



**SUBJECT: Official Plan Amendment and Rezoning applications for  
441 Maple Avenue**

**TO: Community Planning, Regulation & Mobility Cttee.**

**FROM: Community Planning Department**

Report Number: PL-12-23

Wards Affected: 2

File Numbers: 505-02/19 and 520-03/19

Date to Committee: February 28, 2023

Date to Council: March 21, 2023

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**Recommendation:**

Approve the applications for Official Plan Amendment and Zoning By-law Amendment for the property located at 441 Maple Avenue for the development of an 11-storey, 140-unit residential building; and

Approve Official Plan Amendment No. 129 to the City of Burlington Official Plan, as contained in Appendix D of community planning department report PL-12-23, to add a site specific policy to the *Downtown Residential – Medium and/or High Density Precinct* designation for the lands located at 441 Maple Avenue; and

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

Instruct the City Clerk to prepare the necessary by-law adopting Official Plan Amendment No. 129, as contained in Appendix D of community planning department report PL-12-23; and

Approve Zoning By-law 2020.452 attached as Appendix E to community planning department report PL-12-23, to add a site specific exception to the *Downtown Residential High-Density (DRH) Zone* for the lands located at 441 Maple Avenue; and

Deem that the amending zoning by-law will conform to the Official Plan for the City of Burlington once Official Plan Amendment No. 129 is adopted; and

State that the amending zoning by-law will not come into effect until Official Plan Amendment No. 129 is adopted.

## **PURPOSE:**

The purpose of this report is to recommend approval of the Official Plan Amendment and Zoning By-law Amendment applications for 441 Maple Avenue to allow the development of an 11-storey building consisting of 140 residential 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
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## **Executive Summary:**

The subject lands are located on the east side of Maple Avenue, north of Lakeshore Road. Applications have been made to amend the Official Plan Designation of the subject lands by adding a site specific policy to the existing *Downtown Residential – Medium and/or High Density Precinct* designation and amending the Zoning By-law for the subject lands by adding a site specific exception to the existing *Downtown Residential – High Density (DRH)* to *Downtown Residential High Density with a site specific exception (DRH-517)* zone to permit the development of an 11-storey residential building with 140 units at a density of 500 units per hectare.

Planning Staff have reviewed the application in the context of the applicable policy framework. Planning Staff is of the opinion that the development is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan and the City of Burlington Official Plan. 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 Official Plan Amendment and Zoning By-law Amendment for the subject lands.

<b>RECOMMENDATION:</b>		Approval	<b>Ward:</b>	2
<b>Application Details</b>	<b>APPLICANT:</b> <b>OWNER:</b> <b>FILE NUMBERS:</b> <b>TYPE OF APPLICATION:</b> <b>PROPOSED USE:</b>	<i>MHBC Planning</i> <i>Better Life Retirement Residence</i> <i>505-02/19 &amp; 520-03/19</i> <i>Official Plan and Zoning By-law Amendment</i> <i>11-storey residential building</i>		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b> <b>MUNICIPAL ADDRESSES:</b> <b>PROPERTY AREA:</b> <b>EXISTING USE:</b>	<i>East side of Maple Avenue, north of Lakeshore Road</i> <i>441 Maple Avenue</i> <i>0.28 hectares</i> <i>Two-storey long-term care facility</i>		
<b>Documents</b>	<b>OFFICIAL PLAN Existing:</b> <b>OFFICIAL PLAN Proposed:</b> <b>NEW OFFICIAL PLAN:</b> <b>ZONING Existing:</b> <b>ZONING Proposed:</b>	<i>Downtown Residential – Medium and/or High Density Precinct</i> <i>Downtown Residential – Medium and/or High Density Precinct with site specific policy</i> <i>Apartment Neighbourhoods Precinct</i> <i>Downtown Residential High-Density (DRH)</i> <i>Downtown Residential High-Density with site specific exception (DRH-517)</i>		
<b>Processing Details</b>	<b>APPLICATION RECEIVED:</b> <b>STATUTORY DEADLINE:</b> <b>NEIGHBOURHOOD MEETING:</b> <b>PUBLIC COMMENTS:</b>	<i>January 11, 2019</i> <i>August 9, 2019 (based on requirements at time of application)</i> <i>November 14, 2018</i> <i>16 pieces of correspondence as of the time of the writing of this report</i> <i>1113 Notices were circulated as a result of the application</i>		

## **Background and Discussion:**

On January 11, 2019, the Department of City Building acknowledged that a complete application had been received for an Official Plan Amendment and Zoning By-law Amendment for 441 Maple Avenue. The purpose of these applications is to amend the Official Plan and Zoning By-law in order to facilitate a residential development consisting of one 11-storey residential building. The location of the subject lands is illustrated in “Appendix A”. A Detail Sketch of the development proposal is provided in “Appendix B”. A Statutory Public Meeting for the application was held on May 14, 2019 at which time a report was presented to the Community Planning, Regulation and Mobility Committee and the public for information purposes and to obtain feedback on the subject applications.

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

## **Site Description:**

The subject property is located on the east side of Maple Avenue, north of Lakeshore Road. The property has an area of 0.28 hectares (0.69 acres). The site currently supports a two-storey long-term care facility which is proposed to be demolished and relocated elsewhere in the City. Surrounding land uses include the following:

North: Mid-rise apartment buildings (6 and 11 storeys)

East: Hydro Corridor and Pipeline Right-of-Way, currently used for parking

South: Mid-rise apartment building (11 storeys)

West: High-rise apartment building (14 storeys) and low-density residential (2 storeys)

Bus Route 10 runs along Maple Avenue. This transit route provides service every 10-15 minutes.

## **Description of Application:**

The City of Burlington is in receipt of the following applications:

- 505-02/19 – Official Plan Amendment to add a site specific policy to the existing “Downtown Residential – Medium and/or High Density Precinct” designation to permit additional density; and,
- 520-03/19 – Zoning By-law Amendment to amend the zoning of the subject lands by adding a site specific exception to the existing “Downtown Residential High-

Density (DRH)” zone (DRH-517) to permit additional height, density and associated development standards.

The proposed development would consist of 140 residential units and have a density of 500 units per hectare. The building is proposed to be stepped down to 9 storeys abutting Maple Avenue with a pedestrian entrance facing Maple Avenue. 162 parking spaces are proposed within three levels of underground parking, and an additional 15 parking spaces are proposed to be used as visitor parking spaces on the adjacent hydro lands through a lease with Hydro One. The underground parking garage is proposed to be accessed from the south side of the site, where a drop-off location is also provided. Common indoor amenity space is proposed on the ground floor, with outdoor amenity space proposed on the tenth floor.

The subject lands currently support a two-storey long term care facility with 93 beds in 35 rooms. It should be noted that the beds that would be lost a result of the proposed development are proposed to be re-located within a currently proposed development elsewhere in the City.

## **Supporting Documents:**

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

- [Site Plan and Elevations](#) (Prepared by Michael Spaziani Architect Inc., dated June 9, 2022);
- [Planning Justification Report](#) (Prepared by MHBC Limited, dated December 2018);
- [Urban Design Brief](#) (Prepared by Michael Spaziani Architect Inc., dated December 5, 2018);
- [Functional Servicing Report](#) (Prepared by exp., dated June 2022);
- [Grading Plan](#) (Prepared by exp., dated June 2022);
- [Hydrogeology Study](#) (Prepared by exp., dated June 2022);
- [Hydrogeology Reliance Letter](#) (Prepared by exp., dated June 2022);
- [Construction and Mobility Management Plan](#) (Prepared by exp., dated June 2022);
- [Tree Inventory and Preservation Plan](#) (Prepared by BTi, dated June 2022);
- [Landscape Plan](#) (Prepared by BTi, dated June, 2022);
- [Tree Declaration](#) (Prepared by BTi, dated December 13, 2018);
- [Traffic Impact Study](#) (Prepared by Crozier Consulting Engineers, revision dated October 2020);

- [Pedestrian Wind Study](#) (Prepared by RWDI, dated December 6, 2018);
- [Phase I ESA](#) (Prepared by BlueFrog Environmental Consulting Inc., dated October 21, 2020);
- [Phase I ESA Reliance Letter](#) (Prepared by BlueFrog Environmental Consulting Inc., dated January 11, 2019);
- [Phase II ESA](#) (Prepared by BlueFrog Environmental, dated October 26, 2020);
- [Phase II ESA Reliance Letter](#) (Prepared by BlueFrog Environmental, dated October 26, 2020);
- [Shadow Study](#) (Prepared by Michael Spaziani Architect Inc., dated November 2018);
- [Site Servicing and Grading Plan](#) (Prepared by exp., dated October 2020);
- [Erosion Control Plan](#) (Prepared by exp. Dated June 2022);
- [Geotechnical Report](#) (Prepared by Terraprobe, dated December 18, 2017);
- [Noise Feasibility Assessment](#) (Prepared by RWDI, dated November 18, 2018);
- [Addendum to Noise Feasibility Assessment](#) (Prepared by RWDI, dated May 14, 2021); and,
- [Parking Study](#) (Prepared by C. F. Crozier & Associates Inc., dated December 2018).

All initial and revised supporting documents have been published on the City's website for the subject application, [www.burlington.ca/441Maple](http://www.burlington.ca/441Maple).

## **Discussion: Policy Framework**

The proposed Official Plan Amendment and Zoning By-law Amendment are 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.

### **The Planning Act:**

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

## **Provincial Policy Statement (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 requires that new development in designated growth areas should occur adjacent to the existing built-up area and shall have a compact built form, a mix of uses and densities that allow for an efficient use of land, infrastructure and public service facilities (Subsection 1.1.3.6).

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 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.

### **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 an 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.

The subject lands are recognized as being within an Urban Growth Centre (UGC). On November 10, 2021, the Minister of Municipal Affairs and Housing approved Regional Official Plan Amendment 48 (ROPA 48) for Halton Region. The purpose of ROPA 48 was to define and provide direction on a regional urban structure and identify non-discretionary components of a Regional Urban structure including strategic growth areas such as UGCs, Major Transit Station Areas, Regional Nodes and Employment Areas. ROPA 48 adjusted the boundary of the UGC however the Province indicated that active development applications that were formerly located within the UGC and submitted prior to November 10, 2021 would continue to be evaluated against the UGC policy framework that was in effect and applied to the UGC area of Burlington’s downtown prior to November 10, 2021. Since these applications were deemed complete on January 11, 2019, prior to the approval of ROPA 48 on November 10, 2021, the applications were reviewed in the context of the UGC policies.

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 Growth Plan defines Urban Growth Centres (UGC) as existing or emerging downtown areas and identifies them in the Plan. The UGCs will be planned to, among other things, accommodate significant population and employment growth. For the purposes of reviewing these applications, Downtown Burlington is considered a UGC and is required to achieve, by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare. The proposed development constitutes intensification and generally conforms to the growth management and general intensification policies of the Growth Plan.

The subject applications conform to the principles of the Growth Plan by proposing intensification in an Urban Growth Centre, which are intended to accommodate intensification. Staff is of the opinion that the recommended approval would conform to the objectives of the Growth Plan, while ensuring that new development would be contextually appropriate and provide high quality urban design. An appropriate level of intensification on the subject site would also contribute towards the City meeting its minimum density target established in the Growth Plan. As previously noted, the minimum intensification targets are minimums and the Growth Plan encourages municipalities to go beyond the minimum targets, where appropriate. Staff is of the opinion that a mid-rise built form is appropriate on this site, and would represent an appropriate way to achieve a built form that is contextually appropriate within the downtown setting.

As such, it is the opinion of staff that the proposed development 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. ROPA 49 is the second amendment to be advanced as part of the Regional Official Plan Review. ROPA 49 was adopted by Regional Council on June 15, 2022 and was approved by the Minister of Municipal Affairs and Housing with 45 modifications on November 4, 2022. ROPA 49 outlines a land use policy framework to guide growth and development within the Region to 2051, including policies and schedules that address housing and growth management and long-term planning for employment and infrastructure. 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. The goal of the Urban Area designation and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across the region, addresses climate change, and improves housing affordability, sustainability and economic prosperity. The Regional Urban Structure of the ROP establishes a hierarchy in which to direct population and employment growth within the Urban Area. The ROP establishes intensification targets broadly for the Built-Up Area, while also focusing a significant portion of population and certain types of employment growth within Strategic Growth Areas.

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”*.

