,214 were issued through the pilot program. These loans will be repaid with zero-interest over 5 years. The attached By-Law XX-2024 will enable repayment to begin in June 2024. No further funding is required to add the loan amounts as Local Improvement Charges to the tax roll for repayment.

Total Financial Impact

Not applicable

Source of Funding

Not applicable

Other Resource Impacts

Staff time will be required from Finance to add the loan to the property tax bill for repayment.

Climate Implications:

The purpose of the Better Homes Burlington program is to support the adoption of air source heat pumps in the residential sector to transition away from the burning of fossil

fuels to generate heat (thermal) energy, resulting in reduced greenhouse gas (GHG) emissions. The use of natural gas in Burlington represents just under half of all GHG emissions across the community (for all sectors – residential, industrial, commercial and institutional). The program is one of seven program areas identified in the Climate Action Plan to help the community reach net carbon neutrality by 2025.

Engagement Matters:

Finance and Legal staff were engaged in the required by-law and report.

Conclusion:

The approval of this by-law will allow the loan amounts totaling an expected sum of $156,214 to be added as a special charge to the 2024 tax roll for repayment to the Energy Initiatives Reserves Fund.

Respectfully submitted,

Lauren McAusland

Better Homes Burlington Coordinator

905-335-7600 x. 7974

Appendices:

A. By-law to authorize the imposition of a special charge under the Better Homes Burlington Program

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.

The Corporation of the City of Burlington

City of Burlington By-law XX-2024

A By-Law to Authorize the Imposition of a Special Charge under the Better Homes Burlington Program in Accordance with Ontario Regulation 586/06 for the following properties in the City of Burlington:

735 Pearson Street; 1088 Crofton Way; 3342 Cardiff Crescent; 925 Isabel Court; 697 Mullin Way; 2266 Woodward Avenue; 2164 Melissa Crescent; 2361 Barclay Road; 1148 Lockhart Road; 1875 Old Waterdown Road; 2197 Arrow Court; 929 Orpha Street; 2235 Russet Crescent

File: XXX-XX (EICS-03-24)

Whereas at its meeting of June 13, 2023, City Council enacted By-law No. 40-2023, being a by-law to authorize the undertaking of energy efficiency and water conservation works on private residential property as local improvements under the Better Homes Burlington Energy Retrofit Program, in accordance with section 36.1 of Ontario Regulation 586/06 - Local Improvement Charges - Priority Lien Status, ("O. Reg. 586/06"); and

Whereas the owner(s) of the benefitting properties and the City of Burlington (the "City") have entered into a Property Owner Agreement (the "POA") pursuant to section 36.2 of O. Reg. 586/06 for the City to undertake work as a local improvement (the "Work") on the benefitting property and to raise the cost of the Work (the "Cost") by imposing a special charge on the benefitting properties; and

Whereas the City Clerk has certified the POA pursuant to section 36.4(2) of O. Reg. 586/06; and

Whereas the Work has been completed; and

Whereas a local improvement roll was prepared in accordance with section 36.10 of O. Reg. 586/06, setting out the Cost of the Work, the proposed special charges to be imposed on the benefitting properties, when the special charges are to be paid, and the lifetime of the Work; and

Whereas the City has given notice of the proposed local improvement roll to the owner(s) of the benefitting properties pursuant to subsection 36.11(1) of O. Reg. 586/06; and

Whereas the City Treasurer has certified the proposed local improvement roll in accordance with subsection 36.11(2) of the O. Reg. 586/06; and

Whereas section 36.14 of O. Reg. 586/06 provides that after the Treasurer has certified the local improvement roll, the City shall by by-law provide that the amount specially charged on the lot set out in the roll shall be sufficient to raise the lot's share of the cost by a number of equal annual payments and that a special charge shall be imposed in each year on the lot equal to the amount of the payment payable in that year;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. The provisions of section 36.14 of O. Reg. 586/06 apply to the benefitting property as a result of the completion of the Work pursuant to the POA.
2. The amounts specially charged on the lot as set out in the certified local improvement roll attached as Schedule "A" to this by-law (the "Special Charge") is sufficient to raise the lot's share of the Cost within the specified number of annual payments and shall be imposed on and collected by annually adding the annual amount payable as set out in Schedule "A" to this by-law (the "Annual Payment") to the tax roll of the lot.
3. The Annual Payments as set out in certified local improvement roll attached as Schedule "A" do not extend beyond the lifetime of the Work.
4. The amount of each payment made in respect of the Special Charge shall be entered in the local improvement roll by the Treasurer.
5. This By-Law shall come into force and take effect on the date of its passing and shall be deemed repealed on the date on which the Treasurer certifies that the Special Charge has been paid in full.

Enacted and passed this ____ day of _____, 2024

Mayor Marianne Meed Ward _____

Deputy City Clerk Samantha Yew _____

Schedule A

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
0911-0001	2402-050-509-07600-0000	735 Pearson St	N/A	Hugh Kent Brenda Kent

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
0914-0005	2402-020-204-37252-0000	1088 Crofton Way	N/A	Nathan Williams Kimberly Williams

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
0918-0006	2402-090-901-62349-0000	3342 Cardiff Cres	N/A	Mark Francisco

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1011-0009	2402-010-111-19300-0000	925 Isabel Court	N/A	Mihail Icsarescu Anca Icsarescu

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1014-0010	2402-090-921-07400-0000	697 Mullin Way	N/A	Brandon Nixon Alana Heffernan

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$9,266	$9,266	0%	$9,266	Within 5 years from the first payment date	5 Years	$1,853.2	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1019-0011	2402-050-515-10000-0000	2266 Woodward Ave	N/A	Dennis Williams Colleen Williams

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1021-0012	2402-040-401-86518-0000	2164 Melissa Cres	N/A	Douglas Langford Karen Langford Patricia Lynne Langford

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1111-0013	2402-050-508-03500-0000	2361 Barclay Road	N/A	Avneesh Dwivedi Mahima Sethi

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1112-0014	2402-020-216-06127-0000	1148 Lockhart Road	N/A	Conrad Sheppard Melissa Sheppard

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
0911-0002	2402-010-103-05800-0000	1875 Old Waterdown Road	N/A	Dale Pusching

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1114-0015	2402-040-401-43400-0000	2197 Arrow Court	N/A	John Adiwinata Arlene Adiwinata

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1302-0017	2402-050-504-11100-0000	929 Orpha Street	N/A	Alex Kolodzey Kristen Kolodzey

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$10,000	$10,000	0%	$10,000	Within 5 years from the first payment date	5 Years	$2,000	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

City of Burlington – Better Homes Burlington Program
Local Improvement Charged Added to Taxes

BHB Number	Roll Number	Site Address	Lot	Property Owners
1305-0018	2402-090-902-16214-0000	2235 Russet Cres	N/A	Robert Axente Victoria Zowtonizka

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
$7,345	$7,345	0%	$7,345	Within 5 years from the first payment date	5 Years	$1,469	Better Homes Burlington Program – Local Improvement Charge added to taxes. First Payment due on the 2024 Final Tax Bill

Certified as sufficient, in accordance with O.Reg.586/06

Chief Financial Officer

City Treasurer

"At Alinea, we aspire to be the stewards of a better tomorrow. Leveraging the power of collaboration, we foster community in everything we do."

alinea

Alinea is listening. We understand your needs and aspirations for the community and are committed to advancing our collective interest in creating housing and economic prosperity

We have and will continue to engage and recruit best in class partners and collaborators to help you realize lasting legacy.

Future Focus

Collaboration

Trust

Stewardship

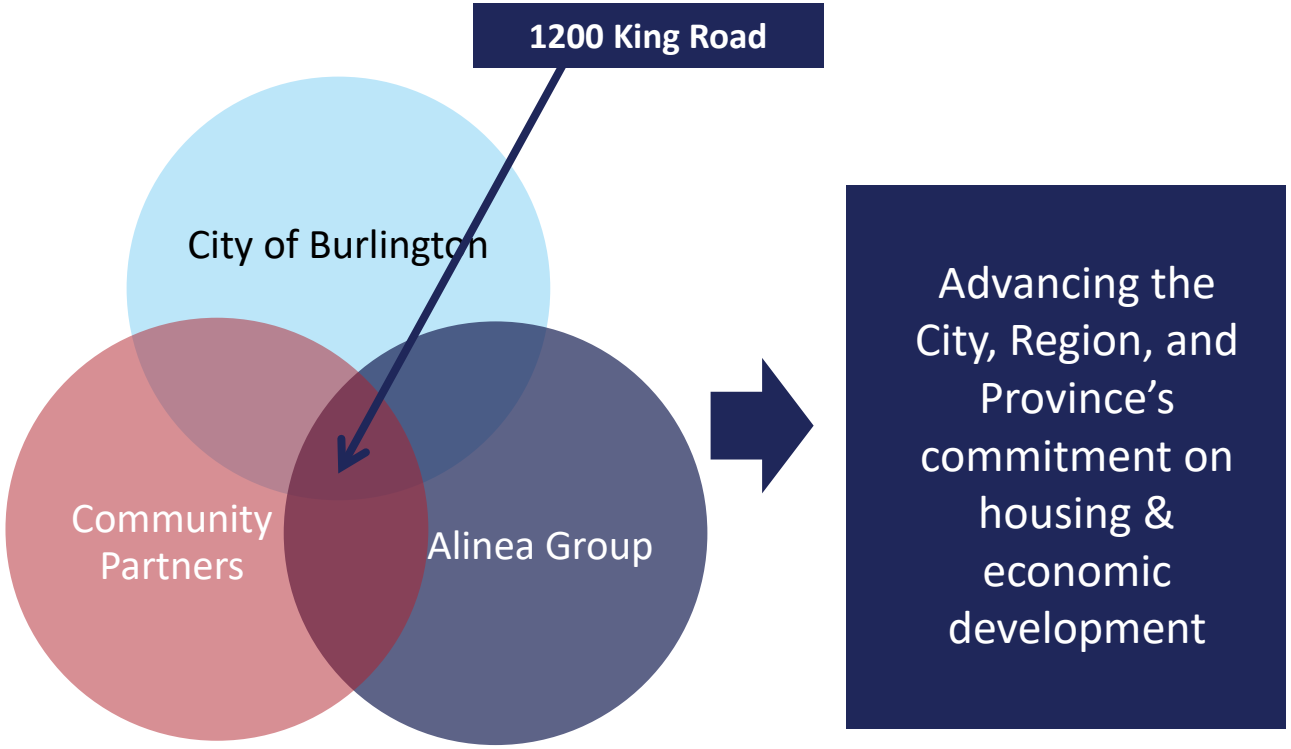
Public & Private Collaboration

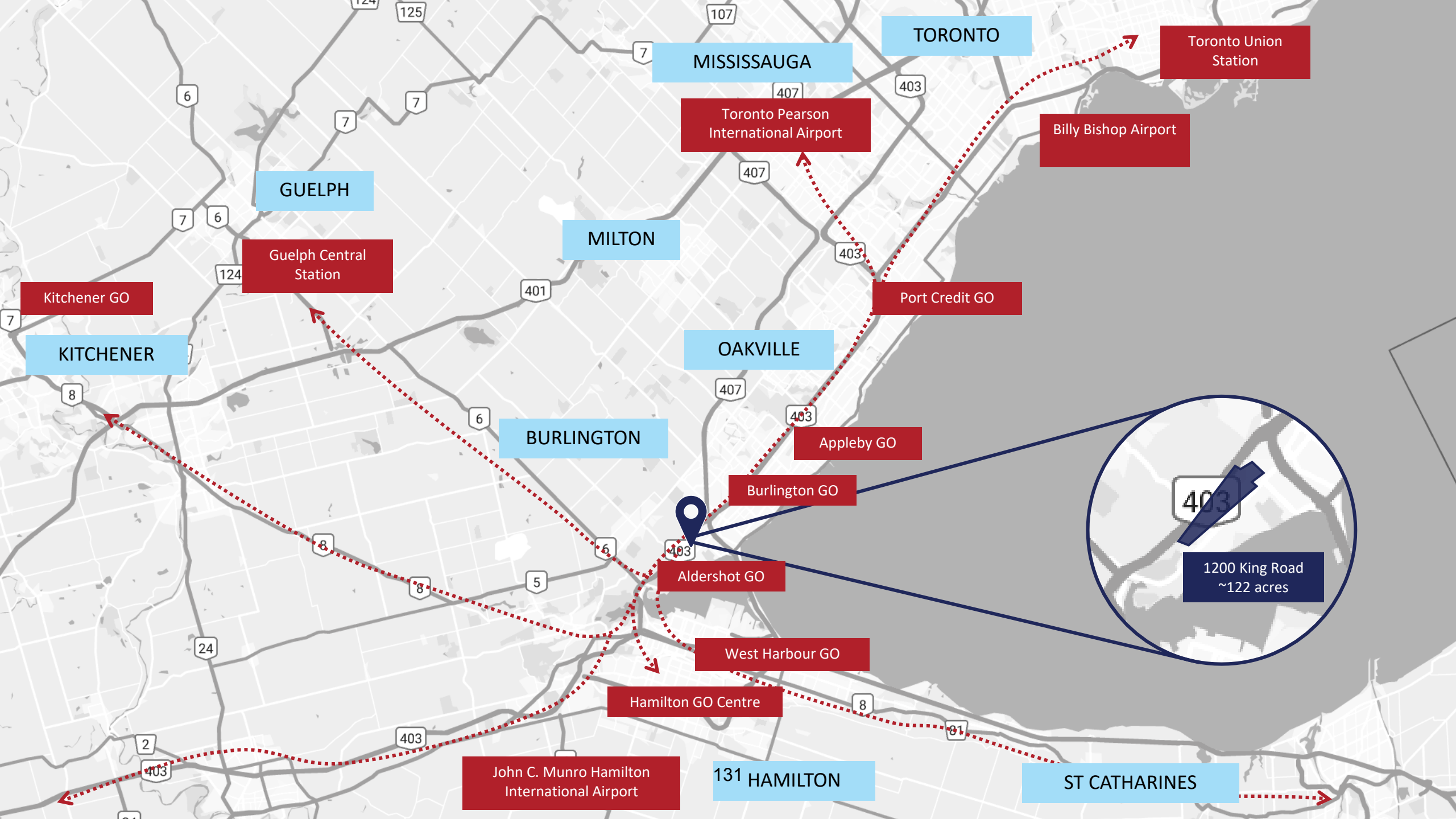
1200 King Road presents a unique opportunity to truly bring together a high-quality sustainable mix of uses to create a healthy complete community that also serves as a destination in Burlington.

The Alinea Group welcomes the opportunity to lead and champion this development in collaboration with the City of Burlington.

Public and private collaboration is the key to ensuring the effective and successful delivery of this landmark mixed-use community, which will:

- Address the housing demand
- Deliver retail and community amenities
- Create an entertainment destination
- Provide local employment

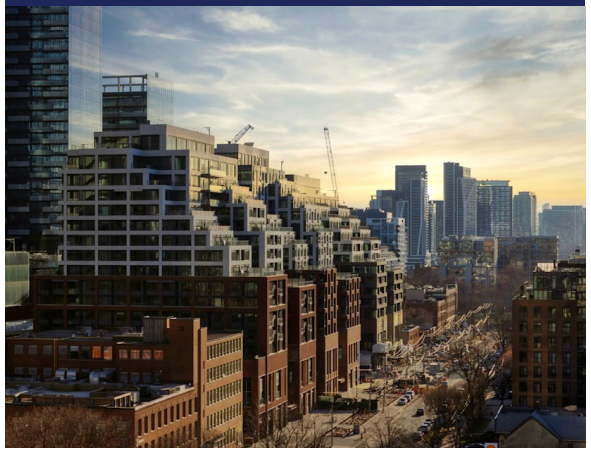



TORONTO
MISSISSAUGA
Toronto Union Station
Toronto Pearson International Airport
Billy Bishop Airport
GUELPH
MILTON
Guelph Central Station
Kitchener GO
Port Credit GO
KITCHENER
OAKVILLE
BURLINGTON
Appleby GO
Burlington GO
Aldershot GO
1200 King Road
~122 acres
West Harbour GO
Hamilton GO Centre
John C. Munro Hamilton International Airport
HAMILTON
ST CATHARINES

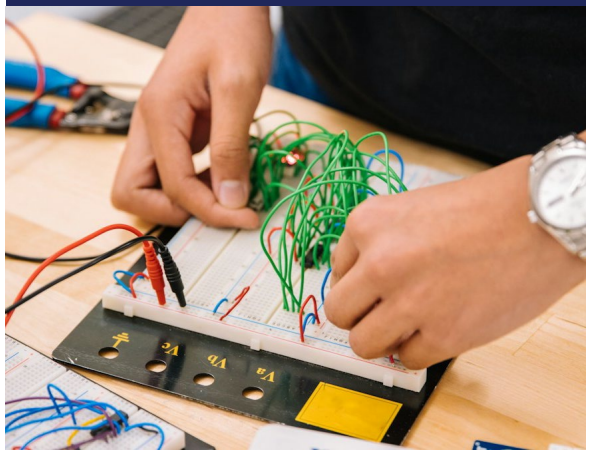
Placemaking & Vision

1200 King Road is a master planned community that thoughtfully combines housing, retail, recreation, entertainment, mobility and the natural environment - making it a connected and vibrant, and diverse mixed-use neighbourhood, promoting an active sustainable lifestyle

Housing

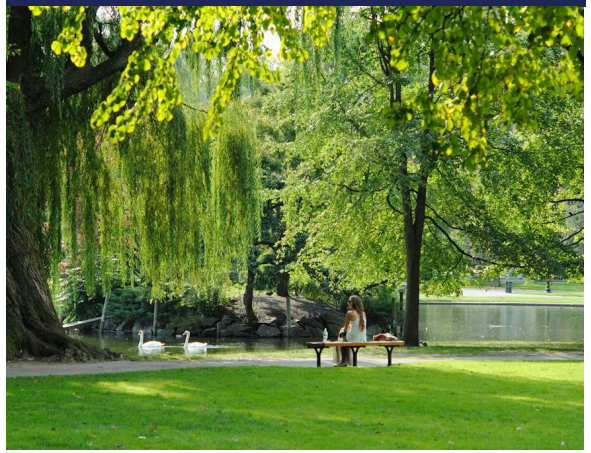


Innovation & Education



Economic Development

Parks & Natural Heritage



Sustainability

Entertainment & Recreation

Mobility

Retail & Placemaking

1200 King Road

alinea

Housing

Providing a range of housing stock and tenure options
in a community with a strong sense of place

Providing housing close to transit and promoting active transportation within the site

Jobs

Generating employment opportunities and economic benefits at the earliest stages of development
(construction, planning, etc.)

Creating new employment opportunities through the retail district, entertainment district, and the potential post-secondary campus

"Contributing towards provincial and City housing and employment targets that will accommodate the anticipated population growth"

1200 King Road
Today.
Tomorrow...

Alinea has assembled a team of experts for 1200 King Road to ensure that the overall vision and the masterplan is aligned with the City and Region's objectives.

alinea

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DORACIN TERRA STRATEGIES LIMITED

giannone petricone associates

NAK design strategies

BOUSFIELDS INC.

SPANIERGROUP

Colucent Environmental

URBANTECH®

RWDI

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NATURAL RESOURCE SOLUTIONS INC.
Aquatic, Terrestrial and Wetland Biologists

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LAND SURVEYORS & MAPPERS
SINCE 1906

GEO MORPHIX™

CAMBIUM
Consulting & Engineering

DS

ASI

VALCOUSTICS

Partnering Aldershot Delegation.

Committee of the Whole March 05, 2024

Item 8.1 Corporate Services, Strategy, Risk & Accountability, 1200 King Road vision update (ECDEV-02-24)

Good morning to you Chair, Mme Mayor, Members of Committee, Staff, BEDC and The Alinea Group, thank you for this opportunity to delegate on behalf of Partnering Aldershot regarding 1200 King Road and the Burlington Economic Development Corporation, Alinea Group high level draft proposal for that parcel of land in Aldershot.

Partnering Aldershot is a group of some 36 community, civic, business, faith, charity, educational, environmental and advocacy groups who come together to support and promote our Aldershot residential and business communities.

As such PA welcomes this proposal. We see it as a long awaited economic, social and community development in an area we have felt has been overlooked for too long. At first glance it seems to offer all the possibilities the West end has felt deprived of, educational potential, sports and entertainment possibilities, feature parks and open spaces and all in an area of unused lands with minimal impact on existing residential dwellings. Who could oppose such an idea?

Partnering Aldershot certainly doesn't, at first blush it is almost exactly what Aldershot needs.

Almost.

Those of us involved in the west end community know this idea has been bubbling under the surface for some time. Since the notion of the Commonwealth Games was first broached, PA and ABIA have kept abreast of this development over the years, so we have had some time to hear and understand what the Aldershot community would truly welcome in this space, what would be of lasting benefit and value to the community.

I said earlier that this proposal is ALMOST perfect. It is however missing one key element. If Alinea, Burlington Economic Development Corporation built the Taj Mahal, Maple Leaf Gardens and Disneyworld on this property tomorrow, on Thursday the first calls to councilor Galbraith would still be asking: "Where's the grocery store?"

Now everyone in this room knows neither Council, BEDC or Alinea can compel a grocer or any other business to open anywhere in the city. That does not stop that from being the number one issue in the hearts and minds of Aldershot residents.

What the city and Alinea can do, however, is to create the infrastructure, the physical space and the advantageous competitive environment where a grocery might thrive.

Businesses thrive when the local population is large enough to support them, when density brings people into close proximity with them, when transit infrastructure is in place to serve them and lastly when there is little or no nearby competition. The single weakness we see in this proposal is the placement of the Retail Area on the east end of the space.

The area designated for Retail/Mixed use on the east end of the plan is only 800 meters from Fortino's Aldershot Store and 1600 meters from Longo's Plaza. This proximity to other grocery outlets will

discourage potential grocers from considering the site. The area is also fronts on King Road, a very low-density employment area, with no plans for residential buildings in future. It is not on any transit route, reinforcing the 'Driving to Shop" Paradigm the city is working so hard to reduce.

If Alinea would consider moving that eastern end Retail Area to the west, by Aldershot GO, a world of possibilities opens up for a grocery chain to consider. The retail area would now be in the heart of the MTSA, a growth area supported by both municipal and provincial governments as an area of high intensification. It has currently some 9,000 residential units under planning consideration at various stages and close to 3,000 residential units already built, all of which are geographically west of Aldershot GO Station and within reasonable walking and active transportation distance. It would put the retail space right at the confluence of four public transit services, Burlington Transit, Hamilton Street Rail, GO Bus and Go Train. It would move the designated retail space to more than double the distance from existing major Grocery outlets than the current suggested location providing the potential competitive advantage a grocery chain might seek.

It is certainly not PA's intention to pour cold water on this proposal, indeed we wholeheartedly support the concept in principle, as a much needed social and commercial infrastructure undertaking for Aldershot.

The committee should be aware that suitable real estate for any larger retail use is almost exhausted in Aldershot, consumed by the very residential construction that makes a grocery outlet, not just a resident's wish but almost an essential service. It also provides the level of population that would support a grocery store and make it a viable proposition for major chains. This may be the last site west of Maple Avenue capable of achieving that, capable of accommodating the liveable, walkable, transit-oriented community of planner's dreams. We fear that missing this opportunity now may mean missing it forever.

On behalf of Partnering Aldershot, the residents of the west and its thriving business community, I urge Burlington Economic Development Corporation, The Alinea Group, this Committee of the Whole and City Council when it receives this proposal, to consider reconfiguring the proposed physical features of this plan by moving the area currently designated retail to the west, adjacent to the GO Station, into he MTSA.

In closing, it would be remiss of me not to highlight the concerns of all Partnering Aldershot members surrounding housing affordability and attainability. While this proposal is a very high-level concept, when the time comes for council to consider implementation and the details of the residential component, we trust that consideration will be given to this affordability and attainability crisis.

Other than that, PA is in, let's get it done. How can PA help get stakeholders involved and engaged?

Thank you for your time and attention today.
Jim Young, Chair,
Partnering Aldershot.

Appendices: Partnering Aldershot Members
Current and Recent PA Activities
Extracts from City Planning, Ward 1 Planning Applications List

Partnering Aldershot Comprises:

Aldershot Community Honour Roll, Aldershot Lions Club, Aldershot Village BIA, Burlington Foodbank, Burlington for Accessible Sustainable Transit, Burlington Public Library, Burlington Repair Café, Compass Point Bible Church, Compassion Society of Halton, East Plains United Church, Glenview Public School, Halton Catholic District School Board, Halton District School Board, Halton Learning Foundation, Halton Region Public Health, Holy Rosary Church, King's Road Public School, Knights of Columbus, LaSalle Park Retirement Community, Lighthouse for Grieving Children, Local-News.ca, Maplehurst School, Next-door Social Space, Our Community Cares, Our Kids Network, Partnering Aldershot Press, Partnering Aldershot Seniors Committee, Restorations Canada, ROCK: (Reach Out Centre for Kids), Society of St. Vincent de Paul, St. Matthew's Anglican Church, Warwick Surrey Community Association, YMCA of Hamilton/Burlington/Brantford, Ward 1 City and Regional Councilor.

36 Members at March 1 2024

(ABIA has Some 250 shops, restaurants, commercial and retail businesses)

Recent and Ongoing PA Initiatives.

Partnering Aldershot and Burlington Transit Rt4 review
Festivals and Events Burlington Food Truck fest.
PA / St Mathews Anglican Food drive 2020 to 2024
Dental Offices registering seniors for new federal dental plan.
Parks and Rec on Tyandaga Golf Course.
PfLAG Halton, PrideFest 24.
ABIA Promoting local businesses.
Aldershot Seniors and Parks and Rec Adult Programming.
Aldershot Seniors ongoing Outreach Effort.

Culled from City Ward 1 Planning Application List

Total under planning consideration close to 9,000.
Plus approx. 3000 already built close to MTSA

Masonry Court 1,139 residential units.
Gallagher Rd. 130

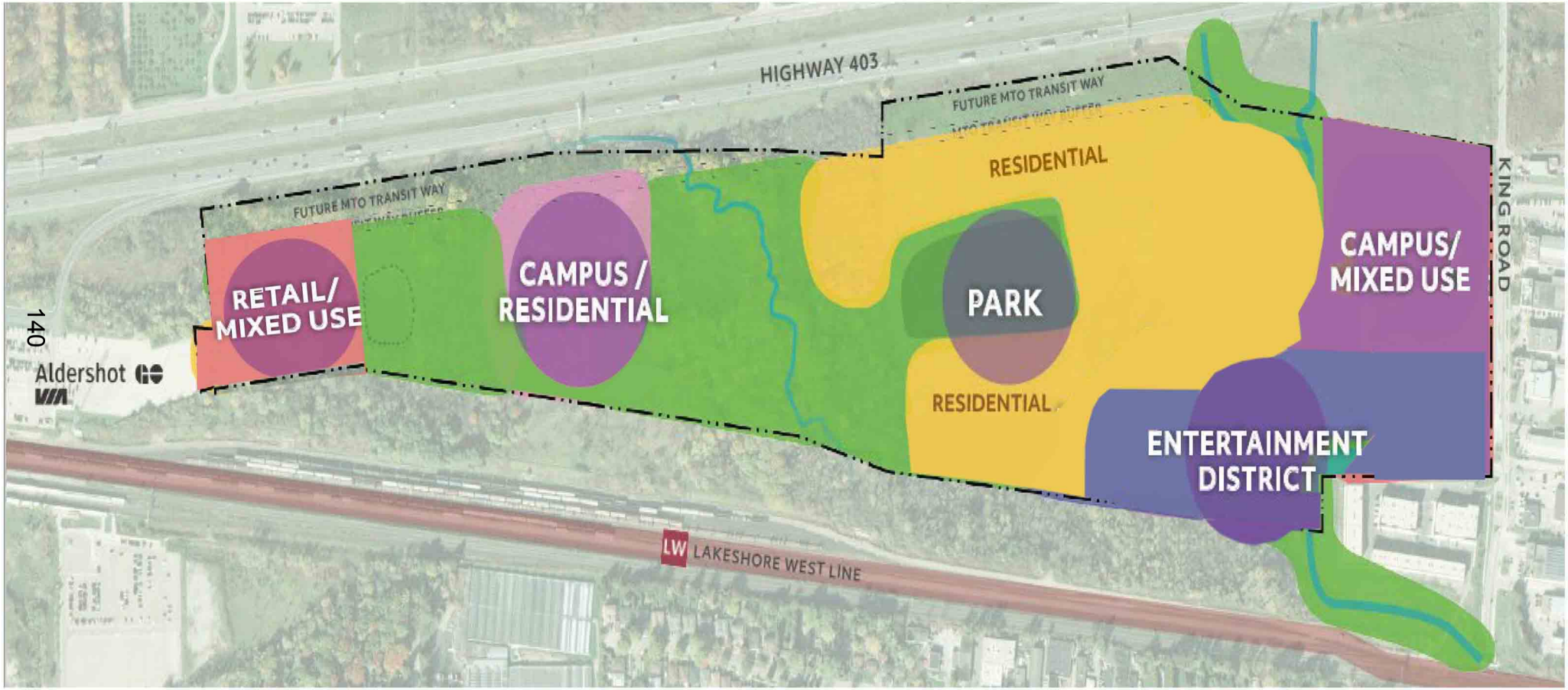
Downsview 600

1026 Cooke 335

1062-1074 Cooke Blvd. 809

Eagle heights 924
40-70 Plains Rd. E. 389 units.
134-1167 Plains Rd. E. 1,049 units,
141 -153Plains Rd. W. 131 units
484-292 Plains Rd. East 117 units
292 Plains Rd E. 386 units

Plains Rd. E 72
92 Clearview Ave., 1082, 1086 & 1090 units.
St. Matthews Ave. 164 residential
53 Plains Rd E. 49
53-71 Plains Rd E and 1025 Cooke Blvd. No Details on web site
1029 & 1033 Waterdown Rd. 295 unit
1020 Emery Ave Number of Units 678.


HIGHWAY 403
FUTURE MTO TRANSIT WAY
FUTURE MTO TRANSIT WAY
RETAIL/
MIXED USE
CAMPUS /
RESIDENTIAL
RESIDENTIAL
PARK
RESIDENTIAL
CAMPUS/
MIXED USE
ENTERTAINMENT
DISTRICT
KING ROAD
Aldershot
VIA
LW LAKESHORE WEST LINE

COW, March 4, 2024
RCC-04-24
Delegate presentation from Bob Derham representing
Tyandaga Men's Senior League and Tuesday Women's League

Tyandaga Golf Course

The Case For Remaining an 18 Hole course

Who We Represent

- 75 members of the Tyandaga Senior Men's Golf League
- 39 members of the Tyandaga Ladies Tuesday Golf League
- Members of these Leagues played over 3,000 rounds last season
- We play golf for recreation, exercise and social interaction
- Golf is a sport we can play as we get older
- These leagues have been ongoing since 1993

18 Hole Golf Courses are Needed

- Golf has enjoyed a resurgence in popularity
- The increase in new courses has not kept pace with demand
- Other local courses are being threatened by development
- Difficult to get tee times on local courses especially at peak times
- Increasing population will add demand for more tee times

Major Safety Issues Addressed

- Major safety issues addressed by the changes to holes 14 and 18
- Remaining safety issues are minor and can be mitigated
- Very few complaints from adjacent property owners

Reasons to Keep 18 Holes

- Unique course built around natural contours, mature trees
- Short but challenging course ideal for the average golfer
- Located in the City, easy for local residents to access
- Strong support for 18-holes in all the information sessions
- A 9-hole course limits playing opportunities
- Very little support to play at Tyandaga if converted to 9 holes
- Local driving ranges exist, no need for another
- There are many local parks and green spaces for other activities (LaSalle Park, Royal Botanical Gardens, Spencer Smith Park, Hidden Valley Park, City View Park, Kern Cliff Park, Kerns Park for example)
- Financial considerations

Financial Considerations

- Current 18-hole course's income pays its operating costs
- Golf course income can be increased through improvements
    1. Install cart paths
    2. Improve irrigation and drainage
    3. Level tee boxes
- Moving to 9 holes will have a negative impact on income
- Differential rates for residents and non-residents

Conclusions

- Tyandaga Golf Course is a valuable asset for Burlington
- Major safety concerns have been addressed or can be addressed
- There is plenty of demand for courses like Tyandaga
- The public is overwhelmingly in favour of the 18-hole course
- Converting to 9 holes would result in many golfers going to alternate 18-hole courses
- Investing capital into the course results in higher income
- Financially, changing to a 9-hole course will negatively impact income
- Alternative uses can be addressed elsewhere

Our Strong Recommendation

- Keep Tyandaga Golf Course as an 18-hole course that can be enjoyed by everyone of all ages as per the staff recommendation
- Consider making improvements (cart paths, drainage, irrigation, leveling tee boxes) over the next few years

Committee of the Whole

1120 Cooke Boulevard, City of Burlington

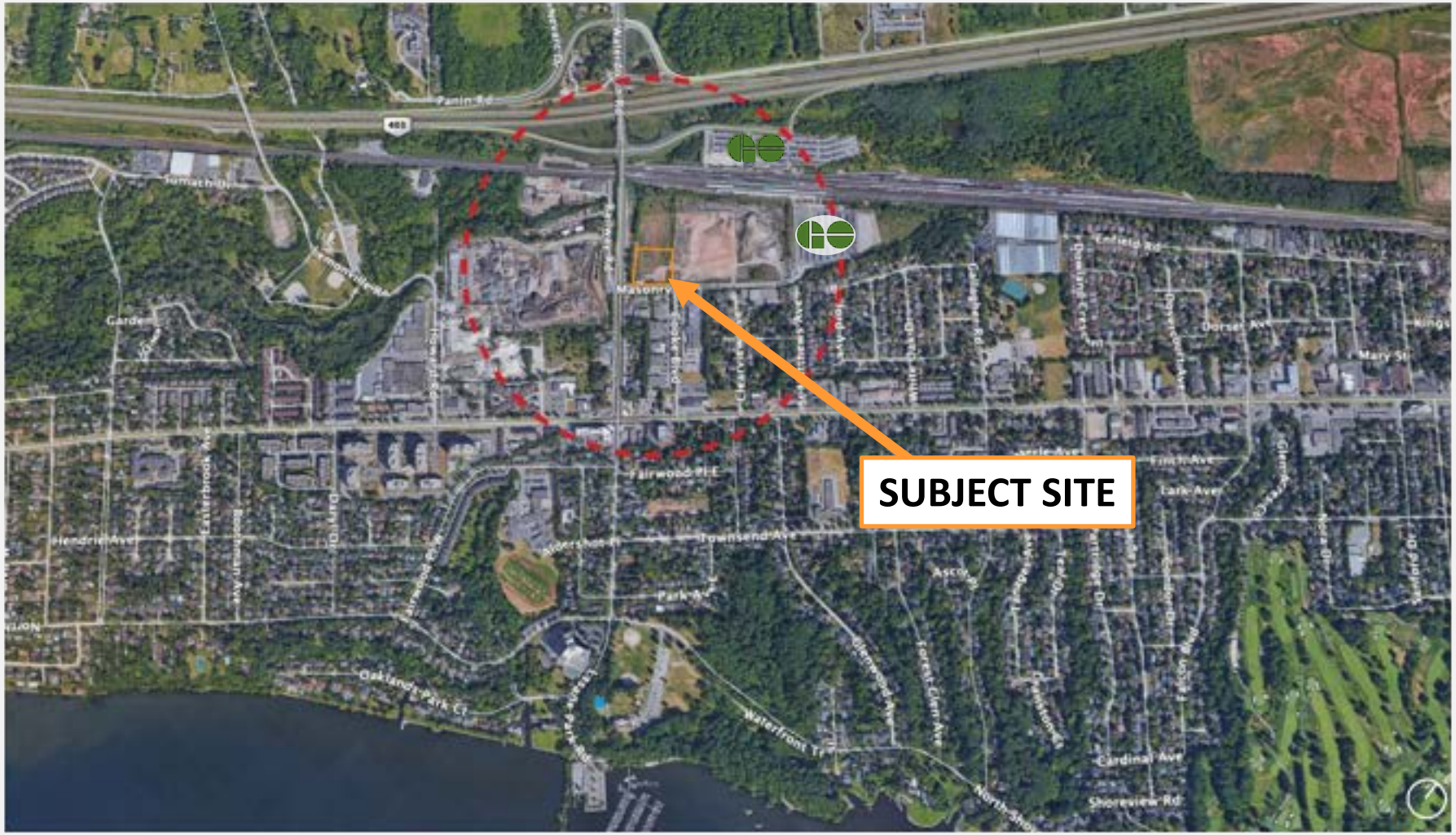
Applications for Official Plan Amendment & Zoning By-law Amendment

Files: 505-01/22 & 520-1/22

March 4, 2024

WND ASSOCIATES
PLANNING AND URBAN DESIGN

Site Context



500m RADIUS SUBJECT SITE

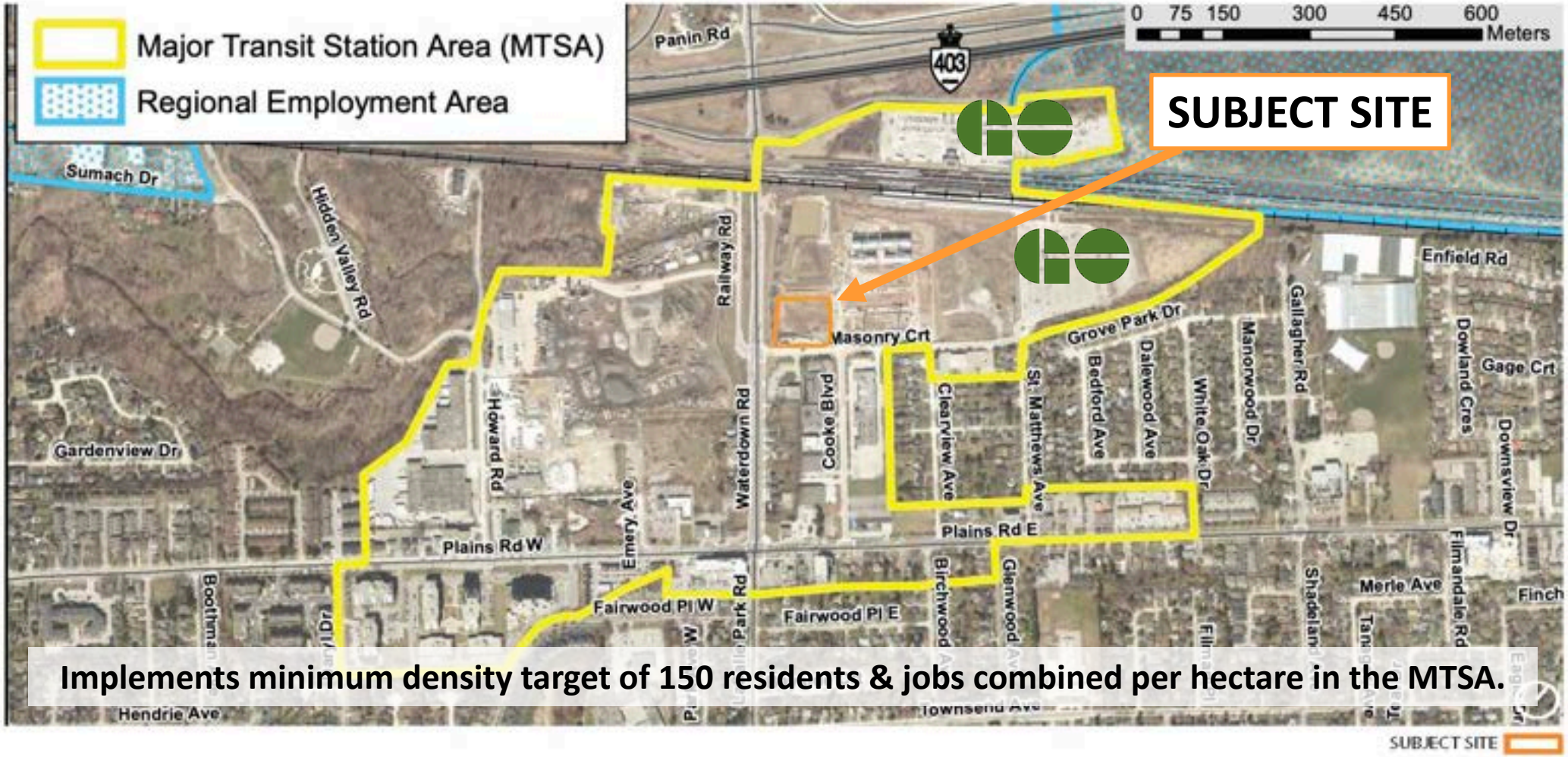
Oblique Aerial Photo (looking north)

Oblique Aerial Photo (looking south)

Height & Development Context

PLAINS BUS LINE 1
CENTRAL BUS LINE 4
NORTH SERVICE ALDERSHOT LINE 87
SUBJECT SITE
STOREYS
APPROVED BUILDING
PROPOSED BUILDING
EXISTING BUILDING

Halton ROPA 48: Map 6d- Aldershot GO MTSA

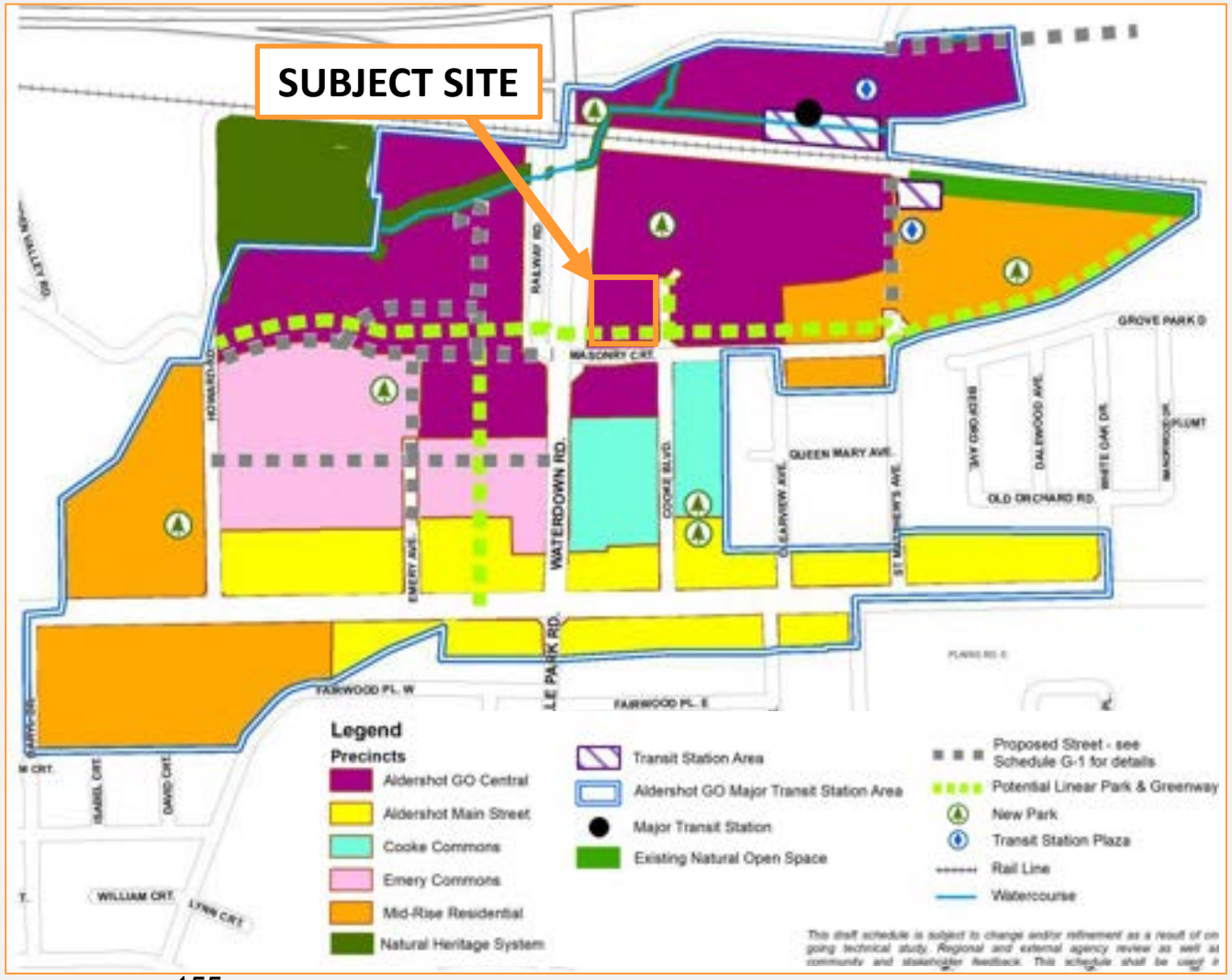


Draft Schedule G Land Use - Aldershot GO MTSA (October 2023)

MTSA is planned to achieve a minimum density of 150 people and jobs per hectare.

Located within **Aldershot GO Central** precinct, a focus area for the MTSA's highest densities and tallest buildings.

Proposed building heights up to 30 storeys.



Site Plan Context

Ground Level Plan

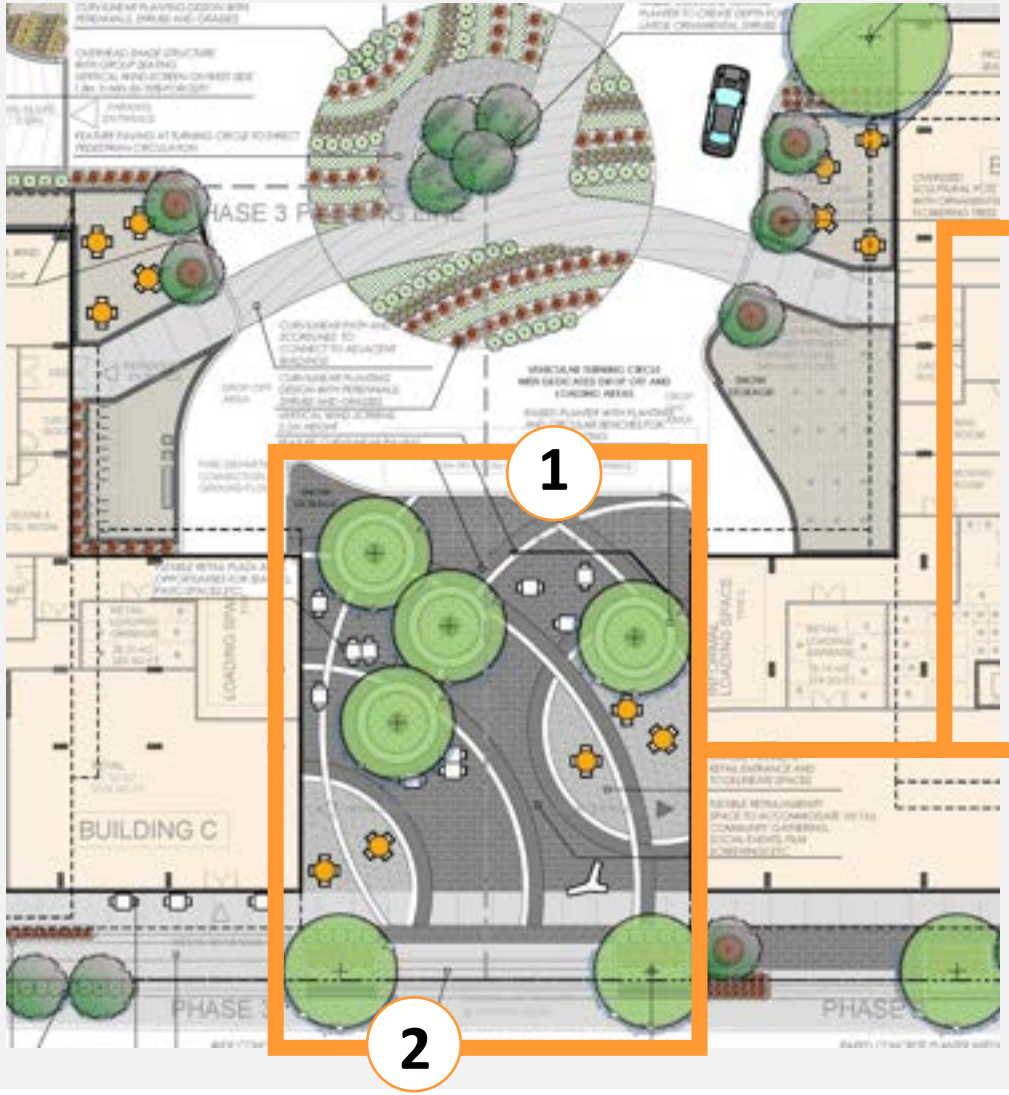
Ground Level Plan – Vehicle Access

Vehicle ingress/egress

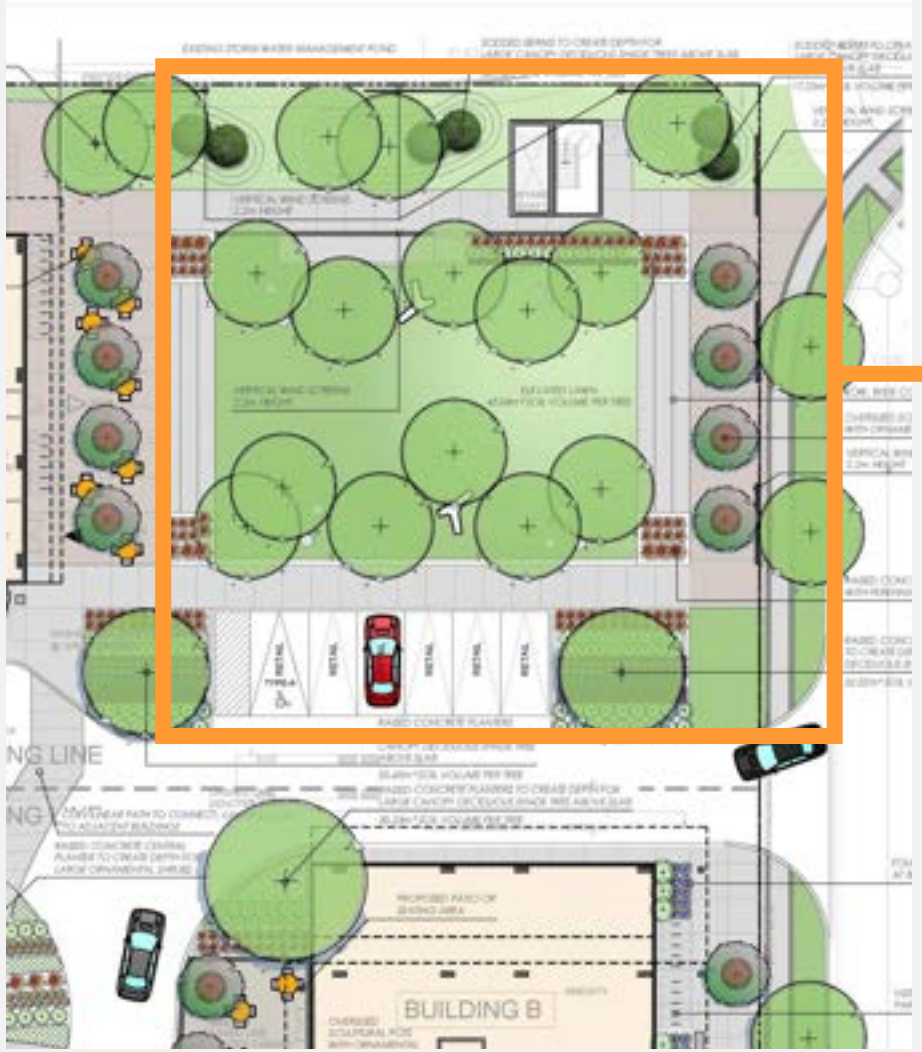
Ground Level Plan – Pedestrian Connectivity

Key Pedestrian Connections

Renderings – Retail Plaza

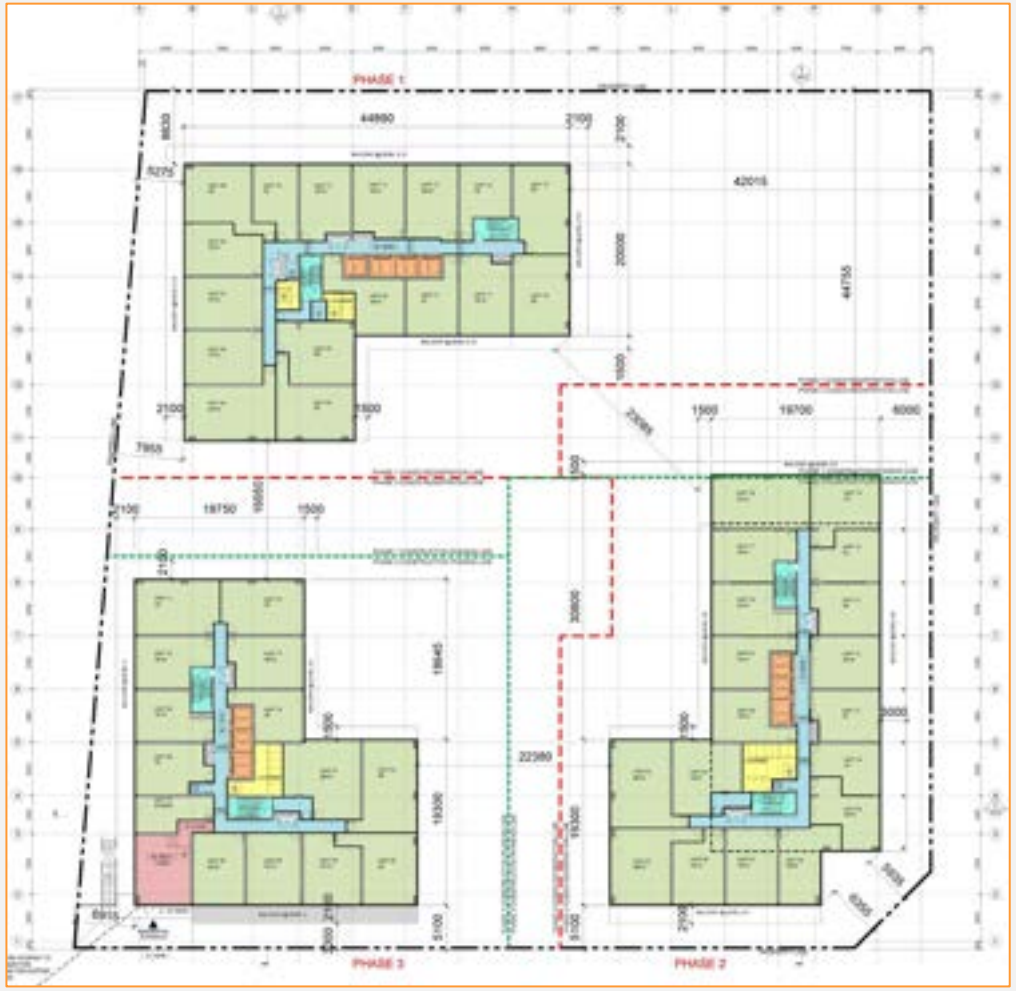


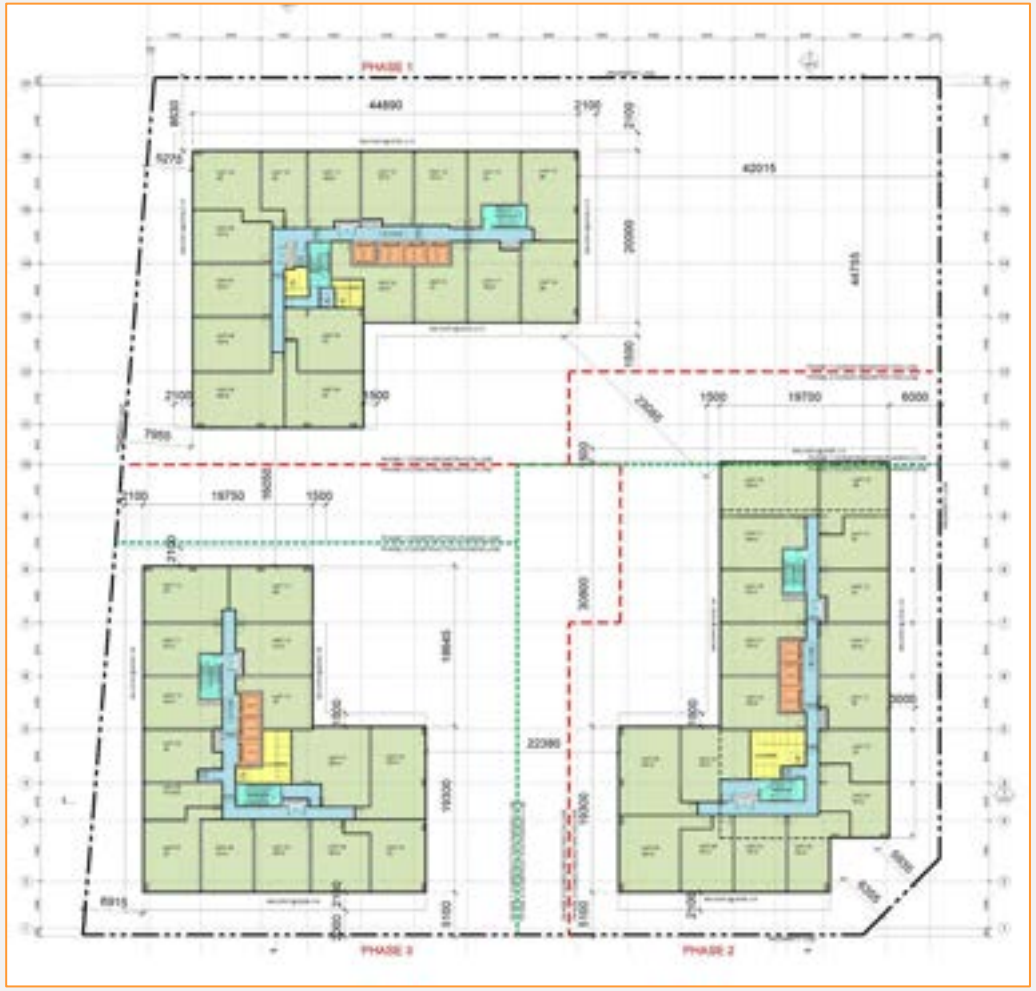
Renderings – Open Space & Public Park Connection



Cooke Blvd. Streetscape & Open Space Connection to Public Park (looking southwest from Cooke Blvd.

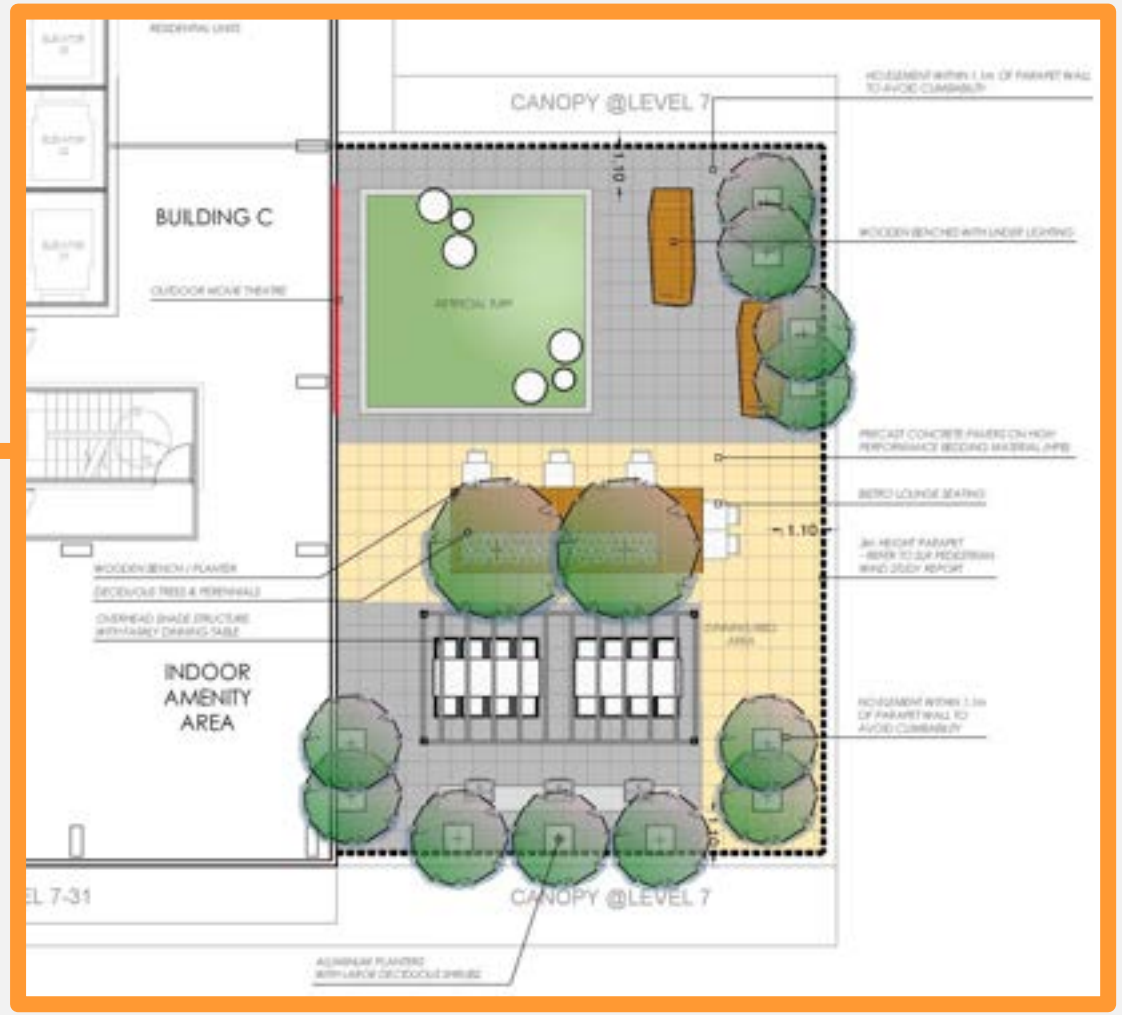
Level 2 (left) & Level 3 (right) Plans



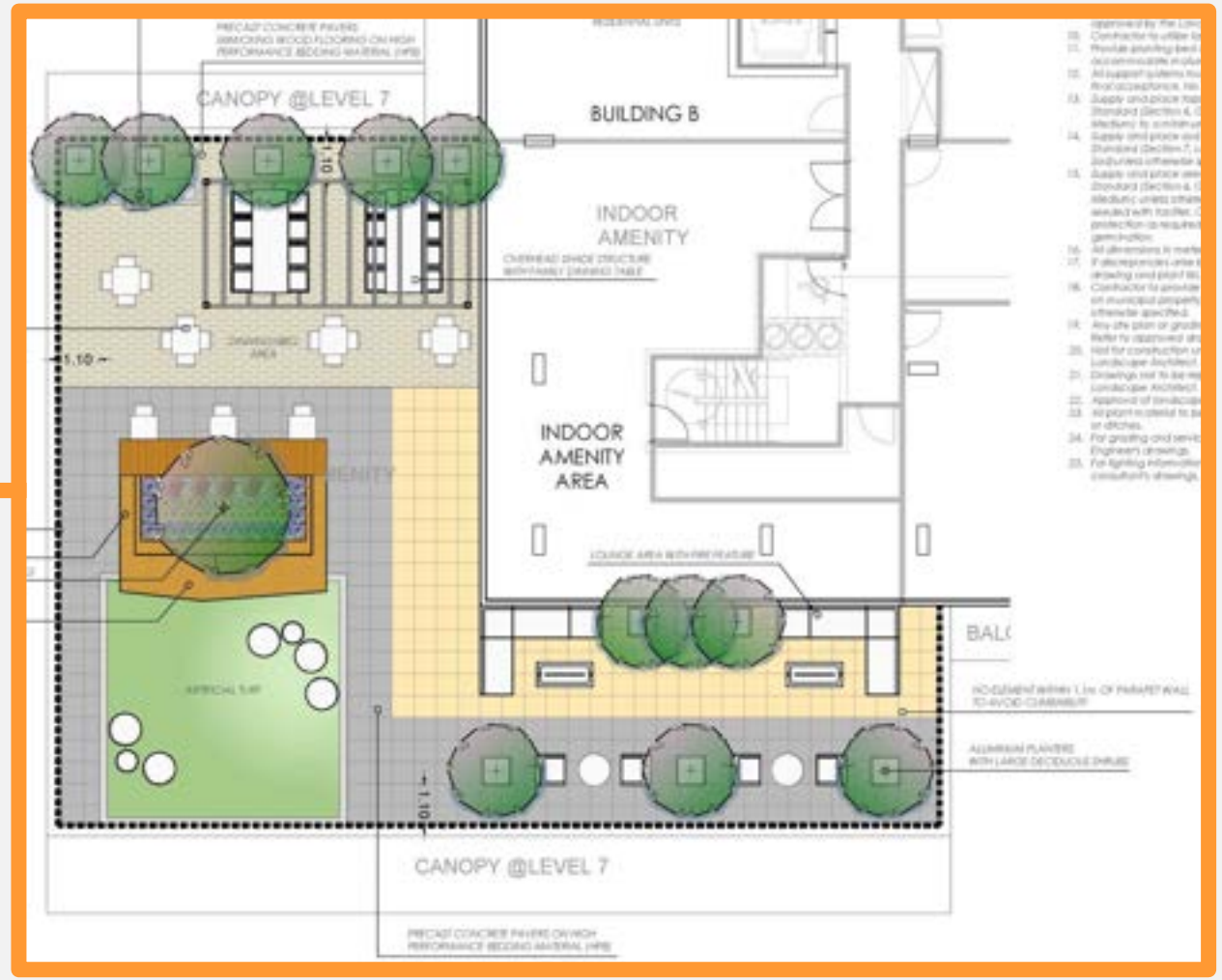


Level 4-6 (left) & Level 7 (right) Floor Plans

Building C - Level 7 Outdoor Amenity

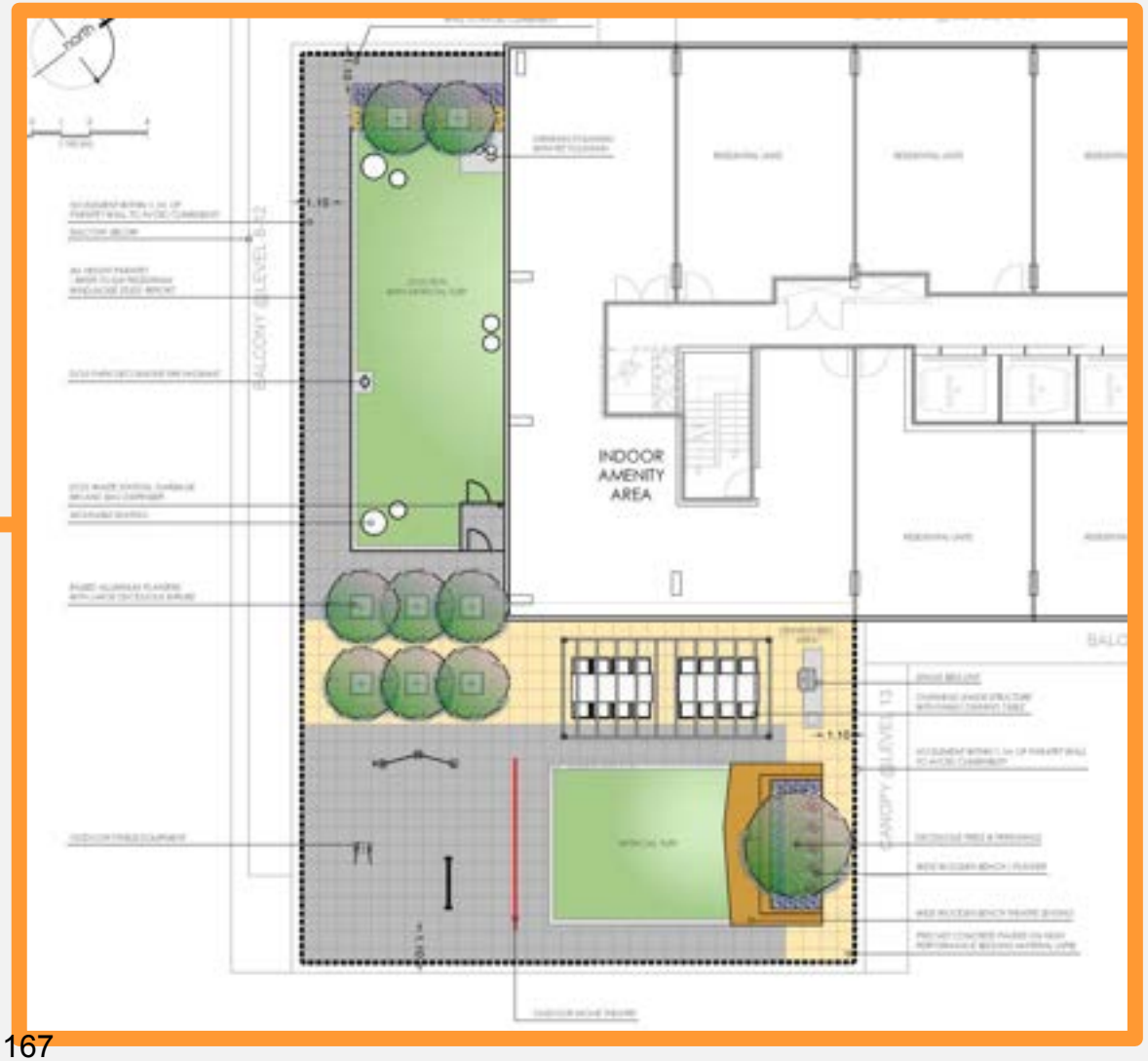


Building B - Level 7 Outdoor Amenity

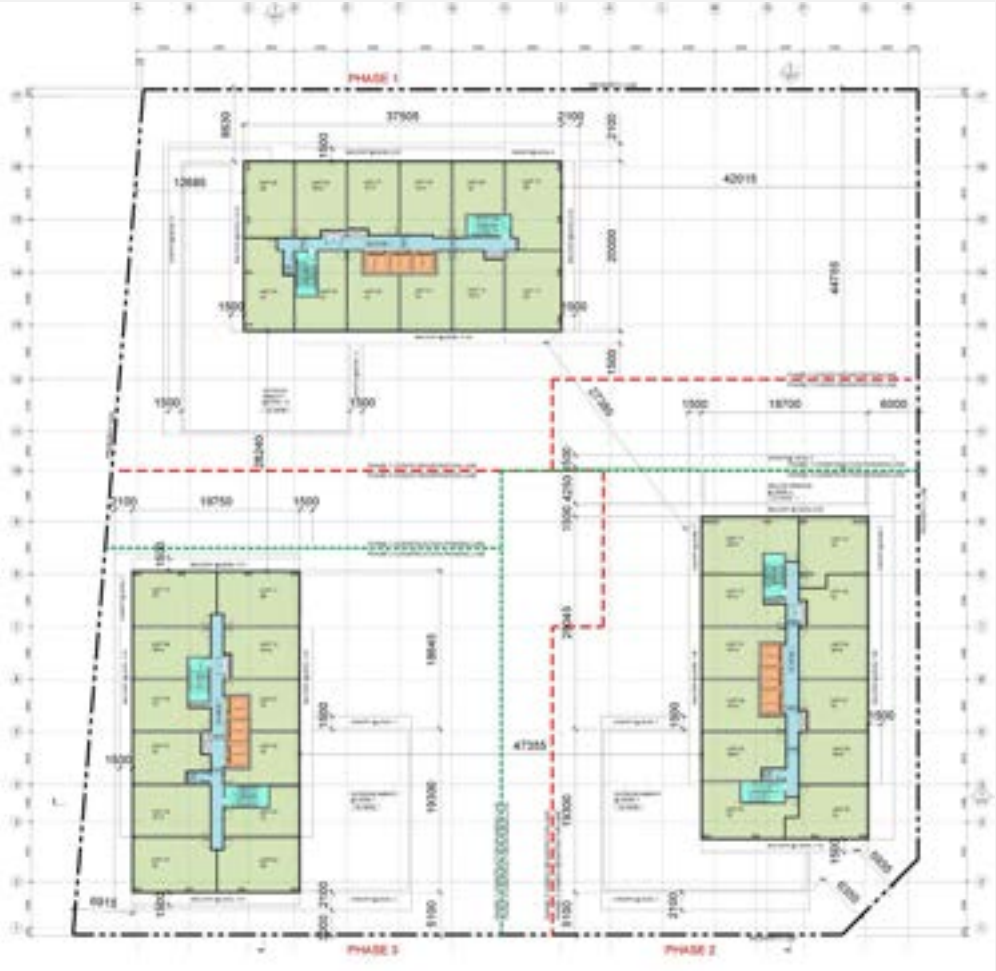


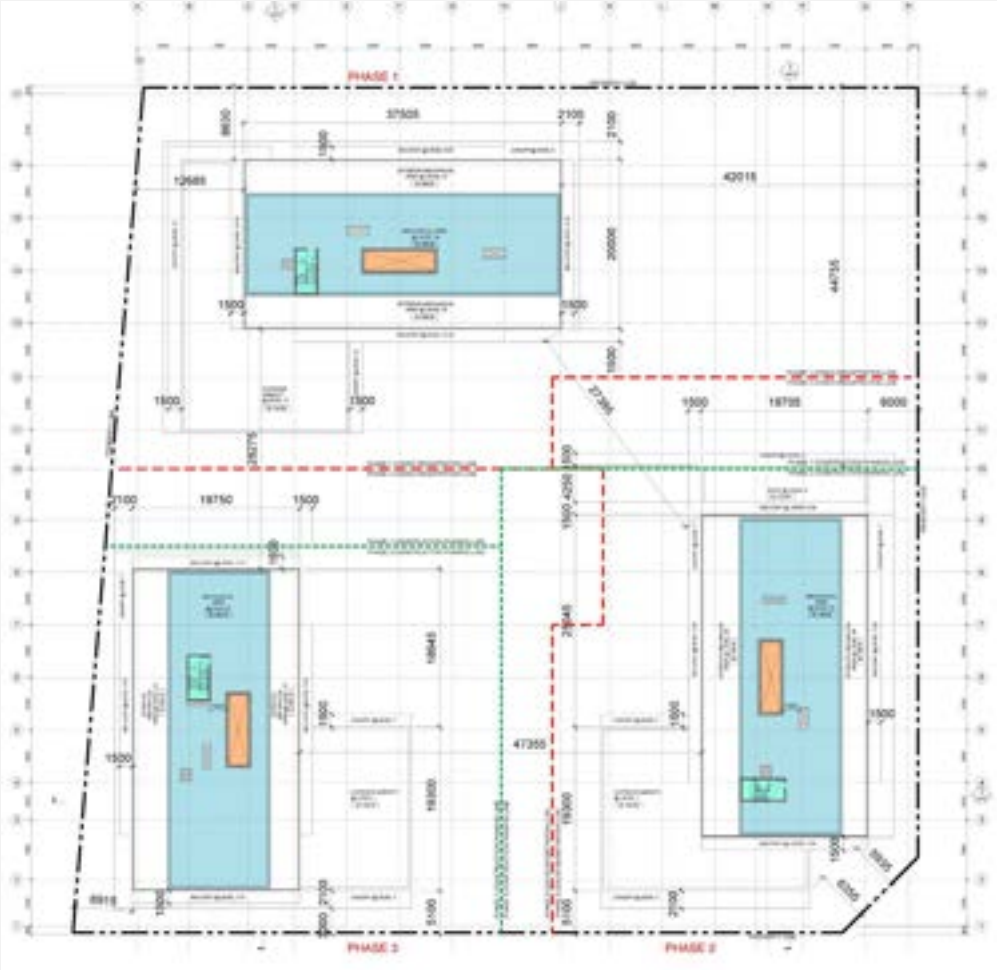
Level 8-12 (left) & Level 13 (right) Floor Plans

Building A - Level 13 Outdoor Amenity



Typical Tower Floor Plan (left) & Mechanical Penthouse (right)





Elevations – South (left) & East (right)

Elevations – North (left) & West (right)

Project Statistics

Site Area	9,534.66 m^2
Floor Area Ratio	9.0:1
Residential Gross Floor Area	72,638.96 m^2
Non-Residential Gross Floor Area	494.98
Total GFA	73,133.94
Coverage	
Building Heights	
Building A (northwest)	33 storeys (m)
Building B (southeast)	29 storeys (m)
Building C (southwest)	31 storeys (m)
Dwelling Units	1,165
Studio/Bachelor	6 (0.5%)
One-Bedroom	771 (66.2%)
Two-Bedroom	388 (33.3%)

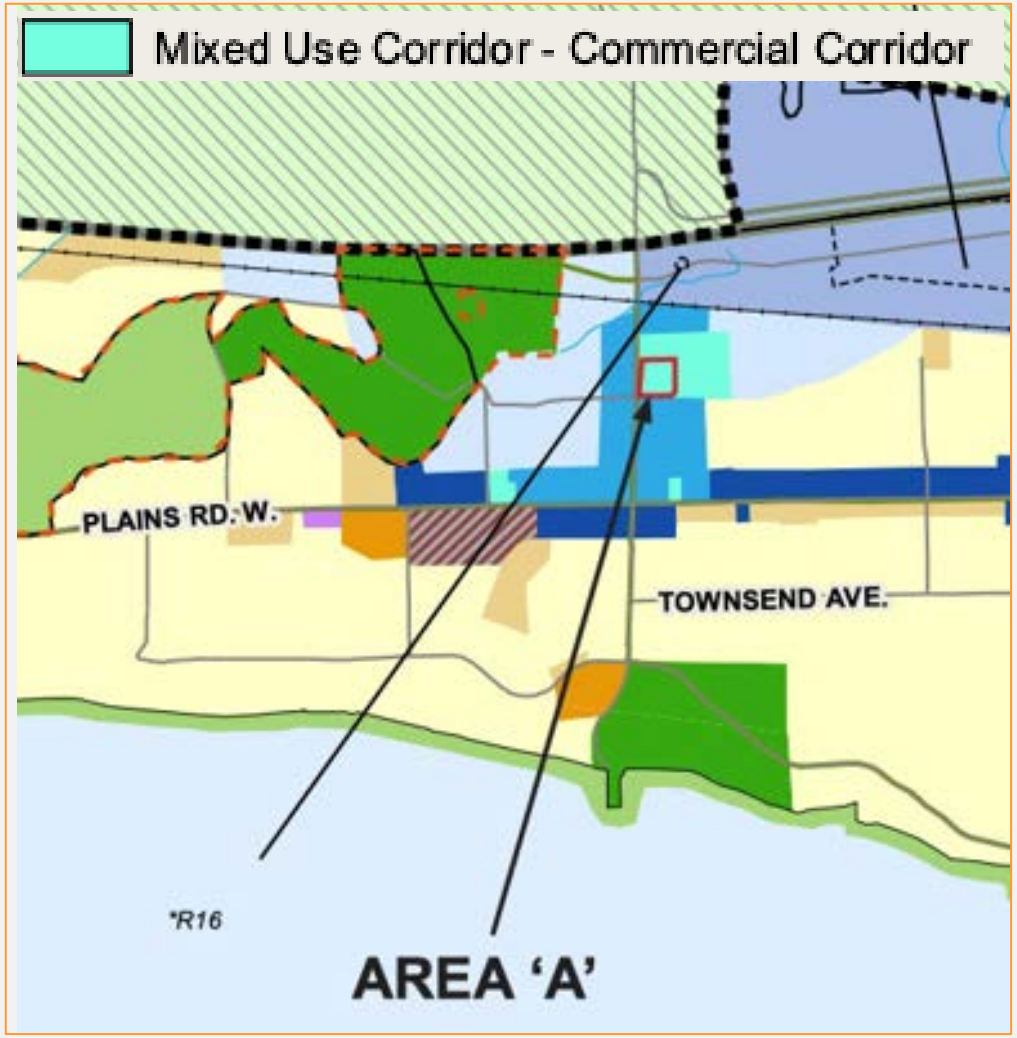
Amenity	18,169 m^2 (15.60 m^2/unit)
Indoor	1,309 m^2
Outdoor	1,292 m^2
Balconies	13,877 m^2
Plaza/Open Space	1,691 m^2
Parking – Total	1,137
Residential/Visitor (underground)	1,131 (31 barrier-free)
Commercial (at-grade)	6 (1 barrier-free)
Bicycle Parking – Total	676
Residential Long-Term	596
Residential Short-Term	62
Visitor Long-Term	9
Visitor Short-Term	9

Draft Amendment to Burlington Official Plan

To permit a mixed-use development consisting of three residential towers with:

- **Maximum heights of 30, 32 & 34 storeys** (plus mechanical penthouse)
- **Maximum Floor Area Ratio of 9.1:1**
- **1,165 dwelling units**
- **6 levels of underground parking**
- **475 m^2 of ground-related non-residential space**

Site-specific policies to address potential adverse effects related to noise and air emissions, and land use compatibility.



Proposed Zoning Changes

	Current MXC-26 Zoning Regulations	Proposed MXC-531 Zoning Regulations
Max. FAR	1.5:1	9.1:1
Max. Building Height **Building A** **Building B** **Building C**	6 storeys	 34 storeys (112 m) 30 storeys (100 m) 32 storeys (106 m)
Max. Dwelling Units	No maximum	1,165
Min. Non-Residential Floor Area	None required	475 m^2
Landscape Area abutting a street	3 m	None required
Amenity Area	28,690 m^2	15 m^2/unit (17,457 m^2)
Min. Yards	3 m (from all streets)	Building A: 4.5 m from Waterdown Road Building B: 5 m from Cooke Blvd & Masonry Crt Building C: 5 m from Masonry Crt & 3 m from Waterdown Rd
Min. Underground Setbacks	3 m	0.9 m
Min. Residential Parking	1457 total spaces	0.89 resident spaces/unit & 0.08 visitor spaces/unit (1130 total)
Minimum Bicycle Parking	3 spaces	0.5 long-term spaces/unit & 0.05 short-term spaces/unit (641 total)

Renderings

Masonry Court Streetscape (looking east)

Proposed Development (looking northeast)

Renderings – Ground Level View (looking southwest)

Cooke Blvd. Streetscape & Open Space Connection to Public Park (looking southwest from Cooke Blvd.

1120 Cooke Boulevard

THANK YOU

WND Associates Ltd.
90 Eglinton Avenue East, Suite 970
Toronto, ON
M4P 2Y3

Contacts:

Andrew Ferancik, Principal
aferancik@wndplan.com

Mike Bennett, Senior Planner
mbennett@wndplan.com

Burlington Green

Together we make a difference

Community Services Proposal

March 4, 2024

COW, March 4, 2024
EICS-01-24
Delegate presentation from Amy Schnurr representing
BurlingtonGreen Environmental Association

OUR MISSION

Through awareness, advocacy and action we work with the Burlington community to protect and care for the environment for all life, now and for the future.

OUR JOURNEY

OUR IMPACT

Burlington Green
Environmental Association
2023
IMPACT HIGHLIGHTS

74,600
Trees & Plants
182
Issues Championed
14 Tonnes
E-Waste Collected
97
Stewardship Projects
134,000+
Clean Up Participants

OUR CONTRIBUTIONS

- Leveraged in excess of $1.7 million in grant funding
- Advancement of City's Vision 2040 strategic Directions
  - A City that Grows
  - A City that Moves
  - A Healthy and Greener City
  - An Engaging City
- Essential all-sector programming including for youth and vulnerable community
- City-wide inclusive, rewarding volunteer opportunities

.....to name a few.

BurlingtonGreen

STRATEGIC PLAN 2024 - 2029

Empowering Action For A Greener Tomorrow

NEW!

FUNDING CAPACITY

FAR - REACHING INVESTMENT

- Programming & Events
- Outreach & Resources
- Environmental Services
- Climate Action Demonstration Features

Advocacy - out of scope

MEASURING SUCCESS

GHG Impact

Trees Planted

Participation

Eco-Benefits

Feedback

Hub Visitors

Volunteer $

Biodiversity

E-WASTE Collected

Surveys

Engagements

Web Traffic

.....to name a few.

TOGETHER WE MAKE A DIFFERENCE

SUBJECT: 1200 King Road vision update

TO: Committee of the Whole

FROM: Burlington Economic Development

Report Number: ECDEV-02-24

Wards Affected: 1

File Numbers: 515-15

Date to Committee: March 4, 2023

Date to Council: March 19, 2024

Recommendation:

Direct the City Manager to work with the Executive Director, Burlington Economic Development to report back in Q2 2024 with an update on future investment opportunities on the 1200 King Road site in conjunction with the following:

a) Detailed public presentation on the proposed 1200 King Road land use development concept from Alinea

b) Letter of intent (LOI) between City, Landowner and Burlington Economic Development that identifies the next steps and timing for moving forward with the implementation of the 1200 King Road proposed major community facility/future investment opportunities.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth.
- Improve integrated city mobility.
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation.

Background and Discussion:

On January 16, 2024, report CS-01-24: Burlington's Plan from Vision to Focus 2022-2026 as of December 2023 was endorsed by Council and called for Burlington to design and deliver complete communities by creating all-inclusive, thriving, vibrant, healthy, connected, and safe communities. Also in January, report ECDEV-01-24: Economic Development strategy update provided an update on Burlington Economic Development's 2023-2026 Strategic Plan. Pillar 1 of the Plan focused on Land Readiness and Activation with tactics for visioning and activation around major employment areas – specifically around Major Transit Station Areas (MTSAs).

