



SUBJECT: Recommendation Report for a Proposed Zoning By-law Amendment on 2360, 2364, and 2368 New Street

TO: Planning and Development Committee

FROM: Planning and Building Department

Report Number: PB-10-17

Wards Affected: 2

File Numbers: 520-02/16

Date to Committee: February 28, 2017

Date to Council: March 27, 2017

Recommendation:

Approve the application, to amend the zoning bylaw, submitted by Dawn Victoria Homes to permit the development of 11 townhomes at 2360, 2364, and 2368 New Street; and

Enact and pass Zoning Bylaw 2020.378 as attached as Appendix C of Planning and Building Department report PB-10-17 to amend the zoning for lands at 2360, 2364, and 2368 New Street from H-RM2 (Residential Medium Density) Zone to RM2-468 (Residential Medium Density Exception) Zone; and

Deem that Bylaw 2020.378 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:

The report relates to the following objectives of the City of Burlington Strategic Plan:

A City that Grows

- Intensification
 - Older neighbourhoods are important to the character of Burlington and intensification will be carefully managed to respect this character.
 - Burlington has an urban core that has higher densities, green space and amenities, is culturally active and is home to a mix of residents and businesses

RECOMMENDATIONS:		<i>Approve</i>	Ward No.:	<i>2</i>
Application Details	APPLICANT:	<i>Dawn Victoria Homes</i>		
	OWNER:	<i>Robert Van de Vrande</i>		
	FILE NUMBERS:	<i>520-02/16</i>		
	TYPE OF APPLICATION:	<i>Rezoning</i>		
	PROPOSED USE:	<i>Townhomes</i>		
Property Details	PROPERTY LOCATION:	<i>South side of New Street, west of Guelph Line</i>		
	MUNICIPAL ADDRESSES:	<i>2360, 2364, and 2368 New Street</i>		
	PROPERTY AREA:	<i>0.22ha</i>		
	EXISTING USE:	<i>Single Detached Residential Homes</i>		
Documents	OFFICIAL PLAN Existing:	<i>Residential – Medium Density</i>		
	OFFICIAL PLAN Proposed:	<i>None</i>		
	ZONING Existing:	<i>H-RM2</i>		
	ZONING Proposed:	<i>RM2 -468</i>		
Processing Details	NEIGHBOURHOOD MEETING:	<i>April 4, 2016</i>		
	PUBLIC COMMENTS:	<i>5 emails</i> <i>Note: Some constituents sent multiple letters</i>		

Background and Discussion:

On February 17, 2016 the Planning and Building Department acknowledged that a complete application had been received for a Zoning By-law Amendment for 2360, 2364, and 2368 New Street, to permit the development of a twelve townhomes on a private roadway, as illustrated in the sketch in Appendix A.

A neighbourhood meeting was held on April 4, 2016 at Central Arena Auditorium and was attended by approximately 30 members of the public, the Ward Councillor and the Mayor. A summary of the initial review process was previously outlined in staff report PB-62-16, including provision of all public comments received up until the date of report writing. This report was presented to Development and Infrastructure Committee on July 12, 2016 at a statutory public meeting.

Subsequent to the statutory meeting and in light of all public and technical comments received, the applicant submitted updated plans which reduced the number of units to 11, provided dedicated visitor parking, and reduced the height of the proposed retaining wall.

The applicant proposes to amend the zoning on the subject lands from H-RM2 (Residential Medium Density) to RM2-468 zone, to allow for the development of 11 3-storey townhouse units with various site specific regulations. The applicant has proposed two blocks of townhouses that will provide individual front door accesses facing onto the existing condominium roads to the east and west of the subject lands. There currently are no agreements with the surrounding condominium association for access to these roads. Vehicular access will be provided via a proposed roadway in the centre of the site. Each townhouse unit will provide a one car garage, one driveway parking space and one visitor parking space. Amenity space will be provided as a balcony facing the internal road.

This report provides details of the revised application and an analysis of the proposal against applicable policies and regulations. In addition, public comments received on the proposal are provided and discussed. It is recommended that the site be rezoned from H-RM2 to RM2-468.

Site Description

The 0.22ha site is located on the south side of New Street, west of Guelph Line. The subject lands currently contain three single detached dwellings which will be demolished.