Objectives of the Urban Area include supporting a form of growth that is compact and supportive of transit usage, reduces the dependence on the automobile, makes efficient use of space and services; and to facilitate and promote intensification and increased densities. The Urban Area is where municipal water and/or wastewater services are or will be made available to accommodate existing and future urban development and amenities. 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 are of the opinion that the proposed development conforms 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. 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**

In accordance with Schedule “B” of the Official Plan, the subject lands are identified as being within a “Mixed Use Centre”, as the property is located within the Downtown Urban Growth Centre Boundary. Within the Downtown Mixed-Use Centre, as shown on Schedule “E” of the City’s Official Plan, the lands are designated “Downtown Residential – Medium and/or High-Density Precinct”. This designation allows for ground and non-ground-oriented housing units ranging between 26 and 185 units per net hectare; home occupations and cottage industries; neighbourhood parks and office uses. No height limit

is specified in the Official Plan for this property, as maximum limits are included on density. The applicant is proposing a residential building having a density of 547 units per net hectare, which is above the permitted maximum density of 185 units per hectare. As such, an Official Plan Amendment has been applied for.

According to Part III, Subsection 5.5.5 a) of the City's Official Plan, the objective for the Downtown Residential Medium and/or High Density Precinct is *"to recognize the variety of the existing residential medium and/or high density development that currently exists within these precincts and to provide for future medium or high density residential development or redevelopment which is compatible with the existing development"*. The proposal has been assessed for compatibility with the surrounding area throughout the development application process.

#### Housing Intensification

Applications for housing intensification within established neighbourhoods are evaluated based on a framework of criteria provided in Part III, Section 2.5.2 (a) of the City's Official Plan. The City's Official Plan housing intensification evaluation criteria have been reviewed by Planning Staff with respect to this proposal:

Policy 2.5.2 a) i) – *"adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland"*

The Region has reviewed the submitted Functional Servicing Report, which concludes that servicing is available for the proposed development. The Region noted that the Functional Servicing Report is satisfactory for the purposes of considering the Official Plan and Zoning By-law Amendment applications. The Region also notes that while this report is satisfactory for the purposes of identifying how the site can be serviced and any capacity constraints, capacity within the Region's system to accommodate growth does not imply support for a particular level of growth.

Both the Halton District School Board and the Halton Catholic District School Board have commented on the proposal and note that students generated as a result of the development could be accommodated at their respective schools. No objections were received by either school board.

Parks staff note that adequate parkland is available to accommodate this development as Brock Park and Apeldoorn Park are located within the 0.8 kilometre distance for a city/community park. As such, cash-in-lieu of parkland dedication is recommended for this development.

**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) ii) – *“off-street parking is adequate”*

The development proposes 140 units, and the applicant is proposing 162 parking spaces, resulting in approximately 1.16 spaces per unit. In addition, the applicant is proposing 15 parking spaces within the Hydro One corridor at the rear, or east, side of the site. With these additional spaces, the proposal would result in a parking rate of 1.26 spaces per unit. Transportation staff have reviewed the proposal and are satisfied with the parking rate proposed for the subject lands as well as the demonstration from the applicant that permission to use the Hydro Corridor for parking has been granted by Hydro One.

**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) iii) – *“the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets”*

Transportation staff noted that based on a technical review, the local transportation network is anticipated to satisfactorily accommodate the level of traffic generated by the proposed development. Given the current proposal and the location of the site, transportation staff are supportive of the application. Transportation staff reserve the right to provide additional recommendations to improve traffic operations for the site through the site plan approval process.

**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) iv) – *“the proposal is in proximity to existing or future transit facilities”*

The City's Transit staff commented on the application. It was noted that the block encompassing 441 Maple Avenue bounded by Lakeshore Road, Maple Avenue, Elgin Street and Brock Avenue contains 3 active bus stops, all serviced by Route 10. These stops are all within a 280 metre stretch of road. It is therefore proposed that the stops are partially consolidated. Staff are of the opinion that the lands are located within proximity to existing or future transit facilities.

**Staff Analysis:** This criterion has been met.

*Policy 2.5.2 a) 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 proposal seeks to re-designate and rezone the subject lands in order to permit the 11-storey residential building proposal. In order to develop 140 units on the 0.28 hectare property, the applicant is seeking relief from zoning regulations such as density, building height, setbacks and landscape buffer.

The lands are surrounded by a variety of land uses including mid-rise residential development ranging in height from 6 to 11 storeys. The application proposes to locate the 11 storey building mass at the rear (east) of the site, and terrace the building down to 9 storeys along Maple Avenue. This reduces the impacts of the massing from the streetscape.

In addition to the above, the building incorporates various design features that assist in reducing the overall massing impacts of the building, such as using different materials for the podium versus the upper levels; a defined building entrance and balconies having varying lengths. Staff are of the opinion that the scale and massing of the proposed building are appropriate for the subject lands as well as the surrounding area.

### Height and Transition

The subject proposal requests a building height of 11 storeys and 36 metres plus a mechanical penthouse, whereas the Zoning By-law permits a maximum height of 22 metres. As such, it is important to consider the potential impacts of the additional proposed height. In this case, the subject property is located adjacent to mid-rise and high-rise development as well as a parking lot. To the northwest of the subject lands, on the corner of Maple Avenue and Bellview Street, there is an existing single detached dwelling. It should be noted that the building is proposed to step down to 9 storeys along Maple Avenue. Given that the low-density residential property is approximately 30 metres from the subject lands at its closest point, staff are satisfied that an appropriate height transition is provided and combined with the scale and massing points noted above, the building is appropriate for the lands.

### Siting and Setbacks

The subject lands are zoned “Downtown Residential High-Density (DRH)” in accordance with Zoning By-law 2020, as amended. The proposed development will require relief from the front and north side yard setbacks and the remainder of the proposed setbacks will comply. In particular, the front yard setback requirement is 7.5 metres whereas 4.5 metres are proposed; and the north side yard requirement is 6 metres whereas 4 metres are proposed.

While a reduced front yard setback is proposed, it should be noted that the existing streetscape includes front yard setbacks along Maple Avenue of less than the proposed 4.5 metres. The siting and massing of the building have been discussed earlier in the report and staff are of the opinion that the incorporated terracing of the building provides appropriate transition to surrounding and nearby buildings. The building proposes a defined pedestrian building entrance and it is the opinion of staff that the proposed setback is appropriate in contributing to a pedestrian-friendly streetscape.

The development proposes a 4 metre setback on the north side rather than the required 6 metre setback. The proposal is adjacent to a parking area on the north side, beyond which is a mid-rise apartment building. The existing building to the north is set back approximately 14.5 metres from the property line. As such, staff are of the opinion that an appropriate separation between buildings exists. Proposed access to the site will be along the south side of the property. As such, the 4 metre setback can function as a spatial buffer to the property line rather than a driveway.

The remaining setbacks are in keeping with the requirements for this zone. At the smallest point, the proposed south side yard setback is approximately 6.5 metres, and to the east, abutting a parking lot, the proposed setback is 9.6 metres. Staff are of the opinion that the proposed setbacks are appropriate for the site and the surrounding area.

### Coverage

The area of the subject lands, not including the lands which form part of the Hydro Corridor, is 2,863.19 square metres (0.28 hectares), and the area of the existing ground floor is 1,230 square metres, resulting in a building coverage of approximately 43%. The proposed lot coverage for the site is 74.1%. The ground level of the site includes a driveway on the south side, a turnaround in the middle of the south side, loading which is screened from public view, a ramp to underground parking, bicycle parking, outdoor patio and landscaping. Inside the building at the ground level the development proposes a lobby, amenity area, two guest suites, additional bicycle storage, elevators and a mailroom. It is the opinion of staff that the site can accommodate the proposed development and that the coverage is appropriate for the development.

### Parking

As per the discussion of Official Plan Policy 2.5.2 a) ii) in this report, the City's Transportation staff are satisfied that sufficient parking has been provided to support the proposed use. The development proposes 140 units, and the applicant is proposing 162 parking spaces, resulting in approximately 1.16 spaces per unit. In addition, the applicant is proposing 15 parking spaces within the Hydro One corridor at the rear, or east, side of the site. With these additional spaces, the proposal would result in a parking rate of 1.26 spaces per unit. Further, permission to use the Hydro Corridor for parking has been granted by Hydro One. Staff are of the opinion that the proposed parking is appropriate for the subject development.

### Amenity

The Zoning By-law requires 20 square metres of amenity area per unit for a total of 2800 square metres. The applicant is proposing 22.14 square metres per unit for a total of 3100 square metres of amenity area. No amendments to the Zoning By-law are required in this regard. Amenity area is proposed in the form of indoor and outdoor common amenity area, including rooftop amenity above the ninth storey; and private outdoor amenity area in the form of balconies. Staff are of the opinion that the proposal includes an appropriate amount of amenity area.

**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) vi) – *“effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character”*

Urban Forestry and Landscaping staff commented on the proposal. Based on the documents provided, staff had no objection to the proposal, but note that comments provided will need to be dealt with at the Site Plan stage.

**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) vii) – *“significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level”*

A *Shadow Study Guidelines and Terms of Reference* was approved by Council in June 2020. The subject applications were submitted prior to this date and as such, staff were unable to review the Shadow Study in accordance with this document.

The applicant did submit a Shadow Impact Study which was reviewed by staff. Shadow Impacts were shown at various times on March 21, June 21 and December 21 and compared the proposed development to what is currently permitted for the subject lands in accordance with the applicable zoning. The majority of shadows cast are on the property to the north, but do not extend substantially beyond as-of-right permissions. To the north, the property is adjacent to a mid-rise residential development, and a parking lot exists at the closest point to the property line. Staff are of the opinion that the proposed shadow impacts are appropriate for the site.

**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) viii) – *“accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care”*

The subject lands are located within the Downtown *Mixed-Use Centre* which allows for a range of different uses. The site is also within walking distance to a wide range of uses including restaurants, grocery stores, recreational centres, parks and trails and other neighbourhood services and conveniences. The subject lands are also well-served by transit, which improves accessibility.

**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) ix) – *“capability exists to provide adequate buffering and other measures to minimize any identified impacts”*

The development proposes a north side yard setback of 4 metres rather than the permitted 6 metres. In assessing this request, it must be demonstrated that there is capability to provide adequate buffering to the property to the north. In this case, the property abuts an apartment building to the north, however an existing parking lot is located directly adjacent to the property line. The existing building to the north is set back approximately 11 metres from the shared property line. Within the 4 metre reduced setback area, the applicant proposes shrubs along the wall of the building as well as sod and future plantings. It is the opinion of staff that adequate buffering will be provided along this setback.

In addition to this building setback, it should be noted that stepbacks are incorporated throughout the building as discussed in more detail throughout this report. Staff are satisfied that these stepbacks allow for adequate buffering between adjacent uses.



**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) 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”*

To the north and south, the site abuts high-density residential uses. In both cases, there exist large surface parking lots and large setbacks that extend to property lines. To the east of the subject lands is a Hydro Corridor with existing parking which will not be redeveloped. Staff are of the opinion that should the two adjacent properties to the north and south redevelop, they will not be compromised by the proposal.

**Staff Analysis:** This criterion has been met.

Policy 2.5.2 a) xi) – *“natural and cultural heritage features and areas of natural hazard are protected”*

**Staff Analysis:** This criterion is not applicable.

Policy 2.5.2 a) xii) – *“where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m)”*

**Staff Analysis:** This criterion is not applicable.

Policy 2.5.2 a) 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”*

**Staff Analysis:** The subject lands are located within the *Downtown Mixed-Use Centre* and are not located within a defined *Residential Area*. As such, this criterion is not applicable.

## **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 Official Plan. Applicants are expected to have regard to the relevant design guidelines when preparing their development proposals. Burlington City Council has approved Design Guidelines for Mixed Use and Residential Mid-Rise Buildings, which apply to the proposed development on the subject lands.

The City's Official Plan Design policies also allow for the establishment of an outside body of design professionals to advise on issues of design (Part II, Section 6.6 d). The Burlington Urban Design Review Panel reviews development proposals and provides urban design advice to Staff and applicants to consider before formal application submission. The proposed development was reviewed by the Burlington Urban Design Review Panel prior to the application being submitted and a summary of the comments has been included in the Engagement Matters section of this report.

Planning staff has completed the following review of the proposed development application in consideration of the Council approved Mid-Rise Building Design Guidelines.

