

- SUBJECT: Official plan and zoning by-law amendments for 2421 and 2431 New Street
- TO: Planning and Development Committee

# FROM: Department of City Building - Planning Building and Culture

Report Number: PB-05-19

Wards Affected: 2

File Numbers: 505-02/18 and 520-02/18

Date to Committee: January 15, 2019

Date to Council: January 28, 2019

#### **Recommendation:**

Receive and file department of city building report PB-05-19 regarding official plan and zoning by-law amendments for 2421 - 2431 New Street.

# Purpose:

The purpose of this report is to provide background information for the Statutory Public Meeting for this development application.

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

A City that Grows

- Intensification
  - 1.2 g) Intensification is planned so that growth is financially sustainable and so new infrastructure needed to support growth is paid using all financial tools available to have development pay for growth infrastructure.
- Focused Population Growth
  - 1.3 a) Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomers and young families and offers a price range and mix of housing choices.

# **REPORT FACT SHEET**

RECOMMENDATIONS:		None; For Information Only		Ward No.:	2
Application Details	APPLICANT:		Weston Consulting		
	OWNER:		TRG (New-Guelph) Inc.		
	FILE NUMBERS:		505-02/18 and 520-02/18		
	TYPE OF APPLICATION:		Official Plan and Zoning By-law amendments		
	PROPOSED USE:		Two (2) joined eleven (11) storey buildings comprised of a 223 geared to seniors retirement units in the west building and a 139 residential units in the east building.		
Property Details	PROPERTY LOCATION:		North of New Street, west of Guelph Line		
	MUNICIPAL ADDRESSES:		2421 & 2431 New Street		
	PROPERTY AREA:		0.7 ha		
Pro	EXISTING USE:		Commercial		
Documents	OFFICIAL PLAN Existing:		Neighbourhood Commercial		
	OFFICIAL PLAN Proposed:		Residential – High Density		
	ZONING Existing:		Neighbourhood Commercial (CN1) zone		
	ZONING Proposed:		RH4- with site specific exceptions		
Processing Details	NEIGHBOURHOOD MEETING:		May 16, 2018		
	PUBLIC COMMENTS:		Staff have received 3 comment sheets, 2 letters and 6 emails Note: Some residents sent multiple letters		

# **Background and Discussion:**

On February 2, 2018 the department of city building received an application for an official plan and zoning by-law amendment for 2421-2431 New Street. On February 22, 2018 Planning Staff acknowledged that the application submitted was complete. The application proposed two joined 11 storey buildings comprised of 223 units geared to seniors living in the west building, and 139 residential units in the east building. The location of the subject lands is illustrated in Appendix A to this report. A detail sketch of the development proposal is provided in Appendix B.

## **Site Description**

The subject properties, known as 2421 and 2431 New Street are located on the north side of New Street, west of Guelph Line. Currently the subject property is occupied by three separate low-rise commercial/retail buildings, one being a stand-alone restaurant on the south-east corner of the lot. Access to the subject property is currently provided from three driveways off New Street. The subject land is generally rectangular in shape, has a combined area of approximately 0.7 hectares and has approximately 80 meters of frontage along New Street.

Surrounding land uses are:

- North: Single detached dwellings along the cul-de-sac known as Karen Drive.
- West: Directly west of the property along New Street is a 6-storey residential condominium apartment building and further west is a 3-storey residential apartment building zoned Residential High Density (RH1) zone.
- South: The south side of New Street is zoned Residential High Density (RH1) zone and is developed with four 4-storey apartment buildings, and RH1-443 zone and is developed with two 11-storey apartment buildings. The south-east corner of New Street at Guelph Line is currently zoned Neighbourhood Commercial (CN1) zone and is developed with a commercial plaza.
- East: A gas station abuts the subject property to the east and is zoned Neighbourhood Commercial (CN1) zone. Roseland Plaza is located approximately 150 metres further east, at the north-east corner of Guelph Line and New Street and contains a large variety of commercial and retail uses.

