



**SUBJECT: Statutory public meeting and recommendation report for a zoning by-law amendment for 2130 & 2136 New Street**

**TO: Planning and Development Committee**

**FROM: Department of City Building - Planning Building and Culture**

Report Number: PB-50-18

Wards Affected: 2

File Numbers: 520-23/17

Date to Committee: September 11, 2018

Date to Council: September 24, 2018

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**Recommendation:**

Approve the application submitted by Desrochers Developments Inc. and Casi Incorporated to amend the zoning by-law to permit a cluster home development consisting of six detached cluster home units, on the basis that it is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and Regional and City Official Plans; and

Adopt Zoning By-law 2020-XXX, attached as Appendix B to department of city building report PB-50-18, rezoning the lands at 2130 & 2136 New Street from "Residential Low Density (R3.2)" to "Residential Low Density with Site Specific Exception (R5-490)"; and

Deem that the amending 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.

## **Purpose:**

The purpose of this report is to provide information for a statutory public meeting concerning an application to amend the zoning by-law to permit a cluster home development consisting of six detached cluster home units at 2130 & 2136 New Street, and to recommend approval of the application.

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

### **A City that Grows:**

- Intensification
    - 1.2.e Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.
  - Focused Population Growth
    - 1.3.a Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomers and young families and offers a price range and mix of housing choices.
  - A City that Moves:
    - 2.1.g Walkability and cycling has guided the development of new and transitioning neighbourhoods and the downtown so that people rely less on automobiles.
  - A Healthy and Greener City:
    - 3.1.a Every resident of Burlington lives within a 15 to 20-minute walk from parks or green spaces.
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**Executive Summary:**

<b>RECOMMENDATIONS:</b>		<i>Approve</i>	<b>Ward No.:</b>	<i>2</i>
<b>Application Details</b>	<b>APPLICANT:</b>  <b>OWNER:</b>  <b>FILE NUMBERS:</b>  <b>TYPE OF APPLICATION:</b>  <b>PROPOSED USE:</b>	<i>Desrochers Developments Inc. and Casi Incorporated</i>  <i>Same as above</i>  <i>520-23/17</i>  <i>Zoning By-Law Amendment</i>  <i>Residential</i>		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>  <b>MUNICIPAL ADDRESSES:</b>  <b>PROPERTY AREA:</b>  <b>EXISTING USE:</b>	<i>South side of New Street, east of Martha Street</i>  <i>2130 &amp; 2136 New Street</i>  <i>0.26 ha</i>  <i>2 detached dwellings (to be demolished)</i>		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b>  <b>OFFICIAL PLAN Proposed:</b>  <b>ZONING Existing:</b>  <b>ZONING Proposed:</b>	<i>Residential – Low Density</i>  <i>Residential – Low Density (no change)</i>  <i>R3.2</i>  <i>R5-490</i>		
<b>Processing Details</b>	<b>NEIGHBOURHOOD MEETING:</b>  <b>PUBLIC COMMENTS:</b>	<i>April 17, 2018</i>  <i>Staff have received 4 written comments</i>		

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## **Background and Discussion:**

### **General**

On February 1, 2018, the department of city building acknowledged that a complete application had been received to amend the zoning by-law to permit a residential development consisting of six detached cluster home units at 2130 & 2136 New Street.

This report provides an overview of the application, an analysis of the proposal against applicable policies and regulations, a summary of technical and public comments, and a recommendation that the site be rezoned from Residential Low Density (R3.2) to Residential Low Density with a Site Specific Exception (R5-490).

### **Site Description**

The subject site is located on the south side of New Street, east of Martha Street as shown on Figure 1 (below) and Sketch No. 1 (Appendix A). The site has an area of approximately 0.3 ha, with 49.5 m of frontage on New Street. Two single detached dwellings and a barn-type structure currently exist on the site and are proposed to be demolished. One of the dwellings, at 2136 New Street, contains five residential rental units.

The site is surrounded by bungalows to the immediate north, and one and two storey detached dwellings to the immediate east, west, and southeast. To the immediate southwest of the site is a four-storey apartment building (437 Martha Street). The lands abutting a portion of the southwest boundary are within the Downtown Area and zoned Downtown High Density Residential (DRH).



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

### Description of Application and History:

As shown on Sketch No. 2 (Appendix A), the applicant proposes to consolidate and develop the lands with six single detached dwellings fronting a private laneway off New Street. At this time, the applicant plans to develop the site as a standard condominium. To facilitate the development, the applicant has applied to amend the zoning by-law to rezone the subject property from R3.2 to R5-490.