### **2.1 Building Placement**

- 2) *Where there is a consistent pattern of street setbacks that is not planned to change, the building should be set back to align with its neighbours.*

An established street line exists along this portion of Maple Avenue. The applicant is proposing a building setback that is consistent with this street line.

- 7) *Where a building includes residential uses at grade, they should be differentiated from any active or non-residential uses through additional setbacks. Front yards should incorporate landscaping and enclosure to provide privacy to individual units (hedging and fencing should be no taller than 1.5 metres).*

At grade, the building proposes a lobby and amenity area adjacent to Maple Avenue. Additional amenity area, guest suites and a loading area are also proposed toward the rear of the site. No residential units are proposed at grade abutting the street. As such, privacy is incorporated into the building design and staff are of the opinion that this guideline has been met.

- 9) *All buildings should have a public front and private back. Buildings should not expose their back onto the front of a neighbouring building to minimize impact such as “back of house” activities on adjacent properties.*

The proposed building abuts a parking lot at the rear. An outdoor patio is proposed at the rear of the building that is intended to be used by residents. The front of the building is designed in such a way that includes a defined building entrance and a positive experience for pedestrians. Staff are of the opinion that the proposed building successfully includes a public front and private back.

## *2.2 Building Separation and Spacing*

- 2) *Where windows are proposed within the lower building, a minimum separation distance of 15 metres should be provided between adjacent buildings.*

The development proposes a north side yard setback of 4 metres. While this does not meet the minimum recommended separation distance, it should be noted that the building to the north is set back approximately 14 metres from the shared property line. To the south, the building is proposed to be located approximately 6.5 metres from the property line at the closest point, however the south side includes a driveway and drop-off area. As such, staff are of the opinion that the proposed building incorporates an adequate separation from existing development to the north and south.

## *2.3 Built Form: Height and Massing*

- 1) *When deciding on lower 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 and the immediate streetscape...*

The subject lands are adjacent to a group of mid-rise apartment buildings to the north ranging in height from 6 to 15 storeys. To the west, across Maple Avenue, there are single

detached dwellings; a 7 storey building and a 14 storey building. To the south there is an 11 storey apartment building, and to the east is a surface parking lot within the Hydro Corridor, the Art Gallery of Burlington and two one-storey commercial buildings. As such, the proposed building is surrounded by a range of heights and built forms.

The lower building incorporates colours and materials that create a distinct pedestrian experience and provide a relationship to nearby low-rise development. The first two-storeys project 3 metres from the main wall above in order to create a base at the pedestrian scale. Natural masonry and punched window configurations are proposed to be used for the base in order to reflect a more traditional built form that exists in the area. By projecting the base and using a variety of designs and materials, the building becomes more relatable to nearby development.

- 6) *In general, the building should not exceed a length of 60 metres apart from L-shaped building forms. Longer buildings, approaching and exceeding 60 metres, should either be broken up physically or visually using architectural and design elements that sufficiently differentiate the building mass to appear as separate building forms. This should include stepbacks, colour and material variations, and unique building articulation.*

It should be noted that the building has a proposed length of approximately 71 metres. The length of the building is directed toward the rear (east) side of the site, away from the street. The length of the building would therefore not be visible from the street. Further, the building provides terracing from the rear of the building toward the street, and maintains appropriate side yard setbacks, as noted throughout this report. Staff are of the opinion that the impacts of an exceeded building length have been properly mitigated and that the building length is appropriate for the site in this case.

- 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 building contains stepbacks from the rear of the property to the front. At the rear, the proposed building is 11 storeys, however at the front of the site the proposed building is 9 storeys in height, with the top of the ninth floor proposed to be used as a green roof. Further, the proposed building contains visual articulation in both the building wall and balcony shapes which breaks up the building mass.

- 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 both inset and protruding balconies. The balconies are irregular in shape and add to the visual interest of the building. The balconies also are separated by portions of building wall which breaks up the length of the balconies. Staff are of the

opinion that the proposed buildings are appropriate for the design of the proposed building.

- 9) *Where ground floor commercial/retail uses are not required, projecting or semi-recessed balconies may be considered within the streetwall provided they are integrated into the overall building design, appropriately setback from the public right-of-way, and do not contribute to the visual bulk or become the dominant feature of the building façade.*

The balconies are proposed after the third storey of the building. This assists in reducing the visual bulk of the building.

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

Staff are of the opinion that the proposed building is appropriately sited and provides an appropriate transition to neighbouring uses. The building steps down toward the west (Maple Avenue) side of the site which provides appropriate built form transition to Maple Avenue. The lands are surrounded by similar built forms with appropriate separation distances, and staff are of the opinion that appropriate stepbacks are included.

- 11) *A variety of scales, colours and textures should be used to create visual interest across the building facades.*

The building base proposes masonry materials and punched window configurations to create a more traditional built form which exists in some nearby development. The middle of the building proposes window wall panels and projecting balconies. The balconies project at varying distances and angles which creates variety. The top of the building would include one storey of window wall which further contrasts with both the base and the middle of the building.

## **2.5 Site Design, Open Space and Streetscaping**

- 2) *Pedestrian access should always be prioritized for the safety and enjoyment of residents and visitors.*

Pedestrian access is proposed from the Maple Avenue side of the site. A lobby is proposed at the southwest corner of the site. The proposal provides pedestrian access from the existing sidewalk to the building entrance. In the opinion of staff, the proposal provides adequate pedestrian access.

- 3) *Reduce the number and width of vehicle access points to avoid conflicts between pedestrian and vehicle traffic.*

The development proposes one vehicular access to the site, on the south side. The access leads to a roundabout drop-off area where vehicles can move to the east of the site to the parking areas, or to turn around and exit the site. The driveways do not impact the pedestrian walkways.

- 4) *Access to parking, servicing and loading should be provided at the rear of the building, or a laneway if possible. On corner sites, access should be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.*

The proposed loading and parking areas are at the rear of the lands. As mentioned previously, these areas are accessed via one single driveway providing access from the front of the site to the rear. As such, staff are of the opinion that this guideline has been met.

- 7) *Recess and screen garage doors and service openings from public view. When they face public streets and public or private open spaces design them using high-quality doors and finishes that complement the architecture of the building. Avoid free-standing parking ramps.*

The proposal includes access to the parking garage at the rear of the site. Both the entrance to the parking garage and the loading are screened from Maple Avenue and from public view.

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

The applicant is proposing parking that is primarily located underground. It should be noted that parking is proposed within a portion of the Hydro Corridor to the east of the subject lands. This has been reviewed as part of the proposal and has been discussed further in this report. Overall, staff agree that most of the required parking is provided underground.

- 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.*

The space created on top of the ninth storey as a result of the stepback is proposed to be used as a green roof. Part of this rooftop will be accessible by residents of the building, however the accessible portion will not extend all the way to the building wall below. This provides additional privacy for residents of the building and adjacent buildings. The area of the accessible portion of the proposed roof top amenity is 154 square metres. Staff are of the opinion that this stepback assists in achieving appropriate built form and massing transitions as well as providing additional common outdoor amenity area.

### **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. The new Official Plan has been appealed and is largely not yet in force and effect.

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 *Primary Growth Area* in accordance with Schedule B-1 – Growth Framework of the New Official Plan. According to Subsection 2.4.2(1), *these areas shall be recognized as a distinct area within the City's Urban Area accommodating the majority of the City's forecasted growth over the planning horizon and beyond, and consequently will experience the greatest degree of change.*

The lands are also within the *Downtown Urban Centre* in accordance with Schedule C – Land Use – Urban Area, and within the *Downtown Urban Centre* the lands are further designated as *Apartment Neighbourhoods Precinct* in accordance with Schedule D – Land Use – Downtown Urban Centre of the New Official Plan. Within the *Apartment Neighbourhoods Precinct*, residential uses may be permitted above the first storey of a development, in accordance with Subsection 8.1.1(3.12.1)a) of the New Official Plan. According to Subsection 8.1.1(3.12.1)b)(i) and (ii), entrances and lobbies of residential buildings; and grade-related dwelling units *may be permitted within the first storey of a development within the Apartment Neighbourhoods Precinct.*

Subsection 8.1.1(3.12.1)c) contains a set of criteria that are to be used when assessing development applications within the *Apartments Neighbourhood Precinct*. Although the New Official Plan is not yet in effect, staff have reviewed the development proposal against the criteria of the New Official Plan and notes that it is in keeping with its vision for the City of Burlington. A brief assessment is below:

*8.1.1(3.12.1) c) – Infill development within Apartment Neighbourhoods shall be located, massed and designed to:*

*(i) be compatible with, fit into and respect the physical character, including height and massing, of existing building(s) on and adjacent to the infill site;*

Staff have assessed the compatibility of the proposed development with respect to the physical character, including height and massing, of existing buildings adjacent to the site throughout this report and are of the opinion that this criterion has been met.

*(ii) provide appropriate separation distances between buildings on and adjacent to the site (including podiums and towers), so as to achieve access to natural light for interior spaces and outdoor amenity spaces, maximize opportunities for landscaped open space between buildings, and ensure privacy;*

Separation distances have been reviewed and commented on within the Current Official Plan discussion of the report. Staff are of the opinion that the development proposes appropriate setbacks and stepbacks and that this criterion has been met.

- (iii) *Limit overlook to adjacent Low-Rise Neighbourhood Precincts as shown on Schedule D: Downtown Urban Centre, of this Plan and Residential – Low Density designation as shown on Schedule C: Land Use – Urban Area, of this Plan;*

The subject lands are not adjacent to a *Low-Rise Neighbourhood Precinct*. As such, this criterion is not applicable to the proposed development.

- (iv) *provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards the Low-Rise Neighbourhood Precincts as shown on Schedule D: Downtown Urban Centre, of this Plan and the Residential Low-Density designation as shown on Schedule C: Land Use – Urban Area, of this Plan;*

The subject lands are not adjacent to *Low-Rise Neighbourhood Precincts* or *Residential – Low Density* designations. Nonetheless, staff have reviewed the transitions between the proposed building and adjacent development. Discussion regarding transitions can be found within the sections of this report relating to the Current Official Plan and the Urban Design Guidelines. Staff are of the opinion that this criterion has been met.

- (v) *adequately limit shadow impacts on properties in adjacent Established Neighbourhood Areas as shown on Schedule B1: Growth Framework, of this Plan, and the public realm;*

The proposal is not adjacent to an *Established Neighbourhood Area* in accordance with Schedule B1 of the New Official Plan. Nonetheless, staff have reviewed the proposed shadow impacts on nearby development. This discussion can be found within the sections of this report relating to the Current Official Plan and the Urban Design Guidelines. Staff are of the opinion that this criterion has been met.

- (vi) *fit entirely within a 45 degree angular plan measured from the rear property line(s) of adjacent Low-Rise Neighbourhood Precincts as shown on Schedule D: Downtown Urban Centre, of this Plan and the Residential Low-Density designations as shown on Schedule C: Land Use – Urban Area, of this Plan as set out in Subsection 8.1.1(3.19.4);*

The subject lands are not adjacent to *Low-Rise Neighbourhood Precincts* as shown on Schedule D of the New Official Plan or *Residential Low-Density* designations as shown on Schedule C of the New Official Plan. This criterion is not applicable.

- (vii) *frame the edge of streets and parks with buildings at an appropriate height and mass to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;*

Staff have reviewed the proposed height and massing impacts on the site and surrounding area. This discussion can be found within the sections of this report relating



to the Current Official Plan and the Urban Design Guidelines. Staff are of the opinion that this criterion has been met.

*(viii) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;*

The proposed loading area is located at the rear of the property on the south side and is contained within the building. The ramp to underground parking is located within the south side of the building. The loading area and ramp to underground parking are screened by the building wall and incorporated into the podium, thereby screening them from the adjacent property to the south. Staff are of the opinion that this criterion has been met.

*(ix) consolidate and, where achievable, relocate surface parking where it is not visible from streets, and parks;*

Parking for the development is proposed to be located within three levels of underground parking. 15 surface parking spaces are proposed to be located within the adjacent Hydro Corridor to the east in accordance with a lease agreement with the applicant. This space is already used as surface parking and is surrounded by additional parking areas. Staff are of the opinion that no negative impacts will result from the proposed parking for the site. Staff are of the opinion that this criterion has been met.