In support of the above plans, Burlington Economic Development (Burlington EcDev) and Penta Properties (currently Alinea) signed a letter of intent (LOI) on the Proposed Collaboration in the Creation of Proposals for the Development of 1200 King Road and other Lands dated May 18, 2022 to create an economic vision for the 1200 King Road site. Based on the LOI, Burlington EcDev worked closely with Alinea to jointly agree on the scope of the economic vision for the 1200 King Road Site and develop high level complete future development concepts. The economic vision was endorsed in principle by Burlington EcDev's Board of Directors.

Burlington EcDev has also worked together with the Burlington Lands Partnership (BLP) and Alinea to examine and develop potential future public private partnership investment opportunities and options for the 1200 King Road site. Inclusive within the opportunities considered and to be presented at March 4th COW is a preliminary vision for a major investment in a future West Burlington major recreation and culture facility.

The preliminary public-private-partnership investment opportunities are detailed in Appendix A: Presentation Deck for ECDEV-02-24: 1200 King Road Vision Update.

The presentation at the March 4th COW meeting is a preliminary step and staff recommend further reporting back in Q2 2024 with an update on future investment opportunities on the 1200 King Road site in conjunction with the following:

a) Detailed public presentation on the proposed 1200 King Road land use development concept from Alinea

b) Letter of intent (LOI) between City, Landowner and Burlington Economic Development that identifies the next steps and timing for moving forward with the implementation of the 1200 King Road proposed major community facility/future investment opportunities.

Financial Matters:

Total Financial Impact

The public-private partnership investment options are preliminary in nature and costs have not yet been determined. Depending on the structure of the public-private partnership for community investment, municipal capital facility agreements, land acquisition and development agreements, and community investment tax increment agreements and by-laws may be explored. As outlined in the presentation, detailed financial and other due diligence is a critical element for moving forward as is ongoing reporting to Council and engagement with the community.

Source of Funding

The work by EcDev and BLP Staff will be completed within EcDev's and BLP's approved 2024 and future operating budgets. Alinea has utilized and paid for consultants directly to develop the emerging land use concept plan and host outreach activities.

Other Resource Impacts

As is the case with most large development applications, city staff are involved from many departments, including Community Planning, Legal, and Engineering.

Climate Implications

Preliminary discussions have involved a sustainable form of development that considers climate mitigation and climate adaptation on the 1200 King Road Site. Development of the areas around the Aldershot GO Station is expected to increase public transit usage by employees and residents of the area and thereby reduce fossil fuel usage and greenhouse gas emissions.

Engagement Matters:

Key Council updates relevant to the development of the 1200 King Road Vision Update include:

- On February 16, 2021, report CM-01-21: Implementation of Burlington lands partnership called for the creation of a new organizational structure called the Burlington Lands Partnership (BLP) to focus on strategic lands related to the following priorities:

    - Economic Development
    - City Building
    - Attainable Housing
- On December 9, 2021, report CM-27-21: Delegation on Hamilton 2030 Commonwealth Games Bid included direction to investigate private/public partnership opportunities, including but not limited to lands associated with 1200 King Road, to achieve the City of Burlington strategic plan.
- On the May 5, 2022, report CM-04-22: Status Update – Proposed City of Burlington Interest in Hamilton 2030 Commonwealth Games Bid provided an updated on the challenges of the 1200 King Road site and also outlined that Burlington EcDev is working with Alinea (formerly Penta Properties) to develop an Economic Vision for the 1200 King Road site.
- On March 29 and March 30, 2023, report CM-01-23: Burlington Lands Partnership Update #3 provided an update on land partnership opportunities and included a closed session update on the 1200 King Road site.
- On November 1, 2023, confidential report CM-12-23: Burlington Lands Partnership Update #5 provided an update on the 1200 King Road site.
- On December 4, 2023, report F-26-26: Phase 2 Multi Year Community Investment Plan identified $1.1 billion needed in municipal investment by 2048, including $163 million for strategic land purchases.

Additional public engagement has included:

- Alinea has held numerous stakeholder interviews, walkshops, and signed MOUs with two publicly funded post-secondary institutions to provide input into the development of the 1200 King Road site.
- On November 4, 2022, The Burlington Chamber of Commerce hosted a Business Before Nine event to discuss how the 2030 Commonwealth Games in Ontario could impact Burlington Businesses and the emerging 1200 King Concept Plan.
- In December 2022, The Economic Vision for the 1200 King Road site was endorsed by Economic Development's Development Land Sub-Committee and Board of Directors, subject to achieving Economic Development and community goals.

There will be additional public engagement for this site in line with the planning and development process.

Conclusion:

EcDev and BLP have been working closely with Alinea to develop and advance an important relationship encompassing future strategic land acquisition and development partnerships with the largest private-sector landowner in the City. The development partnership outlined in this report is focused on an economic vision and public private partnership investment opportunities on the 1200 King Road site. Looking forward, with the support of Council, EcDev and BLP will work with Alinea to activate other sites to achieve major future community and economic benefits for Burlington.

Respectfully submitted,

Mark Steffler	Anita Cassidy
Manager, Burlington Lands Partnership	Executive Director, Burlington Economic Development
519-767-8469	905-332-9415 ext. 7258

Appendices:

A. 1200 King Road vision update powerpoint presentation

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.

ECDEV-02-24: 1200 King Road Vision Update – Appendix A

Committee of the Whole

March 4, 2023

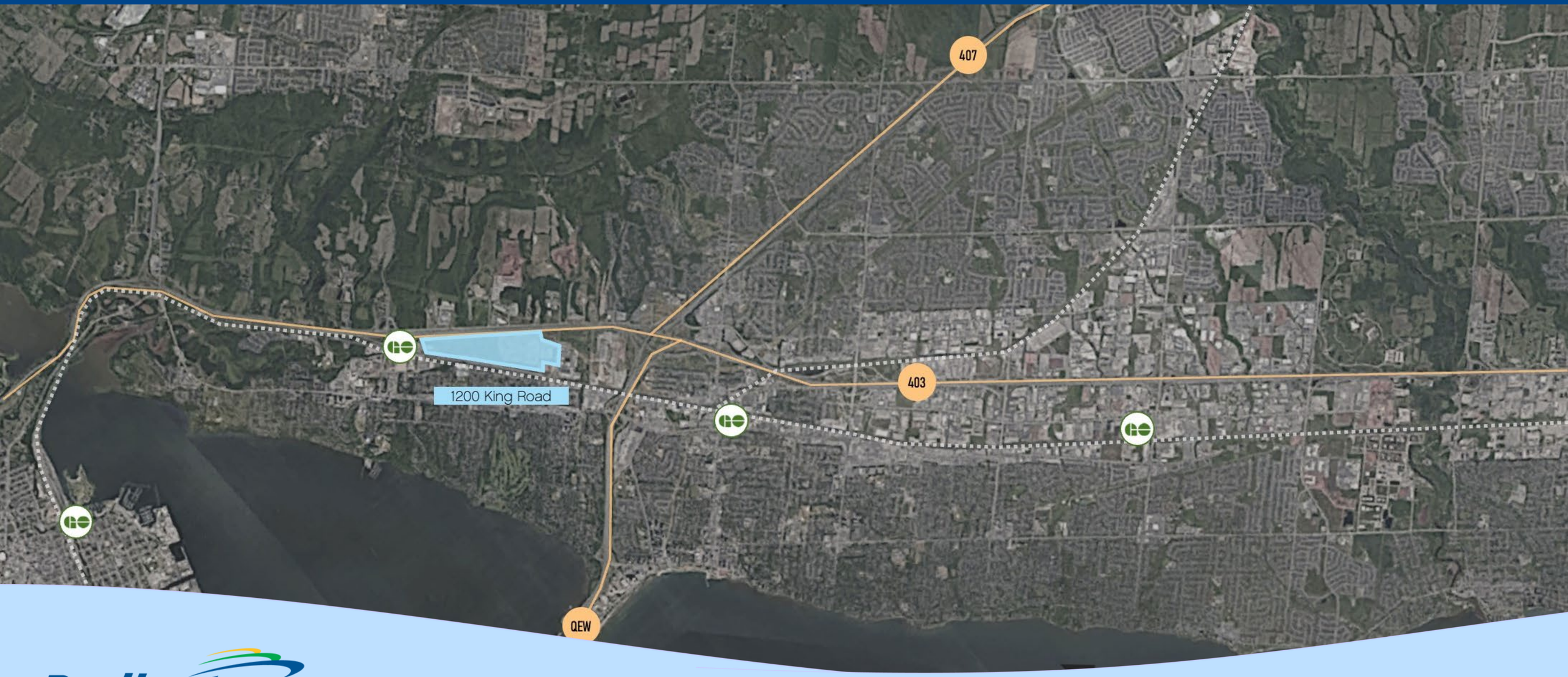
Content

1. Strategic Location and Planning Context
2. Citywide Community Building Context
3. EcDev and BLP Guiding Principles
4. Investment Opportunities
5. Enabling Agreements and Due Diligence
6. Discussion and Next Steps
7. Questions and Answers

Burlington
ECONOMIC DEVELOPMENT

1. Strategic Location and Planning Context

1200 King Road - Strategically Located in Burlington



Burlington
ECONOMIC DEVELOPMENT

1200 King Road Neighborhood Context

Burlington
ECONOMIC DEVELOPMENT

1200 King – Parallel Processes

A. Planning/Legal Process

- Applications made by Alinea predecessor currently the subject of appeals to the OLT
- Discussion between the City and Alinea regarding any potential resolution of the Alinea appeals is confidential and subject to solicitor client privilege

B. Investment Proposal Input Process (Focus of today)

- EcDev providing input on the Economic Vision and mixed-use employment into the Planning/Legal process
- Burlington Lands Partnership providing input on high-level concepts for a West Burlington major community facility investment, mixed-tenure housing and post-secondary campus as input into the Planning/Legal process

Council Position on Appeals of Applications to Permit Development

Alinea's High Level Preliminary Concept Vision for 1200 King Road

Draft concept for illustration purposes only

Burlington ECONOMIC DEVELOPMENT

2. Citywide Community Building Context

Strategic Planning Framework

Vision 2040: Strategic Plan 2015 – 2040
Multi-year Community Investment Plan

Long Term
Policy Documents

2022-2026 Vision to Focus
Red Tape Red Carpet

Official Plan
Integrated Transit Plan
Rural and Agricultural Plan
Community Energy Plan
Cultural Action Plan,
Climate Action Plan, Others

Medium Term
Policy Documents

City Manager Priority Initiatives

EcDev Strategic and Tactical Plans

City staff reports/ future budgets

Short Term
Implementation Plans

Future growth will develop complete communities around Major Transit Station Areas

- Now is the time to invest directly in our community to shape and protect our future
- Burlington will grow primarily in 3 higher density neighbourhoods called MTSAs which surround the 3 GO Station

Name	Area (ha)	Projected New Residents	Projected New Jobs
Burlington Junction	102.3	13,298 to 20,362	7,161 to 8,727
Aldershot Corners	86.1	10,328 to 24,269	2,582 to 10,401
Appleby Gateway	179.0	8,593 to 10,452	12,890 to 41,807

By 2031

Add 29,000 residential units

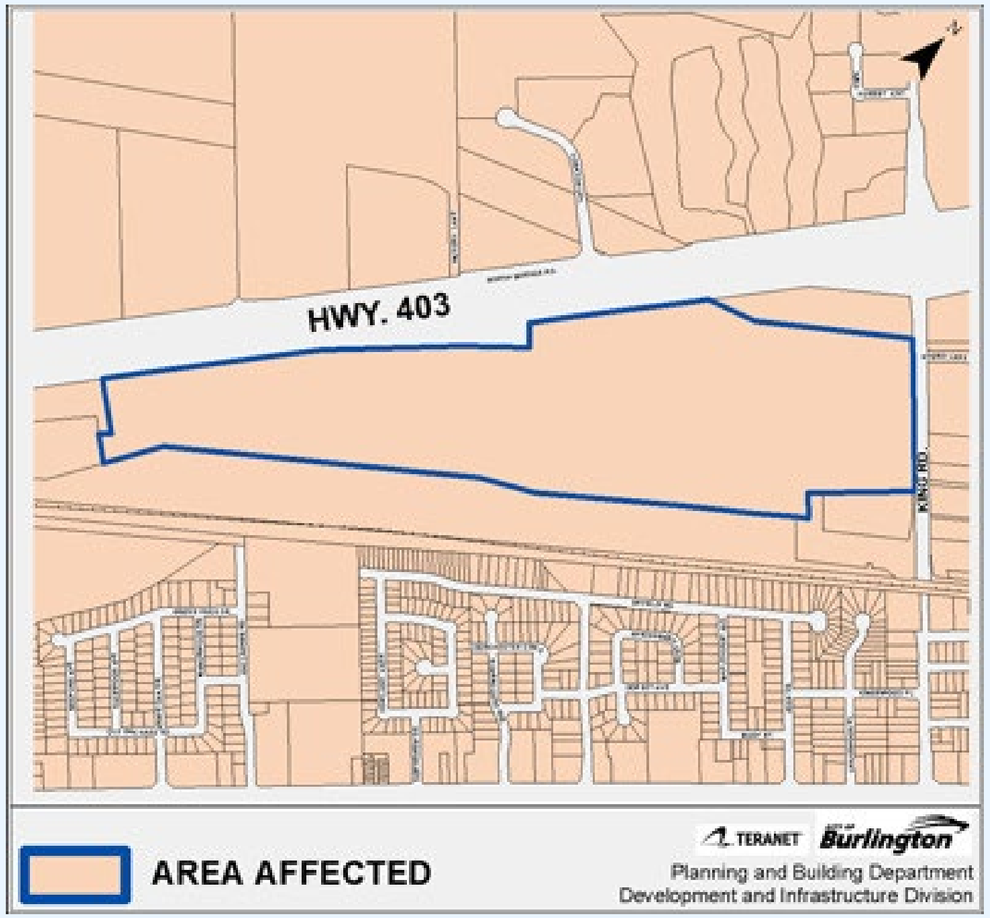
By 2051

72,500 residents and 25,000 jobs

Inventory of current development-ready employment lands

As of November 2023	Parcels	Hectares
Total Vacant	50	119.6
MTO Permit Control	40	105.0
Conservation Halton	15	56.0
Unserviced	43	112.3
Development Ready Lands	7	7.3

Potential to make a portion of a large 47 Ha mixed-use site development-ready



What Has Been Completed So Far

- **Phase 2: Multi-year Community Investment Plan (MYCIP)** which identified **$1.1 BN** needed in municipal investment by 2048 including **$163 MN for strategic land purchases**

- **Housing Pledge** and 2031 Municipal Housing Target of 29,000 new housing units

- Approval of the **Housing Strategy**

What Has Been Completed So Far

- EcDev **LOI with Alinea** to look at developing complete communities at **1200 King** and **Bronte Meadows.**

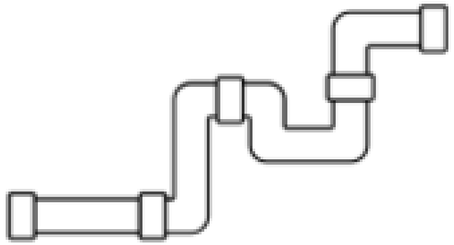
- Council support for maintaining the removal of the Employment Area overlay for Bronte Creek Meadows and 1200 King Road.

- Approval of Burlington Lands Partnership with three priority goals
  - Grow the Burlington Economy and Create Jobs
  - Increase the supply of Attainable Housing
  - Complete major “City Building” projects

3. EcDev and BLP Guiding Principles

GO Investment Corridor, Burlington Economic Development (2020)

Support the development of each MTSA into a complete community.

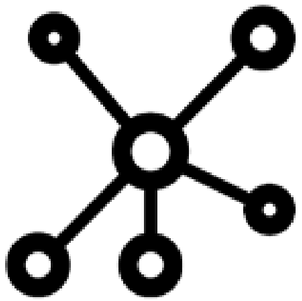


Focus on planning for future services and infrastructure.

Develop a unique identity for each MTSA

GO Investment Corridor, Burlington Economic Development (2020)

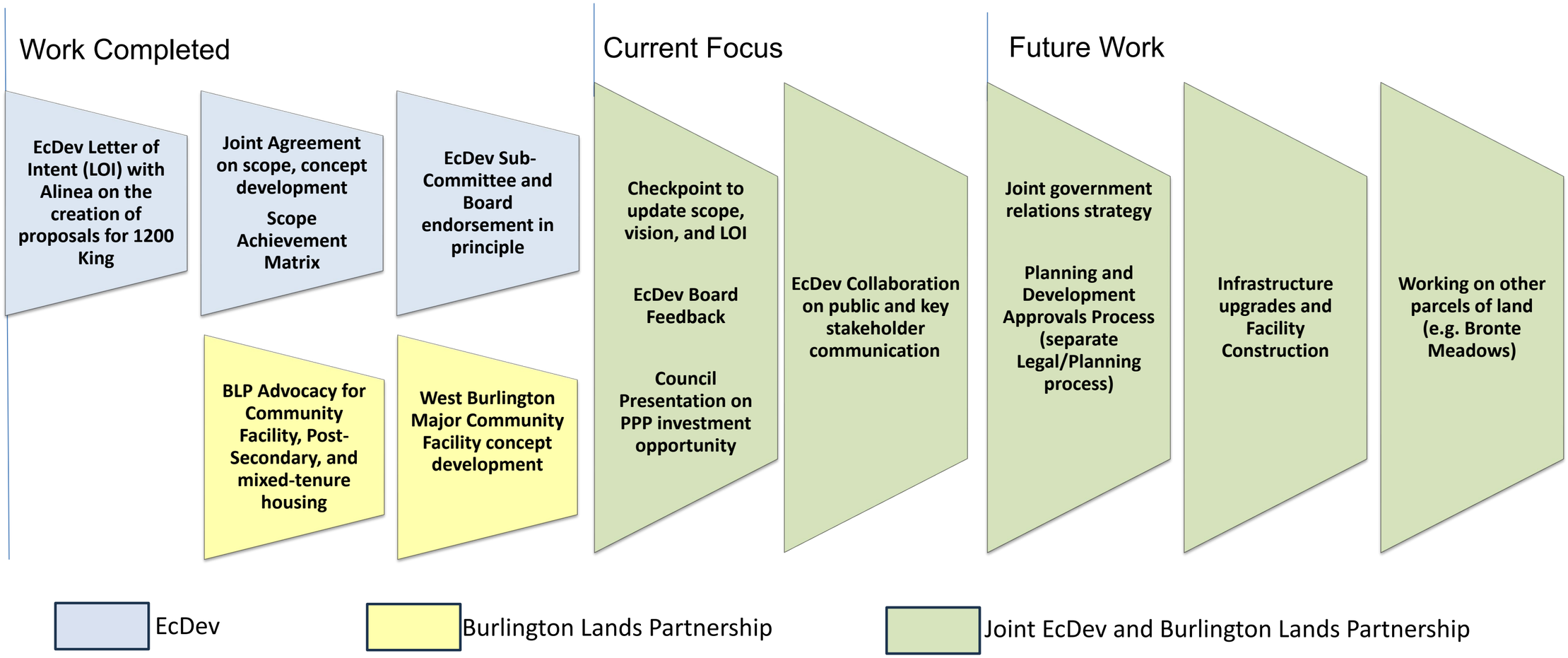
Identify key employment growth areas and market to the future workforce and industries.



Integrate the MTSAs and key employment areas into the City fabric and provide seamless transportation connectivity.

Engage key stakeholders to develop a collaborative implementation

High-Level EcDev and BLP Process Map for 1200 King Road*



**Does not include City nor OLT processes*

1200 King Economic Vision Key Components (2022)

- Development scenarios for balanced, complete communities around the Aldershot GO MTSA and an economic vision for 1200 King
- Community-oriented infrastructure for 1200 King
  - Major Community Facility
  - Trails and Paths
  - Parks
  - Post-secondary teaching space
  - Incubator/accelerator
  - South Service Road

1200 King Economic Vision Key Components (2022)

- Key Performance Indicators for 1200 King

Exceed 1,500 jobs

as a minimum for the site

Exceed ROPA 48 density target

of 150 people and jobs/ha

Net Tax Impacts

favourable to the City (e.g., result in tax surplus

Employment Lands, Knowledge-based, and Institutional jobs and business targets

  - Additional KPIs to be developed

Mixed-tenure Housing

Toronto Regent Park

Entertainment & Hospitality

Arlington Stadium District (Texas)

Mix of Built-form and Uses with appropriate height transitions

Toronto Stock Yards Redevelopment

Central plaza with flexible outdoor programming

Lakeview Village, Mississauga

Natural Heritage & Recreation

Walking in a park

Innovation & Education

Markham City Centre

Mobility & Active Transportation

Bike Lanes

Creating Employment

Västra Hamnen, Malmö, Sweden

4. Investment Opportunities

Overview

- Burlington’s vision is for a complete mixed-use community that is well planned and built with attainable housing, new City parks, recreation, cultural facilities and program, supporting active transportation, environmentally sustainable design and climate change mitigation

Overview

- **EcDev and BLP are working with the landowner of 1200 King Road to explore options to:**
  - Achieve key employment objectives associated with EcDev's Economic Vision
  - Create a new multi-dimensional and public-private-partnership based West Burlington major community facility investment
  - Attract a post-secondary satellite campus
  - Create mixed-tenure housing
  - Secure public sector ownership and rights to parkland, open space, and community shared use facilities

Post-Secondary Satellite Campus

- Early discussions for potential post-secondary presence on the site.
- Confidential discussions underway
- Report ECDEV-03-24: Post-Secondary Attraction Strategy Update will provide additional details on confidential post-secondary attraction opportunities

West Burlington major community facility investment Preliminary Concept

- Multi-dimensional public private partnership facility across all elements, inclusive of:

Community Centre

Approx 80,000 sq. ft. plus green roof

New state of the art spectator facility

with 5,000 fixed seat event capacity and 7,000 for concerts

Hotel Tower

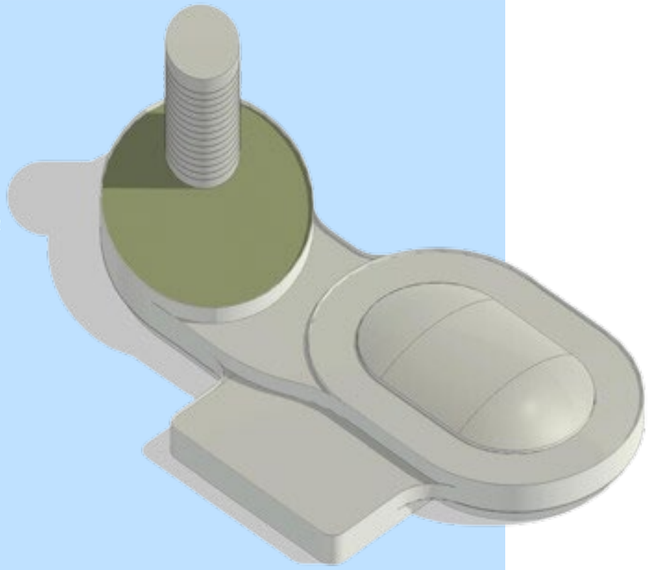
Hotel supporting facility events and the community with overnight stays

Community Ice

For Community Use- full size ice pad Community

Flat Floor Conference / Multipurpose space

One floor of Mixed-Use Podium

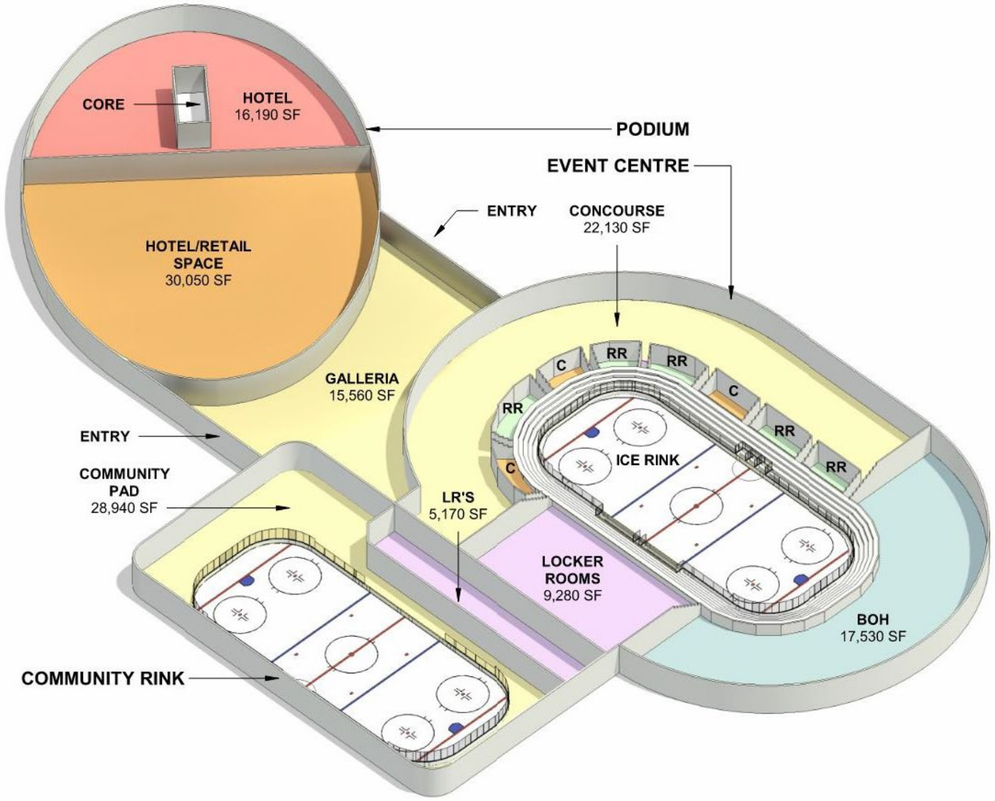


Depicts one preliminary future development option only

West Burlington major community facility investment Preliminary Concept - Level 1

Main Concourse and Event Level

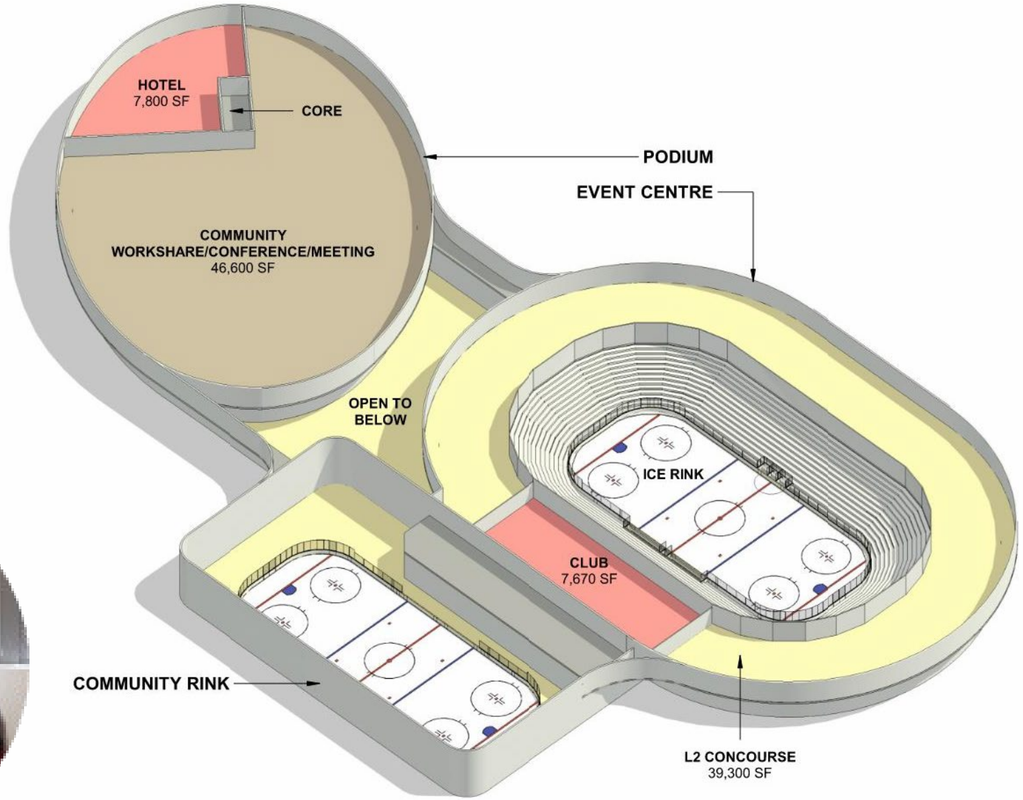
Podium: Galleria, Hotel and Retail



West Burlington major community facility investment Preliminary Concept - Level 2

Concourse Level

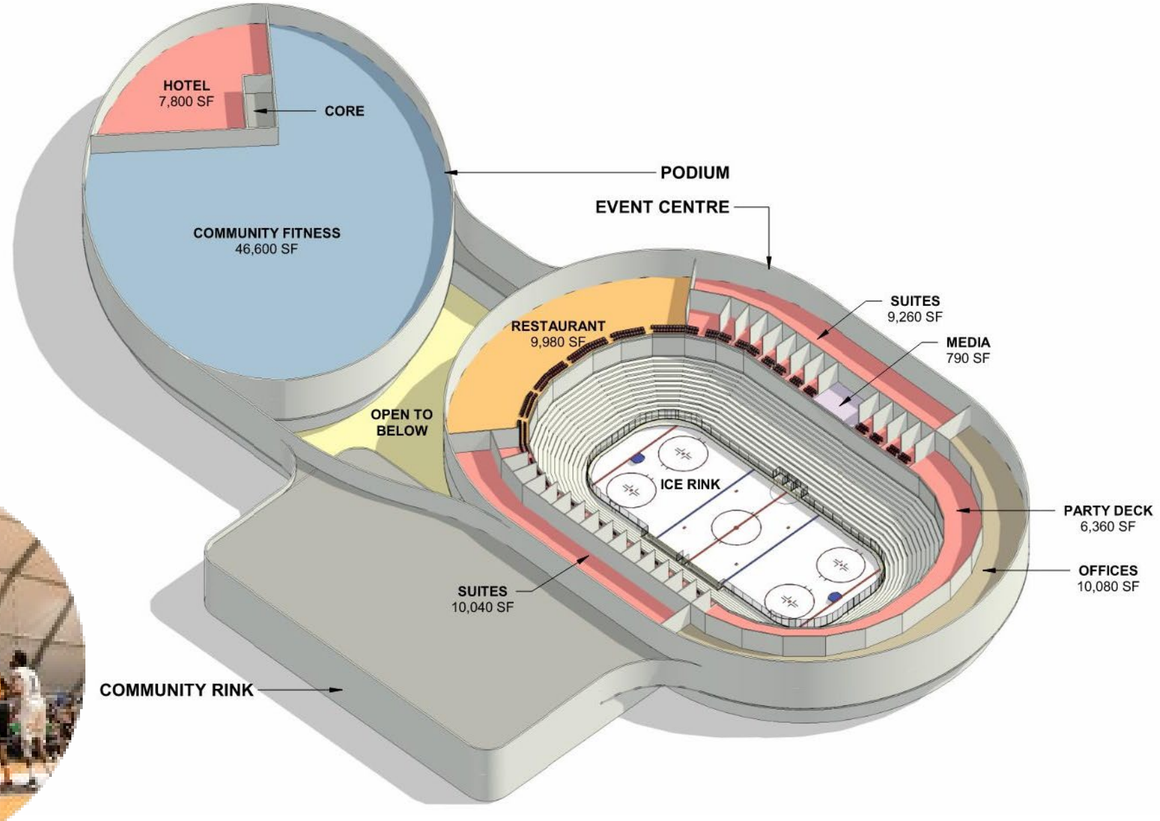
Podium: Community Workshare/Conference/Meeting



West Burlington major community facility investment Preliminary Concept - Level 3

Suites Level

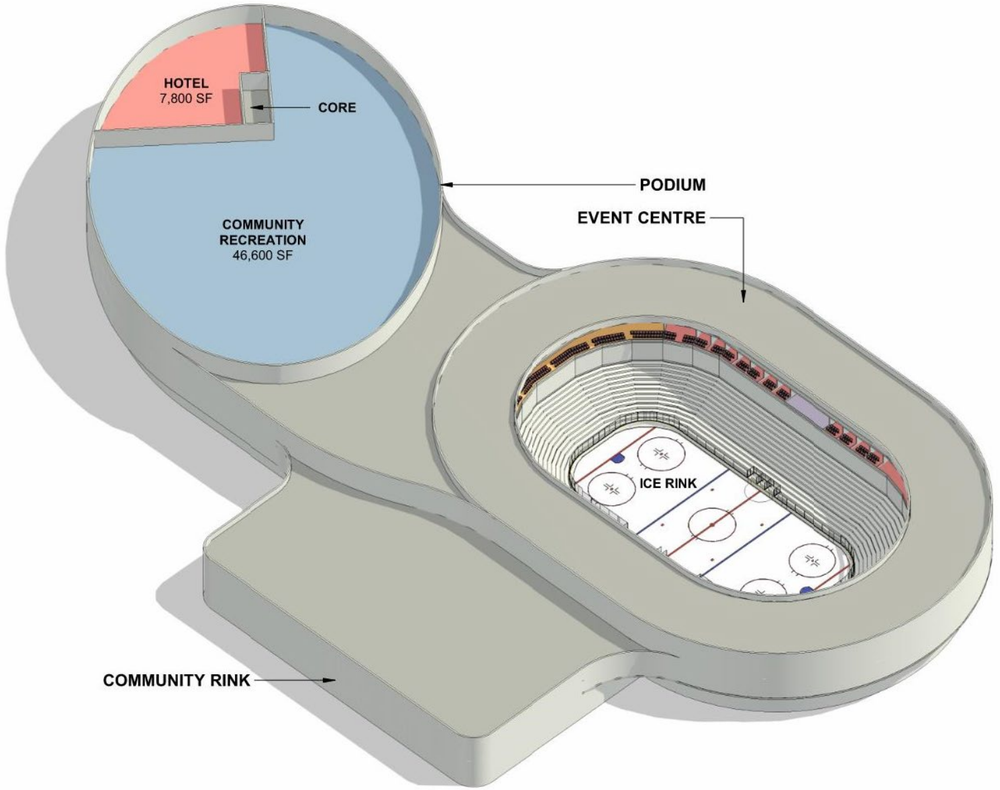
Podium: Community Fitness



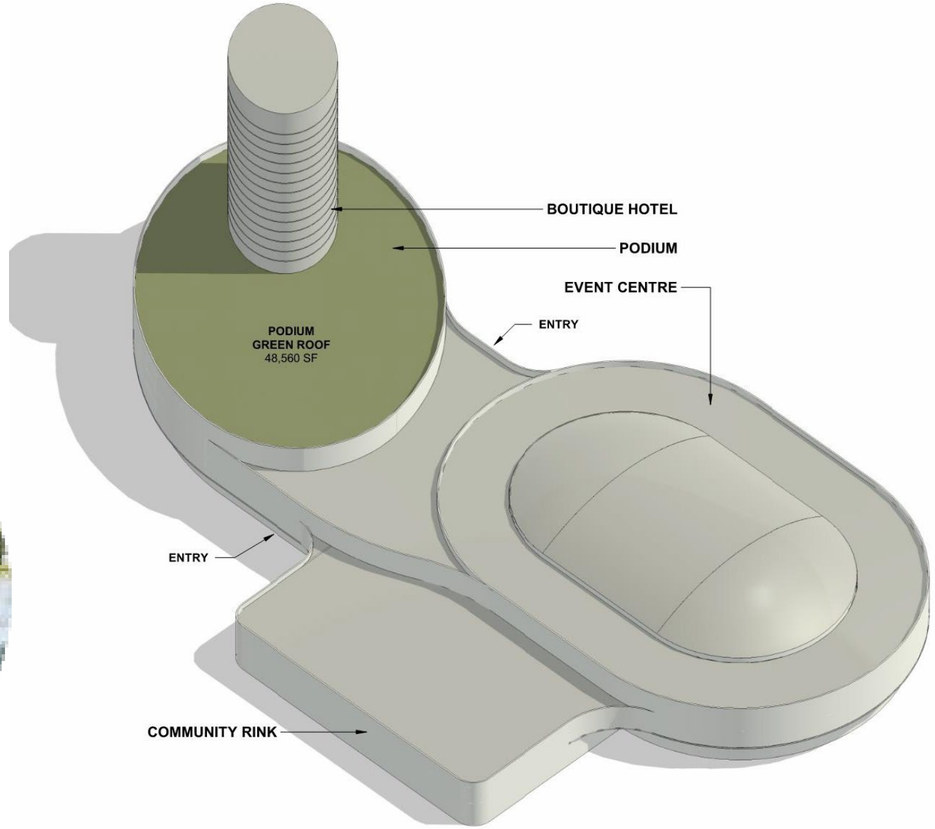
West Burlington major community facility investment Preliminary Concept - Level 4

Suites Level

Podium: Community Recreation



West Burlington major community facility investment Preliminary Concept - Green Roof Program



West Burlington major community facility investment Preliminary Concept - Exterior View

Depicts one preliminary future development option only

Burlington
ECONOMIC DEVELOPMENT

West Burlington major community facility investment - New Community Event Offerings

- Family oriented and affordable entertainment 150 days per year
- Year-round public access to Community Facility and Ice Pads

MAJOR / CAPACITY EVENTS

- 5,000 seated
- 6,100 standing
- **Frequency: ±10 per year**

- Occur: Weekends or Weekday Evenings
- Greatest levels of congestion and activity
- Greater vehicular occupancy levels
- Greater transit use

LARGE EVENTS

- 3,750 seated
- 75% capacity (occupancy)
- **Frequency: ±25 to 30 per year**

- Occur: Weekends or Weekday Evenings
- Reflect more typical vehicular occupancy levels
- Lesser use of transit than largest events

TYPICAL EVENTS

- Up to 2,500 people
- 50% capacity (occupancy)
- **Frequency: ±50 per year**

- Mostly Weekends or Weekday Evenings
- Few Weekday Daytime (reduced attendance)
- Patrons are less likely to travel by transit and will typically travel in smaller groups.

COMMUNITY / CORPORATE EVENTS

- Up to 500 people
- **Frequency: ±50 per year**

- Weekends or Weekday
- Corporate function attendees may be drawn from area hotels.
- Patrons are less likely to travel by transit and will typically travel alone or in smaller groups.

5. Enabling Agreements and Due Diligence

Potential Community Investment-Enabling Agreements/Documents*

- Subject to approval of other agreements, the MCF Agreement addresses the potential opportunities to extend direct benefits to project partners in keeping with detailed conditions of Municipal Act - Section 110

4. Municipal Capital Faciliity (MCF) Agreement

1. Letter of Intent (LOI)

- Council Approval Q2 2024
- LOI between City, Landowner and Burlington Economic Development
- LOI to identify the next steps and timing for moving forward with the implementation of the 1200 King Road proposed major community facility/future investment opportunities.

3. Community Investment Tax Increment Agreement & Bylaw

2. Land Acquisition and Development Agreement

- Detailed Analysis and Council Consideration of NEW Major Community Investment Financing Tool, including Tax Increment Financing
- Target Date Q3 2025

- Between City, Landowner and Private Sector Development Partners
- Target Date Q1 2025

Burlington ECONOMIC DEVELOPMENT

*potential to be completed subject to key milestones in the Planning/Legal Process.

Critical outcomes for BLP and EcDev development project success

- Land acquisition by the City from Alinea
- Competitive procurement for project partners (private and public sector) – e.g. RFEOI/RFP processes
- Review and confirmation of triple bottom line development benefits (economic, social, and environmental)
- Alignment and Support of Burlington Housing Strategy Implementation and 10 Year Housing Pledge
- Proactive public engagement and ongoing communications
- Universal guiding principles
  - Community affordable, accessible and inclusive
  - Integrated mixed-use and high-quality urban design
  - Unique experiential and vibrant destination
- Ongoing Council report consideration and approvals based on detailed due diligence

6. Discussion and Next Steps

Recommendation

- Receive and file ECDEV-02-24: 1200 King Road Vision Update report and presentation providing an update on public private partnership investment opportunities on the 1200 King Road site.
- Direct the City Manager to work with the Executive Director, Burlington Economic Development to report back in Q2 2024 with an update on future investment opportunities on the 1200 King Road site in conjunction with the following:

  a) Detailed public presentation on the proposed 1200 King Road land use development concept from Alinea and

  b) Letter of intent (LOI) between City, Landowner and Burlington Economic Development that identifies the next steps and timing for moving forward with the implementation of the 1200 King Road proposed major community facility/future investment opportunities.

7. Questions and Answers

SUBJECT: **Burlington Performing Arts Centre governance review update**

TO: **Committee of the Whole**

FROM: **City Manager's Office**

Report Number: CM-02-24

Wards Affected: Not applicable

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file city manager's office report CM-02-24 containing updated information on the Burlington Performing Arts Centre governance review.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

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Background and Discussion:

On November 14, 2023, Council considered and approved ADM-22-23 Burlington Performing Arts Centre – Board Governance Review stating:

> Council authorize that the continuation and/or extension of the lease between the City and Burlington Performing Arts Centre and the release of any funding to BPAC that may be approved as part of the 2024 Budget be contingent on BPAC undergoing, with City's involvement and direction, the following:
>
> - an independent governance review, as more particularly detailed below (the "Governance Review"), to commence by the end of November and be completed by no later than March 31, 2024, and
> - implementing any recommendations of that review to the satisfaction of the City Manager and the Executive Director of Legal Services and Corporation Counsel and:

THAT the Independent reviewer be single sourced by the city and the cost and expense of the governance review be borne wholly by BPAC; and

THAT the governance review be conducted by an independent consultant and include but not be limited to the following elements:

- Review of Governance Documentation of BPAC
- Conduct of Governance Interviews with BPAC Directors and Staff
- Delivery of Governance Assessment Report to BPAC Board and the City of Burlington Council.

Strategy/process/risk

In accordance with Council's direction, the City engaged governance expert, Dr. Richard Leblanc, to conduct the independent governance review. The governance assessment included review of BPAC board documents, interviews with BPAC board members and BPAC management. Dr. Leblanc commenced his review in November 2023 and issued his final report to the BPAC board on January 4, 2024. This report is a confidential matter for the BPAC Board of Directors. As per the motion direction, the report is provided to Council through confidential Appendix A of this report. The City thanks Dr. Leblanc for his prompt attention to the completion of the work to deliver his final report in such a timely manner.

The City recognizes the positive impact the Burlington Performing Arts Centre program offerings have on the community. While the City is a major stakeholder, it acknowledges the BPAC board is an independent board and is responsible for its own governance and operations.

The BPAC Board of Directors has reviewed the governance report and accepted the recommendations. As a board, they are taking full responsibility for adopting the practices and protocols necessary to enhance the governance of BPAC. As can be expected, implementation of the recommendations will occur over a period of time. The City values its relationship with the BPAC Board of Directors and wish to thank the Board Directors for their commitment to supporting and sustaining BPAC for the benefit of the community. With the BPAC Board commitment, the City Manager and the Executive Director of Legal Services and Corporation Counsel are satisfied the recommendations will be addressed.

As both conditions outlined in the motion have been addressed, the City is continuing and/or extending the lease between the City and Burlington Performing Arts Centre and the releasing of funding to BPAC as approved as part of the 2024 Budget.

Financial Matters:

The City confirms fees for this review are the responsibility of BPAC and as such, are not disclosed in this report.

Source of Funding

BPAC budget

Climate Implications:

Not applicable

Engagement Matters:

Not applicable

Conclusion:

The City fully acknowledges and appreciates BPAC provides a vitally important community service for the residents of the City of Burlington. The provision of significant annual tax supported funding through an operating grant of $1,102,006 and capital contribution of $63,200 is testament to the commitment the City has for the work and service BPAC provides to the community. The City looks forward to a continued collaborative relationship with the BPAC Board and Management as their overall governance is stabilized and enhanced.

Respectfully submitted,

Sheila M. Jones

Executive Director, Strategy, Risk & Accountability

905-335-7600 ext. 7872

Appendices:

A. CONFIDENTIAL Appendix A – Burlington Performing Arts Centre Governance Report

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.

The Burlington performing arts centre board received Dr. Leblanc's report on governance mid January 2024. The board recognizes and acknowledges that the recommendations contained in the report are aligned with best practices for a governance board.

In our January board meeting, the board made and passed a motion unanimously to adopt all of the recommendations in the report. Work has begun, and several items have been completed and many others are in process. The board, working with staff where appropriate, is committed to complete the implementation of all the recommendations.

Also, in January the board had a public call for applicants to join the board. February 16 of 2024 the application period closed. We experienced an excellent response and the recruitment process will continue during March 2024.

We value our partnership with the City as we work to deliver quality programming to our community. We thank City of Burlington Council for the continued support of BPAC.

Thank you,
Ken Smithard-Board Chair

Motion Memorandum

SUBJECT:	**Local Board Governance – Merger of Tourism Burlington with Burlington Economic Development**
TO:	**Committee of the Whole**
FROM:	Councillor Kelvin Galbraith, Ward 1
Date to Committee:	March 4, 2024
Date to Council:	March 19, 2024

Motion for Council to Consider:

Direct the City Manager to work closely with key representatives (board members and executive directors) of both Tourism Burlington (TB) and Burlington Economic Development (EcDev) and report back to the April 2024 Committee of the Whole Meeting – CSSRA, with a recommended governance framework and a 2024 strategic action plan to facilitate a merger of Tourism Burlington with Burlington Economic Development; and

Direct the City Manager as follows:

- To secure necessary external expertise and resources in the upset amount of $50,000 funded from the Tax Rate Stabilization Reserve Fund to assist in the review, strategy development and legislative compliance.
- To support the established Joint Board Governance Steering Committee comprised of Mayor Meed Ward, chairs of the Burlington Economic Development and Tourism Burlington Board, Councillor Galbraith (Council board representative to TB), Councillor Sharman (Council board representative to EcDev) and additional TB and EcDev board representatives to oversee the development and implementation of the governance framework and strategic action plan.
- To proceed on the basis of achieving a target date of no later than **January 1, 2025** for the startup of the merged independent board inclusive of maintaining distinct Burlington Economic Development and Tourism Burlington brand identities (also informed by the One-Brand project) and integrated business processes.

Reason:

Over the past year, Tourism Burlington and Burlington Economic Development have worked closely to align their functions particularly in the areas of strategic planning and service delivery including marketing and communications. In September 2023, both organizations signed a Letter of Intent (LOI) which set out a framework to discuss opportunities to create shared strategy, operations and governance model for Burlington Economic Development and Tourism Burlington. ECDEV-06-23 Economic Development and Tourism Strategy Update Report was received and filed by council in November 2023 which updated council on the work being undertaken on the integrated cEconomic Development and Tourism model to evolve the delivery model to ensure that the agencies deliver the maximum impact for dollars invested by the City and stakeholders.

In December 2023, a Joint Board Governance Steering Committee was formed comprised of 3 members from each board including council representatives Councillors Sharman and Galbraith in addition to the City Manager, to help guide this work. The joint committee met in December 2023 and recently on February 9, 2024, to discuss the following items:

- EcDev and Tourism Strategy Workplan Proposal
- Development of a new Burlington Destination Stewardship Plan
- Opportunities for service delivery synergies and joint governance (presented by Deloitte)

As part of the February Joint Committee meeting, a recommendation was made to both boards to create a combined marketing and communications team led by Burlington Economic Development staff.

The recommendation in this motion memorandum is not intended to displace the good work already underway. The recommendation is primarily intended to confirm Council and City support to have both organizations place immediate focus on moving towards a desired strategic governance outcome that being the merger of Tourism Burlington with Burlington Economic Development. By providing clear support from council for the merger, it will allow both organizations to review the current joint strategy workplan and accelerate opportunities to move forward on “quick wins” to grow Burlington’s tourism economy.

In so doing, the following urgent priorities are expected to be addressed:

- Development of a new Destination Stewardship Plan which will be closely aligned and integrated with Burlington’s Economic Vision, Vision 2050, One Brand and the City of Burlington Vision to Focus strategic workplan.

Timely implementation of the Municipal Accommodation Tax (MAT) program including a detailed plan for ongoing expenditure of the MAT funding collected from Burlington tourism hospitality industry. Note: the total 15-month MAT funding proceeds collected

to date as of Dec 31, 2023, amounts to **$2,345,770.** Under the Council approved MAT program by-law, this amount will be equally distributed between Tourism Burlington and the City of Burlington in the amount of $1,172,885 based on specific program spending criteria for each organization. With respect the City share of the MAT, the funds will be allocated to projects that meet the criteria approved through report RCC-12-22 and in accordance with By-law 058-2022 through the 2025 capital budget process and in consultation with the internal stakeholder team.

- As part of the next phase of the MAT program outlined in report ECDEV-07-23 - Municipal Accommodation Tax Update, work is also being undertaken to expand the MAT to short term rentals. Legal analysis will need to be undertaken as part of the merger workplan to determine any potential updates required to the existing MAT by-law to ensure the 50% of MAT funding directed to Tourism Burlington continues to be remitted to as part of the new merged organizational structure.
- Recruitment and retention of board and staff members particularly related to oversight and service delivery of tourism functions. The current chair of Tourism Burlington is Councilor Kelvin Galbraith who is the Council appointed representative on the board. Councilor Galbraith has assumed that role to help stabilize the board given the high turnover of board members over the past year.

Related to this motion memorandum, Council should be aware of and/or consider the following:

- As independently incorporated boards, the City does not have the legal authority to dissolve either organization through passage of a municipal resolution or by-law. Any merger of Tourism Burlington with Burlington Economic Development will therefore need support and approval of enabling resolutions by each board.
- <u>Guiding Principles and Priorities</u>
    - Process for the merger to be based on full participation and collaboration of the Tourism Burlington and Burlington Economic Development board members and executive staff including leveraging the substantive work of the already established joint board working committee.
    - Opportunities to be identified to accelerate the existing joint board strategy and governance workplan to deliver additional economic development support and growth services to Burlington's Tourism sector. This may include but not be limited to new short-term roles and organizational structures to support the 2024 transition period as the merger workplan progresses.
    - Tourism Burlington and Burlington Economic Development brand identities and functions are to be reviewed as part of the work ongoing through the Destination Stewardship Plan, Strategy Review and One

Brand development projects. This work includes analysis of other Economic Development and Tourism functions within other cities. In this regard, other ON municipalities have successfully moved to an integrated tourism and economic development service delivery model including Thunder Bay (independent board) and Guelph (City department).

- 2024 Council approved total city funding support to both organizations of $1.93 Million (TB - $0.44 M and ECDEV $1.49 M) is to be maintained. Any opportunities for service delivery expansion and/or cost efficiencies to be brought forward in conjunction with 2025 Mayor's budget process along with a consolidated City grant funding request.
- Immediate and urgent priority to be given to the implementation and operationalization of the Council approved Municipal Accommodation Tax (MAT) program (EICS Committee - Report RCC-12-22, July 7, 2022) working in close conjunction with Burlington tourism industry stakeholders and leveraging opportunities identified through the Destination Stewardship Plan.
- Updated Economic Development and Tourism Strategy and 2024 Performance Management Plan to include review, alignment and enhancement of TB/ECDEV business processes and establish key goals and performance measures/KPIs for minimum 3-year period. This work will be integrated through the updated Economic Vision and Vision 2050/Vision to Focus integration projects.
- Legislative analysis to determine the steps needed to be undertaken as part of the merger and any additional steps that need to be taken by the City of Burlington to support the merger including potential updates to the MAT bylaw.

- Deloitte has already been engaged to undertake benchmarking and best practice analysis of Tourism and Economic Development organizational structure and service delivery. A revision and scope expansion of the Deloitte analysis and recommendations will take place to incorporate directions contained within this memo on accelerating the merger of Tourism Burlington with Burlington Economic Development. This work will include but not be limited to service delivery and long-term organizational designs for the new merged Economic Development and Tourism board. In addition, a recommended skills matrix and structure for the revised governance board will be developed.

Outcome Sought:

Through a collaborative process and with the support of board and executive staff of both independent local board organizations, the City of Burlington will facilitate the merger of Tourism Burlington with Burlington Economic Development to create one (1) independent local board in keeping but not necessarily limited to the guiding principles and priorities identified above in this motion memorandum. This work will be in line with

work already being undertaken by Burlington Economic Development and Tourism Burlington to create a combined Economic Development and Tourism Strategy with an updated and optimized business model. The endorsement by Council of this direction will support Burlington Economic Development and Tourism Burlington in accelerating the work that is already being undertaken to develop a joint strategy and governance model to support the growth of Burlington's Tourism Economy.

Vision to Focus Alignment:

(check those that apply)

☑ Increase economic prosperity and community responsive city growth
☐ Improve integrated city mobility
☐ Support sustainable infrastructure and a resilient environment
☑ Building more citizen engagement, community health and culture
☑ Deliver customer centric services with a focus on efficiency and technology transformation

Motion Seconded by: Councillor Paul Sharman, Ward 5
Share with Senior Staff ☑

Approved as per form by the City Clerk,

Reviewed by the City Manager - In accordance with the Code of Good Governance, Council-Staff Relations Policy and an assessment of the internal capacity within the City to complete the work based on a specific target date (quarter/year).

Comments:

City Clerk: Approved

City Manager: Approved

CC: Chair and Members of Tourism Burlington Board
Chair and Members of Burlington Economic Development Board
Maureen Healey – Executive Director of Tourism Burlington
Anita Cassidy - Executive Director of Burlington Economic Development

Burlington Economic Development and Tourism Burlington Board of Director Resolutions on Motion Memo

At the Burlington Economic Development Board Meeting held on February 23, 2024 -

Resolution: "That the Motion Memo to CoW for the March 4, 2024, be endorsed as a merger of Tourism Burlington into Burlington Economic Development"

At the Tourism Burlington Board Meeting held on February 22, 2024 -

Resolution: "To approve the City of Burlington Motion Memorandum, from Councillor Kelvin Galbraith, Ward 1, regarding Local Board Governance – Merger of Tourism Burlington with Burlington Economic Development."

SUBJECT: Regional review update

TO: Committee of the Whole

FROM: City Manager's Office

Report Number: CM-03-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file city manager's office report CM-03-24 providing an update on the regional CAO's service review process; and

Direct the City Manager to report to City Council at their meeting of March 19, 2024, with a further update on regional services review process including prioritization recommendations.

PURPOSE:

Vision to Focus Alignment:

- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

Council was provided with an update on Regional Review through the City Manager's report CM-01-24 on the January 8, 2024 Committee of the Whole agenda. The resulting recommendations include:

- Direct the City Manager to report back on a regular basis to Committee of the Whole on the status of the regional CAOs' service review process; and
- Direct the City Manager to report back in Q1 2024 as required with an update on Provincial legislation associated with the regional review process, specifically associated but not limited to, the recalibration of the Peel Region transition board

to focus on options to enhance the self-determination of local governments to support building more homes faster and improve local service delivery; and
- Direct the City Manager to report back by Q1 2024 with a process, timing, and tax room implications for recommended non-exclusive services to be devolved to the city.

On January 11, 2024, Mayor Meed-Ward, Councilor Paul Sharman, and Councilor Rory Nisan each delegated to the Standing Committee on Heritage, Infrastructure & Cultural Policy. Their comments were in response to the Committee's study on regional governance as overseen by the Ministry of Municipal Affairs and Housing. The committee has scheduled hearings throughout the Province in response to Minister Calandra's request.

Strategy/process/risk

The following information addresses the above noted recommendations yet in an alternate order.

1. *Update on Peel Region Transition Board*

Letter to Peel Region Transition Board

On January 26, 2024, the Minister of Municipal Affairs and Housing issued a letter to the Chair of the Peel Region Transition Board providing clarity for the recalibrated scope of the Board's mandate.

The Transition Board is responsible for providing recommendations on the transfer of services currently provided by the Region of Peel to the City of Mississauga, the City of Brampton and the Town of Caledon including:

- Land use planning – working to ensure local municipalities are equipped with the necessary resources and personnel to undertake the transfer of planning authorities, as approved through the *More Homes Built Faster Act, 2023.*
- Water and wastewater (including stormwater) – working to ensure any options and recommendations brought forward continue to maintain public ownership and control, including options and recommendations involving the creation of a municipal service corporation or services board.
- Regional roads
- Waste management

For all the services included in the revised scope of the Transition Board, any options and recommendations made must ensure service continuity for residents without disruption and address all aspects important to the successful service

transfer, including labour relations, corresponding back office supports, and detailed financial analysis on any local impacts. In addition, the Transition Board's options and recommendations should continue to prioritize the preservation of frontline workers.

The Minister's direction is anticipating delivery of proposed recommendations from the Peel Region Transition Board by Spring 2024.

Implications for Regional CAOs Service Review
From an overall perspective, the DETAILED ANALYSIS phase of the *proposed* process (refer section #3 below) incorporates the Minister's direction to the Transition Board regarding service continuity and considering elements such as, labour relations, back office supports and detailed financial analysis.

Two of the scoped areas identified in the Minister's letter, specifically land use planning and regional roads, are included in the services under review through the work with the Regional CAOs. (refer Confidential Appendix A).

With respect to land use planning, Halton Area CAOs endorsed the Transition Plan related to Planning Services in May 2023. Transition is to be completed no later than 6 months following Proclamation of Bill 23. In anticipation of a proclamation sometime in 2024, the Area Planning Directors are working on a Memorandum of Understanding exploring the assumption of all statutory functions to be transferred ahead of Proclamation.

With respect to regional roads, the services involved in and related to regional roads are included in the list in Confidential Appendix A.

With respect to the 2 remaining areas:

- water and wastewater (including stormwater) – water and wastewater are Provincially mandated to be provided by the upper-tier (*Municipal Act, 2001, Safe Drinking Water Act, 2002*). Stormwater management is a non-exclusive service and is currently the responsibility of the local municipality.
- waste management – Region of Halton has had responsibility for providing waste collection services throughout the Region including management of the land fill facilities since 1995. Transfer of jurisdiction over municipal solid waste management services from Burlington to Halton Region was completed in 2008. This service is not on the list of services to be considered in the service review.

2. *Status of the Regional CAOs' Service Review Process*

The Regional CAOs have initiated discussions and have a small working group who are preparing a final draft of terms of reference to guide the review process. The working group is expected to have the final draft for consideration of the Regional CAOs at their February 27 meeting. In addition, the working group has initiated some preliminary information gathering to facilitate further discussions. This information, in addition to other factors, is necessary to support further detailed discussions regarding the services (refer to DETAILED ANALYSIS below).

The Regional CAOs will meet on February 27 to confirm the services recommended for consideration and prioritization in a pilot program. The City Manager will subsequently report directly to the March 19 Council meeting to provide an update on the CAO's discussion and prioritization recommendations. Confidential Appendix A provides a list of regional services being considered in the service review.

3. *Process, Timing and Tax Room Implications for Recommended Non-Exclusive Services to be Devolved to the City*

The Regional CAO service review decisions and outcomes are guided by the terms of reference. The review of services is not new to any of the parties; however, having a consistent and agreed upon approach is an important element of the service review. The following is a *proposed* process to be utilized by the Regional CAOs in the review of services. As collaboration continues with the Region and the City of Burlington, the Towns of Oakville, Milton and Halton Hills, this process requires consultation and confirmation among all parties.

A. IDENTIFICATION

Section 11 of the Municipal Act, 2001 sets out the spheres of jurisdiction between upper-tier and lower-tier municipalities. Services are described as "exclusive" and "non-exclusive". For non-exclusive services, the upper-tier and lower-tiers may each pass by-laws/regulate/provide service. For exclusive services, only the identified tier may pass by-laws/regulate/provide services. There are legislative provisions for the transfer of powers between spheres.

B. DETAILED ANALYSIS

For each service(s), detailed analysis of the financial considerations (e.g., costs of services, tax room, grants, etc.), operational considerations (e.g., service

levels, infrastructure/asset use, staffing, etc.), and community engagement considerations (e.g., perceptions, impacts, etc.) is required.

- Financial Considerations
  Streamlining services between the region and municipalities requires:
  - a full accounting of the net costs (budget) associated with the service provision (i.e., operating and capital) including any known funding shortfall(s) to meet existing service levels,
  - the associated tax revenue supporting the provision of this service by the Region,
  - the associated reserves and reserve fund balances for the service and/or infrastructure, and
  - a full accounting of any long-standing grants for the service, the status of the grant and eligibility for the grant under a new service provider.

- Operational Considerations
  Streamlining services between the region and municipalities requires:
  - clear definition of the service level provided,
  - the skill, knowledge and experience of staff involved in the service delivery,
  - the hours of staff time required in the provision of the service,
  - clear understanding of ancillary services impacted/associated with the service,
  - a full accounting of the infrastructure and/or assets utilized and/or consumed in the provision of the service and expected to be transferred along with the service,
  - asset condition for those assets to be transferred along with the service, and
  - full disclosure of current and future infrastructure planning related to the assets, including commitments, timelines, and impact on service delivery/interruption of service.

- Community Considerations
  Streamlining services between the region and municipalities requires:
  - clarity of residents' and City's expectations regarding services to be devolved and any elements of those services to remain with the Region,
  - understanding of how devolution of service impacts resident taxpayers,

- clarity of resident's understanding regarding who provides these services, and
- common expectations of communication and education necessary to provide residents clarity.

C. REQUEST FOR TRANSFER OF POWER

As reported in CM-01-24, the transfer of powers between tiers is permissible as set out in legislation including the use of "triple majority" provisions. The use of these provisions is dependent on the level of agreement between the affected parties. Should the situation occur where the triple majority provisions are required, the following is *preliminary* guidance and is subject to further input and confirmation of the parties involved.

The requesting municipality(ies) would draft a by-law with their request for their own Council to consider and meet all the triple majority requirements:

i. Advocate to the other municipalities seeking at least 2 of the 3 to pass resolutions supporting the requesting municipality(ies)'s draft by-law.

This is the first triple majority requirement. (a) at least half of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes, excluding the lower-tier municipality which passed the by-law, have passed resolutions giving their consent to the by-law.

ii. The number of eligible electors in the requesting municipality(ies) and the 2 other supporting municipalities must form the majority of electors within the region.

This is the second triple majority requirement. (b) the total number of electors in the lower-tier municipalities which have passed resolutions under clause (a) and in the lower-tier municipality which passed the by-law form a majority of all the electors in the upper-tier municipality.

iii. The majority of Regional Council must vote in favour of a resolution to support the requesting municipality(ies)'s draft by-law.

This is the third triple majority requirement. (c) the council of the upper-tier municipality has passed a resolution giving its consent to the assumption of the power and a majority of all the votes on the council were cast in favour of the resolution.

Should triple majority requirements be met, the requesting municipality(ies) would enact the by-law to and IMPLEMENTATION would commence.

D. IMPLEMENTATION
Based on the output from DETAILED ANALYSIS, cross-functional workplace teams comprised of City and Region staff would develop the work plan including timing and resources required, to work through plan(s) to transfer service(s) and related components (e.g., funding, assets, resources, etc.) from the Region to the requesting municipality(ies). Timing for implementation would be determined based on the complexity of the service(s) and the capacity of staff resources both at the Region and in the municipalities.

Financial Matters:

There is no financial impact as a result of this report. As indicated, financial information and matters would be identified and discussed during the detailed analysis phase.

Other Resource Impacts

There are minimal resource impacts as result of this report. As indicated, staff resources will be required to complete the detailed analysis and implementation phases.

Climate Implications:

Efforts to streamline, optimize and determine the “home of best fit” for services provided by both the Region and its municipalities will work to include a climate lens to ensure the benefits of greening and reducing carbon footprints are considered.

Engagement Matters:

The Strategy & Risk Team were consulted and commented on the process and the actions and Burlington Leadership Team provided their recommendations for services to be considered. As the services review process evolves, Community Engagement and Relations team members including communications will be actively involved in the process and status reporting to Council and community.

Conclusion:

Burlington Council is supportive of the City Manager's continued work with Regional CAOs to pursue opportunities to streamline and optimize services. A further update to Council will be provided by the City Manager directly to the March 19, 2024, Council meeting on the prioritization of services. Regular updates on this work will be provided to Council as the work progresses.

Respectfully submitted,

Tim Commisso	Sheila Jones
City Manager	Executive Director, Strategy, Risk & Accountability
905-335-7600 ext. 7608	ext. 7872

Appendices:

A. Confidential CM-03-24 Appendix A: List of Services to be Included in Detailed Analysis for Regional Service Review

Notifications:

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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.

SUBJECT: Strategic Real Estate Acquisition Policy

TO: Committee of the Whole

FROM: Legal Services Department and City Manager's Office

Report Number: L-11-24

Wards Affected: All

BLP File Numbers: 155-03-01

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve the Strategic Real Estate Acquisition Policy substantially in the form attached as Appendix A to legal department report L-11-24 in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel, City Manager and the City Clerk; and

Direct the Executive Director of Legal Services and Corporation Counsel, the City Manager and the Manager of Real Estate to consider and apply the Strategic Real Estate Acquisition Policy contained in Appendix A to legal department report L-11-24 in the exploration and pursuit of strategic real estate acquisition and partnership opportunities, including recommendations to Council regarding same; and

Direct the City Manager and the Executive Director of Legal Services and Corporation Counsel to monitor legislation changes related to disposition of surplus school sites and report to Council as warranted with any strategic real estate acquisition and partnership opportunity updates, including recommendations to Council regarding same.

PURPOSE:

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

- Support sustainable infrastructure and a resilient environment

The purpose of this report is to provide a response to Council Staff Direction (PL-53-22):

> *Direct the City Manager and the Executive Director of Legal Services and Corporation Counsel to consider and integrate Appendix A to community planning department report PL-53-22 titled "Supplemental Technical Memo: Acquisition and Re-use of Surplus School Sites" dated June 2022, prepared by Dillon Consulting and SHS Consulting and report back in Q2 2023 with a Strategic Land Policy that includes a municipal policy directive on surplus school sites which will inform the multi-year community investment plan.*

Background and Discussion:

The City of Burlington is a significant owner of land throughout the City which supports the delivery of valued municipal services in the form of parks, green space, recreation and cultural facilities, as well as facilities that support operations, such as Fire, Roads, Parks and Forestry, and Transit. Real estate is a strategic and valuable asset to the city that is leveraged and planned for based on existing and future Council and community expectations. As the City continues to grow, and expand levels of service, land is the enabler to enhancing community benefit, expanding city operations and effectively managing community growth and development opportunities. Therefore, it is important that the City outlines its strategic real estate approach to fulfill the City's operational needs and provide increased community benefit to all residents.

The City's objective in the acquisition of strategic real estate is to utilize land to achieve a positive outcome for the city overall. The City currently makes determinations on scarce land opportunities on a case-by-case basis in consideration of achieving desirable community planning, and environmental outcomes and to facilitate the creation of social, environmental and economic outcomes. The principles that currently govern these determinations are the immediate service area need or opportunity cost of the initiative, alignment with Council's 2040 Strategic Plan and Vision to Focus four-year action plan, and overall benefit to Burlington residents.

In a step to improve our strategic real estate acquisition approach, the city has created the Burlington Lands Partnership (BLP); an internally administered structure focused on providing an assessment of land partnership opportunities in regard to their alignment with social, economic, and environmental objectives. BLP explores and investigates new

partnership opportunities while working collaboratively with the Manager of Realty Services to evaluate and discuss land securement. In the 2024 Budget, City Council approved permanent base budget funding for the BLP which aligns and fully supports the need for this enhanced Strategic Real Estate Acquisition Policy,

On July 5, 2022, report PL-53-22: City of Burlington Housing Strategy – Former School Site Reuse Analysis provided direction to "report back in Q2 2023 with a Strategic Land Policy that includes a municipal policy directive on surplus school sites which will inform the multi-year community investment plan." Staff have expanded this direction to include lands beyond surplus school sites to include all strategic real estate acquisitions. At the time of the Council Direction, the process to acquire a surplus school sites involved the school board seeking interest from priority bodies, including the City of Burlington, prior to offering the site on the open market as per *O. Reg. 444/98: Disposition of Surplus Real Property and Acquisition of Real Property, Education Act*. There was an update to the legislation as of December 6, 2023, as per *O. Reg. 374/23: Acquisition and Disposition of Real Property, Education Act*. The updated regulation identifies school boards, the crown, and persons or bodies who require the property to achieve provincial priorities as priority groups. The City may also be eligible to acquire a site for the purpose of providing specific services aligned with the *Development Charges Act* (such as storm water drainage and control services, services related to a highway, electrical power services, transit services, and fire protection services). Staff are monitoring legislation and having regular engagement with the school board to stay up to date on the impacts of the updated legislation and regulations. Staff will report back separately to Council on any changes to the legislation as required.

This report presents a Strategic Real Estate Acquisition Policy for consideration to ensure that the city has the capability to acquire the necessary land and land rights for environmental protection, parks and municipal purposes as set out in city developed Master Plans/Strategies and/or as directed by Council. In particular, this Policy (as outlined in Appendix A) will:

- Direct city staff to review long-term planning horizons to connect the City Vision for future service and program demands as it relates to real estate requirements; and
- Enable city staff to respond to solicited and unsolicited real estate opportunities that align with city-wide priorities which were or were not foreseen during the annual capital budget process; and
- Enable city staff to proactively seek real estate opportunities that align with city-wide priorities; and
- Reduce future project costs associated with acquisitions and limit the need for expropriation while ensuring real estate is delivered to meet project timelines.

As a result of the Strategic Real Estate Acquisition Policy, the Strategic Real Estate Circulation Team will be formed. This Team will meet quarterly, or more frequently for time-sensitive files, to review and discuss land priorities based on the criteria outlined in this policy and operate with the same staff as the BLP Steering Committee. The Team will comprise of senior staff and will meet to review and prioritize service area needs, goals and targets as set out in the Multi-Year Capital Investment Plan (MYCIP) and discuss any other City developed Plan as it relates to future real estate requirements on a city-wide basis, as well as discuss active and potential land partnership acquisition and partnership opportunities. The BLP Steering Committee may have additional meetings to discuss BLP strategy, tactics, and priorities.

Financial Matters:

Total Financial Impact

On December 4, 2023, report F-26-23: Phase 2 Multi Year Community Investment Plan (MYCIP) provides a community investment outlook to 2048 and organized the City's initiatives into three strategic focus areas; delivering enhanced community benefits, acquisition of strategic land (requiring no further facility development by the city) and supporting growth in city operations and services.

		TOTAL
DELIVERING ENHANCED COMMUNITY BENEFIT	*Land*	$ 48.0
	Site/ Facility Development	$ 706.3
ACQUIRING STRATEGIC LAND	*Land*	$ 72.1
EXPANDING CITY OPERATIONS & SERVICES	*Land*	$ 43.5
	Site/ Facility Development	$ 275.8
TOTAL LAND		**$ 163.6**
TOTAL SITE/FACILITY		**$ 982.1**
TOTAL		**$ 1,145.7**

Note: In Millions

The MYCIP includes land acquisitions valued at $163.6 million across the three strategic focus areas. Land is a strategic and valuable asset to the city that is leveraged and

planned for based on existing and future Council and community expectations. The land acquisitions totaling $163.6.6 millions are in support of the master plans, and help the city capitalize on future land opportunities.

Source of Funding

The Strategic Land Acquisition Reserve Fund relies on the operating budget to replenish the reserve fund. As of December 31st, 2023, the uncommitted balance in the reserve fund is $1.4 million. The existing provision to the reserve fund is $370,000 annually. At this time, the balance in the reserve fund is insufficient to progressing on the city's community investments in the near term.

As part of the 2024 budget, Council approved $975,871 in annual funding towards the multi-year community investment plan. Staff will be coming forward in 2024 with a prioritization of capital initiatives and sequencing of land opportunities included in the MYCIP that will provide a better indication of how funding will be assigned moving forward and any gaps.

At the present time, BLP and the Manager of Realty Services in working with the Finance Department allocate a source of funding for all proposed strategic acquisition on a case-by-case basis. Staff will assess the City's financial capacity and staff will present that information to Council to consider the strategic real estate opportunity.

Other Resource Impacts

In addition to the land value, additional costs associated with a strategic real estate acquisition include but are not limited to: legal fees, surveying fees, consulting fees and appraisal fees.

Engagement Matters:

Key Council updates relevant to the development of the Strategic Real Estate Acquisition Policy include:

- On February 16, 2021, City Council approved recommendations in report CM-01-21 related to the implementation of a new organizational structure called the Burlington Lands Partnership (BLP) to focus on strategic lands related to the following priorities:
    - Maximize business development opportunities and advance future economic growth and job creation.

  - Implement major city building projects that enhance the quality of life for all citizens.
  - Deliver increased supply of attainable/affordable housing through proactive long- term strategies and innovative partnerships.
- In April 2022, report CM-03-22: Multi-Year Community Investment Plan outlined the total of all community investment opportunities amounts to a preliminary best estimate of $374.5 million, over the period of 2023-2030.
- On March 29 and March 30, 2023, report CM-01-23: Burlington Lands Partnership Update #3 provided an update on land partnership opportunities and included a closed session update on confidential land partnership opportunities as well as a prioritization by staff of active opportunities based on interest received and staff time being spent on these opportunities.
- On June 26, 2023, confidential report CM-07-23: Burlington Lands Partnership Update #4 provided an update on key partnership opportunities.
- On September 18, 2023, BLP Staff led a Council Workshop CWC-11-23: Attainable Housing and Partnership Options and discussed the types of tools Council may consider to support other levels of government and the development industry to encourage more attainable housing.
- On November 1, 2023, report CM-12-23: Burlington Lands Partnership Update #5 confirmed the prioritization of current strategic lands partnership opportunities to help inform the strategic land policy. This was presented via a public report with a confidential appendix and in-camera presentation.
- In December 2023, report F-26-23: Phase 2 Multi Year Community Investment Plan a listing of capital infrastructure needs and land opportunities for 25 years totaling $1.1 billion, refined to a detailed project list of $640 million over ten years.

Conclusion:

Staff recommend Council approve the Strategic Real Estate Acquisition Policy substantially in the form outlined in Appendix A. The implementation of the Strategic Real Estate Acquisition Policy will provide guidance and framework to staff when addressing and identifying strategic real estate opportunities.

Respectfully submitted,

Kristen Ljubicic
Manager, Realty Services
905-335-7600, ext. 7581

Mark Steffler
Manager, Burlington Lands Partnership
519-767-8469

Appendices:

a. Strategic Real Estate Acquisition Policy

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.

Corporate Policy

Finance-Purchasing

Strategic Real Estate Acquisition Policy

Approved by Council on on: March 19,

2024 Report Number: L-XX-24

Effective: March 16, 2024

Reviewed on: MMMM d, yyyy Amended:

MMMM d, yyyy

Next Review: MMMM d, yyyy

Note:

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1. Policy Statement:

The Strategic Real Estate Acquisition Policy identifies the various means available to the City to acquire real estate, as well as providing a framework to guide decision-making. The Policy enables the City to proactively pursue land opportunities with transparency while following the objective framework. The City of Burlington, Realty Services and Burlington Land Partnership will undertake the acquisition of real property interests in conformity with this Policy, unless otherwise directed by City Council.

2. Scope:

This policy applies to the strategic acquisition of real estate, which may be desirable to the City to meet department needs and fulfilment of master plans strategies and/or Council directives, including, but not limited to, the Burlington Lands Partnership focus areas and strategic priorities related to future land acquisition.

This policy does not apply to minor or routine purchases of real estate, including, but not limited to, land as required for municipal needs consistent with City-mandated programs, projects and policies which are funded and/or are ready to tender, such as road widenings and rights-of-way.

3. Objectives:

Natural places that enhance urban lifestyle or support healthy ecosystems, and the vast majority of municipal services, infrastructure and other physical civic amenities all rely on land/real estate, or land rights, for their existence and function. All of these things are integral to a high-quality municipal environment and for providing municipal services. The Strategic Real Estate Acquisition Policy ensures that the City has the capability to acquire the necessary land and land rights for environmental protection, parks, and municipal purposes (such as recreational facilities, libraries, attainable housing, fire stations, etc.) as set out in City developed Master Plans/Strategies and/or as directed by Council. In particular, this Policy will:

- Direct city staff to review long-term planning horizons to connect the City Vision for future service and program demands as it relates to real estate requirements;
- Enable city staff to respond to solicited and unsolicited real estate opportunities that align with city-wide priorities which were or were not foreseen during the annual capital budget process;
- Enable city staff to proactively seek real estate opportunities that align with city-wide priorities; and
- Reduce future project costs associated with acquisitions and limit the need for expropriation while ensuring real estate is delivered to meet project timelines.

4. Definitions:

For the purpose of this policy, unless otherwise stated, the following definitions shall apply:

Bequest: the act of receiving property by will.

Burlington Land Partnership (BLP): a flexible internal structure, multi-dimensional and integrated approach that seeks to address multiple areas of municipal strategic land management including acquisition and development. This strategic forward-looking approach will encompass the leveraging of future municipal land investments to maximize the potential benefits for the City and related partners. For the City, the BLP will deliver results through due diligence and a strategic focus on achieving tangible and measurable community benefits and returns in three areas: supporting economic growth and direct job creation,

completing “city building” projects and delivering much needed attainable housing

Compatible Use Agreements: voluntary agreements entered into with a fee simple or easement owners of lands where more than one use is possible such as use of utility rights-of-way or station sites for open space, trails or naturalizing, where compatible with the existing utility use. In some cases, legislation such as the National Energy Board Act and regulations may require specific design criteria, or even permitting applications.

Dedications: the transfer, or the requirement to transfer land or interests in land at no cost to the City as a result of a development condition pursuant to the Planning Act or as a voluntary act.

Delegated Authority: means the person who has been delegated by Council an authority and includes any person:

a. sub-delegated such authority in accordance with City of Burlington By-law 07-2022, as may be amended from time to time; and,
b. acting temporarily in the delegate’s position due to an absence or vacancy;

Easements: the purchase of limited interests in the land. Easements convey specific rights to use the land, for an agreed term (up to and including perpetuity), price and conditions. Easements may be negotiated voluntarily by the parties, or taken statutorily by expropriation.

Expropriate: the taking of land without the consent of the owner by an expropriating authority in the exercise of its statutory powers;

Fee simple ownership: the acquisition of the full rights associated with a parcel of land. Conveyance may be by a negotiated agreement and deed, expropriation, dedication, tax sale or provided for through a bequest.

Land: for the purposes of the Policy “land” is all defined to be all “real property” that being “land and includes buildings” as defined in the Municipal Act, S.O. 2001 (s1.1) and is further defined as follows:

Land as a physical entity including:

i) any building or structure on or improvement to land; or

ii) land covered by water and, in such a case, the overlying water; or,

iii) air rights; or,

iv) a strata lot pursuance to relevant strata legislation

v) A legal estate or interest in, or right in respect of land (including leases, licenses, easement etc.)

Land Exchange Agreements: agreements whereby two or more parties agree to exchange real property.

Land Partnerships: Potential new areas of interest for the City outside of the current department needs. This includes:

- Economic Development
- City Building
- Attainable Housing
- Known or potential partnerships on land
- Municipal Capital Agreements as allowed under the Municipal Act, Section 110

Leases and Licenses: agreements that create a right for one party to use the land of another for a specified term, price and purpose. Payment is generally based on a land return rate, or some other market-based rate. Leases are generally considered a “stronger” right than a licence; however, the specific terms and condition of the contract determine its strength.

Market Value: the most probable price which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and in their own best interests and assuming the price is not affected by undue stimulus.

Option to Purchase: a formal contractual agreement to acquire fee simple or easement rights. The option is negotiated for a price, terms and conditions. Conditions will set out which party has the right to “exercise” the option, by when, what is to be paid for the land or easement and under what conditions. As a private contract, a “notice of agreement” should be registered against the title of the lands affected by the option, in order to protect the rights of the option holder. Options may be useful where additional time is needed to complete a transaction, such as in securing funding or other approvals.

Public Interest: an act or service that Council determines is of direct or indirect benefit to the general public

Public Private Partnerships: Cooperation that may involve community organizations, not-for-profits, private corporations, and the City and Burlington EcDev and a proponent willing to make a significant investment in a project in partnership with City (land, $). The project has mutual benefits for both the City and the proponent and there is a broad public benefit in the project. The

proponent must be willing to enter into a Letter of Interest and agreement with City As it related to land acquisition and use of City lands, Public Private Partnership will also be required to meet municipal procurement standards including those outlined in the Council approved City of Burlington Procurement Bylaw.

Restrictive Covenants: created under authority of the Planning Act or the Conservation Land Act (conservation covenants). They place limitations on the use of a property, usually in order to protect some special feature until some other condition or event can occur.

Right of First Refusal: (ROFR) agreements are arrangements that create an obligation from one party to allow a second one the chance to negotiate for land or land rights in priority over all others.

Strategic Land/Real Estate: Land which may be desirable to the City to meet department needs and fulfilment of master plans strategies and/or Council directives, including, but not limited to, the Burlington Lands Partnership strategic focus areas.

Strategic Acquisition: The acquisition of land which provides an opportunity to contribute to economic development and activation of the City immediately or in the future. These acquisitions are not a part of a funded and/or ready to tender project. A strategic acquisition may also involve a partnership with other levels of government or private industry.

Unsolicited Request: a request that is made by landowner or potential partner of the City without any prompting by a Council or City Staff.

5. Principles:

5.1. Integrity: The City and its representatives will adhere to the highest standards when acquiring or partnering on real estate.

5.2. Public Interest: The City will ensure that all strategic real estate decisions are made in the pursuit of the best interests of the public and in keeping with accepted municipal procurement processes.

5.3. Fiscal Accountability: The City will exercise fiscal accountability to get the best value for its money and seek to maximize the value of its real estate assets.

5.4. Statutory and regulatory compliance: The City and its representatives will operate at all times within the framework of applicable statutes and regulations.

5.5. Transparency of Process: Processes including land use and development partnerships will be run in an open and transparent manner to ensure the Council is responsibly managing public funds. Protecting the City's interests and maintaining the City's competitive position with respect to real estate acquisitions will often require that certain information be kept confidential as permitted by the Municipal Act and/or the Municipal Freedom of Information and Protection of Privacy Act. Where matters are to be considered in closed session at City Council meetings, City Council will disclose the reasons for confidentiality.

6. Acquisition:

6.1. Service Area Needs

Controlling or owning real estate is fundamental to achieving many of the City's future community development goals and objectives. When there is not an immediate need for real estate to complete a funded and ready to tender project, Realty Services will look to the following Plans to identify and prioritize service area needs and Strategic Real Estate Acquisition opportunities within the City. Since land opportunities often arise without notice, these Plans are one of the tools staff will review and utilize when prioritizing real estate acquisition/partnership opportunities, in addition to Council directives and priorities.

6.1.1 Multi-Year Community Investment Plan (MYCIP)

The MYCIP is a multi-year forecast of capital infrastructure requirements and land opportunities that create service through expansion of city operations and creation of community amenities and will be reviewed and updated annually. An important next step in the development of a multi-year financing plan will be the prioritization of the strategic real estate and other community investments by Council. The timing of real estate acquisitions will be one factor dictating the timing of future site/facility development. This sequencing is critical to effectively manage City resources and achieve the best use of the real estate for the City overall.

The MYCIP currently identifies the land requirements outlined within the following current city developed Plans:

- Fire Master Plan
- MTSA Concept Plans

- Cumberland Campus expansion (RPF/ Transit)
- Integrated Mobility Plan (IMP)
- Parks Provisioning Plan (PPMP)
- Bateman Preliminary Concept Plans and Adaptive Re-Use
- Major Community Recreation and Culture Investments including within and in close proximity to MTSAs.

The MYCIP will review and integrate the approved Council recommendation and directions related to new City developed Master Plans and Strategies on an annual basis. Therefore, the MYCIP will be a vital tool used to prioritize service area real estate needs on a City-wide basis.

6.1.2 The Long-Term Accommodation Plan (LTAP)

The Long-Term Accommodation Plan (LTAP) is an annually reviewed planning tool used by the Halton District School Board (HDSB) that provides enrollment projections and school facility information to guide accommodation planning needs and actions over a 15-year time period. The LTAP is used by the City to identify potential surplus school sites and timing of potential strategic land acquisition/partnership with the school board.

6.1.3 Long-Term Capital Plan (LTCP)

A Long-Term Capital Plan (LTCP) is an annually reviewed document used to guide accommodation planning at the Halton Catholic District School Board (HCDSB). The LTCP provides enrollment projections over a 15-year planning horizon and uses these enrollment projections to identify current and future accommodation pressures that result from new residential development, changing demographics, and program pressures, as well as accommodation strategies to address these pressures. The LTCP is used by the City to identify potential surplus school sites and timing of potential strategic land acquisition/partnership with the school board.

6.2 Overview of Service Areas

6.2.1. Capital projects - roads, firehalls, parks, municipal buildings and facilities, stormwater management.

6.2.2. Greenland – protection of environmental lands, open space, woodlots, creeks, environmentally sensitive areas, heritage properties.