Surrounding Land Uses:

- South of the site is zoned RM2 (Residential Medium Density) zone and is developed with 1 and 1 ½ storey townhouses.
- East of the site is zoned RH1-433 (Residential High Density) zone and is developed with an 11-storey apartment building.
- North of New Street is zoned R2.3 (Residential Low Density) zone and is developed with single detached dwellings.
- West of the site is zoned RM1 (Residential Medium Density) zone and is developed with 1 1/2 storey semi-detached and triplex dwellings.

Discussion:

Policy Framework and Review

The Official Plan Amendment and Rezoning applications are subject to review under the following documents:

- Provincial Policy Statement (PPS)
- Growth Plan for the Greater Golden Horseshoe (Growth Plan)
- Region of Halton Official Plan (ROP)
- City of Burlington Official Plan (OP)
- Zoning By-law 2020.

Each of these documents will be discussed below

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement (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. It also directs planning authorities to provide for an appropriate mix of housing types and densities to meet current and future needs, and to establish “development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

Staff find that the development proposal is consistent with the policies of the PPS as the proposed development will provide additional housing through intensification within a developed neighbourhood that already provides some variety of dwelling forms and densities. The site makes use of existing roads and municipal services, which have capacity to handle the expected increase in use. Further, the subject site is in close proximity to various facilities such as schools, a community centres, and parks. The site is also located on existing transit routes.

Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2006

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.

The subject application generally conforms to the principles of the Growth Plan by accommodating intensification in an area that is designated for intensification. The

application meets the density targets in the Growth Plan without changes to the existing Official Plan policies and permissions.

Region of Halton Official Plan (ROP)

The lands are designated Urban Area in the Region's Official Plan 2009 (ROP). The ROP states that the range of permitted uses in the Urban Area will be in accordance with Local Official Plans; however, all development is subject to the policies of the ROP. ROP Urban Area policies support residential intensification to develop complete, vibrant and healthy communities, and housing policies address provision of an adequate mix and variety of housing to satisfy different physical, social and economic needs.

The ROP indicates that a development proponent is required to indicate whether there is potential for any soils on site to be contaminated. In addition, the ROP requires that all new development in the Urban Area is to be connected to Regional Servicing. Region of Halton planning staff have indicated that the applicant has satisfied the requirement regarding clean soils and note that there are no contamination concerns for the subject lands. The applicant is proposing full connections to the existing municipal services. The Region has indicated there are no current servicing concerns for the proposed development.

Regional Staff have advised that the proposal rezoning conforms to the policies of the 2009 ROP.

City of Burlington Official Plan

The subject lands are designated for Medium Density Residential uses. In Residential-Medium Density areas, either ground or non-ground-oriented housing units with a density ranging between 26 and 50 units per net hectare shall be permitted. Detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments are permitted. The applicant has proposed to develop townhouses with a density of 55 units per hectare on the site. The Official Plan permits minor variations from numerical requirements without a Plan amendment.

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's 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;

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 to Central Park and the Millennium Bike Path.

(ii) off-street parking is adequate;

The applicant has provided two dedicated parking spaces for residents per unit and 14 visitor parking spaces for the development, which exceeds the Bylaw requirement. The applicant has revised the application to provide 3 stand alone visitor spaces, with the remainder being provided on private driveways where there are no garage spaces. Transportation staff have reviewed the application and do not anticipate any issues with off-site parking.

(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;

Access to the site will be consolidated from the three existing driveways to one private roadway fronting on New Street. New Street has adequate capacity to handle the additional traffic from the 11 proposed units.

(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 along New Street.

(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;

Townhouses are a use that is currently permitted in the RM2 zone, however not in the intensity proposed. The neighbourhood is comprised a mix of housing types including 1 ½ and 2 storey townhouses on Sterling Walk to the west and south of the site, and an 11 apartment building to the east. The focus of this assessment is on compatibility with the townhomes to the south and providing a compatible and pleasant street frontage along New Street and Sterling Walk.

With regard to height, the proposed dwellings will have three storeys of living space. The applicant has proposed a maximum height of 10.73m with a 0.5 m retaining wall whereas, the maximum permitted height in the RM2 zone is 11.5m.

The applicant has proposed two blocks of townhouses that will provide individual front door accesses facing onto the existing condominium roads to the east and west of the subject lands. This is consistent with the pattern of the existing townhouse lotting along Sterling Walk. The RM2 zoning requires a minimum rear yard setback of 9m and a side yard of 4.5m. Although, the south lot line is considered the rear lot line by the Zoning Bylaw, due to the proposed orientation of the buildings it will effectively function as a side yard to side yard interface with the existing homes to the south. With the revised plan now showing a 6.6m setback to the east block of proposed townhomes and 8.9m to the proposed west block, the new buildings will therefore be contained within a 45 angular plane to provide separation distance to maintain light, views and privacy.