*(x) provide indoor and outdoor recreation space for building residents in mid-rise and tall residential developments;*

Both private and common amenity areas are proposed. Common indoor amenity area is proposed on the ground floor. A large area exists on the northwest portion of the building, as well as at the rear. The ground floor common indoor amenity area spills onto a common outdoor patio at the rear of the building. On the top of the ninth storey, the applicant proposes common indoor amenity which connects to common outdoor rooftop amenity. In addition to the common amenity areas discussed, the building proposes private balconies for each unit. It is the opinion of staff that this criterion has been met.

*(xi) provide ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces, such as commercial uses and grade-related dwelling units with front stoops and porches that take direct access from public sidewalks; and,*

At the ground level the building proposes common amenity area at the north side of the Maple Avenue property line and a lobby on the south side of the Maple Avenue property line. The entrance in the lobby is designed in such a way that differentiates it from the rest of the building which contributes to good design and a desirable public realm. Staff are of the opinion that this criterion has been met.

*(xii) maintain or replace and improve any existing indoor and outdoor residential amenities on the site.*

The existing building is proposed to be demolished and replaced with the subject proposal. The proposed development has been reviewed and the amenities proposed have been discussed throughout this report. Staff are of the opinion that this criterion has been met.

Staff have reviewed the proposed development and are of the opinion that it conforms to the City's New Official Plan. The proposal represents a form of intensification that is contemplated and conforms to the policies of the *Apartment Neighbourhoods Precinct* within the *Downtown Urban Centre* of the New Official Plan.

### **City of Burlington Zoning By-law 2020**

The lands are currently zoned "Downtown Residential High-Density (DRH)" in accordance with Zoning By-law 2020. The DRH Zone permits apartment buildings, retirement homes and offices within an existing building or on the ground floor of a residential building. The proposed development does not comply with some regulations, including setbacks, density, building height, parking and landscape buffers and areas. A Zoning By-law Amendment application is therefore required. The following table outlines the requirements of the "Downtown Residential High-Density (DRH) Zone" as well as what is being proposed.

<b>Zoning Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Comment</b>
Front Yard	7.5 metres abutting a street having a deemed width of 26 metres or more	Storeys 1-9: 4.5 metres  Storeys 10-11: 7.5 metres	<p>The proposed building is located approximately 4.5 metres from the front property line, whereas the Zoning By-law requires a front yard setback of 7.5 metres. The existing building is located close to Maple Avenue; almost at the property line. As such, the proposed building will be located further back. It should also be noted that the adjacent buildings to the north and south as well as the tall building directly across the street, have existing front yard setbacks of less than 7.5 metres. As such, staff are of the opinion that a reduced front yard setback is appropriate for the site.</p> <p>Within the front façade, the applicant is proposing glazing, trees and a defined front entrance. This will contribute to a safe, attractive pedestrian environment. Staff are satisfied that the proposed front yard setback is appropriate.</p>
Rear Yard	7.5 m	9.6 metres	This setback complies with the Zoning requirement; however staff have evaluated

Zoning Regulation	Required	Proposed	Staff Comment
			<p>the appropriateness of this setback as it relates to the building siting. The development proposes a rear yard setback of 9.6 metres (at its closest point). The property abuts a Hydro Corridor to the east (rear). As such, overlook is not a concern. It should be noted that the rear yard also includes an outdoor patio area as well as landscaped area. Staff are of the opinion that the building is appropriately set back from the rear property line.</p>
Side Yard	6 m	<p>North Side: 4 metres</p> <p>South Side: 6.5 metres</p>	<p>The property abuts an apartment building to the north, however an existing parking lot is located directly adjacent to the property line. The existing building to the north is set back approximately 11 metres from the shared property line. Within the 4 metre reduced setback area, the applicant proposes shrubs along the wall of the building as well as sod and future plantings. Staff are of the opinion that this setback is appropriate at the ground level.</p> <p>Stepbacks on the north side are provided at the western portion of the building, where the building is terraced down to 9 storeys. Variation in balcony lengths and sizes as well as building materials assists in reducing the massing impacts of the proposed building above the ground level.</p> <p>The setbacks on the south side are in keeping with the Zoning By-law requirement, and the same proposed stepbacks apply at the western portion of the site. The south side yard setback will include site access, underground parking access, a turnaround area, a loading area, bicycle parking and other site requirements that are appropriate for the subject lands, in the opinion of staff.</p>
Density	50 units per hectare	500 uph	<p>The originally proposed density of the development was 547 uph. The applicant has reduced the proposed number of units</p>

<b>Zoning Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Comment</b>
	(uph) minimum 185 uph maximum		<p>to 140, thereby reducing the proposed density to 500 units per hectare. The City of Burlington Zoning By-law 2020 and Official Plan both permit a maximum density of 185 units per hectare within a high-density zone category or designation.</p> <p>It has been noted throughout this report that the lands are surrounded by a variety of uses and built forms including high-density residential uses to the north and south, and nearby low, medium and other high-density residential development. The development proposes a density increase in the form of an 11-storey residential building. It is the opinion of staff that the applicant has demonstrated that the site can appropriately support the proposed use, and that the proposal is compatible with the surrounding area. Staff are of the opinion that the proposed density is appropriate.</p>
Building Height	22 m maximum	36 m maximum plus mechanical penthouse	As noted within the report, the subject lands are surrounded by a range of development, including both mid-rise and tall buildings with varying heights. In accordance with the discussion throughout this report relating to massing, transition and compatibility, it is the opinion of staff that the building has been designed in such a way that is appropriate for the area. Staff are supportive of this change.
Amenity Area	20 m <sup>2</sup> per unit = 2800 m <sup>2</sup>	22.14 m <sup>2</sup> per unit = 3100 m <sup>2</sup>	The applicant is proposing common indoor amenity area, common outdoor amenity area and private outdoor amenity area in the form of balconies. The total number of amenity area proposed exceeds the Zoning By-law Requirement. As such, the applicant is not requesting an amendment to the minimum amenity area.
Landscape Area	3 m abutting a street having a deemed	0 m (at smallest point)	The Maple Avenue frontage is comprised of the access to the site at the south; a variety of pavers which provide pedestrian access into and through the site, including to the entrance of the main lobby; and planted

<b>Zoning Regulation</b>	<b>Required</b>	<b>Proposed</b>	<b>Staff Comment</b>
	width of up to 26 m		trees as well as other vegetation, and a transformer, at the north. Staff are of the opinion that the proposal considers the streetscape character, the public realm and the pedestrian experience along Maple Avenue and do not object to the proposed amendment to the Landscape Area zoning provision.
Parking	1.25 spaces per unit inclusive of visitor parking	1.17 spaces	The applicant is proposing 1.17 parking spaces per unit inclusive of visitor parking. It should be noted that the parking spaces proposed to be located in the corridor have not been included in this number, as they are not located on the subject lands. 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 with the exception of those spaces in the Hydro Corridor. Staff do not object to the amount of parking spaces proposed.
Loading Spaces	One space	One space	The development proposes one loading space on the east side of the building, which is proposed to be enclosed and screened from view, with access via an overhead door. Staff are of the opinion that this is appropriate for the proposed residential development and do not object to the proposed loading space.

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## **Technical Review**

The supporting documents for the Official Plan and 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, Halton Region, Enbridge, Transnorthern Pipelines, the City's Finance, Parks, Transit, Transportation, Engineering and Landscape and Urban Forestry staff; all of whom have provided standard comments or conditions to be considered at the Site Plan stage.

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## **Financial Matters:**

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

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## **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.

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## **Engagement Matters:**

### **Public Circulation**

The applicant posted a public notice sign on the property to reflect their submission on February 22, 2019. All of the technical studies and supporting materials for this development were posted on the City's website at [www.burlington.ca/441Maple](http://www.burlington.ca/441Maple). The application was subject to the standard circulation requirements for Official Plan and Zoning By-law Amendment applications. A public notice with a request for comments was circulated to surrounding property owners in February 2019.

### **Burlington Urban Design Advisory Panel Meeting**

The applicant met with the Burlington Urban Design Advisory Panel on September 18, 2018. Based on the advice given, a number of changes were made to the proposal, including the following:

- Underground parking ramp relocated;

- Garbage room relocated to underground level to allow for additional amenity space;
- Rear yard redesigned to allow for more landscape features and an outdoor patio adjacent to the amenity area;
- Ground floor extended to provide a step back on the 10<sup>th</sup> floor; and,
- Revisions to balcony design.

### **Pre-Application Consultation Meeting**

The applicant conducted a pre-application neighbourhood open house for the proposal on November 14, 2018 at the Burlington Art Gallery that was attended by approximately 50 members of the public who reside in the area. The open house included displays showing the proposed building. The key concerns raised by the public at the meeting were related to the building height, traffic and access, parking and noise. In response to comments received from the public, the applicant reduced the proposed number of residential units from 164 to 153 (and once again reduced the number of units to 140 in their second submission).

### **Public Comments**

To date, staff has received 12 letters or e-mails related to the subject application. 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:

<b>Comment:</b>	<b>Staff Response:</b>
Height <ul style="list-style-type: none"><li>• Too many tall buildings already exist in this area.</li><li>• Proposed building is too tall.</li></ul>	The applicant has requested a building height that exceeds the permissions of the Zoning By-law. As such, the application has been reviewed with respect to such matters as compatibility; transition to adjacent and nearby buildings; building massing, setbacks and stepbacks; the public realm, the intent of the applicable policy framework and other matters relating to the appropriateness of the development for the subject lands and in the context of the surrounding area.
Traffic and Site Access <ul style="list-style-type: none"><li>• Increased traffic congestion and air pollution; decreased safety.</li></ul>	The proposal has been circulated to Transportation staff for review and comment. Transportation staff noted

<ul style="list-style-type: none"> <li>• Not enough space for increase in cars.</li> </ul>	<p>that the local transportation network is anticipated to satisfactorily accommodate the level of traffic generated by the proposed development.</p>
<p>Underground/Off-Site/Maintenance Parking</p> <ul style="list-style-type: none"> <li>• Concerns about underground parking impacts on the groundwater.</li> <li>• Will there be space for loading and maintenance vehicles.</li> <li>• Will there be enough parking and is parking appropriate on the Hydro One lands.</li> </ul>	<p>Underground parking impacts have been reviewed by Site Engineering, who have not identified concerns with respect to groundwater.</p> <p>The applicant is proposing a loading space at the southeast side of the building, as mentioned earlier in this report. The loading space is proposed to be screened from public view via an overhead door, which will be designed to match the lower building, in order to mitigate the visual impacts.</p> <p>With respect to the parking on the Hydro One lands, it should be noted that parking already exists in this location. However, for the purposes of the review of this application, it should be noted that the parking rate reviewed by staff and incorporated into the Zoning By-law reflects only the parking proposed on the site. As such, staff are of the opinion that the site can function appropriately individually with the spaces proposed within its boundaries.</p>
<p>Noise</p> <ul style="list-style-type: none"> <li>• Concerns about potential noise generated from outdoor rooftop amenity.</li> </ul>	<p>Engineering staff have commented on the subject proposal. In particular, a Noise Study was submitted as part of the subject development proposal. Engineering staff are satisfied that proposed noise levels are acceptable.</p>



## **Conclusion:**

Planning staff have reviewed the Official Plan and Zoning By-law Amendment applications submitted for the lands located at 441 Maple Avenue and find that the applications are consistent with and conform to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan. Staff are recommending approval of the application.