In response to technical comments about the grading of the site and the submitted noise report, the applicant has submitted a revised site plan showing raised decks and a noise wall. The original submitted site plan proposed patios at grade. Staff's comments about these revisions are provided in the discussion section of this report.

The applicant has submitted the following materials in support of the application:

- [Planning Justification Report](#), prepared by Greg Poole & Associates Inc., dated October 2017:
  - The report explains that the proposed development adds to the City's housing stock, makes more efficient use of existing infrastructure and public services, and is designed to maintain the established neighbourhood character. The report concludes that the development is consistent with the Provincial Policy Statement and is in conformity to the Growth Plan for the Greater Golden Horseshoe, Region of Halton Official Plan, and City of Burlington Official Plan.

- [Site Plan, Floor Plans, and Building Elevations](#), prepared by Cynthia Zahoruk Architect Inc., dated September 22, 2017; and Revised Site Plan, prepared by Cynthia Zahoruk, last revised July 16, 2018.
- [Urban Design Brief](#), prepared by Cynthia Zahrouk Architect Inc., dated September 8, 2017:
  - The Brief explains that the vision for the proposed development is to provide for a modern lifestyle while maintaining the heritage aspect of the neighbouring homes. Some of the drivers of the design include providing one and a half car garage and double driveway for owners' and visitors' parking, and enhancing New Street elevations to enhance the streetscape and evoke traditional details. The Brief also states that the buildings will be two storeys in height, and the internal roofline will be designed to give the impression of a one and a half storey.
- [Transportation Brief](#), prepared by Paradigm Transportation Solutions Limited, dated October 2017:
  - The Brief concludes that the traffic impacts from the site are expected to be minimal and remedial measures will not be required to accommodate site-generated trips.
- [Noise Study](#), prepared by dBA Acoustical Consultants Inc., dated June 2017 and revised June 2018:
  - The Study finds that the allowable dBA for the two units proposed to front New Street will be exceeded (Units 1 and 6). The Study recommends that central air conditioning be provided for all units, and warning clauses be registered on title or a noise wall be provided for Units 1 and 6.
- Phase I Environmental Site Assessment, prepared by Landtek Limited, dated July 25, 2017 and July 18, 2018, respectively:
  - The assessment sought to identify and document if actual or potential environmental sources of contamination are associated with the subject lands, based on a review of historical land use/activities and a site inspection, and assess the need, if any, to undertake a Phase 2 site assessment. The assessment found that there is no requirement to undertake further environmental evaluation of the site at this time. The first submission of the assessment was completed in accordance with CSA standards and not to O. Reg. 154/03 – the standard accepted by the City and Halton Region. The applicant has since revised the assessment to meet accepted standards; the revised assessment provides the same conclusion as the original submission.

- [Geotechnical Report](#), prepared by Landtek Limited, dated September 1, 2017:
  - The Report provides a summary of the subsurface soil conditions at the site and design and construction recommendations with regards to building foundations, floor slabs, pavement structures and subsurface drainage and utilities.
- [Topographic Survey](#), prepared by Mackay, Makay & Peters, dated October 3, 2013;
- [Functional Servicing Report](#), prepared by Odan/Detech Group Inc., dated November 2017, updated June 2018;
- [Grading, Servicing, Erosion and Sediment Control Plan](#), and [Notes and Details](#) prepared by Odan/Detech Group Inc., last revised on June 28, 2018;
- [Arborist Report and Tree Preservation Plan](#), prepared by GLN Farm & Forest Research Co. Ltd., dated December 5, 2017 and revised on June 29, 2018:
  - The Plan identifies 64 trees on the subject site, 43 of which are proposed for removal (67%). These trees are composed almost entirely of non-native and invasive species. Some of the trees are in poor condition, and the remaining trees proposed to be removed are directly in the areas to be developed.
- [Building Heights Certificate](#), prepared by Mackay, Mackay & Peters, dated September 13, 2017
- [Surrounding Building Heights Certificate](#), prepared by Mackay, Mackay & Peters, dated September 29, 2017

All of the supporting documents have been published on the City's website for the subject application, [www.burlington.ca/2130-2136-New-St](http://www.burlington.ca/2130-2136-New-St).

## **Discussion: Conformity Analysis and Policy Framework Review**

The proposed zoning by-law amendment is subject to the following policy framework: Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2017), Region of Halton Official Plan, City of Burlington Official Plan, and the City of Burlington Zoning By-law 2020. Staff have reviewed and analyzed the planning merits of these applications within this policy framework, as described below.

