CORBETT LAND STRATEGIES INC.

VISION • EXPERTISE

Planning Justification Report

Official Plan Amendment & Zoning By-law Amendment
2169 & 2175 Ghent Avenue, Burlington

Prepared for:

Ryan Small

Prepared by:

Corbett Land Strategies Inc.

October 18, 2024

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1.0 Introduction

Corbett Land Strategies Inc. ("CLS") has been retained by Ryan Small (the "Client") with respect to the development of their lands legally known as Part of Lot 5 Registered Plan 125, and municipally known as 2169 and 2175 Ghent Avenue ("subject property"), City of Burlington, within the Regional Municipality of Halton. The Client is proposing to amend the City of Burlington Official Plan and the City of Burlington Zoning By-law 2020 to facilitate the development of two three-storey apartment buildings.

A pre-application neighbourhood meeting was held on the 12th June 2024 to receive public feedback prior the submission of the application. As part of the development application review process, this Planning Justification Report has been prepared to provide planning analysis and justification in accordance with the comments from the neighbourhood meeting in support of the proposed site-specific Official Plan Amendment and Zoning By-law Amendment.

This report is intended to provide a background context, an overview of the purpose and effect of the proposed application. This establishes a professional planning rationale for the application by demonstrating how the proposed development conforms to provincial, regional, and municipal planning policies as well as sound planning and design.

1.1 Subject Property

The subject property is located on the north side of Ghent Avenue, east of Pearson Street and west of George Street (Figure 1). The subject property currently consists of two parcels that are proposed to be consolidated for the purpose of redevelopment. Upon consolidation, the site will have an area of approximately 1742 m^2 (0.17 hectares) and 39.66 m of lot width. The subject property currently has a single-detached dwelling on both lots, which is accompanied by mature trees and is generally flat.

The subject property is located in a neighbourhood that is characterized by predominantly low-rise residential dwellings accompanied by several low-rise residential apartments. The site is located within an established urban area that is located within close proximity to Downtown Burlington (Figure 2).

The surrounding land uses are summarized as follows:

North	• Single detached residential dwellings • Tom Thomson Public School • Halton Catholic District School Board • Burlington Centre Shopping Mall
East	• Single detached residential dwellings • Central Park

South	• Single detached residential dwellings • Vacant lot along Ghent Avenue • Three-to-four storey apartment buildings • Downtown Burlington
West	• Single detached residential dwellings • Optimist Park • Townhouses • Eight-storey residential apartment buildings • Burlington GO station • Walmart Supermarket

1.1 Pre-Consultation

On behalf of the Client, CLS submitted three Pre-Consultation Applications for the proposed development. The latest Pre-Consultation Application was submitted on April 12, 2024. As per the latest Pre-Consultation comments, the following materials were identified as requirements:

- Official Plan Amendment Application and Zoning By-law Amendment Application
- Planning Justification Report
- Land Assembly Documents
- Survey
- Conceptual Site Plan
- Architectural Plans
- Arborist's Report
- Tree Inventory and Preservation Plan
- Landscape Plan
- Noise Feasibility Study
- Stormwater Management Report
- Phase One Environmental Assessment
- Public Consultation Strategy
- Response to Comments Received at the Pre-Application Community Meeting
- Environmental Site Screening Checklist
- Draft Official Plan Amendment Text and Schedule
- Draft Zoning By-law Amendment Text and Schedule
- Functional Servicing Report
- Waste Management Report
- Servicing Plans

As per the City staff's request, a virtual pre-application neighbourhood meeting was held on June 12, 2024, to provide further details of the proposal. During this meeting, the Client and CLS formally introduced an updated development plan with two proposed three-storey apartment buildings and received comments from the public regarding the proposal prior to the submission of the application.



Figure 1: Aerial Photo and Location Map



Figure 2: 10-Minute Neighbourhood Diagram

2.0 Proposed Development

2.1 Description of Development

The Client is proposing to consolidate the two existing parcels located at 2169 and 2175 Ghent Avenue as part of a redevelopment project. This initiative aims to construct two three-storey buildings that will provide a total of 12 dwelling units (see Figure 3). The proposed development aligns with sustainable development goals by incorporating solar panels for renewable energy production. Additionally, the planned dwelling units will be purpose-built for rental and will include an affordable or attainable housing component. Specifically, the three-storey apartment buildings will consist of the following:

- Two 3-storey walk-up apartment style buildings;
- A total of 12 dwelling units, proposed with a mixture of one-bedroom and two-bedrooms units;
- The proposed walk-up apartment would provide a density of 70 units per hectare;
- The proposed development would offer a minimum of 355 m^2 of amenity space and 57 m^2 of privacy area;
- The proposed walk-up apartment style buildings would include 16 parking spaces with one (1) of those being accessible; and
- A fully enclosed accessory structure for the storage of waste that is designed to complement the design of the residential buildings.

The proposed development is located on the west side of the subject property to better transition the height change with the existing low-rise homes to the east. Further, the parking area would be located on the eastern side for better continuity. A large outdoor amenity space is planned for the northwest corner (rear of the property). The primary buildings would be set back more than 12 meters from the eastern low-density zone and 10 meters from the rear low-density zone, with a front setback of 4.5 meters to enhance the rear yard buffer.

Please refer to Appendix A for the proposed concept site plan and the application submission package for a full-size version. The proposed development would intensify the subject property by increasing the density, therefore, an Official Plan Amendment and a Zoning By-law Amendment are required.

2.2 Approval Framework

To facilitate the proposed development, amendments to the Official Plan and Zoning By-law are required. For details as to how the proposed development conforms to the City of Burlington Official Plan, and City of Burlington Zoning By-law, please refer to Section 3.



Figure 3: Rendering of Proposed Development from Ghent Ave (CSpace Architecture, 2024)



Figure 4: Rendering of Proposed Development from Ghent Ave (CSpace Architecture, 2024)



Figure 5: Rendering of Proposed Development from Above (CSpace Architecture, 2024)

3.0 Planning Policy & Regulatory Review

3.1 Planning Act

The *Planning Act, R.S.O. 1990, c. P.13*, ("Planning Act") is a foundational legislation governing land use planning and development in the province of Ontario, Canada. It was enacted to promote sustainable development, efficient land use, and the protection of the environment. The Planning Act establishes a framework for how land can be used, developed, and protected. This legislation serves as the cornerstone of Ontario's planning system, guiding the orderly growth and development of communities while safeguarding their social, economic, and environmental well-being.

When carrying out the responsibilities of the Planning Act, one shall have regard for matters of Provincial interest, as identified in Section 2. This section of the Planning Act outlines the overarching goals and principles that guide land use planning and development across the province. These goals aim to foster sustainable growth, protect natural and built environments, and enhance the quality of life for residents. Key objectives include promoting orderly and efficient development, accommodating a range of land uses, conserving resources and natural heritage features, and ensuring social and economic vitality. This section emphasizes the importance of public participation, transparency, and accountability in the planning process, as well as the need to coordinate planning decisions with provincial policies and plans. Ultimately, the goals outlined in Section 2 of the Planning Act seek to create vibrant, resilient communities that balance competing interests and promote the long-term well-being of Ontarians.

The following are the most relevant to the proposed development:

(e) the supply, efficient use and conservation of energy and water;
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
(g) the minimization of waste;
(h) the orderly development of safe and healthy communities;
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
(j) the adequate provision of a full range of housing, including affordable housing;
(n) the resolution of planning conflicts involving public and private interests;
(o) the protection of public health and safety;
(p) the appropriate location of growth and development; and
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians..
(r) the promotion of built form that,
(i) is well-designed,
(ii) encourages a sense of place, and

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

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

The proposed three-storey apartment buildings aim to provide residential units that align with the socio-economic needs of Burlington. This development is ideally positioned for intensification, as it is situated next to townhouses and mid-rise apartment buildings to the west, creating a smooth transition to the surrounding low-rise residential areas and adjacent mid-rise developments. Furthermore, the new apartment buildings will incorporate urban design principles to ensure public health and safety.

This development will make efficient use of existing municipal infrastructure, including the Burlington GO station, which is within a 15-minute walking distance from the site. Additionally, the project will adhere to the waste management program established by Halton Region and the City of Burlington.

