Committee of the Whole Meeting

Agenda

Date: December 2, 2024
Time: 9:30 a.m.
Location: Hybrid meeting- virtual and Council Chambers, City Hall

Pages

1. Call to Order

Chair: Councillor Lisa Kearns

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

3. Approval of the Agenda

4. Declarations of Interest

5. Delegation(s)

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

6. Presentation(s)

7. Consent Items

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

7.1 Update on organization's strategy and business planning process (CS-09-24) (CCS) 1 - 9

Receive for information corporate strategy report CS-09-24, an update on the organization's efforts to date, and the approach and plan for corporate strategy development and alignment of business planning processes into 2025.

7.2 Temporary Borrowing By-law (F-31-24) (CCS) 10 - 16

Approve the by-law attached as Appendix A to finance department report F-31-24, to authorize the temporary borrowings of monies from the Royal Bank of Canada and Scotiabank to meet the ordinary expenditures of the corporation for the 2025 fiscal year; and

Authorize the Mayor and City Clerk to execute the security agreement attached as Appendix B to finance department report F-31-24, subject to the satisfaction of the Commissioner, Legal and Legislative Services/City Solicitor.

7.3 2025 Interim Tax Levy By-law (F-33-24) (CCS) 17 - 25

Approve the by-law attached as Appendix A to finance department report F-33-24 which provides for the levy of the 2025 Interim taxes.

7.4 2024 to 2025 group benefits renewal (HR-08-24) (CCS) 26 - 29

Renew Sun Life as the provider for the City's group benefits plan including extended health, dental, long-term disability and life insurance for the benefit year December 1, 2024 to November 30, 2025 as outlined in human resources department report HR-08-24.

7.5 Seeking project endorsement for Community Sport and Recreation Infrastructure Fund (CSRIF) (RCC-17-24) (CCS) 30 - 36

Direct the Director of Recreation, Community and Culture to work with government relations to apply to stream two of the Community Sport and Recreation Infrastructure Fund (CSRIF) for the re-development of the west side of Sherwood Forest Park as outlined in recreation, community and culture report RCC-17-24.

7.6 Municipal Accommodation Tax (MAT) update - proposed 2025 projects (RCC-18-24) (CCS) 37 - 41

Approve the recreation, community and culture department report RCC-18-24 providing the Municipal Accommodation Tax (MAT) update - proposed 2025 projects; and

Authorize the Chief Financial Officer to fund the projects identified in report RCC-18-24 with the City's Municipal Accommodation Tax Reserve Fund; and

Direct the Director of Recreation, Community and Culture in collaboration with the Executive Director of Burlington Economic Development and Tourism Burlington to investigate the feasibility of implementing MAT for short-term accommodations and report back by the end of Q2 2025.

7.7 Amendment to Procedure By-law 59-2024 (CL-26-24) (CCS) 42 - 46

Enact a by-law to amend Procedure By-law No. 59-2024, substantially attached as Appendix A to legislative services department report CL-26-24.

7.8 Seasonal outdoor patio program update (PL-77-24) (GM) 47 - 60

Receive for information community planning department report PL-77-24 as an update on the Burlington seasonal outdoor patio program.

8. Community and Corporate Services Regular Items

8.1 2024 Community Benefits Strategy and By-law (F-05-24) 61 - 158

Approve the Community Benefits Charge Strategy dated November 4, 2024, attached as Appendix A, to finance department report F-05-24; and

Adopt the approach to calculate the community benefit charges on a uniform city-wide basis as set out in the Community Benefits Charge Strategy dated November 4, 2024; and

Approve the capital project listing set out in Chapter 4 of the Community Benefits Charge Strategy dated November 4, 2024, subject to further annual review during the capital budget process; and

Determine that no further public consultation is required; and

Approve the By-law to establish Community Benefits Charges for the City of Burlington, as set out in Appendix B to finance department report F-05-24, and repeal By-law 66-2022.

8.2 Fare-free Transit Study (TR-02-24) 159 - 211

Receive for information, the results of the Burlington study to explore fare-free transit, completed by consultants Left Turn Right Turn attached as Appendix A to transit department report TR-02-24.

8.3 Council Composition and Ward Boundary Review interim report (CL-27-24) 212 - 275

Provide direction to the Consultant Team regarding the following aspects of the Council Composition and Ward Boundary Review contained in Appendix A of legislative services department report CL-27-24:

1. Should all local councillors also be regional councillors; and if not,
2. Should regional councillors be elected by wards?

8.4 Update on strategic initiatives and organizational services (CM-10-24) 276 - 285

Receive for information chief administrative officer report CM-10-24 providing an update on strategic initiatives and organizational services.

8.5 Sound of Music Festival – 2024 event recap and future city support (RCC-19-24) 286 - 304

Consider the three options for city financial support and re-payment plan presented in recreation, community and culture department report RCC-19-24 Sound of Music Festival - 2024 event recap and future city support.

8.6 Council Remuneration (HR-09-24) 305 - 336

Receive for information human resources department report HR-09-24 regarding council remuneration.

9. Confidential Items and Closed Session

Confidential items will be discussed at 1:00 p.m. on Monday, December 2, 2024.

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

9.1 Confidential legal update on litigation matter regarding Nelson Aggregate Co. appeals (L-29-24)

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.

10. Rise and Report

11. Public Works Regular Items

11.1 Flood hazard impacts and mitigation assessment (ES-04-24) 337 - 379

Receive for information engineering services department report ES-04-24 regarding the flood hazard impacts and mitigation assessment.

12. Growth Management Regular Items

12.1 Bronte Creek Meadows Area-Specific Planning Project update and proposed policy directions (PL-81-24) 380 - 485

Endorse the policy directions contained in community planning department report PL-81-24 to guide the development of the Bronte Creek Meadows Area Specific Plan; and

Direct the Director of Community Planning to continue work on the Bronte Creek Area Specific Plan in coordination with the landowner and communicate and engage with the public on the proposed policy directions and area specific plan framework.

13. Statutory Public Meeting

These items to be discussed at 9:30 a.m. on Tuesday, December 3, 2024.

13.1 Draft Official Plan and Zoning By-law Amendments to increase housing options (PL-92-24) 486 - 570

Direct the Director of Community Planning to consider Council, agency, and community feedback received as part of this statutory public meeting, prior to bringing forward a subsequent staff report recommending adoption of Official Plan Amendment No. 3 and a Zoning By-law Amendment in January 2025.

13.2 Official Plan and Zoning By-law Amendments for 141, 147 and 153 Plains Road West (PL-90-24) 571 - 649

Approve the applications for Official Plan Amendment and Zoning By-law Amendment submitted by Goldberg Group on behalf of 2412947 Ontario Ltd, Dr. Laith Al-Dabbagh and 2381798 Ontario Ltd. proposing a 12-storey mixed use building; and

Approve Official Plan Amendment No. 154 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-90-24, to modify the “Mixed Use General” Designation at the lands located at 141, 147 and 153 Plains Road West; and

Deem that the Official Plan Amendment No. 154 is consistent with The Planning Act; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 154 as contained in Appendix D to community planning department report PL-90-24 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; and

Approve Zoning By-law 2020.492, attached as Appendix E to community planning department report PL-90-24, to rezone the lands at 141, 147 and 153 Plains Road West from “MXG” to “H-MXG-545”; and

Deem that Zoning By-law 2020.492 will conform to the Official Plan of the City of Burlington once Official Plan Amendment No. 154 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 154 is adopted; and

Deem that the lands described as 141, 147 and 153 Plains Road West are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

13.3 Zoning By-law Amendment for 759 Maple Avenue (PL-88-24) 650 - 699

Approve the Zoning By-law Amendment application for the property located at 759 Maple Avenue to permit four (4) townhouse units of 4-storeys in height within one (1) building block with access to Maple Avenue via a private road; and

Approve Zoning By-law 2020.479, attached as Appendix D to community planning department report PL-88-24, which amends the zoning 'Residential Medium Density' (H-RM5) with a Holding provision to 'Residential Medium Density' (H-RM2-546) with a Holding provision and site-specific exceptions for the lands located at 759 Maple Avenue; and

Deem that the amending zoning by-law will conform to the Regional Official Plan, to the City of Burlington Official Plan and that there are no applications to alter the Official Plans with respect to the subject lands.

13.4 Official Plan and Zoning By-law Amendments for 291 North Service Road (PL-89-24) 700 - 753

Approve the applications for Official Plan Amendment and Zoning By-law Amendment submitted by DeLoyde Development Solutions on behalf of King Paving proposing asphalt manufacturing with outdoor open storage of aggregates; and

Approve Official Plan Amendment No. 155 to the City of Burlington Official Plan 1997, as provided in Appendix D of community planning department report PL-89-24, to modify the "Business Corridor" Designation at the lands located at 291 North Service Road; and

Deem that the Official Plan Amendment No. 155 is consistent with The Planning Act; and

Approve Official Plan Amendment No. 5 to the City of Burlington Official Plan 2020, as provided in Appendix E of community planning department report PL-89-24, to modify the "Business Corridor" Designation at the lands located at 291 North Service Road; and

Deem that the Official Plan Amendment No. 5 is consistent with The Planning Act; and,

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 155 and Official Plan Amendment No. 5 as contained in Appendices D and E to community planning department report PL-89-24 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; and

Approve Zoning By-law 2020.493, attached as Appendix F to community planning department report PL-89-24, to rezone the lands at 291 North Service Road from “H-BC2” to “H-BC2-547” and H-BC2 to O3-549; and

Deem that Zoning By-law 2020.493 will conform to the 1997 Official Plan of the City of Burlington once Official Plan Amendment No. 155 is adopted; and

Deem that Zoning By-law 2020.493 will conform to the 2020 Official Plan of the City of Burlington once Official Plan Amendment No. 5 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 155 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 5 is adopted.

13.5 Official Plan and Zoning By-law Amendments – 5051 Harvester Road (PL-82-24) 754 - 780

Approve the applications for Official Plan Amendment and Zoning By-law Amendment submitted with modifications by MHBC proposing a five-storey commercial, retail and office development at 5051 Harvester Road; and

Approve Official Plan Amendment No. 153 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-83-24, to modify the “Business Corridor” Designation at the lands located at 5051 Harvester Road; and

Deem that the Official Plan Amendment No. 153 is consistent with The Planning Act; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 153 as contained in Appendix D to community planning department report PL-83-24 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; and

Approve Zoning By-law 2020.491, attached as Appendix C to community planning department report PL-83-24, to rezone the lands at 5051 Harvester Road from “BC1-62” to “H-BC1-62” and “H-BC1-548’; and

Deem that Zoning By-law 2020.491 will conform to the Official Plan of the City of Burlington once Official Plan Amendment No. 153 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 153 is adopted.

14. Information Items

14.1 Legislative Services forecast of standing committee reports (COW-25-24) 781 - 781

15. Staff Remarks

16. Committee Remarks

17. Adjournment

SUBJECT: Update on organization's strategy and business planning process

TO: Committee of the Whole

FROM: Corporate Strategy

Report Number: CS-09-24

Wards Affected: all

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Receive for information corporate strategy report CS-09-24, an update on the organization's efforts to date, and the approach and plan for corporate strategy development and alignment of business planning processes into 2025.

PURPOSE:

Vision to Focus Alignment:

☐ Designing and delivering complete communities

☐ Providing the best services and experiences

☐ Protecting and improving the natural environment and taking action on climate change

☑ Driving organizational performance

Executive Summary:

The City of Burlington has adopted a comprehensive and forward-thinking approach to strategy and work plan development, as detailed in 2022-2026 work plan, "Burlington's Plan: From Vision to Focus - V2F". This work plan serves as a roadmap to achieve the long-term objectives outlined in the city's 25-year strategic vision, "Vision 2040." By aligning short-term actions with long-term goals, Burlington aims to effectively manage and plan for growth, enhance community services, address environmental and climate challenges, and drive organizational effectiveness.

In Q4 of 2024, the organization, through the guidance of Executive Leadership, has prioritized refining objectives, key performance indicators (KPIs), and strategic outcomes that directly support the goals of the four V2F pillars. This foundational practice will determine the current baseline and identify improvement opportunities.

Continuing to make significant efforts in advancing enterprise strategic and business performance management, the initial development of a project plan for a refreshed Burlington long-term 25-year vision; Horizon 2050 has started. A refreshed look at the next 25-year horizon of the City of Burlington will ensure the Council, the community and the organization are all aligned in a clear direction and purpose.

Background and Discussion:

In Q4 2024, the City of Burlington transitioned from the previous business performance practices to a more structured, collaborative, and strategic approach, led by Burlington's Executive Leadership Team. A key driver in this transition was the organization's re-structure and budget by department re-alignment. This shift involved implementing a standardized framework for setting priorities, objectives, and key performance indicators (KPIs) to enhance decision-making and resource allocation. By aligning these elements with the four pillars of the Vision to Focus (V2F) plan, the city aims to improve accountability, foster collaboration, and ensure that all departments work cohesively towards common outcomes. Fundamentally, this approach enables leadership to effectively cascade priorities, create synergies, promote cross-functional collaboration, and minimize potential conflicts, ensuring resources are optimally aligned to support a unified and efficient path toward achieving the organization's priorities.

Strategy/process/risk

The roll out of all the components within the Integrated Model – Future State (Appendix A), will be sequentially implemented to ensure structured progress, iterative optimization, and stabilized alignment.

A sequential approach simplifies efforts and organizes information by building on content from the previous component. This allows for each team to understand and adapt their efforts to the evolving strategy, ensuring that all areas are moving coordinated toward the same organizational goals and clarifies ownership at every level. The intent is to foster a sense of responsibility and commitment to achieving the determined outcomes. This approach will also enhance all levels of stakeholder engagement as sequential roll out provides clear checkpoints, making it easier to communicate progress and involve stakeholders (such as council members, partners, the community and city leadership and

staff) at key points in the model, helping maintain transparency, gather feedback, and adjust to stakeholder needs over time.

Horizon 2050

The Horizon 2050 initiative outlines Burlington's vision for the next 25 years, aiming to support unprecedented growth while maintaining the high quality of life that makes Burlington a top city to live and work in Ontario. With a projected population increase of 40-60% from 2021 to 2051, Horizon 2050 addresses the need for a long-term vision with a goal of sustainable development, high service standards, and a cohesive identity for Burlington.

Horizon 2050 expands on Burlington's 2040 Vision by forecasting socio-economic growth and its impacts. This work will also include a five-year strategic plan with aligned clear priorities and objectives and a new Burlington brand strategy. For the first time all three components of the strategy development (Vision, Strategic Plan and Brand Strategy) will be pulled into a unified, single cohesive approach.

This approach includes:

- A long-term vision with a 5-year Strategic Plan, including key priorities and KPIs.
- A brand platform to highlight Burlington's unique characteristics, differentiating it as a desirable place for residents and businesses.
- Focused consultations involving key stakeholders like City Council, local businesses, community members, and external experts.

A future report and workshop about the Horizon 2050, 5 Year Strategic Plan and Burlington Brand Strategy with a project outline, key milestones, the engagement plan (including Council engagement plan) will be provided to Council in Q1 2025.

Other Supporting Strategic Alignment Activities

Business Area Review Team

To further enable the organization to visualize, track, monitor and enhance data driven decision making, a structured team of business area leaders across the organization has been recently formed. B.A.R.T. (Business Area Review Team) has prioritized building a long-term, strategy-focused culture, with early identification of at-risk initiatives and alignment with resource planning. This team will enhance cross- departmental collaboration, transparency, and alignment to achieving the strategic priorities. There will

be regular reviews of KPI status, project synergies identification and focus on reducing duplicate efforts and addressing potential conflicts in resource allocation.

Corporate Dashboard

A corporate dashboard serves as a digital tool to track, monitor and report city-wide performance metrics, and enhance transparency and accountability. The dashboard will allow city leadership, council members, and potentially the public to see how Burlington is progressing toward its strategic priorities, corporate projects, and the status of achieving KPI targets. Testing has begun with the current minimal viable product (MVP), with a targeted go live of Q1 2025.

As part of a phase 2 for the Corporate Dashboard implementation (Q3 2025), corporate projects will be aligned to the objectives and key priorities, driving overall success, and ensuring that each initiative contributes meaningfully to the priorities of the organization. Regularly tracking project status provides insight into whether the project is progressing as planned in relation to strategic objectives. This visibility makes it easier to identify when a project is deviating from expected timelines or outcomes. Furthermore, when status updates reveal delays or issues, teams can quickly adjust or allocate additional resources, keeping the project aligned with priorities and reducing the risk of failure and therefore driving success.

Past practice to report on Corporate Strategic Projects has been a manual process as per the last Report CM-05-24. The future plan, as mentioned above, is to optimize the process through the corporate dashboard. To date 2 projects included in the last Corporate Projects Status Update have been shifted to operations and closed as projects. The chart below is a high-level status update for the projects included previously for these updates. In the new process, projects that advance the strategic direction of the organization will be included and the alignment to organizational priorities will be identified. This new reporting process will begin in Q3 2025 in phase 2 of the corporate dashboard project and will no longer be a manual reporting process but will use technology to visual and track corporate project statuses.

Overview of 2024 Project Status Updates

Automated Vehicle Locator (AVL)

Reported By: Ron Sangle PM/Fleet BIS and Paul Swioklo, Fleet Manager RPF

Health Check				Overall
Scope G	Schedule G	Budget: In Year G	Budget: Future G	Closed

Status Update and Plan to Green

- This project is substantially complete.
- As of April 2024, ALL departments inside and outside RPF have completed ELD (Electronic Logging Device) training.

- All departments have implemented and rolled out the Focus S app for light duty and heavy duty* inspections [266 vehicles, 344 users] *Effective November 15th.
- A custom API developed for the City of Burlington was completed in August 2024. With this system, management reports will be produced that highlight KPIs for driver behavior, visits outside designated zones, vehicle utilization, idle time, and fuel efficiency metrics.

Performance Development & Growth

Reported By: Linda Ljucovic, HR Consultant, Organizational Development and Sue Evfremidis, Chief Human Resources Officer

Health Check				Overall
Scope G	Schedule G	Budget: In Year G	Budget: Future G	G

Status Update and Plan to Green

- Implementation of entire process for all non-union staff, providing support in time for skills application on target for expected completion December 2025.
- Pilot group (30 people leaders) participated in learning sessions aimed at developing skills in goal setting, facilitating performance and development conversations, and in evaluating and recognizing performance.
- A newly designed 2024 Performance Review Form was launched to capture 2024 performance for non-union full-time staff.
- The system, Workday, that will support the new process in 2025 was configured, tested, and moved into production.

Enterprise Asset Management System (EAMS)

Reported By: Brian Giswold, Project Director

Health Check				Overall
Scope G	Schedule Y	Budget: In Year G	Budget: Future G	Y

Status Update and Plan to Green

- Multiple key achievements occurred since the last reporting cycle. Some include, implemented new project governance model (Delivery, Project Leadership, Sponsors, Steering Committee), developed/approved project implementation strategy and project plan and completed integration discovery between Cartegraph and Workday.
- Implemented stakeholder engagement, business area process and solutions design and started operational requirements planning.
- Key actions planned for next quarter are to initiate Workday-Cartegraph integration development and testing, finalize project timeline based on integration work impacts, continue with business area process and solution design.
- Finalizing the project schedule based on the timeline required to complete the Workday-Cartegraph will provide the certainty needed to make the schedule green.

Enterprise Resource Planning (ERP) Workday

Reported By: Ade Ogunkoya, Product Manager

Health Check				Overall
Scope G	Schedule G	Budget: In Year G	Budget: Future N/A	Closed

Status Update and Plan to Green

- Official Global Launch - Enabled COB employees to access Workday on Sunday, February 25, 2024
- Identified 2024 Product Goals: Focus on product stabilization, build internal knowledge and capacity, and enhance user experience.
- Benefit realization exercise will occur at 1year postproduction and the establishment of a benefit baseline for future benefit realization exercise.

Key Achievements

- Data Consolidation: Centralized data from multiple systems into a single data repository.
- Process Automation: Reduced manual processes and minimized human error through automation.
- Self-Service Capabilities: Empowered employees with various self-service options to increase efficiency and accessibility

Next Generation 9-1-1 (NG 911)

Reported By: Deputy Fire Chief Boys, Joke Guthrie, Project Manager

Health Check				Overall
Scope G	Schedule Y	Budget: In Year G	Budget: Future Y	Y

Status Update and Plan to Green

- Expected completion date Q1 2025.
- Core NG911 hardware installed, validated operational, remaining components received.
- Secured $1.1M Year 2 provincial funding.
- Successful bringing Solacom Demo System onsite at Burlington Fire Department, Technical & Communications Teams trained on the system.
- Schedule (yellow) Plan to Green: closely monitoring vendors and regional partner timelines and commitments, escalating where/when encountering delays. To date escalations have been heard, actioned, met with success.
- Budget Future (yellow) Plan to Green: All operating and capital budget requirements will be provided as part of the regular budget process for Council consideration.

In addition, the Corporate Dashboard will be fundamental to the operations of the B.A.R.T., as it will be the tool used to monitor results, drive discussions, lead decision making and make real time adjustments in operations and corporate strategic projects.

Financial Matters:

Source of Funding

Funding for all activities has been budgeted in the City's operational budget, and funds not used in 2024 will be carried into 2025.

Other Resource Impacts

Administrative support, time spent in meetings, and staff hours dedicated to coordination, play a crucial role in ensuring the success of Burlington's strategic planning and business performance initiatives, even though they may not be directly tied to project deliverables. These indirect costs add value to the program by enhancing coordination and alignment minimizes redundancies, identifies synergies, and ensures resources are deployed efficiently, reducing the risk of conflicting efforts or duplication. In addition, staff time dedicated to internal reporting and accountability checks allows for transparent progress tracking. These indirect tasks reinforce accountability by documenting achievements and areas needing improvement, ensuring adherence to the plan.

Climate Implications:

The implementation of these strategy and business planning processes, can act as a catalyst for integrating climate action into Burlington's strategic framework, leading by example in sustainable practices, and setting up mechanisms to measure and report progress. Examples of how climate implications will be considered include.

1. Supporting the development of environmental goals and metrics
2. Advocating for sustainability in projects and operations
3. Driving innovation in climate change solutions
4. Monitoring and reporting environmental impacts.
5. Creating strategic alignment with climate goals.

This approach not only advances environmental stewardship but also positions Burlington as a forward-thinking city committed to a sustainable future.

Engagement Matters:

Several key engagement matters need careful consideration to ensure effective communication, alignment, and support from all stakeholders.

A stakeholder identification and inclusion plan for each component of the Integrated Model will be developed to identify relevant stakeholders to reflect a range of perspectives. As each component of this plan rolls out key checkpoints with leadership and staff will occur for review, asking for feedback to refine and evolve processes and approaches. As necessary learning and development opportunities will be provided to stakeholders, leadership, and staff to ensure understanding of the benefits and mechanics of organizational performance.

Conclusion:

This outline demonstrates the organization's commitment to enhancing structured, data-driven performance management, positioning the city for long-term success and accountability through a unified strategy and effective resource alignment.

Respectfully submitted,

Stephanie Venimore

Manager, Corporate Strategy and Business Improvement

Stephanie.Venimore@burlington.ca

Appendices:

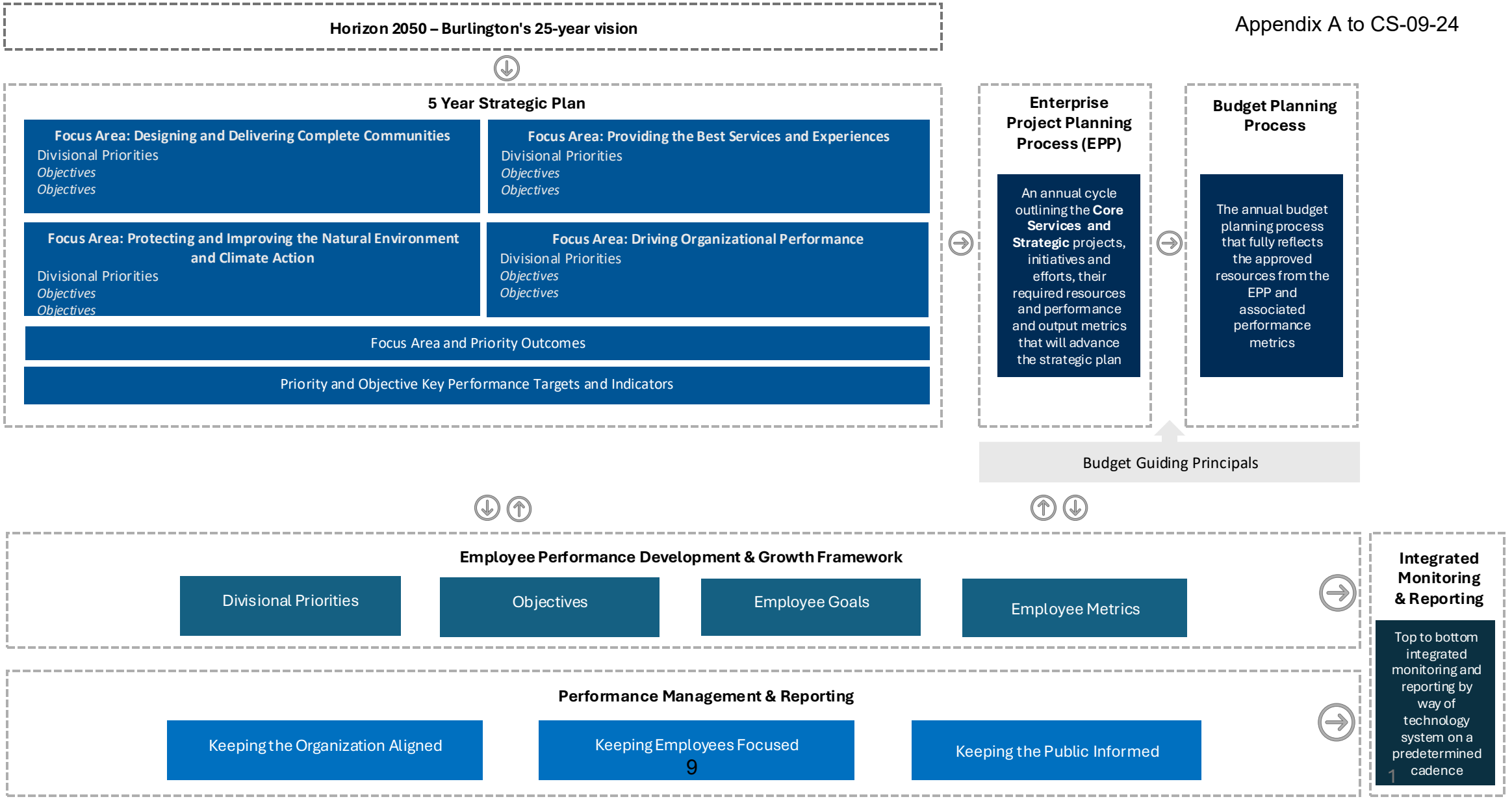
A. Integrated Model – Future State

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

Future-State Integrated Model

Appendix A to CS-09-24



SUBJECT: Temporary Borrowing By-law

TO: Committee of the Whole

FROM: Finance Department

Report Number: F-31-24

Wards Affected: All

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the by-law attached as Appendix A to finance department report F-31-24, to authorize the temporary borrowings of monies from the Royal Bank of Canada and Scotiabank to meet the ordinary expenditures of the corporation for the 2025 fiscal year; and

Authorize the Mayor and City Clerk to execute the security agreement attached as Appendix B to finance department report F-31-24, subject to the satisfaction of the Commissioner, Legal and Legislative Services/City Solicitor.

PURPOSE:

Vision to Focus Alignment:

- ☐ Designing and delivering complete communities
- ☑ Providing the best services and experiences
- ☐ Protecting and improving the natural environment and taking action on climate change
- ☐ Driving organizational performance

Executive Summary:

The City occasionally requires short-term loans to manage cash flow effectively, particularly during periods of low liquidity before property tax collections. To facilitate

this, a proposed by-law has been prepared under Section 407 of the Municipal Act, 2001, which allows for temporary borrowing from the City's financial institutions.

During certain times of the year, cash flow constraints necessitate short-term borrowing. Historically, the City has relied on Reserve Funds to meet operational expenditures and will continue this practice as needed in 2025. The proposed by-law (Appendix A) and a required security agreement with the Royal Bank of Canada (Appendix B) are essential for maintaining these financial arrangements.

The City maintains a $5 million line of credit at a prime rate minus 3/4% with Royal Bank of Canada. Currently, the prime rate is 5.95%. There has been no need to access this credit line in 2024, and it is not anticipated for 2025.

The City also has a $5 million credit facility with Scotiabank to support the purchase card program. This facility is expected to be paid off monthly, and no security agreement is required.

The proposed by-law and associated security agreement should be presented to Council for approval, ensuring the City can meet its temporary borrowing needs as necessary.

Background and Discussion:

At various times during the year, it may be necessary to arrange short-term loans from the City's banker to meet the current ordinary expenditures of the municipality.

There are times in the year when cash flow is at the lowest point and operating expenditures must be covered during the period just prior to the collection of the property taxes. In previous years, we have borrowed from our Reserve Funds during this time and will continue to do so as necessary in 2025.

The legal authority to borrow short-term funds is obtained pursuant to a By-law prepared under Section 407 of the Municipal Act, 2001 (S.O. 2001). A copy of the proposed By-law is attached (Appendix A). It is also a requirement of the Royal Bank of Canada that a security agreement is executed by the Mayor and City Clerk and copies of both documents be forwarded to the Bank. A copy of the security agreement is attached as Appendix B.

Strategy/process/risk

Not applicable.

Options Considered

Not applicable.

Financial Matters:

Borrowing arrangements with the Royal Bank provide us with a $5,000,000 line of credit at the prime-lending rate minus 3/4%. At the current time, prime stands at 5.95%. It has not been necessary to access this credit line during 2024 or prior years nor is it anticipated to be needed for 2025. The by-law is prepared to meet the requirements of the banks.

The City also has borrowing arrangements with Scotiabank to provide a credit facility for administering the City's purchase card program. In 2024 the limit of this credit facility was $5,000,000. It is anticipated that this credit facility will be paid off monthly in 2025 as had been done in 2024 and prior years. This borrowing agreement does not require a security agreement.

Total Financial Impact

Not applicable.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Climate Implications:

Not applicable.

Engagement Matters:

Not applicable.

Conclusion:

The attached by-law and security agreement should be presented to Council to authorize the temporary borrowings of monies from Scotiabank and the Royal Bank of Canada as needed.

Respectfully submitted,

Tolu Ajise

Supervisor, Accounting Services

905-335-7600 x7499

Appendices:

A. Temporary Borrowing By-Law
B. Security Agreement

Notifications:

Royal Bank of Canada, Chris Hiebert

Chris.hiebert@rbc.com

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

City of Burlington By–law XX-2024

A by-law to authorize the temporary borrowings of monies from the Royal Bank of Canada and Scotiabank
File: 110-04

Whereas pursuant to Section 407(1) of the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, a municipality may authorize temporary borrowing; and

Whereas the Council of the Corporation of the City of Burlington (the "Corporation") deems it necessary to borrow the sum of Five Million dollars ($5,000,000) from the Royal Bank of Canada to meet current expenditures of the Corporation for the year, until taxes are collected, and other revenues are received;

Whereas the Council of the Corporation of the City of Burlington (the "Corporation") deems it necessary to approve a credit facility in the sum of Five Million dollars ($5,000,000) from Scotiabank to administer the City's purchase card program;

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

1. Any two of the following:
   Executive Director & Chief Financial Officer or delegate; Mayor; Chief Administrative Officer; City Clerk; are hereby authorized to borrow on behalf of the Corporation from THE ROYAL BANK OF CANADA and SCOTIA BANK (the "Bank") from time to time by way of promissory note or bankers' acceptance a sum or sums not exceeding at any one time from each financial institution, Five Million dollars ($5,000,000) to meet current expenditures of the Corporation for the year 2024, until taxes are collected and other revenues received.

2. Any two of the officers listed in paragraph 1 above are hereby authorized to sign, make or draw on behalf of the Corporation and to furnish to the Bank from time-to-time promissory notes or bankers' acceptances for the sum or sums so borrowed with interest or any other charges at a rate not exceeding the Prime Commercial Lending Rate, which the Bank may determine from time to time, minus ¾%.

3. The Executive Director & Chief Financial Officer or delegate is hereby authorized and directed to furnish to the Bank at the time of each borrowing and at such other times as the Bank may from time to time request, a statement showing the

nature and amount of the estimated revenues of the Corporation as set forth in the estimates adopted for the preceding year and also showing the total of any amount borrowed in the current year and in any preceding year that have not been repaid.

4. All sums borrowed from the Bank and any interest thereon and any other charges in connection therewith shall be a charge upon the whole of revenues of the Corporation for the current year and for any preceding years as and when such revenues are received and that the Executive Director & Chief Financial Officer or delegate is hereby authorized to sign on behalf of the Corporation and to furnish to the Bank an Agreement or Agreements of the Corporation charging the said revenues of the Corporation with payment of all sums borrowed from the Bank and any interest thereon and any charges in connection therewith.

5. The Executive Director & Chief Financial Officer or delegate is hereby authorized and directed to apply in payment of all sums borrowed from the bank, and any interest thereon and any charges in connection therewith, all of the moneys hereafter collected or received on account or realized in respect of the taxes levied for the current year and for any preceding years and all of the moneys collected or received from any other source.

Enacted and passed this 10th day of December 2024

Mayor Marianne Meed Ward _____

Clerk Samantha Yew _____

Online version of this document does not contain signatures. Please contact City Clerk to obtain a copy of the signed original.

Schedule B

Security Agreement - Municipalities and School Boards

To: The Royal Bank of Canada (the "Bank)

WHEREAS by a By-law or Resolution passed by the Council of the Corporation of the City of Burlington on the 10th day of December 2024, authority was given to any two of the following:

Executive Director & Chief Financial Officer or delegate; Mayor; Chief Administrative Officer; City Clerk;

to borrow from the Bank the sum or sums therein mentioned and this Agreement was authorized.

AND WHEREAS the Corporation may desire to borrow the said sum or sums from the Bank.

NOW IT IS AGREED by the Corporation that in consideration of the Bank advancing or providing the said sum or sums to the Corporation that all the revenues of the Corporation of whatever nature and kind are hereby charged to and in favour of the Bank, as security for payment of the moneys so advanced or provided by the Bank and any interest thereon and any other charges in connection therewith and the Bank shall have a lien upon all such revenues until the charge hereby and by the said By-law or Resolution created is satisfied.

The Corporation represents and warrants that the whole or any part or parts of the revenues of the Corporation are not subject to any prior charge, except as disclosed to the Bank in writing.

IN WITNESS WHEREOF THE Corporation has caused this agreement to be executed by its proper officers as required by law this 10th day of December 2024.

WITNESS)
)
)
_____)
)
)

By: _____
Marianne Meed Ward, Mayor

_____
Samantha Yew, City Clerk

SUBJECT: 2025 Interim Tax Levy By-law

TO: Committee of the Whole

FROM: Finance Department

Report Number: F-33-24

Wards Affected: All

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the by-law attached as Appendix A to finance department report F-33-24 which provides for the levy of the 2025 Interim taxes.

PURPOSE:

Vision to Focus Alignment:

- ☐ Designing and delivering complete communities
- ☑ Providing the best services and experiences
- ☐ Protecting and improving the natural environment and taking action on climate change
- ☐ Driving organizational performance

Executive Summary:

This report highlights the requirements for levying the 2025 Interim property tax by-law in accordance with the *Municipal Act, 2021,* for the billing and collection of city, regional and school board taxes.

Background and Discussion:

The City bills property taxes twice a year. First at the beginning of the year with installment due dates in February and April. This is known as interim billing. The second billing, known as final billing, is completed upon the approval of the city and region's budgets and receipt of the education tax rates from the province. The final billing installment due dates are in the months of June and September. A by-law approved by Council is required for each of the billings.

The by-law, attached as Appendix A, provides for the levy of interim taxes for the 2025 taxation year as authorized under the *Municipal Act, section 317*.

Strategy/process/risk

The Ontario government filed a regulation under the Assessment Act on August 16, 2023, extending the postponement of the property tax reassessment through the end of the 2021-2024 assessment cycle. As of November 1, 2024, the Ministry of Finance indicated the review of the property assessment and taxation system is ongoing and as such the province-wide property reassessment will continue to be deferred. Therefore, property assessments for the 2025 tax year will continue to be based on the same valuation date (January 1, 2016) that was used for 2024, unless there have been changes to a property.

As permitted under Section 317 of the *Municipal Act,* the maximum allowable interim levy is 50 per cent of the total taxes levied on a property for the previous year (including tax adjustments such as supplementary assessments and assessment appeals). The interim levy is calculated based on the assessments provided in December by the Municipal Property Assessment Corporation multiplied by 50% of the 2024 tax rate (shown on Schedule "A" of the By-law).

Once approved by Council, Finance staff will generate the interim tax bills to be forwarded to property owners in order to meet the legislative time requirement for the initial interim tax due date.

The interim taxes will be due in two installments as follows:

February 21, 2025

April 21, 2025

Financial Matters:

The interim tax levy is required to provide the necessary cash flow to meet the obligations of the City including payments to the Region of Halton and the Boards of Education until the final tax rates are established.

Engagement Matters:

Interim tax bills will be mailed to property owners in January 2025. Advertisements will be placed in local and online media releases to remind taxpayers of the tax due dates. As well, staff will continue to use the city's website as a communication medium to provide taxpayers with the related tax information.

Conclusion:

This by-law provides for interim taxes for the 2025 taxation year as authorized under the authority of the *Municipal Act, 2001.*

Respectfully submitted,

Sandra Chau

Specialist, Property Tax Assessment

905 335 7600 ext 7754

Appendices:

A. By-law to Levy 2025 Interim Taxes and Establish Penalty and Interest Rates

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER XX-2024

A by-law to levy 2025 interim taxes and establish penalty and interest rates

WHEREAS sections 317 and 345 of the Municipal Act, 2001, as amended, provides the authority for the Council of The Corporation of the City of Burlington to levy interim taxes and to charge penalty and interest rates for the default of payment; and

WHEREAS it is desirable before the adoption of the estimates for 2025, to levy on the whole of the assessment according to the last returned assessment roll.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1) There shall be an interim levy on property within the City of Burlington which shall be calculated by applying the rates set out on Schedule “A” of this By-law multiplied by the assessment as delivered for 2025 taxation.

2) The authority to adjust the interim levy of any property at the request of the property owner is delegated to the Treasurer. The Treasurer may adjust the interim levy of the property if the taxes imposed by this By-law are in excess of 50% of the taxes levied on the property in 2024, adjusted to annualize any assessment changes incurred during 2024. No adjustment made by the Treasurer shall reduce the 2025 interim levy below 50% of the 2024 adjusted tax amount. No adjustment shall be made by the Treasurer after the Final 2025 taxes for the property have been calculated.

3) The rates provided for in section 1 of this By-law shall be paid on the following dates:

   a) One half of the amount hereby levied shall become due and payable on February 21, 2025; and,
   b) The balance shall become due and payable on April 21, 2025.

4) Any payment required to be made to The Corporation of the City of Burlington in accordance with the dates set out in section 3 which are not paid by those dates shall become due and payable and considered to be in default for the purposes of this By-law.

5) Upon default of the payment of the interim levy, or part thereof, late payment charges will be imposed as follows:

a) Penalty of one and one quarter percent of the amount in default shall be added on the first day of default; and,

b) Interest charges shall be applied at the rate of one and one quarter percent on the last day of each month on the outstanding tax balance. When a penalty has been applied in a given month, interest of one and one quarter percent will be prorated from the date of default.

c) Despite (a) and (b), the Treasurer, in consultation with the City Manager, may waive, entirely or in part, future or past penalty and/or interest charges for such periods of time and for such property classes as the Treasurer deems appropriate.

6) Taxes may be levied in accordance with the provisions of this By-law on the assessment of property that is added to the Assessment Roll after this By-law is passed.

7) The Treasurer is authorized and directed to serve either personally or by mail notices of the taxes levied under the By-law to the person or persons taxed at the person's residence or place of business or upon the premises in respect of which the taxes are payable by such person, or to the taxpayer's mortgage company or third party designated by the property owner.

8) This by-law shall come into force on January 1, 2025.

ENACTED AND PASSED this 10th day of December, 2024.

_____MAYOR
Marianne Meed Ward

_____CITY CLERK
Samantha Yew

BY-LAW NUMBER XX-2024
SCHEDULE A
2025 INTERIM TAX RATES

	Tax Class	CITY		REGION		POLICE
		Urban Area	Rural Area	Urban Area	Rural Area	Whole City
Residential	R-T	0.00232136	0.00202335	0.00092227	0.00090934	0.00058214
- Farmlands I	R-1	0.00174102	0.00151751	0.00069171	0.00068201	0.00043661
- Education Only	R-D	0.00000000	0.00000000	0.00000000	0.00000000	0.00000000
Multi-Residential	M-T	0.00464271	0.00404669	0.00184454	0.00181868	0.00116428
New Multi-Residential	N-T	0.00232136	0.00202335	0.00092227	0.00090934	0.00058214
Commercial	C-T	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
- full shared payment in lieu	C-H	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
- excess land	C-U	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
- vacant land	C-X	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
- Farmlands I	C-1	0.00174102	0.00151751	0.00069171	0.00068201	0.00043661
- Small scale on-farm business	C-7	0.00084527	0.00073675	0.00033583	0.00033112	0.00021197
Office Building	D-T	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
- full shared payment in lieu	D-H	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
- excess land	D-U	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
Shopping Centre	S-T	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
- excess land	S-U	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
Parking Lot	G-T	0.00338105	0.00294700	0.00134329	0.00132446	0.00084789
Industrial	I-T	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
- full shared payment in lieu	I-H	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
- excess land	I-U	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
- vacant land	I-X	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
- excess land shared payment in lieu	I-K	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
- vacant land shared payment in lieu	I-J	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
Large Industrial	L-T	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
- excess land	L-U	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
- aggregate extraction	V-T	0.00485326	0.00423021	0.00192819	0.00190116	0.00121708
Industrial-Farmlands I	I-1	0.00174102	0.00151751	0.00069171	0.00068201	0.00043661

Industrial-Farmlands I	I-7	0.00121331	0.00105755	0.00048205	0.00047529	0.00030427
Pipelines	P-T	0.00246458	0.00214819	0.00097918	0.00096545	0.00061806
Farm	F-T	0.00046427	0.00040467	0.00018446	0.00018187	0.00011643
Managed Forests	T-T	0.00058034	0.00050584	0.00023057	0.00022734	0.00014554

EDUCATION Whole City	TOTAL Urban	TOTAL Rural	TOTAL Rural with Urban Waste
0.00076500	0.00459077	0.00427983	0.00429276
0.00057375	0.00344309	0.00320988	0.00321958
0.00076500	0.00076500	0.00076500	0.00076500
0.00076500	0.00841653	0.00779465	0.00782051
0.00076500	0.00459077	0.00427983	0.00429276
0.00385277	0.00942500	0.00897212	0.00899095
0.00385277	0.00942500	0.00897212	0.00899095
0.00385277	0.00942500	0.00897212	0.00899095
0.00385277	0.00942500	0.00897212	0.00899095
0.00057375	0.00344309	0.00320988	0.00321958
0.00110000	0.00249307	0.00237984	0.00238455
0.00385277	0.00942500	0.00897212	0.00899095
0.00385277	0.00942500	0.00897212	0.00899095
0.00385277	0.00942500	0.00897212	0.00899095
0.00385277	0.00942500	0.00897212	0.00899095
0.00385277	0.00942500	0.00897212	0.00899095
0.00385277	0.00942500	0.00897212	0.00899095
0.00440000	0.01239853	0.01174845	0.01177548
0.00549092	0.01348945	0.01283937	0.01286640
0.00440000	0.01239853	0.01174845	0.01177548
0.00440000	0.01239853	0.01174845	0.01177548
0.00549092	0.01348945	0.01283937	0.01286640
0.00549092	0.01348945	0.01283937	0.01286640
0.00440000	0.01239853	0.01174845	0.01177548
0.00440000	0.01239853	0.01174845	0.01177548
0.00022000	0.00821853	0.00756845	0.00759548
0.00057375	0.00344309	0.00320988	0.00321958

0.00110000	0.00309963	0.00293711	0.00294387
0.00440000	0.00846182	0.00813170	0.00814543
0.00019125	0.00095641	0.00089422	0.00089681
0.00019125	0.00114770	0.00106997	0.00107320

SUBJECT: 2024 to 2025 group benefits renewal

TO: Committee of the Whole

FROM: Human Resources Department

Report Number: HR-08-24

Wards Affected: all

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Renew Sun Life as the provider for the City's group benefits plan including extended health, dental, long-term disability and life insurance for the benefit year December 1, 2024 to November 30, 2025 as outlined in human resources department report HR-08-24.

PURPOSE:

Vision to Focus Alignment:

☐ Designing and delivering complete communities
☑ Providing the best services and experiences
☐ Protecting and improving the natural environment and taking action on climate change
☐ Driving organizational performance

Executive Summary:

The annual Group Benefits Renewal Report includes an overview of the City's claims experience over the last 12-month period, along with the negotiated renewal costs for the new Group Benefits year.

Overall, City's position entering into this year's renewal with Sun Life was trending slightly more favorably than the previous year. An overall increase of 20.9% was

initially proposed by Sun Life. Through the negotiations process, our benefits consultants at Aon were able to reduce this overall increase to approximately 11%.

Aon's negotiations achieved annual cost savings of $1,208,371 over Sun Life's initial proposal.

The overall increase in benefit premiums can be attributed to a number of factors including the rising utilization and costs of drugs within our Extended Health plan as well as an increase in paid claims for Basic Life Insurance.

Background

Sun Life is the insurance carrier that provides the City's group benefits plan which includes the following:

- Extended Health;
- Dental;
- Basic Life Insurance;
- Optional Life Insurance; and
- Long Term Disability (LTD)

The City's group benefit plan covers approximately 1,400 employees, retirees, dependents, and surviving dependents.

Cost savings

Overall, City's position entering into this year's renewal with Sun Life was trending more favorably than the previous year. An overall increase of 20.9% was initially proposed by Sun Life. Through the negotiations process, our benefits consultants at Aon were able to reduce this overall increase to approximately 11%.

Aon's negotiations achieved annual cost savings of $1,208,371 over Sun Life's initial proposal.

City's claims experience over the last 12-month period

The overall increase in benefit premiums can be attributed to a number of factors including the rising utilization and costs of drugs within our Extended Health plan, as well as an increase in paid claims for Basic Life Insurance.

The City's plan includes several very expensive drugs that are used to treat life-threatening diseases and disorders. Examining the plan's experience over the last 12 months, the top 10 paid claims for drugs have increased by 11.6%, and drug claims in

general have increased by 17.7%. In addition to drug usage, overall plan member utilization has increased. A breakdown of the paramedical claims which trended upward included: physiotherapy, massage therapy, mental health and chiropractic services. All of which contribute to higher premium rates.

Basic Life Insurance is another area with an increase to premium rates. Basic Life rates are determined partially on claims experience and Sun Life's manual rate applied to the demographics of our employee population. The data over the past 60 month period shows a rise in paid claims and decrease in our reserves at Sun Life.

Unlike Basic Life, Long Term Disability (LTD) is trending down. We are starting to see LTD premiums normalize based on City of Burlington's claims experience, short term sick claims are being effectively managed at the City which has resulted in the reduction in active or approved LTD cases which has contributed positively to our plan.

Dental benefits, have also seen a favourable downward trend based on the claims experience over the last 12-month period. During the 2023 benefits renewal, the City implemented a 20% increase to the dental premium, this increase, coupled with the stabilization of our dental claims contributed towards the positive outcome for this benefits renewal. Furthermore, in last year's benefit renewal report we advised that Ontario Dental Association's (ODA) dental fee guide increased their rates above normative levels with an 8.5% increase. This year the ODA's dental fees have increased modestly by 4.8%.

In conclusion, with Dental and LTD premium renewal rates trending favourably for the City, they have offset some of the increases we are seeing in Extended Health and Basic Life Insurance for the renewal.

Financial Matters:

As a result, for the benefit year of December 1, 2024 to November 30, 2025, the City's benefit consultant Aon is recommending we proceed with the overall increase of 11% to our group benefits and implement the following premiums:

- Extended Health 20.2%
- Life Insurance 10%
- Dental 1%
- LTD -20%

Total Financial Impact

The total financial impact over a twelve-month period is: $1,007,300.

Source of Funding

Funds have been budgeted in the 2025 operating budget.

Other Resource Impacts

Not applicable.

Conclusion:

It is recommended that the overall increase of 11% to the premiums for the City's group benefits plan be approved and implemented effective December 1, 2024.

Respectfully submitted,

Laura Atanas

Manager of Total Compensation and Data Analytics

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

SUBJECT: Seeking project endorsement for Community Sport and Recreation Infrastructure Fund (CSRIF)

TO: Committee of the Whole

FROM: Recreation, Community and Culture

Report Number: RCC-17-24

Wards Affected: 5

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Direct the Director of Recreation, Community and Culture to work with government relations to apply to stream two of the Community Sport and Recreation Infrastructure Fund (CSRIF) for the re-development of the west side of Sherwood Forest Park as outlined in recreation, community and culture report RCC-17-24.

PURPOSE:

Vision to Focus Alignment:

- ☑ Designing and delivering complete communities
- ☑ Providing the best services and experiences
- ☑ Protecting and improving the natural environment and taking action on climate change
- ☐ Driving organizational performance

Executive Summary:

The purpose of this report is to seek Council's endorsement to apply for the new Community Sport and Recreation Infrastructure Fund (CSRIF) offered through the provincial government. Stream Two of the grant is intended to support new builds and signature builds. The grant is a 50/50 cost share for up to $10M on a first come first serve basis. The grant criteria includes a set target date for project completion of March 31, 2027 as well as project endorsement by each municipality's Council.

In alignment with the priorities set out in the Live and Play Plan and the development of the Major Transit Station Areas (MTSA), staff are recommending an application that will enable the redevelopment of the west side of Sherwood Forest Park. Over the years, the renewal of this site has been delayed due to competing priorities, like Bateman and Skyway Arena however, with the forthcoming residential developments in; the time has come to prioritize the needed renewal of this MTSA park by addressing the deteriorated asphalt from the old Joint Venture Tennis Courts to be repurposed for a splash pad. The delay of this park renewal has provided staff the ability to consider new emerging needs, as outlined in RCC-12-24. Cricket has been growing rapidly over the last few years and the current outdoor amenities do not support the requirement of the sport. As such, staff are proposing that the re-development of Sherwood include Burlington's first official cricket pitch.

Background and Discussion:

On August 19, 2024, the provincial government announced the Community Sport and Recreation Infrastructure Fund (CSRIF). The fund is for investments in new, transformative community sport and recreation assets. There is available funding of $200M through a 50/50 cost sharing model up to $10M. There are two streams of fundings:

1. Repair and Rehabilitation (Applications were due October 29, 2024)
2. New Builds/Signature New Builds (projects are being considered in a first come, first served basis until the funding has been allocated)

Staff evaluated various approaches to determine the most strategic projects for the city. After careful consideration, the decision was to focus on submitting a strong application for CSRIF stream 2 funding and opt out of stream 1. This approach was informed by a thorough review of City priorities, ongoing and planned projects with potential for completion by Q1 2027, and emerging community recreation needs outlined in the Live and Play Plan.

Cricket emerged as a top priority due to the City's lack of full-size cricket fields. Given the large green spaces required for cricket pitches, options for suitable locations are limited; however, the west side of Sherwood Forest Park meets these spatial needs. The planned revitalization of this area will also incorporate integrated design elements that connect with the MTSA boundary and surrounding developments. Design efforts are already underway for Phase 1, making this the ideal time to prioritize a new cricket pitch.

Recognizing the urgency and community demand.

Benefits of proposed project:

- **Integrates multiple enhancements**: By building a new lit cricket field, adding lights to the existing rugby field, adding a splash pad, and building new supporting amenities for the park. The City can maximize the project's scope and community impact.
- **Aligns with strategic priorities**: This project directly addresses the needs highlighted in the Live and Play Plan, ensuring our funding request is grounded in comprehensive community assessment.
- **Leverages funding**: The 50/50 cost-sharing model allows us to optimize our budget effectively, providing a solid financial foundation for the proposed investments.

Strategy/process/risk

Staff reviewed the results from the Live and Play Plan and evaluated the list of the priorities listed based on:

- service level deficit and geographical needs,
- community need and trends; and
- asset lifecycle

The lack of a dedicated cricket field is a significant gap in our recreational offerings. Currently, cricket is being played in a shared space between two baseball diamonds at Central Park, limiting access and scheduling. The existing arrangement is challenging given the limited space and duo use. There has been a significant increase in cricket field enquiries, the city is only meeting 20% of the incoming requests.

A purpose-built facility at Sherwood Forest Park would allow for one fully dedicated cricket facility in Burlington and help to address and allow access to a full-size field of play and enhance the overall recreational landscape.

The timing aligned with the proposed 2025 capital budget and work program as staff are already in the design phase for the re-development of Sherwood West to meet the project completion date.

Options Considered

Staff have thoroughly reviewed the various options outlined in the Live and Play Plan and assessed their feasibility in relation to the upcoming CSRIF grant application. Here's an overview of the considerations and recommendations:

1. Pickleball Facility at Sherwood Park

- **Current Status**: Several pickleball facilities have recently been developed in Burlington, notably at Palmer and Leighland parks and many private indoor clubs have recently opened such as Blue Zones and B town Courts, Glad Tidings Church opened three courts recently and Skyway Community Centre will have two courts.
- **Priority Assessment**: Given the existing capacity and the City's and the private sector's recent investments in the sport, staff did not prioritize a new facility at this time.
- **Conclusion**: Not a high priority for grant application.

2. Other Top 10 Recreational Needs

- **Project Status**: Many of the other identified needs (e.g., Central Park redevelopment, LaSalle Pool, Event Spaces) are not included in the existing work plan, making it challenging to meet the grant's completion timeline of March 2027 and would require more investment on the City side to match.
- **Conclusion**: Focus should remain on projects that can be advanced within the existing framework, timeline and available resources.

3. Robert Bateman Community Centre (RBCC)

- **Option Considered**: Staff evaluated the potential for phase 2 fit-up of RBCC, for the indoor space.
- **Priority Assessment**: The RBCC project was not prioritized as it did not rank among the top ten recreational needs. Additionally, the need for further community engagement on conceptual designs was recognized.
- **Grant Application Feasibility**: Pursuing this grant would undermine the commitment to engage the community, thus compromising the project's integrity and relevance to residents.
- **Conclusion**: Not recommended for current grant application.

4. Green Space Development at RBCC

- **Conceptual Plans**: Staff have developed two similar conceptual plans for the green space surrounding RBCC, emphasizing:
    - Abundant trees
    - Walking paths for connectivity and fitness
    - Seating areas for gathering

- **Community Feedback**: These plans align well with community desires expressed in the Outdoor RBCC Community Visioning sessions and the Live and Play Plan for passive green spaces.
- **Cost Estimate**: The projected cost for the green space development, including improvements at Ascension School, is approximately $3 million.
- **Recommendation**: This project aligns with community needs and could be a preferred option for the grant application.

Financial Matters:

Total Financial Impact

Below is a summary of the potential financial impacts of pursuing Sherwood Forest Park under stream 2 of CSRIF. These values are estimates based on total project cost eligibility as defined in the applicant guide.

New Builds/Signature New Builds –Sherwood Forest Park West Development

- Estimated Project Cost: $6,570,000
- Eligible Funding: 50% of Project Cost
- Maximum Eligible Funding: $3,285,000

City Contribution

- Prior Approved Funding: $1,189,000
- Proposed 2025 Capital Budget: $1,700,000
- Proposed 2026 Capital Budget: $915,000
- Total City Funding: $3,804,000

Source of Funding

The estimated total City contribution is $3.8M. This is a combination of prior approved and forecasted budget. This funding is currently allocated to make changes to the west side of Sherwood Forest Park including a new splash pad, playground replacement, upgrades to utilities/servicing and parking lot improvements. If the City is successful with additional funding from the CSRIF program, additional scope can be added to the project such as a new cricket field and new support amenities.

Other Resource Impacts

Applying for these grants will require a considerable amount of staff time from Public Works, Recreation, Community and Culture, Finance and the CAO's office. If successful workplans will be adjusted to make accommodations for an additional $3.8M of capital improvements.

Climate Implications:

Park design considerations with a climate lens include park amenities that the community is asking for, like shade, water fountains, seating, and passive green spaces. The proposed Sherwood Forest Park West Side redevelopment proposes the building of a new splash pad in MTSA areas. These features play an important role, ensuring residents can still enjoy our parks system as the climate changes.

Engagement Matters:

Staff completed an extensive engagement for the Live and Play Plan and Robert Bateman Community Centre. Hundreds of residents offered their thoughts and opinions on their recreational needs both in-person at focused engagement sessions, at various events like Food for Feedback and Appleby Line Street Festival and online at Get Involved Burlington.

Conclusion:

The Community Sport and Recreation Infrastructure Fund (CSRIF) presents a significant opportunity for our community to address the pressing recreation needs of the community. Using the recently endorsed Live and Play Plan, the construction of a new cricket field surfaced as one of the top ten recreational priorities. By integrating this potential project with work currently underway, there is an opportunity to leverage resources already dedicated to the redevelopment of Sherwood Forest Park. It would also support the pursuit to achieve the best design outcome including a new integrated site plan with the adjacent development in the Appleby MTSA.

This funding opportunity is not just about enhancing facilities; it's about fostering a vibrant, inclusive community where everyone can enjoy active, healthy lifestyles.

Respectfully submitted,

Denise Beard	Marion Rabeau
Senior Manager of Community Development	Manager, Design & Construction – Parks
Ext 7518	Ext 7716

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

SUBJECT: Municipal Accommodation Tax (MAT) update - proposed 2025 projects

TO: Committee of the Whole

FROM: Recreation, Community and Culture

Report Number: RCC-18-24

Wards Affected: all

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the recreation, community and culture department report RCC-18-24 providing the Municipal Accommodation Tax (MAT) update - proposed 2025 projects; and

Authorize the Chief Financial Officer to fund the projects identified in report RCC-18-24 with the City's Municipal Accommodation Tax Reserve Fund; and

Direct the Director of Recreation, Community and Culture in collaboration with the Executive Director of Burlington Economic Development and Tourism Burlington to investigate the feasibility of implementing MAT for short-term accommodations and report back by the end of Q2 2025.

PURPOSE:

Vision to Focus Alignment:

- ☑ Designing and delivering complete communities
- ☑ Providing the best services and experiences

Executive Summary:

The purpose of this report is to provide an update on recommended projects for either partial or full funding through the Municipal Accommodation Tax (MAT). Staff are proceeding with allocating $1.5M of the closing 2024 balance to 2 projects. These

include detailed design for the Waterfront Renewal project and enhancing event infrastructure at Burloak Park. These projects will improve visitor and resident experiences and increase the infrastructure and tourism capacity of the City to foster a positive destination image and enhance the City's profile through placemaking. The Waterfront amenities are some of the most heavily used in Burlington, attracting many families from both the city and surrounding areas, as highlighted in the Destination Stewardship Plan led by Tourism Burlington. Burloak Park is another underutilized waterfront space. Investing in additional event infrastructure will enhance the park and make it a more appealing venue for event organizers. With its ample size and prime location, Burloak Park has the potential to attract large crowds of both residents and visitors for events.

Background and Discussion:

In July 2022, Council approved the implementation of a Municipal Accommodation Tax at a rate of 4%. Report RCC-12-22 confirmed that 50% of the funds would be provided to Tourism Burlington for tourism promotion and development and the other 50% would be used for City projects and initiatives that result in improvements to City services that enhance tourist experiences and increase their visitation (as per Municipal Accommodation Tax- City Reserve Fund By-law 57-2022).

Since October 1, 2022, the City and Tourism Burlington have been collecting MAT funds. Tourism Burlington developed its own Tourism Investment Fund and has successfully contributed to funding various initiatives throughout 2024. The City's approach has been to allow its share of the MAT to accumulate in 2023 and 2024 to fund large-sized projects. Currently, it is expected that the closing balance at the end of 2024 for the City's portion of MAT to be approximately $1.8M.

Strategy/process/risk

Staff consulted with internal departments including Finance and recommend proceeding with allocating a significant amount of the expected 2024 closing balance to projects that will advance the City's strategic priorities.

In accordance with City Reserve Fund By-Law 57-22 staff recommend proceeding with allocating $1.5M of the City's portion of the MAT funding as follows:

- A budget of $1.15M has been allocated for the detailed design phase of the Waterfront Renewal Project (the next step as outlined in RCC-09-23). This phase will provide both Council and the community with additional insights into the renewal options and help clarify the overall budget required. The estimated cost

for the full renewal will be determined following the detailed design and engagement with the community.

- $350K allocated to the addition of servicing and utilities to enhance event infrastructure at Burloak Park (PO-PR-1653).

The proposed use of these funds aligns with the principles set out in RCC-12-22, the Municipal Accommodation Tax Fund Criteria and/or the City Reserve Fund Bylaw 57-2022.

Options Considered

In addition to the above proposed recommendation, staff considered the following options:

- Continuing to accumulate the City's MAT portion such that a larger project can be significantly or entirely funded through this source.
- Allocate the full MAT balance expected at the end of 2024 to projects.

Both options pose some risk such as not being able to realize the expected benefits with respect to the creation of the MAT as identified in RCC-12-22 in a timely manner and/or not maintaining a small balance in the reserve as per financial best practices.

Next Steps

In 2022, through RCC-12-22, Council approved the implementation of MAT funding and recognized short-term accommodation as a potential future addition. Following a benchmarking exercise, staff now believe it would be beneficial for the City to consider short-term accommodation as a second phase of the MAT initiative.

Financial Matters:

The expected 2024 closing balance of the City's portion of the MAT is approximately $1.8M. The projects recommended within this report would utilize $1.5M of this funding.

The MAT reserve fund will continue to grow through the collection of the 4% MAT in 2025 and subsequent years and thus slowly rebuilding its balance to be able to fund more initiatives in the future.

Other Resource Impacts

Not applicable.

Climate Implications:

Both projects, as per City practice, will consider climate implications. Specifically, the enhancement of event infrastructure at Burloak is timed according to the larger park renewal and, as such, will bring about energy savings. Specifically, with significant upgrades to hydro in the park, less gas-powered generators will be required to support event delivery. In addition to this, the Waterfront Renewal project will consider climate implications in its guiding principles, specifically with the ice plant renewal identified in RCC-09-23.

Engagement Matters:

Engagement efforts took place at the time of the implementation of the MAT through RCC-09-22 and the projects recommended align with the criteria established in the policy. Furthermore, Tourism Burlington was engaged and is supportive of the two projects presented and their alignment with the principles set out in RCC-12-22, the Municipal Accommodation Tax Fund Criteria and/or the City Reserve Fund Bylaw 57-22.

Conclusion:

Through this report, staff are bringing forward a request to fund $1.5M worth of projects through MAT. Specifically, the two projects are detailed design for the Waterfront Renewal project and the enhancement of event infrastructure at Burloak Park. Both projects align with the intended use of the City's portion of MAT.

Respectfully submitted,

Emilie Cote

Director of Recreation, Community and Culture

Ext. 7353

Notifications:

Maureen Healey, Director of Customer Experience, Burlington Economic Development, Tourism Burlington

Maureen.healey@burlington.ca

Anita Cassidy, Executive Director of Burlington Economic Development, Tourism Burlington

Anita.Cassidy@burlington.ca

Terry Caddo, President and CEO of Burlington Chamber of Commerce

Terry@burlingtonchamber.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.

SUBJECT: Amendment to Procedure By-law 59-2024

TO: Committee of the Whole

FROM: Legislative Services

Report Number: CL-26-24

Wards Affected: N/A

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Enact a by-law to amend Procedure By-law No. 59-2024, substantially attached as Appendix A to legislative services department report CL-26-24.

PURPOSE:

Vision to Focus Alignment:

☑ Providing the best services and experiences

Executive Summary:

This report is to recommend an amendment to the procedure by-law clarifying the deadline for delegation requests.

Background and Discussion:

On September 17, 2024 Council passed By-law No. 59-2024, the Procedure By-law. The By-law took effect on October 1, 2024.

On October 15, 2024 Council approved the 2025 meeting calendar. In the approved meeting calendar, three regular Council meetings are scheduled to be held the day after a holiday:

- Tues. February 18, which is scheduled on the same week as Family Day (February 17)

- Tues. May 20, which is scheduled on the same week as Victoria Day (May 19)
- Tues. October 14, which is scheduled on the same week as Thanksgiving (October 13)

Currently, subsection 46.1 of the procedure by-law requires requests to delegate to be submitted prior to noon one day before the meeting:

> Requests to delegate at a committee meeting and Council must be submitted to the Clerks department prior to noon the day before a meeting. If the meeting is held on a Monday, delegations must register by 12:00pm (noon) the Friday before the meeting.

Given that the By-law does not expressly distinguish between calendar days and business days, submissions submitted one calendar before a meeting are compliant with the requirements of this section. Accordingly, when a meeting falls on a Tuesday following a holiday Monday, staff have maintained a practice of checking for delegations and issue addendums on holidays where required to comply with the By-law.

To address this issue, staff propose the following Procedure By-law amendment to change the deadline for delegation submission in the By-law to one business day ahead of a meeting:

> Requests to delegate at a committee meeting and Council must be submitted to the Clerks department prior to 12 p.m. one business day before a meeting to which the delegation relates.

The regular Council agenda is typically released on the Friday before the meeting. When Council is held on a week where there is a holiday Monday, staff will publish the agenda on the Thursday before the meeting to ensure that delegates have time to review the agenda material and submit their delegation requests by the deadline.

Delegations submitted after the deadline will be provided to the Chair, and may be allowed to speak upon a vote of Committee or Council as per subsection 46.5 of the by-law:

> The Clerk will provide the Chair with all requests to delegate submitted after the deadlines stated in section 46.1, for Council consideration. A majority vote is required to permit the delegate to speak.

Strategy/process/risk

This change will ensure that the delegation deadline is clear, and that delegations are received by noon the business day before the meeting for processing and publishing.

Options Considered

Staff considered keeping the Procedure By-law as written and maintaining the status quo; however, that will continue to require staff to work on holidays to ensure delegations are added to the agenda.

Financial Matters:

If the Procedure By-law remains the same and staff continue to accept delegation requests on holidays, staffing costs such as overtime may apply.

Climate Implications:

Not applicable.

Engagement Matters:

In accordance with the Public Notice Policy a notice providing details of the proposed changes to the Procedure By-law were issued by the Office of the City Clerk and posted to the City's website on November 19, ten days in advance of the December Committee of the Whole meeting.

Conclusion:

It is recommended that Council adopt the proposed by-law amendment to ensure clarity for delegates and for the staff responsible for administering the procedure-by-law.

Respectfully submitted,

Samantha Yew

City Clerk

Ext. 7490

Appendices:

A. Proposed amendment to by-law 59-2024

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

The Corporation of the City of Burlington

City of Burlington By-law XX-2024

A by-law to amend By-law 59-2024 as amended to provide for the changes to the Delegation Section.

Whereas section 238(2), of the *Municipal Act, S.O. 2001, c.25* requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceeding of meetings; and

Whereas The Corporation of the City of Burlington (the "City of Burlington") has enacted Procedure By-law No. 59-2024; and

Whereas clarity is required for delegation deadlines to ensure that they are submitted in a timely fashion in advance of the meeting.

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

1. Section 46.1 of By-law No. 59-2024 is deleted in its entirety and replaced with the following new section 46.1:

    46.1 Requests to delegate at a committee meeting and Council must be submitted to the Clerks department prior to 12 p.m. one business day before a meeting to which the delegation relates.

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 59-2024, is hereby confirmed unchanged.

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

Passed this 10th day of December, 2024

Mayor Marianne Meed Ward _____

City Clerk Samantha Yew _____

SUBJECT: Seasonal outdoor patio program update

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-77-24

Wards Affected: All

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Receive for information community planning department report PL-77-24 as an update on the Burlington seasonal outdoor patio program.

PURPOSE:

This report provides a response to the staff direction (SD-01-24) from the Committee of the Whole Meeting of Feb. 5, 2024, to:

> Direct the Director of Community Planning to report back in Q4 2024, following the implementation and operation of the 2024 patio program to evaluate program outcomes and continued implementation of the permanent city-wide seasonal outdoor patio program.

Vision to Focus Alignment:

☑ Designing and delivering complete communities
☑ Providing the best services and experiences
☐ Protecting and improving the natural environment and taking action on climate change
☑ Driving organizational performance

Executive Summary:

In February 2024, City Council approved a permanent city-wide seasonal outdoor patio program. As part of that approval, City Council directed staff to report back following the implementation and operation of the first year of the permanent program to report on outcomes and look for improvements.

In response to the Council direction, staff have gathered feedback from participants and patio operators through the implementation of the new 2024 program. Staff also undertook a review of the patio program to identify improvements to the program. This report outlines improvements to application processing and approval timelines, communications and customer service, and expectations for patio installations on public property, all of which staff are proposing to implement through delegated authority under the City's Seasonal Outdoor Patio By-law.

Staff are confident that the proposed improvements to the program will support both existing and new participants in the Seasonal Outdoor Patio Program and will build upon the success of the program to-date.

Background and Discussion:

On Feb. 13, 2024, City Council approved a permanent city-wide Seasonal Outdoor Patio Program (SOPP) beginning in 2024 and passed three amendments to the proposed staff recommendations, including:

- Removing the user fee related to roadside safety barrier rentals,
- Setting the requirement for applicants to provide liability insurance in the amount of $2 million for patios on public property; and
- Directing the Director of Community Planning to review and report back on the new program at the end of the first season (subject of this report).

More background information on the permanent Seasonal Outdoor Patio Program , can be found within Report PL-63-23, and the supplementary Report PL-05-24 and memo.

The SOPP does not include the approvals for patios that are temporarily or permanently installed on private property. These installations will continue to be assessed based on the property's specific land use permissions and zoning regulations. Requests for patios on private property will be considered through existing planning approval, building permit or liquor licence processes, where applicable.

A full summary of Council's decisions relating to the creation of the previous Pop-Up and Temporary Patio Programs can be found as Appendix A to Report PL-63-23.

Strategy/process/risk

2024 Seasonal Outdoor Patio Program in Review

Once the permanent SOPP was approved by Council in February of 2024, staff worked closely with applicants and operators to navigate the new application processes in advance of the 2024 patio season. While significant efforts were made, the condensed timelines and navigation of the new permanent program did result in some delays in terms of the approval and setup of patios. Some applicants did not receive their permits until after the May long-weekend. Notwithstanding, staff are confident that the familiarity with the permanent program will result in a more efficient and streamlined process for the 2025 patio season.

In 2024, 13 applicants were approved for seasonal outdoor patios on public property. Despite the introduction of application and permit fees in 2024, the program saw the same number of participants on public property as it did in 2023.

Streamlined Renewal Process in 2025

Returning participants to the program in 2025, who make no changes to their patios will benefit from a streamlined renewal process and will not be required to pay an application fee[1].

Changes and Key Improvements to the Seasonal Outdoor Patio Program for 2025

The City is committed to the continuous improvement and delivery of a better program in 2025.

Informed by engagement with the Burlington Downtown Business Association (BDBA), restaurant owners/patio operators, and feedback from staff, several changes will be made to the SOPP in 2025, as summarized in Table 1 below and detailed in Appendix A to this report.

[1] In accordance with the Council-approved program in 2024, an annual seasonal outdoor permit fee will be required and is payable at the time of permit issuance.

Table 1

Program Element	Key Improvement
Application Processing and Approval Timelines	• City staff to begin accepting applications for seasonal outdoor patios on Jan. 1, 2025. This is two and half months earlier than the existing date of March 15 and will provide ample time for application submission and review. • City staff will implement an application deadline of March 1 for all applicants wishing to open their patios by April 15. Applicants can still submit after March 1 but will not be guaranteed approval by April 15. • By Jan. 1, 2025, city staff will implement a streamlined review process for patio renewals on public property with no changes. An application fee will not be required for renewals with no changes. Renewals will still be required to submit an annual permit fee of $40.00 per square metre for use of the public space.
Communication and Customer Service	• City staff to issue pre-approval notices for applications approved for the 2024 season by Nov. 30, 2024. These notices will guarantee approvals for applicants returning with no changes to their patio designs and will provide information on how to re-apply in 2025. • City staff will provide updates to applicants regarding their application status as they complete each step of the application process. • City staff to assist with streamlining of communications between patio operators and contractors. • City staff to create a simplified outline of the application process. • City staff to create a pre-application checklist for patios webpage. • City staff will provide invoicing as a fee payment service for applicants to the SOPP.
Expectations for Patio Installations	• City staff to clarify the expectations for inspections of pedestrian by-passes and patios on city streets. • City staff to reduce the number of water-filled barriers required on Elgin Street.

Financial Matters:

Total Financial Impact

Fees for the Seasonal Outdoor Patio Program were reintroduced in February 2024. For patios on public property, these included an application fee of $492.92 (per location) and a seasonal patio permit fee of $40.00 per square metre of public property used for patio space. The total application and permit fees generated in 2024 by the Seasonal Outdoor Patio Program were $38,363.06 as shown in the Table 3 below.

Table 3- 2024 SOPP Application and Permit Fees

Application Fees	Seasonal Patio Permit Fees	Total
$8,379.64	$28,993.42	$38,363.06

The total amount of $38,363.06 does not cover the full costs of running the City of Burlington's Seasonal Outdoor Patio Program. When staff factor in barrier rental and deployment, the overall program cost is approximately $52,697.27. As such, in 2024 the program operated on a partial cost-recovery basis.

In 2025, the SOPP will continue to operate on a partial cost-recovery basis, however, the total number of water-filled barriers required for the program will be reduced, effectively decreasing the program costs by approximately $2,200.00.

Source of Funding

N/A.

Other Resource Impacts

Staff resources from various departments will continue to be required for the management of the program with the streamlined renewal process and operational changes related to the deployment of fewer roadside safety barriers in 2025 expected to result in a positive impact on resources.

Climate Implications:

Curbsides have long been one of the most important spaces in cities, and for the most part they have been an afterthought with parking as the default use. By activating the curbside in a more valuable way for patio uses, it increases the vibrancy of the public realm and has changed the way people perceive the value of the right-of-way. The patio program encourages walkability and prioritizes pedestrian movements, which results in less dependence on the automobile as a mode of transportation. As confirmed by ongoing engagement, the public has embraced the current program's ability to transform the general atmosphere and liveliness of business areas, particularly in Downtown Burlington.

Engagement Matters:

Staff have taken several opportunities to collaborate with the Burlington Downtown Business Association (BDBA), as well as other patio operators and their agents regarding ongoing improvements to the Seasonal Outdoor Patio Program. Additionally, planning staff have reached out to internal stakeholders involved in the Seasonal Outdoor Patio Program to receive feedback on proposed improvements.

On June 25, 2024, staff met with the BDBA, patio operators, and Pop-Up Street patios for a debrief of the 2024 patio season, and to receive feedback on how the program can be improved as we move into the 2025 patio season and beyond.

On Aug. 13, 2024, staff had a second meeting with the BDBA, patio operators, and Pop-Up Street patios to respond to feedback received, and to share proposed improvements to the patio program based on feedback received.

In August 2024, staff reached out to all participants from the 2024 patio season to ask for further feedback on the 2024 patio season.

Based on feedback received from both internal and external interested parties, this review has helped to generate recommended changes to several different elements of the program, including:

- Application processing and approval timelines;
- Communications and customer service; and
- Expectations for patio installations.

Conclusion:

This report shares the findings of an operational review of the 2024 Seasonal Outdoor Patio Program and identifies several planned improvements for the 2025 outdoor patio season in response to feedback received from both internal and external stakeholders.

Respectfully submitted,

Nikolas Wensing
Planner, Special Projects
Nikolas.Wensing@burlington.ca
(905) 335-7777 ext.7385

Appendices:

A. Summary of Stakeholder Feedback & Responses – Review of the 2024 Seasonal Outdoor Patio Program

Notifications:

Craig Kowalchuk, Burlington Restaurant Association

Andrea Dodd, Aldershot Village BIA, andrea@aldershotbia.com

Brian Dean, Burlington Downtown Business Association, brian@burlingtondowntown.ca

Report Approval:

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

Summary of Stakeholder Feedback & Responses - Review of the 2024 Seasonal Outdoor Patio Program

All feedback received has been reviewed and considered by staff for improvements to the Seasonal Outdoor Patio Program. This appendix summarizes comments and responds to the input received.

Within the table below, under the "Stakeholder Feedback" column, feedback is summarized for reference. Under the "Staff Response" column, city staff have provided a response and rationale for proposed improvements to the program.

Stakeholder Feedback	Staff Response
An ideal start date would be May 1st.	• City staff will be issuing pre-approval notices to patio operators who were approved in 2024 provided they re-apply for the same design that was installed in 2024. The notices will also provide information on the timelines and processes for an application in the 2025 patio season. • Seasonal outdoor patio applications to be accepted starting Jan. 1, 2025. In 2024, application intake started on March 15. Accepting applications two and half months earlier will provide operators with ample time to work through their applications with city staff and ensure that as many patios as possible are approved by April 15. • Staff are implementing an initial application submission deadline of March 1, 2025 for operators who wish to be operational by April 15, 2025. Applications submitted after this initial deadline will be processed on a first come first serve basis but approval would not be guaranteed by April 15, 2025. • For permits being renewed with no changes, a streamlined application review process will be implemented in 2025 without the need for an additional application fee. Staff note that for most applicants, the lengthiest portion of the application process for seasonal outdoor patios in 2024 was the review of the submitted site plan. If an applicant is using the exact same site plan that was approved in 2024, staff do not believe there is a need to review the site plan a second time. Eliminating this part of the review process will result in a significant decrease in staff time spent reviewing patio applications. The application fee of $492.92 would only be applicable

	for new applications, and for renewals with changes. The only exceptions to this process will be patio layouts impacted by future construction projects or other permanent changes to the public right-of-way. As these projects or changes might impact a previously approved patio layout, the City may require a new application and new drawings on a case-by-case basis. • The revised application process for a renewal with no changes will consist of the applicant submitting a simplified application form to confirm their participation, providing proof of insurance, selecting of a preferred fee payment method, and confirming that the previously used patio space and plan attached to their 2024 patio permit will not change. Once staff confirm that the applicant's insurance is still sufficient, a permit can be issued to the applicant and the operator can set up their patio on April 15 once all patio fees have been paid and permit conditions are met. A renewal option for temporary liquor licences in connection to seasonal outdoor patios on private property was also explored. Given the already simplified nature of this process, changes are not recommended at this time.
Some operators on private lands have inquired whether an approval as simple as a seasonal outdoor patio approval could be implemented for a permanent patio approval.	• The SOPP does not include the approvals for patios that are temporarily or permanently installed on private property. These installations will continue to be assessed based on the property's specific land use permissions and zoning regulations. Requests for patios on private property will be considered through existing planning approval, building permit or liquor licence processes, where applicable. • For businesses that intend to sell or serve alcohol on a patio, one key difference for a permanent patio is the requirement to obtain a liquor licence approval from the Alcohol and Gaming Commission of Ontario (AGCO). Whereas municipalities have been given the authority to approve a liquor licence for a temporary patio. If successful, an applicant must notify the AGCO of their approval. For temporary patios on public property a permit obtained through the SOPP can be used to apply to the AGCO.
Reviewer Feedback: The quality of some of the	• For an application which does not include a patio or a pedestrian by-pass on the street, a site plan prepared by a qualified professional designer is currently not

submitted site plans makes them very challenging to review. In some cases, staff receive hand-drawn plans, which typically have many deficiencies.	required. Staff do not currently require a site plan prepared by a qualified professional designer for all operators as this helps to reduce the overall cost of participation in the patio program. • Given the above staff are exploring an option to develop pre-approved plans for implementation in future years of the program, which would be made available to an applicant for submission with their application.
Improve communications and customer service. Provide clarity on how many steps remain in the approval process.	• Staff will create a simplified outline of the application process to provide to the applicants / operators. This outline will provide a simplified summary of each of the steps involved in how patios on public lands are approved and installed. • Staff will commit to regularly informing applicants on their application status. After an applicant completes a step in the process, staff will inform the applicant of how many steps remain in the path toward their final approval. • Staff to assist with streamlining of communications between patio operators and contractors. Staff will revise application forms such that the applicant will be able to indicate on the application form if city staff have permission to include the other patio operators on communications regarding their application. Staff will use this information to ensure that both the applicants and associated patio operators are being included on all communications sent out during each step of the review process. • Staff will include a pre-application checklist both on the City of Burlington website and on the pre-approval notices to ensure that an applicant is aware of all the submittals required for an application to be deemed complete. • Staff are committed to maintaining a continuous feedback loop to facilitate continuous improvement to the patio program. Throughout and after the 2025 patio season, city staff intend on seeking feedback from patio operators to facilitate continuous improvements to the patio program into 2026 and beyond.
Create an invoice payment option	• The City will provide an invoicing option for the payment of patio fees in addition to the other options available in 2025.
Requirement for the inspection of pedestrian	• Staff reviewed 11 neighbouring municipalities – including the cities of Brampton, Brantford, Guelph, Hamilton, Kitchener, London, Mississauga, St. Catharines and

by-passes and patios on the street could be removed. Not many other cities have this requirement. This requirement delays the opening of the pedestrian by-passes and associated patios. The city should take on the responsibility for the inspection instead of the applicant hiring a professional consultant to complete said inspection. Despite the inspection requirement, staff have observed some inconsistencies with patio installations and approved plans during the 2024 patio season.	Toronto, as well as the towns of Niagara-on-the-Lake and Oakville. Staff note that while the reasons for the inspections in different municipalities vary, only the City of London did not appear to have any inspection at all as a requirement for patio installations on public property. Additionally, staff note that prior to the opening of pedestrian by-passes on public property during both the 2023 and 2024 patio seasons in Burlington, deficiencies with the by-passes were identified by the inspectors. Due to the inspection requirement, the identified deficiencies were remedied prior to the opening of the pedestrian by-passes to the public. Staff will keep the inspection requirement as part of the patio installation process. Improvements to application processing and approval timelines should provide additional time for inspections to be completed. • All 10 municipalities that require an inspection, complete them in-house. • Staff have considered in-house inspections for 2025, but do not currently have the capacity. Additional resources are required to take on in-house inspections and it would likely result in a greater cost borne by the applicant if this level of effort were to be recovered as part of the application fees. Therefore, staff are not pursuing this option. • Modify the inspection requirement within the design guidelines to clarify how the inspection should be carried out.

Remove the longitudinal portion of the water-filled barriers on Elgin Street in future patio seasons. Given the positioning of the patio and pedestrian by-pass mid-block, bounded by at least one full four-way stop (at the intersection of Elgin and Locust Street) vehicles traveling eastbound or westbound through this leg of Elgin Street should not generate enough speed to merit the need for the longitudinal portion of water-filled barriers at this specific location.	• The total number of water-filled barriers on Elgin Street will be reduced in future seasons without compromising the safety of the public.

Cyclists have been attaching their bicycles to patio installations. When cyclists attach their bicycles to patio installations, they serve as an obstruction to both pedestrians and patio patrons – particularly to those with accessibility needs.	• City staff have attached no bike parking signage to patio installations in the downtown. • City staff note that the additional bike parking has more recently been made available in the downtown around the patio installations, and signage informing the cyclists of the location of this nearby bike parking has also been attached to many patio installations. • On the patio operator's end, it is city staff's understanding that efforts are being made to consistently remind cyclists that the installations themselves are not a place to park their bicycles. • Based on feedback received from patio operators this season, these measures are effective in mitigating bicycle parking on patio installations. City staff will continue to monitor this issue in future seasons. • City staff will make modifications to our Public Lands Patio Guidelines to be more specific on clear path and obstruction requirements to specifically prohibit bicycle parking on patios.
Additional directional signage should be placed around specific patio installations in the downtown on Brant and Elgin Street. Some pedestrians are walking around the pedestrian by-passes and onto the street at these locations in the downtown.	• City staff note that the signage used for these patio installations is in line with the Ontario Traffic Council Guidelines. A significant amount of research and development goes into these guidelines, and as such staff will not be deviating from them at a general policy level. Furthermore, staff note that it is important to have consistency regarding the types of pedestrian signage used within the downtown for patio installations. Staff would be willing to consider enhancements to specific patios only where there is substantial evidence of problems at these specific locations.
Divider walls are causing issues. The divider wall is not secured, so the walls fall over when people lean on them.	• City staff note that the divider walls are not being bolted/secured into the pavement, as this can result in damage to the sidewalks over the long term. City staff will work with the BDBA to look for alternative means of ensuring that the divider walls are more secure.

The divider walls are hurting business for some operators, as they blocked customers from getting into their establishment via the sidewalk.	

SUBJECT: 2024 Community Benefits Strategy and By-law

TO: Committee of the Whole

FROM: Finance Department

Report Number: F-05-24

Wards Affected: all

File Numbers: 460-01

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the Community Benefits Charge Strategy dated November 4, 2024, attached as Appendix A, to finance department report F-05-24; and

Adopt the approach to calculate the community benefit charges on a uniform city-wide basis as set out in the Community Benefits Charge Strategy dated November 4, 2024; and

Approve the capital project listing set out in Chapter 4 of the Community Benefits Charge Strategy dated November 4, 2024, subject to further annual review during the capital budget process; and

Determine that no further public consultation is required; and

Approve the By-law to establish Community Benefits Charges for the City of Burlington, as set out in Appendix B to finance department report F-05-24, and repeal By-law 66-2022.

PURPOSE:

Respond to legislation.

In order to implement a Community Benefits Charges (CBC), a CBC Strategy is required prior to the passage of a CBC By-law. This Strategy must follow the requirements in the

Planning Act. The city has retained Watson & Associates Economists Ltd. to assist in completing the 2024 CBC Strategy.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth

---

Executive Summary:

The report provides Council with the 2024 Community Benefits Strategy and Bylaw to replace the 2022 Strategy. The Strategy has been updated to align growth assumptions with the 2024 Development Charges Background Study, and to update capital costs.

Municipalities can use CBCs to fund capital costs, of any public service, that are related to the needs associated with new growth if those costs are not already recovered from development charges and parkland provisions. The 2024 CBC Strategy provides for $81.7 million (21.9% of land value) in eligible parkland CBC costs, which exceeds the legislated maximum of 4% of land value. As such, the city is imposing a CBC at the maximum of 4% of land value, which provides an estimated revenue of $14.96 million over ten years.

The strategy focuses only on capital costs related to parkland to maximize annual funding received towards a service that is public facing, in which a clear need is defined through the 2023 parkland dedication analysis and Parks Provisioning Master Plan and is a key service to support future growth. Furthermore, the city will be implementing the CBC charge as a % of land value as it is consistent with other municipalities, the CBC revenues will correlate with appreciating land values, and create process efficiencies as it aligns with the parkland dedication process (also % of land value).

Background and Discussion:

In September 2022, to meet legislated deadlines the city put in place its first CBC Strategy and bylaw. At the time, the city was amid infrastructure planning and did not have significant capital needs identified to inform the CBC strategy, therefore, the city's 2022 CBC Strategy identified only $4.1 million of net growth-related capital costs that were eligible related to high density growth developments. In 2022, the city structured a per unit charge due to the limited capital needs, and to align with the city's existing growth funding tools (development charges, and parkland dedications) which were both per unit charges at the time.

Council received the following reports as it relates to the development of the 2024 Community Benefits Strategy, included herein;

- On May 31, 2023 (F-21-23), Council received the 2024 City of Burlington Community Benefits Process report.
- On November 1, 2023 (F-25-23), Council endorsed the growth assumptions for the Study.

A Community Benefits Charge (CBC) allows municipalities to levy a charge against certain forms of higher density development to fund associated development-related capital infrastructure needs. The CBC provisions replace the former section 37 height and density bonusing in the Planning Act, subject to transition rules.

Municipalities can use CBCs to fund capital costs, of any public service, that are related to the needs associated with new growth if those costs are not already recovered from development charges and parkland provisions. A CBC can be used to fund services provided for under a DC by-law, and for parkland acquisitions, as long as there is no duplication of recovery of the same capital costs.

A CBC can only be levied against higher density residential development, limited by the Act to developments that are:

- Five or more storeys, and,
- Contain 10 or more residential units.
- Note that a mixed-use development, a building that contains both residential and non-residential uses, can be subject to a CBC if it meets the above criteria.

The regulations to s.37 of the Act, O. Reg. 509/20, provide for several statutory exemptions from the payment of a CBC, as follows:

- Development or redevelopment of buildings with fewer than five storeys and 10 or less residential units;
- Long-term care & retirement homes;
- Colleges, universities and post-secondary indigenous institutes;
- Royal Canadian Legion;
- Hospice for end of life care;
- Non-profit housing.

The Planning Act prescribes that the maximum permitted charge that can be levied is four per cent of land value for a development with five or more storeys and ten or more residential units on the day before issuance of the building permit.

Strategy/process

As part of the development of the CBC Strategy staff undertook the following:

- Revised growth forecast to align with the City's 2024 D.C. Background Study and by-law as approved by Council (F-25-23);
- Updates to the capital projects using the 2024 Capital Budget and 10-Year Forecast; and
- Inclusion of the parkland dedication amounts not recoverable under the City's current parkland dedication By-law 55-2023, as amended.

As part of the process staff reviewed capital costs for the following services that were included in the 2022 Strategy.

- Public and Performance Arts;
- Municipal Off-Street Parking Facilities;
- Facilities for services not eligible for funding under the D.C.A.;
- Information Technology; and
- Growth-related Studies not eligible for funding under the D.C.A.

In addition to the above list, new to the 2024 strategy was the addition of Parkland service (the excess amounts not recoverable under the Parkland Dedication By-law), as supported by the completion of the parkland dedication analysis in 2023 (F-11-23).

Inclusion of all services listed above amounted to total CBC eligible costs of $93.7 million which exceeded the maximum prescribed value based on 4% of land value or $14.96 million. Since the CBC only applies to specific high-density residential developments and anticipated revenue collection is limited to an estimated $1.5 million annually over a 10-year period, staff have come forward with a CBC strategy and bylaw that considers parkland only, in order to maximize annual funding received towards a service that is public facing, which has a clear need defined through the 2023 parkland dedication analysis and Parks Provisioning Master Plan and is a key service to support future growth.

The inclusion of all services listed vs. parkland only does not impact the charge. In either case, the city's needs exceed the prescribed maximum, therefore, in both cases the city would still charge a CBC at 4% of land value. The number of services included within the strategy impacts how the city uses revenue received. The strategy as submitted for approval will have 100% of revenue directed to parkland. Whereas, with the inclusion of other services, proportionately based on capital costs, parkland would receive 88% or $1.3 million of the annual revenue, and the remaining five services would share the remaining 12% or $178,000 annually. Staff recommend parkland as the only service for inclusion in the CBC to maximize the use of revenue received.

CPPS bylaw

The city is contemplating a Community Planning Permit (CPP) bylaw that will affect the lands within the city's three Major Transit Station Areas (MTSAs). The intention of the CPP system is to transform how development is assessed and approved in the MTSAs. In accordance with the Community Planning Permit System regulations in the *Planning Act*, a Community Benefit Charge By-law does not apply to land subject to a Community Planning Permit By-law. Staff will be bringing forward a revised Community Planning Permit By-law to a future Council date for approval.

As a result of the exemption, the city cannot collect CBC within the MTSAs. At a high level, the revenue impact is estimated at approximately $5.8 million. This is based on properties that fall within the CPPS area (based on pipeline data), and their proportionate share based on land value. This is provided as an estimate only and comes with several caveats that will most likely affect the actual figure. The timing of when development occurs and where it occurs are not in the city's control and will impact CBC revenue earned over the 10 years. Furthermore, revenue is based on land value of the development at the time of building permit issuance, whereas this impact is determined using an average land value assumption. Staff will explore future revenue options for lands within the CPP bylaw as permitted by legislation.

Financial Matters:

Chapter 4 of Appendix A (Community Benefits Strategy) summarizes the calculation of the CBC charge. Based on the requirements of the legislation, the city has identified $89.1 million of net growth-related parkland capital costs that are eligible related to high density growth developments as summarized in Table 1.

Table 1: CBC Eligible Cost – Parkland Service

Service	Gross Capital Cost Estimate (2024$)	CBC Eligible Cost (2024$)	Net CBC Eligible Cost (2024$)*
Parkland	$141,588,245	$89,107,850	$81,708,851

*After deduction for existing population incline.

As per the Planning Act, the maximum a municipality can impose for a CBC is equal to 4% of the land value of a property the day before building permit issuance. Based on the total eligible capital costs recovery of $81.7 million and the underlying land value assumptions, the city would require a CBC of 21.9% of land value to fund the required parkland needs. As such, the city is imposing a CBC at the maximum of 4% of land value.

The city will be structuring the charge on a municipal-wide basis, as the parkland service is not restricted to one specific area and are anticipated to be used by all residents within the municipality. Furthermore, the charge will be presented as a percent of land value,

which is a change from the previous bylaw which instituted a per unit charge. Imposing a charge at the maximum 4% of land value provides the following benefits to the city,

- Consistent with other municipalities who impose CBC,
- CBC revenues will correlate with appreciating land values,
- Create process efficiencies as it aligns with the parkland dedication process (also % of land value),
- Mirrors capital cost inflation, as annual indexing is not permitted under the CBC

A charge that is % of land value does lack predictability for landowners in forecasting CBC payable, however, it is noted the structure of the charge is identical to the existing parkland dedication charge. Landowners may use appraisals they have on hand, to estimate possible charges payable both on the CBC and park dedication.

Total Financial Impact

The cash balance in the City's Community Benefits reserve fund is $3.2 million as of June 30, 2024. Of the total, $3 million of the funds are fully committed as per former s.37 agreements and will be utilized as per the s.37 agreements under which they were collected.

Since, the CBC Strategy was approved in September 2022, the city has collected $217,000. Most of this funding has been fully incorporated into the 2025 capital budget and forecast.

Engagement Matters:

The Act requires that a municipality consult with such persons and public bodies as the municipality considers appropriate.

As part of the approval process of the Study and proposed By-law, the City has consulted with the CBC Strategy Committee (senior staff) and Consultation Committee (representatives from the public, development industry and council members).

The draft CBC charge, and process were presented and reviewed by the Consultation Committee over two (2) meetings on: September 16, and October 17, 2024. The main point of discussion from the meeting was the CBC charge structure: % of land value vs. per unit charge.

The Study and proposed by-law was released on November 4, 2024, on the city's *Community Benefits Charge* webpage. The release date was communicated by staff as follows:

- Social Media Posts
- Email to HDLC
- City's website

Comments received since posting the CBC Strategy have been included in Appendix C.

A CBC bylaw may be appealed to the Ontario Land Tribunal. The last day for appealing the by-law is January 20, 2025, 40 days after Council approval. After passing the bylaw, the city will publish notice of bylaw passage within 20 days (December 30, 2024).

Once the bylaw is approved, should an eligible development application view the amount of the CBC as exceeding the amount permitted under legislation, the *Planning Act* requires payment under protest and a defined dispute process to be followed.

Conclusion:

The Community Benefits Strategy presented has been prepared in accordance with the requirements of the *Planning Act* and recommends the imposition of a CBC and associated policies as defined by the proposed bylaw in Appendix B of the CBC Strategy, dated November 4, 2024.

Respectfully submitted,

Reena Bajwa

Manager of Financial Strategies and Business Consulting

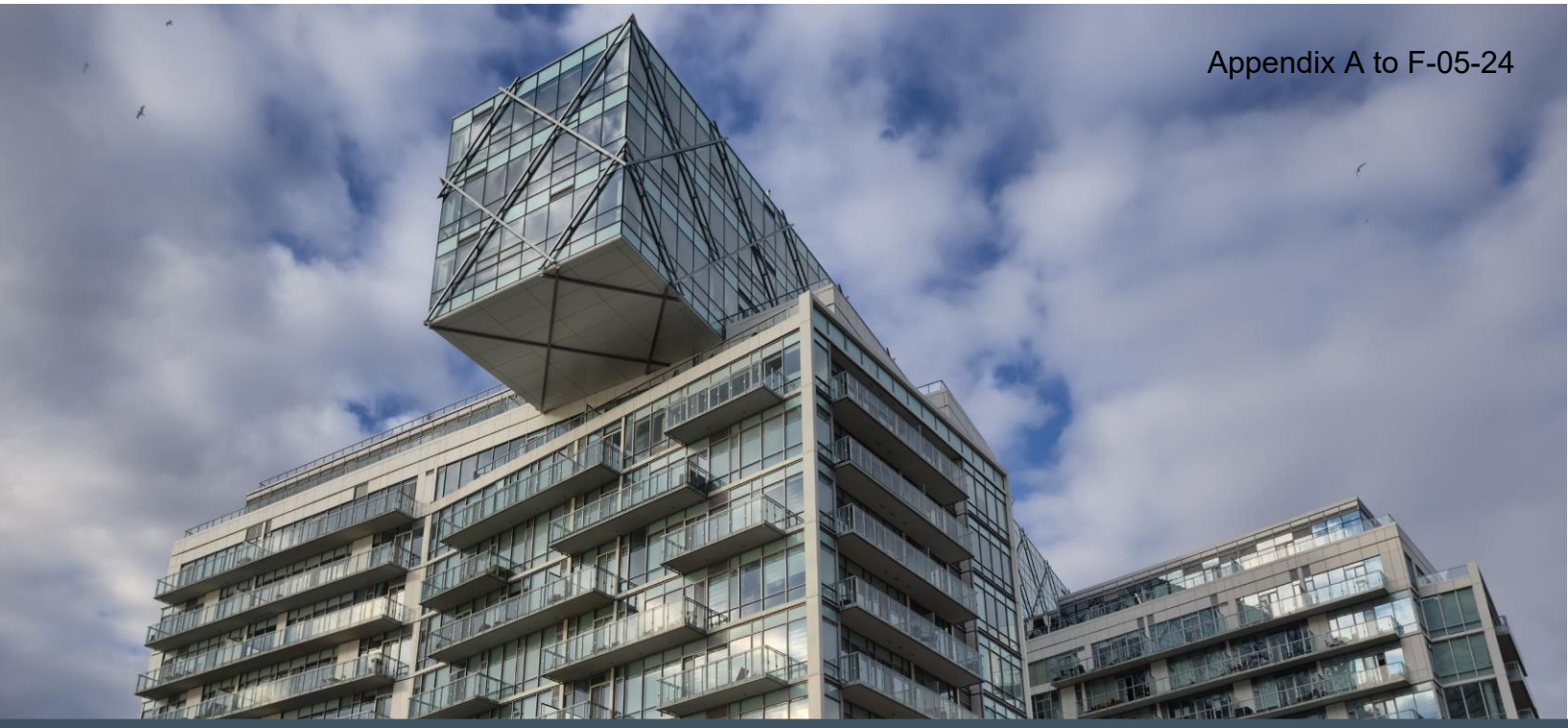
X7896

Appendices:

A. City of Burlington Community Benefits Charges Strategy Final Report: Watson & Associates (dated November 4, 2024)
B. Community Benefits Charges Reserve Fund By-law
C. Public Feedback and Comments

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.



Community Benefits Charge Strategy

City of Burlington

Watson & Associates Economists Ltd.
905-272-3600
info@watsonecon.ca

November 4, 2024

Table of Contents

Page

1. Introduction 1-1
- 1.1 Purpose of this Document 1-1
- 1.2 Legislative Context 1-1
  - 1.2.1 COVID-19 Economic Recovery Act, 2020 – Bill 197 1-1
  - 1.2.2 More Homes for Everyone Act, 2022 – Bill 109 1-4
  - 1.2.3 More Homes Built Faster Act, 2022 – Bill 23 1-4
  - 1.2.4 Affordable Homes and Good Jobs Act, 2023 - Bill 134 1-6
- 1.3 Current Policies 1-8
- 1.4 Summary of the Process 1-8

2. Anticipated Development 2-1
- 2.1 Requirement of the Act 2-1
- 2.2 Basis of Population, Household and Employment Forecast 2-1
- 2.3 Summary of Growth Forecast 2-2
- 2.4 Land Valuation and Analysis 2-9

3. The Approach to the Calculation of the Charge 3-1
- 3.1 Introduction 3-1
- 3.2 Anticipated Development and Redevelopment 3-2
- 3.3 Services Potentially Involved 3-2
- 3.4 Increase in the Need for Service 3-2
- 3.5 Capital Forecast 3-3
- 3.6 Deductions 3-3
  - 3.6.1 Reduction for Excess Capacity 3-4
  - 3.6.2 Reduction for Benefit to Existing Development 3-4
  - 3.6.3 Reduction for Anticipated Grants, Subsidies and Other Contributions 3-5
- 3.7 Municipal-wide vs. Area Rating 3-5
- 3.8 Land Valuation Analysis 3-6
- 3.9 Calculation of the Community Benefits Charge 3-6

4. C.B.C. Eligible Cost Analysis 4-1
- 4.1 Introduction 4-1

Table of Contents (Cont'd)

Page

4.2 Allocation of Costs to C.B.C Eligible Development 4-1
4.3 C.B.C. Eligible Cost Analysis 4-2

5. C.B.C. Calculation 5-1
5.1 Anticipated Funding Recovery 5-1

6. C.B.C. Policy Recommendations and C.B.C. By-law Rules 6-1
6.1 C.B.C. Policies 6-1
6.2 C.B.C. By-law Rules 6-1
6.2.1 Payment in any Particular Case 6-1
6.2.2 Maximum Amount of the Community Benefits Charge 6-2
6.2.3 Exemptions (full or partial) 6-2
6.2.4 Timing of Collection 6-4
6.2.5 In-kind Contributions 6-4
6.2.6 The Applicable Areas 6-5
6.2.7 Special Account 6-5
6.2.8 Credits 6-6
6.2.9 By-law In-Force Date 6-6
6.3 Recommendations 6-6

7. By-law Implementation 7-1
7.1 Introduction 7-1
7.2 Public Consultation Process 7-1
7.2.1 Required Consultation 7-1
7.2.2 Interested Parties to Consult 7-1
7.3 Anticipated Impact of the Charge on Development 7-2
7.4 Implementation Requirements 7-2
7.4.1 Introduction 7-2
7.4.2 Notice of Passage 7-3
7.4.3 Appeals 7-3
7.4.4 In-Kind Contributions 7-4
7.5 Ongoing Application and Collection of C.B.C. funds 7-6
7.5.1 Introductions 7-6
7.5.2 Overview of Process and Appraisals 7-6
7.5.3 Special Reserve Fund Account 7-7
7.6 Transitional Matters 7-10
7.6.1 Existing Reserves and Reserve Funds 7-10
7.6.2 Credits under Section 38 of the Development Charges Act 7-10
7.6.3 Continued Application of Previous Section 37 Rules 7-10

Appendix A Background Information on Residential and Non-Residential Growth Forecast A-1

Appendix B Proposed C.B.C. By-law B-1

List of Acronyms and Abbreviations

Acronym	Full Description of Acronym
C.B.C.	Community Benefits Charge
C.I.L.	Cash-in-lieu
D.C.	Development charges
D.C.A.	*Development Charges Act, 1997*, as amended
N.F.P.O.W.	No fixed place of work
O.L.T.	Ontario Land Tribunal
O. Reg.	Ontario Regulation
P.P.U.	Persons per unit
sq.ft.	square foot
sq.m.	square metre



Report

Chapter 1
Introduction

1. Introduction

1.1 Purpose of this Document

The City of Burlington (City) retained Watson & Associates Economists Ltd. (Watson), to prepare a Community Benefits Charge (C.B.C.) Strategy and to assist with the by-law adoption process. Watson worked with City staff preparing the C.B.C. Strategy and policy recommendations contained herein.

The C.B.C. Strategy has been prepared pursuant to the requirements of Section 37 of the *Planning Act* (as summarized in Chapter 3). Accordingly, the C.B.C. Strategy recommends the imposition of a C.B.C. and associated policies for administration of the by-law by the City. The C.B.C. Strategy and draft by-law will be distributed to members of the public to provide interested parties the background information on the legislation, the recommendations, and the basis for these recommendations.

This C.B.C. Strategy is designed to set out sufficient background on the calculation of the charges, and the policies underlying the proposed by-law, to make the material understandable to those involved. Chapters 4 and 5 outline the determination of the C.B.C. eligible capital costs and calculation of the charges. The C.B.C. Strategy also provides the rules for administering the by-law, as contained in Chapter 6 herein. Finally, the report addresses post-adoption implementation requirements (Chapter 7) which are critical to the successful application of the new by-law.

The chapters in the C.B.C. Strategy are supported by appendices containing the data required to further explain and substantiate the calculation of the charges.

1.2 Legislative Context

1.2.1 COVID-19 Economic Recovery Act, 2020 – Bill 197

The *COVID-19 Economic Recovery Act, 2020* (Bill 197) received Royal Assent on July 21, 2020. Schedule 17 of the Act amended the *Planning Act* with respect to the provisions of community benefits and parkland dedication. These amendments were proclaimed and came into effect on September 18, 2020. Municipalities with agreements for community benefits have two years after the date of proclamation (i.e.,

September 18, 2022) to transition to the new rules under s.37 of the *Planning Act*. Eligible municipalities also have the ability to impose a C.B.C. under this authority.

Single-tier and lower-tier municipalities may adopt a by-law to impose a C.B.C. against land to pay for the capital costs of facilities, services, and matters required because of development or redevelopment in the area to which the by-law applies. The capital costs eligible for recovery within a C.B.C. may include:

- land for parks or other public recreational purposes in excess of lands conveyed or funded by payment-in-lieu (P.I.L.) of parkland payments under sections 42 and 51 of the *Planning Act*;
- capital costs for municipal services eligible for inclusion in a D.C. by-law, as described under subsection 2 (4) of the *Development Charges Act* (D.C.A.), that are not intended to be funded under the municipality's D.C. by-law; and
- capital costs that are ineligible for recovery under a Development Charges (D.C.) by-law.

There are restrictions on the application of the charges. A C.B.C. may be imposed only with respect to development or redevelopment that requires:

- the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
- the approval of a minor variance under section 45 of the *Planning Act*;
- a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
- the approval of a plan of subdivision under section 51 of the *Planning Act*;
- a consent under section 53 of the *Planning Act*;
- the approval of a description under section 9 of the *Condominium Act, 1998*; or
- the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

As discussed later, the regulations limit the charge relative to the value of land at the time of building permit issuance thus, imposing the charge at the time of development requiring the issuance of a building permit would be prudent.

The *Planning Act* limits the imposition of the C.B.C. to certain types of development. Under s.37 (3), a C.B.C. may not be imposed with respect to:

- development or redevelopment of fewer than 10 residential units, and in respect of buildings or structures with fewer than five storeys;
- a building or structure intended for use as a long-term care home;
- a building or structure intended for use as a retirement home;
- a building or structure intended for use by a university, college, or an Indigenous Institute;
- a building or structure intended for use as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- a building or structure intended for use as a hospice to provide end-of-life care; or
- not-for-profit housing.

The amount of the charge cannot exceed an amount equal to the prescribed percentage of the value of the land on the date of building permit issuance. At present, the prescribed value is set by regulation at 4% of land value. Moreover, if the landowner is of the view that the amount of the C.B.C. exceeds the prescribed value, the landowner may pay the charge under protest. In this circumstance, there is an obligation of the landowner and municipality to provide appraisals, and for the municipality to maintain a registry of at least three land appraisers.

A municipality may allow the landowner to provide in-kind contributions towards the facilities, services or matters in lieu of paying a C.B.C.

Before adopting a C.B.C. by-law a municipality must prepare a C.B.C. Strategy that identifies the facilities, services, and matters that will be funded with the charges. The municipality must consult with such persons and public bodies as the municipality considers appropriate while preparing the C.B.C. Strategy. Furthermore, Ontario Regulation 509/20 specifies the methodology that must be followed in the C.B.C. Strategy. This includes:

1. An estimate of the anticipated amount, type, and location of development and redevelopment with respect to which community benefits charges will be imposed;
2. Estimates of the increase in the need for facilities, services and matters attributable to the anticipated development and redevelopment to which the community benefits charge by-law would relate;

3. For the facilities, services, and matters included above an identification of excess capacity and estimates of the benefit to existing development;
4. Estimates of the capital costs necessary to provide the facilities, services, and matters; and
5. Identification of any capital grants, subsidies and other contributions made to the municipality or that the council of the municipality anticipates will be made in respect of the capital costs.

Once the by-law is passed, the municipality must give notice of passage and the by-law may be appealed to the Ontario Land Tribunal (O.L.T.) within 40 days of by-law passage.

Revenue collected under a C.B.C. by-law must be maintained in a special account and used for the purposes that the charge was imposed. A municipality must report on the activity of the special account annually.

1.2.2 More Homes for Everyone Act, 2022 – Bill 109

The *More Homes for Everyone Act, 2022* received Royal Assent on April 14, 2022. Schedule 5 of the Act amends the *Planning Act* with respect to C.B.C. by-laws. New subsections 37 (54) to (59) require that Council must pass a resolution on whether a revision to the C.B.C. by-law is needed at least every five years from the date the by-law was first passed.

The municipality must review the by-law and determine whether there is need for a revision and requires that municipalities shall consult with such persons and public bodies as appropriate. The municipality must give notice of the passing of the resolution within 20 days on the website of the municipality.

If Council does not pass a resolution within the five years, the by-law is deemed to expire.

1.2.3 More Homes Built Faster Act, 2022 – Bill 23

The Province introduced the *More Homes Built Faster Act, 2022* with the overall objective to increase housing supply and provide attainable housing options. The Province's plan is to address the housing crisis by targeting the creation of 1.5 million homes over a period to 2031. To implement this plan, the Act introduced several

changes to the *Planning Act*, along with nine other Acts including the Development Charges Act, which seek to increase the supply of housing.

The *More Homes Built Faster Act, 2022* received Royal Assent on November 28, 2022. Schedule 9 of the Act amends the Planning Act with respect to C.B.C. by-laws as follows:

- Subsection 37 (7.1) allows a municipality to enter into an agreement with a landowner for the provision of in-kind contributions. It also allows for this agreement to be registered on title of the land to which the charge applies (s.s.37 (7.2)).
- Subsections 37 (32), as amended, clarifies the application of the maximum prescribed percentage of the value of land for redevelopment. Where development or redevelopment is occurring on a parcel of land with an existing building or structure, the maximum C.B.C. that could be imposed is to be calculated based on the incremental development only.
- Subsection 37 (32.1) exempts affordable residential units, attainable residential units, inclusionary zoning residential units, and non-profit housing developments from the payment of a C.B.C. The current definitions for these development types are provided as follows, in reference to the D.C.A.:
    - Affordable Residential Units (Rented): Where rent is no more than 80% of the average market rent as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
    - Affordable Residential Units (Ownership): Where the price of the unit is no more than 80% of the average purchase price as defined by a new bulletin published by the Ministry of Municipal Affairs and Housing.
    - Attainable Residential Units: Excludes affordable units and rental units; will be defined[1] as prescribed development or class of development and sold to a person who is at "arm's length" from the seller.
    - Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws.
    - Affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.

[1] Currently undefined, awaiting regulations from the Province.

1.2.4 Affordable Homes and Good Jobs Act, 2023 - Bill 134

The Ontario Legislature introduced new legislation through Bill 134, the *Affordable Homes and Good Jobs Act,* which received Royal Assent on December 4, 2023. The legislation impacts the D.C.A. and the *Planning Act* by amending the definition of an "affordable residential unit" for the purpose of exempting such developments from the payment of C.B.C., D.C., and parkland dedication requirements. Under the legislation, affordable residential units were defined and required the Minister of Municipal Affairs and Housing to publish an "Affordable Residential Units for the Purposes of the Development Charges Act, 1997 Bulletin." It is noted that for C.B.C. and parkland dedication requirements, the *Planning Act* refers to the D.C.A. in regard to the exemption for affordable residential units. This bulletin informs the average market rent and purchase price to be used in determining which developments qualify as affordable residential units. The bulletin was published by the Minister on May 1, 2024.

The *Affordable Homes and Good Jobs Act* provides for a modification to the affordable residential unit definition by:

- Introducing an income-based test for affordable rent and purchase price; and
- Increasing the threshold for the market test of affordable rent and purchase price.

This change provides the exemption based on the lesser of the two measures. Moreover, the rules in subsection 4.1 of the D.C.A. are unchanged with respect to:

- The tenant and purchaser transacting the affordable unit being at arm's length;
- The intent of maintaining the affordable residential unit definition for a 25-year period, requiring an agreement with the municipality (which may be registered on title); and
- Exemptions for attainable residential units and associated rules (requiring further regulations).

The following table provides a summary of the amended definition provided through the *Affordable Homes and Good Jobs Act* (underlining added for emphasis).

Table 1-1
Definition of Affordable Residential Units

Item	Bill 134 Definition (as per D.C.A. Definition)
Affordable residential unit rent (subsection 4.1 (2), para. 1)	The rent is no greater than the lesser of, i. the income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with subsection (5), and ii. the average market rent identified for the residential unit set out in the Affordable Residential Units bulletin.
Average market rent/rent based on income (subsection 4.1 (5)) for the purposes of subsection 4.1 (2), para. 1	The Minister of Municipal Affairs and Housing shall, (a) determine the income of a household that, in the Minister's opinion, is at the 60th percentile of gross annual incomes for renter households in the applicable local municipality; and (b) identify the rent that, in the Minister's opinion, is equal to 30 per cent of the income of the household referred to in clause (a).
Affordable residential unit ownership (subsection 4.1 (3), para. 1)	The price of the residential unit is no greater than the lesser of, i. the income-based affordable purchase price for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing in accordance with subsection (6), and ii. 90 per cent of the average purchase price identified for the residential unit set out in the Affordable Residential Units bulletin.
Average market purchase price/purchase price based on income (subsection 4.1 (6)) for the purposes of subsection 4.1 (3), para. 1	The Minister of Municipal Affairs and Housing shall, (a) determine the income of a household that, in the Minister's opinion, is at the 60th percentile of gross annual incomes for households in the applicable local municipality; and (b) identify the purchase price that, in the Minister's opinion, would result in annual accommodation costs equal to 30 per cent of the income of the household referred to in clause (a)

The affordable exemptions came into effect on June 1, 2024. The bulletin provides the affordable exemption criteria on a municipal-specific basis for C.B.C.s, D.C.s, and Parkland. It is anticipated that the bulletin will be updated annually, and currently provides the following information specific to Burlington:

- For Affordable Ownership Units: the average purchase price based on household income is $474,300. Using the 90% of average purchase price amounts, the cost per unit types are as follows:
    - Detached House: $1,269,000
    - Semi-Detached House: $855,000
    - Row/townhouse: $774,000
    - Condominium Apartment $621,000
        - Based on the above, the affordable owned housing exemptions are based on income, which equals to purchase price being less that $474,300 for all unit types.
- For Affordable Rental Units: the average rent based on household income would equal $2,280 per month. The average market rent by unit type is as follows:
    - For a bachelor unit: $1,192
    - For a 1-bedroom unit: $1,621
    - For a 2-bedroom unit: $1,831
    - For a unit with 3 or more bedrooms: $1,819
        - Based on the above, the affordable rental housing exemptions are based on average market rent for all unit types.

1.3 Current Policies

The City currently imposes C.B.C.s under By-law 66-2022. It includes capital costs related to public and performance arts, parking, facilities, information technology, and growth-related studies that were not eligible under the D.C.A. at the time the by-law was passed.

1.4 Summary of the Process

Prior to passing a C.B.C. by-law, the *Planning Act* requires the City to consult with the public and such persons and public bodies it considers appropriate. As such, two consultation committee meetings were held on September 16, 2024 and October 17, 2024 to allow for feedback on the C.B.C. draft calculations and to answer any questions regarding its purpose, approach, and the proposed C.B.C. by-law. Other stakeholders and the general public will be given the opportunity to provide comments in writing until November 29, 2024. The feedback received from these consultations will inform the final C.B.C. Strategy and By-Law scheduled to be reported to City Council and the

public at the public meeting on December 2, 2024. Council's consideration of the By-law is anticipated at the Council meeting schedule for December 10, 2024.

Figure 1-1 provides an outline of the schedule to be followed with respect to the C.B.C. strategy and by-law adoption and implementation process.

Figure 1-1
City of Burlington
Schedule of Key Dates in the C.B.C. Strategy Process

Item	Date
Data collection, land valuation analysis, growth forecast development, capital needs assessment, staff review, C.B.C. calculations and policy work.	Spring 2024 to Fall 2024
Consultation Committee Meeting #1	September 16, 2024
Consultation Committee Meeting #2	October 17, 2024
Release of the C.B.C. Strategy and draft by-law	November 4, 2024
Public meeting of Council	December 2, 2024
Council considers adoption of C.B.C. strategy and passage of by-law	December 10, 2024
Anticipated by-law in-force date	January 1, 2025
Notice given of by-law passage	No later than 20 days after passage
Last day for by-law appeal	40 days after passage

Chapter 2
Anticipated Development in the City of Burlington

2. Anticipated Development

2.1 Requirement of the Act

The growth forecast contained in this chapter (with supplemental tables in Appendix A) provides for the anticipated development for which the City will be required to provide services over a 10-year (2024 to 2034) time horizon.

Chapter 3 provides the methodology for calculating a C.B.C. as per the *Planning Act*. Figure 3-1 presents this methodology schematically. It is noted in the first box of the schematic that in order to determine the C.B.C. that may be imposed, it is a requirement of section 37 (9) of the *Planning Act* and O. Reg. 509/20 that "the anticipated amount, type and location of development and redevelopment, for which a C.B.C. can be imposed, must be estimated."

2.2 Basis of Population, Household and Employment Forecast

The C.B.C. growth forecast has been derived by Watson in consultation with City staff. In preparing the growth forecast, the following information sources were consulted to assess the residential and non-residential development potential for the City over the forecast period, including:

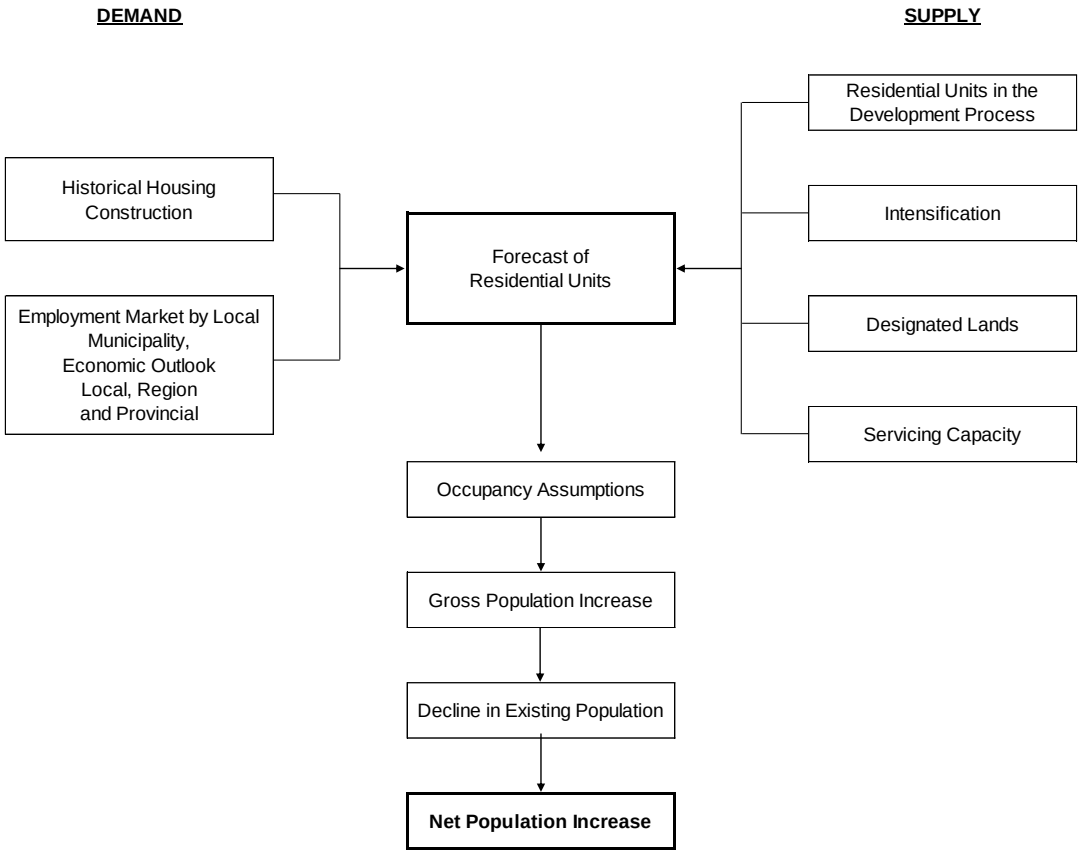
- Halton Region Official Plan, Office Consolidation, May 16, 2024;
- Halton Region Official Plan Review: Integrated Growth Management Strategy;
- City of Burlington Official Plan, as Approved by Region of Halton, November 30, 2020, July 2024;
- City of Burlington 2024 Development Charges Background Study, March 22, 2024, (as amended May 9, 2024); by Watson & Associates Economists Ltd.;
- City of Burlington Community Benefits Charge Strategy, August 17, 2022; by Watson & Associates Economists Ltd.;
- 2011, 2016 and 2021 population, household and employment Census data;
- Historical residential building permit data over the 2014 to 2023 period;
- Residential and non-residential supply opportunities as identified by City staff and
- Discussions from City staff regarding anticipated residential and non-residential development in the City.

2.3 Summary of Growth Forecast

A detailed analysis of the residential and non-residential growth forecasts is provided in Appendix A and the methodology employed is illustrated in Figure 2-1. The discussion provided herein summarizes the anticipated growth for the City and describes the basis for the forecast. The results of the residential growth forecast analysis are summarized in Table 2-1 below, and Schedule 1 in Appendix A.

As identified in Table 2-1 and Schedule 1, the City's population (excluding Census undercount) is anticipated to reach approximately 210,990 by 2034, resulting in an increase of 22,620 persons, over the 2024 to 2034 forecast period.[1]

Figure 2-1
Approach to Population and Housing Forecast



[1] The population figures used in the calculation of the 2024 C.B.C. exclude the net Census undercount, which is estimated at approximately 3.0%.

Table 2-1
City of Burlington
Residential Growth Forecast Summary

Year		Population (Including Census Undercount)[1]	Excluding Census Undercount			Housing Units						Person Per Unit (P.P.U.): Total Population/ Total Households
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi-Detached	Multiple Dwellings[2]	Apartments[3]	Other	Total Households	Equivalent Institutional Households	
Historical	*Mid 2011*	181,120	175,779	2,289	173,490	39,189	13,702	15,819	69	68,779	2,081	2.556
	Mid 2016	188,890	183,314	3,189	180,125	39,855	14,085	17,270	165	71,375	2,899	2.568
	Mid 2021	192,630	186,948	2,993	183,955	39,885	14,430	18,740	115	73,170	2,721	2.555
Forecast	*Early 2024*	194,100	188,372	3,018	185,354	40,145	14,585	19,181	115	74,026	2,744	2.545
	Early 2034	217,400	210,989	3,394	207,595	41,063	15,624	28,402	115	85,205	3,085	2.476
Incremental	**Mid 2011 - Mid 2016**	**7,770**	**7,535**	**900**	**6,635**	**666**	**383**	**1,451**	**96**	**2,596**	**818**	
	Mid 2016 - Mid 2021	**3,740**	**3,634**	**-196**	**3,830**	**30**	**345**	**1,470**	**-50**	**1,795**	**-178**	
	Mid 2021 - Early 2024	**1,470**	**1,424**	**25**	**1,399**	**260**	**155**	**441**	**0**	**856**	**23**	
	Early 2024 - Early 2034	**23,300**	**22,617**	**376**	**22,241**	**918**	**1,040**	**9,221**	**0**	**11,179**	**341**	

[1] Population includes the Census undercount estimated at approximately 3.0% and has been rounded.
[2] Includes townhouses and apartments in duplexes.
[3] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.
Notes:
Numbers may not add due to rounding.
Source: Derived from the Halton Region Official Plan, Office Consolidation, May 16, 2024, by Watson & Associates Economists Ltd.

Provided below is a summary of the key assumptions and findings regarding the City's C.B.C. growth forecast:

1. Unit Mix (Appendix A – Schedules 1, 4 and 5)
    - The housing unit mix for the City was derived from a detailed review of the City of Burlington historical development activity (as per Schedule 5), as well as active residential development applications (as per Schedule 4) and discussions with City staff regarding anticipated development trends for the City of Burlington.
    - Based on the above indicators, the 2024 to 2034 household growth forecast for the City is comprised of a unit mix of 8% low density units (single detached and semi-detached), 9% medium density (multiples except apartments) and 83% high density (accessory units, bachelor, 1-bedroom, and 2+ bedroom apartments) units.

2. C.B.C. Eligible Units
    - Subsection 37 (4) of the *Planning Act* establishes the criteria for a development to be C.B.C. eligible. A C.B.C. may be imposed if:
        - Development of a proposed building or structure has five or more storeys at or above ground and has 10 or more residential units;
        - Redevelopment of an existing building or structure that will have 5 or more storeys at or above ground after redevelopment and proposes to add 10 or more residential units to an existing building or structure; or
        - Such types of development or redevelopment as prescribed.
    - The C.B.C. eligible unit forecast is derived based on the established criteria above and a detailed review of historical Census housing trends, historical development activity (as per Schedule 5), active residential development applications (as per Schedule 4) and discussions with City staff regarding anticipated C.B.C. eligible developments.
    - Based on the above indicators, the City is forecasted to accommodate 8,561 C.B.C. eligible household units over the 2024 to 2034 forecast period. This translates to 93% of all high-density units, including accessory units, being C.B.C. eligible from 2024 to 2034.

3. Geographic Location of C.B.C. Eligible Residential Development (Appendix A – Schedule 2)
    - Schedule 2 summarizes the anticipated amount, type and location of C.B.C.-eligible development for the City.
    - In accordance with forecast demand and available land supply, the amount and percentage of forecast C.B.C. eligible housing growth between 2024 and 2034 is summarized in Table 2-2.

Table 2-2
City of Burlington
Residential High-Density Growth by Development Area

Development Location	High-Density Housing Growth, 2024 to 2034 [1]	C.B.C.- Eligible Share (%)	C.B.C.- Eligible Housing Growth, 2024 to 2034
City-Wide Total	9,221	93%	8,561

[1] High density includes accessory apartments, bachelor, 1-bedroom, and 2-bedroom+ apartments.
Source: Watson & Associates Economists Ltd.

4. Planning Period
    - For the purpose of this study, a 2024 to 2034 planning horizon has been assumed which aligns with the City's capital budget and forecast.
5. Population in New Units (Appendix A – Schedules 3 and 4)
    - The number of housing units to be constructed by 2034 in the City over the forecast period is presented in Table 2-1. Over the 2024 to 2034 forecast period, the City is anticipated to average approximately 1,120 new housing units per year.
    - Institutional population[1] is anticipated to increase by approximately 380 people between 2024 to 2034.
    - Population in new units is derived from Schedules 3 and 4 which incorporate historical development activity, anticipated units (see unit mix

[1] Institutional population largely includes special care facilities such as nursing home or residences for senior citizens. A P.P.U. of 1.100 depicts 1-bedroom and 2-or-more-bedroom units in collective households.

discussion) and average persons per unit (P.P.U.) by dwelling type for new units.

- Schedule 7a summarizes the average P.P.U. assumed for new housing units by age and type of dwelling based on Statistics Canada 2021 custom Census data for the City of Burlington. Forecast average P.P.U.s by dwelling type are as follows:
    - Low density: 3.378
    - Medium density: 2.432
    - High density:[1] 1.622

6. Existing Units and Population Change (Appendix A – Schedules 3 and 4)
    - Existing households for 2024 are based on 2021 Census households, plus estimated residential units constructed between mid-2021 to the beginning of the growth forecast period, assuming a minimum six-month lag between construction and occupancy (see Schedule 3).
    - The change in average occupancy levels for existing housing units is calculated in Schedules 3 and 4. The forecasted population change in existing households over the 10-year forecast period is forecast to increase by approximately 1,670.
7. Employment (Appendix A – Schedule 8)
    - The employment projections provided herein are largely based on the activity rate method, which is defined as the number of jobs in the City divided by the number of residents.
    - Employment data for the City is outlined in Schedule 8. In accordance with Statistics Canada Census data, the City's 2016 employment base including work at home and no fixed place of work (N.F.P.O.W.) is 95,490.[2]
    - Total employment, including work at home and N.F.P.O.W. for the City is anticipated to reach approximately 107,580 by 2034. This represents an employment increase of approximately 6,670 over the 10-year forecast period.

[1] Includes accessory units, bachelor, 1-bedroom and 2-or-more-bedroom apartments
[2] No fixed place of work is defined by Statistics Canada as "persons who do not go from home to the same workplace location at the beginning of each shift. Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc."

- Schedule 8, Appendix A, summarizes the employment forecast, excluding work at home employment and N.F.P.O.W. employment, which is the basis for the C.B.C. employment forecast. The impact on municipal services from work at home employees has already been included in the population forecast. The need for municipal services related to N.F.P.O.W. employees has largely been included in the employment forecast by usual place of work (i.e., employment and gross floor area generated from N.F.P.O.W. construction employment).
- Total employment for the City (excluding work at home and N.F.P.O.W. employment) is anticipated to reach approximately 87,900 by 2034. This represents an employment increase of approximately 5,490 for the 10-year forecast period.[1]

Based upon the above information, the following summaries are provided for use in the C.B.C. calculations presented in chapter 4, as follows:

- Approximately 81% of the net capital costs of services will be allocated to residential development based on incremental population and employment growth over the 10-year forecast period (Table 2-3);
- Approximately 71% of the population growth is forecasted to reside in high-density residential dwelling units (Table 2-4); and
- Approximately 93% of the population in high-density residential dwelling units are forecasted to reside in units to which the C.B.C. may be imposed (Table 2-5).

[1] Employment associated within special care institutional dwellings is treated as residential. For the purposes of the C.B.C. calculations, total employment growth in Schedule 8 (excluding work at home and N.F.P.O.W. employment) has been downwardly adjusted to account for institutional employment associated with special care facilities. Total employment excluding jobs associated with special care facilities is anticipated to reach approximately 87,730 by 2034, an increase of approximately 5,320 for the 10-year forecast period.

Table 2-3
Residential and Non-Residential Share based on Incremental Growth in Population and Employment over the 2024-2034 Forecast Period

Residential Population and Non-Residential Employment	Net Population/ Employment	Residential/ Non-Residential %
Residential Net Population	22,617	81%
Employment (Net of Work at Home & N.F.P.O.W.)	5,319	19%
Total Population & Employment	**27,936**	**100%**

Table 2-4
Low/Medium Density and High-Density Share of Forecast Gross Population over the 2024-2034 Forecast Period

Residential Density	Gross Residential Population	% of Gross Population in New Units
Low/Medium Density	5,629	27%
High Density	14,958	71%
Institutional Population	375	2%
Total Residential Forecast	**20,962**	**100%**

Table 2-5
Eligible C.B.C. High-Density Growth Share over the 2024-2034 Forecast Period

Residential High Density	Residential Population	% of Gross Population in High Density Units
Eligible High Density	13,887	93%
Ineligible High Density	1,071	7%
Total Residential High Density Forecast	**14,958**	**100%**

2.4 Land Valuation and Analysis

The C.B.C. cannot exceed an amount equal to the prescribed percentage of the value of the land on the date of building permit issuance. As such, the C.B.C. Strategy includes an assessment of the average land values in the City where the development and redevelopment are anticipated to be located. These land values assist in determining the eligible C.B.C. rate (currently prescribed at a maximum of 4% of land value).

Utilizing the information contained within the City's 2023 Parkland Analysis review, an assessment of land values for properties identified with an active development application was undertaken. This assessment examined approximately 49 applications, of which 35 related to high-density units. The average land value of these high-density units equated to $21.4 million per hectare. This estimate has been used for purposes of the C.B.C. Strategy to estimate total potential land value for C.B.C. eligible high-density development.

Table 2-6
Estimated Hectares of Land and Associated Value of Anticipated C.B.C. Eligible Development over the 2024-2034 Forecast Period

C.B.C. Eligible Growth	Total
Forecast C.B.C. Eligible Units	8,561
Estimated High Density units per ha.	490
Estimated Hectares of Land	**17.47**
Average Land Value per ha.	$21,400,000
Estimated Total Value of Land	**$373,888,571**

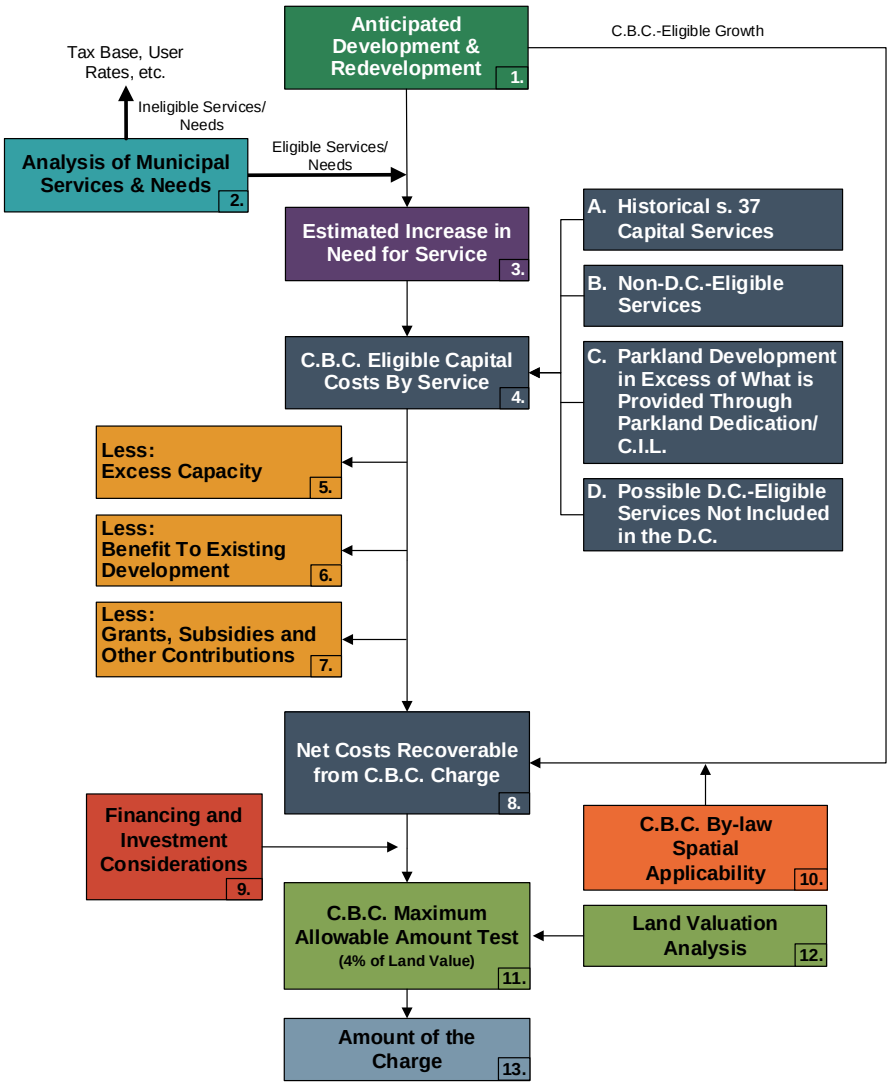
Chapter 3
Approach to the Calculation

3. The Approach to the Calculation of the Charge

3.1 Introduction

This chapter addresses the requirements of subsection 37(9) of the *Planning Act* and sections 2 and 3 of O. Reg. 509/20 with respect to the establishment of the need for service which underpins the C.B.C. calculation. These requirements are illustrated schematically in Figure 3-1.

Figure 3-1
The Process of Calculating a Community Benefits Charge under the *Planning Act*



3.2 Anticipated Development and Redevelopment

The anticipated development and redevelopment forecast is provided in chapter 2 (with supplemental tables in Appendix A). This chapter provides for the anticipated overall growth within the City over a 10-year (2024 to 2034) time horizon and then estimates the residential units eligible to be considered as per section 37 (4) of the *Planning Act*.

3.3 Services Potentially Involved

As per section 37 (5) of the *Planning Act*, a C.B.C. may be imposed for services that do not conflict with services or projects provided under a municipality's D.C. by-law or Parkland dedication by-law. Hence, the service provided under the C.B.C. would be defined as follows:

(a) land for parks or other public recreational purposes in excess of lands conveyed or funded by cash-in-lieu of parkland payments under sections 42 and 51 of the *Planning Act*;

(b) capital costs for services under subsection 2 (4) of the D.C.A. that are not intended to be funded under a D.C. by-law; and

(c) capital costs for municipal services ineligible for inclusion in a D.C. by-law.

Examples of services not provided by a D.C. or Parkland Dedication by-law include (but are not limited to) capital facilities and equipment for municipal parking, airports, municipal administration building expansions, museums, arts centres, public art, heritage preservation, landfill, public realm improvements, community gardens, space for non-profits, etc.

3.4 Increase in the Need for Service

Similar to a D.C., the C.B.C. calculation commences with an estimate of "the increase in the need for service attributable to the anticipated development," for eligible services to be covered by the by-law. There must be some form of link or attribution between the anticipated development and the estimated increase in the need for service. While the need could potentially be expressed generally in terms of units of capacity, a project-specific expression of need would appear to be most appropriate. This is suggested by

the requirement of section 2 (e) of O. Reg. 509/20 which provides "include estimates of the capital costs necessary to provide the facilities, services and matters referred to in clause 2 (b)." As noted, this is a similar consideration provided when undertaking a D.C. calculation.

3.5 Capital Forecast

Section 37 (2) of the *Planning Act* provides that, "The council of a local municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters." The *Planning Act* does not define what capital costs may be included within the charge. As noted in section 3.3 above, the Act provides that the C.B.C. charge could include capital costs for eligible D.C. services that are not intended to be funded under the City's D.C. by-law. This provision suggests that capital costs may be defined in an equivalent manner as the D.C.A. Hence, based on this relationship with the D.C.A., capital costs may include:

(a) costs to acquire land or an interest therein (including a leasehold interest);
(b) costs to improve land;
(c) costs to acquire, lease, construct or improve buildings and structures;
(d) costs to acquire, lease or improve facilities, including rolling stock (with a useful life of 7 or more years), furniture and equipment (other than computer equipment), materials acquired for library circulation, reference, or information purposes;
(e) interest on money borrowed to pay for the above-referenced costs;
(f) costs to undertake studies in connection with the above-referenced matters; and
(g) costs to undertake the C.B.C. Strategies.

3.6 Deductions

The section 2 of O. Reg. 509/20 potentially requires that three deductions be made to the capital costs estimates. These relate to:

- excess capacity;
- benefit to existing development; and
- anticipated grants, subsidies, and other contributions.

The requirements behind each of these reductions are addressed below.

3.6.1 Reduction for Excess Capacity

Section 2 (c) of O. Reg. 509/20 requires the identification of the excess capacity that exists in relation to the facilities, services and matters referred to in clause 2(b) suggesting the need for a potential deduction to the capital.

"Excess capacity" is undefined, but in this case, the excess capacity must be able to meet some or all of the increase in need for service, in order to potentially represent a deduction. The deduction of excess capacity from the future increase in the need for the service would normally occur as part of the conceptual planning and feasibility work associated with justifying and sizing new facilities, e.g., if a new landfill site to accommodate increased solid waste generated by the new growth is not required because sufficient excess capacity is already available, then a landfill site expansion would not be included as an increase in need, in the first instance.

3.6.2 Reduction for Benefit to Existing Development

Section 2 (c) of O. Reg. 509/20 of the *Planning Act* provides that the capital estimates identify extent to which an increase in a facility, service or matter referred to in clause 2 (b) of the regulation would benefit existing development. The general guidelines used to consider benefit to existing development included:

- the repair or unexpanded replacement of existing assets that are in need of repair;
- the elimination of a chronic servicing problem not created by growth; and
- providing services where none previously existed (for example, extending garbage pickup to the rural area which previously did not receive the municipal service).

Where existing development has an adequate service level which will not be tangibly increased by an increase in service, no benefit would appear to be involved. For example, where expanding existing garbage collection vehicles simply replicates what existing residents are receiving, they receive very limited (or no) benefit as a result. On the other hand, where a clear existing service problem is to be remedied, a deduction should be made accordingly.

In the case of services such as cultural facilities, the service is typically provided on a municipal-wide system basis. For example, facilities of the same type may provide

different services (i.e., art vs. theatre), different programs (i.e., art classes vs. acting classes), and different time availability for the same service (i.e., art classes available on Wednesdays in one facility and Thursdays in another). As a result, residents will travel to different facilities to access the services they want at the times they wish to use them, and facility location generally does not correlate directly with residence location. Even where it does, displacing users from an existing facility to a new facility frees up capacity for use by others and generally results in only a very limited benefit to existing development. Further, where an increase in demand is not met for a number of years, a negative service impact to existing development is involved for a portion of the planning period.

3.6.3 Reduction for Anticipated Grants, Subsidies and Other Contributions

This step involves reducing the capital costs by capital grants, subsidies, and other contributions made or anticipated by Council and in accordance with various rules such as the attribution between the share related to new vs. existing development. That is, some grants and contributions may not specifically be applicable to growth or where Council targets fundraising as a measure to offset impacts on taxes.

Although specific grants, subsidies and/or other contributions may not be currently identified and reduced in the calculations, due diligence will be undertaken by City staff during the annual budget process to net off any future identified funding from these other sources.

3.7 Municipal-wide vs. Area Rating

This step involves determining whether all of the subject costs are to be recovered on a uniform municipal-wide basis or whether some or all are to be recovered on an area-specific basis. Unlike D.C.s, there is no mandatory requirement to consider area rating of services (providing charges for specific areas and services); however, the legislation does not prohibit area rating. There may be instances where Council may consider varying rates to align with other policies or possible incentives in the development area.

The City's current C.B.C. by-law provides the charge on a City-wide basis. As the services being provided in the C.B.C. strategy are not restricted to one specific area and are anticipated to be used by all residents within the municipality, the City-wide approach has been continued. Although the charges are to be calculated and imposed

on a City-wide basis, consideration of location of the projects will take place through the annual budget process.

3.8 Land Valuation Analysis

To facilitate the rate calculation provided in section 3.9, an estimate of the market value of the land related to the anticipated applicable development/redevelopment presented in section 3.2, needs to be undertaken. It is noted that the land values may vary based on a number of factors including location, zoning density, parcel size, etc., however, these values should estimate the land value the day before building permit issuance. This data may be available from municipal staff, or the municipality may consider engaging the assistance of a land appraiser.

3.9 Calculation of the Community Benefits Charge

Section 37(32) of the *Planning Act* provides that the maximum charge which can be imposed is prescribed by the regulations. O. Reg 509/20 section 3 provides that the maximum charge is to be 4%.

To calculate the rate, the net capital cost (provided by netting the deductions set out in section 3.6 from the capital presented in section 3.5) divided by the land values related to the anticipated applicable development/redevelopment produces a percentage of the capital cost to the land value. The product of this calculation provides for the eligible rate. As noted above, the maximum rate to be imposed is 4%; hence, the rate can be any rate between 0% and 4%.

Alternatively, a municipality may choose to impose a rate on another basis. For example, the charge could be calculated on a per dwelling unit basis similar to a D.C. This calculation would be facilitated by dividing the net capital cost by the forecast incremental gross population growth to arrive at a C.B.C. per capita. This rate would then be applied to the person per unit occupancy assumptions for high-density residential dwelling units to determine the charge. Moreover, the charge could be denominated based on land area, where the net capital costs would be divided by the amount of land anticipated to be occupied by the forecast residential dwelling units constructed over the forecast period.

Chapter 4
C.B.C. Eligible Cost Analysis

4. C.B.C. Eligible Cost Analysis

4.1 Introduction

This chapter outlines the basis for calculating eligible costs to be recovered through a C.B.C. by-law, which are to be applied on a uniform City-wide basis. In each case, the required calculation process set out in O. Reg. 509/20, section 2 (a) through (f) to the *Planning Act*, and described in Chapter 3 was followed in determining C.B.C. eligible costs.

The nature of the capital projects and timing identified in this chapter reflects City staff's directions based on a prioritization review of various growth-related needs included in the City's 2024 capital budget and forecast. In addition, parkland capital costs in excess of amounts that are recoverable under the City's current parkland dedication by-law have been included in the calculations. However, it is recognized that over time, capital projects and Council priorities change, which may alter the timing and/or capital projects required to service growth.

Based on the amount of parkland that is not recoverable under the City's parkland by-law (as outlined in Table 4-1), the recovery of the costs associated with this service will be the primary capital consideration for the C.B.C. Strategy.

4.2 Allocation of Costs to C.B.C Eligible Development

The net growth-related capital costs that are allocated to the C.B.C. eligible share of the anticipated developments are based on the following conventions:

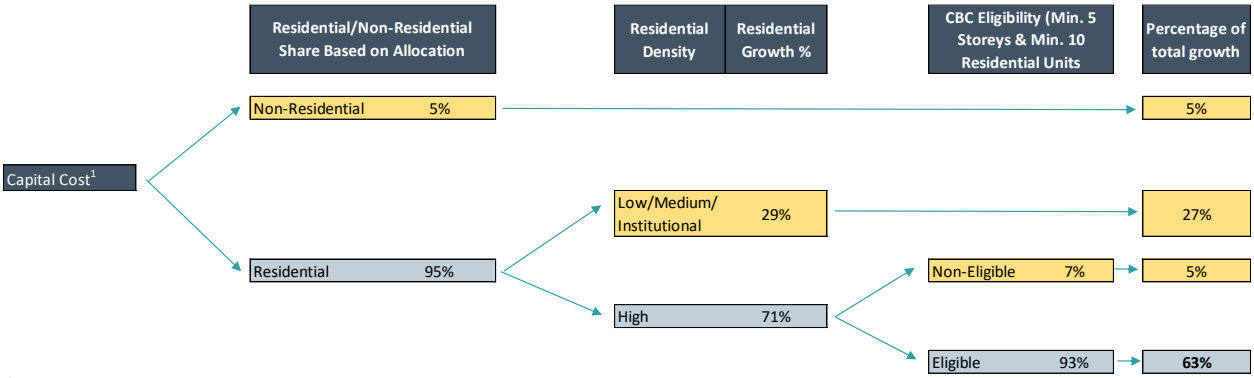
- The net growth-related costs for parkland services are allocated 95% to residential development and 5% to non-residential development, mirroring the City's 2024 D.C. Background Study. This allocation is reflective of the increase in need for service principally attributable to address the demands of residential development.
- Subsequent to the above allocations, the resultant net growth-related residential capital costs were then allocated between the forecast anticipated residential development by type. These allocations are based on the

low/medium/institutional residential developments and the high-density residential developments, and were allocated 29% and 71%, respectively.

- Finally, the growth-related net capital costs attributable to high-density residential development were apportioned between the forecast C.B.C. eligible development (i.e., buildings with a minimum of five storeys and at least 10 residential dwelling units) and forecast high-density development below this threshold. As such 93% of the costs have been allocated to the eligible high density residential development.

Figure 4-1 provides a flow chart of the capital cost shares assigned to parks, recreation, art, and cultural services, which results in a 63% recovery of growth-related costs through the C.B.C.

Figure 4-1
Growth Shared for Parks, Recreation, Art, and Culture



[1] Capital Cost is net of deductions for benefit to existing, excess capacity, grants, subsides, and other contributions, etc.

4.3 C.B.C. Eligible Cost Analysis

This section provides for the evaluation of development-related capital requirements over a 10-year (2024 to 2034) planning horizon. As described in Section 4.1, the City's parkland dedication amounts that are not recoverable under the Parkland Dedication by-law will be the sole capital consideration of the C.B.C. strategy due to the magnitude of the costs. This parkland dedication amount (in excess of the parkland dedication by-law recovery) over the 10-year planning period is approximately $141.59 million. Based on the percentage allocations shown on Figure 4-1, the total cost included in the calculation of the C.B.C. is approximately $89.12 million.

Table 4-1
Capital Infrastructure Needs to be Recovered through C.B.C.s for Parkland

Increased Service Needs Attributable to Anticipated Development 2024 to 2034	Timing (year)	Gross Capital Cost Estimate (2024$)	Less:		Net Growth-Related Cost	Total Non-Residential Share 5%	Total Residential Share 95%	Low/Medium Density Residential 29%	Total High Density Residential 71%	Potential C.B.C. Recoverable Cost	
			Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development						Ineligible High Density Residential 7%	Eligible High Density Residential 93%
From Parkland Dedication											
Parkland Dedication Amount (Non-parkland by-law recoverable)	2024-2034	141,588,245	-		141,588,245	7,079,412	134,508,832	38,528,268	95,980,564	6,872,714	89,107,850
Total		**141,588,245**	**-**	**-**	**141,588,245**	**7,079,412**	**134,508,832**	**38,528,268**	**95,980,564**	**6,872,714**	**89,107,850**

Chapter 5
C.B.C. Calculation

5. C.B.C. Calculation

5.1 Anticipated Funding Recovery

To summarize the calculation of the charge, the following has been undertaken:

1) Anticipated Development: As presented in Chapter 2, the 10-year growth forecast provides for 8,561 eligible high-density units (i.e., in buildings containing a minimum of five storeys and a minimum of 10 residential units).
2) Land Valuation: The estimated density and average land value per hectare were based on the 2023 Parkland Analysis completed for the City. As such, the average land value per hectare was calculated to be $21.4 million, with a total estimated value of approximately $373.9 million.
3) Identification of Services: The sole service identified for recovery in this C.B.C. Strategy is Parkland.
4) C.B.C. Eligible Costs: The parkland capital needs are based on the requirements identified through the City's 2023 parkland analysis and in discussions with City staff. The costs were assessed based on the incremental need for parkland for new developments within the City. The growth-related costs were allocated amongst anticipated development types to calculate the amount that is associated with the development of C.B.C. eligible high-density residential dwelling units.
5) Maximum C.B.C.: As per the *Planning Act*, the maximum a municipality can impose for a C.B.C. is equal to 4% of the land value of a property, the day before building permit issuance. Based on the total land value presented in Table 5-1, the estimated potential C.B.C. recovery for the City equates to approximately $14.96 million for the 10-year forecast period (after the adjustment for the deduction related to the existing population incline).

The City has identified capital costs attributable to eligible high-density growth of approximately $66.75 million which are in excess of the calculated maximum allowable amount of approximately $14.96 million.

Based on the foregoing, C.B.C. funding will not provide sufficient funding for all growth-related capital costs identified in the Table 4-1. This shortfall in funding is estimated based on the forecast development, land values estimate, growth-related capital needs attributable to C.B.C. eligible high-density development, and the current legislated

restriction of 4% of land value. The C.B.C. Strategy recommends imposing the maximum permissible under the *Planning Act*, i.e. 4% of land value. As such, the City will have to consider the highest capital priorities to be funded with C.B.C. revenues during the annual budget process.

Table 5-1
City of Burlington
Community Benefits Charge Calculation
2024 -2034

Service	Gross Capital Cost Estimate (2024$)	C.B.C.-Eligible Cost (2024$)	Deduction for Existing Population Incline	Net C.B.C.-Eligible Cost (2024$)
Parkland	$141,588,245	$89,107,850	-$7,398,999	$81,708,851
Total	**$141,588,245**	**$89,107,850**	**-$7,398,999**	**$81,708,851**
Anticipated C.B.C. Residential Dwelling Units (2024-2034)				8,561
Density Assumption (units per hectare)				490
Land Area for Residential Dwelling Unit Forecast (hectares)				17.5
Estimated Average Land Value ($/hectare)				$21,400,000
Total Estimated Land Value				$373,888,571
Maximum Prescribed Value (4% of land value)				$14,955,543
Total C.B.C. Required to Fund Needs (% of land value)				**21.9%**
Maximum C.B.C. Amounts				**4.0%**

Chapter 6
C.B.C. Policy Recommendations and C.B.C. By-law Rules

6. C.B.C. Policy Recommendations and C.B.C. By-law Rules

6.1 C.B.C. Policies

Section 37 of the *Planning Act* and O. Reg. 509/20 outline the required policies that must be considered when adopting a C.B.C. by-law. The following subsections set out the recommended policies governing the calculation, payment, and collection of C.B.C.s in accordance with the legislation.

This report provides the draft C.B.C. by-law, in Appendix B. The by-law provides for the statutory C.B.C. exemptions required under the *Planning Act*.

It is noted that the *More Homes Built Faster Act*, provided for changes to the *Planning Act* related to C.B.C.s. These changes include additional statutory exemptions from payment of C.B.C.s for affordable and attainable residential units. The exemption for affordable and attainable residential units will be in effect at the time of C.B.C. by-law passage, however, the exemption related to attainable residential units requires to be further prescribed prior to being applicable. The draft C.B.C. by-law has provided for these exemptions to ensure the legislative requirements are met.

6.2 C.B.C. By-law Rules

6.2.1 Payment in any Particular Case

In accordance with the *Planning Act*, subsection 37 (3), a C.B.C. may be imposed only with respect to development or redevelopment that requires one of the following:

(a) "the passing of a zoning by-law or of an amendment to a zoning by-law under section 34 of the *Planning Act*;
(b) the approval of a minor variance under section 45 of the *Planning Act*;
(c) a conveyance of land to which a by-law passed under subsection 50 (7) of the *Planning Act* applies;
(d) the approval of a plan of subdivision under section 51 of the *Planning Act*;
(e) a consent under section 53 of the *Planning Act*;
(f) the approval of a description under section 9 of the *Condominium Act, 1998*; or

(g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure."

6.2.2 Maximum Amount of the Community Benefits Charge

Subsection 37 (32) of the *Planning Act* states that the amount of a C.B.C. payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

Based on section 3 of O. Reg. 509/20, the prescribed percentage is 4%. The C.B.C. Strategy recommends imposing the maximum prescribed rate.

6.2.3 Exemptions (full or partial)

The following exemptions are provided under subsection 37 (4) of the *Planning Act* and section 1 of O. Reg. 509/20:

- Development of a proposed building or structure with fewer than five storeys at or above ground;
- Development of a proposed building or structure with fewer than 10 residential units;
- Redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- Redevelopment that proposes to add fewer than 10 residential units to an existing building or structure;
- Such types of development or redevelopment as are prescribed:
    - Development or redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*.
    - Development or redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2 (1) of the *Retirement Homes Act, 2010*.
    - Development or redevelopment of a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:
        i. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,

ii. a college or university federated or affiliated with a university described in subparagraph i,
iii. an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.

- Development or redevelopment of a building or structure intended for use as a memorial home, clubhouse, or athletic grounds by an Ontario branch of the Royal Canadian Legion.
- Development or redevelopment of a building or structure intended for use as a hospice to provide end of life care.
- Development or redevelopment of a building or structure intended for use as residential premises by any of the following entities:
  i. a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing,
  ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing,
  iii. a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.
- Development of Attainable Residential Units, which excludes affordable units and rental units, will be defined as a prescribed development or class of development, and sold to a person who is at "arm's length" from the seller.
- Development of Affordable Residential Units, as defined as:
  i. Affordable Rental Units: Where the rent is no greater than the lesser of:
     - The income-based affordable rent for the residential unit set out in the Affordable Residential Units bulletin, as identified by the Minister of Municipal Affairs and Housing; and
     - The average market rent identified for the residential unit set out in the Affordable Residential Units bulletin
  ii. Affordable Owned Units: Where the price of the residential unit is greater than the lesser of:
     - The income-based affordable purchase price for the residential unit set out in the Affordable Residential Units

bulletin, as identified by the Minister of Municipal Affairs and Housing; and

- 90 per cent of the average purchase price identified for the residential unit set out in the Affordable Residential Units bulletin.
- and sold to a person who is at "arm's length" from the seller

iii. Note: for affordable and attainable units, the municipality shall enter into an agreement that ensures the unit remains affordable or attainable for 25 years.

iv. The bulletin refers to the "*Development Charges Act, 1997* Bulletin" published by the Ministry of Municipal Affairs and Housing.

- Development of Inclusionary Zoning Units: Affordable housing units required under inclusionary zoning by-laws.

In addition to the exemptions noted above, the C.B.C. will not apply to buildings or structures owned by and used for the purposes of any municipality, local board, or Board of Education; affordable units within a development, and to developments where a previously executed Section 37 community benefits agreement is in place. However, if a change is proposed to a development subject to a Section 37 agreement (for example an increase in the approved unit count), the change would be subject to the C.B.C by-law.

6.2.4 Timing of Collection

The C.B.C.s imposed are calculated, payable, and collected upon issuance of a building permit for eligible development or redevelopment.

6.2.5 In-kind Contributions

A municipality that has passed a C.B.C. by-law may allow the landowner to provide to the municipality: facilities, services, or matters required because of development or redevelopment in the area to which the by-law applies.

Prior to providing these contributions, the municipality shall advise the landowner of the value that of the in-kind contributions that will be attributed to them. As part of this valuation, the contributing landowner will be expected to provide any valuation documents as backup or alternatively, staff will investigate and assign a reasonable

value to the in-kind contribution. This value shall be deducted from the amount the landowner would otherwise be required to pay under the C.B.C. by-law.

