SUBJECT: Recommendation for official plan and zoning by-law amendments at 2421-2431 New Street

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-32-19

Wards Affected: 2

File Numbers: 505-02/18 & 520-02/18

Date to Committee: November 12, 2019

Date to Council: November 18, 2019

Recommendation:

Modified approval of the applications for official plan and zoning by-law amendments made by TRG (New-Guelph) Inc. (c/o Weston Consulting), 2100 Old Lakeshore Road, Burlington ON L7R 1A3, to permit the development of two (2) joined 11-storey buildings on the site consisting of a retirement home building and a residential apartment building; and

Approve Official Plan Amendment No. 117 to the City of Burlington Official Plan, as contained in Appendix B to department of city building report PB-32-19, to re-designate the lands located at 2421-2431 New Street from “Neighbourhood Commercial” to “Residential High Density” and to modify the “Residential High Density” policies to include site specific policy for the subject lands; and

Deem that Section 17(21) of The Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 117 as contained in Appendix B to department of city building report PB-32-19 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal; and

Approve, in principle, the zoning regulations provided in Appendix C to department of city building report PB-32-19, to rezone the lands at 2421-2431 New Street from Neighbourhood Commercial “NC” to a site specific Residential High Density “RH4-503” with a Holding “H” prefix, subject to Residential Development Agreement conditions as

provided in Appendix D to department of city building report PB-32-19 and the provision of Community Benefits; and

Direct the Executive Director of Community Planning, Regulation and Mobility to hold discussions with the applicant to secure community benefits in accordance with Section 37 of the Planning Act and Part VI, Section 2.3 of the City's Official Plan, as they relate to the requested increase in height and density on the subject property, and to return to Council with a report outlining the recommended community benefits and the implementing Zoning By-law Amendment.

Purpose:

The purpose of this report is to provide recommendation for modified approval of the applications for Official Plan Amendment and Zoning By-law Amendment for the property known as 2421-2431 New Street. The development applications propose two (2) 11-storey buildings, containing an apartment building and a senior's retirement home. A portion of the ground floor area of the apartment building is proposed for a community institutional use for senior's programming. Planning Staff are recommending a modified approval of the development application to require the development to provide additional front and side of building stepbacks as well as increased setback of the underground parking structure from the front lot line. The subject applications align with the following objectives of the City of Burlington's Strategic Plan 2015-2040:

A City that Grows

- Intensification
  1.2 a) *Growth is being achieved in mixed-use areas and along main roads with transit service, including mobility hubs, downtown and uptown.*

The application proposes to intensify the subject lands with a mix of uses including residential, retirement home, and community institutional space. The lands are located on New Street, a minor arterial road and transit route.

- 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*.

The application proposes to develop the site with two (2) 11 storey buildings with a mix of studio, 1 and 2-bedroom units. The buildings will offer retirement home units and traditional residential units.

REPORT FACT SHEET

RECOMMENDATION:		Modified Approval	***Ward:***	2
Application Details	***APPLICANT:***	Weston Consulting		
	OWNER:	The Rosseau Group (TRG New-Guelph Inc.)		
	FILE NUMBERS:	505-02/18 & 520-02/18		
	TYPE OF APPLICATION:	Official Plan Amendment Zoning By-law Amendment		
	PROPOSED USE:	Two (2) joined 11-storey buildings comprised of a retirement home (197 units) and a residential apartment building (145 units)		
Property Details	***PROPERTY LOCATION:***	North side of New St., west of Guelph Line		
	MUNICIPAL ADDRESSES:	2421-2431 New Street		
	PROPERTY AREA:	0.7 hectares		
	EXISTING USE:	Commercial plaza and restaurant		
Documents	***OFFICIAL PLAN Existing:***	Neighbourhood Commercial		
	OFFICIAL PLAN Proposed:	Residential High Density		
	ZONING Existing:	Neighbourhood Commercial – CN1		
	ZONING Proposed:	Residential High Density – RH4-exception		
Processing Details	***NEIGHBOURHOOD MEETING:***	May 16, 2018		
	APPLICATION RECEIVED:	Received February 2, 2018 Deemed Complete February 22, 2018		
	STATUTORY DEADLINE:	Elapsed		
	STATUTORY PUBLIC MEETING	January 15, 2019		
	PUBLIC COMMENTS:	457 households were circulated. 21 comments from 16 correspondents, and 4 public delegations at the Statutory Public Meeting.		

Background and Discussion:

On February 2, 2018 the Department of City Building received an application for an Official Plan and Zoning By-law Amendment for 2421-2431 New Street. On February 22, 2018 Planning Staff acknowledged that the application submitted was complete. The application proposed two (2) joined 11-storey buildings comprised of 223 units geared to seniors living in the west building, and 139 residential units in the east building. Appendix A of this report provides a location sketch of the subject lands and a detail sketch of the proposed development, as well as proposed building elevations.

On June 19, 2019 the applicant submitted a complete resubmission for review.

Site Description

The subject properties, known as 2421 and 2431 New Street are located on the north side of New Street, approximately 75 metres west of Guelph Line. Currently the subject property is occupied by three separate low-rise commercial/retail buildings, one being a stand-alone restaurant on the south-east corner of the lot. Access to the subject property is currently provided from three driveways off New Street. The property is generally rectangular in shape, has a combined area of approximately 0.7 hectares and has approximately 80 meters of frontage along New Street.

Surrounding land uses include:

- North: Single detached dwellings along the cul-de-sac known as Karen Drive.
- West: 6-storey residential condominium apartment building and a 3-storey residential apartment building, both zoned Residential High Density (RH1).
- South: four 4-storey apartment buildings zoned Residential High Density (RH1), two (2) 11-storey apartment buildings zoned RH1-443, and a commercial plaza at the corner of New Street and Guelph Line zoned Neighbourhood Commercial (CN1).
- East: Gas station zoned Neighbourhood Commercial (CN1) and Roseland Plaza further east at the north-east corner of Guelph Line and New Street.

Application Description

Weston Consulting, on behalf of TRG (New-Guelph) Inc., has made applications for an Official Plan Amendment and Zoning By-law Amendment for the subject lands. These applications have been made to permit the development of two (2) joined 11-storey buildings comprised of a retirement home in the west building and a residential apartment in the east building. The buildings are proposed to be joined on the 6th and 7th floor, with the 7th floor being exclusively used for the care of residents with dementia

and are referred to as memory care units. Both buildings are proposed to be terraced down to 6 storeys at the back. The development proposes a combination of underground and surface parking, with the majority of spaces being provided in an underground parking structure. Vehicles are proposed to enter the site from a single driveway off New Street between the two proposed buildings. There are no dwelling units proposed on the ground floor of either building.

The development proposal was submitted in February 2018 and consisted of 223 units in the retirement home building (including 32 memory care units), 139 units in the residential apartment building, and a total of 319 parking spaces. A 2-level underground parking structure was proposed. The initial development proposal contemplated indoor amenity area on the ground floor of both buildings. A hammerhead vehicle turn-around was proposed to be located at the north end of the site and included an area for pick-up of waste storage. Full details of the original development application can be found in Report PB-05-19.

The applicant provided a resubmission of the development proposal in June 2019 for consideration. All materials for the application, including resubmission materials, are available on the development application webpage for the proposal: www.burlington.ca/2421NewStreet.

The revised submission includes a reduction in the number of retirement home units to 197 (including 33 memory care units), an increase in the number of apartment units to 145, and an increase in the on-site parking to 360 spaces. The additional parking spaces are proposed to be accommodated in a third level of underground parking. The hammerhead vehicle turn-around area has been removed and replaced with an open, landscaped area. Waste storage has been moved from the north end of the site to internal to the proposed buildings. The proposed underground parking structure setback has been increased on the north end of the property to 5.5 metres in order to retain the mature cedar hedgerow at the north end of the property. The proposed buildings have been setback further from the property line abutting New Street to 3 metres to the balconies and 5.5 metres to the building wall on floors 1-5. An additional 1.5 metre building stepback has been incorporated from floors 6-11. The development is also proposed to accommodate a community use on the ground floor of the apartment building. The proposed community use would provide recreational programming to seniors in the Burlington area.

Planning Staff have reviewed the most recent submission by the applicant and are generally supportive of the application to provide additional housing for seniors as well as residential intensification in a compact built form. Planning Staff are also supportive of the application to allow a community use on the ground floor of the residential building. However, to ensure that massing of the building is respectful of its context,

Planning Staff are recommending a modified approval of the application to incorporate additional building stepbacks on the upper building front and sides.

Furthermore, the property is known to be affected by groundwater contamination from an off-site source. Prior to any development occurring on the site, the applicant will need to demonstrate that the contamination can be mitigated, to the satisfaction of the Ministry of the Environment, Conservation and Parks (MOECP). The applicant has proceeded by way of a Risk Assessment to demonstrate to that the contamination affecting the site can be mitigated. Prior to the finalization of the Risk Assessment and acknowledgement from the MOECP, a Holding Zone must be applied to the property. The applicant must satisfy the conditions of the Holding Zone prior to receiving the full land use permissions prescribed by the modified Zoning By-law Amendment.

Policy Framework

The application for Official Plan Amendment and Zoning By-law Amendment is subject to the following policy framework:

PROVINCIAL POLICY FRAMEWORK

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) came into effect on April 30, 2014 and provides broad policy direction on matters related to land use and development that are of provincial interest. Decisions affecting planning matters made on or after April 30, 2014 are required to be consistent with the PPS. The PPS directs that growth and development be focused within established settlement areas (PPS, 1.1.3.1). The PPS provides policies for appropriate development within settlement areas based on efficient use of land and infrastructure, minimized negative impacts to air quality and climate change, support for active transportation and transit, and a range of uses and opportunities for intensification (PPS, 1.1.3.2). In planning for intensification and redevelopment within settlement areas, the PPS directs that new development shall have a compact built form and a mix of uses and densities that allow for the efficient use of land (PPS, 1.1.3.6). With regard to housing, the PPS directs that planning authorities provide an appropriate range and mix of housing by permitting all forms of housing required to meet social, health, and well-being requirements of current and future residents, including special needs requirements (PPS, 1.4.3 b). New housing shall be directed to locations within settlement areas that have appropriate levels of infrastructure and public service facilities, and shall support the use of active transportation and transit (PPS, 1.4.3 c and d).

Planning Staff have considered the policies of the PPS with regard to this development application. The subject lands are located within the settlement area of the City of Burlington east of the City's downtown core. The development is located on a minor arterial road which is serviced by local bus routes. The proposed development of two (2) 11-storey buildings on the subject lands for retirement home use and residential use increases the residential density of the site in a compact built form and supports a range and mix of housing to serve the needs of current and future residents of the City. Senior's housing is considered a form of special needs housing, as defined in the City's Official Plan and the retirement home portion of the development supports the policy of the PPS to encourage all forms of housing including housing for persons with special needs. The site is proposed to utilize existing public infrastructure to support the new development. The intensification proposed for the site is in an area of the City that is well served by local public facilities including libraries, parks, public schools, hospitals, and emergency services. For these reasons, Planning Staff find that the development proposal is consistent with the policies provided by the PPS.

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

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

The application for redevelopment of the subject lands with two (2) 11-storey buildings with a combination of residential and retirement home uses supports the policies of the Growth Plan by increasing the diversity of housing options to accommodate people at all stages of life. The proposed buildings provide these uses in a compact built form in an area served by existing public transit routes. The development is proposed on full municipal water and wastewater services and can be supported by the local transportation infrastructure. Planning Staff have reviewed the applications and find that the proposed development of a retirement home and residential apartment building on the subject lands conforms with the policy direction provided by the 2019 Growth Plan.

REGIONAL POLICY FRAMEWORK

Halton Region Official Plan

The Region of Halton's Official Plan (ROP) provides goals, objectives and policies for land use development in Halton Region. The ROP provides intensification targets for all

local municipalities, including the City of Burlington. The ROP identifies that the City is expected to meet a minimum intensification target of 8,300 new dwelling units constructed within the Built Up Area between 2015-2031 (ROP, 56, Table 2).

The subject lands are designated as "Urban Area" in accordance with the ROP. The Urban Area designation supports residential intensification and the development of vibrant, mixed-use communities with opportunities for housing, work and leisure. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws, and that all development shall be subject to the policies of the ROP (ROP, 76). With regard to housing, Sections 84, 85 and 86 of the ROP provide direction to ensure an adequate supply and mix of housing stock throughout the Region, including the provision of affordable, assisted, and special needs housing. Section 89(3) of the ROP requires that all new development within the Urban Area designation be connected to the Region's municipal water and wastewater systems. Section 147(17) of the ROP requires that, prior to considering any development application, the applicant must identify if there is any potential for soil contamination. As noted, the subject lands are known to be affected by soil contamination originating from an off-site source.

Halton Region staff were circulated on the development application and associated technical studies and drawings. Regional staff have indicated that the applicant's functional servicing report is satisfactory for the rezoning and Official Plan amendment application. Due to the known soil contamination on the property, the Region has required that a Holding "H" zone be placed on the lands until such a time as the Region is satisfied with the Ministry of the Environment Conservation and Parks Record of Site Condition or documentation from a Qualified Professional that demonstrates that the lands are suitable for the intended use.

Burlington Planning Staff have reviewed the application against relevant policies of the ROP. The application proposes residential intensification within the urban area on full municipal services and the proposed development increases the diversity and supply of housing in the Urban Area of Burlington. Planning Staff concur with the requirement of Regional Staff to place a Holding "H" zone on the subject lands to ensure the lands can be developed as proposed in consideration of the known soil contamination. As such, Planning Staff find that proposed local Official Plan Amendment and associated Zoning By-law Amendment conform to the policies of the ROP.

CITY OF BURLINGTON POLICY CONTEXT

City of Burlington Official Plan

The subject lands are designated as Neighbourhood Commercial in the City's Official Plan. The objective of this designation is to provide opportunities for limited commercial centres within, and at the periphery of residential neighbourhoods in locations that meet residents' day-to-day and weekly goods and service needs. Residential uses are

permitted in the Neighbourhood Commercial designation, provided they are located on the second or third storey of a building with commercial uses at grade.

This development application seeks to redesignate the property to the Residential – High Density designation. The City's Official Plan states that Housing Intensification is encouraged within the Urban Planning Area in accordance with provincial planning policies, while recognizing that the amount and form of intensification must be balanced with other planning considerations such as infrastructure capacity and compatibility with existing residential neighbourhoods. In the Residential – High Density designation, either ground or non-ground-oriented housing units with a density between 51 and 185 units per net hectare are permitted.

An objective stated in the Official Plan is to maintain a supply of assisted and special needs housing and integrate this form of housing in all neighbourhoods throughout the City (OP, Part III, Section 2.6.1). Senior's housing is recognized as a form of special needs housing in the City's Official Plan. The City's Official Plan provides policy direction to encourage the supply and integration of senior's housing throughout the City (OP, Part III, Section 2.6.2 g). The applicant has proposed 33 memory care units in the development, which are not intended to be provided with full culinary and sanitary facilities. The Official Plan states that these 33 units may be exempt from the calculation of density (OP, Part III, Section 2.6.2 h). The intention of this policy is to recognize that while the function of the units is residential, the residents of these units require the care and assistance needed similar to a hospital or long-term care facility.

The density proposed by the applicant is 207.1 units per hectare for the residential apartment building, and 234.3 units per hectare for the retirement home building, excluding the 33 memory care units as per the Official Plan policy in Part III, Section 2.6.2 h). The resulting density of units on the site is 441.4 units per hectare.

The applicant is also proposing to use a portion of the ground floor of the residential apartment building for a community facility for senior's support services and programming. The permitted uses within the residential land use designations include uses that are compatible with, complementary to, and serve the residential use of the land (OP, Part III, Section 2.2.2 a). The proposed community facility for seniors programming is compatible with the retirement home use proposed for a portion of the subject lands.

While the proposal to redesignate the property from Neighbourhood Commercial to Residential - High Density results in the loss of the existing commercial plaza on the lands, the area is well served by retail and commercial centres close by. Roseland Plaza is located at the north-east corner of New Street and Guelph Line, and commercial uses extend north along Guelph Line leading to major retail centres like Burlington Mall. The proposal to include community institutional space for seniors on the ground floor of the residential building will provide a space for users not only from the immediate development but from the surrounding neighbourhood as well.

Part III, Section 2.5 of the City's Official Plan provides objectives and policies related to housing intensification. Intensification, as a means of increasing the amount of available housing stock, is encouraged, provided the additional housing is compatible with the neighbourhood (OP, Part III, Section 2.5.1 a). Non-ground oriented housing is encouraged as a form of housing intensification at the periphery of existing residential neighbourhoods (OP, Part III, Section 2.5.1 b). The proposal for intensification of the subject lands is for two (2) 11-storey buildings. The proposed re-development is situated immediately south of an established residential neighbourhood. Applications for intensification within established neighbourhoods are required to satisfy specific evaluation criteria outlined in Part III, Section 2.5.2 of the OP. Staff assessment of these criteria for the subject application is provided 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.

Comments received from Halton Region indicate that the functional servicing report submitted in support of the application is satisfactory for the purposes of the Official Plan Amendment and Zoning By-law Amendment. Comments received from the City's Site Engineering staff indicate that the stormwater management proposed for the site is acceptable, subject to the addition of two more catch basins at the rear of the property. Comments from the two local school boards indicated no objection to the development and that capacity exists to accommodate students generated from the development at schools within the area. The subject lands are located less than 250 metres east of Central Park along New Street.

Conclusion: Adequate municipal services are available to accommodate the increased demands generated from this site. This criterion has been met.

ii) Off-street parking is adequate.

