



**SUBJECT: Recommendation report for Zoning By-law amendment at
4063 Upper Middle Road**

TO: Community Planning, Regulation & Mobility Cttee.

FROM: Community Planning Department

Report Number: PL-42-22

Wards Affected: 6

File Numbers: 520-03/17

Date to Committee: July 5, 2022

Date to Council: July 12, 2022

Recommendation:

Approve the application for a Zoning By-law amendment for the property located at 4063 Upper Middle Road for the development of an 8-storey, 32-unit residential building; and

Enact amending Zoning By-law 2020.428, rezoning the lands at 4063 Upper Middle Road from "D" to "RH3-508" and "O2" as contained in Appendix D to community planning department report PL-42-22; and

Enact a Holding (H) provision as part of amending Zoning By-law 2020.428, to be removed at such time as the "O2" are dedicated to public ownership; and

Deem that By-law 2020.428 conforms to the Official Plan for the City of Burlington.

PURPOSE:

The purpose of this report is to recommend approval of the Zoning By-law Amendment application for 4063 Upper Middle Road to allow the development of an eight storey residential building with 32 units.

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 growth management

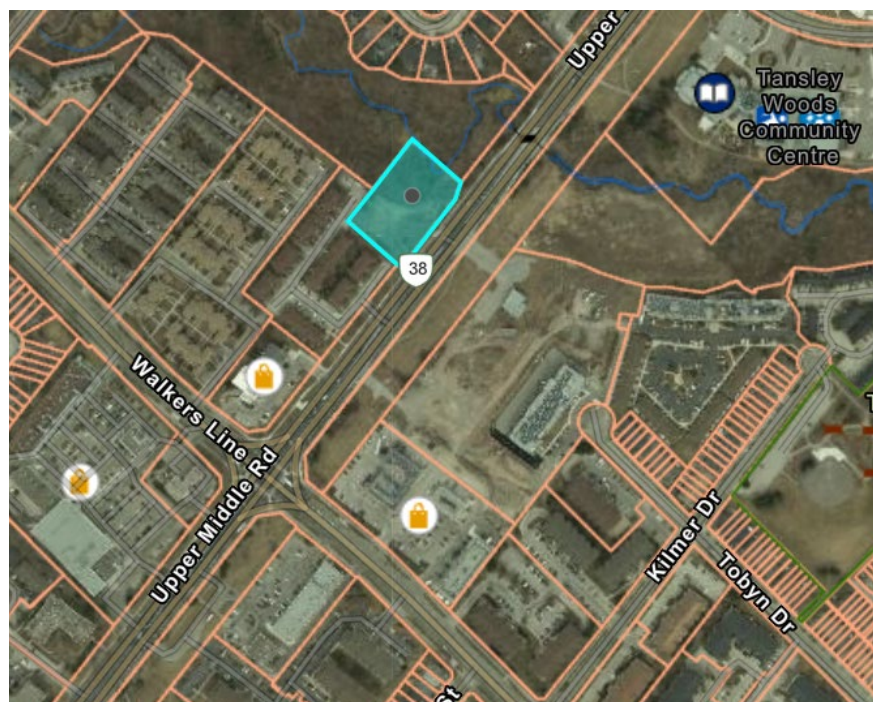
- Improve integrated city mobility
 - Support sustainable infrastructure and a resilient environment
 - Building more citizen engagement, community health and culture
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Executive Summary:

The subject lands are known as 4063 Upper Middle Road and are adjacent to open space associated with the Shoreacres Creek Valley which is located immediately adjacent to the subject lands on the east side.

An application has been made to amend the City's Zoning By-law to change the zoning of the subject lands from *Development (D) Zone* to *Residential High-Density Zone with a site specific exception (RH3-508)* to permit the development of an 8-storey residential building with 32 units, and 'Open Space Zone (O2)' to protect the natural heritage features associated with the adjacent watercourse.

Planning Staff have reviewed the application in the context of the applicable policy framework. The development is consistent with policies of the Provincial Policy Statement and conforms to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe, Halton Region's Official Plan, the City's Official Plan (1997, as amended) and the City of Burlington New Official Plan (2020). Technical and public comments received for this application have been considered in the evaluation of the proposed development. As such, Planning Staff are recommending approval of the application for a Zoning By-law Amendment for the subject lands.



REPORT FACT SHEET

RECOMMENDATIONS:		Approval	Ward No.:	6
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	ThinkGiraffe Design David Eccles 520-03/17 Zoning By-law Amendment 8 storey residential apartment building (plus mechanical penthouse) with 32 units		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESS: PROPERTY AREA: EXISTING USE:	North side of Upper Middle Road, east of Walker's Line 4063 Upper Middle Road 0.55 ha (0.23 ha developable area) Vacant		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN New: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	Residential – High Density and Watercourse Residential – High Density Residential – High Density and Watercourse Development (D) “Residential – High Density with site specific exception (RH3-508)” and “Open Space (O2)”		
Processing Details	NEIGHBOURHOOD MEETING: APPLICATION RECEIVED: STATUTORY DEADLINE: STATUTORY PUBLIC MEETING: PUBLIC COMMENTS:	June 19, 2017 and October 22, 2019 May 2, 2017 August 30, 2017 November 6, 2017 Staff have received 23 written comments from 21 correspondents (Appendix C). 89 notices were circulated.		

Background and Discussion:

Site Description:

This application applies to a vacant property known municipally as 4063 Upper Middle Road. This property was previously occupied by a single detached dwelling which was demolished in 2014. Part of the Shoreacres Creek valley is also located on the property. This site will be accessed from Upper Middle Road. The site is 0.55 hectares (1.4 acres) in size and has a frontage of 76.5 metres (250 feet) on Upper Middle Road and a depth of approximately 63.4 metres (208 feet). Given the proposed dedication of the lands associated with Shoreacres Creek, the developable area of the subject lands is 0.23 hectares. The closest transit stop is within walking distance of the site (179 m to the closest stop at the intersection of Walkers Line and Upper Middle Road). This intersection is serviced by Route 12, which provides service to Burlington's Uptown Mixed Use Centre, and Route 25, which provides north-south access along Walker's Line.

To the north and the east, the subject lands abut the Shoreacres Creek Valley and open spaces associated with the valley. To the south, the lands are adjacent to Upper Middle Road, beyond which is a mid-rise residential development which is currently under construction. To the west is a three-storey townhouse development. Other land uses in the immediately surrounding area of the subject lands includes additional medium-density townhouse developments to the northwest of the lands, as well as Tansley Woods Park and Tansley Woods Community Centre to the south, and service commercial plazas nearby.

Description of Application:

The proponents have submitted a Zoning By-law Amendment application to amend the zoning of the subject lands from *Development (D)* to *Residential – High Density with Site Specific Exception (RH3-508)* and *Open Space (O2)*. Relief has been requested for development standards such as rear yard and side yard setbacks, building height, landscape area and landscape buffers. The initial application was for a Zoning By-law Amendment to permit the development of a seven storey apartment building with 32 units at 4063 Upper Middle Road. The entire site is designated "High-Density Residential" in the City of Burlington current Official Plan (1997, as amended). The site includes portions of the floodplain of Shoreacres Creek and associated valley as well as significant woodland, which limit the developable area of the site to the west side. While the site is 0.55 ha in size, less than half of the site can be developed. The application was revised to an eight storey building (plus mechanical penthouse) with 32 units with a setback that was increased from 4.5 metres to 6 metres from the townhouses to the west, the introduction of a green roof on the 3rd floor and building stepbacks from the

green roof to address compatibility issues raised by the neighbours in the townhouses located to the west of the site.

In March 2021, the City's Transportation staff identified concerns with the configuration of the ramp to the underground parking. These concerns required substantial design changes from the applicant which resulted in the relocation of the ramp outside of the 5 metre road-widening right-of-way that was required at the time. These changes were submitted to the City in May 2021. After further discussion between the City, the Region and the applicant, it was determined that a road widening would no longer be required. As a result, the applicant revised the proposal to redesign the front portion of the site to include a location for waste bins, a loading space and a one-way emergency exit for delivery and waste management vehicles at the east side of the site.

In April 2022, the applicant identified concerns with the proposed diagonal building wall above the second storey on the west side. The application was subsequently redesigned to include stepbacks along this wall in place of the diagonal wall. Changes to the plan also included moving the building further forward in order to reduce impacts on the townhouse units to the north; moving the bicycle parking and lockers to the inside of the building; increasing a portion of the east building setback and increasing the amount of proposed amenity area. The changes were submitted to the City in May 2022.

Supporting Documents:

The following technical reports and studies have been submitted in support of the subject Zoning By-law Amendment application:

- [Concept Drawings](#) (Prepared by KNYMH Architecture Solutions, dated April 25, 2022);
- [Planning Justification Report](#) (Prepared by Corbett Land Strategies, dated March 2017);
- [Functional Servicing Report](#) (File No. 16115, Prepared by S. Llewellyn & Associates Limited, Revision dated October 2021);
- [Grading and Servicing Plan](#) (Prepared by S. Llewellyn & Associates Limited, dated October 15, 2021);
- [Landscape Master Plan](#) (Prepared by Reynolds and Associates, dated August 2018);
- [Site Plan](#) (Prepared by thinkGiraffe, dated September 16, 2021);
- [Traffic Brief Summary](#) (Prepared by Paradigm Transportation Solutions Limited, dated November 30, 2021);

- [Tree Inventory and Preservation Plan](#) (Prepared by Reynolds and Associates, dated October 22, 2021);
- [Woodlot Planting Plan](#) (Prepared by Reynolds and Associates, dated October 22, 2021);
- [Sun Shadowing Study](#) (Prepared by Kristin Eccles, KME Geospatial Consulting, dated February 2017);
- [Geotechnical Report](#) (Prepared by Soil-Mat Engineers and Consultants Ltd., dated May 16, 2013);
- [Environmental Noise Impact Study](#) (Prepared by Frank Westaway, dated February 2017);
- [Environmental Impact Statement](#) (Prepared by Premier Environmental Services Inc., dated September 2016);
- [Construction and Mobility Plan](#) (Drawing No. A6, prepared by thinkGiraffe, dated June 10, 2020);
- Floor Plans (all storeys) (Prepared by thinkGiraffe, dated June 10, 2020);
- [Supplemental Hydrogeological Considerations Letter](#) (Prepared by Soil-Mat Engineers and Consultants Ltd., dated January 9, 2020);
- [Soil-Mat Reliance Letter](#) (Prepared by Soil-Mat Engineers and Consultants Ltd., dated January 14, 2020).

