



SUBJECT: Statutory public meeting and recommendation report for approval of zoning by-law amendment to permit a long-term care facility at 4103 Palladium Way

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-20-20

Wards Affected: 6

File Numbers: 520-09/19

Date to Committee: September 15, 2020

Date to Council: September 28, 2020

Recommendation:

Approve the application made by Better Life Retirement Residence Inc. (c/o Design Plan Services), to permit the development of a six (6) storey long-term care facility and associated ancillary uses on the lands known as 4103 Palladium Way; and

Approve the by-law to amend Zoning By-law 2020, rezoning the lands at 4103 Palladium Way from "BC1-319" to "BC1-505", substantially in accordance with the draft regulations contained in Appendix B of community planning department report PL-20-20; and

Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands; and

Approve the proposal by Better Life Retirement Residence Inc. to remove one (1) city-owned tree from the Palladium Way right-of-way in front of the property at 4103 Palladium Way, subject to the following:

- a. The Owner shall obtain a Tree Permit and compensate the City of Burlington for the tree removal by providing compensation in an amount to be determined at the Site Plan stage; and
- b. All associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees

will be approved to the satisfaction of the Executive Director of Capital Works.

PURPOSE:

The purpose of this report is to recommend approval of an application to amend the Zoning By-law to permit a long-term care facility with associated ancillary uses, including a Day Care Centre and a retail pharmacy accessory to a medical office, at 4103 Palladium Way.

Vision to Focus Alignment:

- Increase economic prosperity and community responsive city growth
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

Executive Summary:

RECOMMENDATIONS:		<i>Approval</i>	Ward No.:	6
Application Details	APPLICANT:	<i>Design Plan Services</i>		
	OWNER:	<i>Better Life Development</i>		
	FILE NUMBERS:	<i>520-09/19</i>		
	TYPE OF APPLICATION:	<i>Zoning By-law Amendment</i>		
	PROPOSED USE:	<i>Long-Term Care Facility with associated accessory uses, including Daycare Centre, retail pharmacy accessory to medical office</i>		
Property Details	PROPERTY LOCATION:	<i>West side of Palladium Way, east of Walker's Line and south of Highway No. 407</i>		
	MUNICIPAL ADDRESSES:	<i>4103 Palladium Way</i>		
	PROPERTY AREA:	<i>1.48 ha</i>		
	EXISTING USE:	<i>Vacant</i>		
Doc ume	OFFICIAL PLAN Existing:	<i>Business Corridor</i>		

Processing Details	OFFICIAL PLAN Proposed:	<i>Business Corridor (no change)</i>
	ZONING Existing:	<i>BC1-319</i>
	ZONING Proposed:	<i>BC1-505</i>
	PRE-APPLICATION NEIGHBOURHOOD MEETING:	<i>July 18, 2019</i>
Processing Details	APPLICATION RECEIVED:	<i>Deemed complete October 16, 2019</i>
	STATUTORY DEADLINE:	<i>Elapsed</i>
	PUBLIC COMMENTS:	<i>Staff have received 3 emails</i>

Background and Discussion:

On October 16, 2019, the Community Planning Department acknowledged that a complete application had been received to amend the Zoning By-law to permit a Long-Term Care Facility and associated ancillary uses within an employment area at 4103 Palladium Way. The applicant proposes to develop a six-storey, 18,853m² Long-Term Care Facility containing 288 beds and ground floor commercial rental space to accommodate ancillary uses including a medical clinic with retail pharmacy, Day Care Centre, Adult Day Program, and restaurant. The applicant is proposing to provide 183 surface vehicle parking spaces and 5 bicycle parking spaces to accommodate the building. Appendix A of this report provides a detail sketch of the proposed development.

To permit the proposed development, the applicant has applied to amend the Zoning By-law by rezoning the subject property from BC1-319 to a new site-specific BC1-505 zone that will permit the proposed uses.

On March 27, 2020, the applicant submitted a substantial resubmission for review.

Site Description

The subject property is located on the west side of Palladium Way, east of Walker's Line and south of Highway No. 407 in the central east area of the Alton Community. The property has an area of 1.68 hectares with approximately 80.7 metres of frontage on Palladium Way, and a lot depth of 156.5 metres on the southern property boundary. The

irregular shape of the northern property border is largely a result of the natural areas located directly to the north of the site, including small watercourses of Appleby Creek. The northern lot boundary is subject to a 7.5 metre buffer, adjacent to the abutting watercourse.

The property is surrounded by the following land uses:

- **North:** Appleby Creek and the associated flooding and erosion hazards, which is land that is regulated by Conservation Halton. The 7.5 metre buffer is required from the greatest creek hazard in this location, which is represented by the northern property boundary. Beyond the land regulated by Conservation Halton to the northwest is Highway No. 407 and to the northeast is a commercial company that provides refrigeration and HVAC equipment supply, installation and service (4131 Palladium Way, Neelands Group Limited).
- **South:** The Provincial Courthouse (4085 Palladium Way). On the southeast corner of Palladium Way and Walker's Line is a commercial plaza containing a restaurant, medical offices, as well as salon and fitness facilities.
- **East:** Palladium Park, Alton Village Public School, and a residential neighbourhood consisting of single detached dwellings.
- **West:** Recently subdivided lands that are currently being developed.

As mentioned, the property is regulated by Conservation Halton due to its adjacency to Appleby Creek. The property is also regulated by the Ministry of Transportation due to its proximity to Highway No. 407.



Figure 1: Zoning sketch with subject property (centre) identified via cross-hatching.



Figure 2: Photo of site visit (May 2020) taken from southeast corner of property. The lands are currently vacant. To the north is the creek block and the lands regulated by Conservation Halton.

Application Description

Design Plan Services, on behalf of Better Life Retirement Residence Inc., has made an application for a Zoning By-law Amendment for the subject lands. This application has been made to permit the development of a six storey Long-Term Care Facility, with additional ancillary uses including a Day Care Centre, a medical clinic with accessory pharmacy, and convenience restaurant on the main floor. The development proposes surface parking with some protected spots under overhang from the building.

The development proposal was submitted in October 2019 and consisted of 288 beds in the Long-Term Care Facility. The initial proposal contained 183 parking spots. A landscaped driveway loop at the front primary entrance to the building contained four (4) accessible parking spots, with two (2) additional accessible parking spots located on the other side of the service entrance. Staff circulated the application to the public and various agencies and departments on November 14, 2019. Since circulation and public notification of the development application, staff have received in total three emails with comments from the public. These are attached as Appendix C to this report.

Although there were no objections to the proposed uses on site, circulated staff identified matters related to implementation that required further information through the submission of revised materials. The applicant provided a digital resubmission for the development proposal on March 27, 2020 and it was circulated to staff via email on April 3, 2020. All materials for the application, including the revised supporting materials, are available on the development application webpage for the proposal:

www.burlington.ca/4013palladium. The revised resubmission addressed concerns raised regarding the implementation of the proposal in the first submission, particularly with regards to site engineering requirements. The resubmission also provided a Construction Management Plan for preliminary review, which was identified as a requirement through review of the first submission.

