



SUBJECT: Statutory Public Meeting and Recommendation for a Zoning By-law Amendment at 336 Appleby Line

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-07-24

Wards Affected: 4

Date to Committee: February 6, 2024

Date to Council: February 13, 2024

Recommendation:

Approve the Zoning By-law Amendment application for the property located at 336 Appleby Line to permit one (1) semi-detached dwelling of two (2) storeys in height fronting onto Cottonwood Drive; and

Approve Zoning By-law 2020.468, attached as Appendix D to Report PL-07-24, which amends the zoning of the lands located at 336 Appleby Line from 'R2.4' zone to 'R4-533'; and

Deem that the amending zoning by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands

PURPOSE:

Vision to Focus Alignment:

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

- Increase economic prosperity and community responsive city growth
- Improve integrated city mobility
- Support sustainable infrastructure and a resilient environment
- Building more citizen engagement, community health and culture

Executive Summary:

RECOMMENDATION:		Approval with Holding Provision	Ward:	4
Application Details	APPLICANT:	Johnsson Studio		
	OWNER:	Mithal R-Abbas		
	FILE NUMBERS:	520-10/23		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	PROPOSED USE:	One (1) semi-detached dwelling of two (2) storeys in height fronting onto Cottonwood Drive		
Property Details	PROPERTY LOCATION:	Southwest of the intersection of New Street and Appleby Line, more specifically the property is located at the south-west corner of Cottonwood Drive and Appleby Line.		
	MUNICIPAL ADDRESSES:	336 Appleby Line		
	PROPERTY AREA:	0.07 ha (approximately 749.59m)		
	EXISTING USE:	Single Detached Dwelling		
Documents	1997 OFFICIAL PLAN Existing:	Residential – Low Density		
	2020 OFFICIAL PLAN Existing:	Residential – Low Density		
	ZONING Existing:	Low-Density Residential (R2.4)		
	ZONING Proposed:	Low-Density Residential (R4-533)		
Processing Details	APPLICATION MADE AND COMPLETE AS OF:	December 11, 2023		
	STATUTORY DEADLINE:	February 26, 2024		
	PRE-APPLICATION COMMUNITY MEETING:	December 8, 2022		

	PUBLIC COMMENTS:	As of the drafting of this report, the City has received sixteen (16) written comments from members of the public on this application. Notices were sent to 83 addresses within 120 metres of the subject property as well as the required agencies.
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On November 28, 2023 the City received a complete application from Johnsson Studio requesting a Zoning By-law Amendment on behalf of Mithal R-Abbas to permit a development at 336 Appleby Line consisting of a semi-detached dwelling of two (2) storeys in height fronting onto Cottonwood Drive.

The purpose of this report is to provide an overview of the application, an outline of applicable policies and regulations, a summary of technical and public comments that have been received and staff's recommendation with respect to this application.

Description of the Subject Property and Surrounding Land Uses

The property municipality known as 336 Appleby Line (the "subject lands") is located in the neighbourhood southwest of the intersection of New Street and Appleby Line, more specifically located at the southwest intersection of Cottonwood Drive and Appleby Line (as shown on Appendix A – Existing Zoning Plan). The subject lands have an area of approximately 0.07 ha (approximately 749.59 square meters) and currently contain a single-detached dwelling.



The subject lands are surrounded predominantly by low-density residential uses including single detached dwellings. Furthermore, the subject lands are also near commercial uses and residential medium-density uses to the north towards the intersection of New Street and Appleby Line which is approximately 250 metres north from the subject lands. North of the subject lands is Cottonwood Drive and across is the property 346 Appleby Line which is zoned as R2.4 and contains a single-detached dwelling. Similarly, to the east is Appleby Line and across are the properties 337 & 333 Appleby Line which are zoned as R3.3 and contain two (2) storeys single-detached

dwellings. To the south is the property 328 Appleby Line which is zoned as R2.4 and contains a new two (2) storey single-detached dwelling and to the west is the property 4524 Cottonwood Drive, which is zoned as R2.4 and contains a single-detached dwelling.

The subject lands are located directly on Burlington Transit Route 10 (New-Maple) which runs along Appleby Line. Additionally, the subject lands are approximately 130 m away from Night Route 50 (Burlington South) which runs between the times of 11 p.m. to 1:30 a.m. from Monday to Saturday. Route 10 connects to the Burlington GO station, the Downtown Terminal and the Appleby GO station while Route 50 connects to the Burlington GO and the Burlington Downtown Terminal.

Description of Applications

On December 11, 2023, planning staff deemed complete the application that had been received as of November 28, 2023, for a Zoning By-law Amendment at the subject lands. The purpose of the application is to amend the Zoning By-law to allow for the development of a semi-detached dwelling of two (2) storeys in height fronting onto Cottonwood Drive. A subsequent consent application would be required to sever the proposed lots (as shown on Appendix B – Concept Plan). Furthermore, the development includes two (2) parking spaces per unit and a density of approximately 28.57 units per net hectare.

Supporting Documents

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

- **Application Form** signed November 6, 2023.
- **Planning Justification Report** prepared by Urban in Mind dated May 10, 2023.
- **Site Survey** prepared by Avanti Surveying Inc dated November 30, 2021.
- **Draft R-Plan/Survey** prepared by Avanti Surveying Inc.
- **Conceptual Site Plan (Including Landscape Concept Plan)** prepared by Johnsson Studio dated May 10, 2023.
- **Functional Servicing Report (including Stormwater Management brief)** prepared by Lasonne Engineering Ltd. dated June 2023.
- **Siting and Grading Plan** prepared by Lasonne Engineering LTD. dated May 2023.
- **Arborist Report (including Tree Inventory and Preservation Plan)** prepared by Greenprint Consulting Arborists dated February 1, 2023.
- **Tree Protection Plan** prepared by Greenprint Consulting Arborists dated February 1, 2023
- **Noise Feasibility Study** prepared by HGC Engineering dated May 11, 2023.
- **Geotechnical Report** prepared by Soil-Mat Engineers & Consultants Ltd. dated June 5, 2023.
- **Environmental Site Screening Questionnaire** signed October 25, 2023.

- **Pre-application Community Meeting Minutes and Responses** prepared by Johnsson Studio dated October 2022.
- **336 Appleby Line Indenture** dated October 28, 1959.
- **PIN Report** dated November 2, 2021.
- **Revised Conceptual Plan Layout and Architectural Plans** prepared by Johnsson Studio dated January 15, 2024.
- **Revised Planning Justification Report (including the Sustainable Building Guidelines)** prepared by Urban in Mind dated May 10, 2023.
- **Revised Draft R-Plan** prepared by Avanti Surveying Inc.
- **Revised Functional Servicing Report** prepared by Lasonne Engineering Ltd. dated June 2023.
- **Revised Application Form Owner's Signature** prepared by Johnsson Studio dated January 10, 2024.
- **Revised Tree Inventory Table** prepared by Greenprint Consulting Arborists dated January 9, 2024.
- **Revised Tree Protection Plan** prepared by Greenprint Consulting Arborists dated January 9, 2024.
- **Revised Arborist Report** prepared by Greenprint Consulting Arborists dated January 9, 2024.

The supporting documents have been uploaded on the City's website for the subject application which can be found on the following development webpage www.burlington.ca/336appleby.

Policy Framework

The proposed Zoning By-law Amendment is 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 New Official Plan (2020), and City of Burlington Zoning By-law 2020, as summarized below. A policy analysis has been provided to demonstrate the proposal is in keeping with the applicable framework.