Policy Framework:

The application for Zoning By-law Amendment is subject to the following policy framework: the Planning Act, Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Halton Region Official Plan, the City of Burlington Official Plan (1997, as amended) and the City of Burlington New Official Plan (2020). Staff are of the opinion that the proposed applications are consistent with and conform to the applicable policy framework, as discussed below.

Provincial Policy Statement (PPS), 2020

The PPS requires that settlement areas shall be the focus of growth and development and the subject lands are located within the settlement area of the City of Burlington.

Within settlement areas, the PPS encourages densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use, infrastructure and public service facilities; minimize negative impacts to air quality and climate change and promote energy efficiency; support active transportation; are transit-supportive, where transit is planned, exists or may be developed, and are freight-supportive (Subsection 1.1.3.2). Planning authorities are directed by the PPS to identify

appropriate locations for intensification and redevelopment and to provide development standards which facilitate this intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (Subsections 1.1.3.3, 1.1.3.4).

The PPS provides housing policies which direct planning authorities to provide an appropriate range and mix of housing types and densities to meet projected demands of current and future residents of the regional market area (Subsection 1.4.3).

The PPS recognizes that the province of Ontario is diverse, and that local context is important. The policies of the PPS represent minimum standards, and planning authorities and decision makers may go beyond these minimum standards to address matters of importance to a specific community provided provincial interests are upheld (PPS, Part 3).

Policy 4.7 of the PPS identifies that the official plans are the most important mechanism for the implementation of provincial policy and shall establish appropriate land use designations and policies that direct development to suitable areas. The City of Burlington current Official Plan (1997, as amended) contains development standards to facilitate housing intensification through specific evaluation criteria. The development standards from the City's Official Plan are integrated in the City's Zoning By-law 2020 in the form of regulations to inform appropriate development. The City's Official Plan also considers built form in its policies for design and associated Council approved design guidelines.

The subject lands are located within the Urban Area in the City of Burlington Official Plan. The subject lands are designated High Density Residential in the City of Burlington Official Plan. Adequate servicing exists for the proposed development. The subject lands are one of the few remaining undeveloped areas of land within the neighbourhood. Further, the proposed development seeks to intensify a property that includes vacant and underutilized lands. As such, existing infrastructure and land can be used efficiently and responsibly.

The proposed development supports population growth and intensification of an underutilized property and contributes to the establishment of a range and mix of housing types.

Part 2.1 indicates that Natural features and areas shall be protected for the long term. Part. 2.1.5 b) indicates that development and site alterations shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impact on the natural features or their ecological function. Further, Part 3.1 Natural hazards directs development outside of flooding and erosion hazards associated with rivers and streams. The floodplain of Shoreacres Creek, the valley and the significant woodland and associated buffers will be included with a Site Specific Open Space zone

where development is not permitted. All proposed development would occur outside of the natural heritage features.

Part 3.1 Natural hazards directs development outside of flooding and erosion hazards associated with rivers and streams. The floodplain of Shoreacres Creek and the associated valley are located on this property. These lands will not be developed. They will be included in an Open Space Zone and dedicated to the City of Burlington.

The City of Burlington has established development standards for residential intensification through the Intensification Evaluation criteria in its Official Plan. This application has been assessed against these criteria. This discussion will take place further in the report. In the opinion of staff, the development proposal is consistent with the PPS as it facilitates intensification in the built-up area, accommodates an appropriate range of uses to meet long-term needs of the community, proposes to use existing infrastructure and promotes the protection of public health and safety, as well as natural heritage features.

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

The Growth Plan provides a framework for managing growth and achieving complete communities in the Greater Golden Horseshoe. All planning decisions must conform to the Growth Plan. Subsection 2.2.1.2 a) of the Growth Plan states that *“the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities”*.

The subject lands are located within the delineated built boundary of the City of Burlington. The application proposed to intensify an existing property through the development of a vacant, underutilized lot within a previously developed area. The subject property is located in an area which is comprised of a mix of residential, commercial and office uses, and the proposed development would contribute to a complete community. The proposed development would use existing infrastructure and would be promoting growth and intensification within the urban area.

Part 2.2.2., Delineated Built-up Areas, Policy 4 states that *“all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout the delineated built-up areas, which will identify the appropriate type and scale of development and transition of built form to adjacent areas”*.

The subject lands are identified as “Residential-High Density” within the city’s Official Plan. The land use designation allows for a density range of 51-185 units per net hectare which allows intensification to occur in a manner that is an appropriate type and

scale of development that transitions to the built form of the surrounding neighbourhood. The proposed net density for the subject lands is 140 units per net hectare.

While the Burlington Official Plan is supportive of potential growth and intensification, it must also be compatible with the character of the existing neighbourhood. It is the opinion of staff that the proposed development meets the evaluation criteria for intensification projects in the city and therefore conforms to the Growth Plan.

Halton Region Official Plan (ROP) 2006, as amended

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, 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.

According to the ROP, the subject lands are designated as Urban Area and are within the 'Built-Up Area' of the Regional Urban Structure of the ROP. Urban Areas are locations where urban services (water and wastewater) are or will be made available to accommodate existing and future development. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the ROP.

Objective 78(1) of the ROP is to *"provide an urban form that is complementary to existing developed areas, use space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation and is environmentally more sustainable"*.

As previously mentioned, the City development evaluation criteria for intensification proposals is based on the above noted requirements, among others. A full analysis of the proposal in relation to the Evaluation Criteria is included in the City of Burlington Official Plan section of this report.

Staff is of the opinion that the proposed built form can be compatible with the variety of land uses surrounding the subject lands.

The Region's Environmental Impact Assessment requirements were triggered by the subject proposal and as such, Regional staff considered the response materials against the Regional Natural Heritage System (RNHS) policies of the ROP. In their review of the materials, in keeping with the proposed mitigation measures being implemented at the Site Plan stage and in accordance with the recommendations of Conservation Halton, the Region is satisfied that the proposal will result in no negative impact on the RNHS.

Staff are of the opinion that the proposed development is in keeping with the policies of the ROP as it facilitates intensification and increased densities within the Built-Up Area, makes efficient use of space, and contributes to a more compact settlement pattern. The proposed development ensures that surrounding natural features will not be negatively impacted. Finally, as discussed further in this report, the proposal conforms with the objectives of both the City's current and new Official Plans.

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

The subject lands are designated as "Residential Areas" on Schedule A, Settlement Pattern, of the City's OP. The permitted uses in the Residential Areas designation include a broad range of housing types, ranging from single detached homes to high rise apartments. The subject lands are designated as "Residential – High Density" and "Watercourse" on Schedule B of the City's Official Plan. In the Residential High Density designation a variety of residential building forms, including street townhouses and stacked townhouses, back to back townhouses, attached housing and apartment buildings *shall* be permitted. The permitted density in this designation is between 51 and 185 units per hectare. The net density of the proposed development, calculated using the lands that are not the subject of dedication to the City, is 140 units per hectare. As such the proposal conforms to the intent of the "Residential Areas" designation and the proposed development conforms to the Official Plan.

Part III, Section 6.4 of the Official Plan outlines the Watercourse policies. Shoreacres Creek and its associated regulatory floodplain are not currently shown on Schedule B of the City's Official Plan. Policy 6.4.2 g) states that "as part of the development approvals process, the zoning of Watercourse lands to an appropriate open space zoning category shall be required". Policy 6.4.2 h) indicates that "As part of the development approval process, the dedication of Watercourse lands to the City shall be required in accordance of the requirements of Part II, Subsection 2.11.3 g). The policy in Part II, Subsection 2.11.3 g) indicates that "as a condition of development approval, the City will normally require the dedication of the greater of the regulatory floodplain, or the valley through which the watercourse flows including a conservation setback from top of bank, regulatory floodplain or meander belt width. The Environmental Impact study prepared in support of this application was reviewed and accepted by Conservation Halton and Region of Halton. Staff recommend that a Holding (H) Provision be applied to the subject lands in order to ensure that the lands are dedicated accordingly.

Housing Intensification

The application will be subject to the Housing Intensification policies of the Official Plan (Part III, 2.5). These policies provide specific criteria to consider when evaluating

applications for development within established neighbourhoods. Objectives of these policies include encouraging residential intensification as a means of increasing the amount of available housing stock within existing neighbourhoods provided the additional housing is compatible with the scale, urban design and community features of the neighbourhood. The City's Official Plan contains thirteen evaluation criteria for intensification proposals. The proposed development has been assessed with the Housing Intensification criteria as follows:

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

The development application was circulated to Halton Region, the City's Engineering Department and the local school boards for comment.

The City's Engineering staff reviewed the application with respect to water, wastewater and storm sewers and note that while additional information will be required to be reviewed at the time of Site Plan approval, no further concerns remain with the proposed Zoning By-law Amendment. Halton Region has confirmed that adequate servicing will be available for the proposed development. The two local school boards have advised that they have no objection to the application and that there will be sufficient capacity to accommodate the students generated from the proposed development. The Halton District School Board advises that students generated from this development are expected to be accommodated at Florence Meares Public school and Charles R. Beaudoin Public School. According to the Board's projections, the elementary schools are projected to be above or near building capacity. As a result, students generated from this development are expected to be accommodated in the respective elementary schools with the addition of portables in the near future. The development is within the catchment for M.M. Robinson High School and Dr. Frank J. Hayden Secondary School. Dr. Frank J Hayden Secondary School is project to be over building and portable capacity. Projections are expected to decline over the next 5 years. The Halton Catholic District School Board advises that elementary students generated from this proposal would be accommodated at Sacred Heart of Jesus Catholic Elementary School. Secondary school students would be directed to Corpus Christi Catholic Secondary School.

The City's Parks Design and Construction Section advises that adequate parkland is available to accommodate this development at The Tansley Woods Community Centre and Tansley Woods Community Park. They are located within the 0.8km – 2.4km distance for a city park. As such, the City will be taking cash-in-lieu of parkland dedication as part of this development.

- ii) Off-street parking is adequate;

The proposal has been reviewed by the City's Transportation staff who do not have additional concerns with the proposal. It should be noted that as part of the redesign of the ramp to the underground parking, four underground parking spaces were lost. The four spots that were removed were also considered as part of the review undertaken by staff. The Zoning By-law requires 1.25 spaces per two bedroom unit with an additional 0.2 spaces per unit required for visitor parking. This would result in a total parking requirement of 47 spaces. The applicant is proposing 53 spaces. Staff are satisfied that the proposed parking is appropriate.

