



**SUBJECT:** Statutory Public Meeting and recommendation report for Official Plan Amendment and Zoning By-law Amendment applications for 454-462 Cumberland Avenue and 3255, 3259, and 3265 New Street

**TO:** Committee of the Whole

**FROM:** Community Planning Department

Report Number: PL-02-24

Wards Affected: 4

Date to Committee: January 9, 2024

Date to Council: January 16, 2024

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**Recommendation:**

Approve Official Plan Amendment No. 140 to the City of Burlington Official Plan, as provided in Appendix D of report PL-02-24, to re-designate the lands located at 454-462 Cumberland Avenue and 3255, 3259, and 3265 New Street from “Residential Medium Density” to modify the “Residential High Density” policies to include site specific policies for the subject lands; 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. 140 as contained in Appendix D of report PL-02-24 to be presented for approval at the same time as the associated By-law to amend Zoning By-law 2020, as amended, for the development proposal (505-02/23); and

Approve Zoning By-law 2020.466, attached as Appendix E of report PL-02-24, to rezone the lands located at 454-462 Cumberland Avenue and 3255, 3259, and 3265 New Street from “Residential Medium Density (H-RM2)” to a site specific “Residential High Density (H-RH1)” with a Holding “H” prefix and subject to a Residential Development Agreement with conditions as provided in Appendix E to report PL-02-24 (File: 520-06/23); and

Deem that the amending zoning By-law will conform to the Official Plan for the City of

Burlington once Official Plan Amendment No. 140 is adopted; and

State that the amending zoning By-law will not come into effect until Official Plan Amendment No. 140 is adopted.

**PURPOSE:**

**Vision to Focus Alignment:**

Delete this line and the areas that do not apply.

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment

**Executive Summary:**

<b>RECOMMENDATION:</b>		Modified Approval	<b>Ward:</b>	4
<b>Application Details</b>	<b>APPLICANT:</b>	Weston Consulting		
	<b>OWNER:</b>	Traditions Seniors Housing Ltd.		
	<b>FILE NUMBERS:</b>	505-02/23 & 520-06/23		
	<b>TYPE OF APPLICATION:</b>	Official Plan Amendment & Zoning By-law Amendment		
	<b>PROPOSED USE:</b>	A 7-storey retirement home with one level of underground parking.		
<b>Property Details</b>	<b>PROPERTY LOCATION:</b>	Northwest corner of New Street and Cumberland Avenue		
	<b>MUNICIPAL ADDRESS:</b>	454-462 Cumberland Ave. & 3255, 3259, and 3265 New St.		
	<b>PROPERTY AREA:</b>	0.36 ha		
	<b>EXISTING USE:</b>	Five single detached dwellings		
<b>Doc ume</b>	<b>1997 OFFICIAL PLAN Existing:</b>	Residential Medium Density		

	<b>1997 OFFICIAL PLAN Proposed:</b>	Residential High Density - General with site-specific policies for height, density, and Floor Area Ratio
	<b>2020 OFFICIAL PLAN Existing:</b>	Residential Medium Density
	<b>ZONING Existing:</b>	Residential Medium Density (H-RM2)
	<b>ZONING Proposed:</b>	RH1-XXX with site-specific regulations
<b>Processing Details</b>	<b>APPLICATION SUBMITTED:</b>	September 19, 2023
	<b>APPLICATION DEEMED COMPLETE:</b>	October 2, 2023
	<b>STATUTORY DEADLINE:</b>	January 17, 2023
	<b>PRE-APPLICATION COMMUNITY MEETING:</b>	June 7, 2023
	<b>PUBLIC COMMENTS:</b>	The notice was circulated October 10, 2023 to 210 addresses and 12 public comments have been received.

### Background and Discussion:

On October 2, 2023, Planning Staff deemed complete the application that had been received as of September 19, 2023 for an Official Plan amendment and Zoning By-law Amendment at 454-462 Cumberland Avenue & 3255, 3259, and 3265 New Street (the “subject lands”). The purpose of the application is to permit a 7-storey retirement home for memory care with one level of underground parking on the subject property with access to New Street and Cumberland Avenue (as shown on



Figure 1 - Air Photo (2021) with subject property outlined

Appendix B). The proposed development includes a total of 124 units including 20 two-bedroom units, 29 one-bedroom units, and 75 studio suites. A total of 44 parking spaces are proposed in the one level of underground. A total of 2,060 square metres of amenity area (indoor and outdoor) is proposed.

To facilitate the proposal, the applicant has submitted an Official Plan and Zoning By-law amendment application to reflect the new proposed development.

### **Description of Subject Property and Surrounding Land Uses**

The subject property is located at the northwest corner of the intersection at Cumberland Avenue and New Street. The property will result in a land assembly of the properties 3255 New Street, 3259 New Street, 3265 New Street, 454 Cumberland Avenue, and 462 Cumberland Avenue (the combined properties will hereby be called the “subject property”). The subject property will have a combined area of approximately 0.36 hectares and approximately 73 metres of frontage along Cumberland Avenue and 56 metres along New Street. The subject property is currently occupied by five single detached dwellings.

Surrounding uses are as follows:

- North: Centennial Trail, an off-road multi-use trail that supports active transportation within East Burlington for recreation, exercise or commuting to and from work. The trail offers access from Cumberland Avenue and extends to Downtown Burlington and Oakville. Cumberland Park is also located near Assumption Catholic Secondary School and is accessed from Cumberland Avenue. The park features a sports field with track and playground.
- East: The subject property is bounded by Cumberland Avenue to the east, a minor arterial road with two lanes. Beyond Cumberland Avenue, on the northeast corner, is Burlington Fire Hall #6 and a series of residential townhouse blocks.
- South: The subject property is bounded by New Street to the south, an arterial road with four lanes. Beyond New Street, is Maranatha Homes which is a 3-storey seniors building and Maranatha Gardens which is a 6-storey seniors building. General Brock Park is also located off of Pine Cove Road to the south, this park features a large open space, soccer field and running track.
- West: A series of townhouse development (3234 New Street & Ellyn Common) with access from New Street abutting to the west. Further west is a detached dwelling fronting onto New Street.

## Description of Applications

Weston Consulting on behalf of Traditions Seniors Housing Inc. has made applications to amend the Official Plan Designation and Zoning By-law for the subject property located at 454-462 Cumberland Avenue & 3255, 3259, and 3265 New Street

These applications are proposing a 7-storey retirement building for memory care with one level of underground parking on the subject property. The proposed development includes a total of 124 units including 20 two-bedroom units, 29 one-bedroom units, and 75 studio suites. A total of 44 parking spaces are proposed in the one level of underground parking. A total of 2,060 square metres of amenity space (indoor and outdoor) is proposed.

Vehicular access is proposed from New Street and Cumberland Avenue with a two-way driveway that will provide access from New Street to the underground parking area for residents, visitors, and delivery vehicles, and a one-way from Cumberland Avenue that will act as the primary pick-up and drop-off area leading directly to the lobby.

## Supporting Documents

The applicant has submitted the following materials in support of the subject applications:

1. [Arborist Report and Tree Protection Plan](#) (prepared by Cohen and Master Tree and Shrub Services Ltd., dated August 9, 2023);
2. [Architectural Drawings](#) (prepared by MCL Architects McKnight Charon Limited, dated May 19, 2023);
3. [Draft Official Plan Amendment](#) (prepared by Weston Consulting);
4. [Draft Zoning By-law Amendment](#) (prepared by Weston Consulting);
5. [Environmental Site Screening Questionnaires](#) (prepared by Traditions Seniors Housing Ltd., dated September 11, 2023);
6. [Functional Servicing and Stormwater Report](#) (prepared by Counterpoint Engineering, dated September 11, 2023);
7. [Landscape Concept Plan](#) (prepared by Seferian Design Group, dated March 25, 2023);
8. [Letter of Reliance \(Environment\)](#) (prepared by Rubicon Environmental (2008) Inc., dated September 1, 2023);
9. [Letter of Reliance \(Noise\)](#) (prepared by Gradient Wind Engineers & Scientists, dated September 7, 2023);
10. [Noise Feasibility Study](#) (prepared by Gradient Wind Engineers & Scientists, dated September 7, 2023);

11. [Phase 1 ESA \(3255 New Street\)](#) (prepared by Rubicon Environmental (2008) Inc., dated July 13, 2023);
12. [Phase 1 ESA \(3259 New Street\)](#) (prepared by Rubicon Environmental (2008) Inc., dated July 13, 2023);
13. [Phase 1 ESA \(3265 New Street\)](#) (prepared by Rubicon Environmental (2008) Inc., dated July 13, 2023);
14. [Phase 1 ESA \(454 Cumberland Avenue\)](#) (prepared by Rubicon Environmental (2008) Inc., dated July 13, 2023);
15. [Phase 1 ESA \(462 Cumberland Avenue\)](#) (prepared by Rubicon Environmental (2008) Inc., dated July 13, 2023);
16. [Planning Justification Report](#) (prepared by Weston Consulting, dated September 2023);
17. [Pre-Application Comment Responses](#) (prepared by Traditions Seniors Housing, dated March 15, 2023);
18. [Servicing and Grading Plan](#) (prepared by Counterpoint Engineering, dated September 2023);
19. [Shadow Study](#) (prepared by Weston Consulting, dated August 2023);
20. [Sustainable Building and Development Guidelines](#) (prepared by Weston Consulting, dated September 2023);
21. [Transportation Impact Study, Parking Study, and Transportation Demand Management](#) (prepared by nexTrans Consulting Engineers, dated September 2023);
22. [Urban Design Brief](#) (prepared Weston Consulting, dated September 2023); and,
23. [Pedestrian Level Wind Study](#) (prepared by Gradient Wind Engineers & Scientists, dated September 6, 2023).

Through the review of the application, the applicant has submitted revised materials:

1. [Revised Architectural Drawings](#) (prepared by MCL Architects, dated November 27, 2023);
2. [Revised Landscape Concept Plan](#) (prepared by Seferian Design Group, dated November 24, 2023);
3. [Revised Servicing Plan and Grading Plan](#) (prepared by Counterpoint Engineering, dated November 27, 2023); and,
4. [Revised Shadow Study](#) (prepared by Weston Consulting, dated November 2023).

Supporting documents have been published on the City's website for the subject application: [burlington.ca/3265new](http://burlington.ca/3265new).