### ***Planning Act: Matters of Provincial Interest***

Municipalities, when dealing with their responsibilities under the *Planning Act*, shall have regard to a wide range of matters of provincial interest. A number of these matters of provincial interest are relevant to this site-specific development application. Key matters are highlighted below and are discussed in greater detail in the remainder of this report.

**Table 1 – Matters of Provincial Interest**

<b>Matter of Provincial Interest</b>	<b>Staff Analysis</b>
The adequate provision and efficient use of communication, transportation, sewage and water services and waste management system.	Sufficient infrastructure exists to support the proposed development application.
The orderly development of safe and healthy communities	The redevelopment of these lands represents orderly intensification of the City. Accessibility for all persons has been considered.
The protection of the financial and economic well-being of the Province and its municipalities	The proposed development is located within an area well serviced by infrastructure and public service facilities, and will not require support from significant public sector investment.
The appropriate location of growth and development	The proposed development is located in a residential low-density neighbourhood, adjacent to Burlington Downtown, and within walking distance of transit. Staff are of the opinion that the proposed development is compatible with the transitional character of the neighbourhood and represents appropriate intensification.
The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.	The proposed development is located along a number of bus routes, and is within walking distance of Downtown Burlington and the Downtown Burlington bus terminal.

***Provincial Policy Statement, 2014***

The Provincial Policy Statement (PPS) provides broad policy direction on matters of provincial interest related to land use planning and development and sets the foundation for regulating development and land use in Ontario. The PPS promotes appropriate development based on efficient land use patterns that optimize the use of land, resources, infrastructure, and public service facilities and that contain an appropriate range and mix of uses to meet long-term needs. Intensification is encouraged, provided that it is appropriate.

- *Efficient Development and Land Use Patterns*

Subsection 1.1.1.a) and e) of the PPS states that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns that sustain the financial well-being of the Province and municipalities, and by promoting cost-effective development patterns to minimize land consumption and servicing costs. The PPS directs growth and development to settlement areas, and promotes land use patterns that are based on densities and a mix of land uses which “1. *efficiently use land and resources*; 2. *are appropriate for, and effectively use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion*” (PPS, 1.1.3.2a)).

The proposed development will contribute to an efficient land use pattern and compact form by intensifying a site where adequate infrastructure and public service facilities exist. According to Regional staff, City Transportation and City Parks and Open Space staff, and the Halton District and Halton Catholic District School Boards, existing water and wastewater servicing, transportation infrastructure, parks, and school capacity is available to support the development.

- *Air Quality, Climate Change, Active Transportation, Transit*

Subsection 1.1.3.2a) 3 to 6 of the PPS states that densities and land use mix should also minimize negative impacts to air quality and climate change, and support active transportation and transit.

The subject site is located along five bus routes, and is within walking distance (500 m) of the Downtown Burlington Bus Terminal. The proposed development will introduce four additional dwellings to the neighbourhood, and consequently increase the overall density of the neighbourhood to support transit. By supporting transit and active transportation, the proposed development will help reduce greenhouse gas emissions and minimize negative impacts to air quality and climate change.

- *Appropriate Intensification*

The PPS also states that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment (PPS, 1.1.3.2b). Planning authorities are directed by the PPS to identify appropriate locations and promote opportunities where intensification and redevelopment can be accommodated, taking into consideration existing building stock or areas, infrastructure and public service facilities. Planning authorities are also directed to promote appropriate development standards that facilitate intensification, redevelopment and compact development, while avoiding or mitigating risks to public health and safety (PPS, 1.1.3.3 and 1.1.3.4).

The City has set out standards for housing intensification in established neighbourhoods in section 2.5.2a) of the City's Official Plan. These criteria include adequate servicing and compatibility with the existing neighbourhood character.

As discussed in detail in the "City of Burlington, Official Plan" section of this report, the proposed development satisfies the City's housing intensification criteria and is compatible with the existing low density character of the neighbourhood. Therefore staff are of the opinion that the proposed development represents appropriate intensification and is consistent with the intensification policies of the PPS.

Summary: Planning staff are of the opinion that the proposed development conforms to the Provincial Policy Statement, 2014 because it will contribute to an efficient land use pattern and compact form, minimize negative impacts to air quality and climate change, support transit and active transportation, and represents appropriate intensification.

### ***Growth Plan for the Greater Golden Horseshoe, 2017***

The new Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017. All planning decisions made on or after July 1, 2017 must conform to the Growth Plan. The Growth Plan builds on the policy foundation set out in the PPS and provides a framework for implementing the Province's vision for building stronger, prosperous, complete communities by better managing growth.

