



SUBJECT: Statutory Public Meeting – 441 Maple Avenue Official Plan Zoning By-law Amendments

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-23-19

Wards Affected: 2

File Numbers: 505-02/19 and 520-03/19

Date to Committee: May 14, 2019

Date to Council: May 27, 2019

Recommendation:

Receive and file department of city building report PB-23-19 regarding official plan and zoning by-law amendments for 441 Maple Avenue.

Purpose:

The following objectives of the City's Strategic Plan apply:

A City that Grows

- Intensification
 - Older neighbourhoods are important to the character and heritage of Burlington and intensification will be carefully managed to respect these neighbourhoods.

 - Focused Population Growth
 - Burlington is an inclusive and diverse city that has a growing proportion of youth, newcomers and young families and offers a price range and mix of housing choices.
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REPORT FACT SHEET

RECOMMENDATION:		None; information only	Ward:	2
Application Details	APPLICANT: OWNER: FILE NUMBERS: TYPE OF APPLICATION: PROPOSED USE:	<i>MHBC Planning (Kelly Martel)</i> <i>Better Life Retirement Residence</i> <i>505-02/19 & 520-03/19</i> <i>Official Plan and Zoning By-law Amendment</i> <i>11-storey residential building</i>		
Property Details	PROPERTY LOCATION: MUNICIPAL ADDRESSES: PROPERTY AREA: EXISTING USE:	<i>East side of Maple Avenue, north of Lakeshore Road</i> <i>441 Maple Avenue</i> <i>0.28 hectares</i> <i>Two-storey long-term care facility</i>		
Documents	OFFICIAL PLAN Existing: OFFICIAL PLAN Proposed: ZONING Existing: ZONING Proposed:	<i>Downtown Residential – Medium and/or High Density Precinct</i> <i>Downtown Residential – Medium and/or High Density Precinct with site specific policy</i> <i>Downtown Residential High-Density (DRH)</i> <i>Downtown Residential High-Density with site specific exception (DRH-XXX)</i>		
Processing Details	APPLICATION RECEIVED: STATUTORY DEADLINE: NEIGHBOURHOOD MEETING: PUBLIC COMMENTS:	<i>January 11, 2019</i> <i>September 24, 2019</i> <i>November 14, 2018</i> <i>5 e-mails and 2 letters</i>		

Background and Discussion:

On January 11, 2019, the Department of City Building acknowledged that a complete application had been received for an Official Plan Amendment and Zoning By-law Amendment for 441 Maple Avenue. The purpose of these applications is to amend the Official Plan and Zoning By-law in order to facilitate a residential development consisting of one 11-storey residential building. The location of the subject lands is illustrated in “Appendix A”. A Detail Sketch of the development proposal is provided in “Appendix B”.

The purpose of this report is to provide an overview of the proposed application and provide an outline of the applicable policies and regulations as well as a summary of the technical and public comments received to date. This report is intended as background information for the Statutory Public Meeting.

Site Description:

The subject property is located on the east side of Maple Avenue, north of Lakeshore Road. The property has an area of 0.28 hectares (0.69 acres). The site currently supports a two-storey long-term care facility which is proposed to be demolished. Surrounding land uses include the following:

North: Mid-rise apartment buildings (6 and 11 storeys)

East: Hydro Corridor and Pipeline Right-of-Way, currently used for parking

South: Mid-rise apartment building (11 storeys)

West: High-rise apartment building (14 storeys) and low-density residential (2 storeys)

Discussion

Description of Application

The City of Burlington is in receipt of the following applications:

- 505-02/19 – Official Plan Amendment to re-designate the subject lands from “Downtown Residential – Medium and/or High Density Precinct” to “Downtown Residential – Medium and/or High Density Precinct” with a site specific policy to permit additional density; and,
- 520-03/19 – Zoning By-law Amendment application to rezone the subject lands from “Downtown Residential High-Density (DRH)” to “Downtown Residential High-Density with site specific exception (DRH-XXX)”.

The current Official Plan designation on the subject lands is “Mixed Use Centre” in accordance with Schedule “B” of the Official Plan and is further designated “Downtown

Residential – Medium and/or High Density Precinct” in accordance with Schedule “E” of the City’s Official Plan. The current zoning is “Downtown Residential High-Density (DRH)”. The applicant is proposing to construct a new 11-storey residential building. Site specific amendments to the Official Plan and Zoning By-law are required to facilitate the proposal.

