



SUBJECT: Zoning By-law Amendment application for 236 Plains Road East

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-52-24

Wards Affected: 1

Date to Committee: July 9, 2024

Date to Council: July 16, 2024

Recommendation:

Approve the Zoning By-law Amendment application for the property located at 236 Plains Road East with modifications and a Holding provision, as outlined in community planning department report PL-52-24, to permit a 4-storey townhouse block consisting of 6 units; and

Approve Zoning By-law 2020.480 with modifications and a Holding provision, attached as Appendix D to community planning department report PL-52-24, which amends the zoning of the lands located at 236 Plains Road East from 'RM1-346' zone to 'H-RM2-543'; and

Deem that the amending zoning by-law will conform to the Official Plan, 1997 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:

- Designing and delivering complete communities
- Providing the best services and experiences
- Protecting and improving the natural environment and taking action on climate change
- Driving organizational performance

Executive Summary:

Weston Consulting on behalf of the landowner at 236 Plains Road East has submitted a Zoning By-law Amendment application proposing a 4-storey condominium townhouse consisting of 6 units on a private condominium road. This would replace an existing single detached dwelling on the subject property at 236 Plains Road East. The submitted proposal has changed from the June 5, 2023 Pre-Application Community meeting which proposed a 3-storey condominium townhouse consisting of 7 units on a private condominium road. The change was made to accommodate the visitor parking spaces meeting the Zoning By-law requirements and providing a snow storage area located at the rear of the property.

The subject property is designated 'Residential Medium Density' in the City's Official Plan (1997, as amended) and 'Urban Corridor' in the City's Official Plan (2020). The proposal meets the policies of the Official Plan (1997, as amended). The City's 'Urban Corridor' policies are not in force and effect at this time and are therefore informative, but not determinative. The use in the 'Urban Corridor' designation is for mixed use development, however, the property is limited in size at 0.15 hectares and further limited by the tree canopy associated with the listed (not currently designated) heritage property at 242 Plains Road East. Therefore, the residential use of the property is considered appropriate.

The subject property at 236 Plains Road East is located adjacent to a listed (not currently designated) heritage property at 242 Plains Road East. The applicant submitted a Heritage Impact Assessment (HIA) which has concluded that it would be appropriate to protect the trees along the east and rear property lines as well as a recommendation for salvaging materials for the 1940s building at 236 Plains Road East. Staff is recommending that a Holding provision be implemented on the subject property to require further supporting reports to ensure that the existing trees on-site are not fatally injured as a result of the proposed development to address the heritage considerations.

There were 11 public comments received to the City at the time of writing this report. The public comments had concerns that dealt with height, density, traffic and parking, drainage/grading/snow storage, privacy, mature trees, noise, air and soil pollution, construction, and architecture and character. These concerns were addressed through this report.

City's Planning Staff have reviewed the Zoning By-law Amendment application and find that the application is consistent with and conforms to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan, 1997 and Zoning By-law. As such, staff are recommending modified approval of the application subject to the Holding provision.

Background and Discussion:

RECOMMENDATION:		Modified Approval	Ward:	1
Application Details	APPLICANT:	Weston Consulting		
	OWNER:	Albert Faccenda		
	FILE NUMBERS:	520-02/24		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	PROPOSED USE:	A 4-storey condominium townhouse block consisting of 6 units fronting on a private condominium road.		
Property Details	PROPERTY LOCATION:	Southwest corner of Plains Road East and Shadeland Avenue		
	MUNICIPAL ADDRESS:	236 Plains Road East		
	PROPERTY AREA:	0.15 ha		
	EXISTING USE:	A single detached dwelling.		
Documents	1997 OFFICIAL PLAN:	Residential Medium Density		
	2020 OFFICIAL PLAN:	Urban Corridor		
	ZONING Existing:	Residential Medium Density (RM1-346)		
	ZONING Proposed:	Residential Medium Density with site specific exceptions (RM2-XX)		
Processing Details	APPLICATION SUBMITTED:	April 22, 2024		
	APPLICATION DEEMED COMPLETE:	May 3, 2024		
	STATUTORY DEADLINE:	July 21, 2024		
	PRE-APPLICATION COMMUNITY MEETING:	June 5, 2023		

	PUBLIC COMMENTS:	
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On May 3, 2024, Planning Staff deemed complete the application that had been received as of April 22, 2024 for a Zoning By-law Amendment at 236 Plains Road East (the “subject lands”). The purpose of the application is to permit a 4-storey condominium townhouse block consisting of 6 units fronting on a private condominium road (as shown on Appendix B). To facilitate the proposal, the applicant has submitted a Zoning By-law amendment application to reflect the new proposed development.



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

The subject property is located on the south side of Plains Road East, just west of the intersection of Shadeland Avenue/Gallagher Road and Plains Road East. The property at 236 Plains Road East has an area of 0.15 hectares and has a frontage of 30.54 metres along Plains Road East. The site is currently occupied by a residential dwelling.

Surrounding uses are as follows:

- North: On the north side of Plains Road E are townhouses and single detached houses. There is also Holy Rosary Catholic Elementary School, Holy Rosary Church, and Aldershot Park.
- East: Immediately to the east of the subject property is a listed (not currently designated) heritage dwelling (the Roelfson House) that has been converted into an office use. Further east is a large residential neighbourhood mainly comprised of single detached dwellings.
- South: Directly south of the subject property is a single detached residential condominium community. In addition, further south-west of the subject lands is a public school (Glenview Public School) fronting onto Townsend Avenue.
- West: Directly west of the subject lands is a block of townhouses. Continuing westward along Plains Road is a mixture of uses including residential, office, and retail / commercial (i.e. bakery, a butcher shop, a stained-glass studio, a spa, and a driving school).

The Aldershot GO Station is approximately 2.1 km north-west of the subject lands.

There are eastbound and westbound bus stops at the intersection of Plains Road East and Shadeland Avenue/Gallagher Road. These bus stops are serviced directly by routes 1 and 4 which connect to Aldershot GO, Burlington GO, Appleby GO, Hamilton GO, and the Downtown Terminal.

Description of Application

Weston Consulting has made an application on behalf of the owner to amend the Zoning By-law for the property located at 236 Plains Road East.

This application is proposing the redevelopment of the subject lands into a 4-storey condominium townhouse block consisting of 6 units fronting on a private condominium road. This proposal would replace the existing single-detached dwelling on the subject property. The proposed development includes a mix of two and three-bedroom residential units and total amenity area of 523.28 metres square.

Vehicular access is proposed from Plains Road East via a two-way condominium road on the west side of the proposed townhouses. A total of 14 parking spaces at-grade are proposed (12 occupant spaces and 2 visitor spaces).