## **Policy Framework**

The proposed Official Plan Amendment and Zoning By-law Amendment are subject to review against the Planning Act, Provincial Policy Statement (2020), A Place to Grow: The Growth Plan for the Greater Golden Horseshoe (2020), Region of Halton Official Plan, City of Burlington Official Plan (1997, as amended), City of Burlington Official Plan, 2020 (2020), and City of Burlington Zoning By-law 2020, as summarized below. A policy analysis has been provided throughout the following sections of this report to demonstrate the modified proposal, as recommended by staff is in keeping with the applicable framework.

## **Provincial Policy Statement (PPS), 2020**

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. All planning decisions must be consistent with the PPS. The PPS promotes the achievement of healthy, livable, and safe communities through various means including by promoting efficient development and land use patterns; accommodating an appropriate and market-based mix of land uses; preparing for the regional and local impacts of a changing climate; and promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

The PPS directs that growth and development be focused in settlement areas which include urban areas that are built-up areas where development is concentrated, and which have a mix of land uses and lands which have been designated in an official plan for development over the long-term planning horizon. The subject lands are considered to be located within a settlement area.

In accordance with policy 1.1.3.1 and 1.1.3.2 settlement areas shall be the focus of growth and development and shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;

- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where applicable, which identifies that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment taking into account existing building stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

New development in designated growth areas should occur adjacent to the existing built-up area as per policy 1.1.3.6, and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public facilities.

The PPS requires municipalities to provide a range and mix of housing options through intensification and redevelopment of existing building stock or areas in policy 1.4, where appropriate. In accordance with policy 1.4.3 an appropriate range and mix of housing options and densities shall be provided to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low- and moderate-income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
  1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and
  2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Policy 1.6.6 directs municipalities to plan for sewage and water services that shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and ensure that these systems are provided in a manner that can be sustained by the water resources, prepares for the impacts of climate change, is feasible and financially viable over their lifecycle, and protects human health and safety and the natural environment. As stated in policy 1.6.6.2, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Further, within settlement areas with existing municipal sewage services and municipal water services, and intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

In accordance with policy 1.6.6.7 planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

Section 1.6.7.4 states that a land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

Planning staff have considered the policies of the PPS with regard to these development applications and are of the opinion that the proposal is consistent with the PPS.

## **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 property is located within the settlement area. Further, the policies of the Growth Plan support the achievement of complete communities that provide a diverse range and mix of housing options, including additional residential units and affordable housing to accommodate people at all stages of life as per 2.2.1.4 c) of the Growth Plan.

The subject lands are located within the delineated built boundary of the City of Burlington. The application proposes to intensify an existing property through the consolidation of five properties. The subject property is located in an area which is comprised of a mix of residential and institutional uses, and the proposed development would contribute to a complete community. The proposed development would use existing infrastructure and would be promoting growth and intensification within the urban area.

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

Part 2.2.4, Transit Corridors and Station Areas, states that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities. The property is located on a Minor Arterial (New Street) and Collector (Cumberland Avenue) as shown in Schedule J: Classification of Transportation Facilities of the Official Plan (1997, as amended).

Part 2.2.6.2, Housing, states that municipalities will support the achievement of complete communities by considering the range and mix of housing options and densities of the existing housing stock. The proposal would provide additional seniors housing specializing in memory care to the community.

It is the opinion of staff that the proposed development conforms to the Growth Plan.

## **Halton Region Official Plan (ROP)**

The Halton Region Official Plan (ROP) outlines a long-term vision for Halton’s physical form and community character. To achieve that vision, the ROP identifies an Urban Area and a Regional Urban Structure that are intended to manage growth in a manner that

fosters complete communities, enhance mobility across Halton, address climate change, and improve housing affordability, sustainability, and economic prosperity. All planning decisions in Halton Region, which includes the City of Burlington, must conform to the ROP.

ROPA 48 was adopted by Regional Council on July 7, 2021 and approved by the Province on November 10, 2021. This amendment is the first amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment defines specific elements of a Regional Urban Structure including strategic growth areas and the delineation of Urban Growth Centres and Major Transit Station Areas. ROPA 48 also includes a limited number of Employment Area conversions, establishes targets for strategic growth areas and updates the population and employment allocations assigned to Halton Region to 2051 by the Growth Plan, 2019.

ROPA 49 was adopted by Regional Council on June 15, 2022 and approved by the Minister of Municipal Affairs and Housing with modifications on November 4, 2022. It is the second amendment to be advanced as part of the Regional Official Plan Review under Section 26 of the Planning Act. The amendment is to implement the results of the Region's Integrated Growth Management Strategy (IGMS), which considered how to accommodate growth in Halton to the 2051 planning horizon as part of the municipal comprehensive review process. The amendment also includes changes that support planning for growth in Halton and achieving conformity with the Provincial Growth Plan for the Greater Golden Horseshoe.

The subject lands are designated as 'Urban Area' in the ROP and are considered to be within the Built Boundary. The policies of Urban Area designation support a form of growth that is compact and supportive of transit, makes efficient use of space and services, and supports the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. Furthermore, the ROP sets out the goal for housing is to supply the people of Halton with an adequate mix and variety of housing to satisfy differing physical, social and economic needs.

Halton Region has provided comments for the subject application commenting on site contamination, municipal services, waste management, and finance. The comments received from Halton Region dated October 26, 2023 requested a revised Letter of Reliance. The applicant provided a Letter of Reliance dated November 29, 2023 and Halton Region deemed the Letter of Reliance acceptable in an email dated December 4, 2023. Further, Halton Region staff have indicated that the owner will be required to pay all applicable Regional Development Charges in accordance with the Region of Halton Development Charges By-law(s), as amended. Overall, staff are satisfied that the proposal conforms to the Regional Official Plan.

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

The City's Official Plan (1997, as amended) (the OP) outlines a long-term vision of the community and quality of life for Burlington residents and provides policy direction to the public and private sectors on land use, development, and resource management matters to guide the future planning and development of the City towards the desired community vision.

The subject lands are identified as "Residential Areas" on Schedule A, Settlement Pattern. These lands provide for housing and other land uses that are part of a residential environment. The objectives of Residential Areas are:

- a) To encourage new residential development and residential intensification within the Urban Planning Area in accordance with Provincial growth management objectives, while recognizing that the amount and form of intensification must be balanced with other planning considerations, such as infrastructure capacity, compatibility and integration with existing residential neighbourhoods.
- b) To provide housing opportunities that are compatible with the protection of the natural environment.
- c) To provide housing opportunities that encourage usage of public transit, pedestrian and bicycle transportation networks and decrease dependence on the car.
- d) To encourage a strong live/work relationship in the City by providing a variety of housing that reflects the existing and future socio-economic and demographic characteristics of local residents and job opportunities.
- e) To provide, where compatible, housing opportunities in proximity to employment areas and residential support uses such as shopping and recreational areas to create opportunities to reduce travel times.
- f) To encourage the integration of a wide range of housing types and tenure and discourage large concentrations of higher density residential blocks.
- g) To require new residential development to be compatible with surrounding properties.

The applicant is proposing to merge five properties that currently contain five single detached dwellings to redevelop the subject property with a 7-storey retirement home for memory care with 124 units. There is one level of underground parking proposed with 44 parking spaces which includes 2 barrier free parking spaces. There are also 16 bicycle parking spaces. Transportation Planning Staff have submitted comments stating that the parking rate is acceptable based on the understanding that the use of the retirement home is for memory care units that provides specialized 24/7 supervised care for residents who can no longer take care of themselves independently. Further, Transportation Planning Staff are also satisfied with the 16 bicycle parking spaces. Planning Staff are satisfied

with the parking rate of 0.35 per unit for memory care. These units that are intended for specialized care and services to assist seniors living with a type of dementia or Alzheimer's disease and require a higher level of care. It is anticipated that those in memory care would only require parking spaces for the employees and visitors. Although the proposed use is for a retirement home for memory care, it is acknowledged that this use is similar to long term care and the proposed development will not be regulated under the *Long-Term Care Homes Act (2007)* and not licensed under such. The proposed building would be regulated under the *Retirement Homes Act (2010)*. With these considerations, staff are recommending approval for the parking rate.

Staff have considered the difference between the proposed use of memory care against the Official Plan (1997, as amended) definition for a long-term care facility. Part VIII Definitions of the Official Plan (1997, as amended) defines a long-term care facility as:

*A residence which provides care to meet the physical, emotional, social, spiritual and personal needs of persons. Long Term Facilities include homes for the aged established under The Homes for the Aged and Rest Homes Act, nursing homes licensed under The Nursing Homes Act, as amended, and chronic care facilities.*

The *Homes for the Aged and Rest Homes Act* and *Nursing Homes Act* have been replaced by the *Long-Term Care Homes Act (2007)*. The proposed development will not be licensed or regulated by the *Long-Term Care Homes Act (2007)*. The proposed development will be licensed and regulated by the *Retirement Homes Act (2010)*. Although the proposed development provides care to meet the physical, emotional, social, spiritual and personal needs of persons, the proposed use is privately paid residency for seniors and is not regulated by the *Long-Term Care Homes Act (2007)*. The applicant has provided an explanation in the Planning Justification Report prepared by Weston Consulting dated September 2023. The applicant explains that the use is similar to a long term care facility; however, due to the residence being privately funded and not regulated under the *Long-Term Care Homes Act (2007)*, it more accurately reflects the retirement home use. It is also, therefore, licensed and regulated by the *Retirement Homes Act (2010)*. A retirement home may provide assisted living and memory care services. The applicant is proposing that the retirement home is solely for memory care assisting seniors experiencing dementia. Planning Staff have discussed the uses with the applicant and have determined that use will fit into the proposed memory care definition proposed. Overall, staff are reviewing the proposed use as a retirement home solely for memory care use.

The property is located at the corner of New Street and Cumberland Avenue. There are eastbound and westbound bus stops located east of the intersection of New Street and Cumberland Avenue. The bus stops are serviced by the 10-bus route which has connections to the Downtown Terminal, Burlington GO, and Appleby GO. There is also a southbound bike lane on Cumberland Avenue. The subject property is considered to be

well connected to public transit and are supportive of the parking rate for the retirement home for memory care.