## **Description of Application**

Weston Consulting, on behalf of TRG (New-Guelph) Inc., has made an application for an Official Plan Amendment and Zoning By-law Amendment for the subject lands. These applications have been made to permit the development of two joined 11 storey buildings comprised of 223 seniors housing units in the west building (including 32 memory care units), and 139 residential units in the east building. The buildings are proposed to be joined on the 6<sup>th</sup> and 7<sup>th</sup> floor, with the 7<sup>th</sup> floor being exclusively used for the 32 memory care units. Both buildings will be terraced down to 6 storeys at the north abutting the adjacent single detached houses. The development proposes a combination of underground and surface parking, with 309 spaces provided in two levels of underground parking, and 10 spaces provided at grade. Vehicles are proposed to enter the site from a single entryway off New Street, to be located between the two proposed buildings. The applicant has proposed that the street level of the development be used for indoor amenity area for each building. The proposal indicates 5,991m<sup>2</sup> of combined indoor and outdoor amenity area (2,474m<sup>2</sup> indoor and 3,517m<sup>2</sup> outdoor).

In order to facilitate the proposed development, the applicant has submitted applications for Official Plan Amendment and Zoning By-law Amendment. The Official Plan Amendment application seeks to redesignate the lands from the Neighbourhood Commercial designation to the Residential – High Density designation. The Zoning By-law Amendment application seeks to rezone the lands from the Neighbourhood Commercial (CN1) zone to Residential High Density (RH4) zone with site-specific provisions. The site-specific provisions requested include reductions to parking, increase to the permitted density and to revise the development standards as necessary to permit the development as proposed.

# **Technical Reports**

The following documentation and plans were submitted in support of the application. This information can also be accessed online at: <u>www.burlington.ca/2421NewStreet</u>.

- Planning Justification Report. Prepared by Weston Consulting, dated December 2017.
  - This report discusses the merits of the development with respect to provincial, regional, and local policy and regulation. The author concludes that the proposal represents good planning as it seen to align with the current planning policies and supports the City of Burlington's intensification targets.
- <u>Urban Design Brief</u>. Prepared by Weston Consulting & WZMH Architects, dated December 13, 2017.
  - This document addresses the proposal with respect to the architectural details, public realm elements, and contains an analysis of the sunshadow study.
- <u>Architectural Drawings</u>. Prepared by WZMH Architects, dated December 13, 2017.
  - This drawing set includes the site plan and building statistics, floor plans, building elevation and cross-section, as well as a 45 degree angular plane diagram.
- **<u>Building Height Survey</u>**. Author unknown. Dated October 24, 2017.
  - Provides the heights of the existing buildings on the property, as well as buildings in the surrounding area.

- <u>Sun/Shadow Analysis</u>. Prepared by WZMH Architects, dated December 13, 2017.
  - Drawing set showing the sun shadow cast by the proposal in the months of June, March and December.
- **Boundary Survey.** Prepared by KRCMAR, December 8, 2017.
  - Depicts existing built structures and property boundaries for the site.
- <u>Topographical Survey</u>. Prepared by KRCMAR, December 8, 2017.
  Depicts the existing grade points of the site.
- <u>Functional Servicing & Stormwater Management Report</u>. Prepared by C.F. Crozier & Associates, dated December 2017.
  - The report recommends that the existing watermain and sanitary sewer infrastructure on New Street is capable of servicing the proposal. Stormwater is to be treated on-site and outlet into the existing storm sewer on New Street.
- <u>Site Servicing and Grading</u>. Prepared by C.F. Crozier & Associates, dated December 2017.
  - Plans depicting the proposed grading and infrastructure servicing for the site.
- <u>Geotechnical Report</u>. Prepared by The Rousseau Group Inc., dated December 21, 2017.
  - Provides an analysis of the sub-surface conditions of the property with respect to the proposed development.
- <u>Landscape Plan</u>. Prepared by MSLA (Marton Smith Landscape Architects), November 2017.
  - Depicts the planned landscaping and surface treatments for the proposed development.
- <u>Tree Preservation Plan</u>. Prepared by MSLA (Marton Smith Landscape Architects), October 24, 2017.
  - Depicts 2 city trees and 70 private/boundary trees. All trees shown are to be preserved.
- Parking Justification Study. Prepared by C.F. Crozier & Associates Inc., dated December 2017.
  - The report concludes that while the proposed total of 319 parking spaces for the development is deficient to the City's required number of spaces in the Zoning By-law and recommended parking rates in the "Burlington City-Wide Parking Standards Review" by IBI Group, it is adequate for the use of the building for a seniors residence and multi-unit residential.
- Traffic Impact Study. Prepared by C.F. Crozier & Associates Inc., dated December 2017
  - The study concludes that the proposed development is forecasted to generate approximately 96 and 112 total two-way trips in the a.m. and p.m. peak hour, respectively, and that site traffic to the surrounding road network is not anticipated to significantly impact traffic operations.
- Noise Assessment. Prepared by RWDI, dated November 27, 2017.
  - Proposed noise levels are feasible with required provision for adding central air conditioning at the occupant's discretion, and the inclusion of

warning clauses in all development agreements, offers of purchase and agreements of purchase and sale or lease.