6.2.3. Institutional lands – schools, government buildings and land, hospitals, long term care facilities.

6.2.4. Downtown improvements – provision of parking, attraction of specific strategic uses to downtown.

6.2.5. Community Improvement Areas and Major Transit Station Areas.

6.2.6. Brownfield redevelopment.

6.2.7. Land Partnerships work under the Burlington Lands Partnership that includes:

6.2.7.1 Economic Development Partnerships to support job and business creating developments.
6.2.7.2 City-Building Partnerships to ensure Burlington's public spaces, amenities, and infrastructure is conducive to growth while maintaining a high quality of life.
6.2.7.3 Attainable Housing partnership to work with public, private, and non-profit sectors to deliver more attainable housing options.

6.3 Methods of Acquisition:

The City has a variety of options available to acquire real estate outright or acquire control of real estate through various means. The type and manner of acquisition is dependent on the intended use, or the level of control that is desired. A non-comprehensive list of options available to the City include:

6.3.1. Dedication

6.3.2. Bequest

6.3.3. Compatible Use Agreement

6.3.4. Lease, License

6.3.5. Restrictive Covenant

6.3.6. Easement

6.3.7. Grants

6.3.8. Direct Purchase/Fee Simple Purchase

6.3.9. Land Assembly/Exchange

6.3.10. Parkland Dedication

6.3.11. Expropriation

6.3.12. Public Private Partnerships through the Burlington Land Partnership

7. Decision-making Criteria:

Strategic real estate acquisition will be assessed using the following nine criteria:

7.1. Property Characteristics

- Parcel Size
- Zoning/Official Plan Designation
- Neighbourhood characteristics
- Site utility

7.2. Location

- Ward
- Adjacencies
- Proximity to an identified service area need
- Proximity to capital works project

7.3. Timing

- Association with an approved capital project
- Association with a City-developed plan
- Association with a BLP priority
- Associated with other level of government priority
- Availability for purchase

7.4. Business Strategy

- Achieves targets in Strategic Plan/V2F/Master Plans
- Partnership opportunity (public/private)
- Public benefit related to improved service

7.5. Financial cost/benefit

- Purchase price
- Carrying cost
- Availability of funds
- Investment potential

7.6. Risk

- Opportunity cost if not purchased
- Economic factors

7.7. Community Interest

- Overriding community interest in the purchase of a site supported
- Council direction

7.8. Partnerships

- Known or potential partner on real estate, including not for profits, other levels of government and/or the private sector

- New areas of interest for the city, including economic development, community facilities, and attainable housing.

7.9. Investment

- Income generation
- Appreciation potential

Each opportunity will be evaluated based on the criteria presented above. A holistic approach to reviewing and analyzing the above criteria will be used by Realty Services and BLP to determine if the opportunity should be explored further. The lead department on the inquiry, either Realty Services or BLP, will send a memo summarizing the opportunity via e-mail to the Strategic Real Estate Acquisition Circulation Team seeking comments regarding the proposed opportunity.

8. Strategic Real Estate Acquisition Process:

8.1. Inquiry Process:

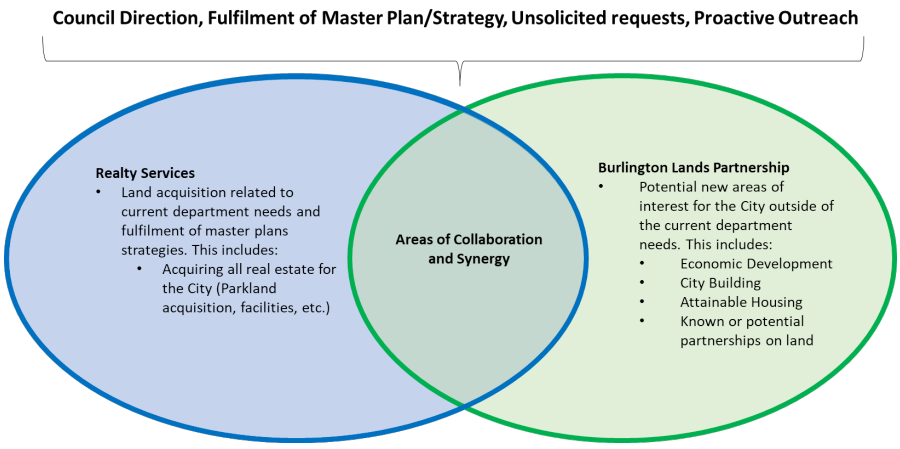
An inquiry regarding a strategic real estate opportunity can be received by City Staff through:

- Unsolicited Request
- Council Direction
- Fulfillment of Master Plan/Strategy
- Proactive Outreach

To ensure a single-window approach to inquiries, both Realty Services and BLP shall be notified of all strategic real estate inquiries. Due to the many areas of collaboration and synergies between Realty Services and BLP, the determination regarding the lead department on the file will occur following review of the initial inquiry. All inquiries and opportunities to acquire land will be managed, recorded and tracked confidentially within Realty Services

As a general rule, summarized by Figure A, all strategic land inquiries involving the City will reside within Realty Services. In addition, any real estate inquiry related to department service area needs and fulfillment of Master Plans/Strategies will reside within Realty Services. An inquiry will reside with BLP if it is related to a potential new area of interest for the City outside of the current department needs, including economic development, city building, attainable housing, and/or known or potential partnerships on land.

Figure A: Inquiry process for Strategic Lands Projects



8.2. Identify an Opportunity:

Staff will evaluate the opportunity in accordance with the nine decision making criteria and principles of this policy and determine if the opportunity should be investigated further.

8.3. Notify:

Once a strategic real estate opportunity is vetted by Realty Services and BLP, the lead department will be determined and a confidential memo summarizing the opportunity will be sent via e-mail to the following people for comments:

- Strategic Real Estate Circulation Team
- Mayor, Deputy Mayor(s) and Ward Councilor

8.4. Discuss:

Following notification, all memos will be discussed at a quarterly Strategic Real Estate Circulation Team meeting. The meeting will be held to discuss current opportunities and review the decision-making criteria.

If the item is time sensitive a special Strategic Real Estate Circulation Team meeting may we be scheduled to meet timelines.

If an identified opportunity is not supported, then the file will be closed by the Lead Department, as identified above under 8.1. If the opportunity is supported by the Team, the Lead Department will engage in any necessary due diligence activities and draft a report seeking the necessary authorizations.

8.5. Authorize:

Following internal review of the proposed acquisition by the notified parties, if the proposed acquisition is supported, the Lead Department will seek authorization to proceed by either Council and/or Delegated Authority Report. Staff may be required to present a series of reports updating Council and the Strategic Real Estate Circulation Team on negotiations, partnerships, public engagement and/or due diligence requests and results.

I. Delegated Authority: Following internal review of the proposed acquisition by the notified parties, a delegated authority report will be circulated if the opportunity falls within Realty Services' delegated authority as prescribed within By-law 71-2023 as may be amended from time to time.

II. Council Report: Following internal review of the proposed acquisition by the notified parties, if the opportunity falls outside of the Realty Services' Delegated Authority, a confidential report will be presented to appropriate Strategic Real Estate Circulation Team for consideration and comments.

To address matters which are timely in manner Council may delegate certain authorities to staff and stipulate the conditions under which such delegated authority is to be used. The Lead Department with support from the Strategic Real Estate Circulation Team may ask Council to:

a) Delegate to staff the authority to negotiate means necessary to secure opportunity until such time as can be considered by Council.

b) Delegate staff to perform due diligence such as appraisals, environmental assessment, geotechnical testing, infrastructure assessments, building audits, etc. to evaluate opportunity in more detail.

c) Agree that urgent matters may be brought to the next available meeting agenda and/or to a special meeting of Council.

9. Implementation:

9.1 Strategic Real Estate Circulation Team

This Team shall meet quarterly to discuss and review land priorities based on the criteria outlined in this policy. This Team will comprise of senior staff and will meet to review and prioritize service area needs, goals and targets as set out in the Multi-Year Capital Investment Plan, School Board Accommodation/Capital Plans and discuss any other

City developed Plan and partnership opportunities as they relate to future real estate requirements on a city-wide basis.

This Team will be circulated on all vetted opportunities to evaluate the real estate matter in accordance with the criteria and principles of this policy. The support of the Team is essential to proceed with any Strategic Real Estate Acquisition.

9.2 Realty Services Department & Burlington Land Partnership (BLP)

Realty Services will track all surplus City real estate and identify any potential school surplus sites. Through consultation with the Strategic Acquisition Real Estate Circulation Team, Realty Services and BLP will compile and maintain a confidential list identifying land opportunities and areas of interest.

BLP will maintain a confidential list of sites in conjunction with Realty Services that identifies partnership opportunities and partnership sites. BLP will regularly update City Council in closed session on the status of the confidential list including any changes that warrant awareness and/or further direction by Council.

Realty Services and BLP will communicate and foster relationships with other levels of government, school boards, conservation authority, other institutional landowners and the public increasing awareness on strategic real estate that may be acquired. Staff will stay current to changing legislation that may affect land acquisition.

Realty Services and BLP will work together to assess and/or identify potential acquisitions/partnerships in accordance with the criteria outlined in this policy. All inquiries and opportunities to acquire land will be vetted, managed, recorded and tracked confidentially within Realty Services.

Realty Services is responsible for all land acquisitions, including providing land acquisition support for BLP files.

9.3 Finance Department

On a case-by-case basis, Finance staff will continue to evaluate financial capacity to provide appropriate funding to land acquisitions as defined by Council as a priority.

10. Funding Source:

The city currently employs the following sources of funding towards city land acquisitions:

- The Strategic Land Acquisition Reserve Fund allows the city to act upon strategic real estate acquisitions as per the city's by-law XXX.

- Debt Financing, as an appropriate means of financing new assets that have a longer life. Therefore, the benefit of those assets can be shared by current and future taxpayers as well as the financing costs through the city's repayment of debt charges (principal and interest) over time.

- The park dedication reserve fund, for the acquisition of land towards park related requirements.

- Annual community Investment funding, approved by Council for the MYCIP, which can be used towards strategic land opportunities. In addition, new opportunities for financing land acquisition will be explored including Tax Increment Financing Districts and related Bylaws.

Future financing alternatives will continue to be explored as they arise.

11. References:

- The Municipal Act
- The Planning Act
- The Expropriations Act
- Municipal Freedom of Information and Protection of Privacy Act

12. Delegated Authorities

As noted above, Council may delegate certain authorities to staff, and stipulate the conditions under which such delegated authority is to be used.

12.1 Accountable:

Realty Services is responsible for the timely review, updating and dissemination of the policy to the functional areas.

12.2 Responsible:

Realty Services and Burlington Land Partnership staff will perform the work to achieve the tasks outlined in this policy, with support from other departments, as required.

SUBJECT: Ward Boundary Review

TO: Committee of the Whole

FROM: Office of the City Clerk

Report Number: CL-03-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve Option 2: Council Composition and Ward Boundary Review, the associated expenditure of $220,000, and the use of the Election Reserve Fund to offset the costs; and

Direct the City Clerk to retain an independent consultant to conduct the Council Composition and Ward Boundary Review.

PURPOSE:

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

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Executive Summary:

A review of the municipality's ward boundaries is typically undertaken every three to four election cycles to ensure the electoral system represents the principles of effective representation. Staff recommend that an independent consultant be retained through an RFP process to complete the review. Public consultation and engagement will be paramount to the review, regardless of which review scope option is approved.

Background and Discussion:

At the July 11, 2023 Council meeting, Office of the City Clerk staff were directed to bring back a report on the potential City of Burlington ward boundary review for consideration including an option to review council composition and governance model. The purpose of this report is to provide Council with information on a proposed ward boundary review and to seek direction on the scope and process of the review, and approval of the proposed budget for this exercise. The goal of the review itself is to ensure voters are represented equally in the decision-making process and to establish a ward structure that will accommodate growth and population shifts for at least the next three municipal election cycles (2026, 2030, 2034).

A ward boundary review is typically undertaken every three to four election cycles to ensure the division of wards in the City reflects the principles of effective representation. Effective representation as established by the Supreme Court of Canada in what is commonly known as the “Carter Case”[1], means that the primary consideration is voter parity, along with factors to be considered such as geography, community history, community interests and minority representation.

The last ward boundaries review for the City of Burlington took place in 2005 and was implemented for the 2006 municipal election. Through this review, the City’s six ward boundaries were re-drawn, and a seven-member council maintained. Burlington has had a seven-member council since 1997, when Burlington had a population of 139,000. Since the last review, the population of Burlington has increased from approximately 160,000 in 2005, to approximately 186,948 in 2021, according to Census population data. The City’s increasing rate of growth over the last 10 years is expected to continue. Given the length of time that has elapsed since the last review, where established ward boundaries were in force for the last five election cycles, along with continued population growth, staff believe that undertaking a ward boundary review at this time is appropriate.

[1] Reference re Prov. Electoral Boundaries (Sask.), 1991, https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/766/index.do

Strategy/process/risk

Legislative Authority

The *Municipal Act, 2001*, as amended ("the Act") provides the legislative framework for municipalities to change its composition of council and review ward boundaries. Section 222(1) provides that a municipality is authorized to "divide or re-divide the municipality into wards or to dissolve the existing wards." Section 222(3) requires that a municipality provides public notice that a ward boundary by-law has been passed within 15 days after the by-law is passed. The notice must specify the last date for filing a notice of appeal. Section 222(4) of the Act states that within 45 days of the ward boundary by-law being passed, it may be appealed to the Ontario Land Tribunal (Formerly the Local Planning Appeal Tribunal, and the Ontario Municipal Board before that). For any changes to be in effect for the 2026 Municipal Election, the by-law establishing new ward boundaries must be in force before January 1, 2026. This means if the by-law establishing new boundaries is appealed to the OLT, the notices of appeal must be withdrawn, or the Tribunal must have issued an order to affirm or amend the by-law before that date.

Section 223(1) also provides a mechanism where electors of a municipality can present a petition to Council asking them to pass a by-law dividing or re-dividing a municipality into wards or dissolving the existing wards. The petition requires the signatures of 1% of the electors in the municipality or 500 electors in the municipality, whichever is less. If council does not pass a by-law in accordance with the submitted petition within 90 days of receiving the petition, any of the electors who signed the petition may appeal to the OLT to have the municipality divided or re-divided into wards or have the existing wards dissolved. The Tribunal is required hear the application and may make an order dividing or re-dividing or dissolving the existing wards. It is important to point out that in this scenario the Tribunal becomes the decision maker for establishing ward boundaries with little input from the municipality.

Principles of a Ward Boundary Review

The *Municipal Act, 2001*, as amended, provides authority to municipalities to change their ward boundaries, however it does not specify how to conduct such a review or parameters to consider. Municipalities that have undertaken this exercise have relied on a set of generally accepted principles considered when reviewing ward boundaries. Effective representation is the key test for any ward boundary review, as confirmed by

the OMB[2] and the courts in the Carter case. The goal of any review is to establish a ward system that achieves this principle by assessing how well residents are represented. In general, it means that one person's vote should hold the same weight as another person's vote. In applying it to ward boundaries, it suggests that wards should have similar populations. In practice, however, it means that achieving effective representation must include balancing several factors:

Voter Parity: Voter parity speaks to the relationship between a ward's population and the average ward population of all municipal wards. Ward populations need to be similar but not necessarily identical. Voter parity is assessed in terms of percentage around the average ward population. If the range gets too large, effective representation is lost. Determining the appropriate variance is complex. A figure of +/-25% variance has traditionally been suggested as a standard, however this could mean a range of 50% between the largest and smallest wards in terms of population. Some recent reviews show that there is an evolving standard of +/- 10-15% variance in ward populations in urban and suburban areas.

Burlington's population as per the 2021 census and variance from the average are shown in the table below. Based on the total population of 186,948, the average ward population is 31,158.

Table 1. 2021 Census Populations by Ward

Ward	Population as per 2021 census	Variance
1	28,542	-8.4%
2	26,945	-13.5%
3	23,497	-24.6%
4	36,441	17%
5	36,049	15.7%
6	35,474	13.9%
Total:	186,948	

[2] The OMB was replaced by the Local Planning Appeal Tribunal (LPAT) in 2018, which then became the Ontario Land Tribunal (OLT) in 2021.

Table 2. 2022 Municipal Election Elector Counts by Ward

Ward	2022 Election Elector Count	Variance
1	22,673	-4.3%
2	20,898	-11.8%
3	18,883	-20.3%
4	28,499	20.2%
5	26,245	10.7%
6	25,018	5.6%
Total:	142,216	

Table 2 shows the 2022 municipal election elector counts per ward and variance from average of 23,703 electors. Although legislation usually refers to electors, it is standard to consider total population counts in ward boundary reviews. This recognizes that Council serves not just electors but a much broader constituent base. The elector count variances however show a similar trend as the population data.

*Communities of Interest***:** The term communities of interest refers to different neighbourhoods and commercial areas of a municipality. It also considers different types of communities such as urban or rural. Examples of communities of interest include neighbourhoods, heritage conservation districts, business improvement areas and ethno-cultural groups that live in the same area. Communities of interest have different needs and perspectives that need to be respected and not disenfranchised or diluted while establishing ward boundaries. The Carter case recognizes that the protection of communities of interest may override the principle of voter parity where the inclusion of a community of interest will lead to a system that is more representative of a municipality's diversity.

Natural and Physical Boundaries: Ward boundaries should be drawn with consideration given to distinct physical and geographic features as they are highly recognizable and often naturally separate communities of interest. Examples of natural and physical boundaries include hills, valleys, rivers, highways, railways, or green spaces such as parks, trails, etc.

Future Population Trends: Ward boundary reviews should consider future changes in ward population. Any new ward structure should last for three to four election cycles and should reflect future growth both in terms of amount as well as location.

Over the last few years, there have been a whole range of changes made to the planning framework in Ontario including the Royal Assent of Bill 23, More Homes Built

Faster Act, 2022, Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023 and Bill 150, Planning Statute Law Amendment Act, 2023, that will have an impact on future growth in Ontario and in Burlington. Additionally, there are proposed changes to the PPS and Growth Plan currently being considered by the Province. These shifts necessitate a new Growth Analysis Study that considers the new and changing policy landscape in Ontario, Halton Region and Burlington. The procurement process for this work is currently underway through the City's Population and Employment Growth Analysis Study as a part of the Burlington Official Plan, 2020, Targeted Realignment Exercise, Initial Workplan Report (See Appendix D for more details).

As forecasted by Watson & Associates Economists Ltd, as part of the DC Background Study provided in report F-25-23 Development Charges and Community Benefits Strategy draft growth assumptions (see Appendix A for more details), the population of Burlington is estimated to grow to 210,989 by 2034. These numbers and assumptions are supported by staff and Council for a specific purpose, as the best information available at the time, and will be updated and influenced by the findings of the City's Population and Employment Growth Analysis study work.

Council Composition Review and Regional Governance

Section 217 of the *Municipal Act, 2001*, as amended, provides that a local municipality may change the composition of its council, with the following rules:

- Minimum of 5 members, one of which is the Head of Council
- Members are elected in accordance with the *Municipal Elections Act, 1996*
- Head of Council is elected by general vote
- Members other than the Head of Council are elected by general vote, or wards or by any combination of general votes and wards.

The Act also states that any changes to council composition at the local level shall not affect composition at the regional level. This means that in the event that a change to composition occurs for the City, it does not automatically affect or trigger a composition review at the regional level. Additionally, before passing a by-law to change its council, the municipality must provide notice of its intentions and must hold at least one public meeting.

In 1996 Burlington adopted two principles concerning regional representation: that the Mayor should be one of the City's representatives on Regional council, and that the regional councillors from the City of Burlington should sit on both City and Regional Council. At that time the size of Burlington's Council was reduced from 17 to 7 members, and all 7 City Council members sat on Regional Council, as is the case today.

If Council wishes to review its composition at the same time as the ward boundary review, any change in composition will establish the preconditions for governance and serve as a basis for ward boundary review. In addition to the above-mentioned considerations and factors for a ward boundary review, other factors considered may include the capacity to represent. 'Capacity of represent' is often equated with councillors' workload. It considers ward size, types and breadth of concerns, ongoing growth and development and complexity of issues that the elected officials deal with. Any increases to the number of members of council would have financial implications for the Corporation, including but not limited to council remuneration, support staffing and requirements for additional office space.

Appendix A provides a comparison of other municipalities, their governance structures and population by member statistics. It shows that Burlington's population per member is similar to Vaughan, Richmond Hill, Hamilton, London and Markham.

Section 218(6) of the Act requires that a regional municipality shall review the number of members of its Council that represent the lower-tier municipality following the 2018 regular election, and every second regular election after that. Since Halton Region reviewed its composition after the 2018 election, the next composition review will take place after the 2026 election. A motion can be brought forward to review regional council composition and regional representation before then, and any changes to composition would need to meet the triple majority requirement. This means that a majority of local councils, a majority of regional Councillors, and a majority of the represented regional population must be in favour of a change to regional council composition.

Provincial Regional Review

In November 2022, the provincial government indicated that 6 regions including Halton, would be subject to a regional review process. In May 2023, Council endorsed a motion that demonstrated its commitment to actively participate in the upcoming assessment of Halton Region upper and lower-tier responsibilities. On September 13, 2023 the newly appointed Minister of Municipal Affairs and Housing announced that the Chair of the Legislature's Standing Committee on Heritage, Infrastructure and Cultural Policy would take on the work of the regional review. The scope of the review would focus on the ability of the two-tier government to support the construction of new homes and provision of effective local governance in general. It would also review whether responsibilities and services of each level of government can be combined, amended, or transferred to support construction of new homes, and whether the municipal governance in the region supports the construction of new homes and effective local governance in general. It would also look at whether any changes to regional governance would enhance local services or provide better value for taxpayers. The Province's direction on regional review shifted from appointment of regional review

facilitators to public hearings through the Standing Committee on Heritage, Infrastructure and Cultural Policy. The hearings, currently underway, have no defined date of completion/decision arising from this work. On January 26, 2024, the Minister of Municipal Affairs and Housing issued a letter to the Chair of the Peel Region Transition Board providing clarity for the recalibrated scope of the Board's mandate in light of the Province's decision not to dissolve Peel Region. This re-calibration work is expected to result in the provision of recommendations on the transfer of services currently provided by the Region of Peel to the City of Mississauga, the City of Brampton and the Town of Caledon. In January 2024, the City Manager provided Council with a Regional Review Update CM-01-24. At this time, the regional CAOs have begun work to explore opportunities to streamline and optimize services, shifting the focus to service instead of governance structure. Staff has included this as a consideration, as other municipalities who have paused their ward boundary and composition reviews in anticipation of the potential impacts of provincial regional reviews, are moving ahead with boundary reviews.

Engaging a Consultant

It is recommended that an independent, third-party consultant lead the ward boundary review in order to ensure that there are no perceptions of staff conflicts in determining ward boundary recommendations to Council. Most urban municipalities that have undertaken ward boundary and composition reviews in recent years have engaged consultants to lead the review. The consultant would conduct research, develop, and execute a workplan that includes public consultation. Options and recommendations would be reported to Council. Additionally, the consultant would be an expert witness in the event of any appeals of the OLT of any Council-approved by-law to revise ward boundaries.

More specifically, the consultant responsibilities would include:

- Carrying out a ward boundary review that will withstand legal scrutiny and possible appeals to the OLT;
- Developing a review workplan and community engagement strategy for the review;
- Undertaking required electoral, public policy and other research to inform the ward boundary process;
- Implementing a two-stage engagement and consultation strategy with residents, key stakeholders, and Members of Council to gather input on current and proposed ward boundaries; and
- Developing ward boundary options and a recommended option for Council's consideration and approval by the spring of 2025.

The full scope of the consultant's responsibilities will be included in the Terms of Reference for the review once the scope is approved by Council.

Projected Timeline

Staff are seeking an approval to retain a consultant to meet statutory timelines to have any new ward boundaries in place for the 2026 Municipal Election. As outlined above, for any new ward boundaries to be in effect for the 2026 Municipal Election, a by-law must be in effect by January 1, 2026, and any appeals must be concluded by this date.

Below is a proposed high-level timeline that may be subject to modification by the consultant once they are brought on board and depending on the scope of the review as approved by Council.

Task	**Timeline**
1. RFP process, evaluation and contract negotiation	April – May 2024
2. Consultant onboarding and project initiation	May – June 2024
3. Development of communication and engagement plan	May – June 2024
4. Consultant review, research and public consultation (this includes 2 rounds of public consultation)	June 2024 – December 2024
5. Final report to Council for consideration	February 2025
6. Enactment of by-law	February 2025
7. Public notice of enactment of by-law	February 2025
8. 45-day OLT appeal period	April 2025
9. Notice(s) of appeal forwarded to the OLT by City, if applicable	April 2025
10. Expected OLT decision (within 6-8 months), if applicable	May 2025 – December 2025
11. GIS work to redraw boundaries and forward information to Elections Ontario	2025/early 2026
12. Communications plan re: new boundaries	Ealy 2026, leading up to the election

Post ward boundary review and resolution of any appeals, work will begin to finalize the new ward boundaries. Ward boundary change information will be provided to Elections Ontario which now has the legislated responsibility for the Preliminary List of Electors for municipal elections. Staff will work with Corporate Communications and Engagement to develop a communications plan to inform residents of the new boundaries and potentially any changes in school trustee distribution if appropriate leading up to the 2026 election.

Anticipating Appeals

In planning and implementing the ward boundaries review the potential of appeal must always be considered. In the past Tribunal decisions that have been consistent, four tests are usually applied to determine the validity of a ward boundary review:

1. Has the consultant team undertaking the ward boundary review been objective and independent from council and staff direction;
2. Has the principle of effective representation been achieved;
3. Was the public engagement and consultation process robust and provided participants with opportunity to provide input on the design of the wards and ability to comment on various options; and
4. Are the population projections that determined the voter parity component of effective representation credible.

These four pillars have been reinforced in the OMB (now the Ontario Land Tribunal) decisions in the Ottawa, Toronto and Hamilton ward boundary review appeals and will be considered in drafting of the terms of reference for the review.

Options Considered

Below are options for Council to consider to determine the scope of the proposed review.

Option 1	**Review of ward boundaries; maintaining the current council composition**
Details:	Council direction to review current ward boundary reviews, while maintaining the current composition of 1 Head of Council (Mayor) and 6 City and Regional councillors.
Considerations:	• Review would consider boundary realignment to achieve the principle of effective representation for the next three election cycles. • Extensive public consultation and engagement will be conducted as part of the review
Timeline:	Timeline would generally remain as proposed above with minor modifications as the consultant is onboarded
Budget:	$125,000 (based on other municipal comparators)

Budget breakdown:	• Research, review and completion of final report and recommendations for boundary realignment by Consultant • Public consultation and engagement by consultant • Advertising/promotion costs (tactics to be determined as part of communications plan)	$65,000 $35,000 $25,000
Option 2	**Council composition and ward boundary review**	
Details:	Council direction to review and explore options for council composition and serve as basis for the ward boundary review, should composition change.	
Considerations	• Change to composition of council would serve as the basis for re-drawing of the ward boundaries. • Changes to council composition at a local level do not impact regional council composition. • Currently all 6 City Councillors sit on Regional Council with the Mayor. • Halton Region will look to review their council composition after the 2026 municipal election. • Extensive public consultation and engagement will be conducted as part of the two phases of the review. This is a critical component of each phase of the review.	
Timeline	Timeline for the review may need to me adjusted to incorporate the additional phase of composition review into the workplan	
Budget:	$220,000 (based on other municipal comparators)	
Budget Breakdown:	• Research, review and completion of final report for options and recommendations for council composition by Consultant (phase 1) • Public consultation and engagement by consultant (phase 1) • Research, review and completion of final report and recommendations for boundary review by Consultant (phase 2) • Public consultation and engagement by consultant (phase 2) • Advertising/promotion costs (tactics to be determined as part of communications plan to account for 2 phases of the review)	$60,000 $35,000 $65,000 $35,000 $25,000
Option 3	**Status quo: Maintain current ward boundaries and council composition**	

Details:	Council may decide not to proceed with a ward boundary review at this time.
Considerations:	• If Council decides not to proceed with a review, petitions by electors can be filed as per Section 223(1) of the Municipal Act. • Current ward boundaries are already showing a population variance and are likely to continue to increase due to population shifts and growth. Increased range in voter parity would result in effective representation being lost. • The current ward structure has been in effect for the last 5 municipal elections. • Given that a regional council composition review will take place after the 2026 election, Council may consider delaying the review until that term.
Timeline:	Ward boundaries review would take place during the 2026-2030 term of council with effect for the 2030 municipal election.
Cost:	There may be costs incurred should a petition to re-draw ward boundaries be filed and a subsequent appeal take place.

Financial Matters:

Budget for this exercise will be determined by the scope of the review as approved by Council. Further refinements will be possible once the RFP process is completed.

Total Financial Impact

If Council approves Option 1, the proposed budget for the project will be $125,000. Should Option 2 be approved, the proposed budget will increase to $220,000.

Source of Funding

The funding source for the proposed ward boundaries review is the Election Reserve Fund. The balance in this reserve fund is just over $400,000 as of December 31, 2023.

Other Resource Impacts

Staff in the Office of the City Clerk will lead the project and will collaborate with the Corporate Communications and Engagement team, along with staff from Procurement, GIS, Planning and Legal, depending on the phase of the project.

Climate Implications:

Not applicable.

Engagement Matters:

Extensive engagement and public consultation will be key in the ward boundary review to ensure wholesome input and feedback from the community. A robust communications plan will be developed by the Consultant in collaboration with Corporate Communications and Engagement teams. Emphasis will be placed on engagement with residents, businesses, and various stakeholders, and communications will be leveraged to educate residents about the review and effective representation to ensure they can participate with full information.

Having a consultant lead the engagement and public consultation will ensure that feedback received from the larger community is meaningful and politically unmotivated. While the final report and option will be approved by Council, it is critical that engagement allow for residents to speak freely outside of Council influence. The project will be transparent, open and take into consideration the story of residents, their wards, and their feelings about how they are represented.

Conclusion:

The City of Burlington is anticipating growth and continues to navigate recent and ongoing changes to the provincial and regional policy frameworks. This is the ideal time to review the current ward boundaries that have been in place for the last five election cycles. The ward boundary review will consider future growth and ensure that any changes to ward boundaries follow the principle of effective representation for the next three election cycles. To do this effectively, staff recommend engaging a consultant to lead the review and public consultation process.

Respectfully submitted,

Aleksandra Hutchison

Election Officer

(905) 335-7600 ext.7957

Samantha Yew

Acting Director, Office of the City Clerk/Acting City Clerk

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Appendices:

A. Appendix A – Population by member municipal comparators

Notifications:

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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.

Appendix A – Population by Member Municipal Comparators (CL-03-24)

Municipality	Population (as per 2021 census)	Council size	Council Composition	Population per member
Burlington	186,948	7 members	• Mayor • 6 local & regional councillors • Lower tier municipality	31,158
Oakville	213,759	15 members	• Mayor • 14 elected councillors among 7 wards • 7 town councillors • 7 town & regional councillors • Lower tier municipality	15,269
Milton	132,979	9 members	• Mayor • 8 councillors • 4 town councillors • 4 town & regional councillors • Lower tier municipality	16,622
Guelph	143,740	13 members	• Mayor • 12 councillors • 6 wards; 2 pt. time councillors per ward • Single tier municipality	11,978
Hamilton	569,353	16 members	• Mayor • 15 city councillors • 15 wards • Single tier municipality	37,957
Mississauga	717,961	12 members	• Mayor • 11 city & regional councillors • Lower tier municipality	65,269
Brampton	656,480	11 members	• Mayor • One city and one regional councillor for each of five electoral areas which cover 2 wards each • 10 wards • Lower tier municipality	65,648
Vaughan	323,103	10 members	• Mayor • 4 local & regional councillors • 5 ward councillors • 5 wards	35,900

			• Lower tier municipality • Will begin a council & ward boundary review this year	
Markham	338,503	13 members	• Mayor • 4 regional councillors • 8 ward councillors • 8 wards • Lower tier municipality	28,206
Richmond Hill	202, 022	9 members	• Mayor • 2 regional and local councillors • 6 ward councillors • 6 wards • Lower tier municipality	25,253
Toronto	2,794,356	26 members	• Mayor • 25 city councillors • 25 wards • Single tier municipality	111,774
Ottawa	1,017,449	25 members	• Mayor • 24 city councillors • 24 wards • Single tier municipality	42,394
London	422,324	15 members	• Mayor • 14 city councillors • 14 wards • Single tier municipality	30,166
Caledon	76,581	9 members	• Mayor • 6 local councillors • 6 wards • 2 regional councillors • Lower tier municipality	9,573
Kitchener	256,885	11 members	• Mayor • 10 city councillors • 10 wards • regional councillors are elected directly to regional council • Lower tier municipality	25,689

Cambridge	138,479	11 members	• Mayor • 8 ward councillors • 2 regional councillors • 8 wards • Lower tier municipality	13,848
Waterloo	121,436	8 members	• Mayor • 7 ward councillors • 7 wards • Lower tier municipality	17,348

SUBJECT: **Recommendations for the evolution of Tyandaga Golf Course**

TO: **Committee of the Whole**

FROM: **Recreation, Community and Culture**

Report Number: RCC-04-24

Wards Affected: all

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Direct the Director of Recreation, Community and Culture to retain Tyandaga Golf Course as an 18-hole course as outlined in recreation, community and culture report RCC-04-24 and provide an operational update in 5-years' time (2029); and

Approve a by-law substantially as shown in Appendix C to recreation, community and culture report RCC-04-24, being a by-law to create a Tyandaga Golf Course Reserve Fund and direct the Director of Recreation, Community and Culture to include a 5% surcharge through the 2025 budget that would contribute to the Reserve Fund and the future capital enhancement of the golf course.

PURPOSE:

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment
- Deliver customer centric services with a focus on efficiency and technology transformation

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Executive Summary:

In September 2023, staff brought forward a report to Committee, RCC-15-23 with the following staff direction:

> "Direct the Director of Recreation, Community and Culture to commence engagement with the community regarding the Evolution of Tyandaga Golf Course as outlined in RCC-15-23 and report back in Q4 2023 with operations for consideration including engagement results".

This review was initiated by staff due to various factors:

- Safety concerns on hole 18, similar to those previously encountered on hole 14 in 2015.
- Concerns about Tyandaga's overall footprint (108 acres) to safely house an 18-hole course.
- Changing golf trends, notably the rise in popularity of 9-hole courses.
- Community feedback expressing a desire for additional greenspace amenities.
- Desire to better serve our community having just recently (as of 2021) slowly been phasing the Tyandaga Golf Course operation into a tax supported service.

Following Council's support of the community engagement approach, staff began consulting with Tyandaga residents, golfers, Burlington residents, and users of the outdoor amenity, to name a few. Staff collected feedback through an online survey and held various in-person and online engagement sessions. The objective of these sessions was to gather additional input from all parties around the idea of a different golf course as well as creative uses of the greenspace on the Tyandaga property. A resounding theme from the engagement was an ask for transparency from the community; they wished to access all information pertaining to Tyandaga's property and operation including the various safety reports. Following the engagement and to satisfy the community's wish for transparency, Councillors Bentivegna and Galbraith brought forward Motion Memo – Tyandaga Golf Course safety reports (EICS-C-05-23) before Committee, requesting that Council wave privilege and release the reports. The Motion Memo was supported and approved on December 12, 2023.

Background and Discussion:

In 2022, Tyandaga received claims of numerous incidents concerning Hole 18, prompting the hiring of a golf consultant to assess the situation and provide risk mitigation recommendations. The consultant's Report advised the City to immediately change Hole 18 to improve safety. Staff chose to convert Hole 18 from a Par 4 to a Par 3, however, this change resulted in an overall increase of Par 3's to 7; more than any other non-executive course in Burlington and surrounding areas. Hole 14 had also previously changed to a Par 3, in 2015, for similar reasons.

Despite safety being the driver behind the modifications to Hole 18, staff received numerous complaints about the changes. These objections stemmed from concerns about excessive Par 3s on the course and the dissatisfaction of ending the course on a Par 3; both of which negatively impact the player's experience today. The ongoing reduction of Tyandaga's holes could also lead to the downgrading of the course, rendering it potentially unplayable or less enjoyable in the future.

During the review of Hole 18, the Consultant also alluded to other potential risks on the course and it was at that time that staff retained the consultant to do a full examination of the course. Out of the total 18 holes, two additional holes (Hole number 4 and 5) were identified as either currently having or with the potential of becoming similar risks due to their placement. Risk mitigation options such as installing netting or planting trees were reviewed but at the time deemed suboptimal. The cost associated with purchasing, installing, and maintaining netting, including the seasonal setup and takedown, was also deemed prohibitive. Planting mature trees was considered another possibility; however, this option was also deemed costly, and the risk of tree survival added another layer of concern.

At this time, staff began to consider various options for the evolution of Tyandaga Golf Course, including, but not limited to the conversion to a 9-hole course. Staff brought forward report RCC-15-23 to Committee and began engaging with the community to gauge feedback on transitioning to a 9-hole golf course with the following goals in mind:

1. Addressing safety concerns,
2. Enhancing player experience, and
3. Maximizing the utilization of green spaces.

However, as detailed in the engagement section of the report, the feedback received from residents and golfers indicated a strong preference for retaining the 18-hole course rather than exploring the possibilities of a 9-hole layout. Furthermore, residents were extremely concerned about potential development on parts of the golf course earmarked to be used for greenspace, despite reassurances from both Council members and staff that development would not be an option at this time. The comment remained that opening the space to more passive use, landed itself more readily available for any development in the future, and a possible solution to addressing Burlington's housing shortage.

Internally, staff had many discussions around risk and risk tolerance. This question continued to surface; "what is an acceptable level of risk for the city to take on given inherent risk to the game of golf?" It is evident that as an operator, it is the City's responsibility to mitigate as many of the risks possible.

In late December, staff reviewed all the information received to date and was preparing a report back to Committee with all this information. The intent was to have an open conversation regarding risks, feedback received, and criteria used to essentially land a recommendation for the future evolution of Tyandaga. However, concurrently staff dug deeper into the safety reports and came up with some very effective measures to mitigate a lot of the residual risk. As such, by means of this report, staff are bringing forward facts, criteria, and an overall recommendation to maintain the golf operations as an 18-hole given the resounding support from the community. Staff is suggesting that the City move forward with the investments in capital to better improve the player experience and report back by 2029 (5-year cycle) on the success of the operation.

Strategy/process/risk

The decision-making process encompassed a comprehensive assessment, taking into account several key factors, including:

- Examination of market trends between a 9-hole, 12-hole and 18-hole golf operation.
- Conducting community engagement sessions to understand community preferences. Staff initially focused on engaging on a 9-hole layout and amenities, including demand for greenspace enhancements based on previous community feedback.
- Reviewed consultant's findings, pinpointing safety hazards and proposing mitigation strategies, both internal and external.
- Assessed financial aspects to gauge the sustainability of a 9-hole course versus maintaining it as an 18-hole facility.
- Formulated strategies to bolster the course's sustainability and customer service, including increasing youth participation, improving facilities, and identifying necessary capital investments through grant applications.

Staff narrowed it down to the most critical factors for consideration when putting together feasible options for consideration. These factors include:

1. **Safety and Risk Mitigation:** Golf, as a sport, carries both internal and external inherent risks. Internal risks include stray golf balls or inexperienced golfers taking shots at unpredictable angles. External risks include balls landing out of bounds and potentially causing damage to surrounding homes. As a golf operator, it is the City’s responsibility to implement reasonable measures to ensure persons entering the golf course remain reasonably safe. In 2023, the City converted Hole 18 from a Par 4 to a Par 3 and this change helped mitigate various safety issues on that hole. However, external risks, as identified in Miller Golf’s Safety reports, exist on Hole 4 and 5

whereby the homes adjacent to these holes could be damaged by stray balls. It should be noted that we have had very few complaints from these holes in the last five years. The consultant also made note that Hole 6 was also adjacent to homes, however a fence was erected and there have been no complaints to date regarding stray balls. Holes 9, 15, and 16 were identified as potentially having safety risks to surrounding naturalized areas or the tennis courts; however, no homes are adjacent, and no complaints have been logged. Lastly, Holes 14 and 18 were identified as posing a higher risk, however, their conversion to a Par 3 seems to have mitigated these concerns. To further mitigate risks, particularly on Holes 4 and 5 which are adjacent to residential properties, staff would explore various measures to increase safety including but not limited to: updating tee boxes to improve sight lines, managing sand traps to guide focus towards the green, installing netting where needed, and exploring tree planting for continued protection to adjacent homes. Regular course inspections will address potential hazards, and additional risk signage will promote safety awareness, ensuring an enjoyable experience for all patrons. Other internal risks could be mitigated through cart paths whereby golfers would be forced to stay on an assigned route as opposed to driving anywhere on the course to get from one hole to the other. Internal and external risks could also be reduced by changing the order of the holes, reducing the distance, or modifying hitting angles as well as through an overall reduction in the course such as the conversion to a 9 or 12-hole course.

2. **Customer Experience:** It is imperative that the experience for both golfers and greenspace users be a positive one. This can be achieved through beautification of the course and amenities, maintaining and/or increasing service levels, and pro-actively meeting consumer needs (e.g. adding a practice warm-up area if required by the membership and green fee players). Most of the tee boxes are from the original golf course design and over time, have become crowned, leaving a less desirable playing surface for the golfers. The absence of golf cart paths creates an environment less appealing to golfers. There is an opportunity to improve the overall experience at Tyandaga by enhancing both the aesthetic appeal and golfing amenities, aiming to better attract and satisfy golf enthusiasts. Other aspects of the customer experience include the booking process, checking in process, food services, overall satisfaction with the infrastructure (golf carts and clubhouse), to name a few. As of 2021, Tyandaga has been slowly phasing out its net zero operation and is moving towards being a fully tax supported service in 2024. During its net zero operation, the ability to invest in the course depended solely on the margin of its profits. Although the golf operation has been doing well over the last 5 years or so, the favorability after including all operating expenses and capital renewals was marginal which means that the City has not been able to invest significant dollars into improving the course and its overall customer experience.

3. **Environmental Impacts:** Tyandaga has many naturalized areas which enhance flora, save on water, reduce carbon emissions, create wildlife habitats, reduce maintenance costs, and allow staff to focus resources on primary areas of the golf course. Tyandaga Golf Course is also located in the Cootes to Escarpment EcoPark boundary and includes over many hectares of public urban woodlands. These woodlands are key natural features that are a part of a larger ecological network that expands well beyond the City of Burlington borders. They have significant benefit as they help species adapt to climate change, they connect various habitat types needed for species' different life stages, including migration and support vital ecosystem services like provision of food and clean air, as well as nutrient, and water cycles. Any enhancements (e.g. new plantings) or improved maintenance (e.g. removal of invasive species) of these woodlands should be a consideration of the future state of the Tyandaga property. It would be in alignment with the Cootes to Escarpment Management Plan(s) and the City's Urban Forest Management Plan. For additional details specifically related to climate change, refer to the "Climate Implications" section of this report.

4. **Feasibility:** As a tax-supported service, it is imperative that the City consider the tax impact on any service enhancements. For example, the return on investment for the various future enhancements the City wishes to make in the course/priority. While an 18-hole setup continues to generate revenue, it also incurs significant capital costs compared to a 9-hole course. Despite projecting approximately half the revenue of an 18-hole course, it could take some time to re-establish a new 9-hole golfing clientele, but once established, a 9-hole course offers potential for profitability. Staff explored avenues to subsidize the 9-hole course, considering options like a driving range, but community feedback strongly opposed investing in these types of amenities.

5. **Market Analysis:** Currently, golf courses across Ontario offer a variety of different year-round experiences, technological options, affordability, and number of holes. Furthermore, golf is increasingly being positioned as a sport contributing to overall wellness and helping to promote an active lifestyle. Golf courses encompass numerous social opportunities, diverse playing experiences, full or partial day enjoyment, and excellent physical and mental health benefits. A recent trend in the industry shows a growing preference for time-efficient golf experiences, with increased popularity in 9-hole rounds. In 2023, Golfnow recently reported a 40% year-over-year rise in 9-hole tee time bookings in the industry. Tyandaga currently offers a mix of 9-hole and 18-hole golf experiences throughout the weekdays. Four of the five weekdays are comprised of both 18-hole and 9-hole league play events that appeal to all skill levels of golfers. Tyandaga has the flexibility to maintain or potentially increase their 9-hole tee time offerings based on demand, while still retaining its status as an 18-hole course for those who prefer to play 18 holes.

Tyandaga is currently ranked at 3.5 out of 5 stars by user groups on Golfnow. This ranking is amongst the lowest in the area, mainly attributed to minimal investments in significant capital needs. Tyandaga would attract and retain more user groups year-round by offering golf cart paths/walking paths, improving the current aging irrigation system, and repairing or rebuilding several crowned tee box areas.

Tyandaga's geographical location is excellent, drawing golfers from large markets such as Toronto, Hamilton, and the Niagara Region. Many public golfers currently travel up to one hour to play golf at an affordable facility. Burlington currently has 9 golf facilities and there are approximately 800 across Ontario. Golf Ontario reports that 451 of these facilities are 18-holes, 231 are 9-holes and the rest of the facilities are comprised of 12, 27, 36 and 45+ hole facilities. Tyandaga is currently maintained and priced according to its 3.5-star rating. The current state of golf in southern Ontario is very strong. While 18-hole courses maintain their allure, the rise in 9-hole options indicates a shift towards more flexible and affordable play. Tyandaga has proven to be a successful 18-hole course, while also offering 9-hole play for leagues, tournaments or daily green fee players looking for an affordable and more time-efficient round. Additional information regarding market trends can be found in Appendix B.

Next Steps

In 2024, Tyandaga will maintain its operations as an 18-hole golf course. Ongoing safety improvements include the removal of ash trees, tree cutting to improve sightlines, implementing risk signage, repair, and installation of necessary netting near housing, and considering additional tree plantings for residential coverage. The assessment of tee boxes improvements and sand trap alterations will undergo further review, and implementation will commence upon securing suitable companies for both projects.

To enhance the golfer's experience, a practice area will be created, and youth clinics will be added to the program menu. A Tyandaga Committee will furthermore be formed to ensure continuous community input on the improvements of Tyandaga, such as reviewing additional winter activities to implement in the off-season. Exploration of available grants could provide opportunities to accelerate capital improvements such as adding in cart paths as well as linking hiking trails from Kerncliff Park to Tyandaga, both of which would increase safety as well as customer experience.

Tyandaga will furthermore establish a new Tyandaga Golf Course Reserve Fund, allocating 5% of all membership and green fee revenues, approximately $50k per year, to this fund. This change aims to assist with funding customer enhancements on the course and property. Additionally, staff plan on implementing initiatives such as capping

memberships and introducing a non-resident fee to ensure a fair and equitable player experience for both residents, non-residents, members, and green fee players.

In 2025, following consultations with the new Tyandaga Committee, various holes will be repositioned to enhance the course's walking-friendly features. There is also a possibility of assessing all holes to enhance the overall enjoyment, with a specific focus on optimizing playability for Hole 18. Additionally, decreasing the distance between holes will help reduce the average round time to align with the trend of quicker game play.

Furthermore, an annual review of sightlines and hole safety claims will be conducted to proactively address concerns. Staff will provide a comprehensive report to Council in 2029, assessing operational success and ongoing risk mitigation efforts.

Options Considered

Based on the above considerations, staff considered remaining status quo as well as changing Tyandaga to a 9-hole or 12-hole course.

The below chart identifies each option and how it aligns with the considerations in the strategy and discussion section of the report.

Option	**Considerations Addressed (Y/N)**			
	Safety and Risk Mitigation	**Customer Experience**	**Environmental Impacts**	**Feasibility**
18-hole - Status Quo	N	N	Y	Y
9 or 12-hole course with additional green space amenities	Y	Y	Y	N
18 hole – with changes based on community input incl. safety mitigation	Y	Y	Y	Y

As evident from the chart above, maintaining the status quo would only fulfill the feasibility aspect outlined. Conversely, retaining Tyandaga as an 18-hole course, guided by valuable community feedback, merits consideration for further improvements that would address not only the feasibility option but would also increase customer experience and continue to decrease safety and risk mitigation.

Financial Matters:

In 2024, Tyandaga has transitioned to a fully tax-supported model. Up until this point, it operated as a net zero, that meant that any operating profits of the course would be deposited in a reserve fund to be used for capital improvements or potential operating losses. Unfortunately, operating profits were insufficient to cover the full capital needs of the course, which meant that for years, projects were deferred, resulting in a large backlog of capital needs.

Over the last few years, the course has seen some profits which means that its reserve fund has a positive balance of approx. $315k. In addition, there is $1.215 million of previously approved, but not yet spent, capital funding as part of the Park Design and Construction capital program, in addition to facility capital dollars. Much of this relates to the postponement of capital projects pending a decision on how to evolve Tyandaga. Now that the course has transitioned to a tax supported model, additional tax supported funding can also be used to support the course's capital needs.

While $1.215 million appears to be a substantial sum of money, the funds would be used for critical investments to maintain and increase safety such as implementation of netting, altering sand traps, planting of trees for future risk mitigation, safety signage, levelling of tees and much needed cart paths are close to this total amount. Furthermore, there are additional projects necessitating replacement, such as the irrigation system, alongside the consideration of other asset replacement and associated lifecycle expenses.

A review of assets would need to be completed to determine prioritization of projects and as with each capital budget process, the needs at Tyandaga will be assessed in context with other park and facility renewal schedules and prioritized accordingly. Staff will also regularly explore external grant funding opportunities to generate additional funding revenue streams.

Lastly, staff are recommending the establishment of a new Tyandaga Golf Course Reserve Fund that would be funded by a 5% surcharge applied to rates. The reserve fund by-law can be found in Appendix C. As membership sales have already happened, it is too late to alter rates and fees at this time, therefore this change will be implemented for the 2025 season.

Climate Implications:

Burlington has been experiencing many extreme weather events that have negatively affected the golf industry throughout southern Ontario. The climate crisis directly affects the overall operations, causing later openings and early closures to the golf season and many extreme weather closures all of which negatively impacted the overall financial

performance. Additional space can furthermore allow for naturalization to occur, such as the addition of native plants and hiking trails, pollinator gardens, rain gardens, or wildlife habitats to name a few. These examples allow for the restoration of natural ecosystems, in addition to enhancing biodiversity within the neighbourhood.

Engagement Matters:

In September and October, staff coordinated various public engagement initiatives, hosting six in-person events, including Food for Feedback, Appleby Streetfest, three face-to-face engagements, and one online event. An additional in-person event was added at Tyandaga due to the first Tyandaga engagement session being at capacity.

Additionally, a survey was conducted through the Get Involved platform. These endeavors led to the active involvement of 168 residents in face-to-face interactions and 548 completed surveys or online participations. 79% of survey participants were golfers or had previously golfed at Tyandaga. The recurring feedback from this community conveyed a strong preference for maintaining the golf course as an 18-hole facility.

Top 5 comments on changes to the current 18-hole course:

- Improve golf course maintenance, cart paths, tee boxes and greens.
- Add netting or plant mature trees to reduce risk areas.
- More opportunities for youth, including youth camps/leagues.
- Creation/improvement of a practice facility.
- Already have many greenspace options in Tyandaga – improve the parkland that already exists (i.e., Kerncliff park) and connect Tyandaga with the Bruce trail system.

Top 5 comments on changes to the recreational use of Tyandaga:

- More winter programming, ice rink, snowshoeing/cross country skiing.
- Accessible paths for walking/biking year-round.
- More recreational opportunities such as
    - Dog walking
    - Nature hikes
    - Biking paths
    - Volleyball
    - Disc golf year round
    - Leash free area
    - Outdoor volleyball courts

We heard that the areas that participants valued about Tyandaga:

- Maintaining the space as greenspace – no development.
- Usage of the golf course and tennis courts.
- Access to greenspace.
- Winter Park activities such as tobogganing, walking and play.
- A recreation space for families and neighborhoods to gather and play.

Conclusion:

Tyandaga is truly a cherished asset within the City of Burlington. Investing additional and essential funds will contribute to the ongoing enhancement of Tyandaga, restoring it to the beautiful 18-hole golf course it once exemplified as well as continuing to mitigate risk. Staff will phase in the various risk mitigation strategies mentioned in this report over the next few years with the hopes of increasing the overall player experience concurrently to mitigating safety concerns. Staff will be reporting back in 2029 to Committee to provide a fulsome operational update.

Respectfully submitted,

Renee Kulinski-McCann	Brad Weake
Senior Manager, Recreation Services	Manager, Tyandaga Golf Club

Appendices:

A. Safety Risk Analysis
B. Market Analysis
C. By-law XX-2024 Tyandaga Golf Course Reserve Fund

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.

Safety Risk Analysis

Safety for surrounding residents and homes has been at the forefront for most of the physical layout changes to the Tyandaga Golf Course.

In December, Council released a Confidential report and appendices (L-54-23) of Tyandaga's Site Review and Safety Analysis completed by Miller Golf Design. All 18 holes at Tyandaga Golf Course were reviewed, internally and externally, regarding any safety risks to adjoining private and residential lands and within the golf course itself. There was a focus on Hole 18 at this time.

Internal Risk:

Inherent safety concerns within the golf course, such as stray golf balls within the course or shots taken at peculiar angles, cannot be eliminated through renovations or alterations due to the limited 108 acres that Tyandaga sits on unless we continue to reduce the number of Pars. To mitigate internal risk, staff have recently installed signs indicating that playing golf at Tyandaga comes with assumed risks. Moreover, holes with limited visibility feature bells to signal players when someone is taking a shot. Lastly, the traditional warning cry of "Fore" can be used to alert all golfers to be aware of their surroundings.

External Risk:

External risks were based on anticipated shots from a variety of different types of golfers, safety angles and anticipated shots. External risks in the Consultant's report included safety issues on Holes No. 4, 5, 6, 9, 11, 12, 14 and 18 as these holes are adjacent to existing residential developments. Two other holes number 15 and 16 are identified as these are adjacent to vacant lands. In the past, staff through the consultant's recommendations, have reduced potential external safety issues associated with holes number 9 and 14 by adding netting and moving the location of the tee boxes.

Below is a chart depicting the Consultant's primary concerns as it pertains to risk and safety:

Hole #	Identified External Risk	Present Situation
4	Townhomes behind the green.	Netting was put up behind green and have received zero complaints.
5	Homes along the left-hand side of the tee box	To date, have received one complaint every 4- or 5-years regarding balls entering hole 5 properties.
6	Homes along the left-hand side of the green	Fence was erected and we have received no complaints regarding balls.

Hole #	Identified External Risk	Present Situation
9	Tennis courts on left side of hole	Netting was erected and moved the tee box; received no complaints from the tennis club regarding balls.
14	Homes along left side of hole 14.	Hole was changed from a par 4 to a par 3. Since the change was made, we have received only one complaint of golf ball damage and that was during the off-season when the course was closed.
15	No current safety concerns.	Holes to do run adjacent to any homes nor alongside of any holes.
16	No current safety concerns.	Holes to do run adjacent to any homes nor alongside of any holes.
18	The City received claims regarding damage to homes along hole 18 when it was played as a par 4.	After review with the safety consultant, changes to the layout and length of the hole 18 into a par 3. No complaints since changing hole 18 to a par 3.

Mitigating External Risk:

As seen from the chart above, majority of claims and risk were mitigated with the change to Hole 14 and 18; however, potential risks still exist on Holes 4 and 5. Furthermore, as stated in the chart above, there is an assumed risk for Hole 5 where we get 1 complaint every 4-5 years about a stray ball landing on the property. To minimize potential safety hazards, changes could be made such as reducing crowning on the tee boxes, installing netting in most compromised areas, strategically planting trees in noted risk areas, filling sand traps to redirect where golfers will aim their shot, and increasing signage. Future mitigation would include planting of smaller trees to maintain the area's safety. Continuous monitoring will also be implemented to ensure ongoing safety.

Note that no amount of safety angle or safety feature can stop 100% of golf shots or guarantee 100% safety as there are other factors that can alter the situation outside of the anticipated golf shot and shot line. There is also an assumed risk for the homes that back onto the golf course.

Summary:

In summary, there are both internal and external safety risks associated with running a golf course. Based on the Safety Analysis Study of the entire 18-hole golf course, the Consultant recommended we consider several options for the 108-acre property. Introducing some of the mitigating options starting next year include adequate risk and safety signage throughout the course, in addition to pruning of trees for increased visible sight lines. Other options to continue to mitigate risk include putting up netting, planting mature trees, or planting of smaller trees for future risk mitigation. In addition to

the one Consultant's recommendations, Golf pros also recommended that fixing the tee boxes and correcting the mounds by increasing the putting areas can help with safety mitigation. Finally, the Consultant also considered the reduction of the golf course to a 9- or 12-hole layout to fix all the external safety concerns. However, as seen above, there are options to mitigate risk without having to change Tyandaga into a 9- or 12-hole course.

Market Analysis

This market analysis includes an overview of the golf industry, the current state of Tyandaga, including municipal comparators and finally the market review of current 18-hole, 12-hole and 9-hole golf courses.

Overview of the Golf Industry:

Golf gained in popularity in the 19th and 20th centuries, while the late 20th century witnessed a shift from exclusive private clubs to the development of public and municipal golf courses. Increased accessibility and affordability contributed to a broader demographic participating in the sport.

The late 20th century also saw the advancement of technology in golf equipment, such as advanced clubs, balls, and training aids. Simulators, GPS devices, and swing analysis tools became commonplace, enhancing the overall golfing experience.

Currently, golf courses across Ontario and Canada offer a variety of different experiences, technological options, affordability, and variety of number of holes. Furthermore, golf is increasingly being positioned as a sport contributing to overall wellness and helping to promote an active lifestyle.

Current Status of Tyandaga:

Tyandaga is currently an 18-hole golf course that is open from April to October depending on weather conditions. Tyandaga offers memberships, green fee play, league play and tournaments. The dining room is open April to December and offers room rentals and catering in the off season.

During the months of November to March, the grounds are open for tobogganing, snowshoeing, walking, and disc golf.

Tyandaga Golf Course is currently rated 3.5 stars. 75% of golfers on Golfnow would recommend our course.

Municipal Comparisons:

There are currently 9 courses in Burlington and approximately 800 in Ontario. Of these courses, 17 are municipally run and 231 are 9-hole facilities. Below is an analysis of municipal golf courses primarily located within the GTA, including course par, course length, approximate rounds played including profitability and star rating.

Municipality	Course Name	Course Par	Course Length (Yards)	Rounds Played 2023	Profitable 2023/ Golfnow rate	
City of Mississauga	Lakeview Golf Course	71	6,242	40,000	Yes	4.1
City of Mississauga	Braeban Championship	72	6,335	40,000	Yes	4.3
City of Burlington	Tyandaga Golf Course	69	5,314	34,441	Yes	3.5
City of Hamilton	Martin Course	70	5,745	24,417	Yes	3.8
City of Hamilton	Beddoe Course	70	6,074	28,486	Yes	3.9
City of Hamilton	King's Forest	72	7,150	34,417	Yes	4.3
City of Kitchener	Doon Valley Golf Course	72	6,543	33,399	Yes	3.9
City of London	Thames Valley Classic	70	6,175	34,783	Yes	4.2
City of London	Fanshawe Tradition	70	6,090	31,248	Yes	4.1
City of London	Fanshawe Quarry	70	6,095	25,535	Yes	4.2
City of Brantford	Walter Gretzky	72	6,492	41,000	Yes	4.2

Municipal Comparators of 18-hole Golf Courses.

Overall, Tyandaga stands out by having the lowest course par among the 18-hole municipal comparators along with the shortest yardage among the 18 holes courses listed. Nevertheless, Tyandaga has recorded a higher number of rounds played than certain longer courses. It's noteworthy that all municipal golf courses, regardless of being 18 or 9 holes, demonstrate profitability, although they rely on tax support. Tyandaga maintains the lowest Golfnow rating at 3.5, mainly attributed to minimal investments in significant capital needs, as it was operating on a net-zero operating model.

Municipality	Course Name	Course Par	Course Length (Yards)	Rounds Played 2023	Profitable 2023/ Golfnow rate	
City of Mississauga	Braeban Short Course	27	1,254	15,000	Yes	4.2
City of Brampton	Peel Village	36	3,104	34,000	Yes	4.5
City of Stratford	Municipal Golf Course	35	2,976	27,000	Yes	3.9
City of Kitchener	Doon Valley Golf Course	35	2,898	25,048	Yes	4.0
City of London	Thames Valley Hickory	32	2,220	26,969	Yes	4.1

Municipal Comparators of 9 Hole Golf Courses

Analysis of 18-Hole Golf:

18-hole courses tend to attract golfers with varying skill levels. While serious golfers tend to enjoy 18 holes with a longer course which allows for a comprehensive examination of skills, there is also a significant number of casual and recreational

players who appreciate the social aspect of the game as 18 holes allows for extended social interactions. Currently, of the 325 members at Tyandaga, 35% are in the older adult category of over 65 years of age. Currently, many 18-hole courses are also able to cater to younger demographics as well as to families, implementing youth programs, family-friendly events, and beginner-friendly initiatives to nurture a new generation of golf enthusiasts. Currently, Tyandaga sells out annually from its youth memberships, capping 200 Junior memberships with a range in price from $317.00 for a two-month walking membership to $529.00 for a full season walking membership. Opportunities exist to increase beginner friendly events as well as family events. Tyandaga hosted 105 events in 2023, approximately 10% of the events were for Juniors, 40% for adults and 50% for the older adult demographic.

18-hole golf courses that offer a balance between a challenging game and a sociable atmosphere can attract a wider audience. There is a trend towards innovative course designs that offer both a challenging game and a visually appealing environment. Golfers are looking for unique and well-maintained courses that provide a memorable experience. Tyandaga Golf Course currently sits at a 3.5-star rating, designed by internationally respected and golf hall of fame inductee course designer Clinton “Robbie” Robinson, that offers both a challenging layout set in the beautiful community of Tyandaga. It currently offers both the challenge that golfers are looking for as well as a visually appealing environment right in resident’s backdoor. However, the majority of the tee boxes are crowned, sand traps and lack of golf cart paths make it a less than desirable environment for golfers. There exists an opportunity to enhance the overall experience at Tyandaga, elevating both the aesthetic appeal and golfing aspects to better attract and satisfy golf enthusiasts.

While 18-hole rounds remain popular, there is a growing acknowledgment of time constraints. Some courses are offering shorter rounds, twilight golf, or flexible tee-time options to accommodate golfers with busy schedules.

Analysis of 9-Hole and 12-hole Golf:

A more recent trend involves a shift towards flexible and time-efficient golf experiences, reflected in the popularity of 9-hole and 12-hole rounds. In 2023, Golfnow has seen a significant increase in 9-hole tee time bookings, up 40% year over year. Golf facilities with less than 18 holes are adapting to accommodate people that have time constraints, including busy professionals and families, and offering golf that is more accessible in terms of cost.

Furthermore, 9-hole courses are often perceived as more beginner-friendly. Novice golfers or first-time golfers may find the shorter format less intimidating and more enjoyable. The shorter duration of a 9-hole round provides greater flexibility. Golfers can fit a round into their schedule more easily, making it an attractive option for those with time constraints.

Tyandaga Golf Course currently offers a 9-hole option anytime Monday-Friday and after 5:00pm on weekends and holidays. Currently, 40% of our membership rounds played are 9 holes, and this option has been growing year over year.

Furthermore, 9-hole courses have less of an environmental impact, leading to less fertilizer and water to maintain the course. Running a 9-hole golf course incurs approximately 30% lower capital costs compared to operating an 18-hole course.

Factors that Influence Overall Satisfaction:

Overall, factors that influence overall satisfaction with golf courses, regardless of the number of holes, include course quality, customer service, amenities such as practice areas and personal preference with some golfers preferring 18 holes to 9 holes.

Conclusion:

In conclusion, the current state of 18-hole and 9- or 12-hole golf courses reflects the diverse needs and preferences of golf enthusiasts. While 18-hole courses maintain their traditional allure, the rise of 12-hole courses and the continued popularity of 9-hole options indicate a shift towards more flexible and time-efficient play. Tyandaga has shown to be successful as an 18-hole golf course and would continue its success remaining as an 18-hole or could adapt to a 9-hole and continue to be successful as seen with benchmarked municipal courses that operate as 9-hole courses.

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER xx-2024

A By-law to establish a Tyandaga Golf Course Reserve Fund.

WHEREAS the *Municipal Act, 2001,* S.O. 2001, c.25, as amended, authorizes municipal councils to establish reserve funds for any purpose for which it has authority to spend money; and

WHEREAS the Council of the Corporation of the City of Burlington deems it necessary to accumulate funds in a Tyandaga Reserve Fund to support the capital renewal and capital enhancement of the Tyandaga Golf Course and the related program amenities operated by the City of Burlington.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. That the Tyandaga Reserve Fund be established for the accumulation of monies received by way of surcharge from membership and green fee sales to support the capital renewal and capital enhancement of the Tyandaga Golf Course and the related golf amenities.

2. That any existing funds in the original Tyandaga reserve fund be transferred to this new Tyandaga Golf Course Reserve Fund.

3. That the Tyandaga Reserve Fund be utilized solely towards supporting the capital renewal and enhancement of the golf course and the related golf amenities.

4. That interest is added to the fund annually as allocated from the general investment fund of the Corporation.

5. That By-law 04-1991 be repealed.

ENACTED AND PASSED this 19th day of March 2024.

_____MAYOR
Marianne Meed-Ward

_____CITY CLERK
Samantha Yew

RCC-04-24 - Evolution of Tyandaga Golf Course

Recreation, Community and Culture Department

March 4, 2024

Our Journey

Reasons for Review:

- Concerns with hole 18
- Concerns with Tyandaga's limited footprint (108 acres)
- Changing golf trends, notably the rise in popularity of 9-hole courses
- Desire to add more greenspace to our overall Burlington Inventory
- Continuous Improvement and Desire to enhance customer experiences

Engagement Summary

Overall Themes:

- Not in Favour to convert Tyandaga to a 9 hole
- **Anxiety around future** development plans
- Lack of interest in a driving range
- Continuing/ enhancing youth offerings
- Enough greenspace in surrounding area
- Desire to invest in course

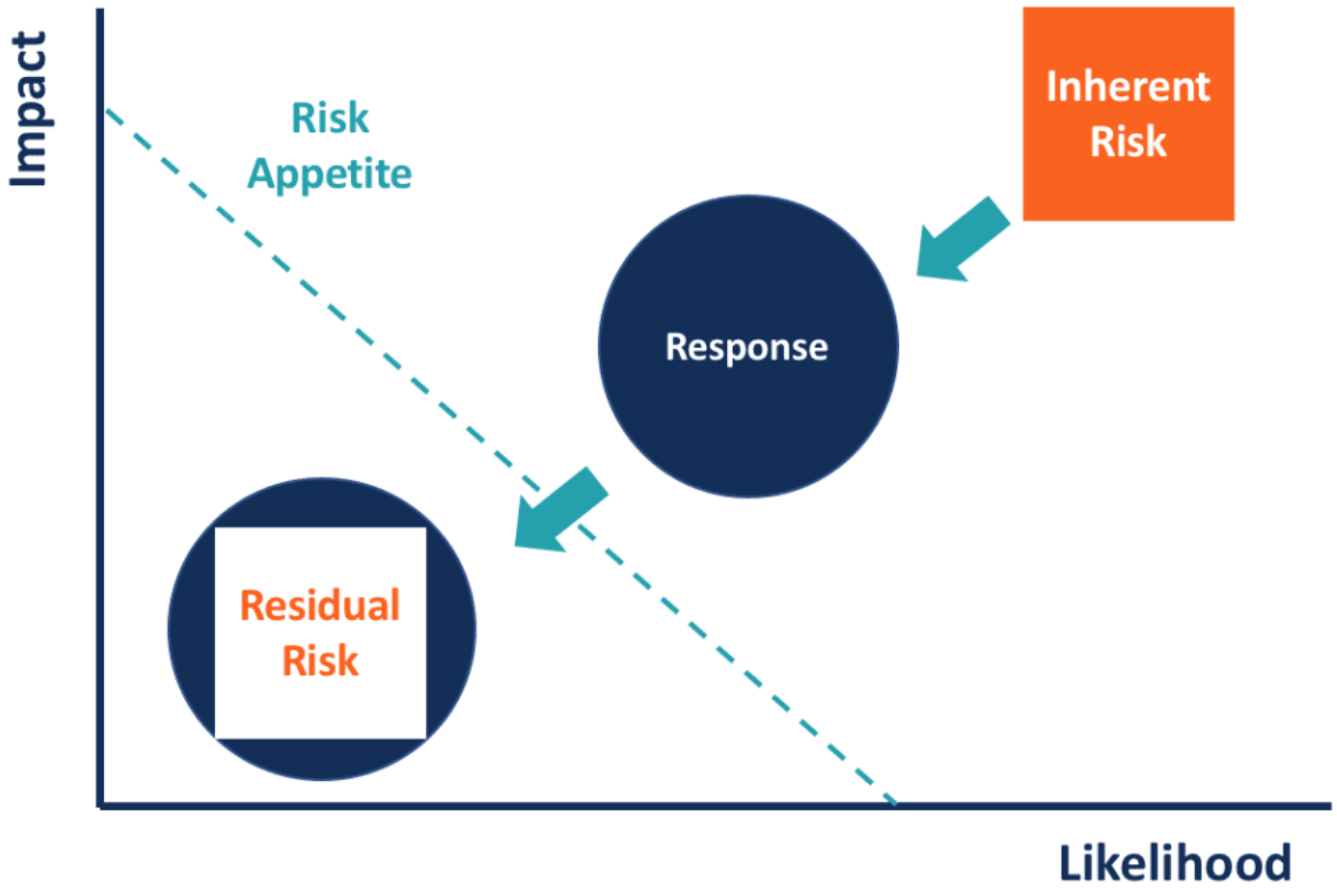
- 6 In Person Events – 168 engaged individuals
- 1 survey – 490 responses
- Many individual discussions and emails discussing preferences

Process for Recommendation

Prepared to come to Committee in January to review criteria:

- Engagement Results
- Customer Experience
- Environmental Impacts & Greenspace
- Feasibility
- Market Analysis
- Safety and Risk Mitigation

Risk


Impact
Risk
Appetite
Inherent
Risk
Response
Residual
Risk
Likelihood

Next Steps

In 2024:

- Proceed with capital investments at Tyandaga (Balancing asset renewal and customer enhancement projects)
- Establish a new Tyandaga Golf Course Reserve Fund, allocating 5% of all membership and green fee revenues surcharge to fund various customer enhancements at Tyandaga.
- Kick-off of new Tyandaga Advisory Committee (TAC) to help advise on evolution of the course

In 2025:

- Review membership offerings to acheive right mix of green fee play and membership play continues.
- Implement Non-resident fees
- Individual hole assessment to enhance overall enjoyment, with a focus on optimizing Hole 18.

In 2029:

- Report back in 5 years cycle with a full operational report

Thank you

Formal Recommendations:

- Direct the Director of Recreation, Community and Culture to retain Tyandaga Golf Course as an 18-hole course as outlined in recreation, community and culture report RCC-04-24 and provide an operational update in 5-years' time (2029); and

- Approve a By-law substantially as shown in Appendix C to recreation, community and culture report RCC-04-24, being a by-law to create a Tyandaga Golf Course Reserve Fund and direct the Director of Recreation, Community and Culture to include a 5% surcharge through the 2025 budget that would contribute to the Reserve Fund and the future capital enhancement of the golf course.

From: Bob Osborne <[redacted]>
Sent: Wednesday, February 28, 2024 7:47 AM
To: Gillies, Suzanne <Suzanne.Gillies@burlington.ca>
Cc: [redacted]
Subject: Tyandaga Golf Course

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Committee of the Whole

March 4, 2024

Agenda Item 11.1
Tyandaga Golf Course

I have reviewed the material in the Committee information package and support the recommendations contained in RCC-04-24 ……..

I have played golf at Tyandaga since the 1980s and consider it a valuable Burlington recreation asset.

I encourage the Committee to approve the recommendations.

Yours truly
Bob Osborne

Ward 2

Sent from my iPhone

SUBJECT: **Fireworks and drones for festivals and events – Canada Day**

TO: **Committee of the Whole**

FROM: **Recreation, Community and Culture**

Report Number: RCC-02-24

Wards Affected: all

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Direct the Director of Recreation, Community and Culture, as outlined in recreation, community and culture report RCC-02-24 to proceed with option two by partially removing fireworks from the July 1 event, and supplement with a drone display in 2025 and report back following the event by Q3 2025; and

Direct the Director of Recreation, Community and Culture to proceed with the same decision making process regarding air quality and fireworks as decided in 2023 and outlined in recreation, community and culture report RCC-02-24 in consultation with internal and external stakeholders for Canada Day Celebrations in 2024.

PURPOSE:

Provide a detailed overview of the pros and cons of using fireworks, including air quality impacts during Festivals and Events, specifically Canada Day and provide information on drones as potential alternate entertainment option. Establish a threshold of acceptable air quality for fireworks to be permitted on the event day.

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture
- Support sustainable infrastructure and a resilient environment

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Background and Discussion:

Currently, the City has an existing three-year agreement with Blue Star Pyro to provide a twelve-minute fireworks show for Canada Day, with the last year of the agreement being 2024, and the possibility of a two-year extension until 2026. With growing air quality and climate concerns, staff are proactively bringing forward this report before Committee to consider alternate options to the fireworks display.

Fireworks have been used for many decades and by many cultures to celebrate important events throughout history. Many nations use fireworks displays to bring people together to mark important dates to their countries, Canada Day being one of them. As fireworks symbolize celebration and joy, it has been a significant component to the City of Burlington's Canada Day event for many years. As years have progressed, Canada Day fireworks have varied in length and intensity, however, have remained consistent in entertainment and budget over the past few years.

In 2023, discussions were had among City of Burlington staff to determine if the Canada Day fireworks were going to move forward, as there was significantly poor air quality due to the wildfires in the surrounding area. The decision was made that if the air quality health index reached, or was anticipated to reach 10+ (very-high risk) for an extended period, around the time of the scheduled fireworks, the Canada Day fireworks would be reduced or cancelled to protect the health and safety of staff, residents, volunteers, vendors and entertainers. The air quality health index improved as the event approached, and the fireworks were able to continue.

Strategy/process/risk

There are alternate options we can provide the residents of Burlington while taking into consideration the effects of air quality, climate, noise, anxiety, fears, and safety, which align with Burlington's strategic vision.

Based on staff's knowledge of the resident experience, best practices around fireworks with large-scale events, and information available on environmental and psychological impacts; staff are recommending option 2 for the 2025 event. This would allow ample notification of the events modifications, adherence to contractual obligations (current contract expiring in 2024), and overall ability to gather valuable input on the change.

Currently, the fireworks display for Canada Day costs $22,261 including HST. The cost analysis is outlined below for each option.

Option 1: Remove the fireworks display from Canada Day and replace with a drone display.

Canada Day packages for drone shows range from $30,000-$60,000 using 100-300 drones. An additional request for $20,000 would be required from Council or obtained through sponsorship.

Option 2: Remove the fireworks display partially from Canada Day and supplement with a drone display.

Use existing budget provided and cut fireworks cost and use the remaining funds for a drone show using 70 drones. Existing allocated funding would be used.

Option 3: Continue existing state and provide fireworks display for Canada Day.

a. Existing allocated funding would be used.

In the event we continue with existing state, the following needs to be considered moving forward in the event of poor air quality on event day:

- If air quality health index reaches, or is anticipated to reach 10+ (very-high risk) for an extended period, around the time of the scheduled fireworks, the Canada Day fireworks would be reduced or cancelled to protect the health and safety of staff, residents, volunteers, vendors and entertainers.

- This decision would be made in collaboration with multiple departments (Recreation, Community, and Culture, Human Resources – Health and Safety, Burlington Fire Department, Corporate Communications, etc.).

Some best practice research has demonstrated that a number of events and festivals are opting into drone displays in tandem with fireworks or replacing them completely. Last year, the City of Waterloo had a drone show for Canada Day using 200 drones. The Niagara Parks Commission is looking into having both fireworks and drones for their displays over the falls, and the Town of Wakefield, Quebec has opted to use drones instead of fireworks for their Canada Day event using 70 drones.

Last year, Ottawa and Toronto decided to continue with their fireworks displays leading up to Canada Day with the growing air quality concerns, similar to the City of Burlington. Interestingly, the City of Niagara Falls cancelled their June 30 display at the falls, the City of Pembroke postponed, and both Huntsville and Bracebridge cancelled as fire bans were prominent throughout the region and air quality was poor. Moving forward with option two outlined in this report would allow for fireworks, but also would align with Burlington’s strategic vision with a focus on the environment. In the event the City of Burlington would have to cancel fireworks due to poor air quality, drones would continue to proceed providing entertainment to residents at the event.

Options Considered

	Option One - Drones	Option Two - Drones/Fireworks	Option Three - Fireworks
Quality of Display	100-300 drones 12-15 minutes (no dark spots) Approx.12+ images, large scale, more detailed and customized	70 drones supplemented with fireworks 12-15 minutes (no dark spots) Approx. 10-12 small, basic images	12-15 minutes (no dark spots No images
Pollution	No emissions, battery powered drones.	Half of existing firework emission (similar to a car driving 307km), no emissions, battery powered drones	Emissions similar to a car driving 614km (Burlington to Montreal, one-way)
Price	$40,000-$60,000	$22,261	$22,261
Risk	Injury caused by failure, cyber threat (hacked).	Pollutants being released into the environment, loud noise, contributes to poor air quality, injury to director or participants, injury caused by failure, cyber threat (hacked).	Pollutants being released into the environment, loud noise, contributes to poor air quality, injury to director or participants.

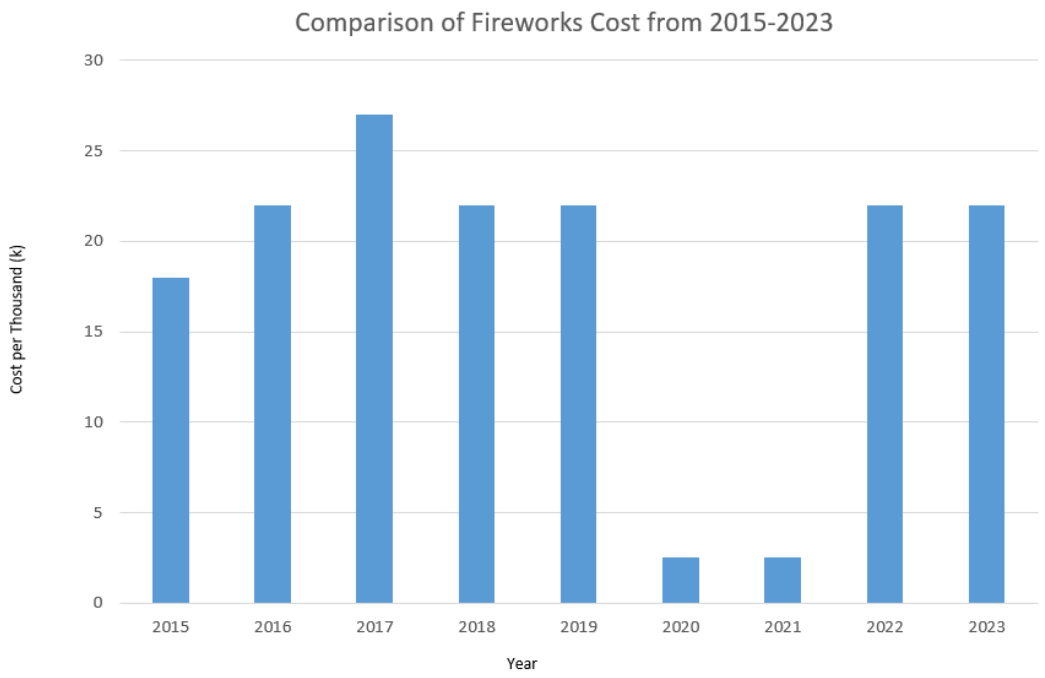
Financial Matters:

In 2024, we are proposing to move forward with option three, existing state, and no additional funding would be requested. In 2025, we are proposing to move forward with option two, with no additional funding requested. After piloting option two, and in consultation with the community, we would reassess option two and move towards option three with the potential for additional funding request in 2026.

Total Financial Impact

Depending on the option chosen, there may be a financial impact.

1. Option 1 - $20,000 increase to existing budget.
2. Option 2 – no financial impact.
3. Option 3 – no financial impact.



There has been no additional funding allocated to the fireworks budget since 2016 (2017 was an extenuating circumstance due to Canada 150).

Climate Implications:

Fireworks can be damaging to the environment as they release a variety of pollutants into the atmosphere and water. These pollutants contribute to climate change, harm wildlife, and affect human health. Fireworks also contribute to poor air quality. Many studies in the United States have shown that on July 4th, air pollution increases by over 40% with pollutants lingering in the air for days after the event.

Interestingly, Blue Star Pyro works with an independent explosive consultant who uses an environmental calculator for firework display to calculate emissions exerted. The quantity of carbon dioxide and carbon monoxide produced by the Canada Day firework

display is equivalent to the emissions produced by an average car travelling 614km, the approximate distance from Burlington to Montreal. Blue Star Pyro plants trees to offset their emissions, which would be 0.3 trees planted for Burlington to compensate for the firework emissions.

Other Implications

Although not climate implications, it is also important to note that fireworks are loud and have the potential to cause distress in animals and humans. Fireworks displays can trigger panic and feelings of fear and anxiety in those with pre-existing conditions as well as those who are sensitive to noise.

Drones are reusable technology that can be used as an alternate to fireworks. Drones produce no air pollutants when used and create relatively minimal noise. Drones however can be hacked and potentially could fall out of the sky and injure someone or something.

Engagement Matters:

As a part of the special event process, community consultation is required for any new or existing event with significant changes. To follow our own process, we would conduct community consultation and allow time for the community to provide feedback on this subject matter.

After the event has occurred in 2025, the festivals and events team will conduct a post-event survey to obtain feedback from residents, SET (Special Events Team) members, and Council. Findings will be reported back to Council in Q3.

Conclusion:

As outlined through this report, there are benefits and risks to both firework and drone displays on Canada Day. We are looking to Committee and the community to help guide our decision making on what changes or options they would prefer for the event moving forward that align with Burlington’s strategic direction.

Respectfully submitted,

Kristina Clint

Manager of Festivals and Events

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.

SUBJECT: BurlingtonGreen fee for services

TO: Committee of the Whole

FROM: Environment and Energy

Report Number: EICS-01-24

Wards Affected: N/A

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve one time funding for 2024 in the maximum amount of $50,000 from the Tax Rate Stabilization Reserve Fund as a fee for services provided by BurlingtonGreen summarized in environment and energy report EICS-01-24; and

Direct the Executive Director of Environment, Infrastructure and Community Services to execute a Memorandum of Understanding between the City and BurlingtonGreen outlining the services to be provided in 2024, including performance measures in a form satisfactory to the Executive Director of Legal Services and Corporation Counsel; and

Consider an ongoing fee for services approach with BurlingtonGreen in the amount of $50,000 per calendar year during the Mayor's 2025 budget process.

PURPOSE:

Vision to Focus Alignment:

Protecting and improving the natural environment and taking action on climate change

Objective: Establish sustainable, healthy and low-carbon climate resilient communities.

We will know when we are successful when…. The City has formalized long-term partnerships with environmental partners such as BurlingtonGreen and have established other new partnerships.

The purpose of this report is to recommend a fee for services to be delivered by the local environmental non-profit organization, BurlingtonGreen. This report provides a summary of services to be provided and background information on the City's long relationship working with BurlingtonGreen.

Background and Discussion:

Proposal:
BurlingtonGreen (BG) has requested continuation of a fee in exchange of the delivery of services in the amount of $50,000 for the period of 2024 – 2027. In 2023, BG received $70,000 under the Recreation, Community and Culture's Community Development program to deliver programs which support the City's strategic directions related to sustainable transportation, urban nature priorities, climate change actions and zero waste.

A detailed proposal is found in Appendix A and provides a breakdown of programming and events; outreach and resources; environmental services; and climate action demonstration features. It builds on the funding proposal submitted in 2023, supporting the following activities:

- The annual city-wide community Clean-up event (March through to October)
- Climate-related events (1 transportation and 1 home energy)
- Green Up Tree Planting event
- Urban forest education & appreciation
- Green Up home tips
- Community engagement activities at the Eco Hub
- Nature-Friendly Burlington program

Background:
BurlingtonGreen has been operating in the community since 2007 and has a long history of partnering with the City. They took over the annual community Clean Up event from the City in 2011 (formerly organized by the Mayor's office) and significantly increased participation as it has evolved into the annual Clean-up Green-up event, running over several months instead of just one week around Earth Day. They provide greening services at events for a fee. Forestry staff and BurlingtonGreen have partnered on several occasions to deliver tree planting, give aways and educational events. The City entered into a funding agreement with BG in 2021/22 to complete the community based Electric Mobility Strategy presented to Council in September 2022 (fifty percent of funding was provided by the provincial Ministry of Energy).

In addition, BG has been delivering programs for years, including the BTYAs (Burlington Transit Youth Ambassadors), Nature Friendly Burlington, Green Up (along with Clean-

up), zero waste, active transportation, climate action, presenting in school classrooms to engage the youth and engaging youth through the BurlingtonGreen Youth Network.