The development application is proposing 360 parking spaces on the site, with 350 provided below grade and 10 provided at-grade. The parking rates considered for this development include residential (apartment) for the 145 residential units, retirement home for the 164 retirement home units, long-term care for the 33 memory care units within the retirement home building, and community institutional for the senior's recreation and support services located at grade. The applicant has proposed to provided parking for the site which meets with the rates recommended through the *2017 City-Wide Parking Standards Review* by IBI Group, as noted in the Zoning By-law section of this report.

Conclusion: This criterion has been met.

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.

New Street is considered a minor arterial road according to Schedule J of the City's Official Plan, and therefore the ingress and egress criterion is satisfied.

The applicant submitted a Traffic Impact Study update in April 2019. This updated study investigated the traffic impact of the development with the removal of the New Street Road Diet pilot project. Transportation Planning staff concurs with the applicant's traffic impact assessment and has no concerns with the traffic that would be generated by the proposed development.

Conclusion: The criterion regarding capacity of the municipal transportation systems has been met.

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

New Street is served by Burlington Transit routes #10 (New-Maple), #50 (Burlington South night route) and #52 (Burlington Northwest night route), with Route #10 offering service every 20-30 minutes, and Routes #50 and #52 offering late night service hourly. The closest westbound bus stop for routes #10 and #52 is located 75 metres west of the subject lands at New Street and Beverly Drive. The closest eastbound bus stop for routes #10 and #50 is approximately 120 meters from the site (along the sidewalk and network) at the south-west corner of New Street and Guelph Line.

Conclusion: Given the transit availability near the subject lands, this criterion has been met.

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 existing residential neighbourhood immediately surrounding the site is comprised of a 6-storey residential apartment building to the west, and detached dwellings located to the north. The neighbourhood character is therefore mixed between higher density residential uses and lower density

residential uses. An examination of the compatibility of the proposed buildings in relation to these two contexts is provided below. Planning Staff have reviewed the built form of the proposed development using the City's Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (referred to as the 'Mid-Rise Design Guidelines'), approved in March 2019.

Scale

The scale of the development in relation to the 6 storey residential apartment building to the east has been considered by the use of a 1.5 metre stepback on the front of the building at the 6th storey to define the streetwall on New Street. The City's Mid-Rise Design Guidelines suggest that a minimum 3 metre stepback be provided to distinguish the lower building and streetwall portion of the building from the upper building components. The stepback assists in lessening the building scale as perceived from the street. Given that the proposed 11-storey building will be the tallest building along this block of New Street, Planning Staff recommend a 3m building stepback at the front of the building starting on the 6th floor in accordance with the Mid-Rise Design Guidelines.

Similarly, the building scale on the sides of the building would better fit the existing and future building context if additional building stepbacks were provided. As proposed, the building is to be setback 7.5m from the building wall and 6.0m from the balconies to the side property lines to the east and west. In accordance with recommendations of the Mid-Rise Design Guidelines, Planning Staff are recommending a modified approval to require an additional stepback of 2.5m from the 6th to 11th floor, resulting in a building wall setback of 10m and a minimum balcony setback of 7.5m. This additional side yard building stepback on the upper building levels will result in the building meeting the intent of the recommended upper building separation from what is suggested by the Mid-Rise Design Guidelines.

The rear of the proposed building has been reduced to 6 storeys in height to maintain compatibility with the low-density residential uses located to the north. The majority of the 6-storey building form fits within the 45-degree angular plane, and Planning Staff have suggested additional minor building setbacks for the 6th floor and 7th floor rooftop terrace edge to ensure that all of these elements fit within the angular plane.

Subject to the modifications to the building stepbacks and setbacks recommended by Planning Staff, the building scale is compatible with the existing neighbourhood character.

Massing

The massing of the proposed buildings is appropriate at the rear of the property in the 6-storey building form. The lowest and narrowest profiles of the proposed buildings are located closest to the lot line abutting the low-density residential uses to the north. As noted, the proposed buildings fit within the 45-degree angular plane to the property line abutting the low-density residential uses, subject to the minor modifications recommended by Planning Staff. The massing of the proposed buildings at the front and sides of the property will be improved by way of the additional building stepbacks proposed by Planning Staff as noted in the discussion of building scale in this report. The proposed east and west building elevations (side walls) require additional massing stepbacks to break up the visual appearance of a single, 11-storey building wall from the side property lines. For this reason, Planning Staff recommend an additional 2.5m building wall stepback on the building sides starting at the 6th floor. Subject to the modifications proposed by Planning Staff, the proposed buildings can be considered compatible with the surrounding neighbourhood character.

Height

The proposed building height represents a substantial increase to what is permitted as-of-right by the current Official Plan designation of Neighbourhood Commercial (which permits 3-storeys). However, the siting of the proposed building and general building massing has resulted in an 11-storey building that will fit within a 45-degree angular plane to the lot line abutting the low-density residential uses to the north, subject to the modifications to the 6th floor building setback and 7th floor rooftop terrace setback recommended by Planning Staff. At the front of the building, facing New Street, the lower building section closely aligns with the height of the adjacent 6-storey building to the west. Residential apartment buildings located on the south side of New Street range from 4 to 11-storeys in height, and therefore, the building height proposed through this application is similar to what exists in the surrounding areas. With regard to building height, Planning Staff consider the proposed buildings to be compatible with the existing neighbourhood character.

Siting

The proposed buildings have been sited so that a 45-degree angular plane can be achieved from the property line abutting the low-density residential

properties to the north. The proposed buildings have been sited closer to the front of the property to generally align with the established building setbacks along the north side of New Street on this block. The longer building faces are located along the side property lines, resulting in narrower building components at the rear yard interface. The siting has resulted in a generous rear yard amenity area for the future residents of the buildings. With regard to building siting, Planning Staff consider the proposed buildings to be compatible with the existing neighbourhood character.

Setbacks

The proposed building setbacks of the lower building form (floors 1-5) are acceptable to Planning Staff. Likewise, the reduction of the building massing to 6-storeys and proposed rear yard setback assists in providing compatibility with the adjacent low-density residential properties to the north. The proposed setbacks of the upper portion of the building require adjustment to ensure compatibility with the streetscape of New Street and adjacent properties on either side of the development. As noted previously in this report, Planning Staff are recommending modified approval to require a 3m building stepback at the front of the building starting at the 6th floor, as opposed to the 1.5m stepback proposed by the applicant. The additional building stepback recommended by Planning Staff assists in reducing the upper building scale and massing along the New Street frontage. This building face stepback aligns with the recommendations of the City's Mid-Rise Design Guidelines. The building design proposed by the applicant provided one 7.5m building wall setback (6.0m to the balcony) for the 11-storey building. Planning Staff have recommended that a 2.5m building stepback be provided along the building sides starting at the 6th floor. The additional side of building stepback will assist in providing adequate separation of taller building elements, should adjacent properties develop with a taller mid-rise building form. Subject to the modifications recommended by Planning Staff, the building setbacks can be considered to be compatible with the surrounding neighbourhood character.

Coverage

The applicant has proposed buildings which take up approximately 35% of the site area at grade. The remainder of the site is developed with landscaped and hardscaped area and a limited area for parking (10 spaces), driving and drop-off. The proposed building setbacks and site design allow for a large landscaped open space area at the back of the property and amenity area at the sides of the buildings. The proposed rear yard amenity area abuts the

rear yard amenity space of the two low-density dwellings to the north. The applicant has amended their below grade building area to ensure the long-term protection of the cedar trees along the rear property line. Planning Staff feel that the proposed building coverage is appropriate in terms of compatibility with the surrounding neighbourhood character.

Parking

Motor vehicle parking on the site is proposed primarily in an underground parking structure, with limited parking proposed at grade. The applicant has proposed bicycle parking racks in front of the residential building entrances. The applicant has proposed 3 levels of underground parking to accommodate the majority of onsite vehicle parking for the residential apartment building, retirement home and community facility space. The above grade parking area is setback in the courtyard between the two buildings and not visible from the street which assists in providing the maximum frontage of active uses at grade in each of the two buildings. The parking area is setback approximately 16 metres from the rear property line, resulting in a generous buffer between the parking area and the adjacent low-density residential uses. The parking rate proposed by the applicant aligns with the recommended rates in the 2017 City-Wide Parking Standards Review for the proposed uses. However, given the potential mobility challenges faced by seniors parking on the site, Planning Staff are recommending that 10% of the required visitor and occupant parking for the retirement home be provided as accessible spaces. This represents an increase from the Zoning By-law requirement of 3% accessible parking for these uses.

Amenity Area

The proposal includes outdoor common amenity area at-grade at the rear of the property, as well as along walking paths at the sides of the building. Outdoor amenity area is also proposed as a rooftop terrace at the back of the building on the 7th floor. This rear terrace space is proposed only for use by the residents and staff of the memory care suites. A rooftop terrace on the 8th floor is provided as additional amenity space for the residents of the apartment building. All units in both buildings (with the exception of the memory care suites) are provided with private outdoor amenity space in the form of a balcony. Indoor amenity area is provided on the ground floors of each building and is also provided on the 7th floor exclusively for the residents of the memory care suites. A total of approximately 10,000 square metres of amenity area is provided throughout the site to support the 342 units

proposed. Units in the residential building are proposed to be provided with approximately 27 square metres of amenity area per unit. Units in the retirement home building are provided with approximately 29 square metres of amenity area per unit. Memory care residents are proposed to have approximately 37 square metres of amenity area per unit.

There are two properties which share the rear lot line with the subject lands. The proposed rear yard common amenity area at grade abuts the rear yard amenity areas of the low-density residential dwellings on Karen Drive. The interface is appropriate as the uses at-grade in the amenity area on the site are passive and informal, and the amenity area is primarily landscaped with soft landscaping elements up to 8 metres from the rear property line.

Conclusion: As modified by Staff, compatibility is achieved with the existing neighbourhood character and represents an appropriate transition between lower density and higher density residential uses.

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 subject lands are currently characterized by mature trees at the side and rear property lines. The majority of the site is currently developed with impermeable asphalt paving and commercial buildings.

The applicant's arborist surveyed a total of 106 trees for the purposes of the development application. Two (2) trees were identified as City trees within the boulevard of New Street, 25 trees were identified as being located on neighbouring properties, 36 were identified as being located wholly on the subject property (including a stand of 35 white cedar trees at the back of the property), and 43 trees were identified as boundary trees with the majority located near the east side of the property. All trees surveyed are shown to be preserved by way of tree protection fencing as shown on the applicant's tree inventory and preservation plan submitted by the consulting arborist. The proposed setback of the underground parking structure 5.5m from the rear property line will also assist in ensuring the viability of the cedar trees at the north end of the site.

The applicant's landscape concept plan depicts new plantings of deciduous and coniferous trees throughout the site. Further review of the viability of these plantings will be conducted at the Site Plan stage.

Planning Staff feel that the retention of the on-site trees assists with preserving the neighbourhood character and enhances the compatibility of the site to the low density residential uses to the north.

Conclusion: This criterion has been met.

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

The sun-shadow study submitted by the applicant depicts the sun shadow cast by the development in the months of June, March and December during the times of 9:30am (morning), 12:30pm (mid-day) and 3:30pm (afternoon).

The proposed rear yard setback and 6 storey building height at the back of the building positively impact the shadow cast by the development. While the shadow cast by the development impacts rear yards of residential properties, this is primarily in the morning, resolving by mi-day. The December shadow is the longest, however, the amenity areas of the impacted properties are likely to be less used during this time of year. Planning Staff find that the proposed sun-shadowing is acceptable since it does not impact any property for extended periods of time.

Conclusion: This criterion has been met.

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

The subject lands are located within 120 metres of Roseland Plaza which offers a mix of commercial, retail, office, and restaurant uses. Joseph Brant Hospital is located approximately 3.2 kilometers east of the subject lands. Central Park offers a mix of community uses including a public library, a senior's centre, a curling club, an arena facility, and large park space. The central area of the park is approximately 570 metres from the subject lands along the street network.

Conclusion: This criterion has been met.

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

The proposed development is immediately adjacent to a neighbourhood of single detached dwellings to the north. In order to provide adequate buffering between uses, the City's Zoning By-law requires that high density residential developments provide a landscape buffer of 6 metres between these uses.

The applicant is proposing a 17 metre setback from the 6-storey portion of the buildings to the rear property line. The reduced building height and rear yard setback allows the majority of the rear portion of the building to fit within a 45-degree angular plane. Planning Staff are recommending a modified approval to increase the setback slightly, in order to have all building components fit within this angular plane. Further, the applicant has proposed to retain the existing, mature cedar hedgerow at the north end of the property and has provided a 5.5 metre setback to the underground parking structure. The retention of the cedar hedgerow and underground parking structure setback allows for a landscape buffer that can provide year-long visual screening and an area were landscaping can mature without being compromised by maintenance of the underground structure.

Conclusion: Subject to the modifications recommended by Planning Staff to the rear yard setback, this criterion has been met.

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

The lands adjacent to the site along New Street may re-develop in the future. The adjacent lands are sufficient in size to accommodate future development, independent of the development of this parcel.

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

No features have been identified on the site, and therefore this policy is not applicable.

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

These two policies are not applicable to the subject property as it is not located within a regulated floodplain or near a watercourse, and it is not located in the South Aldershot Planning Area.

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 proposed development consists of two (2) 11-storey buildings, which are considered non-ground oriented housing. The lands are located along New Street, with direct vehicular access onto this street. New Street is classified as a minor arterial road in Schedule J of the City's Official Plan. As noted in the assessment of compatibility of the proposal, the proposed built form, scale, and profile of the development provides an appropriate transition between the building and the existing residential uses around the site.

The City's Official Plan policies for residential intensification and associated compatibility criteria have been considered with respect to the application. The application generally satisfies the Official Plan objectives and policies to encourage residential intensification that is compatible with, and peripheral to, the existing residential neighbourhood. The development of a retirement home use on the site also assists in achieving the Official Plan objective to maintain a supply and to integrate special needs housing, in the form of seniors housing, in all neighbourhoods.

While Planning Staff are generally supportive of the application for intensification on these lands for the purpose of seniors housing and additional residential intensification, the proposed building envelope needs additional refinement to ensure that the building massing is appropriate on all elevations. As discussed, modifications are required to the building setbacks to the front and side lot lines on the upper portions of the building.

Planning Staff are of the opinion that the retirement home and residential use and the density proposed for the site can be supported, subject to site specific modification as specified in the Zoning By-law regulations discussed later in this report. The proposed uses and density adequately supports the City's objectives for intensification as prescribed in the City's Official Plan and represents good planning.

City of Burlington Adopted Official Plan, 2018

The City's proposed New Official Plan was adopted 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 intersection of Guelph Line and New Street is identified as a Neighbourhood Centre in the adopted Official Plan. Halton Region has identified areas of non-conformity, and as such, the adopted Official Plan will be subject to additional review prior to its approval. Further, City Council has directed a new staff review and public engagement process to consider potential modifications to the adopted Official Plan in the area of the Downtown as outlined in the Appendix C, Scoped Re-examination of the

Adopted Official Plan: Proposed Terms of Reference to staff report PB-47-19, *Work Plan for the scoped re-examination of the adopted Official Plan*. In addition, a minor desktop review of the Neighbourhood Centres policies will be undertaken. As a result, no weight is placed on the policies of the adopted Official Plan in the review of this application at this time.

City of Burlington Zoning By-law

The subject property is zoned Neighbourhood Commercial (CN1) in the City of Burlington's Zoning By-law No. 2020. The CN1 zone permits various uses including retail, service commercial, office, community, automotive, entertainment & recreation, and residential uses in buildings up to 3 storeys in height.

