
PLANNING JUSTIFICATION REPORT

APPLICATIONS TO AMEND THE CITY OF BURLINGTON OFFICIAL PLAN AND COMPREHENSIVE ZONING BY-LAW 2020 AND DRAFT PLAN OF SUBDIVISION

Millcroft Greens Corporation
City of Burlington



October 2020
Revised November 19, 2020

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**Revised Planning Justification Report
Applications to Amend the Burlington Official Plan and
Comprehensive Zoning By-law 2020 and for Draft Plan of Subdivision
Millcroft Greens Corporation
2155 Country Club Drive and 4274 Dundas Street
City of Burlington**

1.0 INTRODUCTION

Millcroft Greens Corporation (“Millcroft Greens”) is the owner of lands known as Millcroft Golf Club (“Millcroft GC”), located within the Millcroft Community in the City of Burlington. Millcroft Greens is a partnership between the Liptay family, who are the existing owners and operators of the golf course, and Argo Development Corporation.

Wellings Planning Consultants Inc. was retained by Millcroft Greens to provide planning advice and to prepare and file applications to amend the City of Burlington Official Plan (“BOP”) and Comprehensive Zoning By-law 2020 (“Zoning By-law”) to permit some limited residential development on specific areas of land made available through the reconfiguration of the golf course. This Planning Justification Report has been prepared in support of these applications.

2.0 BACKGROUND

What is now known as the Millcroft Community was originally approved as part of the secondary plan for the Rose Community, subsequently renamed Millcroft. Amendment No. 117 (“OPA 117”) to the BOP was approved by Burlington City Council in August 1985, putting in place designations and policies for the development of an approximate 380 hectare (939 acre) area of land situated between Walkers Line and Appleby Line and bounded by Upper Middle Road on the south and Dundas Street (then Provincial Highway No. 5) on the north. The general location of the Millcroft Community is attached as **Schedule 1**.

The intent of OPA 117 was to establish a prestige residential area built around a privately operated golf course. The Community would provide a significant inventory of new residential development in the form of single-detached lots, as this form of development could not be accommodated at a large scale in other communities across the City. The overall planning concept of this Community as described in OPA 117 is a residential community “...having a predominantly single family residential character”. Some medium density housing was also designated “...to round out the housing mix in the Community”.

The golf course was designed and constructed as an “executive golf course” (City Staff Report PD-243-85) and a feature of the surrounding residential community. Since its

development by Monarch Construction in 1987, Millcroft GC has operated as a semi-private golf course allowing for public play. The clubhouse includes a pro shop, locker facilities and dining rooms. Practice facilities are located outside the clubhouse. There are no changes proposed to any of these ancillary uses.

The golf course is described in OPA 117 as follows:

“A central feature of the Community is a planned privately operated 18-hole golf course extending in a linear fashion in four directions throughout the residential area from a clubhouse which will be situated at the centre of the Community. The fairways will follow sections of the several shallow creek valleys which traverse the site. Sections of the Ontario Hydro right-of-way and the TransCanada Pipeline are proposed to be utilized as well”.

By its nature, the golf course is constrained by the adjacency of residential homes. OPA 117 addresses this specifically when it states that:

“It is the intent of this Plan to minimize potential conflicts between the operation of the golf course and adjacent residential uses through golf course design measures including the provision of adequate land for the fairways, fairway design and landscaping.”

In considering the approval, the City’s Planning and Development Committee recognized the potential for conflicts between the two land uses, noting in its resolution *“The City’s approval should keep open the option of requiring adjustments to later phases in the event that problems related to the golf course occur in the early phases of development”*, and further requiring that a notification be placed on title for purchasers of lots adjacent to the golf course of the possibility of “nuisance” created by the golf course activity. The recognition of the potential for conflict was well-founded, as complaints by adjacent residents have been considerable and well documented.

Much has changed since 1987. Like many other golf courses, Millcroft GC has experienced a decline in membership over the years, reduced profit margins for pay as you play golfers, and increased operating costs. Taking into account the location of the subject lands within an urban serviced area, the changing market conditions for golf courses and the aforementioned design and safety issues, Millcroft Greens sees an opportunity to redevelop portions of the course and reconfigure the golf course to accommodate a more “executive style” of play. The proposed redesign would maintain an 18-hole golf course with generally shorter holes. Such redesign results in some lands becoming surplus to the golf course and available for redevelopment. These surplus lands provide the opportunity for the creation of additional residential lots, compatible with the layout and size of the existing adjacent lots. In addition, a mid-rise residential building is proposed on the present location of the maintenance facility with frontage on Dundas Street. A smaller maintenance facility is planned to be relocated closer to the existing clubhouse.

3.0 DEVELOPMENT PROPOSAL

Millcroft Greens is proposing to reconfigure the golf course and re-designate four (4) parcels (Areas A-D) of the subject lands from “Major Parks and Open Space” to “Residential-Low Density”. A corresponding amendment to the Zoning By-law from O1 to R3.2 is also proposed, with some site-specific exceptions. The proposed zoning for single-detached lots is compatible with the zoning of the existing adjacent low-density development within the Millcroft Community and, specifically, the residential lots adjacent to the subject lands.

Furthermore, an amendment to the Official Plan is proposed for a 0.66 hectare (1.63 acre) triangular area (Area E) fronting onto Dundas Street from Residential-Medium Density to Residential-High Density. A corresponding amendment to the Zoning By-law from O1 to RH3 is also proposed with some site-specific exceptions.

A Preliminary Development Concept updated November 16, 2020 showing the golf course reconfiguration, the extent and layout of the proposed development parcels (Areas A-E) and the regulation and constraint limits on the subject lands is appended as **Schedule 2** to this report.

The development of 98 single-detached dwellings is proposed by way of plan of subdivision accessed by private (condominium) roads. The development of the 6-storey mid-rise building consisting of 130 apartment units is proposed by way of a standard plan of condominium.

3.1 PRE-CONSULTATION

A pre-consultation meeting was held with City, Region and Conservation Halton (CH) staff on March 4, 2020. Issues identified at the pre-consultation meeting included the need to address the impacts of the loss of open space on the character of the community. The need for an Environmental Impact Assessment was also identified due to the location of the proposed development relative to lands designated Regional Natural Heritage System (RNHS) (Appleby Creek). Other technical studies identified at the meeting included Noise and Vibration Feasibility Study, Functional Servicing and Storm Water Management, Geotechnical Study, Traffic Impact Assessment, Urban Design Brief, Shadow Analysis and Wind Impact Study. All studies identified as part of the pre-consultation meeting have been completed and submitted in support of the applications.

3.2 SUBDIVISION DEREGISTRATION

One of the matters discussed at the pre-consultation meeting in March 2020 was the need for a plan of subdivision application. The subject lands comprised blocks within registered plans of subdivision. As such, the Part Lot Control Exemption process would be available to create lots/POTL's. In a staff report to City Council (PL-34-20), City staff recommended that the blocks, which are the subject of this development application, be deregistered. A By-law to deem the blocks to not being registered blocks was subsequently passed and approved by City Council on May 12, 2020 (By-law 28-2020). Based on the

deregistration of these blocks, a draft plan of subdivision has been submitted with the applications to amend the Official Plan and Zoning By-law. The future plan of condominium applications will be filed as condominium exemptions at a later date.

3.3 BURLINGTON URBAN DESIGN ADVISORY PANEL (BUD)

A virtual meeting of BUD took place on May 19, 2020 to review the proposed development of the six-storey mid-rise residential building fronting on Dundas Street. The Panel provided advice with respect to the building's relationship to Dundas Street, and the importance of landscape buffers. The Panel recommended reduction of the paved areas on the site, and recognition of the importance of connectivity to the hydro corridor. The Panel noted that the building will become a landmark visible on Dundas Street, deserving of enhanced architectural and landscape treatment. The Panel's comments have been taken into account and addressed in the Architectural Plans and Urban Design Brief submitted in support of the proposed development. A response to the BUD recommendations is provided in a later section of this report under Planning Considerations.

3.4 PRE-APPLICATION CONSULTATION MEETING

A pre-application consultation Meeting ("PAC Meeting") was held on September 21, 2020. PAC Meetings are a requirement of the City over and above the statutory requirements of the *Planning Act*. Due to the current pandemic, the PAC Meeting was held virtually via the Zoom platform. The PAC Meeting was well attended by residents and City representatives. It was reported that over 800 residents participated in the event. A transcript of the PAC Meeting has been provided with the application submission.

The purpose of a PAC Meeting is to inform residents and provide details of a development proposal prior to submission. The Meeting may also help inform applications coming forward and identify any concerns/issues at an early stage which assists the applicant and its consultants prior to submission.

Concerns/issues arising from the PAC Meeting have been addressed under the Planning Considerations section of this report.

4.0 PROPERTY DESCRIPTION/SURROUNDING LAND USES

The lands which make up the development parcels total approximately 11.7 hectares (28.9 acres) in area. The lands are part of a larger land holding, a total of 53.12 hectares (131.25 acres), which comprises the Millcroft GC.

Areas A and B

Areas A and B are located in the southeast corner of the Millcroft Community. The two parcels have a total development area of 3.88 hectares (9.58 acres) with frontage onto Millcroft Park Drive. The two parcels are distinct development areas (north and south) connected by a strip of open space. The subject lands are generally flat to gently rolling.

These lands currently form part of the golf course, as Holes 6 and 7 respectively, consisting of golf greens and fairways, and golf cart paths with varied vegetation along the edges including a pond. Hadfield Court, a local street containing single-detached dwellings, lies between the two parcels. Parklane Crescent is adjacent to the northeast. Seventy-five (75) detached homes are proposed with a six (6) metre landscape buffer between existing and proposed development.

A tributary of the Appleby Creek is located on the westerly edge of the subject lands. The tributary is regulated by CH (Ontario Regulation 162/06) and feeds into an existing dug pond (identified as "Mill Pond") at the southwest corner of the lands, generally adjacent to Country Club Drive to the west and adjacent to Upper Middle Road to the south. Two stormwater culverts also discharge into Mill Pond.

The CNR rail line and right-of-way abuts the lands to the east. Upper Middle Road, an east-west minor arterial road, lies adjacent to the site to the south.

Areas C and D

Areas C and D have a combined area of approximately 1.36 hectares (3.36 acres).

Area C has frontage onto Country Club Drive northeast of Berwick Drive and currently comprises a portion of Hole #1. This area is 0.94 hectares (2.32 acres) in area. Sixteen single-detached lots are proposed for this area, with a mix of lot frontages.

A landscaped buffer area is proposed including a 6.0 metre buffer strip across the rear lot lines between the proposed development and the adjacent existing lots, and a buffer block is proposed at the end of the cul-de-sac. A 2.0 metre wide cart path is proposed adjacent to the condominium road, connecting with the golf hole to the north.

The adjacent area to the east is characterized by 1.5 and 2 storey townhomes with private driveways. A pipeline easement and existing portions of the golf fairway lie adjacent to the north. Single-detached homes fronting Berwick Drive are to the west.

Area D is located on Millcroft Park Drive between Latimer Crescent and Chasewood Court. The area is 0.41 hectares (1.01 acres) in area. Seven (7) single-detached lots are proposed on this area. A landscape buffer is proposed, comprised of a 6.0 metre strip at the rear lot lines between the proposed and existing residential development and a buffer area is proposed at the end of the cul-de-sac.

The subject lands are relatively flat, and currently comprise Hole #16. Surrounding uses include single-detached dwellings on Latimer Crescent, Chasewood Court, and Millcroft Park Drive. An existing condominium townhouse cluster lies to the west on the opposite side of Millcroft Park Drive.

Area E

The proposed mid-rise building block has frontage on Dundas Street between Millcroft Park Drive and Tim Dobbie Drive/Westlock Common. A maintenance shed currently

occupies the 0.66 hectare area (1.6 acres) and is accessed via Dundas Street. A six (6) storey, 130 unit mid-rise building is proposed on Area E.

The adjacent lands to the west have been developed as residential townhomes on a private road accessed from Westlock Common off of Dundas Street. To the south and east is the existing hydro corridor. Dr. Frank J. Hayden Secondary School and Haber Community Centre are both situated across Dundas Street to the north.

5.0 BURLINGTON'S STRATEGIC PLAN 2015-2040

The City's Strategic Plan (2015-2040) was adopted by Council on April 11, 2016. The Strategic Plan captures the City's priorities over a 25-year period until 2040 and is "...a framework for critical decision-making and considers how we (City) manage our resources." The Strategic Plan contains several key objectives/directives aimed at economic growth, intensification and population growth, and transportation.

The Strategic Plan acknowledges the challenge of transitioning to a City that is "growing in place" rather than further expanding into the surrounding rural area, and its vision and strategic directions reflect that. Strategic Directions 1 (A City that Grows) and 3 (A Healthy and Greener City) are particularly relevant in the consideration of the subject applications.

Strategic Direction 1 is summarized in the document as follows:

"The City of Burlington attracts talent, good jobs and economic opportunity while having achieved intensification and balanced, targeted population growth for youth, families, newcomers and seniors."

Intensification is an essential component of "growing in place". Accordingly, Section 1.2 of the Strategic Plan sets out a vision and direction for intensification.

Section 1.2 Intensification:

A City that Grows demonstrates density (intensification) done well. There are green design options, less sprawl, more affordable housing choices and improved public health in a vital, diverse and safe city.

The Strategic Plan anticipates infill within existing neighbourhoods:

1.2 e) Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.

1.2 g) Intensification is planned so that growth is financially sustainable and so new infrastructure needed to support growth is paid using all financial tools available to have development pay for growth infrastructure.

In the case of the subject proposal, the additional residential lots represent intensification that is sensitive to the surrounding community context with single-detached lots of a size and layout consistent with the pattern of development established in the original

community plan. Further, the multi-residential apartment building is adjacent to existing townhouses and located on a major east west transportation corridor served by transit. The development proposal has considered and is in keeping with the City's Official Plan policies with respect to infill development and intensification. No significant new infrastructure is required to support the development which will make more efficient use of existing roads and services.

Strategic Direction 3 focuses on A Healthy and Greener City, summarized as:

The City of Burlington is a leader in the stewardship of the environment while encouraging healthy lifestyles.

The two components of this section are encouraging healthy lifestyles and protecting and enhancing the natural environment.

- 3.1. a) *Every resident of Burlington lives within a 15 to 20-minute walk from parks or green spaces.*
- 3.1. b) *Parks and green spaces are multi-use. Residents and visitors will be able to use them in a number of ways.*

The Millcroft GC has historically provided a green space feature within the community, and a significant portion of that green space will remain. Importantly, from a recreational standpoint, access to the golf course has been restricted to paying golf users, rather than being a publicly accessible park. Recreational facilities in the area will continue to provide recreational opportunities for the community and meet the Strategic Plan goal of serving residents with parks and green spaces within a 15 to 20 minute walk. These include:

- 1) Millcroft Park: This community park is located on Millcroft Park Dr, and features two mounded hardball diamonds, a softball diamond, playground and splash pad, and tennis courts.
- 2) Berwick Green Park: This neighbourhood park located on Berwick Drive just north of Millcroft Park Drive features a playground and baseball diamond.
- 3) Tansley Woods Park: Located adjacent to Tansley Woods Community Centre, the park provides natural wooded areas and trails as well as active outdoor recreational opportunities including basketball, pickleball and soccer.
- 4) Tansley Woods Community Centre: This community centre offers indoor swimming, multiple gymnasiums and community rooms.
- 5) Haber Recreational Centre: This facility includes multiple gymnasiums and community rooms. Norton Park is located here and includes a skateboard park, sports fields and an amphitheatre.

In addition, Florence Meares Public School on Berwick Drive, Sacred Heart of Jesus Catholic School on Country Club Drive, and Charles R. Beaudoin Public School on Clubview Drive provide open space and informal outdoor recreational opportunities

outside of regular school hours. Millcroft Park Drive is identified as a part of the City's cycling network.

Section 3.2 focuses on the environment and energy efficiency summarized as:

A Greener City improves energy efficiency, protects the natural environment and mitigates climate change impacts.

*3.2. a) The city has a healthy, *natural heritage system that is protected, well-connected, conserved and enhanced and forms a fundamental component of the city's urban and rural areas.*

**The Natural Heritage System is a term defined in the Strategic Plan as: Natural Heritage System: refers to the sum total of the elements of nature including trees, plants, creeks and forests, together with associated geological structures, such as the Niagara Escarpment, and formations (geodiversity).*

In support of the development proposal, Beacon Environmental ("Beacon") has completed an Environment Evaluation Report ("EER") addressing the various key features of the natural heritage system present on the subject lands, identifying constraints to development and the impacts of development and mitigation of those impacts. The results of the environmental work are discussed more fully later in this report. In terms of the Strategic Plan objective, under the development proposal the natural heritage system will continue to be protected and, in some areas, enhanced.

In September 2019, City Council approved "2018 - 2022 From Vision to Focus", a four-year work plan to implement key focus areas of the Strategic Plan. The document is designed to guide the City's work plan and budget for the current term of Council.

Focus Area #1 is entitled "Increasing Economic Prosperity and Community Responsive Growth Management". It reiterates the City's commitment to "increasing options for housing across the City". With a firm urban boundary, the opportunities for the creation of new single-detached lots is very limited, yet demand for detached homes remains high. The subject proposal represents an opportunity to add to the supply of single-detached residential accommodation.

Focus Area #3 is entitled "Supporting Sustainable Infrastructure and a Resilient Environment". The subject proposal is in keeping with this direction, as it relies on, and makes more efficient use of, existing infrastructure while protecting the natural environment features on the site.

In summary, the subject proposal is in keeping with the City's Strategic Plan and achieves many of the key strategic objectives and/or initiatives.

6.0 PROVINCIAL PLANS/POLICIES

The subject lands are governed by the Growth Plan for the Greater Golden Horseshoe, 2019 ("Growth Plan") and the Provincial Policy Statement, 2020 ("PPS").

6.1 GROWTH PLAN: A PLACE TO GROW (2019)

The original development of the Millcroft (Rose) Community predates the introduction and approval of the initial Growth Plan in 2006. The current proposal to redevelop portions of the community is subject to the provisions of the Growth Plan.

The recently updated Growth Plan came into effect on May 16, 2019. The Plan continues to provide policies for the management of population and employment growth and to guide municipal decisions on a variety of issues such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection. The updated document acknowledges that since the Growth Plan was first introduced, development has shifted to a more compact development pattern, with a greater variety of housing options, while acknowledging that “there is still more work to do”.

