



SUBJECT: Recommendation report for a plan of subdivision and zoning by-law amendment for 143 Blue Water Place and 105 Avondale Court

TO: Planning and Development Committee

FROM: Department of Community Planning

Report Number: PB-69-19

Wards Affected: 4

File Numbers: 510-01/19 & 520-04/19

Date to Committee: November 5, 2019

Date to Council: November 18, 2019

Recommendation:

Approve the zoning by-law amendment application submitted by Bloomfield Developments to rezone the property at 143 Blue Water Place & 105 Avondale Court from "R1.2" to "R1.2-502" and "O2" to permit eight detached dwellings fronting a public road 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 2020.417, attached as Appendix B to department of city building report PB-69-19, rezoning the lands at 143 Blue Water Place & 105 Avondale Court from "R1.2" to "R1.2-502" and "O2"; and

Deem that Zoning By-law 2020.417 conforms to the Official Plan of the City of Burlington; and

Approve the application submitted by Bloomfield Developments Inc. to draft approve a residential plan of subdivision consisting of eight lots, four blocks, and a public road at 143 Blue Water Place and 105 Avondale Court, as shown in Appendix A of department of city building report PB-69-19, subject to the conditions contained in Appendix C of that report; and

Direct the Director of Capital Works to include for consideration the development of the Blue Water Window-to-the-Lake as part of the 2021 Capital Budget and Forecast.

Purpose:

The purpose of this report is to recommend approval of a draft plan of subdivision and zoning by-law amendment at 143 Blue Water Place and 105 Avondale Court to allow for eight single detached dwellings fronting a public road and blocks for a window to the lake, shoreline protection, and stormwater management.

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

A City that Grows

- *Intensification*

The Strategic Plan directs that new and transitioning neighbourhoods be designed to promote easy access to amenities, services, and recreation areas with more opportunities for walking, cycling and using transit. Intensification in older neighbourhoods is to be carefully managed to respect these neighbourhoods and be planned so that growth is sustainable.

- *Focused Population Growth*

The Strategic Plan encourages young families, youth, newcomers and seniors to locate in Burlington. Strategic initiatives and indicators for achieving this direction include: future development will be higher density, walkable and accessible; the city will become a leader in walkability and bikeability scores in the province and will be fully aligned with provincial strategy and goals.

A City that Moves

- *Increased Transportation Flows and Connectivity*

The Strategic Plan envisions a city that offers transportation options and actively connects people and places. Walking and cycling is to guide the development of new and transitioning neighbourhoods and the downtown so that people rely less on automobiles.

A Healthy and Greener City

- *Healthy Lifestyles*

Every resident is to live within a 15-20 minute walk from parks or green spaces. The trail system is linked to the city's park network, to neighbourhoods and other regional systems ensuring that the city's waterfront is easily accessible and accommodates walking and cycling. Progress indicators include: percentage of parks and green space within a 15-20 minute walk for residents; number of trail access points created; and kilometers of trails connected to parks.

- *Environment and Energy Leadership*

The city is to have a healthy natural heritage system that is protected, well connected, conserved and enhanced. Burlington's waterfront is to continue to be clean, safe and usable, and the city is to take a leadership position in ensuring the rehabilitation and preservation of the city's creeks and streams, and in stormwater management and low impact development. The city's urban forest and tree canopy is envisioned to increase and continue to thrive.

An Engaging City

- *Good Governance*

The Strategic Plan directs that new infrastructure needed to support growth is paid for by new development. Residents are involved to enhance sound decisions.

Executive Summary:

RECOMMENDATION:		Approval.	Ward:	4
Application Details	APPLICANT:	Bloomfield Developments Inc.		
	OWNER:	Same as above.		
	FILE NUMBERS:	510-01/19 (24T-19001/B) & 520-04/19		
	TYPE OF APPLICATION:	Plan of Subdivision & Zoning By-law Amendment		
	PROPOSED USE:	Low density residential; Open space		
Property Details	PROPERTY LOCATION:	South of Lakeshore Road, between Shoreacres Road and Appleby Line		
	MUNICIPAL ADDRESSES:	143 Blue Water Place & 105 Avondale Court		
	PROPERTY AREA:	1.6 ha		
	EXISTING USE:	Low density residential		
Documents	OFFICIAL PLAN Existing:	Residential – Low Density		
	OFFICIAL PLAN Proposed:	No change		
	ZONING Existing:	Residential Low Density (R1.2)		
	ZONING Proposed:	R1.2-502; O2		
Processing Details	NEIGHBOURHOOD MEETING:	November 13, 2018		
	APPLICATION RECEIVED:	April 17, 2019		
	STATUTORY DEADLINE:	October 14, 2019		
	PUBLIC COMMENTS:	Number of notices sent: 74 Number of comments received: 15, from 19 individuals		

Background and Discussion:

Site Description

The subject site has an area of 1.6 ha, with approximately 15 m of frontage on Lakeshore Road, 15 m of frontage on Avondale Court and 105 m bordering on Lake Ontario. The site is located south of Lakeshore Road, between Shoreacres Road and Appleby Line. The site is currently developed with two single detached homes, and consists of two parcels:

- 143 Blue Water Place is approximately 0.7 ha, with frontage on Lakeshore Road, and 3.5 m bordering on Lake Ontario. This parcel includes part of a private laneway (Blue Water Place, BWP) that is used by nine other houses for access to Lakeshore Road. The east-west jog of BWP is privately owned by 4346 Blue Water Place, and is outside of the subject site.

There are a number of individual private water and sanitary lines underneath BWP, connecting houses fronting BWP to the municipal systems at Lakeshore Road. The majority of houses fronting BWP, including the existing houses on the subject site, are currently using septic systems.

- 105 Avondale Court is approximately 0.91 ha, bordering on Lake Ontario and Avondale Court. An unregulated drainage feature runs along the east side of the property. The driveway of 105 Avondale is shared with the adjacent property to the east (113 Avondale Court) to access Avondale Court. This parcel contains significant grade changes from west to east (Figures 1-2).

In 2016, the site was the subject of a Zoning By-law Amendment application (520-07/16) for 35 townhouse units and 4 semi-detached dwellings. The application was refused by City Council in 2016 and Council's decision was upheld at the Local Planning Appeal Tribunal in July 2018.

Surrounding Land Uses

The site is surrounded by low density residential uses (detached dwellings) to the north, east and west, and Lake Ontario to the south (Figure 3).



Figure 1 - Existing house at 105 Avondale Court, looking northwest from Lake. Note the grade change.



Figure 2 – Looking northeast, from top of slope of Lake Ontario at 105 Avondale Court.



Figure 3 – Air photo (2017) with subject property outlined

Description of Application and Processing History

On April 17, 2019, 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 143 Blue Water Place & 105 Avondale Court.

As shown on Sketch No. 2 (Appendix A), the applicant has applied for a plan of subdivision to develop the lands with eight residential lots for detached houses fronting a proposed public road, one block for parkland dedication, and three blocks for stormwater management and erosion control purposes. Approximately 1 ha of the site is proposed to be dedicated to the City for a public road, a parkette (window-to-the-lake), shoreline protection, and storm water management. The proposed development has a density of 12.7 units per net hectare (excluding proposed land dedications).

