



Community Planning Department

SUBJECT: Planning Analysis for 1085 Clearview Avenue; 1082, 1086 and 1090 St. Matthew's Avenue - Official Plan and Zoning By-law Amendment

TO: Blake Hurley, Assistant City Solicitor

**FROM: Melissa Morgan, Planner II – Development
Steve Lucas, Transportation Planning Technologist**

Background:

On January 14, 2019, applications for an Official Plan Amendment and Zoning By-law Amendment were submitted for the subject lands. The application proposed a mid-rise, six-storey residential building with 160 dwelling units, resulting in a density of approximately 255 units per hectare. The application proposed to change the Official Plan designation from Low-Density Residential to High-Density Residential and to change the zoning from the "Low-Density Residential (R2.1)" zone to "High-Density Residential with a site-specific exception (RH1-XXX)". A Statutory Public Meeting for this development application was held on April 2, 2019 and Report PB-28-19 provided a summary of the proposal and comments received to that date from the public and technical agencies and departments.

Based on technical comments received and public feedback, the applicant made changes to the proposed development in May 2019 and submitted revised studies and reports. The revised plans proposed the development of a six-storey residential building with 162 dwelling units, resulting in a density of 258 units per hectare. The proposal also removed a driveway entrance, provided additional building stepbacks on the Masonry Court and Clearview Avenue sides of the building, provided revised architectural treatments, moved the amenity area to the east side of the rear yard, extended the first two storeys of the building further into the east yard abutting St. Matthew's Ave., setback the at-grade patios along Masonry Court 1.4 metres from the property line, increased surface parking by one space resulting in 50 at-grade spaces, and increased the landscape buffer abutting the R2.1 zone to 2.5 metres.

The proposal was brought to the Community Planning, Regulation and Mobility Committee (formerly Planning and Development Committee) on July 9, 2019 with a staff recommendation that the proposal be refused. The application was refused by Council at the subsequent Council meeting on July 15, 2019 and the decision was appealed by the applicant within the required time period set out by the *Planning Act*.

As part of negotiations with the applicants, further changes were made to the development proposal. A revised plan was provided by the applicant on a “with prejudice” basis. Significant changes to the plans include the following:

- The proposal is now two seven-storey buildings having lengths of 50.25 metres and 45 metres, separated by a recessed one-storey lobby structure that has a visual appearance of two-storeys in height; whereas it was previously one six-storey building with a length of 113 metres;
- The building setback from Masonry Court has been increased to 5 metres and ground level patios have been recessed into the building envelope;
- The landscape buffer at the rear of the site has been increased to 5.25 metres;
- Surface parking has been reduced to 29 spaces;
- Setback along St. Matthew’s Avenue is 4.5 metres (in keeping with adjacent low-density residential) and a townhouse façade is incorporated along this frontage;
- 35% of units are two-bedroom rather than 22%.

The applicant has advised that it will be proceeding with the revised development concept for consideration by the Local Planning Appeal Tribunal (LPAT). These revisions will be discussed further within this document. The previous proposal discussed in this report refers to that which was refused by Council in July, 2019 (staff report PB-31-19) and is based on the concept that was submitted in May 2019.

Site Description:

The subject properties are located on the south side of Masonry Court, bound by Clearview Avenue to the west and St. Matthew's Avenue to the east. The subject lands are rectangular in shape and have a combined area of approximately 0.63 hectares with approximately 137 metres of frontage along Masonry Court and a site depth of 45.5 metres.

Surrounding Land Uses:

- North: Aldershot GO Station parking area, station platforms, and vacant land to be developed for the transit station. North-west are lands at 101 Masonry Court which are being developed for high density residential use with a variety of townhouses and a joined, 6-storey apartment building, known as Station West, by ADI Development Group.
- South: single detached residential uses
- East: single detached residential uses
- West: single detached residential dwellings on Clearview Avenue and employment uses further west on Cooke Boulevard.

REPORT FACT SHEET

Ward No.:		1
Application Details	APPLICANT:	MHBC Planning Ltd.
	OWNER:	LIV Communities and Hamilton Meeting Rooms Association
	FILE NUMBERS:	505-01/19 and 520-02/19
	TYPE OF APPLICATION:	Official Plan Amendment and Zoning By-law Amendment
	INITIAL PROPOSED USE:	6 storey residential apartment building with 162 units
	<u>REVISED PROPOSAL:</u>	7 storey residential apartment building with 164 units
Property Details	PROPERTY LOCATION:	East side of Clearview Ave. and west side of St. Matthew's Ave. South side of Masonry Court, west of the Aldershot GO Station.
	MUNICIPAL ADDRESSES:	1085 Clearview Ave., and 1082, 1086 and 1090 St. Matthew's Ave.
	PROPERTY AREA:	0.63 ha
	EXISTING USE:	Place of worship use at 1085 Clearview Ave. and 1082 St. Matthew's Ave. Single-detached residential use at 1086 and 1090 St. Matthew's Ave.
Documents	OFFICIAL PLAN Existing:	Residential – Low Density
	OFFICIAL PLAN Proposed:	Residential – High Density
	ZONING Existing:	Residential (Low Density) R2.1 zone
	ZONING Proposed:	Residential (High Density) RH1- site specific
Processing Details	NEIGHBOURHOOD MEETING:	<i>October 29, 2019</i>
	STATUTORY PUBLIC MEETING	<i>April 2, 2019</i>
	DATE REFUSED BY COUNCIL	<i>July 15, 2019</i>
	PUBLIC COMMENTS:	<i>Staff received multiple emails and letters. Note: Some constituents sent multiple letters</i>

Current Proposal:

The revised proposal is for a mid-rise residential building consisting of two seven storey buildings separated by a recessed lobby structure having a length of 15 metres. The seventh storey is terraced; with a 20 metre separation distance between the seventh storeys. The proposed development includes 164 units comprised of 106 one-bedroom units and 58 two-bedroom units. The proposed density is 262 units per hectare. Amenity area is included both indoors and at the ground level for a total of 2,427 square metres, which includes a contiguous space having an area of 550 square metres at the southeast corner of the site. The proposal includes one level of underground parking with 152 parking spaces as well as 29 surface parking spaces, resulting in a parking ratio of 1.1 spaces per unit.