Lastly, public consultations and engagement sessions have been held to gather feedback and opinions from the community, ensuring that the public's interests are taken into account.

3.2 Provincial Planning Statement (2024)

The Provincial Planning Statement (2024) ("PPS") was issued by the Province of Ontario under Section 3 of the Planning Act and will come into effect October 20, 2024. The Planning Act requires that decisions, comments, submissions, or advice affecting planning matters shall be consistent with the PPS. The PPS provides policy direction on matters of provincial interest related to land use planning and development.

Section 2.1 and 2.2 of the PPS (2024) provides directions on building homes and sustaining strong and competitive communities.

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

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

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

2.1.6 Planning authorities should support the achievement of complete communities by:

a) *accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
b) *improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
c) *improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

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

a) *establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
b) *permitting and facilitating:*
    1. *all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
    2. *all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*
c) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*
d) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*

The proposed development at 2169 and 2175 Ghent Avenue does not conflict with the PPS's housing policy as it contributes to offering a range of housing options that meet the needs of current and future residents. By consolidating the parcels and developing two three-storey walk-up apartment buildings with a density of 70 units per hectare, the project effectively and efficiently, utilizes land and resources, supporting residential intensification in a previously underutilized area. The inclusion of solar panels demonstrates a commitment to sustainable development, while the provision of amenity spaces, accessible parking, and bike parking enhances community accessibility and

promotes active transportation. Furthermore, the proposed development would improve the social equity and quality of life for people within the City of Burlington by including the provision of affordable rental units that are attainable to low- and moderate-income households. Additionally, the design incorporates significant setbacks and landscape buffers, ensuring compatibility with the surrounding low-rise homes and contributing to social equity and improved quality of life for diverse community members. Overall, the project supports the achievement of complete communities by addressing housing needs, improving accessibility, and facilitating a mix of land uses, ensuring consistency with the PPS (2024).

Regarding infrastructure of sewage, water and stormwater:

3.6.1 Planning for sewage and water services shall:

a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;

b) ensure that these services are provided in a manner that:

1. can be sustained by the water resources upon which such services rely;

2. is feasible and financially viable over their life cycle;

3. protects human health and safety, and the natural environment, including the quality and quantity of water; and

4. aligns with comprehensive municipal planning for these services, where applicable.

c) promote water and energy conservation and efficiency;

d) integrate servicing and land use considerations at all stages of the planning process;

e) consider opportunities to allocate, and re-allocate, if necessary, the unused system capacity of municipal water services and municipal sewage services to support efficient use of these services to meet current and projected needs for increased housing supply; and

f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.

3.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.

By virtue that the subject property is already within a serviced area, the proposed development would utilize municipal sewers and water services in accordance with the PPS, as described in greater detail within the Functional Servicing Report prepared by Trafalgar Engineering Ltd.

In this regard and based on the comprehensive review above of the relevant policies of the PPS, the proposed development represents appropriate development and good planning in a designated area that envisions employment and population growth. Therefore, it is our opinion that the proposed development and required planning amendments are consistent with the policies of the PPS.

3.3 Halton Region Official Plan (1995)

As of July 1, 2024, the Halton Region Official Plan ("ROP") was deemed an official plan of the City of Burlington, until it is revoked or amended by the City. The ROP was approved by the Minister of Municipal Affairs and Housing with modifications on November 27, 1995. The ROP's vision is the concept of "sustainable development", which meets the need of the present without compromising the ability of future generations to meet their own need. As per Part III, Policy 57, development is directed to environmentally suitable areas with the appropriate land use designation in accordance with the goals, objectives, and policies of the ROP.

As per Map 1 of the ROP, the subject property is identified as "Urban Area" and located within the Regional Urban Boundary. The objectives of the Urban Area designation can be summarized as accommodating the majority of projected population and employment growth, to facilitate and promote intensification and increased densities, and the creation of complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.

As per the ROP, the goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs. The proposed development would assist in achieving ROP policies and targets such as the provision of a minimum of three-year supply of draft approved and/or registered rental units and that the percent of new housing produced annually in the form of townhouses or multi-story buildings be at least 65 percent. It is a policy of the Region to permit intensification of land use for residential purposes provided that the physical character of the existing neighbourhood can be maintained.

The proposed development has adopted an architectural design that is complementary to and inspired by the existing surrounding neighbourhood to support the maintenance of the physical character of the area. The proposed development consists of the intensification of lands within the Urban Area and Regional Urban Boundary with full access to existing municipal infrastructure. Therefore, in my opinion, the proposed development conforms to the ROP.

3.4 City of Burlington Official Plan (1997)

The City of Burlington Official Plan, 1997 ("1997 OP") was approved by Halton Region with modifications on March 5, 1997. Although the updated City Official Plan was approved, portions of the plan remain under appeal and therefore, parts of the 1997 OP are in effect. As per Schedule B of the 1997 OP, the subject property is designated a "Urban Planning Area: Residential – Low Density". The following policies are applicable to the subject property as it is located within the Residential – Low Density designation.

2.2.2 General Policies

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

b) *Density range*
Land use in Residential Areas shall comply with the land use designations contained on Schedule B, Comprehensive Land Use Plan-Urban Planning Area.

c) *Low Density*
In Residential-Low Density areas, single-detached and semi-detached housing units with a density to a maximum of 25 units per net hectare shall be permitted. In addition, other forms of ground oriented housing units with a density to a maximum of 25 units per net hectare may be permitted, provided that these forms are compatible with the scale, urban design and community features of the neighbourhood.

2.3.2 Housing Supply

b) *To the extent to which land is available in the Urban Planning Area, City Council shall maintain the ability to accommodate its fair share of residential growth within the regional market area for a minimum of 10 years through residential intensification and re-development and, if necessary, lands which are designated and available for residential development, in order to meet anticipated long term housing demands.*

h) *The City shall, in co-operation with other orders of government, encourage the provision of a range of housing types, including rental housing, for individuals and families*

The proposed development, featuring two three-storey walk-up apartment buildings with a total of 12 dwelling units, conforms with the permitted uses for residential areas. The subject property would include purpose-built rental units with an affordable housing component, aligning with the policy's intent to support various residential dwelling types

and compatible uses such as rental housing. In addition, the proposed two three-storey apartment buildings would redevelop the existing parcels to create 12 new dwelling units that contributes to residential intensification, achieving the anticipated long-term housing demands. This conforms with the policy to accommodate residential growth and support a variety of housing options within the urban planning area. The proposed development also offers affordable and attainable rental housing units, contributing the city's emphasis on encouraging diverse housing options for individuals and families.

As the proposed development represents a density of 70 units per hectare, which is greater than the maximum 25 units per hectare permitted within the Residential Low Density designation and the proposed built form are walk-up apartments, an Official Plan Amendment is required. The proposed Official Plan Amendment will re-designate the subject property to Residential Medium Density with a site-specific policy to permit a density of 70 units per hectare.

3.5 City of Burlington Official Plan (2020)

The City of Burlington Official Plan, 2020 ("New OP") was approved, with modifications, by the Region of Halton on November 30, 2020. As noted in the previous section, the New OP was appealed to the Ontario Land Tribunal and on January 4, 2023 the Tribunal issued a Decision confirming which parts of the New OP are subject to appeal and which parts are in effect. Until all broad appeals to the New OP are resolved, parts of the 1997 OP are in effect. Lastly, parts of the New OP that remain under appeal may be considered in this report on an informative, but not determinative, basis and will be identified as such.

