Wellings Planning Consultants Inc.
Land Use Planners

PLANNING JUSTIFICATION REPORT

FIRST CAPITAL (APPLEBY) CORPORATION

APPLICATIONS TO AMEND THE OFFICIAL PLAN AND ZONING BY-LAW 2020, AS AMENDED

5111 NEW STREET

CITY OF BURLINGTON



July 24, 2014

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INTRODUCTION

Wellings Planning Consultants Inc. has been retained by First Capital (Appleby) Corporation ("First Capital") to prepare a Planning Justification Report to support an application to amend the Official Plan and Zoning By-law 2020, as amended, to facilitate the construction of two (2) multi-unit residential condominium buildings to be integrated with the existing commercial development known as Appleby Village (see **Attachment No. 1** – Location Map). Appleby Village consists of seven (7) buildings with a variety of retail/service commercial/office uses, including a Fortinos grocery store, Home Hardware, Rexall Pharma Plus, LCBO and the Beer Store. The Gross Building Floor Area ("GBFA") within Appleby Village is approximately 20,056 square metres (215,881 square feet).

On July 30, 2013, a pre-consultation meeting was held with City staff and public agencies. The pre-consultation form signed and dated July 30, 2013 states that a Planning Justification Report is required to address the following:

- A detailed description of the proposed buildings including access points, indoor and outdoor amenity space, landscaping and building design;

- An overview of the Provincial, Regional and local policy context;

- Compatibility with surrounding residential development to the north and east including consideration of Part III, Section 2.5.2 "Housing Intensification" in the Burlington Official Plan including a discussion on scale, massing, height, siting, setbacks, coverage, parking, amenity area, sun shadowing, wind, landscaping, traffic impacts, etc.;

- A review of the on-site relationship between the existing and proposed buildings including pedestrian and vehicular traffic flows, noise, and access to neighbourhood services; and,

- Mitigation measures proposed to reduce any adverse impacts of the proposed redevelopment.

DESCRIPTION OF EXISTING, ON-SITE BUILDINGS AND SURROUNDING LAND USES

As noted above, Appleby Village consists of seven (7) buildings with a variety of retail/service commercial/office uses. The main commercial building located at the centre of the site is approximately 11,733 square metres (126,293 square feet) and presently contains Fortinos and Home Hardware. The ground floor area of the other buildings range from 480 square metres (5,167 square feet) to 1,395 square metres (15,016 square feet). Two buildings have a second floor with a total area of 2,514 square metres (27,060 square feet). The Gross Building Floor Area ("GBFA") within Appleby Village is approximately 20,056 square metres (215,881 square feet) (see **Attachment No. 2** - Site Plan - Existing Appleby Village). The main commercial building was renovated and the new commercial buildings were all constructed within the last three (3) years.

The two (2) multi-unit residential buildings are proposed at the northeast corner of the 6.6 hectare (16.3 acre) Appleby Village site where asphalt parking currently exists. The newly renovated/constructed retail/commercial buildings are located directly to the south and west. The two (2) residential buildings will have access doors on both sides of the buildings. The residential area will be separated from the commercial area by two (2) internal drive aisles, with a bank of parking spaces (12 parking spaces in depth) between the drive aisle immediately south of the residential buildings and the drive aisle immediately to the north of the Fortinos building.

To the immediate north, on the north side of Pinedale Avenue, there are medium density condominium townhouse units. To the east (east of Timber Lane) there are three (3) condominium high-rise buildings known as Pinedale Estates (5070, 5080 and 5090 Pinedale Avenue) which were built in 1989, twenty-five (25) years ago. The three (3) buildings are each 12 storeys and provide a total of 338 dwelling units. To the south and east of Pinedale Estates, there are two (2) elementary schools (Ascension Catholic School and Frontenac Public School) and one (1) high school (Robert Bateman High School) with associated parkland.

Both Appleby Line (north-south) and New Street (east-west) are local arterial roads with sidewalks on both sides. Pinedale Avenue (east-west) and Timber Lane (north-south) are local collector roads with sidewalks on both sides. Burlington Transit operates two (2) routes (Route 10 – New/Maple and Route 4 – Central) in the vicinity of the site and transit stops are located at all four (4) intersections.

DESCRIPTION OF PROPOSED RESIDENTIAL BUILDINGS

The proposal introduces a different style of high-rise building into the neighbourhood from the three (3) existing 12 storey residential buildings to the east. The proposed new residential buildings will be modern in design, located close to the street and integrated with a recently renovated and revitalized community commercial site (see **Attachment No. 3** – Context Plan prepared by SMV Architects). The detailed building design is preliminary at this stage, but the building materials will consist of brick at grade (base) and glass and metal materials above.

The proposal includes two (2) multi-unit residential buildings. Building 1 is proposed at 12 storeys and located east of the Pinedale Avenue/north-south access to Appleby Village. Retail space is proposed at grade and twelve (12) residential units are planned on each of the eleven (11) remaining floors for a total of 132 residential units. This building will be approximately 36 metres in height (approximately 40 metres including the roof top mechanical features).

Building 2 is proposed at 17 storeys and located at the southwest corner of Pinedale Avenue and Timber Lane, and connected to Building 1 through a second floor link/amenity area, which will have a green roof top. Retail and daycare space is proposed at grade and twelve (12) residential units are planned on each of the sixteen (16) remaining floors for a total of 192 residential units. This building will be approximately 49 metres in height (approximately 54 metres including the roof top mechanical features) (see **Attachment Nos. 4 and 5** - Building Elevations and Renderings prepared by SMV Architects).

