



Regular Meeting of Council
Revised Agenda

Date: March 19, 2024

Time: 9:30 am

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

Council meetings are hybrid, allowing members of Council, city Staff and the public the option of participating remotely, or in person. The meeting is live streamed, and posted to the city's website. For further information please contact clerks@burlington.ca

NOTE: This Council meeting will have a scheduled recess at 11:30 a.m. to reconvene at 1:30 p.m. if required.

Pages

1. Call to Order:

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. National Anthem:

4. Regrets:

5. Approval of the Agenda:

6. Declarations of Interest:

7. Proclamations:

7.1 World Down Syndrome Day: March 21, 2024

- 7.2 World Autism Day: April 2, 2024
- 7.3 Green Shirt Day: April 7, 2024
- 7.4 World Parkinson's Day: April 11, 2024
- 7.5 Dr. Bhim Rao Ambedkar Day of Equity (Ambedkar Jayanti): April 14, 2024
- 7.6 Daffodil Month: April 2024
- 7.7 Dalit History Month: April 2024
- 7.8 Dig Safe Month: April 2024

8. Recognitions and Achievements:

9. Motion to approve Council Minutes:

Confirm the minutes of the following meeting of Council:

- 9.1 Regular Council minutes of February 13, 2024

10. Presentations:

11. Delegations:

In order to speak at a Council meeting, Individuals must register as a delegation no later than noon the day before the meeting. To register, complete the online application at www.burlington.ca/delegation or by submitting a written request by email to the Office of the City Clerk at clerks@burlington.ca

If you do not wish to delegate, but would like to submit feedback, please email your comments to clerks@burlington.ca by noon the day before the meeting. Your comments will be circulated to Council members in advance of the meeting and will be attached to the minutes, forming part of the public record.

- 11.1 Marsha Paley will delegate regarding Proposed Amendment to Subsection 27(16) of the Ontario Heritage Act with respect to the removal of listed (non-designated) properties from municipal heritage registers (ADM-03-24)

Marsha Paley is representing the Heritage Burlington Advisory Committee.

- 11.2 *David McKay will speak regarding Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24)*

David McKay, is the planning consultant representing MHBC Planning, Urban Design and Landscape Architecture.

- 11.3 *Anne and Dave Marsden will speak regarding 2024 Proposed Budget and tax levy Business Improvement Area (F-09-24)*
- 11.4 *Anne and Dave Marsden will speak regarding Motion Memorandum regarding call for new Halton courthouse in Oakville (ADM -04 -24)*
- 11.5 *Mike Bennett representing Adi Adi Developments (Masonry) Inc will speak regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24)*

12. Petitions:

13. Recommendations from Standing Committees:

- 13.1 Committee of the Whole meeting of March 4 and 5, 2024
 - a. Red Tape Red Carpet update Q1 2024 (ECDEV-04-24) (CPRM)

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.
 - b. Downtown parking operational changes (TS-09-24) (CPRM)

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

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.

- d. 2024 proposed budget and tax levy for the Aldershot Village Business Improvement Area (F-10-24) (CSSRA)
 - 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.
- e. Operating budget performance report as at December 31, 2023 and summary of year end financial position (F-15-24) (CSSRA)
 - 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.
- f. Delegated authority first quarter report (CL-02-24) (CSSRA)
 - Receive and file office of the city clerk report CL-02-24 providing the delegated authority first quarter report.
- g. Appointment of Deputy City Clerks (CL-07-24) (CSSRA)
 - 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.
- h. Financial status report as at December 31, 2023 (F-07-24) (CSSRA)
 - Receive and file finance department report F-07-24 providing the financial status report as at December 31, 2023.
- i. Housing Accelerator Fund implementation (CS-04-24) (CSSRA)
 - 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.

j. 1200 King Road vision update (ECDEV-02-24)

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 the 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.

k. Burlington Performing Arts Centre governance review update (CM-02-24)

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

l. Motion memorandum regarding local board governance (COW-04-24)

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.

m. Regional review update (CM-03-24)

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.

n. Strategic Real Estate Acquisition Policy (L-11-24)

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.

o. Ward Boundary Review (CL-03-24)

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.

p. Remuneration and expenses paid to Council and appointees for 2023 (F-08-24)

Note: item 20.1 provides supplemental information regarding this item.

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

q. Capital budget variance and project closure as of December 31, 2023 (F-11-24)

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

r. Confidential insurance renewal report (L-03-24)

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

Receive and file confidential legal department report L-03-24 providing a status update on the 2024-2025 Insurance Renewal.

s. Confidential real estate matter - property negotiations (L-10-24)

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.

Receive and file confidential legal department report L-10-24 regarding a position on a property negotiation.

t. Confidential real estate matter - property negotiations (L-14-24)

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.

Instruct the Manager of Realty Services to proceed in

accordance with the instructions sought in confidential legal department report L-14-24.

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

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.

Instruct the Executive Director of Legal Services and Corporation Counsel, or his designate, to proceed in accordance with the instructions sought in confidential legal department report L-15-24.

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

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.

Receive and file confidential Legal Services Department report L-17-24 providing an update on a litigation matter regarding 2020 Lakeshore Road.

- w. Confidential human resources department report regarding a personnel matter (HR-04-24)

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

Instruct the Executive Director of Human Resources to proceed in accordance with the instructions sought in confidential human resources department report HR-04-24.

- x. Confidential motion memorandum regarding a human resources matter (COW-06-24)

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

Receive and file confidential motion memorandum regarding a human resources matter. (COW-06-24)

- y. Confidential motion memorandum regarding a personnel matter

(COW-07-24)

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

Receive and file confidential motion memorandum regarding a personnel matter. (COW-07-24)

- z. Recommendations for the evolution of Tyandaga Golf Course (RCC-04-24)

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.

- aa. Fireworks and drones for festivals and events – Canada Day (RCC-02-24, SD-05-24)

Direct the Director of Recreation, Community, and Culture to pilot the supplement the 2024 Canada Day Festival's Firework display with a drone display of \$15,000 to be funded from Tax Rate Stabilization Reserve Fund or Cultural Initiatives Reserve Fund and report back on community feedback (SD-05-24); 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.

- ab. BurlingtonGreen fee for services (EICS-01-24)(SD-02-24)

Approve one time funding for 2024 in the maximum amount of \$50,000 from the Green Initiatives 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; and

Direct the Executive Director of Environment, Infrastructure and Community Services to report back to the March 19, 2024 Council meeting on options to waive the approximate \$12,000 2024 lease payment by BurlingtonGreen for use of the pumphouse. (SD-02-24)

ac. Facility operations update (RCC-03-24)

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

ad. Motion memorandum regarding the solar eclipse in Burlington on April 8, 2024 (COW-05-24)(SD-03-24)(SD-04-24)

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. (SD-03-24); 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 (SD-03-24); 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. (SD-04-24)

ae. Burlington solar incentive proposal (EICS-02-24)

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.

af. Better Homes Burlington Pilot Program Special Charge (EICS-03-24)

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.

ag. Burlington Economic Development Corporation (BEDC) update on post-secondary attraction (ECDEV-03-24)

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.

ah. Official Plan and Zoning By-law amendments for 1120 Cooke

Boulevard (PL-04-24)

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.

ai. Regional Allocation Program update (PL-26-24)

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.

- aj. Bill 162, Get it Done Act, 2024 update (PL-27-24)
 - Receive and file community planning department report PL-27-24 providing an update regarding Bill 162, Get it Done Act, 2024.
- ak. 2023 annual building permit revenues and expenses (BB-02-24)
 - Receive and file building and by-law department report BB-02-24 providing related information for the 2023 annual building permit revenues and expenses.
- al. By-law to regulate distribution of graphic images (BL-03-24)
 - 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.
- am. City-initiated housekeeping amendments to Official Plan, 1997, as amended (PL-11-24)
 - 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.
- an. City-initiated amendment to Zoning By-law 2020 - parking for multi-unit business parks (PL-13-24)
 - 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.

13.2 Audit Committee meeting of March 6, 2024

a. Status of Management Action Plans (CA-01-24)

Receive and file office of the city auditor report CA-01-24 providing a summary of the Management Action Plans in progress.

b. Resourcing for office of the city auditor (CA-05-24)

Receive and file office of the city auditor report CA-05-24 regarding resourcing for office of the city auditor.

c. Performance management process for the City Auditor – 2024 (CA-04-24)

Receive and file office of the city auditor report CA-04-24 regarding the performance management process for the City Auditor - 2024.

d. Audit Committee Terms of Reference & Audit Charter - update (CA-06-24)

Approve option one identified in office of the city auditor report CA-06-24 regarding Audit Committee Terms of Reference & Audit Charter update; and

Appoint the following Audit Committee members to the Audit Committee Terms of Reference Subcommittee:

- Councillor Paul Sharman, Michael Di Iulio and Kartik Gupta

e. Global Internal Audit Standards - update (CA-07-24)

Receive and file office of the city auditor report CA-07-24 providing a Global Internal Audit Standards update.

f. Corporate Risk Management Implementation Plan (CS-06-24)

Endorse corporate strategy report CS-06-24 regarding the updated Corporate Risk Management Implementation Plan

attached as Appendix A.

g. Vision 2040 – Risk Confidence Rating Update (CS-07-24)

Endorse corporate strategy report CS-07-24 providing the updates to the risk confidence ratings for the risks to strategy Vision 2040 for the corporation of the City of Burlington.

h. Quarterly dashboard for office of the city auditor (CA-02-24)

Receive and file office of the city auditor's report CA-02-24 providing a quarterly dashboard of City Auditor Key Performance Indicators (KPI's) attached as Appendix A.

i. Confidential Cyber-security audit (protect controls) (CA-03-24)

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

Receive and file City Auditor's Office report CA-03-24 regarding the Cyber-Security Audit (Protect controls) attached as Appendix-A.

13.3 Pipeline to Permit Committee meeting of March 7, 2024

a. Surety Bonds presentation provided by Brandon Kassies and Stephanie Kuntz, Marsh Canada Limited (PP-06-24)(SD-06-24)

Direct the Acting Chief Financial Officer or designate to, at minimum but not limited to, consult with WE-HBA and Marsh to explore and report back to the Pipeline to Permit Committee on how to implement a Modern Pay-on-Demand Surety Bond program by the end of Q2 2024. (SD-06-24)

b. Pipeline to Permit Committee Forecast - March to September 2024 (PP-03-24)

Approve the Pipeline to Permit Committee Forecast - March to September 2024 as amended.

c. Motion memorandum regarding the Preparing Burlington for the Future (PP-05-24)(SD-07-24)

Request that further information and discussion be brought forward to a future Pipeline to Permit committee meeting regarding Project Amplify and the future of Burlington 2051.

14. Motion to Approve Standing Committee Minutes:

Approve the following minutes:

14.1	Committee of the Whole minutes of March 4 and 5, 2024	1 - 24
14.2	Audit Committee meeting minutes of March 6, 2024	25 - 28
14.3	Pipeline to Permit Committee meeting minutes of March 7, 2024	29 - 32

15. Urgent Business:

15.1	Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24)	33 - 97
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Note: This item was referred to Council from the Committee of the Whole meeting of March 5, 2024.

Item 20.2 provides supplemental information with an updated recommendation regarding this item.

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 2020.470, 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.

16. Confidential Items and Closed Session:

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

Approve the following closed session minutes;

16.1 Motion to approve confidential closed session minutes:

Confirm the following confidential closed session minutes:

- a. Confidential closed session minutes for Special Council meeting of January 12, 2024
- b. Confidential closed session minutes for Committee of the Whole meeting of March 4 and 5, 2024
- c. Confidential closed session minutes for Audit Committee meeting of March 6, 2024

16.2 Confidential Regional review update (CM-04-24)

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

17. Rise and Report:

18. Motions of Members:

18.1	Motion memo regarding Proposed Amendment to Subsection 27(16) of the Ontario Heritage Act with respect to the removal of listed (non-designated) properties from municipal heritage registers (ADM-03-24)	98 - 100
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Whereas Subsection 27(16) of the Ontario Heritage Act stipulates that any non-designated heritage property listed on the municipal register of properties as of December 31, 2022, shall be removed from the municipal register on or before January 1, 2025, if the council of the municipality does not give a notice of intention to designate the property under subsection 29(1) of the Ontario Heritage Act on or before January 1, 2025; and

Whereas Since January 1, 2023, municipal staff and members of the Heritage Burlington Advisory Committee have been diligently working to: review the municipal heritage register; research the heritage value and interest of listed (non-designated) properties; review and research the heritage value and interest of non-designated properties; contact owners of such properties; determine which properties should potentially be designated in accordance with the provisions of Section 29 of the Ontario Heritage Act; and take all required steps to designate such properties; and

Whereas the above-noted work involving approximately 200 currently listed properties, which does not include properties of potential cultural heritage value that have yet to be evaluated and/or assessed, in the City of Burlington is extremely time-consuming and cannot be completed by December 31, 2024, with the limited municipal resources available.

Now therefore be it resolved;

That this Council authorizes the Mayor to promptly send a letter to Doug Ford, Premier of Ontario, Michael Ford, Minister of Citizenship and Multiculturalism, and Natalie Pierre, MPP Burlington, respectfully requesting that Subsection 27(16) of the Ontario Heritage Act be amended to extend the above-noted deadline for five years from January 1, 2025, to January 1, 2030; and

That a copy of this resolution be sent to AMO and Big City Mayors.

18.2	Motion memo regarding Call for new Halton courthouse in Oakville (ADM-04-24)	101 - 102
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Whereas the Milton Courthouse is dilapidated and its disrepair is affecting the administration of justice for the region; and

Whereas the Halton Consolidated Courthouse Project was shovel-ready for a state of-the-art facility and would have brought much needed economic stimulus along with 600 jobs for Halton Region and the Province of Ontario; and

Whereas the Chair of the Halton Police Service Board wrote in February 2024 to the Attorney General of Ontario urging the provincial government to reconsider and reinstate the previously announced courthouse project in Oakville; and

Whereas Halton Regional Council passed a resolution in May 2020 calling for the province to reconsider the cancellation of the courthouse project and instead postpone its construction; and

Whereas the Mayors of Burlington, Halton Hills, Milton and Oakville wrote to the Premier and the Attorney General in May 2020 calling on the government to construct a new courthouse in Oakville so as to promote efficiency and efficacy in the criminal justice system in Halton; and

Whereas the Toronto Star reported on August 8, 2023 that trials, proceedings and timely court cases are being jeopardized due to the ongoing issues at the Milton Courthouse, such as mould, crumbling ceilings, and rodents.

Therefore, be it resolved:

That the City of Burlington support the Halton Police Service Board's most recent appeal to the Ministry of the Attorney General to move forward on the construction of the new courthouse in Oakville to ensure Halton residents access their constitutional right to timely, effective administration of justice in Ontario; and

That a copy of this resolution be forwarded to Minister Doug Downey, Minister Michael Kerzner, MPP Pierre, MPP Triantafilopoulos, MPP Crawford, and Speaker Arnott.

18.3	Motion memo Improving Local Democracy by Strengthening City Decision-Making (ADM-05-24)	103 - 106
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That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.5 of the Municipal Act, with respect to the City Manager; and

That Council request the Mayor to delegate to the City Manager the powers and duties assigned to the head of council under Section 284.6 of the Municipal Act, with respect to:

- a. determining the organizational structure of the municipality; and
- b. hiring, dismissing, or exercising any other prescribed employment powers with respect to any division or the head of any other part of the organizational structure;

That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.7 of the Municipal Act, with respect to prescribed local boards or local boards within a prescribed class of local boards; and

That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.8 of the Municipal Act, with respect to prescribed committees or committees

within a prescribed class of committees; and

That the Executive Director of Legal Services and Corporation Counsel for the City of Burlington be directed to consult with external legal counsel on the current state of any legal challenges to strong mayor power in Ontario and whether a legal challenge would have any chance of success.

19. Council Information Package:

- 19.1 Council Information Package February 13, 2024
- 19.2 Council Information Package February 23, 2024
- 19.3 Council Information Package March 1, 2024
- 19.4 Council Information Package March 8, 2024
- 19.5 Council Information Package March 15, 2024

20. Motion to Receive and File Information Items:

Receive and file Information items, having been considered by Council:

- 20.1 Staff memorandum regarding details to Appendix A of Remuneration and expenses paid to Council and appointees for 2023 (F-08-24) 107 - 108
 - Note: This item provides supplemental information regarding item 13.1.**
p.
- 20.2 Staff memorandum regarding Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24) 109 - 118
 - Note: This item provides supplemental information regarding item 15.1.**
- 20.3 Correspondence from Canadian National Railway Company regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) 119 - 124
- 20.4 *Correspondence from Joe Gaetan regarding BurlingtonGreen fee for services (EICS-01-24)(SD-02-24)* 125 - 127
- 20.5 *Correspondence from David McKay regarding Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24)* 128 - 146

21. Notice of Motion:

22. Motion to Approve By-Laws:

Enact and pass the following by-laws which are now introduced, entitled and numbered as indicated below:

22.1	10-2024: A by-law to exempt Parcels 163-2 and 163-3, Section M121.	147 - 147
	Delegated Authority.	
22.2	11-2024: A by-law to designate 524 Brant Street, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the Ontario Heritage Act, R.S.O. 1990,chapter O.18, as amended.	148 - 151
	Report PL-69-24, Community Planning, Regulation and Mobility meeting December 5, 2023.	
22.3	12-2024: A by-law to amend By-law 39-2016, being a by-law to regulate parking and idling in the City of Burlington.	152 - 155
	Report TS-09-24, Committee of the Whole meeting March 4/5, 2024	
22.4	13-2024: A by-law to regulate the delivery of graphic images in the City of Burlington.	156 - 159
	Report BL-03-24, Committee of the Whole meeting March 4/5, 2024.	
22.5	14-2024: A by-law to adopt Official Plan Amendment 142 – permit a mixed-use development consisting of three residential towers.	160 - 164
	Report PL-04-24, Committee of the Whole meeting March 4/5, 2024.	
22.6	15-2024: A by-law to adopt Official Plan Amendment No. 141 for city-initiated housekeeping amendments to address general matters of accuracy and clarity.	165 - 174
	Report PL-11-24, Committee of the Whole meeting March 4/5, 2024.	
22.7	17-2024: A by-law to regulate seasonal outdoor patios located on City public rights-of-way, or other property under the jurisdiction of the City.	175 - 186
	Report PL-05-24, Committee of the Whole meeting February 5/6, 2024.	
22.8	18-2024: A by-law to delegate authority to restrict the common law rights of passage in connection with seasonal outdoor patios in the City of Burlington.	187 - 188
	Report PL-05-24, Committee of the Whole meeting February 5/6, 2024.	

22.9	19-2024: A by-law to amend By-law 72-2023, being a by-law to establish and impose certain 2024 rates and fees for services, activities or the use of property.	189 - 190
	Report PL-05-24, Committee of the Whole meeting February 5, 2024.	
22.10	20-2024: 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.	191 - 191
	Report CL-07-24, Committee of the Whole meeting March 4/5, 2024.	
22.11	21-2024: A by-Law to Authorize the Imposition of a Special Charge under the Better Homes Burlington Program in Accordance with Ontario Regulation 586/06.	192 - 210
	Report EICS-03-24, Committee of the Whole meeting March 4, 2024.	
22.12	22-2024: A by-law to establish a Tyandaga Golf Course Reserve Fund.	211 - 211
	Report RCC-04-24, Committee of the Whole meeting March 4/5, 2024	
22.13	2020.469: A by-law to amend By-law 2020, as amended, for parking requirements for multi-unit business parks.	212 - 215
	Report PL-13-24, Committee of the Whole meeting March meeting 4/5, 2024.	
22.14	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.	216 - 226
	Report PL-04-24, Committee of the Whole meeting March 4/5, 2024.	
22.15	16-2024: A by-law to adopt Official Plan Amendment 143 to redesignate lands at 1026 Cooke Boulevard.	227 - 230
	Pending Council approval of community planning department report PL-20-24	
22.16	2020.470: A by-law to amend By-law 2020, as amended, to facilitate the development of a 24-storey mixed use building at 1026 Cooke Boulevard.	231 - 238
	Pending Council approval of community planning department report PL-20-24	
23.	Confirmatory By-law:	239 - 240

Enact and pass By-law Number 23-2024 being a by-law to confirm the proceedings of Council at its meeting held March 19, 2024 being read a first, second and third time.

24. Statements by Members:

25. Motion to Adjourn:

Adjourn this Council now to meet again at the call of the Mayor.



Committee of the Whole Meeting

Minutes

Date:	March 4, 2024
Time:	9:30 am
Location:	Hybrid meeting- virtual and Council Chambers, City Hall
Members Present:	Mayor Marianne Meed Ward (Chair), Kelvin Galbraith, Lisa Kearns, Rory Nisan (absent March 5, 2024), Shawna Stolte, Paul Sharman, Angelo Bentivegna
Staff Present:	Tim Comisso, Blake Hurley, Jacqueline Johnson, Sheila Jones, Allan Magi, Samantha Yew, Nick Anastasopoulos, Emilie Cote, Kerry Davren, Sue Evfremidis, Scott Hamilton, Oanh Kasperski, Craig Kummer, Enrico Scalera, Jamie Tellier, David Thompson (Audio/Video Specialist), Richard Bellemare (Audio/Video Specialist), Lisa Palermo (Clerk), Suzanne Gillies (Clerk), Jo-Anne Rudy (Clerk)

1. Call to Order

Chair: Mayor Marianne Meed Ward
Committee Clerk: Lisa Palermo

2. Land Acknowledgement

The Chair read the land acknowledgement.

3. Approval of the Agenda

Moved by Councillor Bentivegna

Waive section 36.2 of the Procedure By-law 31-2021, as amended, to allow discussion of item 11.5 Motion Memorandum regarding the solar eclipse (COW-04-24) as it was received after the required deadline.

CARRIED

Moved by Councillor Nisan

Waive section 36.2 of the Procedure By-law 31-2021, as amended, to allow discussion of confidential Motion Memorandum regarding a human resources matter (COW-06-24) as it was received after the required deadline.

CARRIED

Moved by Councillor Galbraith

Waive section 45.2 of the Procedure By-law 31-2021, as amended, to allow the staff presentation to extend past 10 minutes for item 8.1 regarding 1200 King Road vision update (ECDEV-02-24)

CARRIED

Moved by Councillor Galbraith

Approve agenda as amended.

CARRIED

Moved by Mayor Meed Ward

Waive the rules of procedure to permit a change to the approved agenda.

