



SUBJECT: Zoning By-law amendment and plan of subdivision at 1159 Bellview Crescent

TO: Committee of the Whole

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-52-18

Wards Affected: 1

File Numbers: 520-24/17 and 510-04/17

Date to Committee: July 9, 2018

Date to Council: July 16, 2018

Recommendation:

Approve the application submitted by David Faye & Associates Inc. on behalf of 1435487 Ontario Inc. (Markay Homes) to draft approve a residential plan of subdivision consisting of five lots and a private roadway block at 1159 Bellview Crescent, as shown in Appendix A of department of city building report PB-52-18, and subject to the conditions contained in Appendix C of that report; and

Approve, as modified, the Zoning By-law amendment application submitted by David Faye & Associates Inc. to rezone the property at 1159 Bellview Crescent from "R3.2" to "R3.2-483" and "R3.4-484", to permit the development of five single detached dwellings on the basis that it conforms to the Provincial Policy Statement, the Places to Grow Act and the Regional Official Plan; and

Adopt Zoning By-law 2020.398, attached as Appendix C of department of city building report PB-52-18, rezoning the lands at 1159 Bellview Crescent from "R3.2" to "R3.2-483" and "R3.4-484"; and

Deem that Zoning By-law 2020.398 conforms to the Official Plan of the City of Burlington.

Purpose:

The purpose of this report is to recommend draft approval of the proposed residential plan of subdivision, and approval with modifications of the proposed Zoning By-law

amendment at 1159 Bellview Crescent. The applications will allow for the development of a five single detached dwellings and completion of the private road.

The development proposal aligns with the following objectives in Burlington's Strategic Plan 2015-2040:

A City that Grows:

- Intensification
 - 1.2.e Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.
 - Focused Population Growth
 - 1.3.a Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomers and young families and offers a price range and mix of housing choices.
 - A City that Moves:
 - 2.1.g Walkability and cycling has guided the development of new and transitioning neighbourhoods and the downtown so that people rely less on automobiles.
 - A Healthy and Greener City:
 - 3.1.a Every resident of Burlington lives within a 15 to 20-minute walk from parks or green spaces.
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Executive Summary:

RECOMMENDATIONS:		<i>Modified approval</i>	Ward No.:	1
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	<i>David Faye, David Faye + Associates Inc.</i> <i>1435487 Ontario Inc. (Markay Homes)</i> <i>520-24/17 and 510-04/17</i> <i>Zoning By-Law Amendment and Plan of Subdivision</i> <i>Residential</i>		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	<i>North side of Bellview Crescent, east of the QEW</i> <i>1159 Bellview Crescent</i> <i>0.23 hectares</i> <i>1 detached dwelling (to be demolished)</i>		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	<i>Residential – Low Density</i> <i>Residential – Low Density (no change)</i> <i>R3.2</i> <i>R3.2-483; and R3.4-484</i>		
Processing Details	NEIGHBOURHOOD MEETING: STATUTORY PUBLIC MEETING: PUBLIC COMMENTS:	<i>February 22, 2018</i> <i>May 8, 2018</i> <i>Staff have received 1 email</i>		

Site History

In 1998, Council approved the Bellview Crescent/Regina Development Plan (Development Plan) “to be used as the basis for assessing future development applications affecting 1159, 1167, 1179 and 1185 Bellview Crescent and vacant land fronting Regina Drive located east of 1185 Bellview Drive.” The Development Plan, attached as Sketch 3 (Appendix A) to this report, identified up to 25 lots in the study area on a proposed looped public road accessing Bellview Crescent, including five lots on the subject property.

However, a March 16, 1999 Ontario Municipal Board Order concerning the redevelopment of 1179 Bellview Crescent (since renumbered to 1173 Bellview, and now known as HCC #388) provided conditional approval for 7 condominium detached dwellings on a *private* road. This decision impacts the redevelopment of 1167 and 1159 Bellview Crescent, as access to potential lots at the rear of these properties would also now be from a private road. Conditions addressing the extension of the private road to the west are included in the Section 41 site plan agreement registered for the 1179 Bellview Crescent development as follows:

“15. (b) the development of the site shall allow for:

- (i) the potential continuation of the internal roadway over the abutting lands to the west.
- (ii) The extension of the internal storm, sanitary and water services to the west.

(c) the owner shall agree to:

- (i) grant the necessary easements and/or rights-of-way for servicing and access to Bellview Crescent to the owners of the lands to the west if developed under separate ownership.”

Similarly, in May 2016, Council approved a draft plan of subdivision at 1167 Bellview Crescent subject to conditions for the owner to:

- “(a) Agree to permit the potential completion of the 5 m one-way road segment along the west property boundary as a two-way 10 m road should dedication of the remaining 5 m be provided by the adjacent property owner to the west upon future redevelopment of the property at 1159 Bellview Crescent;
- (b) Agree to negotiate cost-sharing and grant the necessary easements and/or rights-of-way for servicing and access to Bellview Crescent to the owner(s) of the lands to the west at 1159 Bellview Crescent if developed under separate ownership.”

Application Details and Processing History

On February 16, 2018, the Department of City Building acknowledged that complete applications had been received as of February 1, 2018 for a plan of subdivision and to amend the Zoning By-law to allow the development of five detached lots at 1159 Bellview Crescent.

Staff circulated the applications to the public and agencies/departments for comment in February 2018 and held a neighbourhood meeting on February 22, 2018 at Burlington City Hall. The neighbourhood meeting was attended by approximately 7 members of the public.

