Planning Justification Report

1335-1355 Plains Road East

1967012 Ontario Inc.

City of Burlington

Official Plan and Zoning By-law Amendment Applications

December 2017

GSP group

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1.0 INTRODUCTION

This Brief has been prepared in support of a City of Burlington Official Plan Amendment application and a Zoning By-law Amendment application (the “Subject Applications”) on behalf of 1967012 Ontario Inc. to permit the redevelopment of lands municipally known as 1335-1355 Plains Road East, Burlington (“the Site”) for residential purposes.

Specifically, the proposed amendments are as follows:

- An Official Plan Amendment application to permit the form of development – residential townhouses, and
- A Zoning By-law Amendment application to establish site-specific zoning regulations to permit the proposed development.

This Report and the Subject Applications have been prepared by GSP Group Inc. The purpose of this Report is to describe the Proposed Development, the Subject Applications, the applicable planning policies and regulations, and to provide justification to support the Subject Applications to permit the Proposed Development.

2.0 SITE DESCRIPTION AND SURROUNDING USES

2.1 Site Description

Collectively, ("the Site") consists of five parcels of land, namely, 1335, 1339, 1343, 1349, and 1355 Plains Road East. The Site is predominately flat with a combined area of ±0.46 ha, a frontage of 45m along Helena Street (measured 9.1m back from front lot line), a flankage of ±93 m along Plains Road East and a variable depth. **Figure 1** illustrates the location of the Site within Burlington. It is noted that there are two aspects to Plains Road East. At this location, the site has access to the portion of Plains Road East that functions as a *local* road. This part of Plains Roads East connects directly to Plains Road East that functions as a minor arterial road.

The Site is presently occupied by four buildings. The three westernmost buildings were formerly part of a nursery school. From west to east, they include a two-story brick building (±351 m^2), a 1.5 storey brick dwelling converted into an administrative building (±98 m^2), as well as a single-storey (±468 m^2) concrete block and metal building. The eastern side of the property features a single-story stucco commercial building (±438 m^2) formerly tenanted by a media company. All buildings are currently vacant and are proposed to be demolished.

As identified in the Vegetation Management Plan prepared by GSP Group (December 6, 2017) there are 12 trees on the Site and a cedar hedge along the north property line shared with 1024 Helena Street.

The Topographic Survey prepared by J.H. Gelbloom Surveying Limited (November 29, 2017) illustrates that the Site is generally flat with ±0.2 metre difference in grade across the Site. There is a small depression toward the rear of the Site that is about ±0.5 m lower than the elevation of the Site along the frontages.

Most of the Site is covered with impermeable surfaces used for parking, except for a grassy area (±470 m^2) covering approximately 10% of the land area.



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Location Map
Source: Google Imagery (2017)

Figure 1

2.2 Surrounding Land Uses

The area north of the Site is characterized by two-storey single-detached residential dwellings (refer to Image A). Immediately to the east of the Site on the opposite side of Helena Street is a two-storey apartment building and a two-storey commercial building situated on the northern side of Plains Road East (refer to Image B), beyond which is a block townhouse development including three-storey townhouses, with those fronting Plains Road East (minor arterial) featuring ground-level commercial retail. To the south of the Site on the opposite side of Plains Road East (minor arterial) is an automotive shop which backs onto the CNR railway. The railway lands are approximately 55 metres away from the Site at the nearest point. Immediately to the west and adjacent to the Site, a three-storey townhouse development was recently constructed. To the west of the site is a 3 storey back-to-back townhouse development situated at the northeast corner of Glendor Avenues and Plains Road East (local) immediately adjacent to the site (refer to Image C). Beyond on the opposite side of Glendor Avenue is a block housing co-operative comprised of 16 blocks of two-storey townhouses.

Image A: Single-detached dwellings in Bonnie Court, located immediately north of the Site.
Source: Google Street View, April 2015



Image B: Two-storey apartment and two-storey commercial building located east of the Site.
Source: Google Street View, September 2016

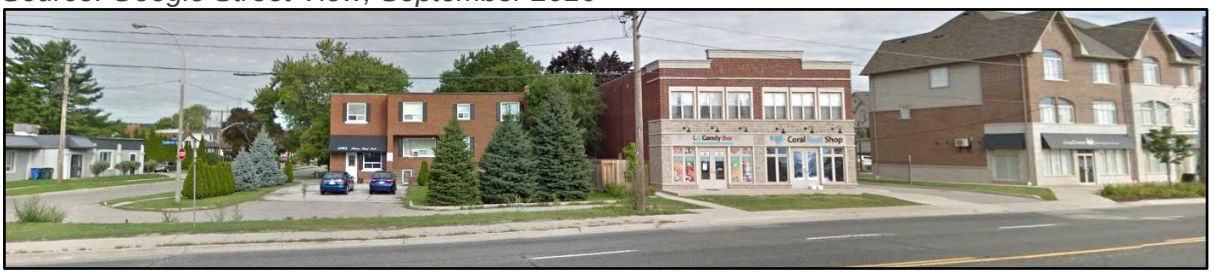


Image C: 3-Storey back-to-back Residential townhouses at the northeast corner of Glendor Avenue and Plains Road East (local), located west of the Site. *Source: GSP Photographs 2017)*



Figure 2 shows an aerial map of the Site while the wider neighbourhood context is depicted in **Figure 3**.

2.3 Community Context

The Site is located within an area of Burlington generally situated north of the Downtown, west of the Brant Street corridor, surrounded by the QEW and Highway 403 to the West and north respectively, and crossed by two rail lines. Generally, lands to the west and north are planned for residential land uses, while lands to the east along Plains Road East (minor arterial) are planned for mixed use intensification. The area to the northwest is characterized by low rise residential development, with a mix of single detached and townhouse forms of development. The area to the west contains a mix of commercial businesses that generally support the day-to-day shopping needs of the surrounding residential neighbourhood.

To the west of the Site within a ten-minute walk is Leighland Park which is a City Park that contains several amenities including baseball diamonds, tennis and basketball courts, and playground equipment.

South of Fairview Street is a public elementary (Central Public) and high school (Burleigh Central).



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Aerial View

Source: Google Imagery (2017)

Figure 2



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Neighbourhood Context

Source: Google Imagery (2017)

Figure 3

2.4 Transportation Context

There are a variety of transportation mode options within the local area, as shown on **Figure 4**. There are bus stops immediately adjacent the Site on Plains Road. These stops provide service by three significant Burlington Transit routes: the 1 Plains and 1x Plains with service to Burlington GO and Aldershot GO; the 10 New–Maple with service to Burlington GO, downtown Burlington, and Appleby GO; and, the 50 Burlington South, with late-night service throughout southern Burlington, including downtown and the Burlington GO. Within a ten-minute walk to the east there are north/south stops on Brant Street providing service by Burlington Transit Routes 2, 12, 18, 52 and 87.

To the south of the Site there is a CNR rail line which includes both passenger and freight traffic on a regular basis.

Glendor Avenue and Helena Street are local roads. There are sidewalks along both sides of these streets and most streets within the immediate neighbourhood providing pedestrian connections to local destinations like Leighland Park. There are marked pedestrian crossings of Helena Street providing pedestrian connection to the commercial uses along Plains Road to the east.

While there are no designated bike lanes on the bounding streets of Glendor Avenue or Helena Street, bike lanes are demarcated on Plains Road East (minor arterial) and Brant Street, providing linkages to the broader cycling network within the City of Burlington.



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Figure 4

Transportation Context

Source: City of Burlington Open Data (2017), Google Maps (2017)

3.0 PROPOSED DEVELOPMENT

3.1 Overview of Proposed Development

The Proposed Development is comprised of a total of 38 units, in the form of three townhouse blocks. There are nine traditional townhouse units along the northern half of the Site, 17 back-to-back townhouse units on the southern half of the Site running parallel with Plans Road East, and 12 back-to-back townhouse units on the eastern side of the Site parallel with Helena Street. All units are proposed to contain a minimum of two-bedrooms. The four low-rise vacant buildings currently occupying the Site are proposed to be demolished to facilitate the Proposed Development. **Figure 5** is a Concept Plan illustrating the layout of the Proposed Development. Figure 5A contextually illustrates the height of adjacent development, Figure 5B includes the front elevation of the proposed townhouses and Figure 5C includes a rendering of the proposed development looking northwest along Plains Road East (local). Two parking spaces are provided for each unit; one in each attached garage, and the second in the driveway of each unit. In addition, a total of five visitor parking spaces are provided in the northeast quadrant of the Site.

A common driveway with access to Plains Road East (local) provides access to parking for the 23 internal townhouse units (Units #1-17, 27-32) as well as the 5 visitor parking spaces. For the nine townhouse units fronting Plains Road East (Unit #18-26), individual driveways will provide direct access to the public street, as is the case for the six townhouse units (units #33-38) fronting Helena Street.

Each of the units has individual amenity spaces. The standard townhouses have rear yards facing the shared property line, while the back-to-back townhouses have rooftop amenity areas. Together with these individual spaces, this is a communal amenity space on the east side of the standard townhouse block near the visitor parking spaces.

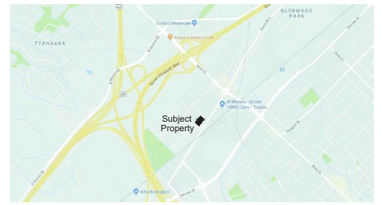
Overall, the Proposed Development will:

- Remove the vacant buildings and associated parking areas facing residential uses on Helena Street;
- Remove the vacant buildings and associated parking areas abutting residential backyards on Helena Street and Bonnie Court, providing a rear yard to rear yard interface; and
- Introduce new residential development similar in scale to the recently developed property immediately to the west and residential development existing across Helena Street.

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KEY PLAN



CONCEPT PLAN

Part of Lot 15 Registered Plan 99 and Lots 12, 13, and Part of Lot 21, Registered Plan 393
City of Burlington
Regional Municipality of Halton

1335-1355 Plains Road East

DEVELOPMENT STATISTICS — December 13, 2017

Municipal Address	1338 – 1355 Plains Road East
Legal Description	Part of Lot 15 Registered Plan 99 and Lots 12, 13, and Part of Lot 21, Registered Plan 393, City of Burlington

REGULATIONS	MXG (Mixed-Use General) Required	Proposed	Comply ✓/✗
DEFINITIONS			
Townhouse	Minimum of 4 and maximum of 16 units with a maximum length of 55 metres	9 units with a maximum length of 47 m	✓
Townhouse, Back-to-Back	Residential building containing not more than 16 dwelling units and a maximum length of 55 metres	17 units with a maximum length of 57m	✗
PART 5 - 2.0 PERMITTED USES (TABLE 5.2.1)			
Back-to-Back townhouse (o)	o) Not permitted within 25 metres of a public street having a deemed width of 26m or greater	3.0m from Plains Road E	✗
Townhouse (p)	p) Not permitted within 55 metres of a public street having a deemed width of 26m or greater	35.5 m from Plains Road E	✗
PART 5 – 5.0 TOWNHOUSE REGULATIONS – Table 5.5.1			
a) Lot Width (min)	30m	44.95m	✓
b) Lot Area (min)	1,200m²	4,612m²	✓
c) Front Yard	3m except the entrance to an attached garage shall be set back 6m	4.5m and 6m	✓
d) Side Yard	3m	West: 1.5m East: 4.5m	✗ ✓
e) Yard abutting R3.1 Zone	12m for a 3 Storey building (greater than 11.5m in height)	6m	✗
f) Density	30 units/ha	(38 units/.4612) = 82	✗
g) Floor Area Ratio (minimum)	0.3:1	1.16:1	✓
h) Floor Area Ratio (maximum)	1.5:1	1.16:1	✓
PART 5 – 5.2 LANDSCAPE AREA AND BUFFER			
i) Landscaped Area (min) abutting a street	3m	3m	✓
j) Landscape Buffer abutting an R3.1 Zone	6m	1.5m	✗
PART 5 – 5.3 PARKING (2.0 Table 1.2.6 – Off-Street Parking Standards)			
(a) Townhouse Dwelling (9)	2 spaces/unit = 9 x 2 = 18	18	✓
	0.5 visitor spaces per unit = 9 x .5 = 4.5(5)	2 (0.2 spaces per unit)	✗
(b) Back to Back Townhouse Dwellings (29)	2 spaces per unit = 29 x 2 = 58	58	✓
	+ 0.35 visitor spaces per unit = 10.15 (11)	3 (0.1 spaces per unit)	✗
	Required Parking: 76 Required Visitor Parking: 16 Total Parking Required: 92	Parking Provided: 76 Visitor Parking Provided: 5 Total Provided Parking: 81	
PART 5 – 5.3 PARKING			
(b) Driveways and parking lots shall be set back 3m from a wall of a building containing windows of habitable rooms	Setback from driveway / parking lot to habitable room: • Townhouses: 3m • Back to back townhouse: 3m	• Parking lot to Townhouse: 1.7m • Driveway to Back to back Townhouse: 1m	✗
PART 1 – 2.2.6 GENERAL PARKING PROVISIONS			
Parking Space size (min.)	2.75m x 6m	2.75m x 6m	✓
Parking Space size within garage	3m x 6m	3.0m x 6m	✓
Unobstructed Parking Space size within garage	3m x 5.5m (one step permitted in unobstructed area)	3.0m x 6m	✓
5.4 AMENITY AREA			
(i) Standard Townhouses	20m² per 1-bedroom unit 35m² per 2+ bedroom unit	20m² within rear yard + 9m² front yard = 29m²	✓
	25m² per unit.	Roof-top Amenity Area per unit: 30m²	✓
(iii) Back-to-Back Townhouse	Common Amenity Area: 100m² minimum common amenity area or a total common amenity area of 6m² per unit (6m² x 29 = 174m²), whichever is greater: 174m²	Common Amenity Area: 71m²	✗
5.5 PRIVACY AREA			
k) Standard Townhouse	20m² per unit	Rear yard: 20m²	✓
l) Back-to-back townhouses	5.5m² balcony per unit separated from adjoining units by a wall or privacy screen	30m² rooftop amenity space separate by 6' wood privacy screen	✓
5.7 BUILDING HEIGHT			
Townhouses	3 storeys (14 metres)	3 storeys (8.8 metres)	✓
Back to back townhouses	3 storeys (14 metres)	3 storeys + rooftop amenity (11.5 metres)	✓

GSP group
PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE
gspgroup.ca

REVISIONS

Date: December 14, 2017	Drawn By: R.T.	Dwg. File Name: sp17149_Nov2017revised.dwg
Scale: 1: 350	Project No.: 17149	

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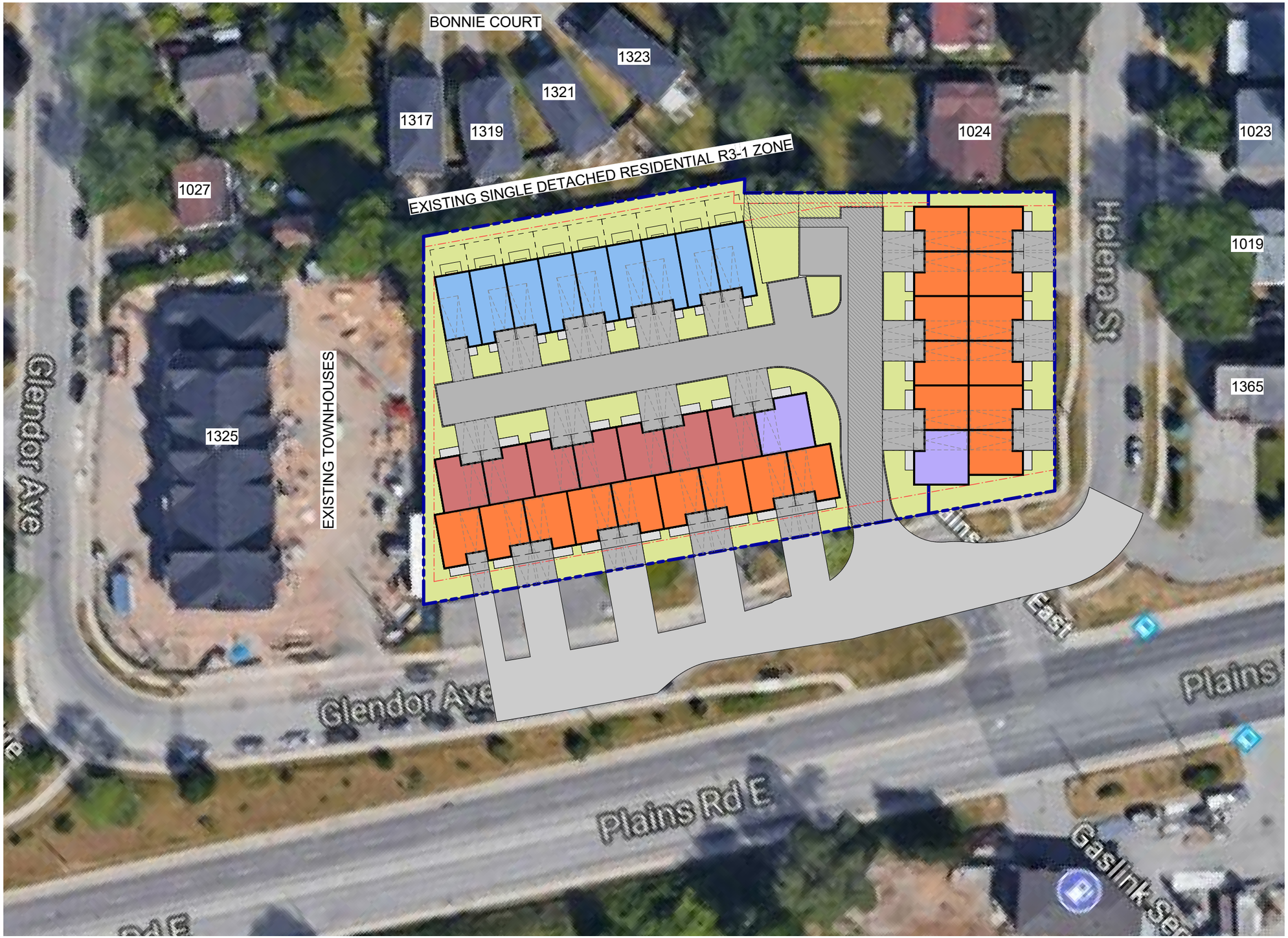
Concept Plan
Source: Chamberlain Architect Services Limited & GSP Group (December 14,, 2017)

Figure 5



Figure

5a



chamberlain
Architects
Constructors
Managers

Chamberlain Architect Services Limited

5096 South Service Road
Suite 103
Burlington, Ontario L7L 5H4
CANADA

Tel: 905.631.7777
Fax: 905.631.7717

www.chamberlainIPD.com

NO.	ISSUED	DATE
1	CLIENT REVIEW	JULY 5 2017
2	CLIENT REVIEW	NOV. 14, 2017
3	CLIENT REVIEW	NOV. 28, 2017

DO NOT SCALE DRAWINGS. USE ONLY DRAWINGS MARKED "ISSUED FOR CONSTRUCTION". VERIFY CONFIGURATIONS AND DIMENSIONS ON SITE BEFORE BEGINNING WORK. NOTIFY ARCHITECT IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES.

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SEAL

CONSTRUCTION NORTH | TRUE NORTH

PLAINS ROAD

1335 - 1355 PLAINS ROAD EAST

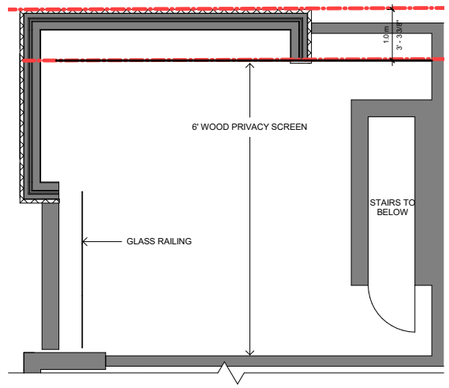
SHEET NAME

COMMUNITY CONTEXT

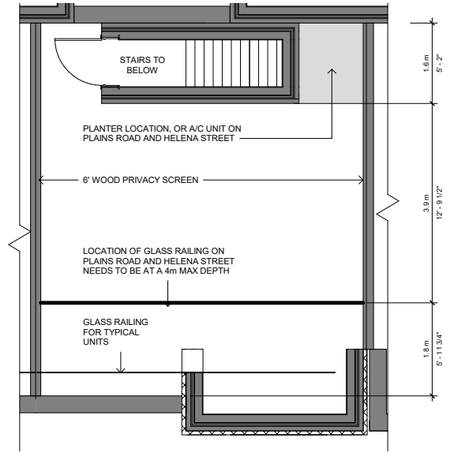
START DATE	MAY 2017
DRAWN BY	CMC ME
CHECKED BY	JM
SCALE	1 : 240
PROJECT NO.	116044
DRAWING	A001a

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11/28/2017 11:32:59 AM

Figure 5b



3 / A201 ROOF TOP AMENITY SPACE FOR UNITA 32 & 33
1 : 50



2 / A201 TYPICAL ROOF TOP AMENITY SPACE
1 : 50

MATERIAL SCHEDULE

1. WHITE SIDING
2. BLUE SIDING
3. WOOD
4. WHITE EIFS
5. METAL FINISH
6. GLASS
7. BLOCK
8. WOOD SIDING



1 / A201 FRONT ELEVATION (PLAINS ROAD)
1 : 85

Architects
Constructors
Managers

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CANADA

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NO.	ISSUED	DATE
1	CLIENT REVIEW	OCT. 25, 2017
2	CLIENT REVIEW	OCT. 27 2017
3	CLIENT REVIEW	NOV. 14, 2017
4	CLIENT REVIEW	NOV. 28, 2017

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SEAL

CONSTRUCTION NORTH TRUE NORTH

PLAINS ROAD

1335 - 1355 PLAINS ROAD EAST

SHEET NAME

BACK TO BACK / TOWNHOUSE

START DATE	MAY 2017
DRAWN BY	CMC ME
CHECKED BY	JM
SCALE	As indicated
PROJECT NO.	116044
DRAWING	A201

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11/28/2017 11:32:59 AM

Figure 5c

Site Plan, Draft Plan of Subdivision (to create the block), and Plan of Condominium applications will be filed at a future date to facilitate the Proposed Development

3.2 Supporting Plans, Drawings, Reports and Studies

In addition to the Conceptual Site Plan described in Section 3.1, a number of other plans, drawings and documents were required as part of the complete applications pursuant to the pre-consultation meeting held on July 20, 2016 (Appendix A) including:

- Site Survey (J. H. Gelbloom Surveying Ltd., November 29, 2017);
- Functional Servicing Report – including Grading, Drainage and Servicing Plans (S. Lewellyn & Associates Limited);
- Tree Inventory and Protection Plan (Vegetation Management Plan prepared by GSP Group Inc.);
- Traffic/Transportation Impact Brief (Traffic Brief and Parking Justification Report prepared by Paradigm Transportation Solutions Limited);
- Noise Feasibility and Vibration Study (Noise and Vibration Feasibility Study prepared by HGC Engineering;
- Shadow Analysis (Prepared by Chamberlain Architect Services Limited);
- Environmental Site Screening Checklist;
- Phase I Environmental Site Assessment (Phase I Environmental Site Assessment prepared by S2S Environmental Inc.);
- Height Survey of Adjacent Buildings (Prepared by Chamberlain Architects);
- Urban Design Brief (Prepared by GSP Group Inc.);
- Geotechnical Report (Prepared by SOLA Engineering);
- Environmental Site Screening Checklist (December 2017); and

The following provides a summary of the key findings and conclusions of the key supporting studies. The individual reports should be reviewed in their entirety.

