

Appendix E – Detailed Planning Analysis

1.0 The Provincial Planning Statement, 2024 (PPS)

The PPS came into force and effect on October 20, 2024, and applies to decisions concerning planning matters occurring after this date. This replaces the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (The Growth Plan) (2019). The PPS provides broad policy direction on matters of provincial interest related to land use planning and development and supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

In accordance with Section 2.1. 6., Planning authorities should support the achievement of complete communities by:

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.

The PPS directs that growth and development be focused in ‘Settlement Areas’ which include built-up urban areas where development is concentrated, and which have a mix of land uses and lands which have been designated in an Official Plan for development over the long term. The subject lands are therefore considered to be located within a Settlement Area.

In accordance with Section 2.3.1 1. And 2., Settlement Areas shall be the focus of growth as well as development and should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate; and
- e) are freight-supportive.

Furthermore, in accordance with Section 2.3.1 3., Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

The subject lands are located within the 'Residential Area' designation under Schedule A – Settlement Pattern of the City of Burlington Official Plan 1997 (OP 1997) and are currently occupied by a single-detached dwelling. The subject lands are envisioned as an 'Established Neighbourhood Area' under Schedule B-1: Growth Framework of the City of Burlington Official Plan 2020 (OP 2020). The proposed Zoning By-law amendment proposes to rezone the subject lands from an 'H-RM5' zone ('Residential – Medium Density' with a Holding provision) to a 'H-RM2' zone ('Residential – Medium Density' with a Holding provision and site-specific exceptions) to allow for the proposed four (4) townhouse units already permitted under the local Official Plan designations. Staff is therefore of the opinion that the proposed development is considered to be an efficient use of land and resources and are appropriate for the infrastructure that is available including servicing and existing transit routes.

In accordance with the energy conservation, air quality and climate change policies, Section 2.9 describes that planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

- a) support the achievement of compact, transit-supportive, and complete communities;
- b) incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;
- c) support energy conservation and efficiency;
- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.

The Zoning By-law Amendment application and development proposal contemplates redeveloping the existing subject lands from a single-detached dwelling with four (4) townhouse units which would be served by existing servicing infrastructure and public service facilities that currently serve the surrounding neighbourhood area. The subject lands are also near existing public transit routes, at approximately 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.

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

proposed tree removals. As a result, planning staff have incorporated a Holding provision under the amending By-law as later discussed in this analysis to address their concerns.

In accordance with the public spaces, recreation, parks, trails and open space policies under Section 3.9 1., the plan describes healthy and active communities should be promoted by

- a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The proposed development provides for access to the public sidewalks along Maple Avenue. The City's Engineering Services Accessibility staff have also reviewed the development application and have demonstrated no concerns on the proposed development and associated Zoning By-law Amendment.

The PPS recognizes that Official Plans are the most important vehicle for implementation of the PPS; however, all Council decisions affecting planning matters are required to be consistent with the PPS.

3.0 Halton Region Official Plan (ROP)

Section 44 of the Regional Official Plan (ROP) provides "broad policy directions on strategic matters such as management of land and natural resources, growth strategies, housing, economic development, water and wastewater services, solid waste management, transportation, and health and social services". The Planning Act requires that Burlington's Official Plan and Zoning By-law be amended to conform with the ROP.

In accordance with Map 1H – Regional Urban Structure of the ROP, as amended, the subject lands are designated 'Urban Area'. In accordance with Section 72, the Urban Area policies of the ROP identify that the goal of the Urban Area and the Regional Urban Structure is to manage growth in a manner that fosters complete communities, enhances mobility across Halton, addresses climate change, and improves housing affordability, sustainability, and economic prosperity.

Section 75 describes that the Urban Area is planned to accommodate the distribution of population and employment for the Region and the Municipalities as shown in Table 1,

the intensification and density targets as shown in Table 2. For the City of Burlington, these policies would include a population target of 240,050 people as well as a density target of 20,500 Housing Units by 2041. The subject lands are considered to be within a Built up Area as they are located within the Built Boundary.