In its Vision Statement, the Growth Plan speaks to the Greater Golden Horseshoe (GGH) as having sufficient housing supply that reflects market demand, and a healthy natural environment, with open spaces providing people with a sense of place. These elements of the Growth Plan’s vision are important considerations in the current proposal.

Section 1.2.1 (Guiding Principles) identifies a number of guiding principles including:

- support of complete communities designed to support healthy and active living.
- efficient use of land and infrastructure.
- support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
- protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.

These guiding principles underlie the policy framework of the Growth Plan.

The Growth Plan includes policies that encourage development within settlement areas, establishment of complete communities, and making more efficient use of vacant, underutilized lands and available infrastructure. As the Plan notes:

“Building more compact greenfield communities reduces the rate at which land is consumed. ... This Plan’s emphasis on optimizing the use of the existing urban land supply represents an *intensification* first approach to development and city-building, one which focuses on making better use of our existing *infrastructure* and *public service facilities*, and less on continuously expanding the urban area.”

Section 2.2.1 Managing Growth sets out more specific policy direction.

2.2.1. 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the base majority of growth will be directed to *settlement areas* that:

- i) have a *delineated built boundary*;**
- ii) have existing or planned municipal water and wastewater systems; and**
- iii) can support the achievement of complete communities;**

c) within *settlement areas*, growth will be focused in:

- i) delineated built-up areas;**
- ii) strategic growth areas;**
- iii) locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and**
- iv) areas with existing or planned *public service facilities*;**

e) development will be generally directed away from hazardous lands.

The subject lands are within the delineated built boundary and have adequate water and wastewater services available to redevelop the individual parcels. The subject lands are also served by existing public service facilities, defined by the Growth Plan as including “social assistance, recreation, police and fire protection, health and educational programs, and cultural services”. The Millcroft Community is also served by Burlington Transit (Routes 12 and 48).

The Growth Plan requires local and regional municipalities to undertake integrated planning to manage forecasted growth that will:

2.2.1.3 c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more *compact built form*;

The subject proposal makes efficient use of existing serviced urban land, consistent with “Compact Built Form” communities, defined in the Growth Plan as:

“A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for *infrastructure*. Compact built form can include detached and semi-detached houses on small lots (*underline added*) as well as townhouses

and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and *active transportation*, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage *active transportation*.”

Section 2.2.6 of the Growth Plan entitled Housing is also applicable.

- 1. Upper and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:**
 - a) **Support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:**
 - i. **Identifying a diverse range and mix of housing options and densities, including second units and *affordable* housing to meet projected needs of current and future residents; and**
 - ii. **Establishing targets for *affordable* ownership housing and rental housing;**
 - b) **Identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);**
 - c) **Align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011; and**
 - d) **Implement policy 2.2.6.1 a), b) and c) through official plan policies and designations and zoning by-laws.**
- 2. Notwithstanding policy 1.4.1 of the PPS 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:**
 - a) **Planning to accommodate forecasted growth to the horizon of this Plan;**
 - b) **Planning to achieve the minimum intensification and density targets in this Plan;**
 - c) **Considering the range and mix of housing options and densities of the existing housing stock; and**
 - d) **Planning to diversify their overall housing stock across the municipality.**

The Greenbelt Plan and the Niagara Escarpment Plan areas make expansion beyond the current boundary unlikely in the foreseeable future meaning that any new residential

opportunities must come in the form of infill/intensification. Opportunities for new single-detached dwellings on larger lots are particularly limited within the City. Providing for the range and diversity of housing options required by the Growth Plan becomes increasingly challenging as greenfield opportunities diminish. The proposed new lots contribute to achieving a diversity of housing options and densities. The proposed mid-rise building will also contribute to the mix and variety of housing options in the Millcroft Community.

In addition to the policies of Section 2.2.1 with respect to managing growth, Section 4 of the Growth Plan sets out policies addressing the protection of natural and cultural areas. Section 4.2: Policies for Protecting What Is Valuable deals specifically with lands that have been identified as part of the Natural Heritage System for the Growth Plan. The subject lands are not within the Natural Heritage System for the Growth Plan, however, there is a small area of the proposed development lands that are identified as being within the Region of Halton's Natural Heritage System. This will be addressed under the section of the report dealing with the Regional Official Plan.

Having read the Growth Plan in its entirety, it is my opinion that the proposed development to provide for single-detached dwellings (Areas A-D) and a mid-rise apartment building (Area E) on the subject lands conforms to the Growth Plan.

6.2 PROVINCIAL POLICY STATEMENT, 2020 ("PPS")

The current Provincial Policy Statement ("PPS") came into effect on May 1, 2020. It is a key provincial planning document in that it lays the foundation for many of the Province's policies and, as required under the Section 3 of the Ontario *Planning Act*, all land use decisions must "be consistent with" the PPS. The PPS sets a framework for development and the use of land that makes efficient use of land and infrastructure, while avoiding sensitive or significant resources.

Part IV: Vision

Part IV of the PPS sets out the Province's vision for the wise management of land to meet the full range of current and future needs of residents. Achieving efficient development patterns that make the best of use of land, resources and public infrastructure is a foundational principle of the document. Ensuring the health and safety of residents is another essential part of the Province's vision. The PPS acknowledges the impacts of climate change, and the need for adaptation and response to these changes.

The vision of the PPS is to build communities as follows:

"Strong, liveable and healthy communities promote and enhance human health and social well being, are economically and environmentally sound and are resilient to climate change."

To achieve strong, liveable and healthy communities, the PPS states as follows:

"Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, employment, recreation, parks and

open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.”

Part V: Policies

Managing and Directing Land Use

Policies contained in Section 1.1 set out provincial policies for managing and directing land use. Policies of note include:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) **promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;**
- b) **accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;**
- c) **avoiding development and land use patterns which may cause environmental or public health and safety concerns;**
- d) **avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;**
- e) **promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;**
- f) **improving accessibility for persons with disabilities and older persons by identifying land use barriers which restrict their full participation in society;**
- g) **ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;**
- h) **promoting development and land use patterns that conserve biodiversity; and**

i) preparing for the regional and local impacts of a changing climate.

It is noted that Policy 1.1.1 b) has specifically added single-detached and multi-unit housing to the range of mix of residential types which differs from the 2014 PPS.

Settlement Areas

Section 1.1.3 of the PPS deals with Settlement Areas, which include urban areas and rural settlement areas, which are considered “built up areas where development is concentrated and which have a mix of land uses” and are designated in a local official plan for long term development. The subject lands are within a settlement area as defined by the PPS.

Section 1.1.3.2 addresses land use patterns within settlement areas.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

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

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

Policy 1.1.3.3 requires planning authorities to identify appropriate areas for intensification and redevelopment and directs that “*Intensification* and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety. Policy 1.1.3.3 reads as follows:

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated

taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Policies 1.1.3.4 and 1.1.3.5 promote intensification and redevelopment within built-up areas and specifically notes that targets for intensification and redevelopment are minimums. These policies read as follows:

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

In reviewing the policies of Section 1.1, the proposed redevelopment of five (5) individual areas providing for 98 single-detached dwellings and a multi-unit condominium apartment building is consistent with these policies in that:

- 1) The proposal makes efficient use of land by providing for modest intensification and infill development while retaining the significant natural heritage features.
- 2) The proposal makes efficient use of existing infrastructure by providing additional residential units without the need for expansion to major infrastructure such as water, wastewater and stormwater facilities and is well served by public service facilities. The proposed development will also result in the provision of stormwater quality and quantity controls for some existing development areas where none currently exist.
- 3) The redevelopment will have no negative impact on air quality and new dwellings will meet current standards for energy efficiency.
- 4) Sidewalks provide safe opportunities for active transportation within the community.
- 5) The development is transit-supportive, adding to potential ridership on transit that is presently available to the Millcroft Community.

Housing

Section 1.4 of the PPS deals specifically with Housing, and establishes that:

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area* planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and,**
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.**

The “regional market area” is defined as:

“...an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area....”

The Region of Halton Official Plan policies reflect this requirement of the PPS. Part III, Section 86 of the Regional Plan deals with housing policy, establishing the requirement to monitor, in conjunction with local municipalities, the supply of draft approved and registered housing units, and the establishment of housing targets by type and density. A more thorough discussion of the Region’s policies can be found in the section of this report dealing with the Regional Official Plan. For the purposes of assessing consistency with the PPS, however, the proposed development of single-detached lots and a multi-unit mid-rise apartment building is consistent with the PPS by ensuring a mix of housing types and densities are available to meet projected requirements for the regional market area.

Section 1.4.3 provides additional direction with respect housing. In particular, planning authorities are directed to ensure that a range and mix of housing options is available to the regional market by:

b) permitting and facilitating:

- 1) all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and**
- 2) all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3.**

The subject proposal is consistent with this section of the PPS.

Section 2.0 Wise Use and Management of Resources contains policies for the protection of natural heritage areas and features, the Great Lakes, water, agriculture, mineral and cultural heritage, and archaeological resources.

Natural Heritage

Section 2.1 Natural Heritage includes policies related to ensuring the protection of natural features and areas. The key policies of Section 2.1 are as follows:

- 2.1.1 Natural features and areas shall be protected for the long term.**
- 2.1.2 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*.**
- 2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E, recognizing that *natural heritage systems* will vary in size and form in *settlement areas*, *rural areas*, and *prime agricultural areas*.**
- 2.1.4 *Development* and *site alteration* shall not be permitted in:**
 - a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E;**
 - b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);**
 - c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);**
 - d) *significant wildlife habitat*;**
 - e) *significant areas of natural and scientific interest*; and**
 - f) *coastal wetlands* in Ecoregions 5E, 6E and 7E that are not subject to policy 2.1.4(b)**

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.
- 2.1.6 *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with provincial and federal requirements.**

- 2.1.7 Development and site alteration shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.**
- 2.1.8 Development and site alteration shall not be permitted on *adjacent lands to the natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 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*.**

Beacon completed a scoped EER dated October 2020 which was recently updated in November 2020. The scope of the EER was based on a Terms of Reference approved by the City, Region and CH. Beacon identified the subject lands as being within Ecoregion 7E as shown on Figure 1 of the PPS. The subject lands are not located in the Canadian Shield or associated with a coastal wetland. Through their field work and review, Beacon has confirmed that there are no treed areas that would qualify as significant woodlands, and there are no significant valleylands or significant areas of natural and scientific interest (ANSI). Additionally, Beacon has also confirmed the subject property does not support significant wildlife habitat due to its active use as a golf course and the highly urbanized nature of the surrounding lands, and lack of habitat and species diversity. No endangered or threatened species were recorded within or adjacent to the study area. Fish habitat is the only natural heritage feature, listed within Section 2.1 of the PPS, identified on the subject lands.

The Beacon EER indicates that the online ponds upstream and downstream of Millcroft Park Drive within the study area qualify as Fish Habitat under the PPS. The multiple barriers within the channel restrict migration between the ponds and downstream of Upper Middle Road. As cited by Beacon, a 2016 CH factsheet rated the Appleby Creek watershed as “poor” for fish habitat. Nonetheless, Beacon concludes that fish habitat will be protected and that potential indirect impacts to fish habitat will be mitigated through enhanced stormwater treatment and management, the inclusion of riparian buffers and the naturalization of those buffers, and vegetation management to improve riparian habitat conditions. An overall improvement in fish habitat is expected post-development with the taking of the Mill Pond off-line through the Permit To Take Water (PTTW) process.

Water

Section 2.2 of the PPS contains policies that are intended to ensure protection of water quality and quantity. In this regard the following subsections are relevant to consideration of this proposal:

- 2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:**

- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
- c) evaluating and preparing for the *impacts of a changing climate* to water resources systems at the watershed level;
- d) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
- e) maintaining linkages and related functions among *groundwater features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;
- f) implementing necessary restrictions on development and site alteration to:
 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 2. protect, improve and restore *vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions*;
- g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- h) ensuring consideration of environmental lake capacity, where applicable; and
- i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 Development and site alteration shall be restricted in or near *sensitive surface water features and sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface*

water features, sensitive ground water features, and their hydrologic functions.

The subject lands are within the Appleby Creek and Sheldon Creek watersheds, under the jurisdiction of CH. Appleby Creek (adjacent to Area A) and Sheldon Creek (adjacent to Area D) are considered minor watercourse systems by CH and both are warmwater watercourses.

R.J. Burnside & Associates (Burnside) has completed a Hydrogeological Assessment in association with the proposed golf course reconfiguration and proposed residential development. Details of the methodology and findings can be found in the Burnside report dated October 2020 and submitted along with this application. Generally, the study included a review of water well records and published mapping and background reports, as well as installation of groundwater monitoring wells, and piezometers to assess groundwater. Groundwater and surface water monitoring was completed by Burnside, who also prepared pre- and post-development water balance calculations.

The key findings of the Burnside study include:

- 1) Surface water runoff volume increases and reductions in surface water infiltration can be expected to be associated with the development. Mitigation is proposed by way of appropriate stormwater management strategies as detailed in the Functional Servicing Report prepared by Urbantech (October 2020).
- 2) Groundwater quality is expected to improve as a result of the reduction in the golf course area and a corresponding reduction in the fertilizers/herbicides/pesticides associated with golf course operations.

Additionally, the Functional Servicing Report (“FSR”) prepared by Urbantech (October 2020 and updated in November 2020) concludes that:

- 1) Water quality control in the form of Low Impact Development (LID) and a Stormwater Management (SWM) pond in the location of the proposed reconfigured and offline Mill Pond will provide appropriate Total Suspended Solids (TSS) removal to MECP standards resulting in a net improvement of water quality compared to existing conditions.
- 2) Release of sediment into the watercourses will be mitigated through the use of erosion and sediment control practices during construction.

Through the proposed redevelopment of Area A and the PTTW process (unrelated to the development), the low flow channel of Appleby Creek will be reinstated, and the online pond will be taken offline.

The proposed development includes improvements to water quality through the implementation of LID measures and enhanced stormwater management (SWM)

techniques. Improvements in the handling of SWM will lead to improvements in the water quality of Appleby Creek.

Natural Hazards

Section 3 - Protecting Public Health and Safety includes policies which generally direct development away from areas of natural and human-made hazards “where there is an unacceptable risk to public health or safety or of property damage and not create new or aggravate existing hazards.”

Section 3.1 deals specifically with Natural Hazards.

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands adjacent to the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;***
- b) *hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and***
- c) *hazardous sites.***

The subject property includes Appleby Creek and Sheldon Creek and associated hazard lands which are regulated by CH. As noted above, the low flow channel of Appleby Creek will be reinstated, and the current online pond will be taken offline through the PTTW process. Appropriate floodplain and regulation mapping were obtained from CH and reviewed and updated as necessary by Beacon/Urbantech.

Fill placement is proposed within the Appleby Creek Regional Storm flood plain to facilitate the development within Area A. This fill placement is proposed to be undertaken in keeping with CH's regulatory policies and will require a Permit from CH. The FSR has demonstrated that the proposed fill placement within the Regional Storm flood plain will not impact flood elevations upstream or downstream of the proposed development.

Based on the review and analysis undertaken by Urbantech and Beacon, they have confirmed that the proposed development will be situated outside of flooding and erosion hazard lands. The Beacon EER concludes that the proposed development plan protects all regulated features and their functions with appropriate setbacks and buffers and other mitigation measures.

Conclusion

Having read and reviewed the PPS in its entirety and having considered the proposal in the context of its policies and provisions, and having reviewed the background studies prepared in support of the proposed development, I am satisfied that the proposal is consistent with the PPS as required by the *Planning Act*.

6.3 REGION OF HALTON OFFICIAL PLAN (ROP)

Map 1 of The Regional Official Plan identifies the subject lands as being within the Urban Area. A portion of the site at the southwest corner is within the Regional Natural Heritage System shown on Map 1.

Part III, Section 72 of the ROP identifies the objectives of the Urban Area designation. Relevant sections are quoted here:

72. The objectives of the Urban Area are:

- (1) To accommodate growth in accordance with the *Region's* desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable *natural environment*, and preserve certain landscapes permanently.**
- (2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.**
- (9) To facilitate and promote *intensification* and increased densities.**

The decision as to how development shall occur within Urban Areas is largely left to the local municipalities subject to conformity with the Regional Plan's higher order policies. See Section 76 below.

76. The range of permitted uses and the creation of new *lots* in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All *development*, however, shall be subject to the *policies* of this Plan.

Part III, Section 86 of the ROP establishes the Region's policies with respect to housing. Consistent with the PPS, the ROP requires that development approvals be monitored to ensure that a three-year supply of draft approved and/or registered residential units be maintained for the Region as a whole. The ROP goes further, in requiring its local municipalities to establish annual targets:

86. It is the *policy* of the *Region* to:

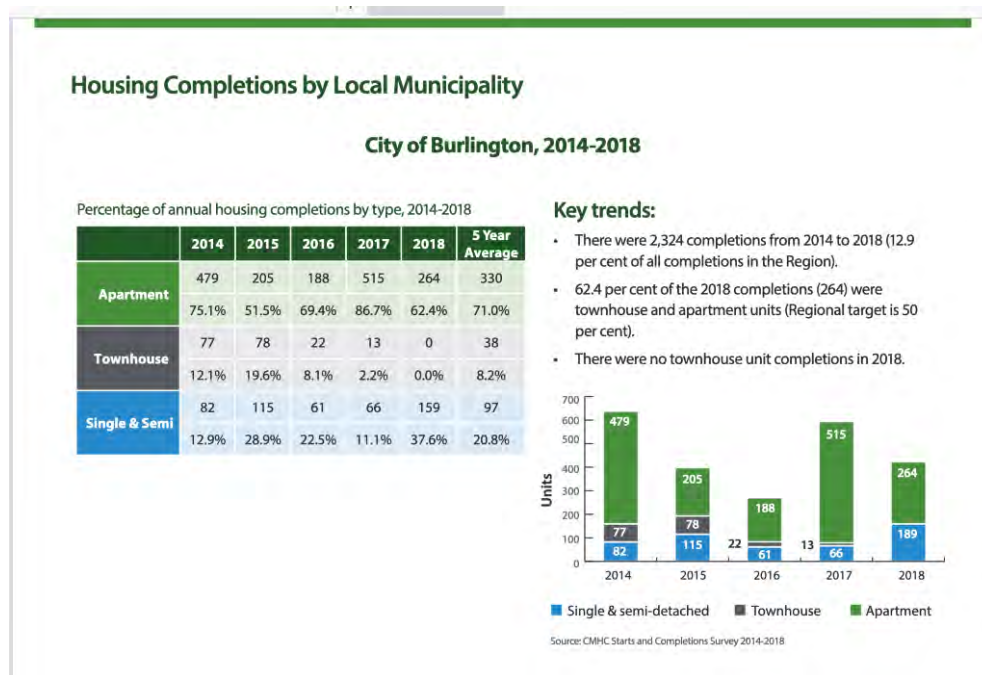
- (6) Adopt the following housing targets:**

(a) that at least 50 percent of new housing units produced annually in *Halton* be in the form of townhouses or multi-storey buildings; and

(b) that at least 30 percent of new housing units produced annually in Halton be Affordable or Assisted Housing.