3.2.1 **Functional Servicing Report – including Grading, Drainage and Servicing Plans** (S. Llewellyn & Associates Limited, December 2017)

The Functional Servicing Report provides detailed information regarding the proposed servicing scheme for the proposed development. The FSR concludes that the proposed development can be constructed to meet the requirements of the City of Burlington and Halton Region and recommends the following:

- That the development be graded and serviced in accordance with the Preliminary Grading and Site Servicing Plans prepared by S. Llewellyn & Associates Limited;
- That a 135mm orifice pipe be installed as per the Preliminary Site Servicing Plan and the FSR report to provide quantity control;
- That underground storage tanks be incorporated under the proposed asphalt laneway as per the Preliminary Site Servicing Plan to provide stormwater storage;
- That a Hydroguard HG4i oil/grit separator be installed as per the Preliminary Site Servicing Plan and the FSR to provide efficient stormwater quality control;
- That erosion and sediment controls be installed as described in the FSR to meet City of Burlington requirements;
- That the proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan and the FSR to adequately service the proposed development; and
- That the FSR be used as the basis for the servicing and stormwater management design, and all design data, assumptions and calculations will be confirmed and/or update4d as part of the future Site Plan approval submission.

3.2.2 **Tree Inventory Protection Plan** (Vegetation Management Plan prepared by GSP Group, December 2017)

The Vegetation Management Plan illustrates that there are 12 existing trees on-site as well as a small cedar hedge along the northern property line adjacent to the1024 Helena Street. All the existing trees/vegetation are to be removed on site. New plantings will be provided and detailed on a future landscape plan that will be required as a part of the Site Plan approval process.

3.2.3 **Traffic Brief and Parking Justification Report** (Paradigm Transportation Solutions Limited, November 2017)

The traffic report summarizes that the development is forecast to have a minimal impact on the surrounding road network, with the addition of 22 trips in the weekday AM peak hour and 24 trips in the weekday PM peak hour. PTSL concludes that:

- The development should be allowed to develop as planned;
- That City of Burlington should monitor traffic volumes at the intersection of Plains Road East (collector) and Plains Road East (local) to ensure reasonable levels of service are provided; and
- The City accept the reduced parking provisions for this site.

3.2.4 **Noise Feasibility and Vibration Study** (Noise and Vibration Feasibility Study, HGC Engineering, November 2017)

HGC Engineering was retained to conduct a noise and vibration feasibility study to address the impacts of primary sources of noise as well as secondary sources of noise. The primary sources of noise in the area are rail traffic associated with the Canadian National (CN) railway to the south and road traffic on Plains Road. The Queen Elizabeth Way (QEW) is located approximately 700 m to the southwest and is considered a secondary source of noise.

The sound level predictions indicate that the future road and rail traffic sound levels will exceed Ministry of Environmental and Climate Change (MOEC) guidelines in the proposed development. Accordingly, the following is recommended:

- A 2.5m high acoustic barrier for the common amenity space
- Central air conditioning for all dwellings
- Brick exterior construction for the facades with exposure to the railway;
- Upgraded glazing construction for all dwelling units; and
- Warning clauses to inform future residents of the traffic noise, the presence of nearby commercial facilities and to address sound level excesses.

Finally, to ensure the noise control recommendations noted above have been fully implemented, HGC recommends the following:

- That a detailed noise study be required for the entire site when grading, floor plans and building elevations are available;
- That prior to an application for a building permit, an acoustical engineer shall review the unit plans to ensure that the windows and building constructions are adequately designed to ensure acceptable indoor noise levels; and
- Prior to assumption of the development, an acoustical engineer shall certify that the noise control measures for the dwelling units have been properly installed and constructed.

3.2.5 **Phase 1 Environmental Site Assessment** (S2S Environmental Inc, November 2017)

A Phase I ESA was prepared by S2S Environmental Inc (November 2017). The Phase I ESA identifies areas of potential environmental concern and recommends that a Phase 2 ESA be completed. Specifically, the Phase I ESA identified the following Areas of Potential Environmental Concern (APEC) resulting from Potentially Contaminating Activities (PCA's) on the Phase I property or within the Phase I Study Area:

Areas of Potential Environmental Concern	Location of Area of PEC on Phase One Property	Potentially Contaminating Activity	Local of PCA (on-site or off site)	Contaminants of Potential Concern	Media Potentially Impacted (Groundwater, soil and/or sediment)
APEC 1 Subsurface soils in the vicinity of the east portion of the Phase One Property	East portion of the Phase One Property	52- Storage, maintenance, fueling and repair of equipment, vehicles, and material used to maintain transportation systems	On-site	VOCs, PHCs, PAHs, metals including As, Sb, Se, B-HWS, Cr(VI), Hg, CN	Soil, groundwater
APEC 2 Near surface soils (i.e. fill materials) at the Phase One Property	Entire Phase One Property	30 – importation of fill material of unknown quality	On-site	PAHs, metals including As, Sb, Se, B-HWS, Cr(VI), Hg, CN, EC, SAR	Soil
APCE 3 Subsurface soils in the vicinity of the southwest, east-central and east portions of the Phase One Property	Southwest, east-central and east portions of the Phase One Property	28 – gasoline and associated products storage in fixed tanks	On-site	PHCs, BTEX, PAHs	Soil, groundwater

On this basis, the Phase I ESA recommends that a Phase II ESA be completed to assess the quality of the soils and groundwater in accordance with the current applicable MOECC standards. The Phase I ESA further identifies that a Record of Site Condition will need to be filed prior to development.

3.2.6 Urban Design Brief and Shadow Analysis (GSP Group/Chamberlain Architects, December 2017)

GSP Group Inc. completed an Urban Design Brief that outlines the existing physical conditions of the site and that of the surrounding context; describes the general details of the proposed development; and, identifies the relevant applicable policies and guidelines affecting the site and assesses how the proposed development responds to those policies and guidelines.

The Urban Design Brief summarizes that the proposed development provides a design that appropriately responds to the surrounding neighbourhood context and the applicable design policy and guideline direction from the City of Burlington. The Brief concludes that the design:

- Contributes to the broader higher-intensity, mixed-use vision for this portion of the Plains Road corridor, recognizing that a stand-alone townhouse development is appropriate for the site given the context of Plains Road East (local) in relation to Plains Road East (minor arterial);
- Incorporates a low-profile form that provides a balanced, context-appropriate level of intensification recognizing the surrounding lower building forms that are one to three storeys in height;
- Positions buildings on the site to provide a strong building edge to both abutting public streets, together with an architectural approach for the building elevations that emphasizes living and pedestrian space over garages;
- Provides an attractive, varied, and distinct contemporary architectural finish that provides a positive image for redevelopment along the Plains Road East corridor; and,
- Provides an appropriate interface to the abutting detached dwellings on Bonnie Court with “standard” townhouses that provide similar rear yard setbacks and facing rear yard amenity spaces.

The Brief further references shadow impact models prepared by Chamberlain Architect Services Limited for the proposed development. The shadow model demonstrates the shadows cast at 9:30am, 12:30pm, and 3:30pm time periods for Spring (March 21), Summer (June 21) and Winter (December 21) seasons demonstrating that shadows cast by the three townhouse buildings are entirely contained on the subject site for all three seasons, except for a minimal shadow cast in the December afternoon on the side yard of 1024 Helena Street.

4.0 PLANNING POLICY AND REGULATORY CONTEXT

The following documents serve as key considerations in determining the appropriateness of the Subject Applications and Proposed Development in the context of provincial, regional and local policies and regulatory documents.

4.1 Provincial Policy Statement, 2014

The Provincial Policy Statement ("PPS") provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under the authority of Section 3(1) of the Planning Act and came into effect on April 30, 2014. Section 3(5) of the Planning Act requires that decisions affecting planning matters be consistent with the PPS.

The PPS supports intensification, redevelopment and the efficient use of land and existing planning infrastructure within urban areas. The policies attempt to focus growth within settlement areas and remove development from significant or sensitive areas which may pose a risk to public health and safety. In addition, the PPS recognizes that wise management of development involves directing, promoting or sustaining growth; and directs that land use is to be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient land use and development patterns, as follows:

"1.1.1 Healthy, livable and safe communities are sustained by:

a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial, and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;

d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

e) Promoting cost-effective development standards to minimize land consumption and servicing costs;

f) Improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society; and

g) Ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and

h) Promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate."

Settlement Areas

Policy 1.1.3 requires that growth be focused within *Settlement Areas* which include *"lands which have been designated in an official plan for development over the long-term planning horizon…"* The Site is located within the Urban Planning Area Boundary of the City of Burlington Official Plan, as identified on Schedule A, Settlement Pattern.

Further, the PPS requires planning authorities to identify and promote opportunities for intensification and redevelopment where it can be accommodated. Policy 1.1.3.3 directs the planning authorities to do so by considering existing building stock, including brownfield sites and the availability of suitable existing or planned infrastructure. Policy 1.1.3.4 promotes appropriate development standards to facilitate intensification in a compact form while mitigating risks to public health and safety. Policy 1.1.3.6 further directs that new development which is to be located adjacent to existing built areas provide for a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Relevance to the Site: The Site represents a good opportunity for intensification within the Settlement Area of the City of Burlington on a brownfield site. It is a compact form of development, making efficient use of the Site and existing infrastructure and public service facilities within the local area. The draft Zoning By-law Amendment contains a Holding symbol to require that risks to public health from contamination are mitigated prior to redevelopment. For these reasons, the Subject Applications to facilitate the Proposed Development are consistent with the PPS.

Housing

Section 1.4.3 of the PPS contains policy pertaining to housing and states that planning authorities are to *"provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area"*. Section 1.4.3.c) is clear in *"directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs*."

Relevance to the Site: The Subject Applications are consistent with the housing policies of the PPS because they would permit new housing on the Site which is within the established part of Burlington where existing infrastructure and public service facilities are available.

Infrastructure and Public Service Facilities

Section 1.6 of the PPS contains policies pertaining to the planning of sewage and water services. Section 1.6.6.2 states that *"Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible."*

Section 1.6.7.4 of the PPS states that a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and supports current and future use of transit and active transportation.

Relevance to the Site: Consistent with the PPS the Site has access to existing infrastructure, such as municipal sewage and water services, which will support the redevelopment and intensification of the Site. In addition, the Site is located immediately adjacent to Burlington Transit bus stops and a walkable distance to other bus stops providing transit connections to various destinations in the City of Burlington, including GO stations, community centres, shopping centres, parks, recreation centres and places of employment. It is a short distance from Brant Street which provides connectivity to the City's cycling network with on-street cycling lanes. The streets in the local area have sidewalks and support walking to local destinations including commercial uses to the east and Leighland Park to the west. Therefore, the Subject Applications are consistent with the Infrastructure and Public Service Facilities policies of the PPS.

Airports, Rail and Marine Facilities and Land Use Compatibility

Section 1.6 9 of the PPS contains policies pertaining to development in proximity to rail facilities, which includes rail lines. Policy 1.6.9.1 states *"Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that: a) their long-term operation and economic role is protected; and b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with Policy 1.2.6."*

Policy 1.2.6 of the PPS contains policy direction about planning for land use compatibility between major facilities and sensitive land uses.

Relevance to the Site: These policies are relevant to the Subject Applications because they propose to intensify residential (sensitive) land use in proximity to a CN rail line (a major facility). Policy 1.2.6.1 states *"Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities."* The Site is located approximately 55.0 metres from the CN railway lands at the nearest point. Consistent with the PPS's Rail Facilities and Land Use Compatibility policies, and subject to the implementation of the mitigation measures identified in the Noise and Vibration Study prepared by HGC Engineering, the negative effects of noise and vibration on the proposed units can be effectively mitigated.

Energy Conservation, Air Quality and Climate Change

Section 1.8.1 of the PPS contains policies pertaining to energy and air quality. They require planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns that promote compact form, as well as promote the use of public transit and active forms of transportation.

Relevance to the Site: The Subject Applications are consistent with the Energy Conservation, Air Quality and Climate Change policies of the PPS because they would permit residential land use and compact built form that would increase the density of the Site and support existing transit service in the local area. The Site is located within a reasonable cycling and walking distance of several destinations, including Leighland Park to the west and commercial uses to the east. In this respect, residential intensification of the Site is consistent with the PPS policies that promote land use and development patterns that promote active forms of transportation.

Human Made Hazards

Section 3.2 of the PPS contains policies pertaining to Human Made Hazards. This policy is relevant to the Subject Applications because the applications would facilitate a change in land use to a more sensitive use than the previous use. Policy 3.2.2 requires that contaminated sites be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

Relevance to the Site: A Phase I Environmental Site Assessment was prepared by S2S Environmental Inc (November 23, 2017) in support of the Subject Applications to assess the environmental condition of the Site, consistent with the direction of Policy 3.2.2 of the PPS. Contaminants were identified on the Site. Accordingly, a Phase 2 ESA is recommended. To ensure that no development occurs on Site until the results of the Phase 2 ESA are completed and application for a Record of Site Condition has been made, the draft Zoning By-law Amendment recommends a Holding provision requiring that remediation is complete prior to redevelopment. On this basis, the Subject Applications to facilitate the Proposed Development are consistent with the human made hazard policies of the PPS.

4.2 Places to Grow Growth Plan for the Greater Golden Horseshoe

The Ministry of Public Infrastructure and Renewal released the Places to Grow Growth Plan for the Greater Golden Horseshoe ("Growth Plan") in 2006 to manage growth in Ontario. An update to the Growth Plan was approved by the Lieutenant Governor in Council and took effect on July 1st, 2017.

The updated Growth Plan provides a framework for implementing the Province's vision for building stronger, prosperous communities by better managing growth. Land use matters, as they relate to the Growth Plan, should emphasize creating complete communities that are *"well designed, offer transportation choices, accommodate people at all stages of life and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs."* (Section 2.1) The Growth Plan directs growth to occur in existing urban areas and promotes the intensification of existing built-up areas.

In terms of directing future development, Section 2.2.1.2 of the Growth Plan states that forecasted growth will be allocated based on the following:

a) the vast majority of growth will be directed to settlement areas that:
- *i. have a delineated built boundary;*
- *ii. have existing or planned municipal water and wastewater systems; and*

b) can support the achievement of complete communities; growth will be limited in settlement areas that:
- *i. are undelineated built-up areas;*

ii. are not serviced by existing or planned municipal water and wastewater systems; or

iii. are in the Greenbelt Area;

c) within settlement areas, growth will be focused in:

i. delineated built-up areas;

ii. strategic growth areas;

iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and

iv. areas with existing or planned public service facilities;

d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;

e) development will be generally directed away from hazardous lands; and

f) the establishment of new settlement areas is prohibited.

The Growth Plan identifies priority transit corridors and higher order transit corridors including the GO transit corridor that provides service to the Burlington GO station (see **Figure 6**). Policy 2.2.4.10 states that *"Lands near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities."*

Additionally, the 2017 Growth Plan includes schedules that conceptually illustrate the locations of the Built-Up Area. The Site is located within the conceptual Built-Up Area of the Places to Grow Concept (see **Figure 7**). This is significant because "*By the year 2031, and for each year thereafter, a minimum of 60 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the delineated built-up area.*" (2.2.2.1) This policy represents the minimum standards to be enforced (5.2.5) and planning authorities are encouraged to go beyond these minimum standards where there is no conflict with the PPS. As part of reaching this intensification target, municipalities will "*encourage intensification generally to achieve the desired urban structure*." (2.2.2.4 (a)

Relevance to the Site: The proposal generally conforms with the Growth Plan as it would provide an opportunity to accommodate residential intensification in a location within the defined built-up Settlement Area of Burlington that is fully serviced and well served by existing Burlington Transit as well as GO Transit (a priority transit corridor). In addition, proposal would facilitate residential intensification and contribute to the City of Burlington's target of 60 per cent residential intensification within its built-up area.

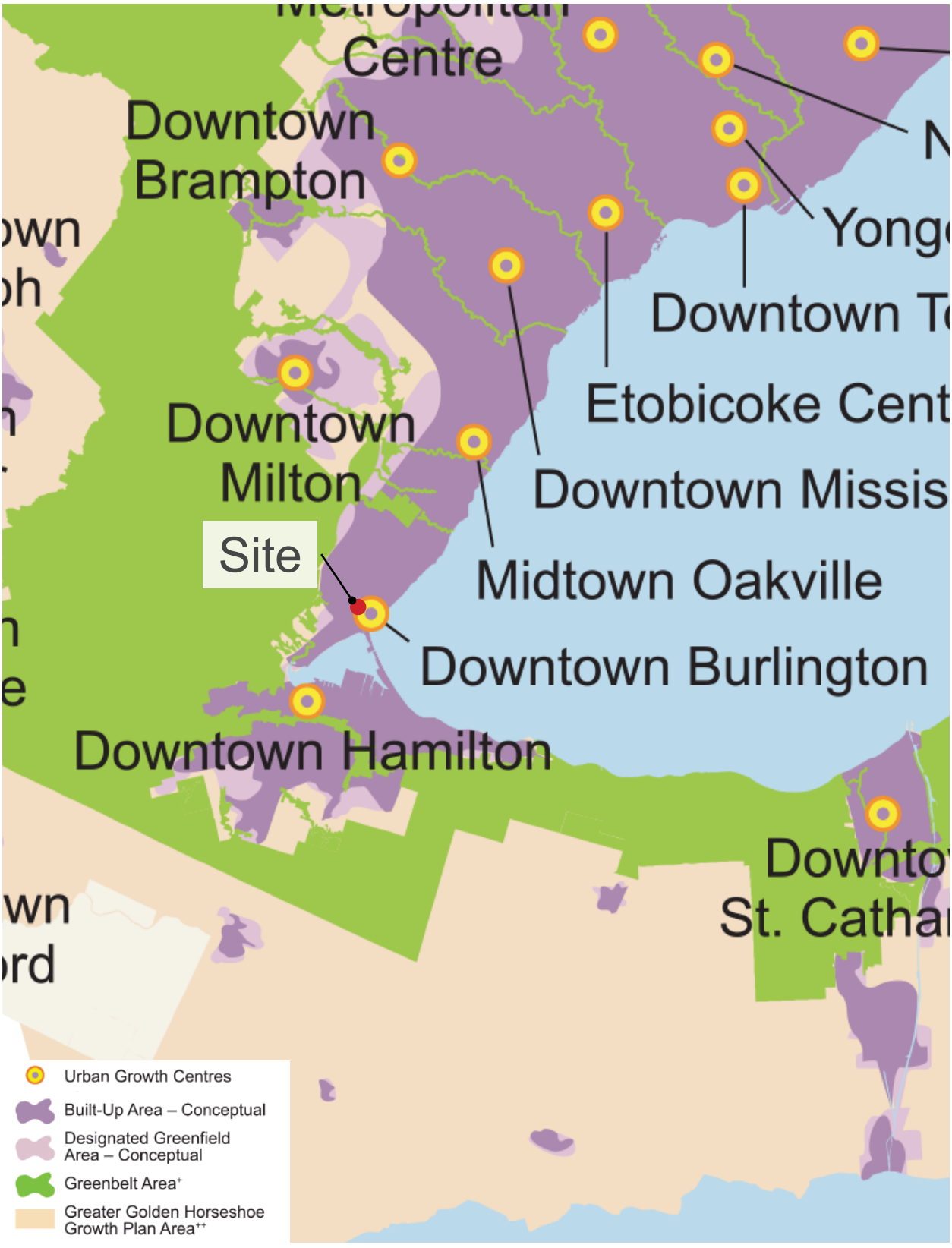


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Conceptual Priority Transit Corridors

Source: Places to Grow, Growth Plan for the Greater Golden Horseshoe - Figure 5 (May 2017)

Figure 6



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Conceptual Burlington Built Up Area

Source: Places to Grow, Growth Plan for the Greater Golden Horseshoe - Figure 4 (May 2017)

Figure 7

4.3 Region of Halton Official Plan

The Halton Regional Official Plan ("ROP") was approved with modification and adopted on December 16, 2009 through Regional Official Plan Amendment No. 38 (ROPA38). Since then, the document has been appealed with several orders issued by the Ontario Municipal Board (OMB) to approve parts of the Plan, most recently on January 13, 2016 which confirmed the approvals of the previous approval orders issued in May, June, and September of 2015. Part of the Plan remain under appeal; however, the policies discussed in this section of the Report are in force and effect.

