



Community Planning Department

SUBJECT: Proposed Settlement for 5111 New Street - Official Plan and Zoning By-law Amendment

TO: Blake Hurley, Assistant City Solicitor

FROM: Kyle Plas, Coordinator of Development Review

Property Information:

1.0 Background:

On July 3, 2013, the proponents met with City and Halton Region staff to determine the requirements of a complete application under the Planning Act. At this pre-consultation meeting, the applicant was advised of the current Official Plan designation and Zoning By-law regulations and advised of the required applications and supporting reports, studies and plans needed before the application could be deemed complete.

On September 23, 2014, the Planning and Building Department acknowledged that a complete application had been received for an Official Plan and Zoning By-law Amendment for 5111 New Street to facilitate the development two (2) multi-unit residential apartment buildings, one measuring 12 storeys with 132 residential units and the other 17 storeys with 192 residential units. The applications were requesting site specific exceptions to allow for the development.

Staff initiated the public and technical circulation of the applications in September 2014 and the City scheduled a neighbourhood meeting that was held on November 18, 2014 at Robert Bateman High School which was attended by approximately 300 members of the public. At this meeting, planning staff provided a brief presentation of the planning process and introduced the applicant to provide an overview of the application.

A Statutory Public Meeting was planned for June 15, 2015; however, the meeting was postponed due to the uncertainty around flooding and servicing implications in the area resulting from the flood that occurred in the City in August 2014. In late 2016, the Region confirmed that the area surrounding the subject site was no longer considered a constrained area and that applications could proceed.

In November 2017, the applicants appealed the subject applications to the Ontario Municipal Board (now known as the Local Planning Appeals Tribunal) based upon non-decision of the City within the required time period set out by the *Planning Act*.

On July 31, 2020, the applicants submitted a Settlement Offer to the City for consideration. The settlement offer includes the following:

- Reduction in the height of the proposed buildings to achieve Official Plan conformity. The initial applications proposed two (2) buildings at 12 and 17 storeys respectively. The revised design now proposes three (3) buildings, two of which are at 12 storeys (i.e. Buildings 2 and 3) and one (1) building is at 9 storeys (i.e. Building 1).
- Re-orientation of the taller 12 storeys buildings (i.e. Buildings 2 and 3) toward the intersection of Pinedale Avenue and Timber Lane with the lower 9 storey building situated further west along Pinedale Avenue.
- An increase in the setback of the buildings from Pinedale Avenue from 3.0 metres to a minimum of 6.0 metres.
- Redesign of proposed buildings to achieve compliance with City's Urban Design Guidelines.
- Introduction of three (3) bedroom townhouse type units at the base of all proposed buildings with an additional landscape setback along the Pinedale Avenue frontage.
- Buildings along Pinedale Avenue have been shifted south to provide full 45-degree angular plane compliance.
- Restriction on balcony projections in order to comply with the intent of the existing By-law requirements.
- Enhanced landscaping including pavement treatment and planting have been provided to create a defined residential environment.

1.1 Site Description:

The subject lands, 5111 New Street, have an area of 6.7 hectares and are located at the north-east corner of Appleby Line and New Street. The lands are an entire City block and are bound by Appleby Line to the west, Pinedale Avenue to the north, Timber Lane to the east and New Street to the south. The property is the site of the former Appleby Mall and currently contains a variety of retail / commercial uses, in 5 separate building pods. The lands to the west of the site contain retail / commercial uses as well as a three-storey retirement home. The lands to the north contain a large townhouse development. One the east side of Timber Lane, the lands contain three 12-storey

apartment buildings and a large townhouse development. The lands to the south consist of a retail / commercial plaza and townhouse development.

The existing subject lands consist primarily of built structures and surface parking areas, with limited landscaping around the perimeter of the site.

1.2 Surrounding Land Uses:

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| North | Designated Residential – Medium Density comprised of townhouse units; Residential – Low Density comprised of semi-detached and single detached dwellings beyond; park space on Longmoor Drive and Sheraton Road. |
| South | Retail / commercial plaza designated Community Commercial at the south-east corner of Appleby Line and New Street; Residential - Medium-Density designated townhouse units; Church property; Residential – Low Density single detached dwellings beyond. |
| West | Retail / commercial plaza designated Community Commercial at the north-west corner of Appleby Line and New Street; Residential – Medium - Density designated 3-storey retirement home; Residential – Low Density single detached dwellings beyond. |
| East | Residential – High Density designation consisting of 3 – 12 storey residential apartment buildings; Residential – Medium density designation consisting of townhouse units; Elementary and High School and park land located beyond. |

REPORT FACT SHEET

RECOMMENDATIONS:		<i>Approval of the proposed settlement</i>	Ward No.:	5
Application Details	APPLICANT:	<i>First Capital (Appleby) Corporation</i>		
	OWNER:	<i>First Capital (Appleby) Corporation</i>		
	FILE NUMBERS:	<i>505-01/14 and 520-05/14</i>		
	TYPE OF APPLICATION:	<i>Official Plan and Zoning Bylaw Amendments</i>		
	INITIAL PROPOSED USE:	<i>12 storey building (132 residential units) and a 17 storey building (192 residential units) both buildings with retail at grade</i>		
	<u>REVISED PROPOSAL (July 2020)</u>	<u>3 residential buildings (9, 12 and 12 storeys) with a combined 368 residential units. No retail proposed.</u>		
Property Details	PROPERTY LOCATION:	<i>City block bound by New Street to the south, Appleby Line to the west, Pinedale Avenue to the north and Timber Lane to the east</i>		
	MUNICIPAL ADDRESSES:	<i>5111 New Street</i>		
	PROPERTY AREA:	<i>6.7 hectares (16.6 acres)</i>		
	EXISTING USE:	<i>Retail / Commercial</i>		
Documents	OFFICIAL PLAN Existing:	<i>Community Commercial</i>		
	OFFICIAL PLAN Proposed:	<i>Community Commercial with site specific amendment</i>		
	ZONING Existing:	<i>'CC1-402' (Community Commercial)</i>		
	ZONING Proposed:	<i>Site specific Community Commercial</i>		
Processing	NEIGHBOURHOOD MEETING:	<i>November 18, 2014</i>		
	PUBLIC COMMENTS:	<i>Staff received multiple emails and letters. Note: Some constituents sent multiple letters</i>		

2.0 Policy Framework and Review:

The proposed Official Plan and Zoning By-law amendment are consistent with the Provincial Policy Statement, conform to all applicable Provincial Plans; Halton Region Official Plan; reflect the policy direction of the City of Burlington Official Plan, have regard for matters of Provincial interest and represent good planning for the reasons set out in this report.

2.1 Conformity Analysis and 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.

Staff have reviewed and analyzed the planning merits of these applications and the most recent revisions (July 2020) within this policy framework as described below.

2.1.1 Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement (PPS) came into force and effect on May 1, 2020 and applies to decisions concerning planning matters occurring after this date. The PPS provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters “shall be consistent with” the PPS.