The Zoning By-law Amendment proposes to rezone the property to a site specific Residential High Density (RH4). The RH4 zone permits apartment buildings up to 12 storeys, stacked and back-to-back townhouse, street townhouses, as well as retirement homes. Planning Staff are recommending modifications to certain site-specific RH4 zoning regulations proposed by the applicant in order to address the building massing, separation, and setbacks. A summary of the proposal with respect to the RH4 zoning regulations is provided in the following table:

Table 1: RH4 Zone Requirements and Proposal

Regulation	RH4 Zone Requirement	Proposed by Applicant	Amendment Required
Permitted Uses	Residential Apartment Retirement Home	Residential Apartment Retirement Home Community Institution Memory Care Units	**Yes**
Comment: A community institutional space is proposed on the ground floor of the residential apartment building to provide recreation and support services to seniors in the community. The proposed area for the community institution use is 540m^2. Given the retirement home use proposed on the site, the inclusion of a community institutional space geared to seniors is supported by Planning Staff. Memory Care Units are not a defined land use in the City's Zoning By-law and therefore, a definition of these units is to be provided in the amending Zoning By-law regulations.			
Min. Lot Width	45m	80m	No
Min. Lot Area	0.2 ha	0.7 ha	No
Front Yard	13.5m	To building wall: Storeys 1-5: 5m	**Yes** **(Subject to modifications**

	(7.5m + 1m for each storey above 6)	Storeys 6-11: 6.5m To balcony and overhang: Storeys 2-6: 3.5m Storeys 8-11: 5m	**by Planning Staff)**
Comment: The front yard setback proposed for the building (floors 1-5) and balconies (floors 2-6) is sufficient for providing a boulevard planting area at grade and responds well to the front yard setbacks of existing uses along this block of New Street (ranging from approx. 1.6m to 5.9m). However, Planning Staff do not feel that the proposed 1.5m building wall stepback proposed starting at floor 6 is sufficient for reducing the building massing along New Street. Planning Staff are recommending a modified approval requiring a 3m building stepback at the front of the building starting at the 6th floor. Planning Staff have recommended this additional stepback to assist in reducing the upper building massing along New Street, and more clearly define the lower building as the streetwall. The 3m building stepback is consistent with the recommended building stepbacks for mid-rise buildings as provided in the City's Mid-Rise Design Guidelines.			
Side Yard	18.7m (1/2 height of building + 1m for every 5m wall segment beyond 30m)	East: 6m to balconies 7.5m to building wall West: 6m to balconies 7.5m to building wall	**Yes** **(Subject to modifications by Planning Staff)**
Comment: As proposed, there is no variation in the building wall setback along the side property lines and the building lengths are approximately 67m. Planning Staff recommend a modified approval to require that an additional 2.5m side yard stepback be provided from 6th floor to the top of the building, resulting in a 10m side yard setback to the building wall and 7.5m setback to the balcony edge and roof overhang. The incorporation of additional stepbacks on the building sides results in adequate separation of the taller building elements from surrounding properties. The 10m setback equates to half of the recommended building separation for taller buildings as provided in the City's Mid-Rise Design Guidelines. The provided setback, as modified by Planning Staff, ensures adequate building separation should adjacent sites redevelop with a mid-rise building form.			
Yard abutting R2.3 zone (rear property line)	20m (15m + 1m for every storey above 6)	Storeys 1-6: 17.2m to balcony 18.7m to building wall Storeys 7-10: 29.7m to balcony 31.2m to building wall Storey 11:	**Yes** **(Subject to modifications by Planning Staff)**

		32.7m to balcony 35m to building wall	
Comment: The proposed setback abutting the rear property line and the adjacent R2.3 zone places the majority of the building within a 45-degree angular plane. Further, the retained trees along the rear property line provide an enhanced visual buffer. A small area of the 6th floor projects into the 45-degree angular plane, and therefore Planning Staff are recommending a modified approval to require that the building wall on the 6th floor be setback to 19.1 metres from the rear property line, and the balcony rail on the 7th floor rooftop terrace railing be setback a minimum of 20.2 metres from the rear property line. With these modified setbacks, the buildings will fit within the 45-degree angular plane and the rear yard setbacks are acceptable to Planning Staff.			
Density	Max. 150 units/ha for residential uses	Apartment: 207.1 units/ha Retirement: 234 units/ha Total: 441 units/ha	**Yes**
Floor Area Ratio (FAR)	1.25:1	3.68:1 (both buildings)	**Yes**
Comment: The City's Official Plan permits that units for special needs housing that are not equipped with full culinary and sanitary facilities can be exempted from density calculations. The proposed memory care units on the 7th floor of both buildings have been removed from the calculation of density since the residents of these units are living within an institutional environment for their care. While the zoning regulations of the RH4 zone contemplate a density measure for residential uses, the same is not used for retirement homes, instead Floor Area Ratio (FAR) is used. However, given that the site is proposing a combination of these uses, and the building height and setbacks will be regulated by the amending Zoning By-law, Planning Staff recommend that FAR not be applicable to the site. The proposed maximum density for the site is supportable given the compact built form of the site, the significant reduction to surface parking, and the compatibility of the proposed building form (as modified by Planning Staff).			
Building Height	12 storeys	11 storeys + mechanical penthouse	No
Comment: Planning staff have included a provision in the draft zoning regulations to ensure that building height does not exceed 11 storeys and to ensure that the connecting building area is located on the 6th and 7th storeys only.			
Amenity Area	25m^2/bedroom 15m^2/efficiency Required: 9,620m^2	Proposed: 10,034m^2 including all common outdoor and indoor amenity areas, as well as private balconies	No
Landscape Area abutting New St.	6m	0m	**Yes**
Comment: The front of the property is proposed to be developed as a combination of soft landscaping, tree planting, and hardscaping to act as an active boulevard extending from the public sidewalk to the front of the building. While the proposed area in front of the			

proposed building does not meet the Zoning By-law definition of a 'Landscape Area', the combination of hardscaping and paths mixed with areas for seating, flower beds, and tree planting assists in creating a vibrant pedestrian environment along this corridor of New Street and provides additional informal gathering space for residents of both the retirement home and residential building.			
Landscape Buffer Abutting R2.3 zone	6m	5.5m	**Yes**
Comment: The proposed landscape buffer provided at the north end of the site retains the stand of mature white cedar trees which extends the width of the rear property line. Retention of this stand of mature trees assists in providing a compatible transition to the low-density residential uses to the north by visually screening the proposed building and at grade uses, as well as limiting overlook into these rear yards. The applicant has also proposed a setback of the underground parking structure 5.5m from this rear lot line, ensuring the long-term survival of this mature stand of trees.			
Parking:			
Enclosed occupant parking	75%	100%	No
Required parking per use	Parking rate required	Parking rate proposed	
Apartment Building (based on 145 units)	Occupant: 1 bdrm:1.25/unit 2 bdrm:1.5/unit Visitor: 0.35/unit Service: 1/building Total: 242	Occupant: 1 bdrm: 1.0/unit 2 bdrm: 1.25/unit Visitor: 0.2/unit Service: 1/ 75 units Total: 184	**Yes**
Retirement Home (based on 164 units with estimated 20 employees shared with Memory Care)	Occupant: 0.5/unit Employee: 0.85/emp. Visitor: 0.25/unit Service: 1/building Total: 141	Occupant/Employee: 0.6/unit Visitor: 0.25/unit Service: 1/50 units Total: 144	
Memory Care Units (based on 33 units)	Employee: 0.85/emp. Visitor: 0.25/bed Total: 9	Employee/Visitor: 0.35 /bed Total: 12	
Community Institution	1 space/4 persons capacity Total: 20	1 space/4 persons capacity Total: 20	

<table>
<tr><td colspan="4">Comment: The applicant has proposed a parking rate that aligns with the updated parking rates provided in the 2017 City-Wide Parking Standards Review prepared by IBI Group. The parking rate proposed for the Memory Care units is consistent with the parking rates proposed in the 2017 City-Wide Parking Standards Review for long term care facilities although these units do not themselves strictly meet the Zoning By-law definition for as long term care units. The proposed parking is substantially provided in 3 levels of underground parking. Planning Staff support the parking rate proposed by the applicant based on the proposed uses for the site.</td></tr>
<tr><td colspan="4">Accessible Parking:</td></tr>
<tr><td>Apartment Building</td><td>Occupant: 6 spaces
Visitor: 2 spaces

Total: 8 acc. spaces</td><td rowspan="4">3% of all proposed parking

Total proposed: 12</td><td rowspan="4">Yes
(Subject to modifications by Planning Staff)</td></tr>
<tr><td>Retirement Home</td><td>Occupant: 2 spaces
Visitor: 1 space</td></tr>
<tr><td>Memory Care Units</td><td>Visitor: 1 space</td></tr>
<tr><td>Community Institutional</td><td>1 space</td></tr>
<tr><td colspan="4">Comment: The applicant has based their proposed accessible parking on a 3% of the total number of parking spaces provided on the site. While this percentage is reasonable for the residential apartment building use, the proposed accessible parking provided for the retirement home, memory care and community institutional use is not sufficient. The retirement home and memory care suites will likely need a higher ratio of accessible parking to meet the needs of residents and their visitors. Likewise, the community institutional use proposed for the site is proposed to provide recreational and support services to a senior population. The City’s Zoning By-law requires that institutional uses provide a minimum of 1 accessible parking space, however where out-patient services are provided on a site, 10% of the required parking shall be designated as accessible. Planning Staff are recommending modified approval, requiring 10% of all occupant and visitor parking for the retirement home, memory care and community institutional use be provided as accessible spaces. This will ensure that the mobility of the population using the site for these purposes is being fully considered. Based on the proposed unit count in the retirement home from the applicants most recent submission, the site would need to provide a minimum of 9 accessible spaces for retirement home residents, 5 spaces for retirement home visitors, 1 space for memory care visitors, and 2 spaces for the community institutional use, resulting in 17 accessible parking spaces for these uses and 8 accessible spaces for the residential apartment building (total 25 accessible spaces).</td></tr>
<tr><td>Setback from window of habitable room on first level to driveway or parking space</td><td>6m to parking
9m to driveways</td><td>No ground level units proposed</td><td>No</td></tr>
</table>

Parking lot setback abutting New Street	4.5m	Exceeds 4.5m	No
Number of Driveways	1	1	No
Setback of parking and driveways from R2.3 zone	6m	16m	No
Underground parking structure setback	3m from all lot lines	East: 3m West: 3m North: 5.5m South: 0.7 (New Street)	**Yes** **(Subject to modifications by Planning Staff)**
Comment: In order to ensure minimal disturbance to the pedestrian environment on New Street during construction, and to ensure soil depths for long-term tree planting in front of the proposed buildings, Planning Staff recommend modified approval of this regulation requiring a minimum 3m setback to the south property line, abutting New Street.			
Underground parking structure encroachment into required landscape buffer	No encroachment	5.5m Encroachment of 0.5m into required 6m landscape buffer	**Yes**
Comment: The proposed underground parking structure is setback in line with landscape buffer of 5.5m proposed by the applicant. The setback of the underground parking structure will allow for adequate distance to maintain a root area for large trees, including the existing white cedars to be retained. The proposed 5.5m setback maintains the intent of the 6m required landscape buffer setback required by the RH4 zone and is acceptable to Planning Staff.			
Off-street loading	2 (1 space per building)	1	**Yes** **(Subject to modifications by Planning Staff)**
Comment: The two buildings on the site serve unique groups of residents and therefore Planning Staff recommend that the required off-street loading spaces be provided as per the regulations of the Zoning By-law (1 loading space per building).			

Conclusion:

The proposed Zoning By-law Amendment requested by the applicant will facilitate the development of a residential apartment building and a retirement home building on the site. Planning Staff are proposing a modified approval of the requested Zoning By-law Amendment in order to increase the upper building setbacks at the front and sides of

the building, to require a greater parking structure setback abutting New Street, to increase the amount of accessible parking spaces on the site, and to require an additional loading space on the property. Recognizing that the modified setbacks proposed by Planning Staff may have an impact on the interior layout of the building and underground parking structure, Planning Staff have opted to prescribe a maximum density and FAR on the site per use, and a parking rate for the various uses on the site. This provides flexibility for the applicant to adjust the building layout without the need to maintain the number of units or parking spaces proposed.

As noted earlier in this report, the property is impacted by site contamination originating from an off-site source. Therefore, the amending zoning for the property will be subject to a Holding (H) zone for this and other requirements, which will only be able to be removed once all the site-specific criteria required is provided to the satisfaction of the noted approval authority.

The draft Zoning By-law Amendment for this application has been included as Appendix C to this report.

Technical Review

The supporting documents for the Official Plan Amendment and Zoning By-law Amendment application were circulated for review to internal departments and external agencies in February 2018 and throughout the spring and summer 2019. Initial technical agency comments received based on the original application submission are summarized in Report PB-05-19.

Halton Region

Regional Planning Staff are satisfied that the applications are consistent with the policies of the Provincial Policy Statement (2014) and conform to the policies of the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). Regional Planning Staff acknowledge that the development would increase the range and mix of housing options, however the Region is not in a position to confirm if the retirement building will be considered a form of seniors or special needs housing until more detailed floor plans are submitted at the Site Plan stage. Regional Staff reviewed the applications against the relevant Housing policies of the Regional Official Plan and have commented that the proposal generally satisfies these polices. Further review of regional Housing policy conformity will be reviewed through the development approval process. The Phase One and Phase Two Environmental Site Assessments submitted by the applicant have been reviewed by Regional Staff. The Phase Two ESA document recommended a Risk Assessment approach for addressing the soil contamination affecting the subject lands, and as such, Regional Staff recommends that the approval

of the Zoning By-law Amendment be subject to a Holding “H” symbol. Regional Staff recommend that the following provision be included in the Zoning By-law Amendment:

> “That, prior to the Holding “H” symbol being lifted, the Owner satisfies the Region of Halton’s Protocol for Reviewing Contaminated of Potentially Contaminated Sites, by submitting a Ministry of the Environment, Conservation and Parks acknowledged Record of Site Condition; alternatively, that the Owner provides documentation prepared by a Qualified Professional that demonstrates that the lands are or will be suitable for the intended use, both of which is to the satisfaction of the Region of Halton”

Planning Staff have included this language into the draft Zoning By-law Amendment provided as Appendix C to this report.

Transportation

Transportation Planning staff have reviewed the applicant’s updated traffic impact study and parking justification report for the application. The updated traffic impact study concludes that additional traffic from the development would be accommodated by the surrounding road network without changes to intersections or traffic control, and Transportation Planning staff concurs with this assessment. With regard to vehicle parking, Transportation Staff does not have concerns with the parking rate proposed by the applicant, as the rates proposed for the uses on site align with the 2017 Burlington City-Wide Parking Standards Review. Transportation Planning staff have proposed Transportation Demand Management (TDM) requirements for the development in order to reduce vehicle usage on the site. A Construction Management Plan will be required at the Site Plan stage to demonstrate that long-term sidewalk and vehicle lane closure will not be needed during construction. The proposed TDM measures are included as part of the Residential Development Agreement provided as Appendix D to this report.

Landscaping & Urban Forestry

Landscaping and Urban Forestry staff have provided no objection to the application. They have provided comment that landscaping details regarding the private development and the public realm on New Street will be addressed at the Site Plan stage.

Site Engineering

Site Engineering staff have reviewed the development application and have commented with regard to site contamination, servicing and grading, noise impacts, geotechnical review, and construction management. As discussed, the applicant has pursued a Risk Assessment approach for the addressing the site contamination affecting the property.

Site Engineering Staff would like to reserve their right to provide further comment and review of the proposed Risk Assessment. As noted in the review of the Region of Halton's comments, a condition has been added to the Holding zone in the draft Zoning By-law to ensure that the City is satisfied with the proposed approach to contamination mitigation. Site Engineering Staff have also noted that they would like to have two additional catch basins added at the north-east and north-west corners of the property, and this will be reviewed at Site Plan. An assessment of the potential noise impacts from the roof top mechanical equipment on the adjacent residential apartment building to the east will be also be required. Site Engineering Staff would like further details from the applicant's geotechnical consultant regarding the details of the 3rd level of underground parking. To address the concerns related to noise and geotechnical review, two conditions have been added to the Holding zone which must be addressed to the satisfaction of the City's Site Engineering department.

Burlington Hydro

Burlington Hydro has commented that capacity is not available on the existing overhead power lines along New Street to accommodate the hydro services required for the proposed development. The developer will need to upgrade the hydro service from the northwest corner of Mayzel Road and New Street to make adequate servicing available. The system upgrades will be at the expense of the developer. The building will need to provide an electrical room along the south wall of the underground parking structure, accessible to Burlington Hydro staff. Burlington Hydro will be consulted on the specifications of the electrical room requirements at the Site Plan stage.

Burlington Urban Design Advisory Panel

The applicant presented their proposal to the Burlington Urban Design Advisory Panel (BUD) in February of 2019. The BUD panel made suggestions to the applicant regarding their initial proposal:

- Possible to stagger building heights to transition to lower building heights?
- Building massing is large resulting in limited areas for site movement and greenspace
- Variation in building height to offset massing, rear transition to north is appropriate
- Possibility to place bridge feature lower on building
- Balcony flare at the top of the building makes the building appear heavier at the top, prefer flare out at the bottom instead
- Rear hammerhead turnaround needs to be removed

- Rear amenity area is important because side of building areas will be more impacted by shadows
- Architectural expression needs to be softened to fit better in the neighbourhood
- Increased front yard setback would be more characteristic of the neighbourhood
- L-shaped building shape should be softened to allow the site to be more inviting from the street

The applicant's June 2019 resubmission incorporated changes informed by the feedback from the BUD panel, including removing the wave feature and balcony flare on all floors except the 6th floor, removing the hammerhead vehicle turnaround in favour of a larger greenspace for residents, and increasing the front yard setback of the building to New Street. The submitted plans did not include a staggering of building heights or change in the location of the bridge feature, however the 6th to 11th floors were stepped back slightly. The L-shape of the retirement building was softened by increasing the separation distance between the two buildings on the elevation fronting New Street. As noted earlier in the report, Planning staff have required additional building stepbacks at the 6th floor at the front and sides of the building in order to assist in reducing the building massing and increasing the building spacing from adjacent properties.

Financial Matters:

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

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements. A public notice and request for comments was circulated in February 2018 to surrounding property owners/tenants within 120 metres of the subject lands. A total of 457 notices were sent. A notice sign was posted on the property advising of the applications for Official Plan amendment and Zoning By-law Amendment on February 21, 2018. All technical studies and supporting materials were posted on the City's website at: www.burlington.ca/2421NewStreet.

Neighbourhood Meeting

A neighbourhood meeting was held on May 16, 2018 at the Burlington Senior's Centre and was attended by approximately 24 members of the public, the applicant and their

consulting team, City of Burlington staff, the Ward 2 Councillor, as well as Ward 2 councillor candidates. The comments at the neighbourhood meeting included concerns about parking, compatibility of the building with the surrounding neighbourhood, traffic and intersection safety, site contamination, increased noise from the site, building setback along New Street and timelines for leaseholders in the existing commercial buildings. The concerns raised at the Neighbourhood Meeting are summarized in more detail in Report PB-05-19.

Statutory Public Meeting

On January 15, 2019, a Statutory Public Meeting was held for the development application. At the Statutory Public Meeting four delegations were made by members of the public with respect to the proposed Official Plan amendment and Zoning By-law amendment. Public delegations at the Statutory Public Meeting highlighted concerns with site contamination, implications for privacy for single detached dwellings to the north, lease expiration and tenancy at the existing commercial plaza, reduced walkability through loss of commercial space, clarification about terminology for retirement home use, and potential vehicle traffic issues that may arise as a result of the development.

Public Comments

Since the development application was submitted in February 2018, Planning Staff have received 21 written comments from 16 correspondents with regard to this application. Public comments have been included as Appendix E to this report. The following table provides a summary of all written public comments that were received and how they were considered by Planning Staff in the development of this recommendation report.