The ROP divides the area of Halton into eight mutually exclusive land use designations. As per Map 1, Regional Structure, the Site is identified within the "Urban Area" (see **Figure 8**). Generally, the policy objectives applicable to the Urban Area are to accommodate growth through efficient land use and street network patterns that support public and active transit usage. The objectives of the Urban Area designation that are relevant to the consideration of the Subject Application are as follows:

"72(1) To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.

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.

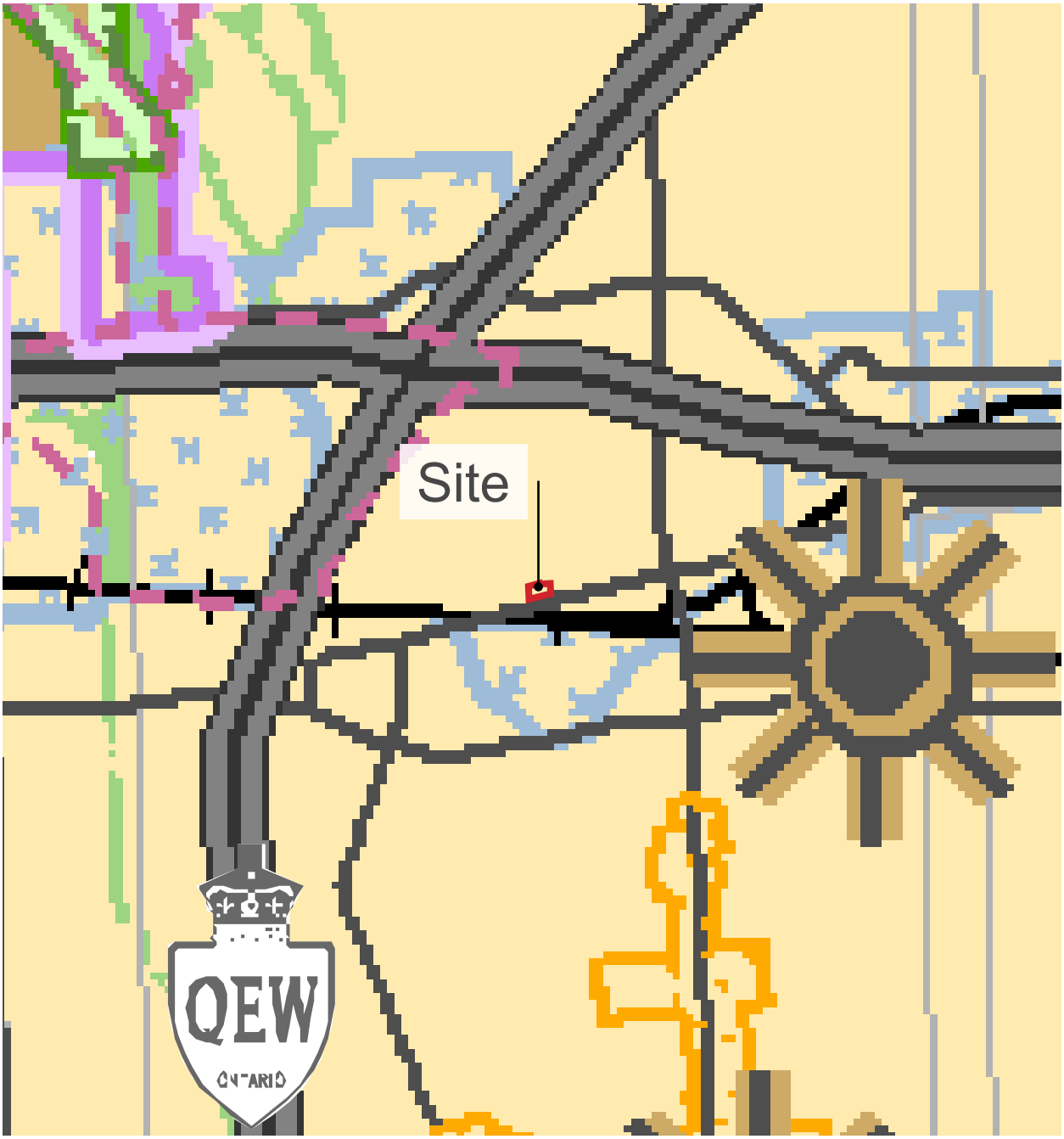
72(3) To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.

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(8) To promote the adaptive re-use of brownfield and greyfield sites.

72(9) To facilitate and promote intensification and increased densities."

These policies promote redevelopment and intensification within the Urban Area where the Site is located, consistent with the PPS.



Major Transit Station
Proposed Major Transit Station
Mobility Hub
Rail Line
Proposed Major Arterial
Major Road
Provincial Freeway
Lot and Concession Line
Municipal Boundary

Urban Area *Approved 2013-10-21*
Hamlet
Agricultural Area
Regional Natural Heritage System *
Mineral Resource Extraction Area
North Aldershot Policy Area
Greenbelt Natural Heritage System (Overlay)

Greenbelt Plan Protected Countryside Boundary
Niagara Escarpment Plan Boundary
Parkway Belt West Plan Boundary
Built Boundary
Employment Area *Approved 2013-10-21*
Urban Growth Centre
Area Eligible for Urban Servicing
Halton Waste Management Site

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Map 1 - Regional Structure

Source: Region of Halton Official Plan (September 28, 2015)

Figure 8

Table 2 of Policy 56 identifies Intensification and Density Targets, including a minimum of 8,300 new housing units to be added to Burlington's Built-Up Area between 2015 – 2031. Furthermore, Table 2A indicates that 2,758 units are to be built inside Burlington's Built Boundary between 2017 - 2021. Policy 86 (6)(a) further outlines that at least 50% of new housing units produced annually in Halton be in the form of townhouse or multi-storey building. The proposal satisfies these policies by contributing to the achievement of Burlington's overall density target and by offering new housing opportunities in both traditional townhouses and back-to-back townhouse form.

Policy 172 (9.1) of the Regional Official Plan promotes development that is designed to support active transportation and public transit. The proposal development is located adjacent to Plains Road East, a minor arterial road that is already serviced with public bus transit. Accordingly, it is anticipated that residents will take full advantage of these services and support existing active transit in Burlington. In addition, the Site is located reasonably close to the existing Burlington GO station; residents, employers and visitors of the proposed development will have access to the Burlington GO station via Brant and Fairview Streets. In this regard, the proposed density of 82 units per hectare is supportive of local public transit, and Regional modes of transit in conformity with Policy 172 (9.1).

In addition, Policy 172 (12) of the Regional Official Plan supports the provision of public transit service within reasonable walking distance and at a reasonable cost, to all sectors of the public, including persons with a physical disability. There are existing Burlington Transit bus stop locations within easy walking distance in the immediate vicinity on both sides of Plains Road East (minor arterial portion). Accordingly, the proposal will not require the implementation of new transit service and the proposed density is supportive of existing public transit in the vicinity.

Relevance to the Site: The Site is in the Urban Area which promotes intensification and complete communities. The Site provides a redevelopment opportunity where sufficient infrastructure and transit exists. As part of the Built-Up Area, the redevelopment proposal represents an opportunity to contribute toward meeting the Regions intensification targets for Burlington. Further, the proposed design of the Site, including 29 back-to-back townhouse units and 9 standard townhouse units provides a form that is complimentary to the area, while facilitating intensification. The redevelopment will contribute to the viability and sustainability of existing transit services along Plains Road East, which includes three bus routes with service to all three Burlington GO Stations, meeting the objectives of the noted ROP Policy 72(2). In this manner the proposed development is in conformity with the policies of the Halton Region Official Plan.

4.4 City of Burlington Official Plan

The current City of Burlington Official Plan ("OP") was approved in January 2008 by Halton Region, subsequently appealed to the Ontario Municipal Board (OMB) and ultimately approved by the OMB in October 2008. The policies of the OP are in force and effect.

Part I of the Official Plan outlines the overall vision and context within which the policies of the Official Plan have been formed. Section 2.0 of Part 1 identifies a planning horizon to 2021 for the City with an anticipated population of 182,000 people within 73,600 new households. This proposal for 38 units within an existing built-up area supports this vision of growth and contributes to the targeted number of households available by 2021.

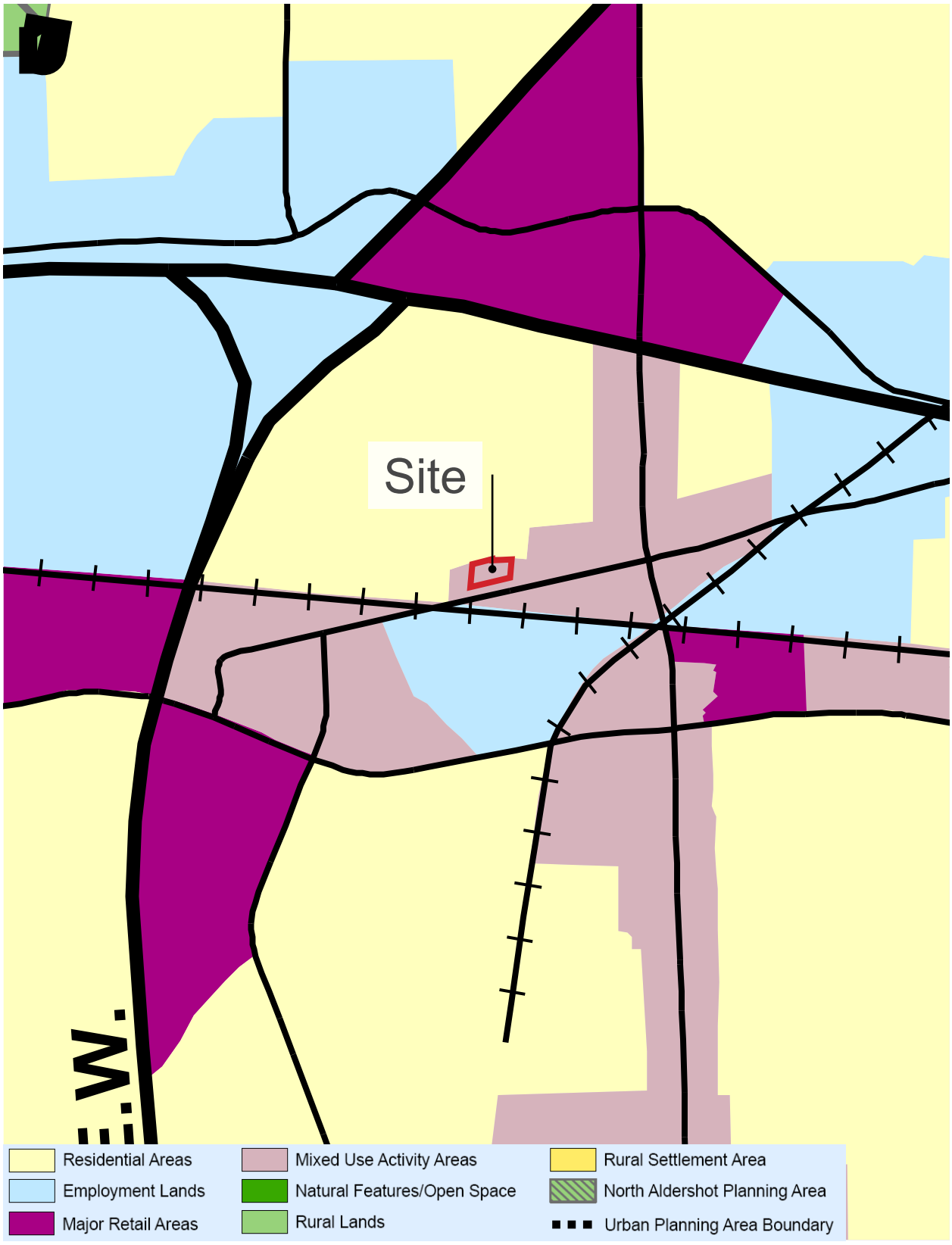
Settlement Pattern

The Site is designated "Mixed Use Activity Area" on Schedule A, Settlement Pattern of the OP as illustrated in **Figure 9**. The general policy intent for Mixed Use Activity Areas is to provide alternatives to low density suburban development and address demand for higher intensity employment, shopping and residential areas within the City. Policy objectives promote compatibility among the planned mix of uses, compact urban form, and development forms that are pedestrian-oriented and transit supportive. Part III, Policy 5.2.2 l) of the OP states *"The City may consider the use of reduced parking standards in Mixed Use Activity Areas in order to encourage greater reliance on non-automobile forms of transportation."* Reductions to required visitor parking is proposed as a part of this redevelopment proposal.

Land Use Designation

The Site is further designated "Mixed Use Corridor – General" on Schedule B of the OP as illustrated in **Figure 10**. It is important to note that the Site is located at the westerly limit of the Mixed-Use Corridor – General land use designation. The Mixed-Use Corridor – General land use designation generally extends lineally to the east along Plains Road. Within the "Mixed Use Corridor – General" land use designation (Part III, 5.3.2.a.ii), high density residential uses are permitted with a density range of 51 – 185 units per hectare (Policy 2.2.2.e). With a lot area of ±0.46 hectares, this density ratio would permit a maximum of 85 units on the Site. The Proposed Development with 38 units represents a density of 82 units per hectare which conforms to this policy of the OP.

While townhouses are permitted within the "Mixed Use Corridor – General" designation, they are only permitted as a component of a mixed-use development containing other permitted uses. Since the Proposed Development is entirely residential, an Official Plan Amendment is required.

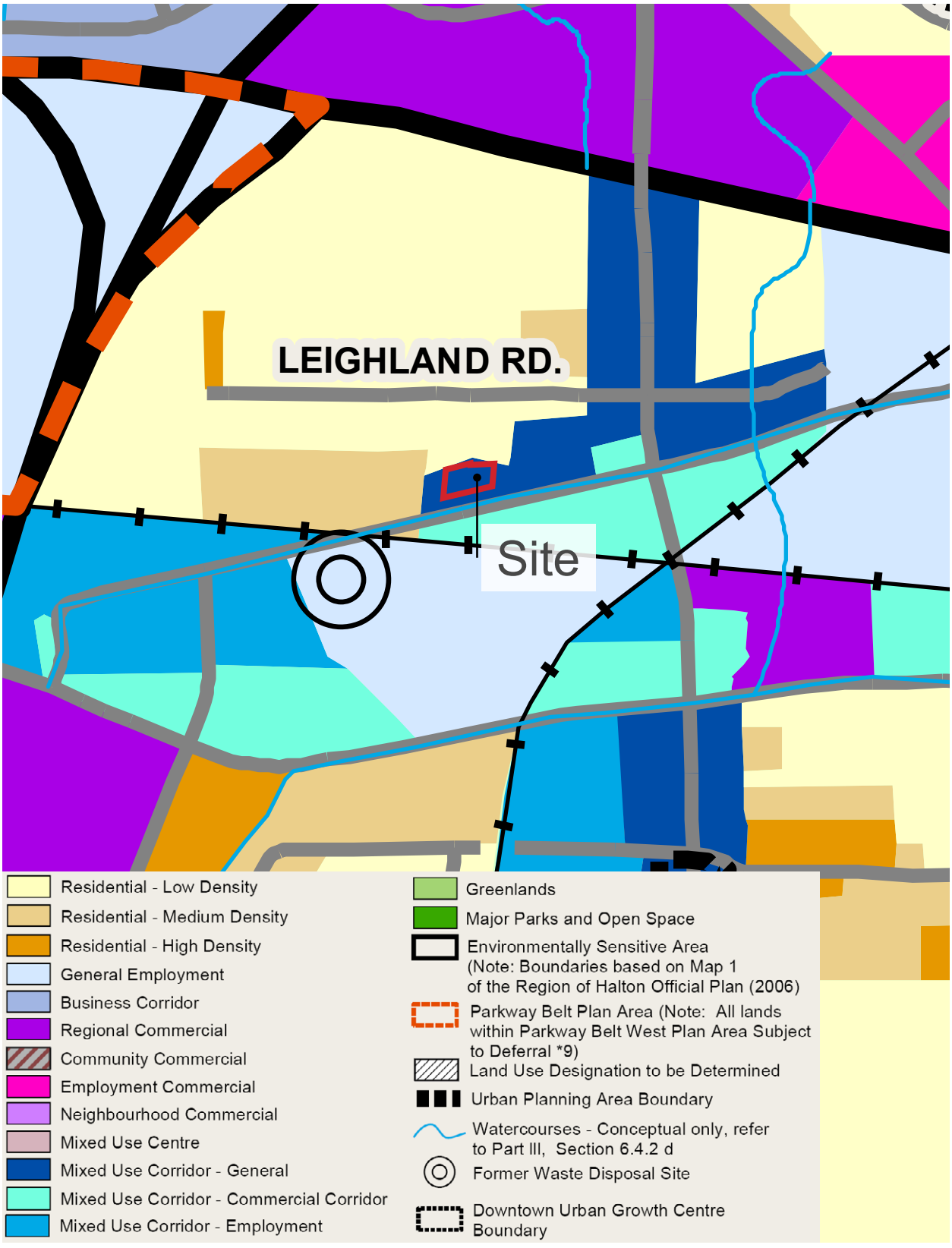


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Schedule A - Settlement Pattern

Source: City of Burlington Official Plan (June 2011)

Figure 9



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Schedule B - Comprehensive Land Use Plan
Urban Planning Area

Source: City of Burlington Official Plan (June 2015)

Figure 10

At the pre-consultation meeting, Planning staff indicated that they were willing to consider a site-specific Official Plan Amendment to permit residential uses in this location due to the location of the road spur off the main road of Plains Road East (minor arterial). Planning staff commented that "*this location may be less viable than other parts of the Mixed-Use Corridor for retail or office functions."* This notion has been recognized by Official Plan Amendment No. 95, which permits townhouses alone without being part of a larger mixed-use development on the property immediately adjacent to the Site know municipally as 1033 Plains Road to the west at the corner of Glendor Avenue and Plains Road East (local).

Housing Intensification

Part III, Section 2.5 of the OP encourages residential intensification as a means of increasing the amount of available housing stock provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood. The OP defines intensification as: *"Development or re-development of a property or site within an existing developed area which is proposed to be undertaken at a higher density or intensity than permitted under the existing zoning...".*

The Proposed Development represents intensification as defined in the OP. Part III Policy 2.5.2a) of the OP contains specific criteria for the evaluation of housing intensification proposals within established neighbourhoods. The specific criteria with commentary in respect to the Subject Application are contained in Section 6.0 of this Report.

The proposed development is considered to be infill based on the definition provided in Part VII of the Plan: *"Infill – Development or re-development within an existing developed area which is proposed to be undertaken in conformity with the existing zoning, and which may include development on vacant lands, the addition of dwelling units, or the creation of new lots."*

Part III Section 2.5.4 provides further policy direction for infill development, emphasizing the need for any redevelopment to be compatible with the surrounding area in terms of height, scale, massing, siting, setbacks, coverage and the amount of open space (2.5.4.b), in addition to being generally compatible with the existing neighbourhood (2.5.4.c).

To summarize, housing policies of the OP promote and encourage residential intensification, subject to performance criteria. The extent to which the Proposed Development conforms to the OP policy criteria for residential intensification is discussed in greater length in Section 6.0 of this Report.

Contaminated Sites

Policies in Section 2.8 and 2.9 of Part II of the OP contain policy direction with respect to contaminated, potentially contaminated sites and waste disposal sites. The general intent of the policies in these sections of the OP is to ensure that adequate assessment and remediation occurs to ensure safe use of contaminated land.

Policy 2.8.2d) of Part II of the OP states that the City may require the completion and submission of a Phase I Environmental Site Assessment (ESA). Accordingly, the City identified this requirement at the pre-submission consultation meeting on July 20, 2016. Policy 2.8.2e) states that a Phase 2 ESA may be required if determined necessary by a Phase 1 ESA. Policy 2.8.2f) states that a record of site condition may be required to confirm that a site is suitable for the proposed use. Subsection i) of the same policy allows for the implementation of a Holding symbol in the zoning to ensure completion of satisfactory remediation prior to the introduction of a new use. Further, Policy 2.2.2iv) in Part IV of the OP enables the use of an "H" holding symbol where there is known site contamination.

The Site is located within 500 metres of a former Waste Disposal Site – as identified on Schedule B Comprehensive Land Use Plan – Urban Planning Area of OP. Policy 2.9 requires the following prior to development:

- written approval from the Ministry of Environment;
- completion of satisfactory studies to demonstrate that development is compatible and can safely take place;
- construction to coincide with the control of problems identified by the studies; and
- satisfactory study with respect to structural stability of proposed structures.