(6.1) Establish, in conjunction with the Local Municipalities, annual targets for the production of housing units by density type and affordability for each Local Municipality, based on the Regional targets under Section 86(6).

According to the latest published information from Halton Region (Halton State of Housing Report 2018), the proportion of housing that is low density as a percentage of units constructed has been steadily declining since 1999. In 2018, 61.2% of housing units constructed in Halton were apartments or townhouses, exceeding the Region’s targets for housing mix. In Burlington, the percentage of multi-unit housing was slightly higher at 62.4% comprised solely of apartment units. Single-detached units made up the other 37.6% of housing units completed. This figure is somewhat of an anomaly when looking at past statistics and future forecasts. In the period 2015 through 2018, the average for singles as a percentage of total construction was 25%. In 2018, only 10.2% of units under construction in Burlington were single or semi-detached units, the lowest by a considerable margin in the comparison of the four Halton Area Municipalities. Yet, demand for single-detached homes remains strong: 35.1% of new housing sales in Halton were single-detached, and single-detached comprised 53% of resales.



Under Construction Units by Local Municipality, 2018

2018	Total	Single & Semi	Townhouse	Apartment
Burlington	1,481	10.2%	1.6%	88.3%
Halton Hills	199	90.5%	9.5%	0.0%
Milton	2,006	35.6%	24.1%	40.3%
Oakville	1,460	34.7%	24.0%	41.4%
Halton Total	5,146	30.1%	17.0%	52.9%

Key trends:

- 69.9 per cent of the unit types under construction at the end of 2018 were higher density
- Milton had the highest number of units under construction at the end of 2018, followed by Burlington (67.8 per cent combined).
- Though the total number of units under construction is down from 2017, there was a higher percentage of apartment and townhouses at the end of 2018.

8 2018 State of Housing Report

Part III, Section 87 Urban (Water Supply and Wastewater Treatment) Services establishes the Region's goal with respect to urban services:

- 87. The goal for urban services is to ensure the adequate provision of an economic level of urban services to achieve Regional development objectives while conscious of the need to protect the environment.**

This goal is supported by the ROP's policies regarding development within urban service areas:

- 89. (3) Require that approvals for all new *development* be on the basis of connection the *Halton's* municipal water and wastewater systems, unless otherwise exempt by other *policies* of this Plan.**

Water and wastewater services are adjacent to the development parcels (Areas A-D). Water services for domestic use and fire protection will be via connection to the existing 200mm diameter watermain on Millcroft Park Drive. Sanitary services will be provided connecting to the existing 525mm diameter sanitary sewer on Millcroft Park Drive. Water and sanitary sewer services will need to be extended for Area E.

Section 113 of the Regional Plan specifies that the Natural Heritage System (RNHS) consists of the Greenbelt Natural Heritage System and the Regional Natural Heritage System (RNHS). A small area of the proposed development is part of the RNHS.

- 114. The *goal* of the Natural Heritage System is to increase the certainty that the biological diversity and *ecological functions* within *Halton* will be preserved and enhanced for future generations.**

- 114.1 The *objectives* of the Natural Heritage System are:**

- (4) To direct *developments* to locations outside *hazard lands*.
- (5) To protect or enhance the diversity of fauna and flora, ecosystems, plant communities, and significant *landforms* of *Halton*.

- (7) To protect or enhance *fish habitats*.
- (8) To preserve and enhance the quality and quantity of ground and surface water.
- (17) To preserve the aesthetic character of *natural features*.
- (18) To provide opportunities, where appropriate, for passive outdoor recreational activities.

Regional Natural Heritage System

115.2 The Regional Natural Heritage System consists of:

- (1) areas so designated on Map 1;
- (2) the shoreline along Lake Ontario and Burlington Bay; and
- (3) *significant* habitats of endangered species and threatened species not included in the designation on Map 1.

A portion of the subject lands within Area A is designated as RNHS on Map 1. According to the Beacon EER, there are no significant habitats of endangered or threatened species identified on the site or within the adjacent 120 metre study area.

115.3 The Regional Natural Heritage System is a systems approach to protecting and enhancing *natural features* and functions and is scientifically structured on the basis of the following components:

- 1. *Key Features*, which include:
 - a) *significant* habitat of endangered and threatened species;
 - b) *significant wetlands*;
 - c) *significant* coastal wetlands;
 - d) significant woodlands;
 - e) *significant* valleylands;
 - f) *significant* wildlife habitat;
 - g) *significant* areas of natural and scientific interest;
 - h) fish habitat;

Key Features that have been identified are shown on Map 1G.

- 2. *enhancements to the Key Features* including *Centres for Biodiversity*
- 3. *linkages*,

4. *buffers,*
5. *watercourses that are within a Conservation Authority Regulation Limit or that provide a linkage to a wetland or a significant woodland, and*
6. *wetlands other than those considered significant under Section 115.3(1)b).*

115.4 Included within the Regional Natural Heritage System are:

2. **Regulated *Flood Plains* as determined, mapped and refined from time to time by the appropriate *Conservation Authority*.**

The EER concludes that the site includes Key Features in that Appleby and Sheldon Creeks within the development area support fish habitat. As noted in the PPS section of this report, the existing fish habitat will be protected and potential indirect impacts to fish habitat will be mitigated through enhanced stormwater treatment and management, inclusion of riparian buffers and the naturalization of those buffers, and vegetation management to improve riparian habitat conditions. An overall improvement in fish habitat is expected post-development.

With respect to the policies in Section 115.3.2, enhancement to Key Features, linkages, buffers, watercourses that are within a Conservation Authority Regulation Limit or that provide a linkage to a wetland or a significant woodland, and wetlands other than those considered significant have also been considered in the EER. Both Sheldon Creek and Appleby Creek are regulated watercourses and have an associated Regional Storm flood plain which are both considered to be a component of the RNHS.

Beacon, in addressing the enhancements to Key Features, states as follows:

“Proposed enhancements to Key Features consists of reinstatement of the downstream section of Appleby Creek (through a separate approvals process), which will include taking the online pond near Upper Middle Road offline and removal of the weir. The proposed channel reinstatement includes native riparian plantings and the removal of barriers to fish passage. In addition, plantings in floodplain and riparian areas upstream of the channel reinstatement are proposed as part of the open space landscaping associated with the development. Notably, plantings included as part of the landscape design represent an improvement over existing conditions.”

116.1 The boundaries of the Regional Natural Heritage System may be refined, with additions, deletions and/or boundary adjustments, through:

- a) **a Sub-watershed Study accepted by the *Region* and undertaken in the context of an *Area-Specific Plan*;**

- b) an individual Environment Impact Assessment accepted the *Region*, as required by this Plan; or**
- c) similar studies based on terms of reference accepted by the *Region*.**

The proposed Regional Storm flood plain modifications associated with the development of Area A will result in a minor adjustment to the RNHS limits. This adjustment will not result in the loss of any natural heritage features or functions given that the modifications are being undertaken within the current golf course lands. No other revisions to the RNHS are proposed as part of this application.

Section 118.3 is also applicable:

- (3) Require the proponent of any development or site alteration that meets the criteria set out in Section 118(3.1) to carry out an Environmental Impact Assessment (EIA), unless:**
 - a) the proponent can demonstrate to the satisfaction of the Region that the proposal is minor in scale and/or nature and does not warrant an EIA;**
 - b) it is a use conforming to the Local Official Plan and permitted by Local Zoning By-laws;**
 - c) it is a use requiring only an amendment to the Local Zoning By-law and is exempt from this requirement by the Local Official Plan; or**
 - d) exempt or modified by specific policies of this Plan.**

The purpose of an EIA is to demonstrate that the proposed development or site alteration will result in no negative impacts to that portion of the Regional Natural Heritage System or unmapped Key Features affected by the development or site alteration by identifying components of the Regional Natural Heritage System as listed in Section 115.3 and their associated ecological functions and assessing the potential environmental impacts, requirements for impact avoidance and mitigation measures, and opportunities for enhancement. The EIA, shall, as a first step, identify Key Features on or near the subject site that are not mapped on Map 1G.

The EER prepared by Beacon in support of the proposed development meets the intent of an EIA as defined by the ROP. The EER has identified Key Features as described previously, and recommends mitigation measures, where necessary, to ensure that development and site alteration associated with the proposal will have no negative impact on the Key Features of the RNHS. Further, enhancements to the Key Features are recommended as previously discussed.

The ROP requires local Official Plans and Zoning By-laws to recognize the RNHS and include policies in alignment with the Region's policies for these defined areas. The BOP policies will be addressed in the following section of this report.

Having reviewed the ROP mapping and policies, and in the context of the proposed development and the background reports prepared in support of the development, I am satisfied that the proposal is in conformity with the ROP.

6.4 CITY OF BURLINGTON OFFICIAL PLAN (BOP)

Areas A-D are designated "Major Parks and Open Space" in the approved BOP. Area E is designated Residential - Medium Density.

The BOP's objectives for the Major Parks and Open Space designation centre on ensuring an adequate supply of parks and open space and a range of leisure opportunities for City residents.

Part III, Section 6 of the BOP deals with Natural Features and Open Space which is comprised of three separate and distinct designations within the Plan, as shown on Schedule B Comprehensive Land Use Plan – Urban Planning Area. These are Greenlands, Major Parks and Open Space, and Watercourses.

In Section 6 - Natural Features and Open Spaces includes Major Parks and Open Space designations. The Plan establishes principles to guide the management and conservation of natural features, major parks and open space lands and watercourses. These principles include:

- Long term preservation and protection of significant natural features is a responsibility shared by local residents, property owners, government agencies and the private sector.
- Parks and open space lands are valuable resources to the community and play an important role in defining the character and lifestyle of the City's residents.

Although golf courses are a permitted use within the Major Parks and Open Space designation, they are not considered part of the parks classification system set out under Section 6.3.2.a) of the BOP. The municipal parks system includes Parkettes, Neighbourhood Parks, Community Parks, City Wide Parks and Special Resource Areas, which are described as being an area of parkland in its natural state and used for conservation and/or preservation. Golf courses are not specifically identified or described as being part of this classification system.

The policies of the Major Parks and Open Space Designation are contained under Section 6.3 of the BOP. Some of the key objectives are as follows:

6.3.1 Objectives

- a) **To recognize parks and open space as valuable resources to the community that play an important role in defining the character and lifestyle of the City's residents.**
- b) **To ensure an adequate and equitable supply of parks and open space, and full range of leisure opportunities are available throughout the City.**

The permitted uses within the Major Parks and Open Space designation (Policy 6.3.2 d)) may include municipal parks and related community facilities, golf courses and related facilities, and outdoor recreation uses.

For further and specific policy direction with respect to Millcroft GC, OPA 117, as previously noted, provides some guidance. OPA 117 is no longer in effect and is therefore not applicable to this development. It does however provide historical context with respect to the creation of the Millcroft (formerly Rose) Community.

Part A - Basis of the Amendment describes the intent of the community "...to be developed as a prestige residential area, built around a privately operated golf course..."

Part B, The Amendment, subsection b) describes the overall planning concept for the community as "predominantly single-family residential character." "Inherent in this concept is the integration of residential areas with a golf course and other forms of open space and recreation areas within the community. Equally important to the total community concept is the planned development of internally located social and recreational facilities, along with commercial facilities to meet needs at the local or neighbourhood level."

It is clear that the golf course was intended as a significant open space feature – but not the sole recreational or open space feature within the community.

Subsection e) deals specifically with the golf course and other open spaces.

"A central feature of the Community is a planned privately operated 18-hole golf course extending in linear fashion in four directions throughout the residential area from a clubhouse which will be situated at the centre of the Community...."

OPA 117 also included provision for the possibility that the golf course use might one day be discontinued and the City has no intention of purchasing the golf course lands by stating:

"...It is also the intent of the Plan that, should the operation of the golf course discontinue, these lands will remain as permanent open space, since portions

of these lands contain creek features which are part of the stormwater management system for the Community. The open space associated with the golf course will be an important element in the concept and therefore the marketing of the Community. It is also the policy of this Plan that the City neither intends nor will be obliged to purchase the golf course lands in order to ensure their existence as permanent open space.”

And further:

“The detailed design of the golf course will be finalized at the time of subdivision layout. It is considered that the boundaries of the golf course lands are flexible and may be modified without the necessity of a further Amendment to this Plan.”

From the language of the amendment, one can conclude that while the golf course was intended as a significant feature within the community, there was an acknowledgement that its configuration and indeed, its existence at all, might be subject to change in the future. It is also interesting to note that the golf course design appeared to be driven by the subdivision layout.

The proposed reconfiguration of the golf course with the addition of residential areas maintains the intent and purpose of former OPA 117 by achieving the following:

- The golf course will be retained and continue as a significant feature within the community in its reconfigured form.
- The open space and natural heritage features will be largely retained.
- The flood plain portions of the creek within the golf course will remain protected and outside of the development area.
- The development of additional large single family lots is in keeping with the overall vision for the Millcroft Community and character of surrounding areas.

To facilitate the development of the individual parcels (Areas A-D), Millcroft Greens is seeking an amendment to the BOP from the present Major Parks and Open Space designation to a Residential Area-Low Density designation. Area E is proposed to be redesignated from Residential - Medium Density to Residential Area - High-Density.

Section 2.0 of the BOP provides policy direction with respect to residential development throughout the City. Some of the key principles and objectives are as follows:

2.1 Principles

- d) The City *shall* address new housing demands, through the best of existing resources and community *infrastructure*, and through new community development.**

2.2.1 Objectives

- a) 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 consideration, such as *infrastructure* capacity, *compatibility* and integration with existing residential *neighbourhoods*.
- b) To provide housing opportunities that are *compatible* with the protection of the *natural environment*.
- g) To require new residential development to be *compatible* with surrounding properties.

The subject proposal is consistent with and in conformity to Provincial policy and growth management objectives. Servicing capacity is adequate and available and the proposed single-detached dwellings and lot layouts and the built form for the proposed mid-rise building are compatible with the surrounding uses. Further, the proposed development has been designed in such a way as to protect the natural environment.

The development proposes a Residential - Low Density designation for the single-detached dwellings with Areas A-D, consistent with the designation which applies to the adjacent subdivision. This designation is intended to allow for ground-oriented housing as described in Section 2.2.2 c) below:

2.2.2 c) In Residential-Low Density areas, single-detached and semi-detached housing units with a density to a maximum of 25 units per *net* hectare *shall* be permitted. In addition, other forms of *ground oriented* housing units with a density to a maximum of 25 units per *net* hectare *may* be permitted, provided that these forms are *compatible* with the scale, urban design, and community features of the neighbourhood.

The proposed residential development within Areas A-D is proposed at a density of approximately 12.5 units per net hectare which is roughly half of the allowable density specified in the above-noted policy.

The BOP anticipates that neighbourhoods and communities will evolve over time and includes provision and specific direction in considering housing intensification within neighbourhoods.

Section 2.5.1 establishes the Plan's objective to:

- a) To *encourage* residential *intensification* as a means of increasing the amount of available housing stock including rooming, boarding and lodging house, *accessory dwelling units, infill, redevelopment* and

conversions within existing neighbourhoods, provided the additional housing is *compatible* with the scale, urban design and community features of the neighbourhood.

The proposed development is consistent with this objective. The proposal accomplishes sensitive infill residential development in a form that is compatible with the surrounding neighbourhood and maintains the significant feature of the neighbourhood, being the golf course.

While the term intensification in this section includes infill, the Plan provides clarity in its definitions of infill and of intensification.

Part VIII of the BOP includes the definition of Infill as follows:

“Infill – Development or re-development within an existing developed area which is proposed to be undertaken in conformity with the existing zoning, and which may include development on vacant lands, the addition of dwelling units, or the creation of new lots.”

In this instance, although the development proposes additional dwelling units on vacant lands and might be thought of as infill, the proposed development is not presently zoned for residential purposes and therefore does not technically meet this definition. One must look therefore to the definition of intensification:

“Intensification – *Development or re-development* of a property or site within an existing developed area which is proposed to be undertaken at a higher density or intensity than permitted under the existing zoning, and which *may include re-development*, (including the re-use of *brownfield* sites), *development* on vacant and/or underutilized lands, expansion or conversion of existing buildings, addition of *dwelling units*, or creation of new *lots*.”

The more rigorous test for intensification therefore applies.

Section 2.5.2 of the BOP provides evaluation criteria for assessing proposals for intensification as follows:

2.5.2 a) The following criteria *shall* be considered when evaluating proposals for housing *intensification* within established neighbourhoods:

- (i) adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland:**

A Functional Servicing Report prepared by Urbantech confirms the availability and adequacy of water and wastewater services and the appropriate management of stormwater. There are existing schools and parks to accommodate the modest increased demands.

(ii) off-street parking is adequate;

Off-street parking is to be provided in private driveways as per City standards, and consistent with other residential lots in the community. Limited on-street parking will also be available.

(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;

A Traffic Impact Study has been completed by C.F. Crozier & Associates Inc. ("Crozier") dated October 2020. The study found that the proposed development is expected to have negligible effect on the public roadway system.

(iv) the proposal is in proximity to existing or future transit facilities;

The Millcroft Community is served by Burlington Transit which currently operates Route 12 (Upper Middle) along Upper Middle Road connecting to the Burlington GO and providing connection to other City transit routes. Route 48 (Millcroft) is available within the community connecting Corpus Christi Secondary School and Haber Community Centre.

(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;

Compatibility is defined in the BOP:

Compatible – Development or re-development that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health. Compatibility should be evaluated in accordance with measurable/objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals.

The proposed residential lots (Area A-D) are consistent in size and layout with existing lots in the surrounding area. Area E proposes a mid-rise built form that is suitable for its surroundings. No adverse traffic impacts are anticipated, as determined by the Crozier Traffic Impact Study (October 2020). The aesthetics of the proposed homes will be consistent with the character and scale of existing homes in the area. The development is not expected to generate noise or vibration, and the Noise and Vibration Feasibility Study prepared by HGC Engineering concludes that mitigation measures to address noise levels associated with existing and future roads and rail traffic are available to

reduce levels to acceptable limits for the proposed development. There are no adverse health impacts to humans or animals anticipated from this development. With respect to the development of Area E, there are no adverse sun shadow impacts.

