



Planning and Development Committee - Public Meeting Agenda

Date: September 17, 2018
Time: 6:30 p.m.
Location: Room 247, Level 2, City Hall

Pages

1. Declarations of Interest:

2. Statutory Public Meetings:

Statutory public meetings are held to present planning applications in a public forum as required by the Planning Act.

3. Delegation(s):

In order to speak at a Planning and Development Committee - Public meeting, individuals must register no later than noon on the day before the meeting. To register, complete the online application at www.burlington.ca/delegations, email cityclerks@burlington.ca or phone 905-335-7600, ext. 7481.

4. Consent Items:

Reports of a routine nature, which are not expected to require discussion and/or debate. Staff may not be in attendance to respond to queries on items contained in the Consent Agenda.

5. Regular Items:

- | | | |
|-----|----------------------------------------------------------------------|---------|
| 5.1 | Approval of zoning by-law amendment at 4880 Valera Road (PB-78-18) | 1 - 41 |
| 5.2 | Approval of zoning by-law amendment at 4721 Palladium Way (PB-72-18) | 42 - 68 |

6. Confidential Items:

Confidential reports may require a closed meeting in accordance with the Municipal Act, 2001. Meeting attendees may be required to leave during the discussion.

7. Procedural Motions:

8. Information Items:

9. Staff Remarks:

10. Committee Remarks:

11. Adjournment:



SUBJECT: Recommendation Report 4880 Valera Rezoning Application

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-78-18

Wards Affected: 6

File Numbers: 520-18/17

Date to Committee: September 17, 2018

Date to Council: September 24, 2018

Recommendation:

Approve the application submitted by 4880 Valera Road LP to amend the City of Burlington Zoning By-law to site specifically rezone the lands at 4880 Valera Road, as modified by staff in department of city building report PB-78-18, to permit the construction of 414 residential units in the form of a 9 and 10 storey apartment building with commercial uses at grade, townhouses and back-to-back townhouses, on the basis that it is consistent with the Provincial Policy Statement, conforms to all applicable Provincial Plans, The Region of Halton Official Plan and the City of Burlington Official Plan, has regard for matters of Provincial interest and represents good planning for the reasons set out in department of city building report PB-78-18; and

Instruct planning staff to prepare the by-law to amend Zoning By-law 2020, as modified by staff in department of city building report PB-78-18, rezoning the lands at 4800 Valera Road from "CN1" to "RAL4-493" substantially in accordance with the draft regulations contained in Appendix B of department of city building report PB-78-18 and direct that the amending zoning by-law will not be enacted until the completion by the applicant of the following:

- a) Execution of a Residential Development Agreement including the conditions listed in Appendix C of department of city building report PB-78-18; and

- b) Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands; and

Approve the proposal by 4880 Valera Road LP to remove 7 city-owned trees from the Valera Road right-of-way in front of the property at 4880 Valera, subject to the following:

- a) The Owner shall compensate the City of Burlington for the tree removal by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$4,800); and
- b) All associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved to the satisfaction of the Executive Director of Capital Works.

Purpose:

The following objectives of Burlington's Strategic Plan (2015-2040) apply to the discussion of the subject application:

A City that Grows:

- Intensification
 - 1.2.d: New/transitioning neighbourhoods are being designed to promote easy access to amenities, services and employment areas with more opportunities for walking, cycling and using public transit.
- Smart Population Growth
 - 1.3.a: Burlington is an inclusive city that has a higher proportion of youth, newcomers and young families and offers a price range and mix of housing choices.

A City that Moves:

- Increased Transportation Flows and Connectivity
 - 2.1.g: Walkability has guided the development of new/transitioning neighbourhoods and the downtown so that people rely less on automobiles.
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REPORT FACT SHEET

RECOMMENDATIONS:		<i>Modified Approval</i>	Ward No.:	6
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	<i>AJ Clarke and Associates Ltd.</i> <i>4880 Valera Road LP</i> <i>520-18/17</i> <i>Zoning By-law amendment</i> <i>70 3-storey townhouse units and, one 9 storey and one 10 storey mixed use building providing residential uses and a commercial component at ground level.</i>		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	<i>West of Appleby Line, south of Thomas Alton Blvd.</i> <i>4880 Valera Road.</i> <i>2.26 ha</i> <i>Vacant</i>		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	<i>Residential – High Density</i> <i>Same. No amendment required.</i> <i>CN1-332</i> <i>RAL4 with site specific exemption</i>		
Processing Details	NEIGHBOURHOOD MEETING: PUBLIC COMMENTS:	<i>March 21, 2018</i> <i>Staff have received 8 emails.</i>		

Background and Discussion:

On February 5, 2018, the Department of City Building acknowledged that a complete application had been received for a Zoning By-law Amendment for 4880 Valera Road. The purpose of the Zoning By-law amendment application submitted by A. J. Clarke and Associates Ltd. on behalf of ADI Development Group (applicant) is to rezone the subject lands from “Neighbourhood Commercial with Site Specific Exception (CN1-332)” to “Alton Community Residential with Site Specific Exception (RAL4-493).” The rezoning would facilitate the development of a mixed-use building with one 8 storey and one 10 storey tower comprised of one commercial unit on the ground floor and residential units on the remainder of the ground floor and above; and 70 townhouse units, both standard and back to back. The mid-rise development will be accessed via underground parking, 56 of the proposed townhouse units will be accessed by a private condominium road, while 14 will be freehold units fronting onto Valera Road. The proposed development is proposed to have a density of 184.3 units per hectare.

Staff circulated the applications to the public and agencies/departments for comment February 2018 and held a neighbourhood meeting on March 21, 2018 at the Appleby Ice Centre. The neighbourhood meeting was attended by approximately 9 residents. The statutory public meeting took place at the Planning and Development Committee meeting held on June 5, 2018. Staff information report PB-51-18 was presented at this meeting and included the public comments received by the City Building Department regarding the proposed development. City Council received and filed report PB-51-18 on June 18, 2018. Additional public comments received since that report are attached as Appendix D to this report.

Subsequent to the statutory meeting and in light of all public and technical comments received, the applicant revised the application:

- to provide additional terracing on the westerly apartment building to provide compatibility with surrounding development, the height of the westerly apartment building was also increased from 8 storeys to 9 storeys;
- redesigned and expanded the commercial space proposed to provide increased visibility and enhanced connections to site;
- reconfigured the site to provide improved pedestrian connections and a consolidated amenity space; and
- to provide additional parking for the apartment uses and visitor parking for the street townhouses.

Staff recommend a modified approval to provide additional parking in line with the recommendations of the City Wide Parking Study. Parking rates are modified as follows:

- Designated parking for maintenance / service vehicles is required at a rate of 1.0 stall / 75 apartment units.

Site Description:

The subject lands are located in the Alton Community, west of Appleby Line and south of Thomas Alton Boulevard. The 2.24 ha site is currently vacant with the exception of a temporary sales trailer. The site has frontage on Appleby Line, Thomas Alton Blvd and Valera Road.

Surrounding land uses are:

North of the subject lands, north of Thomas Alton Blvd., is zoned (Mixed Use Corridor) MXE-322 and is developed with a two storey office commercial development. Northwest of the site at 4853 Thomas Alton Blvd. there are OMB approved Official Plan and Zoning By-law amendments to permit two 17 storey apartment buildings, two 6 storey residential buildings, and traditional townhouse, and stacked townhouse units on the property.

West and southwest of the subject lands are designated for High Density Residential and Medium Density Residential uses and are zoned (Alton Residential) RAL4. The land is developed with a mix of single detached residential and townhouse dwellings.

Southeast of the subject lands is a hydro transmission corridor, beyond which is a site zoned (Regional Commercial) CR-261 and is developed with a variety of large format retail uses.

Lands east of Appleby Line are zoned (Regional Commercial) CR-408 and are developed with a variety of retail uses including a large home improvement and garden centre.

Discussion

Technical Reports

The following documentation and plans were submitted in support of the application. This information can also be accessed at: www.burlington.ca/4880Valera.

- **Planning Justification Report**, Prepared by A. J. Clarke and Associates Ltd., dated December 2017
- **Site Plan, Floor Plans and Elevations**, prepared by Core Architects Inc., dated December 2017.
- **Functional Servicing Report**, MTE Consultants Inc., dated December 2017
- **Tree Inventory and Protection Plan**, prepared by Adesso Design Inc., dated December 2017
- **Transportation Impact Study and Parking Study**, prepared by Paradigm Transportation Solutions Limited, dated December 2017

- **Environmental Noise and Vibration Assessment**, prepared by Novus Environmental Inc.
- **Geotechnical Investigation**, prepared by Landtek Limited, dated August, 2017
- **Shadow Study**, prepared by Core Architects Inc

Updated Materials:

- **Planning Justification Update Letter**, prepared by A.J. Clarke and Associates Ltd., dated July 17th 2018;
- **Site Plan, Floor Plans and Elevations**, prepared by Core Architects Inc., dated June 29, 2018;
- **Functional Servicing Report**, MTE Consultants Inc., revised June 29, 2018;
- **Geotechnical Response Memo**, prepared by Landtek Limited, dated June 29, 2018;
- **Environmental Noise and Vibration Assessment**, prepared by Novus Environmental Inc, dated June 28, 2018;
- **Phase One, Environmental Site Assessment**, prepared by Landtek Ltd., dated April 2, 2018;
- **Transportation Response Memo**, prepared by Paradigm Transportation Solutions Limited, dated June 29, 2018;
- **Roundabout Screening**, prepared by Paradigm Transportation Solutions Limited, dated June 29, 2018;
- **On-Street Parking Review Memo**, prepared by Paradigm Transportation Solutions Limited, dated June 29, 2018;
- **Transportation Response and Meeting Notes**, prepared by Paradigm Transportation Solutions Limited, dated July 23, 2018; and
- **Landscape Plans**, adesso designs inc., dated June 29, 2018.

Technical Review

The Zoning By-law Amendment application and supporting documents were circulated for review to internal departments and external agencies. Transportation has reviewed the Parking Study submitted by the applicant and does not agree with the rates provided. Modified rates are proposed in the draft Zoning regulations staff recommend. The revised application addresses the remainder of the comments provided by review agencies.

Policy Framework:

The application is subject to the following policy framework: the *Planning Act*, the Provincial Policy Statement 2014, the Growth Plan for the Greater Golden Horseshoe, the Halton Region Official Plan, the City of Burlington Official Plan, the Alton Community Secondary Plan, and the City of Burlington Zoning By-law 2020. Listed below is an

overview of the land use designations and policy directions at the provincial, regional and local level.

Planning Act: Matters of Provincial Interest

Municipalities, when dealing with their responsibilities under the *Planning Act*, shall have regard to a wide range of matters of provincial interest. A number of these matters of provincial interest are relevant to this site-specific development application, key matters are highlighted below with further analysis discussed throughout the report.

Matter of Provincial Interest	Staff Analysis
The adequate provision and efficient use of communication, transportation, sewage and water services and waste management system.	The site can be adequately served by existing servicing infrastructure. Transportation and Halton Region indicate that surrounding roadways can accommodate the additional traffic generated by the development. However, it is the opinion of the Transportation Department that the parking rate provided by the applicant is not sufficient to accommodate off-street parking on the site. This will have impacts on the surrounding roadway infrastructure.
The orderly development of safe and healthy communities.	The Phase I Environmental Site Assessment (ESA) provided with the application does not indicate potential for contamination on the site.
The adequate provision of a full range of housing, including affordable housing.	The application provides a range of housing types, sizes and affordability. The apartment building includes 1, 2 and 3 bedroom units and there are a range of townhouse forms provided.
The adequate provision of employment opportunities.	The subject site is designated in the Official Plan for Residential – High Density uses with a site specific policy requiring a commercial component along Thomas Alton Blvd. The proposed commercial use will provide adequate employment opportunity with this development.
The protection of the financial and economic well-being of the Province and its municipalities.	The proposed development is located within an area well serviced by infrastructure and public service facilities and will not require significant public sector investment to support the development.

<p>The appropriate location of growth and development.</p>	<p>The rezoning brings the zoning into conformity with the existing Official Plan designation on the site. Additionally, the site is in a location that is well served by commercial uses, and is in close proximity to parks and transit. As the proposal does not provide adequate off street parking the proposed development does not meet the residential intensification criteria of the Official Plan and as such, is not compatible with surrounding development.</p>
<p>The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.</p>	<p>The proposal represents an increase in density along a transit route. The proposed location also provides the opportunity for future residents to walk to schools, parks, and to meet their day-to-day and weekly commercial needs within a kilometer of the site.</p> <p>The proposal also provides pedestrian connections within the site and to existing roadways and trails.</p>
<p>The promotion of built form that,</p> <p>Is well-designed</p> <p>Encourages a sense of place</p> <p>Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.</p>	<p>The revised submission incorporates comments from the Burlington Urban Design Advisory Panel related to site design and terracing of the apartment buildings. If approved, through a future site plan application the applicant will continue working with the City to ensure that materials and treatment of the building at grade will provide a high level of design.</p>

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement (PPS) came into effect on April 30, 2014 and applies to decisions concerning planning matters made after this date. The PPS provides broad policy direction on matters of provincial interest related to land use planning and development to provide for healthy, liveable and safe communities. The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS), however all Council decisions affecting planning matters “shall be consistent with” the PPS.

The PPS directs growth to settlement areas and promotes densities and a mix of land uses which optimize use of land and resources; are appropriate for, and efficiently use,

the infrastructure and public service facilities; minimize negative impacts to air quality and climate change and promote energy efficiency; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (PPS, 1.1.3.2). The PPS requires that sufficient land be made available through intensification and redevelopment (PPS, 1.1.2).

In addition, the PPS directs planning authorities to identify appropriate locations and opportunities for intensification and redevelopment and to promote appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (PPS, 1.1.3.3, 1.1.3.4). The PPS directs planning authorities to establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The PPS notes that where a provincial target is established through a provincial plan that the provincial target shall represent the minimum target (PPS, 1.1.3.5) which in this case is the Places to Grow. New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (PPS 1.1.3.6).

