Mr. Grant Burlie

759 Maple Avenue

Planning Justification Report

9/20/2024



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759 Maple Ave - ZBLA

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1 Introduction

Arcadis Professional Services (Canada) Inc. (“Arcadis”) has been retained by, Mr. Grant Burlie (“Owner”), to provide an independent professional planning opinion regarding a proposed development of the lands municipally known as 759 Maple Avenue, Burlington (herein referred to as the “subject lands”). The subject lands are legally addressed as PT LT 50, RCP PL99, PART 2 & 3, 20R5319, S/T 554430; BURLINGTON. These lands were previously developed with a two-storey single-detached dwelling, which is currently in disrepair, while the remainder of the subject lands are vacant.

Our client is proposing the infilling and residential intensification of underutilized lands to develop the property with four (4) townhouse units and a total of ten (10) parking spaces, including two (2) visitor parking spaces and one accessible space. The subject lands are designated as an Urban Area in the Halton Region Official Plan (“ROP”), as Residential Medium Density in the 2020 Burlington Official Plan (“2020 OP”) as well as the 1997 Burlington Official Plan (“1997 OP”), all of which would permit the proposed residential development. The subject lands are further zoned as Residential Medium Density or RM5 Zone with a Holding Provision in the City of Burlington Zoning By-law 2020.

2 Site and Surrounding Context

This section of the Report describes the sire and surrounding context. The subject lands are located in the City of Burlington, within Halton Region. The lands immediately abutting the subject lands are primarily residential, while the surrounding lands include both recreational and open spaces as well as a number of retail and commercial uses. The proposed development provides an opportunity for the appropriate infilling of the subject lands within an existing residential neighbourhood.

2.1 Site Description & Surrounding Context

The subject lands are located in the southwest portion of the City of Burlington. More specifically the subject lands are located north of Hammond Street, east of Maple Avenue, south of Lambs Court, and east of Stephenson Drive. The subject lands are further located in proximity of the Queen Elizabeth Way (“QEW”), to the west, and Lake Ontario, to the south. The subject lands are currently occupied with a two-storey single-detached dwelling, which is currently in disrepair, while the remainder of the subject lands are vacant.

The subject lands have an approximate area of 1,039 square metres (0.1 hectares) and an approximate frontage of 22 metres (72 feet) onto Maple Avenue. **Figure 1** provides an air photo of the site and adjacent properties, while **Figures 2 & 3** provide air photos of the surrounding context.



Figure 1 - Subject Lands and Immediate Context; sourced from Geowarehouse.



Figure 2 - Subject Lands and Surrounding Context; Sourced from Google Earth



Figure 3 - Subject Lands and Surrounding Context; Sourced from Google Streetview

The subject lands are surrounded by established residential uses with a number of recreational, open space, and retail uses located on the opposite side of Maple Avenue. The southern lot line abuts a number of single-detached residential dwellings, while the northern lot line abuts an existing townhouse row of five (5) townhouses. The lands to the rear of the subject property, abutting the eastern lot line are primarily single-detached residential units, with an additional block of townhouses located at the northeast corner of the property.

The western lot line abuts Maple Avenue, where Maple Park and the associated skate park, garden and baseball field are located directly opposite the subject lands. The Burlington Gymnastics Club is also located further south of the subject lands on the opposite side of Maple Avenue. A bus stop, Maple at Richmond, which services bus lines 10 and 50 is located on both sides of Maple Avenue, south of the subject lands. To the north, the Upper Hager Creek passes underneath Maple Avenue and continues north of the subject lands, though it does not immediately abut the property. North of the creek, on the opposite side of Maple Avenue is the Mapleview Shopping Centre and associated surface parking lots as well as auxiliary retail and commercial uses located on the same site.

3 Proposed Development

The proposed development is a residential infill development consisting of townhouse units each, with two-bedrooms. Access to the site will be provided from Maple Avenue, onto a private road which services all four units. Each unit will include two (2) parking spaces (one garage space and one driveway space), with an additional two (2) spaces provided as visitor parking onsite. The dwelling units are proposed to technically be four (4) storeys in height, due to the internal loft space within the roof line of each unit. However, the peaked roof and the overall design allows the buildings to be only 14.4 m in height, consistent with a typical 3 storey dwelling. The design for each unit includes three (3) private amenity areas, including the proposed rear yard privacy areas, a raised rear deck, and a raised front deck (over the front porch). These spaces are augmented by individual front porches, and individual internal basement recreation room.

3.1 Formal Pre-Consultation

A Formal Pre-Consultation meeting was held on July 26, 2023. The Pre-Consultation summary form and notes confirm that a ZBLA is required for the proposed development, and that no OPA is required. The form confirms the submission requirements, required fees, and that a Neighbourhood Pre-Application Consultation meeting would be required. Comments were provided by various City and external agency staff. The submission requirements were determined as:

- Planning Justification Report
- Survey Sketch
- Conceptual Site Plan Layout
- Architectural Plans
- Height Survey of Adjacent Buildings
- Arborist's Report
- Tree Inventory and Preservation Plan
- Landscape Plan
- Water & Wastewater FSR
- Noise Feasibility Study
- Stormwater Management Report
- Phase Two ESA with Record of Site Condition
- Sustainable Building and Development Guidelines Checklist
- Response of Community Meeting Comments
- Environmental Site Screening Checklist
- Draft Zoning By-law Amendment
- Waste Management Report

- PIN Report

The foregoing items have been included as part of this submission for Zoning By-law Amendment.

4 Neighbourhood Pre-Application Consultation Meeting

A Neighbourhood Pre-Application Consultation meeting was held virtually on February 28, 2024, via Zoom in order to present the preliminary concept of the proposed development and solicit feedback from members of the public. This presentation was made jointly with municipal staff who provided a presentation on the current land use planning framework of the subject lands and also provided a general outline of the planning process for this application. The virtual meeting was attended by City planning staff, the Mayor, Ward Councillor and neighbouring property owners or residents who had been notified of the meeting via a circulation letter dated January 23, 2024. Following the presentations, a Q+A session was also held to answer any questions from the public. A summary of the session has been included in the following chart:

Resident	Resident Comment	Arcadis Response
Paul Fleming	Concerns relating to drainage. Notes that there are existing issues with flooding on neighbouring properties to the south. Questions whether drainage issues will be mitigated through development.	The grading and drainage strategy will be submitted as part of the Zoning By-law Amendment applications. There are no concerns that it cannot be done based on preliminary studies. The final design will provide a more definitive answer.
	Concerns regarding privacy. Notes that upper-floor balconies will create sightlines into adjacent homes.	The issue of privacy and sightlines will be addressed further during the Site Plan process. If deemed necessary, appropriate screening/mitigation measures will be implemented.
	Questions regarding the provided road width. Will a firetruck be able to enter the site and turn around? Notes that this is an issue due to previous house fire on site.	Notes that the proposed road width would require an amendment to the Zoning Provisions. Additional justification will be provided to demonstrate that emergency services will be able to access and turn around within the site.
	Questions whether four townhouses and a roadway and a parkette fit in 70 feet of space? Inquires as to whether the Owner intends to acquire the two parcels to the rear (south) of the property?	Owner notes that is a possibility that will be considered, but that is not the intention at this time.

	Question regarding whether the proposed units would be for sale or rental units.	Confirms that the intention is for the future units to be for sale.
	Questions whether the proposed design can be reversed on the site or shifted further east to mitigate impacts on his property.	Noted for possible consideration.
Barry Stroud	Provides generally positive feedback on the design of the units. Notes that development would be an improvement compared to vacant site.	Acknowledged.
	Concerns regarding height. The proposed development would be three storeys as opposed to the two storey heights of the surrounding dwellings.	Notes that the additional height would be relatively minor with no significant impacts foreseen on surrounding properties.
	Concerns about number of trees that would have to be eliminated to accommodate developed. The removal of these trees would lead to privacy concerns and the loss of habitation for squirrels and other animals that live in these trees.	Confirms that a Tree Protection Plan and Landscape Plan are required as part of this application. These plans will ensure that the trees are replaced in order to mitigate some of the issues mentioned.
	Requests confirmation that a Zone change will be required to accommodate the proposed three stories in height.	Notes that since the current permissions allow a maximum of a 10-metre height for dwellings with a peaked roof in the RM5 Zone, the proposed development would exceed that height by only a few metres.
Ellie Castonguay	Provides positive feedback regarding the design of the development and units.	Acknowledged.
	Concerns regarding tree loss. Suggests including trees within the boulevard at the front of the site.	Confirms that a Tree Protection Plan and Landscape Plan are required as part of this application. These plans will ensure that the trees are replaced in order to mitigate some of the issues mentioned.
Jack	Concerns regarding shading and shadowing impacts.	Notes that some shadowing may be present on adjacent properties. However, given the limited height of the proposed development, these impacts are anticipated to be

		relatively minimal and only present during certain times of day and during certain periods of the year.