- (vi) effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary, to assist in maintaining neighbourhood character;**

An Arborist Report was prepared by Beacon dated October 2020 and updated November 2020. The Report inventoried 577 trees. A total of 179 trees are proposed for preservation while 398 trees are required to be removed to accommodate the proposed development. Significant tree planting is proposed as part of the redevelopment. Further details are provided later in this report.

- (vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor *amenity areas*, is at an acceptable level;**

The proposed dwellings are anticipated to be of a similar height to the existing homes with larger rear yard setbacks inclusive of the 6 metre landscape buffer. As such, no sun shadowing impact is expected. The proposed mid-rise building is well setback from the adjacent townhouses to the west and will not result in unacceptable shadow impacts.

- (viii) accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;**

The area is well served by community services including Tansley Woods Community Centre and Public Library, and shopping at Millcroft Centre located at the northwest corner of Upper Middle Road and Appleby Line.

- (ix) capability exists to provide adequate buffering and other measures to minimize any identified impacts;**

In my opinion, no buffering is required to achieve capability between abutting single-detached dwellings. In the case of the mid-rise building, a significant westerly side yard setback is proposed. However, Millcroft Greens is proposing a 6 metre landscape buffer where proposed development abuts existing development.

- (x) where *intensification* potential exists on more than one adjacent property, any *re-development* proposals on an individual property shall demonstrate that future *re-development* on adjacent properties will not be compromised, and this may require the submission of a *tertiary plan*, where appropriate;**

The intensification potential on adjacent properties will not be affected by the proposal.

(xi) natural and *cultural heritage* features and areas of natural hazard are protected;

As noted in the report sections addressing the PPS and the ROP, the proposal includes measures to protect and enhance Key Features of the RNHS. Flood plain modifications are proposed in association with the development of Area A however, it has been demonstrated that the modifications will not result in increased flood plain elevations upstream or downstream.

(xii) where applicable, there is consideration of the policies of Part II, Subsection 2.11.3 g) and m); and

2.11.3 g) deals with the limits of development associated with a regulatory floodplain and the dedication of lands. As noted above, flood plain modifications are proposed in association with the development of Area A. As a result of those modifications, no residential development is proposed within the regulatory floodplain and lot line setbacks in keeping with CH standards (i.e. 7.5 metres from the limit of the greatest hazard) are proposed.

2.11.3 m) deals with the South Aldershot area and is not applicable.

(xiii) proposals for non-ground oriented housing *intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties butting, and having direct vehicular access to, major arterial minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.*

The proposed mid-rise building (Area E) is situated on the northerly periphery of the Millcroft Community along Dundas Street. Dundas Street is a Regional Road. The proposed building is well setback from the adjacent townhouses to the west and the size, scale and height of the proposal provides an appropriate transition to the townhouses, Dundas Street and the abutting hydro corridor.

In addition to the policies of Part III, the policies of Part II, Functional Policies must be reviewed and considered.

Part II, Section 3.3.2 (x) deals with intensification on public vs. private roads.

x) *Infill or intensification development proposals within the City shall be required to take place on public roads, unless it can be demonstrated by the proponent that a private road is equally desirable from the standpoints of functionality, community safety, efficiency, servicing, neighbourhood connectivity, ease of land assembly for future development, environmental impacts, adequacy of parking and financial impacts to the City.*

In this case, the development of the single-detached dwellings is proposed on private roads to be owned and maintained by a future condominium corporation. This form of development is common and has been accepted by the City and Region. The proposed private roads will function exactly as a public road, providing safe and convenient vehicular and pedestrian access. The proposed roads are cul-de-sacs, serving only the proposed residential units and will connect to the public road network. In this instance, ease of future land assembly is not a relevant factor. Environmental impacts have been addressed in the EER and are not related to the ownership of the roads. Lastly, financial impacts are not an issue as the roads would be maintained by the condominium corporation(s) at no expense to the City. It is noted that the Millcroft Community presently consists of private road condominium development.

Part II, Section 2.10 Watershed Management contains policies that are relevant to the consideration of this proposal. It is the City's intention, as articulated in Section 2.10.1 d) that "vital components of the hydrologic system in the City such as *groundwater features, watercourses, wetlands, valleylands, floodplains*, Lake Ontario and Burlington Bay *shall* be protected, improved and/or restored." The BOP's Objectives to ensure protection of life and property, and to "protect, restore and enhance shoreline, creek, river and *wetland* habitat area" are set out in subsections b) and c) respectively. From these objectives, a set of policies intended to achieve these objectives follow.

Policies that are relevant to the consideration of this proposal are cited below:

- 2.10.3 g) *Watercourses, shorelines, valleylands and wetlands shall be kept in their natural state and restored wherever possible. The City may consider proposals for the relocation and reconstruction of existing watercourses where it is determined to be environmentally appropriate and if approved by the regulatory agencies. It is recognized that the use of watercourses for agricultural land drainage is a normal farming practice.***

Through the PTTW process, the reinstatement and restoration of a portion of Appleby Creek is proposed to a more naturalized state. This will be achieved by taking the existing Mill Pond off-line through a reconfiguration/relocation of the pond. This work is expected to restore Appleby Creek to a pre-development condition (i.e. prior to the development of the golf course) thus improving the water quality of the watercourse and fish habitat functions.

Storm water management is the responsibility of the City of Burlington, and the BOP contains considerable policy direction under Part II, Section 2.11 with respect to appropriate management to ensure protection against flooding and erosion, maintain groundwater recharge functions and maintain or improve the quality of storm water runoff.

Specific objectives can be found with respect to:

6.3.1.1 Flooding

- a) To ensure that future *development* does not increase the risk of property damage and danger to life from flooding.**

- b) To reduce flood potential in areas that are flood-prone.
- c) To manage flooding concerns in a way that maintains or enhances *fish habitat* and other natural resource features.

6.3.1.2 Erosion

- a) To minimize the adverse impact of *development* on downstream *watercourse* erosion.
- b) To stabilize stream banks where ongoing erosion threatens existing buildings, roads, structures, or private lands.
- c) To limit future *development* along *watercourses* and waterfront where ongoing erosion threatens top-of-bank stability.
- d) To manage stream bank erosion in a way that maintains or enhances *fish habitat* and other natural resources.
- e) To ensure that future *development* does not increase the risk of property damage and danger to life from erosion.

6.3.1.3 Hydrogeology

- a) To control future *development* in a way that maintains and/or enhances significant *groundwater recharge* and prevents undesirable groundwater level decline and reduction in base flow to *watercourses*.
- b) To ensure base flow maintains permanent and seasonal *fish habitat* where it exists naturally.
- c) To minimize the possible negative effects on groundwater quality from land use practices and/or *development*.
- d) To restrict or limit *development* in hydrogeologically *sensitive* areas such as significant *groundwater recharge* and discharge features.

6.3.1.4 Storm Water Quality

- a) To control the quality of storm water runoff from future developed surfaces so that the natural surface water and groundwater quality is maintained or restored.

6.3.1.5 Sedimentation

- a) To manage *development* and construction activity to prevent sediment loading to receiving *watercourses*, Burlington Bay and Lake Ontario.

To achieve these objectives, the BOP includes policies (Section 2.11.3) which require new development to incorporate storm water management techniques to control quantity and quality of storm runoff. The existing pond at present has limited storm water management controls and was not specifically designed to provide for such controls. The pond's current function is to provide for the irrigation needs of the golf course. Quality and extended detention controls are not currently provided. As addressed more fully in the FSR and EER, the stormwater management proposed to be implemented as part of the proposed development is designed to ensure that the BOP's objectives with respect to quality, quantity and protection of natural resources, including fish habitat, are achieved.

Of particular note is Section 2.11.3 j):

- j) *Watercourses should be left in their natural state. The City may consider proposals to construct new watercourses, provided natural channel design is used and if such proposals are approved by the regulatory agencies. The enclosure of open watercourses is generally not permitted.***

As previously noted, the intent, through the PTTW process, is reconfigure the existing pond to take it off-line where it would no longer be fed by Appleby Creek. This will effectively reinstate the watercourse and is expected to result in significant quality improvements to the watercourse.

Part II, Section 3.7 d) sets out policies with respect to Rail and Air and the requirements for noise and vibration studies for development proposed in proximity to railways. These studies have been completed in accordance with this section and as determined through the pre-consultation and are submitted along with the applications. The study concluded that noise levels will exceed MECP guidelines and recommends mitigation measures including acoustic barriers, earth berms, noise wall and air conditioning in certain units. Warning clauses are also recommended. Vibration levels are determined to be below CN criteria.

Part II, Section 6.0 of the BOP includes policies dealing with Design. Millcroft Greens is committed to a high standard of design and architecture to complement the Millcroft Community. An Urban Design Brief prepared by John G. Williams Limited was recently updated on November 13, 2020 to include a complete review and assessment of the principle, objectives and policies of Section 6.0. The Urban Design Brief analysis of Section 6 concentrated on the mid-rise development proposal on Parcel E. An Urban Design Brief was not required by the City for Areas A-D.

The design intent of Millcroft Greens is to achieve the Principle of Section 6.1 a) (efficient and attractive urban form) by providing an efficient, attractive and more compact development that is respectful of the built form and character of the community. The single-detached built form for Areas A-D matches existing development and in my opinion is well integrated into the existing community fabric. Further, the development satisfies the test of compatibility as addressed in other sections of this report.

The policies of Section 6.3 address Existing and New Communities Policies. It is my opinion that the development sites (i.e. Areas A-E) do not represent a gateway or landmark location. The policies address compact development in Section 6.3 e) which reads as follows:

6.3 e) Preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit.

The planned development represents a slightly more compact form of development in the case of Areas A-D. The proposed mid-rise development within Area E is much more compact. The development will be pedestrian oriented and encourage increased use of public transit.

The policies of Section 6.5 (Design Guidelines Policies) address matters of compatibility, buffering and landscaping. A detailed assessment of compatibility and my planning opinion with respect to the same is contained within the Planning Considerations section of this report. The density, form, bulk, setbacks and spacing are consistent and compatible with adjacent land uses and the surrounding area. A draft Zoning By-law containing proposed zone standards has been prepared to address setbacks and spacing and provides the opportunity for a variety of single-detached product including bungalow and bungaloffs. In addition, although Areas A-D are planned for a compatible built form to the adjacent land uses, a 6.0 metre landscape buffer is proposed between abutting rear yards. A similar landscape buffer is proposed for Area E. This landscape buffer will further mitigate the interface between new and existing development and alleviate any compatibility concerns.

The streetscape for Areas A-D has been planned to be pedestrian oriented and safe. The condominium road cross section includes a sidewalk and a pavement width that is equivalent to the pavement width of a local road. Appropriate lighting will be provided and addressed at the detailed design stage. Figure 3.3b of the Urban Design Brief illustrates a typical cross-section for a 10.3 metre condominium road.

7.0 COMPREHENSIVE ZONING BY-LAW 2020

The lands (Areas A-E) are currently zoned O1 (Open Space) under Zoning By-law 2020 consistent with the existing land use. Permitted uses includes municipal parks, public and private open space, golf courses and associated uses, recreational uses such as arenas, gymnasiums and swimming pools, cultural heritage resources, storm water management facilities, cemeteries and crematories. An amendment is required to allow for residential development on all parcels.

8.0 DRAFT OFFICIAL PLAN AMENDMENT

Attached as **Schedule 3** to this report is a Draft Official Plan Amendment (OPA).

The OPA proposes the redesignation of Areas A-D from the current “Major Parks and Open Space” designation to a Residential – Low Density designation to facilitate the development of single-detached dwellings through draft plans of subdivision and condominium.

The OPA further proposes to redesignate Area E from the current “Residential – Medium Density” to a “Residential – High Density” designation.

There are no site-specific provisions proposed in the OPA.

9.0 DRAFT ZONING BY-LAW AMENDMENT

Attached as **Schedule 4** to this report is a Draft Zoning By-law (ZBA).

Areas A-D

The ZBA proposes the rezone Areas A-D from the current O1 Zone to a new R3.2 Zone with site-specific exceptions. The 6.0 metre landscape buffers and the Mill Pond and Appleby Creek, shown as Block 99 on the draft plan of subdivision, will remain within the O1 Zone.

In my review of the zone provisions of Comprehensive Zoning By-law 2020, the residential zone provisions for single-detached dwellings are outdated for the purposes of intensification, built form, and responding to current market demands (e.g. building coverage, higher ceilings). In addition, the residential zone provisions are insufficient to address the potential of bungalow and/or bungalow product. On this basis, various modifications to the R3.2 Zone provisions are being recommended through the ZBA.

The proposed site-specific R3.2 Zone provides for single-detached dwellings on a private condominium road with a minimum lot frontage of 15 metres and minimum lot area of 425 square metres consistent with the R3.2 Zone. The proposed setbacks include a 6.0 metre front yard setback/driveway length to the garage and a 4.5 metre setback to the dwelling, side yards of 1.2 metres on both sides, an exterior side yard of 3.0 metres for lots/POTL’s flanking a public road and a variable rear yard setback. The ZBA also includes provision for a 1.5 metre front yard encroachment for an unenclosed porch and/or stairs and a 3.0 metre rear yard encroachment for loggia/lanai.

Due to the recommended 6.0 metre landscape buffer between existing and proposed single-detached dwellings, a 9.0 metre rear yard is in my opinion not necessary. For a two (2) storey single-detached dwelling, a 7.5 metre rear yard setback is recommended. Combined with the 6.0 metre landscape buffer, the total setback would 13.5 metres. In order to accommodate the potential for bungalow and bungalow product, it is recommended in the ZBA that the rear yard building setback be reduced to 4.5 metres for a bungalow (1 storey) and 6.0 metres for a bungalow (1.5 storey) in addition to the 6.0 metre landscape buffer. Bungalow/bungalow product cannot be achieved through the same rear yard setbacks as a two (2) storey product.

With respect to building height, the measurement by definition in the Zoning By-law is taken from the fixed grade to the highest point of a flat or peaked roof. The fixed grade

and design of the single-detached dwellings has not yet been finalized. In anticipation of a variety of single-detached product including walkouts and the demand for higher ceilings, a maximum 12.0 metre height is recommended. For bungalow and bungalow product, the proposed maximum building height would be 7.5 metres and 9.0 metres respectively. Given the considerable setbacks proposed between existing and proposed dwellings, it is my opinion that the modest increase in building height is negligible.

In summary, it is my opinion that the proposed site-specific exceptions to the R3.2 Zone are reasonable and appropriate. Combined with the rigour of the recommended urban design principles, the resulting house product and community design will be complementary to and compatible with the existing housing stock and the surrounding community.

Area E

Regarding the proposed mid-rise building on Area E, the ZBA proposes to rezone the lands from O1 to a RH3 Zone with site-specific exceptions. The proposed site-specific RH3 Zone permits the mid-rise building to a maximum height of 6 storeys (24 metres) and a maximum density of 200 units/hectare. The westerly side yard would be a minimum of 20 metres from the proposed building and 3 metres to the below grade parking garage. The minimum amenity area requirement is 20 square metres per apartment unit. The minimum lot area of 0.65 hectares considers the loss of land due to the Regional road widening requested along Dundas Street.

It is anticipated that the Draft Zoning By-law will be reviewed and discussed with City staff prior to finalization.

10.0 TECHNICAL STUDIES

The following is a summary of technical studies completed in support of the proposed development and upon which I have relied in preparing this planning justification report and formulating my planning opinion.

Noise and Vibration

HGC Engineering has conducted a Noise and Vibration Feasibility Study dated October 6, 2020 and recently updated Study on November 19, 2020 for the proposed residential development. HGC concluded that the primary sources of noise in the area are rail traffic on the Canadian National (CN) railway and road traffic on Dundas Street and Upper Middle Road. Road traffic on Millcroft Park Drive is considered a secondary source of noise. Sound level predictions indicate that the future road and rail traffic sound levels will exceed MECP guidelines. Accordingly, acoustic barriers are required for rear yards of dwellings backing onto Upper Middle Road. It is noted that an earth safety berm with an acoustic wall is already in place parallel to the railway line. Central air conditioning and upgraded glazing will be required for proposed dwellings/units closest to the railway, Dundas Street and Upper Middle Road. Additional recommendations with respect to building materials and warning clauses are contained within the HGC report.

With respect to vibration, HGC concluded that ground-borne vibration measurements are below CN criteria. MECP guidelines recommend that warning clauses be used to inform future residents of the traffic noise, the nearby commercial facilities and the presence of the adjacent railway and roadways.

Geotechnical

DS Consultants Ltd. (DS) undertook geotechnical investigations of the various development parcels. The Geotechnical Investigation for Areas A-D for the single-detached dwellings was prepared on January 14, 2020 and updated on November 12, 2020. The Geotechnical Investigation for Area E consisting of the mid-rise building was updated on November 12, 2020. Subsurface conditions were assessed based on boreholes drilled on site. This information was used to make preliminary recommendations with respect to construction of services and roads, and with respect to foundation considerations. DS concluded that soil conditions encountered do not raise any concerns with respect to their suitability for construction. Details of borehole findings can be found in both reports submitted with the applications.

Additionally, DS has provided preliminary recommendations with respect to a temporary shoring system for the proposed mid-rise building (Area E) to ensure safety and stability of the shoring, including ongoing monitoring of conditions during construction. Additional shoring details will be provided at the site plan approval stage.

Hydrogeological

R.J. Burnside & Associates Limited (Burnside) has prepared a Hydrogeological Assessment of the subject lands dated October 2020. The assessment consisted of a review of water well records and other available data as well as the installation of groundwater monitoring wells and drive-point piezometers. Groundwater and surface water conditions were monitored and water balance calculations were prepared based on pre- and post development conditions. The study's key findings can be summarized as follows:

- The subject property is generally in a recharge area, however, soil conditions consisting of clayey/silty nature of surface soils limit the amount of water infiltration.
- Groundwater movement in the shallow subsurface is generally controlled through fracturing and layering in shallow till that provide some lateral connection and infiltration.
- Surface water monitoring along Appleby Creek suggests that the creek primarily has a surface water conveyance runoff function in this vicinity.
- The proposed development will result in decreased infiltration without mitigation. Low Impact Development (LID) methods are recommended to promote infiltration.

- Additional measures to promote infiltration, reduce runoff and improve water quality are being considered, and are addressed in the Functional Servicing Report prepared by Urbantech.