- Phase 1 Environmental Site Assessment & Phase 2 Environmental Site Assessment. Prepared by S2S Environmental Inc., dated January 2017. <u>Revised Phase 1 Environmental Site Assessment</u> & <u>Revised Phase 2</u> <u>Environmental Site Assessment</u>. Prepared by EXP Services Inc., dated January 2018.
  - Revised documents provide a discussion of soil and ground water conditions on the site. Further investigation may be required.
- <u>Wind Study</u>. Prepared by RWDI, dated December 12,2017.
  - Wind conditions on the front entrances and building corners along New Street are anticipated to be higher than desired in the winter months. Suggested mitigation using windscreens, coniferous landscaping, or corner canopies.
- <u>Waste Management</u>. (see p.13-14 of Planning Justification Report).
  - Garbage will be stored in the underground parking area and bins are to be moved above ground on collection day to a garbage pad at the north end of the building.

# **Policy Framework:**

The application is subject to the following policy framework: The Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2017), the Halton Region Official Plan, the City of Burlington Official Plan and Council adopted Official Plan: Grow Bold, and the City of Burlington Zoning By-law 2020. Analysis of conformity with applicable policies from these documents will be addressed in the subsequent recommendation report. This report will provide an overview of the abovenoted policy framework as it relates to the development application.

## **Provincial Policy Statement (PPS) 2014**

The Provincial Policy Statement (PPS) is intended to provide broad policy direction on matters of land use and development that are of provincial interest. The PPS provides policies for development based on efficient use of land and infrastructure, protection of natural resources, and residential and employment area development including a range and mix of uses. The PPS requires that settlement areas shall be the focus of growth and development. Decision affecting planning matters made on or after April 30, 2014 "shall be consistent with" the PPS.

## Growth Plan for the Greater Golden Horseshoe, 2017

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) was updated in 2017 and the revised plan came into effect on July 1, 2017. The Growth Plan provides

specific growth management policy direction for the Greater Toronto and Hamilton Area 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 in order to support growth in an efficient and well-designed form.

# Halton Region Official Plan

The subject lands are designated as "Urban Area" in accordance with the Halton Region Official Plan (ROP). The Urban Area objectives promote growth that is compact and transit supportive. This land use designation also encourages intensification and increased densities. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Halton Region Official Plan.

# City of Burlington Official Plan

The subject lands are designated as "Neighbourhood Commercial" in the City's Official Plan. The objective of this designation is to provide opportunities for limited commercial centres within, and at the periphery of residential neighbourhoods in locations that meet residents' day-to-day and weekly goods and service needs.

This development application seeks to redesignate the property to the Residential – High Density designation. The Official Plan states that residential development and residential intensification is encouraged within the Urban Planning Area in accordance with the Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods. In the Residential – High Density areas, either ground or non-ground oriented housing units with a density between 51 and 185 units per net hectare shall be permitted.

Furthermore, the Official Plan provides direction that the supply and integration of seniors housing shall be encouraged throughout the City. The 32 proposed memory care units may be considered as Special Needs Housing, and the Official Plan states that these units may be exempt from the calculation of density if they do not have full culinary and sanitary facilities. The intention of this policy is to recognize that while the function of the units is residential, they are providing an institutional use.

# New City of Burlington Official Plan: Grow Bold (Council Adopted)

On April 26, 2018 Council adopted Grow Bold: Burlington's New Official Plan. The plan is currently under review by the Halton Region and is not yet in force and effect. However, the document can be used as an additional layer of analysis when reviewing

development applications.

