



**SUBJECT:** Statutory public meeting and recommendation report for an official plan amendment, zoning by-law amendment and plan of subdivision for 2294 & 2300 Queensway Drive

**TO:** Community Planning, Regulation & Mobility Cttee.

**FROM:** Community Planning Department

Report Number: PL-17-20

Wards Affected: 2

File Numbers: 505-05/19, 520-10/19, & 510-02/19 (24T-19002/B)

Date to Committee: March 10, 2020

Date to Council: March 30, 2020

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**Recommendation:**

Refuse the applications for an official plan and zoning by-law amendment and a plan of subdivision submitted by A.J. Clarke and Associates, 25 Main Street West, Hamilton ON L8P 1H1, on behalf of Waggy Inc. to permit the development of 25 townhouse units at 2294 and 2300 Queensway Drive.

**PURPOSE:**

The purpose of this report is to provide information for a Statutory Public Meeting concerning applications for an official plan amendment, zoning by-law amendment and a plan of subdivision to allow the development of 25 townhouse units on a private road at 2294 & 2300 Queensway Drive, and recommend that the subject applications be refused.

**Vision to Focus Alignment:**

The subject applications align with the following focus areas of the *2018-2022 Burlington's Plan: From Vision to Focus*:

- Increase economic prosperity and community responsive city growth
  - Increasing options for housing across the city
- Support sustainable infrastructure and a resilient environment
  - Increasing tree canopy city wide

## **Executive Summary:**

The subject site is located on the south side of Queensway Drive, between Cleata Street and Brant Street. The site is 0.4 ha in area and is currently developed with a detached dwelling. The site is proposed to be redeveloped with 25 freehold townhouse units in the form of three, three-storey standard townhouse buildings, and one, “three-storey” back-to-back townhouse building. To facilitate this development, the applicant has applied to amend the Official Plan to allow for an increase in density from 50 units to 63 units per net hectare, and has also applied to amend the Zoning By-law 2020 to rezone the property from H-RM2 to allow a back-to-back townhouse use and modified density, setback, privacy area, common amenity area, building height, and landscape buffer regulations. A plan of subdivision application has also been submitted to facilitate the creation of the parcels of tied land and a future common element road.

Planning staff have reviewed the application in the context of Provincial, Regional and City planning documents and comments received from technical agencies and the public. Staff recommend refusal of the subject applications for the following reasons:

- Building and site-critical infrastructure is proposed within 7.5 m of the front property line, whereas a 7.5 m block from the property line at Queensway Drive is required by City Transportation staff and the Ministry of Transportation of Ontario (MTO) to be kept free of buildings and site-critical infrastructure, for the purpose of protecting for future widenings of the QEW and the deemed width of Queensway Drive. This requirement was identified by City staff at the Pre-Consultation Meeting with the applicant and confirmed by the MTO to the applicant in January 2019, and again in January 2020.
- The proposed development is incompatible with the existing neighbourhood in terms of scale, siting and setbacks, amenity areas and landscape buffering.
- The proposed common amenity area is inconsistent with land use planning policy objectives to plan for public safety and accessibility for all persons.
- There is insufficient room on the subject site to accommodate the proposed number of units and necessary site features (e.g. transformers, snow storage, landscape buffers, visitor parking, common amenity area and privacy areas):
  - The proposed development does not allow for hydro infrastructure in locations acceptable to Burlington Hydro.
  - The proposed site layout does not meet the Ontario Building Code’s minimum separation distance from fire routes and principal entrances.
- The feasibility of the proposed development to meet stormwater management and noise standards has not been satisfactorily demonstrated.
- The suitability of the lands for the proposed residential use has not been satisfactorily demonstrated.
- There is insufficient information for staff to assess the impact of the proposed development on neighbouring trees.

- The impact of the development on the ability for the adjacent property at 992 Cleta to be redeveloped has not been satisfactorily demonstrated.

Significant site redesign as well as updates to technical studies and additional information are required in order address the above concerns. Given the shortened processing timelines under Bill 108, staff recommend that the applications be refused.

<b>RECOMMENDATION:</b>	Refusal	<b>Ward:</b>	2
<b>Application Details</b>	<p><b>APPLICANT:</b></p> <p><b>OWNER:</b></p> <p><b>FILE NUMBERS:</b></p> <p><b>TYPE OF APPLICATION:</b></p> <p><b>PROPOSED USE:</b></p>	<p>Waggy Inc.</p> <p>Same as above</p> <p>505-05/19, 520-10/19 &amp; 510-02/19 (24T-19002/B)</p> <p>Official Plan Amendment, Rezoning &amp; Plan of Subdivision</p> <p>Three traditional townhouse buildings containing 17 units, and one back-to-back townhouse building with 8 units (25 units total).</p>	
<b>Property Details</b>	<p><b>PROPERTY LOCATION:</b></p> <p><b>MUNICIPAL ADDRESSES:</b></p> <p><b>PROPERTY AREA:</b></p> <p><b>EXISTING USE:</b></p>	<p>South side of Queensway Drive, between Guelph Line and Cleeta Street</p> <p>2294 &amp; 2300 Queensway Drive</p> <p>0.4 ha</p> <p>Low density residential</p>	
<b>Documents</b>	<p><b>OFFICIAL PLAN Existing:</b></p> <p><b>OFFICIAL PLAN Proposed:</b></p> <p><b>ZONING Existing:</b></p> <p><b>ZONING Proposed:</b></p>	<p>Residential – Medium Density</p> <p>Residential – Medium Density, with site-specific policy permitting a maximum density of 63 units per net hectare.</p> <p>H-RM2</p> <p>RM3-exception</p>	
<b>Processing Details</b>	<p><b>APPLICATION RECEIVED:</b></p> <p><b>STATUTORY DEADLINE:</b></p> <p><b>NEIGHBOURHOOD MEETING:</b></p> <p><b>PUBLIC COMMENTS:</b></p>	<p>December 10, 2019</p> <p>April 8, 2020 (120 days)</p> <p>May 28, 2019</p> <p>4 comments received from 3 households and Burlington’s Sustainable Development Committee</p>	

## Background and Discussion:

### General

On December 11, 2019, the Community Planning Department acknowledged that complete applications had been received to amend the Official Plan and Zoning By-law and for a Plan of Subdivision at 2294 & 2300 Queensway Drive to support the development of the lands with 25 townhouse units on private road. The purpose of this report is to provide an overview of the application, an outline of applicable policies and regulations, and a summary of technical and public comments received to date. This report is intended as background information and analysis for the statutory public meeting and staff recommendation.

### Site Description

The subject site has an area of 0.4 ha, with approximately 61.7 m of frontage on Queensway Drive. The site is comprised of two parcels, 2294 & 2300 Queensway Drive. The site is currently developed with a detached dwelling and detached garage. The house at 2294 Queensway was demolished in 2019.



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

## **Surrounding Land Uses**

The subject site is surrounded by the following uses:

- North: Queen Elizabeth Way (QEW);
- South: Low-density residential (one to two storey detached houses);
- East: Retail commercial (the two-storey building immediately adjacent to the site, at 2290 Queensway Drive and known as Balsam Lodge, is a listed property on the Municipal Heritage Register);
- West: Medium-density residential (two-storey fourplex building).

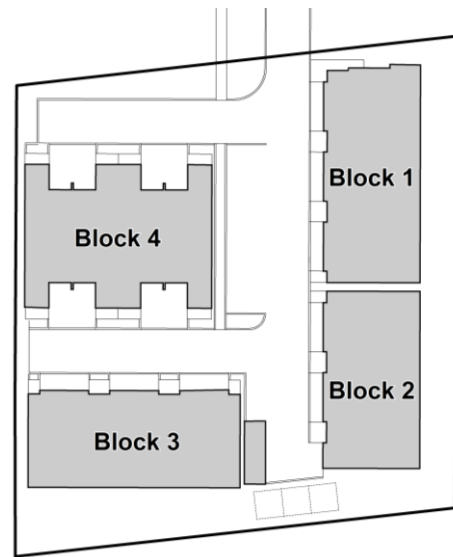
## **Description of Applications**

As shown on Sketch No. 2 (Appendix A) and Figure 2 (right), the applicant proposes to develop the lands with three, three-storey traditional townhouse buildings (Blocks 1-3) and one, “three-storey” back-to-back townhouse building (Block 4) on a future common element road.

A total of 25 freehold townhouse units are proposed: eight back-to-back units and 17 traditional townhouse units. All the units are proposed to have two bedrooms except for one three-bedroom unit. The proposed development has a density of approximately 63 units per net hectare.