- iii) 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 applicant has worked with both Regional and City Transportation staff in order to facilitate a development that can accommodate the increased traffic volumes resulting from the proposed development. Staff are satisfied that this criterion has been met.

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

The closest transit stop is within walking distance of the site (179 m to the closest stop at the intersection of Walkers Line and Upper Middle Road). The in-force City of Burlington Official Plan Long Term Transit Service Network identifies Upper Middle Road and Walkers Line as a Secondary Bus Service Route. Secondary Bus Services offer *peak period* frequencies greater than 15 minutes. This criterion is met.

- 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;

Scale and Massing

The proposed 8 storey building is compatible with its surrounding area with respect to scale and massing. On the west side of the building, stepbacks are proposed above the

second and seventh storeys. This breaks up the massing of the building and provides an appropriate transition to adjacent townhouse units. The lands associated with the Creek Block are proposed to be dedicated to the City, as well as a 7.5 metre buffer from the existing stable top of bank. As such, the proposed development has been left out of this buffer and it is recommended by staff that a Holding Provision be applied to the subject lands in order to ensure the dedication of the lands. Given the constraints of the site and the measures taken by the applicant to reduce the impacts of scale and massing, staff are satisfied that the scale and massing of the proposal are appropriate for the subject lands.

Height, Siting and Setbacks

The original proposal was seven storeys in height. In order to increase the west side yard setback and provide a more compatible transition to the townhouses to the west, the applicant increased the west side yard setback to 6 metres, with additional setbacks above the second storey.

The site includes lands that are associated with Shoreacres Creek. In order to protect these lands from potential impacts of development, the applicant has agreed to dedicate these lands plus an additional 7.5 metre buffer to the City, resulting in less developable area on the site. Given the constraints on the east and the west sides, the applicant proposed to increase the height from the originally proposed seven storeys to eight storeys. Staff are of the opinion that in this case, the request is appropriate.

Coverage

As noted throughout the report, the developable area of the site is constrained by the limits of the Natural Heritage Feature and the associated buffer. As such, it is acknowledged by staff that a portion of the lands will be zoned to Open Space and dedicated to the City. The proposed building is located within the developable area and takes care to transition to the townhouses to the west, including the terracing of upper floors and the introduction of green roofs to be used as amenity area by residents. Staff are of the opinion that the building represents appropriate coverage for the lands, especially given the unique circumstances of the site.

Parking

The Zoning By-law requires 1.25 spaces per two bedroom unit with an additional 0.2 spaces per unit required for visitor parking. This would result in a total parking

requirement of 47 spaces overall for the proposed development. The applicant is proposing 53 spaces. Staff are satisfied that the proposed parking is appropriate.

Amenity Area

The applicant is proposing indoor common amenity area and outdoor amenity area in the form of private balconies and rooftop terraces on top of the second and seventh storeys. A total of 1,214 square metres of amenity area is proposed, or 37.9 square metres per unit, whereas the Zoning By-law requirement for the RH3 Zone is a minimum of 20 square metres. The development therefore proposes amenity area per unit in excess of what is required.

- 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;

The subject lands include lands associated with Shoreacres Creek. The applicant is proposing to rezone the lands to an Open Space Zone and convey this portion of the subject property to the City free of charge. This reduces the developable area for the applicant and maintains the existing natural area. As part of the application process, the applicant was required to demonstrate that the proposal would not negatively impact the lands associated with the creek. For reasons discussed further in this report, the City, the Region and Conservation Halton are satisfied that effects on the feature are minimized. The City's Landscaping staff have noted that Council approval and compensation will be required for the proposed City Trees on the subject lands, and that a Tree Permit will be required for private tree removal, but do not object to the proposed Zoning By-law Amendment application.

Staff are of the opinion that the applicant has made considerable efforts to maintain and preserve the existing vegetation on and adjacent to the subject lands and are of the opinion that this criterion has been met.

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

The application was submitted prior to the City's *Shadow Study Guidelines and Terms of Reference* taking effect in June 2020 and therefore was not subject to these requirements. Nonetheless, a Shadow Study was submitted as part of the application. The study shows that shadows may impact only the properties directly to the north of

the subject lands; but would mostly be cast on the open space to the east. Staff are satisfied that shadow impacts would be appropriate for the subject development.

- viii) Accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;

There are commercial plazas on the four corners of the intersection of Upper Middle Road and Walkers line that offer a variety of retail, banking, dental and medical services. The Tansley Woods Community Centre (including a pool and library) is within approximately 500 metres of the site. It is the opinion of staff that this criterion has been met.

- ix) Capability exists to provide adequate buffering and other measures to minimize any identified impacts;

Originally, the applicant had proposed a seven storey building with a setback of 4.5 metres from the townhouse development to the west. Staff had concerns with the proximity of the proposed building to the adjacent townhouses and the impacts that may be caused as a result; such as noise or overlook. The applicant shifted the building back for a setback of 6 metres from the west property line. The building height was increased to eight storeys as a result of the increased setback and previously discussed open space dedication, however it is the opinion of staff that the increased setbacks and rooftop terraces mitigate these potential impacts.

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

The lands to the north and west are developed. The Shoreacres creek block to the east of the development will be dedicated to the City and zoned such that no development will be allowed. The site abuts Upper Middle Road to the south. As such, development to the south would not be feasible.

- xi) Natural and cultural heritage features and areas of natural hazard are protected;

The natural heritage and natural hazard features associated with Shoreacres Creek have been identified and mapped in the EIA supporting the application. The identified lands, as well as a 7.5 metre buffer from the existing stable top of bank, will be zoned as Open Space and dedicated to the City of Burlington. This criterion is met.

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

Part II, Subsection 2.11.3 g) of the Official Plan states:

as a condition of development approval, the City will normally require the dedication of the greater of the regulatory floodplain, or the valley through which the watercourse flows including a conservation setback from top of bank, regulatory floodplain, or meander belt width. Dedication of these lands shall not be considered part of parkland dedication requirements of the Planning Act, unless the dedicated lands provide needed public recreational opportunities as identified by the City. If any such land remains in private ownership, it will be protected by zoning, agreement or easement to protect the ecologic and floodplain function of such land.

The applicant is proposing to dedicate the lands associated with the floodplain as well as the associated buffer and dedicate it free of charge to the City. It is recommended that a Holding Provision be applied to the subject lands in order to ensure that this occurs. The lands are proposed to be rezoned to an Open Space Zone. It is the opinion of staff that the intent of this policy has been met.

- 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 existing and proposed residential buildings is provided.

The subject lands are located within a Residential Area in accordance with *Schedule A – Settlement Pattern* of the City's Official Plan. Within this area, the lands are designated *Residential – High Density* as well as *Watercourse*. The lands are situated in a location that has direct access to Upper Middle Road and is in close proximity to Walker's Line, both of which are classified as Minor Arterial Roads in accordance with *Schedule J – Classification of Transportation Facilities*, of the City of Burlington current

Official Plan. The lands are in proximity to transit stops and neighbourhood amenities. The proposed building has regard for surrounding development, particularly the townhouses to the west, and provides appropriate transition, in the opinion of staff.

Urban Design

With re-development and intensification being the dominant form of new development in the City of Burlington, a thorough review of proposed building design and site design is recognized as a critical component of the evaluation of development applications.

Part II, Section 6 of the City's Official Plan provides specific reference to ensuring that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character. The objectives of this section of the Official Plan also include a commitment to the achievement of high-quality design within the public realm. Consideration of urban design is to be integrated into the full range of activities by Planning Staff.

The City has prepared design guidelines that relate to various building typologies. Part 2, Section 6.6 c) states: "...Any City Council-approved design guidelines are considered City policy and shall be implemented for all public or private development proposals". Planning staff refer to design guidelines throughout the development review process in order to critically examine the design performance of private development proposals in reference to the design objectives of the OP. Applicants are expected to have regard to the relevant design guidelines when preparing their development proposals. Burlington City Council has approved Design Guidelines for Mid-Rise Buildings, which apply to the proposed development on the subject lands. Below is a review of the relevant Mid-Rise Design Guidelines in relation to the proposed development.

2.1 Building Placement

- 3) *Placement should consider existing site conditions and look to retain and enhance certain features as assets such as mature trees and topography.*

The original development proposed a building having a height of seven storeys and a west side yard setback of 4.5 metres. It was the opinion of staff that the proposed building was too close to the west property line and may have a negative impact on the residents of the existing townhouses. The applicant therefore increased this setback to 6 metres and as a result, increased the building height to eight storeys. Staff are supportive of this change and are of the opinion that it resulted in proper building placement. While the applicant is proposing to remove City and private trees as a result of the subject application, the proposed removals were reviewed by the City's

Landscaping and Urban Forestry staff and were determined to be appropriate. Further, as discussed, the applicant is proposing to retain adjacent natural features.

- 7) *Pushing (projecting) and pulling (recessing) building volumes from the main building form is encouraged to help break down the mass of larger buildings.*

The proposal includes stepbacks at the third level. This stepback introduces private rooftop terraces on the top of the second storey. It assists in reducing the appearance of a large building mass and contributes to a larger separation distance to the townhouses to the west of the subject lands. To the west, the lands transition to a townhouse built form, and stepbacks on the west side of the proposed development assist in achieving an appropriate built form transition. In the opinion of staff, this guideline has been met.

- 8) *Balconies are encouraged and should be integrated into the building design and massing with inset or Juliette balconies. Projecting balconies should not be within the streetwall to avoid negative impacts to the public realm including additional building massing and shadowing.*

The building proposes terraces that are partially recessed. Reducing the amount of balcony encroachment beyond the building wall reduces the potential mass of the building while also providing private amenity area to residents. Staff are satisfied that the balconies are appropriately incorporated into the building.

- 10) *Stepping back upper level building volumes is encouraged to assist with transitions between neighbouring buildings with lower heights.*

As previously noted, the building incorporates stepbacks above the second and seventh storeys in order to provide outdoor common amenity area to residents. The stepbacks provide a transition to lower building heights; particularly the townhouse development to the west. Staff are of the opinion that the proposal appropriately incorporates stepbacks which assist in built form transition.