The applicant has also applied to rezone the lands from “Low Density Residential (R1.2)” to “Low Density Residential (R1.2-502)” and “Open Space (O2)”. The purpose of the proposed Zoning By-law Amendment is to allow reduced lot area, lot width and yard setbacks, increased dwelling depth for Lot 5, and to rezone portions of the site to an open space use.

Processing History

- May 2019 – Applications circulated by staff to public and technical departments and agencies for comment.
- July 9, 2019 – Statutory Public Meeting held and staff information report PB-53-19 presented at Planning and Development Committee. Report PB-53-19 included public comments received by planning staff regarding the proposed development up to that time.
- July 15, 2019 – Report PB-53-19 received and filed by City Council.

Originally, the proposal included an increase in maximum lot coverage for Lot 2. Following the Statutory Public Meeting and in response to technical and public comments, the applicant revised the plan to:

- Eliminate the need for an increase in lot coverage;
- Accommodate an additional 4 m wide block for stormwater management north of Lot 6;
- Shift the location of proposed Street 'A' approximately 0.5 m to the west and provide an increase in the rear yard setback of Lot 7;
- Relocate the sidewalk from the west side to the east side of Blue Water Place.

Public Infrastructure and Dedication of Lands to City

As part of the development, the applicant is proposing to undertake the following infrastructure improvements:

- Blue Water Place is to be extended southwards, reconstructed to meet City standards, and transferred to the City as a public road. The proposed road includes a sidewalk on one side, and street lighting to municipal standards.
- Existing private water lines under the laneway are proposed to be replaced with municipal water mains and connections. Houses fronting the east/west segment of BWP will have their private lines replaced with the new municipal water system under the subject site, but remain unchanged beneath the east/west segment.
- Existing sanitary lines will be replaced with municipal wastewater mains under the subject site but remain unchanged beneath the east/west segment.
- Finally, the applicant proposes to provide shoreline protection works and a 5 m unobstructed maintenance access to and along the works in order to qualify for a reduced setback from the erosion hazard limit associated with Lake Ontario under Ontario Regulation 162/06 of the *Conservation Authorities Act, 1990*. An explanation of this regulation is found in the discussion section of this report. The new shoreline protection and maintenance access will be conveyed to the City.

Supporting Documents

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

- [Concept Plan](#), prepared by UrbanSolutions, dated March 15, 2019
- [Draft Plan of Subdivision](#), prepared by UrbanSolutions, dated March 2019 and signed by Surveyor on April 1, 2019
- [Proposed Zoning By-law Amendment](#)
- [Planning Justification Report](#), prepared by UrbanSolutions, dated April 2019
- [Functional Servicing & Stormwater Management Report](#), prepared by The Odan/Detech Group Inc., dated March 2019
- [Preliminary Grading Plan](#), prepared by The Odan/Detech Group Inc., last revised March 28, 2019
- [Preliminary Servicing Plan](#), prepared by The Odan/Detech Group Inc., last revised March 28, 2019
- Plan & Profile of Road, [Drawing 1](#) & [Drawing 2](#), prepared by The Odan/Detech Group Inc., last revised March 28, 2019
- [Height Survey](#), prepared by The Odan/Detech Group Inc., last revised March 28, 2019
- [Tree Inventory and Preservation Plan Report](#) and associated [Tree Inventory & Preservation Plan](#), [Tree Protection Fencing Details](#), and [Tree Table](#), prepared by Natural Resource Solutions Inc., last revised March 26, 2019, and Reliance Letter dated March 25, 2019
- [Landscape Plan](#), prepared by Geometric Studio Inc., dated March 28, 2019
- [Traffic Impact and Parking Study](#), prepared by Cole Engineering, dated May 2016, and [Reliance Letter](#) dated March 22, 2019
- [Noise Feasibility Study](#), prepared by Rubidium Environmental Inc., dated January 11, 2019
- [Shadow Study](#), prepared by TrolleyBus Urban Development, dated March 25, 2019
- [Phase One Environmental Site Assessment](#), prepared by Candec Engineering Consultants Inc., dated April 25, 2018, and [Reliance Letter](#) dated January 11, 2019
- [Stage Two Archaeological Report](#), prepared by Archaeological Consultants & Contractors, dated August 28, 2018
- [Geotechnical Investigation](#), prepared by Terraprobe Inc., last revised March 27, 2019
- [Topographic Survey](#), prepared by Ashenurst Nouwens Ltd., signed by Surveyor on June 10, 2011
- [Environmental Site Screening Questionnaire](#), completed by UrbanSolutions, dated February 13, 2019
- [Plan of Survey](#), prepared by Ashenurst Nouwens & Associates Inc., completed on February 22, 2019

- [Correspondence with Ministry of Natural Resources Regarding Butternut Trees](#)
- [Cover Letter](#), prepared by UrbanSolutions, dated April 3, 2019

Following the statutory public meeting, the applicant submitted the following materials to address public and technical comments arising from the initial circulation of the application:

- [Concept Plan](#), prepared by UrbanSolutions, dated August, 2019
- [Draft Plan of Subdivision](#), prepared by UrbanSolutions, dated September 2019 and signed by Surveyor September 26, 2019
- [Proposed Zoning By-law Amendment](#)
- [Shadow Study](#), prepared by TrolleyBus Urban Development, dated March 25, 2019
- [Functional Servicing & Stormwater Management Report](#), prepared by The Odan/Detech Group Inc., dated August 2019
- [Stormwater Management Report](#), prepared by Odan/Detech Group Inc., dated August 21, 2019
- [City Ditch Hydraulic Analysis](#), prepared by Odan/Detech Group Inc., dated August 21, 2019
- [Revised Grading and Servicing Plans](#), prepared by The Odan/Detech Group Inc., last revised August 21, 2019
- [Archaeological Report Letter](#), from Ministry of Tourism, Culture and Sport, dated November 30, 2018
- [Cover Letter](#), prepared by UrbanSolutions, dated April 3, 2019
- [Height Survey](#), prepared by Odan/Detech Group Inc., dated August 21, 2019
- [Geotechnical Response Letter](#), prepared by Terraprobe Inc., dated September 4, 2019
- [Geotechnical Report](#), prepared by Terraprobe Inc., dated September 4, 2019
- [Revised Landscape Plan](#), prepared by Geometric Studios Inc., dated September 13, 2019
- [Butternut Tree Confirmation Letter](#), prepared by Natural Resource Solutions Inc., dated August 30, 2019
- [Shoreline Protection Concept](#), prepared by Baird, cover letter dated September 16, 2019, drawings dated August 20, 2019
- [Revised Reference Plan](#), prepared by Ashenurst Nouwens & Associates Inc., signed by Surveyor on September 24, 2019

All the supporting documents have been published on the City's website for the subject application, www.burlington.ca/BluewaterAvondale.

