



SUBJECT: Statutory public meeting and recommendation report for a proposed zoning by-law amendment for 514 Pearl Street

TO: Development and Infrastructure Committee

FROM: Planning and Building Department

Report Number: PB-90-16

Wards Affected: 2

File Numbers: 520-09/16

Date to Committee: December 13, 2016

Date to Council: December 19, 2016

Recommendation:

Approve the application to amend the Zoning By-law 2020, as amended, submitted by Greg Poole of Greg Poole & Associates Inc. to permit a semi-detached dwelling unit at 514 Pearl Street; and

Enact and pass Zoning Bylaw 2020.XXX as attached as appendix II of planning and building department report PB-90-16 to amend the zoning for lands at 514 Pearl Street from DRL to DRL-465; and

Deem that Bylaw 2020.XXX 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.

Purpose:

This report intends to recommend approval for a proposed rezoning by-law amendment for 514 Pearl Street application and to respond to the legislation according to the Planning Act.

A City that Grows

- Promoting Economic Growth
- Intensification
- Focused Population Growth

REPORT FACT SHEET

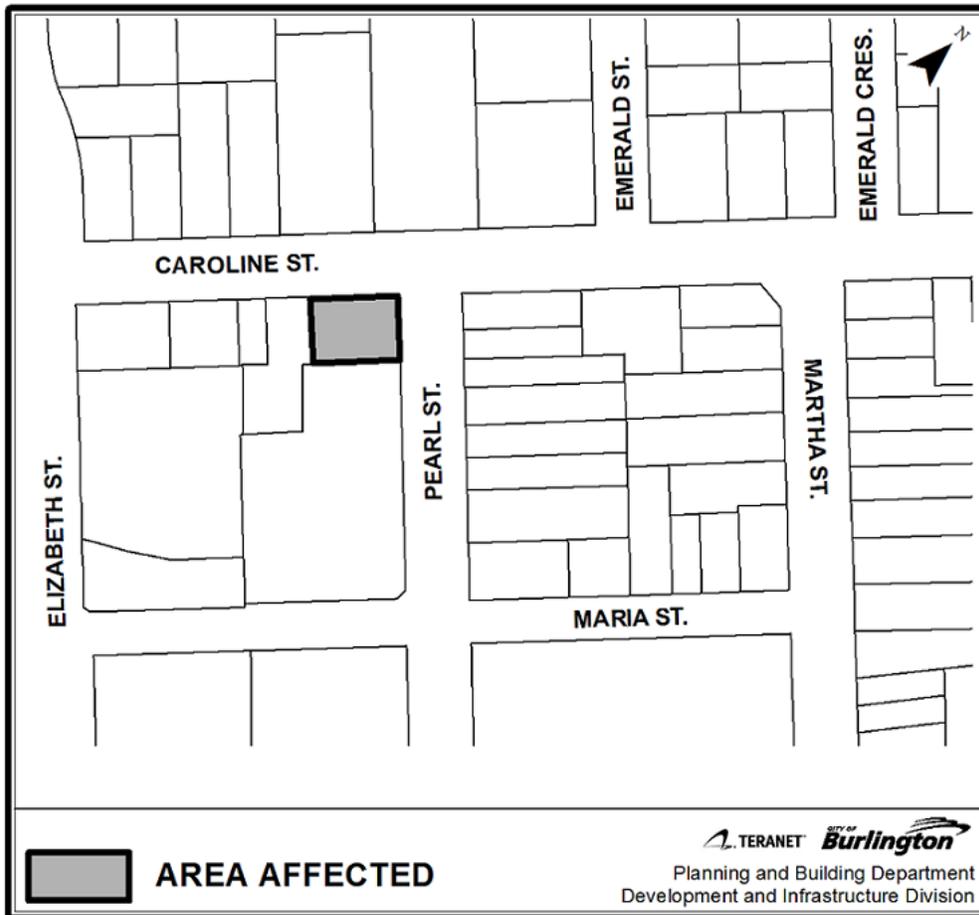
RECOMMENDATION:		<i>Approval</i>	Ward No.:	2
Application Details	APPLICANT/OWNER:	<i>Greg Poole & Associates Inc.</i>		
	FILE NUMBER:	<i>520-09/16</i>		
	TYPE OF APPLICATION:	<i>Zoning By-law Amendment</i>		
	PROPOSED USE:	<i>1 semi-detached residential unit</i>		
Property Details	PROPERTY LOCATION:	<i>South of Caroline Street, east of Brant Street, west of Pearl Street, northwest of Lions Park</i>		
	MUNICIPAL ADDRESS:	<i>514 Pearl Street</i>		
	PROPERTY AREA:	<i>0.06 ha (0.15 acres)</i>		
	EXISTING USE:	<i>One, 2-storey single detached dwelling</i>		
Documents	OFFICIAL PLAN Existing:	<i>Downtown Mixed Use Centre with special policy</i>		
	OFFICIAL PLAN Proposed:	<i>No change</i>		
	ZONING Existing:	<i>DRL (Downtown Residential – Low Density) Zone</i>		
	ZONING Proposed:	<i>DRL- Exception</i>		
Processing Details	NEIGHBOURHOOD MEETING:	<i>October 4, 2016</i>		
	PUBLIC COMMENTS:	<i>To date, staff has received two emails, two phone calls and no letters or neighbourhood meeting comment sheets (attached in Appendix III).</i>		