The proposed development would contain 153 units and have a density of 547 units per hectare. The building is proposed to be stepped down to 9 storeys abutting Maple Avenue with a pedestrian entrance facing Maple Avenue. 164 parking spaces are proposed within three levels of underground parking, and an additional 15 parking spaces are proposed to be used as visitor parking spaces on the adjacent hydro lands through a lease with Hydro One. The underground parking garage is proposed to be accessed from the south side of the site, where a drop-off location is also provided. Common indoor amenity space is proposed on the ground floor, with outdoor amenity space proposed on the tenth floor.

Technical Reports

The applicant submitted the following technical reports in support of the subject application to be reviewed by various departments and technical agencies.

- [Planning Justification Report](#), prepared by MHBC Planning Limited, dated December 2018.
 - Discusses the proposed development with respect to the applicable policy framework;
 - Concludes that the proposal is in keeping with the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and the Halton Region Official Plan;
 - Concludes that the proposal is not in keeping with the City’s Official Plan and Zoning By-law; and provides rationale for the proposed amendments.
- [Site Plan and Elevations](#), prepared by Michael Spaziana Architect Inc., dated December 2018.
 - Includes the Site Plan, building statistics, building elevations and proposed features of the site such as entrances and amenity area.
- [Urban Design Brief](#), prepared by Michael Spaziana Architect Inc., dated December 2018.
 - Provides a summary of surrounding developments and heights of adjacent buildings;
 - Reviews the proposal in light of the urban design policies of the Official Plan;

- Provides angular plane study and shadow analysis which identifies no negative impacts due to increased shadow;
 - Concludes that the proposal is compatible with the existing neighbourhood character.
- [Functional Servicing Report](#), prepared by GHD, dated November 2018.
 - Outlines proposed strategy for site servicing and stormwater management;
 - Concludes that the site can be adequately serviced by the existing municipal infrastructure without negatively impacting existing development.
- [Tree Inventory and Preservation Plan](#), prepared by BTi, dated December 2018.
 - Identifies 10 trees on the subject lands; two of which are to be preserved, eight of which are to be removed;
 - Notes that one tree will be removed for construction, two trees require city approval for removal and four trees require approval from neighbours.
- [Traffic Impact Study](#), prepared by Crozier Consulting Engineers, dated December 2018.
 - Indicates that the proposed development will generate 50 two-way trips during the weekday am peak hour and 55 two-way trips during the weekday pm peak hour;
 - Concludes that the proposed development can accommodate the increased volumes and will have little impact on the operations of nearby major roads during these times;
 - Indicates that the proposed parking reduction can be supported based on results of parking rate data and proximity to major active transportation facilities in the downtown.
- [Pedestrian Wind Study](#), prepared by RWDI, dated December 2018.
 - Reviews the wind conditions pre- and post-development;
 - Provides recommendations with respect to mitigating wind impacts.
- [Phase I Environmental Site Assessment](#), prepared by BlueFrog Environmental Consulting Inc., dated January 2019.
 - Presents existing environmental conditions on the subject property;
 - Identifies potential presence of substances on the site from previous underground oil heating tank, and outlines recommendations for handling, management and disposal of such substances.
- [Geotechnical Investigation and Engineering Design Report](#), prepared by Terraprobe, dated December 2017.
 - Investigates subsurface soil rock and groundwater conditions;
 - Contains recommendations on design of foundation, floor slabs-on-grade, basement drainage and paving.

- [Noise Feasibility Study](#), prepared by RWDI, dated November, 2018.
 - Assesses noise sources affecting proposed development and determines whether proposed development is feasible;
 - Provides recommendations based on the findings which will help mitigate noise impacts.

Interim Control By-law

On March 5th, 2019, Council enacted Interim Control By-law (ICBL) 10-2019 to temporarily limit development within the City's Urban Growth Centre and the Burlington GO mobility hub area in order to complete a land use study assessing the role and function of these Major Transit Station Areas. The ICBL is in place for a period of one year which can be extended for a second year.

The Planning Act preserves the priority of zoning passed during the period of breathing created by Interim Control By-law and, if passed in that period, the prior zoning does not come back into effect unless the new zoning is appealed and is defeated on appeal. The effect of the interim control by-law is to permit existing uses only. The application is therefore premature, and it would not be appropriate to process it further, including providing any analysis or recommendations at this time.

Following the statutory public meeting, these applications will be held in abeyance until the ICBL is no longer in effect.