Discussion: Conformity Analysis and Policy Framework

The proposed Plan of Subdivision and Zoning By-law Amendment are subject to the following legislative and policy framework, and have been reviewed and analyzed by staff:

Conservation Authorities Act, 1990

As per Conservation Halton (CH) Policy pursuant to Ontario Regulation 162/06 under the *Conservation Authorities Act, 1990*, development is prohibited within lands adjacent or close to the shoreline of Lake Ontario if it may be affected by flooding, erosion or dynamic beach hazards. On the subject lands, CH regulates a distance of 5 m from the limit of the Erosion Hazard. Development proposed within the regulated area may be restricted or not permitted, and requires a CH permit.

The Erosion Hazard consists of a 30 m Erosion Allowance from the Toe of Natural Bank plus the Stable Slope Allowance (Figure 4 – Left).

If shoreline protection works are provided to meet current standards, and a 5 m unobstructed access to and along the shoreline is provided for the maintenance and repair or replacement of the works, a 35-year credit is applied to the Erosion Allowance, allowing for a 10 m reduction in development setback. The Stable Slope Allowance may also be refined based on a geotechnical assessment. This results in an “Engineered Development Setback” (EDS), which consists of a 20 m Erosion Allowance and a Stable Slope Allowance as determined by a geotechnical assessment (Figure 4 - Right). All habitable development must be landward of the EDS.

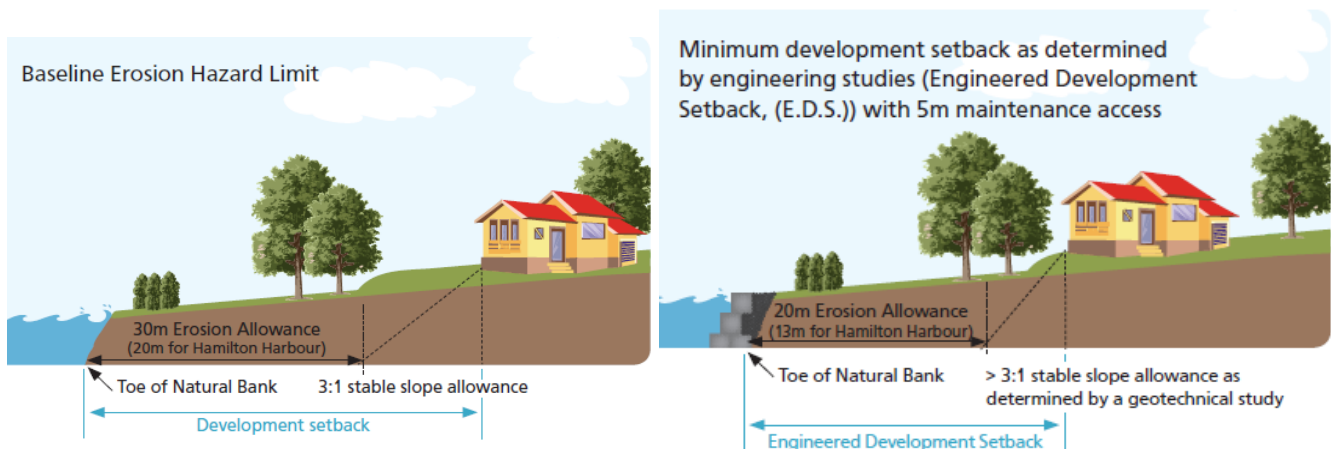


Figure 4 – Left: Baseline Erosion Hazard; Right: Engineered Development Setback (Courtesy of Conservation Halton, 2003)

The applicant is proposing to develop the lands based on an EDS limit, as shown on Sketch No. 2 (Appendix A). To achieve this setback, the applicant has conducted a geotechnical assessment and proposes to upgrade the existing seawall and provide a 5 m maintenance access to and along the seawall from Blue Water Place.

Conservation Halton staff and City staff have reviewed the supporting documents and are not yet satisfied with the proposed conceptual design for the shoreline protection works. However, Conservation Halton staff are confident that shoreline protection works can be addressed as a condition of the plan of subdivision. The owner will be required to design, construct and stabilize all shoreline protection works before final approval and registration of the plan of subdivision (Condition 27d), Appendix C).

Planning Act: Draft Plan of Subdivision Criteria

Section 51(24) of the Planning Act outlines matters that planning authorities are to have regard for when considering a plan of subdivision application. These matters include *“the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality”*, as well as whether the proposed subdivision is premature or in the public interest; the adequacy of utilities and municipal services; the conservation of natural resources and flood control; and the suitability of the land for the purposes for which it is to be subdivided.

With respect to public interest, staff note that the existing network of private services under Blue Water Place, lack of sidewalks and street lighting, and drainage feature pose risks to public health and safety, and property. These risks will be reduced as a result of the proposed development at the cost of the developer, to the benefit of both present and future residents of Blue Water Place and the surrounding neighbourhood. Furthermore, as discussed in the “Proposed Window-to-the-Lake” and “Future Sidewalks and Street Lighting” sections of this report, the proposed subdivision improves public access to the waterfront and convenience for persons with disabilities.

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 provides policies for appropriate development and land use patterns that make efficient use of land and infrastructure, protect natural resources and public health and safety, and facilitate economic growth.

Efficient Land Use Patterns and Public Health and Safety

Subsection 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by promoting efficient development patterns, accommodating an appropriate range and mix of uses, avoiding development and land use patterns which may cause

environmental or public health and safety concerns, and by promoting cost-effective development patterns to minimize land consumption and servicing costs. Settlement areas are to be the focus of growth and development, and 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)).

The proposed development contributes to an efficient and cost-effective land use pattern by intensifying lands within the City's settlement area, where adequate infrastructure and public service facilities are available. Also, the proposed development supports the financial well-being of the City, while avoiding and minimizing risks to public health and safety, as the developer will be responsible for the cost of servicing, road, drainage feature, and shoreline protection improvements.

Natural Heritage - Endangered Species

Subsection 2.1.7 of the PPS states that development or site alteration is not permitted in habitat of endangered species except in accordance with provincial and federal requirements. The provincial *Endangered Species Act, 2007* (ESA) prohibits the taking, harming, or removal of butternut trees, except in accordance with regulations under the Act. Ontario Regulation 242/08 allows some butternut trees to be removed or harmed, if notice and compensatory tree planting is also provided. Additionally, the regulation exempts certain butternut trees (genetic hybrids, cultivated and not planted as a condition of a permit under the ESA, or are severely impacted by the Butternut canker) from protection.

The submitted Tree Inventory and Preservation Plan identifies 12 existing butternut trees on the subject site, 5 of which are protected under the ESA. The other 7 butternuts are hybrid or cultivated trees. Of the 5 trees that are protected, 1 tree is to be removed, 3 will be potentially harmed, and 1 tree will be unharmed. To compensate for the removal/ harming of the 4 butternut trees, the applicant proposes to plant 40 butternut seedlings off-site.

City, CH and Halton Region staff are satisfied that, as a condition of subdivision approval, the owner will be required to agree to implement, and if necessary secure certain works or requirements within an appropriate agreement to be registered on title, the requirements of Ontario Regulation 242/08 of the ESA (such as notice and compensatory tree planting, tending, and monitoring) to the satisfaction of the City, Region, and Conservation Halton (Conditions 4t), 12, & 27c)ix., Appendix C). Any future drainage feature improvement works will also be required to comply with the ESA (Condition 5e), Appendix C). Therefore, the proposed development is consistent with the endangered species policy of the PPS.

