



SUBJECT: Zoning By-law Amendment for 759 Maple Avenue

TO: Committee of the Whole

FROM: Community Planning Department

Report Number: PL-88-24

Wards Affected: 2

Date to Committee: December 3, 2024

Date to Council: December 10, 2024

Recommendation:

Approve the Zoning By-law Amendment application for the property located at 759 Maple Avenue to permit four (4) townhouse units of 4-storeys in height within one (1) building block with access to Maple Avenue via a private road; and

Approve Zoning By-law 2020.479, attached as Appendix D to community planning department report PL-88-24, which amends the zoning 'Residential Medium Density' (H-RM5) with a Holding provision to 'Residential Medium Density' (H-RM2-546) with a Holding provision and site-specific exceptions for the lands located at 759 Maple Avenue; and

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

PURPOSE:

The purpose of this report is to provide the recommendation to approve the subject development application and to provide the planning rationale for the recommendation.

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:

Arcadis Professional Services (Canada) Inc. has made an application on behalf of a private landowner for the property 759 Maple Avenue (the “subject lands”) a Zoning By-law Amendment for the development of four (4) townhouse units of 4-storeys in height within one (1) building block with access to Maple Avenue via a private road. The property is currently occupied by a 2-storey single-detached dwelling.

Planning Staff have reviewed the Zoning By-law Amendment application submitted for the subject lands and find that the application is consistent with Provincial planning documents and conforms to Regional Official Plan and Burlington Official Plan, 1997. Staff are recommending approval of the Zoning By-law Amendment application.

RECOMMENDATION:		Approval	Ward:	2
Application Details	APPLICANT:	Arcadis Professional Services (Canada) Inc.		
	OWNER:	Private landowner		
	FILE NUMBERS:	520-12/24		
	TYPE OF APPLICATION:	Zoning By-law Amendment		
	APPLICANT’S PROPOSAL:	Four (4) townhouse units of 4-storeys in height within one (1) building block with access to Maple Avenue via a private road		
Property Details	PROPERTY LOCATION:	East side of Maple Avenue between Hammond Street and Thorpe Road		
	MUNICIPAL ADDRESS:	759 Maple Avenue		
	PROPERTY AREA:	0.1 ha		
	EXISTING USE:	2-storey single-detached dwelling.		
Documents	1997 OFFICIAL PLAN Existing:	Residential - Medium Density		
	2020 OFFICIAL PLAN Existing:	Residential - Medium Density		
	ZONING Existing:	‘H-RM5’ (Residential Medium Density zone with a Holding provision)		

	ZONING Proposed by Applicant:	'H-RM2-546' (Residential Medium Density zone with a Holding provision and site-specific exceptions)
Processing Details	APPLICATION SUBMITTED:	October 2, 2024
	APPLICATION DEEMED COMPLETE:	October 10, 2024
	STATUTORY DEADLINE:	December 31, 2024
	PRE-APPLICATION COMMUNITY MEETING:	February 28, 2024
	STATUTORY PUBLIC MEETING:	December 3, 2024
	PUBLIC COMMENTS:	The public notice was mailed to 97 addresses and at the time of writing this report, Planning staff have received 3 written comments.

Background and Discussion:

1.1 Description of Subject Property and Surrounding Land Uses

The subject lands are located in the neighbourhood southeast of the intersection of Maple Avenue and Fairview Street, more specifically just northeast of the intersection of Maple Avenue and Hammond Street (as shown on Appendix A – Existing Zoning). The subject lands have an area of approximately 0.1 ha and are currently occupied by a 2-storey single-detached dwelling.

Surrounding uses are as follows:

- **North:** To the north is the property 767 Maple Avenue which is zoned RM5 and currently contains two (2) building blocks with a total of ten (10) townhouse units;
- **East:** To the east is the property 1205 Hammond Street which is zoned R3.4 and currently contains a single-detached dwelling of 2-storeys.
- **South:** To the south is the property 755 Maple Avenue which contains the same zoning as the subject lands, that being H-RM5, and currently contains a single-detached dwelling of 2-storeys;
- **West:** To the west is Maple Avenue and across is Maple Park;

The subject lands are in proximity to two nearby bus stops along Maple Avenue, one approximately 150m north and another approximately 200m southeast from the subject lands. These bus stops are located along Route 10 (Maple) which connects to the Burlington GO station, the Appleby GO station and the Downtown Terminal.