Supporting Documents

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

1. [Arborist Report – April 2024](#) (prepared by Urban Arboretum dated April 9, 2024);
2. [Draft Zoning By-law Amendment – April 2024](#) (prepared by Weston Consulting dated April 2024);
3. [Elevations and Floor Plans – April 2024](#) (prepared by Sagittarius design & drafting dated April 8, 2024);
4. [Environmental Site Screening Questionnaire – April 2024](#) (prepared by Albert Faccenda dated April 17, 2024);
5. [Functional Servicing and Stormwater Management Report – March 2024](#) (prepared by S. Llewellyn & Associates Limited dated March 2024);
6. [Geotechnical Investigation Report – August 2023](#) (prepared by Niagara Testing and Inspection LTD. dated August 4, 2023);
7. [Grading and Servicing Plan – April 2024](#) (prepared by S. Llewellyn & Associates Limited dated April 12, 2024);
8. [Heritage Impact Assessment – April 2024](#) (prepared by Megan Hobson CAHP dated April 15, 2024);
9. [Landscape Plan – April 2024](#) (prepared by Cosburn Nauboris Ltd. dated April 10, 2024);

10. [Letter of Reliance – ESA – April 2024](#) (prepared by Niagara Soils Solutions Ltd. dated April 15, 2024);
11. [Letter of Reliance – Noise Impact Study – April 2024](#) (prepared by dBA Acoustical Consultants Inc. dated April 15, 2024);
12. [Noise Feasibility Study – April 2024](#) (prepared by dBA Acoustical Consultants Inc. dated April 2024);
13. [On-site Circulation Review and Construction Management Plan – April 2024](#) (prepared by UrbanTrans Engineering Solutions Inc. dated April 12, 2024);
14. [Phase One Environmental Site Assessment – June 2023](#) (prepared by Niagara Soils Solutions Ltd. dated June 21, 2023);
15. [Phase Two Environmental Site Assessment – August 2023](#) (prepared by Niagara Soils Solutions Ltd. dated August 2, 2023);
16. [Planning Justification Report – April 2023](#) (prepared by Weston Consulting dated April 2023);
17. [Site Plan – April 2024](#) (prepared by MMP dated April 3, 2024);
18. [Sustainable Building and Development Guidelines Checklist – April 2024](#) (prepared by Weston Consulting dated April 2024);
19. [Transportation Impact Brief \(Including CMP\) – November 2023](#) (prepared by UrbanTrans Engineering Solutions Inc. dated November 14, 2023);
20. [Urban Design Brief – April 2024](#) (prepared by Weston Consulting dated April 2024).

Supporting documents have been published on the City's website for the subject application: burlington.ca/236plainsroadeast.

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 Official Plan (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 that the proposal as amended 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.

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.

Policy 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.

Policy 2.6.3 directs municipalities to protect heritage properties from adjacent development by requiring the proposed development or site alteration to be evaluated and demonstrate that the heritage attributes of the protected heritage property will be conserved. This will be discussed further in this report.

Planning staff have considered the policies of the PPS with regard to the development 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 (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. The Guiding Principles in Subsection 1.2.1 include:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.

- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

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, and to accommodate the needs of all household sizes and incomes 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 development of a 4-storey condominium townhouse block consisting of 6 residential units. The subject property is located in an area which is comprised of a mix of residential, institutional, and commercial uses, and the proposed development would contribute to a complete community by providing additional 2 and 3-bedroom units in the area. 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 Multi-Purpose Arterial (Plains Road East) as shown in Schedule J: Classification of Transportation Facilities of the Official Plan (1997, as amended).

Part 2.2.6, Housing, states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this Plan by identifying a diverse range and mix of housing options and densities. Further, 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 2 and 3-bedroom dwelling units to the community.

Part 3.2.3.4, Moving People, states that municipalities will ensure that active transportation networks are comprehensive and integrated into transportation planning to provide:

- a) Safe, comfortable travel for pedestrians, bicyclists, and other uses of active transportation; and
- b) Continuous linkages between strategic growth areas, adjacent neighbourhoods, major trip generators, and transit stations, including dedicated lane space for bicyclists on the major street network, or other safe and convenient alternatives.

The property has direct access to Burlington Transit Route 1 Plains/Fairview which provides access to Appleby GO, Burlington GO, and Hamilton GO. The property is also in close proximity to Burlington Transit Route 4 which provides access to Appleby GO, Downtown Terminal, and Aldershot GO.

Part 3.2.7.1, Stormwater Management, requires municipalities to develop stormwater master plans or equivalent for serviced settlement areas that:

- a) are informed by watershed planning or equivalent;
- b) protect the quality and quantity of water by assessing existing stormwater facilities and systems;
- c) characterize existing environmental conditions;
- d) examine the cumulative environmental impacts of stormwater from existing and planned development, including an assessment of how extreme weather events will exacerbate these impacts and the identification of appropriate adaptation strategies;
- e) incorporate appropriate low impact development and green infrastructure;
- f) identify the need for stormwater retrofits, where appropriate;
- g) identify the full life cycle costs of the stormwater infrastructure, including maintenance costs, and develop options to pay for these costs over the long-term; and
- h) include an implementation and maintenance plan.

The applicant has submitted a Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Limited Consulting Engineers dated March 2024. The City's Development Engineering Staff have reviewed this plan and have identified no concerns during the Zoning By-law Amendment stage. Any changes or additional information can be addressed at the Pre-Building Permit Approval stage.

Part 4.2.7, Cultural Heritage Resources, requires municipalities to conserve cultural heritage resources to foster a sense of place and benefit communities, particularly in strategic growth areas. The applicant has submitted a Heritage Impact Assessment prepared by Megan Hobson CAHP dated April 15, 2024. The City's Heritage Planning Staff have reviewed the Heritage Impact Assessment and has endorsed the requirements and recommendations provided, as well as recommended that the proposed development be a colour palette that is fitting with the adjacent heritage building at 242 Plains Road East. Planning Staff are recommending that the requirements and recommendations identified through the submitted Heritage Impact Assessment be subject to a Holding provision.

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.

The subject lands are designated as 'Urban Area' as shown on Map 1H 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.

Within the 'Urban Area' designation, Strategic Growth Areas are identified and the subject property is within the 'Regional Intensification Corridor in Regional Urban Boundary'. The Strategic Growth Areas are not land use designations and their delineation or identification does not confer any new land use designations nor alter any existing land use designations. Development within Strategic Growth Areas is subject to the applicable policies of this Plan and is to occur in accordance with Local Official Plans and Zoning By-laws (Section 79.2(9) of the ROP). The objectives of the Regional Intensification Corridors are:

- To recognize Strategic Growth Areas in the Region which are an integral component of the Regional Urban Structure and serve an existing or planned

higher order transit function, connecting other elements of the Regional Urban Structure, and accommodating higher-density mixed use development and/or a mix of employment uses appropriate to the existing local context.

- To achieve increased residential and employment densities in order to ensure the viability of existing and planned transit infrastructure and service.
- To achieve a mix of residential, office, institutional and commercial development, where appropriate.
- To accommodate local services, including recreational, cultural and entertainment uses, where appropriate.
- To reflect and reinforce Local Urban Structures (Section 82.3 of the ROP).