Table 1 - Neighbourhood Meeting Summary Comments and Responses

Since the time of this meeting, it is our understanding, based on discussions with the property owners of the south of the subject lands at 755 and 748 Maple Avenue, that these properties will also be sold and redeveloped as townhouse blocks in the future. While it has been mentioned that a preliminary concept is being developed for these two parcels, at this time there are no planning applications being submitted for those parcels in the near future. Despite discussions on the theoretical possibility of combining these parcels and redeveloping them in a single application, it is our understanding that the timing for these future developments would not coincide with the proposed development subject to this application. As a result, the current application should be considered distinct and independent of any future applications on abutting properties.

5 Supporting Studies and Plans

5.1 Functional Servicing Report and Plans

A Functional Servicing and Stormwater Management Report (FSR/SWM) was completed by Arcadis for the proposed development, dated March 28, 2024. The purpose of this report was to develop a municipal site servicing strategy (stormwater, sanitary discharge, and water supply), and to identify any potential constraints within the existing municipal infrastructure.

The Report concluded that:

- Storm flows shall be attenuated on-site and released to the municipal storm sewer at an appropriate discharge rate thus meeting the City's target for quantity control. The site will meet the City's target for quality control by installing an OGS EFO4 within the site.
- The proposed development represents a minor increase in wastewater flow such that it is not expected to have a significant impact on the existing downstream sewer system. It is therefore deemed an appropriate conclusion that the proposed development can proceed without any mitigation measures.
- The existing 300 mm watermain within Maple Avenue has sufficient capacity to support the proposed fire and domestic water demands for the proposed development without improvements to the municipal watermain network.

Therefore, it was determined that the proposed Zoning By-Law Amendment can be supported from a municipal site servicing perspective.

5.2 Noise Assessment

A noise assessment was prepared by Valcoustics Inc. dated April 30, 2024, to assess the sound levels on the subject site and determine the need for noise mitigation measures. The consultant assessed transportation noise sources and stationary noise sources and compared those to the applicable

environmental noise guidelines. As a result of this analysis, the following recommendations were provided:

- The construction of a sound barrier that is 1.8 metres high at the westernmost rear yard is predicted to mitigate the daytime OLA sound levels to below 55 dBA.
- The inclusion of the following warning clauses to be registered on title:
    - "Purchasers and tenants/lessees are advised that despite the inclusion of noise control features in this development and within the building units, sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks".
    - "This dwelling has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks".
    - "Purchasers/tenants are advised that due to the proximity of the existing shopping centre and park, sound levels from these facilities may at times be audible."
- To meet the indoor noise guideline limits, exterior windows meeting STC 27 would be required.

The consultant concludes that with the incorporation of the recommended noise mitigation measures, the applicable MECP noise guidelines can be met, and a suitable acoustical environment provided for the occupants.

5.3 Landscape Plan

A Landscape Plan was prepared by Seferian Design Group ("SDG") dated March 19, 2024. This plan provides the conceptually proposed hard and soft landscape design elements, the details of which will be confirmed through subsequent site plan and site development processes. The plan matches the proposed site layout and has been coordinated with the proposed Grading and Servicing Plans. It provides a mixture of deciduous and evergreen trees and shrubs along with perennials and grasses at appropriate locations such as in the front yard area adjacent to the proposed accessible parking space, along the side and rear lot lines, in front of the dwellings, and around the proposed rear yard common amenity space. There is a decorative wall /sign for the site address in the front yard, and an at-grade common patio covered by a pergola/trellis.

5.4 Arborist Report and Tree Inventory/Preservation Plan

The Arborist Report and Tree Inventory and Preservation Plan (TIPP) were prepared by SDG dated February 12, 2024. As part of the development of the Plan, the consultant prepared an inventory of the tree resources on the subject property and on municipal property and evaluated any potential tree saving opportunities. Based on the foregoing, the prepared report includes the following recommendations:

- Tree protection barriers and fencing should be erected at locations as prescribed on Figure 1. All tree protection measures should follow the guidelines as set out in the tree preservation plan notes and the tree preservation fencing detail.

- No construction activity including surface treatments, excavations of any kind, storage of materials or vehicles, unless specifically outlined above, is permitted within the area identified on Figure 1 as a Tree Protection Zone (TPZ) at any time during or after construction.
- Special mitigation measures have been prescribed for select trees, as outlined in the Tree Preservation section of the report.
- Branches that extend beyond prescribed tree protection zones that require pruning must be pruned by a Certified Arborist or other tree professional. All pruning of tree branches must be in accordance with Good Arboriculture Standards.
- Site visits, pre, during and post construction is recommended by either an ISA Certified Arborist or Registered Professional Forester (RPF) to ensure proper utilization of tree protection barriers. Trees should also be inspected for damage incurred.
- The removal of three (3) trees will be required to accommodate the proposed design. Preservation of the remaining trees will be possible with the implementation of the foregoing preservation measures.

5.5 Phase 1 and 2 Environmental Site Assessments

The Phase 1 and 2 Environmental Site Assessments (ESAs) were prepared by Arcadis and completed in December 2023 and March 2024 respectively.

The Phase 1 ESA is generally intended to identify potential soil and groundwater contamination on the Site and to make appropriate recommendations leading to a Phase Two ESA and develop a work plan for the same, if required, to support the project. The conclusions of this work are as follows:

- Based on the findings of the Phase One ESA, three (3) PCAs within the Study Area have been identified, and they are evaluated to contribute to two (2) APECs on-site.
- A Phase Two ESA should be completed to investigate the identified APECs.
- An RSC cannot be filed based on the Phase One ESA alone and a Phase Two ESA will berequired.

The Phase 2 ESA has been completed based on the findings and recommendations of the Phase 1 ESA and is intended to support the filing of a Record of Site Condition (RSC), if required. The key relevant findings of this Phase Two ESA are summarized as:

- A total of three (3) boreholes were advanced at the Site to a maximum depth of approximately 7.6 metres below ground surface (mbgs).
- All three (3) of the boreholes were instrumented with a groundwater monitoring well.
- Subsurface stratigraphy at the Site generally consists primarily of silty sand overlying silty clay.
- Depth to groundwater at the Site ranged from 3.11mbgs and 3.52mbgs on March 1, 2024.
- Based on the March 1, 2024, groundwater elevations, the groundwater flow direction was interpreted to be to the southeast.

- A total of seven (7) soil samples (including one duplicate) were collected and analyzed for one or more of the following parameters: petroleum hydrocarbons fractions 1 to 4 (PHCs), benzene, toluene, ethylene, xylene (BTEX), and polycyclic aromatic hydrocarbons (PAHs).
- A total of four (4) groundwater samples (including one duplicate) were collected and analyzed for one or more of the following parameters: PHCs, BTEX and PAHs. A trip blank BTEX sample was also submitted for quality assurance / quality control (QA/QC) purposes.
- All tested soil and groundwater samples met their respective MECP Table 2 Standards.

Based on the results of the Phase Two ESA, all tested soil and groundwater samples met their respective Ministry of Environment, Conservation and Parks (MECP) Table 2 Standards and no further environmental work is required at this time. Therefore, an RSC can be filed. At the time of writing this report, the RSC submission was underway. See below for comments with respect to the proposed ZBLA provisions and the timing of the RSC registration. It may be required to modify and maintain the existing holding symbol to tie it to the successful completion of the RSC process. Based on the timing of the RSC submission, we anticipate that it will be issued for the subject lands prior to a Council decision on the ZBLA, and thus the holding symbol would no longer be necessary.

5.6 Height Survey of Adjacent Buildings

A Height Survey and Report were prepared by A.J. Clarke and Associates Ltd. (“AJ Clarke”, dated March 6, 2025. This provides the investigation and confirmation of height of adjacent structures on properties abutting the subject lands. The report provides the methodology:

> *Using survey equipment, our field crew tied into the vertical reference system shown in the Surveyor’s Real property report (R-4711) and site plan (R-4711D), prepared by A.J. Clarke & Associates Ltd. dated December 22, 2022, and February 22, 2024, respectively (vertical datum: CGVD28:78 referenced to City of Hamilton benchmark 07720100049).*

The surveyed adjacent buildings provide a range of building heights between 7.39 – 8.3 m, though all but one height is over 8.1 m. This information informs the considerations of compatibility, but the proposed dwellings have not been designed to match or be the same as nearby buildings.