In 2022, BG successfully made arrangements with the City to lease the Burlington pump house located on the Beach where they transformed it into a community Eco Hub. During their first season, it became evident that this location provided an excellent opportunity to engage Burlington residents on environmental actions in an area that is ecologically significant and where the community gathers. In fact, BG has a history of working to restore the Beachway dunes in partnership with Conservation Halton, Halton Region and the City, improving the biodiversity and protecting the ecological sensitivity of the area, engaging community members on its importance and the valuable ecosystem services it provides.

The Eco Hub has presented a brand-new opportunity for the City to partner with BG and deliver and engage the public on climate related programs and actions, such as:

- Home energy retrofits showcasing the air source heat pump installed at the Eco Hub;
- Active and sustainable transportation given the location on the multi-use trail along with bike parking and a bike repair station; and
- Electric mobility with the soon to be installed electric vehicle charging stations.

The fee for services approach helps to supplement external funding and provide additional support for staff and resources allowing BurlingtonGreen to attract volunteers, develop and coordinate communications and successfully deliver activities noted above. The 2024 fee for services request would enable BG to confirm the resources to continue delivering these activities and continue partnering with the City to engage community members.

Some of the success stories include:

- BurlingtonGreen hosting special events at the Eco Hub to engage Burlington residents on climate actions and active transportation.
- The annual Clean Up Green Up event
- Ongoing Beachway engagement activities – beach clean-ups, invasive species removals and dune plantings
- Tree planting and forestry education events
- The Climate Action Day featuring Plug’n Drive and EV test drives at the Eco Hub
- Electronics recycling events and hosting the Repair Café

A number of events are planned for 2024, such as the annual community Clean-Up Green-Up event, tree planting, outreach at the Eco Hub, workshops on biodiversity and climate action, event greening activities, waste events and several other. Some of their

planned events are tentative based on confirming the necessary resources to deliver the activities.

Strategy/process/risk

City staff see the benefits of investing in the services that BurlingtonGreen provides to help achieve the City's lofty environmental goals and targets. The City's small sustainability team is effective but has limited resources to fully engage the community.

Given the history and close relationship between the City and BurlingtonGreen, staff support a fee for services arrangement with BG which help to achieve the City's key strategic environmental priorities.

This arrangement would have limited risk given the good working relationship staff have had with the organization over the years. A memorandum of understanding would be drafted and signed by each organization to oversee the services to be provided, performance measures to track progress and reporting requirements.

Options Considered

The City also supports the Bay Area Climate Change Council with an annual contribution to Mohawk College who provides administration services for the council. This funding is confirmed until 2026 and supports a community collective approach to taking action on climate change. Staff see the benefits for supporting both organizations where BACCC engages with a range of stakeholders participating on the Council across both communities (Hamilton and Burlington), BurlingtonGreen is situated within the City limits, actively engages the community with ongoing events and programs, and has local visibility with the Eco Hub location.

Financial Matters:

In April 2023, $70,000 was issued to BurlingtonGreen through the Recreation, Community and Culture's Community Development program in exchange for services, ending March 2024. A fee of $50,000 in exchange for services to be delivered by BurlingtonGreen is proposed for the remainder of 2024.

Total Financial Impact

The total financial impact for 2024 is $50,000.

Source of Funding

The proposed source of funding for the $50,000 is the tax rate stabilization reserve fund.

Other Resource Impacts

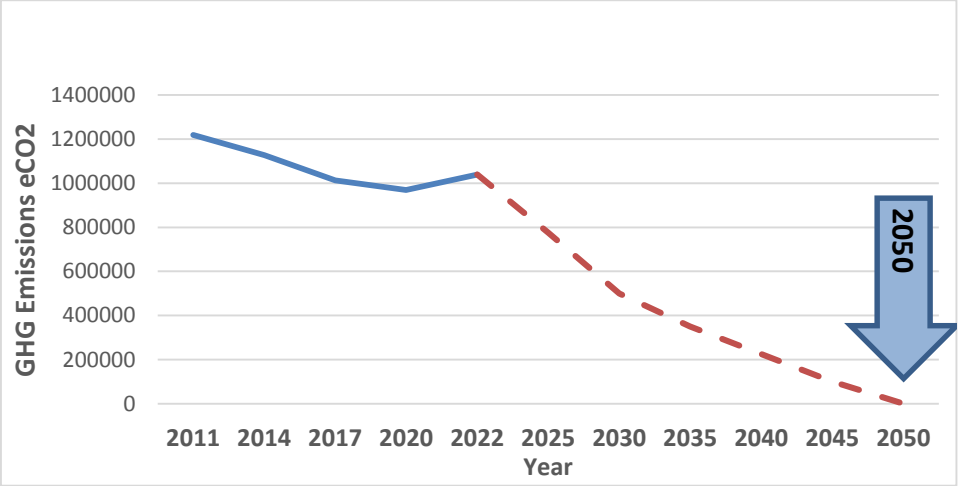
It is recommended that an ongoing fee for services approach be included in the Mayor's 2025 budget for consideration. This arrangement would provide consistency and certainty for BurlingtonGreen to plan for and deliver programs and leverage the funding with external sources.

Climate Implications:

City Council approved a target for the Burlington community to be net carbon neutral by 2050 as part of the Climate Action Plan in 2020. This is an ambitious target where the City can help facilitate action by approving programs and infrastructure projects to support active and sustainable transportation, electric mobility, greener buildings and deep energy efficiency retrofits. In addition, Council has approved Climate Resilient Burlington – a Plan to Adapt to Warmer, Wetter and Wilder Weather, preparing and managing the risks of a changing climate.

BurlingtonGreen has been an active participant in the development and implementation of both plans. Many of their programs and events help to engage and educate the Burlington community members on how they can take action to reduce their carbon footprint and prepare for our changing climate. Taking action on climate change is not just about City Hall and requires ongoing engagement and programs to achieve our targets. The below table on Community Emissions was presented to Committee as part of the annual update on the implementation of the Climate Action Plan (EICS-10-23).

Community Greenhouse Gas Emissions by Year Showing 2050 Target



Engagement Matters:

In 2022, City staff met with BG representatives at their new location to learn about their activities, and how community interest and demand in their programs have grown. Staff saw an opportunity to support BG's work to activate the community to achieve the City's strategic directions related to sustainable transportation, urban nature priorities, complete communities and zero waste. BurlingtonGreen also had one on one meetings with Council members to showcase their achievements and discuss opportunities for further engagement of the community on key environmental priorities.

Conclusion:

BurlingtonGreen's delivery of programs and activities positively benefit our community and local environment. The recommended fee for services approach would continue to recognize the work that this organization carries out to protect, enhance and restore our local environment. Their enthusiastic delivery of programs and activities directly supports the City's strategic environmental priorities, such as climate change, sustainable transportation (active and transit), complete communities and green infrastructure, urban nature and biodiversity, and reducing waste and community clean-ups.

Respectfully submitted,

Lynn Robichaud
Manager of Environmental Sustainability
905-335-7600 x7931

Appendices:

A. BurlingtonGreen 2024 Funding Proposal

Notifications:

Amy Schnurr

info@burlingtongreen.org

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.

Burlington Green
Together we make a difference

November 1, 2023

Dear Mayor Meed Ward and Members of Council

BurlingtonGreen respectfully requests your consideration of a multi-year funding contribution of $50,000 annually for services provided to the City, and the Burlington community, for the 2024-27 period.

Our long-established collaboration with the City, with proven results successfully executing a variety of projects, events and initiatives, positions us both well to formalize an extended partnership, providing for increased efficiencies, value-added opportunities and cost savings. With escalating pressures on the environment alongside a growing community, uniting to advance a mutually-beneficial longer-term Agreement could not be more important and timely.

Throughout BurlingtonGreen's 15-year journey, we have successfully managed to secure required funding from a diversity of funding sources, not relying on City contributions. However, the funding landscape has shifted, with traditional core funding from other levels of government insufficient to support our ability to provide essential services, keep pace with the steadily growing demands placed on our organization, and to meet established community expectations. We have reduced our complement of staff and cannot sustain doing more with less.

Like all of you, BurlingtonGreen cares deeply about respecting community tax dollars and we firmly believe that the scope and scale of the impactful services our organization provides is more cost efficient than if the City was to comparably deliver. Additionally, unlike the City's support for Regional or Hamilton based agencies, by investing in BurlingtonGreen, the City will have confidence that 100% of the work carried out **will directly support the local Burlington environment and community.**

The proposed annual contribution from the City is not considered to be a *grant* to fund BurlingtonGreen's general operations, instead, all of the funds will be directed to the required human resources, promotions and supply costs **to facilitate the clearly defined deliverables with associated KPIs outlined in the following document.** The funding will **not** be applied to BurlingtonGreen's advocacy work, as we believe it important to respect this arms-length aspect of our partnership.

Providing the largest presence of environment-related programming, services and impact in the City of Burlington, we hope you will recognize our proven track record and the far-reaching value of our vital work by choosing to invest in the following mutually-beneficial service-delivery opportunity.

15 YEARS
Making A Difference

Strategic Alignment

Our community engagement and action participation services directly support the City's Vision 2040 strategic directions:

- A City that Grows
- A City that Moves
- A Healthy and Greener City
- An Engaging City

BurlingtonGreen will advance climate mitigation, adaptation and environmental health priorities through educational programming, outreach engagement, events, partnerships, consultation, and direct environmental services. We will support and 'bring to life' some of the plans and priorities of various City departments, across the following areas:

Transportation
- E-Mobility
- Active
- Transit

Urban Nature
- Protection
- Biodiversity
- Tree Canopy
- Green space

Complete Communities
- Low Carbon Living
- Green Infrastructure

Zero Waste
- Clean Ups
- Circular Economy
- Live Green

Proposed Services

ECO-Hub

The BurlingtonGreen Eco-Hub at the beach serves as the year-round headquarters for our team of staff and volunteers and home to a variety of seasonal programming opportunities promoting environmental education and sustainability.

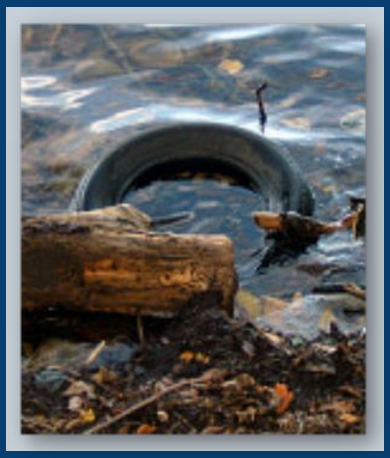
Programming & Events

- City-wide Community Clean Up (March thru October) including April Earth Day Kick Off Celebration, supply depot services and provision of clean up supply bundles to vulnerable community members via the Burlington Food Bank
- Climate Action Events (1 Transportation & 1 Home Energy) plus web resources and social media campaigns
- Take Action Burlington year-round social media promotions
- Green Up Tree Planting & Care Events (1 Spring & 1 Fall)
- Urban Forest Education & Appreciation Events (Ask An Arborist Webinar and/or Guided Hike + BG's Annual Tree Photo Contest)
- Zero and Eco-Waste Community Collection events (1 Spring & 1 Fall) plus Terracycle Community Collection Hub services
- Healthy Habitat Invasive Removal Stewardship workshops (2-4 workshops Spring & Fall)
- Green Up at Home tips, resources and registration of home stewardship tree planting/care, invasive removals, pollinator projects, plus native plant see giveaways
- Community volunteer hub and youth drop in centre for eco-action activities (Year-round) community events
- Nature Friendly Burlington – across ages – programming and resources for vulnerable/isolated aging adults in Burlington

Outreach & Resources

- Visitor services, educational programming at the beach for all ages & community sectors including nature-based experiential learning such as guided waterfront walks, trash art contests, teaching garden and theme presentations
- Provision of informative displays about the Burlington Beach Regional Waterfront Park Master Plan and Lake Ontario protection
- Extensive year-round web and social media tips, resources and promotions pertaining to a variety of locally-focused environmental issues including Get Involved Burlington engagement opportunities

Environmental Services

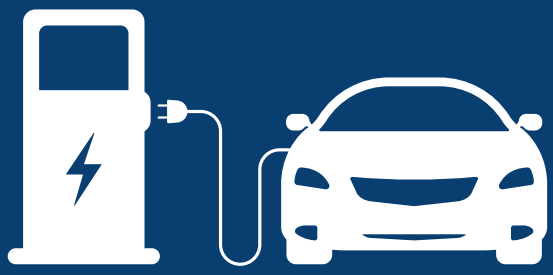


- Regular waterfront litter retrieval including sorting to optimize waste diversion
- Collaboration with stewardship partner organizations to execute habitat restoration activities
- Lakefront monitoring for pollutants/hazards

Climate Action Demonstration Features

Community programming highlighting city climate action initiatives at the BG Eco Hub

- EV Charging Infrastructure
- Air Source Heat Pump
- Cycling/Repair Station
- Multi-use active transportation



Measuring & Reporting Success

Our community engagement and action services directly support the advancement of the City's Vision 2040 strategic directions, Burlington's Climate Action Plan, Climate Resilient Burlington, the Urban Forest Master Plan, and the Integrated Mobility Plan.

Our community empowering work exemplifies many of the key *Asset Based Community Development (ABCD)* recommendations by the Tamarack Institute such as the adoption of a strength-based lens vs deficit-based lens to create municipal programming that is done WITH and BY the community.

A comprehensive impact report capturing service agreement outcomes will be produced annually, with proposed quarterly touch points with City staff to discuss the ongoing progress of key measurables.

Progress will be measured across all Service Agreement deliverables including various qualitative and quantitative evaluation methods such as:

- # and location of Burlington locations cleaned of litter
- # participants per sector (residents, schools, businesses, and organizations)
- # of community volunteer hours / $value
- # of clean up supply kits distributed to Burlington participants + via Food Bank
- # of beach clean ups and volume of litter collected
- # of event newsletter promos/reach
- # event page web traffic
- # social media via each of 5 platforms
- # promo video views
- summarized participant feedback

Participation

Volunteer $

Eco-Benefits

Feedback

- # educational climate action event(s) participants
- # climate action pledges made / est. GHG reduction (2025/26)
- # event participants per sector (Residents, Schools, Businesses, Organizations)
- # of community volunteer hours / $value
- # of event newsletter promos/reach
- # event page web traffic
- # social media via each of 5 platforms
- # promo video views
- summarized participant feedback

GHG Impact

Posts

Engagements

Measuring & Reporting Success

- # trees planted and projected carbon absorption values
- # tree species planted (to support canopy diversity)
- # Green Up event participants
- # TLC (Tree Loving Care) stewardship project actions
- # Green Up event participants
- # of community volunteer hours / $value
- # of event newsletter promos/reach
- # event(s) page web traffic
- # social media via each of 5 platforms
- # promo video views
- summarized participant feedback

- # annual Eco-Hub Visitors & summarized feedback
- # educational /City Climate Action print resources distributed
- # of Eco Activities facilitated and # of participants
- multi-use activity seasonal survey results
- # of community volunteer hours / $value
- # Youth Network participants
- # Hub page web traffic
- # social media via each of 5 platforms
- # promo video views
- # new eco-newsletter subscribers

- # native plant species seed packets distributed
- # habitat restoration workshop participants
- volume (full bags) of invasive plants removed from natural areas
- # of Ask an Arborist /guided hike(s) participants
- # metres and frequency of beach shoreline monitoring
- # of print and online resources distributed/shared
- # of community volunteer hours / $value
- # of Burlington Tree Photo Contest Participants & Voters
- # of event newsletter promos/reach
- # event page web traffic
- # social media via each of 5 platforms
- # video views
- summarized participant feedback

- volume (kg) of e-waste diverted from the landfill
- quantity and variety of Terracyle items collected
- # Zero waste & Repair Cafe event participants
- # of community volunteer hours / $value
- # of event newsletter promos/reach
- # event page web traffic
- # social media via each of 5 platforms
- # promo video views

Trees Planted

Biodiversity

Video Views

Hub Visitors

Surveys

Newsletters

Web Traffic

Pollinator Packets

Beach Clean Ups

E-WASTE Collected

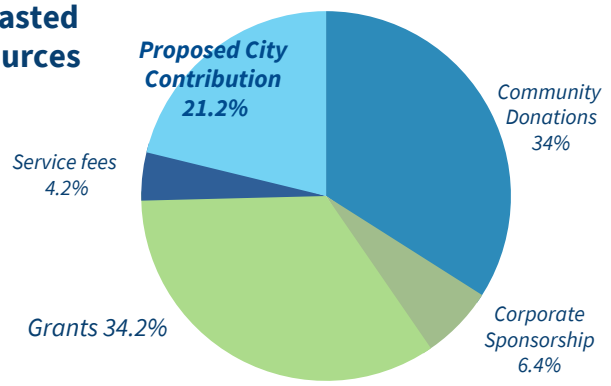
Accounts Reached

Reel views

Financial Snapshot

Grant funding traditionally comprised 65-85% of BurlingtonGreen's operating budget. Reduced Provincial grant funding opportunities that are increasingly competitive, have heightened the need for municipal funding.

2024 Forecasted Funding Sources



2024 BurlingtonGreen Preliminary Budget Forecast

Annual Carrying Costs:	(rent, insurance, telecommunications, annual audit, bookkeeping, bank charges, HST, website, HR services, post box, Assoc. fees, fundraising)	$39,000 **BG pays annual rent to the City of $11,664**
Environmental Programming/Events/ Services:	(staff, supplies, equipment, marketing) for BG's 3 strategic priority focus areas: 1/low carbon living/complete communities, 2/nature based programming, 3/zero waste/circular economy)	$250,000
	Projected 2024 Budget Expenses:	**$289,000**
	Total Actual/Committed Income: Total Projected Income: Proposed **City Funding Contribution (per year):**	$100000 $85500 **$50000**
	2024 Revenue Forecast:	**$235,500**
	Shortfall:	**-53,500 ***

** BG diligently pursues additional funding opportunities to close the projected funding gap, and extend impact.*

Our Strategic Plan

Burlington Green

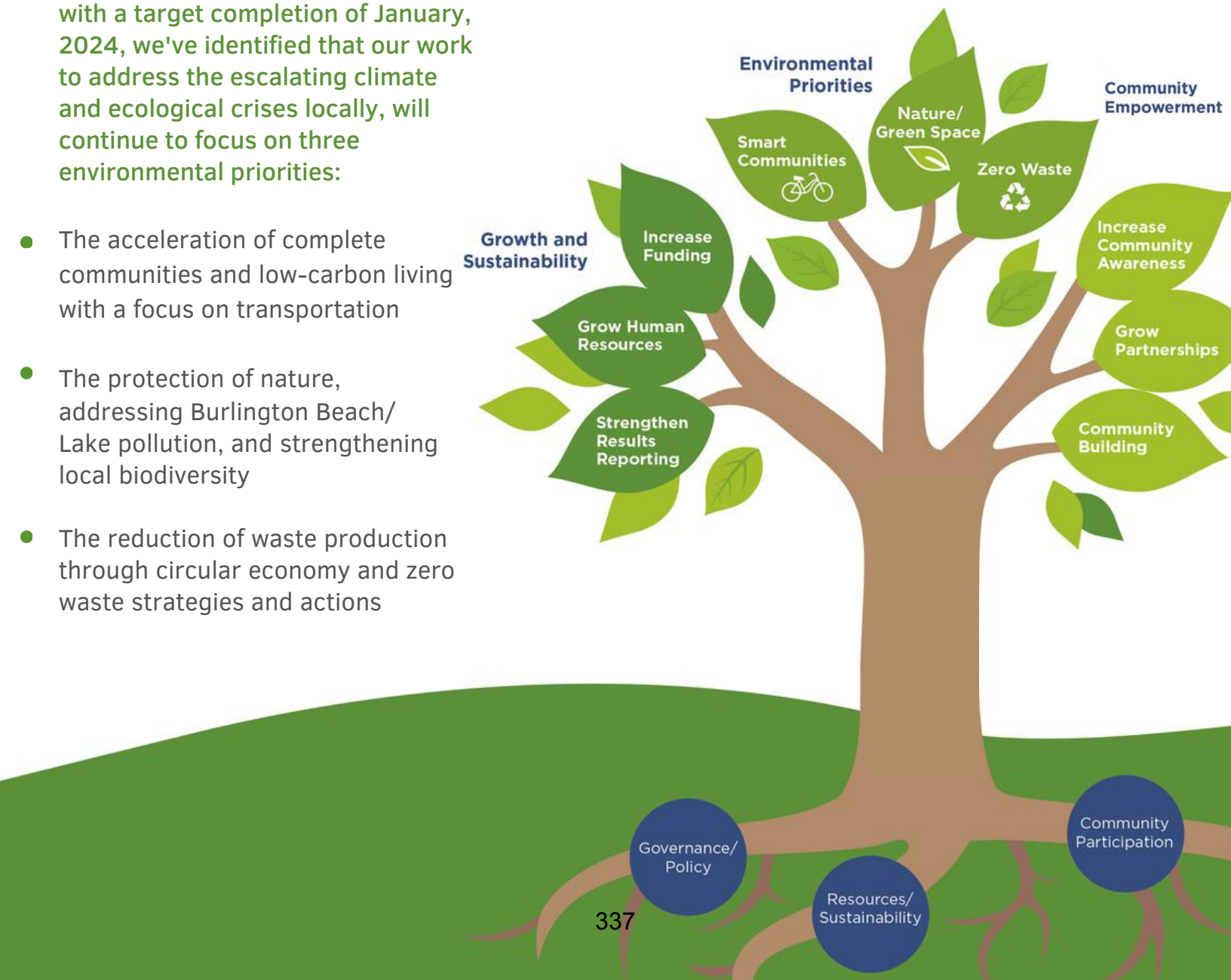
Together we make a difference

Through awareness, advocacy, and action, we advance our mission and goals with a Strategic Plan to direct our impactful work.

The "Branching Out" living document emphasizes community participation and empowerment to support our overarching aim to create a much stronger culture of environmental stewardship among residents and all sectors in Burlington.

While our next 5 -year Strategic Plan is currently being developed with a target completion of January, 2024, we've identified that our work to address the escalating climate and ecological crises locally, will continue to focus on three environmental priorities:

- The acceleration of complete communities and low-carbon living with a focus on transportation
- The protection of nature, addressing Burlington Beach/ Lake pollution, and strengthening local biodiversity
- The reduction of waste production through circular economy and zero waste strategies and actions



Our Impact

Some of the accomplishments we have achieved that reflect our demonstrated and measurable impact include the following:

- We have successfully leveraged **in excess of $1.7 million** in grant funding to directly benefit the City of Burlington, the health of the environment, green infrastructure, and all sectors of the community.
- We have provided rewarding career opportunities to a diversity of community members, and meaningful skill-building experiences to thousands of local volunteers.
- We have successfully managed more than100 inclusive projects, events and programs throughout Burlington, consistently on time and on budget.
- We have worked extensively to become recognized as a respected household name in Burlington and as referenced by City Manager, Tim Commisso, our established brand and contributions to the community are *'impossible to duplicate.'*
- We've advocated for environmental justice for more than 155 important local issues, become recognized as the 'go to' organization for local election resources /candidate debates, and we actively serve on various stakeholder groups and organizations such as the City's Climate Action Plan stakeholder group, the Bay Area Climate Change Council, Bird Friendly Hamilton/Burlington, and more.
- We've strengthened Burlington's shrinking tree canopy and improved local biodiversity with the planting of over 72,000 trees and plants, the removal of thousands of invasive species from local habitats, and through Nature Friendly Burlington education programming, events and resources.
- We've tackled large-scale litter prevention, clean up and landfill diversion through the execution of 13 annual city-wide Community Clean Up events, with 130,000+ participants to date; the provision of event greening services at 80+ local festivals and events; and through the introduction of extensive live green resources and the first Shop Local Buy Green Directory.
- We established the first public community garden in the City and have grown and donated almost 9000 pounds of fresh produce to local community members.
- We established the award-winning BG Youth Network and changed lives engaging more than 14,000 children and youth, to help grow the next generation of eco-leaders right here in Burlington.

- We proudly brought world-renowned eco-heros such as Dr. Jane Goodall, David Suzuki and Robert Bateman to the Burlington stage for sold out events to inspire and empower thousands of attending youth and community members.

- We established the innovative Burlington Transit Youth Ambassador initiative in partnership with the City, and we researched and produced a community-focused E-Mobility Strategy for Burlington.

BG At The Beach

- We secured $76,000 of provincial funds to directly improve the health of the local environment through the leadership of six major habitat restoration projects at the Burlington beach from 2013 to 2016.

- Strengthened local biodiversity and the stabilization of the dune environment by planting 26,000 native plants, shrubs and trees at the beach.

- Researched, designed and produced permanent interpretive signs located at the area.

- Facilitated hands-on, educational and fun programming for children and youth including nature walks, litter art crafts and recycling relays.

- Coordinated extensive litter clean ups along the shoreline for 12 years, and facilitated corporate stewardship workshops.

- Produced community outreach displays and locally-focused resources about lake and shoreline protection and stewardship.

- Successfully launched a new home at the historic Pump House at Burlington Beach mobilizing more of the community to learn about, protect and care for the environment, while improving the interior and exterior of the building, where it now doubles as a climate action demonstration area.

About Us

OUR MISSION

Together with the community, we work to protect the environment, mitigate climate change and create a healthier, more environmentally responsible city.

OUR VISION

Everyone in Burlington recognizes that we are all connected to, and dependent on the environment, and acts on this understanding to ensure a good quality of life and a sustainable future.

OUR VALUES

Equity, Diversity and Inclusivity - We embrace an inclusive community where individuals are valued, respected and empowered to reach their potential and endorse the ten commitments as presented in the Halton Equity, Diversity and Inclusion (EDI) Charter.

Respect for Nature - We are a part of nature and must live in harmony with it.

Leadership - We provide positive, effective, and educational environmental leadership.

Integrity - We operate with transparency, accountability, professionalism and a solution focus.

Steadfastness - We stand by our convictions and persistently strive for our goals.

Contact Us

Amy Schnurr
Executive Director
amy@burlingtongreen.org
905-466-2171

Together we make a difference

As stewards of the earth, we have the responsibility to honour and respect the four directions, land, waters, plants, animals, and all of the wonderful elements of creation that exist.

We honour all the First Nation, Métis and Inuit people who have been living on the land since time immemorial and we recognize their leadership in protecting and caring for Mother Earth.

We honour these rightful caretakers of this sacred land surrounding the Great Lakes, and we are grateful for their teachings.

We encourage everyone to continually learn from and about the Indigenous community where you live, and how we can each meaningfully honour the calls to action for Truth and Reconciliation.

SUBJECT: Facility operations update

TO: Committee of the Whole

FROM: Recreation, Community and Culture

Report Number: RCC-03-24

Wards Affected: all

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file recreation, community and culture department report RCC-03-24 providing a facility operations update.

PURPOSE:

Vision to Focus Alignment:

- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation

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Background and Discussion:

Introduction

The Facility Operations (FO) section is a critical service operating within the Recreation, Community and Culture department (RCC) and a key contributor to enhancing the quality of life for everyone, every day. FO plays a crucial role in ensuring the safe operation and maintenance of all recreation facilities, as well as key corporate spaces including City Hall and the Halton Courthouse.

The section's mission and vision revolve around delivering exceptional services to provide clean, safe, and available facilities. The goal is to be innovative, collaborative, and act as valued partners committed to providing inclusive facilities that foster physical,

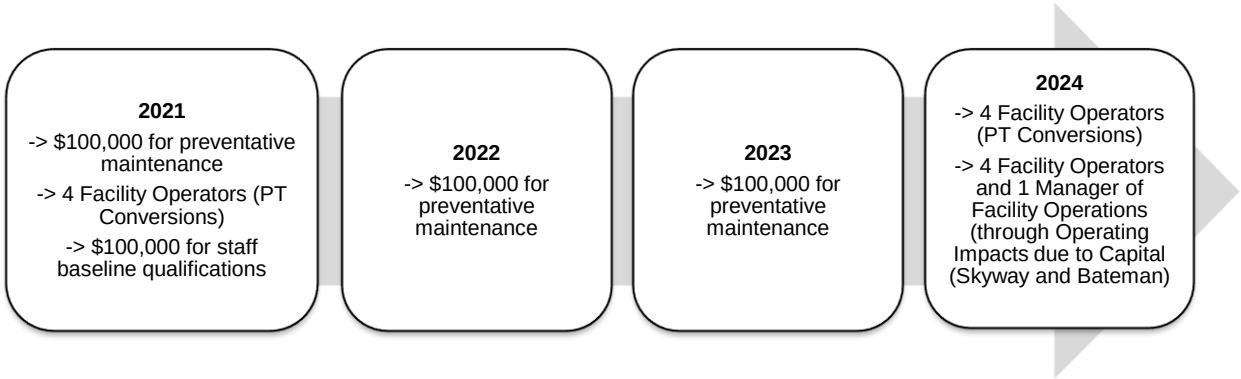
social, and emotional wellness for all individuals. These endeavors align perfectly with the values adoped in the Framework for Recreation which are:

- Everyone Has The Right To Play
- Individual Well-Being
- Sense Of Belonging

The FO section is comprised of a mix of 140 full-time and part-time staff, that provide comprehensive operations and maintenance services to keep facilities clean, safe, and available for use. FO interacts with a wide range of stakeholders, including staff, members of Council, customers, residents, vendors, regulatory authorities, tenants, user groups, and contractors. As a result, we understand the significant risks associated with our work and have implemented robust risk management practices, policies, and procedures to mitigate those risks. These risks include operational risk, code and regulatory risk, financial risk, labor relations risk, and reputational risk given our direct contact with the public.

In 2019, the section underwent an external audit, and with the support of Council, FO has made significant service improvements. The purpose of this report is to provide an update on the progress achieved during this period as well as outlining remaining gaps. In addition, the FO section has completed extensive benchmarking with respects to service standards and have some recommendations in the area of resources, training, and operating model.

The 2019 audit made a number of recommendations which were leveraged by the team and formulated the basis of the FO's workplan for subsequent years. In 2020, staff brought forward a report to Committee highlighting various risks and outlined three budgetary priorities: conversions of part-time to full-time staff, a phased-approach to address the $700,000 gap in operating expenses, and a one-time investment to develop baseline qualifications for staff. As a result, the following investments were made:

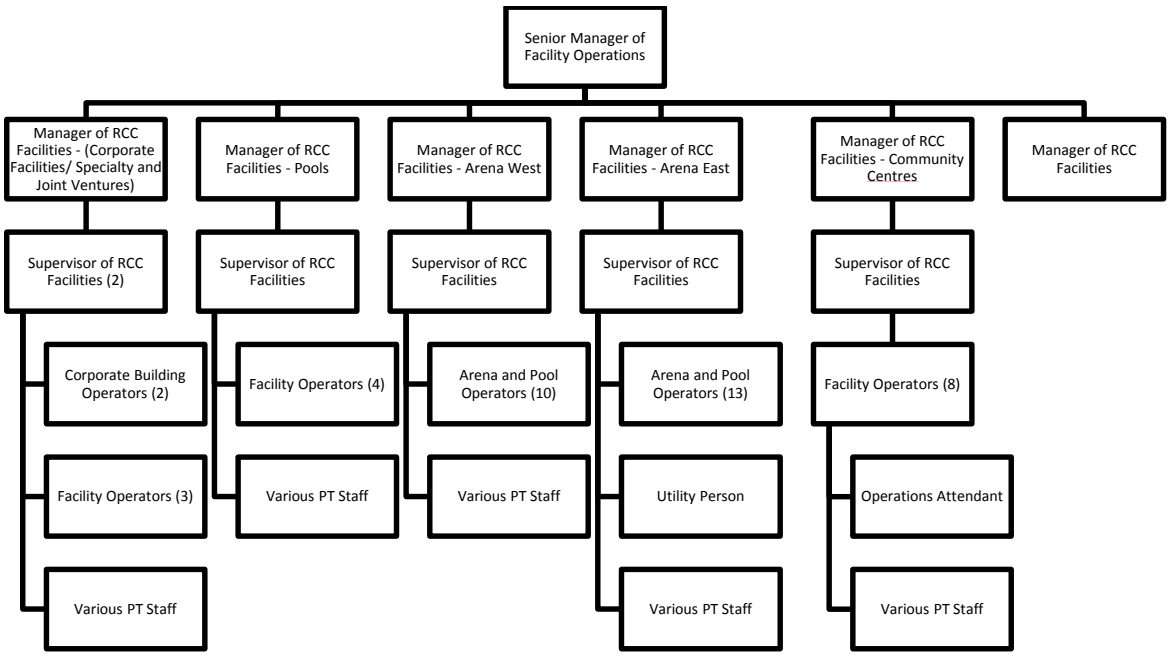


Facility Operations Staff Complement and Oversight

The FO section oversees a diverse range of facilities whose collective worth supersedes $700 million dollars. The Operations Leadership Team (OLT) is responsible for the leadership, culture, and decision making of the section. OLT is comprised of 140 Full-Time and Part-Time staff including 6 Managers of Operations, 6 Supervisors of Operations, and a Senior Manager of Facility Operations. The 13 members of OLT are currently split between 5 different portfolios, which include: Corporate Buildings, Specialty Facilities, Arenas, Pools, and Community Centers. OLT strives to achieve operational excellence through mitigating risk, human resources management, business continuity, as well as setting the strategic direction for FO while ensuring alignment with departmental and corporate priorities. Moreover, the team is responsible for administrating both theoretical and practical training for the FO section as well as other sections within RCC.

In addition, to OLT, Facility Operators play a pivotal role within the FO section and corporation, serving as essential staff entrusted with ensuring the safety and well-being of all individuals who enter our facilities. As subject matter experts, they possess a wealth of knowledge and expertise in maintaining a secure environment, delivering high quality products, and ensuring adherence to regulatory requirements. Moreover, they serve as first aid providers, provide task direction to part-time staff, are equipped to handle emergencies, and act as the frontline ambassadors of our organization, delivering an exceptional customer experience to millions of individuals each year.

Below is the current organizational chart for FO which provides a visual overview of the section and highlights the various staff required to safely maintain recreational facilities:



Strategy/process/risk

Approach

Following the 2019 audit, our Facility Operations team developed a framework to align with departmental and corporate goals while simultaneously improving operations and reducing risk. The four pillars of the framework are:

1. Customer Experience,
2. Health, Safety, and Risk,
3. Continuous Improvement and Business Processes, and
4. Workplace Culture.

Each pillar is essential and interconnected, and the framework relies on all of them for success. Our team has made significant progress in each area, and we continue to be a valued partner in the corporation and the community. Below is a high-level overview of the framework:

The below chart outlines specific strategic objectives under each pillar:

Continuous Improvement & Business Processes	Workplace Culture	Health, Safety & Risk	Customer Experience
• Enhance preventative maintenance program. • Leverage technology to enhance and streamline operations. • Leverage industry best practices. • Apply an environmental and energy efficiency lens to all operational decisions.	• Develop a clear mission and vision. • Empower, motivate, and inspire staff. • Encourage staff recognition. • Ensure staff are valued and see their role in the corporate vision.	• Change operating model. • Develop standard operating and safe job procedures. • Conduct internal audits and address any findings. • Develop staff baseline qualifications.	• Focus on the customers' wants and needs. • Focus on collaboration with internal and external stakeholders. • Create a more inviting and welcoming experience. • Encourage feedback to influence decisions.

Current State

Since RCC-03-20, the FO section has made significant strides in enhancing operations, reducing risk, and serving our community. We are proud to note that the team played an integral role in supporting both internal staff and the wider community during the pandemic. Despite numerous challenges, the section remained on-site throughout the pandemic and had to pivot regularly to adapt to changing circumstances and regulations. In addition to serving as a vital outlet for the community during this challenging period, we had the privilege of supporting the Halton Region with several of their pandemic related initiatives.

The items below illustrate some of the initiatives undertaken during this period:

- Developed a clear mission and vision.
- Developed and implemented over 100 safe job and standard operating procedures.
- Streamlined various processes.
- Installed cutting-edge safety technologies connected to staff smartphones.
- Implemented baseline qualifications and certifications for frontline staff (see Appendix A).
- Prioritized creating and fostering a positive, safe environment for both staff and the public.

Next Steps

Although FO has made significant strides, it is important to acknowledge the remaining constraints that require attention.

The FO section has undertaken a comprehensive review of industry trends, best practices, and benchmarking, aiming to gain deeper insights and focus on enhancing operations. Through this, several key trends and takeaways have emerged:

- There are industry best practices for number of full-time operators per square foot,
- There are limits to size and span of control per number of supervisory staff to ensure operational success,
- Municipalities with an even split of frontline full-time staff to part-time staff can do more and have less service disruptions and staff turnover. It is interesting to note that one neighboring municipality with the same amount of square footage have twice the number of full-time staff when compared to RCC’s FO staffing model, and

- Private and public organizations are understaffed and are advocating for additional full-time, qualified, and certified management and frontline staff to mitigate risk, meet their customers' needs, provide quality services, and ensure assets are well maintained.

Based on the research above (comparing municipalities of similar size and facility inventory); it would suggest a complement of 50 full-time operators (vs. current complement of 40). Further review and analysis are required to understand how this might be achieved through a mixture of part-time to full-time conversations and new staff complement. The department intends to work through the Strategy and Risk Team (SRT) as part of the budget process to clearly outline resource gaps.

The current model has resulted in operational inefficiencies, staff burnout, and service disruptions (which have reduced significantly – see Appendix B). In addition, the OLT spends more than 75% of their time on staff schedules, training new hires, and assuming frontline responsibilities to ensure tasks are completed; this is valuable time taken away from strategic tasks. Lastly, the current model relies heavily on part-time staff which leads to high turnover rates, and increased risk due to lack of experienced staff.

Additional resources would help reduce risk but also ensure the presence of experienced and highly qualified staff that take ownership of the facilities. The approach offers several benefits, including but not limited to, the ability to:

- Improve cleaning protocols and standards,
- Prioritize customer experience,
- Increase services standards,
- Reduce service interruptions,
- Handle maintenance tasks internally instead of relying on external contractor,
- Enhance staff retention and mitigate resources loss resulting from high turnover rates, and
- Allow management to focus on strategic initiatives rather than getting involved in shift scheduling and backfilling responsibilities.

Additionally, it is essential to prioritize adequate operating expense budgets to maintain a basic level of operation without compromise. It is worth highlighting that our section is currently in year 4 of a 7-year phased plan to address the funding gap in facility maintenance. The approved funding for 2024 was redirected to staff conversions, as this was treated as a higher priority to stabilize operations. The additional 3-years have been accounted for in the multi-year budget simulation previously shared with Council (see Appendix C).

Considering recent advancements in optimizing the management of our Recreation Facilities, it has come to our attention that certain corporate facilities are presently understaffed, warranting a comprehensive evaluation from both a risk and maintenance standpoint. While commendable strides have been made within the recreational sector, it is imperative that we extend our focus to other crucial areas within our organization.

Specifically, facilities such as fire stations and our Transit Headquarters have been identified as requiring immediate attention. The ongoing discussions among our staff are centered on formulating and implementing the most effective strategies to bridge the existing gaps in these essential facilities. It is paramount that we approach this matter with a proactive mindset, acknowledging the significance of maintaining optimal operational standards across all corporate entities.

The support that has been received thus far has been much appreciated and the FO is looking forward to continuing to bridge these gaps in the next few years. These improvements will enhance operations and position the section and department well to intake Burlington's projected growth.

Financial Matters:

In addition to the financial investments made thus far to enhance the service, various no/low-cost continuous improvement initiatives have been implemented. Specially, with respects to the 2019 audit recommendations; all the recommendations have been implemented. There continues to be areas of development for the FO section and the team is committed to work more efficiently to re-align resources to meet operational needs and focus on the key priorities which will generate the highest ROI.

There are several financial investments mentioned in this report including additional investments to address preventative maintenance and staff resources. The staff resources will be reviewed carefully by the team and presented to SRT for consideration in upcoming budget submissions.

The 2023 operating expense budget for Facility Operations is close to $16 million and the section directly contributes to the collective $10 million revenue achieved by the department mostly through program and rental revenues.

Climate Implications:

Operation of facilities is a significant contributor to our corporate GHG (greenhouse gas) emissions. While not the focus of this report, recommendations in the report in

increasing preventative maintenance budgets and staffing policies aimed at attracting and retaining a stable and well-trained group of facility operators will help reduce both GHG emissions as well as risks outlined in this report. Well maintained and operated facilities are more efficient, require less energy to operate and produce lower GHG emissions. They also provide a better experience to our customers. City facilities are also an important component of preparing climate resiliency where they can provide necessary refuge during severe weather events.

Engagement Matters:

Several departments contributed to the development of this report, including but not limited to Finance, Legal, and Facilities and Buildings. Furthermore, Facility Operations consulted with various Facilities Departments in neighboring municipalities, as well as engaged with industry stakeholders to collaborate on the creation of this report.

Conclusion:

The Facility Operations section in the Recreation, Community and Culture department is a proud and dedicated group of employees ensuring facility needs are well-managed and safe for staff and the public to use and enjoy. The current team in place (both management and frontline) have been functioning very well and have a clear and established path to ensure ongoing success. With continued investment in this area while prioritizing the customer's experience, safety, and sustainability, the Facility Operations section will be well-equipped to support the community and contribute to Council's vision.

Respectfully submitted,

Victor Ljuljdjuraj

Senior Manager of Facility Operations

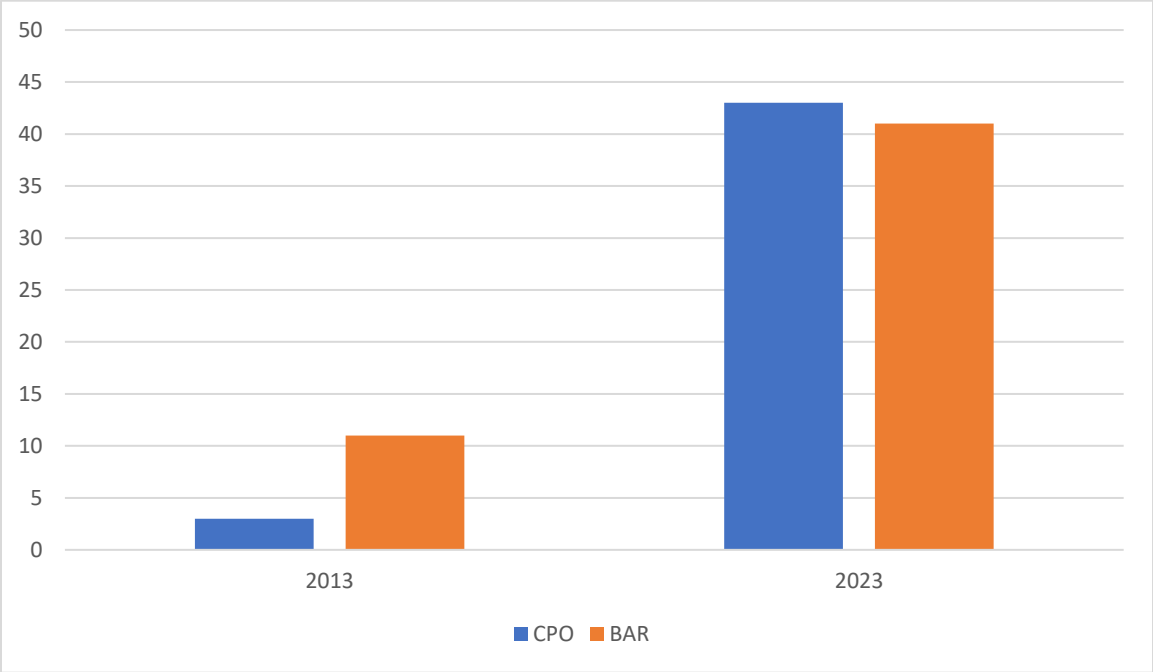
Appendices:

A. Staff Certifications
B. Service Disruptions
C. Maintenance Costs

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.

Staff Certifications

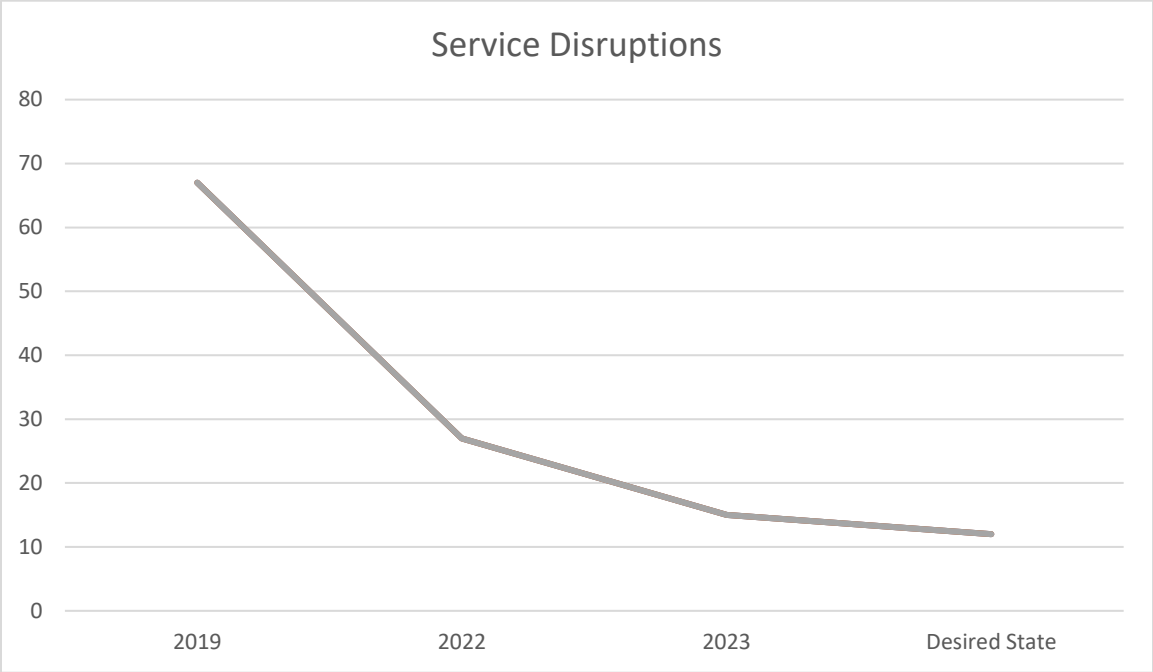


The chart illustrates the number of staff members who have obtained the two primary and essential certifications in Recreation Facilities from 2013 to the present. The investment made for staff certifications and training in 2021 through Council's approval, reduces risks to both staff members and the public, minimizes service disruptions, ensures regulatory compliance, and enhances staff retention. Here is a brief overview of each certification:

- The Basic Arena Refrigeration (BAR) course is considered the industry-recognized standard for ice arena facility personnel. The Occupational Health and Safety Act demands that those who conduct work in these environments be "competent" while the Operating Engineers Regulation requires that all who have "privilege to enter a registered refrigeration plant room" be qualified.

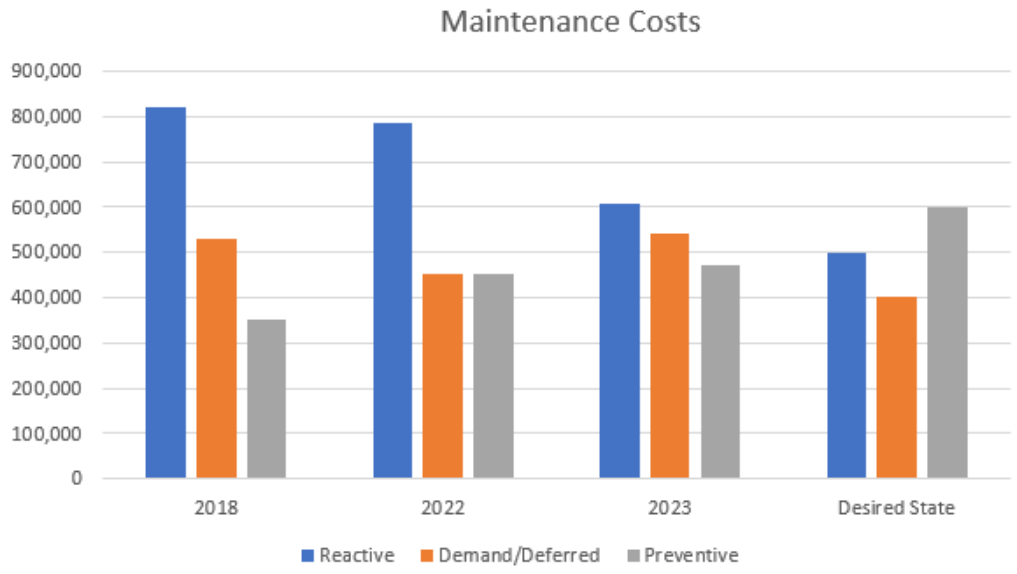
- The Certified Pool & Spa Operator (CPO) course is the world's leading education and certification program for keeping pools safer and keeping them open. CPO certification provides individuals with the knowledge, techniques, and skills required for proper pool operations.

Service Disruptions



Service disruptions refer to interruptions experienced in regular services or facilities. Facility Operations (FO) recognizes the significance of tracking and monitoring such disruptions as a vital metric. These disruptions can arise from a staff absence or a maintenance-related issue. It is important to acknowledge that these disruptions have a negative impact on the City of Burlington's reputation. Moreover, they often lead to lost revenue and expensive repairs. By proactively implementing measures to prevent interruptions, FO aims to minimize their occurrence, ensure seamless service delivery, and protect the City's reputation and financial well-being.

Maintenance Costs



Preventive Maintenance (PM) helps ensures that equipment remains in peak operating condition for as long as possible to maximize the equipment's lifetime value and return on investment (ROI), as well as to mitigate the risk of unplanned downtime. Since 2018, the investment made into PM has resulted in less spending overall, in addition to mitigating risk and a decrease in service disruptions.

RCC-03-24

Facility Operations Update

Committee of the Whole - March 4, 2024

Objectives for Today

Provide Background on Facility Operations

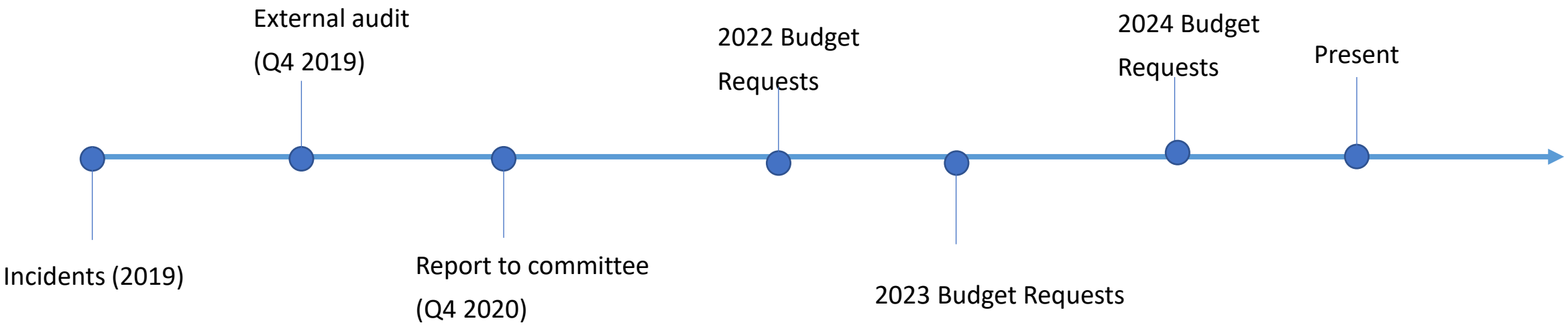
Progress since 2019 incidents and 2020 report

Return on Investment

Outstanding Risks

Current and Future Focus Areas

Background


External audit
(Q4 2019)
2022 Budget
Requests
2024 Budget
Requests
Present
Incidents (2019)
Report to committee
(Q4 2020)
2023 Budget Requests

About Us

Facility Operations is comprised of over 140 Full-time and Part-time staff that provide comprehensive maintenance to ensure Facilities are kept clean, safe, and available. Our people are at the heart of our transformation into a strategically aligned operational structure equipped to serve customer needs today and into the future!

Our Mission: Facility Operations will deliver clean, safe, and available services as an innovative, collaborative, and valued partner.

Our Vision: Facility Operations is committed to providing inclusive facilities that promote physical, social, and emotional wellness for our community.

CITY OF Burlington

About Us

- Facility Operations resides in the Recreation, Community and Culture Department.
- Oversees a diverse range of facilities whose collective worth supersedes $700 million.
- The 2024 operating expense budget for Facility Operations is close to $16 million and the section directly contributes to the collective $10 million revenue achieved by the department mostly through program and rental revenues.
- 140 staff; 52 full-time and approximately 90 part-time. Two unions.
- Responded to over 1,000 emergency after hour calls in 2023.
- Provides frontline customer service and responsible for the health and safety to millions of customers annually.

CITY OF Burlington

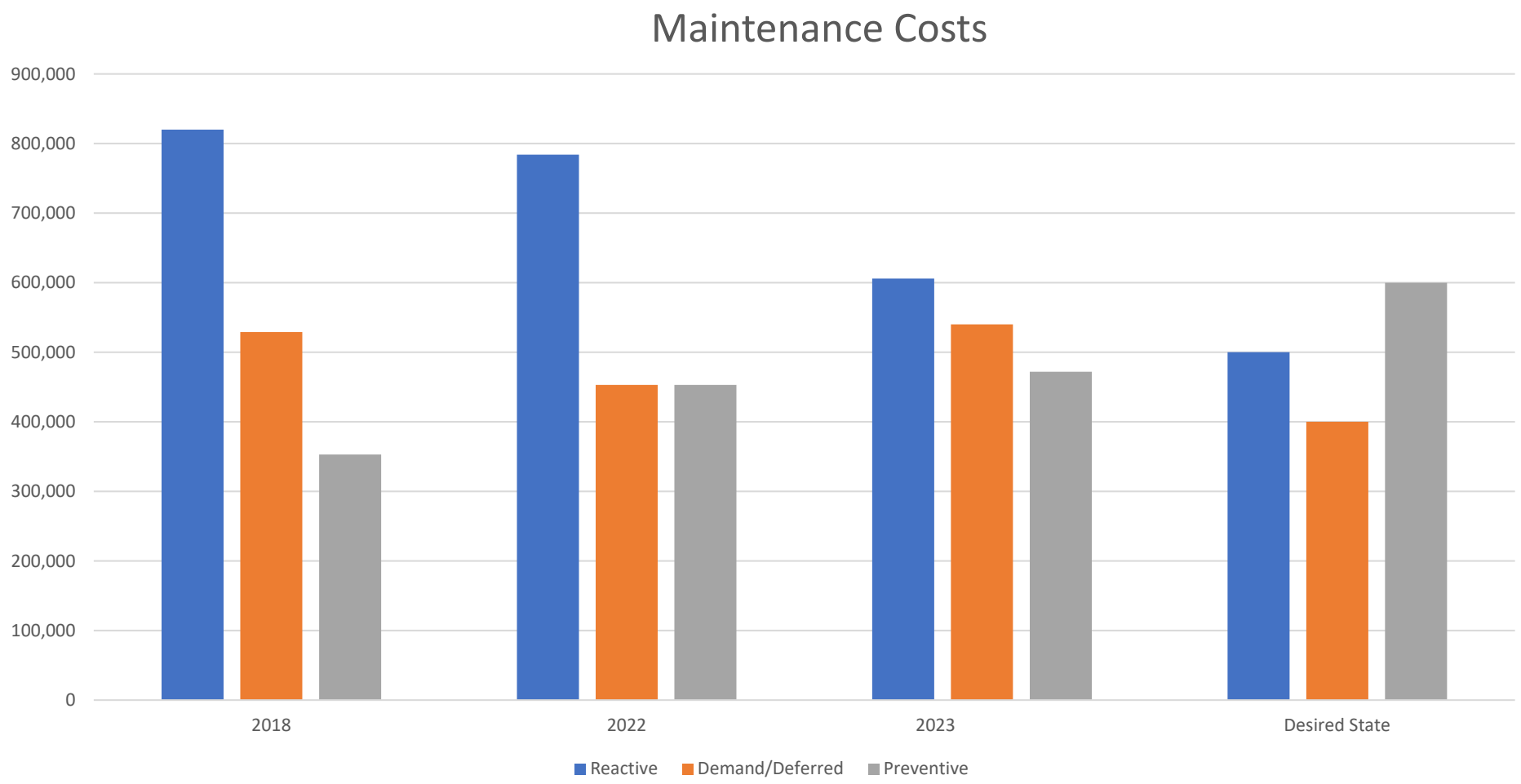
Strategy

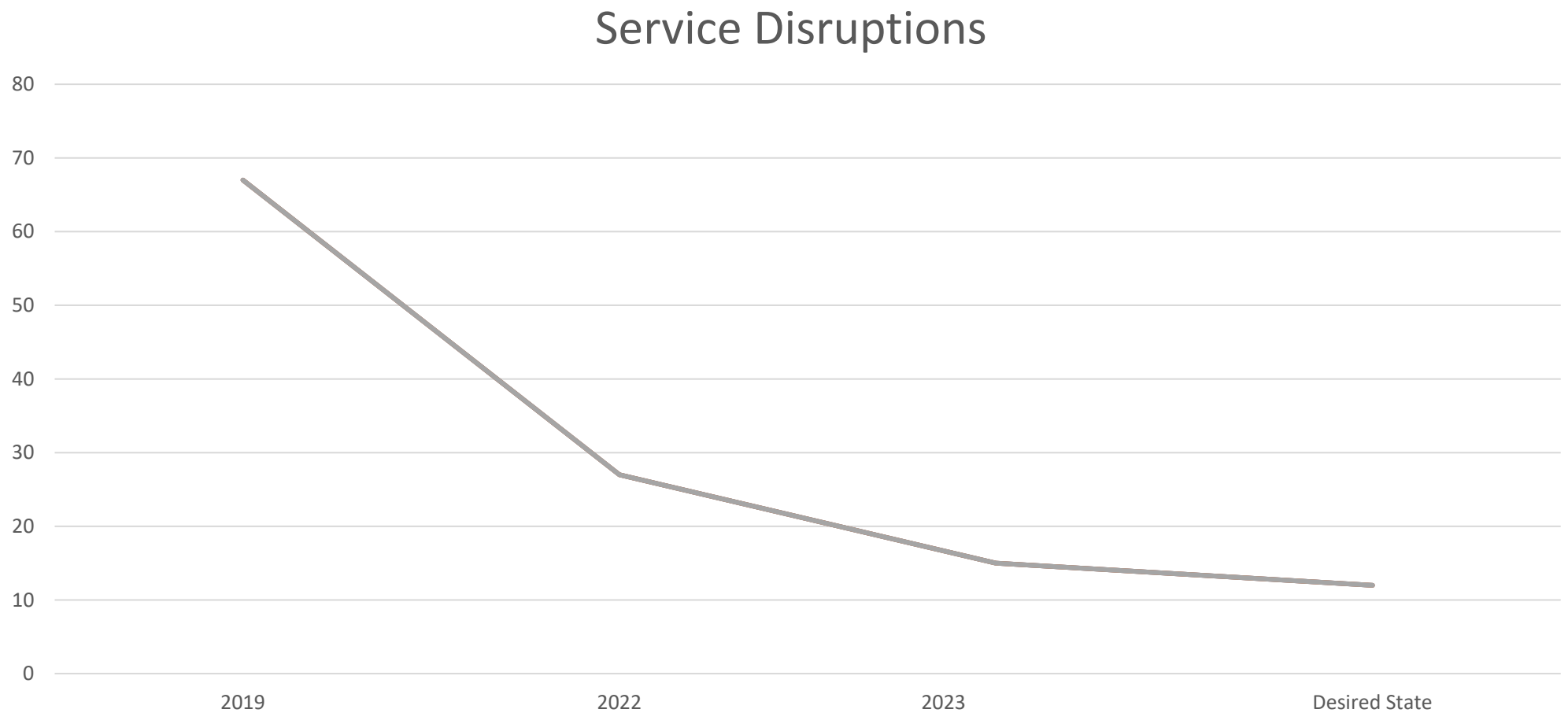
Customer Experience

Health, Safety, & Risk

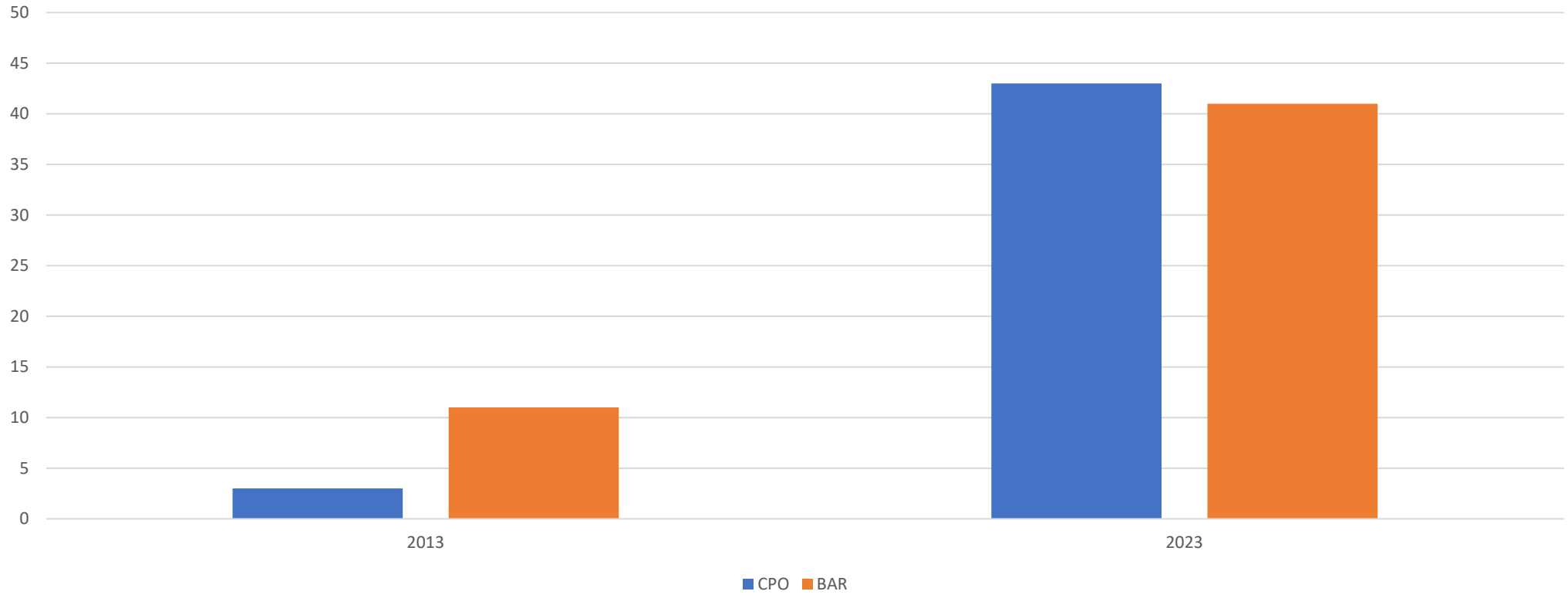
Workplace Culture

Continuous Improvement & Business Processes


Maintenance Costs
900,000
800,000
700,000
600,000
500,000
400,000
300,000
200,000
100,000
0
2018
2022
2023
Desired State
Reactive
Demand/Deferred
Preventive


Service Disruptions
80
70
60
50
40
30
20
10
0
2019
2022
2023
Desired State

Training



Current State: Outstanding Risks

- Continue to have a heavy reliance on part-time staff.
- Constant state of hiring, training, rehiring.
- Constant risk of closing facilities.
- Supervisory staff are burnt out from hiring, training, finding coverage; frontline staff are burnt out from working overtime.
- Supervisory staff have a large span of control.
- Developing facility standards, service, and staffing levels.
- Return to pre-pandemic and accommodating additional facilities.

Next Steps

Phase 1: Stabilize

- Conduct Audit
- Council Report
- Staff Conversions
- Year 1-3 $ to address gaps

Phase 2: Design

- Year 4-7 $ to address gaps
- Update Service and staffing standards
- Staff Conversions & new Manager position
- Prepare for EAMS

Phase 3: Evolve

- Accommodate Growth (e.g. Live and Play Plan)
- Position section as industry leader
- Align with City and Department Strategies (e.g. V2F)

CITY OF Burlington

Motion Memorandum

SUBJECT: **Solar Eclipse in Burlington on April 8, 2024**

TO: **Commitee of the Whole**

FROM: Mayor Marianne Meed Ward, Councillor Rory Nisan, Ward 3 and Councillor Angela Bentivegna, Ward 6

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Motion for Council to Consider:

Direct the Director of Corporate Communications and Engagement on behalf of City Council to invite the public to join them at Spencer Smith Park to view the total solar eclipse on Monday, April 8, 2024, from 3:00-3:30 pm; and

Recess the Committee of the Whole meeting on Monday, April 8 at 2:30 pm and reconvene at 3:45 pm; and

Direct the Director of Corporate Communications & Engagement to**:**

- communicate the event on all city community engagement and social media channels, highlighting the necessary safety eye protection measures
- update the Burlington Beach page promoting this event on eclipse2024.org
- engage with Burlington Public Library and Tourism & Economic Development to promote the viewing event; and

Direct the Director of Recreation, Community & Culture and the Director of Transportation to:

- coordinate the event through traffic management and crowd control measures using signage, road or sidewalk barriers
- promote eyesight safety precautions onsite by distributing certified solar eclipse glasses for members of the public, through partnership with the Department of Physics and Astronomy at McMaster University.

Reason:

On April 8, 2024, a spectacular and rare celestial event is set to unfold over North America – a total solar eclipse. The Moon will align perfectly between the Earth and the Sun, casting temporary darkness across parts of Canada, including Burlington.

A total solar eclipse has not occurred in southern Ontario since 1979 and is not projected to occur again in Burlington until 2144.

The path of the eclipse will pass over Burlington Beach at Spencer Smith Park, which will be in total darkness for approximately one minute and thirty seconds, beginning at 3:18 pm.

Outcome Sought:

This event marks a unique, historical opportunity to highlight and promote Burlington as a solar eclipse viewing destination for residents and tourists alike. This event could attract significant interest in and attention to Burlington, with the potential to generate tourism-based revenue and business to the city.

Most importantly, it aligns with the City's Vision to Focus to build a Burlington that grows and moves, shows environmental leadership, and engages citizens through community events.

The event shall be free to all event attendees. Any costs for this event shall be covered by the City of Burlington share of the Municipal Accommodation Tax.

Vision to Focus Alignment:

- ☑ Increase economic prosperity and community responsive city growth
- ☐ Improve integrated city mobility
- ☐ Support sustainable infrastructure and a resilient environment
- ☑ Building more citizen engagement, community health and culture
- ☐ Deliver customer centric services with a focus on efficiency and technology transformation

Share with Senior Staff ☑

Approved as per form by the City Clerk,

Reviewed by the City Manager - In accordance with the Code of Good Governance, Council-Staff Relations Policy and an assessment of the internal capacity within the City to complete the work based on a specific target date (quarter/year).

Comments:

City Clerk:	Approved
City Manager:	Approved
CC:	Maureen Healey – Executive Director of Tourism Burlington
	Anita Cassidy - Executive Director of Burlington Economic Development
	Lita Barrie - Chief Executive Officer of Burlington Public Library

SUBJECT: **Burlington Economic Development Corporation (BEDC) update on post-secondary attraction**

TO: **Committee of the Whole**

FROM: **Burlington Economic Development**

Report Number: ECDEV-03-24

Wards Affected: All

File Numbers: 515-17-1

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Request the Executive Director, Burlington Economic Development, to report back on developing partnerships with interested institutions and an updated post-secondary attraction strategy in-line with Vision 2050 data on economic and workforce analyses.

PURPOSE:

The purpose of this report is to provide Council with an update on Burlington Economic Development's activities and work completed on the Post-Secondary Attraction Strategy received by Council in October 2019 via report CM-16-19: Burlington Economic Development Corporation (BEDC) Update on Post-Secondary Attraction for Burlington.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth.
- Improve integrated city mobility.
- Building more citizen engagement, community health and culture
- Deliver customer centric services with a focus on efficiency and technology transformation.

Background

The City of Burlington Strategic Plan 2015 – 2040 calls for Burlington to be a City that Grows. One of the actions identified to support this objective is to develop a Post-Secondary Attraction Strategy. In the City's updated 2022-2026 From Vision to Focus workplan, Focus Area 1 provides a commitment to designing and delivering complete communities so future generations can choose to live, work, and play in Burlington. The inclusion of a post-secondary institution is an essential element towards achieving this vision.

In October 2019, report CM-16-19: Burlington Economic Development Corporation (BEDC) Update on Post-Secondary Attraction for Burlington provided an overview of the costs, process, and benefits of attracting post-secondary institutions to Burlington as well as options different models to consider to attract a post-secondary institution.

Ontario has a 23 publicly assisted universities, 24 colleges of applied arts and technology, 9 Indigenous institutes and 500+ private career colleges and other private institutions, such as faith-based institutions. Burlington residents are highly educated, with over 76% having a post-secondary education. Burlington has two publicly assisted universities (i.e., McMaster University and Brock University), one college (i.e., Mohawk College), and one private career college (i.e., Oxford College) that offer courses in Burlington. A summary of the course offerings is as follows:

- In 2010, the DeGroote School of Business opened the Ron Joyce Centre in Burlington for their MBA and Executive Education programs.
- In 2015, the Halton McMaster Family Health Centre, a Clinical Education Campus of McMaster University, opened at Joseph Brant Hospital.
- Oxford College, a private career training college, operates out of Burlington Square Plaza in Burlington Downtown and provides various Health Care and Business and Technology programs.
- In 2020, Brock University decided to relocate its Hamilton satellite campus to Burlington for its Faculty of Education programming. The campus will be located at the Robert Bateman Community Centre (formerly Robert Bateman High School) in the 2025-2026 academic year and is currently operating out of the former Lester B. Pearson High School.
- In 2023, Mohawk College announced a new satellite college campus location in partnership with Schlegel Villages in a mixed-use learning hub at the Village of Tansley Woods retirement and long-term care home.

Post-secondary presence in Burlington brings many benefits to the City, including, but not limited to:

- Enhancement of the municipal profile
- Intellectual property commercialization within the local community
- Direct partnership ventures, co-op student and graduate placements

- Broadened cultural base of the community, source of creative talent
- Expanding industry clusters, upskilling talent, and driving innovation

Summary of findings on Post-Secondary Attraction

Provincial Funding Context

Report CM-16-19 identified that post-secondary institutions operate in a tough provincial funding climate. This continues to be the case. Since 2017, the Ontario government has reduced funding to post-secondary institutions by capping provincial grant funding per domestic student, cutting funding to three major post-secondary expansions in the Greater Toronto Area, and legislating a 10% domestic student tuition cut and 10-year freeze. Post-secondaries have become increasingly dependent on international student tuition to bridge the funding gap. As of 2020, the Ontario government released a new framework to guide all future major post-secondary capacity expansions, with a preference for proposals that do not require provincial capital or operating funding in the near term.

In March 2023, a blue-ribbon panel was commissioned by the province to recommend a path forward to improve financial stability in the post-secondary education sector and recommended increasing government grants per student, tuition, and allowing capital expansions based on demographic projections. These recommendations have not yet been implemented.

In 2024, the Government of Canada placed a two-year cap on the number of international students that it will grant visas to and announced that Ontario colleges and universities will be required to guarantee housing for incoming international students. These changes are expected to put additional financial pressure on post-secondary institutions.

Municipal Contributions and Costs per student for post-secondary campuses in Ontario

Municipalities have generally provided contributions to assist with the attraction of post-secondary institutions. Table 1 has been updated from report CM-16-19 to include more recent examples. Although the municipal contribution has increased over time, the cost per student has typically ranged between $5,000-$20,000 per student. For example, when supporting the opening of the Ron Joyce Centre in Burlington, municipal funding amounted to $10 million, split equally between the City and the Region of Halton.

Table 1: Municipal Contributions and Costs per Student

Cambridge University of Waterloo	Orillia Lakehead University	Burlington McMaster University	Hamilton McMaster University	Stratford University of Waterloo	Mississauga University of Toronto	Barrie Laurentian University	Ottawa Carleton University	Milton Laurier	Markham York U	Burlington Brock University
2004	2006	2010	2012	2012	2013	2016	2022	2024	2024	2025
$8M contribution	$11M contribution	$10M contribution	$20M contribution	$10M* contribution	$10M contribution	$14M contribution	$40M contribution	$50 M contribution	$25M* contribution	Adaptive reuse of space*
360 students	1,500 students	500 students	4000 students	1,600 students	2,300 students	3,100 students	2,200 students	2,500 students	5000 students	400 students
$22,200 Per	$7,300 Per	$20,000 Per	$5,000 Per	$6,250 Per	$4,350 Per	$4,500 Per	$18,200 Per	$20,000 Per	$5,000 Per	-

*Excludes land value in municipal contributions.

Source: MBD Insights and Urban Metrics Study (2018) and updated by Burlington Economic Development Staff.

Overview of Options for Post-Secondary in Burlington

Table 2 outlines options that have been developed to consider the different models to attract a post-secondary institution to Burlington. Moving from left to right increases commitment, time, and costs.

Table 2: Options for Post-Secondary in Burlington

Level of Commitment (Estimated Time and Costs)

Benefits	Upskilling and Retraining	Knowledge creation	Adaptable Use of Space Tailored partnerships	Cluster Strategy Tie-in Industry Linkages Major Transit Station Area Anchor Focused Branding	Highest Economic Impact Impetus for Transit Impetus for Housing Retail Revitalization Talent Pipeline City Prestige
	Adult Learning Courses	**Centres of Excellence**	**Mixed-Use Learning Hub**	**Specialized Program**	**Post-Secondary Campus**
Challenges	Low boost to city profile	No Students	Local demographics Enrollment Fluctuation	Transit Connectivity Commuter Base Cost/Student Ratio	Land Constraints Cost Affordable Housing Provincial Political Climate
Municipal Contribution	Minimal	Minimal	<$5 Million	$5-10 Million	>$10 Million
Students	Dependent	0	<500	<1,000	1,000

Summary of Options

Various options for pursuing post-secondary education, with differing levels of time and associated costs, may be considered. Appendix B provides examples of post-secondary institutions that have located to municipalities. A low hanging opportunity offering some potential benefits may be found through pursuing adult learning courses in existing spaces. A Centre of Excellence could serve to bring knowledge-based employees to Burlington. A mixed-use learning hub akin to the Pickering Learning Site could potentially capture greater economic benefits but may require funding. One of the most practical opportunities is to leverage Brock University's move to Burlington to attract more students and talent to the city and create more specialized programs and initiatives that cater to the community's needs. Additionally, supporting experiential learning initiatives such as "Living Classrooms" at Schlegel Villages promotes evidence-based learning with minimal municipal contribution.

Timelines for bringing a post-secondary institution to Burlington vary greatly depending on the nature of the institution and are typically 5 to 10 plus years. From previous

engagement, post-secondary institutions indicated that a specialized, self-contained program at a satellite campus may be the optimal fit for Burlington, both in terms of feasibility and impact. More immediate possibilities also exist in the form of adult learning or mixed-use learning hubs.

Next Steps

Moving forward with post-secondary attraction to Burlington can be divided into short-term and long-term objectives. In the short-term, Burlington Economic Development will continue implementing partnerships with specific interested post-secondary partners as outlined in confidential Appendix C. With a firm understanding of the business cases and the financial models, Burlington Economic Development will report back to Council on existing opportunities for future post-secondary expansion in Burlington. Burlington Economic Development will also update the post-secondary attraction strategy in-line with Vision 2050 data on economic and workforce analyses.

With a focus on the Downtown, Major Transit Station Areas, and vacant lands, medium/long-term post-secondary attraction will follow the finalization of the Vision 2050 and associated studies in 2024-2025. Large-scale campus or faculty opportunities can be considered. Additionally, a focus on partnering with post-secondary institutions and industry to create new niche business incubation spaces can also be considered.

Financial Matters:

This post-secondary report and current outreach is funded through Burlington Economic Development’s current operating budget. Depending on Council’s preferred options, potential municipal costs to attract a post-secondary institution to Burlington may range from $0 to over $20,000,000. No additional funding is being requested at this time.

Climate Implications

Many post-secondary institutions may wish to be located in sustainable buildings. Through post-secondary attraction, there is potential to add more sustainable buildings to Burlington.

Engagement Matters:

- The creation of report CM-16-19 involved reaching out to a dozen partners/stakeholders, including leadership at Brock University, McMaster University, Mohawk College, Sheridan College.
- Council has received many updates from 2019 to 2024 on the status of attracting Brock University’s Faculty of Education satellite campus to Burlington, including

the most recent updates at February 5, 2024 Committee of the Whole via reports EICS-06-24: Robert Bateman Community Centre – update on construction and site development and RCC-01-24: Robert Bateman Community Centre community engagement sessions and outline next steps.

- Burlington Economic Development and the Burlington Chamber of Commerce frequently collaborate with post-secondary institutions on partnership activities to support talent, business and innovation, including hosting a " What Does Brock University in Burlington Mean for Businesses?" in September 2022 and hosting "Burlington Day at Mohawk College" in December 2023 which brought Burlington-business and industry leaders to Mohawk College's Fennel Campus to tour applied research areas, make connections, and explore partnerships to help businesses grow.

Conclusion:

Thank you for receiving our update on a Post-Secondary Attraction Strategy for Burlington and providing us with the opportunity to present to Council for feedback. We look forward to reporting back to Council to refresh the current post-secondary strategy following Vision 2050 to discuss alignment with updated industry clusters and other potential benefits of post-secondary institutions in Burlington.

Respectfully submitted,

Mark Steffler

Manager, Burlington Lands Partnership

519-767-8469

Anita Cassidy

Executive Director, Burlington Economic Development

905-332-9415 ext. 7258

Appendices:

a. Committee Presentation on ECDEV-03-24

b. Examples of post-secondary institutions that have located to municipalities

c. Confidential Update Regarding Current Post-Secondary Opportunities

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.

Appendix A: Committee Presentation on ECDEV-03-24

Agenda

1. Strategic Context and Key Premises
2. Post-secondary Funding Context
3. Options Moving Forward
4. Next Steps

Burlington
ECONOMIC DEVELOPMENT

1

1. Strategic Context and Key Premises

Long Term Policy → City of Burlington 2015 -2040 Strategic Plan

Medium Term Policy Documents → Vision to Focus 2022-2026 Official Plan; Transit Plan Rural and Agricultural Plan Community Energy Plan Cultural Action Plan, Others

Short-Term Policy Implementation Plans → City Manager's Plan; EcDev Strategic Tactical Plans; COB Financial Plan

Burlington ECONOMIC DEVELOPMENT

2

1. Strategic Context and Key Premises

"Develop and implement a strategy to attract post-secondary institutions to Burlington. Encourage connections between future employees and employers to help grow Burlington's economy."

Burlington ECONOMIC DEVELOPMENT

3

1. Strategic Context and Key Premises

Burlington
ECONOMIC DEVELOPMENT

4

1. Strategic Context and Key Premises Approval Enhancement

In 2023, Council approved the updated Red Tape Red Carpet (RTRC) recommendations to **identify and eliminate barriers to growth**. Key recommendations and updates include:

1. A focus on high impact outcomes with concierge service and dedicated Committee of Adjustment sessions for files that achieve any of the following:
   a) Economic Impact
   b) Attainable Housing Impact
   c) Community Impact
2. A new and improved Customer Experience Manager – Business Development role
3. City staff underwent Lean Six Sigma training as part of the City's Corporate Continuous Improvement Strategy

The City also rolled out additional efficiencies to enhance development approvals:

- The development of a Community Planning Permit System (CPPS)
- Creation of the Pipeline to Permit (P2P) Standing Committee

Burlington
ECONOMIC DEVELOPMENT

5

1. Strategic Context and Key Premises
Burlington Public Postsecondary Context

76%
of residents have post-secondary education

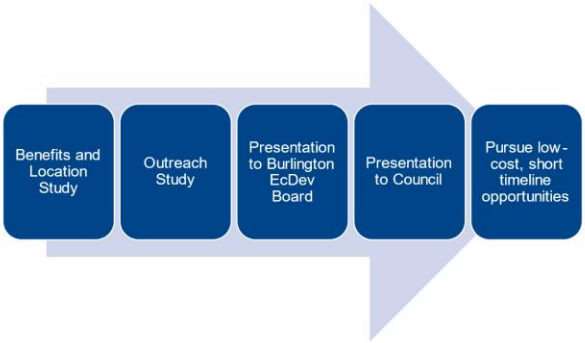
20
post-secondary institutions within a 1-hour commute

Campus Type	Post-Secondary Institution	Student Count (Approx.)
Specialized Programs	McMaster's DeGroote School of Business – Ron Joyce Centre	350
	Brock University Temporary Satellite Campus at Lester B. Pearson High School	400 (expected)
Mixed-Use Learning Hubs	Halton McMaster Family Health Centre	10
	Mohawk's Living Classroom at The Village of Tansley Woods	48

Burlington ECONOMIC DEVELOPMENT

6

1. Strategic Context and Key Premises
Postsecondary Strategy (2019)



Key Findings

- Benefits include talent attraction and retention, city brand, revitalization, and business sector linkages
- Financial support needed
- Tough provincial climate
- Transit is essential
- Specialized programs with partnerships have the highest success rates
- Implementation generally takes 5-10 years

Burlington ECONOMIC DEVELOPMENT

7

2. Post-secondary Funding Context

- Ontario has:
  - 23 publicly assisted universities
  - 24 colleges of applied arts and technology
  - 9 Indigenous institutes
  - 500+ private career colleges and other institutions
- Over the last few years, the Ontario government has reduced funding to post-secondary institutions.
- Almost ½ of Ontario's universities are now running deficits.
- Post-secondary institutions have increasingly turned to international tuition and other sources of income to generate revenue.

Burlington ECONOMIC DEVELOPMENT

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2. Post-secondary Funding Context Municipal Contribution

Cambridge – University of Waterloo	Orillia – Lakehead University	Burlington – McMaster University	Hamilton – McMaster University	Stratford – University of Waterloo	Mississauga – University of Toronto	Barrie – Laurentian University / Université Laurentienne	Ottawa – Carleton University	Milton – Laurier	Markham – York U	Burlington – Brock University
2004	2006	2010	2012	2012	2013	2016	2022	2024	2024	2025
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*Excludes land value in municipal contributions.

Source: MBD Insights and Urban Metrics Study (2018) and updated by Burlington Economic Development Staff

Burlington ECONOMIC DEVELOPMENT

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3. Options Moving Forward

Level of Commitment (Estimated Time and Costs)

Benefits	Networking Opportunity Flexibility Upskilling and Retraining	Industry & Technological Advancement Economic Growth Knowledge creation	Adaptable Use of Space Tailored partnerships	Focused Branding Cluster Strategy Tie-in Industry Linkages Mobility Hub Anchor	Economic Impact Impetus for Transit Impetus for Housing Retail Revitalization Talent Pipeline City Prestige
	Adult Learning Courses	**Centres of Excellence**	**Mixed-Use Learning Hub**	**Specialized Program**	**Postsecondary Campus**
Challenges	Low boost of city profile	No Students	Local demographics Enrollment Fluctuation	Transit Connectivity Commuter Base Cost/Student Ratio	Land Constraints Cost Affordable Housing Provincial Political Climate
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Students	Dependent	0	<500	<1,000	1,000+

10

3. Options Moving Forward

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Students	Dependent	0	<500	<1,000	1,000+

11

Adult Learning Courses

Benefits

- Short Timeline to implement
- Minimal to no capital investment
- Addresses the need for upskilling and restraining
- Provides flexibility and Networking opportunities

Challenges

- Minimal benefits to retailers, city profile

City School by Mohawk

- Targeted training courses
- $600k provincial investment
- Multiple Locations
  - Eva Rothwell Centre
  - Hamilton Public Library
  - Pop-Up Classrooms
  - Mobile Classrooms

Burlington ECONOMIC DEVELOPMENT

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3. Options Moving Forward

Level of Commitment (Estimated Time and Costs)

Benefits	Networking Opportunity Flexibility Upskilling and Retraining	Industry & Technological Advancement Economic Growth Knowledge creation	Adaptable Use of Space Tailored partnerships	Focused Branding Cluster Strategy Tie-in Industry Linkages Mobility Hub Anchor	Economic Impact Impetus for Transit Impetus for Housing Retail Revitalization Talent Pipeline City Prestige
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Students	Dependent	0	<500	<1,000	1,000+

13

Centers of Excellence

Benefits

- Industrial and Technological Advancements
- Economic Growth
- Knowledge Creation
- Cluster Linkages
- City Profile/Brand

Challenges

- No Students

McMaster University Fraunhofer McMASTER INNOVATION PARK

Centre for Biomedical Engineering and Advanced Manufacturing (BEAM)

- Hamilton – McMaster Innovation Park
- Advanced procedures for manufacturing cells and cell therapies
- $10M federal, $4M provincial and $4M municipal investment
- Fraunhofer-McMaster Project
- Size: 20,000 sq. ft.

