



**SUBJECT: Recommendation Report for Zoning By-law Amendment for
3225-3237 New Street**

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-17-18

Wards Affected: 4

File Numbers: 520-06/17

Date to Committee: April 10, 2018

Date to Council: April 23, 2018

Recommendation:

Approve the application submitted by Wellings Planning Consultants Inc., on behalf of Royal Living Development Group Inc., to amend the zoning by-law for the lands at 3225-3237 New Street, as outlined in department of city building report PB-17-18 (File 520-06/17); and

Approve Zoning By-law 2020-XXX, rezoning the lands at 3225-3237 New Street from H-RM2 to RM2-477 attached as Appendix "B"; and

Instruct planning staff to prepare the by-law to amend Zoning By-law 2020, as amended, rezoning the lands at 3225-3237 New Street from "H-RM2" and to "RM2-477" in accordance with the draft zoning by-law contained in Appendix B of department of city building report PB-17-18, upon completion by the applicant of the following:

- i) Execution of a Residential Development Agreement including the conditions listed in Appendix C of Report PB-17-18; and

Instruct Royal Living Development Group to provide compensation for the tree removal by providing cash-in-lieu compensation with a total value of \$16,850.00; and

Direct that all associated costs with respect to the removal of the trees be the responsibility of Royal Living Development Group, and the contractor hired to remove trees will be approved by the City via the Public Tree Permit process; 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 request by Royal Living Development Group to remove four city trees adjacent to 3225-3237 New Street.

Purpose:

The purpose of the report is to recommend approval of a rezoning application to permit a medium-density residential development consisting of 10 townhouse units, at 3225-3237 New Street, as shown on the air photo below.

The development proposal aligns with the following objective in Burlington's Strategic Plan 2015-2040:

A City that Grows

- Intensification
 - Growth is being achieved in mixed-use areas and along main roads with transit service, including mobility hubs, downtown and uptown.
 - New and transitioning neighbourhoods are being designed to promote easy access to amenities, services, recreation and employment areas with more opportunities for walking, cycling and using public transit.
 - Older neighbourhoods are important to the character of Burlington and intensification will be carefully managed to respect this character.



Executive Summary:

RECOMMENDATIONS:		<i>Approval</i>	Ward No.:	<i>4</i>
Application Details	APPLICANT:	<i>Wellings Planning Consultants Inc.</i>		
	OWNER:	<i>Royal Living Development Group</i>		
	FILE NUMBERS:	<i>520-06/17</i>		
	TYPE OF APPLICATION:	<i>Rezoning</i>		
	PROPOSED USE:	<i>Townhomes</i>		
Property Details	PROPERTY LOCATION:	<i>North side of New Street, east of Guelph Line</i>		
	MUNICIPAL ADDRESSES:	<i>3225-3237 New Street</i>		
	PROPERTY AREA:	<i>0.19 ha</i>		
	EXISTING USE:	<i>Single Detached Residential Homes</i>		
Documents	OFFICIAL PLAN Existing:	<i>Residential – Medium Density</i>		
	OFFICIAL PLAN Proposed:	<i>Residential – Medium Density (no change)</i>		
	ZONING Existing:	<i>H-RM2</i>		
	ZONING Proposed:	<i>RM2 - exception</i>		
Processing Details	NEIGHBOURHOOD MEETING:	<i>June 8, 2017</i> <i>10 e-mails (one constituent sent multiple e-mails)</i>		
	PUBLIC COMMENTS:	<i>2 letters</i> <i>4 neighbourhood meeting comment sheets</i>		

Background and Discussion:

Site Description:

The subject lands are 0.19 hectares in size and located on the north side of New Street, west of Dynes Road and east of Cumberland Avenue. The subject lands contain two single detached dwellings and accessory buildings. These buildings will be demolished in order to facilitate the proposed development.

Surrounding Land Uses:

North	Centennial Multi-Use Path, beyond which are single detached dwellings
East	Townhouses and semi-detached dwellings
South	Townhouses and semi-detached dwellings
West	Single detached dwelling with a commercial use immediately adjacent to the subject lands, beyond which is the Centennial Multi-Use Path.

Description of Applications and History

On May 12, 2017, the Planning and Building Department acknowledged that a complete application had been received for a Zoning By-law Amendment for 3225-3237 New Street. The owner of the subject lands has assembled these two parcels in order to develop the property with townhouse dwelling units. The original Zoning By-law Amendment application was made in order to permit the development of 11 three-storey townhouse dwellings in two blocks; however the number of requested units has since been reduced to 10. The location of the subject lands is illustrated in Appendix I.

Report PB-60-17, including all public comments received up until the date of report writing, was presented to Planning and Development Committee on September 26, 2017. A Statutory Public Meeting was held on this date and the applicant, Glenn Wellings of Wellings Planning Consultants Inc., as well as one member of the public, spoke at the time of public delegations. No other delegations were made at the Statutory Public Meeting with regard to this file.

