

September 16, 2020

The Corporation of the City of Burlington
426 Brant Street, P.O Box 5013
Burlington, ON L7R 3Z6

To Planning and Development Committee Chair and Members:

Re: Subdivision Plan; File 510-01/20
Four Residential Blocks and One Condominium Driveway for 20 Townhomes
600 Maplehill Drive (former 607 Dynes Road)

Thank you for the opportunity to provide comments on the proposed Subdivision Plan for 600 Maplehill Drive (former 607 Dynes Road property). We have previously delegated on this matter. As has been noted, we believe the proposed development of 20 townhomes with access to Maplehill Drive will have adverse and lasting impacts on the livability, safety and walkability of the 62 year old established neighbourhood encompassed by Maplehill Drive, Willow Lane and Oakhurst Road. Thus, we are requesting the following:

- Support for a Community Safety Zone or a reduction to a 20 to 30 km/hr speed limit within the existing neighbourhood;
- Reduced speed signage at the north end of Maplehill Drive;
- A stop sign on the property at the point of access for the condominium driveway to Maplehill Drive;
- No parking signage for the cul-de-sac unless for residents of the two homes on the cul-de-sac;
- A pilot project of stop or yield signage at the T-intersection of Oakhurst Road and Maplehill Drive and at the intersection of Maplehill Drive and Willow Lane; and,
- Construction access through 607 Dynes Road.

Unfortunately, with the City's approval of the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA), under the previous term of Council and supported by a Local Planning Appeals Tribunal (LPAT) decision, the OPA and ZBA allows for a density of development that is twice the existing density as the surrounding neighbourhood. Of course, we were disappointed by this decision and given our concerns which will be identified again below, we would continue to support a lower density development.

However, now whether either the Planning and Development Committee or Council approves or does not approve the subdivision plan, the landowner can appeal it to the LPAT or seek a Minister's Zoning Order. Since there is an LPAT decision to support the OPA and ZBA for a medium density development, it is then unlikely the subdivision plan at this higher density would not be supported at the Provincial level and so any comments made by the residents, at this time, have little bearing on the current development application. Yet, at this stage of the planning process, our main concern continues to remain the same - the safety of residents and other users of Maplehill Drive, Oakhurst Road and Willow Lane from an increase in the volume of traffic due to this proposed higher density subdivision.

The neighbourhood is already experiencing an increase in traffic from the advertisement of the development. To experience the current situation, we invite the Committee/new term Council members to come to Maplehill Drive and drive through the neighbourhood. Please drive the length of Maplehill Drive from the soon-to-be access of the new subdivision at the north end of the cul-de-sac to the south end at Willow Lane. However, please observe your speedometer to determine the speed you are comfortable driving at on these neighbourhood streets as compared to the currently posted speed limit signage. If there are none, anticipate walkers, residents with strollers, and bicycles also being on the roads.

Request for Community Safety Zone or a Minimum 20 to 30 km/hr Speed Limit and Stop/Yield Signs

Prior to the neighbourhood's appeal to the LPAT decision, we requested consideration by the City's Transportation Department, to post the neighbourhood streets with a lower speed limit. Our request was prompted by the City's recommended approval of the development although few on- or off-site changes were made to protect the liveability and safety within the established neighbourhood in accordance with the City's Official Plan or related by-laws. It was also timely as there was a reduction of the speed limit on Dynes Road from 50 km/hr to 40 km/hr with newly posted speed signage. As per the City's Traffic By-law 86-2007, as amended, any streets without posted speed limit signage has a speed limit of 50 km/hr. We were surprised then that Dynes Road, a local arterial road, which many neighbourhood streets' access, was reduced to 40 km/hr. Yet Maplehill Drive, a neighbourhood road almost the same length between two stop signs on Dynes Road, running parallel without any stop or speed signage, was permitted to have a speed limit of 50 km/hr, as it was then unposted. When the request was submitted to the Transportation Department, City staff who could understand the paradox of the situation, indicated that yes, a request for a reduced speed limit could be made and signage posted. However, when asked if the posted speed limit could be lower than 40 km/hr, staff indicated that it could not. In 2019, the neighbourhood was posted at both accesses from Dynes Road (Oakhurst Road and Willow Lane) and at the south end of Maplehill Drive with 40 km/hr signage. There is no speed signage at the north end where the driveway from the development will be located. Upon receipt of a notice and posting of the lower speed limit, neighbours indicated the speed limit should be less than 40 km/hr. Thus, there are concerns that the City cannot or will not reduce the speed limit further even though there are two nearby schools (St. Paul's Elementary School and Assumption Secondary School) and a trailhead to the City's trail system. As a property owner to the adjacent park and trail, it has been our observation that during this pandemic, many more residents, of all ages, are accessing the trail along with the students via walking or biking on the neighbourhood streets.