Staff have considered that the property is located at the intersection of New Street and Cumberland Avenue. New Street is a Minor Arterial and Cumberland Avenue is a Collector as shown in Schedule J – Classifications of Transportation Facilities in the Official Plan (1997, as amended). Minor Arterials serve mainly local travel demands and may have inter-municipal function; accommodate major local and inter-municipal bus routes; connect communities and inter-connect major and multi-purpose arterials; carry moderate to high volumes of traffic; and accommodate truck traffic (Part VII – Schedules and Tables, Table 1 – Function and Classification of Transportation Facilities). Collectors connect neighbourhoods; distribute traffic to and from arterials; provide convenient local transit routes; and provide access to adjacent land uses (Part VII – Schedules and Tables, Table 1 – Function and Classification of Transportation Facilities). Staff have considered that New Street serves to carry moderate to high volumes of traffic and staff anticipate that New Street can accommodate the increased traffic. Cumberland Avenue distributes traffic to and from arterials and the property fronts onto a minor arterial road. Further, the City's Transportation Planning Staff have no objections to the traffic volume. Therefore, staff would consider that the increased traffic volume compatible with the surrounding area.

Staff have also considered that the application is proposing an increase to the maximum density. The subject property is currently designated 'Residential Medium Density' which permits a density ranging between 26 and 50 units per net hectare as per Part III, Subsection 2.2.2 d) of the Official Plan (1997, as amended). The proposal would implement 124 units on approximately 0.36 hectares property (after land assembly) resulting in a density of 346 units per net hectare. This exceeds the maximum Residential Medium Density. Staff have also considered the 'Residential High Density' designation which permits a density ranging between 51 and 185 units per net hectare. The applicant is proposing the 'Residential High Density' designation to reflect the increased density proposed through the application. The maximum density for the property under the 'Residential High Density' designation would be 66 units per net hectare. Planning Staff do acknowledge that the proposed density is higher than the permitted density in the 'Residential High Density' designation. However, Planning Staff have considered that the subject property is located on two higher order roads (minor arterial and collector) and well connected to public transit. Planning Staff have also considered that the memory care use will likely not generate additional vehicle traffic from occupants, only from employees and visitors. Transportation Planning Staff also have no objections provided the retirement home is solely for memory care. Additionally, there is an existing 'Residential High Density' property located immediately opposite to the property at New Street and Cumberland Avenue which has been considered. The maximum density of the retirement home use is 148 units per net hectare. Further, the Official Plan (2020) would

exempt Assisted and Special Needs Housing from the density provision as per Chapter 3, Subsection 3.1.4. With considerations of the impacts for the increased density and the location of the subject property, staff do not anticipate any negative impacts from the proposed increased density.

Staff have considered the surrounding uses to the subject property. Staff are of the opinion that the proposed retirement use for memory care is compatible with the surrounding area as the properties immediately south are designated 'Residential High Density' and are for retirement home use and independent seniors living. The properties to the south have a maximum height of 6-storeys or 21 metres from New Street (24 metres maximum height to the rear), and a maximum density of 148 units per net hectare. The subject property is proposed to be 7-storeys and 22.5 metres from fixed grade on New Street. Staff have considered that this is similar to the building on the south side of New Street as there is only a 1.5 metres height difference. Therefore, there is existing development in the area that is a similar height. There is also the Centennial Trail located immediately to the north of the subject property. Staff also consider that the property is consistent with the surrounding area, and well connected by public transit and open space. The increased height is also suitable as the property is located on the corner of a minor arterial and collector road. Therefore, staff would consider that the property is well connected and compatible with the surrounding area.

The 'Residential Medium Density' designation permits detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments as per Part III, Subsection 2.2.2 g) ii) of the Official Plan (1997, as amended). The 'Residential High Density' designation permits street townhouses and stacked townhouses, back to back townhouses, attached housing and apartments as per Part III, Subsection 2.2.2 g) iii) of the Official Plan (1997, as amended). The proposed building form would not be permitted in the 'Residential Medium Density' designation as the proposed building is not a walk up apartment. The proposed building form would be permitted in the 'Residential High Density' designation as apartments are permitted in this designation. There are no maximum height regulations in the Official Plan (1997, as amended). Planning Staff have also considered that Assisted and Special Needs Housing such as group homes, rest/retirement homes and long-term care facilities shall be permitted in Residential Areas as per Part III, Subsection 2.2.2 a) of the Official Plan (1997, as amended). Therefore, the proposed use of the retirement home is permitted and the proposed building form of an apartment is better suited in the 'Residential High Density' designation.

The objectives also require that housing intensification be compatible with the surrounding residential neighbourhoods and natural environment. The Official Plan (1997, as amended) encourages residential intensification as a means of increasing the amount of available housing stock provided the additional housing is compatible with the

scale, urban design and community features of the neighbourhood (Part 3, Subsection 2.5.2 a)). The following criteria has been considered when evaluating the proposal for housing intensification within established neighbourhoods:

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

Halton Region provided comments with no objection to the proposed Official Plan Amendment and Zoning By-law Amendment.

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

Transportation Planning Staff provided comments that indicated no objection to the proposed parking rate of 0.35 parking spaces per unit. Additionally, Transportation Planning Staff are also only supportive of the parking rate provided that the proposed use be memory care only as the parking rate proposed is that of a long term care facility in the Zoning By-law 2020.

- (i) *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 Planning Staff have no objections to the proposed increase in traffic flows and the entrances to the property.

- (iii) *the proposal is in proximity to existing or future transit facilities;*

The property is immediately adjacent to bus stops that are serviced by the 10-bus route which has connections to the Downtown Terminal, Burlington GO, and Appleby GO. There is also a southbound bike lane on Cumberland Avenue.

- (iv) *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;*

The proposed development is compatible in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area with modified approval. The proposed development is for a 7-storey retirement home building for memory care. The proposed building would have a minimum setback of 13 metres from the existing townhouse building to the west. Although the underground parking structure and outdoor amenity area would be located within the 13 metre setback, the building wall is proposed to be located at the 13 metre setback to mitigate the impacts of the building wall. The building has a north property line along Centennial Trail, east property line along

Cumberland Avenue and south property line along New Street. The only reduction in setback is proposed for the yard along Cumberland Avenue. Although the development is proposing a minimum setback of 13 metres from the adjacent residential property, the building impedes into the angular plane at the 5<sup>th</sup> floor. The greatest intrusion into the angular plane is the 6<sup>th</sup> storey where it encroaches into the angular plane by approximately 5 metres. Staff have considered the impacts of the development on the western property and are recommending that the 3 metre landscape area along the western property line be changed to a landscape buffer as well as providing additional vegetation along the western perimeter of the ground level outdoor amenity area. This would allow for dense vegetation to be located along the lot line and limit the appearance of a solid wall as well as provide for tiered vegetation as the outdoor amenity area is located higher than the grade at the western lot line abutting the residential zone. Planning Staff have discussed the modification with Urban Forestry and Landscaping Staff and Development Engineering who have indicated no concerns. The 3 metre landscape buffer is proposed to be implemented through the amending By-law and the vegetation along the western perimeter of the ground floor outdoor amenity area is proposed to be implemented through a Residential Development Agreement in Appendix F. The Residential Development Agreement is included in the Holding provision to ensure it is implemented prior to removing the 'H' symbol from the zoning. Transportation Parking Staff have no objections to the proposal provided that the retirement home is for memory care. The amenity area proposed will meet the 25 square metres for 2-bedroom units and 15 square metres for 1-bedroom units required by the 'Residential High Density' zone (Part 2, Table 2.14.1 of the Zoning By-law 2020). Overall, the modified proposal is considered compatible with the existing neighbourhood.

- (v) *effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character; OPA 55*

The applicant is proposing vegetation along all property lines through a mix of deciduous trees, multi stem trees, and evergreen trees. The property is subject to a landscape area. There are no landscape buffer requirements for this property; however, staff are recommending a 3 metre landscape buffer be implemented along the lot line abutting the residential zone. The applicant has proposed evergreen trees along the property line which would need to be increased in density to meet the definition of a landscape buffer. Planning Staff is also recommending vegetation along the western perimeter of the ground floor outdoor amenity area. Planning Staff have discussed the modification with Urban Forestry and Landscaping Staff and Development Engineering who

have indicated no concerns. The 3 metre landscape buffer is proposed to be implemented through the amending By-law and the vegetation along the western perimeter of the ground floor outdoor amenity area is proposed to be implemented through a Residential Development Agreement in Appendix F. The Residential Development Agreement is included in the Holding provision to ensure it is implemented prior to removing the 'H' symbol from the zoning. Urban Forestry and Landscape Staff have submitted comments that have indicated that significant tree removals have been proposed through the Arborist Report and Tree Protection Plan prepared by Cohen & Master dated August 9, 2023. It has been requested that the applicant consider design alternatives or provide detailed justification as to why the trees are being proposed for removal. A total of 27 private trees are proposed to be removed; and 4 public trees are proposed to be removed; and 2 public trees are proposed to be injured. Planning Staff have discussed the proposal with Urban Forestry and Landscaping Staff after comments were received. It has been determined that a revised Arborist Report and Tree Preservation Plan be required to justify the removal of trees and provide greater consideration for preserving trees. Planning Staff are recommending that the "H" provision include the resubmission of an Arborist Report and Tree Preservation Plan to the satisfaction of the Director of Engineering Services. Planning Staff have also reviewed the Revised Conceptual Landscape Plan prepared by Seferian Design Group dated November 24, 2023. The vegetation proposed through this plan satisfies the requirements for the landscape area. The applicant has proposed dense vegetation along the west lot line, however, only in the area of the building. Planning Staff would require further revisions to provide dense vegetation along the entirety of the west lot line. Overall, staff are confident that the "H" provision for the revised Arborist Report and Tree Preservation Plan will adequately address the vegetation on the property.

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

The applicant submitted a Revised Shadow Study prepared by Weston Consulting, dated November 2023 which was reviewed against the Shadow Study Guidelines and Terms of Reference (2020). The guidelines consider shadowing on Key Civic and Cultural Spaces, Private Outdoor Amenity Spaces, Parks and Open Spaces, Places Where Children Play, and Public Realm and Sidewalks. The impact of shadowing on these spaces are reviewed below:

- Key Civic and Cultural Spaces: There are no Key Civic and Cultural Spaces in the surrounding area, and therefore, not applicable.