In accordance with Section 85, some of the objectives of housing in the Region of Halton include: to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods; and encourage the Local Municipalities and the building and development industry to develop innovative housing designs that stress flexibility in use, mix of compatible land uses, good environmental practices, universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles. Furthermore, Section 86 outlines it is the policy of the Region to permit intensification of land use for residential purposes such as infill, redevelopment, and conversion of existing structures provided that the physical character of existing neighbourhoods can be maintained.

In accordance with Section 89(3), all new development within the Urban Area is to be connected to the Region of Halton's municipal water and wastewater system. As part of the required materials for the application submission, the applicant provided a Functional Servicing Report which includes a Stormwater Management brief that Region of Halton staff as well as Development Engineering staff have reviewed and have indicated no concerns.

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

The Cultural Heritage Resources policies under Section 167. (6) of the plan, describes that prior to development occurring in or near areas of archaeological potential, require assessment and mitigation activities in accordance with Provincial requirements and the Regional Archaeological Management Plan. Heritage Planning staff 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,

Heritage staff are of the opinion that 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.

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

4.0 City of Burlington Official Plan (1997, as amended)

The City of Burlington’s Official Plan (the “OP 1997”) provides specific guidance on land use planning and development within the city. The Official Plan includes local principles, objectives and policies for the orderly growth and compatibility of different land uses.

The subject lands are designated as ‘Residential Areas’ under Schedule ‘A’ – Settlement Pattern. In accordance with Part III, Section 2.2.1 a), one of the objectives of ‘Residential Areas’ 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.

The subject lands are further designated as ‘Residential – Medium Density’ under Schedule ‘B’ – Comprehensive Land Use Plan – Urban Planning Area. 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. The proposed uses are therefore permitted under the existing OP designation.

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

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

Staff comment: The City’s Development Engineering staff, Halton Region staff, Halton District School Board staff and Halton Catholic District School Board staff have been circulated as part of the technical review process and have indicated no objection to the application and proposed development in terms of servicing.

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

Staff comment: The application contemplates two (2) vehicle parking spaces per unit, one of which would be provided on the driveway and one within the attached garage. Additionally, the proposed development also provides for 3 visitor parking spaces including one accessible parking space. The existing zone RM5 and the proposed RM2 zone require two (2) parking spaces per unit, one of which may be provided in the attached garage. Additionally, a rate of 0.25 visitor spaces per unit is required, meaning the development of 4 units would require 1 visitor space. Therefore, the proposed development meets the minimum required number of vehicle parking spaces in accordance with the current Zoning By-law 2020. The City's Planning and although Transportation Planning has concerns with some transportation elements, they do not have concerns with the proposed amount of vehicle parking.

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

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

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

Staff comment: The subject lands are 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. The proposed development fronts onto a private road with access to Maple Avenue which is also designated as a 'Minor Arterial' under Schedule J – Classification of Transportation Facilities.

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

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

Staff comment: The proposed development includes rezoning the property from a 'Medium Density Residential' RM5 zone to a 'Medium Density Residential' RM2 zone along with the amendment of the current holding provision and implementation of site-specific regulations.

The proposed RM2 zone requires a Lot Width of 45m and a Lot Area of 0.4 ha, therefore an amendment under the proposed by-law is required to reflect the existing site conditions of a Lot Width of 21m and a Lot Area of 0.1 ha.

The existing single-detached dwelling provides a Southeast Side Yard Setback of approximately 9m. The existing RM5 zone requires a minimum Southeast Side Yard Setback of 1.2m while the proposed RM2 zone requires a more restrictive 4.5m setback. The proposed development includes a reduction to the southeast side yard regulation under zone RM2 from 4.5m to 1.6m. The property directly southeast of the subject lands is zoned H-RM5 which is the same zoning and the subject lands. The H-RM5 zone indicates a holding provision with the intent to be removed on the basis that the properties be redeveloped into a Medium Density building form as envisioned under the OP 1997 designation of 'Residential – Medium Density' and under the RM5 zone. Therefore, 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, the setback reductions are considered appropriate for the envisioned built form of the area and continue to provide appropriate separation to adjacent uses. Additional analysis of the existing Zoning conditions and the intent of the Holding provision is later discussed in this analysis.

