

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, long-term 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 single-detached dwellings. 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 ‘R2.3’ zone (‘Residential – Low Density’) to an ‘RM3-550’ zone (‘Residential – Medium Density’ with site-specific exceptions) to allow for the proposed twelve (12) residential units. Staff is therefore of the opinion that the proposed development is an efficient use of land and resources and is 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 Official Plan and Zoning By-law Amendment application and development proposal contemplates redeveloping the existing subject lands from single-detached dwellings to twelve (12) residential units which would be served by existing servicing infrastructure and public service facilities that currently serve the surrounding neighbourhood area. The subject lands are located within proximity of two Burlington Transit bus stops with access to Route 4 (Central). The property is 500 m from the Drury at Prospect bus stop and 550 m from the stop known as 736 Drury . Route 4 has stops along: Drury Lane, Prospect Street, Cumberland Avenue, Rexway Drive, Longmoor Drive, Pinedale Avenue, New Street, Lakeshore Road, Francis Road, Plains Road East, and Waterdown Road and Aldershot GO stations. Routes 2 and 52 are accessible to the subject lands, with stops located approximately 690m away, at the intersection of Brant and Ghent. Routes 2 and 52 provide access to Burlington GO, as well as to amenities northward on Brant Street to Dundas Street, eastward on Dundas Street to the GO carpool lot near the 407 onramp. Additionally, the subject lands are within walking distance to Burlington GO by using the walking path through Optimist Park, Maplewood Drive and Argon Court.

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.

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 Ghent Avenue. The City's Engineering Services Accessibility staff have also reviewed the development application and have expressed no concerns with the proposed development and associated Official Plan and 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. Regional staff have indicated that there is missing information from the Functional Servicing Report that is necessary to understand whether or not there are constraints with regard to the existing infrastructure. Regional staff have requested the City impose a Holding provision that obligates the proponents to revise the report and provide a satisfactory response to the Region.

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 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.

As per the analysis provided, planning staff is of the opinion the proposed Official Plan and 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 is 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 – Low Density' under Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area. In accordance with Part III Section 2.2.2 c) and g) i), lands designated as 'Residential – Low Density' may permit 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 represent a density of no more than 25 units per net hectare, and that the built form is compatible with the existing neighbourhood. The proposed use is not 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. Halton Region staff have indicated that there is missing information that is necessary for the Region to assess whether there will be impacts to wastewater system. As such, City staff are recommending that a Holding provision be applied to the site which would ensure that the additional information is provided and a satisfactory outcome can be achieved.

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

Staff comment: The application contemplates 1.3 vehicle parking spaces per unit (total of 16 for entire development proposal). Additionally, the proposed development also provides for one accessible parking space. The proposed RM3 zone requires a total of seventeen (17) parking spaces. Even though the proposed development would require relief with regard to this parking standard, the City's Planning and Transportation Planning staff 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 located within proximity of two Burlington Transit bus stops with access to Route 4 (Central). The property is 500 m from the Drury at Prospect bus stop and 550 m from the stop at 736 Drury. Route 4 has stops along: Drury Lane, Prospect Street, Cumberland Avenue, Rexway Drive, Longmoor Drive, Pinedale Avenue, New Street, Lakeshore Road, Francis Road, Plains Road East, and Waterdown Road and Aldershot GO stations. Routes 2 and 52 are accessible to the subject lands, with stops located approximately 690m away, at the intersection of Brant and Ghent. Routes 2 and 52 provide access to Burlington GO, as well as to amenities northward on Brant Street to Dundas Street, eastward on Dundas Street to the GO carpool lot near the 407 onramp. Additionally, the subject lands are within walking distance to Burlington GO by using the walking path through Optimist Park, Maplewood Drive and Argon Court.

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) (vi): *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.

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

Staff comment: The proposed development includes rezoning the property from a 'Low Density Residential' R2.3 zone to a 'Medium Density Residential' RM3 zone and implement site-specific regulations.