Background:**Surrounding Neighbourhood**

On August 16, 2016 the Planning and Building Department acknowledged that a complete application had been received to rezone 514 Pearl Street, to permit a semi-detached residential dwelling unit. The applicant intends to demolish the existing single detached dwelling and to replace it with the semi-detached residential dwelling.

This report outlines details of the application and provides an analysis of the proposal against applicable policies and regulations. In addition, public comments received about the proposal are provided and discussed. It is recommended that this site be rezoned from DRL to DRL-exception, with modified provisions that are tailored specifically for the development proposal.

Location Sketch:



Site Description

The 0.06 hectare (600 square metres) subject site is located on the southwest corner of Caroline Street and Pearl Street in downtown Burlington as shown on Appendix I (Sketch No. 1). The site currently contains a two storey single detached house.

Surrounding land uses include:

- North of the subject site is zoned DRL. Along Caroline Street and to the north are low-density detached homes, including some heritage homes;

- East of the subject site is zoned DRL. Immediately east, across the street from the subject property is 513 Pearl Street, a former single detached dwelling that was demolished and replaced with a semi-detached dwelling. Further to the east of Pearl Street are additional low-density detached homes and Lions Park;
- South of the subject site is zoned DRM and there are medium-density townhomes as well as two, high-density (18 and 15 storey) residential apartment buildings in the Downtown Core Precinct; and
- West of the subject site is zoned DRL and DRM containing both low-density residential development and higher density developments along both Elizabeth Street and John Street.

Diagram 1:



Removal of property from the Heritage Registry

In January 2016 the Planning and Building Department received a written request from the owner of the subject property to remove the dwelling at 514 Pearl Street from the

Municipal Register to allow for demolition in order to facilitate redevelopment of the subject property. Staff recommended that committee and Council designate 514 Pearl Street (known as “The Hughes Cleaver House”) pursuant to Part IV of the Ontario Heritage Act. This designation was against the owners’ wishes and Council approved the removal of this property from the municipal register of heritage properties in March 2016.

Discussion:

Description of Application

The applicant seeks to amend the Zoning By-law 2020 (as amended) from the DRL zone to the DRL exception zone to permit one semi-detached unit at 514 Pearl Street. The existing single detached home is to be demolished. Driveway access to both units will be from Pearl Street. An additional driveway and parking space for the northern unit is being proposed along Caroline Street (as shown on Appendix I (Sketch No. 2, Detail Sketch)).

Technical Reports

The applicant submitted the following technical reports in support of the application:

Report, Plans, Studies	Circulated
Application Form	Halton Region (5), Conservation Halton (1)
Planning Justification Report (Prepared by Greg Poole & Associates Inc., July 2016)	Landscaping (1), Transportation (1), Halton Region (5), Conservation Halton (1)
Conceptual Site Plan (Prepared by A.J. Clarke and Associates Ltd.)	Site Engineering (2), Landscaping (1), Transportation (1), Capital Works (1), Halton Region (5), Conservation Halton (3)
Functional Servicing Report (Prepared by A.J. Clarke and Associates Ltd.)	Site Engineering (2), Capital Works (1), Halton Region (3), Conservation Halton (1)
Site Servicing Plan (Engineering Grading and Erosion & Sediment Control Plan) (Prepared by A.J. Clarke and Associates Ltd.)	Site Engineering (2), Landscaping (1), Capital Works (1), Halton Region (3)
Arborist Report and Tree Protection Plan (Prepared by Davey Resource Group)	Site Engineering (2), Landscaping (1), Capital Works (1), Halton Region (2), Conservation Halton (1)

