CORBETT LAND STRATEGIES INC.
VISION • EXPERTISE

PLANNING JUSTIFICATION REPORT

Proposed Zoning By-law Amendment

4063 Upper Middle Road
Burlington, Ontario
L6M 1L9

Prepared for:
Springfield Construction

October 2019

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1.0 INTRODUCTION:

Corbett Land Strategies Inc. (CLS) has been retained by Springfield Construction Limited (the “owner”) to secure the necessary statutory approvals to redevelop a property located on the north side of Upper Middle Road, east of Walkers Road, and known municipally as 4063 Upper Middle Road in the City of Burlington (the “subject lands”).

This report provides comprehensive planning justification to support an application to amend the City of Burlington Comprehensive Zoning By-law 2020 to facilitate the construction of the subject lands for an 8-storey apartment building with associated surface and underground parking. The proposed development requires the submission of a Zoning By-law Amendment to rezone the property from ‘D – Development’ to ‘RH5 – Residential High Density’ and ‘O2 – Open Space’. The proposed Zoning By-law Amendment is also proposing several additional development standards.

This report relies on a number of detailed environmental and engineering studies that have been completed to demonstrate the capacity of the subject lands to accommodate the proposed nature, scale and intensity of the proposed development in context of the host community.

2.0 LOCATION:

As shown on Figure 1 to this report, the subject lands are located on the north side of Upper Middle Road, just to the east of Walkers Line. The site is 0.55 hectares (1.4 acres) in gross land area and the developable portion will have a frontage of 56.04 metres (250 feet) on Upper Middle Road and a depth of approximately 63.42 metres (208 feet).

The site was previously occupied by a single detached dwelling which was demolished in June 2014. The former single detached residence enjoyed two points of access from Upper Middle Road. The easterly section of the subject lands is traversed by the Shoreacres Creek. An Environmental Impact Statement and Tree/Vegetation Inventory study has been completed for the subject lands to determine how the proposed development can be successfully implemented without deleterious impact on prevailing environmental features. The results of these studies are fully evaluated in the sections below.

Please see Figure 3 which illustrates the existing and surrounding land uses. Uses that surround the subject land include the following:

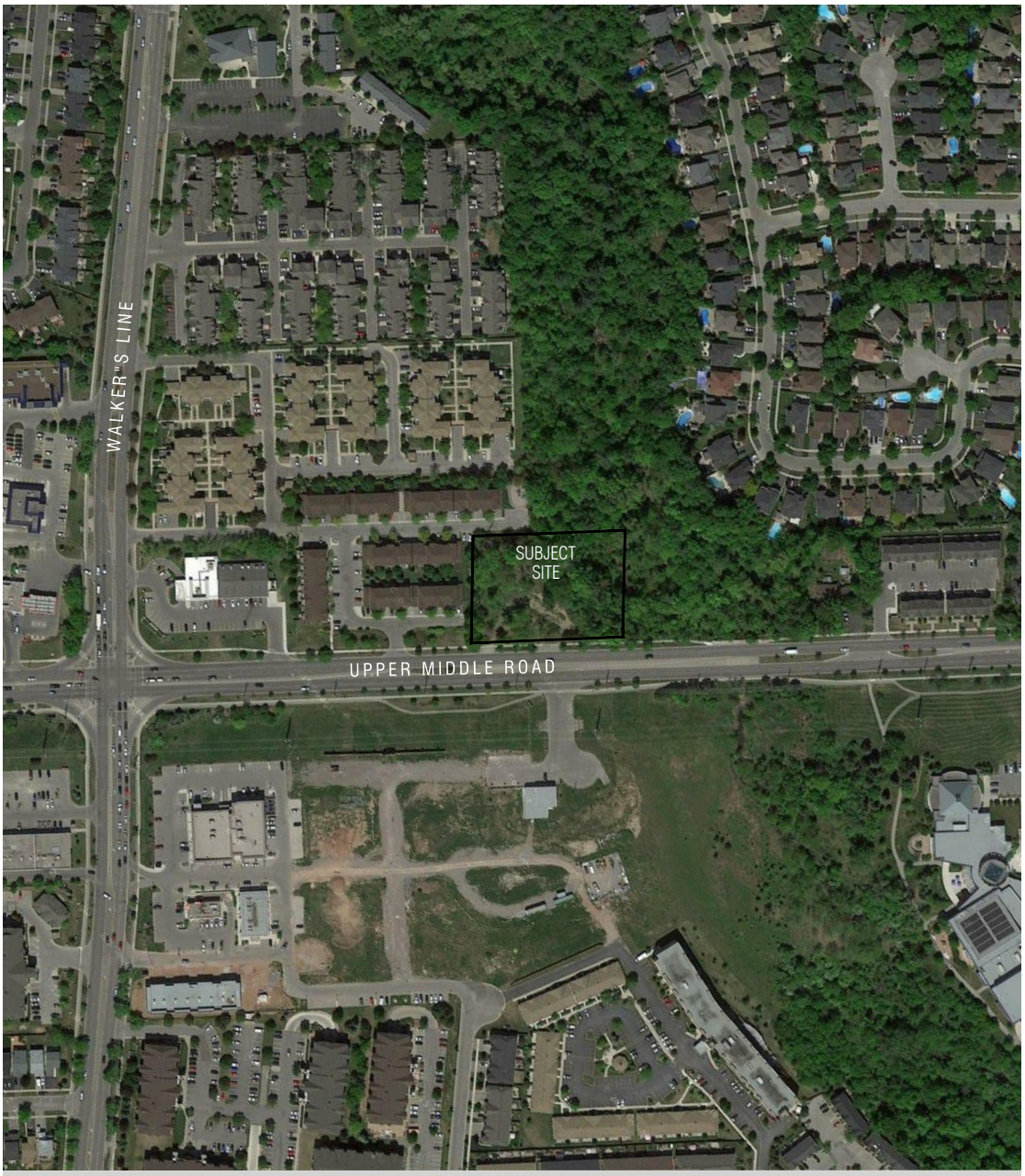
NORTH: Open space associated with the Shoreacres Creek valley and beyond of which is an existing block townhouse development.

EAST: Open space which is associated with the Shoreacres Creek valley.

SOUTH: Upper Middle Road, beyond which is vacant land currently under site preparation for development.

WEST: Block townhouses and a convenience commercial plaza situated at the north-east corner of Upper Middle Road and Walkers Line.

Figure 1: Location Map



- All Units In Metric Unless Otherwise Noted.
- Base Information Obtained From Various Sources And Is Approximate.
- Schedule / Plan Information Is Conceptual And Requires Verification by Appropriate Agency.
- Aerial Photo: Google Earth, Approx. Spring 2015

4063 Upper MIddle Road
Burlington, Ontario

LOCATION MAP

NORTH
1:3000

August 24, 2016

Figure 1

3.0 PROPOSAL

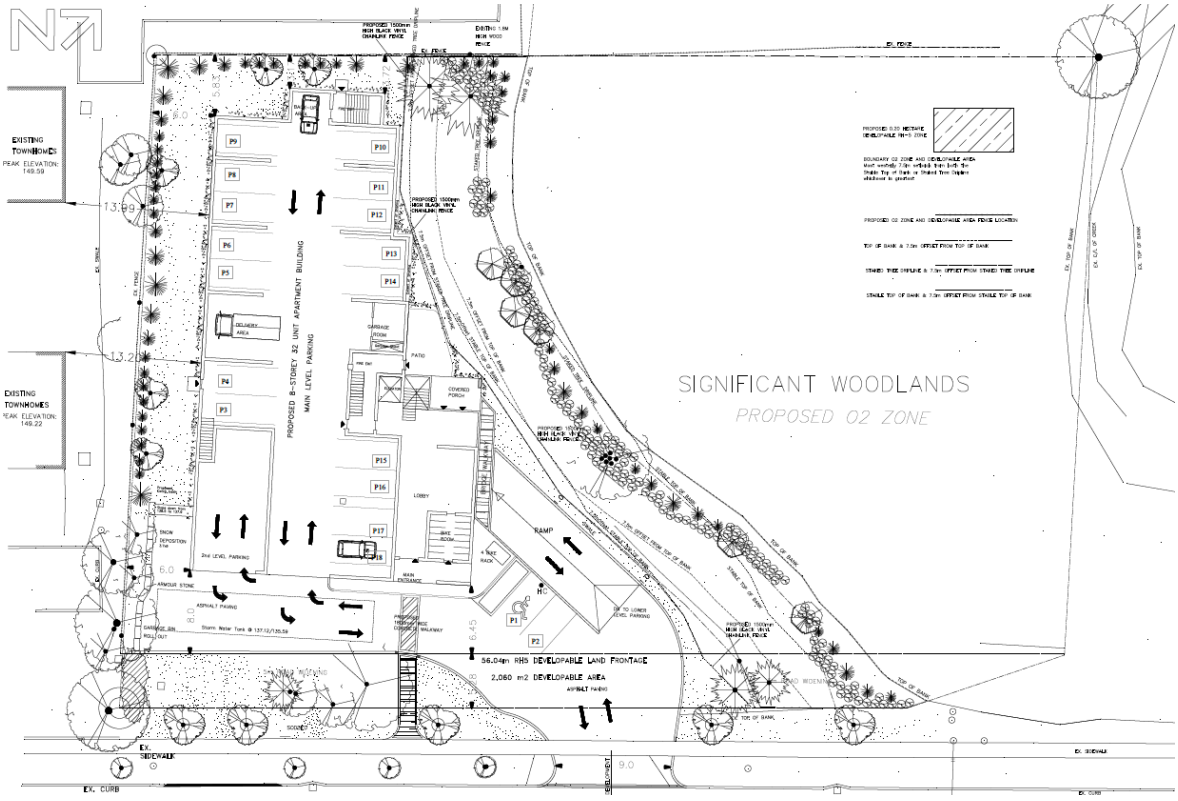
The proponent is proposing to redevelop the site with an 8 storey condominium apartment use. The subject site has a gross land area of 0.55 hectares (1.4 acres). Net of related setbacks and prescribed road widenings, the site area is 0.17 hectares (0.42 acres).

Thirty-two (32) residential apartment units are proposed with unit sizes ranging from 837 sq. ft. to 1,462 sq. ft. The proposed building has a total gross floor area 6,959.62 square metres (74,913 square feet) (See Figure 2). The net density of the project is 185 units per hectare or 76 units per acre.