Air Quality, Climate Change, Active Transportation, Parks

Subsection 1.1.3.2a) 3 to 4 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.

The proposed applications will result in the intensification of a site that is located within 1.7 km of transit stops, public services and amenities, and the development is designed to support active modes of transportation to these destinations. By supporting active transportation, the proposed development will help reduce greenhouse gas emissions and minimize negative impacts to air quality and climate change.

Growth Plan for the Greater Golden Horseshoe, 2019

The new Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on May 16, 2019. All planning decisions made on or after May 16, 2019 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 complete communities in the Greater Golden Horseshoe. One of the guiding principles of the Growth Plan is: *“support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime”* (p.5).

Appropriate location of intensification, and healthy and active living

The Growth Plan directs the vast majority of growth in the GGH to settlement areas, particularly 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)). Development is to be generally directed away from hazardous lands (2.2.1.2e).

The proposed development conforms to the Growth Plan as it is within the City’s delineated built-up area, within walking distance of existing transit and public service facilities. Healthy and active living is supported by the provision of a sidewalk and park block. Buildings and structures are located outside of hazardous lands associated with Lake Ontario and the existing drainage feature.

Policy 3.2.2.3 of the Growth Plan states, *“In the design, refurbishment, or reconstruction of the existing and planned street network, a complete streets approach will be adopted that ensures the needs and safety of all road users are considered and appropriately accommodated.”* The needs and safety of all road users, including pedestrians, cyclists, transit-users and motorists, have been considered and appropriately accommodated through the design and reconstruction of Blue Water Place.

Subsection 4.2.5 of the Growth Plan encourages municipalities to *“develop a system of publicly-accessible parkland, open spaces and trails, including in shoreline areas”*. The

City's Official Plan is consistent with this policy as it contemplates a connected, publicly accessible waterfront, and windows-to-the-lake as a component of this system. Subsection 4.2.5. of the Growth Plan also states that the park system should "*clearly [demarcate] where public access is and is not permitted, and is based on a coordinated approach to trail planning and development, and good land stewardship practices for public and private lands*". The proposed development contributes to the achievement of a public waterfront park system, and to the delineation of public and private space through fencing requirements (Conditions 3x); 4k, l) & n), Appendix C).

Halton Region Official Plan

The subject lands are designated as Urban Area and Regional Natural Heritage System 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...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 states that the range of permitted uses within the Urban Area shall be in accordance with local official plans and zoning by-laws. Additionally, all development is subject to the policies of the ROP.

The objectives of the Regional Natural Heritage System designation include to protect and enhance the waterfront as a major resource that is part of the Provincially significant Lake Ontario and Burlington Bay shoreline. Policies regarding development or redevelopment applications adjacent to Lake Ontario include requirements for proponents to investigate and implement shoreline protection measures to the satisfaction of Conservation Halton and the City, as well as encouragement to local municipalities to obtain suitable waterfront property along Lake Ontario for public access and as part of a continuous trail system along or adjacent to the waterfront (ROP, 118.(15)(a) & (d)).

Significant habitat of endangered and threatened species are considered a Key Feature of the Regional Natural Heritage System; development and site alteration is prohibited within significant habitat of endangered and threatened species, except in accordance with Provincial and Federal legislation or regulations (ROP, 118.(2)(a)).

The proposed development conforms to the ROP. The proposed development increases the density of the site with a use (low-density residential) that is permitted by the City's Official Plan and Zoning By-law 2020, and is in a location where, according to Regional staff, sufficient water and wastewater capacity is available. The future

sidewalk and street lighting on Blue Water Place is consistent with the ROP's objectives for the Urban Area to accommodate non-motorized forms of travel.

With respect to the ROP's shoreline policies, the applicant has submitted investigative reports and drawings in support of the proposed shoreline protection works. These documents are required to be revised and implemented to the satisfaction of Conservation Halton and the City (Condition 27c)i., Appendix C). Also, as part of the development, the City will obtain waterfront lands for a future waterfront parkette.

Halton Region staff comment that replacement/compensation is required to address a number of butternut trees to be harmed and/or removed from the site, in accordance with provincial requirements. This requirement will be addressed as a condition of draft approval (Conditions 12 & 27c)ix., Appendix C). Thus, the proposal is in conformity with the ROP.

City of Burlington Official Plan

The subject site 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 calculation of density excludes the proposed public road, park, shoreline maintenance access and stormwater management blocks. (Official Plan, Part III, 2.2.2 & 2.9.2)

The applicant is proposing 8 single detached units, with a density of 12.7 units per net hectare.

Criteria for Residential Intensification within Established Neighbourhoods

Part III, Section 2.5.2 of the Official Plan provides criteria to be considered when evaluating proposals for residential intensification within established neighbourhoods, 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.*

Adequate municipal services are available to accommodate the proposed development. 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), and Frontenac 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 students 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.

A 15 m wide block (0.15 ha) above the stable top of bank of Lake Ontario will be dedicated to the City in fulfillment of parkland dedication requirements, as set out in the City's Official Plan and as discussed in the "Proposed Window-to-the-Lake" section below (Condition 3a)iii), Appendix C).

(ii) Off-street parking is adequate;

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.

(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 staff comment that the proposed development is expected to generate approximately 10 two-way vehicle trips in the peak morning hour, and 9 two-way vehicle trips in the peak evening hour, assuming that everyone entering or exiting the proposed development will be driving. Staff have no concerns with the traffic that will be generated by the proposed development, and concur with the conclusions of the submitted traffic impact study – that traffic generated from the proposed development would be accommodated by the surrounding road network and does not require geometric improvements and/or changes to traffic control. The future sidewalk on Blue Water Place will be an improvement for all the active transportation users and will encourage active modes of transportation.

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

Transit stops for Burlington Transit routes 10 (New-Maple) and 25 (Walkers), having a frequency of every 20 minutes between the hours of 5:50-9:30 am and 3:50-8:00 pm on weekdays, are located 970 m and 1.7 km from the subject site, at Lakeshore Road and Appleby Line, and New Street and Shoreacres Road. The stops are accessible via a connected network of sidewalks and crosswalks on Blue Water Place, Lakeshore Road, Shoreacres Road, New Street, and Appleby Line. The bus routes provide connections to key transit stops such as Downtown Burlington Bus Terminal, and Appleby GO, Burlington GO, and GO 407 Carpool Lot.

(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.

Compatibility is defined in the Official Plan as “*development or redevelopment that is capable of co-existing in harmony with, and will not have undue physical (including form) or functional adverse impact on existing development in the area...*” Staff are satisfied that the proposed development is compatible with the surrounding neighbourhood, for the following reasons:

Scale – Staff are satisfied that, although the future dwellings will generally be smaller than existing surrounding buildings, the development can co-exist in harmony with the existing neighbourhood. Existing houses in the neighbourhood are one and two-storey single detached dwellings; similarly, the applicant is proposing two and two-and-a-half storey single detached dwellings that comply with the height and lot coverage regulations of the zoning by-law. Also, the proposed configuration of the Blue Water Place extension, preservation of existing mature trees along the rear lot lines of the proposed lots, and stormwater management dedication blocks provide a transition between existing and proposed buildings.