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 is required to follow the processes outlined in O.REG 153/04 in the preparation of all Environmental Site Assessment (ESA) reports and supporting documentation. As such, ESA reports must be no older than 18 months old and completed in accordance with part VII and VIII and Schedule D and E of the regulation.

City Planning Staff note the following were submitted:

- Environmental Site Screening Questionnaire – April 2024 (prepared by Albert Faccenda dated April 17, 2024);
- Phase One Environmental Site Assessment – June 2023 (prepared by Niagara Soils Solutions Ltd. dated June 21, 2023);
- Phase Two Environmental Site Assessment – August 2023 (prepared by Niagara Soils Solutions Ltd. dated August 2, 2023); and,
- Revised Letter of Reliance – ESA – June 2024 (prepared by Niagara Soils Solutions Ltd. dated June 6, 2024).

The Phase 2 ESA indicates that no further assessment work is recommended for the subject property. City Planning Staff are generally satisfied with the conclusions of the reports and note that a change in land use to a more sensitive land use is not being proposed. The applicant has also submitted a revised Letter of Reliance prepared by Niagara Soils Solutions LTD. dated June 6, 2024.

Section 165 of the ROP states that the goal for Cultural Heritage Resources is to protect the material, cultural and built heritage of Halton for present and future generations. The property at 242 Plains Road East is a listed but not currently designated heritage property. The heritage value of 242 Plains Road East includes the protection of trees along the lot line shared with 236 Plains Road East. Planning Staff are recommending a Holding provision be implemented on the subject property to receive supporting studies to ensure

that the proposed development will not cause fatal injury to these trees. Secondly, the submitted Heritage Impact Assessment prepared by Megan Hobson dated April 16, 2024 states that the archaeological potential is unknown but is considered low because the site has been disturbed by agricultural activities in the 19th century and suburban development in the 20th century, and that the applicant consult the appropriate Ministry to confirm archaeological requirements. The City's Heritage Planning Staff have also provided comments that support this recommendation to receive written confirmation from the Ministry of Citizenship and Multiculturalism's Archaeology Program Unit that an archaeological assessment is not required for the subject property prior to any land disturbance. However, Regional Staff reviewed this proposal in the Pre-Consultation Meeting prior to submission of the application and did not require an archeological assessment. It is the policy of the Region to prepare an Archaeological Management Plan to inventory, classify, and map significant archaeological resources in Halton (167(4) of the ROP). Considering Regional Staff did not require an archaeological assessment and the location of the property in a built area, Planning Staff are not requiring consultation with the Ministry of Citizenship and Multiculturalism's Archaeology Program Unit.

Halton Region has provided comments on May 29, 2024, for the subject application commenting on Regional Waste and Servicing. 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, 1997, as amended

The City's Official Plan (1997, as amended) 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 a 4-storey condominium townhouse block consisting of 6 units fronting on a private condominium road. The applicant is proposing 2 parking spaces per unit and 2 visitor parking spaces resulting in 14 parking spaces provided on the site. Transportation Planning Staff have submitted comments stating no concerns as the parking rate meets the requirements of the Zoning By-law. The proposal also provides opportunity for public transit. There are eastbound and westbound bus stops at the intersection of Plains Road East and Shadeland Avenue/Gallagher Road. These bus stops are serviced directly by route 1 and 4 which connects to Aldershot GO, Burlington GO, Appleby GO, Hamilton GO, and the Downtown Terminal. The applicant has also proposed bicycle parking spaces within the units to support residents using the bike lanes on Plains Road East.

Staff have considered that the property is located along Plains Road East near the intersection of Plains Road East and Gallagher Road/Shadeland Avenue. Plains Road East is a Multi-Purpose Arterial and Gallagher Road/Shadeland Avenue is a Collector as shown in Schedule J – Classifications of Transportation Facilities in the Official Plan (1997, as amended). Multi-Purpose Arterials serve a mix of functions of Major Arterials and Minor Arterials, and typically connect Major Arterials through urban areas or Nodes (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 Plains Road East serves to carry up to 40,000 vehicles per day. Gallagher Road/Shadeland Avenue distributes traffic to and from arterials and the property fronts onto a Multi-Purpose Arterial road. Further, the City's Transportation Planning Staff have no concerns about the traffic volume. Therefore, staff would consider that the increased traffic volume compatible with the surrounding area.

Staff have also considered this proposal in relation to the protection of the natural environment. There are many mature trees located on and around the subject property. Mature trees that line the west side of the property are proposed for removal due to road and retaining wall construction. The mature trees along the east lot line and rear lot line of the property have been identified to be preserved through the Heritage Impact Assessment prepared by Megan Hobson dated April 15, 2024. Urban Forestry and Landscaping Staff have requested revised and additional supporting studies to ensure the preservation of the trees identified to be injured in the Arborist and Tree Preservation Plan prepared by Urban Arboretum dated April 9, 2024 can be achieved. Planning Staff are recommending a Holding provision be implemented on the subject property to ensure the mature trees are preserved as identified.

The subject property is 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 meets density provision by providing a density of 39.5 units per hectare on the 0.15 hectare property. 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 applicant is proposing a townhouse block consisting of 6 units. Therefore, staff have no concern with the proposed density or use on the subject property under the Official Plan (1997, as amended).

The property is also subject to the Site-Specific Policy of Part III, Section 2.2.3 h) of the Official Plan (1997, as amended) which states, Notwithstanding the policies of Part III, Subsection 2.2.2 d) of this Plan, the lands designated "Residential Medium Density" on the south side of Plains Road, between Cooke Boulevard and Filmandale Road, shall be subject to site-specific zoning regulations designed to protect the existing character of this portion of Plains Road and provide compatibility with the abutting neighbourhood to the south. Any exterior alteration or addition to the property shall maintain the residential appearance and character of the property. The surrounding uses include townhouses to the west, single detached dwellings to the south, a heritage building to the east, and a school and church to the north. The proposed building form of townhouses is compatible with the surrounding area considering there are existing townhouses to the west and north. Staff have also considered the heights of the development surrounding the property. Through staff's site visit completed May 14, 2024, staff observed that the maximum height of the surrounding properties in the area are 2-storeys. The applicant is proposing a 4-storey building. The proposed 4th-storey includes an outdoor roof-top patio, a loft, and an access area. Staff would recommend that the proposal be modified to remove the loft area that is approximately 3.7 square metres excluding the landing for the staircase). This would allow the access and outdoor roof-top amenity to remain. Staff are of the opinion that this would be more compatible with the surrounding area as there

would be less visual intrusion and overlook from the size of the built area on the 4-storey. The 4-storey would be primarily outdoor space with railings rather than a physical structure. Staff also recommend that the applicant change the material of the glass railing to a solid material to provide further privacy to the surrounding developments. This has been included in a Residential Development Agreement in Appendix E of this report. With this modification, staff would consider the proposal to be compatible with the surrounding area.