This report provides details of the application and an analysis of the proposal against applicable policies and regulations. Agency comments from the technical circulation are included. It is recommended that the site be rezoned from H-RM2 in accordance with Zoning By-law 2020, as amended, to RM2-477, with modified zoning regulations that are tailored for the site to require specific building development standards which will be discussed further in this report.

Discussion:

Policy Framework

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

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement provides broad policy direction on land use planning and development matters of provincial interest. The PPS provides policies for appropriate development based on efficient use of land and infrastructure, protection of natural resources, and supports residential and employment development including a mix of land uses.

Subsection 1.1.1 e) of the Provincial Policy Statement states that healthy, livable and safe communities are sustained by *“promoting cost-effective developments and standards to minimize land consumption and servicing costs”*; and subsection 1.1.3.2 1) 3) states that land use patterns within settlement areas shall be *“appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion”*.

The Region of Halton confirmed that adequate servicing exists for the proposed development. The proposal is a more compact built form and seeks to intensify a property that has the existing potential for redevelopment and intensification. As such, existing infrastructure and land can be used efficiently and responsibly.

Subsection 1.4.3 e) states that *“planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by establishing 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”*, and, in subsection 1.4.3 d), *“promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed”*.

The proposal includes 10 townhouse dwelling units where two single detached dwelling units currently exist. The development complies with the medium density targets of the City’s Official Plan where the existing single detached dwellings did not. Furthermore, the extension of public roads and servicing are not required to accommodate this proposal.

Staff find the development proposal is consistent with the PPS as it accommodates an appropriate range and mix of housing types to meet long-term needs of the community, supports compact built form and proposes to use existing infrastructure.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. Through the Growth Plan, growth is focused in the existing urban areas through intensification. 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 an efficient, well-designed form.

Subsection 2.2.1.2 a) of the Growth Plan states that “*the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities*”.

The subject lands are located within the built boundary. The application proposes to intensify two existing properties. The proposed compact residential development would contribute to a complete community with a variety of residential forms of housing and land uses. The proposed townhouse development would use existing infrastructure and would be promoting growth and intensification on two properties in the urban area. Staff finds the subject application is consistent with the Growth Plan as it supports a compact and efficient development form as well as a complete community.

Halton Region Official Plan (ROP)

The subject lands are designated as “Urban Area” in the ROP. Urban Areas are those locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Regional Official Plan.

Regional staff were circulated on the application, technical studies, and associated revisions. Regional Staff have confirmed that the site can be serviced by water and wastewater infrastructure.

City of Burlington Official Plan

The subject lands are designated as Residential – Medium Density on Schedule “B” of the City’s Official Plan. In the Residential – Medium Density designation, a variety of residential building forms are contemplated, including detached and semi-detached dwelling units, townhouses, attached housing and walk-up apartments. The permitted

density in this designation is between 26 and 50 units per hectare, with some flexibility to the density requirements of the Official Plan.

Part VI, Section 3.2 e) of the Official Plan states that “minor variations from numerical requirements in the Plan may be permitted without a Plan amendment, provided the general intent of the Plan is maintained”. Staff recognize that the proposed density of 52 units per hectare is above the Official Plan maximum of 50 units per hectare; however it is the opinion of staff that the intent of the Official Plan is still maintained and is satisfied with the proposed density. The purpose of the Official Plan density requirement is to ensure that sites do not become overbuilt or too dense. Given the existing context of the area and surrounding medium density development, staff are of the opinion that the density is appropriate and compatible. The site supports a private road that is 6 metres in width which allows for proper space for garbage trucks and emergency vehicles, is not deficient in parking and still maintains appropriate buffering to surrounding development. Staff find the minor variation in the maximum density requirement to be in keeping with the intent of the Official Plan.

The application is subject to the Housing Intensification and Infill Development policies of the Official Plan. These policies provide specific criteria to consider when evaluating applications for infill residential intensification in existing neighbourhoods. The Official Plan encourages residential intensification as a means of increasing the amount of housing stock, provided that development is compatible and appropriate for the area, as outlined in Part III, Section 2.5.1 a):

“to encourage residential intensification as a means of increasing the amount of available housing stock including rooming, boarding and lodging houses, accessory dwelling units, infill, redevelopment and conversions within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood”.

The Official Plan contains criteria that must be assessed when considering proposals for housing intensification. This proposal represents intensification of a property adjacent to an existing residential neighbourhood. Criteria found in subsection 2.5.2 (a) of the Official Plan), include the following:

- i) Adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland.*

The site is located in the urban area and servicing is available. The Region of Halton has provided comments on the proposal and notes that the Functional Servicing Report submitted by the applicant is adequate and that appropriate measures will be taken to service the proposed development. Stormwater was reviewed by the City's Site Engineering staff and they have no issues with the proposal.