Information report PB-40-18 was presented to the Planning and Building Committee on May 8, 2018. A Statutory Public Meeting was also held on this date. One delegation was made. City Council received and filed report PB-40-18 on May 22, 2018. All public comments are attached as Appendix D to this report.

Background Reports

The applicant submitted the following technical reports and plans in support of the applications. These documents were circulated to technical staff and agencies for review and comment and posted on the City's website

(www.burlington.ca/1159Bellview) to facilitate public review.

- [Draft Plan of Subdivision](#), [Plan of Survey](#), and [Topographic Survey](#) prepared by Ashenurst Nouwens & Associates Inc., and signed by Surveyor on December 12, 2017;
- [Concept Plan](#), prepared by Ashenurst Nouwens & Associates Inc., and signed by Surveyor on December 13, 2017;
- [Planning Justification Report](#), prepared by David Faye & Associates Inc., dated December 2017;
 - The report includes a Draft Amending Zoning By-law.
 - The report concludes that the proposed development is consistent with provincial, regional and City planning documents, such as the City's official plan neighbourhood compatibility criteria, and represents good planning. The report recommends that the applications be approved.
- [Tree Inventory and Preservation Plan](#) and [Tree Inventory and Preservation Plan Figure 1](#), prepared by Kuntz Forestry Consulting Inc., dated October 18, 2017;
 - The Plan identifies 6 trees on the subject property and recommends the removal of 3 trees, including one hazardous privately owned tree.

The Plan also provides recommendations on how impacts to the remaining trees may be minimized.

- [Environmental Site Screening Questionnaire](#), completed December 13, 2017;
- [Phase 1 Environmental Site Assessment](#), prepared by Soil-Mat Engineers & Consultants, dated November 28, 2017;
 - The assessment did not reveal any former industrial or commercial uses on the property and finds that the lands in the general vicinity are not expected to have an adverse environmental impact on the site. The assessment concludes that the potential of site contamination on the subject property is low and recommends that additional investigations are not required.
- [Functional Servicing Report](#), prepared by Trafalgar Engineering Ltd., dated December 15, 2017
 - This report concludes that the development can be adequately serviced by the existing private services at 1173 Bellview Crescent and by existing municipal services on Bellview Crescent.
- [Grading, Storm Drainage, Servicing Plans](#) and [Details](#), prepared by Trafalgar Engineering Ltd., dated December 2016
- [Geotechnical Investigation](#), prepared by Soil-Mat dated December 20, 2017
 - This report provides background information on subsurface soil and groundwater condition of 1159 and 1169 Bellview Crescent, and provides recommendations for construction and how excavated soil may be reused.

After initial circulation, additional information was provided by the applicant:

- [Surveyor's Area and Frontage Certificate](#)
- [Sketch of Building Heights in Vicinity of 1159 Bellview Crescent](#)

Discussion:

Conformity Analysis and Policy Framework Review

The rezoning and subdivision applications are subject to the following policy framework: The Planning Act, Provincial Policy Statement, 2014; Growth Plan for the Greater Golden Horseshoe, 2017; Halton Region Official Plan; Burlington Official Plan; and Zoning By-law 2020.

Staff have reviewed and analyzed the planning merits of these applications within this policy framework, as described below.

Planning Act: Matters of Provincial Interest

Municipalities, when dealing with their responsibilities under the *Planning Act*, shall have regard to a wide range of matters of provincial interest. A number of these matters of provincial interest are relevant to this site-specific development application. Key matters are highlighted below and are discussed in greater detail in the remainder of this report.

Matter of Provincial Interest	Staff Analysis
The adequate provision and efficient use of communication, transportation, sewage and water services and waste management system.	Sufficient infrastructure exists to support the proposed development application.
The orderly development of safe and healthy communities.	The development of these lands with five single detached dwellings was anticipated in the 1998 Council approved Bellview Crescent/Regina Drive Development Plan. The proposed development is generally in accordance with that plan. Accessibility for all persons has been considered. The application seeks to complete the anticipated development in the area.
The protection of the financial and economic well-being of the Province and its municipalities.	The proposed development is located within an area well serviced by infrastructure and public service facilities, and will not require significant public sector investment to support the development.
The appropriate location of growth and development.	The proposed development is located in a residential low-density neighbourhood, adjacent to Downtown Burlington, and within walking distance of transit. Staff are of the opinion that the proposed development, with modifications, is compatible with the existing low-density character of the neighbourhood and represents appropriate intensification.
The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.	The proposed development includes a sidewalk on the proposed private road, and is located within walking distance of two bus routes.

Planning Act: Draft Plan of Subdivision Criteria

Section 51(24) of the Planning Act prescribes considerations that Council shall have regard to when considering a draft plan of subdivision, in addition to the above mentioned matters of Provincial interest. These considerations are:

- *Whether the proposed subdivision is premature or in the public interest;*

There is adequate water, wastewater servicing, transportation infrastructure, school capacity, and parks to support the proposed subdivision. The proposed subdivision will also help to create a more compact built form that is compatible with the existing neighbourhood. Therefore, the proposed subdivision is not premature, and is in the public interest.

- *Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

As discussed in the “City of Burlington Official Plan, 1998” section of this report, the proposed subdivision conforms to the Official Plan. The proposed subdivision will also complement the 1169 Bellview Crescent subdivision by providing a block to complete the private road.

