Wellings
Planning Consultants Inc.

PLANNING JUSTIFICATION REPORT

APPLICATION TO AMEND CITY OF BURLINGTON COMPREHENSIVE ZONING BY-LAW 2020

FGL Kerns Inc.
1600 Kerns Road
City of Burlington



APRIL 2020

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April 12, 2021

Planning Justification Report
Application to Amend City of Burlington Comprehensive Zoning By-law 2020
FGL Kerns Inc.
1600 Kerns Road
City of Burlington

1.0 INTRODUCTION

FGL Kerns Inc. ("FGL") is the owner of lands known as 1600 Kerns Road, located at the southwest corner of Kerns Road and Four Seasons Drive in the City of Burlington.

Wellings Planning Consultants Inc. was retained by FGL to provide planning advice and to prepare and file an application to amend the City of Burlington Comprehensive Zoning By-law 2020 ("Zoning By-law") to permit a four (4) storey retirement home with ground floor commercial. This Planning Justification Report has been prepared in support of the application.

2.0 PROPERTY DESCRIPTION AND SURROUNDING LAND USES

The subject lands comprise a 0.80 hectare (1.97 acre) parcel located at the southwest corner of Kerns Road and Four Seasons Drive in the City of Burlington within the Tyandaga community. The site is currently occupied by a neighbourhood-scale commercial plaza, with surface parking at the front of the property and minimal landscaping. Access to the plaza is achieved from both Four Seasons Drive and Kerns Road with full turn movement driveways. A service lane is located at the rear (south side) of the building. The site is sloping to the south and southwest.

A map showing the location of the subject lands is attached as **Schedule 1** to this report.

Kerns Road is a neighbourhood connector road which runs north from the North Service Road and connects with Dundas Street. Kerns Road carries two-way traffic for most of its length, but is limited to one-way, northbound traffic at its north end, thus restricting southbound traffic from Dundas Street. Four Seasons Drive is a local residential street which connects with Forestvale Drive to the north.

The surrounding area is largely residential, with single-detached dwellings being the dominant built form. A townhouse complex ("Tyandaga Mews") abuts the site to the immediate south, with two (2) storey units backing onto the proposed development. Further south and east, there are commercial and institutional uses oriented to the North Service Road. These include places of worship (Compass Point Bible Church), financial

services (Portland Investment Counsel) and, further south, a broadcast facility (Crossroads Centre/NUVO Network).

A deep ravine associated with the Upper Hager Creek abuts the site to the west, characterized by heavy vegetation.

3.0 DEVELOPMENT PROPOSAL

FGL is proposing to demolish the existing commercial plaza to allow for the construction of a four (4) storey retirement home with ground floor commercial. The proposal includes 123 retirement units, and 100m² of ground floor commercial space. The building has been designed with an orientation to Four Seasons Drive. Terracing of the building has been incorporated, providing for a gradual increase in height from the south property line and visible along Kerns Road frontage (east elevation).

Parking is proposed at a rate of 0.5 spaces per residential unit, and 4 spaces per 100m² of commercial space, for a total of 66 spaces, including three (3) accessible spaces (2 surface and 1 underground). The majority of parking (52 spaces) would be provided below grade, with fourteen (14) surface spaces. Four (4) bicycle parking spaces are also provided.

Two (2) access points are proposed. An entrance from Four Seasons Drive will provide access to the front entrance and surface parking. The entrance to the below grade parking and loading area is proposed from Kerns Road.

There are several amenity areas proposed. Outdoor amenity areas are proposed both at grade and at Level 4 of the building. The design includes a small outdoor patio area adjacent to the ravine at the southwest area of the site. The more significant ground-oriented amenity area is proposed to the south and west of the building, affording views of the adjacent ravine. An outdoor deck is proposed on the first level. An additional 644m² of outdoor amenity space is provided on Level 4 of the building.

A complete site plan package showing the site, elevation and floor plans is appended as **Schedule 2** to this report.

3.1 PRE-CONSULTATION WITH STAFF

A pre-consultation meeting was held with City and Region of Halton staff on October 9, 2019. At that time, the applicant was proposing a 145 unit, five-storey retirement home with a ground floor commercial component. Issues identified at the pre-consultation meeting included protection of the creek bank, urban design criteria and support for a retail/commercial component. An amendment to the Official Plan was identified as being required. Conservation Halton also provided initial feedback on the proposal, noting the requirements for an Environmental Impact Assessment (EIA), setbacks from top-of-bank, and ensuring that development is restricted to lands outside of the Regulated Area.

In November 2020, the applicant revised the proposal to reduce the height to four (4) storeys with a ground floor commercial element for the proposed building. The pre-consultation notes were subsequently revised by City staff to acknowledge the changes and confirm that an amendment to the Burlington Official Plan is no longer required. Conservation Halton also updated their pre-consultation comments. This report is based on a modified proposal and the updated comments of both agencies and the studies identified.

3.2 EARLY PRE-CONSULTATION WITH THE COMMUNITY

Pre-Application Consultation (PAC) meetings are a requirement of the City over and above the statutory requirements of the *Planning Act*. In keeping with the City's requirements, a PAC was held on November 26, 2019 at the nearby NUVO Network facility. The meeting was well advertised and well attended. Sign-in sheets from the evening show over 200 people in attendance. Minutes of the PAC meeting summarizing the discussions are attached as **Schedule 3** to this report.

Under the guidance of the Ward Councillor, a working group was formed with representatives from the community and FGL. The first meeting was held on February 19, 2020, with City staff in attendance. Subsequent working group meetings were held on July 2, 2020 and September 23, 2020. Included in **Schedule 4** to this report are the minutes of the working group meetings. The input received from these meetings was valuable, and led to significant changes to the proposal in response to concerns raised, described in more detail later in this report.

4.0 STRATEGIC PLAN

The City's Strategic Plan (2015-2040) was adopted by Council on April 11, 2016. The Strategic Plan captures the City's priorities over a 25-year period until 2040 and is "…a framework for critical decision-making and considers how we (City) manage our resources." The Strategic Plan contains several key objectives/directives aimed at economic growth, intensification and population growth, and transportation.

Section 1.2 of the Strategic Plan deals with Intensification.

> **1.2 Intensification:**
>
> **A City that Grows demonstrates density (intensification) done well. There are green design options, less sprawl, more affordable housing choices and improved public health in a vital, diverse and safe city.**

In addressing Intensification, the Strategic Plan recognizes the issue of older commercial plazas which are no longer the vibrant neighbourhood centres they once were. Redevelopment of these plazas is anticipated to occur throughout the City, while highlighting the importance of sensitive redevelopment in older areas:

1.2.c Aging commercial plazas are being redeveloped and transformed into mixed-use neighbourhood areas where a mix of residential, commercial, cultural, or institutional uses are provided. Buildings are connected to the street with doors and windows, have high-quality design and provide pedestrian and cycling connections.

1.2.e Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.

In fact, the number of plazas which have redeveloped is identified as a progress indicator in measuring the effectiveness of measures designed to implement the Strategic Plan.

Focused population growth is another key objective of the Strategic Plan. In particular:

1.3.b Seniors are supported by a strategy that promotes health, recreation, transportation and allows them to remain in their home or neighbourhood as long as possible by providing desirable housing alternatives.

By providing for retirement accommodation for older adults, the proposal allows residents to remain in the neighbourhood as their housing needs change.

In September 2019, City Council approved an update to the implementation plan for the Strategic Plan entitled “From Vision to Focus”. It is the City’s work plan prioritizing key strategic directions from the plan. Increasing housing options throughout the City is identified as a top priority and goal under Focus Area 1: Increasing Economic Prosperity and Community Responsive Growth Management. Two key actions are linked to this goal: Completion of a new Official Plan, and completion of a Housing Strategy and implementation plan.

The new Official Plan has now been approved with modifications and deferrals by the Region of Halton with portions subject to appeal. Schedule B to the new Official Plan, Urban Structure, identifies the subject lands as a Mixed-Use Node. The site is identified on Schedule B-1 as a Secondary Growth Area. These designations are addressed in the Burlington Official Plan section of this report. The development of a Housing Strategy was launched by the City on March 8, 2021 and is identified for completion by Q2 2022.

5.0 PROVINCIAL PLANS/POLICIES

The subject lands are governed by the Provincial Policy Statement, 2020 (“PPS”) and the Growth Plan for the Greater Golden Horseshoe, 2019 (“Growth Plan”).

5.1 PROVINCIAL POLICY STATEMENT, 2020 ("PPS")

The current Provincial Policy Statement ("PPS") came into effect on May 1, 2020. It is a key provincial planning document in that it lays the foundation for many of the Province's policies and, as required under the Section 3 of the Ontario *Planning Act*, all land use decisions must "be consistent with" the PPS. The PPS sets a framework for development and the use of land that makes efficient use of land and infrastructure, while avoiding sensitive or significant resources.

Part IV: Vision

Part IV of the PPS sets out the Province's vision for the wise management of land to meet the full range of current and future needs of residents. Achieving efficient development patterns that make the best of use of land, resources and public infrastructure is a foundational principle of the PPS. Ensuring the health and safety of residents is another essential part of the Province's vision. The vision of the PPS is to build communities as follows:

> **"Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound and are resilient to climate change."**

To achieve strong, liveable and healthy communities, the PPS promotes efficient development patterns that "optimize the use of land, resources and public investment in infrastructure and public service facilities."

Part V: Policies

Managing and Directing Land Use

Policies contained in Section 1.1 set out provincial policies for managing and directing land use. Policies of note include:

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; and,

f) improving accessibility for persons with disabilities and older persons by identifying land use barriers which restrict their full participation in society.

Settlement Areas

Section 1.1.3 of the PPS deals with Settlement Areas, which include urban areas and rural settlement areas. Settlement Areas are considered "built up areas where development is concentrated and which have a mix of land uses" and are designated in a local official plan for long term development. The subject lands are within a Settlement Area as defined by the PPS.

Policies 1.1.3.4 and 1.1.3.5 promote intensification and redevelopment within built-up areas as follows:

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.

Meeting the housing needs of Ontario's population is a key to creating and maintaining healthy communities. As such, Section 1.4 of the PPS contains policies addressing Housing with the goal of achieving "an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents." To achieve this:

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.**

Housing for older persons is included in the PPS definition of “special needs”. As such, the proposal to add retirement units to the community, within a Settlement Area as described in Policy 1.1.3.3, is consistent with this provision of the PPS.

Natural Heritage

Section 2.0 of the PPS is entitled “Wise Use and Management of Resources” and includes policies aimed at ensuring protection of natural heritage features. A portion of the site at the southwest corner is within the Regional Natural Heritage System shown on Map 1 of the Regional Official Plan.

An Environmental Impact Assessment (EIA) has been prepared by Plan B Natural Heritage (“Plan B”) in support of the proposal, dated March 26, 2021. The report is provided under separate cover. The EIA Terms of Reference (TOR) included identification of natural features and functions to determine constraints and required or recommended mitigation measures. The EIA identifies applicable PPS policies, as well as applicable policies and regulations set out under the Growth Plan, the Regional Plan, the Burlington Official Plan and Conservation Halton policies and regulations. Other relevant policies and regulations reviewed include the Federal Fisheries Act, Migratory Birds Convention Act, and the Provincial Endangered Species Act. The study findings are reported in the context of conformity with all of the applicable policies and regulations. For this section of the report, we focus on the policies of the PPS.

The EIA prepared by Plan B concludes that there will be no loss of habitat and no negative impacts to significant woodland or valleyland features or functions. The development will be sufficiently setback from the top of bank, and naturalization with native plant species will actually enhance the overall function of the ravine. Further, “policies related to water and natural hazards have been addressed through the proposed stormwater and groundwater management measures and the proposed setbacks from the edge of the regulated ravine feature.”

With respect to fish habitat, the EIA notes that no fish were documented during the field work, or in previous studies. Nonetheless, the EIA concludes that the naturalized setbacks, improved infiltration and stormwater management measures mean that there will be no loss of fish habitat or habitat functions associated with the proposed development.

Plan B notes that field work identified the presence of Eastern Wood Pewee, a bird species of Special Concern, downstream of the property. The PPS policies related to significant wildlife habitat are therefore applicable. The EIA concludes that “negative impacts to this species are not anticipated and there will be no loss of habitat within the wooded ravine. Furthermore, Eastern Wood Pewee is an adaptable species that frequently utilizes wooded habitat within urban areas. The naturalization of the ravine setback area with locally indigenous plant species will, over time, provide some local habitat enhancement for this species.”

In short, the EIA concludes that: “In our opinion, the proposed development complies with the Provincial Policy Statement as there will be no negative impacts to natural heritage features or functions associated with the Upper Hager Creek ravine.”

Water

Section 2.2 of the PPS contains policies that are intended to ensure protection of water quality and quantity. In this regard, the following policies are relevant in the consideration of this proposal:

2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;

b) minimizing potential *negative impacts,* including cross-jurisdictional and cross-*watershed* impacts;

c) evaluating and preparing for the *impacts of a changing climate* to water resources systems at the watershed level;

d) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas,* and *surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed;*

e) maintaining linkages and related functions among *groundwater features, hydrologic functions, natural heritage features and areas,* and *surface water features* including shoreline areas;

f) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and *designated vulnerable areas; and*

2. protect, improve and restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features,* and their *hydrologic functions;*

g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;

h) ensuring consideration of environmental lake capacity, where applicable; and

i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

A Hydrogeological and Water Balance Investigation dated March 24, 2021 was completed for the subject lands by EXP. Chapter 8 of that report sets out in detail the findings with respect to environmental impact. The EXP study findings have also been assessed and incorporated into the EIA prepared by Plan B. With respect to surface water, the report identifies the site as being within the North Shore watershed. The report estimates the maximum construction zone of influence to be approximately 40 metres from the site boundary. With respect to groundwater, the report anticipates that short-term dewatering during the construction phase may result in certain parameters (such as Total Metals) exceeding the limits established in the Sanitary and Storm Sewer Bylaws. Suitable treatment during construction is therefore recommended, and a Permit to Take Water from MECP will be required for construction dewatering. Post construction, it is expected that water quality will be suitable for release without treatment.

Due to the increase in permeable surfaces post development, groundwater infiltration rates are expected to increase.

Having read and reviewed the PPS in its entirety and the supporting technical studies prepared in association with the proposed development, it is my opinion that the proposal is consistent with the PPS.

5.2 GROWTH PLAN: A PLACE TO GROW (2019)

The proposal is subject to the provisions of the Growth Plan 2019, which builds on the PPS.

The updated Growth Plan came into effect on May 16, 2019. Amendment No. 1 to the Growth Plan was approved by the Lieutenant Governor in Council and took effect on August 28, 2020. The Plan continues to provide policies for the management of population and employment growth and to guide municipal decisions on a variety of issues such as transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

In its introduction, the Growth Plan notes that the pace of growth expected in the GTHA brings with it a range of challenges, including the need to manage growth to ensure the protection of natural areas and, notably, demographic trends and the associated planning and land use implications:

People over the age of 60 are expected to comprise over 25% of the population by 2041, which will result in the need for more age-friendly development that can address their unique needs and circumstances. This will include a more appropriate range and mix of housing options, easier access to health care and other amenities, walkable built environments, and an age-friendly approach to community design that will meet the needs of people of all ages.

Section 1.2.1 (Guiding Principles) identifies a number of foundational principles including:

- Support of complete communities designed to support healthy and active living throughout an entire lifetime.
- Prioritizing intensification in strategic growth areas to make efficient use of land and infrastructure and support transit viability.
- Support of a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
- Protection and enhancement of natural heritage, hydrologic, and landform systems, features, and functions.

These guiding principles underlie the policy framework of the Growth Plan.

The Growth Plan includes policies that encourage development within settlement areas, establishment of complete communities, and making more efficient use of underutilized lands and available infrastructure.

Section 2.2.1 Managing Growth sets out more specific policy direction.

2.2.1.2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the base 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;

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;***

e) **development will be generally directed away from hazardous lands.**

The subject lands are within the delineated built boundary and have adequate water and wastewater services available. The subject lands are also served by existing public service facilities, defined by the Growth Plan as including "social assistance, recreation, police and fire protection, health and educational programs, and cultural services". The site is served by Burlington Transit Route #87 which runs north past the site on Kerns Road with an existing bus stop located less than 150 metres from the site. This bus route connects residents to both the Aldershot and Burlington GO Stations. The proposed development is outside of hazardous lands and the protection of natural heritage features is addressed further in later sections of this report.

Section 2.2.1.4 of the Growth Plan reads as follows:

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;**

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

   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;**

Section 2.2.6 of the Growth Plan entitled Housing is also applicable.

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.

As required by the Growth Plan, the implementation of these policies has been addressed through the land use designations and policies of the Burlington Official Plan as addressed later in this report.

Natural Heritage

Section 4 of the Growth Plan addresses the protection of natural resources and features. Particularly relevant to this proposal is Section 4.2.2 Natural Heritage System. The plan specifies under Section 4.2.2.1 that "The *Natural Heritage System for the Growth Plan* excludes lands within *settlement area* boundaries that were approved and in effect as of July 1, 2017." The subject lands are therefore excluded. The policies with respect to Natural Heritage in the PPS, as well as the Regional and Local Official Plans apply, and are addressed in this report.

Having read and reviewed the Growth Plan in its entirety and having considered the proposal in the context of its policies and provisions, and having reviewed the technical studies prepared in support of the proposed development, I am satisfied that the proposal conforms to the Growth Plan.

5.3 REGION OF HALTON OFFICIAL PLAN (ROP)

Map 1 of The Regional Official Plan (ROP) identifies the subject lands as being within the Urban Area. A portion of the site at the southwest corner is within the Regional Natural Heritage System as shown on Map 1.

Part III, Section 72 of the ROP identifies the objectives of the Urban Area designation. Relevant sections are quoted here:

72. 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.

(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.

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

The decision as to how development shall occur within Urban Areas is largely left to the local municipalities subject to conformity with the ROP higher order policies. Section 76 reads as follows:

76. The range of permitted uses and the creation of new *lots* in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All *development,* however, shall be subject to the *policies* of this Plan.

Part III, Section 84 of the ROP establishes the Region's policies with respect to housing. Consistent with the PPS, the Region's goal is "to supply the people of *Halton* with an adequate mix and variety of housing to satisfy differing physical, social and economic needs." This goal is reflected in the Objectives set out under Section 85 of the Plan.

5. To meet housing needs through the provision of *Assisted Housing*, *Affordable Housing* and *Special Needs Housing* in *Halton*.

The ROP definition of Special Needs Housing includes housing for the elderly.

7. Provide annually a State of Housing report to Council that contains among other things:

a) an update of the definitions of *Assisted Housing* and *Affordable Housing;*

b) a review of housing supply, demand and need in *Halton* during the past year, covering the various housing segments of *Assisted Housing*, *Affordable Housing*, *Market Housing*, *Special Needs Housing* and housing with *universal physical access*;

The Region's 2019 State of Housing Report focuses largely on affordability and assisted housing; however, the report notes that it is estimated that more than 30,000 Halton residents are living with physical difficulties that could impact their housing needs (Canadian Survey on Disability, 2012). There is no data available in the report with respect to whether supply of special needs housing units is meeting the demand, however market demand for retirement accommodation for elderly persons remains strong, reflecting the growing numbers in this demographic.