5.7 Waste Management Report

A Waste Management Report and Plan was prepared by Arcadis, dated May 23, 2024. The Report provides an approach for servicing the proposed developed with municipal waste collection from Maple Ave, via a small collection pad proposed within the road allowance. This approach was selected based on a review of existing conditions for the site (i.e., the previously existing dwelling received curbside pick-up, and there are other properties along Maple that appear to receive curbside pick-up), and due to the fact that a turnaround for a municipal waste collection vehicle cannot be provided on site. If this approach is generally not accepted, private pick-up can be arranged.

6 Land Use Planning Framework

The proposed development is subject to the following legislation and planning documents: the Planning Act, R.S.O. 1990, c. P.13 (the “Act”), the Provincial Policy Statement (2020) (“PPS”), the Growth Plan (2020) (the “Growth Plan”), the Halton Region Official Plan (“ROP”), the City of Burlington Official Plan

(1997) (“1997 OP”), the City of Burlington Official Plan (2020) (“2020 OP”) and the City of Burling Zoning By-law 2020 (“ZBL” or “By-law”).

6.1 The Planning Act

The Planning Act is the overarching legislation that establishes the requirements for land use planning in Ontario. The Act promotes sustainable economic development in a healthy natural environment and sets the framework for Provincial Policy. It is the role of the Province through the Planning Act to promote and regulate provincial interests; to provide for adequate housing and employment opportunities; protect farmland, natural resources, and the environment; and promote the orderly development of safe, accessible and healthy communities in appropriate locations for growth and development.

Section 2 of the Act requires that decisions and advice that affect a “planning matter” have regard for matters of provincial interest. The excerpts and comments below provide an analysis of the applicable matters of provincial interest and the consistency of the proposed development with said provisions:

The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(a) the protection of ecological systems, including natural areas, features and functions;

Planning Comment: The subject lands do not include any Natural Heritage features or significant ecological features. As part of this submission, a Landscaping Plan and Tree Protection Plan have been prepared which describe the inventory of the tree resources on the subject property and on municipal property and evaluates any potential tree saving opportunities. The conclusions of this study are that the removal of three (3) trees will be required to accommodate the proposed design. Preservation of the remaining trees will be possible with the implementation of the foregoing preservation measures.

(e) the supply, efficient use and conservation of energy and water;
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

Planning Comment: The subject lands are adequately connected to municipal servicing including water, wastewater, transportation network, energy and communication systems, and waste management systems. The proposed development would make efficient use of the existing services and would not result in their expansion.

(g) the minimization of waste;

Planning Comment: A Waste Management Plan has been prepared by Arcadis which provides an approach for servicing the proposed units via municipal collection.

(h) the orderly development of safe and healthy communities;

(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

Planning Comment: The subject lands are within the designated Urban Area and are intended for residential growth. Matters of accessibility will be addressed at a later date during the planning process.

(j) the adequate provision of a full range of housing, including affordable housing;

Planning Comment: The proposed development would maximize the residential infilling of a predominantly residential neighbourhood and a vacant parcel of land that is currently underutilized. The proposed housing units would be geared towards a range of family types and sizes.

have been addressed through the Neighbourhood meeting and stakeholder engagement.

(o) the protection of public health and safety;

Planning Comment: The proposed development is not anticipated to have a negative impact on public health and safety as demonstrated by the technical studies submitted.

(p) the appropriate location of growth and development;

Planning Comment: The proposed development is located within the City's urban boundary and is surrounded by existing residential uses to the north, south and east. The location of the proposed development is therefore appropriate for the type and scale of residential intensification proposed, which will enhance the existing residential community by developing lands that are currently underutilized.

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

Planning Comment: The proposed development would be well-connected to existing transit services and pedestrian infrastructure.

(r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Planning Comment: The subject lands have been vacant and underutilized for a number of years. The proposed residential development will provide a much stronger sense of place for both the existing and future residents of the neighbourhood. The proposed dwellings will be designed to be compatible with the existing area. The residential infilling of lands that currently contain a damaged structure will create a much more cohesive neighbourhood with a more attractive and vibrant streetscape upon its redevelopment.

(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Planning Comment: The proposed development would represent a compact and appropriate built form that would have regard for the mitigation of greenhouse gas emissions and adaptation to a changing climate generally through developing vacant lands within the urban boundary and providing active transportation connections.

6.2 Provincial Policy Statement (2020)

The PPS provides policy direction on matters of provincial interest relating to land use planning and development. The PPS sets the policy framework for settlement areas within the Province and includes the following policies regarding housing and land use compatibility as discussed below.

The subject lands are within the urban boundary of the City of Burlington, in addition to being within the Built-up Area, and as such, the following policies of the PPS pertaining to development within settlement areas and housing apply:

1.1.1 Healthy, liveable 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 affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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 the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; […]

Planning Comment: The subject lands are already designated for residential development in the OP. In addition, the existing zoning permits street townhouses. The proposed development will implement the planned function of the OP but will permit standard townhouses in-lieu of street townhouses. This modification is appropriate given the shape of the site is more conducive to standard townhouse development in a plan of condominium. The proposed zoning modifications to the standard RM2 zone will permit the compact built form and site layout.

1.1.3.1 Settlement areas shall be the focus of growth and development.

Planning Comment: The site is within the Settlement Area (i.e., urban boundary). The proposed development will contribute to the diversification of residential development within the City's built boundary.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;

Planning Comment: The proposed residential development is an appropriate and efficient use of the subject property given its current vacant state.

b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

Planning Comment: The subject lands are currently connected to municipal servicing and infrastructure and would not result in their unjustified expansion.

c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

d) prepare for the impacts of a changing climate;

Planning Comment: Various energy saving, and design elements can be incorporated into the project, which would be confirmed through the site plan and building permit application review processes. Further, the development of vacant lands for residential use in a compact form will contribute to intensifying the Urban Area.

e) support active transportation;

f) are transit-supportive, where transit is planned, exists or may be developed; and

Planning Comment: The subject lands are located directly on a municipal ROW that has an existing a bus route and are in close proximity to the Maple at Richmond bus stop.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Planning Comment: The proposed development represents appropriate residential intensification for the site and context and will increase and diversify the housing mix in the neighbourhood and City which will in turn create a more transit-supportive community.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Planning Comment: The proposed development represents appropriate residential intensification and does not increase or introduce risks to public health and safety. The Draft ZBLA provides provisions to permit the residential use while regulating built form, parking, etc.

1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and

b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Planning Comment: The proposed development would increase the housing stock available in the area and provide a wider range of available housing types and sizes. The proposed residential growth will occur on lands that are currently designated and zoned for residential uses.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) 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;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Planning Comment: The proposed development would contribute to the appropriate mix of housing types and sizes in the neighbourhood, that is generally consistent with existing developments on abutting properties. The proposed townhouse units would be geared toward a range of family types and sizes, and would meet the accessibility standards outlined in the O.B.C. The subject lands are in close proximity to a number of employment opportunities including Mapleview Mall and the employment lands north of Fairview Street. The lands are connected to existing municipal services and public service facilities including transit lines that would be able to accommodate the projected needs of future residents.

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

1. municipal sewage services and municipal water services; and

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

Planning Comment: The proposed development would be connected to the existing municipal sewage services and water services.

1.6.7 Transportation Systems

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Planning Comment: The proposed development would be well-connected to a number of daily destinations including potential workplaces on nearby employment lands, commercial and recreational opportunities via the existing pedestrian infrastructure and transit lines which would allow for greater use of transit and active transportation.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;

Planning Comment: The proposed townhouse unit type would serve to diversify the existing housing stock in the neighbourhood and would be considered relatively more attainable due to the smaller unity size for a larger range of household sizes and incomes.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

a) promote compact form and a structure of nodes and corridors;

g) maximize vegetation within settlement areas, where feasible.

Planning Comment: The proposed design of the townhouse block is compact and maximizes the appropriate development of the subject lands. Furthermore, the Tree Protection Plan identifies that the majority of the existing trees on the property may be retained, and the Landscape Plan identifies opportunities to increase vegetation where appropriate on the site.

3.2 Human-Made Hazards

3.2.2 Sites with contaminants in land or water shall 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.

Planning Comment: A Phase 1 and 2 ESA were respectively completed for the subject lands to assess whether conditions were suitable for transition to the more sensitive residential land use. As per the Phase 2, no further site work (i.e. remediation) is required, and at the time of writing this report, the RSC filing process as initiated.