In accordance with the policy requirements pertaining to environmental contamination, a Phase I ESA was prepared by S2S Environmental Inc (November 23, 2017) and submitted with the subject Applications. The Phase I ESA identifies areas of potential environmental concern and recommends that a Phase 2 ESA be completed. Further the Phase I ESA identifies that a Record of Site Condition must be filed prior to development. Therefore, the implementation of a Holding symbol in the zoning applicable to the Site is appropriate to conform to Policy 2.8.2i) and 2.9 of the OP.

Transportation

It is interesting to note that the municipal address for the Site is *Plains Road East* which is identified as a Minor Arterial Road on Schedule J: Classification of Transportation Facilities South of No. 1 Side Road. However, the portion of Plains Road East that the site actually fronts is not within the limits of this minor arterial designation. Rather this spur portion of Plains Road East is not included on Schedule J which infers that the street in local in nature.

In fact, City of Burlington Zoning By-law 2020 Map No. 10 illustrates the site as fronting Glendor Avenue – regardless of its municipal address.

This functional distinction is identified because it has direct ramifications from a zoning perspective with respect to the separation distance required for residential development adjacent to streets that have a right of way width greater than 26m and provides justification for the stand-alone residential use of these lands.

The Site therefore has direct access to local roads (Plains Road East and Helena Street) and a direct connection to Plains Road East (minor arterial) via Plains road East (local).

Therefore, with the exception of the stand-alone residential nature of the proposed development, the Subject Applications are considered to be in conformity with the Burlington Official Plan.

4.5 Proposed New Official Plan

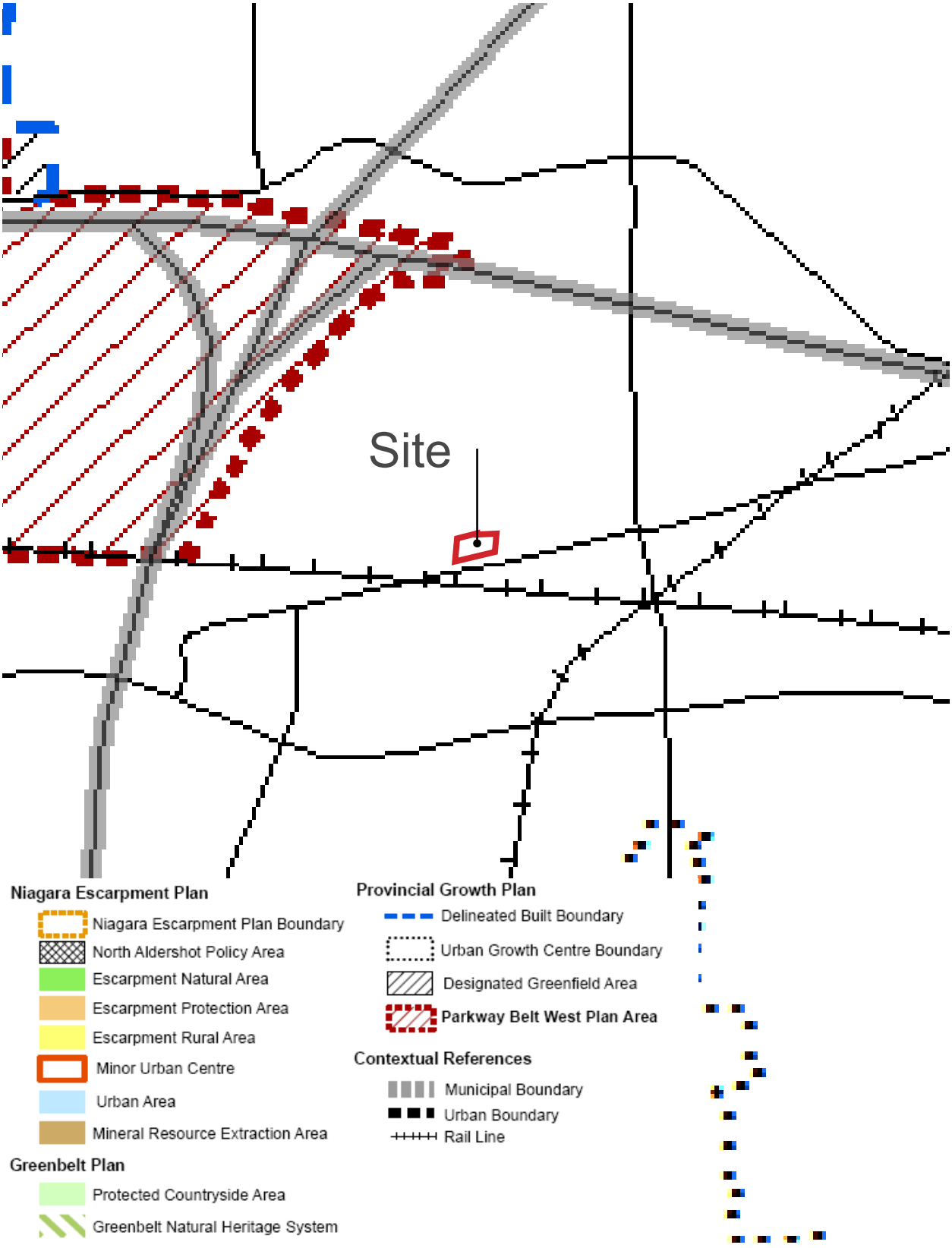
The City released a proposed new Official Plan ("New OP") on November 9th, 2017. While the proposed New OP has not yet been approved and is not in effect, it provides some insight into the potential policy direction for the City of Burlington over the next planning horizon.

The proposed New OP begins with a statement recognizing that Burlington is at "*a turning point in its evolution and is transitioning from a suburban to an urban community."* The strategic direction of the proposed plan is laid out in Section 1.4, which is based on four principles, one of which is growth, or more specifically, "*A City that Grows".* Section 1.4.2 elaborates on these policies in more detail. The role of intensification is highlighted, as a City that grows: "*Accommodates population and employment growth through development and intensification within targeted locations of the City's Urban Area*" (Policy 1.4.2.c).

The Site is located within the Delineated Built Boundary on draft Schedule A-1, City System - Provincial Land Use Plans and Designations of the New OP as illustrated in **Figure 11**. The draft policies of the New OP direct the majority of growth to lands within the Built Boundary, consistent with the OP and in conformity with the Growth Plan.

Urban Structure

The Site is located within the "Mixed Use Nodes and Intensification Corridors" Area on draft Schedule B, Urban Structure of the New OP as illustrated in **Figure 12**. According to the draft section entitled Urban Structure, *"Mixed Use Nodes and Intensification Corridors will be a focus of reurbanization."* Furthermore, draft policy 8.1.3 of the New OP states that Mixed Use Nodes and Intensification Corridors *"will provide locations where mixed commercial,*

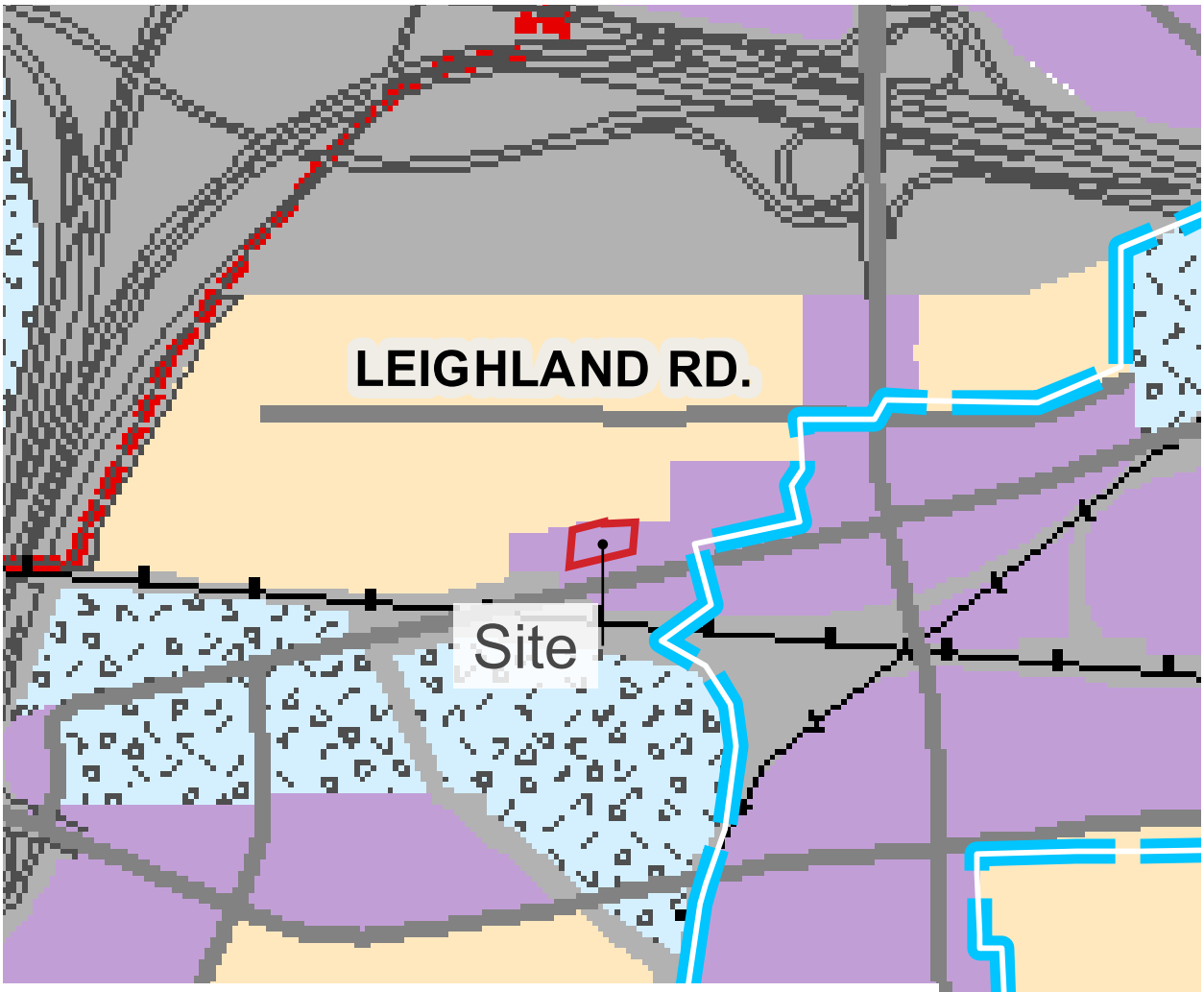


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Schedule A-1 - City System

Source: City of Burlington Proposed Official Plan (November 2017)

Figure 11



Mixed Use Intensification Areas
- Urban Centres
- Mobility Hubs
- Mixed Use Nodes and Intensification Corridors

Employment Lands

Areas of Employment Overlay

Residential Neighbourhood Areas

Natural Heritage System, Major Parks and Open Space

Mineral Resource Extraction Area

Infrastructure and Transportation Corridors

- Tremaine Road Special Planning Area (see Chapter 12)
- Bronte Creek Meadows (see Chapter 5)
- Innovation District (see Chapter 5)

Contextual References
- Municipal Boundary
- Urban Boundary
- Delineated Built Boundary
- Urban Growth Centre Boundary
- Parkway Belt West Plan Area
- Major Transit Station
- Potential Future Major Transit Station (Approximate Location)
- Rail Line
- Provincial Freeway

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Schedule B - Urban Structure

Source: City of Burlington Proposed Official Plan (November 2017)

Figure **12**

residential and employment uses will be developed and integrated in a compact built form and at greater development intensities, encouraging the efficient use of physical resources and municipal infrastructure."

Growth Framework

The Site is also located within the Secondary Growth Area on draft Schedule B-1 of the New OP as illustrated in **Figure 13**. The draft policies pertaining to Secondary Growth Areas state that they are planned to accommodate growth within the permissions and densities of the land use designations of the New OP. Draft policy 2.4.2 (2) (iv) states the intent that development in the Secondary Growth Areas be limited to a mid-rise form (unless otherwise permitted in the New OP).

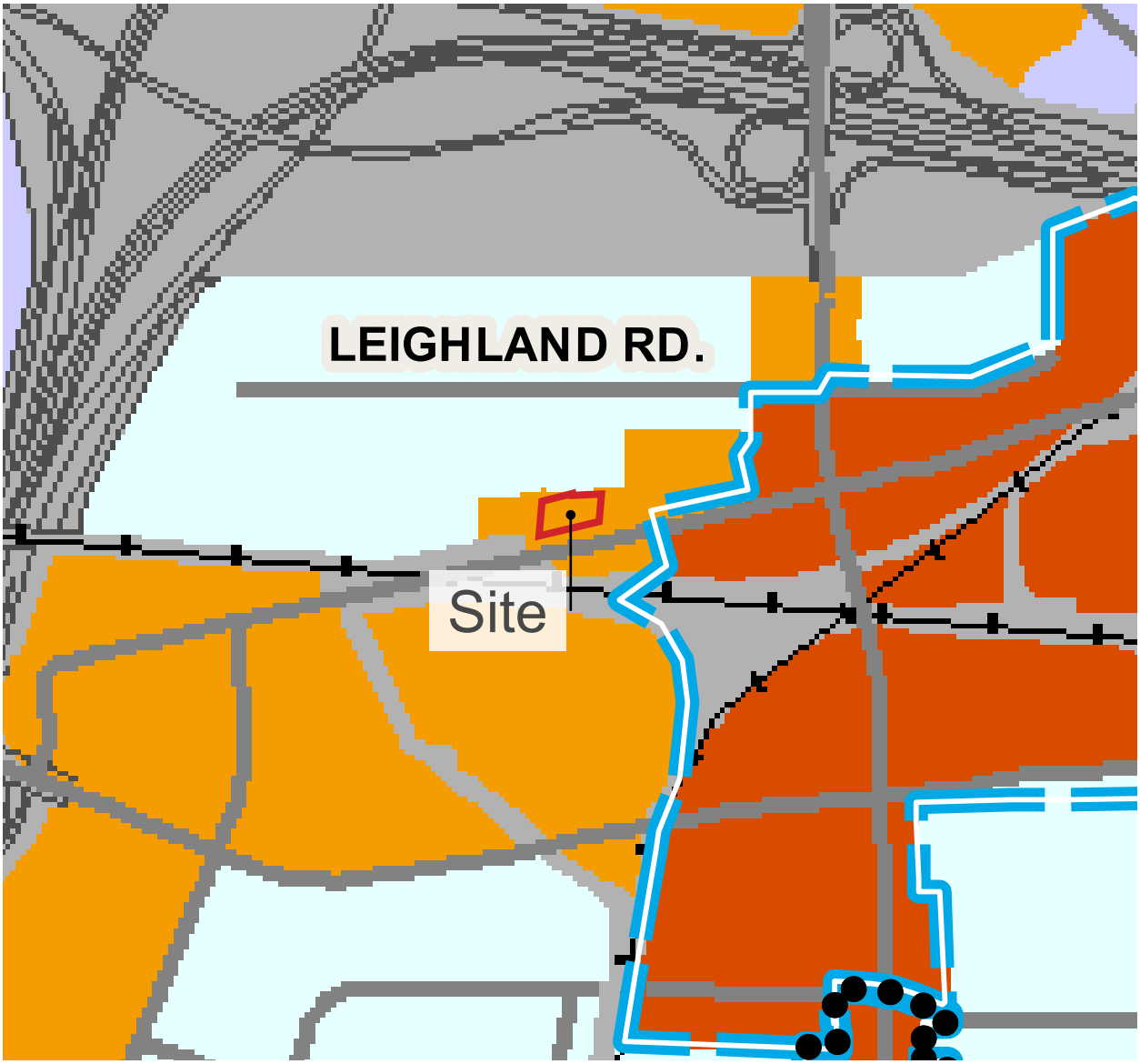
In conformity with this Policy, the proposed development does not exceed a mid-rise form; rather it is 3 storeys in height and considered a low-rise form of development.

Land Use Designation

The Site is designated "Urban Corridor" on draft Schedule C – Land Use – Urban Area of the New OP as illustrated in **Figure 14**. Per draft Policy 8.1.3.(7.1) of the New OP, the primary objective of the Urban Corridor designation is to *"provide locations in the City along key Major Arterial or Multi-Purpose Arterial Streets that will serve as areas of concentration for mixed use development in a compact built form, with residential, retail, service commercial, office, entertainment, public service facilities and institutional uses, and open space uses"*.

Residential uses are proposed to be permitted within the draft "Urban Corridor" designation, except for single-detached and semi-detached dwellings. Townhouse forms of development are proposed to be permitted, however ground-oriented dwellings would be required to be part of a larger multi-residential or residential/commercial development. This draft requirement is similar to the policies in the current OP, and as such would also require an Amendment to facilitate the Proposed Development. Of note, the New OP proposes to carry forward the site-specific Special Policy applicable to the adjacent property to the west, and would permit a townhouse form of development that is not part of a mixed-use development on those lands.

Of note here is the functional nature of Plains Road East (local) at this location. It is appropriate to have mixed use development on an arterial road; however, the functional use of Plains Road East at this location is local in nature. Accordingly, a single use in the form of residential development is considered appropriate in the context of surrounding land use and site access.



Growth Areas

- Primary Growth Area
- Secondary Growth Area
- Employment Growth Area
- Established Neighbourhood Area

Mobility Hubs

Designated Greenfield Area

- Developed Area Outside Delineated Built Boundary
- Undeveloped Area Outside Built Boundary (not subject to Intensification Framework)

Contextual References

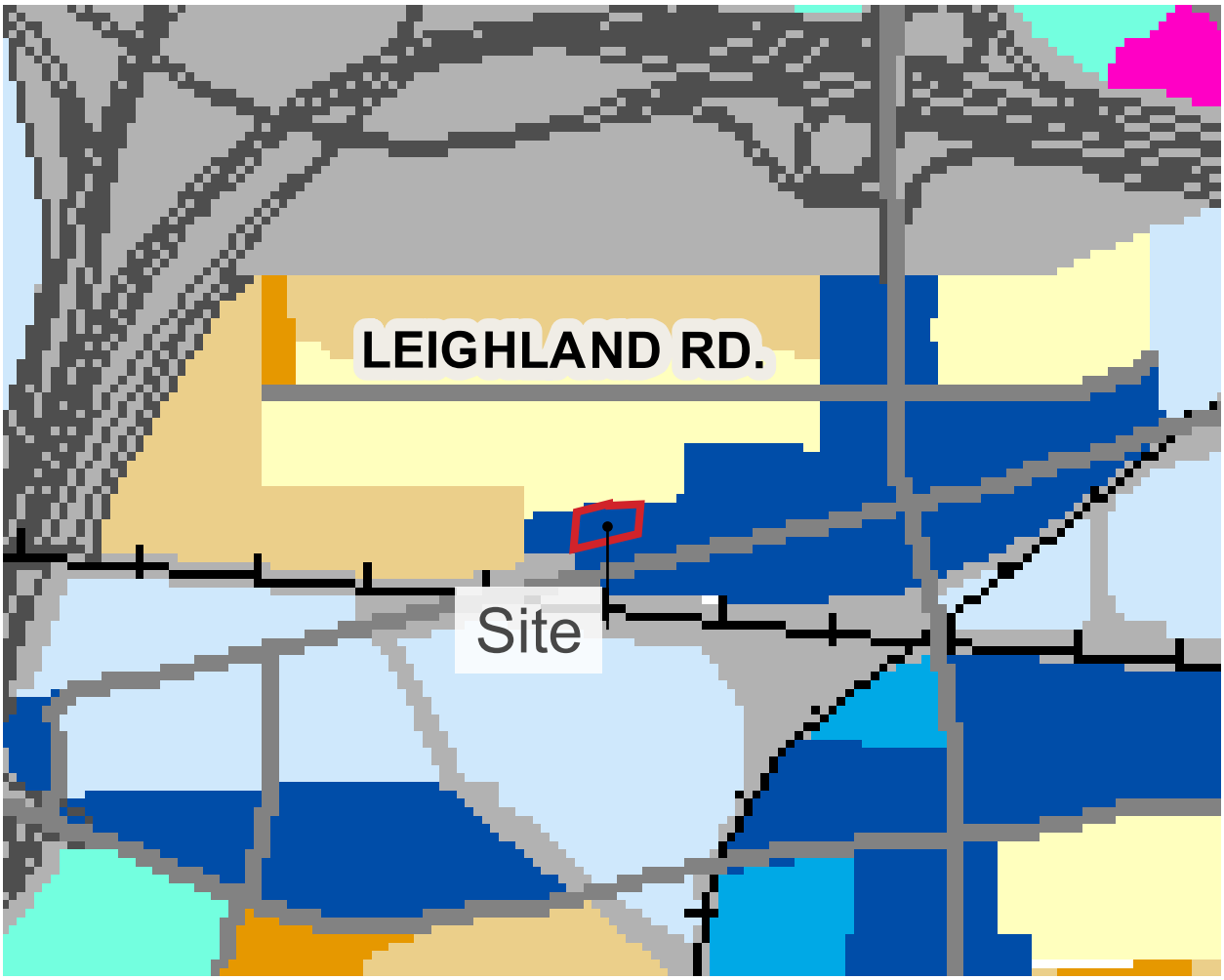
- Natural Heritage System, Major Parks and Open Space
- Infrastructure and Transportation Corridors
- Municipal Boundary
- Urban Boundary
- Delineated Built Boundary
- Urban Growth Centre Boundary

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Schedule B-1 - Growth Framework

Source: City of Burlington Proposed Official Plan (November 2017)

Figure 13



Legend

MIXED USE INTENSIFICATION AREAS

- Urban Centres

Mixed Use Nodes and Intensification Corridors

- Mixed Use Commercial Centre
- Neighbourhood Centre
- Local Centre
- Employment Commercial Centre
- Urban Corridor
- Urban Corridor - Employment Lands

RESIDENTIAL NEIGHBOURHOOD AREAS

- Residential - Low Density
- Residential - Medium Density
- Residential - High Density

EMPLOYMENT LANDS

- General Employment
- Business Corridor

NATURAL HERITAGE SYSTEM AND MAJOR PARKS AND OPEN SPACE

- City's Natural Heritage System
- Major Parks and Open Space

MINERAL RESOURCE EXTRACTION AREA

INFRASTRUCTURE AND TRANSPORTATION CORRIDORS

- Municipal Boundary
- Urban Boundary
- Urban Growth Centre Boundary

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Schedule C - Land Use - Urban Area

Source: City of Burlington Proposed Official Plan (November 2017)

Figure 14

Housing

Draft policy 3.1.1.(2)e) states that "*the City will support housing initiatives that facilitate revitalization, particularly the identification and remediation of brownfield, greyfield … lands, compact built form, flexibility and adaptability in the design and function of the housing stock, and an increased variety of housing alternatives."* Further, draft Policy 3.1.1.(2) (l) encourages a mix of housing forms.