The subject lands have frontage on Masonry Court (north), Clearview Avenue (west) and St. Matthew's Avenue (east); however vehicular access would be provided from Masonry Court at the west side of the site. Masonry Court also includes a pedestrian entrance at the centre of the site, and the applicant is proposing to construct a sidewalk, to City standards, to facilitate pedestrian connectivity. At the east side of the site, along St. Matthew's Avenue, the building is terraced to two storeys to provide transition between the proposed use and the adjacent low-density residential uses. These units would have individual pedestrian entrances at-grade and would include a pedestrian connection and entrances along the east side of the site.

Access to underground parking is provided at the west side of the proposed building and a roundabout is proposed at the southeast corner to allow for drop-off and turnaround. Surface parking is located along the west side of the site and on the south side of the proposed building.

Landscape buffers are proposed on all four sides of the site but are reduced along St. Matthew's Avenue to provide a setback that is in line with existing low-density residential uses, and to provide the pedestrian connection in front of the units; resulting in a setback of 4.5 metres from St. Matthew's Avenue.

To facilitate the proposed development, amendments to the Official Plan and Zoning By-law are required. The Official Plan Amendment application proposes to re-designate the property to "Residential (High Density) with a site specific policy" to permit the proposed use.

The proposed rezoning to "Residential High-Density (RH3)" will also require site-specific regulations to permit the proposed development. A chart is included later in this report which summarizes the existing zoning regulations; those that were included in the

previous proposal and those that are included as part of the current development proposal.

Policy Framework Review:

The applications are subject to the following policy framework: The Planning Act, Provincial Policy Statement, 2020; A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019; Halton Region Official Plan; Burlington Official Plan (1994, as amended); and Zoning By-law 2020.

Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement (PPS) came into effect on May 1, 2020 and provides broad policy direction on matters related to land use and development that are of provincial interest. Local Official Plans are recognized through the PPS as the most important instrument for implementation of the land use policies stated by the PPS. Decisions affecting planning matters made on or after May 1, 2020 are required to be consistent with the PPS.

Within settlement areas, the PPS encourages densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use, infrastructure and public service facilities; minimize negative impacts to air quality and climate change and promote energy efficiency; support active transportation; are transit-supportive, where transit is planned, exists or may be developed, and are freight-supportive (PPS, 1.1.3.2). The site is located across the street from the southern entrance to the Aldershot GO Station which includes GO Train service on the Lakeshore West line, Go Bus service, as well as local transit stops. The development is proposed to be serviced by existing roadways, as well as existing water, sanitary and stormwater infrastructure in the area.

Planning authorities are directed by the PPS to identify appropriate locations for intensification and redevelopment and to provide development standards which facilitate this intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (PPS, 1.1.3.3, 1.1.3.4). The PPS instructs that minimum targets for intensification and redevelopment shall be established by planning authorities and based on local conditions. However, in areas where provincial targets have been set out through provincial plans, the provincial targets shall apply (PPS 1.1.3.5). A Place to Grow: Growth Plan for the Greater Golden Horseshoe applies to the City of Burlington and the minimum intensification targets of this plan shall apply. The PPS requires that new development in designated growth areas should occur adjacent to the existing built-up area and shall have a compact built form, a mix of densities and uses that allow for an efficient use of land, infrastructure and public service facilities (PPS, 1.1.3.6).

The PPS provides housing policies which direct planning authorities to provide an appropriate range and mix of housing types and densities to meet projected demands of current and future residents of the regional market area (PPS, 1.4.3). The need for housing is to be accommodated by permitting and facilitating all forms of housing and all forms of residential intensification; directing growth to locations with appropriate infrastructure and public service facilities; promoting densities that efficiently use land, resources, infrastructure, public service facilities and support active transportation and transit; and by establishing development standards for residential intensification which minimize the cost of housing and facilitates compact form, while maintaining appropriate levels of public health and safety.

In determining the compatibility of land uses, the PPS requires that sensitive land uses such as housing, and major facilities such as transportation infrastructure and corridors, be planned to ensure that they are appropriately designed, buffered and/or separated from each other. This ensures that any potential adverse effects from odour, noise and other contaminants are mitigated to minimize risk to public health and safety, and to ensure the viability of major facilities in the long-term (PPS, 1.2.6.1, 1.6.8.3). The PPS directs that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas, and intensification in settlement areas on these services should be promoted, wherever feasible (PPS, 1.6.6.2). When planning for stormwater management, development should maximize the extent of and function of vegetative and pervious surfaces; and promote stormwater management best practices including stormwater attenuation and re-use, and low-impact development (PPS, 1.6.6.7).

The policies of the PPS represent minimum standards, and planning authorities and decision makers may go beyond these minimum standards to address matters of importance to a specific community (PPS, Part III). Policy 4.7 of the PPS identifies that the official plans are the most important mechanism for the implementation of provincial policy and shall establish appropriate land use designations and policies that direct development to suitable areas. The City of Burlington's Official Plan contains development standards to facilitate housing intensification through specific evaluation criteria. The development standards from the City's Official Plan are integrated in the City's Zoning By-law 2020 in the form of regulations to inform appropriate development. The City's Official Plan also gives consideration to built form in its policies for design and associated Council approved design guidelines.