<p>Environmental Site Screening Questionnaire (Prepared by Applicant for Region of Halton)</p>	<p>Site Engineering (2), Landscaping (1), Halton Region (3), Conservation Halton (1)</p>
<p><u>Architectural Elevations (North and East)</u>, (Prepared by Wayne Harrison Designs)</p>	
<p><u>Architectural Elevations (South and West)</u>, (Prepared by Wayne Harrison Designs)</p>	

Policy Framework

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

Provincial Policy Statement

The Provincial Policy Statement 2014 (PPS) provides broad policy direction on matters of provincial interest related to land use planning and development. The PPS identifies settlement areas as the focus of growth and supports development within settlement areas based on densities and a land use mix that efficiently use land, resources, infrastructure and public service facilities. Staff are satisfied that the proposed development is consistent with the above policies as the provision of a new semi-detached dwelling at this location will provide housing density within the City’s Downtown Mixed Use Center while utilizing existing infrastructure, services and facilities. The provision of a semi-detached dwelling will also add to the range of housing types and densities within the area. This rezoning application is in conformity with the PPS.

Places to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe came into effect on June 16, 2006 and provides a growth management policy direction for the defined growth plan area. The guiding principles of the Growth Plan include building compact, vibrant and complete communities; and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form. Staff finds the subject application supports a compact and efficient development form.

Halton Region Official Plan

The subject lands are designated as “Urban Area”. Urban areas are locations where urban services (water and waste water) are or will be made available to accommodate existing and future development.

The Regional Official Plan states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

City of Burlington Official Plan

The subject site is identified as being within the Downtown Mixed Use Corridor – General and is located within the Emerald Neighbourhood Precinct.

Part III, Policy 5.5.4 c) of the Official Plan states that *“within the block bounded by Caroline, Elizabeth, Maria and Pearl Streets medium residential development may be permitted provided it is compatible with the existing detached residential character of the Emerald Neighbourhood”*.

The proposed semi-detached dwelling is a form of increasing density and is therefore in keeping with the Official Plan policies of the Emerald Neighbourhood. An Official Plan amendment is not required for this rezoning.

City of Burlington By-law 2020

The following site specific modifications to the DRL zoning provisions are required to facilitate the new semi-detached dwelling:

Modified DRL Zone for a Semi-detached dwelling	
Lot Width	
<ul style="list-style-type: none"> • Interior Lot • Corner Lot 	9.4 m 10 m
Lot Area	
<ul style="list-style-type: none"> • Interior Lot • Corner Lot 	250 m ² 290 m ²
Front Yard	4 m except that a garage shall be set back 6 m
Rear Yard	7 m
Side Yard	1.4 m one side, 0 m other side
Side Yard abutting a street	3 m
Roofed Porch Encroachment into a required yard:	
<ul style="list-style-type: none"> • Front Yard 	1.5 m maximum 2.2 m maximum

<ul style="list-style-type: none"> • Rear Yard • Streetside Yard 	1.2 m maximum
Maximum Lot Coverage	Unit A – 40% maximum Unit B - 45% maximum
Maximum Height	2 storeys to 11.5 m
Visibility Triangle	6 m x 6 m
Driveway/Walkway	1 driveway per unit – maximum 5.5 m including walkway width

The proposed bylaw is included in Appendix II.

Technical Review

On August 30, 2016, staff circulated a request for comments to internal and external technical agencies including Halton Region. No objections have been received.

Transportation:

Staff have no objection to the proposal and offer the following comments:

Staff notes that the proposed driveway and parking adjacent to Caroline Street may not be able to facilitate car maneuvering into/out the parking space. Consequently, it is recommended that this driveway is not suitable and be removed from the site plan. In addition, Transportation Services have suggested that the two driveways on Pearl Street be placed adjacent to one another to consolidate driveway connections to Pearl Street.