1.2 Description of Application

Arcadis Professional Services (Canada) Inc. has made an application on behalf of a private landowner to amend the Zoning By-law for the property located at 759 Maple Avenue.

The application proposes a Zoning By-law Amendment to rezone the subject lands from a H-RM5 Zone (Residential Medium Density zone with a Holding provision) to H-RM2-546 Zone (Residential Medium Density zone with a Holding provision and site-specific exceptions) to facilitate the development of four (4) townhouse units of 4-storeys in height within one (1) building block. The units are proposed to have two (2) parking spaces per unit with access to Maple Avenue via a private road. Each unit includes three (3) private amenity areas, with proposed rear yard privacy areas, a 2nd storey balcony, a 4th storey amenity area resulting in a privacy area of approximately 26m² per unit. The proposal results in a density of 40 units per net hectare and proposes the following amendments to the existing Zoning By-law 2020:

- Reduced Lot Width from the minimum required 45m to 21m
- Reduced Lot Area from the minimum required 0.4 ha to 0.1 ha
- Reduced Southeast Side Yard setback from the minimum required 4.5m to 1.6m
- Reduced Landscape Buffer abutting an R1, R2 or R3 zone from the minimum required 6m to 2.4m as well as allowing a driveway to encroach 2.1m with a maximum encroachment length of 6.4m
- Reduced Landscape Area abutting a street to a parking space from the minimum required 6m to 3.8m.
- Increased building height from the maximum permitted 2 and a half storeys and 13m for a townhouse dwelling to 4-storeys and 14.5m.
- Reduced driveway length from the minimum required 6m to 5.7m.
- Reduced parking setback from a R1, R2, R3 zone from the minimum required 6m to 2.4m.
- Driveways to be setback a minimum of 0.3m from a R1, R2, R3 zone.
- Reduced minimum requirement of one (1) loading space to none.

Supporting Documents

The applicant submitted the following materials in support of the subject application:

1. [Cover Letter](#) prepared by Arcadis Professional Services (Canada) Inc dated September 27, 2024.
2. [Complete Application Form](#) signed October 5, 2024.
3. [Planning Justification Report](#) prepared by Arcadis Professional Services (Canada) Inc dated September 20, 2024.
4. [Site Survey](#) prepared by A.J. Clarke and Associates Ltd. dated September 30, 2024.
5. [Conceptual Site Plan](#) prepared by Arcadis Professional Services (Canada) Inc dated August 19, 2024.
6. [Architectural Floor Plans and Elevations](#) prepared by Structured Creations Inc dated September 20, 2024.
7. [Height Survey of Adjacent Buildings](#) prepared by A.J. Clarke and Associates Ltd. dated March 6, 2024.
8. [Arborist Report](#) prepared by Seferian Design Group dated August 26, 2024.
9. [Tree inventory & Preservation Plan and Landscape Plan](#) prepared by Seferian Design Group dated September 25, 2024.
10. [Functional Servicing and Stormwater Management Report](#) prepared by Arcadis Professional Services (Canada) Inc. dated September 26th, 2024.
11. [Environmental Noise Feasibility Study](#) prepared by Structured Creations Inc dated October 1, 2024.
12. [Phase One Environmental Assessment](#) prepared by Arcadis Professional Services (Canada) Inc dated December 2023.
13. [Phase Two Environmental Assessment](#) prepared by Arcadis Professional Services (Canada) Inc dated March 2024.
14. [Sustainable Building and Development Guidelines Checklist](#) prepared by Arcadis Professional Services (Canada) Inc dated May 23, 2024.
15. [Comment Response Matrix](#) prepared by Arcadis Professional Services (Canada) Inc dated October 2024.
16. [Environmental Site Screening Questionnaire](#) dated October 2024
17. [Draft Zoning By-law Amendment](#) prepared by Arcadis Professional Services (Canada) Inc dated October 2024.
18. [Solid Waste Management Report](#) prepared by Arcadis Professional Services (Canada) Inc dated September 17, 2024.
19. [PIN Report](#) dated May 8, 2024

Application materials are posted on the project website, www.burlington.ca/759maple.

