



SUBJECT: Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision at 2294 and 2300 Queensway Drive

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-31-22

Wards Affected: 2

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

Date to Committee: May 3, 2022

Date to Council: May 17, 2022

Recommendation:

Approve the applications for Official Plan Amendment and Zoning By-law Amendment, as modified by staff in community planning department report PL-31-22, to permit 16 standard townhouse units and 8 back-to-back townhouse units; and

Approve Official Plan Amendment No. 127 to the City of Burlington Official Plan, as provided in Appendix B of community planning department report PL-31-22, to redesignate the subject lands "Residential – Medium Density with site specific policy", to permit a townhouse development consisting of 16 standard townhouse units and 8 back-to-back townhouse units; and

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

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 127 as contained in Appendix B of community planning department report PL-31-22; and

Approve Zoning By-law 2020.440, attached as Appendix C of community planning department report PL-31-22, rezoning the lands at 2294 & 2300 Queensway Drive from "H-RM2" to "H-RM3-513"; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 127 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 127 is adopted; and

Direct the Director of Community Planning to grant draft subdivision approval for an application for a residential plan of subdivision at 2294 & 2300 Queensway Drive consisting of 24 lots, a common element road, and common element condominium blocks representing the deemed width of Queensway Drive, as shown in Appendix A of community planning department report PL-31-22, subject to the conditions contained in Appendix D of community planning department report PL-31-22, after the associated amending zoning by-law comes into effect.

PURPOSE:

The purpose of this report is to provide information concerning applications for an official plan amendment, zoning by-law amendment and a plan of subdivision to allow the development of 24 townhouse units on a private road at 2294 & 2300 Queensway Drive and recommend modified approval of the subject applications.

Vision to Focus Alignment:

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

- *Increase economic prosperity and community responsive city growth*
 - The subject applications will facilitate the development of a townhouse development and an increase in housing options in a location that has easy access to transit service, goods and services.
- *Building more citizen engagement, community health and culture*
 - The development includes an appropriate amount of amenity space to meet the needs of the future residents of the development. The subject site is also within a 10-minute walk of Queensway Park.

Executive Summary

RECOMMENDATION:		Modified Approval	Ward:	2
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	Waggy Inc. Same as above 505-05/19, 520-10/19 & 510-02/19 (24T-19002/B) Official Plan Amendment, Rezoning & Plan of Subdivision Three standard townhouse buildings containing 18 units, and one back-to-back townhouse building with 8 units (24 units total).		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	South side of Queensway Drive, between Brant Street and Clela Street 2294 & 2300 Queensway Drive 0.4 ha Low density residential		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: NEW OFFICIAL PLAN Existing: ZONING Existing: ZONING Proposed:	Residential – Medium Density Residential – Medium Density, with site-specific policy permitting a maximum density of 68 units per net hectare. Residential – Medium Density H-RM2 RM3-exception		
Processing Details	APPLICATION RECEIVED: STATUTORY DEADLINE: STATUTORY PUBLIC MEETING: NEIGHBOURHOOD MEETING: PUBLIC COMMENTS:	December 10, 2019 April 8, 2020 (120 days) March 10, 2020 May 28, 2019 4 comments received from 3 households (91 notices sent) and Burlington's Sustainable Development Committee.		

Background and Discussion:

General

On December 11, 2019, the Community Planning Department acknowledged that complete applications had been received to amend the Official Plan and Zoning By-law and for a Plan of Subdivision at 2294 & 2300 Queensway Drive to support the redevelopment of the subject lands with a townhouse development. The applications originally proposed 25 townhouse units. The most recent submission proposes 24 units.

The purpose of this report is to provide an overview of the applications, an outline of applicable policies and regulations, and a summary of technical and public comments that have been received and staff's opinion with respect to these applications. This report contains background information, a detailed policy analysis and a staff recommendation.

Site Description & Surrounding Land Uses

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

Land uses surrounding the site include:

- **North:** Queen Elizabeth Way (QEW)
- **South:** low-density residential (one to two storey detached houses)
- **West:** retail commercial immediately adjacent to the site at 2290 Queensway Drive (also known as Balsam Lodge; it is a listed property on the Municipal Heritage Register)
- **West:** medium-density residential (two-storey fourplex building)



Figure 1 – Air photo (2021) with the subject property outlined

Transit stops, stations and routes near the site include:

- Fairview Street and Drury Street approximately 900 m (11-minute walk) to the south, serving Burlington Transit Routes 1, 6, 50, 51, 80, 81
- Guelph Line and Queensway Drive/Harvester Road 900 m (11-minute walk) to the east, serving Burlington Transit Routes 3, 6, 52, 81
- Burlington GO Station (south platform) approximately 1.2 km (15-minute walk) to the southwest, serving Burlington Transit Routes 2, 6, 10, 12, 50, 51, 52, 80, 81, 87, and the GO Lakeshore West Line
- Fairview Street at Burlington GO, approximately 1.3 km (17-minute walk) to the southwest, serving Burlington Transit Route 1

Nearby transit routes represent most Burlington Transit's routes and provide connections to a wide range of activities and areas within the city's urban area, including employment areas, shopping centres and community centres.

Description of Applications

As shown on the Concept Plan in Appendix A, the applicant proposes to develop the lands with three, 3-storey standard townhouse buildings (Buildings 1-3) on a future common element road, and one 3-storey back-to-back townhouse building (Building 4) with direct access to Queensway Drive.

A total of 24 townhouse units are proposed (8 back-to-back units and 16 standard townhouse units). All the units are proposed to have two bedrooms except for one three-bedroom unit. Private amenity areas are proposed to be provided in the form of balconies and rooftop patios for each back-to-back unit, and private backyards for each traditional townhouse unit. A common outdoor amenity area, located in the southeast corner of the site, is also proposed. The proposed development has a density of approximately 67.4 units per net hectare.

To facilitate the development, the applicant has applied to amend the Official Plan with a site-specific policy within the existing designation to permit a density of 68 units per net hectare.

The applicant has also applied to rezone the lands from "Residential – Medium Density with a Hold" (H-RM2) to "Residential Medium Density with a Site-Specific Exception" (RM3-exception). The proposed site-specific exception relates to building height, setbacks, maximum density and landscape buffers.

A plan of subdivision has also been submitted to create 24 lots for the proposed townhouse units, a block for a future common element road and amenity area, and six blocks representing the deemed width of Queensway Drive.

Processing History & Supporting Documents

On March 10, 2020, a Statutory Public Meeting for the subject applications was held and staff report PL-17-20 was presented to the Community Planning, Regulation and Mobility Committee. The staff report recommended refusal of the application due to shortened processing timelines under Bill 108 and concerns regarding:

- Building and critical site infrastructure proposed within 7.5 m of the front property line, whereas a 7.5 m block from the property line at Queensway Drive is required by City Transportation staff and the Ministry of Transportation of Ontario (MTO) to be kept free of buildings and site-critical infrastructure, for the purpose of protecting for future widenings of the QEW and the deemed width of Queensway Drive.
- Compatibility of the proposed development with the surrounding neighbourhood
- Safety and accessibility of the common amenity area
- Feasibility of the proposal to meet stormwater management, noise and fire-route/Ontario Building Code standards, and accommodate necessary site features (e.g. hydro transformers, landscape buffers, visitor parking, garbage storage and pick-up)
- Suitability of lands for proposed residential use from site contamination and noise compatibility perspectives
- Lack of supporting information about impacts to existing public and private trees

On April 20, 2020, Council passed a recommendation to refer the report back to staff and direct staff to work with the applicant on a revised plan.

Following the Council meeting, staff and the applicant met on numerous occasions to discuss the above concerns. Revised documents were subsequently submitted by the applicant in January 2021, April 2021, November 2021, and March 2022.

Site design changes made by the applicant since the initial submission include:

- All buildings and necessary site infrastructure have been relocated outside the required 7.5 m setback from the current front property line
- The number of proposed townhouse units has been reduced from 25 to 24 units
- The back-to-back units facing Queensway Drive now have direct driveway access onto Queensway Drive
- Second storey decks for the standard townhouses have been replaced with walkout decks off the first floor garage
- Grading of common amenity area has been revised so that is accessible without the need to traverse stairs
- Garbage room has been eliminated and private solid waste collection proposed
- Hydro transformers have been relocated to the north end of the site
- Driveway lengths for the back-to-back towns have increased to meet required minimum length

As will be discussed in more detail in this report, staff are of the opinion that the revised proposal addresses most of staff's initial concerns with the applications but recommend further modifications to ensure that the development is compatible with the surrounding neighbourhood and to ensure orderly development. These modifications relate to building height, landscape buffers and the depth of decks and patios.

Supporting Documents

All initial and revised supporting documents have been published on the City's website for the subject application, www.burlington.ca/2294Queensway.

The following is a chronology of the materials that have been received.