Part III, Section 87 Urban (Water Supply and Wastewater Treatment) Services establishes the Region's goal with respect to urban services:

87. The goal for urban services is to ensure the adequate provision of an economic level of urban services to achieve Regional development objectives while conscious of the need to protect the environment.

This goal is supported by the ROP's policies regarding development within urban service areas:

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

A Functional Servicing and Stormwater Management Report has been prepared for this development by KWA Site Development Consulting dated March 26, 2021. The report includes an assessment of the adequacy and availability of Regional water and sanitary services to accommodate the proposed development.

The subject lands are within Halton Pressure Zone B3. A 200mm PVC watermain on the west side of Kerns Road is used to provide storage and regulate pressure within this zone that connects to the Headon Road and Tyandaga Reservoirs. There is a 250mm PVC watermain on the east site of Kerns Road which serves the existing building. The new fire flow and domestic service will connect to that existing 250mm watermain on the east side of Kerns Road.

Two municipal fire hydrants are located in proximity to the site: one at the northwest corner of Kerns Road and Four Seasons Drive and a second hydrant just to the south at the entrance to Tyandaga Mews. A fire hydrant is proposed on site within the fire access route. A hydrant flow test is to be completed later this spring. The KWA Report notes that further consultation with the architect, mechanical consultant and fire suppression engineer will be required to confirm pipe size requirements for the development.

With respect to sanitary services, the existing building is serviced via a 200mm PVC sanitary sewer on Kerns Road. Sanitary flow from the proposed retirement home has been calculated to be 2.49 L/s, an increase of 1.54 L/s over existing conditions, representing approximately 4.7% of the capacity of the existing sanitary sewer. Connection will be via a new 150mm service connection at 1% slope.

In summary, existing services adjacent to the subject property are adequate and available to accommodate the proposed development.

Section 113 of the ROP specifies that the Natural Heritage System consists of the Greenbelt Natural Heritage System and the Regional Natural Heritage System (RNHS). The adjacent ravine is not part of the Greenbelt Natural Heritage System but is included within the RNHS. The ROP is consistent with PPS policies related to Natural Heritage, hazards, and water. Some of the key objectives/policies are noted below.

114. The *goal* of the Natural Heritage System is to increase the certainty that the biological diversity and *ecological functions* within *Halton* will be preserved and enhanced for future generations.

114.1 The *objectives* of the Natural Heritage System are:

(4) To direct *developments* to locations outside *hazard lands.*

(5) To protect or enhance the diversity of fauna and flora, ecosystems, plant communities, and significant *landforms* of *Halton.*

(7) To protect or enhance *fish habitats.*

(8) To preserve and enhance the quality and quantity of ground and surface water.

(17) To preserve the aesthetic character of *natural features.*

(18) To provide opportunities, where appropriate, for passive outdoor recreational activities.

Regional Natural Heritage System

115.2 The Regional Natural Heritage System consists of:

(1) areas so designated on Map 1;

(2) the shoreline along Lake Ontario and Burlington Bay; and

(3) *significant* habitats of endangered species and threatened species not included in the designation on Map 1.

115.3 The Regional Natural Heritage System is a systems approach to protecting and enhancing *natural features* and functions and is scientifically structured on the basis of the following components:

1. *Key Features,* which include:

a) *significant* habitat of endangered and threatened species;

b) *significant wetlands;*

c) *significant* coastal wetlands;

d) significant woodlands;

e) *significant* valleylands;

f) *significant* wildlife habitat;

g) *significant* areas of natural and scientific interest;

h) fish habitat;

***Key Features* that have been identified are shown on Map 1G.**

2. *enhancements to the Key Features* including *Centres for Biodiversity*

3. *linkages*,

4. *buffers*,

5. *watercourses* that are within a *Conservation Authority* Regulation Limit or that provide a *linkage* to a *wetland* or a *significant woodland*, and

6. *wetlands* other than those considered *significant* under Section 115.3(1)b).

116.1 The boundaries of the Regional Natural Heritage System may be refined, with additions, deletions and/or boundary adjustments, through:

a) a Sub-watershed Study accepted by the *Region* and undertaken in the context of an *Area-Specific Plan;*

b) an individual Environment Impact Assessment accepted the *Region,* as required by this Plan; or

c) similar studies based on terms of reference accepted by the *Region.*

Section 118.3 is also applicable:

(3) Require the proponent of any development or site alteration that meets the criteria set out in Section 118(3.1) to carry out an Environmental Impact Assessment (EIA), unless:

a) the proponent can demonstrate to the satisfaction of the Region that the proposal is minor in scale and/or nature and does not warrant an EIA;

b) it is a use conforming to the Local Official Plan and permitted by Local Zoning By-laws;

c) it is a use requiring only an amendment to the Local Zoning By-law and is exempt from this requirement by the Local Official Plan; or

d) exempt or modified by specific policies of this Plan.

The purpose of an EIA is to demonstrate that the proposed development or site alteration will result in no negative impacts to that portion of the Regional Natural Heritage System or unmapped Key Features affected by the development or site alteration by identifying components of the Regional Natural Heritage System as listed in Section 115.3 and their associated ecological functions and assessing the potential environmental impacts, requirements for impact avoidance and mitigation measures, and opportunities for enhancement. The EIA, shall, as a first step, identify Key Features on or near the subject site that are not mapped on Map 1G.

The Upper Hager Creek is a key component of the RNHS and meets the Region's definition of "significant woodland". The area supports significant wildlife habitat functions. As noted in the section of this report dealing with the PPS, the EIA completed by Plan B concludes that no negative impacts to the Upper Hager Creek ravine from the proposed development are anticipated. There will be no intrusion into the significant woodland or wildlife habitat. The top of bank and dripline have been staked by Conservation Halton and Region of Halton staff and subsequently surveyed by J.D. Barnes Limited. Setbacks from the stable top of bank will be naturalized with locally indigenous plant species to achieve a net environmental gain.

Having read the ROP in its entirety, it is my opinion that the proposed development is in conformity with the ROP.

5.4 CITY OF BURLINGTON OFFICIAL PLAN (BOP)

Overview

Burlington's new Official Plan was initially adopted by City Council on April 26, 2018 through By-law 24-2018. Subsequently, a further re-examination of the policies occurred for the downtown and commercial areas of the City. These modifications were adopted by City Council on October 7, 2020 and Council endorsed a Draft Notice of Decision on November 26, 2020. The BOP was subsequently approved, with modifications, by the Region of Halton on November 30, 2020. Portions of the BOP have been appealed however none of the pending appeals affect the subject lands.

The subject lands are within the Urban Area, and identified on Schedule B, Urban Structure, as Mixed-Use Nodes and Intensification Corridors. Schedule B-1 of the BOP identifies the site as a Secondary Growth Area. The site is further designated as Local Centre on Schedule C Land Use – Urban Area. The adjacent lands associated with the

Upper Hager Creek are shown as part of the Natural Heritage System and Major Parks and Open Space on Schedule B-1, and as Key Natural Features on Schedule M.

Section 2.1 of the BOP describes the Community Vision, building on the City's Strategic Plan and the Key Strategic Directions set out under Section 1. The Community Vision speaks of directing growth to appropriate areas, while protecting stable residential neighbourhoods and sensitive areas such as Natural Heritage. Within intensification areas, including the subject lands, the BOP notes:

> **Development in these areas will promote connected, walkable, transit-oriented communities that offer convenient access to employment opportunities, a full range of housing, public service facilities including schools and parks, and convenient access to various daily needs like shopping, services, and supports for residents throughout their entire lives.**

Mixed Use Nodes and Corridors are more fully described under Section 2.3.1 I) which reads, in part:

> **Mixed Use Nodes and Intensification Corridors will be a focus of re-urbanization. These areas vary widely and will be guided by the underlying land use designations of this Plan.**

As previously noted, the subject site is designated Local Centre on the Schedule C Land Use – Urban Area. The specific land use policies for Local Centres will be discussed later in this section.

Section 2.4.1 sets out the General Objectives of the BOP's growth strategy. Specifically relevant to the subject lands is Section 2.4.1 b):

> **2.4.1.b) To identify the Primary, Secondary and Employment Growth Areas as the areas where the City is planning to accommodate significant population and employment growth and higher intensity mixed uses in appropriate areas to make better use of land and infrastructure, transforming Burlington from a primarily suburban to a more urban community.**

Further guidance with respect to Secondary Growth Areas can be found at Section 2.4.2.(2). Subsection (ii) describes these areas as distinct areas intended to accommodate growth within the framework of the land use policies. Lands within these areas are expected to transition over the course of the Plan's planning horizon, with the expectation of mid-rise forms of development unless otherwise specifically permitted. Development of these lands is anticipated to be compact, transit supportive and pedestrian-oriented. The proposed redevelopment is consistent with these objectives.

Housing

Section 3.1 of the BOP focuses on Housing, and acknowledges that housing is fundamental to the City's economic, social and physical well-being. To this end, the Plan seeks to ensure a full range of housing forms throughout the City to meet residents' needs at all stages of life. Encouraging efficient use of land to achieve housing targets is balanced against protecting surrounding neighbourhoods from incompatible development. Section 3.1.4 addresses Assisted and Special Needs Housing, which includes housing for seniors. In order to meet the need for such housing, the BOP provides that assisted and special needs housing will be permitted throughout the City, permitting them in all residential neighbourhoods, subject to reasonable planning standards to ensure compatibility. Further, the importance of development applications which provide for such housing is acknowledged in Section 3.1.4(2) e).

Land Use Designations and Policies

Descriptions and policies for the various designations are set out under Section 8.1 of the BOP, and under Section 8.1.3 specifically for Mixed Use Nodes and Corridors. The subject site is categorized as a Mixed-Use Node, which are typically existing developed commercial areas of the City. These are identified as being the focus of re-urbanization through redevelopment, at a scale compatible with the surrounding area. The Local Centre designation which applies to this site is specific to small scale commercial plazas which typically service the immediate surrounding neighbourhood. Within this designation, the Plan provides for limited opportunities for redevelopment including residential, while maintaining the commercial function.

Section 8.1.3(1) establishes the objectives for Mixed Use Nodes and Corridors. The following are particularly relevant to the subject proposal:

c) to provide amenities and services closer to where people live, with the objective of creating complete communities.

d) To ensure Mixed Use Nodes and Intensification Corridors are developed in a compact built form, are pedestrian-oriented and highly accessible by public transit.

e) To ensure the proper integration of Mixed-Use Nodes and Intensification Corridors with surrounding Established Neighbourhoods Areas, protecting the physical character of these neighbourhoods.

f) To ensure that development in Mixed Use Nodes and Intensification Corridors is compatible with the surrounding area.

g) To promote an innovative and sustainable built environment that uses infrastructure and public service facilities efficiently and encourages a high quality of life.

h) To encourage the accommodation of a diverse range of household sizes and incomes in Mixed Use Nodes and Intensification Corridors.

l) To encourage the use of public transit, pedestrian and bicycle travel as an alternative to the automobile and to maximize personal safety.

The subject proposal is in keeping with these objectives as it contributes to a complete community (c) and adds to the range of housing in terms of size and income levels (h). The proposal provides for a compact built form (d) and provides for alternative modes of travel by providing bicycle parking, pedestrian connections, shuttle van services, and access to transit (i). The building scale and orientation provide for an appropriate integration of development within the established neighbourhood (e). Further, the development is compatible with the surrounding area (f) and makes efficient use of infrastructure while protecting the adjacent natural area (g). Further discussion regarding compatibility and integration into the neighbourhood will be addressed later in this report.

The BOP objectives are reflected in both the general policies of Section 8.1.3(2) and the more specific policies that apply to Local Centres, found at Section 8.1.3(5).

8.1.3.2(a) The design and development of Mixed Use Nodes and Intensification Corridors shall promote these areas as focal points for community activities that are characterized by a compact form of development, pedestrian-orientation, greater accessibility to public transit and higher intensity development.

The proposed development will provide for a higher density, compact development with pedestrian and transit connectivity.

8.1.3.2(l) Development applications proposing a comprehensive development of a site that include the replacement of existing commercial floor area shall submit and implement, to the satisfaction of the City, a phasing strategy that demonstrates that the development does not adversely impact the long-term provision of goods and services as the site transitions to its complete stage of development.

The existing plaza has struggled over the years to retain tenants. A phasing strategy has not been requested by the City and would not be possible given the need to demolish the entire commercial plaza to allow for the planned redevelopment.

8.1.3(5) LOCAL CENTRE DESIGNATION

8.1.3(5.1) OBJECTIVES

(a) To provide locations in the city for Local Centres that will serve as small areas of concentration for mixed use development in a compact built form, including pedestrian-oriented retail and service commercial uses, residential uses, office uses, public service facilities and open spaces.

(b) To provide opportunities for a limited range of small-scale retail and service commercial uses, and public service facilities in locations that meet residents' day-to-day and weekly goods and service needs.

(c) To protect the planned commercial function within Local Centres.

(d) To create vibrant and attractive places with increased day and night activity through the introduction of residential development and the integration of uses and open spaces.

(e) To achieve vertical integration of land uses, given the small size of Local Centre sites.

The subject proposal contributes to achieving the above objectives by providing for a compact, vertically integrated development that includes residential units in the form of retirement suites. The proposal includes opportunities for small-scale ground floor retail and service-commercial uses that are accessible to the community, with pedestrian and cycling access, and access to transit.

Local Centre policies are found at Section 8.1.3(5.2). Permitted uses within this designation are set out at 8.1.3(5.2) b) as follows:

8.1.3(5.2) b) The following uses may be permitted on lands designated Local Centre:

(i) retail and service commercial uses;

(ii) residential dwelling units in the upper storeys of retail/commercial buildings; and

iii) office uses in the upper storeys of retail/commercial buildings, and a limited amount of office uses at grade.

A dwelling unit is defined in the BOP as follows:

> ***"Dwelling Unit – A self-contained room or suite of rooms operated as a housekeeping unit and located in a building or structure and used or intended for use as residential premises by one household and which contains kitchen and bathroom facilities that are intended for the exclusive use of that household, except in the case of an institutional residential use, in which case a dwelling unit shall mean a room or suite of rooms used or intended for use as residential premises with or without exclusive kitchen and/or bathroom facilities. Long-term care facilities are excluded from this definition."***

Further, Special Needs Housing is permitted in all areas of the City by virtue of Section 3.1.4.2(a).

The scale of development within the Local Centre designation is intended to be compatible with the surrounding area. To this end, Section 8.1.3(5.2) (d) and (e) must be considered:

> **8.1.3(5.2) d) A maximum floor area ratio of development of 1.0:1 is an appropriate built form in Local Centre lands. An increase to this floor area ratio may occur through a site-specific Zoning By-law amendment or minor variance application, without the need for an amendment to this Plan, provided that the objectives of the Local Centre designation are maintained.**

The provision of a floor area ratio (FAR) of 1.0:0 is arbitrary and contradicts other important policies of the BOP. The subject building is proposed at a FAR of 1.84:1. The higher FAR is appropriate in this location. The building is separated from the existing single-detached residential and to the west by the deep ravine associated with the Upper Hager Creek, which provides significant buffering. The building design includes terracing to minimize the impact of the height. A significant building setback and application of the 45-degree angular plane has been included to achieve a compatible built form with the townhouses immediately south. By providing the majority of parking below grade, the landscape area is greater than currently exists. Further, the building height is in conformity with Section 8.1.3.(5.2) e):

> **8.1.3.(5.2) e) The City will encourage a minimum building height of two (2) storeys and the maximum building height shall not exceed four (4) storeys.**

Lastly, the commercial function is being retained as part of the proposed redevelopment, in conformity with Section 8.1.3.(5.2) f).

Natural Heritage

As previously noted, the lands associated with the Upper Hager Creek are shown as part of the Natural Heritage System and Major Parks and Open Space on Schedule B-1, and as Key Natural Features on Schedule M. The BOP's designation, planning framework and policies with respect to Natural Heritage Systems and Key Features are consistent with the ROP and the PPS. Section 4.2 of the BOP establishes the City's policies with respect to Natural Heritage which are directed at *"planning and managing the city's natural heritage features and areas and the interconnections among them as an integrated natural heritage system*".

General policies applying to lands identified on Schedule M can be found at Section 4.2.2. Specifically,

4.2.2.m) The City shall apply a systems based approach to development and site alteration within and adjacent to the City's Natural Heritage System, including the establishment of permitted uses, by:

(i) prohibiting development and site alteration within:

a. significant wetlands and significant coastal wetlands;

b. fish habitat except in accordance with Provincial and Federal legislation or regulations;

c. the habitat of endangered species and threatened species except in accordance with Provincial and Federal legislation or regulations; and

d. hazardous lands, hazardous sites and other areas regulated by Conservation Halton unless the development application is in accordance with Subsection 4.4.2(3) of this Plan and permission has been received by Conservation Halton.

Section 4.2.4 requires the completion of an EIA for all development or site alteration within 120 metres of the City's Natural Heritage System. The EIA conducted by Plan B was prepared in accordance with the requirements set out under Section 4.2.4, and included a review of existing background documents, Land Information Ontario (LIO) and in-season field survey results. Plan B concludes that the study area does not contain significant wetlands, coastal wetlands, Significant Areas of Natural and Scientific Interest (ANSI) or habitat of endangered species and threatened species. The study did confirm potential significant woodland, significant wildlife habitat, potential significant valley land and potential fish habitat. Accordingly, the policies of 4.2.2m (iii) apply, requiring the completion of an EIA to determine that there will be no negative impacts on the City's Natural Heritage System or on natural heritage features and areas or their ecological and

hydrologic functions or linkages. A summary of the findings with respect to each of the confirmed key features follows.

Woodland

The subject woodland meets the Region of Halton's definition of "significant woodland" and also meets the definition found in the BOP in that the woodland is greater than 2.0 ha in area and is proximate to the Upper Hager Creek. The limit of the woodland dripline (as well as top of bank) on the subject property was staked by Region of Halton and Conservation Halton staff in the field on November 29, 2019. No tree removal is proposed within the wooded ravine, however, tree removals along the south and east property line and within the ravine setback area are required to accommodate site grading.

A Tree Inventory and Preservation Plan Report was prepared by Jackson Arboriculture Inc. dated March 24, 2021 and referenced by Plan B in the EIA. The report documents the 42 trees inventoried on the subject site, the ravine setback area and within the City road allowance. Development of the site will require the removal of 23 trees. As noted, none of the trees to be removed are within the ravine. A restoration plan prepared by Jackson Arboriculture Inc. ensures an offset of the tree removal and to augment the woodland edge. Proposed on-site restoration and enhancement include replacement of trees at a minimum 1:1 ratio, and naturalization of the buffer with native trees and shrubs consistent with *Conservation Halton Landscaping and Tree Preservation Guidelines (2010).* Plan B recommends that the wooded ravine area adjacent to the site should be conveyed to the City of Burlington. This is in keeping with Section 4.2.5 of the BOP which deals with Natural Area Securement. These lands would appropriately by zoned Open Space (O2).

Significant Wildlife Habitat

As part of the completion of the EIA, Plan B undertook breeding bird surveys on two separate dates in June of 2020. A total of 20 bird species were observed, as documented in the Appendix F to the EIA. According to the assessment, most birds observed were common species regularly found to inhabit suburban wooded areas. Eastern Wood Peewee is a species-at-risk (Special Concern), and was recorded on one of the two dates. In addition, the ravine provides seasonal habitat for migrating birds in the spring and fall.