Site Engineering:

Staff have no objection to the proposal and offer the following comments:

Site Engineering would like to have the location of the 6 cedars currently planted along Caroline Street within the municipal right-of-way to be indicated on the conceptual site plan (including their diameter).

In the southeast corner of the site, where the southern driveway is being proposed, there is an existing (Linden) tree located in the municipal right-of-way. Pursuant to Public Tree Bylaw 68-2013, a Tree Permit is required for any and all works around a city tree. Tree protection will be required to be installed as per the city standard drawing SS12A.

- a. No development is permitted within the Minimum Tree Protection Zone (MTPZ). For additional details see Appendix IV.

Site Engineering has requested that the proposed driveways off of Pearl Street should be adjacent to one another to reduce damage to the municipal right-of-way and ensure they remain outside of the City tree's Minimum Tree Protection Zone (MTPZ). However staff are aware of the applicant's desire to have two separate driveways would help to

define each unit from one another and that care has been taken in the design of the facade to keep the units visually separate and distinct (see Appendix I –Sketches for renderings of the Pearl Street facade). Should the applicant wish to maintain separate driveways/entrances the following will be required:

- street to be repaved completely between both driveways;
- proposed driveway to remain outside of the City tree MPTZ of 2.4 m; and
- proposed catch basin storm line may require relocation or an ISA certified arborist recommendations for installation.

Site Engineering would like to have additional information regarding the catch basin storm line as well as the details of work within the City road right-of-way. Both of these items will be clarified at the consents to sever application stage.

Parks and Open Space:

Staff have no objection to the proposal and offers the following comments:

Adequate parkland is available to accommodate this development as Lions Park is located within the 0.8km distance for a neighborhood park and Spencer Smith Park and Central Park are within the 2.4km distance for a city/community park. As such, staff recommend cash-in-lieu of parkland dedication be applied for this development.

Landscaping:

Staff has no objection to the proposal and offers the following comments:

There are no objections from forestry to permit the semi-detached dwelling at 514 Pearl Street. However, the applicant should be aware of the following:

1. There are 9 City trees in the right of way adjacent to the subject property (514 Pearl St).
2. Pursuant to Public Tree Bylaw 68-2013:
 - a. All works around City trees require a Tree Permit. For all trees to be preserved require tree protection to be installed prior to the work;
 - b. If City trees are required to be removed to facilitate development, Council Approval is required;
 - c. One City tree (No. 12) has been indicated as in declining condition and City staff from RPM will look into the removal of this tree, if necessary.

Region of Halton:

Regional Staff note that the proposed semi-detached dwelling will utilize the existing local watermain and sanitary sewer within Pearl Street and Caroline Street. New sewer laterals will be required to be constructed to service the proposed semi-detached dwellings. In addition, there is an existing sanitary sewer lateral and water service that currently traverses the existing property. These will have to be decommissioned prior to reconstruction.

Financial Matters:

The application was processed under the standard development application fees. In accordance with the Development Application Fee Schedule, all fees determined to date have been received.

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements and a public notice and request for comments were circulated in August 2016 to all owners/tenants within 120 metres of the subject property. A notice sign was also posted on the property.

Public Comments

To date, staff received two emails, two phone calls and no letters pertaining to this application. The public comments received to date are included in Appendix III.

Of the comments and responses received from neighbourhood residences, both spoke of this development as a 'precedent'. One neighbour expressed concern that this application may create a precedent in the area and prompt future applications to demolish, rezone and redevelop homes in the downtown core. The other area resident felt that this project and the adjacent infill townhomes to the south may be a positive example of how to encourage redevelopment in the downtown core.

Conclusion:

Staff have reviewed the application in accordance with applicable provincial, regional, and local planning policies. Staff find that the application represents a reasonable redevelopment of the subject lands and recommends that the application to amend the Zoning Bylaw from DRL to DRL-exception be approved on the basis that that the application supports the policies of Official Plan, is compatible with surrounding land uses, and satisfies the technical and servicing requirements of the affected City Departments and external agencies. Staff are also of the opinion that the proposed development represents good planning, and recommend approval of Zoning By-law 2020.XXX.