The Growth Plan contains population and employment forecasts to plan for and manage growth to 2041. The policies direct the vast majority of growth to settlement areas and, more specifically, within delineated built-up areas and strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (Growth Plan, 2.2.1.2a); 2.2.1.2c)).

Municipalities are also required to develop and implement, through their official plans and supporting documents, a strategy to achieve intensification and the minimum intensification target set out in the Growth Plan (Growth Plan, 2.2.2.4). The strategy is to "*encourage intensification generally to achieve the desired urban structure*" and "*identify the appropriate type and scale of development and transition of built form to adjacent areas*", as well as identify strategic growth areas (Growth Plan, 2.2.2.4a) and b)).

The City's Official Plan provides an intensification strategy for Burlington. It directs a significant amount of population and employment growth to mixed use intensification corridors and centres, while also providing criteria for evaluating intensification proposals in existing neighbourhoods (Official Plan, 2.5.2a); 2.5.4).

Staff are of the opinion that the proposed development is in conformity with the Growth Plan. The development is an intensification of lands within the City's built-up area, where adequate municipal water and wastewater infrastructure, public transit, parks and school facilities exist. It is also located adjacent to Downtown Burlington - a strategic

growth area. Furthermore, as discussed in the “City of Burlington Official Plan, 2008” section of this report, the proposed development satisfies the City’s intensification criteria, and therefore represents an appropriate type and scale of development.

Summary: The proposed development conforms to the Growth Plan because it is located in the built up area, in proximity to transit and other public services, and is an appropriate type and form of intensification.

### ***Halton Region Official Plan (ROP)***

The Region’s Official Plan (ROP) provides goals, objectives and policies to direct physical development and change in Halton Region. The subject lands are designated “Urban Area” in the ROP. Urban Areas are areas where municipal water and/or wastewater services are or will be made available to accommodate existing and future urban development and amenities (ROP, 74). The objectives of the Urban Area include: *“to accommodate growth in accordance with the Region’s desire to improve and maintain regional unity, retain local community identity, create healthy communities...; to support a form of growth that is compact and supportive of transit and non-motorized forms of travel, makes efficient use of space and services; ...and to facilitate and promote intensification and increased densities”* (ROP, 72(2), (9)).

The ROP also states that the range of permitted uses and the creation of new lots within the Urban Area shall be in accordance with local official plans and zoning by-laws. However, all development is subject to the policies of the ROP. (ROP, 76)

The proposed development is in keeping with the Halton Region Official Plan. The proposed development will introduce four additional dwellings to the neighbourhood and thereby contribute to a compact built form, increase the overall density of the neighbourhood, and make efficient use of land and existing water and wastewater, transit, parks and education facilities and services. The proposed low density residential use and single detached dwelling form is permitted by the City’s Official Plan.

Regional staff have also reviewed the subject applications, and comment that they are satisfied that the proposed development conforms to the Urban Area policies of the ROP.

Summary: The proposed development is in conformity to the Halton Region Official Plan because it contributes to a compact form of growth, supports transit, and is for a use that is permitted by the City’s Official Plan. The proposed development is for intensification of an existing neighbourhood that meets the City’s intensification criteria.

### ***City of Burlington Official Plan, 2008***

The property is designated as “Residential – Low Density” on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. This designation permits single-detached and semi-detached housing units with a maximum density of 25 units per net hectare. Other attached ground oriented housing forms may also be permitted in this designation, provided that the form does not exceed a density of 25 units per net hectare and is compatible with the existing residential neighbourhood. The applicant is proposing six detached cluster home units, with a density of 23 units per net hectare.

### ***Rental Conversion***

Part III, Policy 2.3.2 f) of the Official Plan prohibits the demolition or conversion to freehold or condominium of residential rental properties containing six or more units, except under certain circumstances. Since the proposed development would result in the loss of five rental housing units, the proposed development is not subject to the Official Plan’s rental protection policy.

### ***Road Widening***

As per Part II, Policy 3.3.2a), rights-of-way shall be protected and secured through the development process. Table 2 – Road Allowance Widths of the Official Plan shows that the deemed width of New Street is 30 m, whereas the actual width of New Street is +/- 20 m. Dedication of lands to the City will therefore be required. The required dedication has been acknowledged on the applicant’s submitted plans, and will be addressed as a condition of site plan approval.

### ***Residential Intensification Criteria***

The Official Plan also contains criteria to be considered when evaluating proposals for residential intensification within established neighbourhoods. These criteria are set out in Part III, Policy 2.5.2a) of the Official Plan and 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.*

The Region has no objections to the proposed development and has advised that they are generally satisfied that the proposed development can be serviced via the existing Regional water and wastewater system.