Massing, Height & Coverage – Massing is controlled in the Zoning By-law through setback, height, lot coverage, garage projection and porch encroachment regulations. Except for setbacks, the proposed development conforms to these regulations. The proposed setbacks will not result in buildings that are inappropriately massed because the applicant also proposes to restrict building heights for Lots 1-3 and Lots 6-8 to a maximum of 2 storeys, whereas a maximum of 2.5 storeys is permitted as of right in the base R1.2 zone. For Lots 4 and 5, a 2.5 storey height is appropriate given that these lots are adjacent to a park block.

Siting & Setbacks – The proposed dwellings are of an appropriate height and are adequately sited and set back from existing abutting properties and outdoor amenity areas in order to maintain privacy and limit overlook onto adjacent properties. The proposed side yard and front yard setbacks are compatible with the existing streetscape due to the configuration of the road and cul-de-sac.

The rear yard setbacks of proposed Lots 1, 2 and 8 exceed the minimum requirements of the Zoning By-law. The applicant is also proposing to retain existing large mature trees along the rear of Lots 1-3 and will be required to construct a 1.8 m tall wood privacy fence along the rear property line of these lots, and decorative fencing along the rear of Lot 4 and 5 (Conditions 4n) & o), Appendix C). The existing dense stand of coniferous trees along the boundary of Lot 7 and the adjacent property to the east, as well as a building height restriction of 2 storeys, will limit overlook onto the adjacent house (Figure 5 below).



Figure 5 – Photo of existing trees to be retained along rear of proposed Lot 7 and 4342 Blue Water Place (looking east towards 4342 Blue Water Place).

Parking – The applicant proposes to meet or exceed the off-street parking requirements of the Zoning By-law. The future municipal road will be designed to accommodate at least 4 on-street parking spaces (Condition 3m), Appendix C).

Amenity Area – The proposed amenity areas will be buffered from existing buildings and rear yards through fencing and the preservation of existing mature trees. Privacy for existing and proposed buildings and rear yards is maintained/provided by appropriate building heights, setbacks, fencing, and the preservation of existing mature trees along the rear yards of the proposed lots.

(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 332 total trees inventoried in the submitted Tree Preservation Plan, approximately 128 (39%) of trees on the subject site are proposed to be removed. All of the trees are privately owned. The proposed removal of trees was determined by the applicant’s arborist based on high potential for structural failure, poor or very poor health or dead, or trees that would require removal due to proposed site grading and other construction activity. Of the trees proposed to be removed, 91 (71%) are in “Good” or “Fair” condition, and 35 (27%) are in “Poor”, “Very Poor” or “Dead” condition.

While the City does not have a definitive requirement for replanting on private property, the City’s Official Plan, Strategic Plan, Urban Forest Management Plan, Site Plan Application Guidelines, Public Tree Bylaw, and 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 caliper removed is the caliper replaced, in order to maintain and grow the city’s urban tree canopy.

Based on the Arborist Report and Existing Tree Survey Plan that was submitted, Landscaping and Forestry staff calculate an adjusted caliper replacement value (adjusted for the health and structural condition) at 2,242cm. Appropriate planting numbers that would ensure this development maintains the city's tree canopy would be 320 x 7cm caliper trees.

In total, the development will result in 1,515 cm Diameter at Breast Height (DBH) of trees being dedicated or planted under City ownership on the subject site. Approximately 92 existing trees (1,179cm DBH) are being preserved on land to be dedicated to the City and 336 cm DBH are proposed to be planted along the laneway and cul-de-sac, which will come under the protection under the City's Public Tree Bylaw 68-2013. An additional 727cm (104 x 7cm caliper trees) are recommended to be planted in order to maintain the city's tree canopy. However, since space on the subject site is limited and existing trees are not currently protected from removal, Landscaping staff recommend that additional tree planting opportunities be explored on the lands proposed to be dedicated to the City (e.g. Blocks 1 & 2).

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

Staff are satisfied that the submitted sun-shadow studies demonstrate that the development is unlikely to cause significant sun-shadowing for extended periods of time on adjacent properties.

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

Schools, community centres and shopping centres are accessible from the subject site via sidewalks and crosswalks along Lakeshore Road, Shoreacres Road, New Street and Appleby Line. Nelson Secondary School, Nelson Recreation Centre, Breckon Park, Paletta Park, and Appleby United Church are within 1.7 km of the site. Also, transit stops for Burlington Transit route 10 are located 970 m away, providing connections to key destinations such as Burlington Seniors' Centre, Burlington GO, Appleby GO and Downtown Burlington.

(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 is of the same land use and of a similar intensity as the surrounding neighbourhood. The proposed park block for a window-to-the-lake will be compatible with the existing neighbourhood

- (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 properties are developed.

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

Areas affected by erosion hazards and flooding hazards associated with Lake Ontario and the drainage feature are protected through the proposed land dedications, rezoning of the blocks to an Open Space zone, development setbacks, shoreline protection works and maintenance access. The applicant will also be required to provide remedial works to the drainage feature to protect the feature from further erosion and flooding (Condition 3uu), Appendix C).

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

Part II, 2.11.3 g) states that the City will normally require the dedication of the greater of the regulatory flood plain or valley through which a watercourse flows, including a conservation setback from top of bank, regulatory flood plain, or meander belt width. The dedication of these lands shall not be considered part of parkland dedication requirements, unless the lands provide needed public recreational opportunities as identified by the City. If any of these lands remain in private ownership, the lands will be protected by zoning, agreement or easement to protect the ecologic and floodplain function of such land.

The proposed development conforms to this policy because the drainage feature and a 7.5 m setback from its top of bank will be dedicated to the City (Block 1). These lands are not considered parkland dedication because they will be maintained solely for stormwater management purposes.

Part II, 2.11.3 m) addresses redevelopment or intensification in South Aldershot, which does not apply to this development.

- (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.

Waterfront Policies

The proposed development conforms to the Official Plan's waterfront policies, as discussed in the "Proposed Window-to-the-Lake" section of this report.

Stormwater Management

The Official Plan requires the use of stormwater management techniques in the design of new developments to control both the quantity and quality of storm water runoff (Part II, 2.11.3a)). City Site Engineering have reviewed the supporting studies and do not have any objections to the rezoning and draft plan of subdivision approval, but require additional studies prior to final subdivision approval to ensure that stormwater runoff is appropriately managed and will not increase the risk of flooding of the drainage feature. Improvements to the existing drainage feature will also be required at the cost of the developer and to the satisfaction of the City. The details of the extent of remediation works will be determined through additional study following draft approval (Condition 6e), Appendix C).

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 2020s

The property is currently zoned "Residential – Low Density (R1.2)" in the City's Zoning By-law 2020. Single detached dwellings are permitted. The applicant seeks to rezone the site to a modified R1.2 zone for the proposed residential lots to allow reduced lot areas, widths, and setbacks.