- Private Outdoor Amenity Spaces: These spaces include rear yards, decks, and (rooftop) patios. As per the guidelines, shadows from proposed developments should not exceed 2 hours in duration, between 9:00 and 18:00 on March 21st. The shadows do not exceed a 2 hour duration on any rear yards, decks, or (rooftop) patios on March 21st. The Sun Access Factor is 0.22 which meets the criterion.
- Parks and Open Spaces: The Centennial Trail is immediately adjacent to the subject property to the north of the property. Although the Centennial Trail is not designated, it is used for Parks and Open Spaces which meets the criteria in the guidelines. Shadows cast must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during the specified periods of March 21st (9:00 to 18:00), September 21st (9:00 to 18:00), and December 21st (11:00 to 15:00). On March 21st the shadow is cast from 9:00 to 12:00, on September 21st the shadow is cast from 9:00 to 12:00, and on December 21st the shadow is cast from 11:00 to 13:00. The Sun Access Factor is 0.96 on March 21<sup>st</sup>, 0.97 on September 21<sup>st</sup>, and 0.97 on December 21<sup>st</sup>. Therefore, the criterion is met as it is greater than 0.5 on each test date.
- Places Where Children Play: There are no Places Where Children Play in the surrounding area, and therefore, not applicable.
- Public Realm and Sidewalks: Shadows cast onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times between 9:00 and 18:00 on March 21st. On March 21st, the shadow is cast between 17:00 to 18:00 on the opposite side of the adjacent boulevard. The Sun Factor is 0.95 on the opposite boulevard on New Street March 21<sup>st</sup> and 0.86 on the boulevard opposite to Cumberland Avenue. Therefore, the criterion is met as it is greater than 0.5 on each test date.

Overall, the Revised Shadow Study meets the Shadow Study Guidelines and Terms of Reference (2020).

- (vii) *accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;*

The property is located at the corner of New Street and Cumberland Avenue which are higher order roads. There are eastbound and westbound bus stops located east of the intersection of New Street and Cumberland Avenue. The bus stops are serviced by the 10-bus route which has connections to the Downtown Terminal, Burlington GO, and Appleby GO. There is also a

southbound bike lane on Cumberland Avenue. The property is considered to be well connected to public transit.

- (viii) *capability exists to provide adequate buffering and other measures to minimize any identified impacts;*

The applicant submitted a Pedestrian Level Wind Study prepared by Gradient Wind Engineers & Scientists, dated September 6, 2023 which was reviewed against the Pedestrian Level Wind Study Guidelines and Terms of Reference (2020). A qualitative wind assessment was required as the proposed building height is 7-storeys. The study has found that all grade-level areas within and surrounding the subject site are predicted to experience conditions that are considered acceptable for the intended pedestrian uses throughout the year. The outdoor amenity area located on the 7th storey of the building is predicted to be suitable for sitting most of the year (at least 79% of the time). Mitigation measures have also been identified for the outdoor amenity area on the 7th storey if required which would implement tall wind streets, typically glazed, and extending 1.8 metres above the walking surface. Overall, the proposed development meets the Pedestrian Level Wind Study Guidelines and Terms of Reference (2020).

Additionally, a Roadway Traffic Noise Assessment prepared by Gradient Wind Engineers & Scientists, dated September 7, 2023 was submitted. The City's Development Engineering reviewed the Report and had no objections during the Official Plan Amendment and Zoning By-law Amendment stage.

- (ix) *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; OPA 55*

The property is bounded by New Street to the south, Cumberland Avenue to the east, and Centennial Trail to the north. The property to the west is designated Residential Medium Density in the Official Plan (1997, as amended). The Residential Medium Density designation permits a density ranging between 26 and 50 units per net hectare as per Part III, Subsection 2.2.2 d) of the Official Plan (1997, as amended). The designation also permits detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments provided these forms meet the density provisions as per Part III, Subsection 2.2.2 g) ii) of the Official Plan (1997, as amended). Other limited future redevelopment could occur in the surrounding residential area, however, the property immediately west is zoned 'Residential Medium Density' (RM3-178). The RM3-178 zone prohibits apartment buildings and has a maximum

density of 50 units per ha. Therefore, the property to the west could be redeveloped provided an Official Plan Amendment and Zoning By-law Amendment are applied for and reviewed. Further, the property to the west already contains townhouse units, and as such, is unlikely to be redeveloped in the near future.

- (x) *natural and cultural heritage features and areas of natural hazard are protected; OPA 55*

There are no natural or cultural heritage features and no areas of natural hazards on or adjacent to the subject property. Conservation Halton comments provided stated there are no regulated areas that impact the subject property.

- (xi) *where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m); and*

As mentioned above, the property is not impacted by areas of natural hazards.

- (xii) *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. OPA 55 OPA 83.*

The property is located at the periphery of an existing residential neighbourhood on a minor arterial (New Street) and a collector (Cumberland Avenue). The proposed development will have direct vehicular access to New Street. Planning Staff are recommending modified approval to increase vegetation along the lot line abutting a residential zone to mitigate any potential visual impacts from the encroachment into the angular plane from the 6<sup>th</sup> storey. Planning Staff have discussed the modification with Urban Forestry and Landscaping Staff and Development Engineering Staff who have noted no concerns. With this consideration, the building provides an appropriate built form, scale, and profile of development that is well integrated into the existing neighbourhood. The proposal as modified meets the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019).

The applicant has submitted a Sustainability Checklist prepared by Weston Consulting, dated September 2023. The Sustainability Checklist was completed in compliance with the Sustainable Building and Development Guidelines (December 2021). The applicant provided a table that addresses the sustainability measures that impact site layout and design that are considered through the Official Plan Amendment and Zoning By-law Amendment process. The checklist considers site design, transportation, the natural

environment, water conservation and quality, energy and emissions, waste and building materials, maintenance, monitoring and communication, and innovation. The applicant has addressed the checklist as it relates to the Official Plan Amendment and Zoning By-law process which will be discussed later in this report. In doing so, the applicant has proposed development consistent with the goals and objectives of sustainable development in Part 2, Subsection 2.7 of the Official Plan (1997, as amended).

As mentioned, the proposed development is to be facilitated through a land assembly of 5 properties containing single detached dwellings. The applicant will not be completing the consolidation of the existing properties until the review of the Official Plan Amendment and Zoning By-law Amendment have been completed. City Council may designate a holding zone with the prefix “H” as per Part VI, Subsection 2.2.2 a) of the Official Plan (1997, as amended) for the following reason:

- The development relies upon other matter occurring first, such as the consolidation of land ownership to ensure the orderly development of the project and to secure funding for infrastructure services or outstanding application processing costs (Official Plan (1997, as amended), Part IV, Subsection 2.2.2 a) iv)).

Planning Staff are recommending that a Holding “H” symbol be implemented on the subject property. The removal of the “H” will be subject to the consolidation of land.

Staff are of the opinion that the proposed Official Plan Amendment as set in the Official Plan Amendment under Appendix D is consistent with the intent of the City’s Official Plan (1997, as amended).

### **City of Burlington Official Plan (2020)**

On November 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) (“the new OP”). The new OP is subject to appeals which are currently before the Ontario Land Tribunal (OLT). For up-to-date information on the status of the new OP and relevant appeals, visit [www.burlington.ca/officialplan](http://www.burlington.ca/officialplan).

The subject property is located within the ‘Residential Neighbourhood Areas’ on Schedule B – Urban Structure of the City’s Official Plan (2020). These areas are intended to accommodate a wide range of residential uses and forms, together with supporting parkland, and other land uses such as small-scale commercial uses or home occupations that are part of the residential environment (Official Plan (2020), Chapter 2, Subsection 2.3.4 a)). Any development occurring in these areas shall be compatible and should enhance the physical character of the surrounding area (Official Plan (2020), Chapter 2, Subsection 2.3.4 b)).

The lands are identified as being within an ‘Established Neighbourhood Area’ in accordance with Schedule B-1 – Growth Framework of the Official Plan, 2020.

'Established Neighbourhood Areas' are recognized as distinct areas within the City's Urban Area where intensification is generally discouraged as it shall not be regarded as essential to achieve population growth distributions (Official Plan (2020), Chapter 2, Subsection 2.4.2(3) a) ii) and iii)). Although the proposed development includes the consolidation of 5 properties that all contain single detached dwellings, Planning Staff are of the opinion that this is necessary to accommodate the 'Residential High Density' designation proposed on the subject lands. 'Residential High Density' is permitted within the 'Established Neighbourhood Areas'.

The City will promote an appropriate and adequate range of housing choices by type, tenure and affordability level, to accommodate the needs of all city residents and workers, regardless of age, income level, physical sensory and mental health and ability, culture, level of support services, household structure and family composition as per Chapter 3, Subsection 3.1 of the Official Plan (2020). The proposal includes 124 units for a retirement home for memory care. Further, Assisted and Special Needs Housing shall be permitted throughout the city, but are encouraged to locate within the Urban Area, where residential uses are permitted and where public transit, retail and public service facilities are readily accessible (Chapter 3, Subsection 3.1.4 (2) a)) of the Official Plan (2020). Therefore, a retirement home for memory care is considered Assisted and Special Needs Housing which is permitted within an 'Established Neighbourhood Area' especially when considering that the property is located on a Frequent Transit Corridor and MTSA Secondary Connector (New Street) identified on Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors and well connected to public transit.

This use would be considered as Assisted and Special Needs Housing which is permitted throughout the city, but are encouraged to locate within the Urban Area, where residential uses are permitted and where public transit, retail, and public service facilities are readily accessible as per Chapter 3, Subsection 3.1.4(2) a) of the Official Plan (2020).

Chapter 6, Subsection 6.2 of the Official Plan (2020) states that Burlington's transportation system is made up of many elements and choices for moving around the city, including walking, cycling, taking transit or rail, and using vehicles. The subject property is located along a Frequent Transit Corridor and MTSA Secondary Connector (New Street) identified on Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors. The 10-bus route which connects to the Downtown Terminal, Burlington GO, and Appleby GO at the intersection of New Street and Cumberland Avenue. There is also a cycling lane located on Cumberland Avenue. The proposal for the retirement building for memory care will allow residents, employees, and visitors to access various forms of transportation and encourage a walk- and bike-friendly city. The property is considered to be well connected to public transit.