Provincial Policy Statement (2020)

The Provincial Policy Statement (the "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 plan provides direction on managing and directing land uses to achieve efficient and resilient development and land use patterns. Section 1.1.1 describes that healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

- b) accommodating an appropriate affordable and market-based range and mix of residential types and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) 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;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

The PPS directs that growth and development be focused in 'Settlement Areas' which include built-up urban 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 therefore considered to be located within a Settlement Area.

In accordance with Section 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. This policy section describes 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 where this can be accommodated 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. Similarly, Section 1.1.3.4 describes appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Furthermore, Section 1.1.3.5, describes planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.

The subject lands are located within the 'Residential Area' designation under Schedule A of the 1997 Official Plan (as amended) and are currently occupied by a single-detached dwelling. The subject lands are envisioned as an 'Established Neighbourhood Area' under Schedule B-1: Growth Framework of the City of Burlington New Official Plan (2020). The proposed Zoning By-law amendment aims to rezone the subject lands from a 'Low-Density Residential' (R2.4) zone to a 'Low-Density Residential' R4 zone with site-specific regulations to allow for the proposed semi-detached dwelling already permitted under the local Official Plan designations. The proposed development is therefore considered to be an efficient use of land and resources and are appropriate for the infrastructure that is available including servicing and existing transit routes.

In accordance with the housing policies under Section 1.4.1, the plan describes that developments are to provide an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. This may be achieved by accommodating residential growth through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development. Similarly, Section 1.4.3 identifies planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents. This may be achieved by permitting and facilitating all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3 as previously discussed in this report. This may also be achieved by: 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; by 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; and by requiring transit-supportive development and prioritizing intensification in proximity to transit, including corridors and stations.

In accordance with the public spaces, recreation, parks, trails and open space policies under Section 1.5.1, the plan describes healthy and active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity as well as by planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages. The proposed development provides for access to the public sidewalks along Appleby Line and Cottonwood Drive. The City's Engineering Services Accessibility staff and the City's Transportation Planning staff have also reviewed the development application and have demonstrated no concerns on the proposed Zoning By-law Amendment.

In accordance with the energy conservation, air quality and climate change policies, Section 1.8.1, planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which promote the use of active transportation and transit in and between residential uses and other areas. Additionally, development is to encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion, promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and maximize vegetation within settlement areas, where feasible.

The Zoning By-law Amendment application and development proposal contemplates redeveloping the existing subject lands from a single-detached dwelling which currently contains one (1) residential unit with a semi-detached dwelling which would provide for two (2) residential units. The proposed development would be served by existing servicing infrastructure and public service facilities that currently serve the surrounding neighbourhood area. The subject lands are also near existing public transit routes at approximately 20 metres south from the nearest Burlington Transit bus stop which runs on Route 10 (New-Maple) along Appleby Line. Additionally, the subject lands are approximately 130 m away from Night Route 50 (Burlington South) which runs between the times of 11 p.m. to 1:30 a.m. from Monday to Saturday. Route 10 connects to the Burlington GO station, the Downtown Terminal and the Appleby GO station while Route 50 connects to the Burlington GO and the Burlington Downtown Terminal.

Additionally, the development proposal aligns with minimizing negative impacts to air quality and climate change, promote energy efficiency, prepare for the impacts of a changing climate and support active transportation as identified under the review of the Sustainable Building Design Guidelines later discussed in this report. The City's Urban Forestry and Landscape staff have reviewed the Zoning By-law Amendment application

in regard to natural vegetation preservation and have indicated concerns with the proposed tree removals. As a result, planning staff have incorporated a Holding provision under the amending By-law as later discussed in this report to address their concerns.

As per the analysis provided, planning staff have considered the policies of the PPS with regard to this Zoning By-law amendment application and are of the opinion that the proposal is consistent with the PPS.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”) provides a policy framework for managing growth in an area of Ontario. All planning decisions within the Growth Plan area must conform to the Growth Plan.

The Growth Plan is intended to support the achievement of complete communities with access to transit networks, protected employment zones, and an increase in the amount and variety of housing available. The Growth Plan also envisions a healthy natural environment and agricultural lands, which will contribute to the region’s resilience and our ability to adapt to a changing climate. To accomplish its vision, the Growth Plan establishes policies regarding how land is developed, resources are managed and protected, and where investments are made.

The Growth Plan provides specific growth management policy direction and focuses development in the existing urban areas through intensification. In accordance with Section 2.2.1 (2), 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. Additionally, within Settlement Areas growth will be focused in: delineated built-up areas; strategic growth areas; locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and in areas with existing or planned public service facilities.

In accordance with subsection 2.2.1.4, applying the policies of this Plan will support the achievement of complete communities that feature a diverse mix of land uses and housing options with convenient access to: transportation options, including safe, comfortable and convenient and active transportation; local stores; services; public service facilities; an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and improve social equity and overall quality of life. This policy also outlines, these are expected to provide for a more compact built form and a vibrant public realm, including public open spaces; mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and integrate green infrastructure and appropriate low impact development.

In accordance with the housing policies under Section 2.2.6 2., notwithstanding policy 1.4.1 of the PPS as previously discussed in the report, municipalities will support the achievement of complete communities by: planning to accommodate forecasted growth to the horizon of this Plan, planning to achieve the minimum intensification and density targets in this Plan, considering the range and mix of housing options and densities of the existing housing stock, and planning to diversify their overall housing stock across the municipality. Furthermore, as per Section 2.2.6.4, municipalities will need to maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.

The Zoning By-law Amendment application and development proposal contemplates redeveloping the existing subject land from a single-detached dwelling which currently contains one (1) residential unit with a semi-detached dwelling which would provide for two (2) residential units. The proposed development would be served by existing servicing infrastructure and public service facilities that currently serve the surrounding neighbourhood area. The subject lands are also in close proximity to existing public transit routes at approximately 20 metres south from the nearest Burlington Transit bus stop which runs on Route 10 (New-Maple) along Appleby Line. Additionally, the subject lands are approximately 130 m away from Night Route 50 (Burlington South) which runs between the times of 11 p.m. to 1:30 a.m. from Monday to Saturday. Route 10 connects to the Burlington GO station, the Downtown Terminal and the Appleby GO station while Route 50 connects to the Burlington GO and the Burlington Downtown Terminal.

As per the analysis provided, planning staff is of the opinion that the proposed Zoning By-law amendment on the subject land conforms with the policy direction provided by the Growth Plan.

Halton Region Official Plan (2009)

The Halton Region Official Plan (the “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.

Regional Official Plan Amendment (ROPA) 48 was approved by the Minister of Municipal Affairs and Housing on November 10, 2021. This amendment was the first amendment to be advanced as part of the Regional Official Plan Review under section 26 of the Planning Act. ROPA 48 defines specific elements of a Regional Urban Structure including Strategic Growth Areas. The policies of ROPA 48 are in effect and not subject to appeal.

ROPA 49 was the second amendment to be advanced as part of the Regional Official Plan Review. ROPA 49 was adopted by Regional Council on June 15, 2022, and was approved by the Minister of Municipal Affairs and Housing with 45 modifications on November 4, 2022. Then, on December 6, 2023, the Minister of Municipal Affairs and Housing rescinded 43 of the 45 modifications previously made to ROPA 49 by the Minister of Municipal Affairs and Housing through Bill 150, Planning Statute Amendment Act, 2023. Mayor Meed Ward provided comments to the Minister of Municipal Affairs and Housing requesting that all of the 45 modifications made to ROPA 49 by the Minister on November 4, 2022, be substantially retained. Staff are awaiting details as to how those comments might be addressed by the Minister.