Species at risk (Spotted Wintergreen, Timber Rattlesnake) have been previously recorded within a 1km^2. Assessing the presence of species at risk was competed as part of the in-season field work. In addition, DFO aquatic species at risk mapping was reviewed, confirming that Upper Hager Creek does not support critical or potential habitat for aquatic species at risk (DFO 2021). No fish species were observed within the watercourse during the field survey. Neither of the two previously observed species at risk were observed in the study area during the field survey. Plan B concludes that no loss of habitat within the ravine or negative impact to the Eastern Wood Peewee is

anticipated given that the development is located wholly outside of the ravine, and that the ravine will be protected by a naturalized setback area.

Significant Valley Land:

An assessment of Significant Valley Land which would involve the entire Upper Hager Creek system and require input from a professional geologist, is outside of the scope of the EIA. Plan B confirms that the ravine adjacent to the subject site will be protected by the greater of a 7.5m buffer measured from the long-term stable top of slope or a 10m buffer from the woodland dripline. No negative impact on the valley land is anticipated. It is noted that the proposed buffer is greater than what currently exists.

Potential Fish Habitat:

As noted above, no fish species were observed within the watercourse during the field work program. Plan B further notes that "The *Upper Hager Creek, Escarpment to Four Seasons Drive Class Environmental Assessment"* (AMEC Foster Wheeler 2015) found no fisheries records for the watercourse. Further, there are several downstream barriers and constraints to upstream fish movement in the area. Regardless, no direct or indirect impacts to the Upper Hager Creek are anticipated from the proposed development.

A complete documentation of applicable Natural Heritage policies, and an assessment of the proposal's conformity to those policies is found in the EIA.

Water Resource and Stormwater Management

The City's policies with respect to water resources and stormwater management are set out under Section 4.4.2(2). The policies are intended to promote stormwater management best practices, and in so doing, minimize contaminant load and enhance water quality where possible, minimize erosion and changes in water balance, and maximize the extent and function of pervious surfaces among other things.

4.4.2(2) a) Planning for stormwater management shall:

(i) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;

(ii) minimize, or, where possible, prevent increases in contaminant loads, and enhance water quality;

(iii) minimize erosion and changes in water balance, where possible, enhance water quality and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;

(iv) mitigate risks to human health, safety, property and the natural environment;

(v) maximize the extent and function of vegetative and pervious surfaces; and

(vi) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

Particularly relevant to this proposal, is Section 4.4.2(2)f):

4.4.2(2) f) Functional drainage designs will consider: maintenance of natural watercourses, fish habitat and other key natural features, control of discharges to surface and groundwater, water quality and quantity targets and the identification and protection of sensitive groundwater and surface water features.

As previously noted, a Functional Servicing and Stormwater Management Report (March 26, 2021) was prepared for the proposed development by KWA Site Development Consulting. A Hydrogeological and Water Balance Investigation undertaken by EXP dated March 24, 2021 provided water balance data and analysis.

The KWA study notes that the existing site is divided into two drainage areas, with the existing commercial parking area and rainwater roof leaders which drain the northern half of the building (Area 101) collected by two catchbasins within the existing parking area. Area 102 includes the southern building roof area and the rear access driveway. These areas drain west to the Upper Hager Creek via an existing catchbasin at the southwest corner of the site. During large storm events, the existing site's emergency overland spill point is all directed west to the Upper Hager Creek.

The proposed stormwater management strategy is based on City of Burlington Stormwater Management Design Guidelines (May 2020) and pre-consultation discussions with Capital Works (updated November 2020). Design details and a full discussion of findings and recommendations is found in the KWA report. Key findings are summarized below:

- Quantity control:
    - A 125m³ stormwater storage tank is proposed at the southeast corner of the site to attenuate flows and adhere to the allowable release rate.
    - For post-development drainage area (Area 202) directed to the Upper Hager Creek, the 10-year uncontrolled flow is 28L/s and less than the allowable rate of 37L/s and therefore no attenuation is required.

- No new outlet to Upper Hager Creek is proposed.

- Quality Control:
  - The quality control objective is to provide long-term average removal of 80% of total suspended solids (TSS).
  - Runoff from the rooftop and landscaped areas is considered clean stormwater not requiring treatment.
  - Remaining hard surface areas will be treated to achieve the quality objective.

- Water Balance: (For detailed findings and recommendations refer to EXP report)
  - The areas available for infiltration are increased by approximately 700m² post development.
  - Increased infiltration areas are expected to increase infiltration rates by 155m³/yr in the post-development condition.
  - Increased post-development infiltration rates result in no decrease in the groundwater discharge rates at Upper Hager Creek.
  - A rainwater harvesting tank will be used to irrigate perimeter landscaping.
  - Minor dewatering impacts to stream baseflow are expected during construction and a monitoring program during construction is recommended. EXP notes that if water taking for construction dewatering is greater than 50m³/day but less than 400m³/day on line registration in the Environment Registry with MECP will be required. Groundwater dewater rates in excess of 400m³/day would require a Category 3 Permit to Take Water (PTTW).

The KWA report concludes that the proposed stormwater management plan complies with City of Burlington standards.

Transportation

The Transportation policies in the BOP represent a significant shift in philosophy and approach from previous policies which, while providing for multi-modal transportation, were private-automobile focused. The current BOP recognizes that a shift in focus to “a different kind of transportation system” is needed. Section 6.2 reads, in part: “As the city grows up, if people continue to rely on their automobile to drive everywhere, it will become increasingly difficult to travel. For Burlington to grow successfully, it must be a walking-friendly city, a bike-friendly city and a city designed and built with supporting public

transit." The Plan acknowledges that a shift to prioritizing transit and active transportation may not be appropriate in all areas of the city and that within areas expected to remain as suburban, the goal will be a balanced mobility, balancing all modes of transportation.

Schedule B-2 Growth Framework and Long-Term Frequent Transit Corridors identifies Kerns Road as a Transit Support Corridor. As previously noted, Burlington Transit Route #87 runs north past the site on Kerns Road with an existing bus stop located less than 150 metres from the site. Kerns Road is also identified on Schedule O-1 as a Neighbourhood Collector road. Four Seasons Drive, adjacent to the site on the north, is classified as a local street.

R.J. Burnside and Associates (Burnside) prepared a Transportation Study dated March 2021 for the proposed retirement home and associated commercial space. The study addresses current and future traffic operations, parking supply, traffic demand measures and a high-level review of the site plan from an operations perspective.

With respect to current and future traffic operations, Burnside finds that the existing plaza currently generates significantly more trips than will be generated by the new use, projecting that the development will result in 54 and 22 trips being removed from the road network during the AM and PM peak hours, respectively. Presumably, this is attributable to the existing daycare use. As a result, total traffic operations will improve over background traffic operations.

The proposed plan provides for 66 vehicular parking spaces, with 62 spaces provided for the retirement home and 4 spaces provided for the commercial uses. The proposed parking rate does not meet the City's Zoning By-law, which currently requires .85 spaces per employee, and .75 spaces per unit (including 0.25 visitor spaces per unit). Service commercial uses are required to provide 4 spaces per 100m². In 2017 the City conducted a comprehensive city-wide review of parking standards (*Burlington City-Wide Parking Standards Review,* July 21, 2017, by the IBI Group) and staff recommended that the standards from that study be applied to the subject proposal. Table 9 from the Burnside study is reproduced below, illustrating required vs. provided parking.

Table 9: Vehicular Parking Requirements

Use	Parking Space Type	Rate (spaces/ unit or 100 m^2)	Units or Gross Floor Area (m^2)	Required Spaces [1]	Provided Spaces	Surplus/ Deficit
Retirement Home	Resident/ Employee	0.60	123	74	52	-22
	Visitor	0.25		31	10	-21
Subtotal Residential				**105**	**62**	**-43**
Retail Store	Retail Employee or Commercial Patron	3.5	100	4	4	0
Total				**109**	**66**	**-43**

Notes: 1. According to City staff, rounding rules are to round up for any fraction

As noted in the table, the current proposal provides a shortfall of 43 parking spaces relative to the City's parking standard currently in use. Burnside conducted a review of municipal parking requirements, which are reported in detail in their study. The comparator municipalities have a wide range of standards with an average of .37 spaces per retirement unit. Burnside is recommending a minimum parking supply rate of .50 spaces per unit, including visitor parking. In considering the appropriateness of a reduced parking standard, the BOP objectives for Transportation are informative:

Section 6.2.1.1

k) To implement a range of transportation demand management (TDM) strategies to reduce single-occupancy vehicle trips, to encourage more frequent travel by sustainable modes and outside of peak periods.

(l) To recognize parking management as a tool to influence mode choice, affect housing costs and shape the public realm.

The Burnside study includes a section addressing Transportation Demand Measures, in which it notes that the site has good access to transit and there is an existing sidewalk along both frontages of the site. It is also noted that the bike route on Kerns Road is planned to be enhanced by the addition of bike lanes, per the City's Cycling Master Plan. The site plan provides for good pedestrian connections to Kerns Road and Four Seasons Drive, and includes bicycle parking.

With the above considerations, the proposed parking standard of 0.50 spaces/unit is appropriate for the development and consistent with the move towards encouraging alternative modes of transportation. The proposed parking standard also reflects the fact

that shuttle services will be provided for residents as most residents will not own a car and/or drive.

Having reviewed the BOP in its entirety, it is my opinion that the proposed development is in conformity with the BOP.

Phase One and Two Environmental Site Assessments

A Phase One Environment Site Assessment (ESA) was completed by Watters Environmental Group Inc., in November 2020. The Phase One ESA was conducted in accordance with Ontario Regulation 153/04. The Phase One ESA involved a review of previous reports and historical information related to the property and surrounding area; a review of information in publicly-available regulatory data bases; and a walk-through reconnaissance of the site, completed on August 21, 2019. Interviews with the landowner were also conducted. Two potentially contaminating activities (PCA's) were identified on site, and one nearby. On site, the north-central portion of the property was identified as an area of land fill containing re-worked clayey silt soil with solid waste debris, such as glass, brick, ceramics and ash. A pad-mounted transformer is located on the south-central portion of the property. While the transformer is noted to be in good condition, there is the potential that the original transformer installed when the site was developed in 1975 may have contained PCB's. Offsite, a closed landfill is present north of the property (across Four Seasons Drive), trans-gradient to the site. The presence of these PCA's resulted in the need for a Phase Two ESA.

The Phase Two ESA consisted of drilling boreholes, installing monitoring wells, digging shallow test pits, and submitting soil and groundwater samples for analysis. Based on the results of this Phase Two ESA, Watters Environmental confirmed that the former landfill in the north-central portion of the property contains solid waste debris, such as glass, brick, ceramics and ash mingled with clayey silt soil. This material contains concentrations of PHCs, metals, and PAHs that exceeded the MECP Table 1 Site Condition Standards (SCS). The groundwater in the landfill contains metals that exceed the Table 1 SCS. A Risk Assessment will need to be conducted to confirm the risks (if any) to human health and the environment, and what Risk Management Measures are needed (if required) to manage the risks. This risk assessment and a Record of Site Condition will be required to be submitted to the MECP prior to redevelopment of the site.

6.0 COMPREHENSIVE ZONING BY-LAW 2020

The subject lands are zoned CN2 under the City's Comprehensive Zoning By-law 2020. The current zoning permits a range of automotive and service commercial uses, office uses and Community Institutions which are defined under the by-law as "**facilities provided by a service agency, service club, church or non-profit organization for social, cultural, religious, welfare, athletic or recreational purposes and may include such facilities as youth clubs and seniors' centres."** Residential uses are

also permitted under the current zoning, which allows for dwelling units on the second and third floors. A dwelling unit is defined in the By-law as:

> **"A self-contained room or suite of rooms located in a building or structure that is operated as a housekeeping unit and is used or intended for use as residential premises by one household and which contains kitchen and bathroom facilities that are intended for the exclusive use of that household, except in the case of an institutional residential use, in which case a dwelling unit shall mean a room or suite of rooms used or intended for use as residential premises with or without exclusive kitchen and/or bathroom facilities."**

The proposed retirement units meet the definition of a dwelling unit. Given that a senior centre is a permitted use, as are residential units above the ground floor, it is appropriate that the CN2 Zone be retained, with a special provision to clearly permit a Retirement Home and to allow for a maximum building height of four storeys whereas the current zoning restricts the height to a maximum of three storeys. The special provisions will also address the parking standard and appropriate setbacks.

7.0 DRAFT ZONING BY-LAW AMENDMENT

Attached as **Schedule 5** to this report is a draft Zoning By-law (ZBA).

The draft ZBA proposes to retain the existing CN2 Zone for the subject lands with a site-specific permission for a "Retirement Home". All residents will rely on common culinary and dining facilities thus meeting the definition of Retirement Home. The existing CN2 uses would continue to be permitted. The site-specific permissions for the Retirement Home would include the following provisions:

- A maximum building height of four (4) storeys up to a maximum of 14 metres excluding roof-top mechanical and amenity. It is noted that the current CN2 Zone presently permits a height of three (3) storeys up to a maximum of 12 metres.

- Various setbacks reflecting the current design including step backs for portions of the building abutting the south property line.

- A 7.5 metres setback to the abutting creek block (i.e. top of bank). If the 7.5 metre creek buffer is publicly dedicated, there would be no building setback requirement.

- A minimum parking ratio of 0.50 spaces per retirement dwelling unit.

It is anticipated that further discussions with City Planning staff will be required on the draft ZBA prior to finalization.

8.0 TECHNICAL STUDIES

The following is a summary of technical studies completed in support of the proposed development and upon which I have relied in preparing this Planning Justification Report and formulating my planning opinion.

Functional Servicing and Stormwater Management Report, KWA Site Development Consultants, March 26, 2021

KWA assessed the adequacy and availability of domestic water supply and fire flows to accommodate the proposed development. Domestic and fire water demand was calculated based on the Region of Halton's demand criteria and Fire Underwriters Survey calculations. KWA advises that a new water service will connect to an existing 250mm watermain on the west side of Kerns Road. A fire hydrant will be provided within the fire access route. Further information with respect to the building materials will be required to confirm fire pipe service requirements, and this will be done at the detailed design stage.

With respect to sanitary services, a new 150mm service connection at 1.00% slope will be connected to the existing sanitary sewer on Kerns Road. Existing capacity is sufficient to accommodate the proposed development.

Stormwater analysis has been completed with respect to quantity and quality. To control post-development flows, a stormwater storage tank is proposed. Quality control will be achieved through stormwater filtration technology (StormTech Isolator Row Plus) as well as though settling and filtration. A grassed swale with the use of a small OGS CB unit will treat runoff from the area at the northeast of the site.

Tree Inventory and Preservation Plan Report, Jackson Arboriculture Inc., March 24, 2021

A tree inventory was conducted through field survey, and field mapping, confirming a total of 42 trees within the study area. All trees were inventoried as to species, diameter, condition, and dieback. A minimum tree preservation zone (mTPZ) was identified measured from the trunk of the tree. The removal of 23 trees is required to accommodate the proposed development. Tree preservation methods are identified for the remaining trees and a restoration plan is proposed including replacement at a minimum 1:1 ratio, using naturalized native species.

Environmental Impact Assessment Report (EIA), Plan B Natural Heritage, March 26, 2021

A scope of work was developed in consultation with staff from the Region of Halton, City of Burlington and Conservation Halton. The TOR for the EIA is in keeping with the Region's EIA Guidelines. The report documents and assesses the relevant policy context at the Federal (Federal Fisheries Act), Provincial (PPS, Growth Plan, Provincial Endangered Species Act, Migratory Birds Convention Act) along with Regional and Local Official Plans and Conservation Authority Regulations. In completing the EIA, the

consultants undertook a review of background documents and mapping, including other technical studies undertaken in support of the development proposal. Field inventories were completed. On the basis of this work elements comprising the Natural Heritage area were confirmed as being Key Features. These include potential significant valley land and candidate significant woodland associated with the Upper Hager Creek ravine, potential habitat of wildlife, including endangered or threatened species, as well as potential fish habitat. Each feature was assessed and the potential impact of the proposed development reviewed. Recommendations for mitigation are set out in the EIA, including enhanced landscaping of the buffer zone. Having undertaken a comprehensive review, Plan B concludes that the subject proposal is consistent with and conforms to the applicable environmental policies and regulations.

Environmental Noise and Vibration Feasibility Study, SLR Consulting (Canada) Ltd., March 29, 2021

This report assessed the impact of the surrounding environment on the proposed development, as well as the potential impact of the development on the surrounding area, and on the development itself, from building mechanical systems. Noise sources assessed included transportation related noise and stationary noise sources. Potential vibration sources and impacts were also assessed.

Roadway noise sources assessed included Kerns Road, Four Seasons Drive and the North Service Road. Current and future traffic noise volumes were also assessed. Highway 403 and 407 are both more than 500m away and considered to be outside of the area of influence. Future road traffic sound levels at building facades of the proposed development were predicted using Cadna/A, a commercially available noise propagation modelling software. The façade roadway sound levels are predicted to be below 65 dBA and 60 dBA during the daytime and nighttime periods, respectively. Based on the predicted façade noise levels, forced air heating with provisions for future installation of central air-conditioning, as well as a Type C warning clause are recommended for all units on the east façade, facing Kerns Road. Sound levels are predicted to be below 55 dBA at all outdoor amenity spaces; therefore, physical noise control measures are not required.

A review was completed of the surrounding area for vibration sources. The closest railway is located approximately 1.5 km to the south of the development, and no significant industrial vibration sources are located within the area. In the absence of industrial vibration sources, SLR concluded that a vibration study is not considered necessary.

Phase One and Two Environmental Site Assessments (ESA), Watters Environmental Group Inc., November 2020

As previously noted, a Phase One ESA was completed for the subject site in November 2020. Due to the presence of land fill on and near the subject lands, and the potential for PCB's from a previous transformer on site, a Phase Two ESA was subsequently

completed. The Phase Two ESA consisted of drilling boreholes, installing monitoring wells, digging shallow test pits, and submitting soil and groundwater samples for analysis. Testing revealed material containing concentrations of PHCs, metals, and PAHs that exceed the MECP Table 1 Site Condition Standards (SCS). The groundwater in the landfill contains metals that exceed the Table 1 SCS. A risk assessment and a Record of Site Condition will be required to be submitted to the MECP prior to redevelopment of the site.

Geotechnical and Slope Stability, EXP Services Inc., February 25, 2021/January 7, 2020

Geotechnical

EXP Services Inc. was retained to conduct a Geotechnical investigation of the subject site. Field work was undertaken in October of 2018 and confirmed on site in February 2021. Six (6) boreholes were advanced over readily accessible locations on the site for preliminary geotechnical investigation and slope stability assessment purposes. Borehole 7 was drilled for slope stability assessment purposes. Monitoring wells were installed in two of the boreholes.

The study reports that subsurface stratigraphy at this site in Boreholes 1 to 6 consists of pavement structure over fill, clayey silt till and clayey silt underlain by shale bedrock. Fill consisting of reworked clayey silt with some gravel, medium grained sand pockets and some class and ceramic fragments was encountered below the pavement structure in Boreholes 1 and 6, extending to depths of approximately 7.2m to 10.2m. Groundwater was detected at depths of approximately 4.7 to 8.6 m in Boreholes 1, 3 and 6. Boreholes 2, 4 and 5 were dry upon completion of augering. The report notes that seasonal fluctuations in groundwater are expected.