The proposed development includes a reduction to the parking setback from a R1, R2, R3 zone from the minimum required 6m to 2.4m. The visitor parking space in question is encouraged to be located in proximity to the rear lot line, to permit a site layout that encourages the orderly and logical development of the subject lands. As per the submitted Landscape Plan, trees are proposed on the landscaped area between the proposed visitor parking space and the abutting lot to further provide visual separation and buffer between the uses. Therefore, planning staff is of the opinion that the reduced yards would provide for sufficient spatial separation and adequate access around buildings.

The proposed development includes a 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. Under Zoning By-law 2020, a 'Landscape Buffer' is defined as the area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing and evergreen or deciduous trees and snow storage as well as transformers are not permitted within it. The rear property line where the Landscape Buffer is required abuts the backyard of the property known as 1205 Hammond Street, which also currently contains a single-detached dwelling. The proposed reduced Landscape Buffer to 2.4m would provide for separation and sufficient space to obstruct the view of adjacent land uses by means of a landscape screen. Planning staff note that additional review of the proposed type of vegetation within the Landscape Buffer will need to take place as part of subsequent applications to ensure the proposed Landscaping is sufficiently dense and the proposed snow storage location will need to be revised outside of the Landscape Buffer. Nonetheless, it is staff's opinion the proposed reduction would provide sufficient separation to the adjacent uses.

The proposed development includes a reduced Landscape Area abutting a street to a parking space from the minimum required 6m to 3.8m. Landscape Areas are defined under Zoning by-law 2020 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. It may be crossed by a driveway or walkway provided it is substantially perpendicular to the Landscape Area, a ground sign may be located within it, a Landscape Buffer may be included in the calculation and snow storage as well as transformers are not permitted within it. The intent of Landscape Areas is to ensure appropriate separation is provided between the development and adjacent land uses. Staff is of the opinion that the proposed Landscape Area reduction of 3.8m due to the introduction of an accessible parking space, would provide sufficient open space between the front property line and the proposed parking area.

The existing single-detached dwelling on the subject lands is 2-storeys in height. The existing 'Residential Medium Density' designation establishes the maximum permitted building height under the Zoning By-law 2020. The existing RM5 zone and the proposed RM2 zone permit a maximum building height of 2-storeys to 11.5m for peaked roofs. The applicant provided a Building Height Survey which depicts the height of buildings directly abutting the subject lands and indicate heights between 7.39m to 8.30m of buildings up to 2-storeys in height. The proposed development includes an increase from the permitted 2-storeys to 4-storeys and a measured height increase from the permitted 11.5m to approximately 14.5m. 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. Therefore, it is staff's opinion that the proposed development continues to ensure massing compatibility with the adjacent or neighbouring properties.

In terms of vehicle parking and loading spaces, the proposed development includes a reduced driveway length from 6m to 5.7 m and a reduced number of loading spaces from the required one (1) space to none.

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.

Additionally, the intent of requiring loading spaces in this case is to ensure that in residential developments of 4-storeys or more have appropriate drop-off or pick-up areas to service non-ground-oriented dwelling units. Staff is of the opinion that the proposed development is a ground-oriented development as it proposes to contain direct entrances to the units from the front yard via front doors and garage doors.

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

Staff comment: As part of the required materials for the application submission, the applicant provided an Arborist Report, a Tree Inventory & Tree Preservation Plan and a Landscape Plan. 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 under the proposed amending by-law (as shown on Appendix D). 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. Any and all 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 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.

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

Staff comment: The proposed development consists of a 4-storey building block with four (4) townhouse units with minor yard reductions as discussed in earlier sections of

the OP 1997 review, Planning staff therefore have no concerns of potential significant sun-shadowing.