According to Halton District School Board, the students generated from this development can be accommodated at Lakeshore Public School, Burlington Central Elementary, and Burlington Central High School with minimal impact to the facilities, and at Tom Thompson PS with the addition of portables. Halton Catholic District School Board notes that students from the proposed development would be accommodated at

St. John (Burlington) Catholic Elementary School and Assumption Catholic Secondary School. Neither school boards have objections to the proposed development.

City Parks and Open Space staff have advised that adequate parkland is available to accommodate this development, as neighbourhood parks (Lions Park and Centennial Multi-use Path) are located within a 0.8 km distance of the site, and city/community parks (Spencer Smith Waterfront Park and Central Park) are within 0.8 to 2.4 km of the site. As such, cash-in-lieu of parkland dedication is recommended for this development.

Thus, adequate municipal services are available to accommodate the proposed development.

*(ii) Off-street parking is adequate*

The applicant is proposing 3 occupant spaces and 0 visitor spaces for each unit. Although no visitor spaces are proposed, staff are of the opinion that off-street parking is adequate because the proposed number of occupant spaces will exceed the Zoning By-law requirements.

*(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;*

Given the scale of the development, City Transportation staff do not anticipate significant impact to the transportation system from the trip generation of the site, and comment that traffic mitigation measures are not required. Transportation staff are also satisfied that the proposed configuration of the private laneway will result in appropriate movement of large vehicles in and out of the site.

City Fire Services comment that the private laneway is to be designed, constructed and designated as a fire access route, and note that the fire access route orientation as indicated on the submitted site plan appears acceptable without revision.

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

The proposed development is within walking distance to transit facilities. The subject lands are located beside a bus route, within 60 m of two bus stops, and within 500 m from the Downtown Bus Terminal.

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

*Scale* – Scale is defined in the Official Plan as “*the proportion of a building or building element created by the placement and size of the building or element in comparison with adjacent buildings or building elements and to human dimension.*” Staff are of the opinion that the scale of the proposed development will be compatible with the existing neighbourhood.

Although the proposed zoning exemptions will allow buildings to be placed closer to the existing dwellings to the east and west property lines, any adverse effects on privacy will be mitigated by the existing large trees that are proposed to be retained and by the landscape buffer that is required along the boundary of the site.

Furthermore, the requested reduction in yard and landscape area abutting New Street will allow the proposed dwellings to be aligned with the existing buildings to the east of the site, and create a consistent street edge along New Street. The placement of the buildings closer to New Street are not expected to overwhelm the human scale because no increase in height or density is requested and, according to the submitted urban design brief, the proposed two storey dwellings will be designed to appear as though they are one and a half storeys.

*Massing* – The Official Plan defines massing as, “*The overall bulk, size, physical volume, or magnitude of a structure or project.*” As mentioned above, the applicant proposes to mass the buildings to give the appearance of one and a half storeys, and is not requesting increased height or density. The two units abutting New Street are also proposed to have wraparound porches facing New Street, with garages facing the future laneway and pushed behind the main building face. Staff are of the opinion that the proposed massing will reflect the traditional, one and two storey character of the existing neighbourhood, and will be able to exist in harmony with existing houses.

*Height* - The proposed buildings will be 9.3 m in height. The surrounding one and two storey dwellings are between 6.8 m and 9.2 m in height. Staff are of the opinion that the proposed height of the buildings will not result in undue adverse effects on the amenity areas of surrounding dwellings.

*Siting/Setbacks* - Staff are of the opinion that the proposed siting will help to create an active streetscape and reinforce the traditional character of the existing neighbourhood. Moreover, the proposed setbacks from the side and rear lot lines are sufficient to accommodate a landscape buffer and thereby ensure a transition between the proposed development and existing low rise dwellings.

*Coverage* – The proposed development will have a lot coverage that is similar to what is permitted on adjacent lots.

*Parking* - No visitor parking spaces are proposed, whereas the Zoning By-law requires a minimum of 0.5 visitor parking spaces for each unit. However, the applicant proposes to exceed the minimum required occupant parking spaces by providing at least 3 spaces per unit. Staff are satisfied that the proposed parking will be sufficient and not result in an adverse impact on neighbouring streets.

*Amenity Area* - Amenity areas will be provided in the rear yards of the proposed dwellings. The proposed amenity areas are sufficiently deep to accommodate a landscape buffer along the boundaries of the site to mitigate impacts on neighbouring properties.