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated ‘Urban Area’. In accordance with Section 72, some of the goals of Urban Areas are to:

- To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.
- To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships and fosters a strong and competitive economy.
- To provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure.
- To ensure that growth takes place commensurately both within and outside the Built Boundary.
- To plan and invest for a balance of jobs and housing in communities across the Region to reduce the need for long distance commuting and to increase the modal share for transit and active transportation.
- To facilitate and promote intensification and increased densities.

Furthermore, in accordance with Section 75, the Urban Area is planned to accommodate the distribution of population and employment for the Region and the Municipalities as shown in Table 1 and the Regional phasing as shown in Table 2a of the ROP.

In accordance with Section 85, some of the objectives of housing in the Region of Halton include: to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods; and encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal

physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles. Furthermore, Section 86 outlines it is the policy of the Region to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

In accordance with Section 89(3), all new development within the Urban Area will be on the basis of connection to Halton's municipal water and wastewater system. Region of Halton staff have reviewed the submitted Functional Servicing Report (FSR) and note that the FSR report is satisfactory for the purposes of the re-zoning application at this time.

Section 147(17) of the ROP requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use. The applicant was required to submit an Environmental Site Screening Questionnaire (ESSQ) which Halton Region staff have reviewed and have described no concerns and no further assessment would be required as no concerns have been raised in terms of potential site contamination.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment conforms to the ROP.

City of Burlington Official Plan (1997, as amended)

The City of Burlington'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 designated 'Residential Low Density' under Schedule B: Comprehensive Land Use Plan – Urban Planning Area of the OP. In accordance with Part III, Section 2.2.2 c), lands within this designation may permit single-detached and semi-detached dwellings to a maximum density of 25 units per net hectare. In addition, other forms of ground-oriented housing units with a density to a maximum of 25 units per net hectare may be permitted.

A Zoning By-law Amendment is required to allow the proposed development which contemplates a development of a semi-detached dwelling of two (2) storeys in height fronting onto Cottonwood Drive. The development includes two (2) parking spaces per unit and a density of approximately 28 units per net hectare (as shown on Appendix B – Concept Plan).

The density for the proposed semi-detached dwelling results in approximately 28.57 units per net hectare or 1.87 units, which is interpreted as 1 unit under the OP. In accordance with Part VI, Section 3.2 e) minor variations from numerical requirements in the Plan may be permitted without a Plan amendment, provided the general intent of the Plan is maintained. Along with the review provided in the following section, staff is of the opinion the proposed density may be permitted without a Plan amendment.

The criteria listed under Part III, Section 2.5.2 a) shall be considered when evaluating proposals for housing intensification within established neighbourhoods, as follows:

Part III, Section 2.5.2 a) (i): adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland.

Staff comment: The City's Development Engineering staff, Halton Region staff, Halton District School Board staff and Halton Catholic District School Board staff have been circulated as part of the technical review process and have indicated no concerns in terms of servicing capacity and school accommodations.

Part III, Section 2.5.2 a) (ii): adequate off-street parking.

Staff comment: The application contemplates two (2) vehicle parking spaces per unit, one of which would be provided on the driveway and one within the attached garage. The existing R2.4 and the proposed R4 zone require two (2) parking spaces per unit, one of which may be provided in the attached garage. Therefore, the proposed development meets the minimum required number of vehicle parking spaces in accordance with the current Zoning By-law 2020. The City's Planning and Transportation Planning have no concerns with the proposed vehicle parking.

Part III, Section 2.5.2 a) (iii): the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads and collector streets rather than local residential streets.

Staff comment: The City's Planning and Transportation Planning staff have no concerns with the proposed parking and overall traffic flow generated by the proposed use.

Part III, Section 2.5.2 a) (iv): the proposal is in close proximity to existing or future transit facilities.

Staff comment: The subject lands are approximately 20 metres south from the nearest Burlington Transit bus stop which runs on Route 10 (New-Maple) along Appleby Line, directly adjacent to this site. Additionally, the subject lands are approximately 130 m away from Night Route 50 (Burlington South) which runs between the times of 11 p.m. to 1:30 a.m. from Monday to Saturday. Route 10 connects to the Burlington GO station, the

Downtown Terminal and the Appleby GO station while Route 50 connects to the Burlington GO and the Burlington Downtown Terminal.

Part III, Section 2.5.2 a) (v): compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing and proposed buildings is provided.

Part III, Section 2.5.2 a) (ix): capability exists to provide adequate buffering and other measures to minimize any identified impacts.

Staff comment: The proposed development includes rezoning the property from a 'Low Density Residential' R2.4 zone to a 'Low Density Residential' R4 zone with site specific regulations. The Zoning By-law Amendment would require amendments to the underlying R4 zoning for: reduced lot width from the minimum required 9.5m to 9.45m; reduced lot area from the minimum required 400m² to 325.23 m²; reduced rear yard from the minimum required 9 m to 5.8m; reduced street side yard to the dwelling from the minimum required 6m to 5.3m as well as to the basement walkout from 6m to 4m; a height increase from the maximum permitted 7m to 8.1m; and to permit a maximum of one driveway per semi-detached dwelling unit.

The subject lands are surrounded predominantly by low-density residential uses including single detached dwellings. North of the subject lands is Cottonwood Drive and across is the property 346 Appleby Line which is zoned as R2.4 and contains a one (1) storey single-detached dwelling. Similarly, to the east is Appleby Line and across are the properties 337 & 333 Appleby Line which are zoned as R3.3 and contain two (2) storeys single-detached dwellings. To the south is the property 328 Appleby Line which is zoned as R2.4 and contains a newly built two (2) storey single-detached dwelling and to the west is the property 4524 Cottonwood Drive, which is zoned as R2.4 and contains a single-detached dwelling.

The existing subject lands contains a lot width of approximately 21.79m and a lot area of approximately 749.59 m². The proposed development contemplates two (2) future lots on the property. Lot 1 contemplates a lot width of 12.33 m and Lot 2 of 9.45 m, resulting in a reduction from the existing R2.4 zone regulations for lot one of approximately 3.67m and for lot 2 of approximately 6.55m. Similarly, Lot one (1) contemplates a lot area of 424.36 m² and lot two (2) contemplates a lot area of 325.23 m², resulting in a reduction from the existing R2.4 zone regulations for lot one of approximately 175.64 m² and for lot two of approximately 274.77 m². The properties directly adjacent and fronting onto the subject lands are zoned as R2.4 and R3.3. While the R2.4 zone permits for the regulations mentioned above, the R3.3 zone permits for a lot width of 13m and a lot area of 400m², similar to the R4 zone lot width of 9.5m and lot area of 400m². Given the proposed reduction and surrounding neighbourhood context, planning staff is of the opinion that the proposed lot configurations would continue to be compatible with surrounding lots.

The existing single-detached dwelling provides a rear yard of approximately 13m. The existing R2.4 zone requires a minimum rear yard of 4.5m for corner lots while the R4 zone requires a more restrictive minimum 9m rear yard. The proposed development includes a reduction to the R4 zone from 9m to approximately 6.14m for lot 1 and 5.88m of lot 2. Similarly, the existing single-detached dwelling provides a street side yard of approximately 7.5m. The existing R2.4 zone requires a minimum street side yard of 4.5m while the R4 zone requires more restrictive minimum street side yard of 6m. The proposed development includes a reduction to the R4 zone from 6m to the dwelling of 5.3m as well as to the basement walkout of 4m. Therefore, planning staff is of the opinion that the reduced yards are generally more restrictive than those of the existing zone and continue to provide for sufficient spatial separation for adequate access around buildings as well as protect compatibility with existing neighbourhood dwellings zoned as R2.4 and R3.3.