The report concludes that based on the subsoil conditions revealed in Boreholes 2 to 5, favorable soil conditions exist for the proposed development. Normal slab-on-grade construction can be utilized in the clayey silt till for the one (1) basement level scheme. Within the weak fill area in Borehole 1, the subgrade would have to be improved by sub excavation of up to 600 mm and replacement with compacted granular material for normal slab-on-grade construction.

Slope Stability

The slopes are approximately 9m to 10.9m high. The overall slope gradient varies from approximately 1.3H:1V to 3.4H:1V. The slopes are covered with tall grasses and there are also some mature trees growing on the slopes. Stability analysis was performed at two critical pre-development (same as post-development) slope sections. Stability analyses were carried out using the Slope/W software. The report notes that toe erosion due to creek flow needs to be considered. No erosion was observed and based on channel width and the clayey silt soil condition encountered, a toe erosion allowance of 1.0 m is recommended. In order to account for the recommended toe erosion, a further 1.0m space should be added to the setback required at the top of the slope for the new

development. The study concludes that the construction of proposed development is feasible and will not impact the current stability of the slopes.

Hydrogeological and Water Balance Investigation, EXP Services Inc., March 24, 2021

The objective of the Hydrogeological Investigation was to investigate the hydrogeological conditions at the site to support the Ministry of the Environment, Conservation and Parks (MECP) technical requirements for water taking and permit applications and requirements of Conservation Halton. Data and findings of the study have also been considered and incorporated into the EIA and Functional Servicing and Stormwater Management Report. The main objectives of the Hydrogeological and Water Balance Investigation were:

- Establish local hydrogeological setting within the Site;
- Assess construction dewatering flow rates and potential impacts;
- Provide recommendations on long term groundwater management;
- Assess surface water / groundwater interaction;
- Pre and post development water balance assessment;
- Assess soil percolation/infiltration rates to support design of Low Impact Development Measures; and,
- Prepare the Hydrogeological and Water Balance Report.

Below is a brief summary of key findings:

- Collected groundwater samples show all parameters are within acceptable limits set out under the Halton Storm, Sanitary and Combined Sewer Discharge Criteria (Table 1 and Table 2).
- Estimated peak dewatering pumping rate for proposed construction activities is approximately 250m³/day and therefore an EASR will be required to facilitate the construction dewatering program for the site.
- The long-term flow rate of the foundation sub-drain is estimated to be approximately 40m³/day. Since the expected long-term dewatering rate is less than 50m³/day, MECP permitting will not be required for long-term discharge.
- It is recommended that a suitable treatment method be implemented (filtration or decantation facilities and/ or any other applicable treatment system) during construction dewatering activities to discharge to the applicable sewer system.

- Increased post-development infiltration rates result in no decrease in the groundwater discharge rates at Upper Hager Creek.

- An agreement to discharge into the sewers owned by the City of Burlington / Regional Municipality of Halton will be required prior to releasing dewatering effluent.

Transportation Study, R.J. Burnside & Associates, March 2021

The Transportation Study scope of work included an assessment of current and forecasted traffic volumes and intersection functionality within the study area. Parking requirements were also assessed in the context of current City requirements and survey of other municipalities in the GTA. A functional review of the proposed site plan was undertaken and Transportation Demand Management (TDM) measures have been identified.

The study concluded that existing plaza currently generates significantly more trips than will be generated by the new use. It is projected that the development will result in 54 and 22 trips being removed from the road network during the AM and PM peak hours, respectively. As a result, total traffic operations will improve over background traffic operations.

Burnside reports that the proposed vehicular parking supply of 66 spaces, (62 spaces for the retirement home and 4 spaces for commercial use) does not meet the City's Parking Review requirements. Based on their review, Burnside recommends that the proposed parking supply for the retirement home land use be based on a minimum parking supply rate of 0.50 spaces/unit, and concludes that the proposed 66 spaces inclusive of commercial will be adequate to meet demand.

TDM measures include internal sidewalks which will connect the building entrances to the existing sidewalk network to facilitate pedestrian access and access to nearby transit stops. In addition, bicycle parking will be provided.

The site is well designed to accommodate all modes of transportation. A maneuvering analysis confirms that a refuse truck can access the proposed refuse pickup/loading space.

Waste Management Plan, R.J. Burnside & Associates, April 2021

The Developer intends to utilize, to the maximum extent possible, the Region's waste collection services for the residential waste stream. The residential waste room will need to provide about 39m² of space for: a garbage compaction unit, garbage and recycling bins, and carts for organic waste. The bulk waste storage will provide at least 10m² of storage area. Though anticipated to be minimal, commercial waste will be collected by a private contractor. A separate waste storage room will be required for this purpose. A more detailed waste management plan is to be provided at the Site Plan Approval stage.

9.0 PLANNING OPINION

Based on my review of the pertinent planning documents including the new BOP and the technical studies, it is my opinion that the proposed amendment to the Zoning By-law to facilitate the redevelopment of the subject lands for a retirement home with ground floor commercial is appropriate, compatible and represents good planning. The redevelopment will result in the removal of an outdated one (1) storey commercial plaza in favour of a retirement home facility that in my opinion will provide a higher quality development. Such redevelopment will result in a compact, more efficient use of land and available infrastructure, provide a reasonable level of intensification within the established neighbourhood and the development will contribute to a complete community by offering a broader diversity of housing accommodation.

Public Engagement/Public Consultation Strategy

Considerable public engagement has taken place in advance of the application submission. This included a well attended PAC meeting held on November 26, 2019 and three (3) separate working group meetings held with those residents most affected by the proposal. The comments received to date have assisted in informing and refining the proposal.

Given the extensive public engagement to date which has helped inform the development proposal, and the COVID-19 restrictions/protocols in effect for public gatherings, it is expected that any future engagement will be in a virtual format. The complete application submission will be posted on the City's website for public review and a Statutory Public Meeting will be required pursuant to the *Planning Act*. Given the public consultation held to date including sessions with the working groups, it is questionable whether a further virtual public open house is of value. Further discussion with the Ward Councillor and City Planning staff regarding the need/value of additional public consultation outside of the Statutory Public Meeting and regular Committee/Council process is necessary.

Modifications to Proposal

The initial proposal presented at the PAC meeting was for a five (5) storey, 145 unit retirement home with approximately 295 square metres of ground floor retail space. Through comments received from the public at both the PAC and the subsequent working group meetings, significant changes were made to the proposal. A summary of the key changes is as follows:

- Building height has been reduced from five (5) storeys to four (4) storeys with a corresponding reduction if the number of units from 145 to 123 units.
- Reduction in the size and scale of the mechanical penthouse.
- Projecting balconies onto adjacent properties (i.e. to the south) have been eliminated to address privacy and overlook concerns.

- Re-orienting the building to the south/southwest of the site to provide more greenspace along the street frontages of Kerns Road and Four Seasons Drive.

- Reduction of ground floor retail/commercial and replacement of floor space with retirement home space.

Maintaining the Commercial Function

Through the working group meetings, many residents supported the complete elimination of commercial from the proposal. The commercial function of the existing plaza has suffered over the years with commercial tenants that do not necessarily support the commercial convenience of existing residents. For example, there is no longer a variety store in the plaza or a similar type of store that serves the day to day needs of the neighbourhood. However, to establish conformity with the BOP, a small commercial component has been maintained as part of the proposal. It is envisioned that this commercial space will serve both the retirement home as well as the immediate community (e.g. pharmacy).

Compatibility

The BOP includes the subject lands within a Mixed Use Node and Intensification Corridor and Secondary Growth Area. These designations anticipate the redevelopment of the subject lands. The lands are also designated Local Centre which contemplates mixed use development with a minimum building height of two (2) storeys and a maximum building height of four (4) storeys. Given these permissions, it is difficult to rationalize a maximum FAR of 1.0:1 having regard for all other policies of the BOP. However, an increase in the maximum FAR can occur through a site-specific Zoning By-law Amendment without the need for an Official Plan Amendment provided the objectives of this designation are maintained.

“Compatible or Compatibility” is defined in the BOP as:

> **“Development which may not necessarily be the same as or similar to existing or planned development in the vicinity, but nonetheless can co–exist without causing adverse impacts to the surrounding area.”**

Compatibility is essentially a measure of the ability of a proposed development to co-exist in harmony with existing and future surrounding land uses without causing an unacceptable or adverse impact. A proposed development need not be identical or even similar to existing uses.

The immediate area is characterized by a mixture of land uses. These included single-detached dwellings, townhouses, park and open space land and the existing commercial plaza. Office and institutional uses are nearby to the south. There is no single land use that would define the character of the immediate neighbourhood. On this basis, it would seem reasonable to conclude that a retirement home with limited commercial is an

appropriate land use to consider in the context of a complete community and given the character of the area.

In arriving at the appropriate built form for the retirement home, there were several design considerations. In comparison to the initial proposal, there has been a reduction in the height of the building from 5 storeys to 4 storeys and an increase in the building setback from the townhouses to the south. The south property line setback ranges from the 7.5 metres for a small portion of the building containing six (6) retirement suites up to 12 metres for the main portion of the building. Terracing of the building has been included along the south side of the building to transition between the existing two storey townhouses to the south and the retirement home. The proposed rear lane along the south side of the property is consistent with the existing lane that services the commercial plaza with opportunity for privacy fencing and additional landscaping.

In response to concerns of the working group, enhanced boulevards and setbacks have also been included in the redesign with minimal surface parking. The vast majority of the parking will be located underground. The larger boulevards and setbacks provide an opportunity for additional landscape treatment thus minimizing the streetscape impact.

It is my opinion that the proposed retirement home building with commercial is compatible with existing land uses and will enhance the character of the immediate neighbourhood. My reasons are summarized below:

- The subject lands and the proposed development are surrounded by and buffered by public roads situated to the north and east coupled with a significant open space valley feature along the west property line. The roads and valley feature provide an enhanced physical separation and setback from the adjacent lands. An enhanced buffer will also be provided to the adjacent valley feature.

- Through the enhanced setbacks, terracing and fencing/landscaping, the proposed retirement home provides a reasonable and appropriate transition to the two (2) storey townhouses to the south within Tyandaga Mews. It is noted the adjacent townhouses also include a maintenance buffer situated immediately south of the subject lands that provides additional separation between the existing and proposed land uses.

- There are no adverse and/or unacceptable shadow impacts resulting from the proposed building.

- Based on the technical studies undertaken, there is no demonstrated adverse traffic, noise, health and safety and/or environmental impacts arising from the proposal.

Parking

As previously noted in our review of the Burnside parking assessment, a reduction in the City parking standard is proposed. Based on our experience with similar retirement home facilities throughout Ontario, the parking rate for retirement homes recommended by IBI Group and included in the City's Zoning By-law (i.e. 0.85 spaces per employee plus 0.50 occupant spaces per unit plus 0.25 visitor spaces per unit) is excessive. In my opinion, such a high parking standard reinforces, rather than deters, the dominance of the automobile and assumes that almost every staff member drives. This is inconsistent with several policies of the BOP which seek walkable, pedestrian oriented and transit supportive communities. The rate recommended by Burnside of 0.5 spaces per unit including visitor parking is more consistent with similar facilities with less emphasis on an automobile oriented development. Most residents do not drive and/or own a vehicle. Hence, parking is largely for employees and visitors. Staffing would be approximately 12-15 employees during the day and 2 employees in the evenings. Employees and visitors could utilize transit or other modes of transportation (e.g. bicycle) rather than relying on a car.

Burnside has conducted a review of other parking standards/rates for other retirement homes within the GTAH. Based on their review, it appears that most of the municipalities studied have a parking standard ranging between 0.33 – 0.41 spaces/unit with Milton and Mississauga having a higher rate at 0.50 spaces/unit. Burnside has recommended the higher standard of 0.50 spaces/unit.

10.0 CONCLUSIONS

Based on our review of the pertinent planning documents and the aforementioned technical studies, it is our opinion that the proposed redevelopment of the subject lands for a four (4) storey retirement home providing a total of 123 retirement units and 100m² of ground floor commercial is appropriate, compatible and represents good planning.

The development of these lands in a low-rise built form will achieve several policy directives of the PPS, Growth Plan, ROP, and the City of Burlington Strategic Plan and Official Plan with respect to providing for special needs housing and facilitating modest intensification while providing for more efficient use of land and existing available infrastructure. The proposal will also contribute to a complete community.

A summary of my planning opinion is as follows:

1. The proposal represents an efficient use of land and infrastructure and an appropriate form of development at this location on a transit route. The 2020 PPS states that land use patterns shall be based on densities and a mix of land uses which, among other matters, are transit-supportive. The PPS also recognizes the importance of meeting housing needs, including special needs housing. Housing for older persons is included in the PPS definition of "special

needs". As such, the proposal to add retirement units to the community, within a Settlement Area as described in Policy 1.1.3.3, is consistent with this provision of the PPS.

2. The adjacent ravine is associated with Upper Hager Creek, which is identified as part of the RNHS containing several Key Features, including wildlife habitat, potentially significant woodlands, valleylands, and potential fish habitat. The EIA completed by Plan B in support of the application confirms that there will be no intrusion into the valleyland, significant woodland or wildlife habitat. Setbacks from the stable top of bank will be naturalized with locally indigenous plant species to achieve a net environmental gain. The proposed plan results in an increase in the amount of pervious area allowing for an increase in infiltration and flows to the creek. No fish habitat was identified in the area. The proposal is consistent with the PPS with respect to protection of Natural Heritage Areas and features.

3. The Provincial Growth Plan identifies a number of foundational principles including:

    a. Support of complete communities designed to support healthy and active living throughout an entire lifetime.

    b. Prioritizing intensification in strategic growth areas to make efficient use of land and infrastructure and support transit viability.

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

    d. Protection and enhancement of natural heritage, hydrologic, and landform systems, features, and functions.

    The proposed redevelopment of the site for a retirement home is in keeping with these foundational principles and the Growth Plan policies designed to achieve the vision. The proposal represents modest intensification in a built form that is compatible with the townhouses to the south and single-detached dwellings to the north and east. The proposal adds to the supply of special needs housing in the area, while protecting and enhancing the adjacent natural area. The proposal conforms to the Growth Plan.

4. The redevelopment of the existing aging commercial plaza is consistent with the City's Strategic Plan which anticipates that these types of properties/facilities will redevelop over time as mixed-use developments with improved pedestrian connections to the street, as is proposed here.

5. The proposed development conforms to the goals, objectives and policies of the ROP regarding housing, intensification, and environmental protection (i.e. RNHS). The Functional Servicing Report prepared for the proposal indicates that Regional water and sanitary sewers are adequate and available to support the proposed development.

6. The BOP identifies the site as a Mixed Use Node and Intensification Corridor and a Secondary Growth Area. The proposed development will provide for a higher density, compact development with pedestrian and transit connectivity as envisaged in these designations.

7. The proposed built form represents a significant improvement and provides for an attractive streetscape and creates a comfortable pedestrian environment. The majority of parking underground would be located underground resulting in an increase of landscaped area over the present site condition.

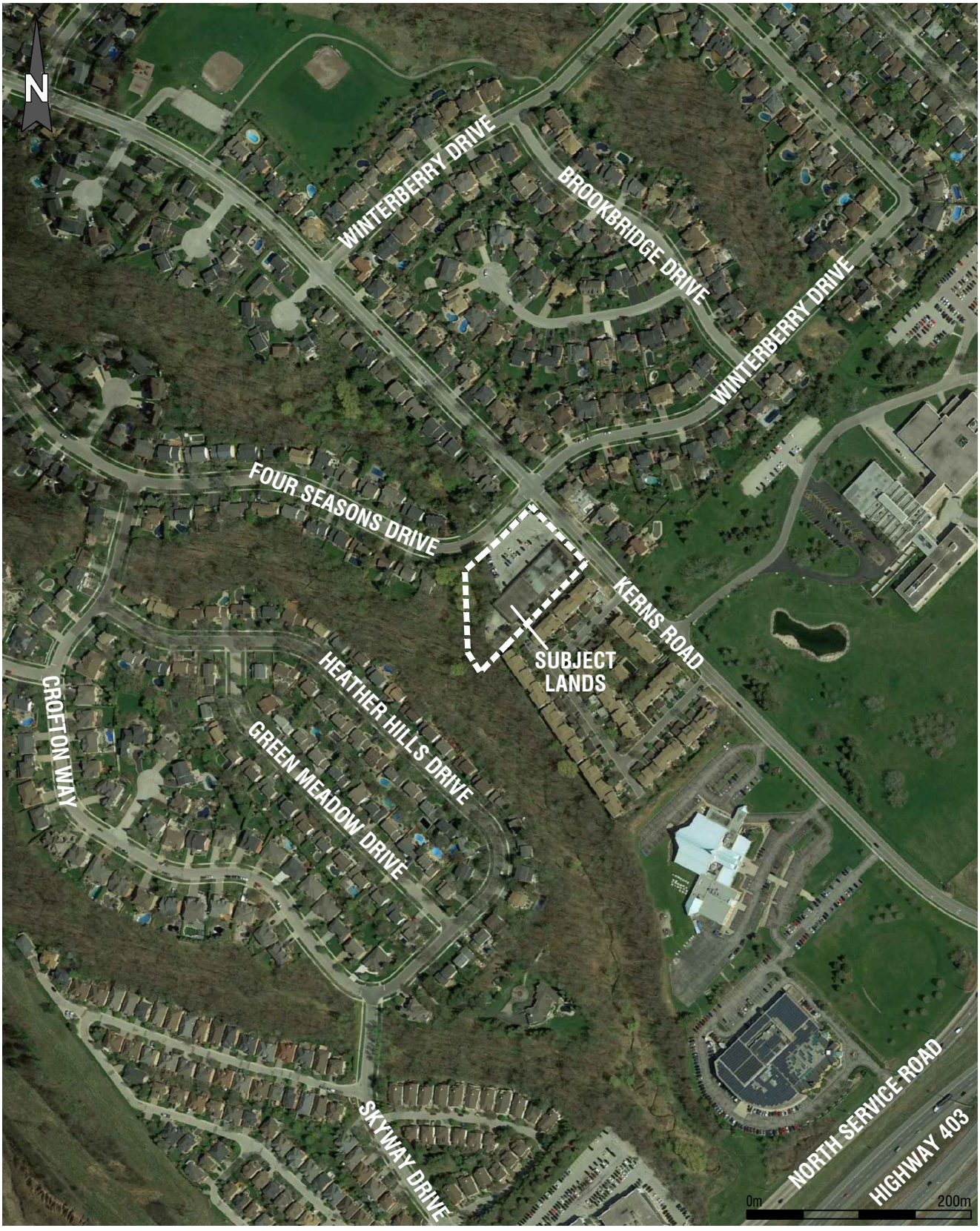
8. The technical studies prepared in support of the application do not identify any adverse or unacceptable impacts arising from the proposal.

9. The draft ZBA prepared in support of the proposed development attached as **Schedule 5** to this report is appropriate, reasonable and represents good planning.

Yours truly,
WELLINGS PLANNING CONSULTANTS INC.