6.2.6 The Applicable Areas

The C.B.C. by-law will apply to all lands within the City.

6.2.7 Special Account

All money received by the municipality under a C.B.C. by-law shall be paid into a special account. The money contained within the special account:

- may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001*, and the earnings derived from the investment of the money shall be paid into a special reserve fund account; and
- must have at least 60 percent of the funds spent or allocated at the beginning of the year.

In addition to the monies collected under a C.B.C. by-law, transitional rules for transferring existing reserve funds are provided in subsection 37 (51) of the *Planning Act*. These rules apply for any existing reserve funds related to a service that is not listed in subsection 2 (4) of the D.C.A., as well as reserve funds established under section 37 of the *Planning Act* prior to Bill 197.

1. If the municipality passes a C.B.C. by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (45) of the *Planning Act*.
2. If the municipality has not passed a C.B.C. by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.
3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* (a provision which requires the funds raised for a reserve fund must only be used for the intended purpose) and any equivalent provision do not apply with respect to the general capital reserve fund referred to in paragraph 2.
4. If paragraph 2 applies and the municipality passes a C.B.C. by-law under this section on or after the specified date, the municipality shall, on the day it passes

the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (45) of the Planning Act.

6.2.8 Credits

Subsection 37 (52) of the *Planning Act* indicates that any credits that were established under section 38 of the D.C.A. and that are not related to a service that is listed in subsection 2 (4) of the D.C.A., may be used by the holder of the credit with respect to a charge that the holder is required to pay under a C.B.C. by-law.

6.2.9 By-law In-Force Date

A C.B.C. by-law comes into force on the day it is passed, or the day specified Council in the by-law, whichever is later. The anticipated by-law in-force date is January 1, 2025.

6.3 Recommendations

It is recommended that Council:

Adopt the C.B.C. approach to calculate the charges on a uniform City-wide basis;

Approve the capital project listing set out in Chapter 4 of the C.B.C. Strategy dated November 4, 2024, subject to further annual review during the capital budget process;

Approve the C.B.C. Strategy dated November 4, 2024;

Determine that no further public consultation is required; and

Approve the C.B.C. By-law.

Chapter 7
By-law Implementation

7. By-law Implementation

7.1 Introduction

This chapter addresses the public consultation process and by-law implementation requirements for the imposition of a C.B.C. by-law. Figure 7-1 provides an overview of the process.

7.2 Public Consultation Process

7.2.1 Required Consultation

In establishing the policy for which a C.B.C. strategy and by-law will be based; section 37 (10) of the Planning Act requires that:

> "In preparing the community benefits strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate."

As there is no specific guidance as to which parties the municipality shall consult with, municipalities may establish their own policy for public consultation. The policy for public consultation should be designed to seek the co-operation and participation of those involved, in order to produce the most suitable policy. Municipalities may consider a public meeting, similar to that undertaken for D.C. study processes (however, this is not a mandated requirement). At a minimum, this would include a presentation to Council and the public on the findings of the C.B.C. strategy, advanced notice of the meeting, and consideration for delegations from the public.

7.2.2 Interested Parties to Consult

There are three broad groupings of the public who are generally the most concerned with municipal C.B.C. policy.

1. The first grouping is the residential development community, consisting of land developers and builders, who will typically be responsible for generating the majority of the C.B.C. revenues. Others, such as realtors, are directly impacted by C.B.C. policy. They are, therefore, potentially interested in all aspects of the charge, particularly the percentage applicable to their properties, projects to be

funded by the C.B.C. and the timing thereof, and municipal policy with respect to development agreements and in-kind contributions.

2. The second public grouping embraces the public at large and includes taxpayer coalition groups and others interested in public policy.
3. The third grouping is the non-residential mixed-use development sector, consisting of land developers and major owners or organizations with significant construction plans for mixed use developments. Also involved are organizations such as Industry Associations, the Chamber of Commerce, the Board of Trade, and the Economic Development Agencies, who are all potentially interested in municipal C.B.C. policy. Their primary concern is frequently with the percentage charge applicable to their lands, exemptions, and phase-in or capping provisions in order to moderate the impact.

As noted in Section 1.4, through the C.B.C. strategy process, the City's consultation process includes having a public meeting of Council and notifying key stakeholders.

7.3 Anticipated Impact of the Charge on Development

The establishment of sound C.B.C. policy often requires the achievement of an acceptable balance between two competing realities. The first is that increased residential development fees (such as a C.B.C.) can ultimately be expected to be recovered via higher housing prices and can impact project feasibility in some cases (e.g., rental apartments). Secondly, C.B.C.s or other municipal capital funding sources need to be obtained in order to help ensure that the necessary infrastructure and amenities are installed. The timely installation of such works is a key initiative in providing adequate service levels and in facilitating strong economic growth, investment, and wealth generation.

7.4 Implementation Requirements

7.4.1 Introduction

Once the City has calculated the charge, prepared the complete C.B.C. strategy, carried out the public process, and passed a new by-law, the emphasis shifts to implementation matters.

These include notices, potential appeals and complaints, in-kind contributions, and finally the collection of revenues and funding of projects.

The sections that follow provide an overview of the requirements in each case.

7.4.2 Notice of Passage

In accordance with subsection 37 (13) of the Planning Act, when a C.B.C. by-law is passed, the clerk of the municipality shall give written notice of the passing and of the last day for appealing the by-law (the day that is 40 days after the day it was passed). Such notice must be given no later than 20 days after the day the by-law is passed (i.e., as of the day of newspaper publication or the mailing of the notice).

Section 4 of O. Reg. 509/20 further defines the notice requirements which are summarized as follows:

- notice shall be given by publication in a newspaper which is (in the clerk's opinion) of sufficient circulation to give the public reasonable notice, or by personal service, fax, or mail to every owner of land in the area to which the by-law relates. If a newspaper does not exist, the notice shall be posted on the website of the municipality;
- subsection 4 (2) lists the persons/organizations who must be given notice; and
- subsection 4 (5) lists the seven items that the notice must cover.

7.4.3 Appeals

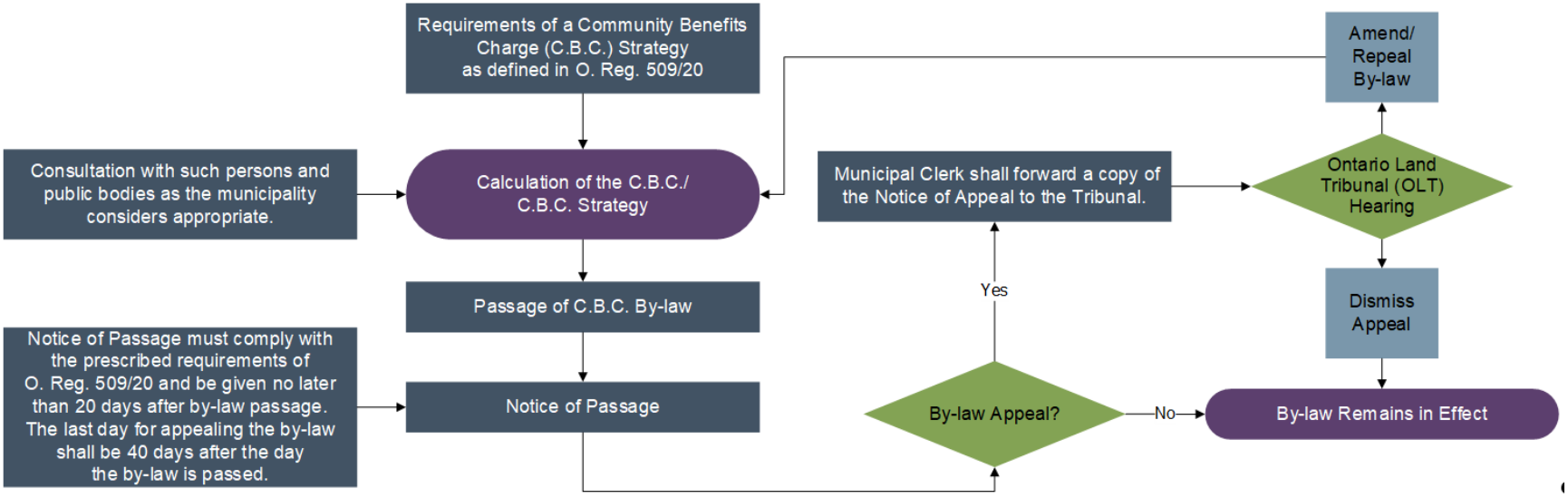
Subsections 37 (13) to 37 (31) of the Planning Act set out the requirements relative to making and processing a C.B.C. by-law appeal as well as an OLT hearing in response to an appeal. Any person or organization may appeal a C.B.C. by-law to the OLT by filing a notice of appeal with the clerk of the municipality, setting out the objection to the by-law and the reasons supporting the objection. This must be done by the last day for appealing the by-law, which is 40 days after the by-law is passed.

The municipality is carrying out a public consultation process, in order to address the issues that come forward as part of that process, thereby avoiding or reducing the need for an appeal to be made.

7.4.4 In-Kind Contributions

Subsections 37 (6) to 37 (8) provide the rules for in-kind contributions. An owner of land may provide the municipality facilities, services, or matters required because of development or redevelopment in the area to which the by-law applies. Prior to providing these contributions, the municipality shall enter into an agreement with the owner of the land and advise the owner of the value that will be attributed to the contributions. The value of the contributions shall be deducted from the amount the owner of the land would otherwise have to pay under the C.B.C. by-law.

Figure 7-1
The Process of Required for Passing a Community Benefits Charge By-law under the *Planning Act*



7.5 Ongoing Application and Collection of C.B.C. funds

7.5.1 Introductions

Once the municipality passes a C.B.C. by-law, development or redevelopment that meets the requirements of the C.B.C. by-law will pay a C.B.C. based on the value of their land. The following sections describe the overall process and discusses the approach to appraisals and use of the special account as set out in the Planning Act.

7.5.2 Overview of Process and Appraisals

Figure 7-2 provides an overview of the process for application of the C.B.C. by-law and collection of C.B.C. funds.

Once the C.B.C. by-law is in place, as development or redevelopment that meets the eligibility criteria proceeds (i.e., prior to issuance of a building permit), the municipality collects C.B.C.s based on the per unit charge as set out in the by-law and C.B.C. strategy.

If the landowner is of the view that the amount of the C.B.C. exceeds the prescribed value of 4% of their land value on the day before building permit issuance, the landowner may pay the charge under protest. In this circumstance there is an obligation of the landowner to provide an appraisal. If the municipality disputes the value of the land identified in the landowner's appraisal, the municipality must also provide the owner with an appraisal within the prescribed time period.

If the City agrees with the landowner's appraised value, then the owner pays their C.B.C.s based on 4% of the land value to the City and the funds will then be deposited into the special account.

If the City does not agree with the appraisal provided by the owner, the City has 45 days to provide the owner of the land with their own appraisal value. Then:

- If no appraisal is provided to the owner within 45 days, the owner's appraisal is deemed accurate and the difference in the amounts shall be refunded to the owner.

- If the municipality's appraisal is within 5% of the landowner's appraisal, the landowner's appraisal is deemed accurate, and the municipality shall refund the difference in the amounts to the owner.
- If the municipality's appraisal is more than 5% higher than the landowner's appraisal, the municipality shall request an appraisal be undertaken by an appraiser, selected by the landowner, from the list of approved appraisers provided by the municipality. This must be undertaken within 60 days. This final appraisal is deemed accurate for the purposes of calculating the applicable C.B.C.
- In regard to the last bullet, subsection 37 (42) and 37 (43) require the municipality to maintain a list of at least three persons who are not employees of the municipality or members of Council and have an agreement with the municipality to perform appraisals for the above. This list is to be maintained until the C.B.C. by-law is repealed or the day on which there is no longer any refund that could be required (whichever is later).

7.5.3 Special Reserve Fund Account

All funds collected under the C.B.C. by-law are to be deposited into a special account. Subsections 37 (45) to 37 (48) of the *Planning Act* outline the rules with respect to the special reserve fund account. As noted in section 6.2.7, these rules are as follows:

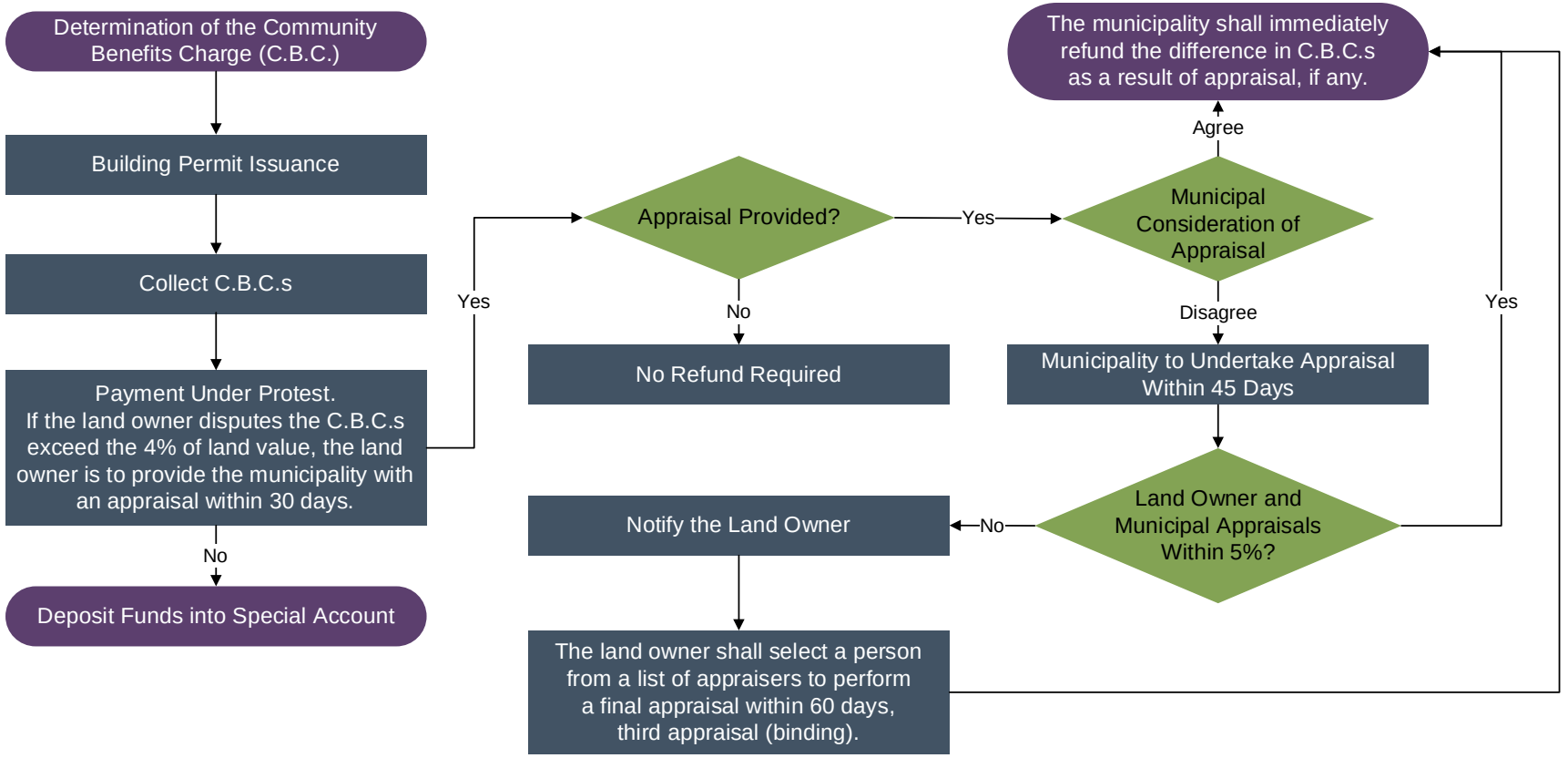
- All money received under a C.B.C. by-law shall be paid into a special account;
- The money in the special account may be invested in securities (as permitted under the *Municipal Act*) and the interest earnings shall be paid into the special account;
- In each year, a municipality shall spend or allocate at least 60 percent of the monies that are in the special account at the beginning of the year; and
- The municipality shall provide reports and information as set out in section 7 of O. Reg. 509/20
- In regard to the third bullet, it is suggested that the annual capital budget for the City directly list the works which are being undertaken and/or to which monies from this fund are being allocated toward.

As per this C.B.C. strategy, the growth-related services (as outlined in Chapter 4), form the anticipated capital needs required to service growth over the 10-year forecast period. However, other services may be considered by Council in the future and are

subject to approval by resolution and inclusion in the annual budget process. Further, any additional services approved and funded from C.B.C. revenue in the future will be reported on through an annual C.B.C. reserve fund statement, which will form part of the City's overall year-end statements.

During the annual budget process, the use of C.B.C. funding will be reviewed, and the capital costs associated with each eligible service and capital project will be confirmed and identified for approval of Council.

Figure 7-2
City of Burlington
Community Benefits Charge Application and Calculation Process



7.6 Transitional Matters

7.6.1 Existing Reserves and Reserve Funds

The *Planning Act*, section 37 (49) to section 37 (51) provides transitional provisions for:

1. A special account established under the previous section 37 rules; and
2. A D.C. reserve fund for which services are no longer eligible.

If a municipality passes a C.B.C. by-law with an in-force date before September 18, 2022, the municipality is required to allocate the money in the Section 37 Community Benefits reserve fund to the C.B.C. special account.

If a municipality does not pass a C.B.C. by-law before September 18, 2022, the Section 37 Community Benefits reserve fund is deemed to be a general capital reserve funds for the same purpose in which the money was collected.

If a C.B.C. by-law is passed after September 18, 2022, the municipality is required to allocate the money from the newly created general capital reserve fund, to the C.B.C. special account. The City's C.B.C. by-law will be passed after September 18, 2022, and as such this provision will apply.

7.6.2 Credits under Section 38 of the Development Charges Act

The *Planning Act* (s.37 (52)) provides that, if a municipality passes a C.B.C. by-law before September 18, 2022, any credits held for services that are no longer D.C. eligible (e.g., parking services), may be used against payment of a C.B.C. by the landowner. . Therefore, there are no credits related to D.C. ineligible services which would require an adjustment against future payments of a C.B.C.

7.6.3 Continued Application of Previous Section 37 Rules

Section 37.1 of the *Planning Act* provides for transitional matters regarding previous section 37 rules.



Appendices

Appendix A
Background Information on Residential and Non-Residential Growth Forecast

Schedule 1
City of Burlington
Residential Growth Forecast Summary

	Year	Population (Including Census Undercount)[1]	Excluding Census Undercount			Housing Units						Person Per Unit (P.P.U.): Total Population/ Total Households
			Population	Institutional Population	Population Excluding Institutional Population	Singles & Semi-Detached	Multiple Dwellings[2]	Apartments[3]	Other	Total Households	Equivalent Institutional Households	
Historical	*Mid 2011*	181,120	175,779	2,289	173,490	39,189	13,702	15,819	69	68,779	2,081	2.556
	Mid 2016	188,890	183,314	3,189	180,125	39,855	14,085	17,270	165	71,375	2,899	2.568
	Mid 2021	192,630	186,948	2,993	183,955	39,885	14,430	18,740	115	73,170	2,721	2.555
Forecast	*Early 2024*	194,100	188,372	3,018	185,354	40,145	14,585	19,181	115	74,026	2,744	2.545
	Early 2034	217,400	210,989	3,394	207,595	41,063	15,624	28,402	115	85,205	3,085	2.476
Incremental	**Mid 2011 - Mid 2016**	**7,770**	**7,535**	**900**	**6,635**	**666**	**383**	**1,451**	**96**	**2,596**	**818**	
	Mid 2016 - Mid 2021	**3,740**	**3,634**	**-196**	**3,830**	**30**	**345**	**1,470**	**-50**	**1,795**	**-178**	
	Mid 2021 - Early 2024	**1,470**	**1,424**	**25**	**1,399**	**260**	**155**	**441**	**0**	**856**	**23**	
	Early 2024 - Early 2034	**23,300**	**22,617**	**376**	**22,241**	**918**	**1,040**	**9,221**	**0**	**11,179**	**341**	

[1] Population includes the Census undercount estimated at approximately 3.0% and has been rounded.
[2] Includes townhouses and apartments in duplexes.
[3] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.
Notes:
Numbers may not add due to rounding.
Source: Derived from the Halton Region Official Plan, Office Consolidation, May 16, 2024, by Watson & Associates Economists Ltd.

Schedule 2
City of Burlington
Estimate of the Anticipated Amount, Type and Location of
Residential Development for Which Community Benefits Charges Can Be Imposed

Timing	Single & Semi-Detached	Multiples[1]	Apartments[2]			Total Residential Units	Gross Population In New Units	Existing Unit Population Change	Net Population Increase, Excluding Institutional	Institutional Population	Net Population Including Institutional
			Units in C.B.C. Ineligible Buildings	**Units in C.B.C. Eligible Buildings**	**Total Apartment Units**						
Early 2024 - Early 2034	918	1,040	660	8,561	9,221	11,179	20,587	1,655	22,242	375	22,617

[1] Includes townhouses and apartments in duplexes.
[2] Includes accessory apartments, bachelor, 1-bedroom, and 2-bedroom+ apartments.
Note: Numbers may not add to totals due to rounding.
Source: Watson & Associates Economists Ltd..

Schedule 3
City of Burlington
Current Year Growth Forecast
Mid 2021 to Early 2024

			Population
Mid 2021 Population			186,948
Occupants of New Housing Units, Mid 2021 to Early 2024	*Units (2)*	856	
	multiplied by P.P.U. (3)	2.193	
	gross population increase	1,876	1,876
Occupants of New Equivalent Institutional Units, Mid 2021 to Early 2024	*Units*	23	
	multiplied by P.P.U. (3)	1.100	
	gross population increase	25	25
Change in Existing Housing Unit Occupancy, Mid 2021 to Early 2024	*Units (4)*	73,170	
	multiplied by P.P.U. change rate (5)	-0.007	
	total change in population	-477	-477
Population Estimate to Early 2024			188,372
Net Population Increase, Mid 2021 to Early 2024			*1,424*

(1) 2021 population based on Statistics Canada Census unadjusted for Census undercount.

(2) Estimated residential units constructed, Mid-2021 to the beginning of the growth period assuming a six-month lag between construction and occupancy.

(3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit[1] (P.P.U.)	% Distribution of Estimated Units[2]	Weighted Persons Per Unit Average
Singles & Semi Detached	3.214	30%	0.977
Multiples (6)	2.274	18%	0.411
Apartments (7)	1.562	52%	0.805
Total		100%	2.193

[1] Based on 2021 Census custom database

[2] Based on Building permit/completion activity

(4) 2021 households taken from Statistics Canada Census.

(5) Population change occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions. changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.

Schedule 4
City of Burlington
10-Year Growth Forecast
Early 2024 to Early 2034

			Population
Early 2024 Population			188,372
Occupants of New Housing Units, Early 2024 to Early 2034	*Units (2)*	11,179	
	multiplied by P.P.U. (3)	1.842	
	gross population increase	20,587	20,587
Occupants of New Equivalent Institutional Units, Early 2024 to Early 2034	*Units*	341	
	multiplied by P.P.U. (3)	1.100	
	gross population increase	375	375
Change in Existing Housing Unit Occupancy, Early 2024 to Early 2034	*Units (4)*	74,026	
	multiplied by P.P.U. change rate (5)	0.022	
	total change in population	1,655	1,655
Population Estimate to Early 2034			210,989
Net Population Increase, Early 2024 to Early 2034			*22,617*

(1) Early 2024 Population based on:

2021 Population (186,948) + Mid 2021 to Early 2024 estimated housing units to beginning of forecast period (856 x 2.193 = 1,876) + (23 x 1.1 = 25) + (73,170 x -0.007 = -477) = 188,372

(2) Based upon forecast building permits/completions assuming a lag between construction and occupancy.

(3) Average number of persons per unit (P.P.U.) is assumed to be:

Structural Type	Persons Per Unit[1] (P.P.U.)	% Distribution of Estimated Units[2]	Weighted Persons Per Unit Average
Singles & Semi Detached	3.378	8%	0.277
Multiples (6)	2.431	9%	0.226
Apartments (7)	1.622	82%	1.338
one bedroom or less	1.361		
two bedrooms or more	1.800		
Total		100%	1.842

[1] Persons per unit based on adjusted Statistics Canada Custom 2021 Census database.

[2] Forecast unit mix based upon historical trends and housing units in the development process.

(4) Early 2024 households based upon 2021 Census (73,170 units) + Mid 2021 to Early 2024 unit estimate (856 units) = 74,026 units.

(5) Population change occurs due to aging of the population and family life cycle changes, lower fertility rates and changing economic conditions.

(6) Includes townhouses and apartments in duplexes.

(7) Includes bachelor, 1-bedroom and 2-bedroom+ apartments.

Note: Numbers may not add to totals due to rounding.

Schedule 5
City of Burlington
Summary of C.B.C Eligible Units in the Development Approvals Process

Stage of Development Process	C.B.C. Eligible Units	C.B.C. Eligible Unit Shares by Stage of Development Process
Conditional Application Approval Issued	4,875	14%
Application Under Review	7,378	21%
Pre-Consultaiton	17,438	49%
Appealed	5,792	16%
Total	**35,483**	**100%**

Source: Derived from data provide by the City of Burlington by Watson & Associates Economists Ltd.

Schedule 6
City of Burlington
Historical Residential Building Permits
Years 2014 to 2023

Year	Residential Building Permits			
	Singles & Semi Detached	Multiples[1]	Apartments[2]	Total
2014	103	72	0	175
2015	68	80	258	406
2016	75	0	722	797
2017	150	22	935	1,107
2018	105	376	37	518
Sub-total	501	550	1,952	3,003
Average (2014 - 2018)	***100***	***110***	***390***	***601***
% Breakdown	16.7%	18.3%	65.0%	100.0%
2019	69	57	214	340
2020	75	20	503	598
2021	60	70	412	542
2022	153	4	10	167
2023	91	211	34	336
Sub-total	448	362	1,173	1,983
Average (2019 - 2023)	***90***	***72***	***235***	***397***
% Breakdown	22.6%	18.3%	59.2%	100.0%
2014 - 2023				
Total	949	912	3,125	4,986
Average	***95***	***91***	***313***	***499***
% Breakdown	19.0%	18.3%	62.7%	100.0%

[1] Includes townhouses and apartments in duplexes.
[2] Includes bachelor, 1-bedroom, and 2-bedroom+ apartment units.
Source: Historical housing activity derived from building permit data for the City of Burlington, by Watson & Associates Economists Ltd.

Schedule 7
City of Burlington
Person Per Unit by Age and Type of Dwelling
(2021 Census)

Age of Dwelling	Singles and Semi-Detached							
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total	25 Year Average	25 Year Average Adjusted[3]
1-5	-	-	-	2.747	4.647	**3.214**		
6-10	-	1.467	1.882	3.578	4.568	**3.473**		
11-15	-	-	2.182	3.451	4.364	**3.520**		
16-20	-	-	2.160	3.332	4.225	**3.380**		
20-25	-	-	1.833	3.097	4.077	**3.099**	3.337	3.378
25-35	-	-	-	3.074	3.837	**3.072**		
35+	-	1.563	1.927	2.796	3.620	**2.811**		
Total	**1.667**	**1.571**	**1.948**	**2.934**	**3.861**	**2.958**		

Age of Dwelling	Multiples[1]							
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total	25 Year Average	25 Year Average Adjusted[3]
1-5	-	1.517	2.227	3.259	-	**2.274**		
6-10	-	-	2.074	2.609	-	**2.319**		
11-15	-	-	2.125	2.849	-	**2.656**		
16-20	-	-	1.944	2.680	-	**2.516**		
20-25	-	-	1.937	2.681	-	**2.479**	2.449	2.431
25-35	-	-	1.814	2.545	-	**2.269**		
35+	-	1.395	1.902	2.641	3.944	**2.450**		
Total	**0.444**	**1.432**	**1.959**	**2.672**	**4.000**	**2.454**		

Age of Dwelling	Apartments[2]							
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total	25 Year Average	25 Year Average Adjusted[3]
1-5	-	1.375	1.755	2.154	-	**1.562**		
6-10	-	1.320	1.677	-	-	**1.519**		
11-15	-	1.163	1.675	2.167	-	**1.515**		
16-20	-	1.400	1.667	3.250	-	**1.662**		
20-25	-	1.271	1.691	1.846	-	**1.585**	1.569	1.622
25-35	-	1.370	1.710	2.643	-	**1.630**		
35+	1.267	1.286	1.780	2.394	-	**1.644**		
Total	**1.227**	**1.303**	**1.742**	**2.415**	**-**	**1.615**		

Age of Dwelling	All Density Types					
	< 1 BR	1 BR	2 BR	3/4 BR	5+ BR	Total
1-5	-	1.396	1.885	2.767	4.474	**2.065**
6-10	-	1.345	1.838	3.318	4.410	**2.406**
11-15	-	1.200	1.819	3.221	4.474	**2.770**
16-20	-	1.470	1.784	3.088	4.159	**2.746**
20-25	-	1.298	1.786	2.912	3.971	**2.608**
25-35	-	1.336	1.778	2.822	3.783	**2.381**
35+	2.056	1.308	1.825	2.758	3.620	**2.486**
Total	**1.778**	**1.327**	**1.818**	**2.855**	**3.836**	**2.514**

[1] Includes townhouses and apartments in duplexes.
[2] Includes bachelor, 1-bedroom, and 2-bedroom+ apartments.
Note: Does not include Statistics Canada data classified as 'Other.'
P.P.U. Not calculated for samples less than or equal to 50 dwelling units and does not include institutional population.

Schedule 8
City of Burlington
Employment Forecast, 2024 to 2034

Period	Population	Activity Rate								Employment								Employment
		Primary	Work at Home	Industrial	Commercial/ Population Related	Institutional	Total	N.F.P.O.W.[1]	Total Including N.F.P.O.W.	Primary	Work at Home	Industrial	Commercial/ Population Related	Institutional	Total	N.F.P.O.W.[1]	Total Employment (Including N.F.P.O.W.)	Total (Excluding Work at Home and N.F.P.O.W.)
Mid 2011	175,779	0.001	0.038	0.137	0.213	0.084	0.472	0.046	0.519	260	6,625	24,005	37,400	14,735	83,025	8,155	91,180	76,400
Mid 2016	183,314	0.002	0.045	0.136	0.202	0.089	0.474	0.047	0.521	440	8,165	24,853	37,098	16,265	86,820	8,670	95,490	78,655
Early 2024	188,372	0.002	0.058	0.139	0.201	0.096	0.495	0.041	0.536	340	10,834	26,169	37,872	18,025	93,240	**7,673**	100,913	82,406
Early 2034	210,989	0.002	0.055	0.125	0.199	0.092	0.472	0.038	0.510	340	11,616	26,347	41,889	19,324	99,516	8,064	107,580	87,900
Incremental Change																		
Mid 2011 - Mid 2016	7,535	0.0009	0.0069	-0.0010	-0.0104	0.0049	0.0013	0.0009	0.0022	180	1,540	848	-303	1,530	3,795	515	4,310	2,255
Mid 2016 - Early 2024	5,058	-0.0006	0.0130	0.0034	-0.0013	0.0070	0.0214	-0.0066	0.0148	-100	2,669	1,317	775	1,760	6,420	-997	5,423	3,751
Early 2024 - Early 2034	22,617	-0.0002	-0.0025	-0.0140	-0.0025	-0.0041	-0.0233	-0.0025	-0.0258	0	782	178	4,017	1,299	6,276	391	6,667	5,494
Annual Average																		
Mid 2011 - Mid 2016	1,507	0.0002	0.0014	-0.0002	-0.0021	0.0010	0.0003	0.0002	0.0004	36	308	170	-61	306	759	103	862	451
Mid 2016 - Early 2024	674	-0.00008	0.00173	0.00045	-0.00018	0.00093	0.00285	-0.00088	0.00197	-13	356	176	103	235	856	-133	723	500
Early 2024 - Early 2034	2,262	-0.00002	-0.00025	-0.00140	-0.00025	-0.00041	-0.00233	-0.00025	-0.00258	0	78	18	402	130	628	39	667	549

[1] Statistics Canada defines no fixed place of work (N.F.P.O.W.) employees as "persons who do not go from home to the same workplace location at the beginning of each shift. Such persons include building and landscape contractors, travelling salespersons, independent truck drivers, etc."
Note: Employment associated within special care institutional dwellings is treated as residential. For the purposes of the C.B.C. calculations, total employment growth in Schedule 8 (excluding work at home and N.F.P.O.W. employment) has been downwardly adjusted to account for institutional employment associated with special care facilities. Total employment excluding jobs associated with special care facilities is anticipated to reach approximately 87,730 by 2034, an increase of approximately 5,320 for the 10-year forecast period.
Source: Watson & Associates Economists Ltd.

Appendix B
Proposed C.B.C. By-law

The Corporation of the City of Burlington

City of Burlington By-law XX

A By-law to establish Community benefits Charges for the City of Burlington, and to repeal By-law 66-2022, Community Benefits Charges By-law for the City of Burlington
(F-XX-XX)

Whereas the City of Burlington (the "City") will experience growth through development and re-development; and

Whereas Council desires to impose Community Benefits Charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies; and

Whereas the *Planning Act, 1990* (the "Act") provides that the council of a municipality may by by-law impose Community Benefits Charges against higher density residential development or redevelopment; and

Whereas a Community Benefits Charge strategy report, dated November 4, 2024, has been completed which identifies the facilities, services and matters that will be funded with Community Benefits Charges and complies with the prescribed requirements; and

Whereas the City has consulted with the public and such persons and public bodies as the City considers appropriate; and

Whereas on December 10, 2024, Council for the City of Burlington approved Report F-05-24, dated December 2, 2024, in which certain recommendations were made relating to the Community Benefits Strategy and By-law.

The Council of the City enacts as follows:

1. INTERPRETATION

1.1 In this By-law, the following items shall have the corresponding meanings:

"Act" means the *Planning Act*, R.S.O. 1990, CHAPTER P.13;

"Affordable Residential Unit" means a Dwelling Unit that meets the criteria set out in subsection 4.1 (2) or 4.1(3) of the *Development Charges Act, 1997, c.27* as amended;

“Apartment” means a dwelling unit in an apartment building;

"Apartment Building" means a residential building or the residential portion of a mixed-use building consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade, but does not include a triplex, duplex, or townhouse. Notwithstanding the forgoing an Apartment Building includes a Stacked Townhouse;

“Attainable Residential Unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1(4) of the *Development Charges Act, 1997, c.27* as amended;

“Bedroom” means a habitable room of at least seven (7) square metres, including a den, loft, study, or other similar area, but does not include a kitchen, bathroom, living room, family room, or dining room;

“Building” means any structure or building as defined in the *Ontario Building Code* (O Reg 332/12 under the *Building Code Act*, but does not include a vehicle;

“Building Code Act” means the *Building Code Act, 1992*, SO 1992, c 23 as amended;

“Capital Costs” means growth-related costs incurred or proposed to be incurred by the City or a Local Board thereof directly or by others on behalf of, and as authorized by, the City or Local Board,

(a) to acquire land or an interest in land, including a leasehold interest,

(b) to improve land,

(c) to acquire, lease, construct or improve buildings and structures,

(d) to acquire, construct or improve facilities including,

(i) furniture and equipment, and

(ii) rolling stock;

(e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the Community Benefits Charge strategy study,

required for the provision of Services designated in this By-law within or outside the City, including interest on borrowing for those expenditures under clauses (a) to (e) above;

“City” means The City of Burlington or the geographic area of the municipality, as the context requires;

“Community Benefits Charge” means a charge imposed pursuant to this By-law;

“Council” means the Council of the City of Burlington;

“Development” means the construction, erection, or placing of one or more Buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof or any development requiring any of the actions described in subsection 2.4(a), and includes Redevelopment;

"Dwelling Unit" means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Grade” means the average level of proposed or finished ground adjoining a building at all exterior walls;

“Land” (or “Lot”) means, for the purposes of this By-law, the lesser of the area defined as:

(a) The whole of a parcel of property associated with the Development or Redevelopment and any abutting properties in which a person holds the fee or equity of redemption in, power or right to grant, assign or exercise a power of appointment in respect of, or;

(b) The whole of a lot or a block on a registered plan of subdivision or a unit within a vacant land condominium that is associated with the Development or Redevelopment;

But not including any hazard lands, natural heritage features, or ecological buffers identified in the City’s Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the City.

“Owner” means the owner of Land or a person who has made application for an approval for the Development of land for which a Community Benefits Charge may be imposed;

“Prescribed” means prescribed in the regulations made under the Act;

“Redevelopment” means the construction, erection or placing of one or more Buildings on Land where all or part of a Building on such Land has previously been demolished, or changing the use of a Building from a Non-Residential Use to a Residential Use, or changing a Building from one form of Residential Use to another form of Residential Use and including any development or redevelopment requiring any of the actions described in subsection 2.4(a);

“Residential Unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Residential Use” means lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals, and shall include, but is not limited to, a single detached dwelling, a semi detached dwelling, a townhouse, a plex, a stacked townhouse, an apartment building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;

“Service” means a service designated in subsection 1.3, and “Services” shall have a corresponding meaning;

“Stacked Townhouse” means a building containing two or more dwelling units, each dwelling separates horizontally and/or vertically from another dwelling unit by a common wall;

“Storey” means the portion of a building, excluding roof top enclosure space used for no other purpose than roof top access, and/or elevators and other building service equipment, that is:

(a) that is situated between the top of any floor and the top of the floor next above it, or

(b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

“Valuation date” means, with respect to land that is the subject of development or redevelopment,

(a) the day before the day the building permit is issued in respect of the development or redevelopment, or

(b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued.

"Zoning By-Law" means any by-laws enacted by the City under section 34 of the *Planning Act*.

1.2 The reference to any applicable statute, regulation, by-law, or to the Official Plan in this Community Benefits Charge By-law shall be deemed to refer to the statute, regulation, by-law, and/or Official Plan as they may be amended from time to time and shall be applied as they read on the date on which Community Benefits Charges are due to the City.

Designation of Services

1.3 A Community Benefits Charge may be imposed in respect of the following:

(a) Land for park or other public recreational purposes in excess of lands dedicated or cash-in-lieu payments made under section 42 or subsection 51.1 of the Planning Act.

(b) Services not provided under subsection 2(4) of the *Development Charges Act*.

(c) As per the November 4, 2024, Community Benefits Charges Strategy, the City intends to recover Capital Costs relating to the following services through this by-law:

(i) Parkland.

2. PAYMENT OF COMMUNITY BENEFITS

2.1 Community Benefits Charge shall be payable by the Owner of Land proposed for Development in the amounts set out in this By-law where:

(a) the Land proposed for Development is located in the area described in subsection 3.2; and

(b) the proposed Development requires any of the approvals set out in subsection 2.4(a).

Area to Which By-law Applies

2.2 Subject to subsection 2.3, this By-law applies to all lands in the City.

2.3 This By-law shall not apply to lands that are owned by and used for the purposes of:

(a) The City or a Local Board thereof;

(b) a Board of Education;

(c) The Region of Halton, or a Local Board thereof.

Approval for Development

2.4

(a) A Community Benefits Charge shall be imposed only with respect to Development that requires one or more of the following approvals:

(i) the passing of a Zoning By-Law or of an amendment to a Zoning By-Law under section 34 of the *Planning Act*;

(ii) the approval of a minor variance under section 45 of the *Planning Act*;

(iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;

(iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;

(v) a consent under section 53 of the *Planning Act*;

(vi) the approval of a description under section 9 of the *Condominium Act*, 1998, SO 1998, c 19, as amended, or any successor thereof; or

(vii) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

(b) Despite subsection 2.4(a) above, a Community Benefits Charge shall not be imposed with respect to:

(i) Development of a proposed building or structure with fewer than five storeys at or above ground;

(ii) Development of a proposed building or structure with fewer than 10 residential units;

(iii) Redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;

(iv) Redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or

(v) such types of Development or Redevelopment as are prescribed.

(c) For the purposes of this section, the first Storey at or above ground is the Storey that has its floor closest to Grade and its ceiling more than 1.8m above Grade.

Exemptions

2.5 Notwithstanding the provisions of this By-law, Community Benefits Charges shall not be imposed with respect to:

(a) Development or Redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act,* 2007

(b) Development or Redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*;

(c) Development or Redevelopment of a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:

(i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario;

(ii) a college or university federated or affiliated with a university described in subparagraph (i);

(iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.

(d) Development or Redevelopment of a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion.;

(e) Development or Redevelopment of a building or structure intended for use as a hospice to provide end-of-life care;

(f) Development or Redevelopment of a building or structure intended for use as residential premises by any of the following entities:

(i) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;

(ii) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;

(iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

Amount of Charge

2.6 The amount of a Community Benefits Charge payable in any particular case shall be determined as follows:

(a) Where there is Development or Redevelopment other than that described in subsection 2.4(b) and which requires one or more of the approvals set out in subsection 2.4(a), on land to which this By-law applies, the Community Benefits Charges payable pursuant to this By-law shall be four (4) percent of the value of the land being developed as of the Valuation date.

(b) Land referred to in subsections 2.6(a) and 2.6(c) means the entire Parcel or Parcels on which the Development or Redevelopment is occurring regardless of

whether the Development or Redevelopment is only on a part of the Parcel or Parcels or is a phase of a Development or Redevelopment.

(c) If a Development or Redevelopment consists of two or more above grade Buildings that will not be constructed concurrently, will be subject to separate building permits and are anticipated to be completed at different times, each phase of the Development or Redevelopment is deemed to be a separate Development or Redevelopment for the purposes of this By-law. The Community Benefits Charges for the first of the above grade Buildings will be calculated in accordance with subsection 2.6(a). For each subsequent above grade Building the Community Benefits Charges payable shall be calculated as follows:

4% of the value of the land being developed as of the Valuation Date minus the Community Benefits Charges payable for the previous above grade Building(s).

If the difference in the aforesaid calculation is zero or a negative value no Community Benefits Charge is payable, and no credit or refund will be payable.

(d) Notwithstanding subsections (a), (b), or (c), the amount of a Community Benefits Charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land, as of the Valuation date, multiplied by the ratio of "A" to "B" where, "A" is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the Development or Redevelopment, and "B" is the floor is the floor area of all buildings and structures that will be on the land after the Development or Redevelopment.

(e) Development or redevelopment that includes affordable residential units, attainable residential units, or residential units described in subsection 4.3(2) of the *Development Charges Act*, the Community Benefits Charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection 37(32) multiplied by the ratio of A to B where:

“A” is the gross floor area of all buildings that are part of the Development or Redevelopment minus the gross floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act*; and

"B" is the gross floor area of all buildings that are part of the Development or Redevelopment."

In-Kind Contributions

2.7 The City may, at its discretion, allow an Owner of Land to provide to the City facilities, services or matters required because of Development or Redevelopment in the area to which the By-law applies in lieu, or partially in lieu of a Community Benefits Charge that would otherwise be payable.

2.8 For in-kind contributions pursuant to the preceding subsection to be considered, an application for consideration of in-kind contributions must be submitted to the City with supporting documentation as to the suggested value thereof no less than 180 days prior to the first building permit being granted for the proposed Development or Redevelopment.

2.9 In-kind contributions pursuant to subsection 2.7 shall only be accepted as if the same are approved by resolution of Council. The determination of Council as to whether in-kind contributions shall be accepted in full or partial satisfaction of Community Benefits Charges shall be final and binding.

2.10 The value attributed to an in-kind contribution under subsection 2.7 shall be as determined by Council, based on one or more third-party valuations to the satisfaction of Council. Council's determination of the value to be attributed to any in-kind contribution shall be final and binding.

Time of Payment of Community Benefits Charges

2.11 Any developments that were subject to an agreement under the prior Section 37 of the *Planning Act* prior to this by-law coming into force and effect shall have the amount paid under the Section 37 agreement credited against the Community Benefit Charge payable:

(a) The amount credited against the charge payable shall be the amount paid under the prior Section 37 agreement that relates to the proposed Development

(b) In no case shall the credit be greater than the Community Benefits Charge otherwise payable.

Credits

2.12 Any developments that were subject to an agreement under the prior Section 37 of the *Planning Act* prior to this by-law coming into force and effect shall have the amount paid under the Section 37 agreement credited against the Community Benefit Charge payable:

(a) The amount credited against the charge payable shall be the amount paid under the prior Section 37 agreement that relates to the proposed Development

(b) In no case shall the credit be greater than the Community Benefits Charge otherwise payable.

Interest on Refunds

2.13 If it is determined that a refund is required, the City shall pay interest on a refund in accordance with subsections 37(28) and 37(29) of the Act at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded.

3. SEVERABILITY

3.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

4. DATE BY-LAW IN FORCE

4.1 This By-law shall come into effect at 12:01 A.M. on January 1, 2025.

5. REPEAL

5.1 By-law 66-2022 is hereby repealed upon the coming into force of this By-law.

Passed this 10th day of December 2024.

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____

The Corporation of the City of Burlington

City of Burlington By-law XX-2024

A By-law to establish Community Benefits Charges for the City of Burlington, and to repeal By-law 66-2022, Community Benefits Charges By-law for the City of Burlington (F-05-24)

Whereas the City of Burlington (the "City") will experience growth through development and re-development; and

Whereas Council desires to impose Community Benefits Charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies; and

Whereas the *Planning Act, 1990* (the "Act") provides that the council of a municipality may by by-law impose Community Benefits Charges against higher density residential development or redevelopment; and

Whereas a Community Benefits Charge strategy report, dated November 4, 2024, has been completed which identifies the facilities, services and matters that will be funded with Community Benefits Charges and complies with the prescribed requirements; and

Whereas the City has consulted with the public and such persons and public bodies as the City considers appropriate; and

Whereas on December 10, 2024, Council for the City of Burlington approved Report F-05-24, dated December 2, 2024, in which certain recommendations were made relating to the Community Benefits Strategy and By-law.

The Council of the City enacts as follows:

1. INTERPRETATION

1.1 In this By-law, the following items shall have the corresponding meanings:

"Act" means the *Planning Act*, R.S.O. 1990, CHAPTER P.13;

"Affordable Residential Unit" means a Dwelling Unit that meets the criteria set out in subsection 4.1 (2) or 4.1(3) of the *Development Charges Act, 1997, c.27* as amended;

“Apartment” means a dwelling unit in an apartment building;

"Apartment Building" means a residential building or the residential portion of a mixed-use building consisting of more than 3 dwelling units, which dwelling units have a common entrance to grade, but does not include a triplex, duplex, or townhouse. Notwithstanding the forgoing an Apartment Building includes a Stacked Townhouse;

“Attainable Residential Unit” means a Dwelling Unit that meets the criteria set out in subsection 4.1(4) of the *Development Charges Act, 1997, c.27* as amended;

“Bedroom” means a habitable room of at least seven (7) square metres, including a den, loft, study, or other similar area, but does not include a kitchen, bathroom, living room, family room, or dining room;

“Building” means any structure or building as defined in the *Ontario Building Code* (O Reg 332/12 under the *Building Code Act*, but does not include a vehicle;

“Building Code Act” means the *Building Code Act, 1992*, SO 1992, c 23 as amended;

“Capital Costs” means growth-related costs incurred or proposed to be incurred by the City or a Local Board thereof directly or by others on behalf of, and as authorized by, the City or Local Board,

(a) to acquire land or an interest in land, including a leasehold interest,

(b) to improve land,

(c) to acquire, lease, construct or improve buildings and structures,

(d) to acquire, construct or improve facilities including,

(i) furniture and equipment, and

(ii) rolling stock;

(e) to undertake studies in connection with any of the matters referred to in clauses (a) to (d) above, including the Community Benefits Charge strategy study,

required for the provision of Services designated in this By-law within or outside the City, including interest on borrowing for those expenditures under clauses (a) to (e) above;

“City” means The City of Burlington or the geographic area of the municipality, as the context requires;

“Community Benefits Charge” means a charge imposed pursuant to this By-law;

“Council” means the Council of the City of Burlington;

“Development” means the construction, erection, or placing of one or more Buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof or any development requiring any of the actions described in subsection 2.4(a), and includes Redevelopment;

"Dwelling Unit" means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Grade” means the average level of proposed or finished ground adjoining a building at all exterior walls;

“Land” (or “Lot”) means, for the purposes of this By-law, the lesser of the area defined as:

(a) The whole of a parcel of property associated with the Development or Redevelopment and any abutting properties in which a person holds the fee or equity of redemption in, power or right to grant, assign or exercise a power of appointment in respect of, or;

(b) The whole of a lot or a block on a registered plan of subdivision or a unit within a vacant land condominium that is associated with the Development or Redevelopment;

But not including any hazard lands, natural heritage features, or ecological buffers identified in the City’s Official Plan, an approved Secondary Plan, or through an environmental impact study accepted by the City.

“Owner” means the owner of Land or a person who has made application for an approval for the Development of land for which a Community Benefits Charge may be imposed;

“Prescribed” means prescribed in the regulations made under the Act;

“Redevelopment” means the construction, erection or placing of one or more Buildings on Land where all or part of a Building on such Land has previously been demolished, or changing the use of a Building from a Non-Residential Use to a Residential Use, or changing a Building from one form of Residential Use to another form of Residential Use and including any development or redevelopment requiring any of the actions described in subsection 2.4(a);

“Residential Unit” means a room or suite of rooms used, or designed or intended for use by one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons;

“Residential Use” means lands, buildings or structures used, or designed or intended for use as a home or residence of one or more individuals, and shall include, but is not limited to, a single detached dwelling, a semi detached dwelling, a townhouse, a plex, a stacked townhouse, an apartment building, a mobile home, a retirement residence and a residential dwelling unit accessory to a non-residential use;

“Service” means a service designated in subsection 1.3, and “Services” shall have a corresponding meaning;

“Stacked Townhouse” means a building containing two or more dwelling units, each dwelling separates horizontally and/or vertically from another dwelling unit by a common wall;

“Storey” means the portion of a building, excluding roof top enclosure space used for no other purpose than roof top access, and/or elevators and other building service equipment, that is:

(a) that is situated between the top of any floor and the top of the floor next above it, or

(b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

“Valuation date” means, with respect to land that is the subject of development or redevelopment,

(a) the day before the day the building permit is issued in respect of the development or redevelopment, or

(b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued.

"Zoning By-Law" means any by-laws enacted by the City under section 34 of the *Planning Act*.

1.2 The reference to any applicable statute, regulation, by-law, or to the Official Plan in this Community Benefits Charge By-law shall be deemed to refer to the statute, regulation, by-law, and/or Official Plan as they may be amended from time to time and shall be applied as they read on the date on which Community Benefits Charges are due to the City.

Designation of Services

1.3 A Community Benefits Charge may be imposed in respect of the following:

(a) Land for park or other public recreational purposes in excess of lands dedicated or cash-in-lieu payments made under section 42 or subsection 51.1 of the Planning Act.

(b) Services not provided under subsection 2(4) of the *Development Charges Act*.

(c) As per the November 4, 2024, Community Benefits Charges Strategy, the City intends to recover Capital Costs relating to the following services through this by-law:

(i) Parkland.

2. PAYMENT OF COMMUNITY BENEFITS

2.1 Community Benefits Charge shall be payable by the Owner of Land proposed for Development in the amounts set out in this By-law where:

(a) the Land proposed for Development is located in the area described in subsection 3.2; and

(b) the proposed Development requires any of the approvals set out in subsection 2.4(a).

Area to Which By-law Applies

2.2 Subject to subsection 2.3, this By-law applies to all lands in the City.

2.3 This By-law shall not apply to lands that are owned by and used for the purposes of:

(a) The City or a Local Board thereof;

(b) a Board of Education;

(c) The Region of Halton, or a Local Board thereof.

Approval for Development

2.4

(a) A Community Benefits Charge shall be imposed only with respect to Development that requires one or more of the following approvals:

(i) the passing of a Zoning By-Law or of an amendment to a Zoning By-Law under section 34 of the *Planning Act*;

(ii) the approval of a minor variance under section 45 of the *Planning Act*;

(iii) a conveyance of land to which a by-law passed under subsection 50(7) of the *Planning Act* applies;

(iv) the approval of a plan of subdivision under section 51 of the *Planning Act*;

(v) a consent under section 53 of the *Planning Act*;

(vi) the approval of a description under section 9 of the *Condominium Act*, 1998, SO 1998, c 19, as amended, or any successor thereof; or

(vii) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

(b) Despite subsection 2.4(a) above, a Community Benefits Charge shall not be imposed with respect to:

(i) Development of a proposed building or structure with fewer than five storeys at or above ground;

(ii) Development of a proposed building or structure with fewer than 10 residential units;

(iii) Redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;

(iv) Redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or

(v) such types of Development or Redevelopment as are prescribed.

(c) For the purposes of this section, the first Storey at or above ground is the Storey that has its floor closest to Grade and its ceiling more than 1.8m above Grade.

Exemptions

2.5 Notwithstanding the provisions of this By-law, Community Benefits Charges shall not be imposed with respect to:

(a) Development or Redevelopment of a building or structure intended for use as a long-term care home within the meaning of subsection 2(1) of the *Long-Term Care Homes Act,* 2007

(b) Development or Redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*;

(c) Development or Redevelopment of a building or structure intended for use by any of the following post-secondary institutions for the objects of the institution:

(i) a university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario;

(ii) a college or university federated or affiliated with a university described in subparagraph (i);

(iii) an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*.

(d) Development or Redevelopment of a building or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion.;

(e) Development or Redevelopment of a building or structure intended for use as a hospice to provide end-of-life care;

(f) Development or Redevelopment of a building or structure intended for use as residential premises by any of the following entities:

(i) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies, that is in good standing under that Act and whose primary object is to provide housing;

(ii) a corporation without share capital to which the *Canada Not-for-profit Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing;

(iii) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*.

Amount of Charge

2.6 The amount of a Community Benefits Charge payable in any particular case shall be determined as follows:

(a) Where there is Development or Redevelopment other than that described in subsection 2.4(b) and which requires one or more of the approvals set out in subsection 2.4(a), on land to which this By-law applies, the Community Benefits Charges payable pursuant to this By-law shall be four (4) percent of the value of the land being developed as of the Valuation date.

(b) Land referred to in subsections 2.6(a) and 2.6(c) means the entire Parcel or Parcels on which the Development or Redevelopment is occurring regardless of whether the Development or Redevelopment is only on a part of the Parcel or Parcels or is a phase of a Development or Redevelopment.

(c) If a Development or Redevelopment consists of two or more above grade Buildings that will not be constructed concurrently, will be subject to separate building permits and are anticipated to be completed at different times, each phase of the Development or Redevelopment is deemed to be a separate Development or Redevelopment for the purposes of this By-law. The Community Benefits Charges for the first of the above grade Buildings will be calculated in

accordance with subsection 2.6(a). For each subsequent above grade Building the Community Benefits Charges payable shall be calculated as follows:

4% of the value of the land being developed as of the Valuation Date minus the Community Benefits Charges payable for the previous above grade Building(s).

If the difference in the aforesaid calculation is zero or a negative value no Community Benefits Charge is payable, and no credit or refund will be payable.

(d) Notwithstanding subsections (a), (b), or (c), the amount of a Community Benefits Charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land, as of the Valuation date, multiplied by the ratio of "A" to "B" where, "A" is the floor area of any part of a building or structure, which part is proposed to be erected or located as part of the Development or Redevelopment, and "B" is the floor is the floor area of all buildings and structures that will be on the land after the Development or Redevelopment.

(e) Development or redevelopment that includes affordable residential units, attainable residential units, or residential units described in subsection 4.3(2) of the *Development Charges Act*, the Community Benefits Charge applicable to such a development or redevelopment shall not exceed the amount determined under subsection 37(32) multiplied by the ratio of A to B where:

"A" is the gross floor area of all buildings that are part of the Development or Redevelopment minus the gross floor area of all affordable residential units, attainable residential units and residential units described in subsection 4.3 (2) of the *Development Charges Act*; and

"B" is the gross floor area of all buildings that are part of the Development or Redevelopment."

<u>In-Kind Contributions</u>

2.7 The City may, at its discretion, allow an Owner of Land to provide to the City facilities, services or matters required because of Development or Redevelopment in the area to which the By-law applies in lieu, or partially in lieu of a Community Benefits Charge that would otherwise be payable.

2.8 For in-kind contributions pursuant to the preceding subsection to be considered, an application for consideration of in-kind contributions must be submitted to the City with supporting documentation as to the suggested value thereof no less than 180 days prior to the first building permit being granted for the proposed Development or Redevelopment.

2.9 In-kind contributions pursuant to subsection 2.7 shall only be accepted as if the same are approved by resolution of Council. The determination of Council as to whether in-kind contributions shall be accepted in full or partial satisfaction of Community Benefits Charges shall be final and binding.

2.10 The value attributed to an in-kind contribution under subsection 2.7 shall be as determined by Council, based on one or more third-party valuations to the satisfaction of Council. Council's determination of the value to be attributed to any in-kind contribution shall be final and binding.

Time of Payment of Community Benefits Charges

2.11 Any developments that were subject to an agreement under the prior Section 37 of the *Planning Act* prior to this by-law coming into force and effect shall have the amount paid under the Section 37 agreement credited against the Community Benefit Charge payable:

(a) The amount credited against the charge payable shall be the amount paid under the prior Section 37 agreement that relates to the proposed Development

(b) In no case shall the credit be greater than the Community Benefits Charge otherwise payable.

Credits

2.12 Any developments that were subject to an agreement under the prior Section 37 of the *Planning Act* prior to this by-law coming into force and effect shall have the amount paid under the Section 37 agreement credited against the Community Benefit Charge payable:

(a) The amount credited against the charge payable shall be the amount paid under the prior Section 37 agreement that relates to the proposed Development

(b) In no case shall the credit be greater than the Community Benefits Charge otherwise payable.

Interest on Refunds

2.13 If it is determined that a refund is required, the City shall pay interest on a refund in accordance with subsections 37(28) and 37(29) of the Act at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded.

3. SEVERABILITY

3.1 If, for any reason, any provision of this By-law is held to be invalid, it is hereby declared to be the intention of Council that all the remainder of this By-law shall continue in full force and effect until repealed, re-enacted, amended or modified.

4. DATE BY-LAW IN FORCE

4.1 This By-law shall come into effect at 12:01 A.M. on January 1, 2025.

5. REPEAL

5.1 By-law 66-2022 is hereby repealed upon the coming into force of this By-law.

Passed this 10th day of December 2024.

Mayor Marianne Meed Ward _____

City Clerk Samantha Yew _____

Appendix C: Public Feedback & Comments

1) Burlington Chamber of Commerce

- Overall concern is the extremely precarious state of the housing market (in particular high-rise, which CBC is aimed at).
- Lack of sales over the past year (and likely going forward in the coming months) will result in fewer starts going forward – which puts future Building Faster Fund potential revenues from the province at risk.
- Any additional costs levied by the city, will be passed onto consumers that are not even prepared to pay today's market rates.
- City revenue projections should be taken with a grain of salt – if projects are delayed or even cancelled – the city won't receive any projected CBC revenue and hurts city's prospects of receiving future provincial Building Faster Fund revenue.
- The Industry is not opposed to concept of the CBC – but current market environment is the weakest it has been since 1990s – they are not in a position to absorb additional costs.

SUBJECT: Fare-free Transit Study

TO: Committee of the Whole

FROM: Transit Department

Report Number: TR-02-24

Wards Affected: All

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Receive for information, the results of the Burlington study to explore fare-free transit, completed by consultants Left Turn Right Turn attached as Appendix A to transit department report TR-02-24..

PURPOSE:

To present the findings of the consultant study on fare-free transit, as outlined in the July 11, 2023 staff direction (SD-31-23). This report also outlines the benefits, risks and associated costs. The final consultant report is attached as Appendix A.

Vision to Focus Alignment:

(Select all areas that apply)

☐ Designing and delivering complete communities
☑ Providing the best services and experiences
☐ Protecting and improving the natural environment and taking action on climate change
☐ Driving organizational performance

Executive Summary:

In 2023, City Council directed the Director of Transit to investigate fare-free transit for all. The consultant group, Left Turn Right Turn (LTRT), was chosen to complete this

review and address the requirements outlined in the staff direction. The project team examined the following:

- 5 and 10-year budget impacts for operating and capital expenditures.
- Impacts to transit service and service requirements for sustainable implementation.
- Impacts on PRESTO, government funding (Provincial Gas Tax), and Ontario One Fare/service integration; and
- Environmental, community, economic and socio-economic benefits.

Findings of the study suggest that fare-free transit could increase ridership in Burlington and meet the mode share targets of the Integrated Mobility Plan and Development Charges Study. Benefits of fare-free transit include improved service utilization; promotes inclusion and community pride; and rapid ridership growth. Sustainable funding would be needed to ensure transit service could meet the increased demand in ridership.

Alternatively, the study noted that investing in transit through service expansion along with minimal fare payments would reduce the risk of financial strain on the City's budget; benefit all passengers and the community by making transit more attractive as a transportation option; improve community access to employment, services and opportunities; and encourage more efficient travel patterns.

Transit benefits a community and enables people to make connections and be productive in their daily lives. Improving transit services means livable cities, less traffic congestion, improved commuting times and lower green house gas emissions.

Background and Discussion:

Burlington City Council has made significant investments in Burlington Transit, and over the past 5 years, through endorsement of Transit's 5 Year Business Plan and expansion of service, Burlington ridership is almost 40% higher than it was in 2019. Last year, Burlington Transit achieved a milestone of 2.9 million rides and is currently trending to reach 3.2 million in 2024. Burlington Transit now offers 6 routes that provide 15-minute service or better, during the peak periods.

In addition to service expansion, Council has recommended several fare-free programs which have also increased ridership. These programs include:

- Free transit for Seniors all day everyday
- Free transit for SPLIT (Subsidized Pass for Low Income Transit) riders
- Free transit for children 12 and under all day everyday
- Free transit for youth (13 to 19), evenings and weekends (starting at 6pm)

These programs have been effective in growing ridership during the off-peak times, when the buses have fewer riders.

In 2023, City Council directed the transit director to retain the services of a consultant to undertake a study to examine the benefits, risks, impacts, implications, and fiscal sustainability of providing fare-free transit to all Burlington Transit riders. Staff direction SD-31-23 outlines the requirements for the study. The objective of the study was to undertake an in-depth, impartial and balanced review of fare-free transit and provide the necessary information to enable Burlington City Council to make an informed decision regarding fare-free transit for all.

After a competitive procurement process, transit consultant group Left Turn Right Turn (LTRT) were selected to conduct this study.

Strategy/process/risk

The Integrated Mobility Plan and the Development Charges Study lay the groundwork for expanding transit services to support Burlington's anticipated population growth. These foundational plans informed the Fare-Free Transit Study, highlighting key actions to increase the modal split, reduce car dependency, and prioritize active transportation and transit. This approach aims to alleviate traffic congestion across the city and enhance overall mobility within Burlington. The consultants examined the implementation and impacts of other fare-free transit programs in relation to the City of Burlington. This included an in-depth analysis of ridership trends, fare structures, economic and demographic information. A detailed financial analysis was included for both capital and operating budgets that included resource and cost estimates.

The consultant examined two approaches for growing ridership which included - making transit free for all and making investments to improve transit service.

1) Fare-free Transit.

In this scenario free transit would be offered to all riders. The study examined transit agencies that implemented free transit in North America and noted that proper planning and preparation would be critical in the success of a fare-free program. Some of the benefits of fare-free implementation include:

- Rapid ridership growth;
- Improved service efficiency with boardings per hour increasing from 20 to 28 in the first year of implementation;
- Financial benefit to riders; and
- Riders taking more trips on transit which will enhance access to employment, education and healthcare.

The study highlighted risks associated with fare-free implementation, which include:

- Overcrowding of the system, especially during peak periods;
- Reduced reliability of system and delays due to frequent stops along a route;
- Loss of revenue from farebox to help offset operating costs of the transit system;
- Increases in maintenance costs due to more wear and tear on buses; and
- Sustainable financial viability and increased costs to a transit agency.

Based on the analysis conducted by LTRT, fare-free transit would see Burlington Transit's annual estimated ridership to be over 6 million by 2029, which would translate into approximately 7.3 million boardings. Net municipal operating costs per year would be close to $43 million by 2029. Projected provincial gas tax allocation is estimated to be $3.8 million, an increase of approximately $1.2 million from current levels. Capital investments of this plan would include additional buses to support capacity rather than service enhancements.

2) Service Investment and Expansion of Transit Service

In this scenario, continued investment would be made to increase transit service. The consultants reviewed the current transit expansion plan which support the goals of the Integrated Mobility Plan and Development Charges Study. This includes the alignment of the housing pledge and population growth targets (211,000 by 2034), to transit expansion. The study indicates that ridership would be close to 5.5 million riders, and revenues would be approximately $12 million by 2029. The net annual operating impact for transit is estimated to be $34.7 million by 2029.

Benefits of service expansion include:

- Ridership growth;
- Service expansion and growth to make transit more efficient and reliable;
- Mode share shift from cars to transit, potentially removing more cars from the road;
- Decreased financial burden on a municipality; and
- Encourages more efficient travel patterns.

Risks of service expansion include:

- Increased capital costs for added buses;
- Changes to senior government transit funding programs; and
- Ridership not meeting targets.

Options Considered

Offering fare-free options as well as making improvements have both shown to benefit Burlington Transit. The following are other considerations that can provide fare-free transit and promote transit usage within Burlington.

Fare Capping / Loyalty Programs:

An approach to increasing transit use, while maintaining fiscal sustainability, and offering free transit for frequent transit riders, is fare capping or loyalty programs. In these programs, transit riders would pay to use transit for a certain number of rides, after a set number of rides, transit would be free. Burlington Transit currently aligns with fare capping limits set by GO Transit, at 40 paid rides per month. On the 41st the transit trip does not cost the rider.

- Option 1: Monthly Fare capping for youth at $38 or 20 rides.

In this approach, fares for youth would be capped after 20 paid rides per month. Youth fares are $1.90 per ride. On the 21st ride, and until the end of the month, youth would be able to ride transit at no cost. This could equate to half a month of free transit for youth.

- Option 2: Monthly fare capping for all age concessions at 35 rides per month.

In this approach, fares for all concessions would be capped after 35 paid rides in a month. The benefits of fare capping include:

- Builds transit loyalty;
- Ensures that all riders can access Burlington Transit and that no rider is left behind due to capacity challenges;
- Encourages riders to obtain PRESTO cards to take advantage of the loyalty/fare capping program, thus supporting the City's obligation for PRESTO adoption in the current PRESTO 905 Agreement;
- Provides free transit for part of a month and promotes transit usage;
- Enables transit staff to analyze ridership patterns under fare-free conditions and strategically plan system expansion to support future fare-free initiatives.

Fare-free transit pilot for youth in summer:

- Option 3: Fare-free transit for youth in the summer (July and August) pilot.

This option would provide fare-free transit for youth in the summer months. Like all other fare-free programs in Burlington, youth riders would be required to use a PRESTO card to access transit for free. This may create capacity challenges on buses during the afternoon peak travel times, as data demonstrates that most youth transit trips, in

July and August, occur between 3pm and 5pm. This may lead to some riders not being able to ride the bus due to overcrowding.

Financial Matters:

Budget Impacts:

Burlington Transit's 2025 proposed net operating budget is $24,754,000. The total expense includes HR, minor capital, purchase services are $34,952,000 and projected revenues are $10,198,000. The revenues include fares, advertising and provincial government subsidies. In 2025, it is estimated that farebox revenues will be approximately $6.2 million. Transit relies on revenues and tax dollars revenues to operate, maintain, and fund service.

The consultants have modelled the financial impact and have included a detailed estimate for 5 years and a 10-year projected outlook for both fare-free transit and transit service expansion.

Based on modelling by LTRT, fare-free transit could see transit's operating budget to be approximately $43 million by 2029 and $34.7 million for service expansion. Estimated capital costs for fare-free would be $24 million and $30 million for service expansion by 2029.

<u>Provincial Gas Tax and Provincial Fare integration</u>
The Ontario Provincial Gas Tax Program uses revenue generated at the fuel pump to provide funding for municipal transit operations. The funding is distributed to municipalities based on ridership and service area population. Ontario provided almost $380 million to help 102 municipalities improve transit through the 2023-2024 gas tax program. Burlington's allocation of provincial gas tax was $2.67 million.

Based on analysis conducted by LTRT, the City may receive additional gas tax allocation due to increased ridership for both fare-free transit and the service expansion plan. By 2029, estimated increases to gas tax would be approximately $3.8 million for fare-free transit and approximately $3 million for service expansion.

As noted in the study, the Province, through the One Fare/GO Co-fare Programs, subsidizes local transit. In this program, riders who use Burlington Transit to and from the GO Transit system, have the cost of their local transit fare reduced from their GO

Transit fare. In 2023, the City received approximately $572,000 and in 2024 Burlington Transit is trending at an $830,000 funding subsidy. It is likely that these subsidies would no longer be provided to the City, as local transit would be provided for free in Burlington.

Source of Funding

Advertising Revenue

Transit benefits from advertising revenue to offset operating costs. There is the potential expansion of advertising to include more shelters with ads, increased signage, infotainment, outdoor furniture at bus stops, and increased advertising and wraps on buses. While advertising provides additional revenue to transit, many transit riders have noted that their travel experience is diminished when they are unable to see out the window of a bus due to the windows being covered by advertising.

Property taxes

As noted in the study, expanding free fares could impact property taxes. Transit would rely more heavily on this funding source to ensure sustainability of the system.

Other sources of funding

The study highlighted other opportunities that could help offset the cost of fare-free transit. This includes co-sharing partnerships, user fees and levies, real estate development and securing sponsorships and naming rights.

Other Resource Impacts

The study had noted that both scenarios would require additional resources such as additional drivers and maintenance staff. The study also suggested that for fare-free transit, increased administrative staff are required to support the program and increase travel training opportunities for a successful implementation.

Climate Implications:

Public transit plays a critical role in local climate mitigation by providing residents with the opportunity to utilize public transit to decrease greenhouse gas emissions (GHG) from automobiles for single use trips. Public transit supports the City's targets to reduce carbon dioxide (CO2) emissions. Every ride on Burlington Transit removes a car off the road and reduces CO2 emissions and traffic congestion.

It is important to note that in many cities where fare-free transit was implemented, individuals who normally used forms of transportation that created no carbon emissions like cyclists and pedestrians, started taking public transit for short trips.

Engagement Matters:

As part of the study, Burlington Transit staff and City engagement staff posted a survey to understand the community's opinion on fare-free transit. This was a very popular topic, with strong opinion on both sides. The response rate was over 2,150 completed surveys which is considered high for an engagement survey.

Key highlights and figures from the fare-free survey include:

- Over 54% of respondents did not use transit and have indicated that they would use transit if it was more frequent, arriving every 15 minutes.
- 77% of respondents felt that $1 to $3 was a reasonable fare.
- 89% of respondents don't rely on subsidized transit (SPLIT).
- Fare-free transit would be great for the community and may encourage transit usage.
- It's great in theory, however where will the money come from to pay for this?
- Lower the fare for everyone, rather than giving it away for free.
- When transit systems are more frequent and reliable, more people will pay to use it.
- Loss of fare revenue and increased taxes are big concerns if fare-free transit was offered.
- Slightly more than half of the survey respondents support fare-free transit.

Conclusion:

The Study to Explore Fare-free Transit by consultants Left Turn Right Turn emphasized the importance of balancing fare subsidies with transit service improvements. This approach aims to boost ridership, promotes inclusion and ultimately alleviate traffic congestion.

The Transit 5 Year Business Plan, 2020 to 2024, was the blueprint for building transit in Burlington. Key objectives of ridership growth were obtained through service structure and delivery, mobility management, customer experience and travel demand management. In 2025, Burlington Transit will develop a new 5-Year Business Plan to guide the future of transit services to support Burlington's new growth areas into the future. This will include service expansion, fleet requirements, fare strategies and other programs to move more people throughout Burlington.

Respectfully submitted,

Catherine Baldelli

Director of Transit

Appendices:

A. Burlington Study to Explore Fare-free Transit

Report Approval:

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



Burlington Study to Explore Fare-Free Transit

Summary Report

Submitted By:
Left Turn Right Turn Ltd.

To the attention of:
Burlington Transit
November 2024

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK

Table of Contents

Executive Summary i

Key Findings i

1 **Study Objective** 1

2 **Experience Of Other Systems** 1

2.1 Other Fare-Free Initiatives 1

2.2 Relevance to Burlington Transit 3

3 **Financial Analysis** 3

3.1 Methodology Overview 4

3.2 Operating Costs 5

3.3 Capital Budget 7

4 **Service And Resources Impacts** 8

4.1 Methodology Overview 8

4.2 Transit Ridership 9

4.3 Service 10

4.4 Resources and Assets Required 11

5 **Presto Impacts** 12

5.1 Analysis Assumptions 12

5.2 PRESTO and One-Fare Assessment 12

6 **Gas Tax Implications** 14

7 **Service Integration Impacts** 16

8 **Community Benefits and Risks** 19

9 **Benefits and Risks – Transit Sustainability** 21

9.1 Risks 21

9.2 Benefits 22

10 **Specialized Transit Impacts** 22

11 **Alternative Funding Sources** 23

12 **Staff Impacts** 24

13 **Alternative To Fare-Free Transit – Service Expansion to Support Service Demand** 25

13.1 Analysis Assumptions 26

13.2 Analysis Considerations 26

13.3 Ridership 27

13.4 Operating Costs 27

13.5 Capital Budget 29

13.6 Other Considerations 29

14 **Conclusion** 31

List of Figures

Figure 1. Annual Boardings Comparison of Fare-free Transit, Service Investment and DC target ii

Figure 2. Fare-Free Transit vs. Service Expansion: Benefit Comparison iv

Figure 3. Projected Annual Boardings vs. DC Boardings Target 10

Figure 4. Burlington to/from Toronto Fare Journey Map Before and After 17

Figure 5. Percentage Distribution of Revenue and Funding Contributions for Burlington Transit 18

Figure 6. Specialized Boardings from 2024 to 2029 22

Figure 7. Annual Boardings for Alternatives Compared to Boarding Targets of the DC Analysis 31

List of Tables

Table 1. Fare-Free Transit vs. Service Expansion Plan: Key 2029 Metrics iii

Table 2. Details of Fare-Free Transit Experiences 2

Table 3. 2024 Approved Operating Budget, 5-Year Operating Budget and 2034 Forecast 6

Table 4. Key Financial Operating Metrics 6

Table 5. 5-Year Capital Budget 7

Table 6. Projected Ridership and Boardings - Fare-Free 9

Table 7. Provincial Dedicated Gas Tax Funding Projections 16

Table 8. Sample of Estimated Theoretical Annual Fare-Free Transit Economic Benefits in 2029..... 20

Table 9. Required Service Hours and Vehicles to Meet Projected Ridership Growth 23

Table 10. Projected Annual Ridership and Boardings for Service Expansion Plan (,000s)..... 27

Table 11. 10-Year Operating Budget – Expansion Plan 28

Table 12. Key Financial Operating Metrics – Expansion Plan 28

Table 13. 10-Year Capital Budget – Expansion Plan..... 29

Table 14. Fare-Free Transit vs. Service Expansion Plan: Key 2029 Metrics 32

Executive Summary



Executive Summary

This report summarizes the outcome of the City of Burlington Study to Explore Fare-free Transit (the study) to examine the benefits, risks, impacts, implications and fiscal sustainability of providing fare-free transit to all passengers travelling on Burlington Transit.

Key areas of analysis dealt with in the study and summarized in the report are:

- Fiscal impacts and 10-year budget forecasts
- Service and resource impacts
- PRESTO implications
- Funding implications
- Community and sustainability benefits and risks
- Specialized service impacts
- Alternative funding sources
- Benefits and risk to operations and other staff
- Comparison to alternatives to fare-free transit

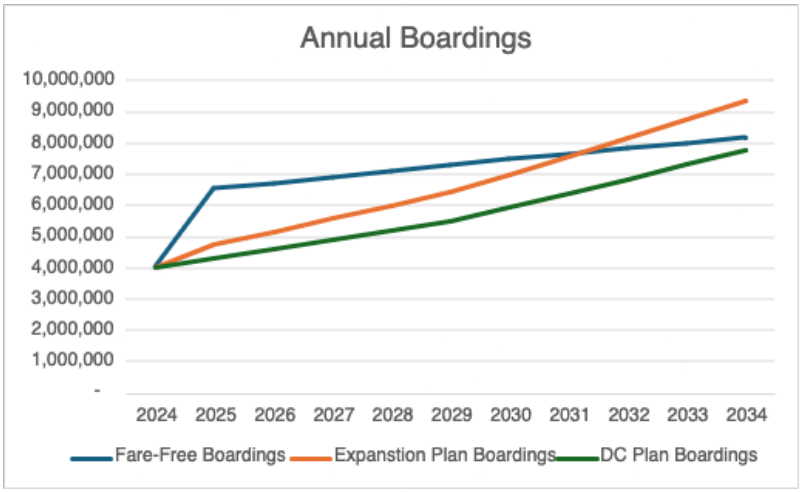
This Executive Summary focuses on the comparison of a fare-free transit program or an investment in transit service (service expansion). The performance of the two plans is demonstrated with financial metrics, and transit use (in boardings) of each plan was compared to the boarding targets established as part of the Development Charges (DC) Update study. The DC Update study established its boarding targets based on the modal share objectives of Burlington's Integrated Mobility Plan.

Key Findings

Ridership Performance

Both a fare-free program and the alternative service expansion plan generate increased transit use that will help Burlington reach the modal share targets. Figure 1 shows the transit performance in terms of boardings for the two alternatives, compared to the boardings targets of the DC analysis.

Figure 1. Annual Boardings Comparison of Fare-free Transit, Service Investment and DC target



Fare-free transit is projected to increase ridership in the short-term; however, benefits may be short-lived and limited unless upfront funding is allocated to align service demand with organizational and service capacity, while maintaining a quality-of-service passengers have come to expect. Without planned investment, the move to fare-free transit could lead to service decline and undermine the growth in ridership of the system.

Financial Performance

Financial projections indicate that the initial net municipal operating costs (the cost of transit to the City) would increase from $22.2 million in 2024 to $37.3 million in 2025 with the introduction of fare-free transit, increasing to more than $53 million by 2034. The increase in net operating costs is primarily due to loss of fare revenue, along with the cost of service increases to mitigate crowding.

For the transit service expansion plan, net municipal operating costs increase more steadily (and controllably) starting at $23.9 million in 2025 and increasing to $40 million in 2029. The overall lower net municipal cost is the result of continuing to collect fares and increasing paid ridership.

Anticipated capital costs of the fare-free program are lower than the service expansion plan, which has higher planned vehicle requirements to drive service.

Table 1 shows a summary of the financial and ridership performance of the two plans.

Table 1. Fare-Free Transit vs. Service Expansion Plan: Key 2029 Metrics

	Fare-Free	Expansion Plan
Ridership	6,200,000	5,469,000
Boardings	7,303,000	6,442,000
Net Municipal Operating Cost	$43,080,000	$33,999,000
Net Municipal Operating Cost per Rider	$5.90	$5.28
Five-year Capital Cost (63% subsidy)	$24,285,000	$30,159,000

Other Benefits

There are a variety of other benefits from both scenarios, and because many of those are related to increased use of transit, both are quite similar. Both will have small but important effects on the number of vehicle trips, kilometres travelled, GHG emissions and modal shift. Because the fare-free program eliminates fares, this financial benefit accrues directly to passengers. This can also have desirable equity benefits for low-income populations. On the other hand, the service expansion plan, with broader service enhancements, benefits all passengers and the community at large, making transit more attractive, and improving community access to employment, services and opportunities.

Performance Risk

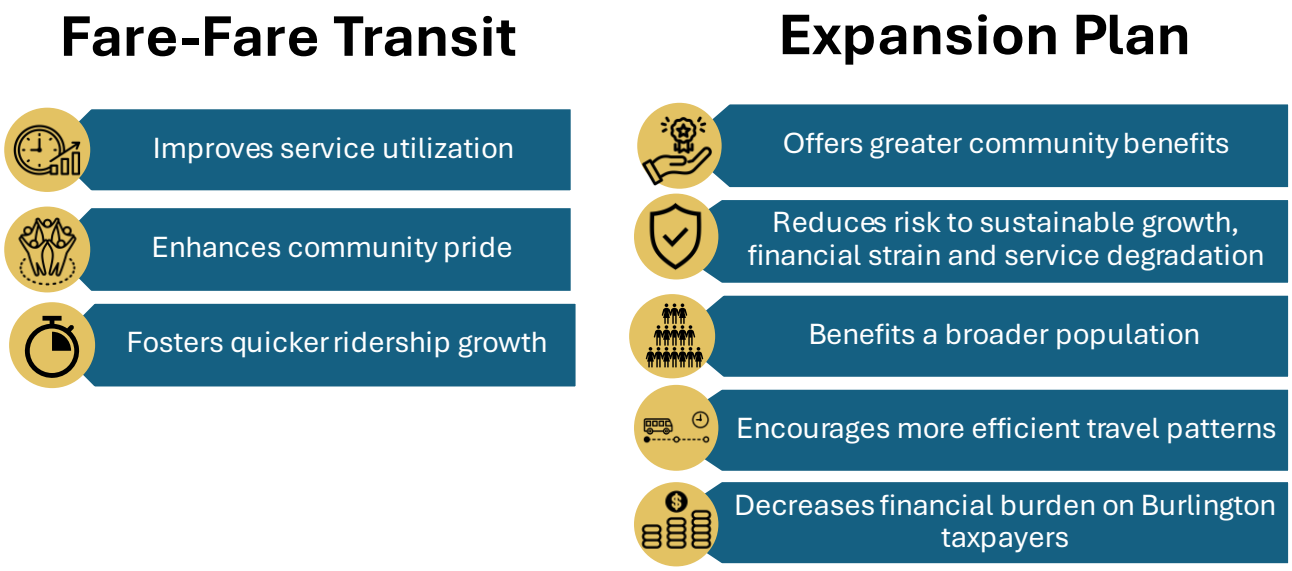
The Study outlines two key risks for fare-free transit not present with the service expansion plan:

1. Service Demand: Actual demand can vary from the projections, particularly with spikes in particular locations and at specific time periods (like outside schools at bell times). Where boardings exceed service capacity, deterioration of the passenger experience is likely and could lead to ridership reductions. In the case of specialized service, trip denials could result in legal challenges. Mitigating this risk also relies on additional staff resources, including supervisors and dispatchers.
2. Financial Viability: Fare-free programs present greater risks for sustaining future investments by removing controllable revenues that are used to offset operational costs to a transit agency. This may limit the ability to effectively respond to demands in the future.

Combined with more cost-effective ridership growth, this suggests that the current expansion plan would yield greater community benefits. Overall, service investments offer a more stable and sustainable

approach to ridership growth and meeting community goals. Figure 2 compares some of the benefits of fare-free transit and the expansion plan. These facets are detailed within the report.

Figure 2. Fare-Free Transit vs. Service Expansion: Benefit Comparison



Summary Report



Summary Report

1 Study Objective

The Burlington Fare-Free Study evaluates the potential benefits and risks of expanding fare-free transit programs to all Burlington Transit passengers. By analyzing the local transit context, examining fare-free models from other regions, and assessing service impacts and costs, the study aims to provide a thorough and comprehensive analysis. The insights presented will enable City Council to make informed decisions that balance sustainability with transit services.

2 Experience Of Other Systems

2.1 Other Fare-Free Initiatives

Historically, fare-free models have been more common in smaller areas with lower fare recovery, with a very limited number of Canadian examples and a relatively higher number of US examples. In the past few years, larger US cities such as Boston, MA, Raleigh, NC and Richmond, VA have adopted this model.

Research highlights various operational and financial impacts. Ridership often grows more than expected when comparing to standard modeling from fare changes. This growth is highly contingent on various factors, including fare structures, demographics, municipal form, and industry conditions; for example, youth (13 – 19 years of age) tend to correlate with higher ridership growth rates, as evidenced through the growth in youth ridership during the paid weekday periods.

The research also illuminates that, without adequate planning and resources, fare-free systems can result in overcrowding, decline in comfort, reduced reliability, increased passenger conflicts, which in turn can lead to reduced ridership. Thus, recent implementations have focused on better support and more effective planning for capacity and service.

Operationally, fare-free systems improve service efficiency by filling spare capacity but many face challenges such as increased overcrowding of passengers and loss of ridership data. Oakville Transit for example, experienced increased midday crowding at high schools when introducing free transit for students. Table 2 depicts some of the key characteristics of selected fare-free systems.

Table 2. Details of Fare-Free Transit Experiences

Location	First Fare-Free Year	Service Area Pop. (,000)	Annual Ridership (,000)	Ridership Increase	Average Fare (CDN $)	Pop. over 65[1]	Pop. 18 and Under[3]	Low-income Pop.[3]	R/C Ratio (%)
Burlington, ON	N/A	197	3,400	N/A	1.65	21%	19.7%	6.7%	27.0
Olympia, WA	2020	185	4,737	20%[2]	1.33	19%	19%	13%	9.0
Missoula, MT	2015	70	923	70%[3]	0.40	17%	18%	9%	7.2
Lawrence, KS	2023	95	765	49%[4]	0.48	12%	16%	19%	3.4
Richmond, VA	2020	450	8,126	15%[5]	N/A	14.6%	25.7%	17.1%	N/A
Orangeville ON	2023	20[6]	79	102%[7]	1.04	13%	25%[8]	6%	11.0
Oakville, ON (Youth only)	2023	225	2,131	200% (Youth)	2.16	6%	25%[9]	5.6%	20.0

From these examples, passenger feedback points to a need for improved service frequency and capacity which can be hindered by funding challenges and staffing shortages. Without the increased service and capacity, over-crowding leads to a poor passenger experience. Demographics play a key role in shaping the impact of fare-free transit. Research shows that low-income groups and youth are more likely to drive higher ridership, while an aging population tends to be associated with slower growth.

[1] Data was derived from the Census reported closest to year of fare-free implementation
[2] In the first month of fare-free implementation, compared to the previous year
[3] Within 3 years of fare-free implementation
[4] Year-to-date ridership in 2023 compared to 2022
[5] Ridership two-years from implementation
[6] Ontario Urban Transit Fact Book 2021 Operating Data
[7] Quarter 2 of the fare-free implementation year vs. previous year
[8] Population 19 and under
[9] All ages for trips made between 9:00 a.m. and 3:00 p.m.

2.2 Relevance to Burlington Transit

There are several key points applicable to the Burlington context that can be garnered from the experience of other systems.

Financial Performance - In North American fare-free transit programs, a typical revenue-to-cost ratio (prior to fare reduction) is 20% or less. In Orangeville, this revenue-to-cost ratio was approximately 11 percent prior to going fare-free. Orangeville's transit system is very small in comparison to Burlington, where they operate three (3) routes and service a population of around 30,167 (2021 Census of Population).

In Burlington, fare-free programs for seniors, youth, and low-income residents have already increased ridership. Burlington Transit's revenue-to-cost ratio is 27 percent in 2023. Prior to the aforementioned fare-free transit programs, Burlington Transit revenue-to-cost ratio was reported at 32 percent in 2018. This revenue-to-cost ratio indicates a higher reliance on fare revenue. In 2024, Burlington Transit's total budgeted fare revenue is $6.9 million and is trending higher since 2023 with increased fare paying ridership.

Demographics - Burlington's fare-free context includes an aging population (21 percent compared to the national average of 19 percent), higher incomes, and a smaller youth demographic. These factors suggest that the potential for significant ridership growth from fare-free may be less pronounced in Burlington compared to other locations. Through a Fare-Free Transit survey completed by the City, about 56 percent of respondents supported the idea of fare-free transit, but respondents also noted very little dissatisfaction with the current fare. When asked to suggest what the current fare should be, only 15 percent mentioned free fares - much lower support for fare-free than when asked about the concept generally.

3 Financial Analysis

The financial analysis of the study focuses on a 5-year forecast for both operating and capital costs, with a 10-year projected outlook. This analysis highlights increases in operating costs for additional services required to relieve crowding, and capital costs for the associated vehicle requirements. Furthermore, net municipal operating costs are significantly affected by the loss of revenue.

3.1 Methodology Overview

3.1.1 Analysis Assumptions

To model the financial impacts of fare-free transit, several assumptions were made.

- Halton Region's "Best Planning Estimates" from October 2023 were used for overall population, with local Burlington estimates of planning projects and spatial distribution.
- Year 1 of the implementation would be 2025, based on the 2024 budget base for costs, revenue and ridership.
- Inflation increases were added annually based on International Monetary Fund (IMF) estimates.
- The analysis assumes no PRESTO usage for fare-free transit and that PRESTO costs would still be incurred until the contract ends in 2027.
- Gas tax eligibility would be unaffected.
- Capital expenditures were derived from the current capital budget and adjusted for the revised number of new vehicles required for fare-free transit. All other capital expenditures were unchanged.

More detail of the PRESTO implications and Gas Tax calculations are included in Section 5.

3.1.2 Analysis Considerations

- Additional service costs are derived from necessary investments to maintain Burlington's transit service objectives, considering ridership growth and changes resulting from fare-free transit, as well as demographic growth, shifts in urban form, and inflation.
- These costs include addressing existing issues that could hinder fare-free implementation, such as crowding and administrative and operations capacity.

3.2 Operating Costs

With the additional service required to remediate overcrowding, and the associated operations and administrative costs, total operating costs are projected to increase to $47 million by 2029 and more than $58 million by 2034. Fare-free transit creates small fare collection cost-savings, primarily from the elimination of PRESTO fees.

Net municipal operating costs were calculated to incorporate the impact of the revenue loss from fare-free transit. This revenue loss is almost $7 million in the first year, based on 2024 revenues. Other revenue sources, from charters and advertising, would continue to offset operating costs.

Gas tax revenue is projected to increase on the additional ridership as well as population gains, and add approximately $760,000 in the first year, increasing marginally each year after. More information on the gas tax calculation is included in Section 5.

In aggregate, the net municipal cost for Burlington is projected to increase from about $22.2 million in 2024 to $37.3 million in the first year of fare-free transit and to more than $43 million in 2029, increasing to $53 million by 2034.

Following the initial surge in operating costs in 2025 to maintain service quality, operating expenses are projected to grow more modestly over the 10-year budget period. The operational costs of specialized transit are projected to grow at a greater proportional rate than those of conventional transit but will still be much less than conventional transit increases.

A risk contingency of five percent of year-over-year cost increase in 2025 has been provided to account for the financial uncertainty associated with fare-free transit. Section 9 provides further details regarding the associated risks. Five percent was selected based risk contingency practices in infrastructure development.

Table 3 illustrates the key annual financial factors 2024 to 2029 and for 2034.

Table 3. 2024 Approved Operating Budget, 5-Year Operating Budget and 2034 Forecast

	2024	2025	2026	2027	2028	2029	2034
Conventional	$29,268	$37,230	$38,641	$40,131	$41,691	$43,346	$52,422
Specialized	$2,614	$3,387	$3,533	$3,693	$3,869	$4,064	$5,103
Risk Contingency	$-	$437	$445	$453	$462	$471	$517
Gross Total	$31,882	$41,054	$42,619	$44,277	$46,022	$47,881	$58,042
Operating Revenue	($6,895)	($183)	($124)	($920)	($937)	($955)	($1,050)
Gas Tax Funding	($2,726)	($3,489)	($3,575)	($3,664)	($3,754)	($3,845)	($4,308)
Net Municipal Operating Cost	$22,261	$37,382	$38,920	$39,693	$41,330	$43,080	$53,734

The net municipal operating cost per passenger is projected to increase slightly with the implementation of fare-free transit, rising from $5.54 in 2024 to an average of about $6.00 over the next five years. The net municipal operating cost per capita is expected to increase sharply between 2024 and 2025 before gradually declining over the following decade. Table 4 presents key financial operating metrics.

Table 4. Key Financial Operating Metrics

	2024	2025	2026	2027	2028	2029	2034
Net Municipal Operating Cost per Boarding	$ 5.50	$ 5.65	$ 5.79	$ 5.74	$ 5.82	$ 5.90	$ 5.75
Net Municipal Operating Cost per Capita	$ 106.13	$ 173.39	$ 175.63	$ 174.26	$ 176.52	$ 179.01	$ 194.60

3.3 Capital Budget

Fare-free transit will require additional vehicles for both conventional and specialized transit. The unit cost of each new and replacement vehicle will be slightly lower than typical values because fare collection equipment will not be required.

The capital budget outlined below reflects the forecast from the City's 2024 budget, excluding revenue vehicle costs, which have been calculated based on asset requirements determined by the fare-free service. The required new vehicles shown in Table 5 are necessary solely to alleviate crowding and not to enhance service otherwise.

There is uncertainty regarding ongoing provincial capital funding under the revised federal Permanent Transit Fund. For the basic funding stream, which allocates federal contributions at 40 percent based on service area population and total ridership, provincial participation is not required as it was under the previous ICIP program. If provincial funding is unavailable, Burlington would need to cover 60 percent of capital costs. Consequently, both scenarios are included in the capital budget presented in Table 5.

Table 5. 5-Year Capital Budget

	2024	2025	2026	2027	2028	2029
New Conventional Vehicles	6	6	2	0	2	0
New specialized Vehicles	-	6	0	0	1	0
With Federal / Provincial Funding						
Conventional (,000)	$ 4,956	$ 7,185	$ 1,820	$ 1,794	$ 2,918	$1,862
Specialized (,000)	$ 498	$ 915	$ 882	$ 449	$ 539	$ 467
Total (,000)	$ 5,454	$ 8,100	$ 2,702	$ 2,243	$ 3,457	$ 2,329
With Federal Funding only – No Provincial Funding						
Conventional (,000)	$ 4,956	$ 13,521	$ 3,186	$ 3,179	$5,394	$ 3,384
Specialized (,000)	$ 498	$ 1,505	$ 882	$ 449	$ 638	$ 467
Total (,000)	$ 5,454	$ 15,026	$ 4,068	$ 3,628	$ 6,032	$ 3,851

4 Service And Resources Impacts

This section explores the conventional service impacts, resources and assets required with an implementation of fare-free transit. Impacts specific to specialized transit are included in Section 9.

4.1 Methodology Overview

4.1.1 Analysis Assumptions

To project the ridership and service impacts of fare-free transit. The following assumptions were made.

- Only passenger groups currently excluded from fare-free programs would increase their transit use, including high school students (daytime), and adults not benefitting from the One Fare free transfer program. This excludes children 12 years of age or younger, high school students (evening and weekend), all seniors, and adults transferring to or from GO Transit.
- Transit service must increase to accommodate the additional demand caused by fare-free. These increases also enhance service during periods where crowding is not present that cause an increase in transit use during those periods. For example, if crowding is projected for a trip at 12 pm on Route 2, an additional bus would be added to the Route over a longer period, which increases the Route's frequency and drives ridership growth over the longer period. The impacts of these increases were assumed to benefit all riders, including those currently riding fare-free.
- Year 1 of the implementation is 2025, based on the 2024 budget
- Halton Region's "Best Planning Estimates" from October 2023 were used for overall population, with local Burlington estimates of planning projects and spatial distribution.
- Where calculations of boardings based on ridership, or vice versa were required, a transfer rate of 18 percent was used, as in the DC Study. This means that 100 trips equate to 118 boardings

4.1.2 Analysis Considerations

- Increase in trips and boardings were modelled in detail from industry research.
- Service requirements were evaluated against Burlington Transit current transit service design standards.
- The performance of the fare-free program (in terms of ridership) was evaluated against the targets established as part of the Development Charges study. That analysis determined the level of service required to attract and accommodate sufficient transit ridership to meet the modal share targets established in the Integrated Mobility Plan and align with population growth.

4.2 Transit Ridership

Demand projection is a crucial part of the impact analysis, as further assessments of service, staffing, and operational effects depend on expected ridership. The methodology draws from past Burlington experiences, the experience of neighbouring municipalities and includes regression analysis of fare-free transit systems, considering variables like low-income and senior populations, alongside industry research on passenger responses to fare changes. Ridership was projected at user group, time period, and spatial levels. The full expansion of fare-free transit is expected to drive a 33 percent growth in boardings in the first year of implementation. Total year-over-year boardings would increase beyond that due to necessary service increases, demographic shifts and urban development. Service details are found in Section 4.3. Enhanced service levels will be essential to accommodate the fare-free demand on the system during peak hours; without them, frequent overcrowding could degrade the passenger experience and ultimately limit ridership and the effectiveness of the fare-free initiative.

Not all passenger groups and time periods will grow at the same rate. The greatest growth rate is anticipated among youth (13 – 19 years of age) during weekday daytime hours, which is projected to increase by 100 percent. If focussed on locations like high schools during bell times, this could lead to demand exceeding current service capacity and result in other operational issues as seen in other municipalities who have implemented fare-free transit for students.

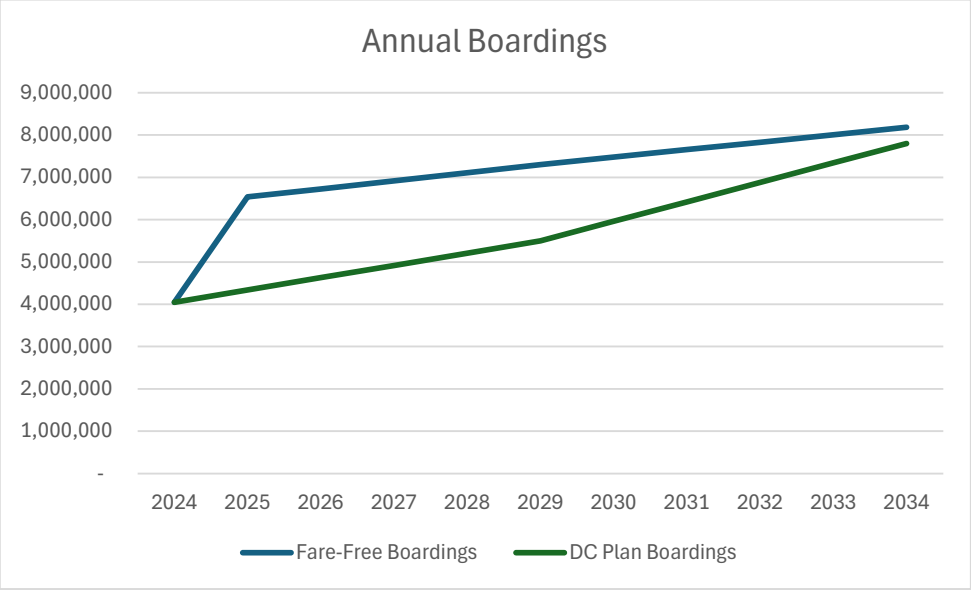
While ridership growth is expected to be significant in individual demographic markets, the overall impact is less than what might be expected in other communities. This is because fare-free transit would likely benefit only 50 percent of passengers due to Burlington's demographics. Currently, about 15 percent of passengers already use fare-free services and 35 percent of passengers with regional connections would likely not see fare changes. Section 7 provides further details on the regional impacts. Table 6 shows a summary of the projected boardings and ridership from fare-free.

Table 6. Projected Ridership and Boardings - Fare-Free

	2024	2025	2026	2027	2028	2029	2034
Projected Ridership	3,467		5,554	5,710	5,870	6,033	6,200
Projected Boardings	4,046	6,542	6,725	6,914	7,106	7,303	8,183
Boardings per Service Hour	19.57	28.06	28.62	29.19	29.76	30.33	

Figure 3 illustrates projected annual boardings with fare-free and those from the DC calculations associated with the IMP mode share target. Note that the extrapolation of these lines beyond 2034 indicates that in the late 2030s, the fare-free projection will begin to fall short of the DC targets, and additional investment will be likely be required to maintain progress.

Figure 3. Projected Annual Boardings vs. DC Boardings Target



4.3 Service

To assess the service impacts of fare-free transit, average trips were modeled to keep passenger loads at or below the recommended Burlington Transit planning limit of 40 passengers per vehicle. Extra buses were added for trips exceeding this capacity throughout the time periods where crowding occurred. Service impacts were also adjusted for expected ridership growth due to the service increases.

Overcapacity trips are anticipated to occur mainly during weekday peak periods and also on Saturdays on Route 1. Notable crowding is also projected near high schools at midday, driven by anticipated high ridership growth in this passenger segment. A minimum 14 percent increase in service hours is projected to be necessary before implementing fare-free transit to maintain service efficiency and prevent overcrowding. Given the risk of underestimating ridership and its impact on service quality, it would be prudent to include a contingency for service and related resources, since the requirements may be focussed in specific areas, which could amplify the impacts (such as school routes).

Currently, Burlington invests less in service compared to peer communities, with a revenue hour per capita rate of 1.0, compared to a peer average of 1.44. Fare-fare would raise Burlington's revenue hour per capita to 1.1, still below the peer average and this might limit the opportunity for future increases.

Fare-free transit is expected to improve service efficiency, with boardings per vehicle hour increasing from 20 in 2024 to 28 in 2025. However, crowding may lead to increased conflict, driven by changes in passenger behavior due to a decreased sense of value and a potential increase in problem passengers, all of which can create additional challenges for staff. Effective planning and service deployment can mitigate these risks. Furthermore, fare-free expansion can enhance operations by allowing operators to focus more on passenger service and eliminating fare-related conflicts.

4.4 Resources and Assets Required

To successfully implement fare-free transit, Burlington will need to enhance its operational resources:

1. **Vehicles:** Additional vehicles are required to support service hours as shown in Table 5.
2. **Operations staff and resources:** Additional operations staff will be necessary alongside the increase in service hours and vehicles. Current staffing levels need to be raised to the current levels identified in the Burlington Transit 5-Year Business Plan. Several positions, such as supervisors, are currently below the target complement necessary to provide desired service levels. Moreover, to effectively address the risk of conflict, additional supervisors are needed. In some cities where free transit for students has been implemented, additional supervisors were deployed in response to fare-free youth implementation, to manage passenger behaviour in addition to expanding service capacity. With these adjustments, operating expenses are expected to increase from $13.8 million in 2023 to $18.9 million in 2025.
3. **Maintenance and Fuel:** Increased costs for maintenance and fuel are anticipated due to more crowded buses, which raise marginal costs. Maintenance staffing is currently below planned levels, impacting vehicle maintenance and operational efficiency, and staffing will need to be adjusted to mitigate these operational risks. Maintenance and fuel costs are projected to increase from $6.7 million in 2023 to $12.8 million in 2025, including the allowance for increased maintenance costs associated with higher boarding levels.
4. **Administrative Capacity:** Prior to fare-free expansion, existing issues must be addressed to prevent service quality degradation. This includes increasing administrative spending to align with industry standards. In 2022, Burlington's administrative spending was $9 per revenue

service hour, significantly lower than the $27 spent by peer agencies. These increases will be crucial in managing the changes that fare-free transit will bring. Current hiring and retention challenges pose a major constraint and must be resolved before fare-free implementation, potentially requiring a multi-year hiring process and more staffing and time directed to human resources. Implementing change and conflict management strategies is also vital, as demonstrated by other transit agencies that have implemented fare-free programs. Administrative costs are expected to increase from $1.9 million in 2023 to $2.7 million in 2025.

5. **Travel Training and Change and Conflict Management:** Additional training and education resources would be beneficial for designing, developing and delivering travel training programs, which have been particularly effective in youth fare-free experiences. Implementing change and conflict management strategies is also vital, as demonstrated by other fare-free initiatives.

5 Presto Impacts

5.1 Analysis Assumptions

For this analysis, the following assumptions were made:

- PRESTO would remain in use through the end of 2027, when the current contract ends.
- PRESTO fees and charges would remain the same as under the existing contract until then.
- On-going PRESTO fees after the end of the contract would be zero.

5.2 PRESTO and One-Fare Assessment

In 2006, the City of Burlington entered into the Provincial Gas Tax Agreement. As part of that agreement, a specific requirement was made for GTA municipalities to participate in the GTA Farecard Project (PRESTO). Since 2006, PRESTO has been the electronic fare payment collection system for Burlington Transit.

PRESTO is an electronic fare collection system that seamlessly links 11 transit agencies and their fare policies, making it even easier for people to travel across the Greater Toronto, Hamilton and Ottawa areas. PRESTO promotes seamless passenger travel across multiple transit agencies by tapping a physical or digital card at stations and on buses.

The PRESTO contract was reviewed by the City's Corporation Counsel. Further conversation would be required with Metrolinx and PRESTO if fare-free transit is implemented. The PRESTO system provides

transit agencies with detailed information about transit ridership regarding transit trends and patterns. It is also used to establish ridership for provincial gas tax allocations.

To utilize PRESTO in a fare-free environment, a new contract would need to be negotiated with PRESTO as this would extend beyond the current Core Services Agreement and would include a revised terms and fee for use.

5.2.1 Presto Costs

Under the existing contract, PRESTO operating fees are a percentage of the revenue collected. Burlington Transit is also responsible for the capital costs of the on-board fare collection equipment, including farebox, PRESTO validators, and operator control unit, as part of the operating agreement.

5.2.1.1 Operating Considerations

The PRESTO system is used to collect fares and applies discounts (including 100 percent fare-free for children, youth time of day and seniors) on Burlington Transit; about eight percent of revenue comes from passengers using cash and HSR paper transfers. Tapping a PRESTO card identifies the rider, applies transit agency policies and records transaction details, which enables back-office processing such as adjusting GO Transit fares when transferring from Burlington Transit to GO Transit under the One Fare program (see below).

Passengers eligible for a fare-free program *are* required to tap their PRESTO card to identify their eligibility. With fare-free transit for all riders, it will be no longer necessary to use PRESTO.

5.2.1.2 Data Collection Considerations

PRESTO is an asset for data collection, providing comprehensive information on boardings and transfers between routes and systems. Without PRESTO, this data would be lost, impacting both short-term and long-term planning processes. While some data can be replaced by the existing Automatic Passenger Counter (APC) system, enhancing data queries and analysis will require additional staffing resources. Also, since APC cannot track transfers or passenger classification, periodic random on-board surveys will be necessary for accurate data collection. Both manual processes will require additional staff effort (likely new resources) to accommodate an effective systematic collection and analysis process.

5.2.2 Metrolinx GO One Fare Program

Metrolinx, in partnership with the Province and local transit agencies, is working to implement fare integration across many of Ontario's transit networks. In 2024 Ontario introduced the One Fare Program allowing single fares between TTC and its neighbouring transit agencies in Peel, York and Durham, aligning these transfer policies with those of the other agencies throughout the GTHA. At the same time the province integrated the GO Co-fare program under the One Fare banner. This program allows transit passengers to pay a single fare when transferring between GO and a local transit service, including Burlington Transit.

To take advantage of the program, transit passengers must use a PRESTO card, credit, debit, or PRESTO in Google and Apple Wallet to pay their fares. For passengers transferring to or from GO services, a 100 percent refund of Burlington Transit fare is issued. Transfers remain valid for two hours from the start of a Burlington Transit trip and three hours from the start of a GO Transit journey. It is estimated that 92 percent of Burlington Transit passengers use PRESTO and benefit from this program.

Metrolinx subsidizes local transit agencies for the lost revenue from this program. Metrolinx refunds Burlington Transit (City of Burlington) the equivalent of the base fare ($2.75) for the number of free transfers provided to and from GO Transit.

Metrolinx also reduces a passenger's GO fare to travel to the GO service by the amount of the base fare ($2.75) paid. This effectively makes the Burlington Transit trip to GO Transit free for connecting customers.

Based on the review completed, the total benefit of the fare subsidy paid to Burlington Transit by Metrolinx averages $700,000 per year and is trending higher in 2024. With fare-free transit analysis, this revenue is assumed to be zero. While the DC Study analysis projects significant increases in transfers to GO over the next 10 to 15 years, no additional revenue would be received from Metrolinx with a fare-free policy.

The result is the subsidy Burlington is currently paid by Metrolinx would be shifted to the City and an equal amount currently absorbed by Metrolinx would be paid by Burlington GO Transit users.

6 Gas Tax Implications

Provincial gas tax funding is derived from a 2-cents per litre share of the provincial gas tax, historically providing about $350M in annual transit funding to municipalities across Ontario. Funds are allocated to

municipalities each year based on the previous year's ridership and Statistics Canada Census population. As a result, gas tax allocation for a municipality only increases when population or ridership growth exceeds the provincial average. Population estimates are based on projections from 5-year census data. Population estimates have not yet been updated from the 2016 to 2021 base. In addition, during the pandemic, the provincial funding pool was frozen despite the actual tax revenue declining with reduced gasoline sales. It is not known when the province will update the population numbers in the calculations, though the advent of the Permanent Transit Fund in 2026, which will use a similar formula, is a potential prospect.

For this analysis, the following assumptions were made:

- Gas tax eligibility would not be affected by fare-free transit, since required data can be collected through other means. As they are in many municipalities, the gas tax total fund will increase from the current amount starting in 2025 based on inflation only with no change to overall allocation formula, post-COVID corrections, or per litre allocations.
- Provincial population base estimates will be updated to 2021 census figures in 2026, with projection estimates for annual population allocation; Burlington population estimates are based on Best Planning Estimates sourced from Halton Region Planning.
- Estimates of annual ridership will be updated annually from 2025; Burlington Transit's allocation will be based on model projections from this assignment.
- Annual growth in province-wide transit boardings will be 3.5 percent.

Based on these assumptions, Burlington's population-based amount will increase about $400,000 over the five years, and the ridership-based amount by about $700,000 for a total increase of about $1.1 million by 2029. Following the ridership pattern, most of the increase in the ridership amount occurs in the first year. Table 7 shows the details of these calculations along with a projection to 2034; these totals are also included in the financial summary in Table 3.

Table 7. Provincial Dedicated Gas Tax Funding Projections

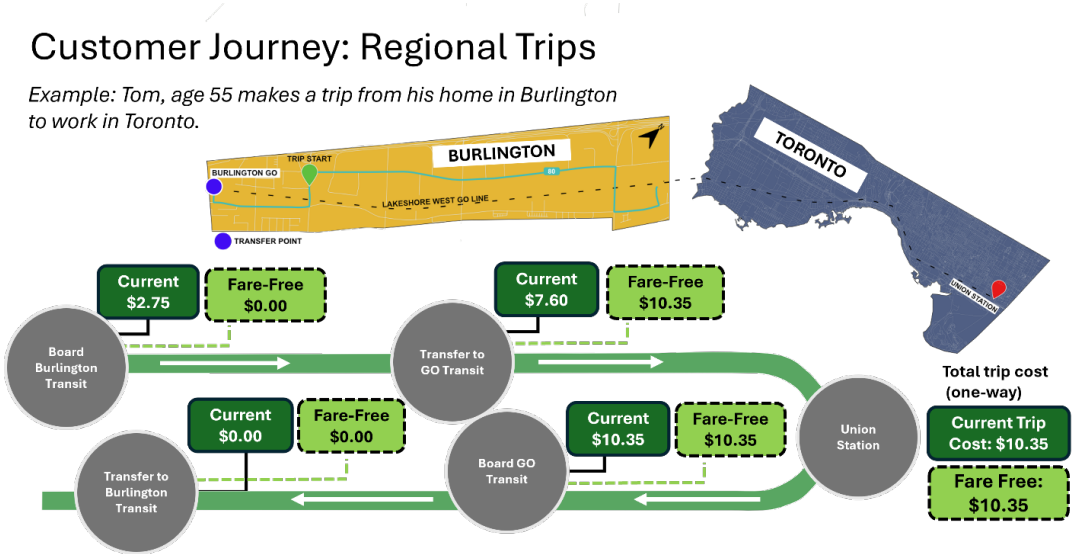
	2024	2025	2026	2027	2028	2029	2034
Population Amount	$1,755,000	$1,924,000	$1,981,000	$2,041,000	$2,102,000	$2,164,000	$2,422,000
Ridership Amount	$966,000	$1,565,000	$1,593,935	$1,622,801	$1,651,803	$1,681,213	$1,662,000
Total Gas Tax Funding	$2,721,000	$3,489,000	$3,575,000	$3,664,000	$3,754,000	$3,845,000	$4,304,000

7 Service Integration Impacts

The regional fare structure and service integration of Burlington Transit with transit agencies across the GTHA complicates the impact of fare-free. The reactions of adjacent transit agencies remain unknown, and the expansion may alter funding dynamics for Burlington Transit regionally. Additionally, Halton Region's Transit Priority Corridor Operationalization Study could impact the fare-free initiative for Burlington.

Due to local transit fare arrangements with Metrolinx, HSR (Hamilton Street Railway), and Oakville Transit, passengers using Burlington Transit to connect to these services would likely see no fare changes. Regional fare integration goals are to eliminate fare barriers created by artificial boundaries and to simplify travel by removing double fare collection. With fare-free transit, these objectives would be met without Metrolinx's use of the One Fare program. As result, Metrolinx would likely charge their full fare in both directions without reimbursing Burlington Transit. Figure 5 illustrates the change in fare payment for a regional trip with GO Transit.

Figure 4. Burlington to/from Toronto Fare Journey Map Before and After

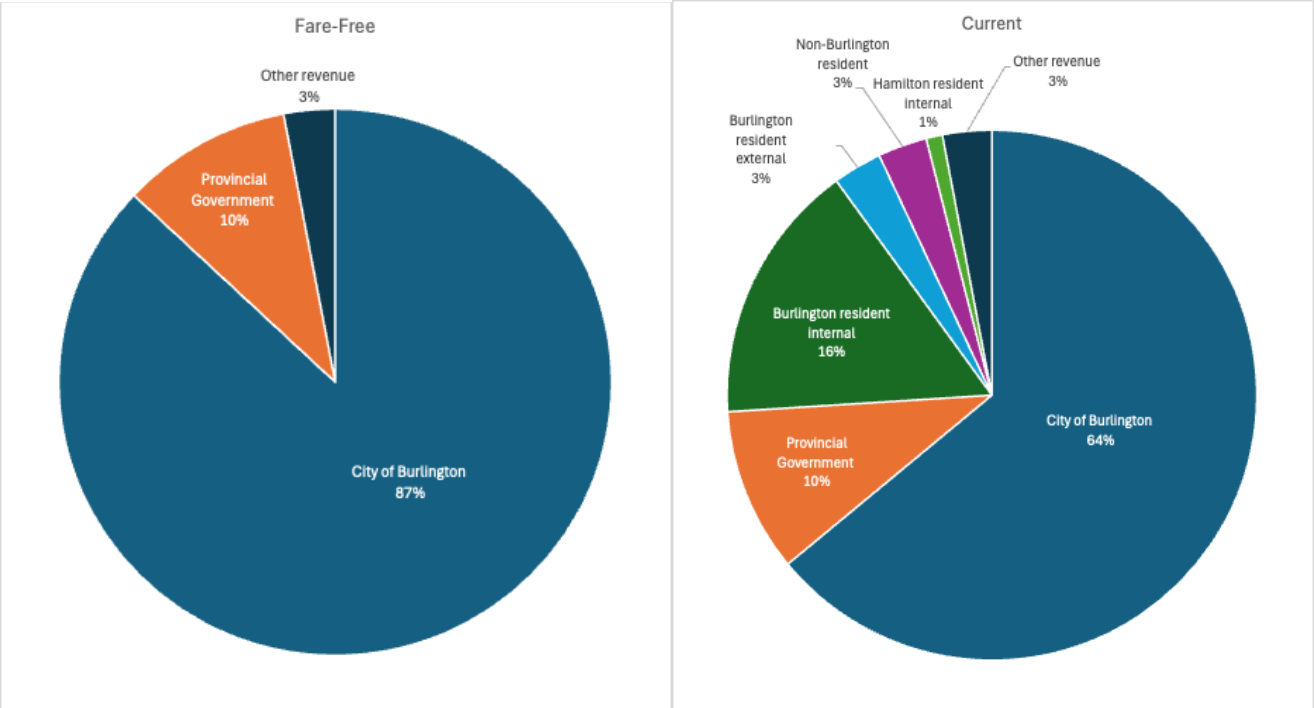


Initially, HSR and Oakville Transit may have little incentive to remove their free transfer if Burlington adopts a fare-free model, as their revenue would remain unchanged. However, if HSR and Oakville Transit maintain their free transfer from Burlington Transit, it would create inequity for passengers traveling between municipalities; for example, an HSR passenger traveling within Hamilton would pay $5.60 with PRESTO, while a round trip to Burlington would cost only $2.80. This disparity may pressure HSR and Oakville Transit to reinstate a return fare and eliminate the free transfer for regional trips. While passengers on these trips would likely see no change in fare, the cost of providing associated services would shift from Metrolinx, HSR, and Oakville Transit to Burlington Transit. A significant implication considering 35 percent of Burlington Transit passengers transfer to/from another agency.

Expanding fare-free shifts the burden onto the City of Burlington to find sources of funding to cover this loss of revenue. Currently, fares from travelers to and from non-Burlington locations cover about seven percent of operating expenses or $1.75 million annually. For example, travel solely within the Hamilton boundary on Route 1 (Plains Rd. and Fairview and downtown Hamilton) accounts for one percent of operating expenses, or $250,000 annually. With fare-free expansion, the cost of Burlington Transit will no longer be subsidized by non-Burlington residents.

Furthermore, the City would need to fund services which will affect Burlington businesses supporting transit access to their businesses/workplaces; while non-Burlington businesses/workplaces will maintain the benefit of employee access via Burlington Transit with no cost implications. Figure 5 illustrates the shift in funding contributions.

Figure 5. Percentage Distribution of Revenue and Funding Contributions for Burlington Transit



Halton Region is conducting a Transit Priority Corridor Operationalization Study, with a draft Phase 1 report already completed. This report outlines three potential scenarios for expanding transit priority corridors and coordinating services, all of which involve amalgamating transit services under a single entity.

The preliminary recommendation to combine transit services could reverse any fare-free decision Burlington makes (and possibly existing programs not shared by the other systems), as fare consistency is typically a feature of regional transit systems. However, any move toward regional transit amalgamation is likely to be long-term and may not impact the immediate planning considerations of this assessment.

8 Community Benefits and Risks

Fare-free transit may bring notable benefits to the community, alongside some risks. Benefits are primarily linked to increased ridership. Ridership is derived from three sources: more trips taken, a potential shift from personal vehicle travel to public transit, and a transition from walking or cycling to public transit.

The most significant source of ridership gain is likely to come from current passengers taking more trips, which enhances their access to employment, education, and healthcare — particularly benefiting marginalized groups and promoting equity. The per person trip increase is likely to be greater with lower incomes. This increase in total trips per person improves business productivity, mental and physical health, and fosters greater social capital, as low-income riders will no longer have to validate and apply for transit passes.

A shift from personal vehicle travel to public transit can contribute to community benefits. Fare-free models are less effective at reducing personal vehicle use compared to other transit service enhancements. This is because fare-free transit ridership growth comes from increased trips by current passengers and from people substituting walking or biking for short trips. For instance, individuals start to take short trips on transit that could be easily walked, increasing transit costs with minimal value. The diversion of passengers from cycling and walking would also affect active transportation mode share targets within the IMP and reduce the community benefits that those modes provide.

The overall impact of fare-free transit includes a projected replacement of 507,000 car trips by 2029, a small percentage of Burlington’s total trips. This will decrease the amount of GHG emissions, including a projected reduction in Co2 of 560,400kg by 2029, and is a benefit for the environment. Private automobile passengers can reduce expenses related to fuel, parking, maintenance, allowing for greater spending in the local economy.

Theoretically, reducing car trips will lead to less traffic congestion, less green house gas emissions and faster travel times for everyone. Congestion reduction is expected to be minimal particularly considering any through traffic would not be affected by fare-free. Long term, fewer car trips mean lower public and private spending on transportation infrastructure, including the costs of building and maintaining roads and parking, as well as their land use value. Most transit trips involve walking or cycling links, which promotes physical activity.

Additional community benefits include cleaner air from reduced vehicle kilometers traveled and roads can become safer as people switch from cars to transit. Table 8 highlights some of these community benefits and provides rough estimates of their economic impact for the City of Burlington.

Table 8. Sample of Estimated Theoretical Annual Fare-Free Transit Economic Benefits in 2029

Transit Benefit	Description	Estimated Economic Benefit of Fare-Free Transit in 2029
Business productivity gain from enhanced workforce access	Increased employment participation by non-drivers.	$1.00 million
Individual Transportation Savings	Fare-free transit creates cost savings for riders	$17.58 million
Reduction in Road Traffic (Congestion Reduction)	Results in faster travel times for everyone	$0.68 million
Active Travel Health Benefits	Promotes a more active lifestyle for transit passengers i.e. walking to a bus stop	$0.41 million
Enhanced Road Safety	Reductions in collisions from mode shift	$0.28 million
Total		**$19.95 million**

The quantitative number in Table 8 represents only a portion of the total benefits arising from fare-free transit. Other non-quantified benefits supported by fare-free transit include enhancing social capital and sense of community, transportation infrastructure savings, and access to engagement in several key daily activities including employment, education, food and healthcare.

Fare-free transit may be a source of community pride that has helped local communities earn positive recognition and may support City of Burlington's strategic goals and priorities. Public perception can also vary. In many cases, those who do not use transit, may view any increase in taxes that fund the transit system as being "unfair", as was noted in the Fare-Free Transit survey.

9 Benefits and Risks – Transit Sustainability

The consideration of fare-free transit in Burlington presents implications for the sustainability of both the City and Burlington Transit. While there are notable risks associated with this initiative, potential benefits also warrant careful examination.

9.1 Risks

One of the primary concerns is the potential mismatch between service availability and demand. Research on other fare-free experiences indicates that planning and investing in service capacity must occur prior to implementing a fare-free model for it to be effective. If this is not done, service quality is likely to deteriorate, and any immediate increases in ridership may be subdued, potentially leading to decreases over the long term.

An associated risk arises if ridership significantly exceeds expectations, particularly during a specific time period. Although the ridership projection methodology used in this study is robust, there remains a degree of uncertainty due to the limited experience and research on fare-free systems, as well as the complex factors influencing ridership changes. While Burlington Transit does have some service capacity on different routes and at various times, system-wide, Burlington Transit's boardings per vehicle hour are higher than those of most systems that have implemented fare-free transit. A higher number of boardings per vehicle hour heightens the consequences of ridership exceeding projections. This is because the system is running closer to its maximum capacity, making it more likely that any fluctuation in ridership would cause overcrowding, again resulting in degradation of service and loss of ridership.

Fare-free transit also commits the City to a greater extent of ongoing service investment. As service efficiency improves and excess capacity diminishes, additional investment will be necessary more frequently and substantially to accommodate community growth without degrading service quality. Fare-free transit makes it less likely that this continued investment will occur. Research indicates that systems with reduced fare revenues are less likely to expand service in response to increased demand. This is because, with fare revenue, when ridership increases, so do revenues, making it easier to invest. Without fare revenue, there is a risk that appropriate network development does not occur. By removing fare revenue, transit funding becomes less diverse, which could result in less sustainable funding.

Fare-free transit could impact hiring and retention within Burlington Transit. Attracting and maintaining a skilled workforce will be crucial to sustaining service quality. If hiring and retention difficulties persist, it

could necessitate further increases in operational costs or pose risks to service quality and long-term transit sustainability.

9.2 Benefits

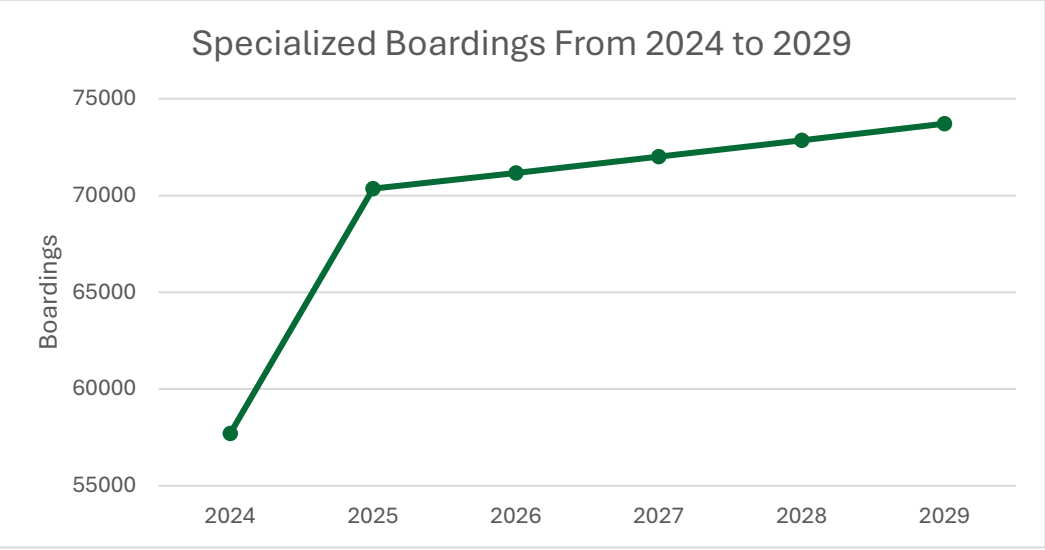
A potential benefit of expanding fare-free transit is the enhancement of future support for transit. Transit passengers are expected to grow significantly and immediately. This, combined with the potential that fare-free transit will foster greater community pride, could lead to increased community-wide support for transit, thereby enhancing its long-term sustainability.

Another benefit is that young passengers are more likely to embrace public transit when it is fare-free Encouraging this demographic to utilize transit services can establish a foundation for sustainable transit use in the long term.

10 Specialized Transit Impacts

Compared to conventional transit, specialized transit ridership growth is expected to be more modest, primarily due to the existing fare-free travel enjoyed by many senior users. Ridership is projected to increase from about 58,000 in 2024 to more than 70,000 in 2025, a 20 percent increase.

Figure 6. Specialized Boardings from 2024 to 2029



The specialized service already operates at full capacity or experiences demand that exceeds capacity during peak times. This will necessitate service increases that align closely with ridership growth to

ensure effective demand management. While conventional transit can accommodate more passengers without immediate expansion, specialized transit must maintain service levels to avoid capacity issues and trip denials. This is essential for compliance with the Accessibility for Ontarians with Disabilities Act (AODA). Additionally, existing service must increase to meet currently unmet demand. The projected ridership would require an increase of six additional vehicles in 2025, a 38 percent increase. Vehicle procurement timelines would delay meeting the ridership increases until late 2026. Expanding fare-free to all passengers before that date could cause a significant increase in trip denials, leading to passenger complaints and possible legal challenges.

Table 9. Required Service Hours and Vehicles to Meet Projected Ridership Growth

	2024	2025	2026	2027	2028	2029
Specialized						
Service Hours	15,000	19,000	19,500	19,500	20,000	20,000
Vehicles – Total	16	22	22	22	23	23
Expansion		6	0	0	1	0

11 Alternative Funding Sources

Expanding a fare-free transit system in Burlington results in considerable loss in revenue to support operations, which must be recovered from other sources. In the comparator group of agencies with fare-free programs, many are from the US, where agencies have much more diverse revenue sources. These agencies typically have access to a wide variety of federal and state funding programs including formula grants and competitive funding programs, sales taxes, dedicated transit levies, and donor programs (primarily for specialized transit). In Ontario, municipalities are very limited in their funding sources, and almost all rely solely on property taxes and the dedicated gas tax funds to make up operating revenue shortfalls. Even those municipalities that have additional funding options have been prevented by the province in the past from implementing them. Toronto, for example, attempted to introduce tolls on its locally owned highways, but the plan was prohibited by the province.

Burlington Transit's total revenue includes about $800,000 annually from advertising and charter services. More aggressive pursuit of these and other initiatives could increase revenue, but the potential increase is small and could be partially or completely offset by the additional effort and staff resources

required to implement them. Fare revenues are proven to be the most steady and sustainable source of revenue for most transit agencies in Canada.

Other agencies have explored and some successfully implemented programs, which are unrelated to fare-free programs, but can be used to generate additional revenue such as:

- Co-Sharing Partnerships - Partnering with employers and schools could lead to agreements where these entities contribute financially to support the fare-free system. School boards could contribute funds already budgeted for high school passes.
- User Fees and Levies, including sales taxes (US) and parking levies (TransLink). Both Ottawa and Toronto have considered recent reports aimed at introducing paring levies to support transit.
- Securing Sponsorship and Naming Rights – a variation on transit advertising for large system with significant system infrastructure
- Crowdfunding and Community Fundraising - Although unconventional, crowdfunding and community fundraising are used to supplement transit funding, primarily for very small rural systems in the US. Other small systems, including some community systems in Canada, derive an important portion of their funds from donations.

While various alternative revenue sources may be available to help replace lost fare revenue, each presents challenges and uncertainties, with limited revenue prospects, particularly in the Burlington context.

12 Staff Impacts

Implementing fare-free transit in Burlington presents both benefits and risks for operations and staff. On the positive side, the elimination of fares can allow operators to focus more on enhancing passenger service, as they would no longer need to manage fare collection issues or disputes. This shift can improve overall passenger experiences and alleviate the administrative burden associated with fare management, reducing operational costs related to fare collection processes.

There are potential risks, particularly concerning crowding, changes in passenger behavior, and an increase in problem passengers. This could lead to a more dangerous environment for staff and the negation of benefits mentioned above. While the literature indicates that fare-free systems may see an

increase in problem passengers, the actual increase in incidents per boarding is often marginal.[10] Nonetheless, effective planning and deployment of resources can mitigate these risks. For instance, strategies such as deploying supervisors in high-traffic areas —can help manage passenger behavior and enhance safety.

Moreover, larger and more diverse crowds may necessitate additional training for operators and supervisors to effectively manage increased passenger volumes and potential conflicts. This training is crucial for ensuring safety and maintaining service quality amidst changing dynamics. Careful staff planning is essential; insufficient staff would lead to a decline in the quality of the working environment and negatively impacting service delivery.

Operating cost estimates outlined previously include adjustments for administrative and operations expenditures overall. Burlington Transit will need to review specific needs and capacities in supervision, training and such to identify specific hiring requirements. This hiring process in the current environment can create delays in implementation, and it is important to remember the risks of fare-free launch without adequate resources.

13 Alternative To Fare-Free Transit – Service Expansion to Support Service Demand

Evaluating opportunity costs is crucial for assessing the value of fare-free transit. This section develops an alternative service scenario aimed at aligning Burlington Transit with the transit goals of the Integrated Mobility Plan (IMP). The modal shift targets of the IMP are used as a base for the Development Charges Update Study, and detailed in the Development Charges Update Background Study.

The DC transit targets calculate a number of vehicles and related capital expenditure required to achieve the estimated service hours necessary to achieve the boarding targets. The DC study also looks at the development within Burlington which will focus on Major Transit Station Areas, therefore there will be a need for Burlington to align transit service expansion to support service demand. Future development in Burlington will have reduced minimums for parking, therefore supporting additional demand in transit to get around Burlington.

[10] Kirschen, M., Pettine.A., (2023). *Fare-Free Transit Evaluation Framework*. National Academies of Sciences, Engineering, and Medicine

The analysis utilizes the Development Charges Update Study transit analysis to determine service requirements. In the DC background analysis, ridership targets were developed and translated to service increases (vehicle-hours) to identify the capital and operating requirements for the plan.

This analysis reverses the process, taking the projected vehicle and service needs to develop a sample network, then projecting annual ridership from that network. This network and associated ridership estimate were developed for 2029, then pro-rated for the intervening years from 2025, and projected to 2034 based on the DC intermediate targets for 2034.

The transit service network developed for 2029 includes:

- Increased span of service (earlier and later trips) on many routes.
- Frequent transit network (15-minute service or better) throughout the day and 10-minutes or better in peaks on key routes.
- Improved Saturday and Sunday services.

13.1 Analysis Assumptions

For this analysis, the following assumption was made:

- Future revenue was calculated based on average fares, inflated from the 2024 base using the IMF inflation rates.

13.2 Analysis Considerations

Boardings and ridership were calculated based on the route-by-route service improvements and applying industry service elasticity factors. A long-term service elasticity factor of 1.0 was used for 2029 and 2034. Since most of the increases were focussed on key higher ridership routes, the aggregate elasticity factor exceeds 1.0.

Specialized transit is not expected to be affected by the service increases, given that they were applied to existing routes. As a result, specialized transit requirements increase modestly along current planning patterns. However, if future increases are applied to new service areas that increase the requirement for specialized transit coverage, the requirement for additional vehicles and service hours will increase more than projected.

13.3 Ridership

Boardings were calculated based on the route-by-route service improvements and applying industry service elasticity factors. Ridership was calculated by applying the relevant transfer rate. Table 10 shows a summary of the projected annual ridership and boardings.

Table 10. Projected Annual Ridership and Boardings for Service Expansion Plan (,000s)

	2024	2025	2026	2027	2028	2029	2034
Annual Ridership	3,466	4,061	4,413	4,765	5,117	5,469	7,941
Annual Boardings	4,046	4,782	5,197	5,612	6,027	6,442	9,358

13.4 Operating Costs

The service expansion plan allocates four revenue vehicles per year (excluding replacements) which increase revenue-service hours between 13,000 and 14,000 hours per year on average, totaling 66,000 hours by 2029. This would bring the service hours per capita close to 1.2, more in line with the peer group average of 1.44. The expansion numbers align with the current Transit 5 Year Business Plan, which will be updated in 2025.

Future operating costs were calculated on the same basis as the fare-free scenario, with the relevant number of service hours.

Gross operating costs are expected to increase from $31.9 million in 2024 to more than $49 million in 2029. Because revenue from all sources is maintained, net municipal operating municipal budget costs under the service expansion plan are projected to be $34 million in 2029. This is up from an estimated $22.3 million in 2024, compared to a near doubling of net costs from fare-free transit.

Based on the assumptions used to develop the service plan for the intervening years, increases are linear over the 2025 through 2029 period. However, these plans could easily be modified to reflect actual response to the service increases. For this reason, the risk contingency amounts, included in the fare-free operating budget, are not included here. In the service expansion plan, transit service increases are being used to lead and attract ridership growth. If that growth does not meet expectations, service plans can be adjusted to meet demands.

The operational costs of specialized transit are expected to grow at a proportional rate to those of conventional transit but be similar to the costs under the fare-free plan by 2029. Table 11 outlines the 10-year operating cost budget.

Table 11. 10-Year Operating Budget – Expansion Plan

	2024	2025	2026	2027	2028	2029	2034
Conventional Operating Cost	$29,268	$32,812	$35,829	$39,030	$42,409	$45,999	$64,843
Specialized Operating Cost	$2,614	$2,725	$2,985	$3,399	$3,576	$3,913	$5,786
Risk Contingency	-	-	-	-	-	-	-
Gross Operating Cost	$31,882	$35,536	$38,814	$42,299	$45,985	$49,912	$70,629
Operating Revenue	($6,943)	($8,531)	($9,429)	($10,356)	($11,307)	($12,290)	(18,991)
Gas Tax Funding	($2,726)	($3,047)	($3,191)	($3,335)	($3,479)	($3,623)	($4,498)
Net Municipal Operating Cost	**$22,261**	**$23,955**	**$26,191**	**$28,606**	**$31,197**	**$33,999**	**$47,140**

To compare to the fare-free plan impacts, net municipal cost per boarding and per capita were also calculated. The net municipal operating cost per passenger is projected to decline under the expansion plan from $5.50 in 2024 to about $5.28 in 2029. Similar to the fare-free plan, the net municipal operating cost per capita is expected to increase between over the following decade as both service and ridership grows. While following a similar pattern to the fare-free transit plan, the net municipal cost per capita is about 60 percent of the fare-free net cost metric. Table 12 presents key financial operating metrics.

Table 12. Key Financial Operating Metrics – Expansion Plan

	2024	2025	2026	2027	2028	2029	2034
Net Municipal Operating Cost per Boarding	$5.50	$5.01	$5.04	$5.10	$5.18	$5.28	$5.04
Net Municipal Operating Cost per Capita	$106.13	$111.12	$118.19	$125.58	$133.24	$141.27	$170.72

13.5 Capital Budget

The capital budget outlined below reflects the forecast from the 2024 City of Burlington budget, with the planned addition of four revenue service vehicles per year over the five years and beyond. Like the fare-free capital budget, municipal expenditures at both the 27 percent and 60 percent contribution rates are shown.

Table 13. 10-Year Capital Budget – Expansion Plan

	2024	2025	2026	2027	2028	2029	2024-29	2030-2034
Conventional Vehicles		4	4	4	4	4	20	20
Specialized Vehicles		0	0	0	1	1	2	2
With Federal / Provincial funding								
Conventional	$4,954	$6,605	$2,372	$2,928	$3,491	$3,039	$20,448	$21,000
Specialized	$515	$516	$1,158	$432	$432	$432	$3,485	$3,600
Total	$5,469	$7,121	$3,530	$3,360	$3,923	$3,471	$26,874	$24,600
With Federal Funding only – No Provincial Funding								
Conventional	$4,954	$9,250	$4,440	$5,738	$6,711	$6,039	$37,132	$39,000
Specialized	$515	$516	$1,255	$432	$432	$432	$3,582	$3,700
Total	$5,469	$9,766	$5,695	$6,170	$7,143	$6,471	$40,714	$42,700

13.6 Other Considerations

- **DC Transit Targets** – The service expansion plan exceeds the DC targets for transit boardings set for 2034 in terms of modal share at 6.9 percent. More modest investment is not

recommended for planning purposes, but progress to the targets will be monitored each year to inform future planning.

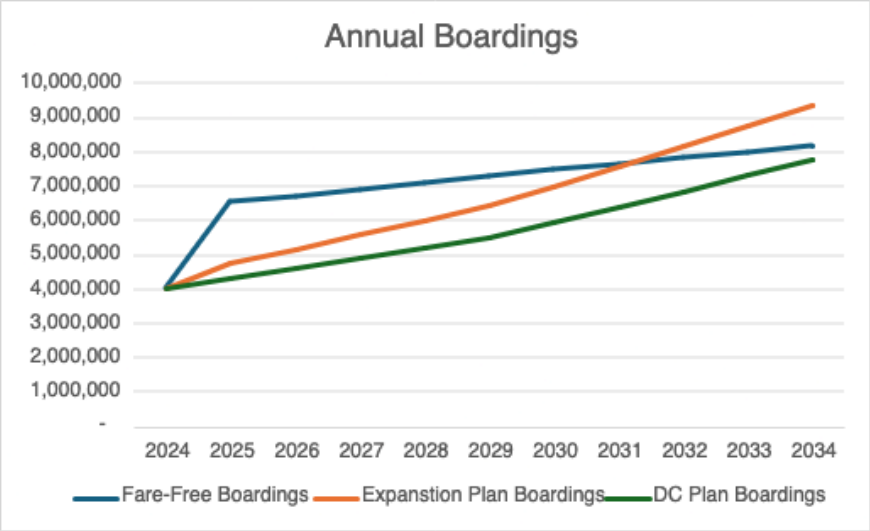
- **Network-wide improvements** – Service investment to improve service frequency, span and coverage can benefit all passengers in all markets and demographics. A service increase on key routes to 15 minutes or better (10 minutes or better peak) improves transit access for all residents, maximizes the economic benefits and justifies the value of the fere system.
- **Targeted Improvements** – Service increases can also be deployed where they can be most effective at any given time. For example, they can be deployed specifically to introduce and increase service around the new Major Transit Station Areas (MTSAs), to maximize transit access to bus and rail stations (and maximize revenue from Metrolinx), to promote use by high school students, to serve employment areas, or residential areas targeted for equity improvements.
- **Higher modal shift** – While the service investment plan meets the IMP targets for ridership in 2029 and 2034, the total ridership gains are less than that of fare-free. However, modal shift from auto modes are approximately 50 percent higher with service improvements than from fare reductions. This means that the associated benefits of GHG emissions, competition with active modes, even theoretical congestion reductions, are higher with service increases resulting in similar ridership gains. This makes the service investment plan more complementary with the other modes and their IMP targets.
- **Improved Sustainability** – Because the investment plan retains the flow of fare revenues, more funding is available to offset the costs of future investments, reducing the financial and political barriers to on-going investment. Also, because transit service investment leads transit ridership in the short-term, it maintains capacity for on-going ridership growth with lower future investment levels. This means that the ridership impacts of investment are lower in the short-term but can outpace a fare-free system in the medium- to long-term.
- **Risks** – with transit service investment, service impacts can be monitored, as they currently are, to ensure the most effective deployment of resources, with periodic changes to maximize the return on investment. This is more flexible than a fare-free network, which is difficult to change, and limits the flexibility for service increases. The risk remains that service increases will not produce the projected ridership gains over time, requiring additional investment or initiatives to increase ridership to maintain DC-projected targets. Further, the higher vehicle requirements of the service expansion results in higher capital costs, which may be further affected by changes in government funding programs.

14 Conclusion

Ridership Performance

Both a fare-free program and the alternative service expansion plan generate increased transit use that will help Burlington reach the modal share targets. The graph below shows the transit performance in terms of boardings for the two alternatives, compared to the boardings targets of the DC analysis.

Figure 7. Annual Boardings for Alternatives Compared to Boarding Targets of the DC Analysis



Fare-free transit is projected to increase ridership in the short-term; however, benefits may be short-lived unless upfront funding is allocated to align service demand with organizational and capacity, while maintaining a quality-of-service passengers have come to expect. Without planned investment, the move to fare-free transit could lead to service decline and undermine the growth in ridership of the system.

Financial Performance

Financial projections indicate that the initial net municipal operating costs (the cost of transit to the City) would increase from $22.2 million in 2024 to $37.3 million in 2025 with the introduction of fare-free transit, increasing to more than $53 million by 2034. The increase in net operating costs is primarily due to loss of fare revenue, along with the cost of service increases to mitigate crowding.

For the alternative service expansion plan, net municipal operating costs increase more steadily (and controllably) starting at $24 million in 2025 and increasing to $34 million in 2029, and $47 million by

2034. The overall lower net municipal cost is the result of continuing to collect fares and increasing paid ridership.

Capital costs of the fare-free program are lower than the service expansion plan, which has higher vehicle requirements to drive service. Table 14 shows a summary of the financial and ridership performance of the two scenarios over 5 years.

Table 14. Fare-Free Transit vs. Service Expansion Plan: Key 2029 Metrics

	Fare-Free	Expansion Plan
Ridership	6,200,000	5,469,000
Boardings	7,303,000	6,442,000
Net Municipal Operating Cost	$43,080,000	$33,999,000
Net Municipal Operating Cost per Rider	$5.90	$5.28
Five-year Capital Cost (63% subsidy)	$24,285,000	$30,159,000

Other Benefits

There are a variety of other benefits from both programs, and because many of those are related to increased use of transit, both are quite similar. Both will have small but important effects on the number of vehicle trips, kilometres travelled, GHG emissions and modal shift. Because the fare-free program eliminates fares, this financial benefit accrues directly to passengers. This can also have desirable equity benefits for low-income populations. On the other hand, the service expansion plan, with broader service enhancements, benefits all passengers and the community at large, making transit more attractive, and improving community access to employment, services and opportunities.

Performance Risk

The study outlines two key risks for fare-free transit not present with the service expansion plan:

1. Service Demand: Actual demand can vary from the projections, particularly with spikes in particular locations and at specific time periods (like outside schools at bell times). Where boardings exceed service capacity, deterioration of the passenger experience is likely and could lead to ridership reductions. In the case of specialized service, trip denials could result in legal challenges. Mitigating this risk also relies on additional staff resources, including supervisors and dispatchers.

2. Financial Viability: Fare-free programs present greater risks for sustaining future investments by removing controllable revenues that are used to offset operational costs to a transit agency. This may limit the ability to effectively respond to demands in the future.

Combined with more cost-effective ridership growth this suggests that the service expansion plan would yield greater community benefits. Overall, service investments offer a more stable and sustainable approach to ridership growth and meeting community goals; and compares some of the benefits of fare-free transit and the expansion plan.

SUBJECT: Council Composition and Ward Boundary Review interim report

TO: Committee of the Whole

FROM: Legal and Legislative Services

Report Number: CL-27-24

Wards Affected: all

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Provide direction to the Consultant Team regarding the following aspects of the Council Composition and Ward Boundary Review contained in legislative services department report CL-27-24:

1. Should all local councillors also be regional councillors; and if not,
2. Should regional councillors be elected by wards?

PURPOSE:

Vision to Focus Alignment:

☐ Designing and delivering complete communities
☑ Providing the best services and experiences
☐ Protecting and improving the natural environment and taking action on climate change
☐ Driving organizational performance

Executive Summary:

The purpose of this cover report is to provide a summary of considerations laid out in the 2024 Council Composition and Ward Boundary Review Interim Report as submitted by the consultant, Watson & Associates Economists Ltd (Attached as Appendix A), and to seek direction from Council that will guide the development of viable options for consideration in Phase 2 of the Council Composition and Ward Boundary review.

Background and Discussion:

The City of Burlington retained Watson & Economists Ltd, Dr. Robert J. Williams, and Dr. Zachary Spicer, hereinafter referred to as the Consultant Team, to conduct a comprehensive Council Composition and Ward Boundary Review (CCWBR). The purpose of the project is to evaluate the current electoral structure and ward boundaries, and to prepare Council to decide whether to maintain current council composition and ward boundaries, or to make changes.

The detailed interim consultant report before Council, while providing summaries of work completed to date, evaluation of the current electoral structure, as well as information and feedback gathered through phase 1 public engagement, seeks direction on representation principles that will allow the Consultant Team to develop viable composition and ward boundary options for Council consideration in Phase 2 of the review.

Strategy/process/risk

The purpose of the Council Composition and Ward Boundary Review is to evaluate current electoral structure and provide Council with the necessary information to decide whether to retain the current council composition and ward boundaries or to implement change, with the overarching goal of ensuring effective representation for the next three electoral cycles. Guiding this review is a set of principles that taken together contribute to achieving the goal of effective representation:

- Representation by population principle which considers balancing current population distribution between wards;
- Future population trends principle which considers balancing future population distribution between wards based on growth projections;
- Communities of interest principle which considers respecting established communities and neighbourhoods; and
- Geographic representation principle which considers geographical features and natural and infrastructure boundaries.

To date, work completed for the review includes research and data compilation, interviews, presentations and meetings with council members and municipal staff, and public consultation on the existing council composition and ward structure. The interim consultant report provides details on Burlington's existing electoral structure, existing ward structure as well as population considerations. It provides an in-depth analysis how the current ward structure meets the guiding principles that contribute to the overarching goal of effective representation. The report also details the feedback received through the public consultation process in phase 1 of the project.

The current electoral structure in Burlington consists of seven members: the mayor as the head of council, elected at large, with six councillors, each representing one ward. In 1996, when Burlington's population was approximately 139,000, in response to a composition change in Halton Region Council, Burlington City Council adopted a resolution that included two principles regarding representation (See Appendix B Staff Report CL58/96 Regional Restructuring):

i. "The Mayor should be one of the City of Burlington's representatives on Regional Council.
ii. That the Regional Councillors from the City of Burlington should sit as both City and Regional Councillors"

The resolution also provided "THAT of the seven representatives from the City of Burlington sitting on Regional Council one shall be the Mayor of the City of Burlington, who shall be elected by a general vote and...that the balance of the Council of the City of Burlington be composed of six members who are elected by ward". Since the adoption of this resolution, the composition of Burlington council has remained unchanged. During the last ward boundary review in 2005 for the 2006 election, council composition was not considered, and the representation principles were maintained. Burlington's population at the time of the last review was approximately 160,000 and has grown to approximately 186,948 in 2021 according to the Census data.

According to the Consultant team, the initial evaluation of the current system in Burlington indicates that exploring alternative options of the existing electoral structure is warranted. To ensure that alternative options brought forward for Council decision in Phase 2 of the review are viable and focused, staff and the Consultant team are seeking direction on representation principles that will frame the composition and ward boundary options. Two fundamental questions must be considered:

1. Should all local councillors also be regional councillors; and if not,
2. Should regional councillors need to be elected by wards.

Should Council decide that all local councillors should also be regional councillors, the consultant team will be able to provide two alternative options for consideration. The first option will explore maintaining current council composition of seven members while

redesigning the existing ward boundaries. The second option will explore an increase in council size by 1 and redesigning the six existing ward boundaries. These two options will be explored in detail and presented to the public for feedback and to Council for a final decision in phase 2 of the review.

Should Council decide that all local councillors *do not* also have to be regional councillors, the second question to consider is whether regional councillors need to be elected by wards. Depending on the answer to the second question, a number of options can be developed. Should Council decide that regional councillors do need to be elected by ward, the Consultant team will bring forward three options for consideration. The first option would maintain the six ward model, but each ward would elect both a local and a regional councillor, essentially doubling the size of council. The second option would incorporate the model as described above, with the addition of an elected deputy mayor, increasing the size of council by 7 members. The third option would maintain seven members who serve on regional council and add an undetermined number of local councillors. This option would allow Council to determine how many local wards should be designed, however, it would mean that local wards would not necessarily align with regional wards, adding a complexity to the electoral structure in Burlington.

Should council decide that all local councillors do not have to be regional councillors, and regional councillors do not have to be elected in wards, the Consultant team will be able to provide a number of possible ward configurations that would see regional councillors elected at large. A detailed decision tree of the potential options is provided as a table in the consultant interim report.

It is important to note that the option to maintain current council composition while redesigning existing ward boundaries is one of the viable options that will be brought forward to Council in Phase 2, regardless of the answer to the first fundamental question posed above. Considering these questions and determining the representation principles does not mean that Council endorses a change in composition at this time, but simply confirms a direction to explore alternative options.

Financial Matters:

Whereas the sought direction of Council with respect to representation principles does not have direct financial implications at this time, potential costs will be considered when the alternative electoral structure options are brought forward in phase 2 of the project. The considerations will include councillor remuneration, council staff support and salaries as well as office space impacts and renovations to Council chambers, should the size of council increase. Cost considerations will be explored in further detail when alternative options are presented to council in phase 2. This analysis will also include

potential options and costs for council staff support, should council composition remain status quo.

Total Financial Impact

Total financial impact of each option will be included when alternative electoral structures are brought forward for council consideration in phase 2 of the project.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Climate Implications:

Not applicable.

Engagement Matters:

Engagement is a critical component of the Council Composition and Ward Boundary Review. Engagement for this project is divided into 2 phases. Engagement in phase 1 both informed residents of the key factors considered in the review as well as gathered feedback on the existing council composition and ward structure. Phase 1 Engagement for Council Composition and Ward Boundary Review Memo included in the Council Information Package dated November 1, 2024 provides significant detail on tactics used.

In September 2024, the Consultant Team along with City staff participated in the annual Food for Feedback community engagement event as the soft launch of the public consultation component of the review. The team interacted with over 100 residents to provide information about the review and to gather initial feedback on the guiding principles for the review. In October, the Consultant team lead six in-person information and engagement sessions and one virtual public information session. A presentation to Council was also conducted in October to provide information on the review. The Consultant team and City Staff also presented information to the Burlington Student Youth Council to encourage future voters to participate in the review process.

In addition to the in-person and virtual public engagement sessions, an online survey was used to gather feedback from the residents on existing council composition and ward structure and the guiding principles and their prioritization in the development of

alternative composition and ward boundary designs. 216 completed surveys were submitted by residents, giving high-level insight into the perspectives of Burlington's residents. The feedback gathered through the in-person and virtual sessions as well as the survey offered valuable information for the review process. The Consultant team has indicated that the engagement in Burlington for phase 1 was not unlike what they have experienced in other municipalities. In fact, thanks to events such as Food for Feedback, they have indicated that engagement for phase 1 in Burlington was actually more robust.

Engagement in phase 2 of the project will collect feedback on the proposed alternative options for the City's electoral structures. Broadly, phase 2 engagement will once again include in-person as well as virtual opportunities to provide feedback. In-person sessions will be held in each ward, and a number of promotional tactics will be used to encourage participation. The Consultant team will also consult the newly established Community Panel to ensure a broad spectrum of views are considered. Feedback gathered in phase 2 on the alternative options will be presented to Council in the spring to help inform the final decision making.

Conclusion:

The purpose of the consultant interim report before Council is to seek direction on two representation principles that will allow the Consultant team to develop viable options for Council consideration in phase 2 of the project. By providing this direction, council is providing direction to the consultant team to explore alternative options for council composition and ward designs.

Respectfully submitted,

Aleksandra Hutchison

Elections Officer

(905) 335-7600 ext.7957

Samantha Yew

City Clerk

(905) 335-7600 ext. 7490

Appendices:

A. 2024 Council Composition and Ward Boundary Review Interim Report by Watson & Associates Economists Ltd.

B. Staff Report CL 58/96 Regional Restructuring, December 5, 1996 as referenced in consultant report.

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.



2024 Council Composition and Ward Boundary Review

City of Burlington

Interim Report

December 2, 2024

Watson & Associates Economists Ltd.
905-272-3600
info@watsonecon.ca

In association with:
Dr. Robert J. Williams and Dr. Zachary Spicer

Table of Contents

Page

1. Background 1

2. Study Objective 1

3. Work Completed To Date 2

4. Existing Electoral Structure 3

5. Existing Population and Forecast Growth in the City of Burlington 5
5.1 Existing Population and Structure 5
5.2 Forecast Population Growth 6

6. Public Consultation 7

7. What We Heard 9

8. Evaluation of the Existing Ward Structure 11
8.1 Representation by Population 13
8.2 Future Population Trends 14
8.3 Communities of Interest 15
8.4 Geographic Representation 16
8.5 Effective Representation 16

9. Alternative Council Composition Configurations 19

10. Next Steps 21
10.1 Should All Local Councillors also be Regional Councillors? 23
10.2 If Regional Councillors do not have to be City Councillors, Should Regional Councillors Still be Elected by Wards? 24
10.3 Further Considerations 25

Appendix A Survey Results (Phase 1) A-1

Appendix B Public Consultation B-1

1. Background

The City of Burlington has retained Watson & Associates Economists Ltd., Dr. Robert J. Williams, and Dr. Zachary Spicer, hereinafter referred to as the Consultant Team, to conduct a comprehensive and independent Council Composition and Ward Boundary Review (C.C.W.B.R.).

The study aims to provide Burlington Council the necessary information to decide whether to retain the current electoral structure or implement changes. This report presents preliminary observations on alternative electoral options. This review is grounded in the democratic principle that municipal representation in Burlington should be effective, equitable and reflective of the city's neighborhood communities.

2. Study Objective

The project has several key objectives:

- Develop a clear understanding of the present electoral system, including its origins and operations as a system of representation;
- Evaluate the strengths and weaknesses of the present electoral system based on guiding principles adopted for the study;
- Develop and conduct an appropriate consultation process in accordance with Burlington's public engagement practices to ensure community support for the review and its outcome;
- Prepare population projections for the development and evaluation of alternative electoral structures for the 2026, 2030, and 2034 municipal elections; and
- Deliver a report that will set out recommended alternative council composition, size and ward boundaries to ensure effective and equitable electoral arrangements for Burlington, based on the principles identified.

In October 2024, the Consultant Team prepared a series of Discussion Papers that set out:

- The parameters and purpose for the review;
- The basic electoral arrangements in Burlington;
- Council's legislative authority to change electoral arrangements in the City; and
- An initial assessment of the City's current ward boundary system.

Discussion Paper D provided a set of guiding principles that will inform the study and the work of the Consultant Team, as follows:

- Balancing the current population distribution among the wards (referred to as the "representation by population principle");
- Balancing the future population distribution among the wards based on projections (referred to as the "future population trends principle");
- Respecting established neighbourhoods and communities (referred to as the "communities of interest principle"); and
- Respecting geographical features and the defining of natural and infrastructure boundaries (referred to as the "geographic representation principle").

Taken together, these principles will contribute to achieving the over-arching principle of effective representation.

Each principle is described in detail in Discussion Paper D and can be found on the Get Involved Council Composition and Ward Boundary Review project page.[1]

The purpose of this Interim Report is to:

- Provide a summary of the work completed to date;
- Provide a summary of the information received from the public engagement sessions and tools, such as the survey and project page on Burlington's Get Involved platform; and
- To receive direction from Council on next steps of the study, specifically in relation to the current representation principles that sees all councillors sit on both Regional and City Council with all councillors elected in wards.

3. Work Completed To Date

In March 2024, Council voted to proceed with a council composition and ward boundary review (report CL-03-24). Work completed to date includes:

- Research and data compilation;
- Interviews, presentations, and meetings with councillors, the mayor, and municipal staff; and

[1] www.getinvolvedburlington.ca/boundaryreview

- Public consultation on the existing council composition, size, and ward structure.

Interviews with senior staff, Council, and meetings with the City's project team for phase 1 of this study were conducted both virtually and in person. Public consultation began in September 2024 at the Food for Feedback event. Watson's Consultant Team also presented to Council on October 7, 2024, and conducted a first phase of public consultation in October 2024 (six in-person sessions at six locations throughout the City and one virtual session.)

4. Existing Electoral Structure

Burlington City Council consists of seven members: the mayor, elected at-large and six councillors, each representing one of six wards. The current structure has been in place since 1997, when council was reduced from seventeen members. The *Municipal Act, 2001*, establishes that the council of a "local municipality" must consist of "a minimum of five members, one of whom shall be the head of council" (subsection 217 (1) 1) and that the head of council (the mayor) "shall be elected by general vote" (subsection 217 (1) 3). Furthermore, the "members, other than the head of council, shall be elected by general vote or wards or by any combination of general vote and wards" (subsection 217 (1) 4). With seven members, Burlington has two council members above the minimum of five required under the *Act*.