We are curious why other cities and towns can implement community safety zones and make exceptions to post speed limits on neighbourhood streets of 20 km/hr to 30 km/hr yet this seems to be a challenge in the City of Burlington. The Mayor's initiative for the plastic slow down signs that were available in 2019/2020 were appreciated, however, as Committee members are aware, enforcement of speed limits can only occur with City posted speed signage, not with the temporary signage. Few of the temporary signs remain on lawns. Only if the City posts an area with speed limit signage, can requests be made to the City's By-law Department or the Halton Police to help a neighbourhood reduce speeding vehicles to protect its own safety. We believe a 40 km/hr speed limit on Maplehill Drive, Oakhurst Road and Willow Lane to be too fast for vehicles making it unsafe for

those other users of these neighbourhood streets including other cars backing down from driveways. In your drive of the neighbourhood, we hope you will agree with this observation and request a bylaw change to allow a reduced speed limit specifically in our neighbourhood. If we need to make a separate request for this change in speed limit, please let us know.

As previously identified to the Planning and Development Committee, we are also asking for an on-site stop sign at the ingress/egress (entrance/exit to the new subdivision) of the proposed new condominium driveway onto the cul-de-sac. Although we do not want to inundate the neighbourhood with signage, if there is the potential for overflow parking to occur on the cul-de-sac or Maplehill Drive, we might also suggest 'No Parking' signage on the north end. We also ask Committee members to identify where they would naturally stop or slow down to make a safe turn as we would also suggest a pilot project of stop signs or yield signage be installed: (1) at the T-intersection at Oakhurst Road and Maplehill Drive; and, (2) at Maplehill Drive and Willow Lane. Street calming measures (e.g. bumps or pylons) may be a further initiative though may cause more noise and safety issues, as drivers may actually swerve to avoid them. This will be especially important during the construction phase of the development should the vehicles access through Maplehill Drive. As mentioned previously, our preference would be for the construction vehicles to use the parking lot of 607 Dynes Road to reduce the impacts to residents during this phase as well as reduce destruction of the recently reconstructed pavement of the neighbourhood streets.

We also would like to remind the Planning Committee/Council members that the established neighbourhood of 60+ years, did not have until recently, a sidewalk adjacent to any of the three streets. Upon a Strategic Plan review by City staff, several years ago, a sidewalk was installed on the north side of Willow Lane to the trailhead and St. Paul's Elementary School. The installation occurred on the north side as fewer properties were impacted. Yet, many Assumption and St. Paul's students and other walkers continue to walk on the road especially now during the pandemic and the need for physical distancing. Please note that we are not requesting sidewalks; just trying to highlight our concerns and suggesting possible initiatives in reaction to the approval of the high density development to ensure the safety and walkability of the neighbourhood's roads.

Therefore, as residents, we are hoping Planning staff can help all of us understand how a new medium density subdivision of 20 townhomes with driveways for at least one vehicle plus garages for an additional vehicle plus an additional 10/11 visitor parking spaces will not have an impact on the safety and walkability of the existing neighbourhood. This situation is in light of the City, one of few in the area, that does not have traffic impact report guidelines to consistently determine impacts on neighbourhood streets combined with the posted/unposted speed limit issue in the City's traffic by-law. As noted above, we are seeking the Committee's awareness on how approval of the OPA and ZBA and now the subdivision plan for this new higher density subdivision with access to a lower density established neighbourhood, will have profound effects on the safety and walkability of it. We are having to ask again for your support to protect the residents and users by creating reactive initiatives including an on-site stop sign, a community safety zone or at least a further reduction of the speed limit and adding stopping and no parking signage, even if possible on a pilot project basis, to ensure the safety of those within or using the neighbourhood streets.

This request is also due in part to the notice of easement received by two adjacent neighbours for an easement to allow water servicing from Dynes Road across the church property at 607 Dynes Road. The reason for acknowledging the easement notice is neighbours previously highlighted the lack of servicing for the development given Regional staff's identification of the issue. When noted, both in writing and verbally, City staff indicated there was sufficient servicing along Maplehill Drive. In any case, the church was not going to permit an easement yet the opposite is what is now happening. As you may be aware, there was insufficient servicing along Maplehill Drive and so servicing is coming from Dynes Road through an easement on church property. We want to be ensured then that given other issues identified by the neighbourhood regarding the liveability, safety and walkability of our neighbourhood will now be taken seriously into consideration. We also look forward to discussing any other ideas given the situation we find ourselves in.

Thank you for the opportunity to provide comments on the above-noted proposed Subdivision Plan. For the new Committee/Council members, please find attached our related letters regarding the then Official Plan Amendment and Zoning By-law Amendment application (dated April 23, 2018 and April 4, 2018; our Oct. 28/16, Jan. 5/17 should be available on City's files). Our previous comments expand upon issues noted in this letter. Once again, we respectfully request a copy be provided to us of any further reports, notification of any further meetings with an appropriate notice period and the notice of decision of the Planning and Development Committee or related committee or Council meeting regarding the proposed development. Although we have previously commented and asked for notification, we only became aware of this development application through neighbours who did receive the notice. Should you have any questions, please contact us at [REDACTED] or via e-mail at [REDACTED]