Contaminated Sites

The proposed New OP contains draft policies pertaining to contaminated sites and former waste disposal sites that are similar to the policies contained in Sections 2.8 and 2.9 of the current OP. Like the current OP, the draft New OP enables the use of Holding symbols in the Zoning By-law to require the completion of a Record of Site Condition verifying that remediation of a contaminated site has occurred.

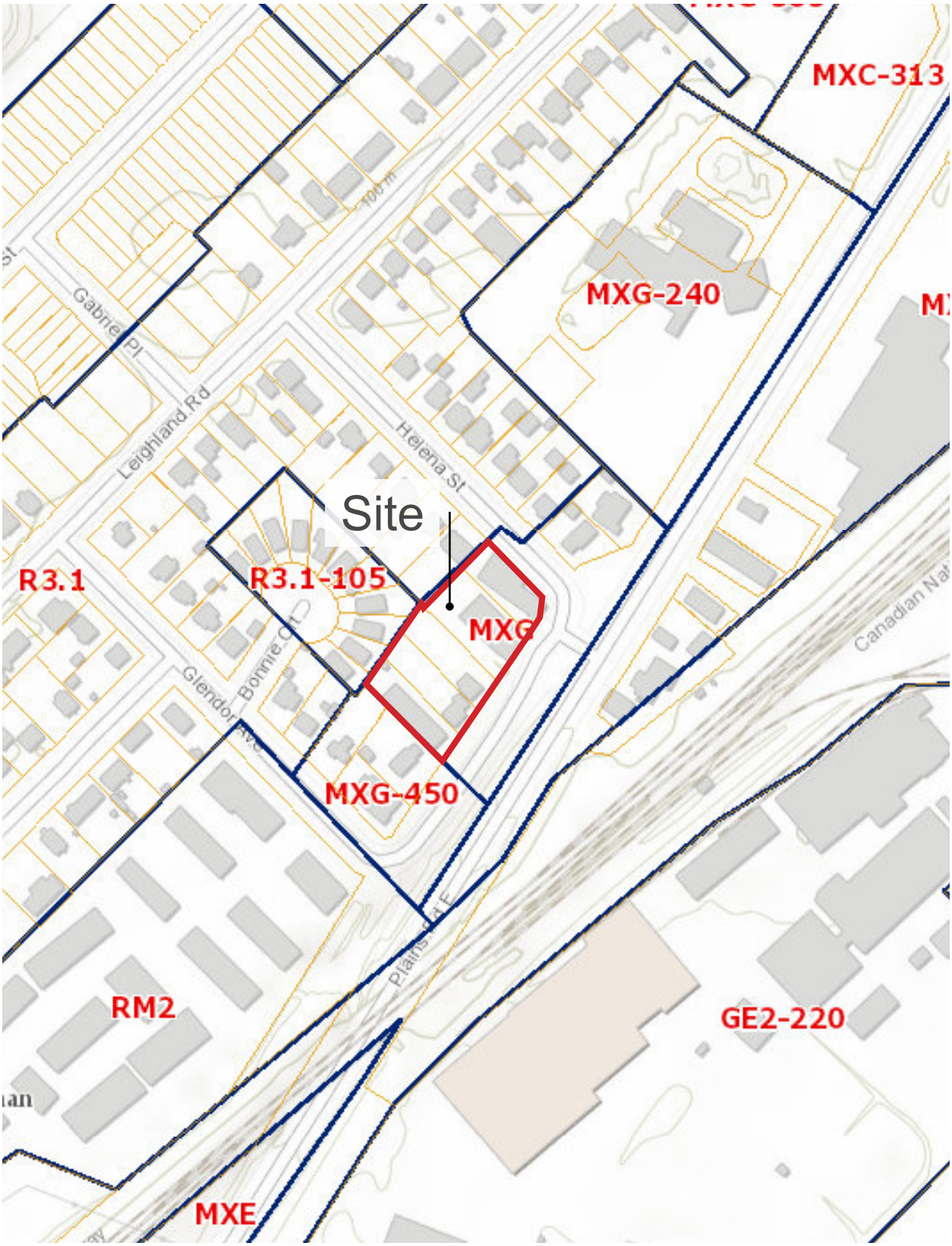
Planning Application Criteria

Draft Policy 12.1.1.(3)(l) of the New OP contains new criteria for the evaluation of privately-initiated Official Plan Amendment applications. These criteria are listed with comments pertaining to the Subject Official Plan Amendment application in Section 6.0 of this Report.

Draft Policy 12.1.2(2.2)(c) of the New OP contains criteria for the review of development applications. These criteria are similar to and build on the criteria in Part III Policy 2.5.2a) of the current OP. New criteria in this section of the proposed New OP are contained in Section 6.0 of this Report.

4.6 Burlington Zoning By-law No. 2020

The Site is zoned in the MXG (Mixed-Use General) Zone in the City of Burlington Zoning By-law No. 2020 as illustrated in **Figure 15**. The proposed Zoning By-law amendment seeks to establish site specific provisions to implement the proposal. Table 1 illustrates the required modifications to the MXG Zone regulations to accommodate the proposed Concept Plan illustrated in **Figure 5**.



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Zoning By-law No. 2020 Map

Source: City of Burlington (Retrieved December 11, 2017)

Figure 15

Table 1: Requested Modifications to MXG Zone

REGULATIONS	MXG (Mixed-Use General) Required	Proposed	Comply ✓/×
DEFINITIONS			
Townhouse	Min. 4 and max. 16 units with a maximum length of 55 metres	9 units with max. length of 47m	✓
Townhouse, Back-to-Back	Residential building containing max. 16 dwelling units and max. length of 55m	18 units with max. length of 50m	×
PART 5 - 2.0 PERMITTED USES (TABLE 5.2.1)			
Back-to-Back townhouse (o)	o) Not permitted within 25m of public street having a deemed width of 26m or greater	3.0 m from Plains Road E	×
Townhouse (p)	p) Not permitted within 55m of a public street having a deemed width of 26m or greater	35.5m from Plains Road E	×
PART 5 – 5.0 TOWNHOUSE REGULATIONS – Table 5.5.1			
a) Lot Width (min)	30m	44.95m	✓
b) Lot Area (min)	1200m^2	4,612m^2	✓
c) Front Yard (footnote (a))	3m except the entrance to an attached garage shall be set back 6m	4.5m and 6m	✓
d) Side Yard	3m	West: 1.5m	×
		East: 4.5m	✓
e) Yard abutting R3.1 Zone	12m for a 3 Storey building (greater than 11.5m in height)	6m	×
f) Density	30 units/ha	(38 units/.4612) = 82	×
g) Floor Area Ratio (min.)	0.3:1	1.16:1	✓
h) Floor Area Ratio (max.)	1.5:1	1.16:1	✓
5.2 LANDSCAPE AREA AND BUFFER			
i) Landscaped Area (min) abutting a street	3m	3m	✓
j) Landscape Buffer abutting R3.1 Zone	6m	1.5m	×
5.3 PARKING (Table 1.2.6 – Off-Street Parking Standards)			
(a) Townhouse Dwelling (9)	2 spaces/unit = 9 x 2 = 18	2 spaces per unit = 18	✓
	0.5 visitor spaces per unit = 9 x .5 = 4.5 (5)	0.2 spaces per unit = 2	×
(b) Back-to-Back Townhouses Dwelling unit (29)	2 spaces per unit = 29 x 2 = 58	2 spaces per unit = 58	✓
	+ 0.35 visitor spaces per unit = 10.15 (11)	0.1 spaces per unit = 3	×
	Required Parking: 76 Required Visitor Parking: 16 Total Parking Required: 92	Parking Provided: 76 Visitor Parking Provided: 5 Total Provided Parking: 81	
(b) Driveways and parking lots shall be set back 3m from a wall of a building containing windows of habitable rooms	Setback from driveway / parking lot to habitable room: • Townhouses: 3m • Back-to-back townhouse: 3m	• Parking lot to Unit 9: 1.2m • Driveway to Back-to-back Unit 26: 1.5m	×
Parking Space size (min.)	2.75m x 6m	2.75m x 6m	✓
Parking Space size within garage	3m x 6m	3m x 6m	✓
Unobstructed Parking Space size within garage	3m x 5.5m (one step permitted in unobstructed area)	3m x 5.5m	✓

REGULATIONS	MXG (Mixed-Use General) Required	Proposed	Comply ✓/✖
5.4 AMENITY AREA			
(i) Standard Townhouses	20m² per 1-bedroom unit 35m² per 2+ bedroom unit	20m² within rear yard + 9m² front yard = 29m²	✓
	25m² per unit	Roof top Amenity Area per unit: 30m²	✓
(ii) Back-to-Back Townhouse	+ 100m² minimum common amenity area or a total common amenity area of 6m² per unit, whichever is greater	common amenity area: ±71m²	✖
5.5 PRIVACY AREA			
k) Standard Townhouse	20m² per unit	±5m x 4m = 20m²	✓
l) Back-to-back townhouses	5.5m² balcony per unit separated from adjoining units by a wall or privacy screen	30m² rooftop amenity space/unit separat4ed by 6' wood privacy screen	✓
5.6 FENCING			
1.8m (min.) fence abutting residential zone	1.8m (min.) fence abutting residential zone including solid screen fence or combination of chain-link and planting	1.8m solid screen fence	✓
5.7 BUILDING HEIGHT			
Townhouses	3 storeys (14 metres)	3 storeys (9 metres)	✓
Back-to-back townhouses	3 storeys (14 metres)	3 storeys + rooftop amenity (11.5 metres)	✓

5.0 PLANNING APPLICATIONS

5.1 Official Plan Amendment

An Official Plan amendment is required in the form of a site-specific policy permitting a stand-alone townhouse development on a site that is not part of a larger mixed-use development. A draft Site-Specific Special Policy for inclusion in the OP has been prepared and appended to this Report (see **Appendix B**).

5.2 Zoning By-law Amendment

In order to permit the redevelopment of the Site as proposed, a Zoning By-law Amendment is required to modify the regulations of the MXG Zone. Draft Site-Specific Zoning By-law Provisions have been prepared and appended to this Report (See **Appendix C**). Specifically, the following modifications to the MXG Zone regulations are required to implement the proposed concept:

a) an increase in the maximum length of a residential building from 55 metres to 59 metres for Units #'s 18-26;

b) To permit back-to-back townhouses within 3.0m of Plains Road East whereas the By-law does not permit townhouses within 25 metres of a public street with a row width of 26m or greater;

c) To permit townhouses within 35m of Plains Road East whereas the By-law does not permit townhouses within 55 metres of a public street with a row width of 26m or greater;

d) a minimum westerly side yard setback of 1.5 metres whereas the by-law requires 3m;

e) a minimum northerly side yard setback for Units 1 to 9 abutting the R3.1-105 Zone of 6m whereas the By-law requires 12m for a 3 storey building;

f) a minimum northerly side yard setback for units 32 and 33 abutting the R3.1 Zone of 2m whereas the By-law requires 12m for a 3 storey building;

g) a density of 82 units per hectare whereas the By-law permits a maximum of 30 units per hectare;

h) a minimum northerly landscape butter abutting an R3.1 zone of 1.5m whereas the By-law requires 6m;

i) a minimum required visitor parking ratio per unit for townhouses of 0.2 spaces per unit whereas the By-law requires 0.5 visitor spaces per unit;

j) a minimum required visitor parking ratio per unit for back-to-back townhouses of 0.1 spaces per unit whereas the By-law requires 0.35 visitor spaces per unit;

k) a visitor parking space to be located 1.2m from Townhouse Unit # 9 whereas the by-law requires a 3m setback to a habitable room;

l) To permit an entrance driveway to be located 1m from back-to-back townhouse Unit #26 whereas the By-law requires a 3m setback to a habitable room; and

m) To permit a minimum common amenity area of 70m^2 whereas the By-law requires 174m^2 (6 x 29 units).

A Holding symbol is proposed to be applied to require the completion of the Phase II Environmental Assessment and Record of Site Condition prior to development.

6.0 PLANNING SUMMARY AND ANALYSIS

The Site currently contains a number of buildings – all of which are to be demolished to provide for the redevelopment of the Site for residential purposes. The applicant proposes to the redevelopment of this 0.4 hectare Site for a total of 38 three-storey residential units including 9 standard townhouse units and 29 back-to-back townhouse units. A density of 82 units per hectare is proposed.

Within the "Mixed Use Corridor – General" land use designation (Part III, 5.3.2.a.ii), high density residential uses are permitted withini a density range of 51 – 185 units per hectare (Policy 2.2.2.e). With a lot area of ±0.46 hectares, this density ratio would permit a maximum of 85 units on the Site. The Proposed Development with 38 units represents a density of 82 units per hectare which well within the permitted density range provided for within this designation and therefore conforms to this policy of the OP.

6.1 Provincial Policy Statement (2014)

In conformity with the PPS, the Site is designated for high density urban development purposes, and is located within the Urban Planning Area Boundary of the City which has been designated in the Official Plan for development and growth. The Site represents an excellent opportunity for intensification within an existing neighbourhood with a range of land uses that is consistent with the PPS. The development is proposed at a density that is transit-supportive and located within an area already serviced with local public transit routes with convenient pedestrian connections to transit stops located along Plains Road East and Brant Street.

Therefore, the Subject Applications are consistent with the Provincial Policy Statement.

6.2 Places to Grow Growth Plan for the Greater Golden Horseshoe (2017)

As noted, the new Growth Plan came into effect July 1st, 2017 and expands upon the previous Growth Plan, and builds upon the successes achieved through the Growth Plan, while also addressing key challenges that were encountered over the past ten years of its existence. Like the previous version of the Plan, the new Plan focuses on the creation of complete communities, higher density development and intensification, the efficient use of infrastructure and services, the provision of a housing that meets a variety of needs, and transit viability.

Section 2.2.2 of the Growth Plan, Delineated Built Up Areas, requires that municipalities, through their next municipal comprehensive review, have a minimum intensification target of 60% of all residential development occurring within their delineated built-up area.

Municipalities are to identify strategic growth areas for intensification, provide for a transition of form to the adjacent areas, and ensure a high quality of both urban form and open spaces.

Within the City of Burlington, the Built-Up Area is all land within the Built Boundary. Section 2.2.2.2 notes that by the time the next Municipal Comprehensive Review (MCR) is approved and in effect, a minimum of 50% of residential development shall be within delineated built-up area.

Section 2.2.6.1 of the Growth Plan, Housing, requires that a housing strategy be developed by each municipality, which will provide official plan policies that incorporate affordable housing targets (both ownership and rental) and include plans for a range of densities and housing types to assist in achieving the density and intensification targets of the Growth Plan. While the City of Burlington has initiated its new Official Plan, it will be subject to population projections that the Region of Halton will be required to determine for the Region based on the Province's new population figures.

Section 2.2.6.2 states that for municipalities to ensure a mix and range of housing types and densities, they will accommodate the forecasted growth, achieve the minimum density and intensification targets of the Growth Plan, review the existing housing stock with respect to types and densities, and plan for the creation of complete communities by diversifying their overall housing supply.

The Site is located within the Urban Boundary of the City, and is located within the built-up area providing an ideal opportunity for intensification where sufficient infrastructure exists. Therefore, the proposal supports and is in general conformity with the infill and intensification policies of the Growth Plan.

6.3 Region of Halton Official Plan

In conformity with the Regional Official Plan policies, the proposed residential development will contribute towards achieving the development density target of the Region. The proposed urban form including back-to-back townhouse units similar to the adjacent development immediately to the west, and density proposed will contribute to the viability and sustainability of existing and future transit facilities along Plains Road and Brant Street. The addition of 29 back-to-back townhouse units will serve to diversify the residential unit type mix to support the vibrancy of the neighbourhood.

Therefore, the proposed development is in conformity with the Region of Halton Official Plan.

6.4 City of Burlington Official Plan

The City of Burlington Official Plan contains principles, objectives and policies that have been established primarily to manage and direct the physical development of the City while having regard for relevant, social, economic and environmental matters. The Official Plan directs new population growth to under-utilized vacant parcels of land in existing communities and encourages new residential growth in the form of more compact housing, which assists in meeting the needs of the changing population as evidenced by smaller households, an aging population, alternative family units and broader range of income levels. With particular regard to the housing intensification policies of the Official Plan, criteria in which to evaluate proposals for intensification are contained within Part III, Section 2.5 of the OP. Table 2 demonstrates how the Subject Applications and Proposed Development respond to and are in conformity with these intensification criteria:

Table 2: Official Plan Housing Intensification Criteria (Policy 2.5.2 (a))

Housing Intensification Criteria	Conformity of Proposed Development
(i) Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;	<u>Adequate Municipal Services</u> S. Llewellyn & Associates Limited prepared a Functional Servicing Report that concludes that the development can be constructed and serviced with service connections for storm, sanitary and water. <u>Adequate School Accommodation</u> While there are no schools within short walking distance to the Site, Central Pubic Elementary School and Burlington Central High School located south of Fairview Street and west of Brant Street will service the new development. Saint Phillippe Catholic Elementary school is located west of the QEW and south of Plains Road offering French emersion. The Subject Applications will be circulated to each of the school boards for comment regarding the capacity of the schools to accommodate the projected number of students from the Proposed Development. <u>Parkland</u> Leighland Park is located to the west within convenient walking distance to the Site. It is anticipated that parkland dedication will be a condition of future Site Plan approval to contribute to the City of Burlington's parkland reserve fund. Therefore, the Proposed Development satisfies Criteria (i).
(ii) Off-street parking is adequate; (iii) The capacity of the municipal transportation system can accommodate	Paradigm Transportation Solutions Limited (PTSL) prepared a Traffic Brief and Parking Justification Study in response to the proposed development. The Study notes that the City's Zoning By-law requires 2.0 parking spaces per unit plus 0.35 visitor spaces per unit. Under this By-law a total of 89 parking spaces are required to service the Site: 76 resident parking spaces and 13 visitor spaces. However, a total of 81 parking spaces are proposed to service the development: 76 resident spaces and 5 visitor parking spaces

Housing Intensification Criteria		Conformity of Proposed Development
	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;	representing a deficiency of 8 visitor parking spaces or 9% of the total By-law parking space requirement. The report concludes that the because the auto ownership in the study area based on industry standard (Transportation Tomorrow Survey) is 1.57 autos per unit, the total parking supply for the proposed development is higher than the parking demand identified for similar developments and higher than what would be required based on auto ownership in the study area. PTSL states that the *"theoretical shortfall in visitor supply could be addressed by on-street parking based on available supply as well as the peak time requirement for visitor parking identify the Urban Land Institute".* With respect to the capacity of the roads to accommodate the proposed increase in the traffic, PTSL concludes that while no intersection improvements are required at this time, the *"City of Burlington monitor traffic volumes at the intersection of Plains Road East [minor arterial] and Plains Road East (local) to ensure reasonable levels of service are provided"*. Therefore, in conformity with criteria (iii) and (iv), adequate off-street parking is provided, and the existing and future municipal transportation system can accommodate increased traffic flows along Plains Road (local and minor arterial).
(iv)	The proposal is in proximity to existing or future transit facilities	The Paradigm Transportation Solutions Limited Study identified 3 Burlington Transit system routes accessible to the development with connections to the broader Burlington Transit system: Routes 1, 1zx (Plains), Route 10 (New-Maple) and Route 50 (Burlington south). Bus stops for Routes 1, 1x, 10 and 50 are located on both sides of Plains Road East, within 100 metres of the Site. Route 1, 1x (Plains) operates between Burlington GO Station and Downtown Hamilton with an intermediate stop at Aldershot GO Station. Route 10 (New-Maple) operates between Burlington GO Station and Appleby GO Station via Downtown Burlington. Route 50 (Burlington South) operates from Burlington GO Station ad offers late night service to major destinations south of the QEW and Highway 403. Therefore, in conformity with criterion (iv), the proposed development is in proximity to existing transit facilities along Plains Road East (minor arterial) with connection beyond.
(v)	Compatibility is achieved with the existing neighbourhood character in terms of scale, massing,	<u>Neighbourhood character</u> The site is located within an area of Burlington generally situated north of the Downtown, west of the Brant Street corridor, surrounded by the QEW and Highway 403 to the west and north respectively, and crossed by two rail lines. This area contains a mix of land uses and design contexts. The Urban Design

Housing Intensification Criteria	Conformity of Proposed Development
height, siting, setbacks, coverage, parking and amenity areas so that a transition between existing and proposed buildings is provided;	Brief prepared by GSP Group notes that the site's immediate abutting context is representative of this mixed composition and includes: • North: the western portion of the site's norther property line is shared with the rear yards of four properties containing 2-storey detached dwellings fronting Bonnie Court; while the eastern portion is shared with the side yard of a property containing a detached dwelling fronting Helena Street. • East: a 2 storey multiple residential building and a 1-storey detached dwelling face the site from the east side of Helena Street, beyond which is a larger mixed-use development fronting Plains Road East. • South: the site abuts Plains Road East (local portion), beyond which is the Plains Road East (minor arterial) right-of-way with a significant drop in grade. • West: a relatively new 3-storey townhouses development that faces onto Glendor Avenue with its surface parking area facing the site, abuts the western side of the site. <u>Scale, Massing and Setbacks</u> To the front, the street-facing back-to-back townhouses are oriented parallel to the site's property lines along Plains Road East and Helena Street to provide a strong physical and visual relationship with the abutting public street edges. The main wall of the two buildings facing the public streets are set back 4.5m, with 6m to the garage portion, which provides an appropriate relationship for the living portions of the dwelling while recessing the vehicle portion. Along the Helena Street frontage, the 6 metres setback generally follows the pattern of the properties on the west side of Helena Street which generally range from 5.5 to 8.5m from the property line. To rear, the standard 3-storey townhouses oriented along the northern property line are meant to match the interface to the rear by providing a rear-to-rear context of backyard amenity space and fencing together with a similar set back of 6m to those abutting detached dwelling lots that are closest to the property line. The proposed contemporary design includes a variety of materials, finishes and products in varying colours to establish visual depth and interest along the length of the buildings. <u>Height</u> The proposed low-rise form height fits with the surrounding immediate context, including the two-storey mixed-use form facing the site along the Plains Road East corridor, the one to two-storey forms along the Helena Street, the two-storey form to the rear on Bonnie Court, and, the three-storey townhouse form to the west.