The subject property is adjacent to a non-designated heritage property located at 242 Plains Road East. As per Part II, Functional Policies, Subsection 8.4.1 b) a heritage impact statement shall be required prior to any approvals for proposed development where the City foresees potential adverse impacts on the cultural heritage attributes. The applicant submitted a Heritage Impact Assessment prepared by Megan Hobson dated April 15, 2024. The City's Heritage Planning Staff have reviewed the proposal and are supportive of the requirements and recommendations in the report. Further, the Heritage Impact Assessment identifies a requirement to protect the existing trees along the east and south property lines during demolition and construction as identified in the Arborist and Tree Preservation Plan prepared by Urban Arboretum dated April 9, 2024. Staff are recommending a Holding provision to receive additional and revised supporting studies to ensure the preservation of the trees as identified can be achieved.

The applicant has submitted a Sustainability Checklist prepared by Weston Consulting, dated April 2024. 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 which have been considered through the 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 Zoning By-law Amendment 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).

The City's Urban Forestry and Landscaping Staff have reviewed the applicant's Arborist Report and Tree Preservation Plan prepared by Urban Arboretum dated April 9, 2024. Staff are requesting a Holding provision on the subject property to ensure that the injury to the trees proposed to remain are not fatal. This impacts the trees that are located along the east and rear property lines towards the heritage property at 242 Plains Road East which includes the trees as a heritage feature. Further, the City's Heritage Planner has requested that the salvaging of materials with heritage value from the existing dwelling at 236 Plains Road East be completed as recommended in the Heritage Impact Assessment

prepared by Megan Hobson dated April 15, 2024. It is recommended that City Council 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:

- supporting studies are required on matters related to traffic, soils, protection of any site features, environmental constraints, design features or market impact analysis prior to development approval (Official Plan (1997, as amended), Part IV, Subsection 2.2.2 a) v)).

Planning Staff are recommending that a Holding “H” symbol be implemented on the subject property to receive supporting studies for a revised Arborist Report and Tree Preservation Plan, a Pre-Construction Exploratory Root Investigation Report, a Legal Survey, and a Salvage Plan. The removal of the “H” will be subject to these items being completed to the satisfaction of the City.

Staff are of the opinion that the proposed Zoning By-law Amendment as set in the Draft Zoning By-law Amendment under Appendix D conforms to the City’s Official Plan (1997, as amended).

City of Burlington Official Plan (2020)

On Nov. 30, 2020, the City’s new Official Plan (Burlington Official Plan, 2020) was approved by Halton Region. All parts of the Burlington Official Plan, 2020 that were not appealed came into effect the day after the end of the appeal period, Dec. 22, 2020.

Until all broad appeals of the Burlington Official Plan, 2020 are resolved through the Ontario Land Tribunal (OLT) process, parts of the old Official Plan (Burlington Official Plan 1997, as amended) will be applicable. The current Zoning By-law will remain in effect until a new comprehensive Zoning By-law is enacted and comes into effect. Policies of the Burlington Official Plan, 2020 that are not in effect are relevant as an indication of City Council’s vision but are not determinative.

The City is preparing an annotated “Burlington Official Plan, 2020 (Office Consolidation)” that reflects which policies are in effect and which are not, in accordance with all Decisions and Orders issued by the OLT under case no. OLT-22-002219 to date. When it is available, you will be able view this document by visiting the City’s webpage for the Official Plan at Burlington.ca/newop.

As the OLT process continues, the Burlington Official Plan, 2020 is subject to change. Readers of the Plan must satisfy themselves as to the legal status and applicability of the policies by reviewing all Orders and Decisions from the OLT. You can view these documents by visiting the OLT’s webpage for case no. OLT-22-002219: "OP - New Official Plan – City of Burlington" at jus-olt-prod.powerappsportals.com/en/e-status/.

In the 2020 Official Plan, the subject property is designated 'Urban Corridor' in accordance with Schedule C – Land Use – Urban Area of the Official Plan (2020), while in the 1997 Official Plan, as amended, the subject property is designated 'Residential Medium Density' in accordance with Schedule B – Comprehensive Land Use Plan – Urban Planning Area. As of the date that the City deemed this application complete (May 3, 2024), the Urban Corridor policies of the 2020 Official Plan remained appealed; however, the policies are still considered informative as they represent Council's vision moving forward.

The subject property is located within a 'Mixed Use Node and Intensification Corridor' on Schedule B – Urban Structure of the City's Official Plan (2020). These lands represent areas with a concentration of commercial, residential and employment uses with development intensities generally greater than surrounding areas (Chapter 2, Subsection 2.3.1 j of the Official Plan (2020)). These areas vary widely and will be guided by the underlying land use designations of this Plan. Some areas will be planned to evolve with higher residential intensities and a full mix of uses, while others may permit a more limited range of employment-oriented permitted uses, both designed to achieve their planned function. These areas will support the frequent transit corridors and provide focal points of activity and a vibrant pedestrian environment and facilitate active transportation through careful attention to urban design, enhancing the opportunities for the location of public service facilities and institutional uses (Chapter 2, Subsection 2.3.1 l of the Official Plan (2020)).

The lands are identified as being within an 'Secondary Growth Area' in accordance with Schedule B-1 – Growth Framework of the Official Plan (2020). 'Secondary Growth Areas' are recognized as distinct areas within the City's Urban Area where accommodating growth in accordance with the permissions and densities of the current land use designations (Official Plan (2020), Chapter 2, Subsection 2.4.2(2) a ii)). These areas are expected to transition over the planning horizon and beyond and will not result in a significant relocation of planned growth outside the Primary Growth Areas in order to ensure that the objectives and policies of Chapter 6 Infrastructure, Transportation and Utilities can be met (Official Plan (2020), Chapter 2, Subsection 2.4.2(2) a iii)). These areas shall be limited to a maximum of mid-rise building form and support frequent transit corridors and accommodate development that is compact, mixed use and pedestrian-oriented in nature (Official Plan (2020), Chapter 2, Subsection 2.4.2(2) a iv) and v)). The proposed development on the site would increase the intensity from one dwelling unit to six dwelling units on the site and not exceed the maximum of the mid-rise building form.