Grow Bold identifies the subject lands on the following schedules as:

- Urban Area Schedule A, City System
- Mixed Use Node and Intensification Corridor Schedule B, Urban Structure
- Secondary Growth Area Schedule B-1, Growth Framework
- Secondary Mobility Hub Connector (New Street) Schedule B-2, Growth Framework and Long Term Frequent Transit Corridor; and,
- Neighbourhood Centre Schedule C, Land Use Urban Planning Area

The following sections of Grow Bold apply to the proposed development at 2421 and 2431 New Street:

#### Mixed Use Nodes and Intensification Corridors

Lands identified as Mixed Use Nodes are areas that have concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas. Nodes are often located where two or more transit routes intersect. Lands identified as Intensification Corridors contemplate street-oriented uses with a mix of commercial, residential and employment uses, including designated employment uses, developed at overall greater intensities. Intensification Corridors are intended to serve as important transportation routes along arterial roads and frequent transit corridors.

Mixed Use Nodes and Intensification Corridors will be a focus of re-urbanization. While these areas vary widely, they will be guided by the more detailed, underlying land use designations specified in the Plan. Some areas will be planned to evolve with higher residential intensities and a full mix of uses, while others may permit a more limited range of employment-oriented permitted uses, both designed to achieve their planned function. These areas will support the frequent transit corridors and provide focal points of activity and a vibrant pedestrian environment. They are areas that will facilitate active transportation through careful attention to urban design, enhancing the opportunities for the location of public service facilities and institutional uses.

The City will ensure that the development of Mixed Use Nodes and Intensification Corridors lands is compatible with adjacent uses, mainly residential. The design and development of these lands will create and maintain a special community identity and locations for a variety of city-wide, community and neighbourhood functions, generally within mid-rise and tall building forms, as described by the applicable land use designations.

#### Secondary Growth Areas

Secondary Growth Areas shall be recognized as a distinct area within the city's Urban Area accommodating growth in accordance with the permissions and densities of the current land use designations of the Plan. These are areas expected to transition over the planning horizon and beyond and will not result in a significant relocation of planned growth outside of the Primary Growth Areas. Secondary Growth Areas shall be limited to a maximum of mid-rise building form, unless otherwise permitted by the policies of the Plan.

#### Neighourhood Centre

Neighbourhood Centres provide locations in the city that will serve as areas of concentration for mixed use development in a compact built form, including pedestrian oriented, small and medium-scale retail and service commercial uses, office uses, residential uses, public service facilities and open spaces. Neighbourhood Centres serve as a focal point for community activities within and at the periphery of residential neighbourhoods in locations that meet residents' day-to-day and weekly goods and service needs. These are intended to be vibrant and attractive places with increased day and night activity through the introduction of residential development and the integration of uses and open spaces. Development within this designation will be required to contribute to more walkable communities by providing an attractive and accessible pedestrian environment with internal links and connections to adjacent residential neighbourhoods and employment areas, where possible.

Any proposed development of sites designated Neighbourhood Centre shall retain the planned commercial function of the node to the satisfaction of the City.

The City will encourage a minimum building height of two (2) storeys and the maximum building height shall not exceed 6 storeys in a Neighbourhood Centre. However, to ensure compatibility with adjacent residential neighbourhoods, the maximum height of 6 storeys may not be permitted on sites that are small in size, have insufficient lot depth, are adjacent to areas designated as Residential Low-Density, or front local streets.

Taller buildings up to a maximum height of 11 storeys may be permitted for a proposed development through a site-specific Zoning By-law amendment, provided that there is a significant reduction of at grade parking, the commercial function of the site shall be retained, and impacts as a result of the increase in height are mitigated on public sidewalks, public open spaces and adjacent uses.

#### Special Needs Housing

Assisted and special needs housing shall be permitted throughout the city, but shall be directed and encouraged to locate within the Urban Area, where public transit, retail and public service facilities are readily accessible.

Notwithstanding the other provisions of this Plan, the Zoning By-law may exclude assisted and special needs housing containing dwelling units without full culinary and sanitary facilities from the density provisions of this Plan.

# City of Burlington Zoning By-law 2020

The subject property is zoned Neighbourhood Commercial (CN1) in the City of Burlington's Zoning By-law No. 2020. The CN1 zone permits various uses including retail, service commercial, office, community, automotive, entertainment & recreation, and residential uses in buildings up to 3 storeys in height.