All members of Burlington Council also serve on Halton Region Council. In response to a composition change at Halton Region in 1997, Burlington City Council adopted a resolution to reduce its size by adopting "two principles regarding representation." (Staff Report CL 58/96 (Dec 5, 1996), appended to Staff Report CL-27-24):

i) "The Mayor should be one of the City of Burlington's representatives on Regional Council.

ii) That the Regional Councillors from the City of Burlington should sit as both City and Regional Councillors."

The resolution continues, "THAT there be one Alderman per ward in the City of Burlington" and "THAT of the seven representatives from the City of Burlington sitting on Regional Council one shall be the Mayor of the City of Burlington, who shall be elected by a general vote and...that the balance of the Council of the City of Burlington be composed of six members who are elected by ward." Those six members, the

resolution states, “shall be elected by ward, and sit on both the Council of the City of Burlington and the Council of the Regional Municipality of Halton.”[2]

Since the adoption of these representation principles, Burlington Council has remained the same size with seven members in total. The last ward boundary review took place in 2005, ahead of the 2006 municipal election. The City’s six wards were adjusted, but changes to council composition were not considered as part of this review. At the time of the 2005 review, Burlington had a population of approximately 160,000. Since then, the City’s population has grown by almost 30,000, to 186,950, according to 2021 Census population data.

Given that the allocation of seats on Regional Council is not decided by the City of Burlington, these representation principles have been interpreted as meaning that all members of local council also serve on Regional Council and that the composition of Burlington Council could not be adjusted beyond seven without an adjustment at Regional Council. The Consultant Team explores the implications of these representation principles on composition to a greater degree in this report.

[2] Staff Report CL 58/96 (December 5, 1996).

5. Existing Population and Forecast Growth in the City of Burlington

As previously discussed, a basic premise of representative democracy in Canada is the notion that the geographic areas used to elect a representative should be reasonably balanced with one another in terms of population. A detailed population estimate for the City of Burlington, including its constituent wards and communities, will be prepared to allow for evaluation of the existing ward structure and subsequent alternatives in terms of representation by population, beginning with the most recent Census (2021). This estimate will include the population not captured by the 2021 Census.

The City of Burlington is expected to experience significant population growth over the next decade and beyond. For this reason, it is important that this study assess representation by population for both existing and future-year populations. Following the study terms of reference, the analysis will consider representation of population over the next three municipal elections through to 2034. A population and housing forecast for the City will be prepared for the 2024 to 2034 period, consistent with the City's 2024 Growth Analysis Update (ongoing) and will be assessed through the next phase of this study.

It is important to note that the planning landscape is evolving rapidly. This review will reflect the current information, but changes in population and planning policies may lead to different outcomes moving forward. Given the uncertainties in this evolving landscape, the Consultant Team recommends that the City continue to monitor population and elector numbers to ensure equitable representation by population across the wards. If population projections aren't realized or growth patterns are different from estimates, another review may be required at some point in the future.

5.1 Existing Population and Structure

As mentioned, this study needs to look at both the existing and future population distribution. Total population figures are currently being reviewed, spanning out to 2051. Burlington's 2021 Census population was reported at 186,900. The City's total population is estimated to reach over 193,000 by 2026 (excluding Census

Undercount).[3] As shown in Table 5-1, the 2021 Census population is presented by ward. The optimal population range is within 5% of the average ward population (31, 158). No wards can currently be classified as falling within the optimal range. The acceptable population range is within 15% of the ward average population. Three of the six wards (Wards 3, 4, and 5) fall above the 15% acceptable range (as outlined in Discussion Paper E), while the remaining three wards are within the acceptable population range.

Table 5-1
City of Burlington
2021 Population by Ward

Ward	Ward Population (2021)	Share Of Population	Variance	
Ward 1	28,542	15%	0.92	O-
Ward 2	26,785	14%	0.86	O-
Ward 3	23,692	13%	0.76	OR-
Ward 4	36,441	20%	1.17	OR+
Ward 5	36,049	19%	1.16	OR+
Ward 6	35,439	19%	1.14	O+
Total	**186,948**	-	-	-
Average	**31,158**	-	-	-

5.2 Forecast Population Growth

The City of Burlington is currently undertaking an important study to update its population, housing, and employment growth forecast to 2051. This update will form a key input in the City's updates to a number of land use planning, transportation, infrastructure and capital expenditure planning studies to be completed by the City in the coming years, such as the City's Official Plan and Targeted Realignment Exercise.

The ongoing 2024 Population and Employment Growth Analysis Study will explore different growth scenarios for Burlington, ranging from 1,000 to 2,000 new housing units per year. This is based on available land capacity and long-term forecasts considering local supply and demand. The review aims to guide Burlington's planning and growth management up to 2051, within the context of the Greater Toronto Hamilton Area's

[3] Draft population projections - 2024 Population and Employment Growth Analysis Study, Watson & Associates Economists Ltd.

growth outlook. Initial findings estimate Burlington's population growth estimated to fall between 240,000 and 290,000 by 2041. Population growth to 2035 will be detailed by sub-geographic units and presented according to the current and all proposed alternative council composition and ward structures in the later stages of this Council Composition and Ward Boundary Review.

6. Public Consultation

The first phase of the Council Composition and Ward Boundary Review (C.C.W.B.R.) incorporated a public engagement component that were delivered virtually and in-person and designed to:

- Inform residents of Burlington about the reasons for the review and the key factors considered in the review; and
- Engage the residents in a manner that provides valuable input to the evaluation of the existing council composition and ward structure and the development of alternative ward boundaries.

As a soft launch for the Council Composition and Ward Boundary Review, the Consultant Team and City staff attended Burlington's Food for Feedback on September 14, 2024. The event attracted approximately 2,000 people, with over 100 Burlington residents providing initial thoughts and feedback on the Council Composition and Ward Boundary Review.

Six in-person consultation sessions were conducted on the following dates:

- October 7, 2024;
- October 9, 2024;
- October 10, 2024;
- October 21, 2024; and
- October 23, 2024 (x2 – one afternoon and one evening).

In addition, one virtual public consultation session was conducted on October 15, 2024. The Consultant Team's presentation and other information about the review, including the video recording of the Virtual Public Open House, are available on the project's Get Involved Burlington page: www.getinvolvedburlington.ca/boundaryreview (see Appendix B for more details).

Through the public consultation sessions, a survey, a Q&A, and the online comment/feedback form, participants were invited to provide their input/opinions with respect to the following:

- Existing council composition – Is six councillors and the mayor, for a total council of seven members, an appropriate number?
- Existing ward structure – What are the strengths and weaknesses of the current ward structure?
- Guiding principles – Which guiding principles should be given the greatest priority in the development of ward boundaries?

The feedback and comments collected through the public consultation process are reflected in the analysis presented below and will help inform the preliminary set of ward configurations moving forward. While public input from consultation offers valuable insight into the review, it is not relied on exclusively. The Consultant Team used the public's input in conjunction with its professional expertise and experience in C.C.W.B.R.s, along with best practices, to inform the observations and direction sought in this report. It should be noted that public participation was robust with high engagement in comparison to other composition and ward boundary reviews the Consultant Team is involved in.

7. What We Heard

To promote public engagement in the C.C.W.B.R., the City of Burlington created a project page on the Get Involved Burlington platform for all necessary documents to give residents an informed voice. All communications directed residents to that page, through social media and other forms of outreach, such as the five Get Involved e-newsletter articles sent in fall 2024 to approximately 7,000 e-newsletter subscribers. Residents were able to visit the site, read context about the study, download background reports, leave comments/suggestions, ask questions and, most importantly, complete a survey. The Consultant Team prepared a whiteboard-style explainer video describing the overall process of the Council Composition and Ward Boundary Review.

The public survey was a key tool for collecting input from as many residents as possible and gave some of the best high-level insight into the views and perspectives of Burlington's residents. The level of participation in the survey was fairly high, with 216 people responding to some or all questions; the detailed summary of these results can be found in Appendix A. The survey results tended to confirm what earlier research had begun to indicate:

- A little under half the survey respondents (45%) thought having six local and regional councillors, with one elected from each ward, was adequate for their needs.
- Of those who felt that the size of council was inappropriate, approximately 7% indicated they would prefer a smaller council and 34% of the respondents felt it was too small, and they wanted to see the size of council increased.
- Most importantly for the next phase of the project, respondents prioritized the principle of representation by population, with 31% of respondents ranking it as the most important to them. A significant percentage of respondents, however, also thought that balancing projected demographic trends should be the top priority (26%).
- Furthermore, 25% believe that respecting communities of interest is the most important principle as the study progresses. Geographic representation was prioritized by the fewest number of people (18%).

The survey also included questions about the strengths and weaknesses of the current boundaries of each respondent's ward, where the respondents could choose more than one answer from a list. The survey results showed that:

- The greatest strength of their ward is that they know who their ward councillor is (152). Ninety-five respondents indicated that knowing their ward's boundaries is a strength, and 76 respondents felt that communities and neighbourhoods in the ward are similar and connected. Sixty-six respondents believe their ward has the right number of residents and 65 believe it is the right size.
- Respondents found that the two greatest weaknesses of their ward are that each has too many residents for one councillor to cover (55) and that communities and neighbourhoods are spread out over multiple wards (54). Forty-three respondents believe their ward's area is too large.

The survey also included several questions that were not multiple choice and, instead, allowed respondents the opportunity to give longer, written responses about issues they considered important. In total, 112 respondents (52%) gave their views on what they regard as the strengths and weaknesses of the existing ward system. There were three major recurrent themes that arose in these responses.

First, many indicated that they believed the size of council was too small and that councillors had too many obligations placed upon their time, from sitting on both local and regional council and participating in the work of various agencies, boards, and commissions. Conversely, other respondents argued that Burlington Council is the right size, and they feel well represented.

Second, many respondents further highlighted the importance of communities of interest principle, with some worrying that differing community needs within wards may not be adequately addressed if changes to the ward boundaries or composition were explored (e.g., Wards 3 and 6 both have rural and urban communities).

Third, some respondents expressed worry about future growth, namely from the Major Transit Station Areas (M.T.S.A.s) within the City of Burlington and the importance of prioritizing the projected demographic trends principle in this review.

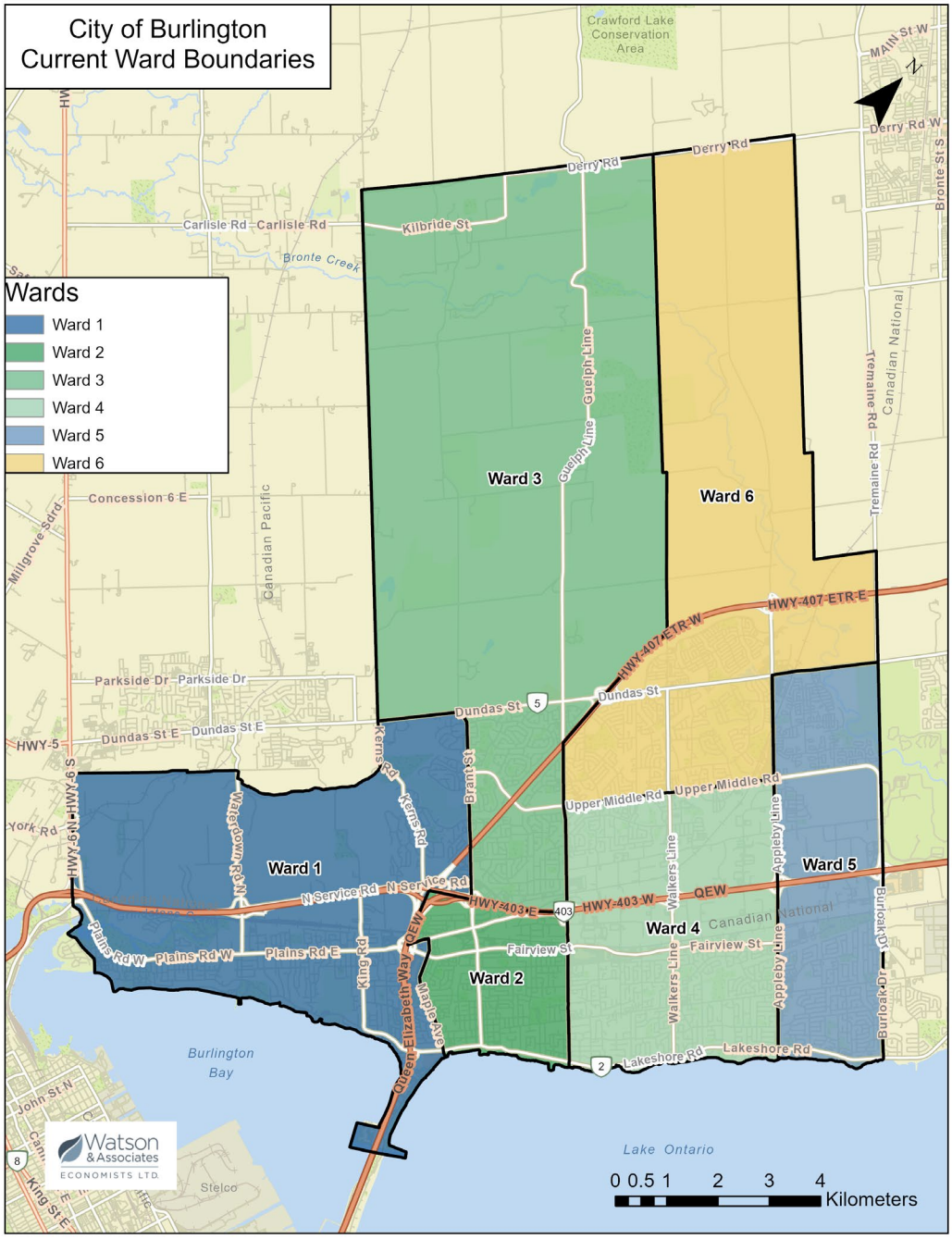
In summary, the Consultant Team has found that the themes and considerations raised by Burlington residents has been largely consistent across all forms of engagement, including the in-person sessions.

8. Evaluation of the Existing Ward Structure

A preliminary evaluation of the existing ward structure, included in Discussion Paper E, addressed the wards in terms of the guiding principles. The survey, conducted as part of the first phase of public consultation, asked respondents to assess the current wards in terms of their strengths and weaknesses, as outlined in section 7 of this report. These responses add depth to that preliminary assessment.

This section revisits that evaluation, integrating information received during consultation and addressing certain challenges identified in parts of the existing ward system. A map of the existing ward system is presented in Figure 8-1.

Figure 8-1
Existing Ward Structure



In Discussion Paper E, the Consultant Team provided an evaluation of the ward system. It was determined that the current system was successful in respecting communities of interest and, therefore, somewhat successful in providing for effective representation.

Discussion Paper E, however, also determined that current population disparities between the wards posed a challenge in providing for effective representation. As mentioned earlier, three of the wards are outside the acceptable range of variation (±15%), with the difference between the greatest and least populated wards being almost 13,000 residents. These disparities are expected to worsen over time, as the City's population grows, and development around urban transit corridors continues to intensify.

Overall, it was concluded in Discussion Paper E that a Council Composition and Ward Boundary Review was necessary, primarily due to current and expected projected population disparities.

8.1 Representation by Population

One of the basic premises of representative democracy in Canada is the belief that the geographic areas used to elect a representative should be reasonably balanced with one another in terms of population. This is the concept of representation by population ("rep by pop") or "one person, one vote" – where the vote of any one person carries roughly the same weight as that of any other person. In some places (such as parts of the United States) this principle of population parity is enforced rigorously – almost to the exclusion of any other factor – so that there is no noticeable variation in the population of electoral units within a particular jurisdiction.

In the Carter decision,[4] however, the majority of the Supreme Court understood that Canadian electoral law has never been driven by the need to achieve "full parity" in the population of electoral divisions. The Court concluded that some degree of variation from parity ("relative parity") may be justified and, at times, even necessary "on the grounds of practical impossibility or the provision of more effective representation."

Since there are variations in the densities and character of communities and neighbourhoods across Burlington, the guiding principles make clear that some flexibility in applying the principle of representation by population is acceptable. That is, the concept of "equitable" (that is, fair) representation – not necessarily "equal" representation – is legitimate, although the closer the population of the wards is to parity, the more the entire design can be assessed as successful.

[4] Reference re: Provincial Electoral Boundaries (Saskatchewan) [1991] 2 S.C.R.

As a working premise, a range of variation of 15% above or below the optimal ward population will be considered acceptable in this review. This is a generous range of tolerance from parity, and more restrictive than long-standing parameters for the federal redistribution process. In the absence of any guidance in the *Municipal Act, 2001* or provincial regulations, however, it is a reasonable range of variation for a largely urban municipality like Burlington.

The goal in any case will be to reduce the range of variation among the wards as much as possible. In the Consultant Team's experience, however, developing wards within a narrower range of population variation can make the successful achievement of the other recognized guiding principles more difficult.

The degree of parity in each ward will be determined through the calculation of what will be called an "optimal" ward population in Burlington, a figure computed by dividing the population by the number of wards in the City. The population of a ward will be considered "optimal" when it falls within 5% above or below that number. A ward population would be considered within the acceptable population range if it is between 5% and 15% of the "optimum" population. Populations that are above or below 15% of the "optimal" population are considered outside the acceptable range. It is important to remember that, as the overall population of the City changes, the "optimal" population size of a ward will also change.

8.2 Future Population Trends

As noted above, population growth over the next decade within Burlington will be large but concentrated in and around the M.T.S.A.s: the Aldershot GO Station M.T.S.A., the Burlington GO Station M.T.S.A., and the Appleby GO/Urban Growth Centre M.T.S.A. These M.T.S.A.s are in the present Wards 1, 2, and 5, although growth around the M.T.S.A. in Ward 5 will also likely impact Ward 4. Combined, these planning areas are projected to accommodate between 50,000 and 70,000 more residents by 2051. Additionally, significant growth is also expected in Ward 1 along the Plains Road corridor and in downtown Burlington (Ward 2).

The population growth principle is directed towards maintaining a balance through subsequent municipal elections. It is generally not practical to change electoral boundaries for every election; hence, the wards designed in 2024 will seek to

accommodate anticipated changes in the size and distribution of the population and electors over the next three elections in 2026, 2030, and 2034.

As in the previous population principle, the goal is to design a system that will form wards that are generally in equilibrium to one another as growth takes place. The concept of an optimal ward size (with an associated range of variation) will be used to assess the success of the individual wards and the overall configuration, making use of a population and housing forecast for Burlington and its communities for the 2025 to 2035 period.

8.3 Communities of Interest

The communities of interest principle addresses two perspectives: what is divided by ward boundaries and what is joined together? The premise is that a municipality like Burlington is home to many residential neighbourhoods that may have deep historical roots, but communities can also be social, economic, or religious in nature, depending on the history and composition of the municipality in question.

The first priority is that communities ought not to be divided internally; as a rule, lines are drawn around communities, not through them. Secondly, as far as possible, wards should be cohesive units composed of areas with common interests related to representation, not just contrived arithmetical divisions of the City.

Wards should have a “natural” feel to those who live within them, meaning that they should have established internal communication and transportation linkages and boundaries should be drawn taking existing connections into consideration. This is done to avoid creating wards that combine communities with dissimilar interests and no obvious patterns of interaction.

Burlington has traditionally been composed of several identifiable communities of interest of varying sizes and types. In Discussion Paper E, the Consultant Team identified some 22 identifiable communities. At present, most ward boundaries respect these communities within Burlington. Given the complexity of the entire urban community, it would be unlikely that all the current wards would consist of coherent collections of communities of interest, but the configuration can be considered largely successful in meeting the principle.

8.4 Geographic Representation

Ward boundaries should be easily recognizable and take advantage of natural and built geographic features such as arterial roads, waterways, and railway lines. Often these features already tend to separate communities within the City anyway, which usually explains their historical use as boundary lines between existing wards and communities.

The most significant physical boundary in Burlington is the Queen Elizabeth Way (QEW), which effectively bisects the municipality. Not only is this a major transportation corridor, but there also tends to mark cultural and economic distinctions between the populations living on either side. As a result, it is more than just a physical barrier. The QEW, however, crosses through the present Wards 1, 4, and 5, but is used to divide Wards 2 and 3. As a result, it is used inconsistently.

Overall, the present Burlington wards do not consistently adhere to natural boundaries that are identifiable and proper markers.

8.5 Effective Representation

As said in Discussion Paper D, the guiding principles are subject to the overarching principle of "effective representation," meaning that, to the extent possible, each resident should have comparable access to an elected representative and each councillor should speak on behalf of an equal number of residents. Deviations from population parity can be justified if they contribute to more effective representation.

Effective representation is not based on the performance of incumbent councillors. It is, rather, a concept that is premised on serving the on-going relationship between residents and elected officials, not just on the way the resident is "counted" on election day, although that is an important component of a fair system of representation. The expectation should be that the wards support the capacity of councillors to represent their constituents, rather than hinder councillors performing those responsibilities. Are the individual wards plausible and coherent units of representation? Are they drawn in such a way that representatives can readily play the role expected of them? Do they provide equitable (that is, fair) access to councillors for all residents of the municipality?

On the whole, Burlington's present wards come close to achieving effective representation in 2024. Primarily, population imbalances undermine the achievement of

this principle over the next decade and in a few cases have an impact on the capacity of some councillors to serve residents today.

It is possible to meet all these shortcomings by redividing the municipality to provide better, more effective representation through the application of the entire set of guiding principles, as will be demonstrated below.

Discussion Paper D and this report provide an initial evaluation of the current ward system, and the analysis has revealed aspects that fall short in some regard to meet the ward boundary principles set out for the C.C.W.B.R. The Consultant Team has since taken the feedback received through the various engagement activities and again, for the most part, members of the public have confirmed many of the initial perceptions. Overall, the present wards constitute a plausible system for the 2026 municipal election, but the same cannot be said about its capacity in the future as evaluated in Figure 8-2.

Figure 8-2
City of Burlington
Present Burlington Ward Configuration Evaluation Summary

Principle	Does the Current Ward Structure Meet the Respective Principle?	Comment
Representation by Population	**No**	Three wards are outside the acceptable range of variation; the difference between the largest and smallest is 12,944 residents.
Future Population Trends	**No**	The population disparity between the present wards will likely increase as development in and around urban transit corridors intensifies.
Communities of Interest	**Largely Successful**	Current ward boundaries comfortably contain single, identifiable communities of interest, although much of the rural population of the City is spread out through three wards.
Geographic Representation	**Largely Successful**	The most significant physical barrier (the QEW) is used inconsistently.
Effective Representation	**Partially Successful**	Effective representation is hindered by uneven population distribution in 2024 that is expected to worsen over time.

The degree to which each guiding principle is satisfied is ranked as "**Yes**" (fully satisfied), "**Largely Successful**," "**Partially Successful**," or "**No**" (not satisfied).
Note: Figure 8-2 has been revised to include the evaluation of geographic representation as presented in Discussion Paper E.

In addition to evaluating the current wards and considering alternative designs, part of the Consultant Team's mandate concerns the composition of council. Questions about the size and composition of council were put to the public in the first phase of consultation and the general findings are addressed below. The issue of composition, however, is contingent upon two representation principles previously adopted by Council (noted above) that have been interpreted to mean that all councillors serve on

both Halton Regional Council and the City of Burlington Council, and, by extension, there can only be six wards in the City.

9. Alternative Council Composition Configurations

The evaluation of the current ward system in Burlington suggests that there are some identifiable shortcomings when evaluated against the guiding principles for this C.C.W.B.R. The Consultant Team concludes that it is worthwhile to examine alternative options and configurations of the existing ward system. However, as referenced in the earlier section, the Consultant Team was also tasked with a review of current council size (composition) and such an analysis has a direct impact on determining any preliminary options for new ward configurations.

Two main factors show a need to explore changes to composition. The first is population growth. Since the current composition was adopted, the City has grown by more than 50,000 residents. A natural question stemming from this growth is whether a council of seven members provides the capacity to represent a community of this size. In Discussion Paper B, the Consultant Team compared the size of Burlington's Council to other similarly sized municipalities (Figure A). Burlington Council was much smaller than all other municipalities, including those closest in size – Richmond Hill and Oshawa. Burlington Council is also the smallest in Halton Region. Oakville (14 councillors), Milton (eight councillors), and Halton Hills (10 councillors) all have larger councils. Increasing the size of council would not make Burlington an outlier among similarly sized municipalities. In fact, it would do the opposite and make it more aligned in terms of composition.

The second factor is the workload associated with serving as an elected representative. Each member of council sits on several local agencies, boards, and commissions. They take part in committee, council, and community meetings. They field requests for service and information from residents and play an active role in the civic life of their wards. Each member of Burlington Council also serves as a member of council of the Regional Municipality of Halton, meaning that they play an active role in governing two municipalities. At the Region, they also have a host of responsibilities related to committee and council work. Each local councillor now also serves as a deputy mayor with a specific portfolio of policy responsibilities. One member also serves as the ceremonial deputy mayor for emergencies and ceremonial duties on a rotating basis. This is a taxing load, again begging the question about whether there are enough

members around the council table to adequately fulfill their various responsibilities and meet community expectations. We repeat a point made earlier: this not a judgement of the performance of incumbent members of Council, but we believe it is reasonable to ask whether the expectations of serving effectively as an elected official in Burlington are hampered by the small number of people serving on the City's Council.

As mentioned above, the representation principles adopted by a previous Council concerning local and regional representation appear to have limited the exploration of alternative composition arrangements. Again, those principles made clear two aspects about the City's representation structure: 1) the mayor should sit as one of the City's representatives on Regional Council, and 2) the City's remaining representatives on Regional Council should also sit on local Council and be elected in wards. Since the City of Burlington cannot independently adjust the number of representatives it is given on Regional Council, these representation principles have been interpreted to mean that the composition of the local council is fixed and cannot be adjusted. The language of electing "one alderman" per ward (by extension, perhaps best considered a third principle) has led to the impression that representation locally is fixed at seven members.

Under the *Municipal Act, 2001,* section 217, a local municipality has the authority to change the composition of its council as long as there is "a minimum of five members, one of whom shall be the head of council." On this basis, members of the current Council are not bound by the representation principles adopted by an earlier council. However, before the Consultant Team can consider changes to composition, direction must come from Council on how to proceed. Below, the Consultant Team outlines the decisions (and subsequent implications) available to Council.

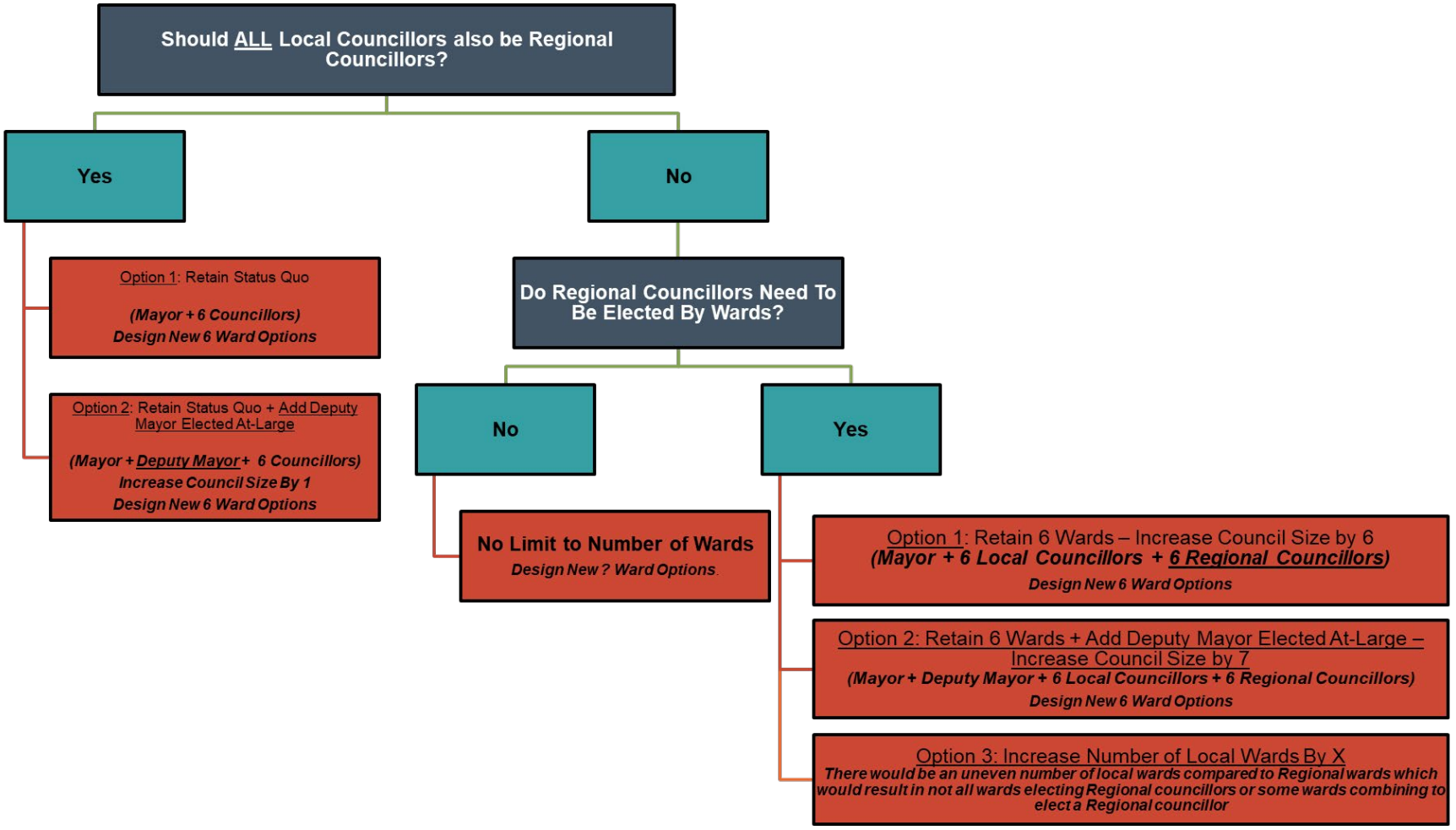
10. Next Steps

Before the Consultant Team can develop ward configurations for 2026 and beyond in Burlington, Council is requested to consider **two** key questions:

1. Should **all** City councillors also serve on Regional Council?
2. If Regional councillors do **not** have to be local councillors, should Regional councillors still be elected by ward?

A flow chart presented in Figure 10-1 outlines the different configurations of council based on the questions presented above.

Figure 10--1
Council Composition Flow Chart



10.1 Should All Local Councillors also be Regional Councillors?

Decision Point 10.1a: Yes, All Local Councillors Should also be Regional Councillors

The two representation principles adopted by Council in 1996 have been interpreted as requiring that all local councillors should also serve on Regional Council. If Council believes that these principles should remain in place, there are two options available for the Consultant Team.

The first would be to keep the existing composition (mayor and six councillors elected by ward who all also sit on Regional Council). As described above, the existing boundaries for six wards present challenges to effective representation in the City of Burlington. In this scenario, the Consultant Team would design new ward boundaries, based upon the guiding principles, to strengthen the existing system but would not propose new composition configurations (i.e., options presenting more than six wards would not be considered). As already discussed, this configuration has a number of drawbacks related to representation and workload.

A second option available under this scenario would be to increase council size by one representative using the authority granted under the *Municipal Act, 2001*, section 217 through adding a single deputy mayor elected at-large, who would not serve on Regional Council. There are no specific references in the Ontario *Municipal Act, 2001* to the office of the deputy mayor. As described in Discussion Paper C, there is a great degree of variation across Ontario with regard to the selection method and assigned duties and responsibilities of a deputy mayor, meaning that direct election is an option available to Council. With this change, the number of wards would not change. Voters in Burlington would still elect six councillors from six wards and a mayor at-large. Each of these individuals would also serve on Regional Council.

In the estimation of the Consultant Team, adding an elected deputy mayor, who would not be elected by ward and would not sit on Regional Council would not violate the two principles adopted by Council concerning the City's representation in 1996. Through this pathway, Council could increase its size by one member and still endorse the concept that all Regional councillors should also be local councillors. The benefit would be the addition of an elected official whose sole responsibilities are addressed to the City and its governance rather than dividing time and energy to governing two

municipalities. It would also alleviate some responsibilities from councillors who currently split deputy mayor responsibilities as well as providing some relief to the mayor.

Decision Point 10.1b: No, All Local Councillors do not Necessarily Need to also be Regional Councillors

Council may also decide that all local councillors do not necessarily need to also be Regional councillors, thereby setting aside the two principles endorsed by the previous Council in 1996. This would create a wider array of composition options. By selecting this option and endorsing the idea that all councillors do not necessarily need to serve also on Regional council, it would not necessarily endorse a composition change. Rather, it would allow the Consultant Team to explore the implications of a change to composition during this review. The status quo would still be a choice available to Council, even if the two principles addressed above are no longer applied.

If Council were to endorse this idea, the Consultant Team would require clarification on a further question: If Regional councillors do not have to be local councillors, should Regional councillors still be elected by ward?

10.2 If Regional Councillors do not have to be City Councillors, Should Regional Councillors Still be Elected by Wards?

The two principles endorsed by Council in 1996 describe a composition structure where "there be one Alderman per ward in the City of Burlington" and that "the six members of Regional Council other than the mayor shall be elected by ward." The Consultant Team requires Council direction on whether this arrangement should continue.

Decision Point 10.2a: Yes, Regional Councillors Need to be Elected by Ward

If Council were to decide that those who serve on Regional Council need to be elected by ward, three options become available to explore by the Consultant Team. The first option would keep the current six-ward model (re-designing the wards to better adhere to the guiding principles) but have each ward elect both a local and Regional councillor. This option may be familiar to residents of Burlington, since it is the practice in neighbouring Oakville. This would create a council of thirteen members: the mayor,

elected at-large, six local ward councillors who would serve only on City Council and six Regional councillors, who would serve on both City and Regional Council.

The second option would incorporate an elected deputy mayor into the system described above. This would create a 14-member Council: the mayor, elected at-large, who would serve on Regional Council; a deputy mayor, elected at-large, who would not serve on Regional Council; six local ward councillors who would serve only on local Council; and six Regional councillors who would serve on both local and Regional Council.

The third option would keep the seven members who serve on Regional Council (the mayor and six local and Regional councillors) but include an undetermined number of local councillors. Under the first option, voters would select two representatives per ward (one local and one Regional). Under this model, Council could decide how many local wards to have, creating an uneven number that would result in Regional councillors being elected in certain wards but not others. For instance, voters could select local councillors from nine wards, but only six of those wards would elect Regional councillors as well. Alternatively, the six Regional councillors could be selected from some combination of local wards. Clearly a system that is easy to understand would be the preference, but the actual number of wards that successfully meet the guiding principles would enter the picture.

Decision Point 10.2b: No, Regional Councillors Do Not Necessarily Need to be Elected by Ward

If Council decides that Regional councillors do not necessarily need to be elected by ward, a number of possible configurations are available. The Consultant Team could design any number of ward configurations, including those that would have Regional councillors elected at-large.

10.3 Further Considerations

The evaluations presented herein are preliminary; they reflect the application of the core principles for this review to the distribution of population and communities within Burlington. The focus for Council from this report should be squarely on the continued application of the representation principles described in section 9 of this report. This decision-making and the associated actions by the Consultant Team are outlined below.

Question	Decision	Next Steps
Should All Local Councillors Also Be Regional Councillors?	Yes	The Consultant Team will explore alternative ward designs using six wards that adhere to the guiding principles. These alternative designs, including the possibility of directly electing the deputy mayor, will be put to the public during the second phase of consultation.
	No	Council will need to decide whether Regional councillors need to be elected by wards. Subsequent action by the Consultant Team will depend on Council direction.
Do Regional Councillors Need to be Elected by Wards?	No	The Consultant Team will study the composition of council, designing new wards based upon assessment of the optimal number of councillors for Burlington, including the design of how to elect Regional councillors.
	Yes	The Consultant Team will explore three options. The first keeps six wards, with voters in each ward electing a Regional and local councillor for a total of 13 members of council (including the mayor). The second has the same composition but introduces an elected deputy mayor. The third explores an increase of wards, with Regional councillors being elected in some but not all or elected through a combination of wards.

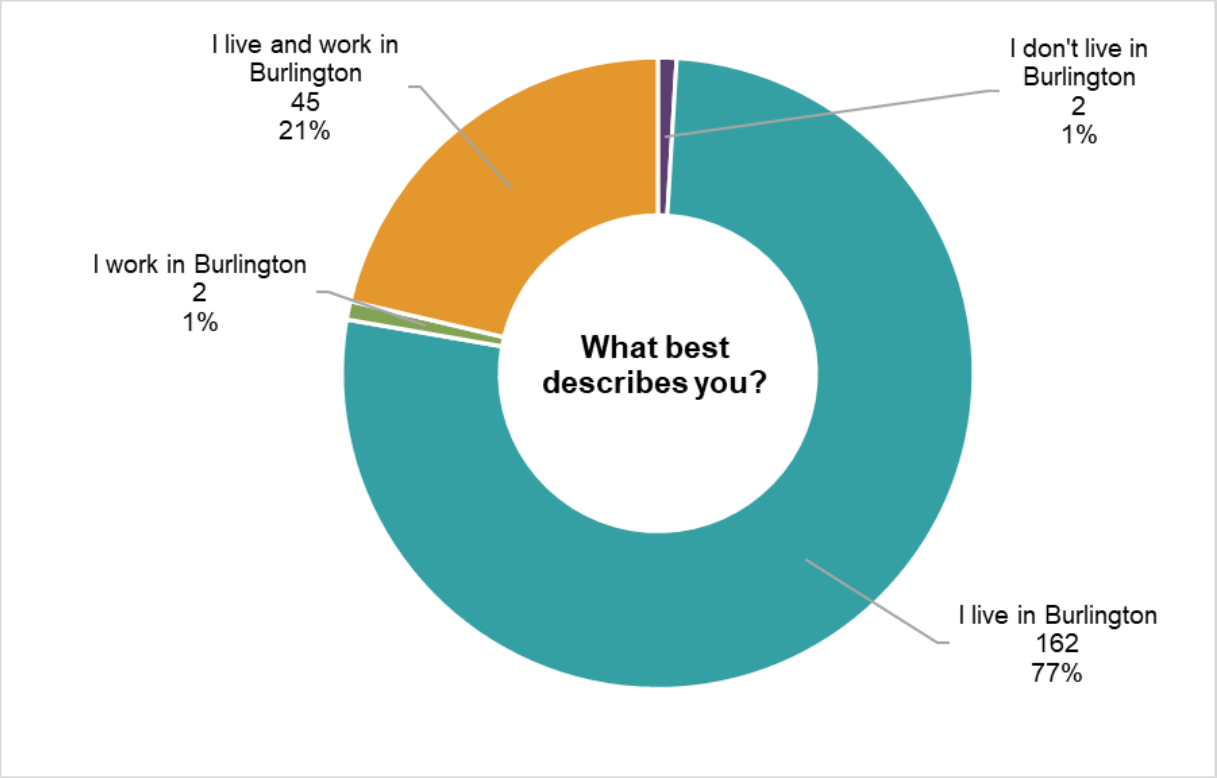
The Consultant Team will proceed based on Council direction and consult broadly with the public in the second phase of engagement within the parameters described above. Receiving clarity on Council's stance on the representation principles described in this report will produce a more meaningful engagement experience for residents of

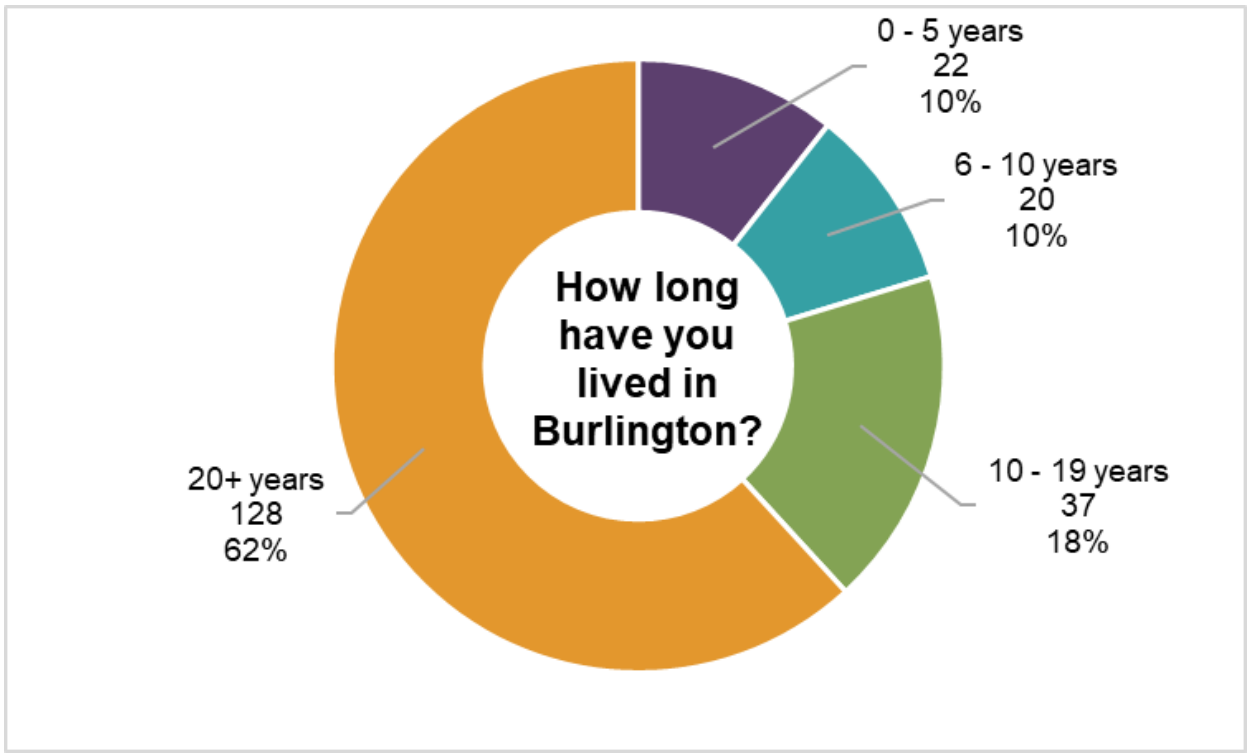
Burlington by defining the parameters of composition options. This will allow the public to deliberate and provide insight on plausible alternatives to the current composition and ward system. This insight will be crucial to inform the next stage of this review.

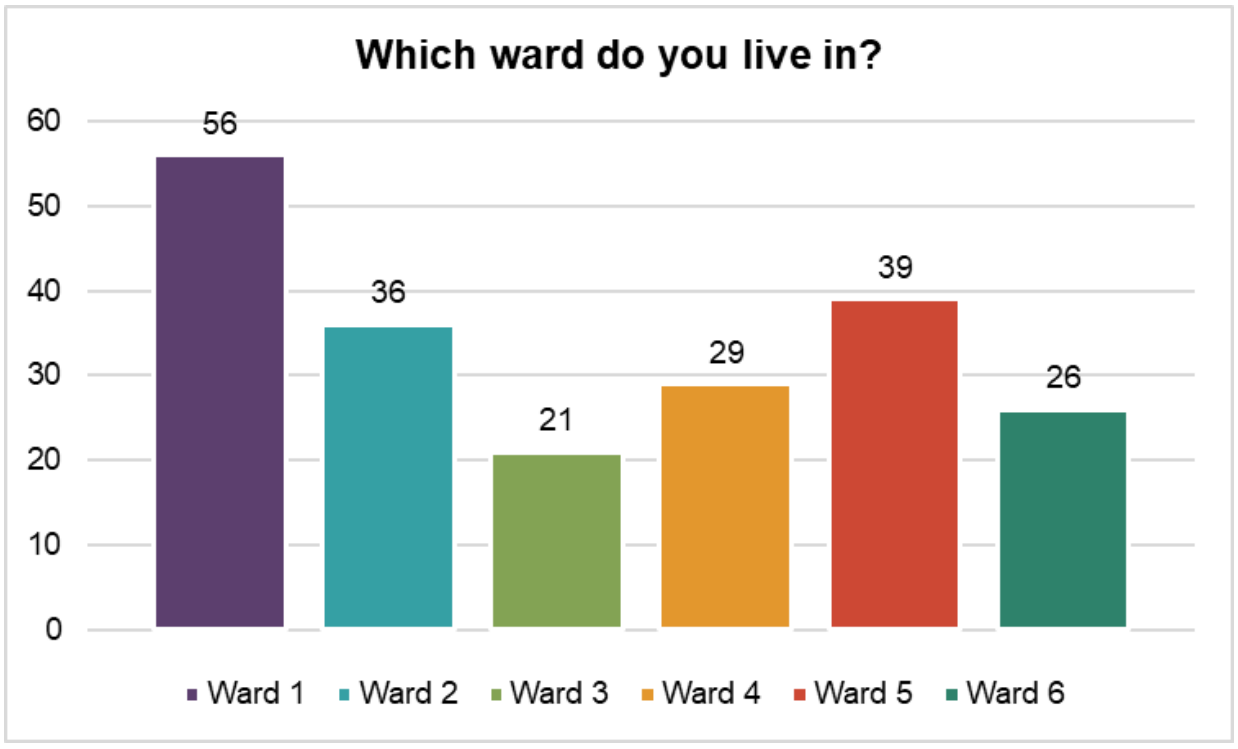
It should be noted, by setting aside the representation principles endorsed by the previous Council in 1996, the current Council is not necessarily approving a change in composition. Instead, Council is merely providing authority to *explore* a change in composition. The status quo remains an option available to Council throughout the Council Composition and Ward Boundary Review project.

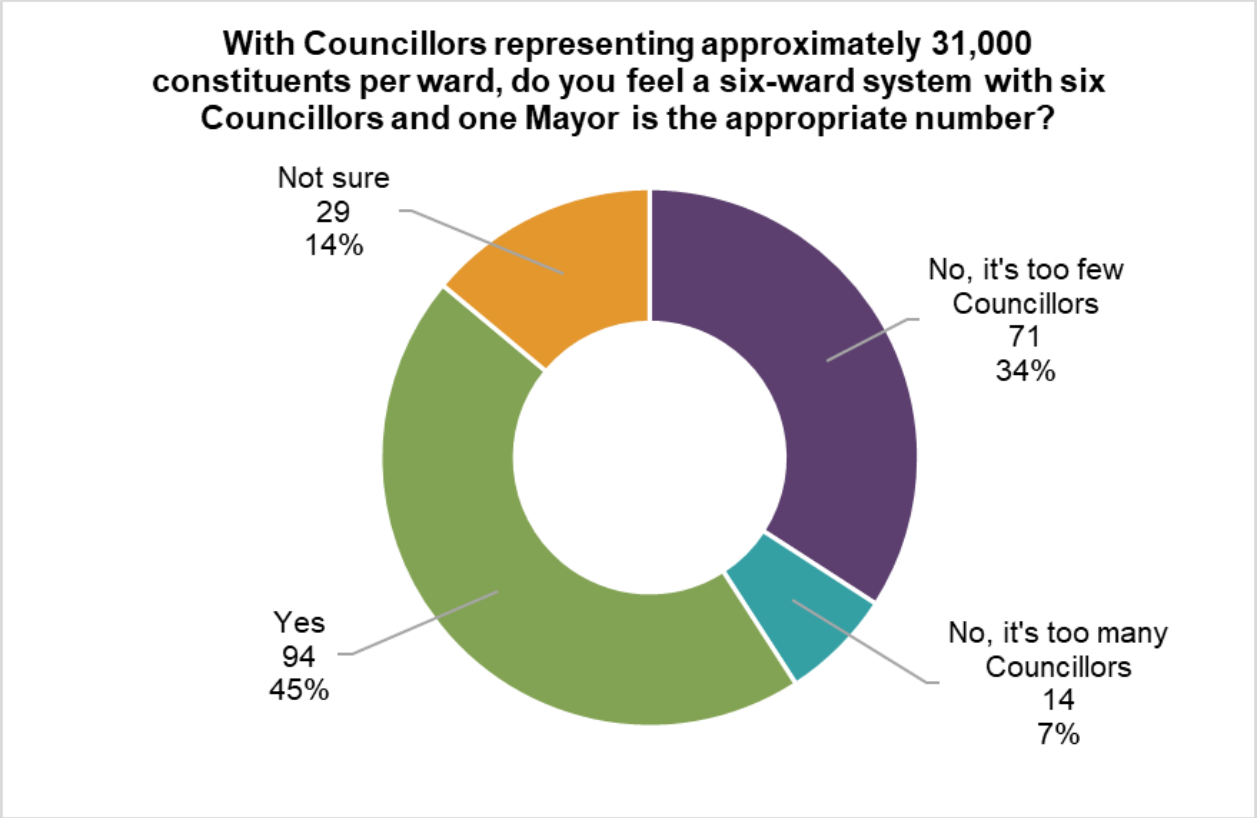
Furthermore, it is acknowledged that a change in the composition of council will require a series of considerations that are beyond the scope of this review and that can be addressed on completion of this review. Included in these considerations are compensation arrangements for additional councillors, staffing in support of councillors, and changes to office space at City Hall and even the council chamber itself. Contextualized within the City of Burlington's overall yearly budget, these costs may not represent a major expense and could be considered by some to be a justifiable price to pay for an enhanced system of representation in Burlington. However, careful consideration of costs associated with implications of decisions made from the review is prudent. Cost considerations will be further explored by city staff when final options are presented to Council for consideration in phase 2.

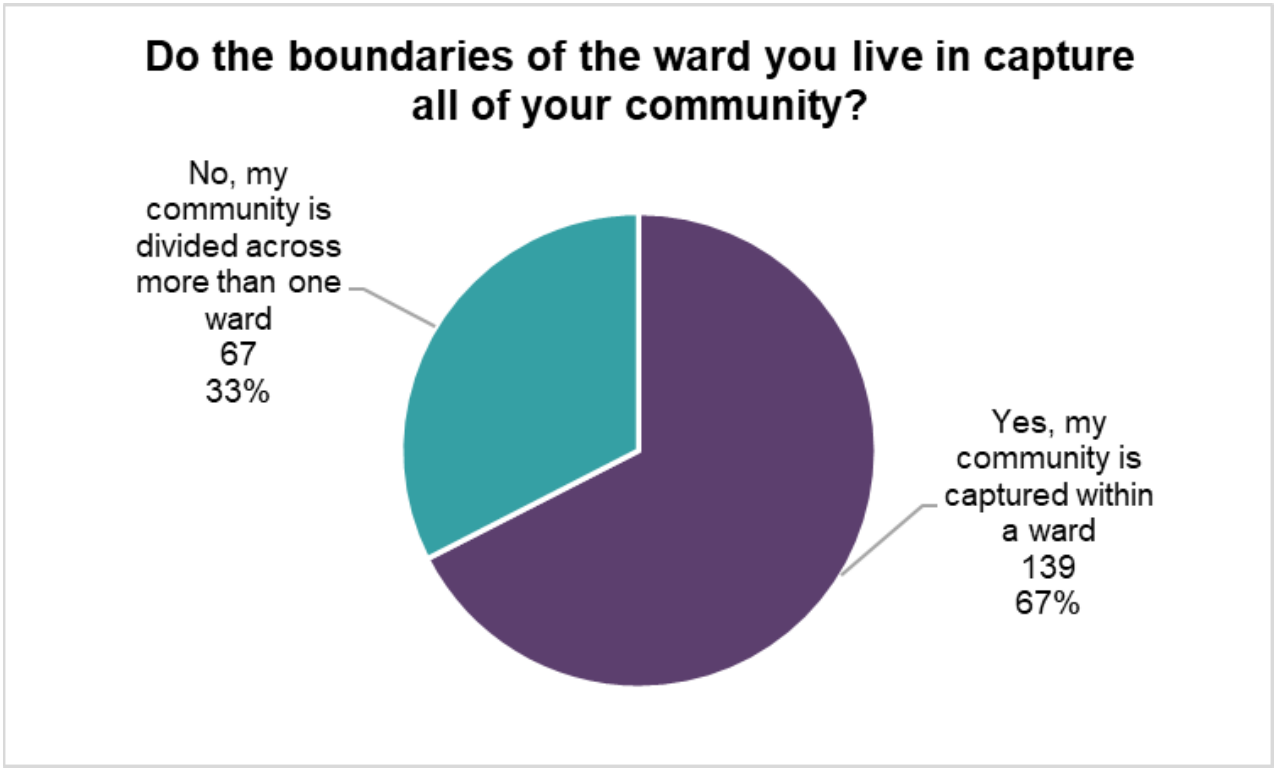
Appendix A
Survey Results (Phase 1)

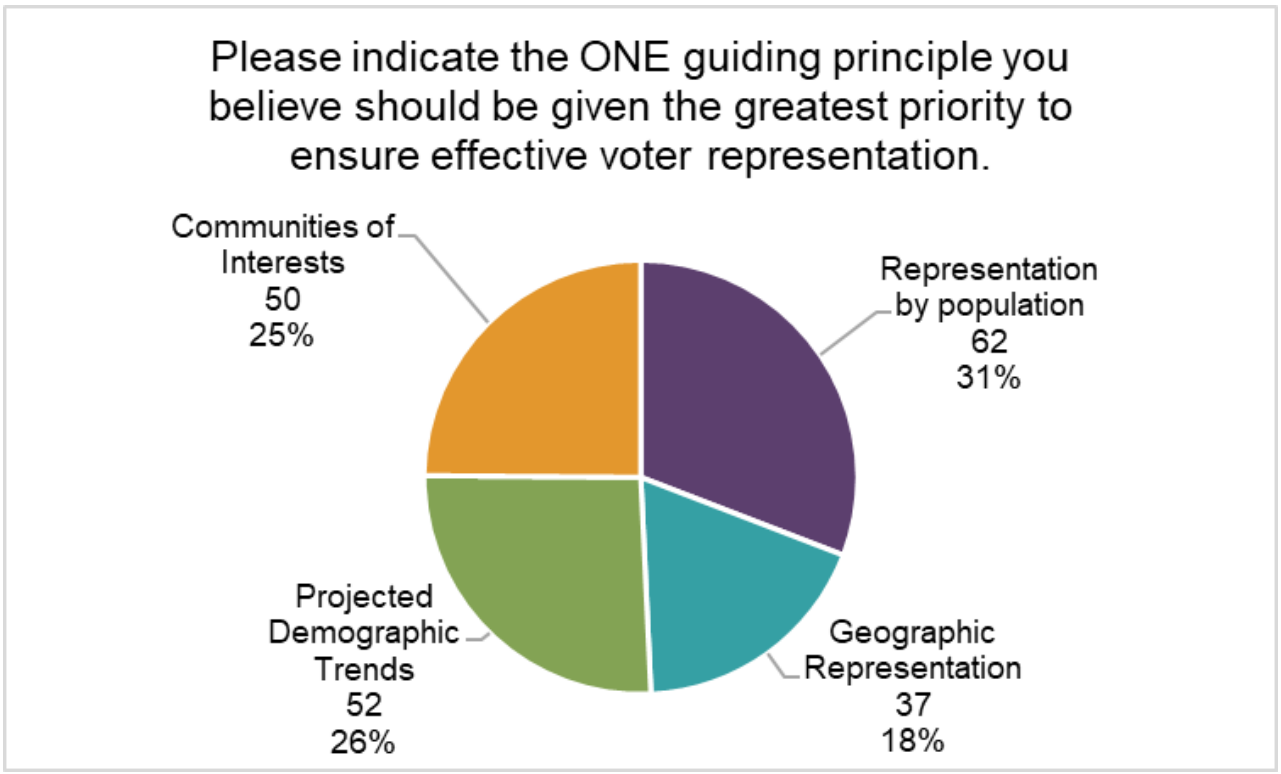

I live and work in Burlington
45
21%
I don't live in Burlington
2
1%
I work in Burlington
2
1%
What best describes you?
I live in Burlington
162
77%


How long have you lived in Burlington?
0 - 5 years
22
10%
6 - 10 years
20
10%
10 - 19 years
37
18%
20+ years
128
62%


Which ward do you live in?
60
50
40
30
20
10
0
56
36
21
29
39
26
Ward 1
Ward 2
Ward 3
Ward 4
Ward 5
Ward 6


With Councillors representing approximately 31,000 constituents per ward, do you feel a six-ward system with six Councillors and one Mayor is the appropriate number?
Not sure
29
14%
No, it's too few Councillors
71
34%
Yes
94
45%
No, it's too many Councillors
14
7%


Do the boundaries of the ward you live in capture all of your community?
No, my community is divided across more than one ward
67
33%
Yes, my community is captured within a ward
139
67%


Please indicate the ONE guiding principle you believe should be given the greatest priority to ensure effective voter representation.
Communities of Interests
50
25%
Representation by population
62
31%
Projected Demographic Trends
52
26%
Geographic Representation
37
18%

Appendix B
Public Consultation



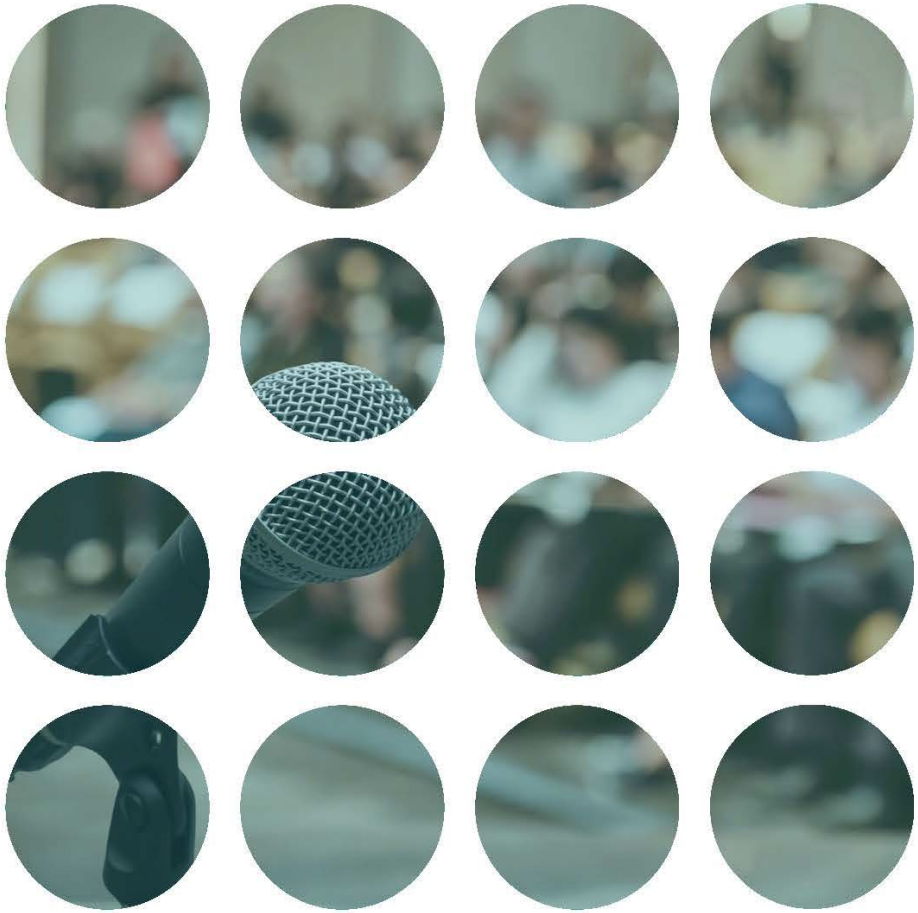
Watson & Associates ECONOMISTS LTD.

City of Burlington

Council Composition and Ward Boundary Review

Public Engagement Sessions Round 1

October 2024



Dr. Robert Williams

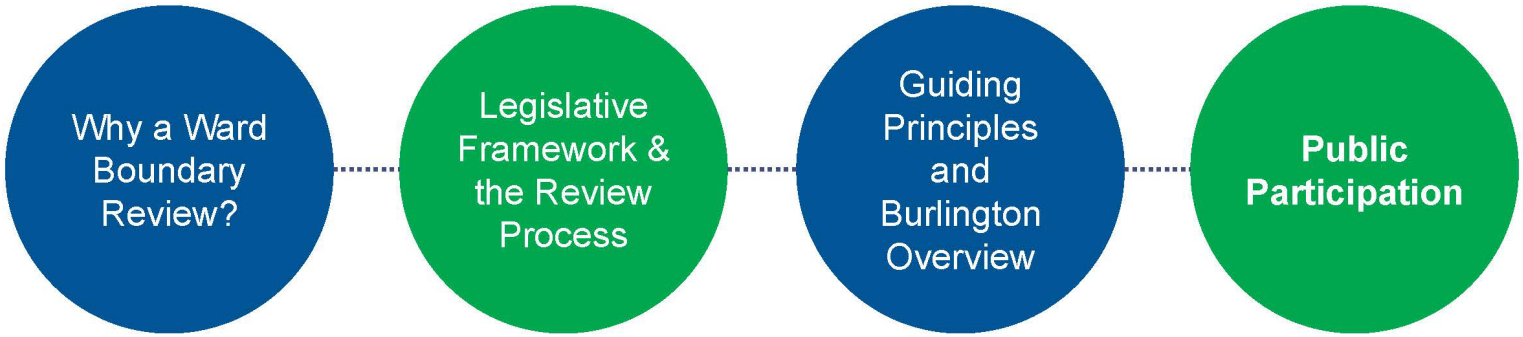
Public Affairs Consultant
Municipal Electoral Systems Expert

Dr. Zac Spicer

Public Affairs Consultant
Municipal Electoral Systems Expert

Introduction

What Will Be Covered At This Open House?



https://www.getinvolvedburlington.ca/boundaryreview

History

1914

Town of Burlington

Wellington Square and Port Nelson merged to become the Village of Burlington (1873) which then became the Town of Burlington in 1914

1911 Population: ~1,831

1974

City of Burlington

Electoral structure

Mayor
(elected at-large)

16 Aldermen

1971 Population: ~87,023

1997

Council Composition Review

Council size reduced to **6 Local & Regional Councillors** plus the **Mayor**

1996 Population: ~136,976

2005

Ward Boundary Review

Six ward boundaries were re-drawn & the seven-member council maintained

2006 Population: ~164,415

2024

2024 Ward Boundary Review

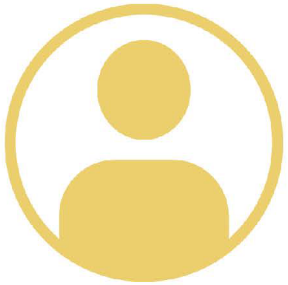
2021 Population: ~186,948

https://www.getinvolvedburlington.ca/boundaryreview

Composition of Council

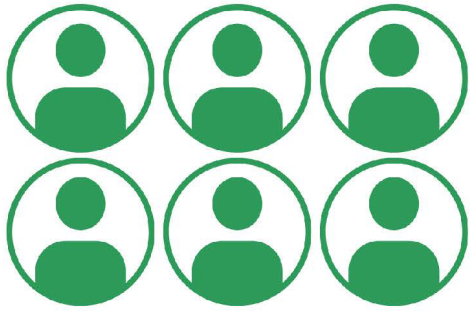
7-Member Council

Mayor



+

1 Councillor for Each Ward (x6)



- The Mayor is elected at-large.
- 6 Councillors are elected, each in a separate ward. All Councillors serve on Burlington City Council and Halton Regional Council.

https://www.getinvolvedburlington.ca/boundaryreview

Legislative Framework

Ontario's *Municipal Act, 2001* authorizes a local municipality to:	No stipulated schedule, standardized process or established criteria exist for electoral reviews in Ontario
• determine the size of the Council • determine how Council (other than the Mayor) will be elected • "divide or re-divide the municipality into wards or dissolve the existing wards"	• Each municipality must set its own terms, parameters, guiding principles, etc. • A review is typically framed by established procedures and principles applied in several Ontario municipalities (and by the Ontario Land Tribunal (OLT)) and judicial rulings on representation

https://www.getinvolvedburlington.ca/boundaryreview

5

Summary

Composition of Council

- The minimum size for the council of a local municipality in Ontario is five, "one of whom shall be the head of council"
- No clear principles at play, no "standards" and no formulas to apply in determining the appropriate size of Council
- City of Burlington council is composed of 7 members, 2 above the minimum
- The composition of local councils in Ontario varies widely.

https://www.getinvolvedburlington.ca/boundaryreview

Context

Council Size across Halton Region

Municipality	2021 Population	Area (sq.km)	Council Members	Avg. Population per Member	By Ward or At-Large
Burlington	**186,948**	**187.71**	**7 Total Members** Mayor 6 Local & Regional Councillors	**26,707**	**By Ward**
Halton Hills	62,951	276.81	**11 Total Members** Mayor 8 Local Councillors 2 Regional Councillors	4,905	By Ward
Milton	132,979	363.83	**9 Total Members** Mayor 4 Local Councillors 4 Regional Councillors	14,775	By Ward
Oakville	213,759	138.94	**15 Total Members** Mayor 7 Local Councillors 7 Regional Councillors	14,251	By Ward
Average	**149,159**	**241.82**	**11**	**15,159**	**-**

https://www.getinvolvedburlington.ca/boundaryreview

Focus On Burlington

Composition of Council

- Burlington's City Council is unique in Ontario:
  - the six councillors (plus the Mayor) constitute the entire governing body for the City;
  - the six councillors (plus the Mayor) are all members of the governing body of a second municipality (the Region of Halton); and
  - the Mayor has assigned responsibilities to all six councillors to serve as a Deputy Mayor for particular "portfolios"
  - Council members also serve on a number of local and regional agencies, boards and commissions.

https://www.getinvolvedburlington.ca/boundaryreview

Guiding Principles to Design Wards

A **ward-based** electoral system should address these core principles/guidelines:

REPRESENTATION BY POPULATION
Efforts should be made to ensure that wards have reasonably equal populations. Ward population sizes need to be balanced to achieve effective representation. Population variance should strive to be no greater than 15%, but an accepted variance can be as high as 25%.

PROJECTED DEMOGRAPHIC TRENDS
Revised ward boundaries should accommodate projected growth patterns for the next 3-4 election cycles.

GEOGRAPHIC REPRESENTATION
Revised ward boundaries should follow Burlington's natural boundaries, road allowances and physical features where feasible.

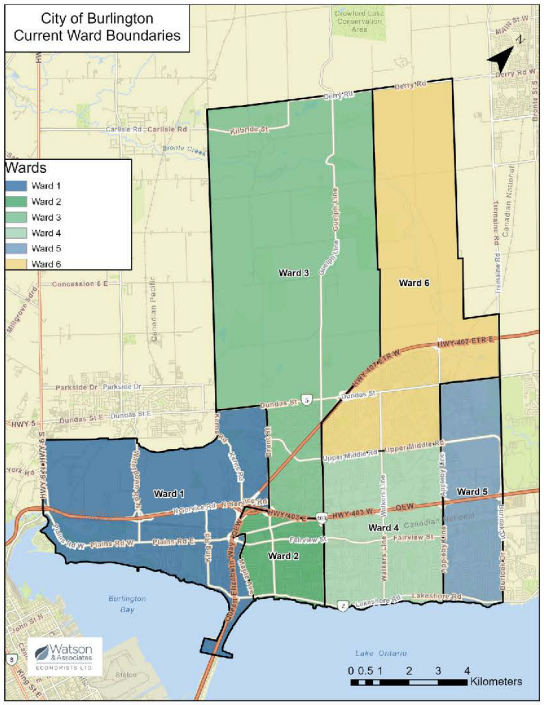
COMMUNITIES OF INTEREST
Efforts should be made to avoid splitting neighbourhoods or communities of interest into different wards, considering community history, minority representation, and geography when generating ward boundary options.

ENSURING EFFECTIVE REPRESENTATION
The four articulated principles contribute to achieving the over-arching principle of effective representation.

9

https://www.getinvolvedburlington.ca/boundaryreview

Existing Ward System



2021 Population by Ward

Ward	Area (SqKm)	2021 Population	2021 Population Variance	2021 Optimal Range
Ward 1	35.4	28,542	0.92	O-
Ward 2	8.2	26,785	0.86	O-
Ward 3	65.9	23,692	0.76	OR-
Ward 4	21.7	36,441	1.17	OR+
Ward 5	15.8	36,049	1.16	OR+
Ward 6	40.7	35,439	1.14	O+
Total/Average	**187.7**	**186,948**	**31,158**	

O	±5% of the Optimal (Average) Population
O-	±5%-15% of the Optimal (Average) Population
OR-	>±15% of the Optimal (Average) Population

https://www.getinvolvedburlington.ca/boundaryreview

Objectives of the Review

- Develop a clear understanding of the present ward system, including its origins and operations as a system of representation;
- Evaluate the strengths and weaknesses of the present ward system on the basis of identified guiding principles;
- Conduct an appropriate consultation process to ensure community support for the review and its outcome;
- Identify plausible modifications to the present council and ward structure; and
- Deliver a report that will set out recommendations to ensure effective and equitable electoral arrangements for the City of Burlington, based on the principles identified.

https://www.getinvolvedburlington.ca/boundaryreview

A Public Consultation Process

A municipal electoral system should be subject to a public consultation process to ensure the legitimacy of the recommendations placed before Council

Public engagement activities will be conducted aimed at both informing residents about the review and gathering informed evaluations about the existing system and (later) alternative designs. Several outlets have been designed for residents to participate in the review process

- ✓ Online & Print Engagement (website, social media, etc.)
- ✓ Survey
- ✓ In-Person & Virtual Open House Sessions
- ✓ Public Feedback Analysis
- ✓ Reporting

https://www.getinvolvedburlington.ca/boundaryreview

12

Review Process



https://www.getinvolvedburlington.ca/boundaryreview

Your Contribution to This Review

- Read the materials on the City of Burlington's Get Involved project page to better understand the issues under consideration

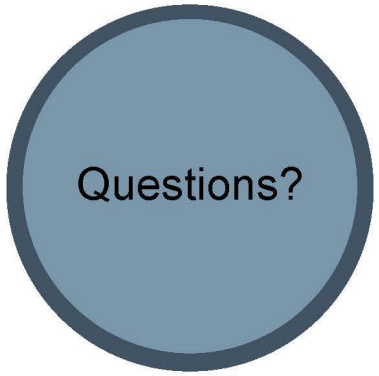
- Be willing to ask questions at the Open Houses and through the City's website

- Complete the survey on the website:

  https://www.getinvolvedburlington.ca/boundaryreview/surveys/council-composition-and-ward-boundary-review-survey1

https://www.getinvolvedburlington.ca/boundaryreview





15

STAFF REPORT AND DISPOSITION SUMMARY
Page 1 of Pages

Agenda Item: ADM-49-96

Subject:

Regional Restructuring

Destination:

Development	[ ]
Management	[ ]
B & SP	[ ]
C & CS	[ ]
P.Hrgs.	[ ]
C.D.	[ ]
Other Council	[ ]

Report Distribution:

CITY MANAGER	[ ]
GM-Business Affairs	[ ]
GM-Community Services	[ ]
GM-Dev. & Infr.	[ ]
ASSISTANT CLERK	[ ]
DIRECTORS	[ ]
DEPUTY SOLICITOR	[ ]
A/DIR. HUMAN RESOURCES	[ ]

Document: (Memo/Report/Ltr) CL-58/96
Author/Ext. R. Lathan 705

No.of Pages 4
Report Date: Dec 5/96

File #: 150-01
Doc. ID

Individuals Consulted

Approval:
Author: _____
Department Head: _____
Date Dec 5/96

CM/GM Approval
G.Mgr._____
Date: _____
C.Mgr._____
Date:_____

Report Summary: (REPORT RECOMMENDATION MAY NOT MAKE A GOOD SUMMARY)

Report confirms the City of Burlington's Support for the Regional Restructuring decisions made on May 7, 1996.

Special Instructions: (e.g.corres.,notification of delgtns)

References: (e.g. to other documents & sources)

Committee & Date	Disposition	Comments
Council Dec. 9/96	05	see attached.

Disposition Codes: 01-Approved; 02-Not Approved; Approved: 03-as revised at meeting; 04-as amended editorially; 05-as amended substantively; 06-Approved Subject to..; 07-Referred; 08-Deferred; 09-Withdrawn; 10-Received & Filed; 11-Tabled

External Correspondence Sent To: (1) Min of MAH, - Al Leach - (2) Region (3) Area mun. (4) Local MPP's

Copies of SRDS Sent To:
CM [ ] OBD [ ] BLD [ ] CLK [ ] ENG [ ] FIN [ ] FIR [ ] H/R [ ] LEG [ ] MIS [ ] P&R [ ] PLN [ ]
TEAMS [ ] T&T [ ]
RECORDS [ ] OTHER:

(SRDS.DOC)

COMMITTEE OF THE WHOLE AMENDMENT

Moved by: _____ Date: Dec 9/96
Alderman Taylor

THAT Item No. ADM-49-96 of Recommendations of Municipal Officers Report No. 20-96, be amended by adding the following prior to the last paragraph:

"AND FURTHER THAT the Council of the City of Burlington confirms, in part, its position on Council restructuring as adopted by City Council on June 27, 1996, as follows:

THAT City Council adopt the following two principles regarding representation:

i) The Mayor should be one of the City of Burlington's representatives on Regional Council

ii) That Regional Councillors from the City of Burlington should sit on both City and Regional Councils.

THAT there be one Alderman per ward in the City of Burlington.

THAT of the seven (7) representatives from the City of Burlington sitting on Regional Council one (1) shall be the Mayor of the City of Burlington, who shall be elected by general vote and shall be the Head of the City Council and;

that the balance of the Council of the City of Burlington be composed of six (6) members who are elected by ward and;

that the six (6) members of Regional Council other than the Mayor shall be elected by ward, and sit on both the Council of the City of Burlington and the Council of the Regional Municipality of Halton and;

that the Minister of Municipal Affairs and Housing be requested to proceed with any necessary legislative amendments required as a result of this decision **in conjunction with the request for legislative amendments as submitted by the Chair of the Regional Municipality of Halton, dated May 8th, 1996** and;

that the Minister be requested to ensure the said legislation is in effect for the 1997 Municipal Election and;"

Carried _____
Chairman

ADM-49-96

CITY OF BURLINGTON

"Service..An Attitude..A Commitment"

CL-58/96 December 5, 1996

Mayor and Members of Council

SUBJECT: Regional Restructuring
File: 130 "Govt.Struc"

RECOMMENDATION:

THAT the Council of the City of Burlington confirms its support for the following Regional Restructuring decisions made May 7, 1996.

"WHEREAS the Regional Council has agreed to restructuring governance in the Regional area;

BE IT RESOLVED THAT the Region support a downsized Council largely on the basis of the principle of Representation by Population and that the distribution of seats be

Burlington	7
Oakville	7
Halton Hills	3
Milton	3
Total	20"

AND FURTHER THAT a copy of this resolution be forwarded to the Minister of Municipal Affairs and Housing, the Honourable Al Leach, The Regional Municipality of Halton, Area Municipalities, and Local M.P.P.'s.

BACKGROUND:

Attached to this Report is a letter dated November 28, 1996 from the Region of Halton concerning the matter of governance in the Region of Halton.

The Region has received a verbal commitment from the Minister of Municipal affairs and Housing, the Honourable A. Leach, that legislative amendments would be presented to reflect the restructuring decisions which have been endorsed within the Region of Halton. On November 27, 1996, the Region of Halton reconfirmed its position on Regional restructuring and has requested that the Council of the City of Burlington do likewise and forward a resolution to the Minister.

The City of Burlington Council supported the downsizing of Regional Council on June 27, 1996, in conjunction with a reduction of our own Council size through the following resolution:

"THAT the following recommendation as amended by the Committee of the Whole be and is hereby adopted:

ADM-49-96

i) THAT the Correspondence dated June 21, 1996 from Julie Walters, Inter-Link Inc., 331 Melrose Avenue, Toronto, M5M 1Z5, providing the research results of the June 19th Public Meeting regarding City Council Restructuring, be received and filed.

ii) THAT the Report on Ward Boundaries in the City of Burlington (PL-92/96, June 21, 1996) be referred to a meeting of the Committee of the Whole to report to Council by the end of August 1996.

iii) THAT City Council adopt the following two principles regarding representation:

i) The Mayor should be one of the City of Burlington's representatives on Regional Council

ii) That Regional Councillors from the City of Burlington should sit on both City and Regional Councils.

THAT there be one Alderman per ward in the City of Burlington.

THAT of the seven (7) representatives from the City of Burlington sitting on Regional Council one (1) shall be the Mayor of the City of Burlington, who shall be elected by general vote and shall be the Head of the City Council and;

that the balance of the Council of the City of Burlington be composed of six (6) members who are elected by ward and;

that the six (6) members of Regional Council other than the Mayor shall be elected by ward, and sit on both the Council of the City of Burlington and the Council of the Regional Municipality of Halton and;

that the Minister of Municipal Affairs and Housing be requested to proceed with any necessary legislative amendments required as a result of this decision **in conjunction with the request for legislative amendments as submitted by the Chair of the Regional Municipality of Halton, dated May 8th, 1996** and;

that the Minister be requested to ensure the said legislation is in effect for the 1997 Municipal Election and;

that the Clerk be directed to so inform the Minister of Municipal Affairs and Housing, the Members of the Legislative Assembly for Burlington South, Halton Centre, Halton North, Oakville South, the Regional Municipality of Halton and the area municipalities."

ADM-46-96

The above recommendation will facilitate legislation to implement both regional and local Council restructuring.

Respectfully submitted,

Ronald C. Lathan
City Clerk and Director
c:msoffice:winword:docs:regreprt

ADM-49-96

THE REGIONAL MUNICIPALITY OF HALTON
1151 BRONTE ROAD
OAKVILLE, ONTARIO, CANADA L6M 3L1

RECEIVED
CLERK'S DEPT.

Halton
a World Class Place To Be.

CORPORATE SERVICES DEPARTMENT
Regional Clerk's Division
TEL: 905/825-6225 FAX: 905/825-8838

96 NOV 29 P1:26

November 28, 1996

CLERK'S DEPARTMENT
FILE NO.
CLERK COMM. SEC.
DEPUTY OTHER
COMMENTS:
COPIES TO:

Mr. Ron Lathan
City Clerk and Director
The City of Burlington
426 Brant Street
Burlington, ON L7R 3Z6

Dear Mr. Lathan:

Re: Council Resolution re: Restructuring

This letter will confirm that Regional Council, at its meeting held Wednesday, November 27, 1996 considered and subsequently endorsed the following resolution:

> THAT the Regional Chairman forward correspondence to the Honourable Al Leach, Minister of Municipal Affairs and Housing, advising that Halton Region wishes to reiterate its request for the necessary amendments to the Regional Municipality of Halton Act in order to implement the Regional Council resolution dated May 7, 1996 on restructuring, which was forwarded to the Minister by letter dated May 8, 1996, and further that the Minister be respectfully requested to proceed with this request immediately.
>
> AND FURTHER THAT a copy of this resolution be circulated to the M.P.P.'s and the area Municipal Councils.

Please bring this resolution to the attention of your Council.

Should you require any additional information, please do not hesitate to contact the Regional Chairman, J. Savoline.

Yours truly

Pat Crimmins
Committee Coordinator/Deputy Clerk

cc. Halton M.P.P.'s
cc. Regional Chairman J. Savoline
cc. Mayor W. Mulkewich

SUBJECT: Update on strategic initiatives and organizational services

TO: Committee of the Whole

FROM: Chief Administrative Officer

Report Number: CM-10-24

Wards Affected: All

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Receive for information chief administrative officer report CM-10-24 providing an update on strategic initiatives and organizational services.

PURPOSE:

Vision to Focus Alignment

- ☐ Designing and delivering complete communities
- ☑ Providing the best services and experiences
- ☐ Protecting and improving the natural environment and taking action on climate change
- ☑ Driving organizational performance

Executive Summary:

Burlington's growing and evolving economic and tourism landscapes necessitate a critical examination of how the City delivers and governs these services. Currently managed by independent boards, as part of the City's Agencies, Boards and Commissions (ABCs), Burlington Economic Development (BED) and Tourism Burlington have historically provided adequate flexibility and autonomy to respond to local business and tourism needs. However, changes in legislation over the years, increased economic complexity, a growing and changing population, and evolving City priorities present an opportunity to assess whether the current model continues to serve the community optimally.

A recent announcement from Halton Region indicates a shift of its economic development services to local municipalities, emphasizing the importance of reevaluating Burlington's current approach. This change introduces both challenges and opportunities for Burlington to enhance its services, foster local economic resilience, and maintain alignment with the

region's strategies. A periodic review of this nature helps ensure the City remains competitive, accountable, and capable of meeting stakeholder expectations.

Staff will be undertaking a review to evaluate the current structure, effectiveness, and potential integration of BED and Tourism Burlington into the City's governance framework. This review will consider alignment with City goals, operational efficiencies, stakeholder needs, and transparency. Three potential pathways are outlined: maintaining the status quo, conducting a third-party review, or proceeding with integration. This measured approach ensures Burlington's economic and tourism strategies are future-ready while remaining accountable to residents, businesses, and stakeholders.

Background and Discussion:

Historical Context of the ABC Model

The ABC model was adopted historically to navigate restrictive legislation under the *Municipal Act,* which limited municipal involvement in economic development activities. These limitations included restricting the ability of municipalities to engage in certain activities that could be seen as business-related, including offering direct incentives or engaging directly in economic development activities that competed with the private sector. These restrictions made it necessary for municipalities to operate their economic development arms externally through separate entities and, specifically to economic activities at the time, this structure offered several advantages:

- Operational Flexibility: ABCs could move more freely in responding to business needs and economic opportunities without being bound by the rigid constraints of municipal governance processes.
- Governance Autonomy: By being arm's-length from the municipality, ABCs were seen as more able to work closely with private-sector partners and advocate for economic opportunities.
- Avoiding Legal Restrictions: The *Municipal Act* at the time limited municipalities from engaging in what was deemed "commercial enterprises" or providing certain types of financial incentives to businesses. ABCs provided a legal workaround by being separate entities, not directly bound by these restrictions.

Over time, legislative changes have allowed municipalities greater leeway in managing their own economic development. In particular, changes to the *Municipal Act* and the introduction of new regulations such as the *Ontario Regulation 599/06* (Municipal Services Corporations) enabled municipalities to directly take on economic development activities. These amendments:

- Allowed municipalities to engage more directly in promoting local economic development, including the ability to offer incentives through programs like the Community Improvement Plans (CIP).

- Made it easier to integrate economic development within the municipal structure without facing the previous regulatory barriers.
- Provided flexibility in how municipalities could organize business units internally, allowing for the creation of economic development divisions within the city.

In recent years, many municipalities including Guelph, Windsor, Brantford, Markham, Vaughan, Newmarket, Richmond Hill, Barrie, Sudbury, North Bay, Sault Ste. Marie, Niagara Falls, St. Catharines, Oakville, and Peterborough – which is moving to an in-house model shortly, have opted to bring economic development functions back in-house to:

- Improve coordination with other city services and departments.
- Enhance accountability and transparency.
- Better align economic initiatives with broader municipal priorities.

In 2023, the City of Burlington initiated a comprehensive review to enhance its relationships with ABCs and Joint Ventures (JVs), with a focus on accountability, governance, and alignment with City objectives. This effort, endorsed in the 2023 budget, included engaging Optimus SBR to design an Accountability Framework informed by legislative guidelines, stakeholder consultations, and best practices. The project aimed to clarify roles, mitigate risks, and ensure oversight for these partnerships, which deliver services to the community (RCC-11-24 Accountability Framework for Agencies, Boards and Commissions (ABC) and Joint Venture (JV) organizations, RCC-11-24 Appendix A City of Burlington – Accountability).

A significant development during this period was the proposed merger of Tourism Burlington and BED into a single independent ABC. This merger, guided by the Joint Board Governance Steering Committee formed in late 2023. Milestones included a September 2023 Letter of Intent between TB and EcDev to explore governance integration, Council's November 2023 receipt of an updated strategy report, and February 2024 discussions on shared operations and marketing. There was also a Council directive in March 2024 to expedite the merger by January 2025 in order to deliver the Municipal Accommodation Tax (MAT) program (Local Board Governance – Merger of Tourism).

In January 2025, Halton Region will cease providing economic development services, except for its Small Business Centre, transferring responsibility for these programs to local municipalities. This decision stems from legislative changes, including Bill 23 and the Cutting Red Tape to Build More Homes Act (Bill 185). These acts have reshaped the responsibilities of Halton Region, transitioning it to an upper-tier municipality without planning duties and emphasizing local governance for services connected to economic development and land use planning.

The transfer is part of a broader regional service transition plan developed collaboratively with local municipalities, ensuring local needs guide economic development efforts. Burlington is poised to take on new responsibilities, including investment marketing, site selection, servicing investment leads, and managing economic development initiatives

formerly overseen by Halton Region. This transition will require careful planning to address operational and budgetary impacts while ensuring continuity of support for businesses.

Burlington is also experiencing steady population growth and is projected to see a continued rise in residents through 2051. As of 2021, the population was approximately 186,948, reflecting a 2% growth from 2016. This trend is expected to continue, driven by regional development plans and increased housing demands, and by 2051, Burlington's population is expected to grow by over 40 percent.

These demographic shifts highlight the increasing demand for cohesive economic development and tourism strategies, making it essential to ensure the governance structure supporting these efforts remains agile and aligned with the city's evolving needs. A review of Burlington's Economic Development and Tourism framework would provide a critical opportunity to address these trends strategically and ensure that services are equipped to support long-term growth and community development.

Given these significant changes, alongside updates in legislation, local governance priorities, and regional developments, it is both timely and necessary to revisit Burlington's economic development and tourism governance structure. The City last conducted a comprehensive review of this framework in 2019 (CM-19-20 - Burlington Economic Development Corporation , CM-19-20 Appendix A - BEDC Review Part A Final Report). Regular evaluations are essential to ensure alignment with best practices, operational transparency, and responsiveness to emerging economic trends, positioning Burlington for sustainable growth and success in a competitive regional landscape.

Current Effectiveness of BED and Tourism Burlington
Under the ABC (arms-length board and committee) model, Burlington Economic Development (BED) and Tourism Burlington operate independently. This structure provides certain strengths:

- Clear Focus Areas: Each organization is designed to operate within its defined scope, providing dedicated attention to their respective mandates.
- Established Relationships: Both organizations maintain relationships with external stakeholders, including businesses, community groups, and regional partners.
- Operational Flexibility: The arm's-length structure may provide opportunities for flexibility in implementing programs and initiatives.
- Specialized Focus: Teams bring sector-specific knowledge and skills aligned with their objectives in economic development and tourism.

Limitations of the Current Model
The ABC model also presents challenges that could impact Burlington's ability to address emerging priorities:

- Alignment with City Priorities: While effective in their focus areas, the current structure may limit opportunities to align economic development and tourism

efforts with broader City goals, such as housing affordability, environmental sustainability, and workforce development.
- Accountability and Oversight: Operating at arm's length from the City can make direct accountability to Council less robust, impacting transparency in funding and decision-making processes.
- Coordination with City Departments: The independent structure sometimes results in slower coordination with City departments, potentially delaying responses to emerging needs.
- Public Transparency: The arm's-length model can create perceptions of reduced public transparency compared to City-managed services, leading to challenges in communicating decision-making processes.
- Potential Duplication: While collaboration exists, some overlapping efforts between BED, Tourism Burlington, and City departments can lead to inefficiencies.

Potential Opportunities for Integration
Integrating BED and Tourism Burlington into the City's governance framework could address some of these challenges and offer the following advantages:

- Improved Coordination: More seamless execution of strategies and alignment with City departments in areas like transit, land-use planning, and business attraction.
- Stronger Alignment with City Priorities: Direct alignment of economic and tourism initiatives with Council's goals, such as sustainability, innovation, and equitable development.
- Enhanced Accountability: Increased clarity and transparency in governance, funding, and performance measurement.
- Cohesive Decision-Making: Integration fosters unified oversight, enabling decisions that reflect shared strategic objectives.
- Efficient Resource Use: Reducing duplication and ensuring resources are deployed effectively to maximize impact.

Strategy, Process, and Risk:

The City recognizes the dedication and expertise of the current volunteer boards and their significant contributions to the objectives of Economic Development and Tourism. This review is not a reflection on the performance of the boards or staff but is intended to identify opportunities for improvement and future growth.

Planned Review Scope

City staff will be commissioning a neutral, third-party review to analyze the following (this list is not exhaustive and can include additional areas of analysis):

1. Historical and Legislative Context: Assessment of how legislative changes have created opportunities for in-house models.
2. Service and Strategic Alignment: Evaluation of current services that BED and Tourism Burlington offer and their alignment with City priorities.
3. Resource Allocation: Analysis of cost efficiencies, staffing optimization, and reduction of duplication.
4. Comparative Analysis: Lessons learned from other municipalities transitioning to in-house models.
5. Operational Feasibility: Examination of functions like procurement and TechPlace's role in a restructured framework.
6. Stakeholder Perspectives: Inclusion of feedback from businesses, tourism partners, and residents.
7. Governance Options: Exploration of potential governance structures to support ongoing community involvement.

Options Considered:

Option 1: Maintain the Status Quo
Maintaining the current ABC model without initiating a review or pursuing integration retains the existing structure and operational practices.

- Benefits:
    - Avoids immediate resource expenditure or disruption to current operations.
    - Preserves the familiar structure, which has historically served Burlington's economic and tourism needs.
    - Provides continuity for existing partnerships and stakeholder relationships, minimizing potential disruptions to external collaborations.
    - Allows for ongoing assessment of the ABC model's performance without committing to changes that might not align with future needs or priorities.
- Considerations:
    - Strategic Misalignment: The current model could struggle to fully align economic development and tourism initiatives with City priorities, such as housing affordability, sustainability, and infrastructure planning.
    - Inefficiencies: Fragmentation between the City and ABCs could lead to duplication of efforts, increased costs, and missed opportunities to streamline processes.
    - Limited Transparency and Accountability: The arm's-length nature reduces direct oversight and public accountability, making it harder to ensure alignment with Council's vision and public expectations.
    - Lack of Proactive Change: Maintaining the status quo does not address the changing legislative landscape or evolving needs of Burlington's businesses and residents, potentially leaving the City at a strategic disadvantage.

Option 2: Conduct a Third-Party Review
Commissioning a neutral, evidence-based review provides a balanced and informed

approach to evaluating the current structure, understanding its strengths and gaps, and exploring the feasibility of alternatives, including integration.

- Benefits:
    - Informed Decision-Making: Offers a comprehensive analysis of the existing model and its effectiveness in achieving Burlington's economic and tourism goals.
    - Objective Insights: Ensures decisions are based on clear data and input from key stakeholders, reducing bias and speculation.
    - Flexibility for Future Action: Identifies potential pathways, whether maintaining a reformed ABC model, integration, or other solutions, without committing prematurely to a specific outcome.
    - Enhanced Stakeholder Engagement: Builds trust by incorporating feedback from businesses, tourism partners, and other stakeholders into the process.
    - Strategic Alignment: Pinpoints ways to better align services with City priorities, ensuring economic development and tourism efforts meet both current and future needs.
- Considerations:
    - Resource Commitment: Requires funding and staff time to execute effectively.
    - Limited Immediate Action: Conducting a review may delay proactive measures that could address current operational inefficiencies or missed opportunities.
    - Uncertainty During Review: Temporary uncertainty for stakeholders during the evaluation period, though mitigated by clear communication and timelines.
    - Stakeholder Fatigue: The review process could strain stakeholder engagement if it overlaps with other consultations or initiatives, leading to diminished participation or trust.

Option 3: Proceed with Integration Directly
Moving forward with the immediate integration of BED and Tourism Burlington into the City's governance framework without conducting a review.

- Benefits:
    - Potential Streamlining: May lead to faster integration of economic and tourism efforts with City priorities.
    - Increased Accountability: Direct oversight by the City enhances transparency and aligns governance with Burlington's strategic goals.
    - Reduced Duplication: Integration may eliminate overlapping administrative functions, potentially leading to more efficient use of resources.
    - Simplified Decision-Making: Consolidating governance under the City may enable quicker and more cohesive responses to emerging opportunities and challenges.
- Considerations:

- Risk of Incomplete Understanding: Proceeding without a thorough review risks overlooking critical operational, financial, or strategic challenges, leading to inefficiencies or misalignment with stakeholder needs.
- Operational Disruption: Without a detailed transition plan, integration could disrupt existing services and programs, creating confusion among stakeholders and potential gaps in service delivery.
- Missed Opportunities for Optimization: Without analyzing current strengths and gaps, the City may fail to capitalize on efficiencies or innovations that could enhance future outcomes.
- Long-Term Costs: A rushed integration may incur unforeseen expenses, particularly if restructuring efforts need to be revisited later to address missed considerations.

Among these three options, maintaining the status quo provides stability but risks failing to address pressing issues of alignment, accountability, and efficiency. Proceeding directly with integration carries significant risks of missteps and operational disruption due to the lack of a thorough understanding of existing challenges and opportunities.

Conducting a third-party review stands out as the most prudent and strategic option. It allows the City to assess the current state comprehensively, consider stakeholder perspectives, and make data-driven decisions about the optimal structure for Burlington's economic development and tourism efforts. This balanced approach ensures Burlington remains future-ready while upholding transparency and accountability to its residents, businesses, and stakeholders.

Financial Matters:

The financial implications of this initiative cannot be fully determined until the procurement process is initiated and the review is completed. While the total financial impact is currently unknown, it will be clarified upon receiving the results of the review.

Staff have budgeted a maximum of $50,000 for a third-party review and report.

Total Financial Impact:

To be determined based on the outcomes of the procurement process and subsequent review findings.

Source of Funding:

Funding is included in the 2025 Corporate Affairs budget.

Other Resource Impacts:

Staff resources will be required to support the review through information sharing and coordination. These resource impacts will be monitored and managed to ensure alignment

with existing workloads and priorities.

Climate Implications:

N/A

Engagement Matters:

The Economic Development and Tourism Burlington Boards have been engaged in the initial stages of this process. Further stakeholder engagement will occur as part of the review to gather diverse perspectives and ensure alignment with community and organizational priorities.

Conclusion:

In conclusion, Burlington has the ability to assess the most effective approach to its economic development and tourism functions. While the current economic development and tourism efforts seem to be generally effective, evolving legislative, operational, and strategic priorities warrant a thoughtful review. Conducting a third-party assessment offers the City an opportunity to identify strengths, address gaps, and explore the feasibility of integration without committing prematurely to structural changes. This evidence-based approach ensures decisions are aligned with Burlington’s goals of transparency, accountability, and sustainable growth. By proceeding carefully, Burlington can position itself to meet future economic and tourism challenges effectively while maintaining the trust of its stakeholders.

Respectfully submitted,

Hassaan Basit

Chief Administrative Officer (CAO)

905-335-7777 ext. 7609

Notifications:

- Anita Cassidy – Executive Director of Burlington Economic Development and Tourism Burlington
- Ron Laidman – Chair of Burlington Economic Development and Tourism Burlington

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

SUBJECT: Sound of Music Festival – 2024 event recap and future city support

TO: Committee of the Whole

FROM: Recreation, Community and Culture

Report Number: RCC-19-24

Wards Affected: all

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Consider the three options for city financial support and re-payment plan presented in recreation, community and culture department report RCC-19-24 Sound of Music Festival - 2024 event recap and future city support.

PURPOSE:

Vision to Focus Alignment:

☑ Designing and delivering complete communities
☑ Providing the best services and experiences
☐ Protecting and improving the natural environment and taking action on climate change
☐ Driving organizational performance

Executive Summary:

This report aims to provide a comprehensive overview of the 2024 Sound of Music Festival, including the city's support, and to offer recommendations for future city involvement in a way that aligns with the following guiding principles:

1. Fostering community connections.
2. Supporting the delivery of festivals and events in Burlington.
3. Promoting the sustainability of festivals and events in Burlington.

4. Respecting the reputation and historical significance of key events to Burlington’s legacy.

As a key partner in the delivery of festivals and events in Burlington, the city plays a vital role alongside other stakeholders, including Sound of Music. Given the rising costs of events, the city remains committed to working closely with event organizers to ensure the financial sustainability and long-term viability of these cultural initiatives, making them as accessible as possible to the community.

A new partnership between Sound of Music and Burlington Performing Arts Centre was established for the 2024 festival, and both organizations are committed to strengthening this collaboration, with a similar sponsorship agreement already in place for the 2025 festival.

The city has long been a strong supporter of events like Sound of Music, offering relationship management, process support, and other forms of assistance. As detailed in Appendix B, Sound of Music Board of Directors is requesting additional financial support from the city to help recover from the 2024 festival and to support planning for the 2025 event.

Background and Discussion:

Sound of Music Inc. (SOM) is a non-profit organization that has been bringing people to the City of Burlington's waterfront to enjoy music and cultural entertainment for over 40 years. Each June, SOM hosts the annual Sound of Music Festival, a signature event that not only celebrates the cultural and community spirit of Burlington, but also provides significant economic benefits to local businesses.

To deliver this beloved festival, SOM partners with various organizations, including local government bodies, sponsors, the City of Burlington, and dedicated volunteers. Together, these partners make it possible to offer the festival free of charge to the community. Over the years, however, SOM has faced a number of challenges, including the impact of the pandemic, rising costs, difficulties in talent acquisition, and turnover among both the Board of Directors (BOD) and staff.

The festival's primary revenue sources are beverage and merchandise sales, supplemented by contributions from partners. To maintain financial sustainability, SOM has explored several strategies, such as introducing a paid ticket component, seeking additional sponsorship, reducing expenses, and applying for more grants. Historically, the City of Burlington has supported the festival through both in-kind services and an annual grant. For the 2024 festival, however, additional support was required due to

rising costs and operational pressures. In response, the city provided increased in-kind and cash contributions, totaling approximately $142,000.

In addition, SOM requested a short-term loan of $125,000 from the City of Burlington to address cash flow challenges leading up to the 2024 event. The total financial contribution from the City for the 2024 festival is estimated to be just over $415,000.

The Burlington Performing Arts Centre served as the festival's title sponsor for 2024, contributing both cash and in-kind support.

Despite these efforts, maintaining a large-scale, free festival in the face of rising costs continues to be a significant challenge. Changes in staffing and leadership have also added financial pressure but the BOD is working hard to re-build and thinking about various ways to return the festival to its original cost neutral financial position.

The BOD remains committed to preserving the festival’s legacy and offering it free to the public. The City of Burlington has expressed its continued support for SOM but seeks Council’s direction with respect to financial support. It’s important to recognize that many event organizers have expressed challenges in providing free community events due to rising costs. In response, staff plan to review community investment and grant programs in 2025 to ensure the right support structures are in place, helping Burlington continue to offer these valuable events for the community.

In October 2024, the City of Burlington issued SOM a consolidated invoice for over $95,000 in outstanding payments and notified SOM that the loan approved earlier in the year is due for repayment by December 11, 2024. The city has requested that SOM either settle these outstanding invoices or propose a repayment plan for discussion. A proposed payment plan is included in Appendix B of this report.

Strategy/process/risk

The challenges faced by SOM are not unique to this organization, these are seen amongst event organizers across Ontario, specifically not for profit organizations that strive to offer free events to their community. This summer, City of Toronto announced a $2 million one-year pilot grant program through their Special Events Stabilization Initiative (SESI) that will give festival organizers access to funds to help them with rising operating costs such as security, crowd management, insurance and health and safety. Staff often hear that rising costs are one of the major reasons why event organizers either can’t pursue their event idea or are forced to cancel or amend their festivals. For this reason, staff are conducting a comprehensive review of the various grant programs offered through the Recreation, Community and Culture department. This review will

include the creation of a more robust festivals and events stream to ensure these events remain a vital part of our community.

Options Considered

While considering the Sound of Music's proposal in Appendix B, staff bring forward the following options for Council's consideration:

Option 1: This option supports the SOM board proposal, as outlined in Appendix B where the city would forgive the arrears amount of approximately $95K and proceed with the mutually agreed upon re-payment terms for the $125K loan. In this option, staff would provide Sound of Music with its 2025 $150K grant in January and request a comprehensive business plan for the 2026 Festival to the satisfaction of the Commissioner of Community Services, Commissioner of Legal Services and Chief Financial Officer. This status quo approach would include a detailed service level agreement, incorporating elements from the recently endorsed Accountability Framework, to guide future collaboration and ensure clear expectations moving forward.

Option 2: This option suggests that the city pause the 2025 grant, forgive the arrears amount totaling approximately $95K and the $125K loan. This option also recommends that SOM take a one-year hiatus from the festival to allow time for strategic planning and the exploration of potential long-term partnership opportunities. This option allows the BOD dedicated time to focus on the evolution of the festival with the goals of meeting Burlington's community needs while remaining fiscally responsible. Going forward, all future grants would be contingent upon the establishment of a detailed service level agreement, incorporating principles from the recently endorsed Accountability Framework, to ensure clear expectations and accountability moving forward.

Option 3: This option proposes that the city forgive the outstanding arrears, which total approximately $95,000. Under this plan, the city would follow the repayment schedule outlined in Appendix B, recouping $45,000 from the upcoming payments due from January to June 2025. This amount would be deducted from the 2025 grant, reducing it to $105,000. The remaining $80,000 of the loan repayment would be due by September 1, 2025, as outlined in SOM's proposal. Additionally, the city would encourage SOM's Board of Directors to consider scaling down the 2025 event as part of a strategy to rebuild and plan for future sustainability. Going forward, all future grants would be contingent upon the establishment of a detailed service level agreement that incorporates the principles from the newly endorsed Accountability Framework, ensuring clear expectations and accountability.

Financial Matters:

Total Financial Impact

The total financial and in-kind contributions from the city for the 2024 festival is estimated to be just over $415,000. As identified earlier in the report, there are various outstanding invoices owed by SOM totaling just over $95,000 as well as the additional $125,000 loan due for repayment by December 11, 2024. Proposed repayment terms are included in Appendix B of this report.

Climate Implications:

Festivals and events, specifically ones held in outdoor venues are weather dependent. In fact, weather is a crucial success factor for events like SOM to achieve cost neutrality. Given the unpredictability of weather, it provides extra financial strain on these event organizers.

Engagement Matters:

Staff have engaged the event organizers and city of Burlington community through the approval of the new Festivals and Event Policy. It was evident through this engagement that the community values festivals and events very much and as such, it is prudent for the city to continue to invest in their growth and development which includes the ongoing support of SOM.

Conclusion:

In conclusion, staff wish to convey the importance of festivals and events in our community and as such consider the request presented by the SOM Board in Appendix B of this report.

Respectfully submitted,

Emilie Cote

Director of Recreation, Community and Culture

905-335-7600 ext. 7353

Appendices:

A. Sound of Music Festival - 2024 Re-cap
B. Sound of Music Festival - Letter to the City of Burlington
C. Sound of Music - 2025 Proposed Budget

Notifications:

Dave Shepherd, BOD Chair for SOM

chair@soundofmusic.ca

Ken Smithard, BOD Chair for BPAC

bpacboard@gmail.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.

SOUND OF MUSIC FESTIVAL

BURLINGTON ONTARIO

2024 SPONSORSHIP FULFILLMENT REPORT



SURVEY

SPONSORS RECALLED AND APPRECIATED BY ATTENDEES

- 60% would switch brands if sponsor made a meaningful contribution to their favourite event

MAJORITY BELIEVE FESTIVAL IS A WORLD-CLASS EVENT

- 81% agreed that Sound of Music Festival is world-class
- 80% felt it was one of the largest music festivals in the GTA

SPONSOR INITIATIVES ENHANCED FESTIVAL EXPERIENCE

- 81% agreed that sponsor activations were appreciated

EVENT HIGHLY RATED BY ATTENDEES

- Majority of respondents rated all aspects of event favourably
- 99% submitted positive ratings to quality of entertainment



2024 SPONSORSHIP FULFILLMENT

2024 FESTIVAL DEMOGRAPHICS

437,000 ATTENDEES

Being Canada's Largest Free Outdoor Music Festival means we enjoy a rich demographic of individuals who travel locally, regionally, nationally and internationally to attend our world class entertainment and facilities. Our core demographic remains as follows:

Male **44%**
Female **53%**
Non-Binary **3%**

68% Reside Within 40km
20% 40-100km away
12% farther than 100km

Average Attendee Age	
19 and under	**16%**
20 - 29	**21%**
30 - 39	**18%**
40 - 49	**14%**
50 - 59	**18%**
60 and over	**13%**

Household Income	
Under $50K	**17%**
$50k - $74,999	**17%**
$75K - $99,999	**19%**
$100k - $149,999	**18%**
$200k - $299,999	**9%**
Over $300k	**7%**



2024 SPONSORSHIP FULFILLMENT

WHAT WAS YOUR FAVOURITE THING ABOUT THE FESTIVAL?

"Brought the entire family this year and wasn't disappointed. Something for everyone from 3 to 40!"

– Female, 36, from Hamilton

"Honestly, we used to head to the cottage for Sound of Music as it was just too crowded and we didn't love the bands. The past two years though, we clear our schedules and head to Spencer Smith! WOW this thing has gotten AMAZING!"

– Female, 47, from Burlington

"Without question this years festival has but Burlington on the map. I've never seen a lineup this good and such a well run event. Home run!"

– Male, 51, from New York

"So great to see SOM back and bigger than ever. The programming gets even better every year. Bravo!"

– Male, 57, from Windsor

"Easily the best fest in Canada. Hands down"

– Male, 28, from St. Catharines

MEDIA PARTNERS & MARKETING

Sponsors receive exposure through print, radio, television, internet and social media. The Festival's extensive advertising and promotional campaign is designed to attract new attendees and reach a wide demographic. Advertisers include Bell Media, WUTV FOX, Entercom Radio Buffalo, Corus Radio Hamilton and Toronto, Indie 88, The Burlington Post and The Hamilton Spectator.

MOST POPULAR SOURCES OF EVENT INFO

- Facebook/Instagram 45%
- Website 28%
- Radio Ad 18%
- Print Article 7%
- Television or News Ad 2%

SUMMARY 2024

- Social Media Engagement: 18,500,000+
- Weekly Print Readership: 450,000
- Weekly Radio Listeners: 22,000,000
- Web Visits: 1,244,000
- Social Engagement: 57%



JUST HOW BIG IS SOUND OF MUSIC?

437,000 Visitors in 2024
Over 50 Acts Over 3 Stages
4 Days Long

ACCOLADES

- Voted as one of the Top 100 Festivals in Ontario by Festivals & Events Ontario (FEO) since 2000
- Winner of Best Local Attraction
- FEO Achievement Award for Best Greening
- Leader in “Green Initiatives” including compost and recycling, shuttle service and bike corral
- Carbon neutral
- Started in 1980 and has grown steadily to become one of Canada’s largest free music festivals
- Run as a successful not for profit corporation since 1997

Sound of Music Festival is proud to have earned and received Festival and Events Ontario’s ‘Festival of Distinction’ designation ranking us amongst the best events in Ontario. The Festival has also been the recipient of the ‘Grand Pinnacle’ from the IFEA (International Festival and Events Association). The Grand Pinnacle is the IFEA’s highest award (divided into four budget categories) reflecting the best overall festival or event in the world.

The Festival has also been recognized in other IFEA categories:

Best Sponsor Partner, GoldBest Sponsorship Program for Individual Sponsor, Gold Best Volunteer Program, GoldBest Environmental Program, GoldBest Educational Program, GoldBest Radio Promotion, GoldBest Social Media Site, Silver





KEY SPONSORS

















2024 SPONSORSHIP FULFILLMENT

SOUND OF MUSIC FESTIVAL

BURLINGTON ONTARIO

Mark Watson 416-863-6609
Ryan Heerschap 416-788-1475
sponsorship@soundofmusic.ca

Thank you for your support

Nov 19, 2024

Emilie Cote - Director, City of Burlington

Re: SOM Recap 2024

Emilie:

2024 marked an extraordinary milestone for the **Sound of Music Festival (SOM)** as we welcomed a record-breaking **437,000 attendees** to Burlington's downtown core and Spencer Smith Park. This remarkable turnout surpassed our previous high of 417,000, demonstrating the festival's continued growing appeal.

This surge in attendance translated into a **monumental $32 million in community impact**, almost 3X from $12 million achieved in 2019.

But the influence of SOM extends far beyond these numbers. Rooted in core pillars, SOM's impact continues to resonate across the community:

Boosting the Economy

- Drives local tax revenue and employment opportunities.
- Draws tourists from across the region.
- Supports **136 full-time equivalent (FTE) jobs** in Burlington.
- Provides summer student opportunities

Fostering Mental Health, Well-Being, and Inclusivity

- Provides **barrier-free access** to live music experiences.
- Creates opportunities for performers with special needs.
- Offers **low-sensory activities** for youth.

Bolstering Community Pride

- Engages **1,500+ volunteers**
- Contributing over **6,000 hours** of service
- New and continued relationships with BPAC, Tourism Burlington, Burlington Chamber of Commerce, Art Gallery of Burlington, Drury Lane Theatre
- New community partnerships with local business

Who are we?

Sound of Music Inc. (SOM) has been uniting millions of residents, visitors, and tourists through live music at Burlington's iconic waterfront for over four decades. As Burlington's premier non-profit live music organization, SOM proudly hosts the last 'free' live music festival event in Canada. Powered by the passion of sponsors and volunteers, SOM not only delivers unparalleled cultural and community value but also drives a significant economic impact for the region.

What We Do

Each June, SOM transforms downtown Burlington into a vibrant hub of music and celebration. With performances by local and internationally acclaimed artists, there's something for everyone.

Festival highlights include:

- **Three Mainstages** showcasing diverse musical genres.
- A lively **parade** winding through local streets.
- A **family zone**, **midway**, and the bustling **StreetFest**.
- A vibrant **club series** and a platform for **emerging local artists** – ending with the Battle of the Bands at BPAC for a chance to play the big stage at SOM!

This dynamic lineup ensures that audiences of all ages and tastes can celebrate the joy of live music together.

Why We Do It

Music has an unparalleled ability to connect people from all walks of life, inspiring unity, compassion, and a sense of community. It strengthens mental health, transcends barriers, and brings joy—regardless of race, creed, color, gender, orientation, ability or socio-economic background.

For over 45 years, SOM has been dedicated to ensuring that music remains a **barrier-free and inclusive experience**, allowing everyone in our community to come together and celebrate the transformative power of music.

- **Volunteer Engagement at New Heights**:
    - Over **1,600 volunteer opportunities**, with more than **600 new volunteers** joining.
    - Volunteers contributed **6,000+ hours** to the festival's success.

- **Social Media and Media Reach**:
    - A stunning **18,500,000+ social media engagements**,
    - More than **20 million traditional media impressions**, extending SOM's visibility far beyond Burlington.

A Cornerstone of Summer in Burlington

These achievements highlight SOM's undeniable role as a catalyst for economic growth, cultural enrichment, and community pride. While it's difficult to measure the deep emotional connection so many feel toward this iconic event, **2024 underscored SOM's status as a cornerstone of Burlington summers**—a celebration of music, community, and the city we love.

Financial Challenges and Strategic Adjustments at the 2024 Festival

The 2024 Sound of Music Festival achieved remarkable success in terms of attendance and economic impact. However, it also faced significant financial challenges due to unprecedented cost increases, which hindered the ability to reinvest in the festival's future. The BOD in May of 2024 took over operational control of the festival to ensure the event continued.

Governance:

The BOD has made extensive changes, went from governance to operational, and prepared a skills matrix to ensure new directors were brought on with the correct skills and acumen needed to be successful. Sub committees are effective, and the BOD have made relationships work with all volunteers.

The mandate is transparency and fiscal responsibility.

We are stable, and all directors are engaged with the future and current state.

Impact of Rising Costs

Supply chain and supplier cost increases resulted in inflation for many expenditures. These rising costs posed significant obstacles to maintaining the festival's operational and financial stability.

Strategic Budget Adjustments

In response to these challenges, careful budgetary decisions were made to mitigate costs for 2025 while preserving SOM's core values and community impact. Adjustments include:

- **Budget Reductions of over $0.35M from 2024**: Focused on cost savings for key components including **Parade** and **StreetFest**
- **Operational Cost Reductions**: Streamlining infrastructure by reducing the number of summer students and reducing to **zero full time employee's year round**.
- **Maximizing Internal Resources**: Leveraging more of the contributions of **year-round volunteers, and more capital donations from local business**

Financial Outcome and Next Steps

Our financial shortfall underscores the need for immediate action to safeguard the festival's momentum for 2025. SOM is committed to being a stand alone organization. We do not want to be a financial burden on the city or the community.

We plan to continue to run the festival in a surplus cash position for the next 2 years, with 2026 becoming financially sound with no legacy debt. With a mandate to explore a stronger partnership with BPAC.

The need/ the ask:

- Carry on with continued support financially, from the City and BPAC each Jan 1. This is needed for the festival to continue to operate.
- We are asking that the current loan from the COB to SOM of $125K, have new repayment terms, of $7500 per month, from Jan 2025 to July 2025. Our intent will be a full repayment completed by September 1, 2025.
- We are asking for relief on the ~92k in City Payables from 2022 and 2023/24. This accounts for almost 25% of our legacy debt in total.

Thanks for your time and thank you for your continued support each year. This truly is a community run event!

Sincerely:



Dave Shepherd, CHRE, ICD

Chairperson, Sound of Music Festival

Encl. Draft Budget, 2024 Fulfillment

DRAFT BUDGET
2025

REVENUE		
CORPORATE SPONSORSHIP	$	500,000
VENDORS		315,000
GRANTS		440,000
FUNDRAISING		15,000
FOOD & BEVERAGE		385,000
MERCHANDISE		25,000
VIP		140,000
Other		
REVENUE	$	1,820,000
EXPENSES		
CORPORATE SPONSORSHIP	$	110,000
VENDORS		19,000
GRANTS		25,000
PROGRAMMING		300,000
FOOD & BEVERAGE		115,000
MERCHANDISE		12,000
VIP		9,000
SECURITY		140,000
LOGISTICS/ECO		638,000
ADMINISTRATION		210,000
NEW REV BPAC EXPENSE		
MARKETING & COMMUNICATIONS		40,000
VOLUNTEERISM & OUTREACH		5,000
SPECIAL PROJECT		
PARADE / STREETFEST		
CONTINGENCY		
EXPENSE	$	1,623,000
NET INCOME	$	197,000

SUBJECT: Council Remuneration

TO: Committee of the Whole

FROM: Human Resources Department

Report Number: HR-09-24

Wards Affected: all

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Receive for information human resources department report HR-09-24 regarding council remuneration.

PURPOSE:

Vision to Focus Alignment:

- ☐ Designing and delivering complete communities
- ☑ Providing the best services and experiences
- ☐ Protecting and improving the natural environment and taking action on climate change
- ☐ Driving organizational performance

Executive Summary:

This Report is intended to close-off the staff direction from report F-17-22 as it relates to benefits-related remuneration for Mayor and Councillors over the age of 65, and fulfill the staff direction arising from report HR-07-24:

> Refer report HR-07-24, Confidential human resources department report and presentation regarding a personnel matter back to staff and report back at the December 2, 2024 Committee of the Whole meeting; and

Include discussion on OMERS as part of the benefits package.

Background and Discussion:

November 10, 2021 - CSSRA Committee meeting

In Report CL-33-21, the Council Remuneration Review Working Group provided their recommendations for all council compensation, expense limits and resources. The recommendation specific to benefits for councillors over the age 65 is as follows (See (Appendix B - Report CL-33-21):

- Benefits: The issue that the benefit package is significantly different for those over 65 was raised by at least two Councillors. This difference exists as Councillors receive the same benefit package as City employees. We heard through the interview process that this is an issue of fairness and equity. We are aware that there is a review being undertaken by the City of all human resources policies with a lens of diversity and inclusion.
- Recommendation: The appropriate city staff should conduct a review of its benefit packages at they apply to City Councillors considering the bases of equity during their review of all human resources policies.

November 23, 2021- Council meeting

Council approved all of the recommendations brought forward by the Council Remuneration Review Working Group and directed the City Clerk to report back to Corporate Services Strategy and Risk and Accountability Committee with a timeline for each of the recommendation, including an implementation plan.

May 4, 2022 - CSSRA Committee meeting

The Council remuneration and expense recommendations **implementation plan was presented to Council as** report F-17-22. The implementation plan specific to benefits for councillors over the age 65 is as follows:

- Recommendation: The appropriate city staff should conduct a review of its benefit packages as they apply to City Councillors considering the bases of equity during their review of all human resource policies.
- Implementation: The Executive Director of Human Resources will consider this item as part of a regular review of the City’s benefits program.

May 17, 2022 - Council meeting

Council approved the recommended implementation plan put forth in report F-17-22.

Human Resources

Later in 2022, as part of the regular annual benefit renewal process Human Resources explored benefit plan options for Councillors over the age of 65 who no longer had the same benefits as their peers under the age of 65.

Prior to December 1, 2022

Under age 65	**65 and older**
Extended Health & Dental Benefits	Limited Health & Dental Benefits
Life Insurance	Not eligible for Life Insurance
Long-Term Disability (LTD)	Not eligible for LTD

As part of this exploration, it was determined that Extended Health & Dental benefits could be changed to be the same for all Councilors, regardless of age. Additionally, it was determined that a paid-up life insurance plan could be offered to members aged 65 or older. These changes were put into effect December 1, 2022:

Effective December 1, 2022

Under age 65	**65 and older**
Extended Health & Dental Benefits	Same Extended Health & Dental Benefits
Life Insurance	Eligible for a Paid-Up Life Insurance Plan
Long-Term Disability (LTD)	Not eligible for LTD

The Council Remuneration Review Working Group in 2021 recommended that the appropriate City staff should conduct a review of its benefit packages as they apply to City Councilors considering the bases of equity during their review of all human resource policies (Appendix A).

In 2022, City staff from the Human Resources department conducted an equity lens review of the City's Benefit Plans, specific to age-related differences and based on that review it made the following changes to the Mayor and Council Benefit Plan effective December 1, 2022:

City Benefit Plan

Prior to Dec 1, 2022	**Prior to Dec 1, 2022**	**Changes effective December 1, 2022**
Under age 65	**65 and older**	**65 and older**
Extended Health & Dental Benefits	Limited Health & Dental Benefits	*Extended Health & Dental Benefits
Life Insurance 2x Salary	Not eligible for Life Insurance	*Eligible for a Paid-Up Life Insurance Plan $5K
Long-Term Disability (LTD)	Not eligible for LTD	Not eligible for LTD

There was no option to provide members over the age of 65, with the same plan as members under the age of 65.

This Report HR-09-24 is intended to provide Council with the written follow-up to Report F-17-22 as there was no follow-up report provided to Council regarding the age-related benefits remuneration implementation plan outlined in Report F-17-22.

Strategy/process/risk

Sun Life Benefits

Staff have interpreted, from the Council approved recommendations and implementation plan for benefits outlined in Report F-17-22, that the authority resides with the City to make the decision on how to address any benefits that are different due to age.

The Chief Human Resources Officer and Chief Administrative Officer have made the decision to provide Mayor and Councillors over the age of 65, an annual payment in lieu of the Sun Life benefits that these members would no longer be eligible for as a result of their age. These payments in lieu are equal to the premium amounts the City pays Sun Life for members under the age of 65. These payments are to be paid out annually, less all applicable taxes, at the start of each calendar year, retroactive to December 1, 2022.

Table A below shows the 2024 age-related Sun Life Benefit Plan differences, and associated costs for the City:

Table A – December 1, 2022 – November 30, 2023 **Annual Premiums Paid**	
Under age 65	**65 and older**
Life Insurance 2x Salary	Paid-Up Life Insurance Plan $5K (optional) This is a one-time cost to the City.
Long-Term Disability (LTD)	Not eligible for LTD Premium Total: $0
Total Annual City Premium Costs = $2,896.56	Total Annual City Cost = $0

Table A – December 1, 2023 - November 30, 2024 **Annual Premiums Paid**	
Under age 65	**65 and older**
Life Insurance 2x Salary	Paid-Up Life Insurance Plan $5K (optional) This is a one-time cost to the City.
Long-Term Disability (LTD)	Not eligible for LTD Premium Total: $0
Total Annual City Premium Costs = $2,749.68	Total Annual City Cost = $0

OMERS Pension Plan

Staff require more time to complete the review related to OMERS and will come back to the January 2025 Committee of the Whole meeting with this information.

Financial Matters:

Payments in lieu of benefits to Mayor and Council members, over the age of 65, are effective December 1, 2022, and will continue to be a part of the regular budgeted benefits costs moving forward, however will include a one-time retroactive payment for each impacted member.

Total Financial Impact

The total financial retroactive impact for benefits per impacted member is = $5,646.24

- December 1, 2023 – November 30, 2024 = $2,749.68
- December 1, 2022 – November 30, 2023 = $2,896.56

Source of Funding

Funds for the retroactive payments will be covered from operational gapping dollars and any payments in lieu of, on a move forward basis, would come from the the regular Mayor and Council operational budgets for benefits.

Other Resource Impacts

Not applicable.

Conclusion:

Human Resources Department report HR-09-24 addresses the implementation plan for the benefits recommendations identified in finance department report F-17-22.

Respectfully submitted,

Sue Evfremidis

Chief Human Resources Officer

Appendices:

A. Finance Department report F-17-22 - Council remuneration and expense recommendations implementation plan

B. Clerk’s Department report CL-33-21

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

SUBJECT: Council remuneration and expense recommendations implementation plan

TO: Corporate Services, Strategy, Risk & Accountability Cttee.

FROM: Finance Department

Report Number: F-17-22

Wards Affected: all

File Numbers: 100-02

Date to Committee: May 4, 2022

Date to Council: May 17, 2022

Recommendation:

Approve the implementation plan for the recommendations arising from the report by the Council Remuneration Review Working Group (CRRWG); and

Approve the Discretionary Budget Policy attached as appendix A to finance department report F-17-22; and

Approve By-law XX-2022, a by-law to establish the Council Members Special Initiatives Reserve Fund attached as appendix B to finance department report F-17-22; and

Approve the Council Member Expense Manual attached as appendix C to finance department report F-17-22.

PURPOSE:

To present an implementation plan for the recommendations arising from the report of the CRRWG that was approved at the CSSRA meeting of November 10, 2021

Vision to Focus Alignment:

- Building more citizen engagement, community health and culture

Background and Discussion:

Every four years prior to an election year a citizen committee is created to provide an independent third-party review of Council compensation and expenses. In April 2021, through report CL-08-21 Council approved the terms of reference for the CRRWG on

Council remuneration, benefits, expense limits and resources. The mandate of the CRRWG is to complete the necessary research, review existing policies and practices, make comparisons with similar sized peer and neighbouring municipalities, and produce an independent report with recommendations for the total level of compensation, benefits, and expenses for the term of office commencing November 14, 2022. The CRRWG presented a report providing recommendations on Council Remuneration and Expenses at the CSSRA meeting of November 10, 2021.

At the CSSRA meeting of November 10, 2021, committee approved the report and issued a staff direction to report back to the Corporate Services, Strategy, Risk and Accountability Committee with a timeline for each of the Council Remuneration Review Working Group recommendations, including an implementation plan. Report F-17-22 addresses the staff direction.

Strategy/process

Staff have carefully reviewed the recommendations of the report and considered timelines and an implementation plan as presented in this report.

Recommendation:

The salary structure currently used, including annual increases based on CPIs be maintained.

Implementation

The salary structure aligns to the Region of Halton's structure as Councillors receive compensation from the Region as well as the city. This structure will remain in place.

Recommendation:

The appropriate city staff should conduct a review of its benefit packages as they apply to City Councillors considering the bases of equity during their review of all human resource policies.

Implementation

The Executive Director of Human Resources will consider this item as part of a regular review of the City's benefits program.

Recommendation:

The Council Expense Manual be amended to provide the following:

- Establish a reserve account accessible by all members of Council, made up of surpluses that exist at the end of the year. This would require establishing a policy for when and how such funds might be accessed.
- Increase each expense account by the increase in the relevant CPIs each year.

Implementation:

A by-law to establish the Council Members Special Initiatives Reserve Fund is attached as appendix B of report F-17-22. A revised Council Member Expense Manual which includes instructions on accessing the reserve fund is attached as appendix C. The Special Initiatives Reserve Fund may be accessed by any member of Council for an initiative that is outside the discretionary budget of the Council member. Such initiatives may be, for example, communication with constituents using a mail out. The process for applying for use of the reserve fund will be through a request submitted to the Chief Financial Officer. Deadlines for submitting the request will be November 1. The Chief Financial Officer or delegate will determine that:

1. The request is reasonable, and the initiative involves City or ward business.
2. The request is not being made in an election year.
3. That the discretionary budget available for the Council member will not accommodate the cost of the initiative.
4. Enough funds are available in the reserve fund to accommodate the request.

On an annual basis a report will be submitted to Council detailing any requests from the reserve fund including the total amount requested. The annual reporting on Councillor Remuneration and Expenses will include any such items. They will be reported as “Initiatives funded from a reserve fund.”

Staff have carefully considered the recommendation to increase each expense account by CPIs. Historically the CRRWG has considered the Councillors’ discretionary budget and made recommendations of an increase by a specific amount. Staff feel it is better to leave this matter in the hands of the CRRWG every four years rather than increase annually by CPI.

Recommendation:

The Office of the Mayor hire a full-time permanent assistant who would be able to serve consecutive Mayors.

Implementation:

The need for this position should be assessed and approved by the new Council after the election.

Recommendation:

- In the short term, Council and the Mayor should choose a rotation cycle length that leads to the most seamless transition for the “Deputy Mayor” should that role be required.
- In the longer term, Council and the Mayor should develop a clear definition of the role of “deputy” or “interim” mayor and incorporate this within a policy or by-law concerning its use.

Implementation:

As noted in the CRRWG report, implementation of the recommendation should rest with Council and the Mayor and be addressed by the new Council after the election.

Financial Matters:

Although there was no recommendation tied to the discussion, the CRRWG report did address the need for a constituent relationship management solution. It was suggested that the system should be funded at a cost of $2,000 out of Council members’ discretionary budget. Through the 2022 budget discussions it was determined that the new solution would be funded through the ITS operating budget and not through the Councillors’ budgets.

Engagement Matters:

During the work of the CRRWG, each Councillor and the Mayor were interviewed to determine their level of satisfaction with their remuneration and discretionary budget. Interviews were also held in connection with the development of the Council Member Expense Manual.

Conclusion:

Report F-17-22 presents an implementation plan for the recommendations from the CRRWG report of November 2021 and addresses the staff direction.

Respectfully submitted,

Sandy O’Reilly

Finance Lead ERP

905-335-7600 x 7648

Appendices:

A. Discretionary Budget Policy
B. By-law to establish a reserve fund
C. Council Member Expense Manual

Report Approval:

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

Corporate Policy

Council, Boards, Committees

Council Discretionary Budget

Approved by Council on: 05/17/2022

Report Number: F-17-22

Effective: 05/17/2022

Reviewed on: MMMM d, yyyy

Amended: MMMM d, yyyy

Next Review: 11/01/2025

Note:

The City of Burlington funds the expenditure activities and supply requirements of the Mayor and Councillors that:

- Fall within the general categories of expenditure as outlined in the Council Member Expense Guide.
- Are non-partisan or personal in nature.
- Are within the limits City Council has set for its members.

Policy Statement:

On an annual basis the City will provide to the Mayor and Council an office expense budget and a discretionary budget.

The office expense budgets are intended to fund the general support provided for all council members including staff support. The office expense budgets are approved as part of the City's overall operating expense budget. It is subject to the budget guidelines as approved annually by Council.

A discretionary expense budget is provided to the Mayor and each Councillor to pay for expenses that are allowable as outlined in the Council Member Expense Manual.

- Council members are expected to not exceed their annual discretionary expense budget. Any over-expenditure is the personal responsibility of the Council member and is to be paid by the Council member.

  Council members cannot transfer budgets between years. However, unspent funds remaining at the end of each fiscal year except for in an election year will be transferred to a reserve fund to be used for special initiatives.
  The discretionary budget will be reviewed by a citizen committee convened every four years prior to an election year to provide an independent review of Council remuneration and expenses and make recommendations on any adjustments that may be needed.
  Use of the discretionary budgets allocated to Mayor and Councillors will be guided by the Council Member Expense Manual.

Scope:

This policy addresses the Mayor and Councillors' discretionary budgets and does not apply to expenses funded by city programs, agencies, boards committees and other special purpose bodies.

Objectives:

Supports the Mayor and Councillors to:

- Administer their offices in City Hall.
- Represent the City at functions and events.

Supports Councillors to:

- Communicate with their constituents about the meetings and activities of city council and its committees
- Communicate with their constituents about the businesses and services of the City and its agencies.
- Enhance and promote an engaged community in their wards.

Supports the Mayor to:

- Communicate with constituents about city-wide initiatives and activities of City Council related to city-wide initiatives.
- Communicate with constituents about the meetings and activities of committees that the Mayor is appointed to as council's representative.
- Enhance and promote an engaged Burlington community.

Councillors and the Mayor are personally responsible for expenditures that do not fall within these criteria.

Principles:

When using the guide that accompanies this policy the following principles should be observed:

Integrity of Council

- The integrity of Council as a whole and the office of Mayor and offices of Council must be protected.
- The interests of City Council as a whole take precedence over the personal interest of individual members of Council.

Accountability

- Councillors and the Mayor are the stewards of City resources and ultimately are accountable to the public and their constituents for the type and level of expense they incur.
- Councillors' and Mayor's expenses must be reasonable and reflect what the public expects of an elected official.
- Councillors' and Mayor's business expenses and personal expenses must be kept separate.

Access to Resources

- There should be a level playing field among all Councillors regardless of personal financial circumstances.
- Councillors should have access to the same level of funding to run their offices.

Flexibility and Limits

- Councillors engage their communities in different ways.
- Councillors require flexibility to perform their roles and operate their offices.
- Expenditures must not conflict with rules set out in elections and other legislation.
- All accounting, audit and income tax act principles and rules must be followed.

References:

Council Member Expense Manual

Roles:

Accountable:

Mayor and Council

Responsible:

Chief Financial Officer for the timely review of the policy and manual

The Corporation of the City of Burlington

City of Burlington By-law xx-2022

A by-law to establish a reserve fund and guidelines for the accumulation of monies derived from annual unspent funds of the discretionary budgets of Council members excluding those of an election year.
File:100-02 F-17-22

Whereas pursuant to the *Municipal Act*, 2001, S.O. 2001, a municipal council may provide for reserves as the municipality considers necessary; and

WHEREAS the Council for the Corporation of the City of Burlington has provided for the establishment of reserve funds; and

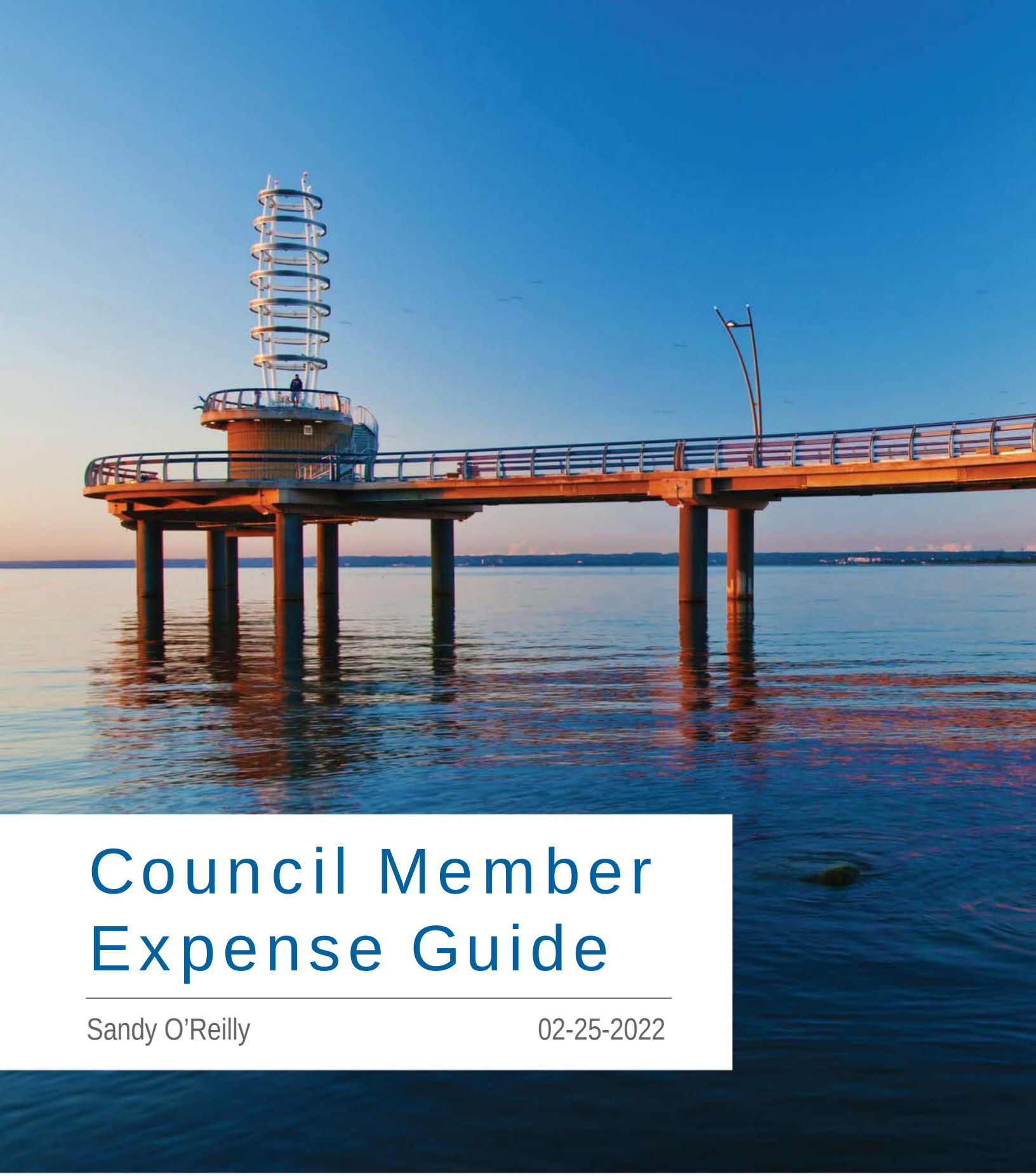
Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

1. That the Council Special Initiatives Reserve Fund be established; and
2. That the Council Special Initiatives Reserve Fund be credited with interest at the same rate earned by other City of Burlington Reserve Funds; and
3. That the fund be funded from unspent discretionary budgets of Council Members annually except for in an election year; and
4. That the fund be utilized for Council member special initiatives as approved by the Chief Financial Officer or delegate.

Enacted and passed this 17th day, of May 2022

Mayor Marianne Meed Ward _____

City Clerk Kevin Arjoon _____



Council Member Expense Guide

Sandy O'Reilly 02-25-2022

burlington.ca

CITY OF Burlington

22-140

Purpose

The purpose of this guide is to provide information on the appropriate use of the discretionary budget allocated yearly to Councillors and the Mayor during their term in office as determined by the citizen committee on council remuneration and expenses prior to each municipal election.

The City of Burlington funds the expenditure activities and supply requirements of the Mayor and Councillors that:

- Fall within the general categories of expenditure that this guide outlines.
- Are non-partisan or not personal in nature.
- Are within the limits City Council has set for its members.

Scope

This manual addresses the Mayor and Councillors' discretionary budgets and does not apply to expenses funded by city programs, agencies, boards committees and other special purpose bodies.

Principles

When using this guide the following principles should be observed:

Integrity of Council

- The integrity of Council as a whole and the office of Mayor and offices of Council must be protected.
- The interests of City Council as a whole take precedence over the personal interest of individual members of Council.

Accountability

- Councillors and the Mayor are the stewards of City resources and ultimately are accountable to the public and their constituents for the type and level of expense they incur.
- Councillors' and Mayor's expenses must be reasonable and reflect what the public expects of an elected official.
- Councillors' and Mayor's business expenses and personal expenses must be kept separate.

Access to Resources

- There should be a level playing field among all Councillors regardless of personal financial circumstances.
- Councillors should have access to the same level of funding to run their offices.

Flexibility and Limits

- Councillors engage their communities in different ways.
- Councillors require flexibility to perform their roles and operate their offices.
- Expenditures must not conflict with rules set out in elections and other legislation.
- All accounting, audit and income tax act principles and rules must be followed.

Annual Current Budget

Supports the Mayor and Councillors to:

- Administer their offices in City Hall.
- Represent the City at functions and events.

Supports Councillors to:

- Communicate with their constituents about the meetings and activities of city council and its committees
- Communicate with their constituents about the businesses and services of the City and its agencies.
- Enhance and promote an engaged community in their wards.

Supports the Mayor to:

- Communicate with constituents about city-wide initiatives and activities of City Council related to city-wide initiatives.
- Communicate with constituents about the meetings and activities of committees that the Mayor is appointed to as council's representative.
- Enhance and promote an engaged Burlington community.

Councillors and the Mayor are personally responsible for expenditures that do not fall within these criteria. The Controller and Manager of Financial Services is available to help Councillors, their staff and the Mayor's office staff to understand these criteria and to help them plan their budgets and expenditures.

Councillor and Mayor's Office General Expense Budgets

The office expense budgets are intended to fund the general support provided for all council members including staff support. The office expense budgets are approved as part of the City's overall operating expense budget. It is subject to the budget guidelines as approved annually by Council. This document addresses the discretionary budgets.

Councillors and Mayor's Discretionary Expense Budgets

A discretionary expense budget is provided to the Mayor and each Councillor to pay for expenses that are allowable as outlined in this manual.

- Council members are expected to not exceed their annual discretionary expense budget. Any over-expenditure is the personal responsibility of the Council member and is to be paid by the Council member.
- Council members cannot transfer budgets between years. However, unspent funds remaining at the end of each fiscal year with the exception of in an election year will be transferred to a reserve fund to be used for special initiatives.

Purchasing Procedures

Mayor and Councillors are expected to abide by the procurement by-law. The Manager of Procurement is available to provide advice on purchasing policies and procedures. Goods and services under $50,000 do not require a formal procurement process. However, it is still expected that three quotes will be obtained as outlined in the procurement by-law and that all purchases will be within budget and in accordance with guidelines provided in this manual. Purchases related to information technology should be guided by the Information Technology Service and can be requested through the helpdesk.

Purchases and Expense Claims

- Expenses must relate to the to the business of the City of Burlington
- Expenses should be submitted on a timely basis to allow for proper budget monitoring throughout the year.

Documentation

- Purchase card statements with all receipts attached must be submitted to the City Manager or Chief Financial Officer for review and sign off as per DA by-law 07-22.
- In the case of missing receipts, if under $10 it should be noted on the statement. If the value of the purchase is more than $10 a duplicate receipt should be obtained from the vendor.
- Council and their staff must provide proper documentation, including detailed original itemized invoices and receipts, for all expense claims. Credit card statements are not enough.
- In the case of online purchases, a copy of the confirmation must be attached to the claim.

- Council or their authorized staff must sign off all receipts and invoices in accordance with the signing authority policy. Digital signatures will be accepted.
- The use of the City's corporate purchase card must follow the purchase card policy.

Timing

- Expenses must be charged in the year in which they occurred. Expenses cannot be carried forward into future years.

Allowable Expenses

In determining whether an expense should be charged against the discretionary budget, thought should be given to the principles cited above. In general, expenses are allowable if they support the work of the Councillor/Mayor and are directly related to City business. They are ineligible if they promote or support for profit organizations, third parties, other levels of government or candidates in election campaigns or are personal in nature.

Mileage

Mayor

As the Mayor is provided with a City vehicle, the Mayor is not eligible to submit mileage expense claims for reimbursement unless related to conferences. The Mayor is obligated to maintain a log of personal and business kilometers and provide this information to Payroll on request, usually at the end of each year. Parking expenses incurred while on City business excluding parking tickets and fines will be reimbursed.

The Mayor will be provided a 407 ETR transponder for work-related travel.

Members of Council

Mileage will be reimbursed at the city's standard rate for business related travel from City Hall to other city facilities or other locations within the city for meetings with constituents or other city business. Mileage will not be reimbursed for travel from home to City Hall. Only one trip from/to home to/from City Hall each day will be considered personal driving.

Parking expenses incurred while on City business excluding parking tickets and fines will be reimbursed.

Members of Council will be reimbursed for 407 ETR usage fees for work-related travel where the 407-toll road provides either the shortest distance or travel time to the destination. The fees associated with obtaining, maintaining or replacing a 407 ETR transponder will not be reimbursed.

Digital Resources

It is well understood that one method of engaging with constituents is to use social media and other digital content such as websites and software such as contact list management. While City resources should be used where possible, expenses for digital content and software will be reimbursed if corporate communication standards, the City's privacy policy and ITS security policy are followed. Where possible, City social media accounts and software should be used except during an election year.

Events

If a Councillor or the Mayor attends a social or charitable event in their capacity as a representative of the City, they may charge the cost of the ticket and that of their guest to their discretionary budget. Only a total of two tickets for any one event can be charged to the discretionary budget. Other expenses that may be incurred at the event such as silent auctions or raffle tickets are the sole responsibility of the Councillor/Mayor.

Entitlements Outside of Discretionary Budget

Councillors are entitled to:

- one laptop, one tablet and a Smartphone.
- docking stations and monitors for both office and home.
- expense home Internet or a separate business home phone line. Reimbursement for these expenses is charged to the ITS operating budget.
- a printer, however, the cartridges and paper are to be covered from the office supply budget.

Special Initiatives Reserve Fund

The Council Special Initiatives Reserve Fund has been established by By-law and deposits will be made at year end reflecting any unspent funds in the respective Mayor and councillor budgets. Funding may be accessed by any member of Council for an initiative that is outside the discretionary budget of the Council member. Such initiatives may be for example, communication with constituents using a mail out. The process for applying for use of the reserve fund will be through a request submitted to the Chief Financial Officer. Deadlines for submitting the request will be November 1. The Chief Financial Officer or delegate will determine that:

1. The request is reasonable, and the initiative involves City or ward business.

2. The request is not being made in an election year.
3. That the discretionary budget available for the Council member will not accommodate the cost of the initiative.
4. Enough funds are available in the reserve fund to accommodate the request.

On an annual basis a report will be submitted to Council detailing any requests from the reserve fund including the total amount requested. The annual reporting on Councillor Remuneration and Expenses will include any such items. They will be reported as "Initiatives funded from the reserve fund."

Ward Specific Funding

Each Councillor has been provided an annual allocation of $5,000 to be spent on ward specific events. Use of the funds should be as follows:

- Funds will be used for events that are open to all members of the ward.
- The organization of such events will be led by an independent committee within the ward.
- The allocation may be made at the discretion of the Councillor to several smaller events within the ward that are deemed to be designed to support members of the community in a manner that enhances social interaction of the community such as a community dinner. If councilors purchase gift cards, the end use of the gift card should be supported by receipts or a recipient log should be provided.
- The funds should not be used for donations to any cause or community group. Total use of the allocation cannot exceed the allocation for the year. In an election year, the allocation will be administered by the Recreation, Community and Culture service.

Bench Program

Each council member can select one bench each year to be installed at a qualifying location of their choice based on constituent requests. It will be each member of Council's responsibly to provide Engineering Services with their preferred location for a bench by March 30th of each year to allow enough time to site verify that the proposed locations meet the design criteria and to allow for public engagement on the preferred site selection. Once the site selection has been complete, Engineering staff will look for the best opportunity for implementation.

The bench model chosen is to match the standard or approved bench style for that area of the City. Currently there are standard styles set for the Downtown area, Aldershot area, and most parks. Council members may request that a Pride (rainbow) themed bench be adopted in lieu of the standard or approved style. It should be noted that any new Council bench will not have a recognition plaque attached to it.

City staff will work with each Councillor to select their preferred site by June 30th of each year. The council members may wish to communicate with their constituents on this program. This consultation is to be done through the Mayor's and Councillor's office. Once this step is complete, staff will incorporate the installation of the benches into their work plan for installation in fall of the current year.

As part of the annual capital budget process, $40,000 is allocated each year to support this program. This funding is an all-inclusive cost for the supply and installation of 7 benches. It does not include replacement or maintenance costs. The total installation cost of a standard black metal bench is approximately $4,700 as it includes a large concrete pad for accessibility, locates, shipping, labour and taxes. The total cost for a Pride (rainbow) bench is $5,700 because they are considered custom as result of the various colours.

Council Bench Program – Process and Implementation

The following outlines the process for the site selection, supply and installation for benches requested through the Mayor and Councillors' office.

1. Each member of Council (Mayor and Ward Councillor) is to submit a location(s) for a new bench to the Manager of Parks Design and Construction between January 1st and March 30th of the current year the bench is to be installed.

2. Requests can include a very specific location or general area. Multiple locations can be submitted with a priority ranking.

3. Staff will site verify each proposed location using the Guidelines for Bench Placement Criteria. Any location request that cannot be accommodated will be communicated back to the Mayor/Councillor's office and in such cases, staff will work in partnership with Council members to find an alternative location.

4. Once the preferred location is site verified for suitability, Council members may wish to consult with their constituents on the preferred bench location before design and construction is initiated. This will typically be in April and May of each year.

5. Locations are to be finalized by June 30th so that Engineering Services staff can incorporate the installation of the benches and all related site works in the work plan for installation in the current year.

Ineligible Expenses

All expenses of a personal nature or unrelated to the business of the City or ward are not eligible to be charged against the discretionary budget.

Reporting Charges and Ownership

- A summary of expenses paid and budget remaining in the Councillors' and Mayor's budgets is available on request by Council members to their staff. The budget should be monitored, on a regular basis and any questions directed to the Controller and Manager of Financial Services.
- Equipment purchased with city funds is considered city property and must be returned to the city at the end of the term or such earlier time as the Councillor leaves office.

Use of Corporate Resources During an Election Year

Please refer to the Corporate Policy presented in report CL-05-22 and approved by Council March 22, 2022 for guidance on using corporate resources during an election year.

Financial Roles and Responsibilities

Councillors/Mayor

- Authorize expenditures from their budget.
- Keep safe and maintain all equipment and furniture provided by the City or purchased with city funds.
- Ensure that all purchases are appropriate and that invoices are authorized after orders have been received or services rendered.
- Comply with all corporate policies.

City Manager and Chief Financial Officer or Delegate

- Advise Councillors of the status of their discretionary budget and expenditures.
- Approve expense statements, charges and credit card reconciliations.
- Provide training and orientation for Council members and their staff at the beginning of each term and as requested from time to time on:
    - Annual budget for discretionary expenses
    - Appropriate budget monitoring procedures
    - Annual budget for office support and administration
    - Annual posting of expenses to the City's website

Council Members Staff

- Process ordering and payment for Council members budgets.
- Provide reconciliation of expense statements and credit cards to the City Manager or Chief Financial Officer or delegate.

- Review annual reporting on actual spending prior to it being posted to the City website.

ITS Department

- Provide information technology support to council.

Disclosure

- The routine disclosure for council members' expenses is made pursuant to Section 15 of the *Municipal Freedom of Information and Protection of Privacy Act* (MFFIPA). An annual report of remuneration and expenses paid to Mayor and Councillors is posted to the City's website on or before March 31 in accordance with *Section 284(1) Municipal Act 2001*

- The annual expenditures and budget for the Mayor and Council will be published to the City website. The submission for the website will be managed by the Finance department.

Councillor/Mayor expenses must also comply with city policies and the following statutes:

- Municipal Conflict of Interest Act
- Municipal Elections Act
- The *Income Tax Act*
- *The Employment Standards Act*
- Code of Conduct for Members of Council
- Procurement by-law

SUBJECT: Council Remuneration Review Working Group recommendations

TO: Corporate Services, Strategy, Risk & Accountability Cttee.

FROM: Office of the City Clerk

Report Number: CL-33-21

Wards Affected: All

File Numbers:

Date to Committee: November 10, 2021

Date to Council: November 23, 2021

Recommendation:

Approve the recommendations from the Council Remuneration Review Working Group on council compensation, expense limits and resources attached as appendix A to office of the city clerk report CL-33-21.

PURPOSE:

To report on the activities and recommendations of the Council Remuneration Review Working Group (CRRWG), an objective third party, which undertook a review of council remuneration, benefits, expenses and resources.

Vision to Focus Alignment:

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

Background and Discussion:

In April 2021 through report CL-08-21, Council approved the terms of reference for the CRRWG on Council remuneration, benefits, expense limits and resources.

The mandate of the CRRWG is to complete the necessary research, review existing policies and practices, make comparisons with similar sized peer and neighbouring

municipalities, and produce an independent report with recommendations for the total level of compensation, benefits and expenses for the term of office commencing November 14, 2022.

The CRRWG's membership included balanced representation from stakeholders including:

- a representative from a financial institution in the City of Burlington,
- a local board member,
- a citizen advisory committee member,
- a representative from the Chamber of Commerce
- a representative of a community social services organization (e.g. Community Development Halton), and
- two (2) City of Burlington residents.

The slate of members was established by canvassing members from the previous term(s) and filling vacancies through direct appointment based on the representation in the Terms of Reference. In keeping with the Committee Framework approved in principle, the City Manager authorized the appointment of the following individuals were appointed to the Group:

Dave Conrath (Chair)
John Chisholm
Sean Ballard
Colleen Mulholland
Diana Tuszynski
Sharon Portelli
Rameen Sabet
Carrie Overholt

The CRRWG began meeting in June and met 7 times to discuss research, review notes and brainstorm, and prepare their final report. Members of Council and the City Manager were interviewed individually to gain their perspective related to remuneration, benefits, expenses, and resources.

Throughout its term the CRRWG was supported by the staff from the Office of the City Clerk, Finance Department and the Executive Director of Human Resources. The recommendations and report of the Committee is attached as Appendix A.

Financial Matters:

None.

Climate Implications

None.

Engagement Matters:

The Terms of Reference for the Council Remuneration Review Working Group were listed on a public agenda in April 2021 for Council's consideration. The Group's agendas and minutes were publicly posted on www.burlington.ca.

Conclusion:

The Group has spent a considerable amount of time reviewing all of the background information provided to them and analyzing information from comparator municipalities. The recommendations presented by the Group are intended to support good governance and fiscal accountability.

Respectfully submitted,

Amanda Fusco

Deputy City Clerk

Amanda.fusco@burlington.ca

Appendices:

A. Report from Council Compensation Review Committee

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.

Remuneration Committee Report – 2021

Before we begin our report per se, we want to express our sincere appreciation for the great support we received from the City of Burlington's staff. This includes everything from organizing our meetings, to taking minutes of them, to providing us well researched answers to our many questions. Those involved include: Kevin Arjoon, Amanda Fusco, Laura Boyd, Sandy O'Reilly, Kristin Sprukulis and Debbie Hordyk. Others may have been involved as well, and our gratitude is extended to them.

Our report will be broken down into several sections as our mandate covers issues beyond direct remuneration. These include the adequacy of support staff, expense budgets and the Deputy Mayor position, which was raised by the previous Remuneration Committee.

Salaries

Overall there is little discontent with the current salary structure, including annual increases based on the relevant Consumer Price Indices (CPIs). Perhaps one reason that annual earnings were not identified as a significant issue is that all Burlington Councillors and the Mayor are also members of the Halton Region's Council, and are remunerated for that position as well. Hence, when comparing a Councillor's annual total salary with other similar jurisdictions (extensive data were provided by the city's staff), they fared well as there are two sources of income.

Recommendation: The salary structure currently used, including annual increases based on CPIs, is maintained.

Benefits

The issue that the benefit package is significantly different for those over 65 was raised by at least two Councillors. This difference exists as Councillors receive the same benefit package as City employees. We heard through the interview process that this is an issue of fairness and equity. We are aware that there is a review being undertaken by the City of all human resources policies with a lens of diversity and inclusion.

Recommendation: The appropriate city staff should conduct a review of its benefit packages at they apply to City Councillors considering the bases of equity during their review of all human resources policies.

Expense Budgets

The general expense budget has been increased by $1,000 in response to the recommendation of the last Remuneration Committee which met in 2017. While there were no major concerns about the limitations established by the budgets, constraints

brought on by the pandemic were raised as an issue. For example, the ability to increase mailings to constituents due to the limitations placed on public meetings were constrained by some Councillors' budgets. The question was raised regarding the ability to accumulate past surpluses that could be used in such situations. A staff member indicated how it might be done. It was also noted that the expense budgets were not indexed.

Recommendations: The Council Expense Manual be amended to provide the following:

- Establish a reserve account accessible by all members of Council, made up of surpluses that exist at the end of the year. This would require establishing a policy for when and how such funds might be accessed.
- Increase each expense account by the increase in the relevant CPIs each year.

Staffing

All members of Council, without exception, stated their satisfaction with the staff support that each was receiving on an individual basis.

A review of the current staffing structure and previous Remuneration Committee reports revealed that over the years each Councillor was provided access to a full-time Councillor's Assistant, a City employee. The full-time Mayor's Assistant, approved by the 2017 Remuneration Committee, has not been put into effect. While the Mayor has access to several support personnel, none are City employees.

Historically Mayors have chosen to hire their own assistants. This has been based on the fact that the Mayor's role is vastly different from that of a Councillor, from which most mayors arise. And this has been recognized by the current Mayor. Still, through interviews and the arguments supporting the recommendation made in 2017, we believe that the transitioning between Mayors would be enhanced with a full-time City employee whose experience could foster an easier transition.

Recommendation: The Office of the Mayor hire a full-time permanent assistant who would be able to serve consecutive Mayors.

Customer Relationship Management System (CRM)

The City has a Customer Relationship Management System in house that allows enquiries from "customers" to be tracked, followed up and resolved. It is intended to be used in all customer-facing services and is being implemented in a phased approach. Due to privacy laws that govern City records (the ones that come into the CRM) and constituent records, there is a need to separate the two. A separate constituent record solution is being researched. This will be funded by each Councillor using their allowance. The cost per office (including access by the Councillor and their CA) is expected to be approximately $2,000 per year.

The use of the constituent records system was mentioned in a number of interviews as it was a major concern for most of the Councillors, and as it relates to staff support it is mentioned here. As it appears to be a work in progress we are not in a position to make recommendations. However, it may well be a subject of concern for the committee that succeeds us four years from now.

Deputy Mayor

Having been raised by the preceding Remuneration Committee we delved into this as well. Most Councillors felt that there was no need for an elected position of Deputy Mayor. However, there was clearly a recognition that there is a need for a Councillor to step into the role of Mayor when the person so elected is unavailable to fulfill that role.

The current solution is to assign the role of “deputy mayor” or “interim mayor” on a rotating basis, with the rotation done quite frequently. Any cycle of rotation should ensure that the Councillor assigned as Deputy/Interim Mayor has an adequate understanding as to what is on the Mayor’s plate so that the ability to fill the Mayor’s role when needed, while not seamless, would not be exceedingly awkward. This process would need to be defined by Council.

Recommendation:

- In the short term, Council and the Mayor should choose a rotation cycle length that leads to the most seamless transition for the “Deputy Mayor” should that role be required.
- In the longer term, Council and the Mayor should develop a clear definition of the role of “deputy” or “interim” mayor and incorporate this within a policy or by-law regarding its use.

Respectfully submitted,

Sean Ballard, John Chisholm, Dave Conrath, Colleen Mulholland, Carrie Overholt, Sharon Portelli, Rameen Sabet, Diana Tuszynski

SUBJECT: Flood hazard impacts and mitigation assessment

TO: **Committee of the Whole**

FROM: **Engineering Services Department**

Report Number: ES-04-24

Wards Affected: 1, 2

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Receive for information engineering services department report ES-04-24 regarding the flood hazard impacts and mitigation assessment.

PURPOSE:

This report is intended to provide committee with a summary of the findings of the Flood Hazard Impacts and Mitigation Assessment and the resulting recommended action items. The findings outline the recommended infrastructure improvements required to reduce the risks of flood hazards in the Burlington GO MTSA, Downtown and along the Hager-Rambo Diversion Channel. Reducing the risk of flooding in these areas would help mitigate flood hazard risks, build climate change resiliency, and support growth and development in the Burlington GO MTSA and Downtown.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

Executive Summary:

The objective of the Flood Hazard Impacts and Mitigation Assessment was to complete a high-level evaluation of the stormwater systems in and around the Burlington GO MTSA, Downtown and the Hager-Rambo Diversion Channel to identify potential infrastructure improvement alternatives which could help to mitigate flood plain and spill flood hazard risks. Additionally, the report provides preliminary capital cost estimates and recommendations for proposed prioritization and sequencing of future works and/or studies.

The following are the important determinations that have been made:

1. The stormwater systems in and around the Burlington GO MTSA, Downtown and the Hager-Rambo Diversion Channel were designed and constructed to the standards at the time and are functioning within those parameters. Major infrastructure improvements would be required to upgrade these systems to have capacity to convey the Regional Storm standards in place today.
2. Preliminary cost estimates for recommended infrastructure improvements (City infrastructure only) amount to approximately $24M.
3. There are 3 railway crossings which may require upsizing (Metrolinx/CNR).
4. The QEW crossing at the downstream end of the Hager-Rambo Diversion Channel may also require improvements to increase conveyance capacity (MTO).
5. Further analysis of the Hager-Rambo Diversion Channel may also be required to confirm what improvements may be feasible and to provide a preliminary cost estimate (CH).