In the New OP, the subject property is designated as:

- Schedule A – City System: Urban Area
- Schedule B – Urban Structure: Residential Neighbourhood Areas
- Schedule B-1 – Growth Framework: Established Neighbourhood Area
- Schedule C – Land Use - Urban Area: Residential – Low Density

The subject property is located within the Residential Neighbourhood Areas, which are intended to accommodate a wide range of residential uses and forms and shall be compatible and should enhance the physical character of the surrounding area. The following policy is applicable to the subject property as it is located within the Established Neighbourhood Area.

a) *Established Neighbourhood Area:*
   (i) Are identified in the Urban Structure as the following:
      a. the Residential Neighbourhood Areas, within the Delineated Built Boundary; and
      b. certain Mixed Use Intensification Areas that are otherwise not included in the Primary or Secondary Growth Areas, both of which are identified in Schedule B-1: Growth Framework, of this Plan;

(ii) *shall be recognized as a distinct area within the city's Urban Area where intensification is generally discouraged;*
(iii) *shall not be regarded as essential to achieve the population growth distributions, as stated by Places to Grow, and as distributed by the Region of Halton;*
(iv) *and shall be composed of selected lands designated Local Centres, and lands designated Residential-Low Density, Residential – Medium Density, and Residential – High Density, and as such development shall be in accordance with the permissions and densities established in the underlying land use designation*

b) *The following opportunities for intensification may be permitted:*
(i) *development in accordance with the maximum density and/or intensity permitted under the applicable land use designation;*
(ii) *consents;*
(iii) *plans of subdivision;*
(iv) *lands designated Residential-High Density, in accordance with Subsection 8.3.5(1) c); and/or*
(v) *additional residential units.*

c) *In the Established Neighbourhood Area, land assembly for development applications shall be discouraged.*
d) *Established Neighbourhood Area are also subject to the policies of Subsection 7.3.2(2) of this Plan.*

Although Established Neighbourhood Areas are not a focus for intensification, the proposed redevelopment of the subject property would be appropriate as it would maintain the existing residential character and integrity. In addition, limited forms of growth and intensification would be permitted in the Established Neighbourhood Area if it aligns with the permitted densities and land use designations.

The subject property is located within the Residential Neighbourhood Areas and designated as Residential – Low Density as shown on Schedule B-1 and Schedule C of the New OP, respectively.

The applicable Residential Neighbourhood Areas policy includes:

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

The proposed development would construct two three-storey apartment buildings that would include a mix of one-bedroom and two-bedroom to accommodate a diverse range of household sizes and incomes in the City of Burlington.

Residential – Low Density policy includes:

a) *On lands designated Residential – Low Density, single-detached and semidetached dwellings may be permitted.*

b) *Notwithstanding Subsection 8.3.3(1) a) of this Plan, townhouses may be considered by the City on lands designated Residential – Low Density, through a site-specific Zoning By-Law Amendment, subject to the fulfillment of the following criteria:*
   (i) *the development does not exceed the density established in Subsection 8.3.3(1) c) of this Plan;*
   (ii) *the development form is compatible with the surrounding area;*
   (iii) *the development form is respectful of the physical character of the neighbourhood; and*
   (iv) *the development includes the provision of a functional amenity area at grade.*

c) *On lands designated Residential – Low Density, development shall be permitted to a maximum density of twenty-five (25) units per net hectare.*

d) *On lands designated Residential – Low Density, the maximum height of development shall be established through the implementing Zoning By-Law.*

e) *On lands designated Residential- Low Density, in addition to the criteria contained in Subsection 12.1.7(2) of this Plan, the following criterion shall be considered when evaluating minor variance applications for increased height:*
   (i) *the maximum building height should be comparable to the average height of the highest points of the rooflines of existing residential buildings on the immediately adjoining properties sharing lot lines with the lands under application.*

To facilitate the proposed development, an Official Plan Amendment is required to redesignate the subject property as Residential – Medium Density with a site-specific policy to permit a density of 70 units per hectare. Notwithstanding the requested OPA, it is our opinion that the proposed development conforms to the general policies of the New OP as the development facilitates the construction of two three-storey apartment buildings within the Residential Neighbourhood Areas, make efficient use of existing municipal infrastructure and supports the function of the neighbourhood as a complete community.