The PPS directs growth to settlement areas and promotes efficient development and land use patterns which sustain financial well-being of municipalities over the long term. The plan promotes appropriate densities and a mix of land uses that optimize use of land, infrastructure and public service facilities; promote energy efficiency and minimize negative impacts to air quality and climate change; and support transit and active transportation. The PPS requires that sufficient land be made available through intensification and redevelopment and, if necessary, designated growth areas.

In addition, the PPS directs planning authorities to identify appropriate locations and opportunities for intensification and to promote appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. The PPS directs planning authorities to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The PPS notes that where a provincial target is established through a provincial plan that the provincial target shall represent the minimum target, which in this case is the Growth Plan. The PPS sets out that new development within

designated growth areas shall have a compact form and contain a mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The PPS recognizes the importance of local context given the diversity of Ontario and that not all policies are applicable to every site and thus some flexibility in policy implementation is offered provided provincial interests are upheld. Further, the PPS identifies Official plans as the vehicle to identify and protect provincial interests and set out appropriate land use designations and policies that direct development to suitable areas. The City's Official Plan provides this policy framework and includes evaluation criteria for intensification proposals.

Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated taking into account existing areas and availability of suitable existing or planned infrastructure and public service facilities to accommodate needs. The appropriate locations and opportunities for infill and intensification are identified in the City of Burlington's Official Plan that provide policy framework and includes evaluation criteria for intensification proposals.

The housing policies of the PPS direct planning authorities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents of the regional market area. This is to be accommodated by promoting densities for new housing and establishing development standards for new residential intensification and development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety. The City's Official Plan intensification strategy has appropriately considered, planned for and implemented an effective strategy that directs growth towards underutilized or vacant parcels in existing communities and to the City's mixed use centres and intensification corridors which is consistent with the PPS.

Density and a mix of land uses should minimize the length and number of vehicle trips and support current and future use of transit and active transportation and improve connectivity within and among transportation systems and modes and between cross jurisdictional boundaries. New development adjacent to existing or planned corridors and transportation facilities should be compatible with and supportive of the long-term purpose of the corridor.

Opinion

Staff are of the opinion that the revised proposal is consistent with the policy directives of the PPS. The revised proposal represents an appropriate level of intensification within the urban boundary, efficient use of land and provides for a range and mix of housing types that promote the use of active transportation and transit before other

modes of travel. The revised proposal provides for an appropriate density and built form that represents compatible intensification.

The proposed revised development can be supported through use of existing infrastructure and public service facilities and the land is attractive for intensification given the proximity to existing transit routes, cultural and recreational resources, such as Centennial Pool and Community Centre, parks and an existing community commercial centre. The revised development proposal will provide a range and mix of housing types including apartment units and townhouse style units ranging from one bedroom to three bedroom units. The proposed development provides additional housing within the urban boundary that will appeal to various household types given the choice of unit types.

The initial submissions were circulated to all applicable agencies that included the Region of Halton, Conservation Halton, City department staff and other agencies and a coordinated approach was taken with respect to multi-jurisdictional features.

The initial technical studies submitted in support of the proposed development were reviewed and there were no significant issues identified that would have implications for the proposed intensification. The proposed intensification would contribute towards achieving the City's minimum intensification targets established by the Growth Plan, through the efficient use of land, infrastructure and resources.

Staff are of the opinion that the revised application is consistent with the policy directives of the PPS.

2.1.2 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 and provides a growth management policy direction for the defined growth plan area. The policies in the Growth Plan intend to build on the progress that has been made towards the achievement of complete communities that are compact, transit-supportive, and make effective use of investments in infrastructure and public service facilities. They also continue to ensure the protection of our agricultural and natural areas and support climate change mitigation and adaptation as Ontario moves towards the goal of environmentally sustainable communities.

The guiding principles of the plan include prioritizing intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability; supporting a range and mix of housing options to serve all sizes, incomes, and ages of households; and protecting and enhancing natural heritage, hydrologic, and landform systems, features and functions.

The Growth Plan contains population and employment forecasts to plan for and manage growth to the horizon of the Growth Plan (2041). The policies direct the vast majority of

growth to settlement areas and more specifically within delineated built-up areas and strategic growth areas where there is an existing or planned transit and public service facility.

The Growth Plan requires municipalities to develop and implement, through their official plans and other supporting documents, a strategy and policies to phase in and achieve allocated intensification and the intensification targets. Policies are to encourage intensification throughout the delineated built-up areas; identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas; encourage intensification generally throughout the delineated built-up area; and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

The Growth Plan supports the achievement of minimum intensification and density targets by identifying and considering a range and mix of housing options and densities and by planning to diversify overall housing stock across the municipality. Municipalities are to consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a wide range of household sizes and incomes. In addition, municipalities are to maintain at all times land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.

The Growth Plan supports the achievement of minimum allocated density targets through the consideration of a range and mix of housing options and densities and by planning to diversify the overall housing stock across the municipality. The Growth Plan notes that density targets are minimum standards and municipalities can go beyond these minimum targets, where appropriate.

Another focus of the Growth Plan is the planning and management of transportation systems that include the movement of people and goods. Transportation systems are to offer a balance of transportation choices to reduce automobile dependence and promote use of public transit and active transportation.

Public transit is to be a priority in transportation planning, and land use will be planned to achieve transit supportive densities and provide a mix of residential, office, institutional, and commercial development. In addition, municipalities are to ensure that active transportation networks provide for safe, comfortable travel for pedestrians, bicyclists and other users. The policies support the development and implementation of transportation demand management policies in Official Plan and other planning documents that reduce trip distance and time, increase alternatives to the automobile, prioritize active transportation, transit and movement of goods.

Opinion

The Growth Plan defines intensification as the development of a property, site or area at a higher density than currently exists. Staff support intensification of the site as it is located within the urban boundary at a location that is well served by existing transit and pedestrian infrastructure, has adequate servicing capacity and is in close proximity to community commercial uses to support the day to day needs of future residents.

The revised proposed development will provide a range and mix of housing types including apartment units and townhouse type units ranging one bedroom to three bedroom units. The proposed development provides additional housing within the urban boundary that will appeal to a range of household types given the choice of unit types. The surrounding area is comprised of similar housing types that include a mix of apartment buildings, townhouse units, semi-detached and single detached dwellings with a range of densities making the proposed revised applications compatible with the existing neighbourhood.

The subject lands are located on existing transit routes #4, 10 and 25, which run along Appleby Line, New Street and Pinedale Ave and provide access to the Appleby Go Station, Burlington GO Station, Downtown Burlington Bus Terminal and the Highway 407 Carpool Lot. This service provides connections to other routes and other areas of the City. The site is serviced by existing transit and will provide for pedestrian connections throughout the development and the surrounding neighbourhood.

Staff are of the opinion that the revised development proposal conforms with the policies of the 2019 Growth Plan.

2.1.3 Halton Region Official Plan

The Region's Official Plan (ROP) provides goals, objectives and policies to direct physical development and change in Halton Region. The ROP provides population and intensification targets for all of the 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). Given recent updates to Provincial policies and plans, the Region is currently undertaking a municipal comprehensive review to bring the Regional Official Plan into conformity with the new policies and plans and it is anticipated that through this conformity exercise the City will be allocated increased population and job distributions to 2041. The subject lands are designated in the ROP as "Urban Area".