The existing single detached dwelling is one (1) storey in height. The existing 'Residential Low Density' designation zone permits for dwellings up to two (2) storeys in height and the existing R2.4 zone as well as the proposed R4 zone permit for single-detached and semi-detached dwellings to have a maximum height of two (2) storeys to 10 m for peaked roofs and a maximum height of two (2) storeys to 7m for flat roofs. The proposed development includes an increase from the 7m to 8.1m in height. Therefore, it is staff's opinion that the proposed development continues to ensure massing compatibility with the adjacent or neighbouring dwellings.

Part III, Section 2.5.2 a) (vi): effects on existing vegetation from development proposals are to be minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character.

Staff comment: As part of the required materials for the application submission, the applicant has provided an Arborist Report including a Tree Inventory and Tree Preservation Plan, a Tree Protection Plan and a Conceptual Site Plan which includes a Concept Landscape Plan. The City's Urban Forestry and Landscaping staff have reviewed the submitted materials and have demonstrated objection to the development application because modifications to the proposed layout should be investigated to alleviate the removal requirement of the city tree (C1) private tree (1). Considerations should include but not be limited to flipping the house design to alleviate the removal of tree C1 and impacts to tree 1 as the garage will require reduced shoring depths. Any exploratory exercise should be considered to determine the root impacts. As a result, planning staff have incorporated a Holding provision under the amending By-law as later discussed in this report to address their concerns.

Part III, Section 2.5.2 a) (vii): significant sun-shadowing for extended periods on adjacent properties from the proposed development, particularly outdoor amenity areas, is to be at an acceptable level.

Staff comment: The proposed development consists of a two-storey semi-detached dwelling with minor yard reductions as discussed in later zoning related sections of this report, planning staff therefore have no concerns of potential significant sun-shadowing.

Part III, Section 2.5.2 a) (viii): accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;.

Staff comment: The proposed development is located within a 'Residential Area' under Schedule A – Settlement Pattern of the OP and it is approximately 260m away from the nearest 'Major Retail Areas' designation. The 'Residential' and 'Major Retail Areas' designations are connected by pedestrian and transit routes. Under the Zoning By-law, the 'Community Commercial' zones allow for a variety of uses including: convenience/specialty food stores and other retail stores, service commercial, office, community, automotive and entertainment and recreation uses that serve the greater residential neighbourhood communities.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment conforms to the OP.

City of Burlington New Official Plan (2020)

On November 30, 2020, Halton Region issued a Notice of Decision approving a new City of Burlington Official Plan (2020) (the "OP 2020"). 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.

The subject lands are designated 'Residential Low Density' under Schedule C: Land Use - Urban Area of the OP 2020. In accordance with Section 8.3.3 (1) a), lands within this designation may permit single-detached and semi-detached dwellings to a maximum density of 25 units per net hectare. Townhouses may be considered under this designation, through a site-specific Zoning By-law Amendment, subject to the fulfillment of specific criteria.

The criteria listed under Section 12.1.2 (2.2) c) shall be satisfied when evaluating all development applications, where applicable. As part of the Zoning By-law Amendment, the applicant was required to provide an Environmental Site Screening Questionnaire (ESSQ) which Halton Region staff have reviewed along with all the materials submitted and have indicated no concerns over potential adverse effects from potential site contamination generated by the proposed development. Additionally, the applicant was also required to provide a Noise Feasibility Study which Development Engineering staff reviewed and indicated no concerns over potential adverse effects from vibration and noise generated by the proposed development. It is therefore planning staff's opinion that the proposed development conforms with the policies under Section 4.6 of the OP 2020.

In accordance with Section 12.1.2 (2.2) c) (iii), the development shall be consistent with the intent of the Urban Structure as outlined in section 2.3 of the Plan, and maintain the land use vision established in the land use designations of this Plan. The subject lands are designated as 'Residential Neighbourhood Area' under Schedule B – Urban Structure of the Plan. In accordance with Section 2.3.4 lands identified as 'Residential Neighbourhood Areas' make up a significant proportion of the Urban Area and 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. Any development occurring in these areas shall be compatible and should enhance the physical character of the surrounding area, in accordance with subsection 2.4 – Growth Framework and the applicable policies of Chapter 8: Land Use Policies – Urban Area of this Plan.

The subject lands are designated as 'Established Neighbourhood Area' under Schedule B-1 – Growth Framework of the Plan. In accordance with Section 2.4.2.(3) a) established neighbourhood areas shall be composed of selected lands designated Residential – Low Density, Residential – Medium Density, and Residential – High Density, and development shall be in accordance with the permissions and densities established in the underlying land use designation. Furthermore, in accordance with subsection 2.4.2 (3) b), opportunities for intensification in 'Established Neighbourhood Areas' may be permitted with development that is in accordance with the maximum density and/or intensity permitted under the applicable land use designation. The subject lands are currently occupied by a single-detached dwelling and the proposed development of a semi-detached dwelling is a permitted use under the existing designation with a density of approximately 28.57 units per net hectare.

Similarly, to the current OP, in accordance with section 12.2.2 l) under the OP 2020, minor variations from numerical requirements in the Plan may be permitted without a Plan amendment, provided the general intent of the Plan is maintained. The density for the proposed semi-detached dwelling results in approximately 28.57 units per net hectare or 1.87 units. In accordance with Part VI, Section 3.2 e) minor variations from numerical requirements in the Plan may be permitted without a Plan amendment, provided the general intent of the Plan is maintained. Along with the review provided in the following section, staff is of the opinion the proposed density may be permitted without a Plan amendment.

In accordance with Section 12.1.2 (2.2), the following criteria shall be satisfied when evaluating all development applications, where applicable:

Section 12.1.2 (2.2) c) (ii): the development shall achieve built form compatibility.

Section 12.1.2 (2.2) c) (iv): the development shall achieve high quality urban design and is consistent with the policies contained in Chapter 7 – Design Excellence.

Section 12.1.2 (2.2) c) (viii): the development shall provide buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided.

Staff comment:

In accordance with Section 7.3.2 (2) i), 'Established Neighbourhood Areas' are subject to the policies of Subsection 7.3.2 a) of the OP 2020, where applicable and additional considerations such as, but not limited to: the local pattern of lots; the building typologies of nearby residential properties; the heights and scale of nearby residential properties; the setback of buildings from the street; and the pattern of rear and side-yard setbacks. These identify that development should be designed to enhance the existing physical character of the surrounding area within which it is situated.

The proposed development includes rezoning the property from a 'Low Density Residential' R2.4 zone to a 'Low Density Residential' R4 zone with site specific regulations. The Zoning By-law Amendment would require amendments to the underlying R4 zoning for: reduced lot width from the minimum required 9.5m to 9.45m; reduced lot area from the minimum required 400m² to 325.23 m²; reduced rear yard from the minimum required 9 m to 5.8m; reduced street side yard to the dwelling from the minimum required 6m to 5.3m as well as to the basement walkout from 6m to 4m; a height increase from the maximum permitted 7m to 8.1m; and to permit a maximum of one driveway per semi-detached dwelling unit.

The subject lands are surrounded predominantly by low-density residential uses including single detached dwellings. North of the subject lands is Cottonwood Drive and across is the property 346 Appleby Line which is zoned as R2.4 and contains a one (1) storey single-detached dwelling. Similarly, to the east is Appleby Line and across are the properties 337 & 333 Appleby Line which are zoned as R3.3 and contain two (2) storeys single-detached dwellings. To the south is the property 328 Appleby Line which is zoned as R2.4 and contains a newly built two (2) storey single-detached dwelling and to the west is the property 4524 Cottonwood Drive, which is zoned as R2.4 and contains a single-detached dwelling.