Staff Analysis:

Planning Staff have reviewed the application against the PPS and are of the opinion that increased residential density is appropriate for this site. The subject lands are located within the settlement area of Burlington and are within 250 metres of the Aldershot GO Station. Increased residential density will support transit ridership for GO Transit, and

active transportation is supported by way of cycling amenities proposed in the development and by proximity to local amenities. An increase in residential density will assist in the achievement of the required intensification targets for the Region of Halton. The proposed development is capable of being supported with existing water, waste water, and stormwater infrastructure, and vehicle traffic generated from the site is capable of being accommodated on the existing road network. The residential intensification proposed utilizes a compact built form which will assist in providing a mix of housing options in the area. Planning Staff feel that increased residential density for the subject lands is consistent with the PPS.

A Place to Grow – Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on May 16, 2019 as an update to the previous provincial growth plan. The Growth Plan provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses development in the existing urban areas through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact and utilizing existing and planned infrastructure in order to support growth in an efficient and well-designed form.

The Growth Plan identifies that, within settlement areas, growth will be focused in delineated built up areas; strategic growth areas; locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and, areas with existing or planned public service facilities (Growth Plan 2.2.1.2 c). Strategic Growth Areas, within settlement areas, are nodes, corridors, and other areas identified by the municipalities or the province to be the focus of intensification and higher density mixed uses in a more compact built form.

The Growth Plan also requires that by the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the minimum intensification target for Halton requires that a minimum of 50 percent of all residential development happening annually be within the delineated built boundary (Growth Plan, 2.2.2.1 a). Municipalities are required to develop and implement a strategy, through their official plan documents, to achieve the stated minimum intensification target. Policies for growth and intensification are required to identify strategic growth areas to support the intensification target; identify the appropriate type and scale of development in these areas and transition of built form to adjacent areas; encourage intensification throughout the delineated built-up area; and ensure lands are zoned for the achievement of complete communities (Growth Plan, 2.2.2.3). The City of Burlington began developing and implementing an intensification strategy to respond to the objectives of the 2006 Growth Plan by directing a significant

amount of population and employment growth to mixed use intensification corridors and centres in its 2008 Official Plan.

Priority transit corridors are depicted on Schedule 5 of the Growth Plan. Development will be prioritized for major transit station areas (MTSA) on these priority transit routes (Growth Plan, 2.2.4.1). MTSA's, among others, are identified as Strategic Growth Areas in the Growth Plan, and are defined as:

The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus station in an urban core. Major transit station areas generally are defined as the area within an approximate 500-800 metre radius of a transit station, representing about a 10-minute walk.

Higher Order Transit is defined in the Growth Plan as:

Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways and inter-city rail), light rail, and buses in dedicated rights-of-way.

The Growth Plan requires that planning will be prioritized for MTSA's that are located along priority transit corridors and a minimum density target of 150 residents and jobs per hectare will apply (Growth Plan, 2.2.4.3 c). The Lakeshore West GO Train line is shown on Map 5 of the Growth Plan as a priority transit corridor between the Burlington GO Station and Toronto's Union Station. The Aldershot GO Station is not located on a priority transit corridor, and therefore no minimum density target is specified in the Growth Plan.

The Growth Plan identifies that within all MTSA's, development will be supported in appropriate areas by planning for a diverse mix of uses to support existing and planned transit levels; collaboration between public and private sectors; providing alternative development standards; and, prohibiting built form and land uses that would adversely affect the achievement of transit-supportive densities (Growth Plan, 2.2.4.9). The term "transit-supportive" is defined by the Growth Plan as:

Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Transit supportive development will be consistent with Ontario's Transit Supportive Guidelines.

The Province's Transit-Supportive Guidelines were released by the Ministry of Transportation in 2012 and are intended to be a reference document for planning transit-

supportive development as called for in the Growth Plan. The Province's Transit-Supportive Guidelines document provides strategies for site and building design to achieve a built form that is transit-supportive. Buildings should have a positive relationship to the street and should contribute to a pedestrian friendly public realm.

The Growth Plan requires that municipalities support housing choice through the achievement of the specified minimum intensification targets prescribed in the plan by identifying a diverse range and mix of housing options and establishing targets for affordable housing (Growth Plan, 2.2.6). Further, municipalities will support the development of complete communities by planning to accommodate forecasted growth to the planning horizon of the plan; by planning to achieve the minimum intensification targets; considering the range and mix of housing options and densities of existing housing stock; and, planning to diversify the overall housing stock across the municipality (Growth Plan, 2.2.6.2).

The Growth Plan specifies that municipalities, in planning to achieve their mandated minimum intensification targets, are to develop and implement urban design and site design policies within their Official Plan and supporting documents that will direct the development of a high-quality public realm and compact built form (Growth Plan, 5.2.5.6). The City of Burlington's Official Plan contains policies for housing intensification and includes evaluation criteria for determining appropriate site design and built form for such developments. The City's Official Plan also contains policies for design, including implementation policies for any Council approved design guideline documents as policy. In this regard, the City has approved Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings which apply to the proposed development of a mid-rise building on the subject lands.