The PPS sets out that the Official Plan is the most important vehicle for implementation of the PPS (PPS, 4.7). Development standards to facilitate intensification are provided through evaluation criteria contained in the City's Official Plan and more specifically through the City's Zoning By-law 2020.

The housing policies of the PPS direct planning authorities to provide an appropriate range and mix of housing types and densities to meet the needs of current and future residents of the regional market area (PPS, 1.4.3). This is to be accommodated by promoting densities for new housing and establishing development standards for new residential intensification and redevelopment which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety. How densities should be allocated in the local context is defined through the policies of the Official Plan. This strategy has been further solidified through the Urban Structure, Growth Framework, and land use policies of the Council adopted Official Plan, Grow Bold.

The PPS promotes the creation of healthy, active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (PPS, 1.5.1).

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. It also recognizes that some planning objectives need to be considered in the context of the municipality as a whole (PPS, Part III). Further, as mentioned above, the PPS identifies Official

plans as the vehicle to identify and protect provincial interests and set out appropriate land use designations and policies that direct development to suitable areas. The City's Official Plan provides this policy framework and includes evaluation criteria for intensification proposals.

Opinion:

The site is located within a settlement area and is considered to be a designated growth area as defined by the PPS as it is an undeveloped site designated for growth over the long-term planning horizon. The site is appropriate for intensification as it is located in a walkable, transit oriented location, located in proximity to schools, parks and amenities, and commercial sites to serve resident's day-to-day and weekly needs. The proposal facilitates active transportation by providing pedestrian links within and through the site, providing connectivity from the site to the hydro corridor; on-site amenity space; transit stops; as well as on-site and surrounding commercial space. The application aligns with policies supporting complete communities and fostering social interaction by promoting a range of housing types, providing commercial space on site, and incorporating a large outdoor amenity space along Valera Road. Additionally, there are no servicing related concerns identified.

As noted above, the Official Plan is the vehicle for implementing the policies of the Provincial Policy Statement. Although the proposed rezoning would bring the zoning into conformity with the land use designation on the site, it is the City's opinion that the development standards in the rezoning as proposed do not provide for adequate parking for the proposed apartment uses. The lack of parking is not compatible with surrounding land uses as it anticipated to have off-site impacts to the surrounding roadway system as there is an existing identified deficiency of on-street parking spaces in the Alton neighbourhood. As this application does not propose an efficient use of roadway infrastructure, the proposal as submitted is not consistent with the PPS. In order to mitigate off-site impacts, Staff's modified approval provides for maintenance parking spaces for the apartment uses, as per the recommendations of the draft City Wide Parking Study. With this modification to the required parking rates, Staff are satisfied that the application is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. The Growth Plan provides a framework for implementing the Province's vision for building stronger, prosperous complete communities by better managing growth. The guiding principles of the plan include supporting people's needs for daily living, prioritizing intensification and higher densities to ensure efficient use of land, infrastructure and supporting a range and mix of housing options that support transit viability. The policies support the achievement of complete communities that are

compact, transit-supportive, make effective use of investments in infrastructure and public service facilities, and accommodate people at all stages of life. This includes providing a mix of housing, a good range of jobs and easy access to stores and services to meet daily needs of residents (GP, 2.1).

New development taking place in designated Greenfield areas will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities; supports active transportation; and encourages the integration and sustained viability of transit services (G.P. 2.2.7.1). While the Growth Plan establishes the planning framework to 2041 the policies acknowledge that many of the elements of the Growth Plan are formally implemented through the municipal comprehensive review, which may only be undertaken by the upper-tier or single-tier municipality. One such identified element is the minimum density targets established for designated greenfield areas. The policies articulate that where an approved upper-tier official plan includes a minimum density target, that target will continue to apply across the same area until the next municipal comprehensive review (GP, 2.2.7.4). The Region through its Official Plan allocates designated greenfield density targets to each of the lower-tier municipalities. The City of Burlington's minimum greenfield density target is 45 residents and jobs per hectare. Through the next municipal comprehensive review the density target across the entire Region of Halton will not be less than 60 residents and jobs combined per hectare. The minimum density targets in the Growth Plan are to be implemented through zoning all lands in a manner that would implement the official plan policies and the use of any applicable legislative and regulatory tools that may establish minimum densities, heights and other elements of site design (GP, 5.2.5.5, 5.2.5.6)

Opinion:

The subject site provides additional density in a location served by transit and commercial uses to serve day-to-day and weekly needs. The proposal provides a variety of housing types and sizes to accommodate people in all stages of their lives.

The site is designated for Residential-High Density uses in the City's Official Plan which allows for a density ranging between 51 and 185 units per net hectare. These densities support the achievement of 45 residents and jobs per hectare across Burlington's Greenfield. The application proposes a density of approximately 184 units per hectare. As stated above, densities are to be achieved through implementing zoning bylaws that may regulate heights and other elements of site design. While uses, location, design and heights of buildings are consistent with the policies of the City's Official Plan, it is City Staff's opinion that the parking rates proposed by the applicant are insufficient and will have off-site impacts on the surrounding roadway network. Based on the above, it is the opinion of staff that the application as submitted is inconsistent with the policies of the Growth Plan. As a result, Staff have recommended a modified approval which

increases the proposed parking rate with the goal of providing an appropriate number of spaces for residents and visitors, while encouraging alternate modes of travel.

Halton Region Official Plan

The subject lands are designated “Urban Area” in accordance with the Halton Region Official Plan (ROP). The Urban Area objectives promote growth that is compact and transit-supportive. This designation also encourages intensification and increased densities. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Halton Region Official Plan.

City of Burlington Official Plan

The subject lands are designated “Residential – High Density” within the City’s Official Plan. This designation allows ground or non-ground oriented residential development with a density ranging between 51 and 185 units per net hectare. Residential High-Density uses in the Alton community may have a maximum height of 10 storeys. Official Plan Amendment 102 was passed in 2016 which re-designated the lands from “Neighbourhood Commercial” to Residential – “High Density”. A site-specific provision was added, which stated the following:

Notwithstanding the policies of Part III, Subsection 2.2.2 a) of this Plan, commercial land uses in the form of mixed use or stand alone buildings shall be provided fronting on Thomas Alton Boulevard. Residential building height shall be transitioned to provide for a lower height fronting Valera Road and existing residential development to the south.

The residential policies in the Burlington Official Plan identify a number of objectives related to encouraging residential intensification within the Urban Planning Area, providing housing opportunities that encourage the use of public transit and active transportation and decrease dependence on the car, providing a range of housing forms and tenure, and requiring new residential development to be compatible with surrounding properties. In assessing intensification proposals, Part III, Section 2.2.1 of the Plan states that “the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods.” Part III, Section 2.5.2 then provides evaluation criteria to be considered when evaluating proposals for housing intensification in established neighbourhoods. Staff assessment of these criteria for the subject applications is discussed below.

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

As already identified there is adequate water, wastewater and storm sewer capacity to handle the proposed increase in residential units. Further, the Halton District and Halton

Catholic District School Boards have indicated that they have no objections to the application. Lastly, staff have highlighted the proximity of several parks.

(ii) off-street parking is adequate;

The City is in the midst of a parking study to update parking standards in the Zoning By-law. The City of Burlington's current parking standards are more than 30 years old. As the City of Burlington continues to evolve into an increasingly urban place with greater land use intensity, the City has recognized the need to review its parking standards. The goal of this study is to “right size” the parking requirements of Zoning Bylaw 2020 in order to provide an appropriate number of spaces for employees, residents and visitors while encouraging alternate modes of travel. It is noted that adjusting parking standards in response to development applications, on a site by site basis, can have a major impact on parking operation within the targeted area. If too little parking is provided, a parking shortage may result. When reducing parking standards, a conservative reduction (as recommended through the City-Wide Parking Standards Review) followed by a monitoring and evaluation period is considered best practice. If justified, further reductions after the evaluation period has passed can be implemented with minimal negative impacts to parking operations. However, the opposite is not true. If the parking reductions are too great, parking supply expansions (i.e. provision of additional on-site parking via underground parking lot expansions) cannot be enforced for approved and existing developments. The City is taking a conservative approach by applying the standards recommended as part of the City-Wide Parking Standard Review study and is exercising proper due diligence.

Parking is a long-standing issue within the Alton Community. With respect to parking infractions, a review of parking ticket data (January 2017 – present) has confirmed that 759 tickets have been issued on the streets south of Thomas Alton Boulevard, directly within proximity of the proposed development. The level of effort required to enforce parking regulations within the Alton Community is significant. Multiple creative solutions have been implemented within the Alton Community, with limited success, in attempts to mitigate the existing parking issues that directly stem from the inability for residents to accommodate their parking needs on-site. Several parking programs have been trialed including the Neighbourhood On-street Parking Program (NOSPP), On-Street Parking Permit (currently under pilot) as well as other operational modifications such as permitting vehicles to overhang onto the roadway, permitting parking within the boulevard apron, and permitting overnight parking within City parks. Yet, Parking Services staff continue to receive requests to implement on-street parking prohibitions due to congested roadways, complaints of “overflow parking” as a result of intensification, and the imminent removal of NOSPP program due to misuse. Given the context presented above, it is the ascertain of staff that the lack of available on-street

parking and experience of excessive parking demands within the Alton Community is a significant operational concern and warrants detailed consideration when evaluating development proposals within the community.

Transportation Staff have reviewed the Parking Study and Meeting Notes dated July 23, 2018 submitted by the applicant, and have regard for the draft City Wide Parking Study. Taking into account the matters discussed above, staff cannot support the requested reduction in parking rates for the apartment uses. The applicant's original proposal for 581 parking spaces is deficient by 63 stalls. It is not feasible to assume that this parking shortfall can be accommodated off-site in the neighbourhood. Staff and the applicant have worked together, and the applicant has agreed to provide the requested parking rate for the occupant and visitor spaces for the occupant uses. However, the provision of maintenance spaces for the apartment uses is still at issue. Based on the above, Staff recommends a modified rate consistent with the maintenance space requirements of the draft City Wide Parking Study to address this deficit. Below is a table which outlines the requirements of Zoning Bylaw 2020, and the Staff recommended parking rate.

Land Use	Units	Zoning By-Law Rate		City Recommendation	
		Rate	Req'd	Rate	Req'd
Regular Towns	30	2.50	75	2.25	68
Back-to-Back Towns	26	2.35	61	2.25	59
Street Towns	14	2.00	28	2.25	32
Apartment 1 bedroom	118	1.60	189	1.20	142
Apartment 2 bedroom	192	1.85	355	1.45	278
Apartment 3 bedroom	34	2.10	71	1.70	58
Retail	195m ²	4/100m ²	8	3.5/100m ²	shared
Maintenance / Service	344	N/A	N/A	1/75 units	5
Total Parking			788		640
Reduction from ZBL			N/A		19%

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

Two accesses to the site are proposed. A full access off of Valera Road is proposed as a well as a right-in-right out access to Appleby Line. As Appleby Line is a Regional Road, both Halton Region and the City's Transportation Department have reviewed the materials submitted in support of this application.

The development is anticipated to generate a total of 127 new trips during the morning peak hour and 169 new vehicular trips in the evening peak hour. Halton Region has indicated that Appleby Line can adequately accommodate additional traffic generated as a result of this application, and have no objections to the application. City of Burlington Transportation staff have reviewed the materials submitted by the applicant and are satisfied that additional traffic can be accommodated by surrounding local roadways and support the roadway improvements recommended by the applicant.

These include:

- An additional westbound left turn lane on Thomas Alton Blvd to Valera Road;
- Extension of the left turn lane at the intersection of Thomas Alton and Appleby Line.

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

The proximity of the site to an existing transit route and transit stop is highlighted in Appendix A, which shows the approximate locations of the transit stop and routes within the Thomas Alton Blvd. road allowance (dot and line adjacent to property).

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

Scale, Massing & Height

Scale refers to the apparent size or massing of a building as created by the placement and size of the building in its setting in comparison with the size of adjacent buildings and as perceived from the street in relation to human scale. People tend to evaluate the physical size and massing of built elements in relationship to their perception of objects that are the approximate height and size of other people.

The City's Official Plan defines massing as the overall bulk, size, physical volume, or magnitude of a structure or project.

The application was brought to the Burlington Urban Design Advisory Panel. The Panel felt that the apartment building lengths were too long, creating a heavier more massive building. It was suggested that the structures need to read as two separate buildings. The revised submission addresses these comments by providing terracing on the westerly portion of the apartment building abutting Valera Road, reducing the size and bulk of the building as a whole. The lobby and commercial areas have also been redesigned, providing an open walkway through the site and glassed in lobby areas on either side of the walkway with the commercial unit abutting the easterly lobby, these features will provide further transparency and separation between the two buildings. The walkway provided is a minimum of 3 m wide, the Urban Design section has reviewed the plans and recommended that this walkway be widened to provide better sightlines and an increased sense of building separation. This is an issue that can be addressed through the future site plan application. Additionally, as recommended by the

Burlington Urban Design Advisory Panel, building materials, colours and balcony placement will be reviewed at the future site plan stage.

The application proposes heights consistent with the expectations of the Official Plan. The heights of the apartment buildings are appropriate for the site context. It is a best management practice for mid-rise buildings to maintain a 1:1 ratio with the street width in order to maintain skyviews and provide pedestrian comfort. Thomas Alton Boulevard has a 26 m right-of-way and Appleby Line has a deemed width of 42 m. With the setbacks provided, both buildings are less than the width of the street. In alignment with the site specific Official Plan policy, the proposal transitions from the tallest height of 10 storeys along Appleby Line to a 3 storey height along Valera Road. As discussed in more detail below, no impacts are anticipated as a result of the building heights.

Siting/Setbacks

The proposed buildings are appropriately sited to provide for a pleasing public realm, mitigate perceived impacts to surrounding uses and create a sense of community.

The apartment buildings are oriented to be parallel to Thomas Alton Blvd in order to frame the street and create a pleasant pedestrian realm. The apartment buildings fronting on Thomas Alton Blvd and Appleby Line, provide minimum 8 m setbacks in order to provide generous landscaping and buffer from residential units to Appleby Line. In order to minimize the bulk of the building and overlook on existing residential uses, fronting on Valera, the apartment provides ample setbacks and terracing, exceeding the 45 degree angular plane. This provides an appropriate transition to existing townhouses on Valera Road.