Infrastructure improvements would need to be sequenced so that downstream properties are not adversely affected.

It may be possible to make infrastructure improvements on an individual basis subject to not adversely affecting downstream properties. One such example may be infrastructure improvements to the Lower Rambo Creek channel, immediately upstream of Caroline Street. This work (EA, detailed design, construction) could be initiated in 2024, subject to available funding and based on conservative modelling assumptions.

In addition to advancing select infrastructure improvements, recommended next steps also include initiating a city-wide Stormwater Master Plan which can include a more comprehensive study of the Hager and Rambo Creek watershed modelling and mapping (including public consultation). Development in flood hazards can also be managed via policy. In this regard, City staff continue to participate in Conservation Halton’s ongoing Spill Flood Hazard Policy Review and Update.

Addressing the flood hazards will not be a quick fix. It will be a time consuming and expensive program. Undertaking the additional studies and infrastructure improvements in the Flood Hazard Impacts and Mitigation Assessment will require a continuation of the coordinated effort between various agencies and the provincial government. Reprioritizing Capital Funding, utilizing the Development Charges By-law, exploring cost-sharing opportunities and leveraging Provincial and Federal funding for flood mitigation projects will be key to the success of a program such as this.

Background and Discussion:

Terminology

A “Flood plain” is an area of land that is flooded by a nearby watercourse during large storm events. When the storm event passes, the flood waters generally recede from the flood plain and return to the watercourse.

A “Spill” occurs when floodwaters leave the watercourse, its valley and the flood plain and spill overland, typically in multiple directions by complex pathways, before rejoining the same watercourse at a distance downstream, flowing into an adjacent watershed or remaining within the spill area (if there is no outlet). Spills often mix with urban flooding on roadways and other urban surfaces. A spill can occur due to individual or a combination of factors, including ground elevations that slope away from a watercourse and its flood plain or because of barriers to the passage of flood flows such as undersized bridges or culverts.

Background

Hager and Rambo Creeks run through both the Burlington Major Transit Station Area (MTSA)_ and Downtown. The Hager-Rambo Diversion Channel (HRDC) was constructed in 1976 to divert water from residential areas and to convey stormwater around the Downtown to prevent flooding. The main diversion channel captures flow from the Upper Hager and Upper Rambo systems and is about 2.7 km long. Located east of the Queen Elizabeth Way (QEW) and south of the QEW/Highway 407 interchange, it outlets into Indian Creek which in turn empties into Hamilton Harbour/Burlington Bay. In the mid 1970s the HRDC was designed with the capacity to convey a 50-year frequency storm (i.e., according to historical data, the largest storm that would statistically occur in a 50 year timeframe).

In addition to the HRDC, nine other flood control projects were added during the years between the mid 1980’s and the early 2000’s as part of the construction of Highway 403 (407) through Burlington. The 407 diverted a large portion of flows from the upper tributaries of Rambo and Hager Creeks to the Freeman Detention Facility. These projects were constructed as part of a multi-proponent initiative involving the Halton Region Conservation Authority (Conservation Halton), the Ministries of Transportation and Natural Resources and the City of Burlington. They were designed and constructed in conjunction with the Highway 407 works and various QEW improvements and involved various channel and stormwater ponds. Since construction, the system has generally performed well, however the system was designed based on the standards at that time and not to the Regional Storm (Hurricane Hazel) Design Standard of today.

Below is a list that comprises the Hager-Rambo Flood Control System (see map in Appendix A):

1) East Rambo Creek Channelization (Queensway Drive to CNR-Oakville)
2) Lower East Rambo Creek Channelization (CNR- Oakville to Fairview Street)
3) East Hager Creek Channelization (CNR to Fairview Street)
4) East Hager Creek (CNR Crossing)
5) East Hager Creek Channelization (CNR to Freeman Pond)
6) Freeman Detention Facility
7) East Hager Creek Realignment and Pond System (Q.E.W. to North Service Road)
8) East Hager Creek Reconstruction (North Service Road to Future 407 (West))
9) West Hager Detention Facility

In 2020, a Phase 1 Flood Hazard and Scoped Stormwater Management Assessment was completed for Downtown Burlington and the Burlington GO Major Transit Station Area (MTSA) by the City's consultant WSP. Prior to the Phase 1 Study, the creeks south of the diversion channel in the Lower Rambo Creek watershed were considered part of the municipal storm drainage system; however, the Phase 1 study revealed that the drainage area of the Lower Rambo watershed and extent of the flood hazard was greater than previously understood and the Lower Rambo Creek and associated natural hazards regulatory responsibilities were transferred from the City to Conservation Halton (CH).

WSP was retained to undertake a Phase 2 study to update the Phase 1 flood hazard modelling and mapping for tributaries within the Rambo and Hager Creek watersheds, located within Downtown Burlington and the Burlington GO MTSA. Burlington Council received the final MTSA Phase 2 Flood Hazard Assessment, Burlington GO and Downtown, on July 11, 2023. The mapping and modelling developed as part of the Phase 2 Study is considered the best available information for understanding the magnitude and extent of the flood hazards (floodplain and spills), assessing potential risk to life and property, and for land use and regulatory decision making. The CH Board adopted the updated flood hazard mapping for incorporation into CH's Approximate Regulation Limit mapping in October 2023.

Based on the results of the Phase 2 Study that used current modelling tools and technologies (e.g., two-dimensional modelling, LiDAR data), a number of private properties and potential redevelopment sites in Downtown Burlington and the Burlington GO MTSA are within flood hazards (flood plain and spill). While Provincial policy directs municipalities to plan for development in Strategic Growth Areas to accommodate significant population and employment growth, it also generally directs development away from hazardous lands. This highlights competing Provincial objectives and policies related to growth, development and natural hazards. While CH has regulatory policies that allow for some development in flood hazards (subject to criteria), there is a need to identify long-term solutions that can mitigate potential risk to public safety or property damage, increase opportunities for growth and development, and build climate change resiliency. As a result, the City in coordination with CH has undertaken this Flood Hazard Impacts and Mitigation Assessment to establish options that may be available

to mitigate risks associated with flood hazards. At the same time, CH is currently updating spill flood hazard policies.

Strategy/process/risk

The objective of this Flood Hazard Impacts and Mitigation Assessment is to complete a high-level evaluation of the stormwater systems to identify potential infrastructure improvement alternatives which could help to mitigate floodplain and spill flood hazard risks. Included in this assessment are preliminary capital cost estimates, proposed prioritization and sequencing of future works and/or studies.

The modeling process included inputting the Regulatory storm, which for these areas is generally the Regional Storm (Hurricane Hazel) and assessing performance of the existing stormwater system (major overland flow routes/ditches, roads and railway culverts, creek enclosures, channels and creeks). This work was undertaken with staff from CH and the City's consultant WSP. The assessment was separated into 4 phases as described below (see attached key plan in Appendix B):

Phase 1a (City/WSP):

Review and assessment of flood mitigation opportunities for the spill identified at East Rambo Creek and the QEW railway underpass, adjacent East Rambo Stormwater Management (SWM) Pond, as well as the associated spills identified downstream to Fairview Street.

Phase 1b (CH):
Review and assess performance and hydraulic capacity of the Hager-Rambo Diversion Channel (HRDC) (East Rambo) between the CNR/GO culvert and Fairview Street and undertake a high-level review of potential flood mitigation opportunities for the spill flood hazard identified between the CNR/GO culvert and Fairview Street.

Phase 2 (City/WSP):
Review and assessment of the hydraulic capacity of Lower Rambo Creek and Lower East Rambo Creek between Fairview Street and Lake Ontario.

Phase 3 (CH):
Review and assess the performance and hydraulic capacity of the HRDC from downstream of Brant Street and Fairview Street to its downstream confluence with Indian Creek and undertake a high-level review of potential flood hazard mitigation opportunities along this reach.

Independent Peer Review

In addition to the Flood Hazard Impacts and Mitigation Assessment, the City retained Matrix Solutions Inc. to undertake a peer review related to the modeling methodology of the Phase 2 MTSA Flood Study. The report identified some minors concerns that were addressed in the assessment work, but nothing of a major concern. The conclusion from Matrix Solutions Inc. was that the Phase 2 modelling was completed with good engineering judgement and according to industry best standards.

Preliminary Analyses and Outcomes

The modelling scenarios and assessment of existing infrastructure have been completed for all phases. The City, it's consultant WSP and CH worked to analyze the flooding concerns for their respective phases. The preliminary findings indicate the following:

City of Burlington (WSP) Analyses

Phase 1a (City/WSP) – Rambo Creek upstream of Fairview St.

This assessment addressed the spill that occurs from the East Rambo SWM Pond, north of the QEW. It passes through the CNR tunnel under the QEW and flows west along Plains Rd where it intersects with West Rambo Creek. This spill continues west along Plains Rd, then south along Brant Street to the railway underpass. The spill continues to flow south along Brant Street and eventually impacts the Downtown.

Mitigation Alternative #1 - Modelling has shown that with significant infrastructure improvements (6 major culverts along West Rambo Creek, between Plains Road and Fairview Street) the spill could potentially be contained and prevented from travelling down Brant Street, south of Fairview Street. However, direction of additional flows to the HRDC poses its own set of challenges, which are described in subsequent sections.
The preliminary cost estimate for these infrastructure improvements is $9.7M plus Environmental Assessment (EA) and Detailed Design.

Mitigation Alternative #2 – As an alternative to the upsizing of 6 major culverts along West Rambo Creek, a second option would be to capture the spill further downstream. This would require construction of an interceptor system (trench/grate/sewer) across Brant Street, north of Fairview Street. This would eliminate the spill from travelling southward on Brant Street however, spill would continue to effect Plains Road. Direction of additional flows to the HRDC via an interceptor system would also pose its own set of challenges, which are described in subsequent sections.
The preliminary cost estimate is $6M plus EA and Detailed Design.

Phase 2 (City/WSP) – Downtown (south of Fairview St.)

The preliminary analysis of Lower Rambo Creek and Lower East Rambo Creek, south of Fairview Street, has been completed. Two scenarios were analysed:

Scenario #1 – Brant St./Fairview St. spill captured

Assuming that the spill at Brant St./Fairview St. could be captured by infrastructure improvements identified in the Phase 1a recommendations and that the HRDC could accommodate these added flows. The following is the projected outcome:

i. Upstream of the confluence of Lower Rambo Creek and Lower East Rambo Creek (located 60m north of Blairholm Ave):
    a) This will significantly reduce the flood hazard impacts for these lands.

ii. Downstream of the confluence of Lower Rambo Creek and Lower East Rambo Creek:
    a) There are select stormwater assets that still would not have adequate capacity to convey Regional Storm flows. Infrastructure improvements would still be required to reduce the risk of flooding, however recommended infrastructure improvements would be less than if the Brant St./Fairview St spill was not captured.

Recommended Mitigation Options for further analysis:

1. Upsize the Courtland Place culvert
2. Upsize the creek enclosure culvert south of Blairholm Ave.
3. Upsize culvert at Victoria Ave.
4. Increase capacity of open channel north of Caroline St. and/or upsize creek enclosure culvert south of Caroline St.
5. Upsize the Martha St. bridge/culvert
6. Upsize the Waterfront Trail culvert

The preliminary cost estimate for these infrastructure improvements is
$7M plus Environmental Assessment (EA) and Detailed Design (City Assets)

Scenario #2 – Brant St./Fairview St. spill not captured.

Assuming that the spill at Brant St./Fairview St. is not captured, the spill would travel southward on Brant St. The following is the projected outcome:

i. Upstream of the confluence of Lower West Rambo Creek and Lower East Rambo Creek:
    a) The Rambo Creek flood plain and spill flood hazards would remain

ii. Downstream of the confluence of Lower Rambo Creek and Lower East Rambo Creek:
    a) There are several stormwater assets that would not have adequate capacity to convey the Regional Storm flows. The recommended Infrastructure improvements would need to be larger than the recommendations in Scenario #1.

Recommended Mitigation Options for further analysis:

1. Upsize the Courtland Place culvert
2. Upsize the creek enclosure culvert south of Blairholm Ave.
3. Upsize culvert at Victoria Ave.
4. Increase capacity of open channel north of Caroline St. and/or upsize creek enclosure culvert south of Caroline St.
5. Upsize the Martha St. bridge/culvert
6. Upsize the Waterfront Trail culvert

The preliminary cost estimate for these infrastructure improvements is approximately $10M (City Assets)

Conservation Halton Analyses

Phase 1b (CH) – East Rambo Creek

East Rambo Creek Spill Flood Hazard

Between the CNR/Metrolinx rail culvert and Fairview Street, on the East Rambo portion of the HRDC, potential for spill eastward to the existing properties and Fairview Street has been identified. CH's preliminary analysis suggests that this spill may actually be smaller than was suggested by modelling from the City's Phase 2 Study. Use of grading to contain the spill within East Rambo Creek may be one potential strategy to prevent/mitigate this potential spill.

Preliminary cost estimate yet to be established (CH assets).

Argon Court

It is understood that the storm sewer (1200 mm diameter RCP at 0.20 percent slope) which drains the low point on Fairview Street, near Argon Court, may not have enough capacity to

convey the magnitude of flow/spill conveyed toward this area under a regulatory flood and that flows in excess of its capacity would generally accumulate within the low point and eventually spill toward the Downtown area via Argon Court and/or other spill pathways. CH's preliminary analysis suggests that this spill may be smaller than was suggested by modelling from the City's Phase 2 Study, generally due to the upstream spill from the channel being smaller (East Rambo Spill Flood Hazard). If full elimination of the Argon Court Spill is ultimately sought, twinning or installation of a relief storm sewer is a potential approach which could be used to eliminate this spill and/or to reduce potential ponding within the sag on Fairview Street. Use of a flap gate/backflow valve may also need to be considered as part of any future upgrade. Sizing of the relief sewer would depend upon if the upstream spill (East Rambo Spill Flood Hazard) is mitigated or not, as it is a direct contributor to the Argon Court spill.

Preliminary cost estimate = approx. $1M (City Asset)

Phase 3 (CH) – Hager-Rambo Diversion Channel (HRDC)

A preliminary analysis of the HRDC's current performance and hydraulic capacity was advanced to assess whether it could accommodate additional flood flows and be used to mitigate some of the flood risks identified within the Burlington GO MTSA and Downtown area. Preliminary results from the analysis indicates that during the Regional storm (i.e., Hurricane Hazel) the HRDC would be operating beyond its hydraulic capacity, and that extensive upgrades would be required before it could safely convey additional flood flows from upstream.

Increasing the hydraulic capacity of the HRDC would require extensive upgrades and would need to be implemented through a sequenced and systematic approach to ensure that the improvements would be effective and safe for existing populated and developed areas (i.e., would need to ensure that mitigating flood hazards in the Burlington GO MTSA and Downtown area would not result in new areas of increased risk). Any potential improvements would need to be examined through a Master Plan / Class EA and feasibility assessment process and would have to be supported by updated flood hazard modelling before being considered by CH.

The potential improvements considered by CH staff's preliminary analysis are listed from downstream towards upstream; and it is recommended that improvements generally proceed in that order, though the final preferred alternatives and order should be established through a future comprehensive study.

1. *QEW Enclosure*

   The HRDC is conveyed beneath the QEW via three nine (9) foot diameter concrete tunnels. The preliminary analysis suggests that these tunnels may be unable to fully convey all

existing flood flows. To avoid downstream impacts, conveyance of flows beneath the QEW would need to be increased and/or inflows would need to be attenuated via increased flood storage within upstream areas. The preliminary analysis has not formally assessed potential improvements, however, the conceptual addition of a fourth tunnel beneath the QEW or provision of approximately 40,000 additional cubic metres of flood storage volume could potentially allow impacts to be avoided. There may be an opportunity to use upstream parklands to provide additional flood storage; however, the feasibility of this approach requires further analysis and review.

Preliminary cost estimate yet to be established (MTO Asset).

2. *Maple Avenue*

The HRDC is conveyed beneath Maple Avenue via two box culverts (6 m width by 2.7 m high). The preliminary analysis suggests that the structure can generally convey most existing flood flows (some minor overtopping), however, the direction of additional flood flows would likely result in increasing flood risk on Maple Avenue and within the adjacent developed areas. The preliminary analysis has not formally assessed potential improvements, however, the conceptual replacement of the existing structure with an eighteen (18) metre span bridge, similar to the upstream Thorpe Avenue crossing structure, would likely reduce impacts.

Preliminary cost estimate = approx. $2.5M (City asset)

3. *CNR Rail Crossing*

Downstream of Brant Street, the HRDC is conveyed beneath a railway spur via two culverts (14 foot diameter, asphalt lined structural plate). The preliminary analysis suggests that the structure can generally convey most existing flood flows (potential for some minor spill), however, the direction of additional flood flows would increase the spill and similar flood risks would continue (via an alternate pathway) to affect the Burlington GO MTSA and Downtown area. Replacement of the existing crossing structure with a 10 metre wide by 3.5 metre high box, or installation of a third barrel, could reduce impacts.

Preliminary cost estimate yet to be established (CNR Asset).

Potential Sequencing of Infrastructure Improvements

Sequencing of infrastructure improvements would need to be implemented through a systematic approach to ensure that the improvements would be effective and safe for existing populated and developed areas (i.e., would need to ensure that mitigating flood hazards in the Burlington GO MTSA and Downtown area would not result in new areas of increased risk).

The following outlines the preliminary recommended sequencing requirements for infrastructure improvements:

1. Infrastructure improvements in the Downtown is currently possible. The benefit in proceeding now is that flood hazards in the Downtown may be reduced and flood risks may be mitigated.
2. Infrastructure improvements along the HRDC, downstream of the Brant Street crossing (subject to a Master Plan / Class EA and feasibility assessment process supported by updated flood hazard modelling).
3. Infrastructure improvements to capture the spill at Brant St. and Fairview Street.
4. East Rambo Creek channel improvements to minimize spill impacts (upstream of Fairview St.)
5. Further infrastructure improvements in the Downtown.
6. Argon Court infrastructure improvements.

Considering the urgent nature of this issue, Engineering Services has initiated a Downtown Flood Hazard Mitigation Environmental Assessment to support proceeding with select Downtown infrastructure improvements.

Engineering Services is also prepared to initiate a Stormwater Master Plan to support a comprehensive review of the stormwater conveyance system discussed in this report which can include a more comprehensive study of the Hager and Rambo Creek watershed modelling and mapping (including public consultation).

Options Considered

Next Steps

In June 2024, Council was provided with a Flood Hazard Impacts and Mitigation Assessment – Update Memo (dated June 6, 2024). In that memo, seven next steps were identified related to the work CH and City staff have undertaken. The City and CH recommended advancing a broad range of actions. The following provides a status update.

1. Continue to update flood hazard and flood risk existing condition modelling based on any new information as recommended by the City's Phase 2 Study and CH to inform/support decision making for potential infrastructure improvements and potential revision to CH Flood Hazard Mapping.

    - CH and City staff anticipate that existing condition modelling updates can be undertaken in portions of the Burlington GO MTSA and Downtown areas as

part of scope of work of the forthcoming Downtown Flood Hazards Mitigation EA.
- City staff have recommended initiating a city-wide Stormwater Master Plan which can include a more comprehensive study of the Hager and Rambo Creek watershed modelling and mapping (including public consultation).

2. Build on the above-referenced assessment work and existing condition modelling updates by coordinating resources, data, and analysis of proposed conditions and mitigation opportunities/alternatives.

    - City and CH staff to continue building off preliminary assessment work (see Appendix C & D) by coordinating resources, data, and analysis of proposed conditions and mitigation opportunities/alternatives

3. Continue to engage with the development community and their consultants, collaborating on the development of possible alternatives to minimize the risk and impact of floodplains and spills.

    - City staff is continuing to engage with the development community through the Housing and Development Liaison Committee (HDLC) as well as with development applicants and their consultants regarding site-specific matters.
    - Through its Spill Flood Hazard Policy Review and Update, CH staff is engaging with City staff, stakeholders and the public, as well as engaging with City staff, the development community and their consultants on site-specific applications.

4. Advance the City's site-specific flood risk and flood hazard mitigation opportunities.

    - City staff are advancing the Downtown Rambo Creek Flood Hazard Mitigation EA in coordination with CH staff.

5. Participate in CH's Spill Flood Hazard Policy review and update.

    - The CH Draft Spill Flood Hazard Policies and Draft Technical Companion Document posted for 6-week public review and feedback (September 20-November 1)
    - City Planning and Engineering staff continue to participate in the review/feedback process, including attending multiple engagement sessions

6. Request that the Province work with City and CH staff to discuss competing Provincial objectives and policies related to growth and development and natural hazards in Strategic Growth Areas, explore policy options, and advance Provincial technical guideline updates.

- CH and City Planning staff worked together in May 2024 to provide comments to the Ministry of Municipal Affairs regarding the new Provincial Planning Statement (PPS) specifically requesting updates to technical guidance to support PPS implementation and further direction for situations when Provincial natural hazard policies apply in Strategic Growth Areas. Further opportunities to coordinate commenting and any outreach will be considered.

7. Report back to the Committee of the Whole in Q4-2024 with a staff report and presentation including an update on a recommended strategy that could help mitigate flood hazard risks, build climate change resiliency, and support growth and development in the Burlington GO MTSA and Downtown.

    - Staff report being presented to Committee of the Whole in December 2024.

Financial Matters:

Total Financial Impact

The following are preliminary cost estimates are for City infrastructure improvements only:

2024-2025 (to be funded from previously approved Capital Budget projects)

1. Downtown Stormwater Environmental Assessment = $ 125,000

2025-2027 (to be funded from previously approved Capital Budget project)

2. Stormwater Master Plan = $ 750,000

2026-2028 (future Capital Budget or alternative funding source referred to below)

3. Downtown Stormwater Detailed Design = $ 175,000
4. Downtown Stormwater infrastructure improvements – Construction = $ 2,500,000

2028-2034 (future Capital Budget or alternative funding source referred to below)

5. HRDC and Rambo Creek EA (upstream of Fairview St.) = $ 200,000
6. HRDC Infrastructure Detailed Design (Maple Ave) = $ 100,000
7. HRDC Infrastructure Construction (Maple Ave) = $ 2,500,000
8. Rambo Creek infrastructure Detailed Design (upstream of Fairview St.) = $ 300,000
9. Construction for infrastructure improvements (upstream of Fairview St.) = $ 9,700,000

10. Rambo Creek infrastructure Detailed Design (additional Downtown sites)	= $ 300,000
11. Construction for infrastructure improvements (additional Downtown sites)	= $ 7,000,000
12. Argon Court infrastructure Detailed Design	= $ 100,000
13. Argon Court Infrastructure Construction	= $ 1,000,000
Total Preliminary Cost Estimate	**= $ 24.75 M**

Source of Funding

There are several potential sources of funding:

1. Capital Budget

Engineering Services, in coordination with Finance, have utilized existing Capital funding to fund the Downtown Flood Hazards Mitigation EA. This is funding remaining in an existing project account as a result of the construction tender price being less than budgeted.

Further studies, EA's, Detailed Designs and construction for multiple infrastructure improvements could be considered for inclusion in the Engineering Services 2026-35 Capital Budget and Forecast.

2. Developer and Agency cost sharing

Opportunities for cost sharing with developers and agencies will continue to be reviewed and considered.

3. Development Charges

Infrastructure improvement costs that qualify for inclusion in the Development Charges By-law will be included through the appropriate processes. The timing of this has not been confirmed as yet.

4. Federal and/or Provincial grant programs

Currently there are grant programs available or already approved for the City of Burlington that could provide funding for the recommended infrastructure improvements.

- In April 2024, Engineering Services applied for funding from the Housing-Enabling Water Systems Fund. This application included the above estimated costs for the Downtown Stormwater System's EA, Detailed Design and construction costs for the proposed infrastructure improvements in the Downtown ($2.7M). We were recently notified by the province that we were unsuccessful with our application.

- In January 2024, Infrastructure Canada and CMHC announced the City was approved to receive $21,156,248.60 in funding from the Housing Accelerator Fund (HAF). Of the seven initiatives identified to support enabling the construction of housing, #7 was to support “Municipal Infrastructure Needs”. This could be a potential funding source.

Recent announcements by the provincial and federal governments indicate that more grant programs will be available to municipalities in support of enabling new housing construction. Applying for funding from these grant programs will continue to be a high priority.

Other Resource Impacts

Not applicable

Climate Implications:

The proposed infrastructure improvements are intended to reduce the risk of flood hazards in the Burlington GO MTSA, Downtown and along the Hager-Rambo Diversion Channel. The improvements would generally increase the capacity of these stormwater systems to convey Regional Storm flows, thus providing added protection and resiliency to these important neighbourhoods.

Engagement Matters:

Engineering Services staff have been in regular contact with representatives of the development community. Updates on the Flood Hazards Impacts and Mitigation Assessment have been provided in the Halton Development Liaison Committee as well as separate off-line meetings with developers and their engineering consultants.

More detailed discussions will take place with developers and their engineering consultants, for properties that are directly impacted by the currently approved Flood Hazards mapping. Working together with CH and the development community is key to developing a strategy and implementing solutions to allow these important developments to proceed.

Conclusion:

Addressing the flood hazards will not be a quick fix. It will be a time consuming and expensive program. The cost to undertake the infrastructure improvements in Phases 1a, 1b, 2 and 3 will be significant. Reprioritizing Capital Funding, utilizing the Development Charges By-law, exploring cost-sharing opportunities, and leveraging Provincial and Federal funding for flood mitigation projects, as well as interjurisdictional communications will be key to the success of a program such as this.

Staff recommend the City Clerk receive and file the report ES-04-24.

We look forward to continuing to work with CH staff, the development community, stakeholders, agencies, residents and the province to help advance solutions to mitigate flood risks throughout the city and help to promote development in support the City's housing targets.

Respectfully submitted,

Cary Clark, P.Eng

Manager of Development and Stormwater Engineering

905-335-7600 x 7672

Appendices:

A. Hager-Rambo Flood Control Works - Key Plan
B. Flood Hazard Assessment Phases - Key Plan
C. WSP Technical Memo
D. CH Technical Memo

Notifications:

Scott Hamilton, Engineering Services

Matt Howatt, Conservation Halton

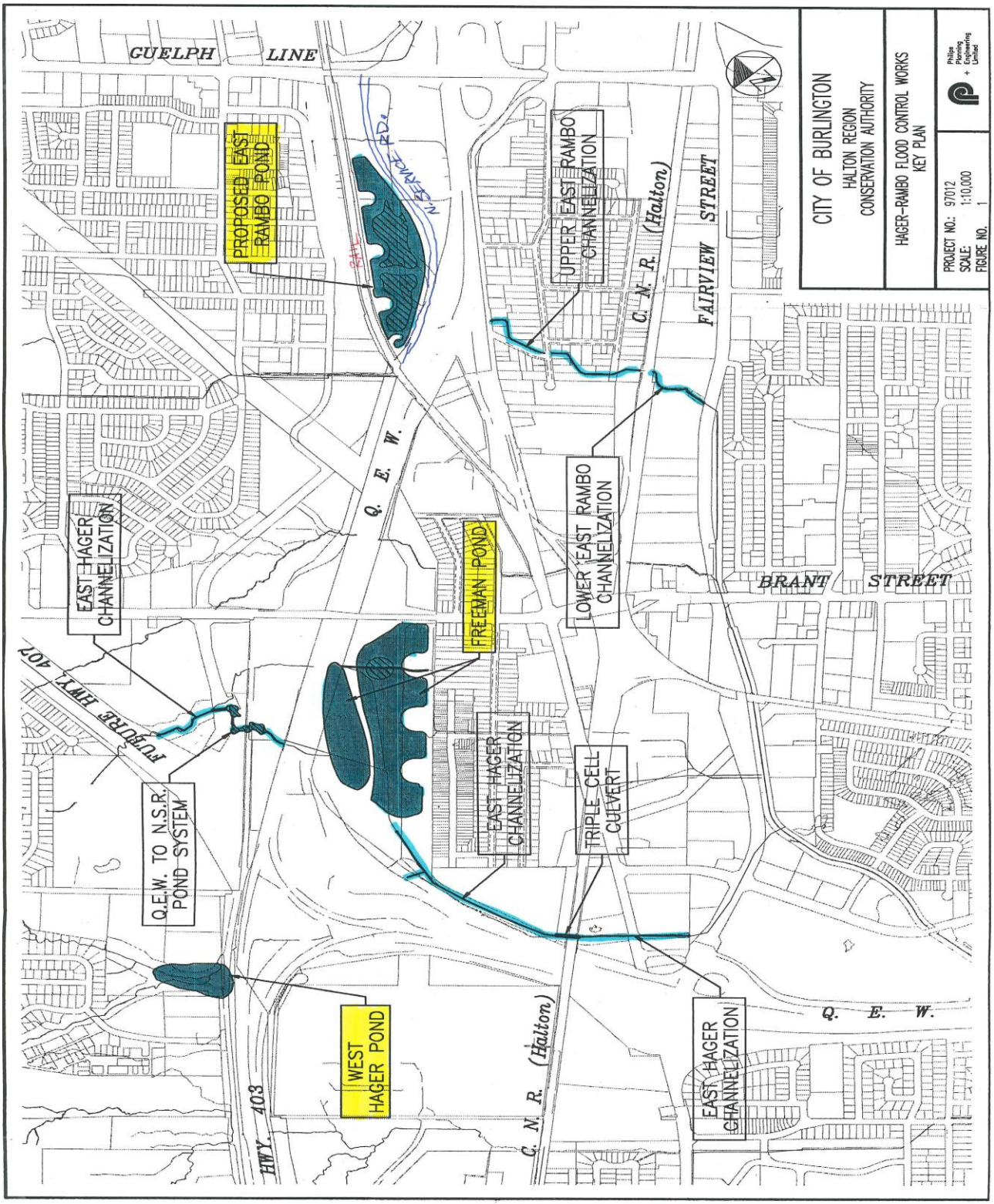
Kellie McCormack, Conservation Halton

Report Approval:

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

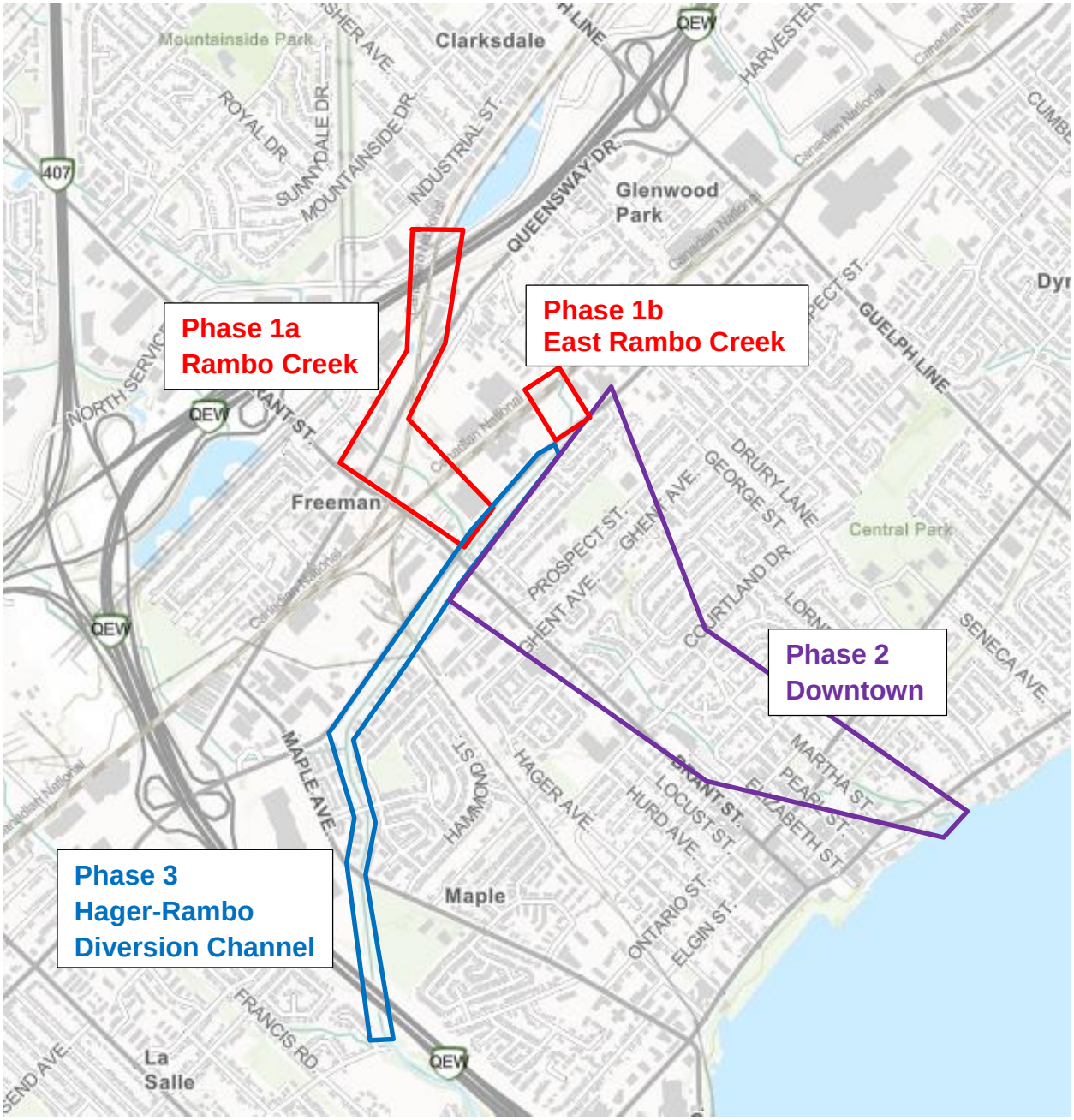
APPENDIX A

Hager-Rambo Flood Control Works - Key Plan



APPENDIX B

Flood Hazard Assessment Phases - Key Plan



Technical Memorandum

To: Cary Clark, P.Eng., Manager of Development & Stormwater Engineering
City of Burlington

Date: June 26, 2024

From: Calvin Paul, Eeshan Kumar and Matt Senior

Project No: CA-EI-WW23011105

Subject: **Preliminary Flood Mitigation Alternatives Assessment for Burlington GO and Downtown Areas**

1 BACKGROUND

The MTSA (Major Transit Station Area) Phase 2 Study Reporting was finalized by WSP March 6, 2023 ("MTSA Phase 2 Flood Hazard Assessment – Burlington GO and Downtown"). Final hydrologic and hydraulic models were issued as part of this work.

Subsequently, Conservation Halton (CH) undertook additional revisions to the modelling. As per their e-mail of April 26, 2023 (ref. Irwin-Malik\Senior) it was noted that CH modified flow inputs to the hydraulic modelling to better reflect the results in the final hydrologic modelling (which includes revisions made by CH staff to the hydrologic modelling regarding inflows to the East Rambo Pond). To WSP's understanding, these changes resulted in decreases in the Regional Storm flow to the East Rambo Pond (approximate reduction of 10 m^3/s +/-), and also removed a previously implemented structure attenuation flow correction input at the East Rambo CNR culvert. CH also noted that they revised the modelling to run the shallow water equations within HEC-RAS. As such, the modelling and summaries provided in the March 2023 reporting may no longer reflect the currently approved modelling results (as implemented by CH but reviewed and approved by WSP).

Following report finalization (and additional modelling updates by CH) it is understood that the City is receiving numerous development applications for the study area. Several areas are indicated as impacted by spill flows during the Regional Storm Event. In general, the model results indicate that spill flows from the East Rambo Pond flow through the CNR culvert at the western limit of the pond, and then westerly down Plains Road and ultimately to the Brant Street underpass, where the modelling results indicate the spill volume accumulates sufficiently to continue spilling southerly along Brant Street. It is understood that development proponents are challenged in implementing

3450 Harvester Road
Burlington, ON
Canada L7N 3W5

wsp.com

WSP Canada Inc..

site-specific flood management measures, including satisfying the floodproofing and flood management requirements of CH.

To WSP's understanding, the previously noted modelling changes by CH reduced the Regional Storm spill flow down Brant Street from 19.1 m^3/s (i.e. Drawing 5D in the March 2023 report) to 12.8 m^3/s in the latest CH model. Notwithstanding the reduction, the Regional Storm spill is still indicated.

Other potential developments in the subject areas, including Lower Rambo Creek, are also potentially impacted by increased floodplain limits and spill flows as identified by the Phase 2 Study and subsequent updates.

In conjunction with the preceding, it is understood that the approval of the March 2023 MTSA study (and associated mapping) was reviewed at the CH Board of Directors on October 19, 2023.

> *Agenda Item 7.3 – CH Board Report No. CHB 08 23 04*
>
> *THAT the Conservation Halton Board approves updated flood hazard mapping for the Lower Rambo Creek watershed based on the results of the "Major Transit Station Area (MTSA) Phase 2 Flood Hazard Assessment, Burlington GO and Downtown" report prepared by WSP, dated March 6, 2023, and local updates completed by Conservation Halton staff;*
>
> *And*
>
> *THAT the Conservation Halton Board directs staff to incorporate the approved mapping into Conservation Halton's Approximate Regulation Limit mapping in 30 days to allow time for Burlington City Council to discuss the initiation of a City study that assesses and evaluates potential solutions to mitigate or reduce flood hazard risks in downtown Burlington / Burlington GO MTSA and build climate change resiliency, in collaboration with Conservation Halton.*

It is assumed that based on the wording above that CH will automatically incorporate the current mapping in 30 days, unless revisions or updates are proposed by the City (and presumably also accepted by CH) in that time.

2 PURPOSE

As per the preceding, the City retained WSP (original proposal of November 7, 2023) to support the completion of an evaluation of flood hazard mitigation alternatives to mitigate identified spill zones or flood impacted areas.

The study initially focused on the Brant/Fairview Streets spill, which WSP notes that the spill occurs only for the Regional Storm Event (i.e. Hurricane Hazel), for which climate change adjustments are not typically considered.

Based on subsequent discussions with City staff and the development of an updated\draft Terms of Reference (as discussed with City staff at a meeting January 29, 2024), WSP has also conducted an evaluation of flood hazard mitigation alternatives for the Lower Rambo Creek in the Downtown Burlington area.

It should be noted that Conservation Halton (CH) staff have separately undertaken an assessment of other potential areas of concern, including the east branch of Rambo Creek (CNR to Fairview Street) and the Hager-Rambo Diversion Channel (Fairview Street to the downstream limits at Indian Creek). WSP has not summarized any of those works as part of the current memorandum.

For the purposes of the current scope, no “climate resiliency” measures were considered. The focus was upon developing and assessing (at a conceptual\preliminary level) potential alternatives which may either reduce or eliminate the upstream spills thereby reducing the floodplain limits in the area by undertaking measures on public lands for the time being while ensuring no off-site impacts from implementation. It was assumed that other alternatives (i.e. other off-site measures such potential purchase and re-purposing of private property, and on-site measures such as active floodproofing) would be considered by others or at a later date.

This memo provides the findings of WSP’s assessment for the Brant/Fairview Streets Spill and Burlington Downtown area and recommendations for infrastructure improvements with approximate overall cost estimates. WSP has utilized the HEC-RAS 2D models developed for the MTSA Phase 2 Study (updated by CH) for this assessment and has incorporated changes to the model geometry to reflect recently constructed or approved development sites.

3 INFRASTRUCTURE IMPROVEMENTS

Based on discussions with City staff, the focus of infrastructure improvements has been on measures that could be implemented on City-owned properties, and which would not exacerbate flooding impacts to adjacent areas or properties. The sequence of alternatives / scenarios have been adjusted to reflect the sequence with which modeling would be expected to be completed, i.e., generally from upstream to downstream.

3.1 Infrastructure Improvements along Upper Rambo Creek

3.1.1 ALTERNATIVES NOT ADVANCED

— *Roly Bird Park – Potential Flood Storage*

This alternative considered the potential to provide offline flood control storage for Rambo Creek, to reduce inflows to East Rambo Pond and thus potential spill flows to Brant and Fairview. Based on an initial review, it was determined that based on the most current hydraulic modelling (HEC-RAS) of the creek (refer to “Technical Memo: Hydrology and Hydraulic Model Updates” by Matrix Solutions Inc, June 1, 2023) it was evident that the

Regional Floodplain would already encroach into the park, and thus it was considered unlikely it could be used for storage purposes. In addition, any such works would likely negatively impact the recreational uses within the park. As such, this alternative was not assessed further.

— *East Rambo Pond – Potential Retrofit and Storage Increase*

This alternative was considered to evaluate whether the existing flood control facility could be retrofitted to maximize (increase) available active storage volume. While it was noted that the permanent pool within the FCF could likely be lowered slightly based on the invert elevation of the outlet structure, there were limited opportunities to widen the footprint of the pond or gain storage through steepening of side slopes. A preliminary re-grading assessment indicated that approximately 11,000 m^3 of additional storage could be achieved through deepening. This was assessed through further hydraulic modelling (HEC-RAS); the results indicated no decrease in spill flows at Brant Street. This is considered attributable to the relatively modest amount of additional storage volume compared to the overall volume within East Rambo Pond. In addition, the storage volume would be utilized during the initial portions of the storm resulting in negligible differences at the peak of the storm.

— *Brant Street Road Profile Adjustments*

This alternative was reviewed to determine if there was any potential to adjust the road profile and grades along Brant Street in the vicinity of the railway underpass to increase ponding\storage and minimize spills to the south. Based on a preliminary review, it was determined that given the need to meet adjacent property grades (driveways and entrances) and existing topographic constraints, that re-grading would not be feasible.

3.1.2 POTENTIAL ALTERNATIVE SOLUTION #1 – CONVEYANCE CAPACITY INCREASE ALONG RAMBO CREEK

The solutions under this alternative are primarily focused upon better capturing spill flow along Plains Road and directing it to Rambo Creek by improving the conveyance capacity of the associated culverts in this area through to the outlet to the Hager-Rambo Diversion Channel at Fairview Street. Refer to the locations presented in Figure R1.

Figure R1: Culvert Locations (Rambo Creek)



— *Culvert ID 19*

This culvert is located along Rambo Creek just upstream of Plains Road East (Parking lot near Courthouse). The existing culvert is a reinforced concrete box culvert with a span and rise of 2.5 m and 1.7 m respectively and 26.06 m in length. It was proposed that this culvert be replaced by an open bottom structure with a 7.32 m span and 2.44 m rise precast box culvert.

— *Culvert ID 20*

This culvert is located along the north ditch of Plains Road, where the driveway entrance to the courthouse building is located (pathway for spill flow from East Rambo Pond). The existing culvert is approximately a 600 mm diameter HDPE (Big ‘O’) culvert, 27.4 m in length. It was proposed that this culvert be replaced with a 3.05 m span by 1.37 m rise reinforced concrete box culvert.

— *Culvert ID 21*

This culvert is located on Rambo Creek on Plains Road East. The existing structure is a reinforced concrete box culvert with a span and rise of 4.2 m and 1.6 m respectively and 37.2 m in length. It was proposed that this culvert be replaced by an open cut with a 7.93 m span and 2.44 m rise precast box culvert. *Culvert ID 22*

This culvert is located on Rambo Creek at the CNR (spur line) just downstream of Plains Road East. The existing structure is a reinforced concrete box culvert with a span and rise of 4.2 m and 1.7 m rise respectively and 23 m in length. It was proposed that twin 2100 mm circular steel pipes be jack and bored to convey more flows downstream.

— *Culvert ID 23*

This culvert is located on Rambo Creek at Queensway Drive just downstream of CNR Culvert ID 22. The existing structure is a reinforced concrete box culvert with a span and rise of 4 m and 1.5 m rise respectively and 17.2 m in length. It was proposed that this culvert be replaced by an open cut with a 7.93 m span and 2.44 m rise precast box culvert.

— *Culvert ID 25*

This culvert is located on Rambo Creek at the CNR (main line) just upstream of De Paul’s Lane. The existing structure is a 2850 mm circular pipe and 32.2 m in length. It was proposed that twin 2100 mm circular steel pipes be jack and bored to convey more flows downstream.

The total cost of implementing all of the preceding works in sequence is estimated to be approximately $9.7 million. Costs includes a 30% contingency but do not include engineering\design or construction administration\inspection fees.

Based on the hydraulic modelling results, the preceding conveyance upgrades would eliminate spill flow from the Brant Street underpass, as the inundation depths do not pond sufficiently to cause spill. However, there is a slight spill from Rambo Creek on to Fairview due the increased flow to the channel, which ultimately spills down Brant Street (refer to Figure R2). However, the magnitude of the simulated spill flow is relatively minor (0.56 m^3/s instead of 13.1 m^3/s) and could potentially be resolved with further design modifications.

The impact to downstream areas of the additional spill flows being directed to the Hager-Rambo Diversion Channel has not been assessed by WSP.

Figure R2: Simulated Regional Storm Floodplain and Spill with Rambo Creek Culvert Improvements in Place



3.1.3 POTENTIAL ALTERNATIVE SOLUTION #2 – CAPTURE AND CONVEYANCE ALONG BRANT STREET

— *Capture along Brant Street and Conveyance to Hager-Rambo Diversion Channel*

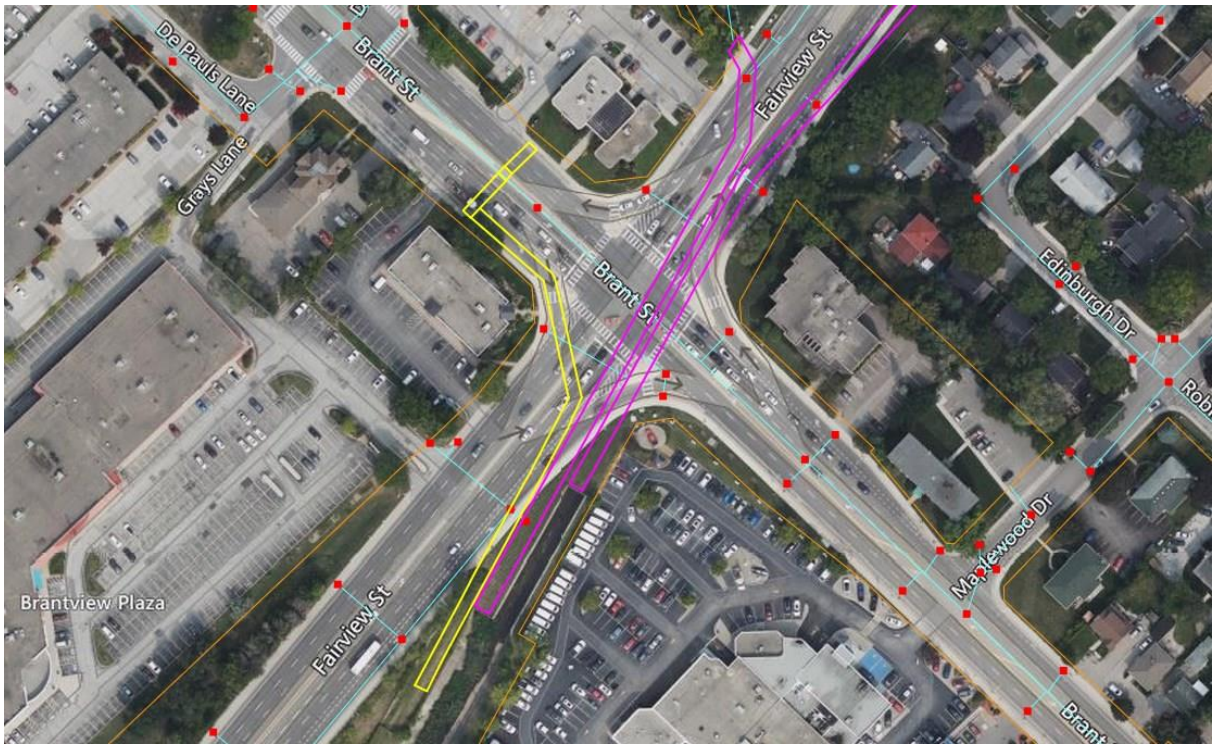
This alternative would involve a trench\open grate capture system spanning the full width of Brant Street north of Fairview Street to capture potential spill flows and re-direct them to the Hager-Rambo Diversion Channel downstream of Brant Street. A conceptual layout is presented in Figure R3.

Based on a simplified assessment (no modelling), a 3.0 m wide x 1.5 m high box culvert at 0.5% slope would be required to capture and convey the full estimated Regional Storm spill flow of 13.1 m^3/s. It is assumed that the intake grate would span the full width of Brant Street (26 m and would likely coincide with the box culvert structure.

A preliminary construction cost of approximately $6 million has been estimated, based on a high-level cost of $30,000 per metre and the approximate total length of 200 m, including the capture trench. This excludes engineering\design or construction phase support fees.

Overall, the costs for Alternative Solution #2 are lower than those for #1; and this alternative would make use of the underpass for storage during the Regional Storm Event. The impact to downstream areas of the additional spill flows being directed to the Hager-Rambo Diversion Channel has not been assessed by WSP.

Figure R3: Conceptual Layout of Capture and Diversion Sewer (in Yellow)



3.2 Infrastructure Improvements along Lower Rambo Creek (Downtown)

The proposed infrastructure improvements presented here assume the elimination of upstream spills (such as Brant and Fairview spills, Argon Court spills; previously reviewed by CH), unless explicitly specified otherwise. The alternatives have been tested for the 100-year design storm event as it was the governing storm event for the Burlington Downtown area (with upstream spills excluded). A review of potential infrastructure enhancements has been conducted to assess potential beneficial impacts. A series of summary figures have been attached to each of the alternatives noted below to present the simulated benefit with respect to flood inundation reduction (HEC-RAS 2D modelling from the Phase 2 study with upstream spills eliminated as noted previously).

- *Alternative 1: Upsizing Blairholm Avenue Enclosure and Courtland Place Culvert*

  The Blairholm Avenue enclosure is a 128 m long enclosure that was modeled as a 2.69 m span and 1.725 rise ellipse within the HEC-RAS 2D model. The existing structure for Courtland Place is a reinforced concrete box culvert with a 4.6 m span, 1.25 m rise and 10.3 m in length. It is proposed that for Blairholm Avenue, another horizontal elliptical enclosure similar to the existing structure in size be added (twinning) to eliminate spills in this area (and to eliminate the need for a full reconstruction\replacement). However, costs may increase if a full removal of the existing enclosure is needed and replaced with a single combined conduit (enclosure). Additionally, Courland Place culvert is recommended to be upgraded to a 6 m span by 1.25 m rise box culvert. The benefit of this alternative (Figure 1; attached) would be to eliminate simulated flood inundation on Blairholm and Courtland, and greatly reduce inundation at the backyard asphalt playground at the St John Catholic Elementary School property.

- *Alternative 2: Upsizing the Victoria Avenue Culvert*

  The existing Victoria Avenue structure is a reinforced concrete box culvert with 3 m wide span, 1.5 m rise and 14 m in length. A potential replacement for this culvert would be a 6 m span by 1.5 m rise precast box culvert. The combined benefit of Alternative 2 and Alternative 1 is presented in Figure 2 (attached). The additional upgrade would further reduce simulated flooding on Victoria Avenue.

- *Alternative 3: Upsizing of Elizabeth Street Enclosure*

  This alternative is for sizing of the 3600 mm wide box culvert located on Elizabeth Street, starting 20m north of Caroline St. to the open channel located 30 m north of Maria St which is approximately 110 m in length. It was modeled as a 3.6 m wide span and 1.8 m rise box culvert (enclosure) within the HEC-RAS 2D model. Based on the modelling results, a proposed upgrade to this enclosure would be a 6 m wide span and 1.8 m rise box enclosure.

However, it should be confirmed that if the existing structure can be widened or a parallel enclosure be added instead for full removal to reduce the costs. In addition, the increased width may not be able to be feasibly connected to the open channel immediately downstream. It would also result in a discrepancy in conveyance structure size with the enclosure further downstream. The modelling results indicate that the enclosure would function more as a storage element than actual conveyance of flow.

Overall, the benefits of this alternatives are presented in Figure 3 (attached). As evident, this alternative would eliminate flooding on Caroline Street, Elizabeth Street. Minor flooding would remain for the municipal parking lot on the north side. The resulting upgrade would result in minor peak flow increases further downstream (Martha Street\Waterfront Trail). However, given the constructability issues with this option, other alternatives should be considered.

— *Alternative 4: A flood barrier wall just upstream of Caroline Street in combination with Creek Widening*

This alternative was tested for comparison to Alternative 3.

A 110 m long barrier wall (preliminary 1 m height; to be further refined) wrapping around the creek and the parking lot just north of Caroline Street was modeled within the HEC-RAS 2D model to provide storage for creek spill flows. Additionally, the section of Lower Rambo Creek from just upstream of Caroline Street to the existing pedestrian bridge near Emerald Crescent was widened to increase conveyance capacity and storage volume. The creek was modified as a 10 m bottom with a 20 m wide top width and 2H:1V side slopes. The proposed geometry of the creek resulted in a cut of approximately 1,500 cubic meters.

Furthermore, we considered a second scenario where the upstream spills (Brant and Fairview Spills) remain unaddressed. In this case, WSP modeled a longer barrier wall – 175 m in length around the creek and parking lot. The same creek modifications were retained.

Based on the modelling results (see attached Figures 4A and 4B), this alternative would similarly address off-site spill and flooding impacts. Ponding within the municipal parking area would however be expected. Overall, Alternative 4 is considered preferable to Alternative 3 as costs would be expected to be lower than Alternative 3, and ease of construction is considered higher.

— *Alternative 5: Upsizing of Martha Street and Waterfront Trail Culverts*

The existing structure for Martha Street is a 2.95 m wide span and 2.35 m rise con-span arch structure which is 12 m in length. The existing structure for Waterfront Trail is a 6.4 m wide span, 1 m rise box culvert with 20 m length. The Martha Street structure was proposed to be

modeled as a 6 m wide span and 2.35 m rise box culvert, and the Waterfront Trail structure was modeled with same span but with a rise of 3 m. It is important to note that the proposed increase in the rise of the waterfront trail crossing assumes feasibility. However, utility conflicts in the area may necessitate relocations, which could potentially result in higher costs. A thorough assessment of the feasibility and associated expenses would be essential in making an informed decision and both structures will need to be replaced to achieve desired results.

Based on the simulation results (see attached Figure 5), the primary benefit of this option would be the elimination of flooding on Martha Street and minor elimination of flooding just south of Waterfront Trail.

The combined estimated construction cost for all of the preceding excluding Alternative 3 (as noted previously, Alternative 4 would be assumed to be preferable for works in that area and sufficient to provide the necessary degree of flood remediation) would be $7.0 million. This estimated cost again includes a 30% contingency but does not include engineering\design or construction administration\inspection fees.

4 CONCLUSIONS

For the current assessment, WSP's focus has been on developing and evaluating potential alternatives to reduce or eliminate spills in the area. These measures primarily involve public lands, ensuring no adverse impacts beyond the implementation site. WSP assumed that other options such as purchasing and repurposing private property or implementing on-site floodproofing would be explored by others or at a later stage.

This assessment for the Brant Street Spill and Burlington Downtown area should be considered preliminary and the infrastructure upgrades proposed here will need to be confirmed during future design phases.

The findings of the assessments completed by Conservation Halton for the east branch of Rambo Creek and the Hager-Rambo Diversion channel have not been summarized herein but should be considered in conjunction with these findings. Given the potential impacts to downstream properties from the proposed spill mitigation alternatives at Brant\Fairview, further study is likely required to determine further required measures and sequencing of works.

For the Downtown area, it is expected that a further assessment will be required to confirm prioritization and sequencing, based on the overall benefit (i.e. flood and spill inundation limits), cost, and potential impacts to other areas.



LEGEND

- BASE (EXISTING CONDITION) INUNDATION BOUNDARY
- ALTERNATIVE (PROPOSED CONDITION) INUNDATION BOUNDARY

Imagery Sources:

1 Inundation Boundary: RAS Mapper Version 6.4.1

2 Aerial Image: Google Hybrid

DRAWN	C. PAUL
CHECKED	E. KUMAR

ALTERNATIVE 1

DRAFT FLOOD MITIGATION ALTERNATIVES

Burlington Flood Hazard Study

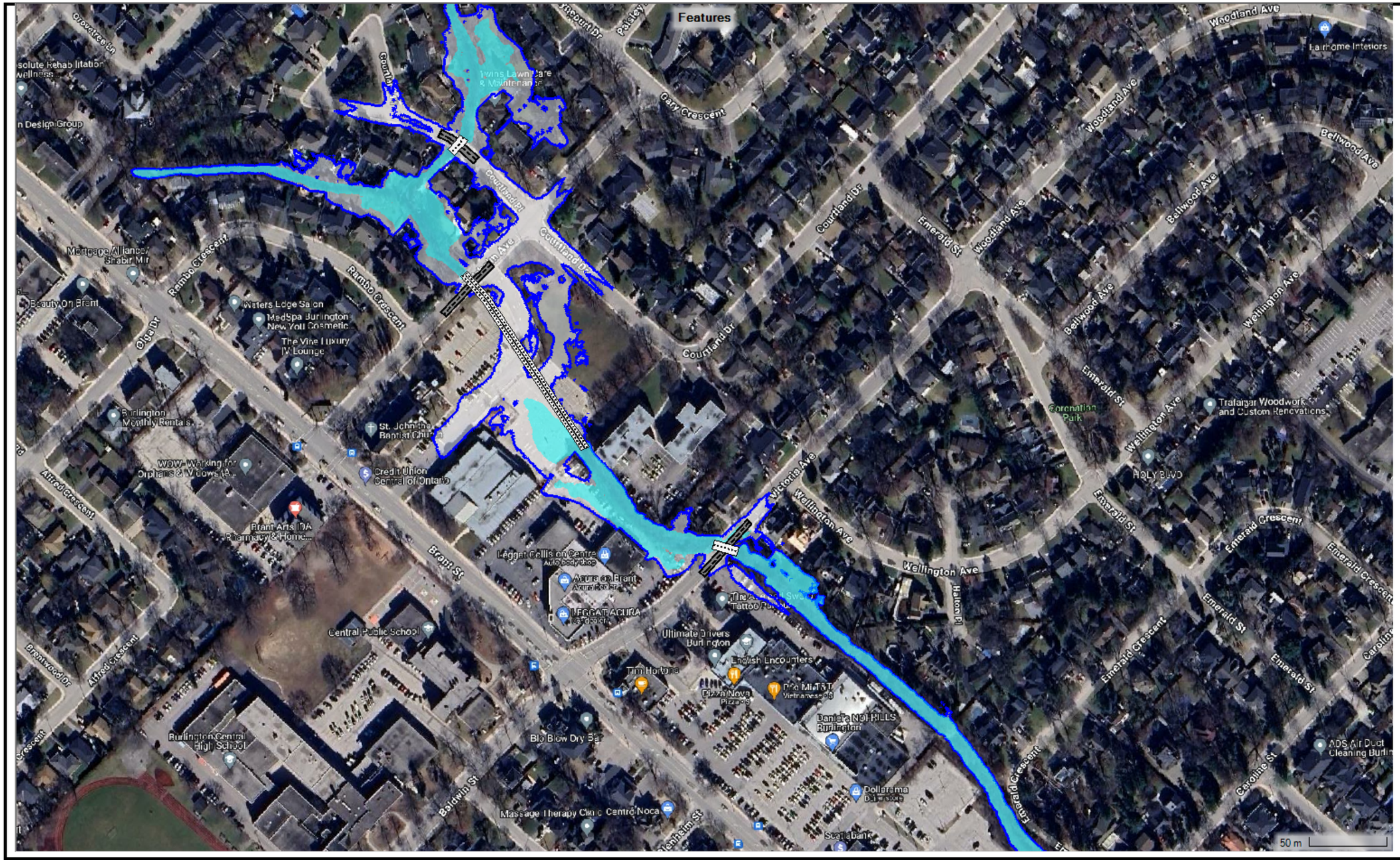
City of Burlington

Plot Date: 14 May 2024

Project No. CA-EI-WW23011105

Figure No. 1

WSP ONLINE SHAREPOINT/CA-CA0017679182/PROJECT FOLDERS/ 05. TECHNICAL/ 05.03 WATER RESOURCES/ 05.03.04 REPORTS/ EXHIBITS - FIGURES/ Figures for Memo.xlsx



Imagery Sources:

1 Inundation Boundary: RAS Mapper Version 6.4.1

2 Aerial Image: Google Hybrid

DRAWN C. PAUL

CHECKED E. KUMAR

ALTERNATIVE 2

DRAFT FLOOD MITIGATION ALTERNATIVES

Burlington Flood Hazard Study

City of Burlington

Plot Date: 14 May 2024

Project No. CA-EI-WW23011105

Figure No. 2

WSP ONLINE SHAREPOINT/CA-CA0017679182/PROJECT FOLDERS/ 05. TECHNICAL/ 05.03 WATER RESOURCES/ 05.03.04 REPORTS/ EXHIBITS - FIGURES/ Figures for Memo.xlsx



LEGEND

- **BASE (EXISTING CONDITION) INUNDATION BOUNDARY**
- **ALTERNATIVE (PROPOSED CONDITION) INUNDATION BOUNDARY**

Imagery Sources:

1 Inundation Boundary: RAS Mapper Version 6.4.1

2 Aerial Image: Google Hybrid

DRAWN C. PAUL

CHECKED E. KUMAR

ALTERNATIVE 3

DRAFT FLOOD MITIGATION ALTERNATIVES

Burlington Flood Hazard Study

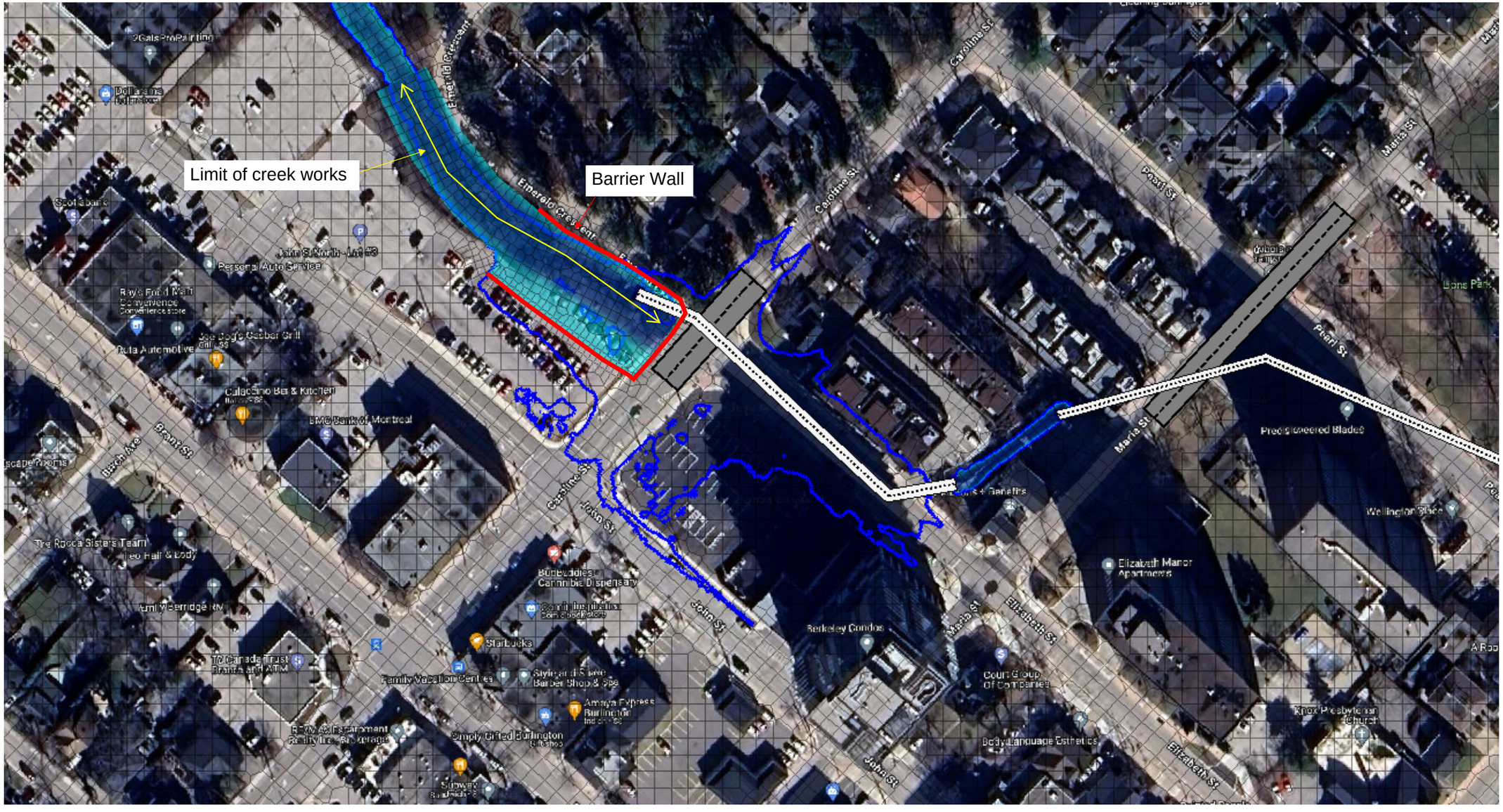
City of Burlington

Plot Date: 14 May 2024

Project No. CA-EI-WW23011105

Figure No. 3

WSP ONLINE SHAREPOINT/CA-CA0017679182/PROJECT FOLDERS/ 05. TECHNICAL/ 05.03 WATER RESOURCES/ 05.03.04 REPORTS/ EXHIBITS - FIGURES/ Figures for Memo.xlsx



LEGEND

- **BASE (EXISTING CONDITION) INUNDATION BOUNDARY**
- **ALTERNATIVE (PROPOSED CONDITION) INUNDATION BOUNDARY**

Imagery Sources:

1 Inundation Boundary: RAS Mapper Version 6.4.1

2 Aerial Image: Google Hybrid

DRAWN	C. PAUL
CHECKED	E. KUMAR

ALTERNATIVE 4A (NO SPILLS)

DRAFT FLOOD MITIGATION ALTERNATIVES
Burlington Flood Hazard Study
City of Burlington

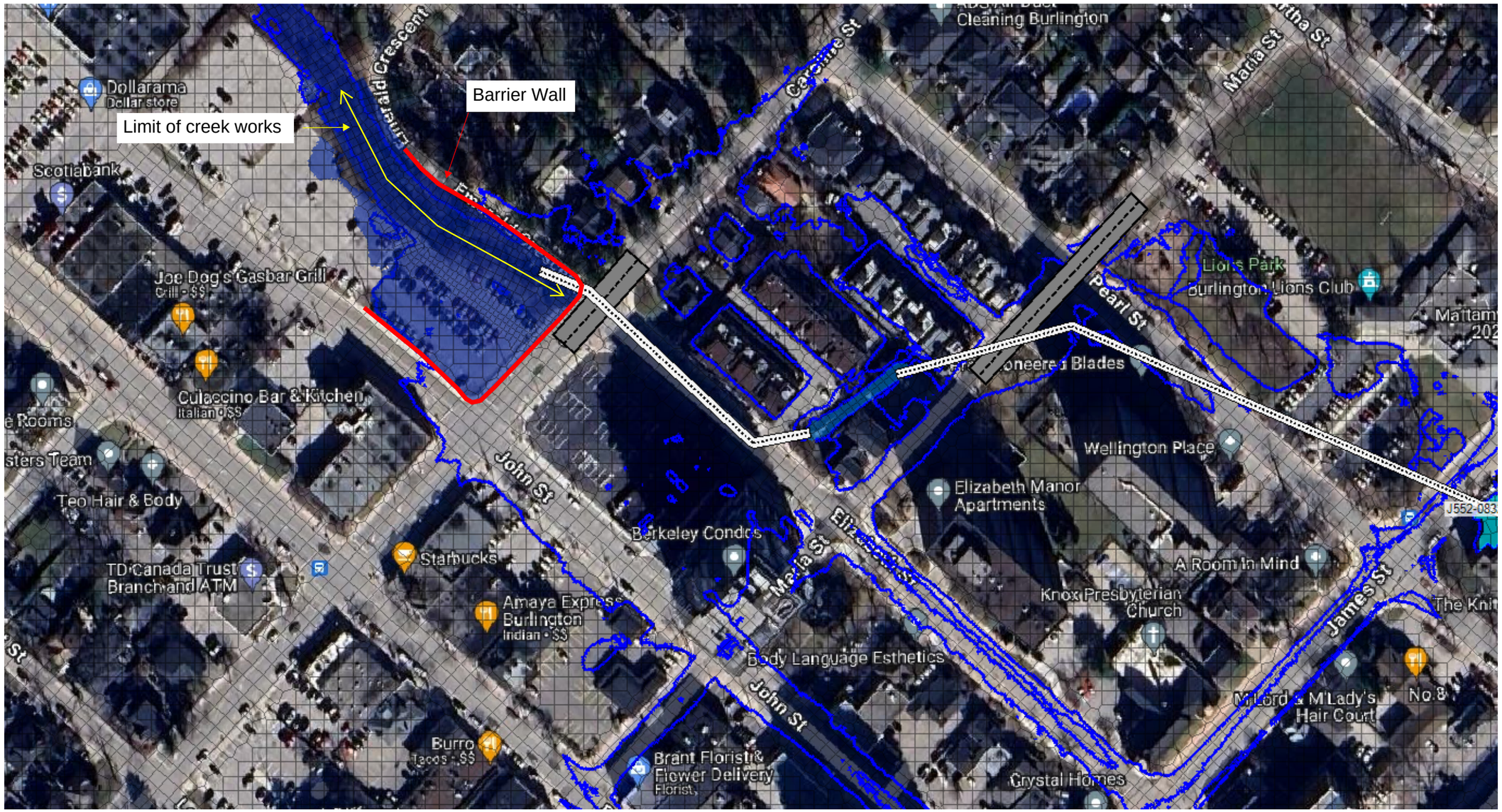
Plot Date: 14 May 2024

wsp

Project No. CA-EI-WW23011105

Figure No. 4A

WSP ONLINE SHAREPOINT/CA-CA0017679182/PROJECT FOLDERS/ 05. TECHNICAL/ 05.03 WATER RESOURCES/ 05.03.04 REPORTS/ EXHIBITS - FIGURES/ Figures for Memo.xlsx



LEGEND

- **BASE (EXISTING CONDITION) INUNDATION BOUNDARY**
- **ALTERNATIVE (PROPOSED CONDITION) INUNDATION BOUNDARY**

Imagery Sources:

1 Inundation Boundary: RAS Mapper Version 6.4.1

2 Aerial Image: Google Hybrid

DRAWN C. PAUL

CHECKED E. KUMAR

ALTERNATIVE 4B (WITH SPILLS)

DRAFT FLOOD MITIGATION ALTERNATIVES

Burlington Flood Hazard Study

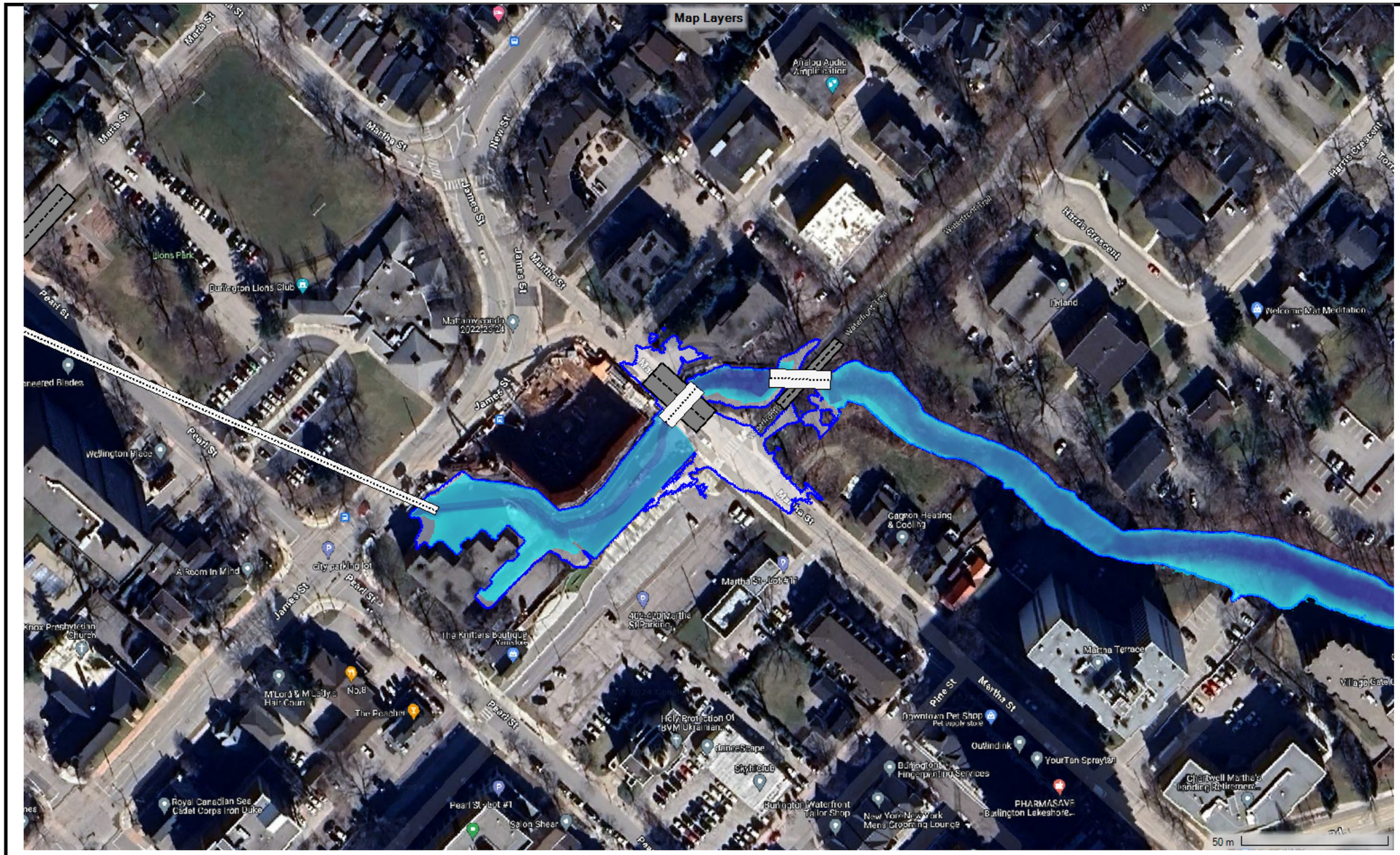
City of Burlington

Plot Date: 14 May 2024

Project No. CA-EI-WW23011105

Figure No. 4B

WSP ONLINE SHAREPOINT/CA-CA0017677918Z/PROJECT FOLDERS/ 05. TECHNICAL/ 05.03 WATER RESOURCES/ 05.03.04 REPORTS/ EXHIBITS - FIGURES/ Figures for Memo.xlsx



LEGEND

- **BASE (EXISTING CONDITION) INUNDATION BOUNDARY**
- **ALTERNATIVE (PROPOSED CONDITION) INUNDATION BOUNDARY**

Imagery Sources:

1 Inundation Boundary: RAS Mapper Version 6.4.1

2 Aerial Image: Google Hybrid

DRAWN C. PAUL

CHECKED E. KUMAR

ALTERNATIVE 5

DRAFT FLOOD MITIGATION ALTERNATIVES

Burlington Flood Hazard Study

City of Burlington

Plot Date: 14 May 2024

Project No. CA-EI-WW23011105

Figure No. 5

WSP ONLINE SHAREPOINT/CA-CA0017679182/PROJECT FOLDERS/ 05. TECHNICAL/ 05.03 WATER RESOURCES/ 05.03.04 REPORTS/ EXHIBITS - FIGURES/ Figures for Memo.xlsx

Conservation Halton

TO: Cary Clark, P.Eng., Manager of Development & Stormwater Engineering
City of Burlington
cary.clark@burlington.ca

FROM: Matt Howatt, Manager, Environmental Planning
mhowatt@hrca.on.ca; 905.336.1158 ext. 2311

David Irwin, P.Eng., Water Resources Engineer
dirwin@hrca.on.ca, 905.336.1158 ext. 2255

DATE: April 15, 2024

SUBJECT: **Conservation Halton's Preliminary Analysis for the Burlington GO Major Transit Station Area and Downtown Area Flood Hazard Impacts and Mitigation Assessment**
CH File Number: AMPR-979

Conservation Halton (CH) staff completed a preliminary analysis of the Hager-Rambo Diversion Channel (HRDC) in support of the City of Burlington's preliminary Flood Hazard Impacts and Mitigation Assessment for the Burlington GO Major Transit Station Area (MTSA) and Downtown area. CH's preliminary analysis was completed in cooperation with staff from the City of Burlington and the City's consultant, WSP. The objective of the City's assessment is to complete a high-level evaluation of stormwater systems, using hydraulic modelling, to identify potential infrastructure improvement alternatives that could help mitigate or reduce flood hazard risks, build climate change resiliency, and support growth and development in the Burlington GO MTSA and Downtown area.

This memo provides findings of CH staff's preliminary analysis and includes recommendations for future studies and initiatives covering a broad range of solutions (e.g., infrastructure improvements, flood hazard modelling updates, policy) that could be employed to mitigate, reduce, and/or manage flood hazard risks in the Burlington GO MTSA and Downtown area.

CH staff understands that content from this memo will be used to inform City staff's report to present findings of the preliminary Flood Hazard Impacts and Mitigation Assessment to the City Committee of the Whole in May 2024.

Background

In 2020, the City completed a Phase 1 Flood Hazard and Scoped Stormwater Management Assessment for the Burlington GO MTSA and Downtown area. Prior to the Phase 1 Study, the creeks south of the diversion channel in the Lower Rambo Creek watershed were considered part of the municipal storm drainage system; however, the Phase 1 study revealed that the extent of the flood hazard in the Lower Rambo watershed was greater than previously understood and the Lower Rambo watershed was confirmed to be regulated by CH. A notice was published on CH's website, and in the Burlington Post on November 18, 2021, to inform the public of the change in regulatory status based on the findings of the City's Phase 1 study.

WSP was retained by the City to undertake a Phase 2 study to update the Phase 1 flood hazard modelling and mapping for tributaries within the Rambo and Hager Creek watersheds, located within the Burlington GO MTSA and Downtown area. The mapping and modelling developed as part of the

Conservation Halton

MEMO

Phase 2 Study is considered the best available information for understanding the magnitude and extent of the flood hazard, assessing potential risk to life and property, and land use and regulatory decision making. Burlington Council received the final MTSA Phase 2 Flood Hazard Assessment, Burlington GO and Downtown, on July 11, 2023. The public was informed of the study and the changes to CH's Approximate Regulation Limit (ARL) mapping in summer 2023. The CH Board approved the updated flood hazard mapping for incorporation into CH's ARL mapping in October 2023.

Based on the results of the Phase 2 Study, a number of private properties and potential redevelopment sites in the Burlington GO MTSA and Downtown area are identified within a flood hazard (i.e., flood plain or spill). While Provincial policy generally directs development away from hazardous lands, municipalities are also directed to plan for development in Strategic Growth Areas to accommodate significant population and employment growth. Given competing Provincial objectives and policies related to growth and development and natural hazards in a key area of the City, there are benefits to identifying long-term solutions that can mitigate potential risk to public safety or of property damage, increase opportunities for growth and development, and build climate change resiliency. As a result, the City, in cooperation with CH, is undertaking a preliminary Flood Hazard Impacts and Mitigation Assessment to establish what options may be available to mitigate or reduce risks associated with flood hazards and specifically, spill flood hazards.

Preliminary Analysis and Recommendations

The City's preliminary Flood Hazard Impacts and Mitigation Assessment separated the preliminary analyses into phases. The City and WSP carried out Phases 1a and 2 which covered an analysis of flood mitigation opportunities for the spill flood hazard identified at Rambo Creek and the QEW railway underpass and associated spill flood hazards identified downstream to Fairview Street (Phase 1a) as well as a review and assessment of the hydraulic capacity of Rambo Creek and East Rambo Creek south of Fairview Street to Lake Ontario (Phase 2). As identified in the attached figure (**Attachment One**), CH's preliminary analysis focused on:

- Reviewing the hydraulic capacity of East Rambo portion of the HRDC between the CN/Metrolinx rail culvert and Fairview Street and any potential spill flood hazard mitigation opportunities along this reach (Phase 1B), and

- Reviewing the hydraulic capacity of the Hager-Rambo Diversion Channel (HRDC) from downstream of Brant Street to its confluence with Indian Creek and any potential flood hazard mitigation opportunities along this reach (Phase 3).

A preliminary analysis of the HRDC's current performance and hydraulic capacity was advanced to assess whether it could accommodate additional flood flows and be used to mitigate some of the flood risks identified within the Burlington GO MTSA and Downtown area. The methodology, detailed analysis and associated modelling is available to City staff upon request. Preliminary results from the analysis indicates that during the Regional storm (i.e., Hurricane Hazel) the HRDC would be operating beyond its hydraulic capacity, and that extensive upgrades would be required before it could safely convey additional flood flows from upstream.

Increasing the hydraulic capacity of the HRDC would require extensive upgrades and would need to be implemented through a sequenced and systematic approach to ensure that the improvements would be effective and safe for existing populated and developed areas (i.e., would need to ensure that

mitigating flood hazards in the Burlington GO MTSA and Downtown area would not result in new areas of increased risk). Any potential improvements would need to be examined through a Master Plan / Class EA process.

In addition to upgrades to the HRDC, opportunities exist to explore a range of alternatives or combination of approaches could be explored to address flood risk in the Burlington GO MTSA and Downtown area. Mitigating potential risk/impacts of flood hazards requires a holistic approach that could involve infrastructure improvements, updated flood hazard modelling, and new policies and will involve multiple stakeholders including the City, CH, the development community, and residents. Outlined below are CH's recommendations in this regard.

1. Potential Infrastructure Improvements

As outlined above, improvements to the HRDC would be required for it to safely convey additional flood flows and would need to ensure that in mitigating flood hazards in the Burlington GO MTSA and Downtown area would not result in new areas of increased risk. The potential improvements considered by CH staff's preliminary analysis are listed from downstream towards upstream; and CH staff recommends that improvements generally proceed in that order, though the final preferred alternatives and order should be established through a future comprehensive study.

a. QEW Enclosure

The HRDC is conveyed beneath the QEW via three nine (9) foot diameter concrete tunnels. The preliminary analysis suggests that these tunnels may be unable to fully convey all existing flood flows. To avoid downstream impacts, conveyance of flows beneath the QEW would need to be increased and/or inflows would need to be attenuated via increased flood storage within upstream areas. The preliminary analysis has not formally assessed potential improvements, however, the conceptual addition of a fourth tunnel beneath the QEW or provision of approximately 40 thousand additional cubic metres of flood storage volume would allow impacts to be avoided. There may be an opportunity to use upstream parklands to provide additional flood storage; however, the feasibility of this approach requires further analysis and review.

b. Maple Avenue

The HRDC is conveyed beneath Maple Avenue via two box culverts (6 m width by 2.7 m rise). The preliminary analysis suggests that the structure can generally convey most existing flood flows (some minor overtopping), however, the direction of additional flood flows would likely result in increasing flood risk on Maple Avenue and within the adjacent developed areas. The preliminary analysis has not formally assessed potential improvements, however, the conceptual replacement of the existing structure with an eighteen (18) metre span bridge, similar to the upstream Thorpe Avenue crossing structure, would likely avoid impacts.

c. CNR Rail Crossing

Downstream of Brant Street, the HRDC is conveyed beneath a railway spur via two culverts [fourteen (14) foot diameter, asphalt lined structural plate]. The preliminary analysis suggests that the structure can generally convey most existing flood flows (potential for some minor spill), however, the direction of additional flood flows would increase the spill and similar flood risks would continue (via an alternate pathway) to effect the Burlington GO MTSA and Downtown area. Replacement of the existing crossing structure with a ten (10) metre wide by 3.5 metre rise box, or installation of a third barrel, would likely avoid impacts.

d. *Edinburgh Drive*

Upstream of where the East Rambo portion of the HRDC enters the enclosure beneath Fairview Street, a small spill may occur resulting in inundation of several adjacent properties off of Edinburgh Drive. The preliminary analysis suggests that this potential spill is very small under existing conditions, however, it can be expected to increase if additional flows are directed into this reach of the HRDC. Use of grading to contain flows within the HRDC may be one potential strategy to prevent/mitigate this potential spill. Though not formally assessed, conceptually raising grades between 0.3 to 0.5 metres would likely suffice. Use of a flood wall may also be an option; however, this may present challenges from a regulatory perspective if seeking its inclusion within flood hazard mapping.

e. *East Rambo Spill Flood Hazard*

Between the CNR/Metrolinx rail culvert and Fairview Street, on the East Rambo portion of the HRDC, potential for spill eastward to the existing properties and Fairview Street has been identified. CH's preliminary analysis suggests that this spill may actually be smaller than was suggested by modelling from the City's Phase 2 Study. Use of grading to contain the spill within the HRDC may be one potential strategy to prevent/mitigate this potential spill. Though not formally assessed, conceptually raising grades between 0.3 to 0.5 metres would likely suffice. Use of a flood wall may also be an option; however, this may present challenges from a regulatory perspective if seeking its inclusion within flood hazard mapping.

f. *Argon Court*

It is understood that the storm sewer (1200 mm diameter RCP at 0.20 percent slope) which drains the sag on Fairview Street, near Argon Court, may not have the capacity to convey the magnitude of flow/spill conveyed toward this area under a regulatory flood and that flows in excess of its capacity would generally accumulate within the sag and eventually spill toward the Downtown area via Argon Court and/or other spill pathways. CH's preliminary analysis suggests that this spill may be smaller than was suggested by modelling from the City's Phase 2 Study, generally due to the upstream spill from the channel being smaller (East Rambo Spill Flood Hazard). If full elimination of the Argon Court Spill is ultimately sought, twinning or installation of a relief storm sewer is a potential approach which could be used to eliminate this spill and/or to reduce potential ponding within the sag on Fairview Street. Use of a flap gate/backflow valve may also need to be considered as part of any future upgrade. Sizing of

the relief sewer would depend upon if the upstream spill (East Rambo Spill Flood Hazard) is mitigated or not, as it is a direct contributor to the Argon Court spill.

2. Modelling Updates

A key component of informing and supporting decision making for potential infrastructure improvements is a comprehensive update to the watershed's hydrologic and hydraulic models. A hydrologic model update was recommended by the City's Phase 1 and Phase 2 studies, as well as previously by CH staff. CH's preliminary analysis continues to support this recommendation. This comprehensive update would improve our understanding of flood flow rate estimates to better inform infrastructure assessments and sizing recommendations. There may also be an opportunity to calibrate and/or validate the hydrologic model(s) as part of a comprehensive update using data from CH's HRDC flow gauge. This would support the model's primary objective of understanding and predicting the watershed's runoff response.

In addition to supporting potential infrastructure improvements, the updated modelling may inform flood hazard mapping refinements in the Burlington GO MTSA and Downtown area. This may be particularly beneficial along the East Rambo portion of the HRDC between the CN/Metrolinx rail culvert and Fairview Street where CH's preliminary analysis suggests that the spill flood hazard may be smaller than what was defined by the City's Phase 2 Study.

3. Spill Flood Hazard Policy

In addition to the potential infrastructure and modelling solutions, a review and update of CH and City policies for development within spill flood hazards may provide further opportunities for landowners to mitigate flood risks. CH staff is currently undertaking a Spill Flood Hazard Policy Review and Update. In November 2022, CH's Board endorsed a risk-based, flexible policy approach be taken to address development in spill flood hazards. This has enabled CH staff to begin developing general, jurisdiction-wide spill flood hazard policy with the opportunity for area specific policies where a comprehensive study is undertaken by a municipality or CH. Staff anticipates that draft spill flood hazard policies will be available for review and feedback in 2024 and will work closely with City staff and other municipal partners in this regard. Detailed spill flood hazard policies will provide the City, development community and public with greater certainty and transparency on CH's requirements for developing in spill flood hazards and enable consistent and efficient review of development proposals by staff. Opportunities may also exist for the City and CH to work together to develop area specific policies, as necessary.

4. Provincial Advocacy

As part of exploring all options to address flood risk in the Burlington GO MTSA and Downtown area, the City and CH could request that the Province (Minister of Municipal Affairs and Housing and Minister of Natural Resources) work with City and CH staff to discuss competing Provincial objectives and policies related to growth and development and natural hazards. This could include exploring policy solutions to address the challenge of competing Provincial objectives and policies related to growth and development and natural hazards in a key area of the City and advocating for updates to the Technical

Conservation Halton

MEMO

Guide, River & Stream Systems: Flooding Hazard Limit (Ministry of Natural Resources) last updated in 2002 to provide direction for the assessment of development in spill flood hazards

Next Steps

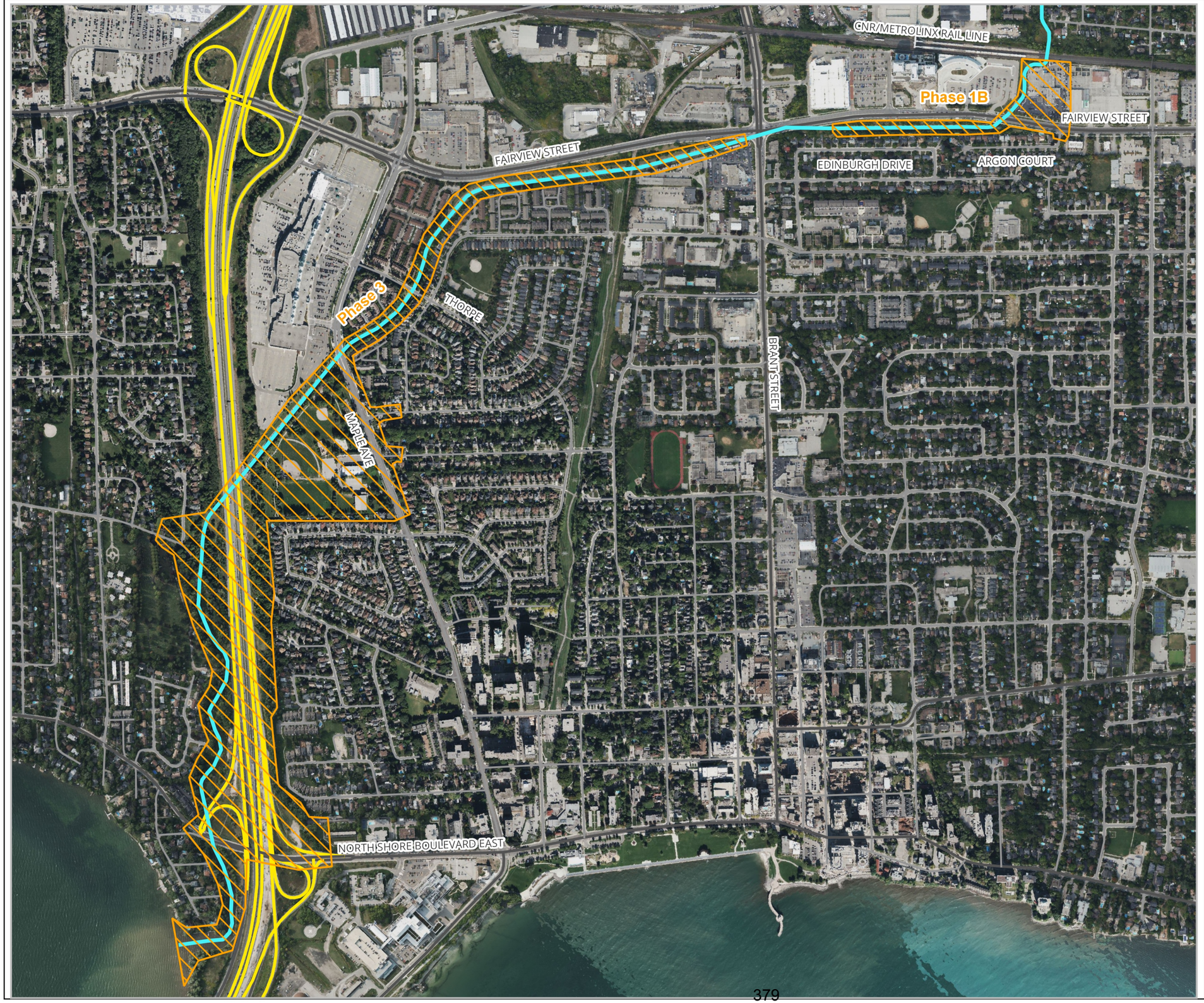
A preliminary analysis of the HRDC's current performance and hydraulic capacity was advanced to assess whether it could accommodate additional flood flows and be used to mitigate some of the flood risks identified within the Burlington GO MTSA and Downtown area. Preliminary results from the analysis indicates that during the Regional storm (i.e., Hurricane Hazel) the HRDC would be operating beyond its hydraulic capacity, and that extensive upgrades would be required before it could safely convey additional flood flows from upstream. This would need to be implemented through a sequenced and systematic approach to ensure that the improvements would be effective and safe for existing populated and developed areas (i.e., would need to ensure that mitigating flood hazards in the Burlington GO MTSA and Downtown area would not result in new areas of increased risk).

CH staff recommends advancing the preliminary Flood Hazard Impacts and Mitigation Assessment work to consider a broad range of potential solutions for addressing flood risk within the Burlington GO MTSA and Downtown area. A comprehensive study (e.g., Master Plan / Class EA) may help assess, analyze and prioritize the broad range of potential solutions. As part of this process a range of options should be explored, including the following:

- assessment of all infrastructure (e.g., Municipal, Provincial, CH & CN) and mitigation improvement options (e.g., additional flood storage areas)
- undertaking flood hazard and flood risk modelling updates and mapping refinements
- participating in CH's spill flood hazard policy review and update and developing area specific policies, where appropriate
- working with the Province (Minister of Municipal Affairs and Housing and Minister of Natural Resources) to discuss competing Provincial objectives and policies related to growth and development and natural hazards, exploring policy solutions and advocating for technical guidance updates regarding the assessment of development in spill flood hazards

CH staff look forward to continuing to work with City staff, the development community, and residents to help advance solutions to mitigate potential risk to public health or safety or of property damage from flood hazards.

Attachment One: CH Preliminary Analysis Study Area



Conservation Halton

Figure 1: Study Area Map Preliminary Analysis of the Hager-Rambo Diversion Channel's Performance and Hydraulic Capacity

Legend

- StudyArea
- Study Watercourse

N

0 200 400 600 m

Scale 1 : 10 000
(11" x 17")

SUBJECT: Bronte Creek Meadows Area-Specific Planning Project Update and Proposed Policy Directions

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-81-24

Wards Affected: Ward 5, and City-wide

Date to Committee: December 2, 2024

Date to Council: December 10, 2024

Recommendation:

Endorse the policy directions contained in community planning department report PL-81-24 to guide the development of the Bronte Creek Meadows Area Specific Plan; and

Direct the Director of Community Planning to continue work on the Bronte Creek Area Specific Plan in coordination with the landowner and communicate and engage with the public on the proposed policy directions and area specific plan framework.

PURPOSE:

The purpose of this staff report is to seek Council's endorsement of proposed policy directions in order to proceed with the preparation of an Area-Specific Plan for Bronte Creek Meadows by Q1 2024. This report will:

- Provide an overview of the Bronte Creek Meadows Area-Specific Planning Project completed to date;
- Share a summary of the Fall 2024 public engagement period;
- Propose policy directions; and,
- Describe the next steps in the project timeline.

Vision to Focus Alignment:

☑ Designing and delivering complete communities

☐ Providing the best services and experiences

☑ Protecting and improving the natural environment and taking action on climate change
☐ Driving organizational performance

Executive Summary:

Following Council's direction in July 2024, staff have started to implement the Bronte Creek Meadows (BCM) Area Specific Planning Project Engagement Plan and undertake work to develop an area-specific plan for BCM. Following an engagement period in Fall 2024, staff are reporting back on what we heard and bringing forward proposed policy directions for Council's consideration. These directions, along with technical studies and planning analysis will guide the development of the area-specific plan for a revised BCM vision to be a mixed use, transit supportive complete community.

As directed by Council, staff continue to work closely with the landowners and continue to work within the project timeline. In this report staff note the importance of technical work to inform the limits of development, policy development and overall delivery of Official Plan Amendment No.4 by the end of Q1 2025, which will implement the BCM area-specific plan.

Staff believe the coordinated approach continues to be a model for understanding the role BCM in the overall city structure, and a means of developing City direction, informed by collaboration and engagement with the community, landowner, the City and other affected parties.

Background and Discussion:

1. Bronte Creek Meadows Area Specific Planning Project

The City is currently undertaking the Bronte Creek Area Specific Planning Project as part of the overall Burlington Official Plan, 2020, Targeted Realignment Exercise.

On July 8, 2024, Council approved staff report PL-50-24 Burlington Official Plan, 2020 Targeted Realignment Exercise – workplan update 3. With this report, staff provided Committee and Council with two draft documents:

- Bronte Creek Meadows Area-Specific Planning Project Engagement Plan (Draft); and
- Planning for Burlington's Bronte Creek Meadows: Background and Draft Visioning Report (Draft), which included an overview of the changing policy

context related to BCM, complete community objectives as well as a project timeline.

In order to assist with creating common understanding and a common starting point, staff prepared these two support documents which underpin the current Bronte Creek Meadows area-specific planning process. For more details, please refer to the links above.

At the July 8, 2024 meeting, Council provided the following staff direction:

> *Direct the Director of Community Planning to implement the Bronte Creek Meadows Area-Specific Planning Project Engagement Plan – Draft, attached as Appendix C to community planning department report PL-50-24, and continue to add detail and refinements to the planning for Burlington's Bronte Creek Meadows: Background and Draft Visioning, attached as Appendix D to community planning department report PL-50-24, as work continues with the owner and their consultants.*

Since July, work has moved forward on the City's Bronte Creek Meadows Area Specific Planning Project including the implementation of the Project Engagement Plan and development of proposed policy directions. As per the project timeline outlined in the Planning for Burlington's Bronte Creek Meadows: Background and Draft Visioning Report (Draft) the area-specific plan is to be brought forward to Council by the end of Q1, 2025.

Technical Studies

In addition to public input, the outcomes of this project will be guided by a wide range of technical studies. The City continues to work collaboratively with the property owner and their planning consultants in order to coordinate the submission of the full range of technical studies to support the development of the City's Area-Specific Plan. Over the summer city staff provided a full list of required technical studies to land owner team as well as comments and direction related to terms of references for various studies. As technical studies are submitted by the landowner, the City will identify the technical studies requiring peer review, at the expense of the landowner. See Appendix A of this report for a list of the required technical studies to be submitted to the City to inform the area-specific plan.

The delivery of all required technical studies is imperative to the establish the limits of development and creation of area-specific plan policies. Submitted technical work requires time for various staff departments and partner agencies to review as well as any peer review processes as required. Delay in the submission of all required technical studies could result in an extended timeline beyond Q1 2025 to deliver the Official Plan

Amendment (OPA) No.4 or delivery of a more high-level OPA that will require further work from the applicant through future development applications.

City staff will continue to work with stakeholders, the public and the BCM landowners team including their Land Use Planning consultant, to develop an area-specific plan (ASP) for BCM that aligns with the city's strategic and official plan policy directions and reflects community responsive growth management.

2. Bronte Creek Meadows Fall 2024 Engagement

In accordance with the Bronte Creek Meadows Engagement Plan, City staff gathered input from the public on the future vision for Bronte Creek Meadows through different means throughout the Fall 2024. For a detailed account of engagement events and results of this engagement period please see the Engagement Matters section below or refer to Appendix B, Fall 2024 Preliminary Feedback Report.

3. Proposed Policy Directions

Based on engagement and planning analysis undertaken to date, this report provides initial policy directions that are deemed necessary to achieve a vibrant, mixed use, transit-supportive complete community while accommodating future population and job growth within BCM. The proposed policy directions are provided below:

Policy Direction A:

Implement the Bronte Creek Meadow Guiding Principles and Establish a Land Use Vision

A vision and guiding principles should be established to reflect Bronte Creek Meadow's revised role within the City's Urban Structure considering both the proposed vision as set out in the Planning for Burlington's Bronte Creek Meadows: Background and Draft Visioning Report (Draft) along with public feedback. The proposed vision set out:

> *BCM will be planned as a vibrant mixed-use, transit-supportive, complete community that achieves the following principles:*
>
> *• Complete, compact and sustainable community, with a mix of uses in walking distance of transit;*
>
> *• Range of services and facilities that will satisfy health, education, social, religious, culture and recreation needs;*
>
> *• Mix of uses including employment, housing, public service facilities, parks, and commercial shops and services;*
>
> *• Population and employment densities to support existing and planned local and regional transit;*

• Range of housing types and tenure to support affordability and meet a broad range of demographics and income levels;

• Balanced community with a variety of local jobs and live/work opportunities for residents;

• Built form to achieve walkability, high-quality public spaces and design excellence;

• A balanced, connected multi-modal transportation network;

• Land uses and building forms which are compatible with the surrounding area and achieve sensitive integration with existing areas;

• New parks, trails, public realm and open spaces;

• Protection of natural heritage;

• Conservation of cultural heritage resources; and,

• Phased development that optimizes the use of existing and new infrastructure to support growth in a compact, efficient form.

The background report also set out that the ASP process would assess if all or part of BCM to be designated as a Strategic Growth Area, potentially as a new Secondary Growth Area.

Based on feedback to date and an assessment of the opportunity staff believe that Bronte Creek Meadows should be planned as a new neighbourhood, not a new Strategic Growth Area. This neighbourhood will be focused on providing new opportunities for jobs and to provide diverse, missing middle housing types and the community supporting infrastructure highlighted as an opportunity to enhance existing neighbourhoods and employment areas.

Bronte Creek Meadows Neighbourhood

The proposed ASP will define a neighbourhood land use vision establishing a structure that supports the creation of a mixed use, transit supportive complete community, that introduces new opportunities for jobs and homes and knits together the existing Orchard and Sheldon Creek neighbourhoods and provides a sensitive transition to Bronte Creek Provincial Park and a compatible interface with the existing employment lands to the south. The neighbourhood structure will include but not be limited to the following elements:

- Define Bronte Creek Meadows Neighbourhood as a series of nodes, corridors and precincts all defined by protected Natural Heritage features.
- The nodes and corridors will be designed to contribute to a vibrant and complete community including gathering spaces, retail and services and community facilities;

- Establish three general precincts:
    - a precinct located at the northwest area of the study area, focused on providing a wide range of housing types focused on missing middle forms as well as detached, semi-detached and townhomes with Additional Residential Units incorporated, with complementary community facilities, public spaces and new parks.
    - a precinct located on the eastern side of the study area focused on more intensive, transit supportive development with a focus on diversity of housing types and the creation of mixed use buildings to accommodate residential and employment growth, as well as shops and services for daily needs, office, public spaces, communities facilities, parks and transit. Establish direction on height that focuses on a range and mix of uses and heights of those uses including low-rise, mid-rise and tall buildings.
    - A precinct located on the southern extent of the study area defined by existing natural heritage (woodlots) focused on employment, institutional and/or health care uses to support the creation of jobs.

Policy Direction B: Housing and Employment

In alignment with Council direction, the revised vision for BCM will be planned to accommodate population and employment growth. This includes the following key directions:

- Require a broad and diverse range and mix of housing types and tenures to be provided in each development phase containing residential uses;
- Require the development of affordable housing by means of:
    - Innovative housing design and alternative standards,
    - establishing partnerships with CMHC, the Region of Halton and other not for profit housing providers;
    - permitting additional residential units in all detached, semi-detached and rowhouse and require that a certain portion of these units to have an additional residential units roughed into these housing forms to support the evolution of the neighbourhood.
- In alignment with the City's Housing Strategy, require a percentage of all detached, semi-detached and rowhouses incorporate 3 or more bedrooms;
- Require an adequate number of jobs to support the creation of a complete community;
- Encourage employment uses which are compact, and compatible with mixed use development;
- Address land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.

Policy Direction C: Transportation and Mobility

Bronte Creek Meadows will be planned to be a mixed use, transit supportive complete community with a balanced, connected multi-modal transportation network. This will require new complete streets, enhanced transit service, trails and active transportation connections. This includes the following key directions:

- Create a fine-grain network that will improve active transportation and connectivity through the neighbourhood;
- Extend Corporate Drive to Burloak Drive and join Sutton Drive from Upper Middle to Mainway;
- Create new trails and explore the extension and enhancement of existing Orchard Community, Sheldon Creek, and Hydro Corridor multi-use trails;
- Create new pedestrian or multimodal connections that align with the Bronte Creek Provincial Park entrance along Burloak Drive;
- Encourage right sized parking for residential uses and encourage parking for more intense forms of residential uses, mixed use and employment uses in the form of shared structured parking lots or underground parking garages;
- Plan for and implement additional transit routes and increased frequent to support population and employment growth in Bronte Creek Meadows and to enhance connections to the Appleby GO Station and other areas of the City.

Policy Direction D: Community Amenities and Parks

Bronte Creek Meadows will be planned to include new parks, public realm improvements, open space and public service/community facilities to support new residents and employees of area as well as Burlington residents in other neighborhoods. This includes the following key directions:

- Permit public service facilities and institutional uses in all precincts of Bronte Creek Meadows with the exception of the Natural Heritage System;
- Encourage the location of public service facilities to be located in close proximity to parks and along public transit networks or active transportation connections;
- Provide direction for the general locations of new parks and community facilities for social, cultural, recreational, educational and religious purposes;
- Identify opportunities to address and fill gaps identified in the Live and Play Plan;
- Create outdoor amenity spaces to support employees in the area; and
- Create connections between new parks, natural heritage, Bronte Creek Provincial Park and existing parks outside the Bronte Creek Meadows area.

Staff note the following staff direction from ES-02-23 (Park Provisioning Master Plan final report) and are working with Parks and Recreation staff to take direction from the City's Parks Provisioning Master Plan and the Live and Play Plan to help identify infrastructure need in the area-specific plan related to community facilities and parks:

Direct the Director of Community Planning to begin work with land owners in the MTSAs or any area of the City subject to an area-specific planning process to guide future development and to identify specific City infrastructure needs.

Policy Direction E: Natural Heritage, Environment and Sustainability

The Bronte Creek Meadows Area Specific Plan will include policies to guide the development of a complete community, while ensuring protection of the natural heritage area including significant woodlands and significant wildlife habitat. This includes the following key directions:

- Incorporate findings from early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights;
- Refine and protect the natural heritage system;
- Consider key linkages, natural features, and buffers;
- Consider opportunities to facilitate safe movement of wildlife between natural areas within and outside BCM;
- Protect and enhance watercourses including planting and reforestation of creek blocks, streams and valleylands;
- Require tree planting and generous landscaping as part of new development within the public and private realm, adjacent to buildings and integrated into parking areas;
- Address climate change including encouraging building energy efficient, urban design policies to address heat and tree cover, and opportunities to consider district energy; and,
- Encourage low impact development strategies to encourage green living as well as infrastructure that is essential to provide conveyance functions.

Policy Direction F: Infrastructure

The Bronte Creek Meadows Area Specific Plan will include direction for the provision of urban services and infrastructure to support the creation of a complete community. This includes the following key directions:

- Identify required water and wastewater infrastructure servicing;
- Inform the development of area servicing plan and,
- Identify the location and provision of stormwater management facilities and/or green infrastructure.

Policy Direction G: Implementation

Bronte Creek Meadows will be planned to include future investment and proposed phasing to guide implementation. This includes the following key directions:

- Create a priority list of city investments to support the development of BCM such as transit, active transportation, public realm improvements, community facilities and recreation, maintenance etc.;
- Inform an update to the Region and City Development Charges By-law, and any other Local Master Plans;
- Identify any required design guidance or other materials to guide successful outcomes; and,
- Develop guidance for BCM to be phased and coordinated with the provision of infrastructure and transportation network and intersection improvements.

4. Next Steps

Following Council decision on the proposed policy directions provided in this report, staff will continue to:

- Implement the BCM Area-specific planning project Engagement Plan;
- Collect and review key technical studies prepared by the landowner, including peer review as required; and,
- Work on the development of the area specific plan policies informed by a range of input including public feedback, council direction and key technical work such as information about the BCM limited of development.

Timing for the delivery of an OPA to implement the BCM area-specific plan is Q1 2025 as outlined in the BCM Background and Vision report as well as the targeted timeline outlined in staff report PL-29-24, Targeted realignment future growth areas-1200 King Road, Bronte Creek Meadows and Bridgeview.

After Council adoption/approval of the implementing Official Plan Amendment, if the amendment is not exempt from approval, will be forwarded to the Minister of Municipal Affairs and Housing for final approval. Staff are currently engaging with Ministry staff to confirm if OPA No.4 will be exempt from Provincial approval.

Strategy/process/risk

Staff highlight that if all required technical studies are not fully delivered in a timely manner a risk to the Council approved timeline exists. The submission of a wide range of technical materials must also include sufficient time allow staff and partner agencies to review and potentially initiate peer review processes. This work is critical to establishing the limits of development and the creation of area-specific plan policies.

Given the lack of technical submissions at this time there is risk that OPA No. 4 to implement the Bronte Creek Meadows area-specific plan will not be delivered in Q1 2025 as per the Council approved timeline, or the OPA will be limited requiring further work and a site specific OPA from the landowner through a future development application process.

Options Considered

Staff considered the option of following a more traditional path of developing first high level policy objectives for the areas of change with the subsequent development of Area-Specific Plans by the City. There is both urgency to the work and an opportunity to support City objectives and individual landowner's objectives supported by the clear vision for growth set out by the City's 2020 Official Plan and Strategic Plan, From Vision to Focus and the Housing Strategy.

Bronte Creek Meadows Study area is composed of a single owner, along with a woodlot in City ownership. The area has not been considered for a mix of uses including residential uses in the Official Plan, other Master Plans or the City or Regional Development Charges and all have been supported by City Council to form part of the Region's 2023 Allocation Program.

The partnership being established with the City, landowners and the public to guide the planning work for Bronte Creek Meadows presents an opportunity to demonstrate, in action, community responsive growth and the opportunity to create vibrant, mixed use, people-oriented community.

This report and the proposed policy directions is delivered to advance the ASP project and remain on the timeline approved by Council through staff report PL-50-24 Burlington Official Plan, 2020 Targeted Realignment Exercise – workplan update 3.

Financial Matters:

The Bronte Creek Meadows approach will rely on inputs and technical studies that would have otherwise been submitted by applicants. Peer Review, if required will be performed at the expense of the landowner. The City will continue to lead all public engagement and will ensure the objectives of the Bronte Creek Meadows Engagement approach are met. For more details please refer to the Engagement Matters section below. Engagement costs will be reported as the project moves forward.

Total Financial Impact

More broadly, new assumptions and new population and employment growth along with new policy directions will drive new considerations and requirements that will need to be captured in a whole range of other plans and strategies. As has been previously noted there will be additional costs related to updating critical local master plans, Development Charges and other key documents to appropriately plan for the whole range of local services (in addition to Regional Services) as result of a new complete community in Bronte Creek Meadows. As with all new growth there will be long term costs as well as benefits related to new growth that will be considered in the coming years.

Source of Funding

Not applicable.

Other Resource Impacts

Not applicable.

Climate Implications:

On April 23, 2019, Burlington's City Council unanimously passed a motion to declare a climate emergency.

The development of an area specific plan for Bronte Creek Meadows represents the opportunity to create a transit-supportive, complete community to accommodate population and employment growth within Burlington's existing Urban Areas. In addition to the mixed use, transit and active transportation focus proposed for Bronte Creek Meadows, policy development will have consideration to other ways that future development of this area could address climate change including encouraging building energy efficient, urban design policies to address heat and tree cover, and opportunities to consider district energy.

Engagement Matters:

In accordance with the Bronte Creek Meadows Engagement Plan, City staff planned and conducted the Fall 2024 engagement period focused on gathering input from the public on the future vision for BCM. For a detailed account of engagement events and results of the Fall 2024 Fall engagement period refer to Appendix B, Fall 2024 Preliminary Feedback Report.

The fall engagement period was supported by a Communications Plan and social media campaign as well as significant contributions from Engagement and Communications Staff.

Pop Up Events

In September 2024, staff attended three pop up events throughout the City to provide information on the changing policy context and work being undertaken to establish a revised vision for BCM. At these pop-up events staff had a map of the study area, a map of preliminary land use ideas to gather feedback on as well as a BCM Quick Facts Sheet. At these events staff asked participants to provide feedback on these vision for BCM by writing on sticky notes and placing their thoughts and ideas under an associated theme such as Housing, Community Facilities, Natural Heritage and Parks, Jobs, and Transit and Transportation. The pop-up events included:

- Orchard Community Picnic, Saturday September 14
- Appleby Street Festival, Sunday September 22
- Lion’s Club Farmers Market at Burlington Center, Friday October 11

The materials used and feedback gathered from these pop-up events can be found in Appendix B, Fall 2024 Preliminary Feedback Report, of this report.

Public Open House Events

In addition to the pop-up events, staff planned and executed two public open houses to provide information on the BCM area-specific planning project and gather input from the public on the future vision for BCM. Public open houses were held as follows:

- In-person on November 5 at Appleby Ice Centre
- Virtual on November 6 on Zoom

The in-person meeting on November 5 included a presentation from staff and question and answer period for the first hour of the meeting. The second hour of the meeting was dedicated to an interactive activity to gather feedback. Participants were invited to visit four different stations around the room facilitated by a staff member and based on different topics including:

- Housing and Jobs
- Transportation and Mobility
- Community Amenities and Parks
- Environment and Sustainability

Each station included mapping and a facilitator was present to ask questions and help record feedback. Staff were also available at a General Questions station with copies of mapping, the BCM Quick Facts Sheet, the engagement plan and Background &

Visioning report available. Approximately 100 participants attended the in-person public open house.

Staff also hosted an online public open house on November 6 on the Zoom platform. This meeting includes a staff presentation, interactive activity using Mentimeter to gather feedback in real time as well as a question-and-answer period. The Mentimeter platform allowed participants to answer questions and view results in real time. Questions asked were similar to the questions asked in the Bronte Creek Meadows online survey. Approximately 45 participants attended the virtual public open house. Participants asked a wide range of questions including, but not limited to:

- seeking clarification on what this area might look like,
- suggestions about transitions to existing areas,
- wildlife considerations,
- traffic concerns,
- infrastructure concerns,
- questions about timelines,
- questions about studies to be undertaken,
- questions about population and job estimates,
- citing concerns about ensuring that bias in environmental study is mitigated in the studies conducted, and,
- how they can stay involved.

A copy of the presentation and feedback received from both public open house events are available in Appendix B, Fall 2024 Preliminary Engagement Report, of this report.

Online Survey

Staff also gathered public feedback on the future vision for BCM by using an online survey available on the Get Involved Burlington website. The online survey was used to inform participants about the project and ask a series of questions about various complete community elements they think are important when planning for the future of BCM. Participants were also asked to provide feedback on preliminary ideas for future land uses in three areas of the BCM lands including:

- Area A: Opportunity for a new residential area with community facilities
- Area B: Opportunity for mixed use, transit supportive community development
- Area C: Opportunity for employment, institutional and/or healthcare services

The online survey was open from October 28 to November 13 and gathered feedback from 741 participants. Please refer to Appendix B of this report for a copy of the online survey and results.

Other Tactics

The following engagement tactics were used to notify members of the community about the opportunities to engage on the Bronte Creek Meadows Area-Specific Planning Project:

- Email notices and subscriber updates through Get Involved Burlington;
- Mailed notification to residents and business in the area bounded by Walkers Line, Dundas Street, Burloak Drive and the QEW; and,
- Social Media

Public Feedback Themes

The following section provides a high-level overview of public feedback received through pop up events, public open houses and the online survey. For more detail and an overview of all feedback received, refer to Appendix B of this report, Bronte Creek Meadows ASP Fall 2024 Preliminary Feedback Report.

This table provides in the first column preliminary thoughts collected through early feedback and in the second column provides details on how public open houses and the online survey feedback has continued to advance the understanding of ideas and concerns from the community.

The Pulse Check: What Staff Understood going into Consultations	What we have learned from Public Open Houses and the Online Survey
Traffic on Appleby is a major concern	There are significant concerns about increased traffic congestion in the area and the need for better infrastructure. Participants mentioned the need for widened roads, better transit options, and careful planning to avoid disrupting residential areas. Some participants think this area should not be developed and left an open area.
Housing is a priority but there are concerns about overcrowding and increased traffic in the area	Participants expressed a strong preference for owned homes, including single detached homes, townhouses, and low-rise apartments. There is significant opposition to high-density housing and high-rise condos. Affordable and accessible housing is a critical concern, with many participants emphasizing the need for housing options for

	seniors, low-income families, and those with disabilities.
Community facilities and services to support the new and existing community is important especially amenities such as community center, tennis courts, ice rinks, playgrounds, pavilion, outdoor exercise equipment etc.	Participants emphasized the need for community and recreation centers that support activities for all ages, including community centers, libraries, children's activities, senior supports, and health facilities. Participants also mentioned want to see the inclusion of sport facilities such as pickleball, ice rinks, sport complex, courts etc. Parks and open spaces are highly valued, with most participants wanting more green areas for recreation and community gatherings. There is also a strong demand for essential services such as grocery stores, convenience stores, cafes and restaurants. Participants want these amenities to be easily accessible within the community and contribute to new gathering spaces. Health facilities, including clinics and hospitals, are also important to ensure the well-being of residents.
New parks, trails and bike paths connecting to neighbouring communities and Bronte Creek Provincial Park are important	Participants emphasized the need for different ways to get around, including new trails, streets, transit options, cycling infrastructure, and walking trails. Ensuring safe and efficient transportation within the community is a priority. There is a strong desire for better transit connections to key areas like the Appleby GO Station and major shopping centers. Participants want reliable and frequent public transportation options.
Maintain existing forests and natural spaces.	Protecting natural heritage, such as woodlots, forests, and creeks, is a significant concern. Participants want to create connections to Bronte Creek Provincial Park and maintain natural open spaces for recreation and environmental conservation.

	Planning for climate change, such as addressing flooding and severe weather, is also a critical concern. Participants want sustainable development practices that minimize environmental impact. Protecting wildlife habitats and biodiversity is a significant concern. Participants want to ensure that new developments do not disrupt local ecosystems and that there are corridors for wildlife to move safely. There is a desire for parks and trails that connect to natural areas, allowing the community to enjoy and appreciate the local environment.

Overall, there was a strong message from participants that protecting natural heritage is a significant concern. Staff understands that the public is greatly concern with protection of Bronte Creek Meadows's natural environment. Natural Heritage, woodlots and the creek system will create the framework of the physical community structure and will inform how land use patterns are laid for while also planning for a complete community.

Participants also called for careful consideration of the long-term impact of development. They emphasized the need for innovative, bold and forward-thinking designs. It is also clear that there is a strong desire for ongoing public consultation and involvement in the planning process. Participants wanted their feedback to be genuinely considered in decision-making.

Conclusion:

This progress update report on the Bronte Creek Meadows Area-Specific Planning Project presents an overview of work completed to date including public engagement activities, feedback received to date and a series of proposed policy directions. The workplan will continue with more public engagement opportunities, the review of technical work, development of the area specific plan and a continued commitment to work in partnership with the community and the landowner.

Respectfully submitted,

Samantha Romlewski, MCIP,RPP

Senior Planner, Community Initiatives

905-335-7777 ext. 7402

Appendices:

A. List of Bronte Creek Meadows Area-Specific Plan Technical Studies
B. Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024)

Notifications:

Jane MacCaskill, Halton Region

Gabe Charles, Town of Oakville

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

List of Technical Studies to inform the Bronte Creek Meadows Area-Specific Plan

The following is a list of technical studies required to inform the Bronte Creek Meadows Area-Specific Plan. This list is adapted from an overall list from the landowner, and has been informed by city staff requirements and input.

Some studies have been submitted and the city continues to work with the landowner and their consultants to get remaining work submitted to inform the project.

As technical studies are submitted by the landowner, the City will identify the technical studies requiring peer review, at the expense of the landowner.

- Environmental Impact Assessment
    - Development Limits Mapping
    - Existing Conditions Report
- Subwatershed Study / Master Environmental Servicing Study
    - Functional Servicing Report
    - Stormwater Management Report
    - Fluvial Geomorphological Assessment
    - Hydrogeological Assessment
    - Geotechnical Assessment
    - Pre and Post Development Technical Memo
- BCM's role in Regional Urban Structure & City's Urban Structure, City-Wide Growth Considerations
- Determination of Residential and Employment Needs for BCM
- BCM land use pattern / breakdown
- Planning Rationale Brief
    - Community Infrastructure Strategy
    - Housing Impact Statement (scoped)
- Sustainability Study
- Urban Design Strategy
    - Conceptual Shadow Analysis Study
    - Conceptual Angular Plane Study
    - ROW cross sections
    - Trails Network Plan
    - Landscape Concept Plan
- Public Consultation Strategy
    - Response to Public Comments
- Noise and Vibration
- Land Use Compatibility – Air Quality Assessment
- Phase I ESA / Phase II ESA
- Archaeological Assessment
- Financial Impact Study
- Transportation Impact Assessment
    - Conceptual Transit Routes Plan

- Arborist Report
    - Tree Inventory and Protection Plan
- Forest Management Plan
- Forest Edge Management Plan
- Phasing and Implementation Plan

Appendix B to PL-81-24
Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024)

The purpose of this Preliminary Feedback Report is to provide an overview of the engagement activities and feedback received during the Fall 2024. This engagement period utilized a variety of tactics to reach participants and ask for their feedback on the future vision for Bronte Creek Meadows.

The following report represents a preliminary overview of public responses. Staff have conducted a preliminary review of the feedback provided to date to help shape the proposed policy directions in staff report PL-81-24. This engagement period garnered excellent participation and staff will continue to review feedback received as the project moves forward. Public feedback will be a key input to the development of the area-specific plan and policy framework.

Introduction

The future use for Bronte Creek Meadows (BCM) will be changing. BCM is presently an undeveloped area approximately 133 hectares (328 acres) in size. The BCM property is municipally known as 5164, 5366, 5470 and 5900 Upper Middle Road and 5201 Mainway, in the area southwest of Upper Middle Road and Burloak Drive, north of Mainway and east of Creek Way.

BCM is currently zoned and designated for General Employment uses; however, recent provincial legislative amendments described later, have removed this area from the Region's Employment Area overlay. The Employment Area overlay acted as a protection for the long term use of these lands for employment. Now that these lands are no longer exclusively Employment Area and the City of Burlington's Official Plan must be modified to establish a revised vision for these areas. Although BCM will no longer have a solely employment use function, it is the objective of the City that an appropriate mix of jobs will be part of any future mixed-use development. BCM will be planned as a vibrant mixed use, transit-supportive, complete community inclusive of economic, social and environmental benefits.

To address the future of BCM, area-specific planning work underway to set the overall vision for the area. The scope of work is expected to be completed in 2025, dependent upon a wide range of inputs. This includes:

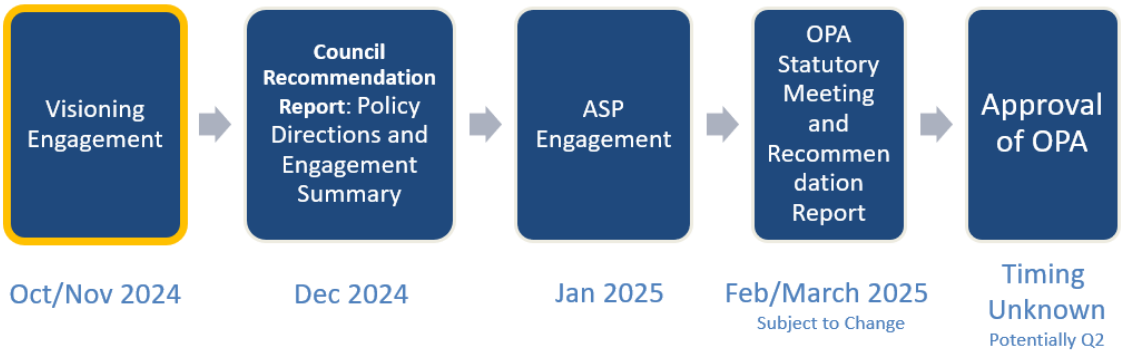
- the completion of all required technical studies prepared by owner, and peer reviewed as required;
- hosting public and stakeholder engagement opportunities;
- the completion of an area-specific plan (ASP);
- the preparation of implementing Official Plan Amendment; and,
- other implementation strategies, as required.

City staff is working with stakeholders, the public and the BCM landowners team including their Land Use Planning consultant, to develop an area-specific plan (ASP) for BCM that aligns with the city's strategic and official plan policy directions and reflects community responsive growth management.

Project Timeline

As described in the draft Background and Vision Report, the project timeline includes the following milestones:

- **Fall 2024:** Public engagement period to gather feedback on the future vision for BCM, which is the subject of this feedback report;
- **December 2024:** Recommendation Report to Council to report is to: provide an update on the ASP work; bring forward policy directions; and, provide an engagement summary on feedback received to date;
- **January 2025:** Staff anticipate additional public engagement opportunities as the ASP work continues to develop;
- **February/March 2025:** Staff anticipate a Statutory Meeting and Recommendation Report in the Spring to bring forward the ASP policies for Council consideration. The Statutory Meeting will also be another opportunity for residents to get involved and share feedback with Council.



In addition to public input, the outcomes of this project will be guided by a wide range of technical studies. The City continues to work collaboratively with the property owner and their planning consultants in order to coordinate the submission of the full range of technical studies to support the development of the City's Area-Specific Plan. As technical studies are submitted by the landowner, the City will identify the technical studies requiring peer review.

Public Engagement Plan

In June 2024 an draft engagement plan was developed by City staff to present a road map of the engagement activities to take place over the course of the project, highlighting at which points in the process engagement will take place, who will be engaged and the level of engagement.

Intensification is a challenging and complex topic. To clarify which aspects of the project can be influenced through public input, the engagement plan defines several “givens” which cannot be influenced: either because they are beyond the City’s control, or because they are outside of the scope of the project as set out in the Council-approved work plan.

The engagement plan identified that in the Fall of 2024, there will be a number of engagement opportunities throughout the project for the public to provide input that will directly influence a recommendation that will be presented to Burlington City Council in future project stages.

Engagement Feedback Report: Stage 2 – Fall 2024

A critical objective set out in the public engagement plan was to create an ongoing record of what is said during engagements and to make it available to the public throughout the process, so that they can track the progress of the project, including reports back to the community to highlight how feedback was or was not incorporated in a recommendation to Council. The purpose of this report is to provide that record of what feedback was received during the engagement period and to discuss how it has informed the proposed Bronte Creek Meadows policy directions.

This feedback report summarizes what we heard through the Fall 2024 engagement period and includes feedback received up to November 13, 2024.

Due to the preliminary nature of the proposed policy directions the pending status of several technical studies, not all of the feedback collected to date was applicable for this phase of the project. However, all feedback will be considered in the next phase of the project, through the development of the Area Specific Plans and the implementing Official Plan Amendment. A comprehensive engagement report discussing how all feedback was/was not used and why will be prepared in future, to accompany a final recommendation report to Council.

Engagement Tactics

In accordance with the Bronte Creek Meadows Engagement Plan, City staff planned and conducted the Fall 2024 engagement period focused on gathering input from the public on the future vision for BCM.

The fall engagement period was supported by a Communications Plan and social media campaign as well as significant contributions from Engagement and Communications Staff.

Pop Up Events

In September 2024, staff attended three pop up events throughout the City to provide information on the changing policy context and work being undertaken to establish a revised vision for BCM. At these pop-up events staff had a map of the study area, a map of preliminary land use ideas to gather feedback on as well as a BCM Quick Facts Sheet. A copy of the Quick Facts Sheet can be found as Appendix A of this report. At these events staff asked participants to provide feedback on these vision for BCM by writing on sticky notes and placing their thoughts and ideas under an associated theme such as Housing, Community Facilities, Natural Heritage and Parks, Jobs, and Transit and Transportation. The pop-up events included:

- Orchard Community Picnic, Saturday September 14
- Appleby Street Festival, Sunday September 22
- Lion's Club Farmers Market at Burlington Center, Friday October 11



Figure 1: Staff at the Orchard Community Picnic - September 14, 2024

The following is a high-level overview of key themes of public feedback received through the pop-up events, which includes:

- Traffic on Appleby is a major concern;
- Housing is a priority but there are concerns about overcrowding and increased traffic in the area;

- Community facilities and services to support the new and existing community is important especially amenities such as community center, tennis courts, ice rinks, playgrounds, pavilion, outdoor exercise equipment etc.;
- New parks, trails and bike paths connecting to neighbouring communities and Bronte Creek Provincial Park are important; and
- Maintain existing forests and natural spaces.

The full list of feedback gathered from these pop-up events can be found in Appendix B of this preliminary feedback report.

Public Open House Events

In addition to the pop-up events, staff planned and executed two public open houses to provide information on the BCM area-specific planning project and gather input from the public on the future vision for BCM. Public open houses were held as follows:

- In-person on November 5 at Appleby Ice Centre
- Virtual on November 6 on Zoom

Each of the PICs was attended by several members of Council, city staff from various departments, staff from other agencies, members of the development community and members of the public.

In-Person Public Open House

The in-person meeting on November 5 included a presentation from staff and question and answer period for the first hour of the meeting. The second hour of the meeting was dedicated to an interactive activity to gather feedback. Participants were invited to visit four different stations around the room facilitated by a staff member and based on different topics including:

- Housing and Jobs
- Transportation and Mobility
- Community Amenities and Parks
- Environment and Sustainability

Each station included mapping and a facilitator was present to ask questions and help record feedback. Staff were also available at a General Questions station with copies of mapping, the BCM Quick Facts Sheet, the draft engagement plan and draft Background & Visioning report available. Approximately 100 participants attended the in-person public open house.

A copy of the presentation from the in-person public open house is available on the Official Plan Get Involved Burlington webpage.

The following is a high-level summary of key themes of public feedback received at the four different stations:

Theme #1: Transportation and Mobility

- Suggestions about infrastructure, road, intersection and bridge upgrades in the area
- Comments about the importance of transit and how it will funded
- Create a trail from BCM through the employment area south of Mainway and over the QEW
- Some suggestions about widening lanes, while some comments disagree
- Suggestions about adding traffic circles at certain intersections
- Concern about existing traffic in the area and if this area can handle more development and the traffic it will bring.

Theme #2: Housing and Jobs

- Suggestions to include housing for newcomers, families, and seniors as well as multi-generational housing
- Several comments that high rise condos should not be built in this area as to not negatively impact the feel of a suburban community
- Low to mid rise buildings should be the maximum – various maximum heights were suggested including, 4, 5 and 6 storeys
- Include high quality housing with detached, semi-detached and towns
- The importance of including affordable housing was mentioned several times
- Ensure that commercial buildings don't sit empty and do not allow warehousing
- Encourage a focus on high paying jobs such as technology, engineering, medical and manufacturing

Theme #3: Community Facilities and Parks

- Need to ensure that there are schools ready to take on new students that will live in this area. Comments also highlighted the importance of daycare facilities
- Several suggestions related to new recreational facilities that participants would like to see in BCM, such as:
    - Sports: soccer fields, indoor and outdoor pools, volleyball courts, hockey arena
    - Outdoor exercise equipment
- Comments highlighted the importance of parks located close to where people live with activations such as tables for board games

Theme #4: Environment and Sustainability

- Many comments highlighted the importance of protecting and retaining all existing trees, woodlots and the natural heritage system, as well as creating buffers
- Comments noted that existing trails and bike paths along Upper Middle Road, Mainway and Burloak Drive should be enhanced
- Several participants were concerned about flood mitigation and stormwater management, as well as pointing out that rain water currently flows south from Upper Middle Road and through the property
- Participants were concerned with wildlife in the area being forced out of their habitats. Suggestions were made to create corridors to connect woodlots, natural heritage areas and corridors to cross Burloak Drive to connect to Bronte Creek Provincial Park
- Implement sustainability requirements such as green roofs, natural shading, extended roofs, solar panels etc.
- Ensure appropriate transitions and buffers to Bronte Creek Provincial Park was noted

The full list of feedback gathered from this in-person meeting can be found in Appendix C of this preliminary feedback report.



Figure 2: Presentation at the In-Person Public Open House - November 5, 2024

Virtual Public Open House

Staff also hosted an online public open house on November 6 on the Zoom platform. This meeting includes a staff presentation, interactive activity using Mentimeter to gather feedback in real time as well as a question-and-answer period. The Mentimeter platform allowed participants to answer questions and view results in real time. Questions asked were similar to the questions asked in the Bronte Creek Meadows online survey. Approximately 45 participants attended the virtual public open house.

A copy of the presentation from the virtual public open house and a recording of the meeting are available on the Official Plan Get Involved Burlington webpage.

A copy of the Mentimeter live results from the virtual meeting can be found in Appendix D of this preliminary feedback report.

Online Survey

Another engagement tactic used by staff to gathered public feedback on the future vision for BCM was by using an online survey available on the Official Plan Get Involved Burlington webpage. The online survey was used to inform participants about the project and ask a series of questions about various complete community elements they think are important when planning for the future of BCM. Participants were also asked to provide feedback on preliminary ideas for future land uses in three areas of the BCM lands including:

- Area A: Opportunity for a new residential area with community facilities
- Area B: Opportunity for mixed use, transit supportive community development
- Area C: Opportunity for employment, institutional and/or healthcare services

The online survey was open from October 28 to November 13 and gathered feedback from 741 participants.

The following is a brief summary of key themes of feedback from the online survey:

Complete Community Elements

- The feedback reflects a strong desire for balanced development that preserves natural areas, provides diverse and affordable housing options, supports community facilities and services, provides diverse and accessible services and amenities, ensures efficient transportation, offers local employment opportunities and incorporates sustainable practices.

- Feedback also reflects a strong desire for balanced development that provides diverse and accessible transportation options, supports pedestrian and cyclist infrastructure and ensures efficient road and traffic management.

- It was also important to participants that an approached to balanced development will protect wildlife and biodiversity. Participants want to create a community that is resilient, environmentally friendly, and enjoyable for all residents.

Refer to Appendix E of this report for a copy of the online survey and Appendix F for an overview of survey results.

Other Tactics

The following engagement tactics were used to notify members of the community about the opportunities to engage on the Bronte Creek Meadows Area-Specific Planning Project:

- Email notices and subscriber updates through Get Involved Burlington;
- Mailed notification to residents and business in the area bounded by Walkers Line, Dundas Street, Burloak Drive and the QEW; and,
- Social Media

How will this feedback be used?

As mentioned at the beginning of this report, this document represents a preliminary overview of public responses received through the Fall 2024 engagement period. Staff have conducted a preliminary review of the feedback provided to date to help shape the proposed policy directions in staff report PL-81-24. This engagement period garnered excellent participation and staff will continue to review feedback received as the project moves forward.

As the City moves into the writing of the detailed policies of the Area-Specific Plan for Bronte Creek, this feedback will be a key input to inform the next steps of the project including the development of the overall vision for BCM and policy framework.

What is Next?

Next steps in the project include the following:

- The Bronte Creek Meadows engagement plan will be updated, as needed; and,
- Work will continue on technical studies and development of the area specific plan.

Project Updates will continue to be posted on the Official Plan Get Involved Burlington page. Subscribe to the project page at www.getinvolvedburlington.ca/official plan to received project updates and notifications for future engagement opportunities.

Appendices

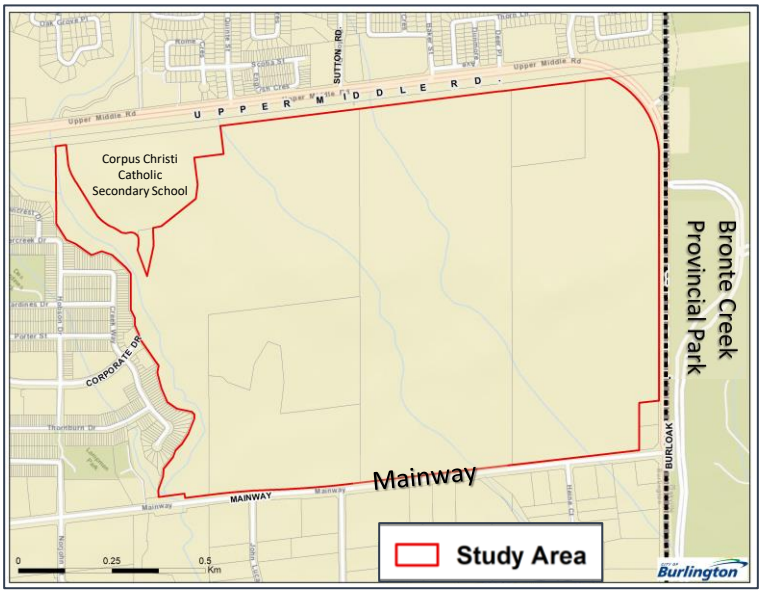
A) Bronte Creek Meadows Quick Facts Sheet
B) Feedback received at pop up events
C) Feedback received at in-person meeting
D) Mentimeter live results from the virtual meeting
E) Copy of the survey
F) Overview of Online Survey Results

Appendix A to Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024)

Bronte Creek Meadows Fact Sheet

Bronte Creek Meadows Area Specific Planning

The future use for Bronte Creek Meadows (BCM) will be changing.



BCM is presently an undeveloped area approximately 133 hectares (328 acres) in size. The property is currently being farmed and includes watercourses and woodlots.

The BCM property is municipally known as 5164, 5366, 5470 and 5900 Upper Middle Road and 5201 Mainway, in the area southwest of Upper Middle Road and Burloak Drive, north of Mainway and east of Sheldon Creek.

BCM will be planned as a vibrant mixed-use, transit-supportive, complete community inclusive of economic, social and environmental benefits.

BCM is currently zoned and designated for General Employment uses; however, this area has been removed from the Region's Employment Area. The City of Burlington's Official Plan must be modified to establish a revised vision for this area. Although BCM will no longer have a solely employment use function, it is the objective of the City that an appropriate mix of jobs will be part of any future mixed-use development.

The City is engaging with the public and preparing policies to guide a forthcoming development proposal from the single landowner.

What is a complete community?

A complete community offers and supports opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, and local store and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations. (Provincial Policy Statement, 2024)

The area-specific plan for Bronte Creek Meadows will guide future development and investment to create a complete community over the long-term.

More information on the back

Why is the City Planning in Bronte Creek Meadows?

Bronte Creek Meadows (BCM) is now considered an undeveloped Designed Greenfield Area within the City's Urban Boundary. Until recently, it has been planned for employment uses. The City, consistent with Council direction, is moving forward to establish a vision and policy framework for a new community area with a mix of uses and population and employment growth.

The Area Specific Plan will contain policies to guide future development and investment for BCM. This is important to guide a forthcoming development proposal from the single landowner.

What is the City's Vision for Bronte Creek Meadows?

BCM will be planned as a vibrant mixed-use, transit-supportive, complete community that achieves multiple principles such as:

- Complete, compact and sustainable community, with a mix of uses in walking distance of transit;
- Mix of uses including employment, housing, public service facilities, parks, and commercial shops and services;
- Range of housing types and tenure to support affordability and meet a broad range of demographics and income levels;
- Balanced community with a variety of local jobs and live/work opportunities for residents; and
- New parks, trails, public realm and open spaces, as well as protection of natural heritage.

What is the importance of this area in the overall City Structure?

Burlington's Official Plan, 2020, sets a long term vision for the urban area of a built out municipality that will grow primarily through intensification. This Area Specific Planning project presents an opportunity to established how BCM will fit into the City' Urban Structure and set out the vision and framework to guide development in this newly introduced area.

BCM is also an opportunity for the lands to contribute to City, Regional and Provincial housing targets and support increasing housing options with a mix of housing forms and tenure as called for in the City's Housing Strategy.

How can I get Involved in this planning process?

Engagement on the future vision for Bronte Creek Meadows will continue into Fall 2024.

Visit www.getinvolvedburlington.ca/officialplan for more information including the **Background & Draft Visioning Report** and the **Engagement Plan**. Also, visit the website and subscribe to be notified of future updates and engagement opportunities.

Access the project webpage here:

Appendix B to Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024)

Feedback received at pop up events

The document provides an overview of public feedback gathered at the following pop-up events including:

- Orchard Community Picnic, Saturday September 14
- Appleby Street Festival, Sunday September 22
- Lion's Club Farmers Market at Burlington Center, Friday October 11

Theme	Public Comments
Housing	- housing is a priority. Worried about traffic - include residential housing and parks and trails - includes small homes for downsizing for seniors - housing is number one priority. Include parks and connected trails - not supportive of any residential. Concerned about overcrowding and traffic don't like the idea of condos especially not along the street. It should be mixed in with other types of buildings - no residential development. Traffic is already too bad especially along Appleby - include rental housing - no tall buildings, less concrete and glass - we do need more homes for people - Will there be a lot of condos, tall buildings, like the new condo proposed at southeast corner of Upper Middle and Appleby Ln. - Will it be the same type of low rise housing as the surrounding neighbourhoods?
Services & Community Facilities	- volleyball courts - suggest arena with Community Center - Include a pool and Community Center - pool, children's parks and splash pads. Soccer slash football field build a new ice hockey complex - it would be nice to have walking distance to shops - dog park and ice pads - tennis courts - tennis courts and community facilities. Green space

	- make the new neighborhood an extension of existing parks and trails - parks with difficult skateboarding and park features - include community centers, parks and reduce the flow of traffic on Appleby - pickleball courts - need more playgrounds close to Sutton and upper middle - outdoor public pool - include outdoor exercise equipment and parks for seniors - include a pavilion for the community - new school and Community Center - pool, community centre, library, YMCA - Parks and trails - Will there be new schools? Parks? as part of a new community
Jobs	- no smelly factories (ie. Fearman's) - low noise - avoid warehousing
Natural Heritage & Parks	- provides seamless connection to Bronte Creek park - keep existing forest in place. Don't cut down trees - don't touch the woods. They need to stay. Increase screen space - keep some of the space natural - need trees, parks with flowers and greenery - concerned about the existing wildlife new schools
Transit and Transportation	- not supportive not enough streets and Appleby is so congested already. - Biking slash hiking trails to Bronte Creek - Save upper middle. Need pedestrian and bike - add a traffic light at Quinte and upper middle - concern about traffic - intersection at Sutton up to blue spruce - work with Region to make the roads less busy. partner. Don't finger blame each other - Sutton there are often evening backups blue spruce 2 upper middle - concern with traffic - applebee is so busy especially 4:00 to 6:00 PM. Widen roads and study - traffic along Appleby is really bad

	- more people - how will you manage traffic. Provide more transit - Provide more entry ways and exits to the new community. Not like orchard - opportunities for trails and blend them in if you don't widen upper middle and main way not supportive - need a big picture planning for traffic - think about bike path. It ends at the cul-de-sac. Extend so it connects to South trails and crossing - better roads - Hannaford - How will transit serve the site? - Apple Ln. already very congested with traffic. Concerns about added traffic from new BCM development and what street infrastructure improvements will there be to address this.
Other	- get it built now - make it look cool, distinct architectural style for housing and shops - include a mall - what's going to happen to the existing cell tower - what is positive for Orchard? - Concerned with traffic, noise, construction, neighbourhood extension of orchard - With regards to property ownership, people know the company name Paletta, but not Alinea - General knowledge that it will be developed - What is the timeline of development? Has development already been approved? - Concerns about infrastructure and flooding

Appendix C to Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024)

Feedback received at in-person Public Open House

This document provides an overview of public feedback gathered at the in-person public open house on November 5, 2024 at the Appleby Ice Centre.

Participants were invited to visit four different stations around the room facilitated by a staff member and based on different topics including:

- Housing and Jobs
- Transportation and Mobility
- Community Amenities and Parks
- Environment and Sustainability

Each station included mapping and a facilitator was present to ask questions and help record feedback. Staff were also available at a General Questions station with copies of mapping, the BCM Quick Facts Sheet, the draft engagement plan and draft Background & Visioning report available. Approximately 100 participants attended the in-person public open house.

A summary of feedback from each themed station as well a list of all comments received is provided.

Theme #1: Transportation and Mobility

The following is a general summary of feedback received at the Transportation and Mobility station at the in-person public meeting:

- Suggestions about infrastructure, road, intersection and bridge upgrades in the area
- Comments about the importance of transit and how it will funded
- Create a trail from BCM through the employment area south of Mainway and over the QEW
- Some suggestions about widening lanes, while some comments disagree
- Suggestions about adding traffic circles at certain intersections
- Concern about existing traffic in the area and if this area can handle more development and the traffic it will bring.

List of all comments from the Transportation and Mobility Station:

MTO needs to manage Burloak off ramp to have a thru lane (lines are resulting in highway backup)
Truck traffic on Burloak
Traffic concern and extension of Sutton and future impact to Sutton
Rebuild Mainway
Exit out of Bronte Creek Park is difficult
Lengthened right turn lanes at major intersections
Less cars more transit
Bikes and frequent transit on Burloak
Bridge over Bronte Creek
Turn lanes at Appleby and Upper Middle
Mix of housing types and transit
Trail connections down through employment area over the QEW to Appleby GO
Bike lands not on roads – protected
Consider asphalt innovation – the type where it makes no noise when cars travel it. Europe pioneered this technology
Traffic Circles- Mainway/Burloak, Corporate Drive/Burloak, Blue Spruce/Upper Middle, Sutton/Upper Middle.
Boulevard in the middle. No left turn lane, go to the first circle and turn around. Minimal maintenance, environmentally friendly. Minimal labor.
How will the city fund the additional transit
Synchronize traffic light to optimize traffic flow
Barricaded bike lanes to Appleby GO.
Please add lands to existing roads for cars to divert traffic from Upper Middle to Appleby (eg. Sutton).
Manage traffic so no need to develop bridge through Bronte Creek
Expand Burloak to meet increased traffic needs.
Do not widen Burloak and Upper Middle.
Direct transport link to GO train.

Theme #2: Housing and Jobs

The following is a general summary of feedback received at the Housing and Jobs station at the in-person public meeting:

- Suggestions to include housing for newcomers, families, and seniors as well as multi-generational housing
- Several comments that high rise condos should not be built in this area as to not negatively impact the feel of a suburban community

- Low to mid rise buildings should be the maximum – various maximum heights were suggested including, 4, 5 and 6 storeys
- Include high quality housing with detached, semi-detached and towns
- The importance of including affordable housing was mentioned several times
- Ensure that commercial buildings don't sit empty and do not allow warehousing
- Encourage a focus on high paying jobs such as technology, engineering, medical and manufacturing

List of all comments from the Housing and Jobs Station:

New comers and new families need affordable housing
No high rise condos, limit to low rise condo (4 storey max)
High rises change the look and feel of a suburban community for the negative.
5 to 6 storeys should be enough
No more condos (upvoted 3 times)
No more height (upvoted twice)
Less high rise more single family/town homes
Affordable houses for new generations
More than one units with separates (ARUs) entrance
Freehold townhomes
Bungalows (senior and one floor
No more luxury housing
High speed internet for work from home.
No social housing
No multi-family home bylaws
Quality housing focused on towns, semi and detached
School planning and over schooling in future
Parking ratio to housing (ARUs)
Architectural style/compatibility with surrounding neighborhoods
Housing complex (mid rises) and nature and walkway (10 minute walk)
Providing housing for different ages (senior housing)
Spaces for jobs should be efficient
Ensure no more vacancy commercial buildings (is there really a need for more?)
Why mix residential with employment?
Not only warehouses
Not just warehouses
High paying jobs – IT park, engineering companies, medical companies, manufacturing.
Multigenerational housing

Theme #3: Community Facilities and Parks

The following is a general summary of feedback received at the Community Facilities and Parks station at the in-person public meeting:

- Need to ensure that there are schools ready to take on new students that will live in this area. Comments also highlighted the importance of daycare facilities
- Several suggestions related to new recreational facilities that participants would like to see in BCM, such as:
    - Sports: soccer fields, indoor and outdoor pools, volleyball courts, hockey arena
    - Outdoor exercise equipment
- Comments highlighted the importance of parks located close to where people live with activations such as tables for board games

List of all comments from the Community Facilities and Parks Station:

Needs schools- ready for residents as soon as they move in. there are existing schools in orchard – use those. Traffic implications on Sutton for safety.
Dedicated bike paths not multi-use
Soccer highly popular but not enough field/turf fields – add soccer fields
Add indoor and outdoor pools
Consider daycare spaces and care centres
Senior centres for activities
Meet tree canopy minimum of 35%
Places to sit and walk
Volleyball courts
Tables in park for board games
Outdoor exercise equipment for adults
Ensure flood prevention
Expand natural heritage not just maintain/preserve
Work with province and remove the fence around Bronte Park (like High Park in Toronto)
Create a European style park/common area. Somewhere people can gather and hold events - i.e.. a square.
Include hiking trails in the existing natural heritage
New community centre but not a hockey arena or activities that will generate traffic.
Indoor/outdoor hockey rinks
Centralized parks close to residential units
Locations for faith communities
Places to grow food.
Tight ropes in park – like Orchard community park,
Allow fiber optic cables to home as right/basic option

Theme #4: Environment and Sustainability

The following is a general summary of feedback received at the Environment and Sustainability station at the in-person public meeting:

- Many comments highlighted the importance of protecting and retaining all existing trees, woodlots and the natural heritage system, as well as creating buffers
- Comments noted that existing trails and bike paths along Upper Middle Road, Mainway and Burloak Drive should be enhanced
- Several participants were concerned about flood mitigation and stormwater management, as well as pointing out that rain water currently flows south from Upper Middle Road and through the property
- Participants were concerned with wildlife in the area being forced out of their habitats. Suggestions were made to create corridors to connect woodlots, natural heritage areas and corridors to cross Burloak Drive to connect to Bronte Creek Provincial Park
- Implement sustainability requirements such as green roofs, natural shading, extended roofs, solar panels etc.
- Ensure appropriate transitions and buffers to Bronte Creek Provincial Park was noted

List of all comments from the Environment and Sustainability station:

NHS and Parks – Keep the tree line
Flooding on Mainway during a recent storm event is a concern
Protect Bronte Creek Provincial Park
What is happening with the catch basin at Upper Middle Road and Sutton – right now BCM acts as a buffer
Important to have an appropriate interface with Bronte Creek Provincial Park
Wildlife is losing their habitat. We see deer, coyotes and turkeys etc. in this area (mentioned 3 times)
Keep/expand the existing woodlots intact and create buffers
Not one tree should come down
Plan for corridors between the existing NHS and to Bronte Creek Park
Don’t sell off natural areas
Need better pathways
Meet the 35% tree canopy target!
Absolutely imperative that both woodlots are retained and intact!

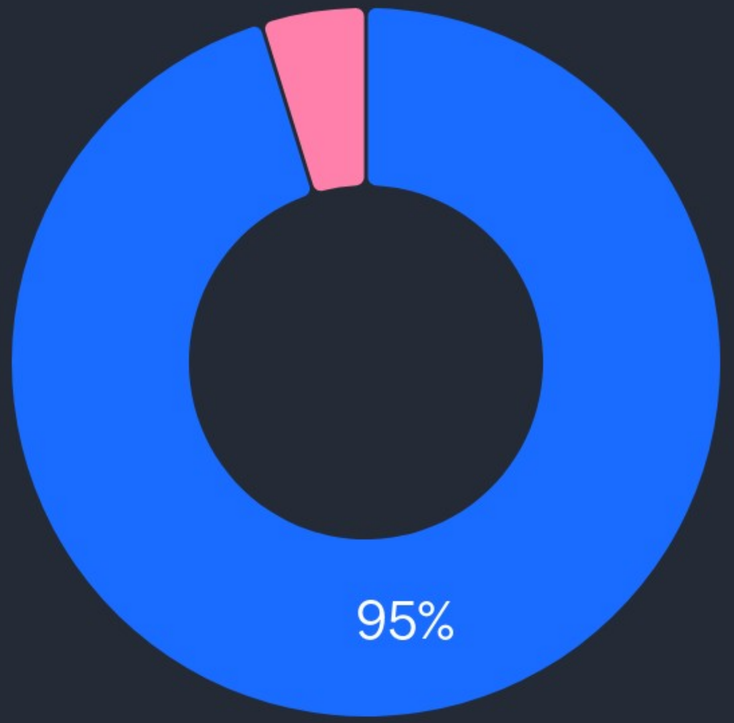
I do not believe anyone that benefits from economic growth will consider the environmental implications or affordability and we will pay for the consequences in the end
Maintain the forest behind Creek Way
Maintain all woods lots. No trees to be cut down. Focus on trails
Add greenery along existing arterials such as Burloak Drive and Mainway
Create a bylaw to protect existing woodlots
Create a bold vision to make BCM a destination so that residents don't always need to go downtown for events. Create a focus on arts, culture and a large, central gathering space for events and activations
Include a natural and a climate change lens
Maintain the existing natural areas
Manage shadows
Partner with the forestry department and conservation authorities to guide all decisions/actions and actually listen to them!
Plan for seniors and an aging population
Not just coffee shops
Protect the existing natural heritage system and formalize protections in policy
Need to manage existing waterflows and ensure sustainability
Consider the cumulative development impacts from the proposed development located at NE concern of Mainway and Appleby Line
Lift the lends of this area and consider all development and proposals in the broader area
liability of building on a floodplain should be an important question – keep it green
Are there buffer requirements from Provincial Parks?
Create a wildlife corridor through/connecting NHS areas, across roads and into the Provincial Park → HWY 6 example at Brue Trail access
Need appropriate transitions to Provincial Park
Implement sustainability requirements such as green roofs, natural shading, extended roofs, solar panels etc.
Keep the trees
Maintain walking trails along Upper Middle Road
Existing and new retention ponds need to have water movement to avoid stagnation
Focus entrances and exits to the area to Mainway
Extend the bike path that runs on the east side of the Orchard Community
Rain water currently flows south across the BCM lands – needs to be managed
Create a greenway along Burloak Drive
Need a better pathway for bikes and people along Mainway and adjacent to the woodlot
Is there sufficient infrastructure to support growth (electricity)

Appendix D to Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024)

Mentimeter Live Results from the Virtual Meeting

Mentimeter

Do you live in Burlington?

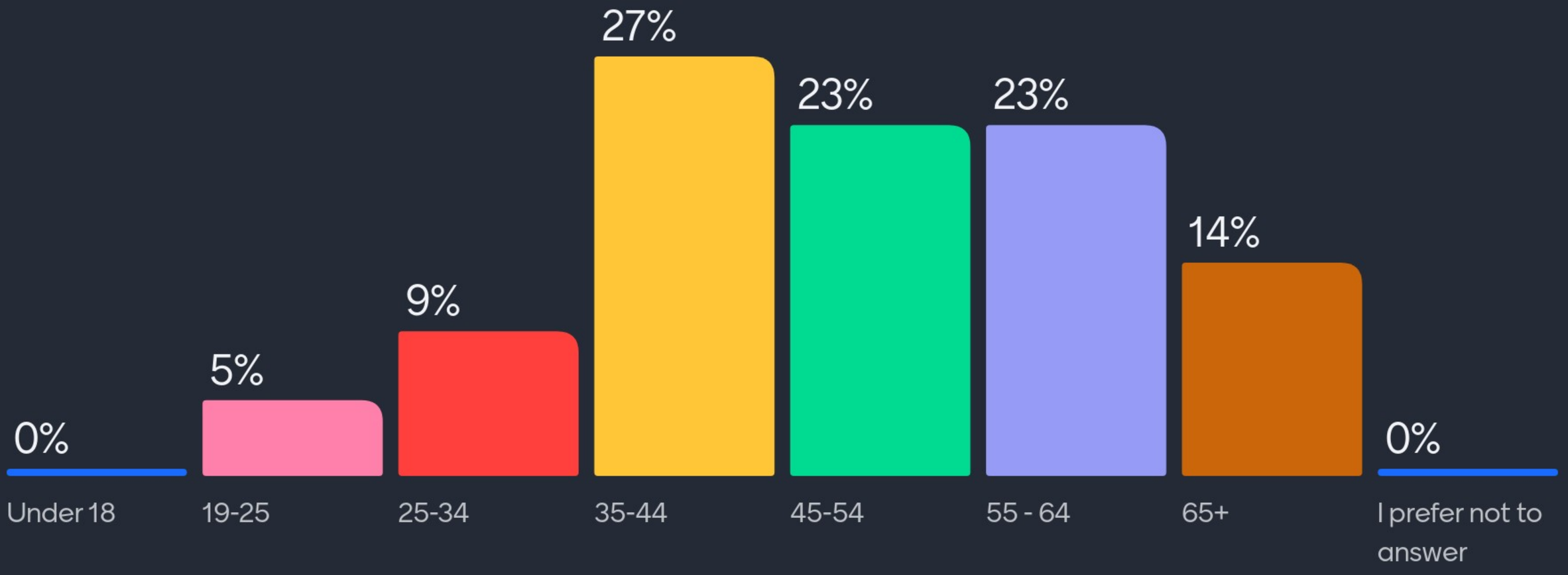


95%	Yes
5%	No
0%	I used to live in Burlington
0%	I would like to live in Burlington
0%	I prefer not to answer

4 22

Mentimeter

How old are you?



6 22

Mentimeter

What is your favourite restaurant in Burlington?

Beertown

Son of a Peach

Pepe & Lela’s

Jackson's Landing

Pepe and Lela's

Popeyes

Pepe and Lelas

JF Chen

3

20

Mentimeter

What is your favourite restaurant in Burlington?