Kind regards,

Marsha and Marrienne Paley
[REDACTED]

cc: Mayor Marianne Meed-Ward and Members of Council
City of Burlington Clerk's Department
Melissa Morgan, Planner

Attachment A:

April 23, 2018

The Corporation of the City of Burlington
426 Brant Street, P.O Box 5013
Burlington, ON L7R 3Z6

To Mayor Goldring and Members of Council:

Re: Official Plan and Zoning By-law Amendments 505-4/16 and 520-10/16
607 Dynes Road, PB Report 12-18
Initial: 23 Townhomes and One Semi-Detached Dwelling
Revised: 20 Townhomes

Thank you once again for the opportunity to provide comments on the revised proposal of the proposed Official Plan and Zoning By-law Amendments 505-4/16 and 520-10/16 for 607 Dynes Road. The proposed revised development of 20 townhomes with access to Maplehill Drive will have adverse impacts on the livability, safety and walkability of the established neighbourhood encompassed by Maplehill Drive, Willow Lane and Oakhurst Road. There are issues of policy conformity; all which have been previously identified in our three letters to the City and continue to be of concern. Several of these issues are summarized below.

1. **Affordability** – According to the Hamilton-Burlington Real Estate Board, the average price for a house sold has dropped and is currently \$530,000 (Hamilton Spectator, April/18). By the admission of DiCarlos Homes and their consultants at the 2017 Planning and Development Committee meeting, it is inconceivable how these townhouses, at an asking price of \$600,000, would be considered affordable housing given the 2016 Canada Census Profile for the City has a median household income (after taxes) of \$34,432 (single resident) and \$76,715 (two or more residents).
2. **Conformity**—As has been detailed previously, there appears to be a lack of conformity with the Provincial Policy Statement (PPS) [1.4.3 d) and e)], Burlington’s Strategic Plan and the City of Burlington’s Official Plan [Part II – 2.5, 2.5.1 a) and 2.5.2; Part III – 2.0, 2.2, 2.2.1 a), f) & g); Part III – 2.2.2]. The areas of non-conformity include: compatibility (scale, massing, design etc.); intensification (careful management of); potential for impacts; healthy, livable and safe communities; and, character and heritage of existing neighbourhoods. Specifically, there is no recognition of the definition of “adverse effects” from the City’s Official Plan or analysis of the potential impacts in the consultant’s or City’s planning reports.
3. **Liveability** – Noted above is reference to the lack of the City’s Official Plan definition for “adverse effects.” These adverse impacts will vary depending on the property’s location whether directly adjacent to the subject property or along Maplehill Dr., Oakhurst Road, Willow Lane, Dynes Road or Woodward Avenue. Such adverse impacts include, though are not limited to: traffic; safety (children, pedestrians and back out from driveways); parking overflow; privacy for backyards; snow storage; noise; and, dust. This will be a direct result of the proposed intensification/density and access onto Maplehill Drive. Although, use may have been signed off in a private agreement (not on title), the right-of-way through the front of 607 Dynes Road still exists and should be used for access to conform with the PPS [1.4.3 d)] and City’s Official Plan [Part II, 3.3.1.c)] . As per Attachment 1, there is precedence within a close distance of lengthy accesses to higher density development neighbourhoods.

4. **Safety** – The possible up to 170 or 142% increase in the number of vehicle trips onto Maplehill Drive has not been included in the Traffic Brief or considered by City Transportation or Planning staff. Without an acknowledgement of this substantial increase accompanied by a consideration of a reduction in the density or any mitigation measures, safety within the established neighbourhood is at risk. By the planner’s own admission at the April 4th, 2018 Planning and Development Committee meeting, safety was not considered even though it is both a Provincial and City Official Plan conformity matter and remains an ongoing concern of existing residents.

5. **Walkability**–The existing neighbourhood of Maplehill Drive, Oakhurst Road and Willow Lane has existed for 60 years without sidewalks and with no injuries to pedestrians or vehicular accidents. In 2016, a sidewalk was installed along the north side of Willow Lane. Most pedestrians continue to walk on the road. It is an unposted 50 km/hour speed area even though Dynes Road, in its entirety, was reduced to 40 km/hour in April 2018. With the potential increase in the number of vehicles, the walkability of the neighbourhood will be significantly reduced from its current.

Therefore, we are seeking Council’s opposition or deferral of the subject proposal due to the issues noted above and the adverse impacts caused by the proposed density and access onto and through Maplehill Drive. We continue to be proponents of access from Dynes Road through the existing deeded right-of-way rather than from/to Maplehill Drive at the density currently proposed.

Our aim is to support development on the subject parcel **if** it is done in a manner that allows intensification while maintaining the character, integrity and safety of our established neighbourhood as is the intent of the Provincial Policy Statement and the City of Burlington’s Official Plan. Instead, we have been dispirited by the lack of accountability, openness, professionalism and transparency of the process and the inability to bring about a balanced and mutually satisfactory resolution. Please let’s plan and develop 607 Dynes Road in a manner that is appropriately done and is being a win-win-win for the City, the developer and the established neighbourhood.