The applicant has provided townhouses around the remainder of the perimeter of the site in order to provide compatibility with existing uses. Fronting onto Valera Road, south of the private roadway, 14 street townhouses are proposed. Street towns are a use that is prevalent throughout the Alton neighbourhood. The applicant has proposed decreased lot sizes and widths. Sufficient landscaping and street trees can be provided along Valera Road ensuring that there are no impacts. However, as there is insufficient space for on street visitor parking between the proposed lots, visitor parking has been provided on the condo site to ensure that there are no impacts to surrounding roadways. Condominium townhouses have been proposed backing on to the existing townhouse dwellings to the south. The rear yard setback requirements of Zoning Bylaw 2020 have been maintained so no impacts are anticipated.

The configuration of the site as a whole has been developed to create an attractive and pedestrian oriented community. A commercial space has been provided along Thomas Alton Blvd and Appleby Line, which has the opportunity to become a walkable, and transit oriented destination for the day-to-day needs of Alton residents. The location at a

prominent intersection also provides a 'placemaking' opportunity through outdoor patio space, landscaping and signage. The site design also provides pedestrian connections to the commercial site from the parking spaces internal to the site and from the multi-use path along the hydro-corridor. A significant private outdoor amenity space has been provided at Valera Road north of the private roadway. This space provides a transition to existing residential uses and creates an opportunity for social interaction in the neighbourhood.

Amenity Area

No reduction in the Zoning bylaw requirement of 20 m² per unit of amenity space for the townhouse and back to back townhouse units has been proposed. A reduction to 25m² per unit for the apartment uses has been requested. Staff find this to be acceptable as the site design provides for a large green space at grade as well as private balconies, communal terraces and indoor amenity area. Additionally the site is adjacent to the hydro corridor which contains a multi-use trail and is in close proximity to city parks.

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

The subject lands have been previously graded for future development; as such there are only three private trees proposed to be removed as a part of the application. The draft landscaping plan provided proposes more than enough compensatory trees as replacement.

There are 30 city trees adjacent to this site. Species include Honey Locust, Hackberry, Flowering Pear, Red Maple, Japanese Lilac, and Flowering Crabapple (along Appleby Line). The average size of the trees is 7cm. These trees were planted as part of the Subdivision development and are in varying degrees of condition. When we consider the preservation of trees adjacent to or directly impacted by any development, we must consider the appropriateness of the effort required to save said trees. Location, species, condition, age, disease, and ability to endure direct and indirect stress throughout the construction process are all important considerations when determining suitability for preservation. As per the City's Public Tree Bylaw 68-2013, all city trees (with the exception of those trees listed in Schedule A, i.e. Flowering Crabapple) that are proposed to be removed (adjacent a site for which a development application has been submitted) require council approval. The applicant has proposed removing 14 City trees. Of these, several are dead or in poor condition, or are on Schedule 'A' of the City of Burlington Public Tree By-law 68-2013 and can be removed without Council Approval. Seven trees require council approval for their removal and compensatory tree planting. The majority of removals will occur along Valera Rd where conflicts with proposed driveways are expected. Staff support the removals, as tree for tree

compensatory planting is expected. The setbacks provided with the rezoning allow for ample landscaping within and surrounding the site. If approved, a landscaping plan will be a requirement of a future site plan application.

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

The applicant has submitted a Shadow Impact Assessment for the proposed development and staff is satisfied that there will be no impacts as a result of the development. As the tallest buildings are located adjacent to Thomas Alton Blvd., there are no shadow impacts on surrounding residential properties in any season.

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

There are a range of facilities such as City parks, several elementary schools and a secondary school, and neighbourhood commercial areas within a 1.5 km radius. As mentioned above, Capital Works, Halton District School Board and the Halton Catholic District School Board have indicated that they have no objections to the application.

Additionally, the applicant has provided approximately 1600 m² of private outdoor amenity space on the site to provide opportunities for passive recreation for future residents on the site.

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

No impacts are anticipated to the north, east or south as the site is bounded by Thomas Alton Blvd and 6 storey commercial/office developments, Appleby Line and the hydro corridor, respectively. As discussed above, appropriate transitioning and buffering has been incorporated into the development where it abuts existing residential uses to the west and south.

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

The site is located on the periphery of the Alton neighbourhood and the site has direct access to Appleby Line which is a major arterial roadway. The proposed built form aligns with the height and building types envisioned in the Official Plan designation. As discussed above, transitions between existing and proposed development have been well considered and no impacts are anticipated.

Staff note that there are additional intensification policies under 2.5.2 a) (x) to (xii) that are not applicable to this application, and therefore are not discussed in this report.

Opinion:

Staff have considered the Official Plan policies and objectives for the Alton Community and the evaluation criteria for housing intensification discussed above. Staff find that the proposal satisfies the City's objectives to develop Alton as a mixed use community, provides a diverse range of housing forms, provides housing opportunities that encourage use of public transit and active transportation, and provides appropriate and well designed transitions to surrounding development. However, as insufficient on-site parking has been proposed, it is the opinion of staff that the application as submitted will have an undue impact on the parking supply on surrounding roadways and the Alton community. In order to satisfy the policies of the Official Plan to ensure that compatibility is achieved, Staff recommend a modified parking rate to include short term maintenance spaces for the apartment uses as discussed above.

Alton Community Secondary Plan/Alton Central East Design Guidelines

Alton Central East Community is envisioned as a visually attractive, 'urbanized', and pedestrian oriented community consisting of a number of distinct neighbourhoods whose focus is the interconnected system of parks and open space. Commercial amenity areas will provide secondary focal points for the neighbourhoods at its edges.

The Alton Central East Design Guidelines envisions Thomas Alton Blvd. as the primary residential avenue, characterized by medium density housing forms, urbanized street edges and a sequence of pedestrian nodes where enhanced housing forms and landscaping combine to create unique 'places' and visual landmarks within the urban fabric.

The intersection of Appleby Line and Thomas Alton Blvd. is considered a Neighbourhood Node in the Design Guidelines. The Neighbourhood Nodes would achieve the following objectives:

- Provide opportunities for 'placemaking' -enhancing the character and identity of the community.
- Create landmarks to assist orientation and wayfinding.
- Provide opportunities for community social interaction

The Design Study also sets out the following objectives for High Density Residential Areas:

- To ensure the siting of built form along the street edge is balanced between forming a strong edge to the street and providing a visual foreground to the structure;

- To design built form that creates a consistent and attractive edge to the street.
- To design interfaces between high density residential areas and adjacent land uses which are visually attractive;
- To minimize the visual impact of parking, garbage storage and equipment storage areas on the streetscape;
- To encourage variety and alternatives in the design of built form; and
- To ensure that the design of private outdoor amenity areas are visually attractive from the street.

Opinion:

It is the opinion of staff that the application supports the vision of the Alton Community Secondary Plan and Design Guidelines.

The proposal provides commercial space at the corner of Thomas Alton Blvd., and Appleby Line which provides a 'neighbourhood node function.' Through the provision of patio space, landscaping and signage, this can be an attractive destination for residents within the Alton neighbourhood to obtain their day-to-day needs.

The buildings are sited to provide a pleasant streetscape, where development abuts existing residential uses appropriate transitions have been provided. The buildings are sited parallel to surrounding roadways and provide large setbacks to provide for attractive landscaping. The site has been designed to minimize at grade parking, garbage storage for the apartment uses has been located inside the buildings and away from the street frontage. The at grade amenity area is well located to provide a gateway into the site, the landscaping and design of the space will be further refined at the site plan stage.

Council Adopted Official Plan: Grow Bold

On April 26, 2018 Council adopted Grow Bold: Burlington's New Official Plan. The Plan has not yet been approved by Halton Region and is not in force and effect at this time. However, it is used as an informative document in the review of development applications.

The Grow Bold identifies the subject properties on the following schedules:

- *Urban Area* on Schedule A, City System
- *Mixed Use Nodes and Intensification Corridor* on Schedule B, Urban Structure
- *Secondary Growth Area* on Schedule B-1, Growth Framework
- *High Density Residential* on Schedule C, Land Use – Urban Planning Area.

Mixed Use Nodes and Intensification Corridors:

Lands identified as Mixed Use Nodes represent areas with a concentration of commercial, residential and employment uses with development intensities generally

greater than surrounding areas. Nodes are generally located at points where two or more transit routes intersect. Mixed Use Nodes and Intensification Corridors will be a focus of reurbanization. These areas vary widely and will be guided by the underlying land use designations of this Plan. Some areas will be planned to evolve with higher residential intensities and a full mix of uses, while others may permit a more limited range of employment-oriented permitted uses, both designed to achieve their planned function. These areas will support the frequent transit corridors and provide focal points of activity and a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design, enhancing the opportunities for the location of public service facilities and institutional uses.

The City will ensure that the development of Mixed Use Nodes and Intensification Corridors lands is compatible with adjacent uses, mainly residential. The design and development of these lands will create and maintain a special community identity and locations for a variety of city-wide, community and neighbourhood functions, generally within mid-rise and tall building forms, as described by the applicable land use designations.

Opinion:

The proposal supports the policies and objectives of the Mixed Use Nodes and intensification corridors by providing a mid-rise building form that is compatible with surrounding residential development in a location that is well served by transit, community amenities and a variety of commercial options.

Secondary Growth Area:

Secondary Growth Areas shall be recognized as a distinct area within the city's Urban Area accommodating growth in accordance with the permissions and densities of the current land use designations of the Plan. These are areas expected to transition over the planning horizon and beyond and will not result in a significant relocation of planned growth outside of the Primary Growth Areas. Secondary Growth Areas shall be limited to a maximum of mid-rise building form, unless otherwise permitted by the policies of the Plan.

Opinion:

The proposal maintains the intent of the Secondary Growth Area policies by proposing development in accordance with the permissions and densities of Grow Bold.

Residential - High Density:

It is an objective of Grow Bold to encourage new residential development and residential intensification within the Residential Neighbourhood Area in accordance with Provincial, Regional and City growth management objectives, while recognizing that the density and form of new development must be balanced with other planning

considerations, such as the availability of infrastructure and public service facilities, and also ensuring that new development achieves compatibility and integration within existing residential neighbourhoods. Also, new development within the Residential Neighbourhood Area should be compatible with surrounding properties, while providing housing in a form and location that supports the existing, and the expansion of, the city's transportation network, with emphasis on public transit and active transportation.

On lands designated for Residential - High Density uses a density of 76 units per hectare up to 185 units per hectare may be permitted. However, densities exceeding 185 units per hectare may be considered if the following criteria are met:

- A significant reduction of at grade parking;
- The development should be located within 400m of a frequent transit corridor;
- The development shall conform with minimum and maximum height requirements as stated in the implementing Zoning Bylaw.

In the Alton Community, a maximum of 10 storeys may be permitted. The site specific requirements for transition from lower heights adjacent to existing development and commercial uses to be provided along Thomas Alton Blvd. are maintained in Grow Bold.

Opinion:

The proposal maintains the height and density expectations of the land use designation. As discussed above, the proposed design utilizes built forms that fit in harmony with surrounding land uses and creates an attractive public realm. However, the deficiency of on-site parking for the apartment uses does not provide development that integrates into the surrounding community without unacceptable impacts to surrounding roadways.

City of Burlington Zoning By-law 2020

The subject lands are currently zoned "Neighbourhood Commercial with Site Specific Exception (CN1-332)" in accordance with Zoning By-law 2020. This zone permits various retail, service commercial, office, community, automotive, entertainment/recreation and residential uses. Permitted residential uses include dwellings units on second and third floors only.

The applicant has proposed to rezone the site to "Alton Community Residential with Site Specific Exception (RAL4-493)." The RAL4 zone permits a variety of residential uses including townhouses, stacked townhouses and apartments with heights up to 10 storeys. The applicant has proposed site specific exceptions to allow:

- A minimum of 197m² of commercial uses along Thomas Alton Blvd.
- Back-to-back townhouse uses.
- Decreased resident and visitor parking requirements for the apartment uses.
- Decreased visitor parking requirements for the townhouse uses.
- Decreased amenity area for the apartment uses.

- Decreased lot width and area for the street townhouses.

In light of public and technical comments received, as well as the analysis above, it is the opinion of staff that zoning exceptions to the RAL4 zone are appropriate for the site.

The table below outlines the amendments requested:

Regulation	RAL4	Proposed	Comment
Regulations for Apartment Buildings:			
Commercial	None Permitted	197m ² of commercial space required along Thomas Alton Blvd.	Provides the opportunity for one commercial unit on site. This unit will provide residents the opportunity to obtain their day-to-day needs and will provide a place making function
Yards	<p>Buildings over 6 storeys:</p> <p>½ the height of the building for building wall of 30m or less</p> <p>(approximately 14 m along Valera Road)</p> <p>½ the height of the building plus 1 m for each 5 m of wall length that exceeds 30m</p> <p>(Approximately 25.5 m along Thomas Alton Blvd and 21.5 along Appleby Line)</p>	<p>2.89 m to the hypotenuse of a daylight triangle</p> <p>8 m to Appleby Line</p> <p>8 m to Thomas Alton Boulevard</p> <p>Valera Road:</p> <ul style="list-style-type: none"> • 6 m • 11.9 m Above the 3rd storey • 17.8 above the 4th storey • 23.7 m above the 5 storey • 26.3m above the 8th storey <p>8 m to Hydro Corridor</p>	As discussed above, the setbacks are appropriate to provide sufficient landscaped area adjacent to external roadways and to ensure that a comfortable pedestrian environment is created in relation to building heights.
Amenity Area	25m ² per bedroom 15m ² per efficiency 6,936 m ²	25m ² per unit	The site and surrounding area are well served by

			amenities and trails, this reduction is appropriate.
Parking	1 bedroom - 1.25/unit 2 bedroom - 1.5/unit 3 bedroom - 1.75/unit Visitor - 0.35/unit Loading - 1	1 bedroom – 1 unit 2 bedroom - 1.25 unit 3 bedroom - 1.5 unit Visitor - 0.2 unit Maintenance - 1/75 units Loading - 2	As discussed above, staff has requested a modified parking rate to include maintenance spaces.
Regulations for Townhouse Units:			
Visitor Parking	0.5 spaces/unit	0.25 spaces/unit	Transportation has reviewed this reduction and does not anticipate any off site impacts.
Side Yard	4.5 m	3.05m (hydro corridor, east) 1.77 (street townhouses, west)	
Regulations for Street Townhouses:			
Lot Width	6.5 m	4.8 m	The lot widths proposed are consistent with the condo townhouse built form on the remainder of the development. Lot widths are sufficient to provide front yards and tree planting to ensure compatibility with surrounding development.
Lot Area	160 m ²	120 m ²	The lots maintain a minimum of 20m ² of privacy area (back yard space), this is consistent with the condo townhouse built form.