The Urban Area is intended to accommodate future growth through increased densities and intensification that is compact and transit supportive in order to reduce the dependence on the automobile and facilitate active transportation. The ROP establishes that the range of permitted uses within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws, however, all development shall be subject to all other relevant policies of the ROP.

Within the Urban Area, the ROP policies support the achievement of densities higher than surrounding areas and mixed uses that support active transportation and ensure the viability of existing and planned transit for everyday activities promoting the development of vibrant and healthy communities. The ROP objectives for intensification areas are to provide an urban form that is complementary to existing developed areas, make efficient use of land and services and promote a diverse and compatible mix of land uses that create a vibrant and pedestrian-oriented urban environment.

The ROP supports the provision of an adequate mix and variety of housing to satisfy differing physical, social and economic needs. It further targets that at least 50% of new housing units produced annually within the Region be in the form of townhouses or multi-storey buildings.

All new development in the Urban Area is to be on the basis of connections to Regional Servicing. Regional staff note that there are existing services adjacent to the subject lands and there are no capacity-related servicing concerns at this time.

Opinion

Staff are of the opinion the proposed applications, as revised, are in keeping with the general intent and objectives of the ROP Urban Area policies by providing an urban form that is complementary to existing developed areas, making efficient use of land and services and providing a variety of housing to satisfy different needs.

Staff have reviewed the revised proposed applications and are satisfied that the development conforms to the Urban Area policies of the ROP and will also be consistent with the PPS and Provincial Growth Plan. Regional staff have no objection to the proposed Official Plan amendment and corresponding Zoning By-law amendment.

City staff are of the opinion that the revised applications comply with the ROP.

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

The City's Official Plan recognizes changes with respect to the future built form within the City. The Plan identifies that to meet the needs of the changing population, a broader mix of residential dwellings in terms of type, size, cost and ownership in a more compact form is required. It also encourages development that is served by various modes of transportation and located in close proximity to jobs, shopping and leisure areas. This direction is designed to maintain the established character of the City's neighbourhoods by directing growth towards underutilized or vacant parcels in existing communities, to certain mixed use corridors, and to the Downtown and Uptown.

The Official Plan land use vision is to direct growth in a manner that enhances the City's character while providing a broad range of opportunities. It also recognizes the

importance of environment and that as the City approaches a mature state, a significant amount of its future growth will be in the form of intensification and redevelopment within the existing urban boundary.

With intensification and redevelopment becoming more prominent, urban design will become increasingly important to integrate new development within the existing urban fabric. The Official Plan design principle states that tangible elements that form the urban landscape, including built form and open space, shall be designed in an efficient, attractive and compact manner to enhance the well-being of residents and reflect the vision of the Official Plan. New development is to preserve natural environmental features, be compatible and sympathetic to existing neighbourhood character, be well served by public transit with well-developed pedestrian environments and well-designed public realm. Preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of transit. The policies outline that the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with the surrounding area.

Official Plan Land Use

The City's Official Plan identifies the subject properties on two schedules:

- *Major Retail Areas* on Schedule A, Settlement Pattern;
- *Community Commercial* on Schedule B, Comprehensive Land Use Plan – Urban Planning Area.

Major Retail Areas

The lands designated as Major Retail Areas provide locations where the primary use of land involves the buying and selling of services and goods on a City-wide or community-wide basis. Objectives of this designation include providing sufficient land in the Urban Planning Area to accommodate anticipated retail growth, including an adequate supply of serviced land, choice of location and size of properties. In addition, these lands are intended to meet the market needs and locational criteria for such uses and minimize traffic impacts by providing these uses in appropriate locations.

Community Commercial Areas

Community Commercial areas shall provide a wide range of retail and service commercial uses. These areas are intended to serve as a focal point for community activity for the surrounding residential and business areas. These areas shall mainly be developed for retail and service commercial uses; however, office and residential uses may also be permitted. To that end, medium and high density residential uses to a maximum height of twelve storeys are permitted, subject to evaluation of site specific

criteria that may include traffic, land use compatibility and environmental factors, as described further in this report. Within this designation, the floor area devoted to freestanding residential uses, shall not exceed half of the total floor area on the property, which the applicants are proposing to amend. Residential uses shall be located in buildings exclusively used for residential use or in upper storeys of commercial buildings. The design and development of Community Commercial areas shall promote compatibility between the Community Commercial areas and adjacent land uses.

The City's Official Plan contains eleven evaluation criteria for proposals for new and/or expanding Community Commercial uses (OP, Part III, 4.4.2.h). The proposed development has been assessed against these criteria as follows:

i) The site plan includes features that integrate the commercial area with surrounding uses;

The proposed development is located in the north-east corner of the site, upon lands that are currently used for surface parking. The existing commercial buildings primarily present their main building facades to Appleby Line and New Street, and the proposed development would not impact that retail / commercial exposure. In order to ensure that appropriate pedestrian connections were provided and that the site remained permeable, a number of direct pedestrian connections have been proposed to both Pinedale Ave and Timber Lane. As such, direct pedestrian connections and access would ensure the proposed development remains integrated with the surrounding area.

ii) The site plan promotes safe, convenient and barrier-free pedestrian travel within the site, between the site and adjacent land uses and to and from transit stops;

As outlined above, a number of pedestrian connections are being proposed to ensure that pedestrian travel is safe, convenient and barrier-free. In addition, these pedestrian connections serve to provide appropriate connections to the existing transit route and stops that exist along Pinedale Ave.

iii) The number and location of access points to an arterial road shall be limited to minimize the disruption to traffic flows and to minimize the impact on local streets;

The proposed development would not result in any additional access points to the arterial roads of New Street or Appleby Line. The impacts of the proposed development on the collector streets of Pinedale Ave and Timber Lane are anticipated to be minor.

iv) Off-street parking areas, loading areas and service areas shall be screened and landscaped;

The proposed buildings would be located directly adjacent to Pinedale Ave and Timber Lane, which would screen the off-street parking areas, loading areas and service areas from the adjacent residential land uses. Further, the major loading areas and garbage collection areas would be internal to the proposed buildings.

v) The site plan promotes public safety;

Safety is a paramount consideration and staff is of the opinion that the appropriate steps have been taken with respect to site design to ensure that public safety has been promoted. These include limiting vehicular access points to the site, utilizing existing traffic movements, and providing new dedicated pedestrian connections and crosswalks.

vi) The proposal promotes convenient access to public transit services;

The proposed development has provided pedestrian connections to ensure that pedestrians can easily travel between the transit stops along Pinedale Avenue and the existing retail / commercial uses. In addition, the proposed buildings include direct access to Pinedale Avenue to encourage future residents of the buildings to utilize the existing transit services provided in the area.

vii) Off-street parking shall be located away from adjacent uses;

As outlined earlier, the proposed buildings would be located along the street edges of Pinedale Ave and Timber Lane. This would push the existing surface parking areas away from the adjacent residential land uses.