Housing Intensification Criteria	Conformity of Proposed Development
	Parking Each unit contains two parking spaces; one within a garage and the second within the driveway. Five visitor parking spaces are provided internal to the site. The Parking Justification Study prepared by Paradigm Transportation Solutions concludes that the on-site parking is adequate and appropriate. The site organization and back-to-back townhouse form places more than half of the garages and driveways either hidden (Units 1 to 17) or obscured (Units 27 to 32) from public view from the abutting public streets. The visual impact of garages and driveways on the public streetscapes is minimized through twinning of driveways that provides more space for landscaping and consolidation of unit entrances; minimal width garages relate to the width of the unit elevation; and, recession of the garage door of 1.5 metres behind the main wall. Amenity areas Each of the units has individual amenity space. The standard townhouses have rear yards facing the shared property line, while the back-to-back townhouse units have generous rooftop amenity areas. Together with these individual spaces, there is a ±70m^2 communal amenity space on the east side of the standard townhouse block near the visitor parking spaces. The composition of this communal amenity space will be addressed at the Site Place stage. In this regard, there is sufficient and appropriate private and communal amenity space to service this proposed development. Screening, Buffering and Transition In conformity with criterion and based on the analysis provided including the conclusions of the Urban Design Brief, it is concluded that the proposed development will be well integrated with the existing neighbourhood and that an appropriate transition between existing and proposed residential buildings will be provided in both form and character, and in terms of scale, massing, height, siting, setbacks, coverage, and the proposed approach to parking. The proposed design internalizes much of the vehicular function on the site with buildings lining this space. The northern and western property lines provide sufficient space for property line fencing and supporting plantings to provide an attractive edge to the abutting properties. Therefore, in conformity with criterion (v) the proposed development achieves compatibility with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity areas so that a transition between existing and proposed buildings is provided.
(vi) Effects on existing vegetation are minimized, and appropriate compensation is	Effects on existing vegetation are minimal as the site contains limited vegetation. The Site in its current state is largely paved over, save for a few small areas. With the proposed development, more greenspace will be added as well as a 1.5m landscaped buffer along the north property line. Therefore,

Housing Intensification Criteria		Conformity of Proposed Development
	provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;	the neighbourhood character will be improved through the addition of vegetation to the Site. Accordingly, the proposal is in conformity with criterion (vi).
(vii)	Significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;	Chamberlain Architect Services Limited prepared the shadow impact model for the proposed development. The model demonstrates the shadows cast at 9:30am, 12:30pm, and 3:30pm time periods for Spring (March 21), Summer (June 21) and Winter (December 21) seasons (full versions provided under separate cover and included in Appendix A of the Urban Design Brief). The modelling demonstrates that shadows cast by the three townhouse buildings are entirely contained on the subject site for all three seasons, except for a minimal shadow cast in the December afternoon on the side yard of 1024 Helena Street Therefore, the proposal is in conformity with this criterion (vii) which requires that sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.
(viii)	Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;'	Leighland Park is also located west of the site and includes two baseball diamonds, basketball and tennis courts, a playground, and on-site parking. With respect to neighbourhood health care, the Site is located in close proximity to existing doctors' offices located within the mixed use townhouses to the east. The Site is well serviced with some local commercial uses within the existing mixed-use buildings. However, larger shopping facilities are available north of the QEW including Costco and the Burlington Power Centre (which includes a Sobeys, Indigo, and movie theatre, etc.) and south at Mapleview Mall and the Longos Plaza (which includes an LCBO). With respect to community facilities, the Site is located in proximity to public transit routes that could provide access to the Burlington Central Arena to the south, the Mountainside Arena to the north and other community facilities within the City and downtown core. Therefore, the proposal is in conformity with this criterion (viii) which requires accessibility to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care.
(ix)	Capability exists to provide adequate buffering and other measures to minimize any identified impacts	1. Western property line: The adjacent lands to the west contain 3-storey back-to-back townhouses oriented in a north/south manner, including a parking lot and modest amenity space along its eastern dividing property line. Existing balconies from this development face the proposed development. An existing 1.8m high privacy fence currently exists along the entire western property line of the site.

Housing Intensification Criteria	Conformity of Proposed Development
	While the proposed form of development is the same as these lands, it is noted that this westerly property line functions a side yard to units 1, 10 and 18. The existing fence as well as appropriate landscaping along the westerly lot line (to be addressed at the site plan stage), will provide appropriate buffering from and to the adjacent lands. While units 10 and 18 are proposed to have rooftop amenity spaces, the overlook to the west is similar to the overlook of the existing development and is therefore considered an appropriate and acceptable interface. 2. North of the Site: The adjacent lands to the north are comprised of 2 storey single detached dwellings. While the development proposes a 3 storey townhouse building form, units 1 to 9 are oriented to ensure that their rear yards back onto the rear yards of the existing development thereby complementing the functional use of adjacent lands. In addition, no rooftop amenity space is proposed for these 9 units to ensure there are not privacy or overlook issues created by the new development. The amenity space for these 9 units will be provided in their rear yards. Finally, a reasonable rear yard setback of 6 metres including a 1.5m landscape buffer and 1.8m privacy fence is proposed to ensure privacy both for the existing development to the north as well as the new residents on site. This 6m rear yard setback is similar to the rear yard setback provided by the existing dwellings fronting Bonnie Court providing reasonable and appropriate separation between the existing and new development. In addition to the single detached dwellings that front Bonnie Court, one single detached dwelling fronting Helena Street abuts the northeast edge of the Site. Specifically, the side and rear yard of 1024 Helena Street. In order to ensure the continued privacy and use and enjoyment of the adjacent dwelling, a 1.5m landscaped buffer and 1.8m solid wood privacy fence is proposed along the entire abutting lot line; and the rooftop amenity space for Units 32 and 33 has been setback an additional 2 metres from the northerly building edge (resulting in a functional 5m setback) to limit overlook to the north. 3. East of the Site is a one storey single detached dwelling facing Helena Street and a two storey multiple dwelling with a side yard facing Helena Street. Proposed Units 33 to 38 are oriented to face Helena Street to provide a strong physical and visual relationship between the development and the abutting Helena Street public street edge. The main wall of these units will be set back 4.5m with 6m to the garage portion, which provides an appropriate setback and relationship for the living portions of the dwelling while recessing the vehicular portion. Garages for these units are accessed directly front Helena Street as are the garages and parking areas for existing development to the east. This setback generally follows the pattern of the properties on the west side of

Housing Intensification Criteria		Conformity of Proposed Development
		Helena Street which generally range from 5.5 to 8.5 metres from the property line. Street trees will be required to be planted as a part of site plan approval which will improve and enhance the current street edge of the property which is not animated in any way. 4. To the south and as with Helena Street, Units 18 to 26 have been oriented parallel to Plains road East to provide a strong physical and visual relationship between the development and the abutting public street edge. The main wall of these dwelling units is setback 4.5m from Plains Road East (local) while the garages are setback 6m. Garages for these units are accessed directly from Plains Road East (local). In this regard, the proposed development has been designed to provide adequate buffering and separation distance to minimize potential impact on existing surrounding development, in conformity with criterion (ix).
(x)	Where intensification potential exists on more than one adjacent property, any re-development proposal 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 land to the north is designated Residential – Low Density within the Official Plan and comprised of single detached dwellings, with limited potential for infill development. The properties further to the west ae designated Residential – Medium Density and further east have been developed as mixed-use apartments and townhouse complexes, and therefore do not have further intensification potential. The development of the subject property would not impact the ability of any further intensification on the adjacent sites.
(xi)	Natural and cultural heritage features and areas of natural hazard are protected;	There are no natural or cultural heritage features or areas of natural hazard on or adjacent to the Site that required protection.
(xii)	Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m);	This Site specific policy is not applicable to the Site as it refers to lands located in the South Aldershot area.
(xiii)	Proposal for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhood on	The Proposed Development is comprised of ground-oriented housing. Therefore, this policy is not applicable to the Subject Applications to permit townhouse uses

Housing Intensification Criteria	Conformity of Proposed Development
properties abutting, and having direct vehicular access to major arterial, minor arterial or multi-purpose arterial road and only provide 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.	

Policy 2.5.4 (b) and (c) of the Official Plan further states that new development shall be compatible with the surrounding development in term of height, scale, massing, siting, setbacks coverage and amount of open space. As noted in the chart above, the proposal has incorporated a building design and site layout that is respective of the adjacent residential dwellings by providing adequate setbacks and separation to ensure the continued use and enjoyment of private amenity space associated with existing development. In addition, the shadow study submitted with this application demonstrates that the proposed development will have little to no shadow impact on adjacent residential private amenity space.

The need for a balanced approach in the assessment of intensification projects is required, understanding that there is potential for competing objectives that need to be evaluated accordingly. While the height, massing and form of the development is greater than the existing two storey buildings to the north, there are appropriate transitions from the proposed townhouses to these existing building through the intentional design of the Site and buildings. The proposed buildings will be successfully integrated into the neighbourhood through appropriate setbacks, building shape and orientation, façade detailing and building materials. The Urban Design Brief further concludes the appropriateness of the proposed development because it provides a design that appropriately responds to the surrounding neighbourhood context and the applicable design policy and guidelines direction from the City of Burlington. Particularly, the design:

- Contributes to the broader higher-intensity, mixed-use vision for this portion of the Plains Road corridor, recognizing that a stand-alone townhouse development is

appropriate for the site given the context of this portion of Plains Road East (local) in relation to Plains Road East (minor arterial road);

- Incorporates a low-profile form that provides a balanced, context-appropriate level of intensification recognizing the surrounding lower building forms that are one to three storeys in height;
- Positions buildings on the site to provide a strong building edge to both abutting public streets, together with an architectural approach for the building elevations that emphasizes living and pedestrian space over garages;
- Provides an attractive, varied, and distinct contemporary architectural finish that provides a positive image for redevelopment along the Plains Road East corridor; and,

On this basis, the requested infill development is considered appropriate for this Site.

The Functional Servicing Report prepared by SLA demonstrate that there is sufficient capacity to accommodate the proposed density. In addition, the traffic and parking requirements of the development have been reviewed and analyzed by Paradigm Transportation Solutions and are deemed to be adequate to service the Site. Public parkland and commercial facilities are within walking distance to the site as well. Finally, while not within walking distance, there are schools in place to accommodate new students.

Combined with the built form evaluation provided as a part of the residential intensification criteria conformity review, this technical information demonstrates that the proposed residential development can physically be accommodated on the site.

Section 5.3.1 (b) of the Official Plan states that an objective of the Mixed-Use Corridors – General is to encourage higher intensity, transit supportive and pedestrian oriented mixed-use development, including land in the vicinity of a major transit stations area, in a compact urban form, while retaining combability with nearby land uses.

In this regard, the proposed development provides a higher intensity of development that what currently exists immediately to the north, east and west that is supportive of the existing Burlington Transit along Plains Road East (minor arterial) and the nearby Burlington GO station. With respect the request to permit a stand-alone residential development within this Mixed-Use area, the location, topography and context of this portion of Plains Road East must be acknowledged. This portion of Plains Road East functions as a local road and does not have direct frontage on Plains Road East (minor arterial). Existing development immediately to the north, east and west is in the form of stand-alone low profile residential development. It is considered appropriate therefore that this infill development be of similar

form and character. The lack of a mixed commercial component will not negatively impact the future function, viability or sustainability of Plains Road East (minor arterial) as a mixed-use area because this site both visually and functionally is separated from the Plains Road East (minor arterial) that functions as a mixed-use area. Accordingly, the proposed amendment to the Official Plan is considered appropriate.

6.5 City of Burlington Proposed New Official Plan

While not in force, the New OP provides insight to emerging policy direction for the next planning horizon. The Site is located within a Secondary Growth Area, immediately adjacent to an Established Neighbourhood Area, and is further designated Mixed Use Nodes and Intensification Corridors on draft Schedule F – Urban Structure.

The New OP as drafted does not permit the proposed form of development and an Amendment would be required to permit the stand alone residential use. **Table 3** contains a summary of how an Official Plan Amendment Application would satisfy the draft official plan amendment criteria of the New OP. Specifically, any private or City-initiated Official Plan Amendment will be required to be assessed against the criteria included in Policy 12.1.1.(3) l to the satisfaction of the City. **Table 4** contains a summary of new development application criteria introduced in the draft in the New OP.

Table 3: Draft Official Plan Amendment Criteria (Policy 12.1.1.(3) l)

	Official Plan Amendment Application Criteria	Conformity of Proposed Development
(i)	consistency with the intent of the Urban Structure and the Growth Framework, as outlined in Section 2.3, Urban Structure, and Section 2.4, Growth Framework, of this Plan;	
(ii)	in the case of a site-specific Official Plan Amendment, consideration of the relevant principles, objectives and policies of this Plan, including the Development Criteria contained in Subsection 12.1.2.(2.2) of this Plan;	Refer to Table 4.
(iii)	conformity or lack of conflict with Provincial and Regional Plans, policies and legislation;	Yes
(iv)	consistency with the Provincial Policy Statement;	Yes
(v)	compatibility with the surrounding area;	Yes – refer to Table 2
(vi)	in the case of a site-specific Official Plan Amendment, existing infrastructure and public service facilities such as parks, are available and can accommodate the proposed use without costly expansion, upgrading or public investment that would require the deferral of other planned improvements to infrastructure and public service facilities, to the satisfaction of both the City and the Region;	Yes – refer to Table 2
(vii)	whether the amendment, if approved, would establish an undesirable precedent;	Will not set an undesirable precedent

	Official Plan Amendment Application Criteria	Conformity of Proposed Development
(viii)	whether the amendment, if approved, would remove a significant barrier to development that would otherwise render the site undevelopable and/or underutilized;	Complete redevelopment of the site.
(ix)	financial sustainability, in accordance with Section 6.5, Financial Sustainability, of this Plan;	Yes
(x)	an Official Plan Amendment in either the Secondary Growth Area or Established Neighbourhood Area, as identified on Schedule B-1: Growth Framework, of this Plan, shall deliver with any required agreements, and appropriately phase in the case of a major comprehensive development, one or more of the following city building objectives consistent with the City's Strategic Plan, to the satisfaction of the City:	NA - Not considered to be a "Major comprehensive development"
	a) affordable, rental housing with rents equal to or less than the Local Municipal Average Market Rent (AMR) as per the CMHC annual rental report;	NA
	a) diverse, family oriented units with three (3) or more bedrooms;	NA
	a) community space, or the location of public service facilities which includes parks;	NA
	a) additional sustainable building design measures that contribute significantly towards the goals of the City's Strategic Plan and/or the Community Energy Plan; and/or;	NA
	a) assisted or special needs housing.	NA

Table 4: Development Application Criteria (Policy 12.1.2.(2.2) c))

	Development Application Criteria	Conformity of Proposed Development
i)	the development shall be consistent with the land use compatibility policies contained in Section 4.6, Land Use Compatibility, of this Plan;	Yes – Refer to Table 2
ii)	the development achieves built form compatibility;	Yes – Refer to Table 2
iii)	the development shall be consistent with the intent of the Urban Structure and the Growth Framework, as outlined in Section 2.3, Urban Structure and Section 2.4, Growth Framework, of this Plan and maintains the land use vision established in the land use designations of this Plan;	Yes – while a stand-alone residential use is proposed – the mixed use vision for Plains Road East (minor arterial) will not be adversely affected.
iv)	the development achieves high quality of urban design and is consistent with the policies contained in Chapter 7: Design Excellence, of this Plan;	Yes – refer to Urban Design Brief
v)	the development, where located outside the Established Neighbourhood Area as identified on Schedule B-1: Growth Framework, constitutes intensification;	Yes- designated Secondary Growth Area and constitutes intensification
vi)	the development can be supported by available infrastructure and public service facilities including, but not limited to, such services as water, wastewater, stormwater and parks;	Yes – refer to Functional Servicing Report prepared by S. Llewellyn & Associates Limited.
vii)	the development preserves and protects trees, consistent with the policies contained in Section 4.3, Urban Forestry, of this Plan;	Limited trees on site – new trees to be planted pursuant to an approved landscape plan.

	Development Application Criteria	Conformity of Proposed Development
viii)	the development provides adequate buffering and other measures to minimize any identified impacts to an acceptable level;	Yes – Refer to Table 2
ix)	the development shall:	
	a. demonstrate that future development on the adjacent property(ies) will not be compromised by the proposal;	Yes – Refer to Table 2
	b. be designed to facilitate future pedestrian, cycling and/or private street connections across one or more adjacent properties, where such opportunities exist, as determined by the City; and	Units fronting Plains Road East (local) and Helena Street will have direct access to sidewalks. Units internal to the development will follow private laneway.
	c. demonstrate, to the satisfaction of the City, the appropriate phasing of development where existing retail and service commercial uses are being re-developed, to minimize adverse impacts on the provision of goods and services to support the surrounding areas;	NA
x)	the development maintains, enhances and restores the City's Natural Heritage System in accordance with the policies in Section 4.2, Natural Heritage System, of this Plan;	NA
xi)	for residential proposals, public service facilities and other neighbourhood conveniences, such as community centres, recreation, neighbourhood shopping centres and healthcare are located within walking distance or accessible by transit;	Yes – Refer to Table 2
xii)	the development shall mitigate potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity;	No impacts anticipated. Refer to Traffic Brief prepared by Paradigm Transportation Solutions Limited
xiii)	the development accommodates sufficient off-street parking and transportation demand management measures in accordance with the policies in Subsection 6.2.10 of this Plan;	Yes – Refer to Table 2
xiv)	the development conserves cultural heritage resources, where applicable, in accordance with the policies in Section 3.5, Cultural Heritage Resources, of this Plan;	NA
xv)	the development provides stormwater management in accordance with the policies of Subsection 4.4.2.(2) of this Plan;	Yes – Refer to Functional Servicing Report prepared by S. Llewellyn & Associates Limited
xvi)	the development addresses hazardous lands and hazardous sites in accordance with Subsection 4.4.2.(3) of this Plan;	Yes – Refer to Table 2 and holding provision proposed in draft ZBA
xvii)	the development is in close proximity to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters;	Yes

Therefore, the Subject Applications and Proposed Development have appropriate regard for the draft New OP.

6.6 Burlington Zoning By-law No. 2020

The lands are currently zoned MXG (missed-Use General) in Zoning By-law 2020. The proposal is to demolish all existing building on site and redevelop the land for a total of 36 townhouses units including 9 three-storey standard townhouse and 26 30storey back-to-back townhouse units, with a common private roadway accessed from Plains Road East (local). A Zoning By-law Amendment is required to modify the MXG Zone to permit a stand-alone use and to permit site specific zoning modifications to provide for the site layout as proposed in Figure 5. The Site specific modifications address the non-compliance regulations noted in Table 2 in the previous section including the following:

- an increase in the maximum length of a residential building from 55 metres to 59 metres for Units #'s 18-26;
- To permit back-to-back townhouses within 3.0m of Plains Road East (minor arterial) whereas the By-law does not permit townhouses within 25 metres of a public street with a row width of 26m or greater;
- To permit townhouses within 35m of Plains Road East (minor arterial) whereas the By-law does not permit townhouses within 55 metres of a public street with a row width of 26m or greater;
- a minimum westerly side yard setback of 1.5 metres whereas the by-law requires 3m;
- a minimum northerly side yard setback for Units 1 to 9 abutting the R3.1-105 Zone of 6m whereas the By-law requires 12m for a 3 storey building;
- a minimum northerly side yard setback for units 32 and 33 abutting the R3.1 Zone of 2m whereas the By-law requires 12m for a 3 storey building;
- a density of 82 units per hectare whereas the By-law permits a maximum of 30 units per hectare;
- a minimum northerly landscape butter abutting an R3.1 zone of 1.5m whereas the By-law requires 6m;
- a minimum required visitor parking ratio per unit for townhouses of 0.2 spaces per unit whereas the By-law requires 0.5 visitor spaces per unit;
- a minimum required visitor parking ratio per unit for back-to-back townhouses of 0.1 spaces per unit whereas the By-law requires 0.35 visitor spaces per unit;
- a visitor parking space to be located 1.2m from Townhouse Unit # 9 whereas the by-law requires a 3m setback to a habitable room;
- To permit an entrance driveway to be located 0.82m from back-to-back townhouse Unit #26 whereas the By-law requires a 3m setback to a habitable room; and
- To permit a minimum common amenity area of $70m^2$ whereas the By-law requires $174m^2$ (6 x 29 units).