Table 1 provides an overview of the existing R1.2 regulations and the modified R1.2 regulations proposed by the applicant. Staff are generally in support of the proposed rezoning, as further discussed below.

Required (Minimum unless otherwise noted)		Proposed (bold = site specific provision required)							
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Lot Width	24 m	16.5 m	17 m	17.1 m	19.1 m	19.1 m	19.2 m	47.0 m	16.7 m
<i>Staff analysis</i>		<u>Support.</u> The proposed lot areas and widths are adequately sized to facilitate a built form that is compatible with the existing neighbourhood.							
Lot Area	925 m ²	618.7 m²	554.2 m²	722.4 m²	877.7 m²	1,111.8 m ²	724.6 m ²	856.2 m²	811.1 m²
<i>Staff analysis</i>		<u>Support.</u> See above.							
Front Yard	9 m	6.7 m	6.7 m	8.1 m	8.0 m	7.1 m	7.3 m	3.2 m	8.3 m
<i>Staff analysis</i>		<u>Support.</u> The proposed front yards setbacks provide adequate separation and space for landscaping between buildings and the street. The setbacks also establish a consistent street edge around the future Blue Water Place cul-de-sac and provide a transition between existing and proposed dwellings on Blue Water Place.							
Rear Yard	9 m; 4.5 m on a corner lot	10.0 m (corner)	10.0 m	6.9 m to 8.5 m	5.1 m	15.0 m	6.4 m	8.3 m	21.0 m (corner)
<i>Staff analysis</i>		<u>Support.</u> Adequate outdoor amenity space and privacy between dwellings is provided. The lots requiring modified rear yard setbacks are irregularly shaped and, apart from Lot 7, have rear yards that back onto future parkland or stormwater management blocks where existing trees will be preserved and provide privacy. The proposed rear setback for Lot 7 is appropriate given the preservation of the existing dense stand of trees along the boundary of Lot 7 and the adjacent property to the east. A 1.8 m tall wood privacy fence will be required to be installed between Lot 3 and existing property to the west to mitigate privacy impacts.							

Required (Minimum unless otherwise noted)		Proposed (bold = site specific provision required)							
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Side Yard (for dwellings with an attached garage)	10% of lot width; Street side yard: 9 m	3.0 m (street side); 1.2 m (south)	2.3 m	1.5 m (north); 1.6 m (south)	4.5 m (west); 1.6 m (east, abutting access block)	2.2 m (west); 2.5 m (east)	2.5 m (north); 2.7 m (south)	1.9 m (north); 20+ m (south);	2.4 m (north); 2.3 m (street side); 1.9 m (south)
<i>Staff analysis</i>		<u>Support.</u> The proposed side yard setbacks provide adequate separation between buildings, the proposed public road and blocks to facilitate access to rear yards, drainage of the lots, and landscaping between buildings and public property.							
Setback of all buildings and structures from O2 zone	4.5 m if block includes a 3 m buffer	--	--	--	--	> 4.5 m (6.3 m)	6.4 m (7 m)	--	--
<i>Staff analysis</i>		Meets regulation.							
Lot Coverage (for two storey dwellings with an attached garage)	Max. 35%, including accessory buildings	27.8%	31.0%	30.5%	25.1%	19.9 %	23.3%	20.9%	29.0%
<i>Staff analysis</i>		Meets regulation.							
Building Height	Max. 2.5 storeys to 13 m	2 storeys, except Lots 4 & 5 which may be 2.5 storeys							
<i>Staff analysis</i>		Meets regulation.							

Required (Minimum unless otherwise noted)		Proposed (bold = site specific provision required)							
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6	Lot 7	Lot 8
Dwelling Depth	No maximum	15.7 m	16 m	14.3 m	14.3 m	14.3 m	12.7 m	7.7 m	20.7 m
<i>Staff analysis</i>		Meets regulation.							
Architectural Features:									
<ul style="list-style-type: none"> Height of columns on first storey shall not exceed the height of the ceiling of the first storey. 									
<i>Staff analysis</i>		Meets regulation.							
Garages									
<ul style="list-style-type: none"> Width shall not exceed 50% of width of building elevation; Not permitted to project beyond the front wall on the first storey of a dwelling 									
<i>Staff analysis</i>		Meets regulation.							
Parking:		4 parking spaces / unit							
<ul style="list-style-type: none"> 2 spaces / unit, one of which may be provided in an attached or detached garage 		(2 in garage, 2 in driveway)							
<i>Staff analysis</i>		Meets regulation.							
Driveway Widths and Landscape Open Space Area:		No exemption proposed.							
<ul style="list-style-type: none"> Varies depending on length of front lot line 									
1-storey unenclosed porch encroachment into required front yard:		No exemption proposed.							
<ul style="list-style-type: none"> Maximum 0.65 m 									

Proposed Window-to-the-Lake

Lake Ontario is a valuable resource and adds significantly to the wellbeing of the City and its citizens. Accordingly, principle 9.1a) of the City's Official Plan establishes that "*publicly accessible waterfront areas, such as Regional and local parks, trails and Windows-to-the-Lake/Bay are important to provide Burlington citizens with opportunities to participate in a variety of waterfront activities*". This principle is implemented through City Official Plan policies that promote or require the acquisition/obtainment of land, particularly through the development application process, including:

- 9.3.2c) - "The acquisition of land to create new or to add to existing windows-to-the-lake *shall be encouraged* by City Council, as a means to increase public access to the waterfront";
- 9.4.2a) - "Development proposals along the waterfront *shall provide* for public open space and a Waterfront Trail use, where feasible";
- 9.4.2d) - "A minimum 15 m wide strip of land from the stable top of bank along the shoreline and where appropriate, near shoreline links will be dedicated to the City as part of the fulfillment of parkland dedication";
- 9.4.2m) - "Where there is sufficient distance between the roadway and the waterfront to accommodate both the development and the Waterfront Trail, the proponent will be required to: [dedicate to the City lands below the stable top of bank, a 15 m wide strip of land above the stable top of bank, and links to public roadways and public open spaces, and carryout shoreline protection, basic grading, and any required fencing as a condition of approval]."

The proposed window-to-the-lake and access from Blue Water Place conforms to the principles, objectives, and policies of the City's Official Plan. As shown on the applicant's plans and as discussed in the Official Plan section of this report, it is feasible to provide public open space and achieve compatible residential intensification on this site.

Moreover, consistent with Principle 9.1a) of the Official Plan, the proposed window-to-the-lake will increase opportunities for the public to participate in a range of waterfront activities. Whereas Paletta Park is a local park that offers more active recreation opportunities (including a trail, access to the water, and special events), the proposed window-to-the-lake will provide a quieter space for the public to enjoy views of the lake.

Safety and Access off Blue Water Place vs. Avondale Court

The City's Official Plan also provides policies to ensure that all activities and future development surrounding the waterfront are clean, open, green and attractive. Public parks are to be designed to be safe, attractive and inviting, and to visually separate private and public open spaces (9.2.2; 9.3.2). Public waterfront areas are also to be

accessible by all means of transportation while maintaining a pedestrian-oriented atmosphere (9.3.2 g, h)).