viii) Loading areas and service areas shall be located to avoid conflict between pedestrian and vehicular traffic and away from adjacent residential areas;

The proposed buildings and their front facades would be located directly adjacent to Pinedale Ave and Timber Lane, with the proposed loading and service areas being located internal to the site. As such, the loading areas and service areas would not conflict with the adjacent residential land uses. Further, the loading areas and garbage collection areas would be internal to the proposed buildings.

ix) Outdoor storage areas shall be fenced and/or screened;

No outdoor storage areas are being included as part of this proposal.

x) Lighting is directed to minimize impacts on adjacent residential uses;

The proposed location of these buildings would deflect any of the existing lighting that may spill over onto adjacent properties from the existing retail / commercial uses and surface parking lots. Lighting will be reviewed in greater detail as part of a subsequent site plan application; however, staff do not anticipate any lighting impacts for adjacent uses resulting from the proposed development.

xi) The major entrance(s) to the commercial centre building shall be located adjacent to the principal public transit stop(s) or a covered walkway shall be provided between the major entrance(s) to the shopping centre building and the principal transit stop(s);

The proposed development will not impact the existing retail / commercial use, nor will it negatively impact the connections between the retail / commercial uses and the transit route that runs along Pinedale Avenue.

Residential Intensification

The Official Plan encourages development within the urban area in accordance with Provincial growth objectives while balancing with other planning considerations such as infrastructure capacity, compatibility and integration with the natural environment, active transportation and housing opportunities in proximity to employment areas.

The policies provide for residential densities ranging up to 25 units per net hectare for low density residential uses, 26 to 50 units per net hectare for medium density residential and between 51 and 185 units per net hectare for high density.

The Official Plan encourages residential intensification as a means of increasing the amount of housing stock, provided that development is compatible and appropriate for the area, as outlined in Part III, Section 2.5.1 a):.

“to encourage residential intensification as a means of increasing the amount of available housing stock including rooming, boarding and lodging houses, accessory dwelling units, infill, redevelopment and conversions within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood”.

The City’s intensification strategy provides a balanced approach by targeting specific locations and areas for intensification. Applications to amend the Official Plan to more closely meet the general intent and intensification policies of the Official Plan and Places to Grow may be considered appropriate, dependent on the site specific application. This modified proposal represents intensification of a surface parking lot in an established neighbourhood, adjacent to existing residential neighbourhoods. The Official Plan contains criteria that must be assessed when considering proposals for housing intensification.

The Housing Intensification section of the Official Plan provides criteria that are to be considered when evaluating development proposals within established neighbourhoods. The objective of these policies is to encourage residential intensification as a means of increasing the amount of available housing stock within existing neighbourhoods provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood.

Intensification Evaluation Criteria

The City's Official Plan contains thirteen evaluation criteria for intensification proposals (OP, Part III, 2.5.2). The proposed intensification has been assessed against the Housing Intensification criteria as follows:

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 initial development application was circulated to Halton Region, the City's Capital Works Department and the local school boards for comment. In 2018, the Region confirmed that there are no capacity-related servicing constraints associated with the proposed development which can be serviced through existing services.

The two local school boards have advised that they have no objections to the application and that there will be sufficient capacity to accommodate the students generated from the proposed development.

Parks and Open Space staff have advised that adequate parking parkland exists to accommodate the proposed development. There are a number of parks within 0.8 km (10 minute walk) of the site, being Sheldon Park, Frontenac Park and Sheraton Park, as well as Sherwood Forest Park, which is 2.4km from the subject lands.

As such, there is adequate municipal services, school accommodation and parkland available to accommodate the proposed development.

ii) Off-street parking is adequate;

The OP encourages opportunities for Travel Demand Management measures to reduce single occupancy automobile use especially during peak travel periods, such as car-pooling programs, transit passes, etc. and identifies that reduced parking standards are to be evaluated by the City through the development approval process. The proposed development is requesting a reduction to the parking standards for the existing retail / commercial uses, relating primarily to the presence of the seasonal garden centre which is located on the subject property annually. For the months when the garden centre is not operational, the retail / commercial uses only have a minor parking deficiency, according to the City-wide Parking Standards Review (Council approved in 2019).

Parking Analysis				
Use	Parking Standard	Required Parking	Proposed Parking	Surplus / Deficit
Retail / Commercial	3.5 spaces / 100m ²	681 (includes seasonal garden centre)	586	-20 spaces (seasonal deficiency of 95 spaces for garden centre)
Townhouse Occupant	1 space / unit	30	498	+39 spaces
Townhouse Visitor	0.2 spaces / unit	6		
Residential Apartments	1 space / unit	338		
Residential Apartment Visitor	0.25 spaces / unit	85		
Service Vehicle Parking	1 space / 75 units	5	23	+18 spaces
Total		1145	1107	+37 spaces (seasonal deficiency of -38 spaces for garden centre)

Staff supports the parking totals proposed as they would make an efficient use of land, provide sufficient on-site parking and encourage alternative forms of transportation including transit usage and other forms of active transportation.

Staff are of the opinion that there is adequate parking provided to accommodate the existing retail / commercial uses on-site and to the proposed residential uses.

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;

The Traffic Impact Study (TIS) reviews intersection operations within the study area to determine the need for any improvements required to accommodate the existing and future traffic demands with the inclusion of the proposed development. The TIS reviews and analyzes existing AM and PM peak hour traffic, develops future traffic volumes and forecasts trips generated by the proposed development. The proposed development will be accessed via existing accesses along Pinedale Avenue and Timber Lane. The TIS concludes that, under future total traffic conditions, the study area street network can accommodate the proposed development and all existing signalized intersections will operate below capacity.

The TIS also reviewed refuse collection and fire route considerations and stipulates that all roads and road intersections have been designed to accommodate the appropriate turning radius required for a fire route and to satisfy the turning movement requirements of Regional and/or private solid waste refuse collection vehicles.

City Transportation staff have reviewed the initial application and the submitted Traffic Impact Study and Traffic Study Addendum and are satisfied with the analysis, conclusions and recommendations of the study concluding that the surrounding street network has adequate capacity to accommodate additional traffic demands associated with this development.

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

The subject lands are located on existing transit routes #4, 10 and 25, which run along Appleby Line, New Street and Pinedale Ave and provide access to the Appleby Go Station, Burlington GO Station, Downtown Burlington Bus Terminal and the Highway 407 Carpool Lot. This service provides connections to other routes and other areas of the City. The site is serviced by existing transit and will provide for pedestrian connections throughout the development and the surrounding neighbourhood.

Appleby Line and New Street are identified in the Official Plan as Primary Bus Service routes within the Long Term Transit Service Network which are anticipated to have increased peak period bus service frequencies of 15 minutes or better in the long term. In addition, Pinedale Avenue is considered a Secondary Bus Service route, which is anticipated to have peak period bus service frequencies greater than 15 minutes. As such, staff feel the site is well serviced by existing transit.