57 parking spaces are proposed in underground, at-grade and 2nd floor parking facilities. A single access to the site with full turns is proposed from Upper Middle Road and will be aligned with the entrance across the road. As well, the opening in the median to the west will be closed. 18 bicycle parking spaces are provided (14 locked indoor and 4 public outdoor).

A significant portion of the site is traversed by the Shoreacres Creek. As such the proposed site plan has been designed to protect the environmental feature with a 7.5m buffer, offset from the stable top-of-bank and from the staked tree dripline. It is intended that the developable portion of the subject lands (those east of the 7.5 m setback from stable top of bank) will be zoned as an appropriate Open Space zone and conveyed to the City of Burlington on a gratuitous basis.

Figure 2: Proposed Concept Plan (August 1, 2019)



4.0 APPLICATIONS REQUIRED:

The subject lands are designated “Residential-High Density and Watercourse” by the Burlington Official Plan. It will be demonstrated in this report that the proposed land use conforms to the land use provisions of the Official Plan. The lands associated with the Shoreacres Creek and related setback and buffer areas will be maintained in the “Watercourse” designation. Given that the proposal achieves a density approximate to the maximum prescribed limits of the Official Plan, an Official Plan amendment is not required.

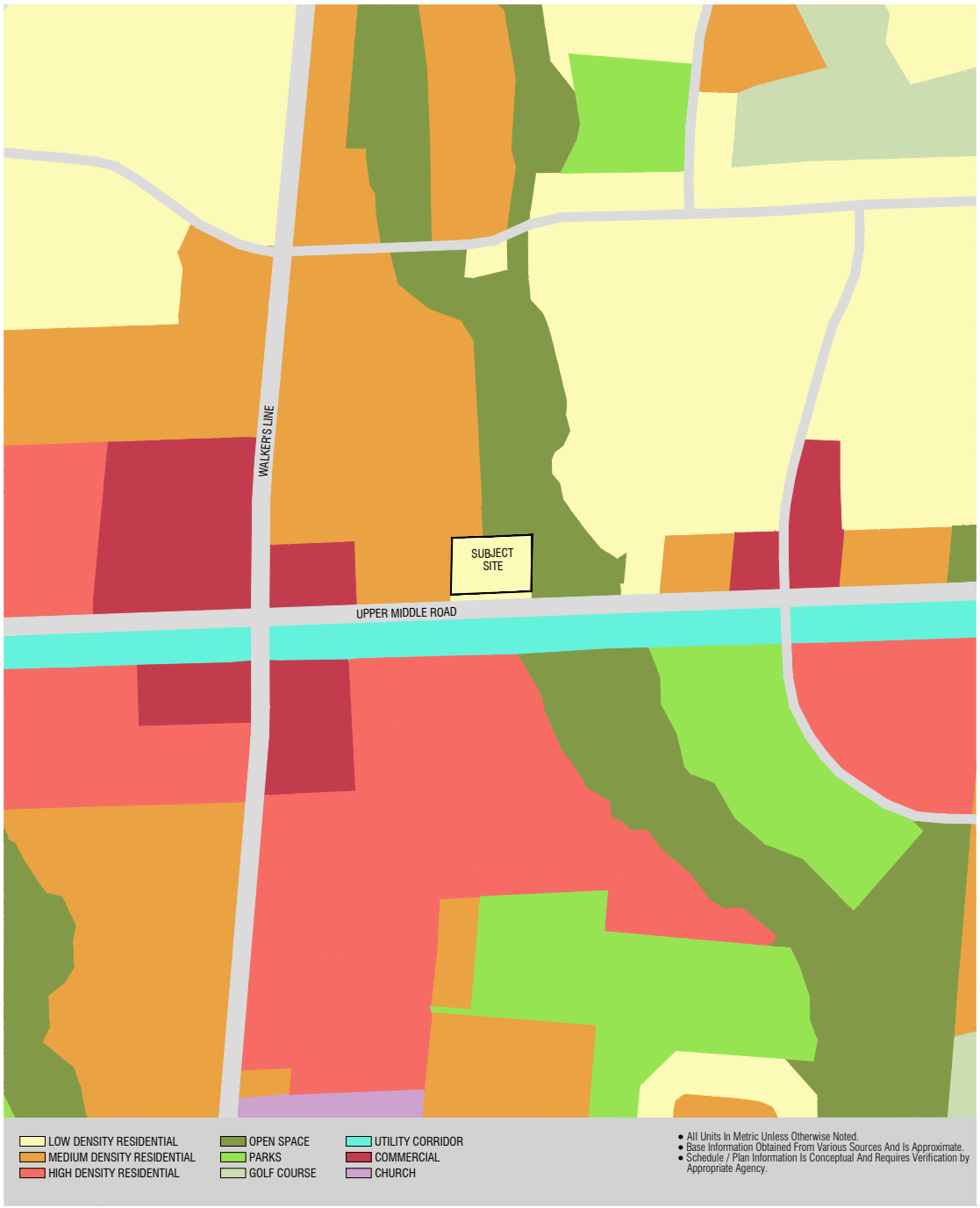
The subject lands are currently zoned “Development (D)” by Comprehensive Zoning By-law 2020. The applicant is seeking to zone the subject lands “Residential High Density (RH5)” with appropriate requirements and restrictions to ensure a development that respects the character of the host community. A site plan approval application will also be submitted following the finalization of the Zoning By-law amendment.

The following studies have been prepared in support of the application to amend the Zoning By-law:

- thinkGiraffe A1 Site Statistics & Renderings, August 1, 2019
- thinkGiraffe A2 Site Plan, August 1, 2019
- thinkGiraffe A3 O2 Zone / Developable RH5 Boundary, August 1, 2019
- thinkGiraffe A4 Elevations, August 1, 2019
- thinkGiraffe A5 Building & Site Section, August 1, 2019
- thinkGiraffe A6 Floor Plans, August 1, 2019
- S.Llewellyn & Associates Ltd Preliminary Grading and Soil Erosion Plan, Aug 14, 2019 REV
- S.Llewellyn & Associates Ltd Preliminary Site Servicing Plan, Aug 14, 2019 REV
- S.Llewellyn & Associates Ltd Functional Servicing Report, December 2018
- L1 Reynolds & Associates Tree Inventory & Preservation Plan, Aug 31, 2019 REV
- L2 Reynolds & Associates Landscape Master Plan, Aug 31, 2019 REV
- L3 Reynolds & Associates Woodlot Planting Plan, Aug 31, 2019 REV
- Phase 1 ESA Premier Environmental Services Inc., October 2014, November 2018
- Premier Environmental Services Inc. EIS, Feb 2017. Background Information, emails, meeting notes to current EIS. (Available upon request).
- Soil-Mat Supplemental Hydrogeological Considerations, November 2018
- Soil-Mat Slope Stability Assessment, September 2017
- Soil-Mat Soils Report, May 2013 with 2017 Review Letter
- Premier Environmental Services Myotis Habitat Survey, July 2015

- RJ Burnside Breeding Bird Survey, July 2013
- dBA Acoustical Consultants Noise Impact Study, August 2018
- Kristen Eccles Sun Shadow Study, March 2018
- Paradigm Transportation Solutions – Turning Radius Template
- Witzel Dyce Engineering Structural Footing Section S1 and S2

Figure 3: Existing Land Use



4063 Upper MIddle Road
Burlington, Ontario

EXISTING LAND USE

NORTH

August 24, 2016

Figure 3

5.0 PLANNING ANALYSIS:

The following is a detailed review of the land use framework related to the subject lands and how the proposed development conforms to the policy provisions.

5.1 Provincial Policy Statement (2014):

The Provincial Policy Statement – 2014 (the "PPS"), applies to planning decisions made on or after April 30, 2014. As a result, the 2014 PPS is applicable to the proposed redevelopment.

The PPS outlines policy for Ontario's long term prosperity, economic growth and social well-being. The PPS policies relevant to the proposal and subject site have been reviewed and responded to as part of this analysis.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are to be sustained by the following principles which are reflected by the development proposal:

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

b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) employment (including industrial and commercial), institutional (including place 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 which are adjacent or close to settlement areas;

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

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

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

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

The proposal supports these objectives in the following manner:

- *Locating development within and existing settlement area;*
- *Contributing to the development of a varied housing stock within the host community of Burlington;*
- *Developing a high density site effectively and efficiently in a manner that contributes to intensification without impacting on the integrity of an existing community;*
- *Effectively utilizing municipal infrastructure along the Upper Middle Road corridor to support desirable development.*

It is concluded that the proposal is in conformity with the policies of the Provincial Policy Statement.

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

"A Place to Grow: Growth Plan for the Greater Golden Horseshoe" (Growth Plan) was implemented by the Government of Ontario and came into effect on May 2, 2019. The Growth Plan works in conjunction with the other Provincial Plans (i.e. Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan) to manage growth, expand economic opportunity, increase housing supply and protect jobs while maintaining protections for the Greenbelt, agricultural system and natural heritage systems. Out of the provincial plans, only the Growth Plan is applicable to the subject site.

The Growth Plan recognizes the subject lands as comprising part of the *"Built-Up Area-Conceptual"* according to Schedule 2. The proposal conforms with the land use intent of the Growth Plan.

Pertinent policies of the Growth Plan are discussed as follows:

Section 1.2.1. prescribes guiding principles for development in the Greater Golden Horseshoe. That vision is based on several principles including:

- Support the achievement of complete communities that are designed to provide healthy and active living and meet people's needs for daily living throughout an entire lifetime;

- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability; and

- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.

- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.

The proposal contributes to this vision by utilizing a lot formerly used by single family detached residential for a higher density form of development to better utilize infrastructure in an urban infill context.

Section 2.2.1.2 of the Growth Plan contains specific criteria to guide development in an appropriate manner. The proposed development on the subject lands satisfies the following select criteria:

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;

The subject lands are situated in an infill context and intensifies the use of land for apartment uses. The site will be serviced by existing municipal water and wastewater systems and will focus growth in an infill context in the urban area of Burlington.

b) growth will be limited in settlement areas that:
i. are rural settlements;
ii. are not serviced by existing or planned municipal water and wastewater systems; or
iii. are in the Greenbelt Area;

The proposal reflects an intensification of residential use in an established urban neighbourhood of Burlington.

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;

The subject lands are located along Upper Middle Road which is a Secondary Transit Corridor as defined by the Burlington Official Plan and the site is also well served with pedestrian routes with connectivity to community and service commercial areas.

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

The proposed apartment development will be situated on an underutilized site within the urban area of the City which is proximate to public open space and shopping opportunities.