Each of the traditional townhouse units are proposed to have a private backyard amenity area, with a second storey walkout deck and stairs to the backyard. The back-to-back townhouse units are proposed to each have balconies on the second and third floor, and a rooftop terrace. A common outdoor amenity area, located in the southwest corner of the site, is also proposed. This area is proposed to be accessed by descending eight steps from the private laneway.

To facilitate the development, the applicant has applied to amend the Official Plan with a site-specific policy within the existing designation to permit a density of 63 units per net hectare. The applicant has also applied to rezone the lands from H-RM2 to RM3-exception. The proposed site-specific exception relates to building height, setbacks, maximum density, landscape areas and landscape buffers. A plan of subdivision has also been submitted to create 25 lots (parcels of tied land) for the proposed townhouse units, and a block for a future common element road.



**Figure 2 – Proposed Site Layout**

### ***Supporting Documents***

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

- [Site Plan, Floor Plans and Elevations](#), prepared by Icon Architects, last revised August 16, 2019;
- [Draft Plan of Subdivision](#), prepared by A.J. Clarke & Associates, signed by Surveyor on August 29, 2019
- [Draft Official Plan Amendment](#), prepared by A.J. Clarke & Associates
- [Draft Zoning By-law Amendment](#), prepared by A.J. Clarke & Associates
- [Planning Justification Report](#), prepared by A.J. Clarke & Associates, dated September 2019
- [Neighbourhood Meeting Minutes](#), prepared by A.J. Clarke & Associates
- [Landscape Concept Plan](#), prepared by Adesso Design Inc., dated November 19, 2019
- [Vegetation Management Plan](#), prepared by Adesso Design Inc., last revised November 11, 2019
- [Traffic Impact Brief](#), prepared by Paradigm Transportation Solutions Ltd., dated September 2019, and supporting SYNCHRO files;
- [Noise Impact Study](#), prepared by dBA Acoustical Consultants Inc., revised December 2019
- Noise Impact Study comment reply letter from dBA Acoustical Consultants Inc., dated October 3, 2019
- [Functional Servicing and Stormwater Management Report](#) and Comment Response Letter, prepared by MTE Consultants Inc., dated November 19, 2019
- [Servicing, Grading, and Drainage Drawings](#), prepared by MTE Consultants Inc., last revised November 19, 2019
- Storm Sewer Inspection Video, [Report](#) and [Summary](#) and prepared by Badger Daylighting, dated October 16, 2019
- [Air Quality Assessment Report](#), prepared by MTE Consultants Inc., dated July 16, 2019
- [Air Quality Assessment Report Clarification Letter](#), prepared by MTE Consultants Inc., dated October 3, 2019
- [Waste Management Report](#), prepared by Cini-Little International Inc., dated September 16, 2019
- [Waste Management Report Response Letter](#), prepared by Cini-Little International Inc., dated October 8, 2019
- [Building Height Survey](#), prepared by A.J. Clarke & Associates, dated August 16, 2019
- [Geotechnical Investigation Report](#), prepared by MTE Consultants Inc., dated June 13, 2019
- [Land Assembly Letter from Owner](#), dated August 8, 2019
- [Environmental Site Screening Questionnaire](#), completed by Applicant on August 9, 2019
- [Environmental Site Assessment – Phase I](#), prepared by MTE Consultants Inc., dated July 8, 2019



- [Environmental Site Assessment – Phase II](#), prepared by MTE Consultants Inc., dated July 26, 2019
- [Environmental Site Assessment – Reliance Letter](#), from MTE Consultants Inc., dated August 9, 2019
- [Applicant Official Plan Amendment & Rezoning Submission Cover Letter](#), dated November 20, 2019
- [Applicant Draft Plan of Subdivision Submission Cover Letter](#), dated November 20, 2019

All of the supporting documents have been published on the City's website for the subject application, [www.burlington.ca/2294Queensway](http://www.burlington.ca/2294Queensway).

### **Setback from Queensway Drive**

At the January 9, 2019 Pre-Consultation Meeting with the applicant, City staff confirmed that the existing right-of-way width of Queensway Drive is less than the deemed width identified in the City's Official Plan on the east side of the site. In order to bring Queensway Drive to deemed width and be consistent with other recent developments in the area, City staff advised that a 7.5 m block across the whole frontage is required to be kept free and clear of buildings or infrastructure (e.g. manholes, catch basins, sewers, watermains, etc.), with language in the future site plan agreement that the block shall be dedicated to the City free of charge when it is needed/requested. Staff also advised the applicant to confirm with the Ministry of Transportation Ontario (MTO) about where its setback requirement will be measured from, as the MTO generally requires a 14 m setback measured from the front property line.

On January 16, 2019, the MTO confirmed with the applicant that its 14 m setback requirement may be measured from the existing sidewalk, rather than from the front property line, on the basis that the City was protecting a 7.5 m block on the subject site from buildings and site-critical infrastructure so that it could be deeded to the City for a road widening in the future. The purpose of this setback is to ensure that, in the event that the QEW is widened, there is adequate room for Queensway Drive and existing utilities within the City's right-of-way to be relocated.

At the Neighbourhood Meeting on May 28, 2019, the applicant presented a concept plan showing buildings outside the 7.5 m block. At this meeting, the applicant asked staff to consider the placement of an east-west driveway in the 7.5 m block to access the proposed townhouses on the west side. Staff agreed to this request as the units were configured so that they could be converted to street townhouses if the 7.5 m block of land was needed in the future. To facilitate this east-west driveway, Transportation staff determined that a 7.5 m setback would no longer be required as a separate block in a plan of subdivision. Staff continued to maintain, however, that buildings and infrastructure would not be permitted in this setback.



The submitted materials for the subject applications show a part of Block 1 (containing one unit) and site-critical infrastructure (including manholes and catchbasins) within the City and MTO's required 7.5 m setback from Queensway Drive.

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

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

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

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest.

Subsection 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by promoting efficient and cost-effective development patterns to minimize land consumption and servicing costs; accommodating an appropriate range and mix of uses; avoiding development and land use patterns which may cause environmental or public health and safety concerns; improving accessibility for persons with disabilities and older persons by preventing land use barriers which restrict their full participation in society; and by ensuring that necessary infrastructure, such as transportation corridors, will be available. 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)).

While the subject applications will facilitate redevelopment and intensification within the City's Urban Area, the proposed development is not consistent with other policies of the PPS with respect to the protection of transportation corridors and public health and safety, land use compatibility, and accessibility.

#### ***Protection of Queensway Drive and QEW Right-of-Ways***

The PPS requires planning authorities to plan for and protect corridors and rights-of-way for infrastructure, including transportation systems, to meet current and project needs (PPS, 1.6.8.1). Moreover, development on lands adjacent to existing or planned corridors and transportation facilities "*should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities*" (PPS, 1.6.8.3).

The applicant is proposing buildings and site-critical infrastructure within 7.5 m of the front property line. As such, the proposed development is not consistent with the planned right-of-way of Queensway Drive or the long-term purpose of the QEW, as required by the City's Official Plan and the MTO. The subject applications are therefore not consistent with the PPS.

### ***Public Health & Safety - Site Contamination***

The PPS also states that “*sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed such that there will be no adverse effects*” (PPS, 3.2.2). According to the submitted Phase II ESA, soil was found on the subject site with lead in amounts that exceed Provincial standards. While the report states that the contaminated soil has been removed from the site, and City Site Engineering staff require further testing and a Record of Site Condition in order to confirm that the lands are suitable for the proposed use. As such, the subject applications are not consistent with policy 3.2.2 of the PPS.

### ***Land Use Compatibility - Noise***

The PPS also states that sensitive land uses, such as residences, and major facilities (e.g. transportation infrastructure and corridors) should be planned to ensure that they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from noise (1.2.6.1). Although a noise study has been submitted in support of the application, Site Engineering staff comment that updates to the study are required to ensure that predicted noise levels from the QEW are calculated correctly. Based on the information submitted, Site Engineering staff are unable to confirm that noise impact on the proposed development will meet or can be mitigated to meet Provincial standards. Therefore, the subject applications may not be consistent with policy 3.2.2 of the PPS.

### ***Accessibility***

The PPS states that complete communities are sustained by “*improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society*” (PPS, 1.1.1 f)). The proposed common amenity area, accessible only by descending 8 steps from the private driveway, is not accessible for persons with disabilities, and is therefore not consistent with the PPS.