Glenn J. Wellings, MCIP, RPP





PROJECT:
FGL Kerns Inc.
Burlington, Ontario

1600 Kerns Road

PROJECT No:
2018/21

DATE:
April 2021

SCALE:
1:5000

Wellings Planning Consultants Inc.
513 Locust Street, Unit B - Burlington, Ontario
t - 905-681-1769 e - Glenn@WellingsPlanning.ca

SCHEDULE 1

SCHEDULE 2



1600 KERNS RETIREMENT HOME

1600 Kerns RdBurlington, ON

FIELDGATE PROPERTIES

DRAWING LIST

Sheet Number	Sheet Name	Issue#1 (Mar 30, 2021)	Issue#2 (Add Date)	Issue#3 (Add Date)	Issue#4 (Add Date)	Issue#5 (Add Date)
11 REZONING						
A0						
dA0.00	Cover Sheet	■				
A1						
dA1.01	Context Plan & Project Statistics	■				
dA1.02	Survey	■				
dA1.03	Site Plan	■				
A2						
dA2.01	Parking Level Floor Plans	■				
dA2.02	Floor Plan Level 1	■				
dA2.03	Floor Plan Level 2	■				
dA2.04	Floor Plan Level 3	■				
dA2.05	Floor Plan Level 4	■				
dA2.06	T.O. Top Residential Roof	■				
A4						
dA4.01	Elevations	■				
A5						
dA5.01	Building Sections	■				
A6						
dA6.01	Perspective Views	■				
A7						
dA7.1	Shadow Study - June 21st	■				
dA7.2	Shadow Study - March/ September 21st	■				
dA7.3	Shadow Study - December 21st	■				

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Date:

KIRKOR ARCHITECTS + PLANNERS

20 De Boers Dr. # 400 Toronto ON M3J 0H1

TEL 416 665 6060 kirkorarchitects.com

No.:	Revision:	Date:
08	Rezoning	Mar 30, 2021
07	Review	Mar 22, 2021
06	Review	Mar 17, 2021
05	Review	Mar 09, 2021
04	Coordination	Feb 19, 2021
03	Review	Jan 21, 2021
02	Client's Review	May 27, 2020
01	Client's Review	Oct 07, 2019
No	Issued For:	Date:

Drawing Title:

Cover Sheet

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale:

Drawn by:

Author

Checked by:

Checker

Project No.:

19062

Date:

Mar 30,2021

Drawing No.:

dA0.00

1600 Kerns

RETIREMENT HOME DEVELOPMENT
BURLINGTON,ON

Project Statistics

April 9, 2021 — Project No. 19-062

1.0 SITE INFORMATION

1.1 Total Site Area

	sqm	*sq.f*	acres	hectres
Gross Lot Area	**7,991.0**	**86,014**	**1.97**	**0.80**
Net Lot Area (Excluding Top of the Bank setback area)	**5,542.7**	**59,661**	**1.37**	**0.55**

2.0

2.1 Proposed Gross Building Floor Area

RESIDENTIAL

Levels	floors	sq.m.	sq.m.	sq.ft.
Level P1	1 x	1650	1650	17760
Level 1	1 x	2383	2383	25650
Levels 2	1 x	2453	2453	26404
Levels 3	1 x	2280	2280	24542
Level 4	1 x	1351	1351	14542
Proposed Residential GBFA			**10,117**	**108,898**

NON-Residential

Levels	floors	sq.m.	sq.m.	sq.ft.
Level 1	1 x	100	100	1076
Proposed NON-Residential GBFA			**100**	**1,076**

	sq.m.	sq.ft.
TOTAL GBFA	**10,217**	**2,152**

2.2 FSI

	Total Proposed GBFA(m²)		*Site Area (m²)*	*FSI*
FSI	10,217	/	5,542.7	**1.84**

2.3 Rentable Area

Levels		floors	sq.m.	sq.m.	sq.ft.
Level 1	Res. & Retail	1 x	1779	1779	19144
Levels 2		1 x	2139	2139	23029
Levels 3		1 x	1968	1968	21184
Levels 4		1 x	978	978	10523
Total Rentable Area				**6,864**	**73,880**

2.4 Efficiency (Rentable divided by GFA, including P1 GFA)

4 Storey	**67%**

3.0 Amenity GFA

3.1 Proposed Amenity GFA

3.1.1 Indoor Amenity	sq.m.	sq.ft.
Level P1	623	6,706
Level 1	75	807
Level 4	178	1,916
Total Indoor Amenity	**876**	**9,429**

3.1.2 Outdoor Amenity		
Level P1	154	1,658
Level 1	100	1,076
Level 4	644	6,932
Total Outdoor Amenity	**898**	**9,666**

4.0 Unit Count

4.1

	floors	Regular units/floor	Units W/ Internal Bedroom/ Studio	units/floor
Level 1	1 x	16	15	31
Level 2	1 x	21	18	39
Level 3	1 x	20	17	37
Level 4	1 x	11	5	16
Total Number of Units		**68**	**55**	**123**

4.2

Average Unit Size	No. of units	Rentable (ft²)	Avg. Unit Size (ft²)
4 Storey	123	73,880	**601**

5.0 Parking

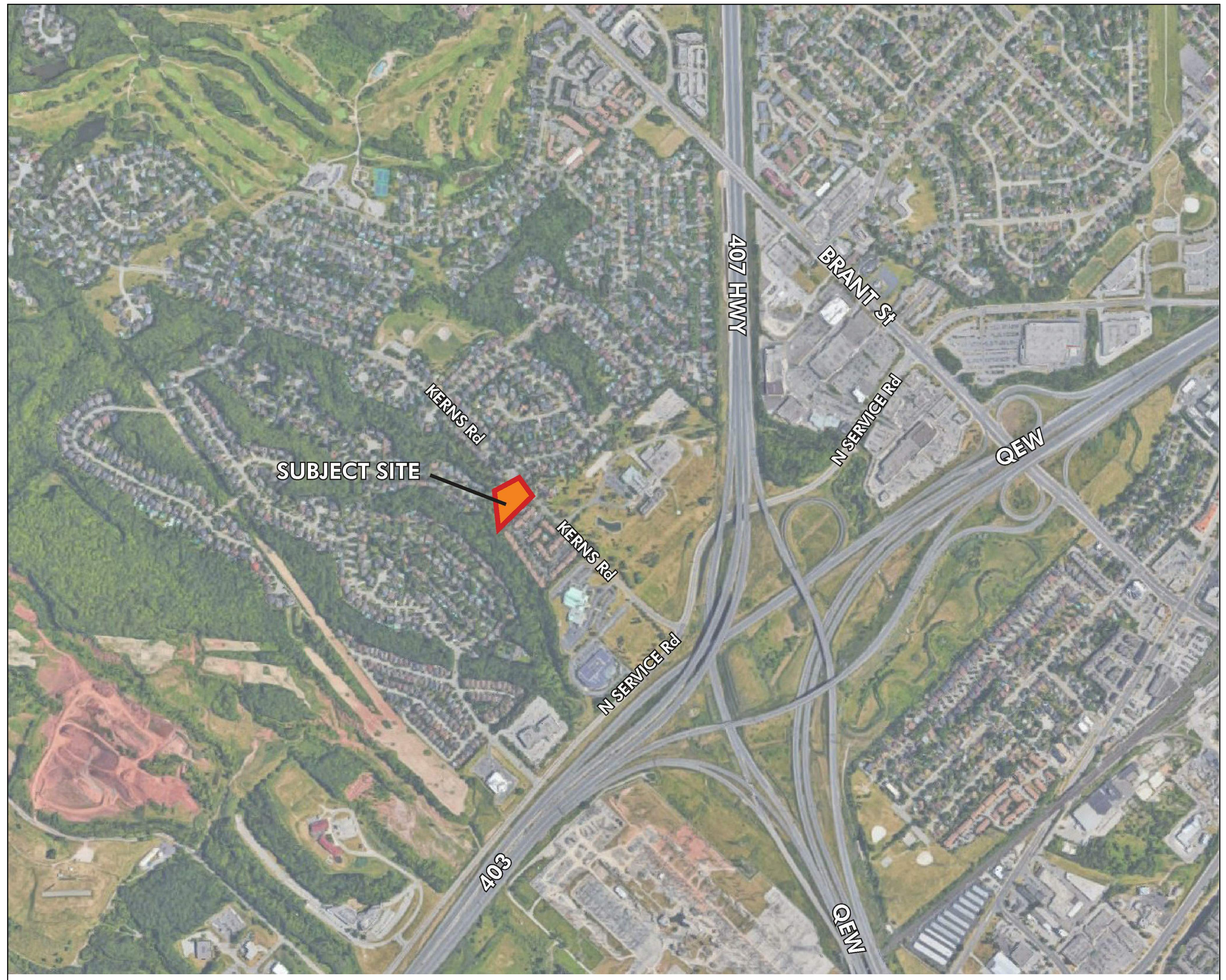
5.1

Parking Proposed - *Including Accessible Spaces*		No. of Units	
Retirement Home	0.50 /Unit	123	**62**
Commercial	4 /100m²	**100**	**4**
Total Parking Required			**66**

5.2

Parking Provided - *Including Accessible Spaces*	Res.	Comm.	
Surface	**10**	4	**14**
P1	**52**		**52**
Total Parking Provided	**62**		**66**

Project Statistics 2
NTS dA1.01



Project Statistics 1
NTS dA1.01

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01	Client's Review	Oct 07, 2019

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Drawing Title:

Context Plan & Project Statistics

Project:
FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

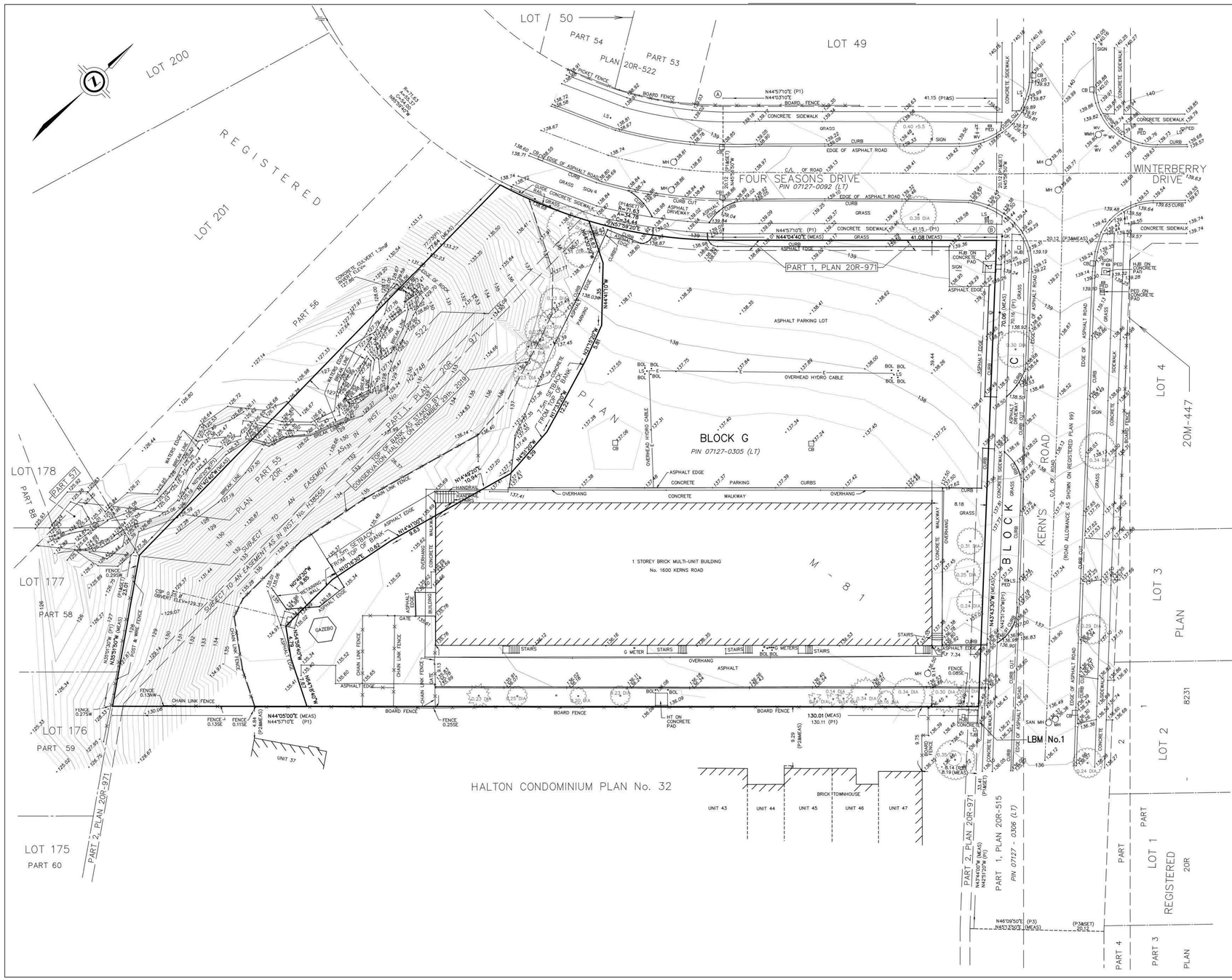
1600 KERNS ROAD, BURLINGTON, ON

Scale:

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Drawn by: Author
Checked by: Checker
Project No.: 19062
Date: Mar 30,2021
Drawing No.:

dA1.01



SURVEYOR'S REAL PROPERTY REPORT
SHOWING TOPOGRAPHIC INFORMATION ON

BLOCK G
REGISTERED PLAN M-81
CITY OF BURLINGTON
REGIONAL MUNICIPALITY OF HALTON

SCALE 1 : 250

5 0 5 10 15 metres

J.D. BARNES LIMITED

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METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

PART 2 - SURVEY REPORT

- DESCRIPTION
  BLOCK G, REGISTERED PLAN M-81, CITY OF BURLINGTON
- ADDITIONAL REMARKS
  PLAN PREPARED FOR FIELDGATE PROPERTIES

REGISTERED EASEMENTS AND/OR RIGHTS OF WAY

SUBJECT TO AN EASEMENT AS IN INST. No. H24748 OVER PART 55 ON PLAN 20R-522.
SUBJECT TO AN EASEMENT AS IN INST. No. H38555 OVER PART 1 ON PLAN 20R-971.

- BOUNDARY FEATURES
  NOTE THE LOCATION OF FENCES AS SHOWN ON THE PLAN

NOTES

BEARINGS ARE UTM GRID, DERIVED FROM (ORP's) OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS)(2010.0).

INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0).

COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	594 128.12	4 799 342.19
ORP (B)	594 171.15	4 799 357.70

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999896.

BEARING COMPARISONS SHOWN FOR UNDERLYING PLANS, REGISTERED PLAN M-81, HALTON CONDOMINIUM PLAN No. 32 AND PLAN 20R-515 ARE WITH ASTRONOMIC BEARINGS.

ALL BUILDING TIES ARE TAKEN TO CONCRETE FOUNDATION.

LEGEND

	DENOTES BENCHMARK
■	DENOTES SURVEY MONUMENT FOUND
□	DENOTES SURVEY MONUMENT PLANTED
IB	DENOTES IRON BAR
SIB	DENOTES STANDARD IRON BAR
⊠ STK	DENOTES WOOD STAKE PLANTED
P1	DENOTES REGISTERED PLAN M-81
P2	DENOTES HALTON CONDOMINIUM PLAN No. 32
P3	DENOTES PLAN 20R-515
P4	DENOTES BUILDING LOCATION SURVEY BY J. D. BARNES LIMITED, DATED JUNE 23, 1988.
P5	DENOTES BUILDING LOCATION SURVEY BY J. D. BARNES LIMITED, DATED JUNE 23, 1988.
P6	DENOTES PLAN 20R-8231
MEAS	DENOTES MEASURED
OU	DENOTES ORIGIN UNKNOWN
□ CB	DENOTES SINGLE CATCHBASIN
□ HJB	DENOTES HYDRO JUNCTION BOX
• GK	DENOTES GAS KEY
• G METER	DENOTES GAS METER
◯ MH	DENOTES MANHOLE
◯ SAN MH	DENOTES SANITARY MANHOLE
◯ WMH	DENOTES WATER MANHOLE
• BOL	DENOTES BOLLARD
• LS	DENOTES LIGHT STANDARD
□ TJB	DENOTES TELEPHONE JUNCTION BOX
⊞ PED	DENOTES TELEPHONE PEDESTAL
⊢ H	DENOTES FIRE HYDRANT
HT	DENOTES HYDRO TRANSFORMER
⊰ WV	DENOTES WATER VALVE
—E—	DENOTES OVERHEAD HYDRO CABLE
CSP	DENOTES CORRUGATED STEEL PIPE

ELEVATION NOTE

ELEVATIONS SHOWN ON THIS PLAN ARE DERIVED FROM CITY OF BURLINGTON BENCHMARK No. 1081
ELEVATION = 157.586m
AND
BENCHMARK No. 1082
ELEVATION = 139.47m

LOCAL BENCHMARK No. 1

BENCHMARK No. 503 FOUND ON SOUTHEAST CORNER OF HYDRO PAD ACROSS FROM LOT 2, 20M-447.
ELEVATION = 136.52m

BEFORE DIGGING, UNDERGROUND SERVICES SHOULD BE LOCATED ON SITE BY THE RESPECTIVE AGENCIES.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THAT THE LOCAL BENCHMARKS HAVE NOT BEEN ALTERED OR DISTURBED AND THAT THE RELATIVE ELEVATONS AND DESCRIPTIONS AGREE WITH THE INFORMATION SHOWN ON THIS SKETCH.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON SEPTEMBER 13, 2018.

