



SUBJECT: Recommendation report for an official plan and zoning by-law amendment for 2087-2103 Prospect Street

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-29-19

Wards Affected: 2

File Numbers: 505-09/17 and 520-19/17

Date to Committee: October 8, 2019

Date to Council: October 28, 2019

Recommendation:

Modified approval of the applications for Official Plan Amendment and Zoning By-law Amendment made by Children's Financial Group, c/o Ruth Victor & Associates, 3221 North Service Road, Burlington ON L7N 3G2, to permit 36 new stacked townhouse units in two blocks in addition to the existing residential apartment building; and

Approve Official Plan Amendment No. 115 to the City of Burlington Official Plan, as provided in Appendix B of department of city building report PB-29-19, to redesignate the rear portion of the subject lands from "Residential Medium Density" to "Residential High Density" and to modify the "Residential High Density" policies to include site specific policy for whole of the subject lands; and

Deem that Section 17(21) of the Planning Act has been met; and

Instruct the City Clerk to prepare the necessary by-law for adoption of Official Plan Amendment No. 115, as contained in Appendix B of department of city building report PB-29-19 to be presented for approval at the same time as the associated by-law to amend Zoning By-law 2020, as amended, for the development proposal; and

Approve, in principle, the zoning regulations provided in Appendix C to department of city building report PB-29-19, to rezone the lands at 2087-2103 Prospect Street from "RM2" and "RH4" to "RH4-500" subject to Residential Development Agreement

conditions as provided in Appendix D to department of city building report PB-29-19 and the provision of community benefits; and

Direct the Director of Community Planning to hold discussions with the applicant to secure community benefits in accordance with Section 37 of the Planning Act and Part VI, Section 2.3 of the City's Official Plan, as they relate to the requested increased density on the subject property, and to return to Council with a report outlining the recommended community benefits and the implementing Zoning By-law.

Purpose:

The purpose of this report is to provide recommendation for a modified approval of the applications for Official Plan Amendment and Zoning By-law Amendment for the property known as 2087-2103 Prospect Street. The existing property contains an 8-storey apartment building with 65 units close to Prospect Street, and 2-fourplex buildings with a total of 8 units at the northern end of the site. The development applications propose the redevelopment of the northern portion of the subject lands with two blocks of stacked townhouse units. The applicant has proposed 40 stacked townhouse units to replace the 8 existing fourplex units. All units on the site will be rental in tenure. Planning Staff are recommending a modified approval to permit a maximum of 36 stacked townhouse units. The subject development application aligns with the following objectives of Burlington's Strategic Plan 2015-2040:

A City that Grows:

- Intensification
 - 1.2.a. *Growth is being achieved in mixed-use areas and along main roads with transit service, including mobility hubs, downtown and uptown.*
 - 1.2.e. *Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.*

The application proposes to intensify the site with a greater number of residential rental units and is located close to Brant Street and the Burlington GO Station. Low density residential exists to the north, and the proposed building is sited to fit within a 45-degree angular plane and retain the boundary trees along the property line.

- Focused Population Growth:
 - 1.3.a. *Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomers and young families and offers a price range and mix of housing choices.*

The development application proposes two blocks of stacked townhouses to replace the existing fourplex units at the rear of the property. The development proposal increases the number of residential rental units on the property. A mix of bachelor, 1 and 2-bedroom rental units are proposed.

REPORT FACT SHEET

RECOMMENDATION:		Modified Approval	Ward: 2
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	Ruth Victor & Associates Children's Financial Group 505-09/17 & 520-19/17 Official Plan Amendment Zoning By-law Amendment High density residential. Existing 8 storey apartment building to remain with 65 units, 2 blocks of stacked townhouses proposed with 40 units	
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	North side of Prospect Street, west of Optimist Park 2087-2103 Prospect Street 0.96 hectares 8 storey apartment building and 8 townhouses in 2-fourplex blocks	
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	Residential High Density for apartment Residential Medium Density for townhouses Residential High Density for the entire site RH4 (High Density Residential) RM2 (Medium Density Residential) RH4-exception zone	
Processing Details	APPLICATION RECEIVED: STATUTORY DEADLINE: NEIGHBOURHOOD MEETING: STATUTORY PUBLIC MEETING PUBLIC COMMENTS:	Received December 21, 2017 Deemed Complete on March 5, 2018 Elapsed April 12, 2018 July 10, 2018 403 households were circulated. 26 comments from 17 correspondents, and 2 delegations at the Statutory Public Meeting.	

Background and Discussion:

On December 21, 2017 application for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for 2087-2103 Prospect Street was submitted to the City. On March 5, 2018 Planning Staff acknowledged that a complete application had been received for the subject lands. On April 12, 2018 a Neighbourhood Meeting was held, and on July 10, 2018 the application was brought to the Planning and Development Committee of Council for a Statutory Public Meeting (Staff report PB-62-18). The application originally proposed the development of 50 stacked townhouse units, however the most recent submission from June 2019 proposes 40 stacked townhouse units in two blocks. Appendix A to this report includes a Location and Zoning Sketch of the subject lands, a Detail Sketch and a Building Elevations Sketch.

Site Description

The subject lands are located on the north side of Prospect Street, immediately east of Optimist Park. The property is currently developed with an 8-storey apartment building with 65 units, and 2 clusters of fourplexes at the north end of the property resulting in 8 units. There are currently 95 parking spaces on the site and no spaces designated as accessible/barrier free. The lands are accessed from Prospect Street through two vehicle entrances and one driving lane leading to the existing fourplex units and parking area. The subject lands are irregular in shape and are approximately 0.96 hectares in size. The lands have 65.6 metres of frontage along Prospect Street and a general site depth of 149 metres.

Surrounding Land Uses:

- North: single detached dwellings on Maplewood Drive
- South: Burlington Salvation Army church and a mix of medium density and high density residential uses
- East: six (6) townhouses, Optimist Park and Tom Thomson Elementary School
- West: two (2) 8-storey apartment buildings fronting onto Prospect Street, with 96 3-storey stacked townhouse units developed at the north end of the property

Application Description

Ruth Victor and Associates has made application for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) on behalf of Children's Financial Group for the subject lands. The application proposes to change the Official Plan designation on the rear portion of the lands from Medium Density Residential to High Density Residential and proposes to change the zoning from the current mix of Medium Density Residential RM2 and High Density Residential RH4 to a site-specific High Density Residential RH4 zone.

The original OPA and ZBA application materials received on December 21, 2017 proposed to redevelop the northern portion of the site, which is currently occupied by 8 fourplex dwelling units, with 50 stacked townhouse units in two blocks for rental purposes. The existing 8 storey apartment building would remain unchanged with 65 residential rental units. The resulting density of the original proposal was approximately 119 units per hectare. A total of 130 parking spaces were proposed in the original submission, and a retaining wall was proposed abutting the neighbouring low-density residential lots to the north. Additional details about the original application are discussed in the Information Report (PB-62-18) presented at the Statutory Public Meeting on July 10, 2018.