There are currently six (6) driveways on the Appleby Village site (5 full movement driveways and one right-in/right-out driveway) from the surrounding streets. No new accesses are proposed. Two (2) levels of underground parking are proposed to accommodate approximately 252 parking spaces per level for a total of 504 underground parking spaces. Visitor parking will be provided both underground and at ground level, between the two proposed buildings (see **Attachment Nos. 6 and 7** – Underground Parking Plan and Floor Plans prepared by SMV Architects).

OVERVIEW OF PLANNING POLICY CONTEXT

Provincial Policy Statement (2014) (PPS)

As stated in Part V, Policy 1.1.3 of the PPS, "it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures." It is a key Provincial policy to promote land use patterns that are transit-supportive and to accommodate a range of intensification opportunities (Policy 1.1.3.2).

The proposal to add two (2) multi-unit residential buildings on the Appleby Village site represents an appropriate form of intensification on a presently under-utilized portion of the site, adjacent to major retail uses, where local transit is available and the Appleby GO Station is in close proximity (less than 1.5 km to the north).

The PPS also states that municipalities shall identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated. In 2008, the City of Burlington did identify Appleby Village as a site where residential intensification could occur.

The PPS states that appropriate development standards should be promoted that facilitate intensification while avoiding or mitigating risks to public health and safety. A Transportation Study, Environmental Noise Feasibility Study, Functional Servicing Study, Shadow Analysis, Wind Assessment and Parking Study have been prepared in support of the applications. A Record of Site Condition was filed with the Ministry of the Environment based on the preparation and review of the appropriate Environmental Site Assessments. All the above referenced studies/assessments have not identified any public health or safety issues and where appropriate, mitigation measures have been recommended and will be implemented.

In our opinion, the proposal is consistent with the 2014 PPS.

Growth Plan for the Greater Golden Horseshoe (Growth Plan 2006)

The Growth Plan "is a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in this region to 2031" (page 6 of the Growth Plan). The Growth Plan is meant to guide decision-making in regard to a number of matters including land use planning, urban form and housing.

The population forecasts for the Region of Halton, contained in Schedule 3 to the Growth Plan are 650,000 for 2021 and 780,000 for 2031. The Growth Plan also establishes a minimum intensification target of 40% of all residential development annually within the built-up areas of Halton municipalities by the year 2015 and for each year thereafter. All municipalities must look to their existing urban areas to provide additional housing units. The Growth Plan requires municipalities to develop policies to encourage, facilitate and promote intensification. Generally, intensification must be encouraged throughout the built-up area but the Growth Plan enables municipalities to specifically identify intensification areas with a focus on defined urban growth centres, intensification corridors and major transit station areas.

The City of Burlington undertook an Intensification Study which recognizes the Growth Plan's designation of Downtown Burlington as an Urban Growth Centre and identifies Plains Road and Fairview Street as Urban Growth Corridors. In addition, areas within the City have been identified as Arterial Cores & Regional Malls. The Intensification Study identifies the subject lands as an Arterial Core wherein general residential intensification could occur.

In our opinion, the proposal conforms to the Growth Plan policies which encourage, promote and facilitate intensification within the built-up areas of a municipality.

Halton Region Official Plan Amendment No. 38 ("ROPA 38")

ROPA 38 was adopted by Regional Council on December 16, 2009 and approved with modifications by the Minister of Municipal Affairs and Housing on November 24, 2011. ROPA 38 was appealed to the Ontario Municipal Board ("OMB"). Subsequently, acceptable modifications to ROPA 38 were negotiated and mediated by Regional and Provincial staff.

An OMB Order, dated February 4, 2014 partially approved ROPA 38. Some sections within the various Parts of ROPA 38 remain under appeal, and there are a number of site-specific appeals.

In our opinion, portions of Part III, Land Stewardship Policies (Urban Area and Housing policies) and portions of Part IV, Healthy Communities Policies are directly applicable to the proposed development. The approved, in effect policies are discussed below, with reference to whether or not the policies that remain contested are applicable to the proposed development.

Part III, Section 71, Land Use Designations and the associated maps are in not effect, as per Schedule 3 to the OMB Order dated February 4, 2014. However, the subject lands are designated Urban Area in the existing and approved Halton Official Plan. The

Urban Area policies in ROPA 38 are approved and in effect, with the exception of certain subsections within Sections 77(5) and 77(7).

Section 77(5) of ROPA 38 states that it is the policy of the Region to require Local Municipalities to prepare *Area-Specific Plans* (i.e. secondary plans) or policies for major growth areas, including the development or redevelopment of communities. [Words in italics are defined in ROPA 38]. Section 77(5) further states: "The area may contain solely employment lands without residential uses or solely an *Intensification Area*." Such policies or plans are required to include a number of elements, as listed in Subsections 77(5) a) through q). Four (4) of these subsections remain under appeal.

In our opinion, it is important to address whether or not the Region of Halton could require the City of Burlington to prepare an Area-Specific Plan for the subject lands. In other words, are the subject lands part of an *Intensification Area*, as defined in ROPA 38. *Intensification Area* is defined in ROPA 38 as: "lands identified by the Region or its Local Municipalities within the Urban Area that are to be the focus for accommodating *intensification*. Intensification areas include *Urban Growth Centres, Major Transit Station Areas* (including Metrolinx-designated Mobility Hubs), *Intensification Corridors, and* Mixed Use Nodes."

Downtown Burlington is designated as an *Urban Growth Centre* in ROPA 38 and the subject lands are not designated as a *Major Transit Station Area* or Mobility Hub in ROPA 38. ROPA 38 does not designate lands as *Intensification Corridors* or Mixed Use Nodes, as these designations are applied in local Official Plans. The subject lands are not designated as an Intensification Corridor or Mixed Use Node in the Burlington Official Plan. The subject lands are part of a Major Retail Area and designated "Community Commercial". This designation does allow for commercial uses, as well as residential uses. Therefore, in our opinion, the subject lands are not located within an *Intensification Area*, as defined by ROPA 38 for which an area-specific plan could be required by the Region.