Burlington ECONOMIC DEVELOPMENT

14

3. Options Moving Forward

Level of Commitment (Estimated Time and Costs)

Benefits	Networking Opportunity Flexibility Upskilling and Retraining	Industry & Technological Advancement Economic Growth Knowledge creation	Adaptable Use of Space Tailored partnerships	Focused Branding Cluster Strategy Tie-in Industry Linkages Mobility Hub Anchor	Economic Impact Impetus for Transit Impetus for Housing Retail Revitalization Talent Pipeline City Prestige
	Adult Learning Courses	**Centres of Excellence**	**Mixed-Use Learning Hub**	**Specialized Program**	**Postsecondary Campus**
Challenges	Low boost of city profile	No Students	Local demographics Enrollment Fluctuation	Transit Connectivity Commuter Base Cost/Student Ratio	Land Constraints Cost Affordable Housing Provincial Political Climate
Municipal Contribution	Minimal	Minimal	<$5 Million	$5-10+ Million	>$10 Million
Students	Dependent	0	<500	<1,000	1,000+

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Mixed Use Learning Hub

Benefits

- Adaptable Space
- Tailored Partnerships
- Tailored to needed talent pipeline

Challenges

- Matching local demographics
- Enrollment fluctuation in permanent space

The Living Classroom at Schlegel Village – Tansley Woods

- Long-term care and retirement residence located in Burlington
- Accommodates 24 OTA/PTA students and 24 PSW students.
- Includes classroom space, a skills lab, faculty offices, a student lounge, and a mock apartment.

Burlington ECONOMIC DEVELOPMENT

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3. Options Moving Forward

Level of Commitment (Estimated Time and Costs)

					Economic Impact Impetus for Transit
				Focused Branding	Impetus for Housing
	Networking Opportunity	Industry & Technological Advancement		Cluster Strategy Tie-in	Retail Revitalization
	Flexibility	Economic Growth	Adaptable Use of Space	Industry Linkages	Talent Pipeline
Benefits	Upskilling and Retraining	Knowledge creation	Tailored partnerships	Mobility Hub Anchor	City Prestige
	Adult Learning Courses	**Centres of Excellence**	**Mixed-Use Learning Hub**	**Specialized Program**	**Postsecondary Campus**
Challenges	Low boost of city profile	No Students	Local demographics Enrollment Fluctuation	Transit Connectivity Commuter Base Cost/Student Ratio	Land Constraints Cost Affordable Housing Provincial Political Climate
Municipal Contribution	Minimal	Minimal	<$5 Million	$5-10+ Million	>$10 Million
Students	Dependent	0	<500	<1,000	1,000+

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Specialized Program

Benefits

- Cluster Strategy tie -in
- Industry Linkages
- Mobility Hub Anchor
- Focuses Branding

Challenges

- Connectivity to main campus
- Commuter students
- Sustainability of single building model

UNIVERSITY OF WATERLOO
FACULTY OF ARTS
Stratford School of Interaction Design and Business

Stratford School of Interaction Design and Business

- Focus on Digital Media, UX with experiential learning and partnerships
- $10M Provincial Funding
- 42,000 sq. ft, 600 Students
- Open Concept, 6 Classrooms, 2 Labs

Burlington
ECONOMIC DEVELOPMENT

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3. Options Moving Forward

Level of Commitment (Estimated Time and Costs)

Benefits	Networking Opportunity Flexibility Upskilling and Retraining	Industry & Technological Advancement Economic Growth Knowledge creation	Adaptable Use of Space Tailored partnerships	Focused Branding Cluster Strategy Tie-in Industry Linkages Mobility Hub Anchor	Economic Impact Impetus for Transit Impetus for Housing Retail Revitalization Talent Pipeline City Prestige
	Adult Learning Courses	**Centres of Excellence**	**Mixed-Use Learning Hub**	**Specialized Program**	**Postsecondary Campus**
Challenges	Low boost of city profile	No Students	Local demographics Enrollment Fluctuation	Transit Connectivity Commuter Base Cost/Student Ratio	Land Constraints Cost Affordable Housing Provincial Political Climate
Municipal Contribution	Minimal	Minimal	<$5 Million	$5-10+ Million	>$10 Million
Students	Dependent	0	<500	<1,000	1,000+

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Postsecondary Campus

Benefits

- High Impact
- Impetus for Transit
- Impetus for Housing
- Retail Revitalization
- Talent Pipeline
- City Prestige

Challenges

- Land Constraints
- Cost
- Affordable Housing
- Provincial Political Climate

LAURIER Inspiring Lives.

Laurier Brantford

- $22 Million City Investment
- Hosts Faculty of Liberal Arts, Human and Social Sciences, LLB and BA
- 22 Buildings
- 3,000 Students, 132 full -time staff, 58 full - time faculty

Burlington ECONOMIC DEVELOPMENT

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Brock University

Burlington ECONOMIC DEVELOPMENT

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4. Next Steps

- Short Term
  - Continue developing partnerships with interested institutions
  - Update post -secondary attraction strategy in -line with Vision 2050 data on economic and workforce analyses.
- Medium/Long Term
  - Plan for long -term, larger scale partnership with significant investment
  - Partner with post -secondary and industry to create new niche business incubation spaces

Burlington
ECONOMIC DEVELOPMENT

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Appendix B: Examples of post-secondary institutions that have located to municipalities

	Adult Learning Courses	*Centres of Excellence*	*Mixed-Use Learning Hub*	*Specialized Program*	*Post-secondary Campus*
Examples	**City School by Mohawk** Multiple Locations Mohawk College Size: Mobile, Pop-Up Students: Dependent Funding: $600k Provincial	**Centre for Biomedical Engineering and Advanced Manufacturing (BEAM)** Hamilton Fraunhofer-McMaster Project Size: 20,000 ft^2 Funding: $10M Federal, $4M Provincial and City	**Pickering Learning Site** Pickering Durham/ Centennial College Size: 9,000 ft^2 Students: 300 Unknown Funding	**Ron Joyce Centre** Burlington McMaster University Size: 90,000 ft^2 Students: 350, target 500 $10M City/Region	**Laurier Brantford** Brantford Laurier University Size: 190,000 ft^2 Students: 3,000 $22M City Funding
			Centre for Aviation Technology at Hamilton International Airport (HA) Hamilton Mohawk College Size: 75,000 ft^2 Students: 350 Unknown Funding	**School of Architecture** University of Waterloo Cambridge Size: 85,000 ft^2 Students: 398 $7.5 Million, $8 Million Additional for Expansion	**Langford Downtown BC Campus** Langford Royal Roads University, the University of Victoria, Camosun College & Justice Institute of British Columbia Students: 600 Funding: $27.5M City and $78M Provincial
			The Living Classroom at The Village of Tansley Woods Burlington Mohawk College and Schlegel Village Students: 48 Unknown Funding	**Toronto Metropolitan University of Medicine** Brampton Size: 250,000 ft^2 Students: 175 Funding: $20M City	

SUBJECT: Official Plan and Zoning By-law amendments for 1120 Cooke Blvd

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-04-24

Wards Affected: 1

File Numbers: 505-01/22, 520-01/22

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve the applications submitted by WND Associates Ltd., on behalf of Adi Development Group, to amend the Official Plan and Zoning By-law to permit a mixed-use development comprising three tall buildings with maximum heights of 34, 32, and 30 storeys; and

Approve Official Plan Amendment No. 142 to the City of Burlington Official Plan, as provided in Appendix B of community planning department report PL-04-24, to introduce new site-specific policies for the subject lands; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 142 as contained in Appendix B of community planning department report PL-04-24 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal (505-01/22); and

Approve Zoning By-law 2020.472, attached as Appendix C of community planning department report PL-04-24, to rezone the lands located at 1120 Cooke Boulevard from “MXC-26” (Mixed-Use Corridor – Commercial with site-specific exception 26) to “H-MXC-531” (Mixed-Use Corridor – Commercial with a Holding “H” prefix and site-specific exception 531); and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 142 is adopted; and

Deem that the lands described as 1120 Cooke Boulevard are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

PURPOSE:

The purpose of this report is to describe staff's review of the subject applications and to recommend approval of the requested Official Plan Amendment and Zoning By-law Amendment contained in the appendices of this report.

Vision to Focus Alignment:

The recommendation of this report supports the following elements of Vision to Focus:

- Designing and delivering complete communities

Executive Summary:

RECOMMENDATION:	Approve OPA and ZBA	***Ward:***	1

Application Details	***APPLICANT:***	WND Associates Ltd.
	OWNER:	Adi Development Group
	FILE NUMBERS:	505-01/22, 520-01/22
	TYPE OF APPLICATION:	Official Plan Amendment, Zoning By-law Amendment
	PROPOSED USE:	Mixed-use development consisting of residential and retail uses within three tall buildings of maximum 34, 32, and 30 storeys.
Property Details	***PROPERTY LOCATION:***	North side of Masonry Court between Waterdown Road and Cooke Blvd
	MUNICIPAL ADDRESS:	1120 Cooke Blvd
	PROPERTY AREA:	0.95 hectares

	EXISTING USE:	Temporary sales centre for “Stationwest” Phase One development
Documents	***1997 OFFICIAL PLAN Existing:***	Mixed-Use Corridor – Commercial
	1997 OFFICIAL PLAN Proposed:	Mixed-Use Corridor – Commercial, with site-specific policy
	2020 OFFICIAL PLAN Existing:	Urban Corridor
	ZONING Existing:	MXC-26 (Mixed Use Corridor – Commercial, with site-specific exception)
	ZONING Proposed:	H-MXC-531 (Mixed Use Corridor – Commercial, with new site-specific exception 531 and an ‘H’ Holding symbol)
Processing Details	***APPLICATION MADE AND COMPLETE AS OF:***	March 1, 2022
	STATUTORY DEADLINE:	June 29, 2022
	PRE-APPLICATION COMMUNITY MEETING:	September 29, 2020
	STATUTORY PUBLIC MEETING:	June 14, 2022
	PUBLIC COMMENTS:	As of February 14, 2024, the Community Planning Department has received written comments via email from four residents. The City also received written correspondence from three residents at the Statutory Public Meeting.

Background and Discussion:

1.1 Application History

On March 1, 2022, the City received a complete application from WND Associates Ltd. on behalf of Adi Development Group requesting Official Plan Amendment and Zoning By-law Amendments to permit a proposed mixed-use development comprising residential and retail uses within three tall buildings at 1120 Cooke Blvd.

A Statutory Public Meeting was held at the June 14, 2022 meeting of Community Planning, Regulation, and Mobility Committee. At this meeting, Committee considered

staff report PL-48-22 and received delegations and correspondence from the applicant and members of the public. Committee then approved the report recommendation to "Direct staff to continue to process the submitted applications for Official Plan Amendment and Zoning By-law Amendment for 1120 Cooke Boulevard, including evaluating and incorporating any/all comments received by the committee and the public at the Statutory Public Meeting, as well as the comments received through the ongoing technical review of this application by agency partners and internal departments."

The applicant submitted revised application materials in March 2023 to address comments that had been provided by the public and technical agencies through the review of the original application. These materials were posted on the City's website at www.burlington.ca/1120cooke.

The applicant made a third submission in August 2023 consisting of revised materials to address outstanding technical issues that had been raised through the technical review of the second submission.

Staff have completed their review of the submitted materials and are recommending approval of the subject applications for Official Plan Amendment and Zoning By-law Amendment.

1.2 Description of Subject Property and Surrounding Land Uses

The subject property is located on the north side of Masonry Court between Waterdown Road and Cooke Blvd, as shown in Appendix A of this report. The property has an area of 0.95 hectares, with approximately 100 metres of frontage on Waterdown Road, 91 metres of frontage on Masonry Court, and 90 metres of frontage on Cooke Blvd. Due to a grade change, the subject property is located at a lower elevation than the traveled portion of Waterdown Road (approximately 5 metres lower at the northwest corner of the site). The site is currently occupied by a temporary sales centre for the adjacent development to the east (Phase 1 of "Stationwest" development) and is otherwise vacant (the proposed development on the subject property is Phase 2 of the Stationwest development). Historic use of the property included a concrete brick manufacturing facility prior to 2011.

Surrounding uses are as follows:

- North: A floodplain storage area is located to the immediate north; this feature is within the regulated area of Conservation Halton. Immediately east of the floodplain storage area, at the northern terminus of Cooke Blvd, is an undeveloped park block.
  Further north, beyond the stormwater management infrastructure, is a CNR railway corridor.

Highway 403 and the Waterdown Road-Highway 403 interchange are located north of the rail corridor.

- East: to the east, across Cooke Blvd, is Phase 1 of the Stationwest development, comprising two 6-storey mid-rise residential apartment buildings with frontage on Masonry Court and low-rise townhouse buildings on condominium streets north of the mid-rise buildings.
  At the southeast corner of Masonry Court and Clearview Ave is a church property that has zoning approval for a seven-storey mid-rise apartment building.
  A low-rise, low-density, detached residential neighbourhood is located south of Masonry Court, to the south and east of the Stationwest development.
  The Aldershot GO Station is located 300 metres to the east of the subject property along Masonry Court. This train station is served by GO Transit's Lakeshore West line and by VIA Rail. Additionally, this GO station includes a bus loop on the north side of the train tracks that is served by Burlington Transit Routes 4 & 87 and Hamilton Street Railway bus route 18, which provides connections to the Waterdown community in the City of Hamilton.
- South: to the south, across Masonry Court, are employment uses in the form of multiple one-storey manufacturing buildings with office components. Further south, on the east side of Waterdown Road are existing low-rise, low-density detached dwellings.

  At the intersection of Waterdown Road and Masonry Court are bus stops served by Burlington Transit route 4.

  340 metres to the south on Plains Road there are bus stops served by Burlington Transit route 1, which provides connections to downtown Hamilton.
- West: to the west, across Waterdown Road, are industrial uses including a concrete and aggregate facility.
  Burlington Fire Station 3 is located on the west side of Waterdown Road, south of the industrial uses.

The subject property is located within the "Aldershot Corners" Major Transit Station Area (MTSA), as defined by Halton Region's Official Plan, which is currently the subject on an ongoing Area-Specific Planning study by the City of Burlington.

1.3 Description of Applications

The applications propose to amend the Official Plan and Zoning By-law to permit a mixed-use development comprising three tall buildings with retail uses at ground level and residential uses above.

In the original proposal (2022): Building A (northwest corner of site) was 36 storeys tall including a 4-storey podium. Building B (southeast) was 26 storeys tall. Building C

(southwest) was 36 storeys tall. Buildings B and C shared a three-storey podium. The proposed buildings contained a total of 1,139 residential units and 231m2 of ground-level retail at the corner of Masonry Court and Cooke Blvd. 1,031 parking spaces were proposed within five levels of underground parking.

In the revised proposal (2023): Building A (northwest) is 33 storeys tall including a 12-storey podium. Building B (southeast) is 29 storeys including a six-storey podium that steps down to three storeys on the north side. Building C (southwest) is 31 storeys including a six-storey podium. The buildings are no longer connected to each other, and a plaza has been introduced at the ground level between Buildings B and C. The total number of residential units has increased from 1,139 to 1,165. The total amount of retail floor area has increased from 231m2 to 495m2. The total number of parking spaces has increased from 1,031 to 1,145 spaces within 6 underground parking levels.

The applications propose to develop the site in three phases, beginning with the southeast building, then southwest, then northwest.

The changes in the development proposal from the original submission to the revised submissions are summarized in the Table 1 below.

Table 1: Summary of Changes from Original Proposal to Revised Proposal, and Recommended Zoning

	Original proposal	**Revised proposal**	**Recommended Zoning***
Residential dwelling units	1139 units	1165 units	Maximum 1165 units
Non-residential floor area (e.g.: retail, service commercial)	231 m2	495 m2	Minimum 475 m2
Floor Area Ratio	7.9:1	9.0:1	Maximum 9.1:1
Building Height • Building A • Building B • Building C	• 36 storeys and 119 m • 26 storeys and 89 m • 36 storeys and 119 m	• 33 storeys and 109 m • 29 storeys and 97 m • 31 storeys and 103 m	Maximums: • 34 storeys and 112 m • 30 storeys and 100 m • 32 storeys and 106 m
Parking	0.9 spaces per unit	0.97 spaces per unit (0.89 occupants spaces per unit	Minimum 0.97 spaces per unit (0.89 occupant spaces per unit

		0.08 visitor spaces per unit)	0.08 visitor spaces per unit)
Bicycle parking	0.45 long-term spaces per unit 0.049 short-term spaces per unit	0.5 long-term spaces per unit 0.05 short-term spaces per unit	Minimum 0.5 long-term spaces per unit, 0.05 short-term spaces per unit
Amenity area	18.5m2 per unit	15.6 m2 per unit	Minimum 15m2 per unit

Footnote to Table 1: *The Zoning By-law Amendment being recommended by this report has been written to incorporate appropriate flexibility for potential changes in the detailed design as the project advances through a future Site Plan application. This approach is discussed in more detail in section 2.7 of this report. The intent of Table 1 is to summarize how the proposed development has been revised from the original submission to the revised submission; information about Zoning recommendations is provided to avoid confusion about what is shown on the current plans (Revised proposal) and what staff are recommending as suitable minimum/maximum parameters for the development (Recommended Zoning).

1.4 Supporting Documents

The original application materials are listed in report PL-48-22 and are posted on the City's website at www.burlington.ca/1120cooke.

The applicant's second submission consists of the following revised application materials submitted to the City in March 2023:

1. Arborist Report (February 8, 2023)
2. Architectural Plans (February 8, 2023)
3. Civil Engineering Drawings (February 17, 2023)
4. Comment Matrix (March 5, 2023)
5. Cover Letter (March 3, 2023)
6. Draft Official Plan Amendment (March 3, 2023)
7. Draft Zoning By-law Amendment (March 3, 2023)
8. Environmental Noise Report (February 23, 2023)
9. Fiscal Impact Study (March 3, 2023)
10. Functional Servicing and Stormwater Management Report (February 16, 2023)
11. Land Use Compatibility and Air Quality Response Letter (February 16, 2023)
12. Landscape Plans (February 10, 2023)
13. Pedestrian Wind Study (February 28, 2023)
14. Shadow Study (March 3, 2023)
15. Shoring and Excavation Plan (February 17, 2023)

16. Transportation Impact Study (March 3, 2023)
17. Urban Design Brief (February 17, 2023)
18. Waste Management Planning Review (February 15, 2023)

The applicant's third submission consists of the following revised application materials submitted to the City in August 2023:

1. Pedestrian Wind Comfort: Wind Control Measure Recommendations (May 17, 2023)
2. Architectural Plans (July 10, 2023)
3. Cross-Section Plans (June 16, 2023)
4. Details Plan (June 16, 2023)
5. Draft Official Plan Amendment (August 3, 2023)
6. Draft Zoning By-law Amendment
7. External Drainage Technical Memo (June 30, 2023)
8. Fiscal Impact Study Response Letter (July 27, 2023)
9. Loading Space Letter (June 16, 2023)
10. Notes Plan (June 16, 2023)
11. Construction and Erosion Control Plans (June 16, 2023)
12. Planning Rationale Addendum (July 2023)
13. Response to Air Quality Peer Review (June 20, 2023)
14. Response to Environmental Noise Peer Review (June 26, 2023)
15. Site Grading Plan (June 30, 2023)
16. Traffic Impact Study (July 20, 2023)
17. Vehicle Maneuvering Diagram (May 19, 2023)
18. Sanitary Drainage Technical Update Memo (July 21, 2023)

In addition to the above, the applicant provided further supplemental submissions in late 2023 and early 2024 to address the remaining technical issues raised by technical reviewers, including:

1. Phase 1 Environmental Site Assessment Update (June 20, 2023)
2. Phase 2 Environmental Site Assessment Update (June 20, 2023)
3. Draft Functional Design for Waterdown Road and Masonry Court (October 20, 2023)
4. Iterative responses to technical comments on Land Use Compatibility (Air Quality) analysis:
    a. December 2023
    b. January 2024
    c. February 2024

All of the above application materials have been reviewed by relevant technical staff at the City and/or external agencies.

Strategy/process/risk

2.1 Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review in accordance with 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 Official Plan, 2020 (2020), and City of Burlington Zoning By-law 2020, as summarized below.

2.2 Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe

The proposed Official Plan Amendment and Zoning By-law Amendment must be consistent with the Provincial Policy Statement (PPS) (2020) and must conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2020).

The PPS came into force and effect on May 1, 2020, and applies to decisions concerning planning matters occurring after this date. 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.

The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. All planning decisions in Burlington must conform to the Growth Plan.

2.2.1 Growth Management

The PPS promotes the integration of land use planning, growth management, transit-supportive development, and intensification to optimize transit investments, minimize land consumption, and contribute to the creation of complete communities (PPS 1.1.1).

The PPS directs growth to be focused in settlement areas where land use patterns shall be based on densities and a mix of uses that efficiently use land and resources and are

appropriate for and efficiently use the planned and available infrastructure. (PPS 1.1.3). Planning authorities are required to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated, taking into account the availability of suitable existing or planned infrastructure and public service facilities (PPS 1.1.3.3).

The PPS promotes the application of development standards that facilitate intensification and compact form while avoiding or mitigating risks to public health and safety (1.1.3.4).

The Growth Plan provides more specific direction on growth management, directing growth to be focused in strategic growth areas and locations with existing or planned transit, with a priority on higher-order transit (Growth Plan 2.2.1.2). Municipalities are to establish a hierarchy of growth areas where development will support the achievement of complete communities that improve social equity and quality of life, provide a diverse range and mix of housing options, support active transportation and access to transportation options, contribute to environmental sustainability, and provide for a more compact built form and vibrant public realm (Growth Plan 2.2.1.4). Within Major Transit Station Areas, development must achieve transit-supportive densities and is to be supported by providing alternative development standards such as reduced parking standards (Growth Plan 2.2.4).

Staff Opinion: The proposed development is appropriately located within a Major Transit Station Area in close proximity to existing and planned higher-order transit. It provides a mix of housing and non-residential land uses at a transit-supportive density within a compact built form. The available infrastructure can accommodate the proposed development, subject to the provision of infrastructure improvements that align with current infrastructure planning for the area. Development standards have been applied to the design of the development to avoid or mitigate risks to public health and safety, to support active transportation, and to support a vibrant public realm. Development standards will continue to be applied to the detailed design of the development through a future Site Plan application. In this regard, the proposed development is consistent with the PPS and conforms to the Growth Plan.

2.2.2 Land Use Compatibility

The PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, to 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 (PPS 1.2.6.1).

Where avoidance is not possible, the development of sensitive land uses may be permitted subject to demonstration that the proposed use is needed, that there are no reasonable alternative locations, that adverse effects to the proposed sensitive land use are minimized and mitigated, and that potential impacts to industrial, manufacturing, or other uses are minimized and mitigated (PPS 1.2.6.2).

The Growth Plan also requires development of sensitive land uses to minimize and mitigate adverse impacts on surrounding industrial, manufacturing, or other uses that are vulnerable to encroachment, where avoidance of such impacts is not possible (Growth Plan 2.2.5.8).

The subject property is located in proximity to major facilities including the CN rail yard to the north and various industrial uses in the surrounding area. The proposed development provides new housing, which is a sensitive use, along with ground-level non-residential uses to support the achievement of a complete community. The proximity of the proposed sensitive uses to the existing major facilities means that avoidance of some impacts is not possible and therefore any impacts must be minimized and mitigated.

The development of new housing supply in Burlington is recognized as needed in provincial, regional, and city policies. The provincial policy direction is for new growth to be focused in settlement areas with a particular emphasis on strategic growth areas, including Major Transit Station Areas (MTSAs), in close proximity to higher-order transit. The City has undertaken an Area-Specific Planning process for the Aldershot MTSA, which has included the completion of an area-wide Land Use Compatibility Study. The Area-Specific Planning work has outlined a vision for the area to transition to a more urban, mixed-use character with fewer industrial uses over time. Existing and currently permitted industrial uses may continue, and the CN rail yard will remain, and so land use compatibility will need to be achieved in future development of sensitive uses, in accordance with area-specific policies and implementing the Community Planning Permit By-law that is currently being developed by the City.

The proposed development is distinct from the existing residential uses located immediately to the east because it requests a Zoning By-law Amendment to increase the maximum building height, whereas the existing development to the east was developed within existing height permissions. If approved, the proposed height increase would allow the creation of elevated receptor points for noise and air quality impacts. It is therefore necessary to understand the impacts on these elevated receptor points which may experience different impacts than receptor points in the existing shorter buildings.

The applicant provided technical studies demonstrating the feasibility of achieving land use compatibility for their proposed development through minimization and mitigation of noise impacts and air quality impacts, including with consideration for proposed new

elevated receptor points. These studies have been reviewed by staff at the City, Halton Region, CN Rail, Metrolinx, and external peer reviewers retained by the Region and CN. Both CN Rail and Metrolinx have indicated their intent to enter into development agreements with the property owner for the proposed development.

Staff Opinion: Staff are satisfied that the proposed development provides needed housing and is appropriately located in the Aldershot Major Transit Station Area in close proximity to existing and planned transit. Staff are of the opinion that the proposed development of sensitive uses is compatible with surrounding major facilities, subject to the implementation of mitigation measures that will be designed in greater detail through a future Site Plan application.

2.2.2.1 Mitigation of Noise Impacts

Where avoidance of potential adverse noise impacts is not possible, these impacts must be minimized and mitigated in accordance with provincial and municipal standards, guidelines, and procedures.

NPC-300 is the “Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning” published by the provincial Ministry of the Environment, Conservation and Parks. Staff rely on NPC-300 when reviewing environmental noise matters for development applications.

NPC-300 includes provisions for classifying areas based on their acoustical environment (Class 1-4 areas). Each class of area is subject to standards such as sound level limits appropriate to the area’s context. NPC-300 enables planning authorities to classify an area or property as Class 4 in the exercise of their responsibilities under the Planning Act. Properties in Burlington have been classified as Class 4 in the past through decisions of the Ontario Land Tribunal (OLT) or through approvals by staff under delegated authority.

Through the Area-Specific Planning work for the Aldershot MTSA, the City completed a Land Use Compatibility Study, which recommended that the City formalize procedures for assessing Class 4 applications. This direction has been incorporated in the MTSA draft Official Plan Amendment 2 (OPA2). The City will also be developing a set of guidelines and/or policies that will be applicable City-wide and will be supported by best practices to guide the use and application of a Class 4 classification.

Staff have reviewed the subject application, including the submitted Environmental Noise Study, in accordance with the currently applicable policy framework. Based on this review, staff recommend that the subject property be classified as Class 4 to facilitate the proposed development. Crucially, this classification allows noise control measures to be implemented at the noise receptor (e.g.: at the plane of apartment windows) rather than at the source (e.g.: at the rail yard or industrial facility). Staff’s

recommendation to classify the subject property as Class 4 is integral to staff's recommendation to approve the proposed development.

Each site is assessed individually; however, for reference, staff note that the existing residential development to the immediate east of the subject property (Phase 1 of Masonry Court development) was also classified as Class 4 through the delegated approval of its Site Plan application.

2.2.3 Housing

The PPS requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents. Municipalities must permit and facilitate transit-supportive residential intensification and promote densities for new housing that efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation and transit. Such intensification must be directed to locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (PPS 1.4.3).

The Growth Plan requires municipalities to support housing choice and sets minimum intensification and density targets for specific areas. The Growth Plan also requires multi-unit residential developments to incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (Growth Plan 2.2.6).

The proposed development provides 1165 new dwelling units, comprising a mix of 6 bachelor units (0.5%), 312 one-bedroom units (26.8%), 459 one-bedroom-plus-den units (39.4%), 337 two-bedroom units (28.9%), and 51 two-bedroom-plus-den units (4.4%). Multi-bedroom units make up a combined 33.3% of units in the proposed development. Housing tenure of the proposed development (condo or rental) will be determined in future at the detailed design stage and may vary from one building to the next.

Staff Opinion: The proposed development is consistent with the PPS and conforms to the Growth Plan as it provides new housing supply in a range of unit sizes in an MTSA with transit-supportive densities that make efficient use of resources and support active transportation.

2.2.4 Water and Wastewater Servicing and Stormwater Management

The PPS promotes development in settlement areas that makes efficient use of existing municipal sewage services and municipal water services (PPS 1.6.6). The PPS requires stormwater management to be integrated with sewage and water service planning, to minimize or prevent increases in contaminant loads, to prepare for the impacts of a changing climate, and to mitigate risks to human health, safety, property, and the environment (PPS 1.6.6.7).

The Growth Plan requires municipal water and wastewater systems to serve growth in a manner that supports the achievement of the minimum intensification and density targets set by the plan (Growth Plan 3.2.6).

The City completed an Area Servicing Plan for the Aldershot MTSA as part of the Area-Specific Planning process. This Area Servicing Plan was considered by staff at the City and Halton Region in the review of the subject applications, alongside the Functional Servicing Report and Stormwater Management Study submitted by the applicant. Halton Region staff have determined that an improvement to the existing downstream sanitary infrastructure will be needed to support the proposed development; accordingly, the Zoning By-law Amendment recommended by this report places a Holding Symbol on the property that requires the applicant to resolve this matter and enter into a regional servicing agreement prior to the Holding Symbol being removed and the development proceeding.

Staff Opinion: Subject to detailed design and implementation of a sanitary infrastructure improvement, the proposed development can be accommodated and will make more efficient use of existing municipal services. The proposed development can also appropriately manage stormwater subject to detailed design through a future Site Plan application. The proposed development therefore is consistent with the PPS and conforms to the Growth Plan.

2.2.5 Transportation

The PPS promotes a land use pattern, density, and mix of uses that makes efficient use of existing and planned infrastructure, incorporates transportation demand management, minimizes vehicle trips, and supports transit and active transportation (PPS 1.6.7).

The Growth Plan prioritizes transit and requires municipalities to provide multimodal transportation systems that ensure user safety and offer alternatives to the automobile (Growth Plan 3.2.2-3). The Growth Plan also requires the protection of goods movement corridors (Growth Plan 3.2.4).

The proposed development appropriately locates a dense mixed-use development within a Major Transit Station Area in close proximity to existing and planned transit and active transportation networks. The development has been revised to support safer design of driveway accesses in response to comments from City staff and the MTO. Improvements to the existing infrastructure on Waterdown Road and Masonry Court will be required to support the proposed development and protect functionality of Highway 403 interchanges, and the detailed design of these improvements will be determined through the future Site Plan application and MTO permitting process for this development.

Staff Opinion: The proposed development is consistent with the transportation policies of the PPS and conforms to the transportation policies of the Growth Plan.

2.2.6 Sustainability

The PPS requires municipalities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and to prepare for the impacts of a changing climate. This is to be achieved by promoting compact form and a structure of nodes and corridors, promoting active transportation and transit, and encouraging transit-supportive intensification, among other measures (PPS 1.8).

The Growth Plan requires municipalities to adopt Official Plan policies to reduce greenhouse gas emissions and address climate change adaptation goals by supporting complete communities and the minimum intensification targets of the plan, reducing automobile dependence, and supporting transit and active transportation (Growth Plan 4.2.10).

Staff Opinion: The proposed development is consistent with the PPS and conforms to the Growth Plan with respect to sustainability and adaptation to climate change, as it provides transit-supportive intensification in a compact built form that supports the achievement of complete communities and the minimum intensification targets of the Growth Plan.

2.2.7 Site Contamination

The PPS requires sites with contaminants in land or water to be assessed and remediated as necessary to ensure that there will be no adverse effects on the proposed land use (PPS 3.2).

The applicant provided a Phase One and Phase Two Environmental Site Assessment with the subject applications, which have assessed site contamination and addressed remediation for the purpose of the requested Official Plan Amendment and Zoning By-law Amendment. A Record of Site Condition (RSC) has been completed for the subject property and reviewed by staff at Halton Region. The Region has advised that the RSC has addressed site contamination matters for the purpose of the current Official Plan Amendment and Zoning By-law Amendment applications, and noted that due to the age of the RSC, a letter update will be required to confirm the RSC findings are still current through the review of a future Site Plan application.

Staff Opinion: The proposed development is consistent with the PPS with respect to site contamination.

2.2.8 Overall Opinion on Provincial Policy:

The PPS recognizes municipal Official Plans as the most important vehicle for implementation of the PPS (PPS 4.6). The Growth Plan similarly identifies that it will be

primarily implemented through Ontario's land use planning system, including Official Plans that have been updated to conform to the Growth Plan (Growth Plan 5.1).

Staff have reviewed the subject applications in accordance with the applicable policy framework, including the PPS, Growth Plan, Regional Official Plan, and City Official Plan. On the basis of this review, staff are of the opinion that the proposed development is consistent with the PPS and conforms to the Growth Plan.

2.3 Halton Region Official Plan (ROP)

The subject property is located within the Urban Area as shown on Map 1 – Regional Structure of the ROP and is located within a Major Transit Station Area (MTSA) on a Commuter Rail Corridor, as shown on Map 1H – Regional Urban Structure of the ROP.

The Regional Urban Structure outlines a hierarchy of Strategic Growth Areas, which identifies MTSAs on Commuter Rail Corridors as one of the top four priority areas for accommodating growth through intensification within the Region (ROP 78-79). The ROP directs development with higher densities and mixed uses to MTSAs in accordance with the hierarchy of Strategic Growth Areas. In conformity with the Growth Plan for the Greater Golden Horseshoe, the ROP identifies a minimum density target of 150 residents and jobs combined per hectare for the Aldershot GO MTSA, with a target proportion of 80% residents and 20% jobs (ROP Table 2b). The proposed development provides 1165 new residential units and a minimum 475 m2 of non-residential floor area, both of which will contribute to the overall MTSA achieving these targets within the planning horizon of the ROP.

The ROP requires local municipalities to prepare Area-Specific Plans (ASPs) for MTSAs. The City has substantially completed an Area-Specific Planning process for the Aldershot MTSA and is currently preparing policies and a Community Planning Permit (CPPS) by-law to implement the ASP. The ASP and CPP will establish development permissions that will support the achievement of the ROP's minimum density target and proportion of residents and jobs. The proposed development is in alignment with the vision established for the MTSA by the ASP work to date.

The proposed development supports the housing objectives of the ROP by providing 1165 new housing units within multi-storey buildings.

The ROP requires the protection of existing major facilities within Strategic Growth Areas through the achievement of land use compatibility between major facilities and new sensitive uses (ROP 79.3(12)). Regional staff have reviewed the subject applications and retained an external consultant to conduct a peer review of the land use compatibility studies (noise and air quality studies) submitted with the subject applications. Based on this review, the Region has provided comments indicating that the proposed development of new sensitive uses can achieve land use compatibility

with surrounding major facilities subject to incorporating measures to minimize and mitigate potential adverse impacts. These measures will be designed and implemented through a future Site Plan application.

The ROP requires new development within the Urban Area to be on the basis of connection to Halton's municipal water and wastewater systems. Regional staff have reviewed the Functional Servicing Report submitted with the subject applications, alongside consideration of the Area Servicing Plan completed by the City as part of the Area-Specific Planning for the MTSA, and have concluded that the proposed development can be accommodated by existing water and wastewater infrastructure, subject to needed improvements to the sanitary infrastructure downstream of the subject property. The Region requires that a Holding Symbol be placed on the subject property, and this is reflected in the Zoning By-law Amendment recommended by this report. The applicant must address the Region's servicing requirements and enter into a regional servicing agreement prior to the Holding Symbol being removed and the development proceeding.

The ROP requires the development site to be assessed for potential site contamination and for any such contamination to be remediated as needed to bring the site to a condition suitable for its planned use. This policy has been addressed through the Region's review of the submitted application materials.

Staff opinion: the subject applications have addressed matters of regional interest and conform to the applicable policies of the ROP.

2.4 City of Burlington Official Plan (1997 as amended)

The subject property is designated Mixed Use Corridor – Commercial Corridor, as shown on Schedule B – Comprehensive Land Use Plan – Urban Planning Area, of the OP. The subject property has frontage on Waterdown Road, Masonry Court, and Cooke Blvd. Schedule J – Classification of Transportation Facilities, of the OP, shows that Waterdown Road is a Minor Arterial Road and Masonry Court and Cooke Blvd are local streets.

2.4.1 Functional Policies

2.4.1.1 Sustainability and the Environment

Part II, section 2 of the OP contains policies for Sustainability and the Environment. This section includes policies for sustainable design, land use compatibility, site contamination, and stormwater management. These matters have been reviewed by staff in Planning, Development Engineering, and at Halton Region. As discussed in greater detail elsewhere in this report, the proposed development:

- Represents sustainable development in a compact built form that makes efficient use of resources;
- Achieves compatibility with surrounding land uses, subject to implementation of mitigation measures;
- Has addressed matters of site contamination and remediation; and
- Appropriately manages stormwater, subject to detailed design.

Detailed design will be further assessed through a future Site Plan application.

2.4.1.2 Transportation

The subject application has been reviewed by staff in the Transportation Department as well as Halton Region, the MTO, CN Rail, and Metrolinx. This has included review of the submitted Traffic Impact Study, which includes analysis of traffic impacts, vehicle parking demands, bicycle parking demands, and Transportation Demand Management (TDM).

Part II, section 3 of the OP contains policies for Transportation. These policies promote an efficient, safe, accessible, and multimodal transportation system that provides options for all users, including providing alternatives to automobile use. This section also contains policies ensuring the provision of adequate parking supply in developments, while allowing for reduced parking ratios to be approved in appropriate locations where justified based on the review of site-specific development applications. The policies also allow for parking to be shared between uses within mixed-use developments. In the proposed development, parking for residential visitors will be shared with parking for non-residential (e.g.: commercial) uses, and a reduced parking ratio of 0.97 spaces per dwelling unit has been supported by staff based on the property's location within a MTSA in close proximity to existing and planned transit.

The proposed development provides a primary site access on Cooke Blvd and a secondary access on Waterdown Road. The secondary access on Waterdown Road is restricted to right turns only (right in, right out) while the primary access on Cooke Blvd accommodates a full range of turning movements. The Cooke Blvd access leads to a central roundabout on the property which is where passenger drop-off, loading areas, limited surface parking, and underground parking garage access are accommodated. The Waterdown Road access provides access only to and from the underground parking garage.

Due to the grade change surrounding the property, the proposed Waterdown Road access requires construction of a ramp leading downward from Waterdown Road to the subject property. This ramp will cross an existing City-owned service lane that runs alongside Waterdown Road within the public right-of-way and provides maintenance access to culverts that run underneath Waterdown Road. The applicant will need to design the proposed ramp in a manner that protects the service lane for access by City

maintenance crews, prevents public access to the service lane, and provides safe driveway slopes and sightlines for all road users. The applicant will also need to enter into relevant agreements with the City reflecting that the proposed driveway and ramp, including portions located within the City's right-of-way, are private assets to be maintained by the property owner (e.g.: future condo board) in perpetuity. In response to City comments, the applicant has revised their conceptual design of this driveway access to demonstrate feasibility of implementing these requirements. The detailed design and the relevant agreements will be determined through a future Site Plan application.

In response to other comments provided by City and agency staff, the applicant has revised their proposal to increase the supply of vehicle parking and bicycle parking, redesign their loading areas to support retail uses and accommodate Halton Region waste collection, and improve safe pedestrian connectivity throughout the site. The applicant has also acknowledged that to support their proposed development they will need to implement improvements to surrounding transportation infrastructure. Needed improvements include expanding turning lanes on Waterdown Road and Masonry Court, and constructing a new northbound right-turn lane on Waterdown Road that will allow northbound drivers to slow down before turning right onto the new site driveway ramp. The detailed design of these improvements will be determined through a future Site Plan application.

Subject to the infrastructure improvements and detailed design that are described above and to be further reviewed as part of the future Site Plan application, the proposed development conforms with the Transportation policies of the OP.

2.4.1.3 Design

Part II, section 6 of the OP contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. As discussed in greater detail in subsequent sections of this report, staff have reviewed the subject applications in accordance with the applicable design guidelines and policies. The proposed development conforms with the design policies of the Official Plan.

2.4.1.4 Financial Impact Analyses

Part II, section 12 of the OP requires the preparation of financial impact analyses to assist in the assessment of major land use development proposals. The applicant was required to submit a Financial Impact Analysis as part of the subject applications, which

has been reviewed by Finance Department staff and an external peer reviewer. This analysis is described in the subsequent Technical Review section of this report.

2.4.2 Land Use Policies

Part III of the OP contains land use policies for the Urban Planning Area. The subject property is located within a Mixed-Use Activity Area and designated Mixed-Use Corridor – Commercial Corridor. The policies for this designation are found in Part III, section 5 of the OP.

The general policies for Mixed-Use Activity areas state that these areas are intended to be focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit, and higher-intensity development with high-quality urban design.

Lands designated Mixed-Use Corridor – Commercial Corridor are intended to provide for the retail needs of residents and businesses within the City and adjacent areas. Permitted uses include retail, service commercial, personal service, financial institution, office, entertainment, recreation, community facility, and medium- or high-density residential uses. Industrial uses are prohibited. Development must be designed to be close to the street and support transit and active transportation. Street-level retail and service commercial uses are encouraged.

The Mixed-Use Corridor – Commercial Corridor policies establish a maximum height of six storeys and a maximum Floor Area Ratio of 1.5:1. The subject applications request Official Plan Amendments to permit a maximum height of 34 storeys and a maximum Floor Area Ratio of 9.1:1. These amendments represent a substantial change from the current permissions in the OP, but are supported by staff based on the current policy framework and the detailed technical review of the applications as described in this report.

The Official Plan Amendment recommended by this report also includes amendments intended to reflect the land use compatibility considerations to be implemented through detailed design at the Site Plan stage, and to allow for a limited number of surface parking spaces to be provided to support proposed non-residential uses and residential visitors.

Staff are of the opinion that the requested Official Plan Amendments meet the intent of the OP and of the overall framework of applicable policies.

2.4.3 Intensification Criteria

Part III, section 2.5.2 of the OP provides the following criteria that are considered by staff when evaluating proposals for housing intensification.

(i) Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation, and parkland.

As discussed elsewhere in this report, the proposed development can be accommodated by the existing water, wastewater, and stormwater infrastructure, subject to detailed design and implementation of sanitary sewer improvements downstream of the subject property. A Holding Symbol will be placed on the property through the recommended Zoning By-law Amendment, to ensure development cannot proceed until the sanitary sewer improvements are advanced through the execution of a Regional Servicing Agreement.

Halton District School Board, Halton Catholic District School Board, and Conseil Scolaire Viamonde have reviewed the subject application and advised that they have no concerns with availability of capacity to accommodate the proposed development in existing schools.

Parks Design & Construction staff reviewed the subject application and advised that parkland dedication will be required in the form of cash-in-lieu of land. A future urban parkette is planned to be developed adjacent to the site at the northern terminus of Cooke Blvd on land dedicated through the development of the adjacent phase 1 development to the east. Another future park is planned on the east side of Cooke Blvd, approximately 240 metres south of the subject property, on land to be dedicated through the approved development at 53-71 Plains Rd E and 1025 Cooke Blvd. Through the long-term development of the MTSA, new active transportation connections are planned that will provide improved access to existing parks, including Hidden Valley Park, Lasalle Park, Grove Park, and Aldershot Park.

Staff opinion: the proposed development satisfies this criterion as it is adequately served by existing and planned infrastructure, schools, and parks.

(ii) Off-street parking is adequate.

The proposed development will provide bicycle parking in the amount of 0.5 long-term spaces and 0.05 short-term spaces per dwelling unit. This is the City's current standard rate and is supported by staff as it supports cycling for future residents and visitors of the site.

The subject applications request a reduced vehicle parking rate of 0.97 parking spaces per unit, which is broken down into 0.89 occupant spaces per unit and 0.08 spaces per unit to be shared by non-residential uses and residential visitors. This reduced rate is supported by staff as it is appropriate given the subject property's location within a Major Transit Station Area in close proximity to existing and planned higher-order transit and local transit.

Staff opinion: the criterion is satisfied, as the proposed development provides adequate parking for bicycles and vehicles.

(iii) The capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets.

As discussed elsewhere in this report, the proposed development can be accommodated by the municipal transportation system and the provincial highway system, subject to infrastructure improvements on Waterdown Road and Masonry Court to be implemented by the applicant.

The proposed development provides a primary driveway access on Cooke Blvd and a secondary driveway access on Waterdown Road. Cooke Blvd is a local street but notably is a local street in a Mixed-Use Corridor rather than in a residential neighbourhood. The proposed primary access is appropriately located on Cooke Blvd to allow for a full range of turning movements without disruption to efficient and safe circulation of road users, including pedestrians and cyclists, on Waterdown Road and Masonry Court. The proposed secondary access on Waterdown Road is desirable, given the scale of the development, to reduce traffic pressures on the local streets Cooke Blvd and Masonry Court. The secondary access is appropriately restricted to right-in, right-out movements to avoid adverse impacts to circulation on the arterial road network.

Staff opinion: The transportation impacts of the proposed development have been assessed by staff at the City, Region, and MTO. The capacity of the municipal and provincial transportation systems can accommodate the proposed development, subject to infrastructure improvements. The proposed development is also supported by appropriately located driveways. The criterion is therefore satisfied.

(iv) The proposal is in proximity to existing or future transit facilities.

Staff opinion: The criterion is met as the proposed development is located within a Major Transit Station Area in close walking distance to existing and planned higher-order transit and local transit.

(v) Compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking, and amenity area so that a transition between existing and proposed buildings is provided.

The proposed development represents a significantly taller and more intense form of development than what exists or has been approved in the immediate surroundings to date. However, the proposed development is consistent with the emerging vision for this area of the Aldershot MTSA, which is being established through the City's Area-Specific Planning process for the Aldershot MTSA.

The massing of the podiums along Masonry Court are proposed to be six storeys in height, aligning with the existing six-storey buildings immediately to the east. Along Cooke Blvd, the podium of Building B steps down to three storeys to the north, creating a transition to the low-rise townhouses located on the east side of Cooke

Blvd. The podium of the northwest building (Building A) is more massive with a height of 12 storeys, but this is acceptable given the building's physical separation from the surrounding streets which limit its impact on the public realm.

Parking is proposed to be located underground, with only limited vehicle parking (6 spaces) proposed at ground level on the site. This design will avoid negative impacts on the streetscape that could be caused through excessive surface parking areas.

Indoor and outdoor amenity spaces are provided on the site, including two notable outdoor amenity areas at ground level: an urban plaza fronting on Masonry Court, between Buildings B and C; and a more landscaped outdoor amenity area north of Building B, adjacent to Cooke Blvd and the planned future park. These planned amenity areas will serve residents and visitors of the site, and positively contribute to the streetscape, subject to detailed design to be addressed through a future Site Plan application.

Staff opinion: the criterion is satisfied, as the proposed development achieves built form and design compatibility with the existing and planned context of the area.

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

The subject property currently contains no trees. Subject to detailed design, the proposed development is expected to introduce new trees on the site as part of the landscaping, although it is acknowledged that any new trees on site will be planted on top of an underground parking garage.

There are 15 public trees located in the Waterdown Road right-of-way adjacent to the subject property. Of these, two are assessed as being in good condition, three are assessed as dying, and the balance are assessed as being in fair condition. Two of these trees (one fair and one dying) are proposed to be removed due to conflict with the proposed driveway access to Waterdown Road. Additional public tree removals may be necessary due to grading works necessary for the proposed ramp and potential redesign of the City's service lane. The detailed design, including a more detailed Tree Inventory and Preservation Plan, will be reviewed through a future Site Plan application. Public tree removals and potential compensation planting will be considered in accordance with applicable City policies.

Staff opinion: The criterion is satisfied as there are no trees or significant vegetation existing on the subject site, and proposed vegetation impacts in the Waterdown Road right-of-way will be assessed in greater detail through a future Site Plan application.

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

A revised Shadow Study was submitted that models shadow impacts of the proposed development. As discussed in greater detail under the Design Guidelines section below, the proposed development complies with the City's Shadow Guidelines as its shadow impacts on surrounding areas are at an acceptable level as defined in the guidelines.

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

The subject property is located within the Aldershot Village Business Improvement Area (BIA) boundary and is in walking distance to retail areas along Plains Road. The site is well-served by transit, which provides connections to public and private services in Burlington, Hamilton, and along the Lakeshore West GO line. The recently completed protected bike lanes on Plains Road West further support access to services.

The subject property is also located within the Aldershot MTSA, which is planned to develop as a complete community with a range of land uses including public service facilities.

Staff opinion: The criterion is satisfied as the proposed development has access to existing and planned public and private services.

(ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts.

As discussed throughout this report, the design of the proposed development will need to incorporate measures to minimize and mitigate potential adverse impacts from wind, noise and vibration, and air quality. As part of the current Official Plan Amendment and Zoning By-law Amendment applications, the applicant has provided technical analysis that has demonstrated the feasibility of minimizing and mitigating these potential impacts through design. These measures will be considered through the detailed design of the proposed development, which will be determined through a future Site Plan application.

Staff opinion: The criterion is met as the applicant has demonstrated capability of providing buffering and other measures to minimize and mitigate potential adverse impacts through design.

(x) Where intensification potential exists on more than one adjacent property, any redevelopment proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate.

The lands adjacent to the subject property have already developed in recent years; no further intensification potential is anticipated on the immediately adjacent lands. In the broader context of the MTSA, extensive intensification is anticipated through development both east and west of Waterdown Road. This intensification potential

has been considered through the City's Area-Specific Planning project for the MTSA, and the proposed development is in alignment with the vision for the MTSA. No impacts on the intensification potential of other properties are anticipated.
Staff opinion: The criterion is met as the proposed development aligns with the vision established through an area-specific planning exercise, and the proposed development will not compromise the intensification potential of surrounding properties.

(xi) Natural and cultural heritage features and areas of natural hazard are protected.
There are no natural or cultural heritage features or areas of natural hazard located on the subject property. The subject applications were circulated to Conservation Halton, who responded to confirm that the existing stormwater management feature to the north of the site was designed to contain areas of natural hazard within its own boundaries and will not be impacted by the proposed development.
Staff opinion: The criterion is satisfied as there are no impacts to natural or cultural heritage features or areas of natural hazard.

(xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3 (g) and (m).
Policy 2.11.3 (g) does not apply to the subject property. Policy (m) is a stormwater management policy that applies to the South Aldershot area in which the subject property is located. As discussed elsewhere in this report, the subject application has been reviewed by Development Engineering staff, who have confirmed that the proposed development can be accommodated by the stormwater infrastructure system, subject to detailed design to be reviewed in greater detail through a future Site Plan application.
Staff opinion: The criterion is satisfied as policy (g) does not apply and policy (m) has been addressed through the stormwater review of the applications by Development Engineering staff.

(xiii) Proposals for non-ground-oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale, and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.
The subject property is located in a Major Transit Station Area and has direct vehicular access to a minor arterial road (Waterdown Road). The built form and scale of development have been designed to provide a transition to surrounding properties and are in alignment with the vision for the MTSA established through the Area-Specific Planning process.

Staff opinion: The criterion is satisfied.

2.4.4 Overall Staff Opinion

The proposed development satisfies the intensification criteria and conforms to the other applicable policies of the OP. The requested Official Plan Amendments are supported by staff based on a detailed technical review that has found that the proposed development meets the intent of the Official Plan, complies with the applicable policy framework, and is consistent with the emerging vision for the Aldershot MTSA established through the City's ongoing Area-Specific Planning project.

2.5 Burlington's New Official Plan (New OP) (2020)

Burlington's New OP was approved in 2020 and is subject to appeals. Due to the appeals, substantial portions of the New OP have not yet come into effect. Nonetheless, the new OP represents Burlington's vision for future development and staff have considered the new OP in the review of the subject applications.

2.5.1 Urban Structure and Growth Framework

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

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

2.5.2 Land Use Policies

The subject property is designated Urban Corridor as shown on Schedule C – Land Use – Urban Area of the new OP. Urban Corridor lands are intended to provide for the day-to-day goods and service needs of residents and employees within and in proximity to the Corridor and may also serve a broader city-wide market. Permitted land uses include retail and service commercial, residential, office, entertainment, and recreation uses. Retail and service commercial uses and other pedestrian-oriented uses shall be be located on the ground floor of residential buildings; a limited range of office uses may also be permitted on the ground floor. Development of Urban Corridor lands shall maintain the planned commercial function of the site.

The Urban Corridor policies establish a maximum Floor Area Ratio of 2:1, which may be increased through a site-specific Zoning By-law Amendment provided that the objectives of the Urban Corridor are maintained. The maximum building height is six storeys.

The proposed development conforms to the land use policies of the Urban Corridor designation, as it provides residential uses with ground-floor non-residential uses along Masonry Court. The ground-floor non-residential uses may be retail, service commercial, office, recreation, or entertainment uses, or other pedestrian-oriented uses if permitted by the Zoning By-law.

The proposed development substantially exceeds the maximum Floor Area Ratio and building height of the Urban Corridor designation. As discussed elsewhere in this report, the proposed Official Plan Amendment to increase maximum Floor Area Ratio and building height is supported by staff as it aligns with the overall current policy framework vision of the Area-Specific Planning for the MTSA.

2.5.3 MTSA Policies

The subject property is located within the Aldershot GO Major Transit Station Area (MTSA) as identified by the Regional Official Plan. Section 8.1.2 of the new OP indicates that the City will complete Area-Specific Plans (ASPs) for MTSAs. An ASP for the Aldershot GO MTSA is currently substantially underway, as discussed elsewhere in this report. Prior to the completion of the ASP, section 8.1.2 requires development applications in MTSAs to contain a mix of uses, support active transportation and transit, incorporate Transportation Demand Management, and be consistent with the MTSA typology of the new OP. The MTSA typology identifies Aldershot GO as an MTSA located along a higher-order transit route with planned frequent transit service but not a Priority Transit Corridor identified by the Growth Plan. The typology anticipates that Aldershot GO and other MTSAs will accommodate the majority of growth over the planning horizon of the new OP.

The proposed development is consistent with the policies and objectives of section 8.1.2, as it is a dense, mixed-use development that supports active transportation and transit with appropriate design and transportation demand management.

2.5.4 Transportation

The subject property fronts on a segment of Waterdown Road that is identified as a MTSA Primary Connector and a Frequent Transit Corridor as shown on Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors of the new OP. This segment of Waterdown Road is also identified as a Multi-Purpose Arterial on Schedule O-1 – Classification of Transportation Facilities – Urban Area of the new OP.

The proposed development provides a mix of uses in a compact, high-density form that will contribute to supporting transit use along the planned Frequent Transit Corridors

and throughout the transit network more broadly. The proposed development also supports active transportation through provision of long-term and short-term bicycle parking and through compact built form. As discussed elsewhere in this report, the proposed development can be accommodated by the transportation network, subject to needed infrastructure improvements to be designed and implemented through a future Site Plan application.

The proposed development conforms to the transportation policies of the new OP.

2.5.5 Housing

Subsection 3.1.1(2)(g) of the new OP and the City's Strategic Plan, directed the City to develop a city-wide housing strategy to among other things, support the Region of Halton's Housing Strategy, describe the current range and mix of housing in the city, establish city-wide housing objectives, examine opportunities for partnerships to increase the supply of affordable housing, to develop minimum targets in support of achieving the region of Halton's housing mix and affordable unit targets as well as two and three bedroom unit minimum targets.

The Housing Strategy and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by Council in June 2022. The City's Housing Strategy provides a roadmap for addressing local housing needs and increasing housing options that meet the needs of current and future residents at all stages of life and at all income levels. The Housing Strategy is underpinned by extensive technical work that can be found in the Housing Needs and Opportunities Report. The Housing Needs and Opportunities Report articulates the current state of housing in Burlington as well as current and future housing needs and establishes a toolbox of best practices in housing, focusing on innovative practices and new ideas. The Housing Strategy identifies 12 Actions to move toward the vision for housing in Burlington. It provides a set of action-oriented housing objectives (Themes) and an associated implementation plan that also identifies a list of Prioritized Actions and Quick Wins.

The proposed development supports the achievement of Action No. 7 of the Housing Strategy, "Support, permit, and encourage the development of alternate forms of housing, including higher-density types of housing, where feasible and appropriate". The proposed development provides 1165 new housing units in a higher-density, compact development, in an appropriate location in a Primary Growth Area and MTSA. 33% of the proposed housing units are proposed as two-bedroom or two-bedroom-plus-den units.

2.5.6 Environment and Sustainability Policies

Chapter 4 of the new OP contains policies for stormwater management, land use compatibility, and site contamination. As discussed elsewhere in this report, the subject applications have addressed the City's requirements for these matters. Detailed design

of stormwater management and land use compatibility measures will be reviewed in further detail through a future Site Plan application.

2.5.7 Financial Sustainability

The new OP requires the completion of a Financial Impact Study to support development applications that propose more than 500 dwelling units. Accordingly, a Financial Impact Study was submitted by the applicant and reviewed by the Finance Department. The Finance Departments' review and comments are discussed under the Technical Review section of this report.

2.5.8 Design Policies

The Design policies in chapter 7 of the new OP include requirements for design of development within Primary Growth Areas. The proposed development conforms to the design policies of the new OP as it locates buildings close to the street to define the street edge, provides built form transitions to surrounding residential uses, locates primary public entrances on the façade facing the street, and provides appropriate outdoor amenity areas and open spaces that enhance the public open space network of the community. Further discussion of the design of the proposed development is contained in the Urban Design Guideline sections of this report.

The proposed development complies with the design policies of the new OP. Design will be reviewed in greater detail through a future Site Plan application.

2.5.9 Development Criteria

Section 12.1.1(3) of the new OP contains criteria to inform the assessment of site-specific Official Plan Amendment applications. The proposed development does not deliver all of the city-building objectives contained in policy 12.1.1(3)(i)(xi), but generally meets the intent of these criteria as it is consistent with the Urban Structure and Growth Framework of the new OP, conforms to provincial and regional plans, is compatible with the surrounding area, can be accommodated by existing infrastructure subject to improvements.

Section 12.1.2(2.2) of the new OP contains additional criteria for the review of site-specific development applications. The majority of these criteria are comparable to the Intensification Criteria of the Official Plan (1997 as amended) discussed elsewhere in this report. As discussed above, the proposed development conforms to these criteria.

2.5.10 Overall Staff Opinion

The subject applications generally comply with the policies and intent of the new OP. The requested Official Plan Amendment proposes increased Floor Area Ratio and building height beyond the permissions of the Urban Corridor designation of the new OP. These amendments are supported by staff as they conform to the overall current

policy framework and align with the Area-Specific Plan for the Aldershot GO MTSA that is referred to in chapter 8.1.2 of the new OP.

2.6 Area-Specific Plan (ASP) for the Aldershot GO Major Transit Station Area (MTSA)

The City started the Mobility Hubs Study in 2017-2018 and focused on area-specific planning work for the three GO station areas. Precinct plans were drafted for each study area around the Aldershot, Burlington, and Appleby GO Stations. The precinct plans were presented to Council for comment, but not approved, and the Mobility Hubs Study was placed on Hold. The City has resumed work through the Major Transit Station Area (MTSA) Area-Specific Planning Project. The following staff reports have been presented to Council:

- MTSA Area-Specific Recommended Preferred Precinct Plans (PL-02-22)
- Major Transit Station Areas – Area Specific Plans Planning Study update (PL-10-22, SD-20-22)
- Proposed Major Transit Station Area (MTSA) Official Plan Amendment and Draft Community Planning Permit (CPP) By-law public release (PL-59-23, SD-43-23)

Council received the studies and reports presented through the above-referenced reports and direct staff to review feedback (public and agency) and complete further work related to the Burlington GO MTSA and Appleby GO MTSA. The most recent report (PL-59-23, SD-43-23) also directed the Director of Community Planning to consider the feedback provided in the Statutory Public Meeting October 31, 2023, prior to bringing forward a subsequent staff report recommending adoption of Official Plan Amendment No. 2 and Community Planning Permit By-law. Currently, the policies for the Precinct Plans are not in force and effect but inform the planning direction for the future.

The vision for the Aldershot MTSA, also known as Aldershot Corners, is to provide the first impression of Burlington when travelling east from Hamilton and Niagara on the Lakeshore West GO line. Aldershot Corners will continue to evolve as an urban area with a distinct sense of neighbourhood character, supported by a mix of residential, commercial, and employment uses. Taller buildings will be concentrated along the rail line and will decrease in height and intensity closer to Plains Road and the existing residential neighbourhoods. Aldershot Corners will be a vibrant, livable community with urban shopping and dining opportunities serving those living and working close by. The objectives of Aldershot Corners is to achieve sensitive transitions to established residential neighbourhood areas; concentrate higher intensity development on large brownfield/greyfield sites that contain existing employment uses in order to encourage mixed use development; recognize existing employment and planning for future employment and commercial uses; planning for flexible commercial and retail spaces;

creating new streets and active transportation connections; and, focusing heights away from Plains Road and towards the rail corridor.

There are five distinct precincts within Aldershot Corners MTSA. The subject property is within the Aldershot GO Central Precinct which is the focus area for the MTSA's highest density. This precinct is the preeminent destination for Major Office, affordable housing, and urban format retail. Built-form transition is important in this precinct to ensure increased density is also met with streetscape design that creates a pedestrian-focused area for travelers to arrive in, find amenities, and enjoy outdoor spaces.

The Aldershot GO Central Precinct is the focus of the tallest buildings close to the GO station at a maximum height of 30 storeys. However, maximum building heights are not guaranteed and are to be commensurate with the degree of community benefit or amenity provided by the development.

The permitted uses in the Aldershot GO Central Precinct may include apartments with non-residential uses on the ground floor; office and major office uses; retail and service commercial uses (on bottom two floors only); hotel uses; entertainment uses (on bottom two floors only); employment uses such as light assembly and manufacturing uses compatible with abutting mixed-use residential buildings; and recreation uses (on bottom two floors only). Office and commercial uses should be prioritized near the Aldershot GO Transit Station to encourage areas of employment within walking distance of the station.

Staff opinion: Staff have reviewed the subject applications with consideration for the vision and objectives of the ASP. The proposed development aligns with the vision for the Aldershot GO Central Precinct and the MTSA more broadly. The proposed residential apartment buildings with non-residential uses at ground level along the street, and building heights of maximum 30, 32, and 34 storeys, are consistent with the land uses and built form intended for this precinct.

2.7 Zoning Bylaw

The subject property is currently zoned MXC-26 (Mixed Use Corridor – Commercial, with site-specific exception 26). This report recommends approval of a Zoning By-law Amendment, contained in Appendix C of this report, to rezone the property from MXC-26 to H-MXC-531 (Mixed-Use Corridor – Commercial, with site-specific exception 531 and holding symbol) to permit the proposed development.

The existing MXC-26 zone is consistent with the in-effect policies of the Official Plan (1997 as amended). The proposed new H-MXC-531 zone is consistent with the proposed Official Plan Amendment that is recommended for approval by this report.

The changes from the current MXC-26 to the proposed new zone are summarized in Table 2 below.

Table 2: Summary of Zoning Changes from Current to Proposed Zones

	Current MXC-26 zone	**Proposed MXC-531 zone**
Maximum Floor Area Ratio	1.5:1	9.1:1
Maximum Building Height • Building A • Building B • Building C	6 storeys (all buildings)	• 34 storeys and 112 m • 30 storeys and 100 m • 32 storeys and 106 m
Maximum Dwelling Units	No maximum	1165
Minimum Non-residential Floor Area	None required	475 m^2
Landscape Area abutting a street	3 m	None required
Amenity Area	28, 690 m^2	15 m^2 per unit (equals 17,475 m^2)
Minimum yards	3 m (from all streets)	Building A: 4.5m from Waterdown Rd Building B: 5 m from Cooke Blvd and Masonry Court Building C: 5m from Masonry Crt and 3 m from Waterdown Rd
Minimum underground setbacks (from all lot lines)	3 m	0.9 m
Minimum residential parking	1457 spaces total	0.89 occupant spaces/unit 0.08 visitor spaces/unit (equals 1130 spaces total)
Minimum bicycle parking	3 spaces	0.5 long-term spaces/unit 0.05 short-term spaces/unit (equals 641 spaces)

2.7.1 Flexibility in regulations

The proposed Zoning By-law Amendment has been written with recognition of the fact that the subject property is proposed to be developed in phases. Accordingly, staff have written a degree of flexibility into the requirements for each individual building, provided that the overall development continues to adhere to key parameters. For example, the

applicant could change the exact number of dwelling units and non-residential floor area provided in each building, so long as the overall site does not exceed a maximum of 1165 dwelling units and that it provides a minimum of 475 m2 of non-residential floor area on the site.

Similarly, a degree of flexibility has been provided in the maximum height and Floor Area Ratio. The proposed development as shown on the submitted plans comprises three buildings of 33, 31, and 29 storeys (109, 97, and 103 metres), with a Floor Area Ratio of 9:1. The proposed Zoning By-law Amendment sets the maximums slightly higher (one extra storey and 3 extra metres of height for each tower) and a Floor Area Ratio of 9.1:1. This maintains the intent of the proposed development while allowing for an appropriate amount of flexibility to account for minor design changes that may occur at the detailed design stage, such as the need for a taller than expected rooftop mechanical penthouse, or the desire to add a mezzanine level to one or more of the buildings.

2.7.2 Holding Symbol

The proposed Zoning By-law Amendment places a Holding Symbol on the subject property, as required by Halton Region. The Holding Symbol prevents the development from proceeding until the applicant satisfies criteria to allow the Holding Symbol to be removed by adoption of a by-law. For the subject property, the Holding Symbol removal criterion is “The Owner executes a Regional Servicing Agreement for the replacement of the Cooke Boulevard sanitary sewer to address downstream sanitary sewer capacity.”

2.7.3 Landscape Area

The proposed amendments remove the requirement for a Landscape Area along street frontages, to recognize the planned urban character of the proposed development and streetscape. Removing this requirement will also simplify implementation; landscaping will still be required through the Site Plan application but will not need to be a continuous strip of planted area running along the entire street frontage. This will allow for a more nuanced design that responds to the specific context and streetscaping objectives of the site.

2.7.5 Bicycle parking

The current zoning regulations only require bicycle parking for non-residential uses. The proposed zoning more appropriately requires a minimum number of parking spaces per residential unit.

2.8 Urban Design Guidelines

2.8.1 Tall Building Guidelines (2017)

The proposed development comprises three tall buildings with L-shaped podiums and rectangular towers.

2.8.1.1 Podium Design

The podium of a tall building anchors the tower and defines the pedestrian experience at the street. The proposed development complies with the guidelines with respect to podium design as follows:

- Buildings B and C are located to frame the street on Masonry Court and Cooke Blvd.
- Buildings B and C have six-storey podiums which reinforce the six-storey streetwall that has already been established by the existing mid-rise buildings to the immediate east on Masonry Court.
- The podium of Building B steps down to a height of three storeys toward the north along Cooke Blvd, which provides an appropriate transition to the low-rise townhouse development located on the opposite side of Cooke Blvd.
- Non-residential uses are provided within the podiums of Buildings B and C. These uses in will have entrances on Masonry Court. Due to the slope of Masonry Court, Building B is lower than the street, and so its non-residential uses have entrances accessed via a central plaza
- A mid-block pedestrian connection is provided between Buildings B and C via a plaza that will provide access from Masonry Court to the entrances of non-residential uses and to the interior of the site.
- Podiums are separated by 16 m (Buildings C and A) and 22 m (Buildings C and B)
- Building B provides a residential entrance on Cooke Blvd. Due to the slope of Masonry Court, Building C provides a primary residential entrance on the ground level from the drop-off area at the interior of the site, and a secondary residential entrance at the second storey on Masonry Court.

2.8.1.2 Tower Design and Building Top

The tower is the most substantial and impactful component of a tall building. It should maximize sky views and access to sunlight through slender floorplates and spacious separations between towers. The proposed development complies with the guidelines with respect to tower design as follows:

- The towers provide a height transition to the surrounding area, with heights stepping down from the tallest tower (Building A, max. 34 storeys) in the northwest at Waterdown Road near the train tracks, down to Building C (32 storeys) at Masonry Court and Waterdown Road, and the shortest tower

(Building B, 30 storeys) at the corner of Cooke Blvd and Masonry Court, nearest to the mid-rise and low-rise residential areas to the east.

- Towers are separated from each other by at least 27 metres (Buildings A and B), which exceeds the minimum 25 m separation outlined in the guidelines. Buildings B and C have a tower separation of 47 metres.
- Towers are slender with floorplates of 750 m2
- Tower balconies do not project more than 1.5 m from the building wall

The design of the building top (mechanical penthouse) will be determined through detailed design at a future Site Plan application stage, but the current proposed design complies with the guidelines for building top.

2.8.1.3 Alternative Solutions

The proposed development does not meet the exact metrics of the guidelines in a few respects. The Tall Building Guidelines represent best practices but are not intended to limit creativity in design. Where it can be demonstrated than an alternative built form achieves the intent of the guidelines, alternative solutions should be permitted. The following alternative solutions are proposed, which staff believe are appropriate for the site's context and meet the intent of the guidelines.

Building A has a podium height of 12 storeys, which exceeds the maximum podium height of 20 m (approximately 6 storeys) recommended by the guidelines. This is acceptable given the building's substantial separation from public streets, which limits its impact on the streetscape or surrounding properties. Building A is separated from Cooke Blvd by 42 m and from the Waterdown Road sidewalk by 35 m. The Waterdown Road sidewalk is also elevated 5 m higher than the base of Building A, which lessens the tall podium's impact on the street. The lands to the north of Building A are open space (stormwater infrastructure) that will not develop.

The proposed buildings each provide a substantial stepback (with rooftop terrace) above the podium on at least one side, but provide no stepback above the podiums on other sides. This means that on two to three sides of each building, the building wall goes straight up from ground level to the top storey. However, the proposed development provides an alternative solution to achieve the intent of providing a stepback: substantial balconies will wrap around those sides of the podium that do not have a stepback. These balconies will project up to 2.1m out from the building and will be enclosed on the sides and top, open only to the front. Visually, these balconies will appear to be a part of the podium. Above the podium, balconies will be smaller, less continuous, and light, projecting only 1.5. Overall, this will have the effect of creating slender towers that are pulled back from the street relative to the building massing (partly enclosed balconies) below them. Technical studies submitted with the application have demonstrated that this alternative solution will also achieve the guideline intent of

minimizing shadow impacts, and that wind impacts can be mitigated to acceptable levels through detailed design.

2.8.1.4 Staff Opinion

The proposed development satisfies the intent of the Tall Building Guidelines, including through the use of some alternative design solutions that differ from the specific metrics of the guidelines.

2.8.2 Shadow Study Guidelines and Terms of Reference (2020)

The applicant submitted a Revised Shadow Study prepared by Core Architects Inc., dated February 10, 2023, which was reviewed against the Shadow Study Guidelines and Terms of Reference (2020). The guidelines consider shadowing on Key Civic and Cultural Spaces, Private Outdoor Amenity Spaces, Parks and Open Spaces, Places Where Children Play, and Public Realm and Sidewalks. The impact of shadowing on these spaces are reviewed below:

- Key Civic and Cultural Spaces: There are no Key Civic and Cultural Spaces in the surrounding area, and therefore, not applicable.
- Private Outdoor Amenity Spaces: These spaces include rear yards, decks, and (rooftop) patios. As per the guidelines, shadows from proposed developments should not exceed 2 hours in duration, between 9:00 and 18:00 on March 21st. The proposed development complies with this guideline, as it provides a Sun Access Factor on March 21st is 0.35, exceeding the minimum Sun Access Factor of 0.22.
- Parks and Open Spaces: There is a planned park located immediately adjacent to the north of the subject property at the terminus of Cooke Blvd. Shadows cast must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during the specified periods of March 21st (9:00 to 18:00), September 21st (9:00 to 18:00), and December 21st (11:00 to 15:00). The Sun Access Factor is 0.83 on March 21st, 0.8 on September 21st, and 0.51 on December 21st. Therefore, the criterion is met as it is greater than 0.5 on each test date.
- Places Where Children Play: These spaces include school yards, playgrounds, and park features such as wading pools or other outdoor shadow-sensitive activity areas as identified by the City of Burlington. There are no Places Where Children Play in the surrounding area, and therefore, not applicable.
- Public Realm and Sidewalks: Shadows cast onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times between 9:00 and 18:00 on March 21st. The Sun Factor is 0.85 on the opposite boulevard on March 21st. Therefore, the criterion is met as it is greater than 0.5 on the test date.

The applicant has also provided a separate shadow review of the outdoor amenity area for the proposed development. The Sun Access Factor on the proposed private outdoor

amenity space within the development is 0.38 on March 21st which exceeds the minimum of 0.22. Overall, the Revised Shadow Study meets the Shadow Study Guidelines and Terms of Reference (2020).

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

The applicant submitted a revised Pedestrian Wind Study, prepared by SLR, and dated February 28, 2023, as part of the second submission. The Wind Study assessed the effect of the proposed development on local conditions in pedestrian areas for the subject lands and surrounding area. Staff have reviewed the submitted wind analysis in accordance with the Pedestrian-Level Wind Study Guidelines and Terms of Reference (the Wind guidelines).

2.8.3.1 Wind Conditions and Impacts on the Subject Property

As the site exists currently, wind conditions are uncomfortable in winter on portions of the site close to Masonry Court. The proposed development, without mitigation, would result in generally acceptable wind conditions in summer for the proposed uses throughout the site, with the exception of one uncomfortable location at the corner of Building C interior to the site, and some locations on the 13th-storey rooftop terrace of Building A where conditions would be suitable for fast walking but not sitting.

In winter, the proposed development without mitigation would result in uncomfortable wind conditions at numerous locations throughout the site, particularly on rooftop terraces and at ground level in the outdoor amenity area and central drop-off area. The rooftop terrace of Building A also does not meet the annual wind safety threshold.

Mitigation measures will be required to achieve acceptable conditions on site throughout the year, in particular to address the areas assessed as uncomfortable or unsafe.

2.8.3.2 Wind Conditions and Impacts on the Surrounding Area

Public sidewalks surrounding the subject property currently experience uncomfortable conditions in some areas, and conditions suitable for fast walking or better in other areas. The proposed development, without mitigation, would result in uncomfortable conditions occurring on public sidewalks around the intersection of Cooke Blvd and Masonry Court.

2.8.3.3 Mitigation of Wind Impacts

The submitted wind study indicates that strong wind flows on site are due to the overall exposure of the development to the prevailing northeasterly and southwesterly winds. These winds would downwash off the building facades and accelerate at grade around the three buildings.

The proposed development will have pedestrian-level wind impacts on the subject property and surrounding public realm, which must be mitigated in order to bring wind comfort and safety conditions down to acceptable levels. The detailed design of

mitigation measures will be determined through a future Site Plan application. As part of the current application, the applicant has provided a conceptual design for mitigation, which involves the use of ground-level wind screens at various locations around the site. Staff identified concerns with the location of some of these screens, which in the opinion of staff were too close to Cooke Blvd and the central drop-off area, creating undesirable streetscape design on Cooke Blvd and potential sightline issues for pedestrians and drivers in the drop-off area. In response, the applicant provided supplemental material in which their wind consultant confirmed that alternative mitigation designs are possible that will appropriately mitigate wind impacts while also addressing the design concerns of staff. As part of the future Site Plan application, the applicant will be required to submit more detailed information. Staff will ensure through their detailed review of the Site Plan application that wind impacts are appropriately mitigated to acceptable levels, and that mitigation measures such as wind screens are appropriately integrated into the design of the development.

2.8.3.4 Staff Opinion

For the purposes of the current Official Plan Amendment and Zoning By-law Amendment, staff are satisfied that the wind impacts of the proposed development can be mitigated to achieve the intent of the Pedestrian-Level Wind Guidelines and Terms of Reference.

2.8.4 Sustainable Building and Development Guidelines (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. The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication.

In accordance with Guideline 2.1, development proposals 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. The applicant has identified that pedestrian connections are provided on site between and around buildings which connect to public sidewalks.

The Guidelines require the provision of bicycle parking spaces, and the location of bicycle parking within convenient, weather-protected spaces to encourage active transportation. The proposed development exceeds the base requirements of the Zoning By-law by providing 0.5 long-term bicycle spaces and 0.05 short-term bicycle

spaces per unit. These spaces are appropriately located with short-term spaces (for visitors or customers) at ground level and long-term spaces indoors.

Guideline 2.4 encourages the provision and implementation of a Transportation Demand Management (TDM) Plan as part of development proposals. 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. The applicant provided a Transportation Impact Study that included a TDM plan with strategies such as unbundling parking, providing a mix of land uses, providing bicycle parking and supportive resources such as bike repairs stations, among others. The proposed TDM plan has been considered by Transportation staff as part of their review of the applications, and have accepted the overall Transportation Impact Study for the purpose of the current Official Plan Amendment and Zoning By-law Amendment applications.

Guideline 4.1 promotes sustainable stormwater management. Comments from Development Engineering staff indicate that the subject applications have addressed stormwater management matters for the purpose of the current applications. More detailed stormwater design will be reviewed through the future Site Plan application.

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 landscaped areas at ground level and on rooftop terraces.

In accordance with Guideline 6.1 development proposals are required to provide and implement a waste management plan in accordance with Regional requirements. The applicant has revised their plans to accommodate Regional waste collection. 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 Building and Development 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.

3.1 Technical Review

Planning staff circulated the original and second submissions of the application to relevant City departments and external technical agencies for review. The third submission of the application was circulated to those reviewers who had outstanding

concerns from their review of the previous submissions. A summary of comments from technical reviewers is provided below.

3.1.1 Halton Region

Halton Region comments on the subject applications were primarily concerned with the following themes:

Land use compatibility: the Region retained Dillon Consulting to conduct an external peer review of the submitted Land Use Compatibility (Air Quality) Assessment and Environmental Noise Study. The peer review identified the need to provide additional information to demonstrate that the proposed sensitive uses would be compatible with nearby major facilities including industrial uses and the CN rail yard. The applicant addressed these concerns through the provision of revised and supplemental materials demonstrating that the proposed development will be compatible with its surroundings.

Municipal Servicing: Regional comments identified the need for improvements to the sanitary sewer infrastructure downstream of the subject property. In accordance with Regional requirements, the Zoning By-law Amendment that is recommended by this report includes the provision of a Holding Symbol that will require the owner to execute a Regional Servicing Agreement for the replacement of the Cooke Boulevard sanitary sewer to address downstream sanitary servicing capacity prior to removal of the Holding Symbol and construction of the proposed development.

Site contamination: the Region identified the need to provide further information; the applicant addressed this concern through supplemental submissions.

Waste management: the applicant addressed Regional concerns with waste management by revising their site plan to accommodate regional waste collection vehicles.

The comments of Halton Region have been addressed for the purposes of approving the Official Plan Amendment and Zoning By-law Amendment. The applicant will be required to continue working with Halton Region to address more detailed design requirements prior to removal of the Holding Symbol from the property and prior to Site Plan approval.

3.1.2 Development Engineering and Stormwater Engineering

Development Engineering staff provided comments requiring revisions to the design of the proposed right-in, right-out driveway on Waterdown Road to address concerns with stormwater management and impacts to the existing City service laneway that runs alongside Waterdown Road. Development Engineering also required revisions to the submitted noise and vibration study. The applicant addressed these comments through revised submissions. Further review of detailed design will occur through a future Site Plan application.

3.1.3 Transportation Services

Transportation staff provided comments on the applications identifying requirements for parking, site design, and traffic impacts. The applicant has addressed these comments as follows:

- Increasing vehicle parking supply to a rate of minimum 0.97 spaces per unit, which is supported by staff given the subject property's location within a Major Transit Station Area in close proximity to transit.
- Increasing bicycle parking to 0.5 long-term spaces per unit and 0.05 short-term spaces per unit.
- Revising the design of the proposed right-in, right-out driveway on Waterdown Road with appropriate slopes and a flat landing pad to allow safe sightlines for drivers. The applicant may also have to construct a new northbound right-turn lane on Waterdown Road to allow drivers to slow down before turning right into the new driveway. Detailed design requirements will be confirmed through a future Site Plan application.
- Revising the site design to provide adequate loading spaces for the proposed development.
- Acknowledging the need to provide road improvements to accommodate future traffic levels, such as extensions of turning lanes on Waterdown Road and Masonry Court. Detailed design requirements and cost estimates will be confirmed through a future Site Plan application.

Staff are satisfied that Transportation comments have been addressed for the purpose of the current Official Plan Amendment and Zoning By-law Amendment applications.

3.1.4 Ministry of Transportation (MTO)

The subject property is located at the edge of the area regulated by the MTO due to proximity to Highway 403. The MTO provided comments on the original application identifying concerns with the proposed right-in, right-out driveway access on Waterdown Road, as well as general impacts of the proposed development on Waterdown Road and the nearby Highway 403 interchange.

The applicant addressed the MTO comments through revised and supplementary submissions. To resolve concerns of the MTO, the applicant will extend the centre median on Waterdown Road to create a physical barrier that will prevent drivers from making left turns into or out of the proposed right-in, right-out driveway on Waterdown Road. The MTO also identified the need for design changes on Waterdown Road such as expansion of left-turn lanes to support continued function of the Highway 403 interchange; these design matters can be addressed through a future Site Plan application and/or through the MTO permitting process prior to development. For the

purpose of the current Official Plan Amendment and Zoning By-law Amendment applications, City staff are satisfied that the MTO's concerns have been addressed.

3.1.5 CN Rail

CN Rail maintains a rail corridor and a rail yard in proximity to the subject property. CN provided comments indicating general support for the proposed development, subject to the applicant addressing CN's concerns with respect to noise and vibration. CN retained Jade Acoustics to conduct an external peer review of the applicant's revised noise and vibration study. Jade Acoustics concluded that the applicant's revised study was generally acceptable and that the proposed development has been designed to mitigate the noise sources to meet the applicable guidelines of CN Rail, the Federation of Canadian Municipalities and Railway Association of Canada, and the Ministry of the Environment, Conservation, and Parks. CN accepted this report and has worked with the applicant to enter into a development agreement and the registration of an easement on the subject property.

Staff are satisfied that the concerns of CN Rail have been addressed for the purposes of the subject applications. Detailed design of noise mitigation measures will occur through a future Site Plan application.

3.1.6 Metrolinx

The subject property is located in proximity to the CN Rail corridor on which Metrolinx operates the Lakeshore West GO Line. Metrolinx defers to CN Rail to provide comments about matters of rail safety. Metrolinx did not raise any objections to the proposed development, and provided comments identifying their standard requirements for development in proximity to their corridor, including a requirement that the property owner shall grant Metrolinx an environmental easement for operational emissions. Planning staff are satisfied that Metrolinx's requirements can be addressed during the future Site Plan application stage.

3.1.7 Finance Department

Finance Department retained Watson & Associates Economist Ltd to conduct an external peer review of the applicant's Fiscal Impact Study by Altus.

The original Altus study estimated an annual fiscal surplus of close to $430,000 from the proposed development. However, responding to the peer review by Watson and technical comments from Finance Department, Altus Group provided an updated memorandum revising the fiscal impact analysis. The updated memorandum, as to the November 2021 report, adopted the peer review assumptions resulting in an annual fiscal surplus reduced to $14,700 per annum. The memo also identified maintaining their assumptions on a key differentiated assumption of lifecycle costing their alternate estimated fiscal impact would be $292,000 per annum.

By comparison and as summarized in the Watson Peer Review, analysis indicates the redevelopment is significantly less optimistic than Altus revised analysis with a potential annual fiscal deficit of approximately $81,000, with the principal difference being assumptions on lifecycle costs.

The Finance Department's comments conclude by stating that, "While the peer review would indicate that the redevelopment may provide a slight deficit to the City from a fiscal perspective, it is important to recognize that the fiscal impact study is a tool to be used, along with other policy documents and not in isolation of other factors of importance that this study does not consider such as the physical, social, economic, and cultural elements of the City. A fiscal review is only one of many useful tools that are utilized in the process."

3.1.8 Parks Design and Construction

Parks Design & Construction staff advised that parkland dedication will be required from the proposed development in the form of cash in lieu of land.

3.1.9 Aldershot Village BIA

Aldershot Village BIA provided comments emphasizing the importance of providing adequate commercial space to serve the needs of the growing Aldershot community. The comments also spoke to design considerations including the need for parking to serve commercial businesses.

Staff are satisfied that the revised proposal has addressed the BIA's comments by increasing the proposed space for non-residential uses from 231 m2 to minimum 475 m2. Although the BIA encouraged commercial space to be located in all three of the proposed buildings, staff are of the opinion that it is more appropriate to locate this space in the two buildings that front on Masonry Court and Cooke Blvd, but not in the third building, which is set well back from the street. The BIA had encouraged the provision of additional commercial parking beyond the six spaces shown in the proposal; however, Planning and Transportation staff are satisfied that the proposed parking rate for the site is appropriate given the site's context within a Major Transit Station Area in close proximity to the GO station. The BIA's comments about design of retail spaces can be addressed through a future Site Plan application.

3.1.10 Sustainable Development Committee (SDC)

SDC provided comments expressing general support for the proposed development, acknowledging its contributions to intensification, active transportation, and limiting urban sprawl, consistent with the site's location within a Major Transit Station Area. SDC encouraged the applicant to consider further revisions to their proposal to incorporate additional sustainable building and development measures in accordance with the Sustainable Building and Development Guidelines. These comments can be addressed through a future Site Plan application.

3.1.11 Other Technical Comments

The following departments and agencies provided comments relating to design that can be addressed through a future Site Plan application.