### **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.

The Growth Plan directs the Province and municipalities to work with agencies and transportation service providers to “*coordinate, optimize, and ensure the long-term viability of major goods movement facilities and corridors*” and “*improve corridors for moving goods across the GGH in accordance with Schedule 6*” (Growth Plan, 3.2.4.1). The QEW is identified as an “Existing Major Highway” on Schedule 6 – Goods

Movement of the Growth Plan. The subject application does not respect the 7.5 m setback required by the MTO and City to protect for the long-term viability of the QEW and Queensway Drive. As such, the proposed development does not conform to the Growth Plan.

The Growth Plan also contains population and employment forecasts to plan for and manage growth to 2041, and states that the vast majority of growth is to be directed to settlement areas and, more specifically, within delineated built-up areas and strategic growth areas, locations with existing or planned transit, and areas with existing or planned public service facilities (Growth Plan, 2.2.1.2a); 2.2.1.2c)). Municipalities are directed to develop and implement, through their official plans and supporting documents, a strategy to achieve intensification and the minimum intensification target set out in the Growth Plan (Growth Plan, 2.2.2.4). The strategy is to “*encourage intensification generally to achieve the desired urban structure*” and “*identify the appropriate type and scale of development and transition of built form to adjacent areas*”, as well as identify strategic growth areas (Growth Plan, 2.2.2.4a) and b)).

The City’s Official Plan and Zoning By-law 2020 provide an intensification strategy for Burlington. The Official Plan encourages residential intensification within established neighbourhoods that is compatible with the scale, urban design and community features of the neighbourhood, and provides evaluation criteria for intensification proposals to ensure that an appropriate transition is provided between existing and proposed buildings.

The subject applications will facilitate intensification within the City’s built-up area with a type of built form (townhouses) that permitted by the City’s Official Plan. However, staff have reviewed the proposed development against the City’s residential intensification criteria and are of the opinion that the scale and transition of the proposed development to adjacent buildings is not appropriate. (A detailed discussion of scale and compatibility is provided within the City of Burlington Official Plan section of this report.) The proposed development therefore does not conform to the Growth Plan.

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

The subject lands are designated as Urban Area in the Halton Region Official Plan (ROP). The Urban Area is where municipal water and/or wastewater services are or will be made available to accommodate existing and future urban development and amenities (ROP, 74). The ROP states that the range of permitted uses within the Urban Area shall be in accordance with local official plans and zoning by-laws. However, all development is subject to the policies of the ROP (ROP, 89(3)). These policies include requirements for proponents of sensitive land uses within 30 m of a Provincial Highway to complete an Air Quality Assessment and undertake necessary mitigation measures (ROP, 143(12)).

Halton Region comments that although the intensification of the subject lands is generally supported by ROP policy, the Region is unable to confirm that the proposed development conforms to the Urban Area policies of the ROP because the proposal does not provide for the required 7.5 m setback from Queensway Drive. Also, although an Air Quality Assessment has been submitted in support of the subject applications, it will need to be updated to reflect a revised layout and design which meets the required 7.5 m setback.

### **City of Burlington Official Plan**

The property is designated “Residential – Medium Density” on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. This designation permits detached and semi-detached houses, townhouses, back-to-back townhouses, stacked townhouses, street townhouses and walk up apartments, with minimum density of 26 units per net hectare and a maximum density of 50 units per net hectare. Based on the area of the subject site (0.4ha), up to 20 dwelling units are currently permitted on the subject site.

The applicant is proposing 25 townhouse units on the subject site, at a density of approximately 63 units per net hectare, which exceeds what is permitted for the “Residential—Medium Density” designation in the City’s Official Plan. As a result, the applicant is proposing to amend the Official Plan to add a site-specific policy allowing a maximum density of 63 units per hectare on the subject site.

### ***Queensway Deemed Width***

According to *Schedule J - Classification of Transportation Facilities South of No. 1 Side Road* and *Table 2 – Road Allowance Widths* of the City’s Official Plan, Queensway Drive is classified as a Minor Arterial Road with a deemed width of 30 m. The City’s Official Plan directs that the rights-of-way identified in Schedule J and Table 2 “shall be protected and secured through the development process”, and that the City “will confirm whether a road widening is required as per the Official Plan and whether property for the widening has already been dedicated to the City” (Part II, 3.3.2 a) and d)).

City Transportation and Geomatics staff confirm that the existing width of the Queensway Drive right-of-way is irregular along the subject site, and is less than the deemed width specified in the City’s Official Plan. While staff do not anticipate the need to widen the right-of-way in this location in the near future, a 7.5 m block across the front of the site is required to be protected, in accordance with the Official Plan. This block may be kept in private ownership until such time as required by the City, but must be kept free and clear of all buildings or infrastructure (the private laneway is allowed) and language must be included the future subdivision agreement that the block will be dedicated to the City free of charge when the widening becomes necessary. This approach was similarly applied in the review of the recent Habitat for Humanity

townhouse development at 2384 Queensway Drive (City file nos. 505-04/15, 520-04/15, and 535-011/17; OPA and rezoning approved in 2018).

The 7.5 m requirement was confirmed by staff and the MTO during the pre-consultation process and further confirmed through the technical circulation of the subject applications. Since a building and infrastructure are proposed within the 7.5 m setback, the proposed development does not conform to the City's Official Plan, and staff recommend refusal of the application.

### **Noise Mitigation**

Part II, policy 3.3.2s) states that "*the proponent of residential development and other sensitive land uses within 50 m of a provincial freeway, highway right-of-way, or major arterial, multi-purpose arterial or minor arterial road, or a greater distance at the discretion of the City or the Region of Halton, will be required to undertake noise studies by a qualified acoustical consultant in accordance with Provincial policy to the satisfaction of the City and any other authorized review authority and shall undertake appropriate measures to mitigate any adverse effects from the noise identified.*" During the Pre-Consultation Meeting with the applicant, the City identified that a noise feasibility study is required to be submitted. City Site Engineering staff have reviewed the submitted noise study and comment that updates to the study are required in order to confirm that noise levels will or can be mitigated to meet the Provincial standards. As such, the subject application may not conform to the Official Plan's noise mitigation policy.

### **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.*

According to Halton District School Board, the subject site is within the Tom Thompson Public School, Tecumseh Public School, and Burlington Central Elementary and High School catchments. Students generated from this development are expected to be accommodated in the respective schools with the addition of portables.

Halton Catholic District School Board students would be accommodated at St. Paul Catholic Elementary School and Assumption Catholic Secondary School. Neither of the school boards has objections to the proposed development.

Halton Regional staff comment that they are not currently in a position to comment on whether the applicant's Functional Servicing Report is satisfactory because of the outstanding MTO issues.

*(ii) Off-street parking is adequate;*

Two occupant spaces per unit, and eight shared visitor parking spaces are proposed, whereas the Zoning By-law 2020 requires two occupant spaces per unit, and twelve shared visitor parking spaces, based on the number and type of units proposed. While the proposed number of visitor parking spaces does not meet the in-effect parking rates of the Zoning By-law, it meets the new rates approved by the City through the *Burlington City-Wide Parking Standards Review* (currently under appeal). The proposed number of visitor spaces (8) exceeds the required number of visitor spaces of the new rates by one (1) space.

However, Transportation staff comment that the two northerly visitor parking spaces (V1 and V2) proposed are situated too close to proposed access. As a result, the two northerly spaces are recommended to be eliminated.

Furthermore, due to the limited space for snow storage on this site, Planning staff are concerned that snow storage may spill onto the proposed off-street spaces. Outside of the 7.5 m required Queensway setback, snow storage areas are identified on a 9.4 m<sup>2</sup> island adjacent to visitor parking (V7) and at the end of the east-west private laneway between Blocks 3 and 4, between the proposed privacy fence and retaining wall of the laneway. In staff's opinion, it is likely that snow storage will overflow from the island onto V7, or partially obstruct the driveways of the west end units of Blocks 3 and 4 and be pushed into V8.

Lastly, Transportation staff also comment that the proposed driveways of the back-to-back townhouses are deficient in length. 6.3 m is proposed, whereas the Zoning By-law requires a minimum driveway length of 6.7 m for POTLs. The required 6.7 m length ensures that longer vehicles (such as pickup trucks) can park without obstructing the private laneway.

Thus, staff are not satisfied that off-street parking adequate. This criterion has not been 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;*

The submitted traffic brief estimates that the proposed development will generate approximately 13 AM peak hour trips and 17 PM peak hour trips. City Transportation staff have reviewed the submitted transportation brief and are satisfied that there is capacity within the existing transportation system to accommodate traffic generated by the proposed development. This criterion has been met.