- **December 10, 2019:**

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

- [Building Height Survey](#), prepared by A.J. Clarke & Associates, dated August 16, 2019
- [Geotechnical Investigation Report](#), prepared by MTE Consultants Inc., dated June 13, 2019
- [Land Assembly Letter from Owner](#), dated August 8, 2019
- [Environmental Site Screening Questionnaire](#), completed by Applicant on August 9, 2019
- [Environmental Site Assessment – Phase I](#), prepared by MTE Consultants Inc., dated July 8, 2019
- [Environmental Site Assessment – Phase II](#), prepared by MTE Consultants Inc., dated July 26, 2019
- [Environmental Site Assessment – Reliance Letter](#), from MTE Consultants Inc., dated August 9, 2019
- [Applicant Official Plan Amendment & Rezoning Submission Cover Letter](#), dated November 20, 2019
- [Applicant Draft Plan of Subdivision Submission Cover Letter](#), dated November 20, 2019
- **January 11, 2021:**
 - [Site Plan, Floor Plans and Elevations](#), prepared by Icon Architects, last revised December 8, 2020;
 - [Response Letter from Architect](#), from Icon Architects, dated November 30, 2020
 - [Rendering of Gas Meter Locations](#)
 - [Landscape Concept Plans](#), prepared by Adesso Design Inc., dated December 1, 2020
 - [Amenity Space Landscape Concept Plan](#), prepared by Adesso Design Inc., dated December 1, 2020
 - [Response Letter from Landscape Architect](#), prepared by Adesso Design Inc., dated December 7, 2020
 - [Grading Plan](#), [Servicing Plan](#), [Cross-Section Drawings](#), prepared by MTE Consultants Inc., last revised September 30, 2019
 - [Noise Impact Study](#) and [Letter of Reliance](#) prepared by dBA Acoustical Consultants Inc., stamped by Registered Professional Engineer on October 23, 2020, and dated October 23 2020, respectively
 - [Blank Enbridge Gas Letter of Intent](#)
 - Engineering Response Letters dated [December 2020](#) and [July 2020](#) to City
 - [Engineering Response Letter to Halton Region](#), dated December 4, 2020
 - [Geotechnical Report](#) and [Letter of Reliance](#), both dated January 14, 2021
- **April 2021:**
 - [Functional Servicing and Stormwater Management Report](#), dated April 19, 2021
 - [Engineering Drawings](#) and [Response Letter](#), prepared by MTE Consultants Inc., last revised and dated April 19, 2021, respectively

- **November 5, 2021:**

- [Site Plan, Floor Plans and Elevations](#), prepared by Icon Architects, last revised October 19, 2021
- [Draft Plan of Subdivision](#) prepared by A.J. Clarke & Associates, signed by Surveyor on October 21, 2021
- [Parcel of Tied Land \(POTL\) Plan](#) prepared by A.J. Clarke & Associates, dated November 2, 2021
- [Planning Response Letter](#) (includes a Revised Zoning By-law Amendment), prepared by A.J. Clarke & Associates, dated November 5, 2021
- [Landscape Concept Plan](#), prepared by Adesso Design Inc., dated November 2, 2021
- [Arborist Report](#), prepared by Nate Torenvliet, Certified Arborist, dated September 14, 2021
- [Landscape Response Letter](#), prepared by Adesso Design Inc., dated September 15, 2021
- [Tree Preservation Plan](#), prepared by Adesso Design Inc., last revised November 2, 2021
- [Building Height Letter](#), prepared by Nicholas P. Muth, OLS, dated October 29, 2021
- [Memo from Enbridge \(Union Gas\)](#), dated October 12, 2021
- [Letter from Bell Canada](#), dated October 20, 2021
- [Engineering Drawing Package](#) and [Response Letter](#), prepared by MTE Consultants Inc., last revised October 21, 2021
- [Functional Servicing and Stormwater Management Report](#), prepared by MTE Consultants Inc., last revised October 21, 2021
- [Noise Impact Study](#) and [Response Letter](#) prepared by dBA Acoustical Consultants Inc., stamped by Registered Professional Engineer on November 1, 2021, and dated October 21, 2021, respectively
- Environmental Site Assessment Reports ([Phase 1](#) & [Phase 2](#)), prepared by Hallex Environmental Ltd., dated September 28, 2021 and November 17, 2021, respectively
- [Traffic Brief](#), prepared by Paradigm Transportation Solutions Ltd., dated July 29, 2020

- **January 21, 2022:**

- [Noise Impact Study](#), prepared by dBA Acoustical Consultants Inc., dated January 2022 and stamped by Registered Professional Engineer on January 17, 2022

- **March 22, 2022:**

- Site Plan, Amenity Area Calculation, Floor Plans and Elevations, prepared by Icon Architects, last revised March 21, 2022
- Revised Amenity Plan and Standard Details, prepared by Icon Architects, last revised March 21, 2022

- Engineering Response Letter, prepared by MTE Consultants Inc., dated March 22, 2022

Discussion: Policy Framework and Conformity Analysis

The proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision are subject to the following policy framework: Planning Act; Provincial Policy Statement (2020); A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020); Halton Region Official Plan (2006, as amended); City of Burlington Official Plan (1997, as amended); and City of Burlington New Official Plan (2020, subject to appeal). Staff are of the opinion that the proposed applications, subject to staff's recommended modifications and conditions of draft subdivision approval, are consistent with and conform to the applicable policy framework, as discussed below.

Planning Act

Staff have considered the criteria in the Planning Act in the review of the applications and are of the opinion that the subject applications have regard for the Planning Act, as discussed in the PPS section and subsequent sections of this report.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS.

The PPS states that healthy, liveable and safe communities are sustained through various means, including by promoting efficient and cost-effective development patterns; accommodating an appropriate and market-based range and mix of uses; avoiding development and land use patterns which may cause environmental or public health and safety concerns; and ensuring that necessary infrastructure, such as transportation corridors, will be available.

Furthermore, according to the PPS, settlement areas are to be the focus of growth and development. Within settlement areas, land use patterns are to be based on densities and a mix of land uses which:

- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- minimize negative impacts to air quality and climate change, and promote energy efficiency;
- prepare for the impacts of a changing climate;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed,
- are freight supportive.

The subject applications contribute to an efficient and cost-effective land use pattern and minimize negative impacts to climate change by facilitating the intensification of land within the City's Urban Area, where adequate infrastructure and services are available. Active transportation is supported through the provision of a path from the site to the existing Queensway Drive sidewalk. The site is also close to local and regional transit routes.

The proposed development is also consistent the PPS policies regarding the protection of transportation corridors, public health and safety, and accessibility, as discussed below.

Protection of Queensway Drive and Queen Elizabeth Way (QEW) Right-of-Ways; Compatibility (Noise)

The PPS requires planning authorities to plan for and protect corridors and rights-of-way for infrastructure, including transportation systems, to meet current and project needs. On lands adjacent to existing or planned corridors and transportation facilities, development *"should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities"* (PPS, 1.6.8.3). Moreover, the PPS states that sensitive land uses, such as residences, and major facilities (e.g. transportation infrastructure and corridors) should be planned to ensure that they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects.

The revised concept locates all buildings and site infrastructure outside of the Ministry of Transportation's required 7.5 m setback from the existing front property line along Queensway Drive. Also, the 7.5 m setback is shown on the revised plan of subdivision as separate blocks which will be dedicated to the City in the future if/when they are needed to accommodate any future expansion or relocation of the QEW or Queensway Drive. Furthermore, the updated noise study confirms that noise levels from the QEW can be feasibility mitigated to meet provincial standards.

The revised development concept is thus consistent with the PPS regarding protection of transportation corridors and compatibility.

Public Health & Safety - Site Contamination

3.2.2 of the PPS states that: *"sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed such that there will be no adverse effects"*. According to the submitted Phase II Environmental Site Assessment (ESA), soil was found on the subject site with lead in amounts that exceed Provincial standards. While the report states that the contaminated soil has been removed from the site, City Site Engineering staff require that a Record of Site Condition (RSC) be submitted and acknowledged by the Ministry of Environment, Conservation and Parks in order to confirm that the lands are suitable

for the proposed use. As such, the staff are recommending that a Holding Provision remain on the zoning of the subject site, which would restrict the issuance of a building permit until such time as the RSC is acknowledged. With the recommended Hold, the proposed applications are consistent with the PPS as it pertains to site contamination.

Accessibility

The PPS states that complete communities are sustained by “*improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society*” (PPS, 1.1.1 f)). The proposed common amenity area has been revised so that it can be accessed from the common element road without stairs.

In conclusion, the proposed development is consistent with the PPS. Staff are of the opinion that the proposed development represents an appropriate level of intensification, as set out by the recommended modified approval, and would contribute to an efficient development pattern in the city that optimizes the use of land, promotes a mix of housing, and supports the use of active transportation and transit.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan.

The Growth Plan encourages growth generally in the delineated built-up areas of settlement areas, and envisions the achievement of complete communities that: feature a mix of land uses with convenient access to local stores, services and public service facilities; provide a diverse range and mix of housing options; provide for a more compact built form; mitigate and adapt to the impacts of a changing climate, improve resilience; and integrate green infrastructure and appropriate low impact development. Municipalities are also required to develop a strategy to ensure that lands are zoned and development is designed in a manner that supports the achievement of complete communities. Finally, the Growth Plan states that infrastructure planning and land use planning will be coordinated, and that transportation corridors are to be protected to meet current and projected needs.

The subject applications conform to the Growth Plan as they will facilitate the intensification of lands that are within the City’s delineated built-up area and are in reasonable proximity to transit, parks and existing and planned neighbourhood conveniences. The subject proposal also increases the City’s mix and range of housing options, and consists of a compact built form. Furthermore, with staff’s recommended modifications to limit the amount of impervious surface in the backyards of the traditional townhouse units, appropriate low development measures that support climate change resiliency have been incorporated. Regarding appropriate zoning and

development design, the subject applications, with staff's recommended modifications, conform to the intensification criteria set out in the City's Official Plan (1997, as amended), as discussed in the City of Burlington Official Plan (1997, as amended) section of this report (page 13).

Lastly, the subject development conforms to the Growth Plan's policies regarding infrastructure planning. 7.5 m wide blocks of land across the frontage of the site have been incorporated into the Draft Plan of Subdivision and conceptual site plan. As conditions of draft subdivision approval, the owner will be required to agree to dedicate the blocks free of charge to the City in the future when needed to bring Queensway Drive to the deemed right-of-way width as set out in the City's Official Plan, and to satisfy the Ministry of Transportation's setback requirements. Also, the supporting Noise Study has adequately demonstrated that the proposed residential development will be compatible with the QEW, as noise from the QEW can be appropriately mitigated on site. Thus, the proposed applications, with staff's recommended modifications, conform to the Growth Plan.

Halton Region Official Plan (ROP)

The ROP outlines a long-term vision for the physical form and community character of Halton. As part of the Region's ongoing Regional Official Plan Review project, the ROP was most recently amended by the Region through Regional Official Plan Amendment No. 48 (ROPA 48). ROPA 48 was adopted by Regional Council on July 7, 2021 and approved by the Minister of Municipal Affairs and Housing on November 10, 2021, and defines a Regional Urban Structure in Halton. All planning decisions must conform to the ROP (2006, as amended).

The subject lands are designated 'Urban Area' and are within the 'Built-Up Area' of the Regional Urban Structure of the ROP. The goal of the Urban Area designation and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across the region, addresses climate change, and improves housing affordability, sustainability and economic prosperity. The Regional Urban Structure of the ROP establishes a hierarchy in which to direct population and employment growth within the Urban Area. The ROP establishes intensification targets broadly for the Built-Up Area, while also focusing a significant portion of population and certain types of employment growth within Strategy Growth Areas.

Objectives of the Urban Area include to support a form of growth that is compact and supportive of transit usage, reduces the dependence on the automobile, makes efficient use of space and services; and to facilitate and promote intensification and increased densities. The Urban Area is where municipal water and/or wastewater services are or will be made available to accommodate existing and future urban development and amenities. The ROP states that the range of permitted uses and the creation of new lots within the Urban Area shall be in accordance with local official plans and zoning by-laws. However, all development is subject to the policies of the ROP.

Additional ROP policies relevant to the subject applications include considerations regarding:

- The completion of appropriate studies and undertaking of necessary mitigating actions in accordance with the Region's Land Use Compatibility Guidelines and Air Quality Impact Assessment Guidelines (ROP policy 143(12)) where sensitive land uses are proposed within 30 m of a provincial highway;
- Site contamination (147(17));
- Satisfactory securement of the adequate supply of water and treatment of wastewater for the proposed use (58(1.1)); and
- Solid waste management (148)

The subject applications conform to the ROP as they facilitate intensification and increased densities within the Built-Up Area, makes efficient use of space, and contributes to a more compact settlement pattern. The subject applications also support transit usage and reduces the dependence on the automobile, as the subject site is located within a reasonable walking distance to Burlington Transit and GO Transit services (10-20 minute walk away) and the Burlington GO Major Transit Station Area, a Strategic Growth Area which is required by the ROP to be planned to accommodate a mix of uses, and which is well served from a local and Regional transit perspective. Finally, as discussed in the next subsections of this report, the subject proposal, with staff's recommended modifications, are in accordance with the objectives of the City's current and new Official Plans.

Furthermore, the subject applications with staff's recommended modified amendments and conditions of subdivision approval conform to the additional policies mentioned above. The applicant has submitted an Air Quality Study, Noise Impact Assessment, Functional Servicing and Stormwater Management Report, and Environmental Site Assessment reports in support of the applications. Regional and City Engineering Services staff have reviewed the supporting materials and find them to be satisfactory for the purpose of Official Plan Amendment, Rezoning and Draft Plan of Subdivision approval, and have provided comments and conditions that are to be addressed as part of the Draft Plan of Subdivision clearance process and Site Plan process (see Appendix D – Conditions of Draft Subdivision Approval, of this report). Lastly, the Region has advised that Regional solid waste collection cannot be accommodated based on the current site design, and that the site will need to be serviced by private waste collection instead.

City of Burlington Official Plan (OP), 1997, as amended

The subject site is designated “Residential – Medium Density” on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the City’s OP. This designation permits detached and semi-detached houses, townhouses, back-to-back townhouses, stacked townhouses, street townhouses and walk up apartments, with minimum density of 26 units per net hectare and a maximum density of 50 units per net hectare. Based on the net area of the subject site (0.36 ha), up to 18 dwelling units are currently permitted on the subject site.

The applicant proposes to redevelop the site with 24 townhouse units, and has applied to amend the Official Plan to add a site-specific policy to permit a maximum density of 68 units per net hectare on the subject site. Staff are of the opinion that the subject applications are consistent with the objectives and policies of the City’s Official Plan (1997, as amended), as discussed below.

Criteria for Residential Intensification within Established Neighbourhoods

Part III, Section 2.5.2 of the Official Plan provides criteria to be considered when evaluating proposals for residential intensification within established neighbourhoods, as discussed below:

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

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

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

Halton Region staff advise that the submitted Functional Servicing Report is satisfactory for the purpose of establishing the principle of use and have provided conditions that would need to be addressed through the subdivision process.

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

Off-street parking for residents and visitors is proposed to be provided in accordance with the Zoning By-law’s off-street parking rates. Two (2) resident spaces per unit and six (6) visitor spaces are required and are proposed.

Although no dedicated off-street loading space is proposed, whereas the Zoning By-law 2020 requires one off-street loading space in conjunction with every principal building that is four or more storeys high, staff are of the opinion that this requirement is intended to provide a designated space for commercial vehicles to load or unload

merchandise or materials for commercial or non-ground oriented (e.g. apartment/mixed-use) residential buildings. Since Building 4 is a ground-oriented building, staff are of the opinion that space for unloading/loading can be accommodated in the provided visitor parking and occupant spaces.

Furthermore, the driveway length for the back-to-back townhouses has increased to comply with the minimum required length by the Zoning By-law to ensure that larger vehicles can be accommodated on the driveway without encroaching into the common element road.

Lastly, Transportation staff have reviewed the location of the proposed visitor spaces and comment that they do not have any concerns with their proximity to the proposed access. Thus, this criterion has been met.

(iii) The capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets;

The submitted traffic brief estimates that the proposed development, as originally proposed with 25 units, will generate approximately 13 AM peak hour trips and 17 PM peak hour trips. City Transportation staff have reviewed the submitted transportation brief and are satisfied that there is capacity within the existing transportation system to accommodate traffic generated by the revised, 24-unit proposal. This criterion has been met.

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

The proposal is within reasonable proximity to existing transit facilities. Burlington Transit stops at Drury Lane and Fairview Street, and at Harvester Road and Guelph Line, and Burlington GO Station are approximately a 11 to 15-minute walk from the subject site (900 m to 1.2 km).

(v) Compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided.

Compatibility is defined in the Official Plan as “development or redevelopment that is capable of co-existing in harmony with, and will not have undue physical (including form) or functional adverse impact on existing development in the area...”

Staff are of the opinion that with modifications, compatibility with the existing neighbourhood can be achieved, as described below.

In summary, staff’s recommended modifications are intended to mitigate potential privacy, stormwater, and visual transition impacts resulting from the conceptual grading and drainage design of the site. Specifically, the recommended modifications would:

- Limit depth of decks for Building 3 and prohibit decks for Buildings 1 & 2
 - Limit rear yards of townhouse units to pervious surfaces only and limit size of patios
 - Require a 2.5 m landscape buffer along rear of site
 - Maintain height requirements of RM3 zone (3 storeys and 10 metres) for Buildings 1-3
- Scale – The Official Plan defines scale as “*the proportion of a building or building element created by the placement and size of the building or element in comparison with adjacent buildings or building elements and to human dimensions*”.

East of the site, along Queensway Drive, are a fourplex building and a semi-detached building, both two-storeys in height. Also east of the site, at 992 Cleta Street, is a one-storey house. To the west, at 2290 Queensway Drive, is Balsam Lodge, a two-storey building that is listed on the Municipal Heritage Register and is currently used as an equestrian sport retail store. Existing houses to the south of the subject site are one to two storeys tall.

The proposed rezoning seeks to increase the maximum permitted linear height of townhouse and back-to-back townhouses, while also reducing required setbacks from the east, west and south property lines.

Building 4 (back-to-back townhouse block at northwest corner of the site)

Staff continue to be of the opinion that Building 4, while proposed to be taller than the existing building to the west, is appropriately scaled given the significant setbacks of existing building to the shared property line (18 m) and its potential for redevelopment. Staff note that because Balsam Lodge is a listed property on the Municipal Heritage Register, staff are of the opinion that future redevelopment potential of this property is limited. Moreover, the current zoning for Balsam Lodge only permits additions to the back of the existing building. Staff are therefore satisfied that the proposed scale of Building 4 will be compatible with the existing and planned context to the west.

Building 3 (standard townhouse block at the southwest corner of the site)

Staff are of the opinion that Building 3, with a recommended height modification, would be appropriately scaled in comparison to the surrounding context to the south. Existing houses to the south are set well back from the shared property line (35-40 m). The properties to the south are also zoned low-density residential, which requires a minimum rear yard setback of 9 m. However, staff note that due to the proposed grading of the site, the fixed grade of Building 3 would be approximately 1.3-1.8 m taller than the existing grade of the shared south property line. It is therefore recommended that the proposed linear height of Building 3 be limited to the permitted maximum of the RM3 base zone and that a 2.5 m landscape buffer be

required along the southerly property line to assist with minimizing overlook impacts and provide a transition between proposed and existing built forms.

Buildings 1 & 2 (standard townhouse blocks along the eastern edge of the site)

Staff do not support the proposed increase in linear height for Buildings 1 and 2 in conjunction with a proposed reduced rear yard setback of each parcel of tied land (5 m instead of 6 m). Staff are of the opinion that the proposed increase in height, along with a reduced rear yard setback, could result in built environment in the rear yards that is out of scale with human dimensions, particularly if the adjacent properties to the east redevelop in a similar manner in the future. The preliminary grading plans for the development also show that the rear yards will be generally lower than the fixed grade of the building, which adds to the perception of building height. In the absence of a greater setback from the east property line, staff recommend that the linear height for Buildings 1 and 2 be maintained as 10 m, instead of the 10.5 m proposed.

- Massing – Massing refers to “the overall bulk, size, physical volume, or magnitude of a structure or project”.

The original submission included two-storey decks at the rear of each standard townhouse building. The submission has since been revised to eliminate the two-storey decks. In staff’s opinion, the two-storey decks contributed to the massing of the buildings such that they are out of scale with the surrounding context, and that their removal improves the compatibility of the development.

- Height – Buildings immediately surrounding the subject site are one-and-a-half to two storeys in height with peaked roofs. In comparison, the applicant is proposing three-storey traditional townhouse buildings and a four-storey back-to-back townhouse building with flat roofs that exceed the maximum linear building height permitted by the Zoning By-law 2020.

Staff are of the opinion that the proposed linear height of Building 4 is compatible with the surrounding context, and recommend modified approval of the linear height of Buildings 1, 2 and 3 to maintain the maximum height permitted in the RM3 zone (see also discussion on Scale above).

- Siting & Setbacks

Buildings 1 and 2 (standard townhouse blocks along the eastern edge of the site)

Staff’s initial concerns regarding the setback and siting of Buildings 1 and 2 were related to privacy and overlook impacts and streetscape impacts of the proposed second storey decks. The second storey decks have since been replaced with walkout decks from the first-floor garage. Staff are of the opinion that with the removal of the second-storey decks, the setback of the buildings from the east side

would achieve a harmonious streetscape with existing developments to the east of the site.

However, staff continue to have concerns about overlook onto neighbouring properties. Due to the grading of the site, the top of the platform of the decks would only be approximately 0.75 to 1 m (2.5 to 3 feet) shorter than the top of the proposed perimeter fence. Assuming an average adult human height of 1.8 m (6 feet), a person standing on the deck would be 0.72 to 1 m (2 to 3 feet) taller than the top of the fence. Although privacy impacts can sometimes be mitigated through increasing setbacks and requiring the planting of landscape buffers, it is unclear whether these options are feasible for this development due to the proposed depth of the backyards for these buildings.

While the submitted landscape plan shows a proposed evergreen cedar hedge along the east property line, a formal landscape buffer is not proposed in the submitted draft by-law along this edge of the site. It is staff's position that landscape buffers, if needed, should be formally written in the by-law to protect for their function in the long-term. However, due to the proposed reduced depth of the proposed backyards, requiring a landscape buffer to mitigate privacy impacts would likely result in deficiencies in the amount of privacy area required per unit for Buildings 1 and 2, as the buffers are not considered "an area reserved for the exclusive use of the occupants of a dwelling unit [...]" as per the definition of "Privacy Area" in the Zoning By-law. Lastly, Landscaping staff comment that it is unclear whether it is possible for a cedar hedge to be successful in the rear of Buildings 1 and 2 due to the proximity of the hedge to the staircase and the required french drain system that extends across the rear yards.

In the absence of requiring a larger setback from the east property line for Buildings 1 and 2, staff recommend that decks, defined in the Zoning By-law 2020, as "a platform or series of platforms, accessory to a dwelling unit, exceeding a height of 60 cm measured from the lowest point of grade at platform perimeter to the floor of the platform", be prohibited within the rear yards of units in these buildings.

Building 3 (standard townhouse block at the southwest corner of the site)

Staff note that although a reduced setback is proposed from the adjacent low-density residential zone, the proposed setback of this building (6 m and greater) and staff's recommended 2.5 m landscape buffer along the southerly property line can support an adequate transition between the proposed development and existing houses to the south. Although the applicant proposes a 0 m landscape buffer in their draft zoning by-law, the submitted planning response letter explains that they intend to provide dense landscape plantings along the south property line to provide screening between the site and the lands to the south. Landscaping staff have reviewed the plans and do not have concerns with the feasibility of the proposed

plantings for Building 3. Staff recommend that the landscape planting be formalized as a requirement in the zoning by-law amendment as a landscape buffer.

Other

Since the first submission, the applicant has removed one residential unit from Building 1 to ensure that all buildings are outside of the required setback from Queensway Drive and have revised the fire access route. Fire Services has reviewed the latest submission and comment that they do not have concerns with the revised plans.

- Parking

The applicant proposes to meet the off-street parking rates of the City's Zoning By-law and will be compatible with the surrounding area. Vehicle headlight trespass from the common element driveway to adjacent properties to the south is proposed to be mitigated through new dense landscape plantings and fencing along the south edge of the proposed common amenity area. Due to the importance of ensuring compatibility regarding light trespass, staff recommend that a minimum landscape buffer requirement be included in the zoning by-law amendment.

- Amenity Area

Amenity areas are proposed in the form of private backyards for each standard townhouse unit, private balconies and rooftop terraces for each back-to-back townhouse unit, and a shared common amenity area at the rear of the site. Staff note that noise from the QEW may impact the enjoyment of the outdoor privacy areas for the back-to-back units that face Queensway Drive (Units 21-24). However, these units also have access to a quiet outdoor common amenity area at the back of the site which exceeds the minimum requirements of the Zoning By-law.

No reductions to required amenity area, common amenity area, or privacy area per unit are proposed, except for a minor reduction to the privacy area for Unit 11. Staff are of the opinion that the proposed reduction in amenity area for Unit 11 is minor as there is also a common amenity area on site for the unit to use, and that the reduction is desirable as it will enable the planting of a landscape buffer to maintain an appropriate transition between the subject site and surrounding properties, as discussed in "Siting & Setbacks" above.

The applicant also proposes to reduce the required rear yard setback for parcels of tied land (i.e., backyard depth) for Buildings 1 and 2, while also proposing to increase the maximum permitted encroachment for decks into the backyard for Buildings 1 to 3. As mentioned earlier in this section, staff are concerned that the proposed private amenity areas would have negative overlook impacts on neighbouring properties and recommend modified approval of the proposed deck regulations to address these concerns.

The applicant also proposes to increase the maximum permitted fence height to allow for a 2.4 m fence to be installed around the east, west and south perimeter of the site. Staff are of the opinion that this increase is desirable as it will assist with maintaining privacy in existing and proposed backyards and will provide an appropriate transition between the proposed townhouse development and the generally shorter buildings surrounding the site. Furthermore, staff are of the opinion that the proposed increase in fence height is unlikely to have negative shadow impacts on adjacent backyards as the adjacent backyards are quite deep.

Lastly, Planning staff note that Engineering Services staff have advised that should the backyards of Buildings 1 to 3 become hard surfaced in the future, it could compromise the effectiveness of stormwater management on the site and could negatively impact surrounding properties. Therefore, Engineering Services staff have advised that the private backyards of each standard townhouse must consist of pervious landscaping. Patios, even if designed with pervious materials, must be limited in size as the materials could potentially degrade over time and lose their perviousness. Additionally, any accessory buildings or structures, hot tubs, small sheds, etc. should not be allowed in the backyards. The restrictions have been incorporated into Planning staff's recommended Zoning By-law Amendment (Appendix C) and conditions of draft subdivision approval (Appendix D).

The proposed development, with staff's recommended modifications and conditions of subdivision approval, is thus compatible with the existing neighbourhood and provides an appropriate transition to existing buildings. This criterion is therefore satisfied.

(vi) *Effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.*

Urban Forestry and Landscaping staff comment that there are six city trees along the Queensway Drive right-of-way that are maintained by the City of Burlington and protected by the City's Public Tree Bylaw 68-2013. Three trees are noted in the submitted Tree Preservation Plan to be in conflict with the proposed driveways for the back-to-back townhouses facing Queensway Drive, and with the proposed common element road. Relocation of the city tree requires confirmation from the Manager of Urban Forestry or delegate. A Tree Permit will be required for the city trees to be preserved and transplanted, including the payment of fee and securities. These details are required to be confirmed at the detailed subdivision / site plan stages.

There are no trees on the subject site, but there are eight trees and two cedar hedges on boundaries with neighboring properties and on neighboring properties. The applicant has submitted a letter from a certified arborist outlining the proposed preservation methods that will be implemented by the owner to ensure the health of neighbour's

trees and boundary trees. The applicant also proposes plantings along the periphery of the site within the boundaries of the site.

Landscaping and Urban Forestry staff have reviewed the supporting landscaping concept plan, arborist report, arborist letter, and tree preservation plan and have advised that they are satisfactory for the purpose of Official Plan Amendment, Rezoning and Draft Plan of Subdivision approval; detailed landscaping plans and an updated arborist report will be required and reviewed through the subdivision clearance and/or site plan review processes.

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

The proposed development is unlikely to cause significant sun-shadowing for extended periods of time on adjacent properties. This criterion has been met.

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

Community services and other neighbourhood conveniences are accessible from the subject site. Queensway Park is within an 8-minute walk (650 m) of the subject site. Shopping plazas at Brant and Plains Road East, Brant and Fairview Street, and Guelph Line and Fairview Street are approximately 1.2 to 1.5 km away. A grocery store and medical/wellness offices near Fairview Street and Drury Lane are approximately a 900 m (11 minute) walk south of the site, accessible via a pedestrian bridge over the CNR/GO train tracks. Burlington Centre is 1.5 km from the subject site. This criterion has been met.

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

The applicant is proposing a 0 m landscape buffer adjacent to the low-density zone to the south, whereas a 12 m buffer is currently required by the Zoning By-law 2020. However, the applicant's supporting Landscape Concept Plan proposes a cedar hedge planting and fencing along the rear of the site to provide screening to maintain privacy between the subject site and lands to the south. Landscaping staff have reviewed the submitted plans and comment that the proposed plantings are feasible. Planning staff recommend a modified Zoning By-law Amendment that includes a required minimum 2.5 m wide landscape buffer along the rear yard, to maintain the intent of the Zoning By-law for a permanent buffer to be provided.

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

The subject site and the adjacent property to the east at 992 Clela Street are zoned with a Holding Zone Provision. The intent of the Holding Zone Provision is to facilitate consolidation of land ownership. Staff are of the opinion that the proposed increase in density, with staff's recommended modifications regarding decks, pervious surfaces and building height, can be feasibly accommodated on site without negatively impacting the redevelopment potential of surrounding properties.

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

There are no natural or cultural heritage features and areas on the subject property. The adjacent property to the west, at 2290 Queensway Drive, is a listed but not designated heritage property on the City's Municipal Heritage Register. The proposed height of Building 4 (13 m) is less than the horizontal distance of Balsam Lodge to the shared lot line (18 m), and no underground parking or other excavation that would cause vibration concerns is proposed. On this basis, staff do not foresee any adverse impacts on the cultural heritage resource. This criterion has been met.

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

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

(xiii) Proposals for non-ground oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial or multi-purpose arterial roads and only provided that the built form, scale and profile of development is well integrated with the existing neighbourhood so that a transition between the existing and proposed residential buildings is provided.

Not applicable – The proposed development is for detached dwellings, which are a form of ground-oriented housing.

Urban Design Policies

While matters of site design are reviewed in detail at the site plan stage, staff were concerned that the initial proposal would not facilitate a site design that will satisfy the Urban Design policies of the City's Official Plan. Specifically, staff had concerns pertaining to safety and accessibility of the common amenity area, and odour and noise impacts of the garbage room. Since the first submission, the applicant has revised the design of the common amenity area so that it is directly accessible from the laneway without the need for stairs and has removed the proposed garbage room. Staff's concerns about the initial proposal have therefore been addressed and note that detailed implementation of the City's urban design policies will be addressed at the Site Plan stage.

City of Burlington New Official Plan, 2020 (OP, 2020)

On Nov. 30, 2020, the Region of Halton issued a Notice of Decision approving the new Burlington Official Plan. The new Official Plan has been developed to reflect the opportunities and challenges facing the City as it continues to evolve.

Section 17(38) of the Planning Act (R.S.O. 1990, as amended) sets out that all parts of an approved official plan that are not the subject of an appeal will come into effect on the day after the last date for filing a notice of appeal- that date being Dec. 22, 2020 for the new Burlington Official Plan. At this time, no formal determination has been made as to the validity of the appeals of relevant sections of OP, 2020.

The subject site is within the ‘Residential Neighbourhood Area’ and ‘Established Neighbourhood Area’ of the City’s Urban Structure and Growth Framework, respectively. The Established Neighbourhood Area is recognized in the City’s new Official Plan as a distinct area within the City’s Urban Area where intensification is generally discouraged. Opportunities for intensification include development in accordance with the maximum density and/or intensity permitted under the applicable land use designation, plans of subdivision, and additional residential units.

The subject site is designated “Residential – Medium Density” in the new Official Plan. This designation permits ground and non-ground-oriented dwellings, including townhouses and back-to-back townhouses at a density of 26 to 75 units per net hectare. Development is permitted to a maximum height of three storeys for ground-oriented dwellings, not including rooftop amenity/outdoor areas.

The proposed development conforms to the City’s new Official Plan. It is a form of intensification that is contemplated by the new Official Plan, and conforms to the new Official Plan’s maximum density, height and built form permissions of the “Residential – Medium Density” designation of the subject lands.

City of Burlington Zoning By-law 2020

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

The applicant proposes to remove the H provision and rezone the lands to an RM3 zone with specific exceptions (RM3-XXX).

Table 1, next page, compares the requirements of the RM3 zone, the revised proposal, and staff’s analysis. (Note: The RM3 zone allows both standard and back-to-back townhouses; standard townhouses in the RM3 zone are subject to the RM2 zone regulations.)

Regulations Applying to the Entire Site**Table 1 – Overview of Existing and Proposed Zoning Regulations Applying to the Entire Site (Bold text = site specific provision required)**

Regulation	RM2 Requirement (Townhouses)	RM3 Requirement (Back-to-Back Townhouses)	Revised Proposal (Submission 3)
Lot width	45 m		No change
Lot area	0.4 ha		No change
Front yard	9 m		(To south limit of 7.5 m block) Building 1: 0 m Building 4: 2.8 m to 5.8 m
<p><i>Staff analysis:</i> Support. All units are now outside the required 7.5 m MTO setback. The setback of the units, as measured from the south limit of the 7.5 m setback ranges from 0 m to 5.8 m. Staff are of the opinion that the proposed setback of the buildings is appropriate for maintaining a harmonious streetscape along Queensway Drive, as it is similar to the setback of existing buildings adjacent to the site.</p>			
Rear yard	9 m		6 m
<p><i>Staff analysis:</i> Modified support. The purpose of the rear yard setback requirement is to ensure appropriate transitions between new and existing buildings, to allow space for appropriate site drainage and adequate private amenity areas.</p> <p>Staff note that the proposed setback is taken from the shortest point from Buildings 2 and 3 to the south property line. The actual setback of Building 3 ranges from 6 to 9.4 m. Building 2 is setback 6 m, but the elevation facing the rear is a side elevation with limited windows. Staff are of the opinion that the proposed setback, along with staff's recommended modifications to require a landscape buffer along the rear property line and limit the depth of decks for Building 3, can facilitate an appropriate transition between the proposed development and existing houses to the south, proper site drainage, and adequate privacy area.</p>			
Side yard	4.5 m		West: 1.2 m East: 4.5 from bay window
<p><i>Staff analysis:</i> Support. The proposed reduced west setback maintains an appropriate transition to the existing building to the west at 2294 Queensway Drive, and the applicant has demonstrated that the reduced setback will not result in negative impacts to the existing trees on the neighbouring property.</p>			
Street side yard	6 m		N/A
Yard abutting R1, R2, R3 zone	9 m	12 m	South: 6 m West: 1.2 m
<p><i>Staff analysis:</i> Modified Support. The purpose of this regulation, along with the Zoning By-law's required landscape buffer adjacent to a low-density zone (see below), is to facilitate an appropriate transition between different building forms and mitigate potential overlook issues</p>			

from the taller buildings that are permitted in the RM3 zone to the generally shorter buildings that are permitted in the adjacent low-density zone.

The applicant proposes a reduced setback from the R2.3 zone to the south and west, a 0 m landscape buffer, and an increased building height for both the standard and back-to-back townhouse buildings. The proposed setback from the south property line remains unchanged from the first submission, however second storey rear decks are no longer proposed. The west setback has been further reduced from 1.7 m (initial submission) to 1.2 m to accommodate a snow storage area within the site.

The applicant has also provided further rationale to support the reduced setback from abutting low-density residential zone:

“It is our opinion that the proposed minimum 6-metre rear yard setback is appropriate in a typical urban setting. The extensive screening and plantings proposed appropriately mitigate potential compatibility concerns relating to the loss of privacy, overlook and light trespass. [...] the existing single-detached homes to the south are setback between ±25 to ±50 metres from the shared rear property line. As such, it is not anticipated there will be any significant adverse impacts due to the reduced landscape buffer.” (Appendix A, Cover Letter).

Staff generally agree with this analysis and also note that there are also no window openings proposed on the west side of Building 3, nor are rooftop patios proposed for any of the standard townhouse units. As such, the proposed reduced setback is unlikely to cause privacy and overlook impacts on the low-density residential zone to the south and southwest. Landscaping staff have also confirmed that the proposed landscape plantings along the south property line are feasible.

Staff recommend modified approval of this regulation by including a provision in the by-law to formally require a landscape buffer adjacent to the south property line and to limit windows on the west side of Building 3. Staff also recommend modified approval of the proposed heights by limiting the height of Buildings 1-3 to the maximum 10 m allowed in the RM3 zone, and to limit the depth of decks (see discussion on Decks, and Heights below).

Landscape Buffer abutting R1, R2, R3 zone	6 m Definition of Landscape Buffer: “ <i>The area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing with evergreen or deciduous trees, shrubs or berms.</i> ”	0 m
<p>Staff Analysis: <u>Modified Support</u>. Staff note that although the applicant is proposing a 0 m landscape buffer, an approximately 2 m wide strip along the south property line is shown on the proposed landscape plan for dense landscape plantings and fencing to provide screening between the site and the lands to the south. Based on the applicant’s letter dated November 5, 2021, the intended function for the screening appears to be the same as a landscape buffer as defined in the City’s Zoning By-law.</p>		

Staff recommend that a landscape buffer be included in the amending by-law to maintain the intent of the Zoning By-law for there to be a permanent screening function adjacent to the low-density zone. Staff are of the opinion that a landscape buffer should be provided along the rear of Building 3 to mitigate potential privacy impacts resulting from the proposed increased deck encroachment for deck stairs. Furthermore, a landscape buffer is also warranted along the southerly edge of the common amenity area to mitigate vehicle light trespass from the site. In consultation with Landscaping & Urban Forestry staff, Planning staff recommend a 2.5 m wide buffer to ensure that sufficient room is provided to accommodate cedar plantings that are at minimum 2.5 m in height, as noted on the Landscape Plan.			
Landscape Area abutting street with deemed width of 26 m or greater	6 m	0 m	
Staff analysis: Support. The proposed setback is similar to setbacks of buildings to the east and west of the site. Future maintenance of the building and noise fence that may require occupancy of the future Queensway right-of-way can be accommodated through a future application for a road occupancy permit if needed.			
Density	<ul style="list-style-type: none">Min. 25 units/ha; max. 40 units/ha (max. 16 units)	<ul style="list-style-type: none">Max. 50 units/ha (max. 20 units)	68 units/ha across entire site (24 units)
Staff analysis: Support. As discussed elsewhere in this report, staff are of the opinion that the proposed increased density is compatible with the surrounding neighbourhood and consistent with the density permissions included in the City’s new Official Plan.			
Amenity Area Definition of Amenity Area: “The area situated within the boundaries of a project and intended for recreational purposes, which may include open spaces, patios, balconies, communal play areas, lounges, sundecks and roofdecks, but shall not include the area occupied at grade by the buildings, service areas, parking and driveways.”	<ul style="list-style-type: none">25 m²/bedroom (x33 bedrooms = 825 m²)	<ul style="list-style-type: none">25 m²/unit;1 common amenity area, minimum 100 m² or a total common amenity area of 6 m² per back-to-back unit, whichever is greater (= 200 m ² including 100 m ² of common amenity area)	<ul style="list-style-type: none">1,108.4 m² including a 175.5 m² common amenity area

	Total amenity required for proposed development: <ul style="list-style-type: none">• 1025 m², including a 100 m² common amenity area		
Staff Analysis: No amendment proposed/necessary.			
Privacy Area Definition of Privacy Area: “An area reserved for the exclusive use of the occupants of a dwelling unit and which is separated from other privacy areas and communal areas by a privacy screen. A Privacy Area may include a patio, deck, balcony, solarium or other such area.”	<ul style="list-style-type: none">• 20 m² per unit (20 m2 x 16 units =320 m2)	Each unit shall have a 5.5 m ² individual balcony that is: <ul style="list-style-type: none">• Separated from adjoining units by a wall or a privacy screen;• Maximum projection: 1.8 m from the front wall of the back-to-back townhouse building	Standards: <ul style="list-style-type: none">• Units 1-10 & 12-16: 22.3 to 57 m²• Unit 11: 17.2 m² Back-to-Backs: <ul style="list-style-type: none">• 20.6 to 21.9 m²• Balcony projection: 2 m
Staff analysis: Modified Support. <ul style="list-style-type: none">• <u>Balcony projection (back-to-backs): Support.</u> Staff are of the opinion that the proposed balcony projection for the back-to-back townhouses is minor and would not have a negative impact on the streetscape or privacy for surrounding residential units.• <u>Unit 11, Privacy Area: Modified Support.</u> Staff recommend modified approval of the privacy area for Unit 11, to reflect the reduction resulting from a landscape buffer within this yard. This reduction is considered minor in nature and is desirable as it would support improved compatibility between this site and adjacent properties.			
Fence Height for residential uses	2 m	2.4 m	
Staff Analysis: Support. The proposed increase in fence height is desirable as it will help to maintain privacy and facilitate a transition between the proposed development and neighbouring properties. The increased height is also unlikely to have negative shadow impacts on surrounding backyards.			

Building Height for Flat Roof Dwellings	2 storeys to 7 m	3 storeys to 10 m	Buildings 1-3: 3 storeys to 10.5 m Building 4: 4 storeys to 13.7 m
<i>Staff Analysis:</i> <u>Modified Support.</u> <ul style="list-style-type: none">• <u>Back-to-backs: Support.</u> The proposed increase in height for Building 4 would allow for stairwell access to a private rooftop amenity area for each unit. Staff are of the opinion that this increase is desirable as it supports additional amenity area while having minimal visual impact on the streetscape as the rooftop terraces and stairwells are stepped back from the edge of the building. Staff recommend including the step backs shown on the plans to maintain this intent of the by-law.• <u>Buildings 1 & 2: Do not support.</u> Considering the proposed reduced POTL rear yard setback for Buildings 1 & 2, the proposed grading of the site compared to adjacent properties, and the existing and planned context immediately east of the site, staff are of the opinion that the proposed height of Buildings 1 & 2 could affect sun access for the proposed POTL rear yards and adjacent amenity areas. Staff therefore recommend maintaining the current maximum permitted height of 10 m.• <u>Building 3: Do not support.</u> Staff are of the opinion that the proposed height increase for Building 3, along with reduced setback to the south property line, would not facilitate an appropriate transition to the shorter houses to the south. Staff note that the proposed grading of the site is approximately 1.7 to 2.2 m higher at finished floor elevation to the existing elevation along the south property line. Staff therefore recommend maintaining the current maximum permitted height of 10 m.			
Off-Street Parking	<ul style="list-style-type: none">• 2 occupant spaces/unit; and• 0.25 visitor spaces/unit; and <p>= 2 occupant spaces/unit and 6 visitor spaces</p>	<p>Buildings 1-3:</p> <ul style="list-style-type: none">• 2 tandem occupant spaces (garage)/unit <p>Building 4:</p> <ul style="list-style-type: none">• 2 occupant spaces (1 garage; 1 driveway)/unit <p>Visitor (shared among all units):</p> <ul style="list-style-type: none">• 6 spaces, including 1 barrier free Type A (3400 mm) space with 2.0 m accessible pathway.	
<i>Staff analysis:</i> Complies. The proposal complies with the City’s off-street parking rates and AODA parking requirements.			
Off-Street Loading Space	At least one off-street loading space shall be provided in conjunction with every principal building that is 4 storeys or higher	Building 4 (4 storeys in height): 0 loading spaces	
<i>Staff analysis:</i> <u>Support.</u> The loading space requirement is intended to provide a designated space for commercial vehicles to load or unload merchandise or materials for commercial or non-ground oriented (e.g. apartment/mixed-use) residential buildings. Building 4 is a ground-oriented building, and staff are of the opinion that space for unloading/loading can be accommodated in visitor parking and occupant spaces.			

Regulations Applying to Parcels of Tied Land (POTL)

Table 2 outlines the additional regulations that apply to parcels of tied land, the applicant's proposal, and staff's analysis and recommendation.

Table 2 – Overview of Additional Regulations Applying to POTLs and Proposed Development

Regulation	Minimum Required	Revised Proposal (Submission 3)
Front yard	3 m	Building 1: 2.2 m Building 2: 1.8 m Building 3: 1.7 m Building 4 (Units 17-20): 3.17 m Building 4 (Units 22-21): 4-5.8 m Building 4 (Units 24): 2.9 m
<i>Staff Analysis: Support.</i> The intent of this regulation is to provide space to delineate between public (common element condominium) and private realms. The submitted plans show that this can be achieved within the proposed setbacks through the use of architectural features (canopies) and landscaping features in front of each unit. Staff are therefore satisfied in principle that the proposed reduced setback maintains the intent of the Zoning By-law and note that the design of those features will be further reviewed and commented on by staff at the site plan stage.		
Driveway length	6.7 m	Buildings 1-3: 2 m Building 4: 6.7 m
<i>Staff Analysis: Support.</i> The proposed reduction in driveway length is appropriate for Buildings 1-3, as the required occupant parking spaces per unit will be accommodated within the garages of each unit rather than on the driveways. Transportation staff have also advised that there are no concerns with the proposed reduced driveway length.		
Side yard adjacent to exterior wall of a building	1.2 m	0 m for all end units, except: Building 1, Unit 5: 0.6 m Building 2, Unit 6: 0.6 m Building 3, Unit 16: 1.2 m Building 4, Units 17 & 24: 1.2 m
<i>Staff Analysis: Support.</i> The intent of this regulation is to provide a means for residents to access their rear yards, and to facilitate adequate site drainage. Although a 0 m yard is proposed for most of the end units, access to the rear is provided through the garage of each unit. Moreover, Site Engineering staff have reviewed the preliminary site drainage and grading plans and do not have concerns with the proposed setbacks as it pertains to drainage.		
Yard abutting a public street	3 m	Building 1, Unit 1: 0 m Building 4, Unit 24: 2.8 m
<i>Staff Analysis: Support.</i> The intent of this regulation is to provide a transition between public and private space, and to provide space for the future owners/condo corporation to access the exterior of the building for maintenance and inspection purposes. Although a 0 m setback is proposed, the proposed 0 m setback applies only to		

Building 1. The Building 4 is situated 3 m or more from the future Queensway Drive right-of-way, except for a part of Unit 24, which is proposed to be setback 2.8 m.

Staff are of the opinion that the proposed reduction for Building 4 at the northwest corner will not have a noticeable impact on the streetscape and is minor in nature as there is ample space elsewhere in front of the building to accommodate future building maintenance/inspection activities.

Regarding Building 1, Planning staff, in consultation with Transportation Planning staff, note that when the 7.5 m setback is dedicated to the City in the future, the new right-of-way will likely accommodate some landscaping adjacent to Unit 1. Furthermore, future owners can apply to the City for a road occupancy permit to allow them to repair the building as needed, as is the currently case for other buildings elsewhere in the City.

Planning staff are therefore satisfied that the proposed reduced yard abutting Queensway Drive maintains the intent of the by-law.

Rear yard	6 m , except that for back-to-back townhouses, the rear yard shall be 0 m	Building 1 & 2: 4.5 m Building 3: 7-6 m
------------------	--	---

Staff Analysis: **Modified Support.** The purpose of the minimum rear yard POTL setback is to allow for adequate privacy area and support compatibility between existing and new developments. Staff are of the opinion that the proposed reduced rear yard setback for Buildings 1 and 2 could result in potential privacy issues to neighbouring properties, as the proposed fixed grade of the site is taller than the existing grades along the east property line (1 m to 0.75 m taller) and the applicant is proposing walkout decks from the garage of Buildings 1 & 2. As a result, the proposed deck platforms will be only approximately 0.2 m to 1 m shorter than the top of the proposed 2.4 m high perimeter fencing.

Typical approaches to mitigating overlook include increasing setbacks and providing a landscape buffer. However, there is limited potential for a substantial landscape buffer to be planted on this side of the site due to the proposed french drain system in the backyards. In the absence of a larger rear yard setback, staff recommend that decks in the backyards of Buildings 1 and 2 be limited to a small landing and stairs to facilitate access between the garage and backyard, and patios be limited in size.

Additionally, Site Engineering staff have advised that the rear yards of the backyards must be limited to pervious surface.

With this modification, Planning staff are of the opinion the proposed reduced rear POTL setback is acceptable.

Deck Encroachment into Required Rear Yard (Part 1, 2.3.2)	3 m maximum	3.9 m for deck stairs, 1.5 m for deck platform (as shown on plans)
--	--------------------	---

Staff Analysis: **Modified Support.**

- **Buildings 1 & 2:** See discussion above regarding rear yard setback (POTL). Staff recommend that the deck platform be limited to a maximum encroachment of 1 m and maximum length of 1 m, and deck stairs be limited to a maximum encroachment of 3 m to allow for design flexibility.
- **Building 3:** Similar to Buildings 1 & 2, in order to facilitate appropriate site drainage, the proposed grading of the site would result in a fixed grade that is approximately 1.7 to 2.2 m taller than south property line. As a result, the proposed deck platforms will be only approximately 0.2 m to 0.7 m shorter than the top of the proposed 2.4 m high perimeter fencing. However, staff note that the backyards of Building 3 are deeper than those of Buildings 1 & 2 and will be planted with a landscape buffer, which can mitigate potential overlook impacts of the proposed increased encroachment of deck stairs. Staff recommend that the deck platforms of Building 3 be limited to 1.5 m, as shown on the submitted drawings, to further minimize potential overlook impacts to surrounding properties and to maintain a minimum amount of pervious surface to support stormwater management.

Technical Comments

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

Ministry of Transportation (MTO) - MTO comments that they have no objections in principle to the proposed applications. MTO reconfirms they are agreeable to reducing the Ministry's typical 14 m setback to 7.5 m measured from the south limits of the Queensway Road Right of Way/property limits, and advises that this setback must be stipulated in the Zoning By-law. All above and below ground structures and features that are essential to the viability of the site must be located outside of this setback.

Furthermore, the MTO has provided conditions of subdivision approval related to noise mitigation, stormwater management and lighting plan review (see Appendix C). Regarding noise, the MTO advises that noise mitigation is the sole responsibility of the proponent, and a noise waiver clause is required to be registered on title for all current and future buyers of the units advising that no mitigation will be provided by the MTO for highway noise.

Halton Region – Halton Region staff comment that they have no objection to the proposed applications, subject to the conditions of draft subdivision approval outlined in Appendix D, Conditions 9a)-9j). The Region comments that while the submitted Functional Servicing and Stormwater Management Report is satisfactory from a

principle of use perspective, a number of technical matters will need to be addressed as part of the implementation process.

The Region's subdivision conditions relate to the submission of updated environmental site assessment reports, functional servicing and stormwater management report and supporting reports/drawings. The conditions also require that private in-house water pressure boosting pumps and private waste collection services be installed and provided by the owner in the future, and that warning clauses advising of such be included in all offers of sale, purchase, lease, reservation and any other similar documents registered on title.

City Transportation - City Transportation staff comment that after reviewing the revised materials, Transportation has no concerns with the site plan or submitted traffic brief. A Construction Management and Mobility Plan is required to be submitted at the site plan stage.

City Site Engineering - Site Engineering staff advise that they have no objections to the approval of the subject applications, provided that a "Hold" zone is applied until a Record of Site Condition is acknowledged by the Ministry of Environment, Conservation and Parks, and subject to the conditions of draft subdivision approval outlined in Conditions 3-6 of Appendix D to this report.

The conditions of draft subdivision approval include requirements for warning clauses to be included on all offers of purchase and sale and reservation agreements and in the future site plan agreement and condominium declaration that advise future purchasers/tenants that the rear yards must remain a permeable landscape surface, and that there will be a blanket easement over the exterior of all lots in favour of the condominium corporation for installation, inspection, and maintenance of common infrastructure located within the lots (e.g. streetlighting, watermain, utilities, french drain system, swales and acoustical barriers). Also, warning clauses regarding noise levels, and access to the rear yards being through the units themselves will also be required.

City Fire Services - City Fire Services have reviewed the revised conceptual site plan and has commented that the fire access route is acceptable without revision. They have provided comments regarding the posting of fire route signs and submission of a site plan to be addressed at the site plan stage.

City Building & By-Law – Regarding the initial submission, City Building staff had commented that more information is needed to confirm that the garbage room building will meet Ontario Building Code spatial separation requirements from Buildings 2 and 3, and that the proposed units will comply with egress requirements. The conceptual site plan has since been revised to no longer include a garbage room. Compliance with

other Ontario Building Code requirements will be reviewed in detail during the site plan and building permit stages.

City Accessibility Coordinator – The City’s Accessibility Coordinator has reviewed the revised materials, and comments that the amenity area has been revised to address concerns regarding accessibility.

City Urban Forestry & Landscaping – Urban Forestry and Landscaping staff comment that they have no objections to the proposed development, subject to the conditions of draft subdivision approval outlined in Appendix D, Conditions 5a) to 5n). Urban Forestry and Landscaping staff recommend that a 2.5 m landscape buffer be planted provided along the southern property line, and have provided comments on the Arborist Report, Vegetation Management Plan and Landscape Plan to be addressed during the subdivision clearance and site plan stages.

Burlington Hydro – Burlington Hydro advises that a blanket easement over the site in favour of Burlington Hydro is required and must be registered prior to energization of the site. No objections to the subject Official Plan Amendment, rezoning and draft plan of subdivision were received.

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

Burlington Transit – Since September 2019, Burlington Transit moved all the routes to the southside bus loop of Burlington GO. Hence, there is no longer any transit service on Queensway Drive.

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

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

Financial Matters:

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

Climate Implications

The proposed development contributes to the intensification of the City's urban area and will introduce additional residents to a location that is within reasonable proximity to parks, neighbourhood conveniences and transit services. As such, the proposed development supports reduced automobile trip lengths, transit usage, and consequently reduced greenhouse gas emissions.

Furthermore, while the proposed development increases the amount of impervious surface on the subject site, the proposed development will improve conditions for surrounding properties by directing drainage towards Queensway Drive. Presently, the site drains to the south. The proposed development will therefore improve the climate resilience of surrounding properties from a stormwater and drainage perspective.

Lastly, the submitted Planning Justification Report notes that one visitor parking spot with an electric vehicle (EV) charging station will be provided, and all units will be constructed to be EV conversion ready. Also, purchasers of units in Buildings 1-3 will have the option to generate a portion of their energy needs through a solar rooftop energy supply. Sustainable design measures will be reviewed and considered at the site plan stage.

Engagement Matters:

The applicant held a Neighbourhood Meeting on May 28, 2019 at the Burlington Seniors' Centre, prior to submission of the application. Approximately 10 residents, Mayor Meed Ward, Ward Councillor Kearns, City Planning, Capital Works and Transportation staff attended the meeting.

The application was subject to the standard circulation requirements for a property in the urban area. A public notice and request for comments were circulated on December 20, 2019 to all property owners and tenants within 120 m of the subject site. A total of 91 households were circulated. A notice sign was posted on the property on January 9, 2020.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/2294Queensway. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and

contact information for the applicant's representative and the Department of Community Planning.

Public Comments

In response to public circulation, staff received 3 comments from 3 members of the public, as well as comments from the Burlington Sustainable Development Committee on the subject application. A copy of the public comments received is attached as Appendix E to this report. The general themes of the written comments and staff's response are provided in Table 3 below.

Table 3 – Summary of Public Comments Received and Staff's Response

Public Comment	Staff Response
Proposed backyards and common amenity area are too small for future residents to enjoy.	The proposed development generally conforms to the privacy area, amenity area, and common amenity area requirements of the Zoning By-law 2020. A minor reduction in privacy area is required for one of the units in order to accommodate a landscape buffer. In staff's opinion this reduction is minor and desirable for ensuring compatibility between the proposed development and neighbouring properties to the south.
Proposed increase in building height will negatively impact privacy of neighbouring backyards.	Staff recommends that the building height for Buildings 1-3 conform to the maximum height currently permitted by the Zoning By-law. A landscape buffer will be provided.
Proposed increase in density will increase traffic on Queensway Drive and neighbourhood streets, leading to unsafe streets for pedestrians.	Transportation staff have reviewed the submitted Traffic Impact Study, and are of the opinion that traffic generated by the proposed development can be accommodated within the existing transportation system.
Number of visitor parking spaces proposed are inadequate for development.	No reductions to visitor parking requirements of the Zoning By-law are proposed.
The amount of green space provided is inadequate for supporting stormwater infiltration.	The applicant has adequately demonstrated that stormwater can be appropriately managed to minimize impact on surrounding properties. Staff's recommended by-law and conditions of Subdivision Approval will ensure that the future backyards will remain as pervious surface to support stormwater infiltration and evapotranspiration.

Concern about adequacy of garbage room, given number of units proposed.	The applicant has revised the design concept so that garbage bins will be stored in the garage of each unit.
Architectural style of the proposed development is not in keeping with existing architecture in the neighbourhood, including Balsam Lodge.	External building design will be reviewed at the site plan stage.
Owner of 992 Cleta Street was not approached to discuss opportunities for a consolidated development, contrary to the applicant's submission.	The City has a limited ability to require that land be consolidated. Staff are of the opinion that the revised supporting materials, with staff's recommended modifications, will result in a development that will not negatively impact the redevelopment potential of 992 Cleta Street.
Should the proposed development be approved, the City should also remove the Holding Provision on 992 Cleta Street, and any reductions in setbacks to the shared property line should also be permitted at 992 Cleta Street.	<p>The subject rezoning application was submitted for the lands at 2294 & 2230 Queensway Drive only. As a result, it would not be possible to rezone 992 Cleta Street through the subject rezoning application. Any relief to zoning regulations at 992 Cleta, such as setbacks, will need to be considered on its own merits through a separate planning application along with appropriate supporting documents and technical and public consultation as per the Planning Act.</p> <p>Regarding the lifting of the Hold on 992 Cleta, since the purpose of the existing Hold is to facilitate land consolidation with the subject lands, if the subject rezoning is approved, it would be reasonable for the Hold on 992 Cleta to be lifted, as 992 Cleta would become the only parcel of land still subject to the general Hold.</p> <p>Should the subject rezoning be approved, staff will include the removal of the H will as part of a future City-initiated Housekeeping Amendment to the Zoning By-law.</p> <p>Alternatively, in advance of the City-initiated amendment, the owner of 992 Cleta may apply for a privately-initiated application to lift the Hold.</p>

Burlington Sustainable Development Committee (SDC) – The SDC comments that there is opportunity in the proposed development to improve renewable energy and energy efficient building envelopes, encourage automobile trip reductions, and provide

for affordable and accessible housing. Suggestions to achieve these objectives include: placing solar panels on roofs and integrated with green roof elements; provide lay-by, car-share and bike storage areas; and providing assisted and affordable housing, as defined in the Region of Halton's Official Plan. Planning staff have noted these comments and comment that sustainable design matters will be reviewed during the site plan review process.

Conclusion:

Staff's analysis of the Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision applications submitted for the lands located at 2294 & 2300 Queensway Drive considers the applicable policy framework and comments submitted by technical agencies and the public. Staff conclude that the applications, with staff's recommended modifications and conditions of Draft Subdivision Approval, are consistent with the PPS and conform to the Growth Plan, Regional Official Plan, and the City's Official Plans. It is therefore recommended that the subject Official Plan Amendment and rezoning applications be approved with modifications as outlined in Appendix B and C, and that the subject Plan of Subdivision be Draft Approved subject to the conditions outlined in Appendix D of this report.

Respectfully submitted,

Rebecca Lau

Planner II

905-335-7600 Ext. 7860

Appendices:

- A. Sketches
- B. Official Plan Amendment
- C. Zoning By-law Amendment
- D. Draft Plan of Subdivision – Conditions of Approval
- E. Public Comments Received to Date

Notifications:

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

steve.fraser@ajclarke.com

Report Approval:

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