The existing subject lands contain a lot width of approximately 21.79m and a lot area of approximately 749.59 m². The proposed development contemplates two (2) future lots on the property (As outlined on *Table 1: Zone Comparison (Current & Site-Specific Zone Proposed* under the *Zoning By-law 2020* section below). Lot 1 contemplates a lot width of 12.33 m and Lot 2 of 9.45 m, resulting in a reduction from the existing R2.4 zone regulations for lot one of approximately 3.67m and for lot 2 of approximately 6.55m. Similarly, Lot one (1) contemplates a lot area of 424.36 m² and lot two (2) contemplates a lot area of 325.23 m², resulting in a reduction from the existing R2.4 zone regulations for lot one of approximately 175.64 m² and for lot two of approximately 274.77 m². The properties directly adjacent and fronting onto the subject lands are zoned as R2.4 and

R3.3. While the R2.4 zone permits for the regulations mentioned above, the R3.3 zone permits for a lot width of 13m and a lot area of 400m², similar to the R4 zone lot width of 9.5m and lot area of 400m². Given the proposed reduction and surrounding neighbourhood context, planning staff is of the opinion that the proposed lot configurations would continue to be compatible with surrounding lots.

The existing single-detached dwelling provides a rear yard of approximately 13m. The existing R2.4 zone requires a minimum rear yard of 4.5m for corner lots while the R4 zone requires a more restrictive minimum 9m rear yard. The proposed development includes a reduction to the R4 zone from 9m to approximately 6.14m for lot 1 and 5.88m of lot 2. Similarly, the existing single-detached dwelling provides a street side yard of approximately 7.5m. The existing R2.4 zone requires a minimum street side yard of 4.5m while the R4 zone requires more restrictive minimum street side yard of 6m. The proposed development includes a reduction to the R4 zone from 6m to the dwelling of 5.3m as well as to the basement walkout of 4m. Therefore, planning staff is of the opinion that the reduced yards are generally more restrictive than those of the existing zone and continue to provide for sufficient spatial separation for adequate access around buildings as well as protect compatibility with existing neighbourhood dwellings zoned as R2.4 and R3.3.

The existing single detached dwelling is one (1) storey in height. The existing 'Residential Low Density' designation zone permits for dwellings up to two (2) storeys in height and the existing R2.4 zone as well as the proposed R4 zone permit for single-detached and semi-detached dwellings to have a maximum height of two (2) storeys to 10 m for peaked roofs and a maximum height of two (2) storeys to 7m for flat roofs. The proposed development includes an increase from the 7m to 8.1m in height. Therefore, it is staff's opinion that the proposed development continues to ensure massing compatibility with the adjacent or neighbouring dwellings.

Section 12.1.2 (2.2) c) (vi): the development shall be supported by available infrastructure and public service facilities.

Section 12.1.2 (2.2) c) (xi): the development where residential uses are proposed shall demonstrate the degree to which public service facilities and other neighbourhood conveniences, such as community centres, recreation, neighbourhood shopping centres and healthcare are located within walking distance or accessible by transit.

Staff comment: The subject lands are located within an 'Residential – Low Density' under Schedule C – Land Use - Urban Area of the OP 2020 and it is approximately 260m away from the nearest 'Neighbourhood Centre' designation. The 'Residential – Low Density' and 'Neighbourhood Centre' designations are connected by pedestrian and transit routes. Under the Zoning By-law, the 'Neighbourhood Centre' designation includes the 'Community Commercial' zones which allow for a variety uses including: convenience/specialty food stores and other retail stores, service commercial, office, community, automotive and entertainment and recreation uses that serve the greater

residential neighbourhood communities. The subject lands are approximately 20 metres south from the nearest Burlington Transit bus stop which runs on Route 10 (New-Maple) along Appleby Line. Additionally, the subject lands are approximately 130 m away from Night Route 50 (Burlington South) which runs between the times of 11 p.m. to 1:30 a.m. from Monday to Saturday. Route 10 connects to the Burlington GO station, the Downtown Terminal and the Appleby GO station while Route 50 connects to the Burlington GO and the Burlington Downtown Terminal.

Section 12.1.2 (2.2) c) (vii): the development shall preserve and protect trees, consistent with the policies contained in Section 4.3, Urban Forestry.

Staff comment: As part of the required materials for the application submission, the applicant has provided an Arborist Report including a Tree Inventory and Tree Preservation Plan, a Tree Protection Plan and a Conceptual Site Plan which includes a Concept Landscape Plan. The City's Urban Forestry and Landscaping staff have reviewed the submitted materials and have demonstrated objection to the development application because modifications to the proposed layout should be investigated to alleviate the removal requirement of the city tree (C1) private tree (1). Considerations should include but not be limited to flipping the house design to alleviate the removal of tree C1 and impacts to tree 1 as the garage will require reduced shoring depths. Any exploratory exercise should be considered to determine the root impacts. As a result, planning staff have incorporated a Holding provision under the amending By-law as later discussed in this report to address their concerns.

Section 12.1.2 (2.2) c) (xii): the development shall address multi-modal transportation considerations and be consistent with the policies in Section 6.2: Multi-modal Transportation, including but not limited that the development shall mitigate potential impacts on the municipal transportation system to an acceptable level with regard to transportation flow and capacity and it shall accommodate sufficient off-street parking and transportation demand management measures in accordance with the policies in Subsection 6.2.10.

Staff comment: City Transportation planning staff have reviewed the proposed Zoning By-law Amendment and have demonstrated no concerns with the proposed parking and potential traffic generated by the proposed use. Additionally, the proposed parking is in accordance with the requirements under the existing Zoning By-law 2020.

Section 12.1.2 (2.2) c) (ix): the development shall demonstrate that future development on the adjacent properties will not be compromised by the proposal and be designed to facilitate future pedestrian, cycling and/or private street.

Section 12.1.2 (2.2) c) (xvi): the development shall consider the relationship to existing or planned transit facilities including a frequent transit corridor, higher order transit, bus routes and/or transit shelters.

Section 12.1.2 (2.2) c) (xvii): the development shall complement and connect with the public realm, including walking and cycling facilities.

Staff comment: The proposed development fronts onto Cottonwood Drive which is designated as a ‘Neighbourhood Connector’ and abuts Appleby Line which is designated as an ‘Urban Avenue’ under Schedule O-1 – Classification of Transportation Facilities - Urban Area.

Section 12.1.2 (2.2) c) (xiv): the development shall provide stormwater management in accordance with the policies of Subsection 4.4.2(2) of this Plan.

Staff comment: As part of the required materials for the application submission, the applicant has provided a Functional Servicing Report which includes a Stormwater Management brief that Development Engineering staff have reviewed and have indicated no concerns.

Planning staff have reviewed the Zoning By-law Amendment application and materials and are of the opinion that the proposed development conforms to the City’s new Official Plan, 2020.

Zoning By-law 2020

The subject lands are currently zoned ‘Low Density Residential’ (R2.4) (as shown on Appendix A). The R2.4 zone permits a detached dwelling to a maximum height of two (2) storeys and one accessory dwelling unit subject to specific regulations. A Zoning By-law Amendment is required to allow the proposed development which contemplates the development of a semi-detached dwelling of two (2) storeys in height fronting onto Cottonwood Drive. The development includes two (2) parking spaces per unit and a density of approximately 28 units per net hectare (as shown on Appendix B – Concept Plan).

A comparison between the current and proposed zoning performance standards (and the applicable site-specific regulations) is illustrated on Table 1 (Zone Comparison), below.

