



**SUBJECT: Recommendation report for a draft plan of subdivision and zoning by-law amendment for 4407 and 4417 Spruce Avenue**

**TO: Planning and Development Committee**

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

Report Number: PB-26-19

Wards Affected: 4

File Numbers: 510-02/18 & 520-06/18

Date to Committee: May 14, 2019

Date to Council: May 27, 2019

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**Recommendation:**

Approve the application submitted by Zarin Homes to draft approve a residential plan of subdivision consisting of 4 lots at 4407 & 4417 Spruce Avenue, as shown in Appendix A of department of city building report PB-26-19, subject to the conditions contained in Appendix C of that report; and

Approve the zoning by-law amendment application submitted by Zarin Homes to rezone the property at 4407 Spruce Avenue from "R2.1" to "R2.1-497" to permit a reduction in setback requirements for a place of worship on the basis that it conforms to the Provincial Policy Statement, the Places to Grow Act and the Regional Official Plan; and

Adopt Zoning By-law 2020.408, attached as Appendix B of department of city building report PB-26-19, rezoning the lands at 4407 Spruce Avenue from "R2.1" to "R2.1-497" and "R2.1-497"; and

Deem that Zoning By-law 2020.408 conforms to the Official Plan of the City of Burlington.

**Purpose:**

The purpose of this report is to recommend approval of a draft plan of subdivision and zoning by-law amendment at 4407 & 4417 Spruce Avenue to allow for a portion of the

existing place of worship to be developed with four single detached lots, and for a reduction in setbacks for the place of worship.

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

A City that Grows

- Intensification
  - Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.

A Healthy and Greener City

- Healthy Lifestyles
    - Every resident of Burlington lives within a 15 to 20-minute walk from parks or green spaces.
  - Environmental and Energy Leadership
    - The city's urban forest and tree canopy has increased and continues to thrive.
-

**Executive Summary:**

| <b>RECOMMENDATIONS:</b>    |   | <i>Approval</i>   | <b>Ward No.:</b> | <i>4</i> |
|----------------------------|---|---|------------------|----------|
| <b>Application Details</b> | <p><b>APPLICANT:</b></p> <p><b>OWNER:</b></p> <p><b>FILE NUMBER:</b></p> <p><b>TYPE OF APPLICATIONS:</b></p> <p><b>PROPOSED USES:</b></p> | <p><i>Zarin Homes</i></p> <p><i>Appleby Congregation of the United Church of Canada</i></p> <p><i>510-02/18 &amp; 520-06/18</i></p> <p><i>Plan of Subdivision &amp; Zoning By-Law Amendment</i></p> <p><i>Low density residential; Place of worship</i></p> |                  |          |
| <b>Property Details</b>    | <p><b>PROPERTY LOCATION:</b></p> <p><b>MUNICIPAL ADDRESSES:</b></p> <p><b>PROPERTY AREA:</b></p> <p><b>EXISTING USE:</b></p>              | <p><i>North side of Spruce Avenue, between Henderson Road and Tuck Drive</i></p> <p><i>4407&amp; 4417 Spruce Avenue</i></p> <p><i>0.9 ha</i></p> <p><i>Place of worship; Manse (to be demolished)</i></p>   |                  |          |
| <b>Documents</b>           | <p><b>OFFICIAL PLAN Existing:</b></p> <p><b>OFFICIAL PLAN Proposed:</b></p> <p><b>ZONING Existing:</b></p> <p><b>ZONING Proposed:</b></p> | <p><i>Residential – Low Density</i></p> <p><i>No change</i></p> <p><i>Residential Low Density (R2.1)</i></p> <p><i>R2.1-497</i></p>   |                  |          |
| <b>Processing Details</b>  | <p><b>NEIGHBOURHOOD MEETING:</b></p> <p><b>PUBLIC COMMENTS:</b></p> <p><b>STATUTORY PROCESSING END DATE:</b></p>                          | <p><i>January 8, 2019</i></p> <p><i>Circulated to 81 property owners and tenants, 7 emails and 1 letter received from 8 individuals</i></p> <p><i>May 20, 2019 (180 days)</i></p>   |                  |          |

## **Background and Discussion:**

### **Description of Application and Processing History**

On November 21, 2018, the Department of City Building acknowledged that complete applications had been received for a plan of subdivision and to amend the zoning by-law at 4407 & 4417 Spruce Avenue.

As shown on Sketch No. 2 (Appendix A), the applications would support the redevelopment of a 0.3 ha portion of the lands with single detached homes fronting onto Tuck Drive. The existing manse will be demolished. The remainder of the lands will continue to be used for the existing place of worship.

To facilitate the development, the applicant has applied for a plan of subdivision and to rezone the lands from R2.1 to R2.1-497. The original application was for five lots and the purpose of the zoning by-law amendment was twofold: 1) to allow the proposed residential lots be of reduced lot width and lot area, and 2) to allow exemptions to setback and parking regulations (number of spaces and stall dimensions) for the place of worship.

Staff circulated the initial applications to public and technical departments/agencies for comment in late 2017, and held a neighbourhood meeting at Appleby United Church on January 8, 2019. The neighbourhood meeting was attended by approximately 80 residents.

The Statutory Public Meeting took place at the Planning and Development Committee meeting held on March 5, 2019. Staff information report PB-13-19 was presented at this meeting and included the public comments received by planning staff regarding the proposed development. City Council received and filed report PB-13-19 on March 25, 2019.

Following the Statutory Public Meeting, the development proposal was revised to four lots that comply with the Zoning By-law 2020, and to provide the required number of parking spaces for the place of worship. As a result, the purpose of the rezoning application is now only to address deficiencies related to setbacks and parking stall dimensions for the place of worship.

## Site Description

The subject property is located on the north side of Spruce Avenue, between Henderson Road and Tuck Drive, in the Shoreacres neighbourhood as shown on Figure 1 (below) and Sketch No. 1 (Appendix A).

The site has an area of 0.9 ha and has frontage on three streets: 104 m of frontage on Spruce Avenue, 79.9 m on Henderson Avenue, and 92.5 m on Tuck Drive. The site is currently developed with a church and manse.

An existing stormwater easement runs through the property, on the east side of the church. The storm sewer conveys stormwater from the properties on Tuck Drive north of the subject site to the main storm system on Spruce Avenue.

## Surrounding Land Uses

The site is surrounded by single detached dwellings, Henderson Park to the west, and Breckon Park to the east.