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

The proposal is not in close proximity (within 400 m, or a 5-minute walk) to existing or future transit facilities. Burlington Transit stops at Queensway Drive and Guelph Line, Drury Lane and Fairview Street, and Brant Street and Plains Road are located approximately 850 m, 900 m, and 1.2 km, respectively, from the subject site. Burlington GO Station at Burlington Transit stops at the GO station are approximately a 1.2 km (15 minute) walk from the subject site.

*(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 of the opinion that compatibility with the existing neighbourhood has not been achieved. The proposed development is not compatible with the surrounding area in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area, as explained in detail below.

Scale – The Official Plan defines scale as “*the proportion of a building or building element created by the placement and size of the building or element in comparison with adjacent buildings or building elements and to human dimensions*”.

Immediately east of the site are a two-storey fourplex building and a two-storey semi-detached dwelling. To the west at 2290 Queensway Drive is Balsam Lodge, a two storey building that is listed on the Municipal Heritage Register and is currently used as an equestrian retail store. Existing houses to the south of Block 3 are one to two storeys tall. The applicant is proposing three to four storey townhouse buildings that exceed the maximum linear height permitted in the RM3 zone, while also proposing to reduce setbacks and landscape buffers from adjacent buildings (see Table 1, p.16).

Staff are of the opinion that the Blocks 1 and 2 are not proportionate to the existing buildings to the east at 2316 Queensway Drive (two-storeys), 992 Cleta Street (1 storey), as they will be taller than existing buildings and are not adequately setback from the east property line to provide a transition to existing buildings.

Staff are of the opinion that Block 4 (four storeys) may be appropriately scaled in relation to Balsam Lodge. Although Block 4 will be taller than Balsam Lodge and is proposed 1.2 m from the shared lot line, Balsam Lodge is located approximately 18 m from the shared lot line, and there are a number of existing mature trees on the Balsam Lodge property to help facilitate a visual transition between the two buildings. Moreover, because Balsam Lodge is a designated property on the Municipal Heritage Register, staff are of the opinion that future redevelopment of this property is limited. Staff also note that the current zoning for Balsam Lodge only permits additions to the back of the



existing building. However, additional information is required for staff to confirm the impact of Block 4 on the existing trees on the Balsam Lodge property.

Proposed Block 3 (three storeys) will be taller than existing houses to the south/south west in the low-density residential zone. The applicant is proposing reduced setbacks from Block 3 to this zone, a reduced landscape buffer consisting of a 2.4 m tall privacy fence and cedar hedge along the south property line, and no landscape buffer along the southwest property line. The existing buildings to the south are set well back from the shared property line (25-50m). Staff are of the opinion that the scale of Block 3 in relation to the properties immediately to the south may be appropriate. However, staff require further information to confirm that the proposed cedar hedge is feasible within the proposed south setback, and that a landscape buffer is feasible on the southwest side.

Massing – Massing refers to “*the overall bulk, size, physical volume, or magnitude of a structure or project*”. Staff are of the opinion that the overall magnitude of the project is not appropriate for the size of the subject site. In addition to increased building heights and reduced setbacks, yards and landscaping, the applicant also proposes second storey decks at the back of Blocks 1-3. Staff are of the opinion that the overall bulk of Blocks 1 and 2 are not appropriate given the reduced setbacks.

Height – Buildings immediately surrounding the subject site are one-and-a-half to two storeys in height with peaked roofs. In comparison, the applicant is proposing three-storey traditional townhouse buildings and a four-storey back-to-back townhouse building with flat roofs that exceed the maximum linear (m) building height permitted by the Zoning By-law 2020. The proposed traditional townhouse buildings will also have second storey decks and stairs facing east and south.

Table 1 (next page) compares the heights of surrounding building, the proposed buildings, the proposed second storey decks on Blocks 1-3, and the proposed privacy fencing along the west, east, and south property lines. Based on staff’s analysis, the traditional townhouse buildings will be 3.4 to 7.1 m taller than houses south of the site, and 1.5 to 5.6 m taller than buildings to the east of the site. The proposed second storey decks of these units will be approximately 1.8 m taller than the proposed privacy fence along the east side of the site, and 2.3 m taller than the privacy fence proposed on the south side.

**Table 1 – Comparison of proposed building and second-storey deck heights and surrounding existing building heights**

<i>Proposed / Existing Building</i>	Elevation at roof peak or floor of second storey deck or top of fence (m above sea level)	Difference in height from proposed (m) Existing Building minus Proposed; (Negative value = existing building is shorter than proposed building/deck)	
		Roof	2 <sup>nd</sup> Storey Deck
<b>EAST</b>			
<i>Blocks 1 &amp; 2 - Roof</i>	115.1		
<i>Blocks 1 &amp; 2 - 2nd storey deck (floor)</i>	108.3		
<i>Privacy Fence</i>	106.5		-1.8
2316 & 2318 Queensway	112.4	-2.7	4.1
992 Cleta	109.4	-5.6	1.2
982 Cleta	113.5	-1.6	5.3
<b>SOUTH</b>			
<i>Block 3 – Roof</i>	115.1		
<i>Block 3 – 2nd storey deck (floor)</i>	108.3		
<i>Private laneway</i>	105.0		
<i>Privacy Fence (south)</i>	105.9		-2.3
<i>Privacy Fence (southwest)</i>	105.6		-2.7
<i>Top of retaining wall</i>	105.0		
2293 Glenwood (SW)	108.0	-7.1	-0.3
2295 Glenwood	111.7	-3.4	3.4
2299 Glenwood	109.5	-5.5	1.3
2307 Glenwood	107.9	-7.1	-0.3
2311 Glenwood	111.1	-4.0	2.8
<b>WEST</b>			
<i>Building 4 - Rooftop mech room</i>	118.5		
<i>Building 4 - Roof deck</i>	115.1		
<i>Privacy fence (next to Block 4)</i>	105.4		
2290 Queensway	115.8	-2.6	-2.6

Staff are of the opinion that the proposed buildings do not have to be the same height or roof style as existing buildings in order to be compatible. Privacy and overlook impacts of taller buildings can be mitigated and a transition between existing and proposed buildings can be provided through appropriate setbacks and landscape buffers. However, the proposed development does not provide adequate setbacks to accommodate a feasible landscape buffer on the east side of the subject site, and additional information is required to demonstrate that a landscape buffer is feasible on the south side of the site. Moreover, staff are of the opinion that the setback of Block 1 from the east property line does not provide a visual transition between Block 1 and the

shorter building to the east in order to support a harmonious streetscape. As such, staff are of the opinion that the proposed building heights will negatively impact adjacent properties and is not compatible with the existing buildings to the east and south of the site.

Zoning staff have confirmed that Block 4 is a four storey building due to the proposed rooftop amenity above the third storey. Staff are of the opinion that the proposed height of Block 4 is appropriate, as Balsam Lodge is set well back (18 m) from the shared property line, and the proposed rooftop amenity areas are stepped back 4 m from the third storey. No windows are proposed on the east side of Block 4.

### Siting & Setbacks

- Blocks 1 and 2

Block 1 is sited within 7.5 m of the north property line. This does not conform to the policies of the Official Plan to protect for the deemed width of Queensway Drive, and is not supported by City staff or the MTO.

Furthermore, Fire Services staff comment that the siting of Block 1 from the private laneway does not comply with the Ontario Building Code. Principal entrances are required to be setback at least 3 m from a fire access route. The proposed entrances of Block 1 are located 2.6 m from the fire access route.

Blocks 1 and 2 are also located too close to the easterly property line to maintain privacy and minimize overlook from the second storey decks onto adjacent properties at 2316 Queensway Drive and 992 Cleota Street. The Zoning By-law requires a minimum rear yard setback of 6 m for POTLs, whereas the applicant is proposing a reduced rear yard setback of 5 m with second storey walkout decks and external access stairs that encroach 2.6 m into the rear yard, and a drainage swale in the rear yard. In order to mitigate privacy and overlook, the applicant proposes a 2.4 m privacy fence and a cedar hedge along the east side to mitigate privacy and overlook impacts. However, according to Urban Forestry & Landscaping staff, there is insufficient room for a cedar hedge to grow on this side.

The proposed easterly setbacks also do not provide adequate spacing between Block 1 and the existing building to the east (2316 Queensway Drive) to maintain a continuous and harmonious streetscape along Queensway Drive. On average, buildings along Queensway Drive east of the site (2316 to 2384 Queensway) are spaced 14 m apart from each other. In contrast, Block 1 is proposed approximately 8 m away from the building at 2316 Queensway Drive.