Burnside recommends that any subsurface LID's approved for the proposed development be monitored post-development to assess how well they function.

Air Quality Compatibility

SLR Consulting (Canada) Ltd (SLR) has prepared an Air Quality Compatibility Study dated September 30, 2020. The study addressed industrial air quality, odour and dust emissions, as well as transportation-related air pollution. Surrounding land uses were identified using aerial imagery, available information on line and in-person site investigation. Transportation sources were also identified and assessed. Potential air quality impacts including dust and odour on the proposed development were reviewed and assessed against applicable guidelines and standards.

SLR concluded that the proposed residential development lies outside the minimum separation distance for all industries and transportation facilities. The study further concludes that the proposed development is anticipated to be compatible with the surrounding land uses from an air quality perspective. SLR advises that no further detailed air quality assessment is required for the proposed development.

Transportation Impact Study

Crozier has completed a Transportation Impact Study dated October 2020 for the proposed development to assess the impacts of the proposed development on the boundary road network and to recommend required mitigation measures if warranted. Major intersections within the study area were reviewed under existing traffic conditions and five year forecasted future conditions (with and without development) for weekday morning and afternoon peak hours. The study was completed in accordance with the Region of Halton's Transportation Impact Study Guidelines.

Crozier concluded that most intersections within the boundary road area are currently operating at Level of Service (LOS) "D" or better. Exceptions are the intersection of Walkers Line at Upper Middle Road, which is operating over capacity at peak periods due to large volumes of traffic. Dundas Street/Walkers Line intersection is operating at LOS "E".

Under 2025 future background conditions, the movements continue to operate over capacity at Walkers Line and Upper Middle Road during the weekday peak periods. Additionally, the eastbound and southbound through movement at the intersection of Appleby Line at Upper Middle Road are expected to operate over capacity during weekday a.m. peak period. The proposed development is expected to have a negligible impact on the surrounding road network as future total traffic is expected to operate in a similar fashion to the future background scenario in horizon year 2025.

Within the Millcroft Community, Country Club Drive at Millcroft Park Drive, along with all new site accesses operates with less than 15.2 seconds of delay during peak periods.

The proposed site accesses meet the Transportation Association of Canada's guidelines for sight distances, site access spacing and configuration.

Crozier concludes that "the planning applications can be supported from a transportation perspective as the site generated traffic will have a negligible effect on the operations of the public roadway system".

Environmental Site Assessments (ESA)

Phase I ESA's have been completed for the development areas by DS Consultants Ltd. ("DS"). DS undertook the studies in the context of the proposed redevelopment of the subject areas to a more sensitive land use, in accordance with Ontario Regulation (O. Reg.) 153/04, as amended.

The Phase One ESA involved the following main tasks:

- A records review of historical site use and activities for the Phase One property and for the areas within approximately 250 metres;
- Interviews with available individuals having knowledge of current and/or historical site activities;
- A reconnaissance inspection of the property; and
- Evaluation of the information and documentation.

DS concluded that the proximity to the rail line, the presence of unknown fill, and the use of pesticides on the property used in the operation of the golf course warrant further investigation through a Phase Two ESA. In addition, transformers were identified at the southwest corners of Area C and D indicating the potential for the presence of PCB's.

The Phase Two ESA's were completed to satisfy the intent of the requirements, methodology and practices for a Phase Two ESA as described in Ontario Regulation 153/04 (as amended).

For Areas A and B, a total of nine (9) boreholes were examined, the locations of which were determined by the findings of the Phase One ESA. Chemical analysis of the soils and groundwater samples confirmed no exceedances of applicable MECP standards. DS concluded that no further sub-surface investigation is required regarding the environmental quality of the soil and groundwater.

For Area C, the Phase Two ESA consisted of the advancement of three (3) boreholes, which was completed between November 2019, and one (1) grab sample in April 2020. Groundwater monitoring wells were installed in three (3) of the boreholes. Soil and groundwater samples were taken and analyzed. Chemical analysis conducted by DS confirmed that all applicable site conditions standards have been met.

The Phase Two ESA for Area D involved drilling three (3) boreholes, which was completed between November 2019, and the collection of one (1) grab sample near the transformer in April 2020. A total of three (3) Potentially Contaminating Activities (PCAs)

were identified in the Phase One ESA, which were contributing to three (3) APECs on the Phase Two Property. Borehole locations were determined based on the findings of the Phase One ESA. All Areas of Potential Concern were investigated with boreholes and/or monitoring wells in accordance with the requirements of O.Reg. 153/04 (as amended). Soil and groundwater samples were collected and submitted for analysis of all potential contaminants. The results of the chemical analyses conducted indicated that all samples analyzed met the applicable Site Condition Standards. Based on a review of the findings of this Phase Two ESA, DS concluded that the results of the chemical analyses conducted on soil samples indicate that the applicable Site Condition Standards have been met.

A total of nine (9) Potentially Contaminating Activities (PCAs) were identified in the Phase One ESA for Area E. The Phase Two ESA investigation involved drilling six (6) boreholes, which were completed between November 28 and 29, 2019 and April 23, 2020. All APECs were investigated with boreholes and/or monitoring wells in accordance with the requirements of O. Reg. 153/04 (as amended). The soil and groundwater samples analyzed for this Phase Two ESA investigation, indicated that the Site Conditions Standards for the Area E have been met. Based on the findings of this Phase Two ESA no further environmental investigations is required.

DS advises that the required Record of Site Condition may now be filed for all areas with MECF.

Wind Assessment

Gradient Wind Engineers (Gradient) completed a Qualitative Pedestrian Level Wind Assessment dated July 29, 2020 and recently updated on November 12, 2020 for the proposed six-storey multi-family building on Area E. In their report, Gradient details the scope of work and methodology used to assess pedestrian safety and comfort under various wind conditions. Their assessment is based on statistical knowledge of Burlington wind climate and the use of industry-accepted comfort guidelines for sitting, standing and walking. Gradient concluded that wind comfort at most grade level pedestrian-sensitive locations including sidewalks, laneways, and parking areas, is expected to be suitable for the anticipated uses without the need for mitigation. Further, the proposed building is not expected to significantly impact pedestrian comfort in the neighbouring area.

The Assessment did identify two locations within the outdoor amenity areas where some mitigation is recommended. For the seating area on the southeast side of the building, Gradient identified that seating at the outer perimeter of this area would benefit from the installation of vertical wind barriers such as windscreens, dense coniferous planting or a combination of the two. Similarly, the amenity area on the north side of the building is exposed to wind from all directions. Although conditions are expected to be acceptable for standing and walking, vertical wind barriers are recommended for seating areas. The details of the design of these features can be determined at the site plan approval stage. With this mitigation comfort standards for all activities can be satisfactorily achieved.

Functional Servicing Report

Urbantech Consulting (Urbantech) prepared a Functional Servicing Report (FSR) dated October 2020 and updated in November 2020 addressing grading; sanitary, water and storm servicing; and stormwater management (SWM). Urbantech's findings, as reported in full within the FSR, are summarized below.

Sanitary and watermain services are available within the existing Millcroft subdivision via applicable connections and are sufficient to support the development of Areas A, B, C, D and E. Area E will require external sanitary and watermain works along Dundas Street to connect to the existing Millcroft Park Drive infrastructure.

Section 1.3 of the FSR provides a brief overview of all storm water servicing and stormwater management information. Further, while water quality control is not required by the guiding sub-watershed study, water quality benefits (inclusive of water quality control as applicable) will be implemented where feasible through a treatment train approach with low-impact development measures for lot-level control. Additionally, through the PTTW process, the reinstatement of the Appleby Creek as well as Mill Pond reconfiguration works are proposed which will ultimately result in a reconfigured and offline SWM facility resulting in both an enhanced level of water quality as well as continuing to serve the future irrigation needs of the Millcroft GC. Details for the proposed minor reinstatement and formalization of a low flow channel through the former pond are being reviewed through a separate permit process with CH as part of the Millcroft GC's PTTW requirements.

Urbantech has confirmed that proposed grading meets City of Burlington requirements. Grades will be maintained along the property line between the 6.0m landscape buffer and existing development. The proposed grading has avoided the use of retaining walls and minimized earthworks where possible.

Erosion and Sediment Control as detailed in the report will be implemented for all construction activities. Temporary sediment ponds may be required during construction to reduce peak flows and detail sediment laden runoff. A sediment and erosion control plan will be prepared in accordance with City, CH and MECP requirements.

In summary, the FSR provides functional servicing design and SWM information in support of the proposed development which is in compliance with, but not limited to, guiding studies and/or regulatory requirements as deemed applicable by the respective agency.

Scoped Environmental Evaluation Report (EER)

As noted previously, an EER was prepared by Beacon in support of the proposed development. The EER has been prepared in consultation with and in accordance with the Terms of Reference as approved by the City, Region and CH.

The EER summarizes and evaluates the relevant environmental policy framework and relies on background information and field work undertaken to provide an opinion and recommendations related to the proposed development. The policy framework includes

Fisheries Act, Species at Risk Act, Ontario Endangered Species Act, the PPS, Regional and Local Official Plans, Conservation Authorities Act and CH Regulation and policies. The EER has been prepared using an integrated approach, relying on and coordinating with other consultants producing technical studies including the FSR, Hydrogeological Report, Geotechnical Report, topographic survey and others.

One of the primary objectives of an EER is to identify potential physical and natural heritage constraints to development and to minimize and/or mitigate impacts where necessary. In this case, the EER identified Appleby and Sheldon Creeks, Meander Belts and the Floodplain Hazard as physical constraints and Fish Habitat and Other Wetlands as natural heritage constraints. The EER also identified and confirmed the boundaries of the RNHS and identifies Key Features within the RNHS. As detailed in the EER, no negative impacts are anticipated, and the report further provides recommendations to achieve a positive impact on the RNHS.

Table 25 of the EER provides a detailed assessment of the proposal's compliance with applicable policy/legislation at all levels of government. Based on their detailed review and assessment, Beacon concludes that the proposed development will not negatively affect the refined RNHS provided the recommended mitigation measures specified in the EER are appropriately implemented. Beacon further concludes that the proposed development is in compliance with applicable environmental protection and planning policies at the federal, provincial, regional, conservation authority and local levels.

Arborist Report

Beacon prepared an Arborist Report dated October 2020. The Report was subsequently updated in November 2020. The Report inventoried all trees with a diameter at breast height of 10 centimetres or greater in accordance with the City standards. A total of 577 trees were tagged and assessed on the development areas (Areas A-E). 82% of the trees inventoried were reported in good or fair-good condition while the others were reported in poor/fair-poor largely due to the impacts of Emerald Ash Borer.

A total of 179 trees are proposed for preservation while 398 trees are required to be removed to accommodate the proposed development. Of the 398 trees to be removed, 84% were reported to be in good or fair-good condition. A detailed breakdown of the trees to be retained or removed is contained in the Arborist Report. The Report also provides recommendations for tree protection and preservation and the timing of tree removal.

Conceptual Open Space Plan

A Conceptual Open Space Plan (COS Plan) dated October 2020 was prepared by Nak Design. The COS Plan was updated on November 17, 2020. The COS Plan provides detailed recommendations regarding trail development and illustrates a proposed landscape plan for each of the respective development areas including the 6 metre landscape buffer. It also includes strategic planting locations for the reconfigured golf course. The Plan further depicts the anticipated interface conditions and treatment between existing and proposed development.

In response to the removal of trees as noted above, the COS Plan provides an estimate of the tree planting that is expected to occur through the redevelopment. It is estimate that approximately 1,500 new trees will be planted to offset the removals which equates to a planting ratio of approximately 3.8 new trees to every 1 tree removed.

Urban Design Brief

John G. Williams Limited, Architect prepared a comprehensive Urban Design Brief dated September 30, 2020. As previously mentioned, the Urban Design Brief was subsequently revised on November 13, 2020 to respond to City comments. The Brief provides design guidelines for each of the four single-detached parcels (Areas A-D) and the multi-family area (Area E) with the stated objective to “establish a positive visual character for the Millcroft Greens Corporation development blocks that appropriately fit into the established built form context of the community by encouraging a consistently high standard of architectural design quality.” The design guidelines were informed by the input of the Burlington Urban Design Advisory Panel (BUD). The guidelines also have regard for the principles of Crime Prevention Through Environmental Design (CPTED). The document also sets out recommended procedures for submission, review, and approval of building designs to ensure compliance with the guidelines.

Section 1 of the report details the contextual considerations including topography and vegetation and relationships to existing development. Section 2 details the development plan including lot layout, buffer areas, open space and active transportation network and road hierarchy. Considerations for Low Impact Development (LID) are included in this section, both for the overall site and individual buildings.

Recognizing the importance of outdoor amenities, Section 3 provides guidelines for the public realm. Elements of the public realm include the open space network, creating pedestrian linkages of sidewalks and trails, open spaces including natural heritage areas and storm water management ponds and the shared amenity areas associated with the mid-rise building proposed on Area E. The Design Brief includes considerations for ensuring public safety in these areas, and highlighting their importance in contributing to the community character.

At the individual lot and building level, Section 4 sets out architectural guidelines for single-detached dwellings. In addition to architectural style, this section provides recommendations with respect to the relationship of dwellings to the street, ensuring a variety of building façades, all intended to ensure that the community character is preserved and enhanced. Priority lots are identified; locations with high visibility where special consideration to materials and building siting should be made.

Architectural considerations for the multi-family building on Area E are addressed in Section 5 of the Brief. Recognizing the high visibility of the building given its location on Dundas Street, the Design Brief calls for high quality materials and articulated building façades to create an animated streetscape, a vibrant public realm, and a pedestrian-scaled environment along Dundas Street.

The details of an architectural control process are set out under Section 6. A privately administered architectural design review process will be conducted by the Control Architect for all new housing within the Millcroft Greens development to ensure compliance with the requirements of the Urban Design Brief.

Solid Waste Management Plan

A Solid Waste Management Plan was prepared by Burnside dated September 2020.

The private condominium roads and cul-de-sacs for Areas A-D have been designed and will be constructed in accordance with Regional Guidelines thus qualifying for Regional curbside garbage pick-up similar to other single-detached dwellings in the Millcroft Community.

Regarding Area E, Burnside has provided several waste management recommendations for the mid-rise building. The recommendations include design measures for waste management including a waste storage room, a tri-sorter chute system, and a compactor. Halton Region would also provide garbage pick-up and collection of all wastes for the mid-rise building.

Burnside concludes that the development has been designed to meet all current Regional standards and guidelines, and the development offers design flexibility to address any future changes to Halton's solid waste management programs.

Public Consultation Strategy

Wellings Planning Consultants Inc. has prepared a Public Consultation Strategy (PCS) dated October 2020 for the proposed development to meet the requirements set out under Sections 17, 34 and 51 of the *Planning Act*. Consultation with the community conducted to date is detailed in the proposed PCS, including an information meeting held with property owners in the immediate vicinity of the development on February 19, 2020, and the previously noted PAC Meeting held on September 21, 2020.

A dedicated website has been established for the development (www.millcroftgreens.com), allowing residents to stay informed with respect to the development. Further meetings with ratepayer groups in the community, as well as with the broader residential community and the golf community are planned, beyond the statutory public meetings required by the legislation. The format of these meetings will depend on future COVID restrictions.

11.0 PLANNING CONSIDERATIONS

As noted earlier, there were several comments/concerns raised at the PAC Meeting. I have attempted to respond to as many of the comments/concerns below in my Planning Considerations.

Planning Act

At the PAC Meeting, residents expressed concern with why a property owner, in this case Millcroft Greens, is permitted to submit applications to amend the BOP and Zoning By-law.

The *Planning Act* (“the Act”) regulates the development approvals process in the Province of Ontario. The Act enables municipalities to approve Official Plans and Zoning By-laws to regulate the use of land. These documents are not intended to be static and tend to evolve over time. The Act also provides for any landowner the opportunity to file an application(s) to amend these planning documents. Such application(s) are evaluated based on consistency with and conformity to Provincial Plans (i.e. Growth Plan and PPS) and conformity to the municipal plans in effect. Matters such as compatibility of development and appropriateness of land use are key considerations in the evaluation of such applications.

The Act further requires that the consideration of planning applications have regard to matters of provincial interest under Section 2 of the Act. With respect to draft plans of subdivision, regard shall be had to various criteria under Section 51(24) of the Act.

Regarding matters of provincial interest under Section 2 of the Act, it is my opinion that the proposed development has had appropriate regard to the matters listed including the following:

- Protection is afforded to the ecological systems, including natural areas, features and functions. This is demonstrated in the work undertaken by Beacon and Urbantech.
- There is adequate provision and efficient use of transportation and servicing infrastructure, educational, social, and recreational facilities. Transportation and servicing issues were addressed by Crozier and Urbantech.
- The proposal will contribute to a range and mix of housing options in the community. The proposed will provide single-detached dwellings which are in short supply within the City.
- The proposal represents orderly development and does not result in any public health and/or safety concerns.
- The proposed development represents an appropriate location of growth and development being situated within an urban serviced area.
- The proposed development will support existing public transit and be pedestrian oriented.
- The proposed built form will be well designed and complementary to the community.

- The proposed development will result in intensification and respond appropriately to the impacts of climate change.

In assessing the criteria of Section 51(24) of the Act for the consideration of the draft plan of subdivision, in my opinion the criteria are satisfied as follows:

- The subdivision satisfactorily addresses matters of provincial interest under Section 2 of the Act as noted above.
- The subdivision is not premature and is in the public interest.
- The subdivision will conform to the Official Plan upon approval of the proposed Official Plan Amendment.
- The subject lands are suitable for the subdivision.
- The proposed private condominium roads and existing road network are sufficient to service the subdivision.
- The dimension and shape of the proposed lots is appropriate for their intended use to accommodate single-detached dwellings and compatible with the adjacent lot fabric.
- Conservation and flood control matters have been reviewed and addressed collectively by Urbantech and Beacon.
- Schools, municipal services, and utilities are adequate for the subdivision.

In summary, it is my opinion that proposed development/subdivision has had appropriate regard for matters set out in Sections 2 and 51(24) of the Act.

Public vs. Private Open Space

Concerns were raised at the PAC Meeting regarding the loss of open space and the need to preserve an “existing major park” in the community.

In response, it is important to distinguish between public and private open space. Through the development of the Millcroft Community in the late 1980’s, the City acquired various lands for park purposes which they are entitled to do under the provisions of the *Planning Act*. The School Boards also secured various school sites through the subdivision approvals process. The adequate provision of schools and parks are both matters of Provincial Interest governed by the *Planning Act*. The golf course lands were held in private ownership at the time the Millcroft Community developed and remain in private hands today. The golf course lands were not considered as part of the public parks system but instead were clearly intended as private open space. Public access has always been restricted to paying customers.