Section 2.2.1.4 provides policies which assist in the achievement of complete communities by incorporating:

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

The subject lands are located in an area where local stores and other amenities are within walking distance. The proposed apartment building is surrounded by medium density and low density residential, therefore this development will contribute to a mix of residential land use.

b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;

The proposed development is seeking to add further land to improve the adjacent Shoreacres Creek which will help provide cleaner air and improve quality of life. The proposed addition of apartments will allow residents of all ages and abilities to live in this community.

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

The proposed development will be beneficial to anyone at any stage of life due to the proximity of amenities.

d) expand convenient access to:

i. i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
ii. ii. public service facilities, co-located and integrated in community hubs;
iii. iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails and other recreational facilities; and
iv. iv. healthy, local, and affordable food options, including through urban agriculture;

The subject lands are located along Upper Middle Road which is a Secondary Transit Corridor as defined by the Burlington Official Plan, that will provide convenient access to transit. Also, bicycle parking will be available on the property to promote alternative transportation options. The subject lands are located in close proximity to an extensive network of parks and trails.

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

The proposed development is seeking to provide green roofs which will include high quality building materials that will blend in with the existing neighbourhood. The design elements of the proposed development will be confirmed through a future Site Plan Control application.

f) mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and

The proposed development has been designed with a landscaping plan which seeks to maintain much of the existing mature vegetation (existing woodlot to the west). Additionally, an appropriate buffer has been established which sets the building back from the Shoreacres Creek and ensures slope stability. Please note, the established buffer is subject to the approval of the City, Region and Conservation Authority.

Section 2.2.2.1 states that by the year 2031 and each year thereafter, a least 50% of all residential development within each municipality will occur in the delineated built-up area.

The proposed development is seeking to intensify an underutilized parcel which will assist the City in achieving the 50% intensification requirement. The property's previous use as a single detached dwelling will be replaced with an appropriate high-density development which is designed in accordance with the prevailing high density residential designation, as prescribed by the official plan.

Section 2.2.6 includes policies which seek to encourage the creation of new residential units, including:

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 second units and affordable housing to meet project needs of current and future residents; and

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

The proposed development will achieve the minimum intensification and density target as set out in the Growth Plan. Additionally, it will contribute to the City's already diverse housing options and densities.

Based on the foregoing, it is concluded that the proposal is in conformity with the policies of the Growth Plan.

5.3 Region of Halton Official Plan:

The subject lands are designated "Urban Areas" and are located adjacent to the Regional Natural Heritage System areas identified as "Key Features" in the Official Plan (see Figure 3).

5.3.1 Urban Areas

The land use objective for development on lands within the Urban Area designation is to accommodate growth, and support a form that is compact and conducive to transit usage, and provide a range of compete communities of various sizes, types and characters which afford maximum choice for residents.

The "Urban Areas" designation is also intended to facilitate and promote intensification and increased densities. The proposed high density condominium apartment is situated on an under-utilized vacant single family detached lot. Accordingly, it can be appropriately considered intensification in conformity with this policy.

In addition, the proposal conforms to the following select policy objectives specified for the "Urban Area" designation of the Regional Official Plan:

"72. The objectives of the Urban Area are:

(2)	To support a form of growth that is compact and supportive of transit usage and non-motorized mode of travel, reduces the dependence on the automobile and makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy;

(3)	To provide a range of identifiable, interconnected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure;
(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 Plan;
(9)	To facilitate and promote intensification and increased densities.

The proposed development is seeking the construction an 8-storey apartment building which will be compact and encouraging of transit usage. The subject lands proximity to transit along Upper Middle Road and the provision of bicycle parking within the proposed development will also assist in reducing the dependence on automobile. The proposed uses will contribute to the Region's ability to achieve a complete community through the provision of new forms of residence. As the subject lands previously consisted of a single-detached dwelling, the proposed apartment will achieve the Region's objective of promoting intensification and increased densities in appropriate locations.

"77. It is the policy of the Region to:

(2.1)	Direct, through Table 2 and Table 2a, to the *Built-Up Area* a minimum of 40 per cent of new residential *development* occurring annually within *Halton* in 2015 and every year thereafter.
(2.4)	Require development occurring in Designated Greenfield Areas to: a) contribute towards achieving the *development density* target of Table 2 and the Regional phasing of Table 2a; b) contribute to creating healthy communities; c) create street configurations, densities, and an urban form that support walking, cycling and the early integration and sustained viability of transit services; d) provide a diverse mix of land uses, including residential and employment uses to support vibrant neighbourhoods; and e) create high quality parks and open spaces with site design standards and urban design guidelines that support opportunities for transit and *active transportation*.

The proposed development will assist in the realization of the above policies as it will assist the Region in achieving the minimum target of 40 percent of residential development to occur within the built-up area. As well the proposed development will contribute to creating a healthy community, improve the pedestrian streetscape, encourage walking and cycling and transit use. The proposed development is seeking to create a vibrant neighbourhood by inserting new residential types and forms.

Although the subject lands are not located within an Intensification Area, in accordance with Regional Official Plan policy, the several of the objectives can be satisfied by the proposed development.

"78. The objectives of the Intensification Areas are:

(1)	To provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable.
(2)	To provide opportunities for more cost-efficient and innovative urban design.
(3)	To provide a diverse and compatible mix of land uses, including residential and employment uses, to support neighbourhoods.
(8)	To support transit and active transportation for everyday activities.
(10)	To achieve an appropriate transition of built form to adjacent areas.

The proposed development is seeking to optimize an under-utilized parcel of land to promote increased social interaction, reduce dependence on the automobile and is generally more environmentally friendly. The proposed development has been designed and sited in an efficient manner, to reduce impacts to neighbouring properties by stepping back the floors above the podium and not incorporating balconies, and in a cost-effective manner by utilizing existing municipal servicing. As the subject lands are serviced by transit along Upper Middle Road, future residents will be able to support transit for everyday activities. Additionally, the proposed development will incorporate approximately 18 bicycle parking spaces.

"89. It is the policy of the Region to:

(3)	Require that approvals for all new *development* within the Urban Area be on the basis of connection to *Halton*'s municipal water and wastewater systems, unless otherwise exempt by other *policies* of this Plan.

The proposed development has been designed to connect into Halton's existing municipal water and waste water system. The proposed development will connect into the existing servicing utilities and has been designed with a detailed stormwater management system. Please see sections below for further information on the proposed servicing strategy.

5.3.2 Natural Heritage System

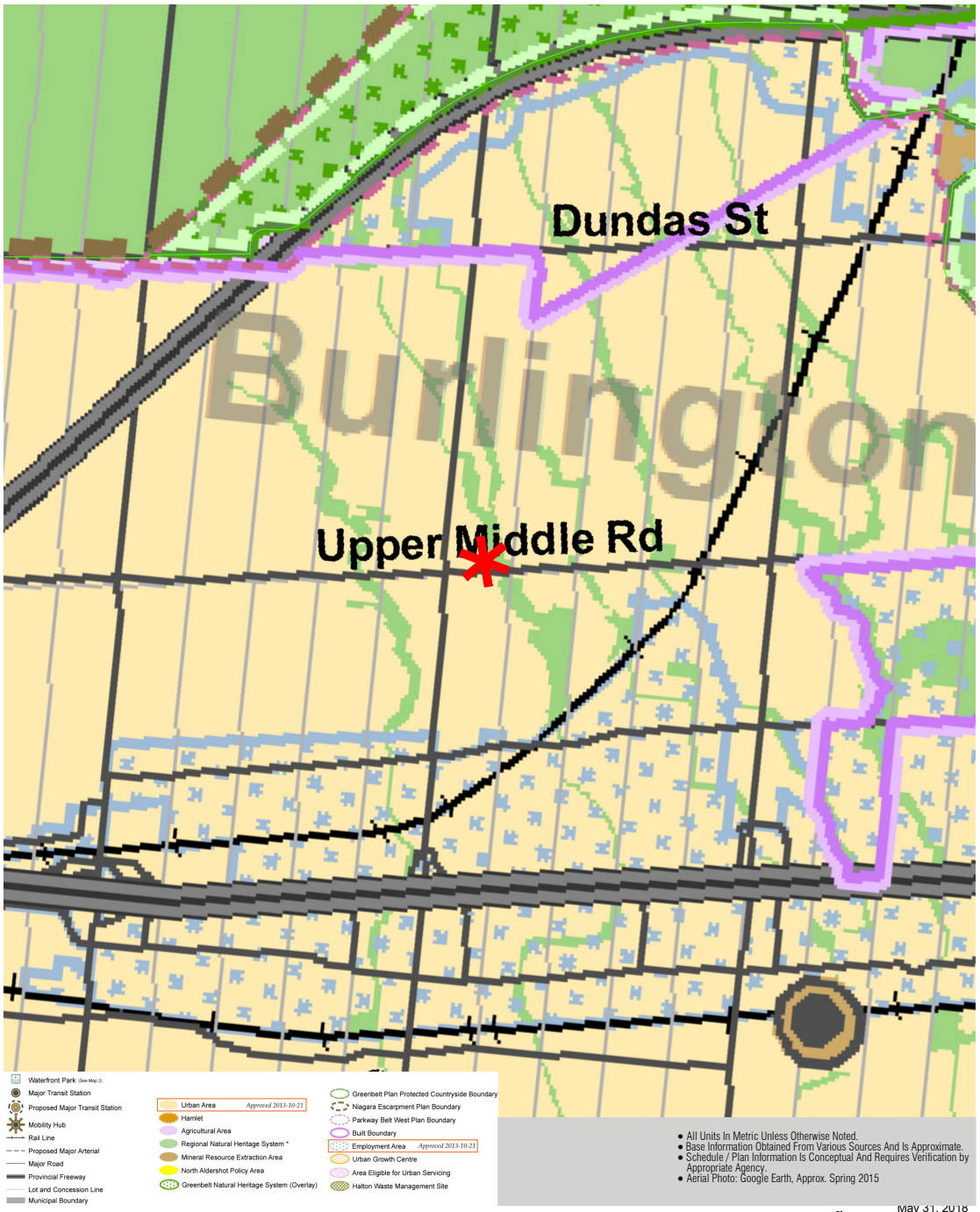
In accordance with Section 114 and as identified on Map 1G, the lands are located adjacent to areas of the Regional Natural Heritage System identified as 'Key Features'. These features can include significant habitat of endangered and threatened species, significant wetlands, significant woodlands and significant valleylands. The objectives of the Natural Heritage System include the protection and enhancement of diversity of flora and fauna, the protection and enhancement of Key Features and preserving and the quality and quantity of ground water and surface water.