Planning staff have reviewed the most recent submission by the applicant and are supportive of the application to provide a Long-Term Care Facility as proposed. Planning staff are also supportive of the application to allow the additional proposed ancillary uses, such as the Day Care Centre (including an Adult Program Centre), medical clinic with accessory retail pharmacy, and convenience restaurant.

Background Reports

The applicant submitted the following technical reports and plans in support of the applications. These plans and reports were circulated to technical staff and agencies for review and comment and posted on the City's website to facilitate public review at www.burlington.ca/4103palladium.

- [Cross Section and Details Plan](#), prepared by EXP Services Inc., dated October 2019;

- [D-6 Compatibility – Air Quality and Risk Assessment Report](#), prepared by EXP Services Inc., dated October 2019;
- [Environmental Site-Screening Questionnaire](#), dated September 2019;
- [Functional Servicing Report](#), prepared by EXP Services Inc., dated October 2019;
- [Geotechnical Assessment](#), prepared by EXP Services Inc., dated October 2019;
- [Landscape Concept Plan](#), prepared by BTi, dated October 2019;
- [Noise Impact Study](#), prepared by Swallow Acoustic Consultants Ltd., dated October 2019;
- [Phase I Environmental Site Assessment](#), prepared by EXP Services Inc., dated October 2019;
- [Planning Justification Report](#), prepared by Design Plan Services, dated October 2019;
- [Site Grading Plan](#), prepared by EXP Services Inc., dated October 2019;
- [Site Plan](#), prepared by MMMC Architects, dated October 2019;
- [Site Servicing Plan](#), prepared by EXP Services Inc., dated October 2019;
- [Stormwater Management Report](#), prepared by EXP Services Incl, dated October 2019;
- [Tree Inventory & Preservation Plan](#), prepared by BTi, dated October 2019;
- [Waste Management Plan](#), prepared by MMMC Architects, dated October 2019;
- and,
- [Water and Wastewater Usage Report](#), prepared by EXP Services Inc., dated October 2019.

Updated Materials:

- [Noise and Vibration Feasibility Study](#), prepared by Swallow Acoustic Consultants Ltd., revised March 26, 2020;
- [Stormwater Management Report](#), prepared by EXP Services Inc., revised March 20, 2020;
- [Functional Servicing Report](#), prepared by EXP Services Inc., revised March 20, 2020;
- [Tree Inventory & Preservation Plan](#), prepared by BTi, revised March 19, 2020;
- [Landscape Concept Plan](#), prepared by BTi, revised March 19, 2020;
- [Site Grading Plan](#), prepared by EXP Services Inc., revised March 20, 2020;
- [Construction Management Plan](#), prepared by EXP Services Inc., dated March 2020;
- [Site Servicing Plan](#), prepared by EXP Services Inc., revised March 20, 2020;
- [First Floor Plan Overall](#), prepared by MMC Architects, revised March 18, 2020;

- [Cross Section and Details](#), prepared by EXP Services Inc., revised March 20, 2020;
- [Site Plan](#), prepared by MMC Architects, revised March 27, 2020;
- [Phase One Environmental Site Assessment](#) – Memorandum, prepared by EXP Services Inc., revised March 16, 2020; and,
- [2nd Submission Cover Letter](#), prepared by Design Plan Services, and revised March 30, 2020 (which contains responses to staff comments and requirements identified in the first submission).

Policy Framework

The proposed Zoning By-law Amendment is subject to the following policy framework:

PROVINCIAL POLICY FRAMEWORK

Provincial Policy Statement (PPS, 2020)

The Provincial Policy Statement came into effect on May 1, 2020 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 May 1, 2020 are required to be consistent with the PPS. The PPS directs growth to settlement areas and promotes densities and a mix of land uses which optimize use of land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities; minimize negative impacts to air quality and climate change and promote energy efficiency support active transportation and are transit-supportive, where transit is planned, exists or may be developed (PPS, 1.1.3.2).

Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs (1.3.1). Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

The PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (1.1.3.4). Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities (1.2.6.1).

The PPS sets out that the Official Plan is the most important vehicle for implementation (PPS, 4.7). The PPS recognizes the importance of local context through the provision of policies that offer flexibility in their implementation provided that provincial interests are upheld. In other words, the policies recognize that some planning objectives need to be considered in the context of the municipality (PPS, Part III). The City's Official Plan provides this policy framework and includes evaluation criteria for assessing the introduction of certain sensitive institutional uses in Employment Areas.

Conclusion: Planning staff have considered the policies of the PPS with regard to this development application and support the applicant's opinion in the submitted Planning Justification Report that the proposal is consistent with the PPS. The proposed development contributes to the providing of an appropriate mix and supply of institutional uses to meet the long term needs of the surrounding community. The PPS promotes a mix of institutional and employment uses, an objective which is implemented in Burlington's Official Plan by permitting institutional uses within all areas of the City. In Employment Areas, the Official Plan requires a Zoning by-law Amendment for proposed institutional uses to ensure that land use compatibility conflicts are mitigated. As discussed below, there are no land use compatibility issues anticipated because of the development of a sensitive use on this site. The proposed zoning by-law adds Long-Term Care Facility (and accessory Daycare Centre and retail pharmacy) as additional permitted uses and does not preclude future development of other uses in the BC1 zone on the site.

The proposed development will be fully municipally serviced, and can be supported by existing municipal infrastructure, making it an efficient use of municipal services and infrastructure. The proposed development also includes elements that are supportive of active transportation, such as bicycle parking.

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.

Conclusion: The application for redevelopment on the subject lands with a six-storey Long-Term Care Facility (with associated ancillary uses on the ground floor) supports the policies of the Growth Plan by increasing the diversity of housing options to accommodate people at all stages of life. The proposed buildings provide these uses

within a compact built form in an area supported by municipal water and wastewater services and adequate transportation infrastructure. Planning staff have reviewed the application and find that the proposed development of a Long-Term Care Facility on the subject lands conforms with the policy direction provided by the 2019 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 subject lands are designated as 'Urban Area' and are within the *Employment Area – overlay* in accordance with the ROP. The policies in the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. The subject lands are also within the Employment Area identified by the ROP, which are to accommodate forecasted employment growth to support Halton Region. A full range of employment uses, including associated retail and ancillary uses may also be permitted subject to the policies outlined in the ROP.

Conclusion: Halton Region staff were circulated on the development application and associated technical studies and drawings. Regional staff have indicated that the applicant's application materials are satisfactory for the rezoning and have no objections to the proposed amendments. In considering the Employment Area policies of the ROP, Regional staff note that the extent of retail and ancillary uses should be limited on these lands. Further, Regional staff recognize that Burlington's Official Plan permits institutional uses, including Long-Term Care Facilities, within all land use designations and subject to technical requirements are satisfied that the proposed institutional use meets the exemption criteria established under Section 77.4(1)(a) of the ROP.

CITY OF BURLINGTON POLICY CONTEXT

City of Burlington Official Plan

Burlington's in-effect Official Plan designates the subject property as Business Corridor, as shown on 'Schedule B – Comprehensive Land Use Plan – Urban Planning Area'. The objectives of this designation are to provide locations in the City for prestige-type offices and industrial uses that require high visibility and access along major transportation routes. They are also intended to permit a wide range of employment uses including office, industrial, and related uses, and to establish high design and development standards for Business Corridor Lands (Part III, s. 3.4.1).