Zoning Regulation	RM3	RM3-550
Lot area	0.4ha	0.17ha
Minimum front yard setback	7.5m	4.5m
Minimum side yard setback	4.5m	2m
Minimum yard abutting an R2 zone	12m	10.17m
Minimum landscape buffer	3.0m abutting R2 zone	2.0m

Minimum garbage storage side yard setback	15m to abutting residential zones	12.45m
Minimum parking spaces	17	16
Density	50 units/hectare maximum	71 units/hectare
Minimum Amenity Area	450m ² total	355.76m ² total
Minimum privacy area	120m ²	57.6m ²

Overall, Planning staff are satisfied with the orientation of the proposed buildings on the subject lands. They are proposed to be located in such a way that the massing of the structures will be setback from the neighbouring dwellings, and will be situated near the adjacent apartment building. The location of the amenity space, and parking area provide additional buffering for the adjacent residential buildings, which will be protected from negative impacts associated with vehicle movement by the fence that is proposed to be constructed along the property line. The proponents have also incorporated comments that were received during the pre-application community meeting regarding the garbage enclosure. Neighbours were concerned about negative impacts associated with garbage being stored in the open, so the developers have revised the plans to include an enclosed garbage storage. Urban forestry staff have raised concerns with regard to the removal of a tree on adjacent properties. It appears that the proponents for the subject proposal have not received consent from the neighbours to remove these trees; as such, Forestry staff are requesting that a Holding provision be used to ensure that the proponents receive authorization for these removals. It is staff's opinion the proposed reductions would still provide sufficient separation to the adjacent uses.

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 City of Burlington Sun Shadowing Guidelines do not apply to buildings that are less than 5 storeys in height. Staff do note that the proposed development consists of two, 3-storey buildings with yard reductions 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 currently designated as 'Residential Low Density' as shown on Schedule 'B' – Comprehensive Land Use Plan – Urban Planning Area of the OP 1997 and it is approximately 675m away from the 'Mixed Use Corridor' designation along Brant Street. The subject lands and 'Mixed Use Corridor' designations are

connected by pedestrian and transit routes. Under the OP 1997, the 'Mixed Use Corridor' designation shall provide a wide range of retail and service commercial uses and community facilities. These employment, shopping and residential areas that provide for the integration of uses such as retail stores, offices, hotels, institutional and entertainment uses with residential uses, community facilities, cultural facilities, institutions and open space 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 Official Plan and Zoning By-law amendment maintains the intent of the OP 1997, and Planning staff are supportive of the proposed amendment to the Plan.

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 - Low Density' under Schedule C – Land Use – Urban Area. In accordance with Subsection 8.3.3 (1) a) and b), lands designated as Residential – Low Density may permit single-detached and semi-detached dwellings, townhouses, at a density of 25 units per net hectare.

The proposed Official Plan Amendment seeks to implement the policies of the Residential – Medium Density designation, and therefore expand the permitted uses to include: 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 permitted by implementing 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 dwellings into twelve (12) residential 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 two single-detached dwellings and the proposed development of twelve (12) townhouse units with a density of approximately 70 units per net hectare is a permitted use under the proposed 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 675m away from the nearest 'Urban Centre' designation. The subject lands and 'Urban Centre' designations are connected by pedestrian and transit routes. Under the OP 2020, the 'Mixed Use Commercial Centre' designation is to offer a spectrum of major public service facilities and institutional uses as well as a wide range of offices and retail and service commercial uses.

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 Official Plan and Zoning By-law Amendment and have not indicated concerns with the proposed amount of parking, and the relief that is requested to the standard that is otherwise required by the 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.

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 the subject applications. Halton Region staff have indicated that there is missing information that is necessary for the Region to assess whether there will be impacts to wastewater system. As such, City staff are recommending that a Holding provision be applied to the site which would ensure that the additional information is provided and a satisfactory outcome can be achieved.

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 'R2.3' ('Residential – Low Density' under Zoning By-law 2020 as amended (as shown on Appendix A – Existing Zoning Plan). The R2.3 zone permits detached dwellings and additional residential units.