DATE

THOMAS J. SALB
ONTARIO LAND SURVEYOR

J.D.BARNES LIMITED SURVEYING MAPPING GIS
LAND INFORMATION SPECIALISTS
401 WHEELABRATOR WAY, SUITE A, MILTON, ON L9T 3C1
T: (905) 875-9955 F: (905) 875-9956 www.jdbarnes.com

DRAWN BY:	CHECKED BY:	REFERENCE NO.:
CE		18-30-288-00-A

FILE: G:\18-30-288\02\Drawing\18-30-288-02-D.dgn DATED: NOVEMBER 6th, 2020
PLOTTED: 11/6/2020

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08	Rezoning	Mar 30, 2021
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01	Client's Review	Oct 07, 2019
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Drawing Title:

Survey

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale:

Drawn by: Author

Checked by: Checker

Project No.: 19062

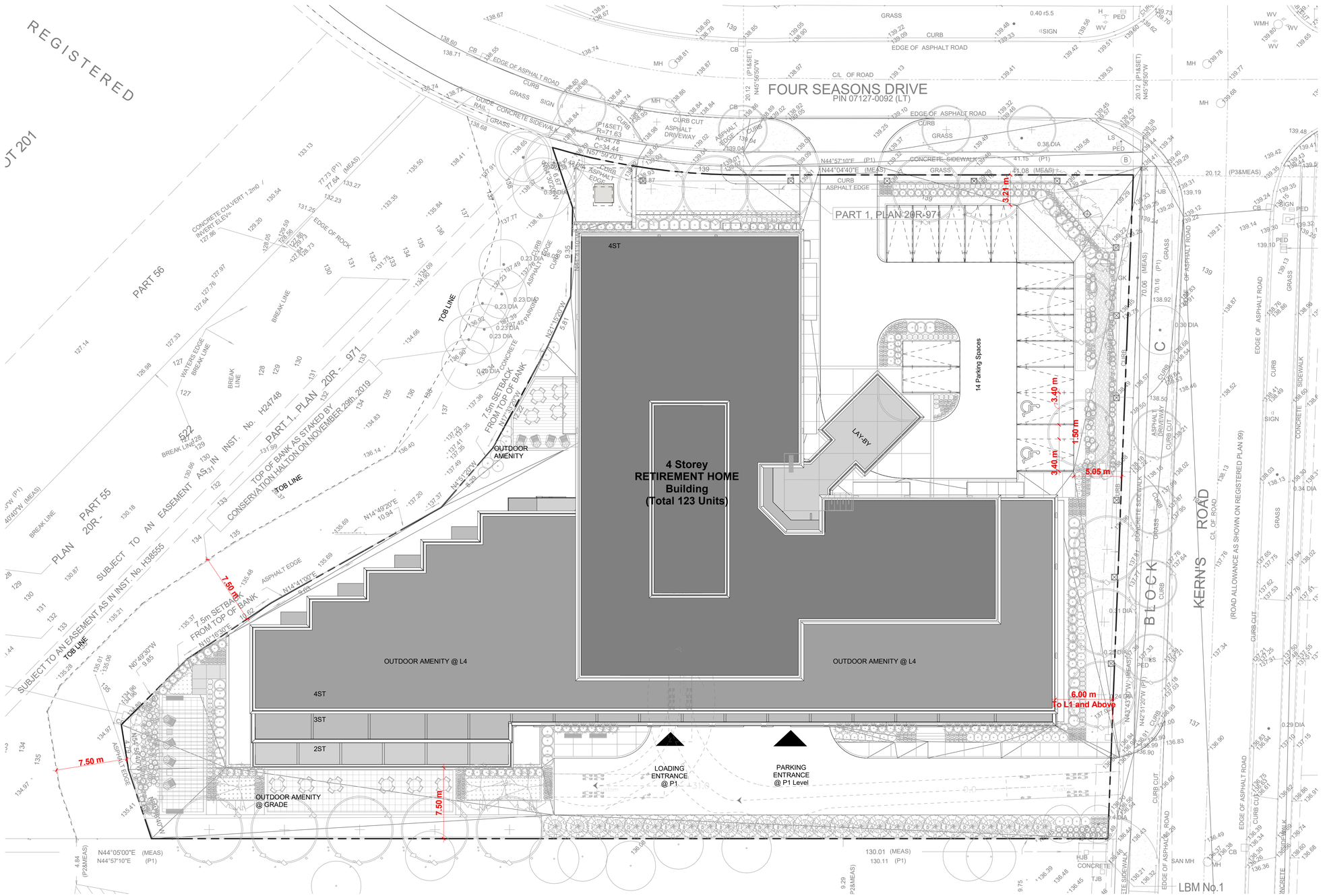
Date: Mar 30,2021

Drawing No.:

dA1.02

Survey
NTS

Plot Date: 3/30/2021 7:51:54 AM File Path: C:\Revit\2019\19062P11-Model-Fieldgate - 1600 Kerns_FGorjdooz.rvt



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Drawing Title:

Site Plan

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 200

Drawn by: Author

Checked by: Checker

Project No.: 19062

Date: Mar 30,2021

Drawing No.: dA1.03

Site Plan 1

Scale: 1 : 200 dA1.03

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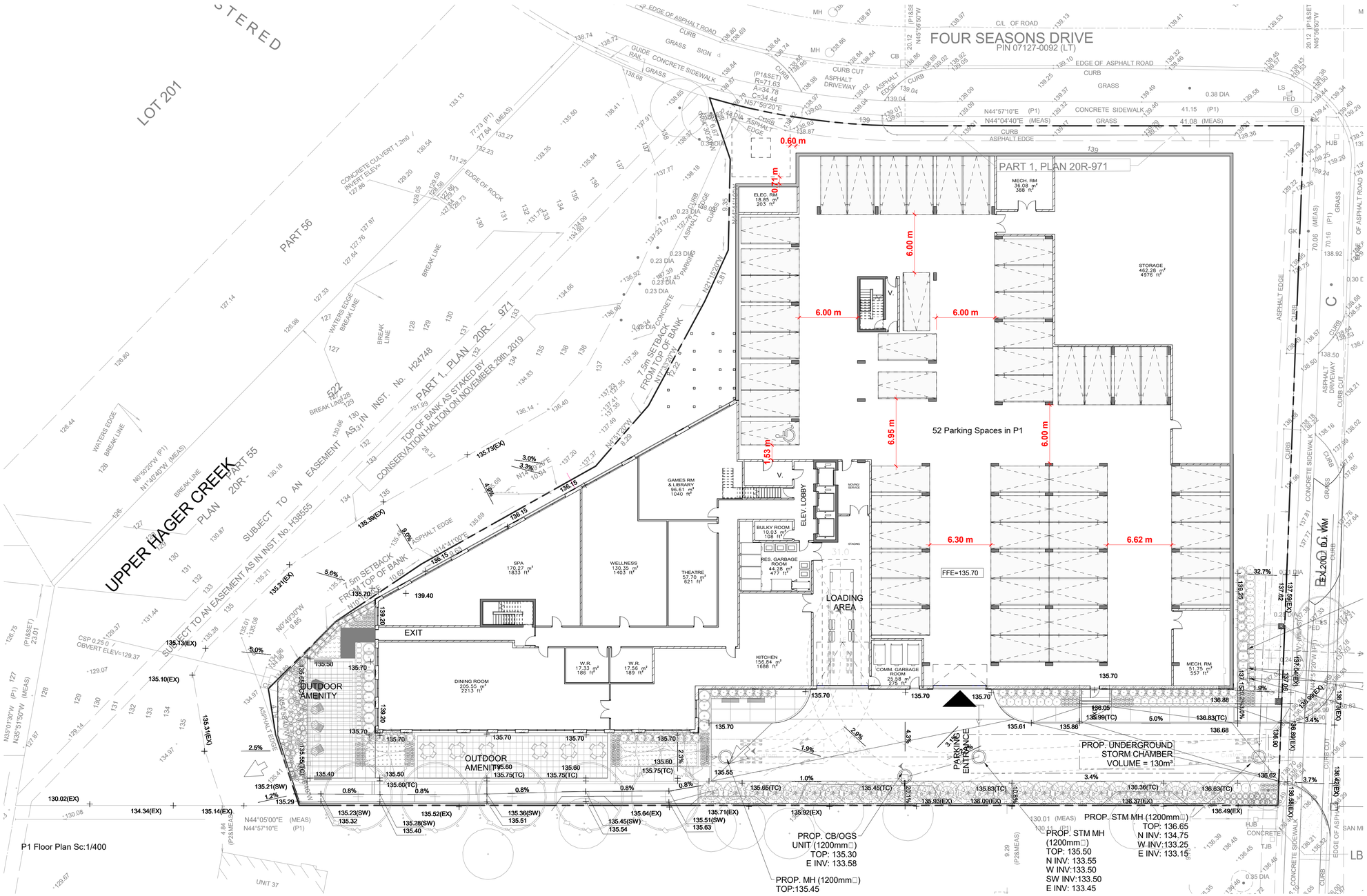
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No.:	Revision:	Date:

Drawing Title:

Parking Level Floor Plans

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 200

Drawn by: Author

Checked by: Checker

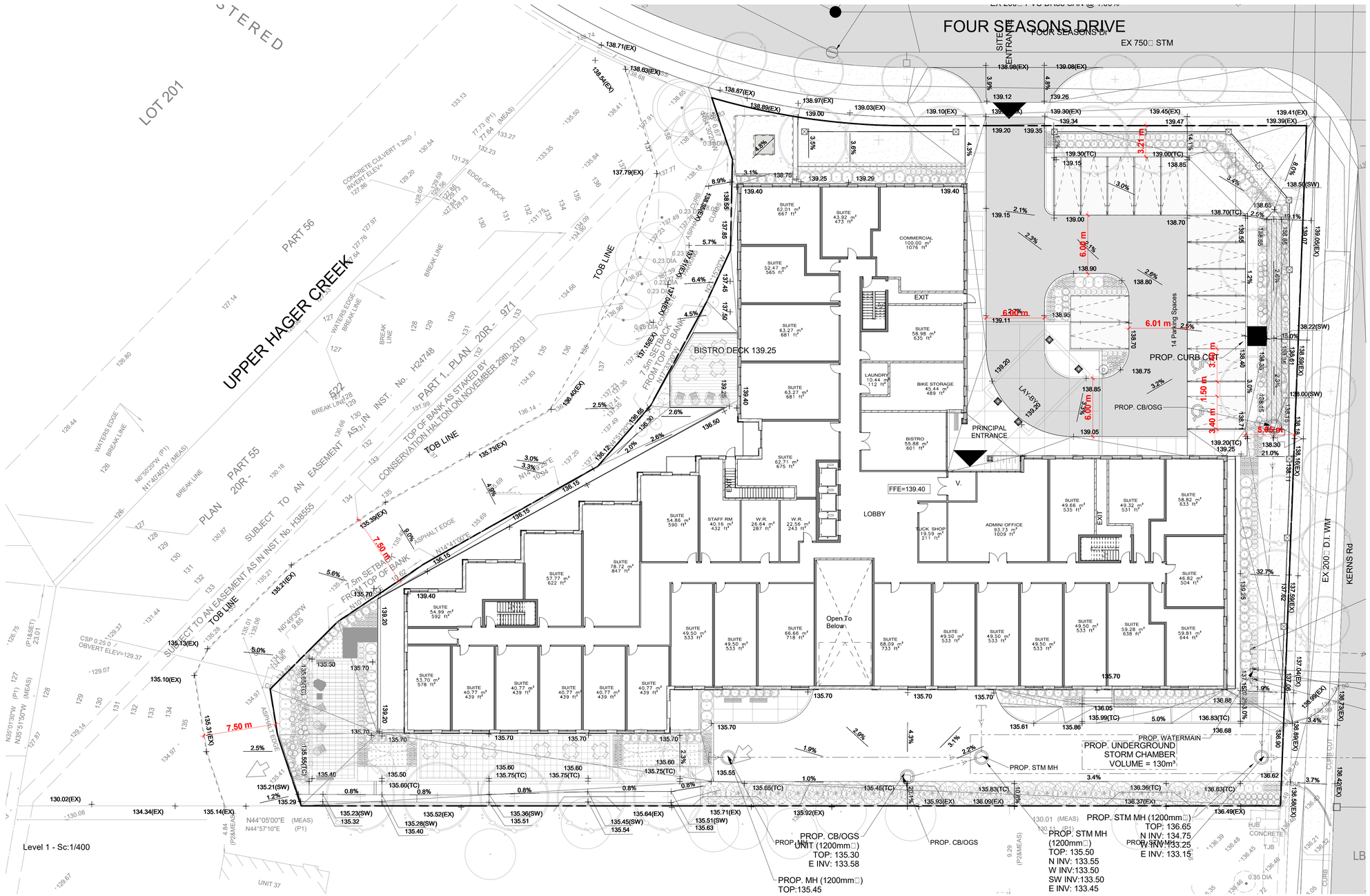
Project No.: 19062

Date: Mar 30,2021

Drawing No.:

dA2.01

Floor Plan Level P1 — Scale: 1 : 200 — 1 / dA2.01



Floor Plan Level 1 (1 / dA2.02)
Scale: 1 : 200

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Drawing Title:

Floor Plan Level 1

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 200

Drawn by: Author

Checked by: Checker

Project No.: 19062

Date: Mar 30,2021

Drawing No.:

dA2.02



Floor Plan Level 2 — Scale: 1 : 200 — 1 / dA2.03

Plot Date: 3/30/2021 7:51:59 AM File Path: C:\Revit\2019\19062P11-Model-Fieldgate - 1600 Kerns_FGorjdooz.rvt

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No	Issued For:	Date:

Drawing Title:

Floor Plan Level 2

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 200

Drawn by: Author

Checked by: Checker

Project No.: 19062

Date: Mar 30,2021

Drawing No.:

dA2.03



Floor Plan Level 3 — 1 / dA2.04

Scale: 1 : 200

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Drawing Title:

Floor Plan Level 3

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 200

Drawn by: Author

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Project No.: 19062

Date: Mar 30,2021

Drawing No.: dA2.04

Plot Date: 3/30/2021 7:52:01 AM File Path: C:\Revit\2019\19062P11-Model-Fieldgate - 1600 Kerns_FGorjdooz.rvt



Floor Plan Level 4

Scale: 1 : 200

1
dA2.05

Plot Date: 4/9/2021 11:35:31 AM File Path: C:\Revit\2019\19062P11-Model-Fieldgate - 1600 Kerns_FGorjdooz.rvt

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Drawing Title:

Floor Plan Level 4

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 200

Drawn by: Author

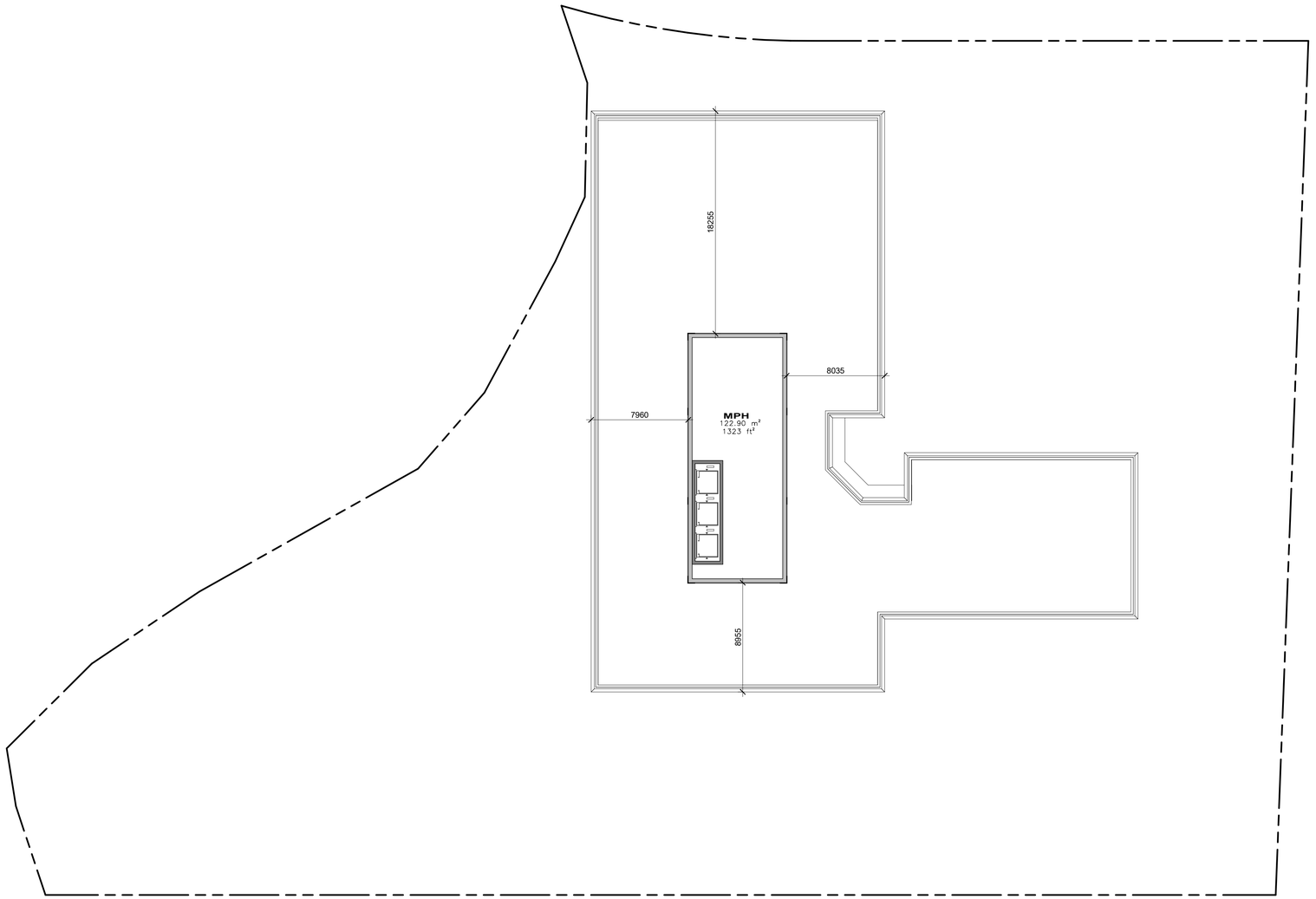
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Project No.: 19062

Date: Mar 30,2021

Drawing No.:

dA2.05



Floor Plan Level 5

Scale: 1 : 200

1
dA2.06

Plot Date: 3/30/2021 7:52:03 AM File Path: C:\Revit\2019\19062P11-Model-Fieldgate - 1600 Kerns_FGorjdooz.rvt

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Drawing Title:

T.O. Top Residential Roof

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 200

Drawn by: Author

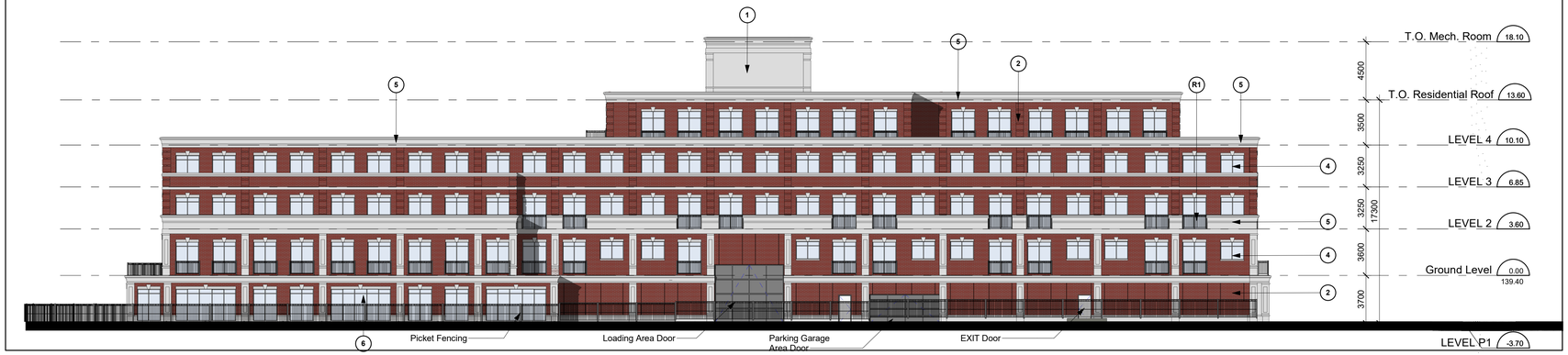
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Project No.: 19062