Development may be permitted on lands adjacent to the Key Features so long as it can be demonstrated that there will be no negative impacts to the natural features and areas or the ecological function of the feature. To demonstrate that no negative impacts will occur through a development, the Region requires the completion of an Environmental Impact Statement.

In accordance with the completed Environmental Impact Statement and Environmental Impact Summary, the proposed development has been sited outside of the 7.5 m buffer from the stable top of bank and staked tree dripline. This setback ensures that the feature is protected while preventing any danger or harm to residents. In addition, the portions of the subject lands directly adjacent to the Key Features of the Regional Natural Heritage System are to be conveyed to the City to ensure the enhancement of the feature. Please see sections below for further rationale on the proposed 7.5 m buffer from the stable top-of-bank.

Based on the foregoing analysis, the proposal is in conformity with the policies and land use intent of the Halton Regional Official Plan.

Figure 4: Halton Region – Regional Structure



5.4 City of Burlington Official Plan:

The City of Burlington Official Plan was approved by the Region of Halton on March 5, 1997. The Official Plan was approved by the Ontario Municipal Board on October 24, 2008. The most recent consolidation (October 2017) was used for this report.

Part I – Policy Framework:

Part 1 of the Official Plan outlines the overall vision and context within which the policies of the Official Plan have been formed. Section 2 of Part 1 outlines the Planning Horizon and growth context for the municipality to the year 2021. It is anticipated that Burlington will achieve a population of 182,000 people and 73,600 households by the year 2021.

The proposal for 32 condominium apartment units within the existing built-up area supports and contributes to this growth target.

Part II – Functional Policies:

Part II of the Official Plan provides city-wide planning principles, objective and policies that apply to all land use designations. The following assessment indicates that the proposed condominium apartment complies and contributes to the effective implementation of the functional policies.

In this regard, Section 2.7.2 (a) and (b) of the Plan requires that new development is efficient, safe, accessible by transit and pedestrian routes and should be affordable and energy efficient in accordance with sustainable development principles.

The development proposal contributes to the provision of a variety of compatible housing options to an existing built-up residential area. The proposed development site is directly accessible to pedestrians and vehicles along Upper Middle Road. There are strong pedestrian connections from the site to community services, facilities and service commercial uses. The site is also accessible to transit routes providing service along Upper Middle Road.

Part III – Land Use Policies/Urban Planning Area:

Part III of the Official Plan outlines the policies for specific land use designations in the City of Burlington.

The subject lands are designated as "Residential Areas" on the City's Settlement Pattern: Schedule "A" (Figure 5 of this report) and more specifically as

"Residential – High Density" on the City's Comprehensive Land Use Plan: Schedule B (Figure 6).

Lands designated as "Residential Areas" are intended to provide a variety of housing types, ranging from single detached homes to high rise apartments. As such the proposal conforms to the intent of the "Residential Areas" designation.

Section 2.1 provides land use principles for the "Residential Areas" designation and it is concluded that the proposed utilization of the subject lands as an infill residential parcel satisfies the following policies:

"2.1 Principles

a) Housing in Burlington shall be safe and secure for all residents.
b) To the extent to which land is available in the Urban Planning Area, a sufficient supply of owner occupied and rental housing shall be maintained to meet existing and future needs.
c) To the extent to which land is available in the Urban Planning Area, a broad, diverse range of housing types shall be provided including housing which is affordable and accessible for all residents.
d) The City shall address new housing demands, through the best use of existing resources and community infrastructure, and through new community development."

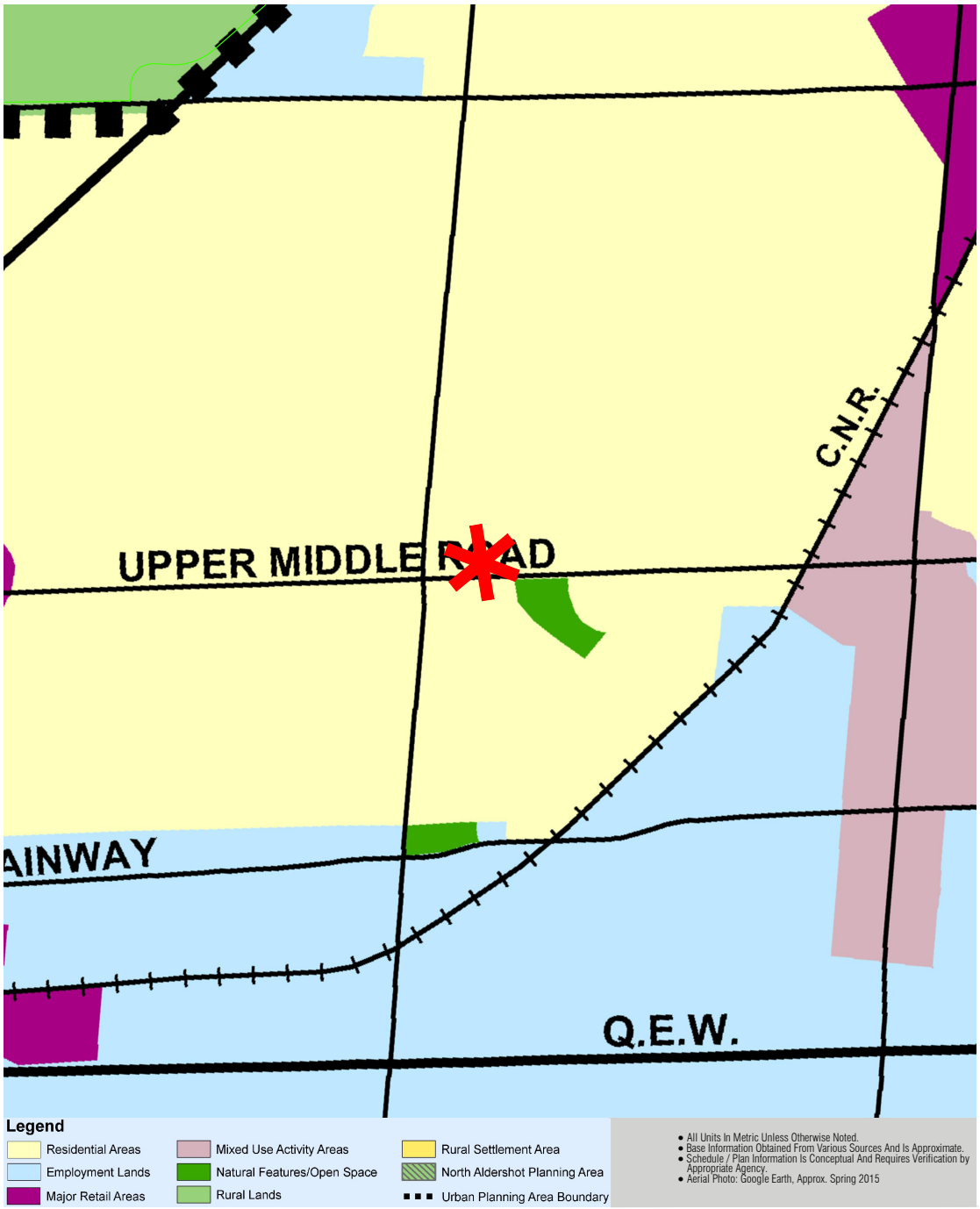
Section 2.2.1. provides implementing planning objectives for the Residential Areas designations. The proposal conforms as follows:

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.

As set out in the sections above in this report, the proposal conforms to the density requirements of the Residential-High Density designation. The density proposed is consistent and compatible with the host community and can be accommodated within existing infrastructure capacities.

Figure 5: City of Burlington – Settlement Areas



4063 Upper Middle Road
Burlington, Ontario

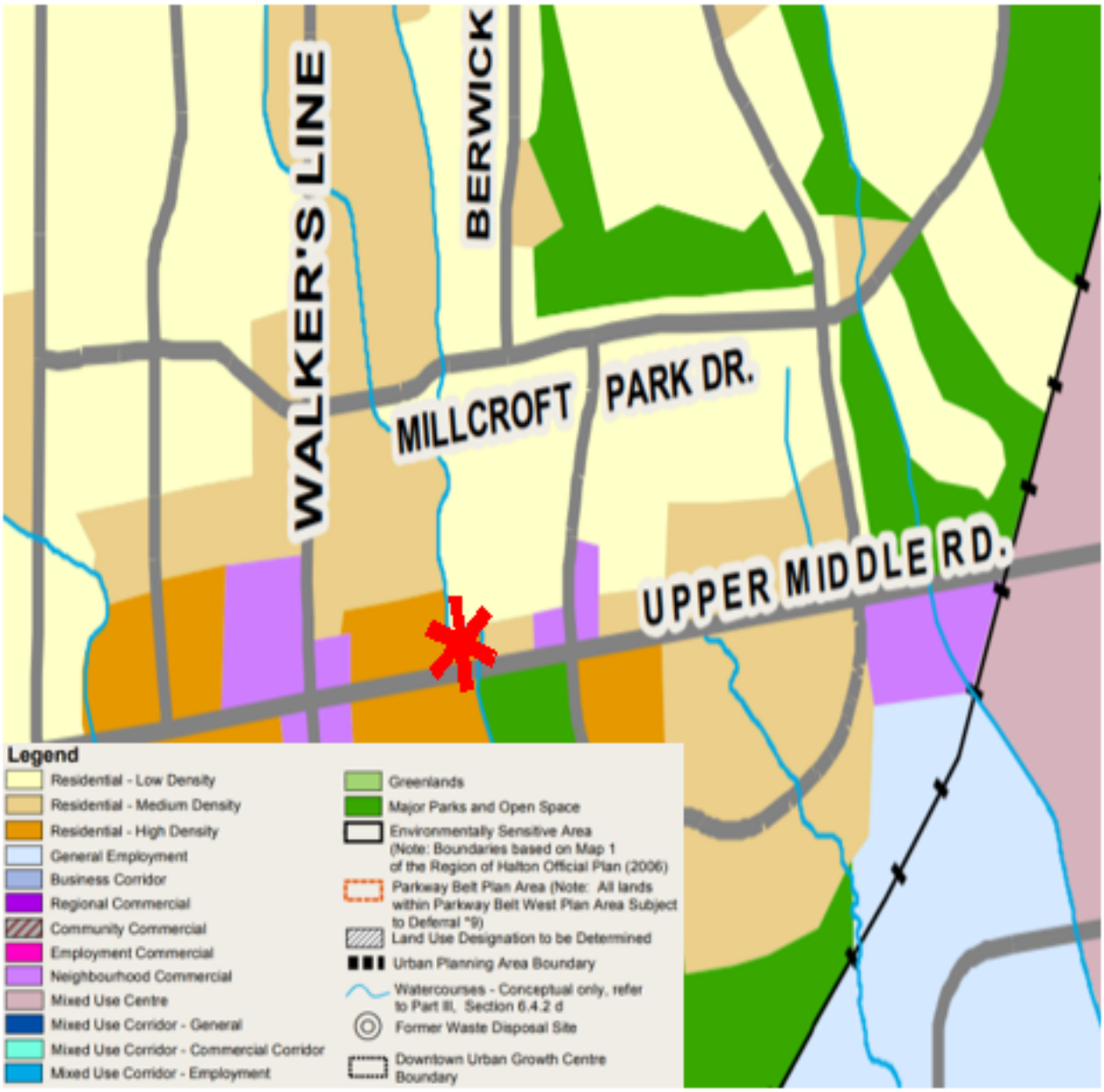
EXCERPT OF SCH 'A' - SETTLEMENT AREAS - CITY OF BURLINGTON

NORTH

August 24, 2016

Figure 5

Figure 6: City of Burlington – Land Use Plan



Consider Natural Environment:

b) To provide housing opportunities that are compatible with the protection of the natural environment.