While not located within an *Intensification Area*, as defined by ROPA 38, this does not mean that the area cannot or should not be intensified. It simply means that the area is not of a significant scale or located within a planned mixed-use node that would require a secondary planning exercise/area-specific plan.

The proposed development is supported by four (4) specific Urban Area objectives in ROPA 38 and does not conflict with the other objectives. These four (4) objectives are:

"72 (2) To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on

the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.

72 (4) To ensure that growth takes place commensurately both within and outside the *Built Boundary*.

72(7) To plan and invest for a balance of jobs and housing in communities across the *Region* to reduce the need for long distance commuting and to increase the modal share for transit and *active transportation*.

72(9) To facilitate and promote intensification and increased densities." [Words in italics defined in ROPA 38]

The introduction of two residential buildings at the northeast quadrant of the intersection of two local arterial roads, on a community commercial site where additional development can be accommodated represents an efficient use of space and services. The introduction of residential uses on the subject lands could foster live-work relationships and in our opinion does foster a strong and competitive economy.

The site is located within the built boundary of the City where commensurate growth must take place in combination with lands outside the built boundary. The specific location was selected based on the availability of transit (local bus routes and proximity to the Appleby GO Station); the underutilized nature of the site; the adequate and available hard and soft services; and the potential to share a proportion of visitor parking with the community commercial uses.

Section 75 of ROPA 38 states:

> "The Urban Area is planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities as shown in Table 1 and the Regional phasing as shown in Table 2a."

The ROPA 38 Table 1 population for Burlington in 2031 is projected to be 193,000. Table 2, titled Intensification and Density Targets, shows the minimum number of new housing units to be added to the built-up area (built boundary) between 2015 and 2031 as 8,300. The phasing for these units, are shown in Table 2a as:

2012-2016	2,525
2017-2021	2,758
2022-2026	2,669
2027-2031	2,659

As per Section 77(2.2), the Region will provide an Annual *Intensification* Monitoring Report to Council. Among other matters, the report is to include, starting in 2016, the cumulative deficit, if any, of new housing units occurring in the *Built-Up Area* between 2015 and the current year as well as recommendations that can be implemented to more effectively accommodate all intensification opportunities.

At the present time, it is our understanding that the City of Burlington has not publicly released the number of new built-up area housing units planned/constructed between 2012 and the present (annual number of new housing units by density type). Therefore, we cannot assess, in any detail, how the City is meeting the targets.

Further, Section 77(4) of ROPA 38 requires each local municipality to "demonstrate with sufficient details, through their respective Official Plans and amendments thereof, how the distribution of population and employment in Table 1, the targets in Table 2, and the Regional phasing in Table 2a can be achieved and maintained at all times."

In our opinion, intensification of the Appleby Village site (identified by the City of Burlington as a potential intensification site) with 324 residential units will assist in meeting the built boundary intensification targets. While downtown Burlington and the Fairview GO Station Area will accommodate a number of new residential units, it is important to also achieve intensification throughout the built-up area in specific locations identified, and where appropriate.

Part III, Sections 84-86 of ROPA 38 contain Housing objectives and policies with only one subsection [86(10)] still under appeal. One of the objectives states:

> "85(4) To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods."

The proposed development is making more efficient use of existing development lands and available services to increase the supply of housing. In our opinion the physical character of the neighbourhood, consisting of a diversity of residential building forms will be maintained.

The first step is to identify the components of the neighbourhood and its physical character. In our opinion, the neighbourhood would be geographically described as New Street to the south; Appleby Line to the west; the cross-city trail to the north (just south of Fairview Street) and perhaps as far east as Sheldon Creek. We define this area as the neighbourhood as it has a distinct character from the lands east of Sheldon Creek.

This neighbourhood or sub-neighbourhood contains a revitalized community commercial development (Appleby Village); two elementary schools and a secondary school with related parkland/open space; three (3) high-rise buildings backing onto the school buildings and parks; low-rise multiple unit buildings and low density residential areas. This neighbourhood contains a number of community facilities for the broader community. A variety of types, sizes and heights of buildings exist in this neighbourhood with a predominance of community facilities (schools, parks and commercial uses).

The three (3) multi-unit residential buildings which exist in this neighbourhood were built a number of years ago and are more "suburban" in form. By this we mean the buildings are setback from the road with front yard parking. The proposed new buildings will have a more "urban" form, compact and integrated with the renovated/new commercial buildings on the Appleby Village site. The proposed new buildings will be located close to the street/sidewalk, on the Appleby Village site and are designed to include glass, metal and a brick base. An indoor amenity area and a roof top amenity area will be located in the link between the buildings. The two (2) new residential buildings will be located on the south side of Pinedale Avenue, in close proximity to medium density housing.

Overall, in our opinion the physical character of the neighbourhood will not substantially change from the existing mixture and diversity of residential uses. The physical character of the community commercial site will change by introducing modern residential buildings which complement the recent redevelopment of Appleby Village.

Another ROPA 38 housing objective states:

> "85(8) To encourage the Local Municipalities and the building and *development* industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, *universal physical access,* public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles." [Words in italics defined in ROPA 38]

In our opinion, the proposed residential buildings are modern, attractive and will accommodate amenity features on the ground floor and link as well as service commercial and retail opportunities, providing a mix of uses. The building will provide residential units with "eyes on the street" that contribute toward public safety and security and good urban design.

Section 85(13) of ROPA 38 states:

> "To promote residential *intensification* through the development or redevelopment of brownfield and greyfield sites." [Words in italics defined in ROPA 38]

"Greyfield" is defined in ROPA 38 as: "developed properties that are not contaminated. They are usually, but not exclusively, commercial properties that may be under-utilized, derelict or vacant." Appleby Village is neither derelict nor vacant but it is under-utilized and can accommodate additional development.