Parkland and school accommodation have also been reviewed and it should be noted that adequate parkland exists in the area for the new dwelling units proposed, and existing schools can accommodate the increase in residents.

ii) Off-street parking is adequate.

The applicant is not requesting a reduction in the required parking. The proposed development provides one parking space in the garage and one parking space in the driveway for each of the ten units. In addition, five visitor parking spaces are proposed, which would provide 0.5 visitor parking spaces per unit. This meets the requirement for townhouse units set out in By-law 2020. Staff are of the opinion that off-street parking is adequate.

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 street.

According to the traffic report submitted by the applicant, the original proposal, for 11 units, would have generated five trips in the morning peak hour and six trips in the evening peak hour. Since the time the traffic report was done, the proposed number of units has been reduced to ten, and as such, the amount of trips generated by the proposal will also have been reduced in number. Transportation staff have reviewed the documents submitted and agree that the findings within the traffic report are acceptable. The number of vehicles accessing the proposed development is small and can be accommodated on the existing public road.

iv) The proposal is in proximity to existing or future transit facilities.

A bus route exists along this stretch of New Street. Bus stops are existing to the east and to the west of the subject lands.

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.

The proposed townhouse development is medium density. The Official Plan and Zoning By-law both allow for medium density development on this site. The site is surrounded by various forms of development; including commercial uses, and residential uses such as single detached, semi-detached and townhouse units. The proposed built form is in keeping with what exists in the area.

The site abuts the Centennial Multi-Use Bike Path to the north. As such, the proposed development is buffered from abutting single detached homes north of the bikeway. To the west of the subject lands is a two-storey single detached dwelling with a commercial

component on the east side. The proposed development would abut the commercial side of this building and the impact on the residents would be minimal. To the east of the subject lands are existing townhouses and semi-detached units. The proposed development will be slightly closer to the New Street frontage than the development to the east; however staff are of the opinion that the type of development and the site design are compatible with one another. Medium density development exists across New Street. Because of what currently exists in the surrounding area, staff are of the opinion that the proposed development will fit within the existing streetscape and character of the area.

In order to further buffer the impact of the proposed development on the streetscape, the applicant is proposing to have the garages internal to the site and to integrate front porches and decorative facades. Staff recognize that street trees along New Street are proposed to be removed as a result of development, but the applicant has worked with staff from the City and the Region to resolve this issue to the greatest extent possible, as discussed below. Staff are satisfied that the proposed built form and site design are compatible with the area, and potential negative impacts have been carefully reviewed and considered.

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.

It should be noted that there are four trees along the New Street frontage which are proposed to be removed as a result of the proposed development. The Region had requested that trees not be replanted in this location as there is a water main and sanitary trunk under the ground. The applicant has been working with the Region to try to address this concern. Replacement trees will likely be able to be planted along this frontage, closer to the proposed buildings in order to keep them away from the water main and sanitary trunk. Details of the proposed tree plantings will be confirmed at the Site Plan stage.

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

Not applicable – the proposed dwellings will not produce significant sun-shadowing.

viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care.

The subject lands abut the Centennial Bikeway to the north which will provide connectivity. Further, the site is in proximity to shopping centres, schools and parks.

- ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts.*

The site currently supports two single detached dwellings, whereas the applicant is proposing ten townhouse units. Staff note that townhouses are a permitted use on the subject lands and does not object to the proposed change in built form. In changing the type of dwelling units, however, there will be less space available on the site for trees; which can currently be accommodated due to a smaller footprint. This issue has been recognized by staff; and the applicant has worked with staff to create buffering in other ways to minimize visual impacts.

It should be noted that at the rear of the site, a 7 metre buffer is required between the existing Trans-Northern Pipeline and proposed buildings. The applicant has fulfilled this requirement. Board on board privacy fences will be provided on the east and west sides of the site; and the design will be carefully considered at the front of the site in order to protect the streetscape to the greatest extent possible.

- x) Where intensification potential exists on more than one adjacent property, any redevelopment proposals on an individual property shall demonstrate that future redevelopment on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate.*

Future development potential exists for the property directly to the west of the subject lands. This proposal would not adversely impact this potential future redevelopment. The concept plan submitted by the applicant shows the potential of the private condominium road being extend to the west and connecting to the adjacent property. The concept shows four additional townhouse units fronting onto this extension. The concept has not been reviewed or approved by staff; however it demonstrates the potential for the redevelopment of the adjacent property, provided that access is guaranteed by the subject condominium corporation to the remnant parcel. This requirement is set out in the Residential Development Agreement in Appendix C.

- xi) Natural and cultural heritage features and areas of natural hazard are protected.*

Not applicable – there are no identified natural and cultural heritage features on this site.

- xii) Where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m).*

Not applicable – These sections relate to measures to address potential increased downstream flooding or erosion resulting from development occurring in South Aldershot. Neither is applicable to this application.

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 the existing and proposed residential buildings is provided.

Not applicable – the subject proposal is for ground-oriented development.