The design of the building was reviewed by Planning Staff and will be more thoroughly discussed in the section of this report discussing the Design Guidelines for Mixed-Use

and Residential Mid-Rise Buildings (2019) and Sustainable Design Guidelines (2021). Prior to the submission of the application, the proposal was reviewed by the Burlington Urban Design Panel on June 15, 2023 where the applicant was directed to consider compatibility to the west townhouse property, amenity area, landscaping, public realm, access, and building materials. The policies of the Zoning By-law 2020 have been met for the amenity area and landscaping. Transportation Planning Staff have no objections to the proposed access. Planning Staff are requesting that the applicant revise the materials to only use light materials on the upper building through the Residential Development Agreement in Appendix F. The Residential Development Agreement is included in the Holding provision to ensure it is implemented prior to removing the 'H' symbol from the zoning. Modified approval is also being recommended to increase vegetation along the lot line abutting a residential zone to a 3 metre landscape buffer which would require dense vegetation and through vegetation along the western perimeter of the ground floor outdoor amenity area to ensure compatibility with the adjacent residential property. The 3 metre landscape buffer is proposed to be implemented through the amending By-law and the vegetation along the western perimeter of the ground floor outdoor amenity area is proposed to be implemented through a Residential Development Agreement in Appendix F. The Residential Development Agreement is included in the Holding provision to ensure it is implemented prior to removing the 'H' symbol from the zoning. Planning Staff have discussed this with Urban Forestry and Landscaping Staff and Development Engineering Staff who have indicated no concerns with the proposed modification. With these considerations, the proposal will conform to the Official Plan (2020) as the guidelines will consider the compatibility with the community and the consideration for active transportation (Chapter 7, Subsection 7.1.1).

The lands are designated 'Residential Medium Density' in accordance with Schedule C – Land Use – Urban Area of the Official Plan (2020). The Residential Medium Density designation permits ground and non-ground oriented dwellings including single-detached and semi-detached dwellings, townhouses, street townhouses, stacked townhouses, back-to-back townhouses and low-rise residential buildings as per Chapter 8, Subsection 8.3.4 (1) a) of the Official Plan (2020). A general policy of the 'Residential Neighbourhood Areas' states that in addition to the permitted uses of each land use designation, within 'Residential Neighbourhood Areas', Assisted and Special Needs Housing such as group homes, retirement homes and long-term care facilities shall be permitted, provided compatibility with the surrounding neighbourhood is achieved as per Chapter 8, Subsection 8.3.2 a) i) of the Official Plan (2020). Therefore, the proposed retirement home use is permitted, and staff have reviewed the built form and density to ensure that there is compatibility with the surrounding neighbourhood.

'Residential Medium Density' permits a density of 26 to 75 units per net hectare and a maximum height of 4-stories (Official Plan (2020), Chapter 8, Subsection 8.3.4(1) b) and

c)). The proposal is for a 7-storey retirement home for memory care use with a density of 344.4 per net hectare. The applicant is proposing to redesignate the property to 'Residential High Density' which permits a density ranging between 76 to 185 units per net hectare (Official Plan (2020), Chapter 8, Subsection 8.3.5(1) b)) with no height regulation in the Official Plan (2020). However, Chapter 3, Subsection 3.1.4(2) g) states that notwithstanding the other provisions of this Plan, the Zoning By-law may exclude Assisted and Special Needs Housing containing dwelling units without full culinary and sanitary facilities from the density provisions of this Plan. Therefore, Assisted and Special Needs Housing is exempt from the density provisions of the Official Plan (2020).

### **City of Burlington Housing Strategy**

Subsection 3.1.1(2)(g) of the Official Plan, (2020) and the City's Strategic Plan, directed the City to develop a city-wide housing strategy to among other things, support the Region of Halton's Housing Strategy, describe the current range and mix of housing in the city, establish city-wide housing objectives, examine opportunities for partnerships to increase the supply of affordable housing, to develop minimum targets in support of achieving the Region of Halton's housing mix and affordable unit targets as well as two and three bedroom unit minimum targets.

The [Housing Strategy](#) and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by Council in June 2022. The City's Housing Strategy provides a roadmap for addressing local housing needs and increasing housing options that meet the needs of current and future residents at all stages of life and at all income levels. The Housing Strategy is underpinned by extensive technical work that can be found in the Housing Needs and Opportunities Report. The [Housing Needs and Opportunities Report](#) articulates the current state of housing in Burlington as well as current and future housing needs and establishes a toolbox of best practices in housing, focusing on innovative practices and new ideas. The Housing Strategy identifies 12 Actions to move toward the vision for housing in Burlington. It provides a set of action-oriented housing objectives (Themes) and an associated implementation plan that also identifies a list of Prioritized Actions and Quick Wins.

The proposal as modified by planning staff, aligns with Objective 1 (Theme 1) of the Housing Strategy: "Support a Healthy Rental Housing Stock: Protect existing rental buildings and support the creation of new rental units. The proposal also aligns with Objective 2 (Theme 2) of the Housing Strategy: "Support a Broad Variety of Housing Types and Forms: Increase housing options that meet the needs of all current and future residents at all stages of life."

### **Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings**

The City of Burlington anticipates the 'mid-rise' building form to be a key element of growth in the City's 'urban area' where population and employment growth are forecasted. These buildings provide scale when transitioning from lower scale residential neighbourhoods to more intensive communities. At street-level, mid-rise buildings effectively frame streets, create a comfortable pedestrian environment, and line streets with uses that support a vibrant street-life including shops, restaurants, and other amenities. Since mid-rise buildings are located near or next to established residential neighbourhoods, it is important to ensure that new mid-rise buildings are well-designed to enhance and fit within the community context, while balancing the need to provide for a wide range of housing and employment within a growing city. The Guidelines represent best practices, developed to inform the urban design aspects of mixed-use and residential mid-rise buildings, and implement the City's Official Plan objectives and policies related to design excellence and the creation of a high-quality built environment that supports complete, compact, and sustainable communities.

The Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings ('the Guidelines') define a mid-rise building between five and eleven storeys in height. The proposed development is required to be reviewed against the Guidelines as the proposal is for a 7-storey building (excluding mechanical penthouse).

The Guidelines are grouped by the main components of a mid-rise building being the lower building and the upper building. The lower building represents the first few storeys of a mid-rise building, including the ground floor and any additional floors with direct relationship to the street and public realm. The upper building is that portion of a mid-rise building above the lower building, designed to fit with and achieve an appropriate relationship with the lower building, the public realm, and neighbouring properties.

The lower building contributes to a positive pedestrian experience at the ground level, and it is important that the location and height of the lower building responds to its context to define the street edge and reinforce a human scale.

The Building Placement (2.1) influences many aspects of the ultimate building design and its fit within the site and broader context. The proposed building is placed approximately parallel to New Street and Cumberland Avenue due to the irregular shape of the property. The setback proposed from New Street is 7.5 metres and the setback from Cumberland Avenue is 6 m. The setback from Cumberland Avenue is proposed to be a reduced street side yard setback as the Zoning By-law permits a 7.5 metre street side yard setback for a building in the Residential High Density (RH1) zone. As shown in the Revised Architectural Drawings prepared by MCL Architects, dated November 27, 2023, on Sheet A1.0, the setback of the proposed building will be similar setbacks to the 5 single detached dwellings being replaced. The setback will accommodate trees as shown in the Revised Conceptual Landscape Plan prepared by Seferian Design Group, dated November 24, 2023. The proposal is for retirement use for memory care on the entire property. The

property is a corner site, and the building placement meets the requirements for the daylight triangle as indicated by Transportation Planning staff comments. Overall, the building adheres to the guidelines for building placement.

The Building Separation (2.2) is the distance between buildings and ensures that buildings relate well to the street, neighbouring buildings, and buildings within the site. The properties that are proposed to be assembled for the 7-storey retirement home for memory care and shares a northern lot line with Centennial Trail, a eastern lot line with Cumberland Avenue, a southern lot line with New Street, and a western lot line with a neighbouring townhouse development. The townhouses have a height of 2-storeys and are not considered a mid-rise building. The separation distance from the western side lot line is proposed to be a minimum of 13 metres from the lot line which would be a greater distance to the townhouses considering the rear yard of the townhouses. Staff are confident that the 7-storey retirement home for memory care will be greater than 15 metres from the townhouses as staff are of the opinion that the back yards are greater than 2 metres in depth. Overall, staff are satisfied with the building separation.

The Built Form (2.3) refers to the overall size and shape of the building. Height and massing are critical to determining the degree of impact a building will have on neighbouring properties. As mentioned previously in this report, the Pedestrian Wind Study prepared by Gradient Wind Engineers & Scientists, dated September 6, 2023 that concluded that all grade-level areas are predicted to experience conditions that are considered acceptable. The 7<sup>th</sup> storey outdoor amenity area is considered acceptable and suitable for sitting over most of the area. Additionally, the Revised Shadow Study prepared by Weston Consulting, dated November 2023 showed expected shadowing from the proposed building and no adverse negative impacts are anticipated to the neighbouring properties and adjacent public spaces. Balconies have not been incorporated into the design of the building as the proposed use is for a retirement home for memory care. Planning Staff are supportive of removing this feature from the design of the building for safety considerations.

The Street Level Design, Façade Articulation and Materials (2.4) identifies how the building addresses the street and is essential for establishing a positive first impression and successful interface between the public street and private building. The lower building is proposed to use stone cladding for a distinct base and anchoring the building. The remaining facade materiality is made up of glazing to provide visual connections between the public and private realms, enhance safety, and a sense of pedestrian scale along the street. The proposed entrance to the building is located north on Cumberland Avenue rather than the corner of the property. Planning staff are supportive of this location since the ground floor of the building is residential use and New Street is a higher order street. Locating the entrance further north on Cumberland Avenue allows for the entrance to be located on the lesser busy road and closer to Centennial Trail.