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

Staff comment: The subject lands are designated as 'Residential Medium Density' in accordance with Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area of the OP 1997 and it is approximately 150m away from the nearest 'Regional Commercial' designation. The subject lands and 'Regional Commercial' designations are connected by pedestrian and transit routes. Under the OP 1997, the 'Regional Commercial' designation shall provide a wide range of retail and service commercial uses and community facilities. These commercial areas are considered major activity centres in terms of their size and use and are intended to serve all of the City as well as population in adjacent municipalities.

As per the analysis provided, planning staff is of the opinion the proposed Zoning By-law amendment conforms to the OP 1997.

5.0 City of Burlington Official Plan (2020)

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

The subject lands are designated as 'Residential Neighbourhood Areas' under Schedule B – Urban Structure. In accordance with Subsection 8.3.1 a) one of the objectives of Residential Neighbourhood Areas is to encourage new residential development and residential intensification within the Residential Neighbourhood Area in accordance with Provincial, Regional and City growth management objectives, while recognizing that the density and form of new development must be balanced with other planning considerations, such as the availability of infrastructure and public service facilities, and also ensuring that new development achieves compatibility and integration within existing residential neighbourhoods.

The subject lands are further designated as 'Residential - Medium Density' under Schedule C – Land Use – Urban Area. 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. Furthermore, in accordance with Subsection 8.3.4 (1) c) and d), 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. The proposed uses are therefore permitted under the OP 2020 designation.

The development applications criteria listed under Section 12.1.2 (2.2) c) shall be satisfied when evaluating all development applications, where applicable.

Section 12.1.2 (2.2) c) (i): the development shall be consistent with the land use compatibility policies contained in Section 4.6, Land Use Compatibility, of this Plan.

Staff comment:

In accordance with Section 4.6, the Land Use Compatibility policies describe that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from vibration, noise, dust, odour or other contaminants and minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities, in accordance with provincial guidelines, standards and procedures.

The subject lands and the properties directly abutting its property lines are designated as 'Residential Neighbourhood Areas' which encourages new residential development and residential intensification. The development proposes to redevelop the existing single-detached dwelling into four (4) townhouse units, therefore the uses on the subject lands would remain as residential. Additionally, as part of the required materials for the application submission, the applicant provided an Environmental Site Screening Questionnaire (ESSQ), a Phase One and a Phase Two Environmental Assessment, and a Noise Feasibility Study. These materials have been reviewed by City Planning staff as well as Development Engineering staff who have indicated no concerns with respect to site contamination, vibration and noise generated by the proposed development given there is no change of use, and the site is not environmentally sensitive. Therefore, Planning staff is of the opinion that the proposed development conforms with the policies under Section 4.6 of the OP 2020.

Section 12.1.2 (2.2) c) (iii): the development shall be consistent with the intent of the Section 2.3 – The Urban Structure, of the Plan and maintain the land use vision established in the land use designations of this Plan.

Staff comment:

The subject lands are designated as 'Residential Neighbourhood Area' and in accordance with Section 2.3.4 lands within this designation make up a significant proportion of the Urban Area and are intended to accommodate a wide range of residential uses and forms, together with supporting parkland, and other land uses such as small-scale commercial uses or home occupations that are part of the residential environment. Any development occurring in these areas shall be compatible and should enhance the physical character of the surrounding area, in accordance with subsection

2.4 – Growth Framework and the applicable policies of Chapter 8: Land Use Policies – Urban Area of this Plan.

The subject lands are designated as ‘Established Neighbourhood Area’ under Schedule B-1 – Growth Framework of the Plan. In accordance with Section 2.4.2.(3) a) established neighbourhood areas shall be composed of selected lands designated Residential – Low Density, Residential – Medium Density, and Residential – High Density, and development shall be in accordance with the permissions and densities established in the underlying land use designation. Furthermore, in accordance with subsection 2.4.2 (3) b), opportunities for intensification in ‘Established Neighbourhood Areas’ may be permitted with development that is in accordance with the maximum density and/or intensity permitted under the applicable land use designation. The subject lands are currently occupied by a single-detached dwelling and the proposed development of four (4) townhouse units with a density of approximately 40 units per net hectare is a permitted use under the existing designation.