Zoning By-law 2020

The subject lands are currently zoned “Medium Density Residential in Holding (H-RM2)”. The applicant has assembled these two parcels of land in order to satisfy the land assembly requirements so that the holding zone can be removed. The base RM2 zoning will apply to the lands, with site specific modifications in order to accommodate the proposed development.

The following table details the regulations of the existing RM2 zone and the proposed site specific exception requested by the applicant, followed by a staff comment.

Existing RM2 Zoning	Proposal	Staff Comment
Minimum Lot Area: 0.4 hectares	0.19 hectares	The subject lands were comprised of two parcels having sizes of approximately 0.1 hectares and 0.09 hectares. The applicant has demonstrated that a reduced area can provide for adequate parking, driveways and amenity space.
Minimum Front Yard Setback: 9 metres	1.5 metres	The proposed front yard setback reduction is to accommodate rear yards for the rear block of townhouses and a private road having an appropriate width. The applicant has attempted to mitigate the negative impacts of having the proposed dwellings units close to the street by proposing garages at the rear; interior to the development. This will help to improve the streetscape and contribute to a better pedestrian experience. Further, the applicant is proposing to plant trees along New Street to replace those which are proposed to be removed. This will also help to mitigate the visual impact of the proposed townhouse block. While the setback is taken to the property line, staff notes that there are approximately 10 metres from the paved

Existing RM2 Zoning	Proposal	Staff Comment
		portion of New Street to the front lot line; which serves as a visual buffer.
Minimum Rear Yard Setback: 9 metres	4.5 metres	<p>The property abuts a pipeline easement having a width of approximately 20 metres to the rear with an additional buffer of approximately 10 metres on either side. As such, impacts on privacy would be minimal, as the rear yards of adjacent properties to the north are located a significant distance from the subject lands. The proposed rear yard setback provides adequate amenity space.</p> <p>Trans-Northern Pipelines Inc. has reviewed the proposal as well, and their comments are noted below.</p>
Minimum West Side Yard Setback: 4.5 metres	1.3 metres	<p>The proposed setback of 1.3 metres is to a pinch point; with the remainder of the proposed buildings being setback further. This side of the property currently supports a detached garage with a setback of less than 1 metre. The 1.3 metre setback will abut the building wall of the commercial component of the existing building to the west and will not have a negative privacy impact. At the rear of the property, the setback is greater, and the furthest point of the building to the north is proposed to be setback just over 3 metres. The effects of this setback will be minimal on the property to the west.</p>
Maximum Density: 40 units per hectare	52 units per hectare	<p>The increase in density is appropriate for the proposed development. The site can adequately accommodate the proposed units and associated parking and amenity space.</p>
Minimum Setback for Yard Abutting Pipeline Easement: 7 metres	4.5 metres	<p>Trans-Northern Pipelines Inc. has reviewed the application and notes that the setback of 4.5 metres to the property line is acceptable as long as it will be respected as a zero development buffer zone; meaning no excavation, structures, pavement, garbage containers etc will be permitted within this setback. Only grass, mulch or natural ground cover will be permitted.</p>

Existing RM2 Zoning	Proposal	Staff Comment
		<p>It should also be noted that the total setback to the pipeline is 7 metres; however the setback to the rear property line within the subject lands is 4.5 metres. In this regard, the proposal does provide a total of 7 metres to the Pipeline. The setback is therefore sufficient.</p>
Setback for Front Porch and Stairs abutting New Street	0 metres	<p>The 0 metre setback reflects the setback for the stairs which connect to New Street, and not a building wall. This will improve the façade of the building and add a decorative element.</p> <p>As previously mentioned, there are approximately 10 metres from the paved portion of New Street to the front lot line, which will provide a visual buffer from the street.</p>
<p>Maximum Height: 2 storeys</p> <p>Maximum Linear Height</p>	<p>4 storeys</p> <p>14.5 metres</p>	<p>The proposed building height has been reviewed in the context of the surrounding area. The site abuts a two-storey single detached dwelling with a commercial use to the west, the Centennial Multi-Use Bike Path to the north and a medium-density development to the east. While the proposed height is greater than what exists, the impact of the proposed height increase will be minimal.</p> <p>The proposed townhouses will appear as three-storey units; however because of the proposed rooftop amenity space, a stairwell is required for access to the roof of the third storey. Because the stairwell access contains enclosed floor area, which is considered to be living space, the townhouses are defined for zoning purposes as four storeys. It should also be noted that the north block of townhouses, abutting the Hydro Corridor, will not have rooftop amenity space.</p>
Landscape Area: 6 metres	1.5 metres	<p>The applicant will be working with staff at the Site Plan stage to plant trees along the New Street frontage; however the buildings have been designed to contribute to the</p>