Policy 86(6) in ROPA 38 states:

> "Adopt the following housing targets:
>
> a) That at least 50 per cent of new housing units produced annually in *Halton* be in the form of townhouses or multi-storey buildings; and
>
> b) That at least 30 per cent of new housing units produced annually in *Halton* be *Affordable* or *Assisted Housing*." [Words in italics are defined in ROPA 38]

It is understood that the above-noted requirements are Region-wide, but the City of Burlington is a municipality that must depend upon intensification to grow given that no new Greenfield areas are available. The City will need to look, in our opinion, beyond the downtown area and urban corridors to other lands that can accommodate multi-storey buildings.

Policy 86(21) requires "Local Official Plans to provide an appropriate mix of housing by density, type and affordability in each geographic area, consistent with current and projected demands reflecting socio-economic and demographic trends." The aging population means smaller household sizes with people looking to downsize, but remain within their neighbourhoods. Multi-storey buildings provide the opportunity to live without stairs and the subject location is ideal for an aging population to live, shop and perhaps even work in the immediate area.

Part IV of ROPA 38 contains Healthy Communities Policies and Sections 140 to 149 address environmental quality. As part of the application, technical studies have been prepared to address shadow impacts, wind, noise, traffic, parking and servicing. Environmental Site Assessments have been prepared for the subject lands and a Record of Site Condition has been filed with the Ministry of the Environment. The introduction of intensification projects in neighbourhoods, and in particular multi-storey buildings, do require that noise, traffic and shadowing impacts are addressed and

mitigated if possible. These environmental quality issues are addressed through the technical studies which are summarized in a latter section of this report.

Given that the subject site is already developed and the proposed building area presently contains an asphalt parking area, there are no natural features to impact. Greening of the site will be introduced through the provision of a green roof (which connects the two buildings) and through the provision of landscaping features such as potted shrubs and trees and plantings along Pinedale Avenue.

Following a review of the applicable policies in Part III and Part IV of ROPA 38, in our opinion the proposed development conforms therewith. We also find no conformity issues with other policies/parts of ROPA 38.

City of Burlington Official Plan ("BOP")

The subject lands are identified as "Major Retail Areas" on Schedule A, Settlement Pattern of the BOP and further designated "Community Commercial" on Schedule B, Comprehensive Land Use Plan – Urban Area.

Part III, Section 4.4 contains policies related to the "Community Commercial" land use designation. Permitted uses may include medium and high density residential uses to a maximum height of 12 storeys based on site-specific evaluation criteria including traffic, land use compatibility and environmental factors (Part III, Page 43). Part III, Section 4.4.2 c) of the BOP states: "Residential uses shall be located in buildings exclusively used for residential use or in upper storeys of commercial buildings."

The introduction of multi-storey residential buildings on the subject lands represents residential intensification. Intensification is defined in the BOP as:

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

City of Burlington Intensification Study – 2008

City Planning Department Report PL-1/08 outlined preliminary residential and employment intensification estimates to the year 2031 and these estimates were forwarded to the Region of Halton as part of their Official Plan Review. PL-1/08

identified five areas in the City where intensification is expected to occur, with the addition of approximately 9,700 units:

i. Downtown Urban Growth Centre – 23%;

ii. Plains Road, Fairview Street and GO Station Urban Growth Corridors – 39%;

iii. Regional Malls and Arterial Cores (Community Commercial shopping centres) – 18%;

iv. Low density infill within existing residential area – 3%; and

v. Accessory dwelling units within dwellings on lots 15 metres or wider – 17%.

Development in Uptown Burlington (Mixed Use Centre) was placed in the "Development Applications & Greenfield Development" category. For this overall category it was estimated that approximately 16,100 new units would be created between 2006 and 2031. The staff report concluded that post 2015, population growth is expected to be primarily in non-Greenfield areas.

The Regional Malls and Arterial Cores category consist of existing shopping areas, where there is potential to intensify. There are two (2) Regional Mall sites; Burlington Mall and Mapleview Mall and five Arterial Cores: Lakeside Plaza; Appleby Mall; Eastway Plaza intersection; Roseland Plaza intersection; and the Burlington Super Centre/Burlington Heights Centre. The 2008 staff report states that only some of these shopping centres will intensify by 2031 resulting in approximately 1,750 additional dwelling units (18% of the total of 9,700 intensification units).

With the exception of the subject proposal, to the best of our knowledge the City has not received any applications to intensify any of the Arterial Cores (mall sites) listed above. Therefore the proposal to intensify the Appleby Village with approximately 324 residential units represents an important component of the City's intensification strategy and approximately 18.5% of the 2008 intensification estimate for the Arterial Cores & Regional Malls (i.e., 324 units is 18.5% of 1,746 units planned for Arterial Cores & Regional Malls).

In 2008 staff assessed each Arterial Core based on the total lot area, stability of existing uses and lot coverage and estimated that two (2) of the Arterial Cores could be fully redeveloped by 2031 (the two (2) specific areas were not identified in the 2008 study).

It is our understanding that the *Preliminary 2031 Residential and Employment Intensification Estimates* prepared by the City in 2008 have not been updated. Since 2006, a substantial amount of intensification has occurred within the Downtown Urban Growth Centre, Urban Growth Corridors and through low density infill and accessory dwelling units. The City of Burlington estimated that approximately 40% of the 9,700 residential units created through intensification would occur by 2015.

Housing Intensification Policies and Compatibility

Part III, Section 2.5 of the BOP contains objectives and policies related to Housing Intensification. The BOP encourages residential intensification in order to increase housing stock "provided the additional housing is *compatible* with the scale, urban design and community features of the neighbourhood." (Part III, Page 9 of the BOP). The word compatible is defined in the BOP as:

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

Subsection 2.5.2 of the BOP contains thirteen (13) criteria that must be considered when evaluating proposals for housing intensification within established neighbourhoods. Each criterion is quoted in bold and addressed below.