2.0 Policy Framework

The proposed Zoning By-law Amendment application is subject to review in accordance with the Provincial Policy Statement (2020); the Provincial Planning Statement (2024);

Region of Halton Official Plan (2009, as amended); City of Burlington Official Plan (1997, as amended); City of Burlington Official Plan (2020, as amended); and City of Burlington Zoning By-law 2020, as summarized throughout the report. Planning staff are of the opinion that the proposed application is consistent with the Provincial Policy Statement (2020) and Provincial Planning Statement (2024); City of Burlington Official Plans (1997 as amended & 2020 as amended).

3.0 Residential Land Uses and Intensification Criteria

The subject lands are designated as 'Residential - Medium Density' under Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area of the City of Burlington's Official Plan (the "OP 1997"). In accordance with Part III Section 2.2.2 d) and g) ii), lands designated as 'Residential – Medium Density' may permit either ground or non-ground-oriented housing units including detached and semi-detached homes, townhouses, street townhouses and stacked townhouses, back to back townhouses, attached housing and walk-up apartments, provided that these forms contain a density ranging between 26 and 50 units per net hectare.

Similarly, the subject lands are designated as 'Residential - Medium Density' under Schedule C – Land Use – Urban Area of the City of Burlington's Official Plan (2020) (the "OP 2020"). In accordance with Subsection 8.3.4 (1) a) and b), lands designated as 'Residential – Medium Density' may permit ground and non-ground-oriented dwellings including single-detached and semi-detached dwellings, townhouses, street townhouses, stacked townhouses, back-to-back townhouses and low-rise residential buildings at a density of 26 to 75 units per net hectare.

The proposed uses are therefore permitted by in force Official Plan policy designations.

The OP 1997 directs the permitted height to the existing Zoning By-law 2020, while the OP 2020 Subsection 8.3.4 (1) c) and d) describes that development may be permitted to a maximum height of 3-storeys for ground-oriented dwellings (not including rooftop amenity/outdoor areas) or 4-storeys for non-ground oriented dwellings as well development of non-ground oriented buildings shall be permitted only at the periphery of existing neighbourhoods.

In accordance with Section 86, (11) of the Regional Official Plan (the "Regional OP") the intent is to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

Similarly, both the OP 1997 under section Part III, Section 2.5.2 a) and the OP 2020 under Section 12.1.2 (2.2) c) provide specific development criteria to be considered by all development applications.

Part III, Section 2.5.2 a) (v) and (ix) of the OP 1997 describes that compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking and amenity area so that a transition between existing

and proposed buildings is provided and capability exists to provide adequate buffering and other measures to minimize any identified impacts. Similarly, Section 12.1.2 (2.2) c) (ii), (viii) and (viii) describes that the development shall achieve built form compatibility, achieve high quality urban design and is consistent with the policies contained in Chapter 7 – Design Excellence and that development shall provide buffering, setbacks and amenity area so that an appropriate transition between existing and proposed buildings are provided. Staff is of the opinion that these policies have been met in accordance with the analysis provided under Appendix E – Detailed Policy Analysis.

Planning staff is of the opinion that the proposed amendments to the Zoning By-law would conform with the Official Plans.

3.1 Transportation and Site Layout

In terms of vehicle parking and loading spaces, the proposed development includes a reduced driveway length from 6m to 5.7m. The intent of the driveway length regulation is to ensure that adequately sized parking spaces can be provided within the driveways, so vehicles do not encroach onto the private road.

Transportation Planning staff have indicated concerns with the Zoning By-Law Amendment as submitted as the drive aisle width and driveway lengths do not meet typical standards which will affect the setbacks and or density when addressed.

The proposed development includes two parking spots per unit, one on the driveway which requires the reduced driveway length from 6m to 5.7m and one within the garage which meets the required measurements as set out under the Zoning By-law 2020. The proposed development also includes a two-lane private road which provides access to the driveways. Additionally, due to the subject lands lot configuration and the proposed layout, an increase in the driveway length may subsequently trigger additional reductions in the driveway width, length of parking space within the garage or a greater reduction in setbacks such as those along the southeast property line. Planning staff is of the opinion that the proposed driveway length reduction is a minor deviation from the typical required standard (i.e. 5.7m proposed and 6m required). It is planning staff's opinion that the proposed development would provide sufficient spacing for larger vehicles within the garage and smaller vehicles on the driveway without these encroaching substantially into the proposed private road and without impeding pedestrian and vehicle circulation within the proposed development. Further, the proposed development would only contain four (4) residential units and as such, planning staff is of the opinion that any impact relating to the proposed driveway length reduction would not be significant and would not impact the overall functionality of the proposed development.