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 would add six dwelling units along a Frequent Transit Corridor and MTSA Primary Connector (Plains Road East) as identified on Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors in 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 Primary Connector (Plains Road East) identified on Schedule B-2 – Growth Framework and Long Term Frequent Transit Corridors in the Official Plan (2020). Schedule O-1 – Classification of Transportation Facilities – Urban Area also identifies Plains Road East as a Multi-Purpose Arterial. Plains Road East is identified in Schedule P – Long Term Cycling Master Plan as having bike lanes within the City Bike Network. There are eastbound and westbound bus stops at the intersection of Plains Road East and Shadeland Avenue/Gallagher Road. These bus stops are serviced directly by route 1 and 4 which connects to Aldershot GO, Burlington GO, Appleby GO, Hamilton GO, and the Downtown Terminal. The proposal for townhouses will allow residents 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 applicant submitted an Urban Design Brief prepared by Weston Consulting, dated April 2024. The practice of urban design involves the arrangement and design of buildings, public spaces, modes of transportation, services and amenities at various scales, ranging from city-wide to neighbourhood and street level (Chapter 7 of the Official Plan (2020)). One of the objectives of design excellence is to ensure that the design of the built environment protects and conserves cultural heritage resources (Chapter 7, Subsection 7.1.1 b) of the Official Plan (2020)). The subject property is adjacent to a listed but not currently designated heritage property at 242 Plains Road East. City Heritage Planning Staff have provided comments requesting that the colour palette of the new development be compatible with the existing built heritage resource at 242 Plains Road East. This would include a compatible colour of the siding. This has been included in a Residential Development Agreement in Appendix E of this report. Further, design within Secondary Growth Areas should be compatible, pedestrian friendly, and consider cultural heritage resources and natural features. The proposed development is for townhouses which is compatible with the townhouses to the north, west, and south of the property. The proposal is considered to be pedestrian friendly as it is located on Plains Road East where bike lanes are available, and the property is also in close proximity to bus stops. The proposal considers the heritage at 242 Plains Road East as mentioned above and the applicant is required to protect existing trees through the submitted Heritage Impact Assessment prepared by Megan Hobson CAHP, dated April 15, 2024. Further, the Heritage Impact Assessment prepared by Megan Hobson CAHP, dated April 15, 2024

recommends that the existing 1940s Suburban Vernacular dwelling on the subject property be salvaged prior to demolition. Staff are recommending that a Holding provision be placed on the subject property to ensure the trees are protected/remain during demolition and construction to the satisfaction of the Manager of Urban Forestry, and to receive a salvage plan prior to demolition to the satisfaction of the City's Heritage Planner.

The subject lands are designated 'Urban Corridor' in accordance with Schedule C – Land Use – Urban Area of the Official Plan (2020). An objective of the Urban Corridor designation is to provide locations in the city along Major Arterial or Multi-Purpose Arterial Streets that serve as areas of concentration for mixed use development in a compact built form, with residential, retail, service commercial, office, entertainment, public service facilities and institutional uses, and open spaces (Chapter 8, Subsection 8.1.3(7.1) a) of the Official Plan (2020)). The permitted uses include retail and service commercial uses; automotive commercial uses, including large-scale motor vehicle dealerships existing on the date this Plan comes into effect; residential uses with the exception of single-detached and semi-detached dwellings; office uses; entertainment uses; and recreation uses (Chapter 8, Subsection 8.1.3(7.2) c) of the Official Plan (2020)). The applicant is proposing condominium townhouses on the subject property which is permitted as a residential use (excluding single-detached and semi-detached dwellings). Further, Chapter 8, Subsection 8.1.3(7.2) e) of the Official Plan (2020) states that stand alone ground-oriented dwellings shall be prohibited in Urban Corridor lands located within MTSAs (Major Transit Station Areas). The subject property is not within the Aldershot GO MTSA, and therefore, the stand alone ground-oriented dwelling use is permitted. The maximum floor area ratio of development is 2.0:1 is permitted in the Urban Corridor designation (Chapter 8, 8.1.3(7.2) f) of the Official Plan (2020)) and the applicant is proposing a floor area ratio of 0.96:1. The minimum building height shall be 2-storeys and the maximum building height shall not exceed 6-storeys. The building height as modified by staff is permitted as the building would be 4-storeys with the 4th storey consisting of outdoor amenity area and the access to the outdoor amenity area.

Retail and service commercial uses and other pedestrian-oriented uses shall be located on the ground floor of office or residential buildings and should be permitted above or below the first storey of buildings (Chapter 8, Subsection 8.1.3(7.2) j) of the Official Plan (2020)). The proposed development is only proposing residential use on the subject property without any retail and service commercial uses on the ground floor. Staff have considered the size of the subject property being 0.15 hectares. The property is also further limited in size due to the canopy of the trees towards the heritage property (242 Plains Road East) which was required to be protected through the Heritage Impact Assessment prepared by Megan Hobson CAHP, dated April 15, 2024 and City's Heritage Planner. This further limits the developable area on the site limiting the ability to implement commercial use on the property in combination with the residential use.

As identified above, at this time, the Urban Corridor policies of the Official Plan (2020) are not in force and effect. These policies remain a relevant indication of City Council's vision but are not determinative. The proposal meets the general intent of the Urban Corridor as the intensity of the use of the property is increasing from one dwelling unit to six dwelling units on the subject property. Staff are of the opinion that townhouses are an appropriate building form on the subject property due to the limited size of the lot at 0.15 hectares, and the heritage property including tree canopies immediately adjacent to the property recommended to be protected. Overall, the proposal meets the intent 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 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."

Plains Road Design Guidelines (2006)

The purpose of the Plains Road Corridor Urban Design Study is to refine the vision that the Plains Road Village Vision had been advocating and to create design guidelines to assist the City to direct future redevelopment of the roadway and adjacent lands. Plains

Road has evolved from its original function as a toll road, to a Provincial Highway, to its present role as a municipal major arterial road.

The subject property is located within the Shadeland District which is defined as the segment of the Plains Road Corridor between Cooke Boulevard and Filmandale Road. This District is characterized by an eclectic mix of land uses on the north side of the corridor and primarily residential and home office uses on the south side. Urban design objective should concentrate on consolidating and infilling commercial/industrial uses and preserving and enhancing the residential and home commercial uses. Mature boulevard shad trees and existing landscaping along the corridor should be protected.

The proposal will preserve the residential use of the site and provide an increase in dwelling units from the existing single detached dwelling to a townhouse condominium consisting of 6 units. The mature trees on the site along the east and rear lot lines have been included in the Holding provision to ensure that the mature trees are not fatally injured. Overall, Planning Staff are of the opinion that the proposal as modified and with the Holding provision meets the intent of the Plains Road Design Guidelines (2006).

City of Burlington Zoning By-law 2020

The subject property is currently zoned “Residential Medium Density (RM1-346)” in accordance with Zoning By-law 2020. The RM1 zone permits detached dwellings, semi-detached dwellings, duplex buildings, and triplex buildings.

The application proposes to change the zoning to a site specific ‘Residential Medium Density (RM2-XXX)’. The 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 proposed development does not comply with some regulations including building height, yard setbacks, landscape area, lot width, and lot area. The following table outlines the requirements of the ‘Residential Medium Density’ (RM1) Zone and “Residential Medium Density’ (RM2) Zone as well as what is being proposed.