2.4 Street Level Design, Façade Articulation and Materials

- 9) *Most on-site parking should be provided underground. In general underground or structured parking is encouraged before surface parking.*

On-site parking for the proposed development is located underground, at the ground level and on the second floor. The parking is proposed to be enclosed within the building walls and would not be visible from the street. As such, staff are of the opinion that the intent of this guideline is met.

- 15) *In general, maximize outdoor amenity areas at grade. The width to depth proportion of this area should not exceed 4:1 and it should be provided in one contiguous area to ensure the space is functional.*

The development proposes outdoor amenity area primarily in the form of rooftop amenity area and private balconies rather than at grade. The development also exceeds the amount of amenity area required within the Zoning By-law. Staff are of the opinion that in this case it is appropriate to incorporate common outdoor amenity area in the form of rooftop terraces into the development.

- 20) *The roof of a lower building can be landscaped and used as common and private outdoor amenity area for the residents of a development. Where possible utilize building rooftops such as green roofs and/or usable private and shared outdoor amenity areas such as gardens.* ‘

As discussed throughout this report, the proposal incorporates building stepbacks above the second and seventh storeys. These stepbacks facilitate outdoor green roof amenity areas.

3.1 Built Form: Transitions

- 1) *When deciding on overall and upper building height and massing consider the following:*
- *The permitted minimum and maximum heights set out in the Official Plan and Zoning By-law;*
 - *The physical character of the surrounding area including the height and scale of adjacent buildings;*
 - *The potential shadowing and pedestrian level wind impacts on neighbouring properties and private and public open spaces – taller elements should be arranged accordingly;*

According to the City of Burlington Official Plan, the property is designated *Residential – High Density and Watercourse*. The high density designation permits a density of up to 185 units per hectare. The development proposes to achieve this density requirement. The proposed building is terraced to provide buffering and mitigate shadow and wind impacts from uses to the west. As such, it is the opinion of staff that the intent of this requirement is met. The portion of the property that is proposed to be developed is zoned “*Development (D)*” which permits a single detached dwelling. The applicant is proposing to amend the Zoning By-law to reflect the existing Official Plan designation.

The building is proposed to be stepped back along the west side where it is adjacent to townhouse units. The terraces are proposed to be used as green roofs which will provide outdoor amenity area to residents. It is the opinion of staff that the proposed building appropriately incorporates the intent of the high-density permissions of the Official Plan and Zoning By-law while having regard for the character of the neighbourhood.

3.2 Upper Façade/Roof Design, Articulation and Materials

- 4) *Balconies are encouraged within the upper building to provide private outdoor amenity areas and additional articulation. They may be inset or project but should have a minimum depth of 1.5 metres to provide functional space. Generally, balconies should be sized according to the number of residents the unit is intended to house.*

The proposed building includes private amenity area in the form of balconies as well as terraces which provide private outdoor rooftop amenity area. Most of the balconies are recessed and do not project beyond the main building wall. However, there are some balcony projections on the east side. The balconies on the east side are partially recessed and overlook the creek block associated with Shoreacres Creek. As such, there are no concerns by staff related to privacy or overlook. The outdoor amenity areas are located on top of the third and seventh storeys. These stepbacks allow for green roof terraces which can be used as outdoor amenity area for residents of the proposed development.

- 6) *Design the building top to clearly distinguish it from the lower portions and to further reduce the building massing. This should include additional physical building setbacks, stepbacks, colour and material variations, and unique articulation.*

The eighth storey of the building is comprised of lighter materials and steps back from the seventh storey. In the opinion of staff, this adequately differentiates the top of the building from the other parts of the building.

- 8) *Where possible, rooftop amenity areas are recommended to create activity at the upper storeys of the building and be appropriately set back from the roof edge.*

As noted throughout the discussion of the proposed building, the proposal incorporates stepbacks above the second storey of the building and the seventh storey. In both cases, the stepped back portion of the buildings are proposed to be used as outdoor common amenity area. This contributes to both a reduction in building mass and an increase in amenity area for residents.

City of Burlington New Official Plan (OP, 2020)

On November 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 December 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 section of OP, 2020.

The lands are identified as being within a *Residential Neighbourhood Area* in accordance with Schedule B – Urban Structure of the New Official Plan. The lands are also within an *Established Neighbourhood Area* in accordance with Schedule C – Land Use – Urban Area. These areas shall be *recognized as a distinct area within the City's Urban Area where intensification is generally discouraged*, in accordance with Chapter 2, Subsection 2.4.2(3)a)(ii) of the New Official Plan. However, Chapter 2, Subsection 2.4.2 (3)b)(iv) notes that opportunities for intensification may be permitted in *lands designated Residential – High Density, in accordance with Subsection 8.3.5(1)c) of the New Official Plan*. It should be noted that the lands are designated *Residential – High Density*. Subsection 2.4.2 (3)b)(i) states that *development in accordance with the maximum density and/or intensity permitted under the applicable land use designation* may also be appropriate for intensification.

Subsection 8.3.5 (Residential – High Density) b) of the New Official Plan states that *on lands designated Residential – High Density, ground or non-ground-oriented dwellings, as specified in Subsection 8.3.5(1)a) of this Plan, may be permitted, with a density ranging between seventy-six (76) and one hundred and eighty-five (185) units per net hectare*.

The proposed density of 140 units per hectare is in keeping with the New Official Plan density requirements for the subject lands.

It should be noted that the applicant is seeking a Zoning By-law Amendment, but not an Official Plan Amendment. The application is in keeping with the policies of the New Official Plan.

The proposed development conforms to the City's new Official Plan. It is a form of intensification that is contemplated, and conforms to the New Official Plan's maximum density, height and built form permissions of the "Residential – High Density" designation of the subject lands.

City of Burlington Zoning By-law 2020

The subject lands are currently zoned as 'Development (D)', as illustrated in Sketch 1 attached in Appendix A. The applicant is proposing a rezoning to modify the current Development (D) zoning regulations to a site specific "Residential -High Density (RH3)" zone and "Open Space (O2)" zone to accommodate the proposed development.

The table below indicates the zoning requirements for a Residential – High Density (RH3) Zone as well as the development standard proposed as part of the development.

Zoning Regulation	Required	Proposed	Staff Comment
Front/Street Side Yard	6 m	9.8 m minimum 12 m maximum	<p>The proposed building is located a minimum of 9.8 metres from the front yard, abutting Upper Middle Road. The front yard allows space for entrance to the site, snow storage, vehicular access to a drop off area at the front of the site and a loading space at the southwest side of the site. The remainder of the front yard will be sodded.</p> <p>An existing sidewalk runs along the boulevard in front of the site, ensuring a safe and established pedestrian environment.</p> <p>Staff are satisfied that the building is set back an appropriate distance on the site that allows for appropriate site features and a comfortable pedestrian environment.</p>
Rear Yard	7.5 m	4.7 m (pinch point) to 7.5 m maximum	<p>The applicant is proposing a rear yard of 4.7 metres at its closest point. At the rear of this portion of the site, the property is adjacent to townhouse units. It should be noted that the proposal does not directly abut the rear yards of the townhouse units. Rather, the lands are adjacent to a condominium road, beyond which are the driveways and front yards of four townhouse units. Staff are of the opinion that adequate space is provided in the rear yard and that this setback is appropriate.</p>
Side Yard	<p>West Side: 3 m</p> <p>East Side (abutting a Creek Block): 7.5 m; 4.5 m if the block includes a 3 m buffer</p>	<p>West Side: Floors 1-2, including balconies: 6 m</p> <p>Terrace on the 3rd Floor: 6 m</p> <p>Floors 3 and above, including</p>	<p>The original proposal included a seven storey building with a 4.5 metre setback on the west side of the subject lands. Due to concerns with the proposed proximity of the buildings to adjacent townhouses, the setback was increased to 6 metres. The setback on the west side increases above the second storey. On top of the second storey, the building steps back and includes outdoor rooftop terraces for residents of those units.</p> <p>On the east side of the subject lands, the lands associated with the Creek Block are proposed to be zoned to Open Space and</p>

Zoning Regulation	Required	Proposed	Staff Comment
		balconies: 7.1 m East Side: 0 metres abutting proposed O2 Zone)	dedicated to the City. Included in this space is a 7.5 metre buffer from the Creek Block. As such, the proposed 0 metre setback is not to the limit of the natural feature itself, but rather to the limit of the buffer. Further, the 7.5 metre buffer achieves the same effect as the by-law requirement for 7.5 metres from the feature.
Density	50 uph minimum 185 uph maximum	139 uph	The proposed density of 139 units per hectare is in keeping with the density requirements for a high-density zone. Staff are satisfied that the proposed density can be accommodated within the building proposed for the site.
Building Height	24 m maximum	9 storeys to 33 m maximum	<p>It should first be noted that the proposed building includes 8 storeys of residential living space and parking. However, by definition, the Mechanical Penthouse must be included in the Zoning By-law Amendment as an individual storey. As such, the maximum height being sought is 9 storeys and 33 metres by definition in the Zoning By-law; however the building area devoted to the residential use will have the appearance of an 8 storey building having a height of 30 metres.</p> <p>The building proposes an additional 9 metres beyond what is permitted within the Zoning By-law. As discussed previously, the height was increased from a seven storey proposal in order to accommodate larger setbacks and building setbacks adjacent to a townhouse development. It is the opinion of staff that although the height increased during the application process, the side yard setbacks and stepbacks increased and appropriate built form was proposed in the form of rooftop terraces.</p>
Amenity Area	25 m ² per unit	37.9 m ² per unit	The proposal exceeds the Zoning By-law requirement for amenity area per unit. The development proposes amenity area in the

Zoning Regulation	Required	Proposed	Staff Comment
	= 800 m ²	= 1,214 m ²	form of private balconies and rooftop terraces, and indoor common amenity area. Staff are satisfied that the proposed amenity area is appropriate for the subject lands.
Landscape Area	6 m abutting a street having a deemed width greater than 26 m	5 m	While the proposal indicates a proposed landscape area of 5 metres, it should be noted that the front yard consists of some sod but also includes driveways and loading areas. Despite the amount of landscape area included, staff are of the opinion that the sodded boulevard with an existing sidewalk will allow pedestrians to use the space and will assist in providing additional buffering to the site with respect to distance from the street. Staff are of the opinion that the proposal exceeds the requirement for amenity area and that sufficient greenspace is provided adjacent to the site. While the landscape buffer is reduced at the front of the site, it supports a sodded boulevard, sidewalk, a driveway, snow storage and a loading area in addition to appropriate setbacks. Staff are of the opinion that the intent of the landscape area has been met as part of the proposed development.
Landscape Buffer	3 m abutting RM1 to RM5 Zones (north and west sides)	3 metres along north and west lot lines	<p>The proposal is adjacent to townhouses on the north and west sides. To the north, the lands are directly adjacent to a condominium road, beyond which are the driveways of townhouse units. A small portion of the proposed building abuts the north property line with a setback of approximately 3 metres at the closest point only. Within these 3 metres, the applicant is proposing a landscape buffer. It is the opinion of staff that all of the factors above contribute to an appropriate transition to the townhouse units to the north.</p> <p>To the west, the applicant has increased the side yard setback to 6 metres and is proposing a 3 metre landscape buffer along the property line. Staff recognize the efforts made by the applicant to improve the</p>