3.2 Housing

In accordance with Section 2.2, 1) of the Provincial Planning Statement (2024), planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;
- b) permitting and facilitating:
 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

In accordance with Map 1H – Regional Urban Structure of the Regional Official Plan, as amended, the subject lands are designated 'Urban Area' and are found within the Region's Built-up Area. In accordance with Section 75 the Built-Up Area is planned to accommodate a population target of 240,050 people as well as a density target of 20,500 Housing Units by 2041. 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 and some of the objectives include:

- To establish housing targets by type and appropriate density for the Local Municipalities and the Region as a whole.
- To explore and implement new approaches to reduce residential land and construction costs and to effect an adequate supply of Affordable Housing.
- To coordinate, improve upon, and expedite the development approval process so as to reduce the overall cost of housing.

- To make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods.
- To encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles.

In accordance with Section 86, (6), the per cent of new housing units produced annually in Halton in the form of townhouses or multi-storey buildings is to be at least 65 per cent to 2031 and at least 75 per cent each year thereafter.

Subsection 3.1.1(2)(g) of the City of Burlington 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.

The Burlington Housing Strategy and the Annual Housing Targets (Appendix B to the Housing Strategy) were approved by City Council on June 21, 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 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.

One of the housing objectives (Theme 2) of the Housing Strategy is to Support a Broad Variety of Housing Types and Forms to increase housing options that meet the needs of all current and future residents at all stages of life. This theme describes there is an important need to diversify the existing housing stock to include additional semi-detached, townhouse, mid-rise, high rise, and alternative housing forms as the City's current housing stock is primarily composed of single-detached dwellings. Furthermore, Action 4 of the Housing Strategy established minimum targets around housing that builds upon the policies of the City of Burlington Official Plan (2020) and uses the findings of the Housing Strategy Project. These targets are appended to the Housing Strategy, and establish that out of all new dwellings in the City, 1- and 2-bedroom dwellings would need to make up 10 per cent out of the 20 per cent new ground-related dwellings.

The proposed development includes the redevelopment of the existing 2-storey single-detached dwelling into 4 townhouse units, each containing 2 bedrooms. Staff is of the

opinion the proposed development meets the housing policies outlined under the Provincial, Regional and Local Plans.

3.3 Zoning By-law

The subject property is currently zoned 'H-RM5' ('Residential – Medium Density' with a Holding provision) under Zoning By-law 2020 as amended (as shown on Appendix A – Existing Zoning Plan). The RM5 permits Street Townhouses to a maximum height of two (2) storeys and 7m in measured height as well as a minimum density of 25 units per net hectare.

In accordance with Part 11, Section 1.1 – Permitted Uses, notwithstanding any other provision of this By-law, where the zone designation includes an 'H' Holding symbol prefix, no person shall use such lands or erect any building or structure for any purpose, except for specific instances not applicable to the proposed development. In accordance with Part 11, Section 1.2 – Removal of "H" Holding Symbol, where a zone designation contains the prefix "H" the lands identified shall not be developed or redeveloped until the City enacts an amending By-law removing the "H" holding symbol. The "H" holding provision on the zoning of this property is intended to facilitate land consolidation to facilitate built form and density provisions under the current underlying 'RM5' ('Residential Medium Density') zone and the 'Residential – Medium Density' designation under the in effect Official Plan. Staff is of the opinion that although the adjacent properties included in the holding provision are not being consolidated along with the subject lands, the intent of the holding provision is being met. The proposed development facilitates a built form and density as intended under the current Official Plan designation of 'Residential – Medium Density' while considering future linkages by providing vehicle parking spaces and a landscaped area at the rear visitor parking that may in turn be redeveloped into a right-of-way with additional planning approvals. As such, planning staff are satisfied that the intent of the holding provision is being met through this proposal and would recommend that the existing Holding provision therefore be replaced with the new Holding provisions as shown on Appendix D – Amending By-law. The application requests rezoning of the subject lands from a 'H-RM5 Zone' (Residential Medium Density zone with a Holding provision) to 'H-RM2-546' (Residential Medium Density zone with a Holding provision and site-specific exceptions).

As per the analysis provided of the Zoning By-law 2020 under Appendix E – Detailed Policy Analysis, staff is of the opinion that the proposed amendments are consistent with Provincial directions, conform to both Regional and Local Official Plans and are appropriate for the subject lands.