The Business Corridor designation permits a range of uses including office, certain industrial uses, hotel, conference, and convention uses, limited retail uses such as convenience stores and limited service commercial and recreation uses such as restaurants, banks, and fitness centres, and a residence for a watchman or caretaker. Retail, service commercial, and recreation uses are only permitted where they are ancillary to and primarily serve the uses, businesses, and employees within the surrounding employment area (Part III, s. 3.4.2).

Institutional uses, which includes Long-Term Care Facilities and Daycare Centres, are addressed in Part II, Section 4 of the Official Plan. The policies contained within this section recognize and permit institutional land uses while considering the potential effects of these uses on adjacent lands. Institutional uses are permitted within all land use designations, however within the Business Corridor designation and other Employment designations, institutional uses require an amendment to the Zoning By-law. Where a Long-Term Care Facility or Daycare Centre is proposed to be located near industrial/transportation facilities, two types of assessments are required by the Official Plan: 1) D-6 Guideline Assessment, which is prescribed by the Ministry of the Environment and evaluates the impact of vibration, noise, dust, and odours caused by transportation or industrial facilities on the sensitive use within a 300m radius; and 2) Risk Assessment, which uses risk based land use planning guidelines to determine the potential level of risk of manmade hazards within 300m of the sensitive land use (Part II, s. 4.3.d). A By-law Amendment will only be considered when these studies have been completed by qualified consultants and have demonstrated to the satisfaction of staff that potential sources of hazard from existing industrial uses in the vicinity are at acceptable levels or can be adequately mitigated through recommended measures.

Further, with regards to quality urban design, Part II, Section 6.0 of the Official Plan contains policies and objectives relating to design and compatibility. For example, Section 6.1 a) of the Official Plan states that “The tangible elements of the urban form, consisting of a combination of the built environment and open space that form the urban landscape, shall be designed in an efficient, attractive and compact manner to enhance the well-being of the residents of the community and to reflect the vision of this Plan”. Section 6.2 f) further emphasizes the importance of ensuring consistency and compatibility in the built environment while still allowing for diversity in the expression of urban design.

Conclusion: As discussed above, institutional uses are permitted on the site if compatibility with existing businesses is provided. The applicant has provided a sensitive land use assessment within the Planning Justification Report and has provided the necessary assessments described above. The proposed development would consist of the introduction of a Long-Term Care Facility (and accessory Daycare Centre) into an Employment Area, which has the potential to expose the use to adverse impacts such

as vibration, noise, dust, odours, etc. Additionally, the addition of a sensitive use could have impacts on the viability of employment areas as Provincial guidelines require separation between industrial uses and sensitive institutional uses.

The D-6 Guideline Assessment is a Ministry of Environment and Climate Change tool that is applied in the land use planning process with the intention to prevent or mitigate future land use compatibility issues between sensitive and industrial land uses. The table below contains the Areas of Influence and associated Minimum Separation Distances for each class of industrial operation.

Table 1: Minimum Separation Distances and Potential Areas of Influence as prescribed by the Ministry of Environment and Climate Change

Industrial Facility Type	Minimum Separation Distance	Potential Area of Influence
Class I <i>(Small scale, self-contained; infrequent outputs)</i>	20m	70m
Class II <i>(Medium scale processing and manufacturing with outdoor storage of wastes or materials; periodic outputs of minor annoyance)</i>	70m	300m
Class III <i>(Large scale manufacturing or processing; frequent outputs of major annoyance)</i>	300m	1000m

As noted above, the adjacent property immediately to the north of 4103 Palladium Way consists of Appleby Creek and associated flooding and erosion hazards, which is land that is regulated by Conservation Halton. Beyond the land regulated by Conservation Halton to the northeast is a commercial company that provides refrigeration and HVAC equipment supply, installation and service (at 4131 Palladium Way). To the immediate south is the Provincial Offences Courthouse at 4085 Palladium Way, and to the east is the residential Alton Community. With regards to the potential impact of the proposal to

limit future uses on the nearby lands, Planning staff concur with the submitted Planning Justification Report: “The proposed development would only limit the future use of Class II or Class III industrial sites, however, such uses would be limited by existing factors, and not further limited by the proposed development.” Staff further note that if any BC1 zones were proposed to be developed for a heavy industrial use, a Zoning By-law Amendment would be required, resulting in an extensive review process to ensure compatibility with the surrounding sensitive land uses including a residential community.

Further, Planning staff note that circulated departments and agencies have reviewed the necessary Noise Study and have deemed it satisfactorily demonstrative that potential sources of hazard from existing industrial uses in the vicinity are at acceptable levels or can be adequately mitigated. As noted in later sections, Site Engineering staff have no objections to the proposed Zoning By-law Amendment, but with regards to environmental noise, they will require a stationary noise assessment to be completed based on the detailed architectural and mechanical design of the proposed development once these become available.

Based on the above, staff opine that the application complies with the policies of the Official Plan as the proposal is compatible with surrounding development. Further, staff consider the proposed density, form, bulk, height, and setbacks to be compatible with the surrounding area and appropriate for the site, and overall the proposal provides the opportunity for a high level of design.

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 with the adopted Official Plan, and as such, it will be subject to additional review prior to its approval. Further, City Council has directed staff to reexamine the policies in Burlington’s Official Plan, the focus being in the downtown. As a result, the New Official Plan policies are to be informative and not determinative in the review of the application. Within this context, Planning staff note that the following site-specific policy in Part 3, section 3.2 – Public Service Facilities and Institutional Uses is associated with the subject lands:

“4103 Palladium Way: Notwithstanding Subsection 3.2.2 e), Subsection 8.2.2 i) and Subsection 8.2.2 j) of this Plan, a *long term care facility* may be permitted on the site subject to a site specific Zoning By-law amendment which will be considered only following the completion of a land use compatibility assessment that addresses all relevant considerations such as noise, vibration, odor, and

dust using Provincial Land Use Compatibility, of this Plan and any other relevant considerations to ensure that the location and design of the use mitigates *adverse effects*" (Part 3, section 3.2.3c)).

Conclusion: Site-specific permissions in the New Official Plan allow a Long-Term Care Facility on the subject property of 4103 Palladium Way subject to adequately addressing all relevant considerations by way of a Zoning By-law Amendment. Although these policies do not hold weight in the review of this application, they are considered informative and not determinative in staff's consideration of the proposal.

City of Burlington Zoning By-law

The subject property is zoned Business Corridor with an exception number of 319 (BC1-319) in the City of Burlington's Zoning By-law 2020. The BC1-319 zone permits a range of industrial, office, hospitality, automotive, retail, service commercial, and recreation uses. The following retail uses are also permitted (subject to floor area maximums): convenience restaurant, machinery and equipment, computer hardware and software, and office and furniture equipment. The total floor area of such retail uses shall not exceed 15% of the floor area of each building within which the retail use is located. There is no maximum building height.