A Holding symbol is proposed to be applied to require the completion of the Phase II Environmental Assessment and Record of Site Condition prior to development.

Setback from Plains Road East (minor arterial

The zoning by-law provides specific regulations prohibiting townhouses adjacent to higher order roads with right of way widths greater than 26 metres. In this regard, Plains Road East (minor arterial) is identified as the abutting road. As previously noted, the Site actually abuts Plains Road East (local) which has a right of way width less than 26 metres. In this regard, the development of a townhouse block adjacent to a *local* road is considered appropriate.

Length of Townhouse Block Increase

Units 18 to 26 fronting Plains Road East (local) have a total width of approximately 59 metres which exceeds the by-law maximum permitted width of 55 metres. The purpose of this By-law requirement is to address the massing of buildings. As noted, these units are oriented parallel to the site s property line along Plains Road East to provide a strong physical and visual relationship with the abutting public street edge. The main wall of these 9 Units is setback 4.5m with 6m to the garage portion providing an appropriate relationship for the living portions of the dwelling while recessing the vehicle portion. This design, combined with the contemporary arrangement of finishes, material, and colours will fit with the surrounding and will not create an overbearing solid building mass.

Side Yard Setback and Landscape Buffer

The purpose of requiring a minimum side yard setback is to ensure there is adequate separation between adjacent properties/buildings for several reasons, including privacy, access, maintenance and stormwater runoff. Side yard setbacks are also intended to provide compatible and consistent separation between buildings on adjacent properties. Similarly, the purpose of requiring landscaped buffers adjacent to single low density single detached dwellings is to ensure adequate privacy and separation from higher intensity uses. With respect to the proposed development, a reduced northerly side yard and landscaped buffer are proposed along the north property lines, and a reduced westerly side yard setback is also proposed.

The adjacent lands to the north are comprised of 2 storey single detached dwellings. While the development proposes a 3 storey townhouse building form, Units 1 to 9 are oriented to ensure their rear yards back onto the rear yards of the existing development thereby complementing the functional use of adjacent lands. In addition, no rooftop amenity space is proposed for these 9 units to ensure there are no privacy or overlook issues created by the new development. The amenity space for these 9 units will be provided in their rear yards.

The proposed 6 metres setback including a 1.5m landscape buffer and 1.8m privacy fence is proposed to ensure privacy both for the existing development to the north as well as the new residents on site. This 6m rear yard setback is similar to the rear yard setback provided by the existing dwellings fronting Bonnie Court providing reasonable and appropriate separation between the existing and new development.

Therefore, the proposed reduction in the northerly setback adjacent to the two storey single detached dwellings from 12m to 6m and proposed reduction in the landscape buffer from 6m to 1.5m will not cause unacceptable negative impacts on the adjacent property, due to the inclusion of solid privacy fencing and a 1.5 landscaping buffer proposed along the westerly property line.

A side yard reduction is also requested to address the single detached dwelling fronting Helena Street that abuts the northeast property line of the Site. A reduced setback from 3metres to 2 metres is proposed adjacent to the functional side yard of Units 32 and 33. While this function of the side yard mirrors the adjacent use, in order to ensure the continued privacy, use and enjoyment of the adjacent dwelling, a 1.5m landscaped buffer and 1.8m solid wood privacy fence is proposed along the abutting lot line. In addition, the rooftop amenity space for Units 32 and 33 has been setback an additional 2 metres from the northerly building edge (resulting in a functional 5m setback) to limit overlook to the north.

The proposed reduction in the westerly side yard setbacks from 3m to 1.5m will not cause unacceptable negative impacts on the adjacent property, due to the inclusion of fencing and landscaping along the westerly property line. The side yard of units 1, 10 and 18 abut the west lot line of the property. This westerly lot line generally abuts a driveway and parking area associated with the adjacent 3 storey back-to-back townhouses development. The building interface and abutting uses are considered compatible and appropriate with the requested side yard reduction.

While units 10 and 18 are proposed to have rooftop amenity spaces, the overlook to the west is similar to the overlook of the existing development and is therefore considered an appropriate and acceptable interface.

In this regard, the proposed development has been designed to provide adequate buffering and separation distance to minimize potential impact on existing surrounding development, in conformity with criterion (ix).

Density Increase

The MXG zone permits a maximum density of 30 units per hectare. This is contrary to the Official Plan designation which allows a density of up to 185 units per hectare. The

proposed development can be appropriately serviced, is located in an area where intensification is encouraged, and sufficient resident parking can be provided. On this basis, the requested density increase is considered both desirable – to meet the objectives of the official Plan – and appropriate for the site.

Visitor Parking (decrease)

The purpose of requiring minimum parking regulating in the Zoning By-law is to ensure that there is sufficient parking on site to service residents on site, so that they are not forced to park on abutting streets. Paradigm Transportation Solutions Limited was retained to complete a Parking Study. The Study concludes that the proposed visitor parking supply can be supported.

Proximity of Parking/Driveway to Habitable Space

The intent of the requirement for a setback from driveways and parking spaces to the building wall is to ensure there is separation and privacy between the public space and private units, as well as to decrease any CO_2 outputs in proximity to the livable area.

Unit 26 is located within 1.0m of the private driveway providing access to the interior of the development. While this setback is less than the required 3m, the ground floor of the side wall of this unit will be appropriately designed to ensure that habitable spaces will not be impacted.

Unit 9 is located within 1.7 m of a visitor parking spaces. As per Unit 26 noted above, the ground floor of this unit will be appropriately designed to ensure that habitable spaces will not be impacted.

In this regard, the proposed modification to the By-law is considered appropriate.

Common amenity space

The purpose of requiring common amenity space in addition to private amenity space for back-to-back townhouses is to provide more space than traditional balconies can provide for this form of development. However, the proposed building design provides a liberal rooftop amenity space of $30m^2$ per unit versus the minimum of $5.5m^2$ required by the by-law. Combined with the reduced common amenity area that is approximately $70m^2$ and proximity of Leighland Park to this proposed development is considered appropriate to meet the needs of this urban development.

Noise

There are significant noise sources in proximity to the Site including the CN railway, Highway 403, the QEW and Plains Road East (minor arterial). The noise study completed by HGC recommends noise mitigation measures that should be considered as a part of this redevelopment. These measures can be implemented through the Site Plan approval process to ensure each unit is appropriately constructed to meet the acceptable noise levels established by the Province.

Environmental Hazards

Similarly, the Phase 1 Environmental study identified potential contaminants in the soils. Prior to development, a Phase II Environmental report will be required, and recommendations will need to be implemented to ensure the site is appropriate for residential development.

A holding provision has been included in the draft ZBA to ensure this work is completed.

7.0 RECOMMENDATIONS

Subject to the findings of the Phase II Environmental Site Assessment, it is our opinion that the proposed development and associated Official Plan and Zoning By-law Amendments represent good land use planning and should be approved for the following reasons:

a) The proposed development is consistent with the policies of the Provincial Policy Statement;

b) The proposed development is in conformity with the Provincial Places to Grow Growth Plan (2017);

c) The proposed development is in conformity with the Region of Halton Official Plan and contributes to the Region's intensification target for the City Bur4lington by proposing increased density on the Site;

d) The proposed development directs intensification to Burlington's built-up area and maintain the intent of the functional and land use policies of both the Burlington Official Plan and the draft Burlington Official Plan;

e) The proposed development provides an opportunity for residential intensification at an appropriate height, scale and density and offers a wider range of housing types within the context of the immediate neighbourhood, as well as Burlington as a whole;

f) The proposed site layout, building form, height, and massing are compatible within the neighbourhood context;

g) The Site is appropriately located on a collector road in close proximity to a Major Arterial Road that has capacity to accommodate the redevelopment;

h) The proposed development is transit-supportive as it is adjacent to an existing bus service route on Plains Road East (minor arterial) that connects to both the Fairview and Aldershot GO Stations;

i) The proposed development provides for the efficient use of land and infrastructure and supports active transportation; and

j) The proposed development is supported by technical studies that confirm that existing intersection will operate in a reasonable manner, required noise attenuation levels can be achieved through mitigation, and there is adequate water, wastewater, stormwater and transit infrastructure available.

Respectfully,



B. Khes MCIP, RPP
Associate – Senior Planner

CITY OF Burlington

DEVELOPMENT APPLICATION PRE-CONSULTATION FORM

Meeting Date: May 31, 2017	**Property Owner:** 2230168 Ontario Inc., 1810880 Ontario Inc., & Jolanta Genowefa Ressel,
Site Address: 1335, 1339, 1343 & 1349 Plains Road East	**Applicant / Address / Phone / Email** Ayaz Adatiya (on behalf of: DVLP Property Group) 67 Little Britain Cres. Brampton, ON, L6Y 6A8 1-416-520-0969 ayazadatiya@gmail.com
Site Area: 0.38ha	

APPLICATION TYPE (check applicable applications):

Local Official Plan Amendment	x	Zoning By-law Amendment	x	Plan of Subdivision		Parkway Belt Amendment	
Other Application							

1. **Brief description of proposed development:**

   -33 stacked townhouse units -3 units per block -each with garage space at grade

   -2 tandem parking spaces per unit - rooftop amenity

2. **Conformity with Regional Official Plan Designation?** YES x NO _____

   Has an application been made to amend the Regional Official Plan: YES _____ NO x

3. **Existing Official Plan Designation:** Mixed Use Corridor -General

   Conformity with City Official Plan land use designation? YES _____ NO x

   If 'NO' what is the nature of the OP amendment needed? -text change to allow only townhouses

4. **Existing Zoning:** MXG

   Conformity with existing zoning? YES _____ NO x

   If 'NO' what is the nature of the zoning amendment needed? permit stacked townhouses, with site specific regulations

5. **Design Guidelines in effect?** YES __x__ NO _____

Name of Design Guidelines **Plains Road Design Guidelines**

6. **Is the property listed in Municipal Heritage Register, designated under the Ontario Heritage Act or adjacent to a designated property?**

YES _____ NO **x**

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7. **Fees Required at Time of Application**

APPLICATION	CITY	REGION	CONSERVATION HALTON	PROVINCE
Official Plan Amendment:	15,605.00	8,055.00	-	-
Rezoning - Base Fee: (70%) Rezoning - Variable Fee:	13,660.50 19,260.00	950.00	-	-
Subdivision - Base Fee: Subdivision - Variable Fee:	-	-	-	-
Parkway Belt Amendment:	-	-	-	-
TOTAL	$48,525.50	$9,005.00	-	-

Separate cheques are payable to City, Region, Conservation Halton and Province (Ministry of Finance.)

8. **Additional Agencies to be contacted:** **CNR, Union Gas**

9. **Neighbourhood Meeting**

Is a neighbourhood meeting required? (e.g. residential intensification / infill, increased height and/or density, abutting residential zone, other neighbourhood/community impacts).

YES __x__ NO _____ TO BE DETERMINED ____

If "YES" a Neighbourhood Meeting **will be** required

- *The Neighbourhood meeting will be held after submission and public circulation of the application.*
- *Meeting logistics will be organized by the Planning and Building Department.*
- *The Ward Councillor, the applicant, City planner and other City staff as determined will attend the Neighbourhood Meeting. Presentations will be made by the City planner about the planning process and by the applicant about the development proposal.*
- *The meeting will be chaired by the City planner, or by the Ward Councillor.*

10. **Section 37 Agreement**

Is this an application for increased height and/or density? YES _____ NO __x__

If "YES" a Section 37 Agreement **may be** required.

11. Required Information for Complete Application

	Reports, Studies, Plans * *(See Appendix for additional details)* **All identified reports must be submitted in Accessible PDF form before an application is deemed complete.**	Number of Paper Copies (plus one in PDF form) If Study is Required	Required Study (Yes/No)
6.1	Planning Justification Report	8	Yes
6.2	Conceptual Site Plan Layout & Site Survey	15	Yes
6.3	Draft Plan of Subdivision	15	No
6.4	Storm Water Management Report (part of FSR)	8	FSR
6.5	Functional Servicing Report (Including Stormwater, Water & Wastewater)	9	Yes
6.6	Tree Inventory and Protection Plan	9	Yes
6.7	Traffic/Transportation Impact Brief Parking Justification Report	7	Yes If Reduced
6.8	Top-of-Bank Demarcation	6	No
6.9	Environmental Evaluation Report	7	No
6.10	Noise Feasibility and Vibration Study	7	Yes
6.11	Shadow Analysis	3	Yes
6.12	Environmental Site Screening Checklist	5	Yes
6.13	Phase I or II Environmental Site Assessment/ Record of Site Condition Report	5 RSC to be determined	Phase I
6.14	Land Assembly Documents	2	No
6.15	Height Survey of adjacent buildings	2	Yes
6.16	Heritage Impact Statement	3	No
6.17	Archaeological Report	3	No
6.18	Wind Impact Study	3	No
6.19	Sensitive Land Use (Risk Assessment) Report	6	No
6.20	Agricultural Impact Assessment Report	6	No
6.21	Hydrogeology Study	7	No
6.22	Other (specify) Urban Design Brief Grading, Drainage & Servicing Plans Geotechnical Report (if underground parking or LID) Draft Zoning By-law 3D Model of Proposed Building(s)	 5 12 4 2 1	 Yes Yes Yes Yes No

12. **ADDITIONAL COMMENTS**: See attached notes

NOTES:

1. Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made. Further fees, such as variable fees may be required at a later date as per the fee schedule by-law.

2. The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the Corporation of the City of Burlington to either support or refuse the application.

3. This document expires 120 days from the date of signing or at the discretion of the Director of Planning and Building. Please note that development application fees may change during this period and it is the applicant's responsibility to ensure that the correct fees are paid at time of application.

4. The City may require the peer review of a technical report submitted by the applicant. If this is required, the applicant will be advised and will be charged a fee equal to the cost of the peer review.

5. In the event this Pre-consultation Document expires prior to the application being accepted by the City, another document may be required.

6. An application submitted without the information identified in this Pre-consultation Document may be recommended for refusal based on insufficient information to properly evaluate the application.

7. Acknowledgement of Public Information:
The applicant acknowledges that the City considers the application forms and all supporting materials, including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents to the City photocopying and releasing the application and any supporting materials either for its own use in processing the application or at the request of a third party, without further notification to or permission from the applicant. The applicant also hereby states that it has authority to bind its consultants to the terms of this acknowledgement.

8. It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.

9. The applicant must grant permission for municipal and agency staff to visit and access the property while the application is being processed.

10. There may also be financial requirements arising from the application, including, but not limited to, park dedication, development charges, payment of outstanding property taxes, deferred local improvement charges, costs for lifting 0.3-metre reserves, and reimbursement for road widening acquisition or road improvements.

11. All digital file submissions must be named using the following naming protocol:
"Address_StudyName_MM-DD-YYYY". If a document is revised and resubmitted the file name should indicate that it is a revised submission and the date of the revision should be noted:
"Address_StudyName_Revised_MM-DD-YYYY".

12. Digital plans submitted in Autocad and/or GIS Shapefile format must be geospatially positioned to match the City of Burlington's Geographic and Projected Coordinate Systems (Geographic Coordinate System: GCS_North_American_1983; Projected Coordinate System: NAD83_UTM_ZONE 17N).

Staff and Agency Signatures:

Rosalind Miraji	Rmaji	May 31, 17.
Planning Staff	Planning Staff (Signature)	Date
Annette Simpson		May 31/17
Site Engineering Staff	Site Engineering Staff (Signature)	Date
Site Engineering Staff	Site Engineering Staff (Signature)	Date
Capital Works Staff	Capital Works Staff (Signature)	Date
DAN OZIMKOVIC		MAY 31/2017
Transportation Staff	Transportation Staff (Signature)	Date
Amanda McNeish		May 31, 2017
Regional Staff	Regional Staff (Signature)	Date
John Kisneris		May 31, 2017
Regional Staff	Regional Staff (Signature)	Date
Conservation Halton Staff	Conservation Halton Staff (Signature)	Date

Proponent Signatures:

In signing this agreement, I acknowledge that the drawings, reports and other requirements indicated above must be submitted, along with a completed application form, any information or materials required by statute, the required application fees and a copy of this agreement in order for the planning application to be considered complete. In addition, I have read and agreed to the Notes listed above.

Saleem Moosa		May 31 2017
Property Owner	Property Owner (Signature)	Date
Agent	Agent (Signature)	Date

(I have authority to bind the owner)

APPENDIX—REQUIREMENTS FOR REPORTS/STUDIES AND PLANS

6.1 Planning Justification Report
A qualified planner (Registered Professional Planner) must submit a report providing planning justification for the proposed amendment in light of the principles, objectives and policies of the City's Official Plan and the technical studies accompanying the application. The goal of the report is to document how the proposed departure from the local policies and regulations represents good planning and is in the public interest. The report must: describe the site context; address applicable provincial and regional policy; describe the proposal in detail including preliminary site plan details if applicable; address applicable local Official Plan policies (e.g. policies relating to compatibility, intensification, redesignation criteria and conversion policies); describe how the proposal meets Council approved Design Guidelines, discuss findings of the technical studies in the context of the Part II Functional Policies of the Official Plan; and other Council policy.

6.2 Conceptual Site Plan Layout & Site Survey
General plan required showing proposed building envelopes, driveways, parking and landscape areas. Survey of site showing PINs, easements, property boundaries etc.

6.3 Draft Plan of Subdivision
The plan of subdivision map is to contain information required under Section 51(17) of the Planning Act, as well as: legend, map scale, boundary of property to be subdivided, north marker, address, registered plan number, lot and concession, date plan prepared and date of any revisions, name of person or firm who prepared the plan, all landowners names, signatures and date, and the Ontario land surveyor's name, signature and date.

6.4 Storm Water Management Report
Required in accordance with Part II, Section 2.11.3 subsections a) & d) of the Official Plan.

6.5 Functional Service Report
Required in accordance with Part II, Section 2.11.3 subsection e) of the Burlington Official Plan. Required for all applications in urban areas in accordance with Part III, Sections 87-89 of the Regional Official Plan. Municipal (Urban) Servicing Guidelines are available from the Region of Halton.

6.6 Tree Inventory and Protection Plan
Required when a property under application contains woodlots, tree stands or hedgerows, in accordance with Part II, Section 6.0 of the City's Official Plan and Part IV, Sections 146-147 of the Regional Official Plan. A tree survey must be prepared by a qualified professional, identifying all existing trees, their type, size and condition, those trees proposed to be removed and retained, and the methods to be used to ensure preservation and protection of those trees to be retained.

6.7 Traffic/Transportation Impact Study
Required for applications as set out in Part II, Subsection 3.2.2 d) of the City's Official Plan and Part IV, Sections 171-173 of the Regional Official Plan. Contact City Transportation Planning staff (City roads) or Regional Public Works staff (Regional roads) for background information and to discuss TIS assumptions. For Regional roads, applicants are referred to the "Guidelines for the Preparation of Traffic Impact Studies". MTO must be contacted for lands near provincial highways

6.8 Top-of-Bank Demarcation
Required for applications on any property containing, or abutting a creek or valley feature, Lake Ontario or Burlington Bay shoreline, in accordance with Part II, Section 9.2.2 subsection b) and Part III, Section 6.4.2, subsections d) and e) of the City's Official Plan. Applicant's surveyor must meet on-site with representatives of the City Engineering Department and Conservation Halton to survey the top of bank and/or floodline, and this surveyed line shall be incorporated into the applicant's subdivision or site plan. A geotechnical report may be required to identify stable top-of-bank.

6.9 Environmental Evaluation Report
Required for applications as set out in Part II, Section 2.5 of the City's Official Plan, the Regional Official Plan and the Region's Environmental Impact Assessment guidelines. These assessments will be reviewed by the Halton Ecological and Environmental Advisory Committee (EEAC).

6.10 Noise Feasibility and Vibration Study
Required for applications as set out in Part II, Section 3.3.2, subsections r), s) and t), and Part II, Section 3.7.2, subsections d), e) and f) of the City's Official Plan, Part IV, Sections 142-143 of the Regional Official Plan, and for all properties abutting arterial roads. In the case of Regional roads, applicants shall refer to the Region's "Noise Attenuation Policy for Regional Roads," dated October 2000.

6.11 Shadow Analysis
Required for all applications where, in the opinion of the Planning and Building Department, the proposal may result in impacts on adjacent properties from sun shadowing, in accordance with Part III, Section 2.5.2, subsection (vii) of the City's Official Plan. Guidelines for this analysis are contained in the City's Site Plan Application Guidelines.

6.12 Environmental Site Screening Checklist
Required for all applications as set out in the "Protocol for Reviewing Development Applications with respect to Contaminated Sites," dated March 2003. Applicants should contact the Region of Halton for historical data and any environmental records.