- *The suitability of the land for the purposes for which it is to be subdivided; and if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

A Geotechnical Investigation was included in the submission of these applications. City Site Engineering staff have reviewed the report and comment that because there is a high water table, a warning clause will be required for all offers of purchase and sale indicating the high ground water table. The Owner will also be required to agree to provide measures to prevent basement flooding in the proposed dwellings. These comments have been included in the Draft Plan of Subdivision Proposed Conditions (Appendix C), and discussed in more detail in the “Technical Review” section of this report. Site Engineering staff have no objections to the proposed development.

No affordable housing units are being proposed.

- *The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

The subject lands are located within 200 m of the QEW. The Ministry of Transportation Ontario was circulated the applications and have no objections to the proposed development.

- *The dimensions and shapes of the proposed lots;*

The dimensions and shapes of the proposed lots are compatible with the existing neighbourhood, and consistent with the general size and dimensions of the lots to be created at 1169 Bellview Crescent.

- *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

The servicing of the proposed subdivision is dependent on the subdivision to the east at 1169 and 1173 Bellview Crescent. Conditions addressing the extension of storm, sanitary and water services, and access to Bellview Crescent have been included in the Section 41 Site Plan agreement and registered on title for 1173 Bellview Crescent. Moreover, one condition of draft approval for 1169 Bellview Crescent is that the owner to agree to grant similar easements to the subject subdivision if developed under separate ownership.

- *Conservation of natural resources and flood control;*

No natural heritage features, as defined in the City's Official Plan, exist on site. The subject lands are not within a floodplain.

- *The adequacy of utilities and municipal services; The adequacy of school sites;*

Adequate utility and municipal services and school sites exist to support the proposed development, as described in further detail below.

- *The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

No lands are to be conveyed or dedicated for public purposes. City Capital Works staff have advised that Bellview Crescent is at its deemed width. The proposed block for road is for the completion of a private road. City Parks and Open Space staff recommend cash-in-lieu of parkland dedication, given the availability of existing parks nearby.

- *The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

Burlington Hydro has reviewed the application and has no objections. The applicant will be required to work with and satisfy the requirements of Burlington Hydro.

- *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of [the Planning Act].*

The proposed development is not subject to site plan control. In June 2017, City Council enacted By-law 35-2017, a new Site Plan Control By-law that exempts single detached dwellings used solely for residential use from site plan control.

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides broad policy direction on matters of provincial interest related to land use planning and development and sets the foundation for regulating development and land use in Ontario. The PPS promotes appropriate development based on efficient land use patterns that optimize the use of land, resources, and infrastructure and public service facilities and contain an appropriate range and mix of uses to meet long-term needs. Intensification is encouraged, provided that it is appropriate.

- *Efficient Development and Land Use Patterns*

Subsection 1.1.1.a) and e) of the PPS states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns that sustain the financial well-being of the Province and municipalities, and by promoting cost-effective development patterns to minimize land consumption and servicing costs. The PPS directs growth and development to settlement areas, and promotes land use patterns that are based on densities and a mix of land uses which “1. *efficiently use land and resources; 2. are appropriate for, and effectively use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion*” (PPS, 1.1.3.2a)).

The proposed development will contribute to an efficient land use pattern and compact form by intensifying a property where adequate infrastructure and public service facilities exist. According to Regional staff, City Transportation and City Parks and Open Space staff, and the Halton District and Halton Catholic District School Boards, existing water and wastewater servicing, transportation infrastructure, parks, and school capacity is available to support the development.

- *Air Quality, Climate Change, Active Transportation, Transit*

Subsection 1.1.3.2a) 3 to 6 of the PPS states that densities and land use mix should also minimize negative impacts to air quality and climate change, and support active transportation and transit.

The subject lands are located approximately within 500 m from Burlington Transit Routes 10 and 50 on Maple Avenue. The proposed development will introduce four additional dwellings to the neighbourhood, and consequently increase the overall density of the neighbourhood to support transit.

The proposed site specific exemptions to the side yard and lot coverage requirements for Lots 1 and 2 will allow for the provision of a sidewalk on one side of the proposed private road, and thereby support active transportation.

By supporting transit and active transportation, the proposed development will help reduce greenhouse gas emissions and minimize negative impacts to air quality and climate change.

- *Appropriate Intensification*

The PPS also states that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment (PPS, 1.1.3.2b). Planning authorities are directed by the PPS to identify appropriate locations and promote opportunities where intensification and redevelopment can be accommodated, taking into consideration existing building stock or areas, infrastructure and public service facilities. Planning authorities are also directed to promote appropriate development standards that facilitate intensification, redevelopment and compact development, while avoiding or mitigating risks to public health and safety (PPS, 1.1.3.3 and 1.1.3.4).

The City has set out standards for housing intensification in established neighbourhoods in section 2.5.2a) of the City's Official Plan. These criteria include adequate servicing and compatibility with the existing neighbourhood character. The redevelopment of the subject lands is also guided by the 1998 Council-approved Bellview Crescent/Regina Drive Development Plan.

The proposed five single detached dwellings are generally in accordance with the Bellview Crescent/Regina Drive Development Plan. Moreover, as discussed in detail in the "City of Burlington Official Plan, 2008" section of this report, the proposed development, with staff recommended modifications, satisfies the City's housing intensification criteria and is compatible with the existing low density character of the neighbourhood. Therefore staff are of the opinion that the proposed development represents appropriate intensification and is consistent with the intensification policies of the PPS.

Summary: Planning staff are of the opinion that the proposed development conforms to the Provincial Policy Statement, 2014 because it will contribute to an efficient land use pattern and compact form, minimize negative impacts to air quality and climate change, support transit and active transportation, and represents appropriate intensification.