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

A Functional Servicing Report has been submitted with the applications and there is currently sufficient water to service the proposed development. The upgrades to the Skyway Wastewater Treatment Plant will be completed in 2015 and adequate wastewater treatment will be available. There is currently capacity in the storm sewers to accommodate the proposed development. There is adequate capacity in the existing schools in the neighbourhood to accommodate any school aged children and parkland in the vicinity is sufficient for the additional population.

(ii) Off-street parking is adequate;

R. J. Burnside & Associates Limited ("Burnside") prepared a Parking Study based on a gross floor area of 19,694.33 sq. m. (211,988 sq. ft.). The development proposal will potentially add 958.57 sq. m. (10,318 sq. ft.) of commercial space (ground floor of residential buildings) for a total of approximately 222,306 sq. ft. (20,652.90 sq. m.).

Zoning By-law 2020 would require 1,652 parking spaces for the entire mixed-use development and a total of 1,328 parking spaces are being provided (804 commercial and 524 residential).

There are currently 960 parking spaces on site: 857 regular spaces; 39 - accessible; 11 - expectant mothers; 12 - 20 minute limit; 7 – reserved; and 1 temporarily fouled (refuse bin) = 960. 156 parking spaces will be lost through the footprint of the two residential buildings reducing the commercial parking to 804 spaces. The two residential buildings will have 504 spaces underground and 20 visitor surface parking spaces for a total of 524 parking spaces.

A 2012 Commercial Parking Demand Survey found that the actual demand was for 494 spaces or 2.79 spaces/100 sq. m. for existing commercial. When the vacant space and additional commercial space was taken into account, the peak demand for parking was projected to be 576, once the residential buildings are in place.

It was therefore concluded that the parking supply for the existing and proposed commercial uses is more than adequate and will exceed demand.

Occupant parking is provided at 1.25 spaces per one bedroom unit and 1.50 spaces per two bedroom unit. At 0.25 spaces per unit, the visitor parking that would be required is 81 spaces. The development proposal includes 70 visitor parking spaces in total; 50 underground and 20 surface spaces. It is proposed that the 11 space difference can be made up from the surplus parking in the "commercial" parking areas. It is therefore recommended that the required visitor parking be established at 0.21 spaces per unit.

(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 street rather than local residential streets;

A Transportation Study was prepared by R. J. Burnside & Associates Limited ("Burnside"). Burnside examined existing traffic conditions and 2019 background traffic conditions and reviewed intersection operations. Access to the proposed residential buildings will be via six (6) existing driveways to Appleby Village. The driveways in closest proximity to the residential buildings are two full movement driveways providing access to/from Pinedale Avenue and Timber Lane. Both Pinedale Avenue and Timber Lane are collector roads and Appleby Line and New Street are arterial roads.

The detailed Transportation Study addresses site traffic generation and site traffic distribution. The Study concludes that road improvements are not required as a result of the new development-related traffic. Burnside concludes that the site is well designed to accommodate and facilitate all modes of travel.

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

The proposal is in proximity to the Appleby GO Train Station and there is currently bus service available.

(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;

In terms of scale, there are three (3) existing 12 storey residential buildings immediately to the east of the subject lands and the two (2) new residential buildings will be similar in scale. The overall height is similar and compatible with the existing 12 storey height (i.e., proposed 12 storey and 17 storey height combination for offset and variability).

The three (3) existing 12 storey residential buildings were built 25 years ago. Building styles, orientation and setbacks have changed in the past 25 years, with the introduction of policies directed at intensification, compact urban form, and the desire to place buildings closer to the street

edge. As such, the two (2) new residential buildings are not sited in a similar manner to the existing 12 storey buildings (i.e., they will not have large front yard setbacks with front yard parking). This setback/siting cannot be achieved and is not desirable for the subject lands given the concept of an integrated residential/commercial mixed use form of intensification. The building setbacks for the two new residential buildings are compatible with (similar to) the on-site, newly constructed commercial buildings.

Given the need to maintain surface parking for the existing commercial uses, the amenity areas for the future residents will be internal to the buildings (indoor common amenity areas, green rooftop and private balconies). The building coverage of the two (2) new buildings has been minimized to retain as much surface commercial parking as possible.

In addition to the 12 storey multi-unit residential buildings to the east, the neighbourhood character is a mix of a variety of densities and housing forms including low-rise multiple-attached (medium density) developments and single detached (low density) developments. The medium density townhouse development to the north of the subject lands will be separated from the proposed high density residential buildings by a collector road.

The length of each new residential building along Pinedale Avenue is approximately 52 metres (171 feet). The distance between the buildings is greater than 52 metres (171 feet) and contains the two (2) storey portion of the development. The area directly to the north of the north elevation of the proposed development consists of four (4) front yards and two (2) side yards associated with the existing townhouse development. More than one-third of this frontage will be opposite the two (2) storey portion of the proposed new development. A transition has been incorporated into the built form based on the building link.

The test for compatibility is the capability of a new development to co-exist with an existing development without an undue physical or functional adverse impact and without an environmental or human health risk. The standards used to measure undue physical of functional adverse impact include aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing. Aesthetically, the proposed residential development will be attractive and bring a new modern feel to the neighbourhood. The existing development will not be impacted by unacceptable levels of noise,

vibration, dust or odour from the new residential buildings. Detailed traffic, and sun-shadowing reports have been prepared for the proposed development and are discussed in a latter section of this report.

It is our opinion that compatibility will be achieved with the existing neighbourhood character.