Date: Mar 30,2021

Drawing No.:

dA2.06



South Elevation 4
Scale: 1 : 200 dA4.01



North Elevation 3
Scale: 1 : 200 dA4.01



West Elevation 2
Scale: 1 : 200 dA4.01



EAST ELEVATION 1
Scale: 1 : 200 dA4.01

EXTERIOR FINISH LEGEND

PROJECT NUMBER - PROJECT NAME

1. PRECAST - WHITE/LIGHT GREY
2. BRICK - RED/ BROWN
3. STONE - LIGHT GREY
4. VINYL WINDOW
5. PARAPET/ CORNICE - WHITE CONCRETE
R1. RAILING - PICKET- DARK GREY

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01	Client's Review	Oct 07, 2019
No	Issued For:	Date:

Drawing Title:

Elevations

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 200

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Project No.: 19062

Date: Mar 30,2021

Drawing No.:

dA4.01

Plot Date: 3/30/2021 7:52:23 AM File Path: C:\Revit\2019\19062P11-Model-Fieldgate - 1600 Kerns_FGorjdooz.rvt

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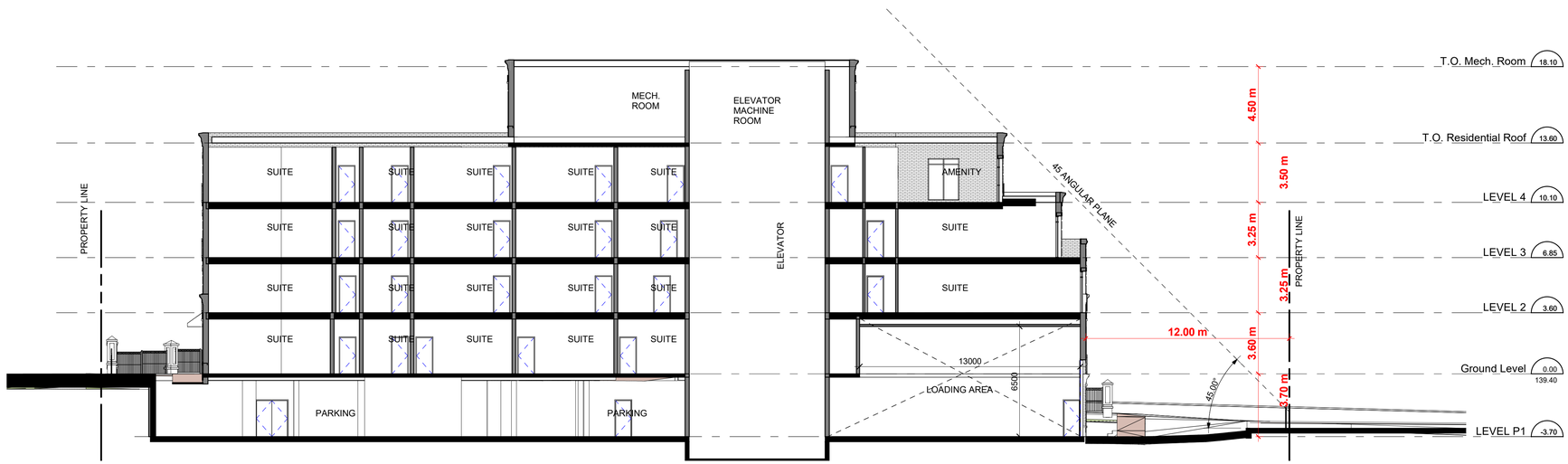
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Date:



Section 2 — 2 / dA5.01

NTS



Section 4 — 1 / dA5.01

Scale: 1 : 150

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Drawing Title:

Building Sections

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 150

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Checked by: Checker

Project No.: 19062

Date: Mar 30,2021

Drawing No.: dA5.01

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Drawing Title:

Perspective Views

Project:

FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale:

N

Drawn by: Author

Checked by: Checker

Project No.: 19062

Date: Mar 30,2021

Drawing No.:

dA6.01



June 21 @ 09:30 — 1 dA7.1
Scale: 1 : 1500



June 21 @ 10:30 — 2 dA7.1
Scale: 1 : 1500



June 21 @ 11:30 — 3 dA7.1
Scale: 1 : 1500



June 21 @ 12:30 — 4 dA7.1
Scale: 1 : 1500



June 21 @ 13:30 — 5 dA7.1
Scale: 1 : 1500



June 21 @ 14:30 — 6 dA7.1
Scale: 1 : 1500



June 21 @ 15:30 — 7 dA7.1
Scale: 1 : 1500



June 21 @ 16:30 — 8 dA7.1
Scale: 1 : 1500



June 21 @ 17:30 — 9 dA7.1
Scale: 1 : 1500



June 21 @ 18:30 — 10 dA7.1
Scale: 1 : 1500



June 21 @ 19:30 — 11 dA7.1
Scale: 1 : 1500

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Drawing Title:

Shadow Study - June 21st

Project:
FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 1500
Drawn by: Author
Checked by: Checker
Project No.: 19062
Date: Mar 30,2021
Drawing No.: dA7.1

N

Plot Date: 4/9/2021 11:25:02 AM File Path: C:\Revit\2019\19062P11-Model-Fieldgate - 1600 Kerns_FGorjdooz.rvt



March/September 21 @ 09:30 (1 dA7.2)
Scale: 1 : 1500



March/September 21 @ 10:30 (2 dA7.2)
Scale: 1 : 1500



March/September 21 @ 11:30 (3 dA7.2)
Scale: 1 : 1500



March/September 21 @ 12:30 (4 dA7.2)
Scale: 1 : 1500



March/September 21 @ 13:30 (5 dA7.2)
Scale: 1 : 1500



March/September 21 @ 14:30 (6 dA7.2)
Scale: 1 : 1500



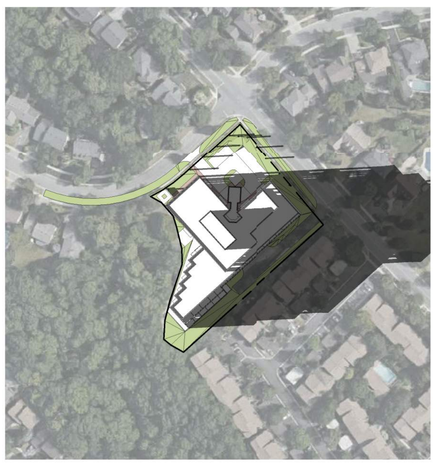
March/September 21 @ 15:30 (7 dA7.2)
Scale: 1 : 1500



March/September 21 @ 16:30 (8 dA7.2)
Scale: 1 : 1500



March/September 21 @ 17:30 (9 dA7.2)
Scale: 1 : 1500



March/September 21 @ 18:30 (10 dA7.2)
Scale: 1 : 1500

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Drawing Title:

Shadow Study - March/ September 21st

Project:
FIELDGATE PROPERTIES

1600 KERNS RETIREMENT HOME

1600 KERNS ROAD, BURLINGTON, ON

Scale: 1 : 1500
Drawn by: Author
Checked by: Checker
Project No.: 19062
Date: Mar 30,2021
Drawing No.: dA7.2

N



December 21 @ 09:30 — 1 dA7.3
Scale: 1 : 1500



December 21 @ 10:30 — 2 dA7.3
Scale: 1 : 1500



December 21 @ 11:30 — 3 dA7.3
Scale: 1 : 1500



December 21 @ 12:30 — 4 dA7.3
Scale: 1 : 1500



December 21 @ 13:30 — 5 dA7.3
Scale: 1 : 1500



December 21 @ 14:30 — 6 dA7.3
Scale: 1 : 1500



December 21 @ 15:30 — 7 dA7.3
Scale: 1 : 1500



December 21 @ 16:30 — 8 dA7.3
Scale: 1 : 1500



December 21 @ 17:30 — 9 dA7.3
Scale: 1 : 1500

* Sun Sets @ 4:45PM

Contractor Must Check And Verify All Dimensions On The Job.

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Date:

KIRKOR ARCHITECTS + PLANNERS

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No.:	Revision:	Date:

Mar 30,2021

08	Rezoning	Mar 30, 2021
07	Review	Mar 22, 2021
06	Review	Mar 17, 2021
05	Review	Mar 09, 2021
04	Coordination	Feb 19, 2021
03	Review	Jan 21, 2021
02	Client's Review	May 27, 2020
01	Client's Review	Oct 07, 2019
No	Issued For:	Date:

Drawing Title:

Shadow Study - December 21st

Project:

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SCHEDULE 3

Pre-Application Consultation Meeting Minutes
FGL Kerns Inc. ("FGL") – 1600 Kerns Road
November 26, 2019 (6:00 – 8:00 PM)
Nuvo Network "The Hall" – 1295 North Service Road

A Pre-Application Consultation Meeting ("Meeting") was held on November 26, 2019 at the Nuvo Network "The Hall" located at 1295 North Service Road in Burlington. A proposal by FGL was presented at the Meeting consisting of a 5 storey retirement home with 145 units and ground floor retail. The purpose of the Meeting was to obtain early community feedback in advance of submitting an application(s).

Sign-in sheets were provided for residents as they entered "The Hall". Based on the sign-in sheets, the Meeting was attended by over 200 residents. These Minutes are intended to summarize the comments/concerns received at this Meeting. For ease of reference, the comments/concerns have been categorized into various subheadings.

Presentations:

- Presentations were provided by Todd Cullen (FGL), Glenn Wellings (Wellings Planning), Andreas Houlios (City Planning) and Councillor Kelvin Galbraith (Ward Councillor - City and Regional Council).
- Andreas Houlios provided an overview of the development application process and the applicable policy framework.
- Todd Cullen/Glenn Wellings provided an overview and details of the proposal.
- Councillor Galbraith provided brief comments and opened the meeting to discussion.

Summary of Comments/Concerns:

Retirement Home

- Level of care and staffing for facility.
- Will these be independent living units?
- Does the retirement home have common dining or kitchenettes?
- Will this be a long-term care facility? It was clarified at the Meeting that this will not be a long-term care facility.
- Retirement home will not be supported by neighbourhood – Tyandaga is not a retirement community.

Built Form

- Concerns with 5 storey building height.
- Height should be limited to 3 storeys maximum.
- Concerned that new Official Plan would permit 4 storeys.

- Current design needs some work.
- The Fieldgate 4 storey design in Aurora is an “ugly box”.
- Opposed to scale of development – does not maintain community feel.
- Development does not blend into community.
- Insufficient building setbacks/greenspace.
- Roof-top amenity too hot for seniors.
- Design looks like a “jail”.
- There should be no balconies.
- Insufficient grass and open space.
- Concerned with orientation of building.

Traffic/Parking

- Parking inadequate for proposal – need more parking.
- Concerned with on-street parking.
- Blind corner – nobody stops at intersection.
- Excessive speeding of vehicles.
- Already significant number of cars presently with daycare use.
- Only one bus passes by site an hour.
- Insufficient sightlines.

General

- Petition with over 330 names opposed to development.
- Terrible use for neighbourhood.
- Concerns with 24 month construction period.
- Negative impact on property values.
- What will happen with daycare?
- Retail plaza is struggling – 7 plazas lost in Aldershot.
- Wrong place for proposal.
- Insufficient servicing capacity – water pressure concerns.
- Proposal pushing the limits of profitability.
- Development will be 3-4 times the density of surroundings.

Minutes Prepared by Wellings Planning Consultants Inc.

SCHEDULE 4

1600 Kerns Road Working Group Meeting # 1

Meeting Minutes

February 18, 2020 – Tyandaga-Mews Community Room – 2:30 to 3:30pm

Present:	Councillor Kelvin Galbraith (COB), Tara Thorpe (COB), Melissa Morgan (COB), Candace Gibbs, Cathey Lovett, Doug Stewart, Janet Brideaux, Jim Sampson, Jim Van Iderstine, Pamela Gowing, Wendy Stewart, Todd Cullen (FGP), Noam Jakubovic (FGP), Peter Mahovlich (FGP), Mark Sim (FGP), Glenn Wellings (WEL)
Next meeting:	TBD

1. General Meeting Comments

- A total of 15 attendees (8 local community members) were present at the first working group meeting.
- Councillor Galbraith noted to all attendants that this was the first working group meeting of its kind for any development applications in the City of Burlington.

2. Discussion Notes

- Overall Process and Planning Questions
    - Some residents were slightly confused regarding the process and how the working group meetings were going to operate. Staff stated that this was a first meeting of its kind and type and that the meetings would evolve alongside the discussion with residents and the applicant.
    - Staff clarified that any applications would be a combination of an OPA and ZBA should the current concept move ahead.
    - Questions from some residents regarding the kind of technical studies that would be submitted and reviewed by the city. Specific references to traffic, parking, construction management, urban design.
    - Some residents asked where the application or development was in the process and requested that certain technical reports be made available. Staff reiterated that once an application is submitted, there will be requests for additional studies as required during the planning process.
    - Some residents expressed a preference for the original CN2 zoning to remain. Staff noted that the new OP is pending which allows 4 storeys and will be adopted by Council in April of 2020 as per Councillor Galbraith's comments.
    - Questions regarding the construction process and if blasting would be required for the purposes of creating a level of underground parking.

- Comments on the building design and concept
    - Some residents indicated that they did not want to see more nail salons or "easy" retail to fill future retail space on site and as such, retail may not be an important component. Some residents preferred the day care as a continuing use.
    - Some residents noted that they do not want balconies due to perceived privacy concerns and overlook.
    - Some residents noted that there is limited bus service in the Tyandaga community and that the community as a whole is an "island". As such, they wanted to know what kind of amenities and services would be on site and how much would that impact existing traffic issues in the community.
    - Concerns regarding the perceived heights due to the changing grades of Kerns Road. Some felt the building concept was taller with specific references to height in feet and even 6 storeys.
    - Some residents noted that the initial concept did not meet the City of Burlington Urban Design guidelines for a mid-rise. They specifically reference the height, setbacks.
    - Some residents expressed a need for green space on site and said they are aware of cash-in-lieu payments and are not in support.
    - Some residents said there is no space for street parking and that they would not like to see that happening during construction or operations. Residents from Tyandaga-Mews were concerned their visitor parking would be used.
    - Certain residents stated that would prefer to see a smaller overall massing of the building in the next iteration (specifically a different orientation and smaller overall density and massing) and heights lower than proposed. Some residents expressed a wish to see a concept that moved the building to the Ravine side of the property with more space/setbacks given to Kerns Road.
    - Some residents noted that the proposed numbers of units are too high a density for the community. Fieldgate did comment on density being a different 'formula' when the units are 'retirement suites' versus apartment/condos. Some residents suggested there is not enough parking at the ground level to support the operations of a future retirement project.
    - Residents had pointed comments on the operation of the conceptual retirement development. Questions about staffing numbers and general operations.
- Construction, Infrastructure comments

- Comments and concerns expressed about the level of traffic and issues with speeding and safety in the community. Some stated that recently placed traffic calming infrastructure is not doing enough. Specific references were made to safety of school bus stops and students at the intersection of Kerns Road and Four Seasons Drive.
- Questions were raised regarding the service capacity for the area as a whole due to previous servicing issues experienced by local residents. Staff responded that these issues would be reviewed following submission of an application.
- Residents noted that the neighbourhood overall has ongoing issues with low water pressure and stated that the addition of the development would cause further impacts.
- Residents noted that there are ongoing power outages in the area during certain times of the year and wondered how the development would impact that issue.
- Residents had general concerns regarding potential construction as it relates to traffic impacts, any concerns with impacts on the foundations of neighbouring homes, and the loss of the day care.

3. Next Steps

- TBD

1600 Kerns Road Working Group Meeting 2 Minutes from Councillor's Office

ZOOM Meeting

July 2, 2020
2:30pm – 4:00pm

COB: City of Burlington
FGP: Fieldgate Properties
WEL: Wellings Planning

Attendees: Councillor Kelvin Galbraith, Tara Thorp, Melissa Morgan, Kyle Plas, Todd Cullen (TC), Peter Mahovlich (FGP), Mark Sim (FGP), Glenn Wellings (GW), Candice Gibbs, Wendy Stewart, Janet Brideaux, Jim Sampson, Pamela Gowing, Jim Van Iderstine, Cathy Lovett, Gabe Ho

Absent: Doug Stewart, Jim Sampson

***NOTE**: All attendees are referred to using initials in the minutes that follow*

MINUTES:

Welcome from Councillor Galbraith, Todd Cullen and Glenn Wellings

Quick Re-review of the Existing Concept & Meeting Housekeeping notes

Presentation of the prepared Alternative Concept

Includes the following changes:

- Shifted a significant portion of the building from the corner of Kerns Road and Four Seasons Drive over to the ravine side of the property to provide more open space / greenspace along the property frontages;
- Increased the setback of the building to the South property line from 3.0m to 12.0m and terraced the floors above the second floor further back from there to create a stepped (45 degree) angular plane which also moved the passive rooftop amenity area back from 7.5m to 17m;
- Setback increased along the east property line, and building stepped back at the second floor to provide more greenspace;
- Retail component on ground level was removed to potentially simplify site operations and activity;
- Primarily as a result of the above design changes the building has been reduced by greater than 15% in size;

- The Unit count has been reduced from 145 to 135;

Roundtable among Neighbourhood members of working group to provide their input:

- CG: Happier with redesign - positive about changes made between community meeting to this second working group meeting.
  Prefers the second concept to prevent "brick wall" along Kerns Road as it will prevent the blind corner at Kerns and Four Seasons
  Concerns about entryway off of Four Seasons due to current driver behavior (**speeding on Four Seasons is a known issue among residents; Councillor's office submitted a case to Transportation staff on 07/03 to review and address*)
  Suggests both entrances to face Kerns Road
  Positive that setbacks were increased, is under the understanding that 45^{o} angling is required by the City
  Would prefer 4 levels to 5 levels – if 5th floor eliminated, would go a long way with residents.
  Concerns about communal living in an era of a pandemic
- GH: Currently resides across the street from proposed development
  Prefers Concept 2 to Concept 1 – no "brick wall" facing his home
  Prefers no windows directly facing his home
  Prefers new location for underground parking, as it will avoid vehicular lights shining into his home
  Concerns about ravine and natural habitat – would like assurances that building will not negatively impact the ravine
  Concerns about depth of underground parking negatively affecting natural habitat
  Concerns about ambient noise from HVAC, kitchens etc
- WS: Prefers Concept 2 to Concept 1, asked for street level concept drawings (concepts forwarded to Wendy via email during meeting)

  Concerns re height, would prefer less than 5 storeys
- PG: Concerns with height along ravine side, concerned it doesn't fit with all the setbacks of houses along the street

Asks whether further step backs could be considered on levels 3 & 4
Concerns re mechanical penthouse will add additional height
Concerns that building concept is not compatible with the neighbourhood
Would like to see landscaping plans in final designs
Also concerned about ambient noise from mechanical
Prefers deliveries to the south side vs previous entrance
Would prefer the entrance off Kerns Road as opposed to Four Seasons
Asks whether neighbours are comfortable with 2nd concept which shows balconies
Would like to know if 1st concept has now been discarded and if Fieldgate will move forward with 2nd concept

- CL: Site plan is a vast improvement - prefers Concept 2 to Concept 1, though still has concerns with 5 storeys.
  Prefers reduced density
  Concerns re height, and would like to see concept drawings which include mechanical penthouse
  Concerns re traffic flow: believes Concept 2 will improve traffic flow though is aware of current traffic issues with Tyandaga Mews to the South and assumes this development will add to traffic concerns along Kerns
  Believes retail should be removed completely – no retail a bonus with Concept #2.
  Would like updates on studies as they are released
- JVI: Believes the development as a whole is too large for the site
  Concerns re: height
  Concerns re: changes to the new Official Plan which would allow 4 Storeys on site – states residents were unaware of this change
  Question for the Councillor – would like to know if all CN2 zoned areas also had height increases
  Concerns regarding traffic flow in and out – would like to see study
  Concerns re density – would like to see study
  Concerns re foundation, depth of parking – worries about how it will affect neighbouring residents who are already experiencing foundation, pipe and water issues

Would like the working group to continue to work with Fieldgate re height

- JB: Concerns re: entrance off of Four Seasons, speed of current traffic along that street
  Concerns that maintenance penthouse will add to the height
  Concerns re height, setting precedence for this area
  Would like clarification on step backs of levels in relation to width of street
  Concerns re digging, construction management plan ie where will construction vehicles park during construction

Fieldgate Provided input on some issues above (TC & GW)

- Entrance locations will be reviewed with Traffic consultant to weigh out options
- Ambient acoustics issues will be addressed with acoustic study
- Mechanical penthouse (not shown in concept illustrations provided) does not qualify as a "storey" however will add to height, though will be setback and minimized to smallest possible size, clad in complimentary building materials so as to be as least visible as possible – this will be addressed through urban design exercises. The penthouse will not span the footprint of a level, it will be setback and minimized as best as possible. Future versions of concept drawings will include mechanical penthouse for easier reference
- Concerns re height are noted – trying to design something that will work for both developers and neighbours
- Ravine concerns will be addressed with Conservation Halton – there are Terms of Reference which must be adhered to before development is allowed. Preliminary work has been completed but finalized studies will be made available
- Retail – developers are open to suggestion on whether to include retail or not. They are aware of parking issues included with retail.
- Re initial concept – while it is not discarded completely, they are pleased that neighbours are positive about the second concept. Urban design panel will provide input on both concepts and developer will work with them from there
- Balconies – developers are open to consider inset balconies vs cantilevered balconies or a mix of the two

- Traffic studies will not occur during COVID closures or summer as these would not be reflective of typical traffic patterns
- GW clarifies that key studies cannot be undertaken without an agreed upon concept plan as all studies are based upon unit count, staffing count, density, height, design.
- GW: CN2 designation – comes from Zoning bylaw which has not been modified for many years. This will occur once Official Plan has been finalized
- GW request for clarification from JB re setbacks and heights: JB replies her understanding that City has requirements (Mid-Rise Guidelines) which clarify allowable heights and setbacks. GW to consult with MM. MM believes this will be addressed at Urban Design Panel

Questions and Answers from Group

- CL: Is it possible to receive "site view" concepts which would show concept views both from inside the building and out? This will provide better clarity as to what the project will look like once completion?