A more detailed discussion on the compatibility of the proposed site specific exemptions with the existing neighbourhood is presented in Tables 1 and 2 of this report. Staff are of the opinion that the proposed zoning exemptions will yield a compatible form of development that can co-exist in harmony with the existing neighbourhood.

(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.*

Of the 64 trees listed in the submitted Tree Preservation Plan, 43 are proposed for removal (67%). These trees are composed almost entirely of non-native and invasive species and the majority are located along the fence line between 2130 and 2136 New Street. This is expected along a neglected vegetated boundary between the two existing residences. Providing a green barrier between the original properties is no longer necessary and the affected trees are not ecologically significant. The remaining trees to be removed are directly in the areas to be developed. There are 5 trees located within the future road widening which will be considered privately owned for the purposes of this review and development, until such times as the widening is dedicated to the City.

While the City does not have a definitive requirement for replanting on private property, the City has best practices regarding tree replacement on private sites. An 'aggregate caliper ratio' is used, which takes into account the health and structural integrity of the tree in determining its required replacement caliper. An adjusted caliper replacement value has been calculated at 325cm, and Landscaping staff have provided the applicant with appropriate planting numbers that would ensure this development grows the urban forest within a short period of time.

A fairly detailed Preliminary Landscape Development Plan was submitted with the application. Tree replacement comprising of deciduous trees, large stature evergreen trees, and cedar hedges has been proposed, with a total of 308 cm caliper replacement on site, close to the target replacement caliper. Staff comment that additional spots for deciduous trees on site should be considered, as well as increasing the planting size of the cedar hedges. Landscaping staff are satisfied that the proposed setbacks will be

sufficient to accommodate the required trees, and are working with the applicant to ensure the protection of the proposed retained trees.

City Landscaping staff also comment that permission is required to damage or remove co-owned or neighbouring trees because they are protected by the Forestry Act of Ontario.

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

No increase to building height is proposed. The proposed dwellings are unlikely to have significant sun-shadowing for extended periods on adjacent properties.

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

The proposed development is located beside Downtown Burlington and is accessible to area schools, shopping, medical services and community facilities.

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

Landscape buffers are typically used to minimize impacts where different land uses or different intensities of land use are in proximity to each other. The proposed development will include a landscape buffer as required by the Zoning By-law for the R5 zone.

(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.*

The owner has attempted to acquire the adjacent property to the east at 2126 New Street, but the property owner of 2126 New Street did not accept the offer to purchase. There is no holding designation on these properties requiring additional land assembly.

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

Not applicable – no natural or 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 proposed development is for cluster homes, which are a form of ground-oriented housing.

Summary: Staff are of the opinion that the proposed rezoning conforms to the City's Official Plan because the proposed form and density of the development is permitted by the Official Plan, and satisfies the City's intensification criteria. The proposed development will be compatible with the character of the existing neighbourhood.

### ***New City of Burlington Official Plan (Council Adopted)***

The proposed new Official Plan was approved by Council on April 26, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new Official Plan will not come into effect until it has been approved by Halton Region; however the City's proposed new Official Plan reflects Council's vision and as such, should be acknowledged as part of the proposal.

The subject lands are designated "Residential – Low Density" in accordance with the new Official Plan. This designation permits single-detached dwellings, to a maximum density of 25 units per net hectare. The proposed development is for six detached cluster home units at a density of 23 units per net hectare, and is therefore in keeping with the permitted uses of the new Official Plan.

The new Official Plan also contains intensification criteria that are similar to those in the current Official Plan. Therefore the proposed development is also in keeping with the intensification criteria of the new Official Plan.

### ***City of Burlington Zoning By-law 2020***

The property is currently zoned R3.2 in the City's Zoning By-Law 2020, as shown on Sketch No. 1. This zone permits single detached dwellings on lots having a minimum width of 15 m and a minimum area of 425 m<sup>2</sup>.

The applicant is requesting to rezone the subject lands to a modified R5 zone so that the lands can be developed with cluster homes. Cluster homes is a type of residential development that consists of multiple one and/or two unit buildings on a single lot. The R5 zone permits cluster homes.

Staff are supportive of the proposed R5 zone and site specific exemptions. Table 1 provides an overview of the existing and requested zoning regulations and staff's comments.