Scaddabush

Jackson's Landing

Corn Beef Hut

Pepe and Lela's

Pepe & lelas

August 8

Beertown

Sakai

3

20

Mentimeter

What is your favourite restaurant in Burlington?

Son of a Peach

Turtle Jacks

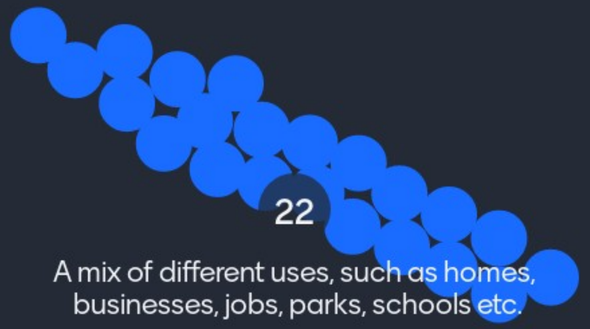
Turtle Jqcks

montfort

3

20

When planning for a complete community, what is most important to you? (select all that apply)



A mix of different uses, such as homes, businesses, jobs, parks, schools etc.



High quality of homes, businesses, parks and open spaces



Timing of construction of different areas (development in phases)



Planning for people and jobs at a level to support transit



Different ways to get around such as new streets, transit, cycling infrastructure and trails



A walkable neighbourhood



A new neighbourhood that fits in with what is already in the area

4 27

When it comes to housing in a complete community, what is most important for you? (select all that apply)



Different types of homes, such as single detached, townhouses, apartment/condo, additional residential units



Owned homes



Affordable, accessible housing



Rental housing



Social housing



Other

3 26

When it comes to services and amenities to support the community, what is most important for you? (select all that apply)



Community/Recreation Centre



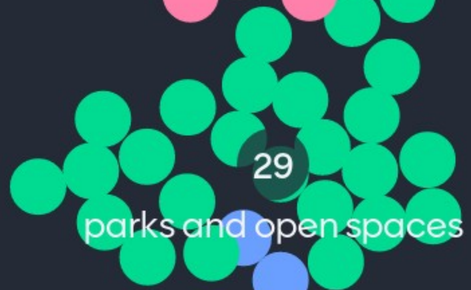
Childrens' activities



Place of Worship and Religious gathering spaces



Senior supports and activities



parks and open spaces



Schools and institutions



Daycare



public spaces and gathering places



Healthcare facilities

3 29

When it comes to ways to get around the community, what is most important for you? (select all that apply)



Transit options to connect to the rest of the city and Appleby GO Station



Streets with space for pedestrians, cyclists, transit and vechicles



Walking and active trails with connections in the neighbourhood and the surrounding area, like Bronte Creek Provincial Park, Corpus Christi Highschool

1

30

When it comes to the environment and sustainability, what is most important for you? (select all that apply)



Protect identified Natural Heritage such as woodlots, forests and creeks



Create connections to Bronte Creek Provincial Park

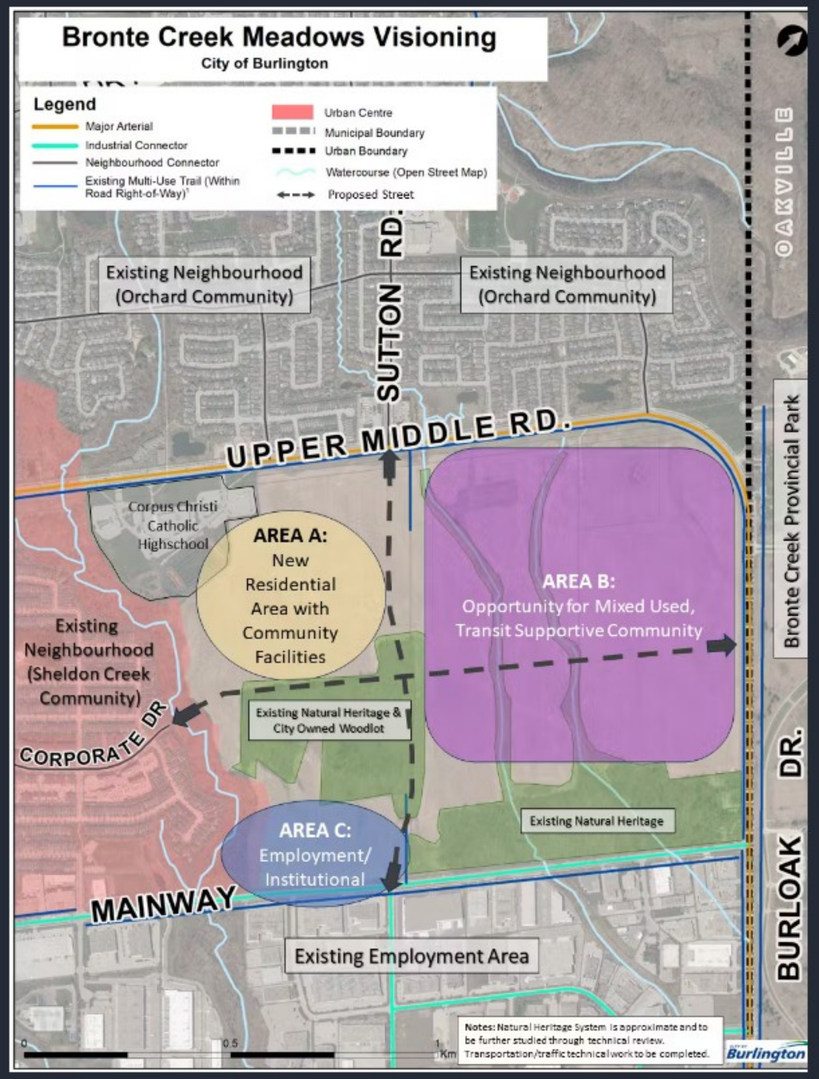


Create natural open spaces for recreation

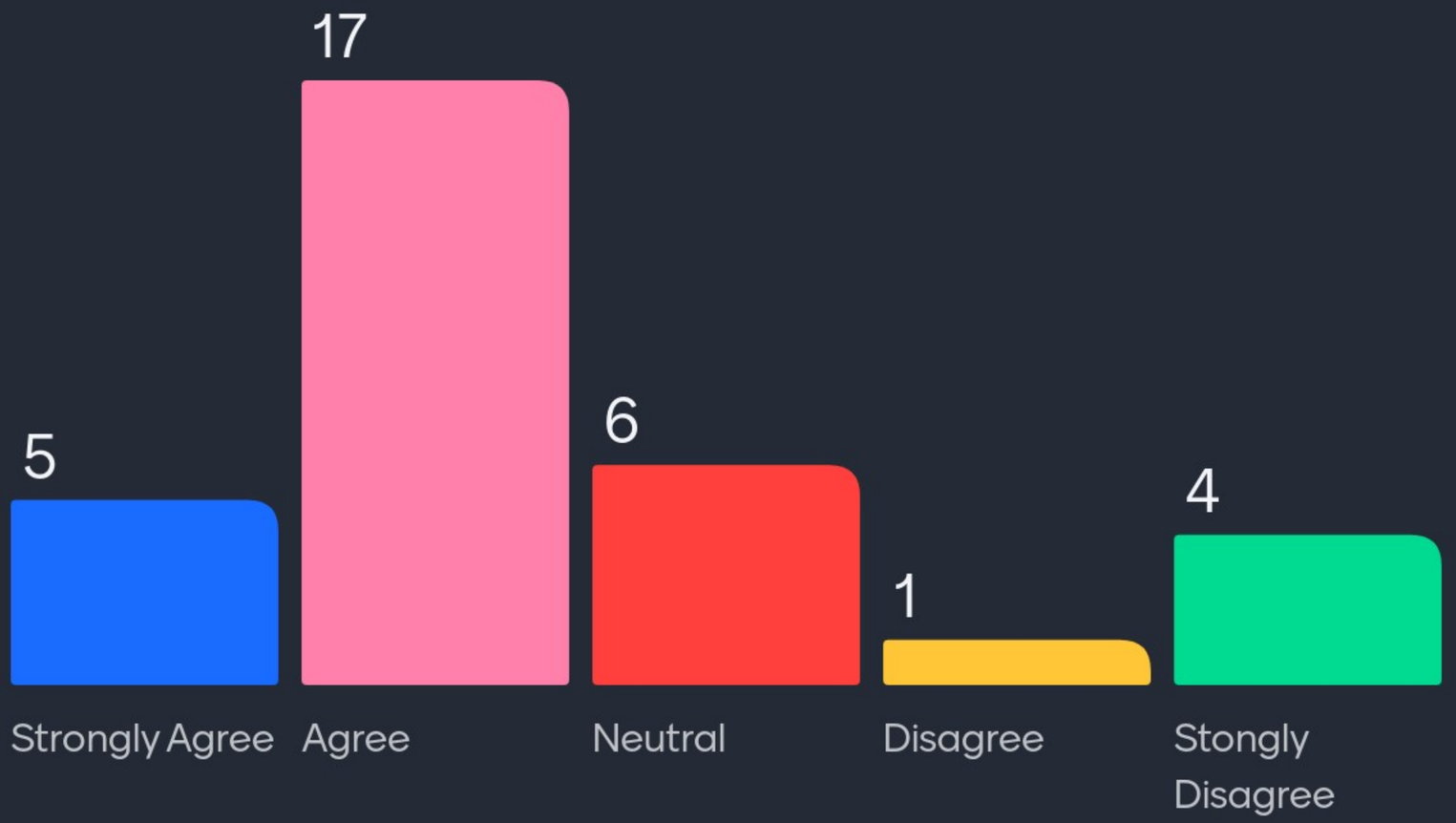


Plan for climate change, such as flooding and severe weather

2 30

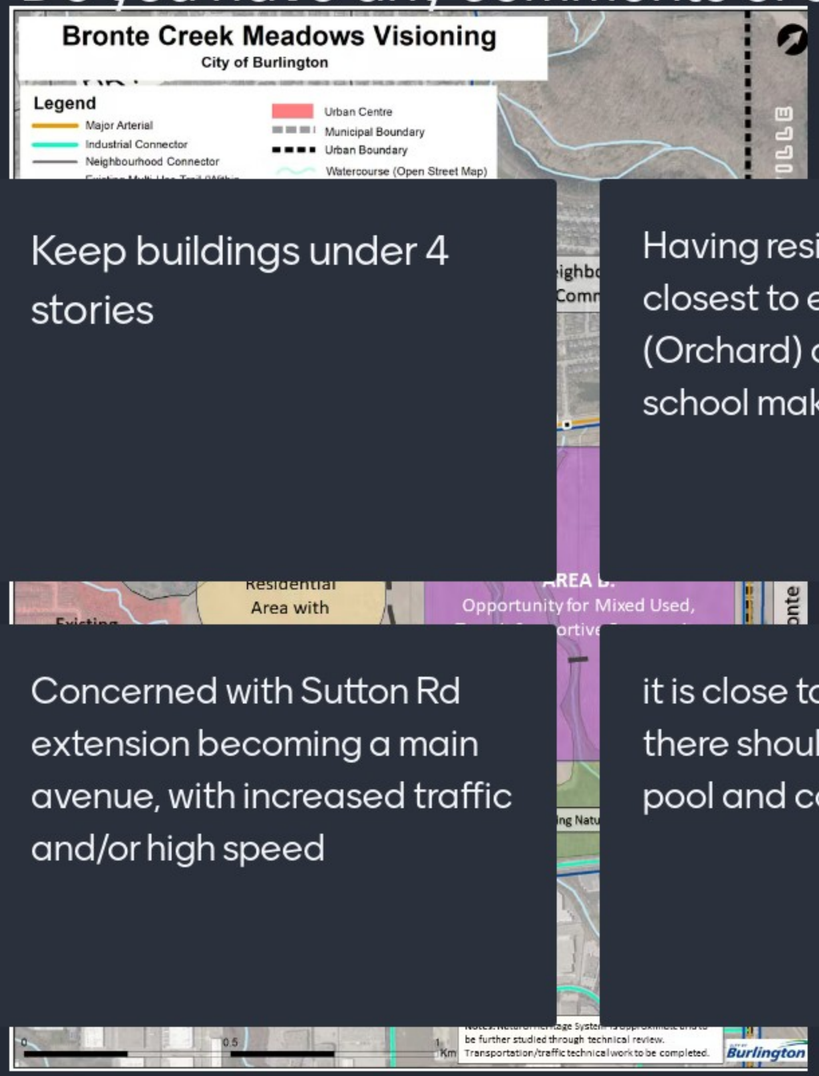


Based on the preliminary map, what do you think about the potential vision for Area A? (Yellow Area):



4 33

Do you have any comments or suggestions about the potential vision Area A? (Yellow Area)



Keep buildings under 4 stories

Having residential homes closest to existing residential (Orchard) and the high school makes sense.

Good area for a community centre

Would like to see a multi sport venue like what is in Oakville at 16 Mile

Concerned with Sutton Rd extension becoming a main avenue, with increased traffic and/or high speed

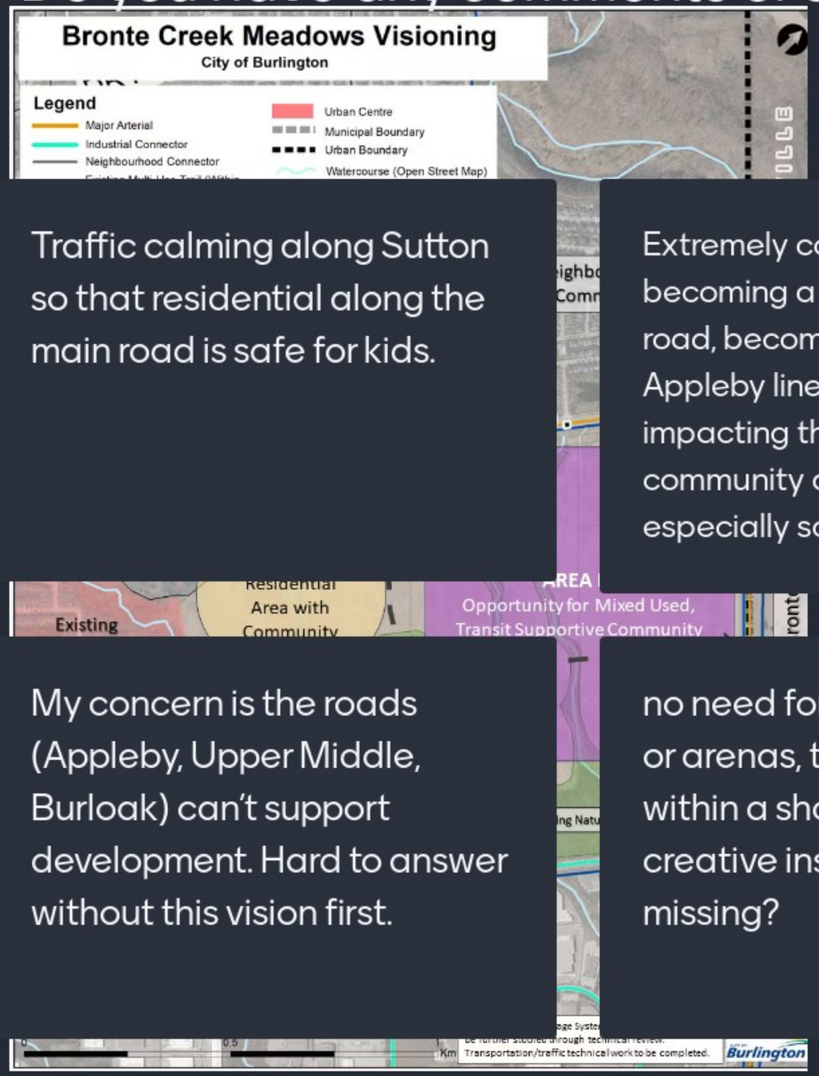
it is close to the high school so there should be more park, pool and community centers

I'm not sure about the need for large homes on large lots in this area

Will new daycare and school facilities be built to offset population growth?

22

Do you have any comments or suggestions about the potential vision Area A? (Yellow Area)



Traffic calming along Sutton so that residential along the main road is safe for kids.

Extremely concerned with Sutton becoming a massive access road, becoming an alternative to Appleby line and significantly impacting the Orchard community and culture, especially schools

Keep it low rise or buildings of less than 6 stories. Focus on accommodation for families.

Why build a community centre when the school gym is right there

My concern is the roads (Appleby, Upper Middle, Burloak) can't support development. Hard to answer without this vision first.

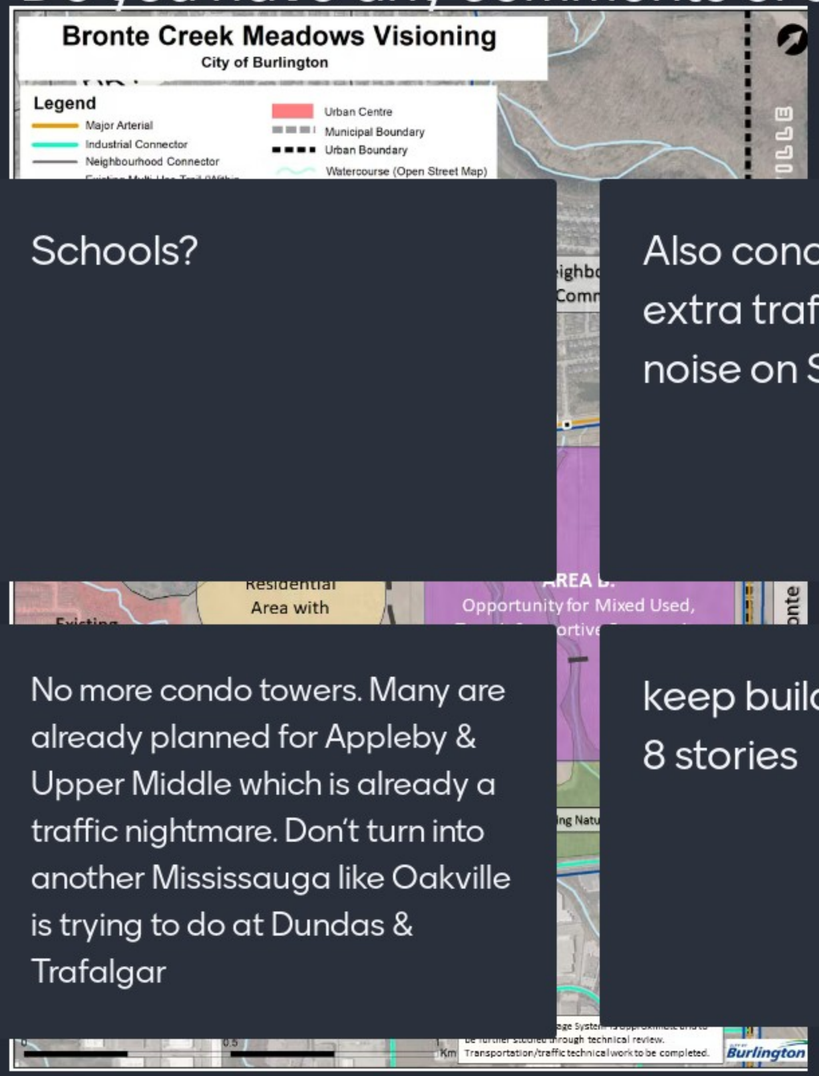
no need for more sports fields or arenas, there are several within a short distance, get creative instead, what is missing?

In concered about the wildlife in the woodlots and the wooded area surrounding sheldon creek. Also elevated flood risks.

Inevitably when this gets built, make sure it is a reputable builder

22

Do you have any comments or suggestions about the potential vision Area A? (Yellow Area)



Schools?

Also concerned with extra traffic and street noise on Sutton

I'm concerned about the wildlife already living in the area. I live and work in the area...see them daily.

upper middle will be too busy.....traffic issues with this much development will be adversely impacted

No more condo towers. Many are already planned for Appleby & Upper Middle which is already a traffic nightmare. Don't turn into another Mississauga like Oakville is trying to do at Dundas & Trafalgar

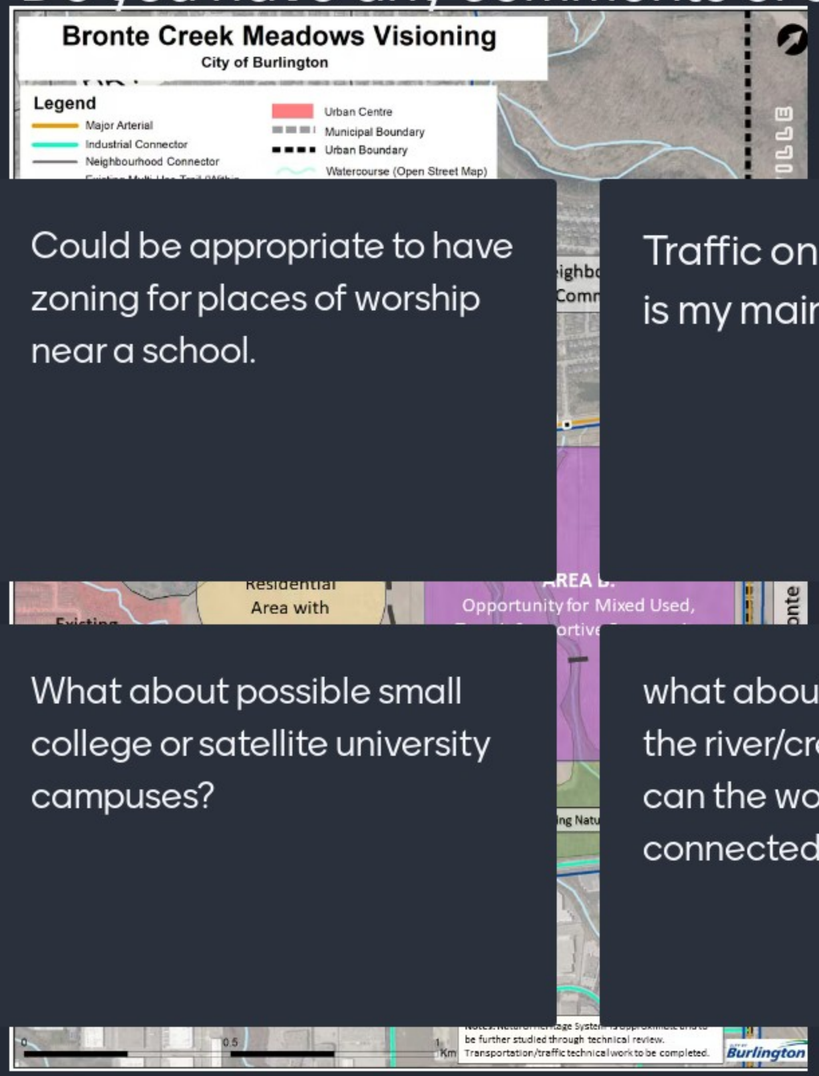
keep buildings low, under 8 stories

Need to add lanes to Appleby and burloak for additional traffic

Concerned about appleby, upper middle and burloak not able to handle more development. Understanding plan will be helpful.

22

Do you have any comments or suggestions about the potential vision Area A? (Yellow Area)



Could be appropriate to have zoning for places of worship near a school.

Traffic on the main roads is my main concern

Keep low rise buildings

Can they use the same traffic lights to enter new neighborhood?

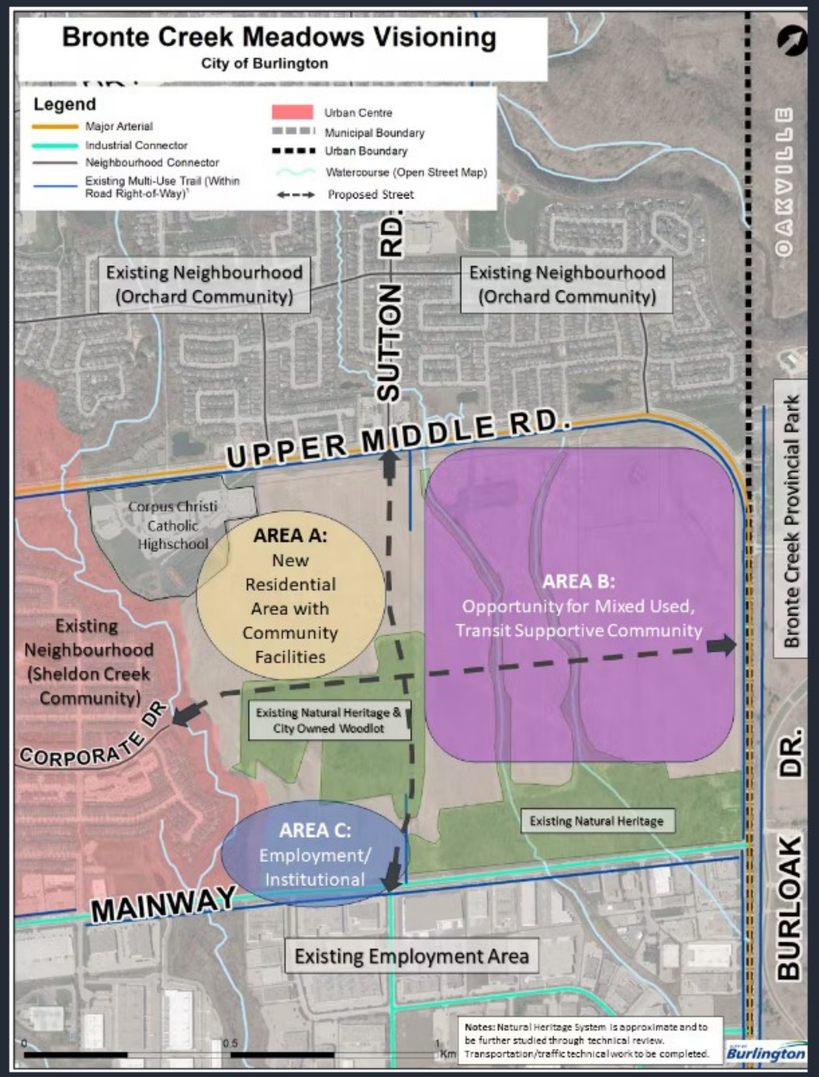
What about possible small college or satellite university campuses?

what about wildlife that use the river/creek as a corridor? can the woodlots be connected

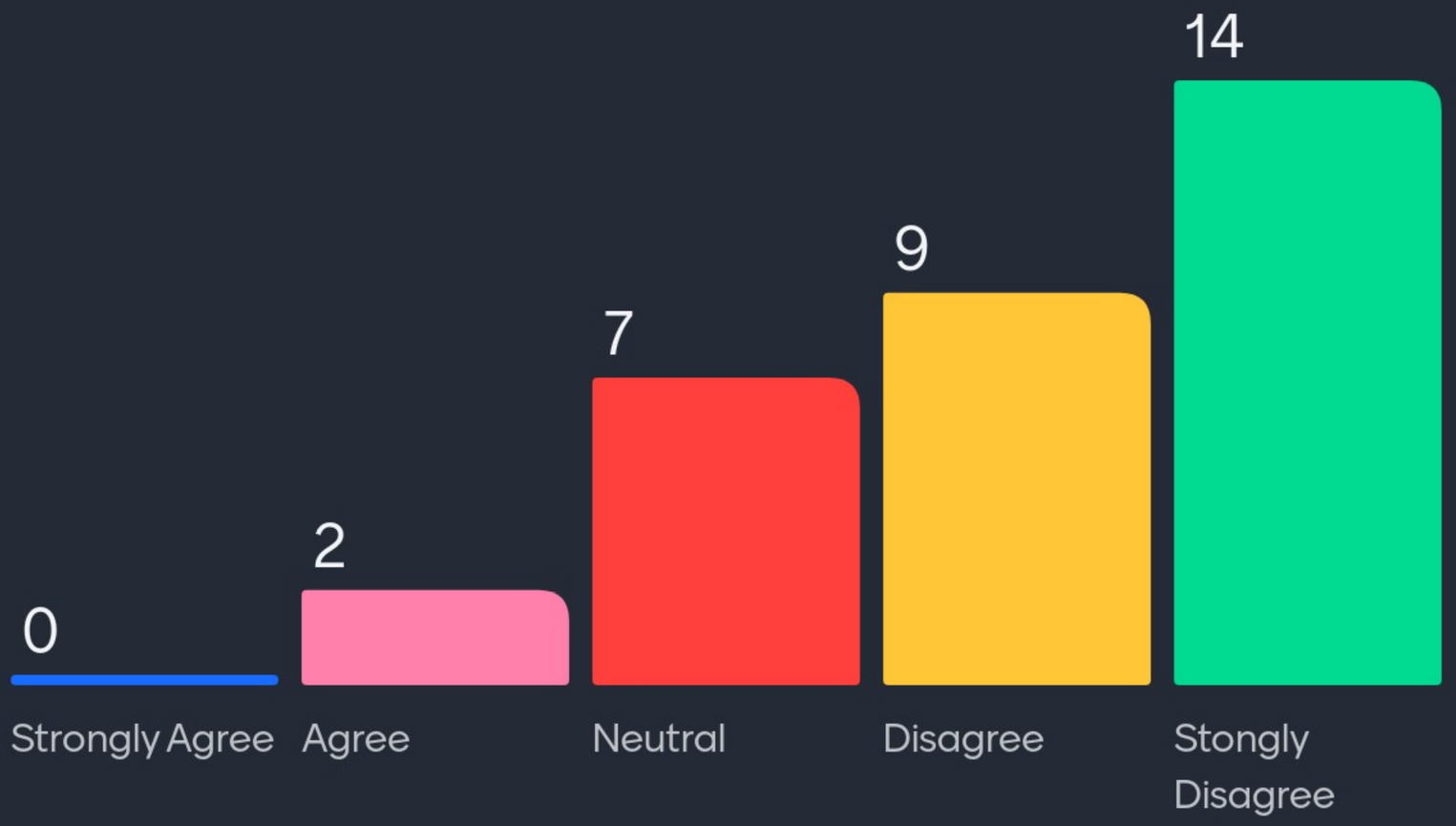
Don't build homes/condos so close to the road

Traffic headaches already, this would only exacerbate the issue.

22

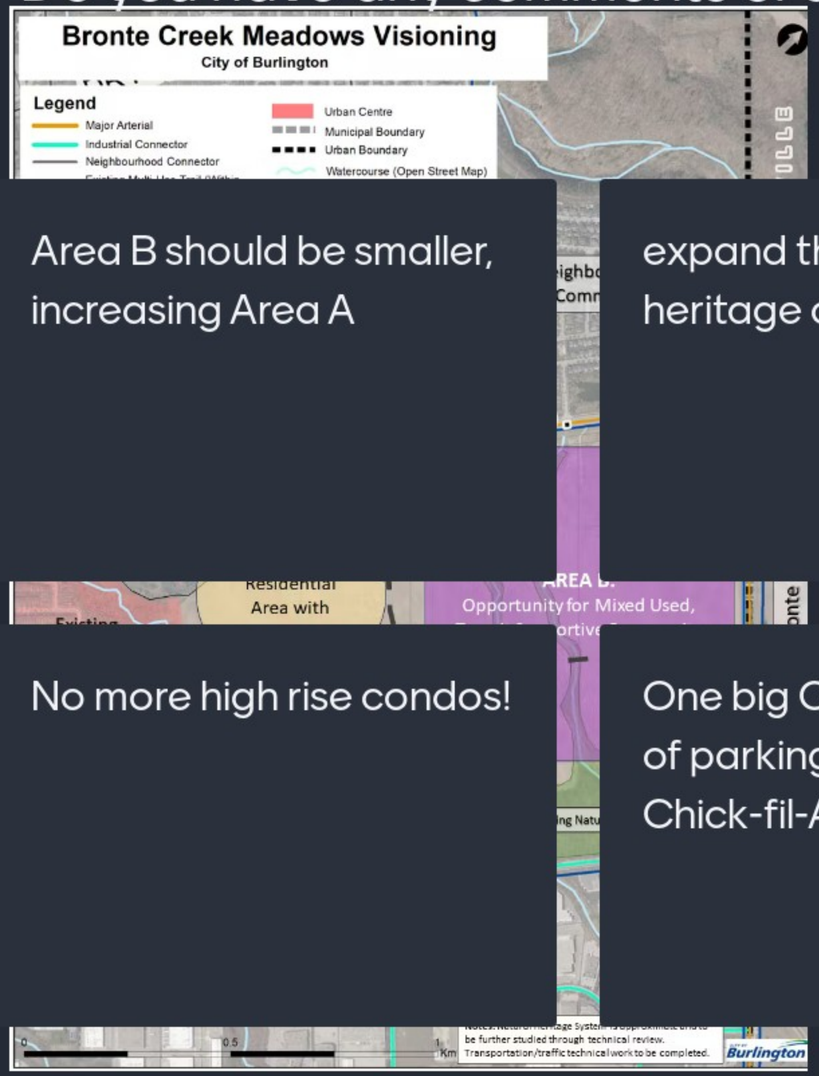


Based on the preliminary map, what do you think about the potential vision for Area B? (Purple Area):



3 32

Do you have any comments or suggestions about the potential vision Area B? (Purple Area)



Area B should be smaller, increasing Area A

expand the natural heritage areas

Multi use sports venues

No high rises.

No more high rise condos!

One big Costco with a ton of parking! OK and a Chick-fil-A

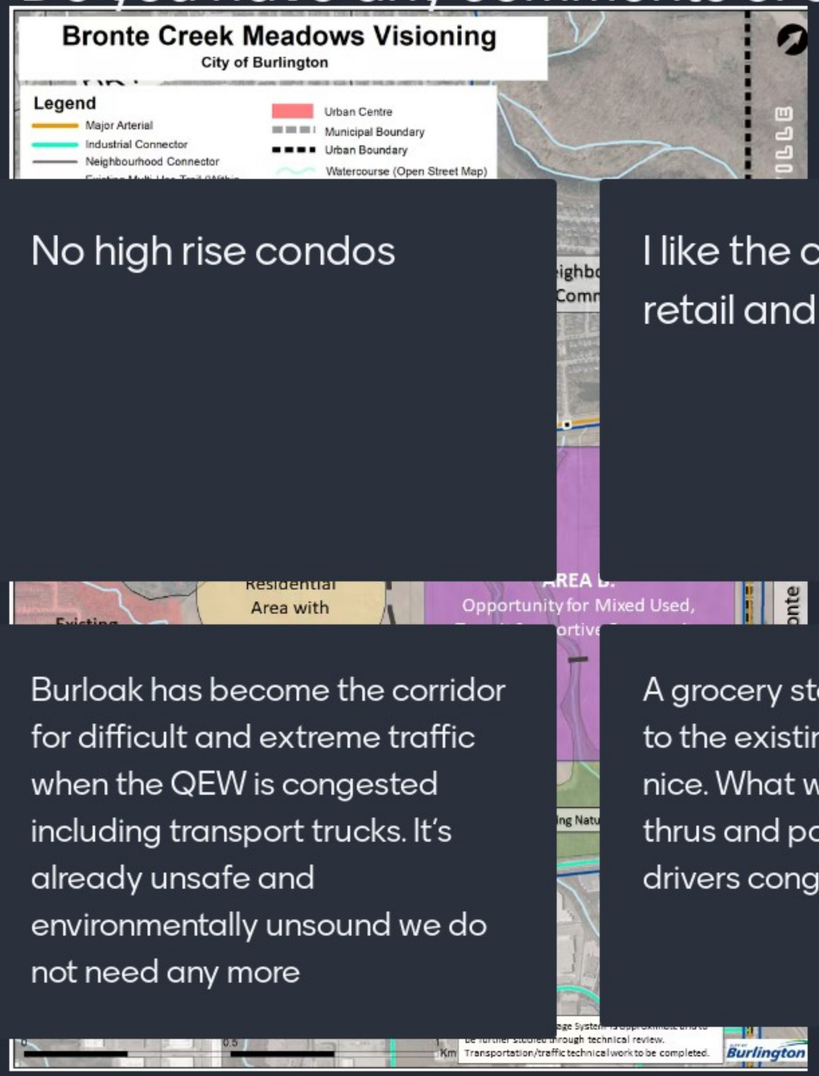
it is close to bronte provincial park. shopping mall is not a good idea

I agree, expand the natural heritage

2

29

Do you have any comments or suggestions about the potential vision Area B? (Purple Area)



No high rise condos

I like the combination of retail and low rise housing

Consider planting a landscaped berm on the west side of Burlap to provide a natural buffer to this portion of the development. Focus on low to medium-sized housing.

High rise condo / building wont fit existing area, current raod network will be constrained with traffic density.

Burloak has become the corridor for difficult and extreme traffic when the QEW is congested including transport trucks. It's already unsafe and environmentally unsound we do not need any more

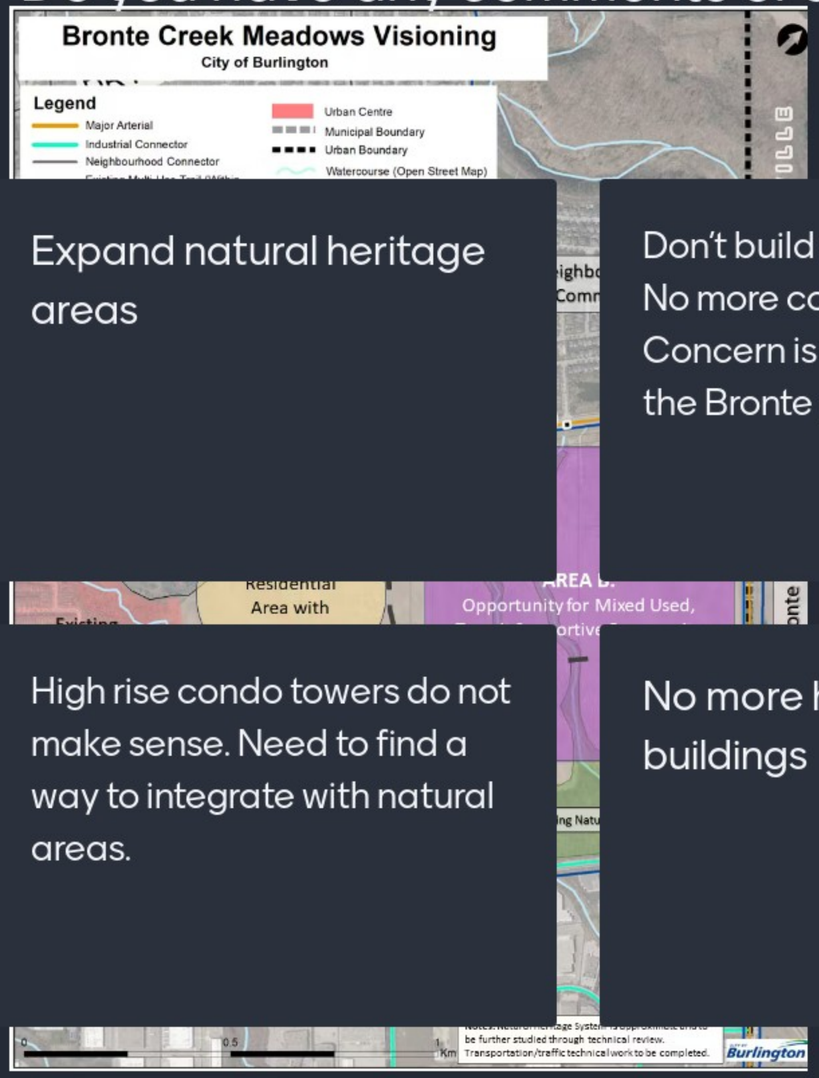
A grocery store that is walkable to the existing neighbourhood be nice. What we don't need is drive thrus and parking lots where drivers congregate late at light

No more high rise condos, traffic is already brutal :(

There must be consideration of wildlife and migratory corridors.

2 29

Do you have any comments or suggestions about the potential vision Area B? (Purple Area)



Expand natural heritage areas

Don't build so close to road. No more condo buildings. Concern is traffic. Respect the Bronte park area.

Increase natural woodlot to connect the areas, they are usless being seperated

Buses in this area are empty. Have you done a transit usage study before we run buses?

High rise condo towers do not make sense. Need to find a way to integrate with natural areas.

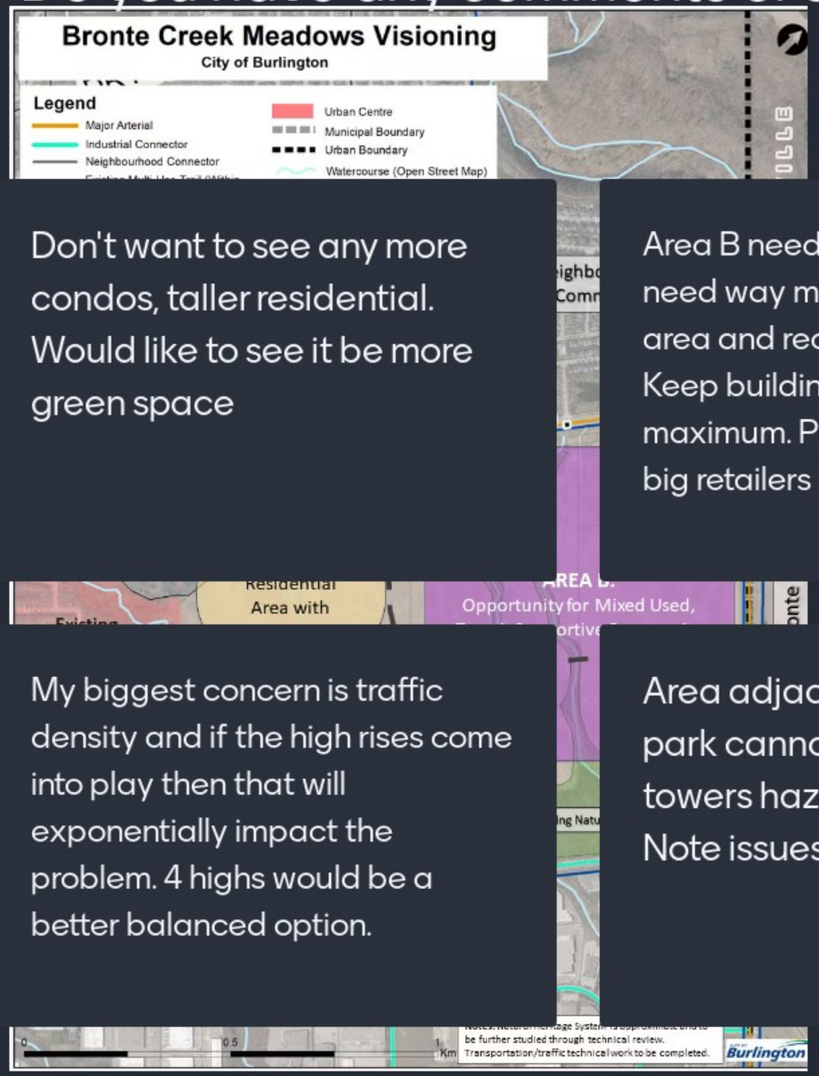
No more high rise buildings

Concerned about multiple traffic lights similar to Appleby

My concern is the number of people coming to live in towers and bringing loads more cars

2 29

Do you have any comments or suggestions about the potential vision Area B? (Purple Area)



Don't want to see any more condos, taller residential. Would like to see it be more green space

Area B needs to be smaller. We need way more protected green area and recommend area A. Keep building at 4-6 storeys maximum. Please NO Costco or big retailers

No nore high rises

Traffic density needs to be considered.

My biggest concern is traffic density and if the high rises come into play then that will exponentially impact the problem. 4 highs would be a better balanced option.

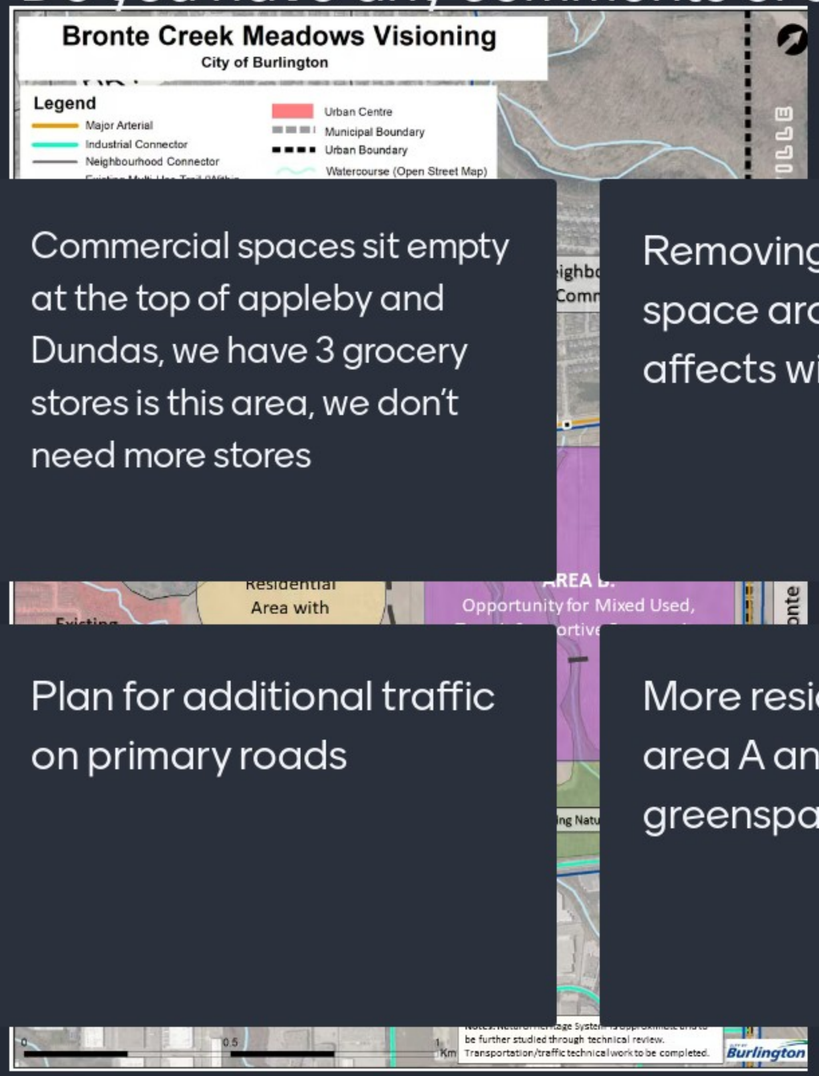
Area adjacent to provincial park cannot have glass towers hazardous to birds. Note issues in Toronto.

Is it even necessary to have more business buildings when there are plenty sitting empty - we need to conserve green space

limited parking lots !!

2 29

Do you have any comments or suggestions about the potential vision Area B? (Purple Area)



Commercial spaces sit empty at the top of appleby and Dundas, we have 3 grocery stores is this area, we don't need more stores

Removing all the green space around this area affects wildlife

Naturalized spaces beyond the closest bounds of the creeks

Could be appropriate for a satellite university campus.

Plan for additional traffic on primary roads

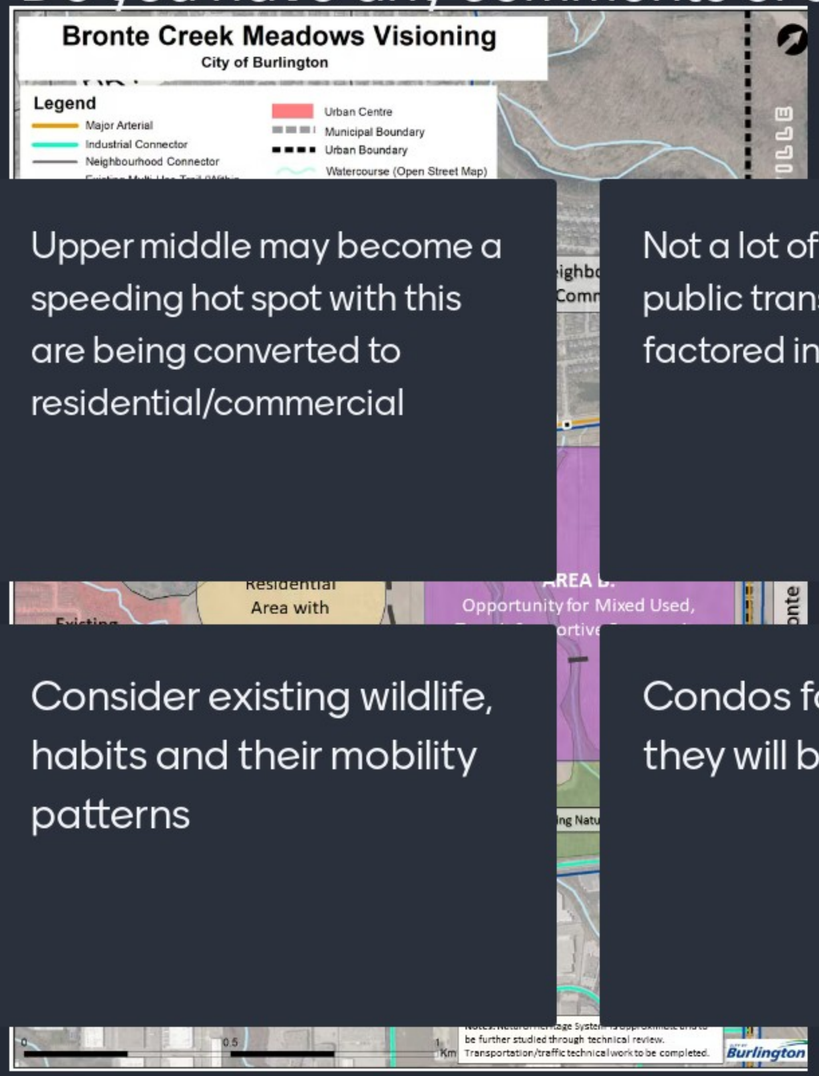
More residential similar to area A and/or greenspace

Traffic on Burloak is already an issue. High speeds are a concern.

No high rises - limit to 4 stories. Proximity to Bronte Creek should be emphasized and encouraged - so less densification.

2 29

Do you have any comments or suggestions about the potential vision Area B? (Purple Area)



Upper middle may become a speeding hot spot with this are being converted to residential/commercial

Not a lot of people really use public transit. This has to be factored in.

think about the climate and wildlife, increase the size of the natural heritage area to at least connect the two areas

More parks in this area

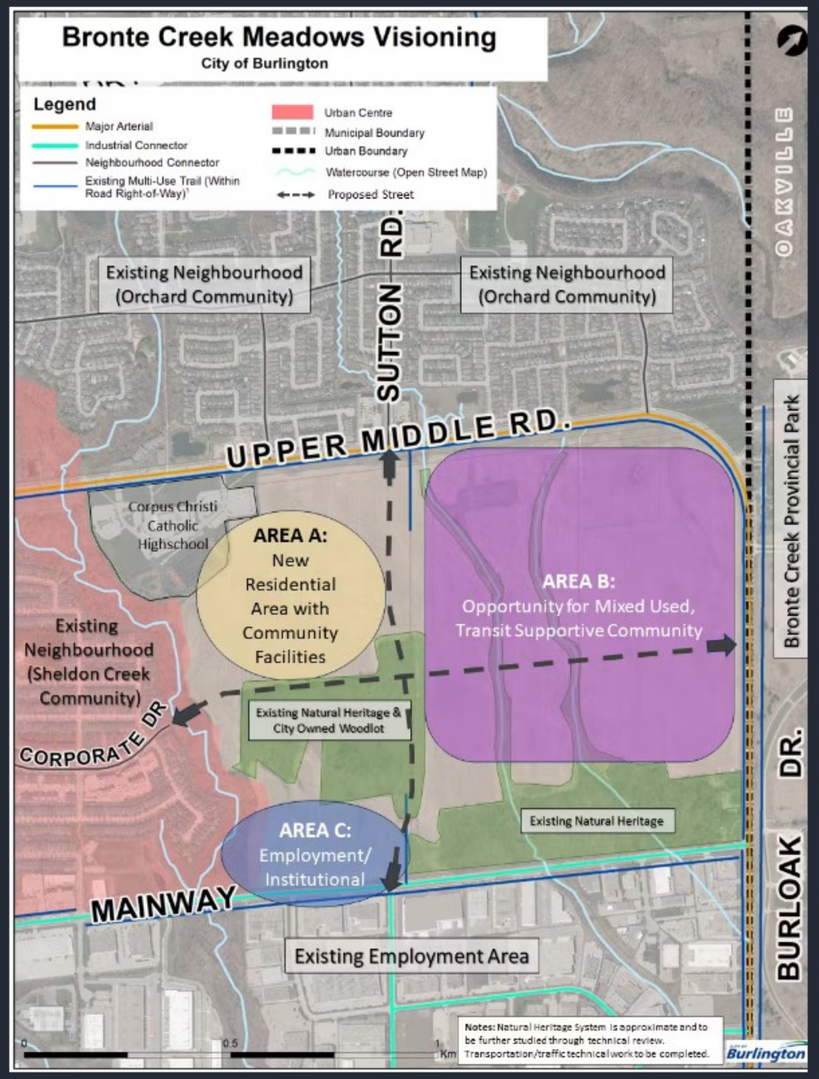
Consider existing wildlife, habits and their mobility patterns

Condos for coyote since they will be displaced

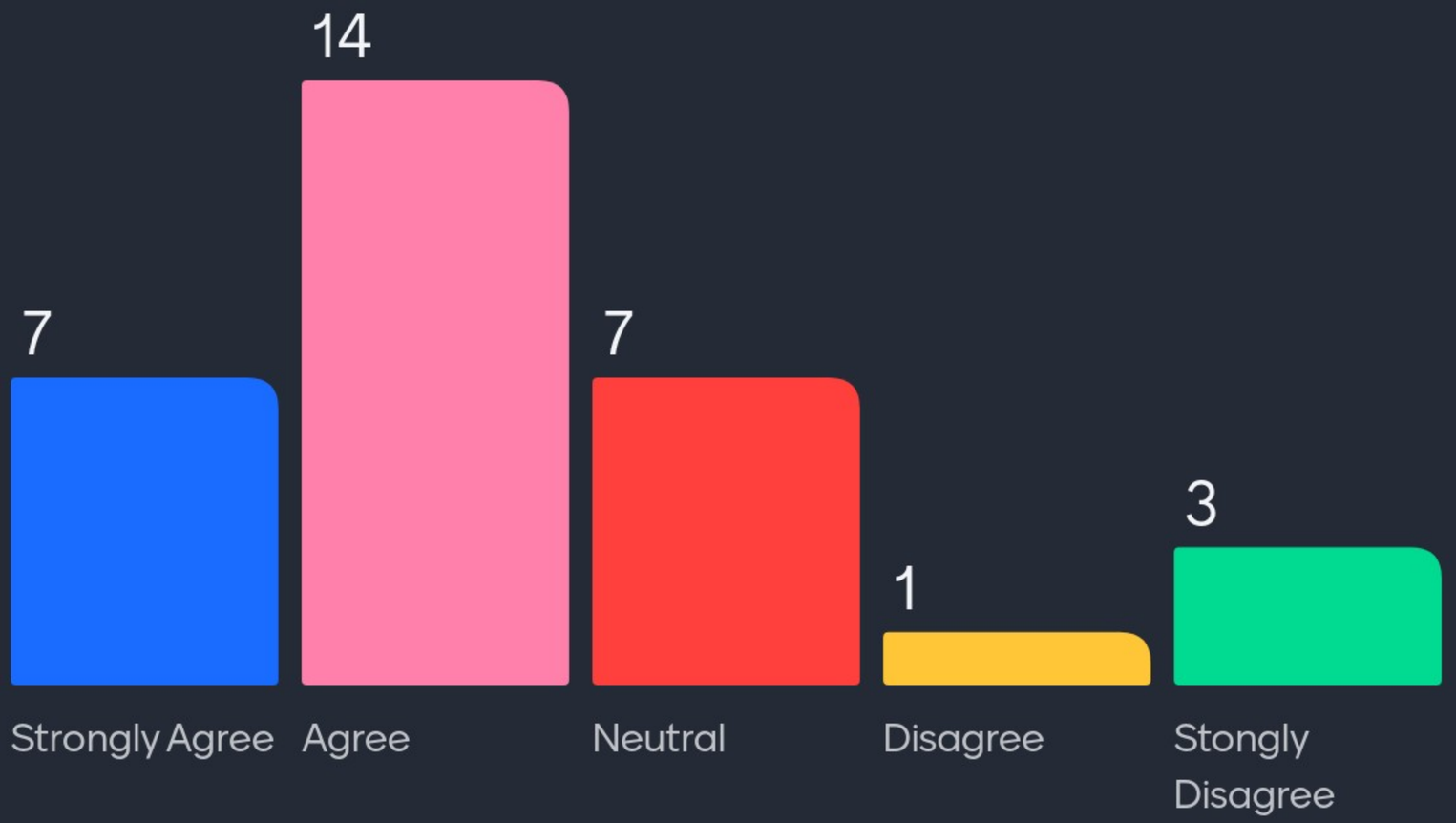
flood plan for creeks in area

2

29

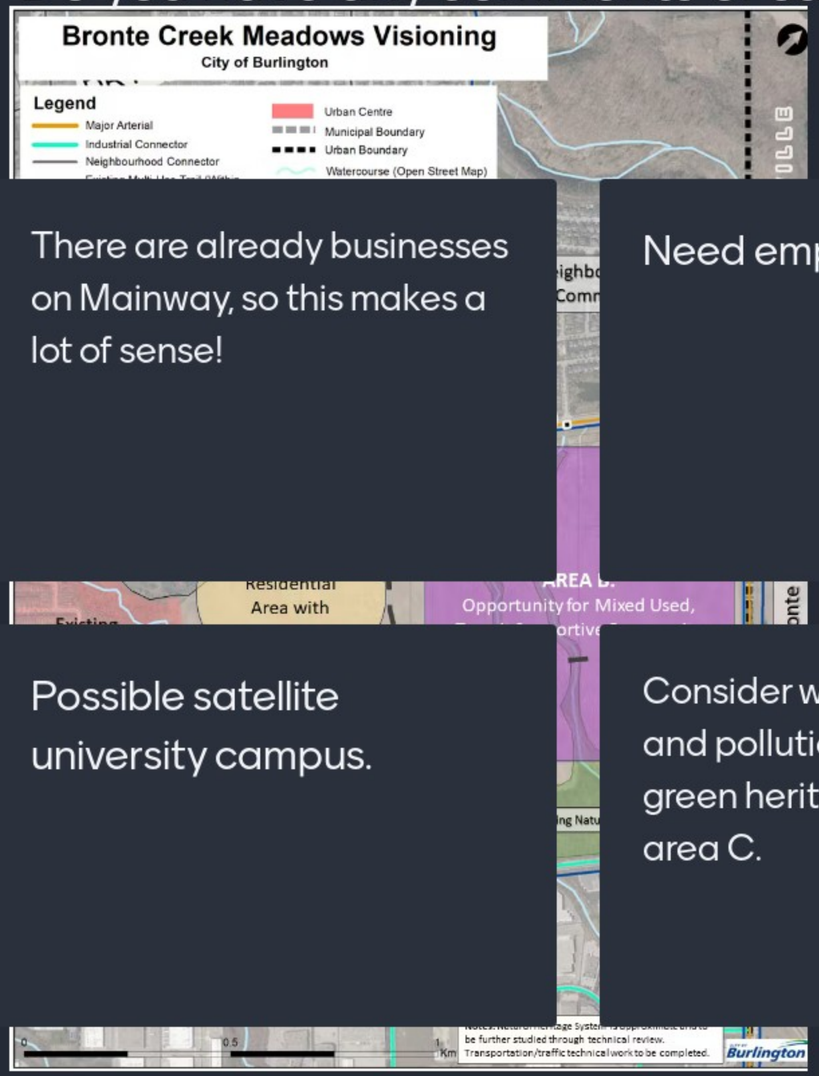


Based on the preliminary map, what do you think about the potential vision for Area C? (Blue Area):



3 32

Do you have any comments or suggestions about the potential vision Area C? (Blue Area)



There are already businesses on Mainway, so this makes a lot of sense!

Need employment land.

is it necessary? the south side of mainway is ALL employment land

No amazon warehouses

Possible satellite university campus.

Consider waste management and pollution impact in the green heritage space behind area C.

accessible ways from area a and b to c should be considered

Do not cut the forest of sheldon creek maintain the creek flow naturally and the woodlot around!

20

Do you have any comments or suggestions about the potential vision Area C? (Blue Area)



Walkable nature paths to and from the area.

medical clinics ie family healthcare centre

Which businesses will be there? What kind of healthcare specifically? Will forest be cleared?

I work on mainway now across the street from this proposed area. we do not need more development. leave the trees alone,

There is a need for more employment land in Burlington. We are losing out to other municipalities, and need places of employment for residents.

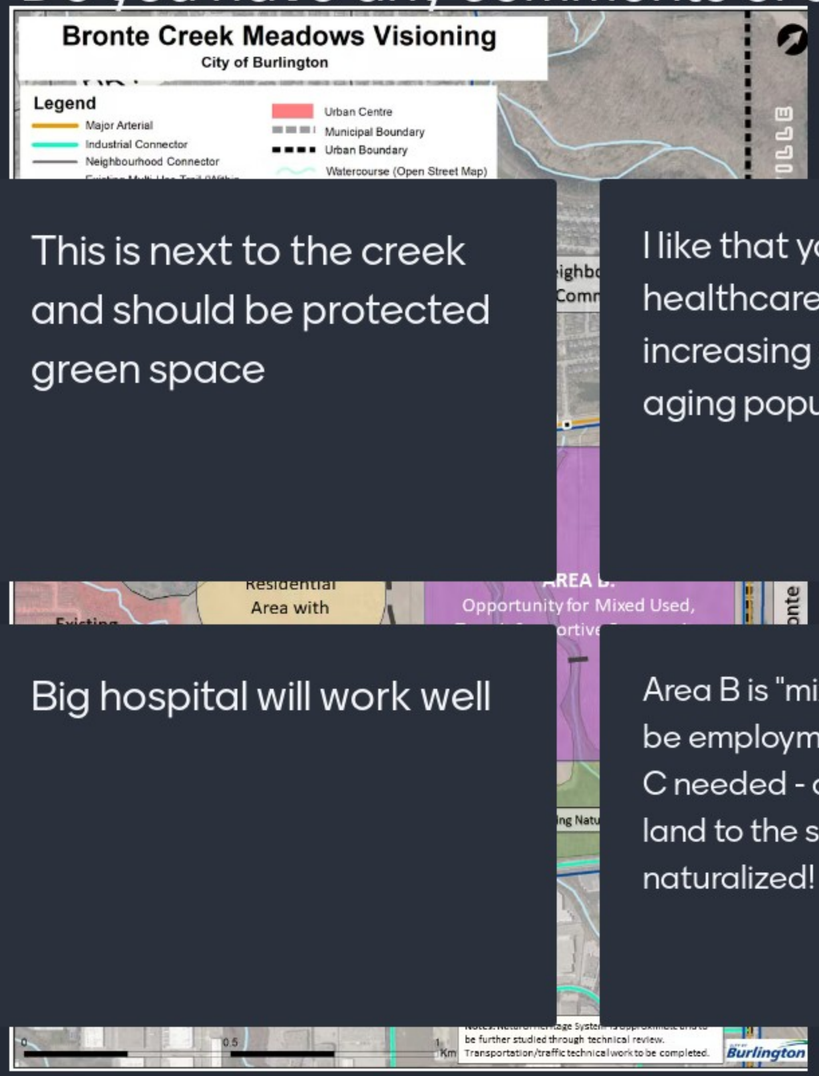
Ensure physical protection of the heritage green area

Buildings that back onto existing forested area's are premium lots - not sure putting offices or businesses there is the best use of the land.

Walkable employment areas

20

Do you have any comments or suggestions about the potential vision Area C? (Blue Area)



This is next to the creek and should be protected green space

I like that you have identifed healthcare services. We need increasing support for an aging population.

eliminate this, incorporate it into Area B if needed and let Area C go wild and connect the woodlots!

Medical clinics

Big hospital will work well

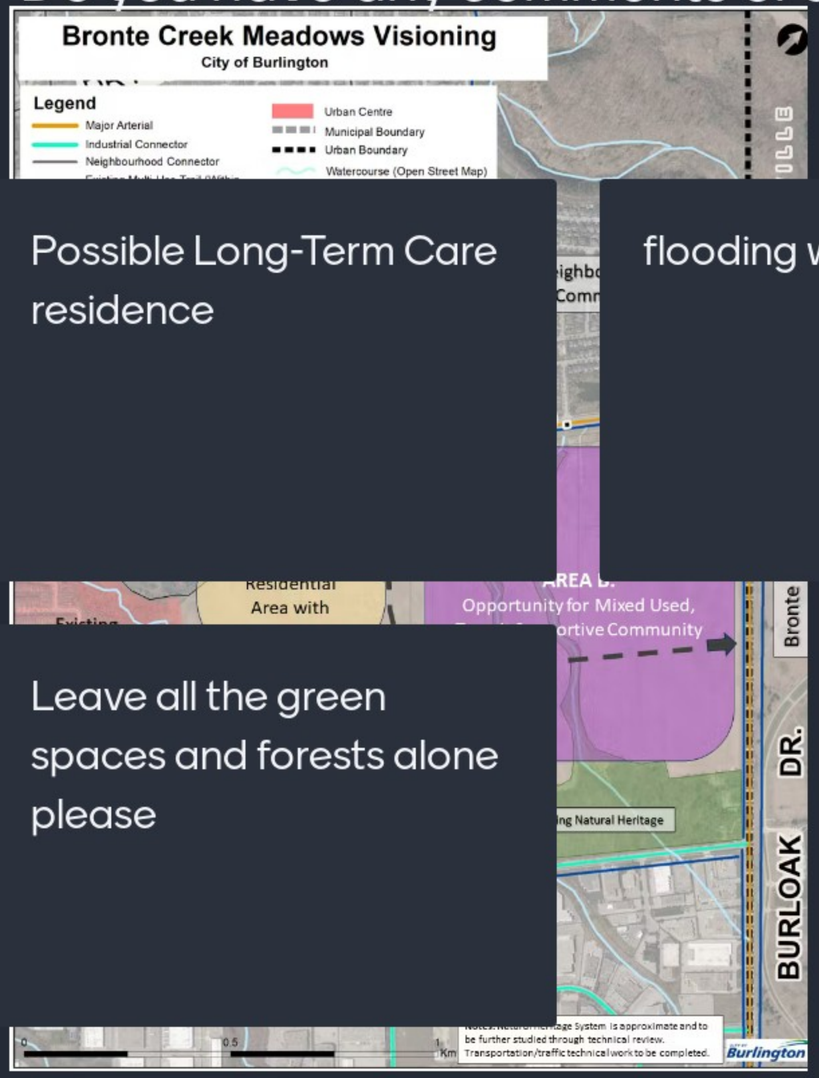
Area B is "mixed use" can this not be employment? if so, why is Area C needed - already employment land to the southMake Area C naturalized!

This area should be protected green space

keep area c wild, green space

20

Do you have any comments or suggestions about the potential vision Area C? (Blue Area)



Possible Long-Term Care residence

flooding will be an issue?

Connected green space would be amazing

free green space - burlington doesn't have enough. making area c a woodlot with the adjacent spaces would be incredible!

Leave all the green spaces and forests alone please

20

Appendix E to Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024)

Copy of the Survey

Burlington Official Plan, 2020 Targeted Realignment Exercise

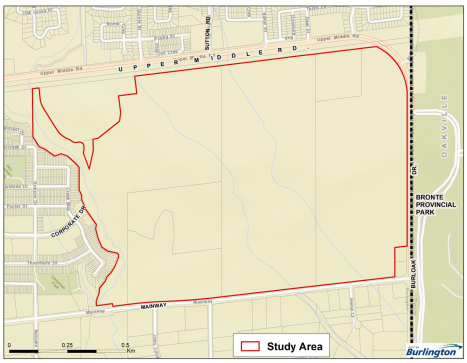
Get Involved Burlington

Bronte Creek Meadows Survey

The future use for Bronte Creek Meadows (BCM) will be changing. This area has one property owner.

Burlington City Council has directed staff to create a vision and policy framework for Bronte Creek Meadows. This area will be a new community with a mix of uses, such as homes, transit, businesses, parks and open spaces to support population and employment growth. We want to hear from you to help us prepare the policies that will guide the review of land owner's development proposal when it's submitted to the City.

To learn more about the project visit getinvolvedburlington.ca/officialplan or email staff at newop@burlington.ca.



Click here to view larger image

This survey is open until Nov. 13, 2024

This survey doesn't intend to collect personal information and disclosure of responses will be governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. The purpose of this survey is to collect feedback on the plans for Bronte Creek Meadows. For questions regarding the collection, use and disclosure of this information, please contact newop@burlington.ca. The survey is available in print, alternative formats or with communication support by contacting getinvolved@burlington.ca

Vision for the Future of Bronte Creek Meadows:

The plan for Bronte Creek Meadows neighbourhood is a complete mixed-use community with:

- Different types of housing
- Transit and ways to get around
- Business and retail space
- Parks and open spaces

As you think about a future plan for Bronte Creek Meadows, we want to know what is important to you

Planning for a Complete Community

A complete community is a neighbourhood where many amenities are close by, maybe even in walking distance. It has everything a person would need for daily living, for all ages and abilities. This includes jobs, housing, transportation, public service facilities, and local stores and services. Complete communities are inclusive and come in different shapes and forms to meet the diverse needs of their residents (Provincial Policy Statement, 2024).

When planning for a complete community, what is most important for you? (select all that apply)

(Choose all that apply)

- [ ] A mix of different uses, such as homes, businesses, jobs, parks, schools, etc
- [ ] High quality design of homes, businesses, parks and open spaces
- [ ] Timing of construction of different areas
- [ ] Planning for people and jobs at a level to support transit
- [ ] Different ways to get around such as new streets, transit, cycling infrastructure and trails

- [ ] Different ways to get around such as new streets, transit, cycling infrastructure and trails
- [ ] A walkable neighbourhood
- [ ] A new neighbourhood that fits in with what's already in the area
- [ ] Other (please specify)

When it comes to housing in a complete community, what is most important for you? (select all that apply)

(Choose all that apply)

- [ ] Different types of homes, such as single detached, townhouses, apartment/condo, additional residential units
- [ ] Owned homes
- [ ] Affordable, accessible housing
- [ ] Rental housing
- [ ] Social housing
- [ ] Other (please specify)

When it comes to services and amenities to support the community, what is most important for you? (select all that apply)

(Choose all that apply)

- [ ] Community/Recreation Centre
- [ ] Senior supports and activities
- [ ] Daycare
- [ ] Childrens' activities
- [ ] Parks and open spaces
- [ ] Public spaces and gathering places
- [ ] Schools and institutions
- [ ] Places and Worship and Religious gathering spaces
- [ ] Health facilities
- [ ] Other (please specify)

When it comes to daily needs and jobs in a community, what is most important for you? (select all that apply)

(Choose all that apply)

- [ ] Office units or other places to work
- [ ] Convenience stores
- [ ] Grocery stores
- [ ] Services
- [ ] Restaurants
- [ ] Live/work units
- [ ] Other (please specify)

When it comes to ways to get around the community, what is most important for you? (select all that apply)

(Choose all that apply)

- [ ] Transit options to connect to the rest of the city and Appleby GO Station
- [ ] Streets with space for pedestrians, cyclists, transit and vehicles
- [ ] Walking and active trails with connections in the neighbourhood and the surrounding area, like Bronte Creek Provincial Park, Corpus Christi High School, etc.)
- [ ] Other (please specify)

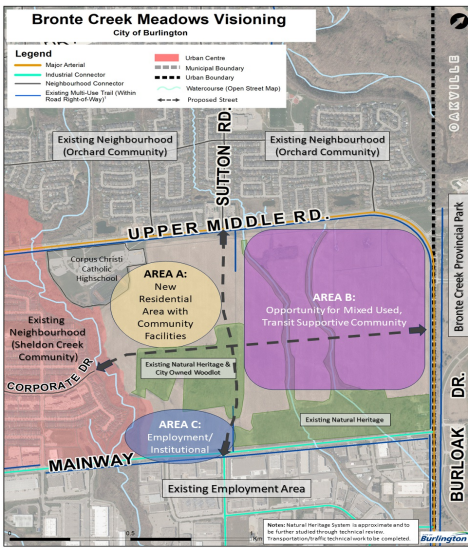
When it comes to the environment and sustainability, what is most important for you? (select all that apply)

When it comes to the environment and sustainability, what is most important for you? (Select all that apply)

(Choose all that apply)

- [ ] Protect identified Natural Heritage such as woodlots, forests and creeks
- [ ] Create connections to Bronte Creek Provincial Park
- [ ] Create natural open spaces for recreation
- [ ] Plan for climate change, such as flooding and severe weather
- [ ] Other (please specify)

Preliminary Ideas of use



Click here to view a larger image of map

This map provides preliminary ideas for where new community uses and elements could be planned for.

Area A (Yellow): A potential area for different types of homes such as detached, semi-detached and townhomes, with community facilities to support new residents and existing residents in other neighbourhoods

Area B (Purple): An opportunity for mixed use, transit supportive community development. This area is located along existing streets (Upper Middle Road and Burloak Drive).

This area could include:

- different types of housing such as townhomes and apartment/condo buildings with shops and restaurants on the ground floor
- shops and services for daily needs
- office and businesses
- new public spaces
- community facilities
- transit to support new residents and employees

Area C (Blue) – A potential area for new employment, institutional and/or health care uses to support the creation of jobs. This area is close to existing employment uses on the south side of Mainway.

Based on the preliminary map above, do you agree with the potential use/vision of Area A (yellow)?

(Choose any one option)

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral

- [ ] Disagree
- [ ] Strongly disagree

Do you have any comments or suggestions about the potential vision Area A?

Based on the preliminary map above, do you agree with the potential use/vision of Area B (purple)?

(Choose any one option)

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree

Do you have any comments or suggestions about the potential vision Area B?

Based on the preliminary map above, do you agree with the potential use/vision of Area C (blue)?

(Choose any one option)

- [ ] Strongly agree
- [ ] Agree
- [ ] Neutral
- [ ] Disagree
- [ ] Strongly disagree

Do you have any comments or suggestions about the potential vision Area C?

What would make Bronte Creek Meadows a great neighbourhood to live in or live close to?

In 20 years, what do you vision Bronte Creek Meadows will be?

Do you have an innovative idea for the future of Bronte Creek Meadows?

Do you have any other comments or considerations in regards to the planning of Bronte Creek Meadows?

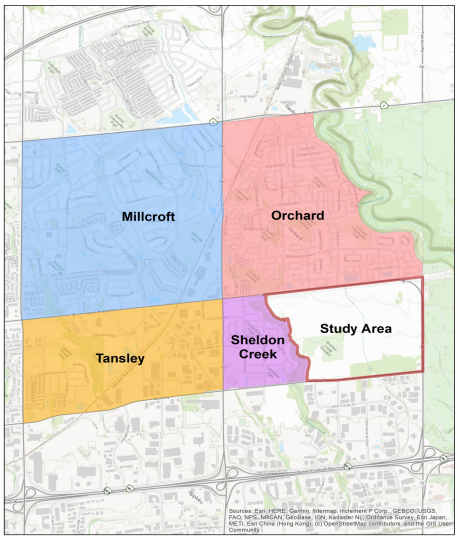
Do you live in Burlington?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] I used to live in Burlington, but now I live somewhere else
- [ ] I want to live in Burlington, but currently live somewhere else
- [ ] Prefer not to say

Answer this question only if you have chosen Yes for Do you live in Burlington?

Based on the map, what area do you live in?



(Choose any one option)

- [ ] Orchard Neighbourhood
- [ ] Sheldon Creek Neighbourhood
- [ ] Millcroft Neighbourhood
- [ ] Tansley Neighbourhood
- [ ] Other neighbourhood in Burlington
- [ ] Not sure what neighbourhood I live in

What is your age range

(Choose any one option)

- [ ] Under 18 years
- [ ] 18 - 24 years
- [ ] 25 - 34 years
- [ ] 35 - 44 years
- [ ] 45 - 54 years
- [ ] 55 - 64 years
- [ ] 65 - 74 years
- [ ] 75 - 84 years
- [ ] 85+ years
- [ ] Prefer not to say

Tell us your postal code. Type in the full postal code with no spaces. Once you see your code, select it.

(Required)

Appendix F to Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024)

Overview of Online Survey Results

Among the various engagement tactics, an online survey was used to gathered public feedback on the future vision for Bronte Creek Meadows (BCM). The online survey available on the Official Plan Get Involved Burlington webpage. The online survey was used to inform participants about the project and ask a series of questions about various complete community elements they think are important when planning for the future of BCM. Participants were also asked to provide feedback on preliminary ideas for future land uses in three areas of the BCM lands including:

- Area A: Opportunity for a new residential area with community facilities
- Area B: Opportunity for mixed use, transit supportive community development
- Area C: Opportunity for employment, institutional and/or healthcare services

The online survey was open from October 28 to November 13 and gathered feedback from 741 participants.

Staff utilized both technology and manual approaches to analyze the online survey results. Staff ran feedback received through each open-ended question through the Microsoft platform called Copilot which summarized main themes of information. Staff then manually reviewed feedback to add any details or additional key themes that may have been overlooked by the Copilot platform.

Key Themes of Feedback

The online survey was organized into four general sections:

1) Questions about complete community elements
2) Questions about the Preliminary ideas of use map
3) Open-ended questions about the future of BCM
4) Demographic questions

The feedback collected reflects a strong desire for balanced development that preserves natural areas, provides diverse and affordable housing options, supports community facilities and services, provides diverse and accessible services and amenities, ensures efficient transportation, offers local employment opportunities and incorporates sustainable practices. Some participants think this area should not be developed and left an open area.

Feedback also reflects a strong desire for balanced development that provides diverse and accessible transportation options, supports pedestrian and cyclist infrastructure and ensures efficient road and traffic management.

It was also important to participants that an approached to balanced development will protect wildlife and biodiversity. Participants want to create a community that is resilient, environmentally friendly, and enjoyable for all residents.

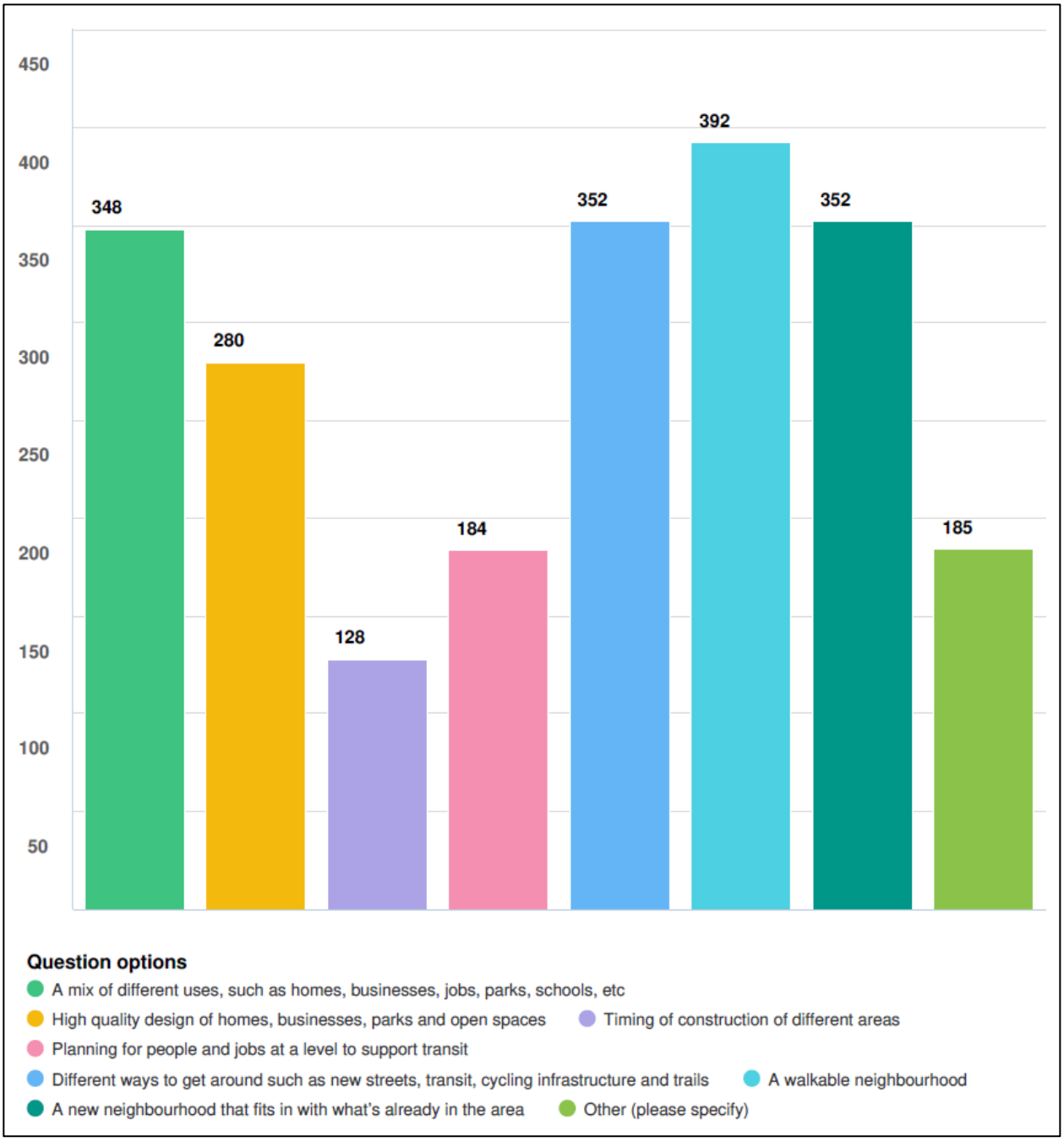
The following sections provide an overview of the survey results from all questions. Each question includes details about:

- The nature of the question
- The frequency of responses
- Details of supplementary or other submissions

Please refer to the survey attached as Appendix E to the Bronte Creek Meadows Area-Specific Planning Project: Preliminary Feedback Report 1 (Fall 2024).

Section #1: Questions about Complete Community Elements

1) **When planning for a complete community, what is most important to you? (select all that apply)**



733 responses, 8 skipped

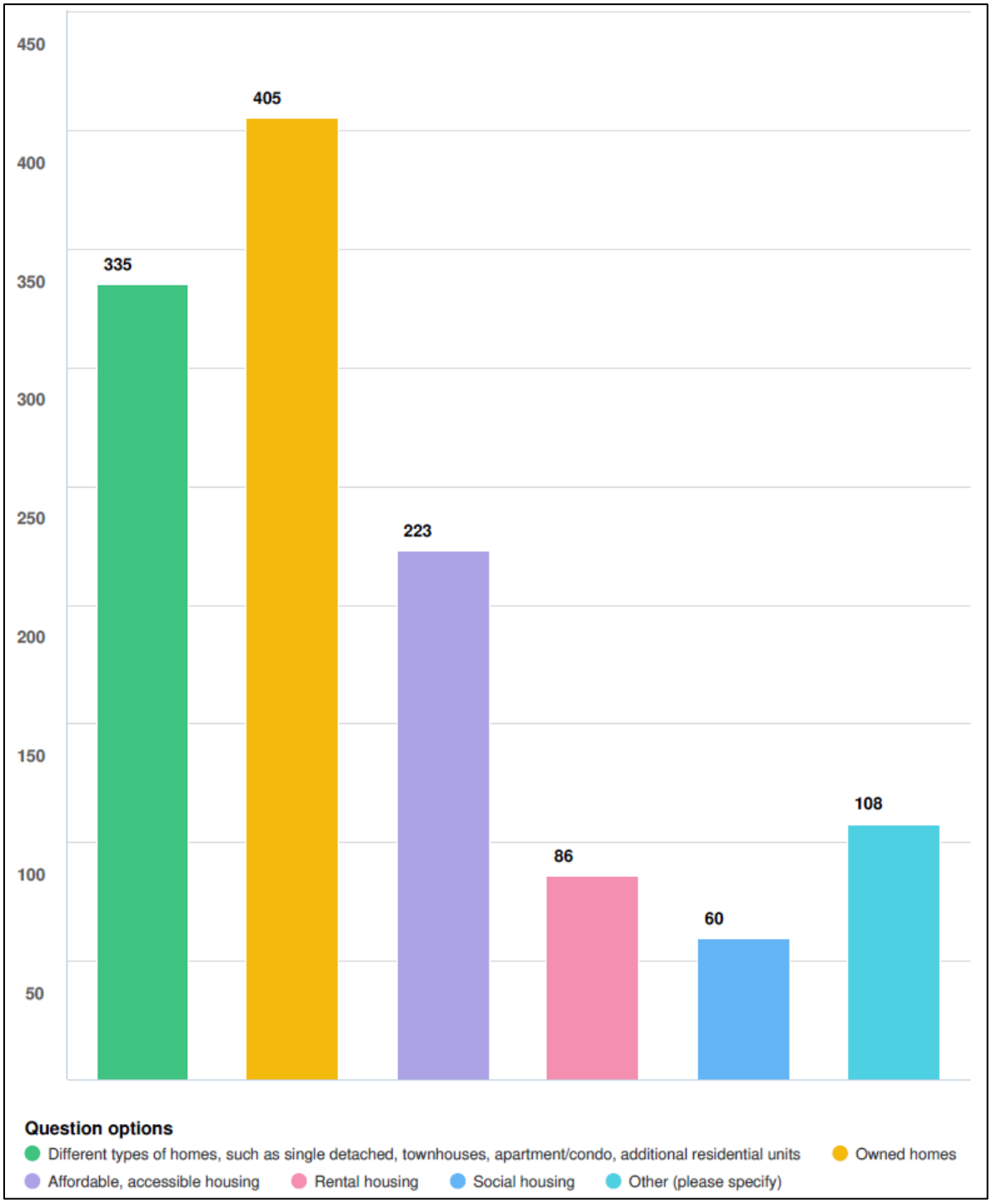
A walkable neighbourhood was the most frequently selected response. A mix of uses, different ways to get around and a new neighbourhood that fits in with what is already there were also very frequently selected.

185 participants who selected “Other” were provided the opportunity to expand on their answer. The following is a summary of comments provided under the “Other” selection related to what is most important when planning for a complete community:

- **Green Spaces and Natural Areas**:
  - Many participants emphasized the importance of preserving trees, green spaces, parks, and natural areas. Feedback highlighted the importance of protecting woodlots, forests, and creeks, and creating connections to Bronte Creek Provincial Park.
  - There is a strong desire to maintain and enhance natural open spaces for recreation, such as trails and environmental conservation.
  - Many participants are concerned with wildlife habitats, natural heritage and greenspace.
- **Housing Preferences**:
  - Participants expressed a preference for a mix of housing types, including single detached homes, townhouses, and low-rise apartments. There is a notable opposition to high-density housing and high-rise condos.
  - Affordable and accessible housing is also a significant concern, with some participants highlighting the need for housing options for seniors and low-income families.
- **Community Facilities and Services**:
  - The need for community and recreation centers, parks, and open spaces was frequently mentioned. Participants want facilities that support activities for all ages, including children’s activities, senior supports, and health facilities.
  - There is also a call for more schools, daycare centers, and public spaces that encourage community gatherings.
- **Transportation and Infrastructure**:
  - Participants stressed the importance of having different ways to get around, such as new streets, transit options, cycling infrastructure, and walking trails. Ensuring safe and efficient transportation within the community is a priority.
  - Concerns about traffic congestion and the capacity of existing roads to handle increased traffic were common. Participants want improvements to road infrastructure to support new developments.
- **Environmental and Sustainability Considerations**:
  - Planning for climate change, such as addressing flooding and severe weather, is a critical concern. Participants want sustainable development practices that minimize environmental impact.
  - There is a desire for innovative solutions that incorporate green technologies and promote sustainability.
- **Community Character and Design**:
  - High-quality design of homes, businesses, parks, and open spaces is important to participants. They want new developments to fit in with the existing character of the area and enhance the overall aesthetic.

- Participants value walkable neighborhoods that are safe, clean, and well-maintained.

2) When it comes to housing in a complete community, what is most important to you? (select all that apply)



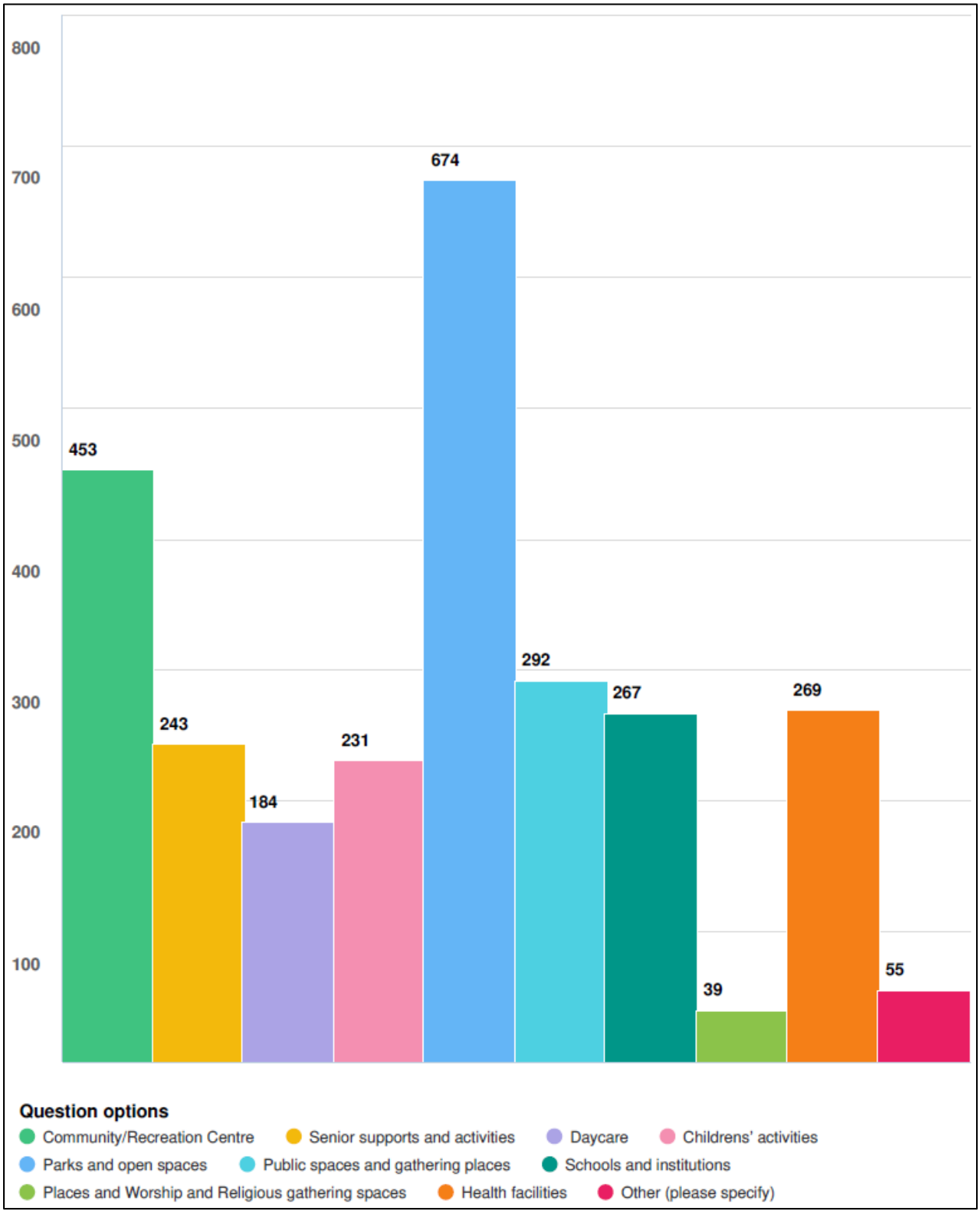
730 responses, 11 skipped

Owned homes was the most frequently selected response. The next most frequent response was different types of homes.

108 participants who selected “Other” were provided the opportunity to expand on their answer. The following is a summary of comments provided under the “Other” selection related to what is most important when planning for housing in a complete community:

- **Housing Types and Preferences**:
  - Participants expressed a strong preference for owned homes, including single detached homes, townhouses, and low-rise apartments. There is significant opposition to high-density housing and high-rise condos.
  - Affordable and accessible housing is a critical concern, with many participants emphasizing the need for housing options for seniors, low-income families, and those with disabilities.
- **Community Facilities and Services**:
  - The importance of community and recreation centers, parks, and open spaces was frequently mentioned. Participants want facilities that support activities for all ages, including children’s activities, senior supports, and health facilities.
  - There is also a call for more schools, daycare centers, and public spaces that encourage community gatherings.
- **Transportation and Infrastructure**:
  - Participants stressed the need for different ways to get around, such as new streets, transit options, cycling infrastructure, and walking trails. Ensuring safe and efficient transportation within the community is a priority.
  - Concerns about traffic congestion and the capacity of existing roads to handle increased traffic were common. Participants want improvements to road infrastructure to support new developments.
- **Environmental and Sustainability Considerations**:
  - Protecting natural heritage, such as woodlots, forests, and creeks, is a significant concern. Participants want to create connections to Bronte Creek Provincial Park and maintain natural open spaces for recreation and environmental conservation.
  - Planning for climate change, such as addressing flooding and severe weather, is also a critical concern. Participants want sustainable development practices that minimize environmental impact.
- **Community Character and Design**:
  - High-quality design of homes, businesses, parks, and open spaces is important to participants. They want new developments to fit in with the existing character of the area and enhance the overall aesthetic.
  - Participants value walkable neighborhoods that are safe, clean, and well-maintained.

3) **When it comes to services and amenities in a complete community, what is most important to you? (select all that apply)**



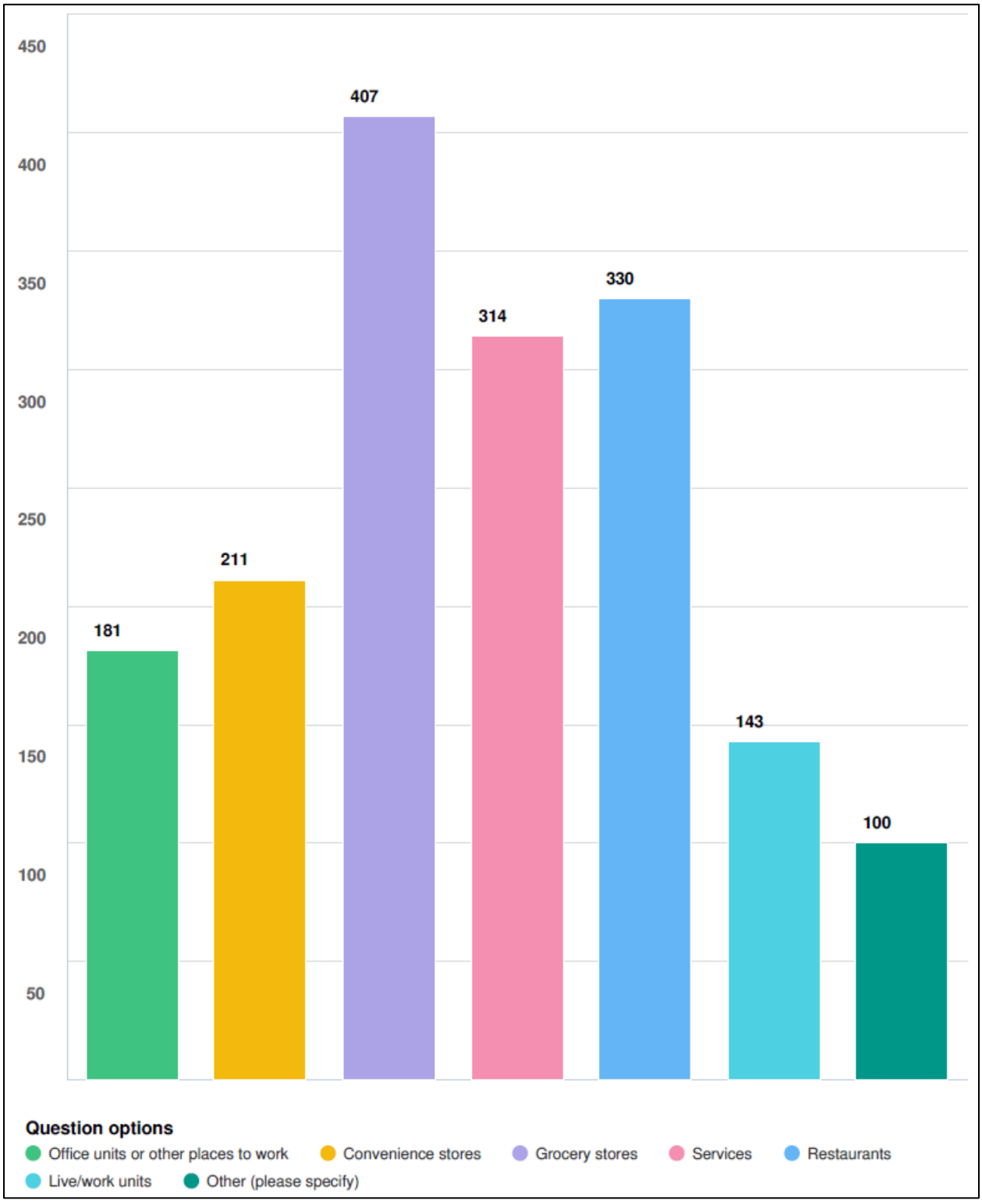
733 responses, 8 skipped

By a significant margin the most frequently selected item in this question was public spaces and gathering places. Community/Recreation Centres was the next most frequently selected response.

55 participants who selected “Other” were provided the opportunity to expand on their answer. The following is a summary of comments provided under the “Other” selection related to what is most important when planning for services and amenities in a complete community:

- **Community and Recreation Facilities**:
  - Participants emphasized the need for community and recreation centers that support activities for all ages, including children’s activities, senior supports, and health facilities.
  - Parks and open spaces are highly valued, with most participants wanting more green areas for recreation and community gatherings.
- **Essential Services and Amenities**:
  - There is a strong demand for essential services such as grocery stores, convenience stores, and restaurants. Participants want these amenities to be easily accessible within the community.
  - Health facilities, including clinics and hospitals, are also important to ensure the well-being of residents.
- **Transportation and Connectivity**:
  - Participants stressed the importance of having different ways to get around, such as new streets, transit options, cycling infrastructure, and walking trails. Ensuring safe and efficient transportation within the community is a priority.
  - There is a desire for better transit connections to key areas like the Appleby GO Station and major shopping centers.
- **Environmental and Sustainability Considerations**:
  - Protecting natural heritage, such as woodlots, forests, and creeks, is a significant concern. Participants want to create connections to Bronte Creek Provincial Park and maintain natural open spaces for recreation and environmental conservation.
  - Planning for climate change, such as addressing flooding and severe weather, is also a critical concern. Participants want sustainable development practices that minimize environmental impact.
- **Community Character and Design**:
  - High-quality design of homes, businesses, parks, and open spaces is important to participants. They want new developments to fit in with the existing character of the area and enhance the overall aesthetic.
  - Participants value walkable neighborhoods that are safe, clean, and well-maintained.

4) When it comes to daily needs and jobs in a community, what is most important to you? (select all that apply)



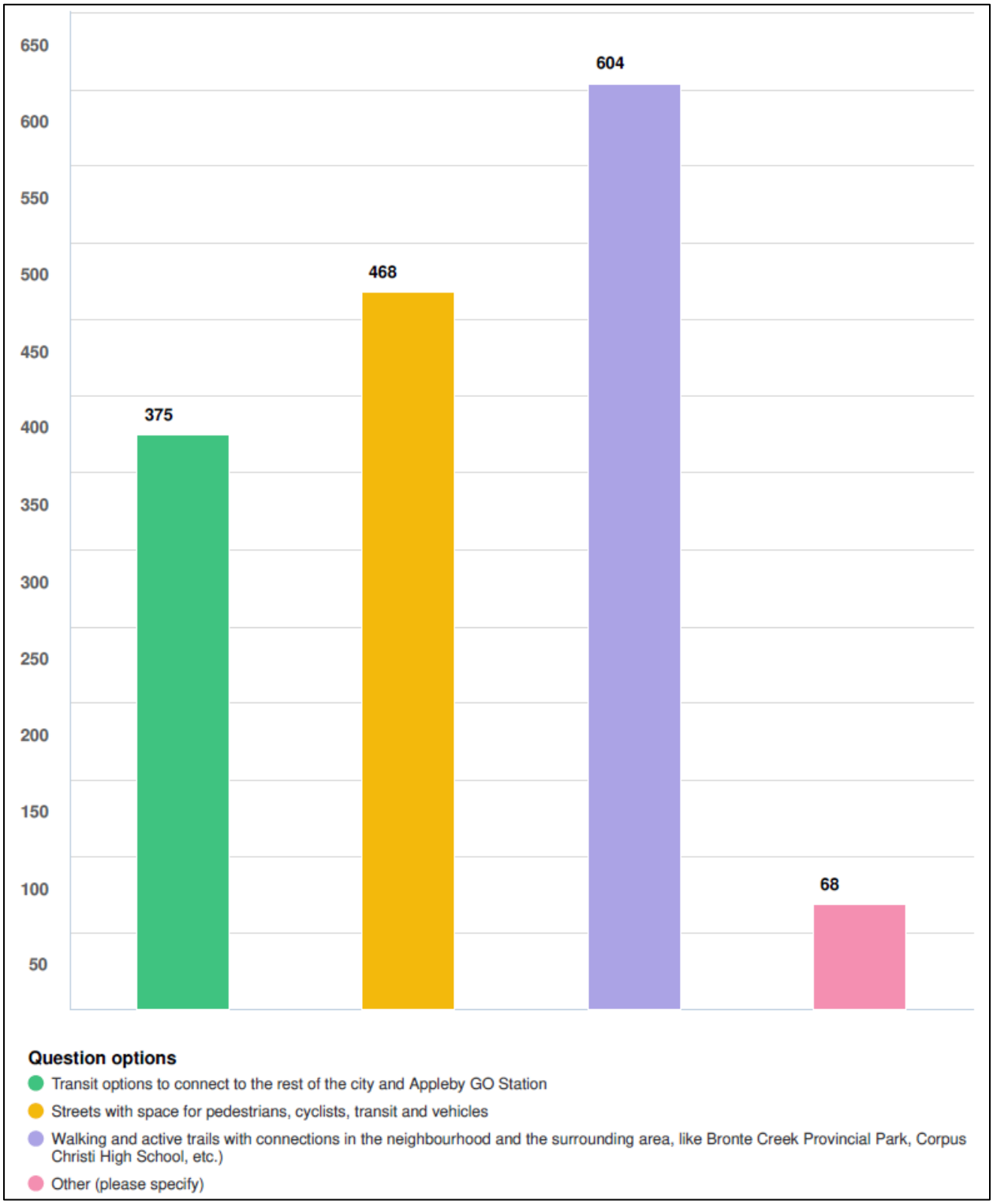
704 responses, 37 skipped

Grocery stores, services and restaurants were all frequently selected response.

100 participants who selected “Other” were provided the opportunity to expand on their answer. The following is a summary of comments provided under the “Other” selection related to what is most important when planning for daily needs and jobs in a complete community:

- **Essential Services and Amenities**:
  - Participants emphasized the importance of having essential services such as grocery stores, convenience stores, and restaurants within the community. These amenities should be easily accessible to residents.
  - Health facilities, including clinics and hospitals, are also considered crucial to ensure the well-being of the community.
- **Community and Recreation Facilities**:
  - There is a strong demand for community and recreation centers that support activities for all ages, including children’s activities, senior supports, and health facilities.
  - Parks and open spaces are highly valued, with many participants wanting more green areas for recreation and community gatherings.
- **Transportation and Connectivity**:
  - Participants stressed the need for different ways to get around, such as new streets, transit options, cycling infrastructure, and walking trails. Ensuring safe and efficient transportation within the community is a priority.
  - Better transit connections to key areas like the Appleby GO Station and major shopping centers are desired.
- **Environmental and Sustainability Considerations**:
  - Protecting natural heritage, such as woodlots, forests, and creeks, is a significant concern. Participants want to create connections to Bronte Creek Provincial Park and maintain natural open spaces for recreation and environmental conservation.
  - Planning for climate change, such as addressing flooding and severe weather, is also a critical concern. Participants want sustainable development practices that minimize environmental impact.
- **Community Character and Design**:
  - High-quality design of homes, businesses, parks, and open spaces is important to participants. They want new developments to fit in with the existing character of the area and enhance the overall aesthetic.
  - Participants value walkable neighborhoods that are safe, clean, and well-maintained.
- **Employment Opportunities**:
  - There is a desire for more local employment opportunities within the community. Participants want office spaces, live/work units, and other places to work that are easily accessible.
  - Ensuring that there are jobs available within the community can help reduce commuting times and improve the overall quality of life for residents.

5) When it comes to ways to get around the community, what is most important to you? (select all that apply)



730 responses, 11 skipped

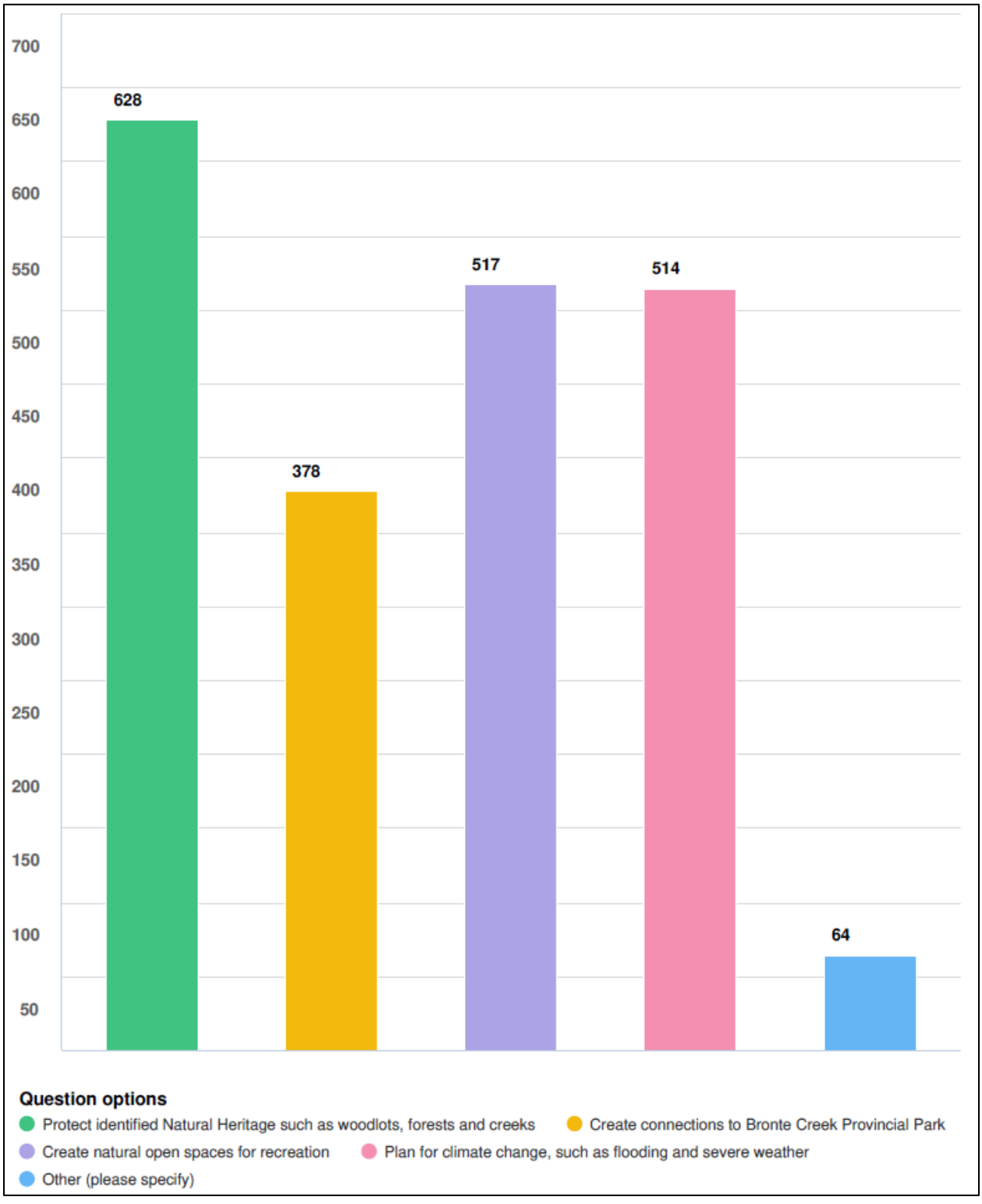
The most frequently selected item was related to walking and active trails with connections in the neighbourhood and the surrounding areas like Bronte Creek Provincial Park, Corpus Christi High School. Next most frequently selected focused on Streets designed with space for pedestrians, cyclists transit and vehicles.

68 participants who selected “Other” were provided the opportunity to expand on their answer. The following is a summary of comments provided under the “Other” selection related to what is most important when planning for ways to get around in a complete community:

- **Transportation and Connectivity**:
    - Participants emphasized the need for different ways to get around, including new streets, transit options, cycling infrastructure, and walking trails. Ensuring safe and efficient transportation within the community is a priority.
    - There is a strong desire for better transit connections to key areas like the Appleby GO Station and major shopping centers. Participants want reliable and frequent public transportation options.
- **Pedestrian and Cyclist Infrastructure**:
    - Many participants highlighted the importance of having streets with space for pedestrians and cyclists. They want well-maintained sidewalks, bike lanes, and walking trails that connect different parts of the community.
    - Safety for pedestrians and cyclists is a significant concern. Participants want measures to ensure that these modes of transportation are safe and accessible.
- **Traffic and Road Infrastructure**:
    - Concerns about traffic congestion and the capacity of existing roads to handle increased traffic were common. Participants want improvements to road infrastructure to support new developments and reduce congestion.
    - There is a call for better road maintenance and the creation of new roads to alleviate traffic issues. Participants also mentioned the need for adequate parking spaces.
- **Environmental and Sustainability Considerations**:
    - Protecting natural heritage, such as woodlots, forests, and creeks, is a significant concern. Participants want to create connections to Bronte Creek Provincial Park and maintain natural open spaces for recreation and environmental conservation.
    - Planning for climate change, such as addressing flooding and severe weather, is also a critical concern. Participants want sustainable development practices that minimize environmental impact.
- **Community Character and Design**:
    - High-quality design of transportation infrastructure is important to participants. They want new developments to fit in with the existing character of the area and enhance the overall aesthetic.

- Participants value walkable neighborhoods that are safe, clean, and well-maintained. They want transportation options that support a healthy and active lifestyle.

6) When it comes to the environment and sustainability, what is most important to you? (select all that apply)



731 responses, 10 skipped

Protect identified Natural Heritage such as woodlots, forests and creeks was the most frequently selected response. The next most frequently selected at roughly the same frequency were create natural open spaces for recreation and plan for climate change such as flooding and severe weather.

64 participants who selected “Other” were provided the opportunity to expand on their answer. The following is a summary of comments provided under the “Other” selection related to what is most important when planning for the environment and sustainability:

- **Preservation of Natural Areas**:
    - Participants strongly emphasized the importance of protecting natural heritage, such as woodlots, forests, and creeks. They want to create connections to Bronte Creek Provincial Park and maintain natural open spaces for recreation and environmental conservation.
    - There is a significant desire to preserve green spaces and avoid overdevelopment that could harm the natural environment.
- **Sustainable Development Practices**:
    - Planning for climate change, such as addressing flooding and severe weather, is a critical concern. Participants want sustainable development practices that minimize environmental impact and promote resilience.
    - There is support for incorporating green technologies, such as rooftop solar panels, and ensuring that new developments are designed with sustainability in mind.
- **Community Design and Infrastructure**:
    - High-quality design of homes, businesses, parks, and open spaces is important to participants. They want new developments to fit in with the existing character of the area and enhance the overall aesthetic.
    - Participants value walkable neighborhoods that are safe, clean, and well-maintained. They want transportation options that support a healthy and active lifestyle, including streets with space for pedestrians, cyclists, and transit.
- **Wildlife and Biodiversity**:
    - Protecting wildlife habitats and biodiversity is a significant concern. Participants want to ensure that new developments do not disrupt local ecosystems and that there are corridors for wildlife to move safely.
    - There is a desire for parks and trails that connect to natural areas, allowing the community to enjoy and appreciate the local environment.

- **Community Facilities and Services**:
    - The importance of community and recreation centers, parks, and open spaces was frequently mentioned. Participants want facilities that support activities for all ages, including children’s activities, senior supports, and health facilities.
    - There is also a call for more schools, daycare centers, and public spaces that encourage community gatherings.

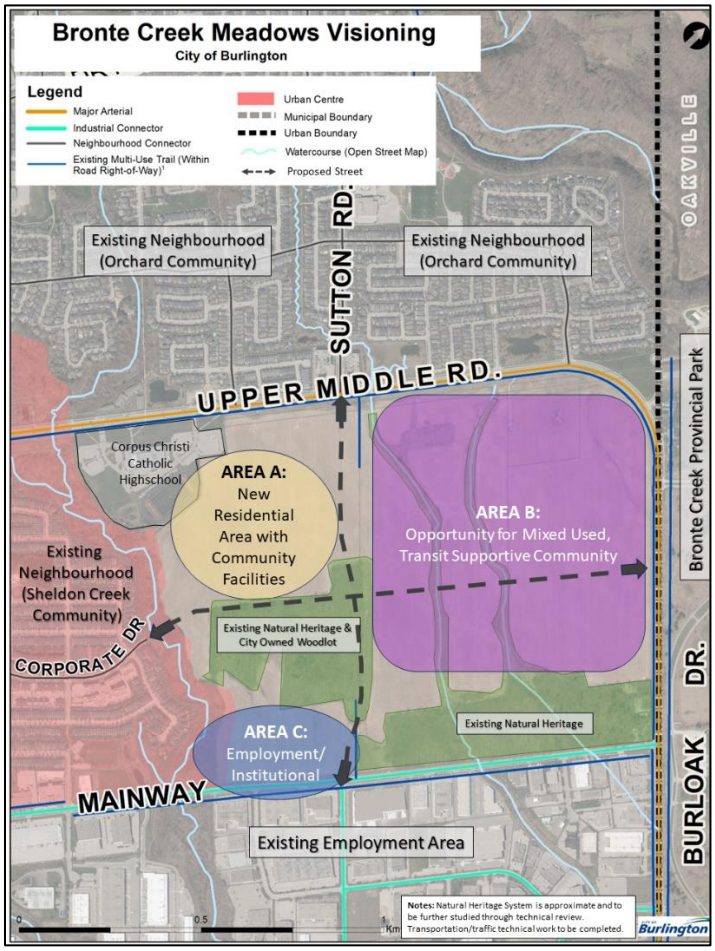
Section #2: Questions about the Preliminary Ideas of Use Map

In the next section of the online survey, participants were asked to provide feedback on a map depicting preliminary ideas for where new community uses and elements could be planned for including:

Area A (Yellow): A potential area for different types of homes such as detached, semi-detached and townhomes, with community facilities to support new residents and existing residents in other neighbourhoods

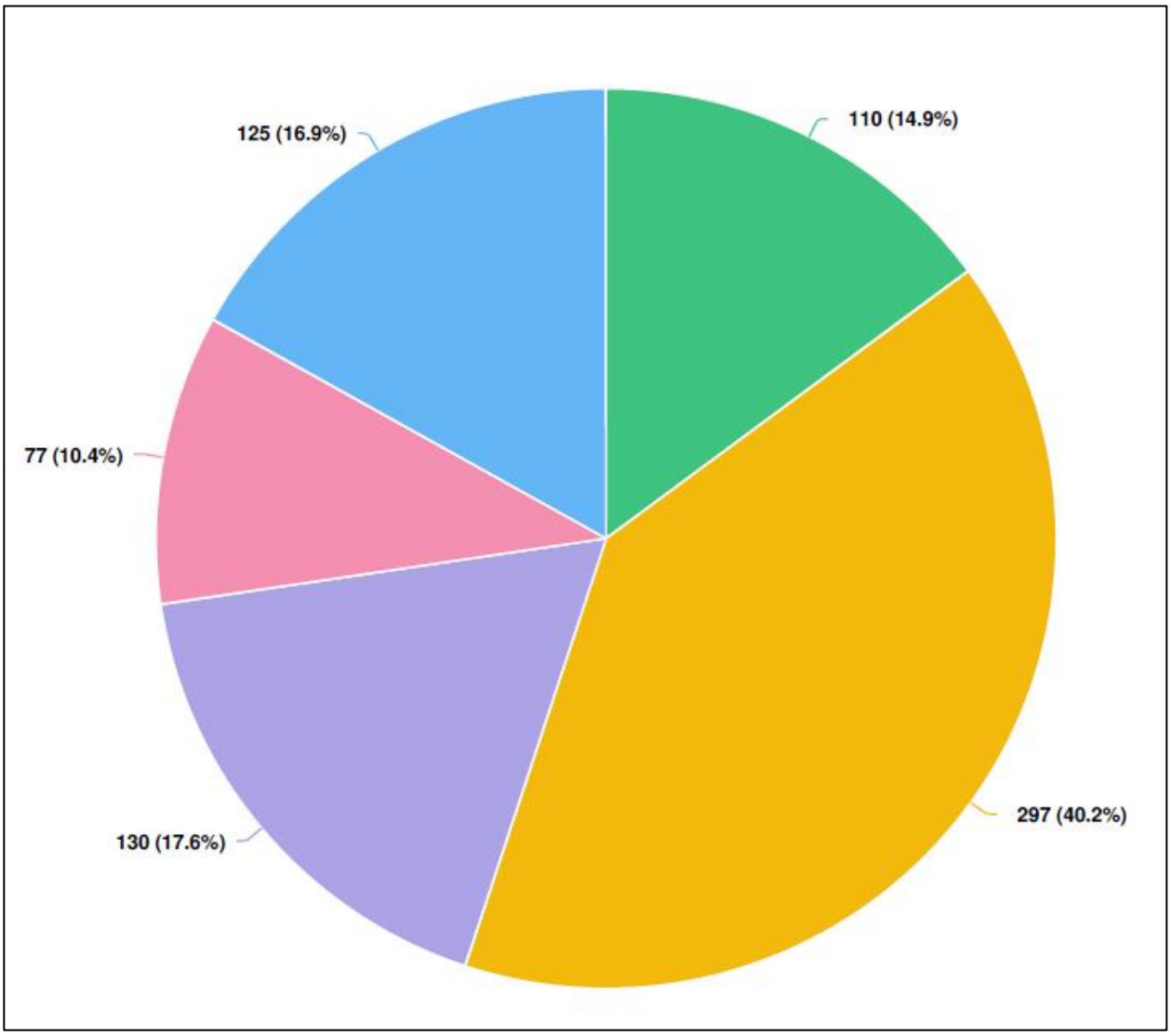
Area B (Purple): An opportunity for mixed use, transit supportive community development. This area is located along existing streets (Upper Middle Road and Burloak Drive). This area could include: different types of housing such as townhomes and apartment/condo buildings with shops and restaurants on the ground floor, shops and services for daily needs, office and businesses, new public spaces, community facilities and transit to support new residents and employees

Area C (Blue) – A potential area for new employment, institutional and/or health care uses to support the creation of jobs. This area is close to existing employment uses on the south side of Mainway.



The following is a summary of feedback received on the preliminary map:

7) Based on the preliminary map above, do you agree with the potential use/vision of Area A (yellow)?



739 responses, 2 skipped

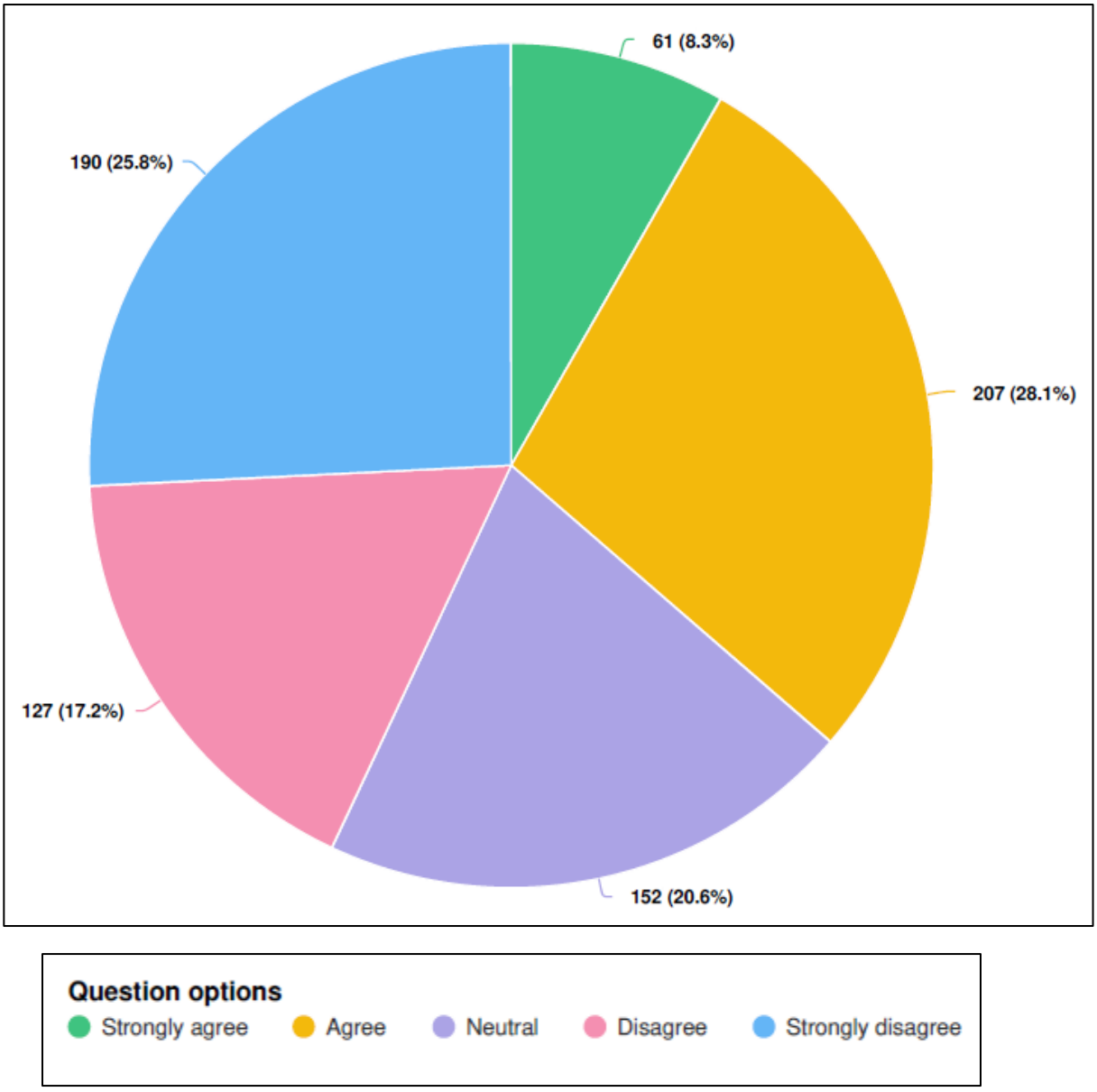
8) Do you have any comments or suggestions about the potential vision of Area A?

388 out of 741 participants provided a response to question #8.

- The feedback reflects a strong preference for preserving green space, addressing traffic and infrastructure concerns, providing affordable housing, and enhancing community facilities while being mindful of environmental impacts.
- **Preservation of Green Space**:
    - Many participants emphasized the importance of keeping Area A as green space, expressing concerns about overdevelopment and the loss of natural areas.
    - Suggestions included leaving the area as open space, creating parks, and ensuring green spaces are incorporated into any development plans.
- **Concerns About Overdevelopment**:
    - There were strong opinions against new residential developments, with many participants highlighting the existing congestion and overcrowding in Burlington.
    - Some suggested limiting the density of housing and avoiding high-rise buildings.
- **Traffic and Infrastructure**:
    - Participants raised concerns about the current infrastructure's ability to handle additional traffic from new developments.
    - Suggestions included widening roads, improving public transportation, and ensuring adequate parking.
- **Affordable Housing**:
    - There was a call for more affordable housing options, including housing for seniors and low-income families.
    - Some participants suggested building affordable quality bungalows and ensuring a mix of housing types.
- **Community Facilities**:
    - Many participants expressed a desire for more community facilities, such as community centers, recreational facilities, and sports amenities.
    - Specific suggestions included building a new community pool, ice rinks, and ensuring facilities for children and seniors.
- **Environmental Concerns**:
    - Participants were concerned about the environmental impact of new developments, including potential flooding and the loss of wildlife habitats.
    - Suggestions included preserving woodlands, creating natural parks, and ensuring sustainable development practices.
- **Mixed-Use Development**:
    - Some participants supported the idea of mixed-use development, incorporating retail and community services within residential areas.
    - Suggestions included creating walkable neighborhoods with convenient access to shops, restaurants, and community services.
- **Specific Development Suggestions**:
    - Ideas ranged from building detached homes and townhouses to creating a signature arena or community center.

- There were also suggestions for specific amenities like splash pads, dog parks, and improved cycling and walking paths.

9) Based on the preliminary map above, do you agree with the potential use/vision of Area B (purple)?



737 responses, 4 skipped

10) Do you have any comments or suggestions about the potential vision of Area B?

428 out of 741 participants provided a response to question #10.

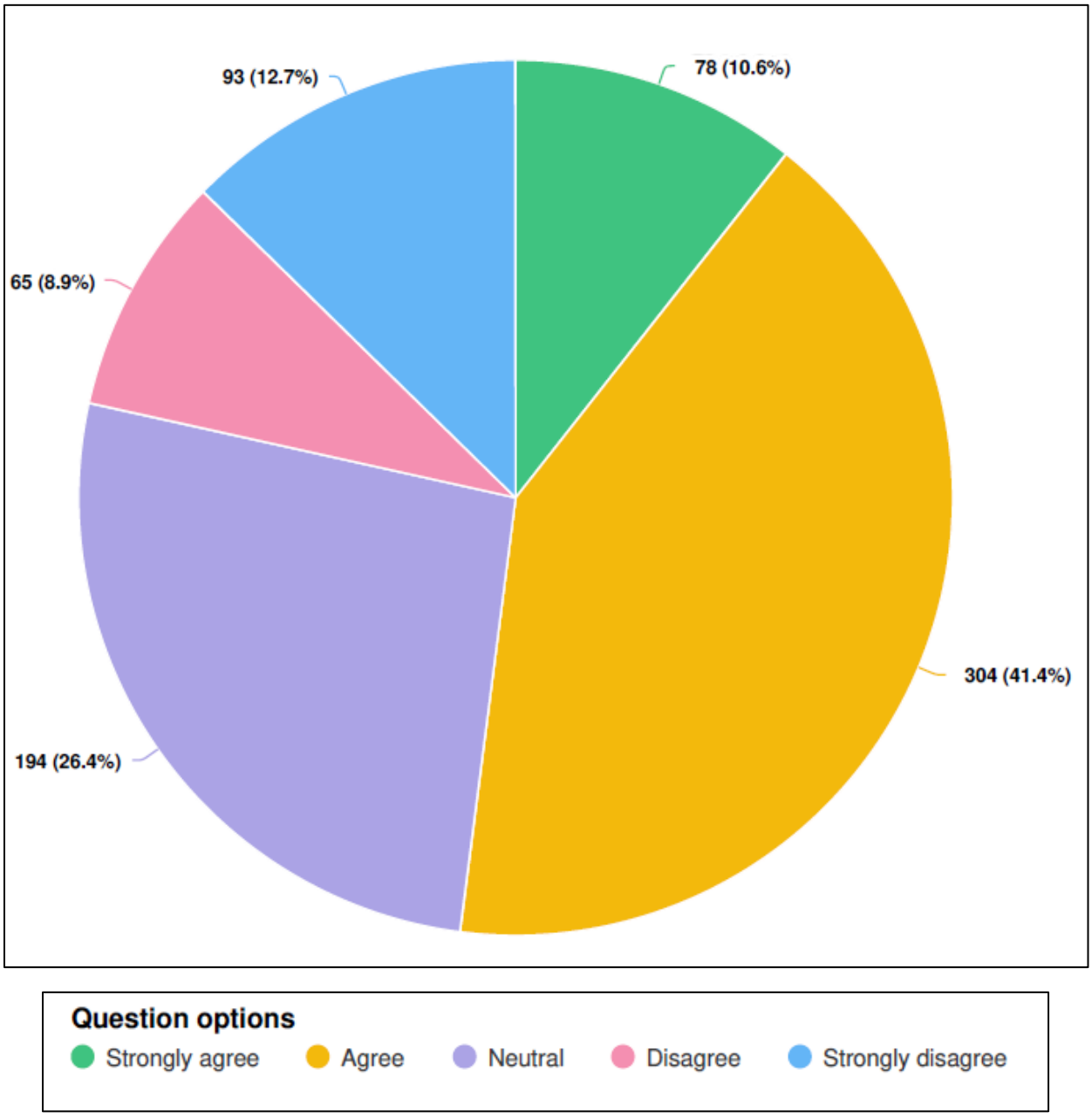
- Feedback highlighted a strong desire to preserve green spaces and maintain the area's natural character while addressing concerns about traffic, infrastructure, and housing density. Participants expressed a preference for low-rise, community-oriented development with ample recreational facilities and services, and a clear plan to protect the environment and wildlife.

- **Preservation of Green Space:**
  - Many participants emphasized the importance of maintaining green spaces for environmental and wildlife conservation.
  - Suggestions included keeping the area as open space, creating parks, and expanding natural heritage areas.
- **Concerns About Congestion and Infrastructure:**
  - There were significant concerns about increased traffic and congestion, particularly on major roads like Burloak, Upper Middle, and Appleby.
  - Participants stressed the need for improved infrastructure, including wider roads and better transit options, before any development occurs.
- **Opposition to High-Density Housing:**
  - Many respondents were against the idea of high-rise condos and high-density housing, citing potential traffic issues and the disruption of the area's character.
  - Preference was shown for low-rise buildings, detached homes, and townhouses.
- **Community and Recreational Facilities:**
  - There was strong support for community centers, recreational facilities, and parks to promote a healthy lifestyle.
  - Specific suggestions included an indoor conservatory, sports fields, and community gardens.
- **Mixed-Use Development:**
  - Some participants supported the idea of mixed-use development but emphasized the need for it to be well-planned and integrated with existing neighborhoods.
  - There were calls for small businesses, local shops, and services that cater to the community's needs.
- **Environmental and Wildlife Protection:**
  - Concerns were raised about the impact of development on local wildlife and natural habitats, especially given the proximity to Bronte Creek Provincial Park.
  - Suggestions included creating wildlife corridors and ensuring that development does not disrupt existing ecosystems.
- **Housing Affordability:**
  - There were calls for affordable housing options, including low-income housing and housing for seniors.

- Participants emphasized the need for housing that is spacious and well-integrated with green spaces.

- **General Skepticism and Vague Plans:**
  - Some participants felt that the vision for Area B was too vague and lacked specific details, making it difficult to fully support or oppose the plans.
  - There was a general skepticism about the impact of development on the quality of life in the area.

11) Based on the preliminary map above, do you agree with the potential use/vision of Area C (blue)?



734 responses, 7 skipped

12) Do you have any comments or suggestions about the potential vision of Area C?

248 out of 741 participants provided a response to question #12.

- Feedback reflects a strong desire to balance development with environmental preservation, community needs, and infrastructure improvements. Participants expressed a range of opinions on the best use for Area C, highlighting the importance of thoughtful and sustainable planning

- **Environmental Concerns**:
    - Many participants emphasized the importance of preserving green spaces and wildlife habitats.
    - Suggestions included keeping the area as open space, woodlands, or for recreational use.
    - Concerns were raised about the impact of development on natural areas and wildlife.
- **Traffic and Infrastructure**:
    - There were significant concerns about increased traffic congestion and the need for better infrastructure.
    - Participants mentioned the need for widened roads, better transit options, and careful planning to avoid disrupting residential areas.
- **Type of Development**:
    - Mixed opinions on the type of development: some supported commercial and industrial use, while others preferred residential or institutional uses.
    - Suggestions included focusing on environmentally friendly businesses, healthcare facilities, and educational institutions.
    - Some participants proposed mixed-use developments with businesses on the ground floor and housing above.
- **Community Impact**:
    - Concerns about the impact on the quality of life, including noise, pollution, and the overall character of the neighborhood.
    - Suggestions for community-focused amenities like parks, community centers, and facilities for children and seniors.
- **Economic Considerations**:
    - Some participants supported development if it brought reputable businesses and job opportunities to Burlington.
    - Others questioned the need for more commercial buildings given existing vacancies in the area.
- **Specific Suggestions**:
    - Ideas included creating a community center, adding bike lanes, and ensuring developments are compatible with existing neighborhoods.
    - Some participants suggested limiting building heights and avoiding high-density housing.

Section #3: Open-ended Questions about the Future of BCM

13) What would make Bronte Creek Meadows a great neighbourhood to live in or live close to?

523 out of 741 participants provided a response to question #13.

- **Green Spaces and Parks**:
  - Emphasis on preserving natural woodland, trails, and open spaces.
  - Desire for more parks, recreational areas, and community centers.
  - Suggestions for specific amenities like splash pads, community pools, and exercise stations.
- **Housing and Development**:
  - Preference for low-density housing, avoiding high-rise buildings and condos.
  - Support for affordable housing options, especially for first-time homebuyers.
  - Concerns about overdevelopment leading to traffic congestion and environmental impact.
- **Community and Infrastructure**:
  - Importance of walkability and safe streets.
  - Need for adequate infrastructure to support increased population, including roads, schools, and transit.
  - Desire for mixed-use development to encourage diversity and accessibility to services.
- **Traffic and Transportation**:
  - Concerns about existing traffic issues on Burloak Drive and Upper Middle Road.
  - Suggestions for better traffic management and infrastructure improvements.
  - Emphasis on public transportation and reducing car dependency.
- **Recreational Facilities**:
  - Requests for sports facilities like baseball diamonds, pickleball courts, and ice rinks.
  - Desire for indoor and outdoor spaces for various age groups, including seniors and children.
- **Environmental Considerations**:
  - Strong preference for maintaining and protecting existing green spaces and natural habitats.
  - Suggestions for integrating green technology and sustainable practices in development.
- **Community Feel**:
  - Importance of creating a sense of place and community.
  - Desire for cohesive design and planning that blends with the natural environment.
  - Emphasis on maintaining the character and charm of the area.

Overall, participants highlighted the need for thoughtful planning that balances development with the preservation of natural spaces, ensures adequate infrastructure, and fosters a strong sense of community.

14) In 20 years, what do you vision Bronte Creek Meadows will be?

434 out of 741 participants provided a response to question #14.

Key Themes and Visions:

- **Green Space and Nature**:
  - Many participants envision Bronte Creek Meadows as a green, lush area with lots of trees, parks, and natural spaces.
  - Suggestions include maintaining it as a natural space, creating trails, and ensuring biodiversity for both humans and wildlife.
- **Community and Safety**:
  - A significant number of responses highlight the desire for a safe, community-oriented neighborhood.
  - Ideas include spaces for children and teens to play, community hubs, and recreational facilities.
- **Sustainable Development**:
  - Participants hope for sustainable, eco-friendly development with renewable energy sources, green spaces, and minimal high-rise buildings.
  - There is a strong preference for low-density housing and avoiding overdevelopment.
- **Infrastructure and Accessibility**:
  - Improved infrastructure to handle traffic and connectivity is a common concern.
  - Suggestions include better public transit, walking and cycling paths, and connections to Bronte Creek Provincial Park.
- **Mixed Reactions on Development**:
  - While some participants are optimistic about thoughtful development, others are concerned about overpopulation, traffic congestion, and loss of green space.
  - There are mixed feelings about whether the area should remain largely undeveloped or be developed into a vibrant community.
- **Community Identity**:
  - Many envision Bronte Creek Meadows as a desirable place to live, with a strong community identity and a blend of housing, businesses, and community centers.
  - The area is seen as potentially setting a standard for suburban development in the Greater Toronto Area (GTA).

Specific Suggestions:

- **Green and Recreational Spaces**: Parks, trails, sports fields, and community centers.

- **Housing**: Preference for single-family homes, low-rise buildings, and avoiding high-density condos.
- **Sustainability**: Renewable energy, zero-carbon community, and preserving natural habitats.
- **Community Facilities**: Schools, playgrounds, and spaces for seniors and families.
- **Traffic and Infrastructure**: Addressing potential traffic issues and ensuring proper infrastructure development.

Overall, the feedback reflects a strong desire to balance development with the preservation of natural spaces, creating a safe, sustainable, and vibrant community. Participants hope for thoughtful planning that integrates green spaces and community facilities while avoiding the pitfalls of overdevelopment.

15) Do you have an innovative idea for the future of Bronte Creek Meadows?

341 out of 741 participants provided a response to question #15.

- **Preservation and Green Space**:
    - Many participants emphasized keeping the area as green space, preserving woodlots and natural habitats, and avoiding overdevelopment.
    - Suggestions included planting trees, creating parks, trails, and natural areas, and integrating green infrastructure like community gardens, solar farms and geothermal systems.
- **Community and Mixed-Use Development**:
    - Ideas for a community-focused development with mixed-use buildings, including residential, commercial, and recreational spaces.
    - Proposals for a walkable neighborhood with adequate transit, community facilities, and businesses close proximity.
    - Ideas also highlighted the importance of enhancing and building new walking and biking trails, including through and along natural spaces and the creeks system
    - Some participants noted that they would not like to see high density developments or high-rise buildings
- **Sustainability and Environmental Considerations**:
    - Emphasis on sustainable development practices, such as using native plants, minimizing water and energy consumption, and incorporating renewable energy sources.
    - Suggestions for green roofs, rainwater harvesting, ponds and permeable surfaces to manage stormwater.
    - Many participants suggested expanding the Bronte Creek Provincial Park and ensuring safe connections to the Park such as a bridge over Burloak Drive.
- **Recreational Facilities and Public Spaces**:

    - Proposals for various recreational facilities like outdoor workout stations, pickleball courts, ice rinks, sports complex and community centers.
    - Ideas for creating spaces for community gatherings, such as cafes, restaurants, and public squares.
- **Infrastructure and Traffic Management**:
    - Concerns about traffic congestion and the need for better infrastructure to support new developments.
    - Suggestions for roundabouts, improved public transit, and pedestrian-friendly designs to reduce car dependency.
- **Innovative Housing Solutions**:
    - Ideas for affordable housing, including townhomes, low-rise buildings, and co-operative housing.
    - Proposals for unique housing designs that blend with nature and provide sustainable living options.
- **Educational and Cultural Spaces**:
    - Suggestions for educational institutions, community hubs, and cultural centers that promote learning and community engagement.
    - Ideas for integrating art, culture, and history into the development.
    - Ideas called for spaces to honour Indigenous Peoples
- At least 31 participants provided feedback that no development should take place on Bronte Creek Meadows

Overall, the feedback highlights a strong desire to balance development with environmental preservation, community needs, and sustainable practices. Participants envision Bronte Creek Meadows as a vibrant, green, and inclusive community.

16) Do you have any other comments or considerations in regards to the planning of Bronte Creek Meadows?

327 out of 741 participants provided a response to question #16.

Key Concerns and Comments:

1. **Traffic and Infrastructure:**
    - **Overwhelming Traffic:** Many participants expressed concerns about increased traffic congestion, particularly on Upper Middle Road, Appleby Line, and Burloak Drive. They emphasized that the current infrastructure cannot support additional development and work must be done to ensure sufficient and sustainable infrastructure.
    - **Infrastructure Improvements:** Suggestions included widening roads, adding roundabouts, and improving public transportation to handle the increased volume of vehicles.
    - **Impact on Emergency Services:** Concerns were raised about the ability of emergency vehicles to navigate through congested areas.
2. **Environmental Impact:**

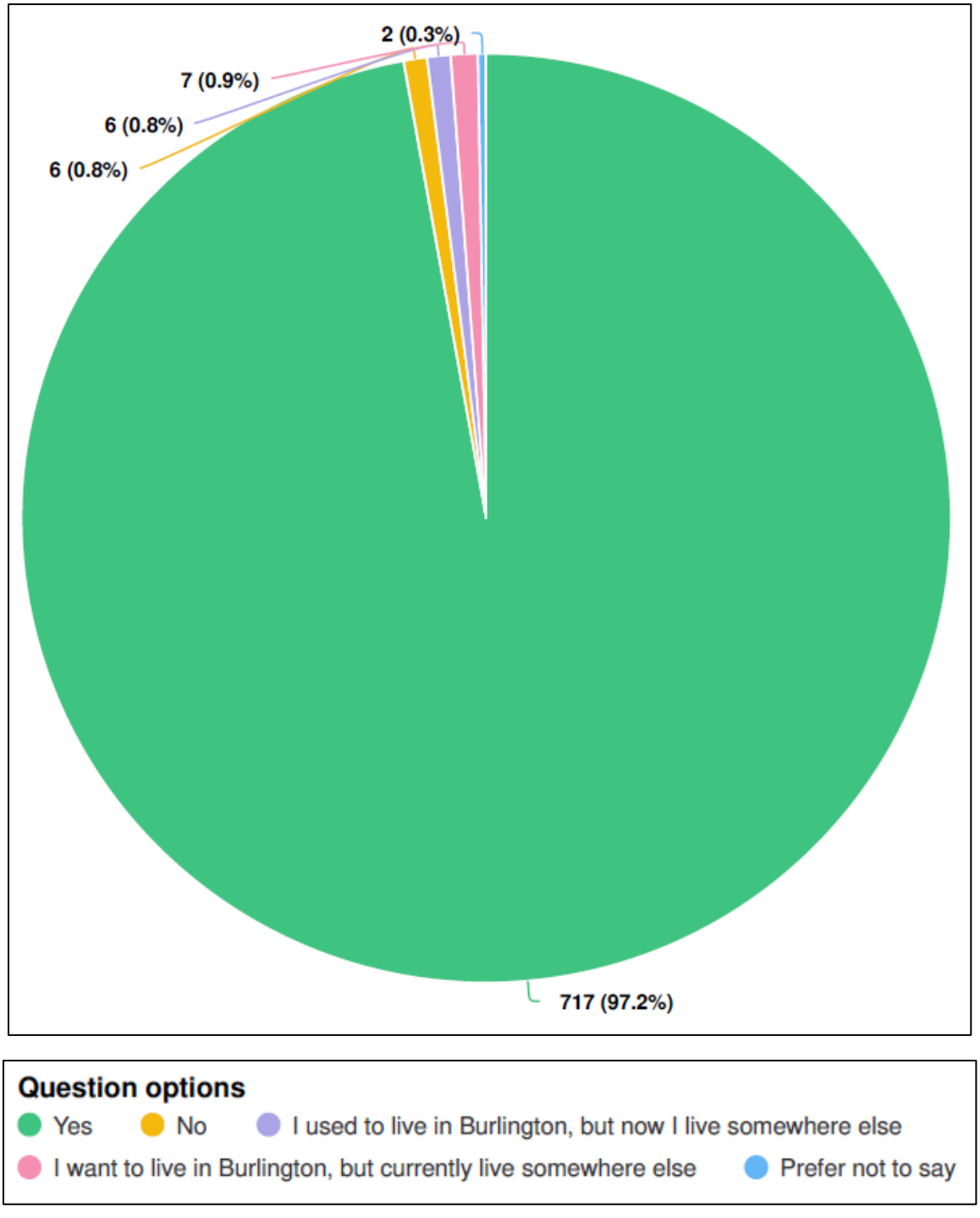
- **Preservation of Green Spaces:** Numerous comments highlighted the importance of maintaining green spaces and natural habitats for wildlife. Participants urged the city to protect existing woodlots, creeks and natural heritage areas.
- **Planning for Parks and Gathering Spaces:** Numerous participants noted that the vision for this area needs to include parks and green spaces for people to gather, as well as the planting of trees.
- **Sustainable Development:** There were calls for sustainable and environmentally friendly development practices, including the use of quality builders and the incorporation of community gardens and walking trails.

3. **Community and Quality of Life:**
   - **Overcrowding:** Many participants felt that Burlington is already overcrowded and that additional residential development would exacerbate this issue. At least 48 participants answered that BCM should not be developed and should be left as is.
   - **Community Amenities:** Suggestions included building more community centers, recreational facilities, and ensuring that new developments include amenities that benefit residents.
   - **Housing Types:** Participants expressed a preference for low-density housing and opposed high-density developments like condos and townhomes. There was also a call for affordable housing options.
4. **Planning and Decision-Making:**
   - **Thoughtful Planning:** Participants urged the city to plan carefully and consider the long-term impact of development. They emphasized the need for innovative, bold and forward-thinking designs.
   - **Public Involvement:** There was a strong desire for ongoing public consultation and involvement in the planning process. Participants wanted their feedback to be genuinely considered in decision-making.
5. **Miscellaneous Concerns:**
   - **Wildlife Protection:** Concerns were raised about the impact of development on local wildlife, including deer, raptor birds and coyotes.
   - **Construction Impact:** Participants mentioned the need to minimize noise and disruption during construction.
   - **Flood Mitigation:** There were comments about the importance of addressing flood risks and ensuring proper stormwater management.

Overall, the feedback reflects a strong desire for careful, sustainable, and community-focused development that addresses traffic and infrastructure challenges while preserving green spaces and enhancing the quality of life for current and future residents.

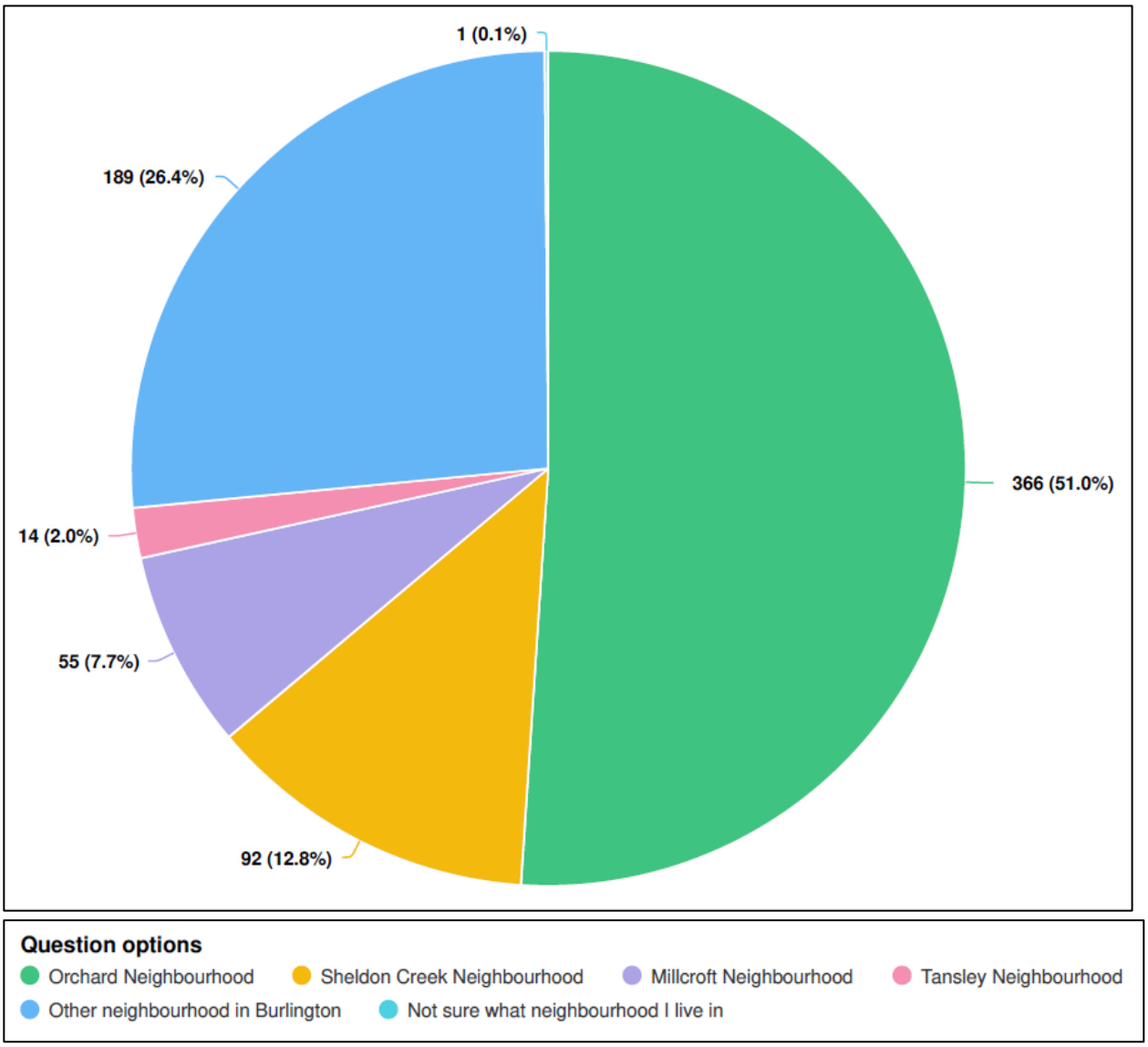
Section #4: Demographic Questions

17) Do you live in Burlington?



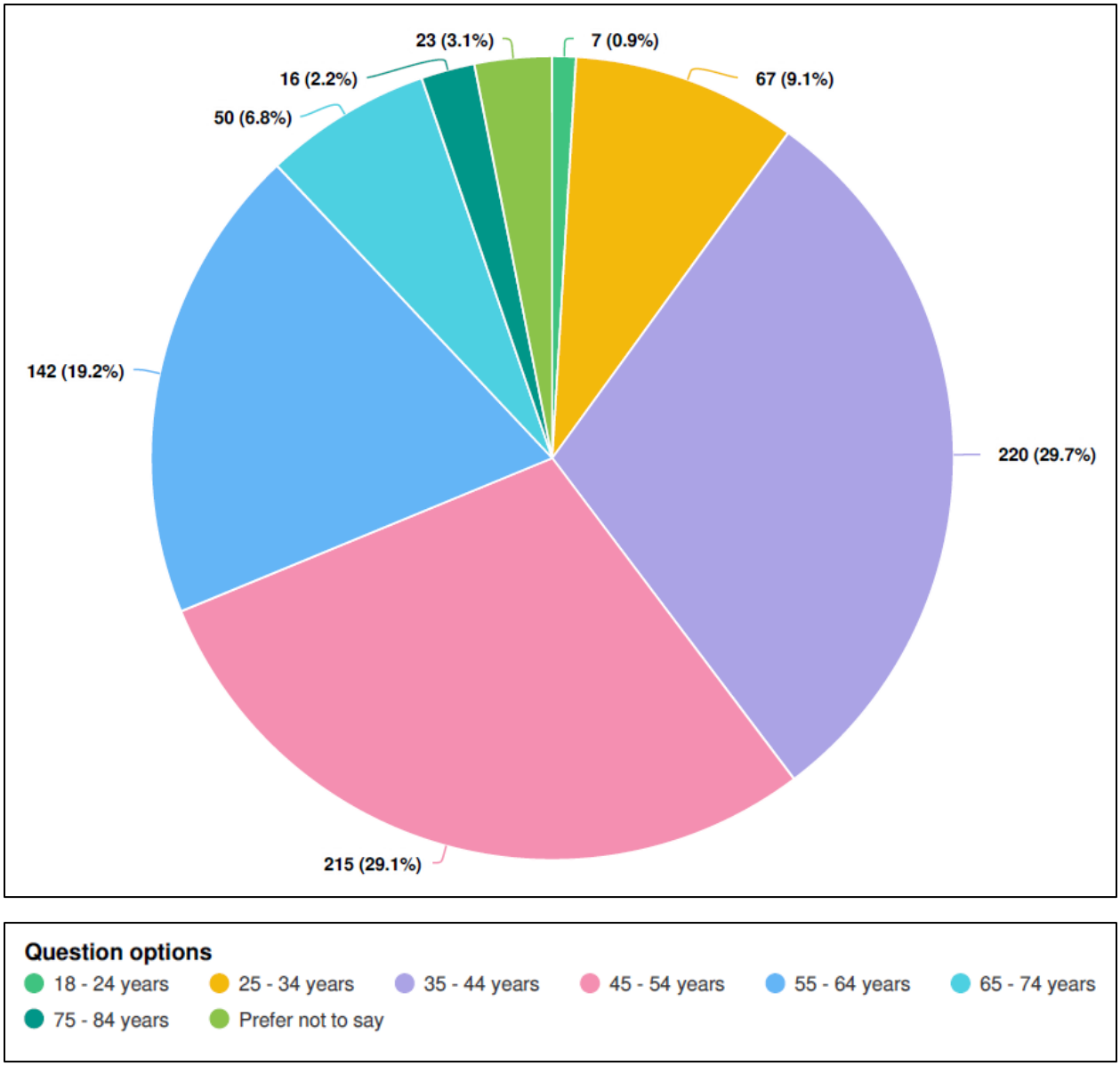
738 responses, 3 skipped

18) Based on the map, what are do you live in?



717 responses, 24 skipped

19) What is your age range?



740 responses, 1 skipped

SUBJECT: Draft Official Plan and Zoning By-law Amendments to increase housing options

TO: **Committee of the Whole**

FROM: **Community Planning Department**

Report Number: PL-92-24

Wards Affected: all

Date to Committee: December 3, 2024

Date to Council: December 10, 2024

Recommendation:

Direct the Director of Community Planning to consider Council, agency, and community feedback received as part of this statutory public meeting, prior to bringing forward a subsequent staff report recommending adoption of Official Plan Amendment No. 3 and a Zoning By-law Amendment in January 2025.

PURPOSE:

Vision to Focus Alignment:

- ☑ Designing and delivering complete communities
- ☐ Providing the best services and experiences
- ☐ Protecting and improving the natural environment and taking action on climate change
- ☐ Driving organizational performance

Executive Summary:

The Draft Official Plan Amendment and Zoning By-law Amendment attached as Appendix A and B respectively to this report, implement phases 1 and 2 of the Official Plan Amendment to Increase Housing Options Study.

At the October 17, 2023 Meeting of Council, City Council declared its intention to allow four units as-of-right and to implement the other actions identified in the Housing Strategy and unanimously approved Motion Memorandum ADM-17-23.

This report summarizes the work undertaken to implement phases 1 and 2 of the Official Plan Amendment to Increase Housing Option Study, as outlined in Staff Report PL-66-24 on at the Committee of the Whole on September 9, 2024.

Phase 1 seeks to permit four units as-of-right through the Additional Residential Unit policies contained within the BOP, 2020 in order to meet the requirements of the Housing Accelerator Fund. Phase 2 proposes modifications to the policies of the Residential Neighbourhood Area, including the Neighbourhood Character Area policies of the BOP, 2020 to update these policies to consider expanded permissions and consider built form instead of density.

This report also provides an overview of the engagement undertaken to date and feedback received, contained in a Feedback Report attached as Appendix C. Any additional feedback received at the Statutory Public Meeting on December 3, 2024, or over the course of December 2024 and January 2025 will be used to refine and finalize the Draft OPA and ZBA prior to Council's consideration of a recommendation report to be brought forward to the Committee of the Whole in January 2025.

Background and Discussion:

Project Background – Official Plan Amendment to Increase Housing Options Study

The Official Plan Amendment to Increase Housing Options Study has been underway since April 2024 through the Burlington Official Plan, 2020 Targeted Realignment Exercise in close alignment with Phase 1 of the New Zoning By-law Project (NZBP). For more details on the project please refer to PL-66-24.

The objective of the Official Plan Amendment to Increase Housing Options Study is to identify policy tools that support gentle ground-oriented intensification that considers the context and character of Burlington's Neighbourhoods while providing opportunities to increase the diversity of housing options to meet the needs of all residents at all stages of life and at all income levels.

This project focuses on using planning implementation tools such as the Official Plan, and Zoning By-law to put into place a policy framework and regulations to help support a variety of housing options within the City's Urban Area, with a particular focus on the City's neighbourhoods.

A Note on Proposed Changes to Ontario Regulation 299/19 – Additional Residential Units

In June 2024, to further support the implementation of additional residential units, Bill 185, *Cutting Red Tape to Build More Homes Act, 2024* made further changes to the *Planning Act* to provide the Minister with broader regulation-making authority to align municipal by-laws in support of building more additional residential units.

Then, on Sept. 23, 2024, the Province posted the proposed amendments to O. Reg 299/19 with a 30-day comment period, closing on Oct. 23, 2024. The proposed amendments to O. Reg. 299/19 were posted through ERO posting #019-8369 and propose that the regulations in O. Reg. 299/19 would override a number of regulations in local municipalities zoning by-laws to support the creation of additional residential unit policies. For example, one proposed change is to allow a maximum lot coverage of at least 45 per cent for all buildings and structures on parcels with additional residential units.

Planning Staff provided a comment response through the ERO posting #019-9210 as detailed in the letter attached to Council Information Package dated Oct. 25, 2024. As of the date of writing this report, no response from the Province has been received and there are no additional details regarding the status or timing of the proposed changes to O. Reg. 299/19.