- Block 3

The Zoning By-law requires a minimum 12 m setback and a 6 m landscape buffer adjacent to the low-density residential zone (R3.1) to the south and west of the subject site. The applicant is proposing a south setback of 9 m narrowing to 6 m (west to east), and a west setback of 1.7 m from Block 3 to the R3 zone. Second storey decks are proposed on the south side of Block 3, with stairs located 7 m to 3.5 m from the south property line. The second storey deck of the west end unit of Block 3 (unit 17) is proposed 1.7 m from the west lot line.

Staff are concerned that the siting and setbacks of Block 3 are not sufficient to reduce impacts of privacy and overlook caused by the second storey decks onto the adjacent low-density residential neighbourhood to the south and southwest. No landscape buffer is proposed along the west side, and Urban Forestry & Landscaping staff have commented that further information is required to confirm that the proposed cedar hedge can grow along the south side of the property.

- Garbage Room and Hydro Transformers

A 26 m<sup>2</sup> “Garbage Room” building (enclosed and roofed over) is proposed to be sited at a reduced setback from south property line (6 m, whereas 12 m is required). According to the submitted waste management report, this building is intended to store general waste, recycling and organic waste for the proposed development. Three hydro transformers are sited 1.5 m south of the garbage room and surrounded by a retaining wall located approximately 1.5 m from the south property line. The siting of these features is problematic because Urban Forestry & Landscaping staff comment that there is insufficient space between the retaining wall and lot line for the proposed privacy fence and proposed cedar hedge. As such, Planning staff are concerned that the odour and noise impacts of the garbage room, and light trespass from the private driveway onto adjacent properties will be unmitigated.

Parking – The applicant proposes to meet the off-street parking rates of the *Burlington City-Wide Parking Review*. However, as mentioned above, due to the required 7.5 m setback and limited area for snow storage on site, staff are concerned about the feasibility to accommodate the proposed number of visitor spaces on this site. Additionally, there is insufficient room between the proposed retaining wall and privacy fence along the south property line to mitigate light trespass from the proposed driveway to the residential properties to the south.

Amenity Area – As mentioned above, staff are concerned with the depth of the private backyards of Blocks 1-3. The backyards of Blocks 1 & 2 are not deep enough to accommodate the proposed landscape buffer and drainage system, and provide adequate private amenity space for the proposed units. For Blocks 1 & 2, over half of the proposed backyard depth will be occupied by stairs and a second storey deck. The remaining half (approximately 2 m) is expected to accommodate a french drain system,

cedar hedge, and fence. The proposed second storey decks will have privacy and overlook impacts onto adjacent properties which cannot be mitigated by the proposed cedar hedge given the proposed backyard depth. Staff require further information to determine the feasibility of the cedar hedge buffer proposed in the backyards of Block 3. Staff are therefore not satisfied that the proposed amenity areas will be compatible with adjacent properties.

This criterion has not been met as the proposed development is not compatible with the existing neighbourhood character and an appropriate transition has not been proposed.

*(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.*

Urban Forestry and Landscaping staff comment that there are six city trees along the Queensway Drive right-of-way that are maintained by the City of Burlington and protected by the City's Public Tree Bylaw 68-2013. All trees are proposed to be preserved, but the one of the trees is proposed to be relocated due to the proposed driveway location. Relocation of the city tree requires confirmation from the Manager of Urban Forestry or delegate. A Tree Permit will be required for the city trees to be preserved and transplanted, including the payment of fee and securities. The details are to be confirmed at the Site Plan stage.

There are no trees on the subject site, but eight trees and two cedar hedges are on boundaries with neighboring properties and on neighboring properties. Due to the large proportion of the root zones affected (up to 30.5%) and pruning of some trees will be required to accommodate proposed fencing (e.g. 2.4 m high wood noise fence about 0.5m away from a Colorado Spruce on neighboring property), a qualified professional should be retained to address the potential impacts on the neighbors' and/or boundary trees and provide a letter or report confirming in their opinion the impacts of proposed construction on the boundary trees. The arborist letter or report shall also include the preservation methods, including pruning and fertilizing, that can be implemented by the owner to ensure the health of neighbor's tree and/or boundary trees along mutual lot lines. Alternatively, written confirmation from adjacent property owners stating that there are no concerns with the proposed treatment of the existing trees should be provided.

Additionally, there is insufficient soil volume for the trees proposed to be planted in the front yards of the Block 4 townhomes. The plan shows small canopy trees with 5-7m<sup>3</sup> per tree at 1.2 m depth. Required soil volumes range from 15m<sup>3</sup> to 30m<sup>3</sup>, depending on the tree species and planting layout (e.g. soil volume share in a continuous trench for multiple trees, use of structural soil cells or engineered structural soil.)

In the absence of information confirming that the proposed landscape planting and vegetation management plan is feasible, Urban Forestry and Landscaping staff

comment that they are unable to support the application. As such, this criterion is not met.

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

The proposed development is unlikely to cause significant sun-shadowing for extended periods of time on adjacent properties. 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.*

Community services and other neighbourhood conveniences are accessible from the subject site. Queensway Park is located approximately 430 m from the subject site. Shopping plazas at Brant and Plains Road East, Brant and Fairview Street, and Guelph Line and Fairview Street are approximately 1.2 to 1.5 km away. A grocery store and medical/wellness offices near Fairview Street and Drury Lane are approximately a 900 m (11 minute) walk south of the site, accessible via a pedestrian bridge over the CNR/GO train tracks. Burlington Centre is 1.5 km from the subject site. This criterion has been met.

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

Landscape buffers are used to minimize impacts where different land uses or different intensities of land use are in proximity to each other. "Landscape buffer" is defined in the Zoning By-law as a dense landscape screen, consisting of evergreen trees or a combination of solid screen fencing and coniferous or deciduous trees, shrubs or berms. A landscape buffer is required on the south and southwest sides of the property by the Zoning By-law. Although the Zoning By-law does not require a landscape buffer on the east side because it abuts a Residential Medium-Density zone, Planning staff are of the opinion that a landscape buffer should be provided on this side in order to mitigate the overlook and privacy impacts of the proposed second storey decks, increased building height, and reduced setbacks of Blocks 1 and 2.

A 2.4 m tall wood fence and a continuous cedar hedge are proposed to screen the development from adjacent properties to south and east. However, City Urban Forestry and Landscaping staff comment that due to the french drains proposed along the property lines, there is not enough room between the proposed decks and the property line for most of the continuous cedar hedge to grow. It is possible that the hedge along the south property line could be adjusted to accommodate the french drains and provide an appropriate setback, but it is not possible along the east property line, where there is only 2 m between the edge of the decks above and the wood screen fence in which the drain is located.

There is also not enough room between the proposed retaining wall around the transformers and the proposed wood privacy fence along the south property line for a cedar hedge to grow. A landscape buffer is necessary at this location in order to mitigate light trespass from the driveway to the residential properties to the south.

A landscape buffer has not been provided on the southwest side of the property, where it abuts the R3 zone at 2293 Glenwood School Dr. A 2.4 m high privacy fence is proposed along the west property line, but no trees are proposed. There are also no existing neighboring or boundary trees along the west shared property line with 2293 Glenwood School Dr. Planning staff are of the opinion that trees should be planted along the west side to provide a visual buffer between the deck and the backyards of neighbouring properties to the west because the proposed second storey deck of the west corner unit of Block 3 is located 1.7 m from the westerly privacy fence and will be approximately 2.7 m taller than the top of the fence.

Based on the submitted information, staff are unable to conclude that there is the capability to accommodate landscape buffers to mitigate the anticipated privacy, overlook, and light trespass impacts of the proposed development on adjacent properties. This criterion has not been met.

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

The subject site and the adjacent property to the east at 992 Cleta Street are zoned with a Holding Zone Provision. The intent of the Holding Zone Provision is to facilitate consolidation of land ownership. A land assembly document, demonstrating that a reasonable, bona fide offer had been made to acquire 992 Cleta Street, was required to be submitted as part of the application. The applicant has submitted a letter from the owner of the subject properties stating that they had discussions with the owner of 992 Cleta Street and that at that time, the owner of 992 Cleta street had no interest in selling the lands to facilitate a comprehensive development with 2294 & 2300 Queensway Drive. However, on January 13, 2020, the City received a letter from a representative of the owner of 992 Cleta Street stating that they had not been approached (Appendix B, Comment 2 of this report). As a result, staff conclude that this criterion has not been met.