The Zoning By-law Amendment proposes to rezone the property to Residential High Density (RH4). The RH4 zone permits apartment buildings, stacked and back-to-back townhouse, street townhouses, as well as retirement homes. The applicant has proposed certain site specific zoning regulations for the development. A summary of the proposal with respect to the RH4 zoning regulations is provided in the following table:

Regulation	Required (RH4 Zone)	Requested	Site Specific Required?
Front Yard	7.5m +1m for each storey above 6 (15m	1m provided to balcony	Yes
	max.) = 12.5m	3m provided to building	
Side Yard	<sup>1</sup> / <sub>2</sub> height of building + 1m for each 5m wall length exceeding 30m	7.5m	Yes
	= 26m		
Yard abutting R2	6 storeys: 15m	18.7m	No
(rear yard)	11 storeys: 21m	37.5m	
Density (excluding Retirement home)	150 units per ha. max	272 units per ha.	Yes
Floor Area Ratio	1.25:1	2.4:1	Yes
(retirement home)			
Height	12 storeys	11 storeys plus mechanical penthouse	No
Amenity Area	15m <sup>2</sup> /efficiency	5991m <sup>2</sup>	Yes
	20m <sup>2</sup> /bedroom	16.5m <sup>2</sup> /unit	
	=10,210m <sup>2</sup>		

Landscape Area	6m abutting New St.	3m	Yes
Landscape Buffer	6m abutting R2	3m	Yes
Parking	Retirement Home: 167.25	319 spaces	Yes
	Hospital/Health Care: 20.8		
	Apartment: 233		
	Total: 421 spaces		
Enclosed occupant parking	75%	100%	No

# **Technical Review**

The Official Plan and Zoning By-law Amendment applications and supporting documents were circulated for review to internal departments and external agencies in February 2018. The following is a summary of the agency comments that have been received to date:

#### **Burlington Hydro**

Burlington Hydro has advised that the capacity is not available on the existing 4160 Volt overhead power line along New Street to accommodate the required hydro service for this proposal. A significant hydro modification will need to be completed to make adequate service available for the proposed buildings at 2421 & 2431 New St. All of the required modifications to the existing hydro system shall be at the customer's expense.

## Site Engineering

Site Engineering staff have reviewed the application and require additional information from the applicant before making a recommendation. More information is needed about the noise impacts on the proposed development, the management of potential contamination on site, and updates to the stormwater management scheme and geotechnical study are required.

## **Urban Forestry**

The urban forestry section of Capital Works has no objections to the application and advises that there are two city trees (Linden Tree and Freeman Maple) adjacent to site located at the east and west corners of the property. These trees will not be impacted by the construction activities required for the development. The cedar hedges at the

rear of the property are shown within proximity of a proposed paved asphalt area. In a future resubmission, the applicant will need to clarify if these will remain, and if so, how they will be protected during construction.

## Transportation

Transportation staff have reviewed the application and have requested that the applicant improve pedestrian safety and connectivity to and from the site, provide bicycle parking spaces near the main entrances, ensure that surface parking is for visitor parking only, and revise the site plan drawings to show more detailed vehicle movement and parking information.

## **Halton Region**

Formal written comments from Halton Region have not yet been received.

# **Financial Matters:**

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

# Public Engagement Matters:

# **Public Circulation**

The application was subject to the standard circulation requirements. A public notice and request for comments were circulated in February 2018 to surrounding property owners/tenants. A notice sign was also posted on the property, which depicted the proposed development. All technical studies and supporting materials were posted on the City's website at <a href="https://www.burlington.ca/2421NewStreet">www.burlington.ca/2421NewStreet</a>.

# **Neighbourhood Meeting**

A neighbourhood meeting was held on May 16, 2018 at the Burlington Senior's Centre and was attended by approximately 24 members of the public, the applicant and their consulting team, City staff, the Ward 2 councillor, as well as ward councillor candidates. Comments received at this meeting included:

- Parking: Concern about where guest parking will be located on site
- Compatibility with single detached homes in the rear
  - o Concern about overlook into private rear yards

- Concern about sun shadow during morning hours
- Want to ensure that stormwater will not drain onto surrounding properties
- o Concern about proposed waste collection area at the north-east corner
- Traffic safety for seniors:
  - New Street and Guelph Line is a busy intersection. Will there be a plan to increase safety for seniors crossing?
- Site contamination:
  - How will the on-site contamination be dealt with to ensure that it doesn't migrate onto surrounding properties?
- Noise:
  - Concern about noise related to waste pick-up at the rear of the property.
  - Concern about the noise related to the mechanical penthouse on the roof
- Development:
  - Concern that the increased height and density will set an area precedent
  - The front setbacks are too small and give the impression of walking up against a large wall
  - Interest in when the proposed units will be for sale.
  - Concern about timelines in relation to private leases for the existing commercial tenants of the property.