Table 2 – Overview of Existing and Proposed R5 Zoning

	<b><i>R5 Regulations</i></b>	<b><i>Proposed R5-490</i></b>	<b><i>Staff Comment</i></b>
Lot width	12 m	49.5 m	<u>Meets regulation.</u>
Lot area	2000 m <sup>2</sup>	2647.2 m <sup>2</sup>	<u>Meets regulation.</u>
Maximum density	25 units/ha	22.7 units/ha	<u>Meets regulation.</u>
Maximum height	2 storeys to 10 m	2 storeys to 9.11 m	<u>Meets regulation.</u>
Yard abutting a street (New Street)	7.5 m	Unit 1: 3 m Unit 6: 4.7 m	<u>Support.</u> The proposed reduced yard abutting New Street would allow the proposed buildings to be aligned to the neighbouring property to the east at 440 Swanson Court and create a consistent street edge on this section of New Street.
Maximum projection of roofed over unenclosed 1-storey porch into a required yard	65 cm	Porches for Unit 1 and Unit 6 are shown to be 1.9 m and 2.8 m from front lot line (encroaching approximately 1.7 m into required yard abutting New Street).	<u>Support.</u> The increased porch encroachment will add visual interest and contribute to a pedestrian oriented streetscape.
Yard abutting a rear building elevation	9 m abutting R3 zone	6 m	<u>Support.</u> The requested yard will be able to accommodate the required 3 m landscape buffer and will be compatible with the existing neighbourhood.
Yard abutting a side building elevation	4.5 m abutting R3 zone  (Unit 3: 3 m; Unit 4: 4.5 m)	3 m	<u>Support.</u> The reduced side yard for Unit 4 will provide sufficient space for the required landscape buffer. Access to the amenity space for Unit 4 is proposed on the other side of the building.

Landscape area abutting a street	4.5 m	1.9 m	<u>Support.</u> The proposed reduction in landscape area abutting street is a result of the proposed reduced the yard abutting New Street and increased porch encroachment.
Landscape buffer abutting R1, R2, R3 zones	3 m	3 m, but: <ul style="list-style-type: none"> <li>• Snow storage is shown to be 2 m from rear lot line;</li> <li>• Chimney for Unit 4 is 2.6 m from rear lot line; and</li> <li>• Privacy fences separating the amenity areas of each unit are shown to be 1.2 m from side lot lines.</li> </ul>	<u>Support.</u> The Zoning By-law does not allow chimneys, snow storage areas, or privacy fences to encroach into landscape buffers. Staff support the reduced buffer along the rear lot line because no amenity area is proposed along that side of the property, and a double board fence will be required at the end of the private road to mitigate light trespass. Staff support the encroachment of the individual privacy fences, because they will help establish the amenity areas for each unit.
Off-street parking for cluster homes	2 occupant spaces and 0.5 visitor spaces per unit	3 occupant spaces and 0 visitor spaces	<u>Support with 3 occupant spaces per unit.</u> Staff are satisfied that visitor parking can be adequately accommodated because the proposed number of occupant spaces and total spaces per unit exceed requirements.
Separation between dwellings	No regulations	2.4 m	<u>Support and include as a regulation in the by-law.</u> The proposed separation is adequate for drainage, privacy and access to the rear amenity space for each dwelling.

### ***Decks***

The submitted site plan shows raised decks 60 to 90 cm in height (as measured from the lowest point of the swale proposed under the decks), with an area of 30 m<sup>2</sup> in the rear yards of each dwelling, 3 m from side lot lines. Staff are of the opinion that the size and location of the proposed decks will not result in adverse effects on privacy, as noise and visual impacts will be mitigated by the landscape buffer.

However, because the Zoning By-law 2020's deck regulations for cluster homes do not regulate deck height or the encroachment of decks into yards that are applicable to the R5 zone, staff recommend that the by-law include deck regulations that reflect what has been proposed. This will ensure the compatibility of any changes to the decks in the future.

Summary: Staff support the requested rezoning from R3.2 to R5 with site specific exemptions for reduced yards fronting New Street and abutting rear building elevations, and increased porch encroachments into the required landscape area along New Street. Staff also recommend that regulations be added to the by-law for parking, separation between dwellings, and decks that reflect the submitted site plan, to ensure that the development will be compatible in the future. Staff's recommended regulations are provided in Appendix B of this report.

## **Technical Review**

On February 5, 2018, the Zoning By-law Amendment application and supporting documents were circulated to internal staff and external agencies for review. The following agencies have provided no objection to the development proposal: Halton District School Board, Halton Catholic District School Board, Burlington Hydro, Canada Post, Halton Region, and City of Burlington Finance, Capital Works, Mobility Hubs, Transportation, Transit, and Fire Services. No objections have been identified by these agencies.