It is important to note that a significant portion of the private open space will be retained through the development proposal and the related golf course reconfiguration.

Compatibility

As previously noted, the BOP defines the term “compatible” as:

“Development or re-development that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health. Compatibility should be evaluated in accordance with measurable/objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals.”

More current definitions of compatible that I have recently come across include the following:

“means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to.” (Urban Hamilton Official Plan)

“means the development or redevelopment of uses which may not necessarily be the same as, or similar to, the existing development, but can coexist with the surrounding area without unacceptable adverse impact.” (Livable Oakville Official Plan)

Compatibility was considered by Millcroft Greens in the early formulation of these applications and prior to any engagement with the City and the residents. With respect to Areas A-D, it was determined that single-detached homes on large lots having a minimum lot frontage of 15.24 metres (50 feet) would achieve compatibility. The built form and size of dwellings would be consistent with the immediately abutting homes. There has been considerable attention paid to architectural and design considerations in the Urban Design Brief submitted in support of these applications. Section 4 of the Design Brief establishes guidelines for built form including massing, height and building orientation to ensure compatibility with surrounding homes, with the statement “Single detached dwellings shall be designed and oriented to respond appropriately to their context within the community.” The Design Brief anticipates that a variety of styles will be permitted, limited in height to two storeys to “minimize overshadowing/overlook of existing homes.” In addition, Millcroft Greens is proposing a 6 metre landscape buffer between existing and proposed homes. While such landscape buffer treatment is desirable and will promote a higher quality development, it is my opinion that such buffer is not necessary to achieve compatibility. There are many instances in the Millcroft Community and throughout Burlington where single-detached dwellings abut one another and, in some cases, the lot sizes are not all the same.

With respect to the mid-rise building proposed on Area E, these lands comprise the existing golf course maintenance facility. The lands are situated adjacent to townhouses to the west and a hydro corridor to the east and south, and front onto Dundas Street. Dundas Street is a Regional road. Given the location of Area E on the periphery of the

community coupled with the surrounding land uses, a mid-rise built form at this location is compatible and appropriate. Compatibility considerations addressed in the Urban Design Brief include the location of the building on the site, its orientation to the street and landscape features proposed as buffer area. A 6 storey, 130-unit building was chosen as it best fit the awkward configuration of the area but also provided maximum separation from the townhouses immediately west. The building setback from the west property line is approximately 23 metres with a proposed 6 metre landscape strip.

Kirkor Architects have prepared a detailed architectural package which is provided as part of the comprehensive submission. A comprehensive Shadow Study (SS) was also prepared by Kirkor Architects dated November 16, 2020 for the proposed building on Area E to address both existing building shadows and the proposed building shadow impact on the surrounding land uses. The SS provides an assessment of the June, March/September, and December months. The June analysis identifies minimal impact on the surrounding land uses with minor shadowing on the Dundas Street road allowance in the early morning and the hydro corridor later in the day. The March/September analysis identifies shadowing on the Dundas Street road allowance in the morning hours and shadowing on the hydro corridor in afternoon hours. The December analysis illustrates morning shadow on the Dundas Street road allowance and Norton Park in the morning hours and shadowing on the hydro corridor later in the day. In my evaluation of the SS, there are no unacceptable shadow impacts. Due to the positioning of the proposed building, there is no shadow impact on the existing townhouses to the west at any time of the year. The morning shadow on Norton Park in December comes at a time when park use is very limited.

In my opinion, the proposed development meets the definition of compatible. The chosen built form/development can in my opinion co-exist in harmony without causing unacceptable impacts. There are no identified issues/concerns with respect to aesthetics, noise, vibration, dust, odours, traffic, safety, and sun-shadowing nor are there demonstrated unacceptable risk to the environment and/or human health.

In summary, the proposed redevelopment of the subject lands is in my opinion appropriate and compatible. The development proposal maintains a significant portion of land as open space in the form of a reconfigured golf course while providing for sensitive intensification in keeping with the character of the community and abutting land uses.

Condominium Tenure

Concerns were raised at the PAC Meeting regarding the condominium form of development and how this tenure is inconsistent from other development in the community.

The intent of the applications is to develop Areas A-D as a common element plan of condominium where each homeowner will own their lot (Area of Tied Land) and a future condominium corporation would maintain the private road including sidewalk and any walkway/landscape features including the 6 metre landscape buffer. The mid-rise building proposed on Area E would develop as a standard condominium where all exterior elements of the building including parking and landscaping would be the responsibility of

the condominium corporation. The responsibilities of the condominium corporation include maintenance obligations.

Common element condominiums are a more recent development option that did not exist when the Millcroft Community first developed. These forms of development are efficient and prevalent throughout urban serviced communities in the Greater Golden Horseshoe. Standard condominiums, such as that proposed for Area E, are more common and were available when the Millcroft Community first developed. There are current examples of standard condominiums in the Millcroft Community.

More specifically, concern was raised regarding the development of Area A and the proposed “double fronted” development condition. The development of Lots 1-11 inclusive would involve a minimum 6 metre landscape buffer adjacent to existing lots with the private condominium road and proposed lots. While this is a somewhat unique development scenario, there is nothing inappropriate and/or incompatible with this form of the development. In comparison to a development scenario where rear yards abut one another, this scenario provides an enhanced setback between residential dwellings with ample landscape buffer to mitigate any impact.

In summary, while the common element condominium form of tenure may be new to the Millcroft Community, it is not a form of development that in my opinion results in incompatible or inappropriate development.

Growth Targets/Intensification

At the PAC Meeting, it was noted that the City has exceeded its population targets and therefore this should be considered in assessing the Millcroft Greens applications. It was also stated that the City has well exceeded its population expectations and that intensification is not a “free for all”.

With respect to growth targets, the Growth Plan is very clear on this point that intensification and density targets are minimums. The Growth Plan encourages municipalities to go beyond these minimum targets. It is my opinion that the use of City-wide population figures to evaluate the planning merits of any development application(s), including the Millcroft Greens applications, is inappropriate and improper.

I concur that intensification is not a “free for all”. However, communities such as Millcroft are not exempted from the consideration of intensification opportunities. Intensification in this case has been carefully considered in terms of character, built form, lot size and the interface between existing and proposed development. It is my opinion that the intensification proposed through the Millcroft Greens applications is reasonable, compatible, and gentle.

Golf Course Safety/Design Issues

As indicated at the PAC Meeting, the golf course is presently too tight for its current length. This was known and documented since the day the golf course was constructed in 1987. Broken windows, and errant balls in back yards, pools and on streets is unfortunately a

common occurrence. The course operators frequently receive complaints, request for compensation and in some cases legal action is threatened.

The course website (<http://www.millcroftgolfclub.com/course>) includes specific rules related to adjacent homes, noting that golfers are solely responsible for any damage to houses, requesting that golfers respect the safety and privacy of homeowners by shouting “FORE” when errant shots are in the direction of homes, and warning against trespassing in private backyards to retrieve errant balls.

While not the primary reason behind the Millcroft Greens applications, the golf safety and design concerns are nonetheless important considerations in the redesign of the golf course. With the redevelopment of Areas A-D inclusive, the golf course will be rerouted and shortened. The golf course architect (Baker Turner) has recommended the following improvements to address design/safety concerns:

- moving tee boxes forward with reduced length of the hole.
- additional tree planting – strategic locations to enhance buffers between course and residential.
- design for wider landing areas/fairways to decrease amount of errant balls.
- reducing and/or removing some bunker hazards.
- more strategic lay-up areas to break up hole.
- more strategic hazard placement – direct shots away from residential areas where possible.

The above-noted changes will improve the safety of golf course play although not a cure-all for every design/safety issue.

Stormwater and Flooding Concerns

At the PAC Meeting, concerns were expressed regarding the handling of stormwater and the potential for flooding.

As mentioned previously, Urbantech has undertaken a floodplain assessment and prepared a stormwater management strategy. The proposed development will be located outside of the floodplain and erosion hazards. As explained at the PAC Meeting by Urbantech, the proposed development cannot result in more flooding than presently exists today nor can it result in an increased risk to the public.

Construction Impacts

Several comments and concerns were raised about the length of the construction period and potential impacts of construction on the community.

At this point, given the planning approvals are not in place, the timing and duration of construction is unknown. As was noted by Millcroft Greens at the PAC Meeting, the intent

would be to minimize the disruption of construction on the community and establish a short building program to avoid a prolonged inconvenience to the surrounding neighbourhood.

A preliminary Construction & Mobility Plan has been prepared by Urbantech and a Traffic Control Plan prepared by Crozier. The Plans identify traffic controls, erosion and siltation measures and anticipated work areas to mitigate the impact of construction. These Plans have been filed with the applications for the City's review and comment and are available for public review.

Maintenance Facility Relocation

At the PAC Meeting there were questions regarding the proposed location of the maintenance facility once Area E redevelops.

The maintenance facility is presently too large being approximately 836 square metres (9,000 square feet). A smaller maintenance facility of approximately 557 square metres (6,000 square feet) will be located closer to the clubhouse facility and is anticipated adjacent to the existing parking lot. The precise location is under discussion and has not yet been confirmed.

BUD Response

As previously noted, the proposed mid-rise condominium building (Area E) went to BUD on May 19, 2020. BUD provided several comments and recommendations which have been considered in both the Architectural Plans and Urban Design Brief. A summary of the modifications in response to BUD is as follows: prominent building features have been added; additional landscaping and patio screen wall has been provided; gazebo added to east side of property to hide air shaft; the outdoor amenity has been extended; access rotunda has been revised; additional surface parking has been provided; and the loading area has been internalized. A plan prepared by Kirkor Architects showing the architectural modifications undertaken is appended as **Schedule 5** to this report.

12.0 PLANNING OPINION/CONCLUSIONS

The proposal to develop 98 single-detached lots by way of draft plan of subdivision together with the reconfiguration of the existing golf course, and to develop a six (6) storey, 130 unit mid-rise apartment building represents good planning and is compatible and appropriate. It is my planning opinion and recommendation that the applications be approved for the following reasons:

1. The proposed amendments have had appropriate regard for matters of Provincial Interest set out in Section 2 of the *Planning Act*, and the draft plan of subdivision has had appropriate regard for the matters under Section 51(24) of the *Planning Act*.
2. The proposed development is in keeping with the City's Strategic Plan and achieves many of the key strategic objectives.

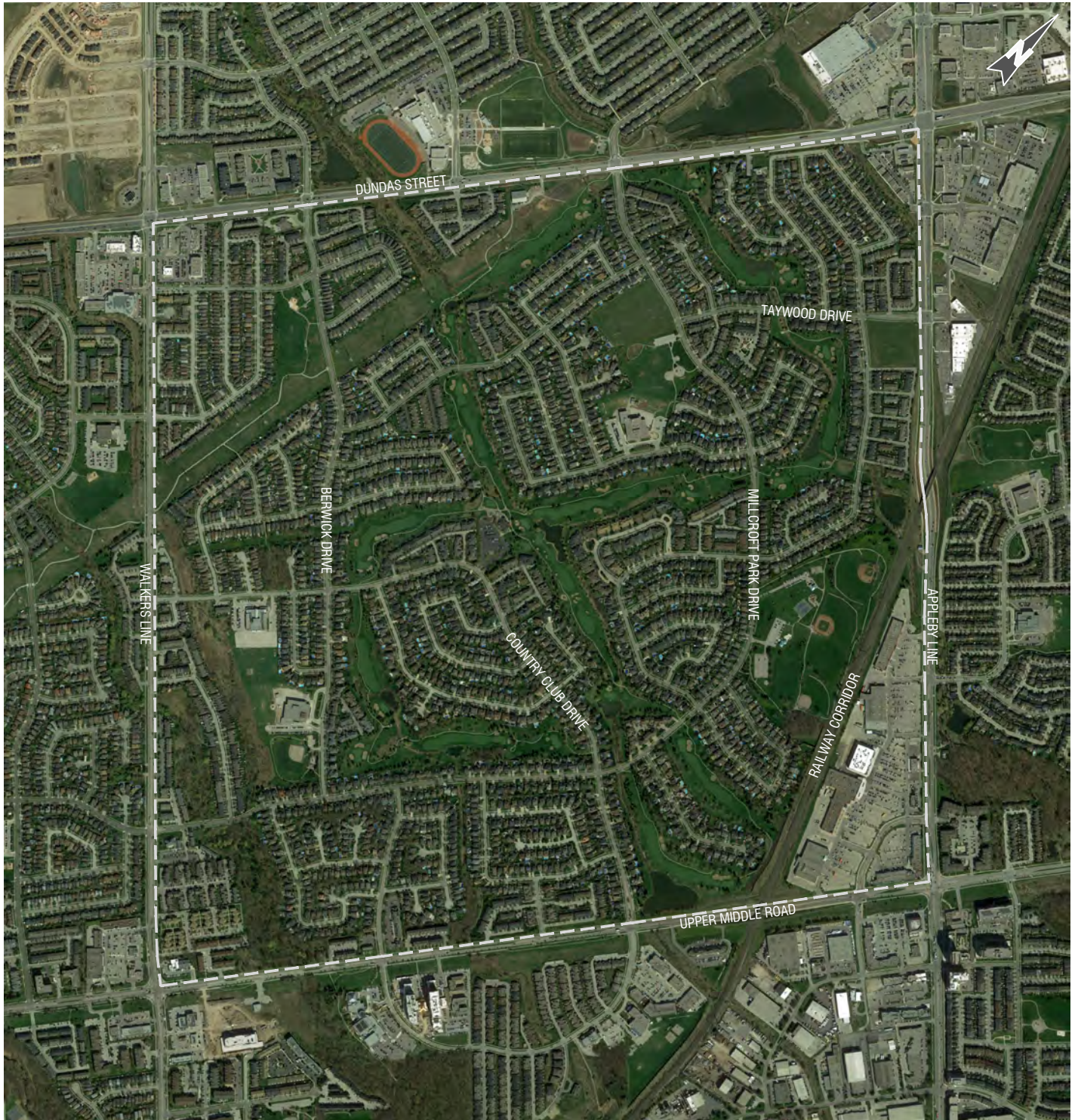
3. The applications are consistent with the PPS.
4. The applications conform to the Growth Plan and the ROP.
5. The proposed development conforms to the policies and satisfies the intensification and design criteria as set out in the BOP.
6. The proposal to facilitate single-detached dwellings on Areas A, B, C, and D is compatible with the existing surrounding residential development. The single-detached housing will contribute to the range and mix of housing options and provide a product type that is presently in short supply within Burlington.
7. The proposal to facilitate a 6 storey, 130 unit mid-rise condominium apartment building on Area E is compatible and appropriate on the periphery of the community, and in the context of the surrounding land uses and an abutting Major Arterial Road (Dundas Street).
8. The proposed single-detached dwellings and mid-rise building will achieve a high quality built form and design complementary to the existing Millcroft Community.
9. The studies/reports prepared in support of the applications do not raise any significant technical concerns regarding the proposed development.
10. Approval of the Draft Official Plan and Zoning By-law Amendments attached as **Schedules 3 and 4** to this report represent good planning. The proposed amendments to the Official Plan and Zoning By-law and draft plan of subdivision are consistent with and in conformity with the upper tier planning documents, and in keeping with the goals, objectives, and policies of the BOP. The site-specific exceptions requested in the Draft Zoning By-law are appropriate for the proposed development and the surrounding context and reflect current market demands.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.



Glenn J. Wellings, MCIP, RPP





PROJECT:
Millcroft Greens Corporation
 Burlington, Ontario

PROJECT No:
2017/09

DATE:
October 2020

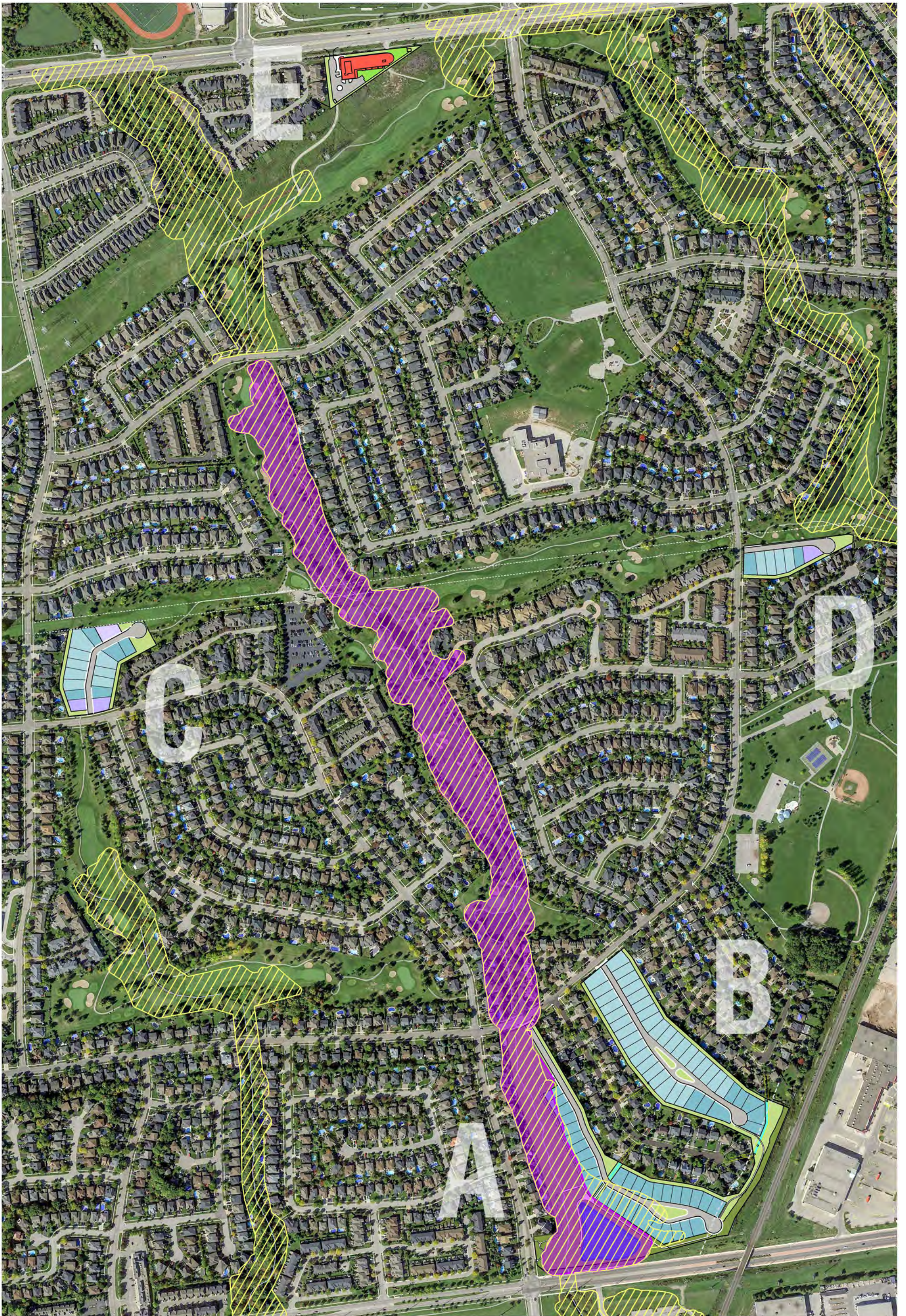
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Wellings Planning Consultants Inc.