Amenity space will be provided as second storey balconies above the garages. These balconies will be screened from New Street and the townhouses to the south. The balconies will be setback from the rear property line by a minimum of 6.6m, which will limit overlook onto neighbouring properties.

Although the RM2 zone requires a setback of 9m adjacent to New Street, the proposed 2.5 m minimum setback is consistent with the existing lotting pattern along New Street between Seneca Avenue and Guelph Line which provides for varying setbacks. The applicant has also provided architectural features such as porches and front doors along both New Street and Sterling Walk which will provide for a pleasant and consistent streetscape.

Currently, board fencing is provided along the property boundaries with Sterling Walk. If approved, Staff have asked the applicant to work with the Sterling Walk Condo Board to replace with this fencing with wrought iron or another visually permeable material. To prevent a backlotting effect from the condo road.

It is staff's opinion that the siting, massing and orientation of the townhouse buildings provides an appropriate transition of land use from the existing 1 ½ storey townhouses to the south and will provide for an attractive street frontage along Sterling Walk and New Street.

(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 Tree Inventory and Protection Plan identified 27 trees on or adjacent to the site which could be impacted by the proposed development. The report included other preservation recommendations such as minimum tree protection zones for construction. The report concluded that a total of 20 trees are to be removed in order to facilitate the

development of the townhouses. These 20 trees are comprised of two City trees and all 18 private trees of the property owner. Four City trees and three private boundary trees owned by the neighbour are to remain.

Staff have worked with the landowner to determine if additional trees at the rear of the site could be retained; however, due to the existing grades of the subject property, the site will have to be raised to ensure that stormwater and sanitary servicing can flow out to New Street. Although the landowner was able to lower the height of the retaining wall by approximately 0.5m, they were not able to eliminate it entirely and were not able to retain any additional vegetation.

Staff are satisfied that if approved, additional vegetation can be provided through a future site plan application.

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

As mentioned above, with the revised plan now showing a 6.6m setback to the east block of proposed townhomes and 8.9m to the proposed west block, the new buildings will therefore be contained within a 45 degree angular plane from the buildings to the south to maintain light, views and privacy. As such, no sun-shadowing impacts are anticipated.

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

This site is across New Street from Central Park which contains a Senior's Centre, Arena and Library. The site is also within proximity to commercial plazas at Guelph Line and the Millennium Bike Path. 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.

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

As mentioned above, the proposed buildings will be sited to mitigate impacts on surrounding properties. If approved, the applicant will provide detailed lighting and landscape plans at the future site plan stage which will further mitigate impacts of noise, trespass light, and aesthetics.

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

Staff have considered the Official Plan policies and objectives and the evaluation criteria for housing intensification discussed above. Staff find that the proposal satisfies the

City's objectives to provide a diverse range of housing forms, provide housing opportunities that encourage use of public transit and active transportation and require development to be compatible with surrounding properties. It is staff's opinion that the application represents an appropriate form of development and conforms to the overall intent of the Official Plan.

City of Burlington By-law 2020

The subject lands are zoned H-RM2. Where a zone designation contains the prefix "H" the lands identified shall not be developed or redeveloped until the City enacts an amending By-Law removing the "H" holding symbol. The zoning bylaw states that prior to 'H' zone removal, provision of servicing and consolidation of land to ensure that a logical development pattern can be achieved, has been completed to the City's satisfaction. The lots are all owned by one landowner and will be consolidated prior to development.

The RM2 zone allows for the development of two storey single detached, semi-detached, triplex, fourplex, townhouses, and four storey retirement homes up to a density of 40 units per hectare.