Note: this motion was passed on March 5, 2024

CARRIED

Moved by Mayor Meed Ward

Waive the notice provisions as per section 36.4 of the Procedure By-law 31-2021, as amended, to allow confidential Motion Memorandum regarding a personnel matter (COW-07-24) to be introduced without notice.

Note: this motion was passed on March 5, 2024

CARRIED

4. Declarations of Interest

Councillor Galbraith declared an interest with:

- PL-20-24 Official Plan and Zoning By-law Amendment application for 1026 Cooke Boulevard as he owns properties very close to this development proposal and within the notice area.

Councillor Nisan declared an interest with:

- EICS-03-24 Better Homes Burlington Pilot program special charge as he is participating in the program.

Councillor Bentivegna declared an interest with:

- CM-02-24 Burlington Performing Arts Centre (BPAC) governance review update as he is a member of the BPAC Board of Directors.

5. Consent Items

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

Note: this item was moved to CPRM Regular Items.

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

Moved by Councillor Sharman

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.

CARRIED

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

Moved by Councillor Sharman

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.

CARRIED

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

Note: this item was moved to CPRM Regular Items.

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

Note: this item was moved to CSSRA Regular Items.

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

Moved by Councillor Sharman

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.

CARRIED

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

Moved by Councillor Sharman

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.

CARRIED

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

Note: this item was moved to CSSRA Regular Items.

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

Moved by Councillor Sharman

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.

CARRIED

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

Moved by Councillor Sharman

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

CARRIED

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

Moved by Councillor Sharman

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.

CARRIED

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

Moved by Councillor Sharman

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

CARRIED

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

Moved by Councillor Sharman

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.

CARRIED

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

Note: this item was moved to EICS Regular Items.

5.15 Better Homes Burlington Pilot Program Special Changes (EICS-03-24) (EICS)

Note: this item was moved to EICS Regular Items.

6. Delegation(s)

6.1 Louis Frapporti, representing Alinea Land Corporation, spoke regarding 1200 King Road vision update (ECDEV-02-24) (CSSRA)

6.2 Terry Cado, representing Burlington Chamber of Commerce, spoke regarding 1200 King Road vision update (ECDEV-02-24) (CSSRA)

6.3 Jim Young, representing Partnering Aldershot, spoke regarding 1200 King Road vision update (ECDEV-02-24) (CSSRA)

6.4 Deedee Davies spoke regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) (EICS)

6.5 Patricia Richardson, representing Tyandaga Monday Chippers Women's League, spoke regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) (EICS)

6.6 Bob Derham, representing Tyandaga Men's Senior League and Tuesday Women's League, spoke regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24) (EICS)

6.7 Mike Bennett, representing Adi Development Group, spoke regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) (CPRM)

6.8 Peter Maby spoke regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) (CPRM)

6.9 Tom Muir spoke regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24) (CPRM)

6.10 Aleem Kanji, representing the Canadian National Fireworks Association, spoke regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24) (EICS)

6.11 John Adria, representing Uncle John's Fireworks, spoke regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24) (EICS)

- 6.12 Tom Jacobs, representing Rocket Fireworks, spoke regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24) (EICS)
- 6.13 John Laliotis, representing Sky Jewel Fireworks, spoke regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24) (EICS)
- 6.14 Amy Schnurr, representing BurlingtonGreen Environmental Association, spoke regarding BurlingtonGreen fee for services (EICS-01-24) (EICS)

7. Presentation(s)

None

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

Chair: Councillor Rory Nisan

Committee Clerk: Lisa Palermo

Note: view the [March 5, 2024 video](#) for the discussion of items 8.1, 8.6, 8.7 and 8.8.

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

Moved by Councillor Galbraith

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 the 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.

CARRIED

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

Moved by Mayor Meed Ward

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

CARRIED

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

Moved by Councillor Stolte

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.

CARRIED

8.4 Regional review update (CM-03-24)

Moved by Councillor Galbraith

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.

CARRIED

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

Moved by Mayor Meed Ward

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.

CARRIED

8.6 Ward Boundary Review (CL-03-24)

Moved by Mayor Meed Ward

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.

CARRIED

8.7 Remuneration and expenses paid to Council and appointees for 2023 (F-08-24)

Note: this item was moved from Consent Items and discussed before Item 8.1.

Moved by Councillor Kearns

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

CARRIED

8.8 Capital budget variance and project closure as of December 31, 2023 (F-11-24)

Note: this item was moved from Consent Items and discussed before Item 8.1.

Moved by Councillor Bentivegna

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

CARRIED

9. Confidential Items and Closed Session

Chair: Councillor Rory Nisan

Committee Clerk: Lisa Palermo

Moved by Councillor Stolte

Proceed into closed session on **March 4, 2024 at 1:10 p.m.** in accordance with the following provisions under the Municipal Act:

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 regarding item **9.3**; and

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 regarding items **9.4 and 9.5**; and

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees regarding item **9.6 and 9.10**.

CARRIED

Vice Chair: Councillor Shawna Stolte
Committee Clerk: Lisa Palermo

Moved by Councillor Sharman

Proceed into closed session on **March 5, 2024 at 1:02 p.m.** in accordance with the following provision under the Municipal Act:

Pursuant to Section 239(2)(b) of the Municipal Act, personal matters about an identifiable individual, including municipal or local board employees regarding item **9.11**.

CARRIED

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

Moved by Councillor Galbraith

Receive and file confidential legal department report L-03-24 providing a status update on the 2024-2025 Insurance Renewal.

CARRIED

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

Moved by Councillor Stolte

Receive and file confidential legal department report L-10-24 regarding a position on a property negotiation.

CARRIED

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

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

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

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

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

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

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

Moved by Councillor Bentivegna

Instruct the Executive Director of Human Resources to proceed in accordance with the instructions sought in confidential human resources department report HR-04-24.

CARRIED

9.10 Confidential Motion Memorandum regarding a human resources matter (COW-06-24)

9.11 Confidential Motion Memorandum regarding a personnel matter (COW-07-24)

10. Rise and Report

Committee reconvened into open session on March 4, 2024 at 4:02 p.m.

The Committee provided instructions to legal department staff on the following confidential items:

- Confidential real estate matter – property negotiations (L-14-24)
- Confidential legal update on litigation matter regarding 795 Brant Street (L-15-24)

The following confidential appendix was discussed in closed and voted on with its respective public report CM-02-24.

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

Moved by Mayor Meed Ward

Receive and file confidential Legal Services Department report L-17-24 providing an update on a litigation matter regarding 2020 Lakeshore Road. (L-17-24)

CARRIED

Moved by Councillor Stolte

Receive and file confidential Motion Memorandum regarding a human resources matter. (COW-06-24)

CARRIED

Committee reconvened into open session on March 5, 2024 at 1:35 p.m.

Moved by Councillor Sharman

Receive and file confidential Motion Memorandum regarding a personnel matter. (COW-07-24)

CARRIED

11. Environment, Infrastructure & Community Services Regular Items

Chair: Councillor Lisa Kearns

Committee Clerk: Suzanne Gillies

Note: view the [March 5, 2024 video](#) for the discussion of items 11.1 to 11.7.

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

Moved by Councillor Galbraith

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.

CARRIED

11.2 Fireworks and drones for festivals and events – Canada Day (RCC-02-24, SD-05-24)

Moved by Councillor Stolte

Direct the Director of Recreation, Community, and Culture to pilot the supplement the 2024 Canada Day Festival's Firework display with a drone display of \$15,000 to be funded from Tax Rate Stabilization Reserve Fund or Cultural Initiatives Reserve Fund and report back on community feedback (SD-05-24); 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.

CARRIED

Amendment:

Moved by Councillor Stolte

Remove the first paragraph of the recommendation and replace with 'Direct the Director of Recreation, Community, and Culture to pilot the supplement the 2024 Canada Day Festival's Firework display with a drone display of \$15,000 to be funded from Tax Rate Stabilization Reserve Fund or Cultural Initiatives Reserve Fund and report back on community feedback.'

CARRIED

11.3 BurlingtonGreen fee for services (EICS-01-24)(SD-02-24)

Moved by Councillor Sharman

Approve one time funding for 2024 in the maximum amount of \$50,000 from the **Green Initiatives** 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; **and**

Direct the Executive Director of Environment, Infrastructure and Community Services to report back to the March 19, 2024 Council meeting on options to waive the approximate \$12,000 2024 lease payment by BurlingtonGreen for use of the pumphouse. (SD-02-24)

CARRIED

Amendment:

Moved by Mayor Meed Ward

Change the dollar amount in the first and third paragraphs to \$70,000.

LOST

Amendment:

Moved by Mayor Meed Ward

Change the funding source to the Green Initiatives Reserve Fund.

CARRIED

Amendment:

Moved by Mayor Meed Ward

Direct the Executive Director of Environment, Infrastructure and Community Services to report back to the March 19, 2024 Council meeting on options to waive the approximate \$12,000 2024 lease payment by BurlingtonGreen for use of the pumphouse.

CARRIED

11.4 Facility operations update (RCC-03-24)

Moved by Councillor Galbraith

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

CARRIED

11.5 Motion memorandum regarding the solar eclipse in Burlington on April 8, 2024 (COW-05-24)(SD-03-24)(SD-04-24)

Moved by Mayor Meed Ward

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. (SD-03-24); 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 (SD-03-24); 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. (SD-04-24)

CARRIED

11.6 Burlington solar incentive proposal (EICS-02-24) (EICS)

Note: this item was moved from Consent Items and discussed before Item 11.1.

Moved by Councillor Bentivegna

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.

CARRIED

11.7 Better Homes Burlington Pilot Program Special Charge (EICS-03-24) (EICS)

Note: this item was moved from Consent Items and discussed before Item 11.1.

Moved by Councillor Bentivegna

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.

CARRIED

12. Community Planning, Regulation & Mobility Regular Items

Chair: Councillor Shawna Stolte

Committee Clerk: Jo-Anne Rudy

Note: view the [March 5, 2024 video](#) for the discussion of Items 12.1 to 12.6.

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

Moved by Councillor Galbraith

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.

CARRIED

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

Moved by Councillor Galbraith

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.

CARRIED

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

Moved by Mayor Meed Ward

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.

CARRIED

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

Moved by Mayor Meed Ward

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

CARRIED

12.5 2023 annual building permit revenues and expenses (BB-02-24) (CPRM)

Note: this item was moved from Consent Items and discussed before Item 12.1.

Moved by Mayor Meed Ward

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

CARRIED

12.6 By-law to regulate distribution of graphic images (BL-03-24) (CPRM)

Note: this item was moved from Consent Items and discussed before Item 12.1.

Moved by Mayor Meed Ward

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.

CARRIED

13. Statutory Public Meeting

Chair: Councillor Shawna Stolte
Committee Clerk: Jo-Anne Rudy

Note: view the [March 5, 2024 video](#) for the discussion of items 13.1 to 13.3.

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

The Committee of the Whole, in accordance with the Planning Act, held Public Meeting No. 3-24 on March 5, 2024, regarding city-initiated housekeeping amendments to Official Plan, 1997, as amended. Having considered the oral and written comments received from staff and the public, the Committee of the Whole approved community planning department report PL-11-24.

Moved by Councillor Bentivegna

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.

CARRIED

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

The Committee of the Whole, in accordance with the Planning Act, held Public Meeting No. 4-24 on March 5, 2024, regarding city-initiated amendment to Zoning By-law 2020 - parking for multi-unit business parks. Having considered the oral and written comments received from staff and the public, the Committee of the Whole approved community planning department report PL-13-24.

Moved by Councillor Sharman

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.

CARRIED

- a. Staff presentation regarding city-initiated amendment to Zoning By-law 2020 – parking for multi-unit business parks (PL-13-24)
- b. Correspondence from Nick Morrison, Safe Streets Halton, regarding city-initiated amendment to Zoning By-law 2020 - parking for multi-unit business parks (PL-13-24)

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

The Committee of the Whole, in accordance with the Planning Act, held Public Meeting No. 5-24 on March 5, 2024, regarding Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard. Having considered the oral and written comments received from staff and the public, the Committee of the Whole referred community planning department report PL-20-24 to the March 19, 2024 Council meeting.

Moved by Councillor Sharman

Refer community planning department report PL-20-24 to the March 19, 2024 Council meeting.

CARRIED

- a. Staff presentation regarding Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24)
- b. David McKay, MHBC Planning Consultants, spoke to Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24)
- c. Oliver Parker spoke to Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24)
- d. Nick Morrison, Safe Streets Halton, spoke to Official Plan Amendment and Zoning By-law Amendment applications for 1026 Cooke Boulevard (PL-20-24)

14. Procedural Motions

None

15. Information Items

Moved by Councillor Galbraith

Receive and file the following 22 items, having been given due consideration by the Committee of the Whole.

CARRIED

- 15.1 Office of the City Clerk memo providing forecast of standing committee agendas (COW-03-24)
- 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)
- 15.3 Delegation material from Louis Frapparti, representing Alinea Land Corporation, spoke regarding 1200 King Road vision update (ECDEV-02-24)
- 15.4 Delegation material from Jim Young, representing Partnering Aldershot, regarding 1200 King Road vision update (ECDEV-02-24)
- 15.5 Presentation from Burlington Economic Development regarding 1200 King Road vision update (ECDEV-02-24)
- 15.6 Correspondence from Ken Smithard, BPAC Chair, regarding Burlington Performing Arts Centre governance review update (CM-02-24)
- 15.7 Correspondence from Burlington Economic Development and Tourism Burlington regarding motion memorandum - local board governance (COW-04-24)
- 15.8 Staff presentation regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24)
- 15.9 Delegation material from Bob Derham, representing Tyandaga Men's Senior League and Tuesday Women's League, spoke regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24)
- 15.10 Correspondence from Bob Osborne regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24)
- 15.11 Delegation material from Deedee Davies, spoke regarding recommendations for the evolution of Tyandaga Golf Course (RCC-04-24)

- 15.12 Delegation material from Aleem Kanji, representing the Canadian National Fireworks Association, spoke regarding Fireworks and drones for festivals and events – Canada Day (RCC-02-24)
- 15.13 Correspondence from Jesse Elders representing the Bay Area Climate Change Council regarding the Burlington solar incentive proposal (EICS-02-24)
- 15.14 Delegation material from Amy Schnurr, representing BurlingtonGreen Environmental Association, spoke regarding BurlingtonGreen fee for services (EICS-01-24)
- 15.15 Staff presentation regarding facility operations update (RCC-03-24)
- 15.16 Staff presentation regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24)
- 15.17 Delegation material from Mike Bennett, representing Adi Development Group, spoke regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24)
- 15.18 Delegation material from Peter Maby regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24)
- 15.19 Delegation material from Tom Muir regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24)
- 15.20 Correspondence from Ruth, Diane and Deborah Roberts regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24)
- 15.21 Correspondence from John Hubert regarding Official Plan and Zoning By-law amendments for 1120 Cooke Boulevard (PL-04-24)
- 15.22 Correspondence from Michelle Diplock, West End Home Builders' Association, regarding 2023 annual building permit revenues and expenses (BB-02-24)

16. Staff Remarks

17. Committee Remarks

18. Adjournment

Meeting was called to order on March 4, 2024 at 9:30 a.m.

11:00 a.m. (recessed), 11:07 a.m. (reconvened), 12:15 p.m. (recessed), 1:06 p.m. (reconvened), 1:10 p.m. (closed), 2:32 p.m. (recessed), 2:33 p.m.

(reconvened), 3:00 p.m. (recessed), 3:04 (reconvened), 4:11 p.m. (open), 4:27 p.m. (recessed)

Meeting reconvened on March 5, 2024 at 9:30 a.m.

9:37 a.m. (recessed), 9:44 a.m. (reconvened), 9:52 a.m. (recessed), 10:00 a.m. (reconvened), 10:12 a.m. (recessed), 10:20 a.m. (reconvened), 11:21 a.m. (recessed), 11:32 a.m. (reconvened), 12:24 p.m. (recessed), 1:00 p.m. (reconvened), 1:02 p.m. (closed), 1:36 p.m. (open), 1:46 p.m. (recessed), 1:52 p.m. (reconvened), 3:25 p.m. (recessed), 3:33 p.m. (reconvened), 4:10 p.m. (recessed), 4:18 p.m. (reconvened)

Note: Councillor Sharman was absent from 1:30 p.m. to 2:38 p.m. on March 5, 2024. Councillor Kearns was absent from 4:15 p.m. to 4:36 p.m. on March 5, 2024.

Chair adjourned the meeting at 5:20 p.m.



Audit Committee Meeting

Minutes

Date: March 6, 2024

Time: 3:30 pm

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

Members Present: Lisa Kearns (Chair), Michael Di Iulio, Kartik Gupta, Mathew Moore, Etienne Durafour, Paul Sharman, Mayor Marianne Meed Ward

Staff Present: Tim Comisso, Maciej Jurczyk, Sheila Jones, Chad MacDonald, Michelle Moore, David Thompson (Audio/Visual Specialist), Richard Bellemare (Audio/Video Specialist), Suzanne Gillies (Clerk)

1. Declarations of Interest:

None

2. Delegation(s):

None

3. Consent Items:

3.1 Status of Management Action Plans (CA-01-24)

Moved by: Councillor Sharman

Receive and file office of the city auditor report CA-01-24 providing a summary of the Management Action Plans in progress.

CARRIED

3.2 Quarterly dashboard for the office of the city auditor (CA-02-34)

Note: this item was moved to Regular Items.

3.3 Resourcing for office of the city auditor (CA-05-24)

Moved by: Councillor Sharman

Receive and file office of the city auditor report CA-05-24 regarding resourcing for office of the city auditor.

CARRIED

4. Regular Items:

4.1 Performance management process for the City Auditor – 2024 (CA-04-24)

Moved by: Councillor Sharman

Receive and file office of the city auditor report CA-04-24 regarding the performance management process for the City Auditor - 2024.

CARRIED

4.2 Audit Committee Terms of Reference & Audit Charter - update (CA-06-24)

Moved by: Kartik Gupta

Approve option one identified in office of the city auditor report CA-06-24 regarding Audit Committee Terms of Reference & Audit Charter update; and

Appoint the following Audit Committee members to the Audit Committee Terms of Reference Subcommittee:

- Councillor Paul Sharman, Michael Di Iulio and Kartik Gupta

CARRIED

4.3 Global Internal Audit Standards - update (CA-07-24)

Moved by: Mathew Moore

Receive and file office of the city auditor report CA-07-24 providing a Global Internal Audit Standards update.

CARRIED

4.4 Corporate Risk Management Implementation Plan (CS-06-24)

Moved by: Councillor Sharman

Endorse corporate strategy report CS-06-24 regarding the updated Corporate Risk Management Implementation Plan attached as Appendix A.

CARRIED

4.5 Vision 2040 – Risk Confidence Rating Update (CS-07-24)

Moved by: Kartik Gupta

Endorse corporate strategy report CS-07-24 providing the updates to the risk confidence ratings for the risks to strategy Vision 2040 for the corporation of the City of Burlington.

CARRIED

4.6 Quarterly dashboard for office of the city auditor (CA-02-24)

Note: this item was moved from Consent Items and discussed before item 4.1.

Moved by: Mathew Moore

Receive and file office of the city auditor's report CA-02-24 providing a quarterly dashboard of City Auditor Key Performance Indicators (KPI's) attached as Appendix A.

CARRIED

5. Confidential Items and Closed Session:

Moved by: Etienne Durafour

Proceed into closed session on March 6, 2024 at 3:37 p.m. in accordance with the following provision under the Municipal Act:

Pursuant to Section 239(2)(a), the security of the property of the municipality or local board regarding item 5.2.

CARRIED

5.1 Confidential Appendix B regarding status of management action plans (CA-01-24)

5.2 Confidential Cyber-security audit (protect controls) (CA-03-24)

6. Rise and Report from Closed Session

Committee reconvened into open session on March 6, 2024 at 4:07 pm.

Note: this item was discussed before 4.1.

Moved by: Etienne Durafour

Receive and file office of the city auditor's report CA-03-24 regarding the Cyber-Security Audit (Protect controls).

CARRIED

7. Procedural Motions:

None

8. Information Items:

None

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:

3:37 p.m. (closed), 4:07 p.m. (public)

Chair adjourned the meeting at 4:56 p.m.



Pipeline to Permit Committee

Minutes

Date:	March 7, 2024
Time:	9:30 am
Location:	Hybrid meeting- virtual and Council Chambers, City Hall
Members Present:	Mayor Marianne Meed Ward (Co-Chair), Shawna Stolte (Co-Chair), Kelvin Galbraith, Paul Sharman, John Davidson, Kellie McCormack, Mike Collins-Williams, Jason Sheldon, Elisha Vankleef, Jim Dunn, Jackie Isada, John Doyle
Member Regrets:	Bianca Steer
Staff Present:	Tim Comisso, Nick Anastasopoulos, Blake Hurley, Allan Magi, Enrico Scalera, Jamie Tellier, David Thompson (Audio/Video Specialist), Richard Bellemare (Audio/Video Specialist), Samantha Yew (Clerk)

1. Entrance

- 1.1 Call to Order
- 1.2 Land Acknowledgement

The Chair read the land acknowledgement.

- 1.3 Approval of the Agenda

Moved by Councillor Sharman

Waive section 36.2 of the Procedure By-law 31-2021, as amended, to allow discussion of item 4.1 Motion Memorandum regarding Preparing Burlington for the Future.

CARRIED

Moved by Councillor Stolte

Waive section 45.2 of the Procedure By-law 31-2021, as amended, to allow an extension of the presentation to up to 30 minutes for item 2.1.a, Surety Bonds.

CARRIED

Moved by Mike Collins-Williams

Approve agenda as amended.

CARRIED

1.4 Declarations of Interest:

None

1.5 Written Delegations

None

2. Enlightenment

2.1 Presentations

a. Surety Bonds presentation provided by Brandon Kassies and Stephanie Kuntz, Marsh Canada Limited (PP-06-24)(SD-06-24)

Moved by Mike Collins-Williams

Direct the Acting Chief Financial Officer or designate to, at minimum but not limited to, consult with WE-HBA and Marsh to explore and report back to the Pipeline to Permit Committee on how to implement a Modern Pay-on-Demand Surety Bond program by the end of Q2 2024. (SD-06-24)

CARRIED

3. N Squared: News and Numbers

3.1 Pipeline to Permit Report (PP-02-24)

The Pipeline to Permit Report was presented by Jamie Tellier, Director of Community Planning, and Nick Anastasopoulos, Chief Building Official.

a. Update of Building Faster Fund eligibility and tracking (PP-04-24)

3.2 Contextual Updates

Contextual updates were provided by Jamie Tellier, Director of Community Planning.