(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 effects on existing vegetation (landscape plantings) will be minimized and with the introduction of residential buildings additional green areas will be provided. It is intended to protect existing street trees, where possible.

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

SMV Architects has prepared a Shadow Study for the hours of 9:18 AM through 5:18 PM for March 21st, June 21st, September 21st and December 21st. As the buildings are located in close proximity to Pinedale Avenue and oriented west-east, shadows will impact the properties directly to the north, some for only one hour and some for up to three hours.

In our opinion there will not be significant or unacceptable sun-shadowing impacts on adjacent properties.

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

Accessibility to community services and neighbourhood conveniences is excellent in this location. Schools, parks, trails, transit and service commercial/retail uses, including a major grocery store and pharmacies are all located in close proximity to the subject lands.

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

Capability does exist to provide landscaping features to minimize impacts on the existing development to the north. We will work closely with City staff to provide the appropriate measures to minimize impacts.

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

Any future re-development potential on adjacent properties will not be compromised as a result of the proposed intensification of the subject lands. The subject lands are "self-contained" and surrounded by two local arterial roads (New Street and Appleby Line) and two collector roads (Pinedale Avenue and Timber Lane).

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

There are no natural or cultural heritage features or natural hazard areas on the subject lands. The BOP defines both a cultural heritage landscape and a cultural heritage resource. The subject lands are not part of a cultural heritage landscape (a defined geographical area of heritage significance valued by a community) and do not contain a cultural heritage resource (a man-made or natural feature considered to be of architectural and/or historical significance).

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

Part II, Subsection 2.11.1 g) refers to the City's normal requirement, as a condition of development approval to request the dedication of the regulatory floodplain or the creek valley, including a conservation setback. This is not applicable to the subject lands. Subsection 2.11.1 m) refers to stormwater management within the South Aldershot Planning Area. The subject lands are not located within the South Aldershot Planning Area (located west of the QEW).

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

The subject lands are located at the periphery of the residential neighbourhood and abut two (2) major arterial roads and two (2) collector roads. The design and scale of the proposed buildings is urban in nature and complements the setbacks of the new commercial buildings on the Appleby Village site. There are high-rise buildings to the east, on the south side of Pinedale Avenue, that were introduced into the neighbourhood a number of years ago. The proposal is to add two (2) additional multi-storey buildings closer to the periphery of the neighbourhood and integrated with a redeveloped mall site.

In our opinion, the proposed development addresses the thirteen (13) criteria that must be considered when evaluating proposals for housing intensification within established neighbourhoods. There are two (2) storey townhouse dwellings on the north side of Pinedale Avenue and the proposal includes a 12 storey and 17 storey residential building across the road. The transition between high density and medium density development, separated by a collector road is not atypical and have been deemed acceptable in other areas of the City. The neighbourhood does already have multi-storey residential buildings which are compatible with the neighbourhood and in our opinion the proposed new buildings will also be compatible.

In our opinion, the proposed development conforms to the BOP, with the exception of the additional height for the one residential building, for which an Official Plan Amendment application has been submitted (see **Attachment No. 8** - Draft Official Plan Amendment).

CITY OF BURLINGTON ZONING BY-LAW NO. 2020, AS AMENDED

The Appleby Village site is zoned CC1-402. Exception Number 402 provides regulations specific to the site and does not amend the permitted uses. Table 4.2.1 of Zoning By-law 2020 includes an "Apartment Building per RH4 Zone" as a permitted use in the CC1 Zone subject to Footnote (f). Footnote (f) states: "Permitted only on the CC1 zoned lands on the south side of Plains Road East, east of Daryl Drive." Given

this, the rezoning application seeks to permit two (2) multi-storey residential buildings on lands currently zoned CC1-402 on the south side of Pinedale Avenue, east of Appleby Line. Similar to the noted Plains Road East site, we also request that retail and service commercial uses be permitted on the ground floor of the proposed residential buildings.

The standard RH4 Zone regulations are found in Table 2.14.1 of Zoning By-law 2020. The minimum required lot width is 45 metres and the minimum required lot area is 0.2 hectares. The minimum density required is 50 units per hectare and the maximum density is 100 units per hectare plus an additional 10 units per hectare for each 3% increase in enclosed parking (75% enclosed/underground parking required) to 150 units per hectare. Based on the total site area (6.6 hectares) the minimum density required would be 330 units and the maximum density would be 660 units. The residential proposal includes 324 residential units.

The front yard and street side yard required in the RH4 Zone is 7.5 metres plus 1 metre for each storey above 6 storeys to a maximum of 15 metres and the maximum building height is 12 storeys. As mentioned above, an OPA is being requested to permit one (1) of the two (2) buildings to have a height of 17 storeys. The building setback is less than 7.5 metres from Pinedale Avenue (approximately 3.0 metres) and a modification to this regulation is required.

The amenity area required in a RH4 Zone is 25 square metres per bedroom. The Landscape Area required abutting a street with a deemed width of up to 26 metres is 4.5 metres. Parking is to be provided in accordance with Part 1, Subsection 2.25 of the Zoning By-law and 75% of all required occupant parking is required to be enclosed. Similar to the commercial built form on the subject lands, it is proposed that the yards abutting Pinedale Avenue be reduced such that the buildings are brought forward to the street to achieve today's urban design objectives. Hence, site specific yards and landscaped areas are required.

Part 1, Subsection 2.25 of the Zoning By-law requires 1.25 occupant spaces per one bedroom unit; 1.50 occupant spaces per two bedroom unit; 1.75 occupant spaces per three or more bedroom unit; and 0.35 visitor spaces per unit. The proposal includes 130 one bedroom units and 194 two bedroom units which would require a total of 454 occupant spaces. The visitor parking requirement, at 0.35 per units would be 113 parking spaces, with a total of required parking of 567 spaces. The number of parking spaces proposed is 524 spaces - 454 underground occupant spaces; 50 underground visitor spaces; and 20 surface visitor parking spaces.