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

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

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

Staff comment:

In accordance with Section 7.3.2 (2) i), ‘Established Neighbourhood Areas’ are subject to the policies of Subsection 7.3.2 a) of the OP 2020, where applicable and additional considerations such as, but not limited to: the local pattern of lots; the building typologies of nearby residential properties; the heights and scale of nearby residential properties; the setback of buildings from the street; and the pattern of rear and side-yard setbacks. These identify that development should be designed to enhance the existing physical character of the surrounding area within which it is situated. Policy review of these sections have been conducted as part of the OP 1997 Part III, Section 2.5.2 a) (v) and (ix) as previously mentioned in this analysis.

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

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

Staff comment: The subject lands are designated as ‘Residential Medium Density’ in accordance with Schedule C – Land Use – Urban Area of the OP 2020 and it is

approximately 150m away from the nearest 'Mixed Use Commercial Centre' designation. The subject lands and 'Mixed Use Commercial Centre' designations are connected by pedestrian and transit routes. Under the OP 2020, the 'Mixed Use Commercial Centre' designation is to offer a wide range of retail and service commercial uses, office uses, residential uses, public service facilities and open spaces and which are intended to serve a regional market as well as provide retail goods and services to residents in the immediate area and the city.

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

Staff comment: The City's Urban Forestry and Landscaping staff have reviewed the submitted materials and have indicated they are not supportive of the current application due to the significant encroachment within the minimum tree protection zone (MTPZ) for neighbouring trees. 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.

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

Staff comment: City Transportation planning staff have reviewed the proposed Zoning By-law Amendment and have indicated concerns with the proposed driveway length reduction as later discussed in this analysis but have indicated no concerns with potential traffic impact generated by the proposed use and no concerns with the amount of vehicle parking proposed. Additionally, the proposed amount of parking is provided in accordance with the requirements under the existing Zoning By-law 2020.

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

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

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

Staff comment:

The proposed development fronts onto a private road with access to Maple Avenue which is designated as a 'Frequent Transit Corridor' and as a 'MTSA Secondary Connector' under Schedule B-2 Growth Framework and Long Term Frequent Transit Corridor, as a 'Urban Avenue' under Schedule O-1 – Classification of Transportation Facilities - Urban Area and as a 'Bike Lane' under Schedule P – Long Term Cycling Master Plan.

'Frequent Transit Corridors' are defined under OP 2020 as a priority component of the city-wide public transit network and have existing and/or planned land uses, and street design conditions to enable a frequent service. Similarly, 'Major Transit Station Area (MTSA) Secondary Connectors' are important streets that provide a viable alternative for linking MTSAs and have the potential to become a strong active transportation and transit corridor in the future. The proposed development is located within the City's built-up area and is connected to existing transit services. Transportation staff have been circulated as part of the technical circulation and have indicated no concerns on the proposed development in relation to the existing transit infrastructure/services.

The "H" holding provision on the zoning of this property is also intended to potentially facilitate future land 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.

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

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

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

6.0 Zoning By-law 2020

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 (7m from fixed grade) and 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 in accordance with the following permitted uses and regulations:

- a) Part 1: General Conditions and Provisions
Part 14: Exceptions to Zone Designations
- b) Minor additions to existing detached dwelling subject to R2.3 zone regulations.
- c) Existing uses, buildings and structures lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted.
- d) A Home-Based Business in an existing detached dwelling.
- e) A public or private park, provided no permanent buildings or structures are erected.
- f) An agricultural use and one detached dwelling in conjunction with each agricultural operation, subject to Part 1, Subsection 2.21, “Uses Permitted in All Zones”.
- g) An Additional Residential Unit in an existing building lawfully permitted on the date the amending By-law creating the ‘H’ zoning was enacted, subject to Part 1, Section 2.21, Subsection (u)

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 amending By-law will not be enacted until the intent and general requirements of the H provision are met. The “H” holding provision on the zoning of this property is intended to facilitate land consolidation to facilitate built form and density provisions under current underlying ‘RM5’ (‘Residential Medium Density’) zoning and ‘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.