  REPLY (TC): perspective drawings will be made available once a final concept has been landed upon.

- PG: Is it possible to widen Kerns road to allow for turning lanes to alleviate traffic backups at this development and Tyandaga Mews?
  REPLY (KG): This would have to be a decision by City of Burlington Traffic Department, as a result of a traffic study. However, it would also require road widening, expropriation of land, which could take years to obtain.
- PG: where will construction vehicles park during construction?
  REPLY (KG): This would be addressed by a Construction Management Plan, which every site application is required to complete with the City. This Plan would be available to all interested parties.
- PG: Can the Working Group take part in the Urban Design Committee meeting?
  REPLY (MM): Meetings are usually held between the Panel and the Applicant. Minutes are recorded and can potentially be provided to the group.

- JVI: Is it possible to make a 4 Storey development possible on this site?
  REPLY (TC): Nothing is off the table at this time. They will consider all the input received today, and have clearly heard all the concerns regarding height. He also adds that developments of this type (Retirement Homes) have much less traffic and activity as compared to typical Condo developments. Not as heavily staffed as Long Term Care homes. 3-4 deliveries expected per week.
- CG: Concerned at increased health care staff onsite due to the nature of this type of residence.
  REPLY (TC): These concerns are noted
- CG: Concerned about the design elements of this development, would want it to fit in with the esthetic of the neighbourhood, especially consideration given to height
- GH: What is the timeline from breaking ground to completed building? What steps are taken re cleaning protocols, safety?
  REPLY (TC): Many of these concerns are covered by the Construction Management Plan, which takes into consideration safety, security, construction work hours and street cleaning. He notes that Fieldgate typically goes above and beyond to ensure impact on the neighbours is as minimal as possible.
  TC also notes that construction timeline will likely be 24 months from breaking ground to completion, with the majority of that time spend on the interior once the building is enclosed (ie 8-10 months exterior and the balance on interior, landscaping etc). Construction Management Plan will be available.
- JB: Can the city put a project page up for this development in advance of the application being submitted
  REPLY (TT): Councillor's office can follow up on that to see if this can be done

Other Notes/Comments:

Councillor's office commits to sharing instructions for subscribing to this project page which will provide updates to subscribers on any updates to the project. TT also suggested that the Facebook page could also be updated to include future updates.

MM shares that once an application is received, a notice will be mailed out to all residents within 120 m of the project site. The notice will include a

link to the project page, where subscription is available for updates. She also states that she can email the group when an application is submitted.

GW, TC, MM and Councillor's office all commit to being available to answer questions as they arise.

Councillor's office suggests that details on the project page could be shared to the community Facebook Group so that all interested residents could subscribe.

CLARIFICATION ON STUDIES: certain studies have been completed at this point, ie Geotechnical studies to determine soil types and slope of ravine; surveys completed to determine trees and other natural features on the property; civil engineers determined servicing capacity in existing pipes etc. Reports/studies cannot be finalized until final concept is agreed upon ie. servicing etc will be affected by number of units etc.

Next Steps outlined

TC: Developers will be meeting with Urban Design Panel to receive input. They will then take that input along with resident feedback and begin to formalize an application to be submitted. Required studies will be determined and scheduled.

TC: Consideration will be given to a follow up working group meeting once they have met with Urban Design Panel. Once application is submitted, there will still be opportunity for feedback from residents.

Any follow up/additional questions are welcome – please send to Todd/Glenn/Councillor's Office/Melissa Morgan

1600 Kerns Road Working Group Meeting 3 Minutes from Councillor's Office

ZOOM Meeting

September 23, 2020
2:00pm – 3:00pm

COB: City of Burlington
FGP: Fieldgate Properties
WEL: Wellings Planning

Attendees: Councillor Kelvin Galbraith, Tara Thorp, Melissa Morgan (MM), Todd Cullen (TC), Peter Mahovlich (FGP), Glenn Wellings (GW), Candice Gibbs (CG), Janet Brideaux (JB), Pamela Gowing (PG), Jim Van Iderstine (JVI), Gabe Ho (GH), Doug Stewart (DS)

Absent: Wendy Stewart, Cathy Lovett (CL), Jim Sampson

***NOTE**: All attendees are referred to using initials in the minutes that follow*

MINUTES:

Welcome from Councillor Galbraith, Todd Cullen and Glenn Wellings

Early Input from attendees:

- DS: Upon reviewing 3rd concept, is not satisfied with changes
  Would prefer a 1500 m^2, no underground parking across from houses
  Does not support
- JVI: adamant about CN2 zoning as they understand it
  Concerns that this could set precedent
  Does not support

Presentation of the prepared Alternative Concept

GW: New concept shows 4 storeys, based on input of prior working group input. Fieldgate has a vision for the property and will proceed in some manner.

Latest revisions include the following changes:

- Reduced to 4 storey from 5 storey
- Unit numbers have decreased from 145 units to 127 units
- No projecting balconies onto adjacent properties to address privacy concerns
- Design modified to create more green space adjacent to Kerns Rd.

Run-thru of Minutes with Responses from July 2nd Working Group Meeting (provided by Todd Cullen)

- Traffic study to be completed. Four Seasons will serve as secondary access only (to visitors parking & drop-off). Primary access is Kerns Rd.
- Height in this newest revised concept is 4 storeys, however could be submitted at 5 storeys
- Pandemic policies and procedures would be followed in this facility as per ministry guidelines
- Newest concept has removed previously shown protruding balconies from face of building overlooking neighbouring properties
- Environmental Impact Studies to be completed which will ensure protection of the ravine and natural habitat
- Potential noise levels will be reviewed during site plan process
- Complete concept renderings will be completed once a design has been agreed upon
- Small amount of square footage has been added to levels 1-3 in south west corner of property and the 4th floor to offset loss of 5th storey
- Mechanical penthouse will be as minimal as possible but is a functional necessity
- Landscaping will be finalized during site plan process, will fit to surrounding community
- Density has been reduced to 127 units
- Newest concept has removed retail component
- Updates on studies will be available on the Development's webpage through City of Burlington website
- Construction Management Plan will be agreed upon between developer/city and will be made available to area residents

Roundtable among Neighbourhood members of working group to provide their input:

- JB: Q: Are stepbacks with respect to width of road required in a building of this height based on Design Guidelines used by the city?
  - A: (provided by MM) *Based on 4 storey proposal, Design Guidelines would not apply in this case*

Q: What guidelines then would apply to a building of this height in this type of neighbourhood?

- A: (provided by MM) *Zoning Bylaw regulations would include minimum required setbacks; Official Plan policies related to urban design may apply; Intensification Policies would be referred to that would discuss things like compatibility, building location etc. which would factor into what stepbacks would be.*

Q: Do staff take into consideration the location and size of buildings designed for this use (retirement facility) located in other communities in Burlington?

- A: (provided by MM) *Yes, but this proposal would also be considered in the context of this particular neighbourhood, and what would be appropriate in this case.*

JB Comments: Some headway/progress has been made from initial concept

Does not agree with what is currently being proposed in context of neighbourhood.

Concerned about sightlines, traffic, precedent this development will set.

- CG: Feels this is an improvement but is still not in support
  Q: Pearl & Pine and LaSalle Retirement have been mentioned as comparables (esthetically), but they were designed by Signature Retirement Living – will they be involved in this project as well? And if no, why are they referred to as esthetic comparables?
  - A: (provided by TC) *Fieldgate was general contractor on both buildings, and silent partner with Signature. Signature is not a shareholder on this project*

  CG Comments: Height is better in this concept
  Prefers the removal of balconies that would overlook her property
  Adamant that traffic studies be reflective of regular traffic and not COVID-related traffic (reduced traffic on the roads)
  Believes size does not suit this community

- PG: Believes this revised concept is not compatible with neighbourhood in terms of size and scale
  Concerned about the frontage on Four Seasons

Feels the wall along Four Seasons is overpowering to the rest of the neighbourhood
Concerned that evergreen trees at the west side of the property will be cut down
Doesn't feel this fits in a residential neighbourhood
Believes Zoning conditions have not been met with this proposal
Believes a 1500 m^2 building is maximum size for this site
Does not support

- GH: Does not support
  Feels newest concept is an improvement over prior concepts, but will negatively affect property values
  Is concerned where garbage storage will be located

- JVI: Concerned that townhouse residents will be facing a 60 ft wall
  Concerned about sight lines
  Concerned about services entering the building – entry is close to townhouse residents
  Does not support 4 storeys, would only support 3 storeys as he asserts the height bothers everyone
  Does not support

- DS: Does appreciate that changes have been suggested and believes the building is better than previous concepts, but is still not supportive
  Notes if this concept were further down Kerns, ie near church, he would support, but not in the neighbourhood
  Supports the use, not location – doesn't belong in this neighbourhood
  Will continue to advocate for neighbours to obtain something they feels is more compatible

- CL: (pre-written submission)
  Still waiting on information regarding zoning, feels her requests have not been responded to
  Feels residents of Tyandaga Mews have not been included in discussions or decisions (re New Official Plan)
  Feels space cannot be designed for more than 3 storeys
  Does not support

Fieldgate closing comments

TC: Appreciates the feedback.

Fieldgate is committed to creating quality developments that will add to communities

Also must take into consideration the requests from potential tenants of a development like this who often express an interest in living in a neighbourhood setting

Has clearly heard input from today

Will need to consider feedback and decide with staff which direction they will go next. Final decisions will be made upon consideration of all input, and an application will be submitted.

Councillor's closing comments:

KG: Expected different outcome after review of this revised concept. Had hoped to work with working group and developer to come to an agreement before an application is submitted to the City and to get as close as possible to some sort of endorsement from the community.

Noted another working group (re Appleby & New St) had worked with developers to come to an agreement and then the residents endorsed the development proposal to council. He had hoped for the same or similar circumstance here

Was hopeful that the redesign to 4 storeys would garner more support.

Is unsure whether another working group & developer meeting would be productive at this point, but encourages any interested members to contact him if they would like to meet with him directly or in a group, without developers present to discuss any last-minute requests they would consider.

3:00pm, meeting concluded

SCHEDULE 5

DRAFT ZONING BY-LAW

DRAFT BY-LAW NUMBER 2021.XXX

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2021.XXX

Being a By-law to amend By-law 2020, as amended for 1600 Kerns Road to facilitate the development of a 4 storey retirement home excluding roof-top mechanical and indoor/outdoor amenity.

File Nos. : TBC

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-21 on _____, 2021 to amend the Zoning By-law 2020, as amended, to permit a 4 storey retirement home excluding roof-top mechanical and indoor/outdoor amenity.

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

1. Zoning Map Number XX 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 on Schedule “A” attached hereto are hereby rezoned from CN2 (Neighbourhood Commercial) to CN2-XXX (Neighbourhood Commercial Exception) and O2 (Open Space).

3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding a new Exception XXX with the following:

DRAFT

Exception XXX	Zone CN2	Map XX	Amendment 2020.xxx	Enacted

1. Regulations for Retirement Home

a) Lot Area	0.50 hectares* *assumes public dedication of ravine lands including 7.5 metre top of bank setback.
b) Front Yard (Four Seasons Drive)	5.0 metres
c) Street Side Yard (Kerns Road)	6.0 metres
d) Rear Yard	7.5 metres to a 2 storey portion of the building; 12.0 metres to a 3 storey portion of the building; 16 metres to a 4 storey portion of the building including indoor/outdoor amenity; 24 metres to roof-top mechanical.
e) Interior Side Yard	0.0 metres** **assumes public dedication of 7.5 metre top of bank setback.
f) Maximum Number of Retirement Home Units	123 units
g) Maximum Building Height	4 storeys up to 14 metres excluding roof-top mechanical and indoor/outdoor amenity.
h) Parking	0.5 spaces per unit plus 4 spaces per 100 m² of commercial floor area.
i) Above Ground and Underground Parking Garage	
i) Abutting a creek block or O2 Zone:	0.0 metres
ii) Front (Four Seasons Drive):	2.8 metres
iii) Street Side (Kerns Road):	5.0 metres
iv) Rear:	7.5 metres

j)	Landscape Area and Buffer	
	i) Landscape Areas abutting a street, creek block or an O2 zone:	3.0 metres abutting a street or residential zone Transformers, switch gears, gas equipment, bicycle parking and/or underground parking vents are permitted and/or any equipment required to service the building
k)	Encroachments	Any yard may include hydro and gas equipment, air shafts, hard and soft landscaping, and other decorative features and/or any equipment required to service the building.

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

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

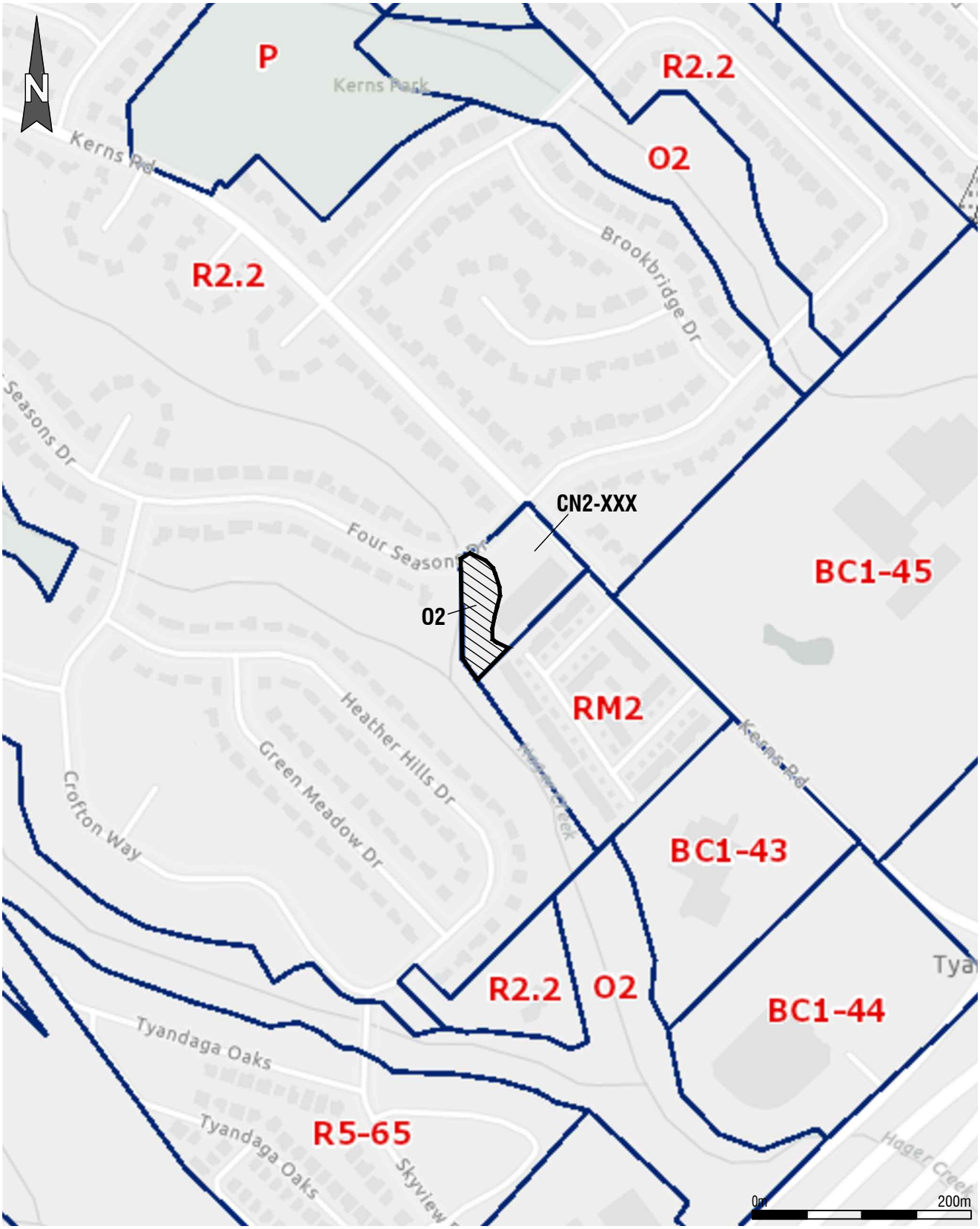
5. If one or more appeals are filed pursuant to the provisions of the Planning Act, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeal Tribunal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

ENACTED AND PASSED this _____day of _____, 2021

_____ MAYOR

_____ CITY CLERK

Schedule "A"
By-Law No.____
City of Burlington



This is a Schedule "A"
To By-Law No. ____ Passed
This __Day of __, 2021

Lands to be Rezoned
from "CN2-XXX" to "O2"