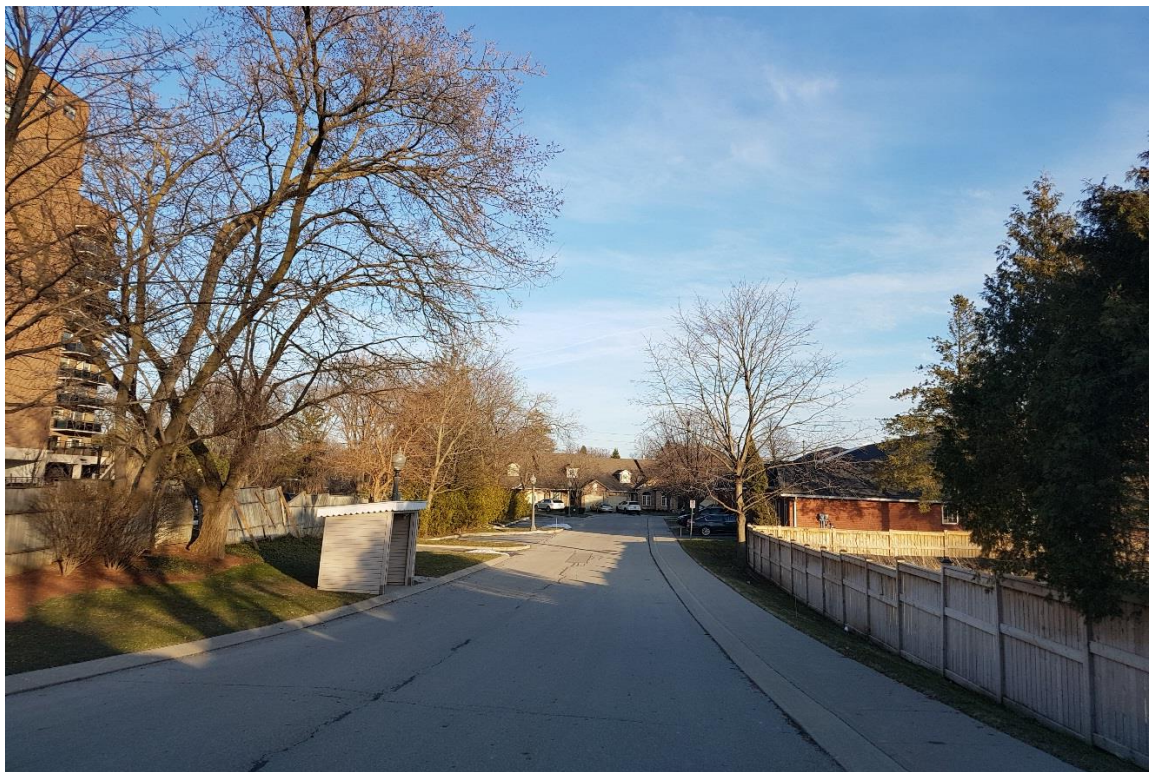
Thank you for the opportunity to provide comments on the above-noted proposed Official Plan Amendment and Zoning By-law Amendment (see letters April 4/18 as attached and Jan. 5/17 and Oct. 28/16). Although our property is beyond the 120 metres notice area of the subject property, as property owners on Maplehill Drive, we respectfully request an e-mailed or mailed copy of the Notice of Decision of Council regarding the proposed development as required by legislation. Should you have any questions, p [REDACTED]

Regards,

Marsha and Marrienne Paley
(on behalf of the Estate of Paul Paley and family)

cc: City of Burlington Clerk’s Department
Melissa Morgan, Planner II

ATTACHMENT 1 – Photos of Lengthy Accesses to New Street and Wellington Green Developments



ATTACHMENT 2 – April 4th Letter to Planning & Development Committee

April 4, 2018

The Corporation of the City of Burlington
426 Brant Street, P.O Box 5013
Burlington, ON L7R 3Z6

To Planning and Development Committee Chair and Members:

Re: Official Plan and Zoning By-law Amendments 505-4/16 and 520-10/16
Initial: 23 Townhomes and One Semi-Detached Dwelling
Revised: 20 Townhomes
607 Dynes Road, PB Report 12-18

Thank you for the opportunity to provide comments on the revised proposal of the proposed Official Plan and Zoning By-law Amendments 505-4/16 and 520-10/16 for 607 Dynes Road.

Executive Summary

The proposed revised development of 20 townhomes with access to Maplehill Drive will have adverse impacts on the livability, safety and walkability of the established neighbourhood encompassed by Maplehill Drive, Willow Lane and Oakhurst Road. These adverse impacts are highlighted in Attachment 1. Several of the issues related to these impacts, are detailed below. Therefore, we are seeking the Planning and Development Committee's and Council's opposition of the subject proposal due to the adverse impacts caused by its density and access onto and through Maplehill Drive.