The application therefore requires a Zoning By-law Amendment to amend the existing holding provision and 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 following table outlines a comparative analysis of the requirements of the existing 'Residential Medium Density 'RM5', the 'RM2' zone and the proposed 'H-RM2-546' zone:

Zoning Regulation	RM5	RM2	H-RM2-546
Lot Width	6.8m	45m	21m
Staff Comment: The underlying RM2 zone requires a Lot Width of 45m and the proposed development requests a reduction to 21m. The proposed development reduction reflects the existing site conditions, no changes to the lot configuration have been proposed.			
Zoning Regulation	RM5	RM2	H-RM2-546
Lot Area	200m ²	0.4ha	0.12ha
Staff Comment: The underlying RM2 zone requires a Lot Width of 45m and the proposed development requests a reduction to 21m. The proposed development reduction reflects the existing site conditions, no changes to the lot configuration have been proposed.			
Zoning Regulation	RM5	RM2	H-RM2-546
Southeast Side Yard Setback	1.2m	4.5m	1.6m
Staff Comment: The existing single-detached dwelling provides a Southeast Side Yard Setback of approximately 9m. The existing RM5 zone requires a minimum Southeast Side Yard Setback of 1.2m while the proposed RM2 zone requires a more restrictive 4.5m setback. The proposed development therefore includes a reduction to the southeast side yard regulation under zone RM2 from 4.5m to 1.6m. The property directly southeast of the subject lands is zoned H-RM5 which is the same zoning and the subject lands. The H-RM5 zone indicates a holding provision with the intent to be removed on the basis that the properties be redeveloped into a Medium Density building form as envisioned under the OP designation of 'Residential Medium Density' and under the RM5 zone. Therefore, 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, the setback reductions are considered appropriate for the envisioned built form of the area and continue to provide appropriate separation to adjacent uses.			
Zoning Regulation	RM5	RM2	H-RM2-546
Landscape Area abutting a street	N/A	Abutting a street having a deemed	Abutting a street adjacent to a parking

		width greater than 26 m: 6m	space: 3.8m Abutting a street adjacent to a building: 6m
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Staff Comment: The proposed development includes a reduced Landscape Area abutting a street to a parking space from the minimum required 6m to 3.8m. Landscape Areas are defined under Zoning by-law 2020 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. It may be crossed by a driveway or walkway provided it is substantially perpendicular to the Landscape Area, a ground sign may be located within it, a Landscape Buffer may be included in the calculation and snow storage as well as transformers are not permitted within it. The intent of Landscape Areas is to ensure appropriate separation is provided between the development and adjacent land uses or the public realm. Staff is of the opinion that the proposed Landscape Area reduction of 3.8m due to the introduction of an accessible parking space, continues to provide sufficient separation to the adjacent uses.

Zoning Regulation	RM5	RM2	H-RM2-546
Landscape Buffer abutting R1, R2, R3 zones	N/A	6m	2.4m Driveway may encroach 2.1m into the landscape buffer with a maximum encroachment length of 6.4m

Staff Comment: The proposed development includes 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. Under Zoning By-law 2020, a 'Landscape Buffer' is defined as the area of a lot which serves to provide separation and to partially obstruct the view of adjacent land uses by means of a dense landscape screen consisting of evergreen trees or a combination of solid screen fencing and evergreen or deciduous trees and snow storage as well as transformers are not permitted within it. The rear property line where the Landscape Buffer is required abuts the backyard of the property known as 1205 Hammond Street, which also currently contains a single-detached dwelling. The proposed reduced Landscape Buffer to 2.4m continues to provide for separation and partially obstructs the view of adjacent land uses by means of a landscape screen. Planning staff note that the proposed snow storage location will need to be revised outside of the Landscape Buffer. Nonetheless, it is staff's opinion the proposed reduction continues to provide sufficient separation to the adjacent uses.