Given the deficit in required visitor parking spaces (percentage to be shared with commercial parking) and the total number of commercial parking spaces required under

the Zoning By-law, R. J. Burnside & Associates Limited has prepared a Parking Study for the subject lands. As discussed above and below, given site specific commercial demand studies and the potential for sharing a component of the residential visitor parking spaces with commercial parking spaces, the overall conclusion from the Parking Study is that there will be a surplus of 228 parking spaces when the two residential buildings are built.

It is proposed that the Exception Number (402) associated with the existing CC1 Zone be amended to incorporate site-specific regulations to facilitate the development of the two (2) multi-storey residential buildings (see **Attachment No. 9** – Draft Zoning By-law Amendment).

TECHNICAL REPORTS IN SUPPORT OF THE APPLICATIONS

Functional Servicing and Stormwater Management Report

The Functional Servicing and Stormwater Management Report was prepared by R. J. Burnside & Associates Limited ("Burnside") and is dated March 2014. The report confirms the location of existing infrastructure, internal and adjacent to the subject lands; evaluates and confirms the sanitary servicing capacity and municipal water supply (domestic and fire flow requirements) and evaluates stormwater opportunities and constraints and provides a design for post development controls.

The subject lands will be graded to ensure that development will not adversely affect the adjacent topography and that existing overland flow routes are maintained.

Transportation Study

The Transportation Study was prepared by R. J. Burnside & Associates Limited ("Burnside") and is dated June 2014. Traffic counts were undertaken for the weekday AM and PM peak periods and for the Saturday midday peak period in September, 2013. Background traffic volumes for 2019 were developed based on an assumed growth rate of 2% per annum for Appleby Line and New Street.

Burnside estimated the traffic generated from the site. The residential trip generation is conservative as Burnside has not reduced trips to account for an increased modal split and has not discounted trips based on the location of commercial uses on site. It is expected that residents will obtain retail goods and services at Appleby Village and this will ultimately reduce trips on the external road network.

Given the existing traffic conditions, the shared through/right turn movement and eastbound left turn movement at the intersection of New Street and Appleby Line are

approaching capacity. The continued increase in traffic is primarily due to background growth. Burnside concludes that development traffic is contributing less than 2% of the total traffic at the New Street/Appleby Line intersection. The other intersections (Appleby Line/Pinedale Avenue/Longmoor Drive; Pinedale Avenue/Timber Lane and New Street/Timber Lane) are predicted to operate at a level of Service E or better and a volume to capacity ratio of 0.77 or better. The level of service for intersection movements is based on the average control delay per vehicle for the various movements through the intersection and overall. The delay for a Level of Service E is between 55 and 80 seconds per vehicle.

Parking Study

The Appleby Village Parking Study was prepared by R. J. Burnside & Associated Limited ("Burnside") and dated June 6, 2014. Presently there are 960 parking spaces on site. With the development of the two (2) residential buildings, the surface parking available to employees and shoppers will be reduced to 804. The new residential development will supply 504 underground parking spaces for occupants and visitors with 20 surface spaces designated for visitors. Therefore the total parking count for the proposed and existing development is 1,328 parking spaces. The total required parking, as per the City's Zoning By-law is 1,652 spaces, as determined by Burnside. The Parking Study addresses the difference and supports the reduction.

Burnside addresses the synergy between the uses on the subject lands and the availability of local transit and the Appleby GO Station located less than 1.5 kilometres to the north. This should result in the reduction of personal vehicle ownership and and/or a "less than anticipated" use of the local road system.

The City's Zoning By-law requires 454 parking spaces for residents. Burnside therefore recommends that 454 spaces within the 504 space underground parking area be dedicated to residents and the remaining 50 spaces dedicated to visitors. With the addition of 20 surface spaces reserved for visitors the visitor parking ratio is 0.21 spaces per unit. Burnside takes the position that the City requirement of 0.35 spaces per unit is excessive based on historical and current experiences regarding visitor parking demand. Other municipalities require 0.25 visitor spaces per unit and this would result in a required 81 spaces.

Burnside has reviewed the existing and projected commercial parking demand based on site survey data. It was determined that the 804 commercial parking spaces exceeds the peak demand by approximately 228 parking spaces. Therefore, given the potential shared use of commercial parking spaces and the projected surplus of 228

spaces, Burnside is of the opinion that the 0.21 spaces per unit for visitor parking is more than sufficient.

Noise Study

An Environmental Noise Feasibility Study was prepared by Valcoustics Canada Ltd. ("VCL") dated June 11, 2014. VCL assessed the noise impact on the proposed residential development from transportation noise sources (traffic) and stationary noise sources (existing commercial plaza). To meet the applicable sound levels, VCL has recommended mitigation at the residential building site and the existing Appleby Village. With the noise mitigation measures listed in the VCL report, the sound exposure levels at the subject site will comply with the MOE noise guideline limits.

Shadow Study

SMV Architects has prepared a Shadow Study for the hours of 9:18 AM through 5:18 PM for March 21st, June 21st, September 21st and December 21st. As the building are located in close proximity to Pinedale Avenue and oriented west-east, shadows will impact the properties directly to the north, some for only one hour and some for up to three hours.

Shadowing takes place on the area immediately north of Pinedale Avenue between the hours of 9:18 AM and 12:18 PM in December, March and September. In March and September at 9:18 AM, there is a shadow cast by the two buildings on the roofs and outdoor areas of approximately 15 dwellings (5 dwellings shadowed from the 12 storey building and 10 dwellings shadowed by the 17 storey building). Within the hour, however, between 9:18 AM and 10:18 AM, the shadowed area moves to the south affecting fewer dwellings. By 12:18 PM, the shadow moves to the south and east and no dwellings are affected by the 12 storey building and between 2 and 3 front yards are shadowed by the 17 storey building. After 12:18 PM in March and September, shadows are cast on the subject property and a small portion of the front yard parking area for the building directly to the east.