Rear Yard	7 m	6 m	Regulations are consistent with condominium townhouses.
Visitor Parking	Not required	0.25 spaces/unit	As the narrow lots preclude on street parking between two driveways, additional visitor spaces were required to ensure that impacts to surrounding roadways are mitigated.
Regulations for Back-to Back Townhouses:			
Minimum Amenity Area	25 m ² /unit	20m ² /unit	This minor reduction is appropriate as the site is well served by amenity space.
Privacy Area	5.5 m ² balcony with a maximum projection of 1.8 metres from front wall.	5.5 m ² balcony with a maximum projection of 2.4 metres from front wall.	The additional projection will not jeopardize the ability for tree planting in front of the units.
Height	3 storeys (11.5 m)	3 storeys (11.5 m)	No amendment requested.

Financial Matters:

In accordance with the Development Application Fee Schedule, all fees determined have been received.

Public Engagement Matters:

Applicant Initiated Open Houses

Prior to submission, the applicant held an Open House at the Haber Community Centre on November 29, 2017. The applicant advises that approximately 6 residents were in attendance.

The applicant held a second Open House on June 27th, 2018, at the Haber Community Centre, prior to their resubmission. There were 5 residents and the Ward Councillor in attendance. Questions were related to parking and traffic, there was concern that there will be over flow traffic in the neighbourhood due to lack of parking on the site.

Public Circulation

The application was subject to the standard circulation requirements. A public notice and request for comments were circulated in February 2018 to surrounding property owners / tenants. Notice signs were also posted on the property, which depicted the proposed development. All technical studies and supporting materials were posted on the City's website at www.burlington.ca/4880Valera.

Neighbourhood Meeting

A neighbourhood meeting was held on March 21, 2018 at Appleby Ice Centre and was attended by approximately 9 members of the public, Councillor Meed Ward and the Ward Councillor.

Public Comments

Since the subject applications were submitted in December 2017, staff have received correspondence from members of the public regarding the proposed development. To date, staff have received 7 emails. The public comments received prior to the Statutory Public Meeting were included in report PB-51-18. After the Statutory Public Meeting, one email was received which is attached as Appendix C.

The comments heard were:

- This proposal will increase traffic congestion in the neighbourhood to unacceptable levels.
 - *Transportation has reviewed the transportation impact assessment submitted in support of the application and agrees with the findings that increases in traffic as a result of development will be at acceptable levels.*
- Parks and Schools in the neighbourhood are already over crowded.
 - *The applicant has provided a private open space on site for the residents of the development. Additionally, the Parks section of Capital Works provided comment and indicated that there is sufficient park space in the Alton neighbourhood. As such, no impacts are anticipated.*
- There is a lack of on-street parking in the Alton neighbourhood, additional development will exacerbate the issue.

- *Staff agree that on-street parking is an issue in the Alton neighbourhood, Staff's modified approval which increases parking for the apartment uses provides adequate on-site parking for the proposed development.*
- Sidewalks internal to the site do not provide efficient connections to and from the site.
 - *The applicant's revised proposal rationalizes the sidewalk connections. Sidewalks are now provided on one side of all roadways, and provide direct connections to the commercial space, community mailboxes, external sidewalks and the multi-use path.*
- There is only one connection to the multi-use pathway and no additional connections to the commercial site are proposed.
 - *The revised proposal provides a second connection to multi-use pathway in the hydro-corridor. Through the previous Official Plan amendment process, connections directly to the commercial site were examined with the property owner of the site. The connections was determined to be undesirable for the owner of the commercial site as it would formalize pedestrian connections in the loading area for the site which has potential to cause conflicts with large trucks.*
- The intersection at Verdi/Valera/the proposed private condo road will create pedestrian conflicts.
 - *Transportation has reviewed the connection and does not anticipate any conflicts at this location as the private condo road will be signed as a stop.*

Conclusion:

The applicant has made changes to the proposed mixed-use development which have improved its compatibility with the existing neighbourhood. Staff have proposed a further modification to the parking rate.

Staff's analysis of the application for a Zoning By-law amendment considered the applicable policy framework and the comments submitted by technical agencies and the public. It is the opinion of staff that the proposal meets the requirements of the Provincial Policy Statement, the Places to Grow Act and the Regional Official Plan in that it proposes compact and efficient development, uses existing infrastructure and has regard for public health and safety. Further, the proposed building meets the City's evaluation criteria for intensification, which were created as a tool to meet the intensification requirements of the upper-tier policy documents. It is recommended that Council approve Zoning By-law 2020.XXX, as modified by staff, in Appendix B to facilitate the development of this property.

Respectfully submitted,

Lisa Stern, RPP MCIP

Senior Planner – Development Review

905-335-7600 ext. 7824

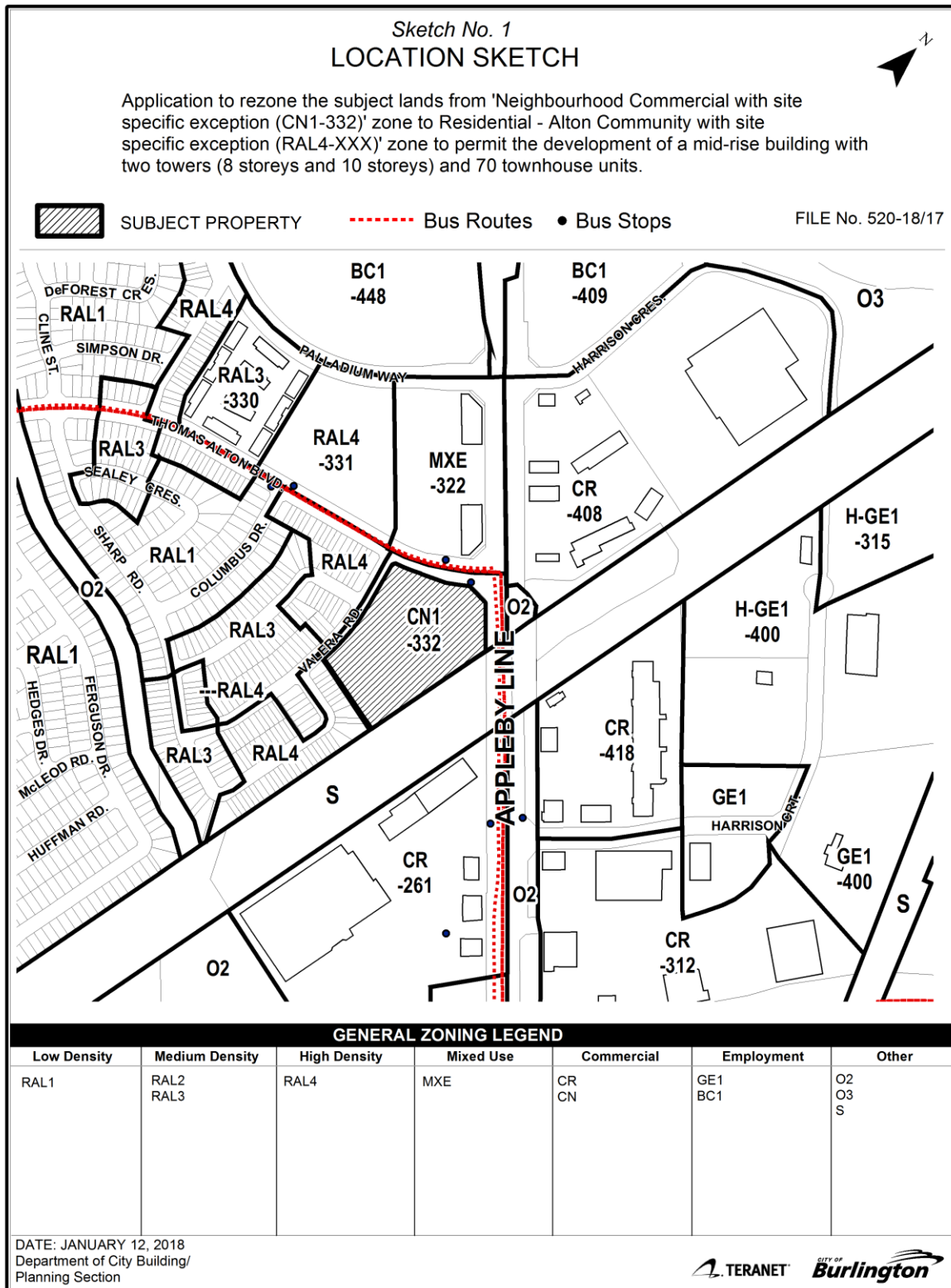
Appendices:

- A. Location Sketch
- B. Draft Bylaw
- C. Draft Conditions of Zoning Approval
- D. Public Comments

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

APPENDIX A – LOCATION SKETCH



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

City of Burlington By-law 2020.XXX

Description

A by-law to amend By-law 2020, as amended, to permit a mixed use commercial/residential development at 4880 Valera Road, Burlington. File No.: 520-18/17 (PB-78-18)

Preamble

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-78-18 on XXXX, 2018, to amend the City's existing Zoning By-law 2020, to re-zone the lands at 4880 Valera Road from "CN1-332" to "RAL4-493" to permit a mixed use commercial/residential development consisting of apartment, block townhouse, street townhouse, back to back townhouse units, and a ground floor commercial component.

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

Content

1. Zoning Map Number 25E of Part 15 of By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to the By-law.
2. The land designated as "A" on Schedule "A" attached hereto are hereby rezoned from CN1-332 to RAL4-493.
3. Part 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 493 as follows:

"Exception 493"

Exception 493	Zone RAL4	Map 25E	Amendment 2020.XXX	Enacted
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1. Permitted Uses

(a)

(b) Only the following uses shall be permitted:

- i. Apartment Building
- ii. Street Townhouses
- iii. Back-to-Back Townhouses
- iv. Townhouses
- v. Only the following non-residential uses on the ground floor of an apartment building are permitted:
 - a. Convenience/Specialty Food Store
 - b. Other retail stores
 - c. Convenience Restaurant
 - d. Other Service Commercial Uses
 - e. Fast Food Restaurant
 - f. Community Institution
 - g. Standard Restaurant
 - h. Veterinary Service, the keeping of animals outside is not permitted
 - i. Banks, Trust Company, Credit Unions

2. Regulations for the Entire Site

a) Landscape Area and Buffer:

- i. Abutting the hypotenuse of a daylight triangle 0 m
- ii. Abutting Appleby Line 5.5 m
- iii. Abutting Thomas Alton Boulevard 5.5 m
- iv. Abutting Valera Road 4 m
- v. Landscape Buffers are not required
- vi. Hydro transformers, 1.5 m walkways, and underground parking exhaust grill shall be permitted within a required Landscaped Area.

b) Setbacks for an underground parking structure less than 1.6 m above grade:

- i. From Appleby Line 3 m
- ii. All other lot lines 0.5 m

3. Regulations for Apartment Buildings

- a) Retail, Service Commercial and Community Institution Floor area: 197 m²
- b) Maximum number of apartment units 344
- c) Amenity area 25 m²/unit
- d) Required Yards
 - i. to the hypotenuse of a daylight triangle 2.8 m
 - ii. to Appleby Line 8 m
 - iii. to Thomas Alton Blvd 7 m
 - iv. to a Hydro Corridor 8 m
 - v. to Valera Road for storeys 1 to 3: 6.5 m
 - a. 4th storey: 12 m
 - b. 5th storey: 18 m
 - c. storeys 6 to 8: 24 m
 - d. 9th storey and above: 27 m
- e) Required separation from a townhouse or back-to-back townhouse building: 24 m
- f) Maximum Balcony projection from the wall of a building: 2 m

g) Parking Spaces and Driveways

- i. Driveways shall be setback 3 m from a window of a habitable room in dwelling units located on the ground floor or basement

h) Required Parking:

- i. 1 bedroom unit 1 space/unit
- ii. 2 bedroom unit 1.25 space/unit
- iii. 3 bedroom unit 1.5 space/unit
- iv. Visitor 0.21 space/unit
- v. Loading 2 spaces
- vi. Commercial uses 3.5 spaces/ 100m² gross floor area
- vii. Where a development is comprised of a mix of residential and non-residential uses, non-residential parking located on the same property as the residential use may be counted toward required visitor parking for the residential use.

4. Regulations for Street Townhouses

- a) Maximum number of street townhouse units 14
- b) Lot Width 4.8 m
- c) Lot Area 120 m²
- d) Required Yards
 - i. Front Yard: 6.6 m
 - ii. Side Yard abutting a RAL4 zone: 3 m
 - iii. Side Yard abutting a private road: 2.3 m
 - iv. Rear Yard for Block 2 Unit 14: 4.2 m
 - v. Rear Yard for Block 2 Unit 13: 5.3 m
 - vi. Rear Yard for all other units: 6 m
- e) Privacy Area 20 m² per unit
- f) Required Parking:
 - i. Visitor 0.25 spaces/unit
 - ii. Notwithstanding Part 1, Section 2.25.1, to provide the required off street visitor parking on the adjacent site to the north municipally know as 4880 Valera Road
- g) Balconies
 - i. Balconies may project a maximum of 1.5 m into a required yard

5. Regulations for Townhouses

- a) Maximum number of townhouse units 30
- b) Required Yards
 - i. Side Yard
 - a. West 1.7 m
 - b. East 3 m
 - ii. From a lot line to the rear of a townhouse building 6 m
- c) Required Visitor Parking: 0.25 spaces/unit
- d) Parking Spaces and Driveways

Driveways and parking lots shall be set back 2.5 m from a wall of a building containing windows of habitable rooms, except where a parking space and driveway is for the exclusive use of the unit occupant, the set back shall not apply.
- e) Balconies:
 - i. Balconies may project 1.5 m from the rear wall of a townhouse building.