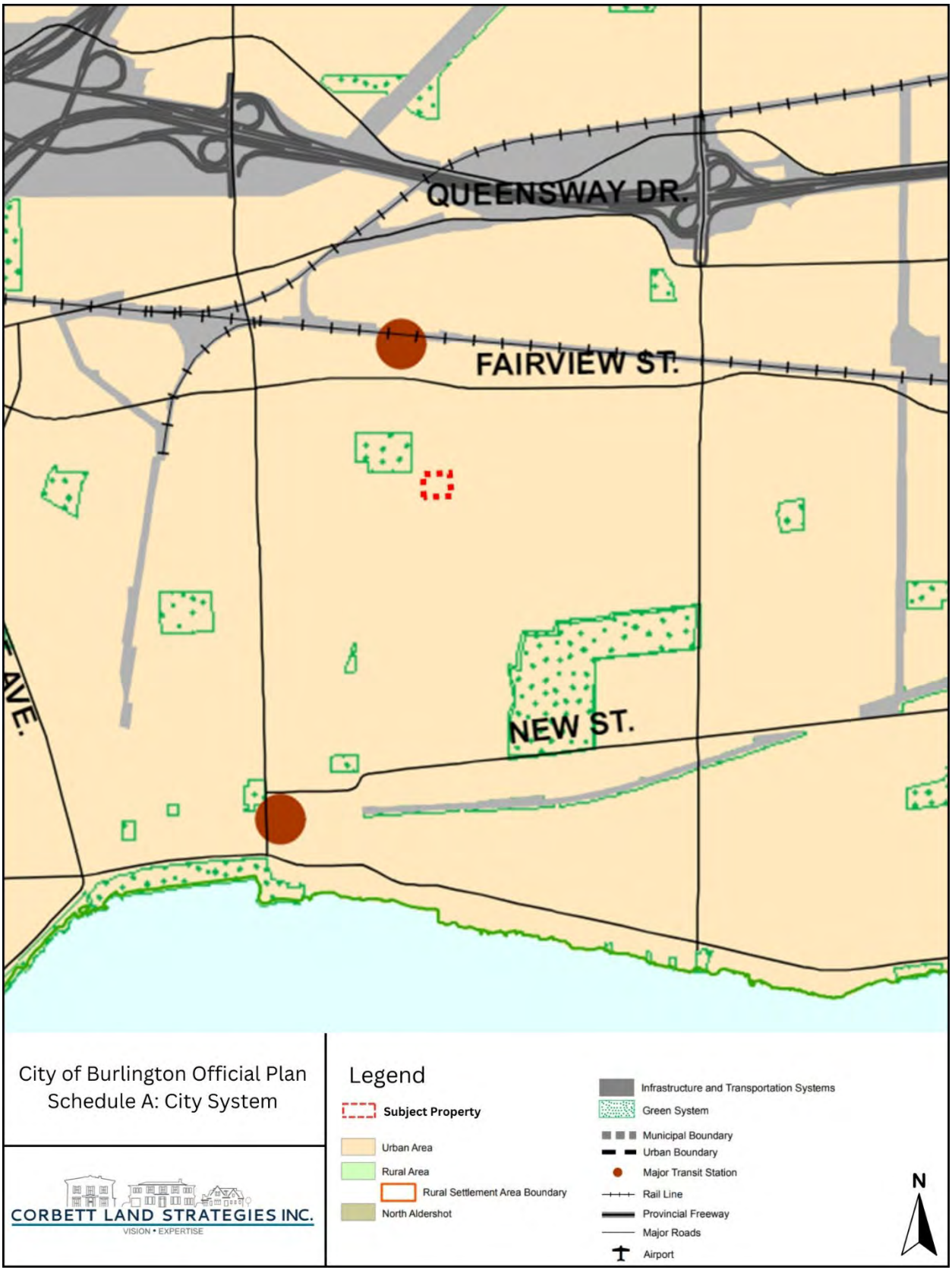


Figure 6: City of Burlington Official Plan Schedule A: City System

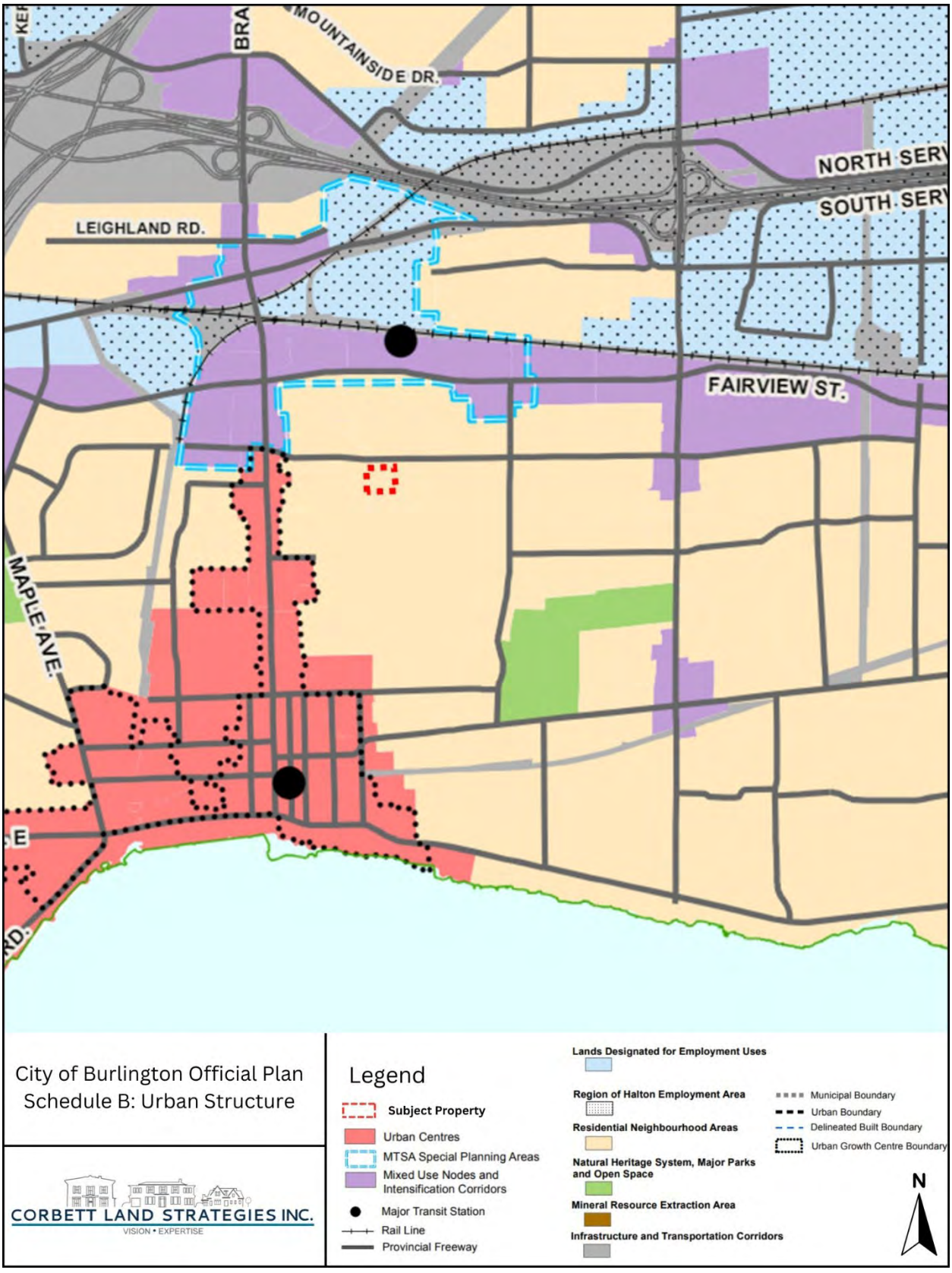


Figure 7: City of Burlington Official Plan Schedule B: Urban Structure

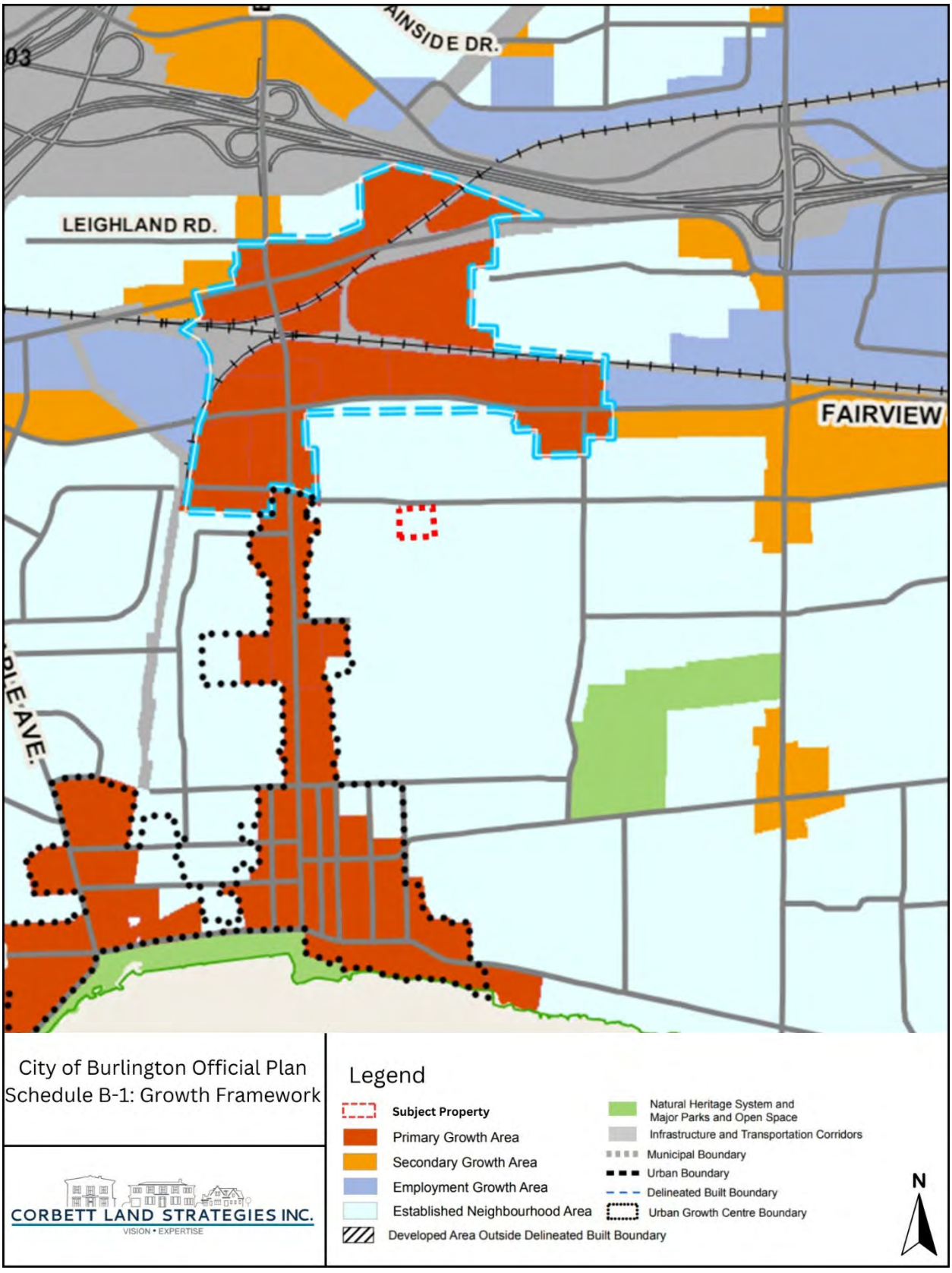


Figure 8: City of Burlington Official Plan Schedule B-1: Growth Framework

3.6 City of Burlington Zoning By-law (2020)

The City's Zoning By-law is a comprehensive guide that regulates how and where buildings are used for much of the City of Burlington. The Zoning By-law complements the visions and goals set forth by the Official Plan and ensures that urban development aligns with the long-term strategies outlined in the City of Burlington Official Plan.

The subject property is zoned as Low Density Residential (R2.3) in the City of Burlington Zoning By-law (2020), as amended (Figure 10). Table 2.3.1 of the Zoning By-law provides the permitted uses as follows:

a) Detached Dwelling
b) Additional Residential Units

As the proposed development is not permitted under the R2.3 zone and exceeds the setback and density requirements, as part of this submission, a Zoning By-law Amendment Application would be included to rezone the subject property from R2.3 to RM3 with site-specific provisions.