6.3 The Growth Plan

The subject property is located within the Growth Plan area, and any planning decisions must conform to this Plan. The Growth Plan sets out a long-term plan for growth and development within the Greater Golden Horseshoe Area of Ontario.

The following policies are applicable to the subject lands:

2.2.1 Managing Growth

2. Forecasted growth to the horizon of this Plan 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

iii. can support the achievement of complete communities;

Planning Comment: The subject site is located within the Urban Area as defined in the City's Official Plan, and the proposed development will be connected to municipal services. The existing amenities and resources in the surrounding area help achieve a complete community.

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;

Planning Comment: The proposed development is located within the City's built-up area and is connected to existing transit services. Public services are available in the area.

4.Applying the policies of this Plan will support the achievement of complete communities that:

a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;

c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;

e) provide for a more compact built form and a vibrant public realm, including public open spaces;

Planning Comment: The proposed development is in close proximity to a number of existing retail and commercial opportunities, namely Mapleview Mall and its associated areas. A number of essential community services including grocery stores and healthcare providers are also located to the north of the subject lands. While the immediate surroundings of the subject lands are predominantly residential, surrounding areas provide a diverse mix of residential, commercial, employment and open space uses. Each of these uses is well connected to the subject lands via the existing transit corridor on Maple Avenue. The proposed development would embrace a compact built form by appropriately intensifying the subject lands to accommodate 4 townhouse units that would be geared towards a wider range of family types, sizes, and household incomes.

2.2.2 Delineated Built-up Areas

1.By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:

a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and

2. Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper-or single-tier official plan that is approved and in effect as of July1, 2017 will continue to apply.

Planning Comment: The subject lands are within the delineated Urban Area of the City of Burlington and would be in conformity with the foregoing policy. The proposed townhouse units will contribute to the mandated residential intensification rate.

3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

c) encourage intensification generally throughout the delineated built-up area;

d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;

Planning Comment: The proposed townhouse units would represent the appropriate residential intensification of a site that is currently underutilized and requires redevelopment in order to be used as residential lands as intended. The proposed density is in line with the applicable municipal policy and is generally in line with the existing townhouse blocks to the north of the subject lands.

2.2.6 Housing

1. Upper-and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:

a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and

ii. establishing targets for affordable ownership housing and rental housing;

b) identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);

c) align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011;

d) address housing needs in accordance with provincial policy statements such as the Policy Statement: "Service Manager Housing and Homelessness Plans"; and

e) implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.

Planning Comment: The proposed development will be suitable for a range of household sizes and types, particularly smaller households and/or those seeking to downsize. The unit sizes proposed would be ideal to meet the housing needs of a diverse range of future residents, given the usable floor area within a small footprint, and would be in line with the general socio-economic, employment and demographic characteristics of local residents. The unit types are also expected to be more attainable in comparison to the predominant single-detached dwellings in the surrounding area.

2.Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:

a) planning to accommodate forecasted growth to the horizon of this Plan;

b) planning to achieve the minimum intensification and density targets in this Plan;

c) considering the range and mix of housing options and densities of the existing housing stock; and

d) planning to diversify their overall housing stock across the municipality.

Planning Comment: The proposed development will contribute to the creation of complete communities in the City by adding to the available housing stock within the Urban Area and adding a dwelling type that is still underrepresented generally within the surrounding areas, while at the same time complementing the existing medium and high-density housing stock already located along Maple Ave. The proposed unit type and size would diversify the available housing stock in the area.

4.2.10 Climate Change

1. Upper-and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:

a) supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan;

Planning Comment: The proposed development will add 4 townhouse units in a compact design on a redeveloped residential parcel, providing appropriate residential intensification and contributing to

residential density targets within the Urban Area boundary of the City. The location of the subject lands and its proximity to a number of commercial and retail opportunities, transit stops, and open spaces among other community resources will contribute to the creation and growth of complete communities.

6.4 Halton Region Official Plan

The Halton Region Official Plan (ROP) provides the policies that guide how Halton grows and develops. It includes goals and objectives for new development that reflect the vision of residents and regional council. The ROP addresses region-wide issues and provides a consistent vision for land use in the City of Burlington. The subject lands are identified as being within the Urban Area as per the ROP Map 1 – Regional Structure.

72. The goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability and economic prosperity.

Planning Comment: The proposed development will accommodate residential growth and development which is in line with several of the goals described in the foregoing policy as the subject lands are located within an established residential neighbourhood, are well connected to municipal servicing and transit, and the proposed design of the units are compact and representative of appropriate residential infilling.

72.1 The objectives of the Urban Area are:

> *(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.*

Planning Comment: The proposed residential development would be located in an established residential neighbourhood and in proximity to similar existing developments and would therefore be compatible with its surroundings and the community identity. The existing commercial uses and amenities in proximity include a number of existing food stores and medical uses that would promote a healthy community. And given that the subject lands were previously developed and do not contain any significant natural or landscape features, no impacts on the natural heritage system are anticipated through this proposed development.

> *(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.*

Planning Comment: The proposed development is representative of a compact built form that makes efficient use of the subject lands. Furthermore, the subject lands are well connected to existing transit services, particularly in the form of the bus routes passing through Maple Avenue. There is existing pedestrian infrastructure along the main frontage that connects the subject lands to the wider community.

> *(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.*

Planning Comment: The proposed development would be located on the periphery of an established residential neighbourhood that is predominantly made up of single-detached homes but includes a few notable examples of townhouse blocks. The proposed development would increase the available range

of dwelling types and sizes in the area while being well connected to existing community amenities and employment opportunities.

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

Planning Comment: The subject lands are within the Built Boundary and have been identified as being designated for residential use in the City of Burlington.

> *(5) To establish a rate and phasing of growth that ensures the logical and orderly progression of development, supports sustainable and cost-effective growth, encourages complete communities, and is consistent with the policies of this Plan.*

Planning Comment: The proposed residential infill development is compatible with the surrounding residential uses. Given that the subject lands are currently underutilized, the proposed development would constitute a logical progression of development as opposed to the current status quo.

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

Planning Comment: The existing structure on the subject lands was burned in a fire a number of years ago and is currently slated for demolition. The proposed development will redevelop the lands, that is appropriate within the surrounding context.

> *(9) To facilitate and promote intensification and increased densities.*

Planning Comment: The proposed development represents the appropriate residential intensification of the subject lands that conforms to the required densities stipulated in the City's Official Plan.

74. The Urban Area consists of areas so designated within the Regional Urban Boundary as delineated on Map 1, where urban services are or will be made available to accommodate existing and future urban development and amenities.

Planning Comment: The proposed development will be connected to existing servicing within the Urban Area. The Functional Servicing Report completed for this development states that the existing servicing would be able to accommodate the added requirements of the proposed development.

75. The Urban Area is planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities as shown in Table 1, the intensification and density targets as shown in Table 2, the Regional phasing as shown in Table 2a, and the targets for Strategic Growth Areas as shown in Table 2b.

Planning Comment: Table 1 of the Official Plan sets out the population and employment distribution per city within the Region. Burlington is projected to have a population of 240,050 residents in 2041, and the proposed development would contribute to the housing this population, albeit in a very minor way, by introducing 4 new residential units within the Urban Area of the City. Table 2 sets out the intensification and density targets for the Built-Up Area. The target for the City of Burlington has been set at 20,500 housing units within the Built-Up Area by 2041. The proposed development will similarly contribute the achievement of that intensification target by adding 4 new townhouse units within the Built-Up Area.

6.5 City of Burlington Official Plan (1997)

The City of Burlington Official Plan (1997) ("COP-97") is the current and in-force Official Plan for the City, which guides decision-making on land use, development and resource management. The 1997 Official Plan is one of two documents currently used to steer development in the City of Burlington, with a second Official Plan having been adopted by City Council in 2018. However, the 1997 Official Plan is the only Plan currently in-force.

Within the COP-97, the subject lands are referred to and/or designated as:

Designation	Schedule
Urban Planning Area Boundary	Schedule A – Settlement Pattern
Residential Areas	Schedule A – Settlement Pattern
Urban Planning Area Boundary	Schedule B – Comprehensive Land Use Plan – Urban Planning Area
Residential – Medium Density	Schedule B – Comprehensive Land Use Plan – Urban Planning Area
Minor Arterial (Maple Ave)	Schedule J – Classification of Transportation Facilities South of No. 1 Side Road

Table 2 - 1997 Official Plan References and Designations

PART II - FUNCTIONAL POLICIES

2.8 Contaminated and Potentially Contaminated Sites

2.8.2 Policies

Contaminated Sites Protocol

a) Provincial legislation shall be referred to in the review of development applications to address matters related to known and potential site contamination. Where Provincial legislation does not apply, the contaminated sites protocol shall be referred to in the review of development applications. The Contaminated Sites Protocol is listed in Appendix F of this Plan and may be amended from time to time without amendment to this Plan.