Status of the Policies of the Burlington Official Plan, 2020

A significant portion of the Burlington Official Plan was appealed in 2020 and a number of policies are subject to broad appeal and therefore not in effect. An OLT decision was issued on January 4, 2023, confirming that some portions of the new Official Plan came into effect on December 22, 2020. This means that the Plan has legal status and can be amended in accordance with the *Planning Act*. Since January 2023, a number of additional policies have been brought into effect through approved settlements and a Partial Approval that was issued by the OLT in April of 2024 including the policies identified in Draft Official Plan Amendment No.3, attached to this report. All of these policies are currently in effect and therefore may be amended in accordance with Sections 16,17 and 21 of the *Planning Act.*

OPA 1, an amendment to the new Burlington Official Plan which implemented the changes to Additional Residential Unit policies introduced through Bill 23, is in full force and effect following its adoption by Council in September 2023. At an OLT Case Management Conference (CMC) held on July 7, 2023, it was identified by the City that, since the release of ROPA 48 & 49 and Bill 23, both legal and policy changes have occurred which have conformity requirements. It was noted that these changes impact the City's new OP and have resulted in the need for the City to reexamine portions of

the Plan. Since July 2023, additional changes have been made to the provincial policy framework, including the new PPS 2024 coming into effect on October 20, 2024.

Draft Official Plan Amendment No.3

Draft Official Plan Amendment No. 3 (Appendix A) implements Phase 1 and 2 of the Official Plan Amendment to Increase Housing Options Study by proposing amendments to the Burlington Official Plan, 2020 to:

- Amend the policies for Additional Residential Units in order to permit three Additional Residential Units per urban lot, for a total of four units permitted per urban lot as of right.
- Amend the policies of the Official Plan in order to support ground-oriented intensification that considers the context and character of Burlington's Established Neighbourhoods while providing opportunities for more diverse housing options to meet the needs of all residents at all stages of life and at all income levels.
- Establish built form as a metric used to describe the degree of development within the Residential Neighbourhood Areas, supported by other policy guidance to be implemented through the Zoning By-law.
- Implement permissions to allow for more low-rise ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas.

The proposed amendments will address the HAF Action Plan Initiative 3 and assist in addressing Actions 6 and 7 of the Housing Strategy.

Amendments to the Official Plan 2020, Related to Additional Residential Units (Phase 1)

The draft OPA No. 3 (Appendix A) proposes to amend Section 8.7.2 Additional Residential Units of the BOP, 2020 in order to permit three (3) additional residential units per parcel of urban residential land where a single-detached dwelling, semi-detached dwelling, townhouse unit or street townhouse unit is permitted, for a total of up to four units as-of-right. This is one additional residential unit more than is currently permitted. The amendment also proposes to add additional policies relating to ensuring that the Zoning By-law establishes appropriate parking standards for properties with additional residential units, to address concerns regarding parking that were brought forward throughout the public engagement process.

The proposed approach of permitting four units as-of-right through the additional residential unit policies will, in the opinion of Planning Staff, result in a continuation of the existing physical character within the City's neighbourhoods by requiring the four

units per lot to meet the policies and regulations for the principal dwelling building envelope such as yard requirements, save and except for total permitted lot coverage as proposed to be permitted by under O. Reg. 299/19 as described above.

Proposed Amendments to the ARU Regulations in Burlington's Existing Zoning – Phase 1

The City's existing Zoning By-law (Zoning By-law 2020, as amended) currently permits up to two additional residential units (previously referred to as an "accessory dwelling unit" or "ADU") on a detached, semi-detached or townhouse lot that is served by municipal sewage and water services. Both ARUs may be contained within the principal building. Alternatively, one ARU may be contained in a detached accessory building on the same lot as the principal building, and the other ARU may be contained within the principal building.

The proposed amendments to the existing Zoning By-law (Appendix B) will ensure alignment with the Official Plan policies, as proposed to be amended, by increasing as-of-right the number of additional residential units to three from two in addition to the principal dwelling unit (and allowing four residential units per property as-of-right) on all residential lands in the settlement area on full sewer and water services.

Reduced Minimum Parking Requirements for ARUs

The existing Zoning By-law requires that a minimum of two parking spaces be provided for each principal dwelling unit plus a minimum of one parking space be provided for each ARU. For example, for a property to have three ARUs, five parking spaces total would be required. Five parking spaces would require a total area of 82.5 m^2 (approximately 900 square feet or the size of a 2-bedroom dwelling unit). This presents a barrier due to limited space on a residential property to achieve competing objectives of providing space for housing, protecting existing trees, usable outdoor amenity space, and cars.

Staff has heard from residents that the City's existing parking requirement of one space per additional residential unit is considered a barrier to their ability to add an ARU on their property. To remove this barrier and encourage the creation of more developable area for housing rather than parking, staff is proposing a reduction in the number of parking spaces required for an ARU. If approved, no parking space is required for one ARU and one additional parking space is required for the second or third ARUs. For example, instead of five parking spaces total being required for a detached dwelling with three ARUs, three parking spaces total would be required.

This recommended approach is intended to be supported through the creation of a city-wide on-street residential parking permit system. Staff are targeting Q1 2025 to bring forward a report considering the creation of a city-wide on-street parking permit system.

Other Regulations

In addition to the proposed regulations discussed above, the amendment also includes removing or adding requirements to enable conversion of existing buildings into ARUs and by doing so, eliminating the need to obtain approval such as a minor variance.

ARUs will be subject to all other existing performance standards found in the Zoning By-law for the principal building or accessory building such as height and setbacks.

It should be noted that it may not be feasible for all properties to accommodate three additional residential units in compliance with the proposed parking standards and other performance standards. For example, it is expected that additional residential units will be less common on smaller lots or lots with semi-detached dwellings and townhouses due to the physical space required to house cars.

Through Phase 1 of the NZBP, the project team is reviewing the City's residential zones and will explore further opportunities for gentle intensification. This includes further study and consideration of the proposed amendment to O. Reg. 299/19 for permitting additional residential units beyond the current performance standards found in the City's existing zoning by-law, and as proposed to be amended above.

Official Plan Amendments Related to the Residential Neighbourhood Area (Phase 2)

Council's motion also directs staff to implement actions identified in the Housing Strategy including implementing opportunities to increase housing options available through the Residential Neighbourhood Area policy framework.

The draft Official Plan Amendment proposes changes to the policies of the Residential Neighbourhood Area and it's three existing designations in order to set the initial framework to increase flexibility to allow for more housing options in the City's neighbourhoods in alignment with the Actions of the City's Housing Strategy.

Main Changes:

- Focus on built form and scale, not density, as the defining feature for each designation, in order to provide a clear understanding of what is expected in each designation.
- Renaming existing designations to provide clarity about the built form expectations.
- Focus on flexibility to allow for more housing options in neighbourhoods.

- Focus on compatibility and reinforcing the existing built form within our neighbourhood while providing opportunities for flexibility to reduce barriers to increased housing options.

- Removal of Neighbourhood Character Area Policies

Strategy/process/risk

Housing Accelerator Fund Action Plan Requirements

On January 15, 2024, Infrastructure Canada and CMHC announced the City of Burlington's application was approved resulting in the City receiving $21,156,248.60 in funding to incentivize 618 units. Council's October 2023 motion directly supported the City's successful application to the Housing Accelerator Fund and falls under Initiative 3 of the Housing Accelerator Fund (HAF) Action Plan. Satisfying Council's motion and delivery of all of the initiatives of the HAF Action Plan in the timing identified is required in order to retain the City's HAF funding. The implementation period is 2024 for Initiative 3, which includes implementing four units as-of-right. This project aims to meet this deadline in order to ensure the City is able to retain the full funding awarded by CMHC. The Official Plan Amendment also aims to address increasing housing options and flexibility within the residential neighbourhood area policies, which, seek to reduce barriers to increasing housing options, including missing middle housing in alignment with the requirements of the HAF its housing targets.

Amendment to the Existing Zoning By-law (By-law 2020, as amended)

To meet the HAF timeline requirements for permitting four units as-of-right, an amendment to the existing Zoning By-law (By-law 2020, as amended) is recommended in order to align the City's ARU regulations with the new policy framework proposed by Draft OPA 3. Given scheduled delivery of Phase 1 – Residential Zones of the new Zoning By-law (Targeted for Q2, 2025), staff have elected to set initial regulations to support the development of ARUs through the City's existing Zoning By-law. The NZBP team will continue to monitor the efficacy of the regulatory framework for ARUs and will work to refine performance and parking standards to be delivered as a part of Phase 1 of the NZBP to further reduce barriers to ARUs in the City's Neighbourhoods.

Recommended Modifications to BOP 2020 Policies Appealed to the OLT

While changes to appealed policies typically proceed by way of OLT modification, in some limited and specific circumstances, amendments may also be brought forward to withdraw policies. There are a small number of policies currently subject to appeal that have been identified for modification or withdrawal through Phase 2. These policies fall into the two categories listed below. These proposed changes cannot be implemented through an Official Plan Amendment. The City's current approach to advancing the appealed portions of the BOP, 2020 is through modifications through the OLT process. In the recommendation report targeted for January 2025, staff will be seeking direction from Council to move forward with these modifications through the OLT process.

1. Policies recommended for removal from the BOP 2020
    - 8.3.6: Neighbourhood Character Areas
2. Schedules requiring modification to reflect the proposed amendments to the in-effect policies of the BOP 2020:
    - Schedule C – Land Use Urban Area
    - Schedule E – Land Use Uptown Urban Centre
    - Policy cross references and renumbering to policies currently appealed

Additionally, there are a number of policy cross references and renumbering of policies currently appealed. In this case, the remaining matters of conformity will be addressed through the City's Official Plan realignment exercise, as noted through Report PL-45-23. In addition to matters of conformity, the realignment will address housekeeping matters such as terminology changes and cross-references throughout other sections of the Official Plan.

Options Considered

Staff report PL-66-24 included the policies of the Downtown Urban Centre's Low-Rise Neighbourhood Precinct Designation for review as a part of Phase 2 of the project work to explore opportunities for increased flexibility and housing options. Staff have elected to focus on the Residential Neighbourhood Area as the primary focus of Phase 2 as the Residential Neighbourhood Area covers a substantial geography of the City of Burlington and its policies are largely in effect. Staff intend to move this work into Phase 3 of the project.

Financial Matters:

Staff have prepared a detailed Engagement Plan to deliver on the objectives of the Official Plan Amendment to Increase Housing Options Engagement Study to an upset limit of $10,000 to deliver the engagement plan.

Total Financial Impact

Source of Funding

The Housing Accelerator Fund was identified as the funding source for the delivery of the engagement throughout the project.

Other Resource Impacts

Climate Implications:

On April 23, 2019, Burlington's City Council unanimously passed a motion to declare a climate emergency. This work provides innovative solutions to address local housing issues while making better use of existing infrastructure and services through the provision of additional residential units and more low-rise ground-oriented housing options with more diverse options for alternative modes of transportation, to support the provision of a wider range of housing options and minimize impacts on the environment.

Engagement Matters:

Engagement has been a central element to Phases 1 and 2 of the Official Plan Amendment to Increase Housing Options Project. The following provides a high-level summary of the engagement that has taken place and has informed the proposed draft Official Plan Amendment No. 3 and the draft Zoning By-law Amendment.

The engagement was informed by the Official Plan Amendment to Increase Housing Options Engagement Plan.

Engagement took place between May and October 2024 and resulted in 560 survey responses over the course of 2 online surveys, 4 Open Houses (2 virtual and 2 in-person), engagement with the Burlington Youth Student Council, a tradeshow booth at the May 2024 Mayor's Speaker Series Event, Pop-up engagement events at the Burlington Centre Lions Farmer's Market and Appleby Line Street Festival and participation at Food for Feedback; as well as a variety of meetings with the Official Plan Amendment to Increase Housing Options Steering Committee. It also included posts on the Housing Strategy Get Involved page, email correspondence with members of the public and engagement with the development community.

For details on the engagement tactics used, the feedback collected and how it informed the draft Official Plan Amendment to Increase Housing Options please see the feedback report attached as Appendix C of this report.

The Official Plan Amendment to Increase Housing Options Feedback Report, attached as Appendix C to this report also provides an overview of the engagement undertaken and feedback received and how it did or did not influence the Draft Official Plan Amendment and Draft Zoning By-law amendment. Any additional feedback received at the Statutory Public Meeting on December 3, 2024, or over the course of December 2024 and January 2025 will be used to refine and finalize the Draft OPA and ZBA prior to a recommendation report being brought forward to the Committee of the Whole for Council's consideration in January 2025.

Conclusion:

The Draft Official Plan Amendment and Zoning By-law Amendment attached as Appendix A and B respectively implement phases 1 and 2 of the Official Plan Amendment to Increase Housing Option Study. This approach was designed to ensure that the City is able to meet the requirements set out in Action 3 of the Housing Accelerator Fund Action Plan, while working to identify amendments to the BOP 2020 that would support increased opportunities and limit barriers to increasing housing options in order to satisfy Council's motion and to further the objectives of the City's Housing strategy, Housing Pledge, Housing Accelerator Fund Action Plan and Strategic Plan

Respectfully submitted,

Alexandra Mathers, RPP, MCIP
Planner, Planning Policy
905-335-7777 ext. 7556

Kate Hill-Montague, RPP, MCIP
Supervisor, Planning Policy
905-335-777 ext. 7508

Appendices:

A. Proposed Official Plan Amendment No. 3
B. Proposed Zoning By-law Amendment XX
C. Feedback Summary Report

Notifications:

Ministry of Municipal Affairs and Housing- Municipal Services Offices- Central Region – Hannah Evans and Laurie Miller

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

OFFICIAL PLAN AMENDMENT
PROPOSED AMENDMENT NO. 3 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The Amendment contained in Part "B" of this document constitutes Amendment No. 3 to the Official Plan of the City of Burlington, 2020.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Official Plan Amendment is to revise certain elements of the text of the Burlington Official Plan, 2020 to implement the findings of Phases 1 and 2 of the Official Plan Amendment to Increase Housing Options project, including expanding permissions to allow up to four units on residential lots within the urban area in order to implement elements of Motion Memorandum ADM-17-23 and the Housing Strategy.

The effect of the proposed Amendment is to amend policies from the *Burlington Official Plan, 2020* to:

- Support ground-oriented intensification that considers the context and character of Burlington's Established Neighbourhoods while providing opportunities to increase the diversity of housing options to meet the needs of all residents at all stages of life and at all income levels.
- Establish built form as a metric used to describe the degree of development within the Residential Neighbourhood Areas;
- Update the policies relating to the Residential Neighbourhood Areas designations;
- Expand permissions to allow for more low-rise ground-oriented housing options including duplex, triplex and fourplexes within the Residential Neighbourhood Areas designations; and,
- Update the policies for Additional Residential Units in order to permit three Additional Residential Units per urban lot, for a total of four units permitted per urban lot as of right.

SITE AND LOCATION

The proposed amendment applies to Residential Neighbourhood Areas Policies within the City of Burlington subject to the Burlington Official Plan, 2020.

2. BASIS FOR THE AMENDMENT

a) At the October 17, 2023, Meeting of Council, City Council declared its intention to allow four units as-of-right and to implement the other actions identified in the Housing Strategy and unanimously approved motion Memorandum ADM-17-23.

b) Section 17 (24.1) of the Planning Act limits appeal rights for policies that permit additional residential units up to two additional residential units. As such subsection 8.7.2 “Additional Residential Units” of the *Burlington Official Plan, 2020* are currently in effect and therefore may be amended.

c) On April 2, 2024, the Ontario Land Tribunal issued a Decision granting the City’s motion for Partial Approval of the *Burlington Official Plan, 2020*, which included the Residential Neighbourhood Area policies, amongst other policies. As such, Section 8.3 “Residential Neighbourhood Areas” of the *Burlington Official Plan, 2020* are currently in effect and therefore may be amended.

d) The Statutory Public Meeting about the Official Plan Amendment will be held on December 3, 2024, with a final recommendation report on January 13, 2025.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

1.1 Text Change:

The amendment includes the changes to the text of the Burlington Official Plan, 2020 as described in the following table:

In the “Description of Change” column, text that is underlined is new text to be inserted into the Burlington Official Plan, 2020 by way of changes to the in-effect policies. Text that is crossed out (“~~strikethrough~~”) is to be deleted from the Plan.

Item No.	Section	Description of Change
1	1.8 **Site Level Metrics: Density and Intensity**	Modify Section 1.8 **Site Level Metrics: ~~Density~~, ~~and~~ Intensity and Built Form** This Plan uses a number of metrics to describe the degree of development envisioned or required at a site level, within the various land use policies of this Plan. This is described as either ~~density,~~ built form or *intensity*. In each case, this Plan identifies the *intensity,* or built form ~~density~~ metric. There are two general categories: • In the case of both the Mixed Use Intensification Area and *employment*

		lands a measure of *intensity* is employed. *Intensity* is described as the *floor area ratio,* the relationship between the building(s) and the *net* area of the site on which they are located. • In the case of the Residential Neighbourhood Areas, ~~a measure of density~~ and built form is employed. ~~Density is described as the number of units over the *net* area of the site which the *development* is located.~~ Built form is described as either low-rise, mid-rise or high-rise and is used to describe the *scale* of the residential building within the Residential Neighbourhood Areas.
2	**Table of Contents: Land Use Policies – Urban Area**	Modify the Table of Contents: Land Use Policies – Urban Area as follows: 8.3.3 ~~Residential Low-Density~~ Low-Rise Neighbourhoods I 8.3.4 ~~Residential – Medium Density~~ Low-Rise Neighbourhoods II 8.3.5 ~~Residential – High Density~~ High-Rise Neighbourhoods
3	8.1.1(4.7) **Uptown Residential – ~~Medium Density Designation~~ Low-Rise Neighbourhoods II**	Modify Section 8.1.1(4.7) by renaming the designation as follows: **Uptown Residential – ~~Medium Density~~ Low-Rise Neighbourhoods II Designation**
4	8.1.1(4.7.2) **Policies**	Modify Section 8.1.1(4.7.2) a) as follows: The policies contained in Subsection 8.3.4, Subsections 8.3.7 through 8.3.10, and Subsection 8.7.2 of this Plan, *shall* apply to lands designated Uptown Residential ~~Medium Density~~ Low-Rise Neighbourhoods II.
5	8.1.1(4.7.2) **Policies**	Modify Section 8.1.1(4.7.2) b) as follows: Notwithstanding Subsection 8.1.1(4.7.2) a) of this Plan, single-detached *dwellings shall* not be permitted on lands designated Uptown Residential - ~~Medium Density~~ Low-Rise Neighbourhoods II.

DRAFT

6	8.3 **Residential Neighbourhood Areas**	Modify Section 8.3 as follows: The lands designated as "Residential Neighbourhood Areas" on Schedule B: Urban Structure, within the Urban Area, are intended to provide ~~for~~ housing for a full range of residential uses, and other residential supportive land uses that are part of an urban residential environment and contribute to the overall well-being of its residents. While not recognized as an area where significant growth and development will take place, the *physical character* of the Residential Neighbourhood Areas will continue to evolve over time in a way that is *compatible* with the existing surrounding neighbourhood. All neighbourhoods change over time: through additions and renovations, people moving in and out of the neighbourhood. Residential intensification within neighbourhoods is a part of this evolution and through *compatible* infill *development* that *may* not necessarily be the same as or similar to existing or planned *development* in the area but can co-exist without causing adverse impacts to the surrounding neighbourhood. ~~Housing *may take* many forms ranging from single detached homes to *tall buildings*, and will occur primarily in the form of *intensification* within existing areas.~~ All strictly residential based land uses are *compatible* with one another as the use provides the same housing function: a place to live and call home. Policies within the Neighbourhood Residential Areas will focus on ensuring the built form is *compatible* and context-sensitive to the surrounding neighbourhood. The city's Residential Neighbourhood Area is comprised of three land use designations

DRAFT

		based on ~~density and building types~~ built form: Low-Rise Neighbourhoods I, Low-Rise Neighbourhoods II, and High-Rise Neighbourhoods identified on Schedule C: Land Use – Urban Area of this Plan, ~~are based on built form, density~~ and ~~building types, Residential – Low Density, Residential – Medium Density and Residential – High Density identified on Schedule C: Land Use - Urban Area, of this Plan~~ Each designation ~~is~~ further details ~~on~~ the function, location, built form ~~density~~ and *scale* of *development* permitted. New residential housing within the Residential Neighbourhood Area will be accommodated primarily through the intensification of existing areas, where *compatible.* The *City* will address new housing demands, through the best use of existing *infrastructure* and *public service facilities* within the Urban Area.

DRAFT

7	8.3.1 **General Objectives**	Modify Section 8.3.1 as follows: a) To *encourage* new residential *development* and residential *intensification* within the Residential Neighbourhood Area in accordance with Provincial, Regional and *City* growth management objectives, while recognizing that the ~~density and~~ form of new *development* must be balanced with other planning considerations, such as the availability of *infrastructure* and *public service facilities*, and also ensuring that new development achieves *compatibility* and integration within existing residential neighbourhoods. b) To recognize that the Residential Neighbourhood Areas will evolve over time to accommodate population growth and changing demographics to respond to the changing needs of those who call these neighbourhoods home. ~~b)~~ c) To provide housing in a form and location that supports the existing, and the expansion of, the city's transportation network, with emphasis on public transit and *active transportation.* ~~c)~~ d) To *encourage* the accommodation of a diverse range of household sizes and incomes. ~~d)~~ e) To *encourage* a strong *live/work relationship* within the city by providing housing that reflects the existing and future socio-economic, employment and demographic characteristics of local residents. ~~e)~~ f) To provide, where *compatible*, housing opportunities in proximity to *Employment Areas* and other land uses that support residential neighbourhoods, such as commercial and recreational activities, in order to improve access to places of work and

DRAFT

		neighbourhood amenities with a reduced dependence on private automobiles. ~~f)~~ g) To provide opportunities for limited small-*scale* commercial uses within ~~medium and high density residential neighbourhood areas~~ Low-Rise Neighbourhoods II and High-Rise Neighbourhoods, where *compatible*, which serve the day-to-day needs of residents without the need for a private automobile. ~~g)~~ h) To *encourage* the integration of a wide range of housing types and tenures within Residential Neighbourhood Areas, including *assisted and ~~special~~ additional needs housing*, *affordable housing* and rental housing in order to contribute towards meeting the needs of current and future residents at all stages of life and that are attainable at all income levels, and move the city towards the vision for housing in Burlington. ~~h)~~ i) To ensure that *development* within the Residential Neighbourhood Area is *compatible* with and considers ~~the surrounding properties~~ the existing *physical character*. j) To *encourage* innovative housing design that are designed to accommodate *additional residential units* to support the creation of new rental units and multi-generational housing that can create flexibility to respond to the changing needs of a household, at all stages of life. k) Healthy mature *trees* contribute to *physical character. Development shall* be consistent with the policies of Section 4.3, Urban Forestry of this Plan.

DRAFT

8	8.3.2 a)	Modify Section 8.3.2 a)(i) as follows: *assisted and ~~special~~ additional needs housing* such as ~~group homes~~ *group homes*, ~~retirement homes~~ *retirement homes* and ~~long-term care facilities~~ *long-term care facilities*, provided compatibility with the surrounding neighbourhood is achieved;
9	8.3.2 b)	Modify Section 8.3.2 b) as follows: Multi-unit residential *developments* in Residential Neighbourhood Areas *should* incorporate a mix of unit sizes, including units that contain more than one bedroom, to accommodate a diverse range of household sizes and incomes.
10	8.3.3 **~~Residential Low-Density~~ Low-Rise Neighbourhoods I**	Modify Section 8.3.3 by renaming the Section as follows: ~~Residential – Low Density~~ Low-Rise Neighbourhoods I
11	8.3.3 **~~Residential Low-Density~~ Low-Rise Neighbourhoods I**	Insert a new preamble as follows: The Low-Rise Neighbourhoods I designation is comprised of residential areas that consist of *low-rise, ground-oriented* residential *dwellings*. The Low-Rise Neighbourhoods I designation is intended to allow for gradual and *compatible change in the form of* infill *development* that respects the existing *low-rise* character of the city's Neighbourhoods, and allows for more housing options to exist.

DRAFT

12	8.3.3(1) **Policies**	Modify Section 8.3.3(1) as follows: a) On lands designated ~~Residential – Low Density,~~ Low-Rise Neighbourhoods I, single-detached and semi-detached dwellings, and duplexes *may* be permitted. ~~b)~~ c) Notwithstanding Subsection 8.3.3(1) a) of this Plan, townhouses *may* be considered by the *City* on lands designated ~~Residential – Low Density,~~ Low-Rise Neighbourhoods I, through a site-specific Zoning By-law Amendment application subject to the fulfillment of the following criteria: (i) ~~the *development* does not exceed the density established in Subsection 8.3.3(1) c) of this Plan;~~ the *development shall* include up to a maximum of 4 principal *dwelling* units; (ii) the *development* form is *compatible* with the surrounding area; (iii) the *development* form is respectful of the *physical character* of the neighbourhood by incorporating built form and landscape qualities that are prevalent in the surrounding area; ~~and~~ (iv) the *development* includes the provision of a functional *amenity area,* at grade; (v) the *development may* be permitted to a maximum height of two (2) storeys; and (vi) Healthy mature *trees* contribute to *physical character. Development shall* be consistent with the policies of Section 4.3, Urban Forestry of this Plan. b) Notwithstanding Subsection 8.3.3(1) a) of this Plan, triplexes and fourplexes *may* be considered by the *City* on lands designated

DRAFT

		Low-Rise Neighbourhoods I, where they satisfy Zoning standards for those built form types. The Zoning regulations *shall* be established and *shall* be based on the following: (i) the *development* of triplexes and fourplexes *shall* be permitted at the peripheries of neighbourhoods. (ii) sufficient lot area and frontage; (iii) appropriate lot coverage; and (iv) *development may* be permitted to the maximum height of 2 storeys; ~~c) On lands designated Residential – Low Density, *development shall* be permitted to a maximum density of twenty-five (25) units per *net* hectare.~~ d) On lands designated ~~Residential – Low Density,~~ Low-Rise Neighbourhoods I, the maximum height *shall* be established through the implementing Zoning By-law. e) On lands designated ~~Residential- Low Density~~ Low-Rise Neighbourhoods I, in addition to the criteria contained in Subsection 12.1.7(2) of this Plan, the following criterion *shall* be considered when evaluating minor variance applications for increased height: (i) the maximum building height *should* be comparable to the average height of the highest points of the rooflines of existing residential buildings on the immediately adjoining properties sharing lot lines with the lands under application

DRAFT

13	8.3.4 ~~**Residential – Medium Density**~~ **Low-Rise Neighbourhoods II**	Modify the Section by renaming the Section as follows: Low-Rise Neighbourhoods II
14	8.3.4 ~~**Residential – Medium Density**~~ **Low-Rise Neighbourhoods II**	Insert a new preamble as follows: The Low-Rise Neighbourhoods II designation is comprised of mainly *low-rise ground-oriented dwellings* with opportunity for *low-rise non-ground-oriented dwellings* at the peripheries of the neighbourhoods. The intent of the Low-Rise Neighbourhoods II designation is to maintain a low-rise built form and character while allowing more housing options by permitting *compatible* infill development. The neighbourhoods in the Low-Rise Neighbourhoods II designation will evolve over time to include *non-ground oriented dwellings* along the peripheries of the neighbourhood and provide an appropriate built form transition in *scale* between the *ground-oriented dwellings* and *non-ground-oriented dwellings.*

DRAFT

15	8.3.4(1) **Policies**	Modify Section 8.3.4(1) as follows: a) On lands designated ~~Residential – Medium Density~~ Low-Rise Neighbourhoods II, *ground* and *non-ground-oriented dwellings* including ~~single-detached and~~ semi-detached dwellings, duplex, triplex and fourplex dwellings, multiplexes, townhouses, street townhouses, stacked townhouses, back-to-back townhouses, and *low-rise non ground-oriented* residential buildings *may* be permitted. ~~b) On lands designated Residential – Medium Density, *ground* and *non-ground oriented dwellings,* as specified in Subsection 8.3.4(1) a) of this Plan, *may* be permitted at a density of twenty-six (26) to seventy-five (75) units per *net* hectare, subject to Subsection 8.3.4(1) c) of this Plan.~~ b) Existing single-detached dwellings on lands designated Low-Rise Neighbourhoods II are deemed to conform to the Low-Rise Neighbourhoods II designation and policies of this Plan. c) On lands designated ~~Residential – Medium Density~~ Low-Rise Neighbourhoods II, *development may* be permitted to a maximum height of: (i) three (3) storeys for *ground-oriented dwellings* (not including rooftop *amenity /* outdoor areas); or (ii) four (4) storeys for *non-ground-oriented* ~~dwellings~~ *dwellings.*
16	8.3.5 ~~**Residential – High Density**~~ **High-Rise Neighbourhoods**	Modify Section 8.3.5 as follows: ~~Residential – High Density~~ High-Rise Neighbourhoods
17	8.3.5 ~~**Residential – High Density**~~ **High-Rise Neighbourhoods**	Insert new preamble as follows: The High-Rise Neighbourhoods designation is intended to accommodate limited infill *development* that fits into and is sensitive to

		the existing *physical character* of the surrounding neighbourhoods. Intensification in the High-Rise Neighbourhoods designation is not limited to mid-rise and tall buildings and can take the form of *ground* and *non-ground oriented* housing. Infill *development* will be expected to enhance the street-level experience for pedestrians.
18	8.3.5(1) **Policies**	Modify Section 8.3.5(1) as follows:

DRAFT

		a) On lands designated ~~Residential – High Density~~ High-Rise Neighbourhoods, *ground* and *non-ground-oriented dwellings* including triplex and fourplex dwellings, multiplexes, townhouses, street townhouses, stacked townhouses, back-to-back townhouses, stacked back-to-back townhouses, attached housing and apartments, but excluding single-detached and semi-detached dwellings, *may* be permitted. b) ~~On lands designated Residential – High Density, *ground* and *non-ground-oriented dwellings,* as specified in Subsection 8.3.5(1) a) of this Plan, *may* be permitted, with a density ranging between seventy-six (76) and one hundred and eighty-five (185) units per *net* hectare.~~ On lands designated Residential – High Density High-Rise Neighbourhoods, the maximum height of development shall be established through the implementing Zoning By-Law. c) Notwithstanding ~~density range identified in~~ Subsection 8.3.5(1) b) of this Plan, *development* with a proposed ~~density~~ height in excess of the established maximum height in the implementing Zoning By-law, ~~one hundred and eighty-five units per *net* hectare,~~ *may* be considered by the *City* through a site-specific Zoning By-law Amendment, without the need for an amendment to this Plan, subject to the fulfillment of the following criteria: (i) a significant reduction of parking at grade; (ii) the *development should* be located within four hundred (400) m of a *frequent transit corridor;* and ~~(iii) the *development shall* conform with all applicable minimum and maximum height requirements as stated in the Zoning By-law.~~ the *development should* provide a functional outdoor common

DRAFT

		amenity area at grade level for use by residents. ~~d) On lands designated Residential – High Density~~ High-Rise Neighbourhoods~~, the maximum height of *development shall* be established through the implementing Zoning By-Law.~~ ~~e)~~ d) *Development*, except triplex and fourplex dwellings on lands designated ~~Residential – High Density~~ High-Rise Neighbourhoods *should* provide a functional outdoor common *amenity area* at grade level for use by residents.

DRAFT

19	8.3.9 **Retail and Service Commercial Uses**	Modify Section 8.3.9(2) a) as follows: Retail and/or *service commercial uses may* be permitted within proposed residential development in ~~Residential – Medium Density~~ Low-Rise Neighbourhoods II and ~~Residential – High Density~~ High-Rise Neighbourhoods designations subject to the following criteria: ~~(i) on lands designated Residential – Medium Density, the proposed development *shall* achieve a minimum density of fifty-one (51) units per *net* hectare;~~ ~~(ii)~~ (i) the property *shall* be adjacent to a Major Arterial or Multi-Purpose Arterial Street, Urban Avenue, or Main Street, as identified on Schedule O-1: Classification of Transportation Facilities-Urban Area, of this Plan; ~~(iii)~~ (ii) the retail and/*or service commercial use shall* be primarily intended to serve on-site residents and those located within immediate walking distance of the property; ~~(iv)~~ (iii) the retail and/or *service commercial use shall* be *compatible* with the surrounding area and respectful of the physical character of the neighbourhood; and ~~(v)~~ (iv) the retail and/or *service commercial uses shall* be located at grade level within a building containing residential uses.
20	8.3.10 **Day Care Centres**	Modify Section 8.3.10 a) (ii) a. as follows: Within ~~Residential – Low Density~~ Low-Rise Neighbourhoods I, the day care centre *shall* be small in *scale*. The Zoning By-law *shall* establish a maximum floor area for day care centres in this designation

DRAFT

21	8.7.2 **Additional Residential Units** 8.7.2(2) Policies	Modify Section 8.7.2(2) as follows: a) Where one single-detached dwelling, semi-detached dwelling, townhouse unit or street townhouse unit is permitted on a *parcel of urban residential land, additional residential units may* be permitted in accordance with the following: (i) A maximum of ~~two~~ three *additional residential units may* be permitted in addition to the principal unit, for a total of ~~three~~ four residential units. (ii) In all cases a maximum of one (1) *additional residential unit may* be located within a building or structure *accessory* to the principal unit. (iii) Where a *parcel of urban residential land* has an existing *garden suite,* a maximum of ~~one~~ two *additional residential units may* be permitted, only within the principal building. b) ~~The maximum density provisions of this Plan and those contained in the implementing Zoning By-Law, *shall* not apply to the development of *additional residential units*.~~ ~~c)~~ b) *Additional residential units shall* not be permitted within a *hazardous site* or *hazardous lands* and *shall* have flood-free access. ~~d)~~ c) *Additional residential units shall* be subject to regulations under The Planning Act and regulations in the implementing Zoning By-law which *shall* be based on good land use planning principles, including health and safety and environmental considerations. d) The Zoning By-law *shall* contain parking standards for Additional Residential Units that consider alternative parking standards when appropriate.

DRAFT

		e) *Additional Residential Units shall* have adequate servicing.
22	Chapter 13 – Definitions	Delete definition as follows: ~~**Neighbourhood Character:** Neighbourhood Character – The collective physical character which is prevalent in a Neighbourhood Character Area that contributes to its distinct identity~~
23	Chapter 13 - Definitions	Add definition as follows: **Additional Needs Housing -** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of additional needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

DRAFT

The Corporation of The City of Burlington

City of Burlington By-law 2020.XXX

A By-law to amend By-law 2020, as amended for Additional Residential Units;
File No.: 520-13/24 (PL-92-24)

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-XX-25 on Jan. 13, 2025, 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 Zoning By-law 2020, as amended, General Conditions and Provisions, Section 2.21 Uses Permitted in All Zones, is further amended by replacing subsection 2.21 (u) with the following:

"(u) Additional Residential Units

(i) Permitted in the R1, R2, R3, R4, R5, RM1, RM2, RM3, RM4, RM5, RH1, RH2, RH4, RH5, RO1, RO2, RO3, RO4, RAL1, RAL2, RAL3, RAL4, REV1, REV2, REV3, MXG, MXC, MXT, DRM, DRL, UCR1, UCR2, UCR3, URH, URM, RNA1, RNA2, RNA3, SNA, ONA, and DNA zones, and any exception numbers associated with these zones, and in the O2-195, O2-196, and O3-196 zones.
(ii) Also permitted in a zone preceded by an H (Holding) zone prefix in an existing building lawfully permitted on the date the amending By-law creating the 'H' zoning was enacted.
(iii) In addition to the principal dwelling unit, up to three Additional Residential Units are permitted on a parcel of urban residential land where one Detached Dwelling, Semi-Detached Dwelling, Street Townhouse, or Townhouse is permitted. For clarity, Additional Residential Units in association with a Townhouse are only permitted on a POTL where one Townhouse is permitted.
(iv) Only one Additional Residential Unit may be located within an Accessory Building.
(v) Only one exterior entrance is permitted on each elevation of the principal building facing a street.
(vi) Tandem parking spaces are permitted.
(vii) Additional Residential Units shall not be included in the calculation of maximum density, maximum number of dwelling units, or minimum number of visitor parking spaces.

DRAFT

(viii) Requirements for minimum floor area per dwelling unit and Minimum Floor Area Ratio shall not apply to lots with Additional Residential Units.

(ix) Notwithstanding Part 2, Section 4.1, Table 2.4.2, requirements for a minimum 3 metre side yard shall not apply for the conversion of a lawfully existing attached garage to an Additional Residential Unit.

(x) Exterior recladding of a building may project a maximum of 0.05 metres from the existing wall of the building."

2. PART 1 of Zoning By-law 2020, as amended, General Conditions and Provisions, Section 2.25, Table 1.2.6: Off-Street Parking Standards is further amended by replacing "1 space per unit" under the Parking Standard for Additional Residential Unit with:

3. "First unit: 0 spaces
Second or third units: 1 space".

When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……..day of …… 2025.

_____MAYOR

_____CITY CLERK

DRAFT

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XXX

By-law 2020.XXX amends Part 1 of the City's Zoning By-law 2020, as amended, for the purpose of aligning with the City's Housing Accelerator Fund Action Plan to boost housing supply by increasing to three from two the permitted number of additional residential units per residential lot.

For further information regarding By-law 2020.XXX, please contact Mark Johnson of the Burlington Community Planning Department at (905) 335-7777, extension 7954.

DRAFT

Official Plan Amendment to Increase Housing Option Feedback Report

May 2024 to October 2024

Introduction

The purpose of this Engagement Report is to summarize the findings of the engagement on the Official Plan Amendment to Increase Housing Options that took place between May and October 2024.

Official Plan Amendment to Increase Housing Options Engagement Plan

The Official Plan Amendment to Increase Housing Options Engagement Plan, (the Engagement Plan), attached as Appendix A to this Feedback report, provides a roadmap of the engagement activities that took place over the course of the project. Highlighting at which points in the process engagement will take place, who will be engaged and the level of engagement. The engagement plan outlines that public input, among other inputs, are required to inform the following decision:

In 2024, Burlington City Council will consider endorsing the proposed policies and regulations to increase the range of as-of-right housing options available in Burlington, including as-of-right regulations for 4 residential units per lot.

The Engagement Plan also clearly defines which aspects of the process cannot be influenced: either because they are beyond the City's control, or because they are outside of the scope of the project as set out in the Council-approved work plan.

The Official Plan Amendment to Increase Housing Options project is one of the first items of the Burlington Official Plan, 2020 (BOP, 2020) Targeted Realignment Exercise Workplan to meet the requirements set out in the BOP, 2020 Targeted Realignment Engagement Approach requiring an engagement plan. The project was launched In May 2024 on the BOP, 2020 Targeted Realignment Exercise Get Involved project page in order to support the early engagement efforts and release of the Engagement Plan.

Over the course of the project, the project team identified additional engagement opportunities to support the preparation of OPA 3, which implements Phase 1 and 2 of the Official Plan Amendment to Increase Housing Options Study, as

outlined in Staff Report PL-66-24 which was endorsed by Council, these additional engagement opportunities are also captured below.

Feedback Report

A critical objective set out in the Official Plan Amendment to Increase Housing Options Engagement Plan was to create an ongoing record of what is said during engagement sessions and to make it available to the public throughout the process, so that they can track the progress of the project, including reports back to the community to highlight how feedback was or was not incorporated in the final recommendation to Council. The purpose of this report is to provide that record.

The engagement sessions build upon each other, feedback gained through Survey 1 was used to inform the preferred approach brought to Council in September 2024, as well as the draft Official Plan Amendment. Feedback received over the course of the fall 2024 including the Open Houses and Survey 2 has been used to prepare the draft Official Plan and Zoning By-law Amendments to be presented to Council as part of the Statutory Public Meeting on December 3, 2024 attached as Appendix A and B to Staff Report PL-92-24. Feedback received at the Statutory Public Meeting and through circulation to agencies will be used to refine the Official Plan and Zoning By-law Amendments that will be brought forward to Council in January 2025.

Initial Engagement on the Official Plan Amendment to Increase Housing Options Project

This section of the feedback report summarizes what we heard through engagement between May and June 2024. The engagement period focused primarily on introducing the project and provided the public with an opportunity to share their housing priorities, interests and concerns as they related to Official Plan Amendment to Increase Housing Options Study. This information, along with other inputs was used to inform the early stages of the project including the preferred approach, fall engagement and the draft Official Plan Amendment. This work is also informed by the feedback and findings of the Housing Strategy and the Housing Needs and Opportunities Report which provided a detailed picture of housing needs and opportunities in Burlington and was used to prepare the City's Housing Strategy.

Engagement Tactics

Online Survey #1

A key tool for engagement in the initial project engagement was online survey 1. The survey was designed to be delivered online and was available online, accessible via the City's Get Involved platform from Monday May 27, 2024 to Friday June 14, 2024. The survey was promoted by the City through the City's social media channels and at the Mayor's Speaker Series event, Innovation to Action on May 27, 2024.

The survey questions were intended to start a conversation with interested and effected parties by introducing the project and providing the public with the opportunities to share their housing priorities, interests and concerns. This information was used to inform the preferred approach, fall engagement and the draft Official Plan Amendment. A copy of the Survey 1 questions can be found in Appendix B to this report.

Survey Questions:

1. Before today, did you know that right now you can have up to three units per residential lot?
2. What do you want us to know before we get started on the Increasing Housing Options project? This project will include implementing four units as-of-right per residential lot.
3. What type of housing options do you need in your neighbourhood?
4. What benefits do you think permitting four units as-of-right per residential lot and new housing could bring to your neighbourhood?
5. Do you have any concerns about increasing housing options?
6. What concerns do you have about increasing housing options?

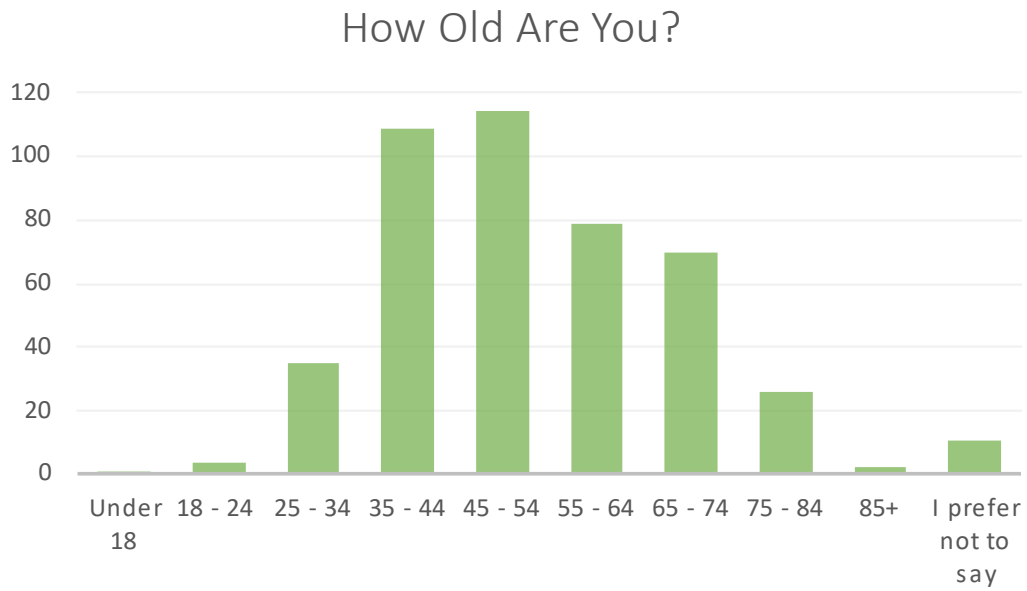
The survey questions also included information to inform survey respondents on important terms and background project information. This included defining the term as-of-right and providing examples of housing options.

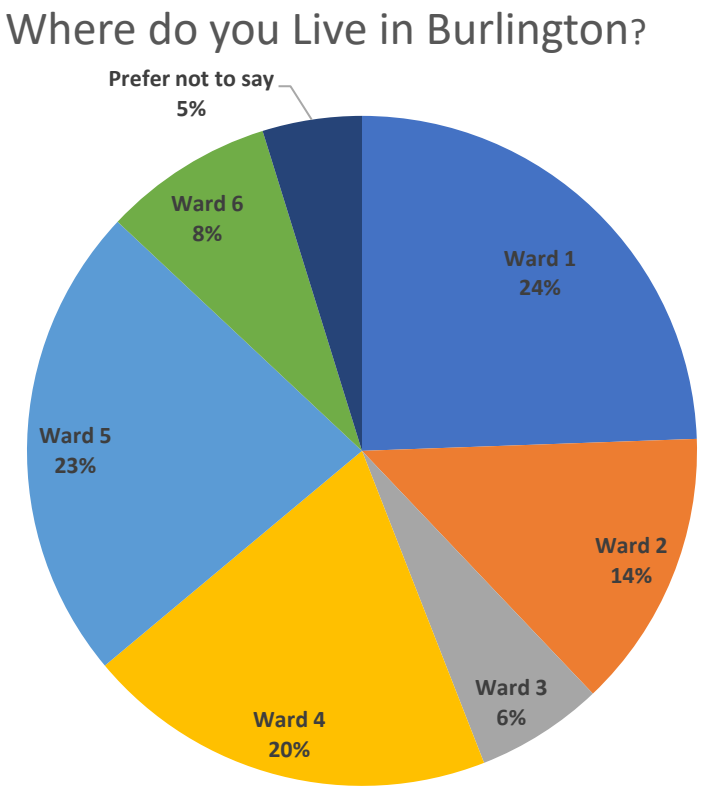
Who responded to the Survey?

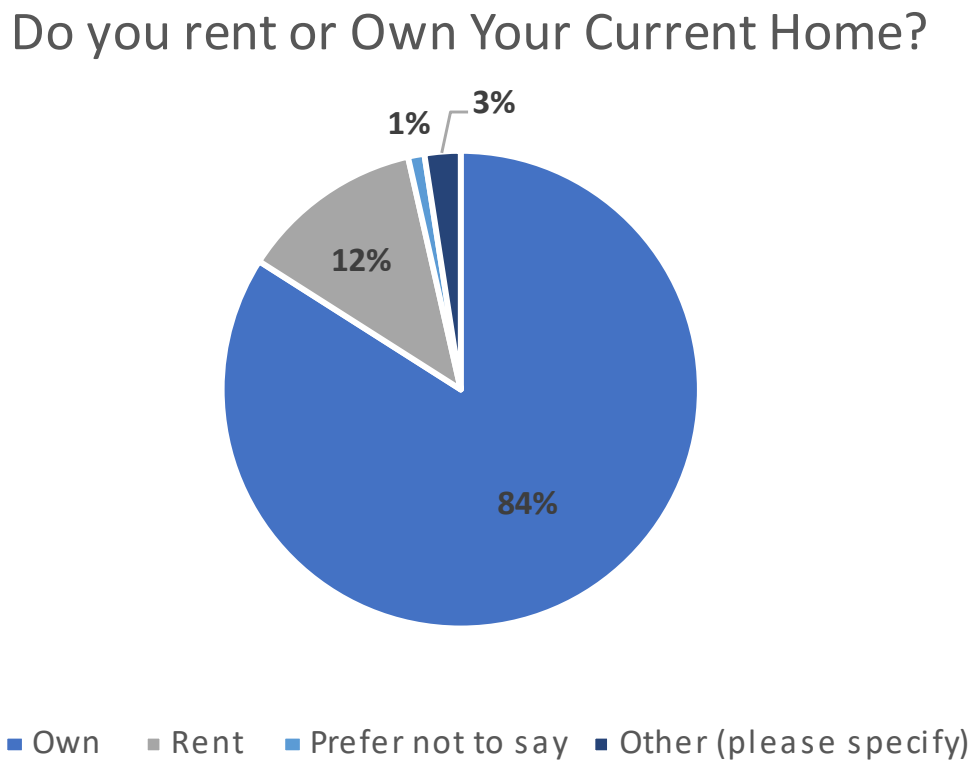
One of the key advantages of the online survey is that it offers a simple way to collect basic information about the people who have responded to the survey. Reporting on these statistics is useful for evaluating the City's success in obtaining feedback from a diverse range of interested and affected parties, which was identified in the Engagement Plan as an important objective. Understanding the demographics of who has participated in the process allows the City to adapt to

ensure that underrepresented demographics can be better represented in subsequent phases of engagement and helps to contextualize the responses received.

Overall, there were 452 responses to survey 1 from a wide range of age groupings and household sizes. The survey had respondents from all wards in the City and from all age groups and household sizes. The largest age groups represented 45-54 (25.3%) and 35-44 (24.2%). The majority of respondents lived in Burlington (97.3%) while 2.2% of respondents used to live in Burlington or want to live in Burlington and the remaining did not live in Burlington or preferred not to say. A total of 84% of respondents were homeowners, 12.4% identifying as renters and 2.4% provided other (including multi-generational households).




Where do you Live in Burlington?
Prefer not to say
5%
Ward 6
8%
Ward 1
24%
Ward 5
23%
Ward 2
14%
Ward 3
6%
Ward 4
20%



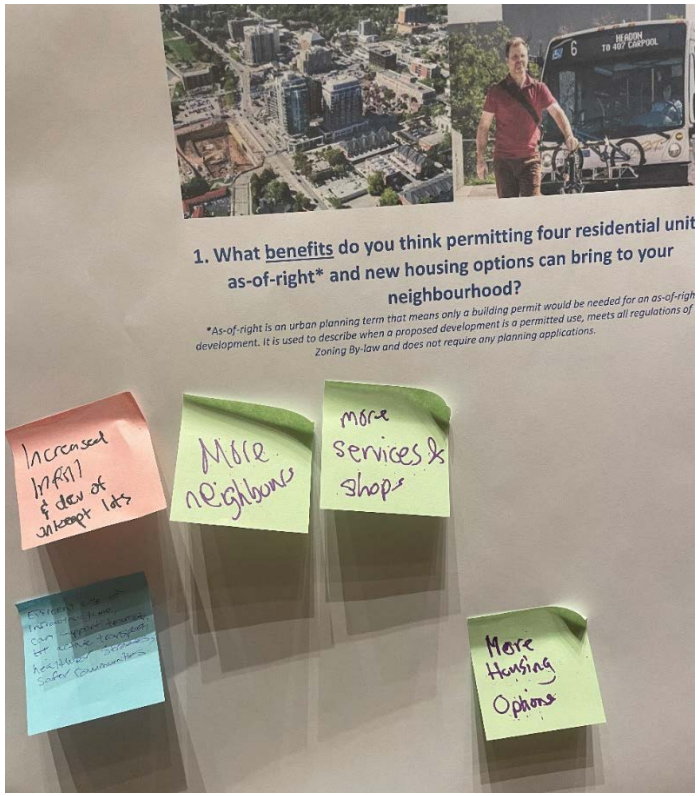
Pop-up Table at the Mayors Speaker Series: Innovation to Action, May 27, 2024

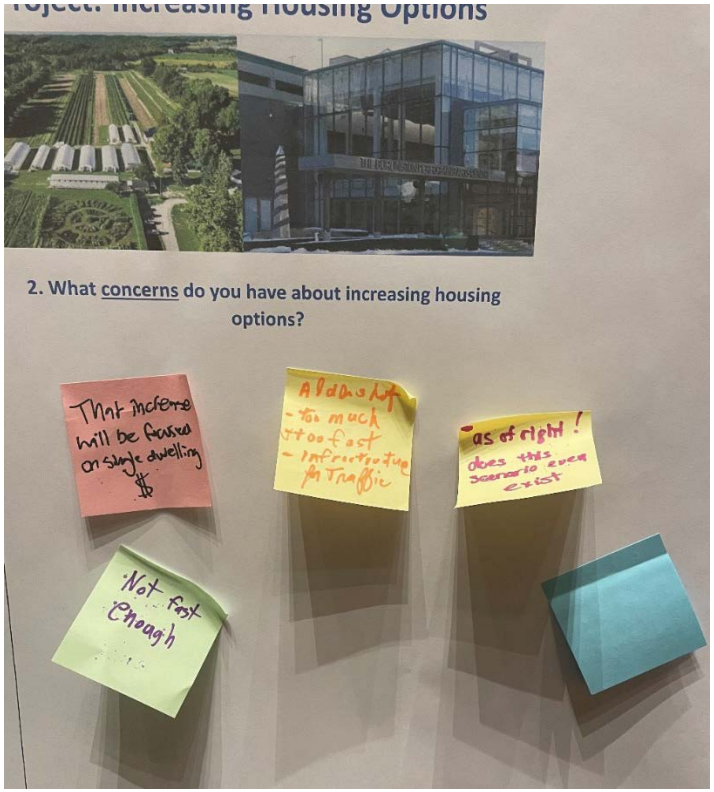
The Official Plan Amendment to Increase Housing Options Project team attended the Mayor's Speaker Series 'Innovation to Action' inaugural event on May 27, 2024. At the event the project team had a tradeshow style table where the team provided information to the public about the Official Plan Amendment to Increase Housing Options Project, answered questions and provided survey questions on presentation boards where members of the public could share their thoughts and ideas.

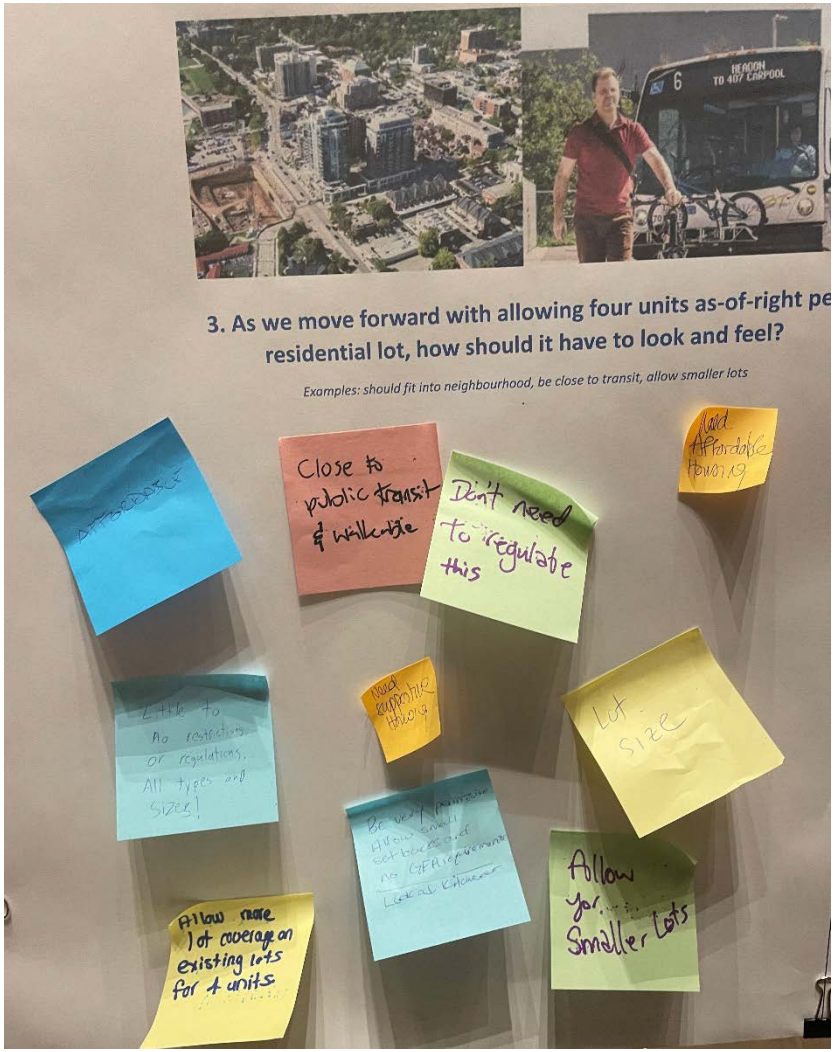
Summary of What We Heard

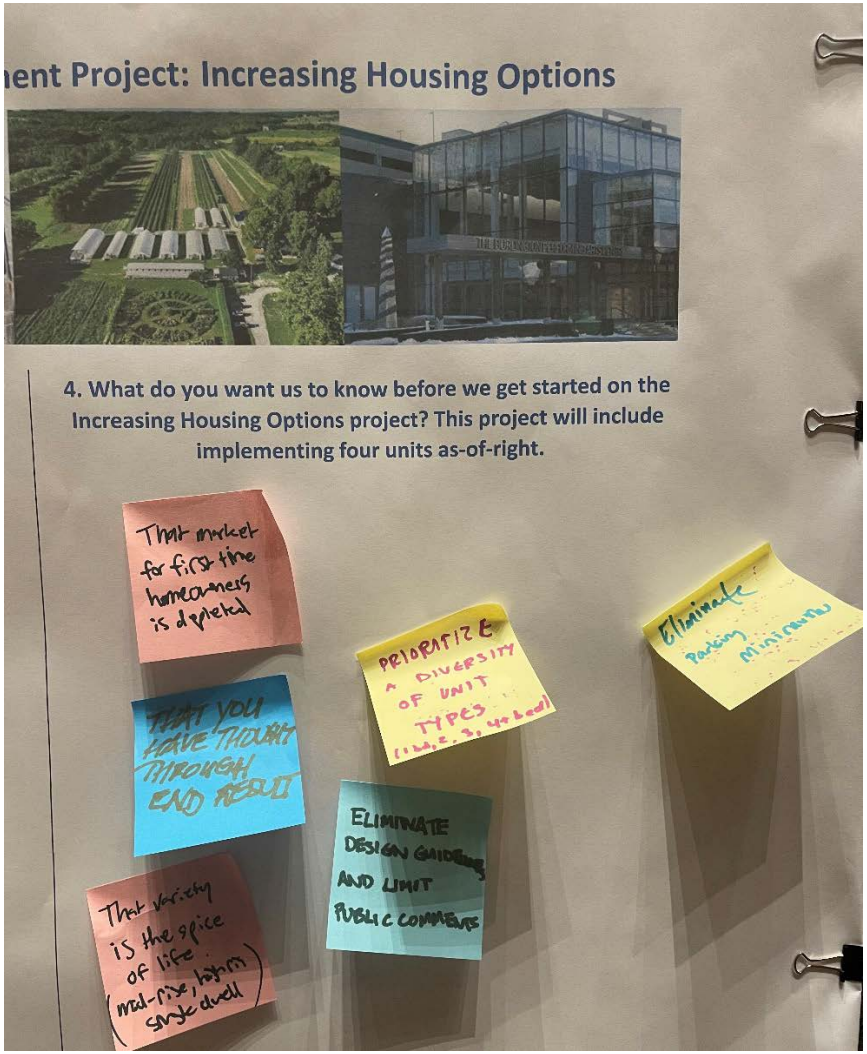
Overall, the initial engagement received mixed comments of support and concern relating to increasing housing options and permitting four units as-of-right in Burlington.

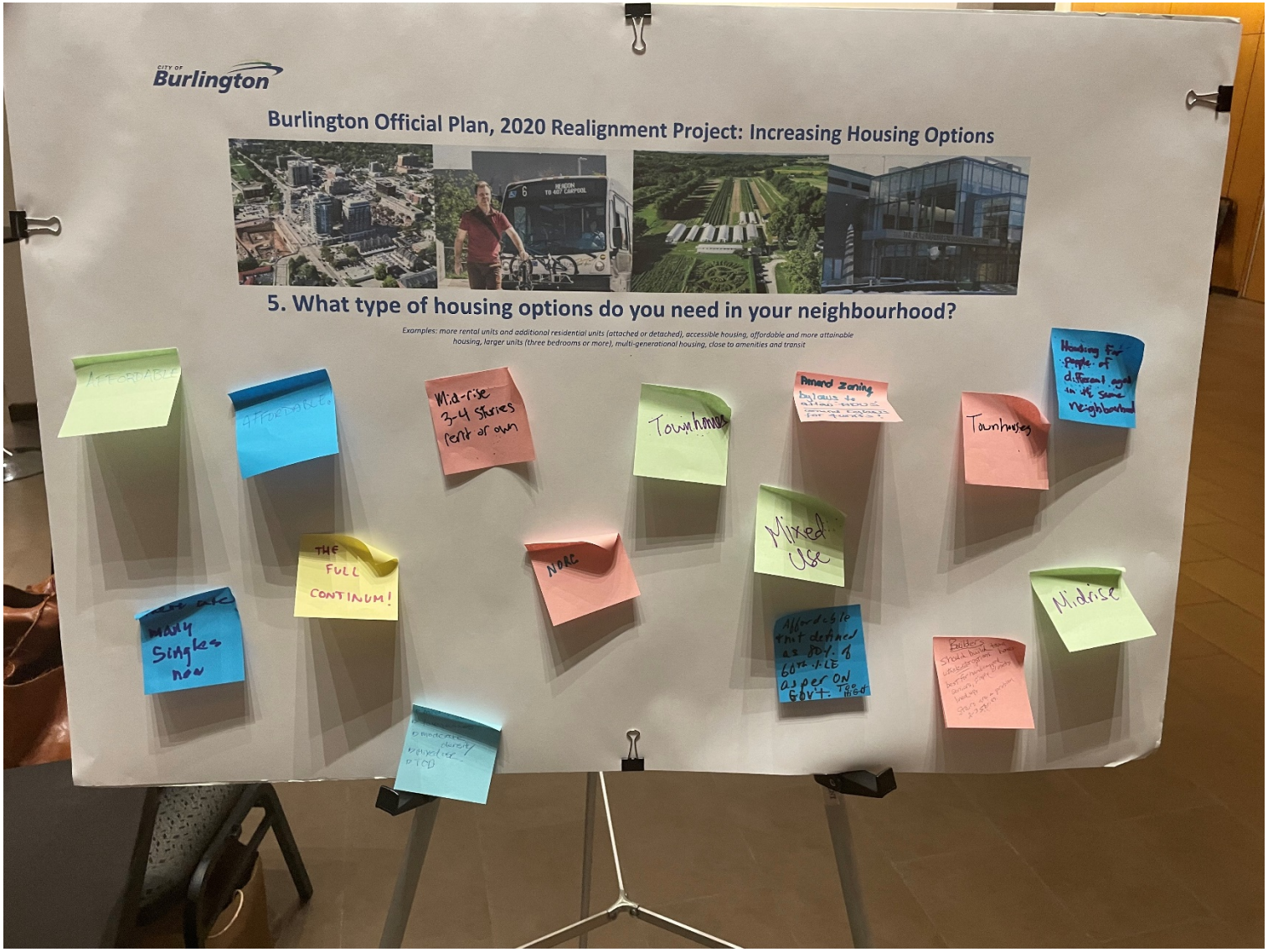
At the Mayor's Speaker Series, participants took part in an exercise where they provided their answers to five of the survey questions on post-it notes. Photos of the boards that the exercise generated can be found below.





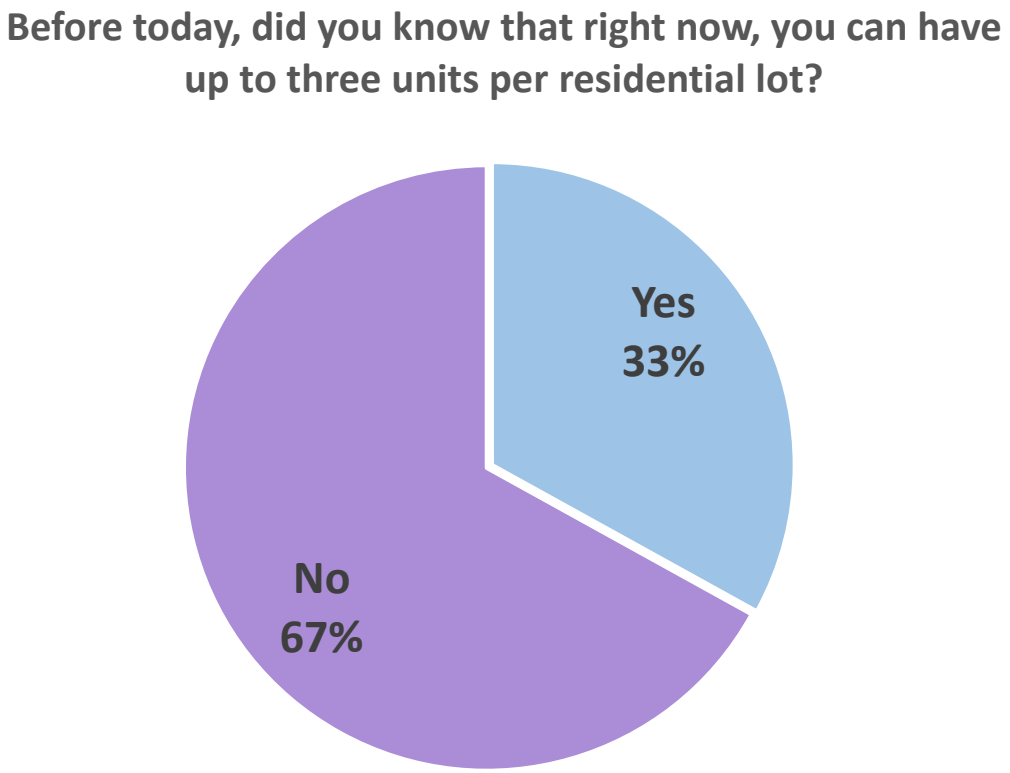

3. As we move forward with allowing four units as-of-right pe
residential lot, how should it have to look and feel?
Examples: should fit into neighbourhood, be close to transit, allow smaller lots
Close to public transit & walkable
Don't need to regulate this
Lot size
Allow more lot coverage on existing lots for 4 units
Allow for Smaller Lots


ent Project: Increasing Housing Options
4. What do you want us to know before we get started on the Increasing Housing Options project? This project will include implementing four units as-of-right.
That market for first time homeowners is depleted
PRIORITIZE A DIVERSITY OF UNIT TYPES
THAT YOU HAVE THOUGHT THROUGH END RESULT
ELIMINATE DESIGN GUIDELINES AND LIMIT PUBLIC COMMENTS
That variety is the spice of life


City of Burlington
Burlington Official Plan, 2020 Realignment Project: Increasing Housing Options
5. What type of housing options do you need in your neighbourhood?
Examples: more rental units and additional residential units (attached or detached), accessible housing, affordable and more attainable housing, larger units (three bedrooms or more), multi-generational housing, close to amenities and transit
AFFORDABLE
AFFORDABLE
Mid-rise 3-4 stories rent or own
Townhouses
Amend zoning
Townhouses
Housing for people of different ages in the same neighbourhood
Mixed Use
THE FULL CONTINUM!
NDAC
Many Singles now
Midrise

Participants responses at the Mayor's Speaker Series event were general positive and supportive of increasing housing options. Responses provided additional opportunities for the City to consider.

Survey 1 received mixed comments of both concern and support for increasing housing options as described below. The survey also provided an opportunity for staff to obtain an understanding of the knowledge of existing policies and regulations surrounding additional residential units.



Many survey respondents expressed that they have concerns. When asked ‘Do you have any concerns about increasing housing options?’, 70.8% of survey respondents provided that they had concerns with increasing housing options, while 20.5% provided no concerns with increasing housing options and 8.7% of respondents were unsure if they had concerns. Concerns provided by survey respondents fell into 5 main categories.

- **Infrastructure capacity:** concerns relating capacity of existing infrastructure, services and amenities, and municipal responsibility to provide increased infrastructure, services and amenities;
- **Increased traffic congestion:** on main thoroughfares and local streets;
- **Parking**: perceived inadequacy of parking for current and future residents based on increased density;
- **Growth and Change:** many expressed concerns and provided comments on increased growth and physical change within our neighbourhoods and all over Burlington; and
- **Clarity of language and understanding of proposed changes:** many found it difficult to provide specific feedback as there was no specific approach to which they were asked to respond.

Survey 1 also highlighted the type of housing options survey respondents believe are needed in their neighbourhoods. Below is a list of the top-rated housing options survey respondents believe are needed in their neighbourhoods:

1. Affordable Housing
2. Multi-unit residential including a range of answers from single-detached with additional residential units, semi-detached to low-rise and high-rise apartments
3. Larger units including larger size and number of bedrooms
4. Rental units
5. Multi-generational units

Other responses included accessible, housing for seniors, housing close to amenities and transit, a mix of unit types, amongst other things. Affordable housing was identified as the most pressing need for housing of the 299 respondents who provided an answer to this question. Some respondents also provided that no additional housing options are needed in their neighbourhood.

Many survey respondents are concerned with four units as-of-right fitting into their neighbourhood and impacts on their neighbourhood. When asked ‘How would you like this (4 units as-of-right) to look and feel? Of the 355 responses to this

question, 133 comments included the words ‘character’ or ‘fit’. Below is a comment word cloud that includes responses to ‘How would you like to see 4 units as-of-right to look and feel?’



Other Submissions

The project team also received email submissions from members of the public. These written submissions have been considered alongside the other sources of input.

How was this feedback used?

The feedback, apart from the elements defined as out of scope, were used to refine the preferred approach and engagement tactics for throughout the fall. Responses also informed the draft Official Plan Amendment, which is outlined later in this report. The following list summarizes how the feedback informed the fall engagement and the preferred approach:

- Preferred approach to permitting four units as-of-right through Additional Residential Unit policies in order to address concerns relating to physical character of the city's neighbourhoods;
- Preferred approach to implementing opportunities for increased housing options to focus on gentle intensification policies that permit a mix housing options that are appropriate in each designation;
- Preferred approach does not propose changes to the growth framework – the neighbourhood areas will continue to not be areas where significant growth is expected;
- Preferred approach focuses built form and scale over density to provide clarity of what to expect in the different designations; and
- Fall engagement to include an engagement activity that provides examples of what four units as-of-right may look like in a low-rise ground-oriented built form in order to provide context and clarity;

Fall Engagement on the Official Plan Amendment to Increase Housing Options

This section of the feedback report summarizes what we heard through the September and October 2024 engagement period on the Official Plan Amendment to Increase Housing Options. In September, engagement was mainly through community pop-ups and the City's Food for Feedback 2024 event. The engagement was largely centered around informing the public about permitting four units as-of-right through the Additional Residential Unit policies and missing middle housing. Throughout October, engagement centered around the proposed policy changes relating to the Additional Residential Unit policies, proposed changes to the Residential Neighbourhood Area framework and the Neighbourhood

Character Areas. The feedback collected was used to finalize the draft Official Plan and Zoning By-law Amendments which were released for public consultation on November 22, 2024 for consultation at the Statutory Public Meeting.

Engagement Tactics

Community Pop-Ups

Over September and October City Staff engaged with the public through community pop-ups across Burlington, including:

- Food for Feedback at Central Park Bandshell on September 14th;
- Appleby Line Street Festival on September 22nd; and
- Burlington Centre Lions Farmer's Market on October 11th.

At the pop-ups, staff informed the public on the Official Plan Amendment to Increase Housing Options and the preferred approach, provided examples of multi-unit dwellings and asked about where they thought missing middle housing should go. One of the activities included 'guess the number of units' where there were pictures of low-rise ground-oriented housing and members of the public had to guess the number of units the building contained. All pop-up event tables were well attended (approximately 100 people visited the pop-up table at both the Appleby Line Street Festival and the Burlington Centre Lion's Farmer's Market) and City Staff had the opportunity discuss with many members of the public.

Burlington Housing and Development Liaison Committee

On September 24th, the Official Plan Amendment to Increase Housing Options project team attended a meeting of the Burlington Housing and Development Liaison Committee (HDLC). The purpose of attending this meeting was to introduce the Official Plan Amendment to Increase Housing Options project and to answer any questions.

OPA to Increase Housing Options – Virtual and In Person Open Houses

Over the course of October, City staff hosted a total of four open houses:

- Thursday October 17, 2024, 7-9 pm: virtual;
- Tuesday October 22, 2024, 7-9 pm: in-person at Central Arena Auditorium;
- Thursday October 24, 2024, 7-9 pm: in-person at Appleby Ice Centre Community Room 1; and
- Monday October 28, 2024, 7-9 pm: virtual.

At the Open Houses, staff provided background on the Official Plan Amendment to Increase Housing Options, the proposed approach, and potential policy changes. While City Staff intended to use mentimetre to gather demographic information from attendees, attendance at all the Open Houses were low and, based on feedback received at the first two open houses, decided to not use mentimetre at the remaining open houses in order to facilitate a more in-depth discussion with attendees. The open house on Thursday October 24th had a peak total of 11 participants, which was the most attended open house of the four.

Burlington Youth Student Council Meeting

On October 23rd, City Staff attended a meeting of the Burlington Youth Student Council to provide some background on the Official Plan Amendment to Increase Housing Options project, the proposed policy changes and upcoming engagement opportunities. Staff sought feedback from the group on their thoughts about housing in the City as well as the proposed policy changes.

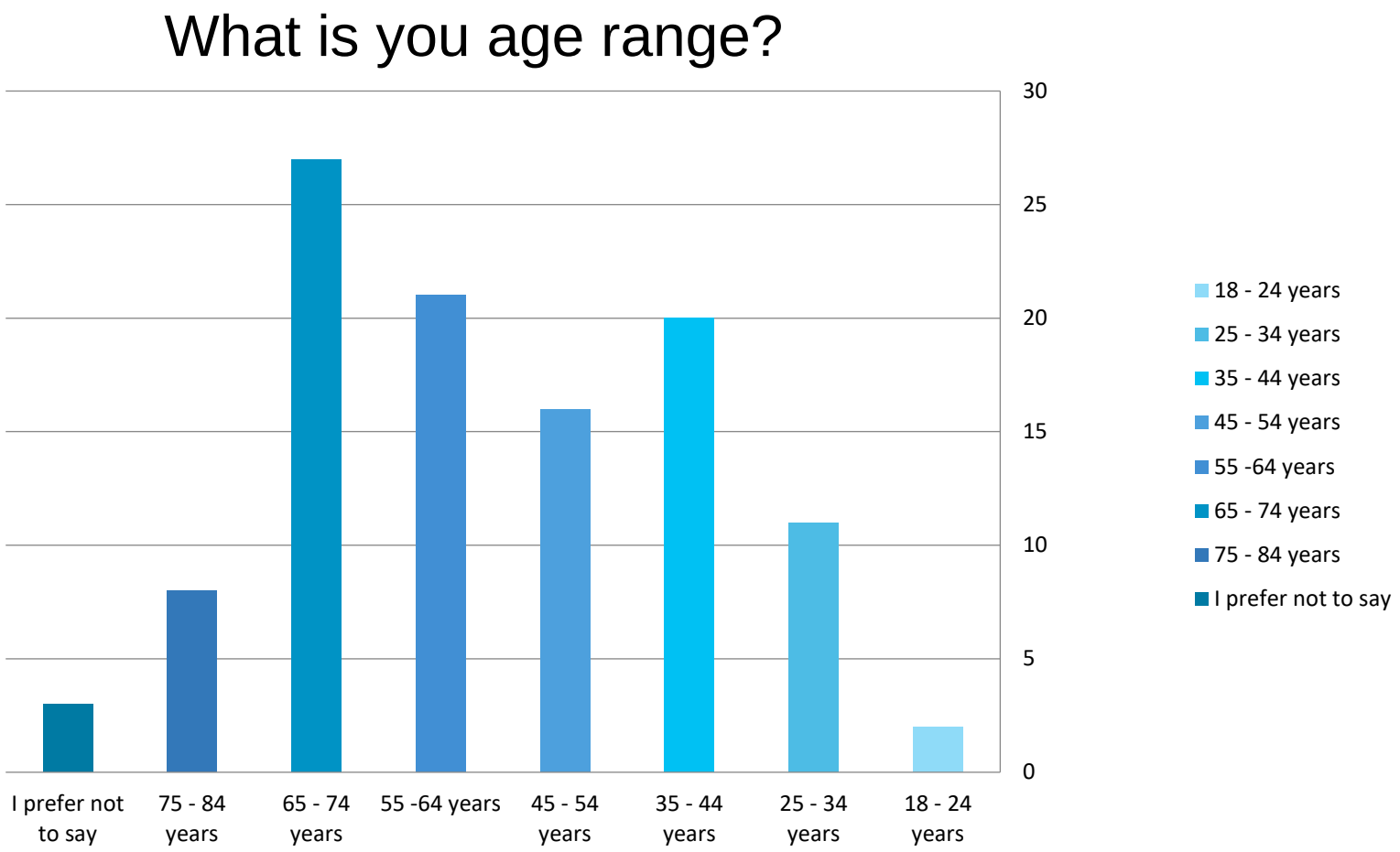
Survey #2

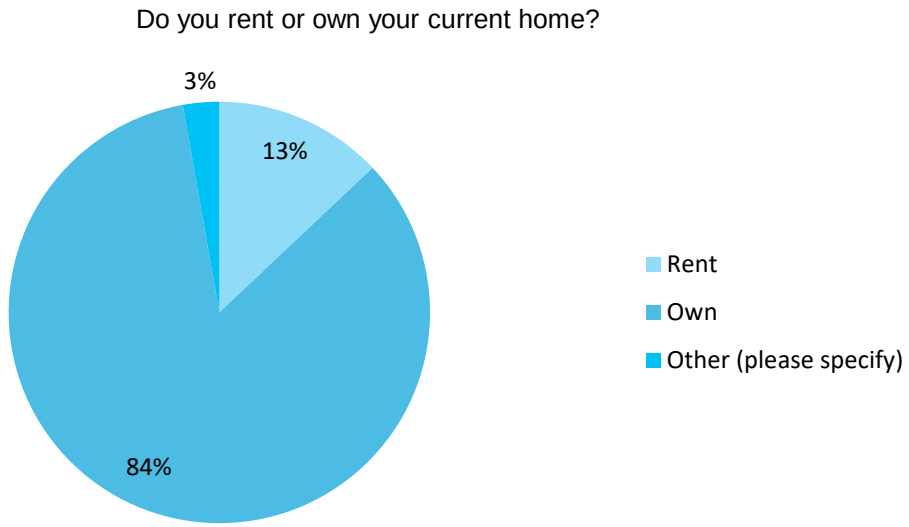
Survey 2 was a key engagement tool for the fall round of engagement. The survey was designed to be delivered online and meant to work together with the Open Houses that took place between October 17 and October 28. The survey was intended to gather insight from interested and effected parties on the overall proposed amendments to the Additional Residential Unit and Residential Neighbourhood policies. This information was used to inform the draft Official Plan Amendment. A pdf copy of Survey 2 is attached as Appendix C of this report.

The survey was available online, accessible via the City's Get Involved platform from Thursday October 17, 2024 to Thursday October 31, 2024 and was promoted by the City through the City's social media channels.

Who responded to the Survey?

Overall, there were 108 responses to survey 2 from a wide range of age groupings. The survey had respondents from all wards in the City and from all age groups. The largest age groups represented 65-74 (25.0%) and 55-64 (19.4%). The majority of respondents lived in Burlington (98%) while 2% of respondents want to live in Burlington or do not live in Burlington. A total of 84% of respondents were homeowners, 13% identifying as renters and 3% provided other (including multi-generational households).

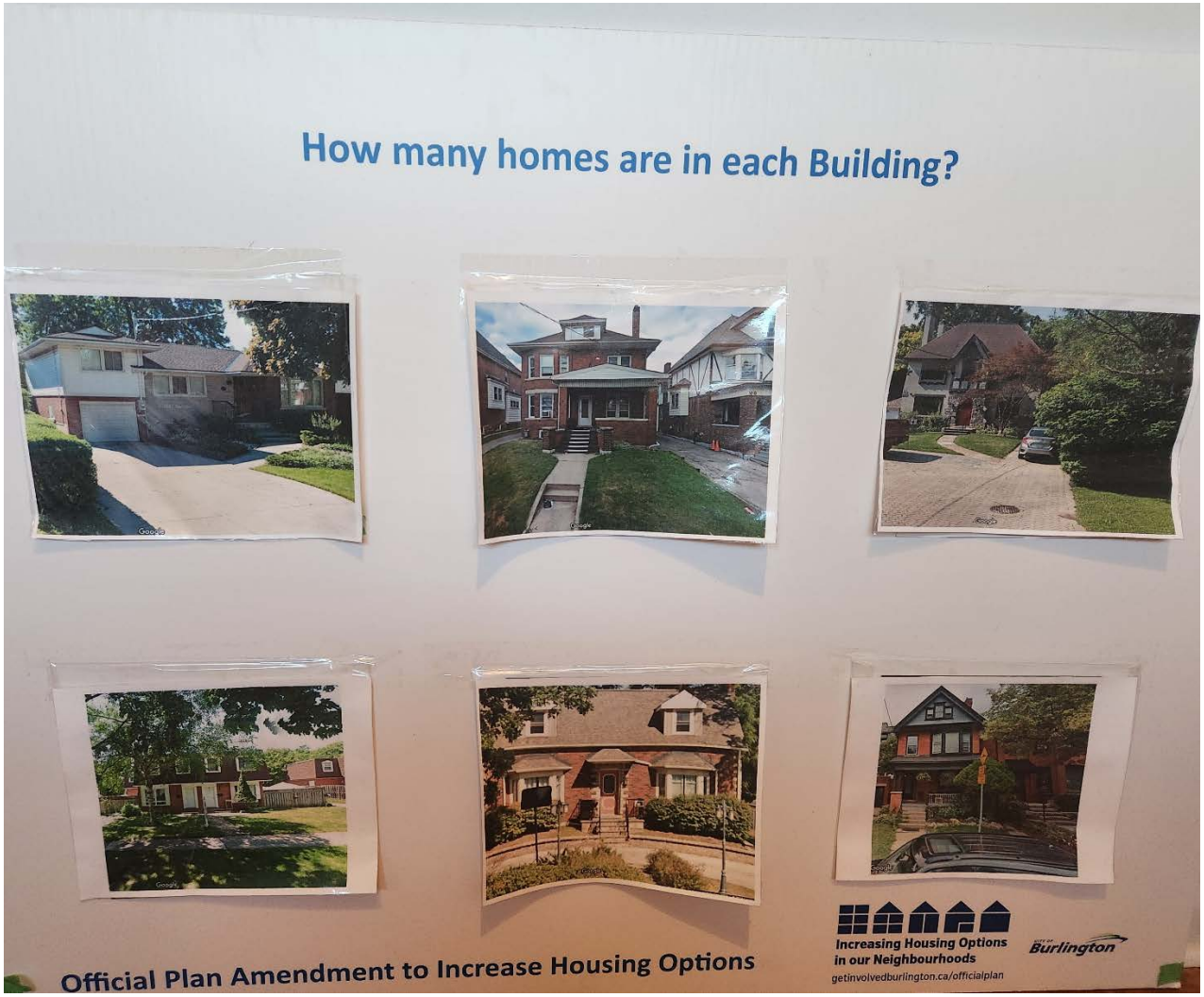

What is you age range?
30
25
20
15
10
5
0
I prefer not to say
75 - 84 years
65 - 74 years
55 -64 years
45 - 54 years
35 - 44 years
25 - 34 years
18 - 24 years
18 - 24 years
25 - 34 years
35 - 44 years
45 - 54 years
55 -64 years
65 - 74 years
75 - 84 years
I prefer not to say



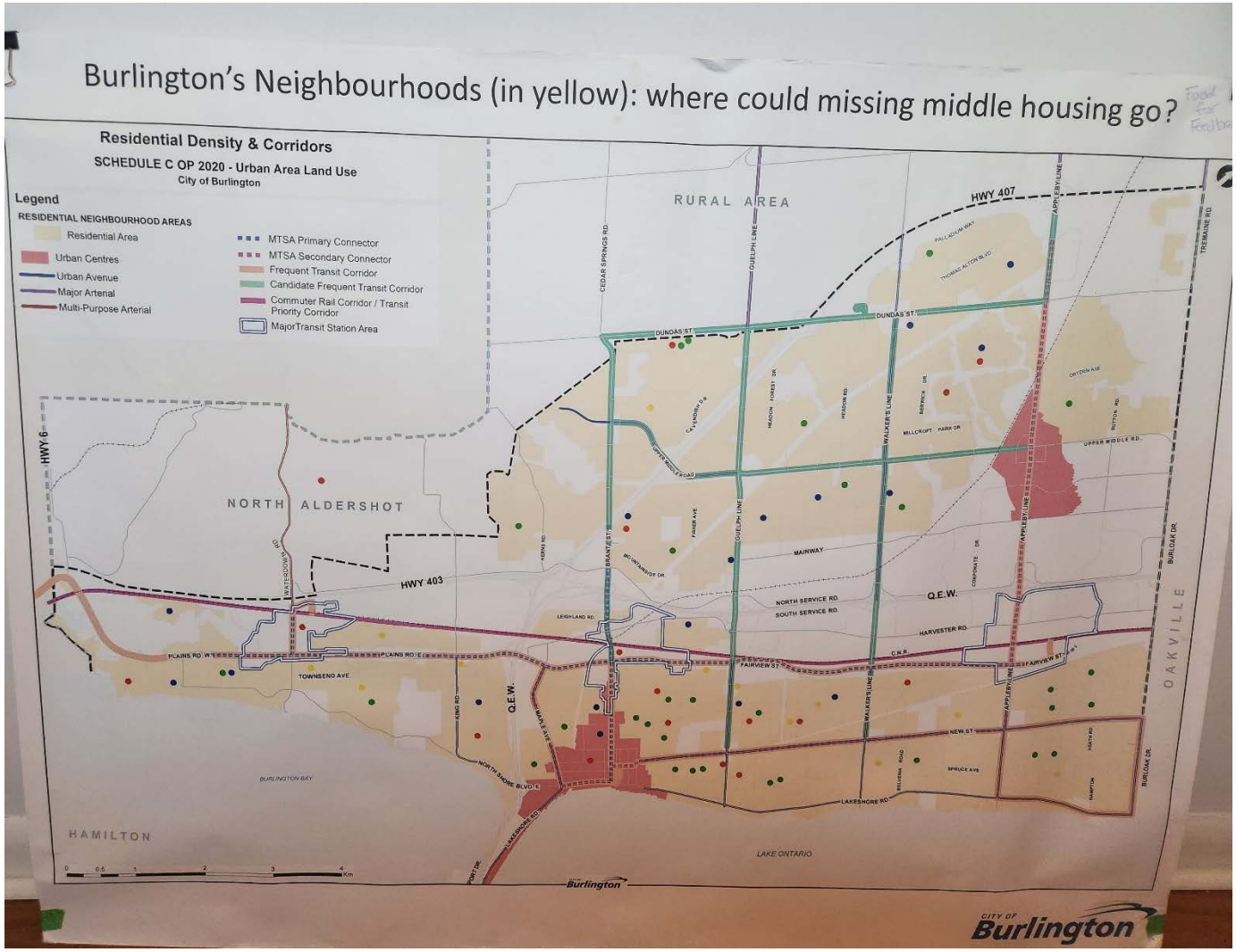
Summary of What We Heard

Pop-up Events

The pop-up events were mainly focused on the opportunity to inform the public about the Official Plan Amendment to Increase Housing Options project, and how 4 units as-of-right through Additional Residential Unit policies may look and feel. Staff also had a mapping exercise relating to permissions for Missing Middle housing, which was also used as an opportunity to inform the public on what missing middle housing is and how it relates to the project. Main comments received at the pop-up events included: parking, loss of green space, and traffic concerns among other things.



4 units as-of-right: Guess the number of units in each building (up to 4).



Participants placed a dot sticker in places where they believe that 'Missing Middle' housing should be permitted within the city's Residential Neighbourhood Areas.



Image used to illustrate Missing Middle Housing: Missing Middle Housing concept created by Daniel Parolek/Image © Opticos Design, Inc./For more info visit www.missingmiddlehousing.com

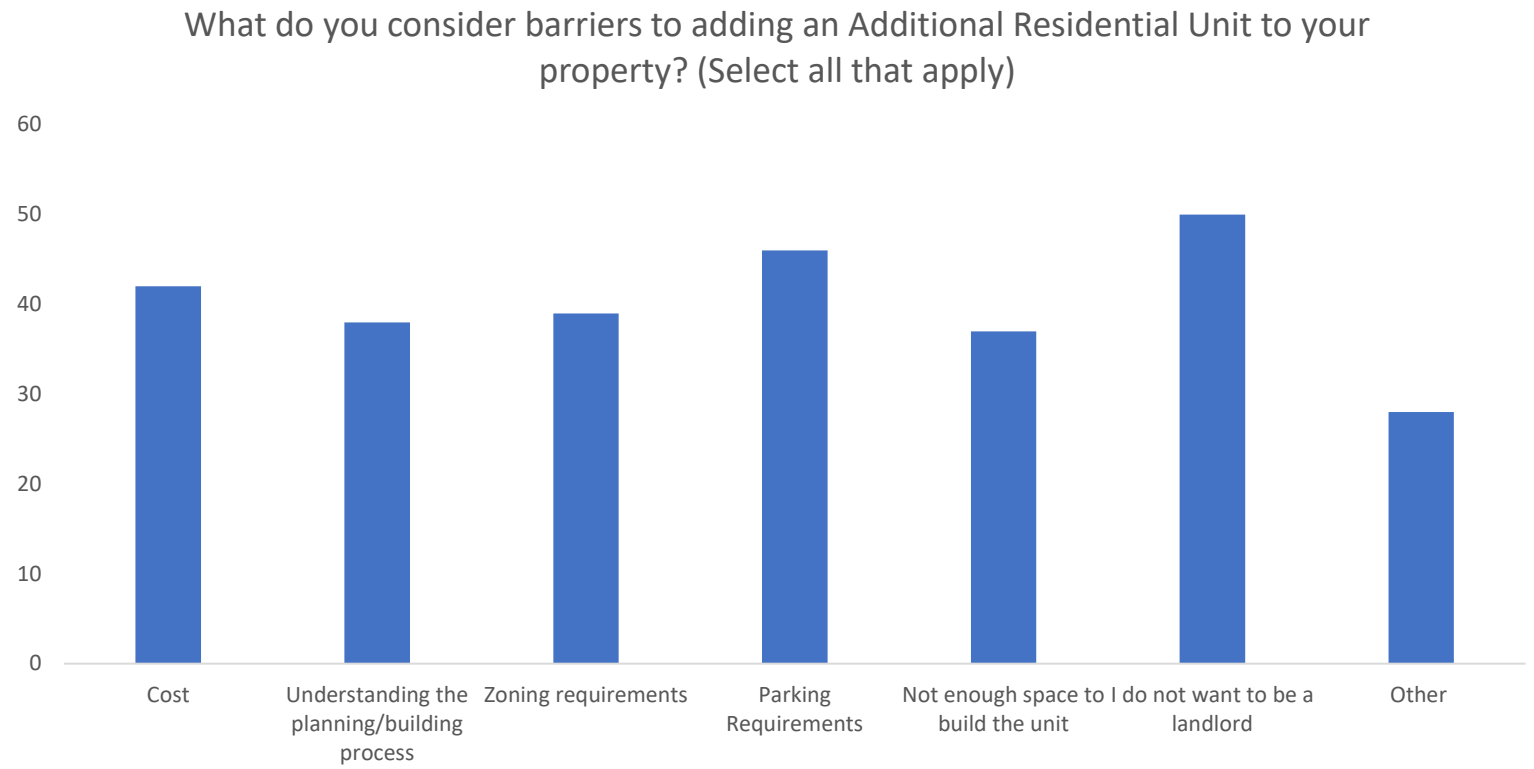
Survey #2

The responses to survey 2 were a mix of concern and support as well as respondents being unsure about the proposed changes. Survey 2 focused on Phase 1: 4 units as-of-right through Additional Residential Unit policies and Phase 2: Review the Residential Neighbourhood Area and set a revised policy framework.

Question 1 of Survey 2 asked a very similar question to Survey 1. In survey 1 staff asked if survey respondents if they had concerns with increasing housing options, whereas in survey 2 specified that the proposed amendments would include increasing the number of as-of-right units from 3 to 4 through permitting 1 more additional residential unit.

Responses to question 1 were mixed. A total of 56.5% of respondants provided they had concerns, 32.4% provided they had no concerns with increasing the number of Additional Residential Units from 3 to 4, and 11.1% were unsure. In relation to the Additional Residential Unit policies in accessory buildings, survey 2 asked whether 1 or 2 additional residential units should be permitted an accessory building, and 83.5% of respondents provided 1 unit should be permitted in an accessory building.

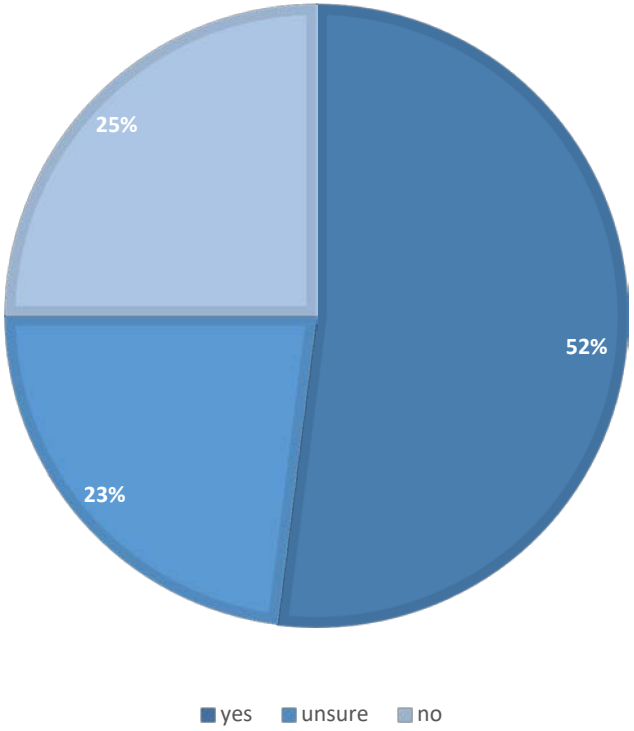
Survey 2 also asked ‘What do you consider barriers to adding an additional residential unit to your property?’ the below graph illustrates the responses received:



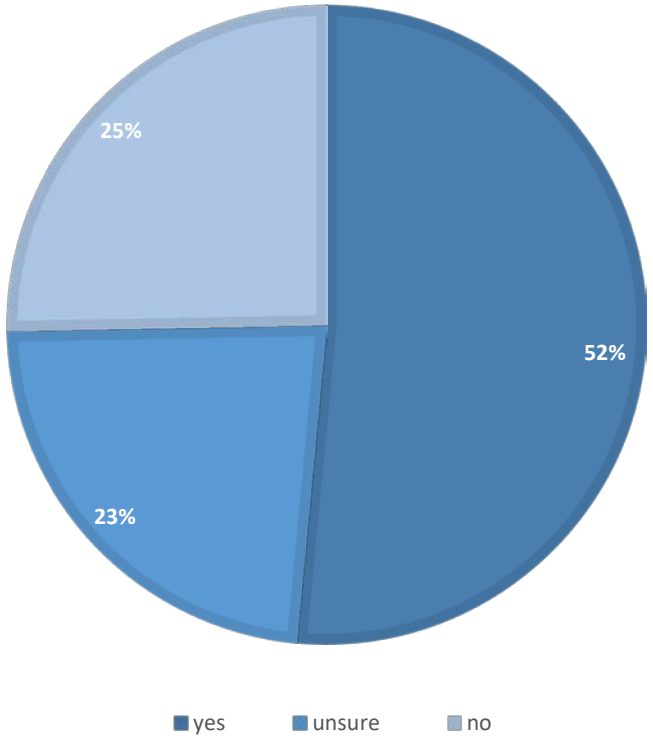
The highest responses were ‘I don’t want to be a landlord’ and ‘Parking Requirements’ and ‘Cost’. This information will be shared with the Housing Strategy and New Zoning By-law teams.

The pie charts below show responses to questions 8 and 10 of Survey 2. These questions related to the potential removal of policies relating to density in the Residential Neighbourhood Areas and the Neighbourhood Character Area policies.

DO YOU HAVE ANY CONCERNS WITH THE CITY REMOVING DENSITY AS A REQUIREMENT FOR THE RESIDENTIAL NEIGHBOURHOOD AREAS?



DO YOU HAVE CONCERNS ABOUT REMOVING THE NEIGHBOURHOOD CHARACTER AREA POLCIES?



Of the written response questions, the 260 responses fell into 5 principle themes: growth and change, traffic, neighbourhood character, infrastructure and servicing capacity, and parking. Overall, growth and change were the most widely discussed concerns in the online survey. The comments surrounding growth and change focused on concerns relating to overcrowding, higher density development and that existing neighbourhoods should not have to accommodate growth or change. Concerns relating to growth also included impacts on servicing, infrastructure and traffic.

Other comments received included concerns relating to the environment (lack of green space and loss of trees), crime and safety concerns in neighbourhoods, loss of property value, property upkeep by landlords and property standards, and creation of illegal units, among other things. Responses also included that affordable housing and family friendly housing should be a focus of the City.

Official Plan Amendment to Increase Housing Options Open Houses

The four open houses were an opportunity to hear from the community about the proposed policy changes to the Residential Neighbourhood Areas and the implementation approach for permitting four units as-of-right. Through the discussions that took place over the course of the four open houses, staff asked a subset of the survey questions, as well as provided the opportunity for people to ask questions and provide comments. Below is a summary of the comments received at all four Open Houses:

<u>Benefits to Increasing Housing Options:</u>

- Opportunities for family to live in close proximity while living independently
- Increased supply of units
- Intergenerational housing
- Meeting diverse resident needs

<u>Concerns relating to increasing Housing Options</u>

- Parking: increased demand, units having 3-4 cars in their driveway already, not enough room for more
- Infrastructure concerns: demand on hydro, other services
- Impact on taxes: MPAC property assessment for owner when additional units added;

- Impact on green space if lot coverage increased / driveways increased to accommodate parking;
- Significant costs relating to building an additional residential unit for homeowner, difficult to manage a reasonable/affordable rent;
- Costs associated with building 'missing middle' and mid-rise development – prohibitive and significant costs for land purchasing;
- Flooding concerns

Comments on Neighbourhood Character Areas:

- Used as a way to prevent change in some neighbourhoods;
- Need to balance interests;
- Concerns relating to the tearing down of existing homes for 'big box homes'
- Equitable approach to intensification – these areas should also be a part of the change

Out of scope comments

- Concerns relating to the Landlord and Tenant Act, landlord protection, concerns with renters;
- Similar permissions should be permitted in the rural areas;
- Creation of illegal additional residential units;
- Use of Housing Accelerator Fund;
- Regulations for Airbnbs and short term rentals; and
- Redesignation of employment and commercial areas for the purpose of affordable residential development.
- Traffic management

Comments received relating to the regulating short term rentals, the New Zoning By-law and the Housing Accelerator Fund will be forwarded to the appropriate teams.

Burlington Youth Student Council

Meeting with the Burlington Youth Student Council was an opportunity to engage with youth in the City, which is a demographic that has been challenging to reach. Approximately 8 members of the Burlington Youth Student Council were in attendance. Using the Mentimetre engagement tool, the group was asked to share what came to mind when asked

'what are some benefits to increasing housing options in Burlington' and the following word cloud was created reflecting their feedback:



How was this feedback used?

The feedback has been summarized from the various methods of engagement and has informed the finalizing of the draft Official Plan Amendment. The following table summarizes how the comments received impacted the drafting of the Official Plan Amendment. Where necessary, more details are provided in the sections below.

Feedback	Planning Staff response	Proposed changes to policy in draft Official Plan & Zoning By-law Amendments
Concerns relating to growth & change in neighbourhoods: increase in density, less restrictions, more traffic	The proposed amendment acknowledges that the Residential Neighbourhood Areas are not areas where significant growth and development will take place. The proposed amendments create additional opportunities for infill development that is compatible with the surrounding built form. Proposed amendments, based on Planning literature and examples from other municipalities, results in incremental change: not every lot will be redeveloped or add an additional residential unit but will allow the opportunity for incremental change and growth where the homeowner decides to do so. There is a need to balance public opinion with what is the public interest. There is a need for more housing and in Planning Staff's opinion, the proposed amendment can assist in allowing for more housing options and units in our neighbourhoods while being compatible with the existing built form.	Residential Neighbourhood Areas preamble: While not recognized as an area where significant growth and development will take place, the *physical character* of the Residential Neighbourhood Areas will continue to evolve over time in a way that is *compatible* with the existing surrounding neighbourhood.

Impacts on physical character of a neighbourhood, potential for high-rise development concerns, impact on green space	The proposed amendments refocus the Residential Neighbourhood Area policies on built form, and scale, rather than density. There are still policies in the Official Plan relating to permitted uses, height and compatibility that limit what proposed development can include. The Zoning By-law further speaks to permissions and regulations regarding permitting uses, and regulations which limit size of a proposed development. Through the New Zoning By-law Project, these regulations and requirements will be re-evaluated to ensure that appropriate standards are developed that balance the increased housing options that fit within the built form. The proposed amendment does not redesignate any lands for more intensive uses such as high-rise developments. The proposed development will not result in permissions for high-rise development within the existing Residential – Low Density designation, which makes up the majority of the Residential Neighbourhood Area.	See draft Official Plan Amendment for complete changes to the Residential Neighbourhood Area designations.
Impacts on Infrastructure and servicing	Change resulting from the proposed amendments would most likely result in incremental change and evolution of our neighbourhoods. This form of change most likely results in individual lot intensification	No proposed changes

	and has a more subtle impact on infrastructure than more intensive forms of development. There are existing by-laws in place regarding servicing and site drainage which must be satisfied when applying for a building permit. There is onus on the municipality, region and service providers to meet the forecasted and planned demand increases on services and infrastructure as the municipality grows. Careful monitoring of growth becomes an important part of supporting development and change with sufficient infrastructure.	
Parking concerns	The proposed Zoning By-law Amendment addresses the parking barriers to increasing housing options through Additional Residential Units. The required parking will be provided and any alternative parking considerations that may be evaluated through the New Zoning By-law. Ultimately, there is also some requirement for the landlord to inform whether parking is or is not available for the unit. There is a need to balance the public opinion on parking in a neighbourhood, and what is in the public	The draft Zoning By-law Amendment proposes to require no parking space for the first Additional Residential Unit and 1 space for each of the 2nd or 3rd Additional Residential Units permitted. Additional parking standards for ARUs will be considered through Phase 1 of the NZBP project. This approach is intended to be supported through the creation of a

	interest, in regards to housing availability and those who are struggling to secure housing, and the prioritization of additional parking requirements.	city-wide on-street residential parking permit system. Staff are targeting Q1 2025 to bring forward a report considering the creation of a city-wide on-street parking permit system. All feedback related to parking has been forwarded to the NZBP team and Transportation to inform their upcoming work.
Need for Rental Units	The proposed amendment includes a new objective relating to innovative housing design to respond to the need for rental units and/or multi-generational households. By permitting four units as-of-right through additional residential units, the additional residential units will either be used as housing for family or rented out. Based on the existing Consent policies of the BOP, 2020 a severance of an additional residential unit from the principal unit is not permitted.	New section 8.3.1 j) To *encourage* innovative housing design that are designed to accommodate *additional residential units* to support the creation of new rental units and multi-generational housing that can create flexibility to respond to the changing needs of a household, at all stages of life.
Need for Larger, family friendly units	The proposed amendment includes a change to section 8.3.2 b) that provides multi-unit residential development should incorporate units that contain more than one bedroom.	Amendments to Section 8.3.2 b): Multi-unit residential *developments* in Residential Neighbourhood Areas *should* incorporate a mix of unit sizes, including units that contain more than

		one bedroom, to accommodate a diverse range of household sizes and incomes.
Need for Multi-generational units	The proposed amendment includes a new objective relating to innovative housing design to respond to the need for rental units and/or multi-generational households.	New section 8.3.1 j) To *encourage* innovative housing design that are designed to accommodate *additional residential units* to support the creation of new rental units and multi-generational housing that can create flexibility to respond to the changing needs of a household, at all stages of life.
Need for affordable housing	By increasing the range of housing options that may be permitted, it may remove barriers to the creation of housing, including rental units, and alleviate pressures on housing. The City is currently developing a housing oriented Community Improvement Plan which will focus in part on incentivizing the creation of new, affordable and rental units.	No proposed changes

What is Next

The draft Official Plan Amendment and Zoning By-Law Amendment will be presented to Council for consideration on December 3, 2024 at a statutory public meeting at the Committee of the Whole. City Staff will receive comments from both Council and delegations regarding the draft Official Plan Amendment and Zoning By-law Amendment. Staff will also be circulating staff, the Burlington Housing Development Liaison Committee (HDLC), and agencies on the public draft of the Official Plan Amendment. Comments received will be brought forward for Council's consideration.

Official Plan Amendment to Increase Housing Options, Engagement Plan

Background

At the October 17, 2023 Council Meeting, City Council declared its intention to allow four residential units per lot as-of-right, and unanimously approved a motion that directed staff *to engage with the community to implement four units as-of-right and the other actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available.* The City is now moving forward to engage with the public on how to implement these actions to increase as-of-right housing options in Burlington.

This project will focus on using planning implementation tools such as the Official Plan, and Zoning By-law to put in place policies and regulations for these types of units to be permitted as-of-right. As-of-right is a term in Urban Planning used to describe when a proposed development is a permitted use, meets all the regulations in the Zoning By-law and does not require any planning applications. This means only a building permit would be needed for an as-of-right development. In Ontario, residential developments under 10 dwelling units do not require applications for Site Plan approval.

The motion from City Council also supported the City's successful application to the Canadian Mortgage and Housing Corporation's (CMHC) Housing Accelerator Fund (HAF). The City was awarded $21.4 million and has committed to implementing the 7 initiatives of the HAF Action Plan in order to increase housing options and the number of units over the next 10 years.

To include as many voices as possible in this important conversation about housing, this project will incorporate public engagement as a key element of the project and will be hosting multiple public engagement activities designed to give current and future residents as well as interested and affected parties an opportunity to provide meaningful input. Staff will be engaging on *how* the City will endeavor to allow four units as-of-right and *what* the staff should consider as part of the Official Plan policies and Zoning By-law regulations. The input that is gathered will inform both interim reports and the final recommendations to City Council.

Engaging people on issues that affect their lives and their city is a key component of democratic society. Public involvement encourages participation, actions and personal responsibility. Burlington's commitment to public engagement is reflected in its Community Engagement Charter, adopted by City Council. The Charter establishes the commitments, responsibilities and concepts of the relationship between the City of Burlington and the citizens of Burlington related to public engagement. The goal of community engagement is to lead to more informed and, therefore, better decision-making.

The following plan provides a roadmap of the engagement activities that will take place over the next few months, highlighting at which points in the process engagement will take place, who will be engaged and the level of engagement. The plan also clearly defines which aspects of the process the City and public can influence throughout the discussion.

This plan is intended to provide a broad overview of the engagement activities that will take place and is subject to change over the course of the project. If aspects of the project require more time, there may be changes to the engagement and project plan overall in order to meet HAF funding requirements and deadlines, if required.

Planning Implementation Tools

In order to allow for four units as-of-right, staff must review and make changes to the City's policies and regulations. Staff must make amendments to the existing policies of the Burlington Official Plan, 2020. Additionally, through Phase 1 of the New Zoning By-Law Project, staff will ensure that appropriate permissions and regulations for 4 units as-of-right are included within the new Zoning By-law.

Official Plan: Burlington Official Plan, 2020 (BOP, 2020)

An Official Plan is a policy document that guides decision-making on land use, development and resource management. BOP, 2020 represents the City's long-term vision with a planning horizon of 2031 and beyond, and establishes strategic priorities for growth management, land use, and infrastructure and is a policy framework that guides the City's decision making and approval processes ensuring that all new development contributes to this long-term vision.

On November 30, 2020, the Burlington Official Plan, 2020 was approved, with modifications by Halton Region. Currently, portions of the Official Plan are under appeal through the Ontario Land Tribunal (OLT). In order to respond to the recent proposed provincial legislative changes like Bill 23 *More Homes Built Faster Act,* 2022, and Bill 97 *Helping Homebuyers, Protecting Tenants Act,* 2023, coupled with the regional changes to the Regional Official Plan (ROP) through ROPA 48 and ROPA 49, City staff initiated the Burlington Official Plan, 2020 Targeted Realignment Exercise to update the policies of the BOP, 2020 to comply with these policy changes and to prioritize strategic growth based on new growth analysis and the findings of the City's Housing Strategy .

The Official Plan Amendment to Increase Housing Options project will initiate an Official Plan Amendment under the Local Growth Management Update – Growth Expectations to 2051 section of the BOP, 2020 Targeted Realignment Exercise, specifically under Principle 5: *The updated local vision for growth will deliver on the shared Provincial mandate and the City's vision for housing, including the Housing Strategy – which will support the creation of new housing for a wide range of household sizes and incomes.* This project is one of the first projects that falls under the BOP, 2020 Targeted Realignment Exercise – Engagement Approach. You can read more about the Burlington Official Plan, 2020 and BOP, 2020 Targeted Realignment Exercise here.

Zoning By-law

The Zoning By-law is the main planning tool that implements the objectives and policies of the City's Official Plan and allows City Council to set rules for where new buildings should go, what type of buildings they can be, and what activities and businesses can happen there. It also specifies a property owner's as-of-right development permissions including how they may use their land and the physical parameters for buildings and other structures.

The New Zoning By-law Project (NZBP) is focused on comprehensively updating the City's Zoning By-law to implement the policies of the Burlington Official Plan, 2020 (BOP, 2020). The NZBP will be completed in a series of phases, with the purpose of each phase being to prepare a section or multiple sections of the new Zoning By-law. The first phase of the NZBP is inclusive of the Residential Zones, including

the regulations for 4 residential units as-of-right per lot, as well as regulations for semi-detached and townhouse dwellings.

Related Projects and Initiatives

The project aligns with the objectives of many larger City initiatives, including the:

- **Housing Accelerator Fund Action Plan:** The Government of Canada and the City of Burlington announced a $21 million agreement to encourage more affordable homes in Burlington on January 15, 2024. The funding is provided through the CMHC HAF program and this project is included as part of the HAF Action Plan initiatives.
- **Burlington Housing Strategy**: Burlington's Housing Strategy creates a road map and acts as a guiding document for housing needs in the City of Burlington. It will help the City work towards meeting the housing needs of the community and move us closer to reaching our Vision for housing in Burlington. The Housing Strategy identifies 12 recommended Actions that the City and other strategic decision-makers can take to increase housing options across the City. Of the 12 recommended actions, Action 6 and 7 encompass sub-actions and initiatives that would permit more as-of-right housing options, including for additional residential units, semi-detached dwellings and townhouses. Sub-actions 5, 16 and 17 also outline how the City can review its existing policies to ensure regulations are inclusive for all.
- **Burlington Official Plan, 2020 (BOP, 2020) Targeted Realignment Exercise:** The BOP, 2020 Targeted Realignment Exercise is a City-initiated exercise that will include a series of specific Official Plan Amendments that will take a local approach to aligning the BOP, 2020 with recent provincial and regional planning framework changes, while continuing to advance the vision of the Official Plan and implement the Housing Strategy and other housing initiatives such as the Housing Pledge. A deliverable of this project will be an Official Plan Amendment (or a series of Official Plan Amendments) that will permit four units as-of-right. Over the course of the project, other Official Plan Amendments may be identified to increase housing options in Burlington through the Housing Strategy Actions and the HAF Action Plan initiatives.
- **New Zoning By-law Project:** The New Zoning By-law Project (NZBP) is focused on comprehensively updating the City's Zoning By-law to implement the policies of the BOP, 2020. The first phase of the NZBP work plan is focused on the Residential Zones portion of the Zoning By-law. The new Zoning By-law will contain the regulations for 4 units as-of-right through the Additional Residential Unit (ARU) regulations. There may also be additional opportunities through the NZB Project Phase 1 to increase housing options in Burlington that are outlined in the Housing Strategy and HAF Action Plan.

As this project intersects with a number of other projects, Staff will keep the GetInvolvedburlington.ca webpages for each project up to date and ensure that each cross-references another in order to provide a clear picture for the public.

Important Milestones

- On June 21, 2022, Burlington City Council approved the Housing Strategy.
- On July 11, 2023, Burlington City Council approved in principle the CMHC Housing Accelerator Fund – Action Plan and directed Staff to submit an application to the CMHC Housing Accelerator Fund.

- On September 26, 2023, City Council approved through Report PL-53-23, Official Plan Amendment No.1 to the City of Burlington Official Plan 2020, and concurrent Zoning By-law Amendment to amend the additional residential unit permissions and permit three residential units per lot.
- On October 17, 2023, Burlington City Council unanimously approved a motion to declare its intention to allow four residential units per lot and to implement other actions identified in the Housing Strategy to increase the range of housing options available. City Council directed staff to engage with the community on how to implement.
- On January 15, 2024, the Government of Canada and City of Burlington announced a $21 million agreement to encourage more affordable homes to be built faster in Burlington, through the CMHC Housing Accelerator Fund.

Decision Statement

At the beginning of an engagement process, it is helpful to know, "what is the decision to be made?" The decision statement clearly identifies:

- What decision needs to be made;
- Who is the decision maker; and
- When the decision is required.

Decision Statement:

In 2024, Burlington City Council will consider endorsing the proposed policies and regulations to increase the range of as-of-right housing options available in Burlington, including as-of-right regulations for 4 residential units per lot.

Summary of Interested and Affected Parties

- Current and future residents
- Resident groups
- Indigenous communities
- Community organizations; special interest, advocacy, and activism groups
- Development industry
- Business community
- Government and public service providers (internal and external)
- City Advisory Committees and arms-length city agencies
- Private and non-profit community service providers
- Elected Officials

Objectives of Engagement

The following objectives describe what the public engagement will strive to achieve through the community discussion about the regulations for more housing options in Burlington:

- Provide relevant information about the project, decision-making process, and how the public can provide input and feedback;
- Work with the New Zoning By-law Project Consultants to provide a coordinated approach to engagement, communication and preparation of the policies and regulations through the new Zoning By-law project;
- Provide multiple channels for people to provide meaningful input at appropriate decision points;
- Create an ongoing record of what is said during engagement opportunities and make it available to the public throughout the process, so they can track the progress of the project, including reports back to the community that highlight how feedback was or was not incorporated into the final recommendations to Council;
- Gather meaningful input from members of the community whose voices are historically underrepresented in conversations about city issues;
- Utilize the Burlington Official Plan, 2020 Targeted Realignment Exercise page on getinvolvedburlington.ca as the main online platform for up-to-date information about the project and upcoming engagement opportunities. Information will also be provided on the upcoming New Zoning By-law Project page and the Housing Strategy project page; and
- Use clear, plain language in the delivery of the Engagement Plan to inform the public about what can and cannot be influenced through the project.

Potential Engagement Barriers/Risks

The following potential risks and barriers to engagement have been identified and will be used to guide the design of the engagement program for each round of engagement.

- **Misconceptions about the project purpose & scope:** Engagement messaging will need to be clear that the purpose of this project is *how* to implement the Council directive of four units as-of-right per lot and other related Actions of the Housing Strategy, rather than *if* these types of units should be permitted as-of-right. The policy and regulation outcomes also may not equate to every residential lot being able to have 4 units as-of-right.

- Alienation or Lack of Trust: Participants may be reluctant to participate based on past experiences of not feeling heard, or concern about how feedback will be brought forward. The engagement program and reporting will need to show in real time how decision making is being influenced or not, by the engagement program, and have the outputs reflected back to communities.

- Safe Space: Some elements of the engagement process will require careful consideration of how to create a safe space for the conversation, as the Project Team will be asking for sensitive information and may be facilitating conversations that are triggering - framing of the questions and subject matter will be a key element of these stages of the program.

- **Broad Outreach:** The limitations of digital and in-person engagement will need to be considered in the context of reaching vulnerable or historically underrepresented communities. The engagement approach will need to utilize a mix of digital tactics, virtual and in-person engagement, and outreach through organizations on the ground. Input from all engagement events will be key to formulating analog tactics and mechanisms that reach those with digital barriers or constraints. There will also need to be space for smaller group conversations, to support all voices in being heard.
- **Timing/Schedule:** The proposed project has a fast-paced timing schedule due to HAF funding requirements and staff are proposing to have the draft Official Plan Amendment and Residential Zones of the new Zoning By-law to Council by latest June 2025.

Project Milestones and Engagement Level

At its meeting on October 17, 2023, City Council directed Staff to engage with the community to implement four units as-of-right and the other Actions identified in the Housing Strategy including implementing opportunities to increase the range of housing options available. The key milestones for the project are below. The project timeline is closely combined with the project timeline for the first phase (residential zones) of the NZBP project. For each milestone, the Engagement Plan identifies where public input will take place, who will be involved in the engagement and what level of engagement will occur. The different levels of engagement are based on the International Association of Public Participation (IAP2)'s Public Participation Spectrum, which is also a component of Burlington's Community Engagement Charter.

Timing (WHEN)	Milestone	Message (WHAT)	Level of Engagement	Interested and Affected Party (WHO)	Communications Tactic (OUTPUT)
Project Launch – Engagement					
February - April 2024	BOP, 2020 Targeted Realignment Exercise Get Involved Project Page & NZBP Page Launch	The BOP, 2020 Targeted Realignment Exercise and the NZBP Get Involved Burlington Project Pages, along with the Housing Strategy Get Involved Burlington Project Page will provide up to date information on the project. The project pages will cross-reference each other to ensure the public can reach the information they need. It will also provide drafts of the policies, information for public meetings and reports to Council.	Inform	All interested and Affected Parties	Launch Get Involved Webpage.
May 2024	Engagement Plan to be made public	The Engagement Plan was developed in collaboration with the NZBP Project Team & Consulting Team.	Inform	City Council and	POST UPDATE Get Involved page

				All interested and Affected Parties	
May – June 2024	Project Launch Engagement	Introductory Survey to be posted to Get Involved Page. Staff will be attending the Mayor's Speaker Series event on May 27 as a 'trade show table' to provide information on Increasing Housing Options/ Housing Strategy and HAF.	Inform & Consult	All interested and Affected Parties	POST UPDATE City Get Involved calendar, Media release
TBD	NZBP Public Survey	A survey will be released on the NZBP Get Involved Burlington Project Page to gather feedback from the public and stakeholders about key issues to address in the new Zoning By-law, including how to implement the as-of-right housing options.	Inform & Consult	All interested and Affected Parties and targeted groups	City Get Involved calendar Get Involved page Media release Twitter, Instagram Facebook + FB Event
Technical work					
January 2024 – April 2024	Staff and the consulting team will conduct research and analyze data from best practices and feedback from the public survey, as well as feedback previously received from the Steering Committee and Technical Advisory Team. A draft discussion paper summarizing this work will be prepared.				
Engagement Round 1					
May 2024	NZBP Steering Committee and Technical Advisory Team	The draft discussion paper will be presented to the NZBP Steering Committee and Technical Advisory Team, there will be opportunities to receive feedback on as-of-right housing options.	Inform & Consult	Internal staff from various departments	N/A
May 2024	NZBP Meeting with Targeted Stakeholders	The draft discussion paper will be presented at a meeting with targeted stakeholders where Staff will be able to gain information regarding how developers and other interested and affected individuals and groups would envision the new Zoning By-law. This will include discussions surrounding the as-of-right housing options.	Inform & Involve	Developers, builders, planning consultants, and members of different community groups.	POST UPDATE Get Involved page

Technical work					
April 2024 – June 2024	Staff and the consulting team will finalize the discussion paper, incorporating feedback received from the Steering Committee, Technical Advisory Team, and targeted stakeholders.				
March 2024 – August 2024	Draft Official Plan Amendment and draft the Residential Zones of the new Zoning By-law				
Engagement Round 2					
June 2024	NZBP Discussion Paper	The NZBP team will provide a discussion paper summarizing the research and consultation that will be presented to Council.	**Inform**	All interested and Affected Parties	POST UPDATE Get Involved page
July 2024	BOP, 2020 Targeted Realignment Exercise – Work Plan update 3 Report	The BOP, 2020 Targeted Realignment team will provide an update to City Council regarding the BOP, 2020 Targeted Realignment Exercise and as-of-right housing options project.	**Inform**	City Council and all interested and Affected Parties	Post Update to City Get Involved calendar Get Involved page
September 2024	Committee of the Whole – Release draft of OPA	Report and presentation to Committee of the Whole to provide first draft release of the OPA to Increase Housing Options	**Inform and Involve**	City Council and all interested and Affected Parties	Post Update to City Get Involved calendar, Media Release, Twitter, Instagram, Facebook
September 2024	First Draft of NZBP Residential Zones & Official Plan Amendment Released to public	The Official Plan Policies and draft of the Zoning By-law will be released to the public for review and feedback.	**Inform and Involve**	All interested and Affected Parties	Post update to City Get Involved calendar and Get Involved page Media release Twitter, Instagram Facebook + FB Event
September – October, 2024	Meet with a Planner	Staff will set aside time for a series of opportunities for members of the public to sign up for 30 minute one-on-one meetings	**Inform & Consult**	All interested and Affected Parties and	Post update to City Get Involved calendar

		with a Planner on the team to discuss the New Zoning By-law Project and as-of-right housing options and ask questions.		Targeted Stakeholders	Get Involved page Media release Twitter, Instagram Facebook + FB Event
September 14, 2024	Food for Feedback	Staff will consult with the public on the first drafts of the policies and Residential Zones, including regulations for 4 units as-of-right, semi-detached dwellings and townhouse units.	Inform & Involve	All interested and Affected Parties	Post update to City Get Involved calendar and Get Involved page Media release Twitter, Instagram Facebook + FB Event
September 2024	NZBP Steering Committee and Technical Advisory Team	Staff will consult with the Steering Committee and Technical Advisory Team on the first draft of the Residential Zones, including regulations for 4 units as-of-right, semi-detached dwellings and townhouse units.	Inform & Consult	Internal staff from various departments	N/A
September 2024	NZBP Meeting with Targeted Stakeholders	Staff will consult with targeted stakeholders on the first draft of the Residential Zones, including regulations for 4 units as-of-right, semi-detached dwellings and townhouse units.	Inform & Involve	Developers, builders, planning consultants, and members of different community groups.	TBD
September 2024	Housing and Development Liaison Committee Meeting	Staff present the Official Plan policies and Zoning By-law regulations to the Housing and Development Committee for review and feedback.	Inform and Involve	HDLC Housing and Development Liaison Committee	Staff presentation to committee
September 2024	Pipeline to Permit Committee	Staff present the Official Plan policies and Zoning By-law regulations to the Pipeline to Permit Committee for review and feedback.	Inform and Involve	Pipeline to Permit Committee	Staff presentation to committee, post update to get

					involved web page.
October 2024	Public Open House	The public open house will provide information about the Zoning By-law Residential Zones including the regulations for 4 units as-of-right, and townhouse and semi-detached dwellings as-of-right. Policy Staff will also be available to discuss the changes to the Official Plan that will need to take place.	Inform and Involve	All interested and Affected Parties	Post update to City Get Involved calendar Get Involved page Media release Twitter, Instagram Facebook + FB Event
Technical Work					
Ongoing June – August 2024	Review feedback and make revisions to draft OPA and draft Zoning By-law				
Engagement Round 3					
January 2025	Statutory Public Meeting & Final draft of OPA to be presented to Committee of the Whole	Final by-law and OPA to be presented to Committee of the Whole/Council. Council will render a decision. NZBL Project team will bring forward the implementing Zoning By-law regulations within the New Zoning By-law Residential Zone Regulations. The NZBP team is targeting March 2025 for the Statutory Public Meeting, and the final by-law to be brought forward for recommendation for approval in June 2025.	Inform	Council and all interested and Affected Parties	POST UPDATE Get Involved page Twitter, Instagram Facebook

Policies and Factors That Cannot be Influenced

In every public engagement process, it is important to be aware of the things that cannot be influenced: either because they are beyond the City's control (for example things that are required by regional or provincial policy or law), or because they are outside the scope of the project as set out in the Council direction. The following aspects of the project are considered 'givens' and will not be included in engagement activities:

1. Council unanimously supports four units as-of-right and has approved the Housing Strategy. Staff have been requested to engage with the public on how to implement the policies and regulations to permit 4 units as-of-right, and related actions in the Housing Strategy. The purpose of this project is to implement the policies and regulations in order to permit these units to

increase the housing options available in Burlington, and not whether there should be 4 units permitted as-of-right.

2. The HAF Action Plan has been approved in principle by Council, and the City of Burlington has received $21 million in funding to implement the Action Plan.
3. All policies in BOP, 2020 must comply with the Planning Act, Provincial Policy Statement (PPS) and other provincial policies, as well as the Halton Regional Official Plan (ROP). This includes the recent amendments to the ROP (ROPA 48 and 49), as modified by the Minister of Municipal Affairs and Housing.
4. The City's growth will continue to be prioritized in Strategic Growth Areas, growth to 2051 will continue to be prioritized within the Built Boundary.
5. The City of Burlington will not make changes to land use or zoning in response to individual requests on specific properties as part of this project.

How the City Will Collect and Respond to Feedback

Throughout the engagement process, City staff will collect all input provided by interested and affected parties by theme into engagement feedback reports, showing how the comments shaped the process, and the recommended regulations proposed to Council.

Evaluating the Public Engagement Process

To assist in measuring how public participation contributed to the project decision to be made, the following will be used to evaluate the public participation process.

1. Once the project is complete, measure the degree to which community members felt they:
    a. Understood the project's process and its limitations;
    b. Understood how the feedback they provided influenced or did not influence the outcome of the City Council approval; and
    c. Had a meaningful experience participating in the process and felt heard.

2. Evaluate each form of engagement.
   How did each of the engagement approaches used help to achieve the engagement objectives?

3. Analyze how the feedback received about the forms of engagement impacted the overall public participation process as the project moved forward.

		one bedroom, to accommodate a diverse range of household sizes and incomes.
Need for Multi-generational units	The proposed amendment includes a new objective relating to innovative housing design to respond to the need for rental units and/or multi-generational households.	New section 8.3.1 j) To *encourage* innovative housing design that are designed to accommodate *additional residential units* to support the creation of new rental units and multi-generational housing that can create flexibility to respond to the changing needs of a household, at all stages of life.
Need for affordable housing	By increasing the range of housing options that may be permitted, it may remove barriers to the creation of housing, including rental units, and alleviate pressures on housing. The City is currently developing a housing oriented Community Improvement Plan which will focus in part on incentivizing the creation of new, affordable and rental units.	No proposed changes

What is Next

The draft Official Plan Amendment and Zoning By-Law Amendment will be presented to Council for consideration on December 3, 2024 at a statutory public meeting at the Committee of the Whole. City Staff will receive comments from both Council and delegations regarding the draft Official Plan Amendment and Zoning By-law Amendment. Staff will also be circulating staff, the Burlington Housing Development Liaison Committee (HDLC), and agencies on the public draft of the Official Plan Amendment. Comments received will be brought forward for Council's consideration.

Increasing Housing Options Survey

We are working together to increase housing options in our neighbourhoods.

We need to keep talking about our community's housing needs so we can carry out:

- Actions of the Housing Strategy;
  - Action 6 – Build upon the policies of the Official Plan, 2020 and the findings of the Housing Strategy Project to inform the Comprehensive Zoning By-law (CZBL) project, to assist in broadening the range and mix of housing in the City and to explore tools to streamline processes.
  - Action 7 – Support, permit, and encourage the development of alternate forms of housing, including higher density types of housing, where feasible and appropriate.
  - Action 11 - Encourage Additional Residential Units (ARUs) and consider a registry and monitoring program to evaluate the success of the framework and to make sure the ARUs meet health and safety standards.
- Council's motion to go from three units as-of-right to four units as-of-right; and
- The creation of more housing at a faster pace, as part of the Housing Accelerator Fund Action Plan.

This is just a part of what we need to do to meet our vision for housing in Burlington:

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

This survey is the first of many opportunities for you to get involved in this project. To learn more about the engagement plan for this project, please see the City of Burlington's Official Plan Amendment to Increase Housing Options – Engagement Plan.

The survey is available until June 14, 2024.

Your participation in this survey is voluntary. Individual responses will be kept confidential. Non-identifiable summaries of responses may be developed and shared publicly. For questions regarding the collection, use and disclosure of this information, please contact newop@burlington.ca. The survey is available in print, alternative formats or with communication support by contacting getinvolved@burlington.ca

Do you live in Burlington?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] I used to live in Burlington, but now I live somewhere else
- [ ] I want to live in Burlington, but currently live somewhere else
- [ ] Prefer not to say

Answer this question only if you have chosen Yes for Do you live in Burlington?

Where do you live in Burlington? Not sure what Ward you live in, use the Rep Locator to find out

(Choose any one option)

- [ ] Ward 1
- [ ] Ward 2
- [ ] Ward 3
- [ ] Ward 4
- [ ] Ward 5
- [ ] Ward 6
- [ ] Prefer not to say

Do you rent or own your current home?

(Choose any one option)

- [ ] Own
- [ ] Rent
- [ ] Prefer not to say
- [ ] Other (please specify)

How old are you?

(Choose any one option)

- [ ] Under 18
- [ ] 18 - 24
- [ ] 25 - 34
- [ ] 35 - 44
- [ ] 45 - 54
- [ ] 65 - 74
- [ ] 55 - 64
- [ ] 75 - 84
- [ ] 85+
- [ ] I prefer not to say

Before today, did you know that right now you can have up to three units per residential lot? This is city-wide in our urban boundary, which means it does not apply to rural Burlington. This is allowed under Provincial Policy.

(Choose any one option)

- [ ] Yes
- [ ] No

What do you want us to know before we get started on the Increasing Housing Options project? This project will include implementing four units as-of-right per residential lot*

*As-of-right is an urban planning term that means only a building permit would be needed for an as-of-right development. It is used to describe when a proposed development is a permitted use, meets all regulations of the Zoning Bylaw and does not require any planning applications.

The City will be allowing up to four units as-of-right per residential lot. How would you like this to look and feel?

(fits into the character of the neighbourhood, fits into the scale of the neighborhood, allow for smaller residential lots, require amenity space for housing with four units, be located close to transit)

What type of housing options do you need in your neighbourhood?

(Examples: more rental units and additional residential units (attached or detached), accessible housing, affordable or more attainable housing, larger units (three bedrooms or more), multi-generational housing, close to amenities and transit)

What benefits do you think permitting **four units** as-of-right per residential lot* (additional residential units, semi-detached, triplex, fourplexes, etc.) and new housing options can bring to your neighbourhood?

*As-of-right is an urban planning term that means only a building permit would be needed for an as-of-right development. It is used to describe when a proposed development is a permitted use, meets all regulations of the Zoning Bylaw and does not require any planning applications.

Do you have any concerns about increasing housing options?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] Unsure

Answer this question only if you have chosen Yes for Do you have any concerns about increasing housing options?

What concerns do you have about increasing housing options?

Official Plan Amendment to Increase Housing Options Survey

The Official Plan Amendment to Increase Housing Options project is underway!

We want to hear from you about our community's housing needs so we can:

- work on the Housing Strategy Actions,
- go from three units as-of-right* to four units as-of-right and
- create more housing, faster, as part of the Housing Accelerator Fund Action Plan.

*As-of-right is a Planning term used to describe when a proposed development is:

- a permitted use,
- meets all the regulations in the Zoning Bylaw and
- does not require any planning applications.

This means only a building permit would be needed for an as-of-right development. In Ontario, residential developments under 10 dwelling units do not need to apply for Site Plan approval and would be as-of-right where permitted.

This project has three phases:

Phase 1: Permitting four units as-of-right through the Additional Residential Unit Policies and Zoning Regulations

Phase 2: Review the Residential Neighbourhood Area and like-policy areas. Set a revised policy framework

Phase 3: Evaluate Areas of Transition - Identify neighbourhoods edges

More information is available in Staff Report PL-66-24

This is just a part of what we need to do to meet our vision for housing in Burlington: *"Everyone is welcome in Burlington. Burlington is a city where all current and future residents have access to the housing options that meet their needs at all stages of life, and that are attainable at all income levels."*

The survey is available until Oct 30, 2024

Your participation in this survey is voluntary. Individual responses will be kept confidential. Non-identifiable summaries of responses may be developed and shared publicly and with City Council. For questions regarding the collection, use and disclosure of this information, please contact alexandra.mathers@burlington.ca The survey is available in print, alternative formats or with communication support by contacting getinvolved@burlington.ca

Do you live in Burlington?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] I used to live in Burlington but now I live somewhere else
- [ ] I want to live in Burlington, but currently live somewhere else

Please tell us your postal code. Start typing in your postal code with no spaces. Once you see it, select it.

(Required)

Do you rent or own your current home?

(Choose any one option)

- [ ] Rent
- [ ] Own
- [ ] Other (please specify)

What is your age range?

(Choose any one option)

- [ ] Under 18 years
- [ ] 18 - 24 years
- [ ] 25 - 34 years
- [ ] 35 - 44 years
- [ ] 45 - 54 years
- [ ] 55 -64 years
- [ ] 65 - 74 years
- [ ] 75 - 84 years
- [ ] 85+
- [ ] I prefer not to say

Four units as-of-right through Additional Residential Units

The City is proposing to allow four units as-of-right through the Additional Residential Unit policies.

Additional Residential Units are self-contained living units with their own kitchen, bathroom and sleeping areas. They are on the same property as a home which can be a single-detached, semi-detached or townhouse. They can be inside or attached to a home, or in a separate building like a garage. Examples of Additional Residential Units include basement apartments, attached suites and backyard homes.

Do have any concerns about increasing the number of Additional Residential Units from three to four?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] Unsure

Answer this question only if you have chosen Yes for Do have any concerns about increasing the number of Additional Residential Units from three to four?

What are your concerns?

In an accessory building, like a detached garage, laneway house or tiny home, how many units should the City permit within these buildings? Currently the City permits one unit in an accessory building.

(Choose any one option)

- [ ] 1
- [ ] 2

For any development in the City, certain rules apply. Thinking about Additional Residential Units in a separate building, do you have any feedback on what these should look like, and potential regulations? For example, would you like the unit to be a certain distance from the property line, how high should it be and what landscaping is needed?

Do you have any Additional Residential Units on your property?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] No, but I am in the process of getting a permit or building one
- [ ] I do not own a property

Answer this question only if you have chosen Yes for Do you have any Additional Residential Units on your property?

What type of Additional Residential Unit is it? (Select all that apply):

(Choose all that apply)

- [ ] It is a basement unit
- [ ] It is a unit on the main floor or upper level of the house
- [ ] It is in an accessory building in the yard

Answer this question only if you have chosen No, but I am in the process of getting a permit or building one for Do you have any Additional Residential Units on your property?

What type of Additional Residential Unit is it? (Select all that apply):

(Choose all that apply)

- [ ] It is a basement unit
- [ ] It is a unit on the main floor or upper level of the house
- [ ] It is in an accessory building in the yard
- [ ] Other (please specify)

If you own your property, would you consider adding an Additional Residential Unit to your property?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] I thought about it, but there are too many barriers to putting in an additional residential unit
- [ ] I already have one
- [ ] Not sure
- [ ] I don't own property

What do you consider barriers to adding an Additional Residential Unit to your property? (Select all that apply)

(Choose all that apply)

- [ ] Cost
- [ ] Understanding the planning and building process
- [ ] Zoning requirements
- [ ] Parking requirements
- [ ] Not enough space to build the unit
- [ ] I do not want to be a landlord
- [ ] Other (please specify)

Neighbourhood Policies in the Official Plan

The City is reviewing the Residential Neighbourhood Area policies in the Burlington Official Plan, 2020. These are the policies that apply to most of the City's neighbourhoods.

Residential Neighbourhood Area policies of the City's Official Plan uses density as a requirement. Density is the number of dwelling units that may be built on one hectare of land. For example, the Residential – Low Density designation permits a total of 25 units per hectare. This is reviewed against the size of the lot to figure out how many units can be on that lot. For example, 1 unit on a 400 m^2 lot would equate to 25 units per net hectare.

The City also has special neighbourhoods within the policies called Neighbourhood Character Areas. In these areas, additional standards apply based on neighbourhood character. These policies make sure that development is well-matched with what is already in the neighbourhood. The City is proposing to take some of the lessons learned from the Neighbourhood Character Areas and apply them to all neighbourhoods. The City believes that this may be a more meaningful way to apply standards and much easier to understand.

Do you have any concerns with the City removing density as a requirement for the Residential Neighbourhood Areas?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] Unsure

Answer this question only if you have chosen Yes for Do you have any concerns with the City removing density as a requirement for the Residential Neighbourhood Areas?

Tell us your concerns

As a result of applying the lessons learned and meaningful standards from the Neighbourhood Character Areas to all neighbourhoods, the City is exploring the removal the Residential Neighbourhood Character Area policies from the Official Plan. Do you have any concerns with this approach?

(Choose any one option)

- [ ] Yes
- [ ] No
- [ ] Unsure

Answer this question only if you have chosen Yes for As a result of applying the lessons learned and meaningful standards from the Neighbourhood Character Areas to all neighbourhoods, the City is exploring the removal the Residential Neighbourhood Character Area policies from the Official Plan. Do you have any concerns with this approach?

Tell us your concerns

Are there any other standards that you think should be applied to the Residential Neighbourhood Areas?

Do you have any other comments or suggestions for the Official Plan Amendment to increase housing options?

Did you or do you plan to attend one of the Official Plan Amendment to Increase Housing Options Public Open Houses?

(Choose any one option)

- [ ] Yes
- [ ] No

SUBJECT: Official Plan and Zoning By-law Amendments for 141, 147 and 153 Plains Road West

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-90-24

Wards Affected: 1

Date to Committee: December 3, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the applications for Official Plan Amendment and Zoning By-law Amendment submitted by Goldberg Group on behalf of 2412947 Ontario Ltd, Dr. Laith Al-Dabbagh and 2381798 Ontario Ltd. proposing a 12-storey mixed use building; and

Approve Official Plan Amendment No. 154 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-90-24, to modify the “Mixed Use General” Designation at the lands located at 141, 147 and 153 Plains Road West; and

Deem that the Official Plan Amendment No. 154 is consistent with The Planning Act; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 154 as contained in Appendix D to community planning department report PL-90-24 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; and

Approve Zoning By-law 2020.492, attached as Appendix E to community planning department report PL-90-24, to rezone the lands at 141, 147 and 153 Plains Road West from “MXG” to “H-MXG-545”; and

Deem that Zoning By-law 2020.492 will conform to the Official Plan of the City of Burlington once Official Plan Amendment No. 154 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 154 is adopted; and

Deem that the lands described as 141, 147 and 153 Plains Road West are classified as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines.

PURPOSE:

Vision to Focus Alignment:

☑ Designing and delivering complete communities

☐ Providing the best services and experiences

☑ Protecting and improving the natural environment and taking action on climate change

☐ Driving organizational performance

Executive Summary:

Goldberg Group on behalf of the landowners at 141, 147 and 153 Plains Road West has applied for an Official Plan Amendment and Zoning By-law Amendment to permit the development of a 12-storey (inclusive of 1-storey rooftop mechanical penthouse) mixed use building consisting of 150 units and 175 sq. m of ground floor non-residential uses.

The proposed development is anticipated to be purpose-built rental and a minimum 10% of the proposed units (15 units) are to be affordable units with a rental rate of less than $1,000 per month. 65% of the unit count are proposed to be 2 bedroom or more and thirteen units are proposed to have barrier free accommodations such as barrier free bedrooms and washrooms.

Staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment for 141, 147 and 153 Plains Road West based on the following:

- The proposed amendments are consistent with the Provincial Policy Statement (2020) and Provincial Policy Statement (2024);
- The proposed amendments conform with the Regional Official Plan (2009, as amended);
- The proposed amendments conform to the general intent of the Burlington Official Plan (1997) and have regard for Burlington Official Plan (2020);

- The proposed development is aligned with the policies and standards of the Area Specific Plan for the Aldershot GO MTSA and the approved in principle Community Planning Permit By-law; and,
- The proposed development maintains the general intent of Zoning By-law 2020.

A Holding Provision is recommended to ensure that a revised Noise Impact Study is submitted to address outstanding comments from the Region and the Region's retained peer reviewer.

The applicant is also proposing that the subject lands be deemed as a Class 4 area as defined by the Ontario Ministry of Environment, Conservation, and Parks NPC-300 Environmental Noise Guidelines. Staff support this proposal.

RECOMMENDATION:		Approval of applications	***Ward:***	1
Application Details	***APPLICANT:***	Goldberg Group		
	OWNERS:	2412947 Ontario Ltd, Dr. Laith Al-Dabbagh and 2381798 Ontario Ltd.		
	FILE NUMBERS:	505-05/24 & 520-10/24		
	TYPE OF APPLICATION:	Official Plan Amendment & Zoning By-law Amendment		
	APPLICANT'S PROPOSAL:	12-storey mixed use building		
Property Details	***PROPERTY LOCATION:***	North side of Plains Road West, southwest of Howard Road		
	MUNICIPAL ADDRESS:	141, 147 and 153 Plains Road West		
	PROPERTY AREA:	0.241 ha		
	EXISTING USE:	Two single detached dwellings (147 and 153 Plains Road West) and a Dentist Office (141 Plains Road West)		
Documents	***1997 OFFICIAL PLAN Existing:***	Mixed-Use Corridor General		
	1997 OFFICIAL PLAN Proposed:	Mixed-Use Corridor General with site-specific policies		
	2020 OFFICIAL PLAN Existing:	Urban Corridor		

	ZONING Existing:	MXG (Mixed-Use Corridor General Zone)
	ZONING Proposed by Applicant:	H-MXG-545 (Mixed-Use Corridor General Zone) with site-specific exceptions and a Holding Provision
Processing Details	***APPLICATION SUBMITTED:***	September 13, 2024
	APPLICATION DEEMED COMPLETE:	September 17, 2024
	STATUTORY DEADLINE:	January 11, 2025
	PRE-APPLICATION COMMUNITY MEETING:	March 6, 2023
	STATUTORY PUBLIC MEETING:	December 3, 2024
	PUBLIC COMMENTS:	At the time of writing this report, 9 written public comments were received out of 1065 notices.

Background and Discussion:

On September 17, 2024, the City acknowledged that a complete application had been received for an Official Plan Amendment and Zoning By-law Amendment for 141, 147 and 153 Plains Road West. The purpose of these applications is to amend the Official Plan and Zoning By-law to permit the development of a 12 storey mixed use building with 150 residential units and 175 sq. m of ground floor non-residential uses. This report provides Council with information on the proposed applications that is necessary for proceeding with the Statutory Public Meeting and for considering the recommendations associated with these applications.

1.1 Description of Subject Property and Surrounding Land Uses

The subject properties are located north side of Plains Road West between Howard Road and Unsworth Avenue. The properties have an area of 0.241 hectares with an approximate frontage of 57 metres along Plains Road West. Existing land uses on the properties consist of two single detached dwellings (153 and 147 Plains Road West) and a dentist office (141 Plains Road West).

Surrounding uses are as follows:

- North: To the north of the subject lands are two warehouses (Argo Wholesale and Ippolito Group).
- East: To the east of the subject lands is a two-storey retail building with multiple businesses including a restaurant (Ye Olde Squire), a paint store (Benjamin Moore Paints) and offices on the second floor.
- South: To the immediate south of the subject lands is Plains Road West, further south are 12-storey apartment buildings between Daryl Drive and Howard Road.
- West: To the immediate west of the subject property is a two-storey office building for the Burlington and Area Midwives and further west is a one storey office building and a two storey medical office (Gardens Medical Office).

There are four bus stops within 350 metres of the subject lands with access to bus route 1 (Plains/Fairview), which runs along Plains Road West and continues into downtown Hamilton along York Boulevard, King Street West and Cannon Street West. The bus route also provides connections to the Burlington GO Station, Appleby GO Station and Hamilton GO Station.

The Aldershot GO Station is approximately 1.7 km northeast of the subject properties which provides connections to the Lakeshore West and Lakeshore East train and several bus options for the GTHA, Niagara, Brantford and Waterloo.

1.2 Description of Applications

Goldberg Group has made an application on behalf of 2412947 Ontario Ltd, Dr. Laith Al-Dabbagh and 2381798 Ontario Ltd. to amend the Official Plan and Zoning By-law for the properties located at 141, 147 and 153 Plains Road West.

These applications propose an Official Plan Amendment and Zoning By-law Amendment to develop the subject lands into a 12-storey mixed use building. The proposed development includes 150 residential units and 175 sq. m of non-residential area at-grade. There is also 2,243 square metres of indoor and outdoor amenity space proposed including a rooftop amenity area, 7th floor terraces and balconies.

A total of 112 parking spaces (103 for residents, 5 for visitors and 4 for non-residential uses) are proposed for the development provided through 2 levels of underground parking (100 parking spaces) and 12 surface parking spaces. Vehicular access to the site is proposed to be provided via Plains Road West.

1.3 Supporting Documents

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

1. Application Form, prepared by Goldberg Group, dated September 11, 2024;
2. Arborist Report and Tree Preservation Plan, prepared by HKLA, dated January 30, 2024;
3. Architectural Package, prepared by AAA Architects, dated September 10, 2024;
4. Architectural Response Matrix, prepared by AAA Architects, dated September 12, 2024;
5. BUD Meeting Minutes, prepared by City of Burlington, dated April 20, 2023;
6. Civil Drawings, prepared by Luban Ltd, dated September 11, 2024;
7. Civil Engineering Response Letter, prepared by Luban Ltd., dated September 13, 2024;
8. Community Information Meeting Response Matrix, prepared by Evans Planning, dated April 2023;
9. Compatibility Response Letter, prepared by GHD Limited, dated September 12, 2024;
10. Conceptual Landscape Plan, prepared by HKLA, dated September 12, 2024;
11. Consolidated Comment Response, prepared by Goldberg Group, dated September 13, 2024;
12. Cover Letter, prepared by Goldberg Group, dated September 13, 2024;
13. Draft Official Plan Amendment, prepared by Goldberg Group, dated September 2024;
14. Draft Zoning By-law Amendment, prepared by Goldberg Group, dated September 2024;
15. Functional Servicing and Stormwater Management Report Addendum, prepared by Luban, dated September 13, 2024;
16. Hydrogeological Assessment, prepared by Azimuth Environmental Consulting Inc., dated April 3, 2024;
17. Landscape Response Letter, prepared by HKLA, no date;
18. Land Use Compatibility and Air Quality Impact Study, prepared by GHD, dated September 12, 2024;

19. Letter of Reliance for City of Burlington and Halton Region, prepared by Luban Ltd, dated August 22, 2024;

20. MOECP RSC Acknowledgement Letter, dated July 21, 2023;

21. Noise Impact Study, prepared by Aerocoustics, dated September 11, 2024;

22. Noise Response Letter, prepared by Aerocoustics, dated September 11, 2024;

23. Pedestrian Level Wind Study, prepared by Gradient Wind, dated January 16, 2024;

24. Pedestrian Level Wind Study Addendum, prepared by Gradient Wind Engineering Inc., dated September 18, 2024;

25. Phase One Environmental Site Assessment, prepared by Azure Group Inc. revised, April 4, 2023;

26. Phase Two Environmental Site Assessment, prepared by Azure Group Inc., revised April 4, 2023;

27. Planning Justification Report, prepared by Goldberg Group, dated September 2024;

28. Record of Site Condition, dated July 21, 2023;

29. Shadow Study, prepared by AAA Architects, dated September 12, 2024;

30. Shear Wave Velocity Testing for Seismic Classification, prepared by Frontwave Geophysics Inc., dated September 12, 2024;

31. Shoring Design Package, prepared by RH Engineering Inc, stamped September 12, 2024;

32. Site Lighting Design Package, prepared by Northstar Engineering and Technologies Ltd, stamped September 12, 2024;

33. Soil Investigation, prepared by Azure Group Inc, dated January 20, 2023;

34. Survey, prepared by J.D. Barnes, dated July 25, 2022;

35. Traffic Response Letter, prepared by Paradigm, dated September 11, 2024;

36. Transportation Impact Study, prepared by Paradigm, dated September 5, 2024;

37. Traffic Response Letter, prepared by Paradigm, dated September 11, 2024;

38. Urban Design Brief, prepared by John G Williams Limited, dated September 13, 2024;

39. Waste Management Plan, prepared by RJB, dated September 12, 2024; and,

40. Waste Management Response Letter, prepared by RJB, dated September 12, 2024.

Application materials are posted on the project website, www.burlington.ca/141plains.

2.0 Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment applications are subject to review in accordance with the Provincial Policy Statement (2020); the Provincial Planning Statement (2024); Region of Halton Official Plan (2009, as amended); City of Burlington Official Plan (1997, as amended); City of Burlington Official Plan (2020, as amended); and City of Burlington Zoning By-law 2020, as summarized below and in greater detail within Appendix F.

Planning staff are of the opinion that the proposed applications are consistent with the Provincial Policy Statement (2020) and Provincial Planning Statement (2024); conform with the Region of Halton Official Plan (2009, as amended), City of Burlington Official Plans (1997 as amended & 2020 as amended).

3.0 Land Use Compatibility and Noise Mitigation

The PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate, any potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures.

Where avoidance is not possible, the development of sensitive land uses may be permitted subject to demonstration that the proposed use is needed, that there are no reasonable alternative locations, that adverse effects to the proposed sensitive land use are minimized and mitigated, and that potential impacts to industrial, manufacturing, or other uses are minimized and mitigated.

The applicant was required to submit a Land Use Compatibility Study and Noise Impact Study with the subject applications. These were reviewed by an external peer reviewer, who concluded that additional analysis is required to confirm that there are no adverse noise impacts to the proposed development. Staff are recommending that a Holding Provision be placed on the subject property to require that outstanding noise feasibility

matters be addressed to the City's satisfaction prior to development proceeding. This approach will ensure compatibility to protect proposed the health of future residents and the viability of existing facilities, as required by the PPS. A more comprehensive review of the Land Use Compatibility Study is found in Appendix "F" of this report.

4.0 Housing

In alignment with the Provincial Planning Statement (2024) and Provincial Policy Statement (2020), the Regional Official Plan (2009, as amended), Policy 84 states the goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social, and economic needs.

Subsection 3.1.1(2)(g) of the Official Plan (2020) and the City's Strategic Plan, directed the City to develop a city-wide housing strategy to among other things, support the Region of Halton's Housing Strategy, describe the current range and mix of housing in the city, establish city-wide housing objectives, examine opportunities for partnerships to increase the supply of affordable housing, to develop minimum targets in support of achieving the region of Halton's housing mix and affordable unit targets as well as two and three bedroom unit minimum targets.

The Burlington Housing Strategy and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by City Council on June 21, 2022. The City's Housing Strategy provides a roadmap for addressing local housing needs and increasing housing options that meet the needs of current and future residents at all stages of life and at all income levels. The Housing Strategy identifies 12 Actions to move toward the vision for housing in Burlington. It provides a set of action-oriented housing objectives (Themes) and an associated implementation plan.

One of the housing objectives (Theme 1) of the Housing Strategy is to support a healthy rental housing stock through the protection of existing rental stock and by supporting the creation of new rental units. The Housing Impact Statement is provided in Section 7.7 of the Planning Justification Report prepared by Goldberg Group, dated September 2024. The proposed development is anticipated to be purpose-built rental and a minimum 10% of the proposed units are to be affordable units with a rental rate of less than $1,000 per month.

Another critical housing objective of the Housing Strategy's stated objectives (Theme 2) of the Housing Strategy is to support a broad variety of housing types and forms to increase housing options to meet the needs of all current and future residents at all stages of life. The proposed development provides 20 bachelor units (13.3%), 32 1-bedroom units (21.3%), 88 2-bedroom units (58.7%), and 10 3-bedroom units (6.7%). Thirteen of the units are also proposed to have barrier free accommodations such as barrier free bedrooms and washrooms.

Theme 3 of the Housing Strategy is to build awareness and capacity by connecting residents and housing providers to programs and resources. The applicant has worked in coordination with the Region of Halton and City staff to explore affordable housing options for the development. The Region and City staff have provided resources for the applicant including access to the Housing Accelerator Fund (HAF) Action Plan, outlining the applicable incentives for affordable housing units and a list of available financing and funding programs. The applicant is pursing CMHC funding for the proposed development.

Action 4 of the Housing Strategy established minimum targets around housing that builds upon the policies of the Official Plan (2020) and uses the findings of the Housing Strategy Project. These targets are appended to the Housing Strategy, and set targets for rental units, affordable units and 3-bedroom units. As noted above, the proposed development will provide purpose built rental units, more than 65% of the proposed units will be 2-bedroom or more, a minimum of 10% of the units will be affordable and staff are working in coordination with the applicant. Staff are of the opinion that the proposed development is in alignment with the Housing Strategy.

5.0 Land Use Designation and Residential Intensification

5.1 City of Burlington Official Plan (1997)

The subject lands are designated as “Mixed Use Activity Areas” on Schedule A, Settlement Pattern, of the City’s Official Plan (1997, as amended). “Mixed Use Activity Areas” provide locations where employment, shopping and residential land uses will be integrated in a compact urban form, at higher development intensities and be pedestrian oriented and highly accessible by public transit.

The subject lands are designated “Mixed Use Corridor – General” as per Schedule “B” (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan (1997, amended). The “Mixed Use Corridor – General” designation permits wide range of retail, service commercial and personal services; financial institutions and services; office uses; entertainment, recreation and other community facilities; small scale motor vehicle dealerships and high-density residential uses. This designation permits mixed-use development with a maximum building height of 6-storeys and a maximum Floor Area Ratio of 1.5:1.

5.2 Housing Intensification Criteria

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 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.

Staff have reviewed the proposed development and determined that it is compatible with the abutting land uses and will be compatible with the surrounding context. A further analysis of the proposed development's compatibility with the surrounding context is found in Appendix F of this report.

6.0 City of Burlington New Official Plan (2020)

On Nov. 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

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 Dec. 22, 2020, for the new Burlington Official Plan.

The lands are identified as being within a *Primary Growth Area* in accordance with Schedule B-1 – Growth Framework of the new Official Plan. *Primary Growth Areas* will accommodate the majority of the City's forecasted growth over the planning horizon of the new OP and consequently will experience the greatest degree of change. These areas will be regarded as the most appropriate and predominant locations for new tall buildings in accordance with the underlying land use designations or the land use policies of an Area-Specific Plan

The lands are designated "Urban Corridor" in accordance with Schedule C – Land Use – Urban Area of the new Official Plan. The Urban Corridor designation requires transit-supportive and pedestrian-oriented design and is intended to provide for the day-to-day goods and service needs of residents and employees within and in proximity to the corridor. Permitted uses include residential uses and mixed use developments in buildings between 2 to 6 storeys in height. The maximum permitted Floor Area Ratio (FAR) is 2.0:1 but higher FAR may be permitted through a Zoning By-law Amendment without requiring an Official Plan amendment.

Staff have reviewed the Official Plan Amendment and Zoning By-law Amendment application materials and are of the opinion that the proposed development conforms to the general intent of the City's new Official Plan, 2020.

6.1 Design

Chapter 7 of the OP contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. As discussed in greater detail in Appendix F of this report, staff have reviewed the subject applications in accordance with the applicable design guidelines and policies. The proposed development conforms with the design policies of the Official Plan

7.0 The Aldershot GO Major Transit Station Area (MTSA)

The City started the Mobility Hubs Study in 2017-2018 and focused on area-specific planning work for the three GO station areas. Precinct plans were drafted for each study area around the Aldershot, Burlington, and Appleby GO Stations. The precinct plans were presented to Council for comment, but not approved, and the Mobility Hubs Study was placed on hold until 2021.

In July, 2021, the Region adopted Regional Official Plan Amendment (ROPA) 48, which established the boundaries, assigned the density targets and policies for MTSAs and adjusted the boundary of the City's Urban Growth Centre from being focused on the Downtown to the area around the Burlington GO MTSA.

In January, 2022, Council considered Report PL-02-22 Major Transit Station Area (MTSA) Area Specific Plans Recommended Preferred Precinct Plans, which presented the recommended preferred precinct plans for each MTSA. Through PL-02-22, Council endorsed in principle the Recommended Preferred Precinct Plans allowing staff to proceed to completing Area Specific Plans for the three MTSAs and complete the remaining technical work.

In July 2022, Council considered Report PL-10-22 Major Transit Station Areas – Area Specific Plans Planning Study Update. This report presented the MTSA Area Specific Plan Planning Study Final Report (Final Report), which included modifications to the Recommended Preferred Precinct Plans based on the best information available and informed by the completed and draft technical studies at the time. Through PL-10-22, Council directed staff to use the Final Report to inform the preparation of draft Official Plan policies to the Burlington Official Plan (2020).

Following the July 2022 meeting, in June 2023, Council considered Report PL-40-23 MTSA Update and CPPS Exploration and directed staff to prepare a draft Community

Planning Permit By-law for consultation in the Fall 2023 at the same time as the release of draft Official Plan policies for the MTSAs.

Draft Official Plan policies and accompanying Community Planning Permit By-law were presented to Council in October 2023 through PL-59-23, signifying the conclusion of the MTSA Area Specific Planning Project.

There are five distinct precincts within Aldershot Corners MTSA. The subject property is within the “Mid-Rise Residential” Precinct which will include a variety of low-rise and mid-rise building format at the eastern and western boundary of the Aldershot GO MTSA. This precinct is planned to support access to housing as well as retail, commercial and employment opportunities in close proximity to the Aldershot GO Transit Station and allow for transitions to existing neighbourhoods beyond the MTSA boundary.

This precinct envisions building heights ranging from 6 to 11 storeys. The permitted uses include apartments, rowhouses, office uses, retail and service commercial uses (on bottom two floors only) and recreation uses (on bottom two floors only).

The applications have been reviewed in the context of the Area Specific Plan for the Aldershot GO MTSA and staff are of the opinion that the proposal conforms to the vision, objectives and policies of the plan.