6. Regulations for Back to Back Townhouses

- a) Maximum Number of back to back townhouse units 26

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| b) Amenity Area | 20 m ² per unit |
| i. Each unit in a back to back townhouse development shall contain an individual balcony with an area of 4.8 m ² , separated from adjoining units by a wall or privacy screen and with a maximum projection of 2.4 m from the front wall of the back to back townhouse building. | |
| c) Maximum Building Height | 3 storeys to 11.5 m |
| d) Required Yards | |
| i. To a street townhouse lot: | 10 m |
| ii. All other lot lines: | 30 m |
| e) Parking Spaces and Driveways | |
| i. Driveways and parking lots shall be set back 1.8 m from a wall of a building containing windows of habitable rooms, except where a parking space and driveway is for the exclusive use of the unit occupant, the set back shall not apply. | |
| f) Required Visitor Parking: | 0.25 spaces/unit |

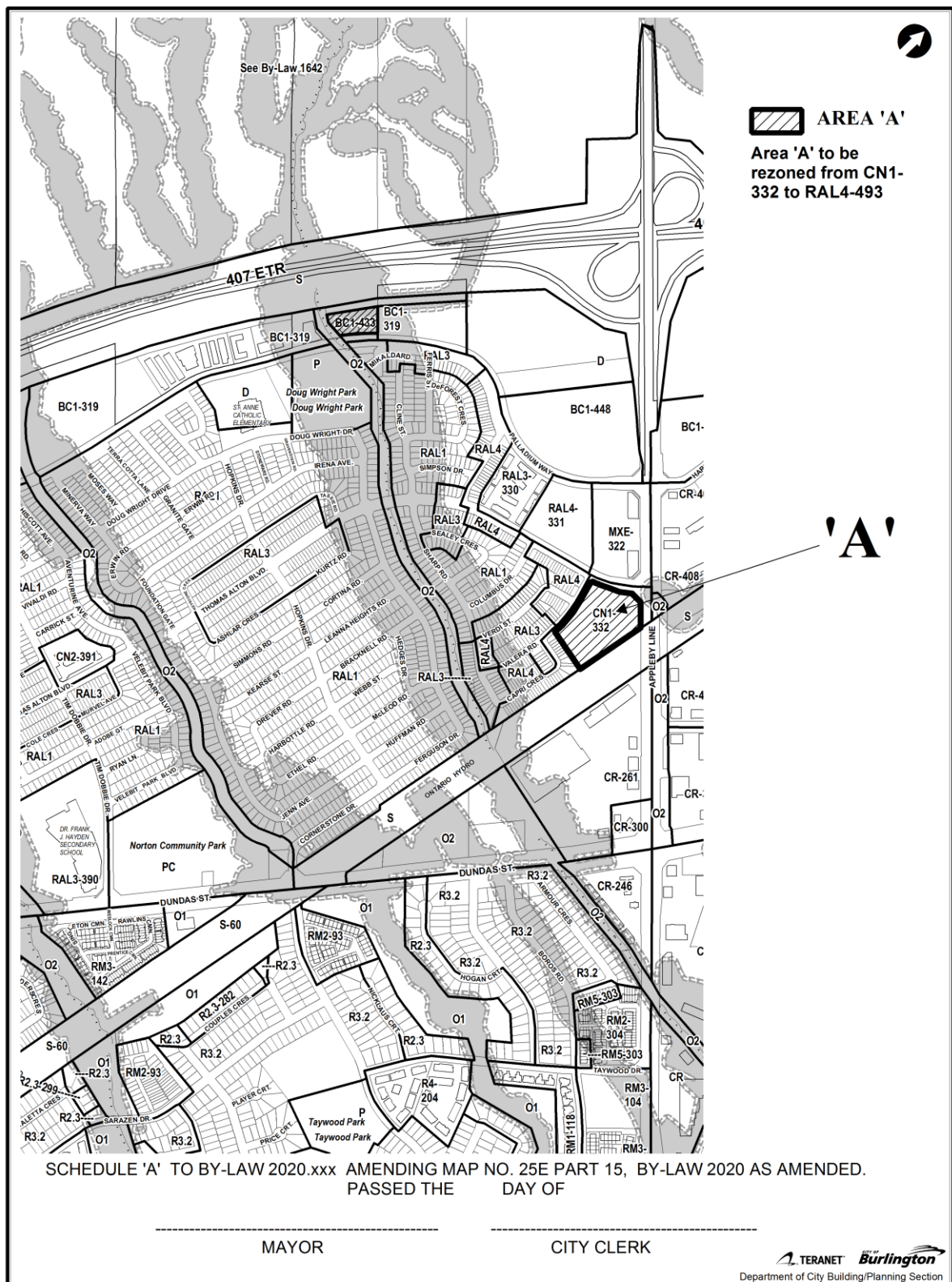
Except as amended herein, all other provisions of this By-law, as amended, shall apply

4. 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
4. b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 201 .

_____ MAYOR

_____ CITY CLERK



CONDITIONS OF ZONING APPROVAL

Prior to the enactment of the amending zoning by-law, the owner shall sign the City's standard Residential Development Agreement and any other necessary agreement(s) in effect on the date of signing. The agreement(s) shall be signed within one year of the date of Council approval, failing which, Council's approval shall lapse. The Residential Development Agreement shall include the following:

- 1) The Owner shall complete the following to the satisfaction of the City of Burlington Director of City Building:
 - a. Agree to generally comply with the preliminary concept site plan prepared by Core Architects Inc, dated August 10, 2018, and stamped received by the City of Burlington August 10, 2018;
 - b. Agree to establish and maintain a privately owned open space measuring approximately 1580 m² as generally shown on the concept plan;
 - c. With the site plan application submit landscape plans showing a open space design with seating, shade structures, a focal point, and refuse bins;
 - d. Agree to provide sidewalks and pedestrian links to the existing multi-use trail within the hydro-corridor;
 - e. Agree to register a public access easement over the northerly sidewalk connection to the multi-use trail;
 - f. With the site plan application, agree to submit an urban design brief addressing:
 - i. The podium link between the two buildings so that the apartment development reads as two separate buildings;
 - ii. Design of the commercial space including signage and associated outdoor amenity area to create a prominent entrance to the site and commercial unit;
 - iii. End treatment of back-to-back townhouses and street townhouses, including the use of enhanced materials (ex., brick, stone, wood) to create visual interest at the entrance to the site.
- 2) The Owner shall complete the following to the satisfaction of the Burlington Director of Transportation Services:

- a. Agree to provide a minimum of 4 visitor parking spaces for the street townhouses on the condominium site as generally shown on the concept site plan;
 - b. Agree to register a public access easement in favour of the owners of the street townhouse units on the visitor parking spaces located on the condominium site as well as access to those spaces;
 - c. Submit for approval a Transportation Management Plan, with measures to reduce vehicular demand and encourage the use of public transit, cycling and walking, that addresses the following:
 - i. The owner agrees that it will unitize and retain ownership in perpetuity of two parking spaces on the subject lands as shown on the proposed preliminary concept site plan, and that the two parking spaces shall be used for car share vehicles associated with either Adi's own car share service, or leased to another car share service provider.
 - ii. The owner agrees that Adi's car share service, or another car share service provider, shall be in operation on the subject lands prior to first occupancy of the residential units developed on the subject land. The City acknowledges and agrees that the location of the parking spaces used for car share services may change during the construction of the different phases of the development in accordance with an approved site plan. Adi agrees that upon completion of the development of the Adi Lands, the two parking spaces to be used for car share vehicles shall be in the location as set out in an approved site plan.
 - iii. The City and Owner agree that Owner or Adi's car share service will fund the cost of providing car share service of at least two vehicles to the subject lands for at least two years.
- 3) The Owner shall complete the following to the satisfaction of the City Arborist:
- a. The Owner shall compensate the City of Burlington for the removal of seven (7) city-owned trees from the Valera Road, Appleby Line and Thomas Alton Blvd rights-of-way in front of the subject lands by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$4,800.00);

- b. The Owner agrees that all associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved by the City;
 - c. The Owner agree to submit a landscape plan for the three street frontages, which includes appropriate City trees and infrastructure to accommodate them, to the satisfaction of the Executive Director of Capital Works.
- 4) The Owner shall complete the following to the satisfaction of the Burlington Director of Finance:
 - a. Property taxes must be paid in full, including all future installments levied.
- 5) The Owner shall complete the following to the satisfaction of the Halton District School Board:
 - a. The Owner agrees to place the following notification in all offers of purchase and sale for all lots / units and in the City's subdivision / condominium agreement, to be registered on title:
 - i. Prospective purchasers are advised that pupils may be accommodated in temporary facilities and / or be directed to schools outside of the area.
 - ii. Prospective purchasers are advised that school busses will not enter cul-de-sacs and pick up points will be generally located on through streets convenient to the Halton Student Transportation Services. Additional pick up points will not be located within the subdivision until major construction activity has been completed.
 - b. The Owner agrees that in cases where the offers of purchase and sale have already been executed, the owner sends a letter to all purchasers which includes the above statements.
 - c. The Owner agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the Halton District School Board. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.
 - d. The Owner agrees to supply, erect and maintain signs at all major entrances into the new development advising prospective purchasers that pupils may be directed to schools outside of the area. The Owner will

make these signs to the specifications of the Halton District School Board and erect them prior to the issuance of building permits.

- e. The Owner agrees that a copy of the approved sidewalk plan, prepared to the satisfaction of the City of Burlington be submitted to the Halton District School Board.
- 6) The Owner shall complete the following to the satisfaction of the Halton Catholic District School Board:
- a. The Owner agrees to place the following notification in all offers of purchase and sale for all lots / units and in the City's subdivision / condominium agreement, to be registered on title:
 - i. Prospective purchase are advised Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and / or bused to existing facilities outside the area.
 - ii. Prospective purchases are advised that the HCDSB will designate pick up points for the children to meet the bus on roads presently in existence or other pick up areas convenient to the Board, and that you area notified that school buses will not enter cul-de-sacs.
 - iii. In cases where offers of purchase and sale have already been executed, the owner is to send a letter to all purchasers which include the above statements.
 - b. The Owner agrees to supply, erect and maintain signs at all major entrances into the new development advising prospective purchasers that if a permanent school is not available alternative accommodation and / or busing will be provided. The Owner will make these signs to the specifications of the HCDSB and erect them prior to the issuance of building permits.
 - c. The Developer agrees that, should the development be phased, a copy of the phasing plan must be submitted prior to final approval to the HCDSB. The phasing plan will indicate the sequence of development, the land area, the number of lots and blocks and units for each phase.

Notes:

- 1) The Owner, its successors and assigns, is hereby notified that City development charges may be payable in accordance with By-law No. 49-

2009, as may be amended, upon issuance of a building permit at the rate in effect on the date issued.

- 2) Educational Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits that are additional to the maximum unit yield that is specified by the Subdivision / Condominium Agreement are subject to Education Development Charges prior to the issuance of a building permit, at the rate in effect at the date of issuance.

PUBLIC COMMENTS

From: Michael Kolos [mailto:]
Sent: Saturday, July 28, 2018 3:58 PM
To:
Cc: Blair@BlairLancaster.ca; Mailbox, Office of Mayor Rick Goldring
Subject: 4880 Valera Road feedback

Hi Nicole,

I got your card requesting feedback on the proposed development plan for 4880 Valera Road. I live on Columbus Dr.

After looking over the plans available on-line, I see a number of issues regarding the site's consideration for non-vehicle traffic.

Given the already ridiculous amount of traffic at Appleby and Dundas, and more pertinent, the traffic flowing from Appleby to Thomas Alton, I believe it is absolutely critical to develop with non-vehicle traffic in mind, in order to provide alternatives to driving.

The spot at 4880 Valera is in a location that makes it easy to walk or bike to many neighbouring businesses, however, the proposed design misses several opportunities to facilitate these options, and additionally creates a number of unsafe designs that will expose non-drivers to additional risk:

- The site borders a paved bike/walking path for a good portion of its length. The proposed design shows a single connection to this path, very close to Appleby, where connection would already be possible via the sidewalk. Why does the road at the far corner not include a connection to this path? This would be a much more efficient route for walkers or cyclists to use.

[Note to the Burlington representatives on the e-mail: Why does this path not connect to the commercial development just south of it? The well-worn patch of dirt clearly indicates there is demand. Why do those wanting to walk to the plaza need to wade through mud and rough ground, or detour a much longer route along busy roads? Please please please address this ASAP]

- The entrance to the site off Appleby is set at a wider than 90-degree angle. This type of design allows cars to turn into it at much higher speed, endangering those both on the site, and on the sidewalk. This driveway should be corrected to force vehicles to slow down significantly in order to enter, to protect those on the sidewalks.

- There are sidewalks on only 1 side of the driveways in all internal roads, and that side is typically the side further away from the city path and commercial developments where

they would walk to. Sidewalks should be put on both sides of roads, and the driving width reduced again to require cars to move more slowly.

- The design of the internal roads includes numerous Y- type merges that again allow cars to make turns at higher rates of speed, increasing risk for those not in vehicles, as well as making their intended direction of travel unclear for those trying to navigate the site outside of a car.

- The odd-shaped intersection near the entrance off Valera & Verdi is simply terrible. There is no clarity for the paths vehicles can take, only a single cross-walk that appears to be no more than painted lines, and creates wide areas of road where cars can again travel at excessively high rates of speed through turns and curves where other road users cannot tell their intended paths and at the same time have reduced visibility of oncoming traffic. (This affects both vehicle and non-vehicle traffic). This intersection should be completely redesigned with a primary concern for the safety of all road users.