Public Comment	**Staff Response**
Building Design: • Too large for the site • Design is unattractive • Appreciate the proposed design as a piece of art • Height is too high in the context • Building height is appropriate and glad it is not a tall building • Losing neighbourhood character	The proposed development on the site has been reduced in height to 6-storey at the back to address the adjacent low-density residential context. Planning Staff are recommending modified approval to address the side and front of building setback for the upper portion of the building. The applicant had originally proposed a building design that incorporated a wave feature on the balconies on all levels but

	has reduced the wave features on the resubmission based on public feedback.
Site Design: • Proposed setback along New Street too small • Need additional space for streetscaping and gathering spaces in front of buildings • Not enough greenspace for future residents	The proposed setback on New Street is similar to setbacks on the north side of New Street on the block. The proposed front yard setback is proposed to be increased on the upper building portion, based on the modified approval recommended by Planning Staff. The applicant has provided a large area of outdoor amenity space at the back of the property, and has increased the setback of the underground parking structure to ensure the survival of the existing white cedar trees along the back property line.
Parking and Traffic: • Increased congestion on New Street • Cut-through traffic on local roads • Off-site parking on local streets • Parking is insufficient • Seniors traffic will not be at peak traffic times • Impact on public transit service • Would like bus stop to serve site	The applicant has proposed a parking rate for the proposed uses which is in-line with the recommendations of the 2017 City-Wide Parking Study. Planning and Transportation Staff support the parking rate proposed. A westbound bus stop is located on the same block as the site, easily accessible from the subject lands. An eastbound bus stop is located on the opposite side of New Street at Guelph Line.
Intensification: • Density is not needed • Over intensification of a small site • Prefer townhouses • Capacity of existing infrastructure to accommodate intensity of use • Seniors units are needed • Impact on neighbouring property values	The site is proposed to be developed in a compact built form and to serve the needs of residents who are looking for housing options to suit their lifestyle. The applicant is proposing to develop the site with servicing from the Region's water and waste water infrastructure. Based on the review of the applicant's materials, the Region has indicated that these documents are satisfactory for the Official Plan and Zoning By-law Amendment applications.
Compatibility: • Noise generated from new uses and rooftop mechanical equipment	A detailed noise assessment will be required at the Site Plan stage once the mechanical specifications of the rooftop equipment are known. The assessment will be required to ensure that there will no

• Privacy concerns due to potential overlook into adjacent yards • Shadow impact on adjacent properties	negative impact on surrounding properties. The modified recommendation proposes a building within 45-degree angular plane, and the applicant has increased the parking garage setback to ensure the retention of the mature trees along the north property line. These measures will assist in reducing the potential for overlook into the two rear yards which are adjacent to this property. The shadow impacts from the development have been modeled in the applicant's shadow study. Planning Staff have reviewed the shadow study and find that the proposed shadow impacts on the adjacent properties are minor, given that no properties are experiencing extended periods of shadow during the three seasons surveyed.
Commercial space: • Loss of commercial and retail space in the neighbourhood • Leases with existing unit holders	The applicant has addressed the loss of commercial and retail space in the neighbourhood by making available space on the ground floor or the residential apartment building for a community institutional use. This space is intended to be geared to seniors from the broader Burlington community. The surrounding area of New Street and Guelph Line includes a variety of retail and commercial uses which will continue to serve the immediate community. The matter of private leases to existing unit holders of the commercial plaza is a landlord and tenant issue and not one where the City can be involved.
Site Contamination: • Diversion of flow of contaminated groundwater	The applicant will be required to satisfy the City, Region and Province with regard to the mitigation of the ground water contamination flowing through the site. Until such a time as these approval authorities have determined that the site can be properly addressed in terms of site contamination, a Holding "H" zone will be

	applied to the property and no development will be able to occur.
File Processing: • Past the statutory timeframe for decision	The statutory timeframe for this file has elapsed, however, the applicant has been working with Staff to address comments received.
Construction: • No sidewalk closures while development is ongoing	This development proposal will be required to submit a complete construction management and mobility plan to the satisfaction of the City

The Burlington Sustainable Development Committee (SDC) has provided comment that they support the application and have provided recommendations for improvement. Complete comments from the SDC are included as Appendix C. to the previous Information Report (PB-05-19). The applicant has provided a letter responding to the comments from the SDC which has been included with this report as Appendix F.

Conclusion:

Planning Staff have reviewed the Official Plan Amendment and Zoning By-law Amendment applications submitted for the lands located at 2421-2431 New Street and find that the applications are consistent with and conform to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan. In order to ensure that the building is appropriate for the site, Planning Staff have recommended a modified approval to include increased upper building setbacks on the front and sides, as well as minor modifications to the rear yard setback, and increased ratio of accessible parking for the site. The known site contamination currently impacting the property must be addressed prior to full land use permissions being granted for the development. As such Planning Staff recommend the use of a Holding “H” zone on the property until this, as well as other technical matters to support the development, can be resolved.

Respectfully submitted,

Lauren Vraets, MCIP RPP

Planner II

905-335-7600 ext. 7536

Appendices:

A. Sketches and Mapping
B. Proposed Official Plan Amendment
C. Proposed Zoning By-law Amendment
D. Proposed Development Conditions
E. Public Comments
F. Comment Response Letter from Applicant

Notifications:

Martin Quarcoopome, Weston Consulting Ltd.

mquarcoopome@westonconsulting.com

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.

Appendix A – Sketches

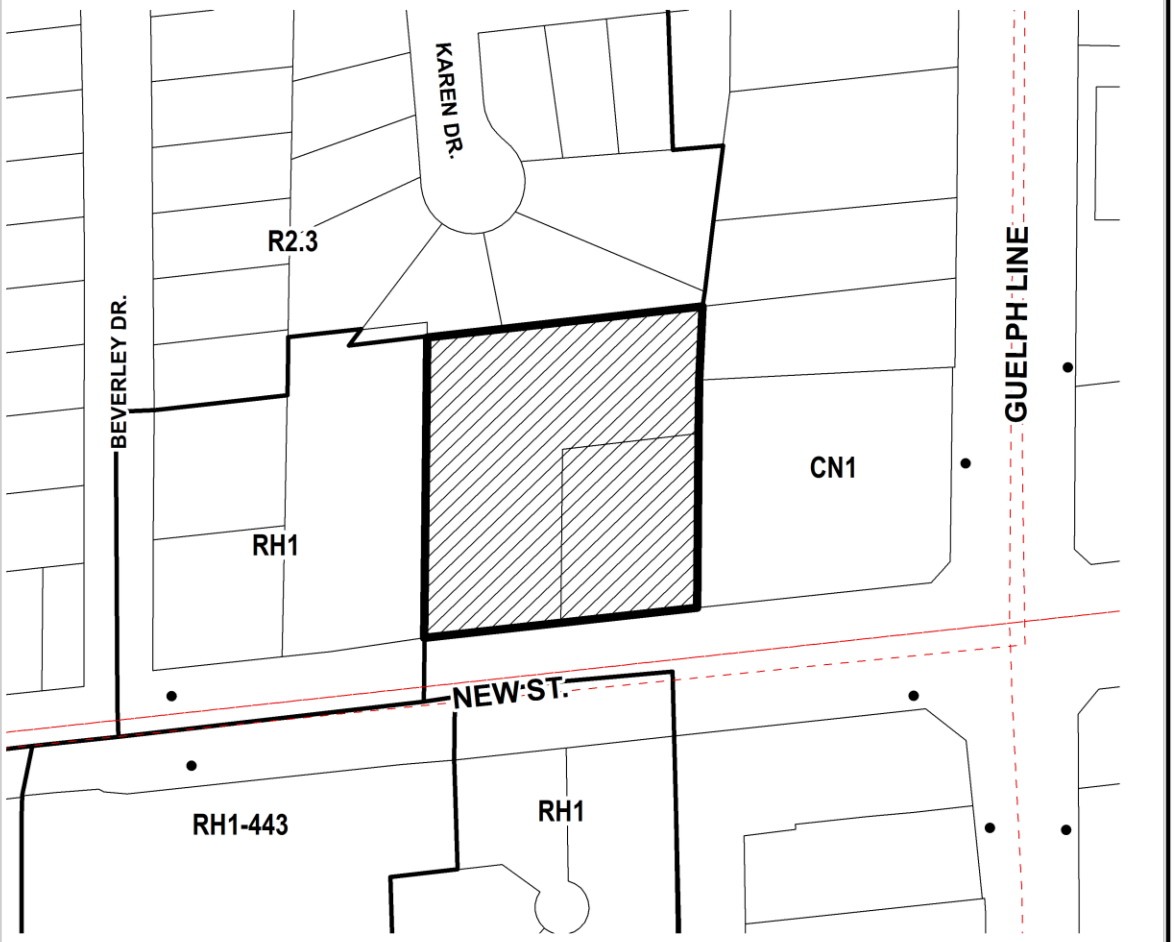
Sketch No. 1

LOCATION / ZONING SKETCH

Official Plan Amendment and Zoning By-law Amendment to construct two, 11-storey buildings including a retirement home building and a residential apartment building with a total density of 441 units per hectare.

SUBJECT PROPERTY Bus Routes Bus Stops

FILE No. 505-02/18
520-02/18



GENERAL ZONING LEGEND

Low Density	Medium Density	High Density	Mixed Use	Commercial	Employment	Other
R2.3		RH1		CN1		

DATE: October 2, 2019
Department of City Building | Planning Section

TERANET City of Burlington

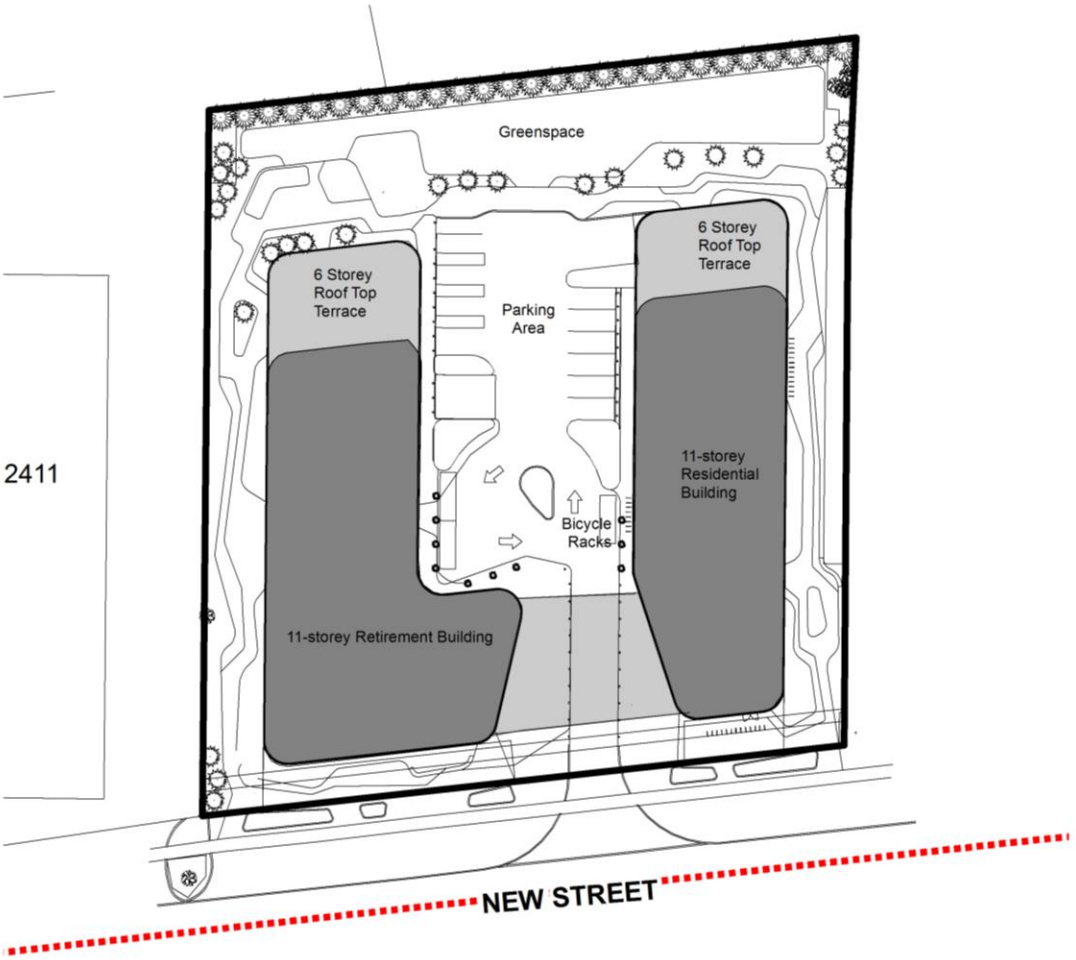
Sketch No. 2

DETAIL SKETCH

Official Plan Amendment and Zoning By-law Amendment to construct two, 11-storey buildings including a retirement home building and a residential apartment building with a total density of 441 units per hectare.

SUBJECT PROPERTY — Bus Routes • Bus Stops

FILE Nos. 505-02/18
520-02/18

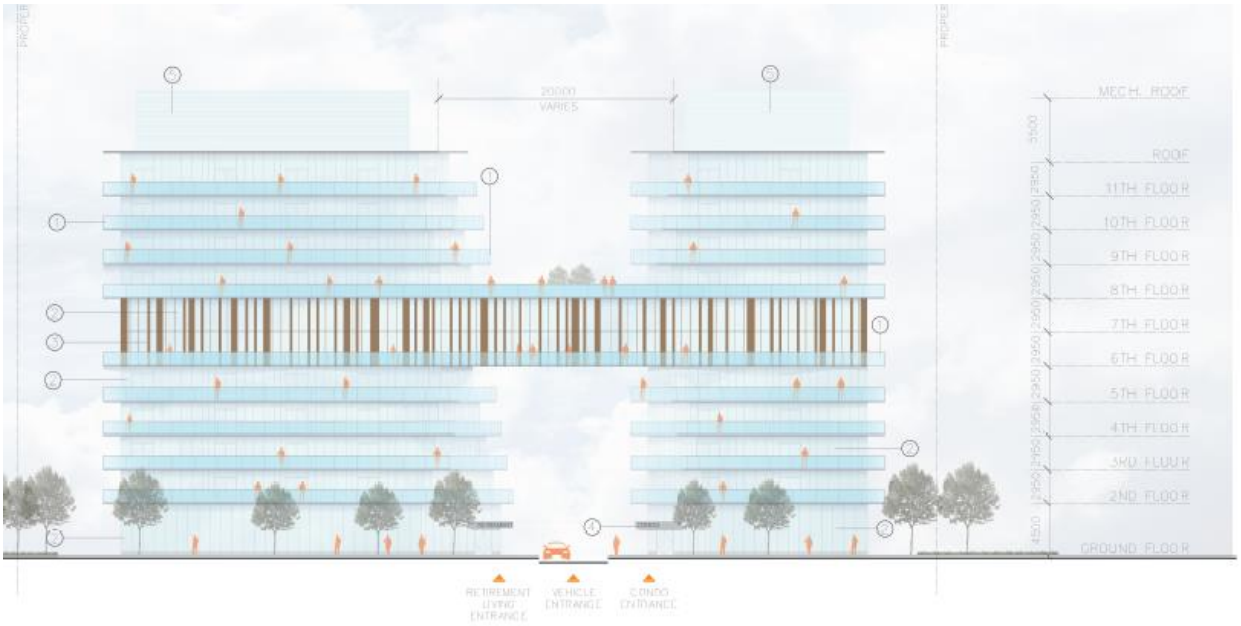


DATE: October 2, 2019
Department of City Building | Planning Section

TERANET Burlington

Applicant's Building Elevations

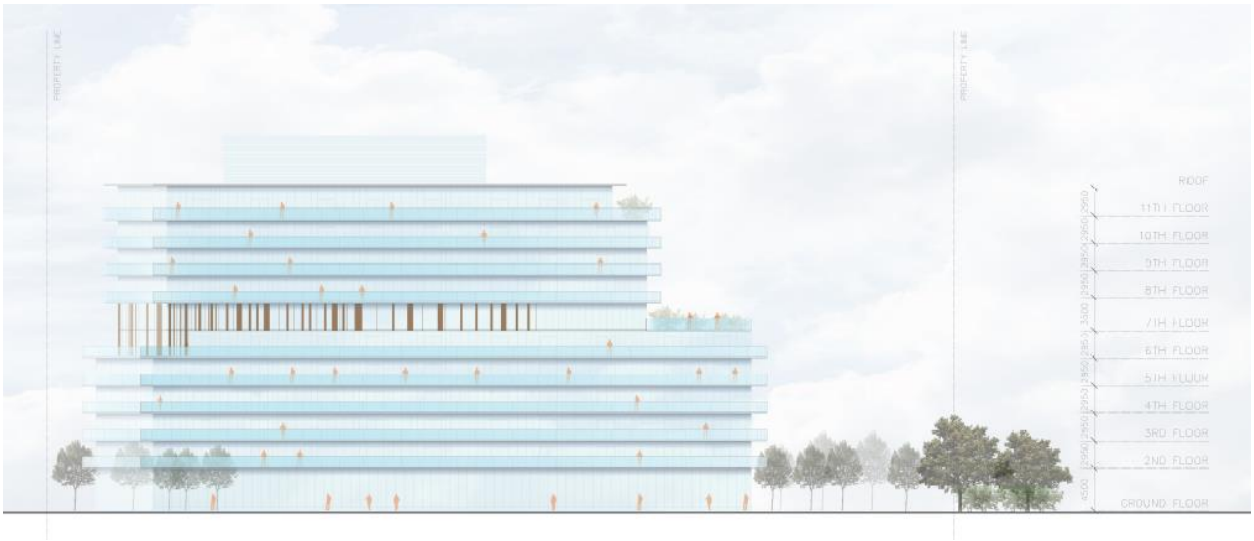
South elevation:



North elevation:



West elevation:



Building Cross-Section:



APPENDIX B

DRAFT
AMENDMENT NO. 117 TO THE OFFICIAL PLAN
OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. 117 to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to redesignate the lands at 2421-2431 New Street from “Neighbourhood Commercial” to “Residential – High Density”. The redesignation of this property will permit the development of an 11-storey residential apartment building and an 11-storey retirement building on the subject lands. A community institutional use is to be located on the ground floor of the residential building.