The following table outlines the site specific regulations proposed by the applicant, which have been described above:

Townhouse Dwellings	RM2 Requirement	Proposed
Minimum Lot Width	45m	52.73m
Minimum Lot Area	0.4ha	0.2 ha
Minimum Front Yard	9m	2.5 m including all projections, 1.6 m to porch, balcony and stairs
Minimum Rear Yard	9m	east block 6.6 m west block 8.9 m
Minimum Side Yard (west)	4.5m 4.5 m – 0.65 m for projections including stairs = 3.85 m	3.7 m including all projections, 1.8 m to porch including stairs and overhang
Minimum Side Yard (East)	4.5 m 4.5 m – 0.65 m for projections including stairs = 3.85 m	3.4 m including all projections, 1.9 m to porch including stairs and overhang

Maximum Density	40 uph	50 uph (11 units)
Amenity Area	25 square metres/bedroom [3x12 units x 25 sq.m] = 900 sq.m (3 x 11 x 25 sq.m = 825 sq.m)	25 sq.m/bedroom
Privacy area	20 sq m privacy areas to be completely enclosed with a fence having a minimum height of 1.8 m, maximum 2 m	Notwithstanding Part 2, Section 9.1 Table 2.9.1, privacy area for each unit not required.
Landscape area abutting New Street	6m	1.6m
Parking	0.5 space/unit visitor = 6 2 spaces/unit = 22 spaces	2 space/ unit = 22 Spaces 1.27 space/unit visitor = 14 spaces
Loading	None required	
Maximum Height	2 storeys = 11.5m	3 storeys to 11 m. Height to be taken from the elevation of the ground at the common driveway line measured at the midpoint of each dwelling unit.
Parking spaces and driveways	Driveways and parking lots shall be setback 3 m from a wall of a building containing windows of habitable rooms	Visitor parking spaces to be setback 0 m from a wall of a building containing windows of habitable rooms
Townhouse definition	Maximum 55 m length	<55 m

Technical Review

Staff circulated a request for comments to internal and external technical agencies including Halton Region. No objections were received.

Financial Matters:

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

Public Engagement Matters:

The applications were subject to the standard notification requirements to owners and tenants within 120 metres of the site following submission of a complete application and prior to the statutory public meeting. A further notice was distributed in February 2017 advising individuals of the date committee will consider this recommendation report. All revised plans and reports submitted by the applicant, as well as planning staff notices and reports are posted on the project webpage as they become available.

The city conducted a neighbourhood meeting on April 4, 2016 that was attended by approximately 30 residents. Since the drafting of report PB-62-16, three delegations expressed concerns with the proposal at the July 12, 2016 statutory public meeting.

A summary of the issues raised by the community and staff's consideration of these comments is provided below.

Concern: Concern about the height of the retaining wall and how much the site is proposed to be raised.

Response: Staff and the applicant examined additional servicing concepts, and have lowered the retaining wall from the original proposal, however as the grades at New Street are higher than at the rear of the property, the site will have to be raised to ensure that Storm and Regional Services can drain towards New Street.

Concern: Phase 1 Environmental Site Assessment (ESA) indicates oil tanks, why hasn't a Phase 2 ESA been completed?

Response: The Region has reviewed the Phase 1 and has no concerns regarding additional contamination.

Concern: Concerned about the vehicular access onto New Street.

Response: Transportation have reviewed the application and are satisfied that there is adequate capacity on New Street to handle the trips associated with the 8 additional units proposed and with the design and location of the access to New Street.

Concern: Concern that the proposed development is too dense. Concern that there is not adequate area for snow storage and garbage pick up.

Response: The application has been revised to remove a unit which has increased the rear yard setback and provides additional space for snow storage.

Concern: Concern about the lay-out of the proposed development, deliveries will have to walk around to the front of the building.

Response: In light of comments received, the applicant has revised the application to remove a unit and provide 2 additional dedicated visitor parking spaces where deliveries can park during drop offs.

Conclusion:

Staff have reviewed the application in accordance with applicable provincial, regional, and local planning policies. Staff find that the application represents a reasonable expansion of an existing use on the subject lands and recommends that the subject application to amend the Zoning Bylaw from H-RM2 to RM2-468 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.