## **Public Comments**

Since the subject applications were submitted in February 2018, planning staff have received correspondence from members of the public regarding the proposed development.

The Burlington Sustainable Development Committee (SDC) has provided comment that they support the application and have provided recommendations for improvement. The recommendation includes improving the sustainability of building materials, providing vehicle sharing on site, enhanced landscaping and walkways on site, increased amenity area for residents, accommodation for cyclists using the property, inclusion of commercial space, and larger (3 bedroom) units for families. Complete comments from the SDC are included as Appendix C. to this report.

Staff have received 3 public comment sheets, 2 letters, and 6 emails with regard to this application. These public comments are included in Appendix D. One comment sheet was provided in support of the application. Generally, the public concerns expressed in the comments received are consistent with those heard at the neighbourhood meeting. The following additional concerns have also been raised:

- concern about increased traffic congestion on roads and vehicle turning into and out of the property
- concern about loss of neighbourhood commercial and retail space for nearby residents, and loss of walkability in neighbourhood
- concern that the parking proposed is not adequate for the site, and that parking could overflow onto Beverley Drive
- concern that the pedestrian realm on New Street will be negatively affected by the reduced building setback proposed in relation to the height of the building, and that greater building setback is needed
- concern about impact on local sewer capacity
- perception that the building design is not attractive, too large for the property, and that the height is not compatible with the community

# **Next Steps:**

Following the technical and public circulation of the development proposal, the applicant indicated that they would review the feedback received and submit a revised concept plan to address the issues raised. To date, the updated materials have not been submitted. The Statutory Public Meeting has been scheduled in the interest of moving the application forward and providing Committee members with an opportunity to discuss the file.

Once revised material has been submitted and reviewed, a recommendation report will be prepared and presented to Committee.

# **Conclusion:**

This report provides a description of the development application, an update on the technical review of the application and advises that several public comments have been received. A subsequent report will provide an analysis of the proposal in terms of the applicable planning policies and will provide a recommendation on the proposed application.

Respectfully submitted,

Lauren Vraets Planner II – Development Review Page 15 of Report PB-05-19

905-335-7600 ext. 7536

# **Appendices:**

- A. Location Sketch
- B. Detail Sketch
- C. Sustainable Development Committee Comments
- D. Public Comments

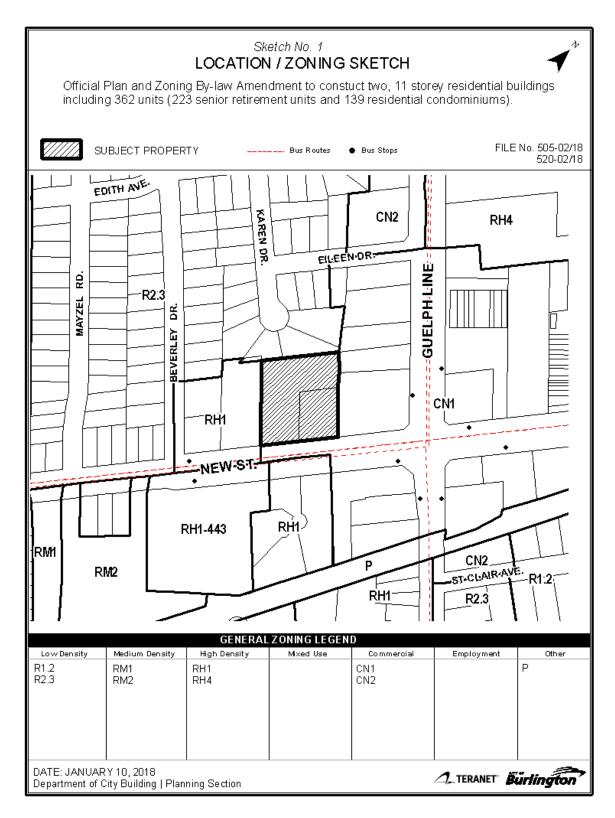
## **Notifications:**

Martin Quarcoopome, Weston Consulting (Agent)

# **Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.





Appendix B – Detail Sketch