Table 1: Zone Comparison (Current & Site-Specific Zone Proposed)

Regulations	Current By-law		Proposed	
	R2.4	R4	R4-XXX (Lot 1)	R4-XXX (Lot 2)
Lot Width	16 m	9.5 m	12.33 m	9.45 m
Lot Area	600m ²	400m ²	424.36 m ²	325.23 m²
Front Yard	6 m		6 m	6.5m

Rear Yard	9m (4.5m for corner lots)	9 m	6.40 m	5.88 m
Interior Side Yard	1.8 m, 3m other side	0m interior to adjacent semi 1.8 m for 2-storey (measured at the second storey) 1.2 m for 1-storey	0m interior to adjacent semi 2.5m	0m interior to adjacent semi
Street Side Yard	4.5 m	6m	5.37m to dwelling 4m to basement walkout.	N/A – Interior lot
Building Height	2 storeys, 7 m for flat roofs		2 storeys 8.1m	2 storeys 8.1m
Lot Coverage	35% including accessory buildings	N/A	36.06%	47.06%
Deck Height	<p>Decks in rear yard 60cm to 1.2m in height: Area: no maximum Setback from street line: 3m Setback from rear lot line: 1.8m Setback from side lot line: 1.2m (0m to common lot line with adjacent semi)</p> <p>Decks in rear yard over 1.2m in height and under 15m² in area: Area: 15m² maximum Setback from street line: 4.5m Setback from rear lot line: 4.5m Setback from side lot line: 1.8m (0m to common lot line with adjacent semi)</p>		5.9m	5.9m
Parking	For a Detached Dwellings and Semi-Detached Dwellings: 2 parking spaces per unit are required; one of		2 occupant parking spaces per unit	2 occupant parking spaces per unit

	which may be provided in an attached or detached garage.		
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The proposed development therefore requires amendments for: reduced lot width from the minimum required 9.5m to 9.45m; reduced lot area from the minimum required 400m² to 325.23 m²; reduced rear yard from the minimum required 9 m to 5.8m; reduced street side yard to the dwelling from the minimum required 6m to 5.3m as well as to the basement walkout from 6m to 4m; a height increase from the maximum permitted 7m to 8.1m; and to permit a maximum of one driveway per semi-detached dwelling unit.

The intent of lot width and lot area regulations under the Zoning By-law is to maintain compatibility with the surrounding neighbourhood by ensuring similar lot configurations. The existing subject land contains a lot width of approximately 21.79m and a lot area of approximately 749.59 m². The proposed development contemplates two (2) future lots on the property. Lot 1 contemplates a lot width of 12.33 m and Lot 2 of 9.45 m, resulting in a reduction from the existing R2.4 zone regulations for lot one of approximately 3.67m and for lot 2 of approximately 6.55m. Similarly, Lot one (1) contemplates a lot area of 424.36 m² and lot two (2) contemplates a lot area of 325.23 m², resulting in a reduction from the existing R2.4 zone regulations for lot one of approximately 175.64 m² and for lot two of approximately 274.77 m². The properties directly adjacent and fronting onto the subject lands are zoned as R2.4 and R3.3. While the R2.4 zone permits for the regulations mentioned above, the R3.3 zone permits for a lot width of 13m and a lot area of 400m², similar of those prescribed under the R4 zone, that being a lot width of 9.5m and lot area of 400m². Therefore, it is staff's opinion that the proposed lot configurations would continue to maintain the general intent of the by-law and would not cause compatibility concerns with the surrounding lots.

The intent of minimum rear yards is to ensure that structures do not encroach substantially into rear yards where that space is normally reserved as a spatial separation between houses and as an outdoor amenity area. The existing single-detached dwelling provides rear yard of approximately 13m. The existing R2.4 zone requires a minimum rear yard of 4.5m for corner lots while the R4 zone requires a more restrictive minimum 9m rear yard. The proposed development provides for a rear yard setback of approximately 6.14m for lot 1 and 5.88m of lot 2. Staff is of the opinion the proposed rear yard setback continues to provide for sufficient separation between the proposed building and the neighbouring properties to mitigate potential concerns of lack of spatial separation between houses and provides for appropriate outdoor amenity area.

The intent of minimum street side yards is to ensure that there is an appropriate and consistent separation between dwellings and public rights-of-way for corner lots. The spatial separation assists with the siting of houses, prevents overbuilding, provides

adequate access around buildings and protects the relationship between space and built form. The existing single-detached dwelling provides a street side yard of approximately 7.5m. The existing R2.4 zone requires a minimum street side yard of 4.5m while the R4 zone requires more restrictive minimum street side yard of 6m. The proposed development provides for a street side yard to the dwelling of 5.3m as well as to the basement walkout of 4m. Staff is of the opinion the proposed street side yard continues to provide for sufficient separation between the proposed building and the public right-of-way to mitigate potential concerns of lack of spatial separation.

The intent of the maximum height regulation is to ensure massing compatibility with the adjacent or neighbouring dwellings. The existing single detached dwelling is one (1) storey in height. The existing R2.4 zone as well as the proposed R4 zone permit for single-detached and semi-detached dwellings to have a maximum height of two (2) storeys to 10 m for peaked roofs and a maximum height of two (2) storeys to 7m for flat roofs. The proposed development includes an increase from the 7m to 8.1m in height. Staff is of the opinion that the proposed development continues to ensure massing compatibility with the adjacent or neighbouring dwellings.

In accordance with Part I, Section 2.24 a) and b), a maximum of one driveway shall be permitted for each residential property, except in the case of a corner lot or through lot where a maximum of one driveway per street frontage may be permitted if the second driveway location is approved by the city. In accordance with transportation comments, planning staff have included that a maximum of one driveway shall be permitted per semi-detached dwelling unit. The intent of this amendment is to limit the number of driveways on the property.

Planning staff have also included a Holding Zone provision under the proposed Amending By-law (as attached on Appendix D – Amending Zoning By-law). In this case, the amending By-law will not be enacted until the Holding symbol be removed from the zone designation by way of an amending Zoning By-law once the owner obtains a Tree Permit for all work proposed around City and private trees.

As per the analysis above staff is of the opinion that the proposed amendments to Zoning By-law 2020 are appropriate for the subject lands.

Technical Comments

A request for comments has been circulated to external agencies and relevant City departments.

The following are comments received to-date which are summarized below:

City of Burlington Finance – staff have indicated that property taxes to be paid. This includes all outstanding balances plus current year taxes that have been billed but not yet due.

City of Burlington Development Engineering – staff have no objection provided a document on title, is entered into, to ensure required warning clauses are on title in perpetuity which may be done through a subsequent consent application as established under Section 53 of the Planning Act.

City of Burlington Accessibility – staff have no comments or concerns at this time.

City of Burlington Transportation Planning – staff have no concerns with the proposed development and have requested that a maximum of one driveway shall be permitted per semi-detached dwelling unit under the amending by-law.

City of Burlington Urban Forestry and Landscaping – in objection of the development application because modifications to the proposed layout should be investigated to alleviate the removal requirement of the city tree (C1) private tree (1). Considerations should include but not be limited to flipping the house design to alleviate the removal of tree C1 and impacts to tree 1 as the garage will require reduced shoring depths. Any exploratory exercise should be considered to determine the root impacts.

Halton Region – staff have no objection to the proposed Zoning Bylaw Amendment and have provided standard comments for subsequent planning applications.

Halton Police – staff have no objections or concerns with this proposal as it does not interfere with the line-of-sight radio system.

Halton District School Board (HDSB) – staff have no objections or comments.