The site development plan and supporting environmental studies provide for the on-going protection of the Shoreacres Creek with appropriate land use buffers and setbacks which are subject to the approval of the City, Region and Conservation Authority in accordance with Conservation Authority and Provincial requirements. More specifically, the Environmental Impact Study, prepared by Premier Environmental Services, identifies "that the environmental management strategy is intended to reduce or eliminate the possible disturbance on the core natural heritage feature" Furthermore, the Tree Preservation Study recommends compensation within the Shoreacres Creek at an appropriate planting ratio based on the removal of a number of stems during demolition of the pre-existing single family detached dwelling. In terms of storm water management, it has been concluded that no additional facilities are required as infrastructure capacity exists within the Upper Middle Road right-of-way.

Encourage other Forms of Transportation;

c) To provide housing opportunities that encourage usage of public transit, pedestrian and bicycle transportation networks and decrease dependence on the car

The subject lands are situated on Upper Middle Road which is a Secondary Transit Route. The proposed infill development will provide additional ridership support for transit along this corridor. In addition, the north side of Upper Middle Road is designated as a shared cycling route. As previously noted, the site enjoys a strong pedestrian connection along Upper Middle Road to community services, facilities and service commercial uses (specifically at the north-east corner of Walkers Line and Upper Middle Road);

Close to Other Uses:

d) To provide, where compatible, housing opportunities in proximity to employment areas and residential support uses such as shopping and recreational areas to create opportunities to reduce travel times:

As a residential infill opportunity within an established community the proposed development is effectively located in accordance with the locational criteria of this policy.

Integrate Types of Housing:

a) To encourage the integration of a wide range of housing types and tenure and discourage the large concentration of higher density blocks;

The proposal utilizes a small parcel of land that is currently designated for high density residential purposes and adds to the range of housing types and densities prevailing within the host community.

Compatible with Development:

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

The development is proposed with appropriate setbacks from existing residential uses to achieve compatibility. Specifically, The podium is setback 6.0 metres from the property to the east and the residential units found above the podium are setback even further to reduce impact to adjacent properties. In addition, site specific noise and shadow impact studies have been prepared in support of this application to demonstrate that the introduction of this proposed development will have no adverse impact on the host community.

Based on the foregoing policy analysis the proposal conforms to the General Policy Objectives of Part III of the Official Plan.

In addition, Section 2.2.2. of Part III provides policies with respect to the "Residential-High Density" designation as follows:

"2.2.2. d) High Density:

In Residential – High Density areas, either ground or non-ground-oriented housing units with a density ranging between 51 and 185 units per next hectare shall be permitted."

Based on a net site area of 0.20 hectares (0.49 acres) the proposed 32-unit apartment development achieves the permitted units per hectare. Accordingly, the proposal conforms to the density provisions of Part III of the Official Plan with respect to non-grade oriented housing.

It should be noted that Section 2.5 of Part III, provides polices with respect to housing intensification. Given that the subject lands are located within the "Residential – High Density Residential Designation" and conforms to the applicable density limitations, these polices do not apply to the proposal.

However, the Infill Development policies of section 2.5.4 may apply to the subject proposal.

In this regard, the following policy analysis is provided:

2.5.4. Infill Development:

Ground Oriented Development:

a) Ground-oriented residential infilling within existing neighbourhoods shall be encouraged.

The subject lands are located within a mature residential neighbourhood and is the only remaining vacant property on the north side of Upper Middle Road between Walker's Line and the Shoreacres Creek. While the proposed development is not ground oriented, its scale, massing and urban design attributes achieve compatibility with the host community. Accordingly, the proposal assists in achieving this policy direction;

Compatibility with Surrounding Area:

b) New infill development shall be compatible with surrounding development in terms of height, scale, massing, siting, setbacks coverage and amount of open space; and in the case of individual applications for consent, the additional policies of Part VI, Subsection 4.4. of this Plan apply.

As noted previously, the proposed development fully implements the intent of the Official Plan to establish high density uses on the subject lands. The host community contains predominately medium density residential uses. However, the site is relatively isolated from adjacent uses given that the Shoreacres Creek Valley buffers the northerly and easterly property boundaries. A block townhouse development is proximate to the westerly property boundary. However, the building, at the ground floor will be setback 6 metres (19.7 feet) from this property boundary. In addition, the floors above the 2nd floor are stepped back and possess an angled wall which at its greatest distance maintains a setback of 12.96m from the western property limits.

The proposed lot coverage and floor space index is 58 percent of gross site area and 3.48 respectively. This yields an appropriate built form that is compatible with the surrounding community given setbacks and intervening land uses.

The proposed angled wall along the western wall has been incorporated to reduce impact on adjacent properties. As well, no balcony features are proposed on the

west side. The building is also proposed to include green roofs and other materials which are compatible with the adjacent townhomes.

Compatibility with Neighbourhood:

c) The creation of new housing that is compatible with existing neighbourhoods shall be encouraged:

The proposed development conforms with the land use and density limitations of the Official Plan as they pertain to the subject lands (as concluded in section 5.4 of this report). Therefore, this new housing development is deemed to be compatible with the existing neighbourhood in accordance with the official plan;

d) Where a proposal for residential infill is deemed to have potentially significant adverse impacts, Council may require a planning justification report by a *Qualified Person*, outlining how the proposed development will be compatible with the existing neighbourhood. This report shall include but not be limited to, the criteria listed in Part III, Subsection 2.5.2 (a). This report shall determine whether these impacts can be reduced to acceptable levels and shall recommend any measures required to mitigate the adverse impacts to acceptable levels.

This report is intended to satisfy this requirement.

Section 2.5.2 Housing Intensification – General Policies

a) The following criteria shall be considered when evaluating proposals for housing intensification within establish 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;

A functional servicing report has been submitted which proposes an appropriate servicing and stormwater strategy. Within approximately 800 metres, the subject lands are located in close proximity to three elementary and secondary schools (CH Norton Public School, Lester B. Pearson High School and Florence Meares Public School) and four parks (Berwick Green Park, Cleaver Park, Palmer Park and Tansley Woods Park.

    ii. Off-street parking is adequate;

The development is proposing 57 parking spaces whereas only 58 spaces are required. The proposed parking is adequate as it will ensure each unit can provide

1.5 spaces per unit (49) and visitor parking that is only one less than required by the Zoning By-law (9). The reduce parking may also lead to reduced automobile demands.

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;

A single access is proposed onto Upper Middle Road. Please refer to the submitted Traffic Impact Study for further justification on the proposed transportation strategy. Please note, the proposed transportation strategy is subject to the approval of City Transportation Staff.

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

The subject lands are supported by three existing transit lines; No.'s 12 – Upper Middle, 302 – Tansley Woods, 51 – Burlington Northeast. Transit stops for each of these lines are located in close proximity to the subject lands (approximately 200 m west of the subject property). The subject land is also located in close proximity to transit routes No.'s 15a – Appleby-Walkers, 15b – Walkers-Appleby, 25 - Walkers, all of which traverse Walkers Line and feature stops near the Walkers Line and Upper Middle Road intersection.

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;

Considerable effort has been made to ensure compatibility to the adjacent properties including four public consultation events with local residents. Several changes have resulted to the proposed development through these events, including the elimination of balconies from the western units of the proposed building and revisions to the west side yard setback.

Further, limited surface parking is proposed for the subject lands as most of the proposed parking is to be located in an underground, at-grade and 2nd floor parking garage. Significant land will be conveyed to the City to increase the separation of the property and to protect and enhance the Shoreacres Creek.

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;

As previously mentioned, the proposed development will result in a significant amount of land to be conveyed to the City for the purposes of protecting and enhancing Shoreacres Creek.

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

A sun-shadow study has been submitted which illustrates the impacts to the adjacent properties.

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

The subject lands are located in close proximity to numerous community services including the Tansley Woods Community Centre, Tansley Woods Public Library and neighbourhood shopping centres located at the northwest, southwest and southeast corners of the Walkers Line and Upper Middle Road intersection.

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

The proposed development has been designed with a 7.5m buffer from the stable top-of-bank to the Shore acre Creek. This proposed development has been designed to respect the buffer so as to prevent any impacts to the environmental health of the area. The buffer distance has been developed and confirmed through discussions with Conservation Halton, Halton Region and City of Burlington staff. All buffering lands, including the lands to be rezoned to O2, will be conveyed to the City.

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;

The proposed development is limited to one property. Further, the development is proposed a density which is within the permitted density for the High Density Residential designation of 185 units per net hectare.

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

The proposed 7.5m buffer to the stable top-of-bank limit provides sufficient separation distance to the Shoreacres Creek and protects the natural heritage features and areas of natural hazard located within. Please note, the proposed buffer is subject to the approval of the City, Region and Conservation Authority.

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

To protect against erosion, a significant buffer system is proposed which minimizes any adverse impact of the development on the watercourse.

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

The proposed development is located between the existing residential community, located northeast of Walkers Line and Upper Middle Road, and west of Shoreacre Creek. This location is therefore at the periphery of the residential neighbourhood. The proposed development will have direct access to Upper Middle Road which is a major arterial road. The proposed development has been designed to limit the impact on the adjacent properties by maintaining a density within the permitted thresholds for the Residential - High Density designation.