Pedestrian access is provided via sidewalks located on both sides of Appleby Line, Pinedale Avenue, Timber Lane and New Street, as well as internal to the site.

v) Compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided;

The Official Plan defines compatibility as “development or redevelopment that is capable of co-existing in harmony with, and that will not have an undue physical (including form) or functional adverse impact of, existing or proposed development in the area or pose an unacceptable risk to environmental and / or human health. Compatibility should be evaluated in accordance with measurable / objective standards where they exist, based on criteria such as aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals.” Although this definition has been deferred, it helps guide staff in reviewing applications with respect to compatibility given it is similar to other definitions established through Local Planning Appeal Tribunal decisions, such as *Motisi v. Bernardi* 1987 Carswell Ont 3719:

Being compatible with is not the same thing as being the same as. Being compatible with is not even the same thing as being similar to. Being similar to implies having a resemblance to another thing; they are like one another, but not completely identical. Being compatible with implies nothing more than being capable of existing together in harmony.

The goal is to create a development that is in harmony and responsive to the existing surrounding area. The subject lands are located adjacent to two minor arterial roadways being Appleby Line and New Street and two collector roads being Pinedale Avenue and Timber Lane with the lands adjacent to the north-east of the development area of the subject lands designated as Residential - High Density in the Official Plan which consist of three (3) existing 12-storey apartment buildings.

The proposed development, as revised, has incorporated similar housing typologies, heights, setbacks, built form and design features to integrate the proposal well with the existing built form adjacent to the north and east of the property. This is reflected through the provision of pedestrian scaled lower buildings (represents the first few storeys of a mid-rise building, including the ground floor and any additional floors with direct relationship to the street and public realm), with townhouse designs along the northern and eastern property lines adjacent to existing townhouse dwellings located on Pinedale Avenue and Timber Lane.

To minimize the impact of the development, the revised applications are proposing 45-degree angular planes for the 2 buildings proposed along Pinedale Avenue, such that an appropriate built form transition is provided to the existing townhouse units on the north-side of Pinedale Avenue. This type of angular plane ensures that any impacts related to height, overlook, and shadowing are appropriately mitigated.

Scale refers to the size or massing of a building in its setting in comparison with the size of massing of adjacent buildings. While the proposed scale and massing of the proposed development differs from the adjacent townhouse units on the north side of Pinedale Avenue, the proposed development has incorporated a number of urban design techniques to mitigate the impacts relating to the scale and massing and provide an appropriate transition to the existing built form.

The massing and height of the buildings is comparable to the three existing 12-storey apartment buildings that are located adjacent to the subject property along Pinedale Avenue.

The proposed development is providing more than the required amount of occupant and visitor parking for the residential uses in accordance with the City-wide Parking Standards Review. Transportation staff agreed with the conclusions of the

Transportation Impact Study that found the site will be providing adequate parking on-site to support the development.

Using the City's definition of compatibility, staff are of the opinion that the proposed development, as revised, is compatible and sympathetic with the local area context in terms of scale, massing, height, siting, setbacks to existing neighbourhoods, coverage, parking and amenity area. The proposed built form is capable of co-existing in harmony with the surrounding area and the proposed development will be able to appropriately mitigate any physical and / or functional adverse impacts on existing development in the area, as discussed further in this report.

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;

There are a number of private trees that would be impacted by the proposed development, and may require removal. Pursuant to Private Tree By-law 02-2020, approval may be required to remove trees located on private property. Staff have previously provided comments to the applicant with respect to the tree preservation / removals plan; landscape plan; streetscape plan and amenity area landscape plans that would be required as part of the implementation stage.

The proposed development has incorporated setbacks along Pinedale Avenue, Timber Lane and internal to the site, which will allow for the planting of additional trees within the municipal right-of-way as well as on the development site to appropriate buffer the proposed development and provide for well-designed streetscapes. Additional landscaping details will be required and reviewed at future site plan control applications. The landscape and streetscape plans will require that the developer submit detailed street and streetscaping design plans to ensure adequate street trees are provided and that sufficient soil volumes for proposed tree planting areas are provided.

Staff are satisfied that the effects on existing vegetation are minimized and appropriate compensation is provided to assist in maintaining neighbourhood character.

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

Staff are recommending that the applicants provide an updated Shadow Study, in accordance with the City's Shadow Study Guidelines and Terms of Reference, to the satisfaction of the City to demonstrate that the shadow impacts resulting from the proposed development will be appropriate and mitigated to the extent possible.

viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;

The proposed development would be located on the Appleby Village retail / commercial site and would also be within a short walking distance to three other shopping plazas being Appleby South (south-east corner of Appleby Line and New Street), Shoppers Drug Mart Plaza (south-west corner of Appleby Line and New Street) and the Appleby Square Plaza (north-west corner of Appleby Line and New Street) that provide a variety of commercial, retail, service commercial and office uses to meet day to day needs of residents including a grocery store, financial institutions, professional/medical offices and pharmacies. There are also a number of community and recreational facilities in close proximity to the subject lands including Centennial Pool and Community Centre, Robert Bateman High School, Frontenac Elementary School, city parks, and churches. The above noted community facilities and shopping centres are all located within an approximate 400 m radius (5 minute walk) of the subject lands.

ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts;

The proposed development provides adequate setbacks from the property lines to provide the ability for well-designed streetscapes, adequate amenity areas, landscaping and buffering between proposed buildings and the adjacent properties. The landscape and streetscape designs would be further refined during the site plan process and will determine the details with respect to green space, decorative hard surfacing and landscape plantings.

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

This proposal represents an intensification development of an under-utilized surface parking area and is another step towards revitalizing the subject property. Since the development is occurring on the periphery of the site, it is not anticipated that it would compromise any future redevelopment of the site. Notwithstanding, it is recommended that any future redevelopment on this site be looked at through a master plan or block planning process to ensure appropriate development and design.

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

The area that is proposed to be redeveloped is currently used as a surface parking lot with some existing trees located around the periphery of the site. There are no significant natural or cultural heritage resources or features that need to be protected. Should the existing landscaping be impacted by the proposed development, there are sufficient setbacks provided to ensure that additional landscaping can be provided.

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

There are no regulatory floodplain or valleylands associated with the proposed development area. As such, no land dedication to the City is required for the purposes of protecting existing natural features. This criterion is not applicable.

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.

The subject property is located at the periphery of an existing residential neighbourhood and has direct access to two minor arterial roads (Appleby Line and New Street) as well as two collector roads (Pinedale Ave and Timber Lane). In addition, the built form has been designed in such a way that scale and mass associated with the proposed development will allow the development to transition well to the adjacent residential properties. This is discussed further below in the Urban Design section.

Urban Design

The City of Burlington is committed to a high standard of design and architecture which is becoming increasingly important as the City continues to evolve. The design of the built environment should strengthen and enhance the character of the surrounding neighbourhoods. Intensification within existing neighbourhoods is to be designed to be compatible and sympathetic to the neighbourhood character. High quality of design must also consider interaction with the public realm encouraging opportunities to enhance and improve the quality of the public realm.