4. Enaction

4.1 Motion memorandum regarding the Preparing Burlington for the Future (PP-05-24)

Note: this item was discussed before Item 3.1.a.

Moved by Councillor Sharman

Request that further information and discussion be brought forward to a future Pipeline to Permit committee meeting regarding Project Amplify and the future of Burlington 2051.

CARRIED

4.2 Pipeline to Permit Committee Forecast - March to September 2024 (PP-03-24)

Note: this item was discussed before Item 3.1.a.

Moved by Mike Collins-Williams

Approve the Pipeline to Permit Committee Forecast - March to September 2024 as amended.

CARRIED

4.3 Next Steps and Action Identification

4.4 Information Items

Moved by Kellie McCormack

Receive and file the following three items, having been given due consideration by the Pipeline to Permit Committee.

CARRIED

a. Presentation material for 2.1.a. Surety Bonds presentation provided by Brandon Kassies and Stephanie Kuntz, Marsh Canada Limited (PP-06-24)

b. Pipeline to Permit Report (PP-02-24)

c. Update of Building Faster Fund eligibility and tracking (PP-04-24)

4.5 Adjournment

Chair adjourned the meeting at 11:58 a.m.

Note: Councillor Sharman left at 11:33 a.m., and Councillor Galbraith left at 11:45 a.m.



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 redesignate 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 along 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 by 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 m² of commercial and office space and replacing it with 370 m² of ground floor retail, which results in a loss of approximately 837 m² of commercial and office space. In order to compensate for the loss of commercial space and employment uses, staff are recommending an additional 400 m² of non-residential uses be incorporated into the development, for a total of 770 m² 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 will 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 m² 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 m² 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 m² 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 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 MTSAs.

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 m² 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 m² 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 m². Reducing the floorplate of the tower to the recommended 750 m² 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 m².

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 MTSAs, 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 it is 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.

Lot Coverage

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.

Parking

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

Amenity Area

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 m² of amenity space per unit whereas the zoning by-law requires 15m² per efficiency dwelling unit, 20m² per one bedroom unit, 35m² 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 provided 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 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;*

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 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 m². 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
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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
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Minimum Floor Area for Retail or Service Commercial Use	N/A	N/A	370 m ²	No modification proposed
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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 m² of commercial space and 12 jobs. The current proposal would remove approximately 837 m² of commercial space from the area. in order to compensate for this loss of commercial space, staff are recommending an additional 400 m² of non-residential space be provided for a total of 770 m² 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 m². 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 m² to maximum sky views and reduce shadow impacts. Therefore, staff are recommending a maximum floorplate size of 750 m² 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/100m ² of Gross Floor Area	3.5 spaces/100m ² of Gross Floor Area only (can be shared with visitor parking including designated accessible spaces).	
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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	<p>1 long-term bicycle parking space and 4 short-term bicycle parking spaces for retail use.</p> <p>168 long-term bicycle parking spaces and 17 short-term bicycle parking for residential units</p>	<p>Retail Land Use: 2 long-term spaces plus 1 space per 1,000 m² GFA</p> <p>3 short-term spaces plus 1 space per 1,000 m² GFA</p> <p>Residential Land Use: 0.5 long-term plus</p> <p>0.05 short-term bicycle parking spaces per unit.</p>

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 align with City standards.

Zoning Regulation	Proposed	Modified
Bicycle Parking Long Term and Short Term Definitions	N/A	<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.</p> <p>Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on a balcony or in a storage locker.</p> <p>Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.</p> <p>Each bicycle parking space shall be 60cm x 1.8m in size.</p>

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 matters 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 within 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 through an oil/grit separator. Additional opportunities for LID measures are to be explored at the site 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:
<p>Parking</p> <ul style="list-style-type: none">• 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	<p>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.</p>

about 25 spots in reserve for overnight and day visitors.	<p>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 m² of gross floor area for retail.</p> <p>Further, the proposed parking rate is consistent with other approved parking rates in the surrounding area inside the MTSA boundary.</p>
<p>Electric parking spaces</p> <ul style="list-style-type: none">• Will this development and future developments be built with charger ability for each parking spot?• Will the development be electrified accordingly?	<p>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.</p> <p>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.</p> <p>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.</p>

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 develop 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 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.

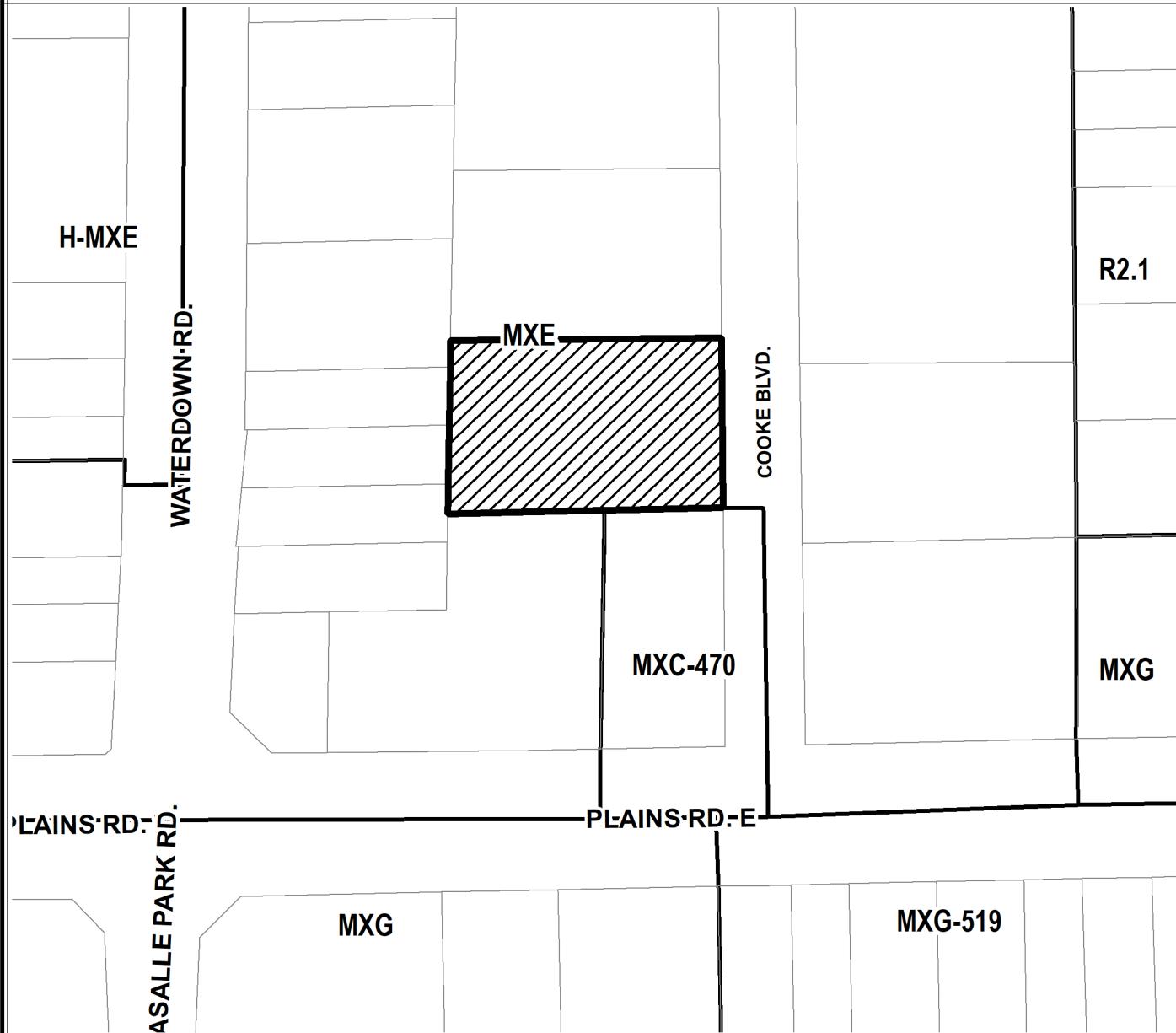
EXISTING ZONING



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			

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.

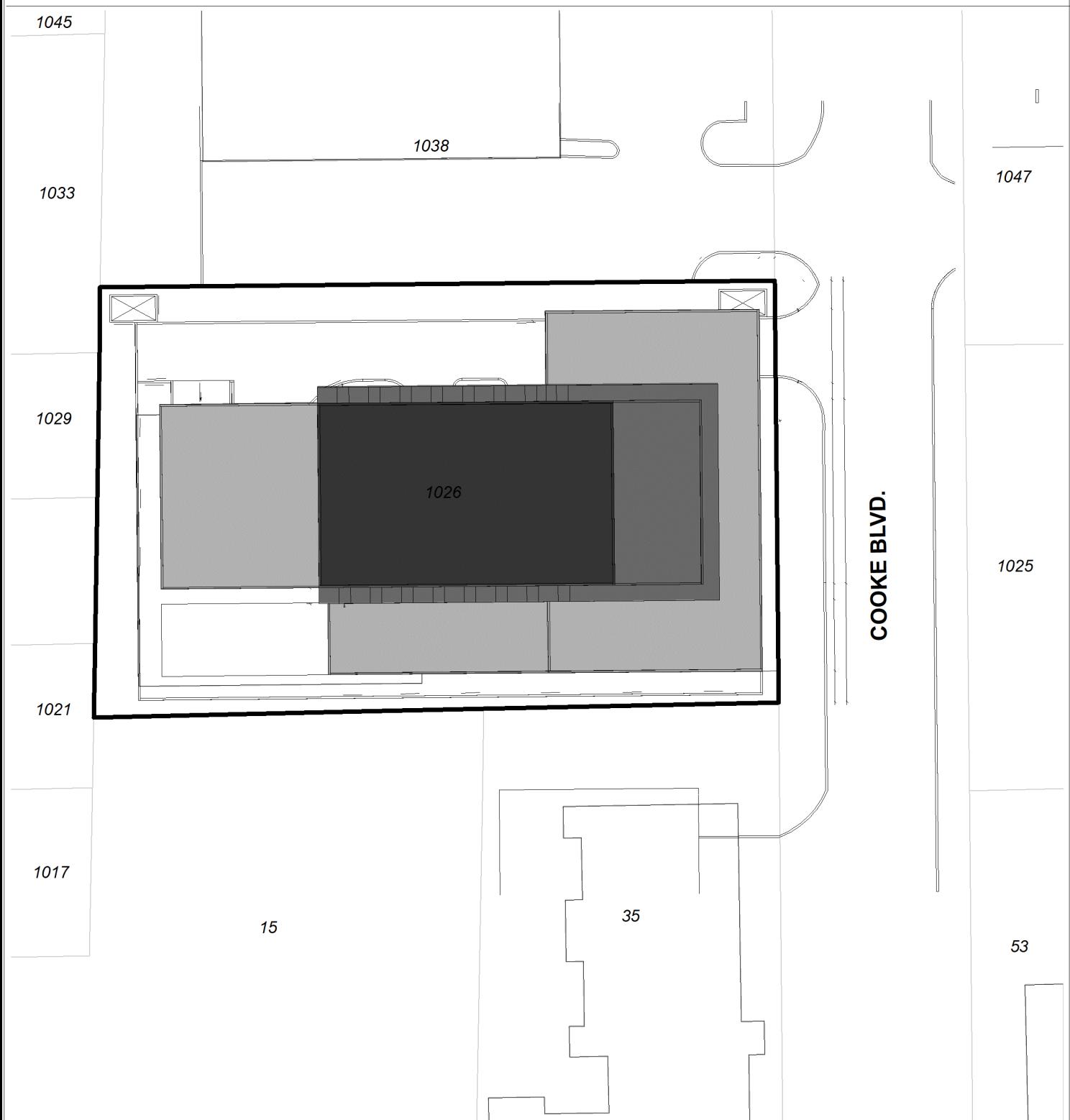
File Nos. 520-09/23
& 505-03/23



SUBJECT PROPERTY

- - - Bus Route

● Bus Stop



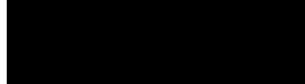
Hi Burlington, RE-Development 1026 Cooke

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



CONTEXT for 1026 COOKE BLVD

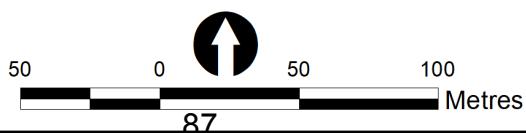


Legend

- Approved
- Under Review
- Appealed - ZBL/OPA/Subd
- Appealed
- # Number of Storeys

Date: February 13, 2024

WARNING! The information contained herein is compiled from other documentation and may contain errors, omission 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, omissions, 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.



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:

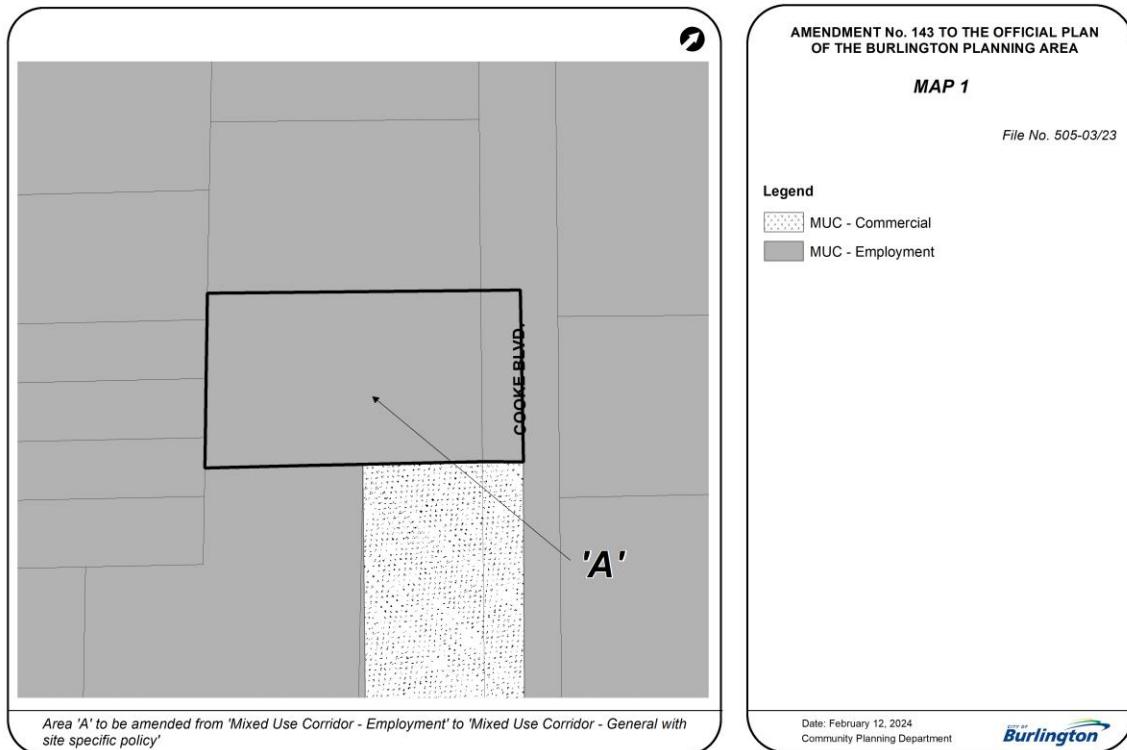
1026 Cooke Boulevard	x) Notwithstanding the policies of Part III, Section 5.3, Subsections 5.3.2 a) ii), 5.3.2 d) i) and d) ii) of this Plan, a Floor Area Ratio of 10.5:1, and a maximum building height of 22 storeys <i>shall</i> be permitted.
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2. INTERPRETATION

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.



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:**

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>				
<ul style="list-style-type: none"> a) Only the following uses shall be permitted: <ul style="list-style-type: none"> (i) Apartment Building (ii) The following non-residential uses on the ground floor and second floor of an apartment building: <ul style="list-style-type: none"> 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. Regulations:

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 thisday of 2024.

_____ **MAYOR**

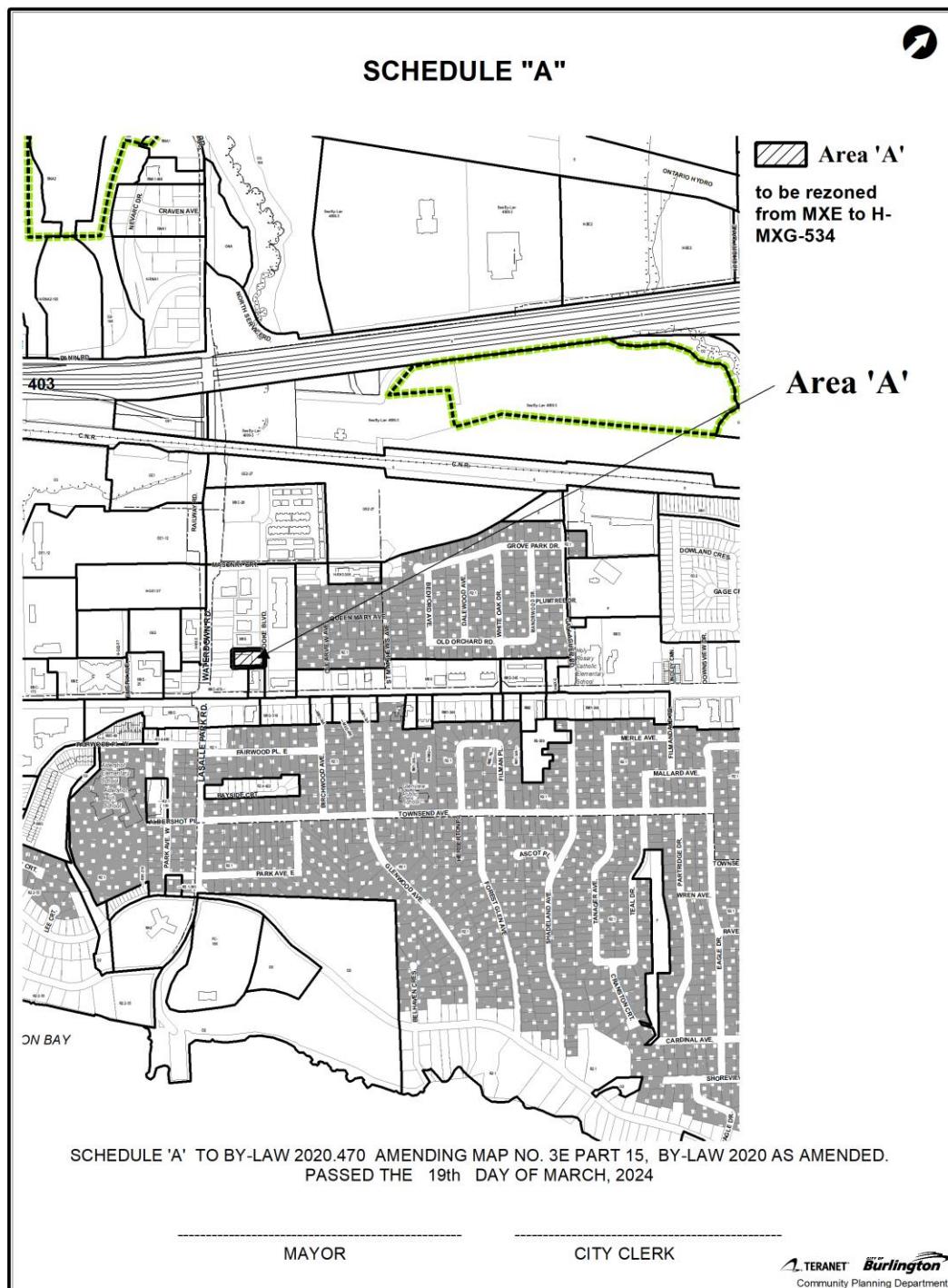
_____ **CITY CLERK**

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





Motion Memorandum

SUBJECT: Proposed Amendment to Subsection 27(16) of the Ontario Heritage Act with respect to the removal of listed (non-designated) properties from municipal heritage registers

TO: **Mayor and Members of Council**

FROM: Councillor Shawna Stolte, Ward 4

Date to Committee: n/a

Date to Council: March 19, 2024

Motion for Council to Consider:

Whereas Subsection 27(16) of the *Ontario Heritage Act* stipulates that any non-designated heritage property listed on the municipal register of properties as of December 31, 2022, shall be removed from the municipal register on or before January 1, 2025, if the council of the municipality does not give a notice of intention to designate the property under subsection 29(1) of the *Ontario Heritage Act* on or before January 1, 2025; and

Whereas Since January 1, 2023, municipal staff and members of the Heritage Burlington Advisory Committee have been diligently working to: review the municipal heritage register; research the heritage value and interest of listed (non-designated) properties; review and research the heritage value and interest of non-designated properties; contact owners of such properties; determine which properties should potentially be designated in accordance with the provisions of Section 29 of the *Ontario Heritage Act*; and take all required steps to designate such properties; and

Whereas the above-noted work involving approximately 200 currently listed properties, which does not include properties of potential cultural heritage value that have yet to be evaluated and/or assessed, in the City of Burlington is extremely time-consuming and cannot be completed by December 31, 2024, with the limited municipal resources available.

Now therefore be it resolved;

That this Council authorizes the Mayor to promptly send a letter to Doug Ford, Premier of Ontario, Michael Ford, Minister of Citizenship and Multiculturalism, and Natalie Pierre, MPP Burlington, respectfully requesting that Subsection 27(16) of the *Ontario*

Heritage Act be amended to extend the above-noted deadline for five years from January 1, 2025, to January 1, 2030; and

That a copy of this resolution be sent to AMO and Big City Mayors.

Reason:

Burlington's heritage is a link to the legacy of our municipality's past and that of the Province and this country. Our built, cultural and natural heritage is what we continue to cherish today and must ensure we are able to protect for future generations. An important part of good planning, heritage conservation contributes to a complete community, economic prosperity, and a sense of place. These are sources of enjoyment, education, history, homes and values to be commemorated and celebrated. A Provincial interest, the conservation of heritage resources, is identified in the *Planning Act* and in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*. Cultural heritage resources are considered irreplaceable and valuable assets that must be protected and managed as part of planning for future growth.

Most of the currently non-designated properties on the municipal heritage register were originally classified as "A" properties on the 2001 Edition of the City of Burlington Inventory of Heritage Resources prepared by Heritage Burlington Local Architectural Conservation Advisory Committee, the precursor to the Burlington Heritage Advisory Committee. The Inventory was created and used as the essential basis for public awareness of Burlington's heritage, a crucial factor contributing to civic pride and a strong sense of community identity, as well as tourism potential in Burlington. Grade A properties are deemed to be "of major significance" and most are clearly eligible for designation. The Inventory states that they have the highest priority for preservation.