3.4 Technical Review

The application was circulated to internal staff and external agencies on October 11, 2024, for review. The following are summaries of the comments received:

City of Burlington – Finance – requests as a condition of development that, “taxes must be paid on parcels associated with this file. This includes all outstanding balances plus current year taxes that have been billed but not yet due.”

City of Burlington – Development Engineering – staff have indicated support the lift of the H provision, and a Record of Site Condition filing is not required. Staff also provided advisory comments, addressing the engineering related issues for subsequent Grading & Drainage Clearance Certificate review.

City of Burlington – Urban Forestry and Landscaping – Based on the submission provided, staff are not supportive of the current application and offer the following comments as part of this Zoning By-law Amendment Application which have been included as holding conditions under Appendix D – Amending By-law:

1. The proposed development shows a significant encroachment within the minimum tree protection zone (MTPZ) for neighbouring trees #7 to 10. A pre-construction tree root investigation report will be a requirement to confirm the proposed intent of injury to the neighbouring trees vs. destruction. This report will document a pre-exploratory excavation exercise to expose the root area on the subject property to be completed by a qualified tree professional. Exploratory excavation must be completed with the use of an air-spade by or under the supervision of a Qualified Tree Professional (QTP). The excavation should be a minimum of 75 cm deep and expose a minimum 30m wide section at the edge of impact. Further exploratory efforts may be needed dependent on the site conditions. Please be advised that no roots are to be cut during this exercise.

All roots greater than 2cm in diameter must be identified, documented and photographed. The report will include photos, list of significant roots, and assessment and recommendation. This report will also comment on the degree of canopy clearing/raising required to facilitate construction. Any and all mitigative measures as a result of the findings will need to be incorporated into the arborist report and tree protection plan.

2. Any requests associated injury or destruction permits for trees not solely owned by the applicant (e.g., neighbouring trees and/or boundary trees) will require written consent from the property owner. The applicant shall provide a letter of consent. The consent letter will reference the outcome of the exploratory exercise and permit application type. Details as to what to include in the submitted consent letter can be found within the City’s Forestry webpage at Burlington.ca/forest-protection.

Additionally, advisory comments were also provided which may be required at the time of the pre-building approval stage.

Therefore, Planning staff have included a holding provision under the proposed by-law with the condition that it only be lifted by way of the property owner or applicant providing

a pre-construction tree root investigation report to confirm the proposed intent of injury to the neighbouring trees vs. destruction and that any requests associated injury or destruction permits for trees not solely owned by the applicant will require written consent from the property owner. This will need to be addressed to the satisfaction of the Manager of Urban Forestry

City of Burlington – Parks and Open Space – staff wished to collect cash in lieu of parkland, with CILP charged at the rate in effect at the time of building permit issuance.

City of Burlington – Transportation Planning – Staff cannot support the Zoning By-Law Amendment as the following applies:

1. The drive aisle width and driveway lengths do not meet standards which will affect the setbacks and or density when addressed.
2. Typically, driveway access design is addressed at Site Plan, however, cannot be supported as proposed which may affect the setbacks and or density when addressed.

City of Burlington – Heritage Planner – Heritage Planning staff acknowledge that Halton Region had not previously identified an archaeological assessment report as an application requirement, however, through Bill 185, City staff are now the municipal approval authority for archaeological assessments. As per the archaeological site mapping review described in Archaeological Resources above, staff are of the opinion that the subject lands have archaeological potential. Staff recommended the use of an “H” Holding provision, which has been included as shown on Appendix D – Amending By-law, to require the owner and/or application Confirm with the Ministry of Citizenship and Multiculturalism - Heritage Branch on whether an archaeological assessment is required is to be provided to the satisfaction of the City of Burlington Director of Planning.

City of Burlington – Fire – no comments

City of Burlington – Zoning – Amendments required to the Zoning By-law have been identified and included as part of the draft by-law to reflect the proposed development.

Halton Region – Regional Staff offered comments in regard to municipal servicing and waste management for the proposed development concept. Staff indicated no objection to the submitted Zoning By-law Amendment and proposed development.

Halton Catholic District School Board – No objection. Elementary students generated from the development would be accommodated at St. John (B) Catholic Elementary School located at 653 Brant Street. Secondary school students would be directed to Assumption Catholic Secondary School located at 3230 Woodward Avenue. Further, conditions have been provided to be applied to the development proposal during a subsequent Condominium application and Educational Development Charges apply.