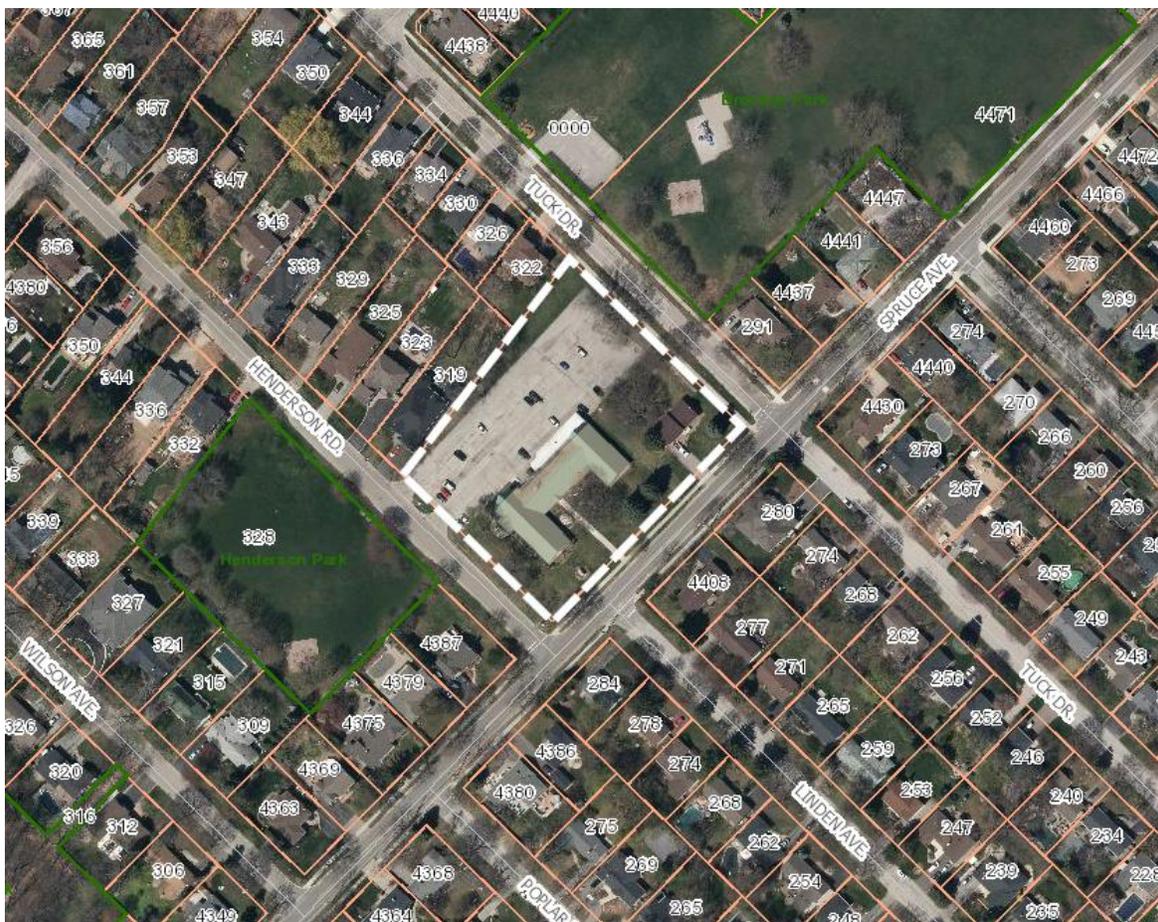


Figure 1 – Air photo (2017) with subject property outlined

## Background Reports

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

- [Draft Plan of Subdivision](#), prepared by Labreche Patterson & Associates Inc., signed by Surveyor on March 19, 2018 and Owner on May 10, 2018
- [Revised Draft Plan of Subdivision](#), prepared by Labreche Patterson & Associates Inc., signed by Surveyor and Owner on March 29, 2019
- [Draft Zoning By-law Amendment](#)
- [Plan of Survey](#), prepared by Mackay, Mackay & Peters Limited, signed by Surveyor on January 24, 2018
- [Planning Opinion Report](#), prepared by Labreche Patterson & Associates Inc., dated October 18, 2018
- [Vegetation Management Plan](#), prepared by Adesso Design Inc., dated 2018-05-07
- [Parking Justification Study](#), prepared by Nextrans Consulting Engineers, dated October 18, 2018
- [Geotechnical Investigation](#), prepared by Soil-Mat Engineers & Consultants Ltd., dated February 21, 2018
- [Functional Servicing and Stormwater Management Report](#), prepared by Lanhack Consultants Inc., dated March 23, 2018
- [Preliminary Grading Plan](#), [Preliminary Servicing Plan](#), [Imperviousness Plan](#), [Existing & Proposed Drainage Area Plan](#), prepared by Lanhack Consultants Inc., dated March 2018
- [Noise Brief](#), prepared by Howe Gastmeier Chapnik Limited, dated January 9, 2018
- [Environmental Site-Screening Questionnaire](#), completed by agent and certified on June 19, 2018
- [Phase One Environmental Site Assessment](#), prepared by Soil-Mat Engineers & Consultants Ltd., dated April 10, 2017; and [Phase One Environmental Site Assessment Update](#), prepared by Soil-Mat Engineers & Consultants Ltd., dated April 26, 2018
- [Phase Two Environmental Site Assessment](#), prepared by Soil-Mat Engineers & Associates Inc., dated October 16, 2018
- [Reliance Letter for City of Burlington](#) and [Reliance Letter for Halton Region](#) regarding Phase One and Two Environmental Site Assessment, dated October 16, 2018

All of the supporting documents have been published on the City's website for the subject application, [www.burlington.ca/4417Spruce](http://www.burlington.ca/4417Spruce).

## Discussion: Conformity Analysis and Policy Framework Review

The proposed plan of subdivision and zoning by-law amendment are 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 in Table 1 below and are discussed in greater detail in the remainder of this report.