Since January 1, 2023, staff and members of the Heritage Burlington Advisory Committee have been hard at work to: 1) review the municipal heritage register; 2) research the heritage value and interest of listed (non-designated) properties; 3) review and research the heritage value and interest of non-designated properties; 4) contact owners of such properties; 5) determine which properties should potentially be designated in accordance with the provisions of Section 29 of the *Ontario Heritage Act*; and 6) take all required steps to designate such properties. Even with these efforts, all of the remaining listed properties will not be designated by January 1, 2025.

Outcome Sought:

Seeking Council support for the resolution to authorize the Mayor to promptly send a letter to Doug Ford, Premier of Ontario, Michael Ford, Minister of Citizenship and Multiculturalism, and Natalie Pierre, MPP Burlington, requesting that Subsection 27(16) of the Ontario Heritage Act be amended to extend the above-noted deadline for five years from January 1, 2025, to January 1, 2030. This will allow Council to allocate

appropriate funding and the time necessary to properly evaluate the non-designated properties on the municipal heritage register for designation.

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 Lisa Kearns, Ward 2

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:

City Manager:



Motion Memorandum

SUBJECT: **Call for new Halton courthouse in Oakville**

TO: **Mayor and Members of Council**

FROM: Mayor Marianne Meed Ward

Date to Committee: NA

Date to Council: March 19, 2024

Motion for Council to Consider:

Whereas the Milton Courthouse is dilapidated and its disrepair is affecting the administration of justice for the region; and

Whereas the Halton Consolidated Courthouse Project was shovel-ready for a state-of-the-art facility and would have brought much needed economic stimulus along with 600 jobs for Halton Region and the Province of Ontario; and

Whereas the Chair of the Halton Police Service Board wrote in February 2024 to the Attorney General of Ontario urging the provincial government to reconsider and reinstate the previously announced courthouse project in Oakville; and

Whereas Halton Regional Council passed a resolution in May 2020 calling for the province to reconsider the cancellation of the courthouse project and instead postpone its construction; and

Whereas the Mayors of Burlington, Halton Hills, Milton and Oakville wrote to the Premier and the Attorney General in May 2020 calling on the government to construct a new courthouse in Oakville so as to promote efficiency and efficacy in the criminal justice system in Halton; and

Whereas the Toronto Star reported on August 8, 2023 that trials, proceedings and timely court cases are being jeopardized due to the ongoing issues at the Milton Courthouse, such as mould, crumbling ceilings, and rodents.

Therefore, be it resolved:

That the City of Burlington support the Halton Police Service Board's most recent appeal to the Ministry of the Attorney General to move forward on the construction of the new courthouse in Oakville to ensure Halton residents access their constitutional right to timely, effective administration of justice in Ontario; and

That a copy of this resolution be forwarded to Minister Doug Downey, Minister Michael Kerzner, MPP Pierre, MPP Triantafilopoulos, MPP Crawford, and Speaker Arnott.

Reason:

Advocacy to provincial government for new regional courthouse.

Outcome Sought:

Construction of new courthouse in Oakville for the Halton Region.

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

Moved by Councillor Lisa Kearns

Seconded by Councillor Rory Nisan

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: none

City Manager: none



Motion Memorandum

SUBJECT: **Improving Local Democracy by Strengthening City Decision-Making**

TO: **Mayor and Members of Council**

FROM: Councillor Rory Nisan, Ward 3, Councillor Kelvin Galbraith, Ward 1, Councillor Shawna Stolte, Ward 4

Date to Committee: N/A

Date to Council: March 19, 2024

Motion for Council to Consider:

That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.5 of the Municipal Act, with respect to the City Manager; and

That Council request the Mayor to delegate to the City Manager the powers and duties assigned to the head of council under Section 284.6 of the Municipal Act, with respect to:

- a. determining the organizational structure of the municipality; and
- b. hiring, dismissing, or exercising any other prescribed employment powers with respect to any division or the head of any other part of the organizational structure;

That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.7 of the Municipal Act, with respect to prescribed local boards or local boards within a prescribed class of local boards; and

That Council request the Mayor to delegate to Council the powers and duties assigned to the head of council under Section 284.8 of the Municipal Act, with respect to prescribed committees or committees within a prescribed class of committees; and

That the Executive Director of Legal Services and Corporation Counsel for the City of Burlington be directed to consult with external legal counsel on the current state of any legal challenges to strong mayor power in Ontario and whether a legal challenge would have any chance of success.

Reason:

The Mayor has been clear that she does not intend to use the Strong Mayor powers, stating in an interview for InHalton that what municipalities actually need are “strong city powers,” adding that those can then be exercised by the majority of one’s council, building consensus.

The motion solidifies this commitment, enshrining our commitment to local democracy and the principle of majority rule. The delegation of these powers is consistent with best practices for corporate boards, where majority rule exists.

The co-movers are bringing this motion now because a recent article in the Metroland chain of newspapers has noted that numerous municipalities have already delegated many of these powers (https://www.simcoe.com/news/council/how-are-ontario-s-strong-mayors-flexing-the-new-powers-that-the-ford-government-granted/article_8a1f90aa-cabe-5317-bcd1-c9dcda00c83.html). Specifically, the delegation of the same powers that the co-movers are requesting be delegated has evidently already occurred in Aurora, Chatham-Kent, Guelph, Innisfil, Kingston, Oshawa, Richmond Hill, Sault Ste. Marie, Stouffville and Kitchener.

Strong mayor powers introduced by the Province through amendments to the Municipal Act are dysfunctional and antidemocratic for several reasons:

1. They provide powers to mayors not elected in 2022 to enact those powers.
2. They create a scenario of minority rule for budgets and certain legislation (bylaws), which is antithetical to the democratic principle of majority rule with minority rights and for which there may not be any comparable power in western democracy.
3. The veto power erodes local decision-making authority by only allowing strong mayors to utilize a non-budgetary veto on provincial priorities; as a result, the legislative veto can only be used to enhance the province’s priorities but not those of the municipality unless they are the same as those of the province.
4. The budgetary veto concentrates power of the purse to the mayor, leading to widespread control over capital projects and staffing each year at budget time. The mayor can thus defund initiatives they do not support.
5. For further clarity, the powers noted in points 2-4 can be overruled by 2/3rds +1 of council, meaning the mayor can exercise this power with a minority of council members (two plus themselves in Burlington).
6. The power to hire and terminate the city manager, previously the jurisdiction of council, is now in the hands of only the mayor. As the chief administrative officer of the corporation, the city manager would be at risk of being influenced in their

decision-making by the oversight of a single individual able to terminate them at any time without cause.

7. The rationale for point 6 above also applies to senior staff, previously the exclusive jurisdiction of the city manager. As a result, all senior staff are, generally, influenced to do what a mayor demands or fear the consequences. This significant latent power reduces democratic decision-making as decisions at the city or often binary and a majority of council may not agree with a strong mayor.
8. The ability to change the organizational structure of the municipality is another potential way to exercise power over staff.
9. The above rationale also applies to board and committee powers which are currently concentrated in the hands of the strong mayor.

The Government of Ontario has provided for some of the above powers to be delegated but not others. The present motion requests the delegation of those powers which can be delegated as per the Municipal Act. Should the motion pass and the mayor accepts the motion request and delegates the powers as requested, issues 6, 7, 8 and 9 and partially issue 1 would be addressed.

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 Kelvin Galbraith, Ward 1

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).

Reviewed by the Executive Director of Legal Services and Corporation Counsel to confirm references to legislation.

Comments:

City Clerk: none

City Manager: none



... Memo

To: **Mayor and Members of Council**

From: **Michelle Moore, Controller & Manager, Financial Services**

Cc:

Date: **March 11, 2024**

Re: **F-08-24 Additional Information**

In the Committee of the Whole meeting held on March 4, 2024, staff were requested to provide additional details to Appendix A of report F-08-24 (Mayor and Councillors Remuneration) for Council.

In response to this request staff have broken out the budget and expenses separately from the salary and benefit details. Staff have also included additional information in each category to provide further clarification.

APPENDICES:

Appendix A – Additional information – 2023 Remuneration and Expenses

F-08-24 - Mayor and Councillors Remuneration - Additional Information

2023 Budget & Actual Expenses

In 2023, each member of Council had an approved budget of \$10,000. This funding is specifically allocated to cover expenditures such as meetings, printing, mileage, newsletters, postage, professional development, telephones, advertising and conferences. 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.

2023 Budget & Actual Expenses			
Members of Council	Total Approved Budget	Total Actual Expenses	Contribution/(Draw) to Special Initiative Reserve Fund
Mayor - Marianne Mead Ward	31,087	20,098	10,989
Ward 1 - Kelvin Galbraith	10,000	9,749	251
Ward 2 - Lisa Kearns	10,000	10,000	(1,630)
Ward 3 - Rory Nisan	10,000	9,122	878
Ward 4 - Shawna Stolte	10,000	1,384	8,616
Ward 5 - Paul Sharman	10,000	8,112	1,888
Ward 6 - Angelo Bentivegna	10,000	9,482	518

Balance of the Special Initiative Reserve Fund - December 31, 2023 \$ 71,097

2023 Summary of Salaries & Benefits

The salary of a member of Council represents the fixed total compensation they receive and are paid annually. This is their "earned" amount. The benefits section outlines the OMERS, CPP, EHT and Standard Life funds that are not paid out to the Mayor and Council but remitted to the various agencies on their behalf. Variation between the individual amounts is due to benefit coverage.

Members of Council	2023 Summary of Salaries & Benefits								
	City			Region			Total Salaries & Benefits		
	Salaries	Benefits	Total	Salaries	Benefits	Total			
Mayor - Marianne Mead Ward	\$ 147,754	\$ 32,300	\$ 180,054	\$ 54,958	\$ 9,439	\$ 64,397	\$ 244,450		
Ward 1 - Kelvin Galbraith	65,644	18,546	84,190	54,958	9,333	64,291		148,481	
Ward 2 - Lisa Kearns	65,644	18,785	84,430	54,958	9,333	64,291		148,720	
Ward 3 - Rory Nisan	65,644	18,546	84,190	54,958	9,333	64,291		148,481	
Ward 4 - Shawna Stolte	65,644	18,546	84,190	54,958	9,333	64,291		148,481	
Ward 5 - Paul Sharman	63,246	6,084	69,330	54,958	1,072	56,030		125,359	
Ward 6 - Angelo Bentivegna	63,246	15,917	79,163	54,958	9,108	64,066		143,229	
Total	\$ 536,822	\$ 128,723	\$ 665,546	\$ 384,706	\$ 56,949	\$ 441,655	\$ 1,107,201		

To: **Mayor and Members of City Council**

From: **Elyse Meneray, Planner**

Cc: **Tim Comisso, Jamie Tellier, Kyle Plas**

Re: **AMENDED – Official Plan Amendment and Zoning By-law Amendment application for 1026 Cooke Boulevard**

Amended 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 and community planning department memo to report PL-20-24, to permit a mixed use development with a height up to 24 storeys; and

Approve Official Plan Amendment No. 143 to the City of Burlington Official Plan, as provided in Appendix A of community planning department memo to 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 A of community planning department memo to 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 2020.470, attached as Appendix B of community planning department memo to 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.

Background and Discussion:

Community planning department report PL-20-24 was presented to the Committee of the Whole on March 5, 2024, which outlined staff's recommendation for a modified approval for the proposed development at 1026 Cooke Boulevard. The Committee referred PL-20-24 to the March 19, 2024 Council meeting to allow for additional dialogue between staff and the applicant in an effort to seek resolution to matters related to maximum building height, podium height and non-residential minimum floor area.

Staff met with the applicant on March 7, 2024, and discussed seven amendments to the modified approval including building height, podium height, rear yard setback, north side encroachments, non-residential uses, floor area ratio and tower floor plate size. Staff are recommending the following changes:

- Increase in building height from 22 storeys to 24 storeys (both inclusive of mechanical penthouse);
- Increase in podium height from 16 metres up to 5 storeys to 21.5 metres up to 6 storeys;
- A 1.5 metre stepback above the 5th storey podium and 3 metre stepback above the 6th storey podium fronting Cooke Boulevard;
- Increase Tower Floorplates for Floors 7 to 10 from 750 m² to 870 m² (Floor 7), 830 m² (Floors 8 to 9) and Floor 10 (790 m²);
- Decrease the required non-residential floor area from 750 m² to 550 m²
- Increase the FAR from 10.5:1 to 11:1;
- Decrease the rear yard building setback from 6 metres to 3 metres;
- A 5.5 metre north side yard setback to building with a 1.5m encroachment allowance for the proposed balconies; and,
- Requirement of a Pedestrian Level Wind Study as part of the Holding Provision.

The proposed changes are further detailed in the chart below, which outlines the changes from the initial application submission (December 1, 2023); staff's recommended modified approval (March 5, 2024); the applicant's revised proposal (March 7, 2024); and staff's amended recommendation based on discussions with the applicant (March 13, 2024):

Provision	Initial Application (December 1, 2023)	Staff's Modified Approval Recommendation (March 5, 2024)	Applicant's Revised Proposal (March 7, 2024)	Staff's Amended Recommendation (March 13, 2024)

Building Height	29 storeys including mechanical penthouse	21 storeys plus mechanical penthouse	24 storeys plus mechanical penthouse	23 storeys plus mechanical penthouse
	Total: 30 storeys	Total: 22 storeys	Total: 25 storeys	Total: 24 storeys

Staff comments:

Staff Report PL-20-24 recommended a maximum building height of 22 storeys (21 storeys plus mechanical penthouse) for the proposed development at 1026 Cooke Boulevard. Subsequent to the Committee meeting, the applicant proposed a maximum height of 25 storeys (inclusive of the mechanical penthouse). Staff are supportive of an increase in height to 24 storeys; however, staff do not support the amended proposed building height of 25 storeys.

The vision for this area is to provide transitions in building heights with the highest building heights near the GO Station and lowest building heights along Plains Road East and to the low-rise residential neighbourhood to the east. Providing these important transitions allows for the gradual transition and variation in height from the northern part of Cooke Boulevard, Masonry Court and Waterdown Road to the south along Plains Road East and to the east.

In January 2022, Council endorsed in principle Report PL-02-22, which recommended a preferred precinct plan for the Aldershot GO Major Transit Station Area (MTSA). According to the preferred precinct plan for the Aldershot GO MTSA, the subject lands are identified as being within the Cooke Commons Precinct which contemplates building heights to a maximum of 19-storeys on the west side of Cooke Blvd and a 11-storey maximum on the east side of Cooke Blvd, in recognition of the transition requirements and adjacency to the existing low rise area immediately adjacent to the Cooke Commons Precinct.

As outlined, the preferred precinct plan also encourages height transitions from west to east between Waterdown Road to the existing low-rise residential neighbourhood to the east. The approved development immediately adjacent to the subject lands on the east side of Cooke Boulevard (1025 Cooke Boulevard) is an 18-storey building. As such, the recommended 24 storeys on the subject lands would provide an appropriate built form transition from the west side of Cooke Boulevard to the approved 18 storey building on the east side of Cooke Boulevard and the low-rise neighbourhood beyond to the east. Staff consider the height transition from west to east just as significant as the north to south (from the GO Station to Plains Road East) to ensure that an appropriate level of intensification and gradual height transition is achieved.

Further, the preferred precinct plan identifies 35 Plains Road East (property immediately south) as having a maximum building height of 11 storeys and the property has been approved for a 9-storey mixed use building. Permitting a building height above 24 storeys would not provide a proper transition in height from the approved 9 storey mid-rise built form along Plains Road East.

Therefore, in order to achieve the vision of the Aldershot Go Area Specific Plan, staff recommend that the maximum allowable height for this property to be 24 storeys, inclusive of the mechanical penthouse. Allowing anything above 24 storeys would undermine the gradual height transition objectives that the Aldershot GO Area Specific Plan has envisioned for this area.

Therefore, staff are recommending a revised maximum building height of 24 storeys.

Podium Height	21.5 m (6 storeys)	16 m up to 5 storeys	Did not provide a revised height; asked for flexibility in the podium design.	21.5 m up to 6 storeys, with a 1.5 metre stepback above the 5 th storey and a 3 metre stepback above the 6 th storey
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Staff comments:

In discussions with the applicant, it was proposed that the podium height could be increased to a maximum height of 21.5 metres up to 6 storeys if a 1.5 metre stepback above the 5th storey and a 3 metre stepback above the 6th storey was incorporated into the building design.

Staff are of the opinion that the inclusion of a setback at the 5th and 6th storey will reinforce a human/pedestrian scale and create a positive relationship with the street.

Therefore, staff have amended the original recommendation to permit a maximum podium height of 21.5 metres up to 6 storeys and incorporated the appropriate setbacks into the Zoning By-law.

Tower Floorplate	749.9 m ²	750 m ²	Floors 7 – 867m ²	Floors 7 – 870m ²
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			Floors 8-9 – 828m ² Floor 10 – 789m ² Floors 11 and above – 750m ²	Floors 8-9 – 830m ² Floor 10 – 790m ² Floors 11 and above – 750m ²
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Staff comments:

The applicant proposed an increase to the tower floor plate for floors 7 to 10 to larger than 750 m² to accommodate more dwelling units. The remainder of the tower floor plates above the 10th storey would comply with the maximum size of 750 m². The increase in floorplate size would result in an additional 312 m² of building area.

Staff note that revised building plans were not provided showing the proposed floorplate increase. Staff feel that the required front, side and rear yard setbacks and the additional tower setbacks, will contribute to a tower massing that is appropriate for the building. However, staff will need confirmation that there are no adverse shadow or wind impacts from the proposed floorplate increase to the overall building surrounding area and proposed amenity areas.

Staff have also proposed a slight increase in the tower floorplates to allow for some design flexibility for the applicant as final building plans were not provided.

Therefore, staff are recommending the increase in tower floorplates for floors 7 to 10 but will also require a revised Pedestrian Level Wind Study as part of the Holding Provision to ensure that the new building design has no adverse impacts.

Non-Residential GFA	370 m ² retail and service commercial Total: 370 m ²	370 m ² of retail and service commercial, plus 400 m ² of other non-residential Total: 770 m ²	370 m ² retail and service commercial, plus 180 m ² for live work units. Total: 550 m ²	370 m ² of retail and service commercial, plus 180 m ² of other non-residential Total: 550 m ²
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Staff comments:

At the March 7, 2024 meeting, staff advised that they would be supportive of a reduction of the non-residential uses to a minimum floor area of 550 m². This would include the original 370 m² for the ground floor retail and service commercial use and allow for an additional 180 m² of non-residential floor area.

The applicant advised that they would be supportive of the decrease to 550 m² if the non-residential use was for live-work units, which would include residential dwelling units in a mezzanine area above the employment use on the ground floor.

Staff are not supportive of the inclusion of live-work units to satisfy the non-residential floor area requirement. Currently, the Burlington Zoning By-law does not have regulations for live-work units; they are regulated through the Ontario Building Code.

The Ontario Building Code recognizes live-work units as a dwelling unit with the primary function being a housing unit. The entire unit, including the residential portion and business area cannot exceed 200 m². The entire live/work unit must be operated by one household and they have employees. The person who owns the residential suite must also be the operator of the business. The units cannot be leased out separately and cannot be rented to other tenants or have employees that are not part of the household.

Further, only certain types of occupancies are permitted in the non-residential portion of the unit. These occupancies are based on the specific definitions in the Ontario Building Code and have no relation to uses specified in the Zoning By-law. While the Building Code would permit some service commercial and office occupancies such as beauty parlors, barber and hairdressing shops, medical office and office, it would also permit industrial occupancies such as laboratories, power plants, storage garages, storage rooms and warehouses. Staff also note that retail occupancies would not be permitted as part of the live-work unit.

Based on the above, staff do not think that live-work units are an appropriate substitution for non-residential uses on site as they are not regulated by the Zoning By-law and would permit uses that are not appropriate for the building and would eliminate the possibility of retail, community, and other non-residential uses.

The subject lands are designated for 'Employment Uses' in both the in-force Official Plan (1997) and the City's New Official Plan (2020). Non-employment uses are not permitted in these OP designations; however, it is acknowledged that through OP 2020 an employment conversion assessment was undertaken and Council recommended employment conversion of the subject lands, provided that the ultimate land use would be established through a comprehensive planning process – the ongoing Aldershot Major Transit Station

Area (MTSA) Area Specific Planning (ASP) work. This work contemplates the following as it relates to Employment Uses and Mixed-Use Development:

- It is the expectation of the City that the addition of non-employment land uses shall only be permitted where the proposed development achieves a proportionate mix of residents and jobs.
- All development shall contain a minimum of two permitted uses and should contain three permitted uses where feasible. Retail / commercial uses will create some jobs; however, the City is also looking for other types of employment uses (i.e. office uses).
- The provision of freestanding office uses are permitted and encouraged.
- Office and commercial uses should be prioritized near the Aldershot GO Transit Station to encourage areas of employment within walking distance of the station. These uses can be accommodated in building podiums, with residential uses above in building towers.
- Continuous active uses / retail space at grade is required. Need to plan for flexible commercial and retail spaces that can respond to the changing commercial/retail landscape.

New development in this area needs to recognize the existing employment function in the area and accommodate future employment and commercial uses to allow the City to meet its job targets set out by the Province (Growth Plan) and Region (Halton Region Official Plan). Based upon the 80/20 residents to jobs split provided by the Region, the Aldershot MTSA needs to accommodate 2,582 jobs. As noted, it is expected that any development should have a proportional mix of people and jobs, in line with the 80/20 residents to jobs target as established through ROPA 48.

Staff note that the total gross floor area for the proposed building is 23,608 m² including the proposed 370 m² of ground floor retail. The proposed retail use of the building represents 1.5% of the overall building floor area. By increasing the non-residential uses to 550 m² the overall building floor area dedicated to non-residential uses increase to 2.3%. Staff are of the opinion, that this increase is appropriate and will provide a sufficient amount of non-residential uses for the property and community.

The intent of this provision is to ensure non-residential space and uses are incorporated into this development to achieve a complete community for the emerging Aldershot GO MTSA area. Staff need to take into consideration not only the current needs of the area, but the future needs of the Aldershot GO MTSA area. Staff want to ensure that non-residential uses are provided for the existing and future Aldershot community.

Therefore, staff are recommending a revised minimum gross floor area of 550 m² for non-residential uses.

Rear Yard Setback	6 m	6 m	3 m	3 m
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Staff comments:

The applicant proposed a reduced rear yard setback of 3 metres to increase the building podium and provide more residential dwelling units in the building.