Halton District School Board – Students from this area are currently within the Central Public School, Tom Thomson Public School, and Burlington Central High School catchment areas. The Halton District School Board recognizes that according to the Board’s projections, these schools are projected to be over building capacity. As a result, students generated from this development are expected to be accommodated in the respective schools with the addition of portables. Further, conditions have been provided to be applied to the development proposal during a subsequent Condominium application and Educational Development Charges apply. Should a Plan of Condominium or Site Plan not be submitted Halton DSB would ask the City of Burlington to request to the developer that the warning clauses as provided be included in their Purchase and Sales agreement.

Halton Police – Staff have no concerns with the development proposal as it does not interfere with the line-of-sight radio system.

Ministry of Transportation (MTO) – the subject lands are not located within the MTO Permit Control Area for the Queen Elizabeth Way, therefore, a Building & Land Use permit(s) will not be required.

Canada Post – No comments.

Conservation Halton – No comments. Conservation Halton staff is not reviewing or providing formal comments on this Zoning By-law Amendment application because the potential spill hazard that may affect the property has not been mapped, nor have any relevant policies been updated or new guidance been provided by the province.

Enbridge Gas – No comments.

Imperial Infrastructure – No infrastructure in the area.

Rogers Communications – No comments.

Trans-Northern Pipeline – No infrastructure in the area.

Strategy/process/risk

The application was submitted to the City October 2, 2024, and deemed complete October 10, 2024. The application is for a Zoning By-law Amendment which has a 90-day timeline as per the Planning Act. Therefore, Planning staff are required to provide a recommendation within 90 days in order for Council to make a decision by December 31, 2024. If a municipal decision is not rendered by December 31, 2024, the applicant would have the ability to submit an appeal for non-decision to the Ontario Land Tribunal.

Financial Matters:

All application fees have been received in accordance with the Development Application Fee Schedule.

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; encourage the adoption of electric mobility and equipment through 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. A detailed review of the Sustainable Building guidelines has been included under Appendix E – Detailed Policy Analysis. Staff is of the opinion the proposed development proposal complies with the required Sustainable Building and Development Guidelines and therefore the development considers the City of Burlington Climate Action Plan to support the City's climate considerations.

Engagement Matters:

1.1 Public Engagement

The applicant held a virtual Pre-Application Community Consultation Meeting on February 28, 2024, prior to the submission of the application. The applicant, Mayor Marianne Meed Ward, Councillor Kearns, and Planning staff also attended the meeting.

Notice signs were posted on the subject lands on October 25, 2024. A public notice of the Zoning By-law Amendment application was mailed to 97 addresses, 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 www.burlington.ca/759maple. 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.

1.2 Public Comments

As of the writing of this report, 3 written public comments have been received by staff with respect to the subject application in objection to the proposal. The public comment received to date has been included in Appendix C – Public Comments. The letters received are in opposition to the proposed development, these have been summarized in the table below.

Public Comments	Staff Comments
<p>Concerns on proposed building height of 4-storeys and its impact due to shadows onto adjacent properties and obstruction of views</p>	<p>The proposed development includes a 4th storey for additional living space within the roofline of the proposed units. From the zoning review, the building constitutes 4-storeys and approximately 14.5m in measured height although it visually appears as a 3-storey building from the outside given the 4th storey has been designed within the roofline. The City only requires shadow studies for buildings that are 5-storeys or more, as buildings of 4-storeys or less generally do not produce shadow impacts on adjacent properties that are considered to be unacceptable. Therefore, it is staff's opinion that the proposed height increase will not generate an unacceptable impact in terms of shadowing on adjacent properties and is appropriate for the subject lands as it continues to ensure massing compatibility.</p>
<p>Concerns on privacy and overlook into adjacent living spaces due to proposed building height, separation to adjacent uses and the proposed dormers on the 4th storey, would request skylights instead.</p>	<p>The proposed 4th storey amenity area is proposed to be enclosed within the proposed building with a window opening to the southeast side yard. Staff is therefore of the opinion that the proposed 4th storey amenity area functions as an enclosed area with only minor impacts on overlook onto the adjacent property.</p> <p>Additionally, the proposed development includes a reduction to the southeast side yard regulation to 1.6m. It is Planning staff's opinion that since it is expected the neighbouring property to the southeast be redeveloped into a manner similar to the proposal on the subject lands at some point in the future, the setback reductions are considered appropriate for the envisioned built form of the area and continue to provide appropriate separation to adjacent uses.</p>
<p>Concerns on proposed concept plan layout and</p>	<p>The "H" holding provision on the zoning of this property is intended to potentially facilitate future land</p>