**Table 1 – Matters of Provincial Interest and Staff’s Analysis**

| <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 water, wastewater, transportation infrastructure exists to support the proposed development application.  |
| The orderly development of safe and healthy communities; the accessibility for persons with disabilities to all facilities, services and matters to which the Planning Act applies. | <p>The proposed development will result in the orderly development of the Shoreacres neighbourhood as it is a residential infill project. To support traffic safety and efficiency, the City will require the dedication of a daylight triangle at the corner of Tuck and Spruce Avenue and a 0.3 m reserve along the Spruce frontage.</p> <p>Accessibility has been considered. The configuration of the place of worship parking lot shown on the submitted draft plan of subdivision is satisfactory for the purpose of the rezoning and draft plan of subdivision. Staff recommend minor revisions to the parking lot site plan and repainting of parking spaces to ensure that the accessible spaces meet the standards of the Zoning By-law 2020</p> |

|   |   |
|---|---|
|   | and the Accessibility for Ontarians with Disabilities Act (AODA). These matters should be completed prior to final draft plan approval, as outlined in Conditions 5.c) & d) of Appendix C of this report.   |
| The protection of the financial and economic well-being of the Province and its municipalities.                               | Significant public sector investment is not required to support the development because the proposed development is located within an area well serviced by infrastructure and public service facilities.   |
| The appropriate location of growth and development.   | The proposed development is located in a neighbourhood character area, which is an area that is recognized by the City's Official Plan as having unique characteristics that should be respected. Staff are of the opinion that the revised proposal is compatible with and respects the existing character of the neighbourhood, and therefore is appropriately located.         |
| The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians. | The City's Zoning By-law 2020 promotes a pedestrian oriented streetscape by regulating massing, setbacks, height, architectural features, garages, and width of hard surfaces. The applicant is not proposing exemptions to these regulations, and is proposing lots that meet the City's Zoning By-law 2020. Therefore the proposed development will be oriented to pedestrians. |

**Planning Act: Draft Plan of Subdivision Criteria**

Section 51(24) of the Planning Act directs that in considering a draft plan of subdivision, *“regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality”* as well as:

- (a) *The effect of development of the proposed subdivision on matters of provincial interest;*

See Table 1 above.

*(b) Whether the proposed subdivision is premature or in the public interest;*

The proposed subdivision is within an existing neighbourhood, and there is adequate water, wastewater servicing, transportation infrastructure, school capacity, and parks to support the proposed subdivision. Therefore, the proposed subdivision is not premature.

The proposed subdivision is in the public interest because it increases housing opportunities in the City that are compatible with and respectful of the existing neighbourhood character.

*(c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

As discussed in the “City of Burlington Official Plan, 1998” section of this report, the proposed subdivision conforms to the Regional and City Official Plans. The proposed subdivision is compatible with the existing lotting pattern of the neighbourhood.

*(d) The suitability of the land for the purposes for which it is to be subdivided; and if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

According to the submitted Phase I and Phase II Environmental Site Assessment (ESAs), soil sampling of the site did not reveal the presence of metals in excess of the Ministry of Environment’s standards. As such, the lands to be subdivided are suitable for residential use.

A Geotechnical Investigation report was also submitted in support of the application. The report provides a description of the existing subsurface soil and groundwater conditions, and makes recommendations to inform future excavation and backfilling operations and housing and building construction. City Site Engineering staff have reviewed the report and find the report satisfactory. As a condition of draft subdivision approval, the owner will be required to agree to implement the recommendations of the Geotechnical Report (condition 3.i) of Draft Plan of Subdivision Proposed Conditions, Appendix C). Thus, the subject lands are suitable for the proposed development.

No affordable housing units are proposed.

*(e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

The proposed lots will have driveway access to Tuck Drive. City Transportation staff advise that there is sufficient capacity within the existing transportation system to accommodate the traffic generated by the proposed residential development. The

subject lands are not in proximity to a provincial highway, and no new roads are proposed as part of the plan of subdivision.

*(f) The dimensions and shapes of the proposed lots;*

The proposed lots are generally rectangular in shape, and are similar in shape, depth, area and width to those in the surrounding neighbourhood. The lots also conform to the City's Zoning By-law 2020. As such, the lots are compatible with the existing neighbourhood.

*(g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*

City Site Engineering staff recommend that, as a condition of draft approval, the owner agree that driveway access for proposed Lot 4 shall be via Tuck Drive only (Condition 3.w), Appendix C of this report). The purpose of this restriction is to support traffic flow on Spruce Avenue.

*(h) Conservation of natural resources and flood control;*

The subject lands are not within a floodplain and do not have any natural heritage features or areas, as defined by the Provincial Policy Statement. There are, however, a number of private trees on the subject property that contribute to the character of the neighbourhood and may be affected by the proposed development. As such, staff recommend that compensation for the loss of private trees be provided through replanting on the church property, as outlined in conditions 3.aa) to 3.dd) of Appendix C.

*(i) & (j) The adequacy of utilities and municipal services; The adequacy of school sites;*

Burlington Hydro, Union Gas, Halton Region, City Parks and Open Space have been circulated on the application and do not have objections to the proposed development. Halton District School Board and Halton Catholic District School Board comment that students from the proposed development can be accommodated at existing schools nearby.

*(k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

A 0.3 m reserve along the southerly boundary of Lot 4, and a 3.0 m x 3.0 m visibility triangle at the corner of Spruce Avenue and Tuck Drive is to be dedicated to the City free of charge, totaling approximately 15.2 m<sup>2</sup> of land (Condition 3.a), Appendix C). The purpose of the reserve and daylight triangle is to restrict access to Spruce Avenue and support safety at the Spruce and Tuck intersection.

Given the availability of existing parks nearby, cash in lieu of parkland dedication is to be provided.

- (l) *The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The proposed development supports the efficient supply of energy. Hydro to the proposed residential development will be supplied from the existing hydro infrastructure that lies along Tuck Drive. The required hydro servicing infrastructure for the site will be supplied and installed by Burlington Hydro at the developer's expense in accordance with Burlington Hydro's approved standards and specifications for residential development.

- (m) *The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of [the Planning Act].*

The proposed residential development is not subject to site plan control. The City's Site Plan Control By-law (By-law 35-2017), enacted in June 2017, exempts single detached dwellings used solely for residential use from site plan control.

### **Provincial Policy Statement, 2014**

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. 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 "... *efficiently use land and resources; [and] 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 and cost-effective land use pattern because it is in a location 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 land use patterns within settlement areas should be based on densities and a land use mix that minimize negative impacts to air quality and climate change, and support active transportation and transit.

The subject applications will support the development of four dwellings on lands that are within 450 m of bus stops at Appleby Line with connections to Appleby GO station and Appleby Mall, and within 850 m of bus stops at New Street with connections to Downtown Burlington and Burlington GO. Access to bus stops is supported by sidewalks on both sides of Tuck Drive and Spruce Avenue, and by crosswalks along Spruce Avenue.

As such, the proposed development is supportive of transit and active transportation.