513 Locust Street, Unit B - Burlington, Ontario
 t - 905-681-1769 e - Glenn@WellingsPlanning.ca

Millcroft Community Aerial Photo

Schedule 1



- PROPOSED REFINED CH ARL
- EXISTING CH ARL

- All Units In Metric Unless Otherwise Noted.
- Base Information Obtained From Various Sources And Is Approximate.
- Schedule / Plan Information Is Conceptual And Requires Verification by Appropriate Agency.
- Aerial Photo: Google Earth, Approx. Spring 2015





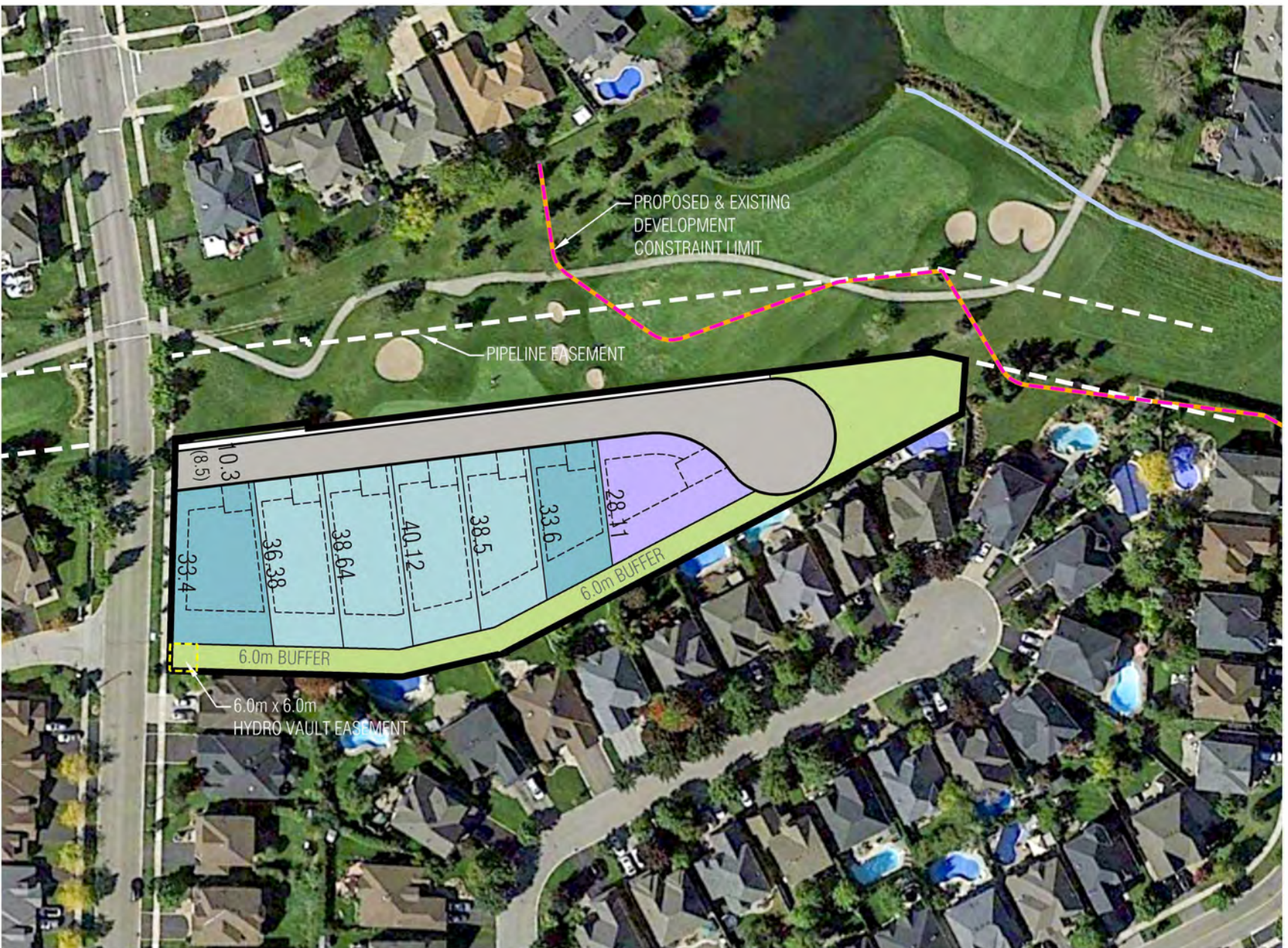
- - - EXISTING DEVELOPMENT CONSTRAINT LIMIT
- PROPOSED DEVELOPMENT CONSTRAINT LIMIT

NOTES:

- BUILDING ENVELOPES & GARAGE LOCATIONS ARE SHOWN CONCEPTUALLY AND THESE LOCATIONS WILL BE FURTHER REFINED THROUGH DETAILED DESIGN AND ENGINEERING.
- PROVISIONS FOR ON STREET PARKING IS BEING ACCOMMODATED FOR IN THE CONDO ROW CROSS-SECTION

- All Units In Metric Unless Otherwise Noted.
- Base Information Obtained From Various Sources And Is Approximate.
- Schedule / Plan Information Is Conceptual And Requires Verification by Appropriate Agency.
- Aerial Photo: Google Earth, Approx. Spring 2015





<p>— EXISTING DEVELOPMENT CONSTRAINT LIMIT</p> <p>— PROPOSED DEVELOPMENT CONSTRAINT LIMIT</p>	<p>NOTES:</p> <ul style="list-style-type: none"> • BUILDING ENVELOPES & GARAGE LOCATIONS ARE SHOWN CONCEPTUALLY AND THESE LOCATIONS WILL BE FURTHER REFINED THROUGH DETAILED DESIGN AND ENGINEERING. • PROVISIONS FOR ON STREET PARKING IS BEING ACCOMMODATED FOR IN THE CONDO ROW CROSS-SECTION 	<ul style="list-style-type: none"> • All Units In Metric Unless Otherwise Noted. • Base Information Obtained From Various Sources And Is Approximate. • Schedule / Plan Information Is Conceptual And Requires Verification by Appropriate Agency. • Aerial Photo: Google Earth, Approx. Spring 2015 	<p>GERRARD DESIGN</p>
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EXISTING & PROPOSED DEVELOPMENT CONSTRAINT LIMIT

6 Storey Condo

DUNDAS STREET

--- EXISTING DEVELOPMENT CONSTRAINT LIMIT
 --- PROPOSED DEVELOPMENT CONSTRAINT LIMIT

NOTES:
 • BUILDING ENVELOPES & GARAGE LOCATIONS ARE SHOWN CONCEPTUALLY AND THESE LOCATIONS WILL BE FURTHER REFINED THROUGH DETAILED DESIGN AND ENGINEERING.
 • PROVISIONS FOR ON STREET PARKING IS BEING ACCOMMODATED FOR IN THE CONDO ROW CROSS-SECTION

- All Units In Metric Unless Otherwise Noted.
- Base Information Obtained From Various Sources And Is Approximate.
- Schedule / Plan Information Is Conceptual And Requires Verification by Appropriate Agency.
- Aerial Photo: Google Earth, Approx. Spring 2015



LAND USE SUMMARY

Total Site Area	12.35 ha.	30.52 ac.	
NON-DEVELOPABLE			
NHS	3.30 ha.	8.15 ac.	
Net Developable Area	9.05 ha.	22.36 ac.	100.0%
DEVELOPABLE			
Residential (see 'UNIT SUMMARY')	5.90 ha.	14.58 ac.	65.2%
Easement	0.09 ha.	0.22 ac.	1.0%
Landscape /Amenity Area	1.44 ha.	3.56 ac.	15.9%
Right of Way	1.62 ha.	4.00 ac.	17.9%
TOTAL (Net Developable)	9.05 ha.	22.36 ac.	100.0%

UNIT SUMMARY

	Unit width	Unit Depth	Unit Count	Lot Mix	Frontage (m)	Area	% Net Res
SITE A							
Detached Homes	(50)	15.24 x 28.0	33	34%	502.9	1.54 ha. 3.81 ac.	z e
SITE B							
Detached Homes	(50)	15.24 x 28.0	8	8%	121.9	0.46 ha. 1.14 ac.	7.8%
Detached Homes	(50)	15.24 x 34.5	34	35%	518.2	1.88 ha. 4.65 ac.	31.9%
SITE C							
Custom Lot			1	1%	0.0	0.07 ha. 0.17 ac.	1.2%
Detached Homes	(50)	15.24 x 25.7	2	2%	30.5	0.11 ha. 0.27 ac.	1.9%
Detached Homes	(50)	15.24 x 28.0	5	5%	76.2	0.27 ha. 0.67 ac.	4.6%
Detached Homes	(50)	15.24 x 34.5	8	8%	121.9	0.50 ha. 1.24 ac.	8.5%
SITE D							
Detached Homes	(50)	15.24 x 25.7	1	1%	15.2	0.06 ha. 0.15 ac.	1.0%
Detached Homes	(50)	15.24 x 28.0	2	2%	30.5	0.12 ha. 0.30 ac.	2.0%
Detached Homes	(50)	15.24 x 34.5	4	4%	61.0	0.23 ha. 0.57 ac.	3.9%
SITE E							
Condo Units @ 6 Storeys			130			0.66 ha. 1.63 ac.	11.2%
TOTAL			228	100%	1,478.3	5.90 ha. 12.95 ac.	73.9%

ROW SCHEDULE

	(m) width	(lin.m)	(lin.m) Half
Local Road	8.5	961.8	0.0
Window Road	6.0	377.1	0.0
ROW TOTAL		1338.9	0.0

- All Units In Metric Unless Otherwise Noted.
- Base Information Obtained From Various Sources And Is Approximate.
- Schedule / Plan Information Is Conceptual And Requires Verification by Appropriate Agency.

GERRARD
DESIGN

SCHEDULE 3

AMENDMENT NO. XXX 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. xxx 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 replace the existing Major Parks and Open Space designation on four separate areas of land within the Millcroft Golf Course with a Residential - Low Density designation, and to replace the existing Residential - Medium Density designation with Residential - High Density on a 0.66 hectare area fronting onto Dundas Street. The redesignation of these lands is required to permit the redevelopment of these areas for residential uses.

2. SITE AND LOCATION

The subject lands are located between Upper Middle Road on the south and Dundas Street (Regional Road No. 5) on the north. Appleby Line is situated to the east. The subject lands which make up the development areas total approximately 11.7 hectares (29 acres) in area. The subject lands form part of a larger 53.12 hectares (131.25 acres) land holding, which comprises the Millcroft Golf Course.

3. BASIS FOR THE AMENDMENT

What is now known as Millcroft Golf Club was originally approved as part of the secondary plan for the Rose Community, subsequently renamed Millcroft. Since its development by Monarch Construction in 1987, Millcroft has operated as a semi-private golf course allowing for public play.

The Amendment to the Official Plan provides for infill residential development that is compatible with and provides a consistent built form to the surrounding single-detached lots. In case of the proposed mid-rise building, the building is similarly a compatible development adjacent to the existing townhouses immediately west, and an appropriate redevelopment of the maintenance facility property.

The proposal makes efficient use of land and infrastructure by providing for modest intensifications and infill development. The proposed reconfiguration of the golf course

with the addition of the residential areas maintains the intent and purpose of the original Official Plan Amendment for the Millcroft Community in that the golf course will be retained and continue as a significant feature within the community in its reconfigured form, and a significant portion of the open space lands will be retained. Natural areas within the community will continue to be protected through the redesign of the golf course. The proposed development conforms to, and is in keeping with, the residential infill policies of the Official Plan.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change: Schedule B to the Official Plan is hereby amended as follows:

- A) Areas A, B, C and D on the attached Schedule “A” are hereby redesignated from “Major Parks and Open Space” to “Residential – Low Density”.
- B) Area E on the attached Schedule “A” is hereby redesignated from “Residential – Medium Density” to “Residential – High Density”.

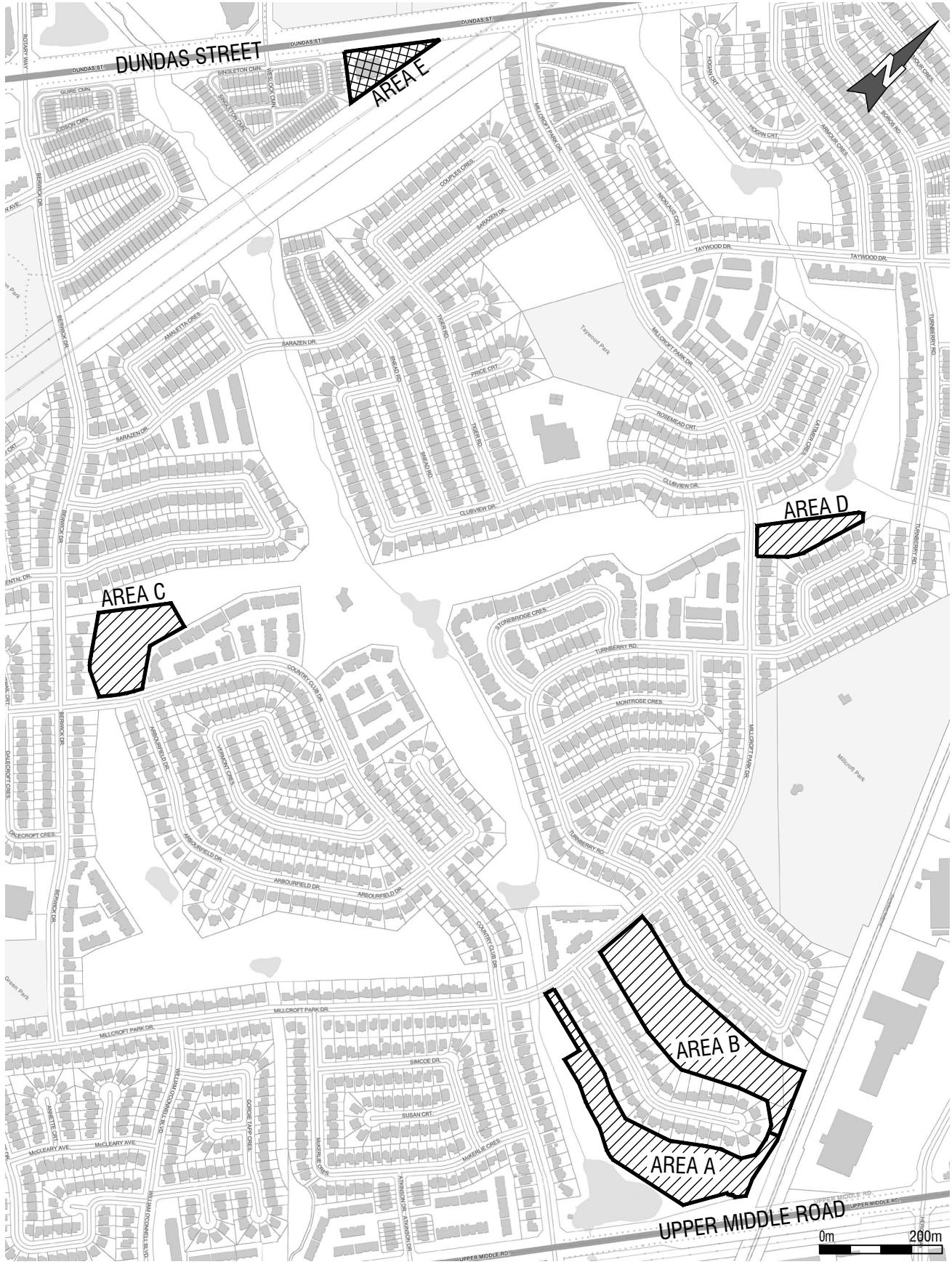
2. INTERPRETATION

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.

Schedule "A" to Official Plan Amendment No. _____



 Lands to be Redesignated from "Major Parks and Open Space" to "Residential - Low Density"

 Lands to be Redesignated from "Residential - Medium Density" to "Residential - High Density"

THE CORPORATION OF THE CITY OF BURLINGTON
BY-LAW NUMBER 2020.xxx

A By-law to amend By-law 2020, as amended; Millcroft Greens Corporation
File No.: TBC

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-xx-20 on _____, 2020 to amend the Zoning By-law 2020, as amended, to permit 98 single detached dwellings on four (4) parcels of land, and one (1) six (6) storey residential condominium apartment building at 4252 Dundas Street.

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

1. Zoning Map Number 24 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 shown as "Area A" on Schedules "A" and "B" attached hereto are hereby rezoned from O1 to R3.2-xxx.
3. The lands shown as "Area B" on Schedules "A" and "B" attached hereto are hereby rezoned from O1 to R3.2-xxx.
4. The lands shown as "Area C" on Schedules "A" and "C" attached hereto are hereby rezoned from O1 to R3.2-xxx.
5. The lands shown as "Area D" on Schedules "A" and "D" attached hereto are hereby rezoned from O1 to R3.2-xxx.
6. The lands shown as "Area E" on Schedule "A" attached hereto are hereby rezoned from O1 to RH3-xxx.
7. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by including Exceptions xxx and xxx as follows:

Exception xxx (Parcels A-D)	Zone R3.2	Map 24	Amendment 2020.xxx	Enacted
<ol style="list-style-type: none"> 1. <u>Regulations for Detached Dwellings/Parcels of Tied Land (Areas A-D):</u> <ol style="list-style-type: none"> a) Front Yard: 6 m to attached garage and 4.5 m to dwelling b) Minimum Driveway length: 6 m c) Rear Yard: <ol style="list-style-type: none"> i) One storey: 4.5 m ii) One and one-half storey: 6.0 m iii) Two storeys: 7.5 m 				

- d) Side Yards:
 - i) One and One and one-half storey: 1.2 m and 0.6 m
 - ii) Two storeys or more: 1.2 m and 1.2 m
 - iii) Exterior Side Yard: 3.0 m
 - iv) Abutting a creek block: 1.2 m
- e) Building Height:
 - i) One storey: 7.5 m
 - ii) One and one-half storey: 9.0 m
 - iii) Two storeys or more: 12 m
- f) Lot Coverage/Floor Area Ratio/Dwelling Depth: The Lot Coverage, Floor Area Ratio and Dwelling Depth provisions in Sections 4.2, 4.5 and 4.6 of By-law 2020 shall not apply.
- g) Building setback abutting a pipeline easement: 7 m
- h) Building setback abutting a railway right-of-way: 30 m
- i) Notwithstanding the provisions of Section 2.13, Encroachment into Yards is permitted as follows:
 - i) 1.5 m into a Front Yard and Exterior Side Yard for an unenclosed porch and/or stairway.
 - ii) 3.0 m into a Rear Yard for a lanai/loggia.