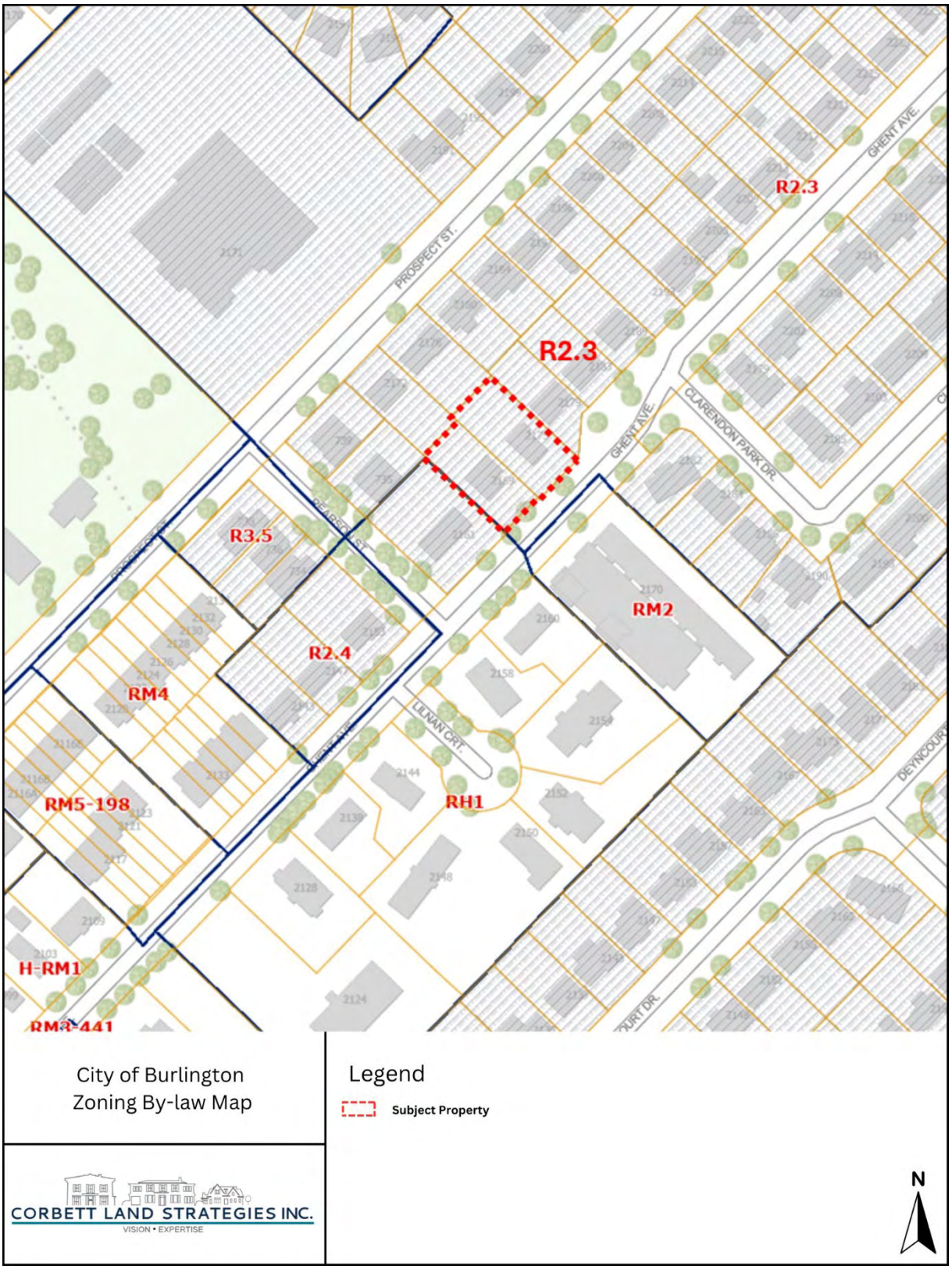


Figure 9: City of Burlington Zoning By-law Map

4.0 Proposed Amendments

4.1 Draft City of Burlington Official Plan Amendment

The proposed development does not conform to the 1997 OP policies of the Residential Low Density designation as the built form is not permitted and the proposed density exceeds the maximum permitted. The purpose of this amendment to the 1997 OP is to redesignate the subject property from 'Residential Low Density' to 'Residential Medium Density'.

The Residential Medium Density designation permits a maximum of 50 units per hectare, whereas the proposed development represents 70 units per hectare. We propose a site-specific policy to permit an increased density of 70 units per hectare instead of redesignating the property to Residential High Density as the intention of the proposed development aligns more consistently with the policy intent of the Medium Density designation. The proposed development will not exceed 4 storeys and will consist of a walk-up apartment building.

Furthermore, the Residential-Medium Density designation in the New OP permits up to 75 units per hectare and up to 4 storeys, which aligns with the proposed development. Therefore, when the New OP comes into force and effect, the policies of the development are generally consistent.

Please refer to Appendix B for the Draft Official Plan Amendment text and schedule.

4.2 Draft City of Burlington Zoning Bylaw Amendment

The proposed development would rezone the subject property into site-specific Residential Medium Density (RM3-XX) which shall permit the permitted uses of Table 2.7.1, apply the regulations of Section 10, and establish site-specific regulations as summarized in Table 1.

Table 1: Zoning By-law Compliance and Exemptions Table

Zoning By-law Regulation	Required	Proposed
Min. Lot Area	0.4 ha	**0.17 ha****
Min. Lot Width	30 m	39.75 m
Min. Front Yard Setback	7.5 m	**4.5 m****
Min. Rear Yard Setback	9 m	10.17 m
Min. Side Yard Setback	4.5 m	**2 m**** & 19.70 m
Min. Yard Abutting R2 Zone	12 m	**10.17 m**** & 19.70 m
Max. Building Height	3 Storeys	3 Storeys

Zoning By-law Regulation	Required	Proposed
Min. Landscaped Area	4.5 m abutting street	4.5 m
Min. Landscaped Buffer	6 m abutting R2 zones	**2.0 m – 4.18 m****
Min. Garbage Storage Side Setback	15 m abutting residential zones	**12.45 m****
Min. Garbage Storage Front Setback	4.5 m	4.72 m
Min. Parking	17 spaces	**16 spaces****
Density	25 units/ ha (min.) 50 units/ ha (max.)	**70 units/ ha****
Min. Amenity	450 m^2 (25m^2/ bedroom)	**355.27 m^{2**}**
Min. Privacy Area	10 m^2/ unit	**57.6 m^{2**}**

** Denotes provisions that require site-specific regulations

5.0 Public Engagement Summary

A Pre-Application virtual public meeting was held on June 12, 2024. At that meeting, many members of the surrounding community joined to share their thoughts, concerns, and questions with the consulting group. Table 2 summarizes the comments received and our responses.

Table 2: Public Engagement Summary and Responses

Comment/Question	Response
Tenure of Development	The proposed development will be purpose-built rental and will not be condominiums.
Location of Parking	Many residents shared concerns on the parking being located beside the building and suggested moving the parking to the rear of the building. To reduce the visibility from the street, the proposed design incorporates parking screening and uses the accessory building to screen the proposed parking. The parking provides a buffer or transition between the proposed buildings and the existing adjacent low-rise dwellings.
Number of Buildings	Some residents asked why two buildings were proposed instead of one. The design incorporates two buildings to create a sense of community for the residents.
Vegetation	The proposed development will incorporate proposed new vegetation and will recommend the protection of some existing trees as per the Concept Landscape Plan and Tree Protection Plan.
Location of Garbage	Based on comments received at the meeting and further discussion with immediately adjacent neighbours, the garbage storage building was relocated from the east side of the parking area directly abutting the low-rise residential property to the west side of the parking area.

Based on the feedback from the community, the site was reconfigured to move the garbage storage structure away from adjacent residential uses and move the proposed seating area within the amenity area away from the property line and towards the parking area. The design of the development was also modified to incorporate more components of character from the surrounding neighbourhood.