2. SITE AND LOCATION

The property is located on the north side of New Street, approximately 75 metres west of Guelph Line. The subject lands are 0.7 hectares in size and are currently developed with a one-storey commercial plaza and a vacant restaurant building.

Surrounding land uses include: detached dwellings along Karen Drive to the north; four 4-storey apartment buildings, two 11-storey apartment buildings, and a commercial plaza to the south; a gas station to the east; and a 6-storey apartment building to the west.

3. BASIS FOR THE AMENDMENT

a) The application proposes intensification that is consistent with the Provincial Policy Statement (PPS, 2014). The PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of public transit.

b) Directing intensification to areas in proximity to transit and intensification corridors assists the City in achieving its intensification targets and meet the intent of the Provincial A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) and the Region of Halton Official Plan.

c) The proposed development is located on lands with adequate infrastructure and in close proximity to transit routes, commercial uses and community amenities and satisfies Official Plan policies to provide housing opportunities in locations that can reduce travel times and decrease dependence on the car.

d) The redesignation of the property to permit higher density residential development in the form of non-ground-oriented housing supports the City's Official Plan objective to encourage residential intensification as a means of increasing the available housing stock in a form that is compatible with the existing physical features of the neighbourhood.

e) The redesignation of the property to allow for a retirement home use assists in achieving the City's Official Plan objective to maintain a supply and to integrate assisted and special needs housing in all neighbourhoods.

f) The applicant submitted technical studies with the application that provide adequate and appropriate information to support the development.

g) The development is designed with access on a minor arterial road that can accommodate the traffic generated from the increased density proposed for the site.

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change:

"Comprehensive Land Use Plan – Urban Planning Area", being Schedule B of the Official Plan of the Burlington Planning Area, as amended, is modified by the attached Schedule B1.

Schedule B1 indicates the area to be re-designated from "Neighbourhood Commercial" to "Residential – High Density" as 'A'.

Text Change:

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as follows:

By adding the following site-specific policy q) at the end of Part III, Land Use Policies – Urban Planning Area, Section 2.0 Residential Areas, Subsection 2.2.3 Site Specific Policies:

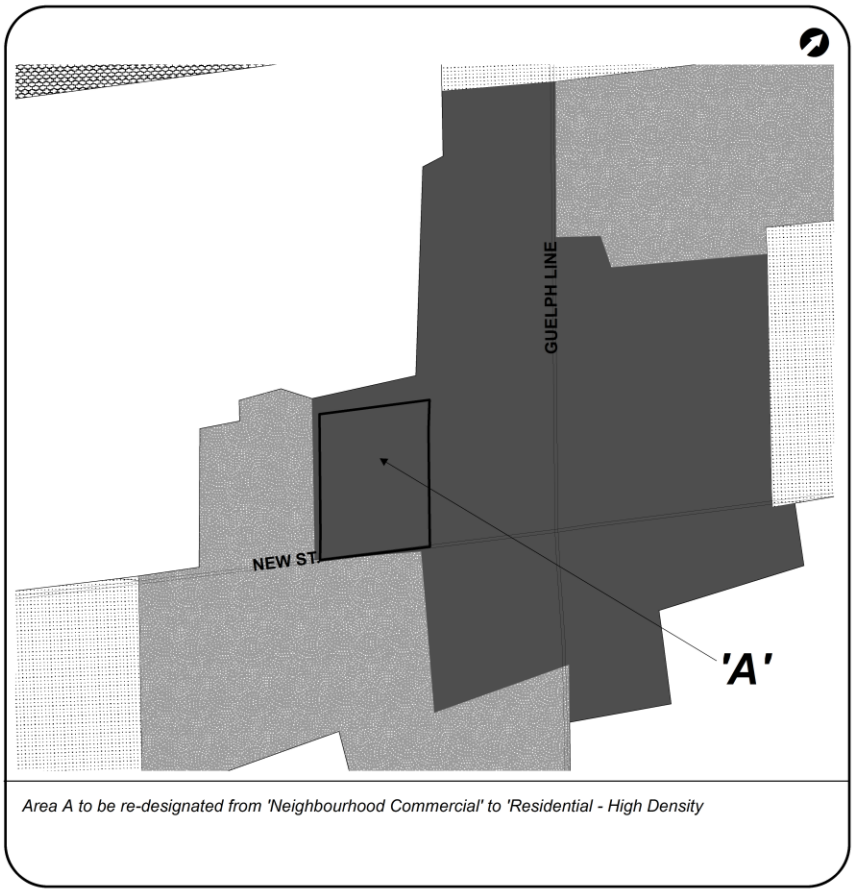
North side of New Street, 75 metres west of Guelph Line	q) Notwithstanding the policies of Part III, Section 2.0, Subsections 2.2.2 a) and e) of this Plan, the subject lands *shall* be subject to the following: (i) A *community facility shall* be provided on the ground floor of the residential building (ii) A maximum density of 234 units per hectare is permitted for *special needs housing* including *seniors' housing* in the retirement home building (iii) A maximum density of 207 units per hectare is permitted for the residential apartment building

2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.



Area A to be re-designated from 'Neighbourhood Commercial' to 'Residential - High Density

AMENDMENT No. 117 TO THE OFFICIAL PLAN OF THE BURLINGTON PLANNING AREA

SCHEDULE B-1

File Nos. 505-02/18 and 520-02/18

SCHEDULE B
COMPREHENSIVE LAND USE PLAN - URBAN PLANNING AREA

Area to be redesignated

Legend

- Neighbourhood Commercial
- Major Parks and Open Space
- Residential - High Density
- Residential - Low Density
- Residential - Medium Density

Date: Thursday, October 17, 2019
Department of City Building/Planning Section

APPENDIX C to PB-32-19

DRAFT

BY-LAW NUMBER 2020.416, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.416

A By-law to amend By-law 2020, as amended; for the lands located at 2421-2431 New Street.
File No.: 520-02/18 & 505-02/18

WHEREAS Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-32-19 on November 18, 2019, to amend the City's existing Zoning By-law 2020, as amended, to permit the development of an 11-storey retirement home building and an 11-storey residential apartment building;

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

1. Zoning Map Number 14-E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.

2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from CN1 to H-RH4-503.

3. PART 11 of By-law 2020, as amended, Holding Zone Provisions, is amended by adding the following to Appendix 'A' Site Specific Requirements for Removal of an "H" Holding Symbol:

67	H-RH4-503	Map 14E	Resolution:

The Holding symbol shall be removed from the zoning designation by way of an amending zoning by-law when the following has been completed:

- The Owner satisfies the Region of Halton's Protocol for Reviewing Contaminated or Potentially Contaminated sites, by submitting a Ministry of the Environment, Conservation and Parks acknowledged Record of Site Condition; alternatively, that the Owner provides documentation prepared by a Qualified Professional that demonstrates that the lands are or will be suitable for the intended use, both of which is to the satisfaction of the Region of Halton and the City of Burlington's Executive Director of Environment, Infrastructure and Community Services
- The Owner submits an updated noise study to the satisfaction the City of Burlington's Executive Director of Environment, Infrastructure and Community Services
- The Owner submits an updated geotechnical report to the satisfaction the City of Burlington's Executive Director of Environment, Infrastructure and Community Services

4. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 503 as follows:

Exception 503	Zone H-RH4	Map 14E	Amendment 2020.416	Enacted

1. Only the following uses are permitted:

   Retirement Home

   Memory Care Units which are defined as: dwelling units serving the needs of residents with dementia, which do not include full culinary and sanitary facilities

   Apartment Building

   Community Institution on the first storey to a maximum of 540m^2

2. Regulations for permitted uses:

   For the purposes of calculating density, memory care units shall be exempt
   Floor Area Ratio for the retirement home is not applicable

Maximum density for retirement home:	234 units per hectare
Maximum density for apartment building:	207 units per hectare
Maximum building height:	11 storeys for Buildings 1 and 2 as shown on Diagram 503

   Building connection between Buildings 1 and 2 shall be located on the 6th and 7th storeys and include a rooftop amenity area accessible from the 8th storey.

   Loading spaces: 2

   Front Yard:

Storeys 1-5:	5m to building wall
Storeys 6-11:	8m to building wall
Storeys 2-6:	3.5m to balcony and overhang
Storeys 8-11:	6.5m to balcony and overhang

   Side Yard:

Storeys 1-5:	7.5m to building wall
Storeys 6-11:	10m to building wall
Storeys 2-6:	6.0m to balcony and overhang
Storeys 8-11:	7.5m to balcony and overhang

Exception 503	Zone H-RH4	Map 14E	Amendment 2020.416	Enacted

Rear Yard abutting north property line / low density residential zone:

Storeys 1-6:	19.1m to building wall
Storeys 7-10:	31.2m to building wall
Storey 11:	36.5m to building wall
Storeys 2-6:	17.8m to balcony
Storey 7:	20.2m to rooftop amenity area railing
Storeys 8-10:	29.7m to balcony
Storey 11: 32.	32.7m to balcony
	35m to overhang

Landscape Buffer abutting north property line: 5.5m

Landscape Area abutting New Street: 0m

Setback of parking area and driveways from north property line: 16m

Setback of underground parking structure:

East: 3m
West: 3m
North: 5.5m
South: 3m

Accessory structure setbacks: 6m from rear and side lot lines

<u>Parking Rates:</u>

<u>Apartment Building</u>

Occupant:	1 space/ 1-bedroom unit 1.25 spaces/ 2-bedroom unit
Visitor:	0.2 spaces/ unit
Maintenance:	1 space/ 75 units
Accessible:	3% of required occupant parking 3% of required visitor parking

<u>Retirement Home</u>

Occupant/Employee:	0.6 spaces/ unit
Visitor:	0.25 spaces/ unit

Exception 503	Zone H-RH4	Map 14E	Amendment 2020.416	Enacted

Maintenance: 1 space/ 50 units

Accessible: 10% of required occupant parking
10% of required visitor parking

Memory Care Units

Visitor/Employee: 0.35 spaces/bed

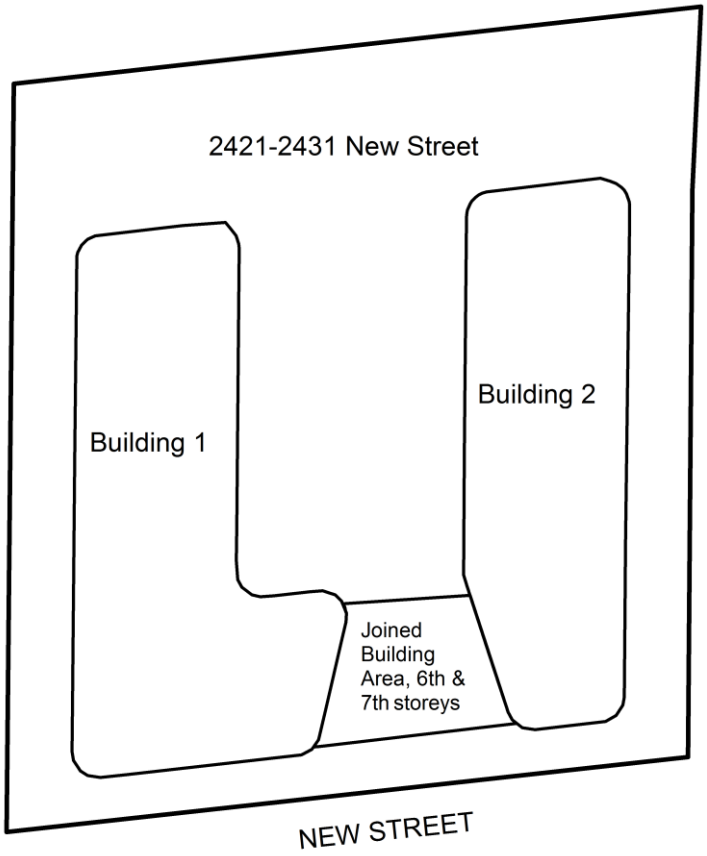
Accessible: 1 space

Community Institution

Users: 1 space/ 4 persons capacity

Accessible: 10% of required parking

Diagram 503:



Exception 503	Zone H-RH4	Map 14E	Amendment 2020.416	Enacted

3. Community Benefits pursuant to Section 37 of the Planning Act: *(to be added prior to by-law approval)*

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

6 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

6 b) If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this ……..day of …… 201 .

_____MAYOR

_____CITY CLERK

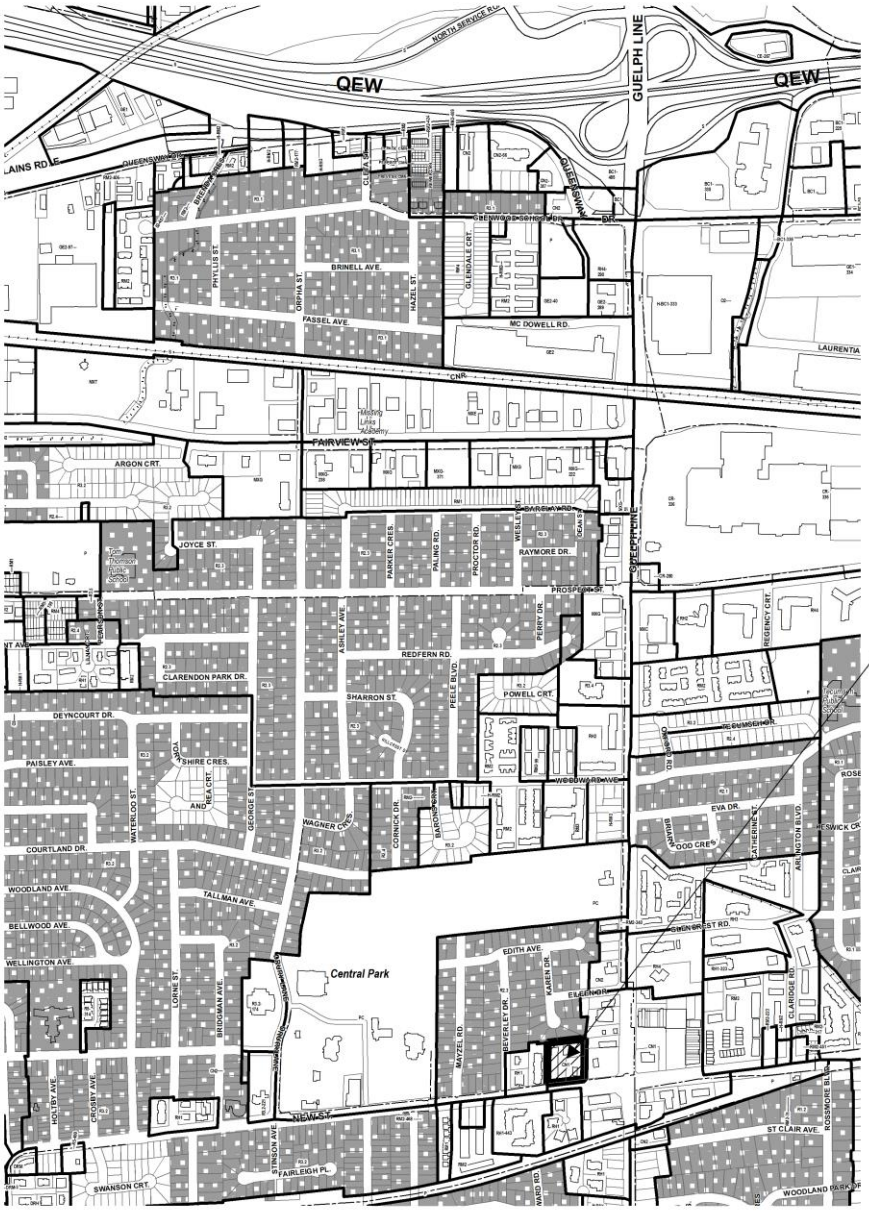
EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.416

By-law 2020.416 rezones lands at 2421-2431 New Street to allow for the development of two (2) 11-storey buildings including a retirement home building and a residential apartment building. A community institutional use is also permitted on the ground floor of one building on the site. A Holding Zone is required to ensure that site contamination issues can be resolved to the satisfaction of the Region of Halton and the City of Burlington, and to ensure that all noise and geotechnical studies have been completed to the satisfaction of the City of Burlington.

For further information regarding By-law 2020.416, please contact Lauren Vraets of the Burlington City Building Department at (905) 335-7600, extension 7536.