Staff Analysis:

The Aldershot GO Station is considered a higher order transit station. The subject lands are located approximately 250 metres from a pedestrian entrance to the Aldershot GO Station and therefore, the subject lands are located within an area defined by the province as a MTSA. Planning staff acknowledge that the subject lands are appropriately situated to accommodate residential intensification as directed by the Growth Plan. Planning Staff have reviewed the application with respect to the policies provided in the Growth Plan and find that increased residential density is appropriate for the site. Residential intensification on these lands has the potential to increase ridership of regional and local transit, and to provide a mix of housing in a compact form on existing municipal services. Increased residential density on this site will assist in achieving the Growth Plan's minimum intensification targets for Halton. Planning Staff feel that the application conforms to the Growth Plan.

Halton Region Official Plan

The Region of Halton's Official Plan (ROP) provides goals, objectives and policies for land use development in Halton Region. The ROP provides intensification targets for all local municipalities, including the City of Burlington. The ROP identifies that the City is expected to meet a minimum intensification target of 8,300 new dwelling units constructed within the Built Up Area between 2015-2031 (ROP, 56, Table 2).

The subject lands are designated as "Urban Area" in accordance with the ROP. The Urban Area objectives promote growth that is compact and transit supportive. This land use designation also encourages intensification and increased densities. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws, and that all development shall be subject to the policies of the ROP (ROP, 76).

The ROP identifies "Intensification Areas" as those areas within the Urban Area that will be the primary focus for accommodating intensification. The ROP objectives for intensification areas include the development of an urban form that is complementary to existing developed areas, the economical use of land, a diverse mix of compatible land uses, the creation of a vibrant pedestrian oriented environment, support for active transportation, higher development densities, and appropriate transition of built form to adjacent areas. The ROP instructs that development with higher densities and mixed uses will be directed to Intensification areas (ROP, 81(1)). Major Transit Station Area (MTSA) are acknowledged as Intensification Areas in the ROP, and generally consist of areas within 500 m of the Major Transit Station (Policy 80 (2)). MTSA objectives include increased residential and employment densities to support transit, a mix of uses where appropriate, and multi-modal access to transit facilities (ROP, 78 (11)).

Staff Analysis

Staff are of the opinion that the proposed concept represents appropriate growth within the built boundary and that with the exception of a concern related to parking, the proposal is appropriate for the subject lands.

City of Burlington Official Plan (OP) (1994, as amended)

The subject lands are designated as "Residential – Low Density" on Schedule B – Comprehensive Land Use Plan – Urban Planning Area of the City's in-force Official Plan (OP). The general policies of this designation allow single, semi-detached dwellings, and other forms of compatible ground-oriented housing, with a density up to 25 units per hectare. This development application seeks to redesignate the property to the Residential – High Density designation to allow the development of a seven storey residential building consisting of 164 units and having a density of 262 units per hectare

(uph). In the Residential – High Density designation, either ground or non-ground-oriented housing units with a density between 51 and 185 units per net hectare are permitted.

Housing Intensification

Intensification is defined in the City's OP as:

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 City's OP encourages residential development and residential intensification within the Urban Planning Area to increase the availability of a variety of housing options, while recognizing that the proposed additional housing must be compatible with existing residential neighbourhoods. Re-development of underutilized residential lands is encouraged, where appropriate, at the periphery of existing residential neighbourhoods for non-ground-oriented housing purposes (OP, Part III, 2.5.1). This objective directs intensification to transportation corridors that frame existing residential neighbourhoods. The subject lands are located along Masonry Court across the street from the Aldershot GO Station and have frontage at the end of the cul-de-sacs of Clearview Ave. and St. Matthew's Ave. Residential intensification on these lands must provide an appropriate transition between these two contexts.

Applications for housing intensification within established neighbourhoods are evaluated based on a framework of criteria provided in Part III, Section 2.5.2 (a) of the City's Official Plan. The City's Official Plan housing intensification evaluation criteria have been reviewed by Planning Staff with respect to this proposal. Only the criteria that were not previously met, or those that are no longer met, will be discussed below. Staff continue to consider the remainder of the criteria to be met in accordance with the reasons outlined in report PB-31-19.

Intensification Criteria:

Policy 2.5.2 a) ii) – "*off-street parking is adequate*"

The City's Zoning By-law requires that the development be supplied with 1.25 spaces per one-bedroom unit; 1.5 spaces per two-bedroom unit; and 0.35 visitor parking spaces per unit. Furthermore, a City-Wide Parking Standards Review was prepared by IBI Group Inc. which reviewed and determined appropriate parking rates to be applied throughout the

City in place of outdated Zoning By-law requirements. For lands within areas that promote intensification, a reduced minimum parking rate of 1.25 spaces per unit is recommended within the study. As part of the revised concept plan, the parking rate has been further reduced to 1.1 spaces per unit. Transportation staff have reviewed the parking rate proposed by the appellant and have considerable concerns. Given the significance of these concerns, they will be discussed in further detail in this report in a section dedicated to parking.

Policy 2.5.2 a) v) – *“compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided”*

The proposed development is immediately surrounded by an established neighbourhood which contains low-density residential uses to the south, east and west. Staff have reviewed the revised proposal with respect to compatibility with adjacent uses and is of the opinion that the revised plans support development that is compatible with the surrounding area. Compatibility is discussed in more detail within the Urban Design section of this report. Concerns are outstanding with respect to the proposed parking rate, which is also discussed further in this report.

Policy 2.5.2 a) vi) – *“effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character”*

The previous concept proposed to remove all private trees on the subject lands and the proposed landscape buffers were too narrow to facilitate tree planting or mature vegetation. The proposed increase to the landscape buffers will be discussed in greater detail within the next paragraph. While increasing the width of the landscape buffers would allow for additional soil volume and depth to accommodate even more vegetation, planning staff is satisfied that the proposed buffer provides space for vegetation that can assist in maintaining the neighbourhood character.