Growth Plan for the Greater Golden Horseshoe (2017)

The new Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017. All planning decisions made on or after July 1, 2017 must conform to the Growth Plan. The Growth Plan builds on the policy foundation set out in the PPS

and provides a framework for implementing the Province's vision for building stronger, prosperous, complete communities by better managing growth.

The Growth Plan contains population and employment forecasts to plan for and manage growth to 2041. The policies direct the vast majority of growth to settlement areas and, more specifically, within delineated built-up areas and strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (Growth Plan, 2.2.1.2a); 2.2.1.2c)).

Municipalities are also required to develop and implement, through their official plans and supporting documents, a strategy to achieve intensification and the minimum intensification target set out in the Growth Plan (Growth Plan, 2.2.2.4). The strategy is to "*encourage intensification generally to achieve the desired urban structure*" and "*identify the appropriate type and scale of development and transition of built form to adjacent areas*", as well as identify strategic growth areas (Growth Plan, 2.2.2.4a) and b)).

The City's Official Plan provides an intensification strategy for Burlington. It directs a significant amount of population and employment growth to mixed use intensification corridors and centres, while also providing criteria for evaluating intensification proposals in existing neighbourhoods (Official Plan, 2.5.2a); 2.5.4).

Staff are of the opinion that the proposed development is in conformity with the Growth Plan. The development is an intensification of lands within the City's built-up area, where adequate municipal water and wastewater infrastructure, public transit, parks and school facilities exist. It is also located adjacent to Downtown Burlington - a strategic growth area. Furthermore, as discussed in the "City of Burlington Official Plan" section of this report, the proposed development, with modifications, satisfies the City's intensification criteria, and therefore represents an appropriate type and scale of development.

Summary: The proposed development conforms to the Growth Plan because it is located in the built up area, in proximity to transit and other public services, and is an appropriate type and form of intensification.

Region of Halton Official Plan

The Region's Official Plan (ROP) provides goals, objectives and policies to direct physical development and change in Halton Region. The subject lands are designated "Urban Area" in the ROP. Urban Areas are areas where municipal water and/or wastewater services are or will be made available to accommodate existing and future urban development and amenities (ROP, 74). The objectives of the Urban Area include: "*to accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities...; to support a form of growth that is compact and supportive of transit and non-motorized*

forms of travel, makes efficient use of space and services; ...and to facilitate and promote intensification and increased densities” (ROP, 72(2), (9)).

The ROP also states that the range of permitted uses and the creation of new lots within the Urban Area shall be in accordance with local official plans and zoning by-laws. However, all development is subject to the policies of the ROP. (ROP, 76)

The proposed development is in keeping with the Halton Region Official Plan. The proposed development will introduce four additional dwellings to the neighbourhood and thereby contribute to a compact built form, increase the overall density of the neighbourhood, and make efficient use of land and existing water and wastewater, transit, parks and education facilities and services. The proposed low density residential use and single detached dwelling form is permitted by the City’s Official Plan. Although the proposed lots do not currently comply with the Zoning By-law, staff are of the opinion that the proposed size and dimensions of the lots are compatible with the existing neighbourhood, and the proposed development, with staff’s recommended modifications, satisfies the City’s Official Plan criteria for housing intensification in existing neighbourhoods.

Regional staff have also reviewed the subject applications, and comment that they are satisfied that the proposed development conforms to the Urban Area policies of the ROP.

Summary: The proposed development is in conformity to the Halton Region Official Plan because it contributes to a compact form of growth, supports transit, and is for a use that is permitted by the City’s Official Plan. The proposed development, with staff recommended modifications, is for intensification of an existing neighbourhood that meets the City’s intensification criteria.

City of Burlington Official Plan, 2008

The property is designated as “Residential – Low Density” on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. This designation permits single-detached and semi-detached housing units with a maximum density of 25 units per net hectare. The applicant is proposing five single detached units, with a density of 22 units per net hectare.

The Official Plan also contains criteria to be considered when evaluating proposals for residential intensification within established neighbourhoods. These criteria are set out in Part III, Policy 2.5.2a) of the Official Plan and discussed below:

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

The Region has no objections to the proposed development and has advised that they are generally satisfied that the proposed development can be serviced via the existing Regional water and wastewater system.

According to Halton District School Board, the students generated from this development can be accommodated at Central Public School, Burlington Central Elementary, and Burlington Central High School with minimal impact to the facilities, and at Tom Thompson PS with the addition of portables. Halton Catholic District School Board notes that students from the proposed development would be accommodated at St. John (Burlington) Catholic Elementary School and Assumption Catholic Secondary School. Neither school boards have objections to the proposed development.

City Parks and Open Space staff have advised that adequate parkland is available to accommodate this development, as neighbourhood parks (Brock Park and Apeldoorn Park) are located within a 0.8 km distance of the site, and city/community parks (Spencer Smith Waterfront Park and Maple Avenue) are within 0.8 to 2.4 km of the site. As such, cash-in-lieu of parkland dedication is recommended for this development.

Thus, adequate municipal services are available to accommodate the proposed development.

(ii) Off-street parking is adequate

The applicant is proposing two parking spaces in the garage and two spaces on the driveway for the two lots fronting onto Bellview Crescent (Lots 1 & 2). This will exceed the Zoning By-law requirement for two spaces per dwelling.

For the proposed three detached dwellings fronting on the common element road at the rear of the property, the Zoning By-law requires a minimum of 1.5 spaces per unit, where one space shall be on a parcel of tied land (POTL), and 0.5 space shall be for visitor parking and located within the common element roadway. 1.5 visitor spaces are therefore required for the proposed development. The Zoning By-law also requires that driveways be 6.7 m in length for units within a plan of condominium.