Table One, below, summarizes how the proposal conforms to policy 2.5.2. (a):

TABLE ONE: CONFORMITY WITH POLICY 2.5.2. (A) OF THE CITY OF BURLINGTON OFFICIAL PLAN

INTENSIFICATION CRITERIA		***CONFORMITY SUMMARY***
i)	adequate municipal services;	*Demonstrated by functional servicing report.*
ii)	off-street parking is adequate;	*Complies with zoning by-law requirements.*
iii)	capacity of transportation system is adequate	*Demonstrated by Traffic Impact Study (Paradigm Consulting – Aug/14).*
iv)	proximity to transit facilities;	*Located on Secondary Transit Route.*
v)	compatibility is achieved;	*Refer to section 5.4 of this report.*
vi)	effects on existing vegetation is minimized	*Demonstrated by Tree Inventory/Preservation Report.*
vii)	acceptable levels of sun-shadowing;	*Demonstrated by Sun-shadow Study*

viii)	accessibility to existing community services;	*Site is proximate to existing services along Upper Middle corridor and is connected by pedestrian and transit routes*
ix)	capability exists to provide adequate buffering to minimize any identified impacts;	*Existing natural features, road allowances and proposed setback mitigate impacts as demonstrated by the E.I.S. Report.*
x)	development on adjacent properties not compromised;	*Site is only remaining infill parcel on north side of Upper Middle Road*
xi)	natural and cultural heritage features protected	*Protection provided in accordance with E.I.S. Report and Tree Preservation Study*
xiii)	non-ground oriented housing	*Site is designated for high density residential purposes*

The subject proposal is in full conformity with the intensification policies of section 2.5.2. (a) and the Burlington Official Plan.

5.5 City of Burlington Zoning By-law 2020:

Zoning By-law 2020 applies to the subject lands. This document zones the subject lands as "Development (D)". Please see Figure 7 for further details.

5.5.1 Permitted Uses

- Detached dwelling

5.5.2 Development (D) Zone - Proposed Lot Width, Area, Yards, Density Floor Area Ratio, Height and Amenity Area requirements:

Regulations	Detached Dwelling with Municipal Water and Sewer	Detached Dwelling with Municipal Water only	Detached Dwelling without Municipal Water and Sewer
Lot Width	18 m	18 m	36 m
Lot Area	550 m2	690 m2	1390 m2
Front Yard	7.5 m	7.5 m	7.5 m
Rear Yard	9.0 m	9.0 m	9.0 m
Side Yard	1.5 m	1.5 m	1.5 m
Street Side Yard	7.5 m	7.5 m	7.5 m

5.5.3 Development (D) Zone - Other Yards

Other Yards	Requirement
Yard abutting an O3 zone	7.5 m
Building Setback abutting a creek block	7.5 m, 4.5 m where the creek block includes a 3 m buffer
Yard abutting a pipeline easement	7 m
Yard abutting a railway right-of-way	30 m

5.5.4 Development (D) Zone – Residential Building Height

a) Building height shall be provided in accordance with Part 1, Sub-Section 2.31 Residential Building Height.

b) Maximum height: 2 ½ storeys.

5.5.5 Proposed Zoning

This report is submitted in support of an application to amend the Zoning By-law to the appropriate Residential–High Density (RH5) Zone with the following performance standards:

Permitted Uses:

- An apartment building

Proposed Lot Width, Area, Yards, Density Floor Area Ratio, Height and Amenity Area Requirements:

Regulation	Proposed Requirement
Lot Width	56.04 metres (approximate)
Lot Area	0.20 ha (lands above top-of-bank and buffer lands)
Front Yard	6.0 metres
Rear Yard	3.0 metres
Side Yard (abutting O2 zone)	0 metres
Density	185 u/ha
Floor Area Ratio	3.48:1
Height	30 m
Amenity Area	1,149.43 sq. m.
GFA including Basement Parking	7,996.68 sq. m
Total GFA excluding Basement Parking	6,959.62 sq. m.
Total No. of Units	32 units
Lot Coverage	58.01%
Parking Spaces	57
No. of Bicycle Spaces	14 indoor, 4 outdoor
Building Setback abutting a Creek Block	0 m

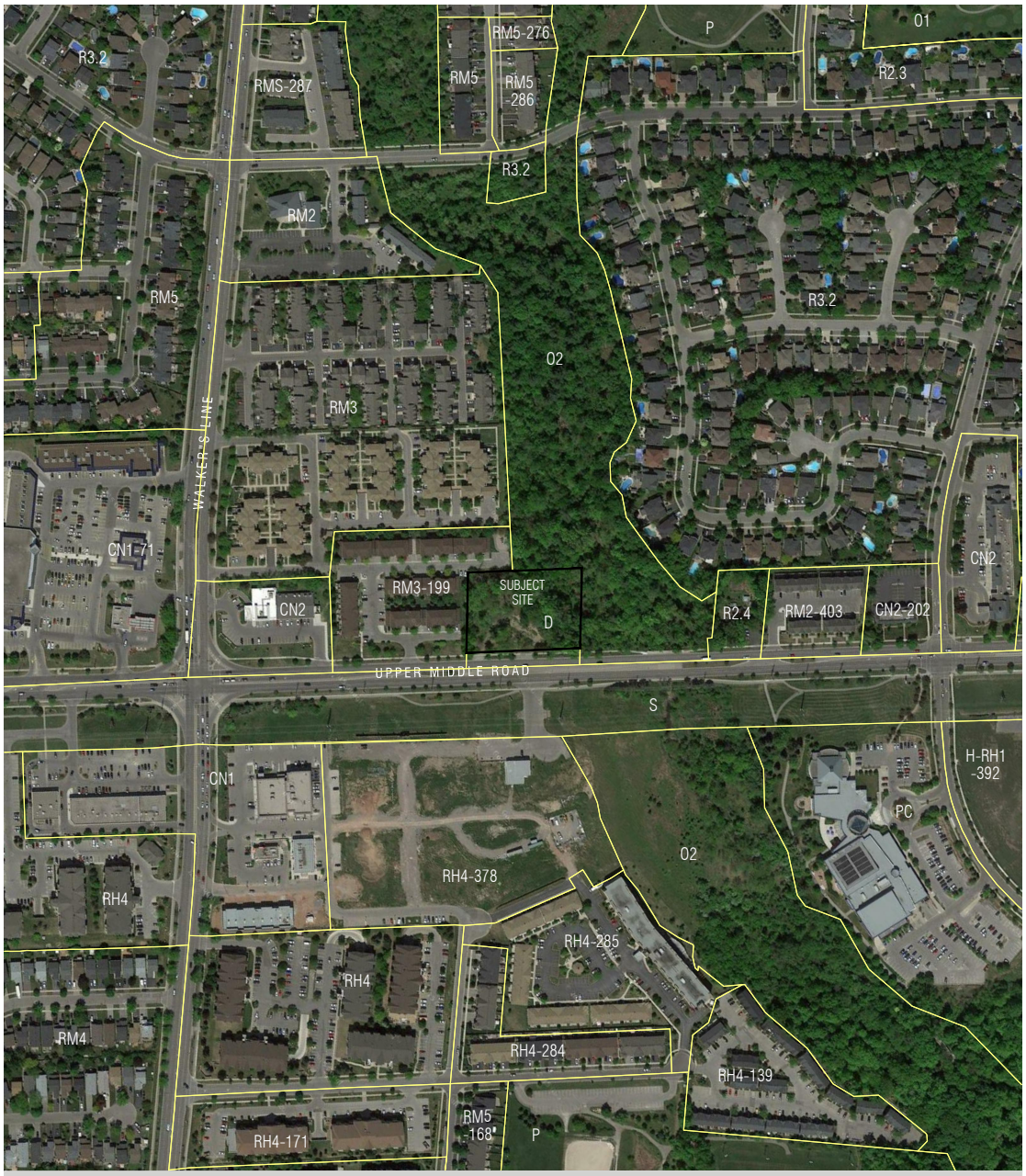
Landscape Buffer Abutting Townhouses	6 m
Landscape Buffer abutting Street	0 m

The development is proposing a 0 metre landscaping buffer along the front property line. The proposed development is unable to provide the minimum 6 metre buffer due to the required land conveyance for the future road widening of Upper Middle Road. In addition, the provision of the landscape buffer is prevented as a result of the conveyance of land for the purposes of the naturalized buffer, tree buffer zone and protected wildlife area. The required conveyances combine to create an awkward parcel which forces the entrance feature to be designed in manner which occupies much of the front yard and consequently prevents the proposed development from maintaining the minimum 6 m landscape buffer.

The portion of the site occupied by the Shoreacres Creek and associated buffers is proposed to be zoned Open Space (O2) and conveyed to the City.

A draft Zoning By-law Amendment has been prepared and is submitted with this report in Appendix “A”.

Figure 7: City of Burlington – Zoning By-law No.2020



4063 Upper Middle Road
Burlington, Ontario

ZONING BY-LAW 2020 - CITY OF BURLINGTON

NORTH
1:4000

May 31, 2018

Figure 7

5.6 City of Burlington Strategic Plan:

The new City of Burlington Strategic Plan is a key corporate document to guide the growth and development of the municipality over the period 2015-2040.

The Key Strategic Directions identified by this plan are:

- A City that Grows;
- A City that Moves;
- A Healthy and Greener City; and,
- An Engaging City.

The plan provides specific objectives to ensure the Strategic Directions are fully implemented. These objectives are related to:

- Population Growth;
- Targeted Intensification;
- Economic Growth;
- Demographic Growth;
- Healthier Lifestyles;
- Mobility Choices;
- An Accessible City;
- A Healthier Environment; and,
- Engaged Residents and an Engaged Community.

The subject proposal contributes to the fulfillment of these objectives as follows:

Population Growth:

"Focused and directed population growth that will lay the foundation for a larger economy, more jobs, fiscal sustainability, better infrastructure and public transportation"

- The proposed infill development will foster desired population growth in accordance with this objective by utilizing vacant, underutilized land serviced by existing infrastructure and community facilities. The approval of this development adds to the City's available housing stock to accommodate desired population growth.

Targeted Intensification:

"Higher Densities in key intensification areas including mobility hubs, downtown, up-town, along major roads and commercial plazas) that will build neighbourhoods

that are environmentally friendly infrastructure-efficient, walkable, bikeable and transit oriented."

- The subject site is a vacant parcel designated for high-density residential purposes. The approval of the application will contribute to the City's intensification objectives along a significant transit corridor in context of an established residential community. The proposed condominium apartments will add to the host communities housing stock in a compatible manner.