SCHEDULE ‘A’ TO ZONING BY-LAW 2020.416

SCHEDULE "A"



AREA 'A'

To be rezoned from CN1 to H-RH4-503

SCHEDULE 'A' TO BY-LAW 2020.416 AMENDING MAP NO. 14E PART 15, BY-LAW 2020 AS AMENDED.
PASSED THE 18th DAY OF NOVEMBER, 2019

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MAYOR CITY CLERK

TERANET City of Burlington

Department of City Building/Planning Section

APPENDIX D

DRAFT CONDITIONS OF ZONING APPROVAL

Prior to the enactment of the amending Zoning By-law, the owner shall sign the City's standard Residential Development Agreement and any other necessary agreement(s) in effect on the date of signing. The agreement(s) shall be signed within one year of the date of Council approval, failing which, Council's approval shall lapse. The Residential Development Agreement shall include the following:

1. The Owner agrees to complete the following to the satisfaction of Executive Director of Community Planning, Regulation and Mobility:

    a. The owner agrees that the building elevations displaying built form (excluding setback revisions) will be substantially in accordance with the architectural elevations prepared by WZMH Architects and described as follows:

        Plan No's.: A411, A412, and A413 (dated: June 12, 2019)

    b. The owner agrees that the City's Executive Director of Community Planning, Regulation and Mobility may refuse to approve the plans upon aesthetic grounds, and the City's approval of the plans may be subject to conditions, including but not limited to:
        i. Use of building material of specified materials or quality
        ii. Construction of the buildings and works in a specified order

    c. The owner agrees to provide a detailed wind study at the time of Site Plan application, as noted in the conclusion of RWDI's Pedestrian Wind – Letter of Opinion dated December 12, 2017, to assess the potential wind impacts of the proposed building (inclusive of architectural design changes and setback revisions) on the pedestrian environment around the subject lands

        i. Wind impact mitigation measures, if required, are to be provided to the satisfaction of the Executive Director of Community Planning, Regulation and Mobility.

    d. The owner agrees to implement energy efficient measures, including, but not limited to: energy efficient appliances (where provided by the builder), low flush toilets, low flow showers and energy efficient lighting fixtures and light bulbs.

    e. The owner agrees to provide the following Transportation Demand Management measures:
        i. Provide TDM information packages to all tenants which would include: transit schedules and maps and a PRESTO card.
        ii. Provide subsidized transit passes for all occupants for a three-year period.
        iii. Provide cycling maps to all residents of the development

iv. Provide secure bike parking (bike racks/bike lockers) that will be located conveniently on site, as well as air pumps and bike maintenance tools.

2. The owner agrees to complete the following to the satisfaction of Burlington Hydro:
    a. Agree to pay for all work associated with increasing and extending hydro system capacity to the property
    b. Hydro service will be provided in the form of a customer owned transformer
    c. Provide an electrical room to ESA and Burlington Hydro specification located on the first level of the parking garage along the south side of the building (New Street) to accept servicing from a point to be determined by Burlington Hydro.

Notes:

1) The Owner, its successors and assigns, is hereby notified that City development charges may be payable in accordance with By-law No. 49-2009, as may be amended, upon issuance of a building permit at the rate in effect on the date issued.

2) Educational Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum unit yield that is specified by the Development Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

Name, Address & Date	Comment
Adam Kennedy 322 Pepper Drive, Burlington May 17, 2018	Greetings, I am writing you regarding the application for development at 2421 and 2431 New Street. I live nearby (322 Pepper) and was unable to attend the public meeting 5/16 to get more information or provide feedback. • This appears to be over-densification at a site / neighbourhood not requiring it. It doesn't appear this property is listed for anything site / area specific in the updated Official Plan. What is the justification to allow a zoning change? • The building heights will dwarf (more than double) the surrounding buildings (detached homes to the north, commercial retail to the east and mid-rise to the west and immediate south). The excess height appears unnecessary with minimal benefit. • The planning justification report states that New Street is a four-lane road. This is correct *immediately* in front of this property. Approximately 100m to the West this switches to two lanes. I don't feel the Transit and Transportation context and description are accurately portrayed in the report. The impact to traffic is significantly understated in this report. • City Staff seem to be turning a blind eye to traffic impacts for development (there seems to be an over optimistic goal of non-passenger car usage). I can't see how New Street can accommodate the extra traffic from this development (PLUS all the further developments planned on New / James / elsewhere downtown). • How will traffic exiting the site heading east (or eventually north) be accommodated? I don't think this location could accommodate a stop light to maintain traffic flow (especially during afternoon rush). • Given part of this site is supposed to be for retirement living, how will pedestrians crossing New Street be accommodated? The closest crossings are at Seneca and Guelph Line. • I feel that the city is losing a commercial site that doesn't need to be lost. Future employment opportunities are lost from changing this site over to 100% residential. Clearly the site needs redevelopment. But there are numerous examples of commercial / retail sites successfully getting a facelift in the city (Appleby Mall,

Name, Address & Date	Comment
	2501 Guelph Ln) . At a minimum the site should consider ground floor retail / commercial. • Regarding lost employment, this of course makes the traffic situation outlined above worse. Adding more residents in combination with losing local employment means more traffic. • Regarding parking, the planning justification report asks for permission to provide less parking than required in the zoning bylaw. They seem to justify the request with a study by IBI regarding over-capacity citywide. This location isn't a prime multi-modal site. It is not adjacent to a "mobility hub", nor near a walkable commercial center. There is minimal offsite parking available in a nearby lot or on street. The exemption for less parking spaces shouldn't be considered. • As someone living with a family in the neighbourhood I feel we are losing a space to us to "go". If we want to do something as a family the closest locations (non-greenspace) are downtown, Burlington Mall area, or the Appleby / New St commercial area. The Guelph Ln / New St area has very limited retail / commercial location places for the community to gather or go. Not only does this development not enhance the community, it makes it worse (by eliminating the former Easterbrook's site). The enhancement of the community must be considered with any proposal for developing this site. • On a very personal note, I find the design unattractive. This is of course is just a personal opinion, not helpful or constructive feedback. Thanks for your time and consideration of my feedback. If you have any follow up questions feel free to contact me. Cheers. Adam Kennedy
Anthony Simmons 477 Beverley Drive,	I would like to inform you that the application to change the Zoning and Official Plan designation for the property located at 2421 and 2431 new street be refused because of the following reasons. 1. Additional noise

Name, Address & Date	Comment
Burlington May 19, 2019	2. Increased traffic 3. Beverley Drive used as a parking lot already from nearby Apartments, and their visitors, these units would only add to the problem. 4. Loss of privacy to surrounding home owners, with eleven storey buildings 5. Most of all the devaluating of surrounding residential properties. May 19th 2018, Anthony Simmons 477 Beverley Drive Burlington, Ont. L7R 3G7 [redacted] Yours truly, Anthony Simmons.
John Lee 2421 New Street Unit 9 & 10 May 23, 2018	Dear Suzanne Mcinnes, Good morning Madam, Thank you for your efforts for making best our community. I am John Lee as manager of Guelph Line and New street Laundromat and R.TCM Practitioner as John's Acupuncture Clinic at 2421 New Street Unit 9 & 10. this store is located in Development proposal plaza. I have some problem with landlord (Developer, TRG(New-Guelph)Inc.) I already explained at Neighborhood Meeting for this development project on 16 May 2018. I would like to explain and submit more detail. Landlord bought property of 2421 new street on Sep 2017. and they submitted Development proposal to city hall this February 2018 with 2421, 2431 New street.(included this plaza) but I have right keep going on my business till 2028 with 2 times lease renewal options in my lease by law. and I already exercised first lease renewal extend option .my lease is no demolition clause, no relocation clause, no landlord changed expired and no any problem. I already told to previous landlord that I will and want to keep going on my business till 2028 in here also I exercised lease renewal option at Sep 2016 to Previous Landlord.

Name, Address & Date	Comment
	but he sold this plaza on sep 2017 therefore I written and noticed my "tenant estoppel certificate" with "I already exercised lease renewal option to Previous landlord " for new landlord. and also I told directly new landlord who came in my Laundromat to get tenant estoppel certificate on Aug 2017 that " I have 2 times lease renewal option and already exercised lease renewal option " He told me “this project take long times”. I sent again lease renewal extend notice by registered mail and e-mail to New Landlord again on 3 November 2017 and frequency I sent e-mail "I want to renewal my lease"" but they started lease renewal extend lease process Feb 2018 and They request huge increased rent fee. I accepted. and I gave a my offer." if you would like to insert demolition clause in my lease you have to enough compensation " but they are trying to expire to my lease right from 25 April 2018 but they have no right by law. I gave many effort for my business and my neighbors like my laundromat and Acupuncture clinic. I hope so Please check google website " burlington laundromat" then you can find "Guelph Line and New street Laundromat" google reviews.. I want only one I would like to keep going on my business with my Neighbors . I am opposed this development project. I think that this project started with wrong. I attended at Neighborhood Meeting for this development project on 16 May 2018. at that time I announced my situation to attended neighbors and City staff. Thank you for reading my situation again, And If would like to want I can submit all evidence information. Thank you very much. Have a great day. John Lee R.TCMP & R.Ac and Manager of Guelph Line and New street Laundromat. 2421 New Street Unit 9 & 10, [redacted]
Ron Porter	Lisa ,

Name, Address & Date	Comment
397 Blythewood Rd, Burlington May 24, 2018	Why do developers always want to push their developments right to the edge of arterial roads contrary to City Planning REQUIREMENTS & then expect you'll agree with them & approve their amendment requests. Pushing developments to the edge of lot boundaries DOES NOT SUPPORT THE CITYS OFFICIAL PLAN & open spaces for pedestrians etc. I strongly DO NOT SUPPORT the developers request for a Minimum Front Yard of a minuscule 3 meters vs the City Planning Department REQUIREMENT of 7.5m for Each Storey above 6 storeys to a maximum of 15m. In this case the City would require 15m MINIMUM Front Yard. The developer is asking for 1/5th of THAT. I strongly SUPPORT you Holding Firm to the Minimum 15m requirement (just like the setbacks at Tansley Woods) AND REQUIRING SIGNIFICANTLY INCREASED STREETSCAPING including Places for the Retirement & Condo residents to gather. If we want to create a Walking Friendly City , the Planning Department has to " Walk The Talk " & HOLD FIRM on Setback Requirements AND Streetscaping Requirements (like the Elgin Promenade design) to make our city pedestrian friendly. I look forward to you Holding Firm on the Minimum Front Yard Requirements as designated in zoning bylaws & negotiating additional people friendly gathering streetscaping. A great opportunity to turn this desolate stretch of unfriendly road into something GREAT. Regards Ron Porter <<<Images>>>

Name, Address & Date	Comment
	
Joanna Nixon 4-2422 New Street, Burlington May 28, 2018	Dear Ms. McInnes, Please find attached a letter expressing my concerns and objections regarding the above. Thank you. Joanna Nixon <<<Attachment>>> Dear Ms. McInnes, <u>Re: Planning Application - 2421 and 2431 New Street, Fire No. 505-02/18 & 520-02/18</u> I strongly object to the above proposal as presented, for the following reasons.

Name, Address & Date	Comment
	1. The proposed buildings design is extremely ugly, particularly the uneven elevations. It looks like a cartoon drawing. There is nothing redeeming about it and I think it will be a laughing stock. The futuristic and far-out design is more suited to Las Vegas than this conservative area of Burlington. 2. The buildings are too close to the sidewalk. This will make the area feel claustrophobic. The existing highrises, Rosemont Apartments, on the opposite side of New Street are set well back from the road. The new TRG highrise at Brant and Fairview is also set well back from the road. 3. The buildings are too big for the property. They need to be scaled down in height and depth. The developer is greedily trying to cram the maximum number of apartments onto this moderate sized lot to maximize profits. I think a more traditional building of not more than 8 storeys and set back at least 10 feet from the sidewalk is appropriate. 4. There is not enough guest parking. Ten parking spots, (four of them handicapped spots) are not nearly enough for 360 apartments. There is no public parking in this neighbourhood, except for Roseland Plaza, which is nearly always busy. If apartment guests start using this lot to park, the plaza will have to tow them out, like they do in the Brant Street plaza. 5. An apartment complex of this many units will increase traffic congestion in this area. The developer's study suggests that people will bike or take public transportation. This will not happen. People in Burlington drive their cars. The traffic at New Street and Guelph Line is already congested due to the merge into one lane in both directions at Beverely Street, and in rush hour I wait for two or three traffic lights to get across Guelph Line at New Street. 6. I would prefer that this property not be re-zoned high density residential, that is high-rises. Townhouses would be more suitable, or leave it commercial. Further, I understand the Roseland Bowl and McDonagh Real Estate have been sold and are zoned high-density residential. If a high-rise goes up there as well, the housing and traffic congestion are going to be a nightmare.

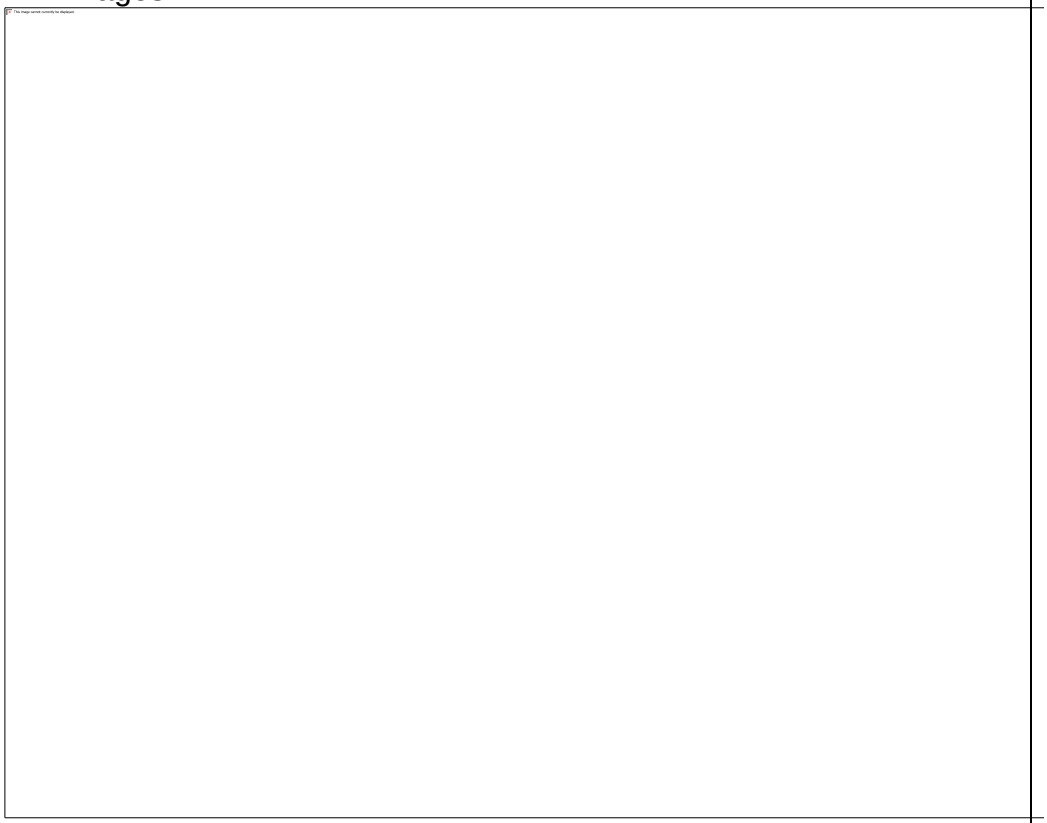
Name, Address & Date	Comment
	Thank you for the opportunity to express my concerns. Yours truly, Joanna Nixon P.S. I was unable to attend the Neighbourhood Meeting on May 16 due to illness, much to my disappointment.
Perry Miso June 10, 2018	Hello Lisa, not sure if its too late to comment on this rezoning application for 2421 New Street. I live next door at 2411 New Street and overlook the property from my 6th floor unit. My most serious concern is the traffic issue, as New Street is grid-locked Monday to Friday between the hours of 4pm to 7pm. This is worst during inclement weather. Having hundreds of new residents and their vehicles will only creat more congestion. My other concern is the further loss of goods and services in the neighbourhood. Kind regards. Perry.
Dino & Janice Mozzon 519 Beverley St.,Burlington September 4, 2018	My wife and I live on Beverley St which is just west of the planning application for 2421/2431 New Street project proposal. We are out of province during the September 11, 2018 public meeting and can not attend. However on a preliminary review of the documents submitted and available on the Burlington City website, we submit the following initial comments: 1. the proposed twin buildings application is an over intensification of a small area site. 2. this proposed project will further reduce the limited, but well attended, small commercial/retail operations in the Guelph Line/New Street hub thereby reducing the walkability of the neighborhood and increasing the reliance on vehicles. 3. the streetscape of New street will be adversely affected by the height of the buildings and their closeness to the sidewalk. The buildings will have a setback of 18.8 meters on the north side; however the setback on the New Street side appears to be only a few feet. The 11 storey buildings will loom over the sidewalk users. 4. off site parking, in particular on Beverley Street, will increase noticeably since there is a deficiency of parking spaces provided in the application. Even though vehicle ownership may be lower for seniors