Zoning Regulation	RM1-346	RM2	Proposed
Prohibited Uses	Townhouse	N/A	Townhouses
Staff Comment:			
Staff have considered that the exception zoning prohibits townhouses on the subject property. However, staff have considered that there is a townhouse development immediately north of the subject property. Townhouses on the subject property allow for greater intensification on the lot while complying with the maximum density of 40 units per hectare on the subject property. The area is also considered to be in transition as the existing character described in the Official Plan (1997, as amended) has changed to a higher intensity area considering the			

property is adjacent to the Aldershot GO Major Transit Station Area (MTSA). With this consideration, staff are of the opinion that townhouses are appropriate on the subject property.			
Building Height	2.5-storeys	3-storeys	4-storeys for a townhouse
Staff Comment:			
<p>Staff have considered the surrounding area and the compatibility of the proposed 4-storey townhouse block. The proposal would replace one single detached dwelling that is 2-storeys in height. The surrounding area has heights of 2-storeys immediately to the north, east, south, and west. The proposal is for a 4-storey townhouse block consisting of 6 units. Staff are recommending modified approval to remove the “loft” area identified in the Elevations and Floor Plans prepared by Sagittarius design & drafting dated April 8, 2024. This would only provide outdoor amenity area and the access (elevator and staircase) to the 4th-storey. The applicant was not required to submit a Wind Study or Shadow Study as the development is considered a low-rise development being under the 5-storey height of a mid-rise development. Staff have considered that the proposed development would have a rear yard setback of 8.2 metres, west side yard setback of 9 metres, and a modified east side yard setback of 5 metres. The applicant has also submitted a Landscape Plan prepared by Cosburn Nauboris Ltd. dated April 10, 2024. The trees removed along the west lot line are proposed to be replaced and the trees along the rear and east side are proposed to remain. Staff are recommending a Holding provision be implemented on the property to receive supporting studies to ensure the preservation of the trees along the west and rear lot lines to the satisfaction of the Manager of Urban Forestry. Staff are of the opinion that the physical distance and trees provide an adequate visual buffer to the surrounding properties. Additionally, the 4th storey would be considered a three season area as it is outdoor amenity space.</p>			
Zoning Regulation	RM1	RM2	Proposed
Front Yard Setback	N/A	9 m	1.7 m
Staff Comment:			
<p>The applicant is proposing a front yard setback of 1.7 metres from Plains Road East which would be a reduction of 7.3 metres from the required 9 metre front yard setback. Transportation Staff have no objection to the reduced front yard setback from a visibility perspective. The applicant has also provided an Arborist Report and Tree Preservation Plan prepared by Urban Arboretum dated April 9, 2024. The trees along the front lot line area have been identified to being injured through the proposal, but are to remain. Urban Forestry and Landscaping Staff have requested revised and additional reports for trees along the front lot line of the property to ensure that the injury caused by demolition and construction are not fatal. Planning Staff are recommending a Holding provision to receive the supporting studies prior to development. Further, the proposed townhouse development is proposing to have a similar front yard setback to the property to the west. Overall, staff have no objections to the reduced front yard setback to 1.7 m provided that the Holding provision can be satisfied.</p>			
Zoning Regulation	RM1	RM2	Proposed
Side Yard Setback (East)	N/A	4.5 m	3.2 m

Staff Comment:

The applicant is proposing an east side yard setback of 3.2 metres from the east property line towards the non-designated heritage property at 242 Plains Road East which would be a reduction of 1.3 metres from the required 4.5 metre side yard setback. The applicant has also provided an Arborist Report and Tree Preservation Plan prepared by Urban Arboretum dated April 9, 2024. In reviewing the Arborist Report and Tree Preservation Plan, Urban Forestry and Landscaping Staff are requesting revised and additional supporting studies to ensure the proposed injury to the trees is not fatal. Further, the proposed balconies along the east lot line have been recommended by Urban Forestry and Landscaping Staff to be removed to reduce any canopy clearing/raising. Planning Staff have recommended a 5-metre setback be implemented through the removal of the balconies along the east lot line to allow for greater separation distance between the trees and the proposed development to ensure the required protection of the mature trees along the east lot line as stated in the Heritage Impact Assessment prepared by Megan Hobson dated April 15, 2024 is achieved.

Zoning Regulation	RM1	RM2	Proposed
Rear Yard Setback	N/A	9 m	8.2 m

Staff Comment:

The applicant is proposing a rear yard setback of 8.2 metres which would be a reduction of 0.8 metres from the required 9 metre rear yard setback. The rear yard setback is the location of the 2 visitor parking spaces, snow storage, and drainage area. The City's Development Engineering Staff have reviewed the Functional Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Limited Consulting Engineers dated March 2024 and have noted no concerns. The applicant has also provided an Arborist Report and Tree Preservation Plan prepared by Urban Arboretum dated April 9, 2024. Urban Forestry and Landscaping Staff have requested revised and additional reports for trees along the rear lot line of the property to ensure that the injury caused by demolition and construction are not fatal. Planning staff are recommending a Holding provision to receive the supporting studies prior to development.

Zoning Regulation	RM1	RM2	Proposed
Landscape Area abutting a street	N/A	6 m	1.7 m

Staff Comment:

The applicant is proposing a front yard setback of 1.7 metres from Plains Road East. A landscape area is defined in Part 16 of the City's Zoning By-law as an area of land within a lot dedicated to the planting of trees, shrubs, flower beds, or a combination thereof and which may include other decorative landscape features. A landscape area may be crossed by a driveway or walkway provided it is substantially perpendicular to the landscape area. The 1.7 metre area across the front lot line does not show any proposed planting at this time and is only crossed by the driveway which is permitted. It is recommended that this area be a landscaped area and enhanced with plantings. Further, the applicant has also provided an Arborist Report and Tree Preservation Plan prepared by Urban Arboretum dated April 9, 2024. Urban Forestry and

Landscaping Staff have requested revised and additional reports for trees along the front lot line of the property to ensure that the injury caused by demolition and construction are not fatal. Planning staff are recommending a Holding provision to receive the supporting studies prior to development.			
Zoning Regulation	RM1	RM2	Proposed
Lot Width	N/A	45 m	30 m
Staff Comment: The minimum lot width to permit townhouses is 45 metres and the applicant is proposing townhouses on a lot that is 30 metres wide. The adjacent properties are a developed townhouse property at 218 Plains Road East and a heritage property at 242 Plains Road East. Therefore, more land cannot be acquired to increase the lot width. Further, it appears that the lot width can support the townhouses proposed provided that supporting studies are provided to Urban Forestry and Landscaping staff through the use of the Holding provision to ensure that the trees are not significantly injured.			
Zoning Regulation	RM1	RM2	Proposed
Lot Area	N/A	0.4 ha	0.15 ha
Staff Comment: The applicant is proposing townhouses on a lot that is 0.15 hectares in size whereas townhouses in the RM2 zone are permitted on a lot that is 0.4 hectares in size. The applicant is proposing six townhouses on the subject property which results in a density of 39.5 units per hectare. The proposal meets the density requirements of the RM2 zone. Therefore, staff are of the opinion that the size of the property can accommodate the number of townhouses proposed.			

Technical Review

The application was circulated to internal staff and external agencies May 3, 2024 for review. The following are the comments received that have been summarized below:

Accessibility Coordinator – No concerns at this time.

Development Engineering – Detailed comments were provided and circulated to the applicant that will be addressed at the Pre-Building Approval Application stage. Development Engineering has indicated no concerns.

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 concerns to the traffic volumes and parking. Other comments can be addressed at the Pre-Building Permit Application stage.