Exception 319 is a site-specific regulation applying to lands along Palladium Way throughout the Alton Community. It modifies the BC1 zone by requiring the yard abutting a street to be no less than 6m and no more than 9m. This exception also permits a hydro transformer or switch station to be located within a landscape area or buffer.

The Zoning By-law Amendment proposes to permit uses not current allowed in the current BC1-319 zoning; the proposed principal use is a Long-Term Care Facility as well as various accessory uses including a daycare centre and retail pharmacy accessory to a medical clinic. Minor amendments to site specific performance standards and regulations within the BC1 zone and Exception 319 are also proposed. As Long-Term Care Facilities (and Daycare Centres) are institutional uses and are therefore permitted in all zones, they are also subject to general provisions outlined in Part 1, Section 2.21 – Uses Permitted in All Zones of Zoning By-law 2020. Using the BC1 zone as the base performance standards, the following table provides a summary of the proposal with respect to all relevant regulations:

Table 2: Summary of the Zoning By-law Amendment proposal with respect to all relevant regulations

Regulation	BC1 Zone Requirement	Proposed by Applicant	Amendment Required
Permitted Uses	Convenience Restaurant All Office Uses	Long-Term Care Facility Daycare Centre Retail Pharmacy (as an accessory to a medical office)	Yes
<p>Comment: Although not permitted as-of-right in the BC1-319 Employment zone, institutional uses including Long-Term Care Facilities and Daycare Centres are permitted in all land use designations within the City of Burlington subject to obtaining a Zoning By-law Amendment and satisfying risk assessment requirements. The applicant has demonstrated to the satisfaction of staff that there are no compatibility issues with the proposed sensitive institutional uses with surrounding employment uses. Given the primary use as a Long-Term Care Facility on the site, the inclusion of additional ancillary uses such as a medical office with retail pharmacy is supported by Planning staff (the medical office use is permitted in BC1 zoning). The additional permitted uses are only to be permitted as accessory to the approved Long-Term Care Facility.</p>			
Min. Lot Width	45m	97.7m	No
Min. Lot Area	0.4ha	1.48ha	No
Yard abutting street with deemed width of 26m or greater	15m	Palladium Way: 6m Walker's Line: 39m	Yes (See Exception 319 regulations and comments below)
<p>Comment: As noted above, Exception 319 applies additional requirements regarding setbacks for yards abutting a street. Specifically, it requires the yard abutting a street to be no less than 6m and no more than 9m. The proposal meets the minimum 6m setback requirement for both Palladium Way and Walker's Line. However, the proposal exceeds the maximum 9m setback requirement to the furthest face of the building abutting Palladium Way (65m to furthest point) and Walker's Line (39m to furthest point). Planning staff have taken note of the constraints on the property, particularly with regards to Conservation Halton and MTO requirements, and the fact that the property is in between and therefore abutting two streets on the east and west property borders which has constrained the orientation of the building footprint. Staff further note the applicant's efforts to break up the massing of the building by modifying the main entrance to protrude out from the building and creating architectural interest and highlighting the main entrance. Within this context, staff are satisfied that the proposal continues to ensure a high level of urban design that will promote compatibility within the surrounding area.</p>			
Side Yard	4.5m	North side: 7.5m	No

		South side: 4.5m	
Yard abutting a creek block or O3 zone	7.5m	23.84m	No
Building Height	No maximum	6 storeys	Yes (see comments below)
<p>Comment: Although there is no maximum building height outlined in the BC1 zone or Exception 319, Part 1, Section 2.21b) outlines additional requirements for Long-Term Care Facilities. The maximum height is 4 storeys, or as provided for by the respective zone, whichever is greater and provided that the yard requirements of the respective zone shall also apply to buildings greater than 4 storeys. The applicant has proposed a 6 storey building, which is subject to BC1 zone regulations for yard requirements. Staff support the 6-storey proposal as the BC1 zoning regulations do not have a maximum height requirement and the site has been demonstrated to adequately support a 6-storey building. Further, as noted in the Planning Justification Report, the applicant has considered the architectural design of the building with respect to compatibility by revising the eastern portion of the building to 5 storeys in height, while the middle and western portions of the building will remain at 6 storeys. The intention of these modifications is to break up the northern elevation of the building and give the impression of it being a small collection of buildings rather than one large building. These modifications were in response to comments provided by the BUD panel.</p>			
Floor Area Ratio (FAR)	N/A as the proposed use is not considered an office use	1.29:1	Yes (see comments below)
<p>Comment: Although there is no maximum FAR required in the BC1 zone where the principal use is an Office Use, the general provisions for Long-Term Care Facilities in Part 1, Section 2.21b) requires a maximum FAR of 1.25:1. Staff consider the increase to FAR to be minor and able to be adequately accommodated on the site, particularly considering the provided landscaped areas and the consideration to the massing and built form of the building.</p>			
Landscape Area abutting a street a having a deemed width of 26m or greater	6m	Palladium Way: 1.5m Walker's Line: 7.8m	Yes
<p>Comment: The landscape area abutting Palladium Way includes a walkway within it that reduces the setback to 1.5m. Rather than reducing the permitted setback further, the draft by-law includes a regulation that permits a maximum 2m walkway within the landscaped area. Considering the nature of the proposed use of the property, staff consider the inclusion of a paved walkway within the landscape area to be an important connectivity feature of the site to ensure that residents have opportunities to actively use the property. Staff consider the significant greenspace proposed</p>			

particularly at the southeast corner of the property to mitigate for any impacts resulting from the paved walkway encroaching on the landscaped area abutting Palladium Way.			
Parking			
Required parking per use	Parking rate required	Parking rate proposed	
Long-Term Care Facility	0.85 spaces per employee, plus 0.25 spaces per bed	0.35 spaces / bed	No
Medical Office	6 spaces / 100m ² GFA	6 spaces / 100m ² GFA	
Pharmacy (retail store)	3.5 spaces / 100m ² GFA	3.5 spaces / 100m ² GFA	
Convenience Restaurant	4 spaces / 100m ² GFA	4 spaces / 100m ² GFA	
Day Care (incl. Adult day program)	4 spaces / 100m ² GFA	4 spaces / 100m ² GFA	
Total Required:	144 spaces	158 spaces (183 total spaces – 25 surplus that are located within MTO's 14m setback)	
Accessible Parking	Type A: min. 3 required Type B: min. 3 required	Type A: 3 provided Type B: 3 provided	No
Bicycle Parking	4 bicycle parking spaces	5 bicycle parking spaces	No
Comment: The proposed parking on site meets and exceeds the requirements outlined in the City's Zoning By-law 2020. The applicant has noted that the parking intentionally exceeds the number of parking spaces required for a Long-Term Care Facility in recognition of the nature of the proposed use (e.g., at times such as shift change, it will be necessary for approximately twice the number of required staff to be on site, and the current staff cannot leave until the staff for the next shift have arrived). An excess of required bicycle parking has also been provided to encourage use of active transportation, however because there will be staff required for overnight shifts, staff recognize that public transit and active transportation may not always be			

an available option for employees, which is further justification for an excess in provided parking.