Existing RM2 Zoning	Proposal	Staff Comment
		streetscape in a positive way.
Front Yard Setback to Parcel of Tied Land (POTL) Boundary: 3 metres	To front porch and front wall of building: 1.3 metres (1 metre to front porch for Units 5 and 10)	<p>The parcels of tied land are proposed to have a front yard setback from the private condominium road of 1.3 metres to the front porch and to the building.</p> <p>It should be noted that at the closest point, a front yard setback of 1 metre is proposed to the front porch of units 5 and 10.</p> <p>The proposed front porches will improve the look of the buildings. The proposed setback to the front of the buildings represents the closest point of the building on the first storey; however the garage is located 6 metres from the lot line abutting the private condominium road. The second storey cantilevers over the driveway. The garage is located further back than the remainder of the dwelling, and since the dwellings will front onto a private road, the impacts will be minimal. Amenity space is proposed in the form of rooftop open space for the five units fronting onto New Street.</p>
Rear Yard Setback to Parcel of Tied Land (POTL) Boundary: 6 metres	1.5 metres abutting New Street 4.5 metres abutting Hydro Corridor	<p>With respect to the setback abutting New Street, the comments above relating to the front yard setback from external property boundaries apply.</p> <p>With respect to the setback abutting the Hydro Corridor, the comments above relating to the setback to the Hydro Corridor lands apply.</p>
Driveway Length: 6.7 metres	6 metres	The driveways on the site front onto a private condominium road. While the proposed front and rear yard setbacks for the proposed development are considered to be acceptable, they should not be reduced any further in exchange for longer driveway widths. Staff will not consider anything less than 6 metres; however given the layout of the site and its constraints, 6 metres in this case is considered to be acceptable.
Setback from Visitor Parking to Window of	0.5 metres	This measurement is taken from the closest point of a visitor parking space to a window of

Existing RM2 Zoning	Proposal	Staff Comment
Habitable Room		a habitable room. This is a pinch point, and the distance increases. The visitor parking only abuts one of the ten units, and only two of the spaces are adjacent to this unit. The impact of this will be minor.
Setback from Driveway to Window of Habitable Room	1.2 metres	The measurement is taken from the private condominium road to the closest window of a habitable room. The road will only be accessed by the residents of the townhouse units and impacts will be minor.

Technical Review

The Zoning By-law Amendment application and supporting documents were circulated to internal departments and external agencies for review. Originally the applicant had proposed a townhouse development consisting of 11 units; however the proposal was reduced by one unit following the technical comments. Internal departments who commented on this application include Transportation, Site Engineering, Zoning, Landscaping and Forestry, Finance and Burlington Economic Development. External agencies who have commented on this file include Halton Region, Conservation Halton, Burlington Hydro and Trans-Northern Pipelines Inc.

Internal Department Comments

Transportation Planning

City of Burlington Transportation Department Staff have no objections to the application and are satisfied with the submitted Traffic Report. Staff commented that bicycle parking will be required. This detail will be implemented and reviewed at the Site Plan stage.

Site Engineering

Site Engineering staff have reviewed the proposal and have noted that they have no further concerns at the rezoning stage; however the details of the proposal will need to be reviewed further at the Site Plan stage. Site Engineering staff also noted that a Phase I Environmental Site Assessment will be required at the Site Plan stage.

Landscaping and Forestry

Landscaping and Forestry staff have noted that there are many trees proposed to be removed and there may not be adequate space on the site to replace them caliper for caliper. Landscaping and Forestry staff have no objection to the Zoning By-law

Amendment; however the applicant is encouraged to plant as many replacement trees on the site as possible. Recognizing that it will not be possible to replace all of the trees which are proposed to be removed, staff has also requested compensation which will be used by the City to plant replacement trees elsewhere.

Landscaping and Forestry staff acknowledge that four trees within the New Street right-of-way are also proposed to be removed. The Region had previously commented that new trees are not permitted on top of the sanitary trunk; however they have noted that a solution may be possible, which will be discussed at the Site Plan stage. Landscaping and Forestry staff are satisfied with this.

Zoning

Zoning staff have reviewed the site plan and have assisted in producing the site-specific zoning by-law regulations for this site, provided as Appendix B to this report. Zoning Staff will be tracking all applications for Zoning Clearance for the development in the future to ensure that the site specific exceptions needed for the site are enforced.

External Agency Comments

Region of Halton

The Region of Halton has provided extensive comments on the application and has noted that they have reviewed the submitted Functional Servicing Report and have no issues. They also commented that the proposed street tree plantings along the New Street frontage will need to be reviewed in order to avoid a conflict with the Region's trunk watermain and trunk wastewater main. This can be addressed at the Site Plan stage.

In addition to the above, the Region had noted that the previously proposed turning radius was not wide enough to accommodate garbage pick-up. The applicant responded to this comment by reducing the number of units (from 11 to 10); and widening the radius. While a 13 metre radius is typically required by the Region, they have worked with staff to accommodate a 12 metre radius; with the condition that the curbs be depressed. The applicant has accommodated this request.