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

Exception xxx (Parcel E)	Zone RH3	Map 24	Amendment 2020.xxx	Enacted
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1. Regulations for Apartment Building:

- a) Lot Area: 0.65 ha
- b) Front Yard: 3.0 m to building and 0.5 m to below grade parking garage
- c) Side Yards: 20 m (west) to building and 3 m to below grade parking garage; and 6 m (east)
- d) Rear Yard: 3.0 m to building and 0.5 m to below grade parking garage
- e) Density: 200 units/ha
- f) Building Height: 6 storeys or 24 m
- g) Amenity Area: 20 m² per unit

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

- 8. 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.
- 9. 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 Local Planning Appeal Tribunal this By-law shall be deemed to have come into force on the day it was passed.

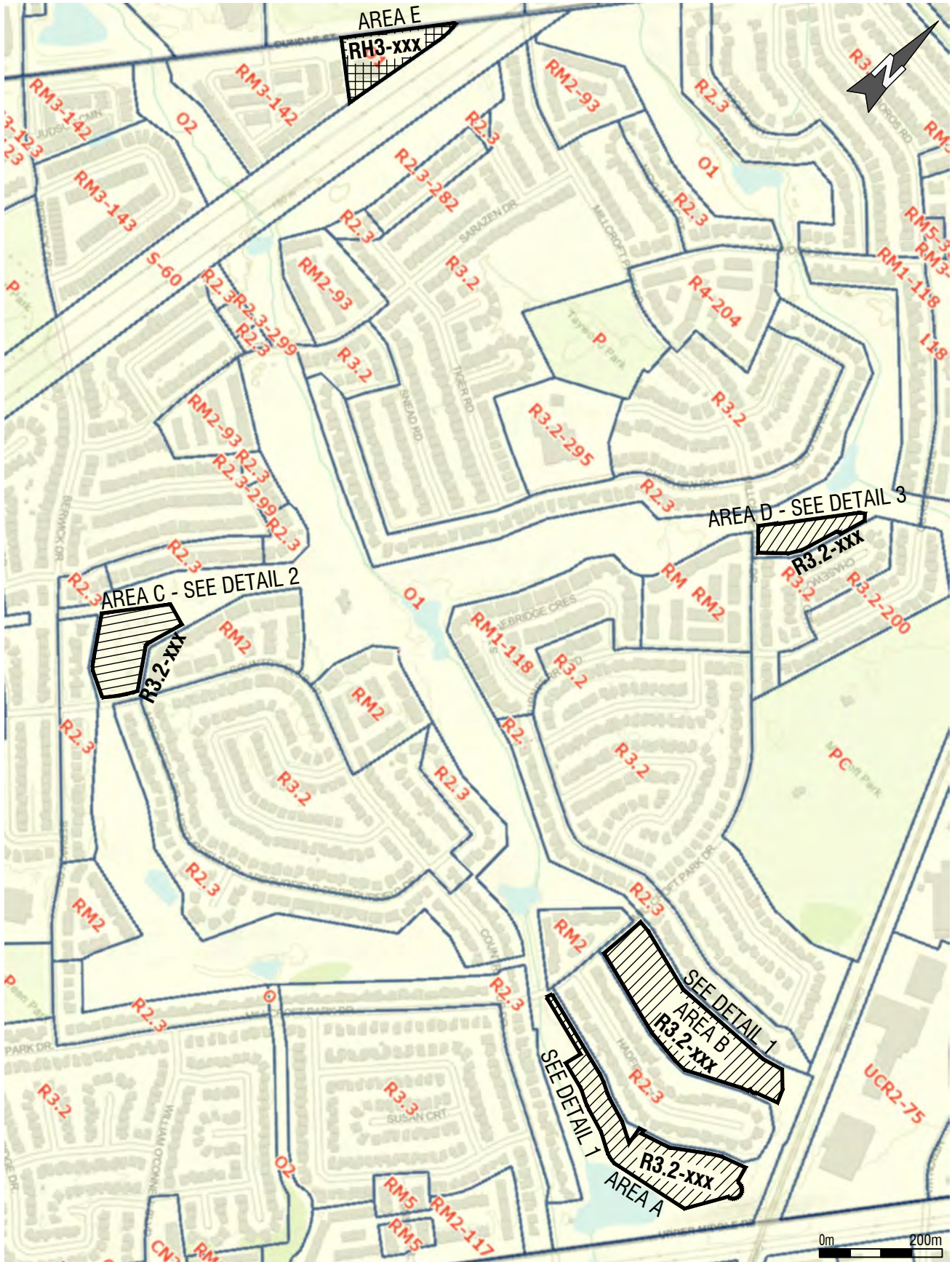
ENACTED AND PASSED this _____ day of _____ 2020.

MAYOR

CITY CLERK

DRAFT

Schedule "A"
By-Law No. _____
City of Burlington



This is a Schedule "A"
 To By-Law No. _____ Passed
 This ___ Day of ___, 2020

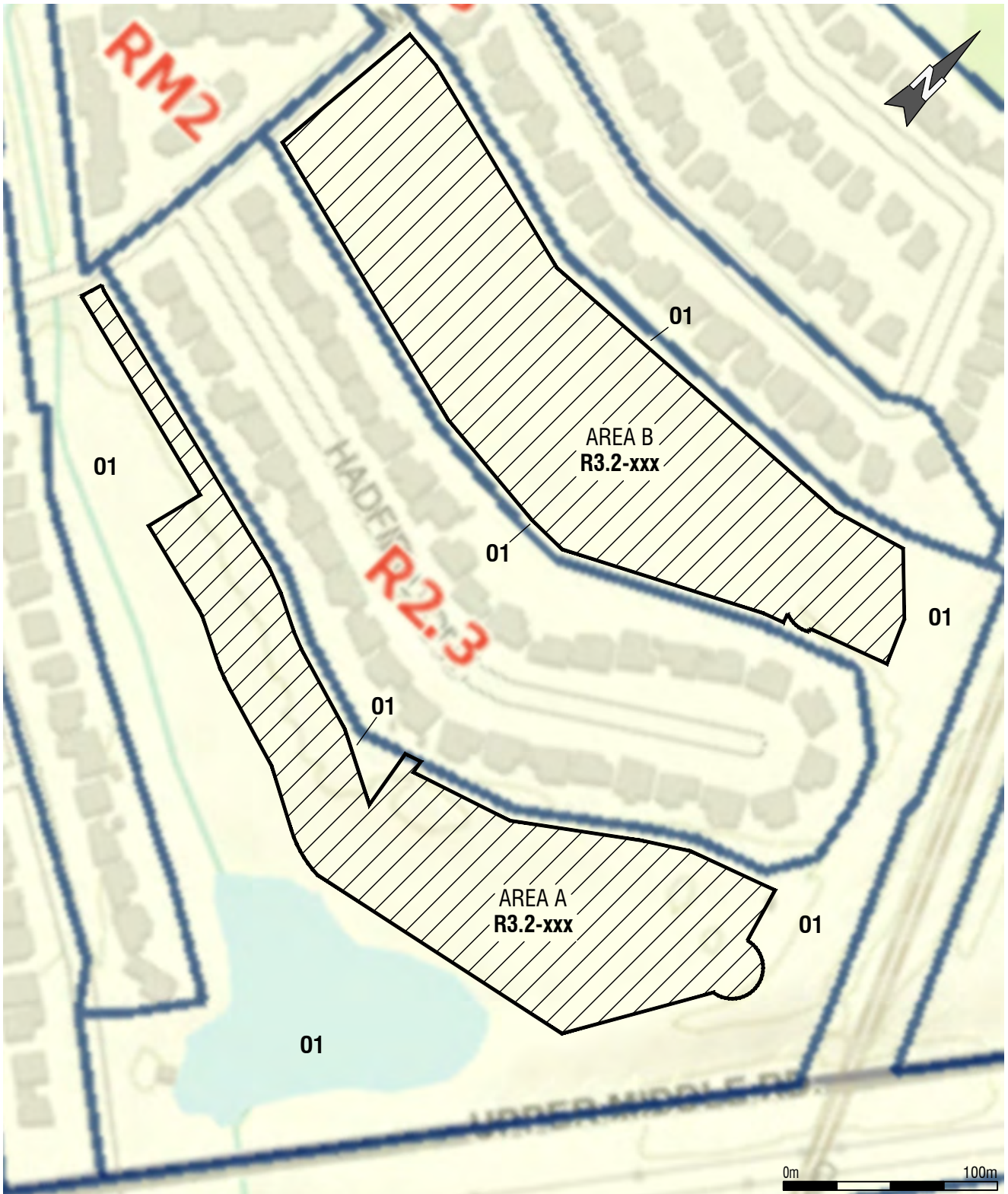


Lands to be Rezoned
 from "01" to "R3.2-xxx"




Lands to be Rezoned
 from "01" to "RH3-xxx"

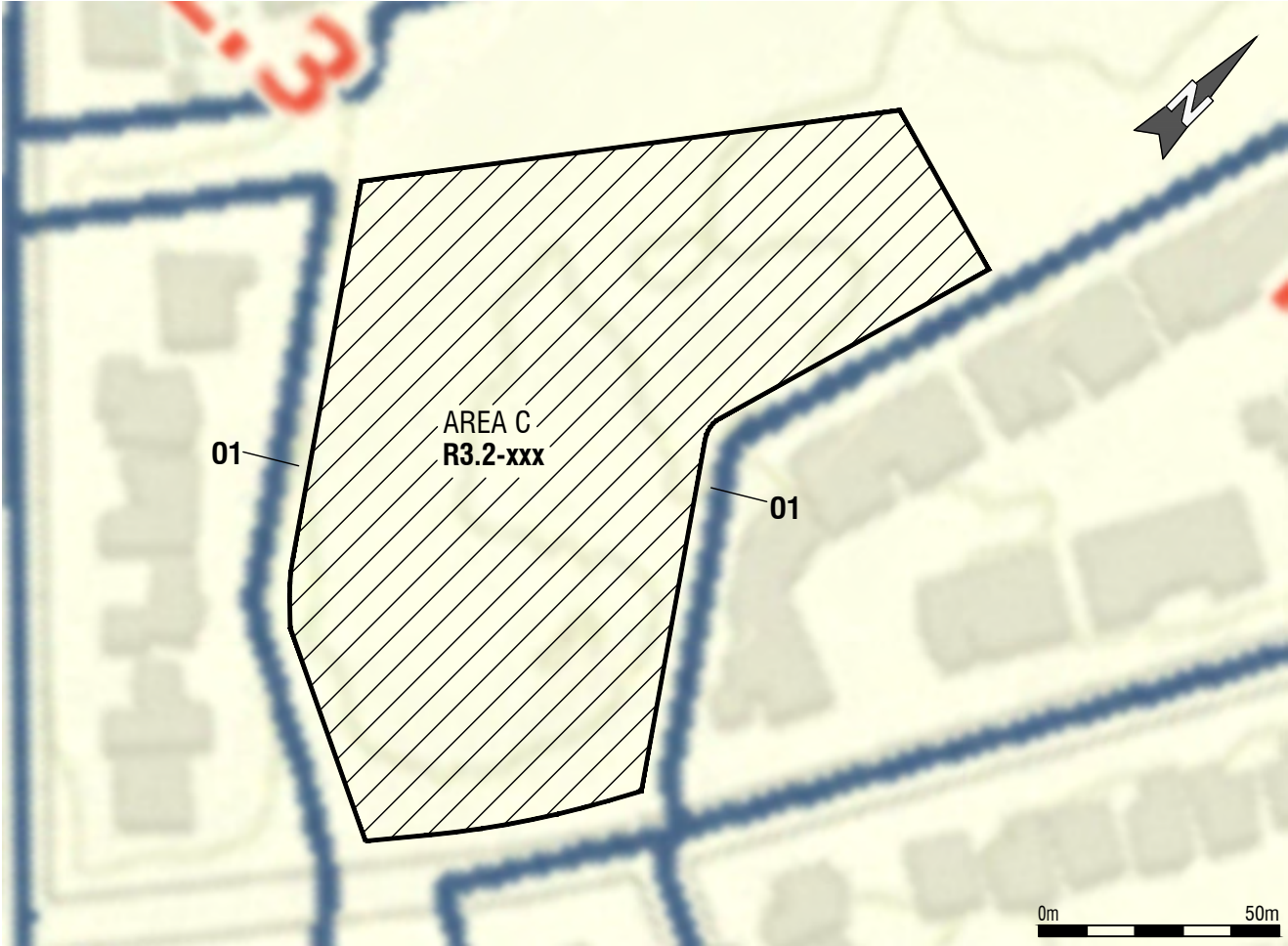
Schedule "B"
By-Law No. _____
City of Burlington




This is a Schedule "B"
To By-Law No. _____ Passed
This ___ Day of ___, 2020

 Lands to be Rezoned
from "01" to "R3.2-xxx"

Schedule "C"
By-Law No. _____
City of Burlington




This is a Schedule "C"
To By-Law No. _____ Passed
This ___ Day of ___, 2020

 **Lands to be Rezoned**
from "01" to "R3.2-xxx"

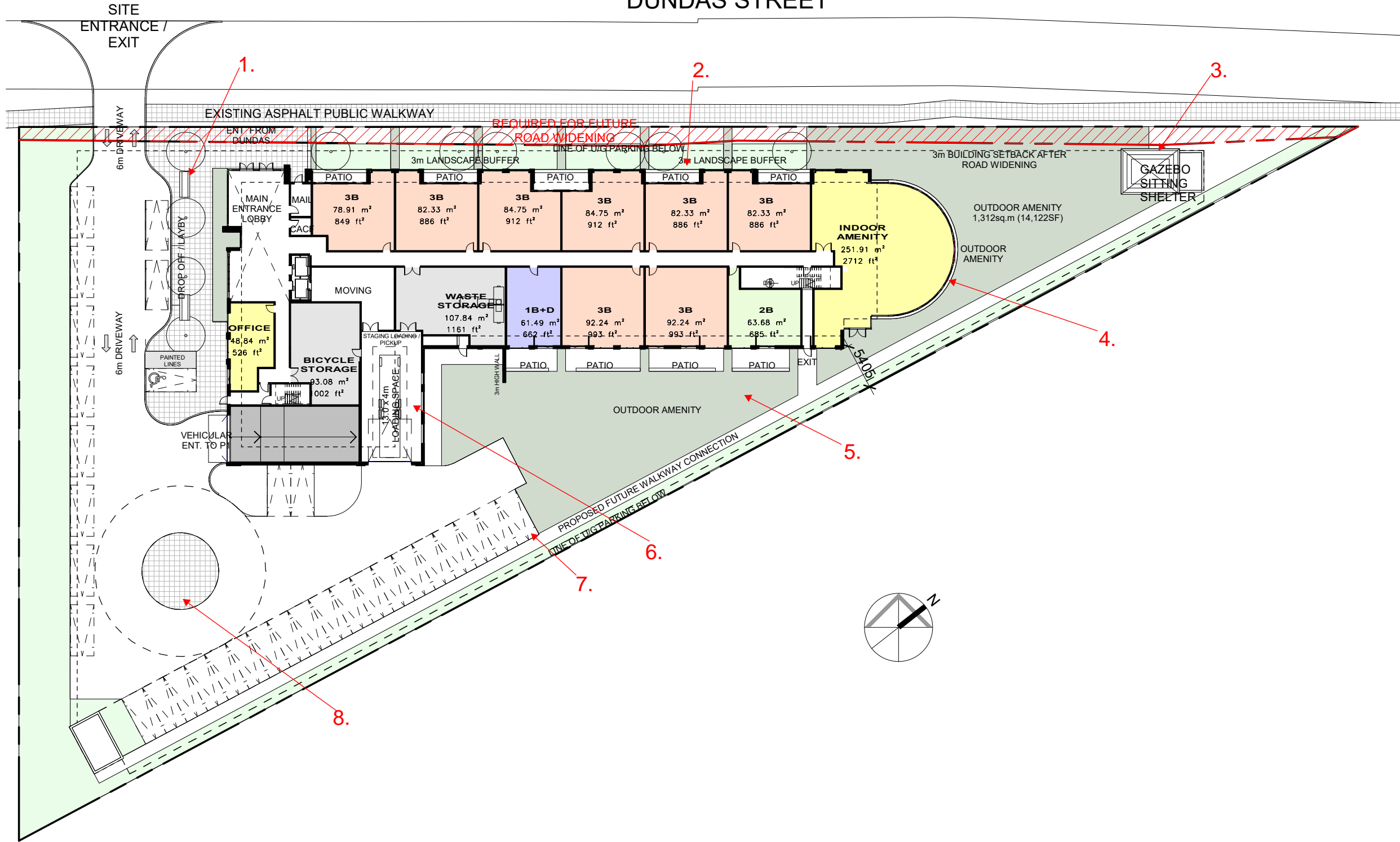
Schedule "D"
By-Law No. _____
City of Burlington



This is a Schedule "D"
To By-Law No. _____ Passed
This ___ Day of ___, 2020

 **Lands to be Rezoned**
from "01" to "R3.2-xxx"

DUNDAS STREET



- 1. LANDSCAPE ADDED
- 2. 1.2m PATIO SCREEN WALL ADDED
- 3. GAZEBO ADDED TO HIDE AIR SHAFT
- 4. PROMINENT BUILDING FEATURE
- 5. OUTDOOR AMENITY EXTENDED
- 6. INTERNALIZED LOADING AREA
- 7. ADDITIONAL SURFACE PARKING SPACES ADDED
- 8. ACCESS ROTUNDA REVISED