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 states that settlement areas are to be the focus of growth and development, and that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment (PPS, 1.1.3.1 & 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 proposed development is appropriate intensification and redevelopment within the City's settlement area. As explained in the City of Burlington Official Plan section of this report, the proposed subdivision is reflective of and compatible with the existing lot fabric of the neighbourhood. The proposed lots also comply with the Zoning By-law 2020, and the applicant proposes to develop the lots with single detached dwellings that comply with Zoning By-law's regulations (e.g. setbacks, height, coverage, floor area ratio).

With respect to the rezoning for the place of worship, the requested exemptions are to recognize the existing setback of the church building and parking lot from Henderson Road, and to allow a reduced setback of the church building to the proposed easterly lot

line. Staff are of the opinion that proposed setbacks from Henderson Road provide adequate separation from the residential and park uses across the street, and will not have an impact on the streetscape as they reflect existing conditions. The proposed easterly setback provides adequate privacy and separation from the proposed lots. A 1.8 m high wood privacy fence will be required to be constructed along the back of the proposed lots to further provide for privacy. Therefore, the subject applications represent appropriate redevelopment and intensification of the site.

### **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 managing growth and achieving compact, complete communities in the Greater Golden Horseshoe.

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 and Zoning By-law 2020 provide an intensification strategy for Burlington. The Official Plan encourages compatible residential intensification, including ground-oriented residential infilling, within existing neighbourhoods. It also provides more specific guidance on appropriate development standards for development within neighbourhood character areas such as Shoreacres. These neighbourhood character area policies, and the associated regulations of the Zoning By-law 2020, do not preclude the intensification of neighbourhood character areas, but limit residential development to a single detached dwelling form and area-specific yard setback, lot coverage and floor area ratio standards to ensure that development is compatible with and respectful of the existing neighbourhood character.

The proposed subdivision and rezoning conform to the Growth Plan because they contribute to a compact built form and the intensification of lands within the City’s delineated built-up area, where adequate municipal water and wastewater

infrastructure, public transit, parks and school facilities exist. Furthermore, the proposed subdivision is a ground-oriented residential infill project for single detached dwellings that is compatible with the existing neighbourhood and is in conformity to the City's Official Plan and Zoning By-law 2020. The proposed lots are reflective of the existing lot areas and widths within the neighbourhood and, as no amendments to the Zoning By-law are proposed for the residential dwellings, will be developed with dwellings that are appropriately scaled and massed. Finally, staff are of the opinion that the proposed setbacks for the place of worship provides for an adequate transition to the proposed residential lots and existing neighbourhood.

### **Halton Region Official Plan**

The property is designated 'Urban Area' in the Halton Region Official Plan (ROP). The Urban Area is 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 designation 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 range of permitted uses and the creation of new lots within the Urban Area are to be in accordance with local official plans and zoning by-laws. However, all development is subject to the policies of the ROP. These policies include requirements for the proponent to undertake a process in accordance with Regional guidelines to determine whether there is potential contamination on the site (ROP, 89(3) & 147(17)).

The proposed development conforms to the ROP because it will introduce three additional dwellings to an existing neighbourhood within the Urban Area, where adequate water and wastewater, transit, parks and education facilities services exist. The proposed development therefore will also increase the overall density of the neighbourhood, support compact growth, and make efficient use of land and existing services. The applicant has also submitted Phase I and Phase II Environmental Site Assessments in accordance with the Region's guidelines, and Regional staff are generally satisfied with these reports for the purpose of the subject rezoning and draft plan of subdivision approval.

Furthermore, the proposed low density residential use, place of worship use, lot widths and lot areas are permitted by the City's Official Plan and Zoning By-law 2020. As discussed in the Burlington Official Plan section below, the proposed subdivision conforms to the intent of the City's Official Plan policy regarding new lot creation in neighbourhood character areas.

## City of Burlington Official Plan

The property is designated “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.

The applicant is proposing four single detached units on a 0.3 ha area of the subject site, which equals a density of 13.3 units per net hectare. The remainder of the lands will continue to be used for the place of worship. Institutional uses are permitted in all land use designations with the exception of Greenlands and Watercourse designations, so no amendment is required to recognize the existing church.

### *Neighbourhood Character Area*

The property is also within the Shoreacres Neighbourhood Character Area. Within Neighbourhood Character Areas, permitted residential uses are restricted to single detached dwellings. The objective of the Neighbourhood Character Area policies is to “*maintain, protect and enhance neighbourhood character by ensuring that development and re-development is compatible with and respectful of the neighbourhood character*” (Part III, Objective 2.12.1(i)).

Neighbourhood character is defined as, “*the collective physical qualities and characteristics which are prevalent in a Neighbourhood Character Area, and which define its distinct identity, and includes a range of built form and design elements which coexist without adverse impact within a Neighbourhood Character Area*”. The Official Plan does not provide a character statement describing the specific elements that characterize Shoreacres, but provides general guidance on how character is to be measured and respected:

- d) Proposed *development should* respect the existing *neighbourhood character* by incorporating built form and design elements, architectural features, building separations, lot coverage, *scale, floor area ratio*, and landscape qualities and characteristics that are prevalent in the *Neighbourhood Character Area*.
- e) All healthy mature trees *should* be preserved, and replanting *should* be required where loss of significant trees occurs.

(Part III, 2.12.2 General Policies)

The above quoted policy 2.12.2d) is implemented by the existing regulations of the City’s Zoning By-law 2020. As part of the City’s Shoreacres Neighbourhood Character Study in 2015, the Zoning By-law 2020 and Official Plan were reviewed to ensure that its regulations and policies provide for development that is sited, scaled and massed appropriately for the character of the neighbourhood. Through the study, the

characteristics of the neighbourhood were identified to be its mature tree-lined streets; wide, spacious lots; and modestly sized homes. The review resulted in the introduction/amendment of a number of regulations to the Zoning By-law 2020 to reflect these characteristics, including:

- front and side yard setbacks;
- lot coverage;
- floor area ratio;
- balconies and decks;
- driveway widths and landscape open space area,
- dwelling depth;
- architectural features; and
- garages.

The current Zoning By-law 2020, as amended, therefore reflects residential development standards that are generally compatible with and respectful of the character of Shoreacres. However, in recognition that many lots in the neighbourhood character areas are greater than the minimum lot area and lot width regulations of the Zoning By-law 2020, Part VI, policy 4.4 e) of the Official Plan was added to provide additional guidance to ensure that new lots are of a lot area and width that fit in with the existing lot fabric in the immediate vicinity of proposed development:

- (xi) within *Neighbourhood Character Areas*, the minimum lot widths and areas for proposed new lots in *Neighbourhood Character Areas shall* meet or exceed the average lot width and lot area of single detached residential lots fronting on both sides of the same street within 120 m of the subject property.