Conclusion: The proposed Zoning By-law Amendment requested by the applicant will facilitate the development of a Long-Term Care Facility and accessory uses on the site. Planning staff are supportive of the proposal to permit the additional uses as well as the requested alterations to performance standards of the zoning on this site. The draft Zoning By-law Amendment has been included as Appendix B to this report.

Technical Review

The supporting documents for the Zoning By-law Amendment application were circulated for review to internal departments and external agencies on November 14, 2019. A substantial resubmission was subsequently circulated on April 3, 2020.

Halton Region

Regional Planning staff are satisfied that the application is consistent with the policies of the Provincial Policy Statement (2020) and conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2019), as well as the relevant policies outlined in the Regional Official Plan.

Conservation Halton

Conservation Halton identified no objection to the approval of the Zoning By-law Amendment application. In the review of the first submission, Conservation Halton's review included a list of requirements for the forthcoming Site Plan Application and Conservation Halton Permit process, including a requirement that drawings show locations for snow storage on the property as this is not permitted within the 7.5m regulatory allowance to prevent water quality impacts to Appleby Creek. The updated drawings in the applicant's resubmission included the location of the snow storage areas and Conservation Halton had no objection to this location. Otherwise, based on a review of the second submission material, Conservation Halton did not indicate a need to update previous comments and continued to have no objections to the proposal.

Transportation

Transportation Planning staff have reviewed the applicant's Traffic Impact Study and had no concerns with the proposal. Transportation Planning staff are not concerned with

traffic that the proposed development will generate, and parking standards on site are being met. Transportation Planning staff have also proposed Transportation Demand Management (TDM) initiatives for consideration by the applicant to reduce vehicle usage on the site, such as the provision of secure bicycle parking on site, which was not included in the first submission. The resubmission included 5 bicycle parking spaces, which was more than what was required by Zoning By-law 2020 by 1 space. The resubmission also included a Construction Management Plan, on which Transportation staff have provided preliminary comments; finalization of the CMP will occur at the Site Plan stage.

Landscaping & Urban Forestry

Landscaping and Urban Forestry staff have no objection to the application. They have noted that there are six city trees along the Palladium Way right-of-way that are maintained by the City of Burlington and protected by the City's Public Tree By-law 68-2013, and one of the trees is proposed to be removed (Tree No. 5) to accommodate the driveway location. As per the City's Public Tree By-law 68-2013, all city trees that are proposed to be removed adjacent to a site for which a development application has been submitted require Council approval. As such, included within this report is the recommendation to approve the request by Better Life Retirement Residence Inc. to remove the one City Tree No. 5 due to conflicts with the proposed driveway. The applicant will be required to obtain a Tree Permit for the preservation and removal of city trees, and the required fees and securities will be determined at the time of Site Plan approval.

Site Engineering

Site Engineering staff have reviewed the development application materials and have commented on matters including site conditions, stormwater management, architectural, engineering and landscape drawings, construction and mobility management, and environmental noise. Site Engineering staff flagged several requirements for additional information in the first submission, which largely required updates to the technical studies. Review of the revised materials submitted on March 29, 2020 resulted in Site Engineering staff having no objections to the proposal, although they have indicated that certain requirements will need to be addressed through the Site Plan Approval process, including: an addendum to the Geotechnical Investigation to confirm details regarding the site's groundwater; updated engineering drawings to provide more detail regarding the proposed emergency overland flow route from the parking lot; an Outdoor Lighting Plan and fixture details as well as a Utility Coordination Plan; and a stationary noise assessment based on the detailed architectural and mechanical design of the proposed development once these become available. Site Engineering staff have

indicated that they have no objections to the Zoning By-law Amendment for 4103 Palladium Way.

Ministry of Transportation (MTO)

In principle, MTO staff have no objections to the Long-Term Care Facility on the subject lands. The lands are within MTO's limits of permit control area and as such, Ministry Burlington/Land Use permit is required prior to any grading or constructing taking place on this land. Further, MTO staff highlighted that only surplus parking (i.e. parking more than the City's minimal parking requirements under the Zoning By-law) can be located within the 14m MTO setback along the west side of the property. Further, no essential development or required facilities are permitted within this 14m setback. As requested by MTO upon review of the first submission, the applicant's revised submission materials clearly identified the surplus and required parking and MTO had no further requirements. They will review the application further at the Site Plan stage.

Burlington Economic Development Corporation

The Burlington Economic Development Corporation expressed concerns regarding the proposed development at 4103 Palladium Way namely due to concern for the proposal limiting the development potential of the adjacent lands along the corridor. As noted above, staff have considered this implication with regards to the development proposal and agree with the submitted Planning Justification Report, which states that "The proposed development would only limit the future use of Class II or Class III industrial sites, however, such uses would be limited by existing factors, and not further limited by the proposed development." A Zoning By-law Amendment would be required if any BC1 zones were proposed to be developed for a heavy industrial use resulting in an extensive review process to ensure compatibility with the surrounding sensitive land uses including a residential community.

Burlington Urban Design Advisory Panel

The applicant presented their proposal to the Burlington Urban Design Advisory Panel (BUD) in August 2019. The BUD panel made suggestions to the applicant regarding their initial proposal:

- Seek to create a connection to the natural edge abutting Appleby Creek and take advantage of this unique site element (e.g. flipping driveway to the south side of the property and moving the building north on the site)
- Reconfigure parking arrangement to get more greenspace closer to Palladium Way

- Possibility of shared parking arrangement with adjacent courthouse property
- Consider sustainable site design options in proposal
- Create an active, at-grade frontage for retail uses
- Configuration of building layout should put as many eyes as possible toward the natural spaces of adjacent lands or integrate into the site, not the parking lot
- Clear and connected pedestrian access routes provided between parking areas
- Site design should invite people into the site by having more of the building oriented toward the street
- Double row of trees to buffer surface parking
- Building massing long and massive along north elevation, and suggested architecturally breaking up the building
- Consider improvements for areas with an excess of blank walls

The applicant's October 2019 submission incorporated changes informed by the feedback from the BUD panel, including reconfiguration of onsite parking to relocate the receiving area, the addition of connected pedestrian access routes to main entrance, and revisions to the main entrance so to ensure it is visible from Palladium Way. Revisions to the design of the north side of the building were also presented to break up the massing and provide architectural interest, particularly by having the main entrance protrude out from the main building to highlight it as the main entrance. The submitted plans did not reconfigure the location of the building toward the northern natural area as suggested due to issues with feasibility. The applicant considered alternative orientations for the building footprint, however in recognition of the constraints resulting from the creek block to the north, particularly the fact that the 7.5m required buffer is not permitted to be used as any form of amenity space, as well as constraints from MTO regarding the 14m setback on the western edge of the property, staff consider the current proposal an appropriate development plan for the site.

Financial Matters:

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

Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements. A public notice and Request for Comments was circulated on November 11, 2019 to surrounding property owners/tenants within 120 metres of the subject lands. A notice sign was

posted on the property advising of the application for a Zoning By-law Amendment on November 22, 2019. All technical studies and supporting materials, as well as an electronic version of the Public Circulation, were posted on the City's website at www.burlington.ca/4103palladium.