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Respectfully submitted,

Melissa Morgan MCIP RPP

Senior Planner, Site Plan Review

905-335-7600 ext. 7788

## **Appendices:**

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

## **Notifications:**

Dana Anderson, MHBC Planning

[danderson@mhbcplan.ca](mailto:danderson@mhbcplan.ca)

Andrew Hannaford, MHBC Planning

[ahannaford@mhbcplan.ca](mailto:ahannaford@mhbcplan.ca)

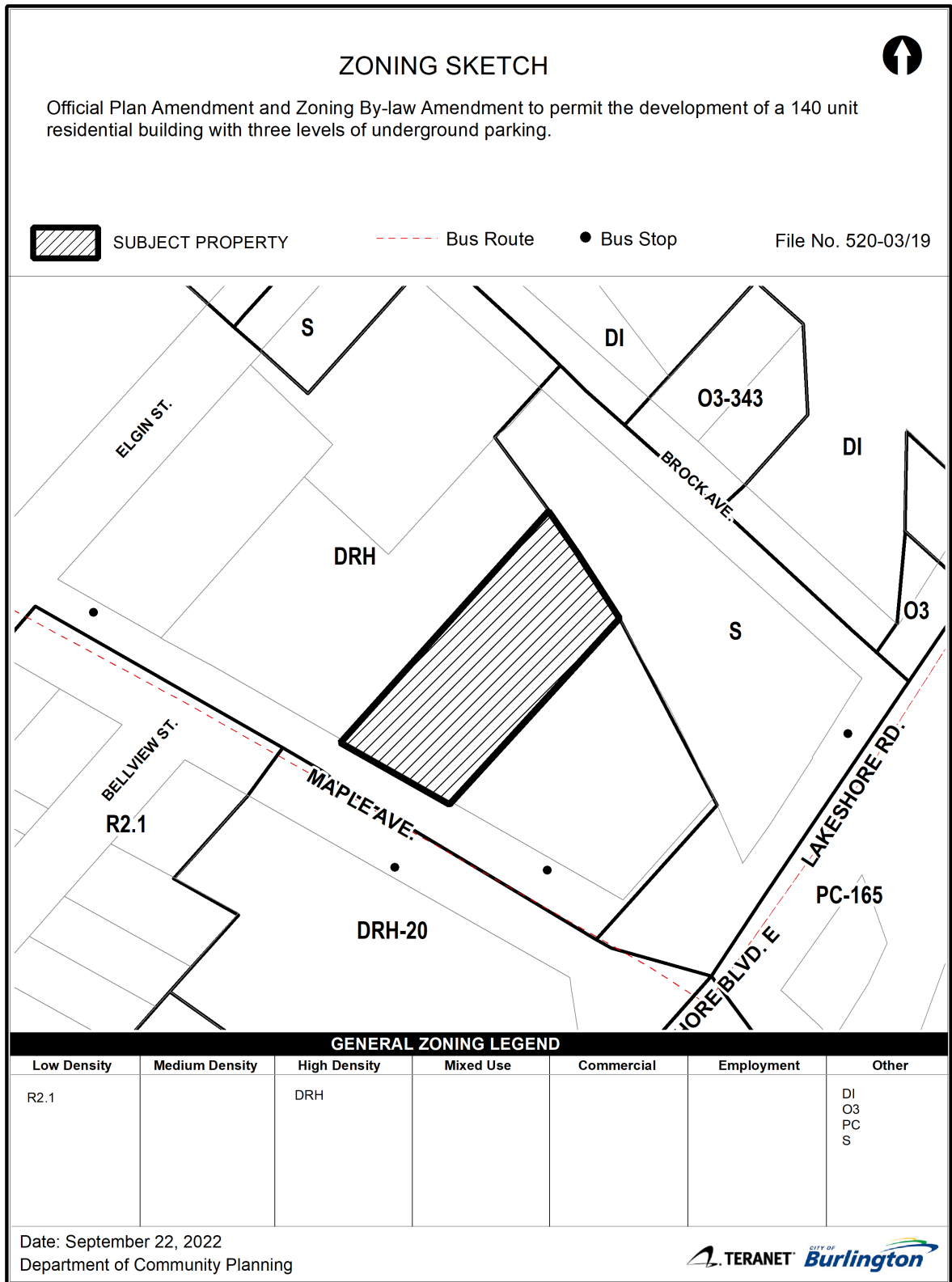
Kim Harrison, Better Life Retirement

[kharrison@blretirement.com](mailto:kharrison@blretirement.com)

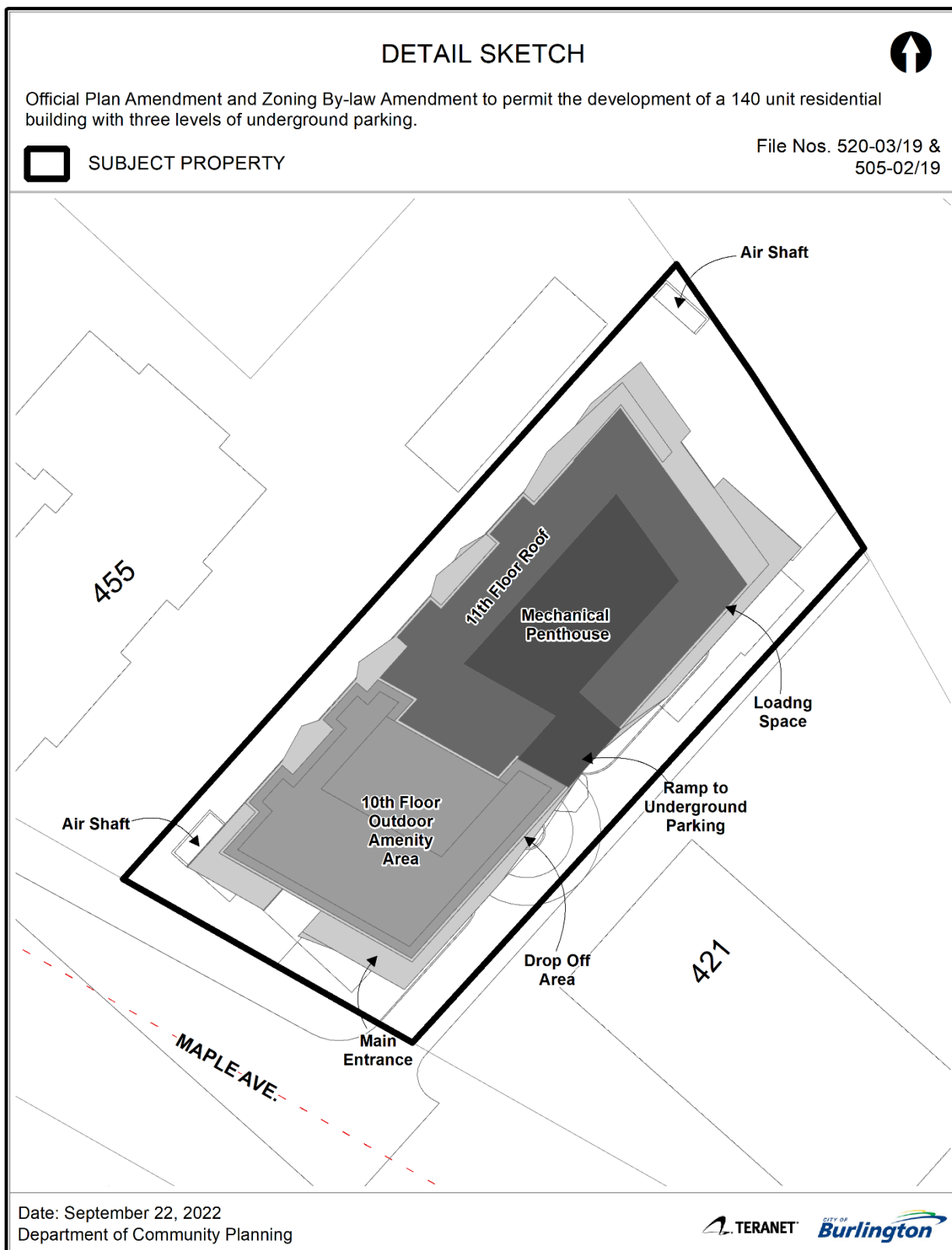
## **Report Approval:**

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

**APPENDIX 'A'**



**APPENDIX 'B'**



**APPENDIX 'C'**

**OFFICIAL PLAN AMENDMENT  
AMENDMENT NO. 129 TO THE OFFICIAL PLAN  
OF THE BURLINGTON PLANNING AREA**

**CONSTITUTIONAL STATEMENT**

The details of the Amendment, as contained in Part B of this text, constitute Amendment No. 129 to the Official Plan of the Burlington Planning Area, as amended.

**PART A – PREAMBLE**

**1. PURPOSE OF THE AMENDMENT**

The purpose of this Amendment is to amend the existing Downtown Residential – Medium and/or High Density Precinct designation of 441 Maple Avenue to facilitate the development of an apartment building consisting of 140 residential units.

**2. SITE AND LOCATION**

The subject lands are located on the east side of Maple Avenue and have an area of approximately 0.28 hectares.

**3. BASIS FOR THE AMENDMENT**

- a) The subject application proposes intensification that is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan).
- b) The proposal conforms to the Halton Region Official Plan and the Official Plan for the Burlington Planning Area, upon finalization of this Amendment;
- c) The proposal can be adequately serviced;
- d) The proposal is well-served by existing community infrastructure including public transit, parks, schools and recreation facilities; and,
- e) The applicant submitted technical studies with the application that provide adequate and appropriate information to support the development.

## **PART B – THE AMENDMENT**

### **1. DETAILS OF THE AMENDMENT**

#### **Map Change:**

None Proposed.

#### **Text Change:**

The text of the Official Plan of the Burlington Planning Area, as amended, is hereby amended as follows:

By adding the following policy to Part III Section 5.5 Downtown Mixed Use Centre, Subsection 5.5.5, Downtown Residential Medium and/or High Density Precincts:

East side of Maple Avenue, north of Lakeshore Road	g) Notwithstanding Part III, Subsection 5.5.5 b) ii), within the Downtown Residential Medium and/or High Density Precincts designation located at 441 Maple Avenue, one 12 storey apartment building, including mechanical penthouse, having a maximum density of 500 units per hectare is permitted.
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### **2. INTERPRETATION**

This Official Plan Amendment shall be interpreted in accordance with the “Interpretation” policies of Part VI, Implementation, Section 3.0, Interpretation, of the Official Plan of the Burlington Planning Area.

### **3. IMPLEMENTATION**

This Official Plan Amendment will be implemented in accordance with the appropriate “Implementation” policies of Part VI of the Official Plan of the Burlington Planning Area.

APPENDIX 'D'

**BY-LAW NUMBER 2020.452, SCHEDULE 'A' AND EXPLANATORY NOTE**

**THE CORPORATION OF THE CITY OF BURLINGTON**

**BY-LAW NUMBER 2020.452**

A By-law to amend By-law 2020, as amended; for 441 Maple Avenue, for the purposes of facilitating the development of a mid-rise residential building

File No.: 520-03/19

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

WHEREAS the Council of the Corporation of the City of Burlington approved PL-12-23, on March 21, 2023, to amend the City's existing Zoning By-law 2020, as amended, to permit a residential building consisting of 140 units.

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

1. Zoning Map Number 9-A of PART 15 to By-law 2020, as amended, is hereby amended as shown on Schedule "A" attached to this By-law.
2. The lands designated as "A" on Schedule "A" attached hereto are hereby rezoned from DRH to DRH-517.
3. PART 14 of By-law 2020, as amended, Exceptions to Zone Designations, is amended by adding Exception 517 as follows:

Exception 517	Zone DRH	Map 9-A	Amendment 2020.452	Enacted March 21, 2023
<b>1. <u>Only the following uses shall be permitted:</u></b>				
Apartment building				
<b>2. <u>Regulations for Apartment Building</u></b>				
a) Maximum Number of Dwelling Units:			140	
b) Front Yard:				
i) Storeys 1 and 2:			4.4 m	
ii) Storeys 3-9:			7.4 m to building, 4.4 m to balcony	
iii) Storey 10:			29 m to building, 16 m to terrace	
iv) Storey 11:			29 m	
v) Storey 12:			32 m	
vi) Below-Grade Parking Structure:			0.1 m	
c) Rear Yard:				
i) Storey 1			9.5 m	
ii) Storey 2-11:			5.7 m including terraces / balconies	
iii) Storey 12:			18 m	
iii) Below-Grade Parking Structure:			0.1 m	
d) South Side Yard:				
i) Storeys 1-12:			4.5 m including terraces / balconies	
ii) Below-Grade Parking Structure:			1.7 m	
e) North Side Yard:				
i) Storeys 1-12:			3 m including terraces / balconies	
ii) Below-Grade Parking Structure:			0 m	
f) Maximum Height:			12 storeys, including mechanical penthouse, up to 43.4 m maximum	
g) Maximum Density:			500 units per hectare	
h) Landscape Area abutting Maple Ave:			0 m	
i) Required Parking:			1.15 spaces per unit inclusive of visitor parking	
Except as amended herein, all other provisions of this By-law, as amended, shall apply.				