<p>preference for the building to be on the northside of the property to make the land usage of the two properties immediate southeast in the future.</p>	<p>consolidation with the properties directly southeast including 755 & 754 Maple Ave to meet the 'Residential Medium Density' designation policies and zone regulations. The proposed development has taken into consideration potential future linkages by providing vehicle parking spaces and a landscaped at the rear visitor parking that may in turn be redeveloped into a right-of-way with additional planning approvals.</p>
<p>Potential fire danger due to the proposed development</p>	<p>Fire staff were circulated on the application and have no comments on the proposed development.</p>
<p>Concerns over removal and impact on the mature healthy trees due to construction. Concerns on two large trees which have been removed without city permits and public consultation prior to application leaving only 3 or 4 mature trees near the property line. These provided shade to neighbouring dwellings which will now experience direct sun causing roofs to heat and hence cause greater heat in the summer months.</p>	<p>The City's Urban Forestry and Landscape staff have reviewed the submitted materials and have indicated concerns with the proposed tree removals. Therefore, prior to the submission of a Condominium or Pre-Building Permit application the property owner or applicant on their behalf will be required to meet the intent of the established holding provision as proposed amending under Appendix D – Amending By-law. The holding provision includes a condition to provide a pre-construction tree root investigation report as requirement to confirm the proposed intent of injury to the neighbouring trees vs. destruction. This report will also comment on the degree of canopy clearing/raising required to facilitate construction. Mitigative measures as a result of the findings will need to be incorporated into the arborist report and tree protection plan. Any requests associated injury or destruction permits for trees not solely owned by the applicant (e.g., neighbouring trees and/or boundary trees) will require written consent form the property owner. The applicant shall provide a letter of consent. The consent letter will reference the outcome of the exploratory exercise and permit application type.</p> <p>Staff is of the understanding that any tree removals prior to a formal application would have been proceeded in accordance with the Private Tree By-law permits provided it occurred after this by-law came into effect. This process does not include public consultation and protects trees on private property within the City's Urban Planning Area Boundary, the subject lands are located within this area. The permit applies when a property owner intends to injure or destroy (remove) a tree 20 cm</p>

	in diameter (8”) or greater measured at 1.37 m from the ground.
<p>Drainage concerns as proposal includes mainly hard surface</p> <p>Concerns with the two and 100yr storms as neighbours are concerned with the regular hard rains that already flood their property yards.</p>	<p>Development Engineering supports the Zoning By-law Amendment application and have provided advisory comments, addressing the engineering related issues for subsequent ‘Grading & Drainage Clearance Certificate’ (GDCC) review.</p> <p>The detailed design review will occur during the subsequent GDCC review and may include additional requirements such as a Hydrogeological Assessment, Geotechnical report, videos of the existing infrastructure within the ROW etc.</p> <p>The subject lands do not require over control, Quantity Control post-development flows to pre-development levels for the two to 100-yr storm.</p> <p>As a result, staff are of the opinion there are no major concerns with the drainage generated from the proposed development</p>

Conclusion:

Staff have evaluated the application for Zoning By-law Amendment for 759 Maple Avenue in accordance with all applicable policies, regulations, and guidelines, and with consideration for comments received from technical reviewers and the public. Staff is of the opinion that the proposed development consistent with the Provincial Planning Statement (2024) and Provincial Policy Statement (2020); conforms with the Region of Halton Official Plan; and conforms to the policies of the City of Burlington Official Plan (1997, as amended) and City of Burlington Official Plan (2020). Staff are therefore recommending approval of the subject application.

Respectfully submitted,

Mariana Da Silva

Planner

Community Planning Department

mariana.dasilva@burlington.ca

Appendices:

- A. Existing Zoning Plan

- B. Concept Plan
- C. Public Comments
- D. Amending By-law
- E. Detailed Policy Analysis

Notifications:

Arcadis Professional Services (Canada) Inc. (c/o Mike Crough)

mike.crough@arcadis.com

Grant Burlie (Planning staff will provide contact information)

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Commissioner Legal and Legislative Services/City Solicitor.