Ministry of Transportation – The site is outside of the MTO permit control area.

Zoning – No concerns.

Urban Forestry and Landscaping – Comments provided request additional information in relation to the trees along the east and rear lot lines to ensure that the trees are preserved. A design change has been requested to remove the balconies along the east lot line.

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

Heritage – City's Heritage Planning Staff reviewed the Heritage Impact Assessment prepared by Megan Hobson dated April 15, 2024. Heritage Planning Staff require written confirmation from the Ministry of Citizenship and Multiculturalism's Archaeology Program Unit that an archaeological assessment is not required for the subject property prior to any land disturbances. If an archaeological assessment is required, the associated archaeological assessment reports shall be submitted to Heritage Planning staff and the Ministry of Citizenship and Multiculturalism. Further, the Heritage Impact Assessment required the following required mitigation measures:

- Maintain the existing grade and preserve trees along the east and rear property line;
- Protect existing trees along the east and rear property line during demolition and construction, identified in the Arborist's Report as trees 2, 3, and 12-21; and,
- If a sound barrier wall is required, install an attractive wood fence in a manner that does not damage existing trees along the east property line.

In addition, the Heritage Impact Assessment recommends salvage of the following materials from the existing circa 1940 dwelling on the subject property, proposed to be demolished to facilitate the proposed townhouse development:

- The cut stone sills and aluminum window shutters;
- The front door with leaded glass sidelights;
- Interior doors and hardware, including wood doors and French door with etched glass;
- Oak flooring, baseboards, and staircase components; and,
- Cast iron radiators.

The City's Heritage Planning Staff are in agreement with the recommendations in the Heritage Impact Statement. Lastly, Heritage Planning Staff recommend that the colour palette of the new development be compatible with the existing built heritage resource at 242 Plains Road East. This has been included in a Residential Development Agreement in Appendix E of this report.

Fire Department – No concerns at this time. However, a revised site plan drawing will be required at the Pre-Building Approval Application detailing the proposed fire access route, location or existing and proposed fire hydrants, etc.

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.

Police Department – No concerns provided it doesn't interfere with the line-of-sight radio system.

Halton Region – Halton Region provided comments that stated that there is no concerns to the proposed Zoning By-law Amendment.

Halton Catholic District School Board – No concerns, however, the applicant is required to include warning clauses provided on the purchase of sale.

Halton District School Board – No concerns, however, the applicant is required to include warning clauses provided on the purchase of sale.

Burlington Hydro – Burlington Hydro Inc. Planning department has provided feedback and has approved that this site can be connected to the existing circuit currently running along Plains Road East.

Canada Post – No concerns at this time. Delivery to the townhouse complex will be centralized through a community mailbox.

Conservation Halton – Comments received at Pre-Consultation stage indicated no regulated areas and no further comments.

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

Rogers – No concerns at this time.

Enbridge – No concerns at this time.

Metrolinx – No comments at this time, however, the applicant is advised that the subject lands are in proximity of an Eastbound GO Bus Stop, and is advised to reach out should construction impact on or be impacted impacted by the Stop.

Canadian National Rail – CN has requested conditions of an eventual application approval as follows:

1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, CN may consider other measures recommended by an approved Noise Consultant.

2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the noise isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Financial Matters:

The property is subject to City, Region and School Board Development Charges and Park Dedication fees.

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. 90 days). Should a decision not be rendered by July 21, 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. 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 (Guideline 1.6). The applicant has noted that the policy cannot be met due to the size of the property in the Sustainability Checklist prepared by Weston Consulting dated September 2023. The property is 0.15 hectares in size. The applicant has proposed plantings along the west side lot line, front lot line and rear of the property through 12 new trees. Each dwelling is proposed to have shrubs planted by the entrance. There are also existing trees proposed to remain along the rear lot line and east lot line. Supporting studies are required through a Holding provision to ensure the trees are fatally damaged. Further, staff are recommending a 1.7 metre landscape area along the front lot line for plantings. Although there is limited space on the subject property, staff are satisfied with the proposal as

modified by staff provided that the trees along the east and rear lot line can remain to the satisfaction of the Manager of Urban Forestry.

Section one also requests that development includes adaptive reuse or rehabilitation of any non-designated heritage buildings with cultural heritage value or potential (Guideline 1.7). The applicant submitted a Heritage Impact Assessment prepared by Megan Hobson dated April 15, 2024 which provided mitigation measures for the proposed development as well as recommendations to salvage features of the existing building at 236 Plains Road East. It was also recommended by the City's Heritage Planning Staff that the proposed townhouses be a colour palette that is fitting with the adjacent heritage building at 242 Plains Road East.

In accordance with the Transportation guidelines in Section 2, the proposed site design should provide pedestrian and cycling connections, and bicycle parking (Guideline 2.1, 2.3, 2.5, and 2.6). Also, a Transportation Demand Management Plan is in Secondary Growth areas (Guideline 2.4). The applicant has provided pedestrian connections from a private pedestrian sidewalk with direct access to the public sidewalk at Plains Road East. Bicycle parking was not required for the subject property through the Zoning By-law, however, the applicant has indicated that space is provided in each unit's respective garage. A Transportation Demand Management was provided in the Transportation Impact Brief (Including CMP) prepared by UrbanTrans Engineering Solutions Inc. dated November 14, 2023. The proposal is providing the parking requirements in the Zoning By-law.

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 (Guidelines 3.8 and 3.9). The applicant has provided an Arborist Report and Tree Preservation Plan prepared by Urban Arboretum dated April 9, 2024. The City's Landscaping and Urban Forestry staff have reviewed the proposal and have requested a revised Arborist and Tree Preservation Plan, a Pre-Construction Exploratory Root Investigation Report, and a Legal Survey to ensure the preservation of existing trees proposed to be injured for those along the east and rear lot line adjacent to the non-designated heritage property (242 Plains Road East). Therefore, Planning Staff are recommending a "H" provision be applied to the property to ensure the revised Arborist and Tree Preservation Plan a Pre-Construction Exploratory Root Investigation Report, and Legal Survey are received to the satisfaction of the Manager of Urban Forestry prior to development. The preservation of trees on the subject property contributes towards the City's climate change goals both through their role in climate mitigation, sequestering carbon, adaptation by reducing the heat island effect, promoting infiltration and interception of rainwater, and improving air quality. Trees also improve the overall environment through their aesthetic qualities, providing habitat, reducing noise pollution,

contributing to stress reduction, as well as screening and privacy. These benefits accrue to both private properties and the community at large and the retention of trees aligns with the City's policies inclusive but not limited to the Tree Protection and Canopy Enhancement Policy and the Urban Forest Master Plan.

In accordance with the Water Conservation and Quality guidelines in Section 4, stormwater and pervious surfaces are considered. Development Engineering had not identified any concerns during the Zoning By-law Amendment stage, and any concerns can be addressed at the Pre-Building Permit Approval stage. The applicant is also proposing a treatment train, consisting of inlet filter, catchbasin inserts, and oil/grit separator.