Neighbourhood Meeting

A neighbourhood meeting was held on July 18, 2019 at the Haber Community Centre and was attended by approximately 7 members of the public, the applicant and their consulting team, City of Burlington staff, and the Ward 6 Councillor. The interest expressed at the neighbourhood meeting was primarily to gather more information about the number of beds being proposed, the offered programming, and other questions related to Long-Term Care Facilities more generally. There were some questions about the provision of adequate parking on site for visitors and staff, to which the applicant responded that the parking provided exceeds the amount of parking required by the Zoning By-law to provide enough parking for both staff (especially during shift change) and visitors.

Public Comments

Since the development application was submitted in October 2019, Planning staff have received 3 written comments from 3 correspondents about this application. Public comments have been included as Appendix C to this report. One of the comments expressed their support for the proposal. The remaining comments expressed the following concerns:

- The 6-storey building height is not compatible with surrounding context
- The nature of the proposed use will produce nuisance noise

Staff have considered the comments and concerns expressed by members of the public in the preparation of this recommendation report.

As discussed above, staff have considered the height of the proposal. The BC1 zoning regulations does not impose maximum height restrictions on development. General provisions outlined in Part I, Section 2.21b) state that the building height for Long-Term Care Facilities should be 4-storeys maximum, or as provided for by the respective zone, whichever is greater and provided that the yard requirements of the respective zone shall also apply to buildings greater than 4 storeys. The application has demonstrated that it adequately satisfies the yard setback requirements for the zone and has provided landscaping and features of architectural interest on the building to promote quality urban design and compatibility with the surrounding neighbourhood. Further, staff do not anticipate that the nature of the proposed use will produce excessive noise or

disruptive traffic levels to the area given the nature of the proposed use. Overall, staff opine that the proposal provides an important service to the community by allowing residents of Burlington to age in place within a facility that represents an appropriate design for the subject site.

The Burlington Sustainable Development Committee (SDC) has reviewed and supports the proposal, and has also provided items for consideration (Appendix D). For example, the SDC has recommended the applicant consider net zero development as well as ways in which this project may help to encourage reduced automobile usage. The applicant has committed to considering and implementing sustainable development measures where feasible and has provided bicycle parking for staff. Further exploration of sustainable best practices may occur during the Site Plan Approval stage.

Conclusion:

Planning staff have reviewed the zoning by-law amendment application submitted for the lands located at 4103 Palladium Way and find that the application is consistent with and conforms to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan.

Respectfully submitted,

Danika Guppy

Planner I, Development Review & Heritage

905-335-7600 ext. 7427

Appendices:

- A. Detail sketch of the proposal
- B. Draft By-law
- C. Public Comments
- D. Sustainable Development Committee comments

Notifications:

TJ Cieciora, Design Plan Services

tjc@designplan.ca

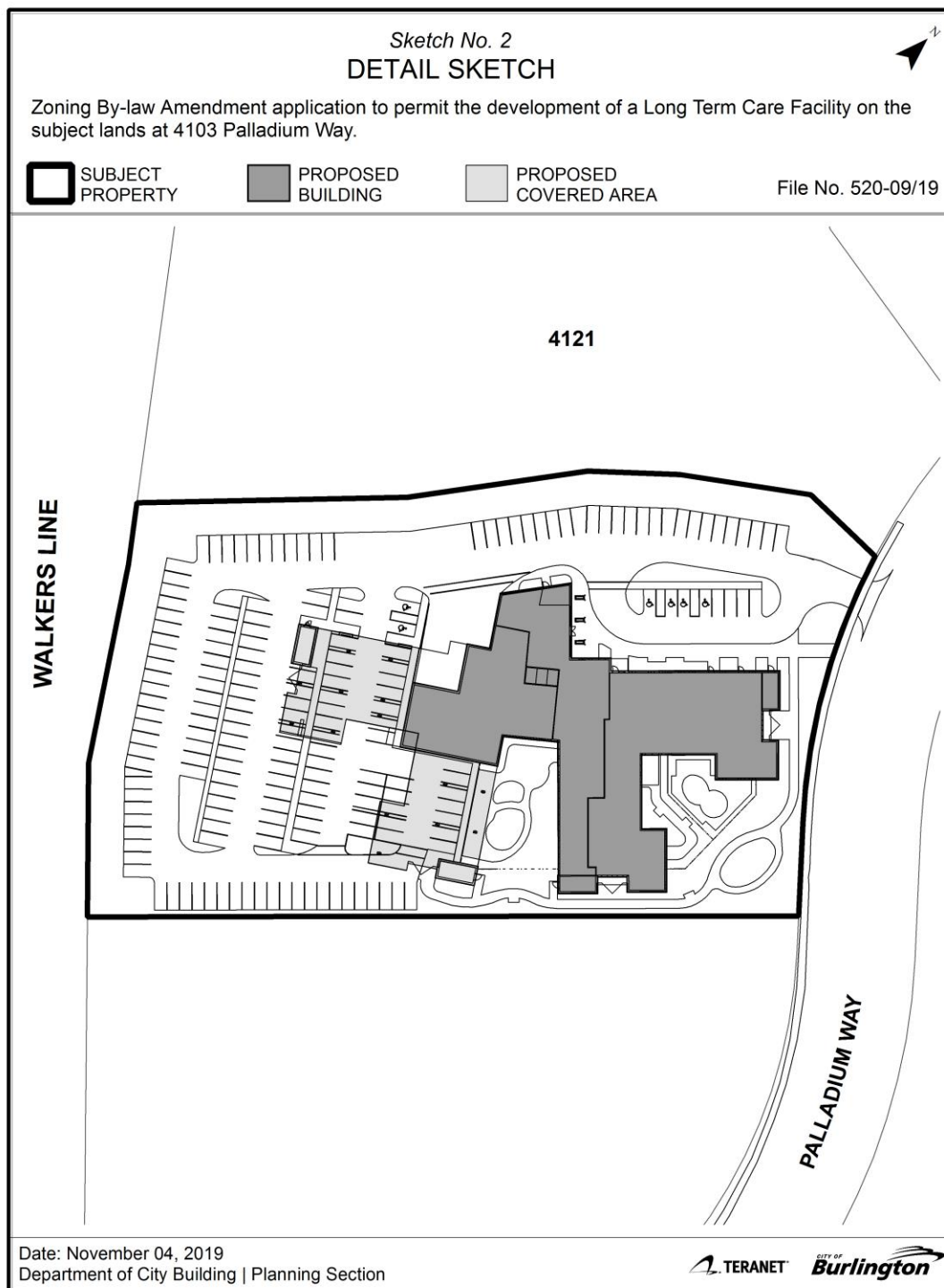
Kim Harrison, Better Life Retirement Residence Inc.

kharrison@blretirement.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.

Appendix A: Detail Sketch



Appendix B: Draft By-law

DRAFT BY-LAW NUMBER 2020.XXX, SCHEDULE 'A' AND EXPLANATORY NOTE

THE CORPORATION OF THE CITY OF BURLINGTON

BY-LAW NUMBER 2020.XXX

A By-law to amend By-law 2020, as amended; for 4103 Palladium Way for the purpose of facilitating the development of a Long-Term Care Facility, with ancillary uses.