I have included the mayor and my local ward representative in this message, because I believe the design of the site, due to the reasons noted above, is completely against the intent of the official plan recently adopted in Burlington, which aims to encourage travel by walking, cycling, and public transit.

I have not commented on the density of the design itself, because I believe the area at Appleby and Dundas, if proper design is considered, could benefit from higher density by providing more opportunity to leverage public transit, as well as providing more customers for the local business by making them accessible to those not using personal vehicles to access them. Unfortunately, until at least such basic issues as those I noted above are addressed, the proposed design will not meet the intent of the official plan, nor provide a net benefit to the citizens of Alton village nor the city of Burlington, and will leave the area to suffer until such time as the site can be redeveloped in a more suitable manner, which would be an awful long time to penalize those who live in the area. Possibly as long as road users will be waiting to turn left at Thomas Alton to access the site.

Sincerely,

Michael Kolos



SUBJECT: Approval of zoning by-law amendment to permit a place of worship at 4721 Palladium Way

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-72-18

Wards Affected: 6

File Numbers: 520-12/17

Date to Committee: September 17, 2018

Date to Council: September 24, 2018

Recommendation:

Approve the application submitted by Halton Islamic Association to amend the City of Burlington Zoning By-law to site specifically rezone the lands at 4721 Palladium Way, to permit the construction of a two storey place of worship on the basis that it is consistent with the Provincial Policy Statement, conforms to all applicable Provincial Plans, The Region of Halton Official Plan and the City of Burlington Official Plan, has regard for matters of Provincial interest and represents good planning for the reasons set out in Report PB-72-18; and

Approve the by-law to amend Zoning By-law 2020, rezoning the lands at 4721 Palladium Way from "BC1-319" to "H-BC1-492" substantially in accordance with the draft regulations contained in Appendix B of Report PB-72-18; and

Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands; and

Approve the proposal by Halton Islamic Association to remove four (4) city-owned trees from the Palladium Way right-of-way in front of the property at 4721 Palladium Way, subject to the following:

- a. The Owner shall compensate the City of Burlington for the tree removal by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$5,000); and

- b. All associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved to the satisfaction of the Executive Director of Capital Works.

Purpose:

The purpose of this report is to recommend approval of an application to amend the Zoning By-law to permit a place of worship at 4721 Palladium Way.

The following objectives of Burlington's Strategic Plan (2015-2040) apply to the discussion of the subject application:

A City that Grows

- Promoting Economic Growth
- Intensification
- Focused Population Growth

An Engaging City

- Community Building through Arts and Culture via Community Activities
-

Executive Summary:

RECOMMENDATIONS:		<i>Approval</i>	Ward No.:	6
Application Details	APPLICANT:	<i>A.J. Clarke and Associates</i>		
	OWNER:	<i>Halton Islamic Association</i>		
	FILE NUMBERS:	<i>520-12/17</i>		
	TYPE OF APPLICATION:	<i>Zoning By-law Amendment</i>		
	PROPOSED USE:	<i>Place of Worship (mosque), office, and retail</i>		
Property Details	PROPERTY LOCATION:	<i>North side of Palladium Way, west of Appleby Line</i>		
	MUNICIPAL ADDRESSES:	<i>4721 Palladium Way</i>		
	PROPERTY AREA:	<i>1.66 ha</i>		
	EXISTING USE:	<i>Vacant</i>		
Documents	OFFICIAL PLAN Existing:	<i>Business Corridor</i>		
	OFFICIAL PLAN Proposed:	<i>Business Corridor (no change)</i>		
	ZONING Existing:	<i>BC1-319</i>		
	ZONING Proposed:	<i>H-BC1-492</i>		
Processing	NEIGHBOURHOOD MEETING:	<i>January 8, 2018</i>		
	PUBLIC COMMENTS:	<i>Staff have received 60 emails and 2 letters</i>		

Background and Discussion:**Description of Application**

On November 30, 2017, the Department of City Building acknowledged that a complete application had been received to amend the Zoning By-law to permit a place of worship within an employment area at 4721 Palladium Way. The applicant proposed to develop

a two-storey, 3,817 m² place of worship (mosque), comprising a prayer hall, gymnasium, classrooms, board rooms, banquet room, administrative offices, and library/computer lab. The applicant also proposed a second two-storey building with a floor area of 1,909 m² that would contain a mix of office, retail, and medical office uses. Office was intended to be the predominant use in Building B. The applicant proposed to provide 261 surface vehicle parking spaces and 16 bicycle parking spaces to accommodate both buildings.

To allow the proposed development to occur, the applicant has applied to amend the Zoning By-law by rezoning the subject property from BC1-319 to a new site-specific BC1-XXX zone that will permit the proposed uses.

Staff circulated the applications to the public and agencies/departments for comment on December 14, 2017 and held a neighbourhood meeting on January 8, 2018 at the Haber Community Centre. The neighbourhood meeting was attended by approximately 50 residents.

The statutory public meeting took place at the Planning and Building Committee meeting held on April 10, 2018. Staff information report PB-20-18 was presented at this meeting and included the public comments received by the planning department regarding the proposed development. Additional public comments received since that report are attached as Appendix C to this report. City Council received and filed report PB-20-18 on April 23, 2018.

Subsequent to the statutory meeting and in light of all public and technical comments received, the applicant revised the application to provide a higher parking rate for the prayer space and remove required parking from the setback requested by the MTO. This resulted in the applicant reducing the size of the proposed mosque building and removing the office component of the application until such a time as the setback is released by the MTO.

Site Description

The subject property is located on the north side of Palladium Way, west of Appleby Line, as shown in Appendix A. The property has an area of 1.66 hectares, with approximately 205 metres of frontage on Palladium Way, and a lot depth ranging from 64 metres in the west to 109 metres in the east. The site is currently vacant with the exception of two hydro transformers located along the Palladium Way frontage. The property is surrounded by the following:

- to the north: a City-owned creek block, beyond which is the Highway 407 right-of-way;
- to the east: vacant land designated for employment uses;

- to the south: Palladium Way, beyond which are Mikalda Road and low-density residential uses including semi-detached and detached houses; and
- to the west: St. George's Anglican Church.

The property is partially regulated by Conservation Halton due to its adjacency to a creek block. The property is also regulated by the Ministry of Transportation due to its proximity to Highway 407.



Figure 1: Air photo (2017) with subject property outlined

Background Reports

The applicant submitted the following technical reports and plans in support of the applications. These plans and reports were circulated to technical staff and agencies for review and comment and posted on the City's website (www.burlington.ca/4721palladium) to facilitate public review.

- Site Plan, Floor Plans, and Elevations, prepared by Cynthia Zahoruk Architect Inc., and dated May 23, 2017;
- Planning Justification Report, prepared by A.J. Clarke and Associates Ltd., and dated September 2017;
- Storm Water Management and Functional Servicing Report, prepared by A.J. Clarke and Associates Ltd., and dated September 2017;
- Transportation Impact Study & TDM Options Report, prepared by Paradigm Transportation Solutions Ltd., and dated September 2017;
- Environmental Noise Assessment, prepared by Novus Environmental, and dated June 26, 2017;

- Environmental Site Screening Questionnaire, prepared by Halton Islamic Association, and dated October 4, 2017; and
- Phase 1 Environmental Site Assessment, prepared by S2S Environmental Inc., and dated February 13, 2015.

Updated Materials:

- Phase One Environmental Site Assessment, prepared by S2S Environmental Inc., dated July 23, 2018;
- Confirmatory Soil Quality Sampling and Analysis, prepared by S2S Environmental Inc., dated July 31, 2018;
- Site Plan, prepared by Cynthia Zahoruk Architect Inc., and dated May 22, 2018;
- Grading & Servicing Plans, prepared by A.J. Clarke and Associates Ltd., and dated June 21, 2018.

Policy Framework

The proposed Zoning By-law amendment is subject to the following policy framework: the Planning Act, Provincial Policy Statement 2014, the Growth Plan for the Greater Golden Horseshoe 2017, the Halton Region Official Plan, the City of Burlington Official Plan, and the City of Burlington Zoning By-law 2020.

Planning Act: Matters of Provincial Interest

Municipalities, when dealing with their responsibilities under the *Planning Act*, shall have regard to a wide range of matters of provincial interest. A number of these matters of provincial interest are relevant to this site-specific development application, key matters are highlighted below with further analysis discussed throughout the report.

Matter of Provincial Interest	Staff Analysis
The adequate provision and efficient use of communication, transportation, sewage and water services and waste management system.	The site can be adequately served by existing infrastructure and roadways.
The orderly development of safe and healthy communities.	The Planning Justification Report submitted in support of the application provides a sensitive land use analysis. The report states, with respect to existing industrial uses in close proximity to the subject lands, the lands are surrounded by a number of other sensitive land uses including an existing

	<p>Place of Worship immediately to the west of the subject lands and established residential areas to the south of Palladium Way. As such, Staff agree that existing and future industrial development is not likely to adversely impact the proposed place of worship and accessory uses.</p> <p>The updated Environmental Site Assessment indicates that the site is uncontaminated and suitable for the intended use.</p>
The adequate provision of a full range of housing, including affordable housing.	Not applicable to this application.
The adequate provision of employment opportunities.	The proposed exception adds Place of Worship as an additional permitted use on the site, as such Employment uses are still allowed on the subject lands. Additionally, the introduction of a sensitive use on the subject lands will not impact the viability of the remainder of the Employment area as Palladium Way is in close proximity to existing sensitive uses including residential and places of worship.
The protection of the financial and economic well-being of the Province and its municipalities.	The proposed development is located within an area well serviced by infrastructure and public service facilities and will not require significant public sector investment to support the development.
The appropriate location of growth and development.	The City's Official Plan allows Institutional uses, including places of worship within all land use designations provided that it is compatible with surrounding industrial facilities.
The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.	The proposed zoning bylaw maintains the front yard setback requirements of the existing zone and the requirement for a 6m landscaped buffer adjacent to Palladium Way. There are ample sidewalks and boulevard space on Palladium Way. These aspects ensure a high quality and safe pedestrian experience.

	<p>The applicant maintains the 4m naturalized buffer to the creek block to the rear of the site.</p> <p>The proposed development also includes elements that are supportive of active transportation, such as bicycle parking and end of trip amenities.</p>
<p>The promotion of built form that,</p> <p>Is well-designed</p> <p>Encourages a sense of place</p> <p>Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.</p>	<p>As discussed above, the setbacks provided allow for a safe and attractive public realm. If approved, the detailed design of the building will be examined at the future site plan stage.</p>

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) came into effect on April 30, 2014 and applies to decisions concerning planning matters made after this date. All planning decisions are required to be consistent with the PPS.

The PPS provides broad policy direction on matters of provincial interest related to land use planning and development to provide for healthy, liveable and safe communities. The PPS directs growth to settlement areas and promotes densities and a mix of land uses which optimize use of land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities; minimize negative impacts to air quality and climate change and promote energy efficiency; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (PPS, 1.1.3.2).

Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs (1.3.1). Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

The PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (1.1.3.4). Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other

contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities (1.2.6.1).

Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects (3.2.2).

The PPS sets out that the Official Plan is the most important vehicle for implementation (PPS, 4.7). The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. It also recognizes that some planning objectives need to be considered in the context of the municipality as a whole (PPS, Part III). Further, as mentioned above, the PPS identifies Official plans as the vehicle to identify and protect provincial interests and set out appropriate land use designations and policies that direct development to suitable areas. The City's Official Plan provides this policy framework and includes evaluation criteria for assessing the introduction of certain sensitive institutional uses in Employment Areas.

Opinion:

Staff agree with the applicant's opinion in the submitted Planning Justification Report that the proposal is consistent with the PPS.

The proposed development contributes to providing an appropriate mix and supply of institutional uses (mosque) in order to meet the long term needs of the surrounding community. The PPS promotes a mix of institutional and employment uses and this is implemented in the City's Official Plan which encourages institutional uses to be located in all areas of the City. The Official Plan requires a zoning bylaw amendment for institutional uses in Employment Areas to ensure that land use compatibility conflicts are mitigated. As discussed below, there are no land use compatibility issues anticipated as a result of the development of a sensitive use on this site as the subject lands are located immediately adjacent to an existing place of worship and there are residential uses to the south of Palladium Way. The proposed zoning bylaw adds place of worship as an additional permitted use and does not preclude future development of other uses in the BC1 zone on the site.

The proposed development will be fully municipally serviced, and can be supported by existing municipal infrastructure, making it an efficient use of municipal services and infrastructure. The proposed development also includes elements that are supportive of active transportation, such as bicycle parking and end of trip amenities.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth

plan area. The Growth Plan provides a framework for implementing the Province's vision for building stronger, prosperous complete communities by better managing growth. The guiding principles of the plan include supporting people's needs for daily living, prioritizing intensification and higher densities to ensure efficient use of land, infrastructure and support a range and mix of housing options that support transit viability. The policies support the achievement of complete communities that are compact, transit-supportive, make effective use of investments in infrastructure and public service facilities, improve social equity, and accommodate people at all stages of life. This includes providing a mix of housing, a good range of jobs and easy access to stores and services to meet daily needs of residents (GP, 2.1).

New development taking place in designated Greenfield areas will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities; supports active transportation; and encourages the integration and sustained viability of transit services (G.P. 2.2.7.1). While the Growth Plan establishes the planning framework to 2041 the policies acknowledge that many of the elements of the Growth Plan are formally implemented through the municipal comprehensive review, which may only be undertaken by the upper-tier or single-tier municipality. One such identified element is the minimum density targets established for designated greenfield areas. The policies articulate that where an approved upper-tier official plan includes a minimum density target, that target will continue to apply across the same area until the next municipal comprehensive review (GP, 2.2.7.4). The Region through its Official Plan allocates designated greenfield density targets to each of the lower-tier municipalities. The City of Burlington's minimum greenfield density target is 45 residents and jobs per hectare. Through the next municipal comprehensive review the density target across the entire Region of Halton will not be less than 60 residents and jobs combined per hectare.

Municipalities will plan for all employment areas by prohibiting residential uses and limiting other sensitive uses (G.P. 2.2.5.7). Major office and appropriate major institutional development will be directed to urban growth centres, major transit station areas or other strategic growth areas with existing or planned frequent transit service.