Zoning Regulation	Required	Proposed	Staff Comment
			<p>transition to the townhouses on the west side.</p> <p>Staff are of the opinion that the proposed landscape buffers are in keeping with the Zoning By-law requirement for this zone and are a desirable component of the development.</p>
Parking	<p>1.25 spaces per two bedroom unit</p> <p>0.2 visitor parking spaces per unit</p> <p>= 46.4 spaces</p>	53 spaces	The development proposal is in keeping with this requirement. Transportation have commented on the proposal and do not have concerns with the number of parking spaces proposed. The parking spaces are proposed to be located underground. Staff do not object to the amount of parking spaces proposed.
Loading Spaces	One space	One space	The development proposes one loading space at the southwest side of the subject lands. Staff are of the opinion that this is appropriate for the proposed 32 unit residential development and do not object to the proposed loading space.

In addition to the development standards above, the City is recommending that a “Holding Zone (H)” Provision be applied to the subject lands to be removed at such time as the lands associated with the proposed “Open Space (O2) Zone” are dedicated and placed into public ownership.

Technical Review

The supporting documents for the Zoning By-law Amendment application were circulated for review to internal departments and external agencies. Comments have been received from Canada Post, Halton District School Board, Halton Catholic District School Board, Enbridge, the City’s Finance, Parks, Engineering and Landscape and Urban Forestry staff and Burlington Hydro; all of whom have provided standard

comments or conditions to be considered at the Site Plan stage. The following additional comments were received with respect to the subject application:

Halton Region

Halton Region commented on the application and have no remaining objections to the proposal. The Region evaluated the proposal in accordance with the applicable Provincial and Regional planning framework. The Region has noted that while the lands are not located within a mapped or identified *Intensification Area* in accordance with the ROP, the ROP generally supports some level of intensification in this location.

The Region also evaluated the proposal in accordance with the Regional Natural Heritage System (RNHS) policies of the ROP, as the Regional Environmental Impact Assessment (EIA) requirements were triggered by the development proposal. An Environmental Impact Assessment (EIA) was submitted as part of the application which outlined mitigation measures that are proposed to be implemented, and the Region is satisfied that these measures will result in no negative impact to the RNHS.

The Region noted that at the time of the Site Plan application, an Environmental Implementation Report (EIR) will be required to demonstrate how the recommendations of the submitted EIS have been implemented. Other comments to be dealt with at the Site Plan application phase were provided to the applicant.

City Transportation

In June 2020, City Transportation Planning staff identified a concern with the turning movements associated with the upper-level parking ramp. A resubmission was received by the City in December 2020 in order to address these concerns. In March of 2021, additional concerns were identified with respect to the configuration of the ramp to the underground parking area. A further resubmission was received by the City in May of 2021 in order to address this additional concern.

The applicant worked with staff in order to reconfigure the ramp. This resulted in the loss of four parking spaces. Upper Middle Road has a 35 metre Right-of-Way requirement. It was also determined by City and Regional staff that the existing property line abutting Upper Middle Road is approximately 17.5 metres from the centreline of the road, and that a 5 metre road widening would not be required, as previously noted. The removal of the requirement for the road widening allowed for improvements to the front of the site including the re-location of the waste storage and loading space.

Transportation provided further comments on the application, including traffic impacts and parking which indicated no concerns. Comments were provided to the applicant. Transportation has no further objections to the subject proposal.

Conservation Halton

Conservation Halton provided comments on the application throughout the process given the natural heritage features located on the subject lands. Conservation Halton noted early in the application process that the drawings did not clearly delineate the development limit, regulated lands, woodlands, setbacks and the corresponding boundary of the Open Space Zone. This information was also important in determining the limits of the lands to be rezoned and dedicated into public ownership. The applicant worked closely with staff to confirm the limits of the natural feature and their associated buffer, and to address other comments that were provided to the applicant.

Conservation Halton has no further concerns with respect to the proposed Zoning By-law Amendment.

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, it ensures that the natural heritage features associated with Shoreacres Creek are protected and put into public ownership. The proposed development will therefore maintain the climate resilience of properties upstream and downstream from a stormwater and drainage perspective.

Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements of the Planning Act. A public notice was circulated in June 2017 and February 2018 to surrounding property owners/tenants. A subsequent notice regarding the Statutory Public Meeting

was circulated in October 2017 to surrounding property owners/tenants as well as to those who had provided written comments.

Two notice signs were also posted on the subject property in May 2017. The supporting technical studies and supporting materials for this development were posted on the City's website at www.burlington.ca/4063UpperMiddle. The application was subject to the standard circulation requirements for Zoning By-law Amendment applications. A public notice and request for comments were circulated in May 2017 to all owners/tenants within 120 metres of the subject property.

Neighbourhood Meeting

On June 19, 2017 a neighbourhood meeting was held at Tansley Woods Community Centre and was attended by approximately 25 members of the public.

Neighbourhood Open House

On February 15, 2018 an Open House was held at Tansley Woods Community Centre and was attended by 2 members of the public. The applicant presented two revised designs for the apartment building. The revisions, which were later submitted to the City, include moving the structure 1.5 metres to the east, enhanced landscape planting along the property boundary, saving more of the existing on-site trees and other building design enhancements to improve the interface with the existing neighbourhood.

Public Comments

To date, staff has received 23 letters or e-mails related to the subject application. The respondents had questions regarding the height of the proposed development, the proximity to the existing townhomes, the loss of greenspace and the negative impacts on Shoreacres Creek. The public comments received to date are included in Appendix C. Below is a summary of the comments received to date as well as a staff response:

Comment:	Staff Response:
The building height is greater than the townhouse developments which surround the property and is too large.	The applicant has taken care to ensure that the transition between the proposed building and the existing adjacent townhouses is appropriate. Revisions made to the application are discussed within this report and include a setback increase and the inclusion of a green roof to be used as common outdoor amenity area.
Concern about loss of trees on the site and throughout the City; vines are	Tree removal has been reviewed by Landscaping and Urban Forestry staff

currently overtaking the trees along Shoreacres Creek- from Upper Middle Road to Millcroft Park Drive.	<p>which have provided comments that have been discussed within the report, and have no remaining objections to the proposal.</p> <p>It has also been discussed that the development proposes to convey the lands associated with Shoreacres Creek to the City in order to ensure the preservation of the lands.</p>
The proposed rezoning is not sympathetic to the scale and character of the existing neighbourhood and will be adding significant stress to both the infrastructure and the environment.	The proposal has been reviewed extensively in the context of the surrounding area. This review includes the scale, character, height and surrounding uses as well as the addition of residential units to the existing infrastructure. Staff are of the opinion that the applicant has made an effort to ensure compatibility of the proposal to its surrounding area while also preserving surrounding natural features.
Increased vehicle congestion on Upper Middle Road from greater number of residents living in the area. Traffic in rush hour is already horrible.	The proposal has been reviewed by the City's Transportation staff. This includes the proposed number of trips that would be generated as part of the proposal. It was noted as part of the review that the level of trips proposed is appropriate and can be accommodated as part of the proposal.
Concern that an increase in traffic will cause vehicle diversion into nearby neighbourhoods.	As noted above, the City's Transportation staff have reviewed the documents submitted to the City by the applicant and are satisfied that the level of intensification proposed is appropriate for the area with respect to traffic generation.

Conclusion:

The Zoning By-law Amendment application submitted for the lands located at 4063 Upper Middle Road has been reviewed by Planning Staff and the application is

consistent with the PPS, and conforms to the Growth Plan, the Regional Official Plan and Local Official Plans. Staff are recommending approval of the application. The provision of a Holding Zone will ensure that the adjacent lands associated with the Creek Block will be rezoned and placed into public ownership.

Respectfully submitted,

Melissa Morgan MCIP RPP

Planner II, Development Review

905-335-7600 ext. 7788

Appendices:

- A. Location and Zoning Sketch
- B. Detail Sketch
- C. Public Comments
- D. Draft Zoning By-law Amendment

Notifications:

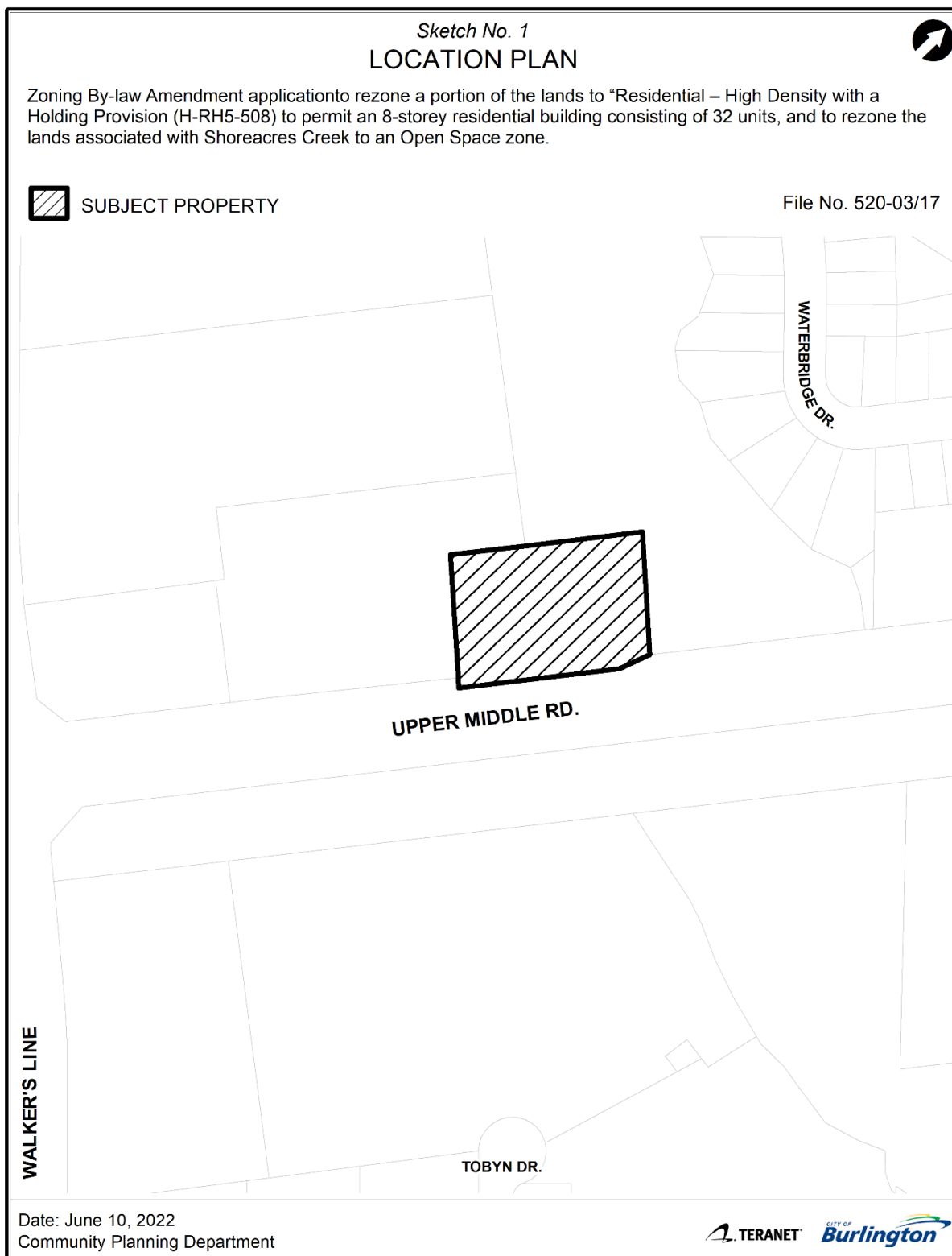
Nancy Frieday, GSP Group Inc.

nfrieday@gspgroup.ca

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.

APPENDIX 'A'



APPENDIX 'B'

Sketch No. 2 **DETAIL SKETCH**

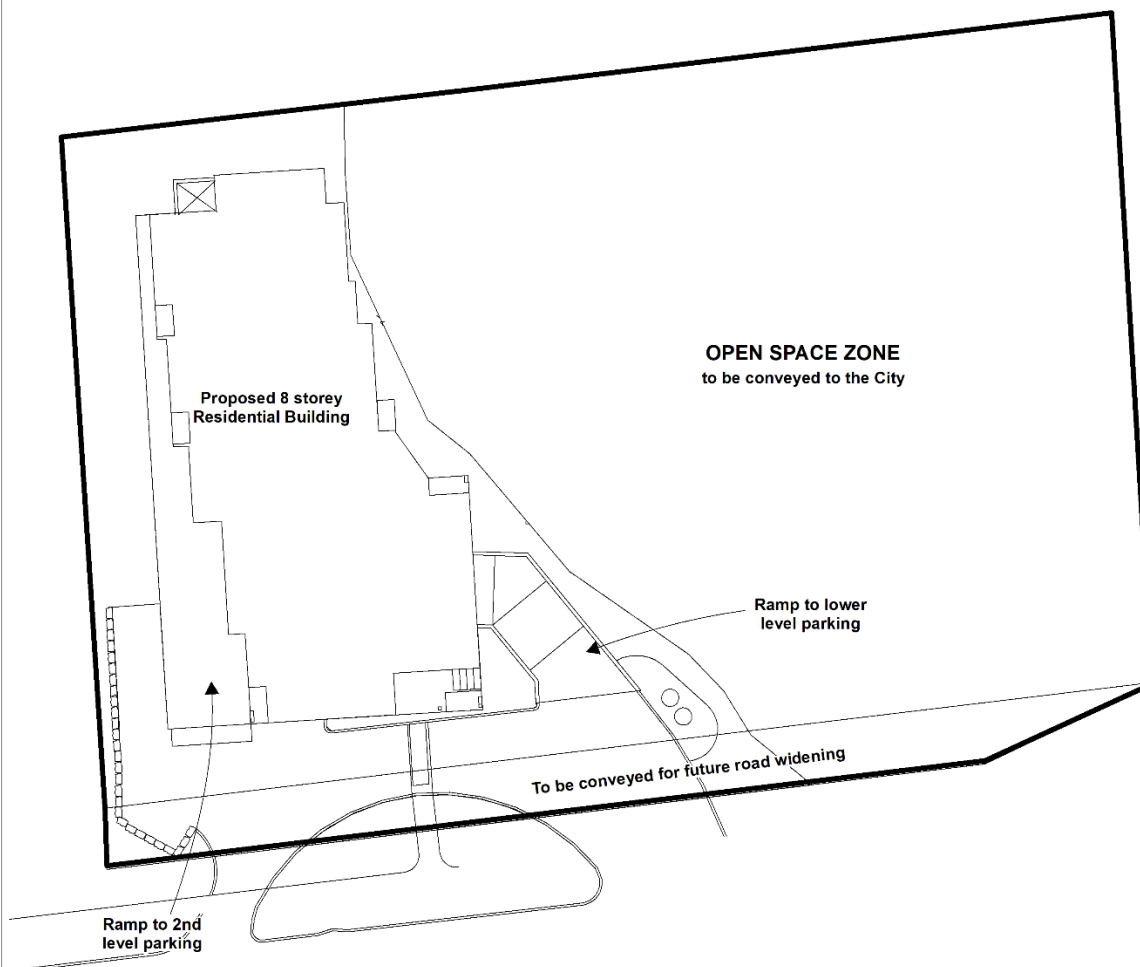


Zoning By-law Amendment application to rezone a portion of the lands to "Residential- High Density (RH5-508)" to permit an 8-storey residential building consisting of 32 units, and to rezone the lands associated with Shoreacres Creek to an Open Space zone.



SUBJECT PROPERTY

File No. 520-03/17



Date: June 02, 2022
Planning and Building Department

APPENDIX 'C' - PUBLIC COMMENTS

#	Date Received (by email unless otherwise stated)	Comments
1	May 11, 2017	<p>Dear Mr Hefferton:</p> <p>In reference to your letter, let us express ourselves that we are not agreeing with that development of Residential High Density Project because we consider the city need less people living in small areas. If you see, Just walking distance of the planning project, you will find a big condo under construction, two High Density condos let and right of the same space designated, and on top of that, the project will kill a very nice ravin.</p> <p>We think those are strong reasons not to agree.</p> <p>We thank you the city for taking care of our opinion.</p> <p>Sincerely</p> <p>David Munoz and Bertha Hollmann Neighbours</p>
2	May 16, 2017	<p>Attn: Mark Hefferton</p> <p>I have been a resident of Burlington since 1998 and have seen many changes to this city.</p> <p>We choose this location because of the small city appeal that it had but has since changed not for the better. In a country so large as Canada, our business leader and developers just want to make as much money as they can by cramming as many people into a small space as they can without any consideration for quality of living. The government also supports this as the more people, the more taxes are collected.</p> <p>The people on the planning committee have allowed many large building to be built 10 feet for the edge of the road on Appleby Road. These large buildings take away from the small town appeal. Because they have retail on the first floor of these building, I am sure this is why</p>

		<p>they were approved. Regardless, the look of Appleby Rd. is now taking on the look of Toronto. Where is this city going.</p> <p>As well, Upper Middle Rd. between Walkers Line and Appleby Rd. on the north side has low rise housing which are 15 feet from the edge of the sidewalks. Now the proposal for the rezoning of 4063 is being addressed. A 7 storey complex on this small cite will reconfirm that the city will allow developers to have their way with the city and that money talks regardless of what the residences of that area want.</p> <p>Traffic on Upper Middle Rd. in rush hour is already horrible. The more people in this area will just make it worse.</p> <p>The city is losing all of its trees because of construction, so we are replacing greenery for buildings. Do we want a concrete jungle like that of Toronto or do we say Burlington is the place live and that we are proud of the way our city officials have responded to the developers in not allowing over crowding to happen in Burlington. If developers want this large building, then make sure that these buildings are built in areas not so close to the main roads. These large buildings promote congestion and poor quality of life. Poor quality of life also leads to crime.</p> <p>In years past a residential property had a frontage of 50 to 60 feet with a good set back from the road and had a minimum distance between properties that had to be followed. Today we see 30 lots and the roofs of homes almost touching each other. In a country so big as ours, do we want this? No. Give us back our space and not make us live like rats in a cage.</p> <p>I would ask that the rezoning application for 4063 Upper Middle Rd. be denied. If we want our city to keep its appeal, and not allow big business and developers to have their way with the zoning committee, then this should be the right thing to do. We all know how money speaks, the alliances that have been made with officials in all aspects of business and how developers seem to get what they want.</p> <p>It is time to say no to this rezoning application.</p> <p>Thanks</p>
3	June 2, 2017	<p>Good afternoon,</p> <p>I am writing in regards to the above rezoning proposal. I am a resident homeowner at [REDACTED] Waterbridge Drive in Burlington. I have some concerns regarding the rezoning of this location to a RH5 zone. I have perused the</p>