### *Analysis*

The proposed four lot development conforms to the objectives and policies of the Official Plan for development in neighbourhood character areas because it is for single detached dwellings. Also, the proposed lots conform to the City's Zoning By-law 2020, and the applicant is not proposing to amend the Zoning By-law 2020 for the future dwellings.

The original five lot proposal was unable to meet the intent of the Official Plan because the proposed lots were not reflective of the wide lot frontages and larger lot areas that characterize the neighbourhood, as outlined in Table 2 and Table 3 (a) below. After discussing this concern with planning staff, the applicant has revised the proposal to four lots.

**Table 2 – Comparison of Original Proposal to Existing Average of Tuck Drive**

|         | <b>Lot Width<br/>(m)</b> | <b>Difference from<br/>Average (m)</b> | <b>Lot Area<br/>(m<sup>2</sup>)</b> | <b>Difference from<br/>Average (m<sup>2</sup>)</b> |
|---------|--------------------------|--|-------------------------------------|--|
| Lot 1   | 19.5                     | -1.8 (-9%)                             | 638.6                               | -175.1 (-22%)                                      |
| Lot 2-4 | 17.5                     | -3.8 (-18%)                            | 602                                 | -211.7 (-26%)                                      |
| Lot 5   | 19.3                     | -2.0 (-10%)                            | 663.9                               | -149.8 (-18%)                                      |

The revised four lot development maintains the intent of the City's neighbourhood character area lot creation policy (Part VI, 4.4e)). The average lot width and lot area of single detached lots fronting both sides of Tuck Drive within 120 m of the property is 21.3 m and 813.7 m<sup>2</sup>, respectively. As outlined in Table 3 (b) below, the proposed lots generally exceed the average lot width, but are all slightly smaller than the average lot areas within 120 m of the site.

Staff note that a three lot scenario would allow for lots that meet and exceed the average lot area, but the lots would be significantly larger than average (see Table 3 (c) below). An alternative three lot scenario would not be consistent with the existing lot fabric, and the resulting built form would not be compatible with the existing modestly sized homes. Staff are of the opinion that given the unique constraints on this site, strict numerical adherence to the lot creation policy does not achieve the objectives of the neighbourhood character area policies, and that the proposed four lot development is more appropriate for this context.

Table 3 – Overview of Existing and Proposed Lot Areas and Widths

| <b>(a) Existing Average Lot Width and Lot Area on Tuck Drive</b>                    |                      |                                    |                                 |  |
|---|----------------------|------------------------------------|---------------------------------|--|
|   | <b>Lot Width (m)</b> |                                    | <b>Lot Area (m<sup>2</sup>)</b> |  |
| <b>Tuck Drive Average (120 m)</b>   | <b>21.3</b>          |                                    | <b>813.7</b>                    |  |
| <i>Tuck North of Site</i>   | 19.3                 |                                    | 754.3                           |  |
| <i>Tuck South of Site</i>   | 22.8                 |                                    | 855.3                           |  |
| <b>(b) Comparison of Revised Proposal to Existing Average of Tuck Drive (120 m)</b> |                      |                                    |                                 |  |
|   | <b>Lot Width (m)</b> | <b>Difference from Average (m)</b> | <b>Lot Area (m<sup>2</sup>)</b> | <b>Difference from Average (m<sup>2</sup>)</b> |
| Lot 1   | 22.0                 | +0.7 (+3%)                         | 728.3                           | -85.4 (-10%)                                   |
| Lot 2   | 23.0                 | +1.7 (+8%)                         | 795.8                           | -17.9 (-2%)                                    |
| Lot 3   | 23.0                 | +1.7 (+8%)                         | 795.8                           | -17.9 (-2%)                                    |
| Lot 4   | 19.9                 | -1.4 (-7%)                         | 790.9                           | -22.8 (-3%)                                    |
| Lot 4 (incl. dedication)  | 22.9                 | +1.6 (+7%)                         | 806.1                           | -7.6 (-1%)                                     |
| Land Dedication   | 3.0                  | --                                 | 15.2                            | --   |
| <b>(c) Comparison of Alternative 3 Lot Scenario to Existing Average</b>             |                      |                                    |                                 |  |
| Alternative 3 Lot Scenario (Per lot)  | 30.4                 | +9.1 (43%)                         | 1031.2                          | +217.6 (+27%)                                  |

Furthermore, staff note that minor variations from numerical requirements of the Official Plan are permitted, provided that the intent of the Official Plan is maintained (Part VI, policy 3.2e)). Staff are of the opinion that the variations of the revised development from the average lot width and lot area are minor and the proposed lots are compatible with and respectful of the surrounding neighbourhood context:

- **Lot Width** - The proposed lots, with the exception of Lot 4 exceed the average lot width of surrounding properties. The width of Lot 4, at the corner of Tuck and Spruce, is slightly smaller than the average, but will not be noticeably smaller because of the 3 m x 3 m daylight triangle that will be dedicated to the City at that corner. Visually, the width will appear roughly 23 m, which is similar to the other proposed lots and existing lots south of Spruce.

- Lot Area - All of the proposed lots are smaller in average lot area than surrounding properties on Tuck. However, staff are of the opinion that the proposed lot areas are a minor variation from the average. The variation in lot area will not have a negative impact on the spacious lotting pattern and landscaped character of the neighbourhood because these characteristics are primarily defined by lot width. The proposed lots will maintain the average lot width of the area, and will comply with all zoning regulations, including the width of landscaped open space.

Finally, the proposed development respects the mature tree character of the neighbourhood. According to the submitted Vegetation Management Plan, 17 of the 41 trees on private property are proposed to be removed. Of the 17 to be removed, two are of fair or good condition, and the remaining trees to be removed are either infested with emerald ash borer, dead, and/or in poor condition. However, six of the private trees proposed to be preserved are noted as “TBD” or “review with detailed lot grading” as they potentially conflict with proposed driveways, buildings and grading.

Staff recommend that compensation be provided for the removal of any private trees that are not dead or infested with Emerald Ash Borer through replacement tree planting on the church property. A revised Vegetation Management Plan for both public and private trees will be required to be submitted prior to final subdivision approval, showing the location of driveways, building footprints, and grading and servicing.