Demographic Growth:

"Attraction of younger people and newcomers to help sustain the fiscal, social, environmental and cultural fabric of the city"

- The proposed condominium apartment will add to housing choice which will be attractive to targeted demographic sectors.

A Healthier Environment:

"Better environmental outcomes that will help to combat climate change, improve quality of life and economic competitiveness and foster civic pride."

- The development, if approved, will facilitate an appropriate and effective environmental management plan for the Shoreacres Creek and ensure its accessibility to the general public.

Accordingly, the proposal assists in implementing the ***strategic priorities*** and ***objectives*** of the City of Burlington's new Strategic Plan.

In addition, the Burlington Official Plan provides implementing actions corresponding to each strategic priority. Table Two below identifies the specific implementing actions that relate to the proposed development:

TABLE TWO: BURLINGTON'S STRATEGIC PLAN COMPLIANCE ANALYSIS

STRATEGIC PRIORITY AND OBJECTIVE	IMPLEMENTING ACTIONS	RATIONALE
A City that Grows: Our Future by 2040		
1.1 Promoting Economic Growth	1.1(b) More people who live and work in Burlington	• Add to housing stock and choice for new and existing residents and employees
1.2 Intensification	1.2(a) Growth is being achieved in mixed use areas with transit service, including mobility hubs downtown and uptown 1.2(e) Older neighbourhoods are important to character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods 1.2 (i) Architecture and buildings are designed to have minimal impact on the environment reflecting urban design excellence that create buildings and open spaces where people can work, live and play or gather	• Subject lands are located in built up area along transit corridor • Proposed development is sympathetic to scale and character of existing neighbourhood • Shoreacres Creek to be protected through Environmental Impact Strategy
1.3 Focused Population Growth	1.3 (a) Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomer and young families and offers a price range and mix of housing choices	• Proposed condominium apartments add to a varied housing mix in an established community.
A City that Moves		
2.1 Increased Transportation Flows and Connectivity	2.1(c) "Complete Streets" vision is put in place through a co-ordination plan which will include on-road and off road bike lanes, sidewalks multi-use paths and trails and public transit systems that are well-connected throughout the City	• Subject lands are located on a secondary transit corridor and are situated to adjacent connected pathway system
A Healthy and Greener City		
3.1 Healthy Lifestyles	3.1(a) Every resident lives within a 15 to 20 minute walk from parks or green spaces	• Subject property is located adjacent to a connected river

		valley system and public parks and green spaces
3.2 Environmental and Energy Leadership	3.2(a) The City has a healthy, natural heritage system that is protected, well connected, conserved and enhanced and forms a fundamental component of the city's urban and rural areas	• Shoreacres Creek will be protected and enhance through Environmental Impact Statement implementation measures

6.0 CONSULTANT STUDIES

Functional Servicing and Stormwater Management Report

A Functional Servicing and Stormwater Management report was prepared by S. Llewellyn & Associates Limited in January 2017 and revised in August 2018. The consultant concluded the report with the following recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading Plan and Preliminary Site Servicing Plan, prepared by S. Llewellyn & Associates Limited;
- A 100mm orifice pipe be installed as per the Preliminary Site Servicing Plan and this report, to provide adequate quantity control;
- Stormtech MC-4500 tanks be installed as per the Preliminary Site Servicing Plan and this report to provide adequate stormwater storage during storm events;
- Erosion and sediment controls be installed as described in this report to meet City of Burlington requirements;
- The proposed sanitary and water servicing system be installed as per this report to adequately service the proposed development;
- This report be used as the basis for the servicing and stormwater management design. All design data, assumptions and calculations will be confirmed and/or updated as part of the future Site Plan approval submission.

Transportation Impact Study

Paradigm Transportation Solutions Limited completed a Transportation Impact Study (TIS) for the proposed development, dated December 2018. The TIS resulted in the following conclusions:

- Signalized intersections within the study area will operate with reduced delays if signal timing plans are optimized;
- No traffic signals are warranted under 2022 total traffic conditions;

- Utilizing the existing middle land along Upper Middle Road, the left-turn storage provided is forecasted to be sufficient to meet the queueing demands of traffic turning into the site;

- Under background and total conditions, at the intersection of Upper Middle Road and Walker's Line both a westbound and northbound dual-left lane are warranted and would help reduce traffic delays;

- Under background and total conditions, at the intersection of Upper Middle and William O'Connell Boulevard/Itabashi Way the eastbound right turn traffic volumes are in excess of 100 vehicles during the PM peak hour; and,

- At the development's driveway there are no anticipated safety concerns with regards to sight distance.

Paradigm also provided the following recommendations:

- Signal timing plans for signalized intersections be optimized in order to reduce delays;

- The centre lane along Upper Middle Road be painted to designate that it is a left turn lane into the subject site; and,

- The City of Burlington and Halton Region consider implementing westbound and northbound dual left-turn lanes at the intersection of Upper Middle Road and Walker's Line.

Slope Stability Assessment

Soil-Mat Engineers & Consultants Ltd. prepared a Slope Stability Assessment in September 2017. The Slope Stability Assessment resulted in the determination of the long-term top of stable slope location which was informed by a site-specific geotechnical investigation for the proposed development. Soil-Mat determined that the proposed slope has been established as stable in the short and long-term, with factors safety exceeding the required acceptable range of 1.3 to 1.5. Soil-mat determined that the proposed construction of a new multi-storey structure uphill of the long-term top of stable slope would not be expected to negatively impact the stability of the slope, from a geotechnical perspective.

Environmental Impact Statement and Tree Inventory and Preservation Study

Premier Environmental Services Inc. was retained to complete and Environmental Impact Statement, Tree Inventory and Preservation Study at the subject lands. This initial report was completed in February 2017 and has been subject to responses and revisions since its initial inception. Most recently, an Environmental Management Strategy (see below) has been prepared to rationalize the proposed setback as well as demonstrate to City, Regional and Conservation Authority staff that the proposed development will reduce or eliminate the possible disturbance of the Significant Woodlands, enhance the vegetation buffer and demonstrate a major improvement to the environmental and ecological health from its previous and current condition. Through the EIS, numerous flora and fauna surveys (in accordance with Ministry requirements) were undertaken and the consultant arrived at the following recommendations:

- Surveys revealed the Site contains distinct three habitats that reflect existing vegetation, wildlife, and surface waters;
- There are no significant natural features or wildlife habitat present in CVR-1 or WOMM-3 while FOD9-1 and Shoreacres Creek does provide habitat to wildlife;
- Collated information was interpreted using ELC and identified three distinct polygons, as: CVR-1, WOMM-3, FOD9-1 along Shoreacres Creek;
- It was noted FOD9-1 and Shoreacres Creek was mapped by CH as a Regulated Area, and provides habitat for a number of bird and wildlife species in the area, but all observed species are considered common with no SAR were observed;
- To apply a vegetation buffer of 7.5 m on the tree drip line at the top-of-bank of Shoreacres Creek, with no disturbance of this buffer area or top-of-bank;
- Since no disturbance of FOD9-1 or Shoreacres Creek is expected from the proposed development, these habitats are expected to retain ecological functionality in the future;
- This EIS recommends the use of BMP measures to mitigate the potential effects of the proposed development on the natural features of FOD9-1 and Shoreacres Creek;
- This EIS recommends a 1:1 compensation ratio to be applied for the 60 live trees proposed for removal within CVR-1 and WOMM-3; and
- Stormwater management will follow a plan that is currently in preparation. However, future drainage is expected to continue to the creek or to Upper Middle Road.

Ultimately, the consultant determined Overall that the proposed development on lands classified as CVR-1 and WOMM-3 along with the use of a vegetation buffer

will result in no significant disturbance on the existing ecological features located in the adjacent FOD9-1 and Shoreacres Creek habitats.

Environmental Impact Summary

An Environmental Impact Summary has been prepared by ELM Inc. in December 2018 and revised in July 2019. The summary details numerous responses to City, Regional and Conservation Authority comments including the rationale for the provision of a 7.5m setback from the stable top-of-bank and the staked tree dripline. The rationale for this is as follows:

- The developable area west of the stable top of bank shows greater stability and near perfect soil conditions for the engineered footings than typical sites revised for setback considerations. See thinkGiraffe A5 Building and Site Section for extent of Queenston Shale as well as #12 and #13 of this document.

- The Significant Woodlands have been disturbed and the proposed fence and mitigation will significantly contribute to the protection of the slope. It appears that the previous owners extended gardening efforts downslope between 1954 and 2013 and planted non-native tree species in the Significant Woodlands. See #3, #8 & #9 of this report. Repeated Site visits between Halton Region, Conservation and the author of this report confirmed that the Significant Woodlands will benefit from preventing access and remediation. The effects of the past interference with the slope will be mitigated with the proposed fence and Landscape and Tree Protection guidelines to restore the Significant Woodland. Unlike comparable projects this is not an undisturbed site.

- The total infiltration of the project is expected to be considerably less than 50,000 litres/day and a Permit to Take Water is not required for these low volumes. The low permeability of the clayey silt and the Queenston shale bedrock is expected to prevent static groundwater to reach the depth of the excavation. Also, the slope of the area indicates groundwater table will not exist at the depth of excavation. See # 14 of this document.

Please see Environmental Impact Summary for complete list of recommendations and responses to latest City, Regional and Conservation Authority staff comments.

Environmental Noise Impact Study

An Environmental Noise Impact Study was conducted by dBA Acoustical Consultants Inc. in February 2017 and revised in August 2018. It determined that the following noise control measures be implemented to satisfy the indoor and outdoor noise level criterion:

- Type “B” and “D” warning clauses are inserted into all Offers and Agreement of Purchase and Sale or Lease for all units (Table 7);
- Central Air Conditional for all units (Table 7);
- All Window, Door and Wall construction (Table 6);
- Qualified Acoustical Consultant certifies that the required noise control measures have been incorporated into the builders plans prior to issuance of a building permit;
- Prior to issuance of an occupancy permit or equivalent, it is recommended the Qualified Acoustical Consultant certify that the approved noise control measures have been properly installed.

Phase One Environmental Site Assessment

A Phase 1 Environmental Site Assessment was completed by Premier Environmental and identified that through the review of site observations, interviews, historical research and a review of environment source information, no areas of potential environmental concern have been identified in connection with the subject property.

In October 2018, the consultant issued a reliance letter which confirmed that the work was completed in accordance with O.Reg.153.04, to support the proposed development.