In March 2019, City Council approved Mid-Rise Building Design Guidelines. Planning staff have used these guidelines to review the proposed development. For the purposes of these guidelines, a mid-rise building is defined as being between five and eleven storeys. While two of the proposed buildings (closest to Timber Lane) are technically 12-storey buildings due to the 2-storey townhouse units within the podium, the rear portions of the buildings are only 11-storeys. As such, staff are willing to consider the proposed buildings as mid-rise buildings given that the proposed 2-storey townhouse features facing the abutting streets is a positive design feature.

The guidelines are grouped by the main components of a mid-rise building being the lower building and the upper building. Staff have completed a review of these components and guidelines of particular relevance in relation to the proposed development, as discussed below:

Lower Building

The lower part of the building contributes to a positive pedestrian experience at the ground level. It is important that the location and height of the lower building responds to its context to define the street edge and reinforce a human scale. Street level design elements such as clear glazing, and the organization of entrances and internal uses, further define the appearance of the building and create physical and visual connections between the private and public realms while promoting vibrancy and activity throughout the day.

- i. *Where street setbacks are established but differ on each side of the development site, the building should reconcile the difference;*

Comment: The podium setback along Pinedale Ave reconciles the setback differences that exist between the existing retail / commercial building to the west and the residential apartment building further to the east. Further the proposed setbacks along Pinedale Ave would establish a more pedestrian-oriented relationship by providing wider sidewalks, street trees, landscaping and active uses.

- ii. *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.*

Comment: The podium / townhouse units are set back between 6 – 9 metres from the Pinedale Ave property line, which provides sufficient space for landscaping, privacy and reflects the existing residential townhouse setbacks on the north side of Pinedale Ave. The proposed setback on Timber Lane has a smaller setback, but this façade does not abut townhouse units on the east side of Timber Lane.

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

Comment: The proposed buildings present residential facades to the adjacent streets and the adjacent residential uses. The main entrances, lobbies, vehicular access points, garbage and loading will all be located internal to the site to minimize impacts to the adjacent residential properties.

- iv. *On sites with multiple buildings, a minimum distance separation distance of 15 metres should be provided between buildings that face each other. This area*

should be clear of building projections such as balconies and cantilevers to allow sunlight to access the lower levels of the building. Depending on the building form wider separation distances may be appropriate, especially if there are residential units at or below the ground floor level.

Comment: The proposed buildings are separated by 15 metres to provide sufficient space in between. These separation distances increase as the buildings rise.

- v. *The spaces between buildings provide opportunities for physical and visual connections, mid-block connections should be provided on larger sites to create pedestrian and cycling links and overall site permeability, circulation, and connections to parks, open spaces, trails, and neighbouring amenities and resources beyond the site.*

Comment: The separations between buildings have been strategically located to align with the access points and driveways of the townhouse development to the north of the subject property. This provides visual connections to the existing retail / commercial uses and also provides permeability through the development to allow for circulation and connections to adjacent uses.

- vi. *When deciding on the 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; micro-climate (particularly impacts created by wind); etc.*

Comment: The height and scale of the lower portions of the building was a response to the existing low-rise townhouse context that exists to the north and east of the development site. Providing large step backs to the upper floors of the buildings reinforces the existing context and also shields the ground level and streetscapes from the wind impacts that may result from downwashing from the upper portions of the buildings.

- vii. *Design buildings so that the massing reinforces the street edge.*

Comment: The lower portion of the buildings have a 2-storey streetwall which is reflective of the surrounding context. In addition, the location and setbacks of the lower portion of the buildings will provide an appropriate street edge and will provide interest along the streetscape.

- viii. *Where a streetwall is not established, the streetwall for new mid-rise buildings should be limited to a height of 80% of the street width (up to a maximum of 6-storeys) with additional storeys stepping-back a minimum of 3 metres above the streetwall to maintain a human scale and minimize shadowing.*

Comment: The new streetwalls (i.e. lower portion of the buildings) will reflect the existing low-rise context that exists in the area. They will ensure an appropriate human scale and appropriate streetscape while minimizing shadow impacts. The generous step backs above the streetwall will also assist in reducing the overall massing and ensuring an appropriate transition to surrounding properties.

- ix. *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.*

Comment: The developers have attempted to reduce the overall massing of the proposed buildings through generous step backs of the upper floors. While the buildings are less than 60 metres in length, additional refinement may be necessary through the subsequent site plan process to break down and differentiate the building mass through architectural or design elements, such as colour and / or material variations and unique building articulation.

- x. *Balconies are encouraged and should be integrated into the building design and massing with inset or Juliette balconies. Projecting balconies should not be within the streetwall to avoid negative impacts to the public realm including additional building massing and shadowing.*

Comment: Balconies are provided as part of the proposed development and consist of both inset and projecting balconies. The projecting balconies are all well set back from the streetwalls in an effort to mitigate building massing.

- xi. *Stepping back upper level building volumes is encouraged to assist with transitions between neighbouring buildings with lower heights.*

Comment: Generous step backs have been included on the buildings abutting Pinedale Avenue in an effort to provide an appropriate transition to the neighbouring townhouses to the north.

- xii. *Where there are residential uses on the ground floor, design their principal entrance from the street. An elevated grade difference is appropriate to increase privacy for the building occupants, however, the change in grade from the public sidewalk to the front entrance should balance between privacy and maintaining an appropriate relationship to the street. Additionally, privacy should be considered through careful landscaping such as low fencing/walls, raised planters, railings and lighting to clearly define the public, semi-private and private spaces.*

Comment: The residential units that are part of the lower portion of the building (i.e. townhouse type units) have been designed in accordance with this guideline and will provide direct access to the abutting streets, with an appropriate relationship to these streets.

- xiii. *Access to parking, servicing and loading should be provided at the rear of the building, or a laneway if possible. On corner sites, access should be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.*

Comment: The proposed development will utilize the existing vehicular access points and will provide a single access to underground parking. Servicing and loading facilities are also being proposed internal to the proposed buildings.

- xiv. *At the block level, vehicular access should be consolidated where possible to serve multiple buildings within each block to minimize the number of interruptions in the streetwall and to reduce the number of potential conflicts with pedestrians and cyclists.*

Comment: The proposed development would utilize the existing vehicular access points and will provide a single access to underground parking, which would serve all three buildings. This would reduce the potential conflicts with pedestrians and cyclists.

- xv. *Servicing and loading should be accommodated internally within the building.*

Comment: The proposed design provides the ability for servicing and loading to be accommodated internal to the proposed buildings.

- xvi. *Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking.*

Comment: The majority of parking is proposed to be located underground. There are some parallel parking space proposed at grade to accommodate pick-ups and drop-offs; however, the occupant and visitor parking spaces would be located in the underground parking area.

- xvii. *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.*

Comment: A 3 metre underground parking structure setback has been provided around the perimeter of the entire development site to accommodate mature tree

and vegetation. The landscape details will be further refined through a subsequent site plan process.

- xviii. *Surface parking should be limited to visitor and retail / commercial parking and located at the rear of the building to be hidden from public view. Whenever possible, provide visitor parking in a convenient underground parking area adjacent to an elevator.*

Comment: The proposed surface parking would be located at the rear of the proposed buildings.