With respect to City trees, Landscaping staff comment that there are 9 City trees located along the Tuck Drive right-of-way, all in good condition. All of the trees are shown to be preserved on the submitted Vegetation Management Plan, but seven are noted as “TBD; potential conflict with proposed driveway”. Should any City trees be removed, a Tree Permit requiring Council Approval is to be obtained prior to final approval of the draft plan of subdivision. These comments are reflected in conditions 3.z) to 3.dd) of Appendix C of this report.

### ***Criteria for Residential Intensification within Established Neighbourhoods***

The Official Plan also contains criteria in Part III, policy 2.5.2 to be considered when evaluating proposals for residential intensification within established neighbourhoods in general, as 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 in general, there is adequate water and wastewater capacity available to support the proposed development.

According to Halton District School Board, the elementary students generated from this development are expected to be accommodated at Mohawk Garden Public School (PS), Frontenac PS, and Pineland PS, which are currently under capacity. High school students are expected to be accommodated at Nelson High School with the addition of portables. Halton Catholic District School Board comments that students from the proposed development would be accommodated at St. Raphael Catholic Elementary School and Assumption Catholic Secondary School. Neither of the school boards has 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 (Breckon Park and Henderson Park) are located within a 0.8 km distance of the site, and a city/community park (Nelson Park) is within 0.8 to 2.4 km of the site. As such, cash-in-lieu of parkland dedication is recommended for this development (Condition 3.j) of Appendix C).

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

*(ii) Off-street parking is adequate*

The applicant proposes to provide four off-street parking spaces for each dwelling, which exceeds the Zoning By-law requirement of two spaces per unit. Although the proposed subdivision will result in the loss of 31 existing parking spaces for the place of worship, there is sufficient space in the proposed parking lot to accommodate the required number of parking spaces under the Zoning By-law 2020 for a place of worship. Therefore, 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 streets;*

City Transportation Services comment that Spruce Avenue and Tuck Drive have capacities of up to 12,000 and 3,000 vehicles per day, respectively. The current average annual daily traffic volumes are observed to be 1,800 westbound and 1,970 eastbound trips on Spruce Avenue, and 250 northbound and 330 southbound trips on Tuck Drive. Staff forecast that the proposed residential dwellings will generate 48 additional trips per weekday. Based on this value and the observed annual average daily traffic for Spruce Avenue and Tuck Drive, staff forecast that the dwellings will have minimal impact on the surrounding road network.

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

The subject lands are located in proximity to existing transit services. Bus stops on New Street and Appleby Line are located approximately 850 m and 450 m away,

respectively, and accessible via sidewalks on both sides of Tuck Drive and Spruce Avenue and with sufficient crosswalks.

- (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 lot area, lot width, setback, height, lot coverage and FAR regulations of the Zoning By-law 2020 for the Shoreacres Character Area were developed in consideration of the existing character of the neighbourhood. The base zoning for the subject lands includes a maximum FAR of 0.4:1 along with a maximum lot coverage of 25%. Together, these regulations ensure that future houses in Shoreacres will be compatible in scale, massing, height, siting, setbacks and coverage to the existing neighbourhood, and maintain the feeling of spaciousness that characterizes the neighbourhood. Since the proposed development will comply with all applicable zoning regulations, the development will be compatible with the existing neighbourhood character.

With respect to parking, off-street parking for the proposed lots will be provided in garages and on driveways, similar to the surrounding properties, and the applicant is not proposing to amend regulations related to the width of all hard surfaces (e.g. driveways and walkways) and garages. Therefore the parking will be provided in a manner that is compatible 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.*

The loss of private trees will be compensated through replanting on the church property. Tree protection fencing, in accordance with the City's standards, will be required to be erected for any trees proposed to be preserved on the site and within the City's right-of-way (see Conditions 3.cc), Appendix C).

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

The development is unlikely to cause significant sun-shadowing for extended periods of time on adjacent properties. The proposed houses will comply with all zoning regulations with respect to height.

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

The proposed development has excellent accessibility to park space. Shoreacres Park, Henderson Park, and Breckon Park are within walking distance of the site supported by sufficient sidewalks and crosswalks. The site is also within close proximity shopping centres at Appleby and New Street, and Appleby and Spruce Avenue.

*(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. As a condition of draft approval, the developer will be required to install a solid board fence and planting along the easterly lot line of the church to provide privacy and limit light trespass from the parking lot onto the rear yards of the proposed lots (Condition 3.ff), Appendix C).

The proposed residential development will be of a similar intensity to the surrounding residential properties, therefore a landscape buffer is not required along the northern property line of Lot 1.

*(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.*

Not applicable – The adjacent property is to be used for the place of worship.

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

Not applicable – There are 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 detached dwellings, which are a form of ground-oriented housing.

### City of Burlington Adopted Official Plan 2018

The proposed New Official Plan was adopted by Council on April 27, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. Halton Region has identified areas of non-conformity, and as such, the adopted Official Plan will be subject to additional review and revision prior to its approval. Further, City Council has directed a new staff review and public engagement process to consider potential modifications, including a review of height and density provisions. As a result, no weight is placed on the policies of the adopted Official Plan in the review of this application at this time.

### City of Burlington Zoning By-law 2020

The property is currently zoned “Residential – Low Density (R2.1)”, and is within the Shoreacres Character Area and a Designated Area for Lot Coverage in the City’s Zoning By-law 2020. Single detached dwellings and places of worship are permitted. Alternative front yard setback, lot coverage, and floor area ratio regulations to the R2.1 zone apply in the Shoreacres Character Area and Designated Areas for Lot Coverage.

#### *Proposed Residential Lots*

The applicant proposes to create residential lots that comply with the Zoning By-law 2020’s minimum lot width and lot area regulations (Table 3).

**Table 3 – Overview of Required Minimum Lot Width and Lot Area and Proposal**

| Regulation | Required           | Proposed             |                      |                      |
|------------|--------------------|----------------------|----------------------|----------------------|
|            |                    | Lot 1                | Lot 2 & 3            | Lot 4                |
| Lot Width  | 18 m               | 22.0 m               | 23.0 m               | 19.9 m               |
| Lot Area   | 700 m <sup>2</sup> | 728.3 m <sup>2</sup> | 795.8 m <sup>2</sup> | 790.9 m <sup>2</sup> |

The applicant also proposes to develop the lots with single detached dwellings that meet all applicable zoning regulations, including those listed in Table 4 below.