The applicant is proposing to provide at least one space in the garage and one space on the driveway on each POTL, no visitor spaces on the common element road, and a reduced driveway length of 6 m.

Staff are of the opinion that off-street parking is adequate, with the exception of the proposed reduction in driveway lengths for the three proposed POTLs. While no visitor parking is proposed on the common element road, sufficient parking would be available on each POTL. However, the City's Transportation Services staff have advised that the reduction to 6 m in driveway length for the three freehold lots would not be adequate for longer vehicles to park. A modification to the requested zoning by-law amendment to

require a 6.7 m driveway length to ensure adequate off-street parking is therefore recommended.

With the modification to accommodate a 6.7 m driveway length on the POTLs, staff are of the opinion that off-street parking is adequate for the proposed development.

(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;

Given the scale of the development, City Transportation Services staff do not anticipate significant impact to the transportation system from the trip generation of the site, and comment that traffic mitigation measures are not required.

Thus, the existing transportation system can accommodate the proposed development.

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

The subject lands are located in proximity to existing transit services. Two bus routes along Maple Avenue, with stops at the intersection of Bellview Crescent and Maple Avenue, are located approximately 470 m (walking distance) to the subject lands.

(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.

Scale - The applicant is proposing to exceed the permitted maximum building height and lot coverage, and not meet minimum rear, side and front yard to dwelling setback requirements of the Zoning By-law. Staff are of the opinion that taken together, the proposed zoning exceptions would result in overdevelopment of the lands with dwellings that are incompatible with the scale of the existing neighbourhood. Modifications to the requested height, lot coverage, front and side yards are therefore recommended to ensure that the development can exist harmoniously with the existing neighbourhood.

Massing - The requested reduction in front yard to dwelling setback and increase in maximum porch projection was intended to support the massing of buildings such that the garage would be located behind the main face of the proposed dwellings. The proposed massing will be compatible with the existing neighbourhood, as it would help to create a more active street frontage, and exist in harmony with existing dwellings on Bellview.

Height - Buildings surrounding the subject site are generally 8.9 m in height, and the Zoning By-law permits 2 storey buildings up to 10 m in height in the R3 zone. The applicant is proposing to develop the lands with two-storey single detached dwellings, and is requesting an increase in the maximum permitted building height to 11.5 m. However, plans submitted by the applicant show buildings 9.9 m in height and the

applicant has informed staff that the increase in height was for a construction allowance to mitigate grading changes. Staff recommend that the requested height exemption be modified to 10.2 m to ensure that the buildings will be similar to the surrounding buildings in height.

Siting - The subject rezoning application will enable the proposed dwellings to be sited on the proposed lots in a manner that is similar to that at 1169 Bellview, and compatible with adjacent properties.

Setbacks - The applicant is seeking to reduce the required front yard to dwelling, rear yard, and side yard setbacks.

Staff are of the opinion that the requested front yard to dwelling reduction for the two lots fronting onto Bellview would be incompatible with the existing neighbourhood, because the front yard setbacks of dwellings on Bellview are at or well over the minimum requirement. The requested front yard setbacks for the internal lots, however, are similar to what is permitted at the internal lots at 1167 Bellview, and therefore would generally be compatible. The requested reduced rear and side yard setbacks are also similar to that permitted on adjacent properties, and are therefore compatible.

Coverage - The applicant proposes to increase the maximum permitted lot coverage to 40-45% for the two lots fronting Bellview and 45% for the internal lots. Staff find that the proposed lot coverages would be incompatible and out of character with the existing neighbourhood, and recommend modifications as outlined in Tables 1 and 2 of this report.

Parking - The applicant is proposing no visitor parking spaces, whereas the Zoning By-law requires a minimum of 2 visitor parking spaces in total for the proposed POTLs. However, the applicant proposes to exceed the minimum required resident parking spaces by providing at least 2 spaces per unit. Staff are satisfied that the proposed parking will be sufficient and not result in an adverse impact on neighbouring streets.

Amenity Area - Amenity areas will be provided in the rear yards of the proposed dwellings. The reduced rear yards for the two lots fronting Bellview is the same as the adjacent lots to the east and will be compatible with the surrounding properties. The proposed rear yard reduction for the internal lots would provide sufficient amenity area and is compatible with the surrounding neighbourhood.

A more detailed discussion on the compatibility of the proposed site specific exemptions with the existing neighbourhood is presented in Tables 1 and 2 of this report. Staff are of the opinion that the proposed zoning exemptions, subject to minor modifications, will yield a compatible form of development that can co-exist in harmony with the existing neighbourhood and the proposed development at 1167 Bellview Crescent.

- (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 submitted Tree Preservation Plan indicates that of the six trees on the site, only three are proposed for removal. There is one large Norway maple currently owned by the City adjacent to the property. It is proposed to be retained.

Of the trees proposed to be removed, one is located on the property line and is considered hazardous. The City's Urban Forestry and Landscaping staff have reviewed the Tree Preservation Plan and are supportive of the arborist's recommendation for immediate removal. As the tree is located on the property line, the neighbouring co-owner of the tree must be consulted prior to removal.

Forestry staff note that they have no objections with the applications.

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

The applicant has requested to increase the maximum permitted building height for 2-storey dwellings from 10 m to 11.5 m. Staff recommend that the maximum height be modified to 10.2 m to be more consistent with the existing neighbourhood. The modified maximum height allowance is unlikely to cause significant sun-shadowing for extended periods of time on adjacent properties.