### ***Site Engineering***

City Site Engineering staff comment that the submitted reports and plans are satisfactory for the purpose of the rezoning, and are in support of the proposed rezoning. However, staff note that additional technical details may result in revisions at the site plan stage.

In June 2017, the City's Site Plan Control By-law was updated to exempt detached dwellings from site plan control. The subject development consists of six detached cluster home units and is therefore still subject to site plan review. Issues such as drainage, transit stop relocation (see below), road widening, and landscaping will be addressed through the site plan process.

### ***Transit***

Transportation and Burlington Transit staff request that the existing bus stop at 2122 New Street be relocated to proposed development at 2130 & 2136 New Street. This will be a condition of site plan approval.

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## Financial Matters:

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

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## Public Engagement Matters:

A public notice sign about the development proposal was posted on the property by the applicant on January 31, 2018. A public notice/neighbourhood meeting and request for comments was circulated on March 23, 2018 to surrounding property owners and tenants within 120 metres of the subject property. All technical studies and required supporting materials for the development were posted on the City's website at [www.burlington.ca/2130-2136-New-Street](http://www.burlington.ca/2130-2136-New-Street).

A Neighbourhood Meeting was held on April 17, 2018, at the Burlington Seniors' Centre. Ward 2 Councillor Meed Ward and staff from the Departments of City Building and Capital Works, as well as the applicant and his architect were present. The meeting was attended by approximately 14 members of the public.

In response to the public circulation, staff have received eight emails and one letter. A copy of the public comments received to date is included in Appendix C of this report. Table 3 below provides a summary of public comments received and staff's response.

**Table 3 – Summary of public comments and staff response**

<b>Public Comment</b>	<b>Staff Response</b>
Heritage value of existing buildings and trees; concern with the loss of trees	The existing dwellings and trees are not listed on the City's Heritage Register. Also, the City does not have a definitive requirement for replanting on private property, but the applicant has proposed to plant trees close to the City's recommended target replacement caliper.
Concern with loss of affordable rental housing	Demolition of the five existing rental units is permitted under the City's Official Plan. The Official Plan prohibits the demolition or conversion of rental properties containing six or more units.
Concern that the proposed reduction in rear yard setback, combined with decks, will reduce privacy; questions about whether the height and size of decks could be regulated;	Staff are of the opinion that the decks are compatible with the adjacent neighbourhood and will not have an adverse effect on privacy.  However, in recognition of limitations in the Zoning By-law 2020's deck regulations for cluster homes, staff recommend that the by-law include deck regulations to restrict future decks to what has been proposed.

Concern about how large vehicles such as snow plows and garbage trucks would enter and exit site	Transportation staff have reviewed the site plan and advise that large vehicles will likely enter the private roadway by backing into it from New Street. Transportation staff have no concerns with the movement of vehicles in and out of the site and advise that a hammerhead or turning bulb at the end of the laneway is not necessary.
Concern about how site will be graded and drained;	Preliminary site grading and drainage plans have been submitted. Site Engineering staff have reviewed the plans and find them satisfactory for the purpose of the rezoning.
Question about comparison of proposed building elevations and heights to that in surrounding neighbourhood;	Surrounding buildings are 6.8 m to 10.4 m in height. The proposed dwellings are proposed to be 9.3 m in height.
Question about similarities and differences between other cluster developments approved in the City and the proposed development.	Comparable cluster developments in the city include 2141 Caroline Street (R5-314; 14 single detached units) and 2267 Lakeshore Road (R5-455; 3 single detached). By-laws for these developments also included regulations on separation between units and maximum number of permitted units. Reduced yards abutting R3 zone were also permitted: 6 m for 2267 Lakeshore and 7.5 m for 2141 Caroline. Staff are of the opinion that the proposed rezoning is consistent with other comparable cluster developments in the city.
Objection to dedication of lands to City to achieve deemed width of New Street and suggestion for a larger setback from rear property line.	The deemed width of New Street is identified in the Official Plan. The Official Plan directs that the width be protected and secured through the development process. Staff are satisfied that the proposed setbacks will result in the appropriate intensification of the site.

## 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 find that the application is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe Area and the Regional and City Official Plans. This report recommends that the subject rezoning application be approved, and that Zoning By-law 2020-XXX attached as Appendix B to the department of city building report PB-50-18 be adopted.

### **Next Steps**

Following the adoption of Zoning By-law 2020-XXX, the proposed development will be subject to site plan review.

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Respectfully submitted,

Rebecca Lau

Planner I

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### **Appendices:**

- A. Sketches
- B. Proposed Zoning By-law Regulations
- C. 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.