8.0 Burlington Official Plan (2020) Amendment No. 2 and the Community Planning Permit System By-law (CPP By-law)

8.1 OPA 2 and CPP By-law Status

On June 11, 2024, City of Burlington staff brought forward a recommendation report to adopt Official Plan Amendment No. 2 and approve the Community Planning Permit By-law for the Major Transit Station Areas. As of the writing of this report, OPA 2 is still under review by the Province and is not in force and effect. At the June 18, 2024, meeting, Council approved the Major Transit Station Area Community Planning Permit By-law in principle and directed staff to make the necessary refinements, including any changes to reflect any modifications as a result of Ministerial approval. Staff have been working to refine the CPP By-law and will bring forward a future report outlining these refinements.

8.2 OPA 2 and CPP By-law

OPA 2 proposes to replace policies and schedules from the Burlington Official Plan, 2020 to implement the findings of the MTSA Area Specific Planning Project for the Downtown Burlington UGC/Burlington GO MTSA, Aldershot GO MTSA, and the Appleby GO MTSA and establish these areas as Protected Major Transit Stations in accordance with the *Planning Act.*

The Community Planning Permit By-law combines the Zoning By-law regulations/amendments, Site Plan and Minor Variance process into one single

application and approval process. The CPP By-law allows for the implementation of specific standards for development and the ability to vary standards and establish rules for the delegation of certain approvals to staff.

The Community Planning Permit By-law has three classes:

- Class 1 – Standards Met;
- Class 2 – Staff Variation; and,
- Class 3 – Council Variation.

A Class 1 Community Planning Permits capture developments which meet the development standard minimum requirements and all objectives of this By-law and the Burlington Official Plan.

Class 2 and Class 3 Community Planning Permits capture developments that exceed the limits for a Class 1 Community Planning Permit, but which comply with the requirements and objectives of the CPPs By-law and the Burlington Official Plan.

As noted above, the CPP By-law is only approved in principle and is not in force and effect. Therefore, staff's evaluation of the CPP By-law is informative to the review of this proposal, but it is not determinative. The proposed development is located in the "Mid-Rise Residential" Precinct of the Aldershot GO MTSA. Staff have evaluated the proposed development in conjunction with the applicable development standards of the approved in principle CPP By-law and determined that three variations would be required through a Class 2 staff variation including: the maximum yard abutting an activated street standard, linear height of the rooftop amenity area and the parking area landscape buffer.

Staff are of the opinion that these variations are in keeping with the intent of the approved in principle CPP By-law and the proposed development aligns with the vision for the Mid-Rise Residential Precinct. A more detailed analysis of the proposed development and CPP By-law can be found in The Detailed Planning Analysis (Appendix "F") to this report.

9.0 Zoning By-law

The subject property is currently zoned 'Mixed Use General Zone' (MXG) in accordance with Zoning By-law 2020. The existing MXG zone permits retail commercial, service commercial, office, community, hospitality, entertainment and recreation, and residential use.

The application proposes to change the zoning to a site specific 'Mixed Use General Zone' (MXG-545)'. The proposed development does not comply with some regulations, including FAR, building height, amenity area, projections, and landscape areas. The site-specific modifications to implement the proposal are discussed in further detail in Appendix "F" to this report.

Staff are of the opinion that the proposed development maintains the general intent of Zoning By-law 2020 and are supportive of the proposed modifications.

Strategy/process/risk

The application was submitted to the City September 13, 2024, and deemed complete September 17, 2024. The application is for an Official Plan Amendment and Zoning By-law Amendment which has a 120-day timeline as per the Planning Act. Therefore, Planning staff are required to provide a recommendation within 120 days for Council to make a decision by January 11, 2025. If a municipal decision is not rendered by January 11, 2025, the applicant would have the ability to submit an appeal for non-decision to the Ontario Land Tribunal.

Financial Matters:

The property is subject to City, Region and School Board Development Charges and Park Dedication fees.

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

Climate Implications:

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

As part of the Official Plan Amendment and Zoning By-law Amendment application, the applicant was required to provide consideration to the Sustainable Building and Development Guidelines (2018) which provide an overview of the required and encouraged sustainable design measures for new development across the City. The applicant submitted a Sustainable Building and Development Guidelines Checklist which includes consideration to the guidelines. The applicant has met guidelines relating to impervious surfaces, transportation, water conservation and quality, energy and emissions, and waste and building materials. Planning staff is of the opinion that the proposed development is meeting the requirements of the Sustainable Building and Development Guidelines (2018).

Engagement Matters:

The application was circulated to internal staff and external agencies on September 18, 2024 for review. The following are the comments received that have been summarized below:

Accessibility Coordinator – no objections to the proposal, but recommends that all resident barrier-free parking spaces be placed in the below-grade parking structure near the elevators.

Aldershot BIA – Supports development that includes retail and commercial space on strategic streets, such as Plains Road (located with the Aldershot MTSA), to support a wide range of amenities in the ABIA. Grocery stores, full-service restaurants (including venting), daycare, services, and other uses should be considered to serve the day to day needs of businesses and increased number of residents in re-development. The ABIA recommends more retail space allocated to ensure there are plenty of amenities for new residents and the existing square footage is maintained or increased in new developments within the MTSA. They also advise that it would benefit any potential commercial tenants to have more dedicated commercial-only parking spots for ease of customer use.

Canada Post – Detailed comments were provided that are to be implemented during Site Plan.

Canadian National Railway – The subject lands are within 100 metres of CN railway operation including the Aldershot Yard. CN will require warming clauses to be included in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease for each dwelling unit within 1000 metres of the railway right-of-way. They will also require the Owner to enter into an Agreement with CN and grant CN and environmental easement for operational noise and vibration emissions.

Conservation Halton – The subject lands are outside of Conservation Halton's regulated area.

Development Engineering – Have no objections to the Official Plan Amendment and Zoning By-law Amendment applications and advise that the remainder of their comments can be addressed at the Site Plan stage.

Enbridge Gas – No objection, however, Enbridge Gas reserves the right to amend or remove development conditions.

Finance – A condition of Site Plan shall be "taxes must be paid on parcels associated with this file. This includes all outstanding balances plus current year taxes that have been billed but not yet due".

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.

Halton Police – No concerns provided as the proposed development doesn't interfere with Halton Police line-of-sight radio system.

Halton Region – Halton Region have no objections to the proposed Official Plan and Zoning By-law Amendment provided that a Holding Provision is implemented to address their comments regarding the Noise Impact Study. With the use of the Holding Provision, staff are of the opinion that the concerns from Halton Region have been addressed.

Heritage Planner – No comments.

Imperial Infrastructure – No Imperial Infrastructure in the vicinity of this location.

Metrolinx – The subject property falls outside of the designated Metrolinx review zones.

Parks – Cash in lieu of parkland at the rate in effect at the time of building permit issuance is required.

Rogers Communications – No comments.

Trans-Northern Pipeline – No infrastructure in the area.

Transportation Planning – Transportation planning staff have no objections to the traffic volumes generated by the proposed building. Staff note that Bill 185 removed the requirement for local Official Plans and Zoning By-laws to require parking in the protected MTSAs.

Urban Forestry and Landscaping – Detailed comments were provided that are to be implemented during Site Plan.

Zoning – Deficiencies in the Zoning By-law have been identified and addressed through Appendix E – Draft Zoning By-law.

Public Engagement

The applicant held a virtual Pre-Application Community Consultation Meeting on March 6, 2023, prior to the submission of the applications. The applicant, Mayor Meed Ward, Councilor Galbraith, and Planning staff also attended the meeting.

Notice signs were posted on the subject lands. A public notice of the Official Plan Amendment and Zoning By-law Amendment application was mailed to 1065 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 www.burlington.ca/141plains. 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, 9 written public comments have been received by staff with respect to the subject applications. The public comments received to date are included in Appendix C. Below is a summary of the comments received to date as well as a staff response:

Comment:	**Staff Response:**
Increased Traffic and Insufficient Number of Parking Spaces • Redevelopment will result in increased vehicular traffic and traffic congestion on Plains Road West and surrounding roads. • The proposed development will only have 112 parking spaces for 150 dwelling units. There is not enough parking provided for individuals to have two parking spaces per unit. • There is not enough visitor parking provided.	Transportation staff have reviewed the applications and noted that the local transportation network is anticipated to satisfactorily accommodate the level of traffic generated by the proposed development. Staff note that Bill 185, Cutting Red Tape to Build More Homes Act, 2024 removed the requirement for local Official Plans and Zoning By-laws to require parking in the protected MTSAs. The subject lands are located in the Aldershot GO MTSA and under the new legislation would not be required to provide a minimum parking amount.
Increased Traffic on Howard Road	The submitted Transportation Impact Study, prepared by Paradigm, dated September 2024 evaluated the current traffic conditions of the following areas: • Plains Road West and Daryl Drive; • Plains Road West and Howard Road; and, • Plains Road West and the proposed Site Driveway. Transportation Planning staff have reviewed the submitted Traffic Impact Study and advised that under existing conditions, the study area intersections, including Plains Road West and Howard Road will operate at acceptable levels of service and within capacity.

	Under future conditions, including the addition of traffic from planned development east of Waterdown Road, the study intersections are forecasted to operate at acceptable levels of service and within capacity.
Oversupply of Bicycle Spaces • The proposed development is providing too many bicycle parking spaces. • Some will utilize the bicycle spaces, but the majority will have a car to access the surrounding area and commute to work.	The proposed development is providing 128 bicycle parking spaces for residents, visitors, and the non-residential use. The proposed development is providing a parking rate of 0.1 short-term parking spaces per unit and 0.5 long-term bicycle parking spaces per unit for the residential units. For the non-residential use, the proposal is providing 0.1 short-term parking space per 100 m^2 and 0.1 short-term parking space per 100 $m^{2.}$ The proposed bicycle parking rates are aligned with the approved in principle Community Planning Permit By-law. The bicycle parking spaces achieve the goals and objectives of the MTSA by providing active transportation options.
Impact of Proposed Development on 181 Plains Road West • Concern that the proposed development will cause vehicles to right turn into 181 Plains Road West to then left turn out of the existing townhouse complex to utilize the traffic signal. • The proposed development should have a traffic signal to alleviate the number of cars coming into our complex.	The proposed development will consolidate two driveways on Plains Road West into a single driveway, enhancing traffic safety. This change can reduce conflict points for all types of road users and minimize hazards for pedestrians and cyclists. The proposed driveway is located approximately 100 metres west of the signalized intersection of Plains Road and Howard Road, and approximately 120 metres east of the signalized intersection of Plains Road and Daryl Drive. A two-way left turn lane in the centre of Plains Road West will allow vehicles to wait in the centre lane and proceed when safe, avoiding conflicts with eastbound traffic while exiting from the proposed development. The Traffic Impact Study (TIS), submitted as part of this application notes that vehicles entering or exiting the site will have sufficient

	gaps in traffic for left turns once the adjacent traffic signal turns red. The TIS findings show that the maximum of 17 southbound right-turning vehicles during the PM peak hour (2033 background traffic) from Howard Road will not reduce the available gaps. There will not be any queue in the two-way left turn lane at the centre of Plains Road West during both AM and PM peak hours. Approximately 33 left-turn movements exiting the site heading eastbound during the AM peak hour and 23 during the PM peak hour are anticipated. Additionally, 9 left turn movements entering the site during the AM peak hour and 17 during the PM Peak hour are expected, resulting in negligible impact on left-turning vehicles wishing to enter/exit the site. With the proposed development, there is minimal chance of increased traffic entering the 181 Plains Road West development, based on the low traffic volume generated by the proposed development and we don't see any unsafe turns from the proposed development that would encourage vehicles to enter 181 Plains Road West to make U-turn.
Removal of Trees • Concern about tree removal	The applicant is proposing to remove all 13 trees on site, including 11 private trees and 2 public trees to implement the proposal. Landscape and Forestry staff will require replacement trees to compensate for the tree removal and a tree removal permit for the public tree removal. This will be required at the Site Plan stage. Landscape and Forestry staff have reviewed the revised Arborist Report, Tree Protection Plan and Landscape Plan and are supportive of the proposed recommendations. They note that further details will be required at the Site Plan Stage regarding tree compensation.
Impact of Development on St. Mary's CBM • Concerned that the proposed development will cause noise complaints for the existing	The applicant was required to submit a Land Use Compatibility Study, which evaluated twenty-four industrial facilities (including St. Mary's CBM) within 1000 metres of the subject

facility and impact their operations	lands with respect to air quality, odour, dust, noise, and vibration. The Land Use Compatibility Study concluded that St. Mary's Cement is operating under an ECA which requires a Dust Management Practices Plan, and it was determined that the adverse air quality, dust, and odour impacts are not significant. The proposed development may introduce new elevated receptor for CBM which GHD determined through preliminary modelling would remain below the Ministry Point of Impingement Limits. Mitigation for the potential facilities can be done with design aspects such as inoperable windows, air conditioning, and locating air intakes well above grade. They also submitted a Noise Impact Assessment which evaluated the proposed development's impact on surrounding land uses and the impact of existing stationary noise on the proposed use. The Noise Study concluded that noise warning clauses will be required in all agreements of purchase and sale, or lease and all rental agreements and specific building components will be required at the Site Plan stage. The Study also recommended that the property be classified as Class 4 sound designation due to the existing stationary noise produced by a nearby facility (King Paving). The Land Use Compatibility Study and Noise Impact Study were reviewed by an external peer review consultant, R.J. Burnside and Associates Limited who concluded that the proposed development will not have an adverse impact on the existing and future operations of St. Mary's CBM.

Lack of surrounding amenities including restaurants, drug stores, grocery store, senior's centre and children's playground.	The proposed development is located on Plains Road West where commercial development exists including retail, office, service commercial, and restaurants. Community gathering spaces such as Hidden Valley Park, LaSalle Park, Wading Pool & Splash Pad, St. Matthew's Anglican Church, and West Plains United Church are located within a reasonable distance from the site. Further, the proposed development is located within the Aldershot GO MTSA which envisions a mixed-use community that provides residential and non-residential uses. It is contemplated that the future development of the Aldershot GO MTSA will provide non-residential amenities that will contribute to a complete community.

Conclusion:

Planning staff have reviewed the Official Plan and Zoning By-law Amendment applications submitted for the lands located at 141, 147 and 153 Plains Road West and find that the applications are consistent with and conform to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan. Staff are recommending approval of the applications, subject to a holding provision.

Respectfully submitted,

Elyse Meneray MCIP, RPP
Planner
Community Planning Department
elyse.meneray@burlington.ca

Appendices:

A. Location Map
B. Concept Plan
C. Public Comments

D. Draft Official Plan Amendment
E. Draft Zoning By-law Amendment
F. Detailed Planning Analysis

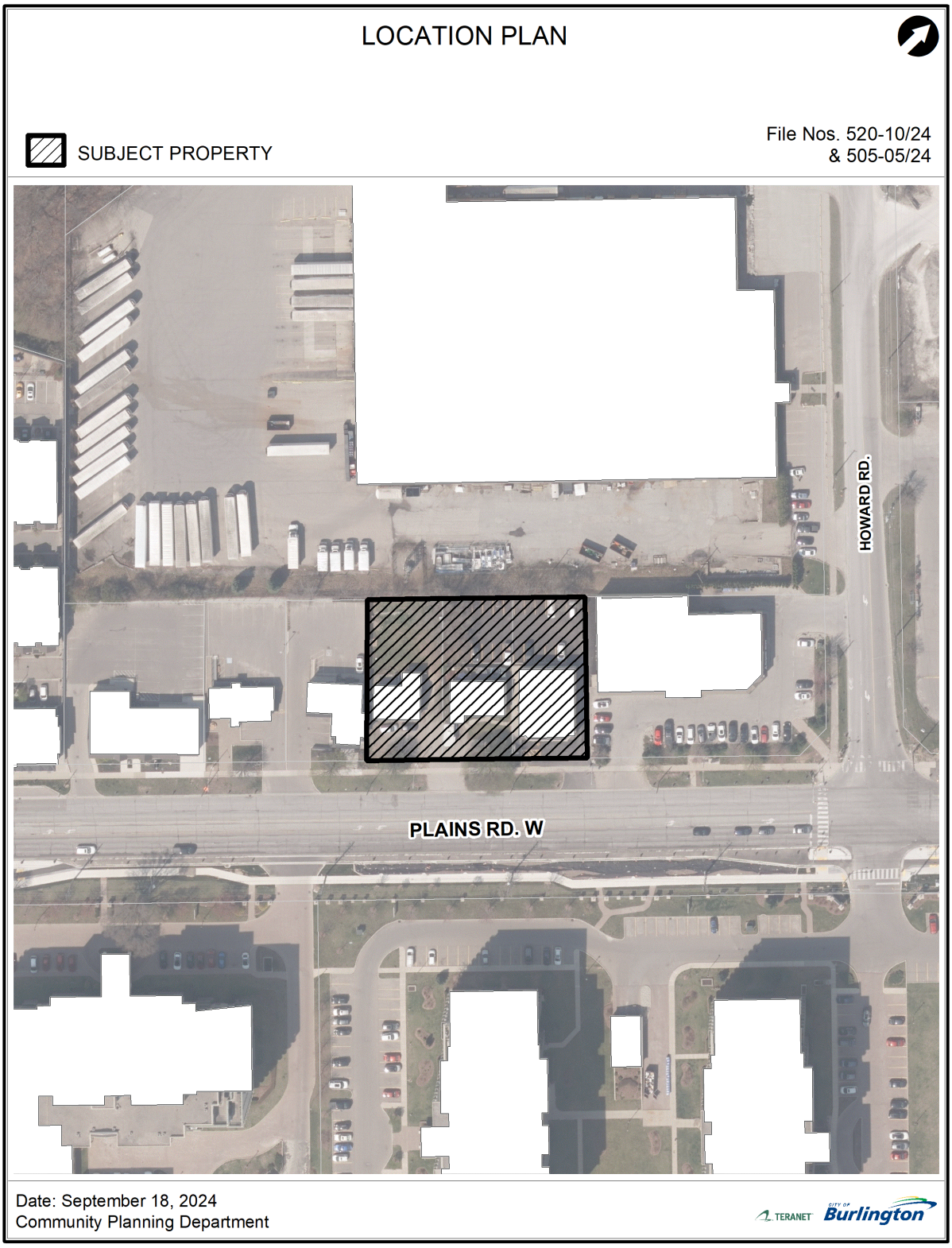
Notifications:

Adam Layton, MCIP, RPP
Associate Principal
Goldberg Group
alayton@goldberggroup.ca

Report Approval:

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

Location Map



Concept Plan

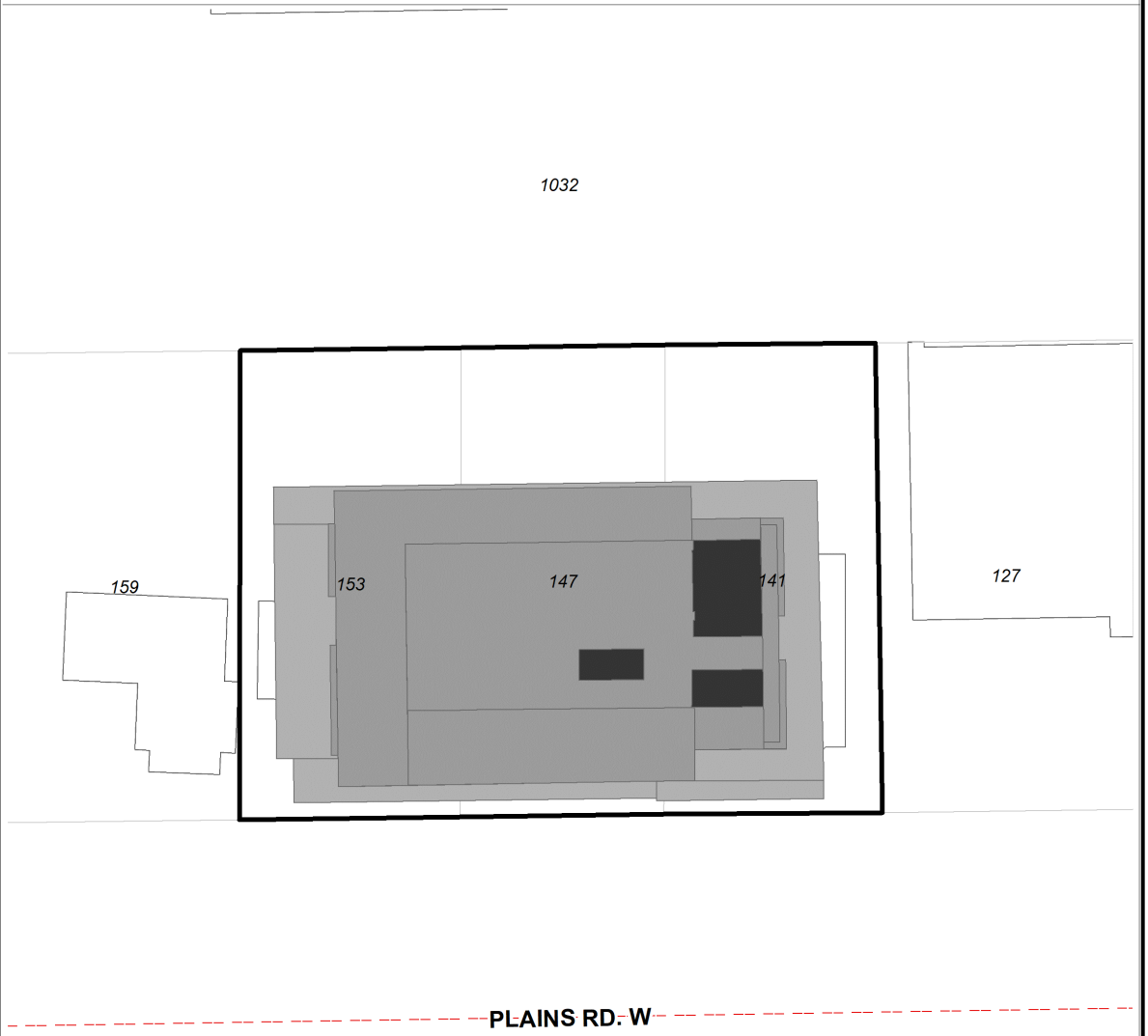
Sketch No. 1

CONCEPT PLAN

Development applications have been submitted for an Official Plan Amendment and Zoning By-law Amendment to permit the development of an 11-storey mixed use building. The proposed development includes 175 m² of non-residential uses on the ground floor fronting Plains Road West, as well as a mix of bachelor, one-, two- and three-bedroom residential units resulting in a total of 150 residential units. A total of 2,418 m² of amenity space (indoor and outdoor), 112 parking spaces and 128 bicycle parking spaces is proposed.

SUBJECT PROPERTY Bus Route Bus Stop

File Nos. 520-10/24 & 505-05/24



Date: September 18, 2024
Community Planning Department

TERANET City of Burlington

Meneray, Elyse

From: Michael Key
Sent: Wednesday, September 25, 2024 10:17 AM
To: Meneray, Elyse; Galbraith, Kelvin
Subject: 505-05/24 &520-10/24

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We have read the revised proposal for the development of this site, and have the following questions:

- How does the property go to 11 stories from 6 and still retain the same number of parking spaces
- 112 parking spaces is not sufficient for 150 residential units, some residents may not have a car, but some will have 2
- Parking is already at a premium in this area, and the Drewlo apartment parking lots already see people visiting surrounding buildings parking in our visitor spaces

Michael Key

Meneray, Elyse

From: Carolyn Haacke
Sent: Wednesday, September 25, 2024 5:17 PM
To: Meneray, Elyse
Subject: Planning application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Re file 505-05/24 and 520-10/24 Gold group Plains Rd West

Dear madame,

In response to the city's inquiry.

This intersection is very busy and now worse with trying to watch for bike lane traffic, people crossing streets, shoppers pulling into 100 Plains Rd with their cars, and gravel pit trucks etc. turning. Trying to drive into the Drewlo buildings across the street is dangerous. Adding more Plains Rd dwelling entrances will cause more accidents.

This Howard intersection is very windy so I am glad 23 stories has been changed to 11.

When 403 is stop and go, drivers plug Plains RD . Anymore entrances will make impatient drivers. Cars need a light to get unto Plains. This new development needs another way to access the building other than Plains at this corner area.

150 dwellings with only 112 parking spaces with many families owning two cars, is not practical.
128 bicycle spaces are too many. Canadian climate means the bikes will not be used that much.

Question: Will this be a condo or rental building?

Yours truly,

Carolyn Haacke'

Randy Roopchan

Burlington, ON L7T 0A6

September 26, 2024
City Building Department
P.O. Box 5013
426 Brant St.,
Burlington, ON L7R 3Z6

Subject: Concerns Regarding Development Proposal for 141, 147, and 153 Plains Road West
File: 505-05/24 and 520-10/24

Dear City of Burlington Planning Department,

I am writing to provide feedback on the proposed development at 141, 147, and 153 Plains Road West (File Nos. 505-05/24 and 520-10/24).

While I understand the need for residential developments in our growing community, I would like to raise two important concerns:

1. **Lack of Grocery Stores in the Immediate Area**
   There are currently no grocery stores in the immediate vicinity of this development. The closest option, Fortino's, is located near IKEA, which is a considerable distance for residents, especially for those who may not have access to a vehicle. As the proposed development includes 150 residential units, it would be beneficial to consider incorporating a grocery store or other essential services within the ground floor commercial space. This would better serve both the residents of the new building and the existing community.
2. **Increased Traffic on Howard Road**
   The proposed development will likely result in increased traffic, particularly on Howard Road, which serves as a key access route for residents in the area. I would urge the City to develop a traffic management plan that addresses the potential congestion this development could create. Proper planning could help mitigate safety and traffic flow concerns for both current and future residents.

I appreciate the opportunity to share my concerns and hope they are considered during the review process. I look forward to hearing more about how these issues will be addressed in future planning stages.

Thank you for your attention to these matters.
Sincerely,

Randy Roopchan

Meneray, Elyse

From: Bev Andersen
Sent: Friday, October 4, 2024 4:33 PM
To: Meneray, Elyse
Subject: 141, 147, 153 Plains Road

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Madam:

We reside in Garden Trails which is at the end of Sumac Drive and Unsworth Avenue. It is a residential area with quite a few homes in it and we have limited access to Plains Road.

I seriously wish someone would stop the construction of this building and adding another 150 residential units to Plains Road. A lot of us exit to Plains Road via Howard Avenue and that small stretch of road is busy with all the truck traffic that uses it. There are cement trucks, tractor trailers and gravel trucks heading for CBM. Ippolito Produce is also a frequent traveller as well as trucks heading to Cottage Country Candy on Sumac. None of us have any objections to this. We knew it was here when we moved in and all of these drivers are thoughtful and considerate.

If there was ever an emergency and we had to evacuate, the people in this area would never make it out! The City of Burlington is allowing far too many condos built on Plains Road and the traffic is getting horrendous. Staff should have been

here a few weeks ago when everything eastbound on the 403 was diverted off the highway!

We don't need this, we don't want it! It comes down to that. Stop the mass construction of condos. We need affordable housing and this is not it!

Bev Andersen

Meneray, Elyse

From: Colin Evans
Sent: Monday, October 7, 2024 10:20 AM
To: Meneray, Elyse
Subject: 505-05/24 and 520-10/24

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Elyse

I represent CBM Ready Mix at 1035 Howard Rd. we are an industrial Ready Mix concrete facility. We have been at this location since the 1950's. As with other plants we see the city growing in around us and more and more incompatible land uses are put near to our locations.

This is the case with this development. When the apartments went up across the road from this development we started receiving complaints, even when we weren't the cause of the issue. Residents who knowingly moved there were filming us and posting things to You Tube.

This development is even closer and due to its height we are concerned. There will undoubtedly be noise concerns resulting once people start to move in. This may eventually make it impossible for CBM to conduct business at our site.

In other cases, development had to mitigate their location or help us with concerns their consultants identified.

Thank you for receiving these comments and please reach out if you have any questions

Colin

Colin Evans (he/him/his)
Senior Manager, Lands and Environment
St Marys Cement Ontario Plants & Canadian Terminals, CBM RM and United Materials

Votorantim Cimentos
www.votorantimcimentos.com
www.stmaryscement.com

"Esta mensagem e seus anexos podem conter informação confidencial ou privilegiada. Caso não seja o destinatário, solicitamos a imediata notificação ao remetente e exclusão da mensagem."

"This message and its attachments may contain confidential and/or privileged information. If you are not the addressee, please, advise the sender immediately by replying to the e-mail and delete this message."

Meneray, Elyse

From: Caitlin Johnson
Sent: Tuesday, October 8, 2024 1:20 PM
To: Meneray, Elyse
Subject: 141 Plains Rd W - Proposal Feedback

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Elyse,

I'm writing to you regarding the application to develop 141 Plains Rd W in Aldershot after receiving the notification in the mail. I am the president of HSCC 624 located at 181 Plains Rd W and felt compelled to share initial feedback after reviewing the application website.

I want to highlight the risks to 181 Plains Rd W related to the proposed entrance and exit driveway on Plains Rd W. Without a traffic light intersection, there will undoubtedly be an increase in behaviours already observed where vehicles that do not wait for traffic clearance to turn left from the north side of Plains Rd to head East, will turn right (Westward) and enter the HSCC 624 community and use the 181 Plains Rd/Daryl Dr intersection with traffic lights to turn left instead. This is increasing the traffic entering the 181 community where the vehicles are not slowing their speeds to caution the children and pedestrians in the neighbourhood is cause for concern. The laneways in the community are also narrow and are not ideal for vehicles turning around; I have observed a few near-misses recently as vehicles u-turn or three point turn close to our visitor parking. Perhaps the development plans can include the exit/entrance to the proposed building on Howard Dr to leverage a traffic light intersection instead.

The Panel's opinions and suggestions to review components such as parking and better considering the surrounding neighbourhood aesthetics, and the pedestrian are all appreciated. I will subscribe to updates on the application, and hope you incorporate this feedback into future steps of the approval process.

Regards,

Caitlin Johnson

--

Caitlin Johnson

Meneray, Elyse

From: Judy Keast
Sent: Tuesday, October 8, 2024 2:45 PM
To: Meneray, Elyse
Subject: Proposed buildings 141. 147. 153. Plains Rd West

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom It May Concern.

Please accept my recommendations regarding these proposed buildings.
Firstly, I am very concerned about three more new buildings along Plains Rd West. Is there research that people want to move to Plains Rd West?
There's a lack of amenities such as restaurants, a Seniors Centre and children's playgrounds nearby which will necessitate more cars on the road.
The added traffic will put a strain on the roads, already Plains Rd has " unused bike paths" which can impede emergency vehicles running smoothly. Snow will be another concern for traffic as well. when there's an accident or problem on the highways commuters already use Plains Rosd as an alternate way to reach their homes in Hamilton and beyond.
The schools are already overcrowded, and buildings close to Plains Rd can be dangerous for children walking to school.
I'm concerned the developers and the City are moving too quickly to build along Plains Rd West. Many Seniors live here and not everyone will take the GO train to Toronto. Seniors need to drive to Drug and Food stores along Plains Road They will also be overcrowded!

I'm hopeful the City Planning Dept will not approve the construction of three several story apartment buildings as they do not fit with the existing landscape. Small buildings may work.
Perhaps to satisfy the OMB, new building can be slated for outside of the City.
I oppose the rapid growth of condominium and many story apartment buildings near my home.

Thanking you in advance
Judy E Keast

Meneray, Elyse

From: JoAnne Riff
Sent: Wednesday, October 9, 2024 2:40 PM
To: Meneray, Elyse
Subject: Condo's

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Elyse
I live at .

Over the past year I have emails re information on I believe two major high rises west of Howard rd. The latest being a couple of weeks ago.
Plains rd is becoming nothing but condo's.
We have very few restaurants, no grocery stores etc.
Traffic is unbelievable and noise from racing cars.
These condos have less parking spots then units. Please don't tell be about 128 bike racks. With nothing out this way cars are needed. I agree that some may bike, but the majority will have a car or two and add to our already traffic issues.
JoAnne Riff

Sent from my iPhone

Meneray, Elyse

From: Gladys Hamilton
Sent: Friday, October 18, 2024 4:41 PM
To: Meneray, Elyse
Subject: Building proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Since receiving a copy of the application to erect an apartment complex on Plains Road in Ward one at 141, 147 and 153 Plains Rd. W. I have given it a lot of thought. This area is already a high density location This proposal of 150 residential units and only 112 parking spaces seems to have some planning flaws. Many families own two cars. Where will the others Park? Plains Rd., West is already an extremely busy roadway This is especially true if there is one of the many frequent accidents on either the 403 or the skyway bridge This location is backed by a huge parking area for transport trucks which come and go at all hours and of course have back up beepers This makes it most unsuitable for residential occupancy Construction on this site would require the removal of several mature trees Never a good idea I would urge you to reconsider this proposal and deny it Burlington is already gridlock city! Gladys Hamilton.

Meneray, Elyse

From: Dee May
Sent: Tuesday, October 22, 2024 3:45 PM
To: Meneray, Elyse
Subject: 141 pls rd etc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Elyse Meneray

Is the 11 story bldg. REALLY going to be built as Rental Apts?.

More & more traffic with these 200 or More vehicles is not what we need on Pls.rd W. With this bldg.

The intersection @ Howard & Pls rd.now is an accident waiting to happen with vehicles running the red lite. 😕 Our once residential Aldershot is now an industriaml hub,location of noise, noise with Ippolito trucks beep, beep @ 4,5am backing up their trucks. Cbm trucks coming & going all day at this intersection coming off Howard onto Pls rd. Makes it VERY DIFFICULT to even see to get off our complex at 140, 100 pls rd.

We for sure need advance lites, at Howard & Pls rd.just to be able to go east or west on Pls. Hidden valley rd.has become extra busy coming down to pls rd too now at this intersection & has tripled the no. Of vehicles.

You mention this bldg. Will exit onto Pls rd. How is this going to work?

Not in favour of this At All. And then, another 26 story where the Paint store is right on the corner.

ENOUGH IS ENOUGH!! Sorry I moved to Burlington.

Thanks for letting me vent. Look forward to your meeting.

OFFICIAL PLAN AMENDMENT

AMENDMENT NO. 154 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.154 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 add a site-specific policy to the lands at 141, 147 and 153 Plains Road West to “Mixed Use Corridor – General” to permit a 12-storey mixed use building on the subject lands with a Floor Area Ratio of 5:1.

2. SITE AND LOCATION

The subject lands are municipally known as 141, 147 and 153 Plains Road West and are located on the north side of Plains Road West. The lands are rectangular in shape, have a total net lot area of 0.24 ha and a frontage of 57 m.

3. BASIS FOR THE AMENDMENT

a) The subject application proposes intensification that is consistent with the Provincial Policy Statement (PPS), 2024. 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 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

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 ai) 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:

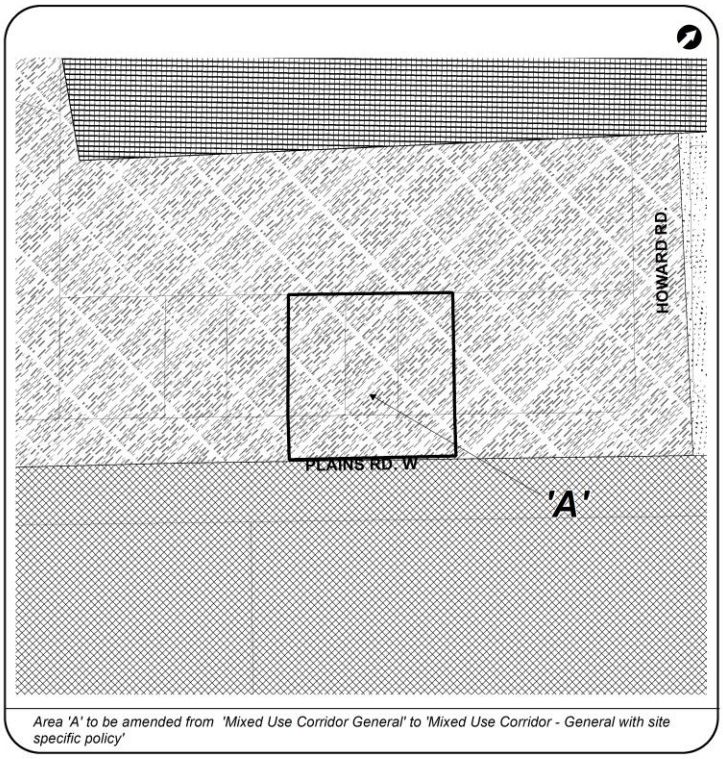
141, 147 and 153 Plains Road West	ai) Notwithstanding the policies of Part III, Section 5.3, Subsections 5.3.2 d) i) and d) ii) of this Plan, a *Floor Area Ratio* of 5:1, and a maximum building height of 12 storeys *shall* be permitted.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.



Area 'A' to be amended from 'Mixed Use Corridor General' to 'Mixed Use Corridor - General with site specific policy'

AMENDMENT No. 154 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

Schedule 'B'

File No. 505-05/24

Legend

- MUC - General
- MUC - Commercial
- Community Commercial
- General Employment

Date: November 11, 2024
Community Planning Department

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.492

A By-law to amend By-law 2020, as amended; 141, 147 and 153 Plains Road West
File No.: 520-10/24 (PL-90-24)

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 approved, on December 10, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit an apartment building with non-residential uses on the ground floor.

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

1. Zoning Map Number 3-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned.

3. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

#91	H-MXG-545	Map 3-E	Resolution:

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

a) The owner submits a revised Noise Feasibility Study addressing the peer review comments prepared by R.J. Burnside and Associates, dated October 4, 2024, and revised October 31, 2024 and all mitigation measures shall be incorporated into the site plan to the satisfaction of the Director of Community Planning and Halton Region

4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations is amended by adding Exception 545 as follows:

Exception 545	Zone MXG	Map 3-E	Amendment 2020.492	Enacted December 10, 2024

1. Regulations for an Apartment Building:

a) Non-residential Floor Area: 175 m^2

b) Maximum Height: 12 storeys including mechanical penthouse/amenity level

c) Dwelling Units: Not permitted on the 12th storey

d) Maximum Floor Area Ratio: 5:1

e) Notwithstanding Part 5, Section 4.1, Table 5.4.1 the maximum yard abutting Plains Road west of the Queen Elizabeth Way shall not apply.

f) Front Yard:
   i) Ground Floor to 6: 2.9 m
   ii) Floors 7 to 11: 4.4 m
   iii) Floors 12: 9.2 m

g) East Side Yard:
   i) Ground Floor to 6: 5 m
   ii) Floors 7 to 12: 10.4 m

h) West Side Yard:
   i) Ground Floor: 5.0 m to column; 13.5 m to building wall
   ii) Floors 2 to 6: 4.5 m
   iii) Floors 7 to 11: 10 m
   iv) Floors 12: 14.9 m

i) Rear Yard:
   i) Floor 1: 12 m to column; 13.5 m to building
   ii) Floors 2 to 11: 13.5 m
   iii) Floor 12: 17 m

j) Below Grade Parking Structure:
   i) Abutting Plains Road West: 2.7 m to the parking structure; 0 m to the below grade stormwater detention/retention tank
   ii) All other yards: 0.3 m

k) Amenity Area: 14.5 m^2 per unit

l) A rooftop terrace and/or a rooftop amenity terrace shall maintain the principal building yards of the storey below it.

m) Balcony and Terraces:

i) Front Yard:

Floor 2:	1.5 m
Floors 3 to 4	1.3 m
Floor 5:	1.4 m
Floor 6:	1.3 m
Floor 7:	2.8 m
Floors 8 to 11:	2.8 m
Floor 12:	2.8 m green roof

ii) East side Yard:

Floor 7:	8 m
Floors 8 to 11:	9 m

iii) West side Yard:

Floor 2 to 6:	3 m
Floor 7:	8 m
Floors 8 to 11:	5.2 m
Floor 12:	8.5 m amenity terrace

iv) Rear Yard:

Floors 2 to 11:	12.5 m
Floor 12:	12.5 m amenity terrace

n) Architectural Wall Projections from a building wall:

i) Front:	1.9 m
ii) West Side:	1.6 m
iii) Rear:	2.8 m

o) Landscape Area:

i) Abutting a street adjacent to a building:	0 m
ii) Abutting a street adjacent to a parking lot:	3 m

p) Notwithstanding Part 1, Subsections 2.25.1 there shall be no parking required.

i) Where parking facilities are provided, designated accessible parking spaces for the exclusive use of persons with disabilities shall be identified with a provincially regulated vertical sign displaying the international symbol for accessible parking spaces. Designated parking spaces shall be included in the calculation of provided

parking and shall be provided in accordance with Part 1, Section 2.26(9) Table 1.2.7, 9(a) and 9(b).

ii) A maximum 16 occupant parking spaces can be provided in compact vehicle parking space.

iii) Notwithstanding Part 1, Section 2.26(1)(a), a compact parking space shall have the following dimensions:
   a. width of 2.4 m;
   b. area of 13.2 m^2

q) Bicycle Parking:

i) Short-term:	0.1 bicycle parking spaces per unit
ii) Long-term:	0.5 bicycle parking spaces per unit

r) For the purpose of Bicycle parking regulations:

i) 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.

ii) Short-term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. Short-term bicycle parking spaces are to be located close to a building entrance and sheltered from the elements.

iii) Each bicycle parking space shall be 60 cm x 1.8 m in size.

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

ENACTED AND PASSED this 10th day of December, 2024

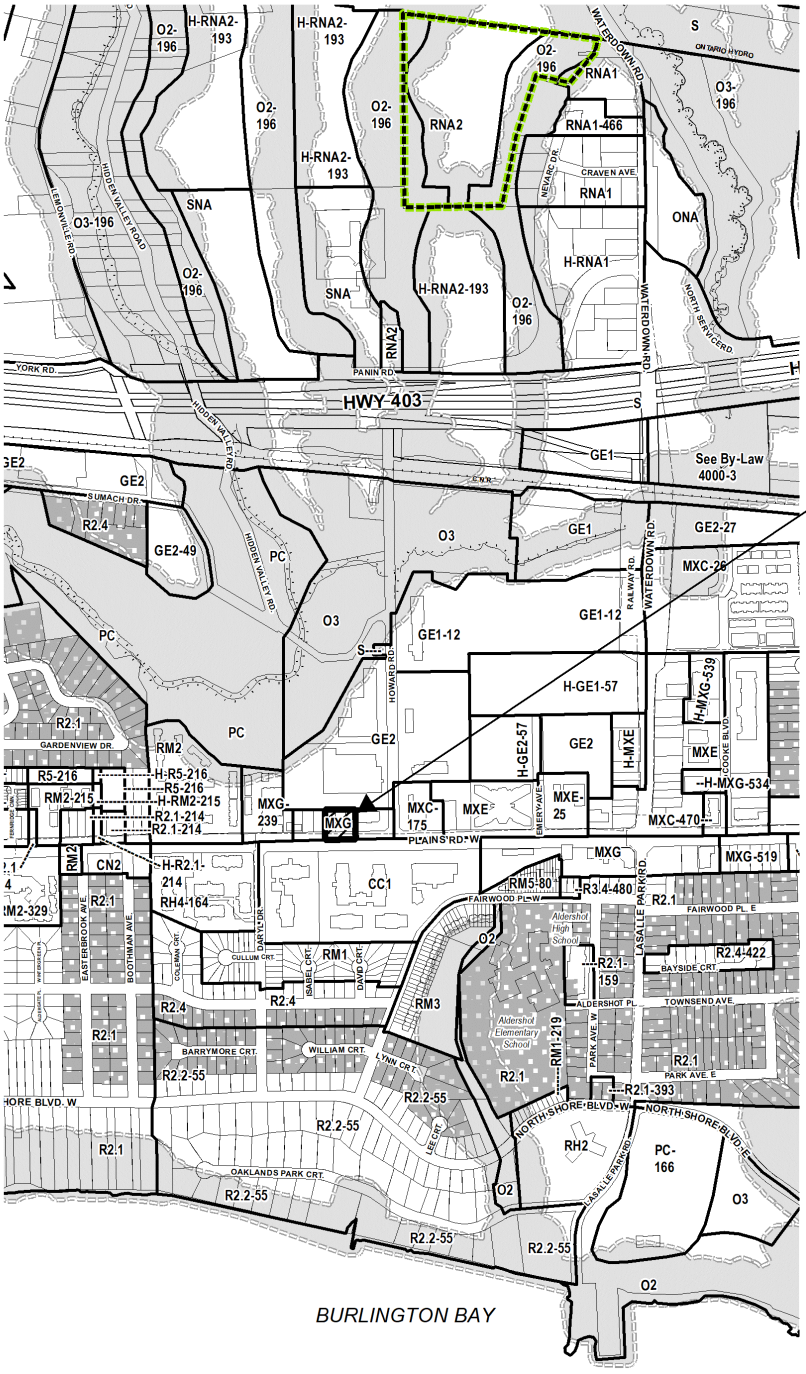
_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.492

By-law 2020.492 rezones lands on 141, 147 and 153 Plains Road West, to permit a 12-storey mixed-use building, including Mechanical Penthouse and rooftop amenity area.

For further information regarding By-law 2020.545, please contact Elyse Meneray of the Burlington Community Planning Department at (905) 335-7600, extension 7642.



SCHEDULE 'A' TO BY-LAW 2020.492 AMENDING MAP NOs. 3-W PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 10th DAY OF DECEMBER, 2024

MAYOR

CITY CLERK

TERANET City of Burlington
Community Planning Department

Appendix F – Detailed Planning Analysis

Contents

1.0 The Provincial Policy Statement (PPS) 2
2.0 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) 4
3.0 Halton Region Official Plan (ROP) 4
4.0 City of Burlington Official Plan (1997, as amended) 5
4.1 Design (Part 2, Subsection 6) 6
4.2 Mixed-Use Corridor General (Part 3, Subsection 5.3) 6
4.3 Housing Intensification Criteria (Part 3, Subsection 2.5.2) 6
4.4 Land Use Compatibility (Part 2, Subsection 2.7.3) 14
5.0 City of Burlington Official Plan (2020) 15
5.1 Urban Structure and Growth Framework 16
5.2 Urban Corridor (Chapter 8, Subsection 8.1) 17
5.3 MTSA Policies (Chapter 8, Subsection 8.1.2) 17
5.4 Design Policies (Chapter 7, Section 7.3.2 (1)) 17
6.0 Mid-Rise Building Guidelines (2019) 18
7.0 Sustainable Building Guidelines 21
8.0 Area-Specific Plan (ASP) for the Aldershot GO Major Transit Station Area (MTSA) 23
8.1 Mid-Rise Residential Precinct 23
9.0 Community Planning Permit System By-law 24
10.0 Zoning By-law 30

1.0 The Provincial Policy Statement (PPS)

The subject applications were submitted in July 2024, when the Provincial Policy Statement 2020 was in effect. During the review of the subject applications, the province introduced the Provincial Planning Statement (2024), which came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. The PPS 2024 replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS 2024 provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS 2024 & 2020 recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS (PPS 2024, Chapter 1 & PPS 2020, Policy 4.6).

The PPS 2024 & 2020 identifies settlement areas as the focus of growth and development, and that within settlement areas, growth should be focused in strategic growth areas, including major transit station areas (PPS 2024, Policy 2.3.1.1 & PPS 2020, Policy 1.1.3.1).

The Provincial Planning Statement (2024) states that land use patterns within settlement areas should be based on densities and a mix of land uses which:

- efficiently use land and resources;
- optimize existing and planned infrastructure and public service facilities;
- support active transportation;
- are transit-supportive, as appropriate; and
- are freight-supportive (PPS 2024, Policy 2.3.1.2 and PPS 2020, Policy 1.1.3.2)

Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities (PPS 2024, Policy 2.3.1.3).

Planning authorities are encouraged to establish density targets for designated growth areas, based on local conditions. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas (PPS 2024, Policy 2.3.1.5).

Planning authorities are encouraged to identify and focus growth and development in strategic growth areas (Policy 2.4.1.1).

To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned:

- to accommodate significant population and employment growth;
- as focal areas for education, commercial, recreational, and cultural uses;
- to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and
- to support affordable, accessible, and equitable housing (PPS 2024, Policy 2.4.1.2).

The PPS 2020 & 2024 states that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
b) permitting and facilitating:
    1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
    2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development, and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
c) promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation; and
d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (PPS 2024, Policy 2.2 and PPS 2020, Policy 1.4.3).

The 2020 and 2024 PPS requires major facilities and sensitive land uses to be planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate, any potential adverse effects from odour, noise, and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards, and procedures (PPS 2024, Policy 3.5.1 & PPS 2020, Policy 1.2.6.1).

Where avoidance is not possible, the development of sensitive land uses may be permitted subject to demonstration that the proposed use is needed, that there are no reasonable alternative locations, that adverse effects to the proposed sensitive land use

are minimized and mitigated, and that potential impacts to industrial, manufacturing, or other uses are minimized and mitigated (PPS 2024, Policy 3.5.2 & PPS 2020, Policy 1.2.6.2).

Planning staff are of the opinion that the proposed application is consistent with the PPS 2020 and PPS 2024, with the inclusion of the recommended Holding Provision. The proposal it facilitates intensification in a strategic growth area, provides a mix of housing and non-residential land uses, proposes to use existing infrastructure, and promotes the protection of public health and safety.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. As previously mentioned, the PPS 2024 replaces both the PPS 2020 and the Growth Plan. At the time of the submission of the applications, the Growth Plan was in effect and all planning decisions in Burlington were to conform to the Growth Plan. The PPS 2024, which came into force and effect on October 20, 2024, applies to decisions concerning planning matters occurring after this date.

3.0 Halton Region Official Plan (ROP)

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.’

The Regional Urban Structure outlines a hierarchy of Strategic Growth Areas, which identifies MTSAs on Commuter Rail Corridors as one of the top four priority areas for accommodating growth through intensification within the Region (ROP 78-79). The ROP directs development with higher densities and mixed uses to MTSAs in accordance with the hierarchy of Strategic Growth Areas.

The ROP requires local municipalities to prepare Area-Specific Plans (ASPs) for MTSAs. The City has completed an Area-Specific Planning process for the Aldershot GO MTSA and is currently finalizing policies and a Community Planning Permit (CPPs) by-law to implement the ASP. The ASP and CPP will establish development permissions that will support the achievement of the ROP’s minimum density target and proportion of residents and jobs.

ROP policy requires the assessment of Land Use Compatibility matters when a new sensitive use is proposed in close proximity to major facilities and transportation uses. Section 81(6) sets out that existing employment uses within and adjacent to Major Transit Station Areas are to be protected by ensuring land use compatibility with adjacent new development, and that new development is required to meet Provincial Policy Statement (PPS), 2020 and 2024 requirements for land use compatibility.

Regional staff have reviewed the subject applications and retained an external consultant to conduct a peer review of the land use compatibility studies (noise and air quality studies) submitted with the subject applications. Based on this review, staff are recommending that a Holding Provision be placed on the subject property to require additional noise & vibration analysis to ensure land use compatibility is demonstrated prior to any development proceeding.

The ROP requires new development within the Urban Area to be on the basis of connection to Halton's municipal water and wastewater systems. Regional staff have reviewed the Functional Servicing Report and addendum submitted with the subject applications and have concluded that the revisions are sufficient and the proposed development can be adequately serviced.

Section 147(17) of the ROP requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The applicant was required to submit an Environmental Site Screening Questionnaire (ESSQ), a Phase I Environmental Site Assessment, Phase II Environmental Site Assessment and Record of Site Condition for each property. Halton Region and City staff have reviewed the materials and have no concerns with the proposed development and advised that the above policy has been addressed.

Staff are of the opinion that the proposed development conforms with the policies of the ROP as it facilitates intensification and increased densities within the strategic growth area, uses existing water and wastewater systems, protects existing employment uses and protects the health and safety. Staff believe that the Holding Provision will adequately address the Region's comments and that the proposed development conforms to the Regional Official Plan.

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

The Burlington Official Plan, 1997, was approved by Halton Region, with modifications, on March 5, 1997. Due to a number of appeals, certain parts of the plan were referred to the Ontario Land Tribunal (formerly the Ontario Municipal Board) for a decision. The following Official Plan documents were approved by the Ontario Land Tribunal in 2008. Content and maps were updated in 2019.

The subject lands are designated as “Mixed Use Activity Areas” on Schedule A, Settlement Pattern, of the City’s OP. “Mixed Use Activity Areas” provide locations where employment, shopping and residential land uses will be integrated in a compact urban form, at higher development intensities and be pedestrian oriented and highly accessible by public transit.

4.1 Design (Part 2, Subsection 6)

Part II, section 6 of the OP contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. As discussed in greater detail in subsequent sections of this analysis, staff have reviewed the subject applications in accordance with the applicable design guidelines and policies. The proposed development conforms with the design policies of the Official Plan.

4.2 Mixed-Use Corridor General (Part 3, Subsection 5.3)

The subject lands are designated “Mixed Use Corridor – General” as per Schedule “B” (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan. The “Mixed Use Corridor – General” designation permits wide range of retail, service commercial and personal services; financial institutions and services; office uses; entertainment, recreation, and other community facilities; small scale motor vehicle dealerships and high density residential uses. This designation permits mixed-use a maximum building height of 6-storeys and a maximum Floor Area Ratio of 1.5:1.

Staff have reviewed the proposed development and determined that it is compatible with the surrounding neighbourhood. A further analysis of the proposed development’s compatibility with the neighbourhood is found below in the Housing Intensification Criteria Section.

4.3 Housing Intensification Criteria (Part 3, Subsection 2.5.2)

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;

   Comment: The development application was circulated to Halton Region, the City’s Engineering Department, Halton District School Board and Halton Catholic District School Board for comment.

Development Engineering staff reviewed the application with respect to water, wastewater and storm sewers and note that while additional information will be required to be reviewed at the Site Plan approval stage, no further concerns remain with the proposed Official Plan and Zoning By-law Amendment.

Halton Region has confirmed that the submitted Functional Servicing Report and addendum report demonstrated that the existing water system in the area can accommodate the proposed development.

Halton District School Board advise that students generated from this development are expected to be accommodated at Maplehurst (PS), Aldershot Highschool and Burlington Central Highschool. and Burlington Central Highschool, which are currently under capacity.

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 and will require conditions be added to any future agreements of purchase and sale or lease.

Staff is satisfied that this criterion is being met.

ii) Off-street parking is adequate

Comment: Transportation Planning staff reviewed the proposed 12 storey mixed use building and do not have concerns with the proposal.

The applicant is proposing a parking rate of 0.68 parking spaces per residential unit and 0.025 visitor parking spaces per unit. They are also proposing a parking rate of 2.5 parking spaces per 100 m^2 of gross floor area for non-residential uses. This results in a total of 112 parking spaces for the proposed development (103 residential spaces, 5 visitor parking spaces and 4 spaces for non-residential) and a total combined parking rate of 0.70 spaces per unit.

Bill 185, Cutting Red Tape to Build More Homes Act, 2024 removed the requirement for local Official Plans and Zoning By-laws to require parking in the protected MTSAs. As the subject lands are located in the Aldershot GO MTSA and under the new legislation they would not be required to provide a minimum parking amount.

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;

Comment: Transportation Planning staff have advised that the proposed development is expected to generate approximately 61 trips during the weekday a.m. peak hour and 86 trips during the weekday p.m. peak hour. Staff have no concerns with the traffic that will be generated by the proposed development and agree with the conclusions of the submitted traffic impact study that the transportation network will not be adversely impacted.

Staff is satisfied that this criterion has been met.

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

Comment: The subject lands are located nearby existing transit route #1 which runs 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 1.7 km 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.

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**;**

Comment:

Scale and Massing

The proposal seeks to amend the Official Plan and Zoning By-law for the subject lands to permit a 12-storey mixed use building including the mechanical penthouse. In order to develop 150 units on the 0.24 hectare property, the applicant is seeking relief from zoning regulations such as density, building height, amenity space, and landscape area.

The proposed building has a length of 36.5 metres and incorporates various design features that assist in reducing the overall massing impacts, including using different building materials and colours for the residential and non-residential façade at the front of the building, providing clear glazing on the top portion of the building, a 3 metre

stepback above the 3rd and 5th storey podium, a defined entrance for the non-residential use, recessing and projecting portions of the building mass and recessing balconies to align with the streetwall.

The application proposes to locate the 12-storey building mass along Plains Road West with the podium and upper portion of the building recessed to reduce impacts of the massing from the streetscape and create a more pedestrian scale. The mechanical penthouse and is setback 9.5 metres from the 11th storey streetwall.

Staff are of the opinion that the scale and massing of the proposed building are appropriate for the subject lands as well as the surrounding area.

Height

The subject proposal requests a building height of 12 storeys including the mechanical penthouse and rooftop amenity areas, whereas the Official Plan and Zoning By-law permit a maximum height of 6 storeys.

The subject properties are located in the Aldershot GO MTSA Area Specific Plan and are identified as being in the “Mid-Rise Residential” Precinct which envisions a minimum building height of 6 storeys and maximum building height of 11 storeys.

The properties to the north (1032 Howard Road- Argo Wholesale Produce Ltd.), east (127 Plains Road West – Ye Olde Squire and Benjamin Moore Paints), and west (159 Plains Road West – Burlington & Area Midwives) of the subject lands have not been developed, however, they are also identified as being in the “Mid-Rise Residential” Precinct of the Aldershot GO Area Specific Plan.

Staff are of the opinion that the proposed building height is aligned with the future vision for this area and combined with the scale and massing points noted above, the building is appropriate for the lands.

Setbacks

The properties to the east and west of the development are zoned “Mixed Use Corridor – General (MXG)” and the property to the north is zoned “General Employment” (GE2). The proposed building is setback 3.0 metres from Plains Road West, 13.5 metres from the rear property line, 5.2 metres from the north property line and 13.7 metres from the east property line.

The proposed building is complying with all the required yard setbacks of the Mixed-Use Corridor – General (MXG) Zone and does not require a setback from the existing industrial zone. Staff are of the opinion that the proposed setbacks are appropriate for the site and will not impede the future intensification of the adjacent properties.

Sun-shadowing

A discussion of the shadow impacts from the proposed development are provided below under criterion (vii). For the purposes of the subject Official Plan Amendment and Zoning By-law Amendment applications, staff are satisfied that the shadowing effects of the proposed development are compatible with the site's surroundings.

Parking

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

Amenity Area

The Zoning By-law requires 15 m^2 of amenity area per efficiency dwelling unit, 20 m^2 for a one-bedroom unit and 35 m^2 for a two or more bedroom unit for a total of 4,470 m^2. The applicant is proposing 14.5 m^2 per unit for a total of 2,243 m^2 of amenity area.

The development proposes outdoor amenity area in the form of rooftop amenity space, an outdoor amenity area on the 7th floor, private balconies, and ground level indoor amenity space. Staff are of the opinion that the proposal includes an appropriate amount of amenity area.

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 below under Housing Intensification criterion (ix). Staff are recommending a Holding Provision be placed on the property to address outstanding noise issues.

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;

Comment: The subject applications are supported by an Arborist Plan prepared by Henry Kortekaas & Associates, dated January 30, 2024, and a Landscape Plan and Rooftop Amenity Plan, completed by Henry Kortekaas & Associates, dated September 12, 2024.

The Arborist Report and Tree Preservation Plan inventoried a total of 13 trees on site and bordering the property. Of the 13 inventoried trees, 2 are public trees and 11 trees are privately owned and located on the subject lands. The applicant is proposing to remove all 13 trees on the property to facilitate the development.

Urban Forestry and Landscape advise that tree removal permits will be required for the city trees and replacement tree requirements including the number of trees, location and compensation will be determined at the Site Plan stage.

Urban Forestry and Landscaping staff have reviewed and commented on the proposal. Based on the documents provided, staff had no objection to the proposal, but encourage the applicant to provide more landscaping along Plains Road West and note that remainder of the comments will need to be dealt with at the Site Plan stage.

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

Comment: A Shadow Study and Sun Access Factor Calculations prepared by AAA Architects Inc., dated September 12, 2024, was submitted by the applicant in support of the proposal. The study evaluates the shadow impacts of the building in March, June, September and December on the surrounding properties, sidewalks, and amenity areas.

The proposed building will cast minimal shadows on the public realm, sidewalks and surrounding properties and meets the sun access factor requirements. Staff are of the opinion that the impact on neighbouring properties is acceptable.

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

Comment: The proposed development is located on Plains Road West, which is primarily designated as a mixed-use corridor in the City's Official Plan where commercial development exists including retail, office, service commercial, and restaurants. Community gathering spaces such as Hidden Valley Park, LaSalle Park, Wading Pool & Splash Pad, St. Matthew's Anglican Church, and West Plains United Church are located within a reasonable distance from the site.

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

Comment: The applicant submitted a Pedestrian Wind Assessment prepared by Gradient Wind Engineers and Scientists, dated January 16, 2024. The Pedestrian Wind Assessment concluded that all grade-level pedestrian sensitive locations, including sidewalks, laneways, parking areas and landscape spaces within and surrounding the proposed development will be suitable for walking throughout the year, and wind comfort levels are acceptable. The 7th level amenity terrace and the

rooftop amenity area will require mitigation measures to improve pedestrian wind comfort levels, which will be further reviewed with appropriate mitigation measures to be identified and implemented at the Site Plan stage.

For the purposes of the subject Official Plan Amendment and Zoning By-law Amendment applications, staff are satisfied that the proposed development on the subject lands will not have adverse pedestrian-level wind impacts on the surrounding area. Staff note that additional review and refinements to the built form concept may be required at the Site Plan stage.

A revised Noise Impact Study and comment response was submitted in support of the applications. The Study was prepared by Aercoustics, dated September 11, 2024.

The study reviewed the acoustic requirements for the proposed development with respect to noise from vehicular traffic along Plains Road West, surrounding stationary sources and railway corridor traffic from the CN rail yard. Based on the results of the Study, noise warning clauses will be required in all agreements of purchase and sale, or lease and all rental agreements and specific building components will be required at the Site Plan stage. The Study also recommends that the property be classified as Class 4 sound designation due to the existing stationary noise produced by a nearby facilities.

A Land Use Compatibility Study (LUC) and response letter, prepared by GHD, dated September 12, 2024, was submitted in support of the applications. The study evaluated twenty-four industrial facilities within 1000 metres of the subject lands with respect to air quality, odour, dust, noise, and vibration.

Halton Region retained an external peer review consultant, R.J. Burnside and Associates Limited, to undertake a review of the Noise Impact Study and LUC Study for the proposed development. The peer reviewer concluded that more analysis was required in order to determine if sensitive land uses could be supported on site and that there were no adverse impacts on existing industrial uses. Staff are recommending that a Holding Provision be placed on the property to ensure that outstanding noise feasibility matters be addressed to the City's satisfaction prior to development proceeding. A more detailed analysis is found below under the '4.4 Land Use Compatibility and Noise Feasibility' section of this analysis.

Staff reviewed the peer review comments and revised materials and agree with the conclusions of the peer reviewer and Halton Region and are recommending that a Holding Provision be placed on the property to ensure that the noise feasibility are addressed prior to development proceeding on site. Staff are also recommending that

the properties be deemed a Class 4 noise designation to facilitate the proposed development.

x) where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate;

Comment: The properties to the north, east and west are identified as being in the "Mid-Rise Residential" Precinct of the Aldershot GO Area Specific Plan, which contemplates building heights of 6 to 11 storeys.

Staff are of the opinion that the proposed development is providing appropriate setbacks to the adjacent properties and should the three adjacent properties to the north, east and west develop, they will not be compromised by the proposal.

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

Comment: The subject lands are outside of Conservation Halton's regulated area and are not affected by erosion or flooding hazards. Therefore, the proposal meets this criterion.

The subject lands are not designated under the Ontario Heritage Act, listed on the Municipal Register of Cultural Heritage Resources, or 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

Comment: Part II 2.11.3 (g) is not applicable to the proposal as the development is not adjacent to a floodplain or valley. Part II, subsection 2.11.3 m) applies to the lands due to their location in the South Aldershot Planning Area. The applicant's functional servicing report has indicated that capacity exists in the existing storm sewer to accommodate flows from the existing and proposed development. Therefore, staff are satisfied that this criterion has been met.

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.

Comment: 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.

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

In accordance with Part II, section 2.7.3 n) of the Official Plan, the applicant submitted a Land Use Compatibility (Air Quality) Study, prepared by GHD, dated September 11, 2024, in support of the sensitive land uses on the property. The Land use Compatibility Study was peer reviewed by R.J. Burnside & Associates Limited.

The Land use Compatibility Study evaluated twenty-four industrial facilities within 1000 metres of the subject lands with respect to air quality, odour, dust, noise, and vibration. The key conclusions from the Land Use Compatibility (Air Quality) Study, prepared by GHD, dated September 11, 2024, are:

- There were 24 facilities identified that are located within the area of influence, 18 are self-contained with only minor air emissions due to rooftop HVAC equipment.
- Argo Wholesale and Mission Produce have a potential noise impact to the proposed development. However, these facilities will have minimal impact on air quality, odour, and dust levels.
- St. Marys Cement is operating under an ECA which requires a Dust Management Practices Plan, and it was determined that the adverse air quality, dust, and odour impacts are not significant.
- The proposed development may introduce new elevated receptor for CBM which GHD determined through preliminary modelling would remain below the Ministry Point of Impingement Limits.
- King Paving & Construction Ltd is operating under an ECA which requires a Dust Management Practices Plan and Operating and Maintenance Procedure to prevent and/or minimize odours emissions. It is deemed that the adverse air quality, dust, and odour impacts are not anticipated at the ground-level receptors.
- The proposed development may introduce new elevated receptor for air. However, GHD determined through preliminary modelling that the new development would likely result in a negligible increase in maximum off-property concentrations for King’s Paving.
- Based on the findings of this report, adverse air impacts are not anticipated and the requirements of the MECP Guideline D-6 are met.
- Mitigation for the potential facilities can be done with design aspects such as inoperable windows, air conditioning, and locating air intakes well above grade.

- Consideration should be given to include the best practices of building pressurization and filtration in the mechanical design to ensure that tenants have good air quality within the homes given the quantity of industrial facilities within the Study Area and their proximity to the proposed development. An appropriate operating and maintenance schedule should be in place for the filtration system.
- GHD recommends that an air quality study be completed at later stages of the approval process to ensure that such mitigation measures were installed, perform as intended, and will be maintained.
- Warning clauses are recommended to be included in agreements of Offers of Purchase and Sale, lease/rental agreements, and condominium declarations for all residential units of the development.

The Land use Compatibility Study was peer reviewed by R.J. Burnside & Associates Limited., who were not able to conclude that the land use compatibility issue had been addressed as more information was required to inform their review. They identified five key issues that need to be addressed by the applicant:

1. The proposed development will introduce new elevated receptors that will be closer to nearby industry than any existing elevated receptors. The elevated receptors need to be evaluated.
2. Sounds levels from Missions Produce Inc. operations should be assessed to ensure applicable limits can be met at the proposed development.
3. Refrigeration truck noise sources are potentially present during storage or gradual loading/unloading operations and should be assessed.
4. On-site truck activities at King Paving should be considered in the noise assessment.
5. The compliance of King Paving Facility within the applicable noise limits should be considered in the noise assessment.

The Land use Compatibility Study and Noise Impact Study was peer reviewed by R.J. Burnside and Associates Limited, and they concluded that there are still outstanding issues that need to be address in order to confirm that the site is appropriate for sensitive land uses. Staff are recommending a Holding Provision to ensure that a revised Noise Impact Study that addresses the peer review comments is submitted, and all mitigation measures are incorporated into the future site plan.

5.0 City of Burlington Official Plan (2020)

On Nov. 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020. For

the list of the appeals filed with the Ontario Land Tribunal (OLT), see the Dec. 23, 2020, update under “Burlington Official Plan, 2020 appeals process”.

On Jan. 4, 2023, the OLT formally confirmed which parts of the Burlington Official Plan, 2020 came into effect on Dec. 22, 2020, and which parts did not. The OLT also confirmed that no parts of the Official Plan (other than policies where appeal rights are limited by the Planning Act) are in effect on lands with site-specific appeals. For a list of policies in effect as of Dec. 22, 2020, see the May 16, 2023, update under “Burlington Official Plan, 2020 appeals process”. This update also includes a list of site-specific appellants.

Until all broad appeals to the Region’s approval of the Burlington Official Plan, 2020 are resolved, parts of the old Official Plan (Burlington Official Plan 1997, as amended) will stay in effect. Parts of the Burlington Official Plan, 2020 that are broadly appealed may be considered on an informative, but not determinative, basis.

The interim working version of the Burlington Official Plan, 2020 is provided for information only. For legal purposes, reference the original certified documents on file with the City Clerk, including the April 26, 2018, City of Burlington adopting bylaw and the Nov. 30, 2020 Halton Region Notice of Decision.

As the OLT process continues, the Burlington Official Plan, 2020 may change and need to be updated. Readers of the Plan must satisfy themselves as to the legal status and applicability of the policies by reviewing all Orders and Decisions from the OLT. You can view these documents by visiting the Ontario Land Tribunal's webpage for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington".

5.1 Urban Structure and Growth Framework

The subject property is located within the lands identified as Mixed-Use Nodes and Intensification Corridors on Schedule B – Urban Structure of the new OP. These lands will be developed at overall greater intensities, supporting frequent transit corridors, and providing focal points of activity where active transportation is facilitated through careful attention to urban design.

The subject property is located within an area identified as a Primary Growth Area as shown on Schedule B-1 – Growth Framework of the new OP. Primary Growth Areas will accommodate the majority of the City’s forecasted growth over the planning horizon of the new OP and consequently will experience the greatest degree of change. These areas will be regarded as the most appropriate and predominant locations for new tall buildings in accordance with the underlying land use designations or the land use policies of an Area-Specific Plan.

5.2 Urban Corridor (Chapter 8, Subsection 8.1)

The lands are designated “Urban Corridor” in accordance with Schedule C – Land Use – Urban Area of the new Official Plan. The Urban Corridor designation requires transit-supportive and pedestrian-oriented design and is intended to provide for the day-to-day goods and service needs of residents and employees within and in proximity to the corridor. Permitted uses include residential uses and mixed use developments in buildings between 2 to 6 storeys in height. The maximum permitted Floor Area Ratio (FAR) is 2.0:1 but higher FAR may be permitted through a Zoning By-law Amendment without requiring an Official Plan amendment.

The proposed development conforms to the land use policies of the Urban Corridor designation, as it provides residential uses with ground-floor non-residential uses along Plains Road West. The ground-floor non-residential uses may be retail, service commercial, office, recreation, or entertainment uses, or other pedestrian-oriented uses if permitted by the Zoning By-law.

The proposed development exceeds the maximum Floor Area Ratio and building height of the Urban Corridor designation. As discussed elsewhere in this analysis, the proposed Official Plan Amendment to increase maximum Floor Area Ratio and building height is supported by staff as it aligns with the current policy framework vision of the Area-Specific Planning for the MTSA.

5.3 MTSA Policies (Chapter 8, Subsection 8.1.2)

The subject property is located within the Aldershot GO Major Transit Station Area (MTSA) as identified by the Schedule B-2 of the Official Plan. Section 8.1.2 indicates that the City will complete Area-Specific Plans (ASPs) for MTSAs and an ASP for the Aldershot GO MTSA is currently underway. Prior to the completion of the ASP, section 8.1.2 (3) requires development applications in MTSAs to contain a mix of uses, support active transportation and transit, incorporate Transportation Demand Management, and be consistent with the MTSA typology of the Official Plan. The MTSA typology identifies Aldershot GO as an MTSA located along a higher-order transit route with planned frequent transit service. The typology anticipates that Aldershot GO and other MTSAs will accommodate the majority of growth over the planning horizon of the new OP.

The proposed development is consistent with the policies and objectives of section 8.1.2, as it is a dense, mixed-use development that supports active transportation and transit with appropriate design and transportation demand management.

5.4 Design Policies (Chapter 7, Section *7.3.2 (1)*)

The Design policies in Chapter 7 include requirements for design of development within Primary Growth Areas. The proposed development conforms to the design policies as it locates buildings close to the street to define the street edge, locates primary public entrances on the façade facing the street, and integrates the rooftop mechanical

equipment with the building. Further discussion of the design of the proposed development is contained in the Mid-Rise Building Guidelines section below.

6.0 Mid-Rise Building Guidelines (2019)

The City's Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (Mid-Rise Guidelines) were approved by Burlington City Council on March 5, 2019. The intent of the Mid-Rise Guidelines is to implement the City's Official Plan objectives and policies for Design (Part II, Section 6) for buildings that are 5 to 11 storeys in height. The Mid-Rise Guidelines recognize that built form and scale are important considerations when transitioning from lower density neighbourhoods to more intense communities and can help create a vibrant public realm and comfortable pedestrian environment.

Building Placement

2.1.4 Where there is a consistent pattern of street setbacks that is not planned to change, the building should be set back to align with its neighbours.

Comment: The north side of Plains Road West does not have an established street line as the building setbacks range from 0 metres to 16 meters along the street edge.

The applicant is proposing a building setback that is consistent with the Mid-Rise Guidelines by providing a wider boulevard to accommodate sidewalks, landscaping, and active uses to establish a more pedestrian oriented relationship between the building and the sidewalk.

Therefore, staff are of the opinion that although, it does not align with the existing streetline, the proposal will align and be consistent with future developments along this section of Plains Road West.

9) All buildings should have a public front and private back. Buildings should not expose their back onto the front of a neighbouring building to minimize impact such as "back of house" activities on adjacent properties.

Comment: The front of the building is designed in such a way that includes a defined building entrance for the non-residential use, a positive experience for pedestrians and access to the residential lobby. The rear of the building includes the enclosed loading area, a parking space and a rear entrance that is screened by landscaping. Staff are of the opinion that the proposed building successfully includes a public front and private back.

Built Form: Height & Massing

2.3.5 Where a streetwall is not established, the streetwall for new mid-rise buildings should be limited to a height of 80% of the street width (up to a maximum of 6-

storeys) with additional storeys stepping-back a minimum of 3 metres above the streetwall to maintain a human-scale and minimize shadowing. On streets with a planned right-of-way width of 26 metres or more, new mid-rise buildings up to 6-storeys do not require an upper building step-back.

Comment: This section of Plains Road West does not have an established streetwall and has a deemed right of way width of 36 metres. The proposed building has a podium height of 5 storeys and incorporates a 3 metre stepback above the streetwall to maintain a pedestrian scale and minimize shadowing on Plains Road West.

2.3.7 Pushing (projecting) and pulling (recessing) building volumes from the main building form is encouraged to help break down the mass of larger buildings.

Comment: The front middle of the building is recessed both at the lower portion of the building and the upper level to help alleviate the massing and add variation in the building façade. The non-residential use entrance is recessed with the upper level balconies and podium projecting overtop to make it the focal point of the front façade.

2.3.8 Balconies are encouraged and should be integrated into the building design and massing with inset or Juliette balconies. Projecting balconies should not be within the streetwall to avoid negative impacts to the public realm including additional building massing and shadowing.

Comment: The proposed building provides private amenity area in the form of balconies, an outdoor rooftop amenity area, 7th floor outdoor amenity area and an indoor amenity space.

The balconies located along the street frontage are recessed within the building podium and upper building and do not have a negative shadow impact, impact to the building massing or public realm.

2.3.11 A variety of scales, colours and textures should be used to create visual interest across the building facades.

Comment: The building incorporates a variety of colours and materials to create visual interest and help break up the massing of the building. There are bright masonry materials on the lower portion of the building to establish a base and the upper floors use lighter complimentary colours and glazing to create a balanced composition. The ground floor height is 5.22 metres and incorporates glazing for visual connections between the public and private realms.

Site Design

2.5.2 Pedestrian access should always be prioritized for the safety and enjoyment of residents and visitors.

Comment: Pedestrian access is provided from the existing sidewalk to the building entrance, rear entrance surface parking spaces, bicycle parking spaces and outdoor amenity area. The proposed development provides an access to the north of the site to provide a future pedestrian connection to any development to the north. In the opinion of staff, the proposal provides adequate pedestrian access.

2.5.3 Reduce the number and width of vehicle access points to avoid conflicts between pedestrian and vehicle traffic.

Comment: The development proposes one vehicular access to the site, located on the east side of the property. The access leads to the underground parking structure entrance, loading area and surface parking area where vehicles can turn around and exit the site. The driveway does not impact the pedestrian walkways.

2.5.4 Access to parking, servicing, and loading should be provided at the rear of the building, or a laneway if possible. On corner sites, access should be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.

Comment: The proposed loading area and access to the underground parking garage are located at the rear of the building. As mentioned previously, these areas are accessed via one single driveway providing access from the front of the site to the rear. As such, staff are of the opinion that this guideline has been met.

2.5.7 Recess and screen garage doors and service openings from public view. When they face public streets, and public or private open spaces design them using high-quality doors and finishes that complement the architecture of the building. Avoid free-standing parking ramps.

Comment: The proposal includes access to the parking garage at the east of the development. The entrance to the parking garage is setback approximately 20 metres from Plains Road West and will be screened from the public view by the building façade.

2.5.9 Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking.

Comment: The applicant is proposing parking that is primarily located underground. Of the proposed 112 parking spaces, 12 parking spaces are located on the ground floor of the development. These parking spaces will be screened by landscaping and the building façade. Overall, staff agree that most of the required parking is provided underground.

Built Form: Transitions

3.2.10 - *Rooftop mechanical equipment should be architecturally screened from public view to protect or enhance views from other buildings and the public realm.* [and]

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

Comment: The proposed rooftop mechanical equipment is screened from the public view. It is fully enclosed and setback more than 3 metres from all sides of the building to not be visible from the public realm along Plains Road West.

7.0 Sustainable Building Guidelines

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

In accordance with Guideline 1.6, development proposals on greenfield sites are encouraged to limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. Alternately on previously developed sites, proposals should restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation. This guideline helps maintain the local landscape and ensure soils and vegetation remain undisturbed.

The applicant has specified that due to the building layout it is not possible to comply with and in turn plantings will be provided at the south, east and west property lines. Landscaping will be also be provided on the ground floor and 7th floor amenity area. The applicant will also provide raised planter beds at the front of the building and landscaping along Plains Road West.

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 128 bicycle parking spaces on the ground floor and the below grade parking structure.

Guideline 2.4 encourages the provision and implementation of a Transportation Demand Management Plan (TDM) as part of development proposals. This would be required for parking reductions and required in Primary, Secondary and Employment Growth areas as per Official Plan policy. TDM Plans are plans that encourage sustainable modes of transportation. TDM plans evaluate building transportation needs comprehensively and may consider measures such as the provision of transit passes, flexible work hours, unbundled parking, on site transit facilities, priority parking for carpooling and autoshare programs, etc. As part of the application materials, a TDM review has been provided under the Transportation Impact Study submitted. Transportation have reviewed the submitted TDM provisions 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 are 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. 13 trees were surveyed on/in the vicinity of the Subject Lands and all 13 are intended to be removed. City forestry staff have reviewed the proposed development and have no objections to the proposed tree removals and note that compensation trees will be required at the Site Plan stage.

In accordance with the Water Conservation and Quality guidelines in Section 4, the applicant should achieve enhanced stormwater treatment for all stormwater runoff. Development Engineering have reviewed the Functional Servicing & Stormwater Management Report prepared by Luban Ltd. dated September 2024 and have stated that

the report has demonstrated that on-site stormwater controls can meet the City of Burlington's stormwater management criteria. This guideline has been met.

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 east, west and north property lines. Landscape areas have also been provided on the 7th floor terraces and rooftop amenity area.

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.

8.0 Area-Specific Plan (ASP) for the Aldershot GO Major Transit Station Area (MTSA)

The vision for the Aldershot MTSA, also known as Aldershot Corners, is to provide the first impression of Burlington when travelling east from Hamilton and Niagara on the Lakeshore West GO line. Aldershot Corners will continue to evolve as an urban area with a distinct sense of neighbourhood character, supported by a mix of residential, commercial, and employment uses.

Taller buildings will be concentrated along the rail line and will decrease in height and intensity closer to Plains Road and the existing residential neighbourhoods. Aldershot Corners will be a vibrant, livable community with urban shopping and dining opportunities serving those living and working close by.

The objectives of Aldershot Corners is to achieve sensitive transitions to established residential neighbourhood areas; concentrate higher intensity development on large brownfield/greyfield sites that contain existing employment uses in order to encourage mixed use development; recognize existing employment and planning for future employment and commercial uses; planning for flexible commercial and retail spaces; creating new streets and active transportation connections; and, focusing heights away from Plains Road and towards the rail corridor.

8.1 Mid-Rise Residential Precinct

The subject properties are identified as being in the "Mid-Rise Residential" Precinct which will include a variety of low-rise and mid-rise building format at the eastern and western

boundary of the Aldershot GO MTSA. This precinct is planned to support access to housing as well as retail, commercial and employment opportunities in close proximity to the Aldershot GO Transit Station and allow for transitions to existing neighbourhoods beyond the MTSA boundary.

The Mid-Rise Residential Precinct permits a minimum building height of 6 storeys and a maximum building height of 11 storeys. Permitted uses include apartments, rowhouse, office uses, retail and service commercial uses (on bottom two floors only) and recreation uses (on bottom two floors only).

Staff have reviewed the subject applications with consideration for the vision and objectives of the Area Specific Plan. The proposed development aligns with the vision for the Mid-Rise Residential Precinct and is consistent with the land uses and built form intended for this precinct.

9.0 Community Planning Permit System By-law

In June 2024, City of Burlington staff brought forward a recommendation report to adopt Official Plan Amendment No. 2 and approve the Community Planning Permit (CPP) By-law for the Major Transit Station Areas. At the June 2024 meeting, Council approved the CPP By-law in principle and directed staff to make the necessary refinements to the Major Transit Station Area Community Planning Permit By-law, including any changes to reflect any modifications as a result of Ministerial approval. Staff have been working to refine the CPP By-law and will bring forward a future report outlining these refinements.

The Community Planning Permit By-law combines the Zoning By-law regulations/amendments, Site Plan and Minor Variance process into one single application and approval process. The process targets a shorter approval timeline of 45 days, affording intrinsic cost savings through streamlined approvals. The CPP By-law allows for certainty in implementation by providing specific standards for development and the ability to vary standards and establish rules for the delegation of certain approvals to staff. The CPP By-law also includes a framework in which the provision of facilities, services and matters is provided in exchange for height within the MTSAs.

The CPP By-law is approved in principle by Council, however it is not in force and effect. Therefore, the following staff evaluation of the proposed development and the CPP By-law is informative and not determinative to staff's recommendation for approval.

The subject lands are located in the Aldershot GO MTSA and are identified as being in the "Mid-Rise Residential" Precinct. The applicant has aligned their proposal to meet the general intent of the CPP By-law. If the CPP By-law was in effect today, the proposed development would require variations to three development standards: maximum yard abutting a street, landscape area abutting a parking area, and the height of the rooftop amenity area. The proposed development also proposes a building height within the maximum height limits of a Class 2 permit per the May 2024 By-law.

Staff are of the opinion that these variations are minor, meets the evaluation criteria of Section 3.8.1 of the CPP By-law, is in keeping with the intent of the approved in principle CPP By-law, the proposed development aligns with the vision for the Mid-Rise Residential Precinct and is consistent with the land uses and built form intended for this precinct.

The table below outlines the general parking areas provision requirement and what is being proposed. Staff note that the following provision is based on the May 2024 approved in principle CPPs By-law and the provision may change due to ongoing staff refinement of the By-law.

Provision	Requirement	Proposed
Parking Areas	Where there are four (4) or more surface parking spaces in a parking area, a minimum 3.0 m wide landscape buffer shall be required along the perimeter of the parking area, to the satisfaction of the Approval Authority	1.5 m landscape buffer shall be required along the perimeter of the parking area, to the satisfaction of the Approval Authority
Staff comments: The proposed development is providing a 1.5 metre landscape buffer along the western and rear property lines whereas the CPPs By-law requires a minimum landscape buffer of 3.0 metres. The proposed development will provide a landscaping and a privacy fence between the surface parking spaces and the western and rear property lines which will help with light trespass and privacy to the adjacent properties. Staff are of the opinion that proposed variation meets the general intent of the CPPs By-law, MTSA objectives and guiding principles.		

The table below outlines the linear height standard for rooftop amenity areas, the Class 2 Variation Limit and what is being proposed. Staff note that the following standard is based on the May 2024 approved in principle CPP By-law and the standard may change due to ongoing staff refinement of the By-law.

Standard	**Requirement**	**Class 2 Variation Limit**	**Proposed**
Linear Height	3.0 m in vertical distance from the uppermost point of the building to the uppermost point of the rooftop enclosure	May be increased to 3.3 m	3.3 m
Staff comments: The proposed rooftop mechanical penthouse and amenity area are 3.3 metres in linear height, which would require a Class 2 Variation under the CPPs			

By-law. Staff are of the opinion that that proposed linear height increase is in keeping with the in principle approved CPPs By-law.

The table below outlines the minimum standard requirements of the "Mid-Rise Residential" Precinct, the Class 2 Variation Limit and what is being proposed. Staff note that the following standards are based on Section 7.5 of the May 2024 approved in principle CPP By-law and the standards may change due to ongoing staff refinement of the By-law.

Standard	Requirement (minimum)	Class 2 Variation Limit	Proposed
Yard abutting an Established Neighbourhood Area as shown on Schedule B-1 of the Burlington Official Plan	7.5 m	May be reduced to 6.0 m	N/A
Staff comments: Not applicable as proposed development does not abut an established neighbourhood.			
Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Yard abutting an Activated Street	2 m minimum and 3 m maximum	Minimum may be reduced to 1.5 m Maximum may be increased to 3.5m	3.0 m for non-residential 3.78 m to main residential lobby entrance 6.58 m to the residential wall
Staff comment: The proposed development is set back 3.0 metres to the non-residential use on the ground floor and 3.78 metres to the proposed residential lobby from Plains Road West. There is also a portion of the residential wall that is setback 6.58 metres from the street. Staff are of the opinion that the proposed residential lobby and recessed residential wall are meeting the general intent of the approved in principle CPP By-law and MTSA objectives and principles as the recessed portion of the wall will provide bicycle parking that will support the vibrancy of the street and contribute to active transportation			

options. Further, the majority of the building frontage is proposed for non-residential uses and entrance to the lobby which are uses/activities that activate the street frontage.			
Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
All other Yards	3 m	May be reduced to 2.4 m	East yard - 5.09 m West 4.56 m Rear - 13.72 m
Staff comment: The proposed east, west and rear yards are meeting the minimum standard requirement of 3 metres. Therefore, the proposal conforms to this standard and a variation is not required.			
Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Setback of a residential use or other sensitive land use from a railway right-of-way	30 m from the property line of the railway right-of-way	May be reduced in accordance with Section 5.27 of this By-law	N/A
Staff comment: Not applicable as proposed development is not adjacent to a railway right of way.			
Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Setback from a Pipeline Easement	7 m	May be reduced to a variation acceptable to the pipeline company	N/A
Staff comment: Not applicable as proposed development is not adjacent to a pipeline easement.			
Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Setback from a Natural Heritage System Precinct	Shall be in accordance with recommended setbacks in an approved Environmental Impact Study by Conservation Halton or as directed by Conservation Halton or the Approval		N/A

	Authority		
Staff comment: Not applicable as proposed development is not adjacent to the Natural Heritage System Precinct.			
Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Landscape Open Space Area	20% of lot area	May be reduced to 15% of lot area	Providing 21% soft landscaping.
Staff comment: The applicant is providing 21% soft landscaping as part of the proposal. This standard is being met and no variation is required.			
Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Landscape Buffer abutting an Established Neighbourhood Area as shown on Schedule B-1 of the Burlington Official Plan	3 m, except: - if the development is a tall and/or mid-rise building adjacent to a tall- and/or mid-rise building, no landscape buffer is required.	May be reduced to 2.4 m	N/A
Staff comment: Not applicable as proposed development does not abut an established neighbourhood.			
Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Residential amenity area (per dwelling unit)	4.0 sq. m of private residential amenity area and 4.0 sq. m of common residential amenity area per dwelling unit	May be reduced to 3.2 sq. m of private residential amenity area and 3.2 sq. m of common residential amenity area per dwelling unit	14.5 sq. m of amenity space per dwelling unit
Staff comment: The proposed development is providing 14.5 sq. m of amenity space per unit for a total of 2,243 m^2 of amenity area.			

The development proposes outdoor amenity area in the form of rooftop amenity space, an outdoor amenity area on the 7th floor, private balconies, and ground level indoor amenity space. The standard has been met and no variation is required.

Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Minimum First Floor Height	4.5 m, except: In the Mid-Rise Residential Precinct, no minimum height is required if a residential use is located on the ground floor. Otherwise, the minimum first storey height in this precinct is 4.5 m.		5.2 m

Staff comment: The proposed development does not have a residential use on the ground floor; therefore, the required minimum first floor height of the building would be 4.5 metres. The proposed development is providing a first floor height of 5.2 metres, which complies with this standard.

Standard	**Requirement (minimum)**	**Class 2 Variation Limit**	**Proposed**
Maximum Building Height	6 storeys	11 storeys	11 storeys including rooftop mechanical penthouse

Staff comment: Under the standards of the approved in principle CPP By-law, the rooftop amenity area and mechanical penthouse would not count towards the overall height of the building if the requirements of Table 5.8 of the By-law are met. Table 5.8 includes standards for total floor area, setback from exterior walls of the storey directly beneath and linear height.

As noted above, the proposed development would require a Class 2 Variation to the linear height of the rooftop amenity area. Given staff's support of this variation, the proposed development would meet the Class 2 maximum building height limit of the of approved in principle CPP By-law and would not require a Class 3 permit (Council approval).

10.0 Zoning By-law

The following table outlines the requirements of the 'Mixed-Use Corridor General Zone' (MXG) and what is being proposed.

Zoning Regulation	MXG	Proposed
Building Height	6 storeys	12 storeys including mechanical penthouse
Staff comments: As discussed earlier in this appendix, the proposed development provides appropriate massing, scale, and compatibility to the surrounding neighbourhood. The applicant is proposing a maximum building height of 12 storeys including the mechanical penthouse and outdoor amenity areas. The 12th floor will not have residential dwelling units and will be used for amenity space and contain mechanical penthouse equipment. Staff are of the opinion that the proposed 12 storey building is suitable for the site and are supportive of this modification.		
Zoning Regulation	**MXG**	**Proposed**
FAR	1.5:1	5:1
Staff comments: The applicant is proposing a FAR of 5:1 whereas the Zoning By-law requires a maximum FAR of 1.5:1. Staff are of the opinion that the proposed FAR is compatible with the surrounding area, provides appropriate massing and transition and the site can appropriately support the proposed use. Staff support the modification.		
Zoning Regulation	**MXG**	**Proposed**
Yard abutting Plains Road west of the Queen Elizabeth Way	3.0 m	2.9 m
Staff comments: The Mixed Use General Zone requires a front yard setback of 3 metres from the Plains Road West. The applicant is proposing a front yard setback of 2.9 metres to allow for construction tolerance. Staff consider this to be a minor modification and are supportive.		
Zoning Regulation	**MXG**	**Proposed**

Amenity Area	15 m² per efficiency dwelling unit 20 m² for a one-bedroom unit 35 m² for a two or more bedroom unit = 3,430 m²	14.5 m² per unit = 2,243m²

Staff comments:

The Zoning By-law requires 15 m² of amenity area per efficiency dwelling unit, 20 m² for a one-bedroom unit and 35 m² for a two or more bedroom unit whereas the applicant is providing 14.5 m² per unit.

The proposed development is providing both indoor and outdoor amenity space in the form of private balconies and terraces, rooftop amenity areas and a seventh floor outdoor amenity area.

Staff consider the proposed amenity space to be an appropriate amount and are supportive of the modification.

Zoning Regulation	**MXG**	**Proposed**
Landscape Area abutting a street adjacent to a building	3 m	0 m

Staff comments:

The proposed development is providing landscape planters and paving in front of the building abutting Plains Road West. They are also proposing landscaping and street trees in the public right of way. Under the current Zoning By-law, the paving and landscape planters would not satisfy the definition of a landscaped area.

Staff believe this is a minor modification and landscaping will be provided in the public right of way and in planters along the building frontage. Further refinements of the landscape area will be implemented at the Site Plan stage.

Staff are supportive of this modification.

Zoning Regulation	**MXG**	**Proposed**
Landscape Area abutting a street adjacent to a parking lot	N/A	3.0 m

Staff comments:

The applicant is proposing a minimum 3.0 metres landscape area abutting the proposed surface parking spaces and Plains Road West. The landscape area will provide screening between the street and the proposed parking spaces.

Planning staff consider the inclusion of a landscape area to be a positive modification and are supportive.

Zoning Regulation	**Part 1, 2.26 (5) iii)**	**Proposed**
Underground Parking Structure – Stormwater Tank	Below-grade parking structures shall not extend into a required landscape buffer and shall be set back 3 m from all other property lines and street lines.	Front Yard: 2.7 m to the parking structure, 0 m to the below-grade stormwater detention/retention tank All other Yards: 0.3 m

Staff comments:

The Zoning By-law requires a minimum setback of 3.0 metres from all property lines for the below-grade parking structure. The applicant is proposing a 2.7 metre setback from the front property line for the below-grade parking structure and 0 metres to the below-grade stormwater detention/retention tank and a 0.3 metre setback from all other property lines.

Development Engineering staff have advised that they have no objection to the proposed setbacks of the below-grade parking structure and stormwater tank, but will require the applicant to demonstrate the following through detail design at the site plan stage:

- That a bigger and deeper stormwater tank and underground parking will stay within the limits of the property
- The underground parking needs to fully stay within the limits of the subject property. If the proposed tie-backs need to encroach further into the Plains Road West ROW and the neighboring properties, the shoring design needs to be revised accordingly to mitigate all the conflicts. A pre-condition survey and consent from the neighboring properties may be required.

Staff are supportive of the proposed modification and note that the applicant will need to meet Development Engineering's requirements noted above at the Site Plan stage.

Zoning Regulation	**Part 1, Subsection 2.26 (1) & (9)**	**Proposed**
Typical Parking Space Size	Width: 2.75 m Area: 16.5 m^2	Width: 2.4 m Area: 13.2 m^2

Staff comments:

The applicant is proposing 16 small vehicle parking spaces with a width of 2.4 metres and an area of 13.2 m^2. The proposed small vehicle parking spaces are in keeping with the approved in principle Community Planning Permit By-law compact parking space regulations.

Staff are supportive of the proposed modification as it aligns with the vision of the approved in principle CPP By-law.

Zoning Regulation	**Proposed**	**Added by Staff**
Bicycle Parking	0.5 bicycle parking spaces per unit	Residential Land Use: 0.5 long-term plus 0.05 short-term bicycle parking spaces per unit.

Staff Comment:

The City's Zoning By-law does not currently have zoning provisions for bicycle parking. Staff have included the minimum bicycle parking recommendations from the July 2017 Burlington City-wide Parking Standards Review to algin with City standards.

Zoning Regulation	**Proposed**	**Added by Staff**
Bicycle Parking Long Term and Short Term Definitions	N/A	Long term bicycle parking spaces are bicycle parking spaces for use by the occupants, employees, or tenants of a building, and must be located in a building. Required long term bicycle parking spaces in apartment buildings may not be in a dwelling unit, on

		a balcony or in a storage locker. Short term bicycle parking spaces are bicycle parking spaces for use by visitors to a building. Short-term bicycle parking spaces are to be located close to an entrance and sheltered from the elements. Each bicycle parking space shall be 60cm x 1.8m in size.
Staff Comment: As noted above, the City's Zoning By-law does not currently have zoning provisions for 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.		

SUBJECT: Zoning By-law Amendment for 759 Maple Avenue

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-88-24

Wards Affected: 2

Date to Committee: December 3, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the Zoning By-law Amendment application for the property located at 759 Maple Avenue to permit four (4) townhouse units of 4-storeys in height within one (1) building block with access to Maple Avenue via a private road; and

Approve Zoning By-law 2020.479, attached as Appendix D to community planning department report PL-88-24, which amends the zoning 'Residential Medium Density' (H-RM5) with a Holding provision to 'Residential Medium Density' (H-RM2-546) with a Holding provision and site-specific exceptions for the lands located at 759 Maple Avenue; and

Deem that the amending zoning by-law will conform to the Regional Official Plan, to the City of Burlington Official Plan and that there are no applications to alter the Official Plans with respect to the subject lands.

PURPOSE:

The purpose of this report is to provide the recommendation to approve the subject development application and to provide the planning rationale for the recommendation.

Vision to Focus Alignment:

- ☑ Designing and delivering complete communities
- ☐ Providing the best services and experiences
- ☑ Protecting and improving the natural environment and taking action on climate change

☐ Driving organizational performance

Executive Summary:

Arcadis Professional Services (Canada) Inc. has made an application on behalf of a private landowner for the property 759 Maple Avenue (the “subject lands”) a Zoning By-law Amendment for the development of four (4) townhouse units of 4-storeys in height within one (1) building block with access to Maple Avenue via a private road. The property is currently occupied by a 2-storey single-detached dwelling.

Planning Staff have reviewed the Zoning By-law Amendment application submitted for the subject lands and find that the application is consistent with Provincial planning documents and conforms to Regional Official Plan and Burlington Official Plan, 1997. Staff are recommending approval of the Zoning By-law Amendment application.

RECOMMENDATION:		Approval	***Ward:***	2
Application Details	***APPLICANT:***	Arcadis Professional Services (Canada) Inc.		
	OWNER:	Private landowner		
	FILE NUMBERS:	520-12/24		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	APPLICANT’S PROPOSAL:	Four (4) townhouse units of 4-storeys in height within one (1) building block with access to Maple Avenue via a private road		
Property Details	***PROPERTY LOCATION:***	East side of Maple Avenue between Hammond Street and Thorpe Road		
	MUNICIPAL ADDRESS:	759 Maple Avenue		
	PROPERTY AREA:	0.1 ha		
	EXISTING USE:	2-storey single-detached dwelling.		
Documents	***1997 OFFICIAL PLAN Existing:***	Residential - Medium Density		
	2020 OFFICIAL PLAN Existing:	Residential - Medium Density		
	ZONING Existing:	‘H-RM5’ (Residential Medium Density zone with a Holding provision)		

	ZONING Proposed by Applicant:	'H-RM2-546' (Residential Medium Density zone with a Holding provision and site-specific exceptions)
Processing Details	***APPLICATION SUBMITTED:***	October 2, 2024
	APPLICATION DEEMED COMPLETE:	October 10, 2024
	STATUTORY DEADLINE:	December 31, 2024
	PRE-APPLICATION COMMUNITY MEETING:	February 28, 2024
	STATUTORY PUBLIC MEETING:	December 3, 2024
	PUBLIC COMMENTS:	The public notice was mailed to 97 addresses and at the time of writing this report, Planning staff have received 3 written comments.

Background and Discussion:

1.1 Description of Subject Property and Surrounding Land Uses

The subject lands are located in the neighbourhood southeast of the intersection of Maple Avenue and Fairview Street, more specifically just northeast of the intersection of Maple Avenue and Hammond Street (as shown on Appendix A – Existing Zoning). The subject lands have an area of approximately 0.1 ha and are currently occupied by a 2-storey single-detached dwelling.

Surrounding uses are as follows:

- North: To the north is the property 767 Maple Avenue which is zoned RM5 and currently contains two (2) building blocks with a total of ten (10) townhouse units;
- East: To the east is the property 1205 Hammond Street which is zoned R3.4 and currently contains a single-detached dwelling of 2-storeys.
- South: To the south is the property 755 Maple Avenue which contains the same zoning as the subject lands, that being H-RM5, and currently contains a single-detached dwelling of 2-storeys;
- West: To the west is Maple Avenue and across is Maple Park;

The subject lands are in proximity to two nearby bus stops along Maple Avenue, one approximately 150m north and another approximately 200m southeast from the subject lands. These bus stops are located along Route 10 (Maple) which connects to the Burlington GO station, the Appleby GO station and the Downtown Terminal.

1.2 Description of Application

Arcadis Professional Services (Canada) Inc. has made an application on behalf of a private landowner to amend the Zoning By-law for the property located at 759 Maple Avenue.

The application proposes a Zoning By-law Amendment to rezone the subject lands from a H-RM5 Zone (Residential Medium Density zone with a Holding provision) to H-RM2-546 Zone (Residential Medium Density zone with a Holding provision and site-specific exceptions) to facilitate the development of four (4) townhouse units of 4-storeys in height within one (1) building block. The units are proposed to have two (2) parking spaces per unit with access to Maple Avenue via a private road. Each unit includes three (3) private amenity areas, with proposed rear yard privacy areas, a 2nd storey balcony, a 4th storey amenity area resulting in a privacy area of approximately 26m^2 per unit. The proposal results in a density of 40 units per net hectare and proposes the following amendments to the existing Zoning By-law 2020:

- Reduced Lot Width from the minimum required 45m to 21m
- Reduced Lot Area from the minimum required 0.4 ha to 0.1 ha
- Reduced Southeast Side Yard setback from the minimum required 4.5m to 1.6m
- Reduced Landscape Buffer abutting an R1, R2 or R3 zone from the minimum required 6m to 2.4m as well as allowing a driveway to encroach 2.1m with a maximum encroachment length of 6.4m
- Reduced Landscape Area abutting a street to a parking space from the minimum required 6m to 3.8m.
- Increased building height from the maximum permitted 2 and a half storeys and 13m for a townhouse dwelling to 4-storeys and 14.5m.
- Reduced driveway length from the minimum required 6m to 5.7m.
- Reduced parking setback from a R1, R2, R3 zone from the minimum required 6m to 2.4m.
- Driveways to be setback a minimum of 0.3m from a R1, R2, R3 zone.
- Reduced minimum requirement of one (1) loading space to none.

Supporting Documents

The applicant submitted the following materials in support of the subject application:

1. Cover Letter prepared by Arcadis Professional Services (Canada) Inc dated September 27, 2024.
2. Complete Application Form signed October 5, 2024.
3. Planning Justification Report prepared by Arcadis Professional Services (Canada) Inc dated September 20, 2024.
4. Site Survey prepared by A.J. Clarke and Associates Ltd. dated September 30, 2024.
5. Conceptual Site Plan prepared by Arcadis Professional Services (Canada) Inc dated August 19, 2024.
6. Architectural Floor Plans and Elevations prepared by Structured Creations Inc dated September 20, 2024.
7. Height Survey of Adjacent Buildings prepared by A.J. Clarke and Associates Ltd. dated March 6, 2024.
8. Arborist Report prepared by Seferian Design Group dated August 26, 2024.
9. Tree inventory & Preservation Plan and Landscape Plan prepared by Seferian Design Group dated September 25, 2024.
10. Functional Servicing and Stormwater Management Report prepared by Arcadis Professional Services (Canada) Inc. dated September 26th, 2024.
11. Environmental Noise Feasibility Study prepared by Structured Creations Inc dated October 1, 2024.
12. Phase One Environmental Assessment prepared by Arcadis Professional Services (Canada) Inc dated December 2023.
13. Phase Two Environmental Assessment prepared by Arcadis Professional Services (Canada) Inc dated March 2024.
14. Sustainable Building and Development Guidelines Checklist prepared by Arcadis Professional Services (Canada) Inc dated May 23, 2024.
15. Comment Response Matrix prepared by Arcadis Professional Services (Canada) Inc dated October 2024.
16. Environmental Site Screening Questionnaire dated October 2024
17. Draft Zoning By-law Amendment prepared by Arcadis Professional Services (Canada) Inc dated October 2024.
18. Solid Waste Management Report prepared by Arcadis Professional Services (Canada) Inc dated September 17, 2024.
19. PIN Report dated May 8, 2024

Application materials are posted on the project website, www.burlington.ca/759maple.

2.0 Policy Framework

The proposed Zoning By-law Amendment application is subject to review in accordance with the Provincial Policy Statement (2020); the Provincial Planning Statement (2024);

Region of Halton Official Plan (2009, as amended); City of Burlington Official Plan (1997, as amended); City of Burlington Official Plan (2020, as amended); and City of Burlington Zoning By-law 2020, as summarized throughout the report. Planning staff are of the opinion that the proposed application is consistent with the Provincial Policy Statement (2020) and Provincial Planning Statement (2024); City of Burlington Official Plans (1997 as amended & 2020 as amended).

3.0 Residential Land Uses and Intensification Criteria

The subject lands are designated as 'Residential - Medium Density' under Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area of the City of Burlington's Official Plan (the "OP 1997"). In accordance with Part III Section 2.2.2 d) and g) ii), lands designated as 'Residential – Medium Density' may permit either ground or non-ground-oriented housing units including detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments, provided that these forms contain a density ranging between 26 and 50 units per net hectare.

Similarly, the subject lands are designated as 'Residential - Medium Density' under Schedule C – Land Use – Urban Area of the City of Burlington's Official Plan (2020) (the "OP 2020"). In accordance with Subsection 8.3.4 (1) a) and b), lands designated as 'Residential – Medium Density' may permit ground and non-ground-oriented dwellings including single-detached and semi-detached dwellings, townhouses, street townhouses, stacked townhouses, back-to-back townhouses and low-rise residential buildings at a density of 26 to 75 units per net hectare.

The proposed uses are therefore permitted by in force Official Plan policy designations.

The OP 1997 directs the permitted height to the existing Zoning By-law 2020, while the OP 2020 Subsection 8.3.4 (1) c) and d) describes that development may be permitted to a maximum height of 3-storeys for ground-oriented dwellings (not including rooftop amenity/outdoor areas) or 4-storeys for non-ground oriented dwellings as well development of non-ground oriented buildings shall be permitted only at the periphery of existing neighbourhoods.

In accordance with Section 86, (11) of the Regional Official Plan (the "Regional OP") the intent is to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

Similarly, both the OP 1997 under section Part III, Section 2.5.2 a) and the OP 2020 under Section 12.1.2 (2.2) c) provide specific development criteria to be considered by all development applications.

Part III, Section 2.5.2 a) (v) and (ix) of the OP 1997 describes that 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 and capability exists to provide adequate buffering and other measures to minimize any identified impacts. Similarly, Section 12.1.2 (2.2) c) (ii), (viii) and (viii) describes that the development shall achieve built form compatibility, achieve high quality urban design and is consistent with the policies contained in Chapter 7 – Design Excellence and that development shall provide buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided. Staff is of the opinion that these policies have been met in accordance with the analysis provided under Appendix E – Detailed Policy Analysis.

Planning staff is of the opinion that the proposed amendments to the Zoning By-law would conform with the Official Plans.

3.1 Transportation and Site Layout

In terms of vehicle parking and loading spaces, the proposed development includes a reduced driveway length from 6m to 5.7m. The intent of the driveway length regulation is to ensure that adequately sized parking spaces can be provided within the driveways, so vehicles do not encroach onto the private road.

Transportation Planning staff have indicated concerns with the Zoning By-Law Amendment as submitted as the drive aisle width and driveway lengths do not meet typical standards which will affect the setbacks and or density when addressed.

The proposed development includes two parking spots per unit, one on the driveway which requires the reduced driveway length from 6m to 5.7m and one within the garage which meets the required measurements as set out under the Zoning By-law 2020. The proposed development also includes a two-lane private road which provides access to the driveways. Additionally, due to the subject lands lot configuration and the proposed layout, an increase in the driveway length may subsequently trigger additional reductions in the driveway width, length of parking space within the garage or a greater reduction in setbacks such as those along the southeast property line. Planning staff is of the opinion that the proposed driveway length reduction is a minor deviation from the typical required standard (i.e. 5.7m proposed and 6m required). It is planning staff's opinion that the proposed development would provide sufficient spacing for larger vehicles within the garage and smaller vehicles on the driveway without these encroaching substantially into the proposed private road and without impeding pedestrian and vehicle circulation within the proposed development. Further, the proposed development would only contain four (4) residential units and as such, planning staff is of the opinion that any impact relating to the proposed driveway length reduction would not be significant and would not impact the overall functionality of the proposed development.

3.2 Housing

In accordance with Section 2.2, 1) of the Provincial Planning Statement (2024), planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
b) permitting and facilitating:
    1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
    2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

In accordance with Map 1H – Regional Urban Structure of the Regional Official Plan, as amended, the subject lands are designated ‘Urban Area’ and are found within the Region’s Built-up Area. In accordance with Section 75 the Built-Up Area is planned to accommodate a population target of 240,050 people as well as a density target of 20,500 Housing Units by 2041. The goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs and some of the objectives include:

- To establish housing targets by type and appropriate density for the Local Municipalities and the Region as a whole.
- To explore and implement new approaches to reduce residential land and construction costs and to effect an adequate supply of Affordable Housing.
- To coordinate, improve upon, and expedite the development approval process so as to reduce the overall cost of housing.

- To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods.
- To encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles.

In accordance with Section 86, (6), the per cent of new housing units produced annually in Halton in the form of townhouses or multi-storey buildings is to be at least 65 per cent to 2031 and at least 75 per cent each year thereafter.

Subsection 3.1.1(2)(g) of the City of Burlington Official Plan (2020) and the City's Strategic Plan, directed the City to develop a city-wide housing strategy to, among other things, support the Region of Halton's Housing Strategy, describe the current range and mix of housing in the City, establish city-wide housing objectives, examine opportunities for partnerships to increase the supply of affordable housing, to develop minimum targets in support of achieving the region of Halton's housing mix.

The Burlington Housing Strategy and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by City Council on June 21, 2022. The City's Housing Strategy provides a roadmap for addressing local housing needs and increasing housing options that meet the needs of current and future residents at all stages of life and at all income levels. The Housing Strategy identifies 12 Actions to move toward the vision for housing in Burlington. It provides a set of action-oriented housing objectives (Themes) and an associated implementation plan.

One of the housing objectives (Theme 2) of the Housing Strategy is to Support a Broad Variety of Housing Types and Forms to increase housing options that meet the needs of all current and future residents at all stages of life. This theme describes there is an important need to diversify the existing housing stock to include additional semi-detached, townhouse, mid-rise, high rise, and alternative housing forms as the City's current housing stock is primarily composed of single-detached dwellings. Furthermore, Action 4 of the Housing Strategy established minimum targets around housing that builds upon the policies of the City of Burlington Official Plan (2020) and uses the findings of the Housing Strategy Project. These targets are appended to the Housing Strategy, and establish that out of all new dwellings in the City, 1- and 2-bedroom dwellings would need to make up 10 per cent out of the 20 per cent new ground-related dwellings.

The proposed development includes the redevelopment of the existing 2-storey single-detached dwelling into 4 townhouse units, each containing 2 bedrooms. Staff is of the

opinion the proposed development meets the housing policies outlined under the Provincial, Regional and Local Plans.

3.3 Zoning By-law

The subject property is currently zoned ‘H-RM5’ (‘Residential – Medium Density’ with a Holding provision) under Zoning By-law 2020 as amended (as shown on Appendix A – Existing Zoning Plan). The RM5 permits Street Townhouses to a maximum height of two (2) storeys and 7m in measured height as well as a minimum density of 25 units per net hectare.

In accordance with Part 11, Section 1.1 – Permitted Uses, notwithstanding any other provision of this By-law, where the zone designation includes an ‘H’ Holding symbol prefix, no person shall use such lands or erect any building or structure for any purpose, except for specific instances not applicable to the proposed development. In accordance with Part 11, Section 1.2 – Removal of “H” Holding Symbol, where a zone designation contains the prefix “H” the lands identified shall not be developed or redeveloped until the City enacts an amending By-law removing the “H” holding symbol. The “H” holding provision on the zoning of this property is intended to facilitate land consolidation to facilitate built form and density provisions under the current underlying ‘RM5’ (‘Residential Medium Density’) zone and the ‘Residential – Medium Density’ designation under the in effect Official Plan. Staff is of the opinion that although the adjacent properties included in the holding provision are not being consolidated along with the subject lands, the intent of the holding provision is being met. The proposed development facilitates a built form and density as intended under the current Official Plan designation of ‘Residential – Medium Density’ while considering future linkages by providing vehicle parking spaces and a landscaped area at the rear visitor parking that may in turn be redeveloped into a right-of-way with additional planning approvals. As such, planning staff are satisfied that the intent of the holding provision is being met through this proposal and would recommend that the existing Holding provision therefore be replaced with the new Holding provisions as shown on Appendix D – Amending By-law. The application requests rezoning of the subject lands from a ‘H-RM5 Zone’ (Residential Medium Density zone with a Holding provision) to ‘H-RM2-546’ (Residential Medium Density zone with a Holding provision and site-specific exceptions).

As per the analysis provided of the Zoning By-law 2020 under Appendix E – Detailed Policy Analysis, staff is of the opinion that the proposed amendments are consistent with Provincial directions, conform to both Regional and Local Official Plans and are appropriate for the subject lands.

3.4 Technical Review

The application was circulated to internal staff and external agencies on October 11, 2024, for review. The following are summaries of the comments received:

City of Burlington – Finance – requests as a condition of development that, “taxes must be paid on parcels associated with this file. This includes all outstanding balances plus current year taxes that have been billed but not yet due.”

City of Burlington – Development Engineering – staff have indicated support the lift of the H provision, and a Record of Site Condition filing is not required. Staff also provided advisory comments, addressing the engineering related issues for subsequent Grading & Drainage Clearance Certificate review.

City of Burlington – Urban Forestry and Landscaping – Based on the submission provided, staff are not supportive of the current application and offer the following comments as part of this Zoning By-law Amendment Application which have been included as holding conditions under Appendix D – Amending By-law:

1. The proposed development shows a significant encroachment within the minimum tree protection zone (MTPZ) for neighbouring trees #7 to 10. A pre-construction tree root investigation report will be a requirement to confirm the proposed intent of injury to the neighbouring trees vs. destruction. This report will document a pre-exploratory excavation exercise to expose the root area on the subject property to be completed by a qualified tree professional. Exploratory excavation must be completed with the use of an air-spade by or under the supervision of a Qualified Tree Professional (QTP). The excavation should be a minimum of 75 cm deep and expose a minimum 30m wide section at the edge of impact. Further exploratory efforts may be needed dependent on the site conditions. Please be advised that no roots are to be cut during this exercise.

   All roots greater than 2cm in diameter must be identified, documented and photographed. The report will include photos, list of significant roots, and assessment and recommendation. This report will also comment on the degree of canopy clearing/raising required to facilitate construction. Any and all mitigative measures as a result of the findings will need to be incorporated into the arborist report and tree protection plan.
2. Any requests associated injury or destruction permits for trees not solely owned by the applicant (e.g., neighbouring trees and/or boundary trees) will require written consent form the property owner. The applicant shall provide a letter of consent. The consent letter will reference the outcome of the exploratory exercise and permit application type. Details as to what to include in the submitted consent letter can be found within the City’s Forestry webpage at Burlington.ca/forest protection.

Additionally, advisory comments were also provided which may be required at the time of the pre-building approval stage.

Therefore, Planning staff have included a holding provision under the proposed by-law with the condition that it only be lifted by way of the property owner or applicant providing

a pre-construction tree root investigation report to confirm the proposed intent of injury to the neighbouring trees vs. destruction and that any requests associated injury or destruction permits for trees not solely owned by the applicant will require written consent from the property owner. This will need to be addressed to the satisfaction of the Manager of Urban Forestry

City of Burlington – Parks and Open Space – staff wished to collect cash in lieu of parkland, with CILP charged at the rate in effect at the time of building permit issuance.

City of Burlington – Transportation Planning – Staff cannot support the Zoning By-Law Amendment as the following applies:

1. The drive aisle width and driveway lengths do not meet standards which will affect the setbacks and or density when addressed.
2. Typically, driveway access design is addressed at Site Plan, however, cannot be supported as proposed which may affect the setbacks and or density when addressed.

City of Burlington – Heritage Planner – Heritage Planning staff acknowledge that Halton Region had not previously identified an archaeological assessment report as an application requirement, however, through Bill 185, City staff are now the municipal approval authority for archaeological assessments. As per the archaeological site mapping review described in Archaeological Resources above, staff are of the opinion that the subject lands have archaeological potential. Staff recommended the use of an “H” Holding provision, which has been included as shown on Appendix D – Amending By-law, to require the owner and/or application Confirm with the Ministry of Citizenship and Multiculturalism - Heritage Branch on whether an archaeological assessment is required is to be provided to the satisfaction of the City of Burlington Director of Planning.

City of Burlington – Fire – no comments

City of Burlington – Zoning – Amendments required to the Zoning By-law have been identified and included as part of the draft by-law to reflect the proposed development.

Halton Region – Regional Staff offered comments in regard to municipal servicing and waste management for the proposed development concept. Staff indicated no objection to the submitted Zoning By-law Amendment and proposed development.

Halton Catholic District School Board – No objection. Elementary students generated from the development would be accommodated at St. John (B) Catholic Elementary School located at 653 Brant Street. Secondary school students would be directed to Assumption Catholic Secondary School located at 3230 Woodward Avenue. Further, conditions have been provided to be applied to the development proposal during a subsequent Condominium application and Educational Development Charges apply.

Halton District School Board – Students from this area are currently within the Central Public School, Tom Thomson Public School, and Burlington Central High School catchment areas. The Halton District School Board recognizes that according to the Board's projections, these schools are projected to be over building capacity. As a result, students generated from this development are expected to be accommodated in the respective schools with the addition of portables. Further, conditions have been provided to be applied to the development proposal during a subsequent Condominium application and Educational Development Charges apply. Should a Plan of Condominium or Site Plan not be submitted Halton DSB would ask the City of Burlington to request to the developer that the warning clauses as provided be included in their Purchase and Sales agreement.

Halton Police – Staff have no concerns with the development proposal as it does not interfere with the line-of-sight radio system.

Ministry of Transportation (MTO) – the subject lands are not located within the MTO Permit Control Area for the Queen Elizabeth Way, therefore, a Building & Land Use permit(s) will not be required.

Canada Post – No comments.

Conservation Halton – No comments. Conservation Halton staff is not reviewing or providing formal comments on this Zoning By-law Amendment application because the potential spill hazard that may affect the property has not been mapped, nor have any relevant policies been updated or new guidance been provided by the province.

Enbridge Gas – No comments.

Imperial Infrastructure – No infrastructure in the area.

Rogers Communications – No comments.

Trans-Northern Pipeline – No infrastructure in the area.

Strategy/process/risk

The application was submitted to the City October 2, 2024, and deemed complete October 10, 2024. The application is for a Zoning By-law Amendment which has a 90-day timeline as per the Planning Act. Therefore, Planning staff are required to provide a recommendation within 90 days in order for Council to make a decision by December 31, 2024. If a municipal decision is not rendered by December 31, 2024, the applicant would have the ability to submit an appeal for non-decision to the Ontario Land Tribunal.

Financial Matters:

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

Climate Implications:

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

As part of the Zoning By-law Amendment application, the applicant was required to provide consideration to the Sustainable Building and Development Guidelines (2018) which provide an overview of the required and encouraged sustainable design measures for new development across the City. The applicant submitted a Sustainable Building and Development Guidelines Checklist which includes consideration to the guidelines. A detailed review of the Sustainable Building guidelines has been included under Appendix E – Detailed Policy Analysis. Staff is of the opinion the proposed development proposal complies with the required Sustainable Building and Development Guidelines and therefore the development considers the City of Burlington Climate Action Plan to support the City's climate considerations.

Engagement Matters:

1.1 Public Engagement

The applicant held a virtual Pre-Application Community Consultation Meeting on February 28, 2024, prior to the submission of the application. The applicant, Mayor Marianne Meed Ward, Councillor Kearns, and Planning staff also attended the meeting.

Notice signs were posted on the subject lands on October 25, 2024. A public notice of the Zoning By-law Amendment application was mailed to 97 addresses, 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 www.burlington.ca/759maple. 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.

1.2 Public Comments

As of the writing of this report, 3 written public comments have been received by staff with respect to the subject application in objection to the proposal. The public comment received to date has been included in Appendix C – Public Comments. The letters received are in opposition to the proposed development, these have been summarized in the table below.

Public Comments	**Staff Comments**
Concerns on proposed building height of 4-storeys and its impact due to shadows onto adjacent properties and obstruction of views	The proposed development includes a 4th storey for additional living space within the roofline of the proposed units. From the zoning review, the building constitutes 4-storeys and approximately 14.5m in measured height although it visually appears as a 3-storey building from the outside given the 4th storey has been designed within the roofline. The City only requires shadow studies for buildings that are 5-storeys or more, as buildings of 4-storeys or less generally do not produce shadow impacts on adjacent properties that are considered to be unacceptable. Therefore, it is staff's opinion that the proposed height increase will not generate an unacceptable impact in terms of shadowing on adjacent properties and is appropriate for the subject lands as it continues to ensure massing compatibility.
Concerns on privacy and overlook into adjacent living spaces due to proposed building height, separation to adjacent uses and the proposed dormers on the 4th storey, would request skylights instead.	The proposed 4th storey amenity area is proposed to be enclosed within the proposed building with a window opening to the southeast side yard. Staff is therefore of the opinion that the proposed 4th storey amenity area functions as an enclosed area with only minor impacts on overlook onto the adjacent property. Additionally, the proposed development includes a reduction to the southeast side yard regulation to 1.6m. It is Planning staff's opinion that since it is expected the neighbouring property to the southeast be redeveloped into a manner similar to the proposal on the subject lands at some point in the future, the setback reductions are considered appropriate for the envisioned built form of the area and continue to provide appropriate separation to adjacent uses.
Concerns on proposed concept plan layout and	The "H" holding provision on the zoning of this property is intended to potentially facilitate future land

preference for the building to be on the northside of the property to make the land usage of the two properties immediate southeast in the future.	consolidation with the properties directly southeast including 755 & 754 Maple Ave to meet the 'Residential Medium Density' designation policies and zone regulations. The proposed development has taken into consideration potential future linkages by providing vehicle parking spaces and a landscaped at the rear visitor parking that may in turn be redeveloped into a right-of-way with additional planning approvals.
Potential fire danger due to the proposed development	Fire staff were circulated on the application and have no comments on the proposed development.
Concerns over removal and impact on the mature healthy trees due to construction. Concerns on two large trees which have been removed without city permits and public consultation prior to application leaving only 3 or 4 mature trees near the property line. These provided shade to neighbourhing dwellings which will now experience direct sun causing roofs to heat and hence cause greater heat in the summer months.	The City's Urban Forestry and Landscape staff have reviewed the submitted materials and have indicated concerns with the proposed tree removals. Therefore, prior to the submission of a Condominium or Pre-Building Permit application the property owner or applicant on their behalf will be required to meet the intent of the established holding provision as proposed amending under Appendix D – Amending By-law. The holding provision includes a condition to provide a pre-construction tree root investigation report as requirement to confirm the proposed intent of injury to the neighbouring trees vs. destruction. This report will also comment on the degree of canopy clearing/raising required to facilitate construction. Mitigative measures as a result of the findings will need to be incorporated into the arborist report and tree protection plan. Any requests associated injury or destruction permits for trees not solely owned by the applicant (e.g., neighbouring trees and/or boundary trees) will require written consent form the property owner. The applicant shall provide a letter of consent. The consent letter will reference the outcome of the exploratory exercise and permit application type. Staff is of the understanding that any tree removals prior to a formal application would have been proceeded in accordance with the Private Tree By-law permits provided it occurred after this by-law came into effect. This process does not include public consultation and protects trees on private property within the City's Urban Planning Area Boundary, the subject lands are located within this area. The permit applies when a property owner intends to injure or destroy (remove) a tree 20 cm

	in diameter (8”) or greater measured at 1.37 m from the ground.
Drainage concerns as proposal includes mainly hard surface Concerns with the two and 100yr storms as neighbours are concerned with the regular hard rains that already flood their property yards.	Development Engineering supports the Zoning By-law Amendment application and have provided advisory comments, addressing the engineering related issues for subsequent ‘Grading & Drainage Clearance Certificate’ (GDCC) review. The detailed design review will occur during the subsequent GDCC review and may include additional requirements such as a Hydrogeological Assessment, Geotechnical report, videos of the existing infrastructure within the ROW etc. The subject lands do not require over control, Quantity Control post-development flows to pre-development levels for the two to 100-yr storm. As a result, staff are of the opinion there are no major concerns with the drainage generated from the proposed development

Conclusion:

Staff have evaluated the application for Zoning By-law Amendment for 759 Maple Avenue in accordance with all applicable policies, regulations, and guidelines, and with consideration for comments received from technical reviewers and the public. Staff is of the opinion that the proposed development consistent with the Provincial Planning Statement (2024) and Provincial Policy Statement (2020); conforms with the Region of Halton Official Plan; and conforms to the policies of the City of Burlington Official Plan (1997, as amended) and City of Burlington Official Plan (2020). Staff are therefore recommending approval of the subject application.

Respectfully submitted,

Mariana Da Silva

Planner

Community Planning Department

mariana.dasilva@burlington.ca

Appendices:

A. Existing Zoning Plan

B. Concept Plan
C. Public Comments
D. Amending By-law
E. Detailed Policy Analysis

Notifications:

Arcadis Professional Services (Canada) Inc. (c/o Mike Crough)

mike.crough@arcadis.com

Grant Burlie (Planning staff will provide contact information)

Report Approval:

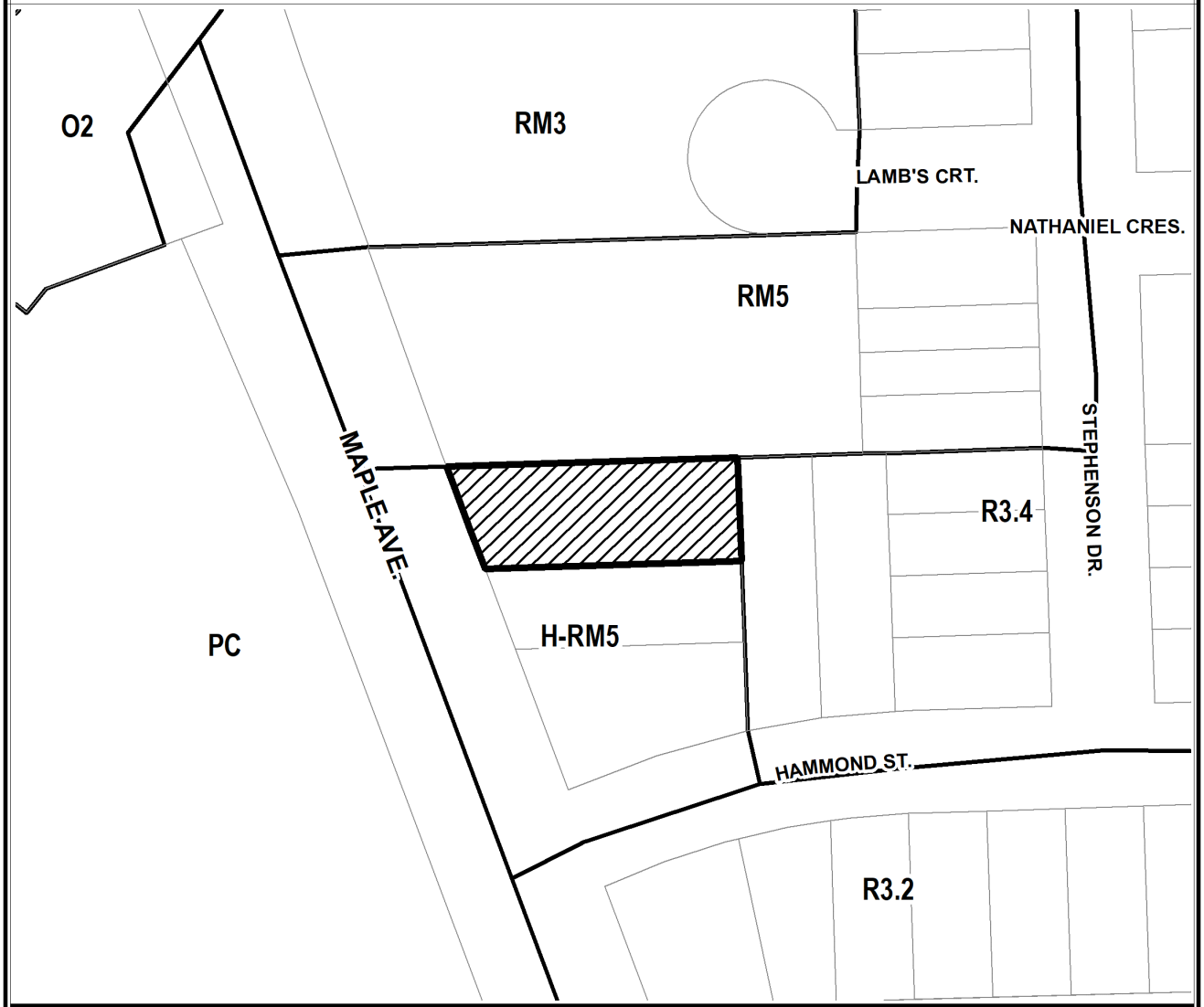
All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.

EXISTING ZONING

Application for a Zoning By-law Amendment to facilitate the development of four (4) townhouse units of 4-storeys in height within one (1) building block. The units are proposed to have two (2) parking spaces per unit with access to Maple Avenue via a private road. The application requests the lifting of the Holding provision currently in place as well as the rezoning of the subject lands from a RM5 Zone to a RM2 Zone with site-specific amendments.

SUBJECT PROPERTY

File No. 520-12/24



GENERAL ZONING LEGEND

Low Density	Medium Density	High Density	Mixed Use	Commercial	Employment	Other
R3.2 R3.4	RM3 RM5					O2 PC

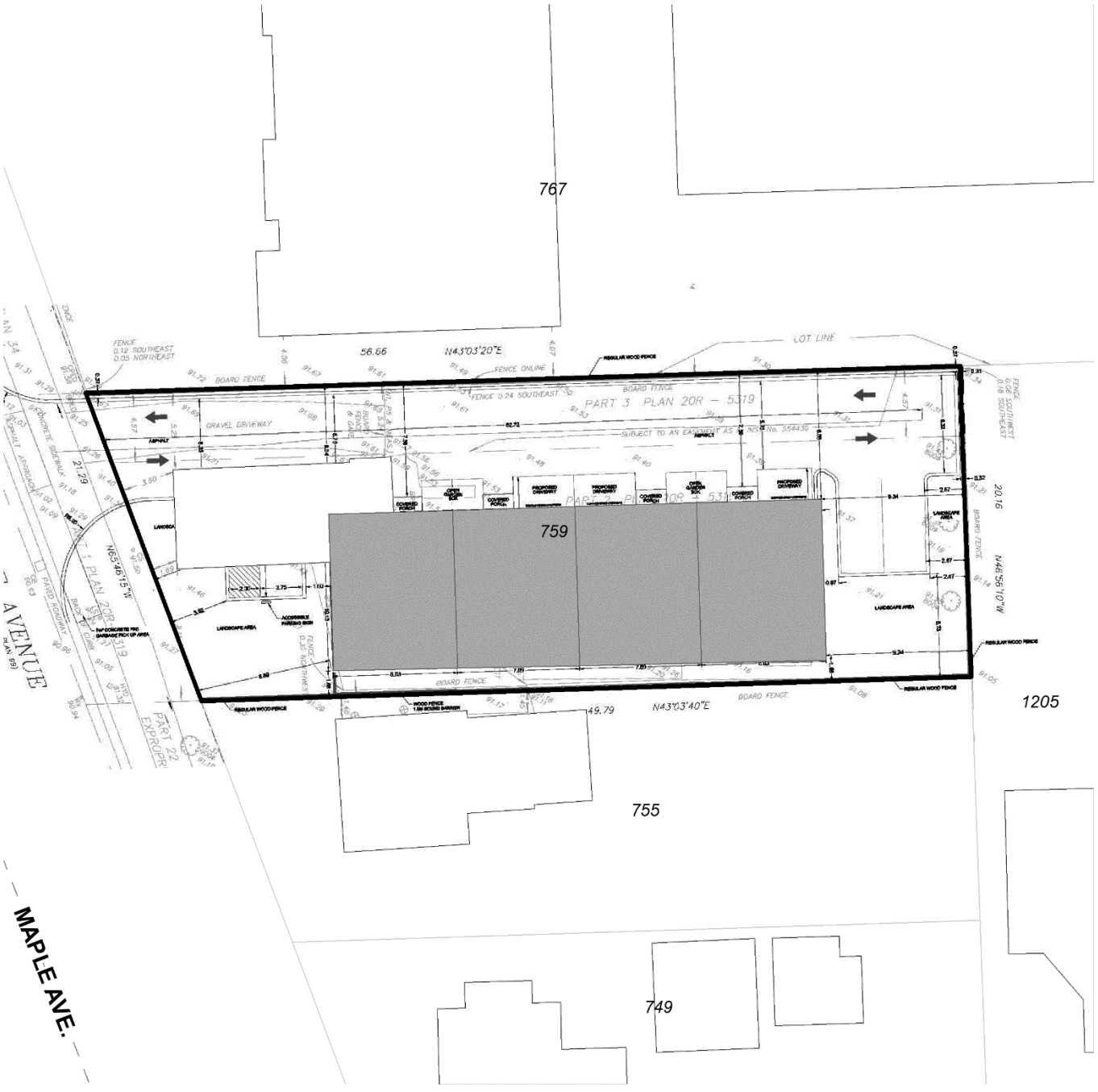
Date: October 16, 2024
Community Planning Department

TERANET City of Burlington

CONCEPT PLAN

Application for a Zoning By-law Amendment to facilitate the development of four (4) townhouse units of 4-storeys in height within one (1) building block. The units are proposed to have two (2) parking spaces per unit with access to Maple Avenue via a private road. The application requests the lifting of the Holding provision currently in place as well as the rezoning of the subject lands from a RM5 Zone to a RM2 Zone with site-specific amendments.

SUBJECT PROPERTY Bus Route Bus Stop File No. 520-12/24



Date: October 16, 2024
Community Planning Department

Da Silva, Mariana

From: Barry Stroud [redacted]
Sent: Monday, November 4, 2024 12:04 PM
To: Da Silva, Mariana
Cc: Viorel Risco; Margaret Lee; Barry Stroud; Carol Stroud
Subject: Planning Application re ward 2 759 Maple Avenue

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mariana, I am writing this response to indicate my concerns regarding the plan to 759 Maple Ave.

1.. We appose any removal of Trees on the property or adjacent properties The trees on the property are healthy Maples, already two large trees have been removed without permits and prior to application.

2..We are opposed to the dormers on the 4th.floor. we would request skylights.The original proposal stated… three stories height with the potential for loft space be added within the roof line of each unit. The plan showed no dormers. The new plan on the city website shows 4 dormer units outside the roofline.

3..The proposed 4 stories would seriously block the sun from many of the condo HCC284 Gardens.

The original plan presented was attractive and I see no reason to cut down the 3 maples at the rear of the property nor to add dormers outside the roof line.

Sincerely

Carol & Barry Stroud

[redacted]

Da Silva, Mariana

From: Helen Dufresne [redacted]
Sent: Tuesday, October 22, 2024 4:49 PM
To: Da Silva, Mariana
Subject: File520-12/24

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Re:Burlington.ca/759 maple
Comments from [redacted]

1. Four stories plus roof height exceeds surrounding structures.

2.Do not agree with application.

Ernest Dufresne
Helen Dufresne
[redacted]

To Mariana Da Silva

I had previously sent some of our concerns via email to our councillor at her suggestion. Unfortunately, I did not receive an acknowledgement of our concerns. Hopefully this finds the right contact and will be addressed accordingly.

The following are some of the concerns we have with the proposed development of 759 Maple Ave. We have sent this hoping that we can get forwarded to the proper channels with the City of Burlington. This matter is of great concern to us so any help would be greatly appreciated.

Concerns

Drainage with over 90% of the property being a hard surface or the structure itself, how is the groundwater going to be controlled. On the soft surface South Side of the property being at most 6 ft from the property line I don't believe a swale could handle the roof run off and falling rain. As you may be aware it's more often that what we call a 1 in 25 yr storm is happening more like 5 or more times in a 25-year period. Climate change is real. Further we have ground level windows on the northside of our house so drainage is critical as to not allow ground water to be forced to our property especially as ground water flooding is not insurable.

On the Northside hard surface drainage there is approximately 3600 sqft that would require a minimum of 30" of fall not to overly impact the Northside properties. Therefore, the property elevation needed at the rear would need to be built up 30" above Maple Avenue grade. In my opinion, it can impose issues for all adjacent properties with most of the groundwater having to be directed to Maple Ave. Heavy rains would cause ponding and impact pedestrians and vehicles.

I see from the rain water report that a 1 in 100 yr system is being proposed which sounds reasonable if you had the capacity to hold the water required to drain. The mostly hard surface does not provide the storage of water to allow the system to drain as designed and the soft surface would have to absorb the rain fall while it is ponding. As you are aware water runs to the lowest level and we fear 6 ft set back will force the runoff in our yard and possible breach our ground level windows. We are not as concerned with the 1 and 100yrs storms as we are with the regular hard rains that already flood our yard.

The owner of 759 Maple has already re-graded the existing lot at which time the yard flooding began during heavy rain and thawing. Additionally, he has removed a number of trees leaving only 3 or 4 mature trees, we adamantly opposed theses removal. They are proposing to plant mature trees however, this will not be the same as a tree probably 70 to 100 yrs old. The trees that were removed was without any conversation with us and I assume no city permits, this in itself causes us issue as one of the trees removed on or near the property line provided shade. The removal now allows direct

sun causing our roof to be negatively impacted as well as heating up the housing in the summer months

The proposed placement of the building will negatively impact our site line in our dining room, a place we use as a home office and a dining area. As well our family room is recessed and the structure would totally block our view and block natural light. The family room is our gathering area so not only is this a privacy issue we would lose natural light and have to turn lights on much more often. Additionally, the privacy with our master bedroom would be compromised. Our privacy is important to our family so having neighbors peering into our home is not only undesirable but not acceptable.

As you are aware the existing building was mysteriously lit on fire and had a number of fire personnel respond. Expected arson according to the investigating police officer. We viewed the house burning and hot embers were airborne and this was not only our concern but the fire department had concerns enough to have fire fighter take a closer look for our safety. Our house is 78 yrs old and with a wood roof it wouldn't take much to ignite. The concern was for a structure that is 1/4 the size of the building being proposed and approximately 30ft away. The proposed 4 story build is much larger and much closer. Fire danger is definitely a matter that needs to be considered

If the city were to allow this development as discussed on February 28 (building on the southside property line) it would be a negative for future development there is very few areas zoned to allow medium density and the proposed placement of the building on 759 would make the land usage of the 2 properties immediate south less flowing if and when developed

If the City feels this will go forward, we would need to insist the building be located on the Northside of 759. At the Zoom meeting I suggested this and the owner jumped in and said there is a hydro pole and fire hydrant that would be in the way. So it would appear his designed placement is simply a means of saving money. My business is supplying poles to cities and utility companies so I'm quite familiar with what's needed and what's possible to move a pole. The property owner's unwillingness to spend the money to do a utility relocation shouldn't affect us. Construction does have cost

Karen and I are lifetime born and raised residents of Burlington. We have been in this home for 32 years and take pride in our property and we asked that the City deny this application or at the very least insist that the building be erected on the Northside of the property located at 759 Maple.

Please note that our concerns were great enough after the earlier Zoom meeting to contact real estate along with neighbor to the south and list our homes to see if there was possibility of getting interest in developing our 2 properties. During which time our agent contacted the owner of 759 Maple to see if he would be interested in joining 755 and 749 Maple in approaching developer. The feedback I received from the agent is that he would consider it if the sale was worthwhile (basically over value). The agent also was told when asked about the building position on the lot, he chose it just to “piss us off”. This leads us to believe the hydro pole and fire hydrant are not the reason for

the building placement. I believe the comment “just to piss them off” to be the main reason as past conversation with the owner he has little respect for city staff and elected officials, so it would appear we have joined this club of the disrespected.

Also, since the ZOOM meeting the President of the Condo Barry Stroud located to the rear of 759 Maple Ave came to see us as well as a phone conversation. His concerns are relatively the same as ours, removal of trees, drainage and the height of the proposed structure. He now is rethinking his comments at the zoom meeting and admitted after to us that his basic support of anything is better than the current condition is something he regrets. Although his only concern during the zoom meeting was the privacy issue, the height, he now believes the tree removal and drainage will also be impactful for he and the rest of the resident within his complex.

We read the submitted arborist report that identifying tree removal and how some of the trees are in distress and the other may be impacted by construction. We need to note the spray the owner applied over the entire rear yard in 2023 that virtually killed all the grass and over grown weeds may play part in the distressed tree. Given a chance these trees may come around and not require removal.

Respectfully submitted,

Paul Fleming
[redacted]

Karen Fleming
[redacted]

BY-LAW NUMBER 2020.489, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.489

A By-law to amend By-law 2020, as amended; 759 Maple Avenue
File No.: 520-12/24 (PL-88-24)

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-88-24 on December 10, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit four (4) townhouse units of 4-storeys in height on a private road;

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

1. Zoning Maps Numbered 9-W & 9-E of PART 15 to By-law 2020, as amended, are hereby amended as shown on Schedule "A" attached to this By-law.

2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from H-RM5 to H-RM2-546.

3. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

#93	H-RM2-546	Map 9-W & 9-E	Resolution:

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law when the following has been completed:

a) A pre-construction exploratory root exercise by a qualified tree professional and submit a pre-construction exploratory root investigation report to the satisfaction of the Manager of Urban Forestry.
b) A written consent letter from the neighbouring property owner confirming any required injury and/or removal of trees 7 to 10 following completion of the pre-construction exploratory root investigation

exercise and report to the satisfaction of the Manager of Urban Forestry.

c) Confirmation from the Ministry of Citizenship and Multiculturalism - Heritage Branch on whether an archaeological assessment is required is to be provided to the satisfaction of the City of Burlington Director of Planning

4. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 546 as follows:

Exception 546	Zone RM2	Map 9-W & 9-E	Amendment 2020.489	Enacted Dec 10/24

1. Regulations for townhouses:

a) Lot Width: 21 m

b) Lot Area: 0.1 ha

c) Southeast Side Yard: 1.6m

d) Landscape Buffer abutting R1, R2, R3 zone: 2.4m
   i. A driveway may encroach 2.1m into the landscape buffer with a maximum encroachment length of 6.4m

e) Landscape Area:
   i. Abutting a street adjacent to a parking space: 3.8m
   ii. Abutting a street adjacent to a building: 6m

f) Maximum Height for Peaked Roof Townhouse Dwellings: Four Storeys and 14.5m

g) Driveway Length: 5.7m

h) Parking spaces shall be setback a minimum of 2.4m from a residential zone.

i) Driveways shall be setback a minimum of 0.3m from an R1, R2, R3 zone.

j) Notwithstanding Part 1, Section 2.25.3, a loading space is not required.

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

5 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

5 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……..day of …… 2024.

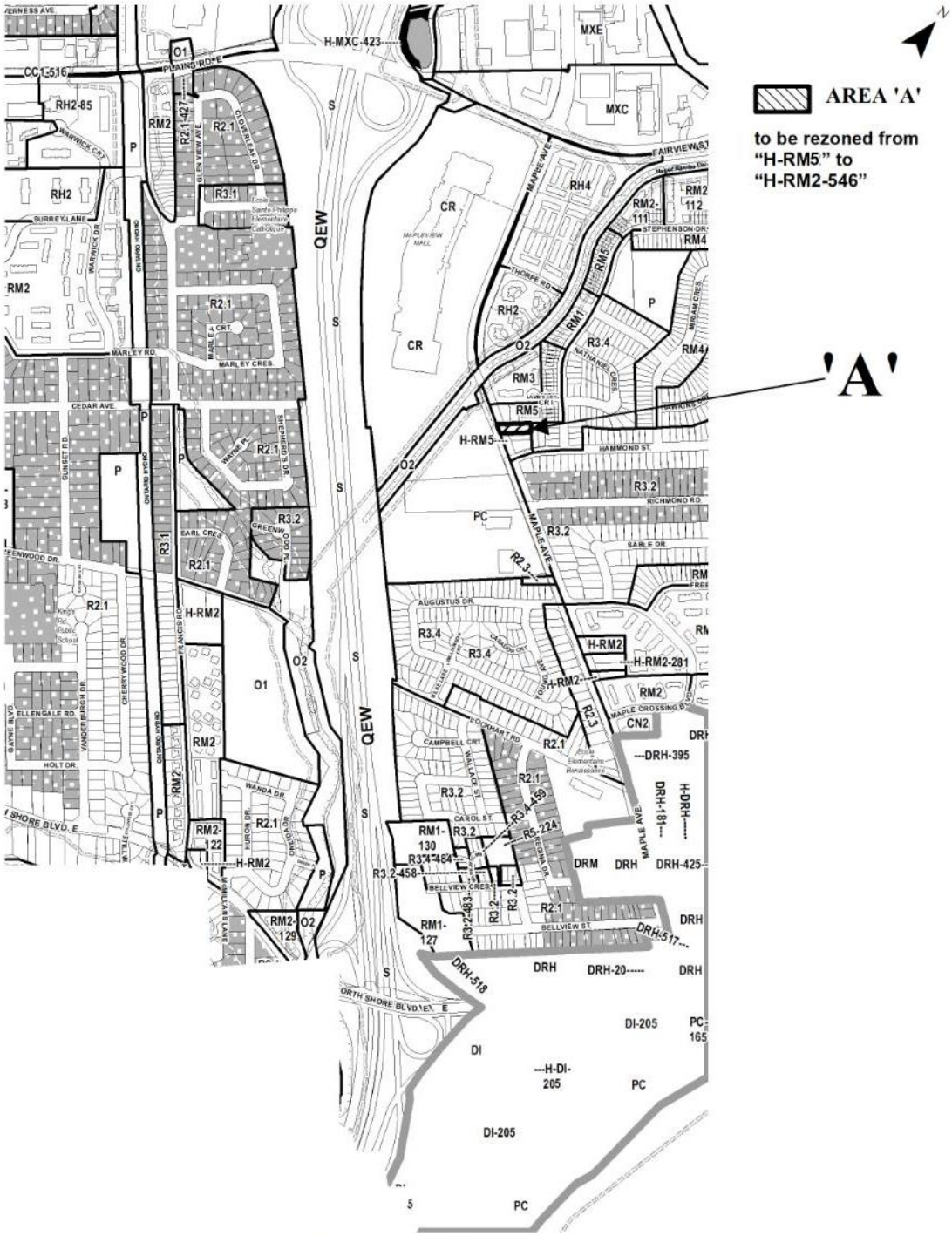
_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.489

By-law 2020.489 rezones lands on 759 Maple Avenue, to permit four (4) townhouse units of 4-storeys in height on a private road.

For further information regarding By-law 2020.489, please contact Mariana Da Silva of the Burlington Community Planning Department at (905) 335-7600, extension 7536.


AREA 'A'
to be rezoned from
"H-RM5" to
"H-RM2-546"
'A'
QEW
H-MXC-423
MXE
MXC
CC1-516
RH2-85
RH2
RM2
R2.1
R3.1
CR
RH4
RM2-111
RM2-112
RM4
RM5
RM1
RM3
O2
H-RM5
R3.4
R3.2
PC
R2.3
H-RM2
H-RM2-281
CN2
DRH-395
DRH-181
H-DRH
DRM
DRH
DRH-425
RM1-130
R3.4-459
R5-224
R3.4-484
R3.2-458
R3.2-483
RM1-127
DRH-517
DRH-518
DRH-20
DI-205
DI
H-DI-205
PC
O1
RM2-122
RM2-129
MARLEY RD.
CEDAR AVE.
MAPLE AVE.
FAIRVIEW ST.
STEPHENSON DR.
HAMMOND ST.
RICHMOND RD.
SABLE DR.
AUGUSTUS DR.
CAMPBELL CRT.
BELLVIEW CRES.
BELLVIEW ST.
CAROL ST.
WANDA DR.
HOLT DR.
ELLENGALE RD.
CHERRYWOOD DR.
SUNSET RD.
SURREY LANE
WARWICK CRT.
GLEN VIEW AVE.
CLOVERLEAF DR.
MARLEY CRES.
SHEPHERD'S DR.
GREENWOOD PL.
EARL CRES.
FRANCIS RD.
ONTARIO HYDRO
MAPLEVIEW MALL
THORPE RD.
NATHANIEL CRES.
MIRIAM CRES.
MAPLE CROSSING BLVD.
WALLACE ST.
REGINA DR.
MAPLE AVE.
NORTH SHORE BLVD. E
SHORE BLVD. E
PLAINS RD. E
SCHEDULE 'A' TO BY-LAW 2020.489 AMENDING MAP NOs. 9-W & 9-E PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 10th DAY OF DECEMBER, 2024
MAYOR
CITY CLERK
TERANET
Burlington
Community Planning Department

Appendix E – Detailed Planning Analysis

1.0 The Provincial Planning Statement, 2024 (PPS)

The PPS came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. This replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

In accordance with Section 2.1. 6., Planning authorities should support the achievement of complete communities by:

a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

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

In accordance with Section 2.3.1 1. And 2., Settlement Areas shall be the focus of growth as well as development and should be based on densities and a mix of land uses which:

a) efficiently use land and resources;
b) optimize existing and planned infrastructure and public service facilities;
c) support active transportation;
d) are transit-supportive, as appropriate; and
e) are freight-supportive.

Furthermore, in accordance with Section 2.3.1 3., Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

The subject lands are located within the ‘Residential Area’ designation under Schedule A – Settlement Pattern of the City of Burlington Official Plan 1997 (OP 1997) and are currently occupied by a single-detached dwelling. The subject lands are envisioned as an ‘Established Neighbourhood Area’ under Schedule B-1: Growth Framework of the City of Burlington Official Plan 2020 (OP 2020). The proposed Zoning By-law amendment proposes to rezone the subject lands from an ‘H-RM5’ zone (‘Residential – Medium Density’ with a Holding provision) to a ‘H-RM2’ zone (‘Residential – Medium Density’ with a Holding provision and site-specific exceptions) to allow for the proposed four (4) townhouse units already permitted under the local Official Plan designations. Staff is therefore of the opinion that the proposed development is considered to be an efficient use of land and resources and are appropriate for the infrastructure that is available including servicing and existing transit routes.

In accordance with the energy conservation, air quality and climate change policies, Section 2.9 describes that planning authorities Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

a) support the achievement of compact, transit-supportive, and complete communities;
b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
c) support energy conservation and efficiency;
d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

The Zoning By-law Amendment application and development proposal contemplates redeveloping the existing subject lands from a single-detached dwelling with four (4) townhouse units which would be served by existing servicing infrastructure and public service facilities that currently serve the surrounding neighbourhood area. The subject lands are also near existing public transit routes, at approximately 150m north and another approximately 200m southeast from the subject lands. These bus stops are located along Route 10 (Maple) which connects to the Burlington GO station, the Appleby GO station and the Downtown Terminal.

Additionally, the development proposal aligns with minimizing negative impacts to air quality and climate change, promote energy efficiency, prepare for the impacts of a changing climate and support active transportation as identified under the review of the Sustainable Building Design Guidelines later discussed in this report. The City’s Urban Forestry and Landscape staff have reviewed the Zoning By-law Amendment application in regard to natural vegetation preservation and have indicated concerns with the

proposed tree removals. As a result, planning staff have incorporated a Holding provision under the amending By-law as later discussed in this analysis to address their concerns.

In accordance with the public spaces, recreation, parks, trails and open space policies under Section 3.9 1., the plan describes healthy and active communities should be promoted by

a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;
b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
c) providing opportunities for public access to shorelines; and
d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The proposed development provides for access to the public sidewalks along Maple Avenue. The City's Engineering Services Accessibility staff have also reviewed the development application and have demonstrated no concerns on the proposed development and associated Zoning By-law Amendment.

The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS.

3.0 Halton Region Official Plan (ROP)

Section 44 of the Regional Official Plan (ROP) provides "broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services". The Planning Act requires that Burlington's Official Plan and Zoning By-law be amended to conform with the ROP.

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated 'Urban Area'. In accordance with Section 72, the Urban Area policies of the ROP identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity.

Section 75 describes that the Urban Area is planned to accommodate the distribution of population and employment for the Region and the Municipalities as shown in Table 1,

the intensification and density targets as shown in Table 2. For the City of Burlington, these policies would include a population target of 240,050 people as well as a density target of 20,500 Housing Units by 2041. The subject lands are considered to be within a Built up Area as they are located within the Built Boundary.

In accordance with Section 85, some of the objectives of housing in the Region of Halton include: to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods; and encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles. Furthermore, Section 86 outlines it is the policy of the Region to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

In accordance with Section 89(3), all new development within the Urban Area is to be connected to the Region of Halton's municipal water and wastewater system. As part of the required materials for the application submission, the applicant provided a Functional Servicing Report which includes a Stormwater Management brief that Region of Halton staff as well as Development Engineering staff have reviewed and have indicated no concerns.

Section 147(17) of the ROP requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The applicant was required to submit an Environmental Site Screening Questionnaire (ESSQ) a Phase One and Phase Two environmental Assessment which have been reviewed by Environmental and Development Engineering staff. Staff have indicated no concerns, and no further assessment would be required as no concerns have been raised in terms of potential site contamination.

The Cultural Heritage Resources policies under Section 167. (6) of the plan, describes that prior to development occurring in or near areas of archaeological potential, require assessment and mitigation activities in accordance with Provincial requirements and the Regional Archaeological Management Plan. Heritage Planning staff Heritage Planning staff acknowledge that Halton Region had not previously identified an archaeological assessment report as an application requirement, however, through Bill 185, City staff are now the municipal approval authority for archaeological assessments. As per the archaeological site mapping review described in Archaeological Resources above,

Heritage staff are of the opinion that subject lands have archaeological potential. Staff recommended the use of an “H” Holding provision, which has been included as shown on Appendix D – Amending By-law, to require the owner and/or application Confirm with the Ministry of Citizenship and Multiculturalism - Heritage Branch on whether an archaeological assessment is required is to be provided to the satisfaction of the City of Burlington Director of Planning.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment conforms to the ROP.

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

The City of Burlington’s Official Plan (the “OP 1997”) provides specific guidance on land use planning and development within the city. The Official Plan includes local principles, objectives and policies for the orderly growth and compatibility of different land uses.

The subject lands are designated as ‘Residential Areas’ under Schedule ‘A’ – Settlement Pattern. In accordance with Part III, Section 2.2.1 a), one of the objectives of ‘Residential Areas’ To encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility, and integration with existing residential neighbourhoods.

The subject lands are further designated as ‘Residential – Medium Density’ under Schedule ‘B’ – Comprehensive Land Use Plan – Urban Planning Area. In accordance with Part III Section 2.2.2 d) and g) ii), lands designated as ‘Residential – Medium Density’ may permit either ground or non-ground-oriented housing units including detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back-to-back townhouses, attached housing and walk-up apartments, provided that these forms contain a density ranging between 26 and 50 units per net hectare. The proposed uses are therefore permitted under the existing OP designation.

The criteria listed under Part III, Section 2.5.2 a) shall be considered when evaluating proposals for housing intensification within established neighbourhoods, as follows:

Part III, Section 2.5.2 a) (i): adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland.

Staff comment: The City’s Development Engineering staff, Halton Region staff, Halton District School Board staff and Halton Catholic District School Board staff have been circulated as part of the technical review process and have indicated no objection to the application and proposed development in terms of servicing.

Part III, Section 2.5.2 a) (ii): adequate off-street parking.

Staff comment: The application contemplates two (2) vehicle parking spaces per unit, one of which would be provided on the driveway and one within the attached garage. Additionally, the proposed development also provides for 3 visitor parking spaces including one accessible parking space. The existing zone RM5 and the proposed RM2 zone require two (2) parking spaces per unit, one of which may be provided in the attached garage. Additionally, a rate of 0.25 visitor spaces per unit is required, meaning the development of 4 units would require 1 visitor space. Therefore, the proposed development meets the minimum required number of vehicle parking spaces in accordance with the current Zoning By-law 2020. The City's Planning and although Transportation Planning has concerns with some transportation elements, they do not have concerns with the proposed amount of vehicle parking.

Part III, Section 2.5.2 a) (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.

Staff comment: The City's Planning and Transportation Planning staff have no concerns with the proposed traffic flow generated by the proposed use.

Part III, Section 2.5.2 a) (iv): the proposal is in close proximity to existing or future transit facilities.

Staff comment: The subject lands are in proximity to two nearby bus stops along Maple Avenue, one approximately 150m north and another approximately 200m southeast from the subject lands. These bus stops are located along Route 10 (Maple) which connects to the Burlington GO station, the Appleby GO station and the Downtown Terminal. The proposed development fronts onto a private road with access to Maple Avenue which is also designated as a 'Minor Arterial' under Schedule J – Classification of Transportation Facilities.

Part III, Section 2.5.2 a) (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.

Part III, Section 2.5.2 a) (ix): capability exists to provide adequate buffering and other measures to minimize any identified impacts.

Staff comment: The proposed development includes rezoning the property from a 'Medium Density Residential' RM5 zone to a 'Medium Density Residential' RM2 zone along with the amendment of the current holding provision and implementation of site-specific regulations.

The proposed RM2 zone requires a Lot Width of 45m and a Lot Area of 0.4 ha, therefore an amendment under the proposed by-law is required to reflect the existing site conditions of a Lot Width of 21m and a Lot Area of 0.1 ha.