Through the completion of the above and other technical studies, the proposed development can be confirmed to be appropriate for the future use of the subject lands.

7.0 SUMMARY AND CONCLUSIONS:

Based on the findings of this report, it is concluded that the proposal to develop the subject site with an 8 storey condominium apartment building is in the public interest and represents good planning for the following reasons:

1. The proposed Zoning By-law amendment is consistent with the relevant policies of the Provincial Policy Statement;
2. The proposed Zoning By-law amendment conforms to the relevant policies of the Growth Plan for the Greater Golden Horseshoe;
3. The proposed Zoning By-law amendment is in conformity with the Region of Halton Official Plan;
4. The proposed Zoning By-law amendment and resulting form of condominium apartment development conforms to the Burlington Official Plan as an infill development within an established residential community.
5. The proposed scale and form of the development can be effectively integrated within the host community with no negative land use or community infrastructure impacts;
6. The proposed development adds to the availability of housing choice within an existing neighbourhood and is effectively served by existing transit and community services; and,
7. The proposed development will result in increased protections to the surrounding natural environment associated with the Shoreacres Creek.

Based on these conclusions, it is our opinion that the application for a Zoning By-law amendment is appropriate and should be considered for approval.

APPENDIX "A"

PROPOSED ZONING BY-LAW AMENDMENT

APPENDIX XX -

BY-LAW NUMBER 2020.XX, SCHEDULE 'A', SCHEDULE 'B' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XX

A By-law to amend By-law 2020, as amended, 4083 Upper Middle Road
File No.: xxx

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

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-XXXXXX on xxxxxx, to amend the City's existing Zoning By-law 2020, as amended, to permit xxxxxxxx

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

1. By-Law 2020.xxxx shall apply to the lands outlined in bold on Schedule "A"' attached hereto, municipally addressed as 4063 Upper Middle Road, and herein referred to as the "subject lands"

2. The subject lands shall be rezoned from "Development'(D)" to "Residential High Density (RH5)" and "Open Space (O2)".

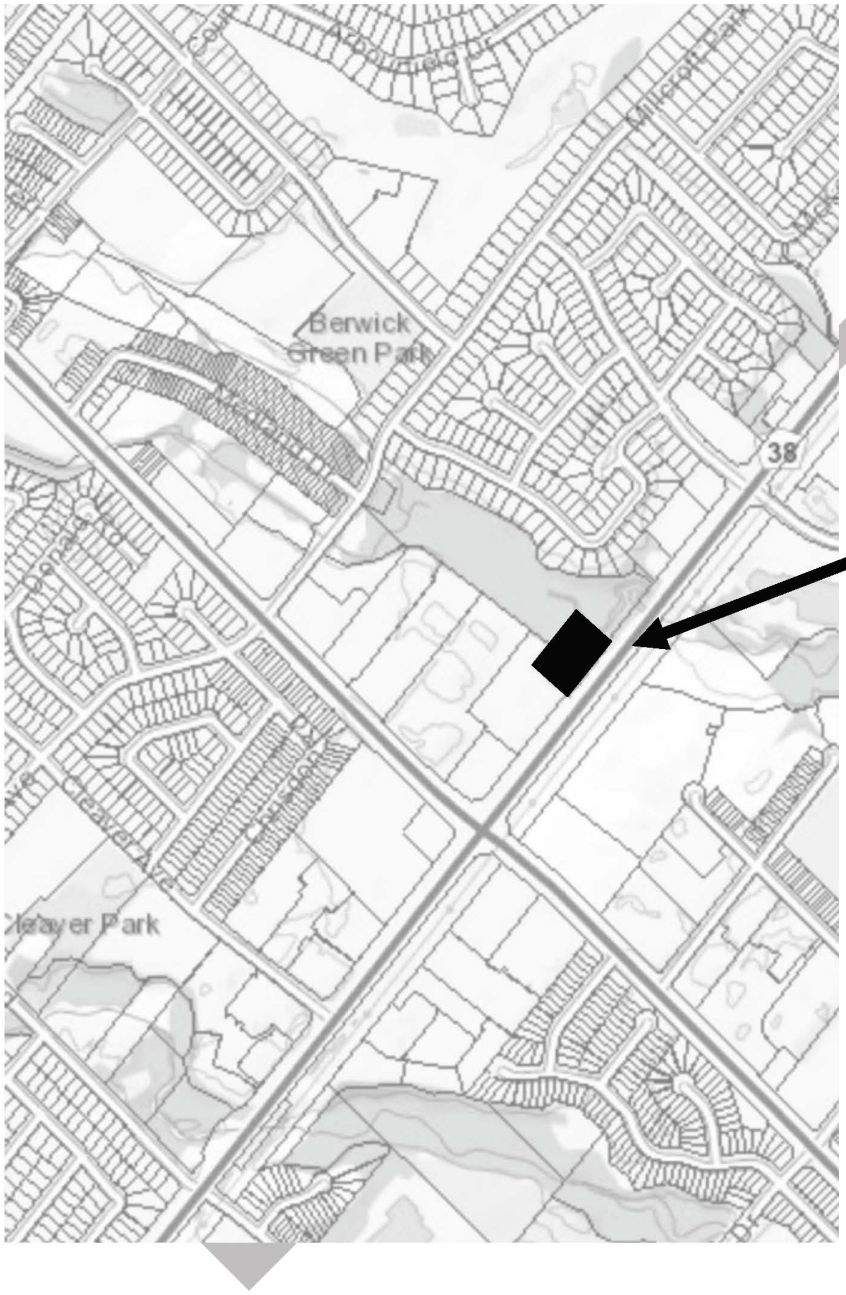
3. Notwithstanding Part 2 (14.0) of Zoning By-law 2020, the following shall apply to the subject lands zoned RH5:

Regulation	Proposed Requirement
Lot Width	56.04 metres (approximate)
Lot Area	0.2 ha (lands above top-of-bank and buffer lands)
Front Yard	6.0 metres
Rear Yard	3.0 metres
Side Yard (abutting O2 zone)	0 metres
Density	185 u/ha
Floor Area Ratio	3.48:1
Building Height	30 metres
Amenity Area	1,149.43 sq. m.
Building Setback abutting a Creek Block	0 metres
Landscape Buffer Abutting Townhouses	6 metres
Landscape Buffer abutting Street	0 metres
Parking	57

ENACTED AND PASSED this _____day of_____2018

_____ Mayor

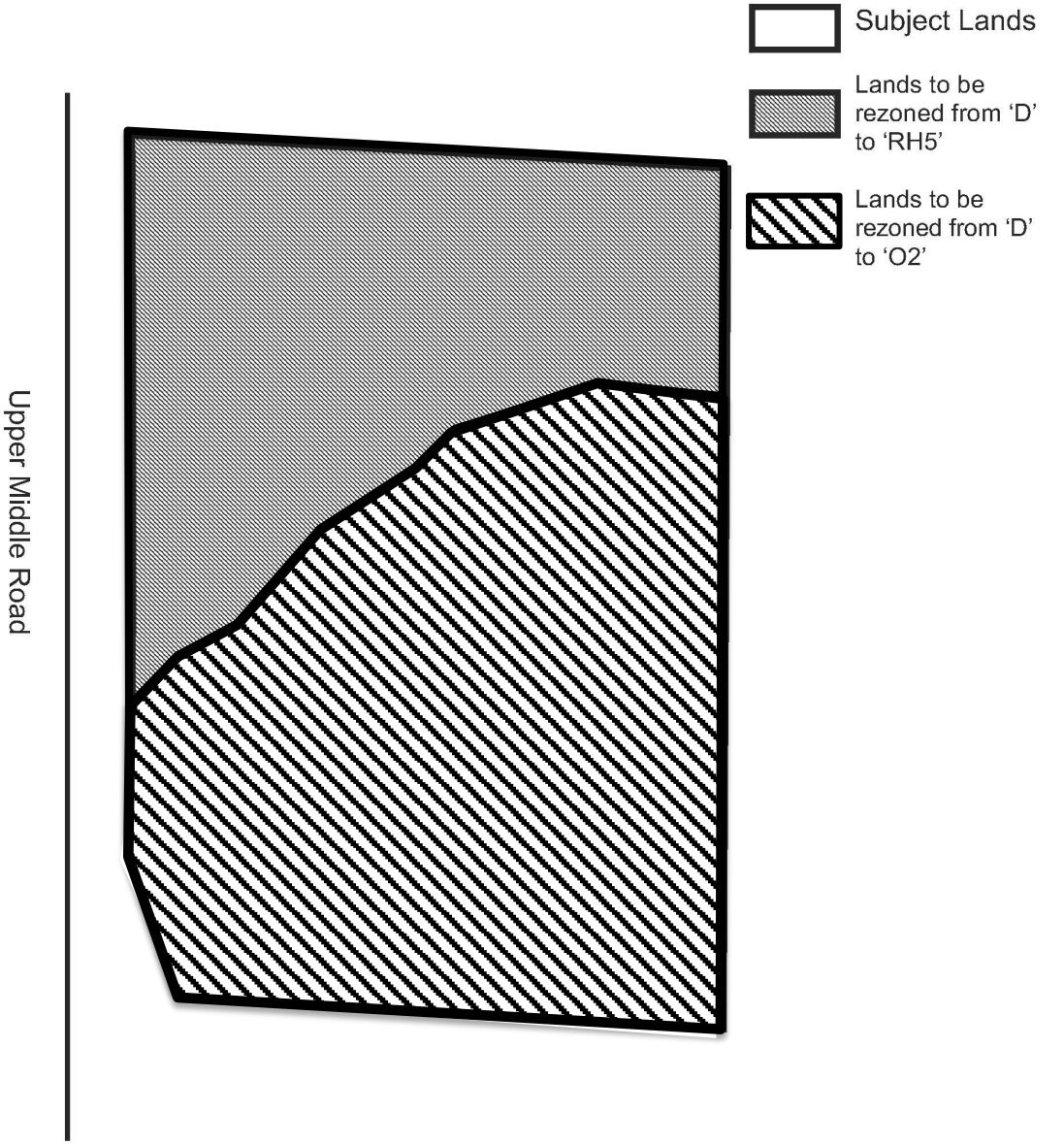
_____ Clerk



SCHEDULE 'A' TO BY-LAW 2020.xxxx AMENDING MAP NO.XXXX, BY-LAW 2020, AS AMENDED.

Mayor

Clerk



SCHEDULE 'B' TO BY-LAW 2020.xxxx AMENDING MAP NO.XXXX, BY-LAW 2020, AS AMENDED.

Mayor

Clerk