Issues

As neighbourhood residents, who will experience these adverse impacts from the proposed development, we provide the following additional comments regarding conformity with the Province of Ontario's, Region of Halton's and City of Burlington's planning documents and staff comments. We have also provided further details on the right-of-way and specific issues with traffic impacts.

1. **Conformity with Provincial Policy Statement**– Within the Provincial Policy Statement (2014) conformity discussion on Page 63 / 64 of PB 12-18, the report identifies several appropriate subsections regarding 'healthy, livable and safe communities...through appropriate land use patterns...' Subsection 1.4.3 d) and e) are specifically noted. Subsection 1.4.3 d) includes the phrase "support the use of active transportation and transit in areas where it exists or is to be developed" and e) advises "while maintaining appropriate levels of public health and safety". The report suggests that the proposal 'will support compact built form while having regard for public health and safety' though this is clearly not provided as noted below in Section 3.

The Provincial Policy Statement (PPS) and the Places to Grow Plan do express strong and clear support for intensification development within existing built up areas though recognizes

compatibility and potential for impacts. In its implementation of the Provincial policy and plan, the Burlington Official Plan has some policy that has specific relevance to this type of scenario where there is a proposal for higher density development than currently exists in an area. These are referenced further below.

In PB 12 -18, under Purpose, the report states that the development proposal aligns with the objective regarding intensification in Burlington's Strategic Plan 2015-2040. This objective states that "Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods."

Unfortunately, the report does not provide any further details regarding how the proposed revised intensification is reflective of the being "carefully managed" when it does not meet any adjacent similar intensification even with the most recent developments on Dynes including the medium density development at 581 Dynes Road.

The Official Plan designations in the area are primarily Residential – Low Density in the immediate vicinity with some Residential – Medium Density on the south side of Prospect Street and east side of Guelph Line and Residential – High Density on the south side of Prospect Street across from the Burlington Mall, but the majority of these higher density designations are separated from the subject property and the neighbours by Woodward Avenue and other established low density development and therefore are at some distance from the subject property.

b) Conformity with Burlington's Official Plan Policies

A. Part III – Land Use Policies – Urban Planning Area, 2.0 Residential Areas, 2.2 General, 2.2.1 Objectives

1. 2.2.1 a) Intensification
2. 2.2.1 f) Integrate Types of Housing
3. 2.2.1 g) Compatible with Development

Policies a) and g) emphasize compatibility and integration, but the Official Plan definition of compatible/compatibility (OP Part VIII pg 4.) emphasizes physical impacts which could be troublesome in arguments related to density. Having said that, there seems to be some blurring in the use of compatibility in the policies which implies consideration of more than strictly physical impacts. Clause f) specifically states a priority for a wide range of housing types and tenures and discourages large concentrations of high density development as this would be proposed.

B. Part III 2.2.2 General Policies

2.2.2 Low Density c) consideration of development to the maximum 25 units per net hectare is on the basis of compatibility with the scale, urban design and community features.

This is an important policy of note because it appears quite clearly that the intention of the City's Official Plan is that, even within the existing designation, there is to be consideration of the nature of the existing neighbourhood and that going to the maximum with a development, as is now currently being proposed, is not an automatic.

C. Part II 2.5 Housing Intensification, 2.5.2 General Policies

Policy 2.5.1 a) allows the encouragement of residential intensification...within existing neighbourhoods, provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood.

Policy 2.5.2 provides evaluation criteria (i) to (xiii) with v) being directly relevant and referencing scale, massing, height, setbacks, coverage, parking, etc. This policy is the significant one as there is a direct relationship with (x) as it relates to development on adjacent lands not being compromised and possibly requiring a tertiary plan. Although there is discussion on a number of these criteria iii) identifies the transportation system. It advises that "the capacity of the municipal transportation system can accommodate any increase in traffic flows, 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 street." This is also of concern with regards to conforming with the Provincial Policy Statement (1.4.3 d) regarding transit availability (available on Cumberland Ave. and Prospect St.) and on potential local traffic impacts. Further details on the lack of information in the Traffic Impact Brief and staff report on the appropriateness of traffic impacts and mitigation measures are noted below in Section 3 – Traffic Impacts.

Policy 2.5.2 b) Planning Justification addresses requirements for a Planning Justification Report and specifically refers to compatibility with the existing neighbourhood. **There is a lack of discussion on the appropriateness of the massing and compatibility with the existing neighbourhood within both the Planning Justification Report and recommendation report.**

Part II, Subsection 3.3.1 c) states that it is the City's objective "to maximize the use of existing roads and rights-of-way instead of acquiring new rights-of-way and/or building new roads." According to Recommendation Report PB 12-18, staff states that the proposed development currently has access from a public right-of-way, Maplehill Drive. As noted below in Section 2, access is available through an existing right-of-way.

The City's Official Plan defines *compatible* as the following:

Development or re-development that is capable of co-existing in harmony with and that will not have an undue physical (including form) or functional adverse impact on, existing or proposed development in the area or pose an unacceptable risk to environmental and/or human health. Compatibility should be evaluated in accordance with measurable / objective standards where they exist, based on criteria such as

aesthetics, noise, vibration, dust, odours, traffic, safety and sun-shadowing, and the potential for serious adverse health impacts on humans or animals.