File No.: 520-09/19

WHEREAS Section 34(1) of the Planning Act, R.S.O 1990, c. P. 13, as amended, states that Zoning By-laws may be passed by the councils of local municipalities; and

WHEREAS the Council of the Corporation of the City of Burlington approved PL-20-20 on September 28, 2020, to amend the City's existing Zoning By-law 2020, as amended, to permit a Long-Term Care Facility;

THE COUNCIL OF THE CORPORATION OF THE CITY OF BURLINGTON HEREBY ENACTS AS FOLLOWS:

1. Zoning Map Number 25 of PART 15 to By-law 2020, as amended is hereby amended as show in Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from BC1-319 to BC1-505.
3. Part 14 of By-law 2020, as amended, Exceptions to Zone Classifications, is amended by adding Exception 505 as follows:

Exception 505	Zone BC1	Map 25	Amendment 2020.XXX	Enacted
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1. Regulations for all Uses
 - (a) Yard abutting a street: 6 m minimum
9 m maximum
 - (b) A hydro transformer or switch station shall be permitted in the landscape area or buffer
2. Additional Permitted Use:
 - (a) Long-Term Care Facility
3. Permitted uses accessory to a Long-Term Care Facility
 - (a) Accessory uses including Day Care Centre, Medical Clinic (with accessory Pharmacy), and convenience restaurant are permitted only as accessory to the approved Long-Term Care Facility.
 - (b) Day Care Centre
 - (c) Retail pharmacy accessory to a medical office to a maximum floor area of 109m².
4. Additional Regulations for Long-Term Care Facility
 - (a) Yard abutting Palladium Way: 6 m minimum
 - (b) Yard abutting Walker's Line: 30 m
 - (c) South Side Yard: 4.5 m
 - (d) North Side Yard: 7.5 m
 - (e) Height: 6 storeys maximum
 - (f) Landscape Areas:
 - i) Abutting Palladium Way: Permit maximum 2 m walkway in landscape area
 - (g) Floor Area Ratio: 1.29:1
 - (h) Required Parking:
 - i) Long-Term Care Facility: 0.35 spaces / bed

Except as amended herein, all other provisions of this By-law, as amended, shall apply.

- 4 a) When no notice of appeal is filed pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, this By-law shall be deemed to have come into force on the day it was passed
- 4 b) If one or more appeals are filed pursuant to the provisions of the *Planning Act*, as amended, this By-law does not come into force until all appeals have been finally disposed of, and except for such parts as are repealed or amended in accordance with an order of the Ontario Municipal Board this By-law shall be deemed to have come into force on the day it was passed.

ENACTED AND PASSED this day of 2020

_____ MAYOR

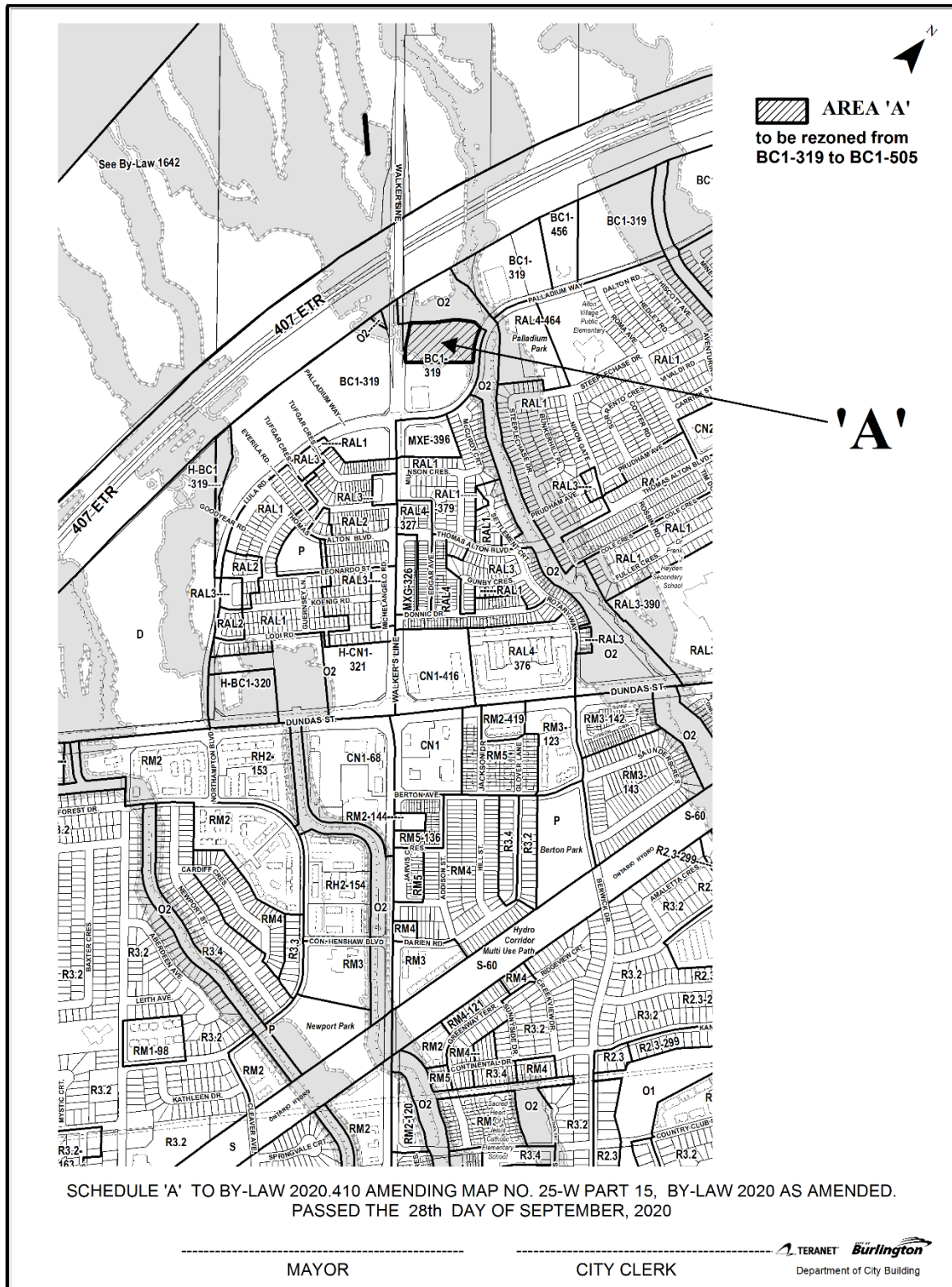
_____ CITY CLERK

EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.XX

By-law 2020.XX rezones lands on 4103 Palladium Way to permit the development of a six (6) storey Long-Term Care Facility with described ancillary uses.

For further information regarding By-law 2020.XX, please contact Danika Guppy of the Burlington Community Planning Department at (905) 335-7600, extension 7427.