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

There are no natural or cultural heritage features and areas on the subject property. The adjacent property to the east, at 2290 Queensway Drive, is a listed but not designated heritage property on the City's Municipal Register. The proposed height of Block 4 (13 m) is less than the horizontal distance of Balsam Lodge to the shared lot line (18 m), and no underground parking or other excavation that would cause vibration concerns is



proposed. On this basis, staff do not foresee any adverse impacts on the cultural heritage resource. This criterion has been met.

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

Not applicable – These sections relate to dedication of lands associated with a regulatory flood plain, and redevelopment or intensification in South Aldershot.

(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.

### ***Urban Design Policies***

While matters of site design are reviewed in detail at the site plan stage, staff note that the subject applications do not facilitate a site design that will satisfy the Urban Design policies of the City's Official Plan:

#### Safety, Security & Accessibility of Common Amenity Area

Part II, policy 6.5a) of the Official Plan states that "*City Council shall require that design plans promote public safety and security, with adequate visibility and lighting and the avoidance of secluded areas*". Additionally, policy 6.6 f) states that "*The needs of persons with disabilities shall be considered in each development, and universal physical access features should be incorporated in all new buildings*".

A minimum 100 m<sup>2</sup> common amenity area is required by the Zoning By-law. The proposed outdoor amenity area in the southeast corner of the site is not located or designed to promote public safety and security, or to be accessible for persons with limited mobility or who use personal mobility devices. The outdoor amenity area is only accessible by descending 8 steps from the laneway and is visually secluded from the rest of the site. This area is surrounded on the north by the south elevation of Block 2 (which has no windows), a proposed 2.4 m high wood privacy fence and cedar hedge to the east and south, and a 1.8 m high retaining wall to the west. The dimensions of this area measure approximately 16 m by 6 m, which includes area intended for a landscape buffer and stairs to access this area. The common amenity area should be relocated to an area where it is easily accessible and visible.

### Site Services and Facilities – Proposed Garbage Room

Part II, policy 6.5j) of the Official Plan states that “*the functional and visual impact of site servicing, loading, air conditioning and ventilation equipment and waste handling facilities shall be minimized, by integrating them into the building’s main structure or by site design*”.

The proposed garbage room does not comply with the Zoning By-law’s setback requirements from the south property line and from Block 3. The garbage room is proposed to be located 60 cm from Unit 12 of Block 3 (directly under a second storey window) and 6 m from the south property line. Staff do not support the proximity of this building to Block 3 as it will result in negative odour and noise impacts on Unit 12, and the gap between this building and Block 3 creates a space for people, objects, litter, and wildlife to get trapped. This building should be relocated so as to provide landscaping to buffer this building from the proposed townhouses.

### **City of Burlington Adopted Official Plan, 2018**

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

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

The lands are currently zoned “Residential – Medium Density (RM2)” with a Holding Provision (“H”) in the City’s Zoning By-law 2020. The purpose of the Holding Provision is to facilitate land assembly with the adjacent property.

Back-to-back townhouse buildings are not a permitted use within the current underlying RM2 zone. As a result, the applicant proposes to rezone the lands to an RM3 zone, which permits both standard townhouse buildings and back-to-back townhouse buildings and reflects appropriate setbacks for townhouses with a 3 storey height

Table 2 (next page) provides a comparison of the regulations applying to standard townhouses and back-to-back townhouses of the RM3 zone, and what is proposed by the applicant, whether site specific provisions would be required (indicated in bold), and staff’s analysis. It should be noted that this chart is based on a preliminary review by staff.

**Regulations Applying to the Entire Site****Table 2 – Overview of Existing and Proposed Zoning Regulations Applying to the Entire Site (Bold text = site specific provision required)**

Regulation	RM2 Requirement (Townhouses)	RM3 Requirement (Back-to-Back Townhouses)	Proposed
Lot width	45 m		61.7 m
Lot area	0.4 ha		0.4 ha
<b>Front yard</b>	9 m		<b>Block 1: 1.7 m from existing front lot line</b> Block 4: 11 m
<i>Staff analysis:</i> Do not support. Block 1 is partly within the required 7.5 m MTO setback.			
<b>Rear yard</b>	9 m		<b>6 m</b>
<i>Staff analysis:</i> Do not support. This setback is inadequate for accommodating a feasible landscape buffer, site drainage, and private amenity area.			
<b>Side yard</b>	4.5 m		<b>West: 1.2 m</b> East: 5 m
<i>Staff analysis:</i> Do not support west side reduction. There is insufficient information to confirm that neighbouring trees to the west of the site, at 2290 Queensway, will not be negatively impacted by the proposed west setback.			
Street side yard	6 m		N/A
<b>Yard abutting R1, R2, R3 zone</b>	9 m	12 m is intended as an appropriate setback for a 3-storey built form	<b>South: 6 m</b> <b>West: 1.7 m</b>
<i>Staff analysis:</i> Do not support. There is insufficient information to confirm that a landscape buffer can be accommodated within the proposed setback to mitigate overlook and privacy impacts.			
<b>Landscape Area abutting street with deemed width of 26 m or greater</b> (Queensway deemed width is 30 m)	6 m Definition of Landscape Area: "An area of land within a lot dedicated to the planting of trees, shrubs, flower beds or a combination thereof and which may include other decorative landscape features. A Landscape Area may be crossed by a driveway or walkway provided it is substantially perpendicular to the landscape area..."		<b>2 m between Queensway and private laneway in front of Block 4.</b>  <b>2.6 m between front lot line and Block 1.</b>
<i>Staff analysis:</i> Do not support. Notwithstanding that a building is proposed within the required 7.5 m setback from Queensway Drive, a 2 m landscape area is not sufficient for the planting of trees, shrubs, flower beds and other decorative landscape features, as defined in the Zoning By-law. The area in front of Block 4 is also noted on the site plan as a snow storage area, which does not meet the intent of a landscape area.			

<p><b>Landscape Buffer abutting R1, R2, R3 zone</b></p>	<p>6 m                  Definition of Landscape Buffer: “The area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen or deciduous trees, shrubs or berms.”</p>		<p><b>“6 m, including porches, decks, stairs and other landscape features”</b></p>
<p><i>Staff analysis:</i> Do not support. The proposed definition of landscape buffer does not maintain the intent of the Zoning By-law to provide separation and obstruct the view of adjacent land uses. Second storey decks and stairs are proposed 3.5 m to 7 m from the R3 zone to the south. Although a 2.4 m high privacy fence and cedar hedge is proposed along the south boundary, adjacent to the R3 zone, the second storey decks will be taller than the privacy fence, and the applicant has not adequately demonstrated that it is feasible to accommodate the proposed cedar hedge between the deck and the privacy fence to buffer views.</p>			
<p><b>Density</b></p>	<ul style="list-style-type: none"> <li>Min. 25 units/ha; max. 40 units/ha (max. 16 units)</li> </ul>	<ul style="list-style-type: none"> <li>Max. 50 units/ha (max. 20 units)</li> </ul>	<p><b>63 units/ha across entire site (25 units total)</b></p>
<p><i>Staff analysis:</i> Do not support. A unit is proposed within the required 7.5 m setback from Queensway Drive. Also, the applicant has not demonstrated that the proposed density/number of units and associated services can be feasibly accommodated on the subject site and without undue negative impact on adjacent properties.</p>			
<p><b>Amenity Area</b>                   Definition of Amenity Area: “The area situated within the boundaries of a project and intended for recreational purposes, which may include open spaces, patios, balconies, communal play areas, lounges, sundecks and roofdecks, but shall not include the area occupied at grade by the buildings, service areas, parking and driveways.”</p>	<ul style="list-style-type: none"> <li>25 m<sup>2</sup>/bedroom (875 m<sup>2</sup>)</li> </ul>	<ul style="list-style-type: none"> <li>25 m<sup>2</sup>/unit; <u>and</u></li> <li>1 common amenity area, minimum 100 m<sup>2</sup> or a total common amenity area of 6 m<sup>2</sup> per back-to-back unit, whichever is greater (200 m<sup>2</sup> and 100 m<sup>2</sup> of common amenity area)</li> </ul>	<ul style="list-style-type: none"> <li>Amenity Area (as indicated on site plan): 1076.7 m<sup>2</sup></li> <li><b>Common amenity area: &lt;100 m<sup>2</sup></b></li> </ul>
<p>Total amenity required for proposed development: 1075 m<sup>2</sup> <u>and</u> 100 m<sup>2</sup> common amenity area</p>			