Technical Review

The Official Plan Amendment and Zoning By-law Amendment applications and supporting documents were circulated for review to internal departments and external agencies. Comments are still forthcoming from Halton Region, Union Gas, Bell, the Burlington Economic Development Corporation, Burlington Hydro, the City's Fire and Emergency Services, Landscaping, Transportation and Parks and Open Space sections.

Transit:

Transit has reviewed the proposal and note that a new bus shelter is recommended in front of the subject lands. Funds in the amount of approximately \$18,000 are requested to construct a new concrete pad and bus shelter. This number would be confirmed at the Site Plan stage.

Site Engineering:

Site Engineering has reviewed the proposal and note that a Phase II Environmental Site Assessment will be required as there might be potential contamination on the site. Site

Engineering also provided comments on submitted documents, and minor changes will be required.

Burlington Accessibility Advisory Committee (BAAC):

Comments from the BAAC indicate that the request to reduce the size of accessible parking stalls and access aisles is not permitted, that accessible parking stalls should be relocated to be adjacent to the entrance of the elevator lobby, and that one Type A spaces and access aisle should be accommodated within the surface parking.

Other:

The City's Finance Department have provided their standard comments and have advised that they have no issues or concerns at this stage.

Policy Framework:

The application is subject to the following policy framework: the Provincial Policy Statement 2014, the Growth Plan for the Greater Golden Horseshoe, the Halton Region Official Plan, the City of Burlington Official Plan and the City of Burlington Zoning By-law 2020. Consideration of applicable policies from these documents will be addressed in the subsequent recommendation report. Listed below is an overview of the land use designations and policy directions at the provincial, regional and local level.

Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement (PPS) provides broad policy direction on land use planning and development matters of provincial interest. The PPS provides policies for appropriate development based on efficient use of land and infrastructure, protection of natural resources, and supports residential and employment development including a range and mix of land uses. Through the PPS, growth and development are to be focused within the established settlement areas. Decisions affecting planning matters made on or after April 30, 2014 "shall be consistent with" the PPS.

Growth Plan for the Greater Golden Horseshoe

The updated Growth Plan for the Greater Golden Horseshoe came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth plan area. The subject lands are located within an Urban Growth Centre within the Growth Plan. Through this plan, growth is focused in the existing urban areas through intensification. The guiding principles of the Growth Plan include building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth in an efficient and well-designed form.

Halton Region Official Plan

The subject lands are designated “Urban Area” in accordance with the Halton Region Official Plan (ROP), and is located within an Urban Growth Centre. The Urban Area objectives promote growth that is compact and transit-supportive. This designation also encourages intensification and increased densities. The ROP states that permitted uses shall be in accordance with local Official Plans and Zoning By-laws and other policies of the Halton Region Official Plan.

City of Burlington Official Plan

The current Official Plan designation on the subject lands is “Mixed Use Centre”, in accordance with Schedule “B” of the Official Plan and the property is located within the Downtown Urban Growth Centre Boundary. Within the Downtown Mixed-Use Centre, the lands are further designated “Downtown Residential – Medium and/or High Density Precinct” in accordance with Schedule “E” of the City’s Official Plan. This designation allows for ground-oriented housing units ranging between 26 and 185 units per net hectare; home occupations and cottage industries; neighbourhood parks and office uses. No height limit is specified in the Official Plan for this property. The applicant is proposing a residential building having a density of 547 units per net hectare, which is above the permitted maximum density of 185 units per hectare. As such, an Official Plan Amendment has been applied for.

According to Part III, Subsection 5.5.5 a) of the City’s Official Plan, the objective for the Downtown Residential Medium and/or High Density Precinct is *“to recognize the variety of the existing residential medium and/or high density development that currently exists within these precincts and to provide for future medium or high density residential development or redevelopment which is compatible with the existing development”*. The proposal will be assessed for compatibility with the surrounding area throughout the development application process.

In addition to the above and in keeping with Provincial requirements, Part III, Section 2.5.2 of the Official Plan contains policies pertaining to residential intensification. While the policies are intended for intensification within established neighbourhoods, the proposal is surrounded by established residential areas and these policies are a useful means of evaluating land use compatibility. As such, the proposed development will be reviewed in accordance with these criteria.