- xix. *The roof of a lower building can be landscaped and used as common and private outdoor amenity area for the residents of a development. Where possible utilize building rooftops as green roofs and/or usable private and shared outdoor amenity areas such as gardens.*

Comment: The roof of the lower building (i.e townhouse type units) is proposed to be used as outdoor amenity space for the residents. Green roofs and other sustainable design features could be incorporated into the final designs.

Upper Building

The upper part of the building contributes to the overall massing of the building form and its impact on the skyline and neighbouring properties. A variety of architectural and design elements such as horizontal and vertical articulation, upper floor step-backs, colour and materials should be used to visually describe the upper building and differentiate it from the components of the lower building. It is strongly recommended to architecturally integrate or hide structural elements such as the mechanical penthouse, elevator shafts, and telecommunication equipment from street-level.

- i. *Where the building fronts a street, step-back the upper floors a minimum of 3.0 metres above the streetwall to protect access to sunlight and sky view for streets while limiting shadowing. An additional step-back should be considered for buildings taller than seven (7) storeys in height. This additional step-back may be a minimum of 1.5 metres.*

Comment: Building #1 proposes a step back of 5.85 metres above the 2nd floor and an step back of 8.7 metres above the 7th floor. Building #2 proposes 8.95 metre step back above the 2nd floor and a 9.95 metre step back above the 8th floor. Building #3 proposes a step back of 3 metres above the 2nd floor and a 4.5 metre step back above the 9th floor.

- ii. *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.

Comment: Since Buildings #1 and #2 are directly adjacent to the existing low-rise townhouse units on the north side of Pinedale Avenue, these buildings have been designed to comply entirely with a 45-degree angular plane measured from the north side of Pinedale Avenue. Building #3 does not comply with the 45-degree angular plane from Timber Lane as there is high density residential apartment buildings located immediately adjacent on the east side of Timber Lane.

- iii. Above the streetwall, or the sixth storey for taller buildings, a minimum building separation distance of 20.0 metres should be provided to reduce impacts such as overlook and shadowing.*

Comment: The proposed upper portions of the buildings are all separated 20 metres or greater to reduce shadowing, provide sunlight penetration to the street level and allow for greater sky views.

- iv. The design and placement of upper storeys should be carefully considered to minimize the size of shadows on neighbouring properties. A shadow study should be provided with mid-rise building applications to demonstrate the impacts at the spring and fall equinoxes (approximately March 21 and September 21, respectively).*

Comment: Staff are recommending that the applicants provide an updated Shadow Study, in accordance with the City's Shadow Study Guidelines and Terms of Reference, to the satisfaction of the City to demonstrate that the shadow impacts resulting from the proposed development will be appropriate and mitigated to the extent possible.

- v. Balconies are encouraged within the upper building to provide private outdoor amenity areas and additional articulation. They may be inset or project but should have a minimum depth of 1.5 metres to provide functional space. Generally, balconies should be sized according to the number of residents the unit is intended to house.*

Comment: Balconies are proposed for all three buildings with a mixture of inset and projecting balconies.

- vi. *Balconies and other projections should be contained within all angular planes and setbacks and shall not protrude into the public realm (over sidewalks).*

Comment: The proposed balconies are all within the proposed angular planes and are appropriately set back from the lower portions of the buildings.

- vii. *Design the building top to clearly distinguish it from the lower portions and to further reduce the building massing. This should include additional physical building setbacks, stepbacks, colour and material variations, and unique articulation.*

Comment: Additional step backs have been provided for the top levels of the upper portions of the proposed buildings (i.e. above the 7th floor) which assists in reducing building massing. Further design refinements are anticipated through the subsequent site plan process.

In summary the proposed development utilizes urban design and the City's mid-rise design guidelines as a method of ensuring compatibility with the surrounding developments.

The ground-related built form of the lower portions of the buildings provide a compatible interface with the adjacent townhouse built form. The proposed buildings incorporate suitable massing, setbacks, step backs and spacing to facilitate a desirable transition with the surrounding community.

The lower portions of the building fronting on Pinedale Avenue and Timber Lane have been designed to create a strong urban edge and enhance the overall pedestrian realm and streetscape.

A network of sidewalks will reinforce a pedestrian-oriented development with multiple linkage opportunities to the existing sidewalk network surrounding the proposed development. The proposed development would allow for permeability and interconnections that support active transportation. The proposal will provide a consistent streetscape and public realm design to help define the character of the neighbourhood.

Opinion

Staff are of the opinion that the proposed development is consistent with the policies and intent of the Official Plan. The proposed development, as revised, encourages development that is served by various modes of transportation and is located in close proximity to jobs, shopping and recreation areas. The proposal is providing the development of a mix of residential unit types at an appropriate density within the urban boundary on an underutilized parcel that provides for efficient use of land, infrastructure and services.

The revised proposal is compatible with adjacent building typologies, scale, massing, setbacks, step backs and building heights and provides an appropriate transition between the proposed development and the existing neighbourhood. It is also supplying adequate off-street parking and there is existing public transit located along Appleby Line, New Street and Pinedale Avenue. The proposed development has access to local collector and minor arterial roads and can be accommodated by the existing road network surrounding the development. As well, there are community services and community shopping centres located within close walking distance to the subject lands.

2.1.5 Burlington's New Official Plan (adopted April 2018)

The City's New Official Plan was adopted by Council on April 27, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. Halton Region has identified areas of non-conformity, and as such, the adopted Official Plan will be subject to additional review and revision prior to its approval. Further, City Council has directed a staff review and public engagement process to consider potential modifications, As a result, no weight is placed on the policies of the adopted Official Plan in the review of these applications at this time.

2.1.6 Zoning By-law 2020

The subject lands are currently zoned 'CC1-402' Community Commercial, which permits a variety of uses including retail and commercial uses, office uses, hospitality uses, automotive uses, entertainment uses as well residential uses on the 2nd and 3rd floors of a mixed use building. The applicants are proposing to amend the amend the zone category for the developable area of this property to a site specific 'CC1' with an exception to permit stand-alone residential apartment buildings on-site with zone requirements that allow for efficient use of the lands. An overview of the existing and proposed zoning requirements, as well as a comparison of the 'RH4 – High Density Residential' zone provisions have been broken down and provided in the table below.