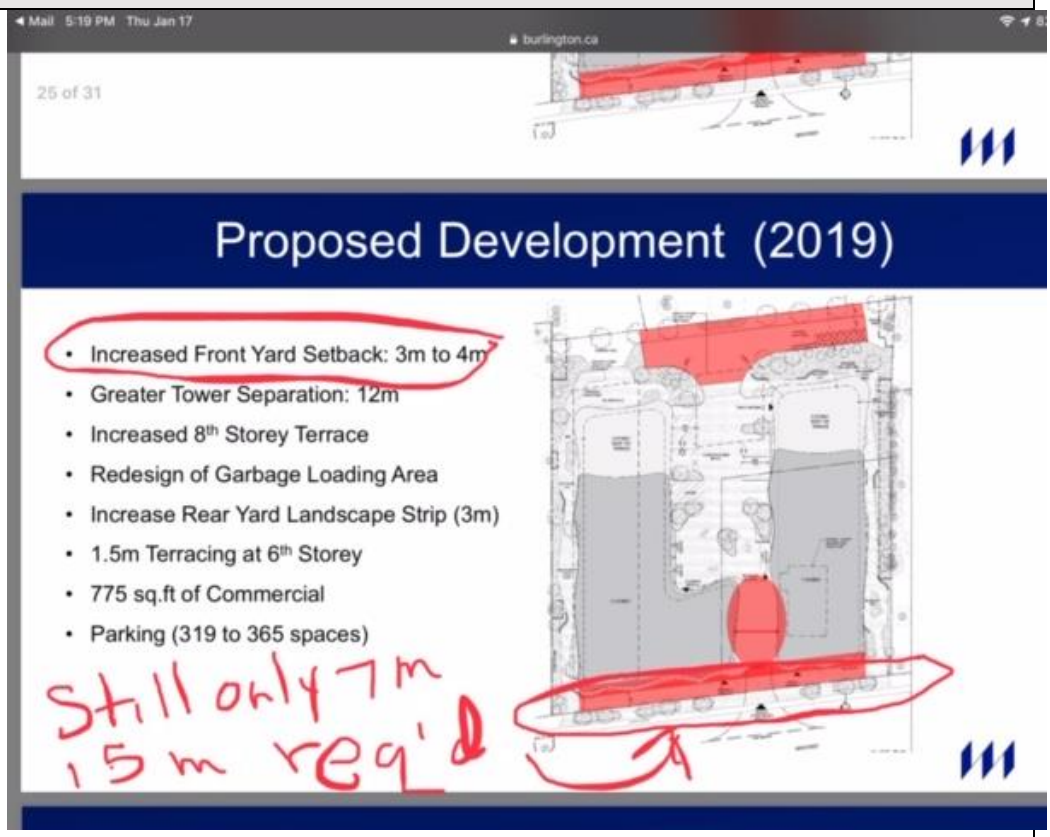
Name, Address & Date	Comment
	retirement home occupants, there will be more daily use traffic by service/caregiver services and family members. Beverley will be the first residential street that will take the overflow vehicles on a daily basis. 5. it is difficult enough now to get on to New Street on either direction during rush hour, both morning and evening. So this large complex will add to the congestion. Furthermore there may be increased traffic on Beverley Street with visitors to the complex choosing to park on our street for convenient access to Guelph Line. Additional comments may provided in the next few weeks, after more review of the submitted documents.
Glenn McFarlane Lisa Phillips Riese McFarlane Tehya McFarlane Harold Phillips Joan Phillips 473 Beverley Drive, Burlington September 13, 2018	To: Lisa Stern We are sending this email to voice our serious concerns related to the application to rezone 2421 and 2431 New Street for the development of high rise condominiums / retirement residences. Our main concers are: 1) Traffic along New Street is already heavy, especially during rush hour times. It can take minutes to try and make a left turn onto New Street from Beverley Drive at busier times. Adding additional residences will result in more traffic which the area already can't handle. 2) Despite the fact that road work / sewer work was completed on this area of New Street, three homes on our street had flooded basements last year during heavy rains. We have concerns about the additional load on our sewer system in this area. 3) One of the attractions that make Burlington a great place to live is that is has that small city feel. The fact that large buildings in the downtown core and other areas have already, or are starting to go up is a factor that detracts from this. NO MORE HIGH RISE BULIDINGS in Burlington please. We want our objections noted and on file! We will be excising our voting rights to support mayors / city councillors who also share these concerns. Thank you. Glenn McFarlane Lisa Phillips

Name, Address & Date	Comment
	Riese McFarlane Tehya McFarlane Harold Phillips Joan Phillips
John Lee 2421 New Street Unit 9&10 January 10, 2019	Subject: Opposition to Planning Application 2421 & 2431 New Street. (File No: 505-02/18 & 520-02/18) Dear committee members. I am John Lee as manager of Guelph Line & New Street coin Laundry and Traditional Chinese Medicine Practitioner of john's acupuncture & oriental medicine Clinic. Our store is located in this project plaza it is 2421 New Street Unit 9 &10. I am opposed to this development project. I bought Laundromat business from previous Landlord who sold this plaza to current landlord(TRG(new-guelph)). I started my business from May 2013. I have a right to keep my business going till May 2028 at this store. There is no demolition clause, no relocation clause and no any problem clause to continue my business in my lease by law. I tried to make good business with my neighbors and community. I believe that property development go for neighbors and people, Community. I worry about if this development is approved and landlord attempt to develop this plaza but I have to continue and protect my business therefore I think that it will make big issue. Landlord submitted this planning application to city hall without any talking to us to solve this issue. Besides landlord attempted to expire my lease but it is wrong because landlord have no right to expire my lease by law.

Name, Address & Date	Comment
	I would like to want justice. I want to continue my business during periods in my legal rights. I worry about after this situation. But I do not down injustice although I have no enough money in order to protect my business and rights. I will fight in the name of the father with my family, my neighbors & Community, and Justice. If tenant have a right to keep his business going and told to city hall, he want to continue his business during his right periods. I hope so City hall will be on the side weak and right person. Also I am absolutely opposed to this development project. Thank you for listening. Thank you. - Name: John Lee (yong won Lee) - Address : 2421 New Street, unit 9&10 ,Burlington, ON, L7R 1K1
Ron Porter 397 Blythewood Rd., Burlington January 17, 2019	Planner Vraets, Notwithstanding the developers amending their proposal adding 3 to 4 metres of additional building setback on New St that will still only be a total setback from New St of 6 to 7 metres (their original proposal was for a 3 metre setback). The City's Minimum setback requirement for this 11 storey building on this property is 15 metres. I do not support the developers amended New St setback of 6 to 7 meters. It is totally inadequate to support & achieve the City's Vision Of Friendly, Welcoming Public Spaces. The City's Vision for a Pedestrian Friendly & Welcoming City & development will NEVER be achieved if the Planning Departments buckles to every developers proposal for significantly reduced street setbacks for their building projects. You only need to look at the Carriage Gate development at Caroline , Martha & John to see a fine example of a Planning Department approved & I assume recommended to the Council of the time of a " Built Right to the Sidewalks Project " . As the Bridgewater development nears completion it too looks like it will be a built " Right to the Sidewalk " building & even worse has no building podium setbacks 3 to 4 floors

Name, Address & Date	Comment
	up so the Bridgewater will ultimately be a " 23 Story Wall " on Lakeshore Rd. Very Sad. My recommendation for the TRG New St Development : - Hold Firm on the Minimum 15 Story setback from New St - Require TRG to build some public friendly spaces out front where Senior & rental residents can relax I.e. benches, meandering brick walkway, nice shade trees, bushes , plantings etc. - I'm not sure if there is a bus stop proposed for in front of the building. It would make sense with the seniors and rental resident density. The landscaping & public relax spaces could be incorporated with the bus stop location. Much more welcoming for bus transit users. - A compromise on setback to 11 or 12 meters could be considered if there were additional podium setbacks on the building from the 4th level up. The wholesale change of Burlington's Mayor & Council Members during last October's Election was a very strong statement by Burlington's taxpayers that they were very tired of Burlington elected officials who do not listen to its citizens on developments & pay lip service to their own stated City Vision. The new Mayor & Council Members require a Planning Department that is in synch with the City & it's Citizens Development visions. The Planning Department needs to be strong & Hold firm on minimum building development requirements for : - Street setbacks - Podium & Angled setbacks - Minimum Parking spaces of 1.25 spaces per Condo / apartment unit. There should be ZERO tolerance from developers on this requirement & that should be made clear to ALL developers now. Starting with ADI, Molinaro's & Carriage Gate who are major Burlington land assemblers & developers. - Planning Department & City Government should make it clear to developers that their development proposals will receive much quicker & more favourable outcomes if they meet or better yet exceed the city's minimum setback, podium, parking, landscaping , public spaces requirements. - Developers should also be encouraged to provide proposals that demonstrate a commitment in public spaces & landscape design that

Name, Address & Date	Comment
	meets or exceeds a pedestrian friendly, welcoming public space & gathering , resting space. All the best with moving forward & delivering the balanced developments that achieve the vision that Burlington City Government has provided to its citizens but previously has failed to deliver on. Best Regards Ron Porter 397 Blythewood Rd Ward 4 [redacted] Applicants Statutory Meeting Presentation Slides : <<<Images>>> 

Name, Address & Date	Comment
	
Adam Kennedy 322 Pepper Drive, Burlington January 22, 2019	Greetings, I was unable to attend the 1/15 meeting regarding this site, but had time to review the presentations and subsequent questioning. I would still like to again emphasize my continued concerns regarding the proposed development on the site and my opinion that the site specific benefits don't seem to warrant the site specific by-law exemptions being requested by the developer. I would ask city staff to push for a better solution that meets the needs of the local residents. • The proposed building heights still dwarf (more than double) the surrounding buildings (detached homes to the north, commercial retail to the east and mid-rise to the west and immediate south). The excess height appears unnecessary with minimal benefit. No changes have been made to improve the building heights on the north side. On the southside, the additional 1m setback at street level, and the additional 1m mid-building setback, is minimal and insufficient improvement.

Name, Address & Date	Comment
	• I have great concerns with the developer deeming the site "urban" with regards to the street setback. It is probably a stretch given the current street characteristics. If it fits with some "future" city plan, then this plan hasn't been shared with the public. • The impact to traffic on New Street and Guelph Line was acknowledged by the developer without a solution during their 1/15 presentation. Pushing a solution to a later date is inexcusable. I would further emphasize (as I previously mentioned, and was brought to the attention during the meeting) that New Street cannot accommodate the extra traffic from this development (PLUS all the further developments planned on New / James / elsewhere downtown). There is absolutely no way for traffic to exit the site heading east (or eventually north). I don't think this location could accommodate a stop light to maintain traffic flow (especially during afternoon rush). During the meeting, traffic concerns for "cut through" were brought up. Our street (Pepper Dr.) is absolutely used for cut-through traffic during rush hour and it is especially bad during accidents or bad weather. I can only imagine this development will make our street's overuse worse. • I am quite happy the developer is willing to move forward with some commercial space, but 775 sq. ft. is no where near the amount it needs to be to prevent the permanent loss of employment and our neighbourhood feel. The city need to consider a better solution for this site. • I am also quite disappointed that city staff hasn't moved forward with a decision in the legislated time. This again puts the city in a weak position to negotiate with the developer. There needs to be more effort to prevent our city from being vulnerable to developers. I would fully support city staff provide recommendations to not approve plans when the developer isn't not fully prepared (as is the case in this application), instead of providing "friendly extensions". Thank you for your time and consideration. Adam Kennedy

Name, Address & Date	Comment
Jennifer Kemp 462 Mayzel Road, Burlington February 4, 2018	Hi Lauren; Re: TRG New-Guelph Line Can something be done about the architectural design of these buildings!? These look like a spaceship has landed. They are not in keeping with the surrounding structures, homes and downtown heritage. I am not in favour of this design. Also, as a local pedestrian requiring to access this side of the sidewalks to access Guelph Line and Roseland Plaza, I certainly hope there will be no sidewalk obstruction/ restrictions. Regards, Jennifer Kemp
E. Crouch April 15, 2019	Hello Lauren, I feel that 11 stories is too many for New Street. And what a modern and inappropriate design for there. It won't fit into the neighbourhood at all. To me, downtown Burlington is the Burlington of my childhood, from Maple Avenue to Guelph Line, and north of New Street except around Brant Street. We are losing the character of the area, losing residential houses which are being replaced by monstrosities. We do not want to become like downtown Toronto. We have lost the chance to be like downtown Oakville. I hate to think of all the additional traffic on the road from all the proposed developments. Is nowhere safe from high rises? E. Crouch
David Cooper on behalf of The St. Clair Ave. Resident's Association 3023 St. Clair Ave.,	Good morning Lauren and thank you for your prompt response. Our concerns relating to 2421-2431 New St. would include the following: Traffic volume: Gridlock along New St. as each planned development is introduced in the general area. The specific traffic study appears to only consider the impact of 2421 – 2431 in isolation. Environmental issues and concerns: Relating to the disruption and attempted removal of contaminated soil with the potential diversion and

Name, Address & Date	Comment
Burlington May 21, 2019	spread of contaminated groundwater flow in the area, similar to other site development issues surrounding the New St. and Guelph Line intersection. I believe that building height and appropriate graduation of the design adjacent to existing residential homes is already being addressed. Please advise if you have any questions. For consideration and with kindest regards, David Cooper Acting Chair, St. Clair Ave. Resident's Association. 3023 St. Clair Ave. Burlington ON L7N 1L4 Phone: [redacted]
Anita Fair 478 Karen Dr., Burlington August 13, 2019	I have been meaning to email for some time now with a thought I have had for this development, and finally getting around to it. Hope you are still the person to contact. As this is a planned retirement home (partially), there will be numerous staff at this location in addition to the residents. In the planning meeting I do not recall any thoughts or studies being done towards the impact of the comings and goings of such a heavily staffed business? Where will they park? How does this impact traffic in the area (it is already hard to get onto New Street or Guelph Line in peak times) and what about the added noise of these overlooked additional people using this space? What about the impact on public transit? As I also share a property line with this proposed development I am additionally concerned with the height of the building, the impact of density for the location, light levels (shade on my property), lack of privacy, lack of green space for the number of residents and additional noise levels it will have on my property. Thanks for your consideration

NEIGHBOURHOOD MEETING
COMMENT SHEET

Subject:
Address: 2421 New St, Burlington
Files:

Please Indicate Below Any Comments or Special Concerns You May Have About This Project

(1) New St (which has recently been put on a "road diet" for bike lanes) will create huge traffic problems with the 2 new structures.

(2) The design is ugly + does not suit the architectural nature of this neighbourhood - It looks like a "space station" !!!

(3) Will the huge boxes on the ~~roofs~~ roofs create excessive noise for the homeowners on Karen Drive?

(4) I'm concerned re the site contamination because I ~~lived~~ live just south of this proposal.

(5) Burlington still has a lot of empty land - build this proposed project where there is plenty of land around & between these 2 structures.

NEIGHBOURHOOD MEETING
COMMENT SHEET

Subject:
Address:
Files:

Please Indicate Below Any Comments or Special Concerns You May Have About This Project

I think the design is unique + attractive + I am pleased it is 11 storeys (rather than 23+) + I also am pleased it has senior units + memory floors. I think the architects have just proven wrong the other developers who keep saying you can't design an attractive mid-height building.

Burlington

Please deposit in the comment box when you leave or mail to:
City of Burlington Planning and Building Department
426 Brant Street
P.O. Box 5013
Burlington, Ontario L7R 3Z6

(Please FULLY complete this section, if you wish your comments acknowledged.)

Name: Lynn Crosby

Address: 396 Smith Ave.

City: Burlington

Postal Code: L7R 2V1

(Optional) E-mail: [redacted]

Notice of Collection of Personal Information

Personal information is collected under the authority of the **Planning Act**, R.S.O. 1990, c. P. 13 and may be contained in an appendix of a staff report, published in the meeting agenda, delegation list and/or the minutes of the public meeting and made part of the public record. The City collects this information in order to make informed decisions on the relevant issue(s) and to notify interested parties of Council's decisions. It may also be used to serve notice of an Ontario Municipal Board hearing. Names and addresses contained in submitted letters and other information will be available to the public, unless the individual expressly requests the City to remove their personal information. The disclosure of this information is governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56. Questions about this collection and disclosure should be directed to: Coordinator of Development Review, Planning (905) 335-7642

NEIGHBOURHOOD MEETING
COMMENT SHEET

Subject: I am opposed to this development
Address: 2424 New Street unit 9&10
Files:

Please Indicate Below Any Comments or Special Concerns You May Have About This Project

I am John Lee (Yong-woo Lee) as owner of Guelph Line & New Street Laundromat and TCM practitioner of John's Acupuncture Clinic at 2424 New Street unit 9&10 this store is located in development proposal plaza

In my opinion. I am opposed to this development because I like this plaza, and I like my business and I like kind our neighbours and I have 10 year left keep going on my business options and right till 2028 in my lease by law with no demolition clause and no relocation clause. I think that this project started with wrong.

I tried many efforts for my business during 8 years therefore I think that

Our customers very like our laundromat and acupuncture clinic

I have plan.

I would like to keep going on our business in here with our neighbour and customers till 2028

please consider.

thank you

Burlington

Please deposit in the comment box when you leave or mail to:
City of Burlington Planning and Building Department
426 Brant Street
P.O. Box 5013
Burlington, Ontario L7R 3Z6

Guelph Line 2 Laundromat

(**Please FULLY complete this section, if you wish your comments acknowledged.**)

Name: John Lee (Yong Woon Lee)

Address: 2421 New Street unit 9,10

City: Burlington

Postal Code: L7R 1K4

(Optional)
E-mail: [redacted]

Notice of Collection of Personal Information

Personal information is collected under the authority of the **Planning Act**, R.S.O. 1990, c. P. 13 and may be contained in an appendix of a staff report, published in the meeting agenda, delegation list and/or the minutes of the public meeting and made part of the public record. The City collects this information in order to make informed decisions on the relevant issue(s) and to notify interested parties of Council's decisions. It may also be used to serve notice of an Ontario Municipal Board hearing. Names and addresses contained in submitted letters and other information will be available to the public, unless the individual expressly requests the City to remove their personal information. The disclosure of this information is governed by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56. Questions about this collection and disclosure should be directed to: Coordinator of Development Review, Planning (905) 335-7642

RECEIVED
JAN 16 2019
CITY OF BURLINGTON
PLANNING DEPARTMENT

Development Application (i.e. File No./Location/Report No./Developer) REPORT - PB-05-19		Date of Statutory Public Meeting JAN. 15, 2019
First Name IRENE	Last Name LUNDY	
Organization (if applicable)		
Street Name and Number WARD 2		Apt.
City BURLINGTON	Province ON	Postal Code
Telephone/Cell number	E-mail	

Design of 2421 and 2431 New St. (PB-05-19)

Beauty is in the eye of the beholder.
Thankfully everyone doesn't like/dislike the same thing.
Burlington is becoming a city of "boxes".
Encourage creativity and uniqueness in new development.
Consider the design of this development as "art".

over →

Traffic

Since it is a seniors' building the traffic created by the residents would be at times other than rush hour. so it would have minimal ~~if~~ any impact on traffic flow.

ROBINS APPLEBY
BARRISTERS + SOLICITORS

Robert S. Choi
T. 416.360.3701
E. rchoi@robapp.com
F. 416.868.0306

Delivered by: E-mail
File No.: 1800262

May 16, 2018

Suzanne McInnes, Senior Planner

Dear Suzanne McInnes, Senior Planner:

Re: Planning Application for 2421&2431 New Street
File No.: 505-02/18 & 520-02/18

Our law firm represents 2367213 Ontario Inc., the owner of two successful businesses (a coin laundry business and an acupuncture office) at 2421 New Street. Our client has instructed us to write to you to object to the approval of the planning application ("**Planning Application**") for 2421 & 2431 New Street, File #505-02/18 & 520-02/18.