Policy 2.5.2 a) ix) – *“capability exists to provide adequate buffering and other measures to minimize any identified impacts”*

The intention of requiring a landscape buffer between high and low density uses is to provide a respectful amount of separation between at-grade uses and to reduce the likelihood of privacy intrusion through overlook from occupants of taller residential buildings. The previous concept proposed a reduced landscape buffer abutting the residential lands to the south (6 metres are required), and minimal landscape buffers on the other frontages. This would have resulted in a development that was highly visible from the lands located to the south, east, and west. By increasing the width of the

landscape buffers, there is an opportunity to provide further planting of vegetation as well as more space between the property line and the proposed development to maintain the existing character of the neighbourhood. It should be noted that staff have expressed concerns with the setback to the limits of the underground parking structure and the ability to provide adequate soil volumes for mature tree planting; however, the applicant advised that trees will be planted along the north property line abutting Masonry Court and the south property line abutting adjacent low-density residential. Staff commits to working with the applicant at the Site Plan stage to ensure adequate landscape screening exists.

Policy 2.5.2 a) xiii) – “proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided”

While the subject lands are located at the periphery of an existing residential neighbourhood, the three street frontages are not considered to be major arterial, minor arterial or multi-purpose arterial roads. It is therefore important that the built form, scale and profile of development is well integrated with the neighbourhood and that adequate transition is provided. For reasons discussed throughout this report, staff are satisfied that the revised proposal is compatible and respects the transition to the adjacent low-density residential neighbourhood.

Urban Design

Part II, Section 6 of the City’s Official Plan provides specific reference to ensuring that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible with existing neighbourhood character and achieve a high-quality design within the public realm. Consideration of urban design is to be integrated into the full range of decision-making activities by Planning staff. Given the fact that urban design matters comprised the majority of the concerns by Planning staff, it is important to review the revised concept plan in the context of applicable urban design guidelines.

City of Burlington Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings

The City’s Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (herein after referred to as the “Mid-Rise Guidelines”) were approved by Burlington City Council on March 5, 2019. The intent of the Mid-Rise Guidelines is to implement the City’s Official Plan objectives and policies for Design (Part II, Section 6), specifically as they relate to

buildings that are 5 to 11 storeys in height. The Mid-Rise Guidelines recognize that the built form of mid-rise developments can assist in transitioning from lower density neighbourhoods to more intense communities and create a vibrant public realm and comfortable pedestrian environment.

It should be noted that not all guidelines will apply to every building. As such, staff have reviewed the applicable guidelines for the proposed development specifically with respect to the revisions that have been made to the proposal.

Building Placement

2.1.1. In general, buildings should be placed parallel to streets or public open spaces (within or along the edge of the site) to frame and define these spaces. This will also increase the amount of private open space behind the building and separation from neighbouring properties.

The subject lands are unique in that they are bound on three sides by streets (Clearview Avenue to the west; Masonry Court to the north and St. Matthew's Avenue to the east). As such, it is important to carefully consider each. The proposed building must appropriately address each street while also providing adequate spacing and transition to the low-density residential uses to the south.

The applicant has made significant revisions to the concept plan since the previously proposed concept. A greater setback of 5 metres is provided from Masonry Court, allowing for an increased visual and spatial buffer between the public and private realm. The proposal, separated into two buildings, includes a two-storey connection in the middle with a pedestrian-only access to the building at the centre from the Masonry Court frontage. To achieve the 5 metre setback, the applicant proposes to recess the previously proposed patios into the principal building setback and use the resulting space for tree planting, landscape and privacy screening. The resulting setback is also more compatible with the streetscape of the approved development at 101 Masonry Court.

The proposed concept includes a setback of 4.5 metres from St. Matthew's Avenue. In this case, staff supports the setback as it allows the building to be in line with the established streetscape. The building terraces into a two-storey built form where this setback occurs, providing a height transition between low and high-density residential uses.

2.1.6 Where there is no consistent pattern of street setbacks, the building should be set back to create a boulevard that can accommodate wider sidewalks, street trees, landscaping, and active uses to establish a more pedestrian oriented relationship between the building and the sidewalk; and,

2.1.7 Where a building includes residential uses at grade, they should be differentiated from any active or non-residential uses through additional setbacks. Front yards should incorporate landscaping and enclosure to provide privacy to individual units.

The previous concept proposed a 2.5 metre building setback to Masonry Court, with a narrow 1.4 metre landscape strip separating the limit of the proposed ground-level patios from the property line. Staff did not support the proposed interface because it did not provide enough space to create a boulevard that could accommodate wider sidewalks, street trees, or landscaping. Additionally, the proposed at-grade patios would not provide privacy for residents, which could be achieved by site improvements such as increased setbacks; grade differentiation between the public and private realms or increased landscaping and decorative features.

The applicant responded to this concern by increasing the building setback along Masonry Court to 5 metres and recessing the proposed patios to ensure that the setback could be used for landscaping and privacy screening. Trees are proposed within the 5 metre setback between the building and the property line, which extends across the entire building façade. While there is no consistent pattern of street setbacks along Masonry Court, the resulting setback is consistent with the street setback of the approved development at 101 Masonry Court.

2.1.9 All buildings should have a public front ('face') and private back. Buildings should not expose their back onto the front of a neighbouring building to minimize impacts such as "back of house" activities on adjacent properties.

The front of the proposed building is oriented to the public realm of Masonry Court whereas the rear of the site includes parking, drop-off area, amenity area and loading. It is therefore important to ensure that the rear of the development has adequate spacing from the residential areas and is properly screened. The applicant is proposing additional landscaped area and has removed a row of parking along the south property line. The increased distance from the property line to the proposed surface parking is helpful in reducing the impact of "back of house" activities; however, mature planting along the south property line would further mitigate any possible impacts. This can be achieved by providing adequate soil volumes above the underground parking or by increasing the setbacks to the underground parking structure.