**Table 4 – Overview of R2.1 regulations for two-storey single-detached dwellings with attached garage**

| Regulation       | Required (minimum unless noted otherwise)        |
|------------------|--|
| Front Yard       | 9 m  |
| Rear Yard        | 10 m; On a corner lot the rear yard may be 4.5 m |
| Side Yard        | 10% of actual lot width                          |
| Street Side Yard | 4.5 m  |
| Lot Coverage     | Maximum 25%, including accessory dwellings       |

|   |   |
|---|---|
| Building Height                             | Peaked roof dwelling: Maximum 2 storey to 10 m;<br>Flat roof dwelling: Maximum 2 storey to 7 m  |
| Floor Area Ratio                            | Maximum 0.40:1  |
| Dwelling Depth                              | 18 m measured from building wall closest to front lot line to building wall closest to rear lot line  |
| Architectural Features                      | On building elevations facing a street, the height of columns on the first storey shall not exceed the height of the ceiling of the first storey.   |
| Garages                                     | Width of a front loading attached garage shall not exceed 50% of the width of its building elevation; and, An attached garage with a garage door facing the street is not permitted to project beyond the front wall on the first storey of a dwelling. |
| Parking                                     | 2 spaces per dwelling; one of which may be provided in an attached or detached garage.  |
| Driveway Widths & Landscape Open Space Area | Maximum one driveway permitted; Maximum combined width of all hard surfaces is 50% of the front lot line. The remaining lot area between a street line and building elevation facing a street shall be landscaped open space area.                      |

*Place of Worship*

The proposed rezoning is to allow a reduced setback from the church building to the proposed easterly lot line, and to recognize existing deficiencies in the setback of the church and parking lot from Henderson Road. Table 5 below outlines the requirements for places of worship, what is proposed by the applicant, whether site specific provisions would be required (indicated in bold), and staff’s analysis.

**Table 5 – Overview of Existing and Proposed Zoning for Place of Worship**

| <b>Regulation</b>  | <b>Minimum Required</b> | <b>Proposed (* = existing condition)</b> | <b>Staff Comment</b> |
|--|-------------------------|--|----------------------|
| <b>Lot Width</b>   | 30 m                    | > 30 m                                   | Meets regulation.    |
| <b>Lot abuts Major Arterial, Multi-Purpose Arterial, Minor Arterial, or Collectorz Road.</b> |                         | Spruce Avenue is a Collector Road.*      | Meets regulation.    |

| Regulation  | Minimum Required   | Proposed<br>(* = existing condition)   | Staff Comment  |
|---|--|--|--|
| <b>Setback from any lot line or street line</b>     | 15 m   | North lot line: 35.6 m*<br>Spruce Avenue: 15.2 m*<br><b>Henderson Road: 12.5 m*</b><br><b>East lot line: 6.1 m</b> | <p><b>Support.</b> The purpose of the required setback is to provide adequate privacy and separation between places of worship and other uses. The proposed setback to Henderson Road is a minor reduction in setback and is an existing condition, and will not have negative impact on privacy for the residential use across the street.</p> <p>The proposed setback to the east lot line provides adequate separation and privacy between the church and the proposed lots as there are no second storey windows on the east side of the building. A 1.8 m high wood privacy fence will be required to be installed between the church property and the proposed lots to further protect for privacy (Condition 3.ff).</p> |
| <b>Separation distance from a rail right-of-way</b> | 30 m   | N/A  | Meets regulation.  |
| <b>Parking</b>                                      | Not permitted within 3 m of a residential property in a residential zone | 3 m from proposed east property line   | Meets regulation.  |

| Regulation                | Minimum Required   | Proposed<br>(* = existing condition)  | Staff Comment  |
|---------------------------|--|---|--|
| <b>Parking Lot</b>        | Shall be set back 4.5 m from a street line.<br>NB: Street line is defined in the Zoning By-law 2020 as “the division between a street and a lot.”    | <b>0 m from street line*</b>  | <b>Support.</b> The purpose of a parking lot setback is to minimize light trespass from vehicles onto residential uses across the street, provide a physical and visual buffer to pedestrians, and support stormwater infiltration. Staff are of the opinion that the requested setback is compatible with the neighbourhood because the parking lot is situated across from a park and not residential use (Henderson Park), and is an existing condition that has functioned without complaint from the public to the best of staff’s knowledge. |
| <b>Parking Spaces</b>     | 59 spaces, based on parking rate for place of worship (6 spaces/100 m <sup>2</sup> gross floor area), and a gross floor area of 994.8 m <sup>2</sup> | 60 spaces   | Meets regulation.  |
| <b>Parking Stall Size</b> | Width: 2.75 m<br>Area: 16.5 m <sup>2</sup>   | Two dimensions proposed by the applicant: <ul style="list-style-type: none"> <li>• <b>Dimension A (southernmost row of spaces): 2.75 m x 5.5 m (15.1 m<sup>2</sup>)</b></li> <li>• Dimension B (all other spaces): 3.00 m x 5.5 m (16.5 m<sup>2</sup>)</li> </ul> | <b>Do not support.</b> Transportation staff do not support parking stall dimension ‘A’ because it is less than the required 16.5 m <sup>2</sup> . Instead, staff recommend utilizing the additional space from the drive aisle to supply the additional 0.25 m so  |

| Regulation | Minimum Required | Proposed<br>(* = existing condition) | Staff Comment   |
|------------|------------------|--------------------------------------|---|
|            |                  |                                      | that the spaces meet the City's requirements while maintaining a driving aisle width greater or equal to 6 m. |

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### Technical Comments:

The rezoning and draft plan of subdivision applications were circulated to internal staff and external agencies for review. The following agencies have provided no objection to the development proposal, but may have conditions of draft approval for the subdivision application, included in Appendix C: Halton District School Board, Halton Catholic District School Board, Canada Post, Union Gas, Halton Region, Burlington Hydro, and City Capital Works, Landscaping & Forestry, Parks & Open Space, Transportation and Finance.

### Grading, Drainage and Servicing

City Site Engineering staff have reviewed the submitted Functional Servicing Report and Stormwater Management Plan, and grading and servicing plans and have no objections to the application. Staff comment that the change from the existing impervious surface area to the proposed is minimal, and the development should not increase the amount of surface run-off. Rear yard drainage of the proposed lots will be accommodated via proposed catchbasins into the existing storm sewer. Moreover, past flooding issues in the area were due to crossed sanitary/storm service connections, and is not expected to be an issue with the proposed development as each dwelling unit will have individual storm and sanitary connections.