City of Burlington Adopted Official Plan, 2018

The proposed New Official Plan was adopted by Council on April 26, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. Halton Region has identified areas of non-conformity, and as such,

the adopted Official Plan will be subject to additional review and revision prior to its approval. Further, City Council has directed a new staff review and public engagement process to consider potential modifications, including a review of height and density provisions. As a result, no weight is placed on the policies of the adopted Official Plan in the review of this application at this time.

City of Burlington Zoning By-law 2020

The property is zoned “Downtown Residential High-Density (DRH)” in accordance with Zoning By-law 2020. The DRH Zone permits apartment buildings, retirement homes and offices within an existing building or on the ground floor of a residential building. The proposed development does not comply with some regulations, including setbacks, density, building height, parking and landscape buffers and areas. A Zoning By-law Amendment application is therefore required. The following table outlines which requirements of the “Downtown Residential High-Density (DRH) Zone” will need site specific zoning exceptions. It should be noted that this chart is a preliminary review by staff of the current proposal. A more detailed review of the proposal will be undertaken by Zoning staff at a later stage in the process.

Regulation	Current DRH Requirement	Proposed
Front Yard Setback	7.5 metres abutting a street having a deemed width of 36 metres or more	4.5 metres
Side Yard Setback	6 metres	4 metres (north side)
Maximum Density	185 units per hectare	547 units per hectare
Maximum Building Height	22 metres	36 metres
Visitor Parking	0.25 visitor parking spaces per unit (39 spaces)	0.17 visitor parking spaces per unit (27 spaces) <ul style="list-style-type: none"> • 15 of these spaces proposed to be located on Hydro lands
Occupant Parking	1 occupant parking space per unit (153 spaces)	1 occupant space per unit (153 spaces)
Transformers, Exhaust Shafts and Air Shafts within Landscape Area	Not Permitted	Permitted
Landscape Buffer (South side)	3 metres	0 metres
Balcony Encroachments	0.5 metres into side yard 1.6 metres into other yard	1 metre into north side yard 1.5 metres into south side yard
Encroachment of	Not Permitted	Permitted

Regulation	Current DRH Requirement	Proposed
Parking Structure to Lot Line and Within Landscape Areas and Buffers		

As mentioned above, those development standards shown on the chart above do not comply with the Zoning By-law requirements, and as such a Zoning By-law Amendment is being requested. The applicant is requesting to add a site-specific exception to the existing “Downtown Residential High-Density (DRH)” Zone.

Financial Matters:

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

Public Engagement Matters:

Public Circulation/Notification

The applicant posted a public notice sign on the property to reflect their submission on February 22, 2019. All of the technical studies and supporting materials for this development were posted on the City’s website at www.burlington.ca/441Maple. The application was subject to the standard circulation requirements for Official Plan and Zoning By-law Amendment applications. A public notice with a request for comments was circulated to surrounding property owners in February 2019.

Burlington Urban Design Advisory Panel Meeting

The applicant met with the Burlington Urban Design Advisory Panel on September 18, 2018. Based on the advice given, a number of changes were made to the proposal, including the following:

- Underground parking ramp relocated;
- Garbage room relocated to underground level to allow for additional amenity space;
- Rear yard redesigned to allow for more landscape features and an outdoor patio adjacent to the amenity area;
- Ground floor extended to provide a step back on the 10th floor; and,
- Revisions to balcony design.

Pre-Application Consultation Meeting

The applicant conducted a pre-application neighbourhood open house for the proposal on November 14, 2018 at the Burlington Art Gallery that was attended by approximately 50 members of the public who reside in the area. The open house included displays showing the proposed building. The key concerns raised by the public at the meeting were related to the building height, traffic and access, parking and noise. Changes have not been made to reflect these concerns.

Public Comments

As a result of the public consultation, seven written comments have been received from a member of the public as of the time of the writing of this report. Should future comments be received, they will be considered and included within a future recommendation report. The comments received following the pre-application open house meeting highlighted the following themes and areas of concern about the development and are summarized below:

- Building Height
 - Building will be taller in linear height than others in the area;
 - Too many tall buildings exist in the area.
- Traffic and Access
 - Increased traffic congestion and air pollution;
 - Not enough space for more cars;
 - Decreased safety.
- Parking
 - Concerns about underground parking impacts on groundwater;
 - Questions regarding visitor parking and provision of accessible parking spaces;
 - Concerns with visitor parking being on Hydro One lands;
 - Space for moving trucks and maintenance trucks.
- Noise
 - Concerns about noise from mechanical room and outdoor amenity area on 10th floor;
 - Concerns about noise and vibration on nearby properties.