Halton Catholic District School Board (HCDSB) – staff have no objections and have noted that Education Development Charges may apply in accordance with the applicable Education Development Charge By-law and required at the issuance of a building permit.

Conservation Halton – staff have no objections as the subject lands are unregulated and small in size. Staff would defer stormwater management review to the City of Burlington.

Imperial Oil – staff have indicated there is no Imperial infrastructure in the vicinity of this location, and there is no need for further engagement.

Trans-Northern Pipelines Inc. – staff confirmed there is no infrastructure in the mentioned area.

Financial Matters:

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

The application has been processed under the timelines afforded by the *Planning Act* (i.e. 90 days). Should a decision not be rendered by January 26, 2024, the City will be required to refund the application fees.

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 Zoning By-law amendment application, 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.

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 guideline 2.1, development proposals are required to provide pedestrian and cycling connections from on-site buildings to off-site public sidewalks, pedestrian paths, trails, open space, active transportation pathways, transit stops and adjacent buildings and sites in accordance with Official Plan policies. This guideline helps to encourage active transportation and transit use to reduce the dependence on the automobile. The proposed development provides pedestrian connection from the onsite semi-detached dwelling to off-site public sidewalks that connect to nearby transit stops.

In accordance with guideline 4.1, development proposals are required to achieve a level one/enhanced stormwater treatment for all stormwater runoff. This guideline helps to ensure stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario. As part of the application submission, the applicant provided a Functional Servicing Report which

includes a Storm Water Management brief. Development Engineering staff have reviewed the submitted materials and have no concerns with the proposed Storm Water Management.

In accordance with guideline 5.1, development proposals are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. This guideline helps to provide vegetation that can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The proposed development provides for landscape areas which help to the reduce potential urban heat island effects.

In accordance with guideline 6.1, development proposals are required to provide and implement a waste management plan in accordance with Regional requirements as recycling and composting treats waste as a resource and reduces the need for landfill expansion. Halton Region staff have indicated Regional Waste will service the proposed development for curbside collection upon completion of the proposed development and once dwelling units are occupied. Therefore a waste management plan was not requested for the development application.

Staff is of the opinion the proposed development proposal complies with the required Sustainable Building and Design Guidelines.

Overall, the proposed development consists of infill development within an established neighbourhood area. As a result, the development would be incorporated into the existing transit and active transportation network of the surrounding neighbourhood.

Given the above information, planning staff is of the opinion the development considers the City of Burlington Climate Action Plan to support the City's climate implications.

Engagement Matters:

A virtual pre-application community meeting was held on December 8, 2022 by the applicant to present the initial concept to the public and gather feedback. At that time, the City mailed a meeting notice detailing how members of the public and created a dedicated project webpage for this proposal (www.burlington.ca/336appleby) which both contained the initial development proposal and proponent contact information. Details of this open house can be found on the City's project webpage (www.burlington.ca/336appleby). While the application was not made until November 28, 2023, both the developer and City staff have been available to respond to any questions on the initial proposal since it was released publicly in December 2022.

This application was submitted on November 28, 2023 and deemed complete on December 11, 2023. City staff began the commenting period later on December 18, which included a direct mailing to all properties within 120 metres of the subject property; circulating to internal departments and external agencies; the posting of a notice sign on

the subject property with pertinent application details; and updating a dedicated project webpage (www.burlington.ca/336appleby) with application details. In order to meet the legislated timelines of *The Planning Act*, this notice identified a public commenting window of three weeks. This allowed any comments received to be included in this recommendation report; however, any comments received after the January 5, 2024 deadline were still accepted and included on this report as possible, if not possible then those were provided to Committee. A portion of the public commenting period occurred during the holiday break. Bill 109 does not provide an opportunity to extend processing times when this occurs.

Lastly, a newspaper notice was posted in The Hamilton Spectator and a Statutory Public Meeting Notice was mailed to residents within 120m of the property on January 5, 2024 to provide information on the scheduled Statutory Public Meeting happening on February 6, 2024.

This is a list of the past and upcoming engagement opportunities for the public on this file:

- December 8, 2022 – Pre-Application Community Meeting. Opportunity for the public to hear about the proposed development and provide initial feedback to the proponents, City staff, Ward Councillor and Mayor;
- December 2022 – November 2023 – Dedicated project webpage was created which allowed the public to view the initial proposal and provide feedback directly to the developer;
- December 2023 – February 6, 2024 – Members of the public can submit comments to City planning staff or their elected representatives;
- February 6, 2024 – Members of the public can delegate directly to Committee at the Committee of the Whole meeting;
- February 13, 2024 – Members of the public can delegate directly to City Council;

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/336appleby. 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

Since the public circulation was issued in the week of December 11, 2023, Planning Staff have received sixteen (16) public written comments regarding the requested Zoning By-law Amendment. The public comments that were received are included as Appendix C to this report.

Public Comment	Staff Response
<p>Concerns on commenting period / development public and agencies engagement process</p> <p>Not appropriate signage on property</p> <p>Commenting period was short and occurred over the holidays</p> <p>This development proposal is the second proposal for the property and comments raised by the public a year ago were not considered/addressed</p> <p>Need to notify a larger population by increasing mailing radius</p> <p>School boards were not consulted and concerns on their comments on potential impacts to nearby school capacity</p>	<p>As previously mentioned in the 'Engagement Matters' in sections above of this report, a summary has been provided in terms of the Public Engagement conducted to-date.</p> <p>This is the only Rezoning application for the subject lands. A previous Pre-Application Community meeting did occur for the same proposal back in December of 2022.</p> <p>A variety of agencies were circulated, including the Halton District School Board (HDSB) and the Halton Catholic District School Board (HCDSB) as summarized under the technical comments section in this report.</p>
<p>Compatibility</p> <p>Concerns on compatibility disruption including physical character of the neighbourhood. Including concerns on the size and position of the dwelling on the lot, the lot area and setback reductions, increased height under proposed R4 zone as well as the proposed flat roof and density</p> <p>Proposed development contradicts Shoreacres Character Area regulations</p> <p>Concern of development proposal setting a precedent for developments nearby</p> <p>Submitted materials including the rendering and planning justification report do not accurately represent the existing uses and proposed</p>	<p>The subject lands are not within the Shoreacres Character Area. The Shoreacres Character Area is approximately 430m away from subject lands.</p> <p>As noted on the above section related to the Official Plan policies and Zoning By-law regulations/amendments planning staff have no concerns in terms of the proposed development and the compatibility with the surrounding neighbourhood. The proposed development includes rezoning the property from a 'Low Density Residential' R2.4 zone to a 'Low Density Residential' R4 zone with site specific regulations. The Zoning By-law Amendment would require amendments to the underlying R4 zoning for: reduced lot width from the minimum required 9.5m to 9.45m; reduced lot area from the minimum required 400m² to 325.23 m²; reduced rear yard from</p>