Rather than define “adverse impact”, the definition is for “adverse effects” in the City’s Official Plan and states: *One or more of the following:*

- 1) *Impairment in the quality of the natural environment for any use that can be made of it;*
- 2) *Injury or damage to property or plant or animal life;*
- 3) *Harm or material discomfort to any person;*
- 4) *Any adverse effect on the health of any person;*
- 5) *Impairment of the safety of any person;*
- 6) *Rendering any property or plant or animal life unfit for human use;*
- 7) *Loss of enjoyment of normal use of property;*
- 8) *Interference with normal conduct of business.*

The definition of “adverse effects” was not included in either the consultant’s reports or recommendation report. The analysis of the potential for such adverse effects is limited only to those issues identified in 2.5.1 or not identified or considered not significant or not applicable without evaluation. Possible adverse impacts on the adjacent neighbourhood are noted in Attachment 1; two possible adverse impacts not been substantially analyzed in the consultant’s reports or recommendation report is identified in Sections 3 and 4.

Given the **lack of clear conformity with the Provincial Policy Statement, and the City of Burlington’s Official Plan, we recommend the Committee not support the proposed development applications.**

2. **Access (Reference Plan 20R-1971 and Deed 215323)**- The deed and other legal documents were reviewed by a lawyer with municipal planning experience. The rear parcel shown on Reference Plan 20R-1971 with the “School” located upon it, Deed 215323 transferred that property from Messrs. Hordyk and Aasman (Trustees for the Canadian Reformed Church School Board of Burlington) to the Canadian Reformed School Society of Burlington Incorporated (CRSSBI) in 1962.

Included in the Deed is a “right of way” (that is the only description of this right) over a 25 foot (7.62 meter) strip of land extending from Dynes Road to the “School Property”, immediately adjacent to Parts 1 and 2 on the Reference Plan. The Parcel Register shows Deed 215323, registered on December 14, 1966. It also shows Transfer HR1476963, registered on July 31, 2017, which conveyed the property from CRSSBI to 2531820 Ontario Inc. The latter Transfer is the last registered conveyance of the title to this property. Accordingly, that numbered corporation is the current owner of the property and is either the legal name of the developer, or a corporate owner that has entered into a development arrangement with the builder. It was determined that the wording of the document that created the access will normally define the nature and extent of the right that it grants. As indicated above, the only definition contained in Deed 215323 is “right of way.” It does not say that the right is for “ingress and egress” or for “vehicular access” or for “access for any reasonable purpose.” In the absence of a clear definition of the right in the document, a Court will look to surrounding evidence that

shows the situation at the time of the Deed, and of the parties and surrounding circumstances that will aid in determining the nature and extent of the intended use of the right-of-way. For example, if the school had not yet been constructed when Deed 215323 was registered, it might be presumed that the right-of-way was intended to only include the right-to-access the property with construction vehicles for the purpose of constructing the School; however, it appears that the School was built prior to 1966 since Deed 115978 conveyed the front portion of the property at 607 Dynes Road from the Trustees of the Canadian Reformed Church School Board of Burlington to the Trustees of the Canadian Reformed Church of Burlington. In making this conveyance, the School reserved the right-of-way over the 25 foot (7.62 meter) strip. Although further research is necessary to confirm this, it would appear that the School was built first, and the "front lot" was then transferred to the Church, after which the Church was constructed. If this is correct, the right-of-way originally would not have included access just for development purposes of the school, but also for use by the school.

It would therefore appear that the right-of-way may have been granted for ingress and egress to the then-existing school. It would then be a question whether the now-proposed use of that right-of-way (for ingress and egress to 20 townhomes) unreasonably increases the burden of the right-of-way. **Given the number of buses and vehicle use by the school, it would be a challenge for the new landowner to indicate that there is an increase in the burden as this statement would also apply to the traffic that would then potentially be on Maplehill and adjacent streets.**

There is also the question about allowing access to a 20-townhouse development over a 25 foot (7.62 meter) right-of-way. Municipal highways are normally 66 feet (20 meter) wide, which would make this access less than half of what a municipality would normally require. Yet, the development on Caroline Street, east of the Wellington Square United Church, has a front entrance of only 36 feet (11 meter) in width including the road with a sidewalk on one side and grassed medians. The road width with sidewalk is 25 feet or the same width of the right-of-way for the subject proposed development. It would really assist this development proposal for the City to get advice on the legal use of the deeded access of the right-of-way across the Ebenezer Reformed Church property. The Church should also be open to the provision of additional lands given this access was not the only access that the school buses and cars used, as access was permitted north of the church through their parking lot.