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

**ENACTED AND PASSED** this 21st day of March, 2023

\_\_\_\_\_ MAYOR

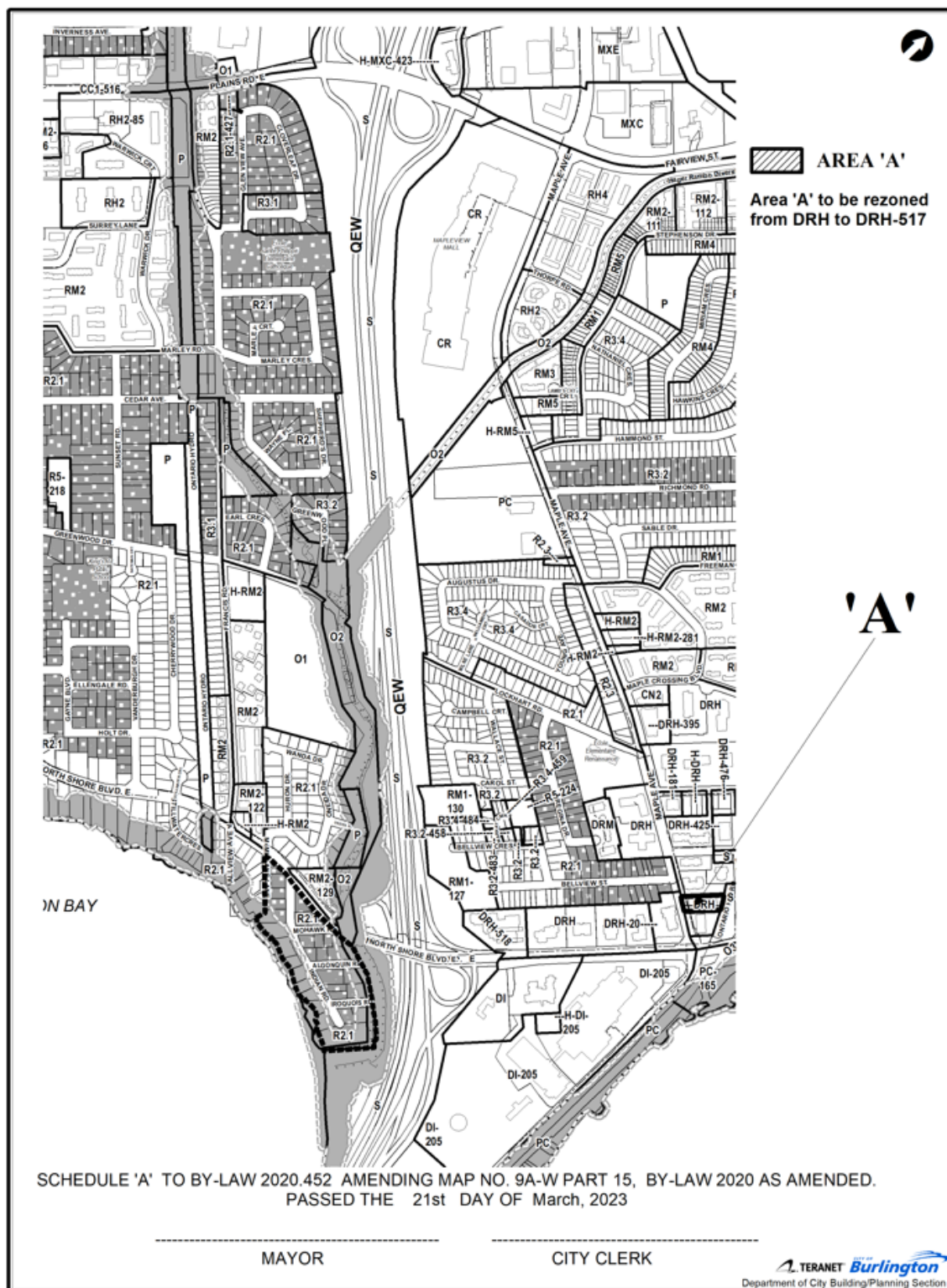
\_\_\_\_\_ CITY CLERK



#### EXPLANATION OF PURPOSE AND EFFECT OF BY-LAW 2020.452

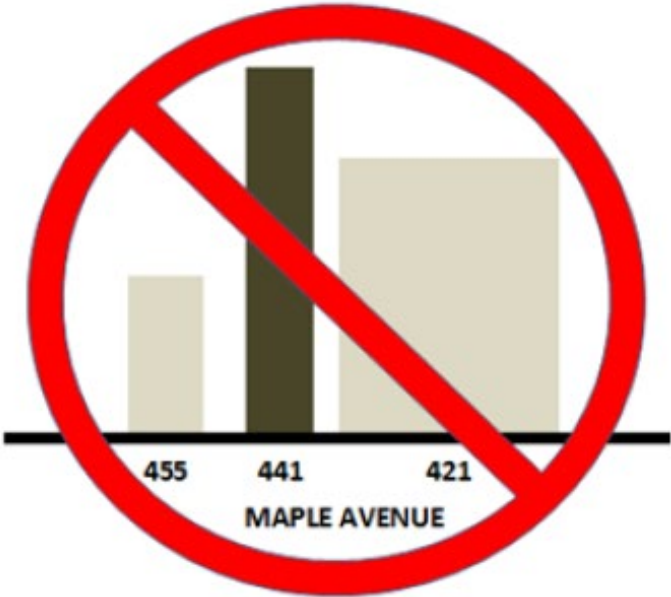
By-law 2020.452 rezones lands on 441 Maple Avenue, to permit a 12-storey residential building, including Mechanical Penthouse.

For further information regarding By-law 2020.452, please contact Melissa Morgan of the Burlington Community Planning Department at (905) 335-7600, extension 7788.



**APPENDIX 'E'**

#	Comments
1	<p data-bbox="289 289 1052 331"><b>Subject: <u>File 505-02/19 &amp; 520-03/19, 441 Maple Ave</u></b></p> <p data-bbox="289 363 1409 583">Thank you for the opportunity to provide input on the Planning Application to change the Official Plan designation and Zoning for the property located at 441 Maple Avenue. It was a prudent decision to invoke an interim freeze on approvals for building applications in the downtown core. This will allow time to establish development priorities, consider future implications and involve members of the Burlington community.</p> <p data-bbox="289 615 1187 657">I am strongly opposed to the application based on the following:</p> <ol data-bbox="289 688 1443 1738" style="list-style-type: none"> <li data-bbox="289 688 1443 982">1. <u>Increased Density</u> – Several hundred more residents adding to the traffic flow in the extremely busy area at Maple Ave and Lakeshore Rd would be unsafe both for pedestrians, drivers and emergency vehicles accessing Joseph Brant Hospital. Since this main entrance to the hospital was relocated from North Shore Blvd to Lakeshore Rd there has been a radical increase in the number of ambulance and fire engines using Maple Ave to access the hospital Emergency Department. Further on-going traffic congestion would be dangerous.</li> <li data-bbox="289 1014 1443 1234">2. <u>Reduction To Setbacks, Landscaping areas and Buffers</u> – The current Zoning By-law is based on a balanced perspective between private land owners and community residents. Any change to reduce setbacks, landscaping and buffers is purely to maximize corporate profits. Land developers should be aware of the City Zoning By-laws and work within the parameters, not expect accommodation in order to increase revenue.</li> <li data-bbox="289 1266 1443 1486">3. <u>Building Height</u> – Using the number of storeys to reflect the building height is very misleading information. I attended a public meeting at the Burlington Art Gallery where representatives of the developer mentioned that the first 2 storeys would have a height of approximately 25 feet each and the other levels would be 10 feet each. This would correspond to a much higher building than would be reflected in the number of storeys.</li> <li data-bbox="289 1518 1443 1738">4. <u>Parking</u> – A total of 164 vehicle underground parking spaces for 153 units is hardly more than one space per owner. This will create issues for surrounding neighbourhood, residents and visitors to the proposed building. Nearby leased 15 parking spaces from Hydro One is not a reasonable solution as not owned and not adjacent to the property.</li> </ol> <p data-bbox="289 1770 1443 1843">I look forward to participating in other opportunities for community involvement in this process. I'm also curious about the Developer's rationale provided to</p>

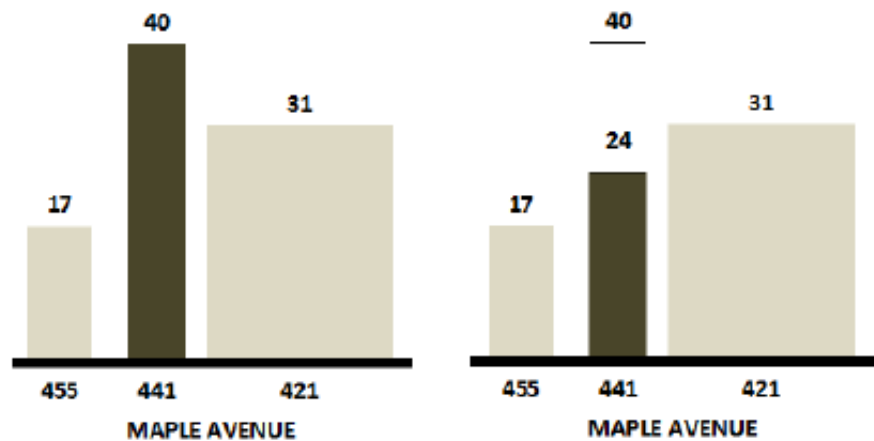
	support the application to change the Official Plan designation and Zoning for property at 441 Maple Ave.
2	<p style="text-align: center;"><b>Protect Downtown Burlington Skyline</b></p>  <p style="text-align: center;">The proposed 441 Maple building will be twice taller than the 455 Maple and a third taller than the 421 Maple</p>



### Protect Downtown Burlington Skyline

Feedback and objection on the proposal to build a 40 meters tower adjacent to two existing building of 17 meters and 31 meters. To maintain the sky line of Downtown Burlington, we recommend 22 meters to 24 meters building for the 441 Maple and the denial of increase "density" from 56 units to 153 units driven by "financial greed" versus quality of life of the resident.

#### Building high versus total floor in the building:



- The propose building has 11 floors same than the 421 Maple but his nearly third higher and over twice the high of the 455 Maple.
- The developer designed higher floor high than the adjacent buildings. This proposed building height will be higher than all the adjacent building including the 14 floors of the 442 Maple.
- To respect the Downtown Burlington Skyline, the developer could use the same floor height than the 421 Maple and be the same height.

The argument about having only floor as qualifier of the building height is misleading as the project show.

- One day, a developer will use this loophole to build "loft apartments" resulting in doubling the height of the building but meeting the guide line about the number of the floors.
- Playing with floor high brake the purpose of the rule. The numbers of floor were an easy way to gage the height versus the neighborhood.



## Protect Downtown Burlington Skyline

### Parking Requirement:

This project use a misleading Parking study to justify reducing the number of parking required. The parking requirement need to stay at least at 191 spaces excluding the 15 rented space from Hydro One.

- The Parking Study alleges the peak usage to be 107 parking spaces. This approach doesn't take in account that in condo building the parking space are privately own by the condo unit and it is restricted for other than the owner to use. For this reason the minimum peak demand is equal to the number of condo unit plus some unit will demand a second parking if the unit owner own 2 cars. The bylaw is a minimum requirement at 153 parking spaces for the resident.
- Using the rented 15 parking spaces from Hydro One part of their application is risky for the City and the future condo owners as Hydro one could take back the land for their own use.
  - For example, if Hydro One decides to move the power line underground along the Burlington Beach or relocate them. This will free the renting parking to be developed.
  - It will be too late at that time to find/create those 15 extra spaces.
- As the condo owner will be unable to purchase more than one parking space. It is highly possible that the adjacent city parking become the parking solution, resulting in limiting the availability for other Burlington resident to come Downtown during the weekend.
- The reduced visitor parking availability will result in blocking space of parking at the city parking lot. Reducing access to city visitor to come downtown.