As a result of comments received from technical agencies and the public based on the original submission, the applicant revised their proposal and submitted updated plans to the City for review on June 11, 2019. The revised proposal includes the following significant revisions:

- Reduction of 10 stacked townhouse units, resulting in 40 proposed units and a reduced density of 109 units per hectare across the site;
- Removal of existing underground parking structure attached to the apartment building and replacement with surface parking;
- An increase in the number of parking spaces from 130 to 140 spaces;
- Setback of proposed retaining wall 2.6 metres from the northern property line;
- Retention of the mature cedar trees along the northern property line;
- Increased amenity space to 2,386.5 square metres (outdoor/indoor), including enhanced outdoor amenity space between the proposed townhouse blocks;
- Reduction to the required landscape area at the front of the property to accommodate additional parking;
- Removal of proposed vehicle driveway along the east side of the apartment building; and,
- Proposed access to Optimist Park at the north end of the property.

The proposed stacked townhouses include bachelor, 1-bedroom and 2-bedroom units. The following table illustrates the type and quantity of dwelling units in the original proposal from December 2017 as compared to the revised proposal received in June 2019:

Type of Unit (stacked townhouse)	# of Units (December 2017)	# of Units (June 2019)
Bachelor	0	4
1-Bedroom	20	4
2-Bedroom and 2- Bedroom + Den	30	32
Total Units	50	40

The proposed development is similar in built form to the stacked townhouse redevelopment on the adjacent property to the west. However, the development proposal is different in two ways. First, the property to the west had a larger development area to accommodate the 96 stacked townhouses due to an irregular parcel shape. Second, the City-wide Parking Standards Review was not completed at the time of the previous development, and the site received approval for a parking rate lower than what the Parking Standards Review now recommends. As a result, the application for 40 stacked townhouse units on the subject property is more dense on the northern portion of the lands than the development next door, and the site must provide more surface parking to meet the parking rate recommended by the City-Wide Parking Standards review. Planning Staff feels that increasing the amount of rental housing stock in the City is important and are therefore prepared to be flexible on regulations such as amenity space and setbacks, as outlined later in this report. However, Planning Staff's concerns about the site design as they relate to landscaping and amenity area have resulted in a modified approval of the application for four fewer units than requested by the applicant (resulting in 36 units).

Technical Reports:

The applicant has submitted technical supporting documentation for the development proposal. All supporting documentation, including revised documents can be accessed online at: www.burlington.ca/2087Prospect

The following documentation and plans were received on December 21, 2017 in support of the application:

- [Planning Justification Report](#). Prepared by Ruth Victor & Associates. December 8, 2017.
- [Site Plan and Building Elevations](#). Prepared by ICON Architects, December 18, 2017.
- [Sun/Shadow Study](#). Prepared by ICON Architects Inc., December 11, 2017.
- [Topographical Survey & Height](#). Prepared by A.T. McLaren, October 20, 2016.

- [Functional Servicing Report \(including Stormwater Management\)](#) . Prepared by Trafalgar Engineering Ltd., December 11, 2017.
- [Grading, Drainage and Servicing Plans](#). Prepared by Trafalgar Engineering, December 11, 2017.
- [Geotechnical Report](#). Prepared by Soil-Mat Engineers & Consultants Ltd., October 24, 2017.
- [Traffic and Parking Study](#). Prepared by GHD, December 2017.
- [Noise Feasibility Study](#). Prepared by Howe Gastmeier Chapnik Ltd., December 7, 2017.
- [Phase 1 Environmental Site Assessment](#). Prepared by Altech Environmental Consulting Ltd., February 5, 2018.
- [Landscape Concept Plan](#). Prepared by Adesso Design Inc., December 8, 2017.
- [Wind Study](#). Prepared by Theakston Environmental Consulting Engineers, November 27, 2017.
- [Waste Management letter](#). Waste Management, undated.

On June 11, 2019 the applicant submitted a comprehensive revised submission for consideration, which included the following material:

- [Revised Site Plan, Building Floorplans and Building Elevations](#). Prepared by ICON Architects, dated May 14, 2019 and May 16, 2019.
- [Revised Draft Official Plan Amendment](#). Prepared by Ruth Victor & Associates, received June 11, 2019.
- [Revised Draft Zoning By-law Amendment](#). Prepared by Ruth Victor & Associates, received June 11, 2019.
- [Regional Housing Letter](#). Prepared by Ruth Victor and Associates, dated March 14, 2019.
- [Revised Functional Servicing Report \(Including Stormwater Management\)](#). Prepared by Trafalgar Engineering Ltd., revised May 1, 2019.
- [Geotechnical Response](#). Prepared by Soil-Mat Engineers & Consultants Ltd., dated July 12, 2018.
- [Revised Grading Plan](#). Prepared by Trafalgar Engineering Ltd., revised May 7, 2019.
- [Revised Servicing Plan](#). Prepared by Trafalgar Engineering Ltd., revised May 7, 2019.
- [Post Development Drainage Area Plan](#). Prepared by Trafalgar Engineering Ltd., revised May 7, 2019.
- [Revised Topographic Survey](#). Prepared by A.T. McLaren Ltd., revision dated March 29, 2019.

- [Revised Vegetation Management Plan \(L-1\), Vegetation Management Chart \(L-2\), Landscape Concept Plan \(L-3\)](#). Prepared by Adesso Design Inc., revision dated May 14, 2019.
 - [Waste Management Letter](#). Prepared by Welwyn Interests Inc., submitted June 11, 2019.
 - [Phase One Environmental Site Assessment Update](#). Prepared by ALTECH Environmental Consulting Ltd., dated March 25, 2019.
 - [Phase Two Environmental Site Assessment](#). Prepared by ALTECH Environmental Consulting Ltd., dated March 26, 2019.
-

Policy Framework

The application for Official Plan Amendment and Zoning By-law Amendment is subject to the following policy framework:

PROVINCIAL POLICY FRAMEWORK

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) came into effect on April 30, 2014 and provides broad policy direction on matters related to land use and development that are of provincial interest. Decisions affecting planning matters made on or after April 30, 2014 are required to be consistent with the PPS. The PPS directs that growth and development be focused within established settlement areas (PPS, 1.1.3.1). The PPS provides policies for appropriate development within settlement areas based on efficient use of land and infrastructure, minimized negative impacts to air quality and climate change, support for active transportation and transit, and a range of uses and opportunities for intensification (PPS, 1.1.3.2). In planning for intensification and redevelopment within settlement areas, the PPS directs that new development shall have a compact built form and a mix of uses and densities that allow for the efficient use of land (1.1.3.6).

Planning Staff have considered the policies of the PPS with regard to this development application. The subject lands are located within the settlement area of the City of Burlington in close proximity to the City's downtown core. The development is located close to local bus service routes and the Burlington GO Station, and Prospect Street is designated as a cycling route with both a dedicated bike lane and shared road markings and signage. The proposed redevelopment of the rear of the property with two blocks of stacked townhouse units for rental housing provides an efficient use of land by proposing increased residential densities in a compact built form, and supports a mix of housing types to suit the needs of current and future residents of Burlington. The

residential intensification is proposed in an area well serviced by local public facilities including hospitals, parks, public schools, libraries, and emergency services. For these reasons, Planning Staff find that the development proposal is consistent with the policies provided by the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on May 16, 2019 as an update to the previous provincial growth plan. The Growth Plan provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses development in the existing urban areas through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact, and utilizing existing and planned infrastructure to support growth in an efficient and well-designed form.