The applicant has also broken up the proposal into two separate buildings separated by a lobby structure set further back from the front and rear building facades. This change results in less building length and mass and prevents residents to the south from seeing one large, continuous building wall.

Built Form: Height & Massing

The height and massing of a building are critical to determining the impact a building will have on adjacent properties. Therefore, mid-rise buildings like the one proposed in this development, must respond with sensitivity to the surrounding context.

2.3.1 When deciding on lower building height and massing consider the following:

- *the physical character of the surrounding area including the height and scale of adjacent buildings and the immediate streetscape;*

The existing physical character to the south, east, and west of the site is low-rise residential with building heights ranging from one to two storeys. The proximity of the Aldershot GO Station and location within a MTSA requires that appropriate intensification in a compact built form be accommodated in the redevelopment of the property to encourage transit use. To the north, there is an approved high-density development at 101 Masonry Court which includes two six-storey apartment buildings and a variety of townhouses. The previous concept considered and refused by Council proposed a height of six storeys; and while the current proposal is for a seven storey building, staff are of the opinion that the improvements to the scale and massing of the building are an overall improvement to the design. The significant changes to the massing of the building are discussed in more detail within this report.

- *the views into, out of, and through the site;*

The previous building length of 113 metres did not allow for views into the site from Masonry Court, except along the sides of the building wall. The building length also limited views out of the site from the rear of the property, and the combination of the building height and length did not allow sky views out of the site or from Masonry Court. This was a significant concern from staff. The applicant revised the proposal to establish a concept consisting of two seven storey buildings separated by 15 metres with a ground floor lobby connecting them. This will improve views into, out of and through the site.

2.3.2 Design buildings so that the massing reinforces the street edge.

There is no defined street edge along the south side of Masonry Court, however through this proposal, the applicant is attempting to create this street edge and it therefore must be done appropriately. The previous concept proposed a reduced setback of 2.5 metres from the building to Masonry Court, but most of this setback was to accommodate private residential patios at the ground level. The revised proposal incorporates a 5 metre setback and recesses the patios therein. This

would allow for a more positive pedestrian experience; a more defined public and private interface and increased landscape screening.

The building is proposed to maintain the established streetscape along St. Matthew's Avenue and proposes a building height of two storeys along this frontage to provide adequate transition between uses with the 3-6 storey portion of the building being stepped back an additional 7.5 metres (and the seventh storey stepped back another 7.5 metres). The existing street edge for Clearview Avenue has not been replicated; however it is recognized that site access and parking are located at the west side of the site. While the location of the surface parking along Clearview Avenue is a concern, the applicant responded by increasing the landscape strip along Clearview Avenue from 1.3 metres to 2.9 metres. Increasing the physical distance between the property line and the surface parking is important, however this screening could be further enhanced if the setbacks to underground parking could accommodate mature tree plantings. This could occur by adding another half-level of underground parking, decreasing the number of units and subsequent amount of required parking and the addition of more multi-bedroom units which would lower the required amount of parking spaces.

2.3.6 In general, the building should not exceed a length of 60.0 metres apart from L-shaped building forms. Longer buildings, approaching and exceeding 60.0 metres, should either be broken up physically or visually using architectural and design elements that sufficiently differentiate the building mass to appear as separate building forms. This should include step-backs, colour and material variations, and unique building articulation.

The metric of the 60 metre building length for mid-rise development is informed by best practices in urban design to ensure that building massing does not limit access to sunlight at the street level, that sky views are maintained, and that the buildings and sites have a high degree of physical permeability and visual interest for at-grade users in the public realm. The previous concept proposed a building length of almost double the maximum length recommended within the City's Mid-Rise Guidelines. The building length was a prominent concern to staff and was one of the primary reasons for the recommendation of refusal. The applicant responded to this concern by separating the proposal into two buildings having lengths of 50.25 metres and 45 metres (53.7 metres if including the townhouse built form) with a separation distance of 15 metres between the first six storeys and 20 metres between the seventh storeys. Staff is of the opinion that this change is a significant improvement and is supportive of this revision.

Site Design

The design of a site with a mid-rise building is imperative to its ability to fit within the surrounding area and enhance the public realm. The following guidelines have been reviewed with respect to the site design elements of the proposed development:

2.5.9 Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking. [and]

2.5.10 Underground parking structures should not encroach into required landscape buffers to ensure the long-term viability of mature trees and vegetation. Where underground parking structures must unavoidably encroach beyond the building footprint or into a landscape buffer, provide a minimum depth of 1.0 metre of uncompacted soil below grade to support opportunities for tree planting and other landscaping along the streetscape.

The previous concept proposed 154 vehicle parking spaces in one level of underground parking and 50 surface parking spaces; whereas the current concept proposes 29 surface parking spaces and 152 underground parking spaces. Planning staff are of the opinion that the reduction in surface parking spaces has made improvements to the site at the ground level by providing increased landscaped areas along the front, rear and Clearview Avenue property lines as well as a wider pedestrian route at the rear of the buildings adjacent to the surface parking spaces and rear entrance. However, the amount of parking provided remains a concern, regardless of how it is distributed throughout the site.

The reduced setbacks for the underground parking structure reduce the soil volumes for the landscape areas and buffers which creates concern regarding the future ability to plant mature trees within the required buffers. Adequate soil volumes and depths should be provided to support adequate tree plantings; particularly along the north side of the site (Masonry Court) and the south side (adjacent to low-density residential).