Respectfully submitted,

Mark Hefferton, MCIP RPP

Planner II – Development Review

905-335-7600 ext. 7860

Appendices:

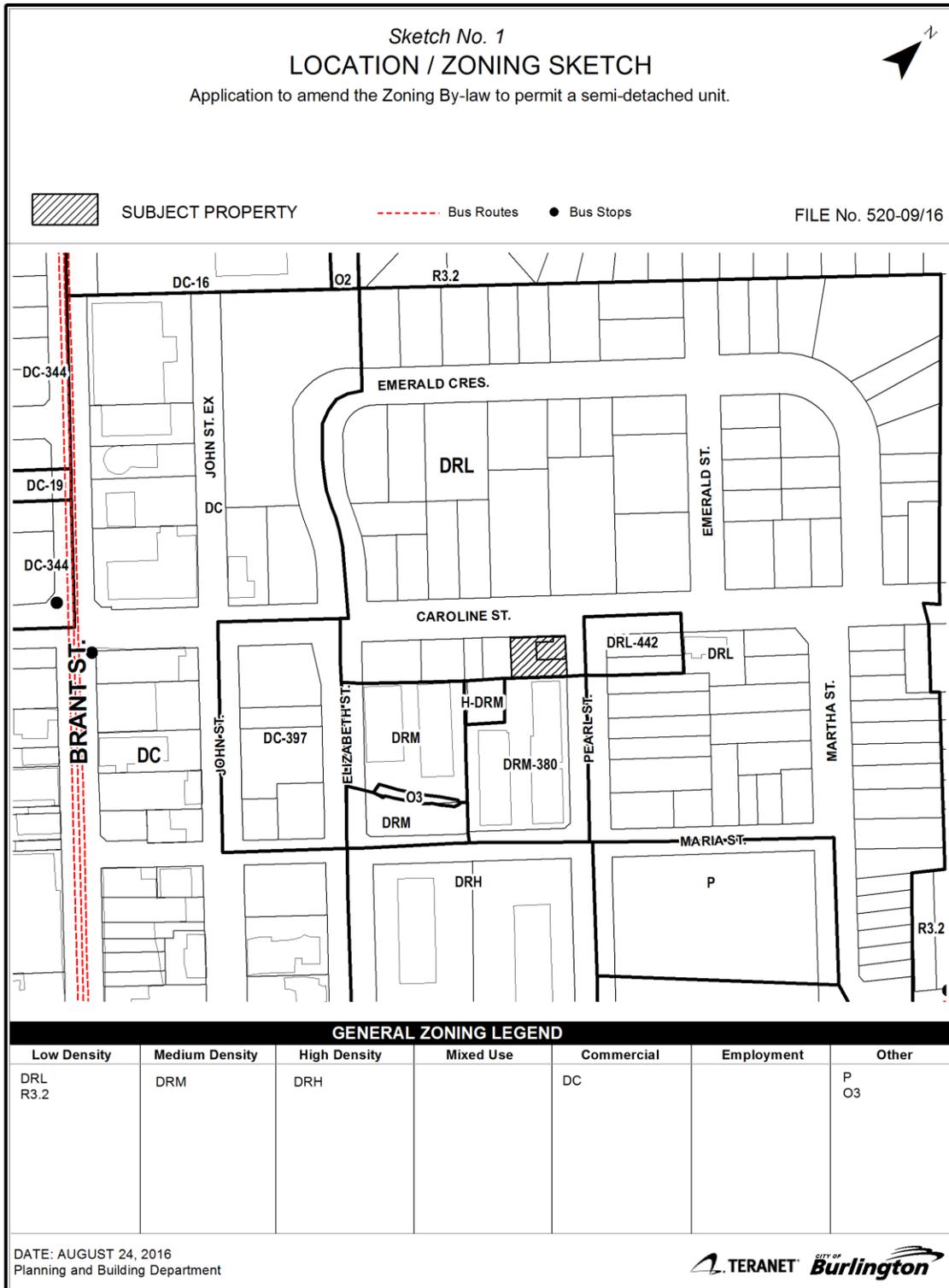
- I. Location/zoning sketch, Detail sketch, eastern (Pearl Street) elevation sketch and eastern (Pearl Street) facade rendering.
- II. Proposed By-law
- III. Public comments received to date