<p>development. The house beside the proposed dwelling is much larger in the rendering and does not include the larger home adjacent 336 Appleby Line that is currently under construction.</p>	<p>the minimum required 9 m to 5.8m; reduced street side yard to the dwelling from the minimum required 6m to 5.3m as well as to the basement walkout from 6m to 4m; a height increase from the maximum permitted 7m to 8.1m; and to permit a maximum of one driveway per semi-detached dwelling unit.</p> <p>The subject lands are surrounded predominantly by low-density residential uses including single detached dwellings. North of the subject lands is Cottonwood Drive and across is the property 346 Appleby Line which is zoned as R2.4 and contains a one (1) storey single-detached dwelling. Similarly, to the east is Appleby Line and across are the properties 337 & 333 Appleby Line which are zoned as R3.3 and contain two (2) storeys single-detached dwellings. To the south is the property 328 Appleby Line which is zoned as R2.4 and contains a newly built two (2) storey single-detached dwelling and to the west is the property 4524 Cottonwood Drive, which is zoned as R2.4 and contains a single-detached dwelling.</p> <p>The existing subject land contains a lot width of approximately 21.79m and a lot area of approximately 749.59 m². The proposed development contemplates two (2) future lots on the property. Lot 1 contemplates a lot width of 12.33 m and Lot 2 of 9.45 m, resulting in a reduction from the existing R2.4 zone regulations for lot one of approximately 3.67m and for lot 2 of approximately 6.55m. Similarly, Lot one (1) contemplates a lot area of 424.36 m² and lot two (2) contemplates a lot area of 325.23 m², resulting in a reduction from the existing R2.4 zone regulations for lot one of approximately 175.64 m² and for lot two of approximately 274.77 m². The properties directly adjacent and fronting onto the subject</p>
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	<p>lands are zoned as R2.4 and R3.3. While the R2.4 zone permits for the regulations mentioned above, the R3.3 zone permits for a lot width of 13m and a lot area of 400m², similar to the R4 zone lot width of 9.5m and lot area of 400m². Given the proposed reduction and surrounding neighbourhood context, planning staff is of the opinion that the proposed lot configurations would continue to be compatible with surrounding lots.</p> <p>The existing single-detached dwelling provides a rear yard of approximately 13m. The existing R2.4 zone requires a minimum rear yard of 4.5m for corner lots while the R4 zone requires a more restrictive minimum 9m rear yard. The proposed development includes a reduction to the R4 zone from 9m to approximately 6.14m for lot 1 and 5.88m of lot 2. Similarly, the existing single-detached dwelling provides a street side yard of approximately 7.5m. The existing R2.4 zone requires a minimum street side yard of 4.5m while the R4 zone requires more restrictive minimum street side yard of 6m. The proposed development includes a reduction to the R4 zone from 6m to the dwelling of 5.3m as well as to the basement walkout of 4m. Therefore, planning staff is of the opinion that the reduced yards are generally more restrictive than those of the existing zone and continue to provide for sufficient spatial separation for adequate access around buildings as well as protect compatibility with existing neighbourhood dwellings zoned as R2.4 and R3.3.</p> <p>The existing single detached dwelling is one (1) storey in height. The existing 'Residential Low Density' designation zone permits for dwellings up to two (2) storeys in height and the existing R2.4 zone as well as the proposed R4 zone permit for single-detached and semi-detached</p>
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	<p>dwelling to have a maximum height of two (2) storeys to 10 m for peaked roofs and a maximum height of two (2) storeys to 7m for flat roofs. The proposed development includes an increase from the 7m to 8.1m in height. Therefore, it is staff's opinion that the proposed development continues to ensure massing compatibility with the adjacent or neighbouring dwellings.</p>
<p>Concerns on proposed driveway configurations, traffic capacity and safety</p> <p>Two additional driveways facing Cottonwood Drive exactly opposite of neighbouring driveway and in close proximity to the intersection (5m away) of Appleby Line and Cottonwood Drive causes safety hazards for pedestrians including children as well as school buses/vehicles</p> <p>Traffic safety concerns with the proposed daylight triangle and adding a 7 metre structure close to the sidewalk may create a visibility problem</p> <p>Impact on street parking, development will cause little space around the subject lands to park, so visitors would have to park in front of neighbouring houses. Vehicles could park illegally blocking fire hydrant and overnight as well as during school pick-up/drop off times which is a safety concern with children</p> <p>Increased traffic due to proposed development and construction</p>	<p>In accordance with Part I, Section 2.25, Table 1.2.3: off-Street Parking Standards, Detached and Semi-Detached dwellings both require two (2) vehicle spaces per unit one of which may be provided in an attached or detached garage.</p> <p>The existing property allows for at least four (4) vehicle parking spaces on the subject lands the proposed development provides for a total of four (4) vehicle parking spaces for the entire development.</p> <p>Transportation Planning staff have reviewed the submitted Conceptual Site Plan and have no concerns with the proposed parking layout, number of parking spaces, off-street parking capacity impacts, the proposed daylight triangle for better visibility for traffic and overall traffic impacts.</p>
<p>Housing Affordability and Property Values diminishing</p>	<p>The proposed development contemplates turning the existing single-detached dwelling unit into a semi-detached dwelling with two (2)</p>

<p>The existing house is already affordable housing while the proposed development does not create affordable housing. Current residents will be displaced and will not be able to afford to live in the new development.</p>	<p>units which results in additional units on the subject lands. The existing dwelling on the subject lands does not contain affordable residential units.</p>
<p>Concerns on potential additional residential unit</p> <p>Potential additional residential unit due to the proposed in the basement walkouts.</p>	<p>To help with more housing options and supply throughout the province, the Government of Ontario has recently made some changes to the Planning Act, allowing two additional residential units (ARUs) on an urban residential lot with a detached house, semi-detached house or townhouse. Across Ontario, up to three residential units on a residential lot are now permitted. Therefore, a basement unit in the proposed development may be proposed in the future along with additional zoning permits.</p>
<p>Removal of the existing mature and healthy trees.</p> <p>Climate change, air quality, quality of life, and wildlife implications due to cutting down trees in the subject lands.</p> <p>The standard is that for every tree removed during this process a new tree was planted in the same location of the tree that was removed. By-laws that protect trees on public and private property include Public Tree By-law C68-2013 and Private Tree By-law 040-2022. The City of Burlington also has a guide to tree protection.</p> <p>Preference for driveway along Appleby instead of Cottonwood Drive to not damage the two trees on public and private property.</p>	<p>As part of the required materials for the application submission, the applicant has provided an Arborist Report including a Tree Inventory and Tree Preservation Plan.</p> <p>As described in the Zoning By-law 2020 section of the report, Planning staff have included a Holding Zone provision under the proposed Amending By-law (as attached on Appendix D – Amending Zoning By-law).</p> <p>In this case, the amending By-law will not be enacted until the Holding symbol shall be removed from the zone designation by way of an amending Zoning By-law following the owner obtain a Tree Permit for all work proposed around City and private trees.</p>

<p>Nuisances Potential dust in nearby backyards.</p>	<p>Development Engineering staff have reviewed the submitted materials and have demonstrated no concerns with potential dust impacts generated by the proposed development.</p> <p>In case there are nuisances at the time the development is constructed and completed related to disruptive behaviour such as illegal parking as well as disputes between property owners/neighbours, planning staff would defer to the By-law enforcement staff to deal with resident's complains.</p>
<p>Drainage and Stormwater Concerns of sewer system capacity and surface water runoff onto adjacent properties due increased asphalt and concrete and due to past flooding in the surrounding neighbourhood</p>	<p>As part of the required materials for the application submission, the applicant has provided a Functional Servicing and Stormwater Management Report which Development Engineering have reviewed in terms of drainage concerns and Halton Region staff have reviewed in terms of servicing and have indicated no concerns.</p>

Conclusion:

Staff's analysis of the application for the proposed Zoning By-law amendment has considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application is consistent with the Provincial Policy Statement and conforms to the Provincial Growth Plan, the Regional and City Official Plans, and the Zoning By-law 2020.

It is therefore recommended that the proposed zoning by-law amendment to facilitate the creation of a semi-detached dwelling and proposed amending by-law, be approved subject to a holding provision to ensure the resolution of outstanding matters.

Respectfully submitted,

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Appendices:

- A. Existing Zoning
- B. Concept Plan
- C. Public Comments
- D. Amending Zoning By-law

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.