Parking remains an outstanding concern with the proposal and while less underground parking spaces could facilitate greater setbacks to underground parking by reducing the extent of the structure in relation to the adjacent property lines, staff is not supportive of a further reduction to parking. To resolve this concern, the applicant could make changes such as a reduction to the number of units; adding more multi-bedroom units resulting in a decrease in the amount of required parking spaces or providing an additional half-level of underground parking.

2.5.12 Any surface parking areas visible from the street should be buffered and screened with high quality architectural elements, setbacks or landscaping.

The previous site design placed parking along the west side of the property line, 0.8m from the Clearview Avenue right-of-way. This reduced setback resulted in narrow landscaping area that is not sufficient to provide vegetative screening to obstruct the view of this parking area from Clearview Avenue. The proposal also included surface parking at the south edge of the site, resulting in a setback of 2.5 metres from the parking spaces to a residential zone. The applicant has since removed this row of surface parking and has increased the landscape buffers on both the west and south sides of the site, resulting in setbacks of 2.9 metres and 5.25 metres, respectively.

Built Form: Transitions

Buildings should respond to their context to ensure high quality design outcomes. In situations where there is a transition between low-rise and mid-rise built forms, transitions should be used to address potential impacts related to building height and massing such as shadowing and overlook on neighbouring properties.

3.1.3 - Where the building is on a site that is transitioning to a low-rise residential neighbourhood area (including properties designated Residential – Low Density and – Medium Density, Natural Heritage System, Parks and Open Space) a 45-degree angular plane should be applied from the shared property line. The building form should fit entirely within this angular plane and utilize setbacks and step-backs to ensure any impacts related to the change in height, overlook, and shadowing are mitigated.

The current concept maintains a building placement and form that fits entirely within a 45-degree angular plane from the residential lot line to the south while also increasing the setback along Masonry Court to 5 metres. While the previous concept also met the angular plane requirement from the neighbouring low-rise residential area, it provided an insufficient setback from Masonry Court of 2.5 metres. The additional storey utilizes a 3 metre step-back to address concerns related to the change in height, overlook and shadowing.

Zoning By-law 2020

The subject property is zoned Low Density Residential (R2.1) in the City of Burlington's Zoning By-law No. 2020. The R2.1 zone permits detached dwellings, as well as one accessory dwelling unit per dwelling subject to certain provisions.

The Zoning By-law Amendment originally proposed to rezone the property to Residential High Density (RH1); however staff and the applicant agreed that Residential High Density (RH3) would be more appropriate for the proposed development. The applicant has also proposed certain site-specific zoning regulations to the RH3 zone to facilitate the development. The table below details the zoning requirements and the site-specific modifications to the RH3 zone that have been requested and highlights some of the changes that have been made since the proposal that was refused by Council.

Zoning Comparison Chart:

Zoning Regulation	RH3 Requirement	Original Proposal (January 2019)	Previous Proposal	Current Proposal
Setbacks				
North (Masonry Court)	6 m (max.)	3 m	3 m	5 m
East (St. Matthew's Avenue)	6 m (max.)	12 m	6.5 m	4.5 m
South (Abutting R2 Zone)	7.5 m (min.)	20 m	21.7 m and 13 m	20 m and 14.5 m
West (Clearview Avenue)	6 m (max.)	17 m	16 m	19 m
Setback to Underground Parking Structure	North: 3 m East: 3 m South: 6 m West: 3 m	North: 3 m East: 1.1 m South: 1.8 m West: 1.1 m	North: 1.1 m East: 1.1 m South: 3.3 m West: 1.1 m	North: 1.5 m East: 0.5 m South: 2.4 m West: 1.1 m
Density	50 uph min. 185 uph max.	257 uph	262 uph	262 uph
Floor Area Ratio	1.25:1 maximum	1.95:1	1.92:1	1.94:1
Maximum Building Height	24 m	19.55 m (6 storeys)	19.55 m (6 storeys)	22.2 m (7 storeys)
Amenity Area	25 m ² per unit (4,100 m ²)	15.95 m ² /unit	16.1 m ² /unit	14.8 m ² /unit
Landscape Buffer Abutting R2 Zone	6 m	1.5 m	2.5 m	5.25 m
Parking (Zoning By-law 2020 Requirement)	1 bedroom unit: 1.25 spaces/unit 2 bedroom unit: 1.5 spaces/unit Visitor: 0.35 spaces/unit	Required: 1 bedroom unit: 155 spaces 2 bedroom unit: 54 spaces Visitor: 56 spaces	Required: 1 bedroom unit: 142 spaces 2 bedroom unit: 74 spaces Visitor: 57 spaces	Required: 1 bedroom unit: 131 spaces 2 bedroom unit: 80 spaces Visitor: 57 spaces

Zoning Regulation	RH3 Requirement	Original Proposal (January 2019)	Previous Proposal	Current Proposal
		= 265 spaces required	= 273 spaces required	= 268 spaces required
Parking (IBI City-Wide Standards Requirement for Intensification Areas)	Occupant:: 1.0 spaces/unit Visitor: 0.25 spaces/unit	= 203 spaces required	= 203 spaces required	= 205 spaces required
Proposed Parking		Surface: 49 spaces Underground: 154 spaces Total: 203 spaces	Surface: 50 spaces Underground: 154 spaces Total: 204 spaces	Surface: 29 spaces Underground: 152 spaces Total: 181 spaces

Remaining Concerns with Proposal:

Parking

As per section 2.25.4 – Off Street Parking and Loading Requirements, Zoning By-Law 2020 stipulates the quantity of off-street vehicle parking spaces. The calculated required parking for the proposed development is summarized as follows:

Land Use	Quantity	Parking Rates	Residential Parking Requirements		Total Parking Required
			Occupant	Visitor	
<u>Apartments</u>					
<i>One Bed Units</i>	105	O: 1.25 V: 0.35	132	37	169
<i>Two Bed Units</i>	59	O: 1.50 V: 0.35	89	21	110
Total					279

The development proposes 181 parking spaces to accommodate the proposed 164 apartment units that are outlined in the table above, and indicates that it would be 98 parking spaces deficient as per the requirements in Zoning By-Law 2020. While the proposed parking supply does not satisfy the current zoning by-law requirement, staff note that the parking rates contained in the Zoning By-law are outdated and no longer reflect current parking trends, as per the study conducted by our *Burlington – City Wide Parking Standards Review*. Staff have reviewed the *Proposed Parking Supply Analysis*

provided by Paradigm which was included as part of the submission for this development application and are not supportive of and have concerns with the rates which were proposed. The rates which are identified in the *Burlington – City Wide Parking Standards Review*, are reduced compared to the existing zoning by-law and any reductions lower than what the Burlington led study has identified would not be considered. The rates which are recommended by *City Wide Parking Standards Review* are as follows:

Land Use	Quantity	Parking Rates	Residential Parking Requirements		Total Parking Required
			Occupant	Visitor	
<u>Apartments</u>					
<i>Intensification Areas</i>	164	O: 1.0 V: 0.25	164	41	205
Service Vehicles		1.0 / 75 Apts.			2
Total					207

Given the updated rates identified above from the Burlington led parking study, this revised development proposal does not provide the number of parking spaces required. The revised submission is proposing a total rate of 1.10 spaces per unit, and the appellant has provided its own parking study to support that parking rate. Transportation planning staff are not supportive of the revised proposal for the following reasons:

1. The *Burlington - City Wide Parking Standards Review* was developed using Burlington specific observational data on parking performance, in conjunction with a peer review of local municipalities. Transportation planning staff support the findings in this report and will continue to leverage these recommendations to review new development applications.
2. Based on public feedback, and data from the City’s municipal Parking enforcement group, staff is aware that the Aldershot community has challenges with regards to on-street parking in the vicinity of the Aldershot GO Station. Some examples include: Illegal parking on MTO Ramp Terminals, double parking, parking in fire access routes, parking in the boulevard and resident complaints from lack of available on street parking. By lowering the parking requirements of this development, there is a greater likelihood of residents and visitors utilizing commuter parking at the Aldershot GO station to supplement the deficiencies caused by a reduced parking ratio. A shortage of parking spaces at the GO station lot results in GO commuters occupying the limited on-street parking supply in the neighboring local streets and will continue to park illegally in order to find spots

closer to the station. This will continue to create future challenges for the residents and municipal parking enforcement staff.

3. Transportation Planning and Parking have been monitoring the newly constructed and occupied Phase I of the Paradigm development, which is located adjacent to the Burlington GO station on Fairview Street. This development was constructed with an approved parking rate of 1.18 spaces per unit, and Phase II of the development is currently in the Site Plan Approval process. The city receives numerous calls to enforce parking regulations on site, and that currently there are visitors and occupants who are using the parking supply available at the Burlington GO and Wal-Mart to supplement the existing demand. Given that this proposed development is similar in concept but is also proposing a more aggressive reduction in parking (1.10 versus 1.18). The proposed deficient parking ratio not justified or supportable.
4. It has been noted that the primary driver for a lower parking rate is the proximity of the proposed development to the GO station. Based on staff observations of the performance of the Paradigm development proposal, proximity to higher order transit is an important factor in reducing the dependency of the personal vehicle, but not the most important one. The diversity and mix of surrounding land-uses, are critical components in facilitating the reduction of personal auto trips. When we look to the surrounding land uses of this development proposal, we see that it is less diverse than the lands in close proximity (400 meters average walking distance) to the Burlington GO station. As a result, we cannot expect the same number of trips to be accommodated by active transportation or transit when it comes to other destinations besides commuting for work-based trips – which makes this proposed deficient parking ratio not justified or supportable.

Staff Position

Upon review of the recent revisions to this application transportation planning staff do not support the proposed reductions to the parking rates for this site. Staff are in support of the rates detailed in the *Burlington City Wide Parking Standards Review* and are of the opinion that the study is recent, data driven, appropriate and that the proposed development should conform to it.

Conclusion:

Planning staff are of the opinion that intensification in the form of the proposed mid-rise residential development is appropriate for this location given the proximity of the site to the Aldershot GO Station. While intensification can be supported in this location, the proposal must also respect the context of the surrounding area. The PPS and the Growth Plan require the municipality to develop and implement policies that direct the development of high-quality urban design and appropriate and compact built form. The City's Official Plan includes a set of intensification criteria used to review development proposals and implements the City's Mid-Rise Guidelines.

The original development proposal was not supported by staff for reasons including compatibility, built form, a consistent streetscape and transition to the surrounding low-density residential neighbourhood. Since the time of appeal of the application, the plans were revised to address many of these concerns as discussed in this report. Staff are supportive of the form and density of the revised proposal in this location and neighbourhood context, however outstanding concerns remain with respect to the proposed parking ratio. These concerns could be addressed by either reducing the number of units, converting more units to multi-bedroom or providing more underground parking spaces by introducing another half-level of underground parking. Reducing the amount of required parking or relocating parking within another level underground would subsequently allow for greater soil depths and volumes within proposed landscape buffers and would facilitate a development that is even more compatible with the surrounding area.

Respectfully submitted,

Melissa Morgan, MCIP RPP
Planner II – Development

Appendix

A – Revised Detailed Site Plan Concept