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 I –

Sketches



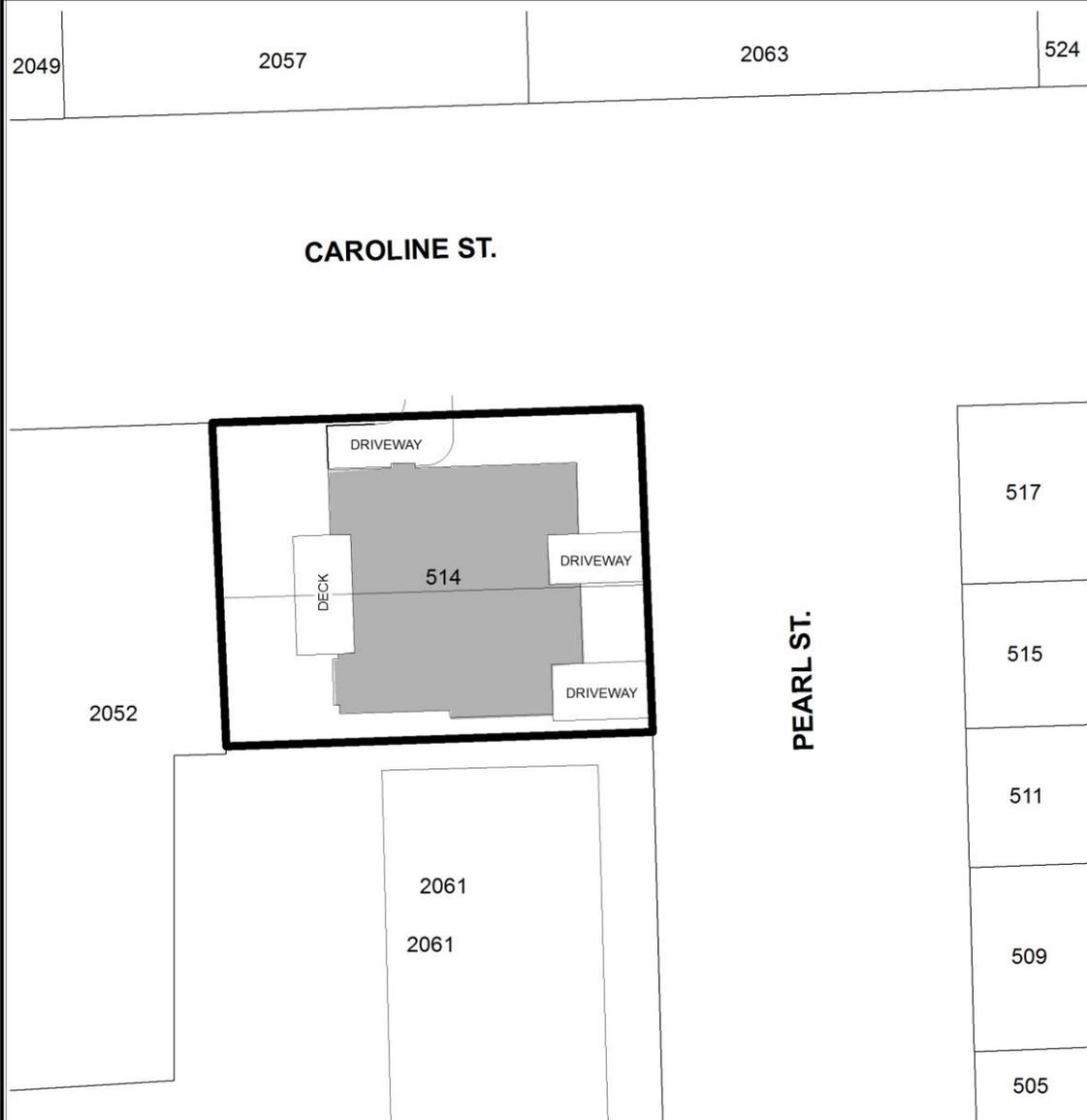
Sketch No. 2
DETAIL SKETCH

Application to amend the Zoning By-law to permit a semi-detached unit.