The Site Design, Open Space & Streetscaping (2.5) are imperative to character and quality of a mid-rise development, its ability to fit within the surrounding area and enhance the public realm. The applicant is proposing vehicle entrances from New Street and Cumberland Avenue. The driveway from New Street acts as the primary vehicular access into the underground garage with a second from Cumberland Avenue offering a pick-up/drop-off area. Transportation Planning Staff have no objections to the vehicular access proposed. The entrance to the underground garage doors steps back from the building wall. The underground parking structure does not encroach into the required landscape area. There are no landscape buffer requirements on the property. The outdoor amenity area is provided at-grade and on the 7<sup>th</sup> storey. The at-grade amenity area is adjacent to the Centennial Trail. Visibility and access from Centennial Trail to the outdoor amenity area is not possible as there are large trees located on the Centennial Trail and an existing fence which limit visibility and access as observed on a site visit October 20, 2023. No tall vegetation will be implemented along the rear lot line of the subject property as required by Trans-Northern Pipeline. The outdoor amenity areas were reviewed by the Accessibility Coordinator with no objections as a dog relieving area was identified near the entrance. It should also be noted that careful attention should be given to surface treatments such as walkway paving, ramps, stairs and steps, grates and vents; access stairwells, entry gates, privacy fences and screens, railings, decorative features, bike racks, mailboxes, garbage cans/chutes, pet waste collectors, ventilation shafts, and utilities such as transformers, gas meters, communication boxes, hydro poles, HVAC units, gas regulators, hydro meters, etc. Additionally, public art is encouraged with mid-rise buildings where appropriate.

The upper building contributes to the overall massing of the building form and its impact on the skyline and neighbouring properties. A variety of architectural and design elements such as horizontal and vertical articulation, upper floor step-backs, colour and materials should be used to visually describe the upper building and differentiate it from the components of the lower building.

The Built Form: Transitions (3.1), should respond to its context to ensure high-quality of design outcomes. Transitions should be used to reduce potential impacts related to a change in building height and massing such as shadowing, pedestrian level wind impacts, and overlook on neighbouring properties. As mentioned, the potential shadowing and pedestrian level wind impacts were reviewed and considered to be appropriate. However, the proposed retirement home does not comply with the 45-degree angular plane which is considered towards the 2-storey townhouse units immediately west of the property. The proposal does include a 13 metre side yard setback from the lot line shared by the townhouses to mitigate impacts to the townhouses. However, it is the 6<sup>th</sup> storey that encroaches by 5 metres into the angular plane with the 5<sup>th</sup> and 7<sup>th</sup> stories encroaching slightly. Planning Staff have reviewed the submitted Revised Shadow Study prepared by Weston Consulting dated November 2023. The Shadow Study Guidelines and Terms of

Reference (2020) have been satisfied and the property to the west was considered through the review of the criteria for private outdoor amenity space. The shadows do not exceed a 2 hour duration on any rear yards, decks, or (rooftop) patios on March 21<sup>st</sup>. However, staff have still considered the potential of the visual impact on the residential property to the west. Therefore, a modified approval is being recommended to require a 3 metre landscape buffer along the lot line abutting a residential zone and vegetation along the western perimeter of the ground floor amenity area to mitigate the visual impacts.

The Upper Façade/Roof Design, Articulation & Materials (3.2) provide a sense of scale and create visual interest. The upper building includes the use of brick and a light colored cladding. Staff are recommending that the upper building remove the brick elements and only include the light coloured cladding to minimize perceived mass. This will be implemented through the Residential Development Agreement in Appendix F. The Residential Development Agreement is included in the Holding provision to ensure it is implemented prior to removing the 'H' symbol from the zoning. The design does not include balconies which is appropriate considering the proposed retirement use for memory care. The Revised Architectural Drawings prepared by MCL Architects dated November 27, 2023 and has shown that a mechanical penthouse will be added to the proposed building. The mechanical penthouse shall not be included in the angular plane to limit impacts on the adjacent residential property. Further the mechanical penthouse should be setback 3 metres from the edge of all sides of the building. However, staff note that the side of the building abutting Cumberland Avenue proposes a 2.5 metre setback to the edge of the side of the building. Staff are recommending 2.5 metres for the side of the building facing Cumberland Avenue as the 2.5 metre setback is to accommodate a structural component of the building. Planning Staff are recommending 3 metre setbacks for the proposed mechanical penthouse from all sides other than Cumberland Avenue where 2.5 metres will be recommended to ensure that the mechanical penthouse is appropriately setback from the edge of all sides of the building. Overall, staff believe that the proposal with modifications meets the Guidelines.

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

The subject property is currently zoned "Residential Medium Density (H-RM2)" in accordance with Zoning By-law 2020. This RM2 zone permits detached dwellings, semi-detached dwellings, duplex buildings, triplex buildings, fourplex buildings, townhouse buildings, retirement homes, lodge, fraternity, private clubs, and community institutions.

The existing zoning of the property includes an "H" symbol which would be required to be removed prior to development or redevelopment. Prior to the removal of the "H", the following matters must be addressed to the satisfaction of City Council:

- *Water supply, sanitary sewers, stormwater management facilities, parks, and schools are sufficient for the development.*

Comments received by Halton Region, Halton District School Board, and Halton Catholic District School Board have indicated no objections to the proposal.

- *Transportation facilities are adequate and appropriate for the development.*

Transportation Planning Staff have indicated no objections to the proposal provided that the sole use be memory care.

- *The number and location of access points to the development are adequate and safe.*

Transportation Planning Staff have indicated no objections to the proposal provided that the sole use be memory care.

- *Consolidation of land ownership has been completed to the City's satisfaction.*

The proposal includes 5 properties that are proposed to be consolidated. The applicant has not consolidated the ownership of the properties, and therefore, staff are recommending that the "H" remain until this is resolved.

- *Studies relating to traffic, soil, natural and heritage features, environmental constraints, design features, and market impact analysis have been completed to City's satisfaction.*

Transportation Planning Staff have not objected to the anticipated traffic volumes. Conservation Halton has no comments as they have indicated this property is not in a regulated area.

Therefore, staff will be recommending that the "H" symbol remain in the zoning until the consolidation of land ownership has been completed to the City's satisfaction.

The applications propose to change the zoning to a site specific 'Residential High Density (RH1-XXX)'. The proposed development does not comply with some regulations including building height, floor area ratio, parking, and street side yard setback. The following table outlines the requirements of the 'Residential Medium Density' (RM2) Zone and 'Residential High Density Zone' as well as what is being proposed.

<b>Zoning Regulation</b>	<b>RM2</b>	<b>RH1</b>	<b>Proposed</b>
<b>Building Height</b>	Maximum 4-storey building height for a	Maximum 6-storey building height for a retirement home	Maximum 7-storey building height for a retirement home for memory care

	retirement home		
<b>Staff Comment:</b>			
<p>Staff have considered the surrounding area and the compatibility of the proposed 7-storey retirement home for memory care. The proposal would replace five single detached dwellings that are 2-storeys in height. The surrounding area has heights of 2-storeys immediately to the west, north, and east. To the south there is a 3-storey retirement home and a 6-storey retirement home. The existing property is zoned 'Residential Medium Density' (RM2) which would permit a maximum height of 4-storeys. The applicants are proposing to change the designation to 'Residential High Density' (RH1) which would permit a maximum height of 6-storeys. The proposal would exceed both the maximum heights for the RM2 and RH1.</p> <p>The applicant submitted a Revised Shadow Study prepared by Weston Consulting, dated November 2023 which was reviewed against the Shadow Study Guidelines and Terms of Reference (2020). Through this review, the proposal meets the Shadow Study Guidelines and Terms of Reference (2020).</p> <p>The applicant submitted a Pedestrian Level Wind Study prepared by Gradient Wind Engineers &amp; Scientists, dated September 6, 2023 which was reviewed against the Pedestrian Level Wind Study Guidelines and Terms of Reference (2020). Overall, the proposed development meets the Pedestrian Level Wind Study Guidelines and Terms of Reference (2020).</p> <p>The applicant submitted an Urban Design Brief prepared by Weston Consulting, dated September 2023 that was reviewed against the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019). A full review of these guidelines was provided previously in this report, and it was determined that the proposed development with modifications meets these guidelines.</p> <p>Overall, staff have reviewed the surrounding building heights, shadow impacts, wind impacts, and design of the proposed 7-storey retirement building for memory care. Staff have considered that there are 2 existing retirement home buildings located on the southwest and southeast corners of the intersection at New Street and Cumberland Avenue. These properties are zoned Residential High Density (RH1-444). The exception to the zone permits a maximum height of 6-storeys and 21 metres in linear height excluding the mechanical penthouse. Through the Revised Architectural Drawings prepared by MCL Architects, dated November 27, 2023, the proposed building on the subject property is proposed to be 22.5 metres in linear height which is exclusive of a mechanical penthouse. Therefore, the proposed development will be a similar height to the building on the opposite side of New Street and Cumberland Avenue. As previously stated, New Street and Cumberland Avenue are also identified as higher order roads (minor arterial and collector) and Planning Staff are of the opinion that the 7-storey building is fitting for a corner lot. The proposal also meets the guidelines in terms of shadow, wind, and design. Overall, Planning Staff have no objections to the increased height.</p>			
<b>Zoning Regulation</b>	<b>RM2</b>	<b>RH1</b>	<b>Proposed</b>
<b>Floor Area Ratio</b>	1.25:1 maximum	1.25:1 maximum	2.5:1 maximum
<b>Staff Comment:</b>			

The applicant is proposing a Floor Area Ratio of 2.5:1 to accommodate the 7-storey retirement building for memory care with 124 units. Staff have reviewed the development against Part III, Subsection 2.5.2 of the City’s Official Plan (1997, as amended) which contains the evaluation criteria for housing intensification. The proposal satisfied the housing intensification criteria as discussed earlier in this report. Staff have also reviewed the City’s Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019). Overall, the proposal as modified with increased vegetation through the 3 metre landscape buffer and additional vegetation on the perimeter of the ground floor outdoor amenity area does not negatively impact the massing in the area and is not considered to be incompatible when considering the design elements.