- Landscape and Forestry
- Accessibility Co-ordinator
- Fire Department
- Burlington Transit
- Burlington Hydro

The following departments provided standard comments communicating typical requirements for development:

- Canada Post
- Halton District School Board
- Halton Catholic District School Board
- Finance Department (Tax section)

The following departments and agencies responded that they had no comments or no concerns with the proposed development:

- Conservation Halton
- Conseil Scolaire Viamonde
- Halton Regional Police
- CP Rail
- Sun Canadian Pipeline
- Trans-Northern Pipeline Inc.
- Bell
- Rogers

4.0 Public Comments

Public input has been considered by staff in the review of the subject applications. As of February 13, 2024, Planning staff have received written comments from 7 members of the public, including at the statutory public meeting. Written submissions received prior to May 17, 2022 were appended to report PL-48-22. Additional delegations and correspondence from the public at the statutory public meeting were included in the agenda of the June 14, 2022 Community Planning, Regulation, and Mobility Committee meeting. Written submissions received directly by Planning staff since May 17, 2022, have been appended to this report.

All public feedback received throughout the process has been considered by staff in the review of the subject applications. Concerns expressed in these comments are summarized in Table 3 below in no particular order.

Table 3: Summary of public comments received by Planning staff as of February 13, 2024

Row #	Public comment theme	Staff response
1	Concern that inadequate parking will be provided and this wall cause impacts on availability of on-street parking in the area	A Traffic Impact Study, which included recommended Transportation Demand Management measures, was submitted with the subject applications and explains the applicant's rationale for the proposed reduced parking rate. This study has been reviewed by staff in the Transportation Department as part of the City's review of the applications. Staff are satisfied that the proposed parking rate of 0.97 spaces per unit is appropriate given the site's context in a Major Transit Station Area in close proximity to existing and planned transit. The traffic impact study can be found online at www.burlington.ca/1120cooke.
2	Concerns about traffic impacts from the proposed development	A traffic impact study was submitted with the subject applications and addresses traffic impacts. This study has been reviewed by the Transportation Department, Halton Region, and the MTO. The City and agency review has concluded that the proposed development can be accommodated by the existing road network, subject to infrastructure improvements to be implemented by the applicant, including extension of turning lanes on Waterdown Road and Masonry Court. The traffic impact study can be found online at www.burlington.ca/1120cooke.
3	Concerns about existing conditions in the neighbourhood (incompleteness of Phase One of Stationwest development, cars parked on the dirt or grass, garbage, crime, speeding, pedestrian safety)	Concerns about construction management, parking, and speeding were forwarded to the relevant City staff. Residents with concerns about crime can contact Halton Police directly.

4	Concern about loss of privacy from occupants of proposed tall buildings being able to see rooftop patios of existing townhouses.	The existing zoning of the subject site permits buildings up to 6 storeys in height. The Area-Specific Plan for the Aldershot Corners MTSA contemplates tall buildings up to 30 storeys in the precinct within which the subject property is located. The New Official Plan (2020) identifies the MTSA as a Primary Growth Area; Primary Growth Areas will accommodate the majority of the City's growth and experience the greatest degree of change, and are considered to be the most appropriate locations for tall buildings. Staff are of the opinion that the proposed development, with revised maximum building height of 34 storeys, is appropriate for the subject property and aligns with City objectives for the intensification and urbanization of the MTSA.
5	Concern that the proposed buildings are too tall.	The existing zoning of the subject site permits buildings up to 6 storeys in height. The Area-Specific Plan for the Aldershot Corners MTSA contemplates tall buildings up to 30 storeys in the precinct within which the subject property is located. As discussed above, staff support the revised development proposal with maximum building height of 34 storeys.
6	Concern about lack of greenspace/neighbourhood park and subject lands were previously identified as future community park.	The proposed development is located on land that is currently zoned for development with mixed-use buildings of up to 6 storeys in height. The planned public park associated with the Stationwest development will be developed on land north of the subject property, adjacent to the floodplain storage area. An additional public park is planned further south on Cooke Blvd on lands to be dedicated as part of the recently approved development at 53-71 Plains Rd E and 1025 Cooke Blvd.
9	Concern about complete communities, including lack of retail commercial space and quality of planned park space.	In response to comments from the public, BIA, and City staff, the applicant has revised their proposal to increase the amount of non-residential floor area from 231 m2 to 475 m2. This space may be used for permitted uses identified in the Zoning By-law, which may include retail, service commercial, office, entertainment, or recreation uses.

11	Concern about the provision of affordable housing within the area	The proposed development contributes new housing supply and is consistent with the City's Housing Strategy as discussed in section 2.5.5 of this report.
14	Concern about that the size of the site is not suitable to accommodate the proposed amount of intensification and compatibility with existing and future development on surrounding lands.	Staff are satisfied that the proposed development is appropriately scaled relative to the lot size, that the proposed built form provides a suitable transition to surrounding lands, and that potential impacts such as wind impacts can be minimized and mitigated through detailed design. Staff recommend approval of the applications with a maximum Floor Area Ratio of 9.1:1.
15	Concern that approval of proposed development for subject lands would be inconsistent with Council's recent decision refusing application regarding 1029-1033 Waterdown Road.	Each development application is reviewed on its own merits in accordance with the applicable policy framework. The other Council decision referenced in the comment was made in 2022 and was specific to the unique context of the site and the policy framework in effect at that time. Staff's current recommendation to approve the subject applications is supported by detailed technical review, reflects the unique context of the subject property, conforms to the applicable policy framework, and aligns with the City's ongoing Area-Specific Planning work for the Aldershot MTSA.
16	Concern about the provision of infrastructure improvements and community facilities, including grocery stores, schools, parks, and community centre.	The subject property is adequately served by community services as discussed in section 2.4.3 of this report. The proposed development should also be considered in the context of the planned development of the Aldershot GO Major Transit Station Area which will bring significant new development with a mix of land uses and will support the creation of a complete community with a full range of urban amenities and services.

Financial Matters:

As discussed under section 3.1.7 above, the Finance Department retained Watson & Associates Economist Ltd to conduct an external peer review of the applicant's Fiscal Impact Study by Altus. While Altus Group's revised analysis indicates the proposed development will result in an annual fiscal surplus of $14,700, Watson's analysis

indicates the proposed development will have a potential annual fiscal deficit of approximately $81,000, with the principal difference being assumptions on lifecycle costs.

The Finance Department's comments conclude by stating that, "While the peer review would indicate that the redevelopment may provide a slight deficit to the City from a fiscal perspective, it is important to recognize that the fiscal impact study is a tool to be used, along with other policy documents and not in isolation of other factors of importance that this study does not consider such as the physical, social, economic, and cultural elements of the City. A fiscal review is only one of many useful tools that are utilized in the process."

Planning staff have considered the Finance Department's comments on the financial implications of the proposed development, alongside the overall analysis of the proposed development in accordance with the applicable policy framework and the City's objectives for the Aldershot GO Major Transit Station Area. Planning staff recommend approval of the subject applications.

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 Official Plan Amendment and Zoning By-law Amendment applications, the applicant was required to consider the Sustainable Building and Development Guidelines (2021), which encourage sustainable design measures for new development across the City. Further, Burlington's MTSAs play a key role in the sustainable growth of our city and to address climate change. Given the immediate proximity to the Aldershot GO Station of the subject site the application proposes intensification that supports an opportunity to increase transit use as well as multi-modal, active transit mode shares and the efficient redevelopment of under-utilized land. The applicant submitted a Sustainable Building and Development Guidelines Checklist which is intended to demonstrate considerations applied from the guidelines.

Engagement Matters:

A virtual Pre-Application Community Consultation Meeting was held by the applicant on September 29, 2020. This meeting was attended by approximately 35 members of the public as well as by City staff, Mayor Marianne Meed Ward, and ward 1 Councillor Kelvin Galbraith.

After receiving a complete application for the subject lands, City staff notified and consulted the public through the City's standard public notification and consultation practices for an Official Plan Amendment and/or Zoning By-law Amendment applications. As discussed in detail in report PL-48-22, this included the creation of a website at www.burlington.ca/1120cooke, notice signs being erected on the property, notices being mailed to neighbouring property owners and tenants within 120 metres of the property, and notice published in the Burlington Post.

The City held a Statutory Public Meeting for the subject applications on June 14, 2022. At this meeting, Council members considered report PL-48-22 and heard delegations and received correspondence from members of the public.

Staff have considered the comments of members of the public in their review of the application. Members of the public will have an additional opportunity to provide input to Council by delegating at the public meeting on March 4, 2024, where the current report will be considered.

Staff have notified members of the public about the public meeting on March 4, 2024, as follows:

- Notice published in the Hamilton Spectator on February 12, 2024;
- Notice mailed to members of the public who have previously commented or requested to be notified about this application, and provided their mailing address;
- Information about the meeting published on the application webpage, www.burlington.ca/1120cooke, and an email notification sent to webpage subscribers.
- Information posted on the Public Notices newsfeed of the City's website.

More information on the planning process in Burlington, including opportunities for public consultation, can be found at www.burlington.ca/planningprocess.

Conclusion:

The subject applications request Official Plan Amendments and Zoning By-law Amendments to permit a mixed-use development comprising three tall buildings of maximum 30, 32, and 34 storeys with a maximum Floor Area Ratio of 9.1:1, 1165 residential units, and ground-level non-residential uses at 1120 Cooke Boulevard. Staff

have consulted the public and conducted a thorough technical review in accordance with applicable provincial, regional, and City policies, regulations, and guidelines.

Staff are of the opinion that the proposed development, as revised by the applicant through resubmissions, is consistent with the Provincial Policy Statement; conforms to the Growth Plan for the Greater Golden Horseshoe, Regional Official Plan; conforms to the City's Official Plan subject to a proposed amendment that meets the intent of the Plan; and meets the intent of the City's New Official Plan and urban design guidelines. The proposed development is also consistent with the direction of the City's ongoing Area-Specific Planning process for the Aldershot GO Major Transit Station Area.

The detailed design of the proposed development, to be reviewed through a future Site Plan application, will implement infrastructure improvements to support the proposed development, and measures to minimize and mitigate potential adverse impacts to and from the proposed development.

Staff are of the opinion that the proposed development represents good planning and recommend that Council approve the subject applications and adopt the Official Plan Amendment and Zoning By-law Amendment as described in the Recommendation of this report.

Respectfully submitted,

Thomas Douglas MCIP RPP

Senior Planner, Community Planning Department

Thomas.douglas@burlington.ca

(905) 335-7600 ext. 7811

Appendices:

A. Concept Plan
B. Official Plan Amendment No. 142
C. Zoning By-law Amendment 2020.472
D. Public Comments

Notifications:

Mike Bennett and Andrew Ferancik, WND Associates Ltd.

Report Approval:

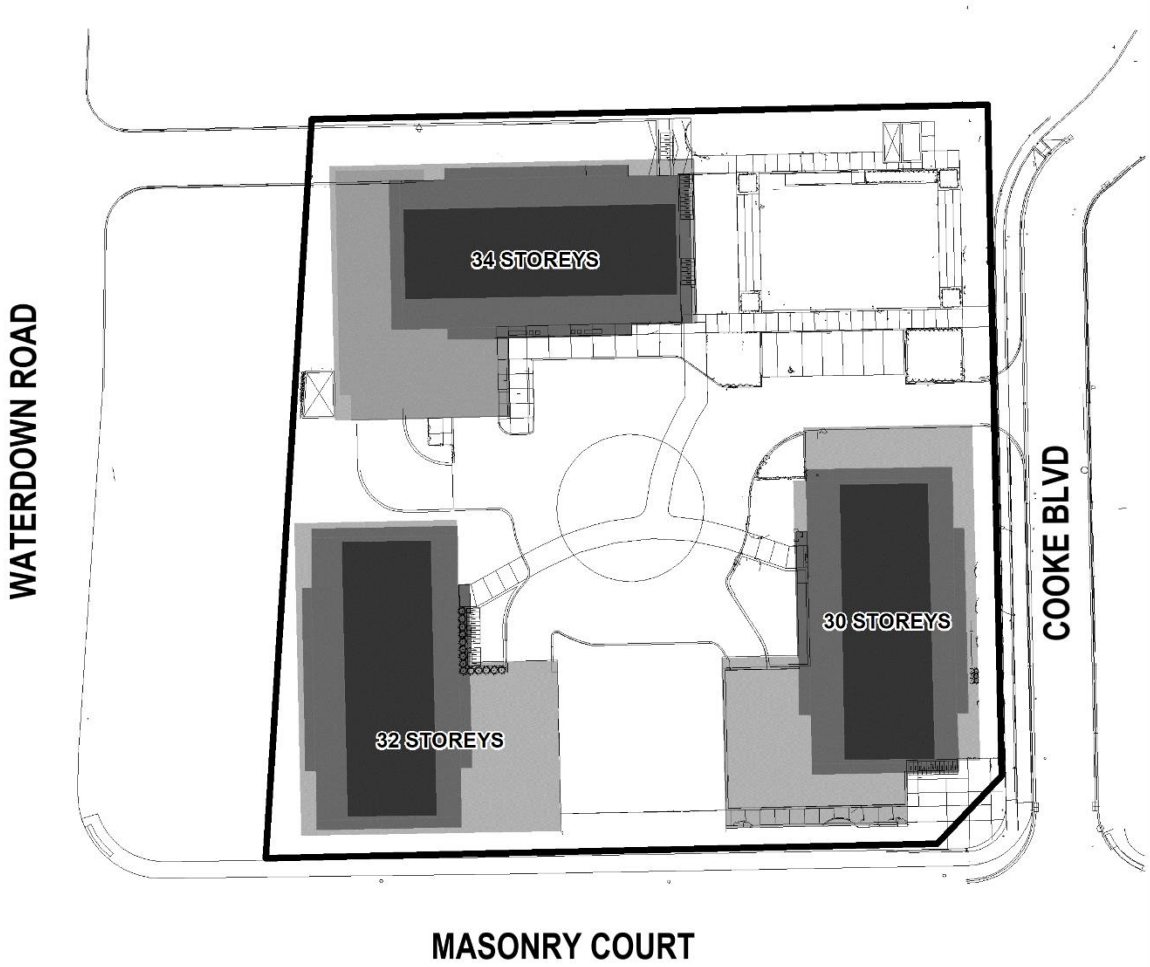
All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

Appendix A: Concept Plan

CONCEPT PLAN

The applications propose to amend the Official Plan and Zoning Bylaw to permit the development of three tall buildings (Buildings A, B, and C) with at-grade retail within Building B. Building A is 34 storeys tall including a twelve-storey podium. Building B is 30 storeys tall including a six-storey podium. Building C is 32 storeys tall including a six-storey podium. The proposed buildings would contain a total of 1,165 residential units and 475 m2 of ground-level retail at the corner of Masonry Court and Cooke Boulevard.

SUBJECT PROPERTY TOWER PODIUM File Nos. 505-01/22 and 520-01/22



Date: February 12, 2024
Community Planning Department

TERANET Burlington

Appendix B: Official Plan Amendment No. 142

The Corporation of the City of Burlington

City of Burlington By-law XX-2020

A by-law to adopt Official Plan Amendment No. 142 to permit a mixed-use development comprising three tall buildings of maximum 30, 32, and 34 storeys with 1165 residential units and ground-level non-residential uses at 1120 Cooke Boulevard.

Whereas the Council of the Corporation of the City of Burlington in accordance with the provisions of Section 17 and 21 of the Planning Act, 1990, as amended, approved recommendation PL-04-24 at its meetings held on March 19, 2024.

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That Amendment No.142 to the Official Plan (1997, as amended) of the City of Burlington consisting of the attached amendment and supporting documentation is hereby adopted.

2. That this by-law shall come into full force and take effect on the final day of passing thereof.

Enacted and passed this 19th day of March, 2024

Mayor Marianne Meed Ward _____

City Clerk _____

AMENDMENT NO.142 TO THE OFFICIAL PLAN OF THE CITY OF BURLINGTON

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. 142 to the Official Plan of the City of Burlington, as amended.

PART A - PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to permit a mixed-use development consisting of three residential towers of maximum 30, 32, and 34 storeys (plus mechanical penthouse). The development is comprised of 1,165 dwelling units, 6 levels of underground parking, and minimum 475 square metres of ground-related non-residential space at 1120 Cooke Boulevard with a maximum floor area ratio of 9.1:1.

2. SITE AND LOCATION

The subject site is comprised of one parcel of land located on the north side of Masonry Court between Cooke Boulevard and Waterdown Road and is nearly square-shaped with frontages of approximately 104 metres on Masonry Court, 100 metres on Waterdown Road, and 91 metres on Cooke Boulevard. The area of the subject site is 0.95 hectares.

To the north of the site is floodplain storage and a planned public park, to the east is a residential development consisting of two 6-storey mid-rise apartment buildings and townhouse units, to the south are low-rise employment uses, and to the west are employment uses.

3. BASIS FOR THE AMENDMENT

The proposed development:

a) Intensifies a vacant brownfield site in proximity to higher-order transit with residential and retail/service commercial uses in a manner that is consistent with the policies of the Provincial Policy Statement (PPS). The PPS promotes the achievement of complete communities that are efficient, compact, and transit-supportive. The proposed development provides an increase in supply and mix of housing options in a higher density form that supports existing and planned transit options and encourages non-automobile modes of transportation including active transportation;

b) Conforms to the Growth Plan for the Greater Golden Horseshoe, 2020, as amended, and the Halton Region Official Plan, as amended, by providing for appropriate intensification within the delineated built-up area, close to rapid transit, and on a site that carries a growth designation in the Official Plan, contributing to the diversification of the housing supply and meeting Provincial growth and density targets;

c) Is identified within the delineated boundary of the Aldershot GO *Major Transit Station Area* as shown on Map 1H, Regional Urban Structure, of the Halton Region Official Plan, and supports the Regional Growth Management strategy as articulated in Halton Region's Official Plan;

d) Responds to the intent of the Tall Building Guidelines by providing for a human-scaled, street-related building form with appropriate transitions to nearby built forms and slender tower forms with adequate separation distances that contribute to a visually interesting skyline;

e) Responds appropriately to the direction of the City's Major Transit Station Area Area-Specific Planning Project for the Aldershot GO MTSA, which contemplates buildings of up to 30 storeys on the subject site;

f) Provides for an appropriate parking ratio that ensures that parking demand generated by the building can generally be accommodated on-site while recognizing the transit accessibility of the subject site and promoting non-automobile-based modes of travel;

g) Contributes to the pedestrian realm of the area by enhancing the public realm on boundary streets, providing permeability through the site, and contributing publicly-accessible private green spaces that create linkages to public park space and the Aldershot GO station;

h) Subject to the implementation of mitigation measures as part of the development of the residential uses, is compatible with existing major facilities and employment

uses, and transportation infrastructure in relation to air quality, odours, noise, and vibration;

i) Does not create unacceptable wind or shadow impacts on abutting sidewalks, open spaces, or adjacent properties, including the lower-scaled residential lands to the east and south;

j) Is located on lands that can utilize existing servicing infrastructure on the abutting rights-of-way and near transit routes, commercial uses and community amenities and meets Official Plan policies by providing new housing units that increase the supply and diversity of the housing stock in the area while promoting non-automobile transportation options; and,

k) Is supported by technical studies and reports that have been submitted by the applicant and provide adequate and appropriate information regarding the proposed development.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: None proposed

Text Change:

The text of the City of Burlington Official Plan, as amended, is hereby amended by adding the following site-specific policy (n) to Part III, Subsection 5.3.3.2 as follows:

1120 Cooke Boulevard	(n) *Development* on the lands described as 1120 Cooke Boulevard *shall* be in accordance with the following: (i) *Development shall* incorporate measures to avoid or minimize and mitigate potential adverse effects to the *development* from noise and air emissions including odour. (ii) *Development shall* incorporate measures to avoid or minimize and mitigate potential impacts on industrial, manufacturing, or other uses, including reducing the risk of complaints, and to ensure the ability of major facilities to comply with

	environmental approvals, registrations, legislation, regulations, and guidelines for both current and future operations. (iii) Notwithstanding the use, floor area ratio, height, and design policies contained in Part III, Subsections 5.3.2 c), d) (i) and (ii), and g) (i) and (v), and 5.3.3.2 c) and e) (i) and (ii), of this Plan, for the lands described as 1120 Cooke Boulevard, the following policies *shall* apply: a. a mixed-use *development* comprising three buildings, with a combined maximum 1165 *dwelling units* and a combined maximum *Floor Area Ratio* of 9:1:1 *shall* be permitted; b. a maximum building height of 34 storeys (plus mechanical) *shall* be permitted; c. non-residential uses *shall* be located at ground level in two of the three buildings; d. surface parking spaces for residential visitors and/or non-residential uses may be provided.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with Section 3.0, Interpretation policies of Part VI, Implementation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate “Implementation” policies of Part VI of the Official Plan of the Burlington Planning Area.

Appendix C: Zoning By-law Amendment

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.472

A by-law to amend By-law 2020, as amended; for 1120 Cooke Boulevard, for the purpose of facilitating the mixed-use development of three residential towers of maximum heights of 30, 32, and 34 storeys
File number: 520-01/22

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 PL-04-22 on March 19, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit the mixed-use development of three residential towers of maximum 30, 32, and 34 storeys;

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

1. Zoning Map Number 3 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 identified on Schedule "A" attached hereto are hereby rezoned from MXC-26 to H-MXC-531.

3. Part 11, Appendix A, of By-law 2020, as amended, Site-Specific Requirements for Removal of an "H" Holding Symbol, is amended by creating Section 77 as follows:

77.	**H-MXC-531**	**Map 3-E**	**Resolution:**
Prior to the removal of the 'H' Holding Symbol, the following must be completed to the satisfaction of the Region of Halton: 1. The Owner executes a Regional Servicing Agreement for the replacement of the Cooke Boulevard sanitary sewer to address downstream sanitary sewer capacity.			

4. Part 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended with the following:

Exception	Zone	Map	Amendment	Enacted
531	**MXC**	**3**	**2020.472**	**March 19, 2024**

1. <u>In addition to Part 1, Subsection 2.22 and Part 5, Section 3, the following uses are prohibited</u>:

a) Funeral Home
b) Automotive uses

2. <u>Regulations for the entire site:</u>

a) For the purposes of applying zoning regulations the property zoned MXC-531 shall be considered one lot.

b) Notwithstanding Part 5, Section 4.1, Table 5.4.1 the maximum yard abutting any other street shall not apply.

c) Notwithstanding Part 1, Section 2.27.1, for the purposes of establishing building setbacks or for the application of any other provisions of this By-law the deemed and actual street width of Cooke Boulevard is 17 m.

d) Non-residential floor area i) Building A: ii) Building B & C:	 None required 475 m^2 combined
iii) Notwithstanding the combined non-residential floor area for Buildings B and C, Buildings B and C must provide a minimum of 175 m^2 of non-residential floor area per building.	
e) Landscape Area abutting a street:	None required.
f) Amenity Area:	15 m^2 per unit
g) A rooftop terrace shall maintain the principal building yards of the storey below it.	
h) Maximum Residential Units i) Building A: ii) Building B:	 450 units

iii) Building C:	370 units 385 units
iv) Notwithstanding the maximum residential units in any individual building, the maximum number of residential units on the lands zoned MXC-531 shall be 1165.	
i) Maximum Floor Area Ratio:	9.1:1
j) Setbacks for a Below-grade parking structure to all lot lines: k) Setback from Cooke Blvd for an above-grade access stairway building to the below grade parking structure:	0.9 m 6 m
l) Setback from the north lot line for an above-grade access stairway building to the below grade parking structure: m) Set back to Waterdown Road for an entrance and exit ramp to a parking garage:	1.5 m 0 m
n) Parking: i) Occupant: ii) Visitor:	 0.89 spaces/unit 0.08 spaces/unit
iii) Notwithstanding Part 5, Section 4.6(b), (c) and d) where a development is comprised of residential and non-residential uses, up to 100% of the required visitor parking located on the development site may be counted towards the required non-residential parking.	
o) Bicycle Parking: i) Long-term: ii) Short-term: iii) Vertical bicycle parking space dimensions: iv) Horizontal bicycle parking space dimensions:	 0.5 spaces/unit 0.05 spaces/unit 0.6 m width 1.2 m length 0.6 m width 1.8 m length

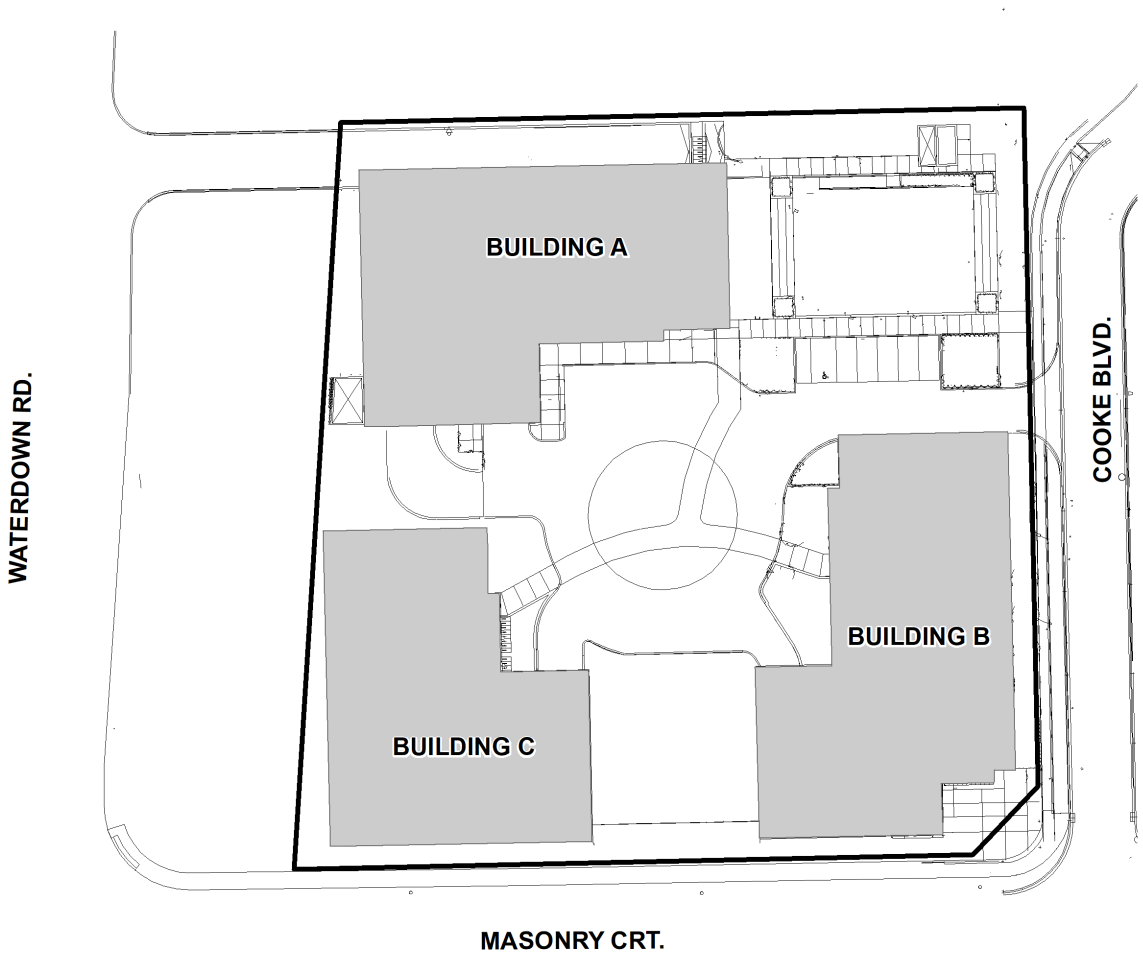
p) Long-term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees, or tenants of a building, and must be located in a building. Required long-term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony, or in a storage locker. q) Short-term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. r) Stacked bicycle parking spaces mean a horizontal bicycle parking space that is positioned above or below another bicycle parking space and equipped with a mechanical device providing floor level access to both bicycle parking spaces. s) All short-term bicycle parking spaces shall be provided as horizontal bicycle parking spaces and be provided at ground level.	
t) Accessory Structures on the ground: i) Maximum height: ii) Yard abutting Waterdown Road: iii) Yard abutting Masonry Court: iv) Yard abutting Cooke Boulevard:	 One storey and 4 m 1 m 5 m 6 m
u) Accessory Structures on a roof top terrace: i) Maximum height from the roof top:	3.7 m
v) Notwithstanding Part 1, Section 2.2.2 any accessory structure located on a terrace and/or roof top shall maintain the yard requirements of the floor level below the terrace and/or roof top	
w) Notwithstanding Part 5, section 4.6(f), the minimum width for a walkway connecting the sidewalk to the principal entrance of the building shall be 2 m.	
3. <u>Regulations applying to Building ‘A’ on Figure 531:</u>	
a) Maximum height:	34 storeys and 112 m
b) Yard abutting Waterdown Road: i) Floors 1 to 12: ii) Floors 13 to 34: c) Yard abutting Masonry Court: d) North Side Yard: e) Yard abutting Cooke Boulevard:	 4.5 m 9 m 50 m 6 m 40 m

f) Maximum Balcony Projections on the east elevations: i) Floors 2 to 7: ii) Floor 8 to 34: g) Maximum balcony projections on the south elevation: i) Floors 2 to 34: h) Maximum balcony projections abutting Waterdown Road: i) Floors 2 to 7: ii) Floor 8 to 34: i) Maximum balcony projections on the north elevation: i) Floor 2 to 7: ii) Floor 8 to 34:	2.1 m 1.5 m 1.5 m 2.1 m 1.5 m 2.1 m 1.5 m
j) A pedestrian accessible door shall be provided for residential apartment lobbies facing on the south or east elevation.	
4. <u>Regulations applying to buildings to Building 'B' on Figure 531:</u>	
a) Maximum height:	30 storeys and 100 m
b) Yards Abutting Waterdown Road: c) Abutting Masonry Court: i) Floors 1 to 8: ii) Floor 8 to 30: d) North Side Yard: e) Cooke Boulevard:	55 m 5 m 9 m 40 m 5 m
f) Maximum balcony projections abutting Cooke Boulevard: i) Floors 2 to 7: ii) Floors 8 to 30: g) Maximum balcony projections abutting Masonry Court: i) Floors 2 to 7: ii) Floors 8 to 30: h) Maximum balcony projections on the west elevation: i) Floors 2 to 30: i) Maximum balcony projections on the north elevation: i) Floor 2 to 30:	3 m 1.5 m 2.1 m 1.5 m 1.5 m

	1.5 m
j) A pedestrian accessible door shall be provided for residential apartment lobbies facing on the west elevation and facing Cooke Boulevard. k) A pedestrian accessible door shall be provided for all non-residential uses facing Masonry Court and/or Cooke Boulevard	
5. <u>Regulations applying to buildings to Building 'C' on Figure 531:</u>	
a) Maximum height:	32 storeys and 106 m
b) Yard Abutting Waterdown Road: c) Yard Abutting Masonry Court: d) North Side Yard: e) Yard abutting Cooke Boulevard:	3 m 5 m 50 m 50 m
f) Maximum Balcony Projections on the east building Elevations: i) Floors 2 to 32: g) Maximum balcony projections abutting Masonry Court: ii) Floors 2 to 7: iii) Floor 8 to 32: h) Maximum balcony projections abutting Waterdown Road: i) Floors 2 to 7: ii) Floor 8 to 32 i) Maximum balcony projections on the north elevation: i) Floor 2 to 6: ii) Floor 7 to 32:	1.5 m 2.1 m 1.5 m 2.1 m 1.5 m 2.1 m 1.5 m
j) A pedestrian accessible door shall be provided for residential apartment lobbies facing on the east elevation and facing Masonry Court. k) A pedestrian accessible door shall be provided for all non-residential uses facing Masonry Court or on the east elevation.	
Except as amended herein, all other provisions of this By-law, as amended, shall apply.	
Figure 531:	

FIGURE 531

SUBJECT PROPERTY



Date: December 08, 2023
Community Planning Department

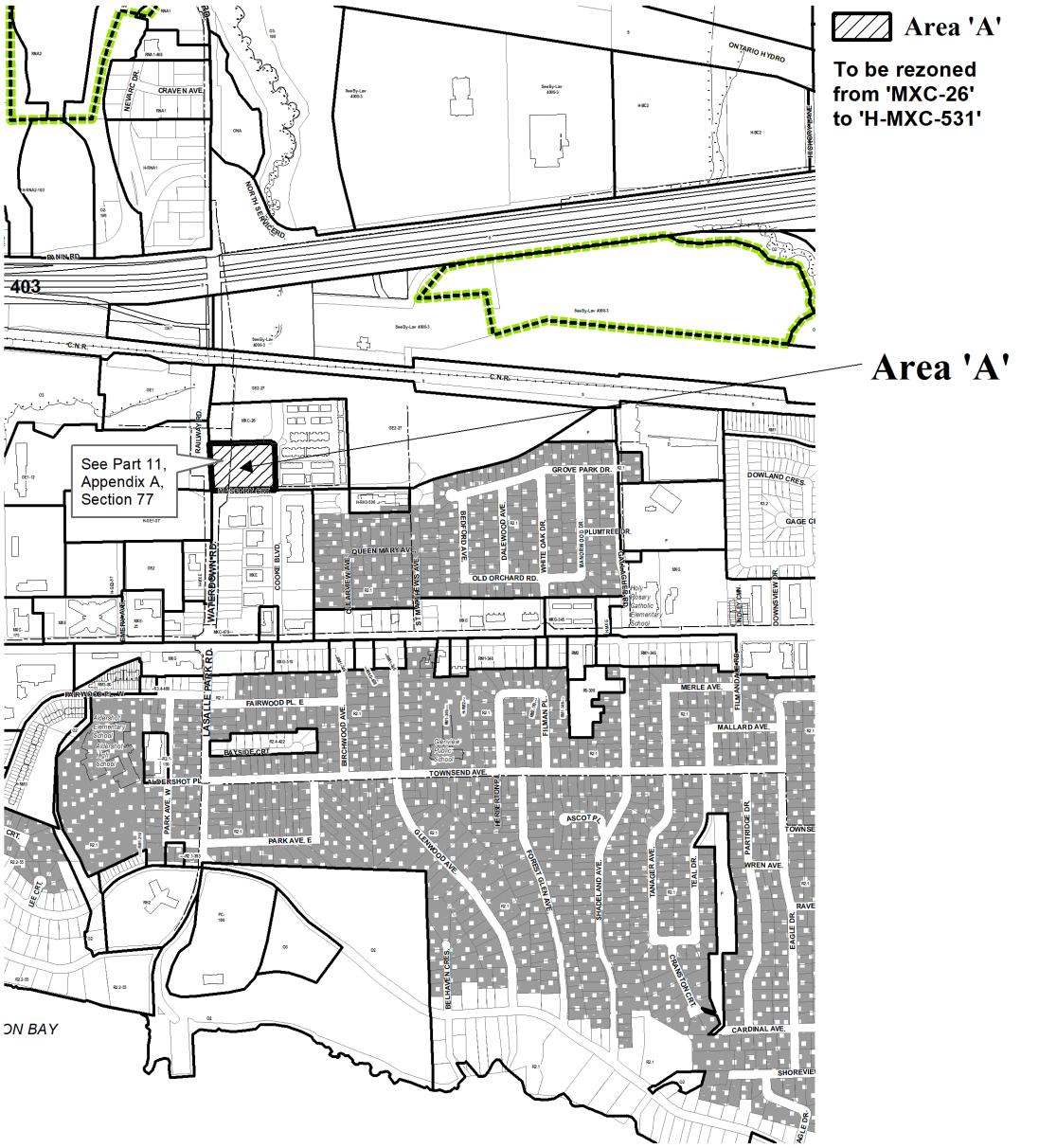
Enacted and passed this 19th day of March, 2024

Mayor Marianne Meed Ward _____

City Clerk _____

Schedule A to By-law 2020.472

SCHEDULE "A"



SCHEDULE 'A' TO BY-LAW 2020.472 AMENDING MAP NO. 3E PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 19th DAY OF MARCH, 2024

---------- MAYOR

---------- CITY CLERK

TERANET Burlington
Community Planning Department

Appendix D: Public Comments received since May 17, 2022

Comment 1: Josh Perell, Received by e-mail on June 3, 2022

Dear Mr. Douglas,

My name is Joshua Perell and I co-own a home in Burlington.

I am a member of the Law Society of Ontario and I act on behalf of the City of Burlington in some matters. I am writing today only on behalf of myself as a concerned resident of Burlington.

Thank you for the opportunity to provide feedback regarding the proposed redevelopment at 1120 Cooke Boulevard (Files 505-1/22 and 520-1/22).

As a resident of Ward 1, I am concerned that the proposed redevelopment of 1120 Cooke Boulevard does not constitute good planning for the following reasons:

1. The land is not suitable for the proposed purpose. The property under review is too small to accommodate the three tall buildings included in the application;
2. The proposed redevelopment is incompatible with adjacent land uses. Two of the proposed buildings are 30 storeys taller than the maximum height currently set out in the City's Official Plan. The shortest of the three proposed buildings is 20 storeys taller than the maximum height currently set out in the City's Official Plan;
3. Given the small size of the site of the proposed development, the new buildings will impose upon buildings and properties on all sides of the proposed new structures;
4. Vehicle access to the redeveloped site is inadequate. The proposed redevelopment will result in increased traffic and traffic congestion which the relevant sections of Waterdown Road, Masonry Court, and Cooke Boulevard were not designed to accommodate; and
5. The summary of the zoning changes required to approve the proposed redevelopment as set out in the Notice of Statutory Public Meeting released by the City of Burlington amounts to creating site-specific zoning that conflicts with the City's Official Plan as well as the permitted building type/use, and parking requirements.

Given the height of the proposed buildings and the number and extent of the zoning changes required for the proposed redevelopment plan, it is difficult to see how the general intent and purpose of the area's zoning by-law and of the City's Official Plan can be maintained.

I also note that approval of the proposed redevelopment of 1120 Cooke Boulevard would be inconsistent with Council's recent decision refusing application 520-10/21 concerning 1029-1033 Waterdown Road. In my opinion, Council should refuse the application for the proposed redevelopment of 1120 Cooke Boulevard for the same reasons as set out in the City's Notice of Decision regarding application 520-10/21,

dated April 21, 2022: “the proposed development is premature, the proposed building does not represent a compatible transition to the established neighbourhood, does not provide sufficient range of housing or employment opportunity and is not supportive of multi-modal infrastructure or contribute to an enhanced public realm.”

Please treat this letter as written submissions to Council for the purposes of obtaining standing to appeal to the Ontario Land Tribunal under section 34 (or any other relevant section) of the *Planning Act*, R.S.O. 1990, c. P.13 (or as amended).

Yours truly,

Joshua Perell

Comment 2: Carolyn V, received March 17, 2023

I have read that 3 ENORMOUS buildings have been proposed on Cooke Boulevard, 29 storeys, 31 storeys and, 33 storeys.
Yikes. That is absurd.
This is an older neighbourhood and the infrastructure is as such.
I’m wondering how Plains Road would possibly be expected to handle such an enormous influx of traffic? Thousands of extra vehicles.
The intersection of Plains Road and Waterdown Road now is already chaotic with the current amount of traffic that passes through every day. The traffic on Plains Road itself is already very noticeably at capacity.
When a builder makes a proposal of such magnitude, are they responsible for the infrastructure changes and improvements that definitely come along with such projects? Are they responsible for providing proper grocery stores, department stores, schools, parks and community centres? It should be the law.
As a long time resident of the Aldershot community, I am not in favour of a development of 29, 31 and 33 storeys. The neighbourhood can’t handle it properly and safely. Isn’t that property only zoned for 6 storeys??
I am very concerned about traffic issues in my neighbourhood.
Thank you for your time,
Carolyn

Good day,

I am writing on behalf of the Roberts family at [redacted], Burlington regarding the development at 1120 Cooke Blvd. We are not opposed to new development in our neighbourhood, but as stated in a letter submitted of June 2024, do have continuing concerns about the density of the proposed projects.

On reading the notice in the Hamilton Spectator dated February 12, it is noted that in the Official Plan of 2020 the maximum building height of six stories was noted.

The developer is now requesting a tremendous change from six stories to 32 and 34 stories. This certainly is a huge increase.

We have some serious concerns regarding this amendment some of which follows;

- It is a given that Increased vehicular traffic is evident on an already very busy Plains Road. Unfortunately there is no alternative route for transport to travel when either the highway 403 is closed or there is a problem on the Skyway. Adding thousands of people to this already busy route is a major concern. It is stated in the notice that the proposed buildings would contain a total of 1,165 units. Surely many of these occupants would be using Plains Road on a regular basis adding greatly to the very busy and often congested thoroughfare.

- At the present public transit is not conducive to allow people to get to many of the major attractions in the city. How easy is it to get to the movies or the bookstore at Brant and the Service Road? Driving a car is the most efficient and practical method to get to many locations in the city.

- We are also aware that buildings of this height will cause significant shadowing and impact others in a major way. Another factor in erecting so many tall buildings in this area is the impact of wind tunnels. Taking a leisurely walk in this location would not be a pleasant one.

- Building in this area has been deemed to be necessary for people to use the GO train rather that their own cars. Does the city have any idea of how many individuals already housed in the newest development actually use the GO train? We have asked for proof/evidence of this argument but received no response. We believe that it is a false premise.

- What are the plans for increased services especially the hospital, ambulance and fire department all of which can be impacted by the possibility that Plains road is needed when emergencies occur on the highway?

- Are these units taking into consideration the major need for reasonable rentals? The crisis in homelessness and those who cannot afford the high costs of housing is a major concern as well.

- Where is it expected that the new residents will be employed? There are some lands in the vicinity that possibly could be used for employment but nothing has been shared about these plans.

- Once again with an anticipated increase in the population is it in the plans to have more amenities such as a grocery store, a boutique hotel, restaurants as well as increased green space?

We have stated these concerns so many times but it seems to be falling on deaf ears; however, we need to keep repeating ourselves so that you understand our continuing opposition to this major increase in the housing density in our neighbourhood.

In closing we would like to share our personal thoughts that once upon a time Aldershot was considered a village (there are still signs around noting this), to us this is no longer the case – it is now Aldershot "PILLAGED"

A detailed reply to this email would be most appreciated.

Ruth, Diane & Deborah Roberts
[redacted]

From: John Hubert [redacted]
Sent: Tuesday, February 27, 2024 12:45 PM
To: Mailbox, Clerks <Clerks@burlington.ca>
Subject: 1120 Cooke Blvd (formerly 101 Masonry Ct. - Phase 2)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

F.Y.I.
If you cannot attend the meeting and wish to submit your feedback in writing, please email it to **clerks@burlington.ca** by Noon on Friday, Mar. 1. Your correspondence will be shared with all members of Council, attached to the minutes of the meeting online, and kept on file as part of the official public record.

Greetings to all. I have two items for your Insite.

First- During Phase 1 of the ADI development, there was clear indication that a substantial area in the north-west corner would become a park and play area for the residents.

As it turns out, by my observation, this area is now a substantial stormwater catch basin area. No park or play area is visible. Very disappointing.

Secondly-In many instances developers are allowed to pay a "park dedication fee in lieu" instead of actually providing parkland for the residents.

The problem with this ongoing methodology becomes twofold.

Not having close access to a parkland type setting becomes difficult, for families with young children and also the handicapped, to readily access a natural outdoor area for relaxation

and recreational play.

The other issue with the "park dedication fee in lieu" is the allocation of the monies received. In years past, there was no mandatory declaration that those monies would be used only

in the Ward from where they were derived. Instead those monies went elsewhere and there was no follow up as to where. Perhaps some resolution should be brought forward.

Thank you for your attention to my concerns.

Virus-free.[redacted]

Recommendation Report

Applications to amend the Official Plan and Zoning By-law

Applicant: WND Associates Ltd. for Adi Development Group

Address: 1120 Cooke Blvd

Ward: 1

File: 505-01/22, 520-01/22

Date: March 4, 2024

Report: PL-04-24

CITY OF Burlington

Overview of Development Site

1120 Cooke Blvd

Site Area:
0.95 hectares

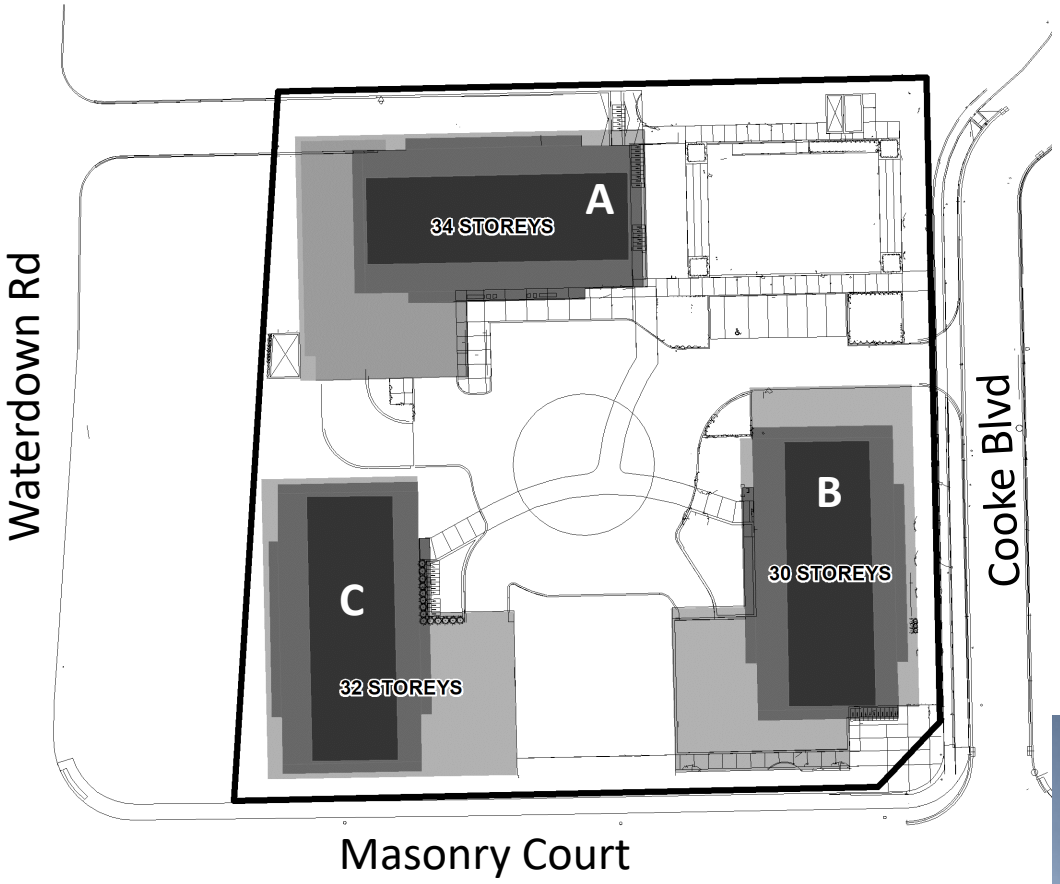
Existing zoning:
MXC-26

Existing Official Plan designation:
Mixed-Use Corridor – Commercial

New Official Plan:
Urban Corridor

CITY OF Burlington

Proposed Mixed-Use Development



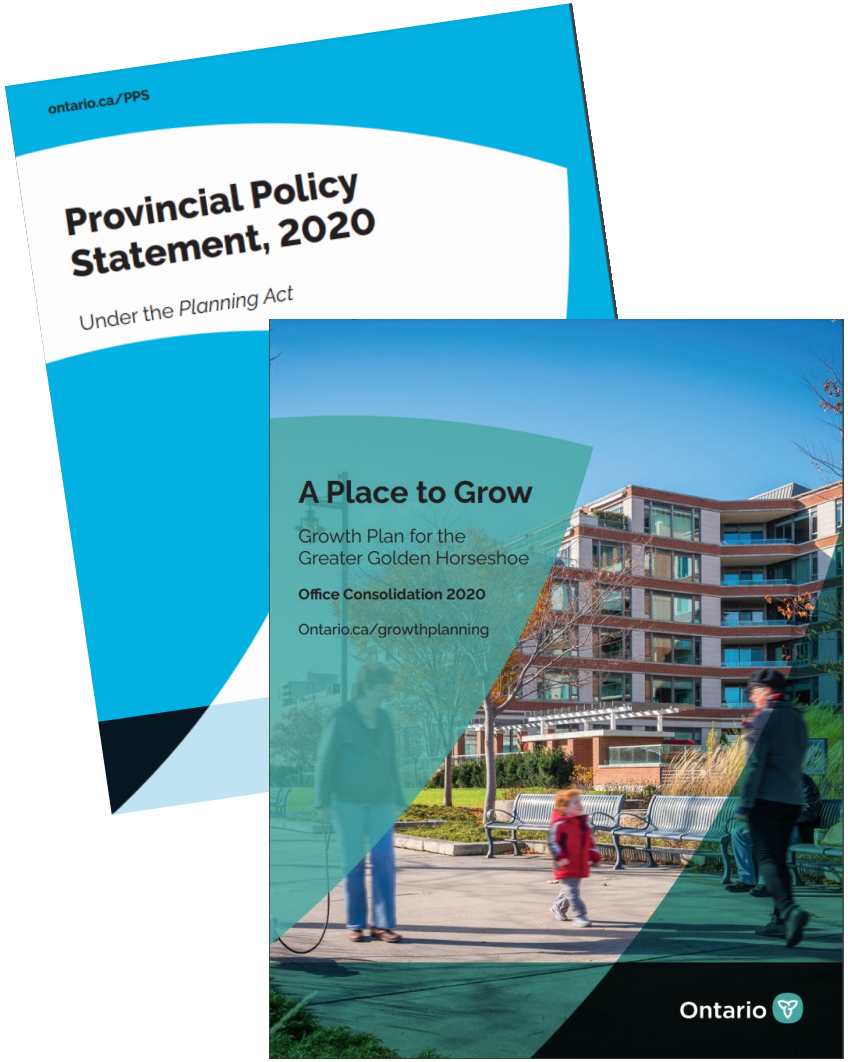
- Residential: 1165 units
- Non-residential: min. 475 m2
- Parking: min. 0.97 spaces per unit

- Building A: max. 34 storeys
- Building B: max. 30 storeys
- Building C: max. 32 storeys
- Floor Area Ratio: max. 9.1:1

Policy Context

- Provincial
  - Provincial Policy Statement (PPS), 2020
  - A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
- Regional
  - Halton Region Official Plan (ROP)
- Local
  - City of Burlington Official Plan
  - City of Burlington Zoning By-law 2020

Provincial Policies



The subject applications are consistent with the Provincial Policy Statement, 2020 (PPS)

The subject applications conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (“the Growth Plan”)

Halton Region Official Plan

The subject applications conform to the Halton Region Official Plan (ROP)

Map 6d - Aldershot GO MTSA

★ **Subject property (1120 Cooke Blvd)**

Burlington Official Plan

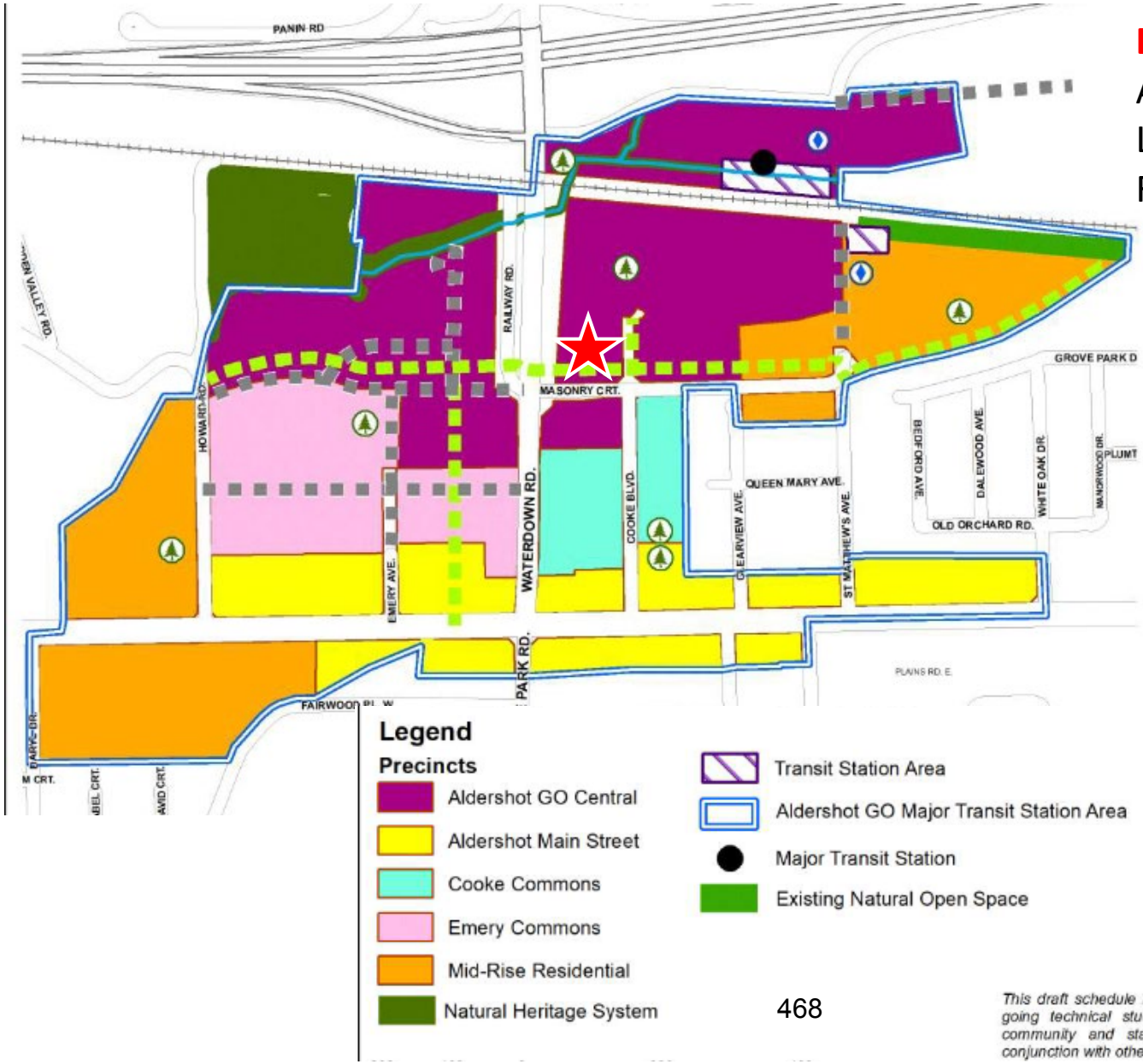
	Official Plan (1997 as amended)	New Official Plan (2020)	Recommended Amendment to Official Plan (1997 as amended)
Designation	Mixed-Use Corridor – Commercial	Urban Corridor	Mixed-Use Corridor – Commercial with site-specific policy
Maximum dwelling units within mixed-use development	No maximum	No maximum	1165
Maximum building height	6 storeys	6 storeys	34 storeys
Maximum Floor Area Ratio	1.5:1	2:1	9.1:1

Burlington Zoning By-law

	Current MXC-26 zone	Proposed MXC-531 zone
Maximum Floor Area Ratio	1.5:1	9.1:1
Maximum Building Height • **Building A** • **Building B** • **Building C**	6 storeys (all buildings)	• 34 storeys and 112 m • 30 storeys and 100 m • 32 storeys and 106 m
Maximum Dwelling Units	No maximum	1165
Minimum Non-residential Floor Area	None required	475 m^2
Minimum residential parking	1457 spaces total	0.89 occupant spaces/unit 0.08 visitor spaces/unit (equals 1130 spaces total)

More detailed zoning table in report PL-04-24, section 2.7

MTSA Area-Specific Planning



DRAFT (October 2023)
Aldershot GO MTSA
Land Use Plan
From report PL-59-23

★ **Subject property (1120 Cooke Blvd)**

Public Consultation

- Comments received from 7 members of the public
- Public comments expressed concerns with:
  - Parking supply
  - Traffic impacts
  - Building height
  - Adequacy of parks and community amenities
  - Infrastructure capacity
  - Affordable housing
- Public comments are addressed in report PL-04-24, section 4

Summary of Recommendation

- Approve the Official Plan Amendment and Zoning By-law Amendment applications for 1120 Cooke Blvd;
- Approve Official Plan Amendment 142;
- Approve Zoning By-law Amendment 2020.472;
- Deem that 1120 Cooke Blvd is Class 4 area in accordance with NPC-300 Environmental Noise Guidelines.

- Detailed recommendation in report PL-04-24

SUBJECT: Regional Allocation Program update

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-26-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Direct the Director of Community Planning to confirm the prioritization of specific property-based requests as contained in table 1, and to forward this report and any comments from Committee of the Whole regarding the 2023 Regional Allocation Program to Regional Staff; and

Authorize the Director of Community Planning to make minor adjustments as part of the subsequent agreement process, where those minor adjustments align with program parameters, the interests of both the Region and the City and where they benefit the administration of the program.

PURPOSE:

To provide updated information about the status of the Region's 2023 Allocation Program. Further this report seeks Council direction with respect to the prioritization of specific property-based requests and the distribution of units within the Built Boundary and within the Designated Greenfield Area.

Vision to Focus Alignment:

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

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Background and Discussion:

On November 2, 2023 the CPRM Committee considered a staff report titled City of Burlington's growth-related work and the Joint Best Planning Estimates (PL-64-23). The report provided a general overview on the Joint Best Planning Estimates, the Region's Allocation Program and the City of Burlington's approach to local growth management planning forecasting.

2023 Regional Allocation Program

The Region's Allocation Program is a financing tool to support timely delivery of regional growth-related infrastructure in order to increase housing supply.

In staff report PL-64-23 staff provided a high level introduction to the Region's 2023 Allocation program as it was currently understood. The report provided details regarding both the October 11, 2023 Council Workshop and the October 18th, 2023, Council meeting where Regional Staff Report CA-08-23/PW-40-23/FN-36: 2023 Allocation Program was considered. At that time recommendations 1 through 5 of the 2023 Allocation Program report, were referred to the Halton CAO's and Local Municipalities for further discussion, with a request to report back to Regional Council in December 2023.

The November PL-64-23 report included staff's comments on the Regional Allocation Plan to date. The current allocation program differs from previous programs as a result of the accelerated growth introduced by respective housing pledges committed to by each local municipality. Previous allocation programs were based on the BPEs which specified the amount of greenfield growth that was appropriate and created a cap on the amount of greenfield growth allowed. Given the recent legislative changes and the accelerated growth introduced by the Housing Pledges, the JBPEs won't be used as a cap in terms of greenfield growth as with previous plans. It was understood that this allocation program will allow for local municipal flexibility in determining the allocation of units between the Built Boundary and Greenfield.

The report provided the following discussion (page 13) in answer to the following questions:

1. *Is the Proportion of Designated Greenfield Area to Built Boundary Units appropriate?*
2. *What are the City's priorities?*

The distribution calculated as an outcome of the JBPEs was a split of 85:15 (built boundary to greenfield units). Staff indicated that Council's priority is to plan to achieve, inclusive of building permit issuance, the 29,000 unit Housing Pledge by 2031. Council direction for the creation of new units within the ROPA 38 boundary remains the City's highest priority. Staff advised that it is the interest of the City of

Burlington that the Region adjust the near-term priority to ensuring there are no gaps in servicing capacity within the Built-Up Area with a critical focus on MTSAs. Very critically, the City requests that the Region set out a path for continued discussions to allow for policy and process to unfold on new Designated Greenfield Area and allow for new information to inform the Region's work. A more dynamic and iterative approach will be required to deal with the challenges ahead.

The report also highlighted a number of key questions and concerns raised by staff which can be found on pages 13 and 14 of PL-64-23.

2023 Allocation Program Update – February 2024

On February 7, 2024 a Regional Council Workshop was held where Regional Staff provided an update on the Region's 2023 Allocation program, identifying refinements that were incorporated from the discussions with local municipalities and the development and landowner communities. Subsequently on February 14, 2024 Regional Council considered and approved Regional Report CA-02-24/PW-04-24/FN-05-24 titled Revised 2023 Allocation Program. This approval allows Regional Staff to:

- Work with Local Municipalities who will set the distribution of servicing capacity to enable pledges to be met;
- Work with the development community to finalize the program agreement based on the Infrastructure and Development Financing Plans, and terms and conditions discussed in report CA-02-24/PW-04-24/FN-05-24 with flexibility to finalize implementation details and non- significant program parameters;
- Work with Local Municipalities and the development community on allocating Infrastructure Dependent Units (IDUs); and
- Expeditiously launch a program within the second quarter of 2024 in order to support the objective of advancing development to meet housing pledges.

The revised Allocation Program considered 6 key themes as a result of feedback. Please find each theme captured below from CA-02-24/PW-04-24/FN-05-24 (see pages 10 through 14). City staff comments are provided in italics after each theme. For more information Attachment #5 to CA-02-24/PW-04-24/FN-05-24 provides a useful 2023 Allocation Program overview.

1. **Request for additional units in the program, and further clarity around how IDUs will support this.**

   From Attachment #6 to CA-02-24/PW-04-24/FN-05-24 an "Infrastructure Dependent Unit is a new term defined as units above and beyond existing servicing capacity in the W/WW [Water / Waste Water] systems, to be allocated as part of this program, subject to the requirement that a PWCN [Public Works Commissioner's Notice] is required to be issued once Regional Infrastructure

necessary for a project to proceed is within 12 months of completion. Once the PWCN is issued, the project may proceed to permit and completion."

The ability to assign Infrastructure Dependent Units allows Local Municipalities to proceed through the planning approvals process. Staff believe this approach incorporates flexibility to identify longer-term units. As staff understand, IDUs represent capacity above and beyond the 29,000 units identified through the current infrastructure analysis as set out in LPS56-23/PW-31-23/FN-29-23 "Allocation Program and REOI Update". The identification of IDUs in excess of the 2031 system capacity provides flexibility to:

- *leverage "found" capacity through the enhanced monitoring report;*
- *shift distribution of units between the Built Boundary and Greenfield; or*
- *to leverage the Region's Special Purpose Pool.*

City staff are supportive of the introduction of IDUs.

2. Enhanced Growth Monitoring and Moving IDUs and SDEs[1]

In principle staff are supportive of the development of the annual enhanced growth and service capacity monitoring program. This approach responds well to concerns highlighted in PL-64-23 which highlighted the need for the Region to:

> *set out a path for continued discussions to allow for policy and process to unfold on new Designated Greenfield Area and allow for new information to inform the Region's work. A more dynamic and iterative approach will be required to deal with the challenges ahead.*

Staff understand that the enhanced monitoring report will be drafted in consultation with Local Municipalities and community builders using the most current development pipeline data and will include:

- *Water and Wastewater Capacity Analysis*
- *Growth Management Analysis*
- *Update on all active Allocation Programs (2012,2020,2023)*

City staff request that Local Municipalities be engaged in working with the Region to establish the approach for developing this reporting to make best use of Local Municipal data and existing reporting protocols.

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[1] SDE refers to a Single Dwelling Equivalent.

3. Timing of Next Allocation Program

Staff understand that the Region has identified the following steps must occur before the next allocation program:

- *Completion of the Integrated Master Plans*
- *Development of the next Development Charges By-Law, and*
- *Development of the new Infrastructure Phasing Plans.*

There is a risk that through this Allocation Program (2023) individual properties may not have been in a position to secure all of the SDEs required to advance to registration and permit. The Allocation Program will allow for small top ups of SDEs however this will only be granted if servicing capacity can be found through the enhanced monitoring process. There is a chance that where a property has requested less units through this program than required for the full release of all blocks that allocation for the remaining units would be delayed to a future allocation program. The Region's staff report indicates that it is difficult to provide a definitive answer but noted that it is "likely that the next program will not be for another 6+ years once key infrastructure projects begin to come online and servicing capacity becomes available". At this time City staff must rely on the submissions from individual property owners in response to the updated REOI as being the best information and informed by their business needs and their understanding of the program. While the City is not in a position to require this there may be a need to request that developers identify the IDUs that would be required in excess of their current submission (SDEs + IDUs) to reflect their long term expectations on properties. This would need to acknowledge that this total unit figure could change and would be informed through appropriate local visioning and planning approval processes. In all cases development may proceed only once 100% of the required SDEs are allocated to that phase within a block to the satisfaction of Regional staff.

Staff are cautiously optimistic that given the commitment to work with developers Regional staff have addressed this risk as much as is possible at this time.

4. Allocation Agreement and Program Parameters

The program parameters are included for information purposes only as Attachment #6 to CA-02-24/PW-04-24/FN-05-24. Regional staff note that these details will inform the development of the agreement this information does not supersede the agreement once prepared.

The Regional report does reinforce that the only time for refinement is through the agreement development in stating that

Any further refinements will be in alignment with the approved principles of this report and will be adjusted as agreements are finalized through the terms of the allocation agreement as described in the report.

City Staff would like to understand how the enhanced monitoring report might influence amendments to existing agreements and how that will be dealt with over time as new data becomes available.

As set out in the recommendation a key element of ensuring sufficient flexibility to move from the general program parameters and agreement is the authorization of the Director of Community Planning to work through minor changes to support the finalization of agreements.

City staff have highlighted any other concerns with the program and allocation summary in other sections.

5. **Acceleration of Growth-Related Infrastructure**

Attachment #2 to CA-02-24/PW-04-24/FN-05-24 identifies the project list associated with the 2023 Allocation Program. The Region has responded to Local Municipalities and developer requests to consider expanding the scope of the program to allow for additional roads and water/wastewater infrastructure projects. The Region has noted the opportunity to confirm through consultation with the Local Municipalities or through discussion with the development industry that accelerating construction funding or identifying additional projects will support growth in the near term. This approach appears to provide the ability for the Region to adapt to needs in a timely manner.

City staff support this approach and support the commitment to review the current Design and Construction of Regional Projects by the Development Industry (DCPDI) policy.

6. Program Financial Schedule

The Region has proposed enhanced flexibility to support Local Municipalities to meet their respective housing pledges. Staff understand that key changes were made to the financial schedule to include incentivizing developments proceeding within the first 3 – 4 years of the program.

City of Burlington – Results of the February Expressions of Interest

The City along with the other Local Municipalities have been asked to identify priorities for development that can be readily serviced while aligning with their visions for growth. The request for or confirmation of allocation does not release property owners or developers from the appropriate planning approvals process. This is the case for a

number of areas within the City. City support for allocation acknowledges the role of local planning approval processes and does not predetermine outcomes of those processes.

The following tables provide additional, property-specific information of the results of the February Expressions of Interest with respect to the 2023 Allocation Program. Appendix A to this report provides the geographic location of each.

Note: All tables below are provided in units so that it can be more easily aligned with the housing pledge. Where the term SDE is used it refers to the SDE stream of units. Once units have been assigned the Region will convert both the SDE and IDU streams of units to SDEs. This may result in further adjustments.

Table 1: Allocation Requests: Total Units, SDEs and IDUs

Property/Development	Total Units Requested	Total SDEs Requested	Total IDUs Requested
1200 King Road	2,320	2,320	0
Bronte Creek Meadows	1,695	1,695	0
Eagle Heights	794	794	0
Evergreen	760	0	760
Bridgeview (1511 Old Plains Road)	84	84	0
Bridgeview (1535 Plains Road West)	3,499	0	3,499
Total Units Requested	9,152	4,893	4,259

Table 2: Allocation Requests: Single/Semis, Multiple Units and Apartment Units

Property/Development	Singles/Semis*	Multiple Units*	Apartment Units*
1200 King Road	0	0	2,320
Bronte Creek Meadows	701	994	0
Eagle Heights	358	436	0
Evergreen		115	645
Bridgeview (1511 Old Plains Road)	0	84	0
Bridgeview (1535 Plains Road West)	0	0	3,499
Total Units	1,059	1,629	6,464

*Dwelling unit types are based on definitions from Halton Region Development Charge By-law 25-22.

City staff is supportive of the requests in general.

The supported allocations represent a slight shift from the ratio of Built Boundary units to Designated Greenfield units which was previously presented as 85:15. As noted above the supported SDE unit stream is currently 4,893 units. Represented as a ratio of the number of units with reserve interim water and wastewater capacity the ratio is now 83:17. This slight shift represents an opportunity to support development community requests to provide flexibility and support each to move through the planning approvals process. The 85:15 ratio is likely still relevant over the long term, but this short-term adjustment is appropriate to address new opportunities for Designated Greenfield Area development.

The introduction of Infrastructure Dependent Units makes a significant difference. IDUs represents capacity above and beyond the reserved interim water and waste water servicing figure of 28,452 (+500 already committed units from previous Allocation Programs). The total allocation request includes 4,259 IDU units. The City can support the identification of these IDUs to allow planning processes to proceed for developments that are in the longer horizon to ensure a continuous stream of growth once capacity becomes available.

Staff note that the Region retains the role of water and waste water service provider. The City expects that the Region will confirm, in the case of the proposed SDEs listed above that capacity exists in the system, specific to those geographic areas. City and Regional staff will work closely to understand infrastructure capacity information and ensure close communication with land owners /developers.

Strategy/process/risk

A number of actions are currently underway or about to be undertaken that will position the City to better inform future discussions and support the enhanced monitoring approach set out in the Allocation Program. The Official Plan Targeted Re-alignment Project, including the City of Burlington Population and Employment Analysis together will provide a basis for new Burlington specific information to consider in subsequent monitoring cycles.

Staff will provide a separate update with respect to the Joint Best Planning Estimates.

Servicing capacity

As noted in the Region's work a capacity review of Halton's water and wastewater systems was conducted to determine whether the housing pledges could be supported to 2031.

> *The review confirmed that there will be sufficient system capacity for each Local Municipality to meet their housing pledges. Infrastructure to accommodate additional growth beyond 2031 will be planned and confirmed through the*

> *forthcoming Infrastructure Master Plans. While the system as a whole has the capacity to service the equivalent of 92,500 units and to meet the housing pledges, where the additional units are built matters. There is sufficient system capacity to 2031, however there are limitations in the conveyance of this capacity (pumping and pipes) in some areas. Further local infrastructure outside this review is required by developers and depending on circumstances can impact timing of development. This means that while overall pledges can be met, residential development will have to be based on where capacity exists. Halton will continue to work with Local Municipalities to prioritize infrastructure based on local priority areas.*

Staff note that consideration of the issue of determining sufficient capacity in specific locations could be considered as the City refines the work required to deliver Initiative 7 of the Housing Accelerator Fund: Infrastructure Analysis. Work is being initiated to refine the scope of the Infrastructure Analysis and staff commit to working with Regional staff to understand the nature of analysis that could have the potential to support more certainty and support building better information about existing issues related to conveyance and where local infrastructure improvements may be required.

Options Considered

Not applicable.

Financial Matters:

The Region's Allocation Program is a financing tool to support the timely delivery of Regional growth-related infrastructure to increase housing supply. Future planning approval processes and subsequent local infrastructure planning along with development charge study updates will be required to ensure sufficient local infrastructure is planned and developed to support new growth.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Climate Implications:

Not applicable

Engagement Matters:

Significant engagement on the Region's allocation program has occurred at Regional Council. Senior City staff have attended several meetings led by the Region with the development community, including property specific meetings.

Conclusion:

The Region has responded to a wide variety of local municipal and developer feedback to present an Allocation Program that builds in flexibility, monitoring and informed decision making to support local municipalities in achieving their respective housing pledges. Pending Regional confirmation of servicing City staff recommend that Council support the allocation requests as set out in Table 1.

Respectfully submitted,

Alison Enns, MCIP,RPP
Manager of Policy and Community
905-335-7600 ext. 7787

Kate Hill-Montague
Supervisor, Planning Policy
905-335-7600 ext. 7508

Appendices:

Appendix A: Burlington – Confirmation of Expression of Interest Properties

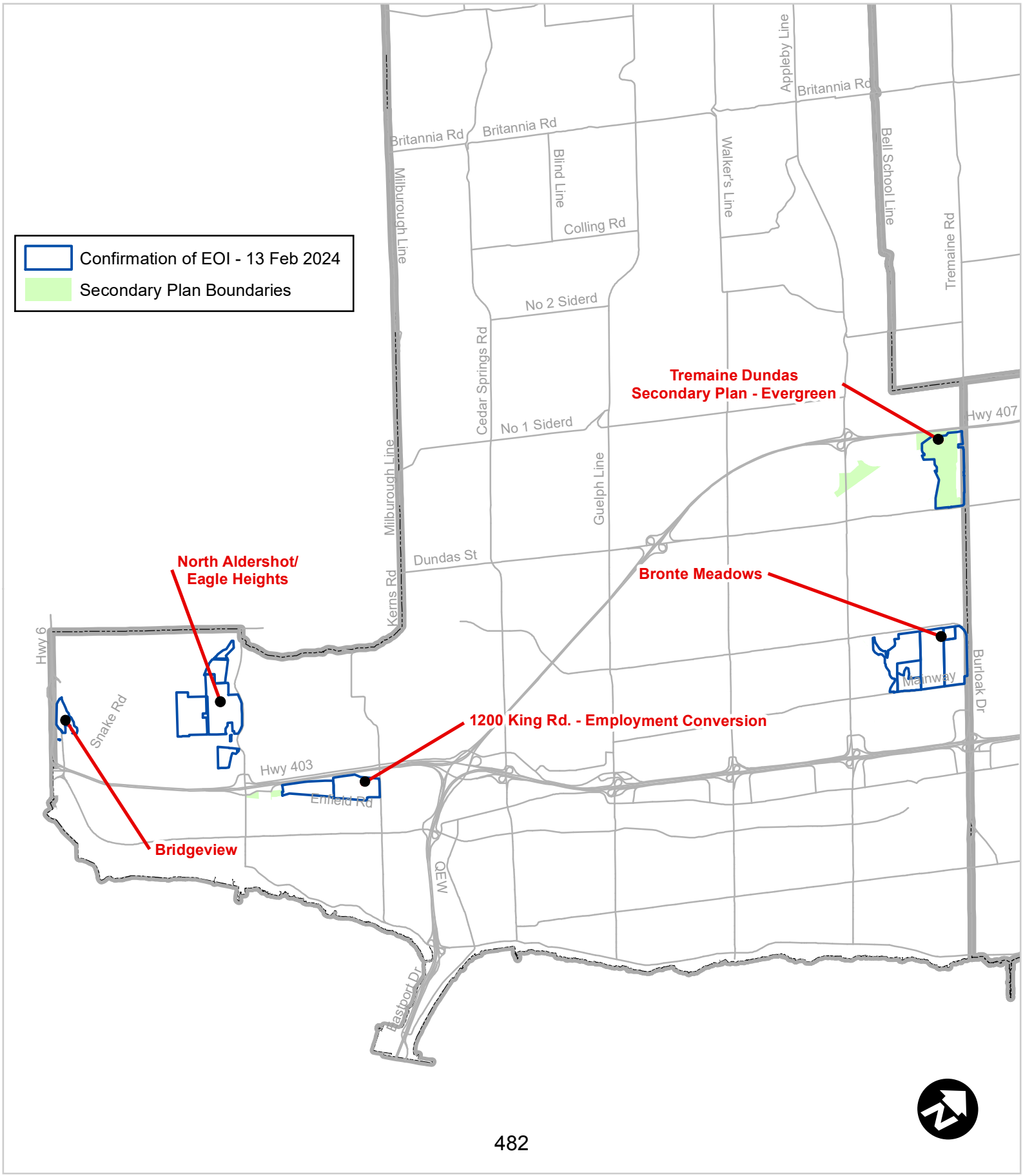
Notifications:

Jane MacCaskill, Region of Halton
Curt Benson, Region of Halton

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.

Burlington – Confirmation of Expression of Interest Properties



SUBJECT: Bill 162, Get it Done Act, 2024 update

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-27-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Receive and file community planning department report PL-27-24 providing an update regarding Bill 162, Get it Done Act, 2024.

PURPOSE:

To provide a verbal update related to Bill 162, Get it Done Act, 2024.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

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Background and Discussion:

On February 20, 2024 Bill 162, Get it Done Act, 2024, was introduced in the Ontario Legislature. The Bill proposes amendments to 6 Acts, including the Official Plan Adjustments Act, 2023 and the Environmental Assessment Act. At the time of writing this report the Bill has had its First reading and been ordered for Second Reading.

Below is a brief discussion of the proposed amendments to the Official Plan Adjustments Act, and the Environmental Assessments Act and related proposals. Staff comments will also be provided.

Official Plan Adjustments Act, 2023

In the Fall of 2023 the Minister of Municipal Affairs and Housing introduced legislation (Bill 150) to wind back certain modifications made to official plans and official plan

amendments. This included the modifications made by the Minister to the Region's Official Plan through the Minister's decision on Regional Official Plan Amendment (ROPA 49).

The Minister sent a letter to Heads of Council outlining the opportunity to note:

> *If there are changes that the municipality would like to see made to the official plan, based on the modifications that the province had previously made, and which you support. Lower-tier municipal feedback on the original official plan submitted to the province will be important to supporting its implementation.*

And:

> *While I intend to introduce legislation prior to the conclusion of the 45-day period, please rest assured that municipal feedback received during the 45-day window, and through consultation on the legislation, will be carefully considered to determine the best approach for moving forward, including if further legislative steps or the use of other provincial tools are required.*

On December 5th Council endorsed the draft letter from the Mayor to the Minister of Municipal Affairs and Housing regarding support for ROPA 49 changes. Bill 150 received Royal Assent on December 6, 2023.

As part of Bill 162, Get it Done Act, 2024 the Amending the Official Plan Adjustments Act, 2023 has been posted on the Environmental Registry of Ontario (ERO Posting 019-8273) and the Regulatory Registry (24-MMAH002), until March 21, 2024. A letter from the Minister of Municipal Affairs and Housing dated February 23, 2024 regarding the proposed amendments is attached as Appendix A.

These proposed amendments would, if passed, update official plans in response to municipal feedback. Schedule 3 presents modifications in two ways:

- In table format reference is made to the Minister's modifications
- In the form of a listing of additional modifications

Staff have reviewed both and confirm that in addition to the modifications that were retained through Bill 150, the proposed legislation includes all of the Minister's modifications relevant to the City of Burlington, with the exception of Modification 44. As a reminder Modification 44 from the Minister's Decision on ROPA 49 read as follows:

44. New Section 81.4 (5) reads as follows:

> **"Notwithstanding Section 77(5), the approval of development applications within Strategic Growth Areas are not permitted prior to the adoption of an Area Specific plan, with the following exceptions:**
>
> a) **720 Oval Court, 735 Oval Court, 740 Oval Court, 5155 Fairview Street, and 5135 Fairview Street, City of Burlington."**

Staff supported maintaining the modification in previous reports. However, staff note that the MTSA Area Specific Planning project and implementing Official Plan Amendment and CPPS are expected to address this issue and given that staff have no concerns with this modification not being retained at this time.

Environmental Assessment Act

Bill 162 proposes a change to the Environmental Assessment Act to make reference to acquiring property or rights in property. In tandem with this change the Province has also posted ERO 019-7891 titled "New regulation to focus municipal environmental assessment requirements".

Staff are reviewing both related items and will provide comments in advance of the March 17, 2024 ERO deadline. In general, the amendments proposed and the new municipal environmental assessment requirements appear to be positive.

Strategy/process/risk

Not applicable.

Options Considered

Not applicable.

Financial Matters:

Not applicable.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Climate Implications:

Not applicable.

Engagement Matters:

Not applicable

Conclusion:

Bill 162, Get it Done Act, 2024 if approved, will provide clarity with respect to the Regional Official Plan and will act to support the City moving forward with appropriate processes to establish the City's vision for achieving vibrant mixed-use neighbourhoods inclusive of the following elements:

- economic benefits including future employment targets that increase future property assessment growth.
- social benefits including affordable and attainable housing, public parks and greenspace and community facilities and amenities.
- environmental benefits including climate mitigation and adaption, natural heritage preservation and enhanced integrated mobility.

Respectfully submitted,

Jamie Tellier. MCIP, RPP

Director of Community Planning

905-335-7600 ext. 7892

Appendices:

A. Letter from Minister Calandra, dated February 23, 2024

Notifications:

Curt Benson, Halton Region

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.

Ministry of Municipal Affairs and Housing

Office of the Minister
777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

Ministère des Affaires municipales et du Logement

Bureau du ministre
777, rue Bay, 17e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000

Ontario

234-2024-695

February 23, 2024

Subject: Proposed *Amendments to the Official Plan Adjustments Act, 2023* – Legislation to Reinstate Municipally Requested Modifications to Official Plans (Bill 162)

Dear Sir, Madam

Further to my letters in November 2023 regarding proposed legislation to reverse official plan decisions, I am writing to advise you that on February 20, 2024, the government introduced proposed changes to the legislatively approved official plans of some of the province's fastest-growing municipalities to address local needs while continuing to support the government's goal of building at least 1.5 million new homes by 2031.

The proposed Get it Done Act, 2024, introduced on February 20, 2024, includes amendments to the *Official Plan Adjustments Act, 2023*.

Proposed amendments to the *Official Plan Adjustments Act, 2023* would, if passed, update official plans in response to municipal feedback while protecting the Greenbelt, and safeguarding public health and safety.

The proposed amendments follow recent consultation with the affected municipalities, and where appropriate, respond to the feedback from these municipalities, which are the cities of Barrie, Belleville, Guelph, Hamilton, Ottawa, Peterborough, Wellington County and the regions of Halton, Peel, Waterloo and York. Modifications maintained through Bill 150 impacting these municipalities and the Region of Niagara would continue to apply.

Request for Feedback

The ministry is currently seeking feedback on the proposed amendments to the *Official Plans Adjustments Act, 2023* as introduced through the proposed Get It Done Act, 2024. The proposed legislation is posted on the Environment Registry of Ontario and the Regulatory Registry for 30 days, until March 21, 2024.

Comments can be sent through the Environmental Registry of Ontario or the Regulatory Registry postings or by email to mmahofficialplans@ontario.ca.

More information on the legislative proposal can be found on the Environmental Registry of Ontario and the Regulatory Registry at:

- Environmental Registry of Ontario: Bill 1, Get it Done Act, 2024
- Regulatory Registry: Bill 1, Get it Done Act, 2024

I look forward to receiving your feedback on this proposal.

Sincerely,

Hon. Paul Calandra
Minister of Municipal Affairs and Housing

SUBJECT: City-initiated housekeeping amendments to Official Plan, 1997, as amended

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-11-24

Wards Affected: Wards 1, 2 and 5

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve Official Plan Amendment No. 141 to the City of Burlington Official Plan, 1997, as provided in Appendix A of community planning department report PL-11-24; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No.141 as contained in Appendix A of community planning department report PL-11-24.

PURPOSE:

The purpose of this City-initiated Housekeeping Amendment is to address general matters of accuracy and clarity. The amendments proposed are minor, related to typographical errors and are considered to be of a housekeeping nature. The proposed housekeeping amendments do not change any existing permissions in the 1997 Official Plan, as amended.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

It has recently come to staff's attention that updates are required to the site-specific policies identified in the table below in order to ensure that the Official Plan (1997) remains accurate and clear. These site specific policies were added to Part lll "Land Use Planning Policies, Urban Planning Area" of the 1997 Official Plan, as amended, between 2020 and 2023. The identified amendments are minor and considered to be of a housekeeping nature. The proposed Housekeeping amendments will not make changes to any existing permissions in the 1997 Official Plan, as amended.

The proposed amendments to the site-specific policies in Part lll, "Land Use Policies, Urban Planning Area" of the 1997 Official Plan, as amended are described in the following table:

~~Delete~~

Replace

Site-Specific Policy	Existing Site-Specific Policy in the 1997 BOP	Proposed Modification(s)
2.0 Residential Areas 2.2.3 Site Specific Policies	s) for the lands located at 1085 Clearview Avenue and 1082, 1086 and 1090 St. Matthew's Avenue: i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys shall be permitted; ii) Notwithstanding Policy 2.5.2 a) xiii), direct access *shall* be permitted from a local road.	~~s)~~ **r)** for the lands located at 1085 Clearview Avenue and 1082, 1086 and 1090 St. Matthew's Avenue: i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys *shall* be permitted; ii) Notwithstanding Policy 2.5.2 a) xiii), direct access *shall* be permitted from a local road.
5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	t) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses,	~~t)~~ **u)** Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses, with a maximum density of 580 units per hectare, a maximum

	with a maximum density of 580 units per hectare, a maximum *floor area ratio* of 4.41:1 and a maximum building height of 12 storeys *shall* be permitted. Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, *service commercial* uses, and residential lobbies are to be located at the street level and along the street façade of the building. Residential uses are also permitted on the ground floor and away from the street facing facade.	*floor area ratio* of 4.41:1 and a maximum building height of 12 storeys *shall* be permitted. Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, *service commercial* uses, and residential lobbies are to be located at the street level and along the street façade of the building. Residential uses are also permitted on the ground floor and away from the street facing facade.
	t) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated “Mixed Use Corridor – General” and identified as 688, 694, and 698 Brant Street, the following policies *shall* apply: i) a mixed-use building, with a maximum density of 408 units per net hectare *shall* be permitted; ii) the maximum *Floor area ratio shall* be 4.11:1; iii) the maximum building height *shall* be 13 storeys; and iv) retail use on the second storey tied to the primary retail or *service commercial* use on the first storey *shall* be permitted.	~~t)~~ **v)** Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated “Mixed Use Corridor – General” and identified as 688, 694, and 698 Brant Street, the following policies *shall* apply: i) a mixed-use building, with a maximum density of 408 units per net hectare *shall* be permitted; ii) the maximum *Floor area ratio shall* be 4.11:1; iii) the maximum building height *shall* be 13 storeys; and iv) retail use on the second storey tied to the primary retail or *service commercial* use on the first storey *shall* be permitted.