Staff are supportive of the 3 metre setback as it will still provide an adequate separation distance between the proposed development at 1029-1033 Waterdown Road.

Therefore, staff are recommending a revised rear yard setback of 3 meters.

Floor Area Ratio	7.4:1	10.5:1	N/A	11:1
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Staff comments:

The applicant provided revised underground parking floor plans to calculate the Floor Area Ratio for the proposed 29 storey building. Based on the revised plans, the FAR is 12:1.

Staff used the floor plans for the 29 storey building to calculate the FAR for a 24 storey building. The FAR for a 24 storey building based on the current floor plans would be 10.5:1. Staff are recommending a revised FAR of 11:1 to reflect a more accurate number based on the provided revised plans and to provide some design flexibility to the applicant as the design may change due to the amendments in this report.

North Side Yard Encroachment	N/A	N/A	5.5 metre north side yard setback to building with a 1.5m encroachment allowance for the proposed balconies	5.5 metre north side yard setback to building with a 1.5m encroachment allowance for the proposed balconies
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Staff comments:

Staff are requiring a 5.5 metre setback from north side yard property line to the edge of the proposed building in order to provide sufficient podium separation between the proposed development at 1026 Cooke Boulevard and future development at 1038 Cooke Boulevard.

The applicant has proposed that the balconies along the north side of the building podium be able to encroach 1.5 metres into the required setback of 5.5 metres, for an overall setback of 4 metres balconies along the north side yard. Staff are supportive of this proposed amendment and do not foresee any negative impacts or privacy issues. The building setback will maintain the podium separation distance and allow the applicant design flexibility with the residential units facing the north.

Therefore, staff are recommending a 4.0 metre setback to balconies along the north side yard.

Conclusion

Staff have reviewed and taken into consideration the proposed amendments discussed with the applicant on March 7, 2024, for the Official Plan and Zoning By-law Amendment application for 1026 Cooke Boulevard. Staff are generally supportive the proposed amendments, with the exception of the proposed building height increase and inclusion of live-work units for the non-residential uses.

Staff consider the above amended recommendation an appropriate form of intensification and efficient use of land. It is staff's opinion that the modified recommendation satisfies the City's objectives to develop the Aldershot GO MTSA as a mixed use community; provides housing opportunities that encourage use of public transit and active transportation; achieves design excellence and provides development that is compatible with surrounding properties.

Appendices

Appendix A – Revised Draft Official Plan Amendment

Appendix B – Revised Draft Zoning By-law

Respectively submitted,

Elyse Meneray, MCIP RPP

Planner – Development Review

905-335-7600 ext. 7462

VIA EMAIL

City of Burlington City Council
426 Brant Street, PO Box 5013
Burlington, ON L7R 3Z6
clerks@burlington.ca

Mr. Thomas Douglas
Senior Planner, City of Burlington
426 Brant Street, PO Box 5013
Burlington, ON L7R 3Z6
thomas.douglas@burlington.ca

Dear Members of Council and Mr. Douglas:

**Re: 1120 Cooke Boulevard, City of Burlington
Official Plan Amendment Application No. 505-01/22 and Zoning By-law Amendment
Application No. 520-01/22
Comments of the Canadian National Railway Company**

We are counsel to the Canadian National Railway Company (“CN”). CN is the owner and operator of significant railway infrastructure located in the City of Burlington (the “City”), including the Aldershot Freight Rail Yard (the “Aldershot Yard”).

The Aldershot Yard is a central component of the CN network and handles a large volume of CN’s railway traffic across Canada and into the United States. Ongoing and uninterrupted operation of the Aldershot Yard is integral to freight-dependent businesses in the City, the Province and to the Canadian economy, as a whole.

We are writing regarding Official Plan Amendment (Municipal File No. 505-01/22) and Zoning By-law Amendment (Municipal File No. 520-01/22) applications (collectively, the “Development Applications”) for the property municipally known as 1120 Cooke Boulevard, in the City (the “Property”). The Property is located approximately 160 m from the Aldershot Yard, as set out in the aerial photograph attached to this letter as **Appendix “A”**.

Adi Developments (Masonry) Inc. (the “Developer”) proposes to construct three tall buildings on the Property with retail uses at ground level and residential uses above (the “Proposed Development”). We understand that the City will be considering approval of the Development Applications at its Council meeting scheduled for March 19, 2024.

For the reasons set out below, approval of the Development Applications is premature. CN asks Council to defer its consideration of the Development Applications for a short time, to address CN's comments.

In brief, prior to Council consideration of the Development Applications, CN requires the Developer to enter a Development Agreement with CN to secure the construction of mitigation measures. To ensure adequate mitigation measures are identified, the Developer must update its Noise & Vibration Study for the Proposed Development in accordance with CN's updated acoustical model for the Aldershot Yard. In the absence of these steps, CN's view is that approval of the Development Applications is premature, contrary to the public interest, and does not constitute good land use planning.

Development Applications in Proximity to Aldershot Yard

The Aldershot Yard operates 365 days a year, 24 hours per day, and 7 days per week. Operations at the Aldershot Yard include:

- The movement and idling of diesel locomotives and trucks.
- The movement of freight trains.
- The bulk transfer and storage of cargo (including hazardous goods), at times via intermodal transport.
- The sorting, classification, shunting, and movement of rail cars.

These operations are industrial in nature and create operational emissions (i.e., smoke, fumes, odours, other gaseous and/or particulate matter, noise, vibration, dust, and others). These operations may also pose risks to the health and safety of the general public in the event of trespass, train derailments, or the spill of hazardous chemicals or dangerous goods.

In accordance with Federal and Provincial policies and guidelines, CN opposes, in principle, the development of any sensitive uses within 300 m of its rail yards. Such sensitive land uses are incompatible with railway operations due to issues including noise, vibration, odour, safety, and potential trespass.

If the City intends on approving the development of sensitive uses in proximity to CN's rail yards, any such development approval must (1) be supported by the appropriate land use compatibility studies, and (2) implement enforceable measures that will mitigate the potential adverse effects associated with the proximate railway infrastructure.

Ensuring appropriate mitigation is critical; it protects the long-term operation of the rail industry, which is integral to Canada's economy, while also protecting future residents and users of the proximate lands from adverse impacts. The City plays an important role in securing appropriate mitigation, as it has the relevant authority under the *Planning Act* to process and approve development applications and impose conditions of approval. The City also has a corresponding responsibility to ensure that its planning decisions will not expose future residents of the proposed sensitive land uses to the hazards and operational emissions associated with proximate railway infrastructure.

The Proposed Development, the Staff Report, and Recommendation for Approval

On March 4, 2024, the City's Planning and Development Committee carried a resolution recommending that City Council approve the Development Applications. The Committee was in receipt of a supportive recommendation from City Staff, as set out in the Staff Report prepared by the Community Planning Department dated March 4, 2024 (the "**Staff Report**"). Section 3.1.5 of the Staff Report (p. 42) provides as follows in relation to CN:

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.

In our view, the Staff Report does not accurately reflect CN's position on the Development Applications. In particular, CN has two principle concerns:

1. The necessary mitigation measures need to be addressed and resolved in a Development Agreement at this time, prior to approval of the Development Applications. Currently, there is nothing in the implementing Zoning By-law, or otherwise, that implements and secures the mitigation measures proposed. In other words, neither the City or CN have a guarantee that the Developer will construct the Proposed Development in a manner that mitigates impacts from the Aldershot Yard.

The Staff Report states that CN "*has worked with the applicant to enter into a development agreement*" and that "*detailed design of noise mitigation measures will occur through a future Site Plan application*". For clarity, CN has not entered into a Development Agreement with the Developer to secure the construction of proposed mitigation measures. CN is also concerned that the Developer could oppose the implementation of conditions of Site Plan Approval that implement noise mitigation measures, which typically include specific construction standards to mitigate noise impacts. Compatibility between sensitive uses and CN infrastructure must be considered at the Official Plan and Zoning By-law stage of development applications. In CN's experience, implementing mitigation measures at later development approval stages (such as during Site Plan Approval) can be more challenging.

2. The mitigation measures proposed in the "applicant's noise and vibration study", as referred to above, are based on outdated information about the noise that will be generated

by CN's operations at the Aldershot Yard. CN has prepared an updated acoustic model of its operations at the Aldershot Yard in response to the proliferation of proximate development applications and in response to the proposed Aldershot Secondary Plan that contemplates increased residential development in proximity to the Yard. In a meeting with City Planning Staff on October 10, 2023 regarding the Aldershot Secondary Plan, WSP Canada Inc. ("WSP") verbally advised Planning Staff of CN's intent to prepare a noise model for the Aldershot Yard. In response to the latest version of the Aldershot Secondary Plan, on December 1, 2023, WSP advised the City that CN is reviewing future operations and that the review will lead to an increase in the amount of idling locomotives operating in the Aldershot Yard and that residential development may either not be feasible or require more mitigation than currently contemplated for sensitive land uses.

The acoustic model, which is based on data and information obtained directly from CN's operations team, represents a "predictable worst case scenario" of the events/operations that could take place at the Aldershot Yard in the space of any one hour period, during any time of day, on any day of the year (for example: locomotives idling in specific locations, coupling/uncoupling of rail cars, rail-wheel squeal, locomotive moving, stretching impulses, and slow moving trains travelling on the tracks). The acoustic model ascribes a particular "sound value" to each of these events/operations which should be used when assessing the noise impact.

In accordance with the applicable provincial guidelines, the Developer must update its Noise & Vibration Study to incorporate the inputs and data from the updated acoustic model. In doing so, the Developer can ensure that any recommended noise mitigation measures will mitigate the noise that will be generated by CN operations at the Aldershot Yard. The results from the updated Noise & Vibration Study will inform the mitigation measures to be included in the Development Agreement.

CN views any development approval that fails to implement appropriate and enforceable mitigation measures as premature. Accordingly, CN asks Council to defer its consideration and approval of the Development Applications to allow for it to enter into a Development Agreement, inclusive of mitigation measures informed by a revised Noise & Vibration Study based on CN's updated acoustical model for the Aldershot Yard.

Taking these steps now will strike the appropriate balance between the long-term protection of operations at the Aldershot Yard with the protection of future users and residents of the Proposed Development. It will also avoid disputes between the Developer and CN during the site planning process or appeals to the Ontario Land Tribunal.

We would be pleased to schedule a meeting between CN, City Staff, and the Developer to discuss how CN's concerns can be addressed in a timely manner.

Kindly provide this letter to Council in advance of any decisions regarding the Development Applications. We also ask to be provided with notice of any decisions by Council in relation to this matter.

We look forward to hearing from you.

Yours truly,

Dentons Canada LLP



Isaiah Banach
Counsel

IB

Copy: Client

APPENDIX “A”



Date: March 17 ,2024

Subject: Motion 11.3 BurlingtonGreen fee for services (EICS-01-24)

Dear Council Members: It goes with saying that Burlington Green provides a valuable suite of green services to the community.

The referenced Motion, 11.3 March 4,2024 as presented, requests the following of Council.

To: “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;”

To: “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”

To: “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”

On the matter of:

“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;”

My review of the financial statements submitted to the CRA for the years 2019 to 2022 shows the donation trajectory from the Federal and Provincial governments is downward while the trajectory from the City of Burlington has been increasing over the same period.

Summary of Donations: 2019 to 2022

Year	Federal	Provincial	Municipal	Other Reg Charit
2019	\$3,552	\$256,023	\$0	\$46,549
2020	\$145,360	\$211,239	\$5,000	\$74,830
2021	\$131,744	\$63,734	\$20,635	\$58,680
2022	\$35,795	\$43,337	\$57,324	\$21,588
Average	\$79,113	\$143,583	\$20,740	\$50,412

At the time of writing Burlington Green had not as yet filed its 2023 statements with the CRA. The writer was able to determine that Burlington Green did receive a charitable donation in the amount of \$63,463 in 2023 from the Burlington Foundation. As other gifts and donations were not significant, they were not included in the above summary.

On the above motion: I support the donation amount of \$50,000 BUT DO NOT SUPPORT it being funded from the Tax Rate Stabilization Reserve Fund. It would appear that the request should

be funded by the Community Funding and Grant Program as identified on, The City website ; Community Funding and Grant Programs - City of Burlington

Rationale: As stated on the City website, “this program is intended to support community based non-profit organizations and residents that provide programs and services in Burlington. The funding is to help deliver programs, services, and events for the residents of Burlington by offsetting costs related to:

- Training of volunteers
- Equipment purchases
- Establishing a non-profit corporation
- Governance support
- Marketing and advertising
- Program start-up costs”

Per the above applications are considered if they: (1) improve the organization's ability to deliver sustainable services and programs where the organization, (2) focuses on one of the funds' seven areas of interest: civic, culture, diversity, environment, place-making, recreation, and sport and includes (3) financial statements and budget.

Generally speaking it is my understanding that **Tax Rate Stabilization Reserve Funds** are typically used to reduce the sudden impact to tax or utility rates from unexpected costs in budgets, or unexpected costs arising mid-year. The purpose of the funds set aside by Council is to reduce the sudden impact to tax or utility rates from unexpected costs in budgets, or unexpected costs arising mid-year.

On the matter of: To: “*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*”

On the above motion: I SUPPORT the direction as stated.

On the matter of: To: “*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.*”

On the above motion: I DO NOT SUPPORT the request for an “ongoing fee for services approach”.

As noted in my financial summary and given the downward trajectory of Burlington Green's main benefactors, a comprehensive review and analysis of the organization and its programs may be in order.

Based on the trajectory of donations from the city of Burlington to Burlington Green, an annual review of this and other requests for financial support from all charities is not only equitable but in order.

On the subject of the deliberations to, “offset of lease cost for their facility”.

Is this again something that is covered in the **Community Funding and Grant Program** under the **Facility Fee Waiver** umbrella? Per the city website, *“The Facility Fee Waiver Program is a one-time opportunity to support the development of community-based programs and covers a portion of the rental fee for a facility permitted through the City of Burlington.”*

Both Community Development and Fee Waiver applications are open any time throughout the year. Applicants will be notified within 30 days of receiving the application.

Respectfully submitted,

Joseph A. Gaetan BGS
Burlington On L7S 1M7





March 18, 2024

Her Worship, Mayor Meed Ward & Members of Council
 City of Burlington
 426 Brant Street
 Burlington, Ontario
 L7R 3Z6

Dear Mayor Meed Ward and Members of Council:

**RE: STAFF REPORT PL-20-24 & ADDENDUM REPORT
 1026 COOKE BOULEVARD, BURLINGTON ("1026 Cooke")
 OUR FILE 22173'A'**

On behalf of our client, Halton Standard Condominium Corporation No. 416 ("HSCC 416") we have reviewed the Addendum Staff Report stating at Page 109 of the Council Package for the meeting of Counsel scheduled for March 19, 2024. HSCC 416 has directed us to provide our response to the report in this letter.

As you are aware at the March 4th, 2024 Committee of the Whole meeting, staff presented Staff Report PL-20-24 regarding our client's development proposal for 1026 Cooke. As you may recall, I deputed on the matter. Our client was appreciative of staff moving the application forward expeditiously; however, I raised a number of concerns with the modifications to the proposal recommended in that report. While some were minor in nature, I identified three recommendations of specific concern:

1. a substantial reduction in building height from the requested 29 storeys (plus mechanical penthouse – total of 30 storeys) to 21 storeys (plus mechanical penthouse – total of 22 storeys).
2. a reduction in the podium height from 6 storeys (21.25 metres) to 5 storeys (to a maximum height of 16 metres).
3. increasing the amount of non-residential floor space requirement of 770 sq m (370 sq m of retail and service commercial floor space plus an additional 400 sq m of non-residential space) whereas 370 sq m of retail and service commercial floor space was proposed.

In my deputation, I advised Council that these modifications resulted in a loss of approximately 100 residential units to the proposal. Given the documented housing crisis and the proximity of 1026

Cooke to a Protected Major Transit Station Area (PMTSA), it was my opinion that the loss of that many units was not justified by what can only be subjectively perceived as an improvement in design.

In addition, Councillor Kearns raised two matters which I can provide confirmation on:

1. Councillor Kearns asked if the mechanical penthouse will be illuminated.

I confirm that the mechanical penthouse will not be illuminated.

2. Councillor Kearns noted she could not find the construction truck movement plan in the Construction Management Plan and raised concerns with construction truck traffic interfering with bicycle lanes on Plains Road East.

I confirm that the construction truck movement plan was included in the Construction Management Plan and does show construction truck movements utilizing Plains Road East in order to go back northbound on Waterdown Road. I confirm that we will work with City staff through the Site Plan process to ensure construction truck movements will utilize Cooke Boulevard and Masonry Court to avoid construction truck movements on Plains Road East.

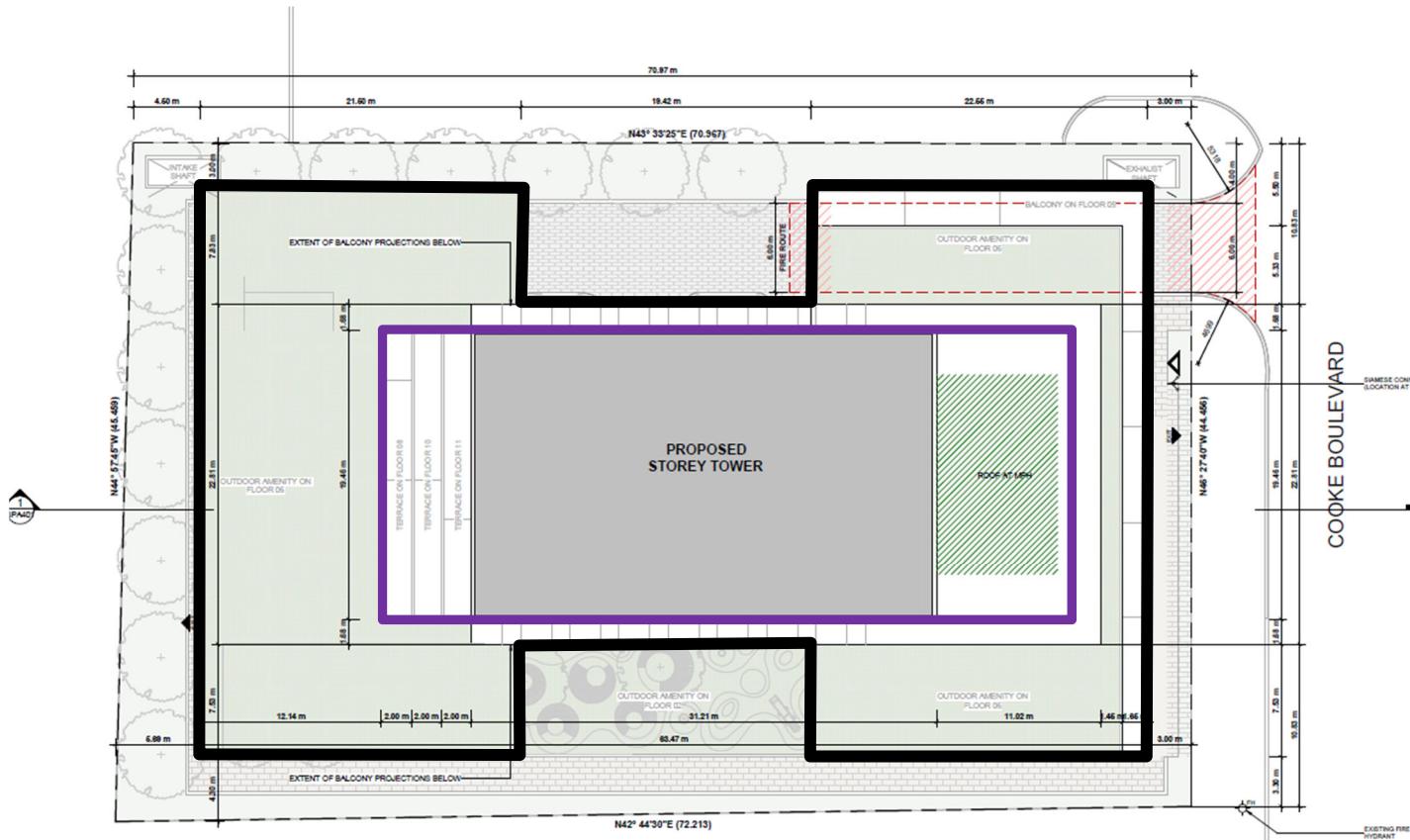
As you are aware, Committee of the Whole, referred the decision on Staff Report PL-20-24 to the March 19th, 2024 Council meeting and directed staff to meet with the proponent and its team in an attempt to resolve the concerns and to explore if the much-needed, and appropriately located, housing units could be saved.

In response to that direction, we met with City staff on March 7th to review our client's proposal. Those discussions were productive with a number of items being resolved, including:

- permitting a podium height of 6 storeys, up to 21.5 metres rather than the earlier recommendation of 5 storeys up to 16 metres;
- adjusting the recommended setback to 1.5 metre stepback above the 5th storey podium with a 3 metre stepback above the 6th storey podium fronting Cooke Boulevard;
- supporting an adjustment to the tower floorplates for:
 - Floors 7 to 870 sq m;
 - Floors 8-9, inclusive, to 830 sq m; and
 - Floor 10 to 790 sq m;
- supporting an increase in the Floor Area Ratio (FAR) to 11:1 from the previous recommendation of 10.5:1;

- a reduction in the rear yard building setback from 3 metres to 1.5m from the previously suggested 6 metres; and
- Supporting a 5.5 metre north side yard setback to the building with a 1.5m encroachment allowance for proposed balconies.

With these parameters established, working diligently with our clients architects, we established that the proposal can now likely achieve close to 300 units based on Staff's revised height of 23 storeys plus mechanical penthouse. To achieve this objective, the proposal's built form will now extend the podium into an "H" shape, with additional sculpting of the building along Cooke Boulevard through a step back at floor 5 as well as extensions to the rear at floors 7 to 10 as illustrated below.



Outline of Podium in Black; Outline of tower (above 7th floor) in purple.

Request of Council

As noted above, the co-operative work with Staff has addressed some of our client's concerns related to the original Staff recommendations. However, our client requests that Council approve our client's proposed Official Plan Amendment and Zoning By-law Amendment applications based on some further modifications to Staff's recent recommendations and as noted below:

1. Increase in Height to 26 Storeys (plus mechanical penthouse)

Despite the revised recommendations of Staff, the reduction in tower height still results in a reduction of 35 residential units from the original proposal. Our client's original position to

staff following the March 5th meeting was to reduce the height to 26 storeys plus mechanical penthouse¹. Staff's main commentary on the height recommended (23 storeys plus mechanical penthouse) was that transition from east to west and north to south should be of a greater magnitude.