Opinion:

The subject lands are identified being within the designated Greenfield Area. The City's Official Plan conforms to the Growth Plan policies by establishing its own policies which determine where employment lands can be located and limits institutional uses in employment areas. In accordance with these policies, institutional uses, such as the proposed place of worship, are permitted to be located within the area subject to criteria which will be discussed in the Official Plan analysis section of this report.

The application will contribute to providing a complete community, as the proposed place of worship use would be able to serve surrounding residents in addition to those

who work in the surrounding employment development. The application supports active transportation by allowing residents and employees in Alton to walk to Friday prayer, the proposal contains facilities to promote bicycle use, and is within 300 m of a transit route on Thomas Alton Blvd.

Based on the above, Staff agree with the applicant's opinion in the submitted Planning Justification Report that the application conforms with the Growth Plan.

Region of Halton Official Plan

The Region's Official Plan (2009) provides goals, objectives and policies to direct physical change in Halton. Portions of ROPA 38 are still before the Local Planning Appeal Tribunal. The Region advises that the subject applications have been reviewed against the applicable policies of the 2009 ROP that are in effect and relevant to this proposal. Decision makers must have regard to the policies that are not yet in effect and are provided for consideration.

Policy 74 of the ROP states that *"The Urban Area consists of areas so designated on Map 1 where urban services are or will be made available to accommodate existing and future urban development and amenities..."*.

The lands are designated as Urban Area with an Employment Area overlay. Section 72 of the ROP speaks to the objectives of the Urban Area designation. The objective stated in policy 72(3) is *"to provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure"*; and 72(10) is *"to provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs"*.

Pursuant to Policy 76, the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with the Local Official Plan and Zoning By-laws. With respect to the Employment Area, policy 77.4(1) a) permits uses identified in a Local Official Plan on December 16, 2009. As Institutional uses are permitted in an Employment Designation in the Burlington Official Plan through a specified process, this policy test has been met.

Section 143 (12) of the ROP requires the assessment of sensitive land uses which are in close proximity to transportation facilities.

Opinion:

The Region has reviewed submitted documents and studies and notes that they are satisfied with the proposed use. The area is characterized by a mix of land uses including industrial, office, and residential. The applicant is proposing an institutional use. The use is considered to be appropriate with respect to its sensitivity, additionally the use will be

convenient for those who live and work in the area. The location and design of the Place of Worship use meet the Region's Land Use Compatibility Guidelines.

Regional staff confirm that the site can be serviced by water and wastewater infrastructure.

City of Burlington Official Plan

Burlington's Official Plan designates the subject property as Business Corridor, as shown on Schedule B, Comprehensive Land Use Plan – Urban Planning Area. The objectives of this designation are to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes; to permit a wide range of employment uses including office, industrial, and related uses; and to establish high design and development standards for Business Corridor Lands (Part III, s 3.4.1).

The Business Corridor designation permits a range of uses including office; certain industrial uses; hotel, conference, and convention uses; limited retail uses such as convenience stores and limited service commercial and recreation uses such as restaurants, banks, and fitness centres; and a residence for a watchman or caretaker. Retail, service commercial, and recreation uses are only permitted where they are ancillary to and primarily serve the uses, businesses, and employees within the surrounding employment area (Part III, s 3.4.2). In addition to the foregoing, for Business Corridor lands located along Highway 407 in the Alton Community, outdoor storage is prohibited in a yard adjacent to Highway 407, and a higher intensity of development may be permitted in the vicinity of a highway interchange, subject to the recommendations of a travel demand management plan (Part III, s 3.4.3 f).

Institutional uses, which include places of worship, are addressed in Part II, Section 4 of the Official Plan. An objective of this section is to recognize and permit institutional land uses within the Plan, while considering the potential effects of these uses on adjacent lands. Institutional uses are permitted within all land use designations; however, within the Business Corridor designation and other Employment designations, places of worship require an amendment to the Zoning By-law. Such an amendment will be considered only following the completion of a risk assessment to determine any existing or potential sources of hazard from existing industrial uses in the vicinity and whether the levels of risk can be reduced to acceptable levels, using risk-based land use planning guidelines, as well as an assessment of compatibility with existing industrial facilities in the area in terms of variables such as noise, vibration, odour and dust, using Provincial Land Use Compatibility guidelines (Part II, s 4.3 d).

Part II, Section 6.0 of the Official Plan contains policies and objectives relating to Design. Part II, Section 6.1 a) of the Official Plan states that "*The tangible elements of the urban form, consisting of a combination of the built environment and open space that form the*

urban landscape, shall be designed in an efficient, attractive and compact manner to enhance the well-being of the residents of the community and to reflect the vision of this Plan”.

Another objective is subsection 6.2 f), “to ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression”; and 6.2 g): “to integrate urban design into the full range of decision-making activities to assist in achieving the design objectives of this plan”. Subsection 6.5 a) notes that “the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area”.

Opinion:

As discussed above, Institutional uses are permitted on the site provided that compatibility with existing businesses is provided. The applicant has provided a sensitive land use assessment within the Planning Justification Report. The proposed development would consist of the introduction of a place of worship into an Employment Area, which has the potential to expose the use to adverse impacts such as vibration, noise, dust, odours, etc. Additionally, the addition of a sensitive use could have impacts on the viability of the employment area as Provincial guidelines require separation between industrial uses and sensitive uses including a place of worship.

The D-6 Guideline Assessment is a Ministry of Environment and Climate Change tool “...intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another.” The table below contains the Areas of Influence and associated Minimum Separation Distances, for each class of industrial operation.

Industrial Facility Type	Minimum Separation Distance^a	Potential Area of Influence^b
Class I (small scale, self contained; infrequent outputs)	20 m	70 m
Class II (medium scale processing and manufacturing with outdoor storage of wastes or materials; periodic outputs of minor annoyance)	70 m	300 m
Class III (large scale manufacturing or processing; frequent outputs of major annoyance)	300 m	1000 m

The BC1 zoned property to the west of the site is an existing place of worship which is also identified as a sensitive use. South of the Palladium Way is existing residential development. These existing uses would limit any Class III industrial development from developing and would limit the types of Class II industries that could be introduced into the vicinity.

The existing Industrial land uses on the north side of Palladium Way are generally Class I or Class II industrial facilities, as they must be compatible with the existing residential development to the south of Palladium Way. Under the D-6 Guidelines, the Potential Area of Influence for Class I and Class II industrial facilities is 70 metres and 300 metres respectively.

The only potential for future land use compatibility issues would arise through the development of the vacant lands to the east of the proposed development. The lands are however, zoned “D” Development, which permits “uses permitted in all Zones”. This zone effectively freezes development of lands by severely limiting the number of permitted uses, pending redevelopment of the lands through a rezoning. Redevelopment of these lands will, need to be in conformity with the Business Corridor OP designation. These lands are also in close proximity to the residential uses to the south (± 30 -50 metres). As such, any prestige industrial uses that are to locate on the parcels to the east of the subject lands, or on any portion of the employment lands north of Palladium Way will need to be compatible with the established residential uses. Consequently, the range of industrial uses permitted on the neighboring parcels to the east is already constrained to uses that are compatible with the adjacent residential uses to the south. Additionally, the proposed development incorporates a 20 metre setback from the easterly lot line. This setback accounts for the separation distance requirement under the D-6 Guidelines should a Class I industrial facility locate on the lands to the east.

The proposed rezoning maintains the setback and landscape buffer requirements of the BC1-319 Zone which will ensure a high level of urban design can be achieved.

Based on the above, it is the opinion of staff that the application complies with the policies of the Official Plan, is compatible with surrounding development and provides the opportunity for a high level of design.

Council Adopted Official Plan: Grow Bold

The proposed new Official Plan (OP), adopted by Council in April 2018, has been developed to reflect the opportunities and challenges that face the City as it continues to evolve. The City’s proposed new Official Plan communicates Council’s vision and reaffirms the City’s commitment to maintain a firm urban boundary. The proposed new Official Plan introduces a new Urban Structure and Growth Framework to further direct growth to the appropriate locations of the City. Until the new Official Plan is approved by

the Region, the policies in the new Official Plan are informative and not determinative. However, staff have reviewed Grow Bold as it will form the basis for policy moving forward.

Grow Bold identifies the subject property on the following schedules:

- *Employment Lands*, within the Region's employment overlay on Schedule B, Urban Structure
- *Employment Growth Area* on Schedule B-1, Growth Framework
- *Business Corridor* on Schedule C, Land Use – Urban Planning Area; and

Section 3 of the New Official Plan – Complete Communities, Subsection 3.2.2 c) states the following:

Notwithstanding Subsections 3.2.2 a) and b) and c) of this Plan, public service facilities and institutional uses should be discouraged from locating within the Employment Area as they often require locations that would better serve the broader community.

Institutional uses that are considered a sensitive land use which are proposed within an Employment Area, shall be located at the periphery of the Employment Area within 400 m of a Major Arterial, Multi-Purpose Arterial Street or an Urban Avenue; shall have access to at least one Major Arterial, Multi-Purpose Arterial, Urban Avenue, or Industrial Connector Street; and have a floor area of less than 500 m², and shall not contain a residential use. Additionally, a site-specific Zoning By-law amendment shall be required to the Zoning By-law subject to considerations such as noise, vibration, odour and dust, using Provincial Land Use Compatibility guidelines and the Region of Halton's Land Use Compatibility Guidelines, Air Quality Guidelines, the Land Use Compatibility policies of Grow Bold, and any other relevant considerations to ensure that the location and design of the use mitigates adverse effects.

However, Grow Bold includes site specific permissions allowing Places of Worship on 4209 Palladium Way; 4691 Palladium Way; and the subject site at 4721 Palladium Way.

Opinion

Although the site specific provision permitting places of worship on the subject lands is for a minor place of worship (less than 500 m²) it is the opinion of staff that additional floor area will not impact the function of the employment area and is compatible with existing and planned uses.

The application has been reviewed by City Staff and affected agencies, the proposed development can be adequately serviced by transportation, water and sewer infrastructure. As discussed above, there are no land use compatibility issues identified as a result of the addition of a place of worship on the subject lands. Additionally, the proposed use as a mosque complements the employment area as services are held on

Fridays during the day, the location would allow employees of the surrounding employment area to attend a service during their lunch hour and return to work.

Staff recognize that the Grow Bold is not yet in effect, and that the subject application was made prior to the adoption of the new OP. As such, staff are satisfied with the applicant's proposal of a place of worship use in excess of 500 square metres.

City of Burlington Zoning By-law 2020

Zoning By-law 2020 assigns a BC1-319 zone to the subject property. BC1 is a Business Corridor zone permitting a range of industrial, office, hospitality, automotive, retail, service commercial, and recreation uses. The following retail uses are permitted, subject to floor area maximums: convenience store, machinery & equipment, computer hardware & software, and office furniture & equipment. The total floor area of such retail uses shall not exceed 15% of the floor area of each building within which the retail use is located. There is no maximum building height (Zoning By-law 2020, Part 3, sections 2 & 4).

Exception 319 is a site-specific regulation applying to lands along Palladium Way throughout Alton Community. It modifies the BC1 zone by requiring the yard abutting a street to be no less than 6 m and no more than 9 m. This exception also permits a hydro transformer or switch station to be located within a landscape area or buffer (Zoning By-law 2020, Part 14).

The current zoning does not permit the proposed place of worship use; hence, the applicant has applied to amend the Zoning By-law by creating a new site-specific exception that permits places of worship (H-BC1-492). The proposed site specific exception increases the east side yard setback to a minimum of 20 m and eliminates residential uses associated with a place of worship to ensure compatibility with surrounding properties. The proposal increases parking beyond the existing Place of Worship rate within Zoning By-law 2020 (6 spaces/100m²) to reflect the surveyed data completed as a part of the Burlington City-Wide Parking Standards Review (2017). For the prayer space, a rate of 18 spaces/100m² will be provided while the remainder of the building will be calculated at the Community Institutional rate of 1 spaces/4 person capacity for the remainder of the building.

Technical Review

The Zoning By-law Amendment application and supporting documents were circulated to internal departments and external agencies for review. No objections have been received.

MTO:

An Environmental Assessment is currently being undertaken for the potential development of a transit way which may impact the subject lands. The MTO has requested a 14 metre setback from adjacent lands which could be taken for use by MTO in the future. As such, no essential development or required facilities are permitted within this 14 metre setback. This means that the property must be functional and in compliance with applicable zoning standards with or without required site features located within the 14 metre setback. The previous proposal shows a place of worship with a larger footprint and an office building on the site which included required parking within this setback. The applicant revised their proposal to show a building with a smaller footprint, increases the parking rate, and removes required parking from the MTO setback.

Transportation:

The City's Transportation Department has reviewed the Transportation Impact Study and agrees with the recommendations related to Traffic. Staff requested a revised parking rate for the place of worship which was accommodated by the applicant.

Financial Matters:

All applicable development application processing fees have been paid.

Public Engagement Matters:

The application was subject to the standard circulation requirements for a property in the urban area. A public notice and request for comments were circulated in December 2017 to all property owners and tenants within 120 m of the subject property. A notice sign was posted on the subject property in November 2017.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/4721palladium. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and the Department of City Building.

Neighbourhood Meeting

City staff held a neighbourhood meeting on January 8, 2018, at Haber Recreation Centre. Staff from the Department of City Building, Transportation Department, and City Manager's Office were present, as were Mayor Goldring and Ward 6 Councillor Lancaster. The applicant was also present along with their consultant team. The meeting was attended by approximately 50 members of the public. Comments raised were included in Staff Report PB-20-18.

Statutory Public Meeting

A Statutory Public Meeting was held on April 10, 2018. Eleven members of the public delegated at this meeting.

Public Comments

In response to the public circulation, staff received 59 emails and 2 letters from members of the public providing comments on the subject application. Of these, 28 were unique communications while the balance were duplicates. Emails and letters were received from residents of the Alton Community as well as residents from other parts of the City and individuals who work in Burlington. Comments received prior to the Statutory Public meeting are contained Staff Report PB-20-18.