6.0 Public Consultation Strategy

As required by the City of Burlington, the following public engagement process is proposed for the Official Plan Amendment and Zoning By-law Amendment proposed on the subject property:

- A Notice of Application sign would be posted on the Ghent Avenue frontage of the subject property;
- A Community Informal Open House Meeting was held on 12th June, 2024 to receive public feedback prior to the application submission;
- Notice of the Application would be circulated by prepaid first class mail to all persons assessed in respect of land to which the proposal applies and within 120 metres of the subject property.
- A Statutory Public Meeting will be held prior to Council's decision regarding the applications.
- Members of the public who requested to be notified or who made written submissions to the City would be notified when the Recommendation Report would be forwarded to Council for their decision.

The proposed public consultation strategy would remain flexible to adapt to feedback from staff, Councillors, and members of the public. Additional structured or unstructured public consultation may be held on an as-needed or as-recommended basis.

7.0 Technical Studies & Supporting Materials

In addition to this Planning Justification Report and in accordance with the Pre-Consultation Comment Report, various studies have been prepared in support of the proposed Official Plan Amendment and Zoning By-law Amendment applications. These studies have been submitted under separate cover to the City of Burlington and form part of the “complete application”. A summary if each of the supporting technical studies and assessments is provided below.

7.1 Tree Evaluation Report & Tree Preservation Plan

Amy Choi Consulting prepared a Tree Evaluation Report (“TER”) and Tree Preservation Plan (“TPP”), dated August 28, 2024 in support of the proposed plan and development. A total of 21 individual trees and ten tree polygons were included in the tree inventory. The TER indicates that 16 trees and 9 tree polygons would be removed to accommodate the proposed development, including the proposed buildings, walkway, fence, parking area, and parking driveway.

The TER indicates that a total of 93 replacement trees will be required to compensate for the proposed tree removals. Trees 1, 3, 6, 7, 31, and tree polygon P19 would be preserved assuming the recommendations made in the TER are implemented prior to construction and maintained throughout the construction process.

For additional information, please refer to the Tree Evaluation Report and Tree Preservation Report prepared by Amy Choi Consulting, dated March 18, 2024, and included as part of the application submission package.

7.2 Noise Control Feasibility Study

Vintec Acoustics Inc. prepared a Noise Control Feasibility Study, dated August 23, 2024, in support of the proposed development. The purpose of this Study is to provide an assessment of the anticipated site noise impact from road traffic conducted on the proposed two (2) 3-storey residential buildings. The Study defines the projects sound levels from the adjacent roads, specifically Ghent Avenue, Prospect Street, and Fairview Street, and provides recommendations to satisfy the requirements of the Ministry of Environment, Conservation and Park (MECP), the Halton Region, and the City of Burlington.

The proposed development includes outdoor living areas (OLAs) for ground floor units with estimated noise levels of about 56 dB(A) in the southeast OLA, slightly exceeding the 55 dB(A) target but within the 60 dB(A) threshold. Warning Clauses A and B will be required to alert future occupants about potential transportation noise. For indoor noise, sound levels due to traffic are predicted to exceed MECP’s NPC-300 requirements, necessitating the use of central air conditioning and compliance with Warning Clause B. Rooftop mechanical equipment must meet MECP's NPC-300 limits, with equipment such as air units and transformers positioned 15 meters from receptors to ensure compliance. Noise control measures like quiet equipment selection and sound barriers will be

implemented. Final reviews of equipment, construction plans, and noise controls are recommended to ensure adherence to noise and vibration control guidelines and Building Code requirements.

Regarding to the recommendations, several noise mitigation measures are proposed in the study. Mechanical spaces above dwelling units will require vibration isolation and acoustic barrier ceilings. Walls between garbage rooms, elevator shafts, and adjacent suites should have an STC rating of 60, with garbage chutes properly insulated. Pipe risers should be separated from suites by walls with an STC rating of 55 and vibration isolated, with pipes passing through insulated sleeves. Mechanical equipment must be installed with adequate vibration isolation, and an acoustic review of both walls and equipment is recommended. Final construction and "as-built" conditions should be tested to confirm compliance with acoustic performance standards. The project will not include a standby generator.

In conclusion, based on the analysis, with the recommended noise mitigation and acoustic design measures, the proposed two (2) 3-storey residential buildings is expected to meet the applicable limits defined in the MECP guideline NPC-300. Given the proximity to residential areas, specific sound targets were established, and noise mitigation measures like quiet equipment, barriers, and silencers may be needed for equipment such as parking garage exhausts, transformers, and air handling units. For additional information, please refer to the Environmental Noise & Vibration Impact Study prepared by Vintec Acoustic Inc., dated August 23, 2024, and included as part of the application submission package.

7.3 Functional Servicing Report

Trafalgar Engineering Ltd was retained to conduct a Functional Servicing Report, dated September 18, 2024, at 2169 and 2175 Ghent Avenue in support of the Official Plan Amendment and Zoning By-law Amendment. The report demonstrates that the proposed two three-storey apartment building can be serviced by the existing infrastructure for water, wastewater, and stormwater and will meet the City of Burlington stormwater management criteria.

The domestic water supply will be connected to the 250 mm diameter watermain on Ghent Avenue, providing a reliable source for the residential needs. For wastewater management, a 200 mm diameter sanitary lateral will connect the site to the existing 250 mm diameter sanitary sewer, adequately accommodating anticipated flows and minimizing overflow risks.

To address stormwater runoff, the proposed development will manage the 100-year post-development peak discharge to match the 5-year pre-development peak rate. This will be achieved through a Cultec stormwater storage system located below the parking lot, which offers a total capacity of 57.8 m^3. Runoff will be released at a controlled rate of 12.6 L/s into the storm sewer on Ghent Avenue. Additionally, 8.8 m^3 of storage will facilitate the infiltration of the initial 5 mm of rainfall. The design incorporates enhanced treatment

measures, including CB Shields and a Stormceptor EF4 OGS, achieving over 80% long-term TSS removal to protect local water quality.

Overall, Trafalgar Engineering Ltd supports this multi-residential development for the proposed Official Plan Amendment and Zoning By-law Amendment, confident that it effectively utilizes existing services while prioritizing environmental sustainability and community resilience.

8.0 Conclusion

The proposed development consists of the consolidation of two parcels and the development of two three-storey walk-up apartment buildings comprised of 12 purpose-built rental dwelling units. The proposed development will include 16 parking spaces including 1 accessible parking space, an outdoor amenity area, and an accessory structure for the storage of waste. The subject property is located within the built-up area of the City of Burlington and within an established neighbourhood that consists of low and medium-density residential buildings.

To facilitate the proposed development, Official Plan Amendment and Zoning By-law Amendment approvals are required with the purpose of establishing medium-density policies and provisions for the subject property. The proposed development and approvals are consistent with the Provincial Planning Statement and conform to the policies of the Halton Region Official Plan, City of Burlington Official Plan 1997 and City of Burlington Official Plan 2020.

The proposed plan's technical design is compatible to the surrounding neighbourhood. It would provide a mix of one-bedroom and two-bedroom units that would contribute towards achieving a complete community and assist to accommodate provincial and municipal housing and density targets. Further, supporting consultant's materials have determined that there is sufficient capacity in the municipal water, wastewater, and stormwater system to accommodate the proposed development.

The application for Official Plan Amendment and Zoning By-law Amendment would have the effect of introducing the required policy and zoning provisions to facilitate residential development to achieve a complete community within the City of Burlington. The applications would thereby implement the policies of the applicable Provincial plans and Regional Official Plan for this development. On this basis, it is our opinion that the proposed three-storey apartment buildings are appropriate and compatible form of development in the context of the governing policy framework and therefore the proposal represents good land use planning.