	Notwithstanding the policies of Part lll, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated “Mixed Use Corridor – General” and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development *shall* be permitted with a maximum Building height of 34 storeys with a maximum *floor area ratio* of 6:1. Development on the subject lands *shall*: i)not exceed 19 storeys for buildings that front onto Fairview Street. ii)small scale motor vehicle dealerships are prohibited. iii)demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein. iv)contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station. v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the	**w)** Notwithstanding the policies of Part lll, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated “Mixed Use Corridor – General” and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development *shall* be permitted with a maximum Building height of 34 storeys with a maximum *floor area ratio* of 6:1. Development on the subject lands *shall*: i)not exceed 19 storeys for buildings that front onto Fairview Street. ii)small scale motor vehicle dealerships are prohibited. iii)demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein. iv)contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station. v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the provision of affordable housing units. vi)retain space for a similar number of employment jobs to be accommodated to assist in the

	provision of affordable housing units. vi)retain space for a similar number of employment jobs to be accommodated to assist in the achievement of the employment targets for this area. vii)be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300. viii) *may* consider the following objectives: I.To ensure particular attention will be given to the relationship between the public and private realms in the development of buildings, streets, and urban open spaces. II.To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park. III.To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park. IV.To provide podium setbacks and stepbacks within the built form along Fairview Street.	achievement of the employment targets for this area. vii)be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300. viii) *may* consider the following objectives: I.To ensure particular attention will be given to the relationship between the public and private realms in the development of buildings, streets, and urban open spaces. II.To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park. III.To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park. IV.To provide podium setbacks and stepbacks within the built form along Fairview Street. V.To ensure appropriate tower setback from Fairview Street. VI.To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade. VII.To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.

	V.To ensure appropriate tower setback from Fairview Street. VI.To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade. VII.To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements. VIII.To ensure connectively between the Appleby GO Station and Sherwood Park through the proposed promenade.	VIII.To ensure connectively between the Appleby GO Station and Sherwood Park through the proposed promenade.
5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	m) Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for special needs housing including seniors housing in a retirement home.	~~m)~~ **i)** Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for special needs housing including seniors housing in a retirement home.
	g) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12 storey apartment building, including mechanical penthouse, having a maximum density of 500	~~g)~~ **i)** Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12 storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted.

	units per hectare is permitted.	
	g) Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a maximum density of 605 units per hectare *shall* be permitted.	~~g)~~ **k)** Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a maximum density of 605 units per hectare *shall* be permitted.
5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct	o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413 Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings *shall* be 18 storeys. The maximum *floor area ratio shall* be 8.4:1.	~~o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413~~ ~~Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings *shall* be 18 storeys. The maximum *floor area ratio shall* be 8.4:1.~~
5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct 5.5.8.2 Policies		**o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413** **Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings *shall* be 18 storeys. The maximum *floor area ratio shall* be 8.4:1.**
	136) Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum	~~136)~~ **g)** Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum height of buildings *shall*

	height of buildings *shall* be 27 storeys, plus mechanical penthouse. The maximum *floor area ratio shall* be 11.5:1. Retail, *service commercial*, office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.	be 27 storeys, plus mechanical penthouse. The maximum *floor area ratio shall* be 11.5:1. Retail, *service commercial*, office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.

Strategy/process/risk

Options Considered

While the modifications proposed above are minor, related to typographical errors, are considered to be of a housekeeping nature and do not make changes to any existing permissions in the 1997 Official Plan, as amended, this City-initiated Housekeeping Amendment is required to address general matters of accuracy and clarity.

Once this Official Plan Amendment is approved, the City will move expeditiously to prepare an office consolidation of the Official Plan, 1997.

Financial Matters:

N/A

Total Financial Impact

Source of Funding

Other Resource Impacts

Climate Implications:

N/A

Engagement Matters:

In accordance with the policies of the City's Official Plan 1997, as amended, and the Planning Act, notice of the subject statutory public meeting was provided by way of a newspaper notice in the Hamilton Spectator.

The notice was also sent to the property owners that are related to proposed modifications to the site specific policies listed in the table above.

Conclusion:

The recommended City-initiated amendments to Official Plan 1997, as amended will ensure that the City's Official Plan remains accurate and clear. The proposed amendments conform to applicable Regional and Provincial Plans.

Respectfully submitted,

Ali Balarlou
Planner, Planning Policy
905-335-7600 ext. 7745

Kate Hill-Montague
Supervisor, Planning Policy
905-335-7600 ext. 7508

Appendices:

A. Official Plan Amendment No. 141

Notifications:

- MHBC Planning Ltd. On behalf of LIV Communities (Regarding Lands identified as 1085 Clearview Avenue and 1082, 1086, 1090 St. Matthews Avenue).

  Representative: Dana Anderson, MHBC Planning, 442 Brant Street, Suite 204 Burlington, ON L7R 2G4. Email: info@mhbcplan.com
- Infinity (Plains Road) Corporation and Infinity (Aldershot) Developments Inc. (Regarding Lands identified as 40-70 Plains Road East).

  Representative: David Falletta, Bousfields Inc. 1 Main Street East, Suite 200, Hamilton, ON, Canada L8N 1E7. Email: dfalletta@bousfields.ca
- Elite 688 Brant Holdings Inc. (Regarding Lands identified as 688, 694, and 698 Brant Street).

  Representative: Martin Quarcoopome, Weston Consulting. 201 Millway Avenue, Suite 201, Vaughan ON L4K 5K8 Email: mquarcoopome@westonconsulting.com

- Branthaven Development Corp. (Regarding Lands identified as 720, 735, 740 Oval Ct. & 5135 and 5155 Fairview St)

  Representative: Ruth Victor (Ruth Victor & Associates). 720 Oval Court Burlington, ON L7L 6A9. Email: ruth@rvassociates.ca
- Spruce Partners Inc. and Amico Properties Inc. (Amica). (Regarding Lands identified as 1157-1171 North Shore Blvd East)

  Representative: Tyler Grinyer, Bousfields Inc. 1 Main Street East, Suite 200 Hamilton, ON, Canada L8N 1E7
- Better Life Retirement Residence (Regarding Lands identified as 441 Maple Avenue)

  Representative: Dana Anderson, MHBC Planning, 442 Brant Street, Suite 204 Burlington, ON L7R 2G4. Email: info@mhbcplan.com
- 2413350 Ontario Inc. (Regarding Lands identified as 407 Martha Street)

  Representative: David Falletta, Bousfields Inc. 1 Main Street East, Suite 200, Hamilton, ON, Canada L8N 1E7. Email: dfalletta@bousfields.ca
- Reserve Properties Ltd. (Regarding Lands identified as 409 Brant Street.)

  Representative: Glenn Wellings-Wellings Planning Consultants Inc. 513 Locust St, Unit B, Burlington, ON L7S 1V3
- Renimmob Properties Limited (Regarding Lands identified as 535-551 Brant Street).

  Representative: David Falletta, Bousfields Inc. 1 Main Street East, Suite 200, Hamilton, ON, Canada L8N 1E7. Email: dfalletta@bousfields.ca

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.

OFFICIAL PLAN AMENDMENT

AMENDMENT NO. 141 TO THE OFFICIAL PLAN

OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No.141 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this City-initiated Housekeeping Amendment is to address general matters of accuracy and clarity. The amendments proposed are minor, related to typographical errors and are considered to be of a housekeeping nature. The proposed housekeeping amendment will not make changes to any existing permissions in the 1997 Official Plan, as amended.

2. SITE AND LOCATION

The subject Housekeeping amendment affects several site specific policies within the Official Plan, as amended. The subject lands are municipally known as:

- 1085 Clearview Avenue; 1082, 1086 & 1090 St. Matthew's Avenue
- 40-70 Plains Road East
- 688, 694, and 698 Brant Street
- 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street
- 1157-1171 North Shore Boulevard
- 441 Maple Avenue
- 407 Martha Street
- 409 Brant Street
- 535-551 Brant Street

3. BASIS FOR THE AMENDMENT

The amendments proposed by OPA 141 are minor, related to typographical errors and are considered to be of a housekeeping nature. This OPA will not make changes to any existing permissions in the 1997 Official Plan, as amended and as such, the proposed amendment continues to conform and comply with the policies of Halton Region's Official Plan, the Planning Act, Growth Plan and the PPS.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

1.1 Map Change:

Not Required.

1.2 Text Change:

The text of Part lll, Land Use Policies, Urban Planning Area, of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as described in the following table.

In the "Description of Change" column, text that is **bolded and underlined** is new text to be inserted into the Burlington Official Plan. Text that is crossed out (~~"strikethrough"~~) is to be deleted from the Plan.

Item No.	Section	Description of Change
1.	2.0 Residential Areas 2.2.3 Site Specific Policies	Delete section 2.2.3 s), as follows: ~~s) for the lands located at 1085 Clearview Avenue and 1082, 1086 and 1090 St. Matthew's Avenue:~~ ~~i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys *shall* be permitted;~~ ~~ii) Notwithstanding Policy 2.5.2 a) xiii), direct access *shall* be permitted from a local road.~~
2.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	Delete section 5.3.2 t), as follows: ~~t) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses, with a maximum density of 580 units per hectare, a maximum *floor area ratio* of 4.41:1 and a maximum building height of 12 storeys *shall* be permitted.~~ ~~Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, *service commercial* uses, and residential lobbies are to be located at the street level and along the street façade of the~~

		~~building. Residential uses are also permitted on the ground floor and away from the street facing facade.~~
3.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	Delete section 5.3.2 t), as follows: ~~t) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated "Mixed Use Corridor – General" and identified as 688, 694, and 698 Brant Street, the following policies *shall* apply:~~ ~~i) a mixed-use building, with a maximum density of 408 units per net hectare *shall* be permitted;~~ ~~ii) the maximum *Floor area ratio shall* be 4.11:1;~~ ~~iii) the maximum building height *shall* be 13 storeys; and~~ ~~iv) retail use on the second storey tied to the primary retail or *service commercial* use on the first storey *shall* be permitted.~~
4.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	Delete section 5.3.2, as follows: ~~Notwithstanding the policies of Part lll, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated "Mixed Use Corridor – General" and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development *shall* be permitted with a maximum Building height of 34 storeys with a maximum *floor area ratio* of 6:1. Development on the subject lands *shall*:~~ ~~i)not exceed 19 storeys for buildings that front onto Fairview Street.~~ ~~ii)small scale motor vehicle dealerships are prohibited.~~ ~~iii)demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein.~~ ~~iv)contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station.~~

		~~v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the provision of affordable housing units.~~ ~~vi)retain space for a similar number of employment jobs to be accommodated to assist in the achievement of the employment targets for this area.~~ ~~vii)be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.~~ ~~viii) *may* consider the following objectives:~~ ~~I.To ensure particular attention will be given to the relationship between the public and private realms in the development of buildings, streets, and urban open spaces.~~ ~~II.To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park.~~ ~~III.To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park.~~ ~~IV.To provide podium setbacks and stepbacks within the built form along Fairview Street.~~ ~~V.To ensure appropriate tower setback from Fairview Street.~~ ~~VI.To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade.~~ ~~VII.To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.~~ ~~VIII.To ensure connectively between the Appleby GO Station and Sherwood Park through the proposed promenade.~~

5.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Delete section 5.5.5 m), as follows: ~~m) Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for special needs housing including seniors housing in a retirement home.~~
6.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Delete section 5.5.5 g), as follows: ~~g) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12 storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted.~~
7.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Delete section 5.5.5 g), as follows: ~~g) Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a maximum density of 605 units per hectare *shall* be permitted.~~
8.	5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct	Delete section 5.5.8 o), as follows: ~~o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413~~ ~~Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings *shall* be 18 storeys. The maximum *floor area ratio shall* be 8.4:1.~~
9.	5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct 5.5.8.2 Policies	Delete section 5.5.8.2 136), as follows: ~~136) Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum height of buildings *shall* be 27 storeys, plus mechanical penthouse. The maximum *floor area ratio shall* be 11.5:1. Retail, *service commercial*, office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.~~
10.	2.0 Residential Areas 2.2.3 Site Specific	Insert section 2.2.3 r), as follows: **r) for the lands located at 1085 Clearview Avenue and 1082,**

	Policies	**1086 and 1090 St. Matthew's Avenue:** **i) Notwithstanding the policies of Part III, Subsection 2.2.2 e) of this Plan, a residential building with a maximum density of 262 units per hectare and a maximum building height of 7 storeys *shall* be permitted;** **ii) Notwithstanding Policy 2.5.2 a) xiii), direct access *shall* be permitted from a local road.**
11.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	Insert section 5.3.2 u), as follows: **u) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii) and d) i), ii) of this Plan, for the lands described as 40-70 Plains Road East, a mixed use building consisting of at-grade commercial and residential apartment uses, with a maximum density of 580 units per hectare, a maximum *floor area ratio* of 4.41:1 and a maximum building height of 12 storeys *shall* be permitted.** **Notwithstanding policy of Part III, Subsection 5.3.2 c), retail, *service commercial* uses, and residential lobbies are to be located at the street level and along the street façade of the building. Residential uses are also permitted on the ground floor and away from the street facing facade.**
12.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	Insert section 5.3.2 v), as follows: **v) Notwithstanding the policies of Part III, Subsection 5.3.2 a) ii), 5.3.2 d) i), 5.3.2 d) ii), and 5.3.2 c) of this plan on the lands designated "Mixed Use Corridor – General" and identified as 688, 694, and 698 Brant Street, the following policies *shall* apply:** **i) a mixed-use building, with a maximum density of 408 units per net hectare *shall* be permitted;** **ii) the maximum *Floor area ratio shall* be 4.11:1;** **iii) the maximum building height *shall* be 13 storeys; and** **iv) retail use on the second storey tied to the primary retail or *service commercial* use on the first storey *shall* be permitted.**

13.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	Insert section 5.3.2 w), as follows: **w) Notwithstanding the policies of Part III, Subsection 3.7.2 d), 5.3.2 a) (i), 5.3.2 d) (i) and (ii), 5.3.2 j), and 5.3.4 k) of this Plan on the lands designated "Mixed Use Corridor – General" and identified as 720, 735 & 740 Oval Court and 5135 & 5155 Fairview Street, a mixed-use development *shall* be permitted with a maximum Building height of 34 storeys with a maximum *floor area ratio* of 6:1. Development on the subject lands *shall*:** **i)not exceed 19 storeys for buildings that front onto Fairview Street.** **ii)small scale motor vehicle dealerships are prohibited.** **iii)demonstrate how applicable City design guidelines and the Oval Court Urban Design Guidelines are being achieved and be subject to review in accordance with guidance contained therein.** **iv)contribute to a walkable, accessible and attractive pedestrian environment, by incorporating in the proposal appropriate internal links, such as sidewalks and promenades with connections to Sherwood Park and Appleby Go Station.** **v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the provision of affordable housing units.** **vi)retain space for a similar number of employment jobs to be accommodated to assist in the achievement of the employment targets for this area.** **vii)be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.** **viii) *may* consider the following objectives:** **I.To ensure particular attention will be given to the relationship between the public and**

		private realms in the development of buildings, streets, and urban open spaces. **II.To provide pedestrian access, appropriate building and underground setbacks, proposed uses adjacent to existing park facilities and the preservation of the large existing row of trees along the property line and the interface with Sherwood Park.** **III.To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park.** **IV.To provide podium setbacks and stepbacks within the built form along Fairview Street.** **V.To ensure appropriate tower setback from Fairview Street.** **VI.To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade.** **VII.To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.** **VIII.To ensure connectively between the Appleby GO Station and Sherwood Park through the proposed promenade.**
14.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Insert section 5.5.5 i), as follows: **i) Notwithstanding Part III, Subsection 5.5.5 b) of this Plan, for the lands described as 1157-1171 North Shore Boulevard, a maximum density of 280 units per net hectare is permitted for special needs housing including seniors housing in a retirement home.**
15.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Insert section 5.5.5 j), as follows: **j) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12**

		storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted.
16.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	Insert section 5.5.5 k), as follows: **k) Notwithstanding Part III, Subsection 5.5.5 b) of this plan, within the Downtown Residential - Medium and/or High Density Precincts designation located at 401-417 Martha Street, one 16-storey (including mezzanine and a mechanical penthouse/rooftop amenity) apartment building having a**
17.	5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct 5.5.8.2 Policies	Insert section 5.5.8.2 o), as follows: **o) Notwithstanding Part III, Subsection 5.5.8.2 b), c) and e) of this Plan, for the lands described as 401, 403, 405, 409, 411 & 413** **Brant Street, 444, 448 & 450 John Street, 2002 and 2012 James Street, the maximum height of buildings *shall* be 18 storeys. The maximum *floor area ratio shall* be 8.4:1.**
18.	5.5 Downtown Mixed Use Centre 5.5.8 Downtown Core Precinct 5.5.8.2 Policies	Insert section 5.5.8.2 q), as follows: **q) Notwithstanding Part III, Policies 5.5.8.2 b), c) and d) of this Plan, for the lands described as 535-551 Brant Street, the maximum height of buildings *shall* be 27 storeys, plus mechanical penthouse. The maximum *floor area ratio shall* be 11.5:1. Retail, *service commercial*, office, and residential lobbies are required continuously at grade along public streets in residential, mixed-use or office buildings.**

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.

SUBJECT: **City-initiated amendment to Zoning By-law 2020 – parking for multi-unit business parks**

TO: **Committee of the Whole**

FROM: **Community Planning Department**

Report Number: PL-13-24

Wards Affected: All

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve the proposed amendments to Zoning By-law 2020 as provided in Appendix A of community planning department report PL-13-24; and

Enact By-law 2020.469 as contained in Appendix A of community planning department report PL-13-24; and

Deem that the amending Zoning By-law will conform to the Official Plan for the City of Burlington.

PURPOSE:

The purpose of this report is to recommend approval of city-initiated amendments to Zoning By-law 2020, attached as Appendix A to this report. The proposed amendments include changes to:

- Update the term “Multi-Use Business Park” to “Multi-Unit Business Park”;
- Revise the definition of Multi-Unit Business Park to capture multi-unit developments located within zones that permit industrial and other uses; and
- Simplify the parking requirements for Multi-Unit Business Parks.

These amendments will facilitate shared parking and streamline the approval process when a unit changes to a new use within an existing multi-unit business park.

Vision to Focus Alignment:

- Create all-inclusive, thriving, vibrant, healthy, connected, and safe communities

- Deliver quality services to meet the diverse needs of our customers and foster the highest quality of life

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Background and Discussion:

In 2019, Zoning By-law 2020 was amended to establish new parking standards (i.e., the number of off-street parking spaces required) for a variety of different use categories (refer to Report PB-65-19). The new parking standards were determined after completing a City-wide Parking Review which included field observations, comparison with peer municipalities, and a review of best practices. Regarding multi-unit industrial developments, the review aimed to address outdated parking requirements that were noted to be a barrier preventing new tenants from locating within these developments. The Zoning By-law was subsequently amended to add a new use category and parking standard for this type of development as follows:

Use/Definition	Minimum Parking Standard
Multi-Use Business Park A combination of four or more industrial or office uses with individual exterior entrances, in one or more buildings on one or more parcels of land, designed as an integrated, planned development having common off-street parking and driveways.	3 spaces per 100 m^2 of gross floor area where more than 30% of the building is used for office space, or 2 spaces per 100 m^2 of gross floor area where less than 30% of the building is used for office space

This approach was intended to reduce parking requirements and allow for parking to be shared amongst different units within the same multi-use business park, taking advantage of different parking demand patterns to reduce the total amount of parking that would be needed if parking spaces were not shared. However, this approach has proven to be to be ineffective at supporting shared parking and the parking requirements for multi-use business parks remain a barrier for changing tenants within these developments. Staff have identified the following key issues with implementing the current requirements:

1) The definition for Multi-Use Business Park is too restrictive.

   The definition captures developments with a combination of industrial and office uses only; however, there are often additional types of uses in these developments including retail, service commercial, and recreation uses. This limits the applicability of the multi-use business park parking standard and means that the required parking must be calculated for each unit separately based on

the standards that apply to individual uses. Calculating required parking in this way does not acknowledge that parking can be shared amongst uses and can therefore result in a total parking requirement that may not be possible to achieve in an existing development, limiting flexibility for units to change to new uses.

2) The existing parking standard for Multi-Use Business Parks is too high.

   The standard varies based on the percentage of gross floor area (GFA) devoted to office use within a development. This means that each time a tenant changes, the use and floor area of each unit must be confirmed to determine the total make up of office space versus industrial space – once the total GFA of building consists of 30 per cent or more of office space, a higher standard of 3 spaces per 100 m^2 of GFA applies to all industrial and office units within the development. As a result, applying the multi-use business park parking standard often results in a higher number of parking spaces being required compared to applying the industrial standard to industrial units and the office standard to office units. This means the parking standard for multi-use business parks is not facilitating shared parking for these developments.

3) Verifying parking requirements when a unit changes to a new use in a Multi-Use Business Park is too complicated.

   A Zoning Clearance Certificate is required when there is an internal renovation, conversion of floor area, change of use, or business license application within an industrial/commercial/institutional development. Within a multi-use business park, the Zoning Clearance Certificate application has an additional requirement for a detailed parking analysis to determine if the existing/proposed number of parking spaces complies with the zoning requirements. Due to the limitations of the current definition and parking standard for multi-use business parks as discussed above, applicants must submit information to confirm the use and floor area of each unit on the property, including a breakdown of defined areas within each individual unit (e.g., the area of a unit used for retail and the area used for office). It is often difficult for applicants to gather the complete information required for each unit. The review process is also challenging for staff who commonly need to help applicants and often complete two parking calculations (i.e., one based on the multi-use business park standard where it applies, and one based on the standards for individual uses) to determine the minimum number of parking spaces required by the Zoning By-law.

Strategy/process/risk

Given the issues experienced with implementing the existing parking requirements for multi-use business parks, this report recommends approval of amendments to Zoning By-law, 2020, attached as Appendix A.

Policy Framework

The proposed Zoning By-law Amendment is subject to the policies of the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), Halton Region Official Plan, City of Burlington Official Plan (1997, as amended), and the new City of Burlington Official Plan (2020).

Provincial Policy Statement (PPS), 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. This includes by 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.

Planning staff have considered the policies of the PPS regarding the proposed zoning by-law amendments and are of the opinion that it is consistent with the PPS.

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

The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe with access to transit networks, protected employment areas and an increase in the amount and variety of housing available. It is the opinion of staff that the proposed zoning by-law amendments conform with the Growth Plan.

Halton Region Official Plan (ROP)

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. The ROP includes policy 83.2(6) which requires local

municipalities to plan for employment areas promoting intensification and increased densities in employment areas, including by minimizing surface parking. Staff are of the opinion that the proposed zoning by-law amendments conform with the ROP.

Burlington Official Plan, 1997

The City's Official Plan (1997, as amended) 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.

Part II, Section 3 Transportation, subsection 2.2.2 includes policies relevant to the proposed amendments to parking standards, including:

- Reduced parking standards may be permitted subject to evaluation by the city of the appropriateness of such standards; and
- Opportunities for the sharing of parking in mixed use developments will be considered.

The proposed amendments to the Zoning By-law will reduce the parking standards for multi-unit business parks and facilitate shared parking.

Burlington Official Plan, 2020

On Nov. 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) ("the new OP"). While the majority of the new OP remains subject to appeals and not in effect, staff note that Chapter 6, Section 6.2 Multimodal Transportation, includes policies that encourage opportunities for the sharing of parking. This is consistent with the proposed zoning by-law amendments, which will facilitate shared parking amongst units within multi-unit business parks.

Zoning By-law Amendment

The proposed amendments to Zoning By-law 2020 are attached as Appendix A and staff's explanation for each change is attached as Appendix B.

The amendments include changing the term "Multi-Use Business Park" to "Multi-Unit Business Park" and revising the definition to capture multi-unit developments within the BC1, BC2, GE1, GE2, MXE, and UMXE Zones where industrial and other uses are permitted. The proposed definition is inclusive of all permitted uses within these zones. This means that the parking standard can apply to an entire development, without the need to calculate parking requirements for each use.

The proposed amendments also include adding a new regulation to allow more flexibility for a unit to change to a new use within an existing development without the need to provide additional parking or complete the detailed parking analysis currently required through the Zoning Clearance Certificate process. When a use changes to another

permitted use within an existing multi-unit business park, the number of existing parking spaces shall be deemed to conform with the parking requirements of the Zoning By-law, provided the change in use does not include an external addition or the erection of a new building which could reduce the existing parking supply. This approach acknowledges that parking can be shared amongst units and places the onus on businesses/landlords to determine if there is adequate parking supply within an existing development.

The amendments also include establishing a new parking standard, which would apply to new or enlarged multi-unit business parks. This standard is structured as a flat rate of 2 spaces per 100 m^2 of GFA, which is a reduction from the current requirements and will support shared parking in these developments. The flat rate is also easier to implement and will allow flexibility for a unit to change to another permitted use without the need for the detailed parking analysis.

The proposed amendments are intended to address the key issues with the current approach to parking in the Zoning By-law. These amendments will facilitate shared parking for multi-unit business parks, which is a more efficient use of parking supply. The amendments will also simplify the parking requirements for both applicants and staff to improve service delivery by streamlining the approval process of a Zoning Clearance Certificate when a unit changes to a new use within a multi-unit business park.

Financial Matters:

Not applicable.

Climate Implications:

On April 23, 2019, Burlington's City Council unanimously passed a motion to declare a climate emergency. Broadly, the city has set out frameworks to provide for innovative solutions and opportunities to address appropriate land use while making better use of existing land, infrastructure and services. The proposed amendments aim to right size parking supply and facilitate shared parking to ensure the efficient use of land.

Engagement Matters:

In accordance with the policies of the City's Official Plan and the provisions of the *Planning Act* for Zoning By-law amendments, notice of the statutory public meeting was provided by way of a newspaper notice in the Hamilton Spectator 30 days prior to the

public meeting. A letter outlining the proposed amendments was also sent to all relevant external agencies 30 days in advance of the public meeting.

Conclusion:

The recommended city-initiated amendments to Zoning By-law 2020 will simplify the parking requirements and facilitate shared parking amongst units within a multi-unit business park. These amendments will support improved service delivery by streamlining the approval process when a unit changes to a new use within an existing development.

Respectfully submitted,

Victoria Coates, MCIP, RPP

Senior Planner, Special Projects

(905) 335-7777 ext. 7409

Appendices:

A. Zoning By-law Amendment 2020.469 (520-01/24)
B. Proposed zoning by-law amendments and staff explanation

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.

The Corporation of The City of Burlington

City of Burlington By-law 2020.469

A By-law to amend By-law 2020, as amended for parking requirements for multi-unit business parks
File No.: 520-01/24 (PL-13-24)

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 the Recommendations in report PL-13-24 on March 19, 2024, for city-initiated general amendments to Zoning By-law 2020, as amended;

The Council of the Corporation of the City of Burlington hereby enacts as follows:

1. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.25 Off-Street Parking and Loading Requirements, is amended by:

    i. Adding: “Where more than one use specified in Table 1.2.6 is provided on the same lot or in the same building, the parking spaces required shall be in respect of each use.” to subsection 2.25.4 after “unless otherwise specified in the respective zones.”

    ii. Adding:
    2.25.5 “Notwithstanding Part 1, Subsection 2.25.4, when a use changes to another permitted use within a Multi-Unit Business Park that existed as of March 19, 2024, the number of existing parking spaces shall be deemed to conform with the parking requirements of this By-law, provided the change in use does not include an external addition to an existing building or the erection of a new building.”

2. PART 1 of By-law 2020, as amended, General Conditions and Provisions, Section 2.25 Off-Street Parking and Loading Requirements, Table 1.2.6: Off-Street Parking Standards is amended by:

    i. Adding: “, except those uses classified more specifically in Table 1.2.6” after “Industrial Uses” in the “Use” column listing;
    ii. Deleting: “Multi-Use Business Park” in the “Use” column listing and the corresponding standard in the “Parking Standard” column listing and replacing it with “Multi-Unit Business Park” in the “Use” column listing and “2 spaces per 100 m^2 of gross floor area” in the corresponding “Parking Standard” column listing.

3. PART 5 of By-law 2020, as amended, Mixed-Use Corridor Zones, Section 4, MXG, MXC, MXE, MXT Zone Regulations, is amended by:

   i. Adding:

      4.15 "CONTIGUOUS LOTS

      Where multiple contiguous lots are developed under a single comprehensive site plan all lots shall be deemed to be one lot for purposes of applying zoning regulations. A lot shall be used in a manner that complies with all of the regulations and prohibitions of this By-law that govern the lot itself and all of the regulations and prohibitions of this By-law that govern the entire development."

4. PART 7 of By-law 2020, as amended, Uptown Mixed-Use Centre Zones, Section 4, UCR1 to UOP Zone Regulations, is amended by:

   i. Adding:

      4.14 "CONTIGUOUS LOTS

      Where multiple contiguous lots are developed under a single comprehensive site plan all lots shall be deemed to be one lot for purposes of applying zoning regulations. A lot shall be used in a manner that complies with all of the regulations and prohibitions of this By-law that govern the lot itself and all of the regulations and prohibitions of this By-law that govern the entire development."

5. PART 16 of By-law 2020, as amended, Definitions, is amended by:

   i. Deleting:

      "**Industrial Park**

      A plan of subdivision designed for certain industrial and/or commercial uses and approved by the Corporation and registered under the provisions of the *Registry Act* or *Land Titles Act*."

   ii. Deleting:

      "**Multi-Use Business Park**

      A combination of four or more industrial or office uses with individual exterior entrances, in one or more buildings on one or more parcels of land, designed as an integrated, planned development having common off-street parking and driveways."

iii. Adding:

"**Multi-Unit Business Park**

A combination of two or more units with individual exterior entrances, in one or more buildings on one or more parcels of land within the BC1, BC2, GE1, GE2, MXE, or UMXE Zones, and any exception numbers associated with these zones, designed as an integrated, planned development having common off-street parking and driveways."

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.

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 this ……..day of …… 2024.

_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.469

By-law 2020.469 amends Parts 1, 5, 7, and 16 of the City's Zoning By-law 2020, as amended, for the purpose of simplifying the parking requirements for Multi-Unit Business Parks.

For further information regarding By-law 2020.469, please contact Victoria Coates of the Burlington Community Planning Department at (905) 335-7777, extension 7409.

PROPOSED ZONING BY-LAW AMENDMENTS AND STAFF EXPLANATION

PROPOSED ZONING BY-LAW AMENDMENT		STAFF EXPLANATION
Part 1 – General Conditions and Provisions		
1.	Amend Section 2.25 Off-Street Parking and Loading Requirements, as follows: i. Adding: "Where more than one use specified in Table 1.2.6 is provided on the same lot or in the same building, the parking spaces required shall be in respect of each use." to subsection 2.25.4 after "unless otherwise specified in the respective zones." ii. Adding: 2.25.5 "Notwithstanding Part 1, Subsection 2.25.4, when a use changes to another permitted use within a Multi-Unit Business Park that existed as of March 19, 2024, the number of existing parking spaces shall be deemed to conform with the parking requirements of this By-law, provided the change in use does not include an external addition to an existing building or the erection of a new building."	To clarify how parking requirements are calculated. To establish a new regulation that allows a unit to change to a new use within an existing Multi-Unit Business Park without the need to provide additional parking. This will eliminate the need for applicants and staff to do a detailed parking calculation every time a tenant changes, allowing for quicker approvals of Zoning Clearance Certificates.
2.	Amend Section 2.25 Off-Street Parking and Loading Requirements, Table 1.2.6: Off-Street Parking Standards, as follows: i. Adding: ", except as otherwise provided in Table 1.2.6" after "Industrial Uses" in the "Use" column listing; ii. Deleting: "Multi-Use Business Park" in the "Use" column listing and the corresponding standard in the "Parking Standard" column listing, and replacing it with "Multi-Unit Business Park" in the "Use" column listing and "2 spaces per 100 m^2 of gross floor area" in the	To clarify that the parking standard for industrial uses does not apply to industrial uses that have separate parking standards in Table 1.2.6, including Storage Locker Facility and Warehouse and Logistics. To change the parking standard for a Multi-Unit Business Park to a flat rate that does not vary based on the percentage of GFA devoted to office uses. This standard would apply to new or enlarged Multi-Unit Business Parks and will be easier to implement.

	corresponding “Parking Standard” column listing.	
Part 5 – Mixed-Use Corridor Zones		
4.	Amend Section 4 MXG, MXE, MXT Zone Regulations, as follows: i. Adding: 4.15 “CONTIGUOUS LOTS Where multiple contiguous lots are developed under a single comprehensive site plan all lots shall be deemed to be one lot for purposes of applying zoning regulations. A lot shall be used in a manner that complies with all of the regulations and prohibitions of this By-law that govern the lot itself and all of the regulations and prohibitions of this By-law that govern the entire development.”	To facilitate the application of zoning regulations, including parking requirements, to comprehensive developments that occur on multiple lots, such as Multi-Unit Business Parks.
Part 7 – Uptown Mixed-Use Centre Zones		
5.	Amend Section 4 UCR1 to UOP Zone Regulations, as follows: i. Adding: 4.14 “CONTIGUOUS LOTS Where multiple contiguous lots are developed under a single comprehensive site plan all lots shall be deemed to be one lot for purposes of applying zoning regulations. A lot shall be used in a manner that complies with all of the regulations and prohibitions of this By-law that govern the lot itself and all of the regulations and prohibitions of this By-law that govern the entire development.”	To facilitate the application of zoning regulations, including parking requirements, to comprehensive developments that occur on multiple lots, such as Multi-Unit Business Parks.
Part 16 – Definitions		
4.	Amend Definitions, as follows: i. Deleting: “**Industrial Park**	To delete the definition for “Industrial Park” as it is a term that is not used anywhere in the by-law and could cause confusion with the term Multi-Unit Business Park.

		A plan of subdivision designed for certain industrial and/or commercial uses and approved by the Corporation and registered under the provisions of the Registry Act or Land Titles Act." ii. Deleting: "**Multi-Use Business Park** A combination of four or more industrial or office uses with individual exterior entrances, in one or more buildings on one or more parcels of land, designed as an integrated, planned development having common off-street parking and driveways." iii. Adding: "**Multi-Unit Business Park** A combination of two or more units with individual exterior entrances, in one or more buildings on one or more parcels of land within the BC1, BC2, GE1, GE2, MXE, or UMXE Zones, and any exception numbers associated with these zones, designed as an integrated, planned development having common off-street parking and driveways."	To replace the term and definition for "Multi-Use Business Park" with a new term and definition for "Multi-Unit Business Park". The proposed definition captures multi-unit developments with two or more units within zones where industrial and other uses are permitted, without including restrictions on the types of uses that can be included within the development. This change will allow more flexibility for tenants to change within a development without necessitating a detailed parking review.

City-Initiated Amendment to Zoning By-law 2020 – Parking for Multi-Unit Business Parks PL-13-24

Committee of the Whole

March 5, 2024

CITY OF Burlington

BACKGROUND

- **In 2019, Zoning By-law 2020 was amended to establish new minimum parking standards after completing a City-wide Parking Review**

- **This included adding a parking standard for the new use category "Multi-Use Business Park" (development with a mix of industrial and office uses)**

  - These requirements have been ineffective at supporting shared parking and continue to be a barrier for new tenants locating within these developments

CITY OF Burlington

BACKGROUND

Key issues with implementing current requirements:

1. **The definition for Multi-Use Business Park is too restrictive**

2. **The parking standard is too high**

3. **Verifying parking requirements when a unit changes to a new use is too complicated**

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ZONING BY-LAW AMENDMENT

- **Update the term “Multi-Use Business Park” to “Multi-Unit Business Park” and revise the definition to capture multi-unit developments within zones that permit industrial and other uses**
  - Definition is inclusive of all permitted uses within these zones
  - No need to calculate required parking for each unit

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ZONING BY-LAW AMENDMENT

- **Add a new regulation to allow more flexibility for a unit to change to a new use without the need to provide additional parking or complete a detailed parking analysis**
  - Existing number of parking spaces is deemed to conform when a use changes
  - Supports shared parking and puts onus on businesses/landlords to determine adequate parking supply

CITY OF Burlington

ZONING BY-LAW AMENDMENT

- **Add a new parking standard (2 spaces per 100 m^2 GFA) for new or enlarged multi-unit business parks**
  - Reduction from current requirements to support shared parking
  - Flat rate is easier to implement

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CONCLUSION

Approval recommended for proposed city-initiated amendments to Zoning By-law 2020 which will:

- **Facilitate shared parking for multi-unit business parks, which is a more efficient use of parking supply**
- **Improve service delivery by streamlining the approval process when a unit changes to a new use**

CITY OF Burlington

SUBJECT: Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-20-24

Wards Affected: Ward1

Date to Committee: March 4, 2024

Date to Council: March 19, 2024

Recommendation:

Approve the application submitted by Halton Standard Condominium Corporation No. 416, to amend the Official Plan and Zoning By-law, as modified by staff in community planning department report PL-20-24, to permit a mixed use development with a height up to 22 storeys; and

Approve Official Plan Amendment No. 143 to the City of Burlington Official Plan, as provided in Appendix E of community planning department report PL-20-24, to re-designate the lands located at 1026 Cooke Boulevard from “Mixed Use Corridor – Employment” to “Mixed Use Corridor – General” and to include site specific policies for the subject lands; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 143 as contained in Appendix E of community planning department report PL-20-24 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal (File: 505-03/23); and

Approve Zoning By-law 2020.534, attached as Appendix F of community planning department report PL-20-24, to rezone the lands located at 1026 Cooke Boulevard from “Mixed Use Employment (MXE)” to a site specific “Mixed Use General (H-MXG-534)” with a Holding “H” prefix (File: 520-09/23); and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 143 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 143 is adopted.

PURPOSE:

Vision to Focus Alignment:

- Promoting and supporting our community's health and well-being
- Creating and supporting neighbourhoods and communities that feel connected to each other
- Supporting diverse communities
- Aligning long-term plans and strategies so community solutions are holistic.

Executive Summary:

RECOMMENDATION:	Modified Approval	***Ward:***	1
Application Details	***APPLICANT:***	MHBC Planning	
	OWNER:	Halton Standard Condominium Corporation No. 416	
	FILE NUMBERS:	505-03/23 & 520-09/23	
	TYPE OF APPLICATION:	Official Plan Amendment & Zoning By-law Amendment	
	PROPOSED USE:	A 29-storey mixed use building with 335 residential units, 370 m^2 of ground floor commercial	
	MODIFIED USE:	A 22- storey mixed use building with 770 m^2 non-residential uses and a maximum FAR of 10.5:1.	
Property Details	***PROPERTY LOCATION:***	West side of Cooke Boulevard	
	MUNICIPAL ADDRESS:	1026 Cooke Boulevard	

	PROPERTY AREA:	0.32 ha
	EXISTING USE:	1 storey commercial building
Documents	***1997 OFFICIAL PLAN Existing:***	Mixed Use Corridor – Employment
	1997 OFFICIAL PLAN Proposed:	Mixed Use Corridor - General with site-specific policies for height and Floor Area Ratio
	2020 OFFICIAL PLAN Existing:	Urban Corridor – Employment
	ZONING Existing:	Mixed Use Employment (MXE)
	ZONING Proposed:	MXG-534 with site-specific regulations
Processing Details	***APPLICATION SUBMITTED:***	December 1, 2023
	APPLICATION DEEMED COMPLETE:	December 8, 2023
	STATUTORY DEADLINE:	March 20, 2024
	PRE-APPLICATION COMMUNITY MEETING:	October 11, 2023
	PUBLIC COMMENTS:	The notice was circulated December 11, 2023, to 141 addresses and one public comment has been received.

Background and Discussion:

On December 8, 2023, the City deemed complete applications submitted on December 1, 2023, from MHBC Planning requesting an Official Plan Amendment and Zoning By-law Amendment on behalf of Halton Standard Condominium Corporation No.416 at 1026 Cooke Boulevard to permit the development of a 29 storey mixed use building with 335 residential units and 370 sq. m of ground floor commercial.

Staff have reviewed the proposed development applications and are recommending a modified approval consisting of a 22-storey mixed use building with site specific regulations for building height, podium height, FAR, ground floor retail, non-residential uses, setbacks, amenity area, landscape buffer, parking rate and bicycle parking. Staff note that the concept plan submitted with the proposed development does not represent

the proposed modified approval. If the applications are approved with the recommended modifications by staff, all future planning approvals would need to be in accordance with the draft Official Plan Amendment and Zoning By-law Amendment (Appendices E & F).

Description of Subject Property and Surrounding Land Uses

The subject property is located on the west side of Cooke Boulevard, north of Plains Road East and east of Waterdown Road. The subject property has an area of 0.32 hectares and approximately 44 metres of frontage along Cooke Boulevard. The subject property is currently occupied by a 1 storey commercial / office building, which would be demolished to facilitate the development.

There are six bus stops within 500 metres of the subject lands with access to bus routes 1 (Plains/Fairview) and 4 (Central). The subject lands are within 800 metres of the Aldershot GO Station which provides connections to the Lakeshore West and Lakeshore East train and several bus options for the GTHA, Niagara, Brantford and Waterloo.

Bus Route 1 runs along Plains Road West and Fairview Street and continues into downtown Hamilton along York Boulevard, King Street West, and Cannon Street West. Bus Route 1 provides connections to the Burlington GO Station, Appleby GO Station and Hamilton GO Station. Bus Route 4 connects the Aldershot GO Station to the Appleby GO Station with frequent transit stops long the route including King Road, Joseph Brant Hospital, the Downtown Bus Terminal at John Street, the Senior's Centre at New Street, Guelph Line, Walker's Line and Pinedale Avenue.

Surrounding uses are as follows:

- North: Two one storey office buildings (Golden Gate Contracting and Primary Fluid Systems Inc.) with associated parking lots.
- East: The subject property is bounded by Cooke Boulevard to the east, a minor arterial road with two lanes. Beyond Cooke Boulevard, on the east side of the street is a two storey office and warehouse building (Rosehill Liquidation Warehouse and Gentherm) and 53-71 Plains Road East and 1025 Cooke Boulevard which has been approved for a 18 and 9 storey development with 555 units and a future neighbourhood park.
- South: a vacant lot, where a 9 storey mixed use building has been approved (35 Plains Road East). Further south is Plains Road East.
- West: one to two storey single detached dwellings along Waterdown Road. An application for a 29 storey mixed use building is currently in process directly west of the subject lands. Further west is a fire station, single detached dwelling and industrial site on the west side of Waterdown Road (Jerry's Automotive).

Description of Applications

MHBC Planning on behalf of Halton Standard Condominium Corporation No. 416 has made applications to amend the Official Plan Designation and Zoning By-law for the subject property located at 1026 Cooke Boulevard.

These applications are proposing a 29 storey mixed use building with 370 sq. m of ground floor commercial and a FAR of 7.3:1. Staff note that although the proposed FAR is stated as 7.4:1 in the submission materials, through review of the applications it was determined by staff that the proposed FAR is closer to 11:1 for the proposed development.

The proposed development includes a total of 335 units including 167 one-bedroom units, 134 two-bedroom units and 34 three-bedroom units. A total of 318 parking spaces are proposed in four levels of underground parking. A total of 5,918 square metres of amenity space (indoor and outdoor) is proposed.

Vehicular access is proposed from Cooke Boulevard with a two-way driveway that will provide access to the underground parking area for residents, visitors, and delivery vehicles, and loading area for the building.

Supporting Documents

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

1. Arborist Report (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 13, 2023);
2. Architectural Drawings (prepared by Turner Fleischer Architects Inc, dated September 7, 2023);
3. Civil Drawings (prepared by Odan Detech Consulting Engineers, dated November 15, 2023)
4. Construction and Mobility Management Guideline (prepared by Lanhack Consultants Inc., dated November 28, 2023);
5. Draft Official Plan Amendment (prepared by MHBC Planning Urban Design & Landscape Architecture);
6. Draft Zoning By-law Amendment (prepared by MHBC Planning Urban Design & Landscape Architecture);
7. Environmental Site Screening Questionnaires (prepared by Halton Standard Condominium Corporation No. 416, no date);
8. Functional Servicing and Stormwater Management Report (prepared by Odan Detech Consulting Engineers, dated November, 2023);

9. Height Survey (prepared by Turner Fleischer Architects Inc, dated September 7, 2023);
10. Housing Impact Assessment (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 13, 2023);
11. Landscape Plans (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 11, 2023);
12. Land-Use Compatibility/Mitigation Study (prepared by RWDI Inc, dated July 17, 2023);
13. Noise and Vibration Impact Study (prepared by RWDI Inc, dated June 29, 2023);
14. Pedestrian Wind Study (prepared by RWDI Inc, dated December 1, 2023);
15. Phase 1 ESA (prepared by B.I.G. Consulting Inc., dated July 12, 2023);
16. Phase 2 ESA (prepared by B.I.G. Consulting Inc., dated September 15, 2023);
17. Planning and Urban Design Rationale (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 2023);
18. Preliminary Geotechnical Investigation (prepared by B.I.G. Consulting Inc., dated November 28, 2023)
19. Letter of Reliance (Environment) (prepared by B.I.G. Consulting Inc., dated November 30, 2023);
20. Shadow Study (prepared by Turner Fleischer Architects Inc, dated September 7, 2023);
21. Soil Volume Plans (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 11, 2023);
22. Survey Plan (prepared by A.T. McLaren Limited, dated May 10, 2023);
23. Sustainable Building and Development Guidelines Checklist (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 2023);
24. Transportation Impact Study (prepared by Crozier Consulting Engineers, dated November 2023);
25. Tree Protection Plans (prepared by MHBC Planning Urban Design & Landscape Architecture, dated November 13, 2023); and,
26. Urban Design Brief (prepared MHBC Planning Urban Design & Landscape Architecture, dated November 2023).

Supporting documents have been published on the City's website for the subject application: burlington.ca/1026cooke.

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 Official Plan, 2020 (2020), and City of Burlington Zoning By-law 2020, as summarized below. A policy analysis has been provided throughout the following sections of this report to demonstrate the modified proposal, as recommended by staff, is in keeping with the applicable framework.

Provincial Policy Statement (PPS), 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 by 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 that growth and development be focused in settlement areas which include urban areas that are built-up 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 planning horizon.

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.

The proposed development is located within a settlement area and provides a mix of land uses including residential and commercial. The development proposal includes the removal of approximately 1,207.73 m^2 of commercial and office space and replacing it with 370 m^2 of ground floor retail, which results in a loss of approximately 837 m^2 of commercial and office space. In order to compensate for the loss of commercial space and employment uses, staff are recommending an additional 400 m^2 of non-residential uses be incorporated into the development, for a total of 770 m^2 of non-residential uses. Non-residential uses would be permitted on the ground and second floor and would include community spaces, office and retail and service commercial uses.

The proposed development contemplates using existing municipal infrastructure and will have access to public service facilities. However, Halton Region has identified the need to increase the wastewater mains for this area of the Aldershot MTSA to accommodate future development. Therefore, staff are recommending that a holding provision be placed on the property to ensure that the property can be sufficiently serviced and finance the future expansion of the wastewater main.

Furthermore, the proposed development is located in a future Major Transit Area, which will provide access and connections to the existing and planned transit infrastructure and support active transportation uses by providing bicycle parking, pedestrian connections and access to public transit systems including the GO station and Burlington Transit.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where applicable, which identifies that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

New development in designated growth areas should occur adjacent to the existing built-up area as per policy 1.1.3.6, and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public facilities.

The PPS requires municipalities to provide a range and mix of housing options through intensification and redevelopment of existing building stock or areas in policy 1.4, where appropriate. In accordance with policy 1.4.3 an appropriate range and mix of housing options and densities shall be provided to meet projected market-based and affordable housing needs of current and future residents of the regional market.

Part IV of the PPS, states that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. Staff note

that the optimization of land use does not equate to maximizing the development potential of the site, as this needs to be balanced with other considerations.

While the PPS sets out that efficient development patterns optimize the use of land, this does not mean that every property is to be maximized or overdeveloped at the expense of other considerations such as good urban design, appropriate compatibility with a site's context, etc. The subject lands have been identified for intensification, but consideration must be given to the surrounding and planned context for the area to ensure that an appropriate level of intensification is achieved. The modified approval has taken this into consideration and recommends what staff consider is an appropriate scale of intensification that will meet the City's goals and objectives of the Aldershot GO Area Specific Plan while being consistent with the PPS.

The PPS requires sites with contaminants in land or water to be assessed and remediated as necessary prior to any activity on the site associated with the proposed such that there will be no adverse effects as per policy 3.2.2. A Phase I and Phase II Environmental Site Assessment (ESA) was required for the subject lands as the proposal is changing to a more sensitive land use (i.e., residential). Halton Region staff require a Record of Site Condition (RSC) be submitted and acknowledged by the Ministry of Environment, Conservation and Parks in order to confirm that the lands are suitable for the proposed use. Therefore, staff are recommending a Holding Provision to restrict the issuance of a building permit until such time as the RSC is acknowledged. With the recommended Hold, the proposed applications are consistent with the PPS as it pertains to site contamination.

In accordance with section 1.2.6.1, major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures. The applicant submitted a Noise Impact Study and Land Use Compatibility Study as part of the applications. Development Engineering staff have no concerns with the anticipated noise generated by the proposed uses and defer to the peer review comments regarding Land Use Compatibility. The Noise impact Study and Land Use Compatibility Study were reviewed R.J. Burnside and Associates who determined that more information is required to determine whether the proposed development can support sensitive land uses on site.

Staff are of the opinion that a revised Noise impact Study and Land Use Compatibility Study would be able to demonstrate that the proposed development could be supported on site, subject to appropriate mitigation measures being utilized. Therefore, staff are recommending a Holding Provision to ensure that a revised Noise Impact and Land Use Compatibility Study that addresses the peer review comments is submitted, and all mitigation measures are incorporated into the future site plan.

Planning staff acknowledge that the subject lands are designated for intensification but note that this needs to be achieved at an appropriate scale and in coordination with the planned context of the area. The proposed development, as modified by staff, will provide an appropriate form of intensification, by providing a maximum building height and Floor Area Ratio, increasing commercial and employment uses, minimizing and mitigating potential adverse impacts from odour, noise and other contaminants, providing setbacks, stepbacks and design recommendations in accordance with City standards and the Tall Building Guidelines and ensuring that the future vision of the Area Specific Plan is achieved.

Staff note that the increase in height and density proposed by the applicant is not required to achieve consistency with the Provincial Policy Statement. The proposal, as modified by staff will achieve consistency with the PPS and ensure compliance with the City's vision for the area. Therefore, it is staff's opinion that the modified development proposal is consistent with the policies of the PPS, with the inclusion of the recommended holding provision.

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

The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan. The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan. Subsection 2.2.1.2 a) of the Growth Plan states that the vast majority of growth will be directed to settlement areas and Subsection 2.2.1.2 c) states that within settlement areas, growth with be focused in delineated built-up areas, strategic growth areas and locations with existing or planned transit, with a priority on higher order transit.

The subject lands are located within a settlement area and a strategic growth area identified as the Aldershot GO Major Transit Station Area (MTSA). Further, they are located in a delineated built-up area and an area with existing transit infrastructure, including higher order transit.

Subsection 2.2.4.3 of the Growth Plan identifies minimum density targets for Major Transit Station Areas of 150 residents and jobs combined per hectare for MTSAs that are served by the GO Transit rail network. The Growth Plan supports the achievement of minimum allocated density targets through the consideration of a range and mix of housing options and densities and by planning to diversify the overall housing stock across the municipality. The Growth Plan notes that density targets are minimum standards and municipalities can go beyond these minimum targets, where appropriate. Notwithstanding, the expectation is that achieving or exceeding the intensification targets

is not done at the expense of high quality urban design or compatibility, which will be further explored in this report.

The site is located within a strategic growth area identified as the Aldershot GO MTSA. The purpose of this area is to identify the appropriate type and scale of development that contribute to intensification targets while contributing to the achievement of complete communities. The proposed development, as modified by staff, would provide a range and mix of housing options and density for the area. It would also provide a mix of uses including residential and commercial. Staff is of the opinion that the recommended modified approval would contribute towards the City meeting its minimum density targets established in the Growth Plan while achieving a built form that is contextually appropriate within the MTSA context.

The development will be removing approximately 837 m^2 of commercial and office space from the area. To compensate for this loss of commercial space and employment uses, staff are recommending a minimum 770 m^2 of non-residential uses be incorporated into the development. This will allow for a greater mix of uses in the MTSA area and an opportunity for more employment uses.

Staff are supportive of an appropriate level of intensification for this site that aligns with the planned context of the area. The Aldershot GO Area Specific Plan has not yet been approved by City Council and is still being finalized by City staff and therefore, the final density targets, building heights and policy framework are not yet in force and effect. Notwithstanding, staff have reviewed the proposed development and determined that the modifications recommended by staff conform to the Growth Plan and align with the City's emerging vision for the area, as articulated through the on-going Area Specific Planning for the Aldershot GO MTSA.

Halton Region Official Plan (ROP)

The Halton Region Official Plan (the "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.

On December 6, 2023, Bill 150 “Planning Statute Law Amendment Act, 2023” received Royal Assent and implemented three related to corridor protection policies and mapping (modifications# 18, 19 and 39 of the Halton Region Official Plan).

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated ‘Major Transit Station Area on a Commuter Rail Corridor’ and ‘Regional Intensification Corridor.’

Halton Region staff have reviewed the proposed development and supporting materials and advise that they are not in a position to provide a recommendation of approval as there are still outstanding land use compatibility matters that need to be addressed. The Land Use Compatibility matters are addressed further in the report under the Sustainable Design and Compatibility section of the current Official Plan.

Further, Regional staff note that the current wastewater mains are not large enough to accommodate the projected capacity of the proposed development and will need to be increased in order for the development to proceed.

Regional staff advise that if the City wishes to proceed with a recommendation (approval or modified approval) the applications should be subject to site specific policy and zoning provisions (including a Holding provision) to address the Region’s comments.

Planning staff are recommending a modified approval for the property, that includes site specific policies and a Holding Provision addressing the servicing, land use compatibility and noise comments provided by the Region. Planning staff feel that the proposed modified approval, site specific regulations and holding provision will adequately address the Region’s comments. As such, planning staff are of the opinion that the proposed development, as modified by staff, would conform to the Regional Official Plan.

City of Burlington Official Plan (OP), 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.

Mixed Use Corridor – Employment

The subject lands are designated 'Mixed Use Corridor – Employment' on Schedule 'B' (Comprehensive Land Use Plan – Urban Planning Area) of the City of Burlington Official Plan (1997), as amended.

Part III, Section 5.3.4(b) (Permitted Uses) of the City of Burlington Official Plan (1997), as amended, states that the following uses may be permitted within Mixed Use Corridor – Employment locations:

- industrial uses;
- a broad range of office uses;
- a limited range of retail, service commercial and personal service uses which serve the day to day needs of employees;
- financial institutions and services;
- entertainment, recreation and other community facilities, such as libraries and day care centres; and,
- motor vehicle dealerships.

The maximum permitted building height contemplated on lands designated 'Mixed Use Corridor – Employment' is six storeys (except for industrial uses, where the maximum building height shall be two storeys) with a maximum permitted floor area ratio (FAR) of 1.0:1 (except industrial uses, where the maximum FAR shall be 0.5:1).

The residential density contemplated by the proposed building is 1,047 units per hectare within a 29-storey mixed use building containing 335 residential units.

The applicants are proposing amendments to the Official Plan that include a site-specific 'Mixed Use Corridor – General' designation that would permit residential land uses and include special policies related to increase in the maximum permitted building height, residential density and floor area ratio.

Proposals for the re-designation of lands designated Mixed Use Corridor – Employment to allow non-employment uses shall be evaluated based on meeting the following criteria:

i. the proposal shall only be considered in conjunction with the Comprehensive Review provisions identified in the Provincial Policy Statement and the policies of Provincial Plans;

ii. the proposal shall not detrimentally affect the short and long-term employment land needs of the City;

iii. the intensity and characteristics of the proposed non-employment uses shall not detrimentally impact the viability, desirability, or the proper servicing of existing and future surrounding land uses;

iv. the site's physical and natural characteristics, development constraints and location shall justify the consideration of nonemployment uses at the subject location;

v. re-designation of lands abutting major transportation corridors including railways, highways and major arterial roads shall be discouraged;

vi. support studies as identified in Part VI, Section 5.3, Other Studies Policies of the Plan are prepared;

vii. in addition to (i) through (vi) above, the re-designation shall also meet at least two of the following conditions:

   a. the amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;

   b. the development of the site is not feasible for employment uses within the planning horizon of the Plan;

   c. there are no alternative sites, designated and approved for the proposed use elsewhere in the City;

   d. the proposal will have a beneficial impact on the surrounding uses and the broader community;

   e. the development of the land for non-employment uses will meet a public need identified by City Council resolution.

The subject lands are located in a MTSA area as defined by Provincial and Regional policy, which are areas intended to be developed as complete communities with mixed uses. Regional Official Plan Amendment (ROPA) 48 defined specific elements of the Regional Urban Structure including strategic growth areas and the delineation of Urban Growth Centres and Major Transit Station Areas. Staff Reports PL-30-22 and PL-52-22 brought forward proposed recommendations to the New Burlington Official Plan (2020) to be in conformity with ROPA 48. Staff note that the new Official Plan (2020) has not been updated to reflect the proposed changes of ROPA 48 or Staff Reports PL-30-22 and PL-52-22 as portions of the Plan are still under appeal at the Ontario Land Tribunal (OLT).

The subject lands are located in a Major Transit Station Area and are identified as an area for mixed use intensification. Although these lands are classified as being removed from the Employment Area Layer in the Regional Official Plan, staff acknowledge that requiring 770 m^2 of commercial and employment uses will allow for continued employment uses on the property as part of a mixed use development. Staff note that the entire area will eventually be redesignated through the Area Specific Plan and policies and regulations will be defined to ensure minimum density and employment targets align with the Growth Plan minimums for MTSA areas.

Given the above, staff are of the opinion that the modified proposal will provide for an appropriate amount of employment uses.

Sustainable Design and Compatibility

In accordance with Part II, section 2.7.3 n) of the Official Plan, the applicant submitted a Land Use Compatibility/Mitigation Study, prepared by RWDI, dated July 17, 2023, in support of the sensitive land uses on the property. Halton Region staff retained R.J. Burnside and Associates to peer review the Land Use Compatibility study. The Land use Compatibility Study evaluated six industrial facilities within 1000 metres of the subject lands with respect to air quality, odour, dust, noise, and vibration.

R.J. Burnside and Associates reviewed the submitted Land Use Compatibility and concluded that are several outstanding items that need to be addressed before they can determine whether the proposed development is compatible within the existing environment. They identified five key issues that need to be addressed by the applicant:

1. An attempt should be made to gather information regarding complaints from two major industries (King Paving and St. Marys Cement)
2. The compliance of St. Marys Cement facility with the applicable noise limits at the site should be confirmed with an appropriate noise impact assessment.
3. The compliance of King Paving facility with the applicable noise limits at the site should be confirmed with an appropriate noise impact assessment.
4. Odour impact assessment from the operations at King Paving should be provided to confirm there will be no odour issues at the proposed development.
5. A railway yard should be addressed in the Compatibility Study.

Staff are of the opinion that more information is required to determine whether sensitive land uses can be supported on site and will be requiring the applicant to submit a revised Land Use Compatibility Study addressing the peer review comments. The revised Land Use Compatibility Study will be required as part of the recommended Holding Provision.

Although staff are requiring additional information, staff acknowledge that the property is identified as being located in the Aldershot GO MTSA area which is planned to accommodate future residential development. Through the Site Specific Area review, extensive analysis was undertaken to demonstrate that these lands could accommodate residential development provided that a land use compatibility study supported the use. Based on the above, staff believe that the property will be able to support sensitive land uses, but will require the revised study to confirm.

Residential Intensification

The City of Burlington Official Plan encourages new residential development and residential intensification within the Urban Planning Area in accordance with provincial

growth management objectives while balancing with other planning considerations such as infrastructure capacity, compatibility and integration with the natural environment, active and public transportation use and housing opportunities in proximity to employment areas.

The City's Official Plan provides a balanced approach by targeting specific locations and areas for intensification. Applications to amend the Official Plan to more closely meet the general intent of the intensification policies of the Official Plan and A Place to Grow ('Growth Plan') may be considered appropriate, subject to the nature of the site-specific development application.

The policies of the Official Plan provide for a broad range of permitted residential dwelling types. Residential densities are in accordance with the applicable land use designation and include Residential-Low Density Areas (up to 25 units per net hectare), Residential-Medium Density Areas (26 to 50 units per net hectare), and Residential-High Density Areas (51 to 185 units per net hectare).

The Housing Intensification policies of the Official Plan encourage residential intensification as a means of increasing the amount of available housing stock (including, rooming, boarding and lodging houses, accessory dwelling units, infill, re-development and conversions within existing neighbourhoods), provided that development is compatible with the scale, urban design and community features of the neighbourhood.

Intensification Evaluation Criteria

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

i) adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater, and storm sewers, school accommodation, and parkland;

The applicant submitted a Functional Servicing Report and Stormwater Management Report prepared by Odan Detech Consulting Engineers, dated November 2023 in support of the proposed development. This report outlines the proposed means of managing stormwater and servicing the site with water and wastewater services. Development Engineering staff have reviewed the submitted materials do not have any concerns and concluded that the proposed development can be supported by existing municipal services.

The FSR and SWM Report were also reviewed by Halton Region staff. Regional staff note that recent hydraulic analysis for the wastewater mains within Cooke Boulevard and Plains Road East indicate that the locate wastewater mains should be increased in size to a minimum of 525 mm in diameter to accommodate this area of the MTSA.

Furthermore, the servicing in the Aldershot GO MTSA is being planned comprehensively so that all prospective land development properties in the area can be accommodated. The owner may be required to enter into a Development Agreement, Regional Servicing Agreement and/or Special Financial Agreement in order to finance the construction of the required off-site infrastructure upgrades prior to development.

Therefore, Regional staff are recommending that the development should not proceed until the local sanitary sewers have been and upgraded and operational. Staff are recommending a Holding Provision be placed on the property to ensure that the property can be sufficiently serviced and that the future infrastructure upgrades can be financed.

Halton District School Board students from the area are currently within the Maplehurst Public School, Aldershot Elementary and Aldershot Highschool catchments. According to the school board's projections, these schools are projected to be over building and portable capacity. As a result, options for student accommodation will be reviewed for this school and attendance at local schools is not guaranteed for existing and future students.

Halton Catholic District School Board students would be accommodated at Holy Rosary (B) Catholic Elementary School and Assumption Catholic Secondary School. Neither of the school boards have objections to the proposal.

Parks and Open Space staff have reviewed the submission materials and have no objections to the proposed development. They note that cash in lieu of parkland will be required at the time of building permit issuance.

The proposed development partially satisfies criterion (i) which requires the provision of adequate municipal services including water, wastewater, stormwater management, school accommodation, and parks. With the inclusion of a holding zone, this criterion is met.

ii) Off-street parking is adequate;

Transportation Planning staff have reviewed the parking demands anticipated by the proposed development in the context of the proposed parking supply.

The applicant is proposing a parking rate of 0.74 parking spaces per residential unit and 0.24 visitor parking spaces per unit. They are also proposing a parking rate of 3.5 parking spaces per 100 m^2 of gross floor area for non-residential uses. This results in a total of 318 parking spaces for the proposed development (233 residential spaces and 80 retail spaces to be used for both visitor and retail) and a total combined parking rate of 0.94 spaces per unit.

Transportation Planning staff advised that they are supportive of the proposed parking rate, which will be offset and supported by Transportation Demand Measures including, but not limited to meeting the recommended bicycle parking supply and being located in the Aldershot GO MTSA area. This criterion has been met.

iii) *the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;*

Transportation Planning staff have advised that the proposed development is expected to generate approximately 92 two-way (24 inbound and 68 outbound) trips during the weekday a.m. peak hour and 110 two-way (68 inbound and 42 outbound) trips during the weekday p.m. peak hour. Staff have no concerns with the traffic that will be generated by the proposed development and advise that the applicant will be responsible for the construction of a sidewalk along Cooke Boulevard frontage during the Site Plan stage. This criterion has been met.

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

The subject lands are located nearby existing transit route #1 and in close proximity to route #4, which run along Plains Road and provide access to the Burlington GO Station, Downtown Burlington Bus Terminal and Appleby GO Station. This service provides connections to other routes and other areas of the City and beyond.

The subject lands are also located within 600 metres of the Aldershot GO station which provides frequent transit service along the Lakeshore West GO rail line. Staff are satisfied that the proposed development is in proximity to existing transit facilities.

v) *compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking, and amenity area so that a transition between existing and proposed buildings is provided**;***

The Official Plan defines compatibility as “development or redevelopment that is capable of co-existing in harmony with and will not have undue physical (including form) or functional adverse impact on existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health.

Compatibility should be evaluated in accordance with measurable/objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals”

The following is a discussion of the compatibility of the proposed development in terms of the criteria cited in the above definition:

Scale and Massing

The proposed development contemplates a total gross floor area (GFA) of approximately 23,607 m^2 and a floor area ratio (FAR) which exceeds the maximum FAR permitted by the Official Plan and Zoning By-law. The proposed unit count of 335 units translates into a residential density of 1,046 units per hectare.

The podium has a building height of 21.25 metres and is setback 1.65 metres from Cooke Boulevard. The Tall Building Guidelines recommend a maximum podium height of 80% of the right-of-way width up to a maximum of 20 metres to maintain a human/pedestrian scale and reduce the massing of the building. Based on the guidelines, the building podium should be a maximum height of 16 metres.

Staff are of the opinion that the increased podium height and reduced front yard setback would not create a positive relationship with the street and would not reinforce a human/pedestrian scale. Increasing the front yard setback and reducing the podium height would allow for a wider streetscape and public realm, allowing additional space between the building and street and reducing the overall scale of the building. The stepback above the 6th storey helps to alleviate some massing concerns from the street level, but staff are of the opinion that the impact could be improved by either reducing the podium height and stepping back the podium at the third storey or maintaining the podium height and increasing the front yard setback.

There is a building tower stepback of 7.82 metres above the sixth storey at the front of the building. The guidelines recommend a 3.0 metre stepback above the podium to incorporate outdoor terraces and amenity spaces for the development.

The height of the tower and its location on the building base should provide a gradual and appropriate transition in height to help mitigate potential impacts on the adjacent established or planned context. Limiting the tower floorplate ensures the tower would be slender and maximize sky views and access to sunlight. The proposed floorplate size exceeds the recommended maximum size in the tall building guidelines by 38 m^2. Reducing the floorplate of the tower to the recommended 750 m^2 would help alleviate the overall massing of the building and minimize shadow and wind impacts on adjacent uses.

Therefore, as part of the recommended modifications, staff are recommending that the front yard setback be increased to 3.0 metres, a maximum podium height of 16 metres and a maximum tower floorplate size of 750 m^2.

Height and Transition

The proposed development consists of a tall building with a maximum building height of 29 storeys fronting Cooke Boulevard. The proposed lower building elements consist of a 6-storey podium fronting Cooke Boulevard, two commercial units and a residential

entrance. The proposed building height exceeds the maximum permitted by the Official Plans, Zoning By-law and planned building heights contemplated for the Aldershot GO Area Specific Plan.

Properties immediately adjacent to the subject lands have not been developed, however, 35 Plains Road East (south of the site) has been approved for a 9-storey mixed use building and 1029-1033 Waterdown Road ((west) rear of the site) have an active development application for a 29-storey apartment building, which was refused by City Council through Report PL-35-22 and subsequently appealed to the Ontario Land Tribunal (see Appendix D – Surrounding Context for 1026 Cooke Boulevard). On the opposite side of Cooke Boulevard (53-71 Plains Road East and 1025 Cooke Boulevard), a development application has been approved for 18 storeys along Cooke Boulevard and 11 and 9 storeys along Plains Road East. On the south side of Plains Road East (40-70 Plains Road East), a development application for a 12-storey mixed use building was approved.

Further north of the site, the City is reviewing two development applications:

- 1062 - 1074 Cooke Boulevard
- 1120 Cooke Boulevard

1062 - 1074 Cooke Boulevard is an application proposing two tall mixed-use buildings with heights of 30 storeys to the south and 32 storeys to the north, connected by a shared podium with a height of 6 storeys fronting Cooke Boulevard and Masonry Court and 3 storeys to the rear. This proposal has been appealed to the Ontario Land Tribunal.

1120 Cooke Boulevard and 101 Masonry Court is proposing three tall buildings with building heights of 33 storeys with a 12-storey podium, 31 storeys with a 6 storey podium that steps down to 3 storeys on the north side and 29 storeys with a 6 storey podium.

Staff note that the vision for this area is to provide a transition in building height with the highest building heights near the GO Station and lowest building heights along Plains Road East. This will allow for the gradual transition and variation in height from the northern part of Cooke Boulevard, Masonry Court and Waterdown Road to the southern part along Plains Road East.

Although only three development applications have been approved in the Aldershot GO MTSA, current development applications are starting to establish a built form context that can be applied when reviewing development applications in advance of the area specific plans being approved. Given the surrounding existing and planned context of the area, staff are of the opinion that the modified building height of 22 storeys (inclusive of mechanical penthouse) as recommended by staff is appropriate

as it achieves the gradual stepping down in height from the GO Station to Plains Road East and is compatible with the emerging built form context for the area.

Staff note that this height exceeds the recommended maximum height in the Aldershot GO Area Specific Plan. The additional height was provided in order to provide design flexibility for the applicant while still maintaining the goals and objectives of the area specific plan.

Setbacks

The proposed building is setback 1.65 metres from Cooke Boulevard, 6 metres from the rear property line, 3.0 metres from the north property line and 3.3 metres from the south property line.

The applicant is proposing a 1.65 metre setback from Cooke Boulevard, a 0.60 metre setback to the below grade parking structure and a 0 metres landscape area along Cooke Boulevard. Staff note that is it intended for Cooke Boulevard to have an active street front that will cater to the pedestrian experience and create a positive relationship with the street. Staff believe that the proposed front yard setback of 1.65 metre is not sufficient to achieve this goal. Staff are recommending that the front yard setback be increased to 3.0 metres to accommodate a wider boulevard for landscaping, active uses, pedestrian connections and amenities such as commercial patios and benches.

The applicant is not proposing any landscaping in the private realm but has submitted concept renderings which include trees and flower beds in the public right of way. Staff is of the opinion, that the front of the building should contain some landscaping features and should not solely rely on the inclusion of landscaping in the public right of way. Therefore, staff are recommending that the landscape area abutting a street be increased from 0 metres to 3.0 metres to accommodate future landscaping features, such as trees, flower beds and raised planters etc.

Where there are windows proposed in the podium and no adjacent buildings are present, a minimum setback of 5.5 metres is required between the podium base and adjacent property line. This is to ensure that any future development of a tall building will not be impeded by the current proposal. Staff note the intention of the Aldershot GO Area Specific Plan is for building heights to transition from the highest building heights near the GO Station (Waterdown Road, Masonry Court, northern part of Cooke Boulevard) to lower building heights fronting Plains Road East.

The property south of the subject lands along Plains Road East (35 Plains Road East) is identified as being in the “Aldershot Main Street” Precinct of the Aldershot GO Area Specific Plan. This Precinct envisions a minimum building height of 6 storeys and maximum building height of 11 storeys.

The property immediately north of the subject lands (1038 Cooke Boulevard – Golden Gate Contracting) and west of the subject lands (1029-1033 Waterdown Road) are identified as being in the “Cooke Commons” Precinct of the Aldershot GO Area Specific Plan. The Precinct envisions a minimum building height of 11 storeys and 19 storeys along the west side of Cooke Boulevard.

Staff are of the opinion that the proposed 3.3 metre setback to the south property line (35 Plains Road East) is appropriate as a future mid-rise building can be developed on site. However, staff are not supportive of the proposed 3.0 metre setback to the north property line, adjacent to 1038 Cooke Boulevard as it could impede the future development of a tall building on that site. Staff are recommending that the north side yard setback be increased to 5.5 metres to allow for an appropriate separation between the proposed podium and any future development proposal to the north of the site.

Staff are also recommending a minimum 12.5 metre setback from the north side yard, south side yard and rear yard for the tower of the building (i.e. floors 5 to 21) and a minimum 15.5 metre setback to the mechanical penthouse to provide design flexibility for the applicant, but also ensure that the minimum building separation requirements of Tall Building Guidelines is achieved.

The proposed changes noted above are included in the draft Zoning By-law (Appendix F) and are further discussed in the report under the Urban Design and Zoning section.

<u>Lot Coverage</u>

The Mixed Use Employment (MXE) and Mixed Use General (MXG) Zones do not contain a prescribed maximum permitted lot coverage for buildings within the applicable zoning.

<u>Parking</u>

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

<u>Amenity Area</u>

Amenity areas are proposed in the form of indoor amenity space, private space outdoor amenity areas in the form of private balconies and common amenity areas on the second and sixth floor. Common outdoor amenity areas will include landscaping, badminton courts and a child’s playground.

The applicant is proposing 17.5 m^2 of amenity space per unit whereas the zoning by-law requires 15m^2 per efficiency dwelling unit, 20m^2 per one bedroom unit, 35m^2 per two-bedroom unit).

Noise barriers and wind mitigation measure such as pergolas and glass wind guards are proposed in the amenity areas to ensure that comfortable noise and wind levels are met.

Staff are satisfied with the proposed amenity space and believe that the proposed rate is sufficient for the development. This criterion has been met.

Noise, Vibration, Dust, Odours, Safety and Potential for adverse health impacts

A discussion of the noise, dust, vibration, and odour impacts and mitigation measures is provided above under Housing Intensification criterion (ix). Staff are satisfied that the proposal can provide measures to minimize noise impacts from the CN Railway Corridor, Waterdown Road, Plains Road East and adjacent commercial and industrial uses. However, staff are recommending a holding zone be included in the draft Zoning By-law to ensure that an updated Noise Study addressing the peer review comments is provided and mitigation measures will be implemented at the site plan stage.

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

An Arborist Report, Tree Preservation, Soil Volume Plans Landscape Plans were prepared by MHBC Planning Urban Design & Landscape Architects dated November 2023 and submitted in support of the applications.

The subject lands have a total of 32 trees, with 22 trees (69%) proposed to be removed and 10 trees (31%) to be preserved. All of the trees are privately owned, and 11 trees are located on shared property lines (1029 Waterdown Road, 1038 Cooke Boulevard and 35 Plains Road East).

All the trees proposed for removal are required due to conflicts with the proposed development and will be removed to facilitate construction. Of the 22 trees proposed to be preserved 8 will be injured due to the proposed development and grading works. The 22 trees are considered to be in good condition and are expected to recover from anticipated impacts.

Urban Forestry and Landscape staff have reviewed the submission materials and advise that they are supportive of the tree removals and will require existing private and neighbouring trees to be replaced using the City's tree replacement/compensation calculation. Staff will also require the applicant to consult with neighbouring tree owners to ensure they are aware of the proposed development, potential impacts to their trees and boundary trees and obtain written confirmation that there are no concerns with the proposed treatment of their existing trees. This will be obtained through the Site Plan process.

Staff are also requiring a 3.0 metre front yard setback to allow for an enhanced landscaped area consisting of trees, shrubs and perennials and a 2.0 metre landscape buffer along the south property line adjacent to 15 and 35 Plains Road East. These requirements have been included in the draft Zoning By-law. This criterion has been met.

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

A Sun Shadow Study, prepared by Turner Fleischer Architects Inc, dated September 7, 2023, was prepared for the proposed development, and reviewed by staff. The Sun Shadow Study was not prepared in accordance with the City's Sun Shadow Guidelines as it did not provide Sun Access Factor Calculations, did not include the full study test times, or an evaluation of the proposed shadow impacts on adjacent public open space, private backyard amenity space and the public realm.

The applicant submitted a revised Sun Shadow Study and Sun Access Factor Calculations, prepared by Turner Fleischer Architects Inc on January 31, 2024. Staff note that the revised study and calculations are still not meeting the City's Sun Shadow Guidelines. Staff were not able to undertake a fulsome analysis of the Sun Shadow Study, but note the following:

- The Sun Shadow study evaluated the shadows cast by the proposed development during March 21st, June 21st, September 21st, and December 21st, however the
- The Sun Access Factor Calculations were not done correctly. They are based on shadow averages and not based on individual affected areas (such as backyards, amenity area, public space and boulevards etc.). The calculations should be applied to each affected area individually to determine if it meets the Sun Shadow Guidelines criteria;
- The Sun Shadow study included properties that are not affected by the development e.g., properties on Birchwood and Glenwood Avenue. The Shadow analysis should only reflect affected properties by the proposed development;
- The Sun Shadow study does not address the Parks and Open Spaces criteria. This criteria needs to be addressed as there is a future 0.2 hectare public park across the street at 53-71 Plains Road East and 1025 Cooke Boulevard.
- The Sun Shadow study does not correctly represent the public realm and sidewalk criteria. The provided drawings show exposed areas and areas in

shadow along Masonry Court, Waterdown Road and Plains Road East but do not reflect the shadows cast on Cooke Boulevard.

Given the above, it does not appear that the proposed development is meeting this criterion. Staff will be requiring a revised Shadow Study, Sun Access Calculations, and analysis through a Holding Provision to ensure that the future development on site is meeting the City's Sun Shadow Guidelines. This criterion is not met.

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

The proposed development is located in proximity to various community services and other neighbourhood conveniences (including community centres, retail and service uses, offices and institutional land uses, parks and open space networks and public service facilities) which are accessible by multi modal means (including private vehicle, public transit, cycling and pedestrian connections). This criterion is met.

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

The applicant submitted a Noise and Vibration Impact Study, prepared by RWDI Inc., dated July 17, 2023, in support of the applications.

The study reviewed the acoustic requirements for the proposed development with respect to noise from vehicular traffic along Waterdown Road and Plains Road East, stationary noise sources from surrounding commercial and industrial uses and railway noise and vibration from the CN Rail line. Based on the results of the study, the following mitigation measures are required to achieve a sound limit of 55 dBA:

- A 1.2 metre noise barrier for the at grade outdoor amenity area;
- A 1.7 metre noise barrier for the 2nd floor outdoor amenity area;
- A 1.8 metre noise barrier for the 6th floor west (rear) outdoor amenity area;
- A 1.2 metre noise barrier for the 6th floor southeast outdoor amenity area;
- A 1.8 metre noise barrier for the 6th floor northeast outdoor amenity area;
- Upgraded building components for exterior walls, windows and doors;
- Provisioning for central A/C; and
- Warning Clauses.

Site Engineering staff have reviewed the noise study and are supportive of the conclusions and mitigation measures proposed by the study. CN Rail staff have also reviewed the noise study and do not have any concerns with the proposed development.

Halton Region retained R.J. Burnside and Associates Limited to peer review the submitted Noise Impact Study. The peer reviewer concluded that there are several outstanding items that need to be addressed in order to determine whether the proposed development is compatible with the existing surrounding environment. The following matters remain outstanding:

- Sample STAMSON calculations should be provide to confirm consistent results with an alternative noise mode used (can be addressed at the Site Plan Stage)
- On-site truck activities at Genthem and Golden Gate Contracting facilities should be considered in the noise assessment.
- Information regarding garage/bay doors and potential noise emissions from Golden Gate Contracting should be provided and assessed if required.
- A noise impact assessment from the operations at St. Mary's Cement facility should be included in the report.
- A noise impact assessment from the operations at King Paving facility should be included in the report.

Regional staff have advised that although there are outstanding noise matters related to the adjacent railway yard and corridor, staff defer to the City and CN/Metrolinx to address these comments.

As Development Engineering staff and CN/Metrolinx have no concerns with the submitted Noise Impact Statement, Planning staff feel that the proposed development will be able to adequately mitigate any noise impacts. Staff will require the applicant to submit a revised noise study addressing the comments of the peer reviewer. A Holding Provision has been included in the draft Zoning By-law to ensure that the submitted Noise Study is provided and mitigation measures will be implemented at the site plan stage.

Staff note that the above noise attenuation measures are for the proposed 29-storey mixed use building. As staff is recommending a modified approval, a revised noise study will be required at the Site Plan stage to ensure all applicable mitigation measures have been captured and implemented.

The applicant also submitted a Pedestrian Wind Study, prepared by RWDI Inc., dated December 1, 2023, as part of the application. The Wind Study assessed the effect of the proposed development on local conditions in pedestrian areas for the subject lands and surrounding area.

The Pedestrian Level Wind Study Guidelines (2020) contain evaluation criteria to assess potential wind impacts from the proposed development on surrounding

pedestrian areas. The Pedestrian Wind Comfort Criteria has five comfort categories and associated Gust Equivalent Mean (GEM), which is a comparison between the existing wind condition and the wind condition resulting from the proposed development. The table below provides an overview of the Pedestrian Wind Comfort Criteria for each category.

Wind Comfort Category	GEM Speed (km/hr)	Description
Sitting	≤ 10	Calm or light breezes. Appropriate for dedicated seating areas such as cafes, patios, and outdoor amenity areas
Standing	≤ 14	Gentle breezes Appropriate for main building entrances, bus stops, and other places where pedestrians may linger
Leisurely Walking	≤ 17	Moderate winds Appropriate for shopping and strolling along retail streets and parks
Fast Walking	≤ 20	Relative higher speed winds Appropriate for areas where pedestrians are walking, running, or cycling without lingering
Uncomfortable	> 20	Strong winds Inappropriate due to nuisance for all pedestrian activities Wind mitigation measures required

The Wind Study evaluated the existing conditions, proposed development, and future configuration of the site if 1029-1033 Waterdown Road is approved and developed in accordance with their proposed plans. Below are the findings of the Wind Study:

Existing Condition

- Wind levels are low. The highest wind comfort category is leisurely walking, which does not require mitigation measures.

Proposed Development

- Summer wind conditions are favourable, and the highest wind comfort category is fast walking, which does not require mitigation measures.
- There are 4 uncomfortable areas on the ground level, 1 uncomfortable area on Plains Road East and 1 uncomfortable area on the adjacent property to the north (1038 Cooke Boulevard) during the winter months.
- There are 2 uncomfortable areas identified on the 6th floor outdoor amenity space during the winter months, with one area exceeding the wind safety conditions.

Future Configuration

- Summer wind conditions are generally low, with one fast walking comfort category at the northwest corner of the building. Mitigation measures are not required.
- 1 uncomfortable area on the ground level at the northwest corner of the development.
- 3 uncomfortable areas identified on the 6th floor outdoor amenity space during the winter months, with one area exceeding the wind safety conditions.

Mitigation measures are required to address the uncomfortable wind conditions at ground level, the 6th storey terrace and the 6th floor outdoor amenity space that exceeds the wind safety conditions.

The Wind Study outlined the following mitigation measures for the ground level:

- Articulating the corners of the tower and podium, especially on the east side.
- Installing a deep continuous canopy along the east façade, preferably wrapping around the northeast corner, to deflect downwashing winds away from pedestrian areas. In order to be effective as a wind control feature, the canopy should project at least 2m out from the building façade.
- Adding wind screens around the northeast corner of the building. wind screens should be tall (2m+) and ideally have a small fraction of open area (up to 30%).
- Planting large landscaping elements along the sidewalk of Cooke Boulevard and on the south side of the building where feasible. Please note that plants used for

wind control should be large, have dense foliage, and be able to retain their leaves in the colder months of the year (coniferous or marcescent species)

The Wind Study recommended the following mitigation measures for the 6th floor outdoor amenity area:

- Installing large horizontal features (canopies/trellises) around the eastern corners of the tower.
- Adding planters/partitions/dividers to tower corners and in other frequently used areas to create sheltered zones for occupants.

Staff are satisfied that the proposed mitigation measures will improve the uncomfortable wind conditions noted above and that refinements of exact mitigation measures will be done at the Site Plan Stage.

Staff note that the recommendation for planting large landscaping elements along the south side of the building may not be feasible due to the below grade parking structure location and proposed walkway. Appropriate soil volumes would be required to accommodate any plantings in the south side yard and front yard along Cooke Boulevard.

x) where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate;

As noted above under criterion (v) “Setbacks”, Staff have concerns that the proposed development could impact the future development of the adjacent property to the north (1038 Cooke Boulevard) if the side yard setback is not increased. Therefore, staff are recommending that the northern side yard setback be increased to 5.5 metres to ensure that the current development proposal will not impede the property to the north.

Staff are satisfied that this development proposal would not impact any future development potential for the sites to the south and west of the property as sufficient setback and a 2.0 metre landscape buffer along the south property line are proposed.

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

Staff note that the policy is not applicable to this application, as the subject lands do not contain and are not adjacent to any natural heritage features or natural hazards.

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

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

Policy is 2.11.3(m) is not applicable to the subject proposal as the lands are not located in South Aldershot.

Policy 2.11.3(g) is not applicable as the proposed development is not adjacent to a watercourse.

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

The subject lands are identified as being within a Mixed Use Activity Area, in accordance with Schedule A – Settlement Pattern of the Official Plan. As such, the lands are not within a designated Residential Area. This criterion is therefore not applicable.