The future design and development of the park block (e.g. furniture, landscaping) will take place after the lands are dedicated to the City. However, City Parks and Open Space staff note that the design will be guided by the aforementioned Official Plan waterfront policies. Staff recommend that the development of the park be included in the 2021 Capital Budget and Forecast. Furthermore, as a condition of subdivision approval, the applicant will be required to install a 1.8 m tall black iron decorative fencing along the rear property lines of proposed Lots 3-5 to clearly distinguish between public and private space, while allowing for passive surveillance of the park and walkway. Signage indicating that the park is intended for day use only will also be required to be installed by the applicant. (Condition 3x), Appendix C)

The window-to-the-lake will be accessible to all road users via the future municipal sidewalk on Blue Water Place and the public access block. Staff support the proposed location of the public access to the window-to-the-lake at Blue Water Place rather than Avondale Court because the grade changes on the east side of the site pose potential accessibility challenges. Furthermore, staff note that the proposed development is contingent on the applicant providing a permanent 5 m maintenance access to and along the shoreline protection works. The proposed co-location of the shoreline maintenance access with the public walkway and window-to-the-lake achieves multiple objectives (shoreline protection and public waterfront access) and is an efficient use of land.

Parkland Dedication vs. Cash-in-Lieu and Overdedication

City Parks & Open Space staff comment that the Official Plan strongly supports parkland dedication rather than cash-in-lieu for development proposals adjacent to the waterfront. The proposed dedication exceeds the City's normal park dedication rate for low density residential development. As per Part II, 9.4.2 of the City's Official Plan, the proponent will receive compensation for the difference.

Future Sidewalk and Street Lighting

Sidewalks are vital pieces of transportation infrastructure and are one of the most utilized modes of transportation in Burlington. They provide connections to community areas such as schools, parks, cycle routes, places of worship, community centers and facilitate access to City transit services. Sidewalks provide a safe, comfortable and dedicated space for vulnerable users to travel within the City's right-of-way separate from vehicle traffic. Vulnerable users include: seniors, school-aged children, residents using mobility devices, families with strollers/wagons and residents walking their dogs. In addition to the social and safety benefits of constructing them, sidewalks fulfill several initiatives and established City strategic directions, including the City's:

- *Strategic Plan:* According to the City's Strategic Plan, new and transitioning neighbourhoods are to be designed to promote easy access to amenities, services, and recreation areas with more opportunities for walking, cycling and using public transit (1.2.d). Young families, youth, newcomers and seniors are encouraged to locate in Burlington (1.3.a).

With the future sidewalk, current and future students, seniors, and young families living on or visiting Blue Water Place will be able to walk or cycle between the site and nearby destinations entirely via sidewalks and crosswalks along Lakeshore Road, Shoreacres Road, Appleby Line and New Street. Also, the future street lighting will improve visibility for road users in the early mornings and evenings, and thereby increase opportunities for residents and visitors to use active modes of transportation at all times of the day.

- *Pedestrian Charter:* Endorsed by City Council in 2009 (PR 30/09), the City's Pedestrian Charter states that the City encourages, values and actively supports walking in all parts of the community. It acknowledges that "walking helps to create a richer social life and makes it possible for all of us to take part in the life of our community. The City values easy access to our streets, squares, buildings, and public transit and assists in removing physical and social barriers so that opportunities to walk to these places is available to all". Furthermore, the Charter states that "a well-connected network of walking routes that are direct and easy to follow encourages walking", and that "the City values safe routes and infrastructure that prevent accidents".

The sidewalk and street lighting on Blue Water Place supports walking by preventing accidents and establishing a continuous walking route (made of sidewalks and crosswalks) that connects the subject site to other neighbourhoods in the City, nearby schools, shops, parks and public transit. In doing so, the sidewalk and street lighting increases opportunities for all to take part in the life of the community.

- *Climate Emergency Declaration:* On April 23, 2019, City Council declared a Climate Emergency, acknowledging "the need for a significant and structural reduction in carbon emissions in the next 11 years to avoid further economic, ecological, and societal loss", and resolving "[t]hat Council and staff immediately increase the priority of the fight against climate change and apply a climate lens of the plans and actions of the City of Burlington."

Requiring a sidewalk and street lighting on Blue Water Place encourages walking, reduces car dependency, and thereby supports the reduction of carbon emissions and supports the City's fight against climate change.

Technical Comments

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

Summary of Technical Comments

City Parks & Open Space – City Parks and Open Space staff comment that the proposed parkland dedication block and walkway is satisfactory. Parks and Open Space staff recommend that development of the window-to-the-lake be included for consideration in the 2021 Capital Budget and Forecast to ensure that expectations of public use are established early in the development of the new houses.

City Site Engineering – City Site Engineering staff comment that they have no objections to the rezoning or draft plan of subdivision approval. Since stormwater from the site is to be directed to the drainage feature, and given the feature's past problems with flooding, the applicant will be required to undertake remedial works to the feature and manage stormwater runoff to reduce the risks of future flooding, to the satisfaction of the City. Also, additional studies will be required prior to final subdivision approval to determine the details of the remedial works and to further refine the stormwater management design (Conditions 3l); 6b) & e), Appendix C). For Lot 7, Site Engineering staff recommend that no accessory buildings or structures be allowed within 4.5 m of the rear lot line so that the existing slope at the rear is not disturbed (Appendix B, recommended zoning by-law amendment).

City Transportation – City Transportation staff comment that they have no concerns with the proposed development from a transportation perspective.

Canada Post – Mail delivery will be to the door of the new homes, as it is currently for existing neighbours.

Financial Matters:

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

The value of the parkland overdedication will be determined prior to registration of the plan of subdivision (Condition 8, Appendix C). Funding for the compensation will come from the City's Park Dedication Reserve Fund.

The cost for the development of the Window-to-the-lake will be identified for consideration as part of the 2021 Capital Budget and Forecast.

Public Engagement Matters:

A Neighbourhood Meeting was held on November 13, 2018 at Pineland Baptist Church by the applicant, prior to submission of the application. Approximately 35 residents, Ward Councillor Stolte, and City Planning staff attended the meeting.

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 May 2019 to all property owners and tenants within 120 m of the subject site. 74 households were circulated. A notice sign was posted on the property in May 2019.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/BluewaterAvondale. 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.

A Statutory Public Meeting was held on July 9, 2019. The Planning and Development Committee heard from seven delegates, including the applicant's representative.

Public Comments

In response to public circulation, staff received 15 comments from 19 members of the public on the subject application. A copy of the public comments received is attached as Appendix D to this report. The general themes of the written comments are summarized in Table 2 (next page).