<p><i>Staff analysis:</i> Do not support. Proposed common amenity area is deficient in size, and is not accessible for persons with limited mobility. Staff also note that the proposed amenity area includes required landscape buffers and landscape areas, and appears to also include area within the required 7.5 m setback block.</p>			
<p><b>Privacy Area</b></p> <p>Definition of Privacy Area:  <i>“An area reserved for the exclusive use of the occupants of a dwelling unit and which is separated from other privacy areas and communal areas by a privacy screen. A Privacy Area may include a patio, deck, balcony, solarium or other such area.”</i></p>	<ul style="list-style-type: none"> <li>• 20 m<sup>2</sup> per unit</li> </ul>	<p>Each unit shall have a 5.5 m<sup>2</sup> individual balcony that is:</p> <ul style="list-style-type: none"> <li>• Separated from adjoining units by a wall or a privacy screen;</li> <li>• Has a maximum projection of 1.8 m from the front wall of the back-to-back townhouse building</li> </ul>	<p>Blocks 1-3: &gt;20 m<sup>2</sup>/unit, but depth of area is limited by proposed landscape buffer. Also, over half the depth of backyards for Blocks 1 and 2 are also occupied by stairs or located under stairs/deck.</p> <p><b>Block 4 (per unit):</b></p> <ul style="list-style-type: none"> <li>• 2<sup>nd</sup> floor &amp; 3<sup>rd</sup> floor balconies: 6.8 m<sup>2</sup></li> <li>• <b>Balconies project 2 m from front wall of buildings</b></li> <li>• Roof top terrace: 11 m<sup>2</sup></li> </ul>
<p><i>Staff analysis:</i> Staff support the proposed balcony projection as it will have minor impact on privacy or the streetscape, but staff do not support the depth of the proposed backyards for Blocks 1-3.</p>			
<p><b>Building Height for Flat Roof Dwellings</b></p>	<p>2 storeys to 7 m</p>	<p>3 storeys to 10 m</p>	<p><b>Blocks 1-3: 3 storeys to 10.2 m</b></p> <p><b>Block 4: 4 storeys, to 13.7 m</b></p>
<p><i>Staff analysis:</i> Do not support. For Blocks 1 &amp; 2, the proposed building heights will be 1.6 to 7 m taller than surrounding buildings and are not adequately setback from surrounding buildings to provide for an appropriate transition in building heights or maintain privacy for adjacent buildings. Additional information is required to demonstrate that a landscape buffer is feasible to screen Block 3 from properties to the south. Staff generally support the height of Block 4, as the rooftop amenity area is stepped back from the north and south sides of the building, such that it will appear similar in height as Blocks 1-3. Adequate transition is provided between Block 4 and the existing building to the east, as the existing building is set well back from the shared property line, and no windows facing east are proposed.</p>			

<b>Off-Street Parking (In effect)</b>	Townhouses: <ul style="list-style-type: none"> <li>• 2 occupant spaces/unit; and</li> <li>• 0.5 visitor spaces/unit (8.5 visitor)</li> </ul>	Back-to-Back with exclusive-use garage: <ul style="list-style-type: none"> <li>• 2 occupant spaces/unit; and</li> <li>• 0.35 visitor spaces/unit (2.8 visitor)</li> </ul>	Blocks 1-3: <ul style="list-style-type: none"> <li>• 2 tandem occupant spaces (garage)/unit</li> </ul> Block 4: <ul style="list-style-type: none"> <li>• 2 occupant spaces (1 garage; 1 driveway)/unit</li> </ul> Shared: <ul style="list-style-type: none"> <li>• 8 visitor spaces</li> </ul>
	Total visitor parking: 11.3 (12) spaces		
Off-Street Parking (Council-approved new rates)	<ul style="list-style-type: none"> <li>• 2 occupant spaces/unit; and</li> <li>• 0.25 visitor spaces/unit (2 occupant spaces/unit and 6.25 (7) visitor spaces)</li> </ul>		
<p><i>Staff analysis:</i> The proposed number of occupant spaces complies with the new rates approved by Council in 2019, and the proposed number of visitor spaces exceeds what is required by the new rates by one space. However, Transportation staff comment that two of the visitor spaces should be removed as they are too close to the proposed access. Planning staff are also concerned that some of the proposed visitor spaces and occupant driveways will be blocked by snow storage.</p>			
<b>Off-Street Loading Space</b>	At least one off-street loading space shall be provided in conjunction with every principal building that is 4 storeys or higher	<b>Block 4 (4 storeys in height): 0 loading spaces</b>	
<p><i>Staff analysis:</i> Support, provided that adequate visitor parking and driveway lengths are provided. The loading space requirement is intended to provide a designated space for commercial vehicles to load or unload merchandise or materials for commercial or non-ground oriented (e.g. apartment/mixed-use) residential buildings. Block 4 is a ground-oriented building, and staff are of the opinion that space for unloading/loading can be accommodated in visitor parking and occupant spaces.</p>			

***Regulations Applying to Parcels of Tied Land***

Table 3 outlines the additional regulations that apply to parcels of tied land. The figures shown under the “Proposed” column are approximate, based on a preliminary review by staff. A Parcel of Tied Land (POTL) Plan, showing proposed building footprints and setbacks to each POTL boundary, is required to confirm compliance with POTL regulations. Staff are generally not supportive of the proposed reductions for reasons noted in Table 2 above and elsewhere in this report.

**Table 3 – Overview of Additional Regulations Applying to POTLs and Proposed Development**

Regulation	Minimum Required	Proposed
Front yard	3 m	To be determined.
<b>Driveway length</b>	6.7 m	<b>Block 4: 6.3 m</b>
<b>Side yard adjacent to an exterior wall of a building</b>	<b>1.2 m</b>	<b>To be determined, but only 1.2 m provided between Blocks 1 &amp; 2</b>
<b>Yard abutting a public street</b>	<b>3 m</b>	<b>Block 1: 2.6 m</b>
<b>Rear yard</b>	<b>6 m, except that for back-to-back townhouses, the rear yard shall be 0 m</b>	<b>Block 1 &amp; 2: 5 m</b> Block 3: 7-6 m

**Technical Comments**

The subject applications were circulated to internal staff and external agencies for review. The following is a summary of the comments that have been received.

**Ministry of Transportation (MTO)** - MTO comment that *“It is clear that the proponent has no intention of dedicating the 7.5 m block to the City, as per MTO’s initial understanding and expectation. Accordingly, this site configuration is not acceptable to MTO, as any future widening of the QEW and subsequent relocation of Queensway Drive will have an immediate and direct impact on this development’s buildings”*.

The MTO reiterates that its 14 m setback is generally measured from the outside property line of a service or frontage road, not the sidewalk, and that the MTO’s permission for the setback to be measured from the sidewalk was entirely conditional on the City having the opportunity to acquire a 7.5 m block from the subject site.

The MTO would consider accepting a revised application that is similar to the May 2019 concept, if the proposal is revised to keep the 7.5 m block free and clear of buildings and site-critical infrastructure, and if the driveways of the Block 4 units are redesigned to project outwards to Queensway Drive, rather than share a common element driveway. The north end unit of Block 1 (as shown on the May 2019 concept plan) should be revised to have a front-facing porch/door entrance, as opposed to the side-facing porch/door entrance.

Highway Engineering also requests that all prospective purchasers be informed that MTO shall not provide any noise mitigation from current or future traffic noise on the QEW, as it is an existing highway facility.



**Halton Region** – Halton Region staff comment that they are not able to support approval of the subject Official Plan Amendment and Rezoning applications or draft plan approval of the subject Plan of Subdivision application. In absence of favorable comments from the MTO, Halton Region staff comment that the subject applications are not consistent with or conform to the PPS or the Growth Plan. Moreover, as there are outstanding MTO issues, Regional staff are unable to confirm conformity to ROP policies.

Regional staff have provided general comments related to the proposed stormwater, water and wastewater connections and solid waste management plan. The service connections may need to be redesigned to ensure that they are adequately separated from each other, and to provide adequate water pressure for the proposed units and meet Regional standards. Also, because the submitted concept plans and waste management plan does not conform to Regional standards, internal Regional collection cannot be accommodated for this development. Reconfiguration of the development is recommended so that regional collection can be accommodated.

Regional staff recommend that the plans be revised to address the MTO's comments, following which a more fulsome Regional analysis of the development proposal and requested planning approvals can be undertaken.