In accordance with the Energy and Emissions guidelines in Section 5, urban heat islands were considered. Trees are provided or proposed to remain at the perimeter of the subject property to provide shade to the site and reduce the effects of Urban Heat Islands. A total of 12 trees will be replanted on site. Planning Staff are recommending a "H" provision be applied to the property to ensure the revised Arborist and Tree Preservation Plan a Pre-Construction Exploratory Root Investigation Report, and Survey are received to the satisfaction of the Manager of Urban Forestry

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, Halton waste will service this site for waste collection along Plains Road East.

Staff are of the opinion that the modified development proposal with the Holding provision meets the intent of the sustainable and design guidelines. Additional sustainability measures will be established in more detail at the Pre-Building Approval Application stage to ensure the sustainability objectives of the City of Burlington are met.

Engagement Matters:

The applicant held a virtual Pre-Application Community Consultation Meeting on June 5, 2023, prior to the submission of the applications. There were approximately 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 Zoning By-law Amendment application has been mailed to 128 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/236plainsroadeast. 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, eleven (11) 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:

Comment:	Staff Response:
<p>Height</p> <ul style="list-style-type: none"> Proposed development is too tall and does not fit on the site. 	<p>The proposal is for a 4-storey townhouse block consisting of six units. The property is currently zoned 'Residential Medium Density' (RM1-346) which permits a maximum height of 2.5-storeys. The applicant is proposing to rezone and redesignate the property to 'Residential Medium Density' (RM2). The RM2 zone permits a maximum height of 3-storeys. The applicant is proposing a building that is 1-storey greater than the RM2 zone. Staff have considered the policies of both the Official Plan (1997, as amended) and the Official Plan (2020). The Official Plan (1997, as amended) contains a site-specific policy in Part III, Subsection 2.2.3 h) which identifies the south side of Plains Road between Cooke Boulevard and Filmandale Road as a character area. This area is in transition as it is in the Urban Corridor designation and on the perimeter of the Aldershot GO Major Transit Station Area (MTSA). The Official Plan (2020) envisions a maximum height of 6-storeys on the subject property as well as mixed use development. If the policies of the Urban Corridor designation were in effect on the property, the proposed 4-storey height would be permitted. City staff are also recommending modified approval which has the proposed setbacks to neighbouring residential uses between 5 metres and 9 metres. Staff are also recommending a Holding provision to ensure the injured trees will remain and not die due to injury. Overall, Planning</p>

	<p>Staff are of the opinion that the height along Plains Road East is appropriate.</p>
<p>Density</p> <ul style="list-style-type: none"> The development is too big for the lot. 	<p>The applicant has proposed a townhouse block consisting of 6 units on the subject property. The proposal is within the density provision in the Official Plan (1997, as amended) within the Residential Medium Density designation ranging between 26 and 50 units. The proposal would have a density of 39.5 units per hectare. This is also within the RM2 density provision of 40 units per hectare. Overall, the density complies with the Official Plan (1997, as amended) and RM2 for the Zoning By-law.</p>
<p>Traffic and Parking</p> <ul style="list-style-type: none"> The increased traffic could have negative impacts on safety and there is not enough parking. 	<p>Transportation Planning Staff have provided comments that state no concerns for the proposed traffic volumes and parking. The applicant has met the parking requirements in the Zoning By-law.</p>
<p>Drainage/Grading/Snow Storage</p> <ul style="list-style-type: none"> The snow storage area and grading of the property will cause drainage issues to the rear. 	<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 Servicing and Stormwater Management Report prepared by S. Llewellyn & Associates Limited Consulting Engineers dated March 2024. No concerns were indicated for the proposal at the Zoning By-law Amendment stage. Any concerns can be managed at the Pre-Building Permit Approval stage. Further, this report recommends that a Holding be implemented on the property to address trees.</p>
<p>Privacy</p>	<p>The applicant is proposing indoor and outdoor amenity area on the 4th storey.</p>

<ul style="list-style-type: none"> The 4th storey will cause too much overlook. 	<p>Staff are recommending modified approval to remove the indoor amenity area from the rooftop to only include outdoor amenity and access. This would impact the use of the outdoor amenity area to be a 3 season area. Neighbours are concerned about the overlook onto their properties. Staff would recommend that the applicant change the materials of the glass railing to a solid railing at a greater height. Additionally, the larger trees along the rear and east side lot line are proposed to be injured but remain. 12 additional trees are proposed to be planted on the property. Planning Staff are recommending a Holding provision to ensure that the trees to remain are not fatally injured.</p>
<p>Mature Trees</p> <ul style="list-style-type: none"> Will the trees be injured too significantly? 	<p>Staff are recommending a Holding provision be implemented on the subject property to gain more information from the applicant regarding the level of injury to the trees on the property and ensure that the trees are not fatally injured.</p>
<p>Noise</p> <ul style="list-style-type: none"> The noise levels will be increased from the development. 	<p>The applicant is proposing a noise fence on the property as well as retaining existing trees and planting 12 new trees. Development Engineering Staff have reviewed the Noise Study prepared by dBA Acoustical Consultants Inc. dated April 2024 and noted no concerns.</p>
<p>Air and Soil Pollution</p> <ul style="list-style-type: none"> There will be air and soil pollution from the development. 	<p>The applicant has submitted a Phase Two Environmental Site Assessment prepared by Niagara Soils Solutions LTD. dated August 2, 2023. The report concluded that no further environmental investigations or work is required at the subject property. Further, an Air Quality Assessment was not required for the property.</p>
<p>Construction</p>	<p>Development Engineering staff will review a Construction and Mobility Management</p>

<ul style="list-style-type: none"> • There will be too much noise and traffic during development. 	<p>Plan at the Pre-Building Permit Approval stage.</p>
<p>Architecture and Character</p> <ul style="list-style-type: none"> • The proposed development does not fit with the character of the area. 	<p>The existing dwelling is a 1940 Suburban Vernacular dwelling as described in the Heritage Impact Assessment prepared by Megan Hobson dated April 15, 2024. The Heritage Impact Assessment recommends that the existing dwelling be salvaged prior to demolition. Further, the City's Heritage Planning Staff have requested a colour palette that is fitting with the surrounding area.</p> <p>As mentioned previously, the area between Filmandale Avenue and Cooke Boulevard is in transition to higher density uses. The surrounding uses of the subject property are existing townhouses. As this proposal also proposes a townhouse on the subject property, the proposal is compatible with the surrounding area.</p>

Conclusion:

Planning staff have reviewed the Zoning By-law Amendment application submitted for the lands located at 236 Plains Road East and find that the application is consistent with and conforms to Provincial planning documents, as well as the Regional Official Plan and Burlington Official Plan, 1997 and Zoning By-law. Staff are recommending modified approval of the application subject to the Holding provision.

Respectfully submitted,

Jaclyn Schneider

Planner

905-335-7600 ext. 7326

Appendices:

- A. Existing Zoning
- B. Concept Plan
- C. Public Comments
- D. Draft Zoning By-law Amendment
- E. 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.