6.13 Phase I or II Environmental Site Assessment/Record of Site Condition Report
Required when the Phase I site assessment identifies the possibility of site contamination and in accordance with Part II, Section 2.4, subsections i) and j) of the City's Official Plan and the protocol for contaminated sites. All requirements of the protocol must be met for Phase II studies and required Records of Site Condition (RSCs). A letter of reliance from the Environmental Consultant/Qualified Person, confirming the City of Burlington and the Region of Halton can rely on the information contained in the report(s) is required.

6.14 Land Assembly Documents
Required for applications where, in the opinion of the Planning and Building Department, the assembly of additional lands is required to facilitate orderly development of the area. Applicants are required to submit documentation demonstrating that a reasonable, bona fide offer has been made to acquire such lands.

6.15 Height Survey of adjacent buildings
Required for all residential infill and intensification rezoning applications, in accordance with City Council policy. A surveyor's report must identify the highest points of the existing adjoining roofs measured from the existing average grade of the shared property line.

6.16 Heritage Impact Statement
Required as determined by Planning staff for any property designated pursuant to the Ontario Heritage Act, identified on the City's Inventory of Heritage Resources, or for any property located adjacent to a designated or otherwise inventoried property.

6.17 Archaeological Report
Required for all applications in or near areas of archaeological potential, as determined by the Region of Halton. Reports must be completed in accordance with Provincial requirements and the Regional Archaeological Master Plan.

6.18 Wind Impact Study
May be required, as determined by Planning staff, for any building over 6 storeys in height. The report will provide information related to wind comfort conditions for pedestrians both on and around the development.

6.19 Sensitive Land Use (Risk Assessment) Report
Required for applications proposing sensitive land uses in proximity to existing industrial uses, or proposing industrial uses in proximity to existing sensitive uses, in accordance with Part II, Section 2.7.3 subsections n) & o) and Part II, Section 4.3 subsection d) of the City's Official Plan, Part IV, Sections 146-147 of the Regional Official Plan, and the Ministry of the Environment D-6 series guidelines.

6.20 Agricultural Impact Assessment Report
Required for applications as set out in Part II, Subsection 13.3 e) of the City's Official Plan and for certain proposals in certain designations in the Regional Official Plan. Guidelines for these assessments are available from the Region of Halton, and these assessments will be reviewed by the Halton Agricultural Advisory Committee (HAAC).

6.21 Hydrogeology Study
Required for all applications in areas subject to private water and septic services, as set out in Part IV, Subsection 2.1.3 b) and Part IV, Subsection 3.3 d) of the City's Official Plan, the Regional Official Plan and the Region's "Guidelines for Hydrogeological Studies and Standards for Private Services, revised June 2000. Applicants should contact the Halton Health Department for more details regarding site-specific studies, which must be approved by the Region following a peer review.

6.22 Other
Any other studies as determined to be necessary to facilitate proper consideration of the application.

Preconsultation Meeting Notes

1335 – 1349 Plains Road East - July 20, 2016

Attendees:

Agencies: Rosalind Minaji, John Kisneris, Annette Simpson, Dan Ozimkovic, Amanda McNeish

Applicant: Ayaz Adatiya Saleem Moosa, Brad McGill –DVLP
Claudia Costa, Jon McGinn - Chamberlain Architects
Bill Oughtred - W.E. Oughtred & Associates

Description of Development Concept:

- 33 unit stacked townhouse development with surface parking
- 3 units in each block with 2 parking tandem parking spaces provided under each
- One space is enclosed (garage space)
- Walkway on front of building to access units - ground floor bungalow and two, two storey back to back units on the 2nd and 3rd storey
- 5m easement to sanitary line is being retained
- Rooftop amenity space for the top two units, balcony for the ground floor unit on garage side
- Would like not to include commercial space due to lack of direct Plains Road frontage
- Entry level housing

Planning Comments:

- The site is designated as Mixed Use Corridor General in the Official Plan and zoned MXG.
- Townhouses are permitted in the Mixed Use Corridor designation only as a component of a mixed use development. As this proposal is purely residential, an Official Plan amendment will be required. Staff is willing to consider residential use in this location due to the location of the Glendor Drive spur road off the main Plains Road East location. This location may be less viable than other parts of the Mixed Use Corridor for retail or office functions.
- A rezoning is also required to allow stacked townhouses within 25m of Plains Road, as well as to address site specific regulations for the proposed development.
- A Planning Justification Report is required:
    - to discuss the impact of Provincial, Regional and local planning policy on the proposed development;
    - to explain why the requested change to townhouse use is desirable and represents good planning;
    - to discuss how the results of required technical studies have been used to refine the redevelopment proposal; and
    - to explain how the proposed development is compatible with surrounding land uses including height, setbacks, massing, design and community features.
- A sun shadow impact study and a height survey of adjacent buildings will be required to help assess compatibility.
- The proposed four storey units do not provide sufficient setbacks to abutting single detached homes. The MXG zone requires a building setback of 12m to an adjacent R3 zone for the first three storeys of a proposed building, and 15m for the fourth storey. The proposed development should adhere to these setbacks. A recent example of an interface between stacked townhouses and single detached development is on Prospect Street, where an 18m setback was provided.
- Suggest that standard townhouses be considered for the northern part of the site so that a rear yard to rear yard interface could be provided.
- The maximum townhouse density in a mixed use zone is 30 units per hectare. This proposed density is 87 uph. Consider a reduction in units to ensure that sufficient setbacks and landscaping can be accommodated.

- There appears to be 7 visitor parking spaces where 11 are required. Parking spaces cannot encroach into required landscaping areas.
- The amenity space requirement for the MXG zone is $25m^2$ for a one bedroom and $35m^2$ for two or more bedroom unit.
- Central parking area – concerned about lack of landscaping and appearance. Consider deck over parking area to provide amenity space on top.
- The Plains Road Urban Design Guidelines are in effect for this property.
- Contact CNR to determine if additional noise study requirements are triggered by the location of the overpass on Plains Road East.

Region of Halton Planning Comments:

- S.76 of the 2009 ROP directs that the range of uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plan and Zoning By-laws. All development however, shall be subject to the policies of this plan.
- Within the Built Boundary
- In accordance with S.147(17) of the Region's Official Plan states that a property is to be free of contamination prior to any development/change of use taking place.
    - Submission of a Regional Site Screening Questionnaire (SSQ) is required
    - Submission of a Phase 1 ESA (with a letter of reliance) is required with application. A Record of Site Condition may be required.
- S.156(1) require proponents of development applications to have regard for Healthy Community Guidelines
- Transportation: Noise and vibration study required due to proximity of railway corridor. CNR will comment on specific requirements
- Waste Management: It is recommended that a preliminary Waste Management Plan be submitted as site specific zoning may be affected. Refer to the Region's Guidelines for Source Separation of Solid Waste

Required Plans/Studies:

- Planning Justification (include review of Healthy Communities)
- FSR (Site Servicing Plan)
- Environmental Site Screening Questionnaire, Phase 1 ESA with Letter of Reliance, RSC
- Waste Management Plan
- Regional Review Fee's

Region of Halton Servicing Comments:

- There is a Halton Region local watermain, and a trunk watermain, within Plains Road East adjacent to the proposed development. No trunk watermain service connection laterals will be permitted.
- There is a Halton Region local wastewater main (sanitary sewer) within Plains Road East adjacent to the proposed development.
- The developer should undertake to locate the size and location of all watermains, water services, water meters, wastewater mains (sanitary sewers), wastewater (sanitary) services, stormwater mains and stormwater services that exist within the road right-of-ways, to the property and within the property and place them on an Existing Site Servicing Plan drawings within their reports. Public and private utility companies can be utilized for this purpose.
- A Functional Servicing Report is required to be prepared by the developer's civil engineering consultant (watermains, water services, fire hydrants, sanitary sewer mains, sanitary sewer services, stormwater mains and stormwater services) to show options for how the property is proposed to be serviced according to City of Burlington and Halton Region standards. Local watermain and wastewater main (sanitary sewer) hydraulic analysis should be completed by the developer's consultant as well for the local sewers and the drainage area down the to the nearest trunk sewer. The consultant should include details about other developments properties in the drainage area in their analysis of the local sewers (if any). The report should speak to the number/type of units proposed and the phasing of the development with respect to the impacts on the Region's water distribution system and wastewater collection system. Phasing, timing of the development, and required/available capacity shall be detailed in the report. The consultant will

include details about potential external main upsizing or main extensions to accommodate the development.

- The FSR report should incorporate Fire Flow Rate Testing. The proponent should undertake fireflow rate testing of representative Regional fire hydrants in the area, with the proponent's fireflow contractor and Region forces present. Include within the Report a copy of the fireflow rate testing results. This information will help to assist in informing the watermain design and watermain hydraulic modelling analysis that is being undertaken by the proponent's consultants.
- Further to the formal hydraulic analysis requirement, the developer's consultant can utilize the Region's current water and wastewater models (if required). The developer's civil consulting engineering firm will be required to enter into a Data License Agreement prior to obtaining any digital information from the Region.
- The FSR should include information related to all the other Utilities infrastructure in the area and potential conflicts.
- The FSR should show the existing site services and note how they are proposed to be decommissioned to make way for the development.
- The FSR should speak to the requirement for providing Halton Region with an easement across the frontage of the property for a Halton Region servicing main in close proximity to the property line. The developer is encouraged to undertake early in the site plan process the hiring of a Surveyor to prepare a Reference Plan, hire their Solicitor for the easement transfer process and initiate the Land Owner Dedication Form process with the Region including paying all fees as required. The FSR should speak to the requirement of the proposed development to keep the easement area free and clear to the satisfaction of the Region.
- New development must be on the basis of full municipal services.
- The developer should be aware of the Region's Multi-Unit Servicing Policy with respect to the number and location of water meters.
- Regional policies state that water and sanitary services cannot cross lot lines, the owner will ensure this throughout the process.
- Any major servicing works required for this project would fall under the Regional Servicing Agreement process, including securities, Agreement registration, developer's liability insurance and the payment of Agreement fees.
- Servicing of a standard nature is required to go through the Regional Services Permit process.
- The size and scope of, utility trench and road cut, road restoration shall be to the satisfaction of the City of Burlington.
- Watermain and wastewater main (sanitary) servicing capacity is not guaranteed at the LOPA and ReZoning stage. Servicing of development in the Burlington area of Halton Region is on a first-come-first-serve basis. The owner can pre-consult about servicing capacity with the Region at any time in the future going forward. This current development proposal capacity will be reviewed closely and commented upon at the time of Planning application receipt. Should a servicing capacity issue be identified at that time then it will have to be dealt with, working through it with the Region. Servicing capacity is deemed to be in hand at the issuance of a Regional Services Permit, which is reviewed and obtained toward the end of the City's Site Plan approval process, or Regional Servicing Agreement.
- The Region has initiated a Burlington Water Servicing Strategy Review and it is forecast to be completed this year. Please feel free to contact the Region at any time regarding the status of the review.
- As always, acquiring land for development purposes and hiring consultants, at this time, is at the risk of the developer.
- Any water services and sanitary services that currently exist to the property that will not be utilized for any reason will be required to be disconnected right at the respective main by the developer.
- The developer's site servicing consultant can preconsult with the Region at any time regarding their proposed draft site servicing water design, wastewater design and identified utility conflicts (including storm).
- The Region would like to receive confirmation in writing when any required formal land assembly has taken place at the LOPA and ReZoning, or Site Plan stage, in order for servicing to conform with Regional

Policies, that water and wastewater services do not and will not cross lot lines for different property owners.

- The developer should prepare a Solid Waste Management Plan to the satisfaction of the Region. The Plan shall have regard for the Region's Solid Waste Management Guidelines. The Solid Waste Management Guidelines are available on-line at http://www.halton.ca , Regional Official Plan (ROP) Guidelines, Development Design Guidelines for Source Separation of Solid Waste.
- The developer will inform the City, and the Region, whether they will be submitting a Site Plan application at the same time as the LOPA and ReZoning applications for timing purposes and issues identification and resolution purposes.

Site Engineering Comments:

- Plains Road East Deemed Width 30m, Actual Width greater than 30m, NO widening necessary
- No projects listed in the Capital Works 2017-2026 budget and forecast for the area
- No CH, no floodplain, no pipeline, according to GIS
- #1355 Plains East will be orphaned at the corner if this development happens – have they approached that owner to see if they wanted in to complete the re-development of the block?
- There is a storm sewer easement at the NE corner of #1343, and an easement on #1349, looks like it is proposed to be relocated? This will need further discussion and approval from other departments. This is also a registered legal agreement on title, so if the storm sewer and easement is relocated then it would need a Consent Application as the easement would need to be permanent and on title.
- Stormwater:
- Quantity: 100 year post development flows to meet 5 year pre development flows
- Quality: Enhanced (80% TSS removal) incorporating a treatment train approach including Low Impact Development techniques
    - Reverse slope driveway and sunken parking would not be supported
    - Show overland flow route
    - Maintain existing drainage patterns/external flows
    - Further discussion regarding relocation of ex. storm sewer and easement required, if approved would need to connect to the ex. MH in the easement at the property line, i.e. the easement would extend across the front of 1349, can't connect into the 975mm storm on Plains East.
- We are happy to meet with/discuss the SWM approach with their civil consultant, they are welcome to contact me (Annette Simpson 905-335-7600 x7634 or annette.simpson@burlington.ca)
- Also for this property, I had a discussion with Habitat for Humanity about their property next door, they are on hold for paving due to locates, apparently there is a CN rail heat duct in the area as well as a gas main. The Applicant is to engage CN and Union Gas early on to locate their utilities and to see of any specific requirements.
- May need to move utility/light pole, difficult to tell, but the more detailed drawings at submission will identify. Engage Burlington Hydro early in the process
- Concerned with reverse slope driveway, not something we could support, no overland flow route in case of storm system failure, potential problems with emergency vehicle access if too much ponding, etc., please re-look at the design to avoid a reverse slope driveway/sunken parking.
- Need to see clear pedestrian connections from Plains Road to the units and throughout the development
- 6m rear yards may not be enough room to accommodate drainage, swales, trees, landscaping, patios, walkways and privacy, it is our understanding that zoning typically requires 12m for 3 story townhome rear yards.
- Consider at-grade bicycle parking for residents and visitors
- Consider bicycle parking at car parking, maybe extra long spaces to accommodate bike racks on the walls
- Consider electric vehicle charging stations or ductwork for future electric vehicle charging at the individual spaces
- There is a large area of asphalt between buildings – is it necessary or could a green space be incorporated, maybe an area for a bio swale or infiltration swale for SWM quality control treatment train approach if

parking is raised to at grade/surface, not sunken? Options may be limited for LID if parking area becomes underground parking.

- Any City tree removal will require Council Approval, generally at the site plan application stage
- A tree preservation report will be required.
- Noise Feasibility Report (& Vibration) – Train, Plains Road and commercial operations nearby. Also need to consider this building as a stationary source on adjacent residential, underground parking vents/fans, rooftop mechanical, etc.
- Need a Phase One for complete application, Phase Two and an RSC may be required. Change of use from commercial to residential. Phase One ESA to be prepared in accordance with O. Reg. 153/04, so that they may be used (if required) to submit for a Record of Site Condition. The report must also recognize the City (and Region's) ability to rely on the information contained in the report.
- Stormwater management report – defer to Umar for quantity criteria, quality will be enhanced, we encourage LID techniques, a treatment train approach. Need details of proposed easement relocation, easement is for an existing 525mm storm pipe. Is there an existing storm sewer system on site, it would need to be identified on the drawings.
- Geotechnical Report – want to know ground and groundwater conditions due to proposed partial (or full) underground parking. If groundwater level is above underground parking level need to assess the volume of water that may be pumped into the storm system, may need a permit to take water from the MOECC and will need to accommodate that volume in the SWM design for the site
- Detailed Grading and servicing plans (city trees to be shown on drawing and boundary trees over 100mm in diameter within 3m of the property line). Need to include grades on adjacent properties enough to determine existing drainage patterns.
- At the Site plan stage will also need:
    - Detailed Noise Study
    - Record of Site Condition
    - Erosion control plan
    - Construction Management Plan
    - Coordinated utility plan
    - Lighting and photometrics drawing, as per City of Burlington Outdoor Lighting Guidelines and City of Burlington Accessibility Design Standards
    - Precondition survey of surrounding properties and vibration monitoring during construction
    - Snow storage – can't be located in required parking spaces, we encourage snow storage on grassy areas as a pre-treatment/filter prior to entering storm system

- Summary for RZ/OPA:
    - Details of proposed easement relocation.
    - Phase One , Phase 2, RSC will be required due to change of use
    - Detailed Servicing, Grading & Drainage
    - SWM Report
    - Noise Feasibility Study
    - Geotechnical Report

Transportation Services Comments:

- A Traffic Impact Study is required – existing conditions, parking, trip generation
- Reverse slope is not preferred –at grade parking is better
- Parking spaces leading off of a driveway at grades more than 5% is not supported
- See City guidelines for landing area etc. for underground parking if any.

APPENDIX B

AMENDMENT NO. XX 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. XX 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 include a site-specific provision to permit a stand-alone townhouses development including 38 units on Plains Road East.

2. SITE AND LOCATION

The subject lands are located at the northwest corner of Plains Road East and Helena Street. The Site is known municipally as 1335-1355 Plains Road East and has an area of 0.46 hectares.

Surrounding land uses include residential dwellings to the north, east and west.

3. BASIS FOR THE AMENDMENT

a) The subject application proposes intensification that is consistent with the Provincial Policy Statement (PPS). 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 and providing policies that identify the appropriate type and scale of development assist the City in achieving its intensification targets and meet the intent of the Provincial Places to Grow Growth Plan and the Region of Halton Official Plan.

c) The site fronts a portion of Plains Road East that is considered local in nature.

d) The redesignation of the site to permit a stand-alone residential development supports the city's residential objectives to broaden the range of housing forms to meet city needs and will not adversely affect the intended vision for Mixed Use Corridors.

e) The applicant submitted technical studies and reports provide adequate and appropriate information to support the development.

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

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Text Change:

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

By adding the following Alton Community policies (iv) and (v) to Part III, Section 2.0 Residential Areas, Subsection 2.2.3 Site Specific Policies, clause f):

1335-1355 Plains Road East	(i)	Notwithstanding the Mixed Use Corridor (General, Employment and Commercial Corridor) Policies of Part III, Subsection 5.3.2 (a)(ii) of this plan, townhouses shall be permitted as a stand-alone use.

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.

BY-LAW NUMBER 2020.XX

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XX

A By-law to amend By-law 2020, as amended; 1335-1355 Plains Road East
File No.:_____

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-_____on _____, to amend the City's existing Zoning By-law 2020, as amended, to permit a residential development consisting of 38 townhouses and back-to-back townhouses.

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

1. Zoning Map Number 10 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 MXG to MXG-XX and that the MXG Zone regulations be amended as follows.

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

Exception ___	Zone H-MXG	Map 10	Amendment 2020.___	Enacted
1. Notwithstanding the definition of Townhouse, Back-to-Back, a residential building containing 17 dwelling units and a maximum length of 59 metres shall be permitted. 2. Notwithstanding the Permitted Uses of Part 5 – Mixed Use Corridor zones, Section 2. Permitted Uses, Table 5.2.1 (o), back-to-back townhouses shall be permitted within 25 metres of a public street having a deemed width of 26m or greater.				

Exception ___	Zone H-MXG	Map 10	Amendment 2020.___	Enacted

3. Notwithstanding the Permitted Uses of Part 5 – Mixed Use Corridor zones, Section 2. Permitted Uses, Table 5.2.1 (p), townhouse shall be permitted within 55 metres of public street having a deemed width of 26m or greater

4. Notwithstanding the minimum side yard, yard abutting R3.1 Zones, maximum density, and minimum landscape buffer regulations of Part 5 – Mixed Use Corridor Zones, Section 5 Townhouse, Stacked Townhouse, And Back-to-Back Townhouse Regulations, Table 5.5.1, the following regulations shall apply:

   a) West Side Yard (minimum): 1.5m

   b) North Side Yard (minimum) 6m
      (i) abutting Townhouses 6 m
      (ii) abutting Back-to-Back Townhouses 2 m

   c) Density (maximum) 82 units/ha

5. Notwithstanding the visitor Parking Regulations of Part 1 – General Conditions and Provisions, Section 2.25 Off-Street Parking and Loading Requirements, Table 1.2.6: Off-Street Parking Standards, the following visitor parking standards shall be permitted:

   a) Townhouse Dwelling: 0.2 per unit

   b) Back-to-Back Townhouse Dwelling 0.1 per unit

6. Notwithstanding the minimum Common Amenity Area requirements of Part 5 – Mixed Use Corridor Zones, Section 5.4 Amenity Area for Back-to-Back townhouses, one common amenity area with a minimum area of 70m2 shall be permitted.

7. Notwithstanding the parking regulation of Part 5 – Mixed-Use Corridor zones, Section 5.3 Parking Subsection (b) Parking Spaces and Driveways, a parking space and driveway may be setback a 1m from a wall of a building containing widows of habitable rooms.

8. The Holding symbol shall be removed from the zone designation by way of an amending zoning by-law following:

Exception ___	Zone H-MXG	Map 10	Amendment 2020.___	Enacted
a) Completion of a Phase II Environmental Report.				
Except as amended herein, all other provisions of this By-law, as amended, shall apply				

4. 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;

5 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 ……2018.

_____MAYOR

_____CITY CLERK