	<div data-bbox="310 226 440 348" data-label="Image"> </div> <div data-bbox="440 218 771 340" data-label="Section-Header"> <h2>Protect Downtown Burlington Skyline</h2> </div> <div data-bbox="300 388 660 417" data-label="Section-Header"> <h3><u>Setback, Landscaping and buffers.</u></h3> </div> <div data-bbox="300 445 1362 508" data-label="Text"> <p>We are not Toronto Downtown! Green space and buffers area are making a great and enjoyable area to leave in.</p> </div> <div data-bbox="300 535 1289 564" data-label="Text"> <p>Reducing the Setback from 6 meter to 4.5 meter is not building a quality of life in the downtown.</p> </div> <div data-bbox="300 594 1373 800" data-label="List-Group"> <ul style="list-style-type: none"> <li>• Walking along that new building need to reflect our value and reflect what Maple Avenue existing look. A nice buffer and landscape in front of each the existing buildings need to be maintained in this application.</li> <li>• Shortening distance from the Maple Avenue and the main entrance of the building can increase illegal stopping for Pizza Delivery, UPS or Post Canada. Moving the Main entrance to the side or to the back of the Main Lobby could help.</li> </ul> </div> <div data-bbox="300 827 1229 890" data-label="Text"> <p>Reducing de North side yard from 6 meter to 4 meter is not the right call for the future and beautification of the downtown.</p> </div> <div data-bbox="300 917 1369 1056" data-label="List-Group"> <ul style="list-style-type: none"> <li>• Presently the parking and garage of the 455 Maple is along that propriety line. If one day the 455 Maple is redeveloped the 6 meters buffer from both property will not be obtainable.</li> <li>• We need to keep green space, the condo owner need space to enjoy the grass and to play with their dog. The North side will be a major grass area for that building.</li> </ul> </div> <div data-bbox="300 1083 1347 1144" data-label="Text"> <p>Amendment require to eliminate the "Below Grade Parking Encroachments" is great for the developer but very risky for the city and the condo owners.</p> </div> <div data-bbox="300 1176 1367 1558" data-label="List-Group"> <ul style="list-style-type: none"> <li>• Any repair of the foundation will require the permission of the city or the neighbor to use their land to get access.</li> <li>• Heavy lifting equipment required for replacement of mechanical equipment on the roof will be problematic. When the air-conditioning compressor needed replacement on the roof of a condo tower in Mississauga, the neighbor refused to aloud the use of his land to install the crane and the garage structure could not handle the weigh. Forcing the condo owner to rent a lifting helicopter to do the work or to shut down the city road.</li> <li>• Parking encroachment will limit choice of tree and type that can be use on top of the garage structure due to the root system.</li> <li>• Risk of expensive repair for condo owner as the tree and grass of top will require regular watering and could be leak in.</li> </ul> </div>
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## Protect Downtown Burlington Skyline

### Increase density

This project requires amendment on density bylaws with **3 times** the bylaws limits!

(153 units versus 56 units from the bylaws for property of that size)

(The Bylaws maximum of 200 units by hectares \* 0.28 Hectares for that propriety =56 units)

**Table 4: Proposed Site Statistics – Unit Breakdown and GFA**

Description	Units	Proportion of Unit Mix
Residential – 1 Bedroom	30	20%
Residential – 1 Bedroom + den	56	37%
Residential – 2 Bedroom	40	26%
Residential – 3 Bedroom	27	17%
<b>Total</b>	<b>153</b>	<b>100%</b>

- The project request amendment to **547 UPH versus the bylaws of 200 UPH**
- The 0.28 Hectares include 1.88m access easement from the 421 Maple. It is wrong to include someone else land in this calculation. For example, if in the future 421 Maple is redeveloped they will also use that piece of land in their calculation creating a double accounting of that land. With the exdusion of that land the development is now at 577UPH and the land is only 0.26 Hectares (153 units / (0.28 Hectares \*(35.94-1.88)/35.94)) (52 units for this development)
- This 3 times the bylaws target is not a minor deviations and need to be rejected.
- Existing and future bylaws are also around 3 times UPH over by this projects
- Close to 60% of the unit are small one bedroom unit. The level of small unit is driven by financial gorging has some of those unit will be only 620 square feet.
- The "Density" is a measure of environment enjoyment. Approving this density increase over the existing regulation will result of people leaving in smaller and smaller apartment to meet developer greed!
- The traffic is out of control due to those high density building. Often it takes over one hour to get from Guelf Line to Maple Avenue with the existing traffic. The traffic will continue worsen with the approved project underway in the Burlington Downtown. The traffic problematic will need to be addressed by the city at high cost to the citizen.



	<div data-bbox="354 254 483 369" data-label="Image"> </div> <div data-bbox="479 247 797 363" data-label="Section-Header"> <h2>Protect Downtown Burlington Skyline</h2> </div> <div data-bbox="345 407 552 436" data-label="Section-Header"> <h3><u>Social responsibility</u></h3> </div> <div data-bbox="345 462 1320 556" data-label="Text"> <p>I understand it is not the responsibility of the developer to keep the quality of life in Burlington. The existing and potential users of the service "Better Life Retirement Residence" are the loser of this project.</p> </div> <div data-bbox="345 581 1305 676" data-label="Text"> <p>Also, I understand that it is not the responsibility of the developer to keep "Jobs" in Burlington. By closing the "Better Life Retirement Residence" those jobs could be lost for Burlington and/or Downtown.</p> </div> <div data-bbox="345 701 1346 833" data-label="Text"> <p>Burlington resident could lose service in the city due to greed of a developer as the developer is under the obligation to replace those beds within the Hamilton Niagara Haldimand Brant Local Health Integration Network. When my father needed similar service as "Better Life Retirement Residence" provide, one of the criteria was to end is day close to families &amp; friends and where he leaved his life.</p> </div> <div data-bbox="345 858 623 888" data-label="Section-Header"> <h3><u>Project Financial Feasibility</u></h3> </div> <div data-bbox="345 913 1369 976" data-label="Text"> <p>By applying the bylaws, this building will have no more than 52 units, 22 meters high and no less than 65 parking space excluding the 15 on Hydro One propriety.</p> </div> <div data-bbox="345 1001 1362 1064" data-label="Text"> <p>It is not the responsibility of the city of Burlington to ensure that this project is financially feasible but to ensure that the future resident of Burlington in that building will enjoy leaving in Burlington Downton.</p> </div> <div data-bbox="345 1089 1362 1218" data-label="Text"> <p>The developer have a short term interest to get the project approved, build, shove as many unit that they can knowing that future issue will be for the unit owner and the city to resolve. Clear example is the parking situation, if the city approved the use of the Hydro One parking in the calculation and Hydro One doesn't renew in the future.</p> </div> <div data-bbox="345 1243 1367 1339" data-label="Text"> <p>If the project becomes not financially feasible for the developer, the social solution will be to rebuild the Better Life Retirement Residence if possible. If not; a cheaper approach could be a row of town house like in front of the 442 Maple.</p> </div> <div data-bbox="345 1365 466 1394" data-label="Section-Header"> <h3><u>Conclusion</u></h3> </div> <div data-bbox="345 1419 1130 1449" data-label="Section-Header"> <h4><u>Why having Bylaws if the city is not ready to make the developer follow them!</u></h4> </div> <div data-bbox="381 1476 1357 1608" data-label="List-Group"> <ul style="list-style-type: none"> <li>• By applying the Bylaws, the development of that small piece of land would integrate in the skyline of Downton Burlington.</li> <li>• Keep the downtown environment enjoyable for all by protecting green space, high, density and city parking.</li> </ul> </div>
3	<p><b>Hi Melissa,</b></p> <p>The following are comments on Files 505-02/19 &amp; 520-03/19, I know the closing date was March 15, 2019 but I am most fortunate and have just returned from an</p>

	<p>extended stay in the sun and of course just received your request. If my comments could be considered it would be appreciated.</p> <p>The Official Plan was formulated with input from subject matter experts and input from other knowledgeable sources and anointed by our respected Council. I have a respect for order and demonstrate this by complying with all City of Burlington bylaws and legislation and I expect others to also respect the same including the Official Plan. As such, I am not commenting on the values in the Official Plan that do not accommodate an 11 storey apartment building at 441 Maple, it has already been said and documented, that is, the Official Plan.</p> <p>The Developer needs to advise the taxpayers of Burlington and formulators of the Official Plan why the Official Plan should be changed, the Developers communication direct to the taxpayers should address how the environment would be enhanced by the deployment of state of the art environmentally friendly technology accommodating electric vehicles and HVAC reducing carbon emissions. In addition, the logistics that would be implemented to minimize the traffic congestion at one of busiest intersections in the city should be in the developer's communication. The onus is on the developer to convince us why, not me opposing by identifying already known and documented factors.</p> <p>Albeit I have been away for several months I do follow Burlington happenings and if I understand it correctly development is on hold for a one year period, do I understand that correctly and does it apply to this proposed development? I suppose the hold does not encumber proposals and applications.</p> <p>In summary, this proposal for a development that requires a change the Official Plan should be decided by those who already have an investment in the neighbourhood and carry the present costs, that is, the taxpayers.</p> <p>I trust you had an enjoyable and celebratory Easter.</p>
4	<p>Hello Melissa,</p> <p>I realize I'm writing this after your deadline date, but would like to table my opinions about the proposed development at 441 Maple Ave. and ask that you include them in your file.</p> <p>I've lived at [REDACTED] Maple for 9 years. My property sits at the crossroads of the high density living on Maple Ave and the single family homes on Bellview Street. Maple Avenue is a major north/south route connecting Fairview Street to Lakeshore, access to Maplevue Mall, Joseph Brant Hospital, and is already home to 9 high density buildings between Lakeshore and Maple Crossing Ave. It's also an alternate route to Lakeshore/QEW and the Burlington Skyway when there's an accident on the highway. When this happens, residents on Maple Ave between Hammond Ave and Lakeshore are subjected to bumper-to-bumper traffic, lasting late into the evening - all the while emitting fumes</p>

	<p>outside our front doors. In situations like this, it's virtually impossible to turn left on to Maple Ave from Bellview.</p> <p>There are also several other high rise building parking lots that are accessed from Maple Avenue between Elgin and Lakeshore - at least 7 from both sides of the street. This means people turning on to Maple have to consider not only north and south traffic flow but also cars on-boarding from across the street. Increasing this traffic by 164 cars within such a short block is only going to increase the number of accidents that take place between Elgin and Lakeshore.</p> <p>I'm not looking forward to the noise of a construction site that's virtually across the street. During the recent roadworks on Maple Avenue, trucks would reverse and beep at 7 am on the dot on a Saturday morning and in several instances would start the large equipment engines well before 7 am, adding unnecessary fumes to the air. In addition, I'm subjected to the noise of trucks clearing snow from the parking lots already existing across and down the street - hearing their shovels bang onto the pavement and reverse beeping is a disruption to early morning peace and quiet.. While I support infrastructure improvements, three summers ago, Bellview Street sewers were replaced, the next summer the WIG house was moved next door to my property subjecting me to construction noise - last summer was replacement of sewers on Maple Avenue and now this...</p> <p>One only need to follow news of proposed developments on Brant Street and drive along Lakeshore to see the high rise development already taking place in downtown Burlington. It concerns me because as a tax-payer, I feel somewhat helpless to the change that's currently taking place. When I learned Landmark Development broke ground at Locust and Elgin with a 4 storery approval and then reapplied to increase the height of the building, it makes me wonder why other developers wouldn't take the same approach? How can I be assured planning approval for an increase in height of this building won't take place after the public has been consulted? It leaves me feeling like the system that's put into place to protect adjacent land-owners and decisions made in the best interest of the community are being worked around in spite of due process. There isn't anything in your application that notes what kind of residence this will be? Will it be a condo or rental units? Or, is it going to be designated as seniors living? This info wasn't available at the public meeting held earlier this year at The Art Gallery of Burlington and isn't identified on your flyer.</p> <p>Feel free to contact me at ----- if you have any further questions</p>
5	<p>To whom it may concern,</p> <p>I am a resident of --- Maple Avenue, and I have a few issues with the proposed new building at 441 Maple Avenue. My building is oriented lengthwise similar to this new building. However, [REDACTED] is only 6 stories high and the new building (twice the height) is going to be quite close to mine. I am sure we will not have any direct sunlight most of the day. Living in shadow is unpleasant and unhealthy.</p>