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

The proposed development is located beside Downtown Burlington and is accessible to area schools, shopping, medical services and community facilities.

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

Landscape buffers are typically used to minimize impacts where different land uses or different intensities of land use are in proximity to each other. Since the proposed development will introduce a more compact form of detached dwellings, staff recommend modifications to the requested zoning changes to lot coverage and building height to ensure that the development is compatible with adjacent uses. With these modifications, staff find that additional landscape buffering would not be required.

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

The coordinated redevelopment of the subject lands and adjacent lands to the east is set out in the Bellview Crescent/Regina Drive Development Plan. The proposed development is generally in keeping with the Development Plan.

(xi) Natural and cultural heritage features and areas of natural hazard are protected.

Not applicable – no natural or cultural heritage features on this site.

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

Not applicable – These sections relate to measures to address potential increased downstream flooding or erosion resulting from development occurring in South Aldershot. Neither is applicable to this application.

(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 the existing and proposed residential buildings is provided.

Not applicable – The proposed development is for detached dwellings, which are a form of ground-oriented housing.

Summary: Staff are of the opinion that the proposed subdivision and rezoning, with staff recommended modifications, conforms to the City's Official Plan because the proposed single detached dwellings and net density is permitted by the Official Plan, and satisfies the City's intensification criteria. The proposed development, with staff's recommended modifications, will be compatible with the character of the existing neighbourhood.

New City of Burlington Official Plan (Council Adopted)

The proposed new Official Plan was approved by Council on April 26, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new Official Plan will not come into effect until it has been approved by Halton Region; however the City's proposed new Official Plan reflects Council's vision and as such, should be acknowledged as part of the proposal.

The subject lands are designated "Residential – Low Density" in accordance with the new Official Plan. This designation permits single-detached dwellings, to a maximum density of 25 units per net hectare. The proposed development is for five single detached dwellings at a density of 22 units per net hectare, and is therefore in keeping with the permitted uses of the new Official Plan.

The new Official Plan also contains intensification criteria that are similar to those in the current Official Plan. Therefore the proposed development is also in keeping with the intensification criteria of the new Official Plan.

City of Burlington Zoning By-law 2020

The property is currently zoned R3.2 in the City’s Zoning By-Law 2020, as shown on Sketch No. 1, Appendix A of this report. This zone permits single detached dwellings on lots having a minimum width of 15 m and a minimum area of 425 m². The applicant seeks to rezone the two proposed lots fronting onto Bellview Crescent to a modified R3.2 zone, and the three proposed lots fronting onto a private road to a modified R3.4 zone. Staff are generally in support of the requested rezoning, but recommend modifications ensure compatibility with the existing neighbourhood character and support a pedestrian oriented streetscape.

Table 1 provides an overview of the existing R3.2 regulations, the requested modified R3.2 regulations for the two proposed lots fronting onto Bellview Crescent, and staff’s comments on the applicant’s proposal.

Table 1 – R3.2 regulation zoning and applicant requested zoning for 2 lots fronting Bellview

	Existing R3.2	Proposed R3.2-483	Staff Comment
Lot width	15 m	13 m	<u>Support as 13.4 m.</u> Surveyor’s Area and Frontage Certificate indicates that the smallest lot width will be 13.4 m. The reduced lot widths are similar to the adjacent lots to the east and compatible with lots in the immediate area. The reduced lot width would also allow for an easement to be provided on the eastern edge of the subdivision.
Lot area	425 m ²	400 m ²	<u>Support.</u> This is a minor change from the existing requirement. The proposed lots will be generally consistent with the severed and retained lots immediately to the east of the subject lands (423 m ² and 403 m ²).
Front yard	6 m	4.5 m (to dwelling) 6 m (to garage)	<u>Do not support.</u> The reduced front yard setback to dwelling would be incompatible with the existing character of Bellview Crescent. Existing front yard setbacks on the north side of Bellview Crescent are well over 6 m (ranging from approximately 9 to 15 m)

			to the west of subject lands, and are 6 m at 1167 Bellview. A 6 m minimum setback, as per the existing zoning regulations, would provide for a more consistent street edge and appropriate transition from 1167 Bellview to the lots on the west.
Rear yard	9 m	7.5 m	<u>Support</u> . The reduced rear yards will be consistent with the lots to the east. The 7.5 m yard will provide adequate amenity space and separation from the proposed lots fronting the private road.
Side yard	1.8 m	1.2 m	<u>Support</u> . The requested side yard is sufficient for access to the rear yard and drainage.
Lot coverage for 2-storey dwelling	35%	45% (Lot 1) 40% (Lot 2)	<u>Recommend modification to 40% for Lot 1 and 37% for Lot 2</u> . It is staff's opinion that development at 45% lot coverage would be incompatible and out of character with adjacent developments. 37% and 40% lot coverages would be more consistent and compatible with the adjacent, yet-to-be developed lots to the east on Bellview Crescent.
Maximum porch projection into front yard	0.65 m	1.5 m	<u>Support</u> . The increased porch projection is the same as that approved at 1169 Bellview. The projection would add visual interest and support a more pedestrian oriented streetscape.
Building height for 2-storey dwelling	10 m (peaked roof) 7 m (flat roof)	11.5 m	<u>Recommend modification to 10.2 m</u> . It is staff's opinion that a 11.5 m building height would be incompatible with the existing neighbourhood, as the height of existing 2 storey buildings are generally 8.9 m. Staff have met with the applicant and understand that the increase in height was for a construction allowance to mitigate grading changes. Plans submitted by the applicant show buildings 9.9 m in height. Staff are of the opinion that 10.2 m height would ensure compatibility while providing sufficient construction allowance.