Our client has a leasehold interest to operate these businesses at this location until May 2023, with a further right of renewal to extend the lease term to May 2028. Our client has invested much to grow these businesses for years, and it would be unfair for a developer to disregard our client's leasehold/business interests and attempt to effectively shut down my client's profitable ventures.

Please keep our law firm informed of any decisions that are made/to be made in respect of this planning application.

Thank you kindly for your assistance and consideration.

Best regards,

ROBINS APPLEBY LLP
Per:

Robert S. Choi
RC:vt

WESTON CONSULTING
planning + urban design



Vaughan Office 201 Millway Avenue, Suite 19, Vaughan, Ontario L4K 5K8 T. 905.738.8080
Toronto Office 268 Berkeley Street, Toronto, Ontario M5A 2X5 T. 416.640.9917
westonconsulting.com
1-800-363-3558 F. 905.738.6637

Date: October 11, 2019

To: Sustainable Development Committee c/o Lauren Vraets

Re: 2421 and 2431 New Street, City of Burlington, Ward 2

City File: #505-02/18 and 520-02/18

Description: Official Plan and Zoning By-law Amendment SDC Comments Response Letter

Weston Consulting is the authorized planning consultant for TRG (New-Guelph) Inc., the registered owner of the lands municipally known as 2421 and 2431 New Street (subject lands), in the City of Burlington, Regional Municipality of Halton. The following provides responses to the comments received from Burlington Sustainable Development Committee (SDC) on June 20, 2018 following the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications submitted on December 22, 2017. Since the December 2017 submission, and subsequent comments received from SDC, there has been a Public Consultation Meeting on May 16, 2018; a presentation at the Burlington Urban Design (BUD) Advisory Panel February 19, 2019; and partial resubmission of Staff requested materials in June 19, 2019. The comments and responses noted below will be included as part of the fulsome Comments Response Matrix prepared by Weston Consulting and will be submitted along with supporting materials on the next round of application submissions.

The proposed development contemplates an 11-storey mixed-use residential apartment with 342 units consisting of 197 Retirement units and 145 Residential Condo units. The comments received from SDC reflect the Official Plan Amendment and Zoning By-law Amendment applications and refer to specific design and building elements that are specific to sustainability and can be discussed in greater detail during the Site Plan Approval stage. The recommendations noted below by SDC will be reviewed and implemented where possible during the detailed Site Plan Approval application stage. The Owner is amenable to sustainable practices and suggestions from Staff and will work with Staff in providing a building that is of high quality and design.

Please see the extract from the Comments Response Matrix below that details the Sustainable Development Committee suggests and review of the project as well as the responses provided by various members of the Applicant's consulting team of professionals.

We trust this letter and the below responses is sufficient for Staff review and to facilitate a positive Staff Report to be provided at the November Planning and Development Committee meeting for the Official Plan Amendment and Zoning By-law Amendment application. It is recognized that further discussions will take place with Staff during the Site Plan Approval phase for the proposed development on the subject lands.

Vaughan Office 201 Millway Avenue, Suite 19, Vaughan, Ontario L4K 5K8 T. 905.738.8080
Toronto Office 268 Berkeley Street, Toronto, Ontario M5A 2X5 T. 416.640.9917
westonconsulting.com
1-800-363-3558 F. 905.738.6637

Weston File: #8537
Address: 2421 and 2431 New Street, Burlington

City of Burlington – Burlington Sustainable Development Committee Jillian Gorbold and Glenn Portch June 20, 2018	
Comment	**Action/Response**
Overall Recommendation: SDC supports the application with recommendations as noted.	
General The SDC supports higher density development close to transit, retail and community services that will likely attract transit-oriented, environmentally focused residents and businesses. The proposed development seeks to redesignate the subject lands from Neighbourhood Commercial to Residential- High Density areas. The proposal exceeds the permitted Residential-High Density density of 185 units per net hectare. An Official Plan Amendment requested to increase the permitted density to 470 units per hectare/ FAR of 3.71:1.	Noted.
Site Specific Considerations The subject property is located on the north side of New Street between Guelph Line to the east and Beverly Drive to the west. The subject property is generally rectangular in shape, has a combined area of approximately 0.7 hectares (1.74 acres) and has approximately 80 metres of frontage on New Street. The subject property is currently occupied by three separate low-rise commercial/ retail buildings, one being a stand-alone restaurant on the southeast corner of the lot. The subject property has a relatively flat topography and no significant features on site that would prevent the proposed redevelopment of the subject property.	Noted
The proposed residential apartment building contains a total gross floor area of 11,428 square metres, including 2,790 square metres of amenity space. The residential condominium is proposing a unit mix of 97 one-bedroom units and 42 two-bedroom units. There will be no units on the 7th floor of the residential condominium building as this space will be occupied by the Memory Care living space, part of the senior's retirement residence. The proposed senior's retirement residence building contains 223 Retirement Living units and a total gross floor area of 17,058 square metres, including 3,255 square metres of amenity space. There is an outdoor patio at the north end of the retirement living building on the ground floor, in addition to the 306 square metre rooftop terrace on the 6th floor. The development proposes a total gross floor area of 28,486 square metres resulting in a sitewide density of 4.05 times the area of the lot.	Noted – building configuration has been altered; revised plans we're provided to Planning staff in June, 2019. Residential Apartment gfa has been decreased to 10,042 sq.m. Similarly, the retirement building gfa has been reduced to 15,315 sq.m. The density proposed at that time was 3.68 FAR. It is important to note that Planning staff has requested further amendments to the building design which include additional terracing on the

City of Burlington – Burlington Sustainable Development Committee Jillian Gorbold and Glenn Portch June 20, 2018	
Comment	**Action/Response**
	south, east and north sides. This will further reduce the GFA's illustrated in June, 2019. These changes are reflected in Staff's amendment recommendations.
The City of Burlington Zoning By-law No. 2020 zones the subject property CN1 – Neighbourhood Commercial. The 'CN1' zone permits various uses including Retail, Service Commercial, Office, Community, Hospitality, Automotive, Entertainment & Recreation, Residential and Industrial uses. The proposed development seeks to rezone the subject lands to the RH4 – Residential High Density zone. The RH4 zone permits an apartment building as well as retirement home. A site-specific Zoning By-law Amendment is requested to permit certain development standards proposed, including relief to the required minimum setbacks (Front Yard: from 12.5m to 3m, Side Yard: from 21.3m to 7.5m, Back Yard: from 21.54m to 18.72m), the proposed parking count (from 385 spaces to 319 spaces), width of the landscape buffers (from 6m to 3m) and other development provisions.	Noted
The proposed development should address design elements to reduce the use of energy and minimize GHG emissions. As this iconic building will be in place for many years, it should help the City move towards its goal of being net carbon neutral.	This comment is acknowledged. The detailed design to review sustainable features has not occurred yet. These elements will be assessed and incorporated at the forthcoming site plan stage.
We would welcome discussions with the applicant to consider how the sustainability of the building could be enhanced, including at the Site Plan stage. We encourage the applicant to review the Sustainable Building and Development Guidelines and enhance the sustainability aspect of the design.	Noted. The applicant welcome's SDC's comments during the site plan application process.
Recommendations: Our comments are based on the following Principles and Objectives of Sustainable Development, as developed by the committee, endorsed by Council and found in Appendix E of the City's Official Plan:	
Use a Low Impact Design approach to stormwater management	The applicant has not reached the stage in the approval process where regarding energy conservation, low impact development techniques and construction waste management design elements have been assessed.
Use of sustainable practices to manage construction waste	
The applicant has not provided information on design elements to encourage the conservation of energy. The building should be designed and built to help Burlington to achieve its goal of being net carbon neutral. SDC recommends:	

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• Construction of a very efficient building shell. The proposal to use a substantial amount of glass in the tower is of concern (R-value reduces over times with seals failing and provides a large solar heat gain)	The applicant is working with potential vendors to work through detailed design matters. The items outlined above will be assessed at that time.
• Renewable energy generation	
• Incorporation of active and passive solar design elements	
• Reduction in the use of energy through efficient fixtures and appliances, and	
• Individual energy metering of each unit	
A major goal of this development should be to encourage residents to use forms of transportation other than their automobiles, especially given the proximity to the Burlington GO Station and City of Burlington transit. SDC supports: • Reduced parking spaces	The proposed development intends to use the draft parking standards proposed through the City-wide Parking Review commissioned by IBI, which provides less parking spaces and encourages greater transit use. It is our understanding that City Planning Committee approved these rates in Sept. 2019
• Providing ample bike storage	We agree that ample bike parking should be provided, especially with the addition of the Community Institution use. The appropriate number of spaces, for a senior's focused development, will be addressed at the site plan stage.
• Providing ample electric vehicle charging capacity	The potential inclusion of EV charging stations and car-share will be explored with the vendor.
• Providing an on-site vehicle sharing program	Noted – detailed design to be confirmed at the Site Plan Approval stage.
• Incorporating a "lay-by" area in the site plan for transit	Noted – Lay-by parking is difficult given the location on New Street; however, the Owner is

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	open to the addition of on-street lay-by spaces during the site plan process. It should be noted that the City has implemented free transit for seniors in non-peak periods and those with low incomes. Further, the City is considering transit options for the proposed Community Institutional component of the development.
Would like to see reference to: • Commitment to installation of energy efficient appliances (if provided)	The applicant cannot commit to energy or water efficient appliances at this time. These will be determined by the vendor.
Efficient use of water	
Use of bio-swales and detention basins along the property's joint perimeter with gas station	There is potential for a swale along the east property line. This can be explored at the detailed design site plan stage. However, the applicant cannot control or force the adjacent land owner to implement a swale.
Creation of gardens for seniors. These gardens can contribute to low-impact development and stormwater management on site	There is the potential for additional gardens at the north end of the property. This can be explored with the vendor at the site plan stage.
This proposal will remediate the existing contaminated site which promotes health.	The owner is undertaking remediation measures with the City and Region through consultation with their Consultant EXP.
Provide fixtures and appliances that conserve water.	The applicant cannot commit to energy or water efficient appliances at this time. These will be determined by the vendor.
Collected rainwater can be used to fill water features, irrigate gardens and maintain landscapes. Innovations in onsite water management technologies is encouraged.	Detailed LID measures will be addressed at the site plan stage.
Green roofs act as a natural way of filtering runoff.	
The applicant should ensure that proper recycling methods and facilities are available for residential tenants. This should include organic waste through the green bin program.	Garbage rooms in both buildings have been sized to accommodate sorting and recycling of waste. The waste management strategy will be designed by the vendor.

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The site allows for planting a significant number of trees. More trees should be provided to support the urban greenspace. Urban forests provide habitat and food sources for wildlife, cooler watercourses, mitigate noise and dust levels, improve air and water quality, absorb pollutants, sequester carbon and help conserve energy. The applicant should improve and clarify the proposed number of trees for this project.	The proposed development preserves all the mature trees along the north and east property lines. Addition tree plantings are provided which significantly increase the number of trees over what is currently on site today. Further, as part of Planning staff's amended recommendation, the underground parking garage will be pulled back from 0.7m to 3m to allow for new mature tree growth along New Street. A detailed landscape plan will be provided at the site plan stage.
Insufficient green space has been incorporated into this development. Green roofs, rooftop gardens and/or terrace gardens should be considered.	The site currently contains no landscape areas. The proposed landscape plan will significantly improve the existing condition with new trees, gardens, grasses areas and paths. There are also rear terraces on the 6 story and a terrace between the buildings on the bridge. Any additional LID measures can be explored at the site plan stage.
The proposed development supports healthy and walkable neighbourhood design. However, landscaping is not incorporated to low-impact development.	
The proposed density and setbacks are of concern. This is a high-density development. This growth, were it to be replicated across the neighbourhood and nearby areas, would not be sustainable in terms of traffic and in terms of services such as parking and transit without intensive upgrades to those services.	The site is located on a planned intensification corridor and secondary growth node. The proposed density and height should and cannot be replicated across the neighbourhood. It was the City's intention to direct growth to properties such as this.
The proposal does not include commercial space on the ground level. The design of the commercial spaces are encouraged and they can accommodate necessary businesses for seniors in the building and community.	Senior's oriented commercial programming, such as Senior's support services that are community focused, are being considered at the Ground Level.

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It is not clear through the current proposal how the development will "foster community interaction" (an objective of the BOP) and help to create a "complete community". Memory Care living space at L-7 could help to promote a sense of community in the development.	In addition to the memory care units, retirement residence and senior's rental building, a Community Institutional use has been added to the rental building which will offer assisted support services to seniors in the community. Large boulevards are provided along New Street to allow for space to animate the streetscape.
The area is very walkable and there is easy access to the bus stops.	Noted.
The applicant's provision of bike storage promotes cycling and multi-modal transportation. A bike pump station within the development would further encourage personal bike use.	Noted – detailed design to be confirmed at the Site Plan Approval stage.
SDC supports the applicant's provision of limited parking space as it encourages the use of alternate modes of transport. A small portion of the parking is allocated for visitors.	Noted.
The SDC encourages the applicant to provide an on-site car sharing program.	Car share program will be considered at the time of site plan application with the vendor.
This proposal supports this objective.	Noted
SDC supports LID measures, including cistern storage to allow reuse of storm water for irrigation. The applicant is encouraged to provide on-site retention basins.	The applicant has not reached the stage in the approval process where regarding energy conservation, low impact development techniques and EV charging design elements have been assessed. The applicant is working with potential vendors to work through detailed design matters. The items outlined above will be assessed at that time.
The applicant has not provided information on design elements to encourage the conservation of energy. The building should be designed and built to help Burlington to achieve its goal of being net carbon neutral.	
The applicant should provide electric vehicle charging stations for residents and visitors.	
The applicant should provide a terrace garden facility for residents.	The proposed development provides 6 storey terraces for the use of the memory care facility. These terraces will be secured for the protection of memory care patients. The 8th storey terrace between the building will be available to residents of both the rental and

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	retirement buildings. It is expected that this terrace will be landscaped. Details we be determined at the site plan stage.
This proposal supports Assisted Housing. The City should consider the potential impact of this building on nearby street and residential buildings during the construction phase.	Noted. A construction management plan has been requested by Planning staff. The CMP will be provided, and approved, as part of the zoning by-law application.
Summary of Above Discussion and Recommendations/Action Items: The proposed density and setbacks are of concern. This is a high-density development with 362 units over ~0.7 ha. This growth, were it to be replicated across the neighbourhood and nearby areas, would appear to not be sustainable in terms of traffic and in terms of services such as parking and transit without intensive upgrades to those services. The community benefits provided by the applicant in the Planning Justification Report to justify exceeding the density and height limits are not sufficient and should be improved. The applicant is requesting two levels of intensification combined (CN1 to RH4 and RH4 to higher) which is 11 times the exiting density. The applicant should clarify if and how this development responds to affordable housing as this option may justify the above-noted intensification .	The proposed development will not be defined as affordable housing. It will, however, offer housing types that are in need within the city. The rental building will include 500 sq.m of Community Institutional space which will be used to assist senior's with low incomes by providing support services.
The proposed development has positive components within the current proposal e.g.: • The proximity to transit, walkable streets • Bicycle storage on site • Creating some lay-by space to allow for pick up/drop off of residents (who will rely less on using private vehicles) • Reduced parking	Noted.
The proposed development should be further enhanced by addressing issues such as: • Design elements to reduce the use of energy and reduce GHG emissions: o There is a lot of glass (R-value reduces over times with seals failing and provides a large solar heat gain)	Noted – detailed design to be confirmed at the Site Plan Approval stage.

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• Proposal for vehicle sharing program	This will be explored with the vendor at the site plan stage.
• Integration of a bike lane into the proposal	The Owner cannot control how the city streets are utilized. Any future bike lanes are at the discretion of the City. It should be noted that there was a bike lane piolet project that was in place in 2016 to 2017; City council voted to end the project.
• Inclusion of 3-bedroom units that can accommodate families	The type of facility (retirement and senior's rental) don't require units that have 3 bedrooms.
• Increasing the amount of commercial space to increase the opportunity for employment	75sq.m Commercial space was removed and replaced with 521 sqm of Community Institutional space.
• Widening the sidewalk area around the building and including more landscaping	The side yards were not increased to allow for the widening of the interior courtyard to accommodate full movements for waste vehicles.
• Providing for more outdoor amenity space (e.g. garden areas) for residents	Additional outdoor amenity space was added through the removal of the hammerhead driveway and internalization of garbage storage.
The applicant has an opportunity to create a building that can set a standard for new development within the greater context by incorporating sustainable practices and LEED level components such as: • Use of recycled building materials • Use of heat pumps • The use of effective recycling and waste facilities on-site	Noted – detailed design to be confirmed at the Site Plan Approval stage.
Future Site Plan & Building Permit Considerations: The City of Burlington has approved the Sustainable Building and Development Guidelines. The committee recommends that the applicant consider the guidelines in this application. Many of the items identified in the guidelines are implemented through site plan and/or building permit approval, after a development proposal has received an Official Plan amendment and/or zoning by-law amendment, however, to ensure the design	Noted.

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of sustainability features can be incorporated, we recommend these items are given consideration at this stage in the process. A full copy of the guidelines can be downloaded at: https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/Official_Plan/sm_UPDATE-for-web---18-044-PB-Sustainable-Building-and-Development-Guidelines.pdf	
The Sustainable Development Committee requests a response from the applicant related to the above recommendations. The committee would be pleased to meet with the applicant to discuss these comments in further detail.	This comment response matrix is our formal response to SDC comments.

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