Conservation Halton

The City's mapping system shows that the subject lands are within the Conservation Halton regulated area. Conservation Halton has confirmed that the properties are of an elevation that will not be flood susceptible or regulated by Conservation Halton.

Trans-Northern Pipelines Inc.

Trans-Northern Pipelines Inc. have reviewed the proposal. The proposal requests a rear yard setback of 4.5 metres; whereas a minimum setback of 7 metres is required abutting a pipeline easement. Trans-Northern Pipelines Inc. have indicated that they are comfortable with the reduced setback to the rear yard setback; however this space must be respected as a zero development zone. No excavation, structures, pavement, garbage containers etc. will be permitted within this setback. They do note, however, that a fence is permitted for the purpose of separation of property boundaries.

Other Comments

Comments were also received by the Halton District School Board and the Halton Catholic District School Board, who provided their standard comments on the proposal and had no objections.

Financial Matters:

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

Public Engagement Matters:

The applicant posted a public notice sign on the property in early May 2017. All of the technical studies and supporting materials for this development were posted on the City's website at www.burlington.ca/3225-3237NewStreet.

A neighbourhood meeting for this development application was held on June 8, 2017 at Gary Allan High School. Approximately 24 members of the public were in attendance, as well as the Ward Councillor, City staff, the applicant, the owner of the lands and the consultants who have contributed to the application submission.

As a result of the public consultation, several written comments were received from members of the public. Some constituents provided multiple e-mails. Public comments can be found in Appendix D of this report. The comments received in writing at the neighbourhood meeting highlighted the following themes and areas of concern about the development and are summarized below, along with a staff response:

Public Comment	Staff Response
The building height is greater than the townhouse developments which	While the proposed development is taller in linear height than surrounding development, the height,

Public Comment	Staff Response
surround the property	massing, built form and scale are appropriate for the area. The proposed townhouses are separated from the east property line by approximately 13 metres.
Rooftop patios may cause privacy and noise concerns for neighbouring land owners	The rooftop amenity areas are located a substantial distance from surrounding development and privacy impacts will be minimal. It should also be noted that only the block of townhouses abutting New Street will include rooftop amenity space. An Environmental Noise Impact Study was submitted by the applicant and staff were satisfied with the findings of the Study.
Would like to see a buffer of trees and appropriate fencing separating the development from adjacent properties	A chain link fence is proposed along the rear property line; abutting the Centennial Multi-Use bike path. Board on board privacy fencing, to ensure adequate privacy for abutting properties, is proposed along the east and west property lines. Trees are proposed to be planted along the eastern property line for additional screening. Beyond the trees and fence on the east side of the subject property will be the driveway to the development.
Garbage storage area shown on the initial site plan has the potential to cause odour and attract rodents which could negatively affect enjoyment of adjacent lands to the east	The applicant has been working with the Region of Halton to address this issue. In order to accommodate curbside garbage pickup, the applicant has reduced the proposed number of units to ten and increased the proposed turning radius to 12 metres with depressed curbs. This allows for garbage to be stored within the units and placed at the bottom of individual driveways for pickup.
Concern about loss of trees on the site and on New Street	<p>In order to facilitate the proposed development, a significant number of trees are proposed to be removed (4 city trees and 18 privately owned trees). The applicant has been working with the Region in order to accommodate appropriate replacement plantings along the New Street frontage, and this will be done at the Site Plan stage.</p> <p>Landscaping and Forestry staff recommend that caliper for caliper replacement be implemented; however they do recognize that due to site constraints, this might not be possible. Staff are therefore requiring cash-in-lieu compensation to</p>

Public Comment	Staff Response
	allow for planting of replacement trees elsewhere in the City.
Development is seen as too dense and fewer units are preferred	The applicant has reduced the number of units from 11 to 10. This reduction has assisted in providing more landscaped area and a less dense development. The proposed development is suitable for the site.
The proposed buildings are out of character (aesthetically) with the neighbourhood	Building designs change over time, and not all buildings will look the same. While elements such as materials and colours are reviewed at the rezoning stage, the proposal will be subject to a Site Plan review process which will entail a detailed design review by the City's Site Plan and Urban Design staff.
The three storey form will not cater to the existing demographic of the area which has many seniors because there will be too many stairs	The intent of the applicant is not to cater to one specific demographic. Provincial, Regional and City long range plans encourage variety in the configuration of dwelling types to meet the needs of all demographics.
If window air conditioning units are used, they will cause noise issues for adjacent property owners	An Environmental Noise Impact Study was submitted as part of the application and was reviewed by the City's Capital Works staff, who have indicated that they are satisfied with the findings of the report.
There is too much development happening in the area	The subject lands are zoned "Residential Medium Density with a holding provision (H-RM2)". The underlying zoning category, Residential Medium Density, permits townhouse developments.
Concern about distance proposed between the new dwellings and the existing detached dwelling located to the west	The dwelling located to the west has a commercial component, and it is that commercial component that is located closest to the property line. At the most narrow point, the setback is 1.5 metres from the proposed development to the west property line. This 1.5 metre pinch point is taken from the front porch of one of the proposed units; with the remainder of the building being set increasingly further back. The porch abuts the side building wall of the detached dwelling to the west, and staff are satisfied that the impact will be minimal.
Increased vehicle congestion on New Street from greater number of residents living in the area	A Traffic Report was prepared by the applicant and submitted as part of the Zoning By-law Amendment application. The report found that