Table 2 provides an overview of the R3.4 zone regulations, the requested modified R3.4 regulations for the three proposed lots fronting a private road, and staff’s comments on the applicant’s proposal.

Table 2 – R3.4 regulation zoning and applicant requested zoning for 3 new lots on private road

	R3.4 zoning regulations	Proposed R3.4-484	Staff Comment
Lot width	12 m	11 m	<u>Support.</u> Proposed lot width is the same as the width of the lots at 1167 Bellview that also front onto the private road.
Lot area	400 m ²	300 m ²	<u>Support as 325 m².</u> Size of lots will be generally consistent with the size of adjacent freehold lots permitted at 1167 Bellview. Surveyor’s Frontage and Area certificate indicates that the size of smallest POTL will be 325 m ² , and the other lots will range from 360 m ² to 574 m ² .
Front yard	6 m	4.5 m (to dwelling) 6 m (to garage)	<u>Support 4.5 m (to dwelling) and recommend modification to 6.7 m (to garage).</u> The requested setback to dwelling would be consistent with the permitted setbacks of the other lots fronting on the private road at 1167 Bellview. However, City Transportation staff have advised that a 6.7 m driveway length is required. The requested front yard setback to garage is therefore recommended to be 6.7 m to be consistent with driveways that are 6.7 m in length.
Rear yard	7.5 m	6 m	<u>Support.</u> The proposed reduction in rear yard setback would provide sufficient privacy and separation between the existing surrounding dwellings and the proposed dwellings because the existing abutting rear yards at 1168 and 1170 Carol Street, and 1153 Bellview Crescent are fairly deep.

Side yard	10% of actual lot width: Lot 3 – 1.1 m Lot 4 – 1.2 m Lot 5 – 2.1 m	1.2 m/0.6 m (Lots 3, 4) 1.8 m/1.2 m (Lot 5)	<u>Support as requested for Lot 4 and 5, and recommend modification to 1.2 m/0.9 m (Lot 3).</u> The requested side yards will be sufficient for access and drainage, and are generally in keeping with the zone requirements. The modified side yard for Lots 3 and 4 is generally consistent with that approved at 1167 Bellview Crescent.
Lot coverage for 2-storey dwelling with attached garage	40%	45% (Lots 3, 4)	<u>Do not support.</u> The increase in lot coverage would not be compatible with the character of the existing neighbourhood and the yet-to-be-developed lots at 1167 Bellview. The maximum lot coverage for the internal lots at 1167 Bellview is 40%. A lot coverage of 45% was not supported by staff when it was requested for 1167 Bellview.
Maximum porch projection into front yard	0.65 m	2 m	<u>Support.</u> The applicant initially requested 1.5 m, excluding stairs. Staff are supportive of 2 m, inclusive of stairs. The increased porch projection is similar to that approved at 1169 Bellview. The increased projection would add visual interest and support a more pedestrian oriented streetscape.
Driveway length for Parcels of Tied Land	6.7 m	6 m	<u>Do not support.</u> Transportation staff advise that a 6 m driveway length is not sufficient to accommodate longer vehicles.
Building height for 2-storey dwelling	10 m (peaked roof) 7 m (flat roof)	11.5 m	<u>Recommend modification to 10.2 m.</u> The proposed 11.2 m is not compatible with the height of surrounding buildings, which are generally 8.9 m. Staff are of the opinion that 10.2 m height would provide sufficient construction allowance and be compatible with existing buildings.
Width of attached garage	Max. 50% of dwelling width	No maximum	<u>Do not support.</u> The purpose of the maximum 50% of dwelling width requirement is to ensure that building facades contribute to a pedestrian oriented streetscape. Staff recommend that the 50% requirement be maintained.

<p>Off-street Parking</p>	<p>1.5 spaces/unit, where one space shall be located on the POTL, and 0.5 space/unit for visitor parking shall be located within the common element condominium block with contains the condominium roadway. A total of 1.5 visitor spaces is required for the proposed development .</p>	<p>At least 2 spaces per unit; no visitor parking on condominium roadway</p>	<p><u>Support with requirement to provide minimum 2 resident parking spaces.</u> The applicant proposes to provide at least two spaces on each POTL, which exceeds that required by the Zoning By-law. Given the increase in resident spaces, staff support the reduction in visitor parking.</p>
<p>Lot Line, Front</p>	<p>9.1 m</p>	<p>6.7 m (Lot 5)</p>	<p><u>Support.</u> The 6.7 m front lot line would be wide enough to accommodate at least a single car driveway on Lot 5.</p>
<p>Maximum width of all hard surfaces (driveways plus walkways)</p>	<p>5.5 m for front lot lines equal to or greater than 9 m and less than 12 m in width (i.e. Lot 3 and 4); 4.5 m for front lot lines less than 9 m in width</p>	<p>Concept plan shows driveway widths of 6 m for all three internal lots.</p>	<p><u>Support 6 m, including walkways, for all three internal lots.</u> The purpose of the maximum width is to ensure adequate landscape open space area to support a visually interesting, pedestrian oriented streetscape. Staff are of the opinion that 6 m would be sufficient to accommodate two cars and a walkway. While the increased width would result in reduced landscape open space area, staff are of the opinion that the resultant area would be compatible with the existing and to-be-developed dwellings that front on the</p>

	(i.e. Lot 5)		private road. Furthermore, the width would enable sufficient parking to be provided on each POTL. Given the irregular shape of Lot 5, an increase in width to 6 m would still allow for some landscape open space to be provided on the lot.
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Summary: Staff are generally supportive of the proposed rezoning application, but recommend some modifications to ensure that the development is compatible with the existing neighbourhood.