Zoning Regulation	RM5	RM2	H-RM2-546
Height	2-storeys and 11.5m	2-storeys and 11.5m	4-storeys and 14.5m

Staff Comment: The existing single-detached dwelling on the subject lands is 2-storeys in height. The existing 'Residential Medium Density' designation establishes the maximum

permitted building height under the Zoning By-law 2020. The existing RM5 zone and the proposed RM2 zone permit a maximum building height of 2-storeys to 11.5m for peaked roofs. The applicant provided a Building Height Survey which depicts the height of buildings directly abutting the subject lands and indicate heights between 7.39m to 8.30m of buildings up to 2-storeys in height. The proposed development includes an increase from the permitted 2-storeys to 4-storeys and a measured height increase from the permitted 11.5m to approximately 14.5m. 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. Therefore, it is staff's opinion that the proposed development continues to ensure massing compatibility with the adjacent or neighbouring properties.

Zoning Regulation	RM5	RM2	H-RM2-546
Driveway Widths and Landscape Open Space Area	driveway lengths of units in a condominium: 6.7m	driveway lengths of units in a condominium: 6.7m	driveway lengths: 5.7m

Staff Comment: 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

Zoning Regulation	RM5	RM2	H-RM2-546
Off-Street Parking and Loading Requirements	One (1) loading space	One (1) loading space	No loading space

Staff Comment: The intent of requiring loading spaces in this case is to ensure that in

residential developments of 4-storeys or more have appropriate drop-off or pick-up areas to service non-ground-oriented dwelling units. Staff is of the opinion that the proposed development is a ground-oriented development as it proposes to contain direct entrances to the units from the front yard via front doors and garage doors.

As per the analysis above staff is of the opinion that the proposed amendment to Zoning By-law 2020 complies with the general intent of the original zoning amendment, reflects current market conditions and is appropriate for the subject lands.

7.0 Sustainable Building and Development Guidelines

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

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

In accordance with guideline 2.3, development proposals are required to provide bicycle parking spaces in accordance with the Zoning By-law and Official Plan policies. This guideline helps ensure that sufficient bicycle parking spaces are provided in order to encourage a variety active transportation. No bicycle parking required for the proposed development in accordance with the Zoning By-law 2020. However, units can demonstrate sufficient space for bike storage in garage, in ground level entry area, or other areas of the dwelling.

In accordance with guideline 3.8, development proposals are encouraged to maintain existing on-site trees that are 30 cm or more DBH (diameter at breast height) or Maintain 75 per cent of healthy mature trees greater than 20 cm DBH. Tree preservation requirements are to be determined by Official Plan urban forestry policies. As part of the application submission, the applicant provided a Tree Inventory and Preservation Plan

which illustrates that most trees and vegetation will be removed from the subject lands and approximately 15 new trees will be planted. As previously mentioned, Urban Forestry staff have indicated concerns with the proposed tree removals and to address these, planning staff have incorporated holding conditions to maintain the intent of the guideline.

In accordance with guideline 4.1, development proposals are required to achieve a level one/enhanced stormwater treatment for all stormwater runoff. This guideline helps to ensure stormwater quality treatment reduces the total suspended solids in runoff to ensure the protection of receiving watercourses and Lake Ontario. As part of the application submission, the applicant provided a Functional Servicing and Storm Water Management Report to demonstrate level one enhanced stormwater treatment for all stormwater runoff. Development Engineering staff have reviewed the submitted materials and have no concerns with the proposed Storm Water Management.

In accordance with guideline 5.1, development proposals are required to provide vegetated landscape areas in hard surface areas as per the Zoning By-law. This guideline helps to provide vegetation that can reduce the urban heat island effect to improve human comfort and energy efficiency in the surrounding areas. The proposed development provides for landscape areas which help to reduce potential urban heat island effects including front and rear common landscape areas and buffers, along with some plantings along the perimeter and small open garden box directly adjacent the unit's front porch.

In accordance with guideline 6.1, development proposals are required to provide and implement a waste management plan in accordance with Regional requirements as recycling and composting treats waste as a resource and reduces the need for landfill expansion. As part of the application submission, the applicant provided a Solid Waste Management Report. Halton Region staff have reviewed the submitted materials and indicated no concerns with the proposed plans.

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

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 implications.