Determination of potential contamination

b) In order to screen for known or potential site contamination, applicants shall be required to document, to the satisfaction of the City, Region, Province and other approval authorities, previous uses and environmental information of:

(i) property or properties that are subject of a planning application; and/or

(ii) properties that may be adversely impacting the property that is the subject of a planning application in order to assist in the determination of the potential for site contamination.

Phase I Environmental Site Assessments

d) The City may require all applications for Official Plan amendment, zoning by-law amendment, plan of subdivision, site plan and consent, as specified in the Contaminated Sites Protocol, to be supported by

a Phase I Environmental site assessment to be undertaken in accordance with Provincial legislation by a Qualified Person.

Phase 2 Environmental Site Assessments

e) The City shall require a Phase II Environmental site assessment to be undertaken in accordance with Provincial legislation to support applications for sites where the Phase 1 Environmental site assessment reveals that the site may be contaminated. The Phase II Environmental site assessment shall include conclusions as to whether or not contamination is migrating off site.

Record of Site Condition

f) The City may require the applicant to provide a Record of Site Condition in accordance with Provincial legislation, to be completed to the satisfaction of the City and the Ministry of the Environment, confirming that the site has been made suitable for the proposed use.

Record of Site Condition Audits

g) The City may not consider a Record of Site Condition as acknowledged by the Province until a statement of third party reliance is provided and either:

(i) it has been confirmed that the Record of Site Condition will not be audited by the Ministry of the Environment; or

(ii) it has been confirmed that the Record of Site Condition has passed the Ministry of the Environment audit.

Planning Comment: A Phase One 1 and Two 2 Environmental Site Assessment ESA were respectively completed for the subject lands to assess whether conditions were suitable for transition to the more sensitive residential land use. As per the Phase 2, no further site work (i.e., remediation) is required, and at the time of writing this report, the RSC filing process was initiated.

Part III Land Use Policies-Urban Planning Area

2.0 Residential Areas

2.2 General

2.2.1 Objectives

Intensification

a) To encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods.

Integrate types of housing

f) To encourage the integration of a wide range of housing types and tenure and discourage large concentrations of higher density residential blocks.

Compatible with development

g) To require new residential development to be compatible with surrounding properties.

Planning Comment: The immediate context includes attached townhouse dwellings to the north and east. The wider context of Maple Ave includes a range of medium and high-density residential developments, which are typically located along neighbourhood area periphery boundaries. The height

survey identifies that adjacent dwelling forms are generally in excess of 8 m. The proposed dwelling height exceeds this but is still generally in line with maximum height for a 2 ½ - 3 storey dwelling. The proposed roof pitch helps to reduce the impact of massing and limits any private or overlook concerns. Amenity and landscape areas are provided around the site permitter, at varying depths and for different purposes, each of which are proposed to provide fencing, landscape plantings, or both.

2.2.2 General Policies

Permitted uses

a) Within Residential Areas, a broad range of residential dwelling types shall be permitted, including assisted and special needs housing such as group homes, rest/retirement homes and long-term care facilities, as well as uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations and cottage industries, neighbourhood parks, and offices.

Planning Comment: The proposed residential development is a permitted use for the existing land use designation in place.

Medium Density

d) In Residential-Medium Density areas, either ground or non-ground oriented housing units with a density ranging between 26 and 50 units per net hectare shall be permitted.

Planning Comment: The proposed development results in a density of 40 units per net hectare, which is within the permitted range of densities for this land use designation.

Building Form

g) The following building forms for residential development shall be permitted:

(ii) detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments shall be permitted in Residential-Medium Density areas, provided that these forms meet the density as specified in Part III, Subsection 2.2.2 d), for these areas;

Planning Comment: The proposed townhouse units are a permitted building form as per the foregoing.

2.4 Housing Affordability

2.4.1 Objective

a) To ensure that a range of housing and tenure types are available to meet the various lifestyle and income group needs of the existing and future population.

Planning Comment: The proposed development will be suitable to a range of household sizes and types, particularly first-time homebuyers, or those seeking to downsize. The unit sizes proposed would be ideal to meet the housing needs of a future residents and would be in line with the general socio-economic, employment and demographic characteristics of local residents. The unit types are also expected to be more attainable in comparison to the predominant single-detached dwellings in the surrounding area.

2.5 Housing Intensification

2.5.1 Objectives

a) To encourage residential intensification as a means of increasing the amount of available housing stock including rooming, boarding and lodging houses, accessory dwelling units, infill, re-development

and conversions within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood.

Planning Comment: The proposed development provides appropriate residential intensification of an underutilized parcel of land through its redevelopment. The previously existing single-detached dwelling would be replaced by a block of 4 townhouse units that are compatible with the general size and scale of the surrounding developments in the neighbourhood.

2.5.2 General Policies

a) The following criteria shall be considered when evaluating proposals for housing intensification within established neighbourhoods:

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

Planning Comment: The proposed development will be connected to existing municipal services and the Servicing Plan and Report submitted as part of this application state that the water, wastewater and storm sewer systems are able to accommodate the projected needs of future residents. The subject lands are near a number of schools and public open spaces that would be able to accommodate the demands resulting from the development given its limited size.

ii) off-street parking is adequate;

Planning Comment: Each unit includes both a driveway parking space and a garage parking space that would permit adequate off-street parking, and further includes the provision of 3 visitor parking spaces with one being an accessible parking space.

iii) the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;

Planning Comment: At the Pre-Consultation meeting with the City, it was determined that a Transportation Impact Study or Brief would not be required as part of this application due to its limited scale and the current capacity of Maple Avenue which is not anticipated to be greatly impacted by the added intensification of the subject lands. Furthermore, the proposed drive aisle generally maintains the current location of the existing driveway which provides a suitable ingress and egress point for the site.

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

Planning Comment: The proposed development is in proximity to the bus route which services the Maple Avenue corridor, with the closest transit stop being located to the south of the property at Maple and Richmond.

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

Planning Comment: The proposed development is of a comparable height and massing to the existing townhouse blocks that are located to the north of the subject lands and is generally compatible with the residential character and density of the neighbourhood at large. As described in detail through the proposed ZBLA section of this report, the siting of the units, the proposed setbacks, parking and amenity area locations have all been contemplated and designed in such a way that an appropriate transition between the existing and proposed dwellings is provided.

vi)effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;

Planning Comment: The removal of only three (3) trees will be required to accommodate the proposed design. Preservation of the remaining trees will be possible with the implementation of the recommended preservation measures described in the Arborist Report and Tree Inventory and Protection Plan.

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

Planning Comment: No significant sun-shadowing impacts for extended periods on adjacent properties is anticipated due to the limited height of the proposed development.

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

Planning Comment: A number of community services including commercial opportunities, a few healthcare providers and retailers, Mapleview Mall, recreation centres, and open spaces are located in close proximity to the subject lands and connected via the pedestrian network, transit lines, or by municipal road providing easy access to each.

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

Planning Comment: The Landscape Plan prepared for this development outlines the buffering provided. It provides a mixture of deciduous and evergreen trees and shrubs along with perennials and grasses at appropriate locations such as in the front yard area adjacent to the proposed accessible parking space, along the side and rear lot lines, in front of the dwellings, and around the proposed rear yard common amenity space. This will be further defined at the Site Plan stage as well.

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

Planning Comment: While it is understood that the abutting properties to the south will eventually be redeveloped as townhouse units similar to those proposed on the subject lands, there is no need for a tertiary plan given this small number of properties and overall potential developable area. As described in the ZBLA section below, the proposed setbacks to the abutting properties would maintain an appropriate separation distance in consideration of the future redevelopment potential of those lands (i.e., not the existing single detached dwelling condition). No significant or compromising impacts are anticipated for any future development on abutting properties.

6.6 City of Burlington Official Plan (2020)

The new City of Burlington Official Plan was approved by Halton Region on November 30, 2020, and was subject to 48 appeals to the Ontario Land Tribunal. The 2020 Official Plan is not yet in-force and effect as it is currently under appeal. However, any future development should have regard for the policies of the City of Burlington Official Plan (2020).