For the two lots fronting onto Bellview, staff recommend refusal of the requested front yard to dwelling setback, and recommend modifications to the requested maximum lot coverage and building height.

For the three internal lots, staff recommend refusal of the requested lot coverage, driveway length for POTL, and maximum width of attached garage. Staff recommend modifications to the requested front yard to garage setback, side yard setback for Lot 3, and maximum building height.

Technical Review

On February 26, 2018, the Zoning By-law Amendment and Plan of Subdivision applications and supporting documents were circulated to internal departments and external agencies for review. The following agencies have provided no objection to the development proposal, but may have conditions of draft approval for the Subdivision application, included in Appendix C: Halton District School Board, Halton Catholic District School Board, Canada Post, Union Gas, Ministry of Transportation Ontario, Halton Region, Burlington Hydro, Capital Works, Fire and Emergency Services, Transportation, Zoning, Tax, and the Burlington Economic Development Corporation.

Grading and Drainage

The submitted Geotechnical Investigation suggests that there is a high ground water table. Consequently, Site Engineering staff recommend that a warning clause be required for all offers of purchase and sale indicating the high ground water table. Staff also request that as conditions of draft approval, the owner agree to provide a cash deposit to be used by the City for dealing with requirements for control of grading issues; and to either agree that all buildings are to be provided with sump pumps or agree to provide hydraulic grade line calculations for the minor drainage system to demonstrate that basement flooding is precluded during the 1 in 100 year storm.

Site Engineering also note that the submitted Functional Servicing Report provides a framework for how the development can be serviced; detailed design will take place at through the draft approval.

Site Engineering staff have no objections to the proposed rezoning and subdivision applications.

Width of Private Road

The width of the private road was anticipated by the 1167 Bellview subdivision to be completed at 10 m (5 m on 1167 Bellview and 5 m on 1159 Bellview) in order to accommodate visitor parking on the private road. The subject subdivision application proposes a 3 m wide block for the private road, and therefore proposes to complete the north-south portion of the road at a width of 8 m. City Transportation and Site Engineering staff have no objections to the proposed 3 m wide block because visitor parking on the private roadway is not proposed at 1159 Bellview. Transportation staff comment that in order to ensure the functional operation of two-way traffic on the proposed roadway, the travel lanes combined are required to be at least 6 m wide. The proposed final road width will exceed this requirement.

Financial Matters:

In accordance with the Development Application Fee Schedule, all fees determined have been received.

Public Engagement Matters:

A public notice sign about the development proposal was posted on the property by the applicant on February 1, 2018. A public notice and request for comments were circulated on February 2, 2018 to surrounding property owners and tenants. All technical studies and required supporting materials for the development were posted on the City's website, at www.burlington.ca/1159-Bellview.

A Neighbourhood Meeting was held on February 22, 2018 at City Hall. Ward 1 Councillor Craven and staff from the Department of City Building, as well as the applicant and his planning consultant were present. The meeting was attended by approximately 7 members of the public. Questions about the phasing of development, size of proposed dwellings and proposed setbacks, and concern about mud from construction were heard at the meeting.

A Statutory Public Meeting was held on May 8, 2018. The Planning and Development Committee heard from one delegate, a resident of 1153 Bellview Crescent. The

delegate expressed concern that drainage from the subject property will affect his property, and asked about how drainage plans for the subject development will be enforced.

Staff have also received 1 email from the public, attached as Appendix D to this report.

Table 3 below summarizes comments received from the public and staff's response.

Table 3 – Summary of Public Comments and Staff Response

Public Comment	Staff Response
<p>Worry that drainage of proposed development will impact adjacent properties to the east and west.</p>	<p>As conditions of draft approval, the owner will be required to provide cash deposit to the City to deal with any grading issues, and agree to provide measures to prevent basement flooding in the proposed dwellings.</p> <p>The submitted Functional Servicing Report provides a framework for how the development can be serviced, and detailed design will take place through the draft approval.</p> <p>Site Engineering staff have no objections to the proposed development.</p>
<p>Suggestion to modify side yard setback from 1.2 to 1.5 m for properties fronting onto Bellview Crescent.</p>	<p>Staff are supportive of the 1.2 m proposed by the applicant. The spacing between the proposed houses is compatible with existing single detached homes.</p>
<p>Concern about potential mud on Bellview Crescent and Bellview Street as a result of construction.</p>	<p>As conditions of draft approval, the owner will be required to prepare and implement siltation and erosion control plans; and provide a cash deposit to the City to be used for dealing with non-compliance with City requirements for control of mud, dust and debris on roads.</p>

Conclusion:

Staff's analysis of the application for a Zoning By-law Amendment and Plan of Subdivision considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Act and the Regional and City Official Plans. This report recommends that the subject rezoning application be approved with modifications as outlined in Tables 1 and 2, and that Zoning By-law 2020-398 attached as Appendix B, to department of city building report PB-52-18 be adopted. Furthermore, this report recommends that draft approval be given for a residential plan of subdivision to facilitate the creation of five single detached lots and a block for part of a private road, subject to the conditions attached as Appendix C to department of city building report PB-52-18.

Respectfully submitted,

Rebecca Lau

Planner I

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Appendices:

- A. Sketches
- B. Proposed Zoning By-law Regulations
- C. Draft Plan of Subdivision – Proposed Conditions
- D. Public Comments

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.