Zoning Regulation	Part 1, Table 1.2.6	Proposed
<b>Parking Rate</b>	<u>Retirement Home</u> Occupant/Employee: 0.6 spaces per unit Visitor: 0.25 spaces per unit 1 additional space per 50 units for the use of maintenance vehicles servicing the site	<u>Retirement Home for Memory Care</u> Memory Care Units Occupant/Employee: 0.35 per unit Visitor: 0 spaces per unit 0 additional spaces per 50 units for the maintenance vehicles servicing the site  <i>*If the applicant proposes retirement home units that do not meet the requirements of memory care, the Zoning By-law 2020 regulations would apply.</i>

**Staff Comment:**

The proposed 7-storey retirement home for memory care is intended for seniors living with a type of dementia or Alzheimer’s disease and/or requiring a higher level of care. The type of care provided is similar to a Long-Term Care Facility. The proposal, however, is not for a Long-Term Care Facility as defined in the City’s Zoning By-law, Official Plan (1997, as amended), or Official Plan (2020) as it is not governed under the *Long-Term Care Homes Act (2007)* and is privately funded. If the proposed development was for a Long-Term Care Facility as defined in the City’s documents, then a parking rate of 0.35 spaces per bed would apply as per Part 1, Table 1.2.6 of the City’s Zoning By-law. The applicant is proposing the same parking rate as a Long-Term Care Facility as the memory care use is similar. Transportation Planning staff have no objections to the proposal for a reduced parking rate for memory care. With this consideration, staff have no concerns with the 0.35 spaces per unit rate.

Staff have also reviewed the designated accessible spaces being proposed which includes 2 designated accessible parking spaces based on the 0.35 spaces per unit rate. The City’s Accessibility Coordinator has provided comments stating that a lower parking rate for accessible spaces cannot be supported. Therefore, 4 designated accessible parking spaces will be required and reflected in Appendix E: Draft Zoning By-law.

Zoning Regulation	RM2	RH1	Proposed
<b>Street Side Yard Setback</b>	6 m	7.5 m	6 m

**Staff Comment:**

The applicant is proposing a street side yard setback of 6 metres from Cumberland Avenue which would be a reduction of 1.5 metres from the required 7.5 metre street side yard setback. Transportation Staff have no objection to the reduced street side yard setback from a visibility perspective. The applicant has also provided a Revised Conceptual Landscape Plan prepared by Seferian Design Groups, dated November 24, 2023. Urban Forestry and Landscaping staff have requested a revised Arborist Report and Tree Preservation Plan to consider maintaining existing trees or providing adequate justification of the removal of trees. This will be included in the “H” provision to ensure that Urban Forestry and Landscaping staff are satisfied. Overall, staff have no objections to the reduced street side yard setback of 6 m.

**Technical Review**

The application was circulated to internal staff and external agencies October 10, 2023 for review. The following are the comments received that have been summarized below:

**Accessibility Coordinator** – No reduction in the accessible parking spaces will be permitted. All other concerns are able to be addressed at the Site Plan stage.

**Development Engineering** – Detailed comments were provided and circulated to the applicant that will be addressed at the Site Plan stage. Development Engineering has indicated support of the application.

**Finance** - Taxes must be paid. This includes all outstanding balances plus current year taxes that have been billed but not yet due.

**Transportation** – Transportation planning staff have no objections to the traffic volumes and parking. The parking is supported as for memory care use.

**Zoning** – No concerns.

**Landscape and Urban Forestry** – Comments provided require additional information as it has been noted that significant tree removal is required as part of the application. Design changes have been requested, if possible. In cases that design alternatives are not possible, please provide detailed justification as to why the tree is being proposed for removal. Landscape and Urban Forestry Staff have provided verbal confirmation that a revised Arborist Report and Tree Preservation Plan needs to be submitted and this can be satisfied in a “H” provision.

**Parks** – Cash in lieu of parkland is required and charged at the rate in effect at the time of the building permit issuance.

**Heritage** – No objections.

**Fire Department** – Fire Department Staff have provided comments that are able to be addressed at the Site Plan stage.

**Sustainable Development Committee** – No comments have been received at this time; however, it is recommended that all objectives of the Sustainable Building and

Development Guidelines are considered. The SDC will provide more in-depth comments at the Site Plan stage.

**Police Department** – No concerns.

**Halton Region** – Halton Region provided comments that stated that there is no objection to the proposed Official Plan Amendment and Zoning By-law Amendment. The applicant provided a Letter of Reliance dated November 29, 2023 and Halton Region deemed the Letter of Reliance acceptable in an email dated December 4, 2023.

**Halton Catholic District School Board** – No objection.

**Halton District School Board** – No comments as no students would be generated from this proposal.

**Hydro One** – No objections.

**Canada Post** – No concerns at this time. Delivery to the retirement care home will be centralized through lock box assembly.

**Conservation Halton** - The subject properties are not regulated by CH under Ontario Regulation 162/06, and due to the size staff do not have any SWM concerns (regarding our provincially delegated responsibilities under Ontario Regulation 686/21).

**Imperial Oil** – No Imperial Oil infrastructure in the vicinity of this location.

**Trans-Northern Pipelines Inc.** – TNPI has indicated that they operate a high-pressure petroleum products transmission pipeline within a 10 ft right-of-way on the adjacent property southeast and adjacent side to the proposed development. Permanent structures are not allowed within the right-of-way and are requested to be setback 10 metres from the right-of-way. Planning Staff had a meeting with the applicant and Trans-Northern Pipeline Inc, and no concerns were indicated. Permits will be required.

**Sun-Canadian Pipeline** – No facilities in the described project area.

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## **Financial Matters:**

The proposed development would be subject to City and Region Development Charges and Park Dedication fees. The City's Finance Department has also indicated all outstanding taxes are required to be paid. Planning Staff have reviewed the Community Benefits Charges By-law 66-2022 and have determined that the proposed development would be exempt from the Community Benefits charges as Section 2.5 b) states that Community Benefits Charges shall not be imposed with respect to development or redevelopment of a building or structure intended for use as a retirement home within the meaning of subsection 2(1) of the *Retirement Homes Act, 2010*. As previously mentioned,

the applicant has confirmed that the proposed development would be licensed and regulated by the *Retirement Homes Act, 2010*.

All application fees have been received in accordance with the Development Application Fee Schedule. The application has been processed under the timelines afforded by the *Planning Act* (i.e. 120 days). Should a decision not be rendered by January 17, 2024, the City will be required to refund the application fees.

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### **Climate Implications:**

In February 2020, City Council approved the City of Burlington Climate Action Plan to support the City's path towards a low-carbon future, focusing on mitigating greenhouse gases and reducing energy consumption. The Plan identifies seven implementation programs, including, programs to enhance energy performance for new and existing buildings; increase transit and active transportation mode shares; electrify City, personal and commercial vehicles and other currently gas-powered equipment; and support waste reduction and diversion.

As part of the Official Plan Amendment and Zoning By-law Amendment applications, the applicant was required to provide consideration to the Sustainable Building and Development Guidelines (2018) which provide an overview of the required and encouraged sustainable design measures for new development across the City. The applicant submitted a Sustainable Building and Development Guidelines Checklist which includes consideration to the guidelines.

### **Sustainable Building & Development Guidelines (2018)**

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040. Burlington's Strategic Plan encourages energy efficient buildings and other on-site sustainable features and sets a net carbon neutral goal for the community. Sustainable design is an integrated design process that helps to reduce infrastructure demands and costs, environmental impacts, greenhouse gas emissions, long-term building operating costs, and contributes to the City's goal of being a prosperous, livable and healthy community. The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication.

In accordance with the Site Design guidelines in Section 1, on previously developed sites, a minimum of 50% of the site area (excluding the building footprint) should be restored by replacing impervious surfaces with native or adapted vegetation. The applicant has

noted that the minimum landscaped area required would be 0.12 hectares in the Sustainability Checklist prepared by Weston Consulting dated September 2023. The Revised Architectural Drawings prepared by MCL Architects dated November 27, 2023 indicates the total landscape area to be 0.14 ha. Therefore, this guideline is achieved.

In accordance with the Transportation guidelines in Section 2, the proposed site design should provide pedestrian and cycling connections, and bicycle parking. Also, a Transportation Demand Management Plan is required for the reduction in parking. The applicant has provided pedestrian connections from Cumberland Avenue. Consideration was given to the pedestrian connection to Centennial Trail from the subject property. However, through staff's site visit, it was noted that Centennial Trail contains dense vegetation along the property line. Therefore, pedestrian access from the property to Centennial Trail through the site would not be possible. The proposal includes 16 bicycle parking spaces in the underground parking area which Transportation Planning Staff have reviewed and deemed acceptable.

In accordance with the Natural Environment guidelines in Section 3, the applicant should maintain all existing on-site trees and complete and implement a restoration and/or enhancement plan that demonstrates net gain for Natural Heritage System areas. The City's Landscaping and Urban Forestry staff have reviewed the proposal and have requested a revised Arborist and Tree Preservation Plan to ensure the protection of existing trees or provide justification for the removal of existing trees. Therefore, Planning Staff are recommending a "H" symbol be applied to the property to ensure the revised Arborist and Tree Preservation Plan to the satisfaction of the City.

In accordance with the Water Conservation and Quality guidelines in Section 4, stormwater and pervious surfaces are considered. Development Engineering had no objections during the Official Plan Amendment and Zoning By-law Amendment stage, and any concerns can be addressed at the Site Plan stage. The applicant is also proposing permeable pavers and green roofs where possible and water reuse cistern inside the building.

In accordance with the Energy and Emissions guidelines in Section 5, urban heat islands were considered. Landscape treatments such as raised planters have been incorporated into hardscaped areas such as the ground floor and rooftop terraces.

In accordance with the Waste and Building Materials guidelines in Section 6, a Waste Management Plan may be required. As per Halton Region's comments, this development is not eligible for Waste collection provided by the Region.

In accordance with the Innovation guidelines in Section 8, innovative design or performance features should be considered. The applicant is proposing low impact development for stormwater management that will be incorporated into the design at the Site Plan stage.

Staff is of the opinion that the development proposal complies with the required sustainable and design guidelines. Additional sustainability measures will be established in more detail at the Site Plan approval stage to ensure the sustainability objectives of the City of Burlington are met.

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### Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on June 7, 2023, prior to the submission of the applications. There were nine (9) public attendees at the meeting. The applicant, Mayor Marianne Meed Ward, and City Planning staff also attended the meeting.

Notice signs were posted on the subject land. A public notice of the Official Plan Amendment and Zoning By-law Amendment application has been mailed to 210 members of the public, which includes all property owners and tenants within 120 metres of the subject land.

A webpage was created on the City of Burlington website, accessible at [burlington.ca/3265new](http://burlington.ca/3265new). This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and Community Planning Department.