It is our professional opinion that the magnitude of that transition is not warranted under the circumstances. To the west of the 1026 Cooke, a 29 storey (plus mechanical penthouse) building is proposed by Infinity Development Group ("Infinity"). We understand the Infinity proposal is before the Ontario Land Tribunal currently. To the north we understand the Camarro Developments Inc. ("Camarro") has a two tower proposal whereby its south tower *is 30 storeys plus a mechanical penthouse*. We understand the Camarro proposal is before the Ontario Land Tribunal currently.

Based on this emerging context, we recommend that Council increase the permitted height on for our client's proposal to 26 storeys (plus mechanical penthouse). This height will continue to provide a meaningful transition from Infinity's proposal to the west, stepping down from 29 storeys to 26 storeys and to 18 storeys on the east side of Cooke Boulevard. Further, a 26 storey height would provide effective transition from Camarro's proposed south tower of 30 storeys (with intervening properties being able to transition between 30 to 26 storeys accordingly) and down further to 11 storeys (as per the proposed precinct plan) along Plains Road East.

We disagree with staff's position that an inappropriate transition to the south would occur if the building were increased beyond their recommendation. A transition from mid-rise building of 9 to 11 storeys to 26 storeys is reasonable and evident in many instances throughout the GTA – particularly in the context of site within PMTSAs.

Instead, by allowing a height of 26 storeys (plus mechanical penthouse), an additional 33 units could be built (11 units per floor), nearly returning the proposal to its original unit count. We believe a 26 storey (plus mechanical penthouse) delivers a reasonable and appropriate balance between staff's concerns over transition and the need to optimize optimizing the lands within this PMTSA and assisting the City in providing additional housing units to address the documented housing crisis.

2. Reduction of Non-Residential Requirement to 370 sq m or Permission to Count Live-Work Units towards the additional 180 sq m of Non-Residential Uses Requested by Staff

Staff agreed to a reduction of additional minimum non-residential space from 400 sq m to 180 sq m. We appreciate the movement by staff, however, we noted that the additional 180 sq m remains problematic as based on the restrictions of the lot and building design (including the need to provide lobby space, building structural elements and a driveway access) there is simply insufficient frontage on the ground floor along Cooke Boulevard to provide non-residential space facing Cooke Boulevard which is necessary for most non-residential uses to be successful.

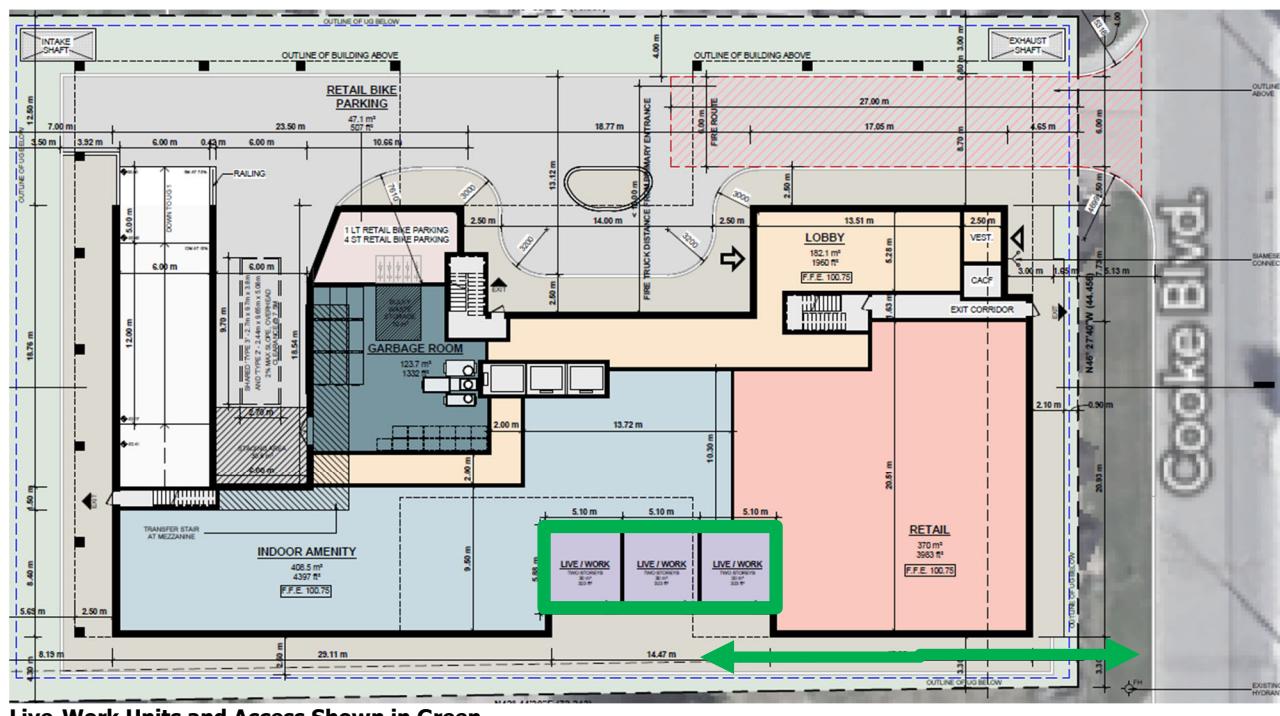
¹ The staff report is in error relative to the chart on page 110/111 of the Council package which describes the applicants revised proposal at 24 storeys plus mechanical penthouse – this was a discussion point combined with other matters which said package was not fully accept by staff.

Thus, to address staff's revised recommendation, the proposal would need to either:

- increase the depth of the non-residential space on the ground floor (beyond the approximately 20 metre depth shown to date) which would only provide back of house or storage space. Of course, this defeats the purpose of providing usable non-residential space; or
- providing second floor non-residential space which our client does not believe is readily leasable and is more likely to remain vacant and thus not achieving the purpose set out by staff.

As an alternative, we proposed live-work units which would provide employment uses. It has become abundantly clear that a greater amount of the workforce continue to work at home. This trend also includes a movement to more independent, home-based working environments as technology as increased the variety and intensity of work that people can undertake at home. As workers have grown accustomed to working from home, there is a greater variety, and renewed interest in spaces that support such work/live environments.

Given the discrete nature of the businesses within live-work units we believe that they could be successful without direct frontage on Cooke Boulevard, with access from a walkway along the south side of the building as shown below:



City staff identify a number of items as to why Live-Work Units would be inappropriate. We disagree with Staff's position. Despite Ontario Building Code permissions, the Zoning By-law can control the type of non-residential uses in the live-work units as is evident in many GTA municipal zoning by-laws. For example, we have recently implemented restrictions for live-

work units for a site specific site in the City of Vaughan where uses within permitted live-work units were limited to retail, office and service commercial uses. The same can be applied in this case (as shown in the amendments attached hereto).

Based on the above, we request that Council either reduce the minimum non-residential floor area requirement to 370 sq m as originally proposed or permit 180 sq m of the minimum required non-residential floor area be permitted as live-work units.

Should Council agree with our requests, we request the Official Plan Amendment and Zoning By-law Amendment be modified as attached hereto in Attachment 1.

Thank you for your consideration of our requests.

Yours truly,

MHBC



David A. McKay, MSc, MLAI, MCIP, RPP
Vice President & Partner

cc: *Clients
Project Team*

Encl.

Attachment 1

Proponent Revised OPA and ZBA Documents

The Corporation of the City of Burlington
City of Burlington By-law 16-2024

A by-law to adopt Official Plan Amendment No. 143 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 27 storey mixed use building on the subject lands.

File: 505-03/23 (PL-20-24)

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-20-24 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.143 to the Official Plan (1994) of the Burlington Planning Area, as amended, 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 _____

Acting City Clerk Samantha Yew _____

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 27 storey mixed use building on the subject lands with a Floor Area Ratio of 11:1.

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:

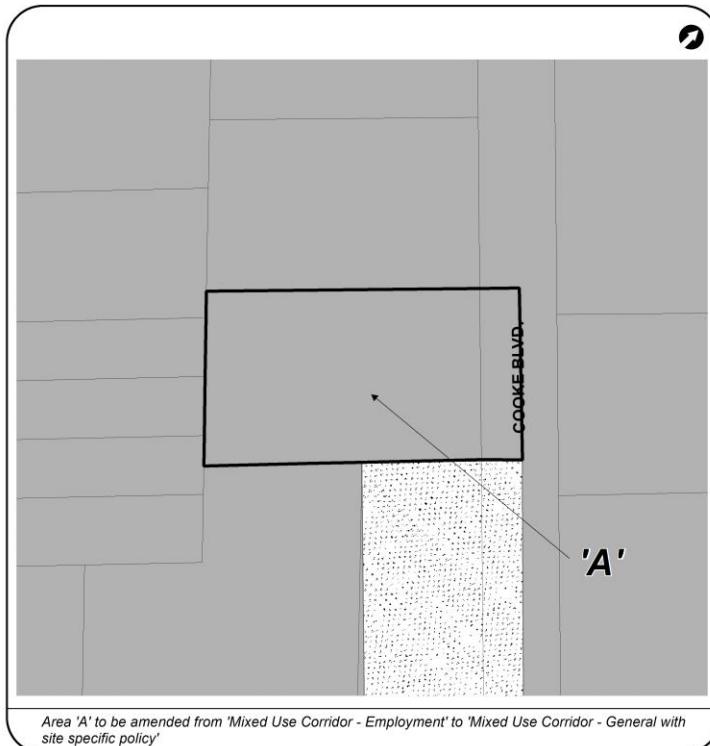
1026 Cooke Boulevard	x) Notwithstanding the policies of Part III, Section 5.3, Subsections 5.3.2 a) ii), 5.3.2 d) i) and d) ii) of this Plan, a <i>Floor Area Ratio</i> of 11:1, and a maximum building height of 27 storeys <i>shall</i> be permitted.
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2. 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.



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



The Corporation of the City of Burlington

City of Burlington By-Law 2020.470

A by-law to amend By-law 2020, as amended for 1026 Cooke Boulevard to facilitate the development of a 24-storey mixed use building.
File No.: 505-03/23 & 520-09/23 (PL-20-24)

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 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 24-storey residential apartment building with ground floor commercial area;

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

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;

Exception 534	Zone H-MXG	Map 3-E	Amendment 2020.470	Enacted
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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 general 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.

g) The owner submits a revised Pedestrian Level Wind Study in general accordance with the City's Pedestrian Level Wind Study Guidelines and Terms of Reference, dated March 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:

1. Permitted Uses:

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
 - j. Live-Work Units
- (iii) Live-Work Units: Means a dwelling unit containing a business that is operated by at least one resident of the associated dwelling unit. Said businesses shall be restricted to uses (ii) a. to i. above.

2. Regulations:

a) Maximum Building Height:	27 storeys including mechanical penthouse and rooftop amenity area but excluding mezzanine areas
b) Maximum Podium Height:	21.5 m up to 6 storeys
c) Maximum Floor Area Ratio:	11:1
d) The minimum gross floor area requirement for non-residential uses is 550m ² , including a maximum of 180m ² gross floor area of Live-Work Units.	
a) Maximum Tower Floorplate:	
(i) Floor 7:	870 m ²
(ii) Floor 8 and 9:	830 m ²
(iii) Floor 10:	790 m ²
(iv) Floors 11 to 23:	750 m ²
b) Amenity Area:	17.5 m ² per dwelling unit
c) Landscape Buffer:	
(i) South Side Yard:	2.0 m

d) Yards:

(i) North Side Yard:	
Floors 1 to 6:	5.5 m, 4.0 m to structures & balconies
Floors 7 to 23:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.6 m
(ii) South Side Yard:	
Floors 1 to 6:	3 m
Floors 7 to 23:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.6 m
(iii) Front Yard:	
Floors 1 to 4:	3 m
Floor 5:	4.5 m
Floors 6 to 23:	6 m
Mechanical Penthouse:	9 m
Below-grade parking structure:	0.6 m
(iv) Rear Yard:	
Floors 1 to 6:	3 m
Floors 7 to 23:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.5 m

e) 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)
f) 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
g) 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 19th day of March, 2024.

Mayor Marianne Meed Ward _____

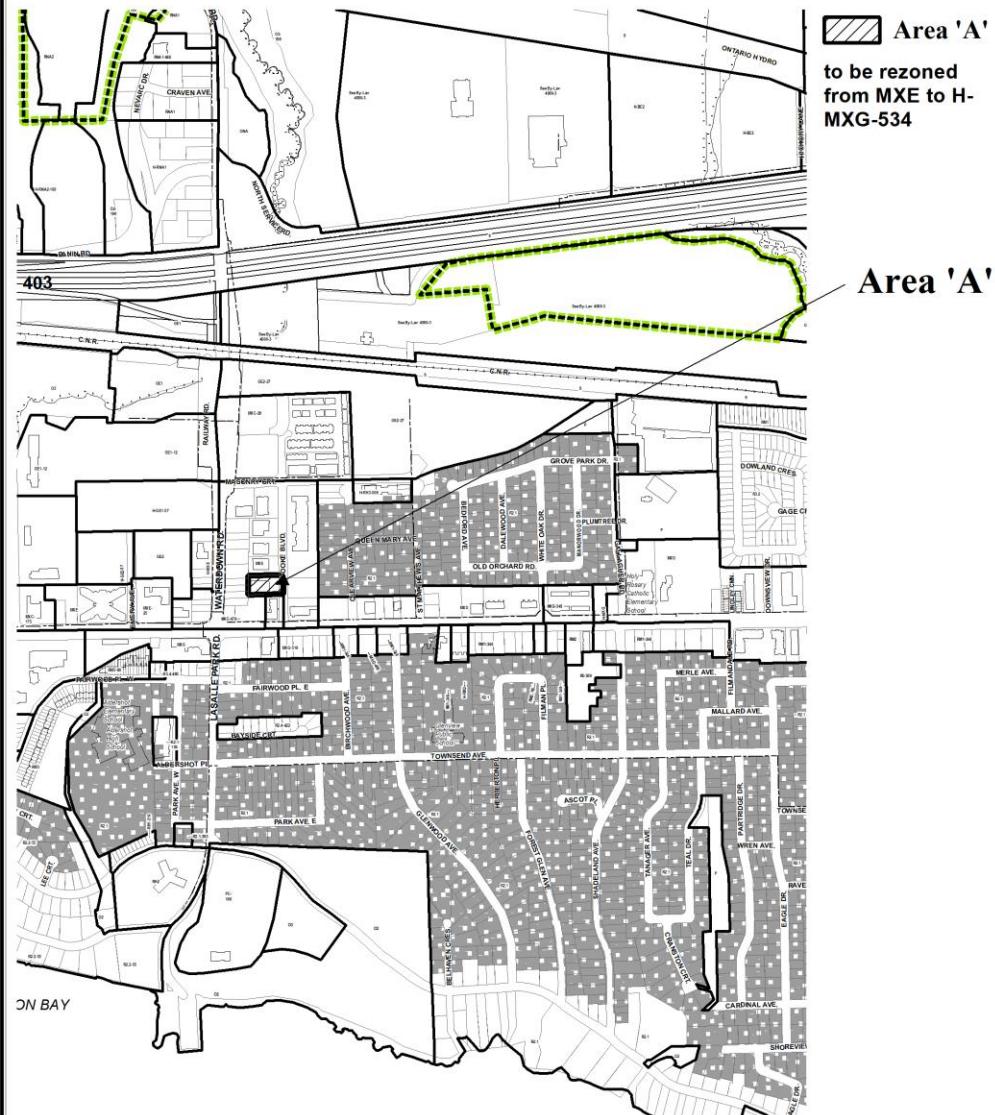
Acting City Clerk Samantha Yew _____

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.470

By-law 2020.470 rezones lands on 1026 Cooke Boulevard, to permit a 24-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.

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 **Burlington**
Community Planning Department

The Corporation of the City of Burlington

City of Burlington By-law 10-2024

A by-law to exempt Parcels 163-2 and 163-3, Section M121, legally described as:

Parcel 163-2, Section M121, Part Lot 163, Plan M121, being parts 9 and 10 on Plan 20R-3239 (PIN 07172-0191(LT))

Parcel 163-3, Section M121, Part Lot 163, Plan M121, being parts 11 and 12 on Plan 20R-3239 (PIN 07172-1092 (LT))

all in the City of Burlington, in the Regional Municipality of Halton, from the provisions of Part Lot Control under the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

File: 511-02/22

Whereas pursuant to subsection 50(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, a municipality may pass a by-law exempting the lands contained in a given registered plan of subdivision from the part lot control provisions of subsection 50(5) of the Act;

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

1. That Parcel 163-2, Section M121, Part Lot 163, Plan M121, being parts 9 and 10, 20R3239 (municipally known as 1463 Paddington Court) and 163-3, Section M121, Part Lot 163, Plan M121, being parts 11 and 12 on Plan 20R3239 (municipally known as 1461 Paddington Court), in the City of Burlington, Regional Municipality of Halton, on which there exist two semi-detached units, are hereby exempt from part lot control.
2. That this by-law shall expire two years from the date of its passing.

Enacted and passed this 19th day of March, 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

The Corporation of The City of Burlington

By-Law Number 11-2024

A by-law to designate 524 Brant Street, in the City of Burlington, in the Regional Municipality of Halton, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O. 1990, chapter O.18, as amended
PL-69-23

Whereas Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18 (as amended) authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings and structures thereon, to be of cultural heritage value or interest; and

Whereas authority was granted by Council to designate the property at 524 Brant Street as being of cultural heritage value or interest; and

Whereas the Council of the City of Burlington has caused to be served upon the owners of the lands and premises known as 524 Brant Street and upon the Ontario Heritage Trust, Notice of Intention to designate the property in accordance with notice requirements under the Ontario Heritage Act; and

Whereas the municipal heritage committee (Heritage Burlington) supports the designation of the property described herein; and

Whereas a Notice of Intention to Designate has been published in the Hamilton Spectator on Dec. 21, 2023 in accordance with the Act; and

Whereas no Notice of Objection has been served on the City Clerk of the City of Burlington; and

Whereas the reasons for designation are set out in Schedule A to this By-law;

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

1. That the property at 524 Brant Street, PLAN 111 PT LOT 2 SAVE AND EXCEPT RP 20R11848 PART 1, City of Burlington, Regional Municipality of Halton, more particularly described in Schedule "A", is hereby designated as being of cultural heritage value or interest pursuant to Part IV of the *Ontario Heritage Act*.
2. That the City Clerk shall cause a copy of this by-law to be registered against the property described in Schedule "A" to this by-law in the proper Land Registry Office.

3. That the City Clerk shall cause a copy of this by-law to be served upon the owners of the property at 524 Brant Street and upon the Ontario Heritage Trust and to cause notice of this by-law to be published in a newspaper having general circulation in the City of Burlington as required by the *Ontario Heritage Act*.
4. That this by-law shall take effect on the date of its passing.

Enacted and passed this 19th day of March, 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

Schedule “A”

The property at 524 Brant Street meets two out of nine criteria presented in Ontario Heritage Act Regulation 9/06 and therefore has cultural heritage value for design/physical and contextual reasons. Accordingly, the municipality may designate the property under Part IV, Section 29 of the Ontario Heritage Act.

Description of Property:

The property at 524 Brant Street comprises a two-and-a-half storey building that was constructed circa 1910. The red brick house was constructed in an Edwardian Classical style with hipped roof with front gable feature. The residential building was converted to a commercial use in the mid twentieth century. The property is located midblock on the west side of Brant Street between Birch Avenue and Caroline Street in the downtown core of the City of Burlington.

Legal Description:

PLAN 111 PT LOT 2 SAVE AND EXCEPT RP 20R11848 PART 1); City of Burlington, Regional Municipality of Halton.
Property Identifier (PIN): 07085-0208

Statement of Cultural Heritage Value or Interest

524 Brant Street is a good example of a property that expresses an architectural style and built form representative of early twentieth-century developments patterns that characterized Brant Street, Downtown Burlington's long-standing primary commercial artery. The primary building on the property is representative of the Edwardian Classical style. The two-and-a-half storey former residence maintains elements of the style through its overall fenestration pattern and arrangement of the front façade, footprint and massing, stone or cast concrete sills, segmental arch window shape used throughout, and hipped roof with front gable feature containing a Palladian window. The Edwardian Classical style is one of the dominant styles used in early twentieth century residences in Downtown Burlington and is particularly evident in the St. Luke's and Emerald Precincts, which were largely developed in the late nineteenth and early twentieth century. Further, the property maintains features representative of early twentieth-century residential development, displayed through the grassed front, setback, and paved pathway from Brant Street to the entrance of the building.

The property at 524 Brant Street supports and maintains the streetscape character of the west side of Brant Street between Caroline Street and Baldwin Street. The 1997 City of Burlington Official Plan identifies the west side of Brant Street between Baldwin Street and Caroline Street as having a distinct character within the Brant streetscape, defined by the existing low-rise, residential building typologies. The streetscape in this area is characterized by a combination of residential structures, now converted to commercial

uses, dating to approximately the first quarter of the twentieth century, and low-scale commercial buildings and commercial strips. The development of Brant Street in this area was characterized first by the subdivision of a former fruit tree farm into a residential subdivision in the early twentieth century, known as the Apple Park Survey. The subject property is located within the oldest surviving block of the Apple Park Survey. The streetscape then evolved into a commercial corridor in the mid twentieth century in response to increasing pressure to expand commercial activities from the downtown core. The transition to a commercial corridor resulted in the loss of many of the residences that were located along Brant Street north of Caroline Street, however, 524 Brant Street has remained. The property retains its setback and landscaping and Edwardian Classical architectural style expressed through its once residential building, allowing the site to contribute to the evolved Brant Street streetscape.

Heritage Attributes

Attributes that contribute to the value of the property at 524 Brant Street as a representative example of Edwardian Classical style and as an early twentieth-century residential built form typology include:

- The form, scale and massing of the building as a rectangular, two-and-a-half storey residential building typology
- The hipped roof with overhanging eaves and front gable feature
- Asymmetrical arrangement of the primary elevation
- The red brick exterior
- The segmental and semi-circular arch window openings with masonry sills
- The decorative elements featured in the gable end of the primary elevation, including the wood shingle cladding and Palladian window
- Oriel window
- Setback of the residential built form from the street
- Landscaped front lawn with configuration of a side driveway leading to rear of the property

Attributes that contribute to the contextual value of 524 Brant Street as it maintains and defines its surroundings include:

- The setback, placement, and orientation of the house in its original location on Brant Street
- Landscaped lawn separating the roadway and primary building
- Location of the driveway at the side of the house leading to the rear of the property

The Corporation of the City of Burlington

City of Burlington By-law 12-2024

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 _____

Acting City Clerk Samantha Yew _____

Appendix "A" to By-law 12-2024

**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 12-2024

**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 12-2024

**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

The Corporation of the City of Burlington

City of Burlington By-law 13-2024

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 19th day of March 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

The Corporation of the City of Burlington
City of Burlington By-law 14-2024

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.