The subject lands are designated as a Medium Density Residential Use. The proposed residential development is permitted under the land use designations of the 2020 OP and is guided by the associated policies regarding residential neighbourhood areas of this plan. Sections 8.3.1 and 8.3.2 provide the general objectives and policies applicable to all residential areas in the City.

8.3.1 General Objectives

a) *To encourage new residential development and residential intensification within the Residential Neighbourhood Area in accordance with Provincial, Regional and City growth management objectives, while recognizing that the density and form of new development must be balanced with other planning considerations, such as the availability of infrastructure and public service facilities, and also ensuring that new development achieves compatibility and integration within existing residential neighbourhoods.*

Planning Comment: The proposed development will provide the appropriate residential intensification of lands that are currently within the Neighbourhood Area. The subject lands are connected to municipal servicing and are in proximity to a number of existing and planned public service facilities including transit stops and open spaces. Furthermore, the proposed development is a townhouse development that is similar in form and density to existing townhouse developments along Maple Ave.

b) *To provide housing in a form and location that supports the existing, and the expansion of, the city's transportation network, with emphasis on public transit and active transportation*.

Planning Comment: The proposed development will introduce transit-supportive intensification along an existing transit line. The existing pedestrian infrastructure would be able to accommodate the needs of future residents and provide connectivity to nearby areas of interest and commercial opportunities.

c) *To encourage the accommodation of a diverse range of household sizes and incomes.*

d) *To encourage a strong live/work relationship within the city by providing housing that reflects the existing and future socio-economic, employment and demographic characteristics of local residents.*

Planning Comment: The proposed development will be suitable for a range of household sizes and types, particularly first-time homebuyers, or those seeking to downsize. The unit sizes proposed would be ideal to meet the housing needs of a diverse range of future residents and would be in line with the general socio-economic, employment and demographic characteristics of local residents.

e) *To provide, where compatible, housing opportunities in proximity to Employment Areas and other land uses that support residential neighbourhoods, such as commercial and recreational activities, in order to improve access to places of work and neighbourhood amenities with a reduced dependence on private automobiles.*

f) *To provide opportunities for limited small-scale commercial uses within medium and high density residential neighbourhood areas, where compatible, which serve the day-to-day needs of residents without the need for a private automobile.*

Planning Comment: The proposed residential development would be located in an established residential neighbourhood and in proximity to similar existing developments and would therefore be compatible with its surroundings and the community identity. The existing commercial uses and amenities in proximity include a number of existing food stores and medical uses that would promote a healthy community, as well as the existing employment lands further north. Each of these potential destinations would be accessible to future residents via the existing pedestrian infrastructure or through the existing bus transit lines servicing stops along Maple Avenue, thereby reducing dependence on private automobiles.

g) *To encourage the integration of a wide range of housing types and tenures within Residential Neighbourhood Areas, including assisted and special needs housing, affordable housing and rental housing.*

h) To ensure that development within the Residential Neighbourhood Area is compatible with surrounding properties.

Planning Comment: The residential development proposed will introduce a unit type and size that is generally underrepresented within the established residential neighbourhood and would cater to a diverse range of household sizes and incomes in comparison to the still-predominant single-detached dwelling type. The proposed townhouse units are generally comparable in size and density to those existing townhouse blocks on abutting properties. The proposed residential type is currently a permitted use in the Residential land use designation and no potential conflicts with surroundings land uses are anticipated.

8.3.2 General Policies

a) In addition to the permitted uses of each land use designation, within Residential Neighbourhood Areas, the following neighbourhood support uses may be permitted:

i. assisted and special needs housing such as group homes, retirement homes and long-term care facilities, provided compatibility with the surrounding neighbourhood is achieved;

ii. home occupations and cottage industries, which are compatible with, and complementary to, the primarily residential neighbourhood; and subject to the policies of Subsection 8.3.7 of this Plan;

iii. office conversions within existing single-detached dwellings, which are compatible with, and complementary to, the primarily residential neighbourhood, and subject to the policies of Subsection 8.3.8 of this Plan;

iv. and neighbourhood parks and open spaces.

b) Multi-unit residential developments in Residential Neighbourhood Areas should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

c) Development which proposes the creation of a new common roadway will be encouraged to provide the roadway in the form of a public right-of-way.

d) The preservation and enhancement of on-site trees and vegetation will be encouraged in order to assist in maintaining the character of the surrounding neighbourhood.

e) Where there is a significant loss of existing on-site trees and vegetation, appropriate compensation shall be provided.

Planning Comment: The proposed townhouse units are a permitted use as per the policies of the Residential designation. The multi-unit residential development proposed will introduce a unit type and size that is generally underrepresented within the established residential neighbourhood and would cater to a more diverse range of household sizes and incomes in comparison to the still-predominant single-detached dwelling type. The proposed private road is not contemplated as a connecting road, and due to its limited length is not intended for public use as a public right-of-way.

The 2020 OP designates the subject lands as being a Residential – Medium Density use, and Section 8.3.4. of this plan provides the policy direction for this designation as extracted below:

8.3.4(1)

a) On lands designated Residential – Medium Density, ground and non-ground oriented dwellings including single-detached and semi-detached dwellings, townhouses, street townhouses,

stacked townhouses, back-to-back townhouses and low-rise residential buildings may be permitted.

b) *On lands designated Residential – Medium Density, ground or non-ground oriented dwellings, as specified in Subsection 8.3.4(1) a) of this Plan, may be permitted at a density of twenty-six (26) to seventy-five (75) units per net hectare, subject to Subsection 8.3.4(1) c) of this Plan.*

c) *On lands designated Residential – Medium Density, development may be permitted to a maximum height of:*

   i. *three (3) storeys for ground-oriented dwellings (not including rooftop amenity/outdoor areas);*

   ii. *or four (4) storeys for non-ground-oriented dwellings.*

d) *Development of non-ground oriented buildings shall be permitted only at the periphery of existing neighbourhoods.*

Planning Comment: The proposed development consists of townhouse units which are a permitted use for lands designated for Residential – Medium Density uses. The proposed development would have a density of 40 units per hectare, which is within the permitted range of densities. While the height of the proposed units is technically considered to be 4 storeys as per the City's definition of a story which includes the proposed loft space, the units themselves will functionally be 3 storeys as viewed from the outside and therefore be in keeping with the general intent of the foregoing policy of the OP. The proposed development would be considered a ground-oriented development.

7 Proposed Zoning By-law Amendment

The subject lands are currently zoned as a Residential Medium Density or RM5 Zone with a Holding Provision as per the City of Burlington Zoning By-law 2020. Based on the Pre-Consultation meeting with the City, it was determined that a modified RM2 zone would be the most appropriate zone to permit the proposed townhouse development with frontage onto a private road. The proposed Zoning By-law Amendment would request the lifting or modification of the Holding provision currently in place as well as the rezoning of the subject lands from a H-RM5 Zone to a H-RM2 Zone with Site-Specific Amendments, where the H would only be necessary if the RSC has not been filed prior to a Council decision on the amending By-law.

The RM2 Zone permits the proposed townhouse development as per Table 2.7.1 outlining permitted Medium Density uses for each zone. The following table outlines the applicable zoning regulations for the RM2 zone and includes the proposed regulations as part of the request for a Site-Specific Amendment:

Zoning Regulation	Requirement	Proposed
Lot Width	45 m	21.29 m
Lot Area	0.4 ha	0.12 ha
Front Yard	7.5 m	8.66 m
Rear Yard	9 m	9.44 m

Zoning Regulation	Requirement	Proposed
Side Yard	4.5 m	1.68 m
Street Side Yard	6 m	N/A
Yard abutting R1, R2, R3 Zone	9 m	9.44 m
Density	minimum: 25 units/ha maximum: 40 units/ha	40 units/ha
Amenity Area	25 m^2/bedroom 15 m^2/efficiency	301.98 m^2
Privacy Area	20 m^2 per unit	26.86 m^2 including patio and balcony
Landscape Area	6 m - Abutting a Street having a Deemed Width Greater than 26 m	3.82 m
Landscape Buffer	6 m - Abutting R1, R2, R3 Zones	0.31 m
Building Height	2 Storeys - Maximum Height for Townhouse and Fourplex Dwellings	4 Storeys 9.12 m
Driveway Widths	6 m	5.7 m
Parking Setback	6m – Abutting R1, R2, R3 Zones	2.67 m

Table 3 - Identification of Required and Proposed Zoning

Given the Zoning modifications identified through the foregoing Zoning review, a Site-Specific Zoning By-law Amendment is requested to permit the following regulations:

- To permit a Lot Width of 21 m, whereas the ZBL requires a minimum of 45 m.
- To permit a Lot Area of 0.1 ha, whereas the ZBL requires a minimum of 0.4 ha.
- To permit a Side Yard setback of 1.6 m, whereas the ZBL requires a minimum of 4.5 m.
- To permit a Landscape Area abutting a street of 3.8 m, whereas the ZBL requires a minimum of 6 m.
- To permit a Landscape Buffer width of 0.3 m, whereas the ZBL requires a minimum of 6 m.