### Public Comments

As of the writing of this report, twelve (12) public written comments have been received by staff with respect to the subject applications. 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>
<p>Height</p> <ul style="list-style-type: none"><li>Proposed development is too tall and will block the light/sky views to the neighbouring townhouse complex.</li></ul>	<p>The proposal is for a 7-storey retirement home for memory care. The property is currently zoned 'Residential Medium Density' (RM2) which permits a 4-storey building. The applicant is proposing to rezone and redesignate the property to 'Residential High Density' (RH1). The RH1 zone permits a maximum height of 6-storeys. The applicant is proposing a building that is 1-storey greater than the RH1 zone. Staff have reviewed the surrounding area and immediately</p>

opposite of the subject property south of New Street is a 6-storey retirement home building zone RH1-444. The exception zoning indicates that the maximum linear height of the building (excluding the mechanical penthouse) is 21 metres fronting New Street (24 metres to the rear). Planning staff have reviewed the Revised Architectural Drawings prepared by MCL Architects dated November 27, 2023 and the height to the top of the roof is indicated as 22.5 m. Considering that the proposed development will be a similar height to the existing development immediately across New Street and is located on a corner lot, Planning staff are of the opinion that the building is fitting to the surrounding neighbourhood.

Further, the proposed 7-storey retirement home would have a minimum setback of 13 metres from the western side lot line. The RM2 zone for a 4-storey retirement home would have a setback of 4.5 metres from the western side lot line. Therefore, Planning Staff are of the opinion that the greater setback mitigates any visual impacts from the additional storeys. Planning Staff are also requiring a 3 metre landscape buffer along the property line as well as vegetation along the perimeter of the outdoor amenity area to provide additional buffering.

Planning staff have also considered that the subject property is located on New Street and Cumberland Avenue. New Street is a Minor Arterial and Cumberland Avenue is a Collector as per Schedule J – Classification of Transportation Facilities in the Official Plan (1997, as amended). New Street is anticipated to experience higher volumes of traffic and Cumberland Avenue has the role of connecting vehicles to arterial roads. Considering that this is a corner property on two higher order roads, staff would deem this to be an

	<p>appropriate location for increased height. There are also no objections from Transportation Planning Staff in terms of visibility for traffic.</p> <p>The proposed development was also reviewed against the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019) and Shadow Study Guidelines and Terms of Reference (2020). Planning staff are recommending that the proposed development be modified to use only light materials on the upper building and to increase vegetation along the lot line abutting a residential zone to align with the Design Guidelines for Mixed-Use and Residential Mid-Rise Buildings (2019). The proposal meets the guidelines in the Shadow Study Guidelines and Terms of Reference (2020). With these modifications, the proposal meets the intent of the both guidelines.</p>
<p>Density</p> <ul style="list-style-type: none"> <li>The number of units is too large for the property and will result in negative impacts to the surrounding neighbourhood.</li> </ul>	<p>The applicants have proposed 124 units in the retirement home building for memory care use. This results in a density of 346 units per net hectare. The 'Residential Medium Density' designation permits a density ranging between 26 and 50 units per net hectare and the 'Residential High Density' designation permits a density ranging between 51 and 185 units per net hectare as per the Official Plan (1997, as amended). However, staff have also considered that the Zoning By-law 2020 does not include a maximum density for retirement homes. Staff have also reviewed the proposal against Chapter 3, Subsection 3.1.4(2) g) of the Official Plan (2020) which exempts Assisted and Special Needs Housing that does not contain full culinary and sanitary facilities from the density provisions of the Official Plan (2020). Staff are satisfied that the proposal meets the criteria.</p>

	<p>Further, the proposal does not request any reduction in amenity area. The proposal only requests relief from one setback which is the setback towards Cumberland Avenue with a reduction of 1.5 m. Additionally, Transportation Planning Staff have no concerns with the proposed parking rate provided the retirement home use be solely for memory care.</p>
<p>Traffic</p> <ul style="list-style-type: none"> <li>• Safety concerns over 2 driveways.</li> <li>• Proposed development will increase traffic.</li> </ul>	<p>Transportation Planning Staff have provided comments that state no concerns for the proposed entrances or increased traffic. The proposed retirement home will solely be for memory care use. Additionally, the east and west bound bus stops are serviced by the 10-bus route which has connections to the Downtown Terminal, Burlington GO, and Appleby GO. There is also a southbound bike lane on Cumberland Avenue. Further, New Street has been identified as a minor arterial and Cumberland Avenue has been identified as a collector. These are high order roads anticipated to accommodate higher flows of traffic.</p>
<p>Parking</p> <ul style="list-style-type: none"> <li>• Reduced parking could add to on-street parking.</li> </ul>	<p>Transportation Planning Staff have indicated no concerns for the proposed parking rate. The applicant is proposing a parking rate of 0.35 spaces per unit. This is the same rate considered in the Zoning By-law 2020 for long term care facilities. Although the proposed development is not considered a long term care facility, it has a very similar use by caring for seniors with dementia and/or higher levels care. Therefore, there are no anticipated negative impacts from the proposed parking rate.</p>
<p>Flooding</p> <ul style="list-style-type: none"> <li>• There was a previous flooding event that impact the townhouse buildings and this development may cause another flood.</li> </ul>	<p>Conservation Halton commented on the proposal during the pre-consultation stage of the application and stated that the property was not within their regulated area.</p> <p>Development Engineering Staff have reviewed the submitted Functional</p>

	<p>Servicing and Stormwater Management Report prepared by Counterpoint Engineering dated September 11, 2023. No concerns were indicated for the proposal at the Official Plan Amendment and Zoning By-law Amendment stage. Any concerns can be managed at the Site Plan stage. Further, Planning Staff have discussed the implementation of a 3 metre landscape buffer along the western property line as well as vegetation along the perimeter of the ground floor outdoor amenity area and have no objection as there will not be an increase of impervious surfaces.</p>
<p>Shadow</p> <ul style="list-style-type: none"> <li>• Proposed development will reduce the light on the townhouse buildings.</li> </ul>	<p>A Revised Shadow Study was prepared by Weston Consulting and dated November 2023. This was reviewed against the Shadow Study Guidelines and Terms of Reference (2020). The guidelines consider shadowing on Key Civic and Cultural Spaces, Private Outdoor Amenity Spaces, Parks and Open Spaces, Places Where Children Play, and Public Realm and Sidewalks. The proposed development meets the guidelines.</p> <p>Staff have also reviewed the Revised Shadow Study prepared by Weston Consulting dated November 2023 to identify which times the townhouses were impacted which have been listed below:</p> <ul style="list-style-type: none"> <li>• March 21<sup>st</sup>: 9 am</li> <li>• June 21<sup>st</sup>: 8 am</li> <li>• June 21<sup>st</sup>: 9 am</li> <li>• September 21<sup>st</sup>: 9 am</li> </ul> <p>The Shadow Study reviewed the times March 21<sup>st</sup> 9 am to 6 pm, June 21<sup>st</sup> 8 am to 7 pm, September 21<sup>st</sup> 9 am to 6 pm, and December 21<sup>st</sup> 11 am to 3 pm. Planning Staff would consider the shadowing impacts on the townhouse property to be minimal based on the number of times shadows are cast on the property within the timeframes identified.</p>

	<p>Planning Staff have also considered the solid wall facing the townhouse property. The proposed development provides 1 stepback at the 7th storey. However, Planning Staff are of the opinion that the 13 metre setback as well as the implementation of a landscape buffer and additional vegetation will mitigate any visual impacts to the townhouse property.</p>
<p>Construction</p> <ul style="list-style-type: none"> <li>The construction will cause noise and dust as well as impact traffic.</li> </ul>	<p>The Construction and Mobility Management Plan will be further reviewed by Development Engineering staff at Site Plan and will look to address any safety concerns.</p>
<p>Long Term Care Home</p> <ul style="list-style-type: none"> <li>Proposed development is not for long term care but for memory care. What is the difference?</li> </ul>	<p>The proposed development is regulated by the <i>Retirement Homes Act (2010)</i>. The retirement home is proposed to be for memory care as it will accommodate for the needs of seniors living with dementia. This is similar to a long term care home, however, it is not regulated and/or licensed under the <i>Long Term Care Home Act (2007)</i>. Therefore, the proposed use is similar to a long term care home, but it is privately funded and not regulated under the act.</p>
<p>Property Value</p> <ul style="list-style-type: none"> <li>Proposed development will cause decreases in property value.</li> </ul>	<p>Public comments received also noted concerns for property values. Planning Staff have considered compatibility with the adjacent townhouses and have provided a modified approval with increased vegetation along the west side lot line to mitigate visual impacts. Further, the applicant has proposed a 13 metre setback from the lot line abutting a residential zone. Therefore, Planning Staff are of the opinion that the proposed development considers the potential impact to the townhouse property and have provided mitigation measures to ensure compatibility.</p>
<p>Character</p> <ul style="list-style-type: none"> <li>Proposed development will be in an established neighbourhood and does not reflect the character.</li> </ul>	<p>The property is within an 'Established Neighbourhood Area' as shown in Schedule B-1 – Growth Framework of the Official Plan, 2020. The proposed</p>

	<p>development was reviewed against the evaluation criteria for intensification in Part 3, Subsection 2.5.2 a) of the Official Plan (1997, as amended). Further, Assisted and Special Needs Housing shall be permitted throughout the city, but are encouraged to locate within the Urban Area, where residential uses are permitted and where transit, retail and public service facilities are readily accessible (Chapter 3, Subsection 3.1.4(1) a) of the Official Plan 2020).</p> <p>Planning Staff have also considered that the property immediate adjacent on the opposite side of New Street contains a 6-storey retirement building which has a linear height 21 metres excluding the mechanical penthouse (24 metres to the rear). The proposed development would have a height of 22.5 metres which would be a similar height to the building in the immediate area. Further, the property is on a corner lot and the other sides of the property are on New Street, Cumberland Avenue, and Centennial Trail. No negative impacts are anticipated to the roads or the trail.</p>
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**Conclusion:**

Planning staff have reviewed the Official Plan Amendment and Zoning By-law Amendment applications submitted for the lands located at 454-462 Cumberland Avenue and 3255, 3259, and 3265 New Street 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 modified approval of the applications.

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Respectfully submitted,

Jaclyn Schneider

Planner – Development Review

905-335-7600 ext. 7326

**Appendices:**

- A. Existing Zoning
- B. Concept Plan
- C. Public Comments
- D. Draft Official Plan Amendment
- E. Draft Zoning By-law Amendment
- F. Draft Residential Development Agreement

**Notifications:**

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**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.