SCHEDULE 'A' TO ZONING BY-LAW 2020.XXX



Appendix C: Public Comments

#	Name & Address	Date Received (by email unless otherwise stated)	Comments
1	Jonathan Rubin Embee Properties	November 20, 2019	As a nearby property owner, Embee Properties is in support of this application. Regards, Jonathan
2	Mabel Watt 3270 McCurdy Court Burlington, ON L7M 0C1	November 25, 2019	I am writing to provide you with my comments in opposition to the proposed long term care home on 4103 Palladium Way. I am not opposed to the facility but rather to it's size. The proposed application is for 6 stories, which far exceeds any of the buildings currently on Palladium way. The highest building on that street is 2 stories. Adding an additional 4 stories would not be consistent with the character of the other employment uses on the street nor in the neighbourhood. The information on your website indicates that residents in close proximity were notified of the development. I live very close to it and have not received notification of either one of the public meetings about this facility/property, I have only heard through online word of mouth. Thank you for your consideration to my comments and I highly recommend that you try to engage residents who live in close proximity to the proposed site, to hear their comments on this facility, as this is a requirement that is not being met. Mabel Watt
3	Kathy W McCurdy Residents 3273 McCurdy Court Burlington, ON L7M 0C1	December 12, 2019	Hi Danika, We received city's letter regarding the proposed new development on 4103 Palladium Way. We discussed with some of our neighbours and we all thought this multi level building and 24/7 business will definitely impact the quietness and view of the neighbourhood. We really think it is not appropriate to build 6 level facility on palladium way where it is so closer to residence areas. Please consider our concern with this development approach. Thank you! McCurdy Residents

Appendix D: Sustainable Development Committee



DATE: December 16, 2019

TO: Danika Guppy, Planner I, Department of City Building

RE:	4103 Palladium Way, City of Burlington
File Number(s):	520-09/19
Description:	Amend the Zoning By-law to permit a 6-storey Long Term Care Facility with ancillary uses

The SDC recognizes the need for long term care facilities but would like to see the applicant better incorporate sustainable design features into the development given the current climate change emergency. Details are given below.

Site Plan

The application is for a six-storey Long Term Care Facility containing 288 beds within 18,853m² (GFA). Part of the ground floor is proposed to contain commercial rental space up to 1,112 m² in GFA, which will accommodate a variety of ancillary uses including a medical clinic with a pharmacy, a Day Care Centre, Adult Day Program, and restaurant.

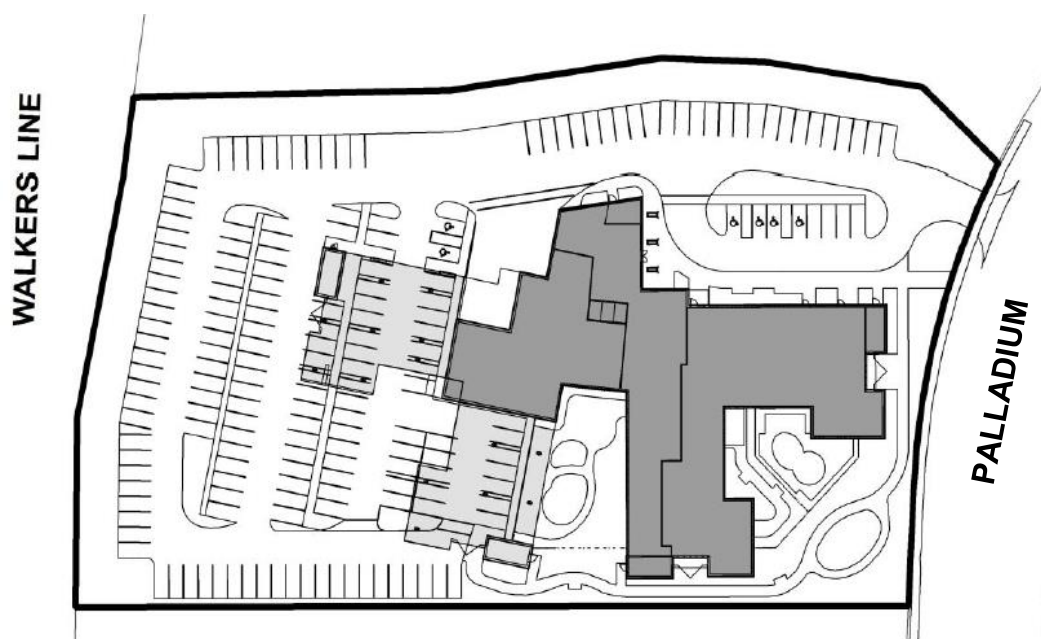




Figure 1: Rendering of the proposed Long Term Care Facility main entrance façade.

SDC General Position:

The SDC supports higher density development close to transit, retail and community services that will attract transit-oriented, environmentally focused residents and businesses. Burlington is an aging community and there is a need for long term care so that seniors can remain in the community as they downsize. This development will help to increase the supply of housing geared to seniors and has many positive features.

However, the SDC also sees opportunity in this development for improved plans for trees, green space, placemaking, affordable and accessible housing, vehicle use reduction, transportation alternatives, renewable energy, energy efficient building envelope, reuse of stormwater and construction waste management.

The Federation of Canadian Municipalities (FCM) supports Net Zero development and the SDC would like to see this considered. The SDC would also like to ensure that any development on the site not have any detrimental impact on the adjacent Appleby Creek.

The developer is requested to provide feedback on how this project will help to meet these community needs and would welcome discussions with the developer to consider how the sustainability of the development could be enhanced, including at the Site Plan stage. The SDC encourages review of the Sustainable Building and Development Guidelines and seeks the implementation of these as best practices.

Additional steps should be taken to encourage reduced use of automobiles and increased use of transit (e.g. on-site mini bus service, lay-by area, car-share, bike storage, transit passes, etc.).

Future Site Plan & Building Permit Considerations:

The City of Burlington has released Sustainable Building and Development Guidelines.

The committee recommends that the applicant consider the guidelines in this application. Many of the items identified in the guidelines are implemented through Site Plan and/or building permit approval, after a development proposal has received an Official Plan amendment and/or zoning by-law amendment. However, in order to ensure the design of sustainability features can be incorporated, the SDC recommends these items are given consideration at this stage in the process. Many of the guidelines are mandatory under other legislation and include topsoil, snow, site connections, accessibility, bicycle storage, light pollution, native species, birds, trees, stormwater quality, urban heat island and waste management plan.

A full copy of the guidelines can be downloaded at:

https://www.burlington.ca/en/services-for-you/resources/Planning_and_Development/Official_Plan/Proposed-OP/19-229-PB---Update-Sustainable-Building-and-Development-Guidelines-Document-WEB-apr8.pdf

This letter was reviewed and approved the Sustainable Development Committee's "Committee of the Whole" on December 16, 2019.

Respectfully Submitted,

Tim Park, Chair, Policy & Development Sub-committee

Burlington Sustainable Development Committee (SDC)

Cc:

C. Barnes, Chair, Sustainable Development Committee

L. Robichaud, Sr. Sustainability Coordinator, Capital Works Department, City of Burlington

S. McInnes, Senior Planner, Policy, Department of City Building, Planning Section, City of Burlington