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Appendix A – Concept Site Plan



Site Plan
1 : 100

ZONING TABLE:

Standard **RM3**	Required	Proposed
Lot Area (min.)	0.4 ha	0.17 ha (1754.31 m²)
Total Units	---	Two 6 - Unit Apartment (5 two-bedrooms units, 7 one-bedroom units)
Lot Width	30m	39.75m
Front Yard Setback	7.50m	**4.50m**
Rear Yard Setback	9m	10.17m
Side Yard Setback	4.50m	**2.00m** & 19.70m
Yard Abutting R2 Zone	12m	**10.17m** & 19.70m
Building Height (max.)	3 Storeys	3 Storeys
Landscaped area	4.5m Abutting Street	4.5m
Landscaped Buffer	6m Abutting R2 Zone	**2.00m to 4.18m**
Garbage Storage Side Setback (min.)	15m Abutting Residential Zonea	**12.45m**
Garbage Storage Front Setback (min.)	4.5m (as proposed to be amended)	4.72m
Parking	16 spaces total (1.25 spaces / 2-bed unit 1 space / 1-bed unit Visitor parking: 0.25/unit)	16 spaces
Density	25 units / ha (min.) 50 units / ha (max.)	**70 / ha**
Amenity	425 sm (25 sm / bedroom)	**355.27 sm**
Privacy Area	10sm / Unit	**57.60 sm**

Area Schedule (Gross Building)		
Name	Level	Area
A-COMMON AREA	GRND FLOOR PLAN	34.36 m²
A-COMMON AREA	2ND FLOOR PLAN	23.61 m²
A-COMMON AREA	THIRD FLOOR PLAN	23.61 m²
A-SUITE #1 - 1 BED	GRND FLOOR PLAN	67.62 m²
A-SUITE #2 - 1 BED	GRND FLOOR PLAN	78.36 m²
A-SUITE #3 - 1 BED	2ND FLOOR PLAN	78.36 m²
A-SUITE #4 - 1 BED	2ND FLOOR PLAN	78.36 m²
A-SUITE #5 - 1 BED	THIRD FLOOR PLAN	78.36 m²
A-SUITE #6 - 1 BED	THIRD FLOOR PLAN	78.36 m²
B-COMMON AREA	GRND FLOOR PLAN	38.99 m²
B-COMMON AREA	2ND FLOOR PLAN	28.24 m²
B-COMMON AREA	THIRD FLOOR PLAN	28.24 m²
B-SUITE #1 - 1 BED	GRND FLOOR PLAN	82.98 m²
B-SUITE #2 - 2 BED	GRND FLOOR PLAN	93.73 m²
B-SUITE #3 - 2 BED	2ND FLOOR PLAN	93.73 m²
B-SUITE #4 - 2 BED	2ND FLOOR PLAN	93.73 m²
B-SUITE #5 - 2 BED	THIRD FLOOR PLAN	93.73 m²
B-SUITE #6 - 2 BED	THIRD FLOOR PLAN	93.73 m²

No.	Description	Date
3	Consultants Coordination	2024.09.18
2	Design Development	2024.08.14
1	Preliminary Design	2024.08.19

IT IS THE RESPONSIBILITY OF THE APPROPRIATE CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS ON SITE AND REPORT ALL ERRORS AND OR OMISSIONS TO THE ARCHITECT.

ALL CONTRACTORS MUST COMPLY WITH ALL PERTINENT CODES AND BY-LAWS.

DO NOT SCALE DRAWINGS.

THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION UNTIL SIGNED.

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NORTH

PROJECT
MULTI RESIDENTIAL DEVELOPMENT

2169 & 2175 GHENT AVE, BURLINGTON, ON

DRAWING TITLE
SITE PLAN

SCALE	PROJECT NO.
As indicated	23-1731

DRAWN BY	APPROVED	Y.M.DATE
JK	CP	24.03.19

DRAWING NO.
A102

2024-09-18 2:15:02 PM

Appendix B – Draft Amendment Policies

AMENDMENT NO.XXX TO THE OFFICIAL PLAN

OF THE BURLINGTON PLANNING AREA

CONSTITUTIONAL STATEMENT

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. XXX to the Official Plan of the Burlington Planning Area, as amended.

PART A – PREAMBLE

1. PURPOSE OF THE AMENDMENT

The purpose of this Amendment is to redesignate the subject property from 'Residential – Low Density' to 'Residential – Medium Density' to facilitate the two proposed three-storey buildings, which would provide 12 dwelling units with a density of 70 units per hectare.

2. SITE AND LOCATION

The subject property is legally known as Part of Lot 5 Registered Plan 125 and municipally known as 2169 and 2175 Ghent Avenue ("subject property"), City of Burlington, within the Regional Municipality of Halton. The subject property is located on the northeast corner of the Ghent Avenue and Pearson Street intersection. It currently consists of two parcels that are proposed to be consolidated for redevelopment. Upon consolidation, the site will have an area of approximately 1742 m2 (0.17 hectares) and 39.66 m of lot width. The subject property is located in a neighbourhood that is characterized by predominantly low-rise residential dwellings accompanied by several mid-rise residential apartments. The site is located within an established urban area adjacent to Downtown Burlington and the MTSA Primary Connector Brant Street.

3. BASIS FOR THE AMENDMENT

a. The application proposes intensification consistent with the Provincial Policy Statement (PPS 2024), which represents appropriate development and good planning in a designated area that envisions employment and population growth;

b. The proposal conforms to the general policies of the Burlington Official Plan as the development facilitates the construction of two three-storey apartment buildings within the Residential Neighbourhood Areas, makes

efficient use of existing municipal infrastructure, and supports the neighbourhood's function as a complete community;

c. The proposal can be adequately serviced as it will utilize existing services while prioritizing environmental sustainability and community resilience;

d. The proposal is well-served by existing community infrastructure, including public transit, parks, schools and recreation facilities; and,

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

PART B – THE AMENDMENT

1. DETAILS OF THE AMENDMENT

Map Change:

To amend Schedule B COMPREHENSIVE LAND USE PLAN URBAN PLANNING AREA and redesignate the subject property from 'Residential – Low Density' to 'Residential – Medium Density', as shown in Schedule "A" to this amendment.

Text Change:

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

By adding the following site-specific policy to Part III Land Use Policies – Urban Planning Area, Section 2.0 Residential Areas, Subsection 2.2.3 Site Specific Policies:

2169 and 2175 Ghent Avenue	x) Notwithstanding the policies of Part III, Subsection 2.2.2 (d) in 2169 and 2175 Ghent Avenue, permitted uses of either ground- or non-ground-oriented housing units shall have a maximum density of up to 70 units per hectare.