As indicated by the surveyor, the narrow strip at the end of the cul-de-sac has not been dedicated as public highway by the municipality and is currently retained by the municipality as a one-foot (or 0.3-metre) reserve to control development of the School property. Until that reserve is dedicated, the developer lacks the legal right to access its property from Maplehill Drive. **Thus, it would really assist this development proposal and support the neighbourhood, if an external legal opinion, especially from the Courts, can be obtained regarding the use of the right-of-way by the proposed development on the rear parcel or for the church to sell the right-of-way to DiCarlos Homes. This will still provide sufficient access to the church and its parking lot (see Attachment 2 of photo of right-of-way on East Sunday, April 1, 2018; other parking spaces were still available for these four vehicles).**

A traffic engineer and two planners were provided with material for the subject proposal. All noted that there was bound to be impacts on the existing neighbourhood and whether there was an alternative access including either through to Dynes Road or through the hydro right-of-way to Woodward Avenue.

3. **Traffic Impacts** – Upon a review by a traffic engineer, the Traffic Brief by Metropolitan Consulting Inc., 2016 was found to be significantly lacking in information on the potential impacts to the neighbourhood. In contact with City of Burlington staff, it was discovered that there are no City of Burlington traffic impact study guidelines. As most of the major roads are the responsibility of the Region, staff will use the Region of Halton’s traffic impact study guidelines. For neighbourhood roads, staff identified the scoping to allow for Traffic Briefs as they do not consider there to be any significant impacts, however, this will be shown not to be the case.

In review of the City of Brampton’s, the City of Mississauga’s and City of Hamilton’s Traffic Impact Study guidelines do bring in consideration of impacts at the neighbourhood road scale. These traffic impact study guidelines look at a variety of local / neighbourhood street traffic issues currently lacking in the Traffic Brief and recommendation report as noted below:

a. Traffic Volumes

In accordance with the traffic engineer, increasing the number of houses with access to a street or turning a dead-end (cul-de-sac) street into a thorough street will increase traffic (volume, timing, potential for speeding issues etc.) on the neighbourhood streets. Any traffic volume increases have been shown to decrease the safety of neighbourhood streets, affect air quality and the quiet enjoyment of the existing homes by the current homeowners. The only information provided in the Traffic Brief was limited and focused on the rate of trips entering or exiting for the morning and evening peak hours. This is **not** a fulsome picture of the traffic volume increases or of the impacts due to access onto a neighbourhood street from a 20-townhome development.

Based on the Institute of Transportation Engineers Trip Generation Manual 9th edition, the same document used to provide the peak hour vehicle trips, a single-family detached house will have 9.52 trips/day (ITE Gen Data, 2017) while a townhouse will have between 5.8 (ITE Gen Data, 2017) to 8.5 trips/day (other studies). Currently, there are eleven single detached homes from the cul-de-sac to Oakhurst Road so it should be anticipated that on any given day, there are currently 104.7 trips/day. For the 20 new townhomes at either 5.8 (ITE Trip Gen Data, 2017) to 8.5 trips/day, this will mean an additional 116 to 170 trips/day; more than double the current number of trips/day along the entire Maplehill Drive and with subsequent impacts on Oakhurst Road and Willow Lane. This information is missing from the report.

The Traffic Brief does state in Section 5.0 Recommendations and Conclusions that “the proposed development will increase traffic volumes along Maplehill Drive.” A statement is made to the splitting of the traffic between Oakhurst and Willow Lane. Then it notes, based solely on ITE peak hour data, that the traffic volume increase is not significant. However, the

document does not provide any current volume data for the existing neighbourhood traffic. There is no comparable information from other traffic engineering studies or is there any statistical analysis on the significance of the increase of traffic volume. **The only vehicle count data is for Dynes Road of 2, 100+ vehicles so an increase of 116 to 170 trips/day may be less significant as it would only account for an increase of about 7 % rather than the 142% on Maplehill Drive and adjacent local / neighbourhood streets.**

Therefore, the Traffic Brief and staff report fail to indicate the extent of the increase of the traffic volumes of more than double the current vehicle use and given these impacts provides for no mitigation including, but not limited to, the density of the development.

b. Total Number of Vehicles and Parking Requirements

Part 1, Subsection 2.25 “Off Street Parking and Loading Requirements” of By-law 2020 specifies the parking requirements for a street townhouse dwelling or townhouse dwelling. For a street townhouse dwelling, the minimum parking standard is 2 spaces per unit and for a townhouse dwelling the minimum parking standard is 2 occupant spaces per unit and 0.50 visitor spaces per unit. The by-law also provides for a minimum depth of the garage of 5.5metres (18 feet) including some storage space.

Based on the revised number of townhouses, this means there is a requirement for, at minimum, 40 parking spaces for the 20 townhomes proposed development which could be accommodated in garages and driveways. However, the driveways along the north side of the parcel are over 8 metres (26 feet) in length so for these townhomes there could be as many as three cars per townhouse dwelling (also consequently affecting the traffic volumes) or a maximum total of 60+ vehicles. Without enforcement by the City, there is nothing that can be done to limit the number of vehicles in the proposed development once it is constructed and sold to the new homeowners.