After the Statutory Public meeting Staff received three written comments. Staff Note that some correspondence received has not been appended to this report due to the inclusion of discriminatory language.

The themes expressed in the public's written comments are similar to those raised in discussion at the neighbourhood meeting and largely reflect concerns about potential traffic and parking impacts of the proposed development, and associated concerns about pedestrian safety.

The comments received are summarized as follows. Staff's responses are included in italics below.

1. Support for the proposed development.
2. Parking
 - Concern about parking and traffic impacts from the proposed development on the surrounding streets and neighbourhoods, particularly during the peak prayer hours on Friday afternoons.
 - *In response to the agency and public feedback received the applicant has revised the application to remove the additional office building and increase the parking provided. Transportation has reviewed the revised materials and have no objections to the application.*
 - Concerns that the proposed office building will conflict with the parking needs of the proposed place of worship.
 - *The office building has been removed from the application.*
 - Concern that parking spaces would be used for snow storage in winter, putting additional strain on the parking supply.
 - *If approved, snow storage will be examined further at the site plan stage. However, there is ample area on the site in which to store snow.*

- Questions about parking demand mitigation measures that could be undertaken such as staggering prayer times and renting parking spaces from a neighbour's parking lot.
 - *The applicant's revised application accommodates sufficient parking on the site.*
- 3. Land Use Compatibility
- Concern about the loss of employment lands to institutional uses on Palladium Way, including a court house and two previous places of worship in addition to the proposed development.
 - *As consistent with the City's existing Official Plan, Institutional uses are contemplated in all areas of the City. The proposed place of worship is compatible with existing and planned uses in the surrounding area.*
- Concerns about the potential noise impact from the proposed place of worship.
 - *There were no noise emission concerns identified through the review of the application.*
- 4. Transportation
- Question about whether additional transit service could be offered to serve the proposed development and mitigate traffic and parking impacts.
 - *There are no immediate plans to increase transit service along Palladium Way.*
- Concern about safety of proposed driveway location given sightlines from curve of Palladium Way.
 - *Sight lines will need to be reconfirmed in the field at future stages of planning. The easterly access may require restriction to a right-in/right-out access until sight lines have been confirmed.*
- Concerns about existing traffic conditions on Cline Street.
 - *As Cline is not a through street to Palladium Way, no impacts to Cline are anticipated as a result of development.*
- Concerns about the environmental impact of additional traffic associated with development on the north side of Palladium.
 - *Staff do not believe that the environmental impacts of a place of worship exceed the potential impacts of a use under the existing BC1 zone on the site.*
- Concerns about the lack of a crosswalk for pedestrian to cross Palladium Way from Alton to access the proposed place of worship.
 - *Staff support this opportunity. If approved, consideration for formalizing pedestrian crossings will be examined further at the future Site Plan stage.*

- Concerns about assumptions used in the Transportation Impact Study submitted by the applicant.
 - *The City's Transportation Department has reviewed the Transportation Impact Study and agrees with the recommendations related to Traffic. Staff requested a revised parking rate for the place of worship which was accommodated by the applicant.*
-

Conclusion:

Staff's analysis of the application for a Zoning By-law Amendment considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff finds that the application conforms to the Provincial Policy Statement, Places to Grow Act and the Regional and City Official Plan. This report recommends that the subject rezoning application be approved and that Zoning By-law 2020-XXX attached as Appendix B, to Report PB-72-18 be adopted.

Respectfully submitted,

Lisa Stern RPP, MCIP

Senior Planner

(905) 335-7600 ext. 7824

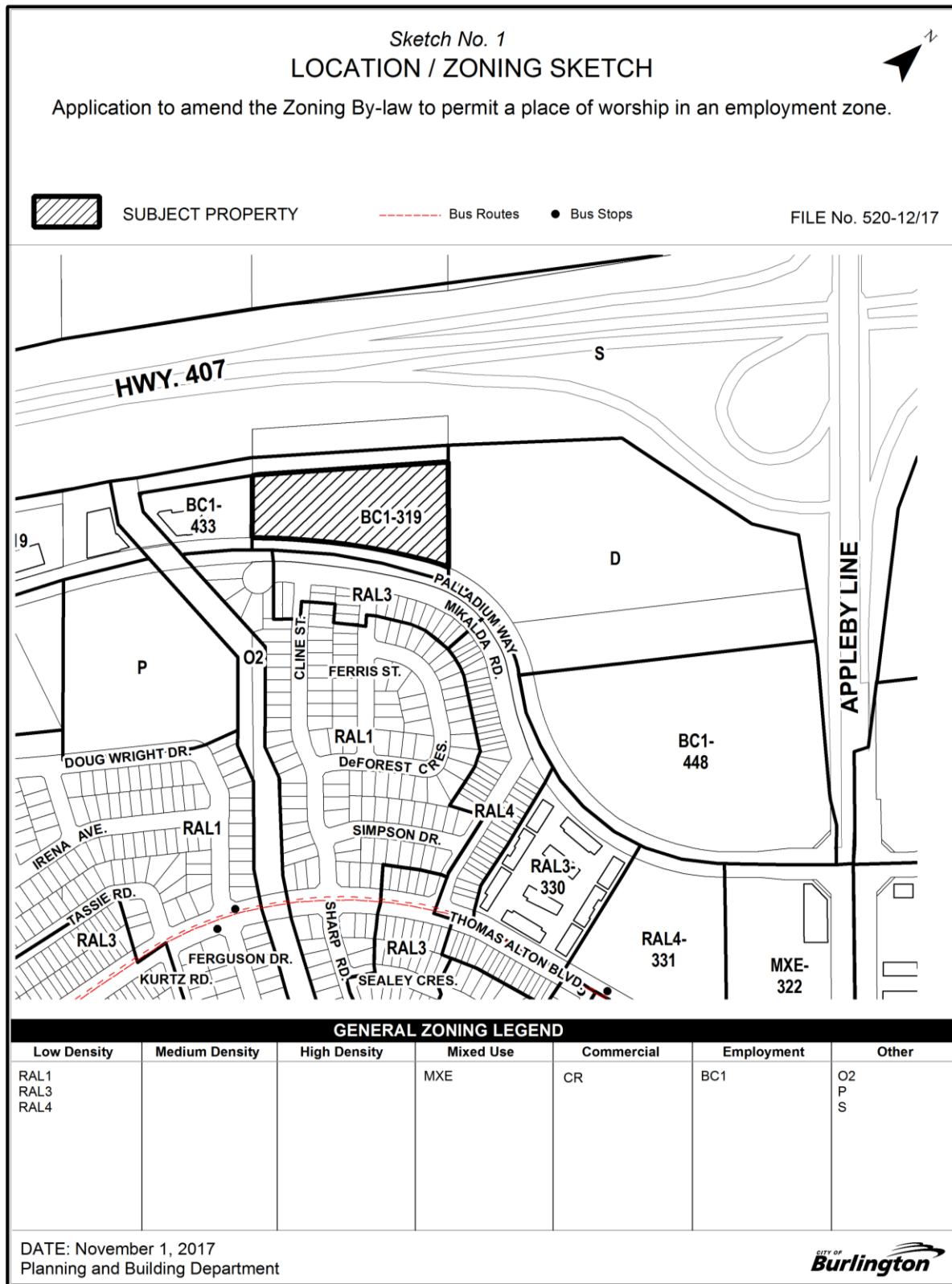
Appendices:

- A. Sketches
- B. Draft Zoning Bylaw
- C. Public Comments

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

Appendix A: Sketch



DRAFT BY-LAW NUMBER 2020.XXX, SCHEDULE 'A' AND
EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

Being a By-law to amend By-law 2020, as amended: for 4721 Palladium Way, for the purpose of facilitating the development of a place of worship.

File Nos.: 520-12/17 (PB-72-18)

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 PB-72-18 on XXXXX, to amend the City's existing Zoning By-law 2020, as amended, to permit a place of worship;

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

1. Zoning Map Number 25E of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from BC1-319 to BC1-492.
3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 492 as follows:

Exception 492	Zone BC1	Map 25E	Amendment 2020.XXX	Enacted
<p>1. <u>Regulations for all Uses</u></p> <p>(a) Yard Abutting a street: 6 m minimum 9 m maximum</p> <p>(b) A hydro transformer or switch station shall be permitted in the landscape area or buffer</p> <p>(c) Parking areas shall contain a maximum of 261 spaces. Any parking area of 261 spaces or less shall not be required to be separated by a landscaped area.</p> <p>2. <u>Additional Permitted Use:</u></p> <p>(a) Place of Worship</p> <p>3. <u>Additional Regulations for Places of Worship</u></p> <p>(a) Yard Abutting a street: 6 m minimum 9 m maximum</p> <p>(b) Prayer Hall Area 910 m² maximum</p> <p>(c) Side Yard:</p> <p>(i) East 20 m minimum</p> <p>(ii) West 15 m minimum</p> <p>(d) Rear Yard and/or setback abutting a creek block or 02 zone 7.5 m</p> <p>(e) Landscape Areas:</p> <p>(i) Abutting the northerly lot line 4 m</p> <p>(ii) A hydro transformer or switch station shall be permitted in the landscape area or buffer</p> <p>(f) Required Parking:</p> <p>(i) Prayer Hall: 18 spaces per 100 m² gross floor area</p> <p>(ii) All other floor areas: 1 space per 4 persons capacity</p> <p>(g) Accessory uses, including Emergency Shelters, Day Care Centres, an attached or detached manse or an accessory dwelling unit for a watchman and any other associated residential buildings are not permitted in conjunction with a Place of Worship.</p> <p>Except as amended herein, all other provisions of this By-law, as amended, shall apply</p>				

4. 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

4. b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals

have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED thisday of 201 .

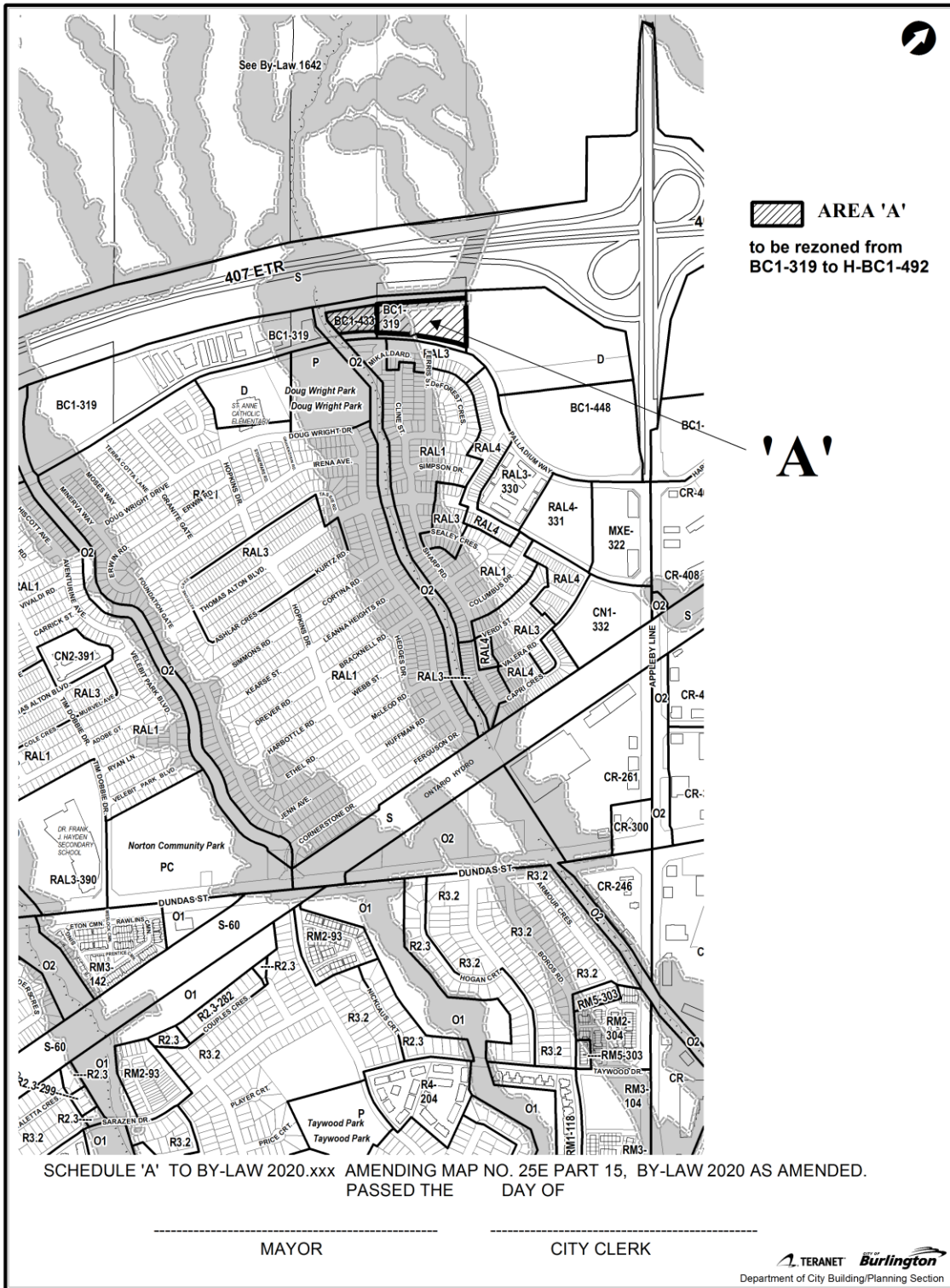
_____MAYOR

_____CITY CLERK

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

By-law 2020.XXX rezones lands on 4721 Palladium Way, to permit a place of worship.

For further information regarding By-law 2020.XXX, please contact Lisa Stern of the Burlington City Building Department at (905) 335-7600, extension 7824.



Public Comments

-----Original Message-----

From:

Sent: Wednesday, August 08, 2018 8:09 PM

To: Douglas, Thomas

Subject: New mosque

This house of worship will be a wonderful,welcome addition to Burlington community!

Diversity is our strength!

Looking forward to the grand opening!

Sincerely

Mira Khattab

Sent from my iPad