The following table outlines a comparative analysis of the requirements of the existing Residential Low Density 'R2.3' zone, the Residential Medium Density 'RM3' zone and the proposed 'RM3-X' zone:

Zoning Regulation	RM3	RM3-X
Lot area	0.4ha	0.17ha
Staff Comment: The subject lands will be consolidated to facilitate the proposed development. The aggregate property will have a resulting area of 0.17 hectare. No changes to the lot configuration have been proposed that would reduce the lot area further, thus the proposed reduction reflects the existing site conditions.		
Zoning Regulation	RM3	RM3-X
Minimum front yard setback	7.5m	4.5m
Staff Comment: The proposed setback of 4.5 will set the building closer to the road than the neighbouring apartment building. There are examples of single detached dwellings that have front yard setbacks that compare to the proposed reduction, and staff are of the opinion that this reduction will not negatively affect the character and function of the neighbourhood.		
Zoning Regulation	RM3	RM3-X
Minimum side yard setback	4.5m	2m
Staff Comment: The proposed reduction will be situated next to an apartment building on the neighbouring property. The neighbouring use does not have amenity space located in this portion of the property, and as such, staff believe that there will be no negative impact to the neighbouring property as a result of the proposed reduction.		
Zoning Regulation	RM3	RM3-X
Minimum yard abutting an R2 zone	12m	10.17m
Staff Comment: The proposed setback reduction is situated at the rear of the proposed building and abutting the rear yard of the adjacent property. The proponents have shown a fence along this property line that will assist in mitigating disturbances. Staff are of the opinion that this reduction will not negatively impact the neighbouring property.		
Zoning Regulation	RM3	RM3-X

Minimum landscape buffer	3.0m abutting R2 zone	2.0m
Staff Comment: The proposed reduction to the landscape buffer is situated where the parking area approaches the adjacent property. This reduction is the result of accommodating the design of the parking area to ensure that all of the parking spaces are functional and accessible. The proponents have shown a fence along this section of the property that would mitigate disturbances that would otherwise affect the neighbouring property.		
Zoning Regulation	RM3	RM3-X
Minimum garbage storage side yard setback	15m to abutting residential zones	12.45m
Staff Comment: The proposed reduction to the setback from residential zone for garbage storage would allow an opportunity to maintain amenity space for the proposed development. The proposed setback will still allow separation from the garbage storage to the adjacent residential uses, and staff do not anticipate negative impacts as a result of this reduced setback.		
Zoning Regulation	RM3	RM3-X
Minimum parking spaces	17	16
Staff Comment: The development concept shows 16 parking spaces for the subject proposal. While the zoning requires 17, staff are satisfied that sufficient parking will be provided for the future residents of the proposed development.		
Zoning Regulation	RM3	RM3-X
Density	50 units/hectare maximum	71 units/hectare maximum
Staff Comment: This regulation is intended to keep sites from being overdeveloped, staff are supportive of the increased density. The design and layout of the site as it has been shown allows for proper function of the proposed use, without imposing negative impacts on the existing neighbourhood.		
Zoning Regulation	RM3	RM3-X
Minimum Amenity Area	450m ² total	355.76m ² total
Staff Comment: The proposed reduction to amenity area for the subject lands still provides space for features such as the proposed pergola/sitting area and open space. Staff are satisfied with the area that is being proposed for amenity space.		
Zoning Regulation	RM3	RM3-X
Minimum privacy area	120m ²	57.6m ²
Staff Comment: The proposed building layout shows balconies for each of the units. While this reduction is large, staff are satisfied with the space that is being provided, given the size of the subject lands. Larger balconies may begin to infringe upon the privacy of the neighbouring properties, and as such Staff are supportive of the reduced privacy area.		

As discussed earlier in this appendix, Planning staff has received requests to include a Holding provision that ensure that the following two concerns are addressed prior to commencing with construction:

- The neighbouring property owners authorize the removal or injury of trees on their property.
- Additional information is provided in a revision to the Functional Servicing Report that addresses the concerns raised by Halton Region.

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, the proposal provides for 8 bicycle parking spaces provided on site.

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 93 new trees will be planted. The Arborist Report identifies trees in groupings P20, P28, and P29 which exist on adjacent properties, are likely to be injured or removed to facilitate the development that is contemplated for the site. As such Forestry staff have requested that a Holding provision be included that would ensure that the proponents receive authorization from the neighbours for the injury or removal of these trees.

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 the 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.