Public Comment	Staff Response
	during peak time, five trips will be generated in the morning and six in the evening. These numbers are based on 11 units, whereas 10 are now proposed. Traffic impacts resulting from the development will be minimal.
Difficulty with turning from New Street to the property, and turning onto New Street from this property and others because of increased congestion	As previously mentioned, traffic generated from the proposed development will be minimal, and the number of trips will not significantly impact the ability to turn into the development from New Street, or turn onto New Street from the development.
Why was no shadow study done?	The proposed townhouses will have three storeys of living space. The stairwell to the rooftop amenity space is considered for zoning purposes to be a fourth storey. A shadow study was not required for this type of development.
There should be more family units	The proposed development is comprised of three-bedroom townhouse units. Units of this size can accommodate families.
Where will snow storage be located?	Snow storage will be accommodated at the northeast corner of the site. Further details will be determined at the Site Plan stage.

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 as it represents a medium density use within the Residential – Medium Density land use designation. This report recommends that the subject rezoning application be approved and that Zoning By-law 2020-XXX attached as Appendix D to Report PB-17-18 be adopted; following completion of a Residential Development Agreement containing the provision in Appendix "C".

Respectfully submitted,

Melissa Morgan

Planner II – Development Review

905-335-7600 extension 7788

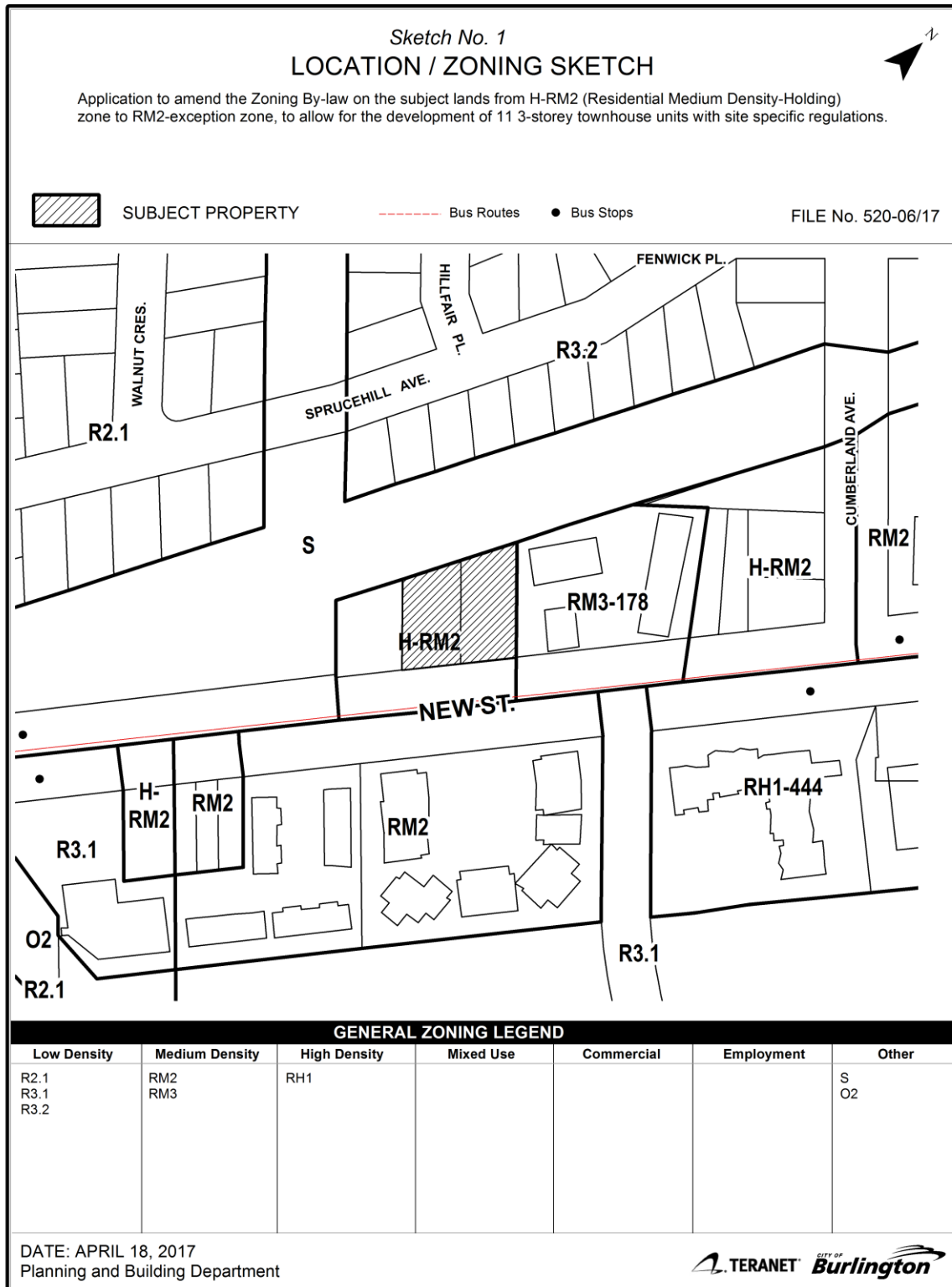
Appendices:

- A. Sketches
- B. Proposed Zoning By-law
- C. Residential Development Agreement Conditions
- D. Public Comments

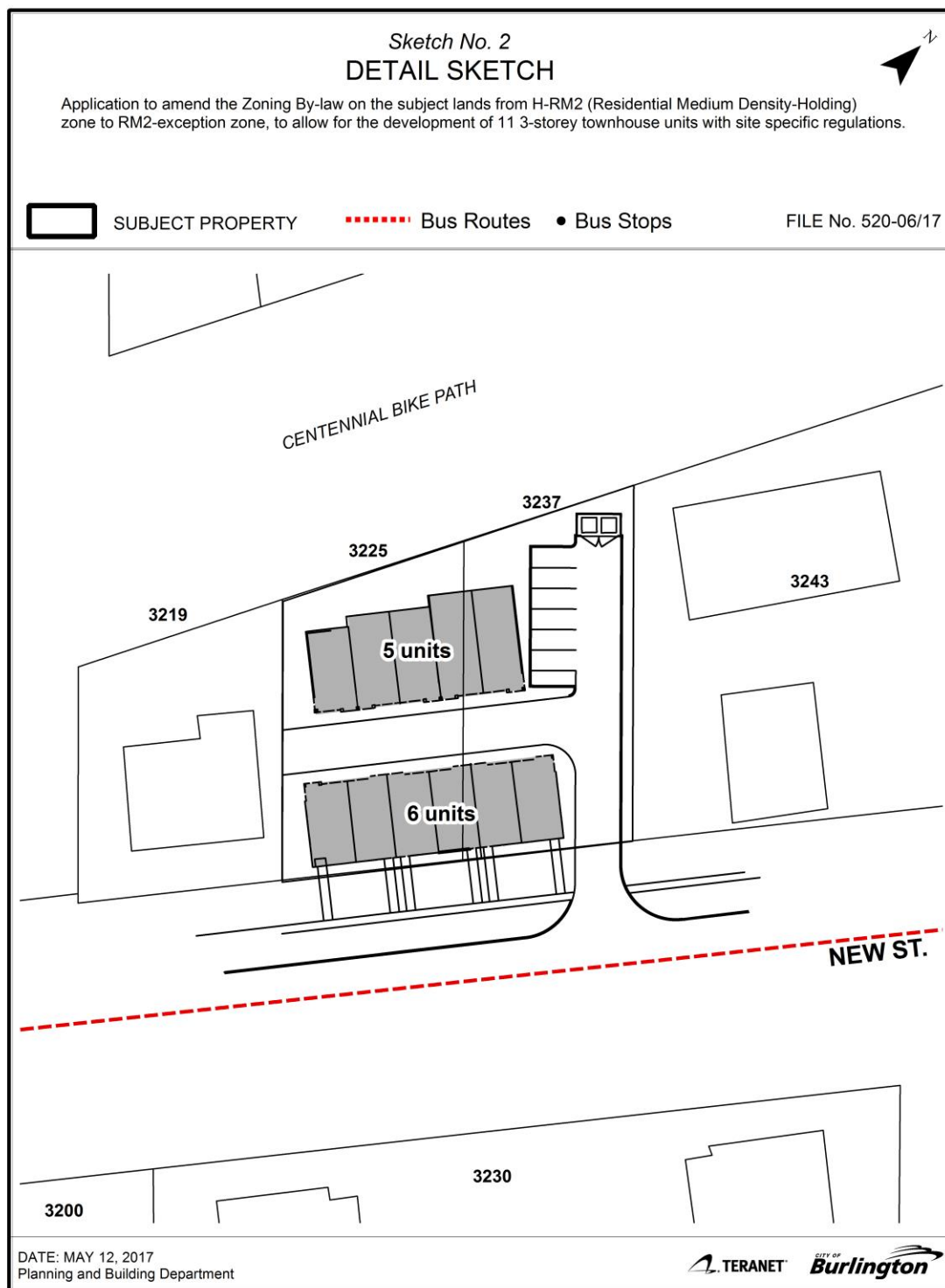
Report Approval:

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'



Previous Proposal (11 units)



Current Proposal (10 units)