An updated Functional Servicing Report and Stormwater Management Plan to reflect the revised draft plan of subdivision will be required to be submitted to the satisfaction of the City prior to final approval of the plan of subdivision (Condition 3.c), Appendix C). Site Engineering staff advise that the revised plan of subdivision is not expected to significantly increase imperviousness or result in flooding.

City Site Engineering staff also advise that for ease of access and maintenance, the easement should be kept on the church property rather than divided between the residential lots.

## **Private Tree Replacement**

City Landscaping and Forestry staff comment that the City does not have a set requirement for replanting on private property, but the Official Plan, Strategic Plan, Urban Forest Management Plan, Site Plan Application Guidelines, Public Tree Bylaw, and our Corporate Public Tree Management Policy serve to inform best practices regarding tree replacement on private sites. These documents refer to a 1:1 caliper replacement, meaning that each caliper removed should be replaced, as determined by the 'aggregate caliper ratio' (e.g. if 200cm DBH are proposed to be removed, 4 x 50cm DBH trees should be planted to compensate). It is recommended that the number of replacement trees be based on the number of trees proposed to be removed in the updated Vegetation Management Plan

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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:**

The application was subject to the standard circulation requirements for a property in the urban area. A public notice and request for comments were circulated in November 2018 to all 81 property owners and tenants within 120 m of the subject property. A notice sign was posted on the property.

A webpage was created on the City of Burlington website, accessible at <https://www.burlington.ca/4417Spruce>. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and the Department of City Building.

City staff held a neighbourhood meeting on January 8, 2019 at Appleby United Church. Ward 4 Councillor Stolte, staff from the Department of City Building, Capital Works and Transportation, the applicant and the applicant's consultants were present. The meeting was attended by approximately 80 members of the public, including many from the Appleby United Church.

A Statutory Public Meeting was held on March 5, 2019. The Planning and Development Committee heard from two delegates, the applicant's representative and a representative from Appleby United Church.

Staff also received 7 emails and 1 letter from 8 individual members of the public on the subject application. A copy of public comments are attached as Appendix B to this report.

Table 6 below summarizes comments received from the public and staff's response.

**Table 6 – Summary of Public Comments and Staff Response**

| <b>Public Comment</b>   | <b>Staff Response</b>   |
|---|---|
| <p>Concern about the loss of mature trees on subject property and impact on neighbourhood character</p>   | <p>The owner will be required, as a condition of draft approval, to provide replacement tree planting on the church property to compensate for the loss of private trees on site, and submit a landscape plan showing the location of replacement trees, and agree that any trees identified for preservation which are removed or damaged shall be replaced with an equivalent value of tree planting (Conditions 3.aa)-dd), Appendix C).</p>  |
| <p>Concern that the proposed development will result in overdevelopment (insufficient building separations; houses that are disproportionate to lot area)</p> | <p>The Zoning By-law 2020 includes minimum yard setback, maximum lot coverage and floor area ratios that are specific to Shoreacres. These regulations are calculated in relation to lot area and lot width, and are used to ensure that buildings are proportionate to the size of the lot. As the applicant is not proposing changes to these regulations, the proposed lots will be developed with dwellings that are appropriately scaled, massed and separated, and will not result in overdevelopment.</p>  |
| <p>Concern that the future houses would be of an architectural style that is not consistent with the existing neighbourhood</p>                               | <p>The control of architectural style is typically reserved for development that is subject to site plan control, or development within heritage conservation districts, neither of which are applicable to this development.</p> <p>The Shoreacres Character Study Final Report notes that, <i>“Achieving compatibility is not about replicating the existing form or reproducing architectural styles or details of nearby buildings. Rather, the focus is to direct how new development can be designed to maintain and preserve neighbourhood character”</i> (MHBC, 2015, p.51). As part of the Shoreacres study, the Zoning By-law 2020 was amended to include zoning regulations that relate to urban design and architectural features, including limiting the width of driveways and prohibiting projecting garages. Staff are of the opinion that these regulations provide adequate control to ensure that the future dwellings will be compatible with the neighbourhood, regardless of architectural style.</p> |

|  |   |
|--|---|
| <p>Concern that the proposed development will result in flooding of neighbouring properties</p>                                | <p>The proposed development is not expected to significantly increase impervious area, and there is sufficient capacity within the existing storm system to accommodate stormwater runoff from this site. Past flooding issues in the area were due to crossed sanitary/storm service connections. This is not expected to be an issue with the proposed development as each dwelling unit will have individual storm and sanitary connections. The applicant will be required to submit a revised functional servicing and stormwater management report to the satisfaction of the City to reflect the new layout of the lots.</p>   |
| <p>Concern about existing traffic and speeding on Tuck Drive, and suggestion for speed humps to be installed on Tuck Drive</p> | <p>Transportation staff have reviewed the proposed development and comment that traffic from the development can be accommodated within the existing transportation system.</p> <p>Speeding concerns are investigated by the City separate from development applications. City Traffic Operations staff comment that the City has received a request for traffic calming measures on Tuck Drive. The required traffic counts to determine if Tuck Drive warrants the installation of traffic calming measures will be completed in the Spring of 2019. Once the review has been completed, all residents on Tuck Drive and the Ward Councilor will be sent an update letter with the results.</p> |
| <p>Question about whether development charges for development would be used for making improvements to Breckon Park</p>        | <p>Parks and Open Space staff comment that the City's capital budget identifies the replacement of the existing playground, site furniture and pathway to the playground at Breckon Park in 2019. These improvements are funded in part from the Park Dedication Reserve Fund, which is funded by cash in lieu of park dedication from development projects across the City. The City will collect cash in lieu of park dedication for the new homes being established through this development.</p>  |
| <p>Concern that the development would set a precedent for future development in the Neighbourhood Character Area</p>           | <p>The revised development proposal conforms to the City's Official Plan policies and objectives for neighbourhood character areas.</p>   |

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**Conclusion:**

Staff’s analysis of the application for a Zoning By-law Amendment and Plan of Subdivision considers 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 Places to Grow Act and the Regional and City Official Plans. This report recommends that the subject rezoning application be approved and that Zoning By-law 2020.408 attached as Appendix B, to Department of City Building report PB-26-19 be adopted. Furthermore, this report recommends that draft approval be given for a residential plan of subdivision to facilitate the creation of four single detached lots, subject to the conditions attached as Appendix C to Department of City Building report PB-26-19.

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Respectfully submitted,

Rebecca Lau

Planner I

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**Appendices:**

- A. Sketches
- B. Proposed Zoning By-law Regulations
- C. Draft Plan of Subdivision – Proposed Conditions
- D. 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.