According to Subsection 2.26, the revised plan also indicates 0.50 visitor spaces per unit or 10 visitor parking spaces for the 20 townhomes. Table 1.2.7 also indicates that one accessible parking space is to be provided for every 5 to 50 visitor parking spaces. **There is no clause to state that the accessible parking space is to be one of the ten visitor parking spaces so we are concerned there is one less visitor parking space. Again, unless enforced by the City or the townhome residents, there are no restrictions to who uses these visitor parking spaces (i.e. could be used by residents as additional dwelling unit parking spaces). With no on-street parking, parking could occur on the cul-de-sac or other portions of Maplehill Drive.**

c. Speed of Vehicles

The Traffic Brief indicates the speed limit is 50 km/hr (31 miles/hr). According to City staff, most residential streets are too short to allow a vehicle to gain sufficient speed to reach this unposted speed. However, again, there are no comments from the consultant regarding possible impacts or of the mitigation methods that could be provided given the additional length of road or number of vehicles. In reviewing By-law 86-2007, the same length of Dynes

Road between Woodward Ave. and Oakhurst Rd. is only 40 km/hr (25 miles/hr). We are now aware that Dynes Rd., in its entirety, will soon be only 40 km / hr. (25 miles/hr) yet this unposted neighbourhood being is 50 km / hr (31 miles/hr).

4. **Noise Impacts** – The consultant’s Noise Impact Report did not even consider off-site impacts from noise posed by the development or of traffic from the development.

Summary and Request

Given the comments above, we seek the Committee’s and Council’s opposition of the proposed Official Plan Amendment and Zoning By-law Amendment. Should a deferral be provided, we would further seek the City retain, at the developer’s expense, the following external experts prior to any decision on the subject development applications.

1. A lawyer to provide legal advice regarding the use of the deeded right-of-way through the Ebenezer Reformed Church property or more appropriately a Court decision regarding the legality of the right-of-way.
2. A Professional Engineer with traffic experience and a Transportation Planner, to review the Traffic Brief given the information provided in our letter with respect to the Institute of Traffic Engineer’s Trip General Manual for potential number of trips generation throughout the day and a framework of a Traffic Impact Guidelines regarding neighbourhood streets. This review should include a limit to the number of development units to lessen the impacts and impose improvements to add increased safety for the residents in the existing neighbourhood should approval be given for access onto Maplehill Drive.

Thank you for the opportunity to provide comments on the above-noted proposed Official Plan Amendment and Zoning By-law Amendment (see other letters dated Oct. 28/16 and Jan. 5/17). As property owners on Maplehill Drive, we respectfully request a copy be provided to us of any further reports, notification of any further meetings with an appropriate notice period and the notice of decision of the Planning and Development Committee or related committee or Council meeting regarding the proposed development. Should you have any questions, please contact us at [REDACTED] or via e-mail at either [REDACTED] or [REDACTED].

Regards,

Marsha and Marrienne Paley
(on behalf of the Estate of Paul Paley and family)

cc: Mayor Rick Goldring and Members of Council
City of Burlington Clerk’s Department
Melissa Morgan, Planner II

Attachment 1: List of Possible Adverse Impacts

A. Landowners on Willow and Oakhurst:

- traffic (speed, number of vehicles, number of trips, timing)
- safety of children playing / pedestrians and being able to pull out or back out from driveways
- vehicle lights into houses as turning onto other streets or stopping
- noise (no longer quiet enjoyment of property in established neighbourhood)
- road dust

B. Landowners on Woodward Avenue:

- privacy of neighbouring homes/backyards (due to height of townhomes, number of rear windows or balconies/decks, possible shadowing)
- noise (no longer quiet enjoyment of property in established neighbourhood)

C. Landowners on Maplehill Drive:

- traffic (speed, number of vehicles, number of trips, timing)
- safety of children playing / pedestrians and being able to pull out or back out from driveways
- width of access and impacts on driveways (of two cul-de-sac houses)
- parking overflow from development onto Maplehill Drive
- privacy of neighbouring homes/backyards (due to height of townhomes, number of rear windows or balconies/decks, possible shadowing of adjacent homes)
- snow storage at end of Maplehill Drive (adjacent homes)
- noise (no longer have quiet enjoyment of properties in established neighbourhood)
- vehicle lights into houses as turning onto other streets or stopping
- road dust
- emergency vehicle access

D. Landowners on Dynes Road

- additional traffic from Willow Lane/Oakhurst onto Dynes Road
- vehicle lights into houses as turning onto other streets or stopping

Generally other additional issues or causes of impacts above, are due to:

- questionable conformity with Provincial legislation/City of Burlington's Strategic and Official Plan
- the density /intensification of proposed townhomes
- lack of guideline framework and appropriate information regarding traffic impacts and mitigation
- number of vehicles per townhome and visitor parking spaces
- snow storage internal to development and at the end of Maplehill Drive
- deeded access across church property - legal use vs. permissive use
- previous decisions made on similar developments (Dynes Road etc.)
- affordability

Attachment 2: Photo of Right-of-Way (Sunday, April 1, 2018)