Conclusion:

This report provides a description of the development application, an update on the technical review of this application and advises that public comments have not been received as of the writing of this report. A subsequent report will provide an analysis of

the proposal in terms of the applicable planning policies and will provide a recommendation on the proposed application.

Respectfully submitted,

Melissa Morgan, MCIP RPP
Planner II – Development Review
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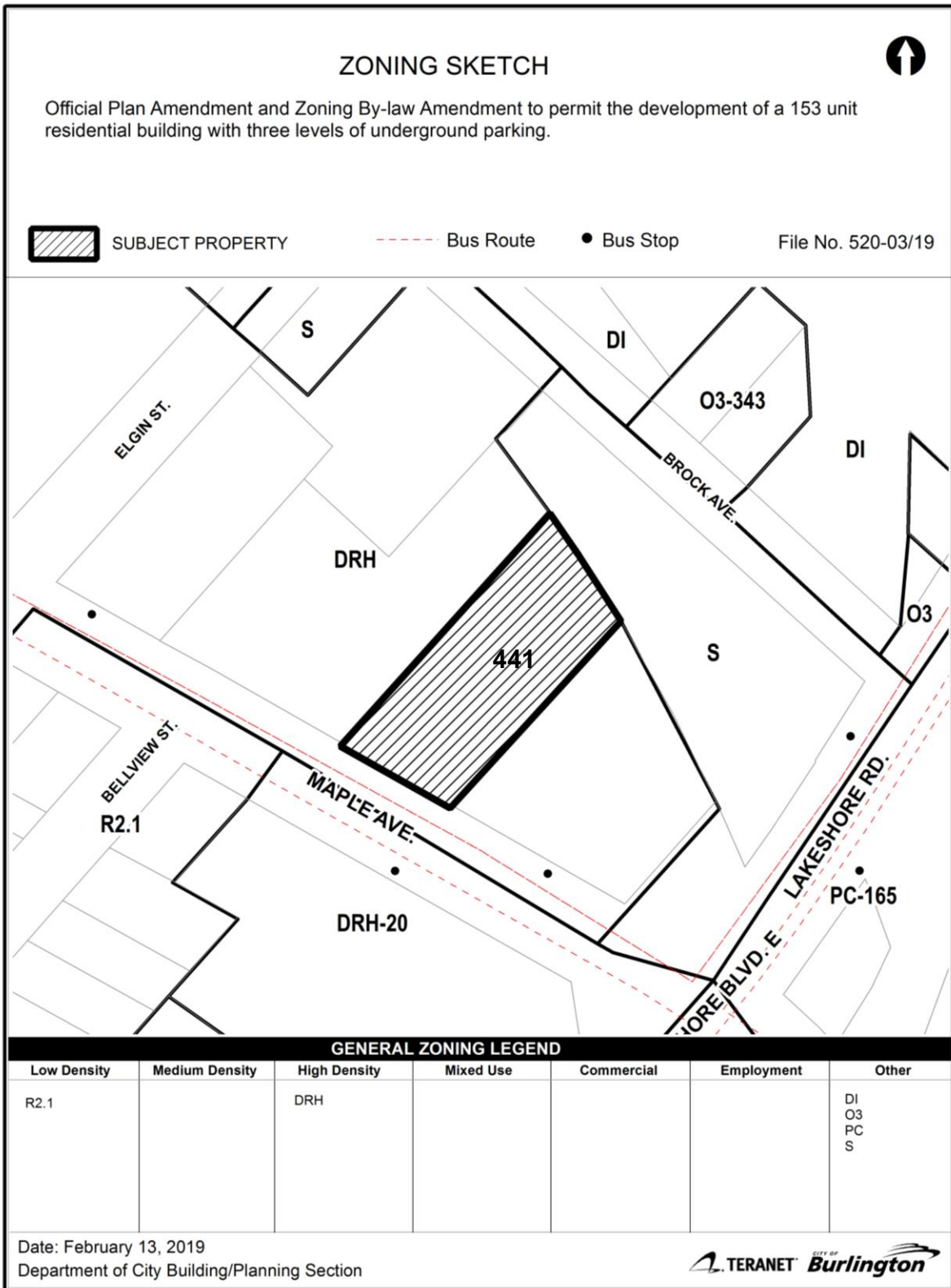
Appendices:

- A. Location/Zoning Sketch
- B. Detail Sketch
- C. Public Comments

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

APPENDIX "A"



APPENDIX "B"