The application for redevelopment of a portion of the subject lands with stacked townhouses presents an opportunity for intensification of rental units within the built-up area of Burlington which aligns with the policies of the Growth Plan. The development is proposed on full municipal water and wastewater services and is able to be supported by the local transportation infrastructure. The development proposal supports the achievement of complete communities, as required by the Growth Plan, by providing increased rental housing stock in a compact built form in an area well served by public facilities, local amenities, transit service and active transportation infrastructure. Planning Staff have reviewed the applications and find that the proposed development of stacked townhouses on the subject lands conforms with the policies provided by the Growth Plan.

REGIONAL POLICY FRAMEWORK

Halton Region Official Plan

The Region of Halton's Official Plan (ROP) provides goals, objectives and policies for land use development in Halton Region. The ROP provides intensification targets for all local municipalities, including the City of Burlington. The ROP identifies that the City is expected to meet a minimum intensification target of 8,300 new dwelling units constructed within the Built Up Area between 2015-2031 (ROP, 56, Table 2).

The subject lands are designated as "Urban Area" in accordance with the ROP. The Urban Area objectives promote growth that is compact and transit supportive. This land use designation also encourages the development of vibrant and mixed-use communities with maximum opportunities for housing, work and leisure. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws, and that all development shall be subject to the policies of the ROP (ROP, 76).

With regard to housing, Sections 84, 85 and 86 of the ROP provide direction to ensure an adequate supply and mix of housing throughout the Region. The Region monitors the housing supply and has adopted a housing target of at least 50 per cent of new housing units produced annually be in the form of townhouses or multi-storey buildings. The housing supply is monitored and reported on by the Region in an annual State of Housing Report. Furthermore, the Region specifies that intensification of land for residential use shall be permitted provided that the physical character of existing neighbourhoods can be maintained.

Halton Region staff were circulated on the development application and associated technical studies and drawings. Regional staff have indicated that they have no objection to the proposal as it generally satisfies relevant Urban Area and Housing policies of the ROP. Burlington Planning Staff have reviewed the application against relevant policies of the ROP. The application proposes residential intensification within the urban area on full municipal services, and the proposed development increases the supply of rental housing while maintaining the physical character of the existing surrounding neighbourhood. As such, Planning Staff find that proposed local Official Plan Amendment and associated Zoning By-law Amendment conform to the policies of the ROP.

CITY OF BURLINGTON POLICY CONTEXT

City of Burlington Official Plan

The subject lands are designated on Schedule B of the City's Official Plan (OP) as a combination of "Residential – High Density" in the south area of the property where the existing 8-storey apartment building is located and "Residential – Medium Density" in the north area of the property where the 8-fourplex units are currently located.

The general policies of the "Residential – High Density" designation allow for a density ranging between 51 and 185 units per hectare either in the form of ground or non-ground-oriented housing units including street townhouses, stacked townhouses, back-to-back townhouses, attached housing and apartment buildings. The general policies of the "Residential – Medium Density" designation allow for a density ranging between 26 and 50 units per hectare either in the form of ground or non-ground-oriented housing units including detached and semi-detached dwellings, townhouses, street-townhouses, attached housing, and walk-up apartments.

This development application seeks to redesignate the whole of the property to the "Residential – High Density" designation to allow the development of 40 stacked townhouse dwelling units at the rear of the property while retaining the existing 8-storey apartment building at the southern portion of the site close to Prospect Street. The density proposed by the applicant is 109 units per hectare for the whole of the site. However, in the analysis provided below, Planning Staff propose that 36 stacked

townhouse units and a resulting density of 106 units per hectare, is more appropriate for the subject lands.

The Residential Areas section of the City's Official Plan provides specific objectives related to housing supply including ensuring a sufficient supply of land is available for existing and future housing needs and encouraging the retention of existing rental housing and the construction of new rental housing (OP, Part III, 2.3). The policies related to these objectives state that the City shall encourage a range of housing types, including rental housing, for individuals and families (OP, Part III, 2.3.2 h). Planning Staff support the increase in rental housing for the subject lands, however due to site constraint issues discussed further in this report, the number of stacked townhouse units should be limited to a maximum of 36 units, rather than the 40 units proposed by the applicant.

Part III, Section 2.5 of the City's Official Plan provides objectives and policies related to housing intensification. Intensification, as a means of increasing the amount of available housing stock, is encouraged, provided the additional housing is compatible with the neighbourhood (OP, Part III, Section 2.5.1 a). The proposal for intensification of the subject lands is for stacked townhouse dwelling units, which are considered ground-oriented dwelling units since they are accessible directly from the ground or by stairway. Applications for intensification within established neighbourhoods are required to satisfy specific evaluation criteria outlined in Part III, Section 2.5.2 of the OP. Staff assessment of these criteria for the subject application is provided as follows:

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

Comments received from Halton Region indicate that there is sufficient water and wastewater capacity to accommodate the proposed increase in residential rental units. Comments from the two local school boards indicated no objection to the development and that capacity exists to accommodate students generated from the development at schools within the area.

Adequate parkland is available next door to the development at Optimist Park, and Parks and Open Space staff have indicated that cash-in-lieu of parkland dedication be applied for the development.

Conclusion: Adequate municipal services are available to accommodate the increased demands generated from this site. This criterion has been met.

ii) Off-street parking is adequate.

The site is currently supplied with 95 vehicle parking spaces serving the 65 apartment units and the 8 fourplex units on the property.

The development application seeks to reduce the number of parking spaces required by Zoning By-law, 2020. The proposed development would be required to provide 185 parking spaces for the 65 existing apartment units and the proposed 40 stacked townhouse units. The application has proposed 140 surface parking spaces for the site. The proposed parking rate closely aligns with the 2017 City-Wide Parking Standards Review prepared by IBI Group for the City of Burlington. Transportation staff from the City have reviewed the parking rate and find that it is acceptable for the site.

Transportation staff are requiring the applicant to provide Transportation Demand Management (TDM) measures as a means of reducing automobile usage for existing and future tenants. These measures include the provision of on-site bike parking, basic bike maintenance equipment and subsidized transit pass distribution to all. A full list of all TDM measures are provided in the conditions for zoning approval, provided as Appendix D to this report.

Planning Staff have reviewed the site plan submitted for this application and have concerns about the proximity of on-site parking to the municipal sidewalk. The proposed site layout brings vehicle parking approximately 0.6m from the property line abutting Prospect Street, resulting in insufficient area for landscape screening or tree planting. Also, the proximity of this parking area may pose a safety risk to users of the municipal sidewalk if vehicles encroach beyond the curb line. In order to improve the separation of vehicle parking from the front property line, Planning Staff are requiring that a minimum 2 metre landscape area be provided between the property line and the parking area. The proposed number of vehicle spaces at the front of the property will need to be reduced accordingly. Six parking spaces (including 4 accessible spaces) may be able to be accommodated in this area, as opposed to the 10 spaces currently proposed. The required increase in landscape area is one of the reasons that staff are recommending a reduction in the number of units on the property.

Conclusion: Subject to the modifications proposed by Planning Staff and the requirements of the Residential Development Agreement, the on-site parking proposed can be considered adequate, and this criterion can be considered to be met.