Respectfully submitted,

Lisa Stern, RPP MCIP

Senior Planner

335-7600, ext. 7427

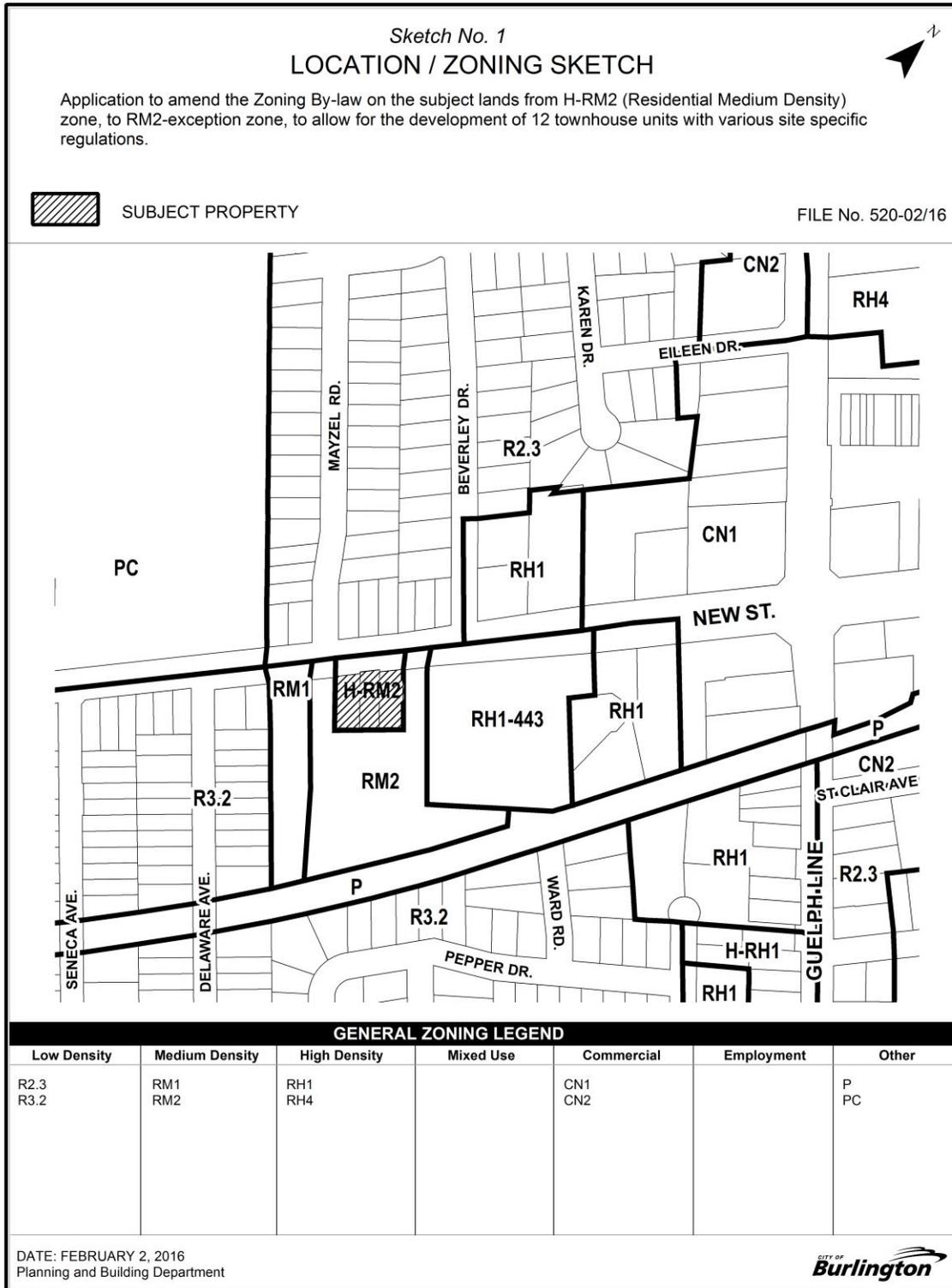
Appendices:

- a. Location/Zoning Sketch
- b. Detail Sketch
- c. Proposed Zoning By-law 2020.378