Table 2 – Public Comments and Staff Response

Public Comments	Staff Response
<p>Compatibility of Lots 6 and 7 with rear yard of 4342 Blue Water; and general concerns about compatibility of the number of lots with existing neighbourhood.</p>	<p>Proposed Lots 6 and 7 will not have undue privacy and sun-shadowing impacts on the rear yard of 4342 Blue Water Place. In response to public and technical comments, the applicant has increased the side yard setback of Lot 6 and is providing a 4 m wide block between Lot 6 and 4342 Blue Water Place for dedication to the City as a stormwater overland flow route. The building envelope for Lot 6 is therefore effectively required to be setback at minimum 6.5 m from the rear lot line of 4342 Blue Water Place, whereas the minimum setback in the R1.2 zone is 2.4 m. The applicant has also increased the rear yard setback of Lot 7 by 0.8 m (from 7.5 m to 8.3 m) and will be preserving the existing dense stand of coniferous trees between this lot and 4342 Blue Water Place.</p> <p>As discussed in the Official Plan section of this report, staff are of the opinion that the proposed lots are compatible with the existing neighbourhood.</p>
<p>Concerns that proposed zoning by-law amendment will set precedence for future development on BWP, Secord Lane and the surrounding area</p> <ul style="list-style-type: none"> • Concern that proposed development does not reflect the unique character of the area 	<p>The subject site is not within a character area. Future development proposals in the area requiring a planning application will be evaluated against the Official Plan’s criteria for residential intensification in established neighbourhoods.</p> <p>Staff have analysed the proposed zoning by-law amendment in accordance with the Official Plan’s intensification policies and are of the opinion that it will facilitate development that is compatible with the existing neighbourhood.</p>
<p>Concerns that proposed development will worsen flooding problems associated with existing drainage feature.</p>	<p>The applicant will be required to make improvements to the drainage feature to address and prevent future flooding and erosion problems. Details of the works required will be determined through further study prior to final subdivision approval (Condition 6e), Appendix C). Also, additional study will be required prior to final subdivision approval to ensure that stormwater runoff from the site will be managed to meet City standards (Conditions 3l) & 6b), Appendix C).</p>
<p>Opposition to window-to-the-lake / waterfront trail, based on</p>	<p>The proposed park and access blocks are strongly supported by the City’s Official Plan. The Official Plan encourages increased public accessibility to the waterfront</p>

Public Comments	Staff Response
<p>concerns about:</p> <ul style="list-style-type: none"> • Proximity of Paletta Park to site and feasibility of a connected waterfront trail; • Impact on ability for development to comply with Zoning By-law 2020; • Trespassing on Secord Lane, safety associated with top of bank and lack of eyes on the street; • Cost to City to maintain park and shoreline protection works in future; • Safety and state of repair of existing windows to the lake – suggestion that cash-in-lieu of parkland be required 	<p>and envisions a public waterfront system that is comprised of trails, regional and local parks and windows-to-the-lake. The future window-to-the-lake complements Paletta Park and the existing waterfront trail along Lakeshore Road, increases public access to the waterfront, and increases the feasibility of achieving a connected shoreline waterfront trail in the future.</p> <p>Staff are of the opinion that given the constraints of this site (e.g. butternut trees, grading, servicing, Lake Ontario shoreline), it may not be possible or be in the public interest to fully comply with the Zoning By-law 2020 on this site. Staff have analyzed the development and are of the opinion that it is compatible with the existing neighbourhood and can address site constraints.</p> <p>Trespassing through Secord Lane will not be possible because fences will be required to be installed between Lots 1-3 and Secord Lane and along the rear lot lines of Lots 3-4 (Conditions 4n & o), Appendix C). Staff recommend that the development of the window-to-the-lake be included in the capital budget and forecast in 2021 so that the expectation of public use and access is established along with the new houses. Detailed design of the park will take place at that time, and will take safety into consideration. Eyes on the street will be provided by the lots that back onto the park in addition to residents fronting onto BWP.</p> <p>Parks & Open Space staff comment that the repair and renewal work for other windows-to-the-lake is planned as part of the parks and open space asset management plan and identified in the capital budget process. Currently there are plans to review and improve the Walkers Line Window-to-the-lake in 2019.</p>
<p>Concern about loss of trees and other vegetation and impacts to existing wildlife; existing vegetation and wildlife should be protected</p>	<p>The subject site is not considered a significant wildlife habitat. The existing butternut trees on site will be protected/ managed in accordance with provincial requirements. The development will result in approximately 92 trees on 1 ha of land being dedicated to the City, and thereby protected by the City's Public Tree By-law. The applicant will also be planting approximately 50 street trees along Blue Water Place, which will also be protected by the Public Tree By-law once the road is transferred to</p>

Public Comments	Staff Response
	the City.
<p>Opposition to sidewalks and street lights on proposed public road</p> <ul style="list-style-type: none"> • Opinion that sidewalks and streetlights are not needed because current and future residents currently/will rarely walk on the street • Concern about impact of sidewalks on existing trees and flooding 	<p>The proposed development is within the City's Urban Area. A sidewalk and streetlighting on Blue Water Place fulfill multiple objectives of the City's Strategic Plan, and Provincial, Regional and City land use plans and policies.</p> <p>The proposed road is to be of a variable width to minimize impacts to existing trees. City Urban Forestry staff note that the relocation of the sidewalk from the west side to the east side of Blue Water Place helps reduce impacts to existing trees.</p>
<p>Concerns with speeding, traffic visibility, traffic and street parking along Blue Water Place, and suggestion to install a speed bump</p>	<p>Transportation staff comment that given the low volume of traffic that is expected on Blue Water Place, a speed bump is not warranted and staff do not have concerns about visibility related to the proposed configuration of the road. Staff also do not have concerns about parking for this development, as the applicant is proposing to meet or exceed the minimum off-street parking requirements of the Zoning By-law.</p>
<p>105 Avondale driveway</p> <ul style="list-style-type: none"> • Current driveway is in disrepair due to historic flooding events • Concerns about safety; suitability of driveway for construction vehicles, lighting; snow removal; and use of driveway as access point to future window-to-the-lake/waterfront trail 	<p>Site Engineering staff comment that the existing driveway will be evaluated after the drainage feature restoration works are complete. Any required works to the driveway will be determined at that time.</p> <p>A gate will be installed on the driveway to prevent vehicles from driving past 113 Avondale Court (Condition 4q), Appendix C). As the driveway is only to be used for drainage feature maintenance, street lighting will not be installed on the driveway and snow removal to access 113 Avondale will be the responsibility of the homeowner.</p>
<p>Concern about parking, mud and dust impacts on BWP residents during construction, and request for construction parking and road clean up plan</p>	<p>A construction management plan, which will include a parking plan for construction parking, will be required to be submitted as a condition of approval (Condition 3p), Appendix C).</p>
<p>Interest in seeing 4346 Blue Water Place laneway become a public road with municipal services</p>	<p>4346 Blue Water Place is not part of the subject application. However, the Region would support the extension of services to this laneway if homeowners fronting onto it are willing to finance the cost of the works.</p>

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 2020.417 attached as Appendix B to department of city building report PB-69-19 be adopted. Furthermore, this report recommends that draft approval be given for a residential plan of subdivision to facilitate the creation of eight single detached lots, a public road, and blocks for stormwater management, a public park and maintenance access, subject to the conditions attached as Appendix C to department of city building report PB-69-19. This report also recommends that development of the public park block be identified for consideration in the 2021 Capital Budget and Forecast.

Respectfully submitted,

Rebecca Lau

Planner I

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Appendices:

- A. Sketches
- B. Proposed Zoning By-law Regulations
- C. Proposed Conditions of Subdivision Approval
- D. Public Comments Received

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.