Zone Regulation	Existing 'CC1' Zone Requirements	Existing 'RH4' Zone Requirements	Proposed	Comment
<i>Lot Width</i>	<i>150 m</i>	<i>45 m</i>	<i>264 m</i>	No changes required
<i>Lot Area</i>	<i>2 ha</i>	<i>0.2 ha</i>	<i>6.7 ha</i>	No changes required
<i>Front Yard</i>	<i>6 m</i>	<i>7.5 m plus 1 m for each storey above 6 storeys to a max of 15 m</i>	<i>Pinedale Ave: 6 m min.</i>	Along Pinedale Ave – no changes required
<i>Street Side Yard</i>	<i>6 m</i>	<i>7.5 m plus 1 m for each storey above 6 storeys to a max of 15 m</i>	<i>Timber Lane: 3 m min</i>	Staff support the reduction to the street side yard setback in order to create a defined street edge and appropriate streetscape. The larger setbacks in the existing RH4 zone are more representative

				of a 'tower in the park' form of development, which is not encouraged.
<i>Side Yard</i>	<i>3 m</i>	<i>½ height of the building plus 1 m for each 5 m wall length exceeds 30 m</i>	<i>>85 m</i>	No changes are required.
<i>Rear Yard</i>	<i>6 m</i>	<i>½ height of the building plus 1 m for each 5 m wall length exceeds 30 m</i>	<i>>185 m</i>	No changes are required.
<i>Yard abutting a Residential Zone</i>	<i>9 m</i>	<i>15 m plus 1 m for each storey over 6 plus 1 m for each 5 m wall length exceeds 30 m</i>	<i>Not applicable as the subject lands do not directly abut a residential zone</i>	No changes are required.
<i>Building Height</i>	<i>3 storeys up to 12 m max</i>	<i>12 storeys</i>	<i>12 storeys up to 44.7 m</i>	The proposed building heights would include the mechanical penthouses which are 6 m in height. The proposed heights have been stepped back so that the upper portion of the buildings is completely outside of the 45-degree angular plane along Pinedale Ave. The proposed height is reflective of the 12-storey buildings east of Timber Lane.
<i>Density</i>	<i>Not applicable</i>	<i>Min: 50 units per hectare Max: 100 units per hectare plus an additional 10 units per hectare for each 3% increase in enclosed parking to 150 units per hectare</i>	<i>55 units per hectare over entire property 338 units per hectare over development site</i>	The proposed density is reflective of a medium – high density development proposal. Higher densities can be accommodated in appropriate areas of the City, if the built form is properly designed and integrates well into the existing urban fabric. Staff is of the opinion that the proposed development complies with the direction outlined in the City's Official Plan and also achieves compliance with the City's Mid-Rise Building Design Guidelines.
<i>Floor Area Ratio</i>	<i>Not applicable</i>	<i>Max 1.25:1</i>	<i>0.51:1 measured over entire property 3.1:1 measured over development site</i>	The floor area ratio provides a way to evaluate and manage bulk and built form as it relates to the site's property and overall context. The proposed FAR reflects an appropriate range for a mid-rise development and suggests that the proposed built form is appropriate for this site.
<i>Landscape Area and Buffer</i>	<i>Abutting a street: 6 m Abutting a residential zone: 9 m</i>	<i>4.5 m abutting a street having a deemed width up to 26 m 6m abutting a street having a deemed width</i>	<i>3 m abutting Pinedale Ave and Timber Lane</i>	The proposed built form attempts to balance the need to create an appropriate street edge while ensuring the proposed development provides sufficient space for landscaping to create an aesthetically pleasing streetscape and reflect the existing context. Staff have no concerns with the requested relief.

		<i>greater than 26 m</i>		
<i>Loading / Unloading</i>	<i>No loading / unloading within 20 m of a residential zone Loading / unloading docks shall be screened from adjoining residential zone</i>	<i>Not applicable</i>	<i>>35 m</i>	No changes are required.
<i>Parking</i>	<i>Parking chart included on page 16 of this analysis.</i>			Staff are of the opinion that there is adequate parking provided to accommodate the existing retail / commercial uses on-site and to the proposed residential uses.
<i>Amenity Area</i>	Minimum 20m2 per residential unit	25m2 per bedroom; 15m2 per efficiency	20m2 per residential unit	No changes are required.

The proposed development, as revised, provides for a more intensive form of residential development that was not originally anticipated by the Zoning By-law. As such, the proposed development complies with the majority of the zoning regulations, save and except for provisions relating to a mid-rise built form, including building height. Notwithstanding, the Official Plan provides for buildings up to 12 storeys in height within the Community Commercial designation, which is intended to be reflected by the Zoning By-law, where appropriate.

Staff propose that the enacting zoning by-law amendment rezone only the proposed development area to a site specific ‘CC1’ zone to permit the proposed development.

3.0 Technical Reviews

The original applications were circulated to internal departments and external agencies for review. Written responses to the technical circulation were received from Halton Region, Halton District School Board, Halton Catholic District School Board, Bell Canada, and the City’s Transportation Department, Capital Works Department and the Sustainable Development Committee. No objections were identified by these agencies.

It should be noted that there are a number of technical studies that are still outstanding and will need to be completed to the City’s satisfaction. Staff would recommend to the Local Planning Appeals Tribunal that, should the Tribunal approve the proposed development in this matter through a settlement or contested hearing, that the Tribunal withhold its order approving the development until these additional items are completed to the satisfaction of the City. Once completed to the satisfaction of the City, the Tribunal would issue its order. The outstanding technical studies include an updated Shadow Study (completed in accordance with the City’s Shadow Study Guidelines and Terms of Reference); a Tree Inventory and Vegetation Management Plan; a Noise

Study; an updated Functional Servicing Report and an Environmental Site Assessment (Updated Phase 1, Phase 2 or Record of Site Condition).

4.0 Conclusion

The revised applications have been reviewed in accordance with applicable Provincial, Regional, and Municipal planning policies and staff are of the opinion that the revised proposal is consistent with these documents and represents an appropriate level of intensification, efficient use of land and provides a range and mix of housing types that promote the use of active transportation and transit.

The proposal, as revised, will provide a mix of residential unit types at an appropriate density within the urban boundary on an underutilized parcel that provides for efficient use of land, infrastructure and services. The revised proposal is compatible with adjacent building typologies, scale, massing, setbacks and building heights. The revised proposal also provides an appropriate transition between the proposed development and the existing neighbourhood to the north and east which are designated as Residential - Medium Density and Residential – High Density within the Official Plan.

The revised development is proposing an appropriate number of parking spaces. The proposed development has access to both a local collector roads being Pinedale Avenue and Timber Lane and minor arterial roads being Appleby Line and New Street. The Transportation Study concluded that the street network could accommodate the additional traffic associated with the proposed development. There is also existing public transit located along Appleby Line, New Street and Pinedale Avenue and community services and community shopping centres located within close walking distance to the subject lands.

Staff are satisfied that the applicant has made appropriate modifications in an effort to reduce the overall impact of the development on the neighbouring properties. The revised applications are consistent with the Provincial Policy Statement, conform to all applicable Provincial Plans, The Region of Halton Official Plan and the City of Burlington Official Plan and have regard for matters of Provincial interest. The applications, as revised, can be considered compatible with surrounding land uses and represent good planning for the reasons identified in this report.

As such, Staff are satisfied with proceeding by way of a Settlement Hearing before the Local Planning Appeals Tribunal for the revised proposal on the condition that the Local Planning Appeals Tribunal withhold its order on any settlement decision until the additional technical studies, as requested by the City, are completed to the satisfaction of the City.

Respectfully submitted,

Kyle Plas, MCIP, RPP

Coordinator of Development Review

Appendices

A – Revised Detailed Development Concept