At 4:18 PM in March and September, a shadow is cast on the southwest portion of the first high-rise building to the east but does not affect the residential multiple-attached development immediately to the east of Appleby Village.

On June 21st, the shadow cast on the properties to the north is less than in March and September, and therefore affects fewer dwellings. The situation only improves as each hour passes throughout the day and by 11:18 AM the shadows only impact Pinedale Avenue and then move to impact only the subject lands until 3:18 PM. After 3:18 PM, a

small portion of the parking area associated with the high-rise building to the east is shadowed.

The Shadow Analysis guidelines prepared by the Town of Oakville state that the shadow analysis must demonstrate that public sidewalks and parks receive at least 5 hours of continuous sunlight per day. The Shadow Analysis does demonstrate that the public sidewalks and parks will receive 5 hours of sunlight per day. Only portions of the public sidewalks (no parks) in the immediate area will be shadowed by the proposed buildings (primarily the sidewalks on the south side of Pinedale Avenue, immediately in front of the subject buildings) and primarily in the morning hours during all months.

Shadow Analysis standards prepared by the City of Mississauga state that for June 21st and September 21st, shadow impacts from proposed developments should not exceed one hour in duration on areas such as private rear yards, decks, patios and pools of surrounding residential dwellings. In our opinion, this high standard is met for June 21st and is approximately 2 hours for some rear yards north of Pinedale Avenue on September 21st (between 9:18 AM and 11:18 AM – as demonstrated by the Shadow Study).

Phase 1 Environment Site Assessment/Environmental Site Screening Questionnaire

A Phase 1 Environmental Assessment was prepared Trow Associates Inc. in July 2003 for the Appleby Mall property. The conclusions of the report recommended that the adjacent gas station to the north of the site be further assessed to determine the subsurface groundwater and soil conditions. There were no other issues identified on the larger Appleby Village site.

A subsequent Peer Review was undertaken by Watters Environmental Group Inc. ("Watters") in 2008. The peer review assessed previous environmental reports and conducted limited groundwater sampling and analysis. Watters concluded that there were no significant environmental concerns with respect to the current environmental condition of soil and groundwater at the site. The previous service station on the site was decommissioned in 1995.

Height Survey of Adjacent Buildings

The City has requested that the height of surrounding buildings be shown on an air photograph of the immediate area (see **Attachment No. 10** - Height Survey).

Wind Impact Study

Rowan Williams Davies & Irwin (RWDI) was retained by First Capital to provide a qualitative evaluation of pedestrian wind comfort conditions for the proposed development. The Pedestrian Wind Assessment states: "predicting wind speeds and occurrence frequencies is complicated. It involves building geometry, orientation, position and height of surrounding buildings, upstream terrain and the local wind climate." RWDI's proprietary software (*WindEstimator*) allows for a qualitative, screening-level numerical estimation of pedestrian wind conditions without wind tunnel testing. Tall buildings often intercept stronger winds at higher elevations and redirect them to the ground level (*Downwashing Flow*). Wind also flows between buildings located side by side (*Channelling Effect*).

Both proposed residential buildings have their longer axis in a NE-SW direction which reduces the potential impact of the winds from the northeasterly and southwesterly directions. The potential channelling effect between the two buildings is expected to be 'comfortable' and not escalate to 'uncomfortable' in either the summer or winter seasons.

CONCLUSIONS

The proposal to amend the Official Plan and Zoning By-law to facilitate the construction of two (2) multi-storey residential buildings which will be integrated with the existing Appleby Village commercial site represents good planning and should be approved for the following reasons:

1. The proposal is consistent with the 2014 Provincial Policy Statement as it represents an efficient use of land and existing infrastructure and public services and it represents an appropriate form of intensification that is transit-supportive.

2. The proposal conforms to the Provincial Growth Plan as it promotes a compact urban form that will contribute new housing units that are required to be provided within the built-up area of the City of Burlington.

3. The proposed development conforms to the pertinent policies in Part III and Part IV of ROPA 38 related to urban development, new housing and the environment.

4. The proposed development addresses the pertinent policies in the Burlington Official Plan and an application has been submitted to specifically permit an additional five (5) storeys for one of the proposed residential buildings. In particular, the proposal conforms to the housing intensification and compatibility policies and in our opinion, satisfactorily addresses the thirteen (13) criteria that must be considered when evaluating proposals for housing intensification within established neighbourhoods.

5. The Appleby Village site is currently zoned CC1-402 which permits multi-storey buildings in accordance with the RH4 Zone regulations with a maximum height of 12 storeys. However, at the present time, based on a footnote to Table 4.2.1 in the Zoning By-law, apartment buildings are only permitted on the lands zoned CC1 on the south side of Plains Road East, east of Darryl Drive (former commercial site). The rezoning application is to allow the same permissions, with site specific modifications to address the unique nature of the Community Commercial site and to request a height increase for one of the proposed residential buildings. The height increase will provide for a variation in the streetscape and provide a building presence at the corner of Pinedale Avenue and Timber Lane.

6. The technical studies submitted with the application support the proposed development and recommend mitigation measures where appropriate to address wind and noise impacts for the future residents of the proposed buildings. The surrounding roads and municipal services can accommodate the proposed development and a Parking Study has been prepared to address occupant and visitor parking and the potential to share a portion of the visitor parking spaces with the adjacent commercial uses.

Respectfully Submitted,
WELLINGS PLANNING CONSULTANTS INC.

Glenn J. Wellings, MCIP, RPP