 SUBJECT PROPERTY

FILE No. 520-09/16



DATE: AUGUST 24, 2016
Planning and Building Department





J.W. 2016
3/16/17

PEARL STREET ELEVATION STUDY

APPENDIX II –

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

**THE CORPORATION OF THE CITY OF BURLINGTON
BY-LAW NUMBER 2020.XX**

A By-law to amend By-law 2020, as amended; 514 Pearl Street

File No.: 520 -09/16

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-90-16 on XXX, to amend the City's existing Zoning By-law 2020, as amended, to permit a semi-detached residential building;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON

HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number 9A 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 DRL (Downtown Residential Low Density) to DRL-465 (Downtown Residential Low Density).
3. *PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 465 as follows:*

EXCEPTION NO. 465

Additional Permitted Uses:	
Semi-Detached Dwelling	
Regulations applying to semi-detached dwellings:	
Lot Width <ul style="list-style-type: none"> • Interior Lot • Corner Lot 	9.4 m 10 m
Lot Area <ul style="list-style-type: none"> • Interior Lot • Corner Lot 	250 m ² 290 m ²
Front Yard	4 m except that a garage shall be set back 6 m
Rear Yard	7 m
Side Yard	1.4 m one side, 0 m other side
Side Yard abutting a street	3 m
Roofed Porch Encroachment into a required yard: <ul style="list-style-type: none"> • Front Yard • Rear Yard • Streetside Yard 	1.5 m maximum 2.2 m maximum 1.2 m maximum
Maximum Lot Coverage	Unit A – 40% maximum Unit B - 45% maximum
Maximum Height	2 storeys to 11.5 m
Visibility Triangle	6 m x 6 m
Driveway/Walkway	1 driveway per unit – maximum 5.5 m including walkway width
Except as amended herein, all other provisions of this By-law, as amended, shall apply	

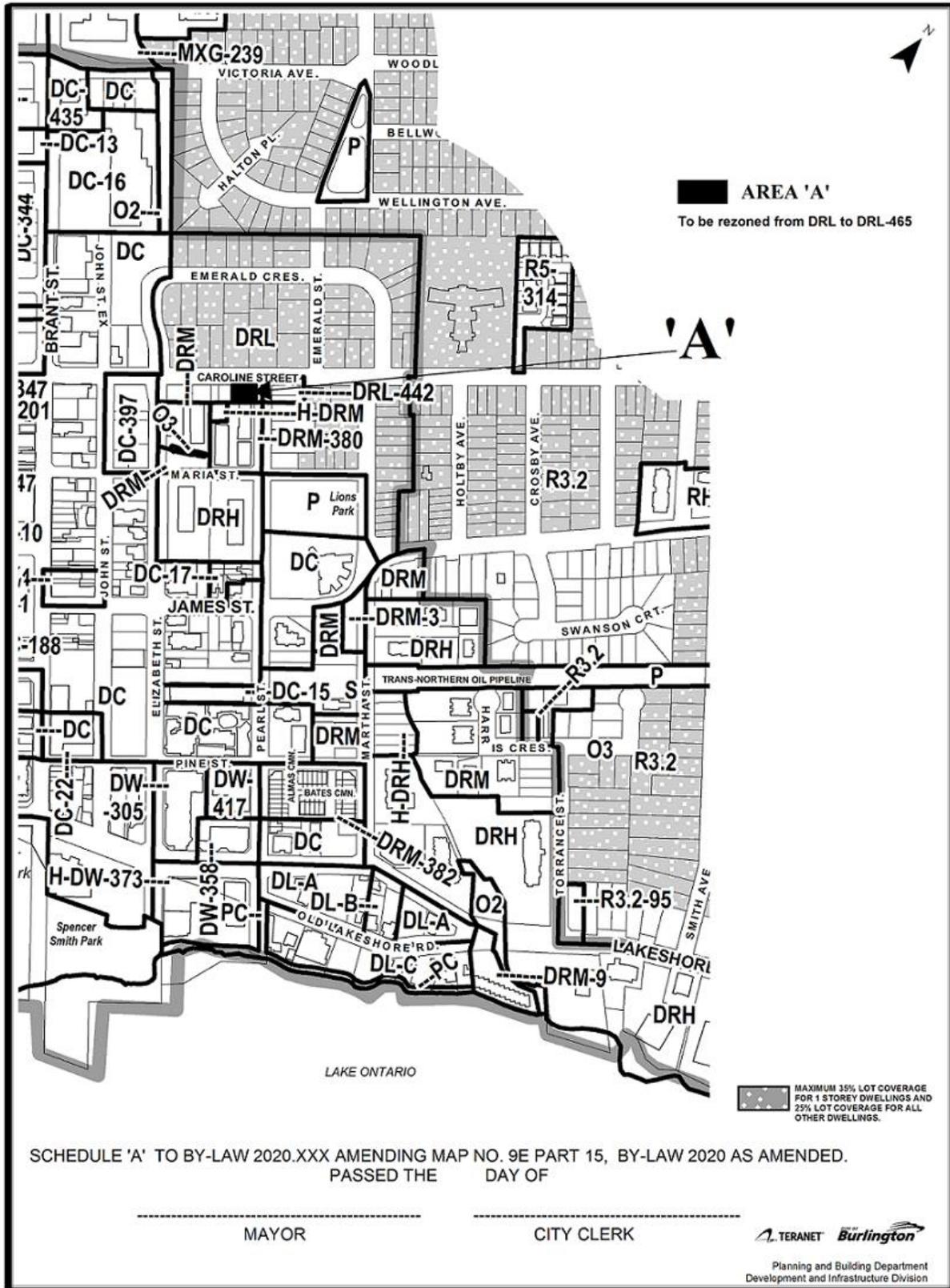
- 4 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed

- 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 2016.

_____MAYOR

_____CITY CLERK



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

By-law 2020.XXX rezones lands on 514 Pearl Street to permit the development of a semi-detached dwelling on this property.

For further information regarding By-law 2020.XXX, please contact Mark Hefferton of the City of Burlington Planning & Building Department at (905) 335-7600, extension 7860.

APPENDIX III –

Public Comments

From:

Sent: Wednesday, October 12, 2016 4:39 PM

To: Hefferton, Mark

Subject: 514 Pearl Street, Burlington - Application to Amend the Zoning By-Law

Importance: High

Greetings Mark,

Pursuant to the City Hall meeting that I attended this past October 4th and to our telephone conversation this afternoon, I, the undersigned, wish to submit my comments regarding the Application to Amend the Zoning By-Law at 514 Pearl Street in Burlington to permit the removal of the current home and build a semi-detached home.

I am opposed to the approve of the application for the following reasons:

- 1) The current home has been well preserved and updated, both inside and out, and has kept its historic features; which meld with other homes on Caroline Street
- 2) It is a current part of the historic culture of downtown Burlington; which should be preserved
- 3) **My biggest concern** is the creation of a precedence in our neighbourhood and future requests to remove and or demolish “stately” homes in the downtown Core area (Caroline Street, Pearl Street, Martha Street, Maria Street, Emerald Street...and the list goes on)...One exception to a by-law can lead to another and another...

There was a person present at the meeting who lives behind the subject property and was saying that it “was beautiful”. The plan for the future houses does seem lovely, however I believe this person has their own motive; in that their home is very small, older “cottage” style 1-storey home, amongst three (3) others along the South side of Caroline Street.

If 514 Pearl Street obtain the requested Amendment to the Zoning By-Law, these smaller homes on Caroline; whose value is almost strictly in the land, most probably make a similar request(s). These homes, however, do not have the beautiful historic features and appearance and those future requests for such homes may be more viable.

I can be contacted at this email address: should you have any questions or comments.

Kind regards,

From:

Sent: Thursday, October 13, 2016 3:55 PM

To: Hefferton, Mark

Cc: ; Meed Ward, Marianne

Subject: 514 Pearl St. proposal

Thanks Mark for the presentation at the information meeting on Tues the 4th.

There seemed to be only be praise and approval for this project however, as suggested I am adding my opinion in writing for your records.

Taking the time to walk the neighborhood provides a full appreciation of the vision this proposal brings to the area.

The detail and thoughtful approach of this design not only respects the neighboring buildings, it reflects and enhances some of the historic feel of the downtown.

Standing on the north side of Caroline looking south on Pearl it's easy to envision this proposal, in many ways it completes the redevelopment that has already taken place. Combined with the existing development on the east side of Pearl, this will likely become a featured corner in many downtown photographs, in fact Councilor Meed Ward has already utilized the newer townhouses adjacent to 514 Pearl as a back drop to discuss developments in the area.

I realize you have a more technical review to complete for this proposal however, from my perspective the design, scale and visual aspects are outstanding.

Cheers :