- To permit a building height of 4 storeys, whereas the ZBL requires a maximum of 2 storeys for a townhouse dwelling.
- To permit a driveway length of 5.7 m, whereas the ZBL requires a minimum of 6 m.
- To permit a parking setback from an R3 zone to be 2.6 m, whereas the ZBL requires a minimum of 6 m.

A copy of the Draft Zoning By-law Amendment has been appended to this report as Appendix A. The following chart briefly summarizes the planning justification for each proposed amendment:

Proposed Amendment	Planning Justification
Lot Width: 21 m	The proposed lot width variance is required in order to recognize the size and shape of the existing parcel. The current frontage of the site onto Maple Avenue has a sufficient width that would adequately accommodate the private driveway entrance onto the site as well as a Landscape Area. Given that the orientation of the townhouse dwellings is to the private road, rather than the Maple Avenue frontage, a greater width would not be required.
Lot Area: 0.1 ha	The proposed development design has considered the standard requirements of the RM2 zone in relation to the size and shape of the parcel, and in our opinion maintains adequate setbacks, parking spaces, landscape areas, amenity spaces and the proposed four (4) townhouse units within the existing 0.1 ha Lot Area. No Official Plan Amendment or ZBLA is required for increased density. It is our opinion that a variance in the minimum lot area would result in a built form that is compact, compatible with the context, and which continues to be generally in line with the regulations of the applicable Zone.
Side Yard: 1.6 m	Given the size and shape of the site, a variance in the side yard width is required to accommodate the proposed residential development. The immediately adjacent property to the south is zoned H-RM5 and as such is expected to redevelop for attached housing in a form and manner similar to the proposal on the subject lands. At the time of writing this report, it is our understanding that these properties to the south will also be undergoing a planning application process for proposed redevelopment. By the time physical development occurs on the subject lands, it is possible that there would also be an approved development concept for the adjacent lands, which would address any perceived effects of the proposed variance in side yard width on privacy, overlook, etc.
Landscape Area: 3.8 m	The proposed variance in the Landscape Area abutting Maple Avenue would result in a reduction of 2.2 m of landscaped area for a portion of the site, which would be considered a minor change and

Proposed Amendment	Planning Justification
	would not significantly impact the intended purpose of the Landscape Area. This amendment is required to accommodate the existing width of Maple Avenue, the diagonal direction of the frontage, and the location and width of the proposed accessible parking space, all of which combine to reduce the available buffer distance between the public road and the proposed visitor parking spaces. The submitted Landscape Plan illustrates the extent and quality of planting material that can be accommodated in this area, which are combined with proposed decorative wall/sign that will screen the adjacent parking space and provide aesthetic benefits to the streetscape
Landscape Buffer: 0.3 m	The proposed variance to the depth of the Landscape Buffer to the rear of the lot, abutting the R3 zone is requested to accommodate a hammerhead which assists with turning movements for the parking spaces located adjacent. It is not anticipated that a reduction in buffer width would result in any negative impacts on the existing dwellings within the R3 zone, given that the abutting rear yards are significant and appropriate separation between the proposed townhouse dwellings and existing single-detached homes is maintained. The majority of the rear yard landscape buffer will be 2.5 m in width or greater. The submitted Landscape Plan outlines the proposed planting and fencing conditions to address compatibility and screening.
Building Height: 4 Storeys	The proposed design of the units was based on balance of internal and external design considerations. The proposed 4 storeys can accommodate a garage parking space and storage space on the ground floor, with the main and second floors being used as the primary living spaces. A loft space buried within the roofline provides additional useable floor space. For this reason, all 4 storeys are required to accommodate the most functional and desirable design of the proposed units that appropriately maximizes the use of the subject lands. Furthermore, the proposed height in m to the top of the roof is approximately 14.4 m. The roof itself provides a small amount of glazing on each side, to permit light penetration into the space without resulting in any potential privacy concerns for abutting property owners. Therefore, it is our opinion that the proposed 4 storey height is appropriate and desirable as it contributes to a compact built form and would not result in any anticipated negative impacts.
Driveway Length: 5.7 m	The proposed reduction in driveway length is required to accommodate the drive aisle that provides access onto the site and to each of the individual units. The reduction itself is minor, with only 0.3 m being proposed to be reduced from the minimum requirement stipulated in the Zoning By-law. It is our professional opinion that the reduction in length is considered minor and would not impact the

Proposed Amendment	Planning Justification
	ability of a future resident to be able to use and park their car within the driveway space provided. Furthermore, a reduction in driveway length would ensure that a two-parking spaces per unit parking ratio is maintained for the proposed development as required by the Zoning By-law, with one of those spaces being a garage parking and the other being the proposed driveway parking.
Parking Setback: 2.6 m	The proposed reduction in setback distance between the proposed parking space and the abutting residential zone is not anticipated to result in any negative impacts on the existing residential use as these spaces are not anticipated to be in constant use. The visitor parking space in question is required to be located in proximity to the rear lot line, to permit a site layout that encourages the orderly and logical development of the subject lands. As per the submitted Landscape Plan, a row of trees proposed on the landscaped area between the proposed parking space and the abutting lot will further provide visual separation and buffer between the two uses.

Table 4 - Zoning Modification Analysis and Justification

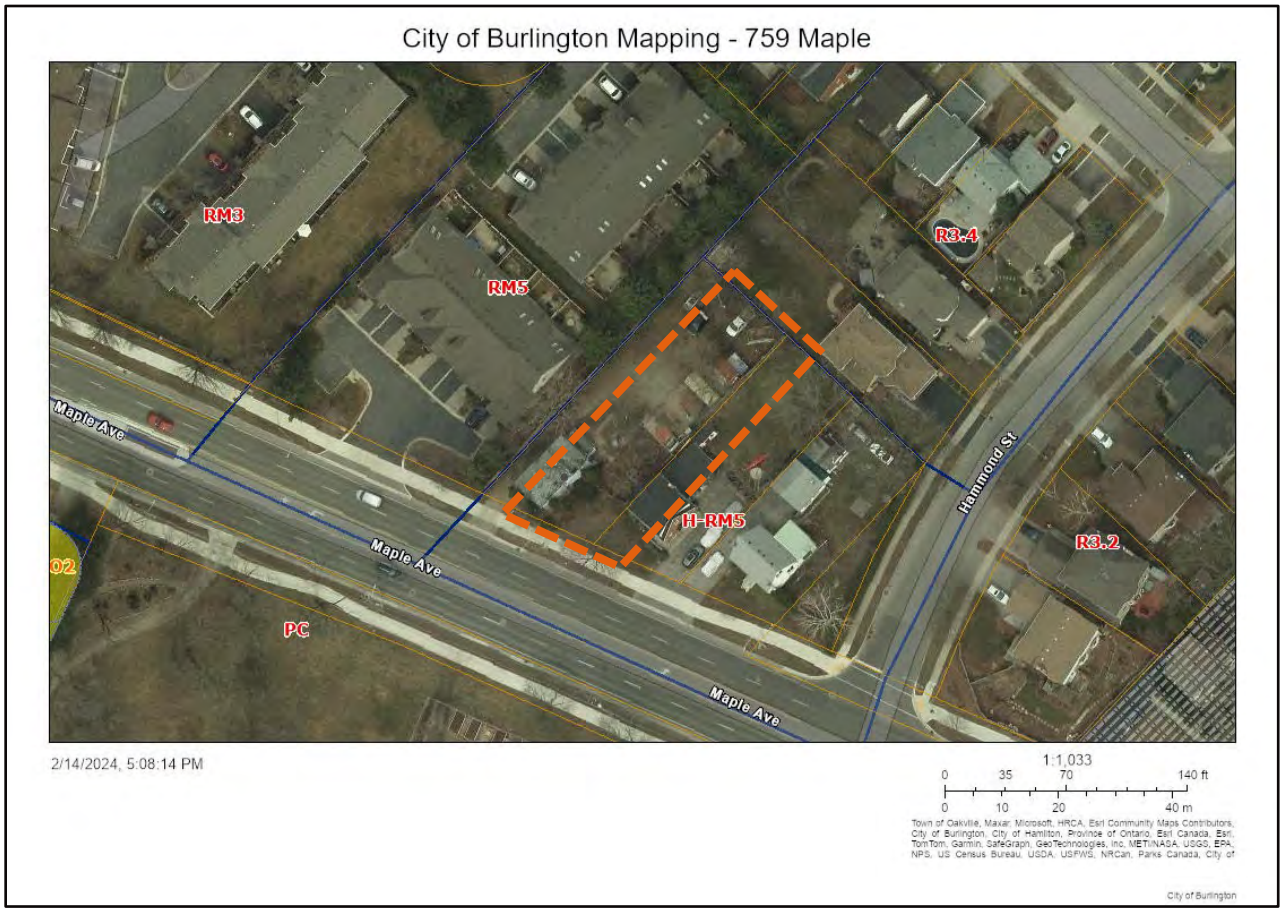


Figure 4 - Subject Lands - City of Burlington Online Zoning Map

8 Conclusion and Recommendations

Our client is seeking to develop the subject lands with 4 townhouse units which will each have two bedrooms and be 4 storeys in height. This Report provides an overview of the lands themselves, the proposed development, and the technical studies undertaken to determine the suitability of the proposed development on the subject lands.