The existing single-detached dwelling provides a Southeast Side Yard Setback of approximately 9m. The existing RM5 zone requires a minimum Southeast Side Yard Setback of 1.2m while the proposed RM2 zone requires a more restrictive 4.5m setback. The proposed development includes a reduction to the southeast side yard regulation under zone RM2 from 4.5m to 1.6m. The property directly southeast of the subject lands is zoned H-RM5 which is the same zoning and the subject lands. The H-RM5 zone indicates a holding provision with the intent to be removed on the basis that the properties be redeveloped into a Medium Density building form as envisioned under the OP 1997 designation of 'Residential – Medium Density' and under the RM5 zone. Therefore, it is Planning staff's opinion that since it is expected the neighbouring property to the southeast be redeveloped into a manner similar to the proposal on the subject lands, the setback reductions are considered appropriate for the envisioned built form of the area and continue to provide appropriate separation to adjacent uses. Additional analysis of the existing Zoning conditions and the intent of the Holding provision is later discussed in this analysis.

The proposed development includes a reduction to the parking setback from a R1, R2, R3 zone from the minimum required 6m to 2.4m. The visitor parking space in question is encouraged to be located in proximity to the rear lot line, to permit a site layout that encourages the orderly and logical development of the subject lands. As per the submitted Landscape Plan, trees are proposed on the landscaped area between the proposed visitor parking space and the abutting lot to further provide visual separation and buffer between the uses. Therefore, planning staff is of the opinion that the reduced yards would provide for sufficient spatial separation and adequate access around buildings.

The proposed development includes a reduced Landscape Buffer abutting an R1, R2 or R3 zone from the minimum required 6m to 2.4m as well as allowing a driveway to encroach 2.1m with a maximum encroachment length of 6.4m. Under Zoning By-law 2020, a 'Landscape Buffer' is defined as the area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing and evergreen or deciduous trees and snow storage as well as transformers are not permitted within it. The rear property line where the Landscape Buffer is required abuts the backyard of the property known as 1205 Hammond Street, which also currently contains a single-detached dwelling. The proposed reduced Landscape Buffer to 2.4m would provide for separation and sufficient space to obstruct the view of adjacent land uses by means of a landscape screen. Planning staff note that additional review of the proposed type of vegetation within the Landscape Buffer will need to take place as part of subsequent applications to ensure the proposed Landscaping is sufficiently dense and the proposed snow storage location will need to be revised outside of the Landscape Buffer. Nonetheless, it is staff's opinion the proposed reduction would provide sufficient separation to the adjacent uses.

The proposed development includes a reduced Landscape Area abutting a street to a parking space from the minimum required 6m to 3.8m. Landscape Areas are defined under Zoning by-law 2020 as an area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. It may be crossed by a driveway or walkway provided it is substantially perpendicular to the Landscape Area, a ground sign may be located within it, a Landscape Buffer may be included in the calculation and snow storage as well as transformers are not permitted within it. The intent of Landscape Areas is to ensure appropriate separation is provided between the development and adjacent land uses. Staff is of the opinion that the proposed Landscape Area reduction of 3.8m due to the introduction of an accessible parking space, would provide sufficient open space between the front property line and the proposed parking area.

The existing single-detached dwelling on the subject lands is 2-storeys in height. The existing 'Residential Medium Density' designation establishes the maximum permitted building height under the Zoning By-law 2020. The existing RM5 zone and the proposed RM2 zone permit a maximum building height of 2-storeys to 11.5m for peaked roofs. The applicant provided a Building Height Survey which depicts the height of buildings directly abutting the subject lands and indicate heights between 7.39m to 8.30m of buildings up to 2-storeys in height. The proposed development includes an increase from the permitted 2-storeys to 4-storeys and a measured height increase from the permitted 11.5m to approximately 14.5m. The proposed development includes a 4th storey for additional living space within the roofline of the proposed units. From the zoning review, the building constitutes 4-storeys and approximately 14.5m in measured height although it visually appears as a 3-storey building from the outside given the 4th storey has been designed within the roofline. Therefore, it is staff's opinion that the proposed development continues to ensure massing compatibility with the adjacent or neighbouring properties.

In terms of vehicle parking and loading spaces, the proposed development includes a reduced driveway length from 6m to 5.7 m and a reduced number of loading spaces from the required one (1) space to none.

Transportation Planning staff have indicated concerns with the Zoning By-Law Amendment as submitted as the drive aisle width and driveway lengths do not meet typical standards which will affect the setbacks and or density when addressed.

The proposed development includes two parking spots per unit, one on the driveway which requires the reduced driveway length from 6m to 5.7m and one within the garage which meets the required measurements as set out under the Zoning By-law 2020. The proposed development also includes a two-lane private road which provides access to the driveways. Additionally, due to the subject lands lot configuration and the proposed layout, an increase in the driveway length may subsequently trigger additional reductions in the driveway width, length of parking space within the garage or a greater reduction in setbacks such as those along the southeast property line. Planning staff is

of the opinion that the proposed driveway length reduction is a minor deviation from the typical required standard (i.e. 5.7m proposed and 6m required). It is planning staff's opinion that the proposed development would provide sufficient spacing for larger vehicles within the garage and smaller vehicles on the driveway without these encroaching substantially into the proposed private road and without impeding pedestrian and vehicle circulation within the proposed development. Further, the proposed development would only contain four (4) residential units and as such, planning staff is of the opinion that any impact relating to the proposed driveway length reduction would not be significant and would not impact the overall functionality of the proposed development.

Additionally, the intent of requiring loading spaces in this case is to ensure that in residential developments of 4-storeys or more have appropriate drop-off or pick-up areas to service non-ground-oriented dwelling units. Staff is of the opinion that the proposed development is a ground-oriented development as it proposes to contain direct entrances to the units from the front yard via front doors and garage doors.

Part III, Section 2.5.2 a) (vi): effects on existing vegetation from development proposals are to be minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.

Staff comment: As part of the required materials for the application submission, the applicant provided an Arborist Report, a Tree Inventory & Tree Preservation Plan and a Landscape Plan. The City's Urban Forestry and Landscape staff have reviewed the submitted materials and have indicated concerns with the proposed tree removals. Therefore, prior to the submission of a Condominium or Pre-Building Permit application the property owner or applicant on their behalf will be required to meet the intent of the established holding provision under the proposed amending by-law (as shown on Appendix D). The holding provision includes a condition to provide a pre-construction tree root investigation report as requirement to confirm the proposed intent of injury to the neighbouring trees vs. destruction. This report will also comment on the degree of canopy clearing/raising required to facilitate construction. Any and all mitigative measures as a result of the findings will need to be incorporated into the arborist report and tree protection plan. Any requests associated injury or destruction permits for trees not solely owned by the applicant (e.g., neighbouring trees and/or boundary trees) will require written consent form the property owner. The applicant shall provide a letter of consent. The consent letter will reference the outcome of the exploratory exercise and permit application type.

Part III, Section 2.5.2 a) (vii): significant sun-shadowing for extended periods on adjacent properties from the proposed development, particularly outdoor amenity areas, is to be at an acceptable level.

Staff comment: The proposed development consists of a 4-storey building block with four (4) townhouse units with minor yard reductions as discussed in earlier sections of

the OP 1997 review, Planning staff therefore have no concerns of potential significant sun-shadowing.

Part III, Section 2.5.2 a) (viii): accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care.

Staff comment: The subject lands are designated as 'Residential Medium Density' in accordance with Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area of the OP 1997 and it is approximately 150m away from the nearest 'Regional Commercial' designation. The subject lands and 'Regional Commercial' designations are connected by pedestrian and transit routes. Under the OP 1997, the 'Regional Commercial' designation shall provide a wide range of retail and service commercial uses and community facilities. These commercial areas are considered major activity centres in terms of their size and use and are intended to serve all of the City as well as population in adjacent municipalities.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment conforms to the OP 1997.

5.0 City of Burlington Official Plan (2020)

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

The subject lands are designated as 'Residential Neighbourhood Areas' under Schedule B – Urban Structure. In accordance with Subsection 8.3.1 a) one of the objectives of Residential Neighbourhood Areas is to encourage new residential development and residential intensification within the Residential Neighbourhood Area in accordance with Provincial, Regional and City growth management objectives, while recognizing that the density and form of new development must be balanced with other planning considerations, such as the availability of infrastructure and public service facilities, and also ensuring that new development achieves compatibility and integration within existing residential neighbourhoods.

The subject lands are further designated as 'Residential - Medium Density' under Schedule C – Land Use – Urban Area. In accordance with Subsection 8.3.4 (1) a) and b), lands designated as Residential – Medium Density may permit ground and non-ground-oriented dwellings including single-detached and semi-detached dwellings, townhouses, street townhouses, stacked townhouses, back-to-back townhouses and low-rise residential buildings at a density of 26 to 75 units per net hectare. Furthermore, in accordance with Subsection 8.3.4 (1) c) and d), development may be permitted to a maximum height of 3 storeys for ground-oriented dwellings (not including rooftop

amenity/outdoor areas) or 4 storeys for non-ground oriented dwellings as well development of non-ground oriented buildings shall be permitted only at the periphery of existing neighbourhoods. The proposed uses are therefore permitted under the OP 2020 designation.

The development applications criteria listed under Section 12.1.2 (2.2) c) shall be satisfied when evaluating all development applications, where applicable.

Section 12.1.2 (2.2) c) (i): the development shall be consistent with the land use compatibility policies contained in Section 4.6, Land Use Compatibility, of this Plan.

Staff comment:

In accordance with Section 4.6, the Land Use Compatibility policies describe that 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 vibration, noise, dust, odour or other contaminants and 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 subject lands and the properties directly abutting its property lines are designated as ‘Residential Neighbourhood Areas’ which encourages new residential development and residential intensification. The development proposes to redevelop the existing single-detached dwelling into four (4) townhouse units, therefore the uses on the subject lands would remain as residential. Additionally, as part of the required materials for the application submission, the applicant provided an Environmental Site Screening Questionnaire (ESSQ), a Phase One and a Phase Two Environmental Assessment, and a Noise Feasibility Study. These materials have been reviewed by City Planning staff as well as Development Engineering staff who have indicated no concerns with respect to site contamination, vibration and noise generated by the proposed development given there is no change of use, and the site is not environmentally sensitive. Therefore, Planning staff is of the opinion that the proposed development conforms with the policies under Section 4.6 of the OP 2020.

Section 12.1.2 (2.2) c) (iii): the development shall be consistent with the intent of the Section 2.3 – The Urban Structure, of the Plan and maintain the land use vision established in the land use designations of this Plan.

Staff comment:

The subject lands are designated as ‘Residential Neighbourhood Area’ and in accordance with Section 2.3.4 lands within this designation make up a significant proportion of the Urban Area and are intended to accommodate a wide range of residential uses and forms, together with supporting parkland, and other land uses such as small-scale commercial uses or home occupations that are part of the residential environment. Any development occurring in these areas shall be compatible and should enhance the physical character of the surrounding area, in accordance with subsection

2.4 – Growth Framework and the applicable policies of Chapter 8: Land Use Policies – Urban Area of this Plan.

The subject lands are designated as 'Established Neighbourhood Area' under Schedule B-1 – Growth Framework of the Plan. In accordance with Section 2.4.2.(3) a) established neighbourhood areas shall be composed of selected lands designated Residential – Low Density, Residential – Medium Density, and Residential – High Density, and development shall be in accordance with the permissions and densities established in the underlying land use designation. Furthermore, in accordance with subsection 2.4.2 (3) b), opportunities for intensification in 'Established Neighbourhood Areas' may be permitted with development that is in accordance with the maximum density and/or intensity permitted under the applicable land use designation. The subject lands are currently occupied by a single-detached dwelling and the proposed development of four (4) townhouse units with a density of approximately 40 units per net hectare is a permitted use under the existing designation.

Section 12.1.2 (2.2) c) (ii): the development shall achieve built form compatibility.

Section 12.1.2 (2.2) c) (iv): the development shall achieve high quality urban design and is consistent with the policies contained in Chapter 7 – Design Excellence.

Section 12.1.2 (2.2) c) (viii): the development shall provide buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided.

Staff comment:

In accordance with Section 7.3.2 (2) i), 'Established Neighbourhood Areas' are subject to the policies of Subsection 7.3.2 a) of the OP 2020, where applicable and additional considerations such as, but not limited to: the local pattern of lots; the building typologies of nearby residential properties; the heights and scale of nearby residential properties; the setback of buildings from the street; and the pattern of rear and side-yard setbacks. These identify that development should be designed to enhance the existing physical character of the surrounding area within which it is situated. Policy review of these sections have been conducted as part of the OP 1997 Part III, Section 2.5.2 a) (v) and (ix) as previously mentioned in this analysis.

Section 12.1.2 (2.2) c) (vi): the development shall be supported by available infrastructure and public service facilities.

Section 12.1.2 (2.2) c) (xi): the development where residential uses are proposed shall demonstrate the degree to which public service facilities and other neighbourhood conveniences, such as community centres, recreation, neighbourhood shopping centres and healthcare are located within walking distance or accessible by transit.

Staff comment: The subject lands are designated as 'Residential Medium Density' in accordance with Schedule C – Land Use – Urban Area of the OP 2020 and it is

approximately 150m away from the nearest ‘Mixed Use Commercial Centre’ designation. The subject lands and ‘Mixed Use Commercial Centre’ designations are connected by pedestrian and transit routes. Under the OP 2020, the ‘Mixed Use Commercial Centre’ designation is to offer a wide range of retail and service commercial uses, office uses, residential uses, public service facilities and open spaces and which are intended to serve a regional market as well as provide retail goods and services to residents in the immediate area and the city.

Section 12.1.2 (2.2) c) (vii): the development shall preserve and protect trees, consistent with the policies contained in Section 4.3, Urban Forestry.

Staff comment: The City’s Urban Forestry and Landscaping staff have reviewed the submitted materials and have indicated they are not supportive of the current application due to the significant encroachment within the minimum tree protection zone (MTPZ) for neighbouring trees. Therefore, planning staff have included a holding provision under the proposed by-law with the condition that it only be lifted by way of the property owner or applicant providing a pre-construction tree root investigation report to confirm the proposed intent of injury to the neighbouring trees vs. destruction and that any requests associated injury or destruction permits for trees not solely owned by the applicant will require written consent from the property owner. This will need to be addressed to the satisfaction of the Manager of Urban Forestry.

Section 12.1.2 (2.2) c) (xii): the development shall address multi-modal transportation considerations and be consistent with the policies in Section 6.2: Multi-modal Transportation, including but not limited that the development shall mitigate potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity and it shall accommodate sufficient off-street parking and transportation demand management measures in accordance with the policies in Subsection 6.2.10.

Staff comment: City Transportation planning staff have reviewed the proposed Zoning By-law Amendment and have indicated concerns with the proposed driveway length reduction as later discussed in this analysis but have indicated no concerns with potential traffic impact generated by the proposed use and no concerns with the amount of vehicle parking proposed. Additionally, the proposed amount of parking is provided in in accordance with the requirements under the existing Zoning By-law 2020.

Section 12.1.2 (2.2) c) (ix): the development shall demonstrate that future development on the adjacent properties will not be compromised by the proposal and be designed to facilitate future pedestrian, cycling and/or private street.

Section 12.1.2 (2.2) c) (xvi): the development shall consider the relationship to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters.

Section 12.1.2 (2.2) c) (xvii): the development shall complement and connect with the public realm, including walking and cycling facilities.

Staff comment:

The proposed development fronts onto a private road with access to Maple Avenue which is designated as a 'Frequent Transit Corridor' and as a 'MTSA Secondary Connector' under Schedule B-2 Growth Framework and Long Term Frequent Transit Corridor, as a 'Urban Avenue' under Schedule O-1 – Classification of Transportation Facilities - Urban Area and as a 'Bike Lane' under Schedule P – Long Term Cycling Master Plan.

'Frequent Transit Corridors' are defined under OP 2020 as a priority component of the city-wide public transit network and have existing and/or planned land uses, and street design conditions to enable a frequent service. Similarly, 'Major Transit Station Area (MTSA) Secondary Connectors' are important streets that provide a viable alternative for linking MTSAs and have the potential to become a strong active transportation and transit corridor in the future. The proposed development is located within the City's built-up area and is connected to existing transit services. Transportation staff have been circulated as part of the technical circulation and have indicated no concerns on the proposed development in relation to the existing transit infrastructure/services.

The "H" holding provision on the zoning of this property is also intended to potentially facilitate future land consolidation with the properties directly southeast including 755 & 754 Maple Ave to meet the 'Residential Medium Density' designation policies and zone regulations. The proposed development has taken into consideration potential future linkages by providing vehicle parking spaces and a landscaped at the rear visitor parking that may in turn be redeveloped into a right-of-way with additional planning approvals.

Section 12.1.2 (2.2) c) (xiv): the development shall provide stormwater management in accordance with the policies of Subsection 4.4.2(2) of this Plan.

Staff comment: As part of the required materials for the application submission, the applicant provided a Functional Servicing Report which includes a Stormwater Management brief that Region of Halton staff as well as Development Engineering staff have reviewed and have indicated no concerns.

Planning staff have reviewed the Zoning By-law Amendment application and materials and are of the opinion that the proposed development conforms to the City's new Official Plan, 2020.

6.0 Zoning By-law 2020

The subject property is currently zoned 'H-RM5' ('Residential – Medium Density' with a Holding provision) under Zoning By-law 2020 as amended (as shown on Appendix A – Existing Zoning Plan). The RM5 permits Street Townhouses to a maximum height of

two (2) storeys (7m from fixed grade) and a minimum density of 25 units per net hectare.

In accordance with Part 11, Section 1.1 – Permitted Uses, notwithstanding any other provision of this By-law, where the zone designation includes an 'H' Holding symbol prefix, no person shall use such lands or erect any building or structure for any purpose, except in accordance with the following permitted uses and regulations:

a) Part 1: General Conditions and Provisions

   Part 14: Exceptions to Zone Designations

b) Minor additions to existing detached dwelling subject to R2.3 zone regulations.

c) Existing uses, buildings and structures lawfully permitted on the date the amending By-law creating the 'H' zoning was enacted.

d) A Home-Based Business in an existing detached dwelling.

e) A public or private park, provided no permanent buildings or structures are erected.

f) An agricultural use and one detached dwelling in conjunction with each agricultural operation, subject to Part 1, Subsection 2.21, "Uses Permitted in All Zones".

g) An Additional Residential Unit in an existing building lawfully permitted on the date the amending By-law creating the 'H' zoning was enacted, subject to Part 1, Section 2.21, Subsection (u)

In accordance with Part 11, Section 1.2 – Removal of "H" Holding Symbol, where a zone designation contains the prefix "H" the lands identified shall not be developed or redeveloped until the City enacts an amending By-law removing the "H" holding symbol. The amending By-law will not be enacted until the intent and general requirements of the H provision are met. The "H" holding provision on the zoning of this property is intended to facilitate land consolidation to facilitate built form and density provisions under current underlying 'RM5' ('Residential Medium Density') zoning and 'Residential – Medium Density' designation under the in effect Official Plan. Staff is of the opinion that although the adjacent properties included in the holding provision are not being consolidated along with the subject lands, the intent of the holding provision is being met. The proposed development facilitates a built form and density as intended under the current Official Plan designation of 'Residential – Medium Density' while considering future linkages by providing vehicle parking spaces and a landscaped area at the rear visitor parking that may in turn be redeveloped into a right-of-way with additional planning approvals.

The application therefore requires a Zoning By-law Amendment to amend the existing holding provision and rezone the subject lands from a H-RM5 Zone (Residential – Medium Density zone with a Holding provision) to H-RM2-546 Zone (Residential

Medium Density zone with a Holding provision and site-specific exceptions) to facilitate the development of four (4) townhouse units of 4-storeys in height within one (1) building block.

The following table outlines a comparative analysis of the requirements of the existing 'Residential Medium Density 'RM5', the 'RM2' zone and the proposed 'H-RM2-546' zone:

Zoning Regulation	**RM5**	**RM2**	**H-RM2-546**
Lot Width	6.8m	45m	21m
Staff Comment: The underlying RM2 zone requires a Lot Width of 45m and the proposed development requests a reduction to 21m. The proposed development reduction reflects the existing site conditions, no changes to the lot configuration have been proposed.			
Zoning Regulation	**RM5**	**RM2**	**H-RM2-546**
Lot Area	200m^2	0.4ha	0.12ha
Staff Comment: The underlying RM2 zone requires a Lot Width of 45m and the proposed development requests a reduction to 21m. The proposed development reduction reflects the existing site conditions, no changes to the lot configuration have been proposed.			
Zoning Regulation	**RM5**	**RM2**	**H-RM2-546**
Southeast Side Yard Setback	1.2m	4.5m	1.6m
Staff Comment: The existing single-detached dwelling provides a Southeast Side Yard Setback of approximately 9m. The existing RM5 zone requires a minimum Southeast Side Yard Setback of 1.2m while the proposed RM2 zone requires a more restrictive 4.5m setback. The proposed development therefore includes a reduction to the southeast side yard regulation under zone RM2 from 4.5m to 1.6m. The property directly southeast of the subject lands is zoned H-RM5 which is the same zoning and the subject lands. The H-RM5 zone indicates a holding provision with the intent to be removed on the basis that the properties be redeveloped into a Medium Density building form as envisioned under the OP designation of 'Residential Medium Density' and under the RM5 zone. Therefore, it is Planning staff's opinion that since it is expected the neighbouring property to the southeast be redeveloped into a manner similar to the proposal on the subject lands, the setback reductions are considered appropriate for the envisioned built form of the area and continue to provide appropriate separation to adjacent uses.			
Zoning Regulation	**RM5**	**RM2**	**H-RM2-546**
Landscape Area abutting a street	N/A	Abutting a street having a deemed	Abutting a street adjacent to a parking

		width greater than 26 m: 6m	space: 3.8m Abutting a street adjacent to a building: 6m
Staff Comment: The proposed development includes a reduced Landscape Area abutting a street to a parking space from the minimum required 6m to 3.8m. Landscape Areas are defined under Zoning by-law 2020 as an area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. It may be crossed by a driveway or walkway provided it is substantially perpendicular to the Landscape Area, a ground sign may be located within it, a Landscape Buffer may be included in the calculation and snow storage as well as transformers are not permitted within it. The intent of Landscape Areas is to ensure appropriate separation is provided between the development and adjacent land uses or the public realm. Staff is of the opinion that the proposed Landscape Area reduction of 3.8m due to the introduction of an accessible parking space, continues to provide sufficient separation to the adjacent uses.			
Zoning Regulation	**RM5**	**RM2**	**H-RM2-546**
Landscape Buffer abutting R1, R2, R3 zones	N/A	6m	2.4m Driveway may encroach 2.1m into the landscape buffer with a maximum encroachment length of 6.4m
Staff Comment: The proposed development includes reduced Landscape Buffer abutting an R1, R2 or R3 zone from the minimum required 6m to 2.4m as well as allowing a driveway to encroach 2.1m with a maximum encroachment length of 6.4m. Under Zoning By-law 2020, a 'Landscape Buffer' is defined as the area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing and evergreen or deciduous trees and snow storage as well as transformers are not permitted within it. The rear property line where the Landscape Buffer is required abuts the backyard of the property known as 1205 Hammond Street, which also currently contains a single-detached dwelling. The proposed reduced Landscape Buffer to 2.4m continues to provide for separation and partially obstructs the view of adjacent land uses by means of a landscape screen. Planning staff note that the proposed snow storage location will need to be revised outside of the Landscape Buffer. Nonetheless, it is staff's opinion the proposed reduction continues to provide sufficient separation to the adjacent uses.			
Zoning Regulation	**RM5**	**RM2**	**H-RM2-546**
Height	2-storeys and 11.5m	2-storeys and 11.5m	4-storeys and 14.5m
Staff Comment: The existing single-detached dwelling on the subject lands is 2-storeys in height. The existing 'Residential Medium Density' designation establishes the maximum			

permitted building height under the Zoning By-law 2020. The existing RM5 zone and the proposed RM2 zone permit a maximum building height of 2-storeys to 11.5m for peaked roofs. The applicant provided a Building Height Survey which depicts the height of buildings directly abutting the subject lands and indicate heights between 7.39m to 8.30m of buildings up to 2-storeys in height. The proposed development includes an increase from the permitted 2-storeys to 4-storeys and a measured height increase from the permitted 11.5m to approximately 14.5m. The proposed development includes a 4th storey for additional living space within the roofline of the proposed units. From the zoning review, the building constitutes 4-storeys and approximately 14.5m in measured height although it visually appears as a 3-storey building from the outside given the 4th storey has been designed within the roofline. Therefore, it is staff's opinion that the proposed development continues to ensure massing compatibility with the adjacent or neighbouring properties.

Zoning Regulation	**RM5**	**RM2**	**H-RM2-546**
Driveway Widths and Landscape Open Space Area	driveway lengths of units in a condominium: 6.7m	driveway lengths of units in a condominium: 6.7m	driveway lengths: 5.7m

Staff Comment: In terms of vehicle parking and loading spaces, the proposed development includes a reduced driveway length from 6m to 5.7m. The intent of the driveway length regulation is to ensure that adequately sized parking spaces can be provided within the driveways, so vehicles do not encroach onto the private road.
Transportation Planning staff have indicated concerns with the Zoning By-Law Amendment as submitted as the drive aisle width and driveway lengths do not meet typical standards which will affect the setbacks and or density when addressed.
The proposed development includes two parking spots per unit, one on the driveway which requires the reduced driveway length from 6m to 5.7m and one within the garage which meets the required measurements as set out under the Zoning By-law 2020. The proposed development also includes a two-lane private road which provides access to the driveways. Additionally, due to the subject lands lot configuration and the proposed layout, an increase in the driveway length may subsequently trigger additional reductions in the driveway width, length of parking space within the garage or a greater reduction in setbacks such as those along the southeast property line. Planning staff is of the opinion that the proposed driveway length reduction is a minor deviation from the typical required standard (i.e. 5.7m proposed and 6m required). It is planning staff's opinion that the proposed development would provide sufficient spacing for larger vehicles within the garage and smaller vehicles on the driveway without these encroaching substantially into the proposed private road and without impeding pedestrian and vehicle circulation within the proposed development. Further, the proposed development would only contain four (4) residential units and as such, planning staff is of the opinion that any impact relating to the proposed driveway length reduction would not be significant and would not impact the overall functionality of the proposed development

Zoning Regulation	**RM5**	**RM2**	**H-RM2-546**
Off-Street Parking and Loading Requirements	One (1) loading space	One (1) loading space	No loading space

Staff Comment: The intent of requiring loading spaces in this case is to ensure that in

residential developments of 4-storeys or more have appropriate drop-off or pick-up areas to service non-ground-oriented dwelling units. Staff is of the opinion that the proposed development is a ground-oriented development as it proposes to contain direct entrances to the units from the front yard via front doors and garage doors.

As per the analysis above staff is of the opinion that the proposed amendment to Zoning By-law 2020 complies with the general intent of the original zoning amendment, reflects current market conditions and is appropriate for the subject lands.

7.0 Sustainable Building and Development Guidelines

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

In accordance with guideline 2.1, development proposals are required to provide 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. This guideline helps to encourage active transportation and transit use to reduce the dependence on the automobile. The proposed development provides connection from the proposed private road to off-site public sidewalks that connect to nearby transit stops.

In accordance with guideline 2.3, development proposals are required to provide bicycle parking spaces in accordance with the Zoning By-law and Official Plan policies. This guideline helps ensure that sufficient bicycle parking spaces are provided in order to encourage a variety active transportation. No bicycle parking required for the proposed development in accordance with the Zoning By-law 2020. However, units can demonstrate sufficient space for bike storage in garage, in ground level entry area, or other areas of the dwelling.

In accordance with guideline 3.8, development proposals are encouraged to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) or Maintain 75 per cent of healthy mature trees greater than 20 cm DBH. Tree preservation requirements are to be determined by Official Plan urban forestry policies. As part of the application submission, the applicant provided a Tree Inventory and Preservation Plan

which illustrates that most trees and vegetation will be removed from the subject lands and approximately 15 new trees will be planted. As previously mentioned, Urban Forestry staff have indicated concerns with the proposed tree removals and to address these, planning staff have incorporated holding conditions to maintain the intent of the guideline.

In accordance with guideline 4.1, development proposals are required to achieve a level one/enhanced stormwater treatment for all stormwater runoff. This guideline helps to ensure stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario. As part of the application submission, the applicant provided a Functional Servicing and Storm Water Management Report to demonstrate level one enhanced stormwater treatment for all stormwater runoff. Development Engineering staff have reviewed the submitted materials and have no concerns with the proposed Storm Water Management.

In accordance with guideline 5.1, development proposals are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. This guideline helps to provide vegetation that can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The proposed development provides for landscape areas which help to the reduce potential urban heat island effects including front and rear common landscape areas and buffers, along with some plantings along the perimeter and small open garden box directly adjacent the unit’s front porch.

In accordance with guideline 6.1, development proposals are required to provide and implement a waste management plan in accordance with Regional requirements as recycling and composting treats waste as a resource and reduces the need for landfill expansion. As part of the application submission, the applicant provided a Solid Waste Management Report. Halton Region staff have reviewed the submitted materials and indicated no concerns with the proposed plans.

Overall, the proposed development consists of infill development within an established neighbourhood area. As a result, the development would be incorporated into the existing transit and active transportation network of the surrounding neighbourhood.

Staff is of the opinion the proposed development proposal complies with the required Sustainable Building and Development Guidelines and therefore the development considers the City of Burlington Climate Action Plan to support the City’s climate implications.

SUBJECT: Official Plan and Zoning By-law Amendments for 291 North Service Road

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-89-24

Wards Affected: 1

Date to Committee: December 3, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the applications for Official Plan Amendment and Zoning By-law Amendment submitted by DeLoyde Development Solutions on behalf of King Paving proposing asphalt manufacturing with outdoor open storage of aggregates; and

Approve Official Plan Amendment No. 155 to the City of Burlington Official Plan 1997, as provided in Appendix D of community planning department report PL-89-24, to modify the “Business Corridor” Designation at the lands located at 291 North Service Road; and

Deem that the Official Plan Amendment No. 155 is consistent with The Planning Act; and

Approve Official Plan Amendment No. 5 to the City of Burlington Official Plan 2020, as provided in Appendix E of community planning department report PL-89-24, to modify the “Business Corridor” Designation at the lands located at 291 North Service Road; and

Deem that the Official Plan Amendment No. 5 is consistent with The Planning Act; and, Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 155 and Official Plan Amendment No. 5 as contained in Appendices D and E to community planning department report PL-89-24 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; and

Approve Zoning By-law 2020.493, attached as Appendix F to planning report PL-89-24, to rezone the lands at 291 North Service Road from “H-BC2” to “H-BC2-547” and H-BC2 to O3-549; and

Deem that Zoning By-law 2020.493 will conform to the 1997 Official Plan of the City of Burlington once Official Plan Amendment No. 155 is adopted; and

Deem that Zoning By-law 2020.493 will conform to the 2020 Official Plan of the City of Burlington once Official Plan Amendment No. 5 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 155 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 5 is adopted.

PURPOSE:

The purpose of this report is to provide Council with information on the proposed applications that is necessary for proceeding with the Statutory Public Meeting and bringing forward a recommendation on these applications. Staff are recommending approval of the official plan and zoning by-law applications for asphalt manufacturing with outdoor open storage of aggregates and associated uses. A Holding Provision is being recommended to ensure the necessary technical work is completed to address site development details.

Vision to Focus Alignment:

- ☑ Designing and delivering complete communities
- ☑ Providing the best services and experiences
- ☑ Protecting and improving the natural environment and taking action on climate change
- ☐ Driving organizational performance

Executive Summary:

DeLoyde Development Inc. on behalf of the landowners at 291 North Service Road has applied for an Official Plan Amendment and Zoning By-law Amendment to permit asphalt manufacturing with outdoor open storage of aggregates, a 232 m^2 operation building, unenclosed silos, and a heated rotary drum.

Staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment for 291 North Service Road based on the following:

- The proposed amendments are consistent with the Provincial Policy Statement (2020) and Provincial Policy Statement (2024);
- The proposed amendments are consistent with the Greenbelt Plan (2017, as amended)
- The proposed amendments are consistent with the Parkway Belt West Plan (1978);
- The proposed amendments conform with the Regional Official Plan (2009, as amended);
- The proposed amendments conform to the general intent of the Burlington Official Plan (1997) and have regard for Burlington Official Plan (2020);
- The proposed development maintains the general intent of Zoning By-law 2020.

A Holding Provision is recommended to ensure the following:

- That a revised Environmental Impact Assessment and Functional Servicing Report are submitted and considered satisfactory;
- That the applicant dedicates the required road widening to the City; and,
- That correspondence from the Ministry of Environment, Conservation and Parks is provided confirming:
    - That the proposed use is permitted within 500 metres of the former landfill site; and,
    - That the proposed tree removal will not impact potential species at risk habitat.

Staff support this proposal.

RECOMMENDATION:		Approval	***Ward:***	1
Application Details	***APPLICANT:***	DeLoyde Development Solutions		
	OWNERS:	Halton Region		
	LESSEE:	King Paving		
	FILE NUMBERS:	505-04/24 & 520-09/24		
	TYPE OF APPLICATION:	Official Plan Amendment & Zoning By-law Amendment		

	APPLICANT'S PROPOSAL:	Asphalt plant with outdoor storage
Property Details	***PROPERTY LOCATION:***	North side of North Service Road and Highway 403
	MUNICIPAL ADDRESS:	291 North Service Road
	PROPERTY AREA:	45.6 ha (total former landfill area)
	AREA SUBJECT TO APPLICATIONS:	2.4 ha
	EXISTING USE:	Former Halton Region Landfill site, currently used for access and monitoring of the former landfill.
Documents	***1997 OFFICIAL PLAN Existing:***	Business Corridor with site-specific policies
	1997 OFFICIAL PLAN Proposed:	Business Corridor with site-specific policies
	2020 OFFICIAL PLAN Existing:	Business Corridor with site-specific policies and Natural Heritage Systems
	ZONING Existing:	H-BC2 (Business Corridor Zone), with a Holding Provision
	ZONING Proposed:	H-BC2-547 and O3-549 (Business Corridor Zone with site-specific exception and a Holding Provision and Open Space Zone site-specific exception)
Processing Details	***APPLICATION SUBMITTED:***	August 6, 2024
	APPLICATION DEEMED INCOMPLETE:	August 13, 2024
	APPLICATION DEEMED COMPLETE:	September 4, 2024
	STATUTORY DEADLINE:	January 2, 2025
	PRE-APPLICATION COMMUNITY MEETING:	January 20, 2022

	STATUTORY PUBLIC MEETING:	December 3, 2024
	PUBLIC COMMENTS:	At the time of writing this report, 2 written public comments were received out of 84 notices.

Background and Discussion:

On September 4, 2024, the City acknowledged that complete applications had been received for an Official Plan Amendment and Zoning By-law Amendment for 291 North Service Road. The purpose of these applications is to amend the Official Plan and Zoning By-law to permit the development of asphalt manufacturing with outdoor open storage.

1.1 Description of Subject Property and Surrounding Land Uses

The subject lands are located on the north side of North Service Road and Highway 403 between King Road and Waterdown Road. 291 North Service Road has a total area of 45.6 hectares and the area subject to the applications is 1.4 hectares. The lands are currently vacant and contain access roads to the former landfill site.

Surrounding uses are as follows:

- North: To the north of the subject lands are the former Halton Region Landfill site and rural lands.
- East: To the east of the subject lands is vacant lands and further east is a retail use (Mercedes automotive dealership).
- South: To the immediate south of the subject lands is North Service Road and Highway No. 403. Further south are vacant lands, the Aldershot GO Station and CN rail line.
- West: To the immediate west of the subject property is a food distribution warehouse (Ippolito) and office use (Cumis).

The subject lands are located within proximity of four Burlington Transit bus stops with access to Route 87 (North Service – Aldershot). The property is 450 m from the 201 North Service Road bus stop and 550 m from the North Service at Yorkton. Route 87 has stops along, Kerns Road, Tyandaga Park Drive and the Burlington and Aldershot GO stations.

The site has access to Highway No. 403 from the Waterdown Road onramp and the Aldershot GO Station is approximately 700 metres southwest of the subject property.

1.2 Description of Applications

DeLoyde Development Solutions has made an application on behalf of King Paving to amend the Official Plan and Zoning By-law for the property located at 291 North Service Road. These applications propose an Official Plan Amendment to Burlington 1997 and 2020 Official Plan and Zoning By-law Amendment to develop the subject lands for asphalt manufacturing that includes outdoor open storage of aggregates.

1.3 Lease Agreement with Halton Region

In 2021, Region of Halton Council approved a lease agreement with King Paving to lease approximately 2.4 hectares of the former landfill site, south of the hydro corridor to permit the development of an asphalt plant. The lease agreement term is for approximately 40 years and requires the applicant to return the subject lands to Halton Region in their current environmental condition.

Supporting Documents

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

1. Planning Justification Report, prepared by DeLoyde Development Solutions, dated July 31, 2024
2. Drawing Set, prepared by, dated May 22, 2024
3. Noise Feasibility/ Vibration Study, prepared by HGC Engineering, dated April 27, 2022
4. Landscape Plan, prepared by Addesso Design Inc, dated October 13, 2023
5. Tree Preservation Plan, prepared by GeoProcess Research Associates, dated April 7, 2022
6. Survey, prepared by MMP, dated 2022
7. Survey with development concept, prepared by MMP, dated 2022
8. Viewshed Study, prepared by Adesso Design Inc, dated October 13, 2023
9. Construction and Mobility Plan, prepared by King Paving and Construction Limited, no date
10. Closed Burlington North Service Road Landfill Site 2021 Annual Monitoring Report, prepared by WSP, dated March 31, 2022
11. Closed Burlington North Service Road Landfill Site 2022 Annual Monitoring Report, prepared by WSP, dated March 30, 2023

12. Environmental Impact Assessment, prepared by GeoProcess Research Associates, dated July 2024

13. Functional Servicing & Stormwater Management Report, prepared by S. Llewellyn & Associates Limited, dated September 2021, revised May 2024

14. Transportation Impact Assessment, prepared by Paradigm Transportation Solutions Limited, dated May 2021

15. Environmental Site Screening Questionnaire, prepared by King Paving and Construction Limited, dated January 11, 2023

16. Comment response to Development Engineering, prepared by S. Llewellyn & Associates Limited, dated May 22, 2024

17. Comment response to Halton Region, prepared by S. Llewellyn & Associates Limited, dated May 22, 2024

18. Environmental Opinion Groundwater Methane, prepared by Landtek Limited, dated September 22, 2022

19. Geotechnical Investigation, prepared by Landtek Limited, dated October 28, 2022

20. HONI Tower Access, no date

21. Assessment of Proposed ECA Amendments, prepared by WSP, dated March 28, 2024

22. Waste Management Report, prepared by King Paving and Construction Limited, no date

23. Sustainable Building and Development Guidelines, prepared by King Paving and Construction Limited, dated August 30, 2024

24. Public Consultation Report, prepared by King Paving and Construction Limited, no date.

Application materials are posted on the project website, www.burlington.ca/291northservice.

2.0 Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment applications are subject to review in accordance with the Provincial Policy Statement (2020); the Provincial Planning Statement (2024); Parkway Belt West Plan (1978); Greenbelt Plan (2017); Region of Halton Official Plan (2009, as amended); City of Burlington Official Plan (1997, as amended); City of Burlington Official Plan (2020, as amended); and City of Burlington Zoning By-law 2020, as summarized below and in greater detail within Appendix G.

Planning staff are of the opinion that the proposed applications are consistent with the Provincial Policy Statement (2020) or Provincial Planning Statement (2024); conform with the Parkway Belt West Plan (1978), Greenbelt Plan (2017), Region of Halton Official Plan (2009, as amended), City of Burlington Official Plans (1997 as amended & 2020 as amended).

3.0 Park Way Belt West Plan

The subject lands are bisected by a hydro corridor which runs east-west, just north of the proposed development area. The hydro corridor lands are within the Provincial Parkway Belt West Plan (PBWP) and designated as 'Public Use Area'. The Public Use Area designation is generally intended for public purposes, including linear facilities.

These lands are also subject to a Minister's Zoning Order (Regulation 482/73), on Map No. 223 of the MZO. The permitted uses under Regulation 482/73 include existing uses of land, buildings, and structures, as well as agricultural uses.

The applicant is proposing landscaping, a swale, roadworks resurfacing and driveways within the Parkway Belt West Plan area. The Ministry of Municipal Affairs and Housing (MMAH) has advised that since the proposed works within the hydro corridor are not directly related to the function of the asphalt plant and is required to provide access to the former landfill site and hydro one easement, an Amendment to the Parkway Belt West Plan is not required.

Staff are satisfied that the proposed development conforms to the Parkway Belt West Plan.

4.0 Greenbelt Plan (2017, as amended)

The area located northwest of the hydro corridor is designated as "Protected Countryside" and within the "Natural Heritage" system of the Greenbelt Plan (2017). The proposed development and site alternation is located outside the boundary of the Greenbelt Plan (2017) and will not have an adverse impact to the lands within the plan area. Should any development or site alternation occur in this area, they would be subject to the applicable "Protected Countryside" and "Natural Heritage" system policies.

5.0 Regional Natural Heritage System

The property is designated Regional Natural Heritage System, Key Features and Enhancement Areas Linkages and buffers in accordance with Maps 1, 1G and 1H of the Regional Official Plan, as amended. The portion of the property that contains Falcon Creek and its floodplain are regulated by Conservation Halton. Section 118 3.1 c) of the Regional Official Plan required an Environmental Impact Assessment for the proposed development as they are located within 120 metres of the Regional Natural Heritage System.

An Environmental Impact Assessment (EIA), prepared GeoProcess, dated July 2024 and a response letter, dated November 1, 2024 was submitted in support of the applications. The EIA evaluated the potential impact of the proposed asphalt manufacturing use on key natural heritage features including unevaluated wetlands, candidate significant woodlands, species at risk habitat and surface drainage features which flow to Falcon Creek and provided mitigation measures to protect and enhance the function and a connectivity of these features.

Conservation Halton (CH) reviewed the submitted EIA are satisfied that the proposed development is outside of hazard lands and does not require changes to the proposed design. Conservation Halton staff recommends the full regulated area be designated and zoned for protection. They also advise that a CH permit will be required prior to any work beginning on site for the works proposed within the regulated area (i.e. near the proposed entrance; the proposed hydro access road).

Staff also reviewed the submitted EIA and are generally supportive of the EIA conclusions, however there are still outstanding matters that need to be addressed before the EIA can be finalized, including:

- Confirmation on whether the wetlands on the property form part of the Regional Natural Heritage System and should be included as a protected feature;
- Final Environmental Impact Assessment mapping which will inform the final zone boundaries and illustrate the key features, setbacks and hazard lands; and,
- Screening of all trees proposed for removal for snag be provide as part of the EIA.

In the absence of a finalized EIA, staff are recommending that the areas located outside the site-specific H-BC2-547 Zone be zoned Open Space O3-549 Zone to protect the natural heritage features. Staff are also recommending that a Holding Provision be placed on the property to ensure that a revised EIA is submitted, and the applicant provides correspondence from MOECP that there are no adverse impacts to potential species at risk. Staff are satisfied that the proposed Open Space zoning and Holding Provision will protect the natural features on site and address the outstanding issues. The applicant will need to fulfill the conditions of the Hold, prior to the development of the site.

6.0 Proposed Official Plan Amendments (Burlington Official Plan 1997 and 2020)

Through the review of the applications, staff identified that an amendment to the Burlington Official Plan 2020 was also required. Portions of the Burlington Official Plan, 2020 are still under appeal at the OLT including the parent Business Corridor policies, however, the site-specific policy applicable to the subject lands is in force and effect.

The development applications propose a site-specific policy to the 1997 Official Plan that would permit the asphalt manufacturing use and varying maximum building heights. Therefore, in order to achieve conformity with the in-force parent Business Corridor policies of the 1997 Burlington Official Plan and the site-specific policy of the 2020 Burlington Official Plan, staff are recommending an amendment to both plans.

This will ensure that once the parent Business Corridor policies of the 1997 Official Plan are replaced by the under appeal policies of the 2020 Official Plan, there are no conformity issues. For consistency, the draft Official Plan Amendments (Appendices D and E of this Report) contain the same amendments to permit the asphalt manufacturing use and varying maximum building heights.

7.0 Ministry of Environment Conservation and Parks Approval

The subject lands are located on the former Region of Halton Landfill. The in-force City of Burlington Official Plan (1997, as amended) may permit development on and within 500 metres of areas identified as former Waste Disposal Sites subject to written approval obtained from the Ministry of Environment that the development satisfied the provisions of the Environmental Protection Act and that studies have been carried out to the satisfaction of the City and the Ministry of Environment to show that development is compatibility and can safely take place.

The applicant submitted the following documents in support of the proposed development: Geotechnical Investigation, prepared by Landtek Limited, dated October 28, 2022, Closed Burlington North Service Road Landfill Site 2021 Annual Monitoring Report, prepared by WSP, dated March 31, 2022, Closed Burlington North Service Road Landfill Site 2022 Annual Monitoring Report, prepared by WSP, dated March 30, 2023 and Environmental Opinion Groundwater Methane, prepared by Landtek Limited, dated September 22, 2022.

These materials were submitted to the Ministry of Environment, Conservation and Parks (MOECP) in April 2024 and are still under review. As the City requires written approval from the MOECP that the development satisfies the criteria of the Environmental Protection Act and that the studies are acceptable, staff are recommending that a Holding Provision be placed on the property until approval is received from the MOECP.

8.0 Visual Impact Assessment

The applicant was required to submit a Visual Impact Assessment as the proposed development is located within the Niagara Escarpment viewshed. The purpose of the study was to ensure views to the escarpment are maintained to the maximum extent. The Visual Impact Assessment was reviewed by the Niagara Escarpment Commission, and they advised that the proposed development will have minimal impact on the lands within

the Niagara Escarpment Plan Area. The NEC is satisfied with the Visual Impact Assessment and has no further concerns with the development proposal.

9.0 Hickory Lane Relocation, Road Widening and New Left Turn Lane

As part of the lease agreement with Halton Region, the Region is requiring the closure of the current Hickory Lane access and for it to be relocated to the proposed location in order to service the proposed development and current operations of the closed landfill. The applicant is working with the Region's Public Works Department to finalize the design and construction of the proposed access through the lease agreement.

North Service Road has deemed right-of-way width is 30 metres and the existing right-of-way adjacent to the subject site is approximately 25 metres. Therefore, in order to meet the deemed width a road widening of approximately 5.65 metres is required along the frontage of North Service Road adjacent to the subject site. The Burlington Official Plan (1997) requires that road widenings be dedicated to the City as part of a Zoning By-law Amendment applications. Staff recommending a Holding Provision be placed on the property to ensure that the lands are dedicated to the City.

The applicant is also proposing to construct a new eastbound left turn lane within the North Service Road to allow entering and exiting trucks to make safe turns onto Hickory Lane without affecting the main flow of traffic on North Service Road. The detailed lane configuration of the eastbound turn lane will be reviewed under the future Site Plan application.

10.0 Hydro One Corridor and Easement

The lands located north of the proposed development area are owned by Halton Region and contain a Hydro One easement with a tower transmission line, gates, fences and driveways. As part of the development applications, the applicant is proposing an access road, grading changes and landscaping to encroach into the Hydro One easement. Hydro One has reviewed and approved the proposed encroachments onto their transmission easement corridor. The applicant has submitted the approval letter from Hydro One and staff are satisfied that there will be no adverse impacts to the hydro corridor.

11.0 Zoning By-law

The subject lands currently contain four separate zones including the 'Business Corridor Zone' (H-BC2) with a Holding Provision, 'Utility Services Zone' (S), 'Community Park Zone (PC) and 'Open Space Zone' (O3-196) with a site specific exception.

There is an existing general Holding Provision on the property for servicing, transportation facilities, access, land ownership consolidation and studies relating to traffic, soil, natural and heritage features, environmental constraints and design features. While most of the Holding Provisions have been addressed, there are still outstanding issues with the

Functional Servicing Report and approval from MOECP. Therefore, staff will be recommending a site-specific Hold to address the outstanding issues.

The applications are not proposing any amendments to the 'Utility Services Zone' (S), 'Community Park Zone (PC) and 'Open Space Zone' (O3-196) located north of the hydro corridor. The applicant proposes to change the zoning for the lands located south of the hydro corridor to a site specific 'Business Corridor' (H-BC2-547)'. The proposed development does not comply with some regulations, including building height, site coverage, outdoor storage, loading and unloading, setback to the O3 zone and landscape areas.

As the results of the submitted Environmental Impact Assessment are not final, staff are recommending that all areas outside of the site-specific Business Corridor (H-BC2-547) Zone are zoned Open Space (O3-549) with site specific exception to protect the natural features and enhancement areas on site.

The site-specific modifications for the 'Business Corridor' and 'Open Space' Zone are discussed in further detail in Appendix "G" to this report.

Staff are of the opinion that the proposed development maintains the general intent of Zoning By-law 2020 and are supportive of the proposed modifications.

Strategy/process/risk

The applications were submitted to the City August 6, 2024, and deemed complete September 12, 2024. The applications are for an Official Plan Amendment and Zoning By-law Amendment which has a 120-day timeline as per the Planning Act. Therefore, Planning staff are required to provide a recommendation within 120 days for Council to make a decision by January 2, 2025. If a municipal decision is not rendered by January 2, 2025, the applicant would have the ability to submit an appeal for non-decision to the Ontario Land Tribunal.

Financial Matters:

The property is subject to City, Region and Park Dedication fees.

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

Climate Implications:

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation

programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

As part of the 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. The applicant has met guidelines relating to impervious surfaces, transportation, water conservation and quality and waste and building materials. Planning staff is of the opinion that the proposed development is meeting the requirements of the Sustainable Building and Development Guidelines (2018).

Engagement Matters:

Technical Review

The applications were circulated to internal staff and external agencies on September 11, 2024, for review. The following are the comments received that have been summarized below:

Canada Post – Detailed comments were provided that are to be implemented during Site Plan.

Canadian National Railway – No comments.

Conservation Halton – Satisfied that the proposed development is outside of hazard lands and does not require changes to the proposed design. Recommend that the full regulated area be designated and zoned for protection. They also advise that a CH permit will be required prior to any work beginning on site for the works proposed within the regulated area (i.e. near the proposed entrance; the proposed hydro access road).

Development Engineering – No objection to the proposed applications as the applicant has generally demonstrated that the stormwater management criteria can be achieved and that there will be no negative noise consequences to nearby sensitive land uses as a result of the proposed development. The remaining matters can be addressed at the Site Plan stage.

Enbridge Gas – No objection, however, Enbridge Gas reserves the right to amend or remove development conditions.

Finance – A condition of Site Plan shall be “taxes must be paid on parcels associated with this file. This includes all outstanding balances plus current year taxes that have been billed but not yet due”.

Halton Catholic District School Board – No comments as the proposed development does not include residential development.

Halton District School Board – No comments as the proposed development does not include residential development.

Halton Police – No concerns provided as the proposed development doesn’t interfere with Halton Police line-of-sight radio system.

Halton Region – The Functional Servicing Report is recommended to be revised to include fire flow testing in order that an analysis can be provided that demonstrates that the existing water system in the area can accommodate the development. The Functional Servicing Report should be further revised to include analysis that demonstrates that the proposed flows from the development can be accommodated in the downstream sewer. If the Functional Servicing Report is not revised, then it is recommended that a Holding Provision be applied in relation to a revised Functional Servicing Report.

Heritage Planner – No comments.

Hydro One – Agency was circulated but advised that they do not provide comments at the Official Plan and Zoning By-law Amendment stage. Hydro One will provide comments at the detailed Site Plan stage. The applicant has provided an approval letter from Hydro One to permit the proposed works within their easement.

Imperial Infrastructure – No Imperial Infrastructure in the vicinity of this location.

Ministry of Transportation – No objections to the proposed Official Plan Amendment and Zoning By-law Amendment applications and will require a Building and Land Use Permit for the proposed development and the new Hickory Lane access.

Metrolinx – The subject property falls outside of the designated Metrolinx review zones.

Parks – Cash in lieu of parkland at the rate in effect at the time of building permit issuance is required.

Rogers Communications – No comments.

Trans-Northern Pipeline – No infrastructure in the area.

Transportation Planning – No objections to the proposed applications. Details regarding the proposed left turn lane and Hickory Lane access will be required at the Site Plan stage.

Urban Forestry and Landscaping – Detailed comments were provided that are to be implemented during Site Plan.

Zoning – Deficiencies in the Zoning By-law have been identified and addressed through Appendix E – Draft Zoning By-law.

Public Engagement

The applicant held a virtual Pre-Application Community Consultation Meeting on January 20, 2022, prior to the submission of the applications. The applicant, Mayor Meed Ward Councilor Galbraith, and Planning staff also attended the meeting.

Notice signs were posted on the subject lands. A public notice of the Official Plan Amendment and Zoning By-law Amendment applications was mailed to 84 members of the public, which includes all property owners and tenants within 300 metres of the subject land.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/291northservice. This webpage provides information about the subject applications 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, two written public comments have been received by staff with respect to the subject applications. The public comments received to date are included in Appendix C. Below is a summary of the comments received to date as well as a staff response:

Comment:	**Staff Response:**
Potential pollutants and impact on the Tyandaga neighbourhood to the west of the facility and surrounding properties. • Will this facility produce pollutants such as odours, noxious fumes and carcinogens which would in turn affect the Tyandaga neighbourhood west of this facility • Please advise on the proposed controls for dust and odours.	The applicant has advised that all the dust and odour will be contained within the proposed facility and processed on site. The only emission from the site will be steam from the process. The asphalt plant will also be subject to the Ministry of Environment Guidelines and will need to adhere to these guidelines. They will not be permitted to emit noxious/toxic odours or emissions from the site. As part of the applications, a Noise and Vibration Feasibility Study was required. Development Engineering staff have reviewed the study and concluded that the proposed asphalt plant will meet the Ministry of Environment sound level limits and will not have an adverse noise impact on the surrounding land uses.

	A Construction Mobility Management Plan (CMMP) will be required at the Site Plan stage. The CMMP evaluates the construction impact of the proposed development on the public road allowance and neighbouring properties to ensure that the development does not adversely impact public health, safety, amenity traffic of the environment in the surrounding area. Development Engineering will require the CMMP to be completed in accordance with the Construction Mobility Management Plan Guidelines to ensure that the development has no adverse impact on the surrounding properties and public road allowance.

Conclusion:

Planning staff have reviewed the Official Plan and Zoning By-law Amendment applications submitted for the lands located at 291 North Service Road and find that the applications are consistent with and conform to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan. Staff are recommending approval of the applications, subject to a Holding Provision.

Respectfully submitted,

Elyse Meneray, RPP, MCIP
Planner
Community Planning Department
elyse.meneray@burlington.ca

Appendices:

A. Location Map
B. Concept Plan
C. Public Comments
D. Draft Official Plan Amendment – 1997 OP
E. Draft Official Plan Amendment – 2020 OP
F. Draft Zoning By-law Amendment

G. Detailed Planning Analysis

Notifications:

Leo DeLoyde
DeLoyde Development Solutions

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.

Location Map

Sketch No. 2

LOCATION PLAN

Development applications have been submitted for an Official Plan Amendment and Zoning By-law Amendment to permit the development of an asphalt plant with outdoor storage and unenclosed silos with a maximum height of 25 metres.

SUBJECT PROPERTY

File Nos. 520-09/24
& 505-04/24



Date: September 10, 2024
Community Planning Department

TERANET Burlington

Concept Plan

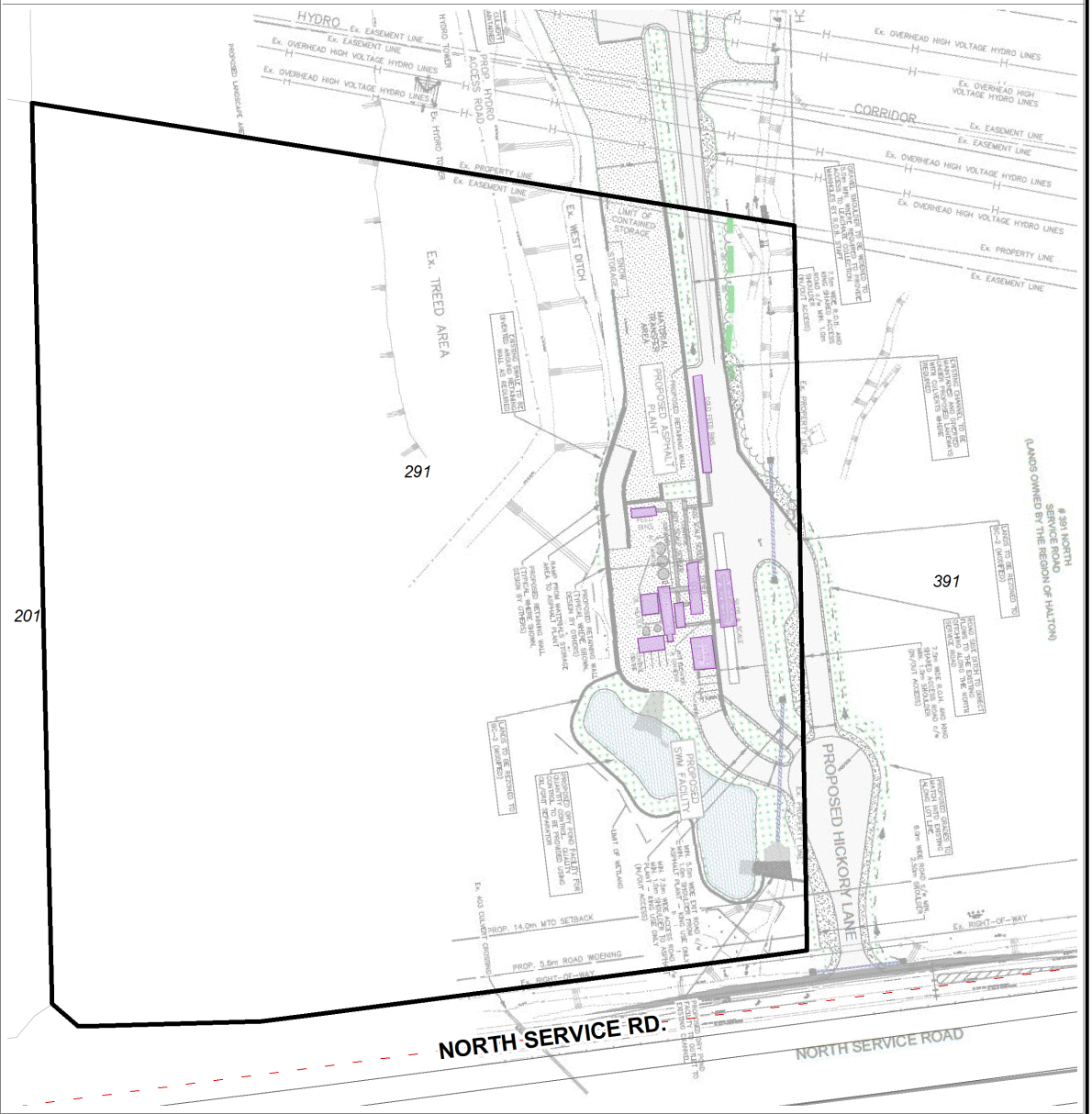
Sketch No. 1

CONCEPT PLAN

Development applications have been submitted for an Official Plan Amendment and Zoning By-law Amendment to permit the development of an asphalt plant with outdoor storage and unenclosed silos with a maximum height of 25 metres.

SUBJECT PROPERTY Bus Route Bus Stop

File Nos. 520-09/24 & 505-04/24



Date: September 10, 2024
Community Planning Department

TERANET City of Burlington

Meneray, Elyse

From: Lynn Dale
Sent: Tuesday, October 8, 2024 6:29 PM
To: Meneray, Elyse
Cc: Galbraith, Kelvin
Subject: Fwd: Application for 291 North Service Rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPad

Begin forwarded message:

> **From:** Lynn Dale
> **Date:** October 8, 2024 at 3:55:48 PM EDT
> **To:** elyse.meneray@burlington.ca
> **Cc:** kelvin.galbraith@butlington.ca
> **Subject: Application for 291 North Service Rd**
>
> I read with interest in Councillor Galbraith's Newsletter the application for a proposed asphalt plant,operation building, unenclosed silos and heated rotary drum at 291 North Service Road. I question whether this facility would be producing pollutants such as odours,noxious fumes and carcinogens which would in turn affect the Tyandaga neighbourhood west of this facility.
> It would be appreciated if these concerns could be addressed at your earliest convenience.
> Regard,
> Lynn and Rick Dale
>
> Sent from my iPad

Meneray, Elyse

From: Kristina Didiano
Sent: Monday, November 18, 2024 10:16 AM
To: Meneray, Elyse
Subject: 291 North Service File 520-009/24 & 505-04/24

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Elyse.

I am contacting you on behalf of Emshih Developments Inc., owner of
and , regarding the OPA and ZBA application for 291 North Service Road.

We have received notice of the upcoming Statutory Public Meeting and have reviewed the supporting materials. We kindly request that the applicant and/or its consultants advise of their proposed controls for dust and odour from the asphalt plant operations and its impacts on surrounding properties.

Thank you and best regards,

Kristina Didiano, MES
Development Manager

Emshih Developments Inc.
895 Brant St, Suite 7
Burlington ON L7R 2J6

AMENDMENT NO. 155 TO THE OFFICIAL PLAN OF THE CITY OF BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part "B" of this text, constitute Amendment No. 155 to the Official Plan of the City of Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to add a site-specific policy to the lands at 291 North Service Road designated as to "Business Corridor" to permit asphalt manufacturing and outdoor open storage of aggregates.

2. SITE AND LOCATION

The subject lands are located on the north side of North Service Road. The subject lands are approximately 1.4 hectares in size and have a frontage of approximately 70 metres along North Service Road.

3. BASIS FOR THE AMENDMENT

a) The application proposes land use that is consistent with the Provincial Policy Statement (PPS, 2020). The PPS promotes economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.
b) The proposed development is located on lands with adequate infrastructure and provides employment opportunities on underutilized lands.
c) The proposed development supports the City's Official Plan objective to permit a wide range of *employment uses including office, industrial and related uses.*
d) The applicant submitted technical studies with the application that provide adequate and appropriate information to support the development.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: None proposed.

Text Change:

The text of the Official Plan of the City of Burlington, as amended, is hereby amended as follows:

By adding the following site-specific policy to Part III, Land Use Policies – Urban Planning Area, Section 3.4 Business Corridor, Subsection 3.4.3 Site Specific Policies, at the end of site specific-policy b):

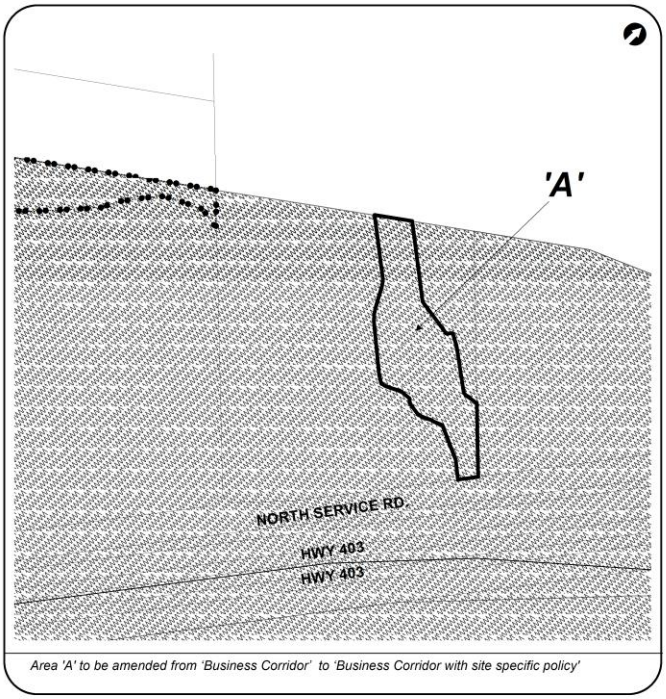
291 North Service Road	(iv) Notwithstanding 3.4.2 a) and d) asphalt manufacturing with unenclosed equipment *shall* be permitted and a maximum building height of 18 metres for manufacturing equipment and 25 metres for silos *shall* be permitted.

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the City of Burlington.

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 City of Burlington.



Area 'A' to be amended from 'Business Corridor' to 'Business Corridor with site specific policy'

AMENDMENT No. 155 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

Schedule 'B'

File No. 505-04/24

Legend

Business Corridor

Environmentally Sensitive Area

Date: November 20, 2024
Community Planning Department

OFFICIAL PLAN AMENDMENT

PROPOSED AMENDMENT NO. 5 TO THE OFFICIAL PLAN OF THE CITY OF BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The Amendment contained in Part "B" of this document, constitutes Amendment No. 5 to the Official Plan of the City of Burlington, 2020.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to further amend the site-specific policy on the lands at 291 North Service Road designated as to "Business Corridor" to permit asphalt manufacturing and outdoor open storage of aggregates with a maximum height of 20 metres for manufacturing equipment and 25 metres for unenclosed silos.

2. SITE AND LOCATION

The subject lands are located on the north side of North Service Road. The subject lands are approximately 1.4 hectares in size and have a frontage of approximately 70 metres along North Service Road.

3. BASIS FOR THE AMENDMENT

a) The application proposes land use that is consistent with the Provincial Policy Statement (PPS, 2020). The PPS promotes economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.
b) The proposed development is located on lands with adequate infrastructure and provides employment opportunities on underutilized lands.
c) The proposed development supports the City's Official Plan objective to permit a wide range of *employment uses including office, industrial and related uses.*
d) The applicant submitted technical studies with the application that provide adequate and appropriate information to support the development.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: None proposed.

Text Change:

The text of the Official Plan of the City of Burlington, as amended, is hereby amended as follows:

By adding the following policies at the end of Chapter 8, Land Use Policies – Urban Planning Area, Section 8.2.4 Business Corridor, Subsection 8.2.4 (3) b) Site Specific Policies:

(v) For the lands located at 291 North Service Road asphalt manufacturing with unenclosed equipment and a maximum building height of 20 metres for manufacturing equipment and 25 metres for silos *shall* be permitted.

BY-LAW NUMBER 2020.493, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.493

A By-law to amend By-law 2020, as amended; 291 North Service Road
File No.: 520-09/24 (PL-89-24)

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 approved, on December 10, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit asphalt manufacturing including open storage of aggregates.

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

1. Zoning Map Number 3-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

   a) The lands designated as Area "A" on Schedule "A" attached hereto are hereby rezoned from "H-BC2" to "H-BC2-547" (Business Corridor with holding symbol and site-specific exception).

   b) The lands designated as Area "B" on Schedule "A" attached hereto are hereby rezoned from "H-BC2" to "O3-549" (Open Space).

2. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

#90	H-BC2-547	Map 3-E	Resolution:

The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

a) The owner shall submit a revised Functional Servicing Report that demonstrates that the existing downstream sanitary sewer system can accommodate the proposed development, to the satisfaction of Halton Region;

b) The owner shall submit confirmation from the Ministry of Environment, Conservation and Parks (MOECP) that the proposed development satisfies the provisions of the Environmental Protection Act and that all

studies have been carried out to the satisfaction of the MOECP, to the satisfaction of the Director of Community Planning.

c) The owner shall submit correspondence from the Ministry of Environment, Conservation and Parks (MOECP) confirming that the proposed tree removals for snag do not need to be protected as part of the Natural Heritage System for significant habitat of endangered and threatened species, to the satisfaction of the MOECP, to the satisfaction of the Director of Community Planning.

d) The owner shall submit a revised Environmental Impact Assessment addressing staff and Conservation Halton comments, dated November 7, 2024, to the satisfaction of the Director of Community Planning.

e) The owner shall submit for review and approval a draft reference plan identifying the deemed right of way widening dedications for review and approval prior to depositing at the Land Registry Office, to the satisfaction of the Director of Transportation Planning

3. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations is amended by adding Exception 547 as follows:

Exception 547	**Zone H-BC2**	**Map 3-E**	**Amendment 2020.493**	**Enacted December 10, 2024**
1. Additional Permitted Use: Asphalt manufacturing including associated buildings and structures with open storage of aggregates.				
2. Regulations:				
a) Lot Width			40 m	
b) Minimum Rear Yard:			42 m	
c) Yards i. Abutting North Service Road: ii. Abutting an O3 Zone:			 73 m 5 m	
d) Maximum Building Height: i. Silos: ii. Manufacturing Equipment: iii. Administrative Buildings (Control Centre and Motor Control Centre)			 25 m 20 m 10 m	
e) Maximum Site Coverage:			88%	
f) Landscape Area				

i. Abutting North Service Road: ii. Abutting an O3 Zone:	0 m 0 m
g) Outdoor storage of aggregate is only permitted within 60 m of the hydro corridor	
h) Loading is only permitted within 81 m of a yard abutting a street	
Except as amended herein, all other provisions of this By-law, as amended, shall apply.	

Exception 549	**Zone O3**	**Map 3-E**	**Amendment 2020.493**	**Enacted December 10, 2024**
1. Additional Permitted Use: Storm water management and erosion control, including permanent detention and retention ponds.				
1. Regulations				
a) A stormwater management pond is only permitted within 100 m of North Service Road and 150 m of the west property line.				
Except as amended herein, all other provisions of this By-law, as amended, shall apply.				

ENACTED AND PASSED this 10th day of December 2024

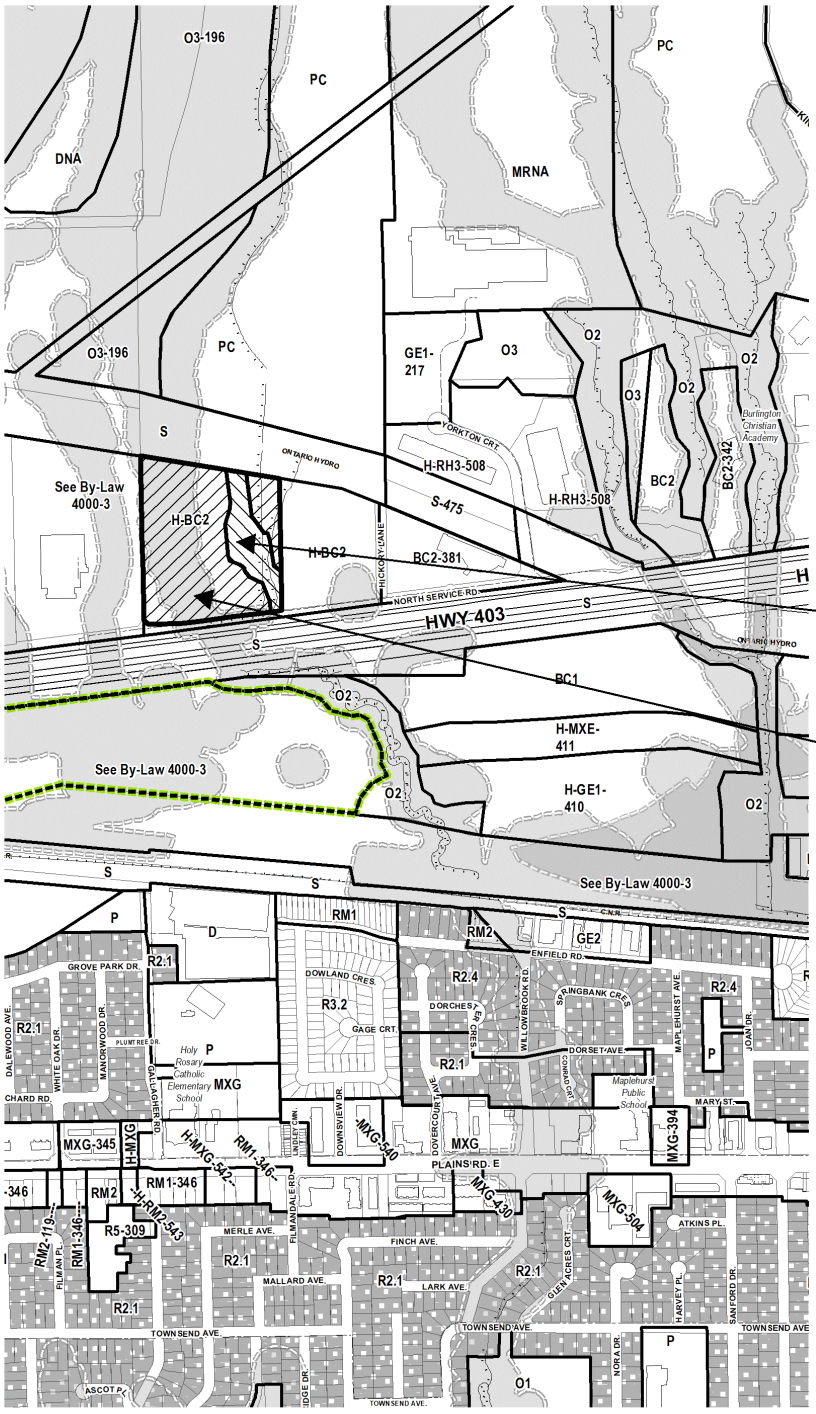
_____MAYOR

_____CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.493

By-law 2020.493 rezones lands on 291 North Service Road, to permit asphalt manufacturing and outdoor storage of aggregates.

For further information regarding By-law 2020.493, please contact Elyse Meneray of the Burlington Community Planning Department at (905) 335-7600, extension 7642.



SCHEDULE 'A' TO BY-LAW 2020.493 AMENDING MAP NO. 3-W PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 10th DAY OF DECEMBER, 2024

MAYOR

CITY CLERK

TERANET City of Burlington
Community Planning Department

Appendix G – Detailed Planning Analysis

Contents

1.0 The Provincial Policy Statement (PPS) 2
2.0 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) 4
3.0 Halton Region Official Plan (ROP) 4
4.0 City of Burlington Official Plan (1997, as amended) 6
4.1 Business Corridor (Part 3, Subsection 3.4) 6
4.2 Site Specific Policy (Part 3, Subsection 3.4.3 b) ii)) 9
4.4 Cultural Heritage Resources (Part 2, Subsection 8.4.2 b) 11
5.0 City of Burlington Official Plan (2020) 13
5.1 Urban Structure and Growth Framework 14
5.2 Business Corridor (Chapter 8, Subsection 8.1) 15
6.0 Sustainable Building Guidelines 16
7.0 Zoning By-law 17

1.0 The Provincial Policy Statement (PPS)

The subject applications were submitted in July 2024, when the Provincial Policy Statement 2020 was in effect. During the review of the subject applications, the province introduced the Provincial Planning Statement (2024), which came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. The PPS 2024 replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS 2024 provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS 2024 & 2020 recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS (PPS 2024, Chapter 1 & PPS 2020, Policy 4.6).

The PPS 2024 states that Planning authorities shall promote economic development and competitiveness by:

a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and
e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses (PPS 2024, Policy 2.8.1.1)

Planning authorities shall protect employment areas that are located in proximity to major goods movement facilities and corridors, including facilities and corridors identified in provincial transportation plans, for the employment area uses that require those locations (PPS 2024, Policy 2.8.2.2).

Planning authorities shall designate, protect and plan for all employment areas in settlement areas by:

a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with

manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;

b) prohibiting residential uses, commercial uses, public service facilities and other institutional uses;
c) prohibiting retail and office uses that are not associated with the primary employment use;
d) prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and
e) including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability (PPS, 2024, Policy 2.8.2.3).

The PPS 2024 states that Natural features and areas shall be protected for the long term (PPS 2024, Policy 4.1.1).

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features (PPS 2024, Policy 4.1.2).

Development and site alteration shall not be permitted in:

a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E1;
b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;
c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;
d) significant wildlife habitat;
e) significant areas of natural and scientific interest; and
f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 4.1.4.b),

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (PPS 2024, Policy 4.1.5).

Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements (PPS 2024, Policy 4.1.6).

Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements (PPS 2024, Policy 4.1.6).

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been

demonstrated that there will be no negative impacts on the natural features or on their ecological functions (PPS 2024, Policy 4.1.8).

Planning staff are of the opinion that the proposed applications are consistent with the PPS 2020 and PPS 2024, with the inclusion of the recommended holding provision. The proposal facilitates the redevelopment of an underutilized brownfield site and provides an employment use. The holding provision will provide for the protection of the natural heritage features and ensure that the proposed development will utilize existing services.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan) came into effect on May 16, 2019, with Amendment 1 to the Growth Plan taking effect on August 28, 2020. The Growth Plan provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. As previously mentioned, the PPS 2024 replaces both the PPS 2020 and the Growth Plan. At the time of the submission of the applications, the Growth Plan was in effect and all planning decisions in Burlington were to conform to the Growth Plan. The PPS 2024, which came into force and effect on October 20, 2024, applies to decisions concerning planning matters occurring after this date.

3.0 Halton Region Official Plan (ROP)

The Regional Official Plan (ROP) provides “broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services” (Section 44). The Planning Act requires that Burlington’s Official Plan and Zoning By-law be amended to conform with the ROP.

The Urban Area (Section 72) policies of the Regional Official Plan (ROP) identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity.

The Subject Lands are located within the Employment Area overlay as outlined on Map 1 of the ROP, as amended. The Region’s policy for Employment Areas (Section 83) is to provide opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The Subject Lands are designated Regional Natural Heritage System (Map 1), Key Features (Map 1G) and Enhancement Areas Linkages and buffers (Map 1G). The goal of the Natural Heritage System (Section 114) is to increase the certainty that the biological diversity and ecological functions within Halton will be preserved and enhanced for future generations. Section 118 3.1 c) of the ROP requires an Environmental Impact Assessment for developments or site alterations, including public works, that are located wholly or partially inside or within 120 metres of the Regional Natural Heritage System.

An Environmental Impact Assessment (EIA), prepared GeoProcess, dated July 2024 and a response letter, dated November 1, 2024, was submitted in support of the applications. Conservation Halton (CH) reviewed the submitted EIA are satisfied that the proposed development is outside of hazard lands and does not require changes to the proposed design. Staff reviewed the EIA and are generally supportive of the EIA conclusions, however there are still outstanding matters that need to be addressed before the EIA can be finalized. Therefore, staff is recommending a holding provision to require a revised EIA and confirmation from MOECP that any potential species at risk will not be impacted.

Sections 139.4 and 139.5 of the ROP contain policies that provide for the protection of the Parkway Belt West Corridor for linear facilities for transportation, community and utility purposes. The lands located north of the subject lands, within the hydro corridor, are within the Parkway Belt West (PBWP). As the proposed development within the hydro corridor is not directly related to the function of the asphalt manufacturing plant and is required to provide access to the former landfill site and hydro one easement, an Amendment to the Parkway Belt West Plan is not required. Further, staff have received an approval letter from Hydro One permitting the proposed development in their easement.

The ROP requires new development within the Urban Area to be on the basis of connection to Halton’s municipal water and wastewater systems. Regional staff have reviewed the Functional Servicing Report submitted with the subject applications and have concluded that revisions are required to the report in order to determine if the downstream sanitary sewer flows can accommodate the proposed development. The Region is recommending a holding provision be placed on the subject property to address the concerns with the FSR.

Staff are of the opinion that the proposed development conforms with the policies of the ROP as it facilitates an employment use on underutilized (brownfield) lands, uses existing water and wastewater systems and protects the natural features on site. Staff believe that the holding provision will adequately address the Region’s comments and that the proposed development conforms to the Regional Official Plan.

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

The Burlington Official Plan, 1997, was approved by Halton Region, with modifications, on March 5, 1997. Due to a number of appeals, certain parts of the plan were referred to the Ontario Land Tribunal (formerly the Ontario Municipal Board) for a decision. The following Official Plan documents were approved by the Ontario Land Tribunal in 2008. Content and maps were updated in 2019.

4.1 Business Corridor (Part 3, Subsection 3.4)

The subject lands are designated as "Employment Lands" on Schedule A, Settlement Pattern, of the City's Official Plan (1997, as amended). "Employment Lands" are the main locations where office and industrial activities will occur.

The subject lands are designated "Business Corridor" as per Schedule "B" (Comprehensive Land Use Plan – Urban Planning Area) to the City of Burlington Official Plan (1997, amended). The "Business Corridor" designation permits a broad range of office uses; industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, research and information processing, communications, utilities and transportation uses, and service trades, provided these uses are located within an enclosed building and are unlikely to cause significant pollution or excessive noise; hotel, conference and convention uses broad range of wide range of office uses and industrial type uses and a range of service commercial uses ancillary to the primary use.

Part III, section 3.4.3 f) of the Official Plan provides site design and development factors for new and/or expanding Business Corridor uses. The following is an evaluation of the proposed development using these factors.

i) Off-street parking shall be located away from adjacent uses;

   Comment: The proposed parking spaces are located approximately 75 metres from North Service Road and approximately 100 metres from the east and west property lines. Staff are satisfied that the proposed located for the parking spaces will not have an impact on adjacent land uses.

   Staff are satisfied that this criterion is being met.

ii) loading areas shall be located to avoid conflict between pedestrian and vehicular traffic away from adjacent uses and adjoining roads

Comment: The proposed development will have one loading space near the control centre building. The loading area has been located to avoid conflict with pedestrian and vehicular access and away from adjacent uses and adjoining roads.

Staff are satisfied that this criterion is being met.

iii) outdoor storage areas shall be fenced and/or screened;

Comment: The applicant is proposing outdoor storage of aggregates within open top bins. The proposed storage bins will have tall concrete wing walls that will screen the aggregates from North Service Road and adjacent land uses. Staff have included a site-specific provision in the draft by-law to only permit outdoor storage of aggregates within 60 metres of the hydro corridor and approximately 190 metres from North Service Road. This will the limit the area for outdoor storage to a specific area on site that will not impact the streetscape and will be visually screened by the proposed landscaping and restoration plantings on site.

Staff are satisfied that this criterion has been met.

iv) the number and location of vehicular access points shall be limited to minimize disruption to traffic flows;

Comment: The proposed development will have one access from the relocated Hickory Lane and three driveways to support the function of the proposed use and provide access to the hydro corridor and former landfill site for maintenance and ongoing daily operations. The proposed asphalt manufacturing use will not be operational during the winter months, which limits the amount of traffic to nine months of the year.

Although, there will be three driveways from the relocated Hickory Lane to support the site, staff are satisfied that the proposed development is meeting the intent of this policy as the driveways support the multiple functions on site, will only be used for nine months of the year for the proposed asphalt manufacturing use and will not cause disruption to traffic flows.

v) lighting shall be directed to minimize impacts on adjacent uses;

Comment: The applicant has advised that all lighting will be directed on site to minimize impacts on adjacent uses and North Service Road. They will be required to submit a lighting plan at the Site Plan stage. All proposed lighting will be required to conform to the City's Guidelines for Outdoor Lighting and will need to be fully contained on site.

Staff is satisfied that this criterion has been met.

vi) the proposal provides convenient access to public transit services;

Comment: The subject lands are located within proximity of four Burlington Transit bus stops with access to Route 87 (North Service – Aldershot). The property is 450 m from the 201 North Service Road bus stop and 550 m from the North Service at Yorkton. Route 87 has stops along, Kerns Road, Tyandaga Park Drive and the Burlington and Aldershot GO stations.

The subject lands are also located within 700 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 provide convenient access to public transit services.

vii) the proposal includes features to promote public safety;

Comment: The proposed development cannot be accessed by the general public and will have access gates and fencing at the front entrance to prevent public access. A new eastbound left-turn lane will be constructed on North Service Road to allow entering and existing trucks to make safe turns onto Hickory Lane.

As part of the complete applications, the applicant was required to submit the following: Geotechnical Investigation, prepared by Landtek Limited, dated October 28, 2022, Closed Burlington North Service Road Landfill Site 2021 Annual Monitoring Report, prepared by WSP, dated March 31, 2022, Closed Burlington North Service Road Landfill Site 2022 Annual Monitoring Report, prepared by WSP, dated March 30, 2023, Environmental Opinion Groundwater Methane, prepared by Landtek Limited, dated September 22, 2022 and Noise & Vibration Feasibility Study, prepared by HGC Engineering, dated April 27, 2022.

These materials have been submitted to the Ministry of Environment, Conservation and Parks (MOECP) for review. The proposed development will be monitored under MOECP regulations and not be permitted to emit noxious/toxic odours or emissions from the site. Further, Development Engineering staff have reviewed the Noise and Vibration Feasibility Study and concluded that the proposed asphalt plant will meet the Ministry of Environment sound level limits and will not have an adverse noise impact on surrounding land uses.

Staff is satisfied that this criterion has been met.

viii) off-street parking areas, loading areas and site service areas shall be screened and landscaped; and,

Comment: The proposed parking areas, loading areas and site servicing areas are located approximately 70 metres from North Service Road. The Business Corridor (BC2) Zone requires a landscape area of 60 metres between the proposed development and North Service Road. The area between the proposed development and North Service Road will be landscaped and provide screening.

The applicant submitted a Viewshed Study that was reviewed and approved by the Niagara Escarpment Commission. The development will be located to minimize the impact of the proposed building and associated areas from North Service Road, adjacent land uses and the Niagara Escarpment.

Staff are satisfied that this criterion has been met.

ix) urban design considerations contained in Part II, Section 6.0;

Comment: Part II, Section 6 of the Official Plan contains policies that require development to provide a high quality of design in both the public realm and private realm. These policies promote compact and sustainable developments that support active transportation and transit use through the provision of safe, comfortable, and accessible streetscapes. This is achieved through the implementation of Council-approved policies and design guidelines. Staff have reviewed the subject applications in accordance with the applicable design guidelines and policies and determined that the proposed development conforms with the design policies of the Official Plan.

4.2 Site Specific Policy (Part 3, Subsection 3.4.3 b) ii))

Part III, section 3.4.3 b) ii) of the Official Plan contains a site-specific policy that requires the development of lands designated “Business Corridor” on the north side of North Service Road west of King Road, to undertake the following:

i) a site-specific Environmental Impact Assessment as described in Part II, Section 2.5 of this Plan to ensure that impacts on the natural environment are minimized through maximum impervious surface limits and setbacks from watercourses and natural features;

Comment: An Environmental Site Assessment prepared GeoProcess, dated July 2024 and a response letter, dated November 1, 2024 was submitted in support of the applications. The EIA evaluated the natural heritage features within 120 metres of the proposed development. The EIA mapping is not finalized; however, CH staff and City

staff have determined that the proposed development will not have an adverse impact on the natural features and that the limits of the hazards are outside the area of development.

The applicant has also not received confirmation from the MOECP that the tree removals on site will not impact any species at risk.

Therefore, as staff do not have the final EIA mapping and approval from MOECP, a holding provision is recommended to be placed on the property to address the outstanding EIA issues. The holding provision will require the applicant to submit a revised EIA, mapping, and confirmation from the MOECP that the tree removal on site will not impact any bat habitat identified as a species at risk.

Staff believe that with the inclusion of the holding provision, this criterion is being met.

ii) a viewshed study and calculate maximum building heights to ensure views to the escarpment are maintained to the maximum extent;

Comment: The applicant submitted a Visual Impact Assessment , prepared by adesso design Inc, dated October 13, 2023. The Visual Impact Assessment was reviewed by the Niagara Escarpment Commission, and they advised the proposed development will have minimal visual impact on lands within the Niagara Escarpment Plan Area. The NEC is satisfied with the Visual Impact Assessment and has no further concerns with the development proposal.

Staff is satisfied that this requirement has been met.

iii) comply with the criteria of Part V, Section 2.4, Design, of this Plan.

Comment: Part V, Section 2.4, Design of the in-force Official Plan outlines 26 design criteria for properties located within the North Aldershot Planning Area. These criteria focus on preserving significant trees and wooded area, compatible building design and location, preserving key Niagara Escarpment viewsheds from North Service Road, maintaining an open space setting, and appropriate setbacks/buffers to natural features.

As part of the development applications, the applicant was required to submit an Environmental Impact Assessment that evaluated the natural heritage features on site including significant woodlands, unevaluated wetlands, fish habitat and species at risk. As noted throughout the staff report and this appendix, the final conclusions of the EIA have not been received by staff. Therefore, staff are recommending that all areas

located outside of the site-specific boundaries of the Business Corridor (H-BC2-547) Zone be zoned Open Space O3-549 Zone to protect the natural heritage features on site.

This approach will ensure appropriate setbacks to the natural features are provided and protect the significant woodland through an open space zone. The property contains Buckthorn, which is an invasive species and identified for removal. Through the site plan process, the applicant will be required to implement a planting restoration plan for the significant woodland to compensate for the tree removal.

The proposed development is located approximately 80 metres from North Service Road and will have a control centre room, silos and conveyor belts, manufacturing equipment including dryer, rotary drum, bag house feeder bins and outdoor storage of aggregates. The proposed buildings and structures visible from North Service Road will have high quality design materials and will be screened from the roadway with landscaping. The southern portion of the property is approximately 2.4 hectare in size and only 1.24 hectares will be designated to permit the asphalt manufacturing plant, whereas the remainder of the lands will remain in the Natural Heritage System designation and be rezoned to Open Space to protect the natural features on site. The combined landscaping proposed by the development, restoration plantings and the existing natural features on site, help the proposal maintain an open space setting.

As noted above, the applicant was required to submit a Visual Impact Assessment that was reviewed by the NEC. The NEC determined that the proposed development will not have an adverse impact on the Niagara Escarpment views.

Staff is satisfied that this criterion has been met.

4.4 Cultural Heritage Resources (Part 2, Subsection 8.4.2 b)

In accordance with Part II, subsection 8.4.2 b) of the Official Plan, the applicant submitted a Stage 1 Archaeological Assessment Report, prepared by Archaeological Services Inc, dated December 22, 2022. The Stage 1 Archaeological Assessment Report concluded that the entire project area has no remaining archaeological potential due to modern large-scale landscape alterations, grading, and installation of subsurface infrastructure.

Heritage Planning staff have reviewed the submitted Stage 1 Archaeological Assessment Report and agree with the conclusions of the report. Written confirmation from the Ministry of Tourism, Culture and Gaming and Ministry of Sport's Archaeology Program Unit that the fieldwork and reporting comply with Ministry requirements and that the report has been entered into the Ontario Public Register of Archaeological Reports will be required at the Site Plan stage.

4.5 Waste Disposal Sites (Part 2, Subsection 2.9 a))

Part II, subsection 2.9 a) of the Official Plan may permit development on and within 500 m of areas identified as former Waste Disposal Sites on Schedules B and D, subject to the following policies:

i) written approval has been received from the Ministry of Environment that the development satisfies the provisions of The Environmental Protection Act;
ii) studies have been carried out to the satisfaction of the City and the Ministry of Environment to show that development is compatible and can safely take place;
iii) the City shall require the construction and phasing of all development to coincide with the control of any problems identified by the studies;
iv) the City shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of any structure; and,
v) notwithstanding the land use designations on Schedules B and D, development will not be allowed to proceed on lands identified by the study(ies) as containing waste until the requirements of the Ministry of Environment are met.

The subject lands are located within 500 metres of the former Halton Region landfill site and were required to submit environmental studies to demonstrate that the development is compatible and can safely take place. The southern portion of the property, subject to these development applications, did not contain waste and were used to store rock fill, accommodate the weigh scale, and provide truck access to North Service Road.

The applicant submitted the following documents in support of the proposed development: Geotechnical Investigation, prepared by Landtek Limited, dated October 28, 2022, Closed Burlington North Service Road Landfill Site 2021 Annual Monitoring Report, prepared by WSP, dated March 31, 2022, Closed Burlington North Service Road Landfill Site 2022 Annual Monitoring Report, prepared by WSP, dated March 30, 2023 and Environmental Opinion Groundwater Methane, prepared by Landtek Limited, dated September 22, 2022.

These materials were submitted to the Ministry of Environment, Conservation and Parks (MOECP) in April 2024 and are still under review. As the City requires written approval from the MOECP that the development satisfies the criteria of the Environmental Protection Act and that the studies are acceptable, staff are recommending that a Holding Provision be placed on the property until approval is received from the MOECP.

4.6 Environmental Impact Assessment (Part 2, Subsections 2.3 a) and 2.5)

The subject lands are located within the Regional Natural Heritage System and are adjacent to an Environmental Protection Area (EPA) and the Sassafras Woodlands Earth Science Area of Natural and Scientific Interest (ANSI). The natural heritage features on site include unevaluated wetlands, candidate Significant Woodlands, potential species at risk habitat and surface drainage features which flow to Falcon Creek. The purpose of the EIA is to demonstrate that the proposed development will result in no negative impacts to the Regional Natural Heritage System or unmapped Key Features and their associated ecological functions and provide mitigation measures, and opportunities for enhancement where avoidance is not possible.

The applicant submitted an Environmental Impact Assessment (EIA), prepared by GeoProcess, dated July 2024 and a response letter, dated November 1, 2024. Staff have reviewed the submitted EIA and response letter and determined that generally the EIA is acceptable, however there is still outstanding information including:

- Confirmation on whether the wetlands on the property form part of the Regional Natural Heritage System and should be included as a protected feature;
- Final Environmental Impact Assessment mapping which will inform the final zone boundaries and illustrate the key features, setbacks and hazard lands; and,
- Screening of all trees proposed for removal for snag be provide as part of the EIA.

The tree removal screening occurred in early November 2024 and the results have been submitted to the MOECP for review. Staff are of the opinion that the above noted matters will be addressed once the final Environmental Impact Assessment is submitted. Staff are therefore recommending that a holding provision be placed on the property to resolve the outstanding environmental issues.

In the absence of a final EIA, staff are also recommending that all areas located outside of the site-specific boundaries of the Business Corridor (H-BC2-547) Zone be zoned Open Space O3-549 Zone to protect the natural heritage features on site. Once staff receive the final EIA materials, further refinements of the Open Space zone boundaries can be revised through a Housekeeping Zoning Amendment. This approach will ensure that the natural features are protected in the interim and provides a process to implement the final results of the EIA.

5.0 City of Burlington Official Plan (2020)

On Nov. 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020. For

the list of the appeals filed with the Ontario Land Tribunal (OLT), see the Dec. 23, 2020 update under “Burlington Official Plan, 2020 appeals process”.

On Jan. 4, 2023, the OLT formally confirmed which parts of the Burlington Official Plan, 2020 came into effect on Dec. 22, 2020 and which parts did not. The OLT also confirmed that no parts of the Official Plan (other than policies where appeal rights are limited by the Planning Act) are in effect on lands with site-specific appeals. For a list of policies in effect as of Dec. 22, 2020, see the May 16, 2023 update under “Burlington Official Plan, 2020 appeals process”. This update also includes a list of site-specific appellants.

Until all broad appeals to the Region’s approval of the Burlington Official Plan, 2020 are resolved, parts of the old Official Plan (Burlington Official Plan 1997, as amended) will stay in effect. Parts of the Burlington Official Plan, 2020 that are broadly appealed may be considered on an informative, but not determinative, basis.

The interim working version of the Burlington Official Plan, 2020 is provided for information only. For legal purposes, reference the original certified documents on file with the City Clerk, including the April 26, 2018 City of Burlington adopting bylaw and the Nov. 30, 2020 Halton Region Notice of Decision.

As the OLT process continues, the Burlington Official Plan, 2020 may change and need to be updated. Readers of the Plan must satisfy themselves as to the legal status and applicability of the policies by reviewing all Orders and Decisions from the OLT. You can view these documents by visiting the Ontario Land Tribunal's webpage for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington".

5.1 Urban Structure and Growth Framework

The subject property is located within the lands identified as Employment Uses and Region of Halton Employment Area on Schedule B – Urban Structure of the new OP. These lands will provide for the location of significant diverse areas of current and future employment activities that are required for the city’s long term economic development and competitiveness, as these lands represent the principal employment generator in the city and will be guided by the underlying land use designations.

The subject property is located within an area identified as an Employment Growth Area as shown on Schedule B-1 – Growth Framework of the new OP. Employment Growth Areas shall consist of employment oriented designations not captured within the Primary Growth or Secondary Growth Areas, and will be an area of focus for the intensification of employment. all forms of employment intensification may be permitted, in accordance with the permissions established in the underlying land use designation.

5.2 Business Corridor (Chapter 8, Subsection 8.1)
The lands are designated “Business Corridor” in accordance with Schedule C – Land Use – Urban Area of the new Official Plan. The Business Corridor designation provides locations in the city for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes. This designation permits a wide range of employment uses including office, industrial and ancillary employment uses and establishes high design and development standards.

Permitted uses include a broad range of office uses; industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, research and information processing, communications, utilities and transportation uses, and service trades, provided these uses are located within an enclosed building and are unlikely to cause significant adverse effects such as noise, vibration, odours or dust; hotel, conference and convention uses.

A limited range of accessory retail uses such as convenience stores, and a full range of accessory service commercial uses such as restaurants and banks, a limited range of recreation uses such as fitness centres and gyms, and large-scale motor vehicle dealerships, subject to certain provisions of the Business Corridor designation may also be permitted. The designation encourages a minimum Floor Area Ratio (FAR) of 0.25:1 for office uses and permits a range of building heights and intensities.

The proposed development conforms to the land use policies of the Business Corridor designation, as it provides an industrial use with high design and development standards. The proposed asphalt manufacturing use provides a range of building heights and does not exceed the FAR. Further, the proposed development represents a redevelopment of underutilized lands and a former brownfield site that may not be suitable for other Business Corridor uses.

5.2 Site Specific Policy (Chapter 8, Subsection 8.2.4 (3) b))
Chapter 8, subsection 8.2.4 b) of the Official Plan contains a site-specific policy that requires the submission and implementation of an Environmental Impact Assessment, Viewshed Study, and compliance with the North Aldershot design policies for all development of lands designated “Business Corridor” on the north side of North Service Road west of King Road, identified as 151, 201, 291 North Service Road.

This site-specific policy has the same requirements as the site-specific policy noted above in the Burlington 1997 Official Plan section. Staff is of the opinion that the site-specific policy requirements have been addressed through the recommended holding provision.

6.0 Sustainable Building Guidelines

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

In accordance with Guideline 1.6, development proposals on greenfield sites are encouraged to limit site disturbance including earthwork and clearing of vegetation to 12 metres beyond the building perimeter, 1.5 m beyond primary roadway curbs, walkways, and main utility branch trenches, and 7.5 m beyond constructed areas with permeable surfaces (such as pervious paving areas) that require additional staging areas in order to limit compaction in the constructed area. Alternately on previously developed sites, proposals should restore a minimum of 50% of the site area (excluding the building footprint) by replacing impervious surfaces with native or adapted vegetation. This guideline helps maintain the local landscape and ensure soils and vegetation remain undisturbed.

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 are 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. 344 trees were surveyed on/in the vicinity of the Subject Lands and 105 are intended to be removed. City forestry staff have reviewed the proposed development and have no objections to the proposed tree removals and note that compensation trees and a tree restoration plan will be required at the Site Plan stage.

In accordance with the Water Conservation and Quality guidelines in Section 4, the applicant should achieve enhanced stormwater treatment for all stormwater runoff. Development Engineering have reviewed the Functional Servicing & Stormwater Management Report prepared by S. Llewellyn & Associates Limited, dated September 2021, revised May 2024 and have stated that the report has demonstrated that on-site

stormwater controls can meet the City of Burlington's stormwater management criteria. This guideline has been met.

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 and along the north and south property lines. Restoration plantings are provided along the west property line to enhance the natural feature.

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.

7.0 Zoning By-law

The following table outlines the requirements of the 'Business Corridor' (BC2) and what is being proposed.

Zoning Regulation	**BC2**	**Proposed**
Permitted Uses	Not permitted	Asphalt manufacturing including open storage of aggregates
Staff comments: The Business Corridor (BC2) Zone permits prestige-type offices and industrial uses that are located in an enclosed building and are unlikely to cause significant pollution or excessive noise. The proposed use is not permitted in the Business Corridor (BC2) Zone as it is considered a more industrial use, does not permit outdoor storage and the structures are not fully contained within a building. The subject lands are part of the former Halton Region landfill and are classified as a brownfield site. Staff believe that the proposed use, with the proper environmental protection zones, is appropriate for the site as it represents a redevelopment of an underutilized brownfield site. The proposed unenclosed manufacturing equipment will be approximately 190 metres from North Service Road and 100 metres from the east and west property lines. The		

development area has a lower grade than the front of the property, which results in a grade change of 2 metres. The proposed use will appear lower in elevation from North Service Road creating a natural screening which is enhanced by the proposed landscaping on site.

Staff are supportive of the proposed modification.

Zoning Regulation	**BC2**	**Proposed**
Building Height	Office Buildings: 2 storeys, 10 m, shall not exceed 127 m geodetic datum Other Buildings: 1 storey, 10 m, shall not exceed 127 m geodetic datum	10 m for administrative buildings, 20 m for manufacturing equipment and 25 m for unenclosed silos and conveyor belt

Staff comments:

The applicant is proposing a maximum building height of 25 metres for the unenclosed silos. The proposed asphalt manufacturing use includes the following structures and equipment: unenclosed silos with a conveyor belt, control centre and motor control centre building, dryer, scalp screen, feeder bins, bag house, oil heating and hot elevator and conveyor.

Staff are proposing three separate height permissions in the zoning by-law to account for the varying buildings and equipment heights on site. The administrative buildings (control centre and and motor control centre) will have a maximum building height of 10 metres, which meets the zoning by-law requirement. The manufacturing equipment that does not include the silos or conveyor belt will have a maximum building height of 20 metres and the unenclosed silos and conveyor belt will have a maximum building height of 25 metres.

These height permissions align with what is being proposed on site, what was approved through the Visual Impact Assessment by the NEC and will allow for minimal impacts of the proposed use without hindering the operations.

Staff are of the opinion that the proposed height maximums are suitable for the site and are supportive of this modification.

Zoning Regulation	**BC2**	**Proposed by Staff**
Lot Width	70 m	40 m

Staff comments:

The proposed Business Corridor (H-BC2-547) zone requires a minimum lot width of 70 metres, however due to the natural heritage constraints on site the minimum lot width is 40 metres. Staff are supportive of the lot width reduction as the remainder of the property will be zoned Open Space O3-549 Zone to protect the natural features on site.

Staff support the modification.

Zoning Regulation	BC2	Proposed by Staff
Yard abutting an O3 Zone	7.5 m	5 m

Staff comments:

The BC2 Zone requires a 7.5 metre setback to the Open Space (O3) Zone. Staff are recommending a 5 metre setback to the O3-549 Zone to allow some design flexibility as the EIA mapping is not finalized.

Staff consider the modification to be minor and support the modification.

Zoning Regulation	BC2	Proposed
Landscape Area Abutting North Service Road	60 m	0 m

Staff comments:

As staff are recommending that all areas outside of the site-specific Business Corridor Zone be zoned Open Space O3-549 Zone to protect the natural heritage features on site, the proposed landscape areas are now outside of the Business Corridor Zone. The applicant is still proposing landscaping along North Service Road and restoration plantings along the west side of the property line; however, they will be under the Open Space zoning.

Staff consider this a minor modification as landscape areas are still being provided on site and meet the intent of the landscape area provision by providing sufficient trees, shrubs and other landscaping materials between the streetline and the proposed development.

Staff are supportive of the proposed modification.

Zoning Regulation	BC2	Proposed
Site Coverage	40% of net lot area	88% of net lot area

Staff comments:

The BC2 Zone requires a maximum site coverage of 40%, whereas the proposed development represents a maximum site coverage of 88%.

The total lot area subject to these applications is approximately 7.3 hectares and the total lot area for the site-specific BC2-547 Zone is 1.4 hectares. The remainder of the lands (5.9 hectares) are being placed in an Open Space (O3-549) Zone to protect the natural features on site.

Given the natural heritage constraints on the property, staff are supportive of the increase in site coverage as the remainder of the property will be zoned for protection.

Staff are supportive of the proposed modification.

Zoning Regulation	**BC2**	**Proposed by Staff**
Landscape Area abutting an O3 Zone	3 m	0 m

Staff comments:

As noted above, the EIA mapping is not finalized, and staff are recommending that all areas outside of the site-specific Business Corridor Zone be zoned Open Space O3 Zone to protect the natural heritage features on site.

As the lands outside of the site-specific BC2-547 Zone will be protected through an Open Space Zone and the applicant is providing restoration plantings and landscaping along the front and west property lines staff are recommending that the landscape area abutting an O3 Zone be 0 m. Staff are of the opinion that the site will maintain its natural open space appearance and will provide appropriate landscaping and restoration plantings in accordance with the final approved EIA.

Staff support the modification.

Zoning Regulation	**BC2**	**Proposed**
Outdoor storage	Prohibited	Outdoor storage of aggregate is only permitted within 60 metres of the hydro corridor

Staff comments:

Outdoor storage is prohibited in the Business Corridor (BC2) Zone. The applicant is proposing outdoor storage of aggregates to support the asphalt manufacturing use. The proposed outdoor storage will be contained in tall concrete wing walls and will only contain enough aggregates to fulfill the daily requirements of the asphalt manufacturing use.

To minimize the visual impact of the outdoor storage area, staff have included a provision in the draft zoning by-law to only permit outdoor storage within 60 metres of the hydro corridor. This will confine the outdoor storage area to be located further into the site and away from the roadway and adjacent land uses. The proposed storage area will be located approximately 190 metres from North Service Road and will be screened by landscaping, the existing natural features on site and the proposed manufacturing equipment.

Staff are supportive of the proposed modification.

Zoning Regulation	BC2	Proposed
Loading and Unloading	Not permitted in a yard abutting a street	Loading is only permitted within 75 m of a yard abutting a street
Staff comments: The applicant is proposing a loading area near the control centre room, which is approximately 75 metres from the front lot line. As loading and unloading are not permitted in a yard abutting a street, staff have included a provision in the zoning by-law to only permit loading within 75 metres of a yard abutting a street. The proposed loading and unloading area will be setback far enough from the roadway and adjacent land uses that there will minimal visual impact. The proposed landscaping abutting North Service Road and the existing natural heritage features on site will act as screening to further mitigate any impacts from the loading and unloading area. Staff are supportive of the proposed modification.		

The following table outlines the requirements of the 'Open Space' (O3) and what is being proposed.

Zoning Regulation	O3	Proposed by Staff
Permitted Uses	Storm water management and erosion control, excluding permanent detention and retention ponds	Storm water management and erosion control, including permanent detention and retention ponds.
Staff comments: The Open Space (O3) Zone permits stormwater management and erosion control, excluding permanent detention and retention ponds. As noted above, staff are recommending that all areas outside of the site-specific Business Corridor Zone be zoned Open Space O3-549 Zone to protect the natural heritage features on site as the mapping of the EIA is not final. A portion of the area located outside the site-specific Business Corridor Zone contains a permanent dry stormwater management pond that is required as part of the development. Staff are of the opinion that the inclusion of the stormwater management pond is a minor modification and with the recommended setback provisions noted below, will protect the natural heritage features. Staff are supportive of the proposed modification.		

Zoning Regulation	O3	Proposed by Staff
N/A	N/A	A stormwater management pond is only permitted within 100 m of North Service Road and 150 m of the west property line.
Staff comments: As the final EIA mapping is still outstanding, staff are including a provision in the Zoning By-law that will restrict the location of the proposed stormwater management pond to the frontage of North Service Road and outside Conservation Halton's regulated area. This will ensure that the proposed stormwater management pond will not encroach into the natural heritage features on site and maintains its proposed location. Staff are supportive of this modification.		

SUBJECT: Official Plan and Zoning By-law Amendments – 5051 Harvester Road

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-83-24

Wards Affected: 5

Date to Committee: December 3, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the applications for Official Plan Amendment and Zoning By-law Amendment submitted with modifications by MHBC proposing a five-storey commercial, retail and office development at 5051 Harvester Road; and

Approve Official Plan Amendment No. 153 to the City of Burlington Official Plan, as provided in Appendix D of community planning department report PL-83-24, to modify the “Business Corridor” Designation at the lands located at 5051 Harvester Road; and

Deem that the Official Plan Amendment No. 153 is consistent with The Planning Act; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 153 as contained in Appendix D to community planning department report PL-83-24 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; and

Approve Zoning By-law 2020.491, attached as Appendix C to community planning department report PL-83-24, to rezone the lands at 5051 Harvester Road from “BC1-62” to “H-BC1-62” and “H-BC1-548’; and

Deem that Zoning By-law 2020.491 will conform to the Official Plan of the City of Burlington once Official Plan Amendment No. 153 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 153 is adopted.

PURPOSE:

The purpose of this report is to provide Council with information on the proposed applications that is necessary for proceeding with the Statutory Public Meeting and bringing forward a recommendation on these applications. Staff are recommending approval of the official plan and zoning by-law applications for a five-storey commercial, office and retail development. A holding provision is being recommended to address outstanding matters related to servicing capacity and the required road widening.

Vision to Focus Alignment:

☑ Designing and delivering complete communities

☐ Providing the best services and experiences

☑ Protecting and improving the natural environment and taking action on climate change

☐ Driving organizational performance

Executive Summary:

MHBC Planning Limited on behalf of the landowner at 5051 Harvester Road has submitted an Official Plan and Zoning By-law amendment application to facilitate the creation of a five-storey service commercial, office and retail building. The Official Plan and the Zoning Amendment seeks to permit additional uses to facilitate the development of a five-storey self-storage facility with accessory retail space and office space and to maintain the existing restaurant as a standalone use. The primary use will be self-storage, with ancillary office and reception/retail space on the west portion of the building. The development will have total Gross Floor Area (GFA) of 33,894 square metres, composed of reception/retail with an GFA of 1,088 square metres, offices with GFA of 8,450 square metres, self-storage GFA of 22,862 square metres, and a loading/other GFA of 1,493 square metres. Underground parking will be provided and accessible on the northeast corner of the proposed building, facing the entryway from South Service Road. The amendments are requesting modifications to the following provisions:

• reduced lot areas;

• increased floor area ratio;

• increased office gross floor area;

• proposed parking reduction;

• proposed standalone service commercial (restaurant) use.

Planning staff have reviewed the Official Plan and Zoning By-law Amendment applications and find that the applications are consistent with Provincial planning documents, and conform to the Regional Official Plan and Burlington Official Plan, 1997 and Zoning By-law. As such, staff are recommending approval. Staff are of the opinion that the service commercial use meets the intent of the Employment Area policies as no sensitive land use is being introduced that would preclude the development of surrounding land uses and therefore would support the use as a standalone service commercial use. The restaurant use has been in existence since approximately 1999 and has functioned as a standalone use since. The use will continue to serve the immediate and everyday needs of the surrounding employment uses and will serve the proposed use as well. The existence of the restaurant has not hindered development of the area. For these reasons staff recommend approval of the applications.

Background and Discussion:

RECOMMENDATION:		Approval	***Ward:***	5
Application Details	***APPLICANT:***	MHBC Planning Limited (℅ David Mckay)		
	OWNERS:	875 Appleby Line Storage GP Corporation		
	FILE NUMBERS:	505-06/24 & 520-11/24		
	TYPE OF APPLICATIONS:	Official Plan and Zoning By-law Amendment		
	PROPOSED USE:	Five Storey Mixed-Use Employment Building		
Property Details	***PROPERTY LOCATION:***	The subject property is located north-east of the -intersection of Appleby Line and Harvester Road.		
	MUNICIPAL ADDRESSES:	5051 Harvester Road		
	PROPERTY AREA:	2.27 hectares (5.61acres)		
	EXISTING USES:	Fast Food Restaurant and vacant		

	OFFICIAL PLAN Proposed:	'Business Corridor'
	ZONING Existing:	"Business Corridor One – 62" ('BC1 -62')
	APPLICATION RECEIVED	September 16, 2024
	STATUTORY DEADLINE: *(Section 22(7) & Section 34(11) of Planning Act)*	January 13, 2025 (120 days)
	PUBLIC COMMENTS	None at the time of writing this report

A complete application had been received as of September 16, 2024 for an Official Plan and Zoning By-law Amendment to support the development of a five-storey mixed use employment building. This report provides an overview of the application, an outline of applicable policies and regulations, a summary of technical and public comments received and staff's opinion and recommendation with respect to this application.

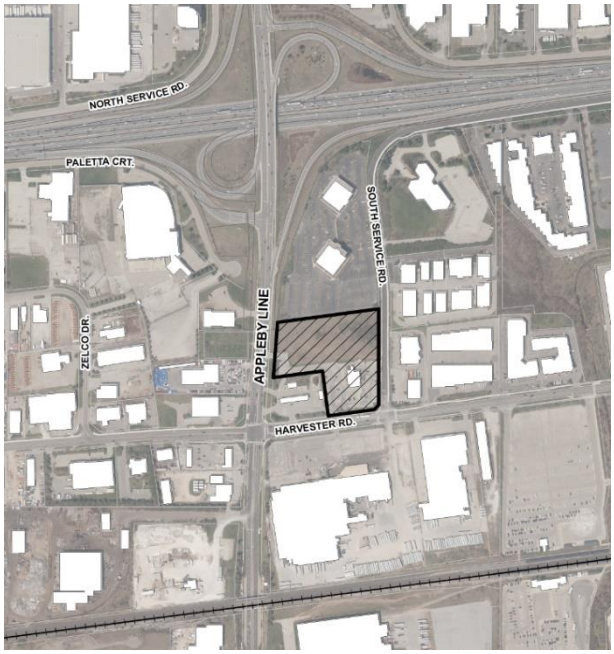


Figure 1 – Air photo (2021) with subject property outlined

The subject site is comprised of 2.27 hectares (5.61 acres) and is known municipally as 5051 Harvester Road. The site has frontage along Appleby Line, Harvester Road and South Service Road with primary ingress/egress currently off of Harvester Road. Further access is proposed from South Service Road and Appleby Line.

Existing structures on the property include a single storey service commercial use, specifically a fast-food restaurant. The existing restaurant is to remain on the lands with no proposed changes. The location of the subject lands and overall site context is illustrated on Figure 1and Appendix A (Location Plan (Aerial)).

The subject property is located north-east of the intersection of Appleby Line and Harvester Road and on the west side of South Service Road.

Surrounding uses are as follows:

- North: North of the site is zoned MC1 (Business Corridor One) consisting of two office buildings with heights of 10 and 8 storeys.

- South and East: Southeast of the site is zoned GE1 (General Employment One) Zone consisting of Sofina Foods and Tire Discounters - retail and warehousing as well as one storey office uses.

- West: West of the site is a cemetery which is surrounded by GE1 (General Employment One) zone and further west is a BC1-41 (Business corridor One) zone consisting of auto dealership, two storey machine shop.

Approximately 500 metres southeast of the site is the Appleby Go Station. In terms of transit, immediately adjacent of the site is transit stop 517 which runs along Appleby Line. Transit stop 510 is located on the northwest intersection of Harvester Road And Appleby Line which also runs Appleby Line. Transit stops 528 and 536 are located at the intersection of Harvester Road and South Service Road adjacent to the site and run along Harvester Road.

Description of Applications

MHBC Planning Limited has made an application on behalf of 875 Appleby Line Storage GP Corporation. to amend the Official Plan and Zoning By-law for the property located at 5051 Harvester Road.

These applications propose an Official Plan Amendment and Zoning By-law Amendment to develop the subject lands with a 5-storey mixed use building containing employment, office and retail uses. The primary use will be self-storage, with ancillary office and reception/retail space on the west portion of the building. The development will have total Gross Floor Area (GFA) of 33,894 square metres, composed of reception/retail with an GFA of 1,088 square metres, offices with GFA of 8,450 square metres, self-storage GFA of 22,862 square metres, and a loading/other GFA of 1,493 square metres. Underground parking will be provided and accessible on the northeast corner of the proposed building, facing the entryway from South Service Road.

Supporting Documents

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

- Arborist Report, prepared by MHBC Planning Limited, November 3, 2023
- Plans, prepared by Global Architects Inc., dated September 12, 24
- Civil Plans, prepared by Crozier Consulting Engineers, dated August 29, 2024

- Cover Letter, prepared by MHBC Planning Limited, dated September12, 2024
- Environmental Site-Screening Questionnaire, prepared by MHBC Planning
- Functional Servicing and Stormwater Management Report, prepared by Crozier Consulting Engineers, dated August 2024
- Landscape Plans, prepared MHBC Planning Limited, dated September 9, 2024
- ESA Phase 1, prepared by Fisher Engineering, dated September 13, 2024
- ESA Phase 2, prepared by Fisher Engineering, dated September 15, 2024
- Planning and Urban Design Rationale, prepared by MHBC Planning Limited, dated September 2024
- Severance Plan, prepared by Speight, Van Nostrand & Gibson Limited, signed November 3, 2023
- Sustainable Building and Development Guidelines, dated September, 2024
- Topography Survey, Speight, Van Nostrand & Gibson Limited, signed October 10, 2023
- TIS, prepared by GCGH Transportation, dated August 2024
- Tree Inventory, prepared by MHBC Planning Limited, dated September 6, 2024
- Urban Design Brief, prepared by MHBC Planning Limited, dated September 2024

Supporting documents have been published on the City's website for the subject application, www.burlington.ca/5051harvester

Policy Framework

The proposed Official Plan Amendment and Zoning By-law Amendment applications are subject to review in accordance with the Provincial Policy Statement (2020); the Provincial Planning Statement (2024); Region of Halton Official Plan (2009, as amended); City of Burlington Official Plan (1997, as amended); City of Burlington Official Plan (2020, as amended); and City of Burlington Zoning By-law 2020, as summarized in greater detail within Appendix F. Planning staff are of the opinion that the proposed applications are consistent with the general intent and objective of employment areas within the Provincial Planning Statement (2024), Region of Halton Official Plan (2009, as amended), and City of Burlington Official Plans (1997 as amended & 2020 as amended).

Zoning By-law 2020

The subject lands are currently zoned 'BC1-62' (Business Corridor One with site-specific Exception 62), under By-law 2020 as amended (as shown on Appendix B Existing Zoning Plan). The BC1 zone permits a wide range of industrial, and office uses as well as a limited range of service commercial uses with no maximum height restrictions.

Site-specific exception number 62 further restricts permitted uses to service commercial restaurant as a use and all office uses. Further analysis is completed within appendix F.

Technical Comments

The subject applications were circulated to internal staff and external agencies for review. The following comments have been received by staff.

Rogers Communications – No Objections

Hydro One – No Objections.

Region of Halton – Expressed concern for a required road widening to be taken. The total width to be taken is undetermined at this time and should be confirmed by a surveyor. Revisions to the FSR are also required to confirm capacity. It is being recommended that a holding provision be included to ensure capacity and to obtain the required road widening.

City of Burlington's Urban Forestry and Landscaping staff – Staff have no objections.

City's Development Engineering – No concerns as noise report can be completed at the future site plan control stage.

City's Transportation Planning – No concerns with the increase of traffic within the area, however, staff note that additional information is required to confirm appropriate stall dimensions are provided for underground parking. This can be reviewed and addressed through Site Plan Control.

Financial Matters:

The property is subject to City, Region and School Board Development Charges and Park Dedication fees.

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

Climate Implications:

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

and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

The proposed development contributes to the intensification of the City's urban area and will introduce employment opportunities and commercial services within an accessible existing employment area well serviced by transit. As such, the proposed development supports reduced automobile trip lengths, transit usage, and consequently reduced greenhouse gas emissions.

Furthermore, while the proposed development increases the amount of impervious surface on the subject site, through the site plan process, adequate stormwater managements controls will be implemented to ensure safe functionality of the site and surrounding land uses.

Engagement Matters:

In response to public circulation, staff received no comments out of 96 notices sent to members of the public.

Conclusion:

Staff's analysis of the application for an Official Plan and Zoning By-law Amendment considers the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement, 2020, Provincial Planning Statement, 2024 and conforms to the Regional and City Official Plans, and the Zoning By-law 2020.

It is therefore recommended that approval be given for the applications to facilitate the creation of a five-storey employment building.

Respectfully submitted,

Alicia West, MCIP, RPP

Planner

905-335-7600 Ext. 7504

Appendices:

A. Location Map
B. Zone Mapping
C. Concept Plan

D. Draft Official Plan Amendment
E. Draft Zoning By-law Amendment
F. Planning Analysis

Notifications:

Maire Stea – mstea@mhbcplan.com

David McKay- dmckay@mhbcplan.com

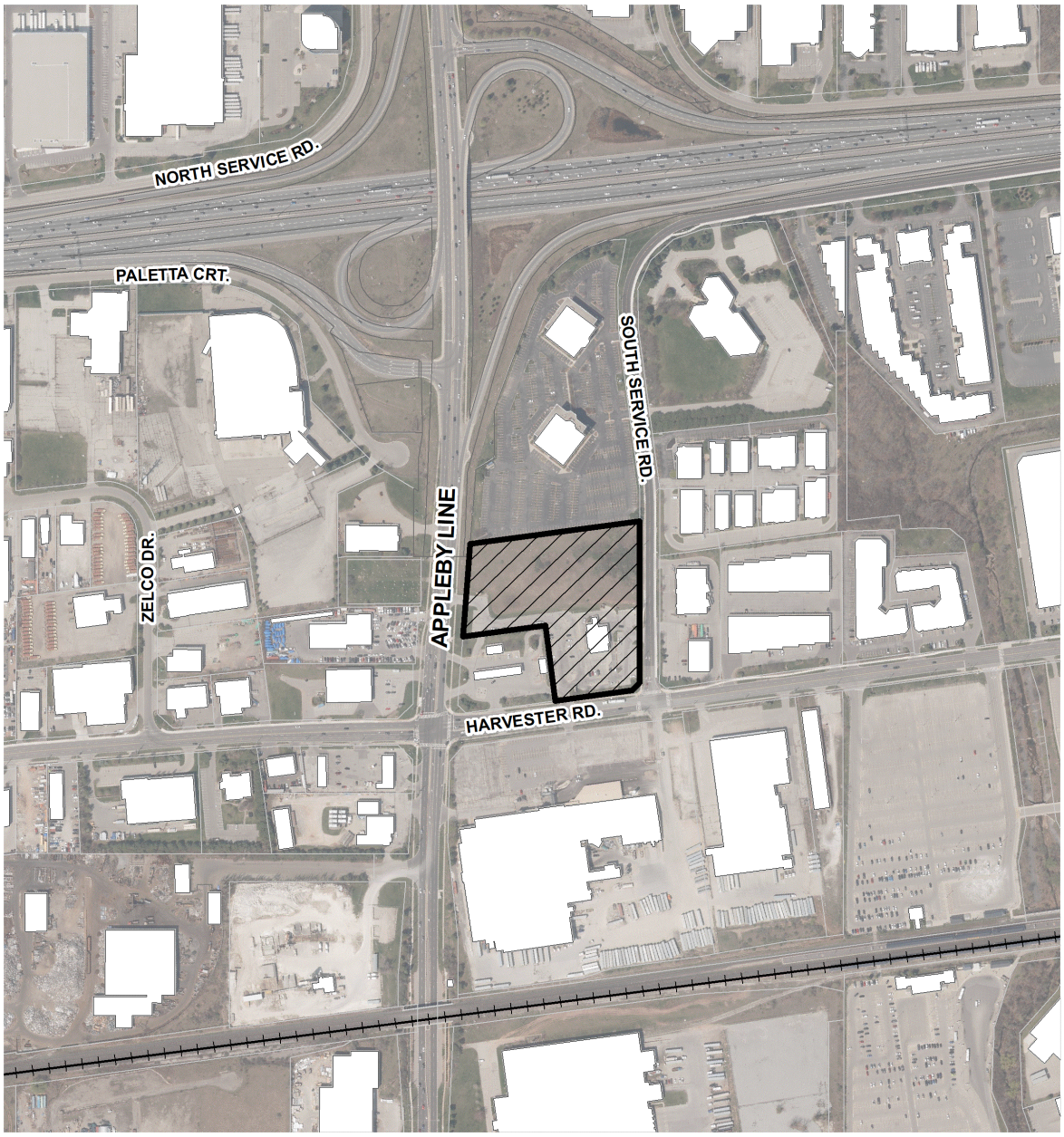
Report Approval:

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

LOCATION PLAN

SUBJECT PROPERTY

File Nos. 520-11/24
& 505-06/24



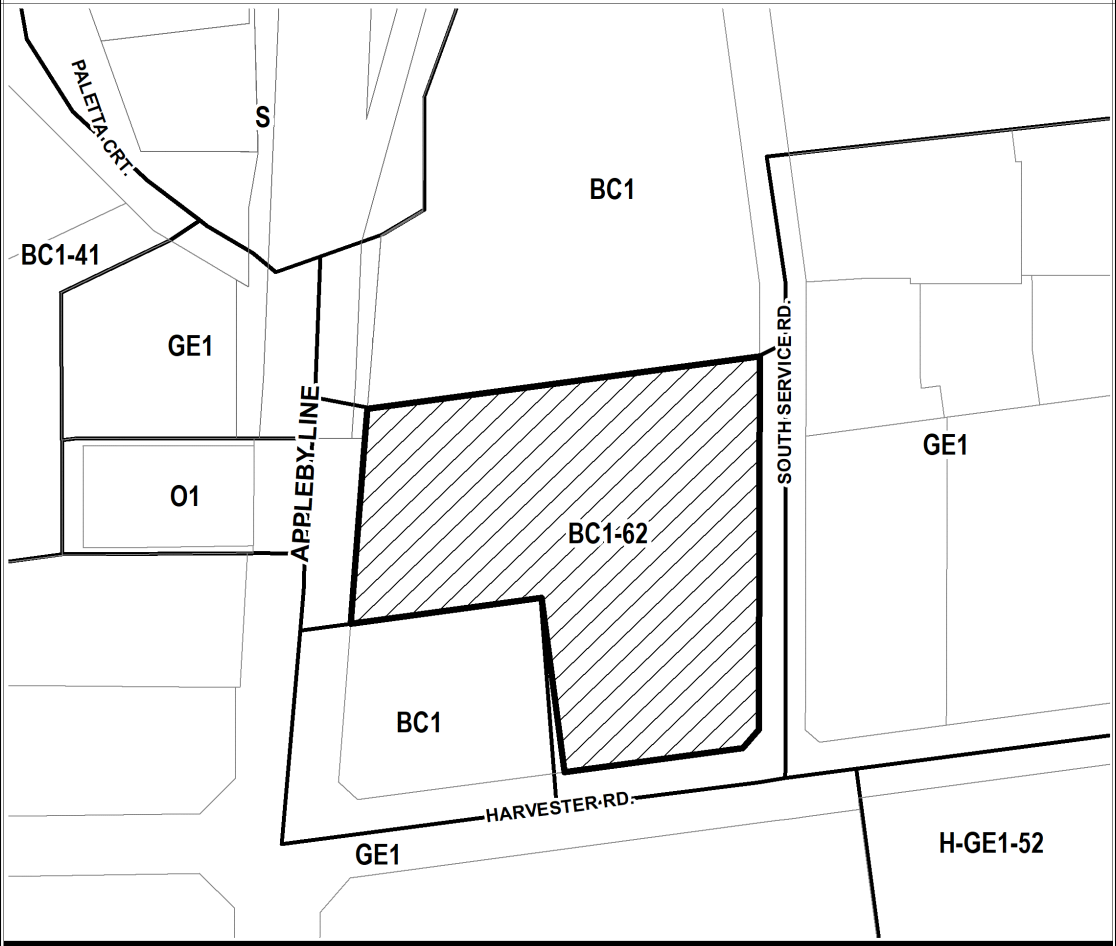
Date: October 17, 2024
Community Planning Department

EXISTING ZONING

The applicants are proposing to amend the Official Plan and Zoning By-law to facilitate the development of a five storey commercial, retail and office development with a total gross floor area of 30,962 sq. m, consisting of 21,710 sq. m. of self-storage space, 1,159 sq. m. of ancillary retail space and 5,195 sq. m. of office space. The proposed development will provide pedestrian and vehicular access from Appleby Line. The proposed development will provide for a total of 9 surface parking spaces and 157 underground parking spaces

SUBJECT PROPERTY

File Nos. 520-11/24
& 505-06/24



GENERAL ZONING LEGEND

Low Density	Medium Density	High Density	Mixed Use	Commercial	Employment	Other
				BC1	GE1	O1 S

Date: October 17, 2024
Community Planning Department

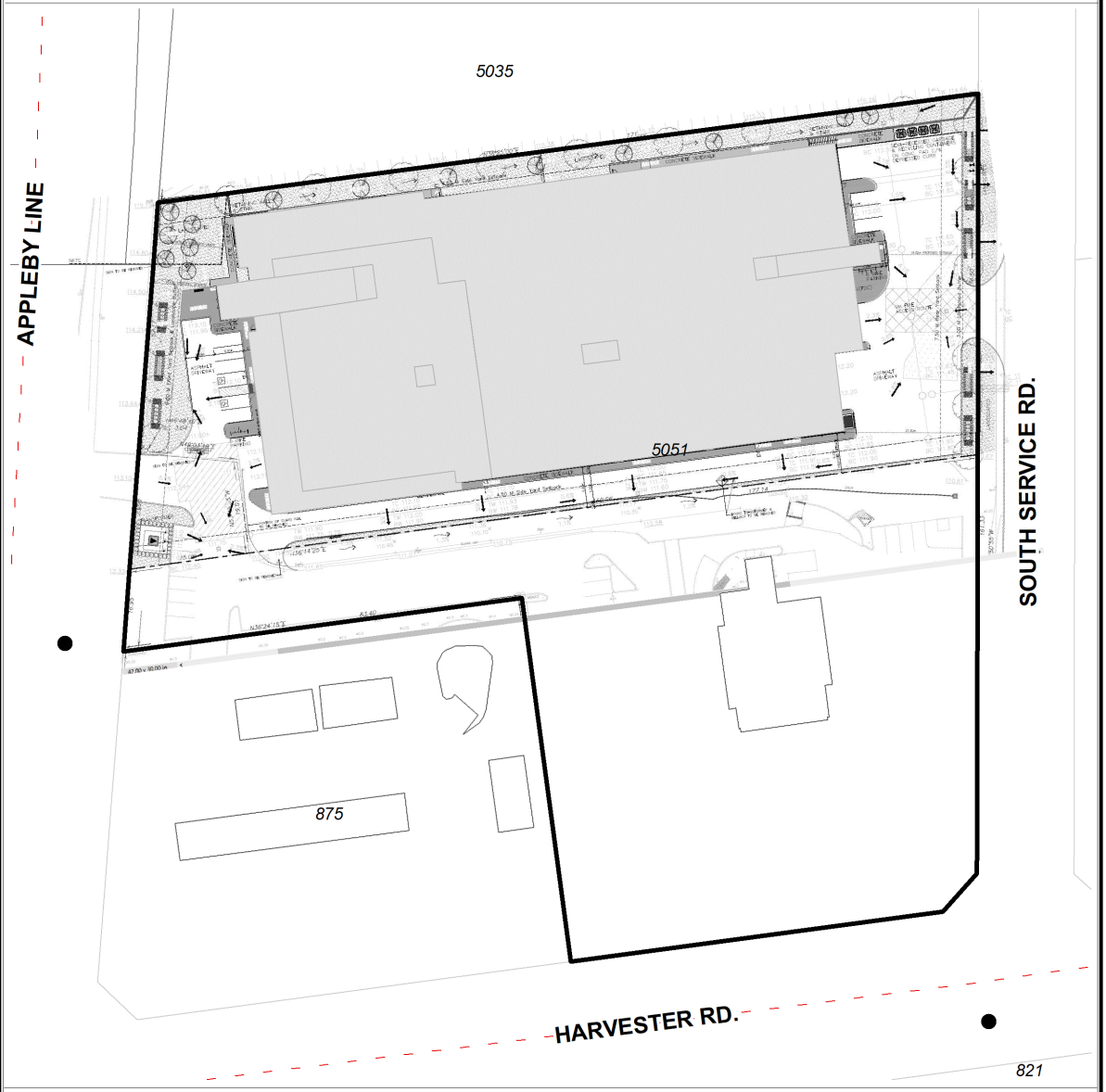
TERANET Burlington

CONCEPT PLAN

The applicants are proposing to amend the Official Plan and Zoning By-law to facilitate the development of a five storey commercial, retail and office development with a total gross floor area of 30,962 sq. m, consisting of 21,710 sq. m. of self-storage space, 1,159 sq. m. of ancillary retail space and 5,195 sq. m. of office space. The proposed development will provide pedestrian and vehicular access from Appleby Line. The proposed development will provide for a total of 9 surface parking spaces and 157 underground parking spaces

SUBJECT PROPERTY Bus Route Bus Stop

File Nos. 520-11/24 & 505-06/24



Date: October 17, 2024
Community Planning Department

AMENDMENT NO. 153 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

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-82-24 at its meeting held on December 10, 2024.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to amend the existing "Business Corridor" designation of 5051 Harvester Road to permit a 5-storey non-residential building on the subject lands with a Floor Area Ratio of 2.4:1.

2. SITE AND LOCATION

The subject lands are municipally known as 5051 Harvester Road and are located on the east side of Appleby Line. The lands are generally rectangular in shape, have a total net lot area of 1.29 ha (3.19 acres) and has 76.2 metres of frontage on Appleby Line.

3. BASIS FOR THE AMENDMENT

a) The subject applications propose intensification that is consistent with the Provincial Policy Statement (PPS), 2024. The PPS promotes a range and mix of uses 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 meets the intent of the Region of Halton Official Plan.

c) The proposed service commercial (self storage), office and related retail building consists of a height of 5 storeys, and a Floor Area Ratio of 2.4. The Business Corridor designation permits employment uses and ancillary service commercial uses with a maximum floor area ratio for office use of up to 0.5:1.

d) The subject lands are within close proximity of commercial land uses, various community services and facilities, and is directly serviced by Burlington Transit.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change:
Schedule B indicates the lands to be maintained within the designation of Business Corridor with site specific provisions.

Text Change:
The text of the Official Plan of the City of Burlington, as amended, is hereby amended as follows:

By adding the following site-specific policy q) at the end of Part III, Land Use Policies – Urban Planning Area, Section 3.4 Business Corridor designation, , Subsection 3.4.3 Site Specific Policies as follows:

5051 Harvester Road	q) Notwithstanding the policies of Part III, Subsection 3.4.2(b) and (e) of this plan on the lands identified as 5051 Harvester Road and designated "Business Corridor", the following policies *shall* apply: The maximum floor *area ratio shall* be 2.5:1; i) *Service Commercial* uses are permitted as a standalone use; ii) There is no limit on the percentage of total floor area of any one building used for ancillary uses, including restaurant uses.

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 City of Burlington.

BY-LAW NUMBER 2020.491, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.491

A By-law to amend By-law 2020, as amended for 5051 Harvester Drive to facilitate the development of a 5-storey self-storage building with office uses and related retail space.

File No.: 520-11/24

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-83-24 on December 3, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit a storage locker facility as primary uses, an increase in accessory retail space as well as technical modifications;

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

1. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

#92	H-BC1-548 H-BC-62	Map 27-W	Resolution: December 10, 2024

The Holding symbol shall be removed from the zoning designation by way of an amending by-law when:

i. Obtain the required Road widening to the satisfaction of Halton Region;
ii. A revised Functional servicing Report has been submitted and reviewed to the satisfaction of Halton Region;

2. Part 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 548 as follows:

Exception 548	H-BC1-548	Map 27-W	Amendment 2020.491	December 10, 2024

1. Permitted Uses

a) Only the following uses shall be permitted:

Office Uses: All Office Uses
Storage Locker Facility
Accessory retail use in association with a Storage Locker Facility

2. Regulations:

a) Yard Abutting a Street:	12 m
b) North Side Yard:	0 m to retaining wall
c) Floor Area:	
i. Minimum office area:	5,100m^2
ii. Maximum accessory retail area:	1,200m^2
iii. Maximum floor area:	32,300m^2

d) A hydro transformer shall be permitted in the required landscape area abutting a street.

e) Loading and Unloading:

i. Loading / unloading docks shall be permitted on the building elevation facing South Service Road.

ii. Loading / unloading activities shall be permitted in a yard abutting South Service Rd.

f) Parking:

i. Notwithstanding Part 1, Subsections 2.25.1 there shall be no parking required.

ii. Where parking facilities are provided, designated accessible parking spaces for the exclusive use of persons with disabilities shall be identified with a provincially regulated vertical sign displaying the international symbol for accessible parking spaces. Designated parking spaces shall be included in the calculation of provided parking and shall be provided in accordance with Part 1, Section 2.26(9) Table 1.2.7, 9(a) and 9(b).

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

3. Part 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amending Exception 62 as follows:

Exception 62	**H-BC1-62**	**Map 27-W**	**Amendment 2020.491**	**December 10, 2024**
1. Additional Permitted Use:				
Service Commercial: Fast Food Restaurant with Drive-Through Facilities				
2. Regulations:				
a) Lot Area:			0.8 ha	
Except as amended herein, all other provisions of this By-law, as amended, shall apply.				

4 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.

4 b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this by-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Land Tribunal this By-law shall be deemed to have come into force on the day it was passed.

Enacted and passed this 10 day of December.

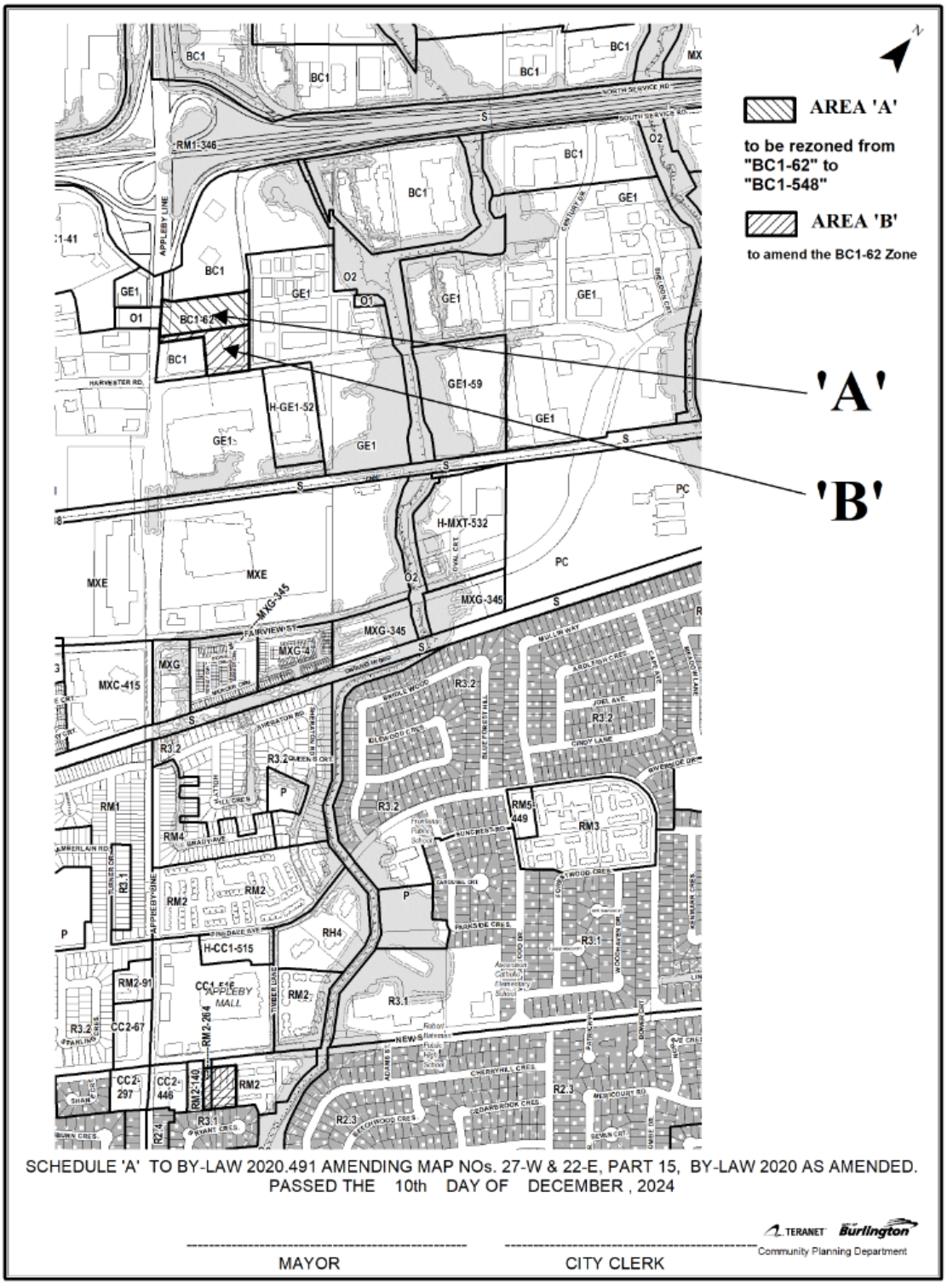
Mayor Marianne Meed Ward _____

City Clerk Samantha Yew _____

Explanation of Purpose and Effect of By-Law 2020.491

By-law 2020.491rezones 5051 Harvester Road to permit a 5-storey non-residential building and existing non-residential uses.

Schedule “A”


AREA 'A'
to be rezoned from "BC1-62" to "BC1-548"
AREA 'B'
to amend the BC1-62 Zone
'A'
'B'
SCHEDULE 'A' TO BY-LAW 2020.491 AMENDING MAP NOs. 27-W & 22-E, PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 10th DAY OF DECEMBER , 2024
MAYOR
CITY CLERK
TERANET
Burlington
Community Planning Department

Appendix F – Detailed Planning Analysis

1.0 The Provincial Policy Statement (PPS)

The subject applications were submitted in September 2024, when the Provincial Policy Statement 2020 was in effect. During the review of the subject applications, the province enacted the Provincial Planning Statement (2024), which came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. The PPS 2024 replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS 2024 provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS 2024 recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS.

Planning Authorities shall protect area employment areas by prohibiting sensitive lands uses not ancillary to uses permitted within the employment area and prohibiting residential and office uses not associated with the primary employment use. (Policy 2.8.2.3)

The proposal meets the general intent of preserving and protecting employment areas as no new residential uses are being introduced. The self-storage facility use as a primary use will not negatively affect the existing or future growth of the area.

3.0 Halton Region Official Plan (ROP)

The Regional Official Plan (ROP) provides “broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services” (ROP section 44). The Planning Act requires that Burlington’s Official Plan and Zoning By-law be amended to conform with the ROP.

The policies of the ROP provide for a structure and hierarchy in which to direct population and employment growth. Staff note that the Subject Lands are located within the boundary of a ‘Major Transit Station Area on a Priority Transit Corridor’ and along a ‘Regional Intensification Corridor’ which form part of the defined Strategic Growth Areas.

The Subject Lands are located within the Employment Area overlay as outlined on Map 1 of the ROP, as amended. The Region’s policy for Employment Areas is to promote intensification and increased densities in both new and existing Employment Areas by facilitating compact, transit-supportive built form and minimizing surface parking. Residential and non-employment uses including major retail uses in Employment Areas are prohibited unless through a municipal comprehensive review subject to criteria as set out in Section 83.2 of the ROP.

Section 83.2 (1) permits a range of ancillary uses that are associated with an employment use or that are supportive of the overall employment area. The existing restaurant will continue to benefit the surrounding employment area. The proposed self-storage use provides additional employment opportunities within an area intending on seeing employment growth while being a use that will also service the surrounding employment uses providing storage options and office

rental space. The proposal seeks underground parking limiting surface parking and will be serviced by transit.

It is staff's opinion that the proposal meets the intent of the Regional Official Plan as the proposed uses are ancillary to the employment area. Although warehousing is a permitted employment use, the city interprets a self-storage facility as a service commercial use which is permitted ancillary to a permitted employment use. Service Commercial use as a stand-alone use is not inclusive of any sensitive land uses such as residential uses or major retail uses, which are prohibited. The proposal therefore meets the intent and purpose of the employment area.

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

The Burlington Official Plan, 1997, was approved by Halton Region, with modifications, on March 5, 1997. Due to a number of appeals, certain parts of the plan were referred to the Ontario Land Tribunal (formerly the Ontario Municipal Board) for a decision. The following Official Plan documents were approved by the Ontario Land Tribunal in 2008. Content and maps were updated in 2019.

Employment Lands (Official Plan 1997, as amended)

Policy 3.2.1 outlines the objectives of the employment lands that promote compatibility of uses, limit retail and service commercial uses and to locate uses for ease of access to rail lines, truck route and power supply. The inclusion of service commercial uses on site will maintain the general intent of the Employment land where that the preservation and protection of long-term viability will be maintained as there is no concerns with compatibility with surrounding land uses.

Policy 3.2.2. b) provides a maximum percentage of 15% for floor area that can be dedicated to retail space associated with the permitted use. The proposal requests that no limit be included on the property in order to facilitate the future severance of the restaurant from the storage facility. The retail portion within the 5-storey building will only occupy approximately two percent of the total floor area which would meet the intent of limiting retail space. With regard to the existing restaurant use which has been in operation for several years with the intent of employment use being constructed in the future has functioned as a standalone use since then with no negative impacts to the growth and sustainability of surrounding uses. Staff have no concerns that the integrity of the employment area will be maintained.

Policy (3.2.2.d) provides criteria for the re-designation of lands designated for employment uses to non-employment uses, or to add a range of uses to an employment designation. The proponent is requesting that self-storage facility as a service commercial use be considered as a primary use and a restaurant be permitted as standalone use. Considerations for such requests 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 1.3, clause f), General 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:
    i. the amount of land affected is minor in area based on the projected land requirements within the planning horizon of the Plan;
    ii. the development of the site is not feasible for employment uses within the planning horizon of the Plan;
    iii. there are no alternative sites, designated and approved for the proposed use elsewhere in the City;
    iv. the proposal will have a beneficial impact on the surrounding uses and the broader community;
    v. the development of the lands for non-employment uses will meet a public need identified by City Council resolution.

It is of the opinion of staff that the proposed inclusion of a service commercial uses, office uses, and related retail space will have no negative impact on the long or short-term employment needs of the city as the proposed self-storage facility, retail space and office space will look to introduce an estimated 280 employment opportunities for the entire proposal and will assist towards the City's MTSA targets . The proposed self-storage facility and restaurant will be located on a major corridor being Appleby Line and Harvester Road while being located within 320 metres of the highway. Transportation staff have reviewed the TIS submitted as part of the have no concerns for the impact on the traffic for the surrounding area. The applicants submitted an urban design brief as part of a complete application which outlines the details of the building materials and streetscape design and pedestrian access. The proposed design will complement the character of the existing employment neighbourhood.

Business Corridor (Official Plan 1997, as amended)

The City of Burlington Official Plan (1997, as amended) designates the subject property as Business Corridor. This designation permits a wide range of office uses and industrial type uses and a range of service commercial uses ancillary to the primary use.

Policy 3.4.1 outlines the objectives of the Business Corridor designation. Policy objectives focus on providing prestige type offices and industrial uses with a focus on connections to major transportation routes. The designation also permits a large range of industrial, office and related uses while keeping high design standards of development. The proposal is a related ancillary use permitted within the designation. The inclusion of the ancillary uses as primary use meets the objectives of the designation since the site is near the highway as well provides to a range of uses within the area.

Policy 3.4.2. b) regulates the maximum floor area ratio of office use to a permitted industrial type of use. The proposal seeks an increase to the maximum floor area ratio of 2.4:1. The increase maintains the intent of controlling office use within the employment area while allow the self-storage facility to be a permitted primary use. There are also a number of office uses not limited to the ratio as they are the only use on the site in close proximity to the subject lands and therefore will not be out of character with the existing built area.

Policy 3.4.2. d) promotes a range of building heights and intensities for proposed developments. The application provides for a five-storey office and storage facility that provides a range of height within the employment area.

The proposed increased ratio is in keeping with the intent of the Official Plan as office uses are a permitted use within the employment area and will encourage a wider range of uses. The proposal will further integrate a five-storey building that will add to varying heights within the area that currently see heights that range from a single storey to ten storey buildings.

5.0 City of Burlington Official Plan (2020)

On Nov. 30, 2020, the City's new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020. For the list of the appeals filed with the Ontario Land Tribunal (OLT), see the Dec. 23, 2020 update under "Burlington Official Plan, 2020 appeals process".

On Jan. 4, 2023, the OLT formally confirmed which parts of the Burlington Official Plan**,** 2020 came into effect on Dec. 22, 2020 and which parts did not. The OLT also confirmed that no parts of the Official Plan (other than policies where appeal rights are limited by the Planning Act) are in effect on lands with site-specific appeals. For a list of policies in effect as of Dec. 22, 2020, see the **May 16, 2023 update** under "Burlington Official Plan, 2020 appeals process". This update also includes a list of site-specific appellants.

Until all broad appeals to the Region's approval of the **Burlington Official Plan, 2020** are resolved, parts of the old Official Plan (**Burlington Official Plan 1997**, as amended) will stay in effect. Parts of the **Burlington Official Plan, 2020** that are broadly appealed may be considered on an informative, but not determinative, basis.

The interim working version of the **Burlington Official Plan, 2020** is provided for information only. For legal purposes, reference the original certified documents on file with the City Clerk, including the **April 26, 2018 City of Burlington adopting bylaw** and the **Nov. 30, 2020 Halton Region Notice of Decision**.

As the OLT process continues, the **Burlington Official Plan, 2020** may change and need to be updated. Readers of the Plan must satisfy themselves as to the legal status and applicability of the policies by reviewing all Orders and Decisions from the OLT. You can view these documents by visiting the **Ontario Land Tribunal's webpage** for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington".

The subject site is located within the Appleby GO MTSA. This MTSA is divided by the rail corridor into two sub-areas: Appleby GO North and Appleby GO South. Appleby GO MTSA North is envisioned to continue to consist of largely existing employment uses and will grow to

accommodate more intensive office and employment uses, while continuing to support existing major facilities.

Within the Appleby GO MTSA, the subject site is located within the Urban Employment precinct. 8.1.2 (4.2) a) of OPA 2 states that this precinct is envisioned to:

- Continue to be an employment area which will grow to accommodate more intensive office and additional employment uses in a mid-rise built form that provides access and high visibility along major transportation routes.
- Allow for the continuation of existing uses subject to the policies of 8.1.2(6) of this Plan.

The proposal meets the intent of the new Official Plan as currently a service commercial use is a permitted as an ancillary use, similar to the policies of the current Official Plan. With regard to the existing restaurant, the implementing Zoning by-law was introduced in 1999. The restaurant has been functioning without a permitted employment use for over 20 years. Furthermore, the introduction of office space which is a permitted employment use and self-storage facility will increase employment opportunities by introducing approximately 280 jobs, while not introducing a sensitive land use that will have negative impacts on future potential growth.

Therefore, the introduction of service commercial uses as a stand-alone use will continue to support the development and redevelopment of the employment area without providing any constraints.

3.7.2 Sustainable Building and Development Guidelines

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

In accordance with the Transportation guidelines in Section 2, the proposed site design should provide pedestrian and cycling connections, and bicycle parking. Also, a Transportation Demand Management Plan is required for the reduction in parking. The applicant has provided Appleby Line pedestrian connections. The proposal includes 24 bicycle parking spaces. Transportation Planning Staff have reviewed the number of bicycle parking spaces and are requiring 14 bicycle parking spaces as per the Burlington City-Wide Parking Standards. The spaces are located near the main entrances and in the underground parking garage which meets the criteria.

In accordance with the Water Conservation and Quality guidelines in Section 4, the applicant should achieve enhanced stormwater treatment for all stormwater runoff. Development Engineering have reviewed the Functional Servicing & Stormwater Management Report prepared by Crozier Consulting Engineers dated August 2024 and have stated that the report has demonstrated that on-site stormwater controls can meet the City of Burlington's stormwater management criteria. Halton Region while not opposed to the FSR, requires some revisions to

the document in order to confirm capacity and therefore, a holding is being recommended in order to address those required revisions.

In accordance with the Energy and Emissions guidelines in Section 5, applicants are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. The Zoning By-law does require landscape buffers and are provided along the north, east and west lot lines which include various tree plantings. Landscape staff have no concerns or objections with the intent of the landscaping and further details will be reviewed at the site plan stage.

In accordance with the Waste and Building Materials guidelines in Section 6, a Waste Management Plan in accordance with Regional requirements is required. The applicant is proposing private waste collection; however, the waste management plan will be reviewed through the future site plan control process.

In accordance with the Innovation guidelines in Section 8, innovative design or performance features should be considered. The applicant has identified that they are not pursuing innovative design or performance.

Staff is of the opinion that the proposed development does comply with the required sustainable and design guidelines.

Zoning By-law

The following table outlines the requirements of the 'Business Corridor One' (BC1) with a site exception 62 and as well as what is being proposed.

Zoning Regulation	**BC1**	**BC1-62**	**Proposed**
Permitted Uses	Wide range of Industrial, Office Uses and Ancillary uses	Only uses permitted: Restaurant and All Office uses	Self-Storage Facility, ancillary retail, restaurant and all office uses
Staff Comment: The proposed application seeks to permit the additional use of self-storage facility with a small retail component that will sell merchandise related to the self-storage use and only occupies a small portion of the five-story building. All office uses and the restaurant are permitted through the existing site exception. Staff have no concerns with the inclusion of the self-storage facility as an additional use since there will be no negative impacts on adjacent landowners since this is not considered to be a sensitive land use and similar in nature to warehousing which is a permitted employment use.			
Zoning Regulation	**BC**	**BC1-62**	**Proposed**
Yard abutting a street (Appleby and Harvester)	15	15	12

Side Yard	4.5	4.5	Retaining wall and stairs encroach- number to be confirmed

Staff Comment:

The proposal does not comply with the yard setbacks abutting a street and the side yard. Planning Staff are supportive of the proposed 3 metre setback reduction (12m setback from Appleby Line and Harvester Road) as enhanced landscape features are proposed and incorporates the required road widening. As such, the reduced setbacks are considered to be minor in nature. There is no concern for the functionality of the site from an engineering perspective and details of grading and drainage will be reviewed in detail at the site plan stage. Additionally, planning staff have no concerns with the reduced side yard setback to the proposed retaining wall and stairs. The building itself complies with the required setback of 4.5 metres whereas the retaining wall and stairs encroach into the required setback. There are no concerns with the impact on drainage of the site as further technical review will occur at the site plan control stage.

Staff notes that a road widening has been indicated from Halton Region along Appleby Line. The applicant is to confirm the amount of land required through a surveyor. A holding provision has been included to reflect same. Staff advise that this may have implications on the requested setbacks and may require future *Planning Act* applications.

Zoning Regulation	**BC1**	**BC1-62**	**Proposed**
Office Use	Maximum total floor area of 15% in conjunction with manufacturing, fabricating, processing, assembling or warehousing use.	Office Use: Minimum of 85 % of total floor area of the site Fast Food Restaurant: maximum floor area of 15% of office building total floor area	0.1 times lot area – 9 percent
	Maximum shall be lesser then 15% if main use or 250m2.		2.5 times lot area – 250 percent

Staff Comment:

The applicant is proposing to amend the zoning provisions to permit floor areas that would accommodate the restaurant as a standalone use and allow a portion of the self-storage facility to be used as retail space.

It is noted throughout the report that the associated retail space within the self-storage facility will be minor in nature and generally only to occupy approximately 2.7 % of the 5-storey building as per the Planning Rational provided by MHBC. It is further explained that the floor area provisions do not apply to the portion of lands containing the restaurant use to facilitate a future severance. Staff have no concerns has the intent of the retail portion is to serve the primary use. As the application is to permit the self-storage facility, the retail portion is related to the main use with the sale of packaging, and warehouse related items.

Staff have no concern with the increase of retail space as it will have no negative impact on adjacent lands and does not introduce a large-scale retail use.

Zoning Regulation	**BC1**	**BC1-62**	**Proposed**
Minimum Lot Area	0.4 hectares	2.4 hectares	0.4 hectare

Staff Comment:

The intended lot minimum for a Business Corridor One Zone is 0.4 hectares, the site already exceeds this requirement. Through the existing site exception 62, the minimum lot area has been increased to 2.4 hectares which is the total area of the subject site. The intent of the request for a reduced lot area is to facilitate a severance of the restaurant from the self-storage facility and reestablish the already permitted lot area. The proposed reduction will then address the site deficiency of the lands being severed. The purpose of the provision is to ensure that massing and scale of development reflect surrounding built forms. The proposed building will not exceed 5 storeys, whereas no maximum height is established and will generally maintain the required setbacks from abutting streets and therefore staff have no concerns that massing, or scale would create a negative impact on surrounding land uses. The proposed lot fabrics are in keeping with surrounding lot sizes based on review of City GIS mapping. The size of the lots will not prohibit future redevelopment or development of the lands.

Zoning Regulation	**BC**	**BC1-62**	**Proposed**
Parking	306	306	177

Staff Comment: The applicant is proposing a reduction in parking for a total of 177 parking spaces. Transportation Planning Staff have review the TIS and parking justification report. While staff are not opposed to a parking reduction to 177 spaces, further information is required for review to ensure the reduction is completed based on correct underground parking regulations. It is noted that since the site is located within the MTSA area, the proponents are not required to provide parking as per Bill 185 and Section 34(6) of the *Planning Act*.

Committee of the Whole Report Forecast
January 13 & 14, 2024

Note: this forecast is subject to change

Consent Items:

- MTSA CPP By-law update (PL-06-25)

Regular Items:

- 518 Brant Street heritage designation follow-up (PL-04-25)
- Burlington Avenue and Ontario Street Heritage Conservation District Study (PL-05-25)
- Burlington Canal Pier – public access and maintenance agreement update (RPF-01-25)
- Citywide on-street residential parking permit (TS-xx-25)