File: 505-01/22 (PL-04-24)

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 (1994) of the Burlington Planning Area, as amended, 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 _____

Acting City Clerk Samantha Yew _____

**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-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	<p>(n) <i>Development</i> on the lands described as 1120 Cooke Boulevard <i>shall</i> be in accordance with the following:</p> <ul style="list-style-type: none">(i) <i>Development shall</i> incorporate measures to avoid or minimize and mitigate potential adverse effects to the <i>development</i> from noise and air emissions including odour.(ii) <i>Development shall</i> 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
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	<p>environmental approvals, registrations, legislation, regulations, and guidelines for both current and future operations.</p> <p>(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 <i>shall</i> apply:</p> <ul style="list-style-type: none"> a. a mixed-use <i>development</i> comprising three buildings, with a combined maximum 1165 <i>dwelling units</i> and a combined maximum <i>Floor Area Ratio</i> of 9:1:1 <i>shall</i> be permitted; b. a maximum building height of 34 storeys (plus mechanical) <i>shall</i> be permitted; c. non-residential uses <i>shall</i> 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.
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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.

The Corporation of the City of Burlington By-law

Burlington By-law 15-2024

A by-law to adopt Official Plan Amendment No. 141 for city-initiated housekeeping amendments to address general matters of accuracy and clarity
File: 505-02/24 (PL-11-24)

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 the recommendation in community planning department report PL-11-24 at its meeting 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. 141 to the Official Plan (1994) of the Burlington Planning Area, as amended, consisting of the attached amendment and supporting documentation is hereby adopted.
2. That this by-law shall come into full force and take effect of the final day of passing thereof.

Enacted and passed this 19th day of March, 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

**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 III, 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	<p>Delete section 5.3.2 t), as follows:</p> <p>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:</p> <ul style="list-style-type: none"> i) a mixed use building, with a maximum density of 408 units per net hectare shall be permitted; ii) the maximum <i>Floor area ratio</i> 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	<p>Delete section 5.3.2, as follows:</p> <p>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 <i>floor area ratio</i> of 6:1. Development on the subject lands shall:</p> <ul style="list-style-type: none"> 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 in 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 connectivity 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: <u>r) for the lands located at 1085 Clearview Avenue and 1082,</u>

	Policies	<p><u>1086 and 1090 St. Matthew's Avenue:</u></p> <p><u>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;</u></p> <p><u>ii) Notwithstanding Policy 2.5.2 a) xiii), direct access shall be permitted from a local road.</u></p>
11.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	<p>Insert section 5.3.2 u), as follows:</p> <p><u>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.</u></p> <p><u>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.</u></p>
12.	5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies	<p>Insert section 5.3.2 v), as follows:</p> <p><u>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:</u></p> <p><u>i) a mixed-use building, with a maximum density of 408 units per net hectare shall be permitted;</u></p> <p><u>ii) the maximum Floor area ratio shall be 4.11:1;</u></p> <p><u>iii) the maximum building height shall be 13 storeys; and</u></p> <p><u>iv) retail use on the second storey tied to the primary retail or service commercial use on the first storey shall be permitted.</u></p>

13.	<p>5.0 Mixed Use Activity Area 5.3.2 Mixed Use Corridors – General Policies</p>	<p>Insert section 5.3.2 w), as follows:</p> <p>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:</p> <p class="list-item-l1">i)not exceed 19 storeys for buildings that front onto Fairview Street.</p> <p class="list-item-l1">ii)small scale motor vehicle dealerships are prohibited.</p> <p class="list-item-l1">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.</p> <p class="list-item-l1">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.</p> <p class="list-item-l1">v)facilitate the provision of affordable housing through engagement with the non-profit sectors in the provision of affordable housing units.</p> <p class="list-item-l1">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.</p> <p class="list-item-l1">vii)be accordance with a Class 4 Area as defined by the Ontario Ministry of the Environment Environmental Noise Guideline Publication NPC-300.</p> <p class="list-item-l1">viii) may consider the following objectives:</p> <p class="list-item-l2">I.To ensure particular attention will be given to the relationship between the public and</p>
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		<p><u>private realms in the development of buildings, streets, and urban open spaces.</u></p> <p><u>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.</u></p> <p><u>III. To promote built form transitions for the existing residential development along Fairview Street and along Sherwood Park.</u></p> <p><u>IV. To provide podium setbacks and stepbacks within the built form along Fairview Street.</u></p> <p><u>V. To ensure appropriate tower setback from Fairview Street.</u></p> <p><u>VI. To establish appropriate streetscape design for Fairview Street, Oval Court and the proposed promenade.</u></p> <p><u>VII. To incorporate public/private spaces such as urban squares, parkettes, amenity space and café spaces as part of the design elements.</u></p> <p><u>VIII. To ensure connectivity between the Appleby GO Station and Sherwood Park through the proposed promenade.</u></p>
14.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	<p>Insert section 5.5.5 i), as follows:</p> <p><u>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.</u></p>
15.	5.5 Downtown Mixed Use Centre 5.5.5 Downtown Residential Medium and/or High Density Precincts	<p>Insert section 5.5.5 j), as follows:</p> <p><u>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</u></p>

		<u>storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted.</u>
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: <u>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</u>
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: <u>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</u> <u>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.</u>
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: <u>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.</u>

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.

The Corporation of the City of Burlington

City of Burlington By-law 17-2024

A by-law to regulate seasonal outdoor patios located on City public rights-of-way, or other property under the jurisdiction of the City.

Report No.: PL-05-24

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the City of Burlington to pass by-laws necessary or desirable for municipal purposes, and in particular, paragraphs 4, 5, 6, 8 of subsection 11(2) authorize by-laws respecting public assets of the municipality, the economic, social and environmental well-being of the City, the safety and well-being of persons, the protection of persons and property and subsection 11(3) authorizes by-laws respecting highways, including parking and traffic on highways; and

Whereas section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence; and

Whereas section 429 of the *Municipal Act, 2001* provides for a municipality to 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 the *Municipal Act, 2001*; and

Whereas section 444 and 445 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention; and

Whereas the *Municipal Act, 2001* authorizes the City of Burlington, amongst other things, to delegate its authority, to impose fees or charges on persons for services or activities provided or done by or on behalf of it, to provide for inspections and inspection orders, and to make orders to discontinue activity or to do work; and

Whereas the Council for the City of Burlington considers it desirable and necessary to enact a by-law to regulate seasonal outdoor patios roads or other property under the jurisdiction of the City of Burlington.

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

PART 1: 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 established by this By-law and specified in the Administrative Monetary Penalties By-law;

“applicant” means a person applying for a permit, or renewal of a permit thereof, under this By-law;

“banquet hall” means a building, or part thereof, used for the purpose of entertaining a large assembly of people, catering to banquets, weddings, or similar functions where food and/or beverages may be provided and served on the premises;

“City” as the context requires, means The Corporation of the City of Burlington;

“Council” means the Council for The Corporation of the City of Burlington and includes its successor;

“Director” means the Director of Community Planning for the City of Burlington, or designate;

“fee” or **“fees”** means the fees prescribed in the Rates and Fees By-law;

“Officer” means a person appointed by Council, by the Director, or under this By-law, to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law;

“Patio Guidelines” means those standards, requirements and specifications set out in the City’s Public Lands Seasonal Patio Guidelines as approved by the Director from time to time;

“permit” means a permit to install a seasonal outdoor patio issued by the City in accordance with the requirements of this By-law;

“permit application fee” means the prescribed seasonal outdoor patio permit fee;

“permit application office” means a centralized inbox (email) within the Community Planning Department as designated by the Director from time to time;

“permit holder” means a person to whom a permit has been issued under this By-law;

“person” includes any individual, firm, proprietorship, association, partnership, corporation, company, trust or organization of any kind;

"public right-of-way" means a road under the jurisdiction of the City and includes a common and public highway, street, avenue, parkway, sidewalk, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, pedestrians, and cyclists, and includes the area between the lateral property lines thereof;

"Rates and Fees By-law" means City of Burlington By-law 72-2023 to establish and impose certain 2024 rates and fees for services, activities or other use of property, as amended or replaced from time to time;

"restaurant" means a building or structure, or part thereof, where food and/or beverages are prepared and offered for sale to the public for consumption within the building or structure, or off the premises and may include a drive-through window; and

"seasonal outdoor patio" means a designated temporary outdoor area accessory to a restaurant or banquet hall where food and/or drink are offered for sale or served; or where food and/or drink are brought from within the restaurant or banquet hall for consumption on the temporary outdoor area.

PART 2: APPLICATION OF THE BY-LAW

- 2.1 This By-law applies to all public rights-of-way.
- 2.2 Nothing in this By-law shall exempt any person from complying with any other By-law or requirement of the City, or from obtaining any certificate, licence, permission, permit, authority, or approval required by the City under any other City By-law.
- 2.3 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 3: AUTHORITY

General

- 3.1 The Director is authorized to negotiate and enter into agreements with respect to a seasonal outdoor patio as required to ensure compliance with this By-law, the Patio Guidelines, and to generally protect the City's interests.
- 3.2 The Director is authorized to administer and enforce this By-law including but not limited to:
 - (a) arranging for:
 - (i) the assistance or work of City staff, City agents or the assistance of

police officers;

- (ii) the making of orders or other requirements and the imposition of conditions as authorized under this By-law;
- (iii) the obtaining of court orders or warrants as may be required;
- (iv) the commencement of such actions on behalf of the City to recover costs or restrain contravention of this By-law as deemed necessary; and,
- (v) prescribing the format and content of any forms or other documents, including the Patio Guidelines, required under this By-law.

3.3 The Director may assign Officers to enforce this By-law and Officers so assigned or appointed by Council to enforce this By-law shall have the authority to:

- (a) carry out inspections;
- (b) make orders or other requirements as authorized under this By-law and the Patio Guidelines; and
- (c) give immediate effect to any orders or other requirements made under this By-law.

3.4 The Director may assign duties or delegate tasks under this By-law to be carried out in the Director's absence or otherwise.

3.5 All information submitted under this By-law, including all information submitted for any permit issued under this By-law, may be made available to any member of the public subject to the *Municipal Freedom of Information and Protection of Privacy Act*, if requested.

PART 4: PROHIBITIONS

- 4.1 No person shall place or install a seasonal outdoor patio, or cause or permit a seasonal outdoor patio to be placed or installed, on any public right-of-way without first obtaining a permit in accordance with this By-law and the Patio Guidelines.
- 4.2 No person shall operate, or cause or permit to be operated, a seasonal outdoor patio on any public right-of-way other than within the time period indicated in a permit issued under this By-law.
- 4.3 No person shall fail to remove a seasonal outdoor patio where required to do so under this By-law, the Patio Guidelines or the terms and conditions of a permit issued under this By-law.
- 4.4 No person shall contravene, or cause or permit the contravention of this By-law, the terms or conditions of a permit issued under this By-law, the Patio Guidelines

or any policy or guideline made or issued under this By-law.

- 4.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, either directly or indirectly, any person who is exercising a power or performing a duty under this By-law or the Patio Guidelines.
- 4.6 No person shall provide false, misleading or inaccurate information in an application for a permit issued under this By-law or in any document or thing required to be submitted by this By-law or the Patio Guidelines.
- 4.7 No person shall provide false, misleading or inaccurate information to an Officer exercising a role or duty under this By-law or the Patio Guidelines.

PART 5: PERMIT APPLICATION

- 5.1 A person applying for a permit shall submit a completed application, in the prescribed form, to the Director which application shall include the following:
 - (a) a completed seasonal outdoor patio permit application form;
 - (b) written consent of the property owner to which the application relates;
 - (c) detailed, scaled plans and specifications to the satisfaction of the Director;
 - (d) a signed indemnity satisfactory to the Director;
 - (e) evidence of insurance coverage satisfactory to the Director;
 - (f) any revised or additional information or documentation as may be required by the Director to determine if the permit should be issued; and,
 - (g) payment of the non-refundable permit application fee in a manner as directed by the Director.
- 5.2 A person shall apply for a seasonal outdoor patio permit, or renewal of a permit thereof, for each season that the person wishes to place a seasonal outdoor patio on a public right-of-way.
- 5.3 The Director may issue a permit after receipt of a completed application, including any revised or additional information required by them, and payment of the prescribed fees. In making their decision to issue or refuse a permit, the Director shall have regard to the Patio Guidelines.
- 5.4 Without limiting the generality of the discretion of the Director, the Director may refuse a permit if:
 - (a) the proposed seasonal outdoor patio is not in compliance with this By-law or the Patio Guidelines;

- (b) the applicant is not in compliance with other municipal by-laws which apply to the seasonal outdoor patio, including but not limited to paying the required fees;
- (c) the applicant has been notified of non-compliance with verbal or written direction given under this By-law in the last two years, and in the reasonable opinion of the Director, having regard to the past performance, the seasonal outdoor patio has the potential to interfere or be inconsistent with the safety of the public or of property, highway maintenance and other public uses;
- (d) the applicant is not in compliance with this By-law or the Patio Guidelines with respect to another permit;
- (e) the applicant has not paid any penalty or court awarded costs resulting from a legal proceeding relating to this By-law or the Patio Guidelines; or
- (f) the permit application contains false, misleading or incorrect information.

PART 6: PERMITS – GENERAL

- 6.1 A permit issued under this By-law is the property of the City and is not transferable.
- 6.2 The seasonal outdoor patio season is from April 15th to October 31st of the same year.
- 6.3 The permit holder shall post a copy of the permit in a conspicuous place on the seasonal outdoor patio, or the restaurant or banquet hall associated with the seasonal outdoor patio, and shall produce a copy of the permit to the Director or an Office upon request.
- 6.4 Every permit holder shall comply, at all times, with all applicable statutes, regulations, standards, codes, by-laws, rules, and similar requirements.
- 6.5 A permit holder shall immediately inform the Director of any change to:
 - (a) the information contained in an application for a permit; or
 - (b) the information contained in a permit that has been issued.
- 6.6 Where a permit holder is required to provide notice under section 6.5 the permit holder shall direct notice to the permit application office.
- 6.7 The Director may require any one or more of revised or additional information, additional prescribed fees, or a fresh application with respect to a change under subsection 6.5(a).
- 6.8 The Director may impose conditions as a requirement for obtaining or continuing to hold a permit issued under this By-law that they consider appropriate for the protection of a public right-of-way, any property abutting a public right-of-way or of

any person.

- 6.9 The Director may, on their own initiative:
 - (a) alter or revoke the terms and conditions of a permit after it has been issued; or
 - (b) impose new terms and conditions in a permit.
- 6.10 The Director may immediately suspend or revoke a permit issued under this By-law, in writing, where the Director is satisfied that a suspension or revocation is necessary in an emergency situation of immediate threat or danger to a public right-of-way, any property abutting a public right-of-way or to any person.
- 6.11 The Director may suspend or revoke a permit if in their opinion the permit holder:
 - (a) fails to comply with the conditions of a permit, this By-law or the Patio Guidelines;
 - (b) fails to notify the Director immediately of any of the changes referred to in subsection 6.5(a); or
 - (c) has provided false, misleading or inaccurate information in the application for the permit or to an Officer exercising a role or duty under this By-law or the Patio Guidelines.
- 6.12 The Director may give notice of the suspension or revocation of a permit by contacting a permit holder in writing, by telephone or by email in accordance with the contact information provided on the permit application.
- 6.13 The Director may direct a permit holder to remove, reduce the size of a permit area or relocate a permit area at any time if, in the opinion of the Director, the permit area poses a risk to the health or safety of any person, and where the reduction or relocation terminates the risk to the health and safety of any person, to the satisfaction of the Director.
- 6.14 The Director may require the permit holder, upon notice, to temporarily remove all elements of a seasonal outdoor patio due to planned public right-of-way improvements and/or works.
- 6.15 Upon receiving written notice of a permit suspension or cancellation, permit area reduction, permit area relocation or temporary removal, a permit holder shall:
 - (a) remove all equipment, furnishings and personal property from the permit area, or applicable portion thereof, at the permit holder's own expense; and
 - (b) replace and restore the sidewalk or street to a safe and proper condition to the satisfaction of the Director.
- 6.16 A Permit expires on the earlier of:

- (a) October 31st of each year; or
- (b) on notice of revocation by the Director.

6.17 A permit holder shall remove all elements of the seasonal outdoor patio, including fencing, from the permit area from November 1st of one year to April 14th of the next year, inclusive.

6.18 Any damage to the public right-of-way caused by the seasonal outdoor patio shall be repaired at the permit holder's expense, to the satisfaction of the Director.

PART 7: ENFORCEMENT, REMEDIAL ACTIONS, AND RECOVERY OF EXPENSES

Entry and Inspections

7.1 An Officer may enter on land at any reasonable time and in accordance with the conditions set out in sections 435 and 437 of the *Municipal Act, 2001* for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) an order or other requirement made under this By-law;
- (b) a condition of a permit issued under this By-law; or
- (c) an order made under section 431 of the *Municipal Act, 2001*.

7.2 An Officer, for the purpose of the inspection under section 7.1 and in accordance with the conditions set out in section 436 of the *Municipal Act, 2001*, may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information in writing or otherwise as required by an Officer from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

7.3 An Officer may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the *Municipal Act, 2001*, in accordance with the conditions set out in that section, where he or she has been prevented or is likely to be prevented from carrying out an inspection under section 7.1.

Orders and Other Documents Including Delivery

- 7.4 If an Officer is satisfied that a contravention of this By-law has occurred, they may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the property on which the contravention occurred to discontinue the contravening activity.
- 7.5 An order under section 7.4 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred; and
 - (b) the date or dates by which there must be compliance with the order, which may be of immediate effect should the Officer determine that the circumstances warrant.
- 7.6 If an Officer is satisfied that a contravention of this By-law has occurred, they may make an order requiring the person who has contravened this By-law or who caused or permitted the contravention or the owner or occupier of a premises on which the contravention occurred to do work to correct the contravention.
- 7.7 An order under section 7.6 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the premises on which the contravention occurred;
 - (b) the work to be completed which may include but is not limited to requiring that prior to performing any work, all necessary permits or other approvals be applied for and obtained;
 - (c) the date or dates by which the work must be completed; and
 - (d) notice that if the order is not complied with, then the work may be done at the expense of the person ordered to do the work.
- 7.8 An order under section 7.4 or 7.6 may be given by contacting a permit holder in writing or by email in accordance with the information provided on the permit application or, if there is no permit application, by contacting the person the Director determines to be responsible for the contravention personally or by registered mail at their last known address.
- 7.9 An order under section 7.6 may be of immediate effect should the Director determine that a delay would result in circumstances that endanger the health or safety of any person or similarly serious consequences.
- 7.10 Where a time frame is set out in an order or other document for carrying out any action, an Officer may extend the time for compliance beyond the established time frame provided such extension is required and is acceptable to the Officer.

7.11 A person to which an order has been issued pursuant to section 7.4 or 7.6 shall comply with the requirements of the order in the time specified.

City Carrying Out Work

7.12 Where a person does not comply with a direction or a requirement, including an order or a condition of a permit under this By-law to do a matter or thing, the Director, with such assistance by others as may be required, may carry out such direction, requirement or order at the person's expense.

7.13 The City may recover the costs of doing a matter or thing under section 7.12 by means of any one or more of:

- (a) bringing an action;
- (b) adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an annual interest rate of 15 per cent commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full;
- (c) realizing on security provided for this purpose; or
- (d) charging a fee as set out in the City's Rates and Fees By- law or as otherwise set and approved by Council from time to time.

7.14 The amount of the City's costs, including interest to the date payment is made in full, constitutes a lien upon the land, upon the registration of a notice of lien upon the land.

PART 8: OFFENCES

- 8.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine and such other penalties as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P. 33, as amended.
- 8.2 Every person other than a corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first offence and not more than \$25,000 for a subsequent offence.
- 8.3 Every corporation that contravenes any provision of this By-law is guilty of an offence and upon conviction is liable for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence.
- 8.4 Any person who contravenes an order made under this By-law, or an officer or director of a corporation who knowingly concurs in such a contravention by the corporation, is guilty of a continuing offence and upon conviction is liable to a daily fine or penalty of a maximum of \$10,000 for each day or part of a day that the

offence continues, and despite section 8.2 and section 8.3, the total of all the daily fines imposed for an offence is not limited by the fine amounts listed in those sections.

- 8.5 Every person who is convicted of an offence under this By-law may be liable, in addition to the fines established under sections 8.2, 8.3 and 8.4, to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-law or failing to comply with an order made under this By-law.
- 8.6 Where a person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 8.7 Where any person contravenes any provision of this By-law, such person shall be responsible for all costs incurred by the City related to the contravention.
- 8.8 Where a seasonal outdoor patio has been placed or installed in contravention of the provisions of this By-law, the property owner shall be presumed to have been the person who caused, or permitted, the contravention, which presumption may be rebutted by evidence to the contrary on a balance of probabilities. Where an owner is a corporation, the directors and officers of the corporation shall be presumed to have knowingly concurred in the contravention of this by-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

PART 9: ADMINISTRATIVE PENALTIES

- 9.1 This By-law in its entirety is designated as a By-law to which the City's Administrative Monetary Penalties By-law applies.
- 9.2 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.
- 9.3 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 10: MISCELLANEOUS

- 10.1 Headings are for reference purposes and shall not affect in any way the meaning or interpretation of the provisions of this By-law.
- 10.2 If a court of competent jurisdiction declares any provision of this By-law invalid or of no force and effect, the provision or part of a provision is deemed severable from this By-law, and it is the intention of Council that the remainder of this By-law shall continue to be in force.
- 10.3 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.
- 10.4 References in this By-law to any legislation or by-law means as may be amended or replaced from time to time and includes any regulations thereunder.
- 10.5 This By-law may be referred to as the “Seasonal Outdoor Patio Permitting By-law”.
- 10.6 This By-law comes into force on a date of its passing.