Urban Design

The City of Burlington is committed to a high standard of urban design and architecture which is becoming increasingly important as re-development and intensification become more prominent forms of development. The review of proposed building and site design in the context of other development best practices (i.e. pedestrian and transit connections (and the continuity of grade-related activity)); public realm considerations (i.e. safety and comfort), compatibility and neighbourhood character, as well as built form are critical components in the review and evaluation of development applications.

The design of the built environment should strengthen and enhance the character of the surrounding neighbourhoods. Intensification within existing neighbourhoods is to be designed to be compatible and sympathetic to the neighbourhood character. The Official Plan also sets out that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian-oriented and encourage increased use of public transit.

The implementation policies of the City of Burlington Official Plan state that the preparation of design guidelines shall be required as part of the consideration of major site or area-specific development proposals which are to review and recommend solutions to issues such as compatibility with surrounding uses, transit use, micro-climate effects, pedestrian safety, noise abatement and issues of human scale and views.

Any City Council approved design guidelines are considered City policy and shall be implemented for all public and private development proposals.

City of Burlington Tall Building Guidelines (2017)

The City of Burlington Tall Building Guidelines are applicable across the City wherever tall buildings are permitted, and for the purposes of the guidelines, include any buildings over 11-storeys in height.

The Guidelines are broken down by the main components of a tall building, being the Building Base (Podium), Building Middle (Tower) and Building Top. Staff has completed a review of the proposed mixed use building in this context.

2.1 Podium Location

c) *Where no streetwall has been established setbacks should create a 6.0 metre boulevard width to accommodate pedestrians, street trees and landscaping, and active at-grade uses*

A streetwall has not been established on Cooke Boulevard. The current public right of way is 5.5 metres, and the proposed development is providing a 1.65 metre setback from the front lot line. Therefore, a boulevard of 7.1 metres is provided.

While this criterion is being met, staff are recommending an increased front yard setback of 3 metres which would increase the boulevard to 10.1 metres. This would allow an improved pedestrian realm, landscaping, and amenities for retail and commercial uses such as patios and outdoor display. This criterion has been met.

e) *Where windows are proposed within the podium, an 11 metre separation distance shall be provided between adjacent properties. Where no adjacent buildings exist, a 5.5 metre setback is appropriate.*

There are no tall buildings with podiums adjacent to the subject lands. The proposed podium has windows on all sides and is setback 3.0 metres from the north property line and 3.3 metres from the south property line. This criterion is not met.

2.2 Podium Height and Massing

b) *Where no established streetwall exists, the minimum height of the podium should be 10.5 metres.*

c) *The maximum height of the podium should be 80% of the adjacent right-of-way width, up to a max of 20 metres.*

Cooke Boulevard does not currently have an established streetwall. It is intended for this area to transition to a more intensified area consisting of tall and mid-rise buildings. Cooke Boulevard has a deemed width right of way width of 20 metres. Therefore, the maximum building height of the podium should be 16 metres to maintain a human scale and pedestrian feel. The current podium height is 21.25 metres.

Staff recommend that the podium be reduced to 16 metres in order to be more aligned with the podium height requirements of the Tall Building Guidelines.

This criterion is not met.

f) Stepbacks should be a minimum of 3 metres to ensure usable outdoor amenity space (i.e. patios).

The proposed development is providing a 7.82 metres stepback above the podium, which accommodates outdoor amenity space. This criterion has been met.

2.4 Podium Design and Articulation

d) The design of the podium should be primarily constructed of 'heavy' materials such as brick, stone, or metal, to anchor the building.

The podium consists of predominately clear glazing with dark metal mullions and precast concrete and brick pillars throughout the podium. Staff feel that this criterion is met as the upper portion of the tower is mainly light and dark spandrel glass.

e) Portions of the podium that are not occupied by a tower should be used as outdoor amenity space to provide casual surveillance and interesting views from the street.

All areas unoccupied by the tower on the 6th level podium are used for outdoor amenity space. This criterion has been met.

i) Within a retail podium, the ground floor shall be predominantly clear-glazed to provide visual connections and enhance safety. Similarly, public elements of a residential podium (i.e. lobby, amenity space) shall be predominantly clear-glazed.

k) Mixed-use buildings with retail at grade should incorporate vestibules, frequent building entrances, canopies and structural overhangs to provide weather protection for the length of the street.

The proposed building contains commercial/retail and a residential entrance in the podium, both of which are predominantly clear glazed. There is one main commercial entrance with canopies overhead and a vestibule for residents of the building. These criterion are met.

2.5 Site Design, Open Space and Streetscaping

a) Parking, servicing and loading shall be accommodated internally within the building podium and screened from the street.

Parking, servicing and loading are located at the northwest side of the building (rear), internal to the building and screened from the public view. This criterion is met.

Middle Tower

3.1 Tower Location

a) *The placement of the tower shall have no adverse impacts on adjacent Residential Neighbourhood Areas, parks, open spaces, or natural areas.*

Staff were not able to determine if the proposed tower placement has any adverse impacts on adjacent Residential Neighbourhoods, parks, open spaces, as the submitted Sun Shadow study and revision is missing information and was not completed in accordance with the City's Guidelines and Terms of Reference.

This criterion is not met.

d) *Where no towers currently exist, proposed towers shall be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).*

There are currently no existing towers within proximity of the subject lands. The proposed tower is setback 12.5 metres from the north and south property lines and 22.65 metres from the rear property line. This criterion is met.

e) *The tower should be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure usable outdoor amenity space (i.e. patios).*

The proposed tower is stepped back 7.82 meters above the podium and accommodates an outdoor amenity area. This criterion is met.

3.2 Tower Height and Massing

c) *The tower portion of a tall building should be slender and shall not exceed 750 square metres, excluding balconies.*

The proposed tower portion of the building has a floorplate of 788 m^2. This criterion has not been met.

d) *The massing of the tower, and its relationship to the building base, shall not result in adverse wind effects at the street level.*

The submitted Pedestrian Wind Study concluded that the proposed development would generate four uncomfortable wind comfort conditions during the winter months on the ground level at the northeastern side of the building near the residential entrance, the southeastern side of the building around the commercial unit, on Plains Road East and to the north on the adjacent property at 1038 Cooke Boulevard.

The Wind Study outlined several mitigation measures to address the concerns noted above. Staff are of the opinion that the wind impacts created by the proposed development can be adequately mitigated. This criterion has been met.

3.3 Shadow/Sky Views

b) The design and placement of the tower shall have minimal impacts on adjacent residential neighbourhoods, parks, open spaces, or natural areas. Adverse shadow impacts shall not hinder the viability or enjoyment of these areas.

As noted throughout the report, the submitted Sun Shadow Study and revised study was evaluated by staff, but it was not completed in accordance with the City's Sun Shadow Guidelines and Terms of Reference. The proposed building does not appear to conform with the Sun Shadow Guidelines. Therefore, staff will require a revised Sun Shadow Study as part of the Holding Provision. This criterion is not met.

c) The widest edge of the tower should generally be oriented in an east-west direction to minimize the impacts of shadows.

The widest portion of the tower is oriented in an east-west direction. This criterion is met.

d) It is recommended that a shadow study be provided with tall building applications to demonstrate the impacts at the equinoxes (March 21 and September 21).

The submitted Sun Shadow Study evaluated the shadow impacts for March 21st and September 21st, however the Sun Access Factor calculations were not calculated in accordance with the City's guidelines and the study did not include the required test times. This criterion is not met.

3.4 Tower Design and Articulation

e) Balconies are encouraged within the tower to provide amenity space and additional articulation. They may be inset or extruding but should be a minimum of 1.5 metres to provide usable outdoor amenity space.

The proposed building has both inset and extruding balconies in the tower portion. The balconies appear to be 1.5 metres in depth, but the dimensions were not provided. This criterion is met.

4.2 Mechanical Penthouse

a) Rooftop mechanical equipment shall be sized and located and screened from view, in order to protect or enhance views from other buildings and the public realm.

c) Rooftop mechanical equipment should be limited to no more than 50% of the area of the uppermost floor, and stepbacks on all sides should be no less than 3 metres from the edge of the floor below to ensure they are screened from view.

Rooftop mechanical plans were not provided for the proposed development. It appears that the mechanical penthouse is setback on the east side of the building, but no other details were provided. Therefore, staff are unable to determine if the above criterion are met.

City of Burlington Official Plan (2020)

On November 30, 2020, the Region of Halton issued a Notice of Decision approving OP 2020. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new OP is subject to appeals. Appeals are currently before the Ontario Land Tribunal (OLT).

Section 17(27) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal - that date being December 22, 2020, for the new Burlington Official Plan. At this time, no determination has been made as to the appeal status of the relevant sections of OP 2020.

The subject lands are designated 'Urban Corridor - Employment' to Schedule 'C' (Land Use – Urban Area) of OP 2020 and are located within a 'Primary Growth Area' (Schedule 'B-1' – Growth Framework). The subject lands are located within the Aldershot GO Major Transit Station Area (MTSA) and Special Planning Area (Schedule 'G' – Aldershot GO MTSA Special Planning Area).

The primary growth areas in the City shall accommodate the majority of the City's forecasted growth over the planning horizon of the new OP and beyond and consequently will experience the greatest degree of change. These areas shall be regarded as the most appropriate and predominant locations for new tall buildings in accordance with underlying land use designations or the land use policies of an area-specific plan. These areas shall also support the frequent transit corridors and accommodate development that is compact, mixed-use and pedestrian-oriented in nature.

Major Transit Station Areas (MTSAs) are an important component of the City's urban planning area, and are intended to serve as city-wide destinations and focal points for the provision of transit. MTSAs are to exhibit a wide variety of land uses and building types, and densities that will be oriented to support and facilitate transit and active transportation. MTSAs are focal points for higher intensity and mixed-use, transit-supportive development that will accommodate a significant share of the City's future population and employment growth. The Aldershot MTSA is identified as an area that will be subject to further detailed area-specific planning, which is currently underway.

Uses permitted within the 'Urban Corridor – Employment' designation may include:

- industrial uses;

- office uses;
- accessory retail and service commercial uses which serve the day to day needs of employees;
- home improvement and home décor sales;
- automotive commercial uses, including large-scale motor vehicle dealerships existing on the date the Plan comes into effect;
- entertainment uses; and,
- recreation uses.

The Urban Corridor – Employment designation permits a maximum floor area ratio of 2.0:1. An increase to this floor area ratio may occur through a site-specific zoning by-law amendment or minor variance application, without the need for an amendment to the Plan, provided that the objectives of the Urban Corridor-Employment designation are maintained.

The minimum building height shall be two (2) storeys, except for industrial uses where no minimum height is required; and the maximum building height shall not exceed six (6) storeys. Where required to ensure compatibility, four (4) to six (6) storey buildings may be required to be terraced back from adjacent residential areas and/or the street.

City of Burlington Zoning By-law 2020

The subject property is currently zoned “Mixed Use Corridor Employment (MXE)” in accordance with Zoning By-law 2020. This MXE zone permits select retail commercial; service commercial community; office; automotive; entertainment and recreational uses.

The applications propose to change the zoning to a site specific ‘Mixed Use Corridor General (MXG-534)’. The proposed development does not comply with some regulations including building height, floor area ratio, parking, and street side yard setback.

The following table outlines the requirements of the ‘Mixed Use Corridor Employment’ (MXE) Zone, ‘Mixed Use Corridor General (MXG), what is being proposed and staff’s modified recommendations.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Building Height	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey maximum	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey maximum	Maximum 30-storey building height including	Maximum 22 storey building height including mechanical penthouse

			mechanical penthouse	and rooftop amenity area

Staff Comment:

Staff have reviewed the proposed development application in the context of the emerging built form and planned vision of the Aldershot GO Area Specific Plan. The emerging built form generally aligns with the planned vision of the Aldershot GO Area Specific Plan in that development applications with increased building heights are being proposed closer to the GO Station and lower building heights are being proposed and approved along Plains Road East.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Podium Height	N/A	N/A	21.25 metres	16 metres up to 5 storeys

Staff Comment:

The proposed podium is 5 storeys and has a building height of 21.25 metres. The Tall Building Guidelines recommend a maximum podium height of 80% of the right-of-way width up to a maximum of 20 metres to maintain a human/pedestrian scale and reduce the massing of the building. Based on the guidelines, the building podium should be a maximum height of 16 metres.

Staff are of the opinion that the increased podium height in conjunction with the reduced front yard setback would not create a positive relationship with the street and would not reinforce a human/pedestrian scale.

Therefore, staff are recommending a maximum podium height of 16 metres to alleviate the massing concerns of the proposed development.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Floor Area Ratio	Entertainment or Recreation Buildings: 0.5:1 Industrial Buildings: 0.5:1 Other Buildings: 1.0:1	Entertainment or Recreation Buildings: 0.5:1 Industrial Buildings: N/A Other Buildings: 1.5:1	7.4:1 maximum (note – staff believe the correct FAR being proposed is closer to 11:1.)	10.5:1

Staff Comment:

Staff are recommending a floor area ratio maximum of 10.5:1. The proposed FAR will allow for intensification at an appropriate scale. The intent is to provide the applicant with some design flexibility for the building, while upholding the City's objectives for the area. Therefore, staff are of the opinion that the proposed FAR, combined with the proposed setbacks, is appropriate for the site.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**

Minimum Floor Area for Retail or Service Commercial Use	N/A	N/A	370 m^2	No modification proposed
Staff Comment: The Mixed Use Corridor zones do not currently have provisions for a minimum floor area for retail and service commercial uses. Staff are recommending a minimum floor area provision be added to the by-law in order to achieve the active street frontage envisioned for Cooke Boulevard and to ensure that some of the commercial space being removed from the property is being replaced. Staff are including this as a minimum and encourage the applicant to provide more commercial space is feasible to achieve the mixed-use goal for the MTSA area.				
Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Minimum Floor Area for Non-Residential Use	N/A	N/A	None proposed	400 m^2
Staff Comment: The current proposal is removing employment uses in a previous employment area, with the intent of providing a minimum of 370 m^2 of commercial space and 12 jobs. The current proposal would remove approximately 837 m^2 of commercial space from the area. in order to compensate for this loss of commercial space, staff are recommending an additional 400 m^2 of non-residential space be provided for a total of 770 m^2 of non-residential floor area. This will provide an opportunity for more employment uses and a broader range of uses.				
Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Yard Abutting Any Other Street	3 m minimum; 4.5 m maximum	3 m minimum; 4.5 m maximum	1.65 m	3.0 m
Staff comment: The applicant is proposing a front yard setback of 1.65 m along Cooke Boulevard. Staff are recommending that the front yard setback be increased to a minimum of 3.0 m to alleviate massing concerns and achieve an active street frontage along Cooke Boulevard. Providing a wider boulevard will provide opportunities for landscaping, commercial patios, sitting areas, and pedestrian connections. The increased setback will also enhance the public realm by creating a vibrant, pedestrian friendly streetscape.				
Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Rear Yard Setback to Floors 1 to 5	3 m	3 m	6 m	No modification proposed
Staff Comment: The development application at 1029-1033 Waterdown Road (rear of the property) is proposing a 29-storey apartment building with a 0 metre setback to the rear property line. Staff are of the				

opinion that the proposed rear yard setback is appropriate and will provide a sufficient separation distance between the proposed development at 1029-1033 Waterdown Road.

Therefore, Staff are supportive of the proposed rear yard setback.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Rear Yard Setback to Floors 6 to 21	n/a	n/a	22.64 m	Minimum of 12.5 m

Staff Comment:

Staff are including an additional rear yard setback for floors 5 to 21 to ensure that the tower portion of the building is setback a minimum of 12.5 metres from the rear property line. The Tall Building Guidelines require a minimum separation distance of 25 metres between towers to maximize privacy and sky views and to minimize shadow and wind impacts. Where no towers exist, a 12.5 metre separation is appropriate to ensure that one property is not impeding the other property from developing.

Therefore, staff consider this is an appropriate setback to include in the by-law as it will provide design flexibility for the site while still maintaining the minimum separation distance requirements of the Tall Building Guidelines.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
South Side Yard Setback Floors 1 to 5	No minimum	No minimum	3.0 m	No modification proposed

Staff Comment:

The property south of the subject lands (35 Plains Road East) has approvals for a 9-storey mixed use building and is identified in the Aldershot GO Area Specific Plan as having a maximum building height of 11 storeys. As the development to the south will accommodate a future mid-rise building, staff are of the opinion that the proposed 3.0 metre setback is sufficient, and no modification is required.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
South Side Yard Setback Floors 6 to 21	No minimum	No minimum	3.0 m	12.5 m

Staff Comment:

As stated above, staff are including additional side yard setbacks from the property lines to the tower portion of the building. Staff have included a south side yard setback for floors 5 to 21 to ensure that the tower portion of the building is setback a minimum of 12.5 metres from the south property line.

Staff feel that this is an appropriate setback to include in the by-law as it will provide design flexibility for the site while still maintaining the minimum separation distance requirement of the Tall Building Guidelines.

Zoning Regulation	MXE	MXG	Proposed	Modified
North Side Yard Setback Floors 1 to 5	No minimum	No minimum	3.0 m	5.5 m
Staff Comment: Staff have concerns that the proposed 3.0 metre north side yard setback for the podium could impede the future development of the property to the north (1038 Cooke Boulevard). The Tall Building Guidelines recommend a 5.5 metre separation distance between podiums containing windows to ensure that neighbouring properties are not hindered by another development and an appropriate separation between tall buildings is achieved. The property at 1038 Cooke Boulevard is also located in the Aldershot GO Area Specific Plan and identified as an intensification area with a maximum allowable building height of 19 storeys. Staff are recommending that the north side yard setback for floors 1-4 be modified to include a setback distance of 5.5 metres to align with the requirements of the Tall Building Guidelines.				
Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
North Side Yard Setback Floors 6 to 21	No minimum	No minimum	3.0 m	12.5 m
Staff Comment: As noted above for the rear yard setback and the south side yard setback for floors 5 to 21, staff are recommending a minimum setback of 12.5 metres from the north property line. The Tall Building Guidelines require a minimum separation distance of 12.5 metres when there are no existing towers to ensure that one property is not impeding the other property from developing, that privacy and sky views are maximized and to minimize shadow and wind impacts. Staff are of the opinion that this is appropriate as it will comply with the Tall Building Guidelines minimum separation distance requirements and provide design flexibility for the site.				
Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Mechanical Penthouse Setback for North and South Side Yard and Rear Yard	N/A	N/A		Front Lot Line: 9 metres North, South and Rear Lot Line: 15.5 m
Staff comment: The proposed development appears to show a setback to the mechanical penthouse along the front of the building; however, mechanical penthouse drawings were not provided. Staff are recommending a minimum 15.5 metre setback from the north, south and rear lot lines and a 9 metre setback from the front lot line to ensure that the mechanical penthouse is stepped back				

appropriately, will not have a negative impact wind or shadow impact and adheres to the Tall Building Guidelines.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Maximum Tower Floorplate	N/A	N/A	788 m^2	750 m^2

Staff comment:

The proposed development has a proposed tower floorplate size of 783 m^2. The zoning by-law does not currently contain a provision for maximum floorplate size, but the Tall Building Guidelines recommend a maximum floorplate size of 750 m^2 to maximum sky views and reduce shadow impacts. Therefore, staff are recommending a maximum floorplate size of 750 m^2 be included in the by-law.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Landscaping Area Abutting a Street	3.0 m	3.0 m	0.0 m	3.0 m

Staff comment:

The proposed development does not have any landscaping proposed along the private realm of the development. The submitted building renderings show landscape features including trees and flower beds in the public realm. Staff feel that landscaping features should be included in both the private realm and public realm. This will contribute to a complete and vibrant streetscape. Therefore, staff are proposing that the applicant meet the minimum required landscaping area abutting a street for the MXG zone.

Zoning Regulation	**MXE**	**MXG**	**Proposed**	**Modified**
Landscape Buffer	N/A	N/A	0 m	2.0 m along south side yard

Staff comment:

Urban Forestry and Landscape staff have requested a 2.0 metre landscape buffer along the south side yard to provide a buffer between the proposed development and 15 and 35 Plains Road East. Staff are supportive of the proposed modification as it will provide a transition between the proposed tall building and future mid-rise development at 15 and 35 Plains Road East.

Zoning Regulation	**Part 1, Table 1.2.6**	**Proposed**	**Modified**
Parking Rate	Apartment Building: 1.25 spaces per unit, including visitor parking	<u>Apartment Building:</u> Resident: 0.71 per unit Visitor: 0.24 spaces per unit <u>Non-Residential Parking:</u>	No modifications proposed

	Non-Residential: 3.5 spaces/100m2 of Gross Floor Area	3.5 spaces/100m2 of Gross Floor Area only (can be shared with visitor parking including designated accessible spaces).	

Staff Comment:

The applicant is proposing a parking rate of 0.71 parking spaces per residential unit, 0.24 visitor parking spaces per unit and 3.5 spaces per 100 m2 of gross floor area for non-residential uses. The Zoning By-law requires apartment buildings to have 1.25 parking spaces per unit including visitor parking and 3.5 parking spaces per 100 m2 of gross floor area for non-residential. Transportation Planning staff support the parking reduction as it will be offset and supported by Transportation Demand Management measures such as bicycle parking supply and being located in a MTSA area.

Staff have also reviewed the designated accessible spaces being proposed which includes 7 designated accessible parking spaces. The City's Accessibility Coordinator has provided comments stating that a lower parking rate for accessible spaces cannot be supported. Therefore, staff are not proposing a modification to the accessible parking rate and the applicant will need to conform to the by-law requirements.

Zoning Regulation	Part 1, Section 2.13.1 (f)	Proposed	Modified
Below Grade Parking Structure	A Parking structure below grade and less than 1.6 m above grade may encroach into a required yard but shall not encroach into a required landscape buffer, provided that a minimum 3.0 m setback shall be maintained from a street line or property line.	Front Yard: 0.6 m North side yard: 0.6 m South side yard: 0.59 m Rear side yard: 0.58 m	No modifications proposed

Staff Comment:

The applicant is proposing a reduction to the below grade parking structure for all property lines. Development Engineering staff have reviewed the proposal and do not have any concerns with the reduced setbacks to the below grade parking structure. Urban Forestry and Landscape staff advise that a minimum 30m³ of soil per tree in a single tree pit and 20m³ per tree in a shared planting environment is required to ensure trees have enough space and soil volume to survive. Urban Forestry and Landscape staff believe that the proposed below grade parking setbacks will provide enough space and soil volumes for the proposed landscaping on site. Therefore, staff are supportive of the proposed reductions.

Staff note that the applicant will need to demonstrate at the site plan stage that shoring, and excavation can be done solely on the owner's property and will not encroach into the public right of way or private property.

Zoning Regulation	Proposed	Modified
Bicycle Parking	1 long-term bicycle parking space and 4 short-term bicycle parking spaces for retail use. 168 long-term bicycle parking spaces and 17 short-term bicycle parking for residential units	Retail Land Use: 2 long-term spaces plus 1 space per 1,000 m^2 GFA 3 short-term spaces plus 1 space per 1,000 m^2 GFA Residential Land Use: 0.5 long-term plus 0.05 short-term bicycle parking spaces per unit.
Staff Comment: The City's Zoning By-law does not currently have zoning provisions for short or long-term bicycle parking. Staff have included the minimum bicycle parking recommendations from the July 2017 Burlington City-wide Parking Standards Review to algin with City standards.		
Zoning Regulation	Proposed	Modified
Bicycle Parking Long Term and Short Term Definitions	N/A	Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker. Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. Each bicycle parking space shall be 60cm x 1.8m in size.
Staff Comment: As noted above, the City's Zoning By-law does not currently have zoning provisions for short or long-term bicycle parking. Staff have included regulations for bicycle parking including definitions of long term and short term bicycle parking, bicycle parking space location and bicycle parking space size. These regulations are in line with the recommendations of the July 2017 Burlington City-wide Parking Standards Review and other zoning by-laws.		

Technical Review

The application was circulated to internal staff and external agencies December 11, 2023 for review. The following are the comments received that have been summarized below:

Accessibility Coordinator – No reduction in the accessible parking spaces or parking space size will be permitted. All other concerns are able to be addressed at the Site Plan stage.

Development Engineering –Development Engineering has indicated no objection to the application.

Finance - Taxes must be paid. This includes all outstanding balances plus current year taxes that have been billed but not yet due.

Transportation – Transportation planning staff have no objections to the traffic volumes and parking. The parking is supported for the proposed use.

Zoning – No concerns.

Landscape and Urban Forestry – have advised that there are no concerns with the proposed tree removal or injuries for the proposed development. Staff will require the applicant to inform neighbouring tree owners of the impacts of the development and obtain written permission to remove neighbouring/boundary trees. Further, staff have requested a 3.0 metre front yard setback to allow for landscaping and a 2.0 metre landscape buffer along the south property line. These requests have been incorporated into the draft Zoning By-law in Appendix F.

Parks – Cash in lieu of parkland is required and charged at the rate in effect at the time of the building permit issuance.

Heritage – No objections.

Fire Department – Fire Department Staff have provided comments that are able to be addressed at the Site Plan stage.

Sustainable Development Committee – No comments have been received at this time; however, it is recommended that all objectives of the Sustainable Building and Development Guidelines are considered. The SDC will provide more in-depth comments at the Site Plan stage.

Police Department – No concerns.

Halton Region – Halton Region provided comments that stated that they are not currently in the position to support the proposed Official Plan Amendment and Zoning By-law Amendment due to the outstanding Land Use Compatibility Study and Noise Study maters noted in the report. Regional staff have advised that the applications can proceed under a holding zone, provided that their concerns are addressed. With the use of the

holding zone, staff are of the opinion that the concerns from Halton Region have been addressed.

Halton Catholic District School Board – No objection; standard conditions will apply at the Site Plan stage.

Halton District School Board – No objection; standard conditions will apply at the Site Plan stage.

Hydro One – No objections.

Canada Post – No concerns at this time. Delivery to the proposed development will be received through a centralized mail room within the building.

Aldershot BIA – The Aldershot BIA supports development that includes retail and commercial space on strategic streets, such as Cooke Blvd (located with the Aldershot MTSA), to support a wide range of amenities in the ABIA including groceries, full-service restaurants (including venting), daycare, services, and other uses to serve the day to day needs of businesses and residents in re-development. They note that of the current proposal, only 370 sq m of retail/commercial space is allocated. The retail space will go from 13,000 sq. ft. to only 4,000 sq. ft. The ABIA would like to see more retail space allocated to ensure there are plenty of amenities for new residents and existing square footage is maintained or increased in new developments within the MTSA.

They also advise that it would be beneficial to any potential commercial tenants to have some dedicated commercial-only parking spots for ease of customer use.

Imperial Oil – No Imperial Oil infrastructure in the vicinity of this location.

Trans-Northern Pipelines Inc. – No infrastructure in the vicinity of this area.

Sun-Canadian Pipeline – No facilities in the described project area.

Financial Matters:

The proposed development would be subject to City and Region Development Charges and Park Dedication fees. The City's Finance Department has also indicated all outstanding taxes are required to be paid.

All application fees have been received in accordance with the Development Application Fee Schedule. The application has been processed under the timelines afforded by the *Planning Act* (i.e. 120 days). Should a decision not be rendered by March 19, 2024, the City will be required to refund the application fees.

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 Official Plan Amendment and Zoning By-law Amendment applications, 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 at the south and west property lines. Landscaping will be also be provided on the ground floor, 2nd floor and 6th floor amenity area. Staff are also recommending that the applicant provide landscaping at the front of the building.

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

In accordance with Guideline 2.3, development proposals require bicycle parking spaces in accordance with the Zoning Bylaw and Official Plan Policies in order to reduce greenhouse gas emissions, reduce traffic congestion and improves health as well as convenient bicycle parking to encourage the use of active transportation. Similarly, Guideline 2.5 and 2.6 encourages development proposals to locate occupant/employee bicycle parking near the main entrance or easy to identify area, in a weather protected area with controlled access or secure enclosures, at no extra charge to the occupant/employee. 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 is providing 190 bicycle parking spaces whereas 186 bicycle parking spaces are required. They are provided on the ground floor and the below grade parking structure.

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 determined that they are sufficient for the proposed development.

In accordance with Guideline 3.8 encourages to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) OR Maintain 75% of healthy mature trees greater than 20 cm DBH. Additionally, tree preservation requirements 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. 32 trees were surveyed on/in the vicinity of the Subject Lands. Of these, 11 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 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. Water quality will be accomplished though an oil/grit separator. Additional opportunities for LID measures are to be explored at the stie plan stage. Technical review of the stormwater management will be reviewed at the site plan stage and development engineering staff have no concerns regarding the official plan and zoning amendment.

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 landscape areas along the south and west property lines. Landscape areas have also been provided in the outdoor amenity areas on the ground floor, 2nd floor, and 6th floor.

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:

The applicant held a virtual Pre-Application Community Consultation Meeting on October 11, 2023, prior to the submission of the applications. There were twelve (12) public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, Councilor Galbraith, and City Planning staff were also in attendance.

The Pre-application Community Meeting identified four areas of concern including traffic, parking, building height and amenity and green space. The applicant addressed these concerns in the submitted Planning Rationale Report, however no changes were made to the proposal as a result of the Pre-application Community meeting.

A notice sign was posted on the subject lands on December 20, 2023. A public notice of the Official Plan Amendment and Zoning By-law Amendment application has been mailed to 142 members of the public, which includes all property owners and tenants within 120 metres of the subject land.

A webpage was created on the City of Burlington website, accessible at burlington.ca/1026cooke. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

Public Comments

As of the writing of this report, staff have received one (1) public written comment with respect to the subject applications. The public comment is included in Appendix C. Below is a summary of the comments and staff response:

Comment:	Staff Response:
Parking • Reduced parking would be a nuisance to the businesses and Go Station parking • The proposed development should have 425-450 parking spaces to give those with an additional car the option to rent their parking spot and	The subject lands are identified as a Primary Growth Area as per Schedule B-1 of the City's New Official Plan. The Zoning By-law sets out that within a Primary Growth Area the required parking rate is 1.25 parking spaces per units inclusive of visitor parking. The Zoning By-law acknowledges that this is an interim rate and is subject to further study.

about 25 spots in reserve for overnight and day visitors.	Transportation staff have reviewed the proposal and have indicated no concerns with the proposed parking rate of 0.94 parking spaces per dwelling unit including visitor parking and 3.5 spaces per 100 m^2 of gross floor area for retail. Further, the proposed parking rate is consistent with other approved parking rates in the surrounding area inside the MTSA boundary.
Electric parking spaces • Will this development and future developments be built with charger ability for each parking spot? • Will the development be electrified accordingly?	The City of Burlington does not currently have electrified parking space requirements, however they are recommended and encouraged through Official Plan policies and Transportation Demand Measures. The City of Burlington is currently working on updating the City's Zoning By-law and reviewing the requirement of electric parking spaces for development applications. This work is still ongoing, and no decisions have been made. The proposed building will need to comply with the Ontario Building Code regulations for all electrical work. It is not known at this time if the proposed below grade parking structure will incorporate the ability for electric vehicle parking spaces.

Conclusion:

Planning staff have reviewed the Official Plan Amendment and Zoning By-law Amendment applications submitted for the lands located 1026 Cooke Boulevard and it is staff's opinion that the modified high-density development recommended by staff represents an appropriate form of intensification and efficient use of land. It is staff's opinion that the modified proposal satisfies the City's objectives to development the Aldershot GO MTSA as a mixed use community; provide housing opportunities that encourage use of public transit and active transportation; achieve design excellence and provide development that is compatible with surrounding properties.

Staff recommend a modified approval of the subject applications to amend the Official Plan and Zoning By-law on the basis that that the modified proposal is consistent with and conforms to Provincial, Regional and Local policies, is compatible with surrounding land uses, and satisfies the technical and servicing requirements of the affected City Departments and external agencies, subject to the inclusion of a holding zone.

Respectfully submitted,

Elyse Meneray

Planner – Development Review

905-335-7600 ext. 7462

Appendices:

A. Existing Zoning
B. Concept Plan
C. Public Comments
D. Surrounding Context for 1026 Cooke Boulevard
E. Draft Official Plan Amendment
F. Draft Zoning By-law Amendment

Notifications:

Kathleen Dryden
kathleendryden@kdinstallations.ca

David Mckay
7050 Weston Road, Suite 230
Woodbridge, ON, L4L 8G7
dmckay@mhbcplan.com

Report Approval:

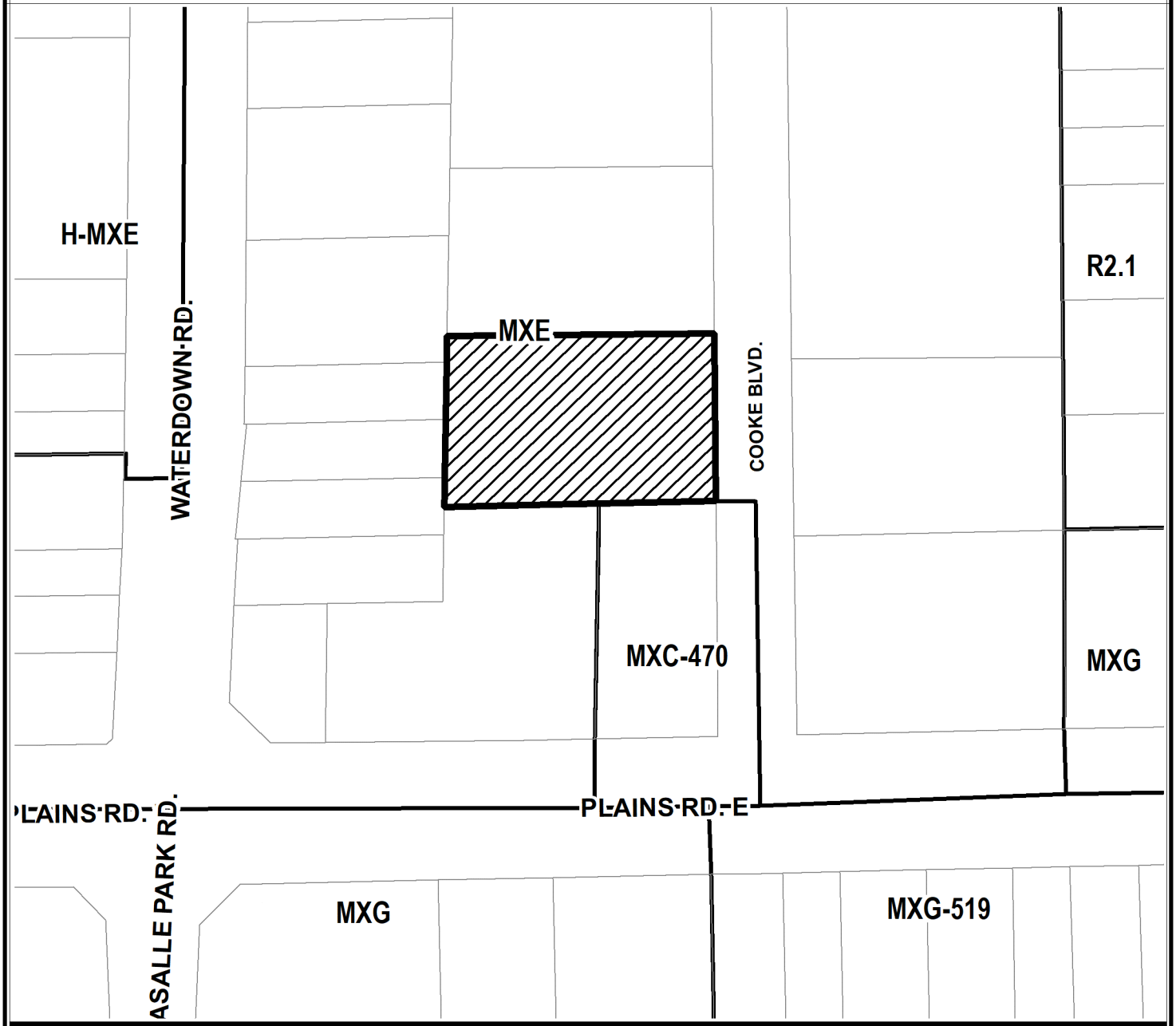
All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

EXISTING ZONING

Development applications have been submitted for an Official Plan Amendment and Zoning By-law Amendment to permit the development of a 29 storey mixed use building with a total of 335 residential units, 370 sq. m of ground floor retail and 318 parking spaces within four levels of underground parking. Ground level and rooftop amenity areas are also proposed.

SUBJECT PROPERTY

File Nos. 520-09/23
& 505-03/23



GENERAL ZONING LEGEND

Low Density	Medium Density	High Density	Mixed Use	Commercial	Employment	Other
R2.1			MXE MXC MXG			

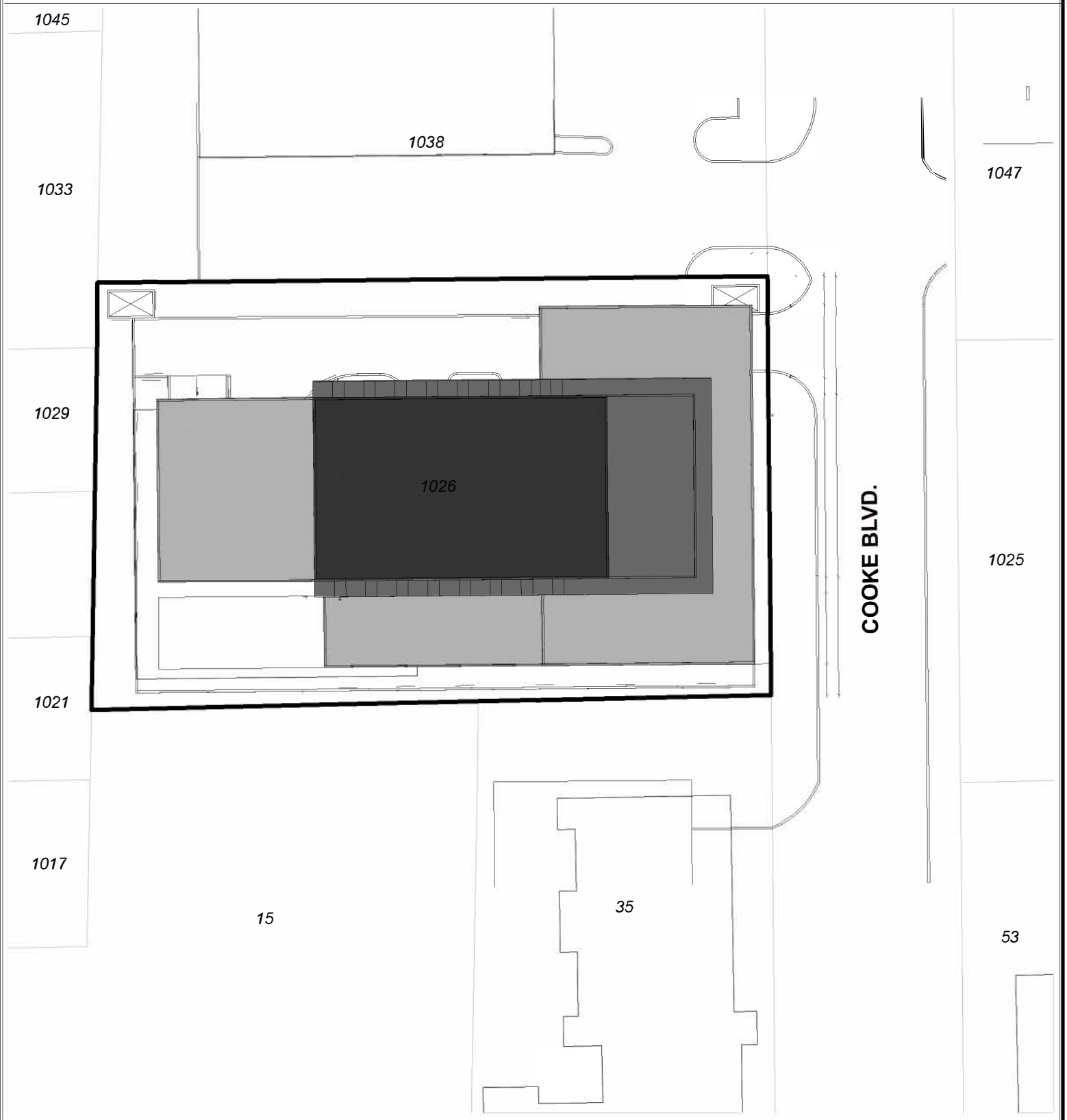
Date: December 06, 2023
Community Planning Department

CONCEPT PLAN

Development applications have been submitted for an Official Plan Amendment and Zoning By-law Amendment to permit the development of a 29 storey mixed use building with a total of 335 residential units, 370 sq. m of ground floor retail and 318 parking spaces within four levels of underground parking. Ground level and rooftop amenity areas are also proposed.

File Nos. 520-09/23 & 505-03/23

SUBJECT PROPERTY — Bus Route — Bus Stop



Date: December 06, 2023
Community Planning Department

Hi Burlington, RE-Development 1026 Cooke

I live in the area of the many developments planned near the Aldershot Go Station. My particular comment on this new development will be focused on parking:

- The view developers always limit, go shy on the number of parking spots that are appropriate. My view is the structure should have, for 335 residential units, somewhere around 425-450 parking spaces. This would give those with a second car the option to rent an additional parking spot and about 25 spots should be reserved for overnight and day visitors.
  In my view with all the high density developments in the Aldershot Go area using the 1026 standard the area will be greatly short of parking. And therefore will be a nuisance to businesses and Go Station parking.
- There is an indication Canada is going electrical cars. Therefore is this development and likewise any new other developments in Burlington, not roughed in, but being built with a charger ability at each parking spot? Building is electrified accordingly?

Please table my comments at the Statutory Meeting for this project in March.

Thanks Bert

[redacted]

CONTEXT for 1026 COOKE BLVD

Legend

- Approved
- Under Review
- Appealed - ZBL/OPA/Subd
- Appealed
- # Number of Storeys

50 0 50 100 Metres

Date: February 13, 2024

WARNING! The information contained herein is compiled from other documentation and may contain errors, ommission or inaccuracies. The City of Burlington, its officers, employees and agents are not responsible for, and the users by accepting this document hereby waive as against the said City, its officers, employees, agents, any claim for damages arising from or in any way related to any errors, ommissions, misrepresentation or inaccuracies contained in this document whether due to negligence or otherwise. Any user is advised to verify all information and assume all risk in relying on the information contained herein.

TERANET City of Burlington

Community Planning Department

OFFICIAL PLAN AMENDMENT

AMENDMENT NO. 143 TO THE OFFICIAL PLAN

OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No.143 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to redesignate the lands at 1026 Cooke Boulevard currently designated as “Mixed Use Corridor – Employment” to “Mixed Use Corridor – General” and to add a site specific policy to permit a 22 storey mixed use building on the subject lands with a Floor Area Ratio of 10.5:1.

2. SITE AND LOCATION

The subject lands are municipally known as 1026 Cooke Boulevard and are located on the west side of Cooke Boulevard. The lands are rectangular in shape, have a total net lot area of 0.32 ha and a frontage of 44 m.

3. BASIS FOR THE AMENDMENT

a) The subject application proposes intensification that is consistent with the Provincial Policy Statement (PPS), 2020. The PPS promotes a range and mix of uses and housing that efficiently uses land, resources, infrastructure, and public service facilities and is supportive of public transit.

b) Intensification of land within built-up, serviced areas of the City makes more efficient use of existing developed lands and provides employment opportunities which meets the intent of the Growth Plan and the Region of Halton Official Plan.

c) The proposed development supports the City's objective to broaden the range of housing forms and supply to meet City needs in a manner that is compatible with surrounding properties and uses.

d) The proposed development is located on lands with adequate infrastructure and in close proximity to transit routes, commercial uses and community amenities so satisfies Official Plan policies to provide housing opportunities in locations that can reduce travel times and decrease dependence on the car.

e) The applicant submitted technical studies that provide adequate and appropriate information to support the development.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change:

Schedule B - Comprehensive Land Use Plan – Urban Planning Area, of the Official Plan (1997, as amended), is modified by re-designating the lands designated as "A" on Schedule "A" attached hereto from "Mixed Use Corridor – Employment" to "Mixed Use Corridor – General".

Text Change:
The text of the 1997 Official Plan for the Burlington Urban Planning Area, as amended, is hereby amended as follows:

By adding the following site-specific policy x) at the end of Part III, Land Use Policies – Urban Planning Area, Section 5.3 Mixed Use Corridors (General, Employment and Commercial Corridor), Subsection 5.3.2 General Policies:

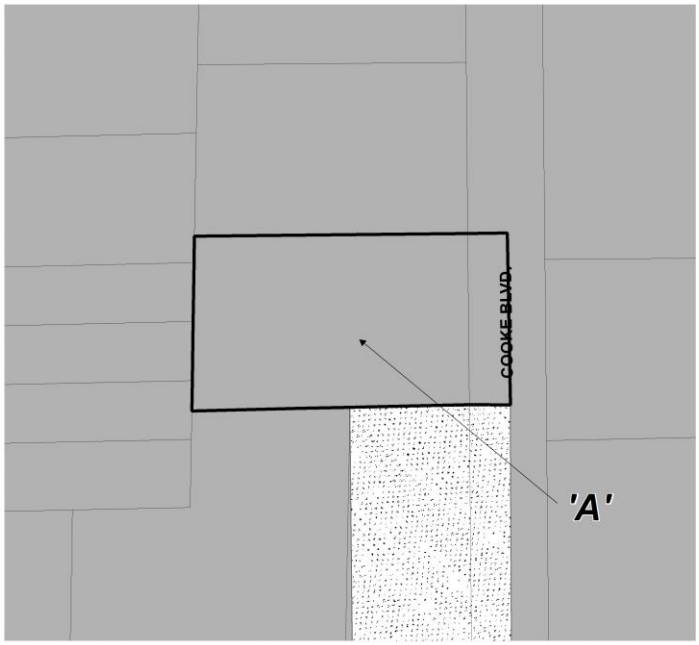
1026 Cooke Boulevard	x) Notwithstanding the policies of Part III, Section 5.3, Subsections 5.3.2 a) ii), 5.3.2 d) i) and d) ii) of this Plan, a Floor Area Ratio of 10.5:1, and a maximum building height of 22 storeys *shall* be permitted.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.



Area 'A' to be amended from 'Mixed Use Corridor - Employment' to 'Mixed Use Corridor - General with site specific policy'

AMENDMENT No. 143 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

MAP 1

File No. 505-03/23

Legend

- MUC - Commercial
- MUC - Employment

Date: February 12, 2024
Community Planning Department

City of Burlington

BY-LAW NUMBER 2020.470, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.470

A By-law to amend By-law 2020, as amended for 1026 Cooke Boulevard to facilitate the development of a 22-storey mixed use building.
File No.: 505-03/23 & 520-09/23

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-20-24 on March 19, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit the development of a 22-storey residential apartment building with ground floor commercial area;

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

1. Zoning Map Number 3-E 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 Mixed Use Corridor – Employment (MXE) to Mixed Use Corridor – General (MXG-534).

3. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:
   #83 H-MXG-534 Map 3-E Resolution:

   The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

   a) The owner submits a Record of Site Condition that indicates the site is suitable for the proposed land use to the satisfaction of Halton Region;

   b) The owner submits a Letter of Reliance for the Environmental Site Assessment Reports, to the satisfaction of Halton Region;

   c) That the owner enters into a Development Agreement, Regional Servicing Agreement and/or Special Finance Agreement, if required, to

finance the construction of the required off-site infrastructure upgrades prior to development, to the satisfaction of Halton Region;

d) The owner submits a revised Land Use Compatibility Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated February 9, 2024 and all mitigation measures shall be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton Region;

e) The owner submits a revised Noise Impact Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated February 9, 2024 and all mitigation measures shall be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton Region;

f) The owner submits a revised Sun Shadow Study and Sun Access Factor calculations in accordance with the City's Shadow Study Guidelines and Terms of Reference, dated June 2020 and all mitigation measures shall be incorporated into the site plan, to the satisfaction of the Director of Community Planning.

4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 534 as follows:

Exception 534	Zone H-MXG	Map 3-E	Amendment 2020.470	Enacted

1. <u>Permitted Uses:</u>

a) Only the following uses shall be permitted:

(i) Apartment Building
(ii) The following non-residential uses on the ground floor and second floor of an apartment building:
   a. Convenience/Specialty Foods Store
   b. Other Retail Stores
   c. Standard Restaurant
   d. Fast Food Restaurant
   e. Convenience Restaurant
   f. Veterinary Services, the keeping of animals outside is not permitted
   g. Other Service Commercial Uses
   h. All Office Uses
   i. Community Institution

2. <u>Regulations:</u>

a)	Maximum Building Height:	22 storeys including mechanical penthouse and rooftop amenity area
b)	Maximum Podium Height:	16 m up to 5 storeys
c)	Maximum Floor Area Ratio:	10.5:1

d) The minimum gross floor area requirement for ground floor and second floor non-residential uses is 770m^2. Of that, a minimum gross floor area of 370 m^2 shall be retail commercial uses.

e)	Maximum Tower Floorplate:	750 m^2
f)	Amenity Area:	17.5 m^2 per dwelling unit
g)	Landscape Buffer:	
	(i) South Side Yard:	2.0 m
h)	Yards:	
	(ii) North Side Yard:	
	Floors 1 to 5:	5.5 m
	Floors 6 to 21:	12.5 m
	Mechanical Penthouse:	15.5 m
	Below-grade parking structure:	0.6 m
	(iii) South Side Yard:	
	Floors 1 to 5:	3 m
	Floors 6 to 21:	12.5 m
	Mechanical Penthouse:	15.5 m
	Below-grade parking structure:	0.6 m
	(iv) Front Yard:	
	Floors 1 to 5:	3 m
	Floors 6 to 21:	6 m
	Mechanical Penthouse:	9 m
	Below-grade parking structure:	0.6 m
	(v) Rear Yard:	
	Floors 1 to 5:	6 m
	Floors 6 to 21:	12.5 m
	Mechanical Penthouse:	15.5 m
	Below-grade parking structure:	0.5 m

i) Required Parking:

(i) Apartment Building:	0.71 parking spaces per dwelling unit
(ii) Visitor Parking:	0.24 parking spaces per dwelling unit
Non-Residential Parking:	3.5 spaces/100 m^2 of GFA (can be shared with visitor parking including designated accessible spaces)

j) Bicycle Parking:

(i) Apartment Building:	0.05 short term bicycle parking spaces per unit 0.5 long term bicycle parking spaces per unit
(ii) Non-Residential uses:	2 long term bicycle parking spaces plus 1 pace per 1,000 m^2 GFA 3 short term bicycle parking spaces plus 1 space per 1,000 m^2 GFA

k) For the purposes of Bicycle parking regulations:

a) Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees or tenants of a building, and must be located in a building.

Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.

b) Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.

c) Each bicycle parking space shall be 60cm x 1.8m in size.

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

5 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.

5 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 this ……..day of …… 2024.

_____MAYOR

_____CITY CLERK

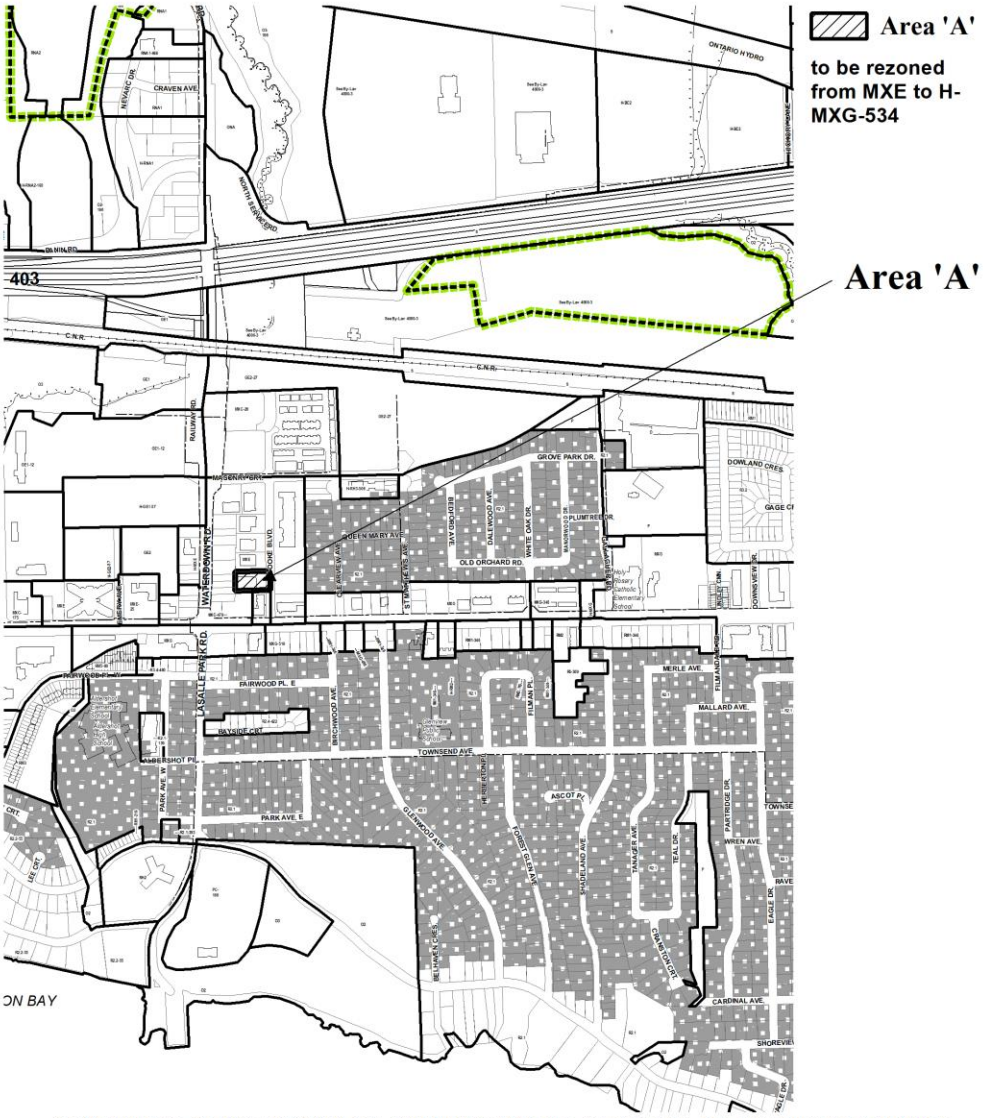
EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.470

By-law 2020.470 rezones lands on 1026 Cooke Boulevard, to permit a 22-storey residential apartment building with ground floor commercial area.

For further information regarding By-law 2020.470, please contact Elyse Meneray, Planner, of the Burlington Community Planning Department at (905) 335-7600, extension 7462.

Zoning By-law Format.doc
Jan 2020

SCHEDULE "A"



SCHEDULE 'A' TO BY-LAW 2020.470 AMENDING MAP NO. 3E PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 19th DAY OF MARCH, 2024

---------- MAYOR

---------- CITY CLERK

TERANET City of Burlington
Community Planning Department

Statutory Meeting and Recommendation Report

Applications to amend the Official Plan and Zoning By-law

Applicant:	**MHBC Planning**
Owner:	**Halton Standard Condominium Corporation No. 416**
Address:	**1026 Cooke Boulevard**
Files:	**505-03/23 & 520-09/23**
Date:	**March 5, 2024**
Report:	**PL-20-24**

CITY OF Burlington

Timelines

- An Official Plan Amendment and Zoning By-law Amendment has a 120-day review period.
- The application was submitted December 1, 2023, and deemed complete December 8, 2023.
- 120 days would be March 30, 2024, and the next Council meeting after March 19, 2024, is April 16, 2024.
- The Council meeting is March 19, 2024, which is 110 days after the application was submitted.
- March 5, 2024: Staff are making a recommendation for a modified approval with a holding zone to meet the Planning Act timelines and address any outstanding issues.

Overview of Development Site

Subject Lands

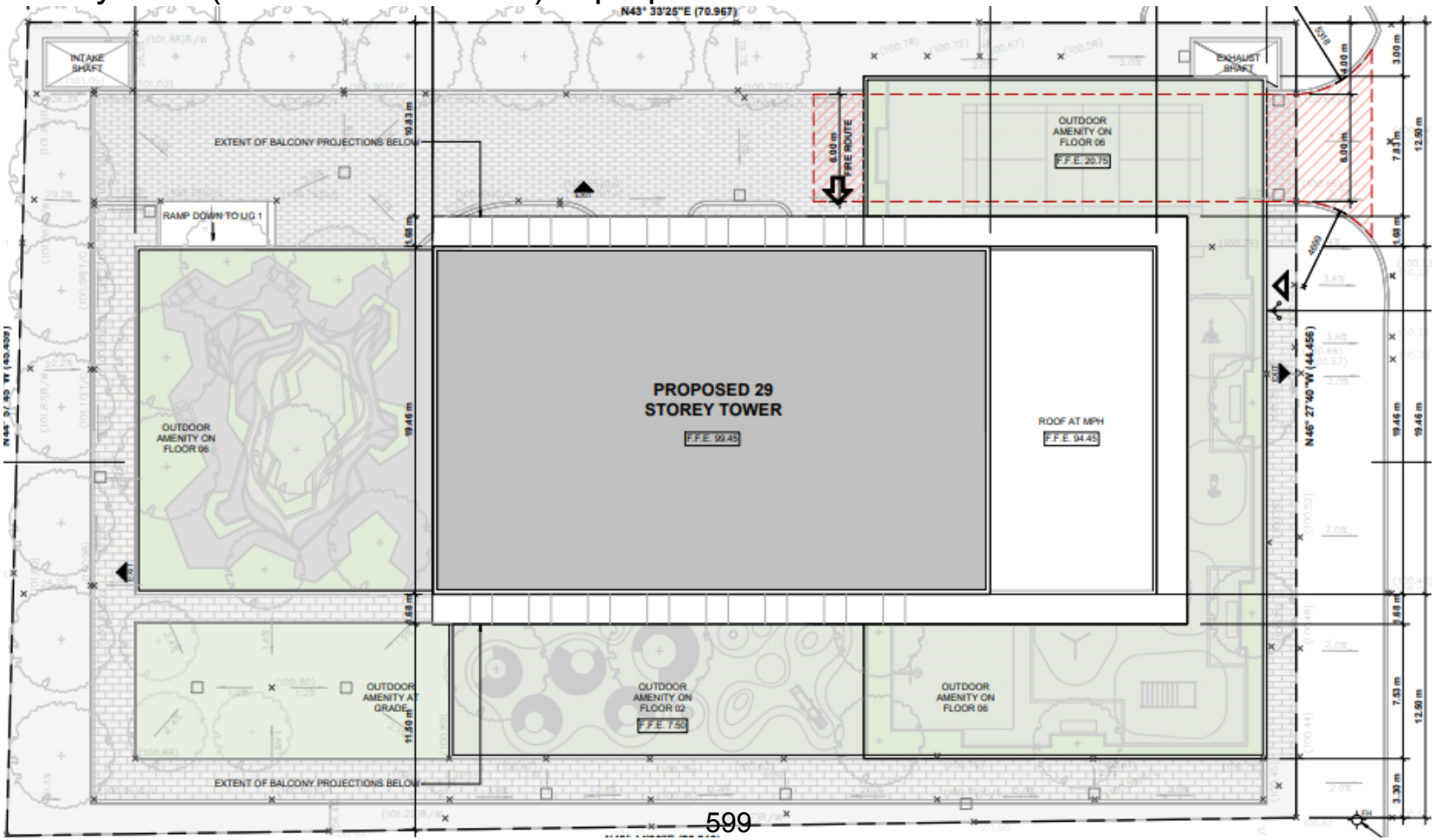
Site Area: 0.32 hectares
Frontage: 44 metres

Policy Context

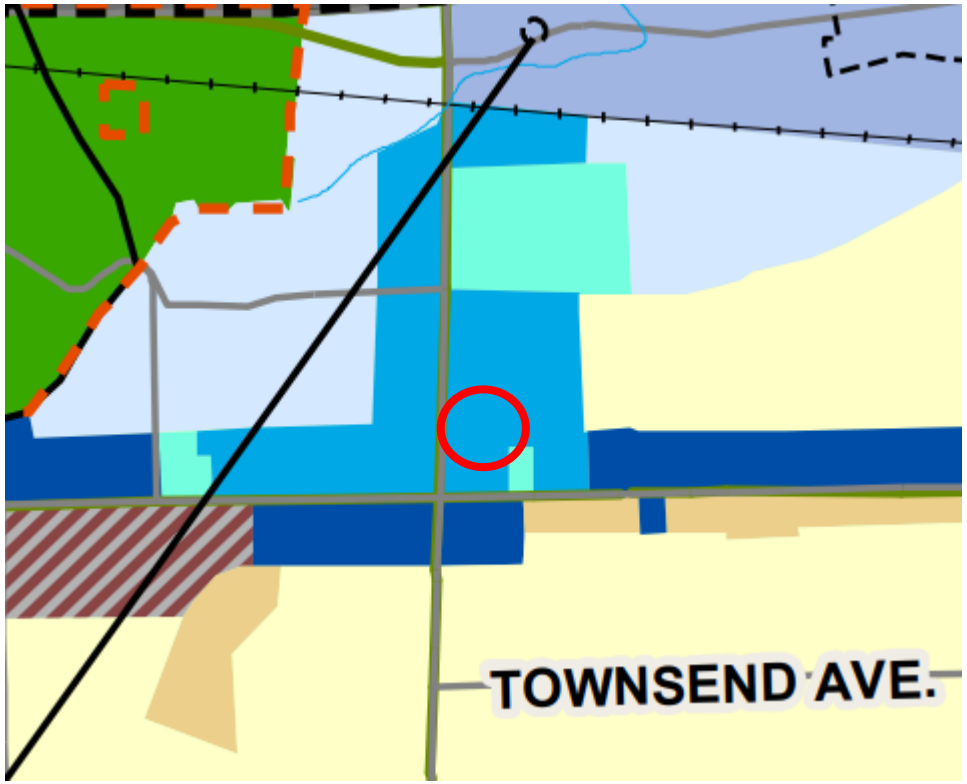
- Provincial Policy Statement (PPS), 2020
- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
- Halton Region Official Plan (ROP)
- City of Burlington Official Plan (1997, as amended)
- City of Burlington New Official Plan (2020)
- City of Burlington Zoning By-law 2020

The Application

- 29-storey mixed use building with 335 residential units and 370 m² of ground floor commercial.
- 318 parking spaces are proposed in four levels of underground parking. A total of 5,918 m² of amenity area (indoor and outdoor) is proposed.



Burlington Official Plan
(1997, as amended)



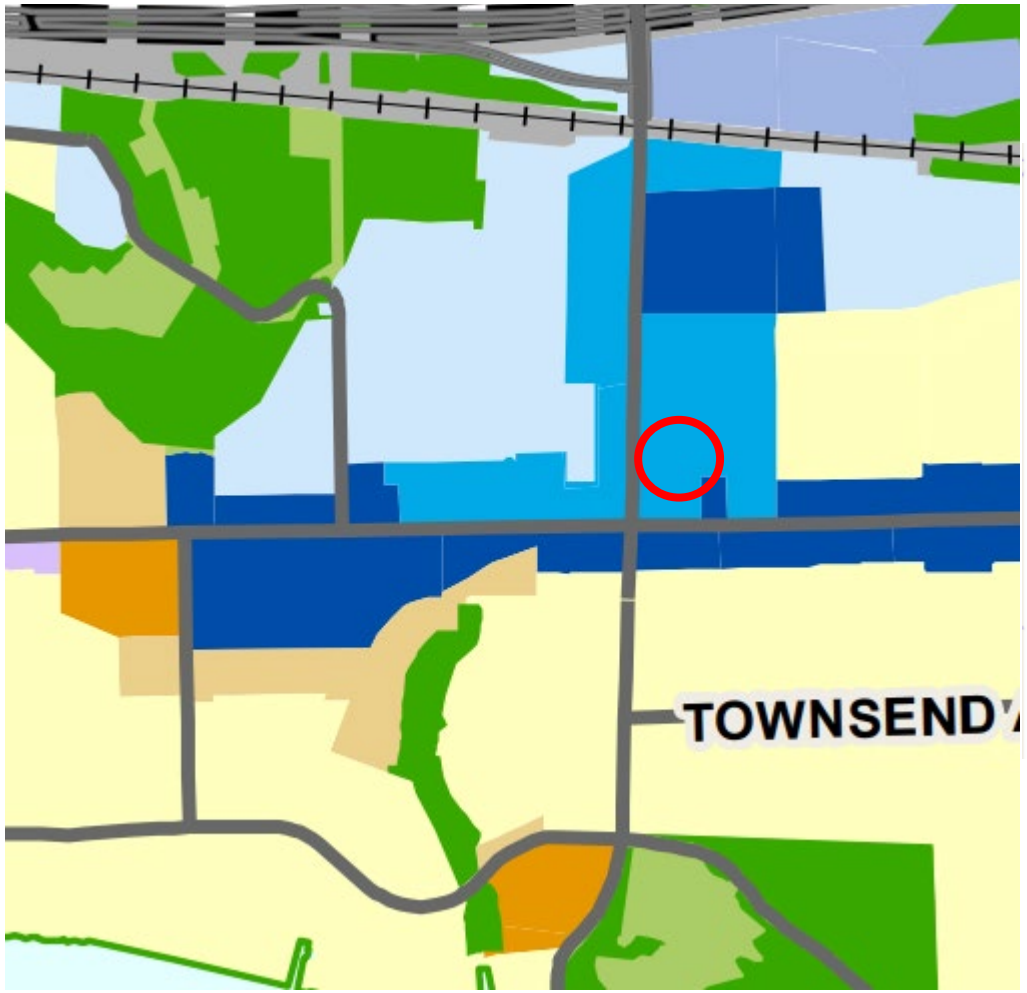
Current Official Plan Designation:
Business Corridor

- Residential - Low Density
- Residential - Medium Density
- Residential - High Density
- General Employment
- Business Corridor
- Regional Commercial
- Community Commercial
- Employment Commercial
- Neighbourhood Commercial
- Mixed Use Centre
- Mixed Use Corridor - General
- Mixed Use Corridor - Commercial Corridor
- Mixed Use Corridor - Employment
- Greenlands
- Major Parks and Open Space

Subject Lands

CITY OF Burlington

Burlington New Official Plan (2020)



New Official Plan Designation:
Business Corridor

MIXED USE INTENSIFICATION AREAS

- **Urban Centres**
- **Mixed Use Nodes and Intensification Corridors**
  - Mixed Use Commercial Centre
  - Neighbourhood Centre
  - Local Centre
  - Employment Commercial Centre
  - Urban Corridor
  - Urban Corridor - Employment

RESIDENTIAL NEIGHBOURHOOD AREAS

- Residential - Low Density
- Residential - Medium Density
- Residential - High Density

EMPLOYMENT LANDS

- General Employment
- Business Corridor

Subject Lands

Burlington Official Plan
(1997, as amended)

Existing Official Plan Requirement

- Residential uses are not permitted
- Maximum building height of 6 storeys

Requested Official Plan Amendment

- To permit:
  - A maximum height of 29 storeys and maximum FAR of 7.4:1

Modified Official Plan Amendment

- To permit:
  - A maximum height of 22 storeys and maximum FAR of 10.5:1

CITY OF Burlington

Burlington Zoning By-law

Existing Zoning

- Mixed Use Corridor – Employment (MXE)
  - Does not permit residential uses
  - Maximum building height of 6 storeys

Requested Zoning By-law Amendment

- Mixed Use Corridor – General (MXG-XXX) with site specific exceptions

Modified Zoning By-law Amendment

- Mixed Use Corridor – General (H-MXG-534) with site specific exceptions and a holding provision

CITY OF Burlington

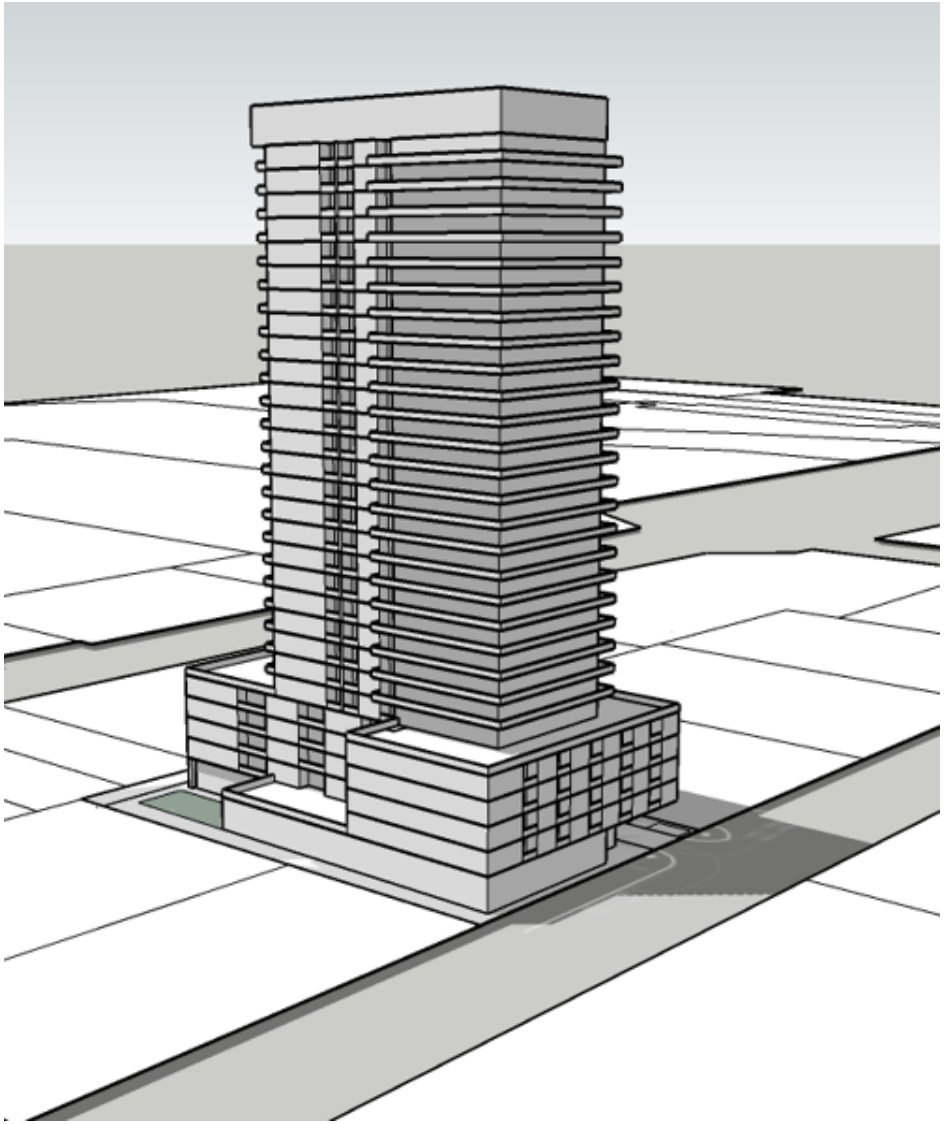
Proposed Modified Approval

Zoning Regulation	MXE	MXG	Proposed	Modified
Building Height	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey maximum	Industrial/Automotive Uses: 2 storey maximum Other Uses: 6 storey maximum	Maximum 30-storey building height including mechanical penthouse	Maximum 22 storey building height including mechanical penthouse and rooftop amenity area
Minimum Non-Residential GFA	N/A	N/A	370 m2	770 m2
FAR	Entertainment or Recreation Buildings: 0.5:1 Industrial Buildings: 0.5:1 Other Buildings: 1.0:1	Entertainment or Recreation Buildings: 0.5:1 Industrial Buildings: N/A Other Buildings: 1.5:1	7.4:1 maximum (note – staff believe the correct FAR being proposed is closer to 11:1.)	10.5:1

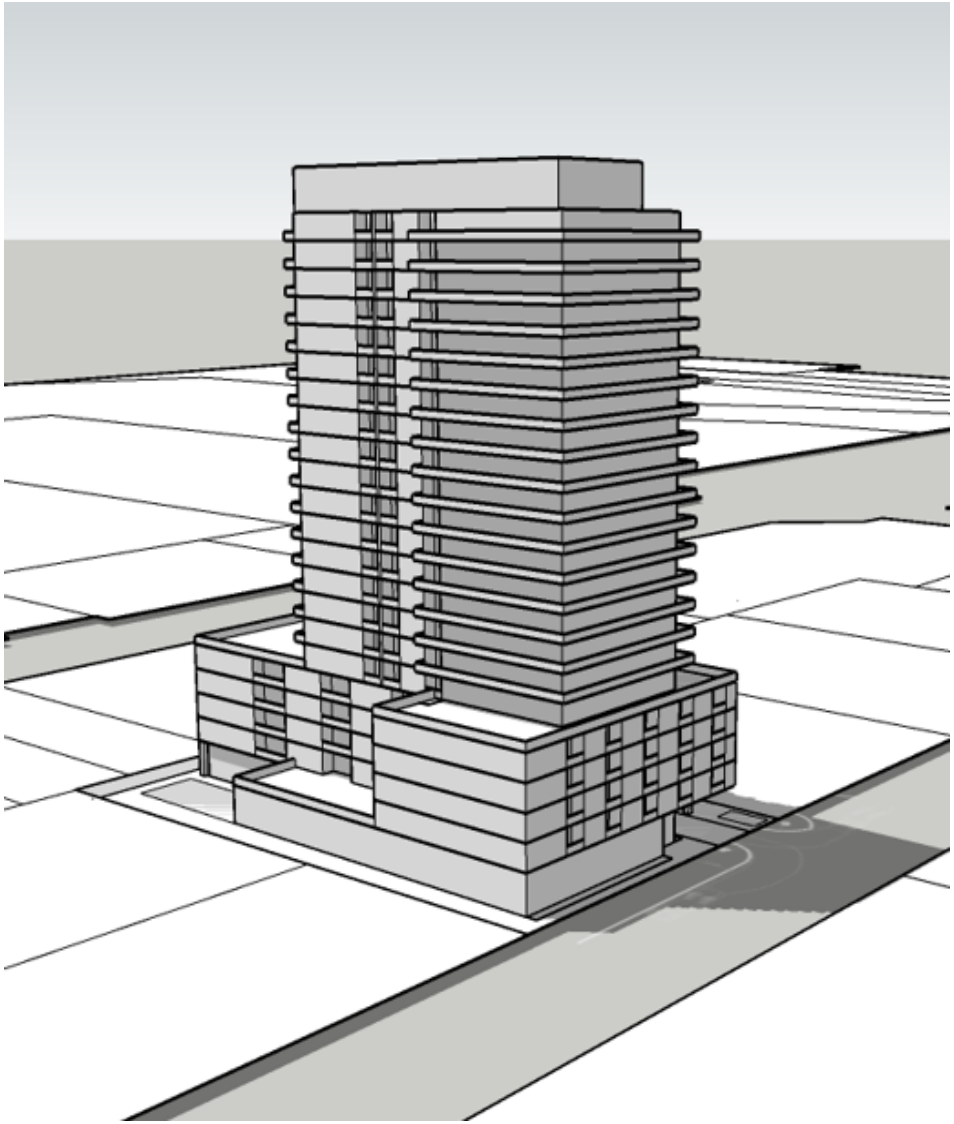
Zoning Regulation	Part 1, Table 1.2.6	Proposed	Modified
Parking Rate	Apartment Building: 1.25 spaces per unit, including visitor parking Non-Residential: 3.5 spaces/100m2 of Gross Floor Area	<u>Apartment Building:</u> Resident: 0.71 per unit Visitor: 0.24 spaces per unit <u>Non-Residential Parking:</u> 3.5 spaces/100m² of Gross Floor Area only (can be shared with visitor parking including designated accessible spaces).	No modifications proposed

The proposed modifications can be found on pages 36 to 43 of Staff Report PL-20-24

3D Massing Models



Proposed 29 Storey Mixed Use Building



Modified 22 Storey Mixed Use Building

Holding Zone

- Staff are recommending that a holding zone be implemented on the property. Staff will require the following materials to be submitted and approved before the Holding Zone can be removed from the property:
  - A Record of Site Condition
  - Letter of Reliance
  - Development Agreement, Site Servicing Agreement or Financial Agreement
  - Noise Study
  - Land Use Compatibility Study
  - Sun Shadow Study including Sun Access Factor Calculations

Public Consultation

- Virtual Pre-Application Community Meeting – October 11, 2023
- Notice of Complete Application – December 7, 2023
- Notice Sign - December 20, 2023
- Notice of Statutory Public Meeting and Recommendation Report – February 2, 2024 (sent to 142 members of the public)

- One written public comment was received by staff with respect to the subject application.
  - Themes: parking and electric vehicle parking spaces

Technical Comments

- Technical comments have been received and addressed through the modified approval and holding zone. Comments received pertaining to detailed design will be addressed at the Site Plan stage.

CITY OF Burlington

Summary of Staff Recommendation:

- Approve the Official Plan Amendment and Zoning By-law Amendment applications, as modified by staff for 1026 Cooke Boulevard;
- Approve Official Plan Amendment 143;
- Approve Zoning By-law Amendment 2020.470.

- Detailed recommendation in report PL-20-24

Office of the City Clerk report projections for April 2024 (COW-03-24)

Note: this forecast is subject to change

Committee of the Whole

April 8 and 9, 2024

Consent Items:

- Corporate project status report (CM-xx-24) (CSSRA)
- Treasurer's statement for development charges (F-16-24) (CSSRA)
- Advisory committee annual reports, work plans and budgets (CL-08-24) (CSSRA)
- Update of the corporate energy and sustainable buildings policy (EICS-07-24) (EICS)
- Corporate zero waste policy update (EICS-09-24) (EICS)
- Repeal of anti-chasing by-law 25-2006 (BL-04-24) (EICS)
- Burlington official plan, 2020 targeted realignment – work plan update (PL-09-24) (CPRM)
- Deregistration by-law for 3540-3548 Commerce Crt (PL-24-24) (CPRM)

Regular Items:

CSSRA Items:

- Procedure By-law update (CL-01-24)
- Low-income property tax rebate program (F-03-24)
- Vision 2050 Burlington 25-year strategic plan (CS-xx-24)

Confidential Items:

- Confidential update on a litigation matter (L-01-24)
- Confidential update on a litigation matter re OPA 130 (L-16-24)

EICS Items:

- Accessibility progress report 2023 (ES-02-24)
- Bay Area Climate Change Council (EICS-04-24)
- Ireland Park pickleball (RCC-xx-24)
- Event criteria for future event policy (RCC-xx-24)
- Community centres for the community (RCC-xx-24)

CPRM Items:

- 977 Unsworth Avenue Community Heritage Fund application (PL-xx-24)
- Heritage alteration permit for 4250 Lakeshore Road – Paletta Mansion (PL-xx-24)
- Objections to statements of intention to designate 574 and 620 Brant St. (PL-25-24)
- Rainbow crosswalks (TS-07-24)

Statutory Public Meeting (CPRM):

- TBD

Exploring Safe and Sustainable Alternatives to Fireworks: A Comprehensive Report

Introduction:

Fireworks have been an integral part of celebrations and cultural events for centuries. However, the negative impacts of fireworks on society and the environment cannot be ignored. The loud and flashy displays can cause physical and psychological harm to humans and animals alike. The pollution caused by burnt chemicals and smoke also poses a threat to the environment. Additionally, the large-scale use of fireworks can be a financial burden for cities and individuals. In addition to physical harm, fireworks can also have significant psychological impacts, especially on individuals who have experienced trauma or have a sensitivity to loud noises. The loud and sudden explosions can trigger anxiety, fear, and panic, which can lead to symptoms of Post-Traumatic Stress Disorder (PTSD). Veterans, victims of domestic violence, and individuals with Autism Spectrum Disorder are especially vulnerable to these effects. The use of fireworks in residential areas can be particularly distressing for individuals who are trying to cope with or recover from trauma.

With this being said, the impact of fireworks on mental health should not be overlooked, and alternatives to traditional fireworks should be considered to ensure that everyone can enjoy celebrations without suffering from psychological distress. As a result, alternatives such as light shows, drone displays, and sound and laser shows have been suggested as safer and eco-friendly alternatives to traditional fireworks. It is important for individuals and communities to recognize the impacts of fireworks and consider alternatives that can create a memorable and enjoyable celebration without causing harm.

Impacts of fireworks:

1) **Noise pollution:** Fireworks create loud noises that can be disturbing for animals, children, and people with anxiety or PTSD.

2) **Air pollution:** Fireworks release chemicals that can harm the environment and cause air pollution. The smoke and debris from fireworks can also cause respiratory issues for people with breathing difficulties.

3) **Waste:** Fireworks generate a lot of trash in the form of debris, ash, and packaging materials.

4) **Safety:** Fireworks can cause accidents and injuries, especially when misused. They can also cause fires, which can be dangerous for people and animals.

5) **Disturbance of wildlife:** Animals are sensitive to loud noises and can be startled and frightened by fireworks. This can cause them to flee their habitats or become injured.

6) **Economic impact:** Large-scale fireworks displays can be expensive to produce and

can be a burden on local governments or private organizers. Additionally, some people may choose to avoid areas with high levels of fireworks activity, which can impact local businesses and tourism.

7) **Social impacts:** Fireworks, especially loud and sudden explosions, can have a traumatic effect on individuals who have experienced conflict or are from war-torn countries. The loud explosions can trigger anxiety, panic attacks, and flashbacks of traumatic events. For refugees or individuals who have experienced displacement due to war, the noise of fireworks can be reminiscent of the sounds of war or gunfire, leading to further distress. It's important to be mindful of the potential impact of large-scale fireworks on individuals who have experienced conflict or have PTSD. Efforts can be made to provide information and warnings about the timing and location of fireworks displays, as well as to offer resources and support for individuals who may experience distress. Additionally, alternative celebratory activities that are less loud or sudden, such as light shows or music events, could be considered as alternatives to fireworks displays in areas with large refugee populations or individuals with PTSD.

Alternatives:

It is imperative to find alternative options for fireworks due to their harmful impacts on the environment, human health, and animals. Discovering safer, sustainable and less disruptive alternatives can reduce accidents, and noise pollution, and be more inclusive for people with sensory sensitivity or PTSD, while also being more cost-effective. There are many alternatives to large-scale fireworks that can be just as visually stunning and enjoyable without the negative impacts. Here are a few examples:

1. **Light Shows:** An alternative to fireworks is a laser and light show, which can provide a visually stunning display without creating loud noises or pollution.

2. **Projection Mapping:** This technology allows projected images to be mapped and displayed on buildings. When used creatively, it can create an impressive visual display and is more environmentally friendly.

3. **Glow-in-the-Dark Parties:** A party with glow-in-the-dark items like neon or fluorescent lights creates a colourful and vibrant atmosphere without creating loud noises or pollution.

4. **Lantern Releases:** Another alternative to fireworks is a lantern release ceremony, which involves releasing small paper lanterns into the sky. This is a great option for quieter celebrations and is less harmful to the environment.

5. **Drone Shows:** Shows featuring a synchronized display of multiple drones of different colours and shapes and lights can create a visually stunning display in the sky.

These alternatives can serve as environmentally friendly and safer options and should be

considered, especially in locations with sensitive ecosystems or areas with vulnerable populations like refugees, children, or people with PTSD.

Canadian Precedent:
November 6, 2020: North Star Drone Shows was hired by Desjardins Insurance to feature in an advertising campaign! We flew several shows in Montreal and Shawinigan, Quebec, back in September 2020… keeping it a secret was hard, but now that the commercials have been released, we can definitely say the wait was well worth it!

December 18, 2020: North Star was hired by Derooted Agency and Billups to fly a show in front of the CN Tower, right in downtown Toronto, ON. This was for the launch of Forza Nocta, a new collaboration between recording artist Drake, and Nike.

September 6, 2021: In Muskoka Woods, ON during the Labour Day weekend, crowds got to witness Canada's first-ever fireworks and drone show combination!

August 11, 2021: In Mississauga, ON North Star Fireworks and Drone Shows conducted a fantastic drone show for one of Canada's premier condo developers Camrost Felcorp to present their newest residential condominium at Exchange District 3. Create positive buzz for your organization by utilizing our custom drone shows for your event or gathering!

Target Market/demographic:
1***. Festive enthusiasts:*** People who love to celebrate special events, such as New Year's Eve, July 4th, Diwali, or New Year's Eve, with elaborate fireworks displays.

2. ***Pyrotechnics:*** People who are passionate about the art of creating and setting off fascinating fireworks displays. These people may include professional fireworks designers and technicians who design and operate large-scale displays for events.

3. ***Adrenaline Junkies:*** People who are thrill-seekers and enjoy the explosive energy and excitement of fireworks.

4. ***Hobbyists:*** People who take pride in collecting rare or unique fireworks and may experiment with creating their displays at home.

5. **Curious Spectators:** People who enjoy watching fireworks displays without necessarily being passionate about the art itself.

6. **Cultural Enthusiasts:** People who incorporate fireworks into their cultural or religious celebrations and ceremonies. Examples include Chinese New Year, Indian Diwali, and Japanese Omatsuri festivals.

Unanswered questions:
-What is Burlington's budget regarding firework celebrations and attractions?

-How much do alternative showings cost and if they expand over the costs of fireworks, how much is the city willing to allocate towards these celebrations?