This Report further provides a detailed analysis of the applicable planning policy framework for the lands. Based on a thorough review of the Provincial and City planning policies, it is our professional opinion that the requested ZBLA has consideration for the matters of Provincial Interest, as outlined in the Planning Act, is consistent with the PPS 2020, conforms to the Growth Plan, Conforms to the Region of Halton Official Plan, and conforms to the City's in-effect and Official Plan.

Based on our analysis of the subject application, surrounding uses, supporting studies, and the applicable planning policy framework, the proposed amendments facilitate an appropriate form of land development, constitute good land use planning and are in the public interest.

Sincerely,

ARCADIS PROFESSIONAL SERVICES (CANADA) INC.

Mike Crough RPP MCIP
Principal – Planning

Ritika Nair
Planner



Appendix A. Draft Zoning By-law

The Corporation of The City of Burlington

City of Burlington By-law 2020.XXX

A By-law to amend By-law 2020, as amended; 759 Maple Avenue
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 PL-XX on XX, 2024, to amend the City's existing Zoning By-law 2020, as amended, to permit four (4) townhouse dwellings with access provided from Maple Avenue;

The Council of the Corporation of the City of Burlington hereby enacts as follows:

1. Zoning Maps Number 21-E & 26-W 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 H-RM5 to H-RM2-XXX.

3. Part 11 of By-law 2020, as amended, Holding Zone Provisions, is hereby amended by the addition of the following section to Appendix A:

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

   a) A Record of Site Condition (RSC) for the subject lands has been submitted to the satisfaction of the City.

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

Exception XXX	Zone H-RM2	Map 21-E & 26-W	Amendment 2020.XXX	Enacted ##

1. Regulations:

    a) Minimum Lot Width: 21 m
    b) Minium Lot Area: 0.1 ha
    c) Minium Side Yard: 1.6 m (Southerly Side Lot Line)
    d) Minimum Landscape Area Abutting a Street: 3.8 m
    e) Minium Landscape Buffer Abutting an R1, R2 or R3 Zone: 0.3 m (Easterly Rear Lot Line)
    f) Maximum Building Height: 4 storeys and 9.12 m
    g) Minimum Driveway Length: 5.7 m
    h) Minimum Parking Setback: 2.6 m

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

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

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

Enacted and passed this XX day of , 2024.

Mayor Marianne Meed Ward _____

Deputy Clerk Samantha Yew_____

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XXX

By-law 2020.XXX rezones lands on 759 Maple Avenue, to permit four (4) townhouse dwelling units with access onto Maple Avenue.

The proposed rezoning and Site-Specific Amendments would be required to permit the appropriate residential intensification of the subject lands that is compact and has regarding for the established dimensions of the parcel.

For further information regarding By-law 2020.XXX, please contact Mariana Da Silva of the Burlington Community Planning Department at (905) 335-7600, extension 7536.

Burlington

Schedule 'A'

Legend

Areas to be zoned:

[III] **LANDS TO SE REZONED FROM H-RM5 TO H-RM2 • XX**

0 **Scale: N.T.S.**

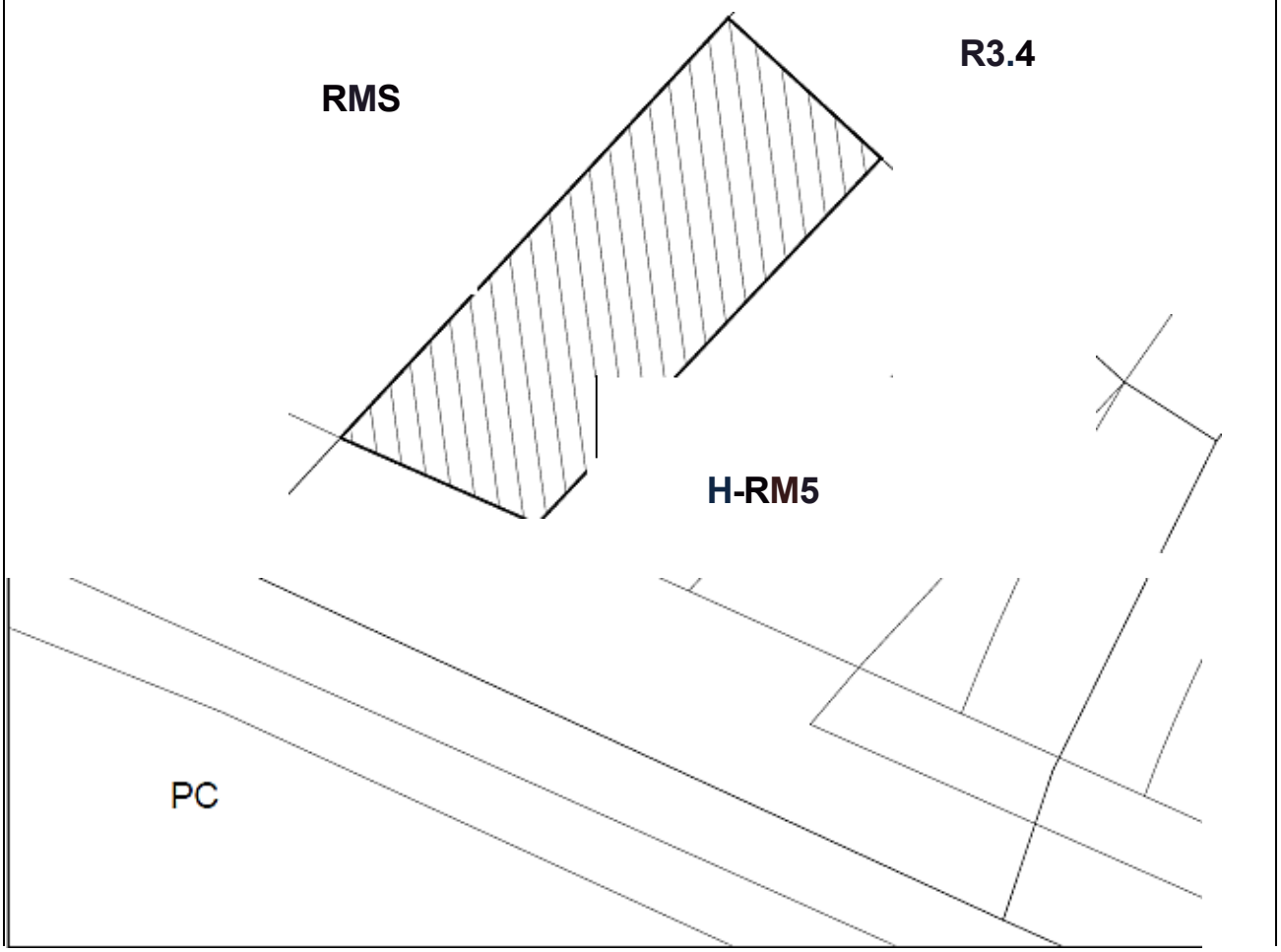
File Number:

This is Schedule 'B' to By-law No. __ - 2024
to amend Zoning Bylaw No. 2020.

Passed the ___ day of _____ 2024.

_____

_____
CLERK



Schedule 'A'

Legend

Areas to be zoned:

LANDS TO BE REZONED FROM H-RM5 TO H-RM2 - XX

Scale: N.T.S.

File Number:

This is Schedule 'B' to By-law No. ____- 2024
to amend Zoning Bylaw No. 2020.

Passed the ____ day of _____, 2024.

_____
MAYOR

_____
CLERK