Passed this 19th day of March, 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

The Corporation of The City of Burlington

By-law Number 18-2024

A by-law to delegate authority to restrict the common law rights of passage in connection with seasonal outdoor patios in the City of Burlington

Report No.: PL-05-24

Whereas section 23.1 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, provides that Council may delegate some of its powers and duties under this or any other Act to City staff; and

Whereas Section 35 of the *Municipal Act, 2001* authorizes a municipality to pass bylaws removing or restricting the common law right of passage by the public over a highway; and

Whereas subsection 8 (4) of the *Municipal Act, 2001* provides that a by-law passed pursuant to that Act may be general or specific in its application and may differentiate in any way and on any basis a municipality considers appropriate; and

Whereas City Council has determined that it is appropriate to allow approved seasonal outdoor patios to locate on a temporary basis on public rights-of-way within the City of Burlington;

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

1. The authority to restrict the common law right of passage to prohibit the passage of vehicles as defined in the *Highway Traffic Act* R.S.O. 1990, c.H.8 to permit seasonal outdoor patios is delegated to the Director of Transportation Services, subject to the following:

(a) The delegation of authority to restrict the common law right of passage hereunder shall be restricted to a time frame of April 15th to October 31st;

(b) The Director of Transportation Services shall determine the specific duration and public right-of-way locations where the common law right of passage will be restricted; and

(c) Approval for the temporary restriction of common law right of passage of vehicles in connection with seasonal outdoor patios is conditional upon the applicant for a seasonal outdoor patio having obtained any necessary permits and approvals in accordance with the City of Burlington Seasonal Outdoor Patio By-law.

Enacted and passed this 19th day of March, 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

The Corporation of the City of Burlington

City of Burlington By-law 19-2024

A By-law to amend By-law 72-2023, being a by-law to establish and impose certain 2024 rates and fees for services, activities or the use of property.

Report No.: PL-05-24

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001*, authorize the City of Burlington to pass by-laws necessary or desirable for municipal purposes, and in particular paragraph 3 of subsection 11(2) authorizes by-laws respecting the financial management of the City of Burlington; and

Whereas Section 391(1) of the *Municipal Act, 2001*, as amended, authorizes The Corporation of The City of Burlington to impose fees and charges on persons for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control; and

Whereas on November 14th, 2023, Council approved report F-36-23 and passed By-law 72-2023 adopting 2024 Rates and Fees; and

Whereas Council of the City of Burlington has deemed it necessary to amend certain rates and fees in By-law 72-2023; and

Whereas it is desirable to amend Community Design and Development Review rates to implement new fees as outlined in community planning department report PL-05-24;

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

1. Page 10 of Schedule A of By-law 72-2023, is amended by adding a new table after the

“Grading and Drainage Clearance Certificate” fees table, so that it reads:

SEASONAL OUTDOOR PATIO PROGRAM				
Description of Service or Activity Provided or Use of City Property	2023 Base Rate	2024 Rate Increase	2024 Base Rate	Taxes Applicable
Application Fee (Single Location)	n/a	n/a	\$492.92	NO
Seasonal Permit Fee – Public Right-	n/a	n/a	\$40.00	NO

of-Way Occupancy for Seasonal Outdoor Patio (dollars per square metre)				
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2. That in all other respects By-law 72-2023, as amended, be and is hereby confirmed.
3. That 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 _____

The Corporation of the City of Burlington

City of Burlington By-law 20-2024

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 _____

The Corporation of the City of Burlington

City of Burlington By-law 21-2024

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; 4215 Dunvegan Road; 755 Proctor Road; 475 Bridgman Avenue

File: 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 19th day of March, 2024

Mayor Marianne Meed Ward _____

Acting 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

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

BHB Number	Roll Number	Site Address	Lot	Property Owners
0912-0003	2402-070-721-08200-0000	4215 Dunvegan Road	N/A	Jonathan Yantzi

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
1219-0016	2402-050-508-11400-0000	755 Proctor Road	N/A	Virginia Giacomelli Scott McIntyre

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

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

BHB Number	Roll Number	Site Address	Lot	Property Owners
1324-0019	2402-060-617-00500-0000	475 Bridgman Avenue	N/A	Karina Simonetti Roderick Nisan

Local Improvement Charge							
Cost of Work	Funding Amount	Interest Charge	Special Charge	When Special Charge to Be Paid	Lifetime of Work	Annual Payment	Description
\$9,603.87	\$9,603.87	0%	\$9,603.87	Within 5 years from the first payment date	5 Years	\$1,920.77	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

The Corporation of The City of Burlington

City of Burlington By-law 22-2024

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 _____

Acting City Clerk Samantha Yew _____

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 m² 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 19th day of March, 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

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.

The Corporation of The City of Burlington

City of Burlington By-law 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 (PL-04-24)

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 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: <ol style="list-style-type: none">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 531	Zone MXC	Map 3	Amendment 2020.472	Enacted 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>				
<p>a) For the purposes of applying zoning regulations the property zoned MXC-531 shall be considered one lot.</p> <p>b) Notwithstanding Part 5, Section 4.1, Table 5.4.1 the maximum yard abutting any other street shall not apply.</p> <p>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.</p>				
<p>d) Non-residential floor area</p> <p>i) Building A:</p> <p>ii) Building B & C:</p>				
				None required 475 m ² combined
<p>iii) Notwithstanding the combined non-residential floor area for Buildings B and C, Buildings B and C must provide a minimum of 175 m² of non-residential floor area per building.</p>				
<p>e) Landscape Area abutting a street:</p>				
				None required.
<p>f) Amenity Area:</p>				
				15 m ² per unit
<p>g) A rooftop terrace shall maintain the principal building yards of the storey below it.</p>				
<p>h) Maximum Residential Units</p> <p>i) Building A:</p> <p>ii) Building B:</p> <p>iii) Building C:</p>				
				450 units 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>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.</p> <p>q) Short-term bicycle parking spaces are bicycle parking spaces for use by visitors to a building.</p> <p>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.</p> <p>s) All short-term bicycle parking spaces shall be provided as horizontal bicycle parking spaces and be provided at ground level.</p>	
<p>t) Accessory Structures on the ground:</p> <p>i) Maximum height:</p> <p>ii) Yard abutting Waterdown Road:</p> <p>iii) Yard abutting Masonry Court:</p> <p>iv) Yard abutting Cooke Boulevard:</p>	<p>One storey and 4 m</p> <p>1 m</p> <p>5 m</p> <p>6 m</p>
<p>u) Accessory Structures on a roof top terrace:</p> <p>i) Maximum height from the roof top:</p>	3.7 m
<p>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</p> <p>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.</p>	
<p>3. <u>Regulations applying to Building 'A' on Figure 531:</u></p>	
<p>a) Maximum height:</p>	34 storeys and 112 m
<p>b) Yard abutting Waterdown Road:</p> <p>i) Floors 1 to 12:</p> <p>ii) Floors 13 to 34:</p>	4.5 m
<p>c) Yard abutting Masonry Court:</p> <p>d) North Side Yard:</p> <p>e) Yard abutting Cooke Boulevard:</p>	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:	2.1 m
g) Maximum balcony projections on the south elevation: i) Floors 2 to 34:	1.5 m
h) Maximum balcony projections abutting Waterdown Road: i) Floors 2 to 7: ii) Floor 8 to 34:	1.5 m
i) Maximum balcony projections on the north elevation: i) Floor 2 to 7: ii) Floor 8 to 34:	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.	2.1 m 1.5 m
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:	55 m
c) Abutting Masonry Court: i) Floors 1 to 8: ii) Floor 8 to 30:	5 m
d) North Side Yard:	9 m
e) Cooke Boulevard:	40 m 5 m
f) Maximum balcony projections abutting Cooke Boulevard: i) Floors 2 to 7: ii) Floors 8 to 30:	3 m
g) Maximum balcony projections abutting Masonry Court:	1.5 m

i) Floors 2 to 7:	
ii) Floors 8 to 30:	
h) Maximum balcony projections on the west elevation:	2.1 m
i) Floors 2 to 30:	1.5 m
i) Maximum balcony projections on the north elevation:	
i) Floor 2 to 30:	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:	3 m
c) Yard Abutting Masonry Court:	5 m
d) North Side Yard:	50 m
e) Yard abutting Cooke Boulevard:	50 m
f) Maximum Balcony Projections on the east building Elevations:	
i) Floors 2 to 32:	
g) Maximum balcony projections abutting Masonry Court:	1.5 m
ii) Floors 2 to 7:	
iii) Floor 8 to 32:	
h) Maximum balcony projections abutting Waterdown Road:	2.1 m
i) Floors 2 to 7:	1.5 m
ii) Floor 8 to 32:	
i) Maximum balcony projections on the north elevation:	
i) Floor 2 to 6:	2.1 m
ii) Floor 7 to 32:	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

WATERDOWN RD.

COOKE BLVD.

BUILDING A

BUILDING B

BUILDING C

MASONRY CRT.

Date: December 08, 2023
Community Planning Department

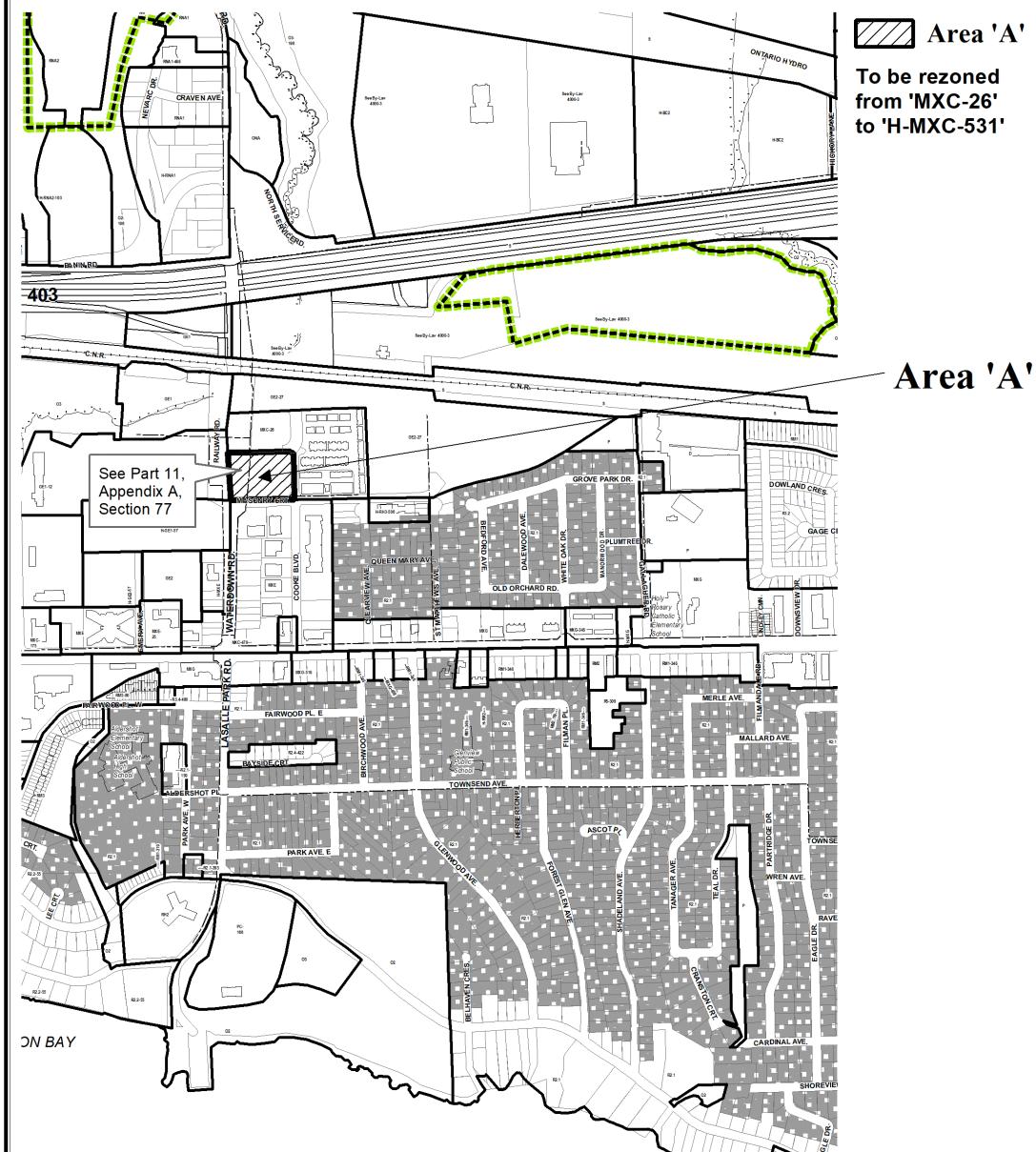
TERANET *Burlington*

Enacted and passed this 19th day of March, 2024

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

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 
Community Planning Department

Explanation of Purpose and Effect of By-law 2020.472

By-law 2020.472 amends the zoning regulations applying to 1120 Cooke Boulevard, located on the north side of Masonry Court between Waterdown Road and Cooke Boulevard, to permit the mixed-use development of three residential towers of maximum 30, 32, and 34 storeys.

For further information regarding By-law 2020.472, please the City of Burlington's Community Planning Department at planning@burlington.ca or (905) 335-7600.

The Corporation of the City of Burlington
City of Burlington By-law 16-2024

A by-law to adopt Official Plan Amendment No. 143 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 24 storey mixed use building on the subject lands.

File: 505-03/23 (PL-20-24)

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-20-24 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.143 to the Official Plan (1994) of the Burlington Planning Area, as amended, 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 _____

Acting City Clerk Samantha Yew _____

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 24 storey mixed use building on the subject lands with a Floor Area Ratio of 11:1.

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:

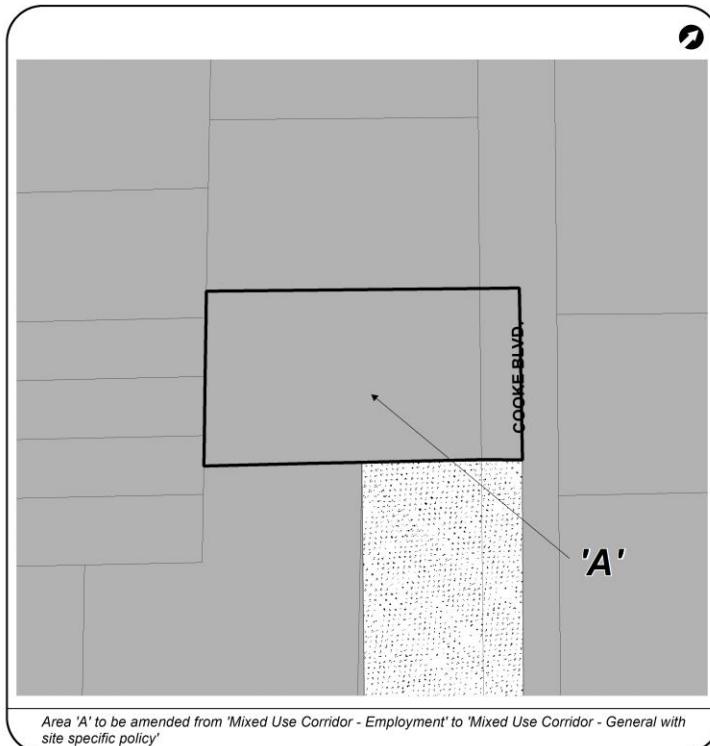
1026 Cooke Boulevard	x) Notwithstanding the policies of Part III, Section 5.3, Subsections 5.3.2 a) ii), 5.3.2 d) i) and d) ii) of this Plan, a <i>Floor Area Ratio</i> of 11:1, and a maximum building height of 24 storeys <i>shall</i> be permitted.
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2. 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.



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



The Corporation of the City of Burlington

City of Burlington By-Law 2020.470

A by-law to amend By-law 2020, as amended for 1026 Cooke Boulevard to facilitate the development of a 24-storey mixed use building.
File No.: 505-03/23 & 520-09/23 (PL-20-24)

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 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 24-storey residential apartment building with ground floor commercial area;

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

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;

Exception 534	Zone H-MXG	Map 3-E	Amendment 2020.470	Enacted
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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.

g) The owner submits a revised Pedestrian Level Wind Study in accordance with the City's Pedestrian Level Wind Study Guidelines and Terms of Reference, dated March 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:

1. Permitted Uses:

- 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. Regulations:

- a) Maximum Building Height: 24 storeys including mechanical penthouse and rooftop amenity area
- b) Maximum Podium Height: 21.5 m up to 6 storeys
- c) Maximum Floor Area Ratio: 11:1
- d) The minimum gross floor area requirement for non-residential uses is 550m². Of that, a minimum gross floor area of 370 m² shall be retail commercial uses.
- a) Maximum Tower Floorplate:
 - (i) Floor 7: 870 m²
 - (ii) Floor 8 and 9: 830 m²
 - (iii) Floor 10: 790 m²
 - (iv) Floors 11 to 23: 750 m²
- b) Amenity Area: 17.5 m² per dwelling unit
- c) Landscape Buffer:
 - (i) South Side Yard: 2.0 m

d) Yards:

(i) North Side Yard:	
Floors 1 to 6:	5.5 m, 4.0 m to balconies
Floors 7 to 23:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.6 m
(ii) South Side Yard:	
Floors 1 to 6:	3 m
Floors 7 to 23:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.6 m
(iii) Front Yard:	
Floors 1 to 4:	3 m
Floor 5:	4.5 m
Floors 6 to 23:	6 m
Mechanical Penthouse:	9 m
Below-grade parking structure:	0.6 m
(iv) Rear Yard:	
Floors 1 to 6:	3 m
Floors 7 to 23:	12.5 m
Mechanical Penthouse:	15.5 m
Below-grade parking structure:	0.5 m

e) 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)
f) 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
g) 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 19th day of March, 2024.

Mayor Marianne Meed Ward _____

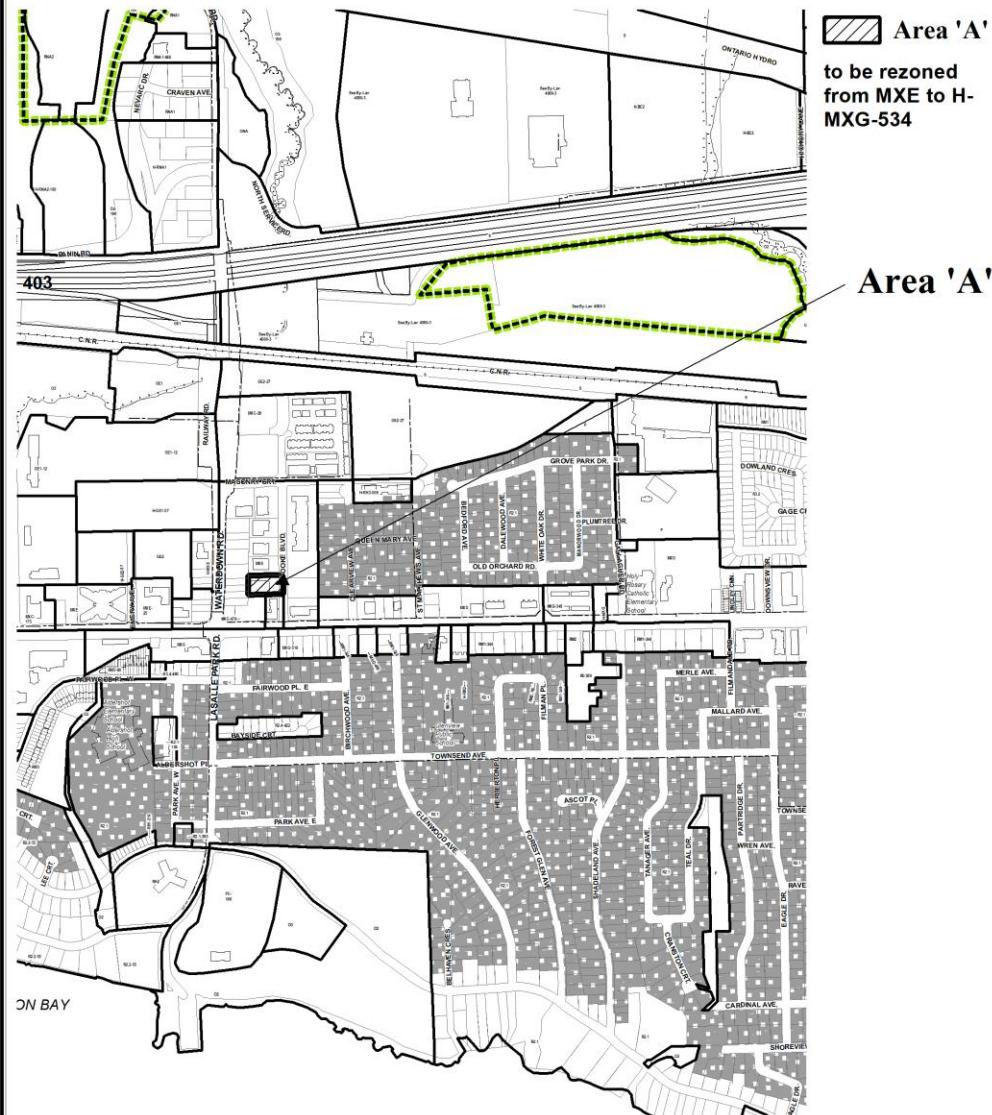
Acting City Clerk Samantha Yew _____

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.470

By-law 2020.470 rezones lands on 1026 Cooke Boulevard, to permit a 24-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.

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 **Burlington**
Community Planning Department

The Corporation of the City of Burlington

City of Burlington By-law 23-2024

A by-law to confirm the proceedings of the meeting of Council of the Corporation of the City of Burlington held on Tuesday, March 19, 2024

Whereas according to Section 5 of the *Municipal Act*, 2001, c. 25 as it may be amended from time to time, the powers of The Corporation of the City of Burlington are to be exercised by the Council of The Corporation of the City of Burlington and municipal powers are to be exercised by by-law; and

Whereas it is deemed expedient that the actions of the Council of The Corporation of the City of Burlington be confirmed and adopted by by-law;

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

1. The actions of the Council of The Corporation of the City of Burlington in respect of:
 - (a) each recommendation in the report of the Committees;
 - (b) Each motion, resolution and other action passed and taken by the Council of The Corporation of the City of Burlington at this meeting are hereby adopted and confirmed as if same were expressly included in this by-law.
2. The Mayor and the proper officials of The Corporation of the City of Burlington are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Burlington referred to in Section 1.

3. The Mayor, or in the absence of the Mayor, the Deputy Mayor, and the Clerk, or in the absence of the Clerk, the Deputy Clerk,
 - a) are authorized and directed to execute all documents necessary to the action taken by Council as described in Section 1, and
 - b) Are authorized and directed to affix the seal of The Corporation of the City of Burlington to all such documents referred to in Section 1.
4. This by-law comes into force on the day upon which is enacted by the Council of the Corporation of the City of Burlington.

Enacted and passed this 19th day of March 2024.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____