		<p>information located on the website and believe I have an understating of the information that has been provided to date.</p> <p>There are two main areas of the concern that I would like to receive some additional information and further clarification.</p> <p>1.). The first area is in regards to the traffic study that has been completed. Part of Burlington's strategic plan is to be "A City that Moves". Currently Upper Middle road both east and west bound between William O'Connell Blvd., and Walker's Line is already extremely congested and frequently results in grid lock at the intersection of William O'Connell and Upper Middle road.</p> <p>a. Based on the traffic assessment there is a recommendation to add additional infrastructure to the intersection at Upper Middle Road and Walkers Line. I would like to get an understanding of the plan for this additional infrastructure.</p> <p>b. I do not believe the traffic study included the other high density developments that will be beginning shortly on the south side of Upper Middle Road. I would like to understand what additional impact these developments will have when compounded with the proposed high density development at 4063 Upper Middle Road.</p> <p>c. The current turn lane into the proposed development; according to the traffic assessment; will not always be sufficient to support the requirements of the people accessing the proposed location when approaching eastbound on Upper Middle Road. I would like to understand the strategy on how this would be addressed by the developer. Failing a comprehensive solution this could result in severe gridlock at the major intersection of Walker's Line and Upper Middle Road.</p> <p>2.). The second area of concern is regarding the environmental assessment and the impact this development will have on the green space in the area. Part of Burlington's strategic plan is to be "A Healthy and Greener City". The proposed high density development is adjacent to the Shoreacres Creek.</p> <p>a.). There is currently a proposed development under review for the Shoreacres creek. The environmental assessment provided by the developer does not refer to this plan and how the environment and wildlife will be impacted as a result of the intrusive construction generated from the 4063 Upper Middle proposal and the Shoreacres Creek Erosion control project.</p> <p>b.). Additionally the environmental assessment also refers to over 60 live trees that the proposal requires to be cleared for the development. The documentation provided by the developer and more specifically the justification report provided by Corbett Land Strategies does not articulate a concrete plan to replace these trees.</p> <p>Of final note; Burlington's strategic Plan is to be "A City that Grows: Our Future by 2040". Part of the strategic plan is to respect older neighbourhoods and be cognizant of the impact growth will have on these neighbourhoods. As articulated in section 1.2(e)listed below.,</p> <p>1.2(e) Older neighbourhoods are important to the character and heritage of</p>
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		<p>Burlington and intensification will be carefully managed to respect these neighbourhoods.</p> <p>The proposed rezoning of 4063 Upper Middle Road is not sympathetic to the scale and character of the existing neighbourhood and will be adding significant stress to both the infrastructure and environment currently being enjoyed by its residents and wildlife.</p> <p>I am looking forward to hearing from you soon. Regards, Michael Buna</p>
4	June 2, 2017	<p>Hello Mark,</p> <p>I'm responding to the recent application for rezoning for 4063 Upper Middle.</p> <p>I live in a condo in the area and have real insight as to what we as Burlingtonians actually need in this neighbourhood, and it is definitely not another condo/apartment building. There is already another one with construction started across the street! Please please please give us more green space, and trails with a bench to sit on and a dog park. There are many people living in the condos community as well as freehold homes at Walkers and Upper Middle, and a lot of them with dogs but no place to take your pet.</p> <p>Please do not approve this rezoning application. Please give the community something of value like more green space with a dog park. Regards, Margaret O</p>
5	June 2, 2017	<p>Good afternoon, Mark,</p> <p>I am writing to you in response to the rezoning application for 4063 Upper Middle Road. I'm a unit owner [REDACTED] of the adjacent [REDACTED] Upper Middle Road townhouses.</p> <p>I am worried about several issues (below), listed in no particular order.</p> <ul style="list-style-type: none"> • Traffic • Water/drainage • Sun/shadows • Wildlife <p>I have taken the time to go to the www.burlington.ca/4063UpperMiddle link and read through the various documents which do touch on these items, but I still have concerns.</p> <p>Having now lived in this area for 10 years, I have developed some opinions that don't align with the findings I read.</p> <p>Traffic is a concern in this area. I drive from work at Burloak and QEW to home each day between 4:30pm to 6pm each day and always travel along Upper Middle Road. In the morning, I take 10 minutes. In the evening, I can take upwards of 25 minutes with all the stop and go</p>

		<p>traffic. And getting into or out of our complex at that time of day is a nightmare. Adding driveways for 4063 and across the street for Park City will make this even worse. While there may not expecting that many more cars for 32 units, there will also be the increase in cars from Park City. Proposing a turning lane in the middle and widening the road by 5 metres would hardly improve the existing situation let alone the proposed increase in traffic going in/out of driveways.</p> <p>It is my understanding that this area is at the northern part of the Shore Acres area. In 2014 with the flooding there was a lot of water that came through the creek. As well, with this year's significant rainfall, there is more opportunity for storm drain and sewer issues in this area. I own a basement unit and it is always a concern of mine that digging in the surrounding areas will re-direct any underwater flows that are in the area. If there's a building across the street and one beside us, there is a great chance that potential natural water lines will be move more to our units. As it stands, we are in a wet area despite being above the creek.</p> <p>The building that is being proposed will create shadows and will be a drastic change for those that currently have a view of greenspace. Our upper units could see the trees and the natural habitat and appreciate a bit of country in the middle of our city. Now, what brought us to the area in the first place is potentially being ruined by the erection of a apartment building. While this building and the Park City are not considered high-rise they are certainly higher than our townhomes and will obstruct the current views. The units with their yards back to back along the middle section with have the sun removed in the middle of their days. I saw the shadow casting document for various times of day at different times of the year. For anyone home during the day in the middle of the summer, it doesn't give much sunlight at that time of the day. These townhomes have some units that only have main floor windows and only on the back side facing this property. With the building there, they will have limited sun and limited view on any given day.</p> <p>Finally, the reports did recognize cats, squirrels, voles, racoons, foxes, skunks, opossums, mice and deer in our area. I haven't personally seen the deer, but I can honestly say I've seen every other animal in our area. With less area for them, where will they go? We have so many skunks that want to walk between our homes and racoons that go onto our balconies, fences and even into our homes as it is. Mice find their way into our homes. I'm rather concerned that removing another area of vegetation for them will have force them into even a smaller area. It could create even more issues in the surrounding areas.</p>
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		<p>In conclusion, I am not in favour of rezoning 4063 Upper Middle Road and developing a 7 storey apartment building on this particular section of land.</p> <p>Thank you,</p> <p>Paula Phelps</p>
6	June 12, 2017	<p>Re: Rezoning Application for 4063 Upper Middle Road, Burlington, ON</p> <p>Mark:</p> <p>I am writing to express my disagreement with the Rezoning Application for 4063 Upper Middle Road, Burlington.</p> <p>I was a first time buyer when I moved to Burlington in 2002 and loved the city as I had friends here, worked at the airport for an airline/tour operator and this city was comfortable and just the atmosphere I wanted. The downtown was so lovely and the waterfront exceptional. The city had been planned so well and had none of the high rises and dense housing that both Mississauga and Toronto had and more so now.</p> <p>I bought in the Millcroft area as it was such a lovely residential area and very clean and friendly.</p> <p>Anytime I drive into Toronto now (and believe me that is very infrequent!) I am aghast at the sight in front of me as I approach downtown. What on earth happened?</p> <p>I have several questions for you on this development but please do not believe that I am even interested in this building right in front of me.</p> <ol style="list-style-type: none"> 1. The development is concentrated on the west side of the property. Does that mean that the other half of the property is going to be made part of the conservation strip adjacent to it OR is it to preserve the eastern side for future development? 2. I would request that the building be shifted to the east to increase separation between buildings, to alleviate the lack of privacy and to also move south to minimize sun shadow in the winter especially. This may result in rethinking the entrance way. 3. This is the first 7 storey building in Millcroft and our side of the street on Upper Middle. All the rest of the buildings in Millcroft are 2-3 stories like ours. If they ARE giving up half the property for conservation at the request of the city then is this because they have been granted all density

		<p>onto the remaining portion of the site which would necessitate the 7 storeys.</p> <p>This would be too much density on our side of the street and the density belongs on the other side of the street where the development densities and height are more appropriate.</p> <p>I would accept 2-3 stories but am NOT in agreement with 7 stories.</p> <p>Let us not forget the traffic jams this would cause with 4063/4045 and Park City exiting and entering at the same time.</p> <p>See you at the meeting,</p> <p>Debbie Hiscox</p>
7	June 21, 2017	<p>Dear Mr. M. Hefferton and Ms. B. Lancaster,</p> <p>I reside at [REDACTED] Upper Middle Road [REDACTED] facing Upper Middle Road. I would like you to know that I am currently quite happy with the way the empty lot is. Trees, birds, blue sky and otherwise small peaceful bit of nature in amongst the noise of construction from south of my home and the street noise from 3:30 till 6pm week nights.</p> <p>I was and still am quite upset to hear what the City of Burlington is planning to build for the empty lot 4063 Upper Middle Road.</p> <p>Here are my complaints regarding the potential building:</p> <ol style="list-style-type: none"> 1. Look of the building is not in keeping with the style of building within our area. 2. The size of the building is also far too high/tall for this area. 3. The added traffic will increase congestion during rush hour. 4. There will be a significant decline in air quality with the reduction of the trees and natural vegetation. 5. The wild life will also be impacted by the loss of their habitat and my enjoyment of those creatures. 6. The lack of privacy that I will be affected by having such a large structure next to me. 7. The increase in human noise is also a concern for noise violations. 8. Would you want to have that building next to you???

		<p>I would very much like for my concerns about this potential building 4063 Upper Middle Road to be noted and added to any and all public records.</p> <p>Thank you for your time and understanding about 4063 Upper Middle Road.</p> <p>Sincerely,</p> <p>Heather Lee</p>
8	June 26, 2017	<p>Good Evening,</p> <p>We are sending this email to you as concerned citizens re: the building of the adjacent lot (<u>4063 Upper Middle Road</u>). We moved to our new home here in Burlington (█████ Upper Middle) almost a year ago in November, we moved to Burlington from Mississauga, because of the fact that we feel cramped in our previous community due to all the buildings they built around our area. We love our community here in Burlington as we feel it is safer for our son and we had lots of privacy. Every afternoon, we take our son out to see the birds and squirrels around our neighborhood which we will loose from this building they are proposing. Please do not destroy the woodlands. We also would love to keep the sunlight shining to our homes every morning.</p> <p>I know we are just a husband and wife, but we just want to put it out there that we are not keen on this new proposed development for the reasons stated above. Thank you for your time.</p> <p>Sincerely,</p> <p>Earl and Theresa Jimenez</p>
9	July 4, 2017	<p>Hello Mark</p> <p>I have been a resident of █████ Upper Middle since new. (2000)</p> <p>As a condo board member at this location these are my concerns as well as those of other residents.</p>