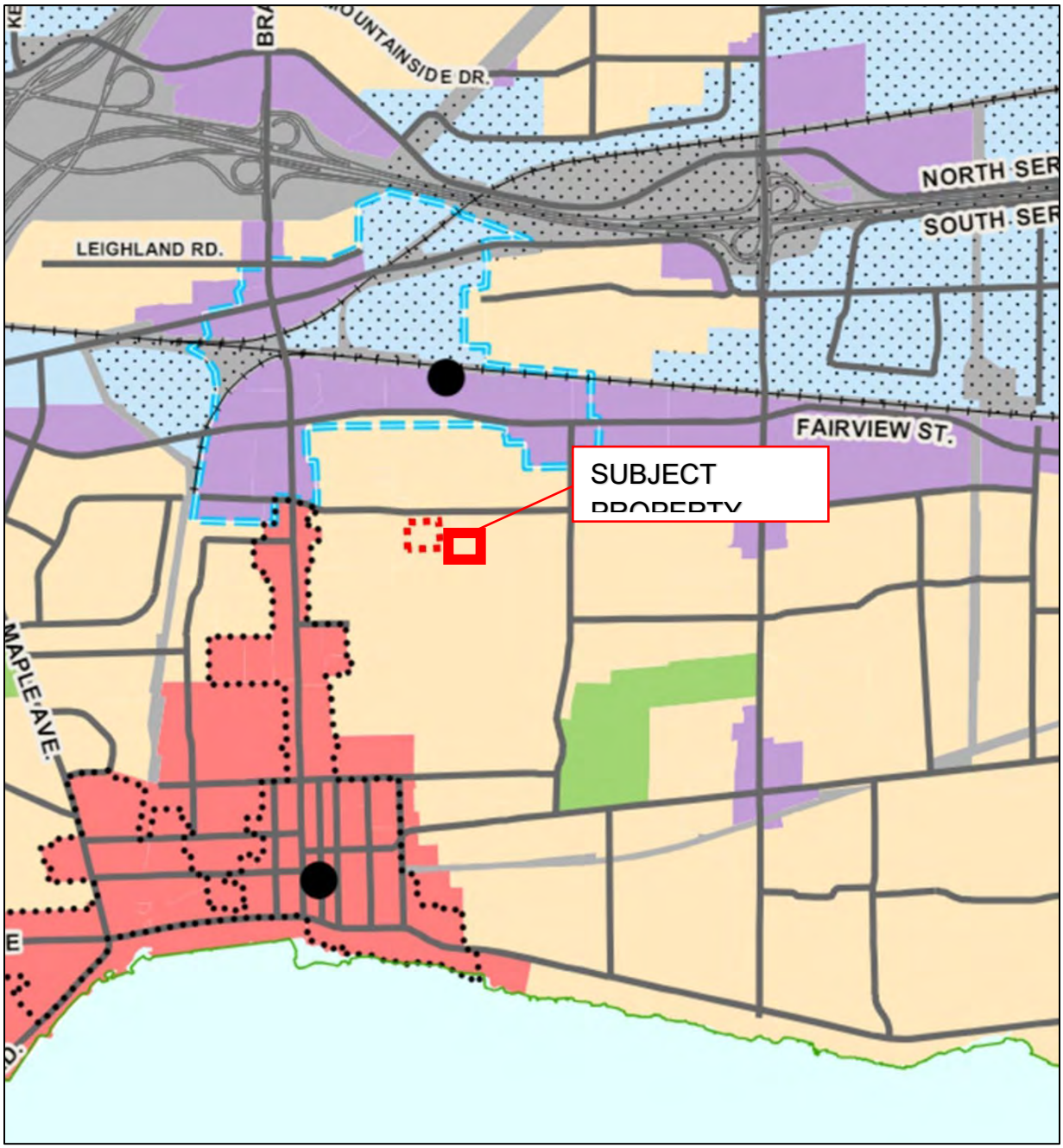
2. INTERPRETATION

This Official Plan Amendment shall be interpreted in accordance with the "Interpretation" policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

3. IMPLEMENTATION

This Official Plan Amendment will be implemented in accordance with the appropriate "Implementation" policies of Part VI of the Official Plan of the Burlington Planning Area.

Schedule 'A'



Lands to be re-designated from 'Residential – Low Density' to 'Residential – Medium Density'

SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT OP_____

THE CORPORATION OF THE CITY OF BURLINGTON

DRAFT BY-LAW NUMBER 2024.XXX, Schedule 'A' AND EXPLANATORY NOTE

A By-law to amend By-law 2020, as amended, for 2169 & 2175 Ghent Avenue, Burlington, to facilitate the two proposed three-storey buildings that would provide 12 dwelling units.

File No.: XXX-XX

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

WHEREAS the Council of the Corporation of the City of Burlington approved Recommendation PB-_____ on _____, 2024, to amend the Zoning By-law 2020, as amended, to permit a mixed-use building**.**

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

1. Zoning Map Number 14-E 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 on Schedule "A" attached hereto are hereby rezoned from "Low-Density Residential (R2.3)" to "'Residential – Medium Density (RM3-XX)" with site-specific provisions.
3. Part 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception XXX as follows:

Exception XXX	Zone RM3	Map 14-E	Amendment 2024.XXX	Enactment XXX.XX.XX
a) Permitted Uses		• Detached Dwelling • Semi-Detached Dwelling • Duplex Building • Triplex Building • Fourplex Building • Townhouse Building		

	• Street Townhouse Building • Back-to-Back Townhouse Building • Stacked Townhouse Building • Apartment Building • Retirement Home • Lodge, Fraternity, Private Club • Community Institution • Additional Residential Units
b) Minimum lot area	0.17 hectares
c) Minimum Front Yard Setback	4.5 metres
d) Minimum Side Yard Setback	2.0 metres
e) Minimum Yard Abutting R2 Zone	10.0 metres
f) Minimum Landscaped Buffer	2.0 metres
g) Minimum Garbage Storage Side Setback	2.0 metres
h) Density	70 units/ hectare
i) Minimum Amenity	19 square metres/bedroom
j) Privacy Area	4.8 square metres/unit

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

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

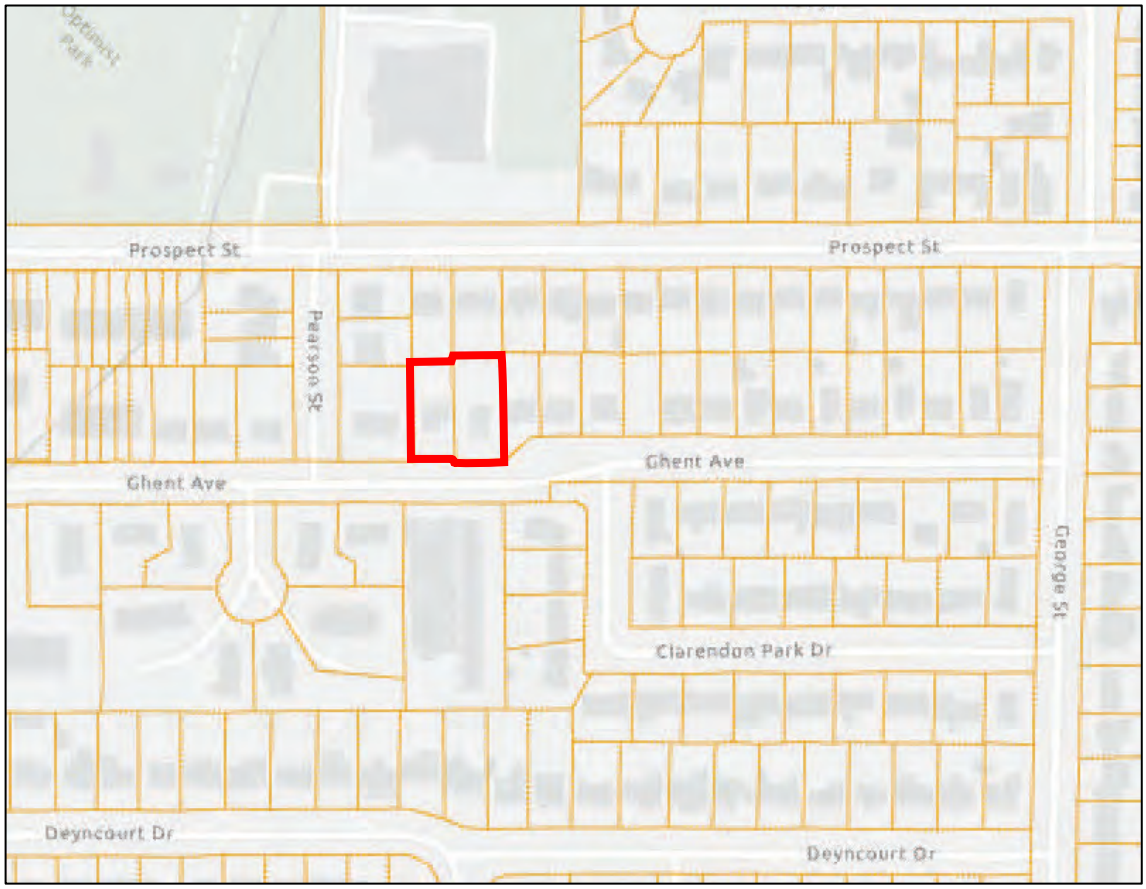
    b. If one or more appeals are filed pursuant to the provisions of the Planning Act, R.S.O. 1990, c. P. 13, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Local Planning Appeals Tribunal this By-law shall be deemed to have come into force on the day it was passed.

Enacted and passed this ____ day of _____, 20__.

Mayor Marianne Meed Ward _____

Acting City Clerk Samantha Yew _____

Schedule ‘A’



Area ‘A’ – Area ‘A’ to be rezoned from “Low-Density Residential (R2.3)" to “Residential – Medium Density (RM3-XX)”

SCHEUDLE ‘A’ TO BY-LAW 2024.### AMENDING MAP NO.14 PART 15, BY-LAW 2020 AS AMENDED. PASSED THE _____ DAY OF_____.

_____ MAYOR

_____ CITY CLERK