	<p>As an aside, no one will see the Lake any longer from our building, just our parking lot and the new building. I also do not know how this new building will affect wind patterns for the neighborhood.</p> <p>Having 160 or so more cars accessing Maple daily will undoubtedly make traffic even more congested on Maple which is already heavy. The entrance/exit of the new building is next to the existing one for the building at the corner of Maple and Lakeshore, and could become dangerous for pedestrians, cyclists, and cars using that side of Maple. Construction noise and dirt are also an issue.</p> <p>Please take into consideration the reduction in the quality of life for the existing residents of this neighborhood.</p>
6	<p>Attention Melissa Morgan, (re: Planning Application submitted by: MHBC Planning Ltd.)</p> <p>Per: Site Address – Ward 2 441 Maple Avenue</p> <p>It is our understanding that much consultation and discussion go into devising an <u>Official Plan</u>. We are concerned with how often the developers have managed to exceed the limitations of this document, so that the OP has basically no value. We are pleased that the current council is taking time to re-examine the issue of properties being potentially overdeveloped to the detriment of the local area and the city as a whole.</p> <p>It appears that the above proposal at 441 Maple is requesting <u>significant</u> deviations from the OP in height and density particularly.</p> <p>Setback changes are of concern since plants help mitigate some of the environmental impact of all the cars. As frequent pedestrians in the core, we find the air quality on our streets to be less than optimal. It appears that proposals such as these are always seeking less setback and we assume that means less placement for any green space.</p> <p>We appreciate the information that we received from the city, informing us of this proposal. We would like to offer the following suggestion that would help citizens be better informed. When the information is given about proposed changes to density, height etc., it would be very helpful if the actual limits according to the current zoning were also stated, for comparison purposes. We did look at the zoning for this site but it is not the easiest information to access for those of us 'not in the business'.</p> <p>Thank you,</p>

	-- Maple Ave.,
7	<p>We live at --- Maple Avenue [REDACTED]</p> <p>We take extreme opposition to the new proposed condo building at 441 Maple Avenue.</p> <ol style="list-style-type: none"><li>1. The proposal is for 153 condo units. This is approximately 33% MORE units than the number of units in our building.</li><li>2 Traffic congestion at the intersection of Maple and Lakeshore Road is horrendous. At evening rush hour, especially if there are problems on the QEW or Skyway Bridge, total gridlock is almost guaranteed. This happens frequently.</li><li>3. This SERIOUSLY impedes ambulances trying to reach Joseph Brant Hospital, or fire rescue crews attending major accidents on the QEW or the Skyway Bridge.</li><li>4 Adding vehicle traffic coming and going from 153 units in this proposed condo building on Maple Avenue would make an already bad situation much worse.</li><li>5. There is only ONE entry access lane from Maple Avenue on the South side of the proposed condo. Apparently, there is a space for a moving truck on the site.</li></ol> <p>Where will all the service vehicles park? These are CONDOS and owners will be making constant changes and upgrades. Service vehicles include plumbers, electricians, floor installers, painters, kitchen installers, etc. Large waste management trucks are also frequent.</p> <p>There is NO parking on Maple Avenue.</p> <li>6. Snow removal will be a challenge . Where will it go?</li> <p>In summary, we feel this proposal is a bad idea, contributing significantly to an already heavily congested area of our beloved Burlington. Thank you for allowing us to voice our concerns. Sincerely,</p>

8	<p data-bbox="284 195 1396 231">Thank you for notification of this development and the opportunity to comment.</p> <p data-bbox="284 268 1429 487">The proposed plan as presented appears to be an over-development of the property, particularly in light of the need for the reductions in set-backs and parking requirements and the need to find additional off-site parking. We are particularly concerned with any reduction in the set-back from Maple Avenue. We live directly across the street at [REDACTED] Maple Avenue and any reduced set-back would only encroach on our privacy.</p> <p data-bbox="284 525 1429 703">Another concern of ours is the traffic issues, on a street that is already a busy artery, dealing with additional traffic from 153 new units exiting onto Maple Avenue. With the French Language School on Lockhart Avenue, there are multiple school buses on Maple Avenue during morning rush hour and also again in the afternoon as well as a back-up of traffic during the evening rush hour.</p>
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I strongly oppose this proposal to change the official plan designation & zoning for property located at 441 Maple Avenue

RECEIVED

MAR 13 2019

City of Burlington  
Planning Department

My reasons for this opposition is as follows

- ① There is a Nursing Home presently in this location. With the shortage of Nursing Homes to accommodate the increasing needs of our population, it is important not to remove this existing Nursing Home. I imagine this Nursing Home requires some measures for renovations. This should be done, not destroyed.
- ② The construction of this proposed 11 storey residential apartment building development would increase the traffic on Maple Avenue and Lakeshore. This increase in traffic would result in safety issues. Ambulance, fire trucks and other first responders use this route many times daily, an increase in traffic would be a problem for safe flow of this traffic. Also many pedestrians use this route and the increase in traffic would be a

	<p>RECEIVED MAR 13 2013 City of Burlington Planning Department</p> <p>potential safety issue.</p> <p>③ The skyline of Burlington is disappearing with the increase of the many high rise developments being built in the beautiful and popular core. The building of these developments does not provide improvements to the Waterfront area.</p> <p>I appreciate you reading my concerns, I know there are many more issues presented by the building of these developments. Thank you.</p> <p>Occupant of [REDACTED] Maple Ave Burlington ON</p>
10	<p>Hi Melissa,</p> <p>We would like to let you know that we are <b>OPPOSED</b> to the development at 441 Maple Avenue.</p> <p>With all of the construction currently going on in the downtown core, (we can currently see 5 cranes from our window), there is no need OR ROOM for more condo's which = cars in the downtown core. There are already 2 more 17 story condo's going up on Brant Street that most residents don't want, we don't need another one. Not to mention the 3 condo's by Walmart (Fairview and Brant).</p> <p>Burlington downtown <b>does not</b> have the infrastructure to handle more people and more cars. Nor does the city seem to have the employee staff to take care of things like emptying local public garbage can's regularly, or proper clearance of snow on both roads and sidewalks. Living at Maple and Lakeshore, there is already such a backup of traffic in that area that another 11 storeys would make it that much worse. Not to mention the already daily huge traffic backup to get onto Lakeshore off Maple Ave. for those going to the highway every day after work. Plus when there are accidents, getting home is a nightmare.</p>



	<p>We get that the growth is necessary, but do it where there's room for roads to be widened and vehicle use can be accommodated. Thinking that people will be using bikes and walking is unrealistic.</p> <p>Please stop ruining the reason why we moved to Burlington in the first place.. If i wanted to live in Toronto, we'd have moved there instead.</p>
11	<p>My answer is no We enough condos in Burlington and the traffic at rush hour on maple is bumper to bumper. At 5.00 pm. Too much high rise building going on.</p> <p>Mike</p>
12	<p>Dear Councillors</p> <p>Further to the Statutory meeting on Wednesday 14 May 2019 regarding the application for 441 Maple Avenue, I would like to contribute some comments.</p> <p>First and foremost, the proposed building is simply too big for the site. A building with a smaller footprint would allow be the solution to the main problems of this proposal: population density, access, parking, setbacks.</p> <p>These issues were discussed at length by my neighbours, so I will try to be brief, but I want to reiterate some of them and to add a few new points.</p> <p>Access: The current building has a (shared) drive down the South side, which then goes around the back and up the North side of the building. This drive only supports one car width, as does the proposed drive for the development. Surely this is not at all practical. I believe that any new building should have a drive all the way around the building.</p> <p>There is no real provision for vehicle access to the site. Any vehicle making a delivery, dropping-off or picking up people, delivering packages or take out, will have to stop on Maple Avenue or block the drive. It is not realistic to think that they will drive to the back of the building and then walk to the front in order to make a delivery.</p> <p>Ambulances and fire vehicles will also have difficulty, needing to stop by the door. Longer-term vehicles, such as moving vans, will create even bigger problems. And I can't imagine where the planners of this proposal think the garbage/recycling trucks will go. And, although during the meeting it was not thought that snow removal/storage would be a problem, I don't understand where anyone thinks that any snow that is cleared from the drive would be put?</p> <p>Building Entrance: The Entrance to the building should be moved to the back of the building. This would alleviate some of the problems of stopping on Maple Avenue, although it would not solve the whole problem.</p>

	<p>At least, if people are able to park on the Hydro space, they would have easier access to the buiding, and it would stop some people from parking on Maple to gain access.</p> <p>Population Density: The proposal is for three times the permitted population density for the area. This should not be allowed. Even if it wasn't, the proposal has clearly too many people for the site.</p> <p>Size of site: Does the declared size of the site, .028 hecatres, include include the shared drive, which is not part of the property and therefore does this increase the stated poulation density?</p> <p>Parking: There is not enough parking allocated for the number of units and the parking on the Hydro corridor, which is the only proposed surface parking, cannot be counted towards the parking per unit calculation. It is very possible that this parking will not be available indefinitely. People living in 2 or 3 bedroom units are very likely to have two cars, but this is not allowed for in the parking allocation. (Or the traffic assessment, see below)</p> <p>Setback: It cannot be stressed too often, the need for setbacks is not just aesthetic, it is essential in terms of access and necessary for ecological reasons. The proposal is for the front door to open almost right onto the sidewalk. I do not understand how anyone could propose this. At a minimum, there should be an area for a vehicle to pull up in front of the entrance for people to get in and out, unload, etc. Anything else on a busy, main road, should not be allowed. Also, areas of green, as discussed, are essential for flood prevention, air quality and other ecological concerns and as such, should be given a priority in any development anywhere in our city.</p> <p>Also, meeting the setback requirement at the North side of the building would allow for a drive on that side.</p> <p>Traffic: Maple Avenue is a main artery, the main route directly to the hospital Emergency and Main entrance. In their traffic study, the developers have suggested 38 cars going out at morning peak time and 34 returning at evening peak time, and conclude that this will not create a noticeable problem. If there are up to 300 people living in this building, many of whom will have two cars, then I would suggest that these numbers are grossly underestimated. It is already quite congested at the traffic light at Maple/Lakeshore and the complications of a large number of cars trying to get out of and into a drive that will be hard pressed to support them, that close to the lights, will undoubtedly create issues at the intersection.</p>
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	<p>Building height/number of floors, mechanical penthouse: Valid points made at the meeting about the need to report the height of the building as well as the number of floors and the height of the mechanical penthouse, as this building, described as 11 floors and therefore fitting into the guidelines, is substantially higher than the neighbouring buildings, and dwarfs and overshadows 455 Maple completely.</p> <p>Shadow: The submitted shadow study shows anticipated shadowing of 455 Maple for March and June. However, it does not show September and December. Presumably the shadow for September would be similar to March, when the building will be in shadow for the mornings, whereas in December, when the sun is much lower in the sky all day, 455 Maple will be in shadow for much if not all of the day.</p> <p>Build to edge of site: The proposal includes building to the very edge of the site for the underground parking. As stated, there are serious problems in the longer term with this plan.</p> <p>Disruption during build: If the developers want to build right to the edge of the property, how will they physically build this building? Will there be a closure of a lane of Maple Avenue, like the one of Lakeshore at the bottom of Pearl Street, which has been in place for over two years? How much room at the sides of the site will be needed for access of cranes, diggers, workers vehicles and other machinery? Will this block the joint access drive with 421, or require use of the drive/paring at 455 Maple?</p> <p>Care home: It was mentioned that a development of a new care home should be tied to this application. I don't know if that is possible, but is an excellent suggestion. I was concerned that in their presentation, MHBC Planning only mentioned in passing that they would be establishing a new care home. They did not mention what stage they were in either sourcing or buying land, designing or submitting an application for building the new home, and what their timescale would be. I think this is very relevant to the Maple Avenue application, and would support the idea of linking the two permissions. If it is the case that nothing can be done on the Maple Avenue site until they have completed building a new home and moving the current residents, then there should be no problem with showing that this has been done before breaking ground on Maple.</p> <p>The timescale of the new care home is also very relevant to the neighbours on Maple Avenue, as many are already discussing moving away rather than endure an extended and disruptive build.</p> <p>At the meeting, it seemed that the proposers expected that, because they had done three proposals and met a reduced number of floors, that their proposal would be accepted. I hope that this is not the case.</p>
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	<p>Even if Maple Avenue is designated for higher density development, I would urge the Council to seek development that is still within the character of the neighbourhood. Maple Avenue is largely residential.</p> <p>Even with the towers at the South end, the street still has a large proportion of single unit houses and townhouses. Nowhere else on the street is there a building without a decent sized set-back from the street. To allow this proposal as it stands would be both a blight to the community, but also create numerous problems as discussed. It also would present a serious precedent.</p> <p>I understand that developers want to get the maximum return for their investment, but I think that we should be able to hold them to a higher standard of community responsibility and to be reasonable in their business greed. I cannot think that anyone would find this an acceptable development and urge the Council to act accordingly.</p> <p>Really the site is more appropriate for town houses or a 6 to 8 floor building.</p> <p>I apologise if this email is rather long, and I thank you for reading.</p> <p>Yours sincerely</p>
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