- 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.**

Prospect Street is considered a collector road according to Schedule J of the City's Official Plan, and therefore the ingress and egress criterion is satisfied.

The applicant submitted a Traffic and Parking Study for the proposal which assessed the potential traffic impacts of the existing 65 apartment units and the 50 stacked townhouse units which were originally proposed. The new units proposed for the site were determined to generate approximately 26 two-way trips during the AM peak hour and 30 two-way trips during the PM peak hour. The study considered the future total traffic impact on intersections within the vicinity of the subject lands. The following intersections along Prospect Street were studied: Brant Street, Robinson Street, the site driveway, Pearson Street, George Street/Joyce Street, and Drury Lane. The report found that the vehicle traffic generated from the site produced very minimal impact on the capacity of these intersections and no intersection improvements were identified to accommodate the proposed development.

The June 2019 resubmission for the development application proposed 10 fewer stacked townhouse units than the original proposal, and therefore the traffic impact on local intersections would be less than what was originally determined through the study. Transportation Staff reviewed the revised material submitted by the applicant and determined that the revised number of units would generate approximately 19 two-way vehicle trips in the AM peak hour and approximately 23 two-way vehicle trips in the PM peak hour. Transportation Planning staff concurs with the applicant's traffic impact assessment and has no concerns with the traffic that would be generated by the proposed development.

Conclusion: The criterion regarding capacity of the municipal transportation systems can be considered to be met.

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

There are no transit routes which run along Prospect Street, however Brant Street accommodates Burlington Transit routes #2 and #52 (as of September 2019). The nearest stop for these routes is located at the south-east corner of Brant Street and Prospect Street, approximately 350 metres from the subject lands. The Burlington GO Station is also located near to the subject lands, at a distance of approximately 1 kilometer measured along the existing road network.

Conclusion: Given the transit availability in close proximity to the subject lands, this criterion has been met.

- 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 existing neighbourhood immediately surrounding the site is comprised of apartment buildings to the south along Prospect Street, Optimist Park and townhouses to the east, stacked townhouses to the west, and detached dwellings to the north. The built form and siting of the proposed units is nearly identical to the existing stacked townhouses recently developed at the rear of the adjacent property to the west. Therefore, the focus of the compatibility assessment for this proposal is on the recently developed stacked townhouses to the west and the low-rise detached dwellings to the north.

The existing Residential – Medium Density designation that applies to the northern half of the site permits stacked townhouses, however not at the intensity proposed by this application, and not without a Zoning By-law Amendment to the existing RM2 zone. Under the existing designation the rear portion of the subject lands could be developed with approximately 20 stacked townhouse units without the need for an Official Plan Amendment. Therefore, under the existing land use designation, there is potential for development of a building form similar to what is proposed in this application.

Scale

The proposed development of stacked townhouses is scaled similarly to that of the development immediately to the west. The building blocks are proposed to be 32.2 metres and 25.9 metres in width, comparable to the 38 metre wide blocks immediately adjacent. The depth of the proposed stacked townhouses is approximately 16.7 metres, comparable to the 15.7 metre deep stacked townhouses next door.

While the development of stacked townhouses may be permitted within the existing land use designation, the intensity of use proposed, and the increased building footprint that is required to accommodate the density, must be carefully considered in the context of the low-density residential uses to the north. The scale of the development is made compatible by providing all building area within a 45-degree angular plane, by retaining on-site trees along the northern property boundary, and by breaking up the building length into two segments separated by an 8.2 meter wide corridor.

Massing

The proposed buildings have been designed similarly in terms of massing to the stacked townhouse dwellings to the west. The massing of the proposed development is greater than the existing massing of the single detached dwellings to the north. However, the effect of the massing of the two proposed building blocks has been lessened by visually breaking up the façade with a variety of architectural treatments, and by replicating the peaked roof built form of the low-density housing typology to the north. The separation of the two proposed buildings by an 8 metre wide corridor also assists in reducing the massing of the development.

Height

The existing Residential – Medium Density zone (RM2) permits townhouses to a maximum of 2 storeys to 11.5 metres in height and retirement homes up to 4 storeys in height. Under this existing zoning, there is potential for building height changes that are similar to those proposed through this application.

The proposed building height is comparable to the height of the 3-storey stacked townhouses to the west. In the case of this adjacent development, the stacked townhouses are a maximum of 14.5 metres in height. The proposed height of the stacked townhouses for the subject lands is 14 metres.

The building heights of the single detached dwellings along Maplewood Dr. range from 1 to 2 storeys, with a permitted maximum height of 10 metres for a peaked-roof. The application for 14 metre high stacked townhouses maintains compatibility with the low-density residential properties by providing a minimum 14 metre setback to the rear lot line, and providing all building elements within a 45 degree angular plane. The use of a 45-degree angular plane results in a building height and separation that mitigates potential overlook into adjacent properties, and assists in transitioning between higher and lower intensity development.

Siting

The proposed development has been sited at the rear of the subject lands, and the proposed buildings are sited in line with the recently constructed stacked townhouse dwellings to the west. The proposed units are accessed from the front, and the rear of the property is proposed as a common outdoor amenity space. All vehicular movement and parking is proposed south of the stacked townhouses. The proposed buildings have been situated to ensure that a rear-yard to rear-yard interface is maintained with the low-density

dwelling to the north, and all building elements fit within a 45-degree angular plane. The applicant has also proposed to retain the existing mature, dense cedar trees along the northern fence line and has situated the site elements, including retaining wall, accordingly. For these reasons, the proposed siting of the stacked townhouses is compatible with the low-density residential dwellings to the north.

Setbacks

The proposed setback to the west property line abutting the existing adjacent stacked townhouses is 3.1 metres, with a 1-storey gas metre enclosure located at a 2.1 metre setback. This replicates the 3 metre side yard setback for the existing stacked townhouses to this shared property line, resulting in a 6 metre building separation between the two properties. As mentioned earlier, the proposed development is proposed to be setback 14 metres from the northern property line, the buildings fit within a 45-degree angular plane, and existing on-site trees bordering the northern property line will be retained. These measures enhance compatibility with the low-density dwellings to the north and the stacked townhouses to the west.

Coverage

The built form and associated coverage of the proposed development is comparable to, and compatible with, the adjacent stacked townhouses to the west. Single detached dwellings, like those immediately to the north of the site are subject to lot coverage requirements for buildings ranging between 25% and 35% of the total lot area. The lot coverage of the stacked townhouses would be approximately 26% of the area of the lands currently designated for medium density development. The proposed lot coverage maintains compatibility with the existing single detached dwellings to the north.

Parking

Parking is being proposed on the site south of the proposed stacked townhouses and north of the existing apartment building. The parking area is located in line with the parking area associated with the stacked townhouse development to the west, however the parking areas are exclusive and to be separated by curbs and fencing. Planning staff have no compatibility concerns about parking between the existing and proposed stacked townhouse developments. As mentioned, all on-site parking is proposed south of the stacked townhouse units, with no vehicle movement or parking

close to the low-density residential uses to the north. This represents an improvement to the current situation on the subject lands, as a gravel parking area currently extends to the north end of the subject lands abutting the low density residential properties. The proposed parking arrangement maintains compatibility with the uses of the single detached dwelling lots to the north.

Amenity Area

The proposed amenity area for the subject lands includes common outdoor amenity area between and behind the proposed stacked townhouses, private outdoor amenity space in the form of outdoor patios, balconies, terraces, and common indoor amenity area located inside the first floor of the existing apartment building. The amenity areas are located in a similar arrangement on the lands located to the west, with the exception of sun-decks attached to the neighbouring apartment buildings.

The amenity area configuration proposed maintains compatibility with the stacked townhouse development to the west. The amenity area for the low-density residential dwellings on Maplewood Drive to the north is generally provided in the form of front lawns and private backyards. The proposed common amenity space at the back of the stacked townhouse units does not extend to the common lot line abutting the neighbouring low-density residential lots, but will be separated by a retaining wall with fencing, and will be visually buffered by the row of existing cedar trees along the back.

Private outdoor amenity space is also proposed in the rear yard of the property, in the form of 6m² private sunken patios for basement units.

Planning staff do not support the request for private sunken patios at the rear of the building as they encroach into the common outdoor amenity space. Through the modified approval, private sunken patios will only be permitted in the front of the basement units. By removing the private sunken patios, four basement units will not have private amenity area, therefore these units should be merged with the adjacent basement units to create one through-unit. This will reduce the proposed unit count by 4, resulting in a total of 36 units.

Units on the upper two floors of the buildings are proposed to have 2.5m² terraces. These small terraces are not the primary outdoor private amenity space for these units, as each unit is also provided with a 10m² balcony at the front of the building. The function of the rear terraces will likely be to provide oversight into the common amenity area at the back of the building. Views from the terraces and windows into the rear yard amenity areas of the low density residential dwellings will be obscured by the mature cedar trees, tree

plantings in the common outdoor amenity area, and the physical distance created by the proposed 14m building setback. Planning staff feel that the proposed development, as modified by Staff, is compatible with the low density residential uses in terms of amenity area.

Conclusion: As modified by Staff, these criteria have been met.

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 subject lands are characterized by a variety of mature coniferous trees in front of the apartment building and bordering the existing fourplex units, and a mixture of deciduous and coniferous trees along the fence line beside Optimist Park. Cedar hedges are located along the west and north property lines.

The applicant's arborist surveyed a total of 131 trees and 2 cedar hedges, on the site and on neighbouring properties for the purposes of the development application. A total of 62 out of the 107 trees located on the subject lands are proposed be removed to facilitate the development application, as proposed. All trees on public property and adjacent private property are proposed to be retained and protected by the Minimum Tree Protection Zone. The majority of trees to be removed are located in the rear portion of the property where the stacked townhouses and new parking areas are proposed. Existing trees along the front property line are also proposed to be removed to construct new parking area. A cedar hedge along the rear property line abutting the low-density residential properties to the north will be retained.

The landscape concept plan submitted by the applicant's landscape architect proposes 7 deciduous trees as well as shrubs in the area of the proposed stacked townhouses, 2 deciduous trees to the west of the existing apartment building, and 8 deciduous trees along the City's boulevard along Prospect Street (17 trees total). The landscape plan also shows general planting areas of shrubs around the north, east, and west perimeter of the existing apartment building. The viability of these landscape areas will be reviewed in further detail at the site plan stage, as a walkway from the parking spaces located east of the building to the building entrance may be required. The landscape plan also shows shrubs in the City's right-of-way. Planning staff are proposing a minimum landscape area of 2 metres along the street frontage, in order to provide enough room for the proposed landscaping to occur on the subject lands. This increased landscape area will assist in providing streetscaping

along Prospect Street and will assist in maintaining the neighbourhood character along the street.

Planning Staff feel that the tree removal required to facilitate the development and associated surface parking is balanced against the provision of additional rental housing close to downtown Burlington.

Conclusion: This criterion has been met.

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

The sun-shadow study submitted by the applicant shows minimal shadow impact on the rear outdoor amenity areas of the adjacent low-density residential properties to the north. A total of five (5) properties along Maplewood Drive are impacted by shadow from the development. The study found that, on March 21, four properties would be affected by partial shadow cast by the development in the morning; on June 21 none of the adjacent low-density properties were impacted by shadow, and on December 21, five (5) properties would be impacted during the times between 9:30am and 12:30pm. The required 14 metre setback and maximum building height of 14 metres assists in minimizing shadow impacts from the development. The shadow cast by the proposed development can be considered acceptable.

Conclusion: This criterion has been met.

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

The subject lands are within 350 metres walking distance to Brant Street, which is a mixed use corridor offering a variety of retail, office, medical office, restaurant, and commercial uses. The Salvation Army Church is located immediately south of the subject lands, and Optimist Park is located immediately to the east. There are three elementary schools and one high school within 1 kilometer of the subject lands.

Conclusion: This criterion has been met.

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

The proposed development consists of two blocks of 3-storey stacked townhouse dwellings with basement units at the rear of the subject lands. This area of the property is located close to single detached dwellings to the

north on Maplewood Drive. The City's Zoning By-law requires that higher intensity developments provide a landscape buffer between these uses and lower intensity residential uses to obscure views. The landscape buffer can consist of evergreen trees or a combination of privacy fencing with evergreen or deciduous trees, shrubs, or berms. The applicant is proposing a 14 metre building setback to this rear property line, and a 2.7 metre landscape buffer. The landscape buffer will include the existing, mature cedar hedgerow which spans the width of the property, and which will continue to provide dense, year-long visual screening between the properties. The subject lands are also proposed to have a retaining wall along the rear property line between 0.6 metres and 1.2 metres in height with a 1.2 metre-tall fence above. The fencing at the top of the retaining wall will deter use of rear area abutting the adjacent properties. In the opinion of Planning Staff, the intent of the landscape buffer has been met.

Conclusion: This criterion has been met.

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

The lands surrounding the site are not locations for potential future development, therefore this criterion does not apply.

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

No features have been identified on the site, and therefore this policy is not applicable.

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

These two policies are not applicable to the subject property as it is not located within a regulated floodplain or near a watercourse, and it is not located in the South Aldershot Planning Area.

- 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 existing and proposed residential buildings is provided.

The proposed development consists of stacked townhouse dwelling units, which are considered as ground-oriented housing units, therefore this policy does not apply to this application.

The City's Official Plan policies for residential intensification and associated compatibility criteria have been considered with respect to the application. The application generally satisfies the Official Plan objectives to encourage the development of additional rental housing stock and a diversity of housing types that support the use of transit. Planning Staff are also of the opinion that the proposed development satisfies the housing intensification evaluation criteria of the Official Plan.

While Planning Staff are generally supportive of the application for intensification on these lands for the purpose of rental, ground-oriented housing units, the 40 units proposed by the applicant along with extensive surface parking results in a development with limited greenspace. To provide sufficient landscape area at the front of the property of 2 metres, a total of 4 of the proposed 10 parking spaces in front of the existing apartment must be removed.

Similarly, Planning Staff have reviewed the floorplans provided by the applicant for the 40 proposed stacked townhouse units and feel that the 4 basement level units which are proposed as bachelor units should be removed and the floorplans be modified to provide these as through units. The proposed splitting of the basement into two units creates a situation where the rear units require a sunken private amenity area extending into the common open space. Planning Staff are not supportive of all proposed sunken private amenity areas in the rear of the proposed stacked townhouses as they encroach into a common amenity area where common amenity area is already limited. This modification supports the conversion of the split basement units to through-units and the remaining 4 units would continue to have private amenity space at the front entrance area.

Planning Staff are of the opinion that 36 stacked townhouse units on the property adequately supports the City's objectives for intensification as prescribed in the City's Official Plan and represents good planning.

City of Burlington Adopted Official Plan, 2018

The City's proposed New Official Plan was adopted by Council on April 26, 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

The subject property is zoned High Density Residential RH4 in the front portion of the property with the existing apartment building, and Medium Density Residential RM2 in the rear portion of the property with the existing 8 fourplex units. The RH4 zone permits apartment buildings, stacked, back-to-back, and street townhouses, as well as retirement homes. The RM2 zone permits detached and semi-detached dwellings, duplex, triplex and fourplex buildings, as well as retirement homes.

The Zoning By-law Amendment proposes to rezone the whole of the property to the Residential High Density (RH4) with site specific exceptions related to the existing built form of the apartment building, as well as regulations related to the two proposed stacked townhouse blocks. As noted, apartment buildings as well as stacked townhouses are permitted in the RH4 zone. The table below outlines the zoning regulations for the RH4 zone and indicates whether a site-specific amendment is needed for the specific regulation. Planning Staff have provided comment on the requested amendments to the RH4 zone for the proposal.

Table 1: RH4 Zone Requirements and Proposal

Regulation	Requirement of RH4 Zone	Requested through Revised Proposal	Amendment Required
Min. Lot Width	45m	65.6m	No
Min. Lot Area	0.2 ha	0.96 ha	No
Front Yard	9.5m to apartment building (7.5m + 1m for each storey above 6th)	15m	No
Side Yard Apartment	13.6m	East: 16.8m West: 12m (existing)	Yes
Side Yard Townhouses	7.5m	East: 3.4m to gas meter enclosure/ 4.1m to wall West: 2.1m to gas meter enclosure/ 3.1 to wall	Yes

Comment: The existing location of the apartment building on the west side is being recognized through the exception. The reduced setback of the stacked townhouses replicates the setbacks of the stacked townhouse development to west, and does not impact the vegetation of the park to the east. Planning Staff support the reductions.			
Yard abutting R1, R2, R3 (Rear Yard)	15m to Block 1 16m to Block 2	14 metres	Yes
Comment: The 14 metre setback allows the buildings to fit within a 45-degree angular plane to the northern property line and is consistent with the approved 14 metre setback of the stacked townhouse development to the west. Planning staff support the reduction to 14 metres.			
Density	100 units/ha	109 units/ha	Yes
Comment: Planning Staff support an increased density on this site to accommodate additional rental units in the form of stacked townhouses. Staff are recommending a total of 36 stacked townhouse units instead of the 40 proposed by the applicant resulting in an overall site density of 106 units per hectare.			
Building Height (maximum)	Apartment: 12 storeys Stacked Townhouses: 3 storeys to a max of 14m	Apartment: 8 storeys Stacked Townhouses: 3 storeys to 14m	No
Amenity Area	25m ² per bedroom; 15m ² per efficiency Apartment: 99 bdrms Townhouses: 68 bdrms, 4 efficiency = 4,235m ²	Proposed: 2,386m ²	Yes
Comment: The proposed amenity area represents 22.7m ² of combined private and common amenity area per unit for the whole site with 40 new units. Planning Staff's recommended unit count of 36 units for the stacked townhouses represents a slight increase of amenity to 23.6m ² per unit or 14.3m ² per bedroom. The reduced amenity area is acceptable given the proximity to Optimist Park, and that each unit is provided with private amenity area.			
Landscape Area abutting Prospect	4.5m	0.6m	Yes
Comment: Staff find the proposed landscape area abutting Prospect Street to be insufficient to provide landscaping and screening of the proposed front parking area and recommend a modified landscape area requirement of a minimum of 2 metres.			
Landscape Buffer:			
Abutting R3.2 zone	6m	2.7m to retaining wall	Yes
Abutting RM1 zone	3m	2m to edge of curb	Yes

Comment: The proposed landscape buffer provided at the north of the site abutting the low density residential uses maintains the mature cedar hedgerow that exists at the back of the property and will assist with screening views into and out of adjacent lots. This landscape buffer area is adjacent to approximately 11 metres of open space amenity area. The landscape buffer abutting the RM1 zone to the east on the south end of the site represents an existing condition on the adjacent to the driving aisle.			
Parking:			
Enclosed parking	75%	0%	Yes
Comment: The applicant has not provided underground parking for the site. The existing partially below grade parking associated with the existing apartment building is proposed to be removed. The existing site is occupied predominantly by a surface parking area. The surface parking for the development is accommodated by placing parking areas in the area of the existing sun-deck (to be removed), the east side of the apartment building, and along the Prospect Street frontage. These additional parking areas can be mitigated by increasing the landscaping area along the street frontage and by providing landscape buffering against the apartment building.			
Required parking			
Apartment	Occupant: 90 spaces Visitor: 23 spaces Total: 113 spaces	Occupant: 74 spaces Visitor: 13 spaces Total = 87 spaces	Yes
Townhouses (based on 40 units)	Occupant: 58 spaces Visitor: 14 spaces Total: 72 spaces	Occupant: 40 spaces Visitor: 10 Total = 50 spaces	Yes
Accessible Parking (included in Required Parking)			
Apartment	Occupant: 3 spaces Visitor: 1 space	4 spaces	No
Townhouses	Occupant: 2 spaces Visitor: 1 space	1 space	Yes
Loading spaces	1	1	No
Comment: Planning Staff agree with the parking rate provided by the applicant for occupant and visitor parking for the site. However, accessible parking spaces will need to be provided in accordance with the required parking rate of the Zoning By-law, notably 2 additional accessible parking for the stacked townhouses. The increased landscape area recommended by staff of 2m along Prospect Street results in less parking area in the front of the property. The reduction of 4 basement stacked townhouse units assists in providing adequate parking for the site at the rate			

proposed (reduction of 5 spaces). In order to support 36 stacked townhouse units and the existing 65-unit apartment building, 132 parking spaces are required based on the rates of the <i>2017 Burlington City-Wide Parking Standards Review</i> : 74 occupant (apartment), 36 occupant (townhouses), 13 visitor (apartment), 9 visitor (townhouses). Due to the physical separation of the apartment and proposed townhouses, Planning Staff are also recommending a dedicated loading space for each building (2 spaces), whereas 1 loading space is currently required and proposed.			
Setback from window of habitable room on first level to driveway or parking space	6m to parking 9m to driveways Applies to apartment building only.	Setback to building: North - 1.5m South – 3m East – 3m	Yes
Comment: The proposed setback of the parking spaces to the first level apartment units is required to accommodate the reconfiguration of the parking area. The southern side of the apartment building currently exists adjacent to the drop-off area for the main entrance. There are 2 apartments on the first-level adjacent to proposed parking along the north side of the building, and 2 apartments on the first level adjacent to the proposed parking on the east side of the building. The first level units are raised from the ground level, reducing the impact of headlight trespass from vehicles parking adjacent to the building. These sides of the building are proposed to include landscaping to reduce the impact of vehicles parking near the building. A walkway may also be needed along the north and east sides of the building to improve pedestrian circulation and safety. Planning Staff feel that the reduced setback of the parking areas to the first level units is acceptable, as the applicant is proposing appropriate intensification of the site, as modified by Staff, and the limited number of first level units affected by the parking setback are raised from ground level.			
Parking lot setback abutting a street – Prospect St.	4.5m	0.6m	Yes
Comment: The parking area setback abutting Prospect Street is insufficient to provide adequate landscape screening and separation of parked vehicles from the public right of way. Planning Staff recommend a minimum 2m setback to Prospect street for the parking area.			
Number of Driveways	1	1	No

Conclusion:

The proposed Zoning By-law Amendments requested by the applicant assist in facilitating the development of additional rental units on the subject lands and recognize existing conditions on the site around the apartment building that do not comply with current zoning regulations. Planning Staff are proposing a modified approval of the requested Zoning By-law Amendment in order to reduce the number of proposed

stacked townhouse to 36 units, whereas the applicant has requested 40 units, to increase the proposed parking area setback and landscape area abutting Prospect Street from 0.6 metres to a minimum of 2 metres, and the requirement to provide a dedicated loading space for both the stacked townhouses and apartment building. The draft zoning regulations for this application has been included as Appendix C to this report.

Technical Review

The supporting documents for the Official Plan Amendment and Zoning By-law Amendment application were circulated for review to internal departments and external agencies in January 2018 and in June 2019. Initial technical agency comments received based on the original application submission are summarized in Report PB-62-18.

Halton Region

Halton Region Planning Staff reviewed the application in the context of Provincial planning documents and the Regional Official Plan and offered no objection to the proposed Official Plan amendment and Zoning By-law amendment. Regional staff reviewed the resubmission against the Regional Official Plan Housing policies and are generally satisfied with the proposal to increase the number of residential rental units on the site. The functional servicing report submitted by the applicant was reviewed by Regional staff and was found to be satisfactory for the purposes of the Official Plan amendment and Zoning By-law amendment applications, and further review will be conducted at the site plan stage. The Region has recommended that the solid waste enclosure be larger than currently proposed in order to accommodate the number of units emptying waste into the dedicated area. The Region has also indicated that the enclosure needs to be repositioned on an angle to accommodate Regional waste vehicles. Further review of the solid waste management for the site will be reviewed at the Site Plan stage.

Transportation

The applicant is proposing 140 parking spaces for the entire property which would include 40 proposed stacked townhouse units and 65 existing apartment units. While the proposed parking supply doesn't satisfy the current Zoning By-Law requirement, staff notes that the parking rates contained from the Zoning By-Law are outdated and no longer reflect current parking trends, as per the review conducted by our 2017 *'Burlington City-Wide Parking Standards Review'*. Based on the parking rates from 2017 *'Burlington City-Wide Parking Standards Review'*, the entire property, with 40 new units,

would require 137 parking spaces. Therefore, City of Burlington Transportation Planning staff doesn't have any concerns with the proposed number of parking spaces.

- Developer to provide TDM information packages including transit schedules and maps, cycling route maps, as well as a PRESTO fare card
- Developer to subsidize transit passes for all occupants for a three-year period
- Developer to provide secure bike parking areas (bike racks/lockers) located conveniently on site, and make available bike maintenance tools such as air pumps for all residents

Parks and Open Space

Staff from the City's Parks and Open Space group have commented on the application with regard to the potential direct access proposed to Optimist Park. The proposed location at the north end of the site is not appropriate as it will create a wear pattern over the baseball diamond. A more suitable location would be further to the south of the backstop of the baseball diamond, contingent on no negative effect on City trees in the park. Further discussion about access to Optimist Park can occur at the Site Plan stage.

Landscaping & Forestry

Landscaping and Forestry staff has reviewed the application and have provided no objection to the applications for Official Plan amendment and Zoning By-law amendment. Staff have noted that while no City trees are proposed to be removed, the driveway and parking area on the east side of the building are proposed within the minimum tree protection zone. Therefore, a Tree Permit, including fees and securities will be required as a condition of Site Plan approval. Staff have also advised that the applicant contact the owners of adjacent properties whose minimum tree protection zones will be encroached upon during construction activity.

A total of 62 out of the 107 private trees located on the subject lands are proposed be removed to facilitate the development application. Landscaping staff have commented that, while the City does not have a definitive requirement for replanting on private property, the 1:1 caliper replacement for the site is calculated at 688cm (adjusted for size, condition and species). The landscape concept plan submitted by the applicant's landscape architect proposes a total of 9 deciduous trees on the property and 8 deciduous trees in the City's boulevard along Prospect Street (17 trees total). Review of the landscape concept plan at the Site Plan stage will identify if additional trees can be supported on the site, and the applicant is advised to look for other locations on the property for tree planting. Landscaping staff note that there should be a larger landscape area to buffer the proposed parking area from the sidewalk along Prospect Street. Landscaping staff also recommend additional landscaping areas along the west property line and around the apartment building to mitigate headlight trespass. A

walkway is also recommended around the apartment building and additional access to the Prospect Street sidewalk on the east side of the site. Staff will be reviewing these items in further detail at the Site Plan stage.

Site Engineering

The City's Site Engineering Staff have reviewed the application material and revised Functional Servicing Report and grading plans submitted in June 2019. Staff have commented that they are satisfied with the documents for the purposes of the Official Plan Amendment and Zoning By-law Amendment and have provided no objection to these applications. Further review of engineering documents and construction management will be conducted at the Site Plan stage.

Development conditions as a result of technical comments are included as Appendix D to this report.

Financial Matters:

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

Public Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements. A public notice and request for comments was circulated in March 2018 to surrounding property owners/tenants within 120 metres of the subject lands. A total of 403 notices were sent. A notice sign was posted on the property advising of the applications for Official Plan amendment and Zoning By-law Amendment on March 5, 2018. All technical studies and supporting materials were posted on the City's website at www.burlington.ca/2087Prospect.

Neighbourhood Meeting

On April 12, 2018 a neighbourhood meeting was held at the Burlington Salvation Army Church across the street from the site on Prospect Street. Approximately 15 members of the public attended as well as the Ward 2 Councillor. At the neighbourhood meeting members of the public expressed concern with: existing parking availability on the site; existing traffic and speeding along Prospect Street; retention of the mature trees along

the back property line; relocation of tenants from the fourplex units; the number of townhouses initially proposed (50); site drainage; lack of accessible units; construction impacts (noise and dust); and, shadow impacts on adjacent properties.

Statutory Public Meeting

On July 10, 2018, a Statutory Public Meeting was held for the development application. At the Statutory Public Meeting two delegations were made by members of the public with respect to the proposed Official Plan amendment and Zoning By-law amendment. Public delegations at the Statutory Public Meeting highlighted concern with the existing condition of the apartment building and parking area, appropriate transition from high to low density residential uses, and concerns about tree retention, as well as grading and drainage impact on adjacent properties.

Public Comments

Since the development application was submitted in December 2017, Planning Staff have received 26 written comments from 17 correspondents with regard to this application. Public comments have been included as Appendix E to this report. The following table provides a summary of all written public comments that were received and how they were considered by Planning Staff in the development of this recommendation report.

Public Comment	Staff Response
<p>Construction:</p> <ul style="list-style-type: none"> Noise, dust, vibration, trucks, traffic from adjacent property development compounded by more development on subject lands Safety of children with construction Parking will be disrupted during construction 	<p>The applicant will be required to submit a Construction Management Plan at the time of Site Plan. Construction activity will be monitored by the City and will be required to adhere to noise by-law and site plan agreement conditions.</p> <p>Resident parking during construction will be addressed through the Construction Management Plan and must be to the satisfaction of the City.</p>
<p>Existing Building Condition:</p> <ul style="list-style-type: none"> Apartment building and facilities not maintained Concern that new units will make attention to maintenance worse Apartment needs dedicated garbage area 	<p>Building maintenance may be addressed through the City's By-law Enforcement.</p> <p>Planning Staff cannot delay or deny a development application due to past negligence by a property owner or manager. The principle of use for the requested Official Plan amendment and Zoning By-law amendment must be evaluated against local, Regional, and</p>

<ul style="list-style-type: none"> • Lack of snow removal on site in the winter • Current garbage containers not adequate • Parking area in disrepair (potholes, damaged speed bumps) 	<p>Provincial planning policy and must represent good planning.</p> <p>The applicant will be required to submit a waste management plan at the site plan stage to the satisfaction of the Region of Halton, with regard to regional waste collection. The region has already indicated that the garbage storage area proposed will need to be enlarged.</p> <p>The parking area will be re-paved as a result of the new development.</p>
<p>Increased Site Activity:</p> <ul style="list-style-type: none"> • More cars, garbage trucks etc. coming to the property • Increased vibration from increased site traffic 	<p>Regional waste collection will continue to occur on the prescribed schedule. Additional vehicle traffic will be routed to the rear of the property through the existing access route.</p>
<p>Tree Removal:</p> <ul style="list-style-type: none"> • Development will remove trees from the site • Existing pine trees around parking lot damage cars with sap and should be removed • Mature cedar trees at north end of site should be retained • Implications for urban wildlife 	<p>While a majority of the on-site trees will need to be removed, the applicant has protected the cedar hedgerow and trees along the border of Optimist Park as well as trees at the west side of the apartment building.</p>
<p>Parking:</p> <ul style="list-style-type: none"> • Difficult to find tenant parking on-site currently and more new tenants will make parking even harder • Overflow parking at church and no overnight parking in the area • No visitor parking currently • Concern that additional units will increase parking constraints • Residents have multiple vehicles • Aging residents cannot bike and walk to amenities • Suggestion for more underground parking for existing and new development 	<p>The applicant is proposing a parking rate of 1 space per 1-bedroom apartment and 1.25 spaces per 2-bedroom apartment with 0.25 spaces per unit for visitor parking resulting in 74 occupant spaces and 17 visitor spaces for the apartment building. The 2017 Burlington City-Wide Parking Standards Review recommends a visitor parking rate of 0.2 spaces per unit for apartment buildings, resulting in the need for 13 visitor parking spaces for the existing apartment. The stacked townhouses would be supplied with 1 parking space per unit and 0.25 visitor parking spaces per unit resulting in 36 occupant spaces (for the 36 units supported by Staff) and 9 visitor spaces. Based on the rates provided in the 2017</p>

<ul style="list-style-type: none"> No off-site parking available in the area (street parking, parking lots etc.) 	<p>Burlington City-Wide Parking Standards Review, the whole of the site would be required to have 132 parking spaces, not including 2 loading spaces. This parking rate is supported by Planning and Transportation Staff. The occupant and visitor parking will be required to be clearly signed.</p>
<p>Intensification:</p> <ul style="list-style-type: none"> Density proposed is too high Units are too small Amenity area is insufficient Lack of space for kids at local schools Increased number of students to schools could prevent closures Application should be supported to provide more rental accommodation Intensification will help support local businesses 	<p>The maximum density of the RH4 zone is 100 units per hectare and the application, as modified by Planning Staff for 36 new units, represents 106 units per hectare. In order to meet the density, no more than 31 new units could be permitted. The applicant has provided evidence to support the intensification proposed for the site, and has made reductions to their unit count since the initial application was submitted. Planning Staff feel that 106 units per hectare is an acceptable overall density for the site.</p> <p>The amenity area proposed is acceptable given the close proximity of Optimist Park for recreational space for residents and the provision of interior amenity space in the apartment building and each unit having private amenity space.</p>
<p>Building and Site Design:</p> <ul style="list-style-type: none"> Building height is not compatible with the low density residential to the north Rear yard setback of townhouses is not sufficient No accessible units proposed Potential sun shadow impacts on adjacent properties Proposal maintains the character of the neighbourhood 	<p>The proposed building is approximately 14 metres in height and is setback 14 metres from the rear property. The building height fits within a 45-degree angular plane which will assist in preventing overlook into the rear yard areas of adjacent properties.</p> <p>Planning Staff have discussed the potential for accessible units with the applicant. No accessible units have been proposed for the stacked townhouses.</p> <p>The sun-shadow study shows minimal impact on neighbouring properties to the north. Shadowing impacts the dwellings to the north in the morning during the winter months (December) but resolves by mid-day.</p>

<p>Safety:</p> <ul style="list-style-type: none">• Increased population will result in more crime, property damage, and vandalism• Traffic speed along Prospect Street	<p>Planning Staff cannot provide comment about crime levels as a result of this application. Criminal activity should be reported to the police.</p> <p>Traffic calming efforts (6 speed humps) along Prospect Street were reviewed by the City's Transportation department after installation and were noted to reduce speeds along this street. If residents notice speeding on this street, Halton Police should be contacted.</p>
<p>Grading and Drainage:</p> <ul style="list-style-type: none">• High water table and sump pumps for dwellings to the north• Do not want a retaining wall against rear property line	<p>The applicant's geotechnical engineer has stated that the static groundwater level is 3-5 metres below the existing surface.</p> <p>The retaining wall has been moved away from the rear property line by 2.7m.</p>

Conclusion:

Planning Staff have reviewed the Official Plan Amendment and Zoning By-law Amendment applications submitted for the lands located at 2087-2103 Prospect Street and find that the applications are consistent with and conform to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan. In order to support the parking rate proposed by the applicant, adequate common amenity area behind the stacked townhouses, and increased landscape area along Prospect Street, Planning Staff are recommending a modified approval to permit the development of 36 stacked townhouse units, whereas 40 units are currently proposed by the applicant.

Respectfully submitted,

Lauren Vraets, RPP MCIP

Planner II

335-7600 ext. 7536

Appendices:

- A. Sketches and Mapping
- B. Proposed Official Plan Amendment
- C. Proposed Zoning By-law Amendment
- D. Proposed Development Conditions
- E. Public Comments

Notifications:

Len Radomski, Ruth Victor and Associates

len@rvassociates.ca

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.