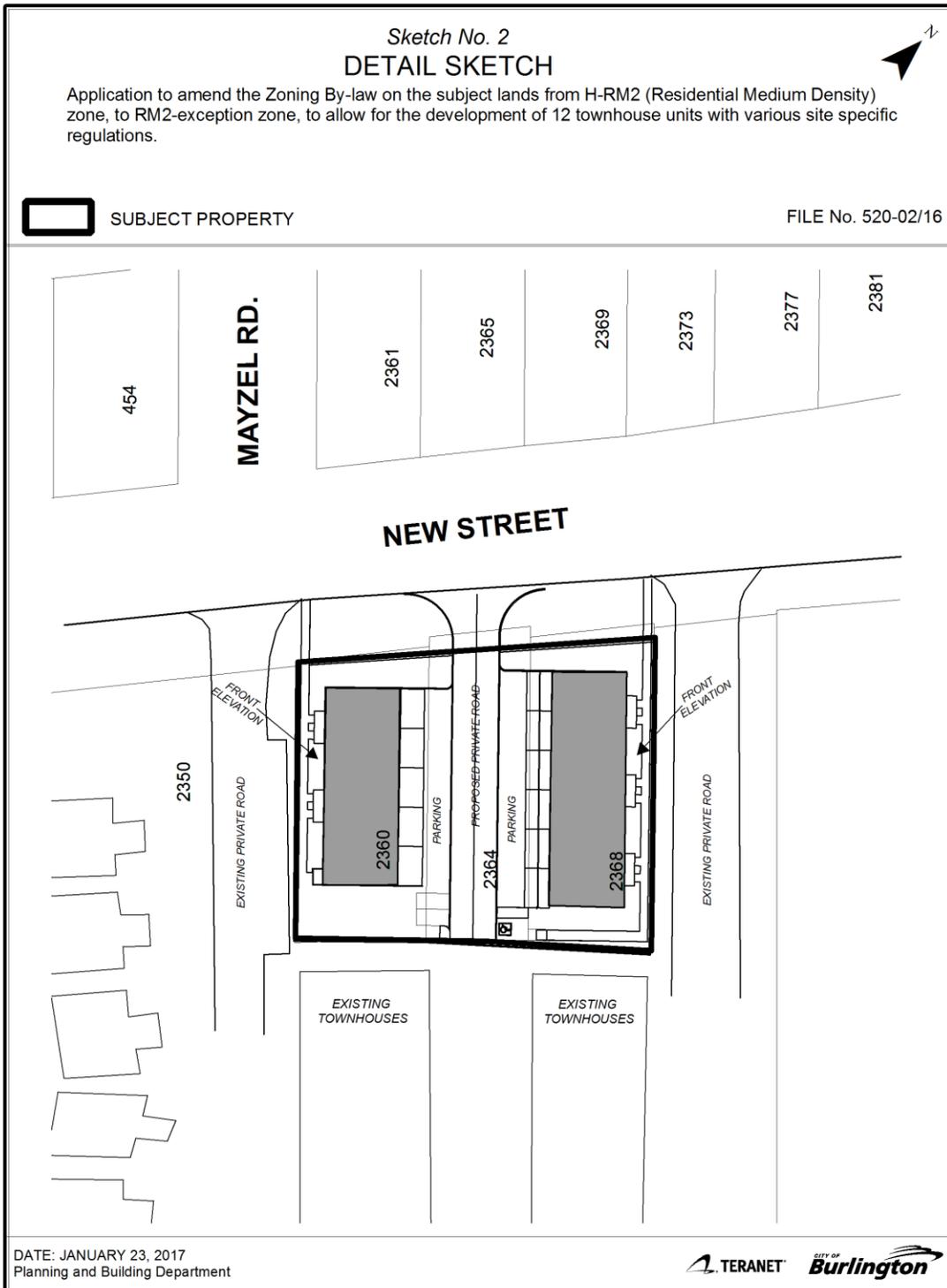
Report Approval:

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 Zoning Sketch



Appendix B – Detail Sketch



Appendix C - Draft Zoning Bylaw

BY-LAW NUMBER 2020.378, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.378

A By-law to amend By-law 2020, as amended;
for the lands known as 2360, 2364, and 2368 New Street, for the purpose facilitating the
development of 11 townhouse dwellings.

File No.: 520-02/16 (PB-10-17)

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

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

1. Zoning Map Number 4 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 H-RM2 to RM2-468.
3. PART 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 468 as follows:

Exception 468	Zone RM2	Map 13	Amendment 2020.378	Enacted March 27, 2017
Regulations for Townhouse Dwellings:				
Lot Area			0.2ha	
Front Yard			2.5m including all projections, 1.6m to porch including balcony, stairs and overhang	
Rear Yard			6.6m to east block, 8.9m to west block	
Side Yard			West: 3.7m including all projections, 1.8m to porch including stairs and overhang. East: 3.4m including all projections, 1.9m to porch including stairs and overhang.	
Maximum Density			11 units	
Landscape Area abutting New Street			1.6m	
Amenity Area			Amenity Area shall include walkways	
Privacy Area			Notwithstanding Part 2, Section 9.1 Table 2.9.1, privacy area for each unit is not required.	
Maximum Height			3 storeys or 11m	
Fencing			To be measured from top of retaining wall	
Visitor Parking			Can be provided on private driveways 0m from a wall of building containing windows of habitable rooms.	
Except as amended herein, all other provisions of this By-law, as amended, shall apply				

4. When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed.
5. If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this 27th day of March 2017.

_____MAYOR

_____CITY CLERK