**City Transportation** - City Transportation staff comment that the 7.5 m clear zone at the front of the property now includes Units 1 and 2 as well as the common driveway access for Units 22, 23, 24 and 25. This clear zone was intended to be free from site-critical features and must be amended. Units 1 and 2 must be removed from the site plan. Transportation Services has no concerns if the east-west private road to Units 22-25 exists in the clear zone. If the road is widened in the future, this access may be removed, and the driveways for those units would be extended to be accessed from Queensway Drive.

Visitor spots 1 and 2 on the site plan should also be removed as they are too close to the proposed access. Also, driveways on the Block 4 units should be 6.7m in length instead of 6.3 m.

**City Site Engineering** - Site Engineering staff advise that they are unable to provide a recommendation at this time as there are several items that require revisions that are required to confirm that City requirements and standards can be met and that will affect the site layout. Revised technical materials are required in order to confirm that the proposed development is feasible from a stormwater management, noise and geotechnical perspective. Additionally, a revised Phase II ESA and a Record of Site Condition is required in order to confirm that the lands are suitable for the proposed residential use. Also, written confirmation from Union Gas and Bell Canada that they are agreeable to raising their infrastructure in the right-of-way to allow for storm sewer

connection, and an estimate of cost and timing of these works is required in order to confirm that the project is feasible. In the absence of receiving revised materials, Site Engineering staff would recommend refusal of the application.

**City Fire Services** - City Fire Services have concerns with the proposed fire access route on site. The minimum distance from principal entrances of each unit in Block 1 to the fire access route is less than the required 3 m distance. Additionally, the travel distance to the municipal fire hydrant on Queensway Drive is exceeded. A second hydrant located internally on-site may be required to satisfy the requirements of the Ontario Building Code (OBC). The hydrant may not be located in any areas designated for snow storage.

**City Building** – City Building staff comment that more information is needed to confirm that the garbage room building will meet OBC spatial separation requirements from Blocks 2 and 3, and that the proposed units will comply with egress requirements.

**City Accessibility Coordinator** – Eight visitor parking spaces are proposed, two of which are shown to be barrier free (bf). Only 1 bf space is required, and 1 bf space is recommended. Providing two spaces would likely result in illegal use. The bf space shall be “Type A” being 3400 mm in width and signed to indicate Van Accessible Parking. As per City’s Zoning By-law, the access aisle shall be 2000 mm. The Outdoor Amenity Area is inaccessible to people with limited mobility or who use personal mobility devices like wheelchairs, walkers or scooters. The type of housing to be constructed introduces barriers to accessibility to a person living with limited mobility.

**City Urban Forestry & Landscaping** – Urban Forestry and Landscaping staff does not support the application and recommend refusal to amend the Official Plan Designation and Zoning By-law. As mentioned under the City Official Plan section of this report, insufficient information is available for staff to confirm that the proposed landscape planting and vegetation management is feasible. Landscaping staff have concerns about the impact of the proposed development on neighbouring trees; the feasibility of the proposed landscape buffer and tree plantings; and the safety, accessibility and usability of the proposed common amenity area.

Revised drawings, additional information, and the revisions to the proposed development to increase setbacks and provide sufficient space for landscape planting and screening, and safe, accessible and usable outdoor amenity space is required.

**Burlington Hydro** – Burlington Hydro comment that the proposed development does not allow for hydro trench lines and transformers to be installed in acceptable locations. Trench lines are expected to run within the boulevard or property and not within the roadway (except for road crossings). The number and location of transformers require further discussion with Burlington Hydro to ensure that adequate clearance and access

for hydro vehicles during maintenance, replacement and operational activities. Burlington Hydro staff comment that eliminating one unit would provide adequate space for two transformers which can accommodate 24 units. There is also a potential conflict with an existing Bell pole and the proposed driveway; the developer is required to contact Bell Canada to coordinate the relocation of the pole. A blanket easement over the site in favour of Burlington Hydro is required and must be registered prior to energization of the site.

**Canada Post** – A new community mailbox is required to be provided for this development.

**Burlington Transit** – Since September 2019, Burlington Transit moved all the routes to the southside bus loop of Burlington GO. Hence, there is no longer any transit service on Queensway Drive. The submitted planning justification report and traffic impact studies need to be updated accordingly.

**Bell Canada & Union Gas** – Bell Canada and Union Gas have requested that their standard conditions be applied, which require the owner/developer to provide to Bell Canada and Union Gas the necessary easements required for communication/telecommunication infrastructure and gas service provision. Also, the condition for Bell Canada is to state that in the event of any conflict with existing Bell Canada facilities or easements, the owner is to be responsible for the relocation of such facilities or easements.

**School Boards** – Halton District School Board and Halton Catholic District School Board have no objections to the proposed development. HDSB students from the proposed development will be accommodated at Tom Thomson Public School, Tecumseh Public School and Burlington Central Elementary & High School with the addition of portables. HCDSB students will be accommodated at St. Paul Catholic Elementary School and Assumption Catholic Secondary School.

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## **Financial Matters:**

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

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## **Climate Implications**

The proposed development increases the amount of impervious surface on the subject site. Currently, the applicant has not adequately demonstrated how stormwater runoff will be feasibly managed.

According to the submitted Planning Justification Report, one visitor parking spot with an electric vehicle (EV) charging station will be provided, and all units will be constructed to be EV conversion ready. Also, purchasers of units in Blocks 1-3 will have the option to generate a portion of their energy needs through a solar rooftop energy supply.

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## **Engagement Matters:**

The applicant held a Neighbourhood Meeting on May 28, 2019 at the Burlington Seniors' Centre, prior to submission of the application. Approximately 10 residents, Mayor Meed Ward, Ward Councillor Kearns, City Planning, Capital Works and Transportation 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 on December 20, 2019 to all property owners and tenants within 120 m of the subject site. A total of 91 households were circulated. A notice sign was posted on the property on January 9, 2020.

A webpage was created on the City of Burlington website, accessible at [www.burlington.ca/2294Queensway](http://www.burlington.ca/2294Queensway). 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 Community Planning.

## **Public Comments**

In response to public circulation, staff received 3 comments from 3 members of the public, as well as comments from the Burlington Sustainable Development Committee on the subject application. A copy of the public comments received is attached as Appendix B to this report. The general themes of the written comments are summarized below:

- Proposed backyards and common amenity area are too small for future residents to enjoy.
- Proposed increase in building height will negatively impact privacy of neighbouring backyards.
- Proposed increase in density will increase traffic on Queensway Drive and neighbourhood streets, leading to unsafe streets for pedestrians.

- Number of visitor parking spaces proposed are inadequate for development.
- The amount of green space provided is inadequate for supporting stormwater infiltration.
- Concern about adequacy of garbage room, given number of units proposed.
- Architectural style of the proposed development is not in keeping with existing architecture in the neighbourhood, including Balsam Lodge.
- Owner of 992 Cleta Street was not approached to discuss opportunities for a consolidated development, contrary to the applicant's submission.
- Should the proposed development be approved, the City should also remove the Holding Provision on 992 Cleta Street, and any reductions in setbacks to the shared property line should also be permitted at 992 Cleta Street.

***Burlington Sustainable Development Committee (SDC)*** – The SDC comments that there is opportunity in the proposed development to improve renewable energy and energy efficient building envelopes, encourage automobile trip reductions, and provide for affordable and accessible housing. Suggestions to achieve these objectives include: placing solar panels on roofs and integrated with green roof elements; provide lay-by, car-share and bike storage areas; and providing assisted and affordable housing, as defined in the Region of Halton's Official Plan.

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## **Conclusion:**

Staff's analysis of the Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision applications submitted for the lands located at 2294 & 2300 Queensway Drive considers the applicable policy framework and comments submitted by technical agencies and the public. Staff conclude that the applications are not consistent with the PPS and do not conform to the Growth Plan and City's Official Plan with respect to the protection of transportation and infrastructure corridors. They also fail to meet the City Official Plan's residential intensification criteria for compatibility and general policies with respect to accessibility. The feasibility of stormwater management and noise mitigation, and the suitability of the lands for the proposed use, have also not been adequately demonstrated to be consistent with the PPS and the City's Official Plan. For these reasons, staff are recommending refusal of the applications.

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Respectfully submitted,

Rebecca Lau

Planner II

905-335-7600 Ext. 7860

**Appendices:**

- A. Sketches
- B. Public comments received to date

**Notifications:**

Stephen Fraser, A.J. Clarke and Associates Ltd.

[steve.fraser@ajclarke.com](mailto:steve.fraser@ajclarke.com)

**Report Approval:**

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.