		<ul style="list-style-type: none"> • Traffic along Upper Middle is crazy especially during morning and afternoon rush hours. Attempting a left hand turn out of this complex is not safe at the best of times. For most, we end up trying a right and going around through Millcroft to go east. The impact of this additional volume of traffic will only make it worse. • The intersection of Walker's Line and Upper Middle Rd. has been reported as one of the worst in Ontario, hence, the red light cameras. • This building design does not meet with the design or height of other building in the north block between Walker's line and William O'Connell. • The building is much too close to this complex..leaving no privacy for those living right next to it. With the rooftop patio? They will overlook the entire complex. • This is not downtown Toronto. • The lower units in this complex have no front window, the only sunlight they have is what comes through their back windows. This building will block more of the light. <p>I attending the meeting at Tansley Woods and would like to be notified of any upcoming meetings</p> <p>Thank You</p> <p>Carol McCormack</p>
10	July 4, 2017	<p>I am the home owner of [REDACTED] Upper Middle Road, Burlington ON [REDACTED]</p> <p>My concerns with regards to the proposed development at 4063 Upper Middle Road is as follows:</p> <ul style="list-style-type: none"> - Due to the height of the building this will cause <u>privacy issues</u> and loss of sun for many of the residence at 4045 Upper Middle Road. - Potential of tax increases is a concern - Increase traffic congestion is my <u>primary</u> concern: <p>4045 Upper Middle Road has 62 units = 62 Vehicles + 31 Vehicles (2nd car, minimum) Total of 93 Vehicles</p>

		<p>ParkCity Condo Upper Middle Rd/Walkers will have 165 units = 165 Vehicles + 83 Vehicles (2nd car, minimum) Total of 248 Vehicles</p> <p>4063 Upper Middle Rd will have 32 units = 32 Vehicles + 16 Vehicles (2nd car, minimum) Total of 48 Vehicles</p> <p>If you add up the cars to this area you are looking at a potential of 400 more cars and I have not even calculated visitors' to the 3 buildings.</p> <p>Due to the <u>short proximity</u> of the three buildings to Walkers Line I believe this will cause major traffic congestion. With only our complex built at [REDACTED] Upper Middle Rd it is almost impossible to make a left hand turn in or out of our complex during rush hour traffic, I can only imagine how bad it is going to be if we add another complex to this area.</p> <p>In closing I believe adding another high rise building to this area has more negative impacts than positives to this area.</p> <p>Thank you</p> <p>Sasha McIntosh</p>
11	July 8, 2017	<p>Hello Mr Hefferton</p> <p>I would like to voice my concerns about the development of a 7 Storey Building being built across the street from my home. I am a single woman living in my first home, I am concerned with this building being built for many reasons</p> <ul style="list-style-type: none"> - traffic is already an issue this purposes building will increase the traffic - concerns of potential tax increase - I am in a single home with single income .. May place myself and others in my situation in financial distress - destroy woodlands which is our responsibility to save - safety and privacy

		<p>- possibly decrease in real estate prices for the units adjacent to this proposed development -lack of privacy - lack of woodlands - increase tax - loss of sun and scenery - increase in traffic</p> <p>Please take our concerns seriously and STOP development of this building!!!</p> <p>Thank you Lynn Ianniello</p>
12	July 10, 2017	<p>Hello Mark and Blair</p> <p>Please see my attached response. As stated in the letter, I have been away and unable to respond by July 7th. I anticipate that my comments can still be added to further reports.</p> <p>Diane Dowdell</p>
13	July 11, 2017	<p>Good afternoon, Mark,</p> <p>I am writing regarding the in-progress application for 4063 Upper Middle Road. I'm a unit owner (████) of the adjacent █████ Upper Middle Road townhouses.</p> <p>I have been living in my unit, for 7 years.</p> <p>I am concerned about the increase in traffic congestion with the addition of 32 units which could mean greater than 40 more cars driving onto Upper Middle Road each morning, and same number of cars trying attempting to find their way to their units during rush hour each afternoon. Let's not forget that the Park City units that are being built across the street will also add more cars to the Upper Middle Road lanes. I don't believe the existing infrastructure can satisfy the increased demands.</p> <p>Also, I think it's disrespectful and unfair to erect a building that will destroy the only view that many of the units holders have. Many homes only have windows in their back yard which look out to the lot that is proposed for development. With the building of a 7-storey building, they will now have a singular view of a building. Whether the building casts a long shadow or not, it will undoubtedly take away the limited sun and view that currently appreciate during the morning hours throughout the year.</p> <p>Please consider the impact this development will have on the current residents in this area.</p>

		<p>I do hope the developer and planners can find an alternative solution for the use of this land, that is more respectful to the current surroundings.</p> <p>It would be better to build another row-townhouse style of condo building that fits in with all the other condos on Upper Middle between Walkers and Appleby.</p> <p>Thank you, Kristin Consoli</p>
14	May 11, 2017	<p>Dear Mr Hefferton:</p> <p>In reference to your letter, let us express ourselves that we are not agreeing with that development of Residential High Density Project because we consider the city need less people living in small areas. If you see, Just walking distance of the planning project, you will find a big condo under construction, two High Density condos let and right of the same space designated, and on top of that, the project will kill a very nice ravin.</p> <p>We think those are strong reasons not to agree.</p> <p>We thank you the city for taking care of our opinion.</p> <p>Sincerely</p> <p>David Munoz and Bertha Hollmann Neighbours</p>
15	October 16, 2019	<p>Hi Melissa,</p> <p>I object to the building of a 8 story apartment complex. I find the thought of building the rendered multi story building offensive and not in line with the surrounding townhouses and landscape.</p> <p>Tavia</p>
16		<p>Dear Melissa,</p> <p>I am writing with respect to the revised development application for 4063 Upper Middle Road.</p>

		<p>First, I reside at [REDACTED] Waterbridge Drive, and have lived there since June 1996, or over 23 years.</p> <p>When we purchased our property back then, the infill and development along Upper Middle Road was significantly less than it is today. I understand the goal of housing intensification, and I largely support this initiative. However, smart intensification must be coupled with smart infrastructure too!</p> <p>In recent years, we have seen a new 10 story Tansley Woods retirement home erected, new townhomes on the south east corner of Walkers Line and Upper Middle Road constructed, and now this proposed 8 story apartment complex with 32 units! Yet, Walkers Line and Upper Middle Road have not been expanded, and it you have ever travelled on these routes, they are often plugged, especially during rush hour periods. In the evening, Upper Middle Road heading west is often stopped from William O'Connell Drive to Walkers Line. And now the City is thinking of allowing another 8 story building which will only have ingress/egress heading westbound on Upper Middle Road? That is simply insane as it is highly probable each of those 32 units will have a car, to say nothing about guests etc. Traffic is bad enough without exacerbating the problem in this area with yet another high rise intensification project.</p> <p>Also, an eight storey building will tower over the adjacent forest and creek (recently habilitated by the Region), and our Waterbridge properties will be in full view, for about 7 months of the year when the trees are void of foliage. We purchased these lots to have privacy and green space.. not to be looked down on from 80 feet in the air from the top floor in the proposed development. It is bad enough that Upper Middle Road is a plugged and noisy road, do not make the situation worse by adding this much extra traffic and respect our homeowner rights to the space the City provided when Millcroft was developed many years ago..</p> <p>I will remind the City that the previous building on this lot was a single family bungalow. I am OK with low rise units of say 3 stories for intensification, like what was built on Walkers Line about 10 years ago. I note your comment the revised plan " steps the building away" from the townhomes. What about the single family homes that are clearly in the \$1.4M+ range, and paying over \$7K in taxes each year? Why should our single family homes value be now subject and exposed to a towering 8 story complex that is well above the tree line? This will have</p>
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		<p>a detrimental impact on our homes value and we are no more than 200 metres +/- from this development.</p> <p>I respectfully ask the City to decline this application in its current form. We have already seen the problems with proposed high rise condos that are 100% out of character with the proposal right across from City Hall (which is being fought). Do not make the same mistake with this 8 story apartment building!</p> <p>As I stated earlier, I am ok with low rise apartment units that do not exceed the tree heights on this property, but 8 stories is simply too much. I suspect the only reason the developer wants to make 32 units, is that it is not economically viable to build less than this number of the relatively small lot. They have to build into the sky to make it work. That's not our problem as long standing residents of Millcroft.</p> <p>Respectfully,</p> <p>Gary M. Dephoure</p>
17	October 18, 2019	<p>Please go ahead with this development, we need more apartment buildings in our area. Sorry I can't attend the meeting on Tuesday evening.</p> <p>Karen Driver</p>
18	October 22, 2019	<p>To Ms. Melissa Morgan,</p> <p>I am writing you as a concerned Burlington resident with regards to the proposed development on 4063 Upper Middle Road, Burlington. In addition to being a visibly unfortunate addition to the area for both locals and passer-bys, there are a number of other concerns that I would like to raise as part of this proposal:</p> <ol style="list-style-type: none"> 1. The claim that it will be “adding to available housing” <ul style="list-style-type: none"> ○ While the proposed development suggests that it will “add[s] to the availability of housing choices within the community and is well served by existing transit and community services...” the addition of 32 units will have an exceptionally limited impact, considering the addition of 215 units that have already begun construction at ParkCity Condos, across the road. 2. Environmental impacts: <ul style="list-style-type: none"> ○ Part of Burlington’s strategic plan is to be a “Healthy and Greener City,” however, the environmental assessment does not seem to address how the development will the

		<p>impact and remedy the environment and wildlife in the surrounds at both 4063 Upper Middle Road and Shoreacres Creek Erosion Control Project. With the removal of trees that canopy the area and provide shelter to wildlife, it is paramount that this is taken into consideration and thoughtfully regarded.</p> <p>3. Zoning within the immediate area</p> <ul style="list-style-type: none"> Other than the commercially zoned properties currently located within the community, the residential zoning in the area's surrounds are primarily zoned as RM2 - RM3. The proposed development, which is requesting a rezoning to RH5, situated between a ravine and natural environment, and close proximity to both an already congested road and townhome complex, is not even remotely comparable to the RH4 zoning that ParkCity Condo's have been afforded - which, in addition to being built with only 4 storeys, also has surrounding space to offer residents a 2 storey private park. <p>With Burlington recently being nominated as the #1 city in Canada to live in, Marianne Meed Ward has specifically noted that (in McLeans) she is targeting land speculators and trying to keep homes in the hands of people who actually plan to live in them, not just profit from them.</p> <p>Though all developments are only proposed for financial gains, it's paramount to take into consideration the impact that the proposed development at 4063 Upper Middle Road will have on the morale and happiness of its loyal residents, the look of the immediate community, and the fact that moving forward with this proposed development will go against the communicated strategic plan for Burlington [section 1.2(e)] which promised to carefully manage older neighbourhoods, recognizing their importance to the character and heritage of Burlington.</p> <p>Thank you for the opportunity to share my concerns, which I know are shared with a multitude of residents within our Burlington community